

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

DIRECTOR KEVIN KISH

2218 Kausen Drive | Suite 100 | Elk Grove | CA 95758-7115
(916) 478-7251 | TTY (800) 700-2320 | Fax (916) 478-7329
www.dfeh.ca.gov contact.center@dfeh.ca.gov

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Contact: Fahizah Alim
(916) 585-7076
fahizah.alim@dfeh.ca.gov

DFEH SETTLES HOUSING DISCRIMINATION CASE ON BEHALF OF 85 YEAR OLD TENANT WITH DISABILITIES

Woman who uses wheelchair trapped in 2nd floor unit because of denial of reasonable accommodations

SACRAMENTO- The Department of Fair Employment and Housing (DFEH) announced today that it has settled a case for \$75,000 involving the denial of reasonable accommodations for 85 year-old tenant Maria Rivas who had lived in a second floor unit in Los Angeles for 20 years and began using a wheelchair six years ago after developing Parkinson's disease and experiencing multiple strokes and heart attacks.

Rivas's apartment building had no elevator and the property owner and manager refused to consider or acknowledge the tenant's multiple requests for an accommodation to move to a vacant first-floor unit. She and her adult daughter sought help from the Housing Rights Center in Los Angeles, and ultimately filed with DFEH.

Defendants admitted during the DFEH investigation that they rebuffed the requests because the tenants did not use the words "disability" or "accommodation" when requesting to be moved to a first floor unit.

"Whenever a tenant requests an accommodation for a disability, housing providers have an obligation to open a dialogue without delay," said DFEH Director Kevin Kish. "There are no 'magic words' that trigger this obligation." DFEH is committed to ensuring that all Californians, regardless of type of disability, have an equal chance to live safely and comfortably in suitable housing.

In its claim, DFEH alleged violations of Fair Employment and Housing Act (FEHA), Unruh Civil Rights Act, which covers housing providers, and the California Disabled Persons Act.

<http://www.dfeh.ca.gov/res/docs/Publications/Brochures/2015/DFEH-157H.pdf> (English)

<http://www.dfeh.ca.gov/res/docs/Publications/DFEH-157Hs.pdf> (Spanish)

Disability is the most common basis for housing discrimination complaints filed with DFEH, with 1,259 such complaints filed in 2015.

The absence of an elevator in the apartment building further aggravated Ms. Rivas's deteriorating condition and she was completely dependent on the assistance of others to help her maneuver up and down the steep stairwell to leave her apartment to visit her doctors or attend church. Following a hospitalization, Ms. Rivas and her daughter were ultimately forced to move as she had become trapped in her second floor apartment.

The case was settled for \$75,000 and the property owner, who owns and/or manages approximately twenty properties in Southern California, agreed to develop written anti-discrimination policies and provide fair housing training to owners, supervisors, property managers, and leasing coordinators annually for five (5) years.

The DFEH is the state agency charged with enforcing California's civil rights laws. The

mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence. For more information, visit the Department's Web site at www.dfeh.ca.gov.