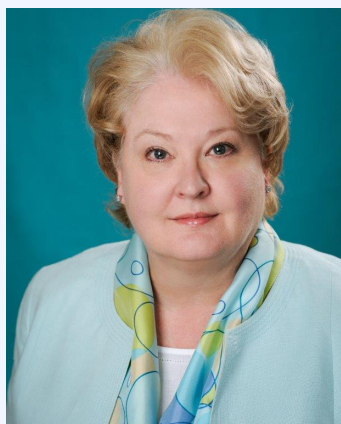




# Fair Housing Newsletter

*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 18 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](mailto:afisher@angelitafisherlaw.com)

[www.angelitafisherlaw.com](http://www.angelitafisherlaw.com)

## Denial of “Late Payment” Accommodation Costs Landlord \$27,000

A California landlord landed in trouble when he refused to allow a disabled resident to pay rent late. The resident filed a complaint with the U.S. Department of Housing and Urban Development alleging the landlord refused to accommodate her disability. After investigating, HUD determined there was evidence of discrimination and filed a formal charge.

The case has now been settled. The landlord has agreed to pay \$27,000 as well as grant the accommodation. The resident will be allowed to pay rent with a six day grace period. During that six days, there will be no late fees. The property will also make available their reasonable accommodation policy at the property and on their website, and all leasing and management staff who are involved in the administration of accommodation requests at the property will attend fair housing training.

Accommodations for late payment of rent are commonly considered reasonable if the resident receives disability payments after the first of the month or when rent is due.



Note From the Editor: A new year means new goals and a new outlook on life. It also means you need to schedule your 2021 Fair Housing Training. The 2021 Three-Part Webinar Series will be in March. See the last page of the newsletter to register or give me a call.



## DOJ Sues Connecticut Town for Fair Housing Act Violations

The U.S. Department of Justice has filed a lawsuit alleging the Town of Wolcott, Connecticut, discriminated against persons with disabilities when it denied a special use permit to a group home.

The lawsuit alleges the Town of Wolcott denied a special use permit to a property owner and group home operator who sought to open a residence for 13 adults with mental health disabilities. The permit was denied even though the Town's zoning ordinance permitted the operation of community residences of up to 15 adults with disabilities so long as certain conditions were satisfied. In addition, the lawsuit alleges the Town amended its zoning regulations to prohibit any community residence for adults with disabilities from operating in the Town.



The case was filed in federal court. The DOJ has requested the court award damages and a civil penalty.

## Sexual Harassment Lawsuit Filed Against Massachusetts Property Manager

In what has been publicized as the 20<sup>th</sup> sexual harassment lawsuit it has filed since 2017, the U.S. Department of Justice has sued a Massachusetts property manager alleging he has subjected female tenants to sexual harassment since 2008.

According to the complaint, the manager coerced female residents to perform oral sex and touched intimate parts of their bodies. The complaint also alleges the manager exposed his genitals to female tenants, locked tenants in his office, implicitly offered to grant tangible benefits, such as rent payment plans, in exchange for engaging in sexual acts with him, and threatened tenants who resisted or objected to his unwelcome sexual harassment. The owners of the properties are alleged to be liable for the manager's conduct. If proven, the court may award monetary damages to compensate the victims and civil penalties to vindicate the public interest.

The DOJ launched the Sexual Harassment in Housing Initiative in 2017. In 2019, the DOJ filed more sexual harassment lawsuits – eight – than it has in any other year.



## Sexual Harassment and Retaliation Allegations Result in \$13,000 Settlement

The U.S. Department of Housing and Urban Development and a California landlord has agreed to settle claims involving sexual harassment and retaliation. The resident claimed maintenance sexually harassed her and after she reported the harassment, her request for an accommodation was denied and she was eventually evicted. Although the landlord adamantly denies the allegations, it has made the decision to settle the claims.

As part of the settlement agreement, the landlord will pay the resident \$8,667 and the Fair Housing Advocates of Northern California \$4,333. In addition, the property staff will attend fair housing training.



# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar

### Residents Behaving Badly

Wednesday, January 27, 2021  
10:00 a.m. - 11:30 a.m. central

Somehow every property has one or two residents that are always walking-the-line of eviction. These few residents consume most of the manager's time with investigations, inspections, and sending out notices. Everything they do seems to be either a violation of the lease or cause a problem with a neighbor.

In this webinar, we will discuss some common problems when residents behave badly and give landlords some guidance on how to address the problems. Our discussion will include:

- Refusal to Allow Access to the Apartment;
- Unauthorized Occupants;
- Unauthorized Pets;
- Damage to the Property;
- Bad Housekeeping;
- Noise Issues;
- Smoking Pot in the Apartment;
- And much, much, more

**\$34.99**  
[Register Now](#)



**Nathan Lybarger**  
Law Office of Hall &  
Associates

### Speakers



**Angelita Fisher**  
Law Office of Angelita E.  
Fisher

## Familial Status Lawsuit Settles for \$80,000

The owners of three rental properties in Honolulu, Hawaii, have agreed to settle a lawsuit filed in 2019 by the U.S. Department of Justice. The lawsuit alleged the properties refused to rent to children. The cost - \$80,000.

The case began when the Legal Aid Society of Hawaii conducted testing on the properties which showed discrimination against families with children. A fair housing complaint was filed with the U.S. Department of Housing and Urban Development. After an investigation, HUD determined it had evidence of discrimination. The DOJ then filed a lawsuit.

The lawsuit alleged the properties discriminated against families with children by: (1) refusing to rent to families with children; (2) steering prospective renters with children who inquired about housing to a separate property management company; and (3) making discouraging and other discriminatory statements to potential renters with children who inquired about housing, including that the housing was not “suitable” or the right “fit” for families with children.



Under the settlement agreement, the properties will:

- Pay \$70,000 into a settlement fund that will be used to compensate families that were harmed by the discriminatory practices;
- Pay \$10,000 to the United States as a civil penalty;
- Adopt non-discriminatory policies and practices;
- Conduct employee training; and
- Submit to record keeping and monitoring requirements for the three-year period of the consent decree.

The settlement also resolves claims brought in a separate complaint by one of the Legal Aid Society testers.

## HUD Settles Familial Status Discrimination Claim Against Connecticut Landlord

The U.S. Department of Housing and Urban Development has approved a Conciliation Agreement between the owners of a Connecticut apartment complex and a prospective applicant. The HUD complaint alleged the owner refused to rent to a female applicant because she had a child.

The settlement includes a \$12,500 payment to the applicant and a requirement that the next 25 vacant units be affirmatively advertised to families with children.

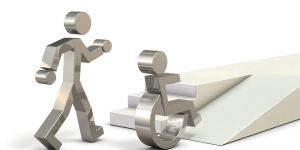
The Fair Housing Act prohibits housing providers from denying or limiting housing to families with children under age 18.

## DOJ Files Lawsuit Against Architect and Owners of 15 Complexes in Four States

The Fair Housing Act requires all multifamily housing constructed after March 13, 1991, to have basic accessibility features, including accessible routes to all units in buildings with elevators. If the requirements are not followed, anyone involved in the design or construction, may be in violation of the Fair Housing Act.

This was the unfortunate case for an architect and eight owners of multifamily properties designed by the architectural firm. The U.S. Department of Justice has filed a lawsuit alleging at least 15 multifamily senior living properties have significant accessibility barriers, including inaccessible pedestrian routes to building entrances, inaccessible pedestrian routes from apartment units to amenities, inaccessible parking, door openings that are too narrow for a person using a wheelchair, environmental controls that are too high or too low for a person using a wheelchair to reach, and inaccessible bathrooms and kitchens. The properties are located in Pennsylvania, New Jersey, Connecticut and Virginia.

The ADA also requires, among other things, that places of public accommodation, such as rental offices at multifamily complexes designed and constructed for first occupancy after Jan. 26, 1993, be accessible to persons with disabilities.



### Fair Housing Webinar

## Drafting Fair Housing Compatible Documents

Wednesday, February 10, 2021  
10:00 a.m. - 11:00 a.m. Central

**\$24.99**

Every communication has the potential of violating fair housing laws. Whether it is a policy, email, notice, or text – managers must keep fair housing laws in mind. Poorly written documents can be used as proof of discrimination. In this webinar, we will discuss some of the common fair housing mistakes property staff make when drafting documents by showing examples of good and bad documents. Our discussion will include:

- Policies
- Interoffice emails
- Notices
- Emails and Text Messages to Residents
- Note Taking for the File

**\$24.99**  
[Register Now](#)

## “Crime and Nuisance Free” Programs Costs City \$200,000

While a Crime and Nuisance Free program sounds great on its face, it can also be discriminatory. Such was the case for one California City’s program which allegedly targeted minority residents and was enacted for discriminatory reasons.

Since 2013, the City of Hemet, California, has enforced programs which imposed penalties on property owners if five or more calls per year were made to law enforcement or to code enforcement for nuisance activity at an apartment complex. One of problem was that the terms of the programs lacked an exception for calls from victims of domestic violence or other crimes and did not have safeguards for individuals with disabilities. The programs also required landlords to enforce a crime-free lease addendum mandating immediate eviction for a single act of broadly defined criminal activity. Landlords were subject to annual inspections, fees, and a registration process that required the property to be kept “free from crime, nuisances and other unwanted behavior.”



After an investigation, the U.S. Department of Housing and Urban Development announced it has reached a Voluntary Compliance Agreement with the City, resolving allegations of fair housing violations. Under the agreement, the City will repeal the ordinances that established the programs and create a remediation fund of \$200,000 to improve housing conditions for low or moderate-income households, including by proactively addressing potential code violations.

## NFHA Settles Disability Discrimination Case against Senior Living Facility Operator

The National Fair Housing Alliance (NFHA) announced it has settled a lawsuit it filed against a privately-held retirement and assisted living company that owns, manages, and developed over 40 facilities in several states. Cost - \$162,500.

The lawsuit was filed after investigations by NFHA uncovered several alleged examples of discrimination including flat refusal to provide an American Sign Language (ASL) interpreter, failure to pay for interpreter services, and steering of the families of prospective residents who are deaf or hard of hearing to other senior living facilities.

As part of the settlement agreement, the company will adopt an Affirmative Non-Discrimination Policy that prevents discrimination against current or prospective residents based on auditory or other disabilities under the Fair Housing Act; create a reasonable accommodation request form; develop marketing and communications materials making it clear that the Company serves persons in all protected classes under the Fair Housing Act; and conduct employee training about legal issues concerning those who are disabled including those who are deaf or hard of hearing. In addition, the Company will pay \$162,500 in damages, attorneys’ fees, and other costs.



## Source of Income Discrimination Prohibited in Toledo

The Toledo City Council recently passed two major ordinances prohibiting housing discrimination based on a renter's means of payment and allowing renters a defense to "Pay to Stay" in their current housing situation.

Toledo City Council members replaced their current housing discrimination code with one which adds "source of income" as a category a landlord cannot use to discriminate against potential renters. This means landlords who previously excluded applicants with Section 8 or other types of housing vouchers from applying for housing, will now be required to accept the vouchers if the applicant is otherwise qualified.

The Council also unanimously approved a new version of the "Pay to Stay" legislation, which allows tenants and landlords attempting to evict them to finalize their dispute in court, with tenants able to use the defense that paying their rent and late fees at a later date should allow them the right to stay in their current housing situation.

This type of tenant-friendly legislation is sweeping the country and may be coming soon to a city near you soon.

## Did you Know?

*Harassing someone because they do not meet the male or female stereotype is sexual harassment.*

## Lawsuit Filed After Black Mother and Child Were Denied Housing

The U.S. Department of Justice has filed a lawsuit alleging that the Housing Authority of the Town of Lone Wolf, Oklahoma, along with two former employees, violated the Fair Housing Act when they denied housing to an African-American applicant and her young child.

The lawsuit stems from a 2015 incident when an African-American mother and her then-five-year-old daughter sought housing after living in a shelter. At that time, the Legal Aid Services of Oklahoma Inc. was helping the mother and child find housing. When a Legal Aid employee contacted the Housing Authority on behalf of the woman, the Housing Authority told the employee that units were available and invited the woman to apply. But when the Housing Authority learned the woman and child were Black, the Housing Authority denied the application and told the applicant that no apartments were available.

Legal Aid then conducted testing confirming that the Housing Authority was discriminating against African-American applicants. As the complaint alleges, Housing Authority employees told the white tester that there were multiple apartments available to her and her daughter and showed her three vacant apartments. By contrast, the next day, Housing Authority employees told the African-American tester that no apartments were available for her and her granddaughter and did not show her an apartment.

The applicant and Legal Aid subsequently filed a complaint with HUD. After an investigation, HUD determined that the Housing Authority and employees had violated the Fair Housing Act and referred the matter to the Department of Justice for litigation.

# 2021 Fair Housing Three-Part Webinar Series

## Fair Housing Fundamentals

March 10, 2021

Register for Fair Housing Fundamentals Webinar Only

\$24.99

## Common Fair Housing Issues

March 17, 2021

Register for Common Fair Housing Issues Webinar Only

\$24.99

## What is Reasonable? Understanding Accommodations and Modifications

March 24, 2021

Register for Understanding Accommodations and Modifications Webinar Only

\$24.99

## Register for All Three Webinars in the Series

Register for ALL THREE WEBINARS

\$64.99