



Fair Housing Newsletter

Keeping you current on fair housing news and issues



LAW OFFICE OF
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VAWA and Disability Case Settles for \$50,000

The Los Angeles Housing Authority and the U.S. Department of Housing and Urban Development announced they have agreed to enter into Conciliation/Voluntary Compliance Agreement resolving a sex and disability complaint.

The case started when a Housing Authority resident filed a fair housing complaint alleging she was refused a transfer. The resident had allegedly asked for a transfer to a different building because of her disability, which she was denied. The resident also requested an emergency transfer under the Violence Against Women Act. After several months, the Housing Authority offered the resident four transfer options. However, the resident rejected all four options claiming the units were similarly unsafe and would not provide her with an accommodation for her disability.

To settle the claims, the Housing authority has agreed to pay the resident \$35,000 and transfer her to another building. It will also pay \$15,000 to the Legal Aid Foundation of Los Angeles to cover attorney fees. The Housing Authority employees will also undergo fair housing and VAWA training.



Note From the Editor: This month's newsletter is dominated by familial status claims. Do you know all the families covered under the familial status protected class? Call me!



Familial Status Case Settles for \$15,000

The U.S. Department of Housing and Urban Development has settled a case with an Idaho landlord who allegedly refused to rent a home to a married couple because they have seven children.

The parties entered into a Consent Order which resolves a charge filed by HUD in May 2019. The charge alleged the landlord discriminated against a family attempting to lease a 2,600 square foot, four-bedroom rental home because they have seven minor children. When the couple met with the landlord about renting the home, he told the couple that the owners had set a limit of four children for the home. The charge also alleges the landlord's policy restricting the number of children was written in the rental contract.

Under the Consent Order, the owners will pay \$15,000 to the couple and their seven children. The owners also agreed to retain the services of a professional property management company to manage their rental properties.

Did You Know?

Familial Status also covers pregnant females.

Georgia Landlord's Policy of Limiting the Number of Children Results in HUD Charge

A Georgia landlord who limited the number of children in a unit is in trouble with the U.S. Department of Housing and Urban Development. HUD has filed a fair housing charge against the landlord.

The landlord had a policy allowing only one child in a two-bedroom unit and two children in a three-bedroom unit. The landlord even stated the policy on his voicemail recording for anyone who was looking to rent an apartment. The result was a mother with two children could not rent a one-bedroom apartment and instead filed a fair housing complaint. HUD investigated and found the landlord had violated the Fair Housing Act based on familial status. It has now filed a charge. The HUD charge will be heard by an Administrative Law Judge unless either party elects to go to federal court.

Remember, while the Fair Housing Act protects families with children under the age of 18, there is an exception for Housing for Older Persons.





HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar **All the Little Extras** Assessing Fees & Charges

Wednesday, October 30, 2019

10:00 am to 11:30 am Central

The rent has been paid – but what about the fees? Can we charge for a cluttered patio? What about damages from a service animal? How much is too much? Is a Landlord's right to charge fees endless? Get your questions regarding fees and charges answered in our October webinar. Our topics will include:

- Late Fees;
- Early Termination Fees;
- Penalty Fees;
- Reoccurring Monthly Charges;
- Move-Out Charges;
- And much, much, more.

\$34.99
Register Now



Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
Law Office of Angelita E.
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HUD Alleges New York Condo Complex is Not Accessible

The Fair Housing Act requires that multifamily housing built after March 1991, contain accessible features for persons with disabilities. This includes accessible common areas, bathrooms and kitchens, as well as wider doors and environmental controls that can be reached by residents who use wheelchairs. Failing to include these features violates the Fair Housing Act.

The accessibility requirement is causing big problems for the designers and builders of a 40-unit condominium complex in Brooklyn, New York. The U.S. Department of Housing and Urban Development's Assistant Secretary for Fair Housing and Equal Opportunity initiated a complaint after HUD staff found that the condominium complex failed to meet the Fair Housing Act design and construction requirements. According to the charge, the complex lacks accessible routes and entrances into and through the common areas as well as accessible kitchens and bathrooms.

What's next? The charge will be heard by a United States Administrative Law Judge unless any party elects for the case to be heard in federal court. At a minimum, the building will need to be retro-fitted to bring it up to standards. This alone will be costly.



Fair Housing Webinar Disparate Impact Update

**Wednesday, November 13, 2019
10:00 a.m. - 11:00 a.m. Central**

HUD has proposed a new rule for analyzing disparate impact claims which will impact how landlords are defending these cases. Additionally, non-profits and others have been busy filing disparate impact lawsuits all over the country. In this webinar, we will discuss some of the recent disparate impact cases as well as HUD's new rule. Our discussion will include:

- HUD Proposed Rule;
- Source of Income;
- Criminal Background Criteria;
- Domestic Violence; and
- Occupancy Standards

\$24.99
[Register Now](#)

HUD Files Another Familial Status Charge

Familial status discrimination claims are plentiful this month. The U.S. Department of Housing and Urban Development has filed another fair housing charge alleging familial status discrimination. This time, the charge alleges a New York landlord refused to rent a one-bedroom apartment to a father because his son would stay with him three times a week. In addition, the owner allegedly stated he did not want children living on the property citing parking issues. Unless settled, the landlord will now have his case heard by an Administrative Law Judge or he may elect to have it heard by a federal Judge.



Justice Department Sues Hawaii Landlords for Familial Status Discrimination

The U.S. Department of Justice has filed a lawsuit alleging that the owners and managers of student residential rental housing in Hawaii refused to rent to families with children, in violation of the Fair Housing Act.

The Legal Aid Society of Hawaii originally brought the allegations to the DOJ's attention after it conducted testing which showed discrimination against families with children. The DOJ filed suit.

The lawsuit complaint alleges that the owners and managers have discriminated against families with children by: (1) refusing to rent or to negotiate for the rental on the basis of familial status; (2) steering prospective renters with children who inquired about housing away from the properties 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.

The lawsuit seeks monetary damages to compensate the victims, a civil penalty to vindicate the public interest, and a court order barring future discrimination.

Tennessee Human Rights Commission Annual Report Is Out

On September 23, 2019, the Tennessee Human Rights Commission (THRC) published its annual report for the FY 2018-2019. The report provides details of the activities, efforts and initiatives of the THRC including those involving fair housing discrimination.

The Housing Division of the THRC has a Memorandum of Understanding with the U.S. Department of Housing and Urban Development where the THRC agrees to investigate fair housing complaints that are filed jointly with both agencies. Under the HUD goals, the THRC should be completing the investigation of 50% of the claims within 100 days.



This past year, the Housing Division of the THRC closed only 25% of their jointly filed claims within 100 days. The average complaint took 267 days to resolve. This may be partially due to on-going personnel vacancies in the Housing Division.

The THRC had 539 inquiries regarding housing discrimination and accepted only 123 complaints. The majority of complaints – a whopping 55% - alleged disability discrimination. Race came in next with 21% of the total claims while national origin and retaliation had 5% each. Color, familial status, and gender all had 4% each. There were a total of 13 “for cause” findings where the THRC believed discrimination had occurred. This is almost double from last year when the THRC had only 7 “for cause” findings.

There were 32 complaints resolved through conciliation with a total of \$77,514 in monetary benefits being paid to complainants. This is an increase from last year when 41 conciliated claims resulted in \$47,009 in benefits. Non-monetary benefits to complainants included accommodations, modifications, removal of eviction records, fair housing training, policy revision, and housing opportunities.

In sum, the number of complaints has not varied much over the last year. However, two things are very different: (1) the number of “for cause” findings has almost doubled, and (2), the amount of money landlords are paying to resolve these complaints has risen significantly. Could this be a trend?