

CoC Training: Fair Housing

8.14.23

Recording: **<https://youtu.be/Oiz9kFiZFtk>**



# *ECHO Housing*

Since 1965

**Fair Housing Services**



# *ECHO Housing*

The Eden Council for Hope and Opportunity (ECHO Housing) was founded in 1964 and incorporated in 1965 by community volunteers dedicated to equal housing opportunities and the prevention and elimination of homelessness.

ECHO is a HUD-approved Housing Counseling Agency and a Qualified Fair Housing Enforcement Organization providing services to very low and moderate income residents in the Counties of Alameda, Contra Costa, and Monterey.

# *ECHO Housing Programs*

- Fair Housing Counseling & Investigation
- Tenant/Landlord Counseling & Mediation
- Home Buyer Education & Counseling
- Rental Assistance Programs

# *Fair Housing Services*

## **What is Fair Housing?**

Fair Housing is the right all people have to live free from discrimination in any type of housing they choose.



# ***Federal Fair Housing Laws***

**Anyone may file a complaint if they feel that they have been treated unfairly because of their Protected Class.**

- Race
- Color
- Religion
- National Origin
- Sex
- Disability (reasonable accommodation, reasonable modification)
- Familial Status (presence of children)



# ***Federal Fair Housing Laws***

## **Disability - Reasonable Accommodation**

- Emotional, support animals and service animals (pet deposit, pet rent, pet fees are illegal, no breed restrictions or weight restrictions allowed)
- Many different types of animals as emotional support and service animals
- Allowing caregivers
- Breaking a lease
- Closer parking space



# ***Federal Fair Housing Laws***

## **Disability - Reasonable Modification**

- Grab bars
- Ramps
- Special lights for smoke detectors or door bells
- Pulling up carpet
- Lowering counters





# ***Federal Fair Housing Laws***

## **Verifications**

- Housing providers can ask for documentation that the person is disabled.
- Housing providers cannot ask what the disability is.
- Many people besides medical professionals can provide verification for person who is disabled.
- If disability is obvious, no verification is needed.



# *Questions & Answers*

Please submit your questions in the Q&A box at the bottom of your screen.

# ***Federal Fair Housing Laws***

## **Familial Status Discrimination**

- Steering
- Different Rules/Policies
- Restrictive Rules (Supervision)
- Surcharges





# ***Federal Fair Housing Laws***

## **Criminal Records History**

- HUD Guidelines require that housing providers have reasonable rules around a person's criminal records history.
- Housing providers should look at convictions only, not arrest records.
- Housing providers should consider how long along the conviction happened.
- Housing providers should consider the nature of the crime.



# *Questions & Answers*

Please submit your questions in the Q&A box at the bottom of your screen.



# ***California Fair Housing Laws***

**In California, the protected classes are:**

- Marital Status
- Source of Income
- Ancestry
- Sexual Orientation
- Gender identity
- Genetic information
- Citizenship
- Immigration Status
- Gender Expression
- Military and Veteran Status
- Primary Language
- Section 8 Voucher Holders

**California law also protects people against arbitrary discrimination based on protected classes such as age or occupation.**



# California Fair Housing Laws

## Licensed Child Care

- Licensed child care providers have the right to run their business in their rental home
- Child care providers do not have to have insurance
- Child care providers are responsible for the behavior and safety of the children in their day care
- Housing providers can increase deposit for child care providers (cannot be more than 2 times the rent for an unfurnished rental)





# *Questions & Answers*

Please submit your questions in the Q&A box at the bottom of your screen.



# ***What Housing Providers Can Request***

**It is up to Housing Providers to make sure that everyone has equal access to all housing opportunities. They may request the following information from prospective tenants:**

- Bank Account Information
- Rental History
- Income Verification
- Credit Checks
- Personal References





# ***Advertising Properties***

**Discriminatory language in advertising is illegal. Examples include:**

- Professional, working people preferred
- Not suitable for children
- Perfect for young, single adults
- Male/Female preferred (exceptions in owner occupied living)
- Christian, Jewish, Muslim Community
- Must be employed
- No Section 8
- Great for college students
- Not suitable for wheelchairs



# **Nine Magic Magnificent Manager Tips**

- **Let applicants know your criteria**
- **Have a good non-discriminatory answer to the question” What kind of people live here?”**
- **Let people know why they are being denied**
- **Put all rules in writing**
- **Have a good open door policy**
- **Keep good documentation**
- **Treat everyone the same**
- **Keep getting educated**
- **Get help when needed!**





# *Questions & Answers*

Please submit your questions in the Q&A box at the bottom of your screen.



# Contact Information

**Angie Watson-Hajjem, Fair Housing Coordinator, [angie@echofairhousing.org](mailto:angie@echofairhousing.org)**

Alameda County Office - 22551 Second Street #200, Hayward CA 94541, 510-581-9380

**Rebeca Bonilla, Housing Counselor, [rebeca@echofairhousing.org](mailto:rebeca@echofairhousing.org)**

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**Brenda Espinosa, Housing Counselor, [brenda@echofairhousing.org](mailto:brenda@echofairhousing.org)**

Contra Costa County Office - 301 W. 10th Street, Antioch CA 94509, 510-496-0496

**Tanya Corona, Housing Counselor, [tanya@echofairhousing.org](mailto:tanya@echofairhousing.org)**

Tri-Valley Office - 141 N. Livermore Avenue, Livermore CA 94550, 925-449-7340

**Christina Soto, Housing Counselor, [christina@echofairhousing.org](mailto:christina@echofairhousing.org)**

Monterey County Office - 570 Pacific Street, Monterey CA 93940, 831-566-0824

# BAY AREA LEGAL AID

## Evictions and Tenant Protections in Contra Costa

August 14, 2023

Abby Khodayari

Legal Advice Line: 800-551-5554



**BAY AREA LEGAL AID**

WORKING TOGETHER FOR JUSTICE



# What are we going to talk about today?!

- \* What is Bay Area Legal Aid?
- \* Tenant's Rights
  - \* Rental Qualifications
  - \* Understanding Leases
  - \* Habitability
  - \* Criminal History





# Do you work with individuals or families facing eviction for any of the following reasons?

- A. Unable to pay rent
- B. Unable to pay rent due to COVID-19
- C. Lease violation
- D. Owner moving in, making repairs, or taking the unit off the rental market
- E. Lease expired
- F. Discrimination
- G. No reason



**BAY AREA LEGAL AID**

WORKING TOGETHER FOR JUSTICE

# Who we are:

Bay Area Legal Aid provides free legal services to eligible low-income residents in the Bay Area.

**Housing Preservation:** Landlord-tenant matters, eviction defense, housing and discrimination, subsidized housing issues.

**Health Consumer:** Healthcare access, public health insurance programs, other health issues

**Economic Justice:** Public safety net programs

**Domestic Violence and Assault Prevention:** restraining orders, family law, DV Related Immigration

# Housing issues

## \* What BayLegal can do:

- \* Eviction Defense in certain cases
  - \* *\*\*If received Court papers mark URGENT (only 5 days to respond) and refer to local office or Court to file an Answer*
- \* Request reasonable accommodations due to disability
- \* Investigation and possibly help with housing denials
- \* Help with Section 8 and subsidized housing related issues
- \* Housing discrimination complaints

## \* What BayLegal cannot do:

- \* Cannot help or provide find housing
- \* Cannot help with roommate/neighbor issues
  - \* *\*If interpersonal violence – refer for possible RO*





# CLIENT ELIGIBILITY

- \* Live in the counties of: Alameda, Contra Costa, Napa, Marin, Santa Clara, San Francisco, or San Mateo.
- \* Citizen or eligible immigrant:
  - \* U.S. citizen, or certain family members of a citizen, with a pending application for permanent residency
  - \* Permanent resident, refugees, asylees, etc. Any immigrant who is a victim of domestic violence, sexual assault, human trafficking, or other violent crime.

We can represent eligible children in public benefits or domestic violence matters, even if their parents are not eligible. Gross income generally has to be under 200% of federal poverty line. EXCEPT for our health work.



# Rental Qualifications

## Applicant Screening

- \* Applications usually ask for names and contact information of current and past landlords, employers, and references
- \* LL's may require applicants to provide a screening fee for obtaining a credit report

## Financial Qualifications

- \* Sometimes, tenants may use proof of rent payment and proof of income to demonstrate their financial qualifications



# CRIMINAL HISTORY

Effective January 1, 2020; new California regulations interpreting anti-discrimination laws prohibit landlords from considering certain types of criminal history including:

- \* Arrests that did not lead to a conviction
- \* Participation in a pretrial or post-trial diversion program
- \* Any record of conviction that has been sealed, or
- \* Any conviction that came from the juvenile justice system

LL's are prohibited from having “blanket bans” on applications with criminal history:

- \* Landlord's must look at the individual circumstances involving a conviction to decide whether it is directly related to an applicant's ability to be a good tenant.





# CRIMINAL HISTORY

## Housing Provider may NOT:

- \* Access criminal or civil records older than 7 years (or two in Richmond!)
- \* Ask for/use information about arrests not leading to convictions
- \* Have a blanket “no felons” policy or something similar
- \* Ask for/use information about juvenile adjudications
- \* Ask for/use information about convictions that have been expunged
- \* Deny someone whose qualifications are a function of disability
- \* Deny someone whose qualifications are related to a history of domestic violence (VAWA, if federally subsidized housing, otherwise potentially discriminatory under fair housing laws)



# What is the Remedy?

- \* What should your client do if they've been discriminated against in their housing unit?
  - \* Contact ECHO or Bay Area Legal Aid
  - \* Write a letter to the landlord
  - \* File an administrative complaint with HUD or the Civil Rights Division of California (formerly DFEH)
    - \* A lengthy process but can force a non-compliant LL to cooperate
    - \* Can result in mediation and a settlement for the tenant, including forcing the LL to take an action or to pay damages



# HUD/CRD Complaint Process

1. Complaint is filed – online, by phone, or by a paper application that can be printed out
2. An investigator or intake worker from either org will reach out and conduct an interview. The landlord will be notified.
3. If the worker believes there may have been discrimination, they will open an official complaint and investigate – might ask for witnesses, documents, etc. from both sides.
4. Will attempt to mediate and come to a settlement.
5. If no settlement is reached, they will either find no cause and close the complaint, or file a lawsuit against the landlord.





# HYPO

Tammy Tenant was convicted of misdemeanor disorderly conduct 10 years ago. She has been applying for housing, but was recently denied an apartment she liked. She asked for a copy of the denial in writing, and the landlord wrote that she had been denied based on her criminal record history. What can Tammy Tenant do?

- \* Contact ECHO
- \* Contact Bay Area Legal Aid
- \* File a HUD or CRD Complaint
  - \* Can be done online, by phone, or by mail



# UNLAWFUL DETAINERS (UD)

The California Eviction Lawsuit  
C.C.P. Sections 1159-1179a



**BAY AREA LEGAL**

WORKING TOGETHER FOR JUSTICE

# Am I a Tenant?

- \* **Written Contract (Lease Agreement)**
- \* **Verbal Agreement**
- \* **Pattern of Conduct** (depends on several factors)
  - \* Whether or not the homeowner is accepting monetary compensation
  - \* How many nights in a row someone has stayed
  - \* Whether or not someone is receiving mail at the property
  - \* If the someone moves pets or furniture into the property
  - \* Whether or not someone has a key



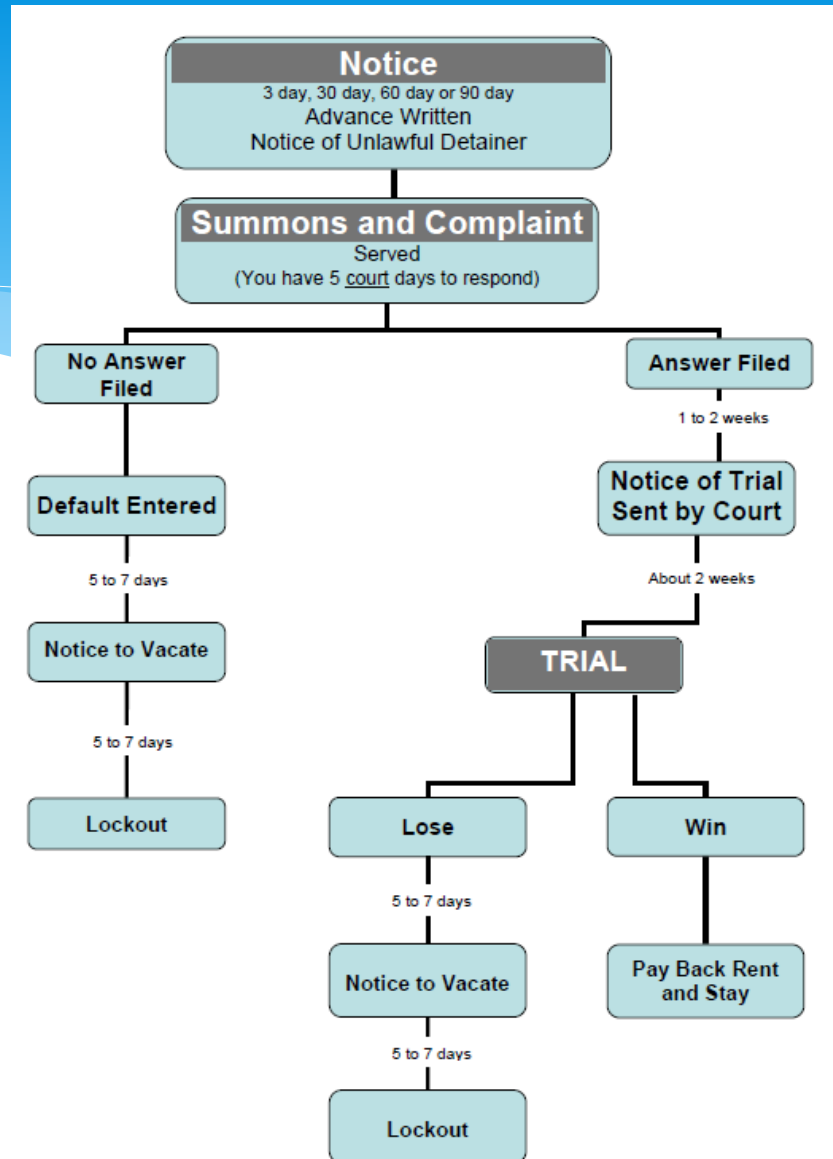


# What if I'm not a tenant?

- \* **Lodgers** (single person who lives in the home with the owner and where the owner retains access over all areas and control over unit)
  - \* Can only be locked out by landlord after providing proper notice (length between rent payments i.e. 30DN if rent paid monthly)
- \* **Trespassers/Squatters**
  - \* Can be locked out by police without any notice

Fair Housing Laws do not protect people in these situations!

# Overview of Unlawful Detainer (UD) Procedure



# Defendants' (Tenants') Steps in Unlawful Detainer Cases

**Step 1: Reviewing the Notice**

**Step 2: Reviewing the UD Complaint**

**Step 3: Answer to Complaint (and Proof of Service)**

**Step 4: Assist with Fee Waiver**

**Step 5: Steps after Filing Answer**

**Step 6: Post-Trial**



# STEP 1: REVIEWING THE NOTICE

- \* What kind of notice?
- \* Is the notice technically valid or defective?
- \* Are the allegations accurate?
- \* Issue spotting: discrimination, retaliation, habitability for non-payment of rent



CALIFORNIA  
ASSOCIATION  
OF REALTORS®

NOTICE TO **[REDACTED]** QUIT  
(C.A.R. Form PRQ, Revised 4/03)

## THREE-DAY NOTICE TO PAY RENT OR QUIT

To: \_\_\_\_\_  
 Tenant(s) in possession of the premises at \_\_\_\_\_  
 City of \_\_\_\_\_, County of \_\_\_\_\_, California

PLEASE TAKE NOTICE that the rent on these premises occupied by you, in the amount of \$ \_\_\_\_\_  
 for the period from \_\_\_\_\_ to \_\_\_\_\_, is now due and payable.

YOU ARE HEREBY REQUIRED to pay this amount within THREE (3) days from the date of service on you  
 of this notice or to vacate and surrender possession of the premises. In the event you fail to do so, legal  
 proceedings will be instituted against you to recover possession of the premises, declare the forfeiture of the  
 rental agreement or lease under which you occupy the premises, and recover rents, damages, and costs of suit.

### RENT IS TO BE PAID TO:

- the undersigned, or  
 the following person: \_\_\_\_\_

### AT THE FOLLOWING ADDRESS:

\_\_\_\_\_, California, phone: (\_\_\_\_\_) \_\_\_\_\_

### IN THE FOLLOWING MANNER:

- In person. Usual days and hours for rent collection are: \_\_\_\_\_  
 by mail to the person and address indicated above  
 by deposit to account \_\_\_\_\_ at \_\_\_\_\_,  
 a financial institution located within 5 miles of your rental at \_\_\_\_\_,  
 California  
 by electronic funds transfer procedure previously established.

Notices:  
 required to either:  
 \_\_\_\_\_ (Phone)  
 \_\_\_\_\_ (Address)

filed seeking not only  
 Civil Procedure § 1174).  
 Premises. As required  
 e submitted to a credit

11/03  
 n Zip 92256

ant.  
 cretion at the Tenant's  
 dence.  
 and a copy was mailed

by machine or any other means.  
 SERVED  
 S TO THE LEGAL VALIDITY OR  
 O ADVISE ON REAL ESTATE  
 need collective membership mark



# Types of Notices

Type of Notice	Pay Rent or Quit	Perform Covenant or Quit	No-Fault Notice of Termination of Tenancy	No Cause Notice of Termination of Tenancy	Notice of Termination of Tenancy
<b>Basis</b>	Nonpayment of rent on time	Lease Violations	<ul style="list-style-type: none"> <li>-Owner move in.</li> <li>-Withdrawal of property from rental market.</li> <li>-Unsafe habitation</li> <li>-Intent to demolish or substantially remodel.</li> </ul>	No Reason Stated	Criminal Activity, Nuisance, or Failure to Comply with Lease Provisions,



# Is the Notice Defective?

**Defective  
Notice = Illegal  
Notice**



**GO BACK TO START**



# Step 2: UD Summons and Complaint

SUM-130

**SUMMONS**  
**(CITACION JUDICIAL)**  
UNLAWFUL DETAINER—EVICTION  
**(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)**

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia. Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

1. The name and address of the court is:  
(El nombre y dirección de la corte es):

CASE NUMBER:  
(Número del caso):

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400–6415)  did not  did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy  
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

4. NOTICE TO THE PERSON SERVED: You are served

a.  as an individual defendant.

b.  as the person sued under the fictitious name of (specify):

c.  as an occupant

d.  on behalf of (specify):

under:  CCP 416.10 (corporation)  CCP 416.60 (minor)

CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)

CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)

CCP 415.46 (occupant)  other (specify):

5.  by personal delivery on (date):

- \* Filed AFTER Notice expires
- \* 5 court day deadline to file response
- \* What happens after the 5 days?
- \* You can \*technically\* still file afterwards!!!



# STEP 6: NEXT STEPS AFTER FILING ANSWER

## 1. Retain attorney

- Is BayLegal representing?

(priority for people with disabilities, families, elderly, subsidized housing)

## 2. Negotiate and settle the case before trial

- Move out Agreement, Pay & Stay, Behavioral Stipulation

## 3. Propound discovery, file counter request for jury trial, and prepare for trial

## 4. Move out before trial and file a ***Notice of Surrender***

- Get a receipt for surrender of keys

## 5. Go to trial

# What about this?

\* Tabitha Tenant is a victim of domestic violence but has been unable to leave her partner. Sometimes they have loud fights and wake up their neighbors, and neighbors have complained to management and even called police. Because of this, Tabitha's landlord has served an eviction notice on her. Can her landlord do this?

- \* **A. Yes, Tabitha is violating her lease by disrupting other tenants and causing a nuisance.**
- \* **B. No, Tabitha is protected from discrimination under VAWA.**



# What Can Discrimination Look Like?

- \* Manager asking about a disability (unless tenant is requesting an accommodation or applying for housing that gives priority to people with disabilities)
- \* A refusal to reasonably accommodate for disability
- \* Asking tenant to provide more documentation than is necessary to verify a disability/need for accommodation
- \* Asking a disabled person to prove ability to live independently





# How do our clients access Bay Legal?

- \* Please don't hesitate to refer! There are many strict and fast deadlines.
- \* **Refer housing cases by emailing [cccmlp@baylegal.org](mailto:cccmlp@baylegal.org)**
- \* Abby Khodayari:  
[akhodayari@baylegal.org](mailto:akhodayari@baylegal.org)

