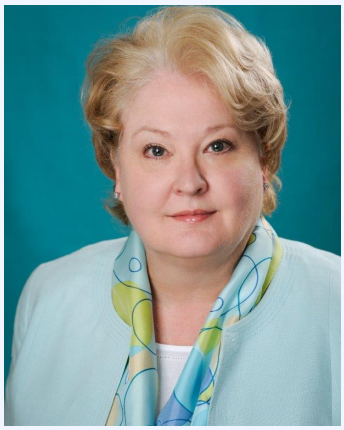
Editor: Angelita Fisher
Law Office of Angelita E. Fisher

July, 2024

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

Realty Company Settles Four Voucher Discrimination Cases

The New Jersey Attorney General has announced a settlement of four discrimination cases alleging a realty company violated the New Jersey Law Against Discrimination by refusing to rent to individuals with a voucher. The cost of settlement? $40,000.

In each of the cases, a non-profit group had conducted testing and then filed complaints after the testers were told by realty agents that the properties would not accept housing vouchers. Some of the agents failed to respond immediately on the use of Section 8 vouchers and then later told the tester that the landlord refused to accept a Section 8 voucher. In one case, the tester was told that property is "not signed up for Section 8, it's not approved for that," and told the tester "don't waste my [time]."

The realty company has agreed to pay a $10,000 penalty for the alleged violation in each case, for a total of $40,000 in penalties. In addition, they have agreed to refrain from discriminating on the basis of source of lawful income; to provide fair housing training for employees; and to make available voucher-knowledgeable staff to assist agents with processing housing vouchers.

Just a Reminder: Federal law does not specifically protect source of income as a protected class. However, many states and municipalities, including New Jersey, protect individuals based on source of income - including Section 8 vouchers.

Note From the Editor: Welcome to July! The weather is heating up and so are the fair housing issues. It seems there is new information coming out every day. Need to keep up? Be sure to register for the upcoming webinars.

New York Apartment Complex Sued for Fair Housing Act Violations

The United States Attorney for the Southern District of New York has filed a Federal Fair Housing Act lawsuit against a builder and trust for failure to design and construct new apartment buildings in a way to make them accessible to people with disabilites. The suit involves five properties that allegedly do not meet the Fair Housing Accessibility Guidelines, Design Guidelines for Accessible/Adaptable Dwellings.

The specific common areas issues include:

- The slope of the entrance to a building is not accessible because it is excessively steep.
- The front entrances to two building are not accessible because the handrail extensions on the ramp do not extend 12" in the direction of travel, and/or the landing at the bottom of the ramp is too narrow.
- The disabled parking spaces are not accessible because the slope is too steep.
- The clubhouse kitchen is inaccessible because the U-shaped kitchen lacks adequate space and the counter is too high.
- Mailboxes are not accessible because they are located too high.
- The common-use restroom is not accessible because the toilet is located in a space that is too narrow, the flush valve is not located on the correct side of the toilet, and there is not enough clearance on the latch pull side of the door.
- The designated accessible route entrance to one building is not accessible because there is a significant level change and steps.

There are also issues in the individual units including:

- The kitchens and bathrooms are inaccessible because they lack adequate clear space.
- The thresholds at the balcony doors are not accessible because they are too high.
- Thermostats in some rooms are inaccessible because they are too high.

The Complaint seeks a court order directing the builder to retrofit individual apartments as well as the public and common use areas of the buildings, to adopt FHA compliant policies and procedures and to compensate people who suffered discrimination due to the inaccessible conditions.

HUD and Georgia Landlord Settle Discrimination Charge

The U.S. Department of Housing and Urban Development has settled a charge filed against Georgia property owners and a property Management Company in March, 2024. The charge alleges the Management Company and owners failed to grant reasonable accommodations when a hearing-impaired resident requested to have a service animal, visual doorbells and visual smoke detectors. Under the settlement, the owners and Management Company will pay $47,500 and provide training to employees.

HOUSING CROSSROADS
WHERE FAIR HOUSING AND LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

Pump the Brakes!

The Pitfalls of Managing Vehicles on the Property

Wednesday, July 24, 2024
10:00 a.m. - 11:30 a.m. central

Every resident has a car...or two. Managing all the vehicles and requests for special parking can become a nightmare for property managers. Who gets priority?

In this webinar, we will discuss the common problems landlords face when dealing with vehicles on the property, which laws apply, and some best practices. Our discussion will include:

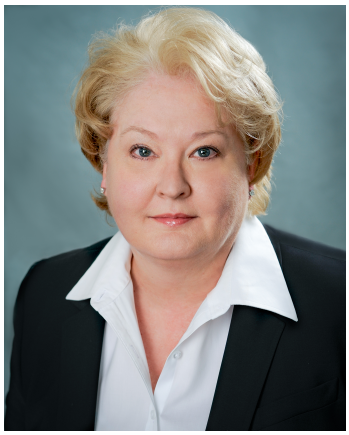
- Towing a Vehicle
- Documentation Needed
- Reserving Spots
- Handicapped Parking
- Abandoned Vehicles
- and much, much more

$34.99
Register Now

Register now for what is sure to be an enlightening discussion.

Nathan Lybarger
Law Office of Hall & Associates

Speakers



Angelita Fisher
Law Office of Angelita E. Fisher

Indiana Appeals Court Upholds Dismissal of Disability Case

An Indiana appeals court has upheld a lower court's dismissal of a fair housing case holding that incontinence is not a disability.

The case involved a resident who lived in supportive housing for the elderly under Section 202 of the Housing Act of 1959. The resident was incontinent which resulted in a strong urine odor in his apartment and the hall outside his apartment. The smell was a constant issue for others living on the same floor.

The property manager eventually evicted the resident because of the odor. In the eviction case, the court held that the resident was not disabled. Although incontinence was a physical impairment, the court held it did not substantially limit a major life activity. The court cited the fact that the resident had testified he washed down his walls three times in an attempt to eliminate the odor and that he had worked at a department store for 15 years.

The resident appealed. The appeals court agreed that the resident had failed to establish he was substantially limited in a major life activity. As such, he was not disabled and was not entitled to an accommodation.

Did you know?

Pregnant residents are protected under the familial status protected class?

DOJ and Ohio Landlord Resolve Claims of Sexual Harassment

The U.S. Department of Justice has settled another sexual harassment lawsuit. This time it was filed against the manager and owner of an Ohio property. Allegations in the lawsuit included: subjecting female tenants to unwelcome sexual comments; entering their homes without consent; touching female tenants; offering to excuse late or unpaid rent in exchange for sexual acts; and taking adverse housing-related actions against female tenants who refused sexual advances.

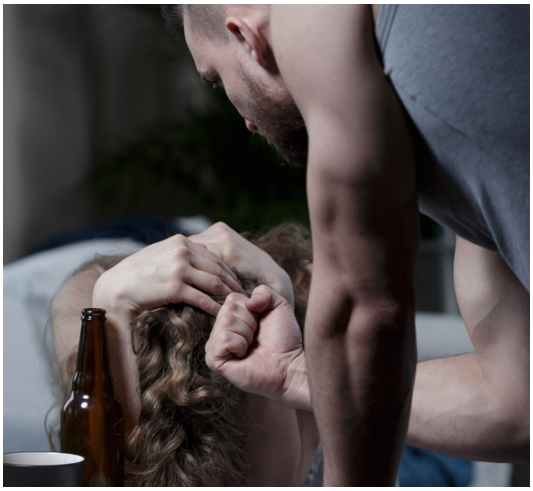
The cost of settlement? $199,000. Additionally, the landlord must take steps to vacate any adverse judgments and repair the credit of tenants who were evicted after refusing sexual advances. The landlord is permanently barred from managing residential rental properties.

VAWA and Disability Case Settles

Under the Violence Against Women Act (VAWA), individuals living in covered housing programs cannot be denied housing, evicted, or lose assistance due to domestic violence, dating violence, sexual assault, or stalking. They also have the right to request an emergency transfer for safety reasons related to violence.

So, when a Michigan resident believed a landlord had failed to respond to her application because of her vision impairment and status as a survivor of dating violence and stalking, she went to the U.S. Department of Housing and Urban Development.

The case has now been settled after the landlord agreed to pay the applicant $8,500. The landlord will also take steps to ensure their policies, practices, and procedures comply with VAWA and the Fair Housing Act and will require all its staff to attend VAWA-related training.



Fair Housing Webinar

Violence Against Women Act

Wednesday, June 12, 2024
10:00 a.m. - 11:00 a.m. Central

$24.99

Domestic violence is an issue almost every landlord has been forced to face. Can you evict? Do you need to get involved at all? Why is the resident looking to you for help?

Whether you're a federally funded property, a tax credit property, or accept a Section 8 voucher, you must comply with the Violence Against Women Act. Every landlord should know the rules on when the Act applies, transfers, documentation, and liability. In this webinar, we will discuss:

- Recognizing when the VAWA May or May Not Apply
- Sorting out the Paperwork
- Requesting Documentation
- Transfers
- Liability
- Recent Cases Interpreting the Act

$24.99
Register Now