



Fair Housing Newsletter

Keeping you current on fair housing news and issues



 LAW OFFICE OF
ANGELITA E. FISHER

.....
Angelita Fisher is an attorney in the Nashville, TN area. She has over 14 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

www.angelitafisherlaw.com

HUD Finalizes New Rule to Protect Victims of Domestic Violence

On October 24, 2016, the U.S. Department of Housing and Urban Development finalized a new rule to protect the victims of domestic and dating violence as well as victims of sexual assault and stalking. The new rule clarifies some of the 2013 provisions of the Violence Against Women's Act. The new rule allows for:

Continuation of the Core Protections – The new rule ensures victims are not denied assistance or evicted due to having been a victim of domestic violence.

Emergency Transfers – The new rule allows for victims to move to another safe and available unit if they fear for their life or safety. Under HUD's model emergency transfer plan:

- a victim is allowed to self-certify their need for an emergency transfer so that documentation is not a barrier to protecting their immediate safety;
- allows the victim to determine what is a safe unit for purposes of the transfer;
- requires landlords to allow a victim to move immediately if there is a safe and available unit that does not require the victim to undergo an application process;
- requires the landlord to explain the efforts they will take when there is not a safe and available unit available for an emergency transfer and encourages landlords to partner with victim services and other landlords to assist the victim; and
- requires landlords to document and report to HUD annually all requests for emergency transfers and the outcome.

Protections Against Adverse Effects – The new rule ensures that landlords do not deny housing to victims based solely on adverse factors that are the result of the domestic violence. For example, landlords should not consider criminal convictions or poor credit that was a result of the violence.

Low Barrier Certification Process – The final rule makes it clear that in most cases, the victim only needs to self-certify in order to protect exercise their rights under the VAWA.

Note from the Editor: This month's newsletter is a collection of articles on fair housing cases, settlements and newsworthy events. If you are interested in learning about a particular topic, please let me know and I will consider your topic for an article or webinar.



In the News

Louisiana Housing Authority Settles Race and Disability Claim

The Department of Justice announced it has settled a fair housing case with the Bossier City, Louisiana Housing Authority. The case alleges the Housing Authority assigned elderly residents to housing on the basis of race, rather than by their place on the waiting list and restricted residents with disabilities primarily to one apartment complex. The Housing Authority has agreed to pay \$120,000.

Justice Department Weighs in On Criminal Background Case

The U.S Department of Justice has filed a statement of interest in a New York case involving a no-felony policy. The case was originally brought by an organization that helps formally incarcerated individuals find housing. It sued a New York landlord who refused to accept applicants with a criminal background. The allegation is that a blanket no-felony policy discriminates against African American and Hispanics. As part of the litigation process, both parties asked the court to enter judgment in their favor before trial. The Justice Department made the decision to weigh in on the matter by giving the judge its opinion. The purpose of the statement of interest was to assist the court in evaluating whether a housing provider's policy that considers criminal records in an application process produces unlawful discriminatory effects in violation of the Fair Housing Act. The Justice Department's position is that such policies violate the Fair Housing Act and that "women and men who have served their time and have paid their debt to society need a place to live." A position that runs afoul of many landlord policies.

Discrimination Lawsuit filed against Florida Mobile Home Park

The U.S. Department of Justice has filed a lawsuit against a Florida mobile home park alleging it discriminated against African Americans in violation of the Fair Housing Act. The lawsuit alleges the manager falsely told African Americans that no or fewer mobile homes were immediately available for sale but told similarly situated white persons that more mobile homes were available. The lawsuit is asking for money to compensate the victims, civil penalties to vindicate the public interest and a court order barring future discrimination.

Legally Managing Common Areas Webinar

Wednesday, November 16, 2016
10:00 a.m - 11:00 a.m. Central

\$24.99

As the seasons change and it cools off, residents are out and about on the property; riding bikes; cooking out; having parties; and using the property's common areas. What could go wrong? Plenty.

In this webinar, we will discuss rules that may violate fair housing laws including limiting children's activities. We will also look at some best practices when handling religious, cultural and accommodation issues. Our topics will include:

- Child Restrictive Rules & Policies
- Religious/Cultural Issues
- Too Little Clothing
- Animals in Common Areas
- Accommodating the Disabled

Please join us for this webinar.

Register at:
www.angelitafisherlaw.com/fair-housing.html

Occupancy Standards Case Settles

The U.S. Department of Justice has settled an occupancy standards case involving allegations of familial status discrimination. The case started last November in Michigan. After receiving complaints of discrimination, the Fair Housing Center of Southeastern Michigan sent testers posing as prospective residents inquiring about renting one-bedroom apartments. Testers were told that if they had children, they were not allowed to rent a one-bedroom unit. As part of the settlement, the landlord will start a fund of \$20,000 to compensate victims of the discrimination and pay \$5,000 in civil penalties to the United States.

Justice Department Sues Owners, Builders and Designer of Washington Apartment Complex

On October 31, the U.S. Justice Department announced it has filed suit against the owners, builders and designer of a Washington apartment complex alleging disability discrimination. The suit involves housing situated near Central Washington University which is designed to house students. Problem is - the housing is not accessible for those with disabilities. The Fair Housing Act requires all multi-family housing constructed after March 12, 1991, to have basic accessibility features including accessible routes without steps to all ground floor units.

The original complaint was filed with HUD by the Northwest Fair Housing Alliance. HUD found evidence the owners, builders and designer had violated the Fair Housing Act. The HUD complaint alleged the property had barriers that denied equal access to the ground floor units and associated public and common use areas. The specific allegations in the lawsuit include: inaccessible building entrances; inaccessible knob hardware throughout the buildings; inaccessible electrical outlets; inaccessible laundry facilities; inaccessible bathrooms; and inaccessible walk-in closets.

The lawsuit is asking for monetary damages and an order requiring the property be retrofitted to bring it in compliance with the Fair Housing Act.



Housing Crossroads Webinar

Domestic Violence

Wednesday, November 30, 2016
10:00 a.m. - 11:30 a.m. Central

Domestic violence can happen anywhere. But, when it involves a resident at one of your properties, domestic violence can invoke many different laws including fair housing disparate impact claims, the Violence Against Women’s Act and the new TN Domestic Violence law. In this webinar, we will discuss the different laws landlords should consider when dealing with a victim of domestic violence and what to do when the laws overlap. Our discussion will include:

- Tennessee Domestic Violence Law
- Violence Against Women’s Act
- Disparate Impact Claims
- Requesting the “Right” Documentation
- And Much, Much, More

\$34.99
Register
[Click Here](#)

Join us for what is sure to be a lively discussion with three of Nashville's leading attorneys on the subject. **This webinar has been approved for 1.5 hours of Continuing Legal Education in Tennessee.**



M. Wesley Hall, III
Hall & Associates



Nathan Lybarger
Hall & Associates



Angelita Fisher
Law Office of AEF