



Education and Outreach

Fair Housing Overview

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DFEH Disclaimer

This guidance is for informational purposes only, does not establish substantive policy or rights, and does not constitute legal advice.

Mission

The Department of Fair Employment and Housing (DFEH) is California's civil rights agency. The mission of DFEH is to protect the people of California from unlawful discrimination in employment, housing, and public accommodations, and from bias-motivated violence and human trafficking.



**I may not
look like you,
but we all
deserve fair
treatment.**



**Keep California
fair for everyone.
DFEH.CA.GOV**

DFEH Responsibilities

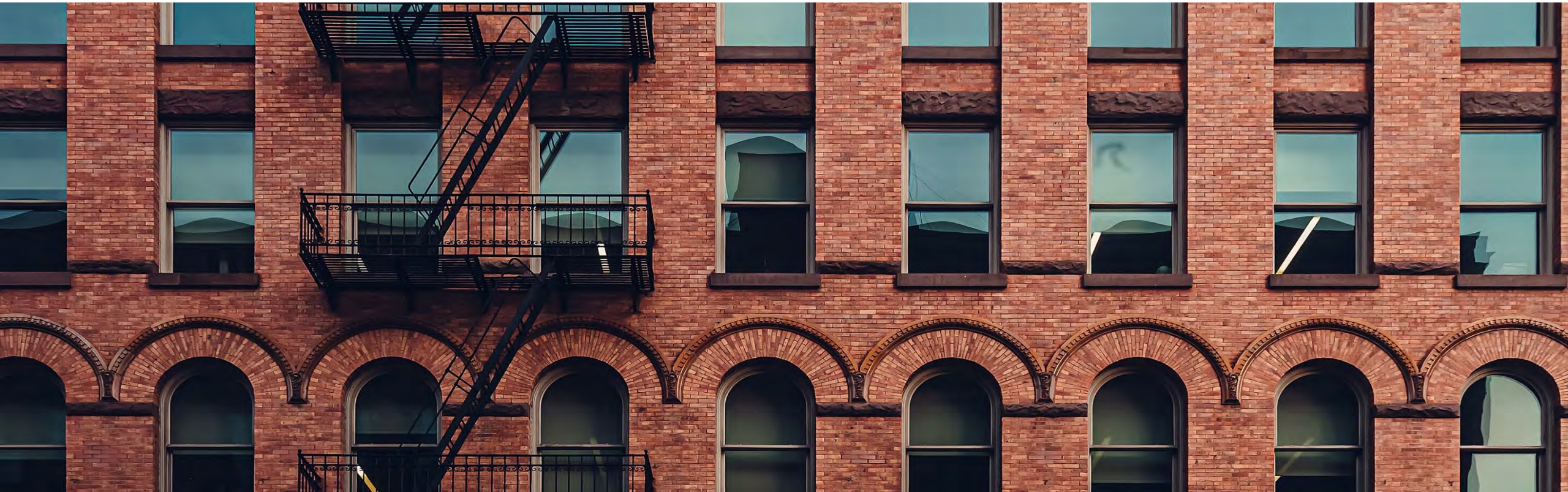
- Engage in public outreach and provide training and technical assistance to employers, business establishments, and housing providers regarding their responsibilities under the law.
- Investigate discrimination complaints and cases of systemic discrimination.
- Facilitate mediation and resolution of disputes involving civil rights.
- Enforce the laws by prosecuting violations in civil court.

Poll : How much experience and knowledge do you have regarding fair housing law?

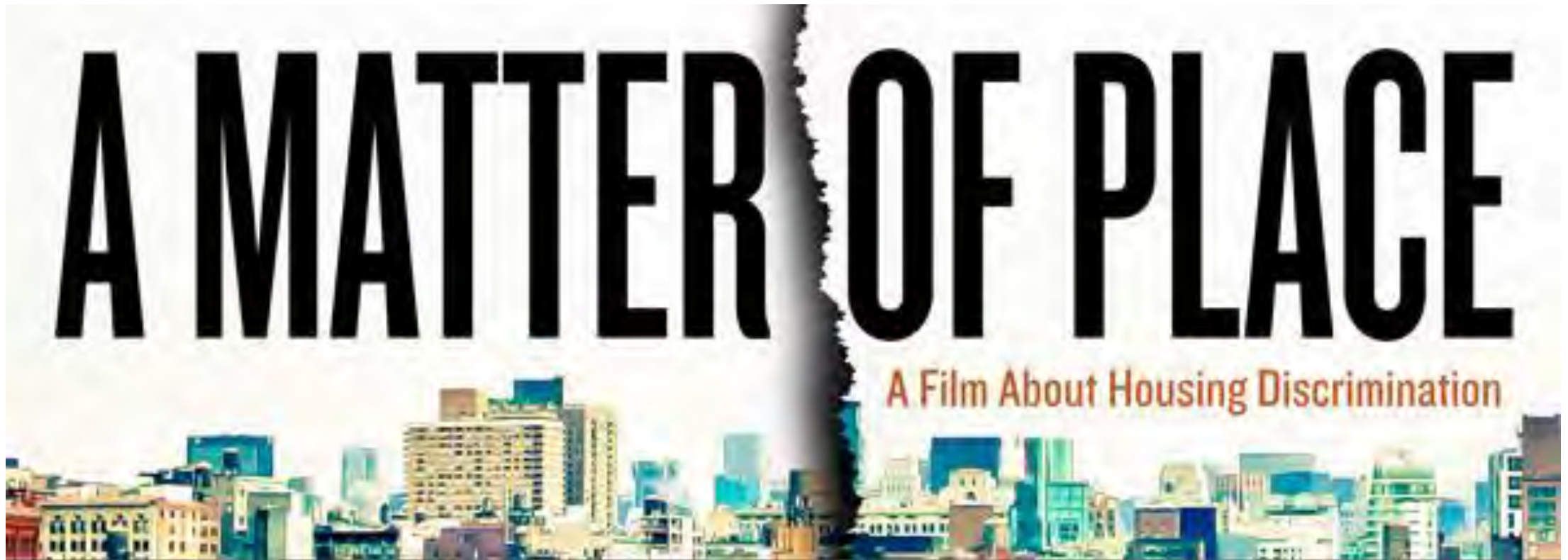
- A. No experience or knowledge**
- B. A little experience of knowledge**
- C. A lot of experience and knowledge**

What is Fair Housing?

The right to choose housing free from discrimination.



Clip from “A Matter of Place”



Fair Housing Laws (1 of 4)

Fair Housing Act (FHA) Federal Law

42 U.S.C. §3604 - Prohibits housing discrimination on the basis of a person's race, color, religion, sex, familial status, or national origin.

Fair Employment and Housing Act (FEHA) State Law

California Government Code §§ 12900-12999 – protect individuals from housing and employment discrimination and harassment on the basis of protected characteristics. Broader than the FHA.

Fair Housing Laws (2 of 4)

Americans with Disabilities Act (ADA)

42 U.S.C. §12101 et seq– prohibits discrimination on the basis of disability in all programs, services, and activities provided or made available by public entities including state and local governments.

Unruh Civil Rights Act

Civil Code § 51 – protects individuals from discrimination/harassment by business establishments (e.g., stores, restaurants, housing accommodations) on the basis of protected characteristics. The Unruh Act incorporates the Americans with Disabilities Act at Civil Code § 51(f).

Fair Housing Laws (3 of 4)

Disabled Person's Act

California Civil Code § 54, et seq. – gives individuals with disabilities or medical conditions the same right as the general public to the full and free use of all public places (e.g., streets, highways, sidewalks, public buildings, hospitals, etc.).

Section 504 of the Rehabilitation Act of 1973 (Section 504)

“No qualified individual with disabilities should, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

Fair Housing Laws (4 of 4)

Recipients of State Funding

Government Code § 11135, et seq. – protects individuals from discrimination by recipients of state funding or state financial assistance.



Housing Protected Bases (1 of 2)

- Race (hair texture and style)
- Color
- Ancestry
- Religion
- Sex
- Gender
- Sexual Harassment
- Sexual Orientation
- Gender Identity
- Gender Expression
- National Origin
- Source of Income (including section 8)
- Marital Status

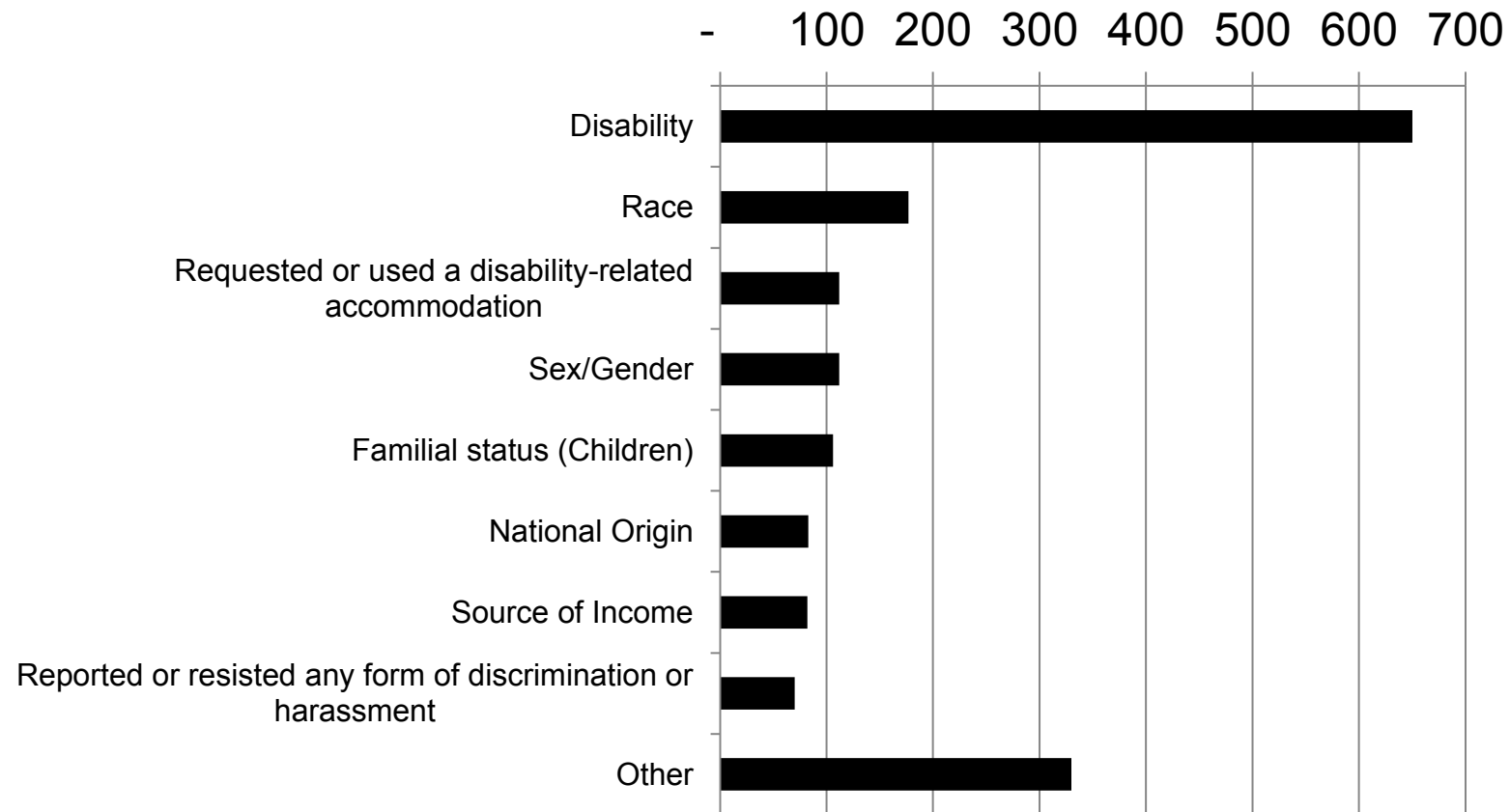
Housing Protected Bases (2 of 2)

- Familial Status (children under the age of 18, pregnant, or becoming a legal custodian)
- Disability (mental and/or physical)
- Medical Condition
- Military or Veteran (new)
- Genetic Information
- Primary Language*
- Immigration Status*
- Age*
- Citizenship*

*Covered under the Unruh Civil Rights Act, which applies to most housing accommodations in California

2020 Housing Filings = 880 (1 of 3)

Total Housing Bases = 1,652



Housing – Who Must Comply?

- Landlords
- Homeowners' associations
- Real estate agents
- Home sellers
- Builders
- Mortgage lenders
- Appraisers
- Others

Brief History of Fair Housing (1 of 3)

- 1959: The Unruh Civil Rights Act was enacted.
- 1963: California enacts the Rumford Fair Housing Act, one of the first housing discrimination laws in the country.
- 1964: Proposition 14: In response to the Rumford Act, the California Real Estate Association sponsors a voter initiative to add a provision to the California constitution prohibiting the State from limiting the ability of a person to sell or rent – or decline to sell or rent – “to any person as he chooses.” It passes by a 65% majority vote.

Fair Housing Becomes Law In California

The Rumford Fair Housing Law, passed in 1963, prohibits discrimination in most privately financed housing and all publicly assisted housing. Governor Brown hailed the law as a “historic step toward giving every Californian the right to live where he pleases.”

ambiguities in the
ful enforcement

Brief History of Fair Housing (2 of 3)

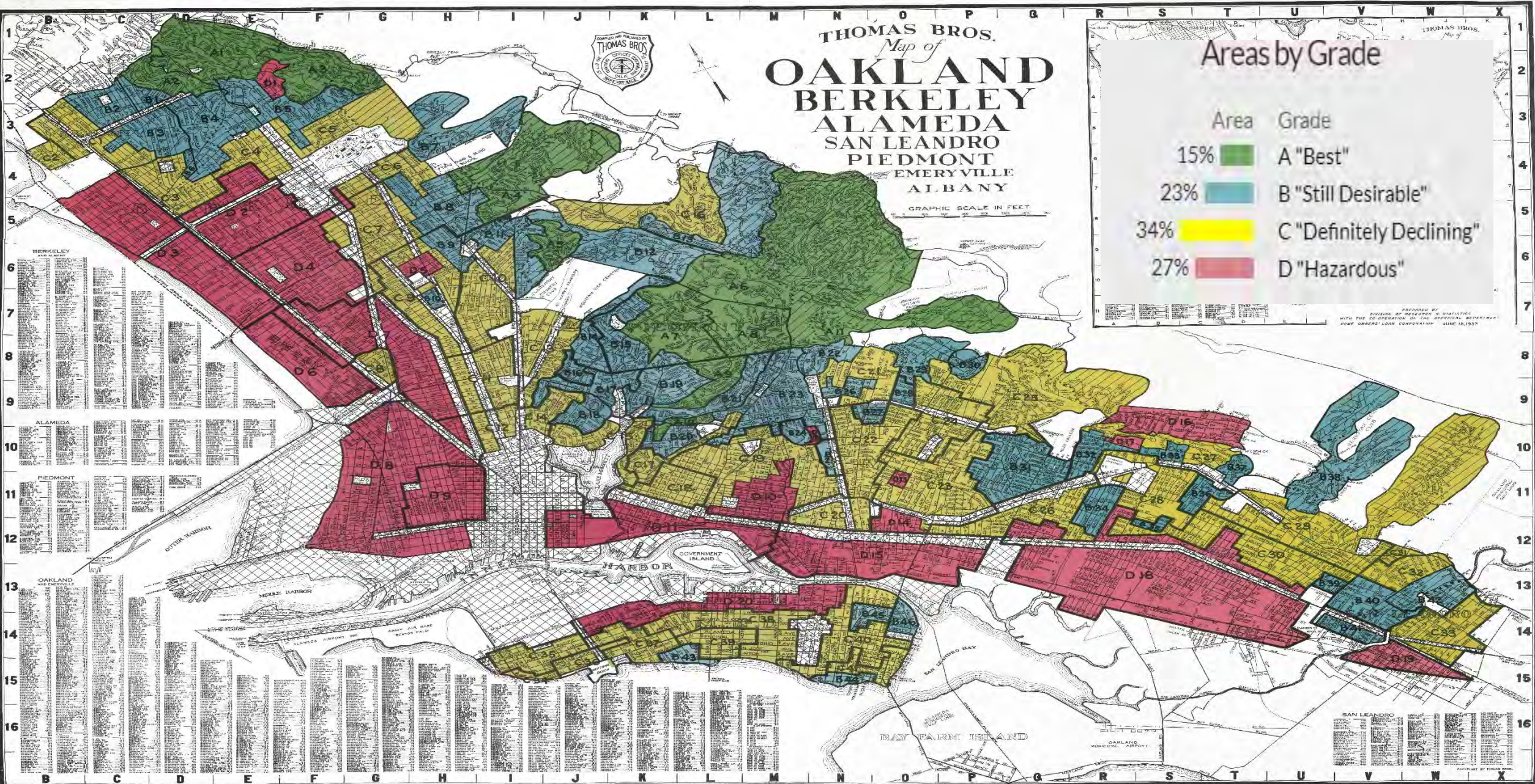
- 1966: U.S. Supreme court invalidates Proposition 14 and holds that state assistance or encouragement of private discrimination violated the Equal Protection Clause. Proposition 14 was repealed in 1974. *Reitman v. Mulkey* (1967) 387 U.S. 369




Brief History of Fair Housing (3 of 3)


- 1968: The United States enacts the Fair Housing Act of 1968. This was pushed forward by several events including:
 - The murder of Dr. Martin Luther King Jr. who had been advocating against housing discrimination.
 - Veterans of color and their families being unable to purchase or rent homes due to rampant housing discrimination.



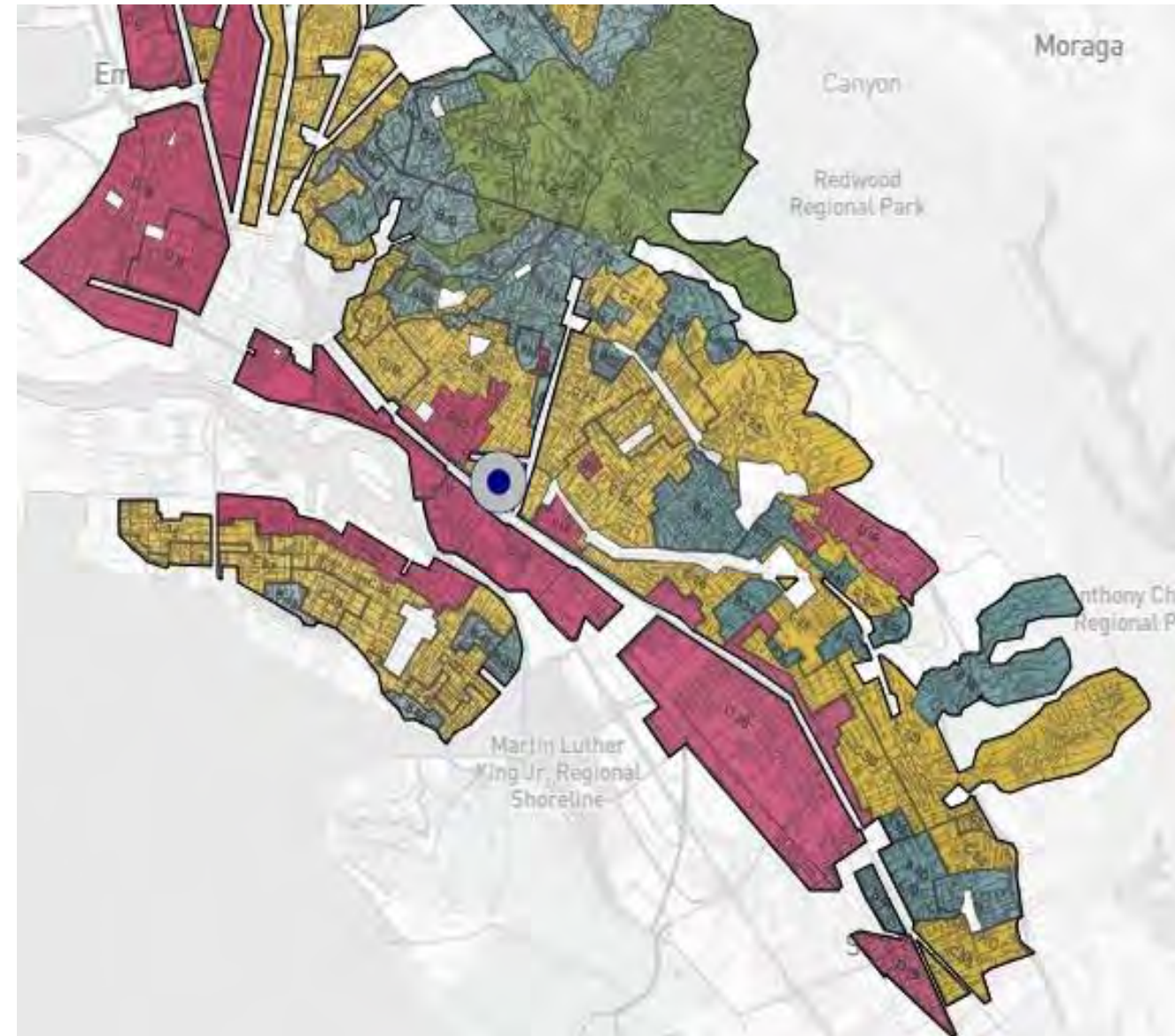
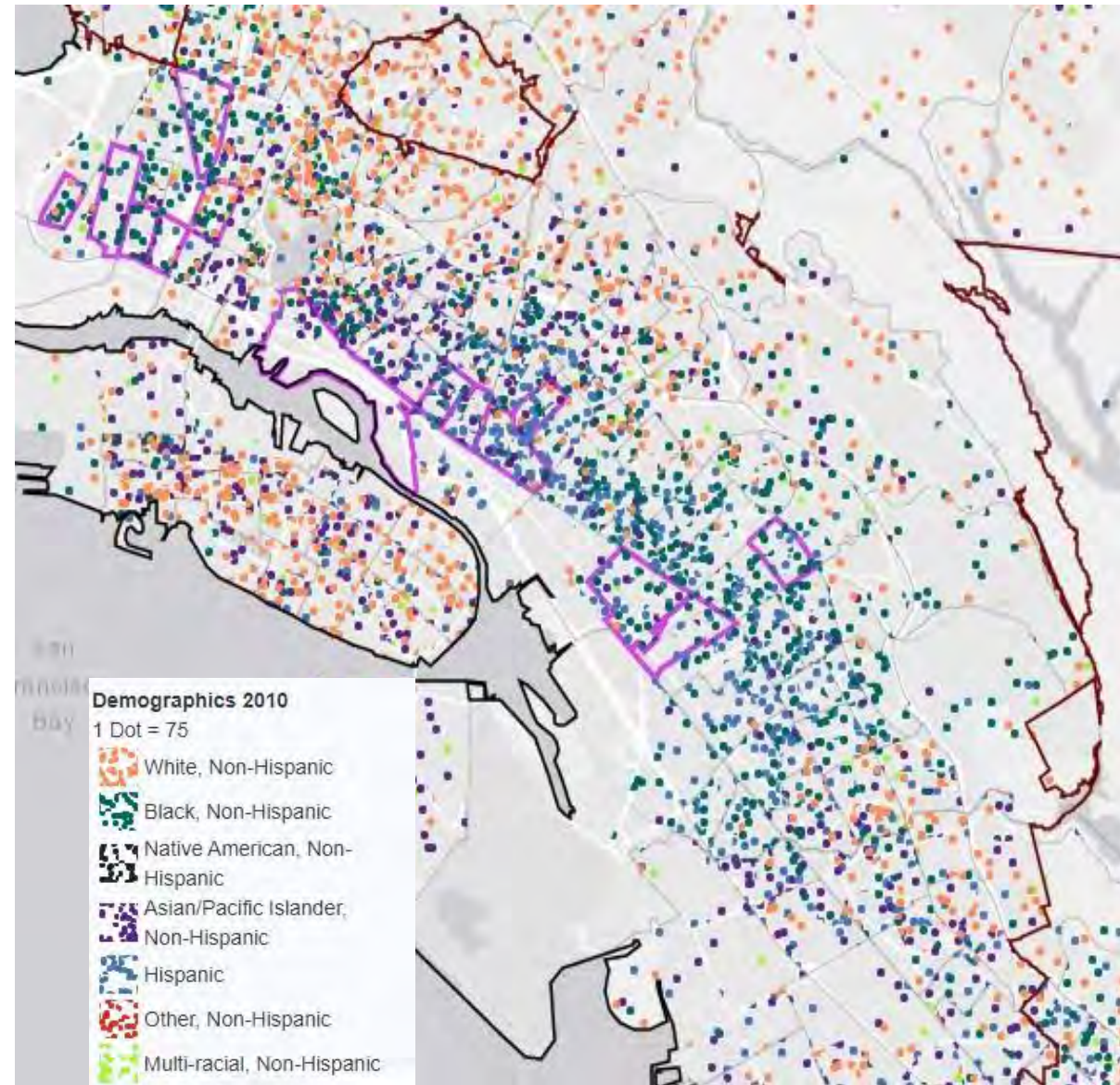


34%  C "Definitely Declining"

C neighborhoods were characterized by "obsolescence [and] infiltration of lower grade population." "Good mortgage lenders are more conservative in Third grade or C areas and hold commitments under the lending ratio for the A and B areas."

27%  D "Hazardous"

HOLC described D areas as "characterized by detrimental influences in a pronounced degree, underdesirable population or an infiltration of it." They recommended lenders "refuse to make loans in these areas [or] only on a conservative basis."



Source: HUD AFFH Mapping Tool <https://egis.hud.gov/affht/>

Housing insecurity disproportionately impacts groups with protected characteristics (1 of 2)

- Housing insecurity refers to the lack of secure housing due to a number of factors including affordability, quality, safety, overcrowding, and homelessness.
- Latinx and Black renters have seen particularly large increases in housing insecurity, with roughly 44 percent of renters in both groups reporting housing insecurity during the pandemic, an increase of about 11 percentage points for Hispanic renters and 7 percentage points for Black renters since 2019. *
- LGBTQI people are 2.2 times more likely to be homeless.**

*Source: Center for Economic Policy Research, *Housing by Race and Place During the Pandemic*

**Source: Williams Institute of the UCLA School of Law,

Housing insecurity disproportionately impacts groups with protected characteristics (2 of 2)

- Overall, 7 million renters with disabilities are moderately or severely cost-burdened, meaning they pay more than 30 percent of their income on rent and are therefore more likely to face eviction.
- Less than 5 percent of housing nationwide is accessible for people with moderate mobility difficulties, and less than 1 percent is accessible for wheelchair users.

Source: Center for American Progress, *Recognizing and Addressing Housing Insecurity for Disabled Renters*

Reasonable Accommodations

- A reasonable accommodation is a change in rules, policies, practices, or services, when such change is necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.
- The failure to grant a reasonable accommodation is considered be housing discrimination in violation of fair housing laws.
- The law does not just mandate that housing providers grant reasonable accommodations, but anyone involved with housing related services such as real estate agents and mortgage lenders must grant reasonable accommodations.
- Some examples include:
 - Increasing the font size of important documents, utilizing assistive listening devices, having documents printed in braille.

Other common fair housing issues

- Source of Income Discrimination: In California, it is unlawful to discriminate against someone based on their source of income, including the use of a section 8 voucher. This should be distinguished from their level of income.
- Criminal History: Housing providers cannot have a blanket ban on renting to all people with a criminal history. The criminal history must have a direct relationship to a legitimate concern for the health and safety of other tenants/staff or damage to the property. Housing providers are also barred from considering some types of criminal history including arrests that did not lead to a conviction and juvenile criminal history.

Hypothetical

Rosa is putting her house on the market. She meets with Linda, a real-estate agent, who has a listing agreement for Rosa to sign. Rosa explains that she can't read it because she is partially blind, and she asks that the font type and size be changed so she can read it. Linda replies that the agreement is "standard" and Rosa shouldn't worry about reading every little detail. She explains the main provisions and Rosa signs it.

They both go to the house and Linda meets Rosa's roommate Emil. Emil has readily apparent mental health and physical disabilities. Linda pulls Rosa aside and expresses concern that Emil might "scare away" potential buyers. She insists Rosa put Emil up in a hotel for the days the home is being shown.

Has Linda violated any fair housing laws?



Questions?

Thank you!

For more information, please contact DFEH:

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California Relay Service 711