



Fair Housing Newsletter

Keeping you current on fair housing news and issues



 LAW OFFICE OF
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Failure to Transfer as Accommodation Results in \$500,000 Settlement

The U.S. Department of Housing and Urban Development announced it has reached an agreement with the Housing Authority of the City of Dallas, Texas, to resolve a disability complaint involving a request to transfer.

The fair housing complaint alleged a resident was refused her request to transfer to a ground-floor unit after a car accident ended her ability to climb stairs to her second-floor unit. This denial allegedly forced the resident to crawl up and down the stairs to access or leave her home, causing her physical pain, injury, and humiliation. In addition, the Housing Authority allegedly retaliated against the resident after she requested the ground-floor unit by refusing to accept her rental payments and evicting her.

In addition to a \$500,000 payment to the resident, the settlement agreement requires the Housing Authority to take steps to vacate all judgments it obtained against resident, and clear any debts. In addition, the Housing Authority will pay a \$10,528 civil penalty to HUD.



Note From the Editor: Happy Fall! Time to start winding up the year and looking forward to 2023. Do you still need 2022 Fair Housing training for maintenance? If so, check out the upcoming webinar on page 5.





HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

The Pitfalls When Terminating the Lease Agreement

Wednesday, October 26, 2022
10:00 a.m. - 11:30 a.m. central

All good things must come to an end – including a resident’s lease. How and why you terminate a resident’s lease may land you in trouble with HUD or may cause you to lose your case in court. Terminating a lease may violate more than one law.

In this webinar, we will discuss the pitfalls a landlord needs to consider when making the decision to terminate a lease.

- Deciding to Non- Renew
- Terminating Because of Housekeeping
- Depending on Complaints from Neighbors
- Identifying the Proper Violation
- Issuing the Proper Notice
- Proving the Violation in Court

\$34.99
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Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
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DOJ Files Lawsuit Against St. Louis Apartment Complex

The U.S. Department of Justice has filed a lawsuit against Missouri-based owners, developers and builders of a multifamily housing complex in St. Louis. The lawsuit alleges the owners, developers and builders failed to design and construct housing units and related facilities to make them accessible to persons with disabilities in compliance with the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA).



The lawsuit arose from a complaint filed with the Department of Housing and Urban Development (HUD). After HUD investigated the complaint, it determined that the parties had violated the FHA and issued a charge of discrimination. HUD later referred the matter to the DOJ.

The DOJ lawsuit allege the apartments have significant accessibility barriers including excessively sloped pedestrian routes from apartment units to the public street and to site amenities (such as the dog park, mail center, dumpster, management/leasing office); barriers to accessible parking; inaccessible bathrooms; inaccessible door hardware; and insufficient maneuvering space at entrances to common use areas that make those entrances inaccessible to many people with disabilities. The lawsuit seeks to have the property made accessible and require the parties to pay residents who were harmed by the unlawful design and construction.



The DOJ settled two similar lawsuits last month. The first was in Pennsylvania against the architect of a senior living facility. In that case, the architect has agreed to pay \$350,000 to fund retrofits at eight Pennsylvania properties, \$75,000 into a settlement fund to compensate individuals harmed by the inaccessible housing and \$25,000 to the government as a civil penalty to vindicate the public interest. The retrofits will, among other things, make the kitchens and bathrooms at these properties more accessible

and useable. The DOJ previously settled part of this case against the developer and one owner. The remaining owners are still in the lawsuit.

The second settlement last month involving design and construction was in Maryland. In that case, the developer has agreed to pay all costs related to the retrofits of 17 properties, \$175,000 into a settlement fund to compensate individuals harmed by the inaccessible housing and civil penalties of \$10,000 to the government. Under the settlement, the developer will replace steeply-sloped walkways and install new walkways to help residents reach units, amenities, mailboxes and entrances to the properties, remove obstacles from pedestrian pathways, widen doorways and modify bathrooms and kitchens so they are accessible for individuals who use wheelchairs.

The FHA requires all multifamily housing constructed after March 13, 1991, to have basic accessibility features, including accessible routes without steps or steep slopes to all ground-floor units. The ADA requires that places of public accommodation – such as rental offices – at multifamily housing complexes designed and constructed for first occupancy after Jan. 26, 1993, be accessible to persons with disabilities.

Sexual Harassment Allegations Result in \$21,000 Settlement

California property Owners and the property's Management Company have agreed to settle a claim the property's maintenance employee sexually harassed a female resident. The resident alleged the maintenance employee offered to provide maintenance services on her unit in exchange for sexual favors, also known as *quid pro quo* harassment. Additionally, the Management Company and Owners allegedly failed to prevent further incidents of sexual harassment.



Without admitting guilt, the Owners and the Management Company have agreed to settle the complaint by paying the resident \$21,000 and providing training for employees.

Lesson learned: Make sure to train employees on sexual harassment issues under the Fair Housing Act and always investigate and respond to harassment complaints.



Fair Housing Webinar

Walking Into Trouble Fair Housing for Maintenance

Wednesday, October 12, 2022
10:00 a.m. - 11:00 a.m. Central

Maintenance employees are on the front-line of the battle of avoiding fair housing complaints. They often see and interact with the residents more than anyone else in the Company. It is important maintenance employees know what to say and do before they walk into a problem.

In this webinar, we will discuss common issues maintenance employees encounter and some realistic steps they can take to avoid getting in trouble with HUD. Our topics will include:

- Encountering Nude & Partially Nude Residents
- Dating Residents
- Apartments with Only Minor Children
- Recognizing a Hoarder
- Managing Maintenance Requests

\$24.99

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Sexual Orientation Harassment Lawsuit Filed

A new lawsuit filed in the U.S. District Court for the Eastern District of Wisconsin, alleges the owner and manager of a rental property in Milwaukee harassed a tenant because of his sexual orientation and his disability.

The lawsuit alleges the onsite manager of the property subjected a gay male tenant with a disability to unwelcome harassment both verbal and through text messages. The lawsuit also alleges the manager struck the tenant in the groin and threatened to evict him in retaliation for reporting the harassment to the police.



After the tenant moved, he reported the harassment to the U.S. Department of Housing and Urban Development. HUD investigated and found evidence of harassment in violation of the Fair Housing Act. Because the tenant requested the case be heard in federal court, HUD referred the case to the U.S. Department of Justice which filed the lawsuit. The lawsuit seeks an order requiring the manager and owner of the property pay monetary damages to the tenant and cease discrimination.

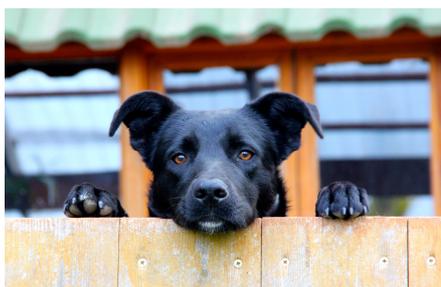
Did you know?

Others may make an accommodation request on behalf of a resident?

Assistance Animal Refusal Lands Landlord in Trouble with HUD

The U.S. Department of Housing and Urban Development (HUD) announced it has charged the owner of an apartment complex in Winona, Minnesota, and landlord with violating the Fair Housing Act by refusing to allow an applicant's request to live with her assistance animal.

According to the HUD Charge, the applicant provided a letter from her therapist with enough information for the landlord to know she was disabled and had a disability-related need for an assistance animal. However, the landlord denied her application and told her to look elsewhere for a place to live. The applicant filed a complaint with HUD. After an investigation, HUD found evidence of discrimination and filed a Charge.



A United States Administrative Law Judge now will hear HUD's Charge unless any party to the Charge elects to have the case heard in federal district court or the case is settled.