



Fair Housing Newsletter

Keeping you current on fair housing news and issues



 LAW OFFICE OF
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Georgia Landlord Sued for Sexual Harassment

The U.S. Department of Justice filed a federal lawsuit against a Georgia landlord and several other defendants alleging the landlord sexually harassed and retaliated against female tenants at residential properties he owned or managed.

The lawsuit alleges that since at least 2008, the landlord made repeated and unwelcome sexual comments and advances to female tenants, inappropriately touched their bodies without their permission, entered their homes without their permission or knowledge, requested sexual acts, offered rental benefits in exchange for sex and took retaliatory actions against female tenants who rejected his sexual advances.

The complaint also alleges the landlord's son is vicariously liable for his dad's conduct because the dad acted as the son's agent when he sexually harassed tenants at properties in which the son had an ownership interest.

The lawsuit seeks monetary damages to compensate persons harmed by the alleged harassment, civil penalties to vindicate the public interest and a court order barring future discrimination.

The DOJ launched its Sexual Harassment in Housing Initiative in October 2017. Since launching the initiative, the DOJ has reportedly filed 33 lawsuits alleging sexual harassment in housing and recovered over \$10.8 million for victims of such harassment.

Note From the Editor: Summer is winding down and fall will soon arrive. If you are falling behind on your annual training, be sure to check out the latest fair housing training webinars. If you need a customized webinar, I am happy to help. Just give me a call.



NFHA Report Shows Increase In Discrimination Complaints

The National Fair Housing Alliance (NFHA) released a report showing that the number of housing discrimination complaints rose to more than 33,000 nationwide last year. The report includes data from 86 NFHA member organizations, which are all either private non-profit fair housing organizations or fair housing programs of legal aid agencies. HUD's 10 regional HUD offices and 77 state and local government agencies that participate in HUD's FHAP program also provided data. In addition, the report contains information gathered from the U.S. Department of Justice.

According to the report, there were 33,007 fair housing complaints received last year, a 5.74 percent increase compared to 2021. According to the report, this represents the highest number of complaints ever reported in a single year. Private non-profit fair housing organizations processed 73.94 percent of complaints, compared to 5.80 percent by HUD, 20.15 percent by Fair Housing Assistance Program agencies, and 0.11 percent by the DOJ.

The report shows that discrimination based on disability accounted for the majority (53.26 percent) of complaints. There were 2,490 complaints based on sex, the highest number recorded since NFHA began collecting such data in 2005. There was also a significant increase of 39.8 percent in complaints regarding source of income and an increase in domestic violence complaints, with 289 reported domestic violence complaints last year, compared to 172 in 2021.

Bottom Line: The number of residents/applicants filing complaints is on the rise.



NY Landlord Settles Source-of-Income Complaint

The owner of a rental property in Seaford, NY, has settled a source-of-income housing discrimination complaint that was investigated by Long Island Housing Services. The cost? \$4,000 to the Long Island Housing Services and an additional \$4,000 to the individual complainant.



The complaint involved a prospective renter who complained she was denied an apartment because she was using a Section 8 housing voucher to pay the rent. When investigating the complaint, the Long Island Housing Services sent testers posing as prospective renters. Some testers had Section 8 housing vouchers and were told that the vouchers were not accepted. Another test without a Section 8 voucher was given instructions on how to apply for the property and told that the property was still available.

While source-of-income is not a federally protected class, many states and municipal governments have passed laws adding source-of-income to their anti-discrimination laws. In this case, a prohibition on source-of-income discrimination had been county law in Nassau and Suffolk counties for a decade.



HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

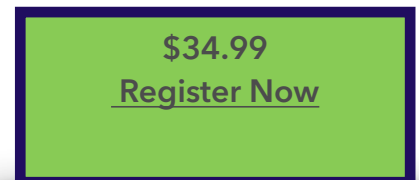
Get Your Money Back

Maximizing Recovery and Minimizing Loss When a Resident Damages Your Property

**Wednesday, September 27, 2023
10:00 a.m. - 11:30 a.m. central**

It's always a challenge to keep your rent delinquencies low, but what about when a resident causes damage to the property that costs even more money? And what if those damages aren't discovered until after the resident vacates? Now you don't even have the leverage of eviction to help recover your losses. In this webinar, we'll discuss best practices in handling physical damages to community property and recovering the cost to repair those damages, including:

- Strategies in recovering damages before the resident vacates
- How to document and collect evidence to support your damage claims
- When you can (and can't) use deposits to soften the blow
- What types of damages you may or may not be able to charge
- Requirements in retaining funds from the security deposit



Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
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Fisher

Oregon Landlord Settles ESA Claim

The owner and manager of a duplex in Salem, Oregon have agreed to settle a charge filed by the U.S. Department of Housing and Urban Development alleging they denied a reasonable accommodation request for a woman to live with her assistance animals. The owner and manager denied the allegations, but voluntarily agreed to settle the matter by paying \$17,000.

The HUD charge, alleged the owner and manager violated the Fair Housing Act when they denied a resident's accommodation request to waive a no-pet policy to allow her assistance cat and assistance dog to live in her home. As alleged in the Charge, the owner and/or manager wrote a letter stating: "We will NOT be changing our rental policy. If you feel that you need this accommodation, then please look for another place to live. We will NOT accept any animals of any kind no questions asked. I will give you a good rental reference if needed." The tenant was also told that the manager would not change the rental policy, would not accept any animals of any kind, and that she should seek new housing if she insisted on an accommodation.

In addition to paying \$17,000, the owner and manager have agreed to develop a reasonable accommodation policy and maintain records of any reasonable accommodation requests they receive.



Did You Know?

Sexual Orientation & Gender Identity are Protected Under Fair Housing Laws?

Denial of Assigned Parking Lands Landlord in Court

A Pittsburgh-area landlord has landed in court over parking. The landlord's problem started with a wheelchair bound resident who filed a complaint because the apartment complex denied her request for hard flooring. While investigating that complaint, the National Fair Housing Alliance and two other non-profit housing organizations, found violations of the owner's policy on assigned parking. More specifically, the owners told testers they would not provide an assigned parking space and in some cases told the testers that handicap spots are first come, first serve.

The result has been that the U.S. Department of Justice has filed a complaint alleging the company has violated the Fair Housing Act by denying assigned parking for prospective residents. The lawsuit is seeking an injunction to prevent the landlord from further alleged discrimination, as well as monetary damages for the three non-profit groups.



Design Case Settles for \$18,500

The U.S. Department of Justice announced it has settled a federal lawsuit filed against the developers of residential properties in St. Louis. The lawsuit alleged the developers violated the Fair Housing Act and the Americans with Disabilities Act by failing to design and construct a St. Louis apartment complex so it is accessible to people with disabilities.

Under the settlement, the developer will pay \$18,500 into a settlement fund to compensate individuals harmed by the inaccessible housing and will modify features of the apartment complex to be accessible. The modifications will include: elimination of inaccessibly steep slopes on the walkways around the outside of the apartment complex; making the exterior facilities, such as the dumpster and the dog park accessible by constructing the appropriate sidewalks and ramps; and making the bathrooms in the apartments more accessible and usable.



Fair Housing Webinar **Asked and Answered** Eight Common Fair Housing Questions

Wednesday, September 12, 2023
10:00 a.m. - 11:00 a.m. Central

As an attorney, I receive calls and emails daily asking questions about how to handle a particular situation with a resident or applicant. Many of the questions relate to the same issues over and over again.

In this webinar, we will discuss eight of the most common fair housing questions asked by landlords. The questions are:

1. Do I have to take a pit bull as a companion animal?
2. Is the two-person per bedroom occupancy standard still okay?
3. Do I have to reserve a handicapped parking space for someone with a disability?
4. What can I do about a companion animal that threatens to bite another resident?
5. May I deny an applicant with a criminal background?
6. May I still refuse to accept a section 8 voucher?
7. Is it still okay to non-renew someone without giving them notice of a lease violation?
8. Should I accept a doctor's letter for a companion animal if it was purchased from an on-line doctor?

\$24.99

[Register Now](#)

Can you ask about previous evictions?

One Fair Housing Agency Argues it Violates Fair Housing Laws

An Illinois nonprofit has filed a fair housing complaint with the U.S. Department of Housing and Urban Development against an apartment complex. The allegation is that the property owner's policy of rejecting applicants who have previously been evicted is discriminatory because it has an adverse effect on Black women.

The policy in question states that applicants for housing "cannot have a bankruptcy, judgment, eviction, foreclosure, history of late rent payments or short sale." The policy was posted on the landlord's website as a requirement for applicants. Since the lawsuit, the policy has been changed to clarify that applicants "cannot have an active bankruptcy (can override if discharged for two years), judgment, active eviction (although this can be overridden with proof of resolution), foreclosure, history of late rent payments or short sale."

The non-profit representative stated that even the revised policy could deter prospective renters and the policy change does not address previous harm done by the original policy. She went on to state that the goal of the lawsuit is widespread change. Instead of automatically denying applicants for having a previous eviction in their rental history, landlords can make an individualized assessment based on conversations with the applicant and eviction records.

Bottom Line: Selection Criteria is under scrutiny by HUD and many non-profit housing organizations. Make sure your's can pass the test.



DOJ Sues Ohio Landlord for Sexual Harassment

The U.S. Department of Justice filed a lawsuit against an Ohio landlord for sexually harassing female tenants and housing applicants in violation of the Fair Housing Act.

The lawsuit alleges the landlord: requested sex acts from female tenants and applicants; subjected female tenants to unwelcome sexual touching; made unwelcome sexual comments and advances to female tenants and their female guests; repeatedly drove by and entered female tenants' homes without their permission; demanded that female tenants engage in sex acts with him in order not to lose housing; and offered to reduce rent or excuse late or unpaid rent in exchange for sex acts. The lawsuit also alleges the landlord initiated evictions or threatened to evict female tenants who refused his sexual advances. The harassment has allegedly been going on since 2004.

