



# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



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## Facebook Fair Housing Complaint Filed

Facebook is in trouble.... again. The U.S. Department of Housing and Urban Development has filed a formal complaint against Facebook for fair housing violations. The complaint alleges Facebook allows advertisers to control which users receive housing-related ads based upon the recipient's race, color, religion, sex, familial status, national origin, disability, and/or zip code. Facebook then invites advertisers to express unlawful preferences by offering discriminatory options, allowing them to effectively limit housing options for a particular protected class under the guise of 'targeted advertising.'

For example, HUD alleges Facebook's platform enables advertisers to, among other things:

- display housing ads either to only men or women;
- not show ads to Facebook users interested in an "assistance dog," "mobility scooter," "accessibility" or "deaf culture";
- not show ads to users whom Facebook categorizes as interested in "child care" or "parenting," or show ads only to users with children above a specified age;
- to display or not display ads to users Facebook categorizes as interested in a particular place of worship, religion or tenet, such as the "Christian Church," "Sikhism," "Hinduism," or the "Bible."

*Facebook: Continued on Page 2*

Note From the Editor: Sexual harassment claims continue to be on the rise. Every landlord should have a plan in place to address sexual harassment claims. Check out the Sexual Harassment List on page 7.

*Facebook: Continued from Page 1*

- not show ads to users Facebook categorizes as interested in "Latin America," "Canada," "Southeast Asia," "China," "Honduras," or "Somalia."
- draw a red line around zip codes and then not display ads to Facebook users who live in specific zip codes.

This is a Secretary-initiated complaint. The Secretary of HUD may file a fair housing complaint directly against a company or landlord if it believes the company or landlord may be in violation of the Fair Housing Act. Secretary-initiated complaints are appropriate in cases involving significant issues that are national in scope or when HUD is made aware of potential violations of the Act and broad public interest relief is warranted, or where HUD does not know of a specific aggrieved person or injured party that is willing or able to come forward. A Fair Housing Act complaint, including a Secretary-initiated complaint, is not a determination of liability.

## **HUD Charges Minnesota Homeowner and Real Estate Agent with Discrimination**

The U.S. Department of Housing and Urban Development has filed a fair housing charge against a Minnesota homeowner and a real estate agent for refusing to rent to a family due to their race, national origin and familial status.

HUD's charge alleges that the owners refused to rent a 7,000 square foot, six-bedroom, house to a family of four adults and seven children because of their race, national origin, and because the family has minor children. The charge alleges the owner and real estate agent discouraged the family from renting the home by offering them less favorable rental terms, including increasing the rent by \$1,000. After being denied the home, the family had to split up and live in separate residences.



The HUD charge will be heard by a United States Administrative Law Judge unless any party elects for the case to be heard in federal court.

## **“No Service Animals” Ad Leads to Housing Charge**

A Massachusetts property owner and management company are in trouble after placing a Craigslist ad stating, "[o]ne cat considered, no dogs please," and "no service animals." A non-profit group became aware of the ad and sent testers to the property. One tester was told that the owner is highly allergic to dogs and therefore cannot accept dogs on the property.

The non-profit filed a fair housing complaint with the U.S. Department of Housing and Urban Development alleging the property discriminated against persons with disabilities. HUD has now filed a charge against the property owner and the management company. The charge will be heard by a U.S. Administrative Law Judge unless one of the parties elects to have the case heard in federal court.



# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar

*"You are not on the lease!"*

### Addressing Non-Residents on the Property

September 26, 2018

10:00 a.m. - 11:30 a.m. Central

When dealing with a resident - the lease is the governing document. But, what happens when you need to deal with a non-resident? There is no lease to point to for guidance. It is hard to know what you can or cannot say. In this webinar, we will discuss issues that arise when addressing non-residents on the property.

Our discussion will include:

- Towing a non-resident's car
- Talking to the family of a sick or deceased resident
- Banning a non-resident
- Trespass laws
- Caregivers' rights

\$34.99  
[Register  
Now](#)



Nathan Lybarger  
Hall & Associates



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## HUD Invites Public Comments on AFFH Regulations

The U.S. Department of Housing and Urban Development has published a notice asking for public comments on amendments to its Affirmatively Furthering Fair Housing regulations. The goal is to offer more guidance about the AFFH regulations to states, local governments and public housing authorities.

HUD is soliciting public comment on changes that will: (1) minimize regulatory burden while more effectively aiding program participants, (2) create a process focused primarily on accomplishing positive results, rather than on analysis, (3) provide for greater local control and innovation, (4) seek to encourage actions that increase housing choice, including through greater housing supply, and (5) more efficiently utilize HUD resources.

Comments may be made to the Office of the General Counsel, Rules Docket Clerk, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 10276, Washington, DC 20410-0001.



## Fair Housing Webinar

*"You can't ask me that question."*

### Questions Landlords Cannot or Should Not Ask

Wednesday, November 14, 2018  
10:00 am - 11:00 am Central

Every property manager has probably wondered if they violated fair housing laws when they asked an applicant or resident a question. Are you disabled? Do you have any animals? Have you been convicted of a felony?

In this webinar, we will discuss common questions that are off-limits for property staff. Our topics will include questions about:

- Previous residency
- Disabilities
- Animals
- Criminal history
- Family make-up
- And much, much, more.

[Register Now](#)

## HUD Encourages Landlords to Accept Housing Vouchers

The U.S. Housing and Urban Development has announced it will use a Department-wide task force to encourage more landlords to participate in the Housing Choice Voucher Program. The Program assists more than two million low-income households each year. However, most landlords do not accept voucher-holders according to two new studies. In addition, landlords who do accept vouchers complain about the Program's administrative requirements.



In response, HUD has established a new Landlord Task Force and announced a number of forums across the country where it will hear directly from landlords, specifically those that do not participate in the Voucher Program, on ways to increase their participation in the Voucher Program. These forums are intended to assist HUD with making the Voucher Program more accessible and acceptable, specifically in higher opportunity neighborhoods where landlord participation is lowest. After completing these landlord forums, the Landlord Task Force will provide policy recommendations to the Secretary on programmatic changes to increase landlord participation in the HCV Program.

## California Landlord Pays \$7,500 to Settle Disability Claim

A California landlord has agreed to settle a fair housing complaint filed by a resident whose request for modifications was denied and who was passed over for an accessible unit. The resident was disabled and in a wheelchair. She requested she be allowed to make modifications to her current unit to make it wheelchair accessible. She also applied for an accessible unit.

The landlord denied the resident's request to make modifications to her current unit. In addition, when an accessible unit became available, it was rented to a family that had applied at a later date and had no family member in need of the accessible features. The resident filed a fair housing complaint.

As part of the settlement, the landlord has agreed to pay the resident \$7,500 and allow her to remain on the wait list for an accessible unit. In addition, the landlord agreed it would not rent an accessible unit to an applicant who does not need the unit's accessible features when there is a pending application from an eligible qualified applicant with disabilities who requires the accessibility features.



## Couple with Infant Forced to Move to Two-Bedroom

The U.S. Department of Housing and Urban Development has charged the owners of a South Dakota apartment complex with familial status discrimination after it refused to allow a couple and their newborn child to stay in a one-bedroom apartment.



According to the HUD charge, a couple rented a one-bedroom apartment and then had a baby. Soon after the couple's new baby arrived, the mother asked a representative of the management company how long two adults could live in a one-bedroom unit with an infant. The mother was allegedly told they would have to move to a two-bedroom unit immediately because there was a two-person-per-bedroom policy. The policy was allegedly required by the Sioux Falls City Occupancy Code. However, the City Code was more flexible than the management policy and allowed for other areas besides bedrooms to be used for sleeping purposes.

When the couple were told they would have to move to a bigger unit, they moved from the property and filed a HUD complaint. HUD investigated the complaint and filed a charge of discrimination because it believes the management company's two-person-per-bedroom policy violates fair housing laws. Now it is up to an Administrative Judge or a federal court to decide.

## Sexual Harassment Claim Settles for \$100,000

The Area Housing Commission in Pensacola, Florida, has agreed to pay \$100,000 to settle a claim its maintenance employee sexually harassed a female resident. According to the press release, the maintenance worker subjected the resident to a severe incident of sexual harassment and retaliated against her after she reported the incident to the U.S. Department of Housing and Urban Development.

Under the settlement agreement, the Area Housing Commission will pay the female resident \$100,000, move her to a three-bedroom apartment once an appropriate unit becomes available, and provide her with a parking space close to her unit.

In addition, the Commission agreed a female employee will be in the woman's apartment anytime maintenance work is being performed, it will draft a policy prohibiting sexual harassment of applicants, tenants and voucher holders, it will set up a formal sexual harassment complaint procedure, and it will provide sexual harassment training for employees.



## Illinois Village Agrees to Pay \$410,000 to Settle Fair Housing Case

The U.S. Department of Justice has announced it reached an agreement to settle a lawsuit against the Village of Tinley Park, Illinois, a suburb of Chicago. The lawsuit alleged the Village refused to approve a low-income housing development after members of the community made race-based objections.

The lawsuit alleged the prospective tenants of a proposed to approve the project despite the conformance with the applicable. Instead, after the community placed was tabled indefinitely. the Village will pay \$360,000 in Village's former planning director because of her support for the penalty. The Village is also



Village discriminated against development when it refused fact the project was in building requirements. objected, the project was According to the settlement, monetary damages to the who was placed on leave project and \$50,000 as a civil required to train elected

officials and individuals involved in the planning process, develop a fair housing policy and hire a fair housing compliance officer.

### Sexual Harassment Prevention List

Now is time to audit fair housing policies and practices to prevent and respond to sexual harassment claims. Below is a sexual harassment prevention checklist for landlords.

**Fair Housing Policy.** Every property should have a Fair Housing Policy in the Employee Handbook and posted on the property which specifically addresses sexual harassment. Make sure every protected class is listed as well as a complaint procedure.

**No Dating Policy.** Employees and residents should be prohibited from having a dating or sexual relationship. Housing providers need a written policy in their Employee Handbook outlining the policy and new employees should be specifically informed of the policy when hired.

**Complaint Handling Process.** Complaints involving sexual harassment claims need to be addressed, investigated and resolved promptly. Have a written complaint process which contains the names and contact information for residents who want to report fair housing violations.

**Posters.** Federal and State Fair Housing Posters should be displayed in the leasing office where applicants and residents can easily read the posters.

**Training.** All employees should be annually trained on fair housing laws. Maintenance employees should receive training specifically on sexual harassment. This can be accomplished by accessing on-line courses, attending seminars or hiring an attorney to provide personalized on-site training.