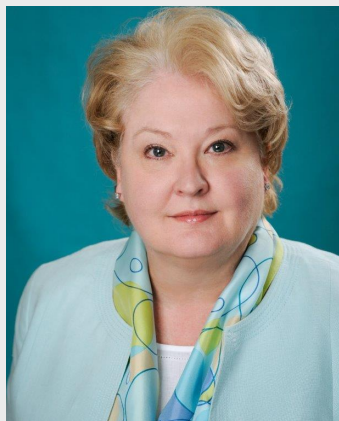




# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



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## Refusal to Allow Visitor's Support Animal Results in HUD Charge

A Florida Management Company is defending a fair housing Charge after it denied a resident's disabled cousin the right to bring her support animal on the property and asked for too much medical information. The property had a no-dog policy but, made reasonable accommodations for assistance animals. The reasonable accommodation policy required the following documents:

- A letter from a licensed health care provider establishing the disability and stating:
  - A. The medical diagnosis and the length of time that the person seeking the accommodation has suffered from the condition;
  - B. The nature of the disability and how the impairment substantially limits one or more major life activities (such as walking, seeing, working, learning, washing, dressing, etc.)
  - C. The person's prior treatment for the disability, including a statement as to prior hospitalizations, prescribed medications and other components of the treatment plan, including the time periods related to the treatment;
  - D. A statement as to why the assistive animal is necessary in order to use the unit.
- Documents showing that the assistive animal has been individually trained;
- A veterinarian's certificate that the assistive animal has received all necessary immunizations and other required shots and that the assistive animal is in satisfactory physical condition;
- A photograph of the assistive animal standing next to the person seeking the accommodation; and
- Such other information as the Board of Directors may reasonably require to determine whether a reasonable accommodation for the assistive animal is required.

*Visitor's Companion Animal: Continued on next page.*

Note from the Editor: As 2016 winds down, I would like to thank all of you for your interest in my fair housing newsletter. I hope your Holidays are filled with peace and joy and 2017 is a prosperous year.



## In the News

### **Denial of a Transfer Costs \$12,614**

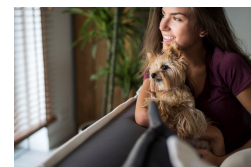
The U.S. Department of Housing and Urban Development has announced it has entered into a Voluntary Compliance Agreement with four Massachusetts realty management companies after it found the companies discriminated against a resident with disabilities by denying her the reasonable accommodation of a transfer to an accessible unit. Under the agreement, the management companies agreed to pay \$12,614 to the resident, draft a reasonable accommodation policy, train staff and hire a contractor to assess and improve unit accessibility.

### *Visitor's Companion Animal: Continued from page 1*

A resident requested her disabled cousin be allowed to bring her emotional support animal to the resident's home for Thanksgiving dinner. The resident completed the accommodation request form and provided two letters from health care providers about the necessity of the animal. The management company denied the request. At no point did the management company attempt to discuss the issue with the resident. The resident's cousin attempted to visit the property with the animal for Thanksgiving dinner, even after her request was denied. The cousin was turned away by employees of the management company.

Several months later, the resident made another request to visit the property with her support animal. At that time, the management company told the cousin she could visit with the dog, but the dog had to be carried into the building and hidden from sight. The cousin did not attempt to visit the property. Instead, she filed a fair housing complaint with the U.S. Department of Housing and Urban Development.

After investigation, HUD determined there was reason to believe the management company had violated fair housing laws and issued a Charge. The allegations in the Charge are twofold: 1. The cousin was unlawfully denied the right to bring her support dog onto the property; and 2. The management company was asking for too much medical information in its accommodation policy. The Charge will now be heard by an Administrative Law Judge unless one of the parties decides to have the case moved to federal court.



### **Fair Housing Webinar Asked and Answered: Top 10 Fair Housing Questions Staff Need Answered Wednesday, December 14, 2016 10:00 a.m - 11:00 a.m. Central**

Let's face it - fair housing laws are complicated and always changing. We all have questions. Through the years, the same questions seem to come up time after time. In this month's webinar, we will discuss some of the more common questions that staff have about fair housing. We will answer:

1. What medical information may I ask for if someone requests a companion animal?
2. What if the applicant's companion animal turns out to be a dangerous breed?
3. May I still refuse an applicant with a felony?
4. Is the two-person per bedroom still the occupancy standard?
5. Can I evict someone who is a chronic complainer?
6. May I still non-renew a resident without giving them a reason?
7. How long do I need to keep a former resident's file?
8. Does a live-in caregiver have to pass a background check?
9. Am I required to tow someone who parks in a resident's reserved spot?
10. How can I stop a resident from bullying the management staff?

**\$24.99**

Register at:  
[www.angelitafisherlaw.com/fair-housing.html](http://www.angelitafisherlaw.com/fair-housing.html)

### **Mother and Daughter Receive \$17,500 for Disability Discrimination**

A California landlord has agreed to settle a fair housing complaint filed by a mother and daughter who claimed they were discriminated against based on their disabilities. The mother and daughter alleged the landlord refused their requests for reasonable accommodations. The mother was mobility impaired and the daughter had a respiratory disability. The mother asked to be moved to a different first-floor apartment with no carpet and for a designated accessible parking space next to their unit. The daughter needed a different apartment because the apartment they were occupying was allegedly infested with mold. The landlord denied the requests and the mother and daughter went to the U.S. Department of Housing and Urban Development. The landlord has agreed to pay \$17,500 to the mother and daughter, replace the carpet with different flooring, eradicate the mold and dirt in the unit and add an accessible curb cut next to a parking space that was provided after the mother and daughter filed the complaint.

**California Landlord Agrees to Pay \$15,000 for Refusing Live-In Aide**

A Los Angeles landlord has agreed to settle a fair housing complaint brought by a resident who was denied an accommodation. According to the HUD complaint, the resident requested his daughter be allowed to live with him as a live-in aide. The landlord not only denied the request, but told the resident that if he was sick, he should not be living at the property and that if he needed assistance during the night, he should call 911. The landlord also checked on the resident nightly to see if he secretly let someone spend the night. This resulted in the resident’s daughter shuttling the resident back and forth from his apartment to her home. In the settlement, the landlord has agreed to pay \$15,000, allow the daughter to live with the resident as a live-in aide, and participate in fair housing training.

**Illinois City Sued for Denying Low-Income Housing Approval**

The U.S. Department of Justice has filed a fair housing lawsuit against Tinley Park, Illinois, a suburb of Chicago. The complaint alleges the city refused to approve a 47-unit Low Income Housing Tax Credit property to be built in the downtown area in response to vocal and at times, race-based community opposition. The lawsuit seeks monetary damages for persons harmed by the city and a civil penalty.



**Housing Crossroads Webinar**

**When is a Complaint more than just a Complaint?**

*Recognizing resident complaints that have legal implications for landlords.*

**Wednesday, January 25, 2017  
10:00 a.m. - 11:30 a.m. Central**

Every property has a resident who continually makes complaints about everything. The question is - when should you take it seriously? Ignoring some complaints can land a landlord in hot water legally. Some complaints carry with them an obligation to investigate and act upon the evidence obtained. In this webinar, we will discuss how to recognize resident complaints that can get landlords in trouble. Our discussion will include:

- Written or Oral Complaints
- Maintenance Complaints
- Complaints Involving Failure to Fulfill Obligations
- Essential Services Interruption Complaints
- Harassment/Discrimination Complaints

**\$34.99**  
**Register**  
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**M. Wesley Hall, III**  
Hall & Associates



**Nathan Lybarger**  
Hall & Associates



**Angelita Fisher**  
Law Office of AEF

## In the News

### ***Familial Status and Disability Discrimination Cost \$70,000***

An owner and management company have agreed to settle a claim they discriminated against families with children and the disabled. The claim arose when a family with a toddler was told by the apartment manager that they did not rent to families with children. The family made a complaint with the Denver Metro Fair Housing Center. When the Center subsequently sent testers to the property, the testers were told the property had a “no kids” policy and did not accept children. Another tester posing as a deaf person was told the property did not allow service animals and was told “if you are deaf I don’t think this is the place for you.” The owner and management company have agreed to pay \$70,000, provide fair housing training and include explicit language in all future ads encouraging families with children and people with disabilities to apply.



### ***No Slide Rule Lands HOA in Trouble***

A fair housing complaint has been filed against a Georgia homeowner association after it refused to allow a family to put up a play set or slide in their backyard. The case began when the family submitted a request to the homeowner association architectural/landscape committee to install a play structure in their backyard. The HOA denied the request and immediately approved a ban of play structures in homeowners’ yards. The only reason for the new rule was that there were many elderly residents in the community. Without approval, the homeowner attached a slide to their back deck. The HOA fined the homeowners \$25 a day for the slide. The fines resulted in the homeowner eventually owing \$2,300 to the HOA. The homeowner filed a fair housing complaint with the U.S. Department of Housing and Urban Development alleging discrimination based on familial status. HUD investigated and agreed the HOA was discriminating against families with children. An official Charge has been filed.

### ***Smoke-Free Housing***

The U.S. Department of Housing and Urban Development has announced that public housing developments in the U.S. will now be required to provide a smoke-free environment. The final rule was issued on November 30, 2016. All lit tobacco products are prohibited in all living units, indoor common areas, administrative offices and all outdoor areas within 25 feet of housing and administrative office buildings. HUD estimates that the smoke-free rule will reduce damage and maintenance costs associated with smoking as well as provide residents with a healthier community.