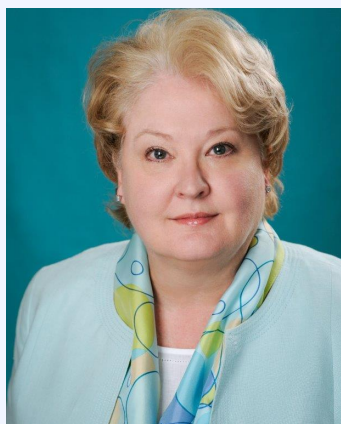




Fair Housing Newsletter

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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6688 Nolensville Road

Suite 108-161

Brentwood, TN 37027

615-305-2803

afisher@angelitafisherlaw.com

LA Court Holds Pet Fee Waiver Not Related to Disability

A federal court in Louisiana has held that a landlord was justified in denying the accommodation of waiving a pet fee for an emotional support animal. Why? Because the applicant did not show that the waiver of the animal fee was necessary to afford her equal opportunity to use and enjoy the dwelling.

In this case, the applicant had a dog and a letter from her healthcare provider requesting the dog be allowed to live at the apartment as an emotional support animal. The landlord agreed, however, the applicant was told she would owe a \$400 non-refundable animal fee. The resident filed a fair housing complaint alleging the landlord failed to accommodate her disability. Eventually, it ended up in federal court.

The landlord requested the court dismiss the complaint. The court agreed. It stated that the issue was not whether or not the dog was allowed to live on the property. The landlord had already agreed. The issue was whether or not the waiver of the animal fee was related to the resident's disability. The court held it was not since the resident was able to pay the fee as the landlord had offered to allow the fee to be paid in installments.

Important Note: Do not rely on this case to justify charging animal fees for support animals. Not all federal courts agree on this issue. You may be living in a jurisdiction where the court would hold differently. Plus, a significant issue in the case was the applicant's ability to pay the fee.

Note From the Editor: Summer is winding down and Fall will soon follow. If you still have fair housing training on your "To Do" list, be sure to check out the upcoming webinars. If you need company-wide training, give me a call.



Request for Accommodation Enough to Notify Landlord that Resident is Disabled

In order for a resident to be granted an accommodation under fair housing laws, the resident needs to be disabled. There are multiple ways to tell if a resident is disabled. Sometimes, the resident is obviously disabled. For example, the resident may be in a wheelchair. Other times, the resident may be collecting some type of disability benefits as part of their income. Finally, a resident may provide a letter from their healthcare provider stating they are disabled and need an accommodation because of the disability.

The question in a recent case was whether or not a letter from the resident requesting an accommodation was enough to establish that the resident has informed the landlord that he/she is disabled. In this case, a federal court in Illinois held yes, it was enough.

The case involved a resident who wrote a 12-paragraph complaint regarding ordinary repairs and maintenance in her unit. Amongst these paragraphs, the resident stated “I am officially asking for accommodations for parking, and for safe access to the 203-building meaning that the front walk will need to be made to accommodate handicap accessibility.” She then sued because the landlord did not grant the accommodations.

The landlord asked the judge to dismiss the case because they had no knowledge that the resident was disabled. The judge disagreed. The letter requesting an accommodation was enough for the landlord to be on notice that the resident was disabled. If the landlord chose, he/she could have asked for a letter from a healthcare provider. However, they could not defend a fair housing case by simply arguing that they did not know of a disability.



Did you know?

Using the phrase “Perfect for Seniors” in an advertisement is a fair housing violation.

Sober House Violated Fair Housing Act with Rent Due Policy

A federal court in Pennsylvania has held that a sober house violated the Fair Housing Act when it required disabled residents pay their rent at the first of the month. The policy in question stated: “Rent is \$200/per week and IS TO BE PAID EVERY FRIDAY ON TIME, NO EXCEPTIONS. If you are on SSI/Disability your rent/financial obligations will be due IN FULL on the first of every month.” Because those who collect disability benefits are considered to be disabled under the Fair Housing Act, specifically treated them differently by making them pay the rent in full at the first of the month when others could pay weekly, violated the law.





HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

ABCs of Eviction

Wednesday, August 27, 2025
10:00 a.m. - 11:30 a.m. central

Residents now have more legal resources and legal representation available to them than ever before. This is not a bad thing! But, as the efforts to provide counsel to residents continues, landlords must examine their own policies and procedures to avoid unnecessary delays in the legal process, and potentially significant liability.

In this webinar, we will examine the procedural steps in the legal eviction process, where the most common pitfalls exist, and discuss the best practices to avoid those pitfalls. Our discussion will include:

- The pros and cons of having an attorney on the other side
- The steps which must be taken before a detainer warrant can be filed
- What a landlord should expect when the warrant goes to court
- The process after a successful court order
- Last-minute accommodation requests

\$34.99
[Register Now](#)



Nathan Lybarger
**Law Office of Hall &
Associates**

Speakers



Angelita Fisher
**Law Office of Angelita E.
Fisher**

HUD Closes 7 Major Discrimination Investigations

The U.S. Department of Housing and Urban Development is planning to dismiss seven major investigations and cases concerning alleged housing discrimination. These cases reportedly include some instances where HUD has already found civil rights violations.

The cases involve allegations that state and local governments across the South and Midwest illegally discriminated against people of color by placing industrial plants or low-income housing in their neighborhoods, and by steering similar facilities away from white neighborhoods. One case to be dismissed involves allegations that the City of Memphis and Memphis Light, Gas and Water coerced residents of a poor Black neighborhood to sell their homes to make way for a new utility facility.

These dismissals are part of a growing trend of cases where the Trump Administration is rolling back fair housing enforcement.



Fair Housing Webinar

Fair Housing Failures *Six Common Fair Housing Mistakes*

Wednesday, August 13, 2025
10:00 a.m. - 11:00 a.m. Central

We all make mistakes now and again. For landlords, those mistakes can cost a lot of money if they violate fair housing laws. That is why it is important you not make the same mistakes over and over.

In this webinar, we will discuss some of the more common fair housing mistakes landlords make every day. Our discussion will include:

1. Failing To Get The Accommodation Paperwork Right
2. Failing To Fully Evaluate Emotional Support Animal Requests
3. Failing To Evaluate Policies For Disparate Impact
4. Failing To Address Problems On The Property
5. Failing To Recognizes Retaliation
6. Failing To Train Employees

\$24.99
Register Now

NAA Wins in Eviction Moratorium Case

The National Apartment Association is celebrating a key win in their case against the government for lost rent during the CDC moratorium.



On June 6, 2025, the U.S. Court of Appeals for the Federal Circuit denied the United States' Petition for Rehearing. The denial is a win for the multi-family housing industry and ultimately means that landlords in the case should be compensated for lost rent while the U.S. Centers for Disease Control and Prevention's federal eviction moratorium was in place.

Absent an appeal to the U.S. Supreme Court, the case will be sent back to the U.S. Court of Federal Claims for further proceedings that will dictate the amount of financial recovery.

Atlanta Housing Authority Freezes Rents

The Atlanta Housing Authority sent a memo to Section 8 landlords announcing it was implementing a freeze on Section 8 rent increases. This freeze will prevent landlords who accept a Section 8 voucher from raising rents for voucher holders for the indefinite future. The housing authority followed up by sending another memo stating they would consider rent adjustments on a case-by-case basis. Stay tuned for more.



TN Attorney General Begins Taking Fair Housing Complaints

On July 1, 2025, the Tennessee Attorney General, Jonathan Skrmetti, announced the opening of the new Civil Rights Enforcement Division, which is now accepting discrimination complaints under the Tennessee Human Rights Act and Tennessee Disability Act after the TN Human Rights Commission was dissolved.

So, what happened to the pending complaints at the THRC? According to the Attorney General's website, all pending employment law cases are now being investigated by the federal Equal Employment Opportunity Commission. Some pending fair housing complaints are being processed through the U.S. Department of Housing and Urban Development and some were dismissed. Those which were dismissed, may be refiled with the Attorney General's office within 90 days. Complainants may use the online portal to file complaints.



It appears that Complainants were notified as to what would happen with their complaints, however, Respondents have not been notified. For more information, you may visit <https://www.tn.gov/attorneygeneral/cred.html>.