



# Fair Housing Advocates of Northern California

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## FOR IMMEDIATE RELEASE

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## Fair Housing Advocates of Northern California and Plaintiffs Settle Housing Complaint Alleging National Origin, Familial Status, and Disability Discrimination

San Rafael, CA – Last week, Fair Housing Advocates of Northern California (FHANC, formerly Fair Housing of Marin) and two of its clients signed a settlement related to a complaint of discrimination in housing based upon national origin, familial status, and disability, filed with the Department of Housing and Urban Development (HUD) and later transferred to California’s Department of Fair Employment and Housing (DFEH). The complaint was filed against Rosa Nguyen and Bob Torres, the owner and the property manager, respectively, of 150 Clark Street, San Rafael, where the plaintiffs resided with their minor son. Bob Torres was the primary agent in contact with the clients regarding their tenancy. The clients were represented by Marcus Levy, FHANC’s Bilingual Housing Counselor, and Casey Epp, FHANC’s Supervising Attorney, who also represented the agency. The case was successfully mediated by DFEH for a total of \$27,200 in damages and included fair housing training for three years as well as significant policy changes.

FHANC’s clients, who preferred to remain anonymous and therefore be referred to as Mr. and Mrs. Doe, moved into the second story of a six-unit property in February 2011 – four units were occupied by non-Hispanic, Caucasian individuals and one unit was occupied by a Hispanic couple with two minor children. Since the winter of 2011, the family experienced issues with mold and moisture in their apartment; as a result, Mrs. Doe and her young son experienced significant allergies and the exacerbation of their respiratory disabilities. Despite numerous requests to address their disability-related concerns, there was no relief for the family until the latter half of 2015, when Mr. Doe offered and was granted permission to replace the mold-



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ridden carpet with laminate flooring on his own, with only partial reimbursement for the materials.

Shortly afterward, property manager, Bob Torres, began speaking with the family about noise-related concerns. A new tenant moved in below and complained that Mr. and Mrs. Doe's son was making noise and running around the apartment as late as midnight; the Does disputed this, saying that their child's bedtime was 9 PM. Mr. Torres began raising new allegations regarding the accumulation of garbage, for instance, that led the Does to interpret these allegations as discriminatory statements based on their national origin.

By early 2016, the tenancies for both the Does and the only other Hispanic family at the complex had been terminated. The Does allege that Mr. Torres informed them that the basis for the termination of their tenancy was due to noise related to the presence of their minor child, stating, "I can't rent the apartment below you because you have a kid," or words to that effect. The family was desperate to preserve their housing, offering to relocate to the ground-floor apartment; however, the owner, Rosa Nguyen, denied their request, stating that she had "had it" with the Does (documented in a tenant conversation log that was included as an attachment in an eviction lawsuit filed against the family).

Mr. Doe alleges that in mid-February 2016, Ms. Nguyen told him that she no longer wanted to rent any apartments to families with children. As a result, the family sought assistance from Fair Housing Advocates of Northern California at the end of February 2016. FHANC intervened on behalf of the family with a letter requesting a rescission of the notice of termination and outlining the family's concerns, but the owner filed an Unlawful Detainer against them and against the other Latino family. The Unlawful Detainer complaint included a copy of the House Rules and Regulations as an exhibit, which contained discriminatory statements on the basis of familial status; e.g. limiting the ability of children to play, or use or store toys on the subject property. The complaint also included a tenant conversation log noted above, confirming that the family requested to move to the ground-floor unit but was denied prior to the filing of the complaint. The family moved out in mid-April 2016. FHANC filed an administrative complaint on behalf of the Does in March 2017, alleging familial status, national origin, and disability discrimination.

FHANC conducted an investigation of the premises in the summer of 2016, revealing discrimination on the basis of national origin. Bob Torres advised FHANC's Latino investigator who called inquiring about availabilities that a tenant might be moving out in the following month and to call back in three weeks. In contrast, just one day later, Mr. Torres told FHANC's non-Latino Caucasian investigator that there might be an opening in two weeks, and also provided more detailed information regarding rental terms, including rent and security deposit amounts.

"Our Latino investigator had a clearly identifiable accent and name," said Caroline Peattie, FHANC's Executive Director. "He was never given a chance to talk about his qualifications or put in an application. About two weeks later, our Latino investigator called Mr. Torres again, disclosing his name and reminding Mr. Torres of their prior phone contact; Mr. Torres responded that there was no availability. In contrast, less than twenty-four hours later, Mr.

Torreso told our non-Latino Caucasian investigator that there were two units opening soon, and agreed to provide the non-Latino investigator with a tour of the premises. Mr. Torreso ultimately showed him the property, including a soon-to-be available unit, after telling the Latino investigator there was no availability. Based on our investigation, our agency also filed a complaint in May 2017 against the owner and manager of Clark Street, alleging national origin discrimination.”

“I’m happy that our clients were at least partially compensated for the considerable damages they experienced,” Ms. Peattie said, “and we are pleased that discriminatory language regarding children will be removed from all of Ms. Nguyen’s leases and accompanying documents, and that tenants and prospective tenants will be informed of their right to file complaints with HUD and DFEH should they experience housing discrimination.”

“I don’t know what I would have done if the staff at FHANC hadn’t helped me,” Mr. Doe said. “The discrimination my family experienced really hurt us – we were forced to move to a smaller, more expensive apartment in a neighborhood with much more traffic, noise, and crime. My car was even stolen last year. My wife and I can live with what happened to us, but what bothers us the most is how this affected our son. He was so upset and cried a lot because he thought it was his fault that we moved, after he heard my wife and I discussing the noise complaints. He still talks about and misses our bigger apartment – his school was just a block away and now it takes us 20 minutes each way with traffic. But we are really happy that FHANC staff were there to represent me and help my family with this outcome, and I really hope the policy changes the manager and owner have to make and the fair housing training they will receive will change the way they treat other Latino families.”

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**[Fair Housing Advocates of Northern California](#)** is a non-profit organization serving several Bay Area counties that provides free counseling, enforcement, mediation, and legal or administrative referrals to persons experiencing housing discrimination. FHANC also offers foreclosure prevention services, pre-purchase education, seminars to help housing providers fully understand fair housing law, and education programs for tenants and the community at large. FHANC is a HUD-Certified Housing Counseling Agency. The mission of agency is to ensure equal housing opportunity and to educate the community on the value of diversity in our neighborhoods.

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