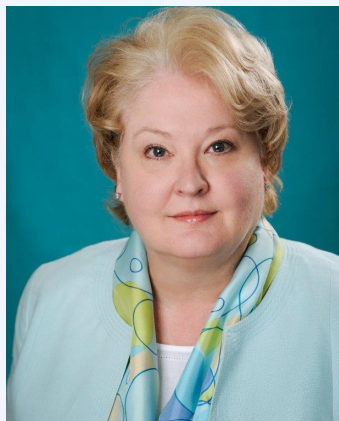




Fair Housing Newsletter

Keeping you current on fair housing news and issues



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Judge Refuses to Dismiss Sexual Harassment Case

A federal judge in Missouri has refused to dismiss a resident's complaints of a sexually hostile housing environment and *quid pro quo* sexual harassment. The case arose after a St. Louis landlord evicted a resident because of alleged noise disturbances and gambling on the property. The resident sued claiming she had been sexually harassed by the landlord.

The landlord asked the court to dismiss the claims because the former resident had not provide information detailing the dates and times of the alleged incidents in her complaint. The complaint simply stated: (1) the landlord had demanded to know personal information about the resident such as whether she had a boyfriend, how she engaged in sex with her girlfriend, whether she and her girlfriend would engage in a threesome, and whether they would engage in a threesome with him. The complaint also alleged the landlord made sexual comments about the resident's body, offered free or reduced rent in exchange for sex, attempted to touch the resident's breast and watched the resident and her visitors from outside the home.

The landlord argued the complaint lacked any allegations of severe or humiliating conduct. For example, it lacked allegations of touch or rape. According to the landlord, the allegations in the complaint were nothing more than the ordinary tribulations of apartment living, such as sporadic use of abusive language, gender related jokes, and occasional teasing and therefore, should be dismissed.

Continued on Page 2: Harassment

Note from the Editor:

Need company-wide training? We can help. Just let us know what type of training your company needs - from fair housing to employment laws- and we will be happy to help.



In the News

Oklahoma Landlord in Hot Water Because of Pet Fee

The U.S. Department of Housing and Urban Development has filed a charge against an Oklahoma landlord after he refused to waive a \$250 pet fee for a disabled veteran.

The combat veteran had a mental disability and had been prescribed an emotional support animal. The veteran provided the landlord with medical documentation attesting to his need for the animal. Still the landlord refused to waive the pet fee. The veteran filed a complaint with HUD alleging violations of the Fair Housing Act. HUD agreed and filed a charge.

The charge will be heard by a U.S. Administrative Law Judge unless either party elects to have the case heard in federal court.

Continued from Page 1: Harassment

The court disagreed. The judge refused to dismiss the complaint. The allegations were enough to show more than the ordinary tribulations of apartment living. Furthermore, the one allegation that the landlord offered free or reduced rent in exchange for sex was enough to show a *quid pro quo* claim, which may only take one incident to prove.



Be sure to keep up with the latest fair housing news by watching our webinars. You can find out more at angelitafisherlaw.com

Republicans Introduce Bills to Nullify Affirmatively Furthering Fair Housing Rule

Representative Paul Gosar has introduced H.R. 482 and Senator Mike Lee has introduced a companion bill, S. 103, both titled the “Local Zoning Decisions Protection Act of 2017.” The purpose of the bills is to nullify the new Affirmatively Furthering Fair Housing Rule and the Assessment Tools associated with the Rule.

The bills, if passed, would also prohibit federal funds from being used for the HUD database containing geospatial information regarding community racial disparities and disparities in access to affordable housing. In effect, barring similar rules from being created in the future.

According to at least one article about the bills, the goal is to prevent the federal government from using racial disparity data to force local governments to change their zoning laws by threatening them with a disparate impact Fair Housing Act violation.

Jury Will Decide if Chain Lock is a Reasonable Accommodation

In a recent Florida case, a judge refused to dismiss a failure to accommodate case after a landlord would not agree to allowing a family to install a chain lock on the front door.

The family had a disabled child. The child suffered from Fabry Disease which caused the child to try to run away. After signing a lease, the family asked permission to install a chain lock so the child could not open the front door. The landlord refused permission to install the lock.

Eventually, the family decided not to live in the house and instead filed suit alleging violations of the Fair Housing Act. The court held the child was disabled, the family requested a modification and that the modification was necessary for the family to enjoy the house. A jury will decide whether the landlord denied the request and whether the request was reasonable.



Housing Crossroads Webinar Death of a Resident

Wednesday, March 29, 2017
10:00 a.m. - 11:30 a.m. Central

It is inevitable – residents pass away and landlords are left with the daunting task of navigating the triangle of problems: protecting the former resident’s personal property, addressing the immediate needs of heirs and children and getting the property ready to rent again. It is never an easy situation for any of the parties involved. In this webinar, we will discuss the common issues that arise for landlords when a resident passes away including best practices for addressing certain issues before they arise and legally protecting the landlord from liability afterwards. Our discussion will include:

- Power of Attorney
 - Next of Kin
 - Personal Property
 - Minor Children
 - Opening an Estate
- And much, much, more

\$34.99
Register



M. Wesley Hall, III
Hall & Associates



Nathan Lybarger
Hall & Associates



Angelita Fisher
Law Office of AEF

Wisconsin County Settles Fair Housing Complaint

The Metropolitan Milwaukee Fair Housing Council and the County of Waukesha, Wisconsin have agreed to resolve a fair housing complaint filed by the Council. The complaint alleged that from 2006 to 2011, the County distributed more than \$12,500,000 in federal funds to 35 individual jurisdictions without adequately considering the impact on fair housing choices by people of color. The result perpetuated racial and ethical segregation and discouraged integration of mostly white communities.

The settlement agreement requires the County to produce an Assessment of Fair Housing report and annual action plan. It also requires each municipality that receives funds to create an annual Fair Housing Impact Statement. It further requires the County to develop land inventory that would identify land suitable for affordable housing and seek the extension of Tax Incremental Financing for the creation of affordable housing. Finally, the County will pay the Council's attorneys \$140,000 in legal fees.

Texas Sued Over Source of Income Law

In 2015 the state of Texas passed a law which banned cities from passing laws requiring landlords to take federal assistance as a source of income from residents. Now that Texas law is being challenged.

The Inclusive Communities Project has filed suit in federal court alleging the Texas law is unconstitutional and violates the Fair Housing Act. According to the ICP, it is allegedly unconstitutional because it violates the Protection Clause of the 14th Amendment by intentionally singling out Blacks for unequal treatment and it allegedly violates the Fair Housing Act by making housing unavailable because of race. The ICP argues that the law blocks Dallas voucher holders, who are predominately Black, from securing housing in white neighborhoods. This is a barrier to integration and perpetuates racial segregation according to the ICP.

Interestingly, this is the same organization that sued Texas a few years back alleging violations of the Fair Housing Act involving tax credits. The earlier case resulted in the U.S. Supreme Court holding a cause of action for disparate impact exists under the Fair Housing Act.

Bed Bug Treatment Accommodation Claim Fails

A resident's claim her landlord failed to accommodate her in the bed bug extermination process has failed. A New York judge has dismissed her claim.

The resident involved in the lawsuit was disabled. She had been diagnosed with "pulmonary fibrosis, a lung disease which is medically determined to be a progressive chronic illness. When her apartment became infested with bed bugs, the landlord made arrangements to treat the apartment. The resident requested that because of her disability, the landlord not treat with chemicals.

Continued on page 5: Bed Bugs

Fair Housing Three-Part Series Webinars

March 1, 2017 – Fair Housing Fundamentals (Completed)

March 8, 2017 - Frequent Fair Housing Issues

March 15, 2017 - Understanding Accommodations & Modification

\$44.99
[Register for Remaining
Two Webinars](#)



Frequent Fair Housing Issues - Part 2 of 3 Part Series

March 8, 2017

10:00 a.m. - 11:00 a.m. Central

Certain issues in fair housing arise time and again. It is important for managers and staff to recognize these reoccurring issues and address them properly and lawfully. In this webinar, we will discuss some of the

most common reoccurring fair housing issues as well as some of the recent cases. Our discussion will include:

- Familial Status
 - Occupancy Standards
 - Child-Restrictive Rules
- Sex/Gender
 - Gender Stereotype Discrimination
 - Disparate Impact in Domestic Violence Cases
 - Violence Against Women Act
- Race/National Origin
 - Limited English Proficiency
 - Arrest and Conviction Guidelines
- Religion
 - Community Events
 - Examples of Possible Discriminatory Policies

\$24.99
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Continued from Page 4: Bed Bugs

The landlord agreed and treated the apartment without using chemicals. The treatment did not work and the bedbugs were infesting other apartments. Since the non-chemical treatment did not work, the landlord offered to relocate the resident while he treated the apartment using chemicals. The resident refused and instead filed a lawsuit claiming the landlord had failed to accommodate her disability.

The judge dismissed the resident's claim and ordered the resident to prepare the apartment and provide access to the landlord to perform the extermination. The win, however, was hollow. The judge went on to order the landlord to again treat the apartment by using a non-chemical method and if it did not work, to relocate the resident while a chemical method was being used. The landlord was right back where he started.