



# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



 LAW OFFICE OF  
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## HUD Charges Maintenance Employee with Sexual Harassment

The U.S. Department of Housing and Urban Development has individually charged the owner, the property manager, and a maintenance employee of a single-family home in California with violations of the Fair Housing Act.

HUD's Charge alleges the maintenance employee sexually harassed a female tenant by daily sending her graphic sexual text messages and groping her while in her home. After the tenant told the maintenance employee that the conduct was unwelcome, she complained to the Property Manager and threatened to call the police.

In retaliation, the resident was allegedly refused repairs to her heating unit and left without heat or gas for a month. When the resident began vacating the unit, she was locked out which prevented her from getting her personal belongings.

A United States Administrative Law Judge will now hear the Charge unless any party to the Charge elects to have the case heard in federal court.



**Note From the Editor:** Summer is in full swing and the year is half over. If you still need fair housing training for your maintenance employees, you are in luck. A fair housing webinar for maintenance will be on August 16. Check out page 5 to register.



## HUD Charges NJ Landlord for Refusing Applicant with Assistance Animal

The U.S. Department of Housing and Urban Development has filed a Charge against a New Jersey management company alleging they violated the Fair Housing Act by refusing an applicant who had an assistance animal. The HUD Charge alleges the management company approved an application to rent an apartment, but then rescinded the approval after they learned the applicant had an assistance animal.

According to the Charge, the applicant told the landlord she had an assistance animal after she was approved for the apartment. Even though the property had a No-Pet Policy, the landlord stated she could not refuse the animal, but had certain rules. In the words of the landlord, the rules included:

- If the landlord has any signs of issues with the dog barking, or making too much noise the rent will increase by \$100 with a 30-day notice;
- The landlord has the right to terminate the lease with a 60-day notice if the dog becomes an issue for any reason;
- The landlord gives the reason and the tenant cannot fight the issue or give the landlord any issues about leaving;
- The tenant is not to speak to the 1st floor resident to ask if they have any issues – if the landlord documents an issue, that is it;
- Three issues will be the landlord's limit;
- Only the landlord can terminate the lease for the concerns with the pet, not the tenant;
- If the tenant's dog bites someone - the tenant understand they need to carry insurance to cover them, the landlords increase in insurance because of the dog will be paid by the tenant to cover the landlord only;
- The dog is NOT to pee inside – not even on a pad;
- The dog needs to be walked – the landlord will request visits to confirm the maintenance of the apt; and
- The dog cannot be washed in the tub, hair will clog the old pipes.



The applicant asked that the rules be revised to delete some of the requirements. The landlord refused and ultimately denied the applicant. The reason given by the landlord was that the applicant did not provide a certificate for the dog, even though the applicant had provided documentation from a healthcare provider. The landlord also stated she could not contact the previous landlord, even though the applicant had provided a positive rental history from another landlord.



After an investigation, HUD found evidence of discrimination based on the applicant's disability. A United States Administrative Law Judge will now hear HUD's Charge unless any party to the Charge elects to have the case heard in federal court.



# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar

# Recognizing and Addressing Harassment on the Property

Wednesday, July 30, 2023  
10:00 a.m. - 11:30 a.m. central

Harassment. The term is commonly used by residents and can be confusing to landlords. What is your liability? When does it become unlawful harassment? When does it warrant some kind of action?

In this webinar, we'll discuss the appropriate responses to allegations or incidents of harassment and some best practices in investigating and documenting harassment allegations. Our discussion will include:

- Two Types of Harassment
- Landlord Liability
- Investigating Complaints
- Possible Actions
- Scenarios of Common Harassment Complaints

**\$34.99**  
[Register Now](#)



Nathan Lybarger  
Law Office of Hall &  
Associates

### Speakers



Angelita Fisher  
Law Office of Angelita E.  
Fisher

## War on Junk Fees Gains Ground

On January 25, 2023, the Biden White House released a White Paper titled “The White House Blueprint for a Renters Bill of Rights.” The paper outlined key principals and steps federal agencies are or will be taking to further those rights.

In response to the White Paper, on March 7, 2023, Marcia Fudge, Secretary of the U.S. Department of Housing and Urban Development, published a letter urging all housing providers to take action to limit and better disclose fees charged to renters.

To further HUD’s agenda, several major rental housing platforms including Zillow, Apartments.com, and AffordableHousing.com have agreed to provide consumers with total, upfront cost information on rental properties. Further, several states have introduced and/or passed legislation to limit junk fees. The legislation includes:

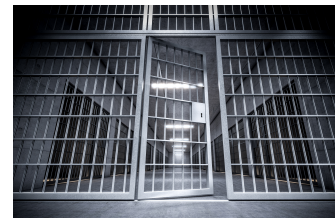
- Colorado passed a law which allows prospective renters to reuse a rental application for up to 30 days without paying additional fees and another law which limits fees to tenants when landlords fail to provide a non-renewal notice that disguise fees as “rent,” and limits the amount a landlord can mark up third-party services.
- Rhode Island passed a law to limit rental application fees beyond the actual cost of obtaining a background check or credit report, if the prospective tenant does not provide their own report.
- Minnesota passed a law which includes a requirement for landlords to clearly display the total monthly payment and all non-optional fees on the first page of the lease agreement and in all advertisements.
- Connecticut passed a law to prohibit a landlord from requiring a fee for processing, reviewing, or accepting a rental application, and set a cap of \$50 on the amount that can be charged for tenant screening reports. The law also prohibits move-in and move-out fees, and certain fee-related lease provisions, including certain late fees related to utility payments.
- Maine passed a law to prohibit a landlord from charging a fee to submit a rental application that exceeds the actual cost of a background check, a credit check, or another screening process. The law also prohibits a landlord from charging more than one screening fee in any 12-month period.
- Montana passed a law to require landlords to refund application fees to unsuccessful rental applicants except any portion of the fee used to cover costs related to reviewing the application, including conducting a background check. Landlords may only charge candidates for the actual cost of obtaining a background check or credit report.
- California’s Senate passed a bill to require the mandatory disclosure of monthly rent rates, including disclosure of a range of payments, fees, deposits, or charges, and to prohibit certain fees from being charged.



Watch for similar actions in your state or municipality.

## WI Man Sentenced to 30 Months in Prison for Fair Housing Violations

A Wisconsin man was sentenced to 30 months in prison followed by three years of supervised release, for intimidating and interfering with Black residents because of their race and because they were exercising their right to fair housing.



According to a press release, William McDonald, vandalized a Black woman's vehicle parked outside her apartment by slashing her tires and smashing her windshield in March, 2021. McDonald also left a note on her car filled with racial slurs, threatening to slash her throat, and demanding she move. A week later, McDonald slashed two of her car tires and left another note filled with racial slurs and giving her an ultimatum – move out of the neighborhood or suffer violence. In April, 2022, a Black woman and her two minor children moved into McDonald's apartment complex. Shortly after they moved in, McDonald vandalized her front door with racial graffiti and left her a note, calling her family a racial slur and demanding she get out of the building.

This case serves as a reminder that the Fair Housing Act carries both criminal and civil penalties for violations.



### Fair Housing Webinar

## Walking Into Trouble

*Fair Housing for Maintenance*

Wednesday, August 16, 2023  
10:00 a.m. - 11:00 a.m. Central

Maintenance employees are on the front-line of the battle of avoiding fair housing complaints. They often see and interact with the residents more than anyone else in the Company. It is important maintenance employees know what to say and do before they walk into a problem.

In this webinar, we will discuss common issues maintenance employees encounter and some realistic steps they can take to avoid getting in trouble with HUD. Our topics will include:

**\$24.99**

- Encountering Nude & Partially Nude Residents
- Dating Residents
- Apartments with Only Minor Children
- Recognizing a Hoarder
- Managing Maintenance Requests

[Register Now](#)

## Court Dismisses Fair Housing Claims Against CoreLogic

A Connecticut judge has dismissed fair housing claims against the background reporting agency CoreLogic Rental Property Solutions. The court held CoreLogic does not make housing decisions.

The case began when a disabled man applied for housing. The applicant had been in an accident and had severe brain trauma. Because of his disability, he needed to live with his mother. When he applied to move in with his mother, the housing provider ran his background using CoreLogic and eventually turned him down based on a prior theft charge which occurred before his accident.

The applicant's mother asked for a copy of the background report, which CoreLogic refused to provide because she did not have proper identification, even though she was the applicant's court-order conservator. The mother sued on behalf of the applicant. She alleged CoreLogic violated the Fair Housing Act because the background check process had a disproportionate adverse impact on Latinos and African Americans. She also sued under the Fair Credit Reporting Act because she was refused a copy of the background report.

The case went to trial without a jury. The judge dismissed the Fair Housing Act claims and found that CoreLogic had violated the Fair Credit Reporting Act.

When addressing the Fair Housing Act claims, the Judge held that the applicant had not shown that CoreLogic made housing decisions as required by the Fair Housing Act. CoreLogic provides its customers with a fully customizable criminal records reporting program. The housing provider decides what criminal records are relevant to their decision on an applicant's qualifications, how to convey the information when disqualifying records are found, who within their organization will have access to the full records, whether to accept an applicant after considering their own community standards, and how they will convey to an applicant when the application has been denied. In sum, CoreLogic does not decide whether an applicant is qualified for housing. Rather, the decision lies with the housing provider alone. Because they do not make those decision, CoreLogic is not subject to the Fair Housing Act.

On the Fair Credit Reporting Act claim, the Judge awarded the applicant \$1,000 in statutory damages, \$3,000 in punitive damages, and reasonable attorney's fees in an amount to be determined later.

Lesson Learned: Even though you have a background check company approving or disapproving applications, the landlord is still liable for fair housing violations – not the background check company.



## Did You Know?

A “shopper” can file a fair housing complaint.

## Attorney Fees Awarded in Fair Housing Case

A Federal Judge in Arizona has awarded a deaf resident attorney fees after he was successful in a lawsuit claiming his landlord failed to provide a flashing doorbell. While it is unclear what the resident was awarded in court, he was later awarded \$113,032.35 in attorneys' fees and \$2,422.25 in non-taxable expenses. Pretty expensive for a doorbell.