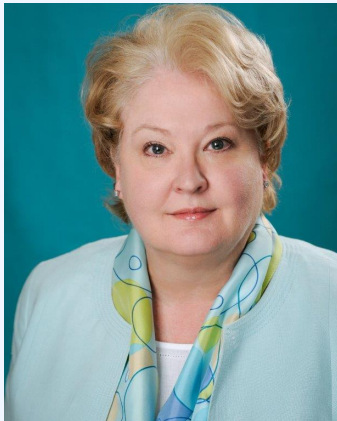




Fair Housing Newsletter

Keeping you current on fair housing news and issues



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Angelita Fisher is an attorney in the Nashville, TN area. She has over 16 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.

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Lesbian Couple's Fair Housing Case Dismissed

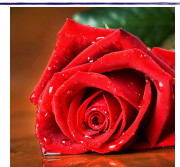
A Missouri Court has dismissed a lesbian couple's fair housing case because sexual orientation is not a protected class under the Fair Housing Act. The case began when a legally married lesbian couple applied to live in a senior living center. Their application was rejected because the couple did not meet the definition of a married couple under the senior living center's policy.

The couple had been together almost 40 years. They decided to move from their single-family home to a senior living center. They applied, paid a deposit and waited. The facility called the couple and asked about their relationship. The couple told the facility they were married. The facility declined their application because the facilities Cohabitation Policy did not allow them to share a single residency.

The Cohabitation Policy states that only spouses, siblings, and parents and children can live together. The policy defines "spouses" only as heterosexual couples. It defines the term "marriage" as the union of one man and one woman, as marriage is "understood in the Bible."

The couple sued under federal fair housing laws but the judge dismissed the case. The U.S. District Judge held that their complaint was really about sexual orientation, which is not protected under the Fair Housing Act. The couple disagree with the decision arguing that if one of them was a man, they would not have been turned down and thus, the discrimination is based on gender – not sexual orientation. No word as to whether the couple intends to appeal the case.

Note From the Editor: Fair Housing News was in short supply during the partial Government shutdown. They are back to work now and we should have more news to share next month.



Georgia State Committee Looks to Cut Down on ‘Fake Service Animals’

The Georgia Senate Study Committee is attempting to address concerns about people passing off their pets as trained service or emotional support animals to gain access to public spaces that typically ban them, particularly restaurants and airlines. According to one State Senator, Kay Kirkpatrick, the issues often happen with pet dogs which cause safety issues or disruptions. Senator Kirkpatrick commented that “people can buy certifications and vests for their pet online with little regulation, which are sometimes used to circumvent apartment pet bans or fees.”

The Committee has been formed to research possibly creating a uniform certification process or criminalizing the use of a fake service animal. The Committee’s final report was issued in January. The report called for more awareness about the difference between “service animals” and “emotional support animals.” Recommendations include, drafting legislation that calls for public service announcements, and guidance for restaurants, grocery stores and apartments on the difference between the types of animals “as well as the fraudulent misrepresentation of such terms and meanings,” the report stated.

Other states, have passed legislation making it unlawful to represent a pet as a service animal, while others, including Tennessee, have pending legislation.



\$2 Billion in HUD Funds Go to Homeless Programs

The U.S. Department of Housing and Urban Development has awarded approximately \$2 billion to renew support to thousands of local homeless assistance programs across the nation. HUD's Continuum of Care grant money will provide critically needed support to 5,800 local programs on the front lines of serving individuals and families experiencing homelessness.

HUD’s Continuum of Care funding supports a broad array of interventions designed to assist individuals and families experiencing homelessness, particularly those living in places not meant for habitation, located in sheltering programs, or at imminent risk of becoming homeless. Each year, HUD serves more than a million people through emergency shelter, transitional, and permanent housing programs.

Close to home: Alabama programs received over \$15 million; Tennessee programs received almost \$20 million; Indiana programs received over \$18 million; and Georgia programs received almost \$40 million. Click her to [View a complete list of all the state and local homeless projects](#)



HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

Addenda - Getting the Right Fit

Wednesday, February 27, 2019

10:00 am to 11:30 am central

Along with your lease, every landlord should be reviewing and updating their addenda. In this webinar, we will discuss some of the most common addenda, the latest cases on the addenda topics, and ways to best enforce the addenda. Our discussion will include addenda related to:

- Crime-Free Neighborhoods
- Pet
- Mold
- Non-Smoking
- Utilities
- Bed Bugs
- Rules & Regulations

\$34.99
[Register](#)
[Now](#)

Housing Crossroads webinars give participants a realistic view of issues facing landlords today and how the issues can run afoul of landlord tenant and fair housing laws.



Nathan Lybarger

Law Office of Hall & Associates

Speakers



Angelita Fisher

Law Office of Angelita E. Fisher

No Children Rule Costs Landlord Almost \$16,000

The U.S. Court of Appeals for the Eleventh Circuit has entered an order upholding and enforcing an agency order from the U.S. Department of Housing and Urban Development holding a landlord liable for refusing to rent to families with children.

The case began when a Georgia Mother saw a “For Rent” sign in the window of a house. She called the number listed on the sign and asked for an application. The landlord emailed a blank application and asked the mother to complete the form and mail it back. The mother partially completed the application and emailed it back to the landlord.

Sometime later, having received no response, the mother called the number again and spoke with the landlord to ask about the status of the application. This time, the landlord asked if the mother had a teenage son. After the mother confirmed that she had a teenage son, the landlord informed her that the owners would not rent to anyone with children because they had problems in the past with residents who had children.

The mother filed a fair housing complaint with HUD which was eventually heard by an Administrative Law Judge. During the case, the mother found out the landlord had also entered into two previous leases that specifically designated, “NO CHILDREN.” After a two-day trial, the judge held in favor of the Mother. She was awarded \$3,000 for emotional distress and \$934 for out-of-pocket expenses. In addition, the judge ordered the landlord to pay an \$8,000 civil penalty to the government. The Eleventh Circuit upheld the order.

New Louisiana Law Penalizes Landlords Who Unlawfully Keep Deposits

The Louisiana Legislature, with assistance from the New Orleans Fair Housing Action Center, passed a new law that raises the penalty for landlords who keep security deposits without good reason. The law increases the amount a tenant can receive if they win their case to three times the amount of the withheld deposit.

For example, if a landlord refuses to return \$800 of a security deposit, even though the tenant left the unit in good condition, the tenant can file a suit in small claims court. The tenant can win back the original \$800 that was wrongfully withheld, plus twice that amount (or \$1,600), for a total of \$2,400.

For the tenant, they only need to:

- Move out after January 1st, 2019;
- Request their security deposit back in writing;
- Provided a forwarding address; and
- Believe that the deposit is not being withheld for good reason, like damage to the property.

If the landlord does not return the deposit within 30 days of being notified, the tenant may be able to recover three times the amount of the deposit. The law became effective January 1, 2019.

Annual Fair Housing Three-Part Webinar Series

February 6, 2019: Fair Housing Fundamentals

February 13, 2019: Common Fair Housing Issues

February 20, 2019: Making an Accommodation or Modification

**Register for All Three
Webinars**

Fair Housing Fundamentals

Wednesday, February 6, 2019
10:00 a.m. to 11:00 a.m. Central

Knowing the basic fundamentals of fair housing laws will assist owners, managers and staff in making better decisions on what law may apply to their residents and what actions may violate fair housing laws. In this webinar, we will discuss the basics of fair housing laws and the process by which residents may make complaints. Our discussion will include:

- The Protected Classes
- Types of Discrimination/Harassment
- The Complaint Process
- Retaliation

Register Now
\$24.99

Common Fair Housing Issues

Wednesday, February 13, 2019
10:00 a.m. to 11:00 a.m. Central

Certain issues in fair housing arise time and again. It is important for managers and staff to know the correct steps to take before the problem arises. In this webinar, we will discuss the current status of the law on common fair housing problems. Our discussion will include:

- Familial Status: Occupancy Standards and Child-Restrictive Rules
- Sex/Gender: Harassment, Gender Stereotype, and Domestic Violence
- Race/National Origin: Arrest and Convictions, and Source of Income
- Religion: Community Events & Rules, and Complaints from Other Residents

**Register
Now**

Making an Accommodation or Modification

Wednesday, February 20, 2019
10:00 a.m. to 11:00 a.m. Central

Residents who are disabled file more fair housing complaints than all other protected classes combined. Why? Maybe because the accommodation process is easy to mess up. In this webinar, we will talk about a landlord's requirement to reasonably accommodate as well as some of the most common accommodation requests. Our discussion will include:

- Knowing the Difference between an Accommodation and Modification
- Paying for the Accommodation/Modification
- Getting the Paperwork Right
- Common Accommodations

Register Now
\$24.99