



Fair Housing Newsletter

Keeping you current on fair housing news and issues



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Jury Awards Virginia Residents \$750K for Race Discrimination

The owner of a campground in southern Virginia has been ordered to pay a resident \$750,000 for racial discrimination. The resident is White, her husband is Black and they have a biracial son. The couple moved into the campground to be close to the wife's friend who lived in the same campground.

The trouble began when the campground owner made a call to the friend. The owner commented to the friend that "You didn't tell me that your friend's husband is Black. Had I known I wouldn't have rented the lot to them. I saw the son, but I



figured everyone makes a mistake," referring to the resident's son being biracial. The owner also complained to the friend's mother stating "I feel like [your daughter] should have known that no Blacks are allowed in my Campground because she hasn't seen any Blacks in my Campground." "When you get a Black person in the park, then you're going to end up with a lot more to come in." Based on the comments, the family sued.

During the lawsuit, it was discovered that the owner planned to evict the family, but later allowed them to stay temporarily to avoid trouble and planned to refuse to renew their lease. A jury awarded the family \$750,000. The owner plans to appeal.

Note From the Editor: You may notice that this month's Newsletter is missing fair housing cases from HUD and the DOJ. The reason: there are no fair housing cases coming from either federal agency at this time. It is unclear when the agencies will resume enforcement activities for the Fair Housing Act. I will keep you posted.



Connecticut Appeals Court Overturns ESA Case

A Connecticut appeals court has overturned a lower court's decision that awarded a resident monetary damages after the landlord requested additional information on a second emotional support animal. The question before the appeals court was whether or not the resident needed to show that each animal alleviated a different symptom of her disability. The appeals court held she did.

The couple moved into their apartment home with two Shih Tzu dogs and a letter from the female resident's therapist. The letter stated that the resident "suffered from moderate anxiety and that her two dogs provide relief." The apartment complex replied that one dog was accepted under their No Pet policy as an emotional support animal, but the second dog was not accepted. They requested additional information on how the second dog was needed. Instead of providing the information, the resident filed a complaint with a state agency. The agency investigated and found discrimination. Subsequently, a lawsuit was filed.

In court, the resident testified that one dog snuggled with her when she was anxious while the other dog attempted to engage her in play. The court agreed the resident needed both animals and awarded the residents \$12,500 and ordered a civil penalty of \$3,300. The landlord appealed.

The appeals court held that the lower court had used the wrong standard when analyzing the need for the second animal. Each dog had to be necessary as it relates to the disability. Both dogs cannot serve the same purpose. The court sent the case back to the trial court with instructions to enter a judgement for the landlord.



Federal Judge to Order HUD to Reinstate Fair Housing Grants



A federal judge in Massachusetts took only five minutes to decide to grant a temporary restraining order putting a two-week hold on the Trump administration's grant cancellations which affected more than 60 organizations across the country.

The order cited an earlier case where the U.S. Court of Appeals for the First Circuit held that the decision to cut grants needed an explanation as to why the grants were being cut. In this case, there was no explanation.

The judge's ruling orders HUD to restore the grants immediately. It also prohibits HUD from finding other ways to cut the funding unless explicitly authorized by Congress.

Federal Court Refuses to Dismiss Wife from Husband's Sexual Harassment Lawsuit

A federal court in California has refused to dismiss a wife from a lawsuit brought against both her and her husband. The lawsuit alleged the husband sexually harassed female resident and retaliated against them when they refused his requests in violation of fair housing laws.

The wife claimed she was unaware of the harassment and asked the court to dismiss her from the lawsuit. The court refused. She was a co-owner of the properties where the alleged sexual harassment took place. Therefore she was vicariously liable – regardless of her knowledge.



HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

“You are not on the lease!”

Wednesday, April 30, 2025
10:00 a.m. - 11:30 a.m. central

When dealing with a resident – the lease is the governing document. But, what happens when you need to deal with a non-resident? There is no lease to point to for guidance. It is hard to know what you can and cannot say or do.

In this webinar, we will discuss issues that arise when addressing non-residents on the property. Our discussion will include:

- Talking to family of a sick or deceased resident
- Banning a non-resident
- Trespass Laws
- Caregiver’s rights
- Unauthorized tenants

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Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
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Property Co. Agrees to Pay \$525K and Make Changes to 5,300 Units

The National Fair Housing Alliance and the Tennessee Fair Housing Council have reached an agreement to settle a case against a Residential Property Company who provides housing in Alabama, North Carolina, South Carolina, and Tennessee. The Company has agreed to make changes to 13 apartment complexes to ensure they are accessible to people with disabilities and:



- Notify residents in affected apartments of their right to request a modification to remove the below-sink cabinetry;
- Develop no new multifamily units that include a kitchen design with an angled sink as depicted in the complaint;
- Require staff to undergo training about building accessible apartments and the requirements of the Fair Housing Act;
- Require an independent inspection of the accessibility modifications at the 13 apartment complexes to certify that they meet the accessibility standards; and
- Include a statement of the landlord's commitment to fair housing laws and its policy to provide reasonable accommodations to applicants and residents who have disabilities in all residential leases.

In addition, the Company has agreed to pay \$525,000 in damages and attorneys' fees.



Fair Housing Webinar Fair Housing Pitfalls When Terminating the Lease Agreement

Wednesday, May 14, 2025
10:00 a.m. - 11:00 a.m. Central

All good things must come to an end - and so must a lease. How and why you terminate a resident's lease may land you in trouble with HUD. Terminating a lease may violate fair housing laws.

In this webinar, we will discuss a variety of reasons landlords terminate leases and what fair housing consequences you should consider. Our discussion will include:

- Non- Renewals
- Violence on Property
- Housekeeping
- Complaints from Neighbors
- Retaliation

\$24.99
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