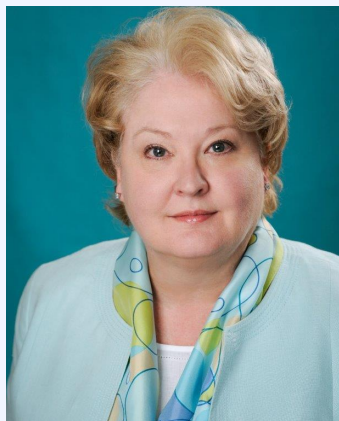




Fair Housing Newsletter

Keeping you current on fair housing news and issues



 LAW OFFICE OF
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Angelita Fisher is an attorney in the Nashville, TN area. She has over 15 years experience in representing companies in fair housing law and employment law matters. Angelita is licensed to practice law in Alabama, Texas, Mississippi and Tennessee.
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Resident Must Be Disabled for Emotional Support Animal

The Connecticut Supreme Court has overturned a lower court's order dismissing a landlord's eviction action against a resident with an emotional support animal.

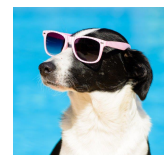
The case began with a dog named Mellow. After the passing of Mellow's owner, the owner's daughter kept Mellow as well as several nieces and nephews who had also been living with the owner. Mellow provided comfort to the entire family, but especially one niece.

The problem arose when family signed a new lease that prohibited dogs. When the landlord sought an eviction of the family because of Mellow, the owner's daughter testified about the emotional support Mellow provided to the family. The resident did not deny that no one in the household had a disability that substantially limited a major life activity. Instead, she argued that the "spirit" of the fair housing laws should allow her family to keep Mellow because he provided emotional support to her and the children in her home. The resident even provided a letter from her social worker and physician stating the family had been "dealing with a personal loss" and touting the benefits of interacting with a pet. The lower court agreed with the resident and dismissed the landlord's eviction action.

The landlord appealed the case to the Connecticut Supreme Court. The Supreme Court reversed the dismissal. It held the lower court could not have reasonably concluded that the resident satisfied the "spirit" of the law which provides relief **only** for specifically defined physical or mental disabilities. A resident must be disabled in order to be accommodated under fair housing laws – regardless of how much emotional support Mellow provides.

Note from the Editor:

If you know someone who would like to receive a copy of my free monthly fair housing newsletter, just let me know. They can sign-up by using the form on the newsletter page on my website or just send me an email.



In the News

Non-Profit Settles Discrimination Claims

The German American Settlement League, a New York non-profit, has agreed to revise its policies and terminate two officers in order to settle a race and national origin case. The case alleged the non-profit discriminated against non-white and non-German people who wanted to purchase a home in its community. Under the agreement, the non-profit has agreed to cease its housing discrimination practice immediately, replace its President and Treasurer, and publish a notice that it has changed its policy.



ADA Reasonable Accommodation Lawsuit Dismissed

A Nebraska federal judge has dismissed a resident's ADA claim alleging the landlord did not accommodate her disability by allowing her to move to a first-floor apartment. The resident claimed she was a disabled veteran who had weakness in her right side which caused balance problems. She also had suffered a stroke and had mild bone degeneration in both hips. The resident originally moved into a third-floor apartment but claimed the manager told her she could move into a first-floor unit as soon as broken windows had been replaced in the first-floor unit. Afterwards, the manager refused to allow the resident to move claiming the resident was bound by the 12-month lease she had signed for the third-floor apartment.

The resident sued claiming the manager had discriminated against her in violation of the Americans with Disabilities Act by refusing to accommodate her disability and allow her to move to a first-floor apartment. The judge dismissed the case. The ADA applies to places of public accommodation. It does not apply to privately owned residential apartments.

Denied Insurance Claim Costs Company \$15,000

An African-American couple in California has agreed to settle a fair housing claim against their insurance company. The claim arose after the couple filed a complaint with the U.S. Department of Housing and Urban Development claiming their insurance company had delayed and then denied their claim because they are African American and live in a Hispanic neighborhood. The denied claim was for damage their home sustained after heavy rain caused their roof to collapse. Under the settlement agreement, the insurance company has agreed to pay the couple \$15,000.

Unlawful Zoning Costs City \$185,000

The Justice Department and the City of Jackson, Mississippi have agreed to resolve a lawsuit filed against the city claiming the City's zoning ordinance violated fair housing laws. Specifically, the lawsuit alleged the zoning ordinance restricted group homes for persons in recovery from alcohol and drug addiction. As part of the settlement, the City has agreed to revise the zoning ordinance, adopt a reasonable accommodation policy, train city employees and appoint a Fair Housing Compliance Officer. Additionally, the City will pay \$100,000 to a non-profit organization which operates group homes, \$35,000 to the Justice Department as a civil penalty, and \$50,000 to a settlement fund that will compensate other victims.



HOUSING CROSSROADS

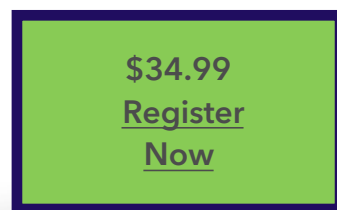
WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar Ten Common Questions Answered

Wednesday, June 28, 2017
10:00 a.m. - 11:30 a.m. Central

Regardless of whether you have been in the property management business for 20 minutes or 20 years, everyone has questions about fair housing and landlord/tenant laws. As attorneys, we get our share of landlords and managers asking all types of questions. In this webinar, we will discuss some of the more common questions asked by landlords. We will answer:

1. Why is it so hard to get rid of an unauthorized occupant?
2. What can I do about an applicant with a pit bull as an emotional support animal?
3. How do I know a resident has legally vacated the apartment?
4. What documentation shows someone is disabled?
5. How do we have someone set out and can they come back afterwards?
6. Is the two persons-per-bedroom standard still okay?
7. What is the difference in a leaseholder, co-signer, and guarantor?
8. Can we refuse someone with a felony?
9. When and how do I accept rent without reservation?
10. Can I non-renew someone's lease without a reason?



Please Join Us!



M. Wesley Hall, III
Hall & Associates



Nathan Lybarger
Hall & Associates



Angelita Fisher
Law Office of AEF

Familial Status and National Origin Case Settles for \$20K

The U.S. Department of Housing and Urban Development has settled a claim with a California owner and manager resolving allegations of national origin and familial status discrimination. The case originated after two families filed complaints with HUD alleging they had been treated differently because they were Latino and because they had children. The allegations included comments made by the manager that he did not like Latino tenants because they did not speak English and accusing them of bringing bed bugs and rats to the property. The manager also allegedly prohibited children from playing at the property, enforced overly restrictive rules that singled out children and terminated the lease of one Latino family after their two-year old cried loudly when the manager walked by the family's door. Under the settlement agreement, the owner will pay \$20,000 and revise the property's rules



Fair Housing Webinar Opening the Door to Trouble Fair Housing for Maintenance

Wednesday, June 14, 2017
10:00 a.m. - 11:00 a.m. Central

\$24.99

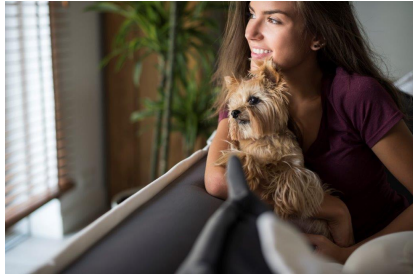
Maintenance employees have more opportunities to meet with residents on a day-to-day basis than any other member of your management team. This means they also have more opportunities to violate fair housing laws. In this webinar, we will discuss some of the more common Fair Housing holes that maintenance employees step into. Our discussion will include:

- Pitfalls waiting on the other side of a resident's door;
- Dating residents;
- Work orders;
- Favors; and
- Much, much more.

[Register
Now](#)

Watch for more upcoming webinars at www.angelitafisherlaw.com

Jury Awards More Than \$37K for Support Animal Violation



A federal jury in Montana returned a verdict against a landlord after he charged a resident a \$1,000 deposit for her support animal. The animal assisted the resident by providing emotional support, helping to predict migraines and reducing suicidal thoughts. Although the landlord allowed the resident to keep her dog, he charged the resident \$1,000 deposit as a condition. The verdict includes \$11,043 in compensatory damages, \$20,000 in punitive damages and \$6,300 to the fair housing group that assisted the resident with her case.

HUD Charges New Hampshire Landlords with Fair Housing Act Violation

The U.S. Department of Housing and Urban Development has charged a group of New Hampshire landlords with violating the Fair Housing Act based on familial status. The case arose after a mother was denied housing because she had a child. HUD alleges that when the apartment manager learned the applicant had an infant son, the manager told the mother that she could only rent a first-floor unit and he did not have any available at that time. There were however, two-bedroom apartments available on other floors. The mother complained to HUD. After HUD investigated her claim, it filed a charge. The case will now be heard by a U.S. Administrative Judge unless either party elects for the case to be heard in federal court.

Trump Budget Proposal for HUD is Published

President Trump has officially released his proposal for the 2018 federal budget which includes a \$6.2 billion cut for the U.S. Department of Housing and Urban Development. HUD's funding will decrease about 13.2% to \$40.68 billion under the new budget. The cuts would be implemented through rental assistance reforms and the elimination of funding for certain programs. The proposed program reforms include changes to: the Housing Choice Voucher Program, Public Housing Operating/Capital Fund, Project Based Rental Assistance, Housing for the Elderly and Housing for Persons with Disabilities. Programs that may be eliminated include: the Community Development Block Grant Program, Choice Neighborhoods Initiative, HOME Investment Partnerships Programs and the Self-Help Homeownership Opportunity Program. HUD's fair housing division is set to receive \$65.3 million – the same as it has received for the previous three years

