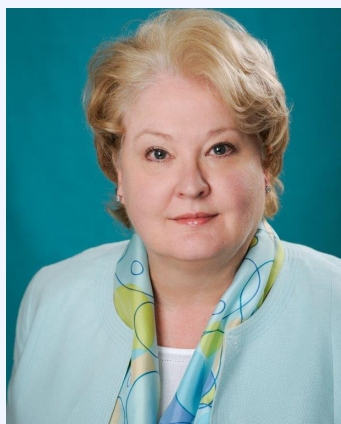




# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



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.

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## Employee's Fair Housing Complaint Dismissed

Under the Fair Housing Act, a management company or owner of a rental property may not terminate an employee for assisting a resident in asserting his/her fair housing rights or for complaining of fair housing violations. This was the issue in a recent South Carolina case where the judge dismissed the employee's claims of fair housing violations.

In this case, the employee received a write-up for poor job performance. She was moving residents into apartments prior to obtaining payment or a signed lease. After the write-up, the employee refused to come to the office and refused to speak with her supervisor. She was terminated.

The former employee sued claiming the supervisor fired her because she was keeping a list of improper pet fees charged to residents with support animals. She claimed that charging these fees was a violation of fair housing laws. Thus, her termination was also a violation of fair housing laws. The former employee cited one case in particular where a resident was charged pet fees for a service animal.

The company asked the court to dismiss the fair housing claims. The court agreed. There was no evidence that the supervisor was aware of list. Plus, the resident the former employee had cited as being unlawfully charged fees, had not provided documentation their animal was a service animal until after the fees had been charged. After the documentation was submitted, the resident was not charged any additional fees.

Note From the Editor: Getting the landlord / tenant relationship started on the right foot is important. With HUD's April Guidance on selection criteria, it becomes even more important to get it right. Need help? Just let me know.



## HUD Charges Appraiser, Management Co. and Lender with Fair Housing Violations

The U.S. Department of Housing and Urban Development has charged multiple entities with housing discrimination for issuing a biased appraisal and then denying a refinance loan application based on the biased appraisal. The entities include the appraiser, the appraisal management company and a mortgage lender.

The Charge alleges a Black homeowner attempted to refinance her home. When she had the home appraised for the refinancing, she claimed the appraiser and management company issued a discriminatory appraisal that undervalued her property by using inaccurate and unsupported methodology choices. When she complained to the mortgage company about the discriminatory appraisal, she was told she could only proceed with her refinancing loan application based on the appraisal that she alleged was discriminatory. Ultimately, her application was denied.

The Charge will now be heard by a U.S. Administrative Law Judge unless any party to the Charge elects to have the case heard in federal district court or the case is settled.

This Charge comes on the heels of HUD's settlement with the Appraisal Foundation, an organization responsible for setting standards and qualifications for real estate appraisers and providing voluntary guidance for all industry valuation professionals. The agreement resolved a Secretary-initiated complaint alleging discriminatory barriers preventing qualified Black people and other persons of color from entering the appraisal profession on the basis of race in violation of the Fair Housing Act.



## CA Landlords Settle Section 504 Claim

A California landlord, a management company and development company, have agreed to settle a claim they discriminated against a resident in violation of Section 504 of the Rehabilitation Act of 1973. The claim alleges the housing providers interfered with the rights of disabled tenants to obtain reasonable accommodations. If true, this violated the Fair Housing Act and because the property received funding from HUD and the United States Department of Agriculture (USDA), it also violated Section 504 of the Rehabilitation Act.



The housing providers denied the allegations but agreed to settle the matter. Under the agreement with HUD, the housing providers will pay \$41,500 in compensation to the tenant. The housing providers will also make sure their reasonable accommodation policies comply with the Fair Housing Act and Section 504.



# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar

# How HUD's April Guidance Effects Your Application Process

Wednesday, Augustn 28, 2024  
10:00 a.m. - 11:30 a.m. central

In April 2024, HUD released its latest guidance targeting the rental application process and rental selection criteria. This guidance applies to all housing providers, regardless of conventional or affordable status.

HUD continues to discourage housing providers from reviewing elements that have traditionally been part of the rental application process, including criminal, credit, and previous rental history. Meanwhile, COVID accelerated the proliferation of fraud in the application process, requiring more careful monitoring by operators.

In this webinar, we'll discuss the implications of HUD's April Guidance, best practices to avoid FHA liability, and balancing those concerns with the effort to more completely monitor for fraud during that process.

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



Nathan Lybarger  
Law Office of Hall &  
Associates

## Speakers

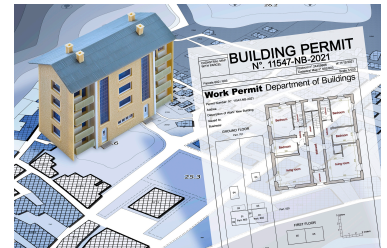


Angelita Fisher  
Law Office of Angelita E.  
Fisher

## Lawsuit Alleging Town Blocked Affordable Housing Development Settled

The U.S. Department of Justice has announced that its lawsuit against the Town of Franklinton, Louisiana, has been settled. The town has agreed to \$230,000 in damages and civil penalties to settle the case.

The lawsuit alleged the town violated the Fair Housing Act when it blocked a proposed affordable housing development for low-income tenants in a predominantly white part of Franklinton. More specifically, the lawsuit alleged the town discriminated because of race and color when it refused to approve zoning for a 40-unit development that would have been financed through the federal Low Income Housing Tax Credit program. The new development would have been built in a predominately white neighborhood but would have provided housing for families who were predominately Black.



Under the settlement, the town will not only pay damages, but it will also facilitate the development of new affordable housing to replace the units that it previously blocked, amend its zoning ordinance to increase the amount of land available for the development of multi-family housing and create a land donation program to support the development of affordable housing.

## Did you know?

*In some cases a former residents can file a fair housing claim against a landlord for a poor rental verification?*

## HUD Charges WI Landlord for Denial of Animal

The owner of a duplex in Wisconsin has learned the hard way that fair housing laws require accommodations for disabled residents – including support animals. In this case the owners allegedly denied the residents' reasonable accommodation request for an animal by applying unlawful breed restrictions, fines, and fees. The owners also allegedly interfered with the residents' attempt to obtain a dog and threatened them with eviction. The owners eventually non-renewed their lease, citing the reasonable accommodation requests in the non-renewal notice.



The residents complained to the U.S. Department of Housing and Urban Development. After an investigation, HUD determined there was cause to believe discrimination occurred and has filed a Charge. The Charge will now be heard by a U.S. Administrative Law Judge unless any party to the Charge elects to have the case heard in federal district court or the case is settled.



## DOJ Files Sexual Harassment Lawsuit Against Illinois Landlord

The Justice Department has filed another sexual harassment lawsuit. This time it is against an Illinois landlord.

The lawsuit alleges that for over 20 years, the landlord has subjected female tenants and applicants to unwelcome sexual harassment that included: sexual contact and comments about their physical appearances; offers to strip for female tenants; removing his pants while giving a tour to a female housing applicant; exposing his genitals to female tenants; asking female tenants on dates; requesting sex in exchange for reduced rent or other housing benefits; and evicting female tenants when they did not give in to his sexual advances.

The DOJ has filed 44 similar lawsuits since October 2017, and recovered over \$17 million for victims of sexual harassment.



### Fair Housing Webinar

## Responding to Resident Complaints

Wednesday, August 14, 2024  
10:00 a.m. - 11:00 a.m. Central

It happens almost every day: One neighbor complains about another neighbor. Whether it is noise, parking, arguments, or visitors, any complaint can become a fair housing problem. In this webinar, we will take a step-by-step approach to investigating and responding to residents' complaints. Our discussion will include:

- Identifying a Fair Housing Complaint
- Interviews
- Documentation
- Making a Decision
- Following – Up

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