



# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



 LAW OFFICE OF  
**ANGELITA E. FISHER**

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Angelita Fisher is an attorney in the Nashville, TN area. She has over 14 years experience in representing companies in fair housing law and employment law matters. Angelita is licensed to practice law in Alabama, Texas, Mississippi and Tennessee.  
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6688 Nolensville Road  
Suite 108-161  
Brentwood, TN 37027

615-305-2803

[afisher@angelitafisherlaw.com](mailto:afisher@angelitafisherlaw.com)

[www.angelitafisherlaw.com](http://www.angelitafisherlaw.com)

## Destruction of Personal Property May Violate Fair Housing Laws

According to a federal court in Indiana, legally removing and destroying a resident's personal property from her apartment, may impact the resident's ability to use and enjoy the dwelling and violate fair housing laws.

The problem started when a housing authority resident was hospitalized because of a disability. The housing authority sent a notice to her apartment that it was evicting her and removing and destroying her wheelchair, furniture and personal property because the apartment had bedbugs. The housing authority had already given the resident six months to prepare her apartment for bedbug treatment, but the resident still had stacks of books, laundry, and other personal property that could provide a hiding place for bed bugs.

The resident's attorney sent a letter to the housing authority notifying it of the resident's hospitalization. The attorney even called to make arrangements to move the resident's possessions, but was routinely put to voicemail. The resident's property was destroyed, including a motorized wheelchair.

The resident sued claiming the housing authority violated fair housing laws because it failed to accommodate her by allowing her attorney to remove her personal items from the apartment. The court held that the resident had a claim for violation of the Fair Housing Act.

According to the Court, the housing authority could have delayed destroying the resident's property at a modest cost relative to the gain to the resident. The property could have been moved for a short time until the resident or her attorney, could claim the property. The cost would be minimal and the empty apartment could have been treated for bed bugs. Removing and destroying the resident's personal property impacted her ability use and enjoy the dwelling. The housing authority's unwillingness to accommodate the resident blocked her equal opportunity to use and enjoy a dwelling and is conceivably discrimination under the Fair Housing Act.

Note from the Editor: Welcome to 2017. I hope your upcoming year is filled with hope, health and prosperity. I thank all of you for giving me a great first year in my personal practice and look forward to working with you in the new year.



## In the News

### No Transfer = Free Rent

The Department of Housing and Urban Development has approved a settlement between a Nevada Regional Housing Authority in Las Vegas and a family with a disabled son. The case arose after a mother requested a transfer to a three-bedroom unit to accommodate her son's medical equipment. The housing authority informed the mother the request would be granted, but then for some reason, delayed the accommodation.

Under the settlement agreement, the housing authority will pay the family \$50,000 plus allow them to live in an apartment for the next six and a half years rent-free. The free rent equates to a monetary value of approximately \$40,170.

### Broken Elevator Gives Rise to Fair Housing Lawsuit

A three-story Indiana apartment complex has been sued after its only elevator broke down and the complex did not respond to the resident's requests for accommodations. The case centers on a 48-unit housing for older person complex with only one elevator. The elevator stopped working and remained out of service for approximately five and a half weeks.



During the time the elevator was out of service, some of the disabled residents on the second and third floors requested the housing complex help them get groceries upstairs to their apartments and walk their dogs. The apartment complex did not engage in an interactive dialogue regarding the resident's requests. The residents sued claiming the apartment complex had refused their request for an accommodation. The apartment complex asked the court to dismiss the complaint.

The court refused to dismiss the case. It held that while the requests may have been unreasonable, the residents had stated enough evidence for a fair housing case to go forward to trial.

### Fair Housing Webinar Recognizing and Accommodating Hoarders

Thursday, January 12, 2017  
10:00 a.m - 11:00 a.m. Central

Hoarders are not just on television. Hoarding has been recognized by the American Psychiatric Association as a mental disorder. What does that mean for landlords? You may have an obligation to accommodate the resident.

In this webinar, we will take a step-by-step approach to managing a resident who is hoarding without violating fair housing laws. Our topics will include:

- Recognizing a Hoarder
- Protections under Fair Housing Laws
- Examples of Accommodations
- Documentation You May Require
- Examples of Accommodation
- Following Up

Please join us for this webinar.



**\$24.99**

Register at:  
[www.angelitafisherlaw.com/fair-housing.html](http://www.angelitafisherlaw.com/fair-housing.html)

## Taking a Kick-Back Cost Management Company Over \$1.6 Million

The U.S. Department of Justice has agreed to defer prosecution of a management company's executives for three years on criminal charges in exchange for the company paying a fine of \$1,625,124.80 for defrauding military housing projects. The settlement was in connection with the management company admitting it fraudulently obtained approximately \$1 million by skimming and concealing undisclosed fees from insurance premiums.

According to the DOJ, one of the services provided by the management company was to arrange for property and general liability insurance for four different military bases through an insurance broker. The broker would invoice the premiums to the Army. The insurance broker would then pay the company a "risk management fee" taken from the premiums. This was considered an illegal kick-back.

Under the settlement agreement, the DOJ may seek to prosecute the management company for the scheme if the company violates the terms of the agreement or commits other criminal conduct within the next three years.



### Housing Crossroads Webinar

## When is a Complaint more than just a Complaint?

*Recognizing resident complaints that have legal implications for landlords.*

Wednesday, January 25, 2017  
10:00 a.m. - 11:30 a.m. Central

Every property has a resident who continually makes complaints about everything. The question is - when should you take it seriously? Ignoring some complaints can land a landlord in hot water legally. Some complaints carry with them an obligation to investigate and act upon the evidence obtained. In this webinar, we will discuss how to recognize resident complaints that can get landlords in trouble. Our discussion will include:

- Written or Oral Complaints
- Maintenance Complaints
- Complaints Involving Failure to Fulfill Obligations
- Essential Services Interruption Complaints
- Harassment/Discrimination Complaints

**\$34.99**  
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M. Wesley Hall, III  
Hall & Associates



Nathan Lybarger  
Hall & Associates



Angelita Fisher  
Law Office of AEF

## In the News

### Mississippi Developers Settle Design Lawsuit

The U.S. Department of Justice has announced a settlement with developers of six multi-family housing complexes in Mississippi. The lawsuit alleged the developers violated fair housing laws by failing to design six complexes so they were accessible for disabled residents. The developers have agreed to pay the cost of all retrofits, \$250,000 to 25 persons harmed by the inaccessible units and a \$100,000 civil penalty. The retrofits will include: eliminating steps; making bathrooms more usable; providing accessible curb ramps and parking; and providing accessible walks to site amenities such as the clubhouses, pools and mailboxes.

### Claim Pregnant Resident was forced to Move ends in Fair Housing Settlement

The U.S. Department of Housing and Urban Development has announced a settlement in a familial status case which arose after a landlord told a pregnant resident she must vacate the property because it was housing for older persons only. Problem was – the property did not meet the necessary requirements to be housing for older persons.

The case arose after an elderly resident of a mobile home park filed a fair housing complaint alleging that the owners and manager of the property required her son and daughter-in-law, who were her live-in caregivers, to vacate the property when they found out her daughter-in-law was pregnant. This violated fair housing laws in part because the property did not meet the fair housing requirements for housing for older persons. As a part of the settlement, the property will pay \$15,000 to the resident.



### Allowing a Fenced-In Yard is a Reasonable Modification

The U.S. Department of Housing and Urban Development announced it has settled two fair housing complaints against a Wyoming mobile home park alleging the park refused to accommodate deaf children. The claims arose after two families made requests they be allowed to install chain-link fences around their yards so their children, who are deaf or hard of hearing, could play in a controlled environment. The requests were denied.

Under the settlement agreements, the families will receive an undisclosed amount of money and be permitted to install the fences in their yards. The park will also purchase and install “Deaf Child at Play” signs throughout the park.

### Strict “No Pet” Policy Results in Fair Housing Charge

A Salt Lake City, Utah apartment complex has landed in trouble after it strictly adhered to its “no-pet” policy. The case began when a female resident with disabilities was denied her request to keep an assistance animal. The resident contacted the Disability Law Center which conducted tests at the property. The tests revealed evidence that the apartment complex managers discriminated against residents with disabilities by strictly adhering to the property’s “no-pet” policy even when medical documentation was provided that established the need for a reasonable accommodation under the no-pet policy.

As a result, the Department of Housing and Urban Development has filed a Charge alleging violation of the Fair Housing Act. The Charge will be heard by an Administrative Law Judge unless one of the parties elects to have the case moved to federal court.