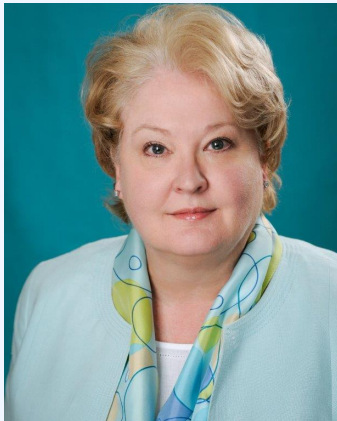




Fair Housing Newsletter

Keeping you current on fair housing news and issues



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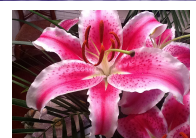
Case Alleging No Elevators for a Year Costs Landlord Almost \$885K

Problem with the elevators? Don't let them linger. It can be costly. The U.S. Department of Housing and Urban Development announced an agreement between the Puerto Rico Housing Authority and disabled residents to resolve allegations the housing development was inaccessible to persons with disabilities for more than a year because of inoperable elevators. In addition, there were allegations the Housing Authority refused to accommodate residents by moving them to first floor units, and a claim that one elderly resident suffered an injury while climbing the stairs.



Under the terms of the agreement, the Housing Authority will spend \$884,640 to repair existing inoperable elevators, install six new elevators, and pay \$23,760 to the four residents who filed the initial complaints. In addition, \$32,400 will be paid to 16 other residents with disabilities who were harmed by the elevator outages. The agreement also calls for a new educational technology center at the complex, improvements to the children's playground, and the creation of a \$20,000 Victim's Fund to compensate other disabled family members who have not yet been identified.

Note From the Editor: Once again, a sexual harassment case is in the news. If you need guidance on identifying or investigating a sexual harassment case, register for this month's Fair Housing Webinar on page four.



DOJ Sues Owners and Developers of 82 Apartment Complexes

The U.S. Department of Justice and the U.S. Attorney's Office for the Southern District of Ohio has filed a lawsuit against the owners, developers and builders of 82 multifamily housing complexes located in Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, Texas and West Virginia. The lawsuit alleges the owners, developers and builders failed to design and construct the apartments and other facilities in compliance with the Fair Housing Act and the Americans with Disabilities Act. The 82 complexes contain more than 3,000 units that are required by the FHA to have accessible features, and most contain public spaces that are required to comply with the ADA.



The lawsuit alleges that the 82 properties, which received Low-Income Housing Tax Credits or other federal financial assistance, have significant accessibility barriers, including steps leading to building entrances; non-existent or excessively sloped pedestrian routes from apartment units to site amenities (e.g., picnic areas, dumpsters, clubhouse/leasing offices); inaccessible parking; inaccessible bathrooms and kitchens; inaccessible door hardware; and insufficient maneuvering space at unit entrances and entrances to common use areas, that make those entrances inaccessible to many people with disabilities. The lawsuit seeks to have the properties brought into compliance, money for anyone harmed, civil penalties, and prohibitions against the owners, developers, and builders from designing or constructing future residential properties in a manner that discriminates against persons with disabilities.

In sum, if the 82 properties do not conform to the fair housing guidelines, the owners, developers, and builders will be required to spend an enormous amount of money and time to renovate the properties.

U.S. House of Representatives Passes Equality Act

The U.S. House of Representatives have voted and passed the Equality Act. The Act would update U.S. law to prohibit discrimination in housing on the basis of sexual orientation and gender identity. Sexual orientation refers to straight, gay, lesbian or bi-sexual relationships, and gender identity refers people who identify as a woman, man, transgender or non-binary, according to GLAAD.

The Equality Act, if passed, would amend the Civil Rights Act of 1964 and the Fair Housing Act. The Act still needs to pass the Senate and be signed by the president to become law.





HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar Stop or Go?

Dealing with Fair Housing Complaints Filed in an Eviction

Wednesday, June 26, 2019

10:00 am to 11:30 am Central

As a landlord, you know you may evict a resident for non-payment of rent or for making threats to staff. But the resident sometimes muddies the waters when they file a fair housing complaint right before, during, or even after an eviction. What should you do? Go forward or back off? Non-renew the lease? What if the resident makes an accommodation request after you file for eviction?

This webinar will take you through four real-life scenarios where landlords are confronted with fair housing issues during the eviction process. We'll help owners and managers learn how these processes work, how to avoid common pitfalls, and what to expect procedurally when a Fair Housing Complaint and an eviction filing coincide. Whenever it's filed, Fair Housing Complaints demand thorough analysis. This is all the more important when eviction is imminent. Don't get caught unprepared!

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



Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
Law Office of Angelita E.
Fisher

Sexual Harassment Case Settles for \$37,000

A case alleging a Minneapolis property owner sexually harassed a female tenant has settled. The resident filed a complaint with the U.S. Department of Housing and Urban Development alleging the owner sexually harassed her while she was living in one of his apartments. Specifically, the woman alleged that on numerous occasions during her tenancy, the landlord requested sex from her in exchange for a reduction in her rent.

Under the terms of the agreement, the landlord will pay \$30,000 to the woman and \$7,000 to her attorney. The agreement also requires that the landlord contract with a licensed, independent third-party real estate management company to manage all of his residential properties for the next five years. The landlord has denied the allegations.



Fair Housing Webinar Investigating and Responding to Harassment Complaints

Wednesday, June 12, 2019
10:00 a.m. - 11:00 a.m. Central

In October, 2017, the U.S. Department of Justice launched an initiative to fight sexual harassment in housing. In April, 2019, the DOJ announced that since launching the initiative, it has filed nine lawsuits alleging a pattern or practice of sexual harassment in housing. It has filed or settled 14 sexual harassment cases since January 2017, and has recovered over \$1.6 million for victims of sexual harassment in housing.

What does this mean for landlords? Time to brush up on harassment because HUD and human rights agencies will be looking closely at these allegations and you could be held personally liable. In this webinar, we will discuss the DOJ initiative along with practical steps to take if you receive a harassment complaint. Our discussion will include:

- DOJ's Initiative on Sexual Harassment in Housing
- Recognizing Harassment that May Violate Fair Housing Laws
- Investigating the Complaint
- Stopping the Harassment
- Recent Harassment Cases

\$24.99
[Register Now](#)

HUD Charges Alabama Landlords with Discrimination

The U.S. Department of Housing and Urban Development has charged a property owner and manager in Mobile, Alabama with violating the Fair Housing Act for allegedly refusing to accommodate the needs of a disabled resident.

The original HUD complaint was filed by a resident with a mobility disability. The complaint alleged that the owners and property manager denied the resident's multiple requests to move to a first-floor unit, even though the resident presented medical documentation attesting to his need for the accommodation. During the same period, management rented first-floor units to residents without disabilities. The disabled resident was forced to move to another apartment complex.

HUD investigated the complaint and found evidence the landlord and owner violated fair housing laws. Consequently, it filed a charge. The charge will be heard by a United States Administrative Law Judge unless either party elects for the case to be heard in federal court. If the administrative law judge finds that discrimination has occurred, he or she may award damages to the resident for his loss as a result of the discrimination, as well as attorney fees, and civil penalties.

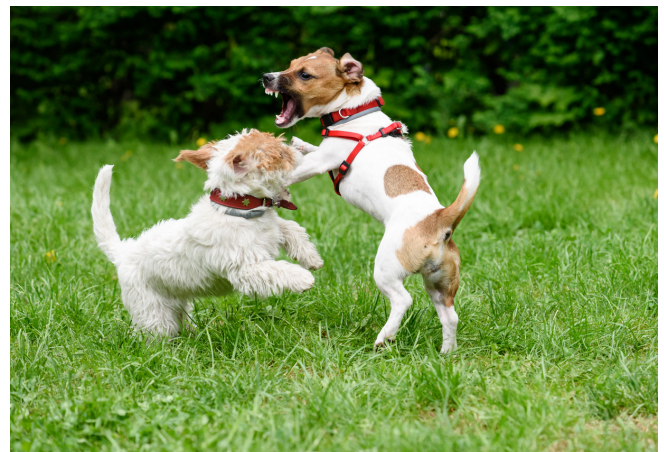
Aggressive Service Dog Is Not Reasonable

A Nevada Court has denied a resident's plea to stop his eviction and extend a previous restraining order against his landlord after it was shown the resident's service dog had an aggressive temperament.

The case began when a resident's authorized service dog died. When the resident replaced the service dog, the new dog was aggressive. It lunged at other residents, chased children and other dogs, and even bit at least one other dog. The landlord evicted the resident.

In response, the resident filed a federal lawsuit alleging his landlord was evicting him because he was disabled and had a service dog. The court issued a temporary restraining order stopping the eviction until counsel for both parties could appear and argue the case. In the interim, the court told the resident to keep a muzzle on his dog when it was on the property.

When the parties appeared again before the judge, the resident admitted he had not kept his dog muzzled. In addition, the landlord presented evidence that the dog had been aggressive. The court held that it is not "reasonable to require [the landlord] to accommodate a service dog that displays aggressive and dangerous behavior towards [the landlord's] other tenants." The restraining order was not extended and the eviction could move forward.



Occupancy Standard Case Gets Messy

When is a case really over? Well, for one Washington landlord – not until the training is over. In this case, a one-person per studio occupancy standard was held to be discriminatory in violation of the Fair Housing Act. In 2017, the court ordered the Washington landlord to pay \$100,000 in punitive damages, pay \$27,302 to the non-profit bringing the case, stop enforcing the occupancy standard policy and get fair housing training. Case closed? Not so fast.

Six months after the court ruled on the case, the non-profit sent testers to the property to see if the landlord would rent a studio apartment to a mother and young son. The answer was “no”. The non-profit tried again five months later. The mother and young son got the same answer – “no”.

When the parties appeared again in front of the judge, the fines got worse. This time, the judge ordered the landlord to pay an additional \$5,858.33 to the non-profit for the cost of testing and bringing the case back before the judge. It ordered the landlord to pay an additional \$5,000 penalty to coerce the landlord to bring his policies in compliance with the Fair Housing Act. In addition, it ordered the landlord to attend fair housing training on or before July 19, 2019 or be fined \$1,000 a day for each day after July 19, 2019, they did not attend training. A penalty no landlord could ignore.

In sum, a case is only over once all ordered terms have been met. Even then, the case may come up again if the landlord continues to have discriminatory policies.

Did You Know?

Fair Housing protections extend to those who are “associated” with a resident.

Charging Extra Rent for “Additional Family” Leads to Lawsuit

A Virginia landlord has been sued for asking for a few hundred dollars more for “additional family” living in the house. The house has five bedrooms, five-and-a-half baths and is 8,495 square feet. The landlord advertised the house for rent at \$3,750 a month.

When a man, his pregnant wife, five minor children and his parents wanted to rent the house for two or three years, the landlord told the man that he was “not interested in renting to a large family.” Later, the landlord came back and stated that he was willing to rent to the family if they paid a few hundred dollars more for the “additional family.” The landlord’s reason for the extra money was the extra wear and tear on the property. Eventually, the house was rented to a couple with two children.

The family sued for violations of the Fair Housing Act and the Virginia’s fair housing law. The landlord asked the court to dismiss the case. The court refused. It held the family had stated a cause of action that could go forward.