

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

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LANDLORD TO PAY \$40,000 TO SETTLE FAIR HOUSING CASE INVOLVING EMOTIONAL SUPPORT ANIMAL

Tenants faced eviction after landlord told them they didn't need a dog to survive

Elk Grove, California— The owners of an apartment complex in San Jose, California will pay \$40,000, develop written anti-discrimination policies, and undergo annual fair housing training for three years to resolve a disability discrimination lawsuit filed by the California Department of Fair Employment and Housing (DFEH), the agency announced today. The lawsuit filed in Santa Clara County Superior Court charged the landlord with denying the reasonable accommodation requests of tenants with disabilities who presented medical documentation attesting to their need for an assistance animal, commonly called an emotional support animal.

The case came to DFEH's attention when Project Sentinel filed a complaint on behalf of a mother and daughter, both with disabilities, who sought to engage their landlord in a discussion about their need for an assistance animal. After an unsuccessful attempt to mediate the claim, the DFEH filed suit (Case No. 16CV289823) against the apartment complex's owners Timothy S. Chen and Timothy S. Chen Trust (Defendants) alleging multiple violations of the Fair Employment and Housing Act (FEHA) and the Unruh Civil Rights Act.

According to the civil complaint, the tenants made written requests for a reasonable accommodation supported by medical documentation, but the landlord refused to consider the requests because their doctor's note did not state they needed a dog "to survive." The landlord then subjected the tenants to retaliation by issuing them a notice terminating their tenancy.

"The law is clear that the use of an assistance animal can be a reasonable accommodation for a disability," said DFEH Director Kevin Kish. "Landlords have a duty to engage in the interactive process when a tenant requests a reasonable accommodation for a disability, and those who refuse to do so because the requested accommodation involves an animal are in violation of the law."

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.