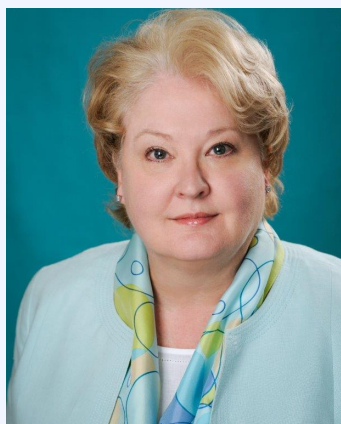




# Fair Housing Newsletter

*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 18 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](mailto:afisher@angelitafisherlaw.com)

[www.angelitafisherlaw.com](http://www.angelitafisherlaw.com)

## NFHA Sues Assisted Living Facilities for Violating Rights of Deaf People

The National Fair Housing Alliance has sued eight companies which operate 16 assisted living facilities in the Salt Lake City, Albuquerque, and Santa Fe metro areas. The lawsuit alleges the companies discriminated against deaf prospective elderly residents.

The lawsuits were filed after testers made a series of phone calls and on-site visits over an 18-month period to multiple assisted living facilities. Allegedly, the facilities either refused to provide a potential deaf resident with a qualified ASL interpreter or other aids and services to ensure they would be able to communicate effectively. Some facilities allegedly agreed to the service, but informed residents it would be charged to the resident or the resident's family. The NFHA alleges that these acts are a violation of the Fair Housing Act.

According to the NFHA, housing providers may not refuse a reasonable accommodation request from a person who is deaf or hard of hearing to have important information communicated through ASL or other effective auxiliary aids. They may also not refuse to pay for the interpreter service unless doing so would place an undue financial hardship on the provider.

This is not the first time the NFHA has sued landlords on behalf of people who are deaf or hard of hearing. In 2013, the NFHA filed multiple lawsuits after it, and 11 other fair housing organizations investigated 117 national or regional rental firms in 98 cities and 25 states.

Note From the Editor: In this uncertain time, remember your company can still receive fair housing training by webinar. I regularly present webinars tailored for management companies and employees. Give me a call for pricing.



## Residents Allege Discrimination Related to COVID-19

Residents at an Ohio government-subsidized apartment complex have filed a fair housing complaint after they received a notice from the landlord informing residents they were not allowed to have any visitor, family or otherwise, on the property because of COVID-19.

The letter to residents stated: “Effective immediately, we must implement a policy of zero visitors to your unit or the property until such time this stay at home order is lifted,” it reads. “This means that if any person that is not on your lease is caught in your residence or you have allowed them entry into the building, you will be issued a violation and the police will be called to address the matter.” Tenants were also directed to meet anyone delivering essential food or medicine at the door of the apartment buildings or townhomes but to not let them inside. Under the rule, friends and family, including children and grandchildren, could not visit for any reason.



Although it is unclear how the rule violates fair housing laws based on a protected class, the complaint has been sent to the City of Marietta, Ohio’s Fair Housing Board.

## COVID-19 Requirements May Violate Laws

During the COVID-19 pandemic, landlords have the important task of assisting people find and maintain homes, while balancing the health and safety of their employees. But, too many questions or restrictions may violate laws including the Fair Housing Act. Here are a few tips to keep in mind:

- A landlord may ask employees and residents to wear face coverings when interacting. However, you may be required to accommodate employees or residents who have a disability which prohibits them from being able to wear facial coverings.
- A landlord may ask employees and residents about possible COVID-19 symptoms. However, you may not ask about any underlying medical conditions or any questions which might require an employee or resident to disclose they have a disability.
- Remember, many COVID-19 victims have no symptoms. Be sure to take precautions even when a resident or employee has no symptoms.
- A resident who tests positive for COVID-19 may need an accommodation. Just because someone has tested positive, does not relieve a landlord’s duty to perform emergency maintenance. With that said, the Fair Housing Act makes an exception to the general anti-discrimination obligations where providing assistance or housing to someone would pose a direct threat to the health and safety of others. Using this defense require specific information - not just speculation.





# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar The Potholes of Managing Vehicles on the Property

Wednesday, June 24, 2020  
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

## Apartment Complex Pays \$80K to Settle Disability Claims

Owners and managers of an apartment complex in Levittown, PA have agreed to settle a complaint filed with the U.S. Department of Housing and Urban Development alleging they violated the Fair Housing Act by refusing accommodations.

The case arose when two disabled residents filed HUD complaints alleging the owners and managers of the property refused their requests to be transferred to a ground floor unit and be assigned a reserved parking space. The residents also alleged the apartment complex employees retaliated against them for making the accommodation requests by transferring them to a substandard unit and threatening them with eviction.

These allegations were confirmed with tests conducted by the Housing Equality Center of PA. The testers posed as applicants with disabilities and asked for designated parking spaces. They were refused.

Although the owners and managers denied the allegations, they decided to settle the claims. Under the agreement, the owners and managers will pay the residents \$80,000, develop a non-discrimination and reasonable accommodation policy, and have employees attend fair housing training.



## DOJ Files Lawsuit Against PA Township and Board Claiming Religious Discrimination

The U.S. Department of Justice has filed a lawsuit against a New Jersey township and planning board, alleging they violated the Fair Housing Act by targeting the Orthodox Jewish community through zoning ordinances. These ordinances restrict religious schools and bar religious boarding schools.

The lawsuit alleges the township passed certain ordinances and the planning board applied those ordinances in a manner that discriminated against the Orthodox Jewish community. The ordinances expressly prohibit dormitories throughout the township, making it impossible for religious boarding schools such as Orthodox Jewish yeshivas to operate. In addition, the planning board has approved, without requiring a variance, the plans for two nonreligious projects with dormitory-type housing. Based on the evidence, it appears the township and board are trying to keep out religious schools while allowing non-religious schools.

All this comes during a time of what appears to be extreme animus by some of the township's residents and township decision makers toward the Orthodox Jewish community. There is also a movement by residents to keep Orthodox Jewish individuals from settling in the township.

The allegations will need to be proved in court before liability can be imposed.

### Did you know?

*The Fair Housing Act does not require landlords to accommodate residents' sincerely held religious beliefs.*

## DOJ Sues Property Owners and Management Company for Race Discrimination

The U.S. Department of Justice has filed a lawsuit against an Atlanta-based management company and owners of an apartment complex alleging they violated the Fair Housing Act by intentionally discriminating against African-American applicants for housing.

The lawsuit alleges the owner and management company steered African-American housing applicants who are elderly or disabled, away from a predominantly white apartment complex to a predominantly African American apartment complex. The predominantly African-American complex was allegedly inferior in appearance, location, and amenities to the predominantly white complex. The lawsuit also alleges the owners and management company subjected African-American residents who are elderly or disabled to less favorable rental terms, conditions, and privileges as compared to similarly situated white tenants.

The lawsuit seeks monetary damages to compensate the victims, civil penalties, and a court order barring future discrimination.



### Fair Housing Webinar Selection Criteria in the Fair Housing World

Wednesday, June 10, 2020  
10:00 a.m. - 11:00 a.m. Central

**\$24.99**

Landlords know that doing the work on the front end saves you time and money on the back end, especially when it comes to the selection of residents. However, in today's legal environment, landlords are under more scrutiny than ever. Every question you ask may have fair housing implications. Knowing what to ask is vital. In this webinar, we will discuss the most common criteria landlords are using to make resident selection decisions. Our discussion will include:

- Criminal
- Credit
- Income
- Landlord History
- Number in Household

**\$24.99**  
[Register Now](#)