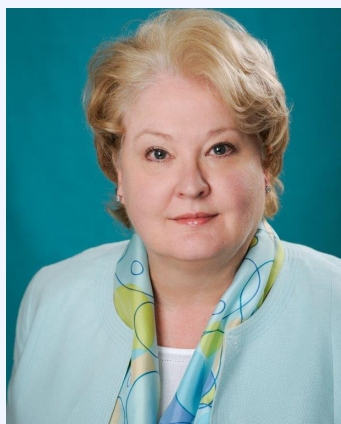




Fair Housing Newsletter

Keeping you current on fair housing news and issues



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Texas Court Dismisses Resident's Failure to Accommodation Claim

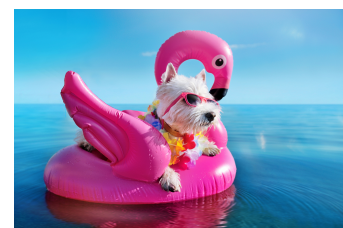
Failure to accommodate claims continue to be heavily litigated in the fair housing arena. What is reasonable? How much information is a landlord entitled to know about the resident's disability? A Texas judge recently dismissed a failure to accommodate claim because the resident did not provide enough information to the landlord.

The Texas resident requested that she be allowed to leave her trash and recycling bins outside her unit without incurring fees. The resident identified herself as being "legally disabled" and stated she was unable to move her trash bins in compliance with her lease, because of her disability. The Landlord provided the resident with a reasonable accommodation request form, which she never returned.

When the landlord refused to allow her to leave her bins out, the resident sued. The judge dismissed the lawsuit reasoning that the resident failed to provide the landlord with proof that she was disabled and needed the accommodation. Simply stating she was disabled was not enough under fair housing laws to impose liability on a landlord for failing to accommodate a resident.

Question: Would the case turned out differently if the landlord had not provided the accommodation form which was never returned? Answer: It is possible that the claim would not have been dismissed had the landlord simply ignored the request and never asked for additional information.

Note From the Editor: welcome to summer! While life sometimes slows down in the summer, this summer may be heating up in the fair housing arena. Look for new complaints to be filed with the TN Attorney General's office after June 30th.



HUD Issues Notice to Rescind Affirmative Fair Housing Marketing Regulations

On June 3, 2025, the US Department of Housing and Urban Development (HUD) issued a notice in the Federal Registry proposing to rescind its affirmative fair housing marketing regulations. These regulations require some housing providers using federal funds such as Section 8 housing, to affirmatively market units to certain buyers and tenants. This meant that housing providers were required to create marketing plans and submit them to HUD for approval and follow-up by regularly sending HUD information about their efforts.

HUD's proposed rule would eliminate the affirmative fair housing marketing regulations entirely. HUD offers six justifications for its decision:

- The regulations are inconsistent with HUD's authority under the Fair Housing Act because, rather than preventing discrimination in housing, they require private parties to engage in discrimination.
- The regulations are unconstitutional under the Fourteenth Amendment's Equal Protection Clause.
- The Fair Housing Act does not authorize the regulations, so if they stay on the books, HUD, as part of the executive branch, would be unconstitutionally usurping Congress's legislative power.
- The regulations violate HUD's commitment to race neutrality.
- The burden of complying with the regulations outweighs their benefit to ensuring fair housing.
- The regulations prioritize statistical equalization over substantive antidiscrimination.

HUD has also adopted a shortened 30-day comment period for its proposed changes. Comments must be submitted to HUD no later than July 3, 2025.

Did you know?

You may be liable for sexual harassment even if you do not intend to harass a resident?

Sexual Harassment Case Settles for \$1 Million

A California court has entered an Agreed Order settling a sexual harassment case filed by the U.S. Department of Justice against a management company and its owners. The case alleged one of the owners sexually harassed multiple tenants.

Under the settlement, the owners have agreed to place \$960,000 in a fund for the aggrieved tenants and pay a \$40,000 civil penalty. They are also prohibited from managing any properties in the future.





HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

ABCs of Eviction

Wednesday, August 27, 2025
10:00 a.m. - 11:30 a.m. central

Residents now have more legal resources and legal representation available to them than ever before. This is not a bad thing! But, as the efforts to provide counsel to residents continues, landlords must examine their own policies and procedures to avoid unnecessary delays in the legal process, and potentially significant liability.

In this webinar, we will examine the procedural steps in the legal eviction process, where the most common pitfalls exist, and discuss the best practices to avoid those pitfalls. Our discussion will include:

- The pros and cons of having an attorney on the other side
- The steps which must be taken before a detainer warrant can be filed
- What a landlord should expect when the warrant goes to court
- The process after a successful court order
- Last-minute accommodation requests

\$34.99

[Register Now](#)



Nathan Lybarger
**Law Office of Hall &
Associates**

Speakers



Angelita Fisher
**Law Office of Angelita E.
Fisher**

New York Real Estate Organization Settles Source of Income Case

The Fair Housing Justice Center has announced the settlement of a lawsuit filed against a New York Real Estate organization and its management company alleging source of income discrimination. The amount of settlement? \$220,000.

The lawsuit alleged several real estate companies and their agents discriminated against testers with a voucher who posed as applicants. More specifically, testers with vouchers were allegedly ignored, lied to, and discouraged from applying, while testers with income solely from employment were shown multiple units and encouraged to apply, according to lawsuit.

The real estate organization denies the allegations, but agreed to collectively pay \$220,000 in damages and will display fair housing posters, receive staff training, and implement anti-discriminatory policies.

While source of income is not one of the seven protected classes under the Fair Housing Act, it is protected by many states and municipalities, including the state of New York.



Fair Housing Webinar

Violence Against Women Act

Wednesday, July 16, 2025
10:00 a.m. - 11:00 a.m. Central

Domestic violence is an issue almost every landlord has been forced to face. Can you evict? Do you need to get involved at all? Why is the resident looking to you for help?

Whether you're a federally funded property, a tax credit property, or accept a Section 8 voucher, you must comply with the Violence Against Women Act. Every landlord should know the rules on when the Act applies, transfers, documentation, and liability.

\$24.99
[Register Now](#)

In this webinar, we will discuss:

- Recognizing when the VAWA May or May Not Apply
- Sorting out the Paperwork
- Requesting Documentation
- Transfers
- Liability
- Recent Cases Interpreting the Act

Two Management Companies Pay for Imposing Unlawful Charges on U.S. Military Servicemembers

The Justice Department has resolved two complaints involving the Servicemembers Civil Relief Act (SCRA) accusing landlords of imposing illegal early termination charges to military servicemembers.

The first complaint was against a Jacksonville, Florida real estate management company for allegedly imposed early termination fees on at least six members of the U.S. military after they attempted to terminate their leases in accordance with the SCRA. The management company agreed to pay over \$39,000 in compensation to the servicemembers, as well as a \$25,000 civil penalty. The company will also make changes to its policies and training to ensure that it complies with the SCRA in the future.



In the second complaint, the DOJ alleged that the nation's largest property management company with over 800,000 housing units, relied on software that it knew would automatically impose early termination charges on SCRA-protected servicemembers. The management company has agreed to set aside \$1.35 million to pay military members and their co-tenants and will pay a \$77,370 civil penalty. The company will pay triple damages to the servicemembers who paid the early termination charges. The company will also make changes to its policies and training, including adopting SCRA-compliant software and forms at all its properties.

The DOJ's enforcement of the SCRA is conducted by the Civil Rights Division's Housing and Civil Enforcement Section. Since 2011, the DOJ reports it has obtained over \$483 million in monetary relief for over 148,000 servicemembers through its enforcement of the SCRA.

FairHousing Advocates Sue Over Grant Awards

The Tennessee Fair Housing Council and the National Fair Housing Alliance have filed a federal lawsuit alleging the U.S. Department of Housing and Urban Development's unlawfully refused to grant funding under the Fair Housing Initiatives Program. The complaint centers around the Trump Administration's defunding of federal housing enforcement programs.



In 1992 Congress established the Fair Housing Initiatives Program to help fund non-profit organizations that assist in enforcing fair housing laws. Since that time, HUD has been distributing funds through grants to these non-profits which handle an estimated 75% of housing discrimination complaints. Under the current administration, however, HUD is refusing to use Congress approved funds to help the non-profit groups and has announced it plans to completely cut the funding in FY 2026.

As a result, multiple lawsuits have been filed, including the current one, to attempt to require HUD to provide these grants.