



Fair Housing Newsletter

Keeping you current on fair housing news and issues



 LAW OFFICE OF
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Landlord Refuses to Rent Six-Bedroom Home to Family of Eleven

The U.S. Department of Housing and Urban Development has charged the landlord of a six-bedroom home in Texas with violating the Fair Housing Act by refusing to rent to a woman and her ten children. The landlord allegedly stated he could not rent the home to a family with eleven people, even though the mother had a Housing Choice Voucher for a six bedroom home.

The home was 5,095 square-foot and advertised for rent on GoSection8.com. When a mother of ten called to inquire about the home, the person asked how many people would be living in the home. When the mother stated eleven, the person replied, "Oh. Wow, yeah that's too many kids for us, I'm sorry." The mother told the person that she had a voucher for a six bedroom home – two children per bedroom. The person then stated the landlord would not allow the home to have eleven occupants. The mother ended up filing a HUD complaint after being forced to rent a much smaller home in an area where the schools were not as highly rated.

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



Note From the Editor: May is Mental Health Awareness Month. HUD will be commemorating the month of May with a launch of a new campaign that will educate the public about the various forms of housing discrimination which people with mental health, intellectual or developmental disabilities often face, and what they should do if they believe their housing rights have been violated.

DOJ Files Another Sexual Harassment Lawsuit

The U.S. Department of Justice has filed a sexual harassment lawsuit against the owners and managers of rental properties in Pennsylvania.

The lawsuit alleges the owner was making repairs at an apartment when he touched and tried to kiss the female resident. When she reported the harassment to his wife, the wife called her a liar and evicted the resident. The lawsuit was filed after HUD investigated the allegations and found evidence of harassment. The lawsuit now seeks monetary damages to compensate the female resident and a court order barring future discrimination.

The Justice Department's Sexual Harassment in Housing Initiative is led by the Civil Rights Division, in coordination with U.S. Attorney's Offices across the country. The goal of the initiative is to address and raise awareness about sexual harassment by landlords, property managers, maintenance workers, loan officers or other people who have control over housing. Since launching the Initiative in October 2017, the Justice Department has filed 21 lawsuits alleging sexual harassment in housing.



NFHA Settles Lawsuit Against BeeHive Homes, Inc.

The National Fair Housing Alliance (NFHA) has reached an agreement with assisted living provider BeeHive Homes, Inc. which will settle a lawsuit filed back in May, 2020.

The lawsuit was the result of testing conducted by NFHA where a series of phone calls and on-site visits over an 18 month period allegedly showed discrimination against applicants and residents with hearing disabilities. During the testing, staff at the assisted living facilities refused to provide deaf residents with qualified ASL interpreters or told residents that interpretation services would be charged to the resident or resident's family. The NFHA alleged that these acts are a violation of the Fair Housing Act.

The settlement requires BeeHive to develop and maintain an affirmative non-discrimination policy and a reasonable accommodation request form; update marketing and communications materials to highlight the company's commitment to fair housing; and conduct training on legal issues concerning persons in protected classes, such as those who are deaf or hard of hearing. The defendants must also pay \$125,000 in damages and attorney's fees.





HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

Stop or Go?

What to Do if the Resident "Raises the Stakes" During an Eviction

**Wednesday, May, 26, 2021
10:00 a.m. - 11:30 a.m. central**

As a landlord, you know you may evict a resident for non-payment of rent or for making threats to staff. But what do we do if a tenant ups the ante by filing a Fair Housing Complaint, a VAWA claim, a counter-claim, or claims relief as a result of COVID-19? What does the law say about how we should react? What are our best practices in these situations?

We'll investigate and discuss the options available to a landlord in these scenarios. Whether it be a Fair Housing complaint, a CDC Declaration, or allegations of domestic violence or legal responsibilities of a landlord, it's important to be prepared to properly navigate situations that can be rife with liability. This is all the more important when eviction is imminent. Don't get caught unprepared!

\$34.99
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Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
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Dallas Housing Authority Charged with Disability Discrimination

A common accommodation for mobility impaired residents is a transfer to a more accessible unit. This usually means a lower-floor unit. Failing to make a transfer, may result in a violation of disability laws. This was the case when the Dallas Housing Authority authorized a transfer, but never implemented the move.

The case came to HUD when a disabled resident filed a complaint alleging she had been discriminated against on the basis of disability. After sustaining substantial physical injuries due to a major car accident, the resident was using a wheelchair. Because of her health condition, the resident requested the Housing Authority allow her to transfer from her second-floor unit to a first-floor unit. The Housing Authority granted the resident's request but never implemented the transfer. As a result, the resident was forced to crawl up to her second-floor unit on her hands and knees which took her approximately 45 minutes and put her in danger of falling. During this same time, the Housing Authority filed for eviction against the resident.

The resident filed a fair housing claim with HUD alleging the housing authority failed to accommodate her disability. HUD investigated and agreed. HUD found that the Housing Authority violated Section 504 of the Rehabilitation Act and the American with Disabilities Act by failing to accommodate the resident. HUD also found the Housing Authority unlawfully interfered with the resident in the exercise of her rights, based on its pursuit of an eviction against the resident following her request for an accommodation. The case will be heard by a U.S. Administrative Law Judge unless either parties elects to take the case to the federal court system.



Alabama Landlord Refuses ESA

The U.S. Department of Housing and Urban Development has charged a Florence, Alabama landlord with violations of the Fair Housing Act after the landlord told a prospective tenant that no animals were allowed.

According to the HUD charge, the prospective tenant called the landlord to ask about touring an advertised property. The landlord asked the tenant if she had any animals and the tenant replied "yes."



The landlord replied, "no that's not going to work out." The tenant responded by telling the landlord that her animal was an ESA and that she had proper documentation. The landlord stated she did not allow pets or animals and she could not help them. The tenant responded and told the landlord that denying an ESA due to a no pet policy was illegal. The landlord re-stated her no pets and animals policy and terminated the call. The tenant filed a complaint for violations of the Fair Housing Act.

HUD investigated the complaint and found evidence of fair housing violations. HUD's charge will be heard by a United States Administrative Law Judge unless either party elects for the case to be heard in federal court.

HUD Charges CA Mortgage Service with Housing Discrimination

In a time when many families are facing financial difficulties and homelessness, it is sad to hear there are companies which prey on families facing foreclosure – especially when they target a vulnerable group. In at least one case, HUD has stepped in to investigate and charge the company with discrimination.

The U.S. Department of Housing and Urban Development has charged the owners and employees of a business known as The House Lawyer (THL), which operated in Redwood City, California, with violating the Fair Housing Act by targeting Hispanic homeowners with illegal and unfair mortgage modification services. The case began when multiple Hispanic homeowners filed complaints with HUD alleging that they had been the victims of a loan modification scam. The charge alleges the homeowners initially learned about the loan modification service through advertisements on a Spanish-language radio station which claimed that THL helped hundreds of people successfully modify their mortgages. When the homeowners contacted THL, THL agents allegedly provided inaccurate information about the application requirements, procedures and standards for review for loan modification requests, and misrepresented that so long as the homeowners withheld their mortgage payments and remained in default, their banks would be compelled to modify their loan.

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



Fair Housing Webinar

Understanding VAWA

Wednesday, May 12, 2021

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

\$24.99

Domestic violence is an issue almost every landlord has been forced to face. Can you evict? Do you need to get involved at all? Why is the resident looking to you for help?

Whether you're a federally funded property, a tax credit property, or accept a Section 8 voucher, you must comply with the Violence Against Women Act. Every landlord should know the rules on when the Act applies, transfers, documentation, and liability. In this webinar, we will discuss:

- Recognizing when the VAWA May or May Not Apply
- Sorting out the Paperwork
- Requesting Documentation
- Transfers
- Liability
- Recent Cases Interpreting the Act

\$24.99
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