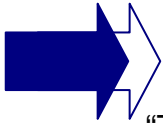




## **HOUSING DISCRIMINATION?**



**If you have been denied your housing rights...you may have experienced unlawful discrimination.**

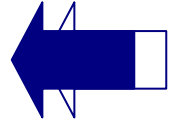


## Are You A Victim of Housing Discrimination?

“The American Dream of having a safe and decent place to call ‘home’ reflects our shared belief that in this nation, opportunity and success are within everyone’s reach. Under our Fair Housing laws, every citizen is assured the opportunity to build a better life in the home or apartment of their choice — regardless of their race, color, religion, sex, national origin, family status or disability.”

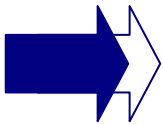
Alphonso Jackson, Secretary

## How Do You Recognize Housing Discrimination?



Under the Fair Housing Act, it is Against the Law to:

- Refuse to rent to you or sell you housing
- Tell you housing is unavailable when in fact it is available
- Show you apartments or homes only in certain neighborhoods
- Set different terms, conditions, or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Advertise housing to preferred groups of people only
- Refuse to provide you with information regarding mortgage loans, deny you a mortgage loan, or impose different terms or conditions on a mortgage loan
- Deny you property insurance
- Conduct property appraisals in a discriminatory manner
- Refuse to make reasonable accommodations for persons with a disability if the accommodation may be necessary to afford such person a reasonable and equal opportunity to use and enjoy a dwelling.
- Fail to design and construct housing in an accessible manner
- Harass, coerce, intimidate, or interfere with anyone exercising or assisting someone else with his/her fair housing rights



## It is Unlawful to Discriminate in Housing Based on These Factors...

- ✓ Race
- ✓ Color
- ✓ National Origin
- ✓ Religion
- ✓ Sex
- ✓ Familial status (families with children under the age of 18, or who are expecting a child)
  - ✓ Handicap (if you or someone close to you has a disability)
- ✓ Ancestry
- ✓ Marital Status
- ✓ Age
- ✓ Sexual orientation
- ✓ Source of Income
- ✓ Medical Condition

HUD Approved Housing  
Counseling Agency

Fair Housing Program  
Investigations  
Fair Housing Testing  
Fair Housing Training

Capitol Area Development Authority  
Ombudsman

Fair Employment Program  
Employment Training  
Mediation

Tenant/Landlord Program  
Tenant/Landlord Services  
Mediation of Disputes

Court Programs  
Small Claims Advisory Clinic  
Small Claims Mediations  
Unlawful Detainer Mediations  
Unlawful Detainer Advisory Clinic

Contract Cities/Countries  
City of Citrus Heights  
City of Elk Grove  
City of Folsom  
City of Galt  
City of Isleton  
City of Rancho Cordova  
City of Sacramento  
County of Sacramento

Affiliations  
RCPI Board of Governors  
Sacramento Association of Realtors  
SETA-Community Action Board  
Sheriff's S.O.C.A.B.  
U.S. Attorney Hate Crime Task Force

Governing Board Members  
Councilmember Ray Tretheway  
Councilmember Sandy Sheedy  
Councilmember Robert King Fong  
Councilmember Kevin McCarty  
Councilmember Robbie Waters  
Councilmember James Cooper  
Mayor Jayna Karpinski-Costa  
Councilmember Dan Skoglund  
Supervisor Roger Dickinson  
Supervisor Jimmie Yee  
Supervisor Susan Peters  
Supervisor Roberta McGlashan  
Supervisor Don Nottoli

Advisory Board Members  
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Brian May  
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Davies Ononiwu  
Scott Patterson  
Loren Reed  
Miko Sawamura  
Shirley Uplinger

Executive Director  
Barbara Lehman

1112 I Street Suite 250 Sacramento, CA 95814  
916-444-6903 www.hrfh.org

## REGIONAL HUMAN RIGHTS/FAIR HOUSING COMMISSION

A Government Agency Established To Enforce Civil Rights Laws

Attached is a **HOUSING DISCRIMINATION** pre-complaint questionnaire.

You must complete **ALL** questions on the attached forms. If a question does not apply to you please answer not applicable (n/a). Please sign and date both the options available form and the authorization form.

If you have any questions or need to reschedule your appointment, please call the Commission office at (916) 444-6903 ext. 120.

YOUR APPOINTMENT IS SCHEDULED FOR:

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

ASSIGNED STAFF MEMBER:

\_\_\_\_\_

### PLEASE BRING THE FOLLOWING ITEMS TO YOUR SCHEDULED APPOINTMENT:

- Housing Discrimination Pre-Complaint Questionnaire (attached)
- Authorization to Release Information Form (attached)
- Copy of your rental/lease agreement
- Names of witnesses
- Phone numbers of witnesses
- Any other documents with information you feel is important to your complaint

**REGIONAL HUMAN RIGHTS/FAIR HOUSING COMMISSION**

*FOR OFFICE USE ONLY*

**PRE-COMPLAINT QUESTIONNAIRE - DISCRIMINATION**

The information requested on this form will assist the Regional Human Rights/Fair Housing Commission in helping you. There is no guarantee that the information submitted will constitute a basis for filing a formal complaint. Please answer ALL questions.

Date Received	
Case Number	
Counselor	
Date Closed	

**PLEASE PRINT**

NAME:	SEX: <input type="checkbox"/> Female <input type="checkbox"/> Male	AGE:
ADDRESS:		ZIP CODE:
DAYTIME NUMBER:	EVENING NUMBER:	

WHO ELSE CAN WE CALL IF WE CANNOT REACH YOU?	
CONTACT NAME:	PHONE NUMBER:
CONTACT NAME:	PHONE NUMBER:

**1** What happened to you?  
 How were you discriminated against?  
 For example: were you refused an opportunity to rent or buy housing? Denied a loan? Told that housing was not avail able when in fact it was? Treated differently from others seeking housing? State briefly what happened.

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**2** Why do you think you are a victim of housing discrimination?  
 Is it because of your: • race • color • religion • sex • national origin • familial status (families with children under 18) • disability? For example: were you denied housing because of your race? Were you denied a mortgage loan because of your religion? Or turned down for an apartment because you have children? Briefly explain why you think your housing rights were denied and circle the factor(s) listed above that you believe apply.

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**3** Who do you believe discriminated against you?  
 For example: was it a landlord, owner, bank, real estate agent, broker, company, or organization?  
 Identify who you believe discriminated against you.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**4** Where did the alleged act of discrimination occur?  
 For example: Was it at a rental unit? Single family home? Public or Assisted Housing? A  
 Mobile Home? Did it occur at a bank or other lending institution?

Place discrimination occurred: \_\_\_\_\_

Address: \_\_\_\_\_

**5** When did the last act of discrimination occur?  
 Is the alleged discrimination continuing or ongoing?

Date of last occurrence: \_\_\_\_\_ Continuing or Ongoing: \_\_\_\_\_

**OTHER INFORMATION:**

NUMBER OF PERSONS IN HOUSEHOLD:	HOUSEHOLD'S MONTHLY INCOME:
DATE YOU MOVED INTO THE PROPERTY:	HOW MANY BEDROOMS:
MONTHLY RENT:	DEPOSIT AMOUNT:
HOW DID YOU FIND OUT ABOUT THIS LOCATION OR UNIT:	
HOW ARE VACANCIES USUALLY ADVERTISED:	
MANAGERS NAME:	PHONE NUMBER:
I LIVE IN (choose one of the following if your rent is subsidized):	
<input type="checkbox"/> Conventional Housing (public housing or low income housing owned by the city or county)	
<input type="checkbox"/> Low Income Housing <input type="checkbox"/> Section 8 Voucher <input type="checkbox"/> Project Based Complex <input type="checkbox"/> Bond Program	
HAVE YOU FILED A COMPLAINT WITH THIS OR ANY OTHER AGENCY: <input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES WHICH AGENCY:	DATE:
ETHNICITY: <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	
<input type="checkbox"/> American <input type="checkbox"/> Black or <input type="checkbox"/> Native Indian or Alaskan    African    Hawaiian or Other RACE: <input type="checkbox"/> Asian    American    Pacific Islander <input type="checkbox"/> White	

**OPTIONS AVAILABLE**  
**FOR FILING A HOUSING DISCRIMINATION COMPLAINT**

The **Regional Human Rights/Fair Housing Commission** is one of the forums available to you to seek redress for allegations of housing discrimination. The Commission is a joint powers agency created by the County of Sacramento and the Cities of Sacramento, Citrus Heights, Elk Grove, and Rancho Cordova. The Commission is authorized to enforce state and federal fair housing laws. The Commission does this through the investigation, conciliation, and mediation of housing discrimination complaints. Where litigation is approved, enforcement is sought through state or federal court.

**Other forums include:**

**1. Department of Housing and Urban Development (HUD)**

HUD is the *federal* agency authorized to investigate housing discrimination complaints and enforce federal fair housing laws. If you choose to file a complaint with HUD, you must do so within 180 days for a claim related to accessibility in federally-funded housing (Rehabilitation Act Section 504 violations) and within one year of the date of discrimination for other violations. HUD's telephone number is 1(800) 669-9777. Written complaints may be sent to HUD at 600 Harrison Street, 3rd Floor, San Francisco, CA 94107-1387. Online complaints may be filed at <http://www.hud.gov/offices/fheo/online-complaint.cfm>.

TDD phone numbers: 1 (800) 854-7784 (voice to voice), 1 (800) 735-2929 (English-TTY/type to voice),  
1(800) 855-3000 (Spanish-TTY/type to voice).

[http://www.ddtp.org/california\\_relay\\_service/how\\_to\\_make\\_a\\_relay\\_call/](http://www.ddtp.org/california_relay_service/how_to_make_a_relay_call/)

**2. Department of Fair Employment and Housing (DFEH)**

DFEH is the *state* agency authorized to investigate housing discrimination complaints and enforce state and federal fair housing laws. If you choose to file a complaint with DFEH, you must do so within one year of the date of discrimination. Their telephone number is 1(800) 233-3212 (Within California) or 1(510) 622-2945 (Outside California). TTY: 1(800) 700-2320.

**3. Private Attorneys**

You may hire a private attorney to investigate your complaint and commence litigation in state or federal court on your behalf. You may contact the Sacramento County Bar Lawyer Referral Service at (916) 564-6707. You do *not* need to file a complaint with an administrative agency prior to filing a private action of housing discrimination. If you choose to file a private action in state or federal court, you must do so within two years of the date of discrimination.

**Signature:**

**Date:**

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## **AUTHORIZATION**

I, \_\_\_\_\_, hereby authorize the Regional Human Rights/Fair Housing Commission ("the Commission") to investigate the complaint of housing discrimination as set forth above in the Pre-Complaint Questionnaire.

I understand that, notwithstanding this authorization, I may enforce my rights under state and federal fair housing laws independent of the Commission's activities, including through representation by the U.S. Department of Housing and Urban Development, the California Department of Fair Employment and Housing, a private attorney, or some other entity duly authorized to litigate on my behalf.

I understand that by granting this authorization, the Commission may engage in some or all of the following activities:

1. Using all evidence provided by me or obtained by the Commission to investigate fair housing violations at the property that is the subject of the complaint.
2. Utilizing the Commission's authority to subpoena witnesses, mediate the matter to resolution, and/or litigate the matter in a court of appropriate jurisdiction.
3. Tracking the status of enforcement actions and referrals until the case is settled.
4. Seeking recovery of costs associated with the Commission's investigation as part of any judgment or settlement agreement.

I understand that information provided in the Pre-Complaint Questionnaire is to remain confidential **except that** (1) the Commission may share the Pre-Complaint Questionnaire and other information about my case to the Sacramento Housing and Redevelopment Agency, the California Department of Fair Employment and Housing, the United States Department of Housing and Urban Development, the Center for Human Rights, Law & Advocacy (CHRLA), and/or a Private Attorney, and (2) the Commission may utilize the information in the Pre-Complaint Questionnaire and other information about my case to further its investigation into the alleged fair housing law violations.

**Signature:**

**Date:**

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# **KNOW YOUR RIGHTS**

Federal, state, and local laws make it illegal to discriminate in the provision of housing based on a person's protected class. At the federal level, the Fair Housing Amendments Act (FHAA) prohibits discrimination on the bases of race, color, religion, sex, national origin, familial status, and disability. In CA, the Fair Employment and Housing Act (FEHA) prohibits housing discrimination on the same basis as the federal law, but also makes it illegal to discriminate based on marital status, ancestry, sexual orientation and source of income.

Several other laws touch on the issue of housing discrimination. The Americans with Disabilities Act (ADA), a federal law, prohibits discrimination in public accommodations based on disability and does not generally apply to individual apartments. However, the ADA does apply to areas of an apartment complex or housing development that are open to the public, such as a rental office. In CA, the Unruh Civil Rights Act prohibits discrimination by all business establishments based upon race, color, religion, sex, national origin, familial status, disability, marital status, ancestry, sexual orientation, source of income, age and other forms of arbitrary discrimination. The renting of houses and apartments is considered to be a public accommodation for purposes of Unruh and is therefore covered by the Act.

## **CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (FEHA)** **Cal.Gov. Code sec. 12955, et seq.**

FEHA prohibits housing discrimination on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, source of income or disability. Each of these characteristics is also referred to as a "protected class".

- "Sex" is defined to include gender identity. As an example, a housing provider may not discriminate on the basis that a male tenant dresses in female clothing. "Sex" also includes pregnancy, childbirth, and medical conditions related to pregnancy and childbirth.
- "Familial status" means one or more persons under age 18 who reside with a parent, legal guardian, or designee of the parent or legal guardian with the parent's or legal guardian's written consent. Familial status also applies to persons who are pregnant and to persons who are in the process of gaining legal custody of an individual under the age of 18.
- "Source of income" means lawful, verifiable income paid directly to the tenant or to the tenant's representative. It is not illegal for a housing provider to ask amount or source of a tenant's income.
- "Disability" is a disease, disorder, or condition that limits a major life activity. The definition of disability, for purposes of discrimination, includes having a disability, having a record or history of such a disability, or being regarded or treated as having such a disability. Disability includes both physical and mental disabilities.
- "Sexual orientation" means heterosexuality, homosexuality, and bisexuality.

FEHA makes it illegal for an owner to do any of the following:

- Discriminate or harass any person because of their protected class.
- Make any written or oral inquiry concerning the protected class of any person seeking to purchase, rent or lease any housing accommodation.
- Retaliate by harassing, evicting, or otherwise discriminating against a person who has opposed discriminatory housing practices, informed law enforcement of such practices, testified or assisted in a discrimination case, or aided or encouraged a person to exercise their fair housing rights.

FEHA makes it illegal for any person to do any of the following:

- Make, print or publish any notice, statement, or advertisement with respect to the sale or rental of a housing accommodation that indicates any preference, limitation or discrimination based on a protected class or an intention to make any preference, limitation, or discrimination.
- Aid, abet, incite, compel, or coerce any person to do any of the acts prohibited by FEHA.
- Otherwise make unavailable or deny a dwelling based on discrimination because of a person's protected class.

Under FEHA, discrimination includes the following practices when based on a protected class:

- Refusing to sell, rent or lease housing accommodations.
- Refusing to negotiate for the sale, rental, or lease of housing accommodations.
- Representation that a housing accommodation is not available for inspection, sale or rental when that housing accommodation is in fact so available.
- Any other denial or withholding of housing accommodations.
- Providing inferior terms, conditions, privileges, facilities, or services in connection with those housing accommodations.
- Harassment in connection with those housing accommodations.
- Canceling or terminating a sale or rental agreement.
- Providing separated or segregated housing accommodations.
- Refusing to permit reasonable modifications to the property by a disabled person, at the expense of the disabled person, when these modifications may be necessary to afford the disabled person equal opportunity to use and enjoy a dwelling
- Refusing to make reasonable accommodations in rules, policies, practices, or services when these accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling.
- Blockbusting - attempts by sellers or landlords to encourage persons to leave an area based on their protected class.
- Redlining - practices by banks that limit lending in particular areas because of the demographic character of the area.

Exemptions under FEHA, discrimination does not include:

- Refusal to rent or lease a portion of an owner-occupied single-family house to a person as a roomer or boarder living within the household, provided that no more than one roomer or boarder is to live within the household, and the owner complies with that section of FEHA which prohibits discriminatory notices, statements, and advertisements; or
- The use of words stating or tending to imply that the housing being advertised is available only to persons of one sex, but only where the sharing of living areas in a single dwelling unit is involved.

While the Federal Fair Housing Amendments Act (FHAA) has additional exemptions, these do not apply in CA. FEHA is more protective, and therefore even if a particular owner is exempt under the federal law, they would not be exempt under FEHA unless one of the two situations mentioned above applies. For example, an owner renting out only one single-family home may be exempt under the FHAA, but would still be subject to FEHA.

## **FAIR HOUSING AMENDMENTS ACT, 42 U.S.C.3601**

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin,

religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability).

### Basic Facts about the Fair Housing Act

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

### What Is Prohibited?

In the Sale and Rental of Housing: No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- For profit, persuade owners to sell or rent (blockbusting) or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

In Mortgage Lending: No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap (disability):

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- Discriminate in appraising property
- Refuse to purchase a loan or
- Set different terms or conditions for purchasing a loan.

In Addition: It is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or handicap. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

### AMERICANS WITH DISABILITIES ACT, 42 U.S.C. 12101 et seq.

The Americans with Disabilities Act (ADA) was passed July 26, 1990 as Public Law 101-336 (42 U.S.C. Sec. 12101 et seq) and became effective on January 26, 1992. The ADA is landmark federal legislation that opens up services and employment opportunities to the 43 million Americans with disabilities. The law was written to strike a balance between the reasonable accommodation of citizens' needs and the capacity of private and public entities to respond. It is not an affirmative action law but is intended to eliminate illegal discrimination and level the playing field for disabled individuals.

The law is comprised of five titles that prohibit discrimination against disabled persons within the United States. Titles I and II are the primary sections that affect local governments.

- Title I prohibits employers, including cities and towns, from discriminating against qualified job applicants and workers who are or who become disabled. The law covers all aspects of employment including the application process and hiring, training, compensation, advancement, and any other employment term, condition, or privilege.
- Title II prohibits state and local governments from discriminating against disabled persons in their programs and activities. Title II also sets forth the applicable structural accessibility requirements for public entities.
- Title III prohibits private enterprises who provide public accommodations and services (e.g., hotels, restaurants, and transit systems) from denying goods, services and programs to people based on their disabilities. Title III also sets forth the applicable structural accessibility requirements for private entities.
- Title IV makes available telecommunications devices and services for the hearing and speech impaired. These regulations spell out certain mandatory minimum standards telephone companies must maintain to be in compliance with the ADA.
- Title V includes some miscellaneous provisions that relate to the construction and application of the ADA, including alternative dispute resolution

### UNRUH CIVIL RIGHTS ACT, Cal. Civil Code sex. 51 et seq.

The Unruh Civil Rights Act, California Civil Code sections 51 through 51.3, provides protection from discrimination by all business establishments in California, including housing and public accommodations. California Civil Code section 51(b) describes the protections found under the Unruh Civil Rights Act:

All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, or medical condition are entitled to the full and equal accommodations, advantages facilities, privileges, or services in all business establishments of every kind whatsoever. Civil Code section 51(b)

The language of the Unruh Civil Rights Act (see above) specifically outlaws discrimination in housing and public accommodations based on sex, race, color, religion, ancestry, national origin, disability, or medical condition. While the Unruh Civil Rights Act specifically lists "sex, race, color, religion, ancestry, national origin, disability, or medical condition" as protected classes, the California Supreme Court has held that protections under the Unruh Act are not necessarily restricted to these characteristics. The Act is meant to cover all arbitrary and intentional discrimination by a business establishment on the basis of personal characteristics similar to those listed above.