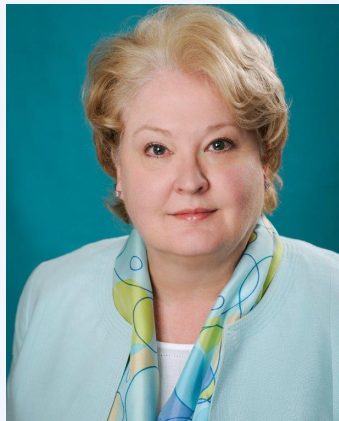




# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



 LAW OFFICE OF  
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## Sexual Harassment Lawsuit Settles for \$600,000

The U.S. Department of Justice has agreed to settle a lawsuit alleging a West Virginia landlord sexually harassed female applicants and residents.

The lawsuit arose after four female tenants filed complaints that the landlord:

- touched and groped their breasts and genitals;
- conditioned tangible housing benefits to female residents in exchange for performance of sexual acts;
- made unwanted and unwelcome sexual comments and verbal sexual advances;
- entered the homes of female residents without permission or notice to sexually harass them; and
- took or threatened to take adverse action against female residents when they refused or objected to this advances.

The settlement requires the owners and managers of the property to pay \$500,000 to individuals harmed by the conduct and another \$100,000 to the U.S. as a civil penalty. In addition, the harassing manager will not be allowed to engage in property management, rental management, or maintenance responsibilities at rental properties.

The harassing manager must also give up his ownership interests in the properties and relinquish his role as manager. A very high price to pay.

Note from the Editor: Summer is coming to a close and kids are headed back to school. There are a lot of things to be done before the end of the year. Don't wait - get your policies, handbooks and forms reviewed now. Need help? Give me a call.



## In the News

### Steering Case Settles for \$70,000

The U.S. Department of Justice has resolved a housing discrimination case involving allegations of steering based on national origin. The investigation of the complaint revealed that the owner and operator of an apartment complex steered persons of South Asian decent to certain buildings in an eight-building complex. The national origin steering allegedly occurred over a five year period.

The owner and operator of the property agreed to pay \$70,000 to victims of the national origin steering in exchange for resolving the case. The same owner and operator was previously sued in 2015 for steering families with children to certain buildings.



## HUD Awards over \$50M for Counseling

The U.S. Department of Housing and Urban Development has awarded more than \$50 million in housing counseling grants to hundreds of national, regional, and local organizations. The money will be used to help families and individuals with their housing needs and to prevent future foreclosures.

More than \$47 million of the grants will directly support the housing counseling services of: 31 national and regional organizations; six multi-state organizations; 19 State Housing Finance Agencies; and 199 local housing counseling agencies. Additionally, \$4.5 million will go to four national organizations to train housing counselors who will receive the instruction and certification necessary to assist families with their housing needs.

The counseling will help homebuyers evaluate their readiness for a home purchase, understand their financing and down payment options, and navigate the home buying process. In some cases the organizations will also assist families to find affordable housing and offer financial literacy training to assist those with credit problems. Some money will go to assist the homeless in finding transitional housing and assist seniors with reverse mortgages.

For more information, you can go to HUD's website at [www.hud.gov](http://www.hud.gov).

### North Carolina Landlord and Owner Sued for Harassment

The U.S. Department of Justice has filed a lawsuit against a North Carolina man who owns homes in Wilkes County which he rents and sells. The lawsuit alleges the owner sexually harassed multiple women over a ten year period. The allegations include unwelcome sexual comments and advances, engaging in unwanted sexual touching and groping, offering tangible housing benefits in exchange for sex acts, and taking or threatening to take adverse housing actions against women who object to his harassment.

The lawsuit seeks monetary damages to compensate the victims, a civil penalty, and a court order barring further discrimination.





# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar Reviewing the Rules & Regulations

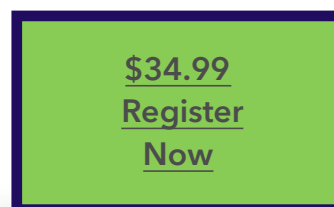
August 30, 2017

10:00 a.m. - 11:30 a.m. Central

Every property has a list of rules that apply to residents and visitors. Property managers use this one policy more than any other to maintain peace and order on the property. But, do you have the right rules for your property? Can you enforce the rules as they are written? Have you forgotten any rules?

In this webinar, we will review the most common property rules and give you insight on your ability to enforce the rules as well as tips on language to enhance the enforcement. Our discussion will include:

- Vehicles/Parking Area
- Community Appearance
- Conduct
- Pest Control
- Balconies & Breezeways
- And much, much more



M. Wesley Hall, III  
Hall & Associates



Nathan Lybarger  
Hall & Associates



Angelita Fisher  
Law Office of AEF

## Airbnb Host Pays \$5,000 for Discrimination

An Airbnb host who canceled an Asian woman's reservation because of race, has been ordered to pay \$5,000 for racial discrimination and take a course in Asian American studies. The host has also been banned from Airbnb.

The incident began when a 26-year old law clerk booked a mountain cabin in Big Bear, CA. When the woman texted the Airbnb host to let them know she was close and to confirm the cost of the stay, the host sent the woman a text stating "I wouldn't rent it to u if u were the last person on earth" and "one word says it all. Asian". When the woman complained to Airbnb, the host replied: "It's why we have Trump ... and I will not allow this country to be told what to do by foreigners."

The woman filed a complaint with the California Department of Fair Employment and Housing. After the DFEH investigated, a settlement was reached requiring the host to pay \$5,000 and take a college course in Asian American studies.

Airbnb has allowed the DFEH to regulate it for racial bias following a 10-month investigation based on a growing number of reports suggesting hosts regularly refuse to rent to guests based on their race.



### **Fair Housing Webinar Barking Up the Wrong Tree: Managing Emotional Support Animals**

**\$24.99**

**Wednesday, August 9, 2017  
10:00 a.m. - 11:00 a.m. Central**

One of the most problematic issues for today's landlords is emotional support animals. The request for too much information can land you in trouble with HUD while failing to ask for enough information can result in a property full of animals. In this webinar, we will give step-by-step guidance on how to handle requests for emotional support animals. Our discussion will include:

- Making the Decision to ask for Documentation
- Knowing Who Can Write the Letter
- On-Line Certificates
- Dangerous Breeds
- Using the Forms
- Policies you May and May Not Enforce

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

## HUD Will “Reinterpret” the AFFH Rule

Secretary Ben Carson has stated he will “reinterpret” the controversial Affirmatively Furthering Fair Housing rule issued by the Obama administration in 2015. The rule requires that cities and towns that receive federal funding examine their local housing patterns for racial bias and design a plan to address any measurable bias.

Carson’s comment comes on the heels of 20 Congressional Republicans asking Carson to repeal the rule entirely. The Republicans sent a letter to Carson stating, “We stand with you in opposing any and all instances of discrimination, but this rule does not actually help in that effort.” “Instead, it would extend reach of the federal government beyond its authority and could take away state and local governments’ ability to make local zoning decisions.”

Carson himself has previously stated the rule was a “social-engineering scheme” and is a government-engineered attempt to legislate racial equality. He has not provided any details on how exactly the rule will be “reinterpreted.”

## New Virginia Law Addresses Assistance Animals

A new Virginia state law sets out the rights and responsibilities under the Virginia Fair Housing Law with respect to maintaining an assistance animal. The law establishes a process whereby a person may request an assistance animal as an accommodation.

Under this new law, the landlord may ask for documentation from a resident with an unobvious disability including documentation from any person with whom the person with a disability has or has had a therapeutic relationship. A “therapeutic relationship” means the person providing the information provided medical care, program care, or personal care services, in good faith, to the person with a disability by: (i) a mental health service provider as defined in § 54.1-2400.1; (ii) an individual or entity with a valid, unrestricted state license, certification, or registration to serve persons with disabilities; (iii) a person from a peer support or similar group that does not charge service recipients a fee or impose any actual or implied financial requirement and who has actual knowledge about the requester's disability; or (iv) a caregiver, reliable third party, or government entity with actual knowledge of the requester's disability.

The law further allows a landlord to deny an assistance animal for any of the following reasons:

- The person requesting the animal is not disabled;
- The person requesting the animal does not have a disability-related need for the animal;
- The accommodation imposes an undue financial and administrative burden on the landlord; or
- The accommodation would fundamentally alter the nature of the landlord’s operations.

Virginia is not the first or last state to pass similar laws. Most state laws of this type are in-line with the federal Fair Housing Act requirements

## Caregiver Had No Right to Stay

The U.S. District Court in the Eastern District of Arkansas has dismissed a caregiver's fair housing and breach of fiduciary duty claims against his mother's former landlord. The case arose when the son signed a caregiver's agreement stating he would move if his mother died. After his mother's death, the son changed his mind and wanted to stay.

The apartment complex told the son he could not keep the two-bedroom apartment he lived in with his mother because he would be living alone. Instead, he was told he could apply for a one-bedroom apartment and be put on a waiting list. Still wanting the two-bedroom apartment, the son tried to put his six-year old nephew on the lease. When the apartment complex still refused to let him stay in the apartment, the son sued claiming violation of fair housing laws based on race, sex and familial status as well as breach of fiduciary duty.

The court dismissed all of the son's claims. The landlord had not violated fair housing laws. The son did not have custody of his nephew or a written letter permitting the nephew to live with his uncle. Plus, there was no evidence that women of other races were treated more favorably. As for the fiduciary duty, the court held the landlord did not have a fiduciary duty towards the son. The caregiver agreement the son had signed did not impose a fiduciary duty upon the landlord. In sum, the caregiver agreement was enforceable and the son had to move.

## Appeals Court Decides Service Animal Case

The U.S. Court of Appeals for the Ninth Circuit has affirmed a lower court's decision to grant judgment in favor of the Fair Housing Council of Oregon. The appeal arose after an Oregon federal court held that an apartment complex violated the Fair Housing Act when it refused to rent an apartment to testers who stated they had support animals.

The case arose after the Fair Housing Council of Oregon sent testers to a property to request an apartment and let the landlord know an assistance animal would be needed. Once the landlord talked with the testers, he denied the application. When the case went to court, the landlord argued he did not know the testers were requesting disability accommodations for service animals. However, the evidence showed that one tester told the landlord, "Just so you know, I have a therapy animal," and another tester told the landlord, "I should probably let you know that I have an assistance dog" and mentioned that she had a note from a doctor.

After the support animal information was revealed, the landlord did not reach out to the testers to see if the support animal accommodation was reasonable or related to the claimed handicap. Instead, the landlord simply denied the application after hearing the need for an assistance animal.

According, the court of appeals, this was enough evidence for the lower court to grant judgment on behalf of the Fair Housing Council and conclude the Apartment complex violated the Fair Housing Act. The mention of a service/companion/therapy animal is deemed enough for the landlord to know the person is requesting an accommodation...at least in this court.