

Justice Department Settles Housing Discrimination Lawsuit Related to Senior Housing in Santa Rosa, California

Department of Justice

Office of Public Affairs

Friday, July 27, 2012

The Justice Department today announced an agreement with a California municipality and a homeowners' association to resolve allegations of discrimination on the basis of familial status in violation of the Fair Housing Act. The settlement, in the form of a consent order, must be approved by the U.S. District Court for the Northern District of California.

The department's lawsuit, which was filed on Nov. 21, 2011, alleged that the city of Santa Rosa, Calif., and La Esplanada Unit 1 Owners' Association, a homeowners' association, unlawfully sought to restrict residency at a housing development to seniors aged 55 and older. While the law allows an exemption for senior housing, the suit alleged that neither the city nor the homeowners' association took the steps, such as routine age-verification, necessary to qualify for an exemption to the Fair Housing Act .

Under the terms of the consent order, the city of Santa Rosa will not take any enforcement action against the housing development to force it to exclude families with children, and will waive the estimated \$12,500 in costs associated with any zoning changes that may be necessary to bring the city's regulation of the property into compliance with federal law. Further, when the city, through its zoning code, permits or requires a developer or property owner to operate senior housing, it will, among other things, designate the age restriction of the zoned property in its ordinances and zoning maps, and require that property owners for these

developments submit biennial age verifications for the city's review and certification. The city will designate an agency to review and certify the biennial certifications.

The homeowners' association also is prohibited from excluding families with children from the development unless it affirmatively elects to become an age-restricted community for persons 55 years of age or older and conforms to the requirements of the Fair Housing Act. The Fair Housing Act's requirements include ensuring that at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older and ensuring there are proper age verification procedures in place. In addition, the homeowners' association will provide compensatory damages to the aggrieved persons in an amount of \$44,000 by providing a set-off to amounts it has claimed it is owed by the aggrieved persons.

The consent order also requires the homeowners' association's officers, agents and employees, as well as city employees and agents with responsibilities related to zoning and land use to receive fair housing training, and requires the homeowners' association and the city to pay \$5,000 each to the United States as a civil penalty.

"It is critical that families with children have opportunities to find housing," said Thomas E. Perez, Assistant Attorney General for the Justice Department's Civil Rights Division. "We are pleased to achieve a resolution in this case that balances the housing rights of families against the ability of a municipality and community to maintain senior housing."

"The resolution of this action is another step in the United States' continuing commitment to protect all of its citizens and to provide fair housing opportunities for people of all ages," said Melinda Haag, U.S. Attorney for the Northern District of California. "We are pleased to come to a just and speedy resolution with the city of Santa Rosa and the Homeowners' Association."

This lawsuit arose as a result of a complaint filed with the Department of Housing and Urban Development (HUD) by the owner and representative of a portion of the condominium development that was the subject of the defendants' enforcement actions. After HUD investigated the complaint, it issued a charge of discrimination and the matter was referred to the Justice Department.

“This settlement gives Santa Rosa a path forward to have senior housing and protect the rights of families with children under the Fair Housing Act,” said John Trasviña, HUD Assistant Secretary for Fair Housing and Equal Opportunity.

The federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, familial status, national origin and disability. More information about the Civil Rights Division and the laws it enforces is available at www.usdoj.gov/crt . Individuals who believe that they have been victims of housing discrimination can call the Housing Discrimination Tip Line at 1-800-896-7743, email the Justice Department at fairhousing@usdoj.gov , or contact HUD at 1-800-669-9777.

Last updated on July 30, 2012.

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