



# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



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## DOJ Files Sexual Harassment Lawsuit

The U.S. Department of Justice has filed a lawsuit alleging a New York landlord sexually harassed female residents and applicants in violation of the Fair Housing Act. The lawsuit also names the landlord's wife, who is his business partner, along with two residential property companies, as defendants.

The lawsuit was filed in the U.S. District Court for the Northern District of New York. It alleges the landlord demanded or pressured female tenants and potential tenants to engage in sex acts with him in order to obtain or keep rental housing and subjected female tenants and potential tenants to unwelcome sexual contact and groping. The lawsuit also claims the landlord offered reduced rent or deposit payments, in exchange for sex acts, refused maintenance services when female residents rejected his advances, and made unwelcome sexual comments. If proven, these allegations would meet the definition of harassment under fair housing laws. The lawsuit seeks monetary damages to compensate the victims, civil penalties, and a court order barring future discrimination.

Last October, the DOJ announced the Sexual Harassment in Housing Initiative which highlights the DOJ's emphasis on sexual harassment cases. According to the DOJ's public announcement, it has filed or settled nine sexual harassment cases and has recovered over \$1.6 million for victims of sexual harassment in housing since January 20, 2017.

**Note From the Editor:** Sexual harassment claims are on the rise. Landlords need to pay attention when residents or employees complain they have been harassed. Your response may be the difference in liability or no liability.

## In the News

### HUD Charges Mississippi Mobile Home Park Owner with Race Discrimination

The U.S. Department of Housing and Urban Development (HUD) announced it has charged two owners of a trailer park in Belden, Mississippi with violating the Fair Housing Act by refusing to rent to an interracial couple with two children. The owners initially rented the mobile home to the White mother and two children, but when they learned that the husband was Black, they told the wife she had to move out. When the owner called to tell the women to move, he allegedly stated, "White and Black shacking" up was problematic for his community, his church, and his mother-in-law.

The charge will be heard by a United States Administrative Law Judge unless either party elects for the case to be heard in federal court.

### Did you Know?

*Familial status claims are #3 on the list of the most common fair housing complaints.*

## More Sexual Harassment Settlements

The U.S. Department of Housing and Urban Development (HUD) announced three additional settlements in April involving allegations of sexual harassment totaling approximately \$125,000.

### Florida - \$75,000

A Jacksonville, Florida Housing Authority paid \$75,000 to settle a claim that a female resident was sexually harassed on multiple occasions by a Housing Authority employee. The alleged harassment included unwelcome sexual comments, requests for sex or sexual favors, and threats of eviction if the tenant did not submit to his requests. The Housing Authority has also agreed to adopt a new sexual harassment policy, and require staff to attend fair housing training.



### Virginia - \$37,500

HUD settled a complaint made against an independent living facility alleging the facility failed to take reasonable steps to prevent sexual harassment of a female resident by another resident. The female resident alleged that a male resident harassed her with unwelcome and unsolicited advances, made suggestive comments, whistled at her, and followed her around the complex. The facility agreed to pay the victim \$37,500 and adopt a sexual harassment policy.

### California - \$12,000

California landlord agreed to pay \$12,000 to settle a HUD complaint he made repeated unwanted sexual advances towards a male tenant with a mental disability and ultimately evicted him for refusing the advances. The landlord also agreed to attend fair housing training.





# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar

### Top 10 Lease Mistakes

June 27, 2018  
10:00 a.m. - 11:30 a.m. Central

The most important document in the landlord-tenant relationship is the lease. The lease outlines the rules and expectations for each party. Get the lease wrong, and the entire rental experience may be doomed. In this webinar, we will discuss the Top 10 mistakes landlords make on their lease. Our discussion will include:

1. Forgetting Disclaimers
2. Leaving Out Automatic Renewals
3. Asking for Too Much (or Not Enough) Information about the Occupants
4. Letting a Guarantor or Caregiver Sign as a Resident
5. Choosing the Wrong Font
6. Not Clearly Stating what are Rent, Deposits, and/or Fees
7. Messing Up the Waiver Language
8. Using the Words “Always” and “Never”
9. Not Explaining Concessions
10. Messing Up the Language Concerning Utilities

**\$34.99**  
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## NFHA Releases Yearly Fair Housing Report

The National Fair Housing Alliance has released its *2018 Fair Housing Trends Report: Making Every Neighborhood a Place of Opportunity*. The report provides information about current fair housing needs and highlights recent events that may be considered as obstacles to fair housing. For example, Facebook's discriminatory housing ads and HUD's suspension of the implementation of the Affirmatively Furthering Fair Housing Rule.

Some interesting facts from the report are:

- There were 28,843 Fair housing complaints filed in 2017 – a slight increase from 2016.
- The three most common types of complaints were based on: disability (57%); race (19%); and familial status (9%).
- HUD processed only 5% of the 2017 complaints. Most were processed through private non-profit organizations. State and local governments processed 6,896 of the complaints.
- The Department of Justice brought 41 lawsuits.

This report is the latest in a series of annual reports in which the NFHA compiles and analyzes housing discrimination data.



## Fair Housing Webinar Disparate Impact Update

Wednesday, May 16, 2018  
10:00 am - 11:00 am Central

**\$24.99**

In June, 2015, the Supreme Court held landlords could be sued using a fair housing disparate impact theory. For landlords, this means they may be in violation of fair housing laws by having a neutral policy that when applied, causes one or more protected classes to be disparately impacted. Since 2015, HUD and state human rights agencies have been using this theory to restrict a landlord's selection criteria and property rules.

In this webinar, we will discuss the latest cases being filed using impact theory as well as possible issues on the horizon. We will discuss theories and cases involving:

- The Use of Criminal Convictions
- Occupancy Standards
- Domestic Violence
- Source of Income
- Possible Issues on the Horizon

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## HUD Joins Nationwide Initiative to Combat Sexual Harassment

On April 12, 2018, HUD Secretary Ben Carson and Attorney General Jeff Sessions announced the nationwide rollout of an initiative aimed at increasing awareness and reporting of sexual harassment in housing. The announcement includes an inter-agency task force between HUD and the DOJ to combat sexual harassment in housing.

The program began in October 2017, when the DOJ announced an initiative to combat sexual harassment in housing and launched pilot programs in D.C. and the Western District of Virginia. According to the press release, during the pilot programs, the DOJ developed and tested ways to better connect both with victims of sexual harassment in housing and with those organizations that victims may turn to first for help - including law enforcement, legal services providers, public housing authorities, sexual assault services providers, and shelters. The DOJ also tested certain aspects of the initiative in other jurisdictions, including New Jersey, the Central District of California, Massachusetts, Vermont, and Michigan.

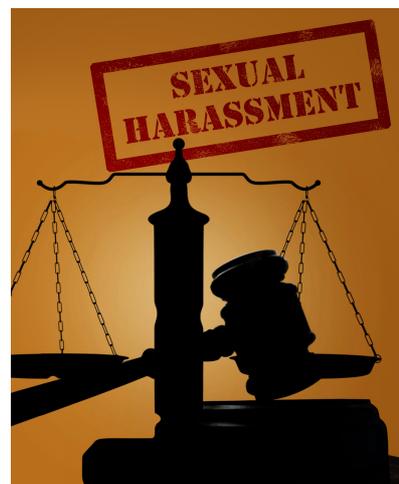
The two pilot programs generated an increase in harassment reports to the DOJ according to the press release. In D.C., the DOJ generated six leads since the launch. In Virginia, it generated three leads. Because of these pilot program results, the DOJ is rolling out three major components to the Initiative.

One: A new HUD-DOJ Task Force will focus on five key areas: (1) continued data sharing and analysis, (2) joint development of training, (3) evaluation of public housing complaint mechanisms, (4) coordination of public outreach and press strategy, and (5) review of federal policies.

Two: An outreach toolkit will use HUD's and the DOJ's nationwide network of U.S. Attorney's Offices. The toolkit provides templates, guidance, and checklists based on pilot program feedback. It should help victims connect with the DOJ.

Three: A public awareness campaign with three major components: a partnership package with relevant stakeholders, launch of a social media campaign, and Public Service Announcements (PSAs) run by the Executive Office of U.S. Attorneys. The campaign is specifically designed to raise awareness, and make it easier for victims all over the country to find resources and report harassment.

What does all this mean for landlords? Sexual harassment is real and if you allow it on your property, the next press release may be about you.



## Washington Discriminatory Design Case Settled

The U.S. Department of Justice has announced it settled a federal civil rights lawsuit against the owners, builder, and designer of a three-building dormitory-style property near Central Washington University in Ellensburg, Washington.

The settlement resolves allegations that the owners, builders, and designer failed to design and construct the buildings to make them accessible to persons with disabilities in compliance with the Fair Housing Act's (FHA) accessibility requirements.

The FHA's accessible design and construction provisions require new multifamily housing constructed for first occupancy after March, 1991, to have basic features accessible to persons with disabilities. According to the allegations in the complaint, the defendants designed and constructed the apartment complex with various barriers inhibiting access to the 12 ground-floor units and the associated public and common-use areas at the property. Those barriers included: inaccessible building entrances; inaccessible routes to the buildings; inaccessible parking, bathrooms, closets and electrical outlets; and door knobs throughout the buildings that make entrances inaccessible to many people with disabilities.

The lawsuit arose after a complaint was filed with the Department of Housing and Urban Development (HUD) by the Northwest Fair Housing Alliance (NWFHA), a private, nonprofit corporation after it inspected the apartment complex and found design violations. After conducting an investigation, HUD issued a charge of discrimination and referred the case to the DOJ.

Under the settlement, the owners, builders and architects will retrofit the property to make the 12 ground floor units and common areas accessible, pay \$10,000 to the NWFHA, train new employees on the Fair Housing Act, and adopt a nondiscrimination policy.

## Voucher Holder Discrimination Claim

Although not a federally protected class under the Fair Housing Act, those holding a housing voucher may be closer than ever to becoming protected by fair housing laws. How? Because refusal to accept a Housing Choice Voucher may cause a disparate impact.

The National Fair Housing Alliance filed a fair housing complaint against a privately-owned management company in the District of Columbia. The management company refused to accept Housing Choice Vouchers and D.C. area fair housing laws protect voucher holders. However, this complaint also alleged discrimination in violation of the Fair Housing Act because refusal to accept a voucher may cause a disparate impact based on race, color, national origin, sex, and familial status.

According to the complaint, female-headed households and Black residents are particularly harmed by a "no voucher" rental policy. A person renting an apartment in DC with a voucher is 92 times more likely to be Black than White. Additionally, voucher holders are 1.46 times more likely to be female-headed households than renters without vouchers.

Landlords who refuse to accept Housing Choice Voucher should be watching this issue closely.