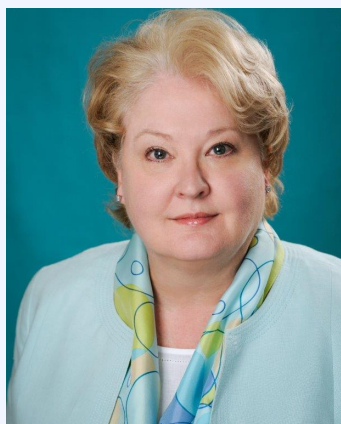




# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



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## ACLU Sues Apartment Complex for Criminal Selection Criteria

The American Civil Liberties Union and a Washington, D.C.-based law firm, are suing an apartment complex alleging that its blanket ban against applicants with felony convictions discriminates against African Americans.

The lawsuit alleges the apartment complex's application form states that anyone who has ever been convicted of a felony is excluded from renting at the complex - as well as anyone with a conviction involving illegal drugs, terrorism, prostitution, sex or cruelty to animals. The ACLU alleges that because of "well-known disparities in the criminal justice system" against blacks, the apartment complex's policy disproportionately harms people of color.

According to the ACLU, while African Americans make up just 22% of Chesterfield, Virginia's population, they account for 46% of individuals convicted of a felony between 2007 and 2017. Because of the apartment complex's rental policy, the ACLU alleges that it's three times harder for an African American in Chesterfield to be offered a lease than it is for a white person.

While the apartment complex is allowed to ask for criminal history information, it should not have a blanket ban of anyone with a felony. Factors such as the nature of the offense, the length of time since the offense, the age of the person at the time, and any housing rental history should be taken into consideration before an applicant is denied.

In sum, if you have a no-felony policy, the ACLU is looking for you.

Note From the Editor: Having problems with animals on the property? Be sure to check out the July 10, Fair Housing Webinar: Managing Animals on the Property.

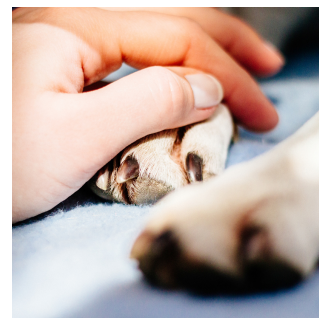


## HUD Charges New York Landlord with Refusing Assistance Animal

The U.S. Department of Housing and Urban Development announced it is charging a New York property owner and manager with housing discrimination based on disability. The charge alleges the owner and manager refused to allow a mother to have an assistance animal for her son, who has a mental disability, and retaliated against the family for asking.

The case started after a disabled child's mother filed a fair housing complaint alleging that the owner and manager of their housing would not allow her son to have an assistance animal and asked for documentation that their dog was an adult and under 20 pounds. Additionally, after the family filed a HUD complaint, the owner and manager tried to evict the family.

The case will be heard by a United States Administrative Law Judge unless any party elects for the case to be heard in federal court or the case is settled.

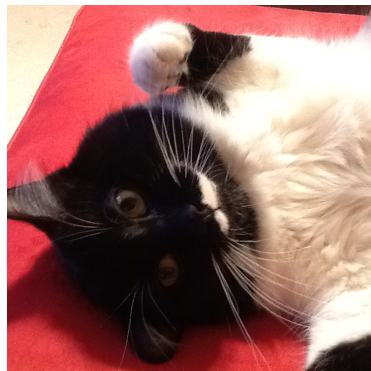


## Did You Know?

A resident could have a snake as an assistance animal?

## Refusal to Allow Cat Leads to HUD Charge Against Minnesota Landlords

The U.S. Department of Housing and Urban Development has filed a fair housing discrimination charge against the owner of several rental homes in Ottertail, Minnesota.



According to HUD, the owner refused to allow a family to live with an assistance animal for one of their children who has mental disabilities. Specifically, the charge alleges the mother signed a lease and then asked the landlord to permit her daughter's assistance animal, a cat, to live in the home. The owner allegedly refused to allow the cat in the home, even though the mother provided documentation from her daughter's therapist about the need for the cat. In addition, the owner terminated the family's lease in response to the family's accommodation request – before the family could even move in.

Either party may now choose to have the case heard by a federal court or a United States Administrative Law Judge. Either way, the owner could be ordered to pay damages if the allegations are proven.



# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar Six Most Common Areas Where Fair Housing and Landlord/Tenant Laws Intersect

Wednesday, August 28, 2019

10:00 am to 11:30 am Central

Every Property Manager knows that under Landlord/Tenant laws they may non-renew a lease without giving the resident a reason. But did you know that Fair Housing Laws may require you to have a not only a reason, but a good reason and a well-documented reason? With every decision they make, Property Managers must keep both Fair Housing laws and Landlord/Tenant laws in mind.

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

In this webinar, we will discuss six of the most common areas where these laws intersect. We will provide you with real-life scenarios and give you practical examples how to approach these situations. Please join us for all this and more.



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

### Speakers



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

## San Diego Landlord Sued for Sexual Harassment

The U.S. Department of Justice has filed a lawsuit alleging the owner and manager of residential housing in Spring Valley, California, violated the Fair Housing Act by subjecting female tenants to sexual harassment and retaliation.

The lawsuit alleges the landlord has engaged in sexual harassment and retaliation since 2005. The allegations include: engaging in unwelcome sexual touching; offering to reduce monthly rental payments in exchange for sex; making unwelcome sexual comments and advances; making intrusive and unannounced visits to female tenants' homes; and evicting or threatening to evict female tenants who objected to or refused his sexual advances.

The lawsuit seeks monetary damages to compensate the victims, a civil penalty to vindicate the public interest, and a court order barring future discrimination and harassment.



## Fair Housing Webinar Managing Animals on the Property



Wednesday, July 10, 2019  
10:00 a.m. - 11:00 a.m. Central

It is a Zoo out there: Pet Spiders, Service Horses, Emotional Support Snakes, 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:

- Knowing the Difference
- Getting the Documentation Right
- Aggressive Animals
- Damages and Deposits
- Policies and Restrictions
- Plus, Much, Much, More

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

## **DOJ Settles Housing Discrimination Lawsuit Against LA Parish**

The U.S. Department of Justice and St. Bernard Parish, Louisiana, have agreed to settle a lawsuit alleging the Parish violated the Fair Housing Act when it refused to allow two small group homes for up to five children with disabilities, to open in single-family neighborhoods. The cost? More than \$1 million.

The lawsuit alleged St. Bernard Parish denied requests for reasonable accommodations to its zoning ordinance to allow the two group homes to operate in single-family neighborhoods of the Parish. In addition, shortly after learning that the homes were planning to open, the Parish amended its zoning code to prohibit group homes of any size in single-family neighborhoods.

Under the settlement, the Parish will pay \$975,000 in monetary damages and attorneys' fees to the two group home operators, plus a \$60,000 civil penalty to the United States. In addition, the Parish amended its zoning ordinance to permit small group homes in single-family residential districts, amended its reasonable accommodation policy, and will take a number of actions to guard against further housing discrimination, including training officials and individuals involved in zoning and land use and designating a fair housing compliance officer.

## **D.C. Development Company and Owner Plead Guilty To Crimes Related to Lead-Based Paint**

Warning to all owners thinking about renovating an older property. Renovating an older property without using the proper practices and providing the proper notices is criminal. Mohammad Sikder, of Washington, D.C., has pled guilty to two counts of violating the Toxic Substances Control Act for his role in renovating a Washington, D.C., property without following lead-safe work practices and lead disclosure requirements.

While the renovation was underway, an Occupational Safety and Health Administration inspection revealed multiple hazards, including (1) employees performing manual demolition on a wall surface that had paint containing lead; (2) the lack of an employee exposure assessment to determine actual employee exposure; (3) the lack of lead training to employees; and (4) proper sanitation practices not being followed. There was also lead present on the dump truck and employees' hands. When the property was properly remediated and sold, Mr. Sikder did not provide the purchasers this information or a report documenting the prior existence of lead-based paint.

Sikder's company also pleaded guilty to making false statements in building permit applications to the District of Columbia Department of Consumer and Regulatory Affairs. Between 2011 and 2017, the company submitted 25 renovation permit applications for properties on which the company falsely represented that the properties had been built after 1978, thereby getting around additional permit requirements and avoiding EPA oversight, which would be triggered by an accurate permit application.

The sentencing is scheduled for Nov. 22, 2019. The charges carry a statutory maximum of 12 months in prison and possible financial penalties. The government will recommend a \$50K fine in addition to any prison time. The company has agreed to pay a \$150K criminal fine, and to put another \$25K towards funding lead-based paint compliance trainings in the D.C., Maryland, and Virginia.