



**FAQ'S ABOUT HOUSING
DISCRIMINATION
AND COVID-19**

Fair Housing Advocates of Northern California

FAQ'S ABOUT DISABILITY AND COVID-19

Q

Can a person with Covid-19 request a Reasonable Accommodation?

A

People with disabilities have the right to request Reasonable Accommodations, which are changes or exceptions to a housing provider's rules, policies, or practices that are needed to afford a person with a disability an equal opportunity to use and enjoy a dwelling. Under the federal Fair Housing Act, a person with a disability is an individual with a physical or mental impairment that substantially limits one or more major life activities. This could include Covid-19, provided the person experiences symptoms that limit a major life activity, such as breathing, and the accommodation is necessary because of such limitations. For example, a tenant may request an extension of an eviction notice if they are unable to timely move due to physical limitations caused by Covid-19. Additionally, people with certain medical conditions are more likely to become severely ill from Covid-19 and therefore may be entitled to certain accommodations in order to minimize the risk of contracting Covid-19. A tenant may also request that no one enter their unit except in cases of emergency to limit contact with those who may have Covid-19. In a congregate living facility, a tenant may request to relocate to a private room or ask for an additional room for a caregiver to avoid exposure to Covid-19.

Q

Can a housing provider make inquiries about a person with a current or previous Covid-19 diagnosis?

A

The Fair Housing Act prohibits landlords from asking whether an individual has a disability or the type or severity of a disability. This prohibition applies both to applicants and tenants. For this reason, asking for information about the nature of a communicable disease, or asking for evidence about exposure or test results, will generally violate the Act. In addition, a housing provider may not require a tenant to move out because the housing provider believes the tenant has a disability related to Covid-19, or require a tenant to show proof that their disability is unrelated to Covid-19. Housing providers may still encourage tenants to adopt infection-control practices such as regular hand washing, wearing adequate face coverings, and physical distancing.

FAQ'S ABOUT SEXUAL HARASSMENT AND DOMESTIC VIOLENCE

Q

Do Fair Housing Laws protect tenants from sexual harassment in housing during the pandemic?

A

Sexual harassment by landlords or their staff is against the law. Financial hardships caused by the Covid-19 crisis have made many tenants more vulnerable to exploitation. If a landlord forces a tenant to provide sexual favors in exchange for canceling or reducing rent, or a maintenance person refuses to provide needed repairs because a tenant will not provide sexual favors, that is a violation of fair housing law. Sexual harassment occurs when a housing provider: 1) requires a person to submit to an unwelcome request to engage in sexual conduct as a condition of obtaining or maintaining housing or housing-related services (quid pro quo); or 2) subjects a person to unwelcome spoken, written, or physical conduct that is sufficiently severe or pervasive as to interfere with or deprive a victim of the right to use and enjoy their housing (hostile living environment).

Q

Can victims of domestic violence or sexual harassment be evicted during eviction moratoriums?

A

In rental units that are federally subsidized, tenants who experience domestic or sexual violence cannot be evicted, be removed from a housing program, or have their rental assistance terminated because of violence committed against them. These protections for survivors apply independently of the current public health crisis. Rental units that are not subsidized may be subject to state or local protections prohibiting evictions due to domestic or sexual violence during eviction moratoriums. Additionally, housing providers may violate fair housing law if they evict a victim of domestic violence because the police were called to the property following a domestic violence incident, even if the eviction is pursuant to a Zero Tolerance policy that applies to all tenants without exceptions, because such a policy could disproportionately affect women.

FAQ'S ABOUT RACE, COLOR, OR NATIONAL ORIGIN DISCRIMINATION



Do fair housing laws protect tenants from discrimination during the pandemic on the basis of race, color, or national origin?



The pandemic has disproportionately affected BIPOC as well as Latinx and Asian communities, making it harder for tenants of color to find and stay in their housing. Fair housing laws prohibit discrimination in housing on the basis of race, color, or national origin. These protections exist independently of the current health crisis. If a tenant suspects differential treatment or is denied housing when applying for a unit, treated differently while living in a unit, denied repairs or housing services, or is a victim of harassment or hate crime in housing due to Covid-19, that could constitute housing discrimination.

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PROTECTIONS UNDER FAIR HOUSING LAWS

Federal fair housing laws protect your right to live in the place of your choice. They prohibit discrimination on the basis of a person's race, color, national origin, religion, sex/gender (including gender identity), familial status (children under the age of 18 in the family), and mental or physical disability.

California state laws include additional protections, prohibiting discrimination on the basis of age, ancestry, citizenship, sexual orientation, immigration status, primary language, marital status, source of income (including housing choice vouchers), or any other arbitrary reason.

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