

18th
Annual

Fair Housing Laws & Litigation Conference

February 10th -11th, 2011

San Diego Marriott Mission Valley

8757 Rio San Diego Drive

San Diego, CA 92108

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.
Fair Housing Council of Orange County • Western Center on Law & Poverty

Present

FAIR HOUSING – PROTECTING THE RIGHTS OF WOMEN

*Also featuring sessions covering – Rights and Remedies for Persons with Disabilities,
Immigrant & LGBT Housing Consumers*

AGENDA

OFFERING 12 CLE CREDITS

Thursday, February 10, 2011

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

8:20 AM - 8:30 AM **Welcome and Introductions**

8:30 AM - 8:55 AM Opening Speaker **Dr. Shirley Weber., PH. D.,** San Diego State University
Dr. Weber will highlight important insights into the obstacles and challenges that have been met and overcome but which persistently linger and challenge African American freedoms in America. Parallels and comparisons can be drawn by fair housing professionals in the case of unlawful housing discrimination against women and all others who face unlawful housing discrimination.

Introduction **Mary Scott Knoll, Executive Director,** Fair Housing Council of San Diego

9:00 AM -10:30 AM **We are Women! Hear Us Roar!**
General Plenary This session will illuminate the important demographic backdrop for fair housing work as it provides a multi-faceted profile of women in America. Presenters will open the conference by highlighting the historical development of women's rights as well as the socio-economic and political status of women as it pertains to housing civil rights.

Speakers **Beth Jarosz, Senior Analyst,** San Diego Association of Governments; **Doreen Mattingly, Associate Professor, Women's Studies,** San Diego State University

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

10:30 AM -10:45 PM **BREAK**

10:45 AM -12:15 PM **The Basic Coverage of Fair Housing Laws That Establish Housing Civil Rights--Part I**
General Session A comprehensive, Fair Housing 101 review of federal and state laws for lawyers, advocates, housing counseling staff, community-based agencies, housing providers, professionals working with persons with mental/other disabilities, family/children service agencies, civic organizations, entitlement jurisdiction staff and others who need 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, Regional Administrator**, California Department of Fair Employment and Housing

Moderator **Robert Makely, Esq.**, Law Office of Bergland and Johnson

**10:45 AM -12:15 PM
General Session**

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

General Session Back by Popular Demand for the 4th year, this session is complete with invaluable guidance for attorneys as they work with advocates and others in fair housing litigation. Speakers will review important issues concerning conflict of interest, retainer agreements and other ethical considerations.

Speakers **Chris Brancart, Esq.**, Brancart & Brancart; **David McGowan, Lyle L. Jones Professor of Competition and Innovation Law**, University of San Diego School of Law; **Steven Polin, Esq.**, Law Office of Steven G. Polin

Moderator **Michele M. Macosky, Esq.**, Law Office of Michele M. Macosky

**10:45 AM -12:15 PM
General Session**

Breaking the Silence: Advocating for a Community Approach to Domestic Violence

Despite its devastating effects, many local governments continue to direct limited resources toward domestic violence education, prevention and services. This interactive workshop explores the personal and community impacts of domestic violence and how we can work together to break the silence. Panelists will lead a participatory discussion about a variety of methods to bring this issue to the forefront, including outreach and education, utilizing affordable housing and fair housing planning tools and engaging the courts in a proactive approach.

Speakers **Vic Jenkins**, Author/Educator/Victim's Advocate; **Lynn Martinez, Esq.**, Western Center on Law and Poverty; **Jay Smith**, Community Advocate

Moderator **Jessica Tankersley, Esq.**, Fair Housing of Marin (I)

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

Fair Housing and Sexual Orientation

The repeal of "Don't Ask Don't Tell," President's Obama's initiatives to prohibit housing discrimination in federal housing programs and 19 states passing laws prohibiting housing discrimination on the basis of sexual orientation—all movements to level the playing field and extend equal rights. This session discusses the policies, strategies and application of fair housing laws in the context of extending the housing civil rights of LGBT housing consumers.

Speakers **Dan Torres, Esq.**, Proyecto Poderoso, a joint project with California Rural Legal Assistance, Inc.; **Maya Rupert, Esq.**, National Center for Lesbian Rights

Moderator **Nicole Collier, Executive Director**, Fair Housing Napa Valley

**10:45 AM -12:15 PM
Disability**

The Design and Construction of Accessible Housing—Making it Happen Before Construction

Accessible housing goals for multi-family dwellings continue to elude and remain significantly under-achieved. This session highlights successful cases brought by the Justice Department and HUD's enforcement role. Other non or quasi-legal strategies will highlight how to attack the problem at the permit, planning and pre-construction approval stages as proactive measures for compliance.

Speakers **Steven Rosenbaum, Esq.**, U. S. Department of Justice; **David Quezada**, U. S. Department of Housing and Urban Development, Los Angeles; **Scott P. Moore, Esq.**, Baird Holm LLP

Moderator **Louis Frick, Executive Director**, Assess to Independence San Diego

12:30 PM - 1:55 PM

LUNCH

Commemorating the 18th Anniversary of The Fair Housing Laws and Litigation Conference Series—Recognizing and Applauding Unsung Heroes

Awards **(TBA)**

Speaker The Honorable Deputy Assistant Secretary for Enforcement and Programs, **Sara Pratt**, U. S. Department of Housing and Urban Development, Washington, DC

Introduction The Honorable **Phyllis W. Cheng, Director**, State of California Department of Fair Employment and Housing

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

2:00 PM - 3:30 PM
Special Guest

A Review of the Supreme Court

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

This insightful presentation delves into the composition of the Supreme Court, discusses cases heard or with potential to be heard by the court and presents a variety of other perspectives articulated by the speaker who has been called “one of the top legal thinkers in the nation.”

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

3:30 PM - 3:45 PM

BREAK

3:45 PM - 5:15 PM
Disability

Recent Developments in Fair Housing Law Affecting Persons with Disabilities; Recent ADA Intersections with Fair Housing

The panel will discuss recent court decisions and governmental enforcement activity that affect access to housing by persons with disabilities. Cases will be highlighted to illustrate new developments and strategies. Hear about: How the ADA has continued to influence how the Congress, Courts, and agencies interpreted the housing rights of individuals with disabilities last year; Olmstead settlements reached beyond traditional institutions and became and required specific community services; Congress amended the Section 811 program to generate more integrated housing and promote better Medicaid and housing coordination; and The Department of Justice revised its ADA regulations to expand accessibility and limit the definition of service animals.

Speakers **Scott P. Moore, Esq.**, Baird Holm LLP; **Bonnie Milstein, Director, Housing Policy**, Bazelon Center for Mental Health Law

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

3:45 PM - 5:15 PM
General Session

The Enforcement Trio—Efforts and Effects of the U. S. Department of Justice (DOJ), Department of Housing and Urban Development (HUD), & California Department of Fair Employment and Housing (DFEH)

This session will focus on the interrelationship between entities that are responsible for protecting and enforcing rights, remedies and obligations under federal and state fair housing laws. The speakers will highlight the roles of each enforcement entity while showcasing cases brought by each involving women complainants.

Speakers **Sara Pratt**, U. S. Department of Housing and Urban Development; **Steven Rosenbaum, Esq.**, U. S. Department of Justice; **Phyllis Cheng, Director**, California Department of Fair Employment and Housing

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

3:45 PM - 5:15 PM
Hot Topics & Trends

Access to Housing: Bridging the Gap to Promote the Fair Housing Rights of Formerly Incarcerated Women

In 2009 over 13,000 women left California prisons, with thousands more returning to their communities from local jails. Women who are returning home face a number of practical and legal barriers that often prevent them from accessing housing and reuniting with their children and families. The workshop will explore the impact of the criminal justice system on women and outline the law on screening prospective tenants for a criminal record. In addition, the workshop will present strategies that advocates can use to help their clients secure stable housing, with a particular focus on possible fair housing claims.

Speakers **Catherine McKee, Esq.**, National Housing Law Project; **Michael Seng, Esq.**, The John Marshall School of Law; **Meredith Desautels, Esq.**, Lawyers Committee for Civil Rights

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

3:45 PM - 5:15 PM
Hot Topics & Trends
Disability

Fair Housing Rights in Licensed Residential Care

This session will provide an overview of how fair housing laws protect residents of licensed residential care for people with disabilities and elders, provide an overview of the California regulatory scheme for licensed residential care and outline the importance of analyzing these regulations in conjunction with the fair housing laws when receiving or responding to fair housing complaints from licensed care residents. Special attention will be given to approaches for requesting reasonable accommodations in licensed care settings, and identifying examples of intentional discrimination.

Speakers **Kim Pederson, Esq.**, Fair Housing Law Project; **Eric Carlson, Esq.**, National Senior Citizens Law Center; **Melissa Morris, Esq.**, Fair Housing Law Project

Moderator **David Whritenour**, Assistant Director Fair Housing Council of Northern New ?

5:15 PM

CONFERENCE DAY ONE ADJOURNS

Friday, February 11, 2011

8:15 AM - 8:45 AM **One-Day Registrations**

8:45 AM - 9:00 AM **WELCOME**

9:00 AM - 10:30 AM **Sex-based “Violations” Against Women & The Protection of the Fair Housing Act**

General Plenary

The acts of sexual harassment and sex-based housing discrimination, while occurring against men as well, are most prominent in the case of women and often weave a thin line between fair housing civil rights violations and criminal violations. In this session, learn how to maximize the impact of fair housing law to protect victims.

Speakers **Sara Pratt, Deputy Assistant Secretary for Enforcement and Programs** at HUD/Washington DC; **Chris Brancart, Esq.**, Brancart and Brancart

Moderator **Michael Seng, Esq.**, The John Marshall School of Law

10:30 AM - 10:45 PM **BREAK**

10:45 AM - 12:15 PM **The California Legislative Barometer—Taking Measure of Fair Housing Implications and Highlighting Models for Moving the Bar through Coalition and Community Action**

General Session

This session's expert on California's legislative make-up and activities will highlight those current and anticipated legislative enactments, pointing to those that will impact, directly or indirectly, fair housing rights remedies and obligations. As community needs and coalition building go, so goes legislation. Making this point, speakers will provide a model of legislative action in California highlighting Senate Bill 1149 recently signed into law by Governor Schwarzenegger.

Speakers **Christine Minnehan, Esq.**, Western Center on Law and Poverty; **Kevin Stein, Esq.**, California Reinvestment Coalition; **Dean Preston, Executive Director**, Tenants Together

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

10:45 AM - 12:15 PM **Fair Housing for Immigrants and Refugees**

Hot Topics & Trends

This panel will focus on investigating and litigating fair housing cases involving discrimination based on national origin and immigration status, including many of the housing-related issues facing refugees who have been resettled in the U.S. What can we do as advocates to effectively investigate these cases, enforce the housing laws, and improve case outcomes for immigrants and refugees? What are the prospects for immigration reform in this political climate, or will we see an upsurge in crack-downs and deportations?

Speakers **Richard Mabbutt, Executive Director, & Suha Talib**, Intermountain Fair Housing Council; **Philip Hwang, Esq.**, Lawyers' Committee for Civil Rights; **Liza Cristol-Deman, Esq.**, Brancart & Brancart

Moderator **Ed Valenzuela**, Executive Director Arizona Fair Housing Center

10:45 AM - 12:15 PM **Intersectional Injury: Housing Discrimination at the Crossroads of Gender and Race**

General Session

Hot Topics & Trends

Women face an artificially constricted housing market due to many forms of past and present discrimination. The injuries women suffer are often intersectional, created by a confluence of obstacles that emanate from discrimination because of gender, race, family form, sexuality, citizenship status, and class. This session will assess the many different ways women are injured by housing discrimination and also explore some examples of place based and community based mobilizations to address the particular issues that women face because of unfair housing practices and policies. In this session, hear also from the author of *"Damages for Embarrassment and Humiliation in Housing Discrimination Cases,"* Sara Pratt.

Speakers **George Lipsitz, Professor**, University of California at Santa Barbara; **Sara Pratt**, HUD, Washington DC

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

10:45 AM - 12:15 PM
Disability

Land Use & Immigrants, Residential Living Facilities for Persons with Disabilities and Municipal Services—The Interplay of Fair Housing Laws

Land use decisions which impact the location and operations of multi-family residential living facilities for persons with disabilities and others who reside in special needs housing are a continuing concern in many jurisdictions. The lack of fair housing knowledge on the part of some decision makers and housing providers alike contributes to the problem. Finding solutions in relationship to a municipality's duty to affirmatively further fair housing will be among the positions explored in this session.

Speakers **Ilene Jacobs, Esq.**, California Rural Legal Assistance, Inc.; **Scott Chang, Esq.**, Relman and Dane, PLLC; **F. Willis Caruso, Esq.**, The John Marshall School of Law

Moderator **Christopher Brancart, Esq.**, Brancart and Brancart

12:15 PM - 2:00 PM

LUNCH ON YOUR OWN

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

2:00 PM - 3:00 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. Selected Case studies will involve female complainants.

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

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

2:00 PM - 3:30 PM
General Session

The Violence Against Women Act & Housing Voucher Programs-PHA Plans-Reasonable Accommodations & Eviction Protections

An overview of the provisions of the Violence Against Women Act (VAWA) that apply in particular to the Section 8 voucher program; HUD's new regulations promulgating VAWA; the role of PHA plans in providing protections locally; and the appropriate use of reasonable accommodation law to advocate for survivors/victims of domestic violence or stalking will lead this session's discussions. We will also discuss creative ways that housing authorities can meet their federal obligations to affirmatively further fair housing by addressing impediments faced by survivors/victims. Several new California laws which provide special eviction protections for survivors/victims will also be covered.

Speaker **Denise McGranahan, Esq.**, Legal Aid Foundation of Los Angeles; **Navneet Grewel, Esq.**, National Law Project; **Meliah Schultzman, Esq.**, National Housing Law Project

Moderator **Wanda Remmers, Executive Director**, Housing Rights, Inc.

2:00 PM - 3:30 PM
General Session
Hot Topics & Trends

Establishing Special Needs Trusts in Settlements on Behalf of Persons with Disabilities and other Benefit Recipients

Advocates and attorneys who work with and litigate on behalf of persons with disabilities or those receiving public assistance/government benefits of any kind whose clients may lose such benefits upon receipt of litigation awards, relocation benefits, cash for keys and the like, will benefit from this session. The establishment and use of special needs trust is the focus of these speakers.

Speakers **Thomas Beltran, Esq.**, Beltran, Beltran, Smith, Oppel & MacKenzie, LLP; **Gary M. Chang, Esq.**, Director of Legal Affairs of Proxy Parent Foundation, a dba of PLAN of California, Trustee of the PLAN of California Master Pooled Trust; **Louis Rafti, Esq.**, Housing and Eviction Defense Unit of the Legal Aid Foundation of Los Angeles

Moderator **Pam Bean, Executive Director**, Montana Fair Housing

2:00 PM - 3:30 PM
General Session

Funding Fair Housing Centers—Ten Tips for Achieving FHIP and Other Funding—Resource Successes

Fair Housing Initiatives Program (FHIP) funding ideally serves to enhance the limited CDBG dollars that are typically available to a fair housing center. These FHIP funds make possible systemic testing programs and extensive, specialized outreach and education efforts that might not otherwise be possible in a jurisdiction with limited or no CDBG fair housing funds allocations at all. This is a roundtable open only for executive/associate directors of fair housing centers and is a time for sharing information on success in the FHIP process and other resources and expertise.

Speakers **David Levy**, Fair Housing Council of Orange County; **David Whritenour, Assistant Director**, Fair Housing Council of Northern New Jersey

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

2:00 PM - 3:30 PM
General Session

Fair Housing Litigation-Strategies—Part I—Preparing for and Conducting Pre-Trial-Depositions—Use of Expert Testimony and Testing Evidence

Preparation is everything and can mean the difference in successful litigation outcomes. This session will highlight preparation for trial and focus on selection of legal forums, the case management process, planning for depositions and using expert testimony and test results in litigating among other pre-trial litigation strategies.

Speakers **Chris Brancart, Esq.**, Brancart & Brancart; **Margaret Elder, Esq.**, Law Office of Margaret Elder; **Michael Seng, Esq.**, The John Marshall School of Law

Moderator **Monica Lopez, Program Manager**, Fair Housing Council of Riverside County

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, reasonable accommodations involving the use of medical marijuana.

Speakers **Bonnie Milstein, Director**, Housing Policy Bazelon Center for Mental Health; **Pam Bean, Executive Director**, Montana Fair Housing; **Navneet Grewel, Esq.**, National Law Project

Moderator **Carol Neidenberg, Mental Health Program Manager**, Consumer Center for Health Education and Advocacy, San Diego, CA

3:45 PM - 5:15 PM
General Session

Hate Crimes and Cyber Bullying Involving LGBT Victims/Others in Housing—The Under-Reported Duo and Youth Offenders

In this session two areas of housing discrimination are deservedly being highlighted to focus on housing and neighborhood tensions and the ongoing need to protect individuals/families, undertake preventive measures and preserve fair housing civil rights. Description of the problems, statistical updates, highlights of litigation and an overview of appropriate community remedies for hate crimes and cyber bullying that violate fair housing and other laws will be the main components of this session.

Speakers **Kathy Mikkelsen, Esq.**, Office of California Attorney General; **Marcie Denberg**, Anti-Defamation League, San Diego; **Carlos Marquez, Director of Community Programs & Public Affairs**, The San Diego LGBT Community Center

Moderator **Hermes Ayala, Bi-Lingual Housing Counselor**, Fair Housing Council of San Fernando Valley

3:45 PM - 5:15 PM
General Session

The Holistic Link between the Analysis of Impediments to Fair Housing and the ‘Affirmatively Furthering Fair Housing’ Duty

The “Westchester” case created a lingering Pandora’s Box of questions and concerns for determining just how far the duty to ‘affirmatively further fair housing’ extends. This session contends that the duty is extensive, touching and concerning every phase of the housing spectrum and federal spending. The Analysis of Impediments to Fair Housing (AI) is the essential element for setting holistic approaches. Highlights of this session will illustrate the questions, proposed answers and model practices and programs that should be considered.

Speakers **Lynn Martinez, Esq.**, Western Center on Law and Poverty; **Maya Roy, Esq.**, Legal Services of Northern CA; **Andrea Luquetta, Esq.**, Western Center on Law and Poverty

Moderator **Chancela Al Mansour, Esq.**, Housing Rights Center

3:45 PM - 5:15 PM
General Session

Fair Housing Litigation-Strategies–Part II–Post Trial Activities Settlements–Insurance Issues and Affirmative Remedies

Preparation is everything and can mean the difference in successful litigation outcomes. This session will highlight moving through trial and into and post-trial concerns highlighting insurance issues, non-confidentiality clauses, affirmative remedies and training to address long term problems among other post-trial strategies and outcomes.

Speakers **Christopher Brancart Esq.**, Brancart and Brancart; **Scott Chang**, Relman & Dane; **Steven Polin, Esq.**, Law Office of Steven G. Polin

Moderator **Mary Scott Knoll, Executive Director**, The 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.