

Housing discrimination is prohibited by federal and state laws. It is illegal to deny housing to an individual on the basis of race, religion, national origin, sex, disability, marital status, sexual orientation, presence of children, operation of a licensed home day care, or any other arbitrary reason.

It is also illegal to treat an in-place tenant any differently than other tenants on the basis of any of the above group characteristics. It is important to know your rights entitling you to fair housing, to recognize if your rights are being violated, and to know what you can do to take action.

Signs of Housing Discrimination Based on the Operation of a Licensed Home Day Care

- the manager tells you she doesn't allow day care to be run out of her units;
- the manager tells you that children would disturb the elderly tenants;
- the rent cited is higher than advertised;
- the manager says the unit has already been rented, but the sign or ad is still posted;
- you are told, "The house isn't set up for day care" or "There's no place for children to play";
- repairs are not being made to your unit as requested or required;
- the manager tells you she does not want to take on the insurance liability of day care;
- the manager tells you she doesn't believe the income from day care will afford you the stability to consistently pay your rent;

1. Frequently Asked By Landlords

Do I have to accept a tenant who operates a licensed home day care?

Landlords and mobile home parks cannot refuse to rent to applicants just because they operate a licensed home day care. That would be discrimination. Of course, you can apply the same screening to providers as you would to any other applicant. For example, you could refuse to rent to a provider who has a bad past landlord reference. If a tenant who has already moved in wants to start a home day care, he or she needs to give you 30 days notice.

2. Does this apply to unlicensed day care providers?

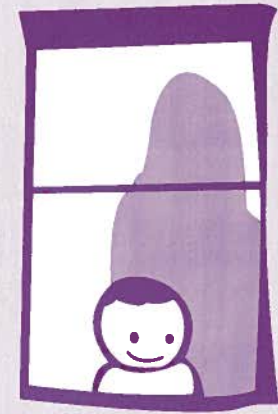
No. You can ask to see an applicant's license.

3. Can I increase the rent or deposit?

You cannot increase the rent because of the operation of a home day care. However, you can charge a higher deposit as long as the deposit does not exceed the total allowed by law (two times the rent). Don't forget the limit includes any pet deposits, cleaning deposits, or last month's rent that you collect.

4. But the homeowner's association prohibits operating a business in the home.

An apartment complex, condominium association, mobile home park, subdivision, or other group may have a rule forbidding businesses to be operated out of a dwelling unit. But state law requires an exception for licensed home day care.



5. But the unit doesn't have any special facilities for day care.

Home day care is designed to be child care in an environment similar to the child's own home. There are no special requirements about square footage or facilities.

6. What if I'm worried that day care is not a reliable enough income?

California law does not allow landlords to discriminate based on an applicant's source of income. You cannot refuse to rent to a person just because they are self-employed or receive government benefits. However, you can have a minimum income requirement as long as you apply it to people equally. If a day care provider meets such an income requirement, you cannot refuse to rent to him or her just because you feel the income is less stable.

7. What if the neighbors complain about the noise?

Treat such a complaint the way you would for any other tenant. For example, you might want to talk to the parties involved, figure out how serious it is, and give a written warning if it becomes an ongoing problem. Contact Project Sentinel for mediation if it doesn't resolve.

8. What if I'm worried about liability?

While this rarely is an issue, the law provides landlords some reassurance. Providers need to either carry an insurance policy themselves or obtain waivers from all the parents of the children in care. If the provider carries insurance, the landlord can request to be an additional insured on the policy (as long as the landlord covers any additional cost required).

9. What if I think the children are being abused or neglected?

If you feel there is an immediate danger, call the police and Community Care Licensing: (408) 277-1286. Licensing will immediately investigate any such complaint. If there is no immediate danger, talk to the provider about your concerns. He or she may be able to reassure you (for example, that an assistant was home with the children when you have seen her out on errands during the day). In general, the rate of abuse or neglect from day care providers is very low.

10. Do these laws apply to all landlords?

Yes, including single family homes, mobile parks, and apartments. Condominium associations and subdivisions also must follow these laws.

11. How can I get more information?

Project Sentinel conducts training about the fair housing laws, including day care protections: Call our toll free number (888) 324-7468. Project Sentinel also provides mediation services in select areas. If you have questions about the requirements to become a home day care provider, contact Community Care Licensing at (408) 277-1286.

What a Fair Housing Agency Can Do For You:

- Negotiate with the owner or manager
- Inform the owner or manager of the law
- Refer you to a state or federal enforcement agency
- Refer you to a fair housing attorney for legal assistance.

There is no charge for these services.

Contact Project Sentinel at our toll free number:

(888) F-A-I-R-H-O-U-S-I-N-G
(888) 324-7468
or
(408) 287-4663



Visit our website at www.housing.org



Housing for Daycare Providers

Your Guide to Licensed Home Day Care and Housing Discrimination

This flyer is brought to you through the efforts of day care provider Venada Vance, Project Sentinel, the Fair Housing Law Project and Ron and Judy Oburn.