
From: Nathan Temiquel

Sent: Friday, August 9, 2019 5:30 PM

To: City Clerk <city.clerk@sanjoseca.gov>; Webmaster Manager <webmaster.manager@sanjoseca.gov>; Housing - CSJ <housing.csj@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; action@

Subject: Vote YES on proposed Housing Payment Equality Ordinance

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Arenas, Carrasco, Davis, Diep, Esparza, Foley, Jimenez, Khamis and Peralez,

I urge you to vote in favor of the proposed Housing Payment Equality Ordinance.

Rental subsidies and housing vouchers are critically important tools to help low-income residents find stable housing amidst our historic housing crisis. Yet, far too many landlords refuse to rent to tenants who receive subsidies or vouchers.

Prohibiting this type of discrimination is an important step towards ensuring that residents of all incomes are able to find safe and affordable housing in our community. Please vote yes on the proposed ordinance.

Thank you!

From: Jerry Strebis

Sent: Monday, August 12, 2019 2:13 PM

To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Diep, Lan <lan.diep@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Khamis, Johnny <johnny.khamis@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Subject: Keep section 8 voluntary

Dear Mayor Liccardo and the members of the City Council,

I am writing to you as a housing provider in the City of San Jose. We are concerned that the Housing Payment Equality Ordinance is complicated and problematic. As someone who owns rental property, I want to urge you to reconsider the mandated approach that this ordinance takes.

A housing voucher, such as those provided by the governmental bodies and nonprofits, carry a significant amount of compliance challenges. There are many owners who own and operate their properties that will find it difficult to carry the financial risk of having to accept vouchers but waiting weeks or months to receive rent checks, go through the inspection process and manage a tenant who operates by a different set of rules.

The naturally affordable units that many of the voucher holders will seek tend to be rent controlled units that are already subject to a litany of regulations. Please consider all of the laws San Jose has passed that impact these owners before you pass new ones.

Sincerely,

Jerry Strebis

From: branhamhouse@

Sent: Monday, August 12, 2019 1:36 PM

To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Diep, Lan <lan.diep@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Khamis, Johnny <johnny.khamis@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Subject: For Your Consideration - Housing Mandate

Dear Mayor Liccardo and the members of the City Council,

I am writing to you as a housing provider in the City of San Jose.

We are concerned that the Housing Payment Equality Ordinance is complicated and problematic. As someone who owns rental property, I want to urge you to reconsider the mandated approach that this ordinance takes.

A housing voucher, such as those provided by the governmental bodies and nonprofits, carry a significant amount of compliance challenges.

There are many owners who own and operate their properties that will find it difficult to carry the financial risk of having to accept vouchers but waiting weeks or months to receive rent checks, go through the inspection process and manage a tenant who operates by a different set of rules.

The naturally affordable units that many of the voucher holders will seek tend to be rent controlled units that are already subject to a litany of regulations.

Please consider all of the laws San Jose has passed that impact these owners before you pass new ones.

Thank you.

Sincerely,

Juanita Padilla

Assistant Community Manager

Branham House Apartments

From: Stacey Fong

Sent: Monday, August 12, 2019 1:34 PM

To: City Clerk <city.clerk@sanjoseca.gov>; Webmaster Manager <webmaster.manager@sanjoseca.gov>; Housing - CSJ <housing.csj@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; action@

Subject: Vote YES on proposed Housing Payment Equality Ordinance

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Arenas, Carrasco, Davis, Diep, Esparza, Foley, Jimenez, Khamis and Peralez,

I live and work in Sacramento, for the local CoC and understand how crucial housing people with vouchers can be. Homelessness can be a complex issue and ensuring landlords are not discriminating against someone with a housing voucher is a critical step towards helping prevent further homelessness. You can help set the example for cities throughout the state.

Please vote yes on the proposed ordinance.

Thank you,
Stacey

From: Marcus Contro

Sent: Monday, August 12, 2019 1:14 PM

To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Diep, Lan <lan.diep@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Khamis, Johnny <johnny.khamis@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Subject: San Jose Section 8 Mandate

Dear Mayor Liccardo and the members of the City Council,

I am writing to you as a housing provider in the City of San Jose. We are concerned that the Housing Payment Equality Ordinance is complicated and problematic. As someone who owns rental property, I want to urge you to reconsider the mandated approach that this ordinance takes.

A housing voucher, such as those provided by governmental bodies and nonprofits, carries a significant number of compliance challenges. There are many owners who own and operate their properties that will find it difficult to carry the financial risk of having to accept vouchers but waiting weeks or months to receive rent checks, going through the inspection process and managing a tenant who operates by a different set of rules.

The naturally affordable units that many of the voucher holders will seek tend to be rent controlled units that are already subject to myriad regulation. Please consider all of the laws San Jose has passed that impact these owners before you pass new ones.

Sincerely,
Marcus Contro

From: Gregory Kepferle

Sent: Monday, August 12, 2019 4:39 PM

To: City Clerk <city.clerk@sanjoseca.gov>; Webmaster Manager <webmaster.manager@sanjoseca.gov>; Housing - CSJ <housing.csj@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; action@

Subject: Vote YES on proposed Housing Payment Equality Ordinance

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Arenas, Carrasco, Davis, Diep, Esparza, Foley, Jimenez, Khamis and Peralez,

I urge you to vote in favor of the proposed Housing Payment Equality Ordinance.

Rental subsidies and housing vouchers are critically important tools to help low-income residents find stable housing amidst our historic housing crisis. Yet, far too many landlords refuse to rent to tenants who receive subsidies or vouchers.

Prohibiting this type of discrimination is an important step towards ensuring that residents of all incomes are able to find safe and affordable housing in our community. Please vote yes on the proposed ordinance.

Thank you!

Sincerely,

Gregory Kepferle, CEO
Catholic Charities of Santa Clara County
and
President, Charities Housing Development Corporation

From: Kerry Lao

Sent: Monday, August 12, 2019 4:33 PM

To: City Clerk <city.clerk@sanjoseca.gov>; Webmaster Manager <webmaster.manager@sanjoseca.gov>; Housing - CSJ <housing.csj@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; action@

Cc: Kerry Lao

Subject: Vote YES on proposed Housing Payment Equality Ordinance

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Arenas, Carrasco, Davis, Diep, Esparza, Foley, Jimenez, Khamis and Peralez,

This message is in support of the Housing Payment Equality Ordinance.

As a social worker at a local non-profit, I partner with survivors of domestic violence, human trafficking, and sexual assault who are experiencing homelessness due to the violence committed against them. San Jose has made great strides in providing survivors with financial resources to help them build a safer life for themselves and their families, but unfortunately, they face the same barriers that many other homeless citizens face – a lack of affordable housing and discrimination based on how they can pay rent. Survivors are often forced to choose between homelessness and returning to a home where they will be further abused because there is often no other option. This is in large part because landlords see a subsidy or voucher as a red flag, a sign that someone is unworthy of a home, an indicator of poverty, something hard and scary to look at head-on.

'the true measure of any society can be found in how it treats its most vulnerable members' - Mahatma Gandhi

Our agency has been fortunate to join the City of San Jose and others in the effort to house our homeless neighbors, but until landlords join us – enthusiastically or by ordinance – we cannot make the difference this city needs. Rental subsidies and housing vouchers are a critical to making sure that survivors of violence can find safety in their home, and you have the opportunity to ensure that these financial resources can be put to good use.

Please vote to prohibit this kind of discrimination. Please vote yes on the proposed ordinance.

Thank you,

Kerry Lao, ASW

From: Margarita

Sent: Monday, August 12, 2019 4:21 PM

To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Diep, Lan <lan.diep@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Khamis, Johnny <johnny.khamis@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Subject: Against City Ordinance

Dear Mayor Liccardo and the members of the City Council,

I am writing to you as a housing provider in the City of San Jose. We are concerned that the Housing Payment Equality Ordinance is complicated and problematic. As someone who owns rental property, I want to urge you to reconsider the mandated approach that this ordinance takes.

A housing voucher, such as those provided by the governmental bodies and nonprofits, carry a significant amount of compliance challenges. There are many owners who own and operate their properties that will find it difficult to carry the financial risk of having to accept vouchers but waiting weeks or months to receive rent checks, go through the inspection process and manage a tenant who operates by a different set of rules.

The naturally affordable units that many of the voucher holders will seek tend to be rent controlled units that are already subject to a litany of regulations. Please consider all of the laws San Jose has passed that impact these owners before you pass new ones.

Sincerely,
Margarita Garcia

From: Huy Tran <huyngoctran@gmail.com>

Sent: Tuesday, August 13, 2019 1:06 PM

To: District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Le, Candace <candace.le@sanjoseca.gov>

Subject: Housing Payment Equality Ordinance Comments

Esteemed Councilmembers,

It is no secret that we are in a housing crisis in San José. Now is not the time to upend programs that keep residents in their homes.

When a single person making \$66,000 a year or a family of four earning \$94,000 is considered low-income, the ability of working families to thrive is greatly diminished. Housing is the greatest cost that San José families now face. In Berryessa, which has traditionally been viewed as middle-class neighborhoods, recent data shows that more than a quarter of the families that rent in Berryessa are spending over half of their monthly income on rent. These skyrocketing costs are the main reason families are also being displaced.

Housing vouchers, such as Section 8, are one of the few programs that directly helps to alleviate housing costs. These vouchers are lifelines to the families that are trying to care for themselves and ensure that they remain housed. A June 6, 2019 memo by Housing Department Director Jackie Morales-Ferrand found that voucher holders in San José are disproportionately disabled, female head of households, formerly homeless, or people of color. Vouchers keep families housed, but especially vulnerable populations that may not have the opportunity to earn better wages.

Despite the fact that these vouchers are crucial to the ability of the holders to stay housed, many landlords refuse to even consider tenants who need housing vouchers to afford the sky-high rents in San José right now. This is unacceptable. The families most at risk of becoming homeless are the ones being denied even when they get the financial support they need to prevent being homelessness in the first place.

I understand the concerns landlords regarding how housing voucher programs run and how payments can be delayed. These concerns should be addressed in partnership with the agencies that provide the housing vouchers because significant delays in payment impact the ability of landlords to pay their own bills. However, that cannot be prioritized over housing the families that would otherwise get were they not dependent on these vouchers.

Homelessness has boomed 42% in the past two years, and we have a ready solution on hand to prevent more families from becoming unhoused. I strongly urge you to enact the Housing Payment Equality Ordinance.

Huy Tran

From: jburnette@firesiderealty.com <jburnette@firesiderealty.com>

Sent: Tuesday, August 13, 2019 2:48 PM

To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Diep, Lan <lan.diep@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Khamis, Johnny <johnny.khamis@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Subject: Section 8 Vouchers

Dear Mayor Liccardo and the members of the City Council,

I am writing to you as a housing provider in the City of San Jose. We are concerned that the Housing Payment Equality Ordinance is complicated and problematic. As someone who owns rental property, I want to urge you to reconsider the mandated approach that this ordinance takes.

A housing voucher, such as those provided by the governmental bodies and nonprofits, carry a significant amount of compliance challenges. There are many owners who own and operate their properties that will find it difficult to carry the financial risk of having to accept vouchers but waiting weeks or months to receive rent checks, go through the inspection process and manage a tenant who operates by a different set of rules.

The naturally affordable units that many of the voucher holders will seek tend to be rent controlled units that are already subject to a litany of regulations. Please consider all of the laws San Jose has passed that impact these owners before you pass new ones.

Sincerely,

Gerald "Jerry" Burnette
Broker Associate, Fireside Realty
Ph/Fax (408) 371-4888
Cell/text (408) 221-8364
CalBRE #00385735

From: Chris Benjamin [<mailto:chrisbenj85@gmail.com>]

Sent: Tuesday, August 13, 2019 1:35 PM

To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>

Subject: Lawful Source of Income (Section 8 Anti Discrimination)

Hello,

I urge you to pass the bill that is on the table to voted in regards to Section 8. Lots of landlords are denying housing to low income renters and homeless persons. Additionally, please make sure their is an enforcement portion for tenants and rental applicants to hold landlords accountable who deny them Section 8.

Attached are some resources to assist you from the DC Office of Human Rights.

Thank you,

look forward to hearing from you and I hope you vote for this bill. Homelessness in California and Florida is terrible.

<062812 DC INFORM_SOI 3 625x8 (2).pdf>

<FairHousingoster_2016.pdf>

<FairAndInclusiveWebinarScript_English.pdf>

<ProtectedTraitsDC_Sept2017.pdf>

<LawsAndRegs-HumanRightsAct-1977-English.pdf>

The DC Office of Human Rights enforces the DC Human Rights Act, which makes discrimination illegal based on 20 protected traits for people that live, visit or work in the District of Columbia. The DC Human Rights Act prohibits discrimination in *housing, employment, public accommodations and educational institutions*.

Protected Traits for Housing, Employment, Public Accommodations and Educational Institutions include:

1. **Race:** classification or association based on a person's ancestry or ethnicity
2. **Color:** skin pigmentation or complexion
3. **Religion:** a belief system which may or may not include spirituality
4. **National origin:** the country or area where one's ancestor's are from
5. **Sex:** a person's gender; includes sexual harassment and a woman's right to breastfeed
6. **Age:** 18 years or older
7. **Marital status:** married (same-sex or opposite-sex), single, in a domestic partnership, divorced, separated, and widowed
8. **Personal appearance:** outward appearance, but is subject to business requirements or standards
9. **Sexual orientation:** homosexuality, heterosexuality, and bisexuality
10. **Gender identity or expression:** your gender-related identity, behavior, appearance, expression or behavior which is different from what you are assigned at birth
11. **Family responsibilities:** supporting a person in a dependent relationship, which includes, but is not limited to, your children, grandchildren and parents.
12. **Political affiliation:** belonging to or supporting a political party
13. **Disability:** a physical or mental impairment substantially limiting one or more major life activities (includes HIV/AIDS)

Additional Traits Applicable to Some Areas include:

14. **Matriculation (applies to housing, employment and public accommodations):** being enrolled in a college, university or some type of secondary school.
15. **Familial Status (applies to housing, public accommodations and educational institutions):** a parent or guardian with children under 18
16. **Source of Income (applies to housing, public accommodations and educational institutions):** origination of a person's finances
17. **Genetic information (applies to employment and public accommodations):** Your DNA or family history which may provide information as to a person's predisposition or likely to come down with a disease or illness.
18. **Place of Residence or Business (applies to housing and public accommodations):** geographical location of home or work
19. **Status as a Victim of an Intrafamily Offense (applies to housing):** a person who was subjected to domestic violence, sexual assault and stalking
20. **Credit Information* (applies to employment):** any written, verbal or other communication of information bearing on an employee's creditworthiness, credit standing, credit capacity or credit history.

**Enforcement of this protected trait becomes effective October 1, 2017.*

Please note that these definitions are not exhaustive.

Updated September 11, 2017.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF HUMAN RIGHTS**



HUMAN RIGHTS ACT OF 1977

As Amended March 14, 2007

**Title 2, Chapter 14 - Human Rights
District of Columbia Code**

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UNIT A. HUMAN RIGHTS LAW

SUBCHAPTER I. GENERAL PROVISIONS

§ 2-1401.01. Intent of Council.

It is the intent of the Council of the District of Columbia, in enacting this chapter, to secure an end in the District of Columbia to discrimination for any reason other than that of individual merit, including, but not limited to, discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, and place of residence or business.

§ 2-1401.02. Definitions.

The following words and terms when used in this chapter have the following meanings:

- (1) “Administrative Procedure Act” means the “District of Columbia Administrative Procedure Act,” (§ 2-501 et seq.).
- (2) “Age” means 18 years of age or older.
- (3) “Chairman” means the duly appointed Chairman of the District of Columbia Commission on Human Rights.
- (4) “Commission” means the District of Columbia Commission on Human Rights. As established by Commissioner’s Order No. 71-224, dated July 8, 1971.
- (5) “Council” means the Council of the District of Columbia as established by 1-204.01(a).
- (5A) “Disability” means a physical or mental impairment that substantially limits one or more of the major life activities of an individual having a record of such an impairment or being regarded as having such an impairment.
- (6) “Director” means the Director of the District of Columbia Office of Human Rights, or a designate.
- (7) “District” means the District of Columbia.
- (8) “Educational institution” means any public or private institution including an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system or university; and a business, nursing, professional, secretarial, technical, or vocational school; and includes an agent of an educational institution.

- (9.) “Employee” means any individual employed by or seeking employment from an employer.
- (10.) “Employer” means any person who, for compensation, employs an individual, except for the employer’s parent, spouse, children or domestic servants, engaged in work in and about the employer’s household; any person acting in the interest of such employer, directly or indirectly; and any professional association.
- (11.) “Employment agency” means any, person regularly undertaking or attempting, with or without compensation, to procure employees for an employer or to procure for employees, opportunities to work for an employer, and includes an agent of such a person.
- (11A) “Familial status” means one or more individuals under 18 years of age being domiciled with: (1) a parent or other person having legal custody of the individual; or (2) the designee, with written authorization of the parent, or other persons having legal custody of individuals under 18 years of age. The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or in the process of securing legal custody of any individual under 18 years of age.
- (11B) “Family member” means, with respect to an individual and genetic information, the spouse of the individual, dependent child (whether born or placed for adoption with the individual), and all other individuals related by blood to the individual, spouse, or child.
- (12.) “Family responsibilities” means the state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of their number, including the state of being the subject of an order of withholding or similar proceedings for the purpose of paying child support or a debt related to child support.
- (12A) “Gender Identity or expression” means a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual’s assigned sex at birth.
- (12A-1) “Genetic information” means information about the presence of any gene, chromosome, protein, or certain metabolites that indicate or confirm that an individual or an individual’s family member has a mutation or other genotype that is scientifically or medically believed to cause a disease, disorder, or syndrome, if the information is obtained from a genetic test.
- (12B) “Genetic test” means an analysis of human chromosomes, genes, gene products, or genetic information that is used to identify the presence of absence of inherited or congenital alterations in genetic material that are associated with disease or illness. A genetic test shall not include a test for the presence of illegal drugs, routine physical measurements, or chemical, blood or urine analysis, unless conducted purposefully to obtain genetic information.
- (12C) “Health benefit plan” means any accident and health insurance policy or certificate, hospital and medical services corporation contract, health maintenance organization subscriber contract, plan provided by a multiple employer welfare arrangement, or plan provided by another benefit arrangement. The term “health care benefit plan” does not mean accident only, credit or disability insurance; coverage of Medicare services or federal employee benefit plans, pursuant to contracts with the United States government; Medicare supplemental or long-term care insurance; dental only or vision only insurance; specified disease insurance; hospital confinement indemnity coverage; limited benefit health coverage; coverage issued as

supplemental to liability insurance, insurance arising out of workers compensation or similar law; automobile medical payment insurance; medical expense and loss of income benefits; insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance; or life insurance.

- (12D) “Health insurer” means any person that provides one or more health benefits plans, or insurance in the District of Columbia, including an insurer, a hospital and medical services corporation, a fraternal benefits society, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner of the Department of Insurance, Securities, and Banking.
- (13.) “Hearing tribunal,” mean members of the Commission, or one (1) or more hearing examiners, appointed by the Commission to conduct a hearing.
- (14.) “Housing business”, means a business operated under the authority of a license issued by the Mayor, or other authorized District agent, pursuant to § 47-2828 and the regulations promulgated thereunder.
- (14A) “Intrafamily offense” means an offense as defined in D.C. Official Code §16-1001 (5).
- (15.) “Labor organization” means any organization, agency, employee representation committee, group, association, or plan in which employees participate directly or indirectly; and which exists for the purpose, in whole or in part, of dealing with employers, or any agent thereof, concerning grievances, labor disputes, wages, rates of pay, hours, or other terms, conditions, or privileges of employment; and any conference, general committee, joint or system board, or joint council, which is subordinate to a national or international organization.
- (16.) “Make public” means disclosure to the public or to the news media of any personal or business data obtained during the course of an investigation of a complaint filed under the provisions of this chapter, but not to include the publication of EEO-1, EEO-2, or EEO-3 reports as required by the Equal Employment Opportunity Commission, or any other data in the course of any administrative or judicial proceeding under Title VII of the Civil Rights Act of 1964 involving such information; nor shall it include access to such data by staff or the Office of Human Rights, members of the Commission on Human Rights, or parties to a proceeding, nor shall it include publication of aggregated data from individual reports.
- (17.) “Marital status” means the state of being married, in a domestic partnership, single, divorced, separated, or widowed and the usual conditions associated therewith, including pregnancy or parenthood.
- (18.) “Matriculation” means the condition of being enrolled in a college, or university; or in a business, nursing, professional, secretarial, technical or vocational school; or in an adult education program.
- (19.) “Office” means the District of Columbia Office of Human Rights, as established by Commissioner’s Order No. 71-224, dated July 8, 1971, as amended.
- (20.) (A) “Owner” means 1 of the following:

- (i) Any person, or any one of a number of persons in whom is vested all or any part of the legal or equitable ownership, dominion, or title to any real property;
 - (ii) The committee, conservator, or any other legal guardian of a person who for any reason is non sui juris, in whom is vested the legal or equitable ownership, dominion or title to any real property; or
 - (iii) A trustee, elected or appointed or required by law to execute a trust, other than a trustee under a deed of trust to secure the payment of money; or one who, as agent of, or fiduciary, or officer appointed by the court for the estate of the person defined in sub-subparagraph (i) of this subparagraph shall have charge, care or control of any real property.
- (B) The term “owner” shall also include the lessee, the sublessee, assignee, managing agent, or other person having the right of ownership or possession of, or the right to sell, rent or lease, any real property.
- (21.) “Person” means any individual, firm, partnership, mutual company, joint-stock company, corporation, association, organization, unincorporated organization, labor union, government agency, incorporated society, statutory or common-law trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, trustee in bankruptcy, committee, assignee, officer, employee, principal or agent, legal or personal representative, real estate broker or salesman or any agent or representative of any of the foregoing.
- (22.) “Personal appearance” means the outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress, and manner style of personal grooming, including, but not limited to, hair style and beards. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed standards, when uniformly applied for admittance to a public accommodation, or when uniformly applied to a class of employees for a reasonable business purpose; or when such bodily conditions or characteristics, style or manner of dress or personal grooming presents a danger to the health, welfare or safety of any individual.
- (23.) Repealed.
- (24.) “Place of public accommodation” means all places included in the meaning of such terms as inns, taverns, road houses, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest; restaurants or eating houses, or any place where food is sold for consumption on the premises; buffets, saloons, barrooms, or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectioneries, soda fountains; and all stores where ice cream, ice and fruit preparation or their derivatives, or where beverages of any kind are retailed for consumption on the premises, wholesale and retail stores, and establishments dealing with goods or services of any kind, including, but not limited to, the credit facilities thereof, banks, savings and loan associations, establishments of mortgage bankers and bankers, all other financial institutions, and credit information bureaus; insurance companies and establishments of insurance policy brokers; dispensaries, clinics, hospitals, bath-houses, swimming pools, laundries and all other cleaning establishments; barber shops, beauty parlors, theaters, motion picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, trailer camps, resort camps, fairs, bowling alleys, golf courses, gymnasiums, shooting

galleries, billiards and pool parlors; garages, all public conveyances operated on land or water or in the air, as well as the stations terminals thereof; travel or tour advisory services, agencies or bureaus; public halls and public elevators of buildings and structures, occupied by 2 or more tenants, or by the owner and 1 or more tenants. Such term shall not include any institution, club, or place of accommodation, which is in its nature distinctly private except, that any such institution, club or place of accommodation shall be subject to the provisions of § 2-1402.67. A place of accommodation, institution, or club shall not be considered in its nature distinctly private if the place of accommodation, institution, or club:

- (A) Has 350 or more members;
 - (B) Serves meals on a regular basis; and
 - (C) Regularly receives payment for dues, fees, use of space, facilities, services, meals, or beverages directly or indirectly from or on behalf of nonmembers for the furtherance of trade or business.
- (25.) “Political affiliation” means the state of belonging to or endorsing any political party.
- (26.) “Real estate broker (or salesperson)” means any person licensed as such in accordance with the provisions of Chapter 17 of Title 42.
- (27.) “Real Estate Commission” means the Real Estate Commission of the District of Columbia established by § 42-1739.
- (28.) “Sexual orientation” means male or female homosexuality, heterosexuality and bisexuality, by preference or practice.
- (29.) “Source of income” means the point, the cause, or the form of the origination, or transmittal of gains of property accruing to a person in a stated period of time; including, but not limited to money and property secured from any occupation, profession or activity, from any contract, agreement or settlement, from federal payments, court-ordered payments, from payments received as gifts, bequests, annuities, life insurance policies and compensation for illness or injury, except in a case where conflict of interest may exist.
- (30.) “Transaction in real property” means the exhibiting, listing, advertising, negotiating, agreeing to transfer or transferring, whether by sale, lease, sublease, rent, assignment or other agreement, any interest in real property or improvements thereon, including, but not limited to, leaseholds and other real chattels.
- (31.) “Unlawful discriminatory practice” means those discriminatory practices, which are so specified in subchapter II of Unit A of this chapter. “Unlawful discriminatory practice” shall include harassment engaged in for discriminatory reasons specified in section 211(a) [§2-1402.11]

§ 2-1401.03. Exceptions.

- (a) Any practice which has a discriminatory effect and which would otherwise be prohibited by this chapter shall not be deemed unlawful if it can be established that such practice is not intentionally devised or operated to contravene the prohibitions of this chapter and can be justified by business necessity. Under this chapter, a “business necessity” exception is applicable only in each individual case where it can be proved by a respondent that, without such exception, such business cannot be conducted; a “business necessity” exception cannot be justified by the facts of increased cost to business, business efficiency, the comparative characteristics of one group as opposed to another, the stereotyped characterization of one group as opposed to another, and the preferences of co-workers, employers, customers or any other person. The business necessity exemption is inapplicable to complaints of unlawful discrimination in residential real estate transactions and to complaints alleging violations of the Fair Housing Act, approved April 11, 1968 (42 U.S.C. § 3601 et seq.) (“FHA”).
- (b) Nothing in this chapter shall be construed to bar any religious or political organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious or political organization, from limiting employment, or admission to or giving preference to persons of the same religion or political persuasion as is calculated by the organization to promote the religious or political principles for which it is established or maintained.
- (c) Nothing in this chapter shall be construed to supersede any federal rule, regulation or act.
- (d) Nothing in this chapter shall prohibit any religious organization, association, or society or non-profit organization which is operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sales, rental or occupancy of housing accommodations which it owns or operates for other than a commercial purpose to members of the same religion or organization, or from giving preference to these persons, unless the entity restricts its membership on the basis of race, color, or national origin. This chapter does not prohibit a private club, not open to the public, which incident to its primary purpose, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of these lodgings to its members or from giving preference to its members.
- (e) Nothing in this act shall prohibit an employer, an employment agency, or a labor organization from seeking, obtaining, or using genetic information to

determine the existence of a bona fide occupational qualification reasonably necessary for the normal operation of an employer's business or enterprise; provided, that the employee or applicant for employment provides, in writing, his or her informed consent, the genetic information is provided to the employee or applicant for employment in writing as soon as it is available, and the genetic information is not disclosed to any other person.

(f) Nothing in this act shall prohibit an employer from seeking, obtaining, or using genetic information about an employee to:

- (1) Investigate a workers' compensation or disability compensation claim; or
- (2) Determine an employee's susceptibility or level of exposure to potentially toxic substances in the workplace; provided, that the employee provides, in writing, his or her informed consent, and the genetic information is not disclosed to any other person.

§ 2-1401.04. Severability of Provisions.

If any provision, or part thereof of this chapter or application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of the provision, or part thereof, to other persons not similarly situated or to other circumstances is not to be affected thereby.

§ 2-1401.05. Discrimination based on pregnancy, childbirth, or related medical conditions.

- (a) For the purposes of interpreting this chapter, discrimination on the basis of sex shall include, but not be limited to, discrimination on the basis of pregnancy, childbirth, or related medical conditions.
- (b) Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and this requirement shall include, but not be limited to, a requirement that an employer must treat an employee temporarily unable to perform the functions of her job because of her pregnancy-related condition in the same manner as it treats other temporarily disabled employees.

Fair Housing Law in the District

- Know Your Rights in the District of Columbia -



DC Human Rights Act

In accordance with the District of Columbia Human Rights Act of 1977, as amended, the District of Columbia and housing providers cannot discriminate on the basis of (actual or perceived):

- Race
- Color
- Sex (including pregnancy)
- National Origin
- Religion
- Age
- Marital Status
- Personal Appearance
- Sexual Orientation
- Gender Identity or Expression
- Familial Status
- Family Responsibilities
- Matriculation
- Political Affiliation
- Disability
- Source of Income
- Victim of an Intra-Family Offense
- Place of Residence or Business

Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above categories is also prohibited by the Act.

It is unlawful for any person to practice discrimination in the rental or sale of housing accommodations and commercial space in the District of Columbia on the basis of the above categories.

Similar prohibitions apply to “blockbusting,” “steering,” and financing.

Examples of Illegal Discrimination

In the District, it is illegal to:

- Refuse housing to someone because of one of the traits;
- Make housing unavailable to any person because of their traits;
- Advertise a preference or dislike for a group because of their traits;
- Falsely tell someone housing is unavailable because of their traits;
- Establish different terms or conditions because of their traits;
- Provide different housing, units or services (such as repairs) because of particular traits;
- Urge someone to move to a specific area because of their traits;
- Persuade owners to sell because people of a particular traits are moving into the neighborhood;
- Refuse to make a loan because of a person’s traits;
- Provide inaccurate or different information depending on the traits; or
- Retaliate against someone for filing a complaint or acting as a witness.

Filing a Complaint of a Violation

To file a complaint about a violation of these laws with the Office of Human Rights, visit:

- **Online** at ohr.dc.gov; or
- **In-Person** at 441 4th Street NW, Suite 570N, Washington, DC 20001.

Questions can also be answered by phone at (202) 727-4559.

FAIR HOUSING WEBINAR: VIDEO SCRIPT IN ENGLISH

SLIDE 1

Welcome to the *Equal and Inclusive Housing: Knowledge for Stakeholders* webinar created by the District of Columbia Office of Human Rights. My name is Elliot Imse and I am the Policy & Public Affairs Officer at the DC Office of Human Rights, and this is my colleague Akita Smith Evans, who is the Lead Fair Housing Investigator here at OHR.

Akita and I will be walking you through some general information about fair housing – including local and federal laws – that will hopefully help you in your work on behalf of marginalized communities here in DC and nationwide.

Housing discrimination was an important component in equality movements throughout the twentieth century and earlier. 45 years ago today, President Lyndon Johnson signed into law the Federal Fair Housing Act of 1968, a landmark bill that is the foundation for preventing housing discrimination today. The Act was signed into law only one week after the assassination of Martin Luther King, Jr., whose death sparked Congress to push forward the bill. Dr. King had made the Fair Housing Act one of his biggest priorities in the years before his death.

With the passage of the Fair Housing Act of 1968 and its amendments, and local commitments to “affirmatively furthering fair housing” across the country, we’ve made a lot of progress. But despite these strides, housing discrimination continues, and remains a critical issue for marginalized populations. The right to choose where we live affects our employment and educational opportunities, proximity to friends and family, access to transportation, commercial and governmental services, and even our personal safety.

We are excited to have you join us today because it’s important that we incorporate housing discrimination efforts into our work of social justice and civil rights. We hope this webinar will assist you in your work, and we encourage you to learn more about fair housing on the DC Office of Human Rights website – ohr.dc.gov – and on our Facebook page at facebook.com/dcohr.

SLIDE 2

To start off, we are going to take a quick poll to gauge your level of knowledge about fair housing issues. Please mark one of the following options:

- (1) I have expertise in fair housing
- (2) I have a good understanding of fair housing
- (3) I have an average understanding of fair housing
- (4) I have limited or no understanding of fair housing.

We’ll give you a few moments to answer.

SLIDE 3

This webinar is funded by the US Department of Housing & Urban Development, or HUD. HUD aims to create strong, sustainable, inclusive communities and quality affordable homes for all. In relation to fair housing, HUD works to build inclusive and sustainable communities free from discrimination. The Office of Human Rights, or OHR, works closely with HUD to investigate complaints of discrimination and on many other fair housing issues.

SLIDE 4

OHR's mission is to eradicate discrimination, increase equal opportunity, and protect human rights through enforcement of District and federal non-discrimination laws. While OHR does proactive advocacy work to prevent discrimination *before* it happens, the primary function of this District government agency is to...

SLIDE 5

...investigate complaints of discrimination that are filed with the office in the areas of housing, employment, public accommodations and educational institutions. For housing complaints, which is the focus of our talk here today, OHR relies primarily on two laws: the DC Human Rights Act of 1977 and the Federal Fair Housing Act of 1968, along with its amendments.

SLIDE 6

Almost anyone can file a discrimination complaint with the Office of Human Rights, from individuals to organizations, which can include group homes, advocacy and fair housing groups, as well as real estate agents. A complaint can be filed as long as:

- The person suffered an actual or threatened injury of discrimination;
- The respondent (or housing provider) does business in D.C.;
- Subject matter is covered by the Fair Housing Act or DC Human Rights Act; and that the
- Complaint is filed within one year from the date of the last incident of discrimination.

SLIDE 7

A benefit of filing through OHR is that the person or organization alleging discrimination is provided a cost-free complaint process that does not require a lawyer, allowing individuals from diverse socioeconomic statuses to be provided an opportunity for their claims to be heard. To file a complaint...

SLIDE 8

... individuals can fill out a simple complaint form online or by visiting the OHR office at the Judiciary Square Metro stop in DC. After filing the form, they may be brought into the office for an intake interview, where an investigator will attempt to find out more details about the alleged discriminatory housing incident.

SLIDE 9

After the intake interview, OHR decides whether it has jurisdiction over the complaint, and if so, will formally accept it as an official OHR case and cross-file it with the US Department of Housing and Urban Development if it encompasses protection under federal law.

Once the case is accepted, the office will initiate an investigation and schedule mediation between the complainant and the respondent – the person who allegedly discriminated. OHR is unique in that mediation is mandatory for both the complainant and respondent. Both parties must sit down with an OHR mediator and attempt to resolve the issue with an agreement that can include anything from obtaining the desired housing, monetary damages, required staff trainings or other solutions. If a mediation settlement is agreed to, the investigation stops and the case is closed.

SLIDE 10

However if mediation fails, OHR will continue to investigate the case until it is complete. The investigation may include interviewing the complainant, respondent and witnesses, a review of documentation and policies, or other methods. Once the investigation is complete...

SLIDE 11

...the investigative report is sent to OHR's General Counsel for review and legal analysis of the investigative findings and forwards it to the Director for a final Determination. The Director of OHR then reviews the determination and decides whether to render a decision of no probable cause or probable cause. If probable cause is found, the parties will meet for conciliation to try, once more, to reach a mutual agreement. If no agreement is made...

SLIDE 12

...the case is sent to the DC Commission on Human Rights. There, one of three administrative judges will review the evidence and make a legal determination about whether discrimination occurred. Explicit damages will be recommended if discrimination is found. A panel of citizen Commissioners appointed by

the Mayor then review the judge's finding, and either agree with the finding and damages or overturn the finding or demand different damages. The Commissioners make the final determination.

SLIDE 13

Now, we'll shift gears from talking about the OHR complaint process to talking about the DC Human Rights Act.

The DC Human Rights Act of 1977 is one of the most progressive non-discrimination laws in the nation. As I mentioned earlier, the Act bans discrimination in housing, employment, public accommodations and educational institutions.

SLIDE 14

The reason we consider the DC Human Rights Act one of the most progressive non-discrimination laws because it provides protections base on *18 protected groups*, compared to only seven in the federal Fair Housing Act. The ones included under the Fair Housing Act are: race, color, sex, national origin, religion, age, and disability. Those not included under federal law but protected under the DC Human Rights Act are: personal appearance, marital status, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation – which is status as a student, political affiliation, source of income (such as the use of housing vouchers), status as a victim of an intrafamily offense and place or residence or business.

SLIDE 15

We are now going to look at the protected group "status as a victim of an intrafamily offense" a little more closely.

SLIDE 16

Because status as a victim of an intrafamily offense is protected in DC, it is now

- Prohibited to refuse to make a reasonable accommodation in restoring or improving security and/or safety measures for a victim of domestic violence,
- Prohibited to prevent a person from terminating a lease early or with a penalty if they are a victim of an intra-family offense, and it is
- Prohibited to bar or limit the right of a victim to call the police for emergency assistance or to impose a penalty for calling for emergency assistance

Status as a victim of intrafamily offense is an important addition to the DC Human Rights Act, added only a few years ago.

The bottom line is that in the area of fair housing, DC law is much more comprehensive than federal law, with 18 groups protected. This means that whether you're a tenant or homeowner, whether you're applying for a loan or applying to rent an apartment, you are legally protected from discrimination under 18 different characteristics. Now we will watch a video showing an example of a discriminatory incident based on national origin.

SLIDE 17

<<<<VIDEO PLAYS>>>>

SLIDE 18

We just talked about the 18 protected groups in DC, so now it is time for a pop quiz. Which of the protected groups below is not covered under the DC Human Rights Act?

- (1) Personal Appearance
- (2) Status as a Veteran
- (3) Race, or
- (4) Familial Status

We'll give you a few moments to answer.

I'm now going to pass this webinar over to my colleague Akita Smith-Evants, who as mentioned previously, is the lead fair housing investigator at the DC Office of Human Rights. She will be going into the federal Fair Housing Act in more depth.

SLIDE 19

Now, we're going to get more deeply into the Fair Housing Act.

The purpose and intent of the Fair Housing Act was to promote equal housing for not just some, but for all. When we think about the Fair Housing Act, it's very important to remember its context: when the FHA was passed in the 1960's, segregation was rampant. Brown v. Board of Education had only passed a few years earlier, and many states still enforced draconian Jim Crow Laws to maintain segregation.

SLIDE 18

When passed, the Act originally covered only race, color, national origin and religion. The Fair Housing Act was later amended to add sex as a protected group and later amended again to add disability and familial status.

SLIDE 19

The Fair Housing Act is very broad; it prohibits discrimination in virtually all areas of housing from refusing to rent, financing, denying or limiting services or imposing different terms, conditions based on a protected traits, such as your race, national origin or sex.

The following is a video that shows an example of refusal to rent, in this case because of religion.

SLIDE 20

<<<<PLAY VIDEO>>>>

SLIDE 21

One type of housing discrimination is *Blockbusting*. Blockbusting is what happens when a real estate agent persuades an owner to rent or sell their property because a particular group of people are moving in the neighborhood. For example: If the neighborhood is predominately white, and the real estate agent convinces the owner to sell their home at a reduced price because a protected group such as Hispanics are starting to integrate the neighborhood, this would be considered blockbusting and is illegal. The real estate agent may use stereotypes about Hispanics to convince the owner that the diminishing value of their property is inevitable.

Slide 22

Another example of housing discrimination is called *steering*. While steering is very common, it may be done in a subtle way to make the buyer feel as though the agent is looking out for the best interest of the buyer when the intent is to discriminate. For example, an agent tells a couple with a child that the homes across town would suit them better because they will have lots of parks and playgrounds for children. However the couple is only interested in homes in a certain part of town, but the agent insists that another area or neighborhood is better without even bothering to show the couple houses that they have requested. It might not appear so on the surface, but this is discrimination. This couple with children should be able to live anywhere they choose.

Here is a quick example...

Slide 23

<<<<PLAY VIDEO>>>>

Slide 24

When we think about housing discrimination, it's also important for us to think about the more subtle ways people learn about housing availability. The Act prohibits the making, printing, and publishing, or cause to be published, any notice or statement that indicates a preference or limitation. This also applies to written materials, oral notices, or statements. It includes applications, brochures, deeds, signs, banners, posters, and billboards.

Expressing to ANYONE a preference or limitation on a purchase is prohibited. For example, a newspaper advertisement states "beautiful three-bedroom home for rent, no children allowed." This statement would be a violation of the Act.

Slide 25

The Fair Housing Act doesn't just tell us what housing providers can't do... it also tells us what housing providers must do: like provide reasonable accommodation or reasonable modification.

Reasonable Accommodations in housing applies to persons identified as having a disability or associated with someone who has a disability. Reasonable accommodations are given to residents or applicants seeking housing to allow them an opportunity to fully enjoy the premises just as someone who does not have a disability. A reasonable accommodation is a change in the rules and procedures, but it should not fundamentally change how a housing provider operates. For example, the tenant requests a handicap parking space because they have problems walking a far distance due to their disability. This is a reasonable request. However, if the tenant asks the landlord to bring him/her the daily newspaper because they are unable to walk a far distance, this will change the fundamental operation of the housing provider, unless this is a service that the housing provider provides to all tenants. This would not be considered a reasonable accommodation.

Slide 26

The tenant usually pays for an accommodation requiring modifications of the structure of their home, such as the installation of a wheelchair ramp, unless the housing provider is federally funded, in which case the housing provider may pay for the modifications.

Slide 27

It is the tenant's responsibility to make a reasonable accommodation request to the housing provider either verbally or in writing. The housing provider should not have to guess or assume that a tenant requires a reasonable accommodation.

Slide 28

Apartment dwellings or homes built after March 13, 1991 are required to be built with at least seven (7) technical accessible features.

1. Accessible entrance on accessible route
2. Accessible common and public areas
3. Useable doors
4. Accessible route within the unit
5. Accessible light switches, electrical outlets & environmental controls
6. Reinforced walls in bathrooms
7. Useable kitchens and bathrooms

Slide 29

Here is a list of the type of properties that are covered under the Federal Fair Housing and D.C. Human Rights Act. As you can see even vacant land zoned for residential housing is covered.

Slide 30

Now let's talk about the type of properties that are not covered under the Fair Housing Act. The following four types of properties are not subjected to the rules of the Fair Housing Act. If someone was to bring a claim against these types of properties it would more than likely be dismissed for lack of jurisdiction.

- Small Property Owners
- Religious Organizations
- Senior Housing

- Roommate Situations

Although a small property owner could be exempt under the Federal Fair Housing and DC Human Rights Act in a refusal to rent case; it could be held liable for making or printing a discriminatory statement. For example, the property owner posts an advertisement that states “Two Bedroom Apartment; Adults only; no children.” Because the housing provider publicly printed a statement which shows a preference or limitation for a protected trait; a complaint can be filed in violation for this discriminatory advertisement under Section 804 of the federal Fair Housing Act.

Now we’ll look at each exemption, starting with...

Slide 31

...small property owners. They are considered exempt if:

- They do not have interests in more than three single family homes;
- Do not use the services of a broker or sales agent; and
- The building has four or fewer units, and owner resides in one of the units.

As talked about, they are not exempt from discriminatory advertising

Slide 32

Religious organizations can give preference to members of their own religion or clubs in housing they operate on a non-commercial basis. Groups and clubs, however, cannot restrict membership on the basis of race, color or national origin.

Slide 33

Senior housing is also considered exempt from the familial status protection if:

- All residents in the housing are 62 years of age or older, or
- At least 80 percent of the units are occupied by at least one person that is 55 years of age or older

Again, this only exempts them from familial status protections.

Slide 34

When someone is seeking a roommate, they are allowed to make an exemption for gender preference or limitation. This only applies to shared living situations, such as when they are sharing the kitchen and bathroom.

Slide 35

I'm going to conclude by sharing some new information about Fair Housing, that was released from the Department of Housing and Urban Development only a year ago: the HUD LGBT rule.

The HUD LGBT rule became effective March 21, 2012. This rule provides equal access to housing in HUD programs regardless of sexual orientation or gender identity. If the person is applying for a program that is federally funded, the agent should not inquire to the sexual orientation or gender identity of a person to determine if they are eligible for the program.

Slide 36

The rule of thumb to follow is that everyone should be treated the same, based on qualifications, regardless of their protected class.

Slide 37

Questions or Comments?

Slide 39

If you have any questions, contact the DC Office of Human Rights at (202) 727-4559 or learn more at ohr.dc.gov. Thanks for listening.

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PENNSYLVANIA
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AVAILABLE.
**NO HOUSING
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Housing discrimination based on source of income, such as the use of housing vouchers, is illegal in the District of Columbia.

Fair Housing is your right.

If you think you've been the target of discrimination, **visit www.ohr.dc.gov** or call (202) 727-4559.



See our other Fair Housing ads on Facebook at [facebook.com/DCOHR](https://www.facebook.com/DCOHR).



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From: District4 <District4@sanjoseca.gov>

Sent: Tuesday, August 13, 2019 4:28 PM

To: Marcus Contro <marcuscontro@gmail.com>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Diep, Lan <lan.diep@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Khamis, Johnny <johnny.khamis@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Subject: RE: San Jose Section 8 Mandate

Dear Marcus,

Thank you for your input on the Housing Payment Equality Ordinance. We hear your opposition. Your concerns have been relayed to Councilmember Diep and he will consider all viewpoints when voting on this important issue.

Jessica Schaps

Senior Council Assistant

Office of Councilmember Lan Diep, District 4

City of San José | 200 East Santa Clara Street, Tower 18th floor



Correspondence with this email account is read by Councilmember Lan Diep and/or his staff.

In the course of your exchange with the District 4 office, you may receive responses from multiple people.

From: Marcus Contro [<mailto:marcuscontro@gmail.com>]

Sent: Monday, August 12, 2019 1:15 PM

To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Diep, Lan <lan.diep@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Khamis, Johnny <johnny.khamis@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Subject: San Jose Section 8 Mandate

Dear Mayor Liccardo and the members of the City Council,

I am writing to you as a housing provider in the City of San Jose. We are concerned that the Housing Payment Equality Ordinance is complicated and problematic. As someone who owns rental property, I want to urge you to reconsider the mandated approach that this ordinance takes.

A housing voucher, such as those provided by governmental bodies and nonprofits, carries a significant number of compliance challenges. There are many owners who own and operate their properties that will find it difficult to carry the financial risk of having to accept vouchers but waiting weeks or months to receive rent checks, going through the inspection process and managing a tenant who operates by a different set of rules.

The naturally affordable units that many of the voucher holders will seek tend to be rent controlled units that are already subject to myriad regulation. Please consider all of the laws San Jose has passed that impact these owners before you pass new ones.

Sincerely,

Marcus Contro