



Fair Housing Newsletter

Keeping you current on fair housing news and issues



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Landlord Pays \$29,000 for Child-Restrictive Rules

Rules are an important part of managing any apartment complex. However, those rules can also get you in trouble with fair housing laws. This was the case for a California landlord who had rules restricting children.

In the California case, the landlord allegedly prohibited children on the property from playing on the play structure or grass. In addition, the manager allegedly sent a notice that children under the age of 14 had to be supervised by an adult while outside and that she would dispose of children's toys and bikes if left outside.

Three families with children filed a fair housing complaint with the U.S. Department of Housing and Urban Development with the assistance of a fair housing nonprofit organization. After an investigation, the landlord and HUD agreed to settle the case.

Under the terms of the Agreement, the landlord will pay a total of \$29,000. Each family will receive \$8,000 and nonprofit will receive \$5,000. In addition, the landlord will revise its policies and train employees.



Note From the Editor: The temperatures are rising and so are the tempers of many residents. This is one reason why correctly responding to resident complaints is so important. If you need a refresher, join our August Fair Housing Webinar: Responding to Resident Complaints. See Page 6 for more information.



HOA Charged with Fair Housing Violation for ESA Rules

Landlords have few limits when it comes to pet rules. A landlord can have rules excluding all pets, or limiting them to small dogs and cats, and even charge pet fees and additional rent. The same is not true for rules regarding emotional support animals. This was made clear to one HOA recently after the U.S. Department of Housing and Urban Development charged them with discriminating against two homeowners because of disability. The charge alleges the HOA imposed restrictions on the homeowners' assistance animals and retaliated against them for filing a Fair Housing complaint.

According to the charge, the HOA required the homeowners have documentation typically provided to certain airlines. They were only allowed to walk their ESAs outside the property and the ESAs were only allowed to relieve themselves on property in the early morning or late evening. After the homeowners challenged these policies and filed a complaint with HUD, the HOA sent a letter to all residents reprimanding the homeowners for attempting to circumvent the HOA's arbitration provisions and publicly questioning the homeowners' need for their assistance dogs.

The case will now be heard by an Administrative Law Judge unless either party elects to have the case heard in federal court or the case is settled.

Judge Awards Applicant and Disabled Daughter Over \$70,000

An Administrative Law Judge found a landlord violated the Fair Housing Act when he refused to rent to a mother and her daughter because of the daughter's cerebral palsy. The ALJ found the landlord agreed to rent to the woman and accepted her security deposit. However, after learning that the daughter had cerebral palsy, he retracted his agreement to rent.

The ALJ found that the "outright refusal to rent is arguably the most egregious form of fair housing violation, as it completely denies an individual a valuable housing opportunity. The ALJ ordered the landlord to pay \$50,530 in damages to the family and a \$20,111 civil penalty to the United States.



Illinois Jury Awards \$293,000 in Fair Housing Case

On July 26, a federal jury awarded disabled residents, their guardians, and a non-profit group \$293,000 in damages against the City of Springfield, Illinois. Why? The City attempted to close a group home for people with developmental disabilities.

The story began in 2014, when three residents with intellectual and physical disabilities moved into a single – family home in Illinois. The residents received services from a state-licensed provider, Individual Advocacy Group (IAG). Even though the home was allegedly operating in compliance with state requirements, the City attempted to shut it down. The City relied on a local spacing ordinance that prohibited two homes for individuals with disabilities from operating within 600 feet of one another.

The U.S. Department of Justice filed suit against the City. Now a jury decided the City should pay a total of \$293,000: \$162,000 in compensatory damages to the residents of the home and their guardians and \$131,000 in compensatory damages to IAG. The DOJ is also seeking a civil penalty and an injunction requiring the City to take certain corrective and preventive actions. The DOJ's request is still pending with the Court.



HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

The Changing World of Landlord/Tenant Relationships

Wednesday, September 28, 2022
10:00 a.m. - 11:30 a.m. central

The world as a whole continues to change at an increasingly rapid pace. Many of these changes are targeting the landlord / tenant relationship. New laws, regulations, and guidance are being passed nationwide.

In this webinar we will examine recent legislative and regulatory developments that are shaping our industry. In addition we will discuss recent trends and changes that may be on the horizon. Our discussion will include:

- The CARES Act's 30-day notice requirement
- VAWA documents that must accompany lease termination notices
- How available rental assistance continues to impact the eviction process
- Free legal representation for tenants
- Nationwide efforts to divert, slow, or stop the eviction process
- The push to stop or limit the use of criminal records in background checks
- Source of Income protections
- Scrutiny of selection criteria

\$34.99
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Nathan Lybarger
Law Office of Hall &
Associates

Speakers



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Owner and Manager of RV Park Charged with Transgender Discrimination

The U.S. Department of Housing and Urban Development announced it has charged a Florida RV Park owner and manager with discriminating against a former tenant because of her gender identity.

The charge alleges that when the owner and manager of the RV Park found one of his residents was transitioning from a man to a woman, he wrote her a note. The note stated: "I have been informed of your actions to have your sex changed to a female, I am told you have started taking the necessary medication and that after a period of time your change will be completed. To avoid problems you must: 1. Act as a man 2. Talk as a man 3. Dress as a man 4. Avoid tight clothing that is revealing sexual organs. If you follow the above steps trouble will be avoided."

After receiving the letter, the resident stopped fully expressing her gender identity. She no longer publicly dressed as a woman at the Park and avoided the owner out of fear of eviction or other trouble. The resident also avoided interacting with neighbors and staff and limited her use of the amenities.

The resident ended up moving and filing a fair housing complaint. Even after the complaint was filed with HUD, the owner stated the resident was "not free to engage with other tenants about her clothing and transition that makes them uncomfortable. It is considered disruptive to the community."

HUD investigated the complaint and found evidence of a Fair Housing violation and a charge was filed. The Fair Housing Act prohibits housing providers from discriminating because of a tenant's gender identity. This includes prohibiting tenants from expressing their gender.

HUD's charge will now be heard by a United States Administrative Law Judge unless any party to the charge elects to have the case heard in federal court or the case is settled.



Lead Paint is No Excuse for Refusing to Rent to Family

A Massachusetts Administrative Law Judge has entered an order settling a complaint involving lead paint. The complaint alleged a Massachusetts owner /manager refused to rent to a family with children under the age of six because the home had lead paint.

The complaint was originally filed by a family who claimed they were twice denied housing because of their children. The family alleged they inquired twice about renting a home and were asked if they had children and how old the children were. Upon hearing the children were under the age of six, the landlord replied she would not rent the home to a family with children under six because the home had lead paint. Massachusetts has lead paint laws that require housing providers to remediate lead paint in homes where children under six live. The laws also create liability for housing providers if they do not remediate and young children suffer lead poisoning.

The family filed a complaint with the U.S. Department of Housing and Urban Development alleging a discrimination based on familial status. HUD investigated and found a violation of the law. After the case went before an Administrative Law Judge, the parties agreed to settle.

The settlement requires the landlord pay the family \$11,000. In addition, the landlord will complete fair housing training, include a statement in all future rental advertisements allowing families with children to rent, and refrain from making disparaging written or oral statements about the family.

Refusal of Accessible Parking Space Costs \$25,000

A California property owner and management company have agreed to settle a claim they discriminated against a couple based on race and disability. The claim involved an interracial married couple who claimed the landlord refused them an accessible parking space, made discriminatory statements and allowed other residents to make racial slurs and threats. The couple filed a complaint with the U.S. Department of Housing and Urban Development. Although the owner and management company deny any violation of the law, they have decided to settle.

Under the terms of the settlement, the property owner has agreed to pay the couple \$25,000 and process any and all future accommodation requests made by or on behalf of, applicants and residents. Fair Housing training will also be required.



Fair Housing Webinar

Responding to Resident Complaints

Wednesday, August 17, 2022
10:00 a.m. - 11:00 a.m. Central

\$24.99



It happens almost every day: One neighbor complains about another neighbor. Whether it is noise, parking, arguments, or visitors, any complaint can become a fair housing problem. In this webinar, we will take a step-by-step approach to investigating and responding to residents' complaints. Our discussion will include:

- Identifying a Fair Housing Complaint
- Interviews
- Documentation
- Making a Decision
- Following – Up

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