

FAIR HOUSING TIMES

Volume XXIV July—September 2023



Welcome Summer!

Time to enjoy the outdoors and stay cool. Read more to learn about tips and info in housing on how to have the perfect summer!

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A Summer Quick Guide for Families, Rental Properties, and Notices

By: Sindy Guzman

As we approach summer, most children will be enjoying summer break away from school and for many of those children, this means more time at home. Rental properties also begin preparing for children to be spending more time at home by preparing and issuing reminder notices for summer tips and/or reminders about general apartment rules.

Some of these reminders can specifically address restrictions toward children in using outdoor recreation space or use of common areas. These restrictions can look like notices such as:

- “Adults Only Pool Hours”
- “Absolutely no one under the age of eighteen allowed in Jacuzzi or Jacuzzi area.”
- “If children are found riding anything with wheels it will be taken from them and placed in the office until the parents pick the items up.”
- “Children under the age of 14 must be supervised at all times.”
- “There is an 8:00 p.m. curfew. All children are to be inside their apartments.”
- “Children cannot be left to play unattended at any time.”

However, these types of notices, would be considered prohibited practices. It's important to remember that it is illegal for a housing provider to



A Summer Quick Guide for Families, Rental Properties, and Notices (Continued)

By: [Sindy Guzman](#)

adopt, publish, or enforce rules that limit the ability of children to use or enjoy their housing, or to enforce property rules that would only apply to families with children.

The California Supreme Court first imposed the prohibition of discriminating against families with children in 1982, relying on the California Unruh Civil Rights Act, in the important case of *Marina Point v. Wolfson*. Under the Federal Fair Housing Act and the California Fair Employment & Housing Act, “familial status discrimination” is defined as unfair treatment by a housing provider because an individual has children. These laws ensure that families with children have the right to live in their housing on an equal basis with other residents. Also protected under “familial status” is any person who is pregnant or is in the process of securing legal custody of any individual who has not yet attained the age of 18 years. Housing that meets the legal definition of senior housing or housing for older persons is exempt from the familial status provisions of the fair housing laws. This means that such housing can legally discriminate against families with children.

If the landlord wishes to establish nondiscriminatory rules for tenants with children for safety purposes, the landlord must show that the rules constitute a compelling business necessity and that he or she has used the least restrictive means to achieve that end. For example, Title 24 of the California Code of Regulations, Section 312B.4, provides that where no lifeguard service is provided, a warning sign must be posted which says, “Warning-No Lifeguard On Duty” and that “Children 14 Should Not Use Pool Without An Adult in Attendance”. A landlord cannot, however, require that all minors be accompanied by an adult.

The only exception to these non-discriminatory

practices is for housing that meets the legal definition of senior housing or housing for older people. This means that such housing can legally discriminate against families with children and would be exempt from the familial status provisions of the fair housing laws.

Ultimately, the best practice would be to have the rules and regulations or lease agreement of the property to be reviewed by qualified counsel such as an attorney to ensure no Familial Status violations have occurred. For guidance, tips, or to [submit a Familial Status violation claim](#), contact Fair Housing Foundation today.



**Contact our office
today for more
information:
1(800) 446-3247
info@fhfca.org**

Fair Housing Month Recap

Youth Poster Contest Winners:



1st Place: Jasmin O.
Age: 10



2nd Place: Citlali S.
Age: 14



3rd Place: Rheigan P.
Age: 10

In the Community



Los Angeles and Orange County Cities Issue Fair Housing Proclamations

Every April, each city has the special opportunity to declare a city-wide proclamation acknowledging Fair Housing Month. This proclamation helps emphasize the city's ongoing commitment to uphold fair housing rights from state and federal ordinances and applying it at the city level.

A special thank you to:

Aliso Viejo, Bellflower, Buena Park, Costa Mesa, Downey, Gardena, Garden Grove, Huntington Park, La Habra, Norwalk, Paramount, Tustin, Westminster, South Gate

Missed the Fair Housing Month Virtual Celebration? Virtual Event is Now Available for Viewing!



Thank you to our Raffle Sponsors!



Fair Housing Foundation Presents...

This Quarters Featured Organization:



Community
—LAWYERS, INC.—

Mission Statement:

CLI provides access to critical legal resources primarily to the communities of Compton, South Los Angeles, and Southeast Los Angeles County.

About:

Based in the City of Compton, CLI's mission is to increase legal service delivery in underserved communities. The organization, founded in 2005, realizes the challenges that individuals face in finding quality, ethical and affordable attorneys.

The Immigration Law Clinics provide counsel and advice in family-based matters including adjustment of status and consular process as we all give legal advice on removal proceedings and possible defenses such as cancellation of removal, asylum, Violence Against Women's Act ("VAWA"), and U Visa petitions.

The Family Law Clinics provide limited scope advice and guidance with Family Law issues related to divorce, custody and visitation, child support, spousal support, and division of property. The goal of the clinic is to provide the consumer with enough knowledge and information to self-represent at legal proceedings.

In addition, the clinic provides counsel and advice on school discipline matters and any other issues relating to the educational rights of students.

General Information:

Address: 1216 East Compton Boulevard
Compton, CA 90221

Phone: (310) 635-8181

Email: clinics@community-lawyers.org

Website: <https://community-lawyers.org/>

Our Commitment to Fair Housing

Fair Housing Foundation makes a difference in the lives and homes of Landlords, Tenants, Managers, Realtors, Rental Home Seekers and Owners. These are their real-life experiences. If you would like to share your positive experience, please email info@fhfca.org with the subject "Testimonial".

FHF Settles a Source of Income (Section 8) Case with the California Civil Rights Mediation Division

Long Beach, CA- The Fair Housing Foundation filed a complaint with the California Civil Rights Department (CRD) formerly known as the Department of Fair Employment and Housing (DFEH). The Fair Housing Foundation had received a complaint from an elderly, low-income tenant with a Section 8 Housing Choice Voucher with a complaint in the city of Long Beach, CA. The prospective tenant found an ad for a two-bedroom apartment on a rental website. The prospective tenant expressed an interest in applying for the two-bedroom apartment utilizing her Section 8 Housing Choice Voucher to the landlord.

However, the prospective tenant was informed by a representative of the landlord that the prospective tenant would need to make at least \$3,000 a month to qualify regardless of the voucher amount. The landlord's representative was applying an income standard not based on the tenant's portion of rent but rather applying an income standard based on the overall rent amount. The Fair Housing Foundation investigated the complaint and found evidence to support the allegation.

The Housing Tester was informed by a different representative of the landlord that their property takes Section 8, but that Tester would need to have a minimum income of \$3,252 a month regardless of the voucher amount. Despite several efforts made by the Fair Housing Foundation to reach some sort of settlement with the landlord, our efforts were unsuccessful. Therefore, The Fair Housing Foundation filed a

complaint with CRD. Through CRDs Mediation Division we were able to reach a settlement agreement that included a monetary sum, and for all leasing staff to attend a comprehensive fair housing training.

FHF Settles a Case from a Tenant Facing an Unlawful Rent Increase

Buena Park, CA- The Fair Housing Foundation recently assisted a tenant with a Housing Choice voucher (Section 8) that had gain shared custody of her 6-year-old stepson. The tenant, a resident in the city of Buena Park, CA, contacted our office after she received a notice from her landlord informing her of a rent increase of 10% due to the additional occupant thus referring to the 6-year-old stepson. Despite the tenants' efforts which included giving the landlord a copy of the court order confirming that she and her husband had shared custody of 6-year-old stepson, the landlord insisted on increasing her rent. The 10% rent increase followed The California Tenant Protection Act of 2019 (AB1482); however, the increase was viewed to be in violation of the Fair Housing Act based on Familial Status discrimination. Therefore, charging additional rent, security deposit, or fees because a household has children under 18 years of age is a violation of the Fair Housing Act.

The Fair Housing Foundation was able to assist the tenant by contacting the landlord and sending a formal letter asking the landlord to rescind the unlawful rent increase. The landlord complied and rescinded the rent increase. Not only was the landlord informed of the protections afforded to individuals based on familial status but also Source of Income protections (Section 8).



Learn more about your rights and responsibilities to Fair Housing.



Fair Housing Workshops

Learn from one of our Housing Counselors about your rights and responsibilities to fair housing, updated Federal/State Laws, and have an opportunity to ask any questions about fair housing. Workshops available weekly, in-person and via Zoom.

RSVP: www.fhfca.org/events

Virtual Rental Counseling Workshops

Current and future renters encouraged to register and learn about tenant rights, protecting yourself from eviction and housing loss, learning about affordable housing, and much more.

RSVP: www.fhfca.org/events



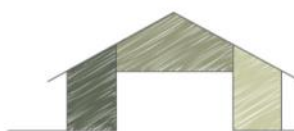
Tester Training

The Fair Housing Foundation is looking for volunteers who want to make a difference in their community and who want to help us fight housing discrimination. Modest stipend available.

**Contact Sindy Guzman for more info:
800-446-3247 Ex. 1102
sguzman@fhfca.org**



www.fhfca.org
1(800) 446-3247
TTY (800) 855-7100



**FAIR HOUSING
FOUNDATION**

Fair Housing Opening Doors

A Breath of Fresh Air

By: Elizabeth Castro

As temperatures begin to rise, so do many of our windows as we crave fresh air on any hot day. In some cases, that search for fresh air might be met with a nose full of smoke. What to do about this cigarette smoke therefore prompts many to call Fair Housing Foundation (FHF) wanting to know what to do about this nuisance.

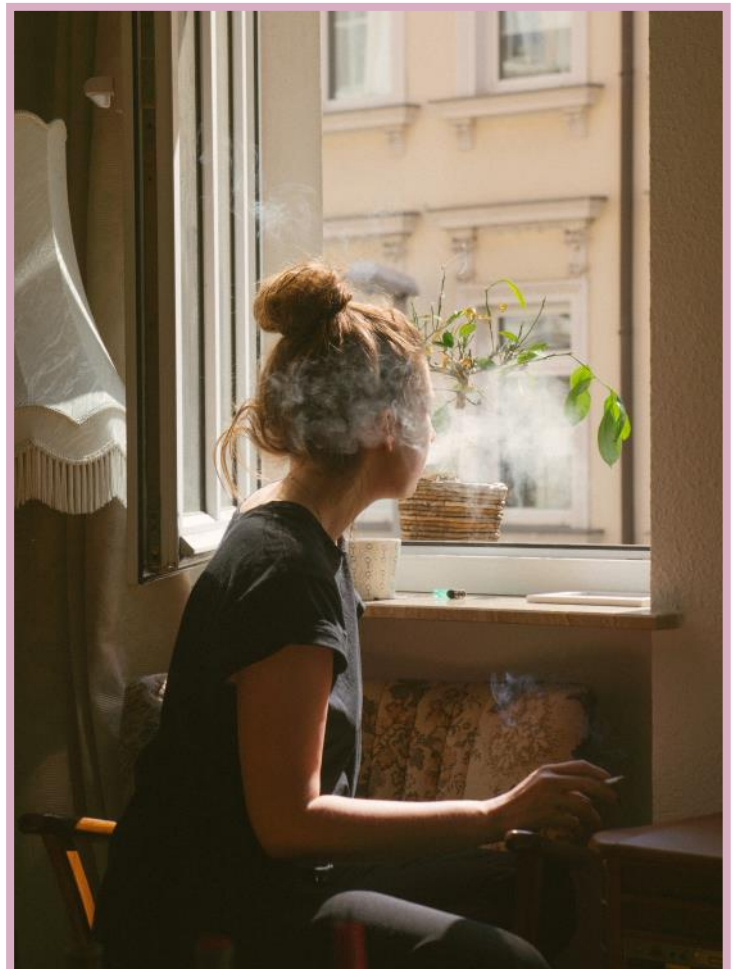
It is known that second-hand smoke comes with a plethora of harmful effects and according to the American Cancer Association, “secondhand smoke (SHS) has the same harmful chemicals that people who smoke inhale. There’s no safe level of exposure for secondhand smoke.” They also state that it causes cancer, other diseases and even death. Annually, secondhand smoke causes approximately 7,330 deaths from lung cancer and 33,950 deaths from heart disease, so it’s understood why so many people call the hotline sharing their concerns. Therefore, we have decided to shed some light on the topic of smoking in multi-unit dwellings.

Firstly, **does the building have to be smoke-free?** Currently, there are only two scenarios where the landlord would be obligated to provide a smoke-free multi-unit building: if the building is affordable housing and/ or if there is a city ordinance in place that does not allow for smoking in multi-unit dwelling. A good example would be the city of Irvine in Orange County, California. The housing provider can make all or parts of the building smoke-free and should specify in the contract what the rules would be. If the building is in fact smoke-free and a tenant is violating terms of the contract, this could be grounds for termination of tenancy.

Secondly, **can I ask my landlord to make the building smoke-free?** Yes, you have the right to make a request and should consider doing so in writing.

However, unless the building falls under one of the scenarios mentioned in the previous paragraph, the housing provider would not be obligated to make it smoke-free. If they do consider it, they should make sure all their contracts list it as a clause and/or addendums are properly served.

Lastly, **what if someone’s smoke is starting to affect my health?** You have the right to peaceful and quiet enjoyment of your unit. Thus, if it is negatively affecting your disability, you have the right to request a reasonable accommodation. Examples of reasonable accommodations can include but are not limited to; moving the person units, providing air purifiers, designating areas where individuals can smoke, allowing you to end your lease early without charging you an early termination penalty, and so on. Your landlord has a responsibility to engage in an interactive dialogue to reasonably accommodate the disability. FHF would be able to assist with that request within our service area. Please note, there must be a connection between the disability and the request.



A Breath of Fresh Air (Continued)

The growing concern of cigarette smoke is further reflected in the fact that various local and state governments are pushing toward clean indoor air laws to best protect the health and well-being of employees and others in public spaces. Considering the information just reviewed, and the growing concerns related to second-hand smoke, it's understandable why tenants living in multi-unit dwellings are advocating for housing providers to make buildings non-smoking.

<https://www.cancer.org/cancer/risk-prevention/tobacco/health-risks-of-tobacco/secondhand-smoke.html>

<https://www.lung.org/quit-smoking/smoking-facts/health-effects/secondhand-smoke>

AB1482 vs. Section 8

Orange, CA- Fair Housing Foundation (FHF) was contacted by a concerned tenant who had been living in his unit for many years and had recently received a rent increase that was out of the ordinary at \$400 per month. Though the tenant had regularly received rent increases annually, he wanted to confirm that the new rent increase amount was allowed and what his rights were.

The tenant was able to present his notices and details of the situation to a FHF counselor. He mentioned that he was a Section 8 Housing Choice

Voucher recipient and that he had contacted Housing Authority who had approved the rental increase as it met their payment standard requirements for the voucher holder. However, after considering many factors, it was clear that though the rent increase was approved by the Housing Authority guideline, California state law under AB1482 would supersede their guideline, thus making the rental increase illegal for exceeding the amount allowed under AB1482.

The Program Manager was then able to offer mediation services to resolve the issue on behalf of the tenant. The Program Manager sent a letter to the property manager introducing the FHF agency, services available, and the reason for contacting the property manager. A week and a half later, a call was received from the manager's supervisor and details of the state law and protections for Housing Choice Voucher recipients were reviewed. The supervisor was then able to realize their error and stated that he would have a new notice issued to the tenant and they would be contacting Housing Authority. In the end, the rent increase amount was decreased in accordance with AB1482, and a 60-day notice was issued instead of the required 30-day notice as a courtesy. The tenant was relieved to know the situation was successfully handled.



Contact our office to enroll in our FREE Rental Counseling program. Anyone who qualifies and completes the program will receive a \$50 gift card!

1(800) 446-3247

info@fhfca.org

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Ask for *help* Ask S.A.M.



Let our staff respond to your questions. To submit your question, please email info@fhfca.org, with the subject “Dear S.A.M.”

The Ask S.A.M section is for educational purposes only and does not constitute as legal advice. If you have a legal question, please contact your local Legal Aid or an attorney of your choice.

Dear S.A.M.,

I am a Section 8 voucher recipient with a fixed income. I have been paying my rent every month by going to Seven-Eleven. In the past few months, a new requirement was set by the landlord: tenants must pay rent via the new Portal which would put me \$10 short on rent per month due to the portal service fee. Is there another way that I have a right to pay to avoid the extra \$10 charge for use of the portal?

-Seeking Alternative Payment, San Clemente

Dear Seeking Alternative Payment,

Under California law, tenants can choose how they wish to pay rent. The law requires the landlord or property manager to, “allow a tenant to pay rent...by at least one form of payment that is neither cash nor electronic funds transfer. An electronic funds transfer broadly includes, but is not limited to, direct deposits, credit card payments, and payments made on a computer (Portal).

Although a tenant is free to agree to pay rent via an online portal or website, the law is clear: California landlords may not exclusively collect rent via an online portal or website (or by demanding cash as the exclusive payment method). California tenants are entitled to pay rent by at least one other payment method. This means that, in addition to offering an online portal and accepting cash, the landlord must permit the tenant to pay rent in another form, such as money order or check.

Applicable Law: CA Civil Code § 1947.3(c).

Dear S.A.M.,

The landlord added payment of utilities to the rent. The landlord is passing on utilities to all the tenants in the building, he said the utilities would be evenly shared. There are no meters on any of the rental units, can the landlord do this?

-One of Several Tenants, Gardena

Dear One of Several Tenants,

Yes, landlords in California can charge for utilities as part of your rent or a separate fee if it is detailed and agreed upon in the lease or as part of an addendum to the Lease. Tenants can negotiate on this point during the lease signing process. There are no specific limits on how much can be charged for utilities, but landlords are not permitted to charge a premium. They should charge tenants what is being paid for the unit’s utilities. They may, however, add a small administration fee for their work and liability in covering these bills directly. Tenants typically compare rates to comparable units in the area to be sure that landlords are not overcharging them for utilities. They can report this to the appropriate municipality and authorities if they believe they are being overcharged. An additional option would be to seek legal action with applicable proof.

Applicable Law: Utility charges by Landlord– CA Civil Code Sec. 1940.9