

# HOUSING DISCRIMINATION, HARASSMENT, AND YOUR RIGHTS

Mariah Lindsay, California Women's Law Center

## AGENDA

- Introduction
- Discrimination in housing
  - Federal laws
  - State laws
- Sexual harassment in housing
- Domestic violence survivors and housing rights
- Reporting and complaints



# INTRODUCTION

- According to the National Fair Housing Alliance, there were 31,202 reported complaints of housing discrimination in 2018
  - This was the highest number ever reported since NFHA started collecting data in 1995
  - Data collected represents only a small portion of the estimated 4 million incidences of housing discrimination that occur each year
- Both the federal government and the California state government have tried to address these issues by enacted laws prohibiting discrimination in housing
  - Fair Housing Act (Federal)
  - Fair Employment and Housing Act (California)
  - Unruh Civil Rights Act (California)



DISABILITY



RACE



SEX



COLOR



NATIONAL  
ORIGIN



RELIGION



FAMILY  
STATUS

# DISCRIMINATION IN HOUSING

FEDERAL  
AND STATE  
LAWS

# FAIR HOUSING ACT

- Enforced by the U.S. Department of Housing and Urban Development's (HUD) Office of Fair Housing and Equal Opportunity (FHEO)
- Protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities.
- Prohibits discrimination based on:
  - Race
  - Color
  - National Origin
  - Religion
  - Sex
  - Familial Status
  - Disability

# CALIFORNIA'S FAIR EMPLOYMENT AND HOUSING ACT

- Enforced by the Department of Fair Employment and Housing (DFEH)
- Prohibits those engaged in the housing business – landlords, real estate agents, home sellers, builders, mortgage lenders, among others – from discriminating against tenants or homeowners
- Prohibits discrimination based on:
  - Race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information of that person



**THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

**THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING.**



"I DON'T FEEL SAFE IN MY HOME ANYMORE."  
"I'M SCARED!"  
"my landlord's comments are ALWAYS sexual."

"This isn't FAIR!"  
"I FEEL SO VIOLATED."  
"Who can I call?"

"I DON'T KNOW WHERE TO GO."  
"I Need Help!"  
"If I don't give in to the advances, I will get evicted!"

"Who will believe me?"  
"SEX FOR HOME REPAIRS IS WRONG."  
"I felt like I didn't have a CHOICE."

# CALL HUD

BECAUSE SEXUAL HARASSMENT IN HOUSING IS ILLEGAL.

1-800-669-9777 / 1-800-877-8339 TTY  
WWW.HUD.GOV

Fair Housing Awareness

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
EQUAL HOUSING OPPORTUNITY

HARASSMENT IN HOUSING BASED ON RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, OR FAMILY STATUS IS ILLEGAL. IF YOU BELIEVE YOU'VE EXPERIENCED DISCRIMINATORY HARASSMENT, CONTACT HUD TO REPORT IT.

# SEXUAL HARASSMENT IN HOUSING

## BACKGROUND: PROVIDING THE CONTEXT

- Women are vulnerable to sex discrimination and sexual harassment in all stages of housing transactions.
- Harassment can happen at any stage of a housing transaction
- Sex harassment in housing manifests in many pervasive ways, usually falling into five categories:
  - Abusive remarks
  - Unsolicited sexual behavior
  - Solicitation of sexual behavior by promise or award
  - Coercion of sexual activity by threat or punishment
  - Punishment upon rejection of sexual overtures
- Sex discrimination and sexual harassment disproportionately impacts women of color and women living with low incomes



# PROTECTIONS AGAINST SEXUAL HARASSMENT

- Under both the Fair Housing Act and California's Fair Employment and Housing Act, sexual harassment is a prohibited form of sex discrimination
- There are two main types of sexual harassment:
  - (1) quid pro quo sexual harassment; and
  - (2) hostile environment sexual harassment.



**You should never  
have to choose  
between housing  
and sexual  
harassment.**

1-844-380-6178    [fairhousing@usdoj.gov](mailto:fairhousing@usdoj.gov)



## REGINA CAHAN, 1987

“When sexual harassment occurs at work, at that moment or at the end of the workday, the woman may remove herself from the offensive environment. She will choose whether to resign from her position based on economic and personal considerations. In contrast, when the harassment occurs in a woman’s home, it is a complete invasion in her life. Ideally, home is the haven from the troubles of the day. When home is not a safe place, a woman may feel distressed and, often, immobile.”



**DOMESTIC  
VIOLENCE  
AND HOUSING  
RIGHTS**

## INTERSECTION OF DOMESTIC VIOLENCE & HOUSING

- A lack of safe and affordable housing is cited as one of the primary barriers to leaving an abusive partner
- Domestic violence is one of the leading causes of homelessness for women and their children.
  - More than 90 percent of homeless women experience severe physical or sexual abuse at some point in their lives
  - 63 percent have been victims of domestic or sexual violence



# CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 1161.3

- Under California Code of Civil Procedure Section 1161.3, a landlord is prohibited from evicting or otherwise forcing someone to move out because they are a victim of domestic violence, sexual assault, stalking, human trafficking, or elder abuse.
- The statute applies where
  - (1) You can provide proof of:
    - A restraining order;
    - A police report; or
    - Documentation from a qualified third party from which you are seeking assistance for resulting injuries
  - (2) The perpetrator of the violence does not live in the rented unit or property.

# SAFETY PLANNING - COVID19

## A GUIDE FOR SURVIVORS OF DOMESTIC VIOLENCE

### 1. BUDDY SYSTEM CODE WORD

Identify at least two people that you can contact with a "code word" to let them know if you are in trouble. Plan in advance what they should do if you send them the code word.

### 2. "SAFEST ROOM"

If there is an argument, identify an area of the home you can move to where there are no weapons and there are ways for you to leave the house, apartment, or building, such as a door or window to exit the house/apartment.

For some survivors, especially those quarantined at home with an abuser during coronavirus, no room may feel safe, so we call it the "safest rooms". If you can at least identify the lowest risk areas, you may be able to reduce harm.

### 3. PLANNING WITH CHILDREN

**CODE WORDS:** If you have children, decide how to communicate urgency with them. For example, one survivor would open her arms and her daughter knew that meant to come running to her for safety. Some survivors create a "code word" with their children that means they should go to the "safest room" in the home that you have already decided upon.

**EMERGENCY NUMBERS:** If for some reason you are not able to make emergency calls, give your children the safety number/s, if they are old enough.

### 4. NOTIFY THE POLICE BEFORE AN EMERGENCY

Ahead of time, you can notify your local police station of your concerns. Let them know the history and your concern of being in isolation due to coronavirus. It may be useful to speak with the Domestic Violence officer.

### 5. EXIT PLAN

In case you have to flee, create an exit plan ahead of time with someone who could support this need. Is there a trusted friend/relative who you can stay with, if needed?

### 6. SUPPLIES, FOOD & MEDICATION

Check your supplies and food. If you need food and do not have the money, check your local pantry, temple/church/mosque, etc., or other community organizations.

Remember to keep your medication in the safest, easily accessible location in case of emergency.

### 7. EMERGENCY BAG

Pack a bag with an extra set of keys, clothes for you and your children, a pay-as-you-go cellphone, medications, copies of important documents, etc.

### 8. IMPORTANT DOCUMENTS

Make copies or take pictures of your important documents for yourself and send them to a trusted friend or relative. (IDs, social security cards, immigration documents, birth certificates, health insurance information, and Orders of Protection) Be mindful of sending anything via phone or computer. Please use whatever method is safest for you.

### 9. SEEKING SOCIAL SUPPORT

With social distancing and quarantining, survivors can feel even more isolated, and abusers may use further isolation as a power and control tactic.

Identify trusted friends, relatives or online support groups where you can still connect virtually. If you have a friend who may be experiencing abuse, be sure to reach out to them even more during this time.

### 10. CREATE A "PEACEFUL SPACE"

If you cannot leave your home, try to create a "peaceful space" for yourself in your home (if that is safe for you). You can draw pictures of a more peaceful place and put them on a wall to help you take an emotional break to visualize a more peaceful place. This is also an activity you can do with your children. You can also write positive affirmations and put them up on the wall to remind yourself of your worth.

### 11. HOLDING ONTO YOUR PLAN

Consider keeping a list of your safety plan in your phone or wherever might be safe for you. Please consider what is safest for you.

If you choose to write your plan somewhere, consider listing only key words that help you remember the plan, but that would not be clear to your abuser. If this is not safe, try to memorize your plan, focusing on memorizing at least one key emergency number on your list of resources.

FOR MORE INFORMATION & RESOURCES, PLEASE VISIT

[sanctuaryforfamilies.org/safety-planning-covid19](https://sanctuaryforfamilies.org/safety-planning-covid19)



# UPDATES AND CONSIDERATIONS AMID COVID-19

- Access support from California-based domestic violence organizations: <https://www.cpedv.org/domestic-violence-organizations-california>
- 24/7 safety planning support via the hotlines
  - Local hotlines can be found using the searchable map linked above; or
  - The National Domestic Violence Hotline (thehotline.org): 1-800-799-SAFE (7233) or TTY 1-800-787-3224
- Sanctuary for Families in New York created a safety planning guide specifically for the COVID-19 pandemic that can be accessed at <https://sanctuaryforfamilies.org/wp-content/uploads/2020/03/Safety-Plan-Flyer.pdf>
- For more resources, visit <https://www.cpedv.org/post/information-about-coronavirus-covid-19-and-prevention> and <https://www.futureswithoutviolence.org/get-updates-information-covid-19/>

## ADDITIONAL RESOURCES

- Break the Cycle helps youth ages 12-24 in Los Angeles County who are survivors or are currently experiencing relationship abuse.
  - Call or text (424) 209-2532 (9am to 5pm)
- LA County DV Hotline
  - Call (800) 978-3600 (open 24 hours)
- National DV Hotline
  - Text LOVEIS to 22522 or Chat via [www.loveisrespect.org](http://www.loveisrespect.org)
  - Call (800) 799-7233 [TTY (800) 787-3224] (open 24 hours)
- Teen Line
  - Text TEEN to 839863 (peer counselors available 6-9pm); or
  - Visit [www.teenlineonline.org](http://www.teenlineonline.org)

FREE. 24/7. CONFIDENTIAL  
NATIONAL DOMESTIC VIOLENCE  
**HOTLINE**  
1(800) 799-7233



## REPORTING AND COMPLAINTS

# HOW TO FILE A COMPLAINT WITH HUD/FHEO

- Online
  - [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint)
- Email
  - You can download a form at the link above
  - Local FHEO office: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/contact\\_fheo](https://www.hud.gov/program_offices/fair_housing_equal_opp/contact_fheo)
- Phone
  - 1-800-669-9777 or 1-800-927-9275 for TTY.
  - You can also call your regional FHEO office at the phone numbers at the link above
- Mail
  - You can print out a form at the first link above and mail it to your regional FHEO office

Information from: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint)

**HUD Form 903 Online Complaint**

**Note:** The session timeout (the time you have to fill out and submit this form) has been set for 45 minutes. Please enter only the minimal information concerning your complaint. Additional details for your complaint will be collected by an investigator as needed in the future. If you have not submitted your complaint within the 45 minute time limit, your information will NOT be processed and you will have to re-enter your complaint. Enter your information.

Your housing discrimination complaint will be reviewed by a fair housing specialist to determine if it alleges acts that might violate the Fair Housing Act. The specialist will contact you for any additional information needed to complete this review. If your complaint involves a possible violation of the Fair Housing Act, the specialist will assist you in filing an official housing discrimination complaint.

**Enter your personal information.**

\*First Name:  \*Your Address:   
 \*Last Name:  \*City:  Daytime Phone No:   
 Email:  \*State:  Evening Phone No:   
 \*Zip Code:  Best Time to Call:

**Who else can we call if we cannot reach you?**

\*1. Contact's First Name:  \*Daytime Phone No:   
 \*Last Name:  Evening Phone No:   
 Organization:  Best Time to Call:

2. Contact's First Name:  Daytime Phone No:   
 Last Name:  Evening Phone No:   
 Organization:  Best Time to Call:

**Enter complaint information.**

\*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 available when in fact it was? Treated differently from others seeking housing? State briefly what happened. (4000 character limit)

**HOUSING DISCRIMINATION INFORMATION**  
 Departamento de Vivienda y Desarrollo Urbano Oficina de Derecho Equitativo a la Vivienda  
 U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity

**Instructions:** (Please type or print.) Read this form carefully. Try to answer all questions. If you do not know the answer or a question does not apply to you, leave the space blank. You have one year from the date of the alleged discrimination to file a complaint. Your form should be signed and dated.

Your Name:   
 Your Address:   
 City:  State:  Zip Code:   
 Best Time to Call:  Your Signature/Phone No:  Housing/Phone No:

**Who else can we call if we cannot reach you?**

Contact's Name:  Day/Time to Call:   
 Daytime Phone No:  Housing/Phone No:   
 Contact's Name:  Day/Time to Call:   
 Daytime Phone No:  Housing/Phone No:

**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 available when in fact it was? Treated differently from others seeking housing?  
 State briefly what happened.

Form HUD-903.1 (1/02) OMB Approval No. 2529-0011 (exp. 1/31/2011)

**HOUSING DISCRIMINATION INFORMATION**  
 Departamento de Vivienda y Desarrollo Urbano Oficina de Derecho Equitativo a la Vivienda  
 U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity

**2. Why do you think you are a victim of housing discrimination?**  
 It is because of you:  
 - 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.

**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?  
 Provide the address.

Address:   
 City:  State:  Zip Code:

**5. When did the last act of discrimination occur?**  
 Enter the date  /  /   
 Is the alleged discrimination continuing or ongoing? Yes  No

Signature:  Date:

Send this form to HUD or to the fair housing agency nearest you if you are unable to complete this form, you may call that office directly. See address and telephone listings on back page.

# HUD/FHEO COMPLAINT PROCESS

- Your complaint must be filed within one year of the last date of the alleged discrimination.
- After you file, FHEO will either investigate the complaint or refer the complaint to another agency to investigate.
- Once the investigation is complete, FHEO will determine whether reasonable cause exists to believe discrimination occurred.
  - If HUD determines that there is reasonable cause to believe that discrimination occurred, HUD will issue a Determination of Reasonable Cause and a Charge of Discrimination.
  - All complainants and respondents have 20 days after receiving notice of the Charge to decide whether to have the case tried before a Federal District Court judge. If no one does so, the case is heard by a HUD Administrative Law Judge (ALJ).
  - If HUD finds that there is no reasonable cause to believe that discrimination occurred, HUD will dismiss your complaint with a Determination of No Reasonable Cause.
- In some cases, HUD or the Department of Justice may take legal action to enforce the law.

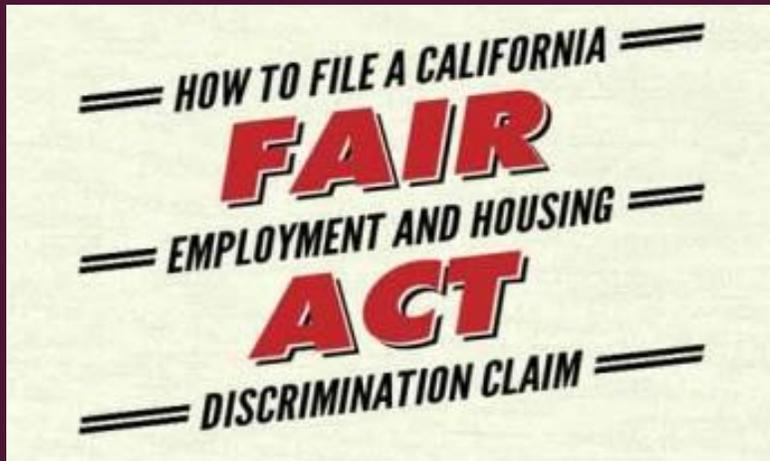
# HUD/FHEO COMPLAINT PROCESS: CIVIL ACTION IN FEDERAL COURT

- The U.S. Department of Justice will file a civil lawsuit on your behalf in the U.S. District Court in the district in which the discrimination allegedly occurred.
  - You also may choose to intervene in the case and retain your own attorney.
- Either party may request a jury trial, and both parties have the right to
  - appear in person;
  - be represented by legal counsel,;
  - present evidence;
  - cross-examine witnesses; and
  - participate in the discovery of evidence.
- If the Federal Court decides in your favor, a Judge or jury may order the following relief:
  - Compensation for actual damages
  - Permanent injunctive relief
  - Appropriate equitable relief
  - Reasonable attorney's fees
  - Punitive damages

# HUD/FHEO COMPLAINT PROCESS: HUD ADMINISTRATIVE LAW JUDGE HEARING

- All parties have the right to
  - appear in person,
  - be represented by legal counsel
  - present evidence
  - cross-examine witnesses
  - conduct discovery of evidence.
- HUD attorneys will be assigned to represent you during the ALJ hearing at no cost to you
  - You may also choose to intervene in the case and retain your own attorney.
- If the ALJ concludes a violation of the Fair Housing Act occurred, the following relief can be ordered:
  - Compensation for your actual damages
  - Permanent injunctive relief
  - Appropriate equitable relief
  - Reasonable attorney's fees
  - Civil penalty to vindicate the public interest

# HOW TO FILE A DFEH COMPLAINT



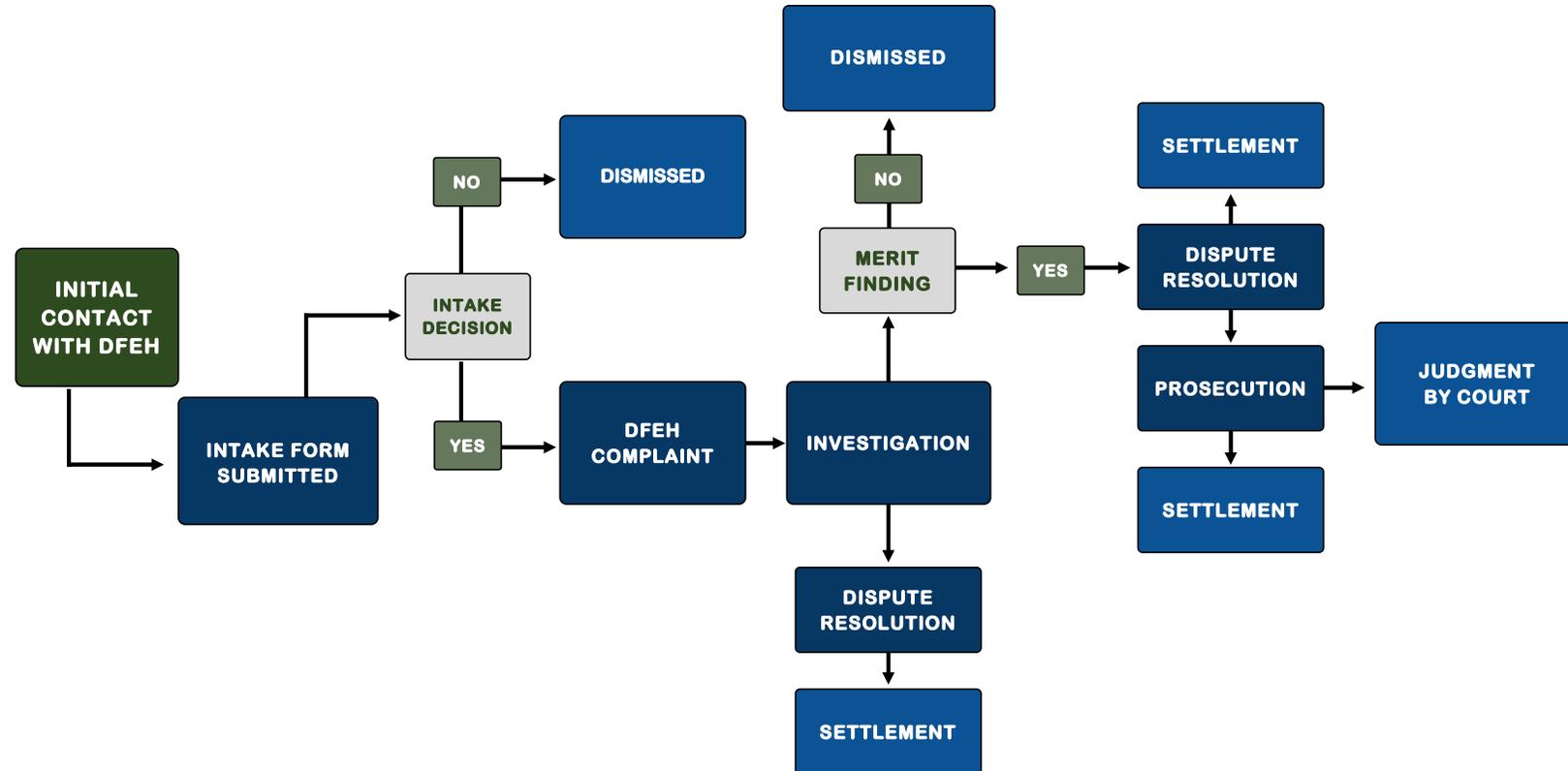
- Generally, a complaint of housing discrimination must be filed within one year after the date of the last discriminatory act.
- To file a complaint with DFEH, you must file an intake form
- To participate in the DFEH investigation process, DFEH says you will need the following:
  - The specific facts and any records about the incident(s)
  - Copies of any documents that support your complaint
- Once this information has been gathered, the intake form can be filed:
  - Online: <https://ccrs.dfeh.ca.gov/>
  - By mail: <https://www.dfeh.ca.gov/complaintprocess/>
  - By phone: 800-884-1684 (voice), 800-700-2320 (TTY), or California's Relay Service at 711
    - To find the contact information for your local office, visit <https://www.dfeh.ca.gov/locations/>

# DFEH COMPLAINT PROCESS

- DFEH will evaluate the facts and decide whether to accept the case for investigation.
  - If it does, DFEH will prepare a complaint form for your signature.
  - The signed complaint will be delivered to the person or entity that you believed discriminated against you.
- DFEH offers free dispute resolution services to encourage parties to resolve the complaint in appropriate cases.
- When parties can't resolve a complaint, the DFEH continues an investigation to determine if a violation of California law occurred.
- If DFEH finds there were probable violations of the law, the case moves into DFEH's Legal Division.
  - At that time, the parties are required to go to mediation.
- If mediation fails, DFEH may file a lawsuit in court.



# DEPARTMENT OF FAIR EMPLOYMENT & HOUSING COMPLAINT FLOWCHART



# FILE YOUR OWN CIVIL LAWSUIT

- You can also file a separate civil lawsuit
- Under both state and federal law, a civil lawsuit must be filed within two years of the date of the last discriminatory act
- If you already filed a complaint with HUD/FEHO or DFEH, the time in which HUD/FEHO or DFEH processes your complaint is not counted in the two-year filing period
  - Considerations when filing under federal law: While you can file a lawsuit with a complaint pending, you may not be able to file a lawsuit if you signed a HUD Conciliation Agreement or an Administrative Law Judge has commenced a hearing for your complaint.
- If interested in pursuing this route, contact an attorney well-versed in housing discrimination law.

# EVICTIONS IN LOS ANGELES DURING THE DECLARED EMERGENCY

- Mayor Garcetti has issued a moratorium on evictions for:
  - Nonpayment of rent for tenants who are unable to pay rent due to circumstances related to the COVID-19 pandemic
  - ‘No-fault evictions’ where any member of the household is ill, in isolation, or under quarantine.
  - Ellis Act evictions

# EVICCTIONS IN LOS ANGELES DURING THE DECLARED EMERGENCY CONTINUED

Los Angeles City Ordinance 186585 (effective March 31, 2020)

- Expands these protections to cover evictions based on the presence of unauthorized occupants, pets, or nuisance related to COVID-19
- Prohibits landlords/owners from charging interest or a late fee on rent not paid under the provisions of the ordinance
- Applies to notices “and unlawful detainer actions based on such notices, served or filed on or after” March 4, 2020, “the date on which a local emergency was proclaimed.”
- Does not eliminate the renter’s obligation to pay rent:
  - All back rent will be due twelve months after the local emergency period is lifted
- Protections in place until the expiration of the local emergency period
- For more information and resources, visit <https://hcidla2.lacity.org/covid-19-renter-protections>

# THANK YOU!

ANY QUESTIONS?

CONTACT CALIFORNIA WOMEN'S LAW CENTER:

TELEPHONE: 323-951-1041

EMAIL: [CWLC@CWLC.ORG](mailto:CWLC@CWLC.ORG)