

Fair Housing Laws & Litigation Conference

The Fair Housing Council of San Diego • The John Marshall Fair Housing Legal Support Center
The Fair Housing Council of San Fernando Valley • California Rural Legal Assistance, Inc.

Present

Research, Rights and Enforcement – Legislative Remedies *Connecting the Dots with Fair Housing Markers*

AGENDA

OFFERING 12 CLE CREDITS

Thursday, February 11

7:45 AM - 8:15 AM **General Conference Registration**

8:20 AM - 8:55 AM **Welcome and Introductions**

Opening Speaker **Craig Gurian, Esq.**, Executive Director, Anti-Discrimination Center, will discuss the False Claims Act case brought by the Plenary Session Center in response to Westchester County's fraudulent certifications that it had 'affirmatively furthered fair housing', highlighting the historic desegregation remedies that have been ordered, and providing a frank first report on the barriers to successful implementation.

Introduction **Nadine Cohen, Esq.**, Greater Boston Legal Services

9:00 AM -10:30 AM **Scattering the Seeds of Westchester**

For many years, the obligation to 'affirmatively further fair housing' (AFFH) lay dormant, and HUD did not challenge the AFFH certifications of cities and counties that received CDBG and other federal funds. As a result, contrary to the intention of Congress, billions of federal dollars have been spent and segregated housing patterns have persisted throughout the nation. The Westchester decision has begun to change all that and HUD says it will publish a new AFFH regulation in the winter of 2009-2010. This session will focus on developments since Westchester, and suggest how participants can use AFFH in their own communities to dismantle segregation and expand housing choice.

Speakers **Elizabeth Brancart, Esq.**, Brancart and Brancart; **Michael Allen, Esq.**, Relman & Dane, PLLC

Moderator **Craig Gurian, Esq.**, Anti Discrimination Center

10:45 AM -12:15 PM **An Overview of the Protections for Persons with Disabilities under the Fair Housing Act, Section 504 of the Rehabilitation Act/ Disability Others and Related Enforcement Resources**

A U. S. Department of Housing and Urban Development study has identified ways in which discrimination is perpetrated against persons with disabilities, including persons with mental disabilities. Learn the specific requirements for public, private and special needs housing providers and properties built with federal financial assistance such as HOME, CDBG as well as for architects, builders and developers who are responsible for accessible housing units under applicable law.

Speakers **Steven Rosenbaum, Esq.**, U. S. Department of Justice; **Katherine Knister**, Silver State Fair Housing Council; **Scott P. Moore, Esq.**, Baird Holm, LLP

Moderator **David Quezada**, U. S. Department of Housing and Urban Development, Los Angeles

10:45 AM -12:15 PM
General Session

The Basic Coverage of Fair Housing Laws That Establish Housing Civil Rights –Part I

A comprehensive, Fair Housing 101 review of federal and state laws for lawyers, advocates, housing counseling staff, community-based agencies, housing providers, social work professionals working with persons with mental/other disabilities, family/children service agencies, civic organizations, entitlement jurisdiction staff and others who need a working knowledge and a basic overview of the laws that define fair housing rights, responsibilities and remedies.

Speakers **Michael Seng, Esq.**, The John Marshall School of Law; **Beth Rosen-Prinz**, California Department of Fair Employment and Housing
Moderator **Diane Houk, Esq.**, Emery, Celli, Brinckerhoff and Abady

10:45 AM -12:15 PM
Hot Topic & Trends

Litigation–Post-Acquisition Discrimination in a Post-Halprin World

This panel of speakers will discuss recent development in the 7th and 9th Circuits stemming from conservative challenges to the application of the Fair Housing Act to post acquisition discrimination in unequal municipal services, harassment, retaliation and other fair housing claims.

Speakers **Ilene Jacobs, Esq.**, California Rural Legal Assistance, Inc; **Scott Chang, Esq.**, Relman and Dane, PLLC; **F. Willis Caruso, Esq.**, John Marshall School of Law
Moderator **Michelle White, Esq.**, Affordable Housing Services

10:45 AM -12:15 PM
Mortgage Lending

Change or More of the Same? Redlining–Steering–Predatory Lending–Foreclosures–Loan Modifications–Remedies–Redlining? Part I

This session will review historic mortgage lending discrimination, the birth of predatory lending and how sub prime lending set the stage for the devastating foreclosure crisis we are now experiencing by examining the racial, ethnic and other fair lending ramifications of sub prime lending and the impact of foreclosures in communities of color, on seniors and other borrowers.

Speakers **Kevin Stein, Esq.**, California Reinvestment Coalition; **Jesus Hernandez**, University of California, Davis
Moderator **Nadine Cohen, Esq.**, Greater Boston Legal Services

12:30 PM - 1:55 PM

LUNCH

Commemorating the 17th Anniversary of The Fair Housing Laws and Litigation Conference Series- Recognizing and Applauding Unsung Heroes

Awards By **(TBA)**

Speaker The Honorable Assistant Secretary for Fair Housing And Equal Opportunity, **John D. Trasviña**, U. S. Department of Housing and Urban Development

2:00 PM - 3:30 PM
General Session

The Basic Coverage of Fair Housing and Other Laws That Establish Housing Civil Rights–Part II

This session will provide an opportunity for practical application of Fair Housing 101 legal theories. Small group activities will allow advocates and attorneys to think through and apply the law using specific case analysis and emphasizing the roles and responsibilities between advocates working at fair housing centers and attorneys who litigate their cases.

Speakers **Liza Cristol-Deman, Esq.**, Brancart and Brancart; **Craig Gurian, Esq.**, Anti-Discrimination Center; **F. Willis Caruso, Esq.**, John Marshall School of Law
Moderator **Scott Chang, Esq.**, Relman and Dane, PLLC

2:00 PM - 3:30 PM
General Session

A View from Both Sides- Plaintiff and Defense Strategies–Part I

Preparation is everything and can mean the difference in successful litigation outcomes. This session will highlight perspectives for planning for depositions and using expert testimony and test results in litigating and settling fair housing cases. Non-confidentiality clauses, affirmative remedies and training to address long term problems are among topics to be discussed.

Speakers **Margaret Elder, Esq.**, Law Office of Margaret Elder; **Elizabeth Brancart, Esq.**, Brancart and Brancart
Moderator **Kathryn Winter**, Greater Napa Fair Housing Center

2:00 PM - 3:30 PM
General Session

What's So Important About the Analysis of Impediments to Fair Housing (AI)

The AI study and findings have taken a place of prominent importance for entitlement jurisdictions, becoming an integral guideline for related "fair housing action plans" as they relate to 'affirmatively furthering' fair housing in the jurisdiction. This session includes an overview of HUD required Impediments to Fair Housing Choice Assessments and a discussion of desirable/undesirable models.

Speakers **Jeffrey May**, National Community Reinvestment Coalition; **Michelle White, Esq.**, Affordable Housing Service; **Lynn Martinez, Esq.**, Western Center on Law and Poverty

Moderator **Sandra Couch**, Fair Housing Council of San Fernando Valley

2:00 PM - 3:30 PM
Mortgage Lending

Change or More of the Same? Redlining–Steering–Predatory Lending–Foreclosures–Loan Modifications–Remedies–Redlining? Part II

This session will analyze statutory and other responses to lingering problems in the aftermath of the financial meltdown by taking a close look at studies, anecdotal accounts and other experiences, including abuses in the HAMP loan modification programs and other litigation efforts which indicate that mortgage lending problems are far from over.

Speakers **Nadine Cohen Esq.**, Greater Boston Legal Services; **Maeve Elise Brown, Esq.**, Housing & Economic Rights Advocates; **Elizabeth Laderman**, Federal Reserve Bank of San Francisco

Moderator **Kevin Stein, Esq.**, California Reinvestment Coalition

2:00 PM - 3:30 PM
Disability

Reasonable Accommodations–Compliance for Public Housing Authorities

Learn what the federal fair housing laws and HUD regulations require of public housing authorities with respect to providing reasonable accommodations for persons with disabilities participating in public housing and the Housing Choice Voucher Program. This session will cover the reasonable accommodation process at all program levels including application, admission, occupancy, and termination, as well as the PHA's obligation to 'affirmatively further fair housing'. The session will specifically address timing of requests, procedural remedies and typical accommodation needs (i.e. live-in aids, exception payment standards, higher utility allowances, renting from relatives, unit transfers, eviction and program termination prevention, reinstatement on wait lists and Violence Against Women Act considerations)

Speakers **Denise McGranahan, Esq.**, Legal Aid Foundation of Los Angeles; **Navneet Grewal, Esq.**, National Housing Law Project; **David Quezada**, U. S. Department of Housing and Urban Development

Moderator **Tracey McCartney**, Tennessee Fair Housing Council

3:30 PM - 3:45 PM

BREAK

3:45 PM - 5:15 PM
Disability

Creative Strategies and "Best Practices" Approaches for Helping Persons With Mental Health Disabilities Obtain Reasonable Accommodations.

Obtaining reasonable accommodations for persons with mental health disabilities presents a variety of scenarios and is relatively new ground for some. Attend this session to get an overview of procedural requirements and the remedies available when providers deny a reasonable request. Learn about familiar accommodations such as live-in aides and companion animals as well as cutting edge theories such as economic accommodation theory (i.e. Section 8), and relocation stress/transfer trauma. Hot topics that will be addressed include: the "direct threat" exception, the "interactive process", ethical problems, preventing eviction/probationary tenancies, hoarding/cluttering and medical records/client privacy.

Speakers **Denise McGranahan, Esq.**, Legal Aid Foundation of Los Angeles; **Navneet Grewal, Esq.**, National Housing Law Project; **Michael Allen, Esq.**, Relman & Dane, PLLC

Moderator **Sharon Kinlaw**, Fair Housing Council of San Fernando Valley

3:45 PM - 5:15 PM
General Session

Hate Crimes, Sexual Harassment and National Origin Discrimination in Housing—The Under-Reported Trio

In this session three areas of housing discrimination are deservedly being highlighted to focus on housing tensions and ongoing debate on the protection of fair housing civil rights for immigrants and also on other national origin discrimination (cross-over with habitability issues). Case law updates on litigation on the basis of sexual harassment and an overview of appropriate remedies for hate crimes that violate fair housing laws will be the main components of this session.

Speakers **Kathy Mikkelsen, Esq.**, Office of California Attorney General; **Liza Cristol-Deman, Esq.**, Brancart and Brancart; **Scott P. Moore, Esq.**, Baird Holm, LLP; **Margaret Elder, Esq.**, Law Office of Margaret Elder

Moderator **The Honorable Judge Elizabeth Riggs**, San Diego Superior Court (Retired)

3:45 PM - 5:15 PM
General Session

Fair Housing- Crossovers with Affordable Housing and Homelessness Prevention Goals and Objectives—Part I

This session will focus on the interrelationship between fair housing and: inclusionary set asides/rent control/density bonuses; the award of occupancy & funding preferences; mobile home issues and other policies that restrict the housing options of low/no income and homeless persons. Issues and concerns regarding fair housing protections for seniors and others in congregate residential/group homes and building coalitions for more effective access to tax credit properties for “protected” tenants will also be highlighted .

Speakers **Michelle White, Esq.**, Affordable Housing Service; **David Grabill, Esq.**, Law Office of David Grabill; **Michael Seng, Esq.**, John Marshall Law School Fair Housing Legal Support Center

Moderator **Beth Rosen-Prinz**, California Department of Fair Employment and Housing

3:45 PM - 5:15 PM
General Session

Setting the Stage for Fair Housing Testing—Reviewing Audit—Complaint-Based Testing Functionalities and Providing Information on “Findings” in measuring levels of Mortgage Lending Violations

This session will review the basic principals and utilities of audit and complaint-based testing/highlight testing results that have given definition to the levels of discrimination experienced by African Americans, Asian American/Pacific Islanders Hispanics and Native American/ others who are “protected. The session will also highlight testing methodologies and results that may form the basis of future litigation based upon mortgage lending violations.

Speakers **Fred Freiberg**, Fair Housing Justice Center; **Jeffrey May**, National Community Reinvestment Coalition; **Lee Porter**, Fair Housing Council of Northern New Jersey

Moderator **Denise Cato**, Fair Housing Council of Orange County

5:15 PM

CONFERENCE DAY ONE ADJOURNS

Friday, February 12

8:15 AM -8:45 AM

One-Day Registrations

8:45 AM -9:00 AM

WELCOME

9:00 AM -10:30 AM

Speaker **Erwin Chemerinsky**, Founding Dean and Distinguished Professor of Law, University of California, Irvine, School of Law

Introduction **Ilene Jacobs**, California Rural Legal Assistance, Inc.

10:45 AM - 12:15 PM
General Session

Implicit Bias and Fair Housing Damages: Some New Approaches—Part I

More and more research is emerging on the ways in which discrimination harms individuals, families and communities. This panel will examine study findings and set the stage for translating these findings into fair housing damages assessment that can be documented when litigating fair housing cases and calculating damage awards.

Speakers **George Lipsitz**, University of California at Santa Barbara; **Jennifer Eberhardt**, Stanford University; **Courtney Bonam**, Stanford University

Moderator **Mary Scott Knoll**, Fair Housing Council of San Diego

10:45 AM - 12:15 PM
Hot Topics & Trends

Condos, Co-ops, Covenants, Homeowner Associations and Fair Housing Compliance

An outline of fair housing concerns respecting alternative governance as with homeowners associations, condos, co-ops, covenants running with the land/others will highlight the number of homeowners and others who are involved in this issue. A review of cases will point out the rights of homeowners and others and showcase litigation demonstrating examples of particular problems and what the courts and agencies are doing in this area.

Speakers **F. Willis Caruso, Esq.**, John Marshall School of Law, Fair Housing Legal Support Center; **Marjorie Murray**, Center for California Homeowner Association Law; **Beth Rosen-Prinz**, California Department of Fair Employment and Housing

Moderator **Diana Bruno**, Fair Housing Council of San Fernando Valley

10:45 AM - 12:15 PM
General Session

Ethics and Bias—Problems that can Arise in Litigating Fair Housing Cases

Back by Popular Demand for the 3rd year and complete with invaluable guidance for attorneys as they work with advocates. Review important issues concerning conflict of interest, retainer agreements and other ethical considerations.

Speakers **Wendy Patrick Mazzarella, Esq.**, San Diego County Office of the District Attorney; **Chris Brancart, Esq.**, Brancart & Brancart

Moderator **Katherine Knister**, Silver State Fair Housing Council

10:45 AM - 12:15 PM
General Session

Strengthening Enforcement and/or Creating Legislative Rights and Remedies in Fair Housing—Part I

The panel will focus on the importance of state and local legislative efforts, including efforts to ease organizational standing proofs and to make anti-harassment doctrine more plaintiff-friendly. This session will highlight legislative initiatives that will promote equal housing opportunities for LGBT housing consumers, as well as remedial legislation in the face of the recent and continuing foreclosure meltdown.

Speakers **Tracey McCartney**, Tennessee Fair Housing Council; **Craig Gurian Esq.**, Founder, Fair Housing For All; **Michael Seng, Esq.**, John Marshall School of Law

Moderator **David Grabill, Esq.**, Law Office of David Grabill

10:45 AM - 12:15 PM
General Session

Strengthening Enforcement and/or Creating Legislative Rights and Remedies in Fair Housing—Part II

Studies show that in some major cities, nearly half of landlords elect not to accept tenants who have Section 8 vouchers. While federal law does not require Section 8 voucher acceptance, an increasing number of states (Massachusetts leads) and local jurisdictions throughout the country, have enacted legislation to prohibit source of income and/or Section 8 discrimination. Should the Federal Fair Housing Act be amended to include source of income as a protected class? Does California FEHA's definition of "source of income" cover Section 8 discrimination? Learn also about the growing problem of disparate treatment of Section 8 voucher holders in mixed use housing.

Speakers **Michelle White, Esq.**, Affordable Housing Services; **Denise McGranahan, Esq.**, Legal Aid Foundation of Los Angeles; **Diane Houk, Esq.**, Emery, Celli, Brinckerhoff and Abady

Moderator **Nadine Cohen, Esq.**, Greater Boston Legal Services

12:30 PM - 1:55 PM

LUNCH ON YOUR OWN

Brown Bag Lunch I

Fair Housing Centers-Building on the Past to Insure the Future

The future for fair housing centers is rooted in their ability to retain that which has worked in the past for success and to make adjustments and keep pace with an ever and fast- changing environment. This session will focus on relationship and collaboration building (FHIP-FHAP-HUD-Advocates-Community); funding alternatives and modern technologies that impact Center administration, outreach, education and investigations. A roundtable for executive directors of fair housing centers and a time for sharing information on resources and expertise.

Facilitators **Mary Scott Knoll, Lee Porter, Tracey McCartney**

Brown Bag Lunch II

**Coalescing an Effective Range of Responses to a Serious Threat in California
(Invitees Must Present Business Card as Tenant/Tenant Organizer/Representative)**

This is a strategy session to discuss the recent court decision regarding Palmer/Sixth Street Properties v. City of LA and efforts to extend the anti-rent control aspects of the Costa Hawkins legislation. Approximately 1/3 of jurisdictions in California have some type of inclusionary housing law. The ruling in Palmer could threaten this form of affordable housing development. Advocates will meet to discuss the fair housing implications of Palmer and Costa Hawkins as well as strategies to overcome these serious threats.

Facilitators **Christine Minnehan and Lynn Martinez**

YOU ARE INVITED TO VISIT THE RESOURCE ROOM OR VIEW DISPLAYS DURING LUNCH AND THROUGHOUT THE CONFERENCE.

**2:00 PM - 3:30 PM
General Session**

Use of Mapping to Prove a Fair Housing and Zoning Case

This session will focus on fair housing issues that arise from local land use regulations. The presentation will focus on the use of maps to demonstrate violations of the Fair Housing Act through the zoning powers and the planning process.

Speakers **Ann Moss Joyner, Esq.**, Cedar Grove Institute for Sustainable Communities; **Chris Brancart, Esq.**, Brancart and Brancart; **Ilene Jacobs, Esq.**, California Rural Legal Assistance, Inc.

Moderator **Tracey McCartney**, Tennessee Fair Housing Council

**2:00 PM - 3:30 PM
General Session**

Implicit Bias and Fair Housing Damages: Some New Approaches—Part II

Much more research is emerging on the ways in which discrimination harms individuals, families and communities. This session will examine study findings and set the stage for translating these findings into fair housing damages assessment that can be presented when litigating fair housing cases and calculating damage awards.

Speaker **George Lipsitz**, University of California, Santa Barbara; **Kellee White**, Harvard School of Public Health; **Scott Chang, Esq.**, Relman & Dane PLLC

Moderator **Margaret Elder, Esq.**, Law Office of Margaret Elder

**2:00 PM - 3:30 PM
General Session**

Fair Housing—Crossovers with Affordable Housing and Homeless Prevention Goals and Objectives—Part II

A disproportionate number of low and very low income residents are families with children, seniors, persons with disabilities, homeless/near homeless households or others in “protected class” status under laws. Concerted efforts are underway across the country to ensure that mandates of Community Redevelopment laws, programs promoting accessible units and homelessness prevention and protections for persons with disabilities receive the housing preferences are observed. This session will highlight these efforts.

Speakers **Fred Freiberg**, Fair Housing Justice Center; **Michelle White**, Affordable Housing Services; **Catherine Rodman**, Affordable Housing Advocates

Moderator **Diana Bruno**, Fair Housing Council of San Fernando Valley

**2:00 PM - 3:30 PM
Mortgage Lending**

Change or More of the Same? Redlining—Steering—Predatory Lending—Foreclosures—Loan Modifications—Remedies—Redlining?—Part III

This session will review legal remedies to address the ongoing mortgage lending & foreclosure crisis by deconstructing successfully litigated lending complaints that were based upon violations of the fair lending & other consumer protection laws.

Speakers **Jeffrey May**, National Community Reinvestment Coalition; **Steven Rosenbaum, Esq.**, U. S. Department of Justice

Moderator **F. Willis Caruso, Esq.**, John Marshall School of Law

**2:00 PM - 3:30 PM
General Session**

A View From Both Sides—Plaintiff and Defense Strategies—Part II

Using the pre and post litigation preparation case management, and settlement process, this session will highlight the perspectives/procedures for both plaintiff and respondent attorneys. Choice of legal forum, the preparation of witnesses, interplay with insurance providers, and collection/payments of settlement awards will be among topics discussed.

Speakers **Robert Makley, Esq.**, Berglund, Johnson & Sommer; **Kere K. Tickner, Esq.**, Bremer, Whyte, Brown & O’Meara LLP

Moderator **Sharon Kinlaw**, Fair Housing Council of San Fernando Valley

3:30 PM - 3:45 PM

BREAK

3:45 PM - 5:15 PM
Closing & Plenary

Updates on Public/Private Legislative & Enforcement/Other Fronts

Trends and Developments We Can Expect in the Coming Months That Will Have Fair Housing Impact(s)

Wrap-up

Speakers

A Comprehensive View

Christine Minnehan, Western Center on Law and Poverty

On California Legislation as related to mortgage lending and other areas with fair housing implications.

A Bird's Eye View

Steven Rosenbaum, Esq.

U. S. Justice Department Priorities

David Quezada

"Affirmatively Furthering" Fair Housing—HUD's View

Beth Rosen-Prinz

California Department of Fair Employment and Housing

Chris Brancart, Esq.

In the Courts

Michael Seng-Esq.

Training & Education

George Lipsitz

Research

Moderator

Mary Scott Knoll, Fair Housing Council of San Diego

5:15 PM

CONFERENCE ADJOURNS

This agenda is subject to change due to speaker availability or other unexpected developments.

Please go to www.fhcsd.com for most up-to-date Conference Agenda.