



Fair Housing Newsletter

Keeping you current on fair housing news and issues



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PA Senior Apartment Complex Pays Over \$300,000 for Policies

A Pennsylvania senior housing apartment complex has agreed to settle a case filed by the U.S. Department of Justice alleging fair housing violations. The DOJ alleged the landlord discriminated against residents and prospective residents with disabilities from at least 2005 to the present, by creating discriminatory policies and practices including:

- Requiring residents to sign a lease that imposed conditions such as requiring an initial physical assessment as a requirement of tenancy and potential eviction if a resident develops certain health conditions;
- Requiring residents who use wheelchairs to be able to transfer from their wheelchairs into a dining room chair;
- Requiring residents who use wheelchairs to pay a non-refundable deposit; and
- Property provided transportation was inaccessible to people who used wheelchairs up until 2013.



To settle the claim the landlord has agreed to pay a minimum of \$250,000 and up to \$325,000 into a settlement fund to compensate residents and prospective residents who were harmed by these policies. The landlord will also pay a \$55,000 civil penalty to the United States. In addition, they will appoint a fair housing compliance officer and implement new resident policies, including a new accommodation policy and a new motorized wheelchair policy.

Note From the Editor: The year is half gone. If you still need to get your employees trained on the latest fair housing developments, give me a call. Training can be done by webinar and sometimes in person.



DOJ Resolves Fair Housing Lawsuit Against Guam

The U.S. Department of Justice announced it has agreed to settle a lawsuit it filed against the Government of Guam, the Chamorro Land Trust Commission (CLTC) and its Administrative Director. The CLTAC is part of the Government of Guam and controls approximately 15 percent of Guam's total land area. The lawsuit, filed in 2017, alleged the CLTC violated the Fair Housing Act through its program of granting 99-year residential leases for one-acre tracts, at a cost of one dollar per year, solely to "native Chamorros."

Under the terms of the settlement agreement, Guam has agreed to stop taking race and national origin into account in awarding the land leases. The CLTA will be amended to award leases based on whether individuals lost land or use of land, including during World War II and its aftermath, instead of whether an applicant is a "native Chamorro." The CLTC will also be required to collect information to verify eligibility based on the new, race-neutral criteria.

NC Landlord Will Pay \$97K to Settle Familial Status Complaint

The National Fair Housing Alliance (NFHA) announced it has settled a familial status complaint against a North Carolina landlord. NFHA believes the settlement will increase housing assistance funds available to low-income families in the Charlotte-Mecklenburg area.

The landlord, who owns more than 165 units in the Charlotte, N.C. area, represented a property was operated as an adult-only community. The company's website stated that it was "a multi-professional adult living community" and that occupants must be "30 years or older."

When the NFHA discovered the property had a policy that prohibited any occupant under the age of 18, it sent testers. In one instance, a tester with a child contacted the company to inquire about renting apartments and was told, "We don't allow kids to stay on the premises." As a result, a fair housing complaint was filed. The Charlotte-Mecklenburg Community Relations Committee issued a determination that there was reasonable cause to believe the landlord limited the housing choices of families with children in violation of local law.

To settle the complaint, the landlord has agreed to pay \$70,000 to the NFHA for damages, costs, and fees and to provide \$27,000 in grants, which NFHA will distribute to nonprofits that provide housing assistance to low-income families in the Charlotte-Mecklenburg area.

While there is an exception for housing for older persons, this property did not meet the strict HUD requirements for the exception.





HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

When is a complaint more than just a complaint?

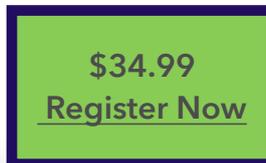
Recognizing resident complaints that have legal implications for landlords.

**Wednesday, July 29, 2020
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



Nathan Lybarger
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Speakers



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Alabama Housing Authority Agrees to Pay \$200,000 to settle HUD Complaint

The trouble all started with a compliance review to assess a Decatur, Alabama Housing Authority's compliance with Title VI. The review resulted in a race discrimination complaint and the Housing Authority paying \$200,000.

The U.S. Department of Housing and Urban Development (HUD) conducted the review which revealed the Decatur Housing Authority violated fair housing laws. It allegedly discriminated against elderly black applicants at three of their senior properties. These applicants applied for housing at desirable properties but were repeatedly skipping over on the wait list even though they were next to receive a unit. Black applicants were also steered to less desirable units at one of the Housing Authority's racially and ethnically concentrated properties.

The Housing Authority agreed to settle the claim and pay \$200,000 in damages by creating a victims' fund and providing direct compensation to the residents harmed by its discriminatory practices. The Housing Authority also agreed to update its policies relating to its waiting and transfer lists and evictions, and train current and new employees who have contact with applicants or residents about Title VI, the Fair Housing Act, and other applicable civil rights requirements. The training will include an emphasis on discrimination based on race, color, and national origin.

HUD Files Another Assistance Animal Charge

By now all landlords should know assistance animals are not pets and cannot be denied if the resident has all the required paperwork. Not so! The U.S. Department of Housing and Urban Development (HUD) announced it has found another landlord who has denied an assistance animal. HUD has filed a charge of discrimination against the owners and managers of apartments in Milwaukee, Wisconsin. The charge alleges the landlord refused to rent an apartment to a disabled applicant and their partner because the applicant required an assistance animal.

The charge will be heard by a United States Administrative Law Judge unless the parties settle or one party elects to have the case heard in federal district court.

New York Landlord Pays \$35,000 to Settle Race Claim

The U.S. Department of Housing and Urban Development (HUD) and a New York landlord have decided to settle claims white testers were treated more favorably than black testers.

The case began when a non-profit agency filed a complaint with HUD after conducting testing on apartment complexes in NY. The testing was the result of several reports to the non-profit that blacks were being denied the opportunity to rent apartments based on their race. The testing allegedly showed white testers received more favorable treatment, including being told about upcoming available units, while black testers were told there was a long waiting list and no units were available.

The landlord denied the allegations, but agreed to settle the complaint. Under the terms of the settlement, the landlord will pay \$25,000 to the non-profit agency, develop a non-discrimination policy, and provide fair housing training for employees. In addition, the landlord will create a \$10,000 compensation fund for individuals who were denied housing or received misinformation about the availability of housing because of their race.

HUD Settles Charge Against Maryland Housing Authority

A Maryland Housing Authority and the U.S. Department of Housing and Urban Development have reached an agreement to settle a charge that started with an ADA and Section 505 compliance review. The review determined the Housing Authority denied tenants' accommodation requests, failed to make programs accessible, and failed to make an adequate number of accessible units available.

The compliance review identified a lack of accessibility throughout the Housing Authority's housing choice voucher program, project based voucher program, moderate rehabilitation program and public housing program. In addition, the review revealed Housing Authority staff routinely failed to respond to the tenants' accommodation requests.

Under the terms of the agreement, the Housing Authority will:

- Ensure at least five percent of its public housing, project based voucher, and moderate rehabilitation units are fully accessible, and at least two percent are designated sensory accessible;
- Hire an independent licensed architect to evaluate and design the accessible retrofitting of existing units and common areas;
- Work with disability-rights organizations to recruit landlords with accessible units into the housing choice voucher program;
- Set up a \$200,000 compensation fund for housing choice voucher, project based voucher, moderate rehabilitation and public housing participants who were denied reasonable accommodations;
- Create a \$200,000 modification fund for its housing choice voucher program to pay the costs for tenants who need reasonable accommodations and modifications;
- Appoint a VCA and Fair Housing Compliance Coordinator during the term of the agreement;
- Develop policies pertaining to non-discrimination and accessibility, reasonable accommodations, effective communication, transfers, and assistance animals and post the policies on its website; and
- Ensure that all housing authority staff attend annual fair housing training.

In sum, even though there was no fair housing complaint by a resident, being out of compliance still cost the Housing Authority a lot of money.

Denial of Transfer Leads to HUD Charge

What does mold have to do with a fair housing complaint? Plenty if the resident's child has asthma. An Atlanta apartment complex landlord recently found out the hard way after the U.S. Department of Housing and Urban Development filed a charge claiming the landlord failed to accommodate the child.

The HUD charge alleges the owners, management company and former manager all violated fair housing laws after they refused a mother's request to transfer after mold and mildew began to affect her son's health. The apartment had allegedly flooded five times, resulting in mold and mildew. As a result, one of the minor children developed severe asthma symptoms that required multiple treatments by a specialist, including surgery. The mother requested the family be transferred to another unit because her son's medical condition. The property manager denied her request. The mother filed a fair housing complaint with HUD. After an investigation, HUD determined the landlord had violated fair housing laws.

What's next? Unless the case is settled, it will be heard by a U.S. Administrative Law Judge or head to federal court.