



# Section 8 Landlord Newsletter

APRIL/MAY 2020

## Reasonable Accommodation

### What is a "reasonable accommodation" for purposes of the federal Fair Housing Act?

A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling.

The Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

**Example 1:** A housing provider has a policy of providing unassigned parking spaces to residents. A resident with a mobility impairment, who is substantially limited in her ability to walk, requests an assigned accessible parking space close to the entrance to her unit as a reasonable accommodation. There are available parking spaces near the entrance to her unit that are accessible, but those spaces are available to all residents on a first come, first served basis. The provider must make an exception to its policy of not providing assigned parking spaces to accommodate this resident.

**Example 2:** A housing provider has a policy of requiring tenants to come to the rental office in person to pay their rent. A tenant has a mental disability that makes her afraid to leave her unit. Because of her disability, she requests that she be permitted to have a friend mail her rent payment to the rental office as a reasonable accommodation. The provider must make an exception to its payment policy to accommodate this tenant.

**Example 3:** A housing provider has a "no pets" policy. A tenant who is deaf requests that the provider allow him to keep a dog in his unit as a reasonable accommodation. The tenant explains that the dog is an assistance animal that will alert him to several sounds, including knocks at the door, sounding of the smoke detector, the telephone ringing, and cars coming into the driveway. The housing provider must make an exception to its "no pets" policy to accommodate this tenant.

**Source:** Examples no. 1 – 3, Joint Statement of the Department of Housing and Urban Development and the Department of Justice, May 17, 2004

**Example 4:** If the disability of the individual requesting an accommodation is apparent or known by the person considering the request, and it is also readily apparent or known how the requested accommodation is necessary to afford the individual with a disability equal opportunity to use and enjoy a dwelling or housing opportunity, then the person considering the request may not request any additional information about the requestor's disability or the disability-related need for the accommodation. Known means that the person considering the request is personally aware of the disability or the need for the accommodation.

**Example 4 continued:**

Apparent means that either the disability or the need for the accommodation is obvious, although the person considering it did not know about it before the request was made. For example, if a tenant with quadriplegia who uses a power wheelchair goes in person to the off-site management office for their apartment building and requests an accommodation in the form of moving to a first-floor apartment, and the management office knows that the apartment building does not have a functional elevator, the management office may not request further information about the disability before evaluating the request for an accommodation.

**Source:** <https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/FurtherModTextFairHousingReg.pdf>

## Interactive Process

If an owner denies a reasonable accommodation request:

1. The family may contact their Section 8 Advisor (“Advisor”) for help with an owner who refuses to allow any modification at all.
2. The Advisor or Ombudsperson will encourage the owner to refer to the Fair Housing brochure included in his owner’s packet and/or to contact his or her personal attorney or a Fair Housing organization for further guidance.
3. If the owner still refuses to allow the accommodation, the Advisor or Ombudsperson will provide the family information on how to file a housing discrimination complaint and/or refer the participant to HUD or a Fair Housing agency to make a complaint.

## Fair Housing Laws

The Fair Employment Housing Act protects tenants from illegal discrimination and harassment in housing based on a mental or physical disability. Discrimination includes, but is not limited to, the following actions:

- 1 Refusal to rent, lease, or sell housing accommodations.
- 2 Refusal to negotiate for the sale, rental, or lease of housing accommodations.
- 3 Representation that a housing accommodation is not available for inspection, sale, or rental when that housing accommodation is in fact available.
- 4 Provision of inferior terms, conditions, privileges, facilities, or services in connection with the housing accommodations.
- 5 Cancellation or termination of a sale or rental agreement.
- 6 Failure to design and construct multi-family dwellings in a manner that allows access to and use of person with disabilities.
- 7 Provision of segregated or separated housing accommodations.
- 8 Refusal to permit, at the expense of the person with disabilities, reasonable modifications of existing premises occupied or to be occupied by the person with disabilities, when the modifications may be necessary to afford the person with disabilities full enjoyment of the premises.

For more information contact the department of Fair Employment and Housing Toll Free: (800) 884-1684, TTY: (800) 700-2320, online: **[www.dfeh.ca.gov](http://www.dfeh.ca.gov)**.

For more information about the HACLA’s reasonable accommodation process, please contact:

**Accessibility (Section 504) Coordinator**  
Housing Authority of the City of Los Angeles  
2600 Wilshire Boulevard, 3rd Floor, Los Angeles, CA 90057  
Telephone: (213) 252-1879 TTY: (213) 252- 5313;  
E-mail: [reasonable.accommodation@hacla.org](mailto:reasonable.accommodation@hacla.org)

## Tenant Protection Act of 2019 (Assembly Bill No. 1482)

Effective January 1, 2020, California Law (Assembly Bill No. 1482 “Tenant Protection Act of 2019”), limits rent increases over the course of any 12-month period to 5% plus the percentage change in the cost of living or 10% whichever is lower. The Housing Authority has determined that the Tenant Protection Act of 2019 does apply to units that receive tenant based rental assistance.

This provision applies to all residential real properties **not** covered under the City’s Rent Stabilization Ordinance (RSO) with a certificate of occupancy issued more than 15 (fifteen) years ago, and not otherwise subject to a specified exemption.

The Housing Authority will apply these provisions using a rent cap equal to 8.3% (5% plus 3.3% Consumer Price Index (CPI) April 2018 - April 2019) for assisted units with a certificate of occupancy issued before December 31, 2004, unless the assisted unit is subject to a specified exemption or the City’s RSO. For assisted units built on January 1, 2005 or later, the rent cap provisions will apply on a continuous 15-year rolling basis.

For rent increases processed between March 15, 2019 and December 31, 2019 where the approved contract rent exceeded the maximum rent cap set a 8.3%, Section 8 Advisors must conduct an interim reexamination effective January 1, 2020. The revised contract rent will be the contract rent as of March 15, 2019, plus the maximum allowable 8.3% rent increase. The landlord is not liable to the Housing Authority or tenant for any rent overpayment made between March 15, 2019 and December 31, 2019.

If applicable, once revised rent calculations are completed:

- The Housing Authority will recapture any HAP overpayment made to the landlord on or after January 1, 2020.
- The owner must return any rent overpayment made by the tenant since January 1, 2020.

Some properties may be exempt from this law, for example single family residences, some condominiums, and duplexes (where owner occupies one of the units as their principal residence), unless it is owned by a corporation, a limited liability company that includes at least one member that is a corporation, or a real estate investment trust and notice is provided to the tenant that the unit is exempt. Some duplexes may also be exempt.

In these circumstances, the Housing Authority will rely on the landlord to provide the Housing Authority with a copy of the written notice sent to the tenant indicating that the property is exempt. The burden of proof falls on the landlord.

The Tenant Protection Act of 2019 will remain in effect until January 1, 2030.

**This Landlord Newsletter supersedes the February 2020 Landlord Newsletter.**

## Eviction and Rent Moratorium

The following information relates to recent emergency orders taken by local, state, and Federal officials in response to the COVID-19 pandemic. This information is provided for your reference only. If you have any questions, please seek legal assistance from counsel.

- On March 23rd the Los Angeles Mayor Garcetti issued a temporary moratorium on evictions for non-payment of rent for tenants who are unable to pay rent due to circumstances related to the COVID-19 pandemic.
- On March 30th, the Mayor halted rent increases on occupied rental units that are subject to the City’s Rent Stabilization Ordinance (RSO).

The Landlord Newsletter is available online: <http://www.hacla.org/formsdocuments>

## Source of Income/Section 8 Participants

You must report address and telephone number changes even if you are receiving your Housing Assistance Payments (HAP) via direct deposit by calling (213) 252-8708

Comply with Fair Housing Laws. Owners can visit the Office of Fair Housing and Equal Opportunity (FHEO) website at the U.S. Department of Housing and Urban Development (HUD): [www.hud.gov](http://www.hud.gov)

Property listing service is available online at:

<http://www.hacla.org/propertylistings>. Basic property listing service is free of charge. Monitor your listings and remove any outdated listings that are unavailable. Login regularly to update or list new vacancies.

If you suspect anyone of committing fraud, you can call (800) 461-9330 or file a report online at: [www.convercent.com/report](http://www.convercent.com/report). Your name will remain anonymous.

"Source of Income" (SOI) laws protect the rights of tenants to use income from public assistance, or other sources that may be viewed as non-traditional to pay rent. Housing providers cannot lawfully reject rental applicants because they receive, or will receive, assistance in paying their rent when they are otherwise qualified for the housing. Housing providers must include all sources of lawful income in determining whether a rental applicant is able to pay the rent.

Lawful sources of income include regular paychecks, social security, supplemental security income (SSI), disability income, CalWORKs, child support, spousal support, public assistance, savings, unemployment benefits or wages from lawful employment.

The City of Los Angeles includes Section 8 in its source of income protection laws. It is illegal for a housing provider to deny a rental applicant because the applicant has a Section 8 voucher. It is also illegal for the housing provider to deny a current tenant's request to use a Section 8 voucher to pay for the rent.

Property owners may screen and reject any applicant, including those with a Section 8 voucher, for past conduct and ability to pay rent, as long as the screening is applied equally to all applicants.

Source: Housing Rights Center

## Initial and Complaint Inspections During COVID-19

The Housing Authority implemented an alternative requirement to conduct initial and complaint inspections by relying on landlord self-certification. This alternative requirement was approved by HUD in response to the COVID-19 pandemic.

The HQS Self-Certification will be available until **July 31, 2020**. For all assisted units where a HAP contract is executed using HQS Self-Certification, the Housing Authority will inspect the assisted unit no later than **October 31, 2020**. The HQS Self-Certification is available for download at <http://hacla.org/formsdocuments>

## HACLA Operations During COVID-19

Effective 3/12/2020, the HACLA offices are closed to walk-in traffic until further notice to protect our clients and staff. We will be conducting all business by email, phone or mail, including annual reexaminations. All other appointments/meetings, informal hearings, and annual inspections are suspended, and all initial and complaint inspections are now processed through landlord self-certification.



**BE COUNTED**  
LOS ANGELES ✓

**The Housing Authority will be closed on:**  
Monday, May 25th In Observance of Memorial Day