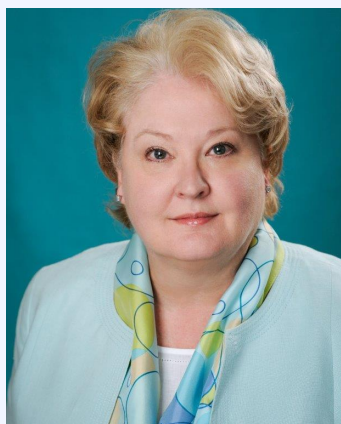




# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



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## Senators Look to Expand the Fair Housing Act

Senator Tim Kaine, D-Virginia, and Senator Orrin Hatch, R-Utah, have introduced the “Fair Housing Improvement Act of 2018,” which would prohibit housing discrimination based on an applicant or resident’s source of income or veteran status.

This is not the first time Senator Kaine has tried to expand the protected classes under the Fair Housing Act. Last year, Senator Kaine was involved with the introduction of the “Fair and Equal Housing Act of 2017,” which would have prohibited housing discrimination based on sexual orientation and gender identity. The 2017 bill was not successfully passed.

This bill comes only months after the U.S. Department of Housing and Urban Development announced a push to get more landlords to accept housing vouchers, citing two studies that “most” landlords do not accept housing vouchers and therefore deny affordable housing opportunities to those who need it most.

According to Kaine’s office, the bill is supported by:

- American Bar Association
- Housing Opportunities Made Equal Virginia
- National Fair Housing Alliance
- National Housing Law Project
- National Association of Housing and Redevelopment Official

*Fair Housing Act Amendment: Continued on Page 2*

Note From the Editor: Happy Holidays! May you enjoy the season with family and friends and may the New Year be prosperous and healthy.



*Fair Housing Act Amendment: Continued from Page 1*

- National Low Income Housing Coalition
- Paralyzed Veterans of America; Veterans Association of Real Estate Professionals
- Virginia Poverty Law Center

What does this mean for landlords? Keep watching. If the bill passes, you may be required to accept Section 8 housing vouchers on all properties.

## First-Floor Unit Denial Case Settles

The U.S. Department of Housing and Urban Development has agreed to settle a case against a Las Vegas landlord who allegedly failed to accommodate a disabled couple. The couple complained to HUD after they were denied the opportunity to move to a first-floor unit even though they had allegedly been promised a first-floor unit when they moved into the complex.

Seven years later, and after filing a HUD complaint, the couple was offered a first-floor unit but were told they would have to pay a move-in fee of \$700 and an additional \$400 security deposit. Instead, the couple moved.

Under the settlement agreement, the landlord will pay the couple \$6,000 and forgive \$1,392 in unpaid rent. The landlord will also amend its fair housing policies and train staff on accommodations



## Racially Derogatory Text Messages Used as Proof of Discrimination

A New Jersey landlord has been charged with racial discrimination by the U.S. Department of Housing and Urban Development after he refused to rent to an African American applicant and sent her racially derogatory text messages. The HUD charge details the allegations including the contents of text messages from the landlord stating the applicant did not “make the cut” and using the “N” word, references to “White Power” and the “KKK.”



HUD's charge will be heard by an administrative law judge unless either party to the charge elects to have the case heard in federal district court. If an administrative law judge finds that discrimination has occurred, he may award damages to the applicant for harm caused by discrimination, injunctive relief, attorney fees and other relief including fines to vindicate the public interest. If the case is heard by a federal judge, the judge may order the additional payment of punitive damages.



# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinars

### 2019 - "The Review" Two-Part Webinar Series

**\$59.99**  
For Both  
[Register](#)  
[Now](#)

Part #1: Top Six Areas to Review and Update on Your Lease (Jan. 30, 2019)

Part #2: Addenda -Getting the Right Fit (Feb. 27, 2019)

### Part #1: Top Six Areas to Review and Update on Your Lease

Wednesday, January 30, 2019  
10:00 am to 11:30 am central

The year 2018 has come and gone. It is time to turn the calendar and begin anew. With a new year comes a new opportunity to review and update your lease. In this webinar, we will discuss some of the key areas of your lease to review and update. Our discussion will include:

- Occupancy Standards
- Non-Payment Issues
- Move-In / Move-Out Inspections
- Security Deposits
- Renters Insurance
- Signatures

**\$34.99**  
Part #1  
[Register](#)  
[Now](#)

### Part # 2: Addenda - Getting the Right Fit

Wednesday, February 27, 2019  
10:00 am to 11:30 am central

Along with your lease, every landlord should be reviewing and updating their addenda. In this webinar, we will discuss some of the most common addenda, the latest cases on the addenda topics, and ways to best enforce the addenda. Our discussion will include addenda related to:

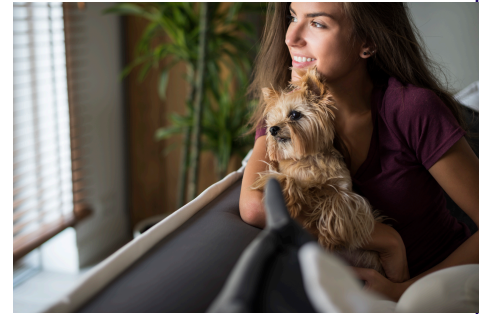
- Crime-Free Neighborhoods
- Pet
- Mold
- Non-Smoking
- Utilities
- Bed Bugs
- Rules & Regulations

**\$34.99**  
Part #2  
[Register](#)  
[Now](#)

## \$15,000 for Denial of Assistance Animal

The U.S. Department of Housing and Urban Development has entered an order settling a New York case that accused the landlord of denying a mentally disabled woman an assistance animal. According to the HUD complaint, when the resident brought the animal home, she was confronted by the landlord. The landlord then refused to make an exception to the property's "no-pet" policy after the resident provided documentation that she was disabled. Eventually, the landlord brought an eviction action against the resident after she made the accommodation request.

Under the settlement agreement, the landlord will pay the resident \$15,000, undergo training and draft a reasonable accommodation policy that allows assistance animals.



## Fair Housing Webinar Fair Housing Failures Five Common Fair Housing Mistakes

Wednesday, December 12, 2018  
10:00 am - 11:00 am Central

**\$24.99**



We all make mistakes now and again. For landlords, those mistakes can be expensive if they violate fair housing laws. However, you can learn from the mistakes of others.

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

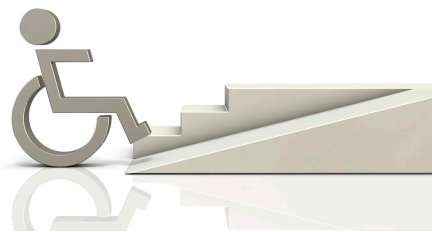
1. Failing to get the emotional support animal paperwork right
2. Failing to evaluate policies for disparate impact
3. Failing to address problems on the property
4. Failing to recognize retaliation
5. Failing to train employees

[Register  
Now](#)

## Denver Apartment Complex Charged with Discrimination Against Disabled Residents

The U.S. Department of Housing and Urban Development has charged the owners, architect, and builder of a Denver, Colorado apartment building with housing discrimination for failing to make the complex handicap accessible in accordance with the Fair Housing Act's design and construction requirements.

The case came to HUD when a non-profit filed a complaint after it had sent testers to the property and found certain areas of the building were inaccessible to people with mobility impairments. The non-profit testers observed that the route to the swimming pool was not accessible, the route through the apartments to the balconies were not accessible, and there were insufficient parking spaces.



Once the complaint was filed, HUD found that the route to the swimming pool and adjoining hot tub was inaccessible because the thresholds for the two doorways leading to the second-floor courtyard area where the swimming pool and hot tub were located, were one inch above the finished floor. The route to the swimming pool and hot tub was also inaccessible because the door-opening force required to open the west and east doors to the second-floor courtyard exceeded the maximum allowable force. The force required was 30 psi for one door and 18 psi for the other door, while the maximum amount should be only 5 psi. Finally, HUD found that the route was inaccessible because both the pool and hot tub were designed and built to be enclosed by a four-foot band of coping raised 13.5 inches above the main deck which prevented wheelchair access to the pool's edge.

The case will now be heard by an administrative law judge or by a federal judge if either side chooses.

## Did You Know?

A resident has up to two years to file a fair housing lawsuit under federal law.



## DOJ Settles Disability Housing Discrimination Lawsuit for \$11.3 Million

The U.S. Department of Justice has settled a Fair Housing Act and Americans with Disabilities Act lawsuit against a Tennessee-based real estate company for \$11.3 million to resolve allegations that the property owners failed to build 50 apartment complexes in six states and the District of Columbia with accessible features for persons with disabilities.



According to the Complaint, the company built apartment complexes with barriers that inhibited access to the units and public and common-use areas. These barriers allegedly included inaccessible routes to building entrances with steps and excessive slopes, units with electrical outlets and thermostats that are beyond the reach of persons who use wheelchairs, and kitchens and bathrooms with insufficient space for persons who use wheelchairs to maneuver.

Under the settlement agreement, the company has agreed to spend \$8.7 million to retrofit 36 properties that they currently own. This amount is in addition to \$2.4 million in retrofits that had been made to many of the properties after the DOJ filed the lawsuit. The company also agreed to pay \$175,000 to victims and up to \$25,000 for accessibility retrofits at 14 properties they no longer own. The agreement also includes a provision for fair housing training.



## Christmas Display Allowed in Neighborhood with Atheists

A Christian family won a legal battle against an Idaho Homeowners Association which showed a preference for a non-religious purchaser and threatened, intimidated, or interfered with the Christian family's enjoyment of their home including their Christmas light display.

The family's ordeal began in 2015 when they purchased their home and told the HOA they intended to continue the family's annual charity Christmas event which included lights and a Christian-based production five nights before Christmas. The HOA objected, telling the family by certified letter, "I am somewhat hesitant in bring up the fact that some of our residents are avowed atheists and I don't even want to think of the problems that could bring up."



The family filed their lawsuit in January, 2017, under the Fair Housing Act after the HOA threatened them over their 2016 Christian based Christmas light display. The family won. The jury awarded them \$60,000 in compensatory damages and \$15,000 in punitive damages. The family now intends to increase their light display and production.