



# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



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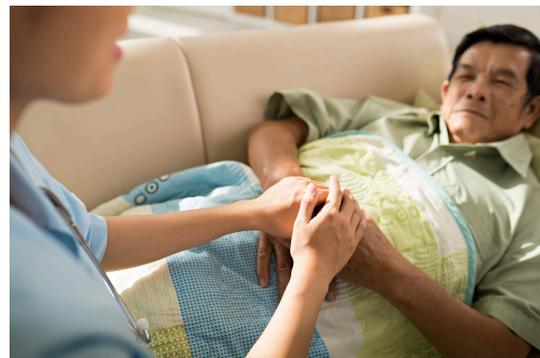
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## “You Belong in a Nursing Home” Comment Costs Landlord \$220K

A federal judge has ordered an Indianapolis landlord to pay for discriminating against a sick resident. The judge ruled that the landlord must pay \$220,000 in actual and punitive damages for violating fair housing laws.

According to the lawsuit, the resident was confined to a hospital bed in her apartment. She was recovering from a serious flesh-eating infection when, according to the lawsuit, the landlord entered her apartment without notice or permission and demanded that she leave. The landlord



told the resident that she belonged in a nursing home and that the landlord did not want her living in the apartment in a hospital bed. The resident later died.

The judge awarded \$75,000 to the resident’s estate, \$46,000 to the Fair Housing Center and \$99,000 in attorney fees. Lesson Learned: Watch what you say.

Note From the Editor: Sexual harassment claims are on the rise. Make sure your maintenance employees know how to act when around residents. Sign up staff for September’s fair housing webinar - Walking into Trouble: Fair Housing for Maintenance.

## Civil Rights Organizations Accuse Management Company of Housing Discrimination in Kentucky and Michigan

The National Fair Housing Alliance (NFHA), the Lexington Fair Housing Council (LFHC), the Fair Housing Center of West Michigan (FHCWM), and a tenant have filed a federal lawsuit against Asset Campus Housing, Inc., alleging housing discrimination against families with children. Asset Campus Housing is a private rental management company that owns and/or manages hundreds of multi-family properties throughout the United States.

Asset Campus Housing often markets its properties as student housing. As such, it implemented a policy that permits only one person per bedroom for renters of its apartment units. Each tenant must occupy and lease their own room, even if the tenant is a toddler. However, the Company does not require tenants to be enrolled in school, and it knowingly rents to non-students.



The Plaintiff, a 20-year old student, and her daughter were allegedly discriminated against by the Company when they sought housing. When the Company learned the student had a child, they forced the student to obtain a separate lease for her two-year-old daughter and pay double the rent.

Additionally, the same Company allegedly prevented a Michigan couple with a child from renting a two-bedroom townhome because Company's policy would not allow three people, or more than one person per bedroom, in the townhome. FHCWM investigated and confirmed that Asset Campus Housing was enforcing this occupancy policy at multiple properties – a policy far more restrictive than any local occupancy or building code.

In yet another instance, the LFHC conducted an investigation in Lexington, Kentucky. LFHC confirmed through testing and phone calls with staff at Asset Campus Housing, that it enforces a one-person per bedroom policy. In March of 2018, a LFHC tester visited an Asset Campus Housing property located in Lexington, and was allegedly told by management that she could not rent at the property if she had children in her home.

Occupancy standard cases are popping up everywhere. Be sure your polices do not violate fair housing laws.

*Did you know?* You can be liable for sexual harassment even if you had no intent to harass.



# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar

*"You are not on the lease!"*

### Addressing Non-Residents on the Property

September 26, 2018

10:00 a.m. - 11:30 a.m. Central

When dealing with a resident - the lease is the governing document. But, what happens when you need to deal with a non-resident? There is no lease to point to for guidance. It is hard to know what you can or cannot say. In this webinar, we will discuss issues that arise when addressing non-residents on the property. Our discussion will include:

- Towing a non-resident's car
- Talking to the family of a sick or deceased resident
- Banning a non-resident
- Trespass laws
- Caregivers' rights
- Talking to 3rd parties

**\$34.99**  
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Nathan Lybarger  
Hall & Associates



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## DOJ Files Sexual Harassment Lawsuit Against Alabama Landlord

The U.S. Department of Justice has filed a sexual harassment lawsuit against a Cullman, Alabama landlord who had allegedly been sexually harassing female residents since 2011.

The lawsuit, which was filed in the U.S. District Court for the Northern District of Alabama, alleges the landlord's conduct included: demanding or pressuring female residents to engage in sexual acts with him in exchange for rent or to prevent eviction; evicting female residents when they refused his advances; making female residents feel unsafe by stalking them and entering their residences without permission; and making unwelcome sexual comments and advances. The lawsuit seeks monetary damages for the alleged victims and civil penalties.

The DOJ takes allegations of sexual harassment very seriously. The DOJ's Sexual Harassment in Housing Initiative (SHHI) was launched in October 2017 and expanded nationally in April 2018. The initiative specifically seeks to increase the Department's efforts to protect individuals from harassment by landlords, property managers, maintenance workers, security guards, loan officers, or other people who have control over housing. The DOJ has filed or settled 10 sexual harassment cases and has recovered over \$1.6 million for victims of sexual harassment in housing since Jan. 20,



## Fair Housing Webinar Checking Documents for Fair Housing Compliance

Wednesday, August 15, 2018  
10:00 am - 11:00 am Central

**\$24.99**

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

[Register  
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## “No Smoking” in Public Housing

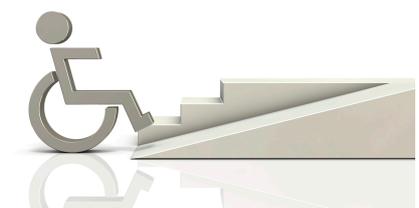
On July 31, 2018, the U.S. Department of Housing and Urban Development enacted a ban that prohibits smoking in all public housing. HUD prohibits the smoking of cigarettes, cigars and pipes in any units or common areas of public housing. Electronic cigarettes have not yet been banned.

People who smoke are still allowed to rent public housing units, and they do not need to quit smoking. They will just not be allowed to smoke in the units or common areas. The ban also applies to employees, guests, and other visitors. Those caught smoking will have violated their lease.

## Discriminatory Design Charge Filed

The U.S. Department of Housing and Urban Development has filed a discrimination charge against a New York developer, an owner, a construction company and an architect of a condominium development in Long Island City. The lawsuit alleges the group failed to design and construct the condo development in compliance with Fair Housing requirements and thus, they discriminated against disabled residents.

The charge alleges the condos lacked safe and accessible routes that persons with disabilities and others can use to travel between their units and common areas. Specifically, deficiencies were found in the property's main entrance, hallways connecting common areas, shared outdoor terrace, patios, refuse rooms, and parking garage. HUD also found widespread violations inside individual units, including inaccessible doors, bathrooms, kitchens, and environmental controls.



The Fair Housing Act requires that multifamily housing built after March 1991, contain accessible features for people with disabilities. Requirements include accessible common areas, bathrooms and kitchens, as well as wider doors and environmental controls that can be reached by residents who use wheelchairs. The failure to include these features is unlawful and makes the property difficult or impossible to be used by people with disabilities.

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

## HUD and Mobile Housing Board Resolve Claims of Disability Discrimination

The U. S. Department of Housing and Urban Development has approved an agreement between the Mobile Housing Board, in Mobile, AL, and a woman with disabilities who alleged the MHB denied her request for a Housing Choice Voucher.

The case began when a woman with disabilities filed a complaint with HUD alleging that the MHB, which provides and administers affordable housing programs for the residents of Mobile, violated her housing rights. HUD's review of MHB's voucher program found that it denied individuals the opportunity to use Housing Choice Vouchers. In addition, a subsequent Compliance Review conducted by HUD found that MHB failed to build units in accordance with the Uniform Federal Accessibility Standards, and failed to abide by the hiring and employment requirements of the Section 3 program.

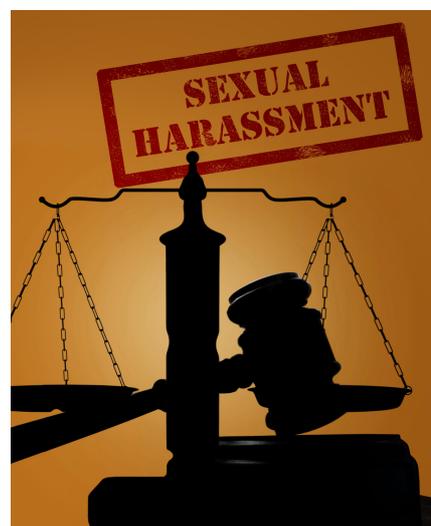
Under the terms of the agreement, MHB will pay the woman \$117,500; issue her a Housing Choice Voucher; and allocate \$114,000 for Section 504-related improvements at a downtown hotel. The agreement also requires MHB to appoint a qualified individual to serve as MHB's Section 3 coordinator and assist contractors with the development of Section 3 plans needed to qualify for contracting opportunities.

## DOJ Launches Public Awareness Campaign for Victims of Sexual Harassment

The U.S. Department of Justice announced the release of a public service announcement aimed at raising awareness and reaching victims of sexual harassment in housing. The DOJ and the U.S. Department of Housing and Urban Development are working together to distribute the PSA.

The PSA is a 60-second video featuring three women who were injured parties in sexual harassment lawsuits brought by the DOJ under the Fair Housing Act. In the PSA, the women share the stories of how they were harassed and the impact the experience had on their lives. One victim in the video had a landlord who threatened to evict her if she didn't have sex with him. Another victim experienced a landlord who subjected her to unwanted sexual advances and comments, including exposing himself to her while inside her unit.

The PSA is posted on the DOJ's and HUD's Youtube channels.



## HUD Settles Multiple Disability Claims

The U.S. Department of Housing and Urban Development has been busy settling claims. In July alone, it settled four claims against landlords. The claims settled were:



### **Assistance Animal Claim Settles for \$10K**

HUD approved a Conciliation Agreement with a Rancho, CA landlord settling allegations that the owners demanded that a resident with disabilities remove her assistance animal from the property. Among other things, the Conciliation Agreement provides that the tenant will receive \$10,000 and the property owners will revise their reasonable accommodation policies and receive training to ensure compliance with the Fair Housing Act.

### **Ground-Floor Unit Denial Settles for \$6,500**

HUD approved a Conciliation Agreement with the owners of a San Diego, CA property resolving allegations they denied a tenant's reasonable accommodation request to move to a ground-floor unit due to a mobility disability. Under the agreement, the landlord will pay the woman \$6,500. In addition, leasing and management staff will undergo fair housing training.

### **Emotional Support Animal Claim Settles for \$6,000**

HUD approved a Conciliation Agreement with an Idaho landlord settling allegations that they denied the request of a resident with disabilities to keep an emotional support animal. The resident alleged that the owners initially denied her request, but later agreed to grant her request, but imposed numerous terms and conditions that violated the Fair Housing Act. Under the agreement, the landlord will pay the woman \$6,000 and revise their rental procedures to be consistent with the Fair Housing Act.

### **Housing Authority Settles Section 504 Claims**

HUD approved a Conciliation Agreement between the Hawaii Disability Rights Center and the Hawaii Public Housing Authority alleging the housing authority failed to comply with Section 504 of the Rehabilitation Act of 1973. Under the Agreement, the housing authority will work to correct the Section 504 violations including making an adequate percentage of accessible units available for residents with disabilities. In addition, the housing authority will contract with an expert accessibility consultant to ensure that it meets its accessibility mandates, including conducting assessments of residents' accommodation needs.