



# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



 LAW OFFICE OF  
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## ASL Interpreter Accommodation Case Dismissed

A federal court in Michigan has dismissed a claim that various senior living facilities would not provide an ASL interpreter to prospective deaf residents.

The case began when a Detroit-based non-profit sent testers to senior living facilities to ask questions. The testers would ask if the facility had an ASL interpreter and sometimes would ask who would pay for the interpreter. After finding multiple facilities who stated they did not have an interpreter, the non-profit filed suit claiming the facilities violated Section 504 of the Rehabilitation Act and the Fair Housing Act.

The facilities requested the court dismiss the case. The court agreed. First, the facilities did not collect federal funds so they were not subject to Section 504. The mere fact that some residents of the facilities collected veteran benefits was not enough to establish federal funding.

Second, under the Fair Housing Act, the facilities had not denied an accommodation. The Fair Housing Act does not require this type of facility to provide interpreters. However, the law does require them to make accommodations for disabled residents. In this case, the facilities had offered alternative accommodations such as using a pen and paper, a white board, or other residents who knew sign language. The testers had refused these offers.

In sum, the facilities had not violated any laws because they had offered alternatives to an interpreter. Case dismissed.

**Note From the Editor:** Happy Holidays. I hope you have a healthy and happy holiday season. Thank you for your interest in the newsletter and fair housing. See you next year!



## “Crime-Free” Housing Program Violates Fair Housing Act

The U.S. Department of Justice has investigated and determined that the city of Anoka, Minnesota, violated the Americans with Disabilities Act and the Fair Housing Act through the city’s “crime-free” housing program. The DOJ found the program denied tenants with mental health disabilities an equal opportunity to receive emergency assistance.

According to the DOJ’s investigation, the city’s “crime-free” housing program discouraged and prevented tenants with mental health disabilities from using its emergency response service. The DOJ found that people with mental health disabilities, and their families or service providers, refrained from calling for help to avoid risking their current housing or future housing prospects.



Under the city’s rental licensing and “crime free” housing ordinance, the city could penalize landlords for “nuisance calls” to their properties which included disorderly conduct calls and repeated “unfounded” calls to the police. If the landlord did not evict the resident who made the nuisance calls, the city could issue fines and revoke the landlord’s license. This resulted in a situation where tenants with mental health disabilities risked evictions or fines when they requested or received emergency assistance.

Additionally, the DOJ found that the city sent weekly reports to landlords with details of the calls for emergency service from their rental properties. Each report included a general description of the incident and the name and address of those involved. These reports often revealed personal information about the resident’s mental health disabilities, such as their diagnoses, medications and names of psychiatric or medical providers. Some even shared details about suicide attempts. The city used these reports to notify landlords of potential nuisance calls and encourage landlords to evict tenants.

The DOJ is now asking the city to change its policies and procedures, designate an ADA coordinator, and train staff.

## Source of Income Cases Settle

At least two complaints involving discrimination based on source of income have recently settled – both were in the Long Island, NY area.



In the first case, the landlord paid \$20,000 to settle complaints of source of income and disability discrimination when the landlord refused to accept Section 8 vouchers. In a second case, a NY real estate firm paid \$10,000 for refusing Section 8 vouchers.

While source of income is not a protected class under federal fair housing laws, refusing a voucher as payment for rent may cause a disparate impact on women, families with children and some races. Additionally, many states and municipalities have passed laws prohibiting source of income discrimination.



# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar

### 2023 The Year In Review

Wednesday, December 6, 2023  
10:00 a.m. - 11:30 a.m. central

The year 2023 is almost gone. It went by so fast you may have missed a few things. Never fear - we are here to remind you of the 2023 changes you need to remember going into 2024.

In this webinar, we will review some of the cases, legislation and trends that got our attention. Our discussion will include:

- The Battle Against Junk Fees
- The White House Blueprint for Rents Bill of Rights
- Ongoing Rental Assistance
- Legal Representation for Tenants
- New Accommodation Requests
- The War on Selection Criteria
- And much, much, more

**\$34.99**  
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Nathan Lybarger  
Law Office of Hall &  
Associates

### Speakers



Angelita Fisher  
Law Office of Angelita E.  
Fisher

## Annual Three-Part Webinar Series



### **Part One** **March 6, 2024** **Fair Housing Fundamentals**

[Register for Part One](#)  
[Only - \\$24.99](#)

Knowing the basic fundamentals of fair housing laws will assist owners, managers and staff in making better decisions on what law may apply to their residents and what actions may violate fair housing laws. In this webinar, we will discuss the basics of fair housing laws and the process by which residents may make complaints. Our discussion will include: What Law Applies to Your Property; The Protected Classes; Two Types of Discrimination; Two Types of Harassment; The Complaint Process; and Retaliation.



### **Part Two** **March 13, 2024** **Common Fair Housing Issues**

[Register for Part Two](#)  
[Only - \\$24.99](#)

Certain issues in fair housing arise time and again. It is important for managers and staff to know the answers before they make common mistakes. In this webinar, we will discuss the current status of the law on common fair housing issues. Our discussion will include common issues for the protected classes of: Familial Status; Sex / Gender; Race / National Origin; and Religion.



### **Part Three** **March 20, 2024** **Making Reasonable** **Accommodations and Modifications**

[Register for Part Three](#)  
[Only - \\$24.99](#)

Residents who are disabled file more fair housing complaints than all other protected classes combined. Why? Maybe because the accommodation process is easy to mess up. In this webinar, we will talk about a landlord's requirement to reasonably accommodate as well as some of the most common accommodation requests. Our discussion will include: Knowing the Difference between an Accommodation and Modification; Paying for the Accommodation/Modification; Getting the Paperwork Right; and Common Accommodations.



[Register for All Three Webinars](#)  
**\$69.99**



## DOJ Sues Maine Landlord for Sexually Harassment

The U.S. Department of Justice filed a lawsuit against a Maine landlord for allegedly sexually harassing female tenants and housing applicants in violation of the Fair Housing Act. According to the lawsuit, since at least 2016, the landlord subjected female tenants to unwelcome sexual contact and comments about their physical appearance; entered rental units without consent; conditioned a tenant's lease on a romantic relationship; and offered to forgive unpaid rent in exchange for sex acts. The lawsuit also names the property owner, as a defendant.



The lawsuit seeks monetary damages to compensate those harmed by the alleged harassment, civil penalties to vindicate the public interest and a court order barring future discrimination.

The DOJ launched its Sexual Harassment in Housing Initiative in October 2017. Since that time the DOJ has filed 37 lawsuits alleging sexual harassment in housing and recovered over \$10.8 million for victims of harassment.



## Fair Housing Webinar

### Fair Housing Pitfalls When Terminating the Lease Agreement

Wednesday, January 17, 2024  
10:00 a.m. - 11:00 a.m. Central

All good things must come to an end - and so must a lease. How and why you terminate a resident's lease may land you in trouble with HUD. Terminating a lease may violate fair housing laws.

In this webinar, we will discuss a variety of reasons landlords terminate leases and what fair housing consequences you should consider. Our discussion will include:

- Non- Renewals
- Violence on Property
- Housekeeping
- Complaints from Neighbors
- Retaliation

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