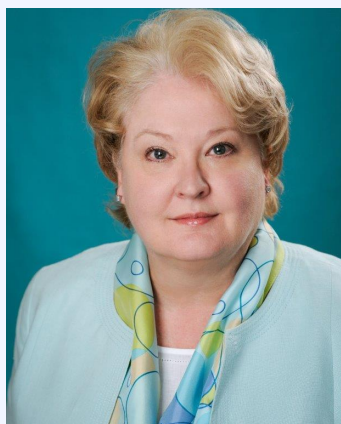




# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



 LAW OFFICE OF  
**ANGELITA E. FISHER**

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Angelita Fisher is an attorney in the Nashville, TN area. She has over 18 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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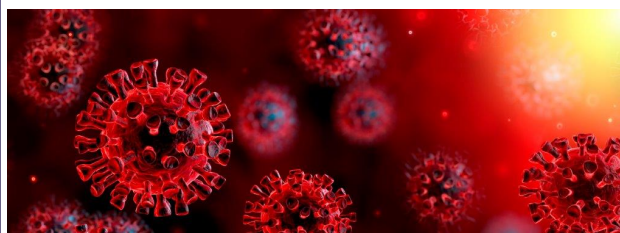
## CARES Act Limits Eviction Filings

The federal Coronavirus Aid Relief, and Economic Security Act “CARES Act” contains several provisions to prevent the eviction of residential tenants for 120 days when they live in buildings secured by federally back mortgage loans or receive money under some federal programs.

The Act provides for a 120-day period beginning on March 27, 2020 the landlord of a “covered dwelling” cannot (A) make, or cause to be made, any filing to initiate a legal action to recover possession of the covered dwelling from the tenant for non-payment of rent; and (B) impose any fees, penalties or other charges on a tenant for late payment of rent.

The Act further provides that during the 120-day period, the landlord of a covered dwelling cannot: (A) require a tenant to vacate a dwelling unit located in the applicable property before the date that is 30-days after the date the tenant is provided a notice to vacate; and (B) may not issue a notice to vacate until after the expiration of the 120-day period.

The Act defines “covered dwelling” as (A) a dwelling is occupied by tenant pursuant to a residential lease or without a lease or with a lease that is terminable under State law and (B) is in or on a covered property.



Continued  
on Page 2:  
CARES Act

Note From the Editor: I hope this month finds you and your loved ones healthy and happy. Since most of us are working from home, it is a perfect time to take a webinar. We have two this month. Check them out on pages three and five.



*Continued from Page 1: CARES Act*

A “covered property” is any property that participates in (A) a covered housing program as defined in Section 4141(a) of the Violence Against Women Act of 1994; or (B) the rural housing voucher program under section 542 of the Housing Act of 1949; or (C) has a federally backed mortgage loan or a federally backed multifamily mortgage loan.

To sum it up: be careful before sending out notices or filing an eviction. You could be violating federal law.

## **DOJ Files Lawsuit Involving the Design and Construction of N.D. Apartment Complexes**

The U.S. Department of Justice announced it has filed a lawsuit alleging several individuals and entities violated the Fair Housing Act and Americans with Disabilities Act by failing to design and construct multifamily residential properties in North Dakota so they are accessible to people with disabilities.

The lawsuit alleges significant physical accessibility barriers exist at four developments and a rental office. These barriers include: steps or excessive slopes leading to unit entrances from sidewalks and other public use areas; insufficiently wide openings at interior doors which make them inaccessible for many persons with mobility impairments; inadequate interior space to maneuver a wheelchair; and inaccessible parking. The accessibility violations exist at 116 units constructed over a 15 year period.

The lawsuit seeks a court order prohibiting the individuals from designing or constructing future residential properties in a manner that discriminates against persons with disabilities. The lawsuit also seeks an order requiring the individuals to make physical modifications to the properties to bring them into compliance with the Fair Housing Act and the Americans with Disabilities Act, to provide monetary damages to people harmed by the lack of accessibility at the properties, and to pay civil penalties.



The Fair Housing Act requires all multifamily housing constructed after March 13, 1991, have basic physical accessibility features, including, among other things, accessible routes without steps to all single-story, ground-floor units, and to all units in a building served by an elevator. The ADA protects individuals with disabilities from discrimination in public accommodations, including the rental office at issue in this case.



# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT



## Housing Crossroads Webinar Damages and Deposits

Wednesday, April 29, 2020  
10:00 a.m. - 11:30 a.m. central

When are you allowed to charge a deposit? Are you sure you can deduct all damages from the deposit? As a landlord, answering these questions can be tricky. Answering them incorrectly can be illegal. In this webinar, we will discuss:

- When a landlord may require a deposit;
- When a deposit is prohibited;
- Legal requirements when accepting a deposit;
- Process to properly retain the deposit;
- Best practices for establishing and proving move out damages; and
- Deciding which damages can be recovered.

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

*This webinar will focus largely on Tennessee law under the Tennessee Uniform Residential Landlord Tenant Act.*



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

### Speakers



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

## HUD Awards \$40M to Fight Fair Housing Violations

The U.S. Department of Housing and Urban Development awarded \$40 million in March to fair housing organizations across the nation. This money will be used to help people who believe they have been victims of housing discrimination and to educate the public and housing providers on the nation's fair housing laws. The grants will allow the groups to provide fair housing enforcement through testing in the rental and sales markets, file fair housing complaints with HUD, and conduct investigations.

Some of the groups awarded money in your area include:

**Alabama:**

\$425,000 to Central Alabama Fair Housing Center

4300,000 to Fair Housing Center of Northern Alabama

\$424,150 to the Mobile Fair Housing Center

**Indiana:**

\$425,000 to the Fair Housing Center of Central Indiana

**Tennessee:**

\$300,000 to the Tennessee Fair Housing Council

\$425,000 to the West Tennessee Legal Services Inc.

For more information and to find out if your local fair housing group received money, go to: [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/HUD\\_No\\_20\\_045](https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_045)

## Condo Association Sued for Denying Service and Emotional Support Animals

The U.S. Department of Justice has filed a lawsuit alleging a Philadelphia condo association violated the Fair Housing Act by discriminating against residents with disabilities who need service and emotional support animals.

The lawsuit arose from a complaint filed by a condo owner with the U.S. Department of Housing and Urban Development. The lawsuit alleges the condo association discriminated against residents with disabilities by denying residents' requests for accommodations to its "no pets" policy. The complaint further alleges the association has maintained policies since 2009 which exclude all assistance animals – including service animals - from the common areas, impose a blanket ban on visitors' assistance animals that have not been first qualified by the association from coming into the property, and require residents with assistance animals obtain a \$1 million insurance policy naming the association as an additional insured.

The lawsuit seeks monetary damages to compensate the victims, civil penalties, and a court order barring future discrimination.





## DOJ Settles Disability Lawsuit Against 32 Properties in Ohio

The U.S. Department of Justice announced an Ohio developer and a franchisor of multifamily properties have agreed to settle a federal lawsuit alleging they violated the Fair Housing Act by improperly designing and constructing 32 multifamily properties in Ohio. The properties allegedly had steps and other features that made them inaccessible to persons with disabilities.

The case originated with a complaint filed with the U.S. Department of Housing and Urban Development by a fair housing organization in Akron, Ohio. HUD then initiated its own complaint and, after an investigation, determined the developer and franchisor had violated the FHA. It then referred the matter to the DOJ for litigation.

Under the terms of the settlement, the developer and franchisor will pay up to \$2,200,000 to correct inaccessible features in the common areas of the properties and within the individual units. The corrections include: removing steps; replacing steeply-sloped walkways; adding accessible routes from units to amenities such as the clubhouse and swimming pool; and providing accessible parking. They will also offer to pay current owners to correct certain inaccessible features within condominium units, including those found in bathrooms and kitchens. Additionally, the developer and franchisor will establish a \$300,000 fund for people who have suffered harm due to the lack of accessible features at properties, pay a civil penalty of \$51,303. Finally, they will pay \$40,000 in damages to the fair housing advocate group which filed the discrimination complaint with HUD that initiated the case.



### Fair Housing Webinar **Fair Housing Failures** *Six Common Fair Housing Mistakes*

Wednesday, April 15, 2020  
10:00 a.m. - 11:00 a.m. Central

**\$24.00**

We all make mistakes now and again. For landlords, those mistakes can cost a lot of money if they violate fair housing laws. That is why it is important you not make the same mistakes over and over. In this webinar, we will discuss some of the more common fair housing mistakes landlords make every day. Our discussion will include:

1. Failing To Get The Accommodation Paperwork Right
2. Failing To Fully Evaluate Emotional Support Animal Requests
3. Failing To Evaluate Polices For Disparate Impact
4. Failing To Address Problems On The Property
5. Failing To Recognizes Retaliation
6. Failing To Train Employees

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

## HUD Approves Sexual Harassment Settlement

The U.S. Department of Housing and Urban Development has approved a Conciliation Agreement requiring the owners and manager of a Bakersfield, California apartment complex to pay \$14,500 to several female residents to settle allegations of sexual harassment.

Under the terms of the Agreement, the owners will pay the woman who filed the complaint \$10,000 and attend mandatory fair housing training. The owners will also pay \$4,500 to two other female residents. In addition, the manager will be permanently prohibited from directly or indirectly engaging in or conducting any property management responsibilities.



## Did You Know?

*You may not require a resident to complete a reasonable accommodation form or put their request in writing?*

## Student Housing Will Now Be Open to Families with Children

The National Fair Housing Alliance announced it has settled a lawsuit with the largest third-party property management company in the nation for campus living. The settlement will reportedly open up access to 140,000 beds across 40 states and 77 cities to families with children.

This agreement is the result of a lawsuit filed in 2018 by the NFHA, the Lexington Fair Housing Council, the Fair Housing Center of West Michigan, and a tenant. The lawsuit alleged the management company marketed itself as student housing but rented to non-students while enforcing a policy of one person per bedroom. This resulted in a tenant and her daughter having to sign two leases and pay double rent. This policy discouraged families with children even when the parents were students. These practices, according to the NFHA, were in clear violation of the federal Fair Housing Act.

It is unclear if any money was involved in the settlement. What is clear is that the one-person per bedroom policy will be revised.

