



Fair Housing Newsletter

Keeping you current on fair housing news and issues



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Sexual Harassment Lawsuit Costs New York Property Owner \$850,000

The U.S. Department of Justice has agreed to settle a claim to resolve two Fair Housing Act lawsuits – both claiming sexual harassment. The lawsuits alleged the property owner sexually harassed numerous female residents and prospective residents for almost 30 years. One lawsuit was brought by the DOJ while the second was brought by private individuals.

The DOJ filed its complaint in 2018. The lawsuit alleged the property owner subjected former residents and potential residents to sexual harassment, including unwanted sexual intercourse, sexual advances and comments, groping or other touching of their bodies without consent, and offers to reduce or eliminate security deposits and rent in exchange for sexual contact. The complaint further alleged the property owner took or threatened to take adverse action against residents when they refused or objected to his advances.



Under the agreement, the property owner has agreed to pay \$450,000, in the DOJ lawsuit, which includes \$400,000 in monetary damages to former tenants and potential tenants who were harmed, as well as a \$50,000 civil penalty. In the second lawsuit, the property owner will pay \$400,000 to compensate nine victims. The agreement also bars the property owner from participating in the rental or management of residential properties in the future.

Note From the Editor: Maintenance need training? Be sure to register them for the Fair Housing for Maintenance webinar on September, 2019.

City Settles Fair Housing Case

The U.S. Department of Housing and Urban Development announced it has reached an agreement with the City of Los Angeles to provide accessibility improvements for individuals with disabilities throughout the City's affordable housing program. The agreement resolves HUD findings of noncompliance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act.

The City has committed to the development of 10,000 units of new affordable housing over the next ten years, including 1,500 accessible units for individuals with disabilities. Additionally, the City commits to providing 3,100 accessible housing units for individuals with disabilities by retrofitting hundreds of existing affordable housing developments across the City that were not constructed or rehabilitated to meet federal accessibility standards. In addition, the City and HUD will work together on an innovative "Enhanced Accessibility Program" that will incorporate cutting-edge accessibility features into future affordable housing developments.

Colorado Landlords Charged with Discriminating Against Families with Children

The U.S. Department of Housing and Urban Development has charged the owners and manager of a condominium complex in Colorado with refusing to rent to persons under 35 years of age in violation of the Fair Housing Act. The charge alleges that the condominium management team refused to rent a unit to a fair housing tester who claimed to have a four-year-old child.

The case started when the Denver Metro Fair Housing Center filed a complaint alleging that the owners of the condominium complex violated the Fair Housing Act when they posted ads in a



local newspaper. These ads described the complex as a “private, restricted adult ... community” where renters must be 35 years or older. When the Denver Metro Fair Housing Center sent out testers, the condominium management team refused to rent a unit to a tester who claimed to have a four-year-old child.

The charge will be heard by a United States Administrative Law Judge unless any party elects for the case to be heard in federal court. If the administrative law judge finds that discrimination has occurred, he or she may award damages to the Fair Housing Center, order injunctive or equitable relief, payment of attorney fees, and/or impose civil penalties.



HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar Paying the Rent

Wednesday, September 25, 2019
10:00 am to 11:30 am Central

It's the most fundamental duty a tenant has: paying rent. So it shouldn't be too complicated right? Wrong. State laws and Fair Housing laws have remedies and accommodations available to tenants in their obligation to timely pay rent. We'll discuss the many pitfalls in acceptance of rent, rent payment methods, and what happens when the tenant refuses to pay rent.

In this webinar, we will discuss:

- When you should not accept rent;
- Source of income;
- When the tenant may refuse to pay rent;
- Increasing rent;
- Payment methods; and
- Much, much, more

\$34.99
[Register Now](#)



Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
Law Office of Angelita E.
Fisher

Bible Verses Land Virginia Realtor in Fair Housing Trouble

A Christian realtor in Virginia was charged with violating fair housing laws by her state real estate board because she used the Bible verse John 3:16 on her website, and used phrases like "Jesus loves you" in her email signatures. Now she is suing the Board.

There were no actual complaints from the public against the agent. However, the Board filed a complaint stating that because she was using religious speech, she could make someone feel discriminated against. While the Board has dropped its initial complaint, it forced her then-employer to enter into an agreement to monitor her and report back on her religious expression. The Agent was ultimately forced to resign from her job rather than compromise her Christian faith.

This case will be interesting to watch. How far will fair housing laws go to make sure someone is not discriminated against? Will it allow discrimination against one to assure no discrimination against others? Stay tuned.



Fair Housing Webinar Fair Housing for Maintenance

Wednesday, September 11, 2019
10:00 a.m. - 11:00 a.m. Central

Did you hear the one about the maintenance guy that walked into the wrong apartment? He got sued for sexual harassment. Oh wait...that isn't funny. But, it can happen. Maintenance employees are the first in line for fair housing complaints because they have the most interaction with residents.

In this webinar, we will discuss the latest guidance, rules, and cases involving fair housing as it applies to maintenance employees. Our discussion will include:

- How Fair Housing Applies to Maintenance
- Harassment Cases involving Maintenance
- Common Fair Housing Maintenance Complaints
- Pointers on Staying Out of Trouble

\$24.99
[Register Now](#)

New Disparate Impact Rule Proposed

The United States Department of Housing and Urban Development released a proposed rule on August 1, which would amend HUD's interpretation of the Fair Housing Act's disparate impact standard. The proposed rule is designed to better reflect the U.S. Supreme Court's 2015 ruling in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*

In the Texas case, a non-profit organization claimed that policies of the Texas Department of Housing and Community Affairs regarding the distribution of low-income housing development tax credits resulted in discrimination against African Americans in violation of both 42 U.S.C. § 1983 and the Fair Housing Act.

While the case held that the Fair Housing Act prohibited disparate impact discrimination, the decision also established several requirements to "protect potential defendants against abusive disparate impact claims." The proposed rule also creates a new litigation structure where a tenant who raises a disparate impact claim under the Fair Housing Act would be required to establish, as a threshold matter, that a specific policy or practice caused the discriminatory effect, and that the policy or practice was "arbitrary, artificial, and unnecessary to achieve a valid interest or legitimate objective."

If the tenant makes this prima facie case, then the burden shifts to the landlord to "identify a valid interest or interests which the challenged policy or practice serves..." Once the landlord meets its burden, the burden shifts back to the tenant to show:

- A "robust causal link between the challenged policy or practice..." and the disparity.
- That the "challenged policy or practice has an adverse effect on members of a protected class."
- That the disparity caused by the policy or practice is "significant" or "material."
- That the "complaining party's alleged injury is directly caused by the challenged policy or practice."

Many believe this new rule will make it more difficult for tenants and advocacy groups to sue landlords under the disparate impact theory.

The proposed rule has been published in the Federal Register. The public will have 60 days to submit comments. Comments may be submitted to HUD through www.regulations.gov or by physical mail.



Landlord Settles Race Complaint Alleging White and Black Testers Given Different Information

We have all been told that consistency is important when it comes to defending a fair housing case. One landlord found out the hard way after it settled a fair housing complaint based on the amount of information it gave to testers acting as prospective residents.

The case began with a fair housing advocacy organization in Los Angeles filed a complaint with the U.S. Department of Housing and Urban Development claiming a real estate investment trust employed rental practices that discriminated against applicants based on their race. More specifically, the group used testers and found a property owned by the trust repeatedly provided more information about available units to White fair housing testers who posed as prospective tenants than to Black testers. The landlord denies the allegations of racial discrimination but agreed to conciliate the case. Cost - \$20,000. In addition, its management and leasing staff who work with tenants at the subject property will attend fair housing training.

Did You

KNOW?

You cannot
limit the number
of emotional
support animals
as long as each
is prescribed and
serves a different
purpose?

