



Fair Housing Newsletter

Keeping you current on fair housing news and issues



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Housing Complex in Trouble for Prohibiting the “Christ” in Christmas

A senior living center in the state of Washington got a lesson in fair housing laws after it banned its residents from saying “Merry Christmas,” singing Christmas carols, or displaying any decorations with any religious significance in common areas.

The trouble started when the Assistant Housing Director sent a letter to residents informing them that nativity scenes, the star of david, and a crucifix were banned from common areas. It stated, “When decorating the common areas and exterior of your community, think festive not religious.” “Greenery, colored lights, snowmen, and snowflakes all convey the festive atmosphere without alluding to a specific religion.”

Then, the building manager told a Christian resident she could not say “Merry Christmas” to others or hang Christmas cards with religious symbols on her doorframe because the center receives funds from the U.S. Department of Housing and Urban Development.

Shortly afterwards, the property received a letter from attorneys at the Alliance Defending Freedom, which is representing the resident. The letter reminded the manager that “Americans don’t lose their constitutionally protected freedom to say ‘Merry Christmas’ or otherwise express their faith just because they live in a facility that accepts government funds.”

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Note From the Editor: Scheduling fair housing training should be top of your to-do list this year. Our annual Three-Part Fair Housing Webinar Series is scheduled for February. Register now at angelitafisherlaw.com



Christmas: Continued from Page 1

The attorneys also pointed out that HUD does not prohibit residents on federally funded properties from displaying religious holiday decorations. In fact, in a 2007 HUD press release, the Department stated:

The holiday season is an opportunity to celebrate our diverse traditions and faiths. The U.S. Department of Housing and Urban Development continues to strongly support and respect the display of all religious symbols on properties receiving HUD assistance. We discourage anyone from interfering in the free exercise of religion and prohibiting residents from celebrating the joys of the season.

In sum, a landlord should not be promoting one religion over another and should not be prohibiting its residents from displaying religious holiday decorations.

DOJ Sues Louisiana Parish for Disability Discrimination

The U.S. Department of Justice Department has filed a lawsuit alleging that St. Bernard Parish, Louisiana, has discriminated against persons with disabilities in violation of the Fair Housing Act. The lawsuit alleges St. Bernard Parish failed to provide reasonable accommodations to its zoning ordinance by repeatedly refusing to allow two proposed group homes for children with disabilities to operate in single-family neighborhoods. The two group home operators filed complaints with the U.S. Department of Housing and Urban Development after their requests for reasonable accommodations under the zoning ordinances were denied.

The lawsuit seeks a court order prohibiting St. Bernard Parish from applying its zoning code in a manner that discriminates against persons with disabilities. The lawsuit also seeks monetary damages to compensate victims, as well as payment of a civil penalty.

Section 8 Voucher Discrimination Case Settles

A New York woman received a \$6,500 settlement from her former landlords after they allegedly refused to accept her Section 8 housing voucher. The case arose after a non-profit filed a housing complaint alleging the landlord violated the City of Buffalo's fair housing laws by refusing to accept a Section 8 voucher. The City of Buffalo's Fair Housing Officer found probable cause to believe the landlord had violated the city's fair housing laws and the city filed a lawsuit. The case settled without the landlords admitting they had violated any law.





HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinars

2019 - "The Review" Two-Part Webinar Series

\$59.99
For Both
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Part #1: Top Six Areas to Review and Update on Your Lease (Jan. 30, 2019)

Part #2: Addenda -Getting the Right Fit (Feb. 27, 2019)

Part #1: Top Six Areas to Review and Update on Your Lease

Wednesday, January 30, 2019
10:00 am to 11:30 am central

The year 2018 has come and gone. It is time to turn the calendar and begin anew. With a new year comes a new opportunity to review and update your lease. In this webinar, we will discuss some of the key areas of your lease to review and update. Our discussion will include:

- Occupancy Standards
- Non-Payment Issues
- Move-In / Move-Out Inspections
- Security Deposits
- Renters Insurance
- Signatures

\$34.99
Part #1
[Register](#)
[Now](#)

Part # 2: Addenda - Getting the Right Fit

Wednesday, February 27, 2019
10:00 am to 11:30 am central

Along with your lease, every landlord should be reviewing and updating their addenda. In this webinar, we will discuss some of the most common addenda, the latest cases on the addenda topics, and ways to best enforce the addenda. Our discussion will include addenda related to:

- Crime-Free Neighborhoods
- Pet
- Mold
- Non-Smoking
- Utilities
- Bed Bugs
- Rules & Regulations

\$34.99
Part #2
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HUD Administrative Law Judge Enters Order Settling Discrimination Claim Against New Jersey Condo Association

The U.S. Department of Housing and Urban Development announced a resolution of a case involving an Association representing residents of a 55-and-older condominium development in New Jersey and a family with disabled family members. The case involved allegations that the Association refused to sell a condo to a man with disabilities and his wife because the couple planned to have their adult, disabled daughter live with them in the condo.

Under the terms of the Consent Order, entered by a HUD administrative law judge, the Association will pay a civil penalty of \$9,000 to the United States, undergo fair housing training, and make changes to the associations' bylaws as they relate to reasonable accommodations. The wife, now a widow, is pursuing claims against the Association in New Jersey State Court.



Fair Housing Webinar **ASKED AND ANSWERED:** Eight Common Fair Housing Questions

Wednesday, January 16, 2019
10:00 am - 11:00 am Central

As an attorney, I receive calls and emails daily asking questions about how to handle a particular situation with a resident or applicant. Many of the questions relate to the same issues over and over again. In this webinar, we will discuss eight of the most common fair housing questions asked by landlords. The questions are:

1. What is the difference in a companion and service animal?
2. Can I evict someone who has been arrested for theft?
3. Do I have to reserve a handicapped spot for someone with a disability?
4. What can I do about a companion animal that threatens to bite another resident?
5. How do I handle a resident who is threatening to hit my maintenance guy?
6. May I still refuse to accept a section 8 voucher?
7. Is it still okay to non-renew someone without giving them notice of lease a violation?
8. Should I accept a doctor's letter for a companion animal if it was purchased from an on-line doctor?

[Register
Now](#)

HUD Awards \$23 Million to Fight Housing Discrimination

The U.S. Department of Housing and Urban Development awarded more than \$23 million to nearly 80 fair housing organizations working to protect applicants and residents from housing discrimination. These grants offer a range of assistance to the nationwide network of fair housing organizations so they can carry out testing and enforcement activities.

Close to home, the following organizations are receiving grants:

- Fair Housing Center of Northern Alabama - \$300,000
- Fair Housing Center of Central Indiana, Inc. - \$300,000
- Mississippi Center for Justice - \$300,000
- Mississippi Housing Education and Economic Development - \$233,538
- West Tennessee Legal Services - \$300,000

The same agencies have received the same or similar grant amounts in years past.

How Does the Government Shutdown Affect HUD?

The U.S. Department of Housing and Urban Development is a federal agency affected by the government shutdown which began in December, 2018. According to reports, only 5 of the 450 employees are working during the shutdown.

For landlords, this means HUD complaints will take longer to process. Once the shutdown is over, we can expect a new group of complaints, requests for information and, hopefully, closures.



Did You Know?

Landlords are not required to reasonably accommodate a resident's religious beliefs?

The Tennessee Human Rights FY 2018 Annual Report

The Tennessee Human Rights Commission (THRC) has published its FY 2017-2018 Annual Report. The THRC Housing Division resolves fair housing complaints in Tennessee through conciliation and investigation. It accepts complaints of discrimination based on race, color, creed, national origin, religion, sex, disability, and familial status. This Annual Report examines Tennessee housing discrimination claims accepted from July 1, 2017 through June 30, 2018.



In the FY 2017-2018, the THRC handled 488 inquiries and accepted 119 housing complaints. During the year, the THRC found 7 complaints where there was cause to believe discrimination occurred. It resolved 41 complaints through the conciliation process. Of the 41 conciliated complaints, the Complainants were awarded \$47,009. This was down from last year when Complainants received \$63,322 in monetary benefits. The conciliation agreements also resulted in non-monetary benefits to the Complainants including: accommodations; modifications; removal of eviction records; fair housing training; policy revisions; third-party monitoring; and housing opportunities.

The percentage of disability claims has gone up from 53% last year to 57% this year. Coming in second again this year were race claims at 22% down from 28% last year. The remaining claims were: 7% based on familial status; 5% based on gender; 5% based on religion; and 2% based on color. Keep in mind, these numbers do not include the complaints filed exclusively with the U.S. Department of Housing and Urban Development (HUD).

Many of this year's housing discrimination complaints are filed jointly with the THRC and HUD. Under the THRC's Memorandum of Understanding with HUD, the THRC investigates these cases and reports its findings to HUD. In exchange, HUD pays the THRC for each housing discrimination complaint it investigates and closes, as well as additional dollars for training and administrative costs.

HUD has an efficiency goal for the THRC of closing 50% of the housing discrimination complaints within 100 days or less. This year, the THRC closed only 31% of the cases within 100 days or less. The average investigation lasted 235 days.

The THRC highlighted two housing discrimination cases in the Annual Report – both based on disability. In the first case, the landlord imposed weight restrictions on emotional support animals. The restrictions resulted in the landlord paying the THRC money for education and outreach and allowing the Complainant to keep her emotional support animals. The landlord also agreed to 8 hours of fair housing training. In the second case, the landlord refused to release a resident from his lease after he provided a note from his medical provider stating it was medically necessary for him to live in an assisted living facility. In this case, the landlord agreed to pay the THRC money for education and outreach and attend three hours of fair housing training.

In sum, not much has changed on the fair housing front in Tennessee. Landlords still need to be cautious of disability claims and train all employee on fair housing laws.

Annual Fair Housing Three-Part Webinar Series

February 6, 2019: Fair Housing Fundamentals
February 13, 2019: Common Fair Housing Issues
February 20, 2019: Making an Accommodation or Modification

[Register for All Three Webinars](#)
\$69.99

Fair Housing Fundamentals

Wednesday, February 6, 2019
10:00 a.m. to 11:00 a.m. Central

Knowing the basic fundamentals of fair housing laws will assist owners, managers and staff in making better decisions on what law may apply to their residents and what actions may violate fair housing laws. In this webinar, we will discuss the basics of fair housing laws and the process by which residents may make complaints. Our discussion will include:

- The Protected Classes
- Types of Discrimination/Harassment
- The Complaint Process
- Retaliation

[Register Now](#)
\$24.99

Common Fair Housing Issues

Wednesday, February 13, 2019
10:00 a.m. to 11:00 a.m. Central

Certain issues in fair housing arise time and again. It is important for managers and staff to know the correct steps to take before the problem arises. In this webinar, we will discuss the current status of the law on common fair housing problems. Our discussion will include:

- Familial Status: Occupancy Standards and Child-Restrictive Rules
- Sex/Gender: Harassment, Gender Stereotype, and Domestic Violence
- Race/National Origin: Arrest and Convictions, and Source of Income
- Religion: Community Events & Rules, and Complaints from Other Residents

[Register Now](#)
\$24.99

Making an Accommodation or Modification

Wednesday, February 20, 2019
10:00 a.m. to 11:00 a.m. Central

Residents who are disabled file more fair housing complaints than all other protected classes combined. Why? Maybe because the accommodation process is easy to mess up. In this webinar, we will talk about a landlord's requirement to reasonably accommodate as well as some of the most common accommodation requests. Our discussion will include:

- Knowing the Difference between an Accommodation and Modification
- Paying for the Accommodation/Modification
- Getting the Paperwork Right
- Common Accommodations

[Register Now](#)
\$24.99