



Fair Housing Newsletter

Keeping you current on fair housing news and issues



 LAW OFFICE OF
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Waiving Occupancy Standards as an Accommodation

A Baltimore condominium company has agreed to settle a fair housing complaint after it fined the owner of a condo for allowing a family of eight to live in the three-bedroom unit. The condo complex had a two-person per bedroom policy which it refused to waive.

The family who rented the unit on a temporary basis had a young child who was receiving bone marrow transplant treatments at Johns Hopkins. They wanted to rent this particular condo because it was close to the hospital. Plus, the family needed to live together to facilitate the child's medical treatment and care, which included the screening of all family members for a viable bone marrow donor.

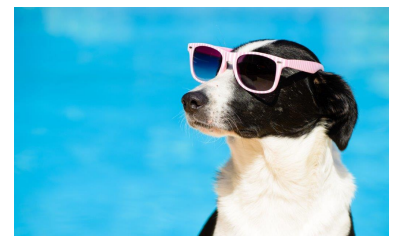
The condo's board refused to waive the occupancy limits rule and fined the owner every month for renting the unit to the family. A fair housing complaint was filed with the U.S. Department of Housing and Urban Development.



The condo complex decided to settle the complaint without admitting guilt. It has agreed to pay the family and the condo owner \$35,743.50 in damages.

Lesson Learned: Accommodations may be an exception to any landlord policy - including occupancy standards.

Note From the Editor: If you need to escape the summer heat - take a webinar. This month's fair housing webinar is all about animals on the property. Be sure to check it out on page five.



DOJ Settles Lawsuit Against Group Targeting Hispanic Homeowners

The U.S. Department of Justice has announced a settlement in a lawsuit it filed against a group of financial advisors in Florida. The lawsuit alleged the group discriminated against Hispanic homeowners when it targeted them for predatory mortgage loan modification services and interfered with their ability to keep their homes.

The lawsuit alleged the group targeted Hispanic homeowners with Spanish-language advertising and verbal promises to cut their mortgage payments in half in exchange for thousands of dollars of upfront fees and continuing monthly fees of as much as \$550. Many of the homeowners had limited English proficiency. The DOJ's lawsuit further alleged that the group directed Hispanic homeowners to stop communicating with their lenders and to stop making their monthly mortgage payments.



After the group did little or nothing to obtain the promised loan modifications for the homeowners, many defaulted on their mortgage payments and ultimately lost their homes.

The consent agreement results in a judgment against the group for \$4,595,000 to compensate people who were allegedly harmed by their conduct. Most of the monetary judgment is suspended based on evidence of the group's limited net worth. If the court determines the group has made any material misrepresentations or omissions in their original financial statements or in the annual updates, the entire judgment will be reinstated, and the group will be immediately liable for the full amount.

Religious Discrimination Lawsuit Against New Jersey Township Settled

The U.S. Department of Justice has agreed to resolve a lawsuit filed in May, 2020, against the Township of Jackson, New Jersey. The lawsuit alleged the Township and Planning Board violated the Religious Land Use and Institutionalized Persons Act and the Fair Housing Act when they passed and applied a series of discriminatory zoning ordinances that intentionally targeted the Orthodox Jewish community.



The two ordinances in question broadly prohibited religious schools and banned schools with dormitories, both of which are important to providing religious education within the Orthodox Jewish community. The complaint alleged that the intent of the ordinances was to prevent Orthodox Jewish schools from opening in the Township and thereby dissuade members of that community from living in or moving to Jackson.

The settlement requires the Township to repeal and replace the remaining discriminatory ordinance. The new ordinance will allow religious elementary and secondary schools, religious higher learning institutions and religious residential schools and require they be treated religious schools equally with non-religious schools. The consent order also requires the Township pay a civil penalty of \$45,000, and pay \$150,000 into a settlement fund from which aggrieved persons can seek payment.



HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

Violence and Crime on the Property

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

Violence and criminal activity on the property is a serious concern. For liability, for livability, for the sake of your other residents and your staff, these are issues that should be addressed as quickly as possible. But they must be addressed appropriately. As guidance continues to encourage Landlords to provide applicants and tenants a “second chance” and housing advocates strive to prevent eviction, there are more barriers than ever to denying an application or evicting a tenant who may pose a threat to the property. What can you do?

In this webinar, we will discuss the issues faced by landlords in their effort to eliminate violence and criminal activity on the property. We will discuss:

- Current Status on the Use of Criminal Records and HUD’s Guidance
- Criminal Activity that May be the Basis for Eviction
- How to Prove an Eviction Case Based on Criminal Activity
- Criminal Activity by Visitors or Unauthorized Occupants
- Crime Free Neighborhood Initiatives

\$34.99
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Nathan Lybarger
Law Office of Hall &
Associates

Speakers



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Meta Settles Algorithm Lawsuit

The social media company Meta, formerly known as Facebook, has agreed to settle a lawsuit filed by the U.S. Department of Justice. The lawsuit alleges Meta violated the Fair Housing Act by allowing advertisers to choose the sex, race and religion of those who receive ads for housing.

The lawsuit challenged three key aspects of Meta's ad targeting and delivery system. More specifically, the lawsuit alleged that:

1. Meta enabled and encouraged advertisers to target their housing ads by relying on race, color, religion, sex, disability, familial status and national origin to decide which Facebook users will be eligible and ineligible to receive housing ads.
2. Meta created an ad targeting tool known as "Lookalike Audience" or "Special Ad Audience" which uses a machine-learning algorithm to find Facebook users who share similarities with groups of individuals selected by an advertiser using several options provided by Facebook. Facebook allowed its algorithm to consider race, religion and sex to find Facebook users who "look like" the advertiser's source audience.
3. Meta's ad delivery system uses machine-learning algorithms that rely in part on protected characteristics such as race, national origin and sex, to help determine which subset of an advertiser's targeted audience will actually receive a housing ad.



Under the settlement, Meta will stop using an advertising tool for housing ads, develop a new system to address racial and other disparities caused by its use of personalization algorithms, and pay a civil penalty of \$115,054, the maximum penalty available under the Fair Housing Act.

Court Dismisses Accommodation Requests with no Nexus to Disability

A United States District Court in Oregon has dismissed a resident's fair housing claims alleging his landlord refused to accommodate his disability and asked for too much medical information.

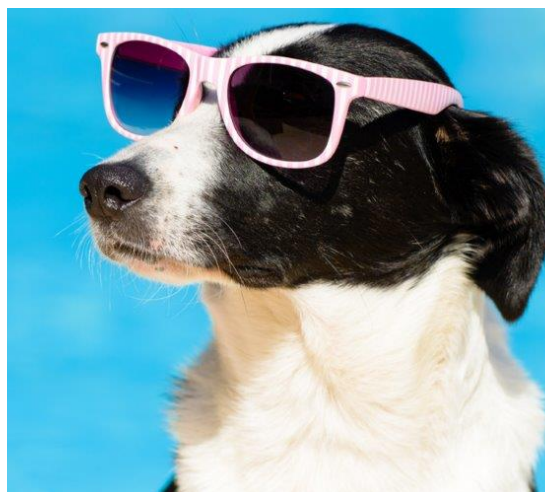
In this case, the resident asked for additional security, including cameras, and requested an air purifier as accommodations for his disability. When the landlord reviewed the request, it discovered that the resident was disabled due to mobility issues. To fully consider the accommodation requests, the landlord asked for more information about how the resident's disability was connected to his request for additional security and an air purifier. Instead of providing the information, the resident filed a lawsuit.



The landlord asked the court to dismiss the claims against it because the landlord was entitled to the additional information before approving the accommodation requests. The court agreed and dismissed the claims against the landlord. Residents must have a disability-related need for the requested accommodation. Having a disability is not a blank check for any and every accommodation.

Kansas Man Sentenced for Criminal Fair Housing Violation

A Kansas man has been sentenced to more than two years in federal prison for threatening a Black man with a knife because of the man's race, in order to intimidate and interfere with the man's right to fair housing. According to reports, the man was driving through a residential area of Kansas when he saw the victim, a Black man, walking on the sidewalk. The man stopped, got out of the car, and approached the victim while brandishing a knife. The man threatened the victim, yelled racial slurs, and told the victim that the town is a "white town." The 27-year-old man was sentenced to 27 months in prison plus 18 months of supervised release.



Fair Housing Webinar

Managing Animals on the Property

Wednesday, July 13, 2022

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

\$24.99

It is a Zoo out there: Pet Spiders, Service Horses, Emotional Support Snakes, and Therapy Pigs! What is a Property Manager to do? What rules apply? In this webinar, we will discuss the difference between pets, service animals and emotional support animals. We will review policies that a landlord may apply to pets and which he/she may apply to support animals and what documentation a landlord is entitled to. We will discuss:

- Knowing the Difference In Pets and ESAs
- HUD's 2020 Guidance
- On-Line Health Care Letters
- Aggressive Animals
- Damages and Deposits
- Policies and Restrictions
- Plus, Much, Much, More

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