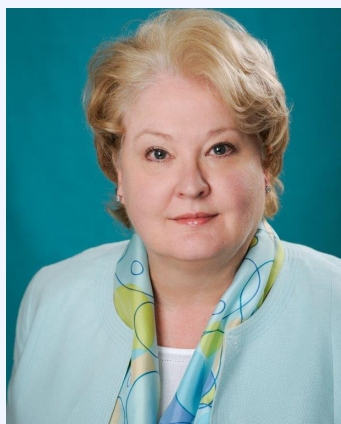




# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



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## Denver Pays \$115,000 to Settle Disability Claim

The City and County of Denver, Colorado, Denver's Office of Community Planning and Development, and Denver's Board of Adjustments have agreed to settle a claim alleging they violated disability laws when they refused to allow a homeowner to build an accessible dwelling unit. According to the U.S. Department of Housing and Urban Development, this refusal violated the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973 and numerous other disability laws. The cost of settlement? \$115,000.

The claim was filed by a couple who applied to the City for a variance to the City's accessory dwelling unit (ADU) zoning code in order to build an accessible unit behind their single family home. These accessibility features were a reasonable accommodation for the disabled mother of one of the residents.



Under the terms of the settlement, the City and County will pay \$115,000 to the homeowners. The City and County will also create reasonable accommodation policies and guidelines within the City of Denver's Office of Community Planning and Development, including tracking reasonable accommodations requests. Personnel will also be required to complete accommodation training.

Note From the Editor: Happy Holidays! I hope you have a happy and healthy holiday season with family and friends. Since this is the last newsletter for 2024, I also want to wish you a happy and prosperous 2025.



## HUD Charges Georgia Landlord with Disability Discrimination

The U.S. Department of Housing and Urban Development has charged a Macon, Georgia, property owner, the property management company, and the property manager with discrimination against a tenant because of her disability. The HUD Charge alleges the property refused to allow a tenant to keep her support animal and refused to provide a reasonable alternative bathroom while the tenant's bathroom was inoperable.

The property allegedly denied at least two requests for an emotional support animal even though the tenant provided medical documentation of her need and disability. Additionally, when her only bathroom was inoperable for two weeks, the only option she was given was to use the bathroom in a vacant unit. When she asked for an alternative, the property gave her notice they would not renew her lease. This added a retaliation claim to HUD's Charge. HUD's Charge will be heard by a United States Administrative Law Judge unless any party to the Charge elects to have the case heard in federal district court or the case is settled.



## NY Landlord Pays \$15,000 for Refusing Section 8 Vouchers

The owner and manager of a New York apartment complex has settled a source-of-income discrimination complaint filed by a non-profit group who represents tenants in fair housing disputes.

The complaint alleged that prospective renters with Housing Choice Section 8 vouchers were turned away by property management. To prove their case, the non-profit group sent testers to the apartment complex. The testers were allegedly told on multiple occasions that Section 8 housing vouchers were not accepted and that they do not participate in programs for Section 8. This violated NY state and local laws which both prohibit discrimination based on source of income.

The landlord made the decision to settle the case by paying \$15,000 to the non-profit and adopting some new policies, changing their website, participating in training, and displaying posters.

## DOJ Files Sexual Harassment Lawsuit Against KY Landlord

The Department of Justice has filed a fair housing lawsuit against a KY Property Manager, along with 12 property owners, for sexual harassment and retaliation in violation of the Fair Housing Act.



The lawsuit alleges the Property Manager sexually harassed numerous female tenants over a period of multiple years. According to the complaint, the Manager offered housing-related benefits in exchange for sexual contact, made unwelcome sexual comments and advances to female tenants, entered the homes of female tenants without their permission, subjected female tenants to unwelcome touching and groping and took adverse housing-related actions against female tenants who refused his sexual advances.

The lawsuit seeks monetary damages to compensate those harmed by the alleged harassment, a civil penalty against each Defendant to vindicate the public interest and a court order barring future discrimination.



# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar

### 2024 Year End Review

Wednesday, December 11, 2024  
10:00 a.m. - 11:30 a.m. central

The year 2024 is almost gone. It went by so fast you may have missed a few things. Never fear - we are here to remind you of the 2024 changes you need to remember going into 2025.

In this webinar, we will review some of the cases, legislation, and trends that got our attention. Our discussion will include:

- Tennessee Legislative Update
- 2024 HUD Guidance on Applicant Screening
- Ongoing Rental Assistance
- Legal Representation for Tenants
- New Tenant Resource on Background Checks
- New Website Dedicated to Income Discrimination
- And much, much, more

**\$34.99**

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**Nathan Lybarger**  
Law Office of Hall &  
Associates

### Speakers



**Angelita Fisher**  
Law Office of Angelita E.  
Fisher

## DOJ Sues PA Over Sprinkler System Requirements

The U.S. Department of Justice has filed a lawsuit against the Commonwealth of Pennsylvania, Pennsylvania Department of Labor and Industry and Pennsylvania Department of Human Services to challenge a building code which requires every community home for persons with intellectual disabilities and autism install, at their own expense, an automatic sprinkler system. According to the lawsuit, the requirement denies or limits the availability of community-based housing for people with intellectual disabilities and autism. No other single-family home, including newly constructed homes, is required to install automatic sprinklers.



Under the Commonwealth's Uniform Construction Code, which all local governments must follow, every "facility" must install an automatic fire sprinkler system. Because the state building code classifies community homes for persons with intellectual disabilities and autism as "facilities," they are required to install automatic sprinkler systems, regardless of how old the home is or how capable the residents are to evacuate. Moreover, the sprinkler system law may be unnecessary because PA law also requires these types of community homes to comply with numerous fire and safety regulations, including regular fire drills verifying that the residents are able to evacuate in under two and one-half minutes.

According to the lawsuit, the sprinkler system requirements limit the availability of housing in at least three ways:

- Landlords in rental housing may refuse to allow sprinkler systems to be installed because of their appearance, which may render a home less marketable to future tenants:
- Sprinkler systems often cannot feasibly be installed in individual apartments, thus eliminating their ability to be used as community homes: and
- Sprinkler systems cost, at a minimum, nearly \$10,000 to install in a small, single-family home, but these costs may triple when local water utilities require sprinkler systems to have their own water line.

The lawsuit seeks injunctive relief and monetary damages.

## Unauthorized Pets and Occupants May Become ESAs and Caregivers

When a landlord has a No-Pet Policy or a No Unauthorized Occupant Policy, they depend on that policy when filing an eviction. In most cases, those policies can be enforced across the board. However, as one Florida Property Manager discovered, once the resident claims the pet is an emotional support animal or the unauthorized occupant is a caregiver, all eviction proceedings need to stop.



In the Florida case, a resident ask for the accommodations of an ESA and a live-in caregiver after she received lease violation notices for an unauthorized pet and occupant. The Property Manager denied the accommodations and moved forward with an eviction. The resident filed a complaint with the U.S. Department of Housing and Urban Development which investigated and found evidence of discrimination.

HUD has now filed a Charge of Discrimination which will be heard by a United States Administrative Law Judge unless any party to the Charge elects to have the case heard in federal district court or the case is settled.



## Indiana Landlords Sued for Selection Criteria

Two Indianapolis landlords have been sued for their selection criteria involving criminal convictions and evictions. The lawsuits, filed by the Fair Housing Center of Central Indiana, allege two different property companies violated the Fair Housing Act by having screening policies that disproportionately exclude Black people and women.

The first lawsuit alleges the property company rejects previously incarcerated applicants without looking into personal circumstances. This policy allegedly affects Black applicants disproportionately because they are historically overrepresented in the criminal justice system.

The second lawsuit alleges the same argument about criminal convictions but adds that the company's eviction policy discriminates against Black female applicants because nationally, Black women face higher eviction filing rates.

These lawsuits are not surprising based on the April, 2024 guidance by HUD discussing selection criteria and the disparate impact on some minorities. As always, we will be watching to see what happens.



## Fair Housing Webinar

### Managing Animals on the Property

Wednesday, January 15, 2025  
10:00 a.m. - 11:00 a.m. Central

It's a Zoo out there: Pet Spiders, Service Horses, Emotional Support Snakes, and Therapy Pigs! What is a Property Manager to do? What rules apply?

In this webinar, we will discuss the difference between pets, service animals and emotional support animals. We will review policies that a landlord may apply to pets and which he/she may apply to support animals and what documentation a landlord is entitled to. We will discuss:

- Understanding the Difference
- HUD's Position
- On-Line Health Care Letters
- Aggressive Animals
- Damages and Deposits
- Policies and Restrictions
- Plus, Much, Much, More

**\$24.99**  
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