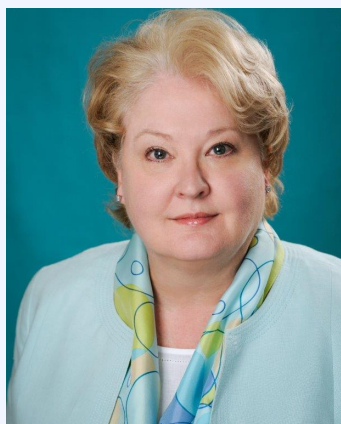




# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



 LAW OFFICE OF  
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## HUD Observes National Fair Housing Month

April is Fair Housing month. Each April, the U.S. Department of Housing and Urban Development observes the occasion by choosing a theme. The theme for the Fair Housing Month in 2020 was "Call HUD: Because Sexual Harassment in Housing is Illegal."

According to HUD, the theme serves two purposes: (1) as a public awareness campaign that urges those who have experienced sexual harassment where they live to 'call HUD' for help; and (2) the theme reflects HUD's continuing efforts to combat sexual harassment and other forms of discrimination. This year's theme focuses on protecting individuals from harassment by property owners, managers, maintenance workers or other residents. HUD hopes to educate the public about what behaviors and actions constitute sexual harassment and what resources HUD offers to those who experience harassment.



HUD and the Department of Justice continue to work together through a nationwide joint initiative designed to fight sexual harassment in housing. Throughout the previous month of April, the "Humans of HUD" photoblog featured stories from victims of sexual harassment in housing, highlighted the personal testimonies of survivors and those who helped them.

Note From the Editor: In case you missed it, April was Fair Housing month. Sexual harassment took most of the headlines. Be sure your managers and maintenance know you have an Anti-Harassment policy and what conduct will result in a violation.



## **DOJ Files Sexual Harassment Lawsuit Against KY Landlord**

The U.S. Department of Justice announced it has filed a lawsuit alleging the owners and managers of rental properties in Russellville, Kentucky, violated the Fair Housing Act by subjecting female tenants to sexual harassment and retaliation.

The lawsuit alleges a male owner/manager sexually harassed a number of female tenants and his wife retaliated against the women who complained about her husband's harassment. According to the complaint, the husband made repeated and unwelcome sexual comments, entered the homes of female tenants without their consent, touched female tenants' bodies without their consent, requested sexual favors, and offered reduced or free rent in exchange for sexual favors. The lawsuit also alleges he took adverse actions against female tenants who refused his sexual advances. His wife, who co-owns and co-manages the properties, allegedly threatened and retaliated against women who complained about her husband's harassment.

The lawsuit seeks monetary damages to compensate the victims, civil penalties, and a court order prohibiting future discrimination.

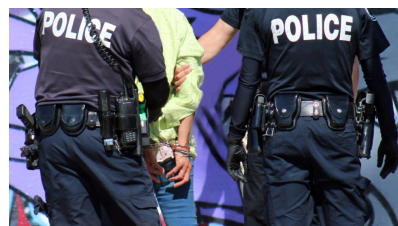
## **Florida Court Refuses to Dismiss Criminal Background Lawsuit**

A federal court in Florida has refused to dismiss a lawsuit filed by a tester against a realty company after an agent acknowledged a blanket prohibition on a person with a criminal record.

The case began when a black male tester found an advertisement for a condo for rent. The contact information in the ad was for a real estate agent. The ad also stated "no criminal record." The tester, posing as a potential renter, contacted the agent by text message to check on availability of the condo. The agent confirmed the condo was still available. The tester then asked if a criminal record would result in a denial of his rental application. He stated that if there was a blanket prohibition on any person with a criminal record, he would not be able to rent the dwelling. The agent confirmed by text message, that any criminal record would be an automatic denial of an application.

The tester sued claiming the blanket criminal history ban has a disparate impact on black individuals in violation of the Fair Housing Act. The realty company asked the court to dismiss the lawsuit based on several arguments including, that the agent did not know the person was black when she told him about the policy and the agent was just enforcing the condominium association's policy.

The court refused to dismiss the lawsuit. The fact that the agent did not know the person's race is irrelevant in a disparate impact claim. Intent is not a necessary element in an disparate impact claim unlike a disparate treatment claim. Additionally, the agent may still be liable under fair housing laws for enforcing an unlawful policy.





# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar Top 10 Ways to Lose Your Lawsuit

Wednesday, May 27, 2020  
10:00 a.m. - 11:30 a.m. central

No one wants to lose a case in court. It is expensive, it is time-consuming and it is down-right embarrassing. Yet landlords continue to make the same mistakes over and over. These mistakes make a difference when you get to court. In this webinar, we will discuss the top ten reasons landlords lose their case when they get to court. Our discussion will include:

1. Enforcing the Pet Policy Against an Emotional Support Animal
2. Taking Rent
3. Not Responding to Resident Complaints
4. Failing to Bring Proof
5. Making Inappropriate Comments about Residents
6. Detrimental Emails & Text Messages
7. Having a No-Felony Policy
8. Improper Courtroom Decorum
9. Failing to Discuss Accommodation Issues with a Resident
10. Bad Luck

**\$34.99**  
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Nathan Lybarger  
Law Office of Hall &  
Associates

### Speakers



Angelita Fisher  
Law Office of Angelita E.  
Fisher

## “I Don’t Like Men” Is Not Enough to Show Harassment

A California court has dismissed a resident’s gender harassment claim after the landlord allegedly stated she did not like men and did not want the resident’s boyfriend in her unit.

The case began when a female resident told her landlord she had Lupus. The landlord allegedly told the resident “You’re a loser.” “You should go live in Kimball Towers with the rest of the disabled losers.” “You’re not really sick.” “You don’t look sick.” “I’m sicker than you are.” The landlord also allegedly told the resident she did not want to rent to a women with a disabled child.

Next, the landlord asked to meet the resident’s boyfriend. The landlord then informed the resident that she did not want the boyfriend to come visit the resident at the property and she did not want men in the resident’s unit. The landlord also allegedly stated “I don’t like men” and “I don’t want men at my property.” Nonetheless, the landlord hired the boyfriend to do odd jobs around the complex, but he quit after only a month.



Afterwards, the landlord allegedly began harassing the resident including cutting off the water for three weeks, changing the locks without notice, filing a meritless unlawful detainer lawsuit against the resident and calling the police on the resident approximately 50 times, informing the police each time that the boyfriend was not allowed to visit and was a trespasser.

Eventually, the resident moved out and sued claiming she was harassed based on her disability and her boyfriend’s gender in violation of fair housing laws. The landlord asked the court to dismiss the case. The court refused to dismiss the disability harassment claim, but dismissed the gender harassment claim. Even assuming all the allegations were true, the facts were insufficient to show the landlord had a discriminatory motive based on gender. The statement, “I don’t like men” without more is insufficient to support a gender harassment claim.

## Did You Know?

*Emotional support animals are allowed in the common areas and community buildings on the property?*

## Attorney General William Barr Commits All “Necessary Resources” to Aide HUD with Sexual Harassment Investigations

As the COVID-19 pandemic has impacted the ability of many people to timely pay rent and increased housing insecurity, the Department of Justice has heard reports of housing providers trying to exploit the crisis to sexually harass tenants. As a result, on April 29, 2020, Attorney General William Barr committed to devoting all “necessary resources” to aide HUD investigations into reports of landlords demanding sexual favors in exchange for rent.

HUD Secretary Ben Carson commended the Attorney General’s decision. “The Fair Housing Act embodies the spirit of this great Nation where everyone is entitled to equal opportunity and respect,” said HUD Secretary Ben Carson. “No one should have to endure sexual harassment and degrading treatment, especially to keep a roof over their heads. I’m pleased Attorney General Barr has partnered with HUD to fully investigate and prevent sexual harassment in housing particularly during this difficult time in our country.”

Since the joint HUD-DOJ sexual harassment initiative was launched two years ago, HUD and its partner organizations have processed around 540 sexual harassment complaints.



### Fair Housing Webinar Investigating and Responding to Resident Complaints

Wednesday, May 13, 2020  
10:00 a.m. - 11:00 a.m. Central

**\$24.00**

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

**\$24.99**  
[Register Now](#)