



Fair Housing Newsletter

Keeping you current on fair housing news and issues



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Court Refuses to Dismiss Fair Housing Claim Against HOA

One resident is harassing another resident. What can the HOA do? Well, according to an Indiana court, if the landlord can go after the resident for HOA fees, it can go after the resident for harassment.

The issue began when an African American family rented a single family home in Indianapolis. The neighbors, who are White, began harassing the family. The White residents began calling the African American family racially derogatory names and making threats. This went on for over a year.

The African American family complained to the HOA, but the HOA did nothing claiming it had no power stop the harassment. The harassment continued. The White family began even harassing guest and contractors of the African American family. Finally, the African American family sued claiming the HOA had violated the Fair Housing Act by not addressing the harassment.

The HOA asked the court to dismiss the claims based on the fact it had no power to stop the harassment. The court refused. The court held that if the HOA could take action against the White family for failing to pay HOA dues, which it had, it could take action against the White family for harassing the neighbors.

Lesson learned: If a landlord or HOA know, or should know, about one neighbor harassing another based on a protected class, and they fail to take action to stop the harassment, the HOA or landlord, could be held liable for fair housing violations.

Note From the Editor: With a new administration in Washington and a new HUD Secretary on the way, the Fair Housing outlook is going to change. Stay tuned to the webinars and the newsletter to stay updated....and tell your friends to sign up for the newsletter.



President Biden Signs Memorandum Regarding Fair Housing Laws

On January 26, 2020, President Biden signed a Memorandum on redressing Our Nation's and the Federal Government's History of Discriminatory Housing Practices and Policies. The Memorandum directs the Secretary of Housing and Urban Development to take all steps necessary to examine the effects of the August 7, 2020, rule entitled "Preserving Community and Neighborhood Choice" and the September 24, 2020, rule entitled "HUD's Implementation of the Fair Housing Act's Disparate Impact Standard."

The August 7, rule, "Preserving Community and Neighborhood Choice" changed previous regulations requiring cities to take steps to affirmatively further fair housing. Under the previous regulations, many cities struggled with the requirements and found the regulations to be complicated, costly and ineffective. According to former administration, the August rule removed some of the reporting requirements and "gave local communities flexibility to implement policies responsive to local needs." Basically, under the August rule, the city could just say it was affirmatively further fair housing and that was good enough, unless HUD proved otherwise. Fair Housing advocates denounced the August rule.



The September rule, "HUD's Implementation of the Fair Housing Act's Disparate Impact Standard" was implemented to change HUD's 2013 disparate impact regulations. In 2015, the Supreme Court decided a fair housing disparate impact case. The court did not rely on HUD's 2013 regulations. Instead, it undertook its own analysis, resulting in a different standard from the HUD regulations. The September HUD rule was supposed to align HUD regulations with the 2015 Supreme Court case. Fair Housing Advocates believed the new rule made the standard of proving a landlord's policy or practice caused a disparate impact much harder to prove.

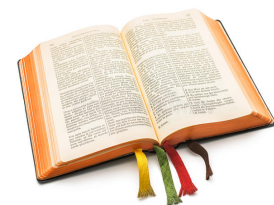
To be clear, the Memorandum does not change either of the previous administration's rules. Any changes will be made by the HUD secretary after a review. Keep watching.

Religious Discrimination Claim Settled

An Oklahoma landlord has agreed to settle a religious discrimination claim filed with the U.S. Department of Housing and Urban Development. The claim alleged the landlord removed bibles and Christian reading material from the common areas of a senior apartment complex.

Under the settlement, the landlord has agreed, to develop new policies regarding the display of religious materials for use at all the properties they manage or own. The new rules will also be distributed to all residents. Finally, the landlord agreed to provide fair housing training for employees, with a portion of the training dedicated to religious discrimination. There was no monetary part of the settlement mentioned in the Conciliation Agreement published on HUD's website.

Lesson Learned: Landlords should not push religion on residents, but should allow them to express their own religious beliefs without interfering.





HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

Six Common Areas Where Landlord / Tenant Laws And Fair Housing Laws Intersect

Wednesday, February 24, 2021
10:00 a.m. - 11:30 a.m. central

Every Property Manager knows that under Landlord/Tenant laws they may non-renew a lease without giving the resident a reason. But did you know that a non-renewal may land you in trouble under Fair Housing Laws unless you can show you have a well-documented reason? With every decision you make, Property Managers must keep both Fair Housing laws and Landlord/Tenant laws in mind.

In this webinar, we will discuss six common areas where these laws intersect:

1. Non-Renewals
2. Domestic Violence
3. Animals
4. Housekeeping
5. Criminal Activity
6. Late Payment of Rent

\$34.99
[Register Now](#)



Nathan Lybarger
Law Office of Hall &
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Speakers



Angelita Fisher
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2021 Fair Housing Three-Part Webinar Series

Fair Housing Fundamentals

March 10, 2021

Register for Fair Housing Fundamentals Webinar Only

\$24.99

Common Fair Housing Issues

March 17, 2021

Register for Common Fair Housing Issues Webinar Only

\$24.99

What is Reasonable? Understanding Accommodations and Modifications

March 24, 2021

Register for Understanding Accommodations and Modifications Webinar
Only

\$24.99

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Register for ALL THREE WEBINARS

\$64.99

To find out more about these webinars, go to:
<https://www.angelitafisherlaw.com/fair-housing.html>



Fair Housing Webinar

Drafting Fair Housing Compatible Documents

Wednesday, February 10, 2021
10:00 a.m. - 11:00 a.m. Central

\$24.99

Every communication has the potential of violating fair housing laws. Whether it is a policy, email, notice, or text – managers must keep fair housing laws in mind. Poorly written documents can be used as proof of discrimination. In this webinar, we will discuss some of the common fair housing mistakes property staff make when drafting documents by showing examples of good and bad documents. Our discussion will include:

- Policies
- Interoffice emails
- Notices
- Emails and Text Messages to Residents

\$24.99
[Register Now](#)

Did You Know?

Some states and cities are passing laws to prohibit landlords from asking about the criminal background of applicants.

New HUD Secretary Nominated

President Biden has nominated Representative Marcia Louise Fudge to lead the U.S. Department of Housing and Urban Development. Rep. Fudge has been the U.S. Representative for Ohio's 11th congressional district since 2008. A member of the Democratic Party, she won the 2008 special election uncontested, succeeding Stephanie Tubbs Jones who died.

Rep. Fudge plans to repeal the previous administration's "disparate impact rule," strengthen fair housing protections, expand access to affordable housing, address the homeownership gap, provide rental assistance to those at risk of eviction, and more. The National Fair Housing Alliance and other fair housing advocates have endorsed the nomination.