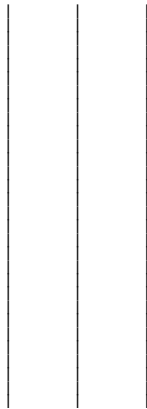


Mental Health Advocacy Services, Inc.

3255 Wilshire Blvd., #902
Los Angeles, CA 90010



Fair Housing In Your Neighborhood

A guide to understanding how
fair housing laws protect
people with disabilities
in California



Mental Health Advocacy Services, Inc.

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Fair Housing Initiatives Program
Education and Outreach Initiative --
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Introduction

One in every five Californians has some form of physical, mental or developmental disability. Behind this startling statistic are real people, maybe even one of your family members, friends or co-workers. You wouldn't object to one of your family members or a friend who has a disability living in your neighborhood. Yet everyday, people are denied housing solely because they have a physical, mental or developmental disability. To make matters worse, new housing that is critically needed is often delayed in the development process or is never created because neighborhoods, fueled by fears or misconceptions about people with disabilities, use the political process to block construction. Similarly, all too often neighborhoods have also prevented the use of existing housing that would be appropriate for people with disabilities.

Your family member or friend may not have a place to live if communities try to prevent housing for people with disabilities in their neighborhood. Denying housing opportunities to people with disabilities is against the law (see Page 6 for the list of all protected classes), and those who violate fair housing laws may be held liable for their actions.

This guide is intended to explain how fair housing laws protect the rights of people with disabilities in California to live in residential neighborhoods and to dispel common misconceptions about how housing for people with disabilities affects neighborhoods.

A person with a disability is someone who has a physical or mental impairment that limits a major life activity; has a record of such an impairment; or is regarded as having such an impairment. People in recovery for substance abuse are also protected by federal and state fair housing laws; however, current users of illegal controlled substances are not protected by fair housing laws.

These government agencies provide fair housing information and enforce fair housing laws.

U.S. Dept. of Housing & Urban Development
www.hud.gov
 (800) 669-9777 (voice)
 (800) 927-9275 (TTY)

U.S. Dept. of Justice
www.usdoj.gov
 (800) 514-0301 (voice)
 (800) 514-0383 (TTY)

California Dept. of Fair Employment & Housing
www.dfeh.ca.gov
 (800) 233-3212 (voice)
 (800) 700-2320 (TTY)

For additional information, contact:

Mental Health Advocacy Services, Inc.

A nonprofit organization providing legal services to people with mental and developmental disabilities

3255 Wilshire Blvd #902
 Los Angeles, CA 90010
 (213) 389-2077
 (213) 389-2595 fax
 website: www.mhas-la.org

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Additional Information and Resources

The following are just a few of the many studies reporting that housing for people with disabilities does not harm property values nor lead to increases in crime rates in the neighborhood in which they are located.

- ***Documents and Websites on Affordable Housing & The Relationship to Property Values*** (2003), prepared by the California Dept. of Housing & Community Development, (summarizing 15 studies spanning more than 20 years), available at www.hcd.ca.gov.
- ***Why Affordable Housing Does Not Lower Property Values*** (1996), prepared by Homebase (summarizing 11 studies including those involving housing for people with disabilities), available at www.nonprofithousing.org.
- ***The Question of Property Values*** (1996), Michael Dear and Robert Walton (including an annotated bibliography of more than 40 studies addressing diverse housing types from 1973-1993), available at www.bettercommunities.org.



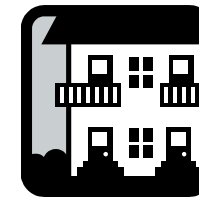
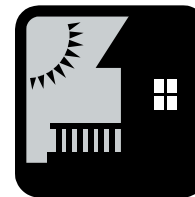
The Federal Fair Housing Amendments Act of 1988 makes it illegal to discriminate in housing against individuals based on their race, color, religion, gender, national origin, familial status (families with children) or disability. California's Fair Employment and Housing Act provides the same protections as federal law and four additional bases: marital status, ancestry, sexual orientation and source of income.

Denying Housing Opportunities to People with Disabilities Violates Fair Housing Laws

While most people understand that a landlord cannot refuse to rent an apartment to a person because he or she uses a wheelchair or needs a live-in care attendant, many do not understand that it is also illegal to restrict or prohibit the use or development of housing for people with disabilities in residential neighborhoods. Both the **Federal Fair Housing Amendments Act of 1988** and **California's Fair Employment and Housing Act** prohibit local laws and actions that result in the denial of housing opportunities for people with disabilities. These civil rights laws send a strong message: restricting or denying housing opportunities to people with disabilities is illegal and those who violate the law may be subject to serious penalties.

In the past, the development and use of housing for people with disabilities was restricted through local land use and zoning laws either by strictly limiting where it could be located or imposing discriminatory approval processes. Additionally, communities have often exerted influence over decision-makers to deny funding or block housing for people with disabilities in residential neighborhoods. Today, fair housing laws require that local governments treat housing for people with disabilities like any other housing. And, decision-makers must not be motivated or influenced by discriminatory attitudes. Federal and state fair housing laws pre-empt any local laws that discriminate against the development of housing for people with disabilities.

To provide further protections, California law provides that people with disabilities who live together and function as a "single housekeeping unit," including, for example, sharing responsibilities for their home, are permitted to live in single family residential neighborhoods, just like traditional families that are related by blood, marriage, adoption or court order.



What Does All of This Mean to You in Your Neighborhood?

Fair housing law protections mean that:

- The community can expect residents of special needs housing to be good neighbors and comply with the laws that help maintain the peace and safety of a neighborhood, just like other neighbors.
- Local governments cannot treat housing for people with disabilities differently because the residents have disabilities.
- Providers of special needs housing are responsible for how their home functions; the neighborhood has no right to interfere or make management decisions.
- People with disabilities are entitled to the same privacy protections as all other citizens, and neighbors are not entitled to confidential information about the people with disabilities who reside or will reside in the housing.
- First Amendment rights protect free expression, but actions which involve harassment, threats or intimidation for the purpose of blocking a development are not protected and may violate fair housing laws. Individuals committing these acts can be held liable.

“Special needs housing” is a term that is often used when referring to housing that meets the particular needs of people with disabilities and increases their ability to live independently in the community.

The Presence of Housing for People with Disabilities Doesn't Harm Property Values or Lead to an Increase in Crime

Unfortunately, many individuals oppose housing for people with disabilities in their neighborhood because they think that it will lower the value of their home. During the past two decades more than a hundred studies throughout the United States have reported that affordable housing, including housing for people with disabilities, does not adversely impact property values. Some studies reported that the presence of housing for people with disabilities actually resulted in increased property values. There is simply no basis for opposing housing for people with disabilities because of its impact on property values.

Communities are also often worried that the presence of housing for people with disabilities in the neighborhood will lead to increases in crime. However, the overwhelming majority of studies have concluded that this fear is unfounded and that housing for people with disabilities has generally not resulted in increased crime.

A list of studies addressing property values and crime rates is provided on the next page.

A Final Word

This brochure has briefly described how fair housing laws protect the right of people with disabilities to live in residential neighborhoods, why the discriminatory practices of the past are not acceptable, and what fair housing laws mean to you and your neighborhood. If you would like additional information, you are encouraged to contact Mental Health Advocacy Services or one of the government agencies listed on the last page.