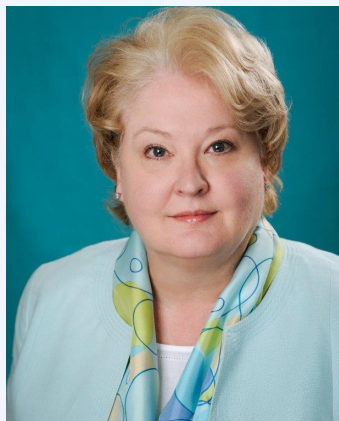




Fair Housing Newsletter

Keeping you current on fair housing news and issues



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U.S. Intervenes in Fair Housing Lawsuit Against City of L.A.

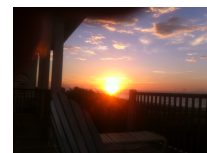
The U.S. Department of Justice has chosen to intervene by taking over the litigation in a case filed by a disabled California resident and a San Fernando Valley non-profit. The lawsuit alleges the City of Los Angeles violated the Fair Housing Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and failed to fulfill its duty to further fair housing.

The lawsuit includes allegations that the City fraudulently obtained millions of dollars in housing grants from HUD by falsely certifying the money was being spent in compliance with federal accessibility laws. The City allegedly failed to meet the minimal accessibility standards and approved the design and construction of inaccessible buildings. The inaccessible features include:

- Slopes and ramps that are too steep for safe passage by persons with mobility disabilities;
- Door thresholds that are too tall for wheelchairs to roll over;
- Steps that prohibit access to common areas;
- Kitchen cabinets, shelves and surfaces that are outside of the accessibility reach ranges of persons who use wheelchairs;

L.A. Lawsuit: Continued on Page 2

Note from the Editor: Don't let the year end without getting your annual fair housing training. Webinars are a great way to get training. Visit my website for a list of upcoming webinars.



In the News

Assistant Secretary Farías Sworn In

On August 10, 2017, Anna Maria Farías was sworn in as the new Assistant Secretary for Fair Housing and Equal Opportunity at the U.S. Department of Housing and Urban Development. She will now lead HUD's work to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities. Farías previously served at HUD under the George W. Bush administration. She has served as Director for HUD's Center for Faith-Based Community Initiatives and Deputy Assistant Secretary for Grant Programs in the Office of Community Planning and Development.

L.A. Lawsuit: Continued from Page 1

- Sinks, grab bars, mailboxes and circuit breakers mounted beyond the reach of wheelchair users;
- Pipes below sinks and lavatories that are not insulated, thereby posing a physical threat of burn to people who are using wheelchairs; and
- Insufficient numbers of accessible parking spaces in garage and lots.

The accessibility laws require recipients of federal funds to operate their housing programs in a manner that is accessible to people with disabilities including having a system in place to ensure compliance with the laws. They are required to have non-discriminatory policies, implement a grievance procedure and hire a coordinator who knows about the legal requirements. They are also required to ensure their buildings are designed, constructed and altered in compliance with the law so that at least five percent of all units in certain multifamily housing developments will be accessible to persons with mobility issues and an additional two percent will be accessible to persons with visual and auditory impairments

Injunction Denied in Racial Harassment Lawsuit

The United States Court of Appeals for the Third Circuit has upheld a lower court's denial of an injunction in a fair housing case. The case arose when a renter alleged his neighbors were harassing him by making excessive noise because he is black. The noise was allegedly created in an effort to intimidate and drive him out of his home. According to the lawsuit, it created a hostile environment.

After filing a fair housing lawsuit, the resident asked the court to enter an injunction to stop the noise. The lower court denied the injunction and the resident appealed. The appeals court agreed with the lower court.

The noise complained of was from 7:00 a.m. to 9:00 a.m. and from 6:00 p.m. to well past 7:00 p.m. During this time, the resident claimed he was unable to sleep, rest, read, write, or enjoy his apartment. According to the court, even if true, the noise complained of was neither harassment nor unreasonable. As such, according to the court, the resident was not likely to be successful with this lawsuit and an injunction was not appropriate. Injunction denied. The lawsuit itself will proceed – although it will likely not succeed based on the court's opinion during the injunction hearing.





Housing Crossroads Webinar The Potholes of Managing Vehicles on the Property

September 27, 2017
10:00 a.m. - 11:30 a.m. Central

Every Resident has a car...or two. Managing all the vehicles and request for special parking can become a nightmare for property managers. Who gets priority? Are you required to provide a certain number of parking spaces for each unit?

In this webinar, we will discuss the common problems landlords face when dealing with vehicles on the property, which laws apply, and some best practices. Our discussion will include:

- Towing a vehicle
- Documentation Needed
- Reserving Spots
- Handicapped Parking

\$34.99
Register
Now



M. Wesley Hall, III
Hall & Associates



Nathan Lybarger
Hall & Associates



Angelita Fisher
Law Office of AEF

HUD Makes \$38 Million Available to Fight Housing Discrimination

The U.S. Department of Housing and Urban Development has announced it is making \$38 million in grants available through its Fair Housing Initiative Program. The categories of grants available are:

- \$30.5 million is available to organizations that conduct intake, testing, investigation, and litigation of fair housing complaints under the Fair Housing Act;
- \$7,450,000 is available to organizations that educate the public and housing providers about their rights and responsibilities under federal law. These grants can also support state and local organizations that enforce fair housing laws that are equivalent to the federal Fair Housing Act; and
- \$500,000 is available to help build the capacity and effectiveness of non-profit housing organizations, particularly the organizations that focus on the rights and needs of underserved groups such as rural and immigrant populations.

Organizations may apply for these funds before September 18, 2017.



Fair Housing Webinar Drafting Documents that Comply with Fair Housing Laws \$24.99

Tuesday, September 12, 2017
10:00 a.m. - 11:00 a.m. Central

Each late notice, lease violation notice, eviction notice, policy, or email is a potential fair housing violation. Using one wrong word could land you in trouble. Moreover, each document is a possible court exhibit. In this webinar, we will discuss the wrong and right way to word documents so they pass the fair housing test. Our discussion will include:

- Drafting Notices
- Email Mistakes
- Policy Pitfalls
- Real-Life Examples
- And much, much more.

[Register
Now](#)

Town of Bedford N.Y. Sued for Racial Discrimination

The Fair Housing Justice Center and the Westchester Residential Opportunities organization have filed a fair housing lawsuit against the town of Bedford, N.Y. The lawsuit alleges the town discriminated against African Americans by using residency and employment preferences that favor white applicants.

The preferences were created in 2005 and are used for allocating middle-income dwellings. They include a preference for:

- Bedford employees and active members of the fire departments and ambulance services;
- School employees;
- Town residents;
- Nonresidents employed in town;
- Parents of residents; and
- Other people employed in the county.

According to the lawsuit, the preferences perpetuate demographic patterns in the town which is about 86% White and 5% Black. The lawsuit is asking that the court to require the town to allocate the middle-income housing by application date and not use preferences.

Did you know?

**HUD and State Fair Housing Organizations
Investigated 8,385 Fair Housing Complaints in the
FY 2016**

Travelers Insurance Sued for Fair Housing Violations

The National Fair Housing Alliance has sued Travelers Insurance Company alleging it discriminated against Section 8 voucher holders, women, and African Americans by refusing to provide insurance to apartment owners renting to tenants who participate in the Federal Housing Voucher program. The theory is that 92% of the voucher holders in Washington DC are African American and 81% are female. Thus, Traveler's policy of not providing insurance for properties accepting Section 8 vouchers adversely impacts African Americans and women. Additionally, in Washington DC, landlords and providers of services for landlords are prohibited from discriminating based on source of income.

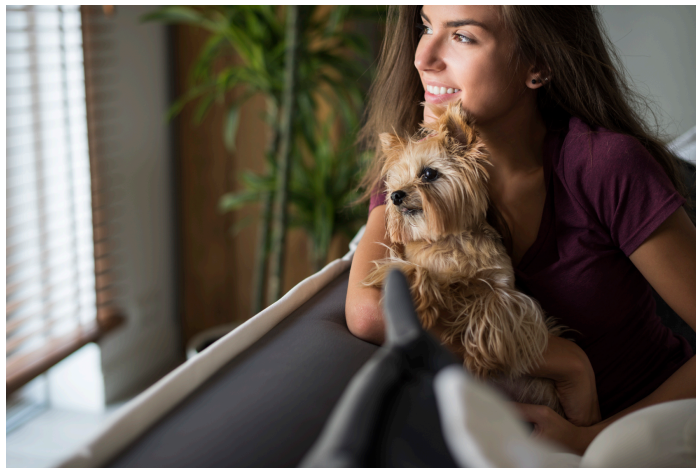
This is not the first time Travelers has been sued. In 2013, a NFHA member sued Travelers in San Jose, CA for the same policy. That case was settled in July, 2015.

HUD Awards \$5 Million for Safer Public Housing

The U.S. Department of Housing and Urban Development has awarded \$5 million to 25 local agencies in 15 states in an effort to fight crime in public housing. These grants will support local housing authorities as they address safety and security emergencies including sudden increases in violent or property-related crimes within their public housing communities. The grants may be used to install, repair, or replace security systems, surveillance cameras, fencing, lighting, emergency alarm systems, window bars, deadbolt locks and doors. The list of agencies receiving the money can be found on HUD's website at: www.hud.gov.

California Landlords Pay for False Allegations Against Assistance Animal

Owners and managers of an apartment complex in Northern California have agreed to settle a complaint filed with the U.S. Department of Housing and Urban Development. The complaint alleges the owner and manager discriminated against a 15-year resident with an assistance animal which alerts the resident when she is experiencing physiological changes. It



also alleged the manager made false allegations against the animal claiming it was disruptive, had bitten maintenance workers, and was not a service animal under California law. The resident's Housing Assistance Program voucher was eventually cancelled and the resident was forced to find other housing.

As part of the settlement, the owner and manager agreed to pay the resident \$31,000 and an additional \$41,000 to a non-profit fair housing advocacy group. The owner and manager were also required to develop and implement a reasonable accommodation policy consistent with the Fair Housing Act, revise their standard lease, send a letter to current tenants notifying them of the new policy, and obtain fair housing training