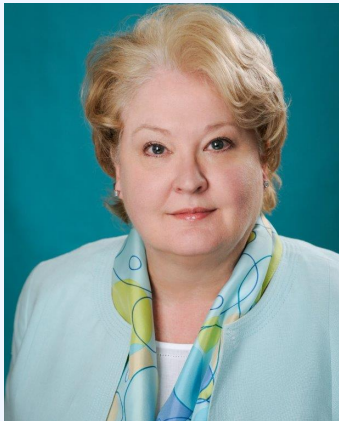




Fair Housing Newsletter

Keeping you current on fair housing news and issues



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HUD Issues Guidance on Assistance Animals

The U.S. Department of Housing and Urban Development has published a long-awaited guidance aimed at assisting landlords when assessing a resident's request to have an assistance animal.

As most landlords know, the Fair Housing Act prohibits discrimination in housing against individuals who have disabilities. The FHA requires landlords to allow a change or exception to a rule, policy, practice, or service that may be necessary to provide people with disabilities an equal opportunity to use and enjoy their home. A common reasonable accommodation is an exception to a no-pet policy. A person with a disability may require the assistance of an animal that does work, performs tasks, or provides therapeutic emotional support because of a disability.



This new guidance is meant to help landlords in the accommodation process by offering a step-by-step set of best practices for complying with the FHA when assessing accommodation requests involving animals. It also outlines information a resident may need to provide about his or her disability-related need for the requested accommodation, including supporting information from a health care professional.

Continued on Page 2: HUD Guidance

Note From the Editor: February may be the month for love, but it is also the month for sexual harassment cases. Keep reading this month's newsletter to find out about the most recent harassment cases. Then call to schedule your sexual harassment training.

Continued From Page 1: HUD Guidance

In addition, the new guidance provides information on the types of animals that typically may be appropriate and best practices for when the requested animal is one that is not traditionally kept in the home. It also provides information for both housing providers and persons with disabilities regarding the reliability of documentation of a disability or disability-related need for an animal that is obtained from third parties, including internet-based services offering animal certifications or registrations for purchase.

For additional information on HUD's new guidance, please join our webinar on February 12, 2020. You may register by clicking on the link on page four in this newsletter or going to my website at <https://www.angelitafisherlaw.com/> and clicking on the website page. You may obtain a copy of the new guidance by going to HUD's website at https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_013.

DOJ Settles Sexual Harassment Lawsuit Against Kansas Landlords

The U.S. Department of Justice has announced two co-owners of a Kansas residential property have agreed to pay damages and civil penalties to resolve a Fair Housing lawsuit alleging one of the owners sexually harassed numerous female residents.

Under the consent order the landlords are required to pay a total of \$160,000, which includes \$155,000 in monetary damages to eleven former residents who were harmed as a result of the sexual harassment, and a \$5,000 civil penalty. The consent order also bars the landlords from renting or managing residential properties in the future.

The lawsuit arose from two HUD complaints filed in 2017. The lawsuit alleged one owner sexually harassed multiple female residents at the rental properties from at least 2009. The alleged harassment included: making unwelcome sexual advances and comments; engaging in unwanted sexual touching; and terminating the tenancies of women who refused to engage in sexual conduct with the owner.

In October 2017, the DOJ launched an initiative to combat sexual harassment in housing. Since launching the initiative, according to news releases, the DOJ has filed 13 new lawsuits alleging sexual harassment in housing. The DOJ has filed or settled 18 sexual harassment cases since January 2017, and has recovered over \$2.7 million for victims of sexual harassment in housing.



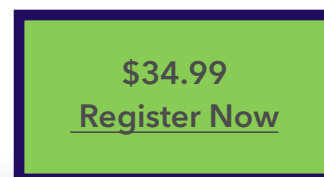


HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar Requesting and Protecting Your Residents' Private Information

Thursday, February 27, 2020
10:00 a.m. - 11:30 a.m. central



Landlords collect personal and private information on each and every resident. From credit reports to social security numbers, chances are there is a file with information that, if misplaced or stolen, could result in legal trouble.

In this webinar, we will discuss the private information landlords are entitled to request during the application process as well as the accommodation process. We will also discuss some best practices on retaining that information and answering questions from others about residents. Our discussion will include:

- Information you May or May Not Request in the Application or Accommodation Process
- Retaining Private Information under the FHA and VAWA
- Reacting to the Loss of Personal Information
- Answering Question from Other Residents
- Addressing Requests During the 2020 Census



Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
Law Office of Angelita E.
Fisher

DOJ Files Another Sexual Harassment Lawsuit

The U.S. Department of Justice has filed a lawsuit alleging female residents in Los Angeles apartments were subjected to sexual harassment and retaliation in violation of the Fair Housing Act.

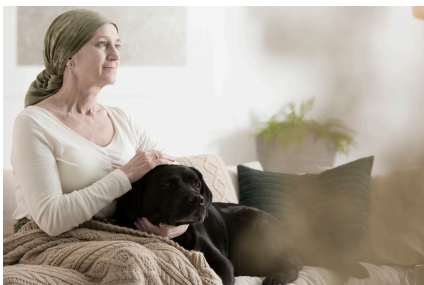
The lawsuit alleges the property manager sexually harassed female residents at the L.A. rental properties since at least 2006. According to the complaint, the manager engaged in harassment that included: unwanted sexual touching; sexual assault; unwelcome sexual advances; sexual comments; offering to exchange sex for rent; and entering the homes of female tenants without their consent.

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



Fair Housing Webinar

HUD's Guidance on Animals As Accommodations Under the Fair Housing Act



Wednesday, February 12, 2020
10:00 a.m. - 11:00 a.m. Central

On January 29, 2020, the Department of Housing and Urban Development released its long-awaited guidance on the use of animals as accommodations under the Fair Housing Act. The guidance provides landlords with a set of best practices for complying with the FHA when faced with requests for accommodations to keep animals in a rental home or apartment. It is also meant to assist landlords distinguish between a person with a non-obvious disability who has a legitimate need for an animal and a person without a disability who simply wants to have a pet or avoid the costs and limitations imposed by pet policies such as deposits and fees.

In this webinar, we will review the new Guidance including:

- Definitions
- Eight Specific Questions to Ask
- Distinguishing between Service and Companion Animals
- Internet Documents
- Unique Animals
- Documenting the Individual's Need

\$24.99

[Register Now](#)

Federal Census and Multi-Family Housing

The federal census will begin soon. For multi-family housing providers, that means you may be asked for information about your residents from a census-worker. Here are some points to remember:

1. Ask to see the census-worker's badge. Make sure they are who they claim to be.
2. Federal Law requires you provide:
 - a. the names of the occupants of each unit;
 - b. the number of persons "having their usual place of abode" in the premises; and
 - c. allow the census-worker free access to the property's common areas so the census-worker may personally call upon each apartment.
3. You are not required, and should never provide, access to any apartment.
4. While a census-worker may request more information, the law does not require you provide anything beyond the names and number of occupants.
5. Call you attorney when in doubt. Failure to cooperate with the legal requirements, could result in a fine of \$500.00 per offense.

HUD Publishes New Affirmatively Furthering Fair Housing Rule

The U.S. Department of Housing and Urban Development published its proposed new Affirmatively Furthering Fair Housing (AFFH) rule, which, according to the news release, "offers clearer guidance to states and local governments to help them improve affordable housing choices in their community."

By way of background, on July 16, 2015, HUD published a final AFFH rule. The purpose of the rule was to provide HUD program participants with a planning approach to assist them in meeting their legal obligation to affirmatively further fair housing. Since then, HUD believes the rule has been "ineffective, highly prescriptive, and effectively discouraged the production of affordable housing."

In January 2018, HUD suspended the obligation of local governments to file plans under the regulation and, in May 2018, withdrew a computer assessment tool required to be used by local governments in preparing those plans due to confusion, errors, difficulty in the use, and unacceptable results.

Fast forward to January, 2020. The new AFFH rule, according to Secretary Ben Carson, will fix the problems and give localities more flexibility to devise housing plans that fit their needs. According to Carson, "Mayors know their communities best, so we are empowering them to make housing decisions that meet their unique needs, not a mandate from the federal government."

The National Fair Housing Alliance opposes the proposed change. It stated in a press release, "What HUD has released is not a rule to affirmatively further fair housing. It significantly weakens fair housing compliance, entrenches segregated housing patterns, and continues the status quo in which some communities are strengthened by taxpayer-supported programs and amenities while other neighborhoods are starved and deprived of opportunities." "HUD should abandon this misguided effort and reinstitute the AFFH rule it adopted in 2015."

Regardless which side you are on, HUD will propose a revised final AFFH rule after reviewing public comments and conducting listening sessions across the country.

Fair Housing Webinar: Three Part Series:

March 11, 18 & 25, 2020 from 10:00 a.m. - 11:00 a.m. central

[Register for All Three Webinars: \\$64,99](#)

Fair Housing Fundamentals:

Wednesday, March 11, 2020 from 10:00 a.m. -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, the protected classes, the process by which residents may make complaints and retaliation.

[Register for March 11, 2020 Webinar Only \\$24.99](#)

Common Fair Housing Complaints:

Wednesday, March 18, 2020 from 10:00 a.m. - 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 complaints.

[Register for March 18, 2020 Webinar Only \\$24.99](#)

Understanding Accommodations & Modifications:

Wednesday, March 25, 2020 from 10:00 a.m. - 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, documentation and some of the most common accommodation requests including animals, hoarders and parking.

[Register for March 25, 2020 Webinar Only \\$24.99](#)