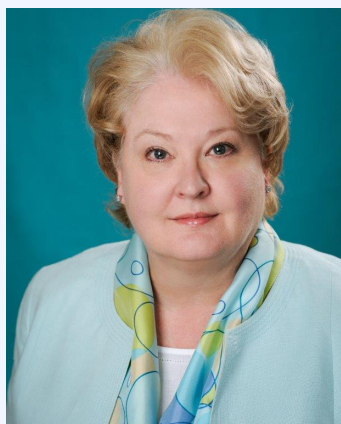




Fair Housing Newsletter

Keeping you current on fair housing news and issues



 LAW OFFICE OF
ANGELITA E. FISHER

.....
Angelita Fisher is an attorney in the Nashville, TN area. She has over 20 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.
.....

6688 Nolensville Road

Suite 108-161

Brentwood, TN 37027

615-305-2803

afisher@angelitafisherlaw.com

Jury Finds TN Landlord Sexually Harassed Female Tenants

A federal jury has decided a Tennessee landlord is guilty of sexual harassment and has awarded six female victims \$70,500 in damages.

The case began when two women filed a fair housing complaint with the U.S. Department of Housing and Urban Development. The complaint alleged a Lexington, TN landlord subjected them to vulgar sexual comments, unwelcome physical touches, propositions for sex and offers to reduce rent in exchange for sex. HUD's investigation found evidence of harassment and the case was referred to the Justice Department. The DOJ filed a lawsuit in 2018. Four other victims then joined the suit later.

Following a four-day trial, the jury awarded compensatory and punitive damages totaling \$70,500. The DOJ now intends to seek a civil penalty against the landlord to vindicate the public interest as well as a court order prohibiting the landlord from managing rental properties in the future.

This case is just one of many sexual harassment cases filed by the DOJ. Since 2017, the DOJ has sought to raise awareness about and address sexual harassment by landlords, property managers, maintenance workers and others who have control over housing. Since launching their 2017 initiative, the DOJ has filed 26 lawsuits alleging sexual harassment in housing and recovered over \$9.6 million for victims of such harassment.

Note From the Editor: Happy New Year! Get your fair housing training done early this year. Our three-part fair housing webinar series is scheduled for March. See Page 6 of this Newsletter for more information.



Missouri Section 8 Landlord and HUD Reach Voluntary Compliance Agreement

The U.S. Department of Housing and Urban Development has entered a Voluntary Compliance Agreement with a Missouri Landlord resolving a compliance review concerning non-discrimination in marketing and screening procedures. The landlord has a total of 273 units in St. Louis, Missouri and provides affordable subsidized units through the Section 8 program for families with a member who is 62 or older or has a disability.



The Agreement follows a compliance review conducted by HUD's Office of Fair Housing and Equal Opportunity under Title VI of the Civil Rights Act of 1964. HUD opened the review based on information there was a low number of Black residents relative to the market in the area. The review revealed disparities in the property's tenant screening practices related to credit history and criminal records which disproportionately impacted Black applicants.

The Agreement requires the landlord set up a fund in the amount of \$156,000 to compensate individuals who were previously denied due to credit history or criminal records. The landlord will also be required to close the waitlist and conduct an advertising/marketing campaign for new applicants before re-opening the wait list. The landlord has also agreed to update policies concerning the use of criminal records, credit reports, and rental history, as well as waiving move-in fees for formerly denied applicants who re-apply and are approved.

Colorado Landlord Charged with Harassment and Retaliation

A Colorado landlord has found himself in trouble with the U.S. Department of Housing and Urban Development after he rented a room to a female tenant and then began asking her out to dinner. When she finally refused, the landlord allegedly retaliated against the tenant by taking steps to terminate her lease.

The case began when a female tenant rented a room in a home owned by the landlord. Soon after, the landlord asked the tenant to be the house manager. She agreed, although she was not being compensated for the duties. When the landlord began asking the resident to dinner to discuss the other house tenants, she again agreed. However, the landlord's conduct became even more personal and inappropriate. The tenant alleged the landlord harassed her by continually asking her out to dinner, asking her to go on trips with him, making comments about her looks and clothing, and peering into her bedroom window.

When the tenant told the landlord to stop, he threatened to terminate her lease. She then sought an order of protection, reported the harassment to the local police, filed a complaint with HUD and was eventually forced to move. After an investigation, HUD found evidence of harassment based on sex and has filed a charge.

A United States Administrative Law Judge will now hear HUD's charge unless any party to the charge elects to have the case heard in federal district court.





HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

ABC's of Eviction

Wednesday, January 25, 2023
10:00 a.m. - 11:30 a.m. central

Residents now have more legal resources and legal representation available to them than ever before. This is not a bad thing! But, as the efforts to provide counsel to residents continues, landlords must examine their own policies and procedures to avoid unnecessary delays in the legal process, and potentially significant liability.

In this webinar, we will examine the procedural steps in the legal eviction process, where the most common pitfalls exist, and discuss the best practices to avoid those pitfalls. Our discussion will include:

- The pros and cons of having an attorney on the other side
- The steps which must be taken before a detainer warrant can be filed
- What a landlord should expect when the warrant goes to court
- The process after a successful court order
- Last-minute accommodation requests

\$34.99
[Register Now](#)



Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
Law Office of Angelita E.
Fisher

City and Police Department Settle “Crime-Free” Rental Housing Program Lawsuit

The City of Hesperia, California and the San Bernardino County Sheriff’s Department, have agreed to pay \$950,000 to settle a 2019 fair housing lawsuit filed by the U.S. Department of Justice. The DOJ lawsuit alleged that the City and Sheriff’s Department engaged in a pattern or practice of discrimination against Black and Latino individuals and communities in Hesperia, CA, in violation of the Fair Housing Act and Title VI of the Civil Rights Act of 1964, through the adoption and enforcement of a “crime-free” rental housing program.

The lawsuit alleged the City’s “crime-free” program caused an impact on Blacks, Latinos, and victims of domestic violence. According to the HUD investigation showed that Black renters were almost four times more likely, and Latino renters 29% more likely, to be evicted under the “crime-free” program than white renters.



The program required all rental property owners to evict tenants upon notice by the Sheriff’s Department that the tenants had engaged in any alleged “criminal activity” on or near the property — regardless of whether those allegations resulted in an arrest, charge, or conviction. In addition, the program encouraged housing providers to evict entire families when only one household member engaged in purported criminal activity and even notified landlords to evict survivors of domestic violence. It also required all landlords to screen potential tenants through the Sheriff’s Department, which would notify landlords whether the applicant had “violated” the rules of the program in the past. The City also later passed an ordinance relating to business licenses for rental housing properties that made registration in the “crime-free” program mandatory and imposed excessive fees.

Before the settlement, the City repealed the “crime-free” law and the Sheriff’s Department agreed to stop enforcement of the program.

Under the proposed settlement, the City and Sheriff’s Department will spend \$950,000. This amount includes \$670,000 to compensate individuals harmed by the program and a payment of \$100,000 in civil penalties. The City will also pay \$95,000 for affirmative marketing to promote fair housing in Hesperia and \$85,000 to partnerships with community-based organizations.

AL Housing Authority and Property Owners Settle Fair Housing Case

A lawsuit filed by the Justice Department in 2020, against the Housing Authority of Ashland, Alabama and the private owners of two low-income housing communities managed by the Housing Authority, has been settled. The suit alleged that since 2012, the Housing Authority had been steering residents of color to different housing communities based on race.

Under the court-approved settlement, the Housing Authority and owners are required to pay \$275,000 in damages to 23 current or former tenants who were allegedly harmed by the unlawful conduct. They will also pay a civil penalty to the United States, as well as update policies and practices. In addition, the Housing Authority will contact a group of approximately 145 applicants, who are disproportionately Black, and who applied to rent an apartment, but were not placed on the waiting list. The properties will offer these applicants spots on the waiting list based on their original dates of application, if they still qualify.

Source of Income Lawsuits Filed in Philadelphia

Lawsuits were filed last month in local and federal Philadelphia courts accusing a landlord of source of income discrimination. The properties accused of discrimination in the lawsuits refused to accept section 8 vouchers when the property was in a white neighborhood. Instead, the properties encouraged renters with vouchers to apply at properties in minority neighborhoods. According to the lawsuits, this practice violated a local law which prohibited discrimination based on source of income as well as federal fair housing laws since approximately 84% of households that rely on housing vouchers in Philadelphia are Black, while only 9% are white.



Many cities are passing similar source of income prohibitions. It is important to remember, however, that even if your city has not passed such a law, you may still be violating federal fair housing laws if the practice of refusing vouchers disproportionately impacts women, families or certain races.



Fair Housing Webinar

Fair Housing Failures *Six Common Fair Housing Mistakes*

Wednesday, January 11, 2023
10:00 a.m. - 11:00 a.m. Central

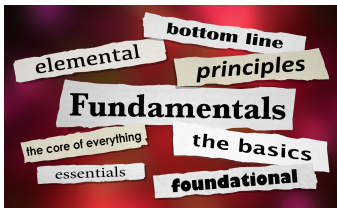
We all make mistakes now and again. For landlords, those mistakes can cost a lot of money if they violate fair housing laws. That is why it is important you not make the same mistakes over and over. In this webinar, we will discuss some of the more common fair housing mistakes landlords make every day. Our discussion will include:

1. Failing To Get The Accommodation Paperwork Right
2. Failing To Fully Evaluate Emotional Support Animal Requests
3. Failing To Evaluate Polices For Disparate Impact
4. Failing To Address Problems On The Property
5. Failing To Recognizes Retaliation
6. Failing To Train Employees

\$24.99

[Register Now](#)

Annual Three-Part Webinar Series



Part One **March 8, 2023** **Fair Housing Fundamentals**

[Register for Part One Only](#)

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 and the process by which residents may make complaints. Our discussion will include: What Law Applies to Your Property; The Protected Classes; Two Types of Discrimination; Two Types of Harassment; The Complaint Process; and Retaliation.



Part Two **March 15, 2023** **Common Fair Housing Issues**

[Register for Part Two Only](#)

Certain issues in fair housing arise time and again. It is important for managers and staff to know the answers before they make common mistakes. In this webinar, we will discuss the current status of the law on common fair housing issues. Our discussion will include common issues for the protected classes of: Familial Status; Sex / Gender; Race / National Origin; and Religion.



Part Three **March 22, 2023** **Making Reasonable Accommodations and Modifications**

[Register for Part Three Only](#)

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 as well as some of the most common accommodation requests. Our discussion will include: Knowing the Difference between an Accommodation and Modification; Paying for the Accommodation/Modification; Getting the Paperwork Right; and Common Accommodations.



[Register for All Three Webinars](#)
\$64.99