

State of California

Department of Fair Employment and Housing

DFEH News Brief

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STATE SUES APARTMENT OWNERS FOR EVICTING DISABLED TENANT WITH COMPANION ANIMAL

Huntington Park Rental Complex Settles for \$298,833

Elk Grove, CA – The California Department of Fair Employment and Housing (DFEH) announced today the \$298,833 out-of-court settlement of a lawsuit filed in Orange County Superior Court accusing the owners of Huntington Villas Apartments of wrongly initiating eviction proceedings against a disabled tenant because of her companion animal.

For more than ten years, Michele Warner has endured unmanageable pain resulting from multiple spine, muscular and nervous systems ailments. As part of her treatment, on the advice of her doctor, Ms. Warner obtained Nellie, a mixed Labrador Retriever and German Shepherd whose companionship lessened the anxiety and depression caused by her painful conditions. When she applied for a lease renewal, the owners' leasing agent refused Ms. Warner because Nellie exceeded a newly-imposed weight limit for pets. After Warner explained that Nellie was a companion dog for medical therapy, not a pet, the agent insisted on proof. According to the complaint, after she produced a doctor's note certifying Nellie's companionship was medically necessary, the defendants terminated Warner's tenancy. Forced to move to a series of temporary housing, and no longer able to care for her companion animal, Ms. Warner had no choice but to euthanize Nellie.

"It is imperative that landlords reasonably accommodate tenants with disabilities so they can have full use and enjoyment of their housing," said

DFEH Director Phyllis Cheng. “Companion animals are not pets. The Fair Employment and Housing Act requires housing providers to modify pet policies so that individuals with disabilities who need companion animals can have them.”

Before bringing her complaint to the DFEH, Ms. Warner sought the assistance of the Fair Housing Council of Orange County (FHCOC). Using testers, FHCOC documented additional instances of the leasing agents’ refusal to modify the pet policy to accommodate individuals with disabilities who require a live-in companion or service animal.

The out-of-court settlement also requires Huntington Villas Apartments to modify its pet policy to permit tenants with disabilities to live with companion or service animals when necessary, even if those animals exceed the weight limit. In addition, the defendants agreed to hire an expert to conduct fair housing training for all managers and assistant managers. In settling the case, the defendants did not admit liability.

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. For more information, visit the Department’s Web site at www.dfeh.ca.gov.

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