Fair Housing In Your Neighborhood

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

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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.
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.
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.