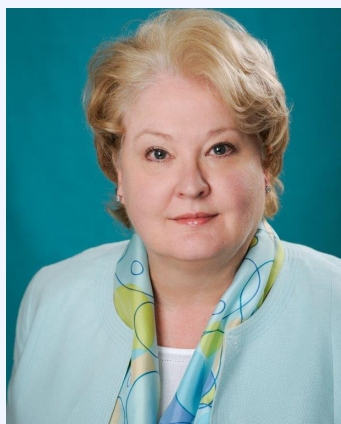




# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



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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.  
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## RV Park Charged with Familial Status Discrimination

A Nevada RV Resort has been charged with fair housing violations. The U.S. Department of Housing and Urban Development (HUD) has charged the Owners and General Manager with discriminating against a family with three minor children.

HUD's Charge alleges the RV Resort discriminated against families by placing unreasonable age restrictions on many of its amenities. The restrictions include: prohibiting anyone under 18 years old from being in the outdoor swimming pool unattended; and restricting children under 14 years old from using the property's billiards room and spa.



The management also allegedly made statements admonishing parents about letting their children go unsupervised on the property. As further evidence of discrimination, the resort's website displays images of only adults using and enjoying the resort's amenities and grounds, with no images of children or families.

**Lesson Learned:** The Fair Housing Act protects families with children under the age of 18 from discrimination. Children should be allowed to enjoy the amenities that many RV Parks, apartment buildings, and homeowners associations provide.

**Note From the Editor:** Fall has arrived. It is time to start thinking about 2024's fair housing training. If you need to schedule training, now is the time. Just give me a call or send me an email. Happy Fall!



## Two ESA Discrimination Charges Filed

The U.S. Department of Housing and Urban Development has charged two different sets of New York Owners and Property Managers, with violating the Fair Housing Act by refusing to allow tenants with a disability to live with their emotional support animals (“ESA”).

The first charge alleges the Owner/Manager denied the tenant’s request for an ESA and then presented her with the option to either terminate the lease early or leave upon the end of the lease term. Although the tenant offered to submit medical documentation supporting her request, the Owner/Manager stopped communicating with her instead. Additionally, the Charge alleges that the Owner/Manager told the tenant during move-out, “You should have told us you had mental problems before you moved in, and you should have moved out if you wanted a cat.”



In the second charge, the housing provider allegedly refused a tenant’s request to allow her disabled child to have an ESA. Although the mother provided medical documentation supporting the child’s need for an ESA, the housing provider allegedly continued to deny the accommodation and imposed onerous and discriminatory conditions. Shortly after her second request for an accommodation, the tenant received a notice to vacate her unit and had to move to another, more expensive, apartment.

A United States Administrative Law Judge will hear HUD’s Charges unless any party to the Charges elects to have the case heard in federal district court or the cases are settled.

## CA Property and DOJ Settle Sexual Harassment Case

The U.S. Department of Justice announced a \$130,000 settlement resolving allegations that a California Property Manager sexually harassing multiple female tenants since at least 2012.

The Property Manager allegedly offered housing-related benefits in exchange for sexual acts, made unwelcome sexual comments and advances to female tenants, entered the homes of female tenants without their permission and subjected female tenants to unwelcome sexual acts.

Under the settlement, the Owner and Manager will pay \$120,000 to compensate individuals harmed by the alleged harassment and a \$10,000 civil penalty to the United States. In addition, the Manager will not be allowed to manage any rental housing in the future and the Owner will be required to hire a third-party to manage the property.





# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar

### Magic Words

*When is a Complaint more than just a complaint*

Wednesday, October 25, 2023  
10:00 a.m. - 11:30 a.m. central

As a landlord, you communicate with our residents constantly – it's a daily, fundamental part of property management. But all communications are not created equal. Sometimes – whether the resident knows it or not – these communications trigger legal remedies to which the resident may be entitled. In this webinar, we will help identify key words, phrases, and topics to watch out for and best practices to resolve those issues with limited exposure. We'll discuss landlord (and tenant) obligations regarding:

- Essential services
- The right to peaceful and quiet enjoyment
- Maintaining the premises
- Allegations of discrimination
- Requests for reasonable accommodations
- And much more

**\$34.99**

[Register Now](#)



Nathan Lybarger  
Law Office of Hall &  
Associates

### Speakers



Angelita Fisher  
Law Office of Angelita E.  
Fisher

## DOJ Files Sexual Harassment Lawsuit Against Ohio Landlord

The Justice Department announced it has filed a lawsuit against an Ohio Owner and Manager of residential rental properties for sexually harassing a female tenant in violation of the Fair Housing Act.

The lawsuit alleges the Owner/Manager sexually harassed female tenants at properties that he owned or managed since at least 2009. According to the complaint, the Owner/Manager subjected female tenants to repeated and unwelcome sexual comments, touched them without their consent, entered their homes without permission and offered to overlook late rent payments, waive rent or perform repairs in exchange for sexual contact. The lawsuit also alleges the Owner/Manager initiated evictions or threatened to evict tenants who refused his sexual advances.

The lawsuit seeks monetary damages to compensate those harmed by the alleged harassment, a civil penalty, and a court order barring future discrimination.



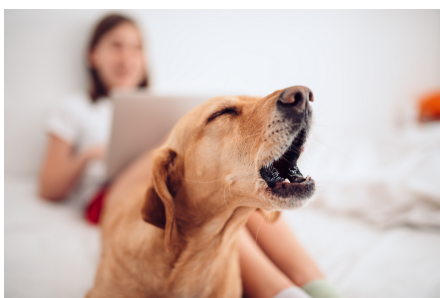
## Did You Know?

*The Violence Against Women Act Applies to conventional properties when they accept a Section 8 voucher?*

## Barking Dog Case Dismissed

A New York Federal Judge has dismissed a resident's lawsuit alleging his landlord failed to stop the neighbor's dog from barking in violation of the Fair Housing Act.

The resident, who was disabled, claimed the landlord failed to accommodate his disability when it did not stop the neighbor's dog from barking excessively. However, the landlord had offered two accommodations. The landlord offered to allow the resident to move to another unit. It even offered multiple units that would meet his needs. The resident refused. The landlord then put soundproofing panels in the neighbor's unit and offered the same to the resident. Again, he refused.



The court found that the resident could not bring a claim of failure to accommodate when reasonable accommodations had been offered and unreasonably refused. Case dismissed.



## HOA Wins after Denying Wood Fence Accommodation

A Tennessee Judge recently dismissed a lawsuit against a Homeowner's Association (HOA) alleging it violated the Fair Housing Act when it refused to allow a homeowner to build a six-foot wood fence.

The homeowner's son was disabled. To accommodate his son's disability, the homeowner requested he be allowed to build a fence that would keep his son safe. The requested fence was six-foot and made from wood. The HOA approved a six-foot wrought iron fence, but denied the request that the fence be made of wood.

The homeowner sold his home and filed a lawsuit against the HOA. The Judge dismissed the lawsuit. The HOA had offered an accommodation and the homeowner had failed to show why the wood fence was needed instead of a wrought iron fence.

Lesson Learned: Offering alternative accommodations can save the day...and the lawsuit.



### Fair Housing Webinar

## Reviewing Your Documents for Fair Housing Missteps

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

Every communication has the potential of violating fair housing laws. Whether it is a policy, email, notice, or text – managers must keep fair housing laws in mind. Poorly written documents can be used as proof of discrimination. In this webinar, we will discuss some of the common fair housing mistakes property staff make when drafting documents by showing examples of good and bad documents. Our discussion will include:

- Policies
- Inter-Office Emails
- Notices
- Emails and Text Messages to Residents
- Note Taking for the File

**\$24.99**

[Register Now](#)

## HUD Settles Two VAWA Complaints

The Violence Against Women Act (VAWA), is a federal law protecting victims of domestic violence, sexual assault, dating violence and stalking. It applies to housing providers who receive federal funds, Low-Income Housing Tax Credits or accept a housing voucher. Under VAWA individuals 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. These protections apply regardless of sex, gender identity, or sexual orientation.

Individuals who believe they have been denied VAWA protections may file a complaint with the U.S. Department of Housing and Urban Development (HUD). In September, HUD settled two VAWA cases: one in Nevada and another in California.

In the Nevada case, HUD's investigation found that a tenant who had a Housing Choice Voucher was denied a mid-lease emergency transfer after being stalked by a former partner. The tenant alleged that the housing provider demanded documentation that it was not permitted to request under VAWA, threatened to revoke the tenant's voucher, denied her request to extend her voucher, and stopped paying its portion of the rent while the tenant prepared to move to protect her safety.

The Nevada settlement agreement requires the housing provider to adopt and implement policies that comply with VAWA, including an Emergency Transfer Plan that will allow survivors who qualify to move quickly without losing their assistance, to hire outside experts to provide VAWA training to staff, and to pay the tenant an undisclosed amount of money.

In the California case, female applicant filed a complaint alleging that a landlord which receives funds under the HOME Investment Partnerships Program and Low-Income Housing Tax Credits, violated her rights under VAWA by denying her application. The denial was allegedly due to a history of lease violations at her previous residence which were related to her status as a survivor of dating violence. Although the housing provider denied that the tenant disclosed her status as a dating violence survivor, they acknowledged that they failed to accompany the denial letter with any information about her rights under VAWA, as required by law, and that they did not advise her about how she might appeal the denial.

Under the terms of the California agreement, the housing provider will pay the applicant an undisclosed amount of money, place her on the top of the waitlist for the next available unit at two properties, notify her in writing when such a unit becomes available, revise their policies and procedures to comply with VAWA, establish a VAWA Rights Coordinator to handle VAWA matters and compliance, and require their employees to complete VAWA training annually.

## HUD Charges Owner and Manager with Sexual Harassment Discrimination

The U.S. Department of Housing and Urban Development (HUD) announced it has charged the Owner and Property Manager of single-family rental properties in the Springfield Missouri area, with housing discrimination for allegedly subjecting a female tenant to sexual harassment. According to the Charge, the harassment included the Manager making repeated unwelcome sexual comments to the tenant and pressuring her to provide sexual favors when she fell behind on rent payments. The Charge further alleges the Manager grabbed the tenant's "intimate areas."

HUD's charge will be heard by a United States Administrative Law Judge unless any party to the charge elects to have the case heard in federal district court or the case is settled.