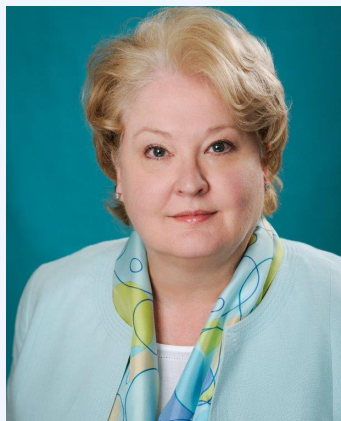




Fair Housing Newsletter

Keeping you current on fair housing news and issues



 LAW OFFICE OF
ANGELITA E. FISHER

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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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6688 Nolensville Road
Suite 108-161
Brentwood, TN 37027

615-305-2803

afisher@angelitafisherlaw.com

www.angelitafisherlaw.com

Offer of Puke-Stained Carpet and a High Deposit Violated Fair Housing Laws

An Oregon Judge has held a landlord violated fair housing laws when he discouraged a family with a service dog from renting an apartment.



The case began when a family who had been living out of a hotel room applied for an apartment. The family told the landlord they owned a VA registered service animal which had been trained to assist a member of the family with diabetes, congestive heart failure, high blood pressure, vision impairment and difficulty walking and balancing. The landlord accepted pets, but did not want a 50-pound dog in the apartment – especially since the unit needed new carpet. He told the family they would need to pay a \$1,200 deposit and he would not replace the old and worn out, puke-stained carpet since they had a large service animal.

Stained Carpet: Continued on Page 2

Note From the Editor: Spring is just around the corner. If you are planning to spring clean around the office, remember to keep resident files for at least two years after the resident has moved for fair housing purposes. The two years does not include any time a fair housing complaint was being investigated.



In the News

More Time to Search for an Apartment May Be an Accommodation

The U.S. Department of Housing and Urban Development announced it has reached an agreement to settle a fair housing complaint against two California housing authorities. The complaint claims the housing authorities violated the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act when they denied a reasonable accommodation request by a resident who requested additional time to find housing that would accept her Housing Choice Voucher. Because the request was denied, the woman lost her voucher.

Under the settlement agreement, the housing authorities will pay the woman a total of \$10,000, her Housing Choice Voucher will be reenacted, and she will be provided more time to locate and lease housing.

Did you Know?

Requiring a resident to register their service animal with an on-line service may be a fair housing violation.

Stained Carpet: Continued from Page 1

A week later, the family called again and left a message stating they had given the dog away and still wanted to rent the apartment. The landlord refused to call the family back because he anticipated they would just move the dog in later and he would not be able to stop them. The family sued.

The Judge held the landlord was liable for fair housing violations because he admitted that he offered the family an apartment with puke-stained carpets and a high deposit because the family had a service dog. A hearing on damages will be set at a later date.

Tampa Man Pleads Guilty to Threatening Muslim Family

The U.S. Department of Justice has announced that a Tampa man plead guilty to threatening, intimidating, and interfering with a Muslim family's enjoyment of their housing rights. According to court documents, the Muslim family was doing a final walk-through of a home they had under contract to purchase when a man began yelled "this sale will not take place!" The man then threatened to burn down the house and told the family "You are not welcome here!" The family canceled the closing.

A sentencing date has not been set. The man faces a maximum punishment of 10 years in prison, up



to three years of supervised release, and a fine up to \$250,000.



HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

Damages and Deposits

March 28, 2018

10:00 a.m. - 11:30 a.m. Central

When are you allowed to charge a deposit? Are you sure you can deduct all damages from the deposit? As a landlord, answering these questions can be tricky. Answering them incorrectly can be illegal. In this webinar, we will discuss:

- When can a landlord require a deposit?
- When is a deposit prohibited?
- Legal requirements when accepting a deposit
- Process to properly retain the deposit
- Best practices for establishing and proving move out damages
- Deciding which damages can be recovered

This webinar will largely focus on the Tennessee Uniform Residential Landlord Tenant Act.

\$34.99
Register
Now



Nathan Lybarger
Hall & Associates



Angelita Fisher
Law Office of
Angelita E. Fisher

California Landlord Settles National Origin Complaint

The owner of a six-unit apartment complex in San Rafael, CA has agreed to pay \$27,200 to settle a fair housing complaint. The complaint alleged the landlord discriminated against a Hispanic family and forced them to leave the apartment complex.

It all started when the family reported they had problems with mold and moisture in their apartment. When they complained to the landlord, nothing was done - for years. Finally, the family was given permission to replace the moldy carpet with laminate but they were only partially reimbursed for materials.

Soon afterwards, the landlord began issuing the family warnings about noise from the family's child. The manager claimed the downstairs neighbors were complaining. Eventually, the landlord terminated the family's tenancy for noise claiming he could not rent the downstairs apartment because the family made too much noise. The family offered to move downstairs, but the landlord refused. The family ultimately relocated to a smaller and more expensive apartment that was in a less desirable neighborhood.

The family filed a fair housing complaint alleging they were evicted because they were Hispanic. The HUD investigation included testing the landlord to see if he treated Hispanics differently than non-Hispanics. He did. A Hispanic tester called the landlord to inquire about availability and was told there were no apartments available. The next day, a non-Hispanic tester called and was told two apartments were going to be available soon and offered a tour of the property. After the testing, the landlord decided to settle the complaint for \$27,200.

Blocking Affordable Housing Could Violate Fair Housing Laws

The U.S. Department of Justice is investigating the Louisville, KY Metro Council after it voted to block an affordable housing development for seniors. The question: Did they block the project because of discriminatory reasons?

The proposed project was for a 198-unit, four-story affordable senior housing facility in a relatively affluent part of town. Even though the City Planning Commission had voted to rezone the property so developers could go forward, the Metro Council voted to reject the rezoning and killed the project.

The proposed development had been controversial and many residents of the relatively affluent area spoke against it at public meetings arguing that it was too large or did not fit the aesthetics of the city. There were repeated references to "these people" when expressing opposition. Some concluded that the opposition was not about the building, but rather the people who would be living there.

Now the DOJ will investigate to determine if discrimination was the motivation behind the council's vote

Savannah Temporarily Suspends Crime-Free Housing Program

Having a crime-free neighborhood or property sounds great until you get a letter from a lawyer. Case-on-point: Savannah, Georgia. The City implemented a crime-free housing program that allowed rental property managers to deny housing to people with criminal backgrounds. That program has now been put on hold after the ACLU of Georgia, Georgia Legal Services and the Savannah-Chatham County Fair Housing Council sent a letter to police.

These groups believe the program's scope is too broad. They argue that under the crime-



free program, landlords can deny housing to an elderly person with a criminal history from his or her teenage years or block someone convicted to driving with an expired license. They believe the housing program prevents individuals who have already paid their debts from finding a new place to live. Not to mention, it may cause a disparate impact on African American and Hispanic men according to the HUD Guidance on the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions.

So, while the concept is good, these types of programs may lead to serious fair housing issues.

Court Considers Sexual Orientation Question

The U.S. Court of Appeals for the 7th Circuit is considering whether sexual orientation harassment by residents at a senior living center violates fair housing laws.

The case arose when 70-year-old Marsha Wetzel moved to a senior living facility in the Chicago area. She told her fellow residents she was a lesbian. In response, one resident told her that "homosexuals will burn in hell," while another rammed her with a walker. Other residents used homophobic slurs towards Marsha.

Sexual Orientation: Continued on Page 6

Sexual Orientation: Continued from Page 5

When Marsha complained to staff, the nursing home staff refused to address the harassment. Marsha sued.

The lower Illinois court dismissed the lawsuit without deciding if fair housing laws apply to a nursing home where one resident harasses another based on sexual orientation – a class not specifically protected under the Fair Housing Act. A three-judge panel at the 7th Circuit heard oral arguments in February. If the court reinstates the lawsuit, it could help establish that the federal Fair Housing Act protects individuals based on sexual orientation.



Fair Housing 2018 Three-Part Webinar Series

Fair Housing Fundamentals

Wednesday, March 7, 2018

10:00 a.m. - 11:00 a.m. Central Time

Sorry. Too Late

Common Fair Housing Problems

Wednesday, March 14, 2018

10:00 a.m. - 11:00 a.m. Central Time

[Register Now](#)
\$24.99

Making an Accommodation

Wednesday, March 21, 2018

10:00 a.m. - 11:00 a.m. Central Time

[Register Now](#)
\$24.99

All Three Webinars in Series

March 7, 2018 - Fair Housing Fundamentals

March 14, 2018 - Common Fair Housing Problems

March 21, 2018 - Making an Accommodation

[Register Now](#)
\$64.99