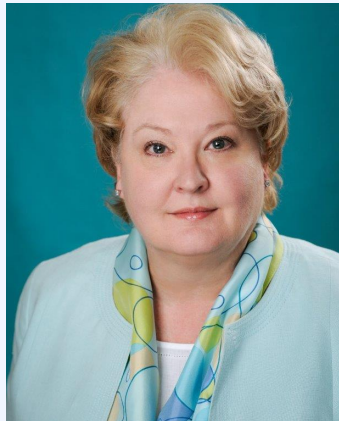




Fair Housing Newsletter

Keeping you current on fair housing news and issues



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HUD Charges NY Landlord for Refusing Assistance Animal

The U.S. Department of Housing and Urban Development has announced it is charging a New York property owner and the owner's agents with fair housing violations for denying a disabled resident an assistance animal.

The case arose when a woman with mental disabilities filed a complaint alleging the landlord refused to allow her to keep an emotional support dog. The charge alleges that the woman required the use of an assistance animal to help with her disability. After bringing the animal home, however, an agent for the landlord confronted her and allegedly gave her a choice of either getting rid of the animal or being evicted, even though she provided a letter from her primary care physician attesting to her need for the animal.

According to the charge, the woman contacted a non-profit fair housing organization for assistance. The organization contacted the landlord and explained the landlord's obligations under the Fair Housing Act, but the landlord still refused to make an exception to the property's "no-pets" policy. One of the agents stated that the policy would also apply to seeing-eye dogs for blind tenants, and allegedly told the woman, "I know you're trying to play the disability game. We're not playing it."

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

Note From the Editor: Summer time is around the corner. Kids are out of school and sometimes, home alone. I will discuss some common problems with restricting children in this month's fair housing webinar. Please join me.

In the News

Testing of California Complex Results in \$8K Settlement

The U.S. Department of Housing and Urban Development has announced the settlement of two fair housing complaints alleging race and national origin discrimination. The complaints were filed after a non-profit group tested two California properties and found the property managers refused to rent, cited different terms and conditions and misrepresented the availability of units to testers based on the testers' race and national origin.

Under the settlement agreement, the owners and property managers will pay the non-profit group \$8,000, require that their employees participate in fair housing training and remove the requirement that applicants have "No Criminal or Police Record of Any Kind" from their policies.

Did you Know?

Even though HUD or the State Human Rights Commission may find no evidence of a fair housing violation - a resident may still sue.

HUD Charges Two Ohio Companies with Discriminatory Design

The U.S. Department of Housing and Urban Development has charged two Ohio property companies with discrimination based on the design of their 32 communities. According to the Charge, the companies allegedly discriminated against individuals with disabilities because the properties lacked safe and accessible routes that persons with disabilities can use to travel between their homes and the common areas, such as the mail boxes and pool. The Fair Housing Act requires that multifamily housing built for first



occupancy after March 13, 1991, contain accessible features.

HUD's Charge arose from complaints by a non-profit group alleging numerous inaccessible features of five apartment complexes. When HUD investigated, it found 32 communities that were not in compliance.

The Charge will be heard by a U.S. Administrative Law Judge unless either parties elects for the case to be heard in federal court. Penalties may include retrofits, injunctions, attorney fees and civil penalties.



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

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Angelita Fisher
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HUD Approves \$6,000 Settlement for Refusal of Emotional Support Animal

The U.S. Department of Housing and Urban Development announced it has approved a settlement between a Nevada landlord and an applicant who alleged she was denied an assistance animal.

The settlement is the result of a complaint filed with HUD by a woman alleging the landlord denied her request to keep an assistance animal in the apartment she was attempting to rent, even though she provided documentation from her doctor verifying to her need for the animal due to her disability. According to the woman's complaint, the leasing agent told her that the owner did not allow pets because the floors had been recently upgraded to hardwood.

Under the terms of the agreement, the landlord will pay the woman \$6,000; obtain fair housing training; and adopt reasonable accommodation policies.



Fair Housing Webinar Restricting Children on the Property

Wednesday, June 13, 2018
10:00 am - 11:00 am Central

\$24.99

As the seasons change and kids are out of school, residents, including children are outside more. They are playing, riding bikes and making full use of the property's common areas. What could go wrong? Plenty.

In this webinar we will discuss property rules that limit a child's activities as they relate to fair housing laws. Our topics will include:

- Swimming Pool Rules
- Work-Out Room Rules
- Playing in Common Areas
- Toys in Breezeways
- Making Noise
- Damaging Property

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HUD Will Seek Comment on Disparate Impact Regulation

The U.S. Department of Housing and Urban Development has announced it will formally seek the public's comment on whether its 2013 Disparate Impact Regulation is consistent with the 2015 U.S. Supreme Court case of *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.* The dates for comment have not been announced

HUD Sued over Suspending Implementation of AFFH Rule

The National Fair Housing Alliance along with Texas Appleseed, and Texas Low Income Housing Information Service have filed a lawsuit in a federal court in Washington, DC asking the judge to order the U.S. Department of Housing and Urban Development to reinstate a federal requirement that local and state governments develop and implement Affirmatively Furthering Fair Housing programs. The Complaint alleges HUD unlawfully suspended the requirement in January, 2018. For some municipalities, the AFFH Rule would be delayed until at least 2024. This delay, according to the complaint, violates the Administrative Procedure Act because HUD failed to provide advance notice or opportunity to comment on the suspension and failed to articulate any plausible reason for the delay. Stay tuned to find out more.

HUD Awards 42.6 Billion to Public Housing

HUD announced it has awarded \$2.6 billion to public housing. The funds will be used to modernize housing for families and seniors. The grants are provided through HUD's Capital Fund Program which offers annual funding to public housing authorities to build, repair, renovate and modernize public housing. The funds are typically used for large-scale improvements such as new roofs, energy efficient upgrades, etc. Although \$2.6 billion sounds like a lot of money, more is needed. According to a 2011 study, an estimated \$25.6 billion is need for large scale repairs of the nation's public housing units. How much did each state receive? Here is a sampling:

Tennessee received: \$61,934,071;
Alabama received: \$79,777,360;
South Carolina received: \$30,892,337;
Mississippi received: \$20,991,758;
Kentucky received: \$49,132,328; and
Indiana received: \$32,037,310.



For more information go to: <https://www.hud.gov/sites/dfiles/PA/>