

Know Your Rights Manual for the Transgender Community: Housing Law



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This manual is a project of the National Lawyers Guild San Francisco Bay Area Chapter; many additional individuals and organizations made valuable contributions.

Thanks to Perna Lal, Carlos Villarreal, and Alicia Virani, for drafting the original material which constitutes the bulk of this manual, and Kelly Densmore, John Fitzgerald, Sara Grant, Ted Gullickson, Andrea Horne, Erica Keiter, Alex Lee, Micah Ludeke, Ben Lunine, Joshua Melgaard, Esteban Rodriguez, Julie Shefchik, Ariel Speser, Michelle Syler, Dani Williams, Zahra Mojtahedi and numerous other individuals for reviewing a draft version of this manual and providing valuable insights based on their experience carrying out this work. Thanks also to Becky Straus for designing an earlier version of this manual.

The National Lawyers Guild is an association dedicated to the need for basic change in the structure of our political and economic system. We seek to unite the lawyers, law students, legal workers, and jailhouse lawyers of America in an organization which shall function as an effective political and social force in the service of the people, to the end that human rights shall be regarded as more sacred than property interests. The Transgender Know Your Rights Manuals are legal materials designed for transgender community members and their advocates to provide a set of basic, current, and locally-specific legal information about how certain areas of substantive law uniquely affect transgender individuals.

This effort was inspired by Thomas Steel, tireless advocate for the San Francisco Bay Area LGBT community and longtime friend and supporter of the National Lawyers Guild San Francisco Bay Area Chapter. His leadership and vision enabled the work which the Transgender Know Your Rights Manuals seek to further.

The Transgender Know Your Rights Manuals were made possible by the Thomas Steel Fund.

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This information was compiled by law students of the National Lawyers Guild, using statutory law, case law, and the work of numerous legal and non-legal organizations across the country, notably, the National Lawyers Guild San Francisco Bay Area chapter. While the information here is up-to-date through May 2014, it is possible that substantive changes have been made to the laws since it was last updated. Please keep this in mind while using this resource. Source and reference information will be provided for most of the content in this manual to help you verify that the information is still good before relying on it.

This manual was created for use by transgender community members and allies, by service providers who work with the transgender community, and by attorneys and legal workers who provide advocacy and legal services to members of the transgender community. For purposes of this manual, the word “transgender” is used as an umbrella term that includes transgender, gender variant, and intersex people who are at any point of self-identification or physical transition. Occasionally, the text will refer to individuals as “he or she” or “his or her.” This reference does not indicate that a statement applies exclusively to persons who identify as male or female, but instead is used for legibility and accessibility.

The information in this manual does not constitute legal advice; instead, it is meant to serve as a resource to help understand the landscape of transgender law in a particular area, and to help connect readers with the current information needed to verify law or navigate a particular situation. Although we hope that this manual assists service providers and community members in locating information and resources, it is important to note that only licensed attorneys are authorized to give legal advice. If you have a question of law that is outside of the scope of information provided in this manual, you may wish to consult or refer your client to an attorney or, if you are a client, to contact one of the legal support agencies listed in the resource guide in the back. Many of the organizations listed in the resource guide provide referrals to attorneys who are familiar with transgender law and working with the transgender community.

For questions, comments, corrections, and suggestions, please contact carlos@nlgsf.org.

USING THIS MANUAL

This manual was created to be a first-stop reference for lawyers, service providers, and community members who need legal information about a transgender-specific issue or question of law. For ease of use, the content has been divided by common problems or needs. Case law, statutes, print and web resources, and other service organizations can be found embedded throughout the manual, referenced in the footnotes, and listed in the directory at the back of this manual.

This resource was created by and for people in the San Francisco Bay Area, and therefore much of the information is specific to California and San Francisco Bay Area resources and law. We hope that this manual will be a helpful resource to readers outside of California as well because it includes information that is nationally relevant. However, it is important that non-California readers pay close attention to what information appears to be specific to California or the Bay Area, and not presume that the local information contained in this manual will transfer to other cities and states. Non-California readers are encouraged to use the national resources listed in the directory at the back to locate up-to-date information about the laws and precedent in their state or city.

It is important to note that, although the researchers who assembled this information did our best to be accurate on points of both black letter law and how the law tends to play out in the real world, there may be inaccuracies and nothing in this manual should be relied on as legal advice. Legal advice can only come from a lawyer. This manual is, however, a good starting place to understand the law and how it affects transgender people and communities in California and the Bay Area specifically.

FINDING THE LAW FOR FREE

Legal documents, such as cases and statutes, are actually public documents. This means that everyone (members of the public) has the right to research and read these documents. The problem is that sometimes these documents can be hard to find or access.

If a case is cited in this document and a person wants to find and read the actual case, we can find it by following a series of steps. The first step is to avoid getting flustered by the complicated series of numbers, letters, and punctuation that follows the name of the case. The next step is to simply go to <http://scholar.google.com/>, click the “Legal opinions and journals” button and type in the volume number, the journal name, and the page number from the case citation. For example, to find the case of *State v. Jordan*, 742 N.W.2d 149 (Minn. 2007). We would ignore the name of the case (*State v. Jordan*), and copy the volume number (742), then journal name (N.W.2d), followed by the page number (149). Those three things are all that’s needed to find the case on Google scholar. Sometimes the journal name will be different, but as long as the right information is copied into the search bar, Google Scholar should be able to pull it up.

Again, the information in this manual is not legal advice. We hope that transgender individuals and their allies will use this manual as a first step for beginning to understand applicable law, and identify when legal help is needed.

Many transgender people report barriers to accessing legal services for a number of reasons. The cost of hiring a lawyer is a major issue for many, along with fears that lawyers will not be respectful of transgender clients, will not know enough about how laws specifically affect transgender people, or that the court system is prejudiced against transgender people. While all of these fears are justified, attorneys, activists, and advocates across the country are making huge strides in increasing legal services and resources for transgender people. Many states have lesbian, gay, bisexual, and transgender (LGBT) bar associations that can be helpful in locating legal information or finding lawyers who are knowledgeable about transgender law and sensitive to the specific concerns of transgender clients. Many of the organizations listed in the resource section at the end of this manual are happy to assist individuals in finding legal services. Although legal services often seem too expensive, there are a lot of organizations and individual attorneys committed to making justice more accessible. You may be eligible for pro bono (free of charge) representation or fee structures that work for you (such as contingency fees, where you only pay if you win your case). Additionally, many attorneys are happy to meet with potential clients for free to assess your case. This can be a good way to learn more about your options and whether it's worth it to you to pursue legal action.

A NOTE TO PROFESSIONALS

This manual was designed to be a resource to clients, but it is our hope that service providers and legal professionals will also find it useful. Attorneys may find this manual to be a helpful starting point for legal research and a useful tool for locating additional resources. All manuals in this series contain footnotes to case law, law review articles, and statutes that we hope will assist you. As with any compilation of research, attorneys are urged to check all cited law before relying on it to make sure there haven't been substantive changes and that it will apply to your client's particular case. Many of the organizations listed in the resource section of this document provide assistance to attorneys representing clients, and can be excellent sources for information and insight. When advocating for transgender clients, attorneys can advocate for the use of appropriate name and pronoun for their client in court and other proceedings.

BASIC RIGHTS

Both citizens and non-citizens alike have rights under the United States Constitution. The Fifth Amendment gives every person the right to remain silent – that is, to not answer questions asked by a police officer or government agent. The Fourth Amendment restricts the government's power to enter and search a person's home or workplace, although there are many exceptions and new laws have expanded the government's power to conduct surveillance, as well as the authority for the police to search a person or belongings. The First Amendment protects a person's right to speak freely and to advocate for social change. These Constitutional rights are absolute, and cannot be suspended – even during wartime.¹

¹ Know Your Rights!: What to Do if Questioned by Police, FBI, Customs Agents or Immigration Officers, August 2004
California: National Lawyers Guild San Francisco Bay Area Chapter, American Civil Liberties Union of Northern California, and the American Arab Anti-Discrimination Committee, <http://www.nlgf.org/resources/>, Last visited May 27, 2014.

OVERVIEW: HOUSING DISCRIMINATION

Housing discrimination against transgender and gender-non conforming persons is a severe problem. In the National Transgender Discrimination Survey, 19 percent of the 6,450 respondents reported having been refused a home or apartment and 11 percent reported being evicted because of their gender identity/expression.² Most notably, 19 percent of respondents also reported experiencing homelessness as a result of their gender identity/expression with the majority of them reporting either harassment, difficulty in access, or sexual assault when attempting to access homeless shelters. Transgender persons had less than half the national rate of home ownership: 32% reported owning their home compared to 67% of the general population. Between 20 percent and 40 percent of homeless youth and runaways in the United States identify themselves as lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQ).³

The most common forms of housing discrimination against transgender people occur when they are denied housing, discriminated against in the terms or conditions available to other tenants, or harassed by a landlord or fellow tenant. Often, couples with one or more transgender partner(s) are discriminated against when acting as potential home buyers or renters. However, a landlord cannot apply rules and policies to unmarried couples who are registered domestic partners that do not apply to married couples.⁴

If you are a victim of housing discrimination, you may have several legal remedies available to you under federal, state, or local law, including:

- Recovery of out-of-pocket losses;
- An injunction prohibiting the unlawful, discriminatory practice;
- Access to the housing that the landlord denied you;
- Monetary damages for emotional distress;
- Civil penalties or punitive damages; and/or
- Attorney's fees.⁵

Protection Under the Federal Fair Housing Act

Recently, some efforts have been made at the federal level to protect transgender individuals from housing discrimination. The Fair Housing Act prohibits discrimination in rental, sales, and lending on the basis of race, color, national origin, religion, gender,

² Injustice at Every Turn: A Report of the National Transgender Survey, National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, http://endtransdiscrimination.org/PDFs/NTDS_Exec_Summary.pdf, Last visited May 27, 2014.

³ Rudy Estrada and Jody Marksamer, Lesbian, Gay, Bisexual, and Transgender Young People in State Custody: Making the Child Welfare and Juvenile Justice Systems Safe for All Youth Through Litigation, Advocacy and Education, Temple L. Rev., Vol. 7, Issue 2 (Summer 2006), <http://www.nclrights.org/legal-help-resources/resource/lesbian-gay-bisexual-and-transgender-young-people-in-state-custody-making-the-child-welfare-and-juvenile-justice-systems-safe-for-all-youth-through-litigation-advocacy-and-education/>, Last visited May 27, 2014.

⁴ Koebke v. Bernardo Heights Country Club, 36 Cal.4th 824, 846 (2005).

⁵ Unlawful Discrimination, California Department of Consumer Affairs, <http://www.dca.ca.gov/publications/landlordbook/discrimination.shtml>, Last visited May 27, 2014.

disability, and familial status.⁶ In July 2010, the U.S. Department of Housing and Urban Development (HUD) issued new guidance to treat gender identity discrimination as gender discrimination under the Fair Housing Act. HUD instructed staff to inform individuals filing complaints about relevant state and local agencies that have LGBT-inclusive anti-discrimination laws.⁷ Housing discrimination against someone who is transgender could violate the FHA's prohibition against gender discrimination. Under the new guidance, HUD can retain its jurisdiction over complaints filed by LGBT individuals or families but also jointly investigate or refer matters to those state, district, and local governments offering other legal protections.

In February 2012, after receiving an unprecedented level of LGBT-discrimination housing complaints as a result of the guidance, HUD finalized a new rule that prohibits discrimination on the basis of sexual orientation or gender identity in several of the federal agency's programs. Most notably, the new rules prohibit lenders from using sexual orientation or gender identity as a basis to determine a borrower's eligibility for Federal Housing Administration (FHA) insured mortgage financing, allow all families regardless of sexual orientation and gender identity to participate in HUD programs, and prohibit owners and operators of HUD-assisted housing from inquiring about the sexual orientation or gender identity of an applicant.⁸ While the new guidance and rules are a step in the right direction, gender identity and sexual orientation are still not explicitly protected under the Fair Housing Act.

At this time, federal law is still less favorable overall than California state law for transgender persons seeking relief from discrimination. The Fair Housing Act makes it unlawful “to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap...”⁹ “Handicap” is defined as “a physical or mental impairment which substantially limits one or more of such person's major life activities.” As it relates to other statutes, some courts have interpreted people diagnosed with Gender Identity Disorder as falling into this category of handicapped or disabled persons. As it currently reads, however, the language under the Fair Housing Act still explicitly excludes what it calls “transvestites” from this protection.¹⁰ But as of 2013, at least one court has upheld the validity of a claim for gender identity discrimination under the Fair Housing Act, finding that a plaintiff could state a claim under the act when she was denied public accommodations in a recovery home for women because the defendant identified her as a “woman with male genitalia.”¹¹ With the new HUD guidelines in place, more courts may begin to recognize gender identity as a protected classification under the Fair Housing Act.

⁶ HUD Issues Guidance On LGBT Housing Discrimination Complaints, U.S. Department of Housing and Urban Development, http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/LGBT_Housing_Discrimination, Last visited May 27, 2014.

⁷ *Id.*

⁸ Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, U.S. Department of Housing and Urban Development, Federal Register, Vol. 77, No. 23, February 3, 2012,

<http://portal.hud.gov/hudportal/documents/huddoc?id=12lgbtfinalrule.pdf>. Last visited May 27, 2014.

⁹ 42 U.S.C. § 3604.

¹⁰ 42 U.S.C. § 3602 (note).

¹¹ *Kaao-Tomaselli v. Butts*, Civil No. 11-00670 LEK-BMK, 2012 U.S. Dist. LEXIS 170439 at *4, *8 (D. Haw. Nov. 30, 2012).

DISCRIMINATION WHEN RENTING

In San Francisco¹² and Oakland,¹³ landlords are expressly prohibited from discriminating based on gender identity. If transgender-specific discrimination occurs outside of these two cities, an individual is still protected under California state law. The Fair Employment and Housing Act (FEHA), asserts that “the opportunity to seek, obtain, and hold housing without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, disability ... is hereby recognized as and declared to be a civil right.” In 2003, the Gender Nondiscrimination Bill (AB 196)¹⁴ amended FEHA to explicitly protect transgender people by adding a gender identity specification to the definition of “sex.”¹⁵ Relief under FEHA, then, is available to those who can make a claim for discrimination based on gender identity. However, it is important to note that for a claim to succeed, one must be able to prove that the discrimination was based on gender identity. Landlords often evict or refuse to rent to transgender people but cite a legally valid reason or no reason at all, rather than explicitly breaking the law.

Individuals outside of California should research their state's housing discrimination laws. In all states, no matter what the law, landlords frequently utilize discriminatory practices and claim to be basing their action on legally acceptable reasons. It can be very difficult to bring a discrimination claim against a landlord, so collecting and documenting evidence that the discrimination was explicitly related to gender identity is very important. Whenever possible, ask for things in writing, especially if a landlord explicitly tells you that something is based on gender identity. A map available from the American Civil Liberties Union can serve as a quick guide to discovering protections available in your jurisdiction, and is current through May 2014: <http://www.aclu.org/maps/non-discrimination-laws-state-state-information-map>.

California law protects transgender tenants from a variety of discriminatory actions by landlords besides a refusal to rent property. A landlord might alter the terms of the lease so as to charge a transgender tenant a higher rent or provide terms that are less favorable than for other tenants. A landlord might also try to charge a higher fee for rental application. The fee itself is used to cover costs related to reference checking. A landlord is not able to take an application fee if he or she knows there are no rental units available or none available within a reasonable time. Any amount that is not used to perform those checks must be returned to the applicant. The landlord must disclose the name, address, and phone number of the tenant screening service, if asked, before the fee is taken.¹⁶

In California, tenants are legally entitled to certain rights.¹⁷ A landlord may neither enter a rented property without notice, nor monitor guests to a leased property. Doing so is a form of harassment and is illegal under FEHA. In cases of emergency, tenant abandonment, or

¹² San Francisco Police Code, § Section 3304, available at <http://sfreentry.com/wp-content/uploads/2011/03/SFPoliceCodeArticle33.pdf>. Last visited May 27, 2014.

¹³ Oakland Mun. Code, Ch. 9.44.

¹⁴ AB 196: What It Means to You, Transgender Law Center, <http://transgenderlawcenter.org/issues/housing/ab-196-what-it-means-for-you>. Last visited May 27, 2014.

¹⁵ Cal. Assem. Bill No. 196 (2003).

¹⁶ Cal. Civ. Code § 1950.6

¹⁷ California Tenants: Know Your Rights!, Tenants Together, <http://tenantstogether.org/downloads/KnowYourRights.pdf>, Last visited May 27, 2014.

surrender, a landlord or manager may enter a rental unit without notice. Otherwise, a landlord may enter a unit only after giving reasonable written notice with a valid reason. A landlord has a valid reason to enter when he or she must do one or more of the following: make a needed or agreed upon repair or alteration; show the unit to prospective buyers, tenants, contractors, lenders, or repair workers; provide agreed upon services; conduct an inspection related to a tenant's security deposit, prior to their move-out; or when he or she has a court order.¹⁸ Landlords and tenants may want to consider using an inventory checklist to document the condition of the property or address the need for repairs *before* problems arise.¹⁹

A landlord may not enter a rental unit simply to inspect the premises, even if the rental agreement specifies that this is allowed. Once the landlord has given notice, entry should be during normal business hours, unless the tenant consents otherwise. The right of entry shall not be abused by the landlord or used to harass a tenant. Reasonable notice has been deemed by the courts to be 24-hour notice. The notice should be personally delivered, left with someone at the premises of suitable age and discretion, or left at, near, or under the usual entry door where it is likely to be discovered. It can be mailed, but the landlord should allow six days between mailing and entry. There is an exception that allows oral notice of entry during the sale of a property provided certain procedures are followed.²⁰ However, the landlord may enter the unit without giving prior notice when immediate entry is necessary to prevent injury to property or people, to determine a tenant's safety, or to comply with state law or local ordinance. The landlord must leave written notice if he or she enters without giving notice and the tenant is not present.

Landlords generally have a duty to make repairs to a rental unit. There are times that landlords may treat tenants badly or try to force them to move out by not making necessary repairs to rental units. However, landlords have a legal responsibility to ensure that the rental unit is fit to live in, or "habitable."²¹ "Habitable" means that the rental unit is fit for occupation by human beings and that it substantially complies with state and local building and health codes that materially affect tenants' health and safety.²² This does not mean that landlords always have a legal duty to repair just because they are violating codes. Under *Green v. Superior Court*, all residential leases and rental agreements in California have an implied warranty of habitability making it the legal duty of a landlord to repair conditions that seriously affect the rental unit's habitability. On the other hand, landlords are not responsible for repairing damage caused by tenants, their families, guests, or pets.²³ There are instances where a renter may be able to withhold a portion of rent from the landlord in order to make legitimate repairs that are necessary to make a rental unit "habitable" under the implied warranty of habitability. Transgender tenants and their advocates can find more information on habitability and landlord-tenant responsibilities for repairs at: <http://www.dca.ca.gov/publications/landlordbook/problems.shtml>.

¹⁸ Cal. Civ. Code, § 1954.

¹⁹ Inventory Checklist, California Department of Consumer Affairs, <http://www.dca.ca.gov/publications/landlordbook/checklist.pdf>, Last visited May 27, 2014.

²⁰ Cal. Civ. Code, § 1954.

²¹ *Green v. Superior Court*, 517 P.2d 1168, 1182-83 (1974); Cal. Civ. Code § 1941, 1941.1.

²² *Id.*

²³ Cal. Civ. Code, § 1929, 1941.2.

Background and Credit Checks

There are several issues about which a landlord may not inquire.²⁴ A landlord may not ask a prospective tenant questions regarding their membership in a protected group²⁵, such as race, sex, or gender. Examples of questions which may be unlawful include: “What medications do you take?” or “Have you had sex reassignment surgery?” or “Are you transgender?” However, discrimination in the application process is not always obvious. To discern if one is being discriminated against, it is important to watch not only for intrusive questions but also to notice to whom these questions, or even other lawful questions, are being directed. A landlord is legally allowed to do a background check on an applicant, but is not allowed to run such checks only on certain groups of people. It can be very difficult to prove whether a landlord is running checks only on specific groups of people, so be sure to document any evidence or indications of this practice.

Many landlords run credit checks and will not rent to applicants with credit issues. In California, refusing to rent to a person based on bad credit is legal. Landlords can use information in the screening process, including whether tenants paid their rent on time, if they damaged previous rentals, whether they were subject to an unlawful detainer lawsuit, and whether past landlords considered them to be good or bad tenants.²⁶ The best way for a tenant to prepare is to obtain a credit report and make sure to be aware of and fix any credit issues before having a potential landlord conduct a credit check.²⁷ Landlords usually obtain credit information from the three major credit bureaus: Experian, Equifax, and Transunion. Some landlords will accept a tenant with poor credit history who also has a secure job and good references. Some landlords do not ordinarily run credit checks, and instead rely on other criteria to make a decision. There are very specific guidelines landlords must follow in order to use consumer reports to evaluate rental applications.²⁸ Potential renters should familiarize themselves with these rules before submitting to a credit check for rental purposes. If income allows, another solution may be to offer to pay a higher deposit or provide a co-signer in lieu of a positive credit report.²⁹

Landlords might also look at criminal records before deciding to rent to an individual. Like poor credit records, criminal records are likely to have a detrimental effect on a person's attempt to secure housing, and there is no law prohibiting landlords from refusing to rent to individuals based on these factors. In San Francisco, an applicant may be eligible to have his or her criminal record improved through an initiative called the Clean Slate Program.³⁰ Governmental agencies and nonprofit organizations across California and throughout the

²⁴ Cal. Gov. Code §12955(b).

²⁵ See *Smith v. Fair Employment & Hous. Com.*, 913 P.2d 909, 914 (1996), (Landlord may not ask two prospective tenants whether or not they are married and make a decision based on their response).

²⁶ *Schoendorf v. Unlawful Detainer Registry, Inc.*, 97 Cal.App.4th 227 (2002).

²⁷ Credit Repair: How to Help Yourself, Federal Trade Commission, <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre13.shtm>, Last visited May 27, 2014.

²⁸ Using Consumer Reports: What Landlords Need to Know, Federal Trade Commission's Bureau of Consumer Protection Business Center, <http://business.ftc.gov/documents/bus49-using-consumer-reports-what-landlords-need-know>, Last visited May 27, 2014.

²⁹ Steps to Finding Affordable Housing, East Bay Housing Organizations, <http://www.ebho.org/resources/looking-for-housing/steps-to-find-affordable-housing>, Last visited May 27, 2014.

³⁰ Clean Slate Program: How to Apply, San Francisco Public Defender, http://sfpublicdefender.org/wp-content/uploads/2013/02/Application.Packet.Feb._2013.pdf, Last visited May 27, 2014.

country have begun offering similar criminal record improvement programs and initiatives. Individuals interested in improving their criminal record should research if such programs are offered through their local courts, county public defender's office, or through nonprofit legal aid groups. People who have been arrested, convicted of a crime, or been found delinquent in Juvenile Court could be eligible to have their criminal record "cleansed" by a simple process. Some records, such as marijuana possession and juvenile offenses, can be totally destroyed. Other records can be changed from felony to misdemeanor status.³¹

In California, background checks run by prospective landlords to learn more about prospective tenants are called "tenant screenings." A tenant screening is a written or oral report by a tenant screening service regarding a prospective tenant's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or lifestyle.³² A landlord is legally allowed to request a tenant report about an applicant, but is not allowed to run such checks only on certain groups of people. It can be very difficult to prove whether a landlord is running checks only on specific groups of people, so be sure to document any evidence or indications of this practice.

A tenant screening service must provide a free copy of the applicant's credit history report in the case of a rental denial, security deposit increase, or rent amount increase. In order to obtain this, a request must be made within 30 days.³³ A tenant must be allowed to explain any eviction report or any disputed item not resolved by reinvestigation and it will be included in the tenant report, but a screening service may limit it to 100 words. The Fair Credit Reporting Act (FCRA) requires landlords to give an adverse action notice to each potential tenant whose credit report was used to deny their lease application.³⁴ The notice should indicate which credit reporting agency was used, and how to contact them. Every consumer is entitled to a free copy of their credit report by law.³⁵ A prospective tenant who has been involved in a previous eviction proceeding may apply to the court to have their name expunged from the record.

Rent Control

Tenants can usually find information on rent control by searching for their local "rent board" or "rent control board." California cities with rent control include Berkeley, Beverly Hills, Campbell, East Palo Alto, Fremont, Hayward, Los Angeles, Los Gatos, Oakland, Palm Springs, San Francisco, San Jose, Santa Monica, Thousand Oaks, and West Hollywood.³⁶ In San Francisco, rent control law and regulations provide that a landlord may increase a tenant's base rent once every twelve months by the amount of the annual allowable increase. The annual allowable increase changes every year on March 1 and is based on 60% of the

³¹ California State Resources, Papillon Foundation, <http://www.papillonfoundation.org/statespecificinfo/california.html>, Last visited May 27, 2014.

³² The Fair Credit Reporting Act, § 606, 15 U.S.C. § 1681d, available at Federal Trade Commission, <http://www.ftc.gov/os/statutes/O31224fcra.pdf>, Last visited May 27, 2014.

³³ Tenant Screening, Tenants Union of Washington State, <http://www.tenantsunion.org/en/rights/tenant-screening>, Last visited May 28, 2014.

³⁴ The Fair Credit Reporting Act, § 615, 15 U.S.C. § 1681m, available at Federal Trade Commission, <http://www.ftc.gov/os/statutes/O31224fcra.pdf>, Last visited May 27, 2014.

³⁵ Your Access to Free Credit Reports, Federal Trade Commission, <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre34.shtm>, Last visited May 27, 2014.

³⁶ List of Cities with Rent Control, California Department of Consumer Affairs, <http://www.dca.ca.gov/publications/landlordbook/appendix2.shtml>, Last visited May 27, 2014.

increase in the Consumer Price Index for all urban consumers in the San Francisco Bay Area.³⁷ San Francisco residents can obtain a list of the current and past annual allowable rent increases at the San Francisco Rent Board's office or by visiting their website at www.sfgov.org/rentboard.

San Francisco's rent control laws provide for just cause eviction protections: this means that tenants can only be evicted for specific reasons.³⁸ Tenant harassment is prohibited. Examples of harassment include failing to perform required repairs or maintenance, trying to coerce tenants to vacate with offers of payment to vacate, accompanied by threats or intimidation, and refusing to accept or acknowledge the tenant's lawful rent payment.

Eviction

A landlord can neither evict nor threaten to evict a tenant for being transgender.³⁹ An eviction in the absence of any unlawful activity on the part of the tenant but motivated simply by a landlord's knowledge of his or her gender identity is unlawful. Threatening eviction without legitimate grounds to evict is a type of harassment and is also prohibited by law.⁴⁰ Furthermore, many tenants are unaware that eviction must happen through a legal process. This means that a landlord cannot simply announce the eviction to the tenant, remove the tenant's belongings from the premises, or lock out the tenant.⁴¹ None of these actions constitute a legal eviction. There are two steps to eviction in California: first, a landlord must provide proper, legal, written notice, and then unlawful detainer (eviction) lawsuit occurs.⁴² Tenants living in homes that are in foreclosure or already foreclosed may also still have rights during eviction.⁴³

If a landlord tries to evict a tenant or take some other action against a tenant within six months after the tenant has done any of the following, the law assumes the landlord was motivated by retaliation:⁴⁴

- Using the implied warranty of habitability's repair and deduct remedy, or the tenant telling the landlord that they are intending to use the repair and deduct remedy;
- Complaining about the condition of the unit to the landlord or to an appropriate public agency after having given the landlord notice and a sufficient amount of time to make necessary repairs or fix the problem;
- Filing a lawsuit against the landlord based on the condition of the rental property; or
- Causing a public agency to inspect the unit and/or issue a citation to the landlord.

Moreover, landlords, managing agents, real estate brokers, or salespersons are in violation of the California Fair Employment and Housing Act for harassing, evicting, or otherwise

³⁷ San Francisco Admin. Code, § 37.3.

³⁸ Overview of Just Cause Evictions, San Francisco Rent Board, <http://www.sfrb.org/index.aspx?page=962>, Last Visited May 27, 2014.

³⁹ Cal. Gov. Code §12955.

⁴⁰ Cal. Gov. Code, §12900-12996.

⁴¹ Cal. Civ. Code, § 789.

⁴² See Unlawful Detainer Procedures and Time Chart, San Francisco Tenants Union, <http://www.sftu.org/evictflowchart.pdf>, Last visited May 27, 2014.

⁴³ Q & A for Tenants Living in Properties Sold at Foreclosure, Tenants Together, <http://tenants-together.org/downloads/Foreclosure%20Q%20and%20A.pdf>, Last visited May 27, 2014.

⁴⁴ Cal. Civ. Code, § 1942.5.

discriminating against a transgender person in the sale or renting of property when the “dominate purpose” is to retaliate against a person for opposing unlawful practices or aiding or encouraging a person protected by the Act to exercise their rights.⁴⁵ For more information specifically on the eviction process in California, please visit: <http://www.dca.ca.gov/publications/landlordbook/evictions.shtml>.

Elder Protections

Elder tenants age 65 or over facing harassment or illegal eviction in California may have additional remedies available to them under the Elder Abuse and Dependent Adult Civil Protection Act. The act prohibits the financial abuse of an elder through the taking of real or personal property for wrongful use, with an intent to defraud, or through undue influence.⁴⁶ The act also prohibits any form of harassment or intimidating behavior intended to cause an elder emotional distress.⁴⁷ It has been applied in a case where a co-tenant unlawfully denied her roommate access to the apartment, and a case where a landlord illegally prevented a tenant from accessing her mailbox by installing a lock on it.⁴⁸ The act allows elders to recover attorney’s fees if their claim is successful, which may act as an incentive for an attorney to take their case.⁴⁹

Security Deposit

In California, the most a landlord can require for a security deposit is no more than two months of rent for an unfurnished unit or three months of rent for a furnished unit.⁵⁰ Non-refundable security deposits are illegal.⁵¹ If a landlord fails to return a security deposit within twenty-one days⁵² of the tenant's date of move out, or keeps a portion of the security deposit and the tenant disagrees with the charges, the tenant can write the landlord a “letter of demand.” The demand letter should be sent by certified mail with return receipt requested. Tenants should retain copies for their records. If the landlord does not respond to the letter of demand within ten days, the tenant can file an action up to \$7500 in small claims court. If the tenant can prove that the landlord’s retention of the security deposit was willful, the tenant could be awarded up to \$600 in punitive damages.⁵³

DISCRIMINATION IN PUBLIC HOUSING

Public housing is a program run by the federal government through the U.S. Department of Housing and Urban Development (HUD). Though funded primarily by HUD, public housing programs are owned, managed, and operated directly by local housing authorities. Tenants in San Francisco public housing deal with the San Francisco Housing Authority for various reasons such as writing checks or asking for repairs. In Oakland, tenants deal with the Oakland Housing Authority; in Alameda, tenants work with the Alameda Housing Authority,

⁴⁵ Cal. Gov. Code, §12955(f).

⁴⁶ Cal. Welf. & Inst. Code, §15610.30

⁴⁷ Cal. Welf. & Inst. Code, §15610.53

⁴⁸ *Deprima v. Hermann*, No. B148727, 2002 Cal. App. Unpub. LEXIS 9036; *Van Horn v. Morgan*, No. B233928, 2012 Cal. App. Unpub. LEXIS 3482.

⁴⁹ Cal. Welf. & Inst. Code §15657.5

⁵⁰ Cal. Civ. Code, § 1950.5(c).

⁵¹ Cal. Civ. Code, § 1950.

⁵² Cal. Civ. Code, § 1950.5 (g)(1).

⁵³ Cal. Civ. Code, § 1950.

and so on.⁵⁴ Similar local housing authorities serving the needs of public housing tenants can be found in other jurisdictions as well.

Public housing is limited to low-income families and individuals. Housing authorities determine eligibility based on annual gross income, whether applicants qualify as elderly, a person with a disability, or as a family, and U.S. citizenship or eligible immigration status. If an applicant is eligible, the housing authority will check references to make sure the applicants will be good tenants.⁵⁵

Similar to standard landlord-tenant relations outlined above, public housing is regulated both by federal and state law. For transgender tenants, for whom state law in California is more favorable than federal law, the Fair Employment and Housing Act (FEHA) and the Unruh Civil Rights Act should be followed. All other applicable California codes, regulations of specific municipalities and federal law all apply as well. Tenants have the same protections against discrimination in public housing as they do in privately owned buildings.⁵⁶

Section 8, or the Housing Choice Voucher Program, is a federal housing program that provides housing assistance to low-income renters and homeowners. A type of public housing, this assistance comes in the form of rental subsidies for private units, limiting the monthly rent payment of the assistance recipient. Rent is determined by an applicant's income. The voucher will pay anything above 30% of the tenant's adjusted monthly income directly to the tenant's landlord, up to an established limit.⁵⁷ Landlords may refuse to accept Section 8 vouchers⁵⁸, but they may not do so with an intent to discriminate against individuals based on a protected characteristic such as sex.

Information about the Housing Choice Voucher Program can be found at http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/about.

Criminal Records

Federal law requires providers of public housing to perform background checks for people who apply to public housing. However, before a public housing authority takes any adverse action against an applicant based on the results of a criminal background check, applicants must be given an opportunity to dispute the accuracy of their criminal records.⁵⁹

Eviction

Tenants must be given "good cause" for eviction in public housing. This means that there are only very specific reasons why a tenant can be evicted, including serious or repeated violation of material terms of the lease, nonpayment of rent, criminal activity or alcohol

⁵⁴ Cal. Health & Safe. Code, § 34240.

⁵⁵ HUD's Public Housing Program, U.S. Department of Housing and Urban Development, <http://www.hud.gov/renting/phprog.cfm>, Last visited May 27, 2014.

⁵⁶ See *Banks v. Housing Authority of City and County of San Francisco*, 120 Cal. App. 2d 1 (1953), (Holding that local housing authorities may not practice racial discrimination in public housing under the 14th Amendment).

⁵⁷ 24 C.F.R., § 888.113.

⁵⁸ See *Sabi v. Sterling*, 183 Cal. App. 4th 916, 942 (2010).

⁵⁹ 42 U.S.C. § 1437.

abuse, violating a condition of parole, or other good legal cause.⁶⁰ In California, being transgender is not permissible grounds for eviction.

In San Francisco, if a tenant receives a “notice of adverse action,” “notice of lease termination,” or “notice to vacate” from the San Francisco Housing Authority, he or she has the right to request a grievance hearing. The notice should inform the tenant of this right and the timeline and process for requesting the hearing. The tenant must initially request an “informal settlement” with the property manager. If the decision is not favorable, the tenant may then request a formal hearing.⁶¹ An exception exists in regard to evictions relating to health and safety hazards and criminal activity. In such cases, the tenant is not granted the right to a grievance hearing.⁶² Hearing decisions and/or failure to request or attend hearings do not impact a tenant's right to sue in court at a later date. Eviction procedures from public housing may vary slightly depending on the jurisdiction. Check with the appropriate authority regarding eviction from public housing in other areas.

Recourse for Denial of Public Housing

According to federal law, an applicant has the right to challenge the Housing Authority's decision to not admit the applicant into public housing.⁶³ When an applicant is denied admission to public housing, the Housing Authority must provide notification in writing and explain the reasons for the denial. If the applicant is verbally told of a denial, that person should not assume that this is true, and should always ask for the denial in writing. This way, the person will know whether the reason is legal, and whether there are grounds for an appeal. The written notice should state the reason for the denial and that the applicant has the right to request an informal hearing to challenge the decision within ten days.⁶⁴

DISCRIMINATION IN SRO'S

Hotel and motel guests, residential hotel guests, single lodgers, and residents of transitional housing have some legal rights when living in Single Room Occupancy (SRO's) situations.⁶⁵ SRO's are multiple-tenant residences that house people in single rooms, with tenants sharing bathrooms and kitchens. In California, SRO's are governed by state law and the same regulations apply to these residences as they do to standard tenancies. Written notice by either party is required to terminate occupancy.⁶⁶ However, the law does give law enforcement agencies the authority to arrest hold-over lodgers after proper notice of termination of occupancy has been given.⁶⁷

⁶⁰ Housing Choice Voucher Administrative Plan, San Francisco Housing Authority, Chapter 1, § 16.0(A)(1), http://www.sfha.org/SFHA_Admin_Plan_2011.pdf, Last visited May 27, 2014.

⁶¹ 24 C.F.R., § 966.

⁶² 24 C.F.R., § 966.51.

⁶³ 24 C.F.R., § 960.205.

⁶⁴ *Id.*

⁶⁵ See Who is a 'Landlord' And Who is a 'Tenant,' California Department of Consumer Affairs, <http://www.dca.ca.gov/publications/landlordbook/whois.shtml>, Last visited May 27, 2014; see also Cal. Civ. Code, § 1940(b), 1940.1.

⁶⁶ Cal. Civ. Code, § 1946.5.

⁶⁷ Cal. Penal Code, § 602.3.

The Unruh Civil Rights Act provides further protection for transgender people in California SRO's. The Act ensures that "all persons within the jurisdiction of [California] are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever."⁶⁸ While FEHA alone is broad enough to protect people in any type of rental or real property purchase situation, Unruh's scope can reach slightly further, as it protects transgender people in all business accommodations, including hotels and SRO's⁶⁹. A transgender person can argue a violation of Unruh based on disability and sex, as transgender people are not expressly excluded from either definition and are included by statute (AB 196) under discrimination based on sex.

Although the Unruh Civil Rights Act originally required a violation based on disability to be intentional in order to be actionable, this was changed with amendments to Unruh in 1992 which brought it in line with the Americans with Disabilities Act (ADA).⁷⁰ The Ninth Circuit Court of Appeals has held that a plaintiff does not need to show intentional discrimination in order to prove a violation of Unruh if the discrimination would violate the ADA.⁷¹ However, claims brought under Unruh based on sex must still show intentional discrimination.

A common occurrence with SRO's is when landlords tell tenants to move just before they complete thirty days as residents. This critical time marker represents the threshold between "visitors" and "tenants," and more strict regulations attach to landlords after the occupants become tenants. A landlord may be subject to civil penalties for requiring an individual living in an SRO to move before this thirty-day deadline simply to avoid the attachment of additional tenant rights.⁷²

Visitors to SRO's

In San Francisco, guests and occupants of SRO housing are allowed a maximum of two daytime visitors at a time per room, with no limit as to how many guests they have each day, week, or month. Daytime visitors are allowed only from 9 am to 9 pm. Each guest and occupant who has lived in a room for at least thirty-two days are allowed a maximum of eight overnight guests each month, but are limited to 1 guest per room per night. Both daytime and overnight guests must show some form of identification. While the law does not explicitly address what happens if the visitors' identity does not match his or her identification, it is clear California law does prohibit discrimination in housing and public accommodations based on gender identity. In San Francisco, any time a tenant's visitor is excluded from the SRO, written notice must be delivered to the tenant after the fact with the visitor's name and the reason for the exclusion.⁷³

⁶⁸ Cal. Civ. Code, § 51(b).

⁶⁹ See *Piluso v. Spencer*, 36 Cal. App. 416, 421 (1918).

⁷⁰ Cal. Civ. Code, § 51(f).

⁷¹ *Lentini v. Cal. Ctr. for the Arts*, 370 F.3d 837, 846 (9th Cir. 2004); *Davis v. Patel*, No. 11-55908, U.S. App. LEXIS 2502, at *3 (9th Cir. Feb. 5, 2013).

⁷² Cal. Civ. Code, § 1940.1.

⁷³ Uniform Hotel Visitor Policy, City and County of San Francisco Rent Stabilization and Arbitration Board, Amended Mar. 30, 2010, <http://www.sfrb.org/Modules/ShowDocument.aspx?documentid=1514>, Last visited May 27, 2014.

DISCRIMINATION IN SHELTERS

In San Francisco, homeless shelters are required by the San Francisco Human Rights Commission to treat transgender people according to their self-identified gender. This means transgender women are housed with women and transgender men with men. Further, shelters are required to address the individual according to his or her gender identity, and allow the person access to a restroom that is consistent with their gender identity.⁷⁴ Cities in other states have developed model policies serving transgender guests in homeless shelter facilities.⁷⁵

Ideally, the shelter should make available a private shower facility, though many shelters do not have the resources to do so. In such a case, shelters should arrange a safe solution on a case-by-case basis. Unfortunately, not all homeless shelters have such transgender-friendly policies. Without such policies in place, shelters can be dangerous for transgender people. If a transgender person is faced with a harmful or dangerous situation in a shelter, it is best to seek immediate legal assistance. For more information on making homeless shelters more safe and transgender-inclusive, see *Transitioning Our Shelters: A Guide to Making Homeless Shelters Safe for Transgender People*, a guide published by the National Gay and Lesbian Taskforce Policy Institute and the National Coalition for the Homeless. The guide is available at: <http://www.thetaskforce.org/downloads/reports/reports/TransitioningOurShelters.pdf>.

DISCRIMINATION IN COLLEGE DORMS

There's an emerging trend on college campuses to offer not just co-ed dorms but also mixed-gender and gender-neutral housing for students. More than 80 colleges and universities now offer gender-neutral housing.⁷⁶ The gender-neutral housing movement across college campuses began mainly as a way to accommodate LGBTQ students although even straight-identifying students have roomed in mixed-gender housing.

Schools in California that allow such housing include the University of California (UC), Berkeley, the UC Riverside, UC San Diego, UC Santa Cruz, Humboldt State University, San Diego State University, California Institute of Technology, Stanford University, Harvey Mudd College, Occidental College, and Pitzer College.

DISCRIMINATION WHEN BUYING

A seller of property cannot refuse to sell to a buyer based solely on the prospective buyer's gender identity. The same rights apply to buyers as do to renters. A common form of

⁷⁴ Compliance Guidelines to Prohibit Gender Identity Discrimination, San Francisco Human Rights Commission, <http://www.sf-hrc.org/index.aspx?page=29>, Last visited May 27, 2014.

⁷⁵ Health Services Guidelines for Serving Transgender Guests, Boston Public Health Commission Homeless Services, <http://www.transgenderlaw.org/resources/transprotocol.pdf>, Last visited May 27, 2014.

⁷⁶ Colleges and Universities that Provide Gender-Inclusive Housing, Transgender Law Center, <http://www.transgenderlaw.org/college/index.htm#housing>, Last visited May 27, 2014.

discrimination against buyers is when a seller refuses to recognize a legal marriage when one or both of the partners is transgender. When dealing with a couple who is legally married, a seller must recognize and respect the marriage, regardless of her or his opinions about gender identity or transgender people.⁷⁷ If the situation involves discrimination by a real estate agent or broker, a complaint can be filed with the state's real estate licensing agency. In California, real estate agents and brokers are licensed by the California Department of Real Estate (DRE). Information on how to file a complaint with the DRE can be found at: <http://www.dre.ca.gov/Consumers/FileComplaint.html>.

TAKING ACTION

Initially, individuals should keep track of any and all incidents of discrimination they experience, as well as records of any communication with a landlord, seller, or fellow tenant regarding the incident. Depending on residency and the location of the discrimination, the individual can then file local, state, and federal claims.

In San Francisco, he or she should file a complaint with the San Francisco Human Rights Commission reporting a violation of Article 33 of the San Francisco Charter and Administrative Code. In Oakland, he or she should file a complaint with the local human rights commission or contact the City or County Clerk to report a violation of Chapter 9.44 of the Oakland Municipal Code.

For a claim involving violations of state-level law, the California residents may file a complaint with the California Department of Fair Employment and Housing (DFEH). DFEH is where claims alleging violations of the California Fair Employment and Housing Act (FEHA) should be filed. There is no charge to file a complaint, and it can be done without an attorney. A complaint may be filed online at: <http://www.dfeh.ca.gov/>.

Though California state law is currently more favorable than federal law to an aggrieved tenant, it may be prudent to file a federal claim as well. This complaint should be filed with the U.S. Department of Housing and Urban Development (HUD). A complaint may be filed online at: http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination.

Tenants should also consider speaking with an attorney.

RESOURCES

Below is a brief list of resources that may be especially helpful. This collection is only a small representation of transgender-welcoming services in California and the United States. Searching online for additional resources may yield more specific information or assistance. Resources are divided by California-specific organizations, national organizations, and general resources. For ease of use, we have specified whether organizations provide direct or support services, and to what extent they serve the LGBT communities, and specifically, to what extent they serve transgender communities. National Lawyers Guild Interns spoke

⁷⁷ Transgender People and Marriage: The Importance of Legal Planning, National Center for Lesbian Rights, <http://www.nclrights.org/wp-content/uploads/2013/07/tgmarriage.pdf>, Last visited May 27, 2014.

with representatives of almost all of these organizations to ensure that our description of their services is correct and up-to-date, and that they are explicitly welcoming of transgender community members.

San Francisco Bay Area Resources

East Bay Community Law Center, www.ebclc.org

2921 Adeline Street

Berkeley, CA 94703

Phone: (510) 548-4040

Email: webinquiry@ebclc.org

The East Bay Community Law Center (EBCLC) provides free legal services to eligible East Bay clients in the cities of Berkeley, Oakland, and Emeryville. The mission of the EBCLC's Housing practice is to prevent homelessness, preserve affordable housing, and help low income tenants obtain and maintain decent affordable housing. The primary work of the Housing Practice includes defending low income tenants who are being evicted, representing tenants in housing subsidy termination proceedings, and engaging in strategic affirmative litigation aimed at forcing landlords to maintain their rental properties in a habitable condition. In addition to direct representation of tenants, staff attorneys, volunteer attorneys, and law students staff more than 100 educational workshops for low-income tenants each year. The Housing Practice also provides legal advice and assistance to more than 2,000 self-represented litigants in eviction proceedings each year.

Eviction Defense Collaborative, www.evictiondefense.org

995 Market Street, #1200

San Francisco, CA 94103

Phone: (415) 947-0797

Email: admin@evictiondefense.org

The Eviction Defense Collaborative (EDC) is the principal organization in San Francisco that helps low-income tenants respond to eviction lawsuits. They provide emergency legal services and rental assistance to over 5,000 tenants in San Francisco, and hold a drop-in clinic Monday-Friday 9:30-11:30 AM and 1:00-3:00 PM. The EDC is closed the first Friday morning of each month and all court holidays. Please bring all related documentation to the clinic.

Housing Rights Committee of San Francisco, www.hrcsf.org

417 South Van Ness Avenue

San Francisco, CA 94103

Phone: (415) 703-8634/(415) 703-8644 for counseling

Email: info@hrcsf.org (Please write "tenant question" in the headline)

Public Housing Renters Rights Hotline: (415) 354-6353

The Housing Rights Committee is a tenants' rights organization in San Francisco that offers free counseling for tenants in all types of housing, including rent-controlled, public housing & Section 8. The Housing Rights Committee has a staff of five and offices in the Mission where they offer counseling four days a week (Monday through Thursday), and organize to protect and expand the rights of tenants throughout the city. Open Monday through Thursday 1pm

to 5pm for drop-in counseling about housing issues. Counseling is usually available in Chinese (Mandarin and Cantonese), Spanish, sometimes Russian, and English. Check their website for Section 8/Public Housing clinics.

Oakland Tenant's Union, www.oaklandtenantsunion.org

P.O. Box 10573

Oakland, CA 94610

Phone: (510) 704-5276

The Oakland Tenants Union meets regularly at 7:00 pm on the second Monday evening of each month. Monthly meetings are held in the Community Room of the Madison Park Apartments, 100 9th Street (at Oak Street, across from the Lake Merritt BART Station). To enter, gently knock on the window of the room to the right of the main entrance to the building. Though meetings begin at 7:00 pm, by advance arrangement, you can set up counseling sessions with a tenant attorney at 6:30 pm, in the same location just before the main OTU meeting. If you are experiencing rent and/or landlord problems, please call (510)763-0142 or (510)704-5276 if you want to request a counseling session.

San Francisco Tenant's Union, www.sftu.org

558 Capp Street

San Francisco, CA 94110

Phone: (415) 282-6622 (Call for counseling hours)

The San Francisco Tenants Union is a volunteer-based organization that fights for the rights of tenants and for the preservation of affordable housing in San Francisco. The Tenants Union is the city's leading advocate for tenants. The SFTU is 100% membership supported and this enables their advocacy to be uncompromising and immune to pressures from government or other funders. For both members and non-members, the SFTU operates a drop-in counseling clinic.

California Resources

California Department of Fair Employment and Housing,

http://www.dfeh.ca.gov/Complaints_eCompProc.htm

Complaint Line: (800) 884-1684

Email: contact.center@dfeh.ca.gov

The Department of Fair Employment and Housing (DFEH) receives and investigates discrimination complaints in its six offices throughout California. Three regional/district offices handle employment, public accommodations and hate crime cases, two district offices handle housing cases, and a special investigations unit focuses on systemic discrimination cases statewide. In addition, there are three legal offices which prosecute cases. The DFEH routinely provides technical assistance to employers, business establishments and housing providers regarding their responsibilities under the law.

California Department of Real Estate,

<http://www.dre.ca.gov/Consumers/FileComplaint.html>

2201 Broadway

Sacramento, CA 95818

Phone: (877) 373-4542

The California Department of Real Estate (DRE) investigates complaints against real estate brokers and salespersons accused of misleading or defrauding consumers. If DRE can prove a violation of the Real Estate Licensing Law, a formal hearing may be held which could result in the revocation or suspension of the agent's license.

Tenants Together, <http://www.tenantstogether.org/>

995 Market Street, Suite 1202

San Francisco, CA 94103

Phone: (415) 495-8100

Renters' Rights Hotline: (888) 495-8020

Email: info@tenantstogether.org

Tenants Together is a nonprofit organization dedicated to defending and advancing the rights of California tenants to safe, decent and affordable housing. As California's only statewide renters' rights organization, Tenants Together works to improve the lives of California's tenants through education, organizing and advocacy. Tenants Together seeks to galvanize a statewide movement for renters' rights.

Transgender Law Center, www.transgenderlawcenter.org

1629 Telegraph Avenue, Suite 400

Oakland, CA 94612

Phone: (415) 865-0176

Email: info@transgenderlawcenter.org

The Transgender Law Center (TLC) is a civil rights organization advocating for transgender communities. TLC provides direct legal services, engages in public policy advocacy and education, and works to change laws and systems that fail to incorporate the needs and experiences of transgender people.

Nationwide Resources

National Alliance of HUD Tenants, www.saveourhomes.org

42 Seaverns Avenue

Boston, MA 02130

Phone: (617) 267-9564

Fax: (617) 522-4857

Email: naht@saveourhomes.org

The National Alliance of HUD Tenants is a multi-cultural, tenant-controlled alliance of tenant organizations in privately-owned, multifamily HUD-assisted housing. Hundreds of tenant associations representing thousands of tenants in every region of the country are already involved, working together to preserve and improve affordable housing, protect tenants' rights, develop tenant empowerment, promote resident control and ownership, improve the quality of life in HUD-assisted housing and to make HUD accountable to its constituents. Their website includes resources and a state-by-state directory of organizations. This is an excellent place to begin searching for local support.

National Center for Lesbian Rights, www.nclrights.org

870 Market Street, Suite 370

San Francisco, CA 94102

Legal Helpline: (415) 392-6257 (9 am to 5 pm PST)

Toll free: (800) 528-6257 (9 am to 5 pm PST)

Legal Helpline request form: <http://www.nclrights.org/legal-help-resources/>

The National Center for Lesbian Rights (NCLR) helps LGBT individuals and families nationwide through litigation, public policy advocacy, and public education. NCLR offers a legal helpline during regular business hours, and the best way to request assistance is by filling out an online help form on NCLR's website. NCLR provides referrals, assistance locating LGBT-aware attorneys, and offers limited direct services.

National Center for Transgender Equality, www.transequality.org

1325 Massachusetts Avenue NW, Suite 700

Washington, DC 20005

Phone: (202) 903-0112

Fax: (202) 393-2241

The National Center for Transgender Equality is a national social justice organization devoted to ending discrimination and violence against transgender people through education and advocacy on national issues of importance to transgender people.

National Coalition for the Homeless, www.nationalhomeless.org

2201 P Street N.W.

Washington, DC 20037

Phone: (202) 462-4822

Fax: (202) 462-4823

Email: info@nationalhomeless.org

The National Coalition for the Homeless is a national network of people who are currently experiencing or who have experienced homelessness, activists and advocates, community-based and faith-based service providers, and others committed to a single mission: to end homelessness. Toward this end, the National Coalition for the Homeless (NCH) engages in public education, policy advocacy, and grassroots organizing. Work is focused in the following four areas: housing justice, economic justice, health care justice, and civil rights. NCH's website has resources for people who are experiencing homelessness or at risk of losing housing, and includes a national directory of state-by-state resources. This is another excellent place to begin searching for support.

National Housing Law Project, www.nhlp.org

703 Market Street, Suite 2000

San Francisco, CA 94103

Phone: (415) 546-7000

Fax: (415) 546-7007

Email: nhlp@nhlp.org

The National Housing Law Project (NHLP) is a national housing law and advocacy center. The goal of NHLP is to advance housing justice for the poor by increasing and preserving the supply of decent affordable housing, by improving existing housing conditions, including physical conditions and management practices, by expanding and enforcing low-income tenants' and homeowners' rights, and by increasing opportunities for racial and ethnic minorities. NHLP works to achieve that goal by providing legal assistance, advocacy advice

and housing expertise to legal services and other attorneys, low-income housing advocacy groups, and others who serve the poor. NHLP's primary areas of emphasis are public policy advocacy, litigation assistance, training, and research and writing, focusing on issues and problems that will have the greatest impact on the housing rights of the poor.

Sylvia Rivera Law Project, www.srlp.org

147 West 24th Street, 5th Floor

New York, NY 10011

Phone/Legal Helpline: (212) 337-8550

Email: info@srlp.org

SRLP provides free legal services to transgender, intersex and gender nonconforming low-income people and people of color in the New York area. SRLP provides advice and referral for a wide variety of legal issues. Sometimes, they can also provide more help, such as advocacy, help with a case you are bringing on your own, or, more rarely, representation in a legal action.

U.S. Department of Housing and Urban Development (HUD),

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/online-complaint

Office of Fair Housing and Equal Opportunity

451 7th Street S.W.

Washington, DC 20410

San Francisco Office:

600 Harrison St, 3rd Floor

San Francisco, CA 94107

Complaint Line: (800) 669-9777

Email: fheo_webmanager@hud.gov

The Department of Housing and Urban Development (HUD) investigates complaints of housing discrimination based on race, color, religion, national origin, sex, disability, or familial status. At no cost to you, HUD will investigate the complaint and try to conciliate the matter with both parties.