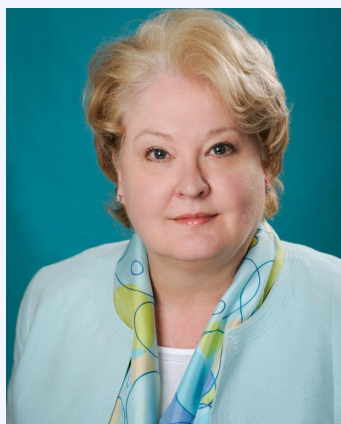




Fair Housing Newsletter

Keeping you current on fair housing news and issues



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HUD Requests Investigation of ESA Websites

The U.S. Department of Housing and Urban Development has written a letter requesting the Federal Trade Commission investigate websites that provide documentation to residents seeking to keep an emotional support, service or therapy animal. The FTC is empowered to investigate these websites to protect consumers from deceptive and unfair business practices.

According to a letter from HUD, housing providers, fair housing groups, and disability rights groups brought this issue to HUD's attention. These groups are concerned that certain websites may be misleading consumers with disabilities into purchasing assistance animal documentation which is unreliable and unnecessary. The groups are also concerned non-disabled individuals are using the websites to pass pets off as ESAs in order to avoid housing providers' pet restrictions and pet fees.

Under the Fair Housing Act, assistance animals are not required to be "registered" or "certified," nor, in HUD's opinion, does certification or registration provide any benefit to the consumer with a disability who needs an assistance animal. According to the letter, "Certifications, registrations, and other documentation purchased over the internet through these websites are not necessary, may not contain reliable information, and, in HUD's enforcement process, are insufficient to establish an individual's disability-related need for an assistance animal."

ESA Websites: Continued on Page Two

Note From the Editor: The year has flown by and I am looking forward to 2020. I wish you all a happy and healthy holiday season. I hope your New Year is prosperous.



ESA Websites: Continued from Page One

The websites typically obtain information from the individual purchasing documentation by requiring the individual to answer an online questionnaire or, at most, having the individual participate in a brief interview. In HUD's view, the websites offer documentation that is not reliable for purposes of determining whether an individual has a disability or disability-related need for an assistance animal because the website operators and health care professionals who consult with them lack the personal knowledge that is necessary to make such determinations.

According to HUD's letter, these websites are interfering with the rights of individuals with disabilities by selling documentation that people without disabilities can use to pass off their pets as assistance animals.

Hopefully, the FTC's investigation will result in these types of websites being shut down or at least being required to change their practices.

Housing Authority Settles Disability Complaint

The Housing Authority of Bridgeport, Connecticut and the U.S. Department of Justice have reached a settlement to resolve allegations the housing authority discriminated against residents with disabilities in violation of the Fair Housing Act.

The settlement requires the housing authority to revise its policies and processes for handling reasonable accommodation requests and develop an inventory of accessible units for tenants with mobility, vision, and hearing-related disabilities. The settlement also requires the housing authority to pay \$1.5M to those hurt by its discriminatory practices and a \$25,000 civil penalty to the government.

The lawsuit arose from a compliance review initiated by the Department of Housing and Urban Development. After issuing a determination of noncompliance and attempting resolution, HUD referred the case to the DOJ. The complaint alleged the housing authority failed to properly process, decide, and fulfill requests for reasonable accommodations for tenants with disabilities and failed to provide a sufficient number of public housing units that are accessible to tenants with mobility, vision, or hearing-related disabilities.

The housing authority owns and manages more than 2,500 units of public housing and administers more than 2,800 vouchers under HUD's Section 8 Housing Choice Voucher program.





HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar **Crime & Eviction: Confronting Criminal Activity On and Off the Property**

Wednesday, January 29, 2020
10:00 am to 11:30 am Central

Crime on or near the property is one of the most serious issues any landlord will face. Landlords are being pressured from tenants and cities to eliminate crime, while encountering roadblocks from courts and fair housing advocates. In light of HUD's Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions, what can you do?

In this webinar, we will discuss the issues faced by landlords in the fight against crime both on and off the property. We will discuss:

- Current Status on the Use of Criminal Records and HUD's Guidance
- Types of Crimes You May Successfully Evict For
- Proof You Will Need
- Criminal Activity by Visitors or Unauthorized Occupants
- Crime Free Neighborhood Initiatives



Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
Law Office of Angelita E.
Fisher

Sorority Agrees to Allow Emotional Support Rabbit

A University of Michigan sorority has settled a federal lawsuit, agreeing to amend its no-pet policy after it barred a member's emotional support rabbit from living in the sorority's house.

A former MSU student requested an ESA. However, her ESA was a two pound Netherland dwarf rabbit named Sebastian. Even though she provided her sorority with medical documentation stating she suffered from anxiety and her doctor suggested the use of an emotional support animal, the rabbit was denied.



When she found out her request was denied, the student filed a fair housing complaint with the Michigan Department of Civil Rights and eventually filed a lawsuit. The lawsuit alleged the sorority violated the Fair Housing Act. The judge assigned a mediator and the lawsuit was resolved. The sorority amended its no-pet policy and agreed to accommodate its members who have a disability at all of its Michigan sorority houses.



Fair Housing Webinar Disparate Impact Update

Wednesday, December 11, 2019
10:00 a.m. - 11:00 a.m. Central

HUD has proposed a new rule for analyzing disparate impact claims which will impact how landlords are defending these cases. Additionally, non-profits and others have been busy filing disparate impact lawsuits all over the country. In this webinar, we will discuss some of the recent disparate impact cases as well as HUD's new rule. Our discussion will include:

- HUD Proposed Rule;
- Source of Income;
- Criminal Background Criteria;
- Domestic Violence; and
- Occupancy Standards

\$24.99
[Register Now](#)

DOJ Settles with Hotel Chains That Refused Service Animals

The U.S. Department of Justice announced two settlement agreements under the Americans with Disabilities Act (ADA) to protect veterans with disabilities who use service dogs. One agreement is with Deerfield Inn & Suites, in Gadsden, Alabama. The second agreement is with the Landmark Hotel Group in Virginia Beach, Virginia, which manages the Holiday Inn Express in Hampton, Virginia.

The Deerfield Inn & Suites agreement resolves allegations that, after driving many hours, a veteran arrived at the Deerfield Inn & Suites at 4:00 in the morning. When the desk clerk learned that the veteran was accompanied by her service dog, the desk clerk refused to honor the reservation, insisting that no dogs were permitted in the hotel. Despite numerous attempts by the veteran to explain that the dog was not a pet, but a highly trained service animal, the clerk would not allow the veteran to stay at the hotel. As a result, the veteran ended up sleeping in her car in the parking lot of a church.

Similarly, the complaint against Landmark Hotel alleged that the Holiday Inn Express desk clerk refused to honor a reservation by a veteran because he would not provide documentation that the dog with him was a service dog. The veteran informed the clerk that it was unlawful to ask for documents to establish that a dog is a service animal, but the desk clerk informed him that such documentation was corporate policy. The veteran then requested to speak to the hotel manager, who confirmed that it was the hotel's policy to require such documentary proof. The veteran was forced to find another hotel.

Under the ADA, a place of public accommodation must make accommodations under their policies, practices or procedures – such as a no-pet policy – to permit the use of a service animal by a person with a disability. A service dog generally may go wherever the public is allowed to go, and a public accommodation may not require documentation about the service dog. This is not the same for emotional support animals. The ADA specifically excludes emotional support animals and a place of public accommodation may deny an emotional support animal regardless of any type of documentation.

Under these agreements, both entities will adopt and implement a service dog policy; provide training on the service dog policy to employees and managers; post the service dog policy at their facilities and in their advertising; and pay money damages to the two veterans.

Did You Know?

A visitor may request an emotional support animal.

HUD Settles with CA Housing Providers Who Allegedly Denied Grab Bars to Senior Residents

The U.S. Department of Housing and Urban Development has reached an agreement with housing providers in San Diego, Sacramento and Oceanside, CA, to settle allegations they violated the Fair Housing Act when they refused to install grab bars in the showers of elderly tenants with disabilities and subsequently retaliated against them for making the requests.

The case came to HUD when a couple with disabilities who live in a HUD subsidized senior apartment complex, filed a fair housing complaint alleging the owner and property manager of the complex refused to install grab bars in their bathroom and retaliated against them for making the request. The couple claimed that after they asked for the accommodation, they were issued a notice accusing them of having created a noise disturbance. The housing providers denied discriminating against the couple but agreed to settle their complaint.



Under the terms of the settlement agreement, the housing providers will pay \$23,228 to the Legal Aid Society of San Diego, Inc., including \$19,652 to the couple who made the complaint. The housing providers will also rescind the noise complaint that was issued against the couple.

Georgia Landlords Pay \$80K to Settle Race Claim

The U.S. Department of Housing and Urban Development has reached an agreement with the owners and management company of a Georgia apartment complex to settle allegations they subjected African-American tenants at the property to repeated instances of racial harassment by white tenants, which included verbal attacks and physical assaults.

The case began when three African-American residents of a Savannah apartment complex filed fair housing complaints with the HUD claiming the owners of the property refused to investigate and address their claims that white tenants had subjected them to racial harassment and verbal and physical assaults, including attacks by dogs. The three residents also alleged the property's management ignored their maintenance requests and delayed the maintenance requests of other African-American residents. The housing provider denied discriminating against the residents but agreed to settle their complaints.



Under the terms of the agreement, the owner and management company will pay the three residents who filed complaints \$20,000 each, and create a \$20,000 fund to compensate other residents who may have been subjected to racial harassment. The owners also agreed to provide annual fair housing training for the staff and on-site management.