

**Landlords Pay Over \$160,000 in Discrimination Lawsuits!**  
**By Frances Espinoza, Executive Director**

In the fiscal year 04/05, Housing Rights Center (HRC) assisted 20,206 residents throughout Los Angeles and Ventura Counties. Of these 20,206 calls, 1,580 (8%) concerned fair housing issues, 18,504 (92%) concerned general tenant/landlord problems and 122 had consumer loan issues.

In our investigation of the 547 cases, we have found sufficient evidence of discrimination to warrant enforcement activity in 52 of the cases.

**Discrimination Complaints**

Of the 1,580 allegations of discrimination HRC received last year, 547 (35%) cases were opened and the remainder were counseled or referred to other agencies. **The most common complaint was of discrimination based on physical disability (34%),** which usually involved the need for a reasonable accommodation or modification.

Allegations of discrimination against families with children, which were typically complaints of overly restrictive rules or harassment because of the presence of children in the household, were the second most common (17%). This was followed by complaints of race discrimination (12%) and discrimination based on national origin (9%) and mental disability (9%). In our investigation of the 547 cases, we have found sufficient evidence of discrimination to warrant enforcement activity in 52 of the cases.

**Litigation Highlights – Landlord Pays \$85,000!**

We obtained substantial compensation for our clients who are primarily tenants alleging discrimination, as well as court orders against landlords, property managers and other real estate professionals who fail to comply with the fair housing laws.

One family in Pasadena was evicted from their apartment complex because their apartment manager liked neither their race nor their children. The manager reportedly flashed his gun as a means of intimidation. The tenant won a three year consent decree in this case that included very strong injunctive relief including the provision of a \$5,000 stipulated penalty if the defendants committed any acts of housing discrimination within the term of the decree. ***The defendant was also required to pay \$85,000 in damages.***

**And... Another \$85,000 Expense**

Still, another case presented a unique legal issue of what happens when local rent control laws and the rights of the disabled conflict. It had to do with a low-income family living on the second floor an apartment building in the mid-Wilshire area that was governed by Los Angeles' rent control ordinance.

The tenants carried their 80 pound teenage son, who had cerebral palsy and his wheelchair up and down a flight of stairs on a daily basis. To alleviate the physical pain and danger presented by this situation, they requested that their landlord permit them to move to a recently – vacated ground floor apartment that was equivalent in size and layout. At first, the landlord rejected their requests outright. Then, after a formal request for a reasonable accommodation based on their son’s disability, the landlord offered the unit downstairs but at a rate almost double their current rent-controlled rate. The tenant’s finances would not permit payment of the market rate for the rent.

After more than twelve months of litigation, the family achieved a settlement in which they were allowed to move to the first floor unit at their existing rent, and **the landlord agreed to pay them \$85,000** and not deny reasonable accommodation requests in the future. We believe that this is the first disability case in the housing context to address whether an accommodation would be conditioned on a rent increase that was otherwise permitted under rent control.

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#### \$10,000 Settlement

In some cases that are litigated, the recoveries are much smaller, yet these cases still represent significant steps forward in fair housing law. For example, a housing provider is prohibited from making discriminatory statements in the management of property regardless of whether any discriminatory activity follows from those statements. A tenant recently filed a complaint with the HRC after being offered an apartment even though the property owner’s agent commented that her fifteen year child was “old enough” to live in the building and had posted an “adults only” sign outside his building.

The issue in this case was not a discriminatory action that directly injured the client, but rather discriminatory statements made by the landlord’s agent that violated the fair housing laws by themselves. The landlord decided to settle the case without active litigation. **The HRC and the tenant obtained \$10,000** and a five-year consent decree again including a penalty for violations. This case is one of the few based primarily on non-printed discriminatory verbal statements.

#### Reasonable Accommodation

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A resident living in a facility for seniors and people with disabilities requested a parking lot sticker for use by his full-time caretaker. After the on-site manager’s refusal, HRC and the resident made a formal request for accommodation based on the resident’s disability. After amicable negotiations, the residential housing company reached an agreement that provided the tenant with the parking sticker and a reserved parking spot in front of the building’s entrance. The company also agreed to reimburse the client for towing and parking fees incurred while he was denied the reasonable accommodation and to have all of their approximately forty managers in Southern California attend fair housing training. Even more, the company has requested that HRC provide fair housing training next year to all of their approximately one hundred fifty managers nationwide!

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In fact, training for property owners, managers and other related to real estate is one of the most important functions of the Litigation Department. HRC believes that greater awareness around fair housing compliance should lead to fewer violations of the fair housing laws. Over the past year, HRC's attorneys have trained over 150 property owners and managers. Our case settlements are a perfect complement to the training because they underline the serious consequences for landlords who fail to comply with the fair housing laws.

*[Editor's Note: Learn and abide by your fair housing laws! There are "housing testers" out there to see if they can catch you violating the law. And if you don't follow the rules, they will come after you! For information regarding community training workshops and how you and your managers can learn the fair housing laws, call 800-477-5977 or visit [www.hrc-la.org](http://www.hrc-la.org).]*