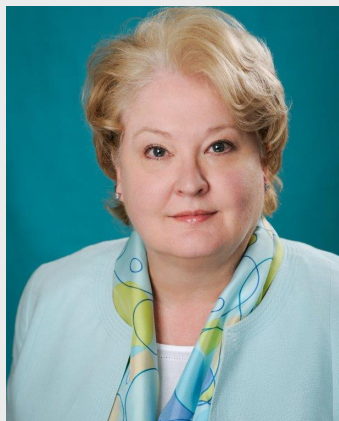




Fair Housing Newsletter

Keeping you current on fair housing news and issues



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Condo's Refusal of Service Animal Costs \$57,000 plus Attorney Fees

A recent case shows just how far some landlords are willing to push the service dog issue and how much it ends up costing. In this case, an eighty-four unit condo association was sued for refusing to allow a resident an emotional support animal and ended up paying \$57,000 plus the resident's attorney fees.

The case started when Ms. Nelson, a single female, purchased a condo. Under the condo rules "No animals of any kind shall be raised, bred or kept in any Unit or in the Common Elements." This was not an issue for Ms. Nelson, because she did not have any animals at the time.

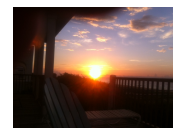
Some years later, Ms. Nelson experienced several tragic events which changed her life. A very good friend committed suicide. Later that same year, Ms. Nelson witnessed a close friend and fellow musician shot and killed while performing in a restaurant. The next day, her brother was tragically killed in an accident. About a month later, she found that a close friend had drowned. These events caused Ms. Nelson to become very depressed and experience panic attacks.

While house-setting for a friend, Ms. Nelson rescued a seven-pound Chihuahua. Initially, the dog stayed at the house where it was rescued. However, later the owner gave the dog to Ms. Nelson who took the dog to live at the condo. The dog brought Ms. Nelson out of her depression and helped her to start feeling joy again. She took the dog everywhere including work.

The condo association was not happy. It fined Ms. Nelson for having the dog. Ms. Nelson did not pay the fines and told the association that the dog was needed for her depression. When she asked what documents were needed to establish that she needed the dog, the association responded by filing a lien on her condo and eventually a court action. Ms. Nelson moved out of her condo and rented an apartment where she could keep her dog.

Continued on next page

Note from the Editor: This month's newsletter is a collection of articles on fair housing cases, settlements and newsworthy events. If you are interested in learning about a particular topic, please let me know and I will consider your topic for an article or webinar.



In the News

Hawaii Settles Language Barrier Complaint

Hawaii's public housing agency has agreed to settle a case alleging it did not provide interpreters for a Micronesian family that spoke limited English. The case arose during an eviction process where the family was using their 17-year old daughter as an interpreter. The daughter became upset and was not able to interpret for the family. As part of the settlement, the agency has agreed to pay the family \$2,000 and to identify people with limited English proficiency and provide them with free interpretation services.

Georgia Landlord Accused of Familial Status Discrimination

The U.S. Department of Housing and Urban Development has charged a Georgia couple with housing discrimination for refusing to rent an apartment to a single mother and her son. The mother alleged she inquired about an apartment after seeing a "For Rent" sign in the window. While speaking to the landlord, the mother was questioned about her employment and family size. The mother was told the landlord "would not rent to applicants with children." When HUD began investigating, it discovered the landlord actually put language in the lease prohibiting children. The HUD charge will now be heard by an Administrative Law Judge unless either party decides to have the case heard in federal court.

We offer regular webinars on a variety of fair housing subjects. Check out our website to find out more.

www.angelitafisherlaw.com

Continued from page one Service Animal

When the case came to court, Ms. Nelson won. Ms. Nelson established that she was in fact disabled. She had depression and severe anxiety as a result of the tragic events in her life. Ms. Nelson also established that she needed the dog because of her disability. The Judge held that the association had violated the Fair Housing Act by refusing to allow Ms. Nelson to keep her dog.

The judge awarded Ms. Nelson \$12,000 in actual damages, \$45,000 in punitive damages and reasonable attorney fees, to be determined at a later date. The judge also ordered the condo association to allow Ms. Nelson to return to her condo with her dog and remove any fines and interest from her account.

City of Richmond Settles National Origin Complaints

The City of Richmond, Virginia, has agreed to settle 14 fair housing complaints brought by Hispanic residents. The complaints alleged the City enforced its code requirements selectively against mobile home parks which were predominantly occupied by Hispanics. The City allegedly imposed unreasonable and legally unjustified requirements that mobile homes had to meet to avoid condemnation. The City also allegedly intimidated and harassed residents by conducting intrusive inspections with armed police escorts and threatened criminal action and large fines. Under the agreement,



the City will pay \$30,000 in damages and take other actions to ensure Hispanic residents are not discriminated against. Some of the same residents were part of a separate lawsuit and received \$40,000 from the City for relocation or home safety repairs.

DOJ Files Sexual Harassment Lawsuit

The U.S. Department of Justice has announced it has filed a lawsuit against two St. Louis landlords. The lawsuit alleges the landlords subjected female tenants to sexual harassment and retaliation. The alleged harassment included conditioning housing or housing benefits on female tenants' agreement to engage in sexual acts, coercing female tenants to engage in unwelcome sexual acts, making unwelcome sexual comments and advances to female tenants and taking adverse actions against female residents when they refused the sexual advances. The lawsuit seeks monetary damages and civil penalties.

In the News

Service Animal Denial Costs Landlord \$25,000

A Florida Condo Association has agreed to pay a resident \$15,000 to settle a claim it denied her son a service animal. It also agreed to pay the Guardian Angels Medical Service Dogs, Inc., \$10,000 as part of the settlement. The claim arose after a resident contacted the property manager about her son's need for a service animal. The manager told the resident that her request would not be approved and that the condo association was "currently involved in very expensive lawsuits with other residents regarding service animal." The resident was also denied the opportunity to renew her lease after asking for the service animal.

DOJ Announces Settlement with Seven Michigan Complexes

The U.S. Department of Justice announced it has settled a lawsuit it filed against seven Michigan Apartment Complexes. The lawsuit alleged the owners and operators of the complexes discriminated against families with children. Specifically, the landlords were accused to refusing to rent one-bedroom apartments to families with children. During the investigation, testers were even told children were not allowed in one-bedroom apartments. Under the terms of the settlement, the landlords will establish a settlement fund of \$20,000 to compensate victims and pay a \$5,000 civil penalty.

Wrongfully Evicted Servicemembers Receive Settlement

A Southern California Landlord who owns and operates dozens of on-base and off-base military housing communities has agreed to pay \$200,000 to resolve complaints it unlawfully evicted servicemembers and their families by obtaining default judgments against them in violation of the Servicemembers Civil Relief Act. The landlord allegedly submitted affidavits to the court during the eviction process indicating the residents were not in the military. As a result, the servicemembers were put at risk of being evicted without having an opportunity to participate in the case and without having an attorney assigned to represent them. Under the consent order, the landlord will pay each aggrieved service member \$35,000, vacate the eviction judgment, forgive any deficiency balance and ask credit agencies to remove the evictions from their credit reports. The landlord will also pay a \$60,000 civil penalty.

HUD Charges Pittsburgh Area Landlord with Disability Discrimination

The HUD charge alleges the owners and managers at an apartment complex sent residents a notice stating that there would "no longer be any assigned [parking] spaces, no exceptions, even for people with disabilities." The charge also alleges that testers posing as rental applicants were denied requests for assigned parking even though they needed the parking spaces because of mobility disabilities. The charge will be heard by an Administrative Law Judge unless either party chooses to have the case heard in federal court.

Service vs. Companion Animal Webinar

Wednesday, October 12, 2016
10:00 a.m - 11:00 a.m. CDT

One of the more confusing issues for landlords today is whether or not to challenge a resident who claims to have a service and/or companion animal. More and more residents are purchasing on-line certificates and daring landlords to ask any questions. In this webinar, we will discuss a landlord's right to ask questions and require documentation. We will discuss:

- Understanding which law applies
- Legal Obligations to Accommodate
- Documentation you may require
- Authenticating the Documentation
- On-Line Certificates

\$24.99

Register at:
www.angelitafisherlaw.com/fair-housing.html

Disparate Impact Case Dismissed in Lower Court

The case that spurred the U.S. Supreme Court to hold that a disparate impact case exists under fair housing laws has been dismissed. At issue in the case was the allocation of certain tax credits for low-income housing developments. A non-profit agency had alleged that the policy or practice of permitting the Texas Department of Housing and Community Affairs to use its discretion in allocating tax credits caused a disparate impact on minorities in violation of the FHA. In August, a Northern District of Texas court ultimately dismissed the claims raised in that case, finding that non-profit agency had failed to point to a specific, facially neutral policy that caused a racially disparate impact. The court found that the agency had failed to demonstrate that the Texas Department of Housing and Community Affairs' discretionary decisions caused a statistical disparity.



Housing Crossroads Webinar

Don't Forget the Addendum - Part Two

**Wednesday, September 28, 2016
10:00 a.m. - 11:30 a.m. CDT**

There were just too many addenda to cover in the first Addendum webinar - so we decided a Part-Two was in order. This webinar is a continuation of the August webinar where we discussed how you can customize your landlord/tenant relationship with an addendum - what is lawful and unlawful as well as fair housing overlaps. Our continuing discussion this month will include:

- Smoking
- Utility
- Roommate Replacement
- Parking
- Rules and Regulations
- And much, much, more

\$34.99
Register
[Click Here](#)

Join us for what is sure to be a lively discussion with three of Nashville's leading attorneys on the subject.



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