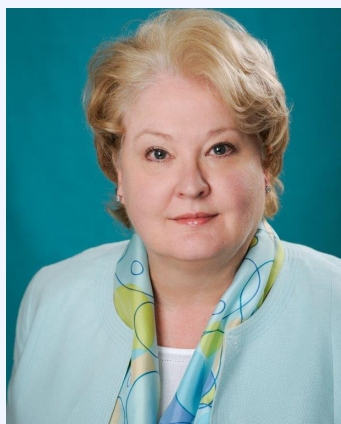




# Fair Housing Newsletter

*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.

6688 Nolensville Road

Suite 108-161

Brentwood, TN 37027

615-305-2803

[afisher@angelitafisherlaw.com](mailto:afisher@angelitafisherlaw.com)

## Minnesota City Settles “Crime-Free” Housing Lawsuit

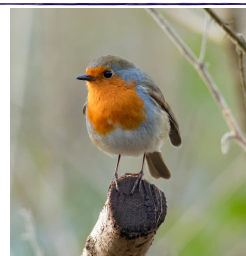
The city of Anoka, Minnesota and the U.S. Department of Justice have settled a lawsuit claiming the city violated the Americans with Disabilities Act and the Fair Housing Act by denying tenants with mental health disabilities an equal opportunity to receive emergency assistance.

The lawsuit alleged that under the city’s rental licensing and “crime free” housing ordinance, the city could penalize landlords for “nuisance calls” to their properties. Nuisance calls included disorderly conduct and “unfounded” calls to the police. According to the DOJ, this ordinance caused tenants with mental health disabilities and those associated with them, to risk eviction, fines or loss of rental license if the disabled resident required or received emergency assistance.

Additionally, the city sent weekly reports to landlords detailing calls for emergency service from all rental properties. These reports often revealed information about residents’ mental health disabilities, such as their diagnoses, medications or even suicide attempts. The city used these reports to notify landlords of potential nuisance calls and encourage landlords to evict tenants.

Under the settlement, the city has agreed to pay \$175,000 to compensate individuals harmed by the program. Additionally, the city has agreed to stop sending the reports containing medical information, adopt non-discrimination policies and complaint procedures, designate an ADA coordinator and train staff.

Note From the Editor: The rules are changing in the fair housing area. It’s time to review your policies and applicant criteria. An article on HUD’s new guidance is on page 2. If you have questions, please let me know.



## HUD Issues New Guidance on Applicant Screening

The U.S. Department of Housing and Urban Development (“HUD”) has issued new guidance for landlords on the application of the Fair Housing Act when screening applicants. The 24-page guidance covers screening types and recommends best practices for complying with the FHA.

The best practices portion of the guidance discusses using credit reports, eviction records, and criminal records.



**Credit:** The guidance details how Native Americans, Blacks, Hispanics and victims of domestic violence are more likely to have lower credit scores. Because of this, over-reliance on credit scores may cause a disparate impact. The guidance specifically states that “no HUD program requires screening rental applicants for their credit score...” Other factors should be considered when making a determination as to whether credit history is a good predictor of the applicant’s ability to pay like whether or not the applicant has a co-signer or government issued voucher.

**Evictions:** The guidance discusses how many eviction records are unreliable, contain ambiguous information and falsely represent a tenant’s eviction history. Additionally, Black, Hispanics, women and families with children are more likely to have an eviction on their record. Eviction that are old, were dismissed or settled should not be used.

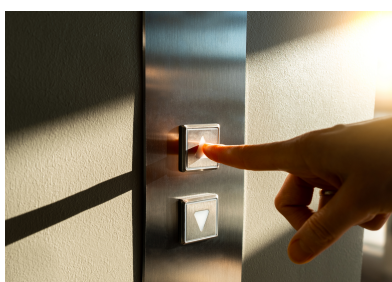
**Criminal Records:** The guidance references the previous HUD guidance on the use of arrest and conviction records in the application process. It further discusses the disparate impact of criminal criteria on Blacks and Hispanics. Old records, or records for offenses not directly relevant to tenancy should not be used. In addition, some accommodations may be required if the criminal record is related to a disability.

The guidance applies to all types of housing. For more information go to:

[https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO\\_Guidance\\_on\\_Screening\\_of\\_Applicants\\_for\\_Rental\\_Housing.pdf](https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO_Guidance_on_Screening_of_Applicants_for_Rental_Housing.pdf)

## HUD Charges Puerto Rico HOA with Disability Discrimination

The U.S. Department of Housing and Urban Development has charged the homeowners association for a condominium in San Juan, Puerto Rico, with violating the Fair Housing Act by refusing to allow a disabled owner to power her elevator with an external generator.



HUD’s Charge alleges the HOA denied an owner a reasonable modification after it revoked its prior approval to allow an elevator within the owner’s three-story unit, and an external generator to power the elevator in case of power outage. The reason? The HOA’s policy related to noise.

A United States Administrative Law Judge will now hear HUD’s charge unless any party to the charge elects to have the case heard in federal district court or the case is settled.



# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar

# Sex, Crimes & Video Tape

*Six Common Scenarios of Crime on the Property*

**Wednesday, June 26, 2024  
10:00 a.m. - 11:30 a.m. central**

Criminal activity on the property is a serious concern. For liability, for livability, for the sake of your other residents and your staff, these are issues that should be addressed as quickly as possible. But they must be addressed appropriately. As guidance continues to encourage Landlords to provide applicants and tenants a “second chance” and housing advocates strive to prevent eviction, there are more barriers than ever to denying an application or evicting a tenant who may be involved with criminal activity. What can you do?

In this webinar, we will discuss six scenarios involving criminal issues landlords deal with on a regular basis. Our discussion will include:

1. Prostitution
2. Drugs
3. Domestic Violence
4. Assault
5. Outstanding Warrants
6. Sex Offenders

**\$34.99**

**[Register Now](#)**



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

## Speakers



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

## Attorney Fees Awarded in Fair Housing Case



A jury in Arizona awarded nominal damages to a victim of fair housing discrimination. The jury then awarded \$100,000 in punitive damages. After the jury verdict, the judge ordered the housing provider to pay the tenant's attorney fees in the amount of \$115,813. This was before the housing provider paid their own attorney. In sum, nominal damages can get very expensive at the end of the day.

## Non-Renewal Upheld Because of Bad Behavior

A Florida resident had his fair housing retaliation lawsuit dismissed after the landlord refused to renew his lease. Why? Because his own bad behavior towards staff and other residents was enough to establish a legitimate non-retaliatory reason for not renewing his lease after he filed a fair housing lawsuit. Important to note was the timing of the bad behavior. It was after he filed the lawsuit and the landlord documented the behavior. Had the bad behavior been before the lawsuit and undocumented – his retaliation claim would have likely survived.



## Did you know?

*A manager may be personally liable for fair housing violations.*

## Jury Awards \$3.8 to Sexual Harassment Victims

Following a five-day jury trial, the owner and operator of a group of Massachusetts sober homes has been ordered to pay seven victims of sexual harassment \$3.8 million in damages.



The lawsuit, brought by the U.S. Justice Department, alleged that since at least 2012 through 2021, the sober house program owner sexually harassed residents by offering to reduce or forgive rent, granting extra house privileges or waiving security deposits in exchange for engaging in sex acts or sexually explicit photographs; and making unwanted sexual comments. The DOJ will also be seeking a civil penalty.



## GA Landlord Pays \$600,000 for Sexual Harassment

The U.S. Department of Justice has announced the settlement of a fair housing sexual harassment lawsuit against a Georgia landlord. The cost? \$600,000.

The lawsuit alleges the Georgia landlord, who owned and/or managed over 45 residential properties in and around Savannah, Georgia, sexually harassed and retaliated against female residents for over 15 years. The allegations include: making repeated and unwelcome sexual comments and advances; inappropriate touching; entering their homes without their permission or knowledge; requesting sexual acts in exchange for rent or other housing-related benefits; and taking retaliatory actions against tenants who rejected his sexual advances or complained about the harassment.

Under the settlement agreement, the landlord has agreed to pay \$590,000 in monetary damages to female tenants and prospective tenants harmed by his conduct and a \$10,000 civil penalty to the federal government. In addition, the landlord will be required to vacate any retaliatory eviction judgments obtained against these tenants and to take steps to correct the tenants' credit histories. The landlord is prohibited from managing residential rental properties in the future and must retain an independent property manager for the properties.



### Fair Housing Webinar

## Restricting Children on the Property

Wednesday, June 12, 2024  
10:00 a.m. - 11:00 a.m. Central

As the seasons change and kids are out of school, residents, including children are outside more. They are playing, riding bikes and making full use of the property's common areas. What could go wrong? Plenty.

In this webinar we will discuss property rules that limit a child's activities as they relate to fair housing laws. Our topics will include:

- Swimming Pool Rules
- Work-Out Room Rules
- Playing in Common Areas
- Toys in Breezeways
- Making Noise
- Property Damage

**\$24.99**  
**Register Now**