



California Apartment Association
University – On-Demand Webinars

LIVE Helpline – Questions Answered LIVE by Attorneys

- I. **Introductions:** Mike Nemeth, CAA introduces the webinar, explains how to ask questions, introduces presenters.
- II. **Protected Classes**
- III. **Familial Status:** Occupancy Standards & Rules re: Children
- IV. **Occupancy Standards**
 1. Can my tenant move in her sister and five children? When I can I say no?
 2. My tenants in my two-bedroom unit who already had three kids just had another baby. That makes six people in my two-bedroom unit. I don't have any three-bedroom units. Can I require them to move out?
 3. How do you calculate occupancy standards for a studio unit since there are no separate bedrooms? Can I limit the occupancy to one person?
- V. **Rules re: Children**
 1. What can I prohibit: misuse of common areas – soccer ball hitting building, swinging on staircase, bikes
 2. What must be allowed in walkways/lawns/parking lot? Can I set rules to protect the lawn from tenants' children? Can I do anything about unattended children playing where there is no play area?
 3. Do you have to tolerate unacceptable noise levels when it is the sound of the children playing?
 4. Is adult supervision required for underage residents throughout the property?
 5. Are rules that require parents to supervise minors when they are in the pool area legal? Does the answer change if it is a playground area rather than the pool?
 6. Can a landlord revoke lease renewal due to lack of child supervision inside the home?
 7. Can you require the live-in babysitter to apply before being allowed to move in?
- VI. **Disability- What is it?**



VII. Reasonable Accommodations? Verification

1. How to address reasonable accommodation requests such as resident's requesting to delay or cancel construction projects?
2. How to respond to requests that are strictly financial (i.e. tenant claiming they cannot pay rent because they're paying medical bills, or a tenant claiming they cannot pay rent because they can't work due to their disability).
3. Tenant has a letter saying that cannot have security cameras in common areas because this increases anxiety
4. Who can provide verification of disability/need? Anyone? Only health professionals?

VIII. Assistive Animals

1. What are the different types of animal? (distinguish between comfort and service animals)
2. How many can the resident have? Also, what types of animals?
3. What is the process, can I ask on the application? What if when prohibited pet is discovered it turns into an assistance animal?
4. Limitations on asking an individual for proof for a service animal
5. A tenant has a doctor's letter prescribing 2, one large one small. The large for travel, meaning small will be left home?
6. Can I charge a pet deposit for an assistive animal that is not a service animal?

IX. Reasonable Accommodations: Hoarding/Hoarding Disorder

1. How is hoarding a protected mental disability? Isn't it just bad housekeeping or laziness?
2. 20+ year resident Hoarder and Dumpster Diver claims we are harassing her when asked to stop or clean. What steps to evict?
3. What is the process for dealing with a hoarder? What type of accommodations do I have to make? At what point does it become a health and safety hazard?

X. Reasonable Accommodations Marijuana/Marijuana

1. is it a reasonable accommodation?
2. What about legalization?
3. (3) My residents want to smoke marijuana in common areas. Do I have to allow this?
4. (4) What can landlord do to minimize use of marijuana



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5. (5) Marijuana is blowing out of tenant's windows at the property. What can I do? What if it is coming from a neighboring property?
6. (6) Tenants are smoking marijuana, lease prohibits "smoking" what can I do?

XI. Accessibility, ADA v. Fair Housing ADA overview

1. Do pre-ADA buildings have to be accessible?

XII. Technically Feasible/Readily-Achievable Standard

1. 1. What is a public accommodation? Does my resident manager's unit have to be accessible?
2. 2. Please talk about Website Accessibility
3. 3. A resident wants one of our public handicap parking stalls to be assigned to them permanently, what should we do?

XIII. Reasonable Modifications

1. Q: Can tenant make changes to common area or only the unit? In answering provide some examples of each.
2. Q. Who pays?

XIV. Disparate Impact

XV. Criminal Background Checks

1. Why are criminal background checks are fair housing issue?
2. What felonies can be the basis for denial?
3. Can I deny tenancy to all felons?

XVI. Section 8

1. Why is Section 8 a fair housing issue?
2. Am I required to participate in Section 8? Local ordinances...
a) (CAA position = no, but disparate impact/reasonable accommodation have not been decided yet by the courts)
3. If not participating in Section 8 how best to phrase this with applicants? Several members have responded by emphatically letting us know they do not take Section 8.
4. Do I have to begin to participate, if I am already participating can I get out...



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XVII. Immigration Status

1. Am I required to check the immigration status of residents?
2. I need to evict, can I just call ICE – draft legislation.
3. How to screen those without an SS #