



# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



 LAW OFFICE OF  
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## NH Landlord Agrees to Pay \$15K to Settle Claim of Disability Discrimination

Communities that qualify to be housing for older persons may exclude families with children or set different rules for children on the property. These differences do not violate the Fair Housing Act because it falls into an exclusion set out in the Housing for Older Persons Act (HOPA). But, what happens if there is an accommodation request for a younger person to live on the property because of a disability? According to HUD, it may be reasonable.

In a recent case the landlord owned and operated a mobile home park in New Hampshire. The park was exclusive to those 55 and over in accordance with the HOPA. When a prospective homebuyer wanted to purchase a mobile home in the park, she needed her disabled son to live with her on the property. The son had severe disabilities and required special care which his mother provided. The mother asked for an accommodation under the park's policy of not allowing minors to live at the park. However, the park refused. The mother filed a fair housing complaint with the U.S. Department of Housing and Urban Development. HUD found discrimination.

The park has agreed to pay the mother \$15,000 to resolve the case and revise the mobile home park's reasonable accommodation and 55-and-older housing community policies. While the Fair Housing Act permits housing providers, under certain circumstances, to maintain a general policy of offering housing only to persons over 55, those policies are subject to the reasonable accommodation requirement.

**Note From the Editor:** This month's newsletter is filled with cases where landlords were accused of disability discrimination. Make sure your accommodation policy is lawful. Have it reviewed by a fair housing attorney.



## Justice Department Resolves Three Lawsuit Alleging Disability-Based Discrimination

The Justice Department announced it has settled three different lawsuits alleging the builders, developers and/or owners of multi-family properties failed to develop and build the properties with accessible features for people with disabilities.

In the first settlement, the developer and owners of eight senior living complexes in Alabama, Florida, Georgia, South Carolina and Tennessee have agreed to pay \$450,000 to settle claims that they violated the Fair Housing Act and the Americans with Disabilities Act. As part of the settlement, the defendants agreed to make substantial retrofits to remove accessibility barriers at the complexes, which includes more than 1,500 units. They will also pay all costs related to the retrofits, pay \$400,000 into a settlement fund to compensate individuals harmed by the inaccessible housing and pay a \$50,000 civil penalty to the government. The retrofits will include, among other things: creating accessible pedestrian walkways to the leasing office and site amenities; installing accessible curb cuts and parking; and modifying kitchens and bathrooms.



In the second settlement, the Justice Department agreed to settle a lawsuit it filed against a builder and related entities alleging violations on 46 properties in North Carolina and South Carolina. The settlement will include the entities paying \$275,000 to compensate individuals harmed, paying for extensive retrofits, and paying a \$25,000 civil penalty. In this case, the retrofits will include: replacing steeply-sloped walkways and installing new walkways to help residents reach units, amenities, mailboxes and entrances to the properties; removing obstacles from pedestrian pathways, widening doorways; and modifying bathrooms so they are accessible for individuals who use wheelchairs.

In the third settlement, the Justice Department sued the builder and related entities of 38 Multifamily Housing Complexes in North Carolina. This case settled for \$225,000 which is to be placed in a fund for harmed individuals, a \$50,000 civil penalty to the government and the cost of retrofits. The retrofits include: replacing steeply-sloped walkways so residents can reach mailboxes and entrances to the properties; removing obstacles from pedestrian pathways; installing lever handles on doors and widening doorways to provide sufficient space for individuals who use wheelchairs.

The National Fair Housing Alliance settled a similar case this past month involving properties in New Mexico. Under the settlement agreement, the builder and landlord have agreed to retrofit six properties in New Mexico, establish a \$300,000 fund to increase accessibility, and pay \$325,000 to the NFHA in damages and fees.

## Refusal to Rent Property for Disabled Group Home Violates Fair Housing Act

The U. S. Department of Housing and Urban Development has charged the owners of several residential properties in Houston, TX, with violating the Fair Housing Act by refusing to rent a house for use as a group home for persons with mental disabilities. The case began when a Texas Health and Human Services Commission contractor who provides housing for persons with severe mental disabilities, filed a complaint with HUD, alleging she was denied the opportunity to rent a single-family home because her clients have mental disabilities.

*Group Home: Continued on*



# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar

# Recognizing and Responding to Harassment on the Property

Wednesday, October 27, 2021  
10:00 a.m. - 11:30 a.m. central

Harassment. There are many different varieties, many different levels of severity, but it exists everywhere and every day. What role does this kind of behavior play in the landlord/tenant relationship?

When is it too much? When does it warrant some kind of action? How much abuse is a landlord expected to take? What about a tenant? When should the police become involved?

In this webinar, we'll discuss the appropriate responses to allegations or incidents of harassment, help identify less common versions of harassment, and discuss best practices in documenting incidents of harassment.

**\$34.99**  
[Register Now](#)



Nathan Lybarger  
Law Office of Hall &  
Associates

### Speakers



Angelita Fisher  
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Fisher

*Group Home: Continued from Page 2*

HUD investigated, found discrimination and filed a charge. The charge alleges the owner stated to the woman: “[O]ur neighborhood does not want those type of people. We are trying to get them out of our neighborhood.” 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.

## Failure to Notify a Resident’s Brother Costs Housing Authority \$13,516

Accommodations come in all shapes and forms. In a recent case, the requested accommodation was that the housing authority copy the resident’s brother on all correspondents. When that did not happen, the resident was evicted.

The resident was disabled. She had a mental health disability which was known to the Arizona housing authority. Because of the disability, the resident requested the housing authority provide her brother with copies of all correspondence sent to the resident. When the brother did not receive a copy of the recertification notice, the resident did not not recertify and she was evicted.

The resident filed a complaint with the U.S. Department of Housing and Urban Development. HUD investigated the claim and found evidence of discrimination. The case has been settled and the housing authority has agreed to pay the resident \$10,000 plus waive the \$3,516 judgement it receive in court during the eviction.



## Familial Status Charge Filed Against Missouri Landlord



A Missouri landlord is in trouble after he refused to allow a father with five year-old twins to rent an upstairs unit. The case started when a dad was looking for an apartment. He inquired first about a downstairs unit, but was too late. The unit was rented. The landlord then told the father that the upstairs unit was coming available and he would have “first dibs.”

When the time came for the father to move in, the landlord sent a message: “Remind me...[y]ou, one daughter and dog????” When the father replied he had twins that stayed with him two or three days a week and two older children that would not be there much, the landlord stated he needed to check with his Mom, who was the boss.

The landlord then responded that his Mom “gave me a firm ‘No.’ She’s against little kids in such a small place.” As a result, the father was forced to rent an apartment that cost \$300 more a month. The father filed a fair housing complaint with the Department of Housing and Urban Development. HUD investigated and found discrimination. HUD has filed a charge which will now be heard by an Administrative Law Judge.

The ALJ will determine if the landlord violated the Fair Housing Act which prohibits housing providers from denying or limiting housing to families with children under the age of 18.

## Keeping Shoes Outside May be an Accommodation

The U.S. Department of Housing and Urban Development announced it has charged a Ponce Inlet, Florida, homeowner association with discrimination because it denied a reasonable accommodation request. The accommodation request was to allow the couple to keep their shoes outside their home in order to limit exposure to outdoor allergens, chemicals or pollutants inside their home.



The homeowner was disabled. He was a retired New York City sanitation superintendent, who spent more than 400 days removing debris from the World Trade Center site after September 11th. As a result, he was diagnosed with upper respiratory disabilities and other medical conditions. Because of husband's respiratory disabilities, the couple requested the homeowner association allow them to place their shoes outside their condo so as to not bring possible contaminants into the home which would negatively affect the husband's breathing. The HOA denied the request. The couple filed a complaint with HUD. HUD investigated and found disability discrimination. The case will now be heard by a United States Administrative Law Judge unless either party elects to move the case to federal court.

## Fair Housing Webinar

### "It's the Rule!"

*Navigating Fair Housing Laws  
when Enforcing Property Rules*

Wednesday, October 13, 2021  
10:00 a.m. - 11:00 a.m. Central

**\$24.99**



Every property has a set of rules. Without rules, the property would be chaos; No pets in the pool area; No children in the workout rooms; No bikes in the breezeway. But, implementing these rules can be a fair housing nightmare. In this webinar, we will discuss common property rules and the fair housing laws that arise when enforcing the rules. We will discuss:

- \* Pet / Animal Rules
- \* Children Supervision Rules
- \* Housekeeping Rules
- \* Pool Rules
- \* Workout Room Rules
- \* And much, much, more

**\$24.99**  
[Register Now](#)