

What if I'm worried about liability?

While this rarely is an issue, the law provides landlords some reassurance. Providers need to either carry an insurance policy themselves or obtain waivers from all the parents of the children in care. If the provider carries insurance, the landlord can request to be an additional insured on the policy (as long as the landlord covers any additional cost required).

What if I think the children are being abused or neglected?

If you feel there is an immediate danger, call the police and Community Care Licensing: (408) 277-1286. Licensing will immediately investigate any such complaint. If there is no immediate danger, talk to the provider about your concerns. He or she may be able to reassure you (for example, perhaps an assistant was home with the children when you have seen her out on errands during the day). In general, the rate of abuse or neglect from day care providers is very low.

How can I get more information?

Project Sentinel conducts counseling and training about fair housing laws, including day care protections. Call our toll free number (888) 324-7468. Project Sentinel also provides mediation services in select areas. If you have questions about the requirements to become a home day care provider, contact Community Care Licensing at (408) 277-1286.

Project Sentinel is funded through the U.S. Department of Housing and Urban Development Fair Housing Initiatives Program and local Community Development Block Grants.

Project Sentinel does not discriminate on the basis of race, color, religion, national origin, sex, disability, sexual orientation, gender identity, age, or familial status.

Project Sentinel Can Help

Project Sentinel is a nonprofit Fair Housing agency that provides education and counseling to community members, housing providers, and tenants about the Fair Housing laws. We also investigate complaints and advocate for those who have experienced housing discrimination. Our services are **free of charge** and available regardless of your income or immigration status.

Our Service Area

Project Sentinel is able to provide assistance over the phone or at one of our many regional offices. We provide assistance in the following geographic areas:

Santa Clara County
San Mateo County
Stanislaus County
Sacramento County
City of West Sacramento
City of Fremont
City of Merced

Contact Project Sentinel for help!

Toll Free: (888) 324-7468
www.housing.org
info@housing.org

To request materials in accessible formats for people with disabilities:

Email: scottrell@housing.org
TTY: 7-1-1

Housing Discrimination

Against Licensed Day Care Providers



Project Sentinel

A NONPROFIT FAIR HOUSING AGENCY



Housing discrimination is prohibited by federal and state laws. It is illegal to deny housing to an individual on the basis of race, religion, national origin, sex, disability, marital status, sexual orientation, presence of children, operation of a licensed home day care, or any other arbitrary reason.

It is also illegal to treat an in-place tenant any differently than other tenants on the basis of any of the above group characteristics. It is important to know your rights entitling you to fair housing, recognize if your rights are being violated, and what you can do to take action.

Signs of Housing Discrimination Based on the Operation of a Licensed Home Day Care

- the manager tells you she doesn't allow day cares to be run out of her units;
- the manager tells you that children would disturb the elderly tenants;
- the rent cited to you is higher than advertised;
- the manager says the unit has already been rented, but the sign or ad is still posted;
- you are told, "The house isn't set up for day care" or "There's no place for children to play;"
- repairs are not being made to your unit as requested or required;
- the manager tells you she does not want to take on the insurance liability of a day care;
- the manager tells you she doesn't believe the income from a day care will afford you the stability to consistently pay your rent.

Questions Frequently Asked By Landlords

Do I have to accept a tenant who operates a licensed home day care?

Landlords and mobile home parks cannot refuse to rent to applicants just because they operate a licensed home day care. This would be discrimination. Of course, you can apply the same screening to providers as you would to any other applicant. For example, you could refuse to rent to a provider who has a bad past landlord reference. If a tenant who has already moved in wants to start a home day care, he or she needs to give you 30 days' notice.

Does this apply to unlicensed day care providers?

No. You can ask to see an applicant's license.

Do these laws apply to all landlords?

Yes, including single family homes, mobile parks, and apartments. Condominium associations and subdivisions also must follow these laws.

Can I increase the rent or deposit?

You cannot increase the rent because of the operation of a home day care. However, you can charge a higher deposit as long as the deposit does not exceed the total allowed by law (two times the rent). Don't forget this limit includes any pet deposits, cleaning deposits, or last month's rent that you collect.

What if the homeowner's association prohibits operating a business in the home?

An apartment complex, condominium association, mobile home park, subdivision, or other group may have a rule forbidding businesses to be operated out of a dwelling unit. But state law requires an exception for licensed home day cares.

What if the unit doesn't have any special facilities for day care?

Home day care is designed to be child care in an environment similar to the child's own home. There are no special requirements about square footage or facilities.

What if I'm worried that day care is not a reliable enough income?

California law does not allow landlords to discriminate based on an applicant's source of income. You cannot refuse to rent to a person just because he or she is self-employed or receives government benefits. However, you can have a minimum income requirement as long as you apply it to people equally. If a day care provider meets such an income requirement, you cannot refuse to rent to him or her just because you feel the income is less stable.

What if the neighbors complain about the noise?

Treat such a complaint the same way you would treat a noise complaint about a tenant who does not have a day care. For example, you might want to talk to the parties involved, figure out how serious it is, and give a written warning if it becomes an ongoing problem.