



CITY OF ALAMEDA FAIR HOUSING WORKSHOP

APRIL 19, 2022

PRESENTER: LISA GREIF, BAY AREA LEGAL AID



BAY AREA LEGAL AID

WORKING TOGETHER FOR JUSTICE

BAY AREA LEGAL AID PROVIDES FREE LEGAL SERVICES TO ELIGIBLE LOW-INCOME RESIDENTS IN THE BAY AREA

Housing Preservation And Homelessness Prevention

- Landlord-tenant Matters
- Eviction Defense
- Fair Housing and discrimination
- Subsidized Housing Issues

Domestic Violence And Sexual Assault Prevention

- Restraining Orders
- Family Law
- Domestic Violence Related Immigration

Immigration

- Services for Immigrant Survivors of Domestic Violence and Sexual Assault

Economic Justice

- Public Safety Net Programs

Health Consumer Center

- Health Care Access
- Public Health Insurance Programs
- Health Consumer Issues

Consumer Law

- Debtor's Rights
- Fair Credit Reporting

Veterans Project

- Wrap-around services

Youth Justice Project

- Wrap-around services

WHO ARE SOME OF OUR CLIENTS?

- Low-income tenants in Alameda County facing challenges to housing stability, including improper housing denials, landlord harassment, different treatment and evictions because of:
 - Criminal background being used to screen housing applications
 - Retaliation for requesting needed repairs
 - Incidents of domestic violence
 - Immigration status
 - The need for a change to policy/procedure/rule because of a disability

TYPES OF DISCRIMINATION: INTENTIONAL OR DIRECT

- Intentional hostility or motivation to treat differently, either expressed or implied
- Policies which restrict or treat differently one class from renting or using a subsidy or staying housed

“We aren’t really set up to serve people like you.”

“Given how many kids you have, we really can’t rent to you.”

“English only.”

“I’m sorry, we have a no seniors policy. It’s all the stairs.”

TYPES OF DISCRIMINATION: DISPARATE IMPACT/EFFECT

- A policy which has a disproportionate impact – whether or not it can be proved to be intentional – on a protected group of people.

“We have a blanket policy - no felonies.”

“We’re only really looking for people from the neighborhood.”

“Sure, we take Section 8, but you need to make three times the rent in monthly income.”

REMEDIES: Advocacy letter, fair housing complaint, affirmative defenses to eviction

CRIMINAL HISTORY SCREENING

- California fair housing regulations 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 a conviction that has been sealed by the court, or
 - Any conviction that came from the juvenile justice system
- Regulations also prohibit landlords from having “blanket bans” on all applications with criminal histories

DOMESTIC VIOLENCE & DISPARATE IMPACT

- Policies punishing people for the actions of their abusers may be considered *disparate impact* because they disproportionately affect women.
- It is almost always unlawful to evict or otherwise punish a tenant for calling the cops.
- The Violence Against Women Act creates additional protections in certain kinds of housing.

“We have a zero-tolerance policy on violence. If anyone in your household is arrested for a violent crime I’m afraid we’ll have to evict you immediately.”

“I’m sorry, but it’s just been so disruptive having you here.”

DISCRIMINATION BASED ON IMMIGRATION STATUS

- Specific protections in California law add penalties for landlords who discriminate based on immigration status *or perceived immigration status*.

Landlords are prohibited from

- Asking a tenant about their immigration or citizenship status (unless to comply with federal government program, or other legal obligation)
- Requiring a tenant or prospective tenant to make a statement, representation, or certification about their immigration or citizenship status
- Disclosing any information relating to the immigration or citizenship status

“If you complain about the pipes again, I’m calling ICE.”

“I only accept tenants who have Social Security cards.”



REASONABLE ACCOMMODATION EXAMPLES

- When a person with a disability requests an exception to a policy, rule or lease term so that they can use and enjoy a dwelling

- Allowing time to reduce clutter
- Caregiver requests
- Parking space exceptions
- Having a service/emotional support animal

- Unit transfers
- Alternative dates/methods of payment of rent
- Extending time to vacate a unit/lease up
- Delay or dismissal of unlawful detainer (eviction)

REMEMBER: SELF-HELP EVICTIONS ARE ILLEGAL

- Landlords may not change locks or block a tenant from gaining reasonable access to their home with the intent of terminating the tenancy
- Landlords may not shut off utilities with the intent of terminating the tenancy
- Landlords may be liable for both civil and criminal penalties



HOW TO CONTACT BAY AREA LEGAL AID FOR FREE LEGAL ADVICE AND POSSIBLE REPRESENTATION:

LEGAL ADVICE LINE

(ALL PRACTICE AREAS)

1-800-551-5554

Monday -Thursday 9:30AM - 1PM

TENANTS RIGHTS LINE

(ALAMEDA COUNTY)

1-888-382-3405

Monday, Thursday & Friday 9:30AM – 12:30PM

Tuesday & Wednesday 1:00PM – 4:00PM

