



Fair Housing Newsletter

Keeping you current on fair housing news and issues



 LAW OFFICE OF
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Registration on Sex Offender List Does not Violate Fair Housing Laws

The U.S. District Court, M.D. Pennsylvania, has dismissed a sex offender's fair housing lawsuit holding that being placed on the lifetime sex offender list does not violate the Fair Housing Act.

The sex offender in this case argued his registration on the lifetime sex offender list deprived him of a housing choice voucher, also known as a Section 8 housing voucher, which he argued, violated fair housing laws.

The court held the sex offender's arguments were without merit citing HUD regulations. Under HUD regulations, persons subject to sex offender registration requirements are denied admission to the Housing Choice Voucher and Public Housing Programs. Plus,



participation in the housing voucher program may be terminated if a participant engages in violent criminal activity or other criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

The court found the sex offender's right to HUD benefits was not protected by the Constitution in this case or by the Fair Housing Act. Case dismissed.

Note From the Editor: Happy Holidays. I hope the New Year brings you health, happiness and prosperity.



No English – No Apartment

Two apartment complexes in DeWitt, NY are facing a federal lawsuit after they refused to rent to applicants unless someone in the household spoke English.

The lawsuit was filed by a non-profit fair housing group in central and northern New York. The non-profit stated it was alerted to the apartment complexes' policy by a local housing services provider. After the alert, the non-profit conducted an investigation.

The non-profit group had testers pose as representatives of prospective tenants who speak only limited English. When the testers called the complexes, a leasing agent allegedly told them the complexes required tenants to be able to speak and read English so they could communicate with the sites' managers about any issues related to their apartments. When the testers said they would serve as translators for the prospective tenants, the leasing representatives allegedly stated someone living in the apartment would have to be able to speak English.



The lawsuit was filed on November 10th, in the U.S. District Court in Syracuse, NY. It names two complexes and a leasing agent as defendants. The lawsuit seeks an order barring the complexes from continuing their policy and asks the court to award the non-profit group unspecified compensatory and punitive damages.

HUD will Continue to Enforce Policies Against Residents Who Use Marijuana

A representative with the US Department of Housing and Urban Development affirmed last month that the agency will continue to take action against those who use marijuana, including those who do so in compliance with state and local laws. The reason – the use of marijuana is still prohibited by federal law.

In a letter addressed to Rep. Eleanor Holmes-Norton, the agency states it will continue to enforce policies that involve the “termination of the tenancy of any household” in instances where a tenant is found to have engaged in the use of a controlled substance while on the premises — “including [the use of] state legalized medical marijuana.”



The HUD letter is in response to a letter sent by Representative Norton requesting that HUD “use executive discretion to not enforce rules against marijuana use in federally assisted housing” in jurisdictions where marijuana use is state-regulated.

In sum, federally funded properties may still evict residents who use marijuana – including states where marijuana is legal and used for medical purposes. The situation for conventional properties is still unclear when being used for medical purposes.



HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

You're Not on the Lease

Managing Third Parties

Wednesday, January 26, 2022
10:00 a.m. - 11:30 a.m. central

In a customer service role, landlords try to be as friendly and accommodating as we can to anyone that walks in our office door. But where do we draw the line? We have to weigh our Residents' right to privacy against our willingness to help out. In this webinar, we'll discuss the most common areas in which leasing professionals has to manage relationships and communications with third parties.

- Guests and Unauthorized Occupants
- Caregivers
- Law Enforcement
- Attorneys
- Family Members
- Other Residents

\$34.99
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Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
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Fisher

88 NY Landlords Accused of Source of Income Discrimination

A lawsuit filed by Housing Rights Initiative, a watchdog group, accused 88 brokerage firms and landlords in New York of discriminating against applicants who have Section 8 vouchers. According to the lawsuit, more than 125,000 households in New York City use Section 8 housing vouchers. Many of the residents are Black, Latino, or people with disabilities.

The lawsuit is the result of a year long investigation by HRI. During the investigation, HRI identified apartments across the city that would have been affordable to a renter with a housing voucher. The group then built a profile of a prospective tenant, often that of a working-class woman with good credit. It called the housing providers posing as the prospective tenant and asked about renting the unit with a voucher. The group recorded 477 of these telephone conversations. According to the lawsuit, in 48 percent of the conversations, the broker or landlord ended the conversation as soon as the undercover investigator mentioned the voucher — with some even hanging up, according to the suit.

New York State and New York City, have laws which prohibit discrimination in housing based on source of income. The lawsuit seeks unspecified monetary damages and for the discriminatory practices to be



Did You know?

A resident has two years to file a federal fair housing lawsuit.

Sexual Harassment Lawsuit Settles for \$75,000

The U.S. Department of Justice announced it has settled a fair housing case against a Massachusetts landlord and his maintenance worker, as well as the owners of the properties they managed.



The lawsuit, filed in 2019, alleged the landlord subjected female tenants to harassment that included making unwelcome sexual advances and comments, making unscheduled and frequent visits to certain tenant units without legitimate property management reasons for the visits, and taking adverse actions against tenants who resisted his sexual overtures. The lawsuit also alleged the maintenance employee sexually harassed and assaulted tenants and that the landlord, after receiving notice of the maintenance employee's harassment, retaliated against one tenant by filing an eviction action against her and failed to take action to prevent the maintenance employee from engaging in additional sexual harassment.

Under the consent decree, the landlord and maintenance employee are required to pay \$65,000 to compensate individuals harmed by the harassment and a \$10,000 civil penalty. The consent decree also bars the landlord and maintenance employee from participating in property management responsibilities at residential rental properties in the future.

Fair Housing in Tennessee

On September 24, 2021, the Tennessee Human Rights Commission released its annual report. In the 2021 fiscal year, the THRC reported they received 615 fair housing inquiries while accepting 159 fair housing complaints. They closed 124 fair housing cases including 34 through its conciliation process. The monetary benefits obtained for residents through the conciliation process was \$104,124.

The complaints were based on:

- Disability - 59%
- Race - 11%
- Gender - 8%
- Familial Status - 8%
- National Origin - 4%
- Religion - 4%
- Retaliation - 4%



Fair Housing Webinar

Fair Housing Failures

Five Common Fair Housing Mistakes

Wednesday, December 15, 2021
10:00 a.m. - 11:00 a.m. Central

\$24.99

We all make mistakes now and again. For landlords, those mistakes can mean a fair housing violation and lots of money. 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 emotional support animal paperwork right
2. Failing to evaluate policies for disparate impact
3. Failing to address problems on the property
4. Failing to recognize retaliation
5. Failing to train employees

