San Fran RE company pays family $12K for Fair Housing Act violation

The U.S. Department of Housing and Urban Development (HUD) has awarded a San Francisco family $12,000 after two real estate companies refused to move it to a smoke-free building for the sake of an infant who has a disability that impacts his breathing.

The family filed the complaint in January after John Stewart Company representatives, which manage Hunters Point East West through HUD's Rental Assistance Demonstration Program, offered the mother and grandmother an air purifier instead of a smoke-free apartment.

The family, and others like them, are protected by the Fair Housing Act, federal regulations that bar sellers and landlords from discriminating against potential or current residents on the basis of race, color, religion, sex, disability, familial status or national origin.

In addition to paying the settlement, John Stewart Companies must submit a revised grievance procedure that complies with Section 504 of the Rehabilitation Act of 1973.

Section 504 states that people with disabilities cannot "be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service."

"A smoke-free environment can make a world of difference to a family whose child has a disability that limits their breathing," said HUD Assistant Secretary for Fair Housing and Equal Opportunity Anna María Farías.

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“Reaching a mutually agreeable settlement of the case is a ‘win-win’ for everyone involved.”

John Stewart Company has not yet responded to a request for comment.

Email Marian McPherson.

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