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October 3, 2018
For Immediate Release

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DFEH Settles Disability Discrimination Lawsuit against San Mateo County Landlords

Tenants to receive \$27,500 after Landlord Placed Unlawful Conditions on Permission to Keep Assistance Animal as Reasonable Accommodation

Sacramento – The California Department of Fair Employment and Housing (DFEH) has settled a lawsuit alleging landlords of a San Carlos apartment refused to grant their tenants' request for a reasonable accommodation for an exception to the property's no-pets policy for an emotional support animal unless they paid a pet deposit and signed a pet addendum.

The tenants filed an administrative complaint with the DFEH in 2016 and DFEH filed a civil complaint in 2017 in San Mateo County Superior Court (case number 17CIV05279) alleging violations of California's Fair Employment and Housing Act and Unruh Civil Rights Act. The civil complaint alleged that the tenants made numerous attempts to seek a reasonable accommodation in the form of an emotional support animal. The complaint alleged that the landlords repeatedly refused to grant an exception to the no pets-policy and made statements questioning the animal's status as an emotional support animal. After several months, the landlords demanded the tenants pay a pet deposit and sign a pet addendum as a condition of keeping the assistance animal.

"The law is clear that emotional support or companion animals are not pets," said DFEH Director Kevin Kish. "Treating an assistance animal as a pet, including by refusing to allow an assistance animal at a property because of a no-pets policy or generalized fear of animals, runs afoul of California's fair housing laws."

The settlement requires the landlords to pay \$27,500 to the tenants. The landlords are also required to undergo annual fair housing training, including training on disability discrimination, for five years; post DFEH fair housing posters; develop, implement, and distribute to tenants a written anti-discrimination policy for five years; and submit compliance reports to the DFEH for five years.

Jeanette Hawn, DFEH Staff Counsel, represented the DFEH in this proceeding.

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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 and human trafficking. For more information, visit the DFEH's web site at www.dfeh.ca.gov.

