



Fair Housing Newsletter

Keeping you current on fair housing news and issues



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Using the Wrong Name is Not Proof of Discrimination

Ever forgotten to change the name in a letter and sent it out with the wrong name? Chances are, the answer is yes. Many of us have sent out a letter with the wrong name. But, did it result in a federal lawsuit? Probably not.

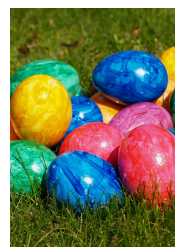


This was not the case when a Wisconsin Property Manager sent out a letter to a male resident with a female name – a federal lawsuit was filed.

The letter was routine. It concerned the annual rent recertification process. The letter began by stating the resident's correct name and address, but then referred to him as "Francesca." The resident was insulted and considered it a discriminatory act based on his sexual orientation. He sued alleging violations of the Fair Housing Act.

The court dismissed the allegation. A mistaken name was not enough to show unlawful animus or intent. It was simply a stray remark. Moreover, there was no evidence the Property Manager even knew the resident's sexual orientation before sending the letter. In this case, the mistake was not a violation of fair housing laws, but was expensive and time consuming nonetheless.

Note From the Editor: April is Fair Housing Month. The federal Fair Housing Act was signed into law on April 11, 1968, by President Lyndon B. Johnson. It was amended in 1988 to add the protected classes of handicap and familial status.



HUD Charges St. Louis Landlord with Sexual Harassment

The U.S. Department of Housing and Urban Development has charged the owner of rental properties in the St. Louis area with subjecting a female tenant to sexual harassment. The HUD charge alleges the landlord made repeated unwelcome sexual advances towards the tenant and pressured her to provide sexual favors and explicit photos of herself when she fell behind on rent payments. The charge further alleges the landlord grabbed the tenant's body without permission, pressed his body against hers, offered to accept sexual favors in lieu of rent, made unwanted sexual comments, and sent lewd and inappropriate texts to the tenant.



HUD's charge will be heard by a United States Administrative Law Judge unless any party elects to have the case heard in federal court or the case is settled.

Did You Know?

Unique ESAs need extra documentation

HUD Charges Landlord with Sexual Orientation Harassment

In February, 2021, the U.S. Department of Housing and Urban Development announced it would begin enforcing the Fair Housing Act to prohibit discrimination and harassment against a resident based on the resident's sexual orientation or gender identity. Since that time, HUD has been investigating complaints based on sexual orientation. In at least one case, HUD has found discrimination and filed a charge.

The case involves a Wisconsin landlord who owns a 19-unit rooming house. The manager of the rooming house rented a room to a resident who was gay and disabled. During the resident's tenancy, the manager allegedly harassed the resident including: making unwelcome, sexually aggressive verbal comments; demanding sexual favors; sending unwanted, threatening, and degrading text messages; and using slurs and other demeaning language about the tenant's sexual orientation and disability. After the resident reported the manager to the police, the manager threatened to evict the resident. The owner went along with the manager's plan to evict.



The resident was forced to move and filed a complaint with HUD alleging discrimination and harassment. HUD investigated and agreed. The agency found evidence of discrimination and harassment based on sexual orientation and disability. The charge will now be heard by a United States Administrative Law Judge or settled.



HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

Watch Out for These “Magic Words”

Wednesday, April 27, 2022
10:00 a.m. - 11:30 a.m. central

We communicate with our residents constantly – it’s a daily, fundamental part of property management. But all communications are not created equal. Sometimes – whether your resident knows it or not – these communications trigger legal remedies to which the resident may be entitled. In this webinar, we’ll help identify key words, phrases, and topics to watch out for and best practices to resolve those issues with limited exposure. We’ll discuss landlord (and tenant) obligations regarding:

- Essential services
- The right to peaceful and quiet enjoyment
- Maintaining the premises
- Allegations of discrimination
- Requests for reasonable accommodations
- And much more

\$34.99
[Register Now](#)



Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
Law Office of Angelita E.
Fisher

HUD Awards Over \$2.4 Million To Fight Housing Discrimination Involving COVID-19

The U.S. Department of Housing and Urban Development announced it is providing \$2,472,310 in American Rescue Plan funding to help 11 Fair Housing groups fight discrimination related to the COVID-19 pandemic. The Groups will use the funding to conduct housing education and outreach activities and to address fair housing inquiries, complaints, and investigations.

The funds, are the second round of funding which focus directly on the unequal impact the COVID-19 pandemic has had on communities of color, low-income communities, and other vulnerable populations.

A few organizations that have received the funding include:

- Lexington Fair Housing Council, Inc. in Kentucky received \$75,000;
- West Tennessee Legal Services, Inc. in Tennessee received \$350,000;
- Legal Aid Society of Palm Beach County, Inc. in Florida received \$250,000; and
- Metro Fair Housing Services, Inc. in Georgia received \$125,000.

Landlords should expect additional testing to be conducted in these areas.



Judge Grants Injunction Against “Love Letters” Law



A federal judge has granted a Real Estate Group’s request to enjoin the Oregon Department of Justice from enforcing a new Oregon law on Love Letters.

Love Letters are communications between buyers and sellers in order to create an emotional connection between them – especially when significant competition exists on a property. The state of Oregon passed a law limiting this type of communication in order to help the seller avoid selecting a buyer based on the buyer’s race, color, religion, sex, sexual orientation, national origin, marital status, or familial status.

A Real Estate Group argued the new law violated the First Amendment rights of their clients and their agents. The court agreed and granted the injunction. An injunction means that the Real Estate Group is more likely than not to prevail in the lawsuit. The case will now proceed through the courts for a decision on the merits.

Denial of Handicapped Parking Space Costs Landlord \$18,750

A settlement has been reached in a Michigan lawsuit alleging a landlord denied an elderly resident a designated disabled parking space unless she paid for the sign. The cost of refusing - \$18,750.

According to the lawsuit, the woman has an impairment which makes walking difficult and painful. She asked management for a reserved handicapped space near the entrance to her apartment. Management allegedly refused to provide the woman with a space unless she paid for the pole and sign.

The resident found an attorney and sued. She then agreed to settle the case. Although the settlement was in 2021, the information was just released because all the terms of the agreement have been fulfilled.

Lesson Learned: Accommodations, such as reserved parking spaces, are the financial responsibility of the landlord – regardless of whether or not there is federal funding on the property.



Kansas Court Refuses to Hold Landlord Liable for Tenant-on-Tenant Harassment

The final word on the issue of landlord liability when one tenant harasses another tenant, is still undecided. The U.S. Department of Housing and Urban Development holds the position that a landlord is liable if the harassment was based on a protected class and the landlord knew or should have known about the harassment and failed to take action to stop the harassment. The courts, on the other hand, are split. A Kansas court has recently refused to hold the landlord liable.



In the Kansas case, a Black resident claimed his White neighbors were harassing him by making excessive noise, jumping, stomping, running and dropping heavy objects. He also alleged his door had been stabbed with a knife. When the resident sued, the landlord asked the court to dismiss the claims of harassment. The court agreed and dismissed the claims.

Although the U.S. Court of Appeals for the Tenth Circuit, which includes Kansas, had not yet decided if landlords are liable for tenant-on-tenant harassment, the Kansas court decided to agree with the Second Circuit and hold there was no liability. The court held landlords do not generally exercise the same degree of control over their tenants that employers exercise over their employees.

EVICTION NOTICE



Fair Housing Webinar

Fair Housing Pitfalls When Terminating the Lease Agreement

Wednesday, April 13, 2022
10:00 a.m. - 11:00 a.m. Central

All good things must come to an end and so must a lease. How and why you terminate a resident's lease may land you in trouble with HUD. Terminating a lease may violate fair housing laws. In this webinar, we will discuss a variety of reasons landlords terminate leases and what fair housing consequences you should consider. Our discussion will include:

- Non- Renewals
- Violence on Property
- Housekeeping
- Complaints from Neighbors
- Retaliation

\$24.99
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