

18-001 Housing Non-Discrimination Policy

Los Angeles County Sheriff's Department FIELD OPERATIONS DIRECTIVE



HOUSING NON-DISCRIMINATION POLICY

BACKGROUND

The Fair Housing Act (FHA) prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status (families with children under the age of 18), or disability (protected groups). The Department recognizes the FHA can apply to law enforcement actions and is committed to adhering to those requirements.

PURPOSE

It is the purpose of this Directive to ensure Department personnel will not participate in any law enforcement action to harass residents in their homes or motivate residents to relocate from their homes because of race, color, religion, sex, national origin, familial status, or disability. This Directive is intended to provide personnel with an understanding of the applicable provisions of the FHA, the type of law enforcement actions that can trigger a violation of the FHA, and the procedures relating to complaints of housing discrimination received by LASD.

POLICY AND PROCEDURES

Any action taken by members of the Department that results in the unequal treatment of citizens in the sale, rental, or occupancy of housing on the basis of race, color, religion, sex, national origin, familial status, or disability may constitute a violation of state or federal fair housing laws.

Department members shall not take law enforcement action with the intent to:

- **Make unavailable or deny housing to any person because of race, color, religion, sex, national origin, familial status, or disability.**

If law enforcement action is taken against any member of a protected group to deny housing or make housing unavailable, there may be a violation of the FHA.

For example:

- *Using probation and parole checks, arrest warrants, traffic stops, and criminal investigations against members of a protected group for the purpose of causing them to move or relocate.*
- *Enforcing local ordinances (including, among others, code enforcement, nuisance, trespass,*

and licensing ordinances) to target members of a protected group that results in loss of housing.

- *Taking lawenforcement action to reduce, or slowthe increase of, the minority population living in a town or city.*
- *Conducting an investigation related to housing or that has housing consequences based on a complaint that, by its own language, is clearly motivated by bias, and does not raise any criminal or public safety concerns.*

- **Discriminate against any person in the terms, conditions, or privileges of housing, or in the provision of services or facilities in connection with housing, because of race, color, religion, sex, national origin, familial status, or disability.**

If lawenforcement actions create different “terms and conditions” of housing for members of a protected class as compared to others, then there may be a violation of the FHA. For example:

- *Targeting certain lawenforcement actions on members of a protected group for the purpose of affecting housing, such as probation or parole checks in the home or investigations of neighbor complaints relating to noise, children’s activities, code violations, or trespassing.*
- *Targeting certain lawenforcement techniques on residents of a protected group for the purpose of affecting housing, such as using force, making arrests, issuing citations, or referring matters for investigation or prosecution.*

- **Make, print, or publish any notice, statement, or advertisement with respect to housing that states any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status, or disability.**

Any discriminatory statements about whether a protected class is able to live in certain housing may violate the FHA. For example:

- *Statements that available housing units are not to be rented, sold, or occupied by members of a protected group, that members of one protected group are to be preferred over another for housing opportunities, or that members of a protected group are not welcome as residents in a city, neighborhood, or block.*
- *Many types of statements, including those made orally or in writing, can constitute a violation of the FHA.*

- **Threaten, coerce, intimidate, or interfere with anyone exercising a fair housing right or assisting others in exercising that right.**

Any threats against a person for enjoying or exercising his or her fair housing rights, or helping another person to do the same, may violate the FHA. For example:

- *Taking lawenforcement action that targets and intimidates residents of a protected group in an effort to cause those residents to lose their housing or relocate, such as, arriving at homes with large numbers of deputies without cause; inappropriately using traffic stops or DUI checkpoints to harass residents, using or threatening to use weapons without justification, and investigating residents based on non-criminal complaints. Note that this type of conduct may create civil liability under the FHA even if it does not rise to the level of a Constitutional violation.*
- *Threatening lawenforcement action (including prosecution) of residents of a protected group*

unless they relocate, or in response to complaints of housing discrimination.

Generally, individual deputies will be subject to discipline under this policy for intentional acts of housing discrimination, as described above. However, the Department as a whole may violate the FHA when law enforcement actions or policies have a discriminatory effect on the housing rights of a protected group.

PROCEDURES RELATED TO FILING A HOUSING DISCRIMINATION COMPLAINT

Federal law prohibits housing discrimination based on race, color, religion, sex, national origin, familial status, or disability. Anyone who wishes to report housing discrimination or retaliation may file a discrimination complaint with the U.S. Department of Housing and Urban Development (HUD) by contacting a fair housing specialist at (800) 347-3739. If the complaint involves a possible violation of the FHA, the fair housing specialist will assist with filing an official housing discrimination complaint.

A Department employee who becomes aware of a citizen complaint alleging a violation of the FHA by a Department employee shall notify a supervisor as soon as practical. The supervisor shall initiate an investigation and provide the complainant with direction on how to contact HUD as outlined above. If the investigation determines that a Department employee took an action or neglected a duty that resulted in the unequal treatment of a member of a protected group in the sale, rental, or occupancy of a dwelling, as described above, the employee is in violation of this policy and may be subject to discipline, up to and including discharge.

REFERENCES

The United States Department of Justice, Fair Housing Act

<https://www.justice.gov/crt/fair-housing-act-2>

U.S. Department of Housing and Urban Development

http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination
