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From the Los Angeles Times

Landlord rents trouble when he posts an ad

Fair housing officials say the Newport Beach man appeared to discriminate and wants \$4,000. He offers \$3.29.
Dana Parsons

November 6, 2007

In June I brought you what I figured would be the first and last installment of landlord Daniel Bader's run-in with the fair housing people of Orange County and the state.

Come to find out, they're just warming up. The housing people say Bader, 55, discriminated when he ran two Craigslist ads to rent a 430-square-foot space above his apartment in Newport Beach. Together, the building has about 1,300 square feet, he says.

The ads ran in the summer of 2006 and said the upstairs space would be "well-suited for 1 or 2 professional adults" and "perfect for 1 or 2 professional adults."

Housing officials say that language discriminated against families with children.

A Fair Housing Council of Orange County official told me in June that "when he says it was well-suited for two professional adults, it sort of implies an indication that this would be for older people, two professional people, and it leans in that direction."

Bader didn't buy that for a second, but says he would gladly have reworded the ad had the council advised him while the ad was running. He's a commercial real estate broker, and the apartment above him is the only residential property he's ever rented.

He's read the law against discriminatory housing and isn't convinced his words violated it. "It's ambiguous, at best," he says. "In my mind, I'm describing the apartment. They just have a propensity to read it the other way. They've already determined I'm guilty; that's when they pushed me for money."

I griped in June about the council insisting that Bader reimburse it for the roughly \$4,000 it says it spent in investigating and posting fliers in his neighborhood on proper rental-ad language. It also wanted Bader to enroll in classes, at his expense, on fair housing procedures for landlords.

At one point, Bader informed the council he'd reimburse it \$3.29 -- a figure he considered a reflection of the silliness of things.

Not amused, the council advanced the case to the state Department of Fair Employment and Housing, which agreed that Bader's ad was discriminatory.

"This flies in the face of the spirit of the law," Bader insists. "At the time [of the ads], I was renting to a family with two children under the age of 10. I don't discriminate. The law is meant to stop discriminatory practices, not go out and nail someone on a gotcha basis."

The crazy thing is, the housing people seem to agree that Bader didn't intentionally discriminate. But the language of the law is the language, they say.

"This is not a substantial case, in my mind," says Paul Ramsey, the chief counsel for the state department and who agrees that Bader's ad "is a statement of limitation affecting families with children."

But, Ramsey says, "in my mind this case should have been resolved. It could easily have been resolved, but there has been an absolute inability to bring these two parties together."

Gee, I wonder why. Besides wanting Bader to pay up (Ramsey says he can't discuss negotiations), the council also has asked that he produce a written policy about discrimination and give it to anyone involved in rentals with him, that he attend training classes and that he post notices "in conspicuous locations" in his rental unit that acknowledge he violated housing laws.

That is probably boilerplate stuff for wayward landlords. Fair enough, but ridiculous in these circumstances.

Bader says that during negotiations he offered \$99 to settle things, but was told by a colleague of Ramsey that he wouldn't take any offer under \$500 back to the county housing council. Bader says the council hasn't given him any figure other than an equally silly \$3,996 offer to counter his original offer of \$3.29.

Last week, Bader upped the ante. The two sides were scheduled for a hearing before the state Fair Employment and Housing Commission, but Bader opted out in favor of a jury trial.

"I'm completely outraged and would like to get to the bottom of this," he says, "and find out how many others they've gone after who just rolled over and paid up, as opposed to going all the way."

I haven't switched sides since June. I thought then that the housing folks overreacted. They don't seem to understand this isn't about Bader; it's about them socking him for hundreds or a few thousand dollars over a minor infraction.

Bader wants to know what a jury will say.

"They're going to find six jurors who say, 'Yeah, that's definitely discrimination?'" he says. "I don't think they can find them."

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