



Fair Housing Newsletter

Keeping you current on fair housing news and issues



 LAW OFFICE OF
ANGELITA E. FISHER

.....
Angelita Fisher is an attorney in the Nashville, TN area. She has over 20 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.
.....

6688 Nolensville Road

Suite 108-161

Brentwood, TN 37027

615-305-2803

afisher@angelitafisherlaw.com

Illinois Village Settles DOJ Lawsuit for \$800,000

The Village of Hinsdale, Illinois and the U.S. Department of Justice have agreed to settle a lawsuit filed in 2020, alleging the village violated fair housing laws by refusing to allow a sober living home in a residential neighborhood. To settle the case, the Village has agreed to pay \$800,000.

The DOJ's lawsuit alleged the Village unlawfully denied a reasonable accommodation request by Trinity Sober Living LLC, to operate a sober living home with ten residents and a house manager in a residential neighborhood. Additionally, only one day after Trinity requested the accommodation, the Village sued Trinity for violations of the zoning code, including that the home would have more than three unrelated adults.



Under the settlement, the Village will amend its zoning ordinance to comply with federal anti-discrimination laws and allow homes for persons with disabilities in residential districts, with the same size limitations applied to families of similar size. Finally, the Village will pay \$790,000 in monetary damages to Trinity in addition to a civil penalty of \$10,000 to the United States.

Note From the Editor: Spring begins this month! It is a time for plans and projects. If your plans include fair housing training, you are still in time to get in on the 2023 Fair Housing Webinar Series. See page 6 for more information. Happy Spring!



DOJ Files Sexual Harassment Lawsuit Against California Landlords

The U.S. Department of Justice filed a sexual harassment and retaliation lawsuit last month against three owners of rental properties in Lassen County, California. The lawsuit alleges one owner, who is also the operator of the properties, has sexually harassed female tenants since 2011. The allegations include:



- offering housing-related benefits in exchange for sexual contact;
- making unwelcome sexual comments and advances to female tenants;
- entering the homes of female tenants without their permission;
- subjecting female tenants to unwelcome touching and groping;
- subjecting female tenants to unwelcome sexual acts; and
- taking adverse housing-related actions against female tenants who refused his sexual advances.

The lawsuit seeks monetary damages to compensate the women who were harmed and civil penalties to vindicate the public interest.

Did You Know?

The protected class of gender includes sexual orientation and gender identity?

Owners Cannot Delegate the Duty Not to Discriminate

A recent Virginia case is a reminder to property owners that they cannot delegate their duty to comply with Fair Housing Laws.

In the Virginia lawsuit, the judge refused to dismiss an owner of a rental property from a lawsuit which alleged the co-owner refused to renew a family's lease based on familial status. The lawsuit did not allege any facts against the first owner. There was no indication the first owner had any input on the decision to non-renew.



The judge reminded the first owner that he cannot delegate his duties under the Fair Housing Act. He stated that "it is consistent with the spirit of the [FHA] to hold all owners of property responsible for ensuring compliance with its provisions." "The owner of the property cannot avoid compliance with the Act by delegating the duty not to discriminate."

Lesson Learned: Make sure your management company is complying with fair housing laws.



HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

Potholes of Managing Vehicles on the Property

Wednesday, April 26, 2023
10:00 a.m. - 11:30 a.m. central

Every resident has a car...or two. Managing all the vehicles and requests for special parking can become a nightmare for property managers. Who gets priority? Are you required to provide a certain number of parking spaces for each unit?

In this webinar, we will discuss the common problems landlords face when dealing with vehicles on the property, which laws apply, and some best practices. Our discussion will include:

- Towing a Vehicle
- Documentation Needed
- Reserving Spots
- Handicapped Parking
- Abandoned Vehicles
- and much, much more

\$34.99
[Register Now](#)



Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
Law Office of Angelita E.
Fisher

Judge Dismisses Lawsuit Against HOA

A federal judge in Georgia has dismissed a lawsuit brought against an HOA for alleged violations of the Fair Housing Act.

The lawsuit was brought by a resident who claimed the HOA needed to put a railing along a retaining wall in front of his home. The resident claimed the lack of a railing triggered his paranoia causing him to fear injury when playing catch with his relatives.

The HOA asked the court to dismiss the case. The court agreed and dismissed the lawsuit.



First, the resident enjoyed his unit just as everyone else. He could play catch in his side or back yard if he did not want to play in the front yard. In addition, the HOA was not responsible for paying for the modification. They did not receive federal funds and were not subject to Section 504 of the Rehabilitation Act of 1973. As such, it was up to the resident to pay for his own railing – which he stated on more than one occasion, he was not willing to do.

Remember: Residents are responsible for paying for modifications unless there is federal money on the property. Landlords are still responsible for approving or denying the modification.

DOJ Files Lawsuit Against Landlord for Late Fees and Non-Renewing Lease

Accommodations come in all shapes and forms. For one Texas couple, the requested accommodation was to allow them to pay their rent on the fifth day of the month without penalty. Why? Because their disability benefits were deposited on the third day of each month. This type of request is reasonable according to the U.S. Department of Housing and Urban Development and the U.S. Department of Justice.

The Texas landlord required rent be paid in full by the second of the month or a late fee would be charged. However, for approximately seven years, the landlord had allowed a couple to pay rent by or before the fifth of the month without penalty after they requested an accommodation. That all came to an end when the landlord began allowing residents to pay through an on-line portal. When the couple attempted to pay their rent on the fifth by using the portal, they were charged a \$70 late fee.



When the couple contacted the landlord, the landlord refused to continue the accommodation of allowing them to pay their rent by the fifth. The couple filed a fair housing complaint with HUD. Soon thereafter, the landlord let the couple know their lease would not be renewed.

HUD found evidence of discrimination and retaliation. The DOJ has now filed a lawsuit alleging the landlord violated the Fair Housing Act by refusing to continue the accommodation of paying late and retaliated against the couple by non-renewing their lease after they filed a fair housing complaint.

Lesson Learned: Once you have made an accommodation for seven years, it becomes proof that the accommodation is not unreasonable.

ESA Policy Checklist

Do you have an emotional support animal policy? If not, now is the time. Here are a few things to mention:

- The animal must have a license if a license is necessary in your city;
- The resident must pick up after the animal;
- The resident is responsible for any damage caused by the animal;
- The animal must be kept current on vaccinations;
- Dogs need to be on a leash and under control when on the property; and
- The animal cannot disturb the quiet enjoyment of other residents.

Remember, you may not enforce the company pet policy against an ESA. ESAs are not pets. Plus, don't ever enforce company policy on:

- Weight restrictions
- Breed restrictions
- Pet rent
- Pet deposits / fees
- Requirement of insurance
- Restrictions on the number of animals if they are ESAs



Fair Housing Webinar

“You Can’t Ask Me That Question”

Wednesday, April 12, 2023
10:00 a.m. - 11:00 a.m. Central

Every property manager has probably wondered if they violated fair housing laws when they asked an applicant or resident a question. Are you disabled? Do you have any animals? Have you been convicted of a felony?

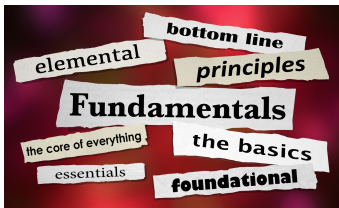
In this webinar, we will discuss 10 common questions that are off-limits for property staff. Our topics will include questions about:

- Previous residency
- Disabilities
- Animals
- Criminal history
- Family make-up
- And much, much, more

\$24.99

[Register Now](#)

Annual Three-Part Webinar Series



Part One **March 8, 2023** **Fair Housing Fundamentals**

[Register for Part One Only](#)

Knowing the basic fundamentals of fair housing laws will assist owners, managers and staff in making better decisions on what law may apply to their residents and what actions may violate fair housing laws. In this webinar, we will discuss the basics of fair housing laws and the process by which residents may make complaints. Our discussion will include: What Law Applies to Your Property; The Protected Classes; Two Types of Discrimination; Two Types of Harassment; The Complaint Process; and Retaliation.



Part Two **March 15, 2023** **Common Fair Housing Issues**

[Register for Part Two Only](#)

Certain issues in fair housing arise time and again. It is important for managers and staff to know the answers before they make common mistakes. In this webinar, we will discuss the current status of the law on common fair housing issues. Our discussion will include common issues for the protected classes of: Familial Status; Sex / Gender; Race / National Origin; and Religion.



Part Three **March 22, 2023** **Making Reasonable Accommodations and Modifications**

[Register for Part Three Only](#)

Residents who are disabled file more fair housing complaints than all other protected classes combined. Why? Maybe because the accommodation process is easy to mess up. In this webinar, we will talk about a landlord's requirement to reasonably accommodate as well as some of the most common accommodation requests. Our discussion will include: Knowing the Difference between an Accommodation and Modification; Paying for the Accommodation/Modification; Getting the Paperwork Right; and Common Accommodations.



[Register for All Three Webinars](#)

\$64.99