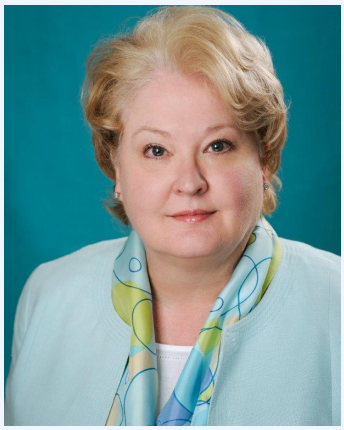
Editor: Angelita Fisher
Law Office of Angelita E. Fisher

June, 2025

Fair Housing Newsletter

Keeping you current on fair housing news and issues



LAW OFFICE OF
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Angelita Fisher is an attorney in the Nashville,TN area. She has over 20 years experience in representing companies in fair housing law and employment law matters. Angelita is licensed to practice law in Alabama, Texas, Mississippi and Tennessee.

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No Documentation Equals No Dismissal

A federal judge in Oregon has refused to dismiss a tenant's allegations a landlord failed to accommodate her disability because the landlord did not document they approved her accommodation request.

The case involves a disabled tenant who kept her walker on her back patio. In accordance with the property rules, she was sent a notice that she needed to remove her walker from the patio. In response, the tenant requested an accommodation. The accommodation request was that she be allowed to keep her walker on the patio so she could use it to water her plants. When she never receive a response, the tenant filed a lawsuit alleging multiple fair housing violations, including the failure to accommodate.

The landlord requested the court dismiss the failure to accommodate claim because the accommodation was approved. However, there was no record that the resident was ever told that the accommodation request was approved. There was also no internal documentation that showed it was approved. Even the property staff could not remember sending a notice to the tenant that the accommodation had been approved. Because of the lack of documentation, the judge refused to dismiss the claim.

Lesson Learned: The accommodation process should be documented from start to finish, including a notice to the resident. In this case, it would have saved a lot of money.

Note From the Editor: June brings Summer fun. But, the season is not the only thing changing. Fair Housing is changing also. From funding issues to disparate impact theory, Fair Housing changes are sure to keep you on your toes.

Maryland AG Settles Fair Housing Cases

The Maryland Attorney General's Office has been busy. It recently announced settlements of three investigations it has conducted against landlords alleging fair housing violations.

In the first case, the AG settled claims that a management company refused to accept emergency housing vouchers from tenants facing eviction, many of which were minorities. In addition to agreeing to change its policies to accept emergency assistance payments in the future, the settlement requires the management company to pay $90,000 in civil penalties, set up a $90,000 fund for anyone evicted or turned away under the old policy, and provide fair housing training for its staff.

In the second case, the AG settled claims that renters with vouchers were being charged higher rents than those without vouchers. The settlement requires repayment of excess rent charged to voucher holders and an end to the practice. In addition, the settlement requires the landlord to pay up to $2,500 per household in additional damages, to train its staff on fair housing laws and to pay $105,000 in civil penalties.

In the third case, the AG alleged a management company had the policy of automatically rejecting rental applications from people with felony convictions, regardless of the age and nature of the conviction. Under the settlement, the management company will adopt a new policy that reviews the applicant's individual circumstances concerning criminal convictions, rather than using blanket bans. The company also agreed to waive application fees for the next two years for people with felony convictions, and it will pay a $25,000 civil penalty.

The Maryland AG also stated that his office has joined a lawsuit before the Maryland Supreme Court to argue that a policy of requiring that applicants have income 2.5 times the amount of the rent discriminates against rent voucher recipients.

Did you know?

A resident has two years to file a federal lawsuit under the Fair Housing Act

Another City Bans Income Discrimination

Lincoln, Nebraska has joined a growing group of cities that have banned discrimination based on source of income. Voters in Lincoln have approved a change to a city ordinance that will prohibit landlords from refusing to rent to tenants who use housing vouchers, public assistance or other lawful income sources, including those enrolled in the Section 8 Housing Voucher Program.

This is a trend across the nation. Watch for similar developments in a city near your property.

Housing Crossroads

WHERE FAIR HOUSING AND LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

Magic Words

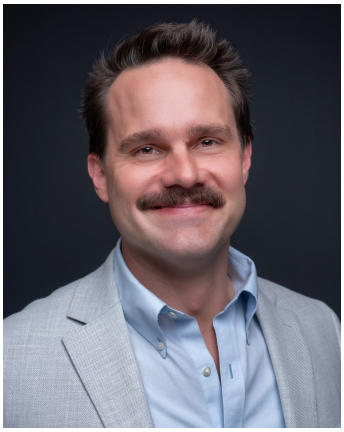
When a complaint is more than just a complaint.

Wednesday, June 25, 2025
10:00 a.m. - 11:30 a.m. central

As a landlord, you communicate with our residents constantly – it's a daily, fundamental part of property management. But all communications are not created equal. Sometimes – whether the resident knows it or not – these communications trigger legal remedies to which the resident may be entitled. In this webinar, we will help identify key words, phrases, and topics to watch out for and best practices to resolve those issues with limited exposure. We'll discuss landlord (and tenant) obligations regarding:

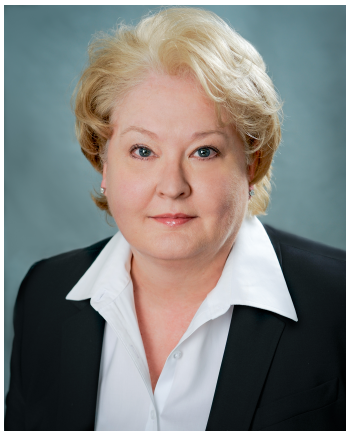
- Essential services
- The right to peaceful and quiet enjoyment
- Maintaining the premises
- Allegations of discrimination
- Requests for reasonable accommodations
- And much more

$34.99
Register Now



Nathan Lybarger
Law Office of Hall & Associates

Speakers



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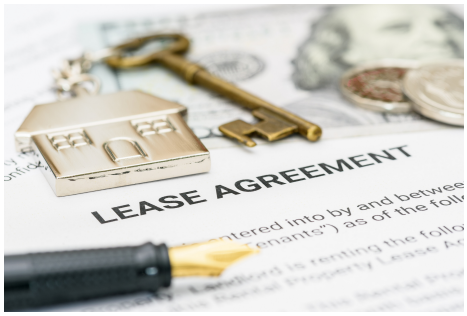
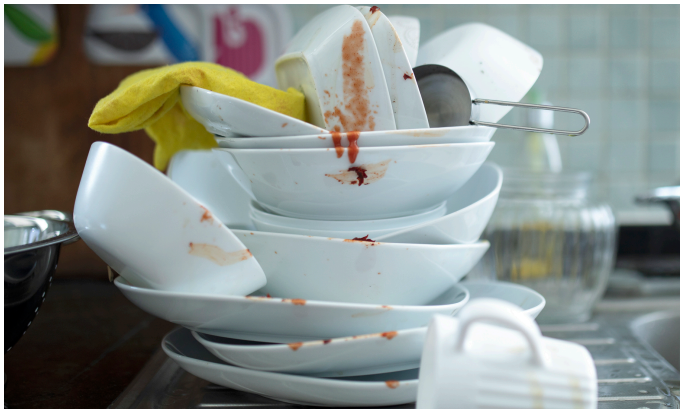
Accommodation of Renting Two Units Is Not Reasonable

A Missouri judge has dismissed a potential tenant's lawsuit alleging the landlord failed to accommodate her request to rent two units under one Section 8 housing voucher.



The applicant was disabled and applied for an apartment using a housing voucher. As part of the application process, she requested the accommodation of allowing her to rent two units – one for herself and another for her live in aide – using one voucher. She also requested that the landlord pick up her trash and deliver her mail to her door. The landlord refused. The applicant sued.

The court held that the accommodation of renting two units using one voucher was unreasonable. It would cause an undue financial hardship on the landlord because the landlord would only be paid for one unit under the voucher. The failure to accommodate claims involving trash and mail were also dismissed, but without a decision on whether or not the requests were reasonable. Since the resident was not qualified to live at the property, the other accommodation requests were moot.



Fair Housing Webinar

When Bad Housekeeping Becomes a Fair Houisng Issue

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

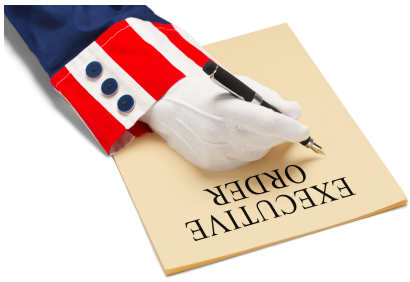
Dirty dishes, clutter, dirty clothes, trash….when does a housekeeping issue become a fair housing issue? In this webinar, we will discuss step-by-step accommodations for a disabled resident who has housekeeping or hoarding issues, while avoiding violations of fair housing laws. Our topics will include:

- Discussing the difference in bad housekeeping and hoarding
- Protections under Fair Housing laws
- Examples of accommodations
- Documentation you may require
- Making sure it does not happen again

$24.99
Register Now

Disparate Impact Theory Takes a Hit

President Trump has signed an Executive Order entitled "Restoring Equality of Opportunity and Meritocracy." The Order announces the Administration's intent to "seek to eliminate the use of disparate-impact liability in all contexts to the maximum degree possible to avoid violating the Constitution, Federal civil rights laws, and basic American ideals."



The Executive Order provides:

> "Within 45 days of the date of this order, the Attorney General, the Secretary of Housing and Urban Development, the Director of the Consumer Financial Protection Bureau, the Chair of the Federal Trade Commission, and the heads of other agencies responsible for enforcement of the Equal Credit Opportunity Act (Public Law 93-495), Title VIII of the Civil Rights Act of 1964 (the Fair Housing Act (Public Law 90-284, as amended)), or laws prohibiting unfair, deceptive, or abusive acts or practices shall evaluate all pending proceedings that rely on theories of disparate-impact liability and take appropriate action with respect to such matters consistent with the policy of this order."
>
> "Within 90 days of the date of this order, all agencies shall evaluate existing consent judgments and permanent injunctions that rely on theories of disparate-impact liability and take appropriate action with respect to such matters consistent with the policy of this order."

The Order may also impact state laws as it provides:

> "[i]n coordination with other agencies, the Attorney General shall determine whether any Federal authorities preempt State laws, regulations, policies, or practices that impose disparate-impact liability based on a federally protected characteristic such as race, sex, or age, or whether such laws, regulations, policies, or practices have constitutional infirmities that warrant Federal action, and shall take appropriate measures consistent with the policy of this order."

It is important for landlords to remember that the Executive Order does not address the 2015 ruling of the U.S. Supreme Court in *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project, Inc.* holding that disparate impact claims may be brought under the Fair Housing Act. It is also unclear as to how much impact the Order will have on private litigation. Because of the court cases, landlords should be cautious when implementing policies – especially criminal background polices – that may disproportionately impact one or more protected classes.