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# WHAT IS FAIR HOUSING?



**EQUAL HOUSING  
OPPORTUNITY**

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## Fair Housing

### Investigations by HUD & FHAP

**11,281**

Complaints filed with HUD & Fair Housing Assistance Program Agencies  
(577 of which HUD conciliated)

**\$7,884,685**

Monetary relief in housing discrimination cases

Source: Office of Fair Housing and Equal Opportunity Annual Report to Congress, FY 2023

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## Fair Housing

Basis of Complaint	# of Complaints
Disability	5,128
Race	2,158
Retaliation	1,095
SEX (including sexual orientation and gender identity)	1,065
Familial Status	700
National Origin	699
Color	321
Religion	187

Source: Office of Fair Housing and Equal Opportunity Annual Report to Congress, FY 2023

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Fair Housing

Basis of Complaint	# of Complaints
Disability	744
Source of Income	269
Race	229
Sex/Gender	135
Familial Status (children)	102
National Origin (includes language restrictions)	99
Color	92

Source: California Civil Rights Department Annual Report, FY 2023

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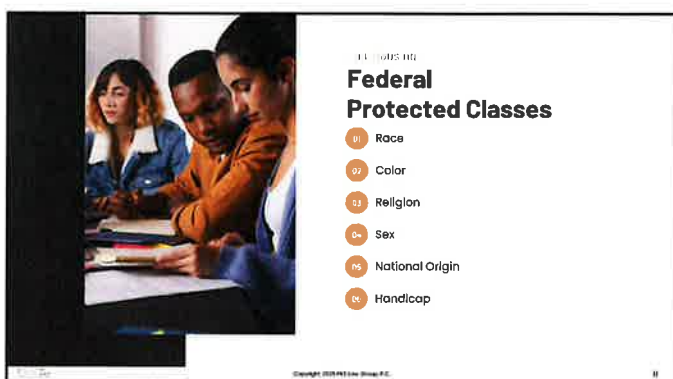
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Fair Housing

## State Protected Classes

- Gender, gender identity, gender expression
- Genetic Information
- Marital Status
- Medical Condition
- Familial Status
- Age
- Sexual orientation



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Fair Housing

## State Protected Classes

Source of Income

- Section 8
- Other Government Assistance
- Covid-19 Rental Debt



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Fair Housing

## State Protected Classes

- Citizenship
- Primary Language
- Immigration Status



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Exploring

## State Protected Classes

- 18 Arbitrary Discrimination
- 19 Perception
- 20 Association



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Exploring

## Local Protected Classes

- 01 San Francisco
- 02 Santa Cruz
- 03 Berkeley
- 04 Davis

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Exploring

## Screening & Rental Criteria

Written, non-discriminatory rental criteria, that is equally applied to all applicants.

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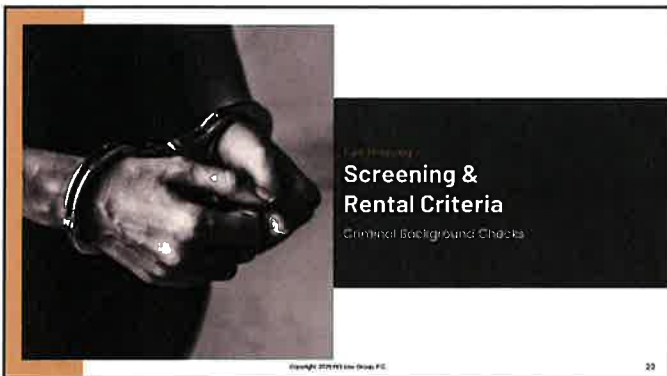
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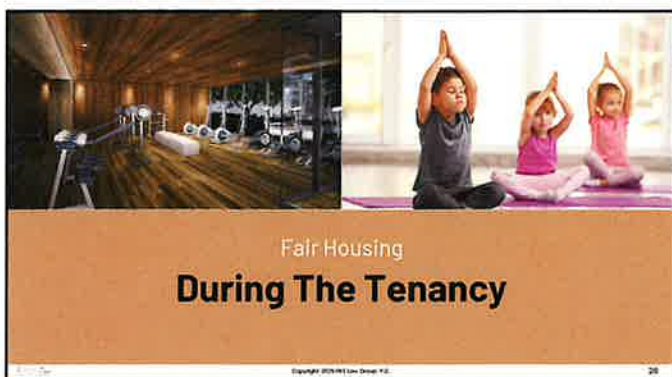
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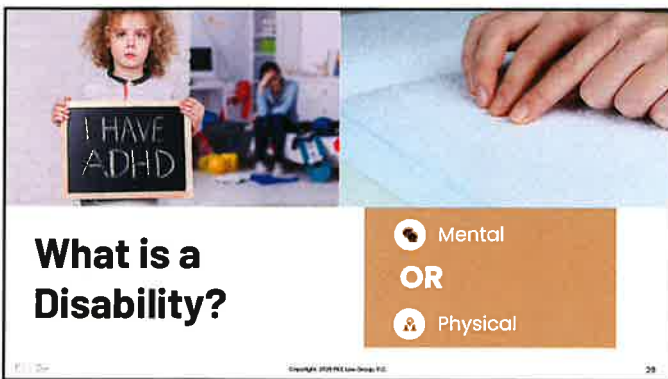
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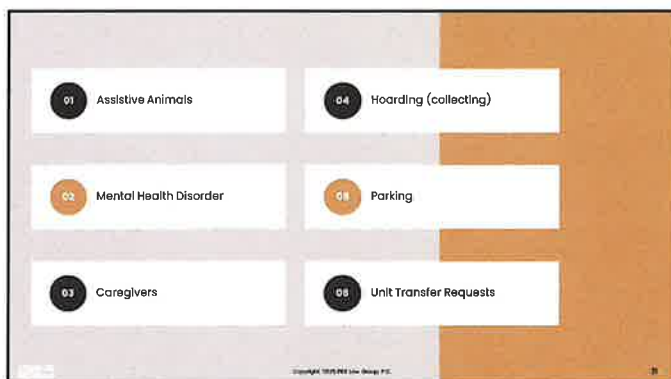
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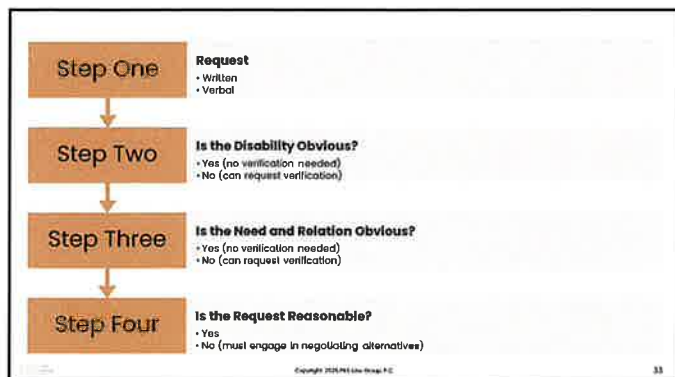
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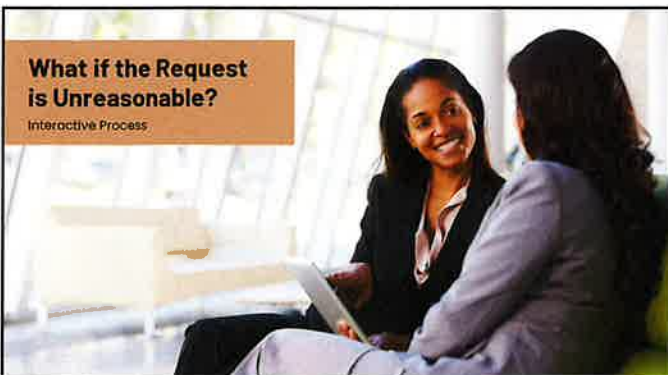
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### Emotional Support Animals - Health & Safety Code 122317 et seq.

Prohibit a licensed healthcare practitioner from providing documentation about an individual's need for an emotional support animal without establishing a client-provider relationship with the individual for at least 30 days prior to providing the documentation for an emotional support dog and also completing an in-person clinical evaluation of the individual who requests the emotional support dog.

New law should not be construed to restrict or change existing federal and state law related to a person's rights for reasonable accommodation and equal access to housing, as specified.

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Test Your Knowledge:

### Scenario One

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Test Your Knowledge:

### Scenario Two

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Test Your Knowledge:

### Scenario Three

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*File History*

### Service Animals

Under the ADA, "service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability."

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*File History*

### Service Animals

Examples:

- Guide dogs
- Signal dog
- Service dog
- Miniature horses
- Service animals in training

\*Service animals do not need to be professionally trained or certified but may be trained by the individual with a disability or another individual



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For Housing

## Service Animals

→ **Is the animal a dog?**

- If "yes," proceed to the next question
- If "no," the animal is not a service animal but may be another type of assistance animal for which a reasonable accommodation is needed

→ **Is it readily apparent that the dog is trained to do work or perform tasks for the benefit of an individual with a disability?**

- If "yes," further inquiries are unnecessary and inappropriate because the animal is a service animal.
- If "no" proceed to the next question

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For Housing

## Service Animals

→ **It is advisable for the housing provider to limit its inquiries to the following two questions:**

- Is the animal required because of a disability?
- What work or task has the animal been trained to perform?
  - Do not ask about the nature or extent of the person's disability
  - Do not ask for documentation

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For Housing

## Service Animals

→ **It is advisable for the housing provider to limit its inquiries to the following two questions:**

- Is the animal required because of a disability?
- What work or task has the animal been trained to perform?
  - If the answer to the to question (1) is "yes" and work or a task is identified in response to question (2), grant the requested accommodation, if otherwise reasonable, because the animal qualifies as a service animal.
  - If the answer to either question is "no" or "none," the animal does not qualify as service animal under federal law but may be a support animal other type of assistance animal that needs to be accommodated.

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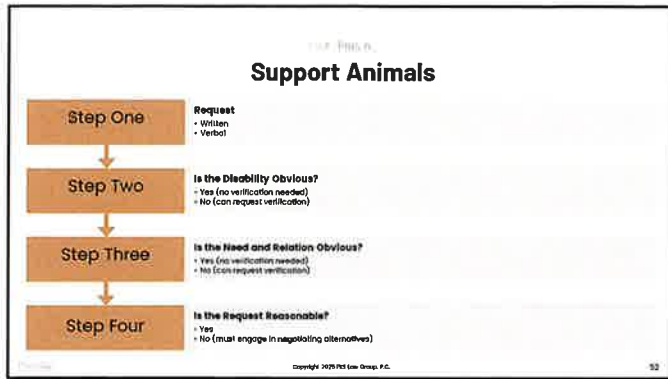
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Fair Housing  
**Support Animals**

➤ If the housing provider seeks additional information because:

- The individual does not have an observable disability and has failed to provide information that reasonably supports that the person seeking the accommodation has a disability OR
- If the individual requesting the accommodation has failed to provide information which reasonably performs tasks, provides assistance, and/or provides therapeutic emotional with respect to the individual's disability

Then direct the person to the guidance on Documenting an Individual's Need for Assistance Animals in Housing" (this document is found as an attachment) to HUD's January 28, 2020, guidance on Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act)

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Fair Housing  
**Type of Animal**

Is the animal commonly kept in households?

➊ If "yes," the reasonable accommodation should be provided under the FHA unless general exceptions exist

➋ If "no," as reasonable accommodation need not be provided (note there are some rare circumstances)

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Part 1 (Required)

## Type of Animal

Animals commonly kept in households:

- ▶ Dog
- ▶ Cat
- ▶ Small bird
- ▶ Rabbit
- ▶ Hamster
- ▶ Gerbil
- ▶ Other rodent
- ▶ Fish
- ▶ Turtle

Small domesticated animal that is traditional kept in the home rather than for commercial purposes



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Part 1 (Required)

## Type of Animal



Unique Animals:

- Reptiles (other than turtles)
- Barnyard animals
- Monkeys
- Kangaroos
- Other non-domesticated animals

If the individual is requesting to keep a unique type of animal that is not commonly kept in households as described above, then the requestor has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal. The individual is encouraged to submit documentation from a health care professional confirming the need for this animal, which includes information of the type set out in the Guidance on Documenting an Individual's Need for Assistance Animals in Housing. The housing provider should make a determination promptly, generally within 10 days of receiving documentation.

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Part 1 (Required)

## Type of Animal

A Unique Type of Support Animal

Source: Muscular Dystrophy Association



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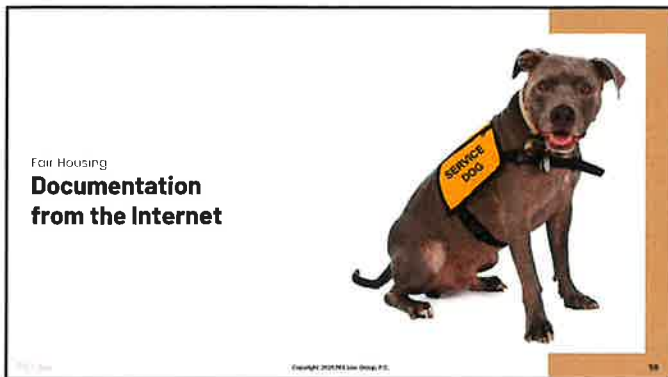
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### Assistance Animals

The assessment of whether the assistance animal poses a direct threat to the health or safety of others or would cause substantial physical damage to the property of others must consider:

- The nature, duration, and severity of the risk of a direct threat to the health or safety of others or of substantial physical damage to the property of others;
- The likelihood that a direct threat to the health or safety of others or substantial physical damage to the property of others will actually occur; and
- Whether there are any reasonable accommodations that will eliminate the direct threat to the health or safety of others or substantial physical damage to the property of others.

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### Hoarding (Collecting)

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### Mental Health Disorder

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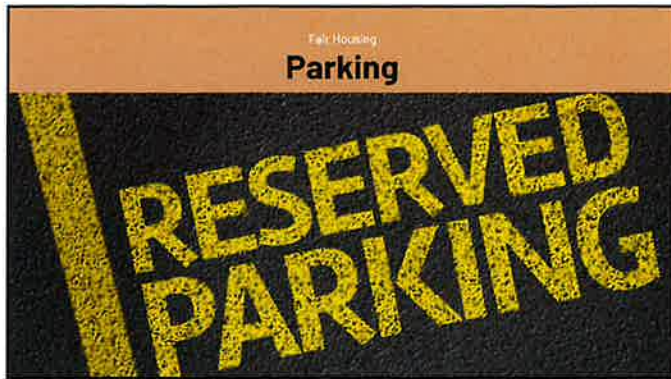
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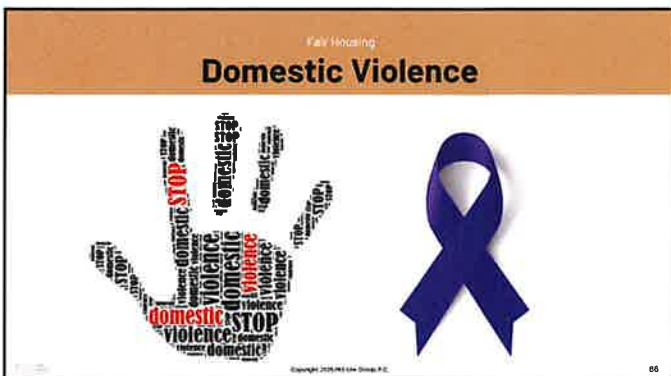
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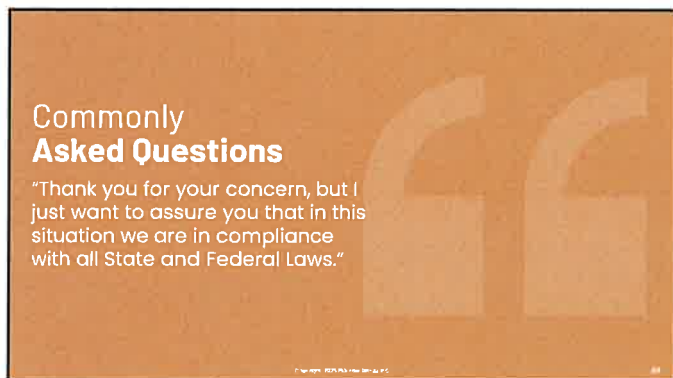
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