



# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



 LAW OFFICE OF  
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## Landlord Pays Over \$200,000 for Claims of Sexual Harassment

The U.S Department of Justice has reached an agreement with a San Diego landlord to resolve a Fair Housing Act lawsuit alleging he sexually harassed female tenants for over two decades. The landlord has been ordered to pay over \$200,000 for the alleged sexual harassment.

The lawsuit alleged the landlord's harassment included: unwelcome sexual touching; offers to reduce monthly rental payments in exchange for sex; unwelcome sexual comments and advances; intrusive and unannounced visits to female tenants' homes; and eviction or threatened eviction of female tenants who objected to or refused his sexual advance. Under the consent order, the landlord must pay between \$205,000 and \$230,000 to tenants harmed by his harassment and a \$25,000 civil penalty to the United States.



There is also an additional judgment for \$350,000 which has been suspended based on sworn disclosure statements reflecting the landlord's financial situation. The landlord is further prohibited from being involved in property management of rental units in the future and must hire an independent professional property manager.

In sum, the landlord will no longer be a landlord.

**Note From the Editor:** *As eviction becomes a reality for some residents, we are seeing a rise in fair housing complaints. Be ready! Make sure you are documenting all problems and conversations with residents.*



## Massachusetts Landlord Pays \$15,000 to Settle Claim He Denied Housing to Mother with Child Under Six

The U.S. Department of Housing and Urban Development has approved a Conciliation Agreement between a Massachusetts landlord and a prospective tenant settling claims of familial status discrimination. The complaint arose after a landlord allegedly refused to rent to a mother because her child was under six years old. Massachusetts law requires landlords to remove lead from any unit in which a child under six years of age lives.



Under the agreement, the landlord will pay the mother \$15,000, undergo fair housing training, and test and remove lead from his properties as necessary.

## Indiana Man Sentenced to 46 Months for Fair Housing Act Violations

A dispute which began over removal of a tree has landed an Indiana man in federal prison for 46 months for making racially motivated threats to intimidate and interfere with his neighbor, who is Black, in violation of the criminal provision of the Fair Housing Act, and for unlawfully possessing firearms.

According to press release, when a construction crew began working to remove a tree from a neighbor's yard, the man became angry and: placed and burned a cross above the fence line facing his neighbor's property; created and displayed a swastika on the outer side of his fence, facing his neighbor's property; created and displayed a large sign containing a variety of anti-Black racial slurs next to the swastika; visibly displayed a machete near the sign with the racial slurs; loudly played the song "Dixie" on repeat; and threw eggs at his neighbor's house.

Following a search warrant and FBI investigation, the man was arrested and charged with illegally possessing a firearm and violations of the Fair Housing Act. He pled guilty and was sentenced to 46 months in federal prison.

## HUD Restores Affirmatively Furthering Fair Housing Requirement

The U.S. Department of Housing and Urban Development Secretary Marcia L. Fudge announced that HUD has published an interim final rule to restore the implementation of the Fair Housing Act's Affirmatively Furthering Fair Housing requirement. This rule was previously suspended by the Trump administration in 2018.

The new rule rescinds the previous Administration's rule entitled "Preserving Neighborhood and Community Choice," and restores certain definitions and other selected parts from the 2015 AFFH rule. Additionally, under the restored AFFH regulatory definition, municipalities and other HUD funding recipients must regularly certify compliance with the Fair Housing Act's AFFH requirement. HUD promises to provide technical assistance and support.





# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar

# Paying the Rent

Wednesday, July 28, 2021  
10:00 a.m. - 11:30 a.m. central

It's the most fundamental duty a tenant has: paying the rent. So it shouldn't be too complicated right? Wrong. State laws, Fair Housing laws, and most recently the CDC have a part to play in how and when a landlord can enforce the tenant's duty to pay rent. We'll discuss the many pitfalls in acceptance of rent, rent payment methods, and a landlord's options if a tenant refuses to pay rent.

In this webinar, we will discuss:

- When rent should be refused
- "Source of income" concerns
- When the tenant may refuse to pay rent;
- Increasing rent
- Payment methods
- Considerations in the wake of COVID-19
- Much, much, more



Nathan Lybarger  
Law Office of Hall &  
Associates

## Speakers



Angelita Fisher  
Law Office of Angelita E.  
Fisher

## **New York Landlord Denies ESA and Lands in Trouble with HUD**

Almost every landlord has been there: A resident moves in with an animal and never notifies the landlord until the animal is discovered by management. When confronted, the resident tells the landlord that the animal is an assistance animal. What can a landlord do? Well according to the U.S. Department of Housing and Urban Development, a landlord has an obligation to allow the animal to remain if the resident can show a disability related need for the animal. A New York landlord has a new HUD charge for denying the animal and evicting the resident.



The case began when a resident moved in with a dog without telling her landlord about the animal. When discovered, the landlord sent the resident a notice she had 10 days to get rid of the dog. The resident explained that the dog was an emotional support animal which was prescribed to her for her disability and for which she had a doctor's note. The landlord responded stating his insurance company would not allow the dog, which weighed 60 pound, to be kept on the property. The landlord further stated that if the resident needed an ESA, she would need to show proof of certification as well as a prescription and pay a \$500 nonrefundable deposit.

The resident provided a letter from her healthcare provider in North Carolina which stated the resident had been diagnosed with a mental disability and recommended an ESA. The landlord texted the resident stating that the letter was not a legitimate emotional support animal letter and she needed to provide legitimate documentation. The landlord then served the resident with a 30-day Notice to Vacate. The landlord also sent a letter stating the resident needed to send a "legitimate" assistance animal letter, on letterhead, and signed by a doctor, within 10 days.

The landlord next told the resident the dog had shown aggressive behavior by biting the coat sleeve of another tenant and by intimidating visitors to the building. However, after further evaluation, an animal control officer confirmed he did not believe the animal posed a safety risk.

Eventually, the eviction made its way to court where the resident's attorney provided a letter from a licensed social worker which stated the resident was disabled and needed the dog as an ESA. Regardless, the court held on behalf of the landlord and the resident eventually moved out.

When a HUD complaint was filed, HUD investigated and found evidence of discrimination. A HUD charge has been filed. The HUD charge will be heard by a U.S. Administrative Law Judge unless either party elects to have the case heard in federal court.

## **New Tenant Empowerment Act Unveiled**

Representatives Ayanna Pressley, D-Mass., Rashida Tlaib, D-Mich., and Maxine Waters, D-Calif., have unveiled the new Tenant Empowerment Act to grant residents of Housing and Urban Development properties expanded rights to combat persistent problems in their homes, like mold, lead, rodents and crumbling walls. They were joined by tenants' rights organizers who described horrible conditions in HUD housing.

The new legislation would allow renters in HUD public housing to hold payments in escrow if their unit is in violation of safe housing standards, would give tenants access to building information and physical inspections, and empower tenants' ability to organize.

## HUD Proposes Restoring 2013 Disparate Impact Rule

The U.S. Department of Housing and Urban Development Secretary Marcia L. Fudge announced that HUD will publish a notice of proposed rulemaking in the Federal Register entitled Restoring HUD's Discriminatory Effects Standard. The publication proposes to rescind the Department's 2020 disparate impact rule and restore the 2013 discriminatory effects rule.

In its notice, HUD states that it believes the 2013 rule is more consistent with decades of caselaw and better effectuates the Act's broad remedial purpose of eradicating unnecessary discriminatory practices from the housing market. The public will have 60 days to file comments on the notice. HUD will review the comments, develop responses, and publish a final rule.



## Did You Know?

*Non-renewing a lease after a resident asks for an accommodation may be considered retaliation.*



### Fair Housing Webinar

## Managing Animals on the Property

Wednesday, July 14, 2021  
10:00 a.m. - 11:00 a.m. Central

It is a Zoo out there: Pet Spiders, Service Horses, Emotional Support Snakes, and Therapy Pigs! What is a Property Manager to do? What rules apply?

In this webinar, we will discuss the difference between pets, service animals and emotional support animals. We will review policies that a landlord may apply to pets and which he/she may apply to support animals and what documentation a landlord is entitled to. We will discuss:

- Knowing the Difference
- HUD's 2020 Guidance
- On-Line Health Care Letters
- Aggressive Animals
- Damages and Deposits
- Policies and Restrictions
- Plus, Much, Much, More

**\$24.99**  
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