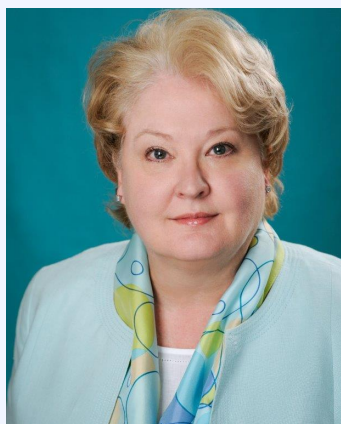




Fair Housing Newsletter

Keeping you current on fair housing news and issues



LAW OFFICE OF
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Cats, Rats and a Lawsuit

Any animal may be considered an emotional support animal (ESA) under the Fair Housing Act (FHA). Two Wisconsin managers found out the hard way that even rats can be an ESA and now have agreed to pay \$20,000 to settle a lawsuit.

The story began when a resident alleged she had “debilitating mental health conditions” and her doctor recommended animals. Specifically, the doctor recommended the tenant keep a calico cat, a black cat, and 3 rats. Allegedly, one cat soothed her at night and eased her loneliness, the other cat liked to be walked outside; and the rats encouraged the cats to be active and playful.

The managers told the resident they would allow only one emotional support animal and had breed restrictions. Later they changed the decision, but put restrictions on the resident that the resident believed were unreasonable.

The drama continued. The managers allegedly made some threats and non-renewed the resident’s lease. Meanwhile, the resident adopted a therapy dog to assist with trauma related to showering.

A lawsuit was filed in November, 2024, alleging violations of the FHA. The managers decided to settle the case without admitting any liability. The managers will pay \$20,000, adopt an accommodation policy and complete training in accommodating disabilities under the FHA.



Note From the Editor: HUD has big news this month. They have withdrawn much of the fair housing guidance published over the last 18 years. Is this good for landlords? Maybe, but remember, courts still have established law on these issues.



HUD Withdraws Fair Housing Guidance

The Department of Housing and Urban Development has announced its withdrawal of multiple fair housing guidance. They have determined these guidance, which date from 2007 - 2024, should no longer be in effect.

The following guidance documents have been removed from HUD's website and should not be utilized by HUD moving forward. In addition, handbooks and training materials referencing these guidance documents are being revised:



- Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (January 22, 2007)
- FHEO Notice 2013-01: Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-funded Programs (April 25, 2013)
- FHEO 2020-01: Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act (January 28, 2020)
- Implementation of Executive Order 13988 on the Enforcement of the Fair Housing Act: Preventing and Combatting Discrimination on the Basis of Gender Identity or Sexual Orientation (February 11, 2021)
- FHEO Statement on the Fair Housing Act and Special Purpose Credit Programs (December 7, 2021)
- Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real-Estate Related Transactions (June 10, 2022)
- Implementation of OGC Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records (June 20, 2022)
- FHEO Memorandum on Source of Income Testing Activities under the Fair Housing Assistance Program (February 12, 2024)
- Guidance on Application of the Fair Housing Act to the Advertising of Housing, Credit, and Other Real Estate-Related Transactions through Digital Platforms (April 29, 2024)

Important Reminder: While these guidance have been removed, federal and state courts may have decided cases supporting these protections. Do not change your policies on these issues without first talking to your fair housing attorney.

Security Company Subject to Fair Housing Act

A Federal Judge in the Western District of Washington has held that even security companies are subject to the restrictions of the Fair Housing Act (FHA).

The case began when a resident alleged she was assaulted and racially profiled by a security company hired by her landlord. She ended up suing the security company for hostile environment harassment in violation of the FHA. The company asked the court to dismiss the case because they were not a housing provider and were not subject to the FHA



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HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

Recognizing and Responding to Harassment on the Property

Wednesday, October 29, 2025
10:00 a.m. - 11:30 a.m. central

Harassment. The term is commonly used by residents and can be confusing to landlords. What is your liability? When does it become unlawful harassment? When does it warrant some kind of action?

In this webinar, we'll discuss the appropriate responses to allegations or incidents of harassment and some best practices in investigating and documenting harassment allegations. Our discussion will include:

- Two types of Harassment
- Landlord liability
- Investigating Complaints
- Possible Actions
- Scenarios of Common Harassment Complaints

\$34.99
Register Now



Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
Law Office of Angelita E.
Fisher

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The Court disagreed. Under the FHA, it is “unlawful to coerce, intimidate, threaten, or interfere with a person in the exercise or enjoyment of . . . any right granted or protected by” certain sections of the FHA. It does not specify who may be held liable. As such, the security company is subject to FHA violations.

Reminder: Site managers, maintenance technicians, neighbors and even insurance companies may also be liable under the FHA.

Single Racial Slur Was Not a Violation of the Fair Housing Act

A Federal Judge in the Eastern District of California has dismissed a Fair Housing Act lawsuit alleging the resident was discriminated against by the property manager.

The resident allegedly suffered emotional distress when:

- Her door handle was shaken multiple times;
- The site manager used a racial slur when referring to her;
- Her key card was deactivated three times;
- Her apartment was entered without notice; and
- Her deposit and rent overcharge was not returned.



In the order dismissing the case, the court noted that these were isolated incidents. Additionally, with the exception of the racial slur, there was nothing to suggest these actions were taken because of race. As for the racial slur, it was a single incident that was insufficient to establish a violation of the Fair Housing Act. Case dismissed.



Fair Housing Webinar

Walking Into Trouble *Fair Housing for Maintenance*

Wednesday, October 15, 2025

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

Maintenance employees are on the front-line of the battle of avoiding fair housing complaints. They often see and interact with the residents more than anyone else in the Company. It is important maintenance employees know what to say and do before they walk into a problem. In this webinar, we will discuss common issues maintenance employees encounter and some realistic steps they can take to avoid getting in trouble with HUD. Our topics will include:

- Encountering Nude & Partially Nude Residents
- Dating Residents
- Apartments with Only Minor Children
- Recognizing a Hoarder
- Managing Maintenance Requests
- And, Much, Much, More

\$24.99
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