



Fair Housing Newsletter

Keeping you current on fair housing news and issues



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

Sexual Harassment Lawsuit Settles for \$750,000

Twenty-three victims of sexual harassment in and around the Minneapolis area will receive \$736,000 in the settlement of a lawsuit filed by the U.S. Department of Justice. The lawsuit, filed in September, 2020, alleged the Property Manager subjected 23 female tenants and prospective tenants to sexual harassment including: comments on female tenants' looks and body parts; unwelcome touching; asking personal questions about their relationship status; making unwelcome sexual advances; discussing sexual topics without consent; entering their homes under the pretense of collecting rent to solicit sexual favors; and offering them rental benefits, such as excusing late or unpaid rent, in exchange for sexual favors.



In addition to compensation for the victims, the defendants have agreed to pay a \$14,000 civil penalty to the United States. The settlement also permanently bars the Property Manager from property management in the future. It requires the owner have an independent property manager approved by the DOJ. The employees must also undergo education and training on fair housing laws, with specific emphasis on discrimination on the basis of sex and sexual harassment.

Since launching the Sexual Harassment in Housing Initiative in October 2017, the DOJ has filed 23 lawsuits alleging sexual harassment in housing and recovered over \$4.8 million for victims of harassment.

Note From the Editor: Happy Thanksgiving. May your holiday be filled with family, fun and food. We appreciate your business and are thankful for your friendship.



Failure to Provide Language Services Results in Fair Housing Claim

The Fair Housing Act prohibits discrimination against residents and applicants because of their national origin. This means properties which receive federal assistance, must take reasonable steps to ensure that residents and applicants with limited English proficiency have meaningful access to language services.

The denial of language services was an issue in a recent claim filed with the U.S. Department of Housing and Urban Development. The case involved a federally subsidized property in Arizona. A resident from Chad, who had limited English proficiency, filed the complaint alleging that the owner and manager where she and her daughter lived failed to provide her with language services she needed to make informed decisions about her housing. The woman also alleged the Property Manager insisted that she sign English-language housing documents when she could not adequately read or speak English.

HUD has now approved a settlement in the case. Under the agreement, the landlord will pay the woman \$1,000 and will also pay each household with limited English proficiency \$500. These payments will be made up to a total compensation of \$34,000. In addition, the landlord will provide:



- Interpretation services;
- Ensure that signage in English, Somali, Arabic, Kinyarwanda, Tigrinya, and Spanish is posted at the entrances to the property and states interpretation services are available to current and prospective residents, free of charge;
- Develop and implement a language access plan to provide for translated documents; and
- Have its employees attend fair housing training.

Restriction on Children Visitors Due to COVID Costs Landlord \$20,000

A federally subsidized apartment community in Fairhope, Alabama has agreed to pay \$20,000 to settle a fair housing complaint after it prohibited children under 12 from visiting the property during the COVID-19 pandemic.

The complaint was filed with the U.S. Department of Housing and Urban Development by a resident who had been providing childcare for her grandchildren. When the pandemic hit, she was told she could no longer have her grandchildren in her apartment. The property had instituted a policy prohibiting visitors under the age of 12 because of the virus.

After investigation by HUD, the property made the decision to settle the claim. They have agreed to pay the resident \$20,000 and rescind their policy prohibiting visitors to the property who are under the age of 12. The owners will also: implement revised visitation policies; implement a non-discrimination policy; and undergo annual training for their management staff on how to comply with the Fair Housing Act.

Demetria McCain, HUD's Principal Deputy Assistant Secretary for Fair Housing and Equal Opportunity stated in the HUD press release, "While housing providers can certainly take reasonable precautions to protect their residents from COVID-19, such as requiring residents and visitors to wear masks or maintain social distancing in public areas of an apartment building, they may not impose blanket prohibitions on any visits from children no matter what precautions are taken, thus keeping residents from visiting with family and friends in their own homes."

Remember, the Fair Housing Act also prohibits landlords from imposing discriminatory terms or conditions based on a person's actual or perceived disability, including the perception that they are unsafe to associate with because of fear they may spread contagious disease.



Housing Crossroads Webinar

Debunking Common Legal Myths

Wednesday, December 1, 2021
10:00 a.m. - 11:30 a.m. central

Now more than ever, misinformation abounds. Sometimes, that misinformation comes from unreliable sources, sometimes that misinformation was correct at one time, but has become obsolete. In any case, there are common legal myths that can cause landlords all kinds of trouble. In this webinar, we'll address some of these myths, such as:

- You cannot evict a tenant for an emotional support animal behavior
- You can non-renew a lease for no reason
- An arrest is proof of criminal activity
- You must grant every request for reasonable accommodation
- A written statement can be used as evidence in court
- And many more

\$34.99
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Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
Law Office of Angelita E.
Fisher

Arkansas Housing Authority Settles Sexual Harassment Case

Receiving a Housing Choice Voucher may mean the difference between being in a homeless shelter and having a home. For one Arkansas women, her receiving a voucher was conditional upon her agreeing to provide sexual favors. Outcome – a \$70,000 settlement.

The case began when an Arkansas woman, who was living with her two minor children at a shelter for survivors of domestic violence and abuse, applied to the Housing Authority for a Housing Choice Voucher in Cleburne County, Arkansas. The Housing Authority assigned the application to a Housing Authority employee who, among other duties, served as the Housing Choice Voucher coordinator for Cleburne County.

The Housing Authority employee allegedly sexually harassed the woman by: touching her without her consent; requesting she provide him with full-frontal nude photographs in exchange for his assistance in finding housing; making graphic descriptions of the poses he wanted for the photographs; making other unwelcome sexual advances; and threatening to post nude photographs of the woman on Facebook if she reported him.

The woman filed a complaint with the U.S. Department of Housing and Urban Development. HUD investigated the complaint and found evidence of sexual harassment. The U.S. Department of Justice then filed a lawsuit. The parties have since agreed to settle. Under the settlement agreement, the Housing Authority will pay \$70,000 to the woman. The Housing Authority employee will never again be allowed to work in the property management business or participate in any public housing program.

New HUD Rule Published

On October 7, 2021, the U.S. Department of Housing and Urban Development published a rule to prohibit the eviction of tenants for nonpayment of rent from HUD-subsidized, public housing and certain properties with project-based rental assistance without providing a 30-day notice period.

The interim rule provides that when there is a national emergency, such as the COVID-19 pandemic, and federal money is allocated to help tenants facing eviction for nonpayment of rent, the HUD Secretary can:

- Expand the notice a covered landlord must give before a tenant is required to vacate from 14 days to 30 days;
- Require landlords to provide information to the tenant regarding federal emergency rental relief along with the eviction notice; and
- Require landlords to provide notice to all tenants in public housing of the availability of emergency rental assistance.

The rule will become effective November 8, 2021. Comments may be made at: <https://www.federalregister.gov/documents/2021/10/07/2021-21960/extension-of-time-and-required-disclosures-for-notification-of-nonpayment-of-rent#open-comment>



Owners Pay \$15,000 to Settle Race and Sexual Orientation Complaint

The owners of an apartment complex in Tucson, Arizona have agreed to settle a claim filed by a same-sex African-American couple residing at the complex. The complaint, filed with the U.S. Department of Housing and Urban Development, alleged the neighbors threw rocks and yelled racial and sexual slurs and insults. When the couple reported the neighbors to management, it did not take action to stop the harassment. In addition, the couple claimed the Property Manager retaliated against them for making the complaint by transferring them to a unit that contained mold and other problems.

Under the settlement agreement, the owners will pay \$15,000 to the couple, create a tracking system for all reports of harassment, respond in a timely manner, and provide fair housing training for their employees.

The Fair Housing Act prohibits discrimination based on sexual orientation. Under HUD's interpretation, the Act also prohibits housing providers from failing to take prompt actions to address discriminatory harassment by other tenants where the housing provider knew or should have known if the discrimination.



Fair Housing Webinar

Housekeeping or Hoarder?

Accommodating Hoarders under the Fair Housing Act

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

\$24.99

Hoarding has been recognized by the American Psychiatric Association as a mental disorder. What does that mean for landlords? You may have an obligation to accommodate the resident instead of taking immediate legal action to evict.

In this webinar, we will discuss step-by-step accommodations for a resident who is hoarding while avoiding violations of fair housing laws. Our topics will include:

- Recognizing a Hoarder
- Protections Under Fair Housing Laws
- Examples of Accommodations
- Documentation you may require
- Following-Up

\$24.99
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