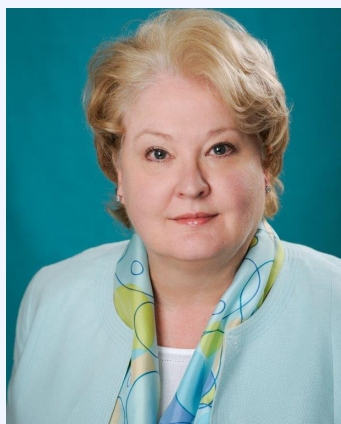




Fair Housing Newsletter

Keeping you current on fair housing news and issues



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Occupancy Standard Policy Costs Landlord \$70K

A new baby does not always mean a bigger apartment. This was an expensive lesson learned by a Pennsylvania landlord after he insisted the family move when the new baby arrived. The problem? Some occupancy standards violate Fair Housing laws based on familial status.

In this case, the U.S. Department of Housing and Urban Development found the landlord discriminated against a Pennsylvania family when a baby was born to a family of four. Based on their occupancy standards, the landlord terminated the family's lease for a two-bedroom unit.



The landlord has now agreed to pay \$70,000 to the household and implement an occupancy standards policy that is no stricter than the local occupancy code.

Lesson Learned: Know what your local occupancy code states and revise your occupancy standards policy accordingly. Two person per bedroom is not always the standard.

Note From the Editor: May is Mental Health Awareness Month. Many residents struggle with mental health issues and landlords struggle to accommodate their needs. Need help? Give me a call.



HUD Finds Condo Design Violates Fair Housing Act

The U.S. Department of Housing and Urban Development has charged multiple entities for failing to design and construct luxury condominiums in San Juan, Puerto Rico, in accordance with the accessibility requirements of the Fair Housing Act. The entities include the architectural firm that designed the drawings used for the construction, the general contractor, and both the original and subsequent owners. In addition, HUD alleges the owner failed to approve a reasonable accommodation request made by two residents which was necessary because of the inaccessible design and construction violations.



HUD's charge alleges that the architectural firm, general contractor, and owners failed to include accessible building entrances on accessible routes, accessible and usable public and common use areas, usable doors in units, accessible routes in units, accessible thermostats, reinforced walls for grab bars in bathrooms, and usable kitchens and bathrooms for persons with disabilities including those who use wheelchairs. The charge also alleges the entities failed to approve a reasonable accommodation request for an accessible parking space.

A U.S. Administrative Law Judge will hear HUD's charge unless any party elects to have the case heard in Federal district court or the case is settled.

Remember: The Fair Housing Act requires multifamily housing built after March 1991 to contain accessible features for people with disabilities.

Michigan Landlord Agrees to Pay \$185,000 for Sexual Harassment

A Michigan landlord has agreed to pay \$185,000 in damages and a civil penalty to the government to resolve a Fair Housing Act lawsuit filed by the U.S. Department of Justice. The lawsuit alleges the landlord, who owned and managed over 15 properties, sexually harassed tenants and prospects.



The lawsuit alleged the landlord subjected female tenants and prospects to sexual harassment by making unwelcome comments and advances in addition to offering tenants housing-related benefits in exchange for sexual acts.

Under the terms of the settlement agreement, the landlord will pay \$185,000 in damages to eight former and prospective female tenants and a civil penalty. The landlord will also be required to take steps to vacate any retaliatory eviction judgments obtained against the same tenants. He will not be allowed to personally manage any rental properties in the future and will be required to retain an independent property manager to manage any rental properties he owns. Additionally, he will be required to take fair housing training.



HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

What is Going On?

Legislative and HUD Updates

Wednesday, May 29, 2024
10:00 a.m. - 11:30 a.m. central

Tennessee's legislative sessions adjourned in late April. Of all the bills introduced regarding landlord/tenant laws, three became law. We'll discuss those three new laws in detail, and review some of the legislative and administrative efforts made at the Federal level that could impact property managers, owners, and operators. Our discussion will include:

- Tennessee's Legislative Session Changes Three Separate Sections of Landlord Tenant Law
- Federal Legislation Introduced to Repeal CARES Act Notice Requirement
- Federal Agencies Publish Tenant Resource on Background Checks
- HUD Launches Website to Combat Source of Income Discrimination
- War on Junk Fees
- THRC Housing Enforcement in Tennessee

\$34.99

Register Now



Nathan Lybarger
Law Office of Hall &
Associates

Speakers

Did You



Angelita Fisher
Law Office of Angelita E.
Fisher

Resident's Retaliation Lawsuit Dismissed

Can you non-renew a lease after a resident requests an accommodation. Sure – as long as you can prove it was not related to the accommodation request.

In a recent case, a Virginia judge dismissed a former resident's retaliation lawsuit. The resident alleged her lease was non-renewed in retaliation for her asking that her pit bulls be considered emotional support animals. When she failed to provide the proper documentation to establish the dogs were ESAs, the landlord told her that he was not renewing her lease because she continued to allow the dogs to live on the property.

The judge dismissed the lawsuit holding that the landlord's reason for non-renewing the lease was not that the resident had asked for an accommodation, but rather that she had continued to allow the dogs to live on the property. This was considered to be a non-retaliatory reason for eviction.



Know?

A landlord may be liable for one resident harassing another resident.

Federal Judge Holds Fair Housing Act Requires Same Opportunities – Not Better

Does a landlord have to approve every accommodation request? Not according to an Oklahoma federal judge. The Fair Housing Act does not require that disabled individuals receive more-favorable conditions than non-disabled individuals.



The case began when a resident asked her landlord to allow her and her husband to renew their lease for one-year. The husband had cancer and it was not a good time for them to move. The landlord denied the accommodation request because they only allowed six-month leases. The resident sued. During the litigation, the landlord asked the judge to dismiss the case and the judge agreed.

The Court held that while the Fair Housing Act “requires accommodations necessary to ensure the disabled receive the same housing opportunities as everybody else, it does not require more or better opportunities.” In this case the resident was asking for a one-year lease renewal while other residents received only a six-month lease renewal. The accommodation requested was not an equal housing opportunity, but a better one.

Ohio Resident Has Fair Housing Case Dismissed

An Ohio judge has dismissed a fair housing lawsuit filed by a former resident. The resident was evicted for non-payment of rent and sued claiming she was not treated fairly under the Fair Housing Act. The problem was that the resident did not give an explanation as to how she believed her rights had been violated. Instead, she insisted that the Fair Housing Act gave her the right to seek damages without having to prove discrimination.

The court disagreed. In order to be successful, a resident must prove discrimination based on a protected class. Simply alleging something wasn't "fair" is not enough to violate the Fair Housing Act. Case dismissed.



Fair Housing Webinar Recognizing and Accommodating Hoarders

Wednesday, May 8, 2024
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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