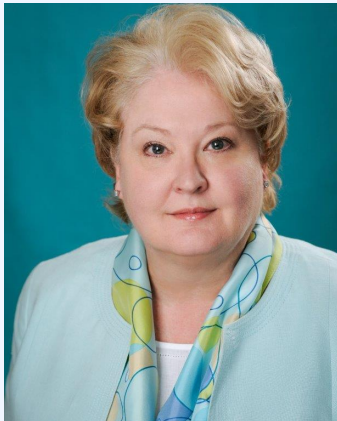




Fair Housing Newsletter

Keeping you current on fair housing news and issues



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“Use the Service Door” Rule Has Landed New Jersey Condo Association in Trouble

A New Jersey Condominium Association has found itself in trouble with the U.S. Department of Housing and Urban Development after it required a disabled resident to put her assistance dog in a carrier and use the service door anytime she was accompanied by the animal.

The Condo Association had a “no pets” policy. However, they grandfathered in pets that were already in the building before they enacted the policy. The “no pets” policy for the pets that were already in the building required that:

- Grandfathered pets (hereafter referred to as “pets”) must be completely in pet carriers or cages whenever in the common elements. (The heads of animals are not to be “popping” out of the carrier).
- Pets must be taken in and out of the building in their carriers/cages through the west side service door.
- Pets are not allowed in common areas such as the hallways except during transportation in or out of the building. Pets are never to be in the lobby or on the deck.

The resident at the center of the controversy, had mobility, vision, and hearing disabilities. She also had a 75-pound assistance dog. The Condo Association approved the resident for the dog, but told the resident that she must follow all the pet rules. This is where the problem began.

“Service Door” Continued on Page 2

Note From the Editor: Sexual harassment claims are up. Between the #metoo movement and the HUD and DOJ Initiative on sexual harassment in housing, the number of complaints has skyrocketed. Find out more in this month’s Housing Crossroad’s webinar.

"Service Door" Continued from Page 1

The rules caused a problem for the resident. The requirement that animals had to be in a cage or carrier when coming and going from the building was almost impossible to comply with. It required the resident to transport a 75-pound dog in a carrier anytime she went outside. So, she did not comply with the rule. The Association ended up fining the resident \$100 for the dog not being in a carrier. The other problem was that the service entrance was a longer distance from the resident's apartment than the main lobby. It required the resident to walk further which created a problem because her disability included mobility issues.

The resident's daughter complained to HUD after he mother was fined. HUD investigated and found fair housing violations. In response, it has filed a charge of discrimination against the Condo Association for imposing pet rules on an assistance animal.

Denial of designated parking space results in HUD Charge

The U.S. Department of Housing and Urban Development has charged a landlord with discrimination for refusing a disabled resident's request for a designated parking space. HUD's charge alleges that the owners of an apartment complex in West Virginia, refused to designate a parking space for a resident with disabilities, despite the woman providing medical documentation verifying her need for the accommodation. As a result, the resident and her children had to move.



HUD's charge will be heard by a United States Administrative Law Judge unless either party to the charge elects to have the case heard in federal district court. If the judge finds that discrimination has occurred, he may award damages to the resident for harm caused by the discrimination.

CA Landlord Agrees to Pay \$8,500 For Denial of Emotional Support Animal

The U.S. Department of Housing and Urban Development has approved a settlement agreement between a California tenant with a disability and her former landlord.

The case began when the resident filed a complaint with HUD alleging the property manager told her that she could not keep her assistance dog and threatened to evict her, even though she had provided medical documentation of her need for the animal. Even though the landlord denies they discriminated against the resident, they have decided to settle the complaint. Under the terms of the settlement agreement, the landlord will pay the tenant \$8,500 and provide fair housing training to its management and leasing staff.



HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

“Not on my property.”

Preventing and Addressing Sexual Harassment on Your Property

November 28, 2018

10:00 a.m. - 11:30 a.m. Central

Sexual harassment claims are on the rise. Since the #metoo movement and the DOJ and HUD’s initiative on sexual harassment in housing, the number of sexual harassment fair housing claims have skyrocketed.

In this webinar, we will discuss measures landlords can take to combat sexual harassment claims, what to do once you receive a claim, and the potential for liability. Our discussion will include:

- Preventative Measures
- Recognizing Unlawful Sexual Harassment
- Recent Cases
- The DOJ and HUD Initiative
- Investigating a Complaint
- Taking the Appropriate Action
- A Landlord’s Liability

\$34.99
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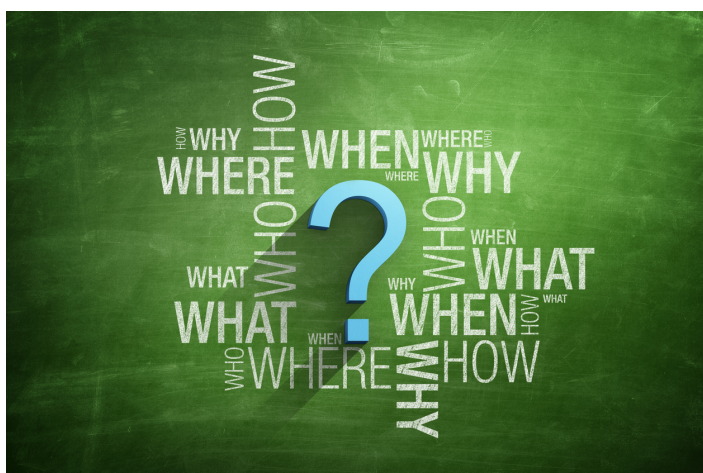
Tennessee Landlord Accused of Sexual Harassment

A Lexington, TN landlord has been charged with discrimination by the U.S. Department of Housing and Urban Development. The charge alleges the owner of a mobile home park pressured two female tenants who were a same-sex couple, to perform sexual favors for him instead of paying rent.

More specific, the charge claims the landlord:

- Showed one female resident sexually explicit pictures and videos of women he identified as his tenants;
- Stated he had engaged in sex with tenants;
- Asked a female resident to give him nude photos or videos in exchange for rent; and
- Made comments about female tenants' body parts.

When the female tenants refused his advances, the landlord cut off their water and alleged they were late paying rent. The residents complained to HUD which resulted in a fair housing charge being filed against the landlord.



Fair Housing Webinar

"You can't ask me that question."

Questions Landlords Cannot or Should Not Ask

Wednesday, November 14, 2018
10:00 am - 11:00 am Central

Every property manager has probably wondered if they violated fair housing laws when they asked an applicant or resident a question. Are you disabled? Do you have any animals? Have you been convicted of a felony?

In this webinar, we will discuss common questions that are off-limits for property staff. Our topics will include questions about:

- Previous residency
- Disabilities
- Animals
- Criminal history
- Family make-up
- And much, much, more.

\$24.99

[Register Now](#)

HUD Charges Wisconsin Landlords with Discriminating Against Families with Children

The U.S. Department of Housing and Urban Development has charged the owners of a duplex in Kaukauna, WI, with discrimination for refusing to rent to a family because they have children.

The case arose when a couple filed a fair housing complaint with HUD alleging that their rental application was denied because they have five children. HUD investigated and found that the rental unit is large enough for the family under the local code, and three of the children would have only lived in the duplex on a part-time basis.



The HUD investigation also revealed that when the couple inquired about the status of their rental application, they were told one of the property owners was not comfortable with having five children living in the unit. The owners also allegedly told the couple they did not feel that the house would be cleaned properly and were concerned things would get damaged.

The result – a charge of discrimination which the landlords will be required to defend either in front of a Federal Judge or an Administrative Law Judge. Either way, the landlord could be in for a long expensive battle.

Did You Know?

If you lose a fair housing case that has been filed in federal court, you may be required to pay the resident's attorney fees?

Rules Restricting Children Violate Fair Housing Act

The U.S. Department of Housing and Urban Development has charged a Texas property owner and management company with discriminating against families with children. The problem? Child restrictive rules and threats of fines.

The complaint arose when a family complained about their landlord's child restrictive rules and being threatened with a \$250 fine because their two children played in the community area. The HUD charge alleges that the owners of the apartment complex had multiple policies and/or rules that restricted families with children. Specifically:

- Persons under 18 years of age must be accompanied by an adult when using any of the property's amenities and in community areas after 10:00 p.m.
- Residents and guests must be responsible at all times for making sure that young children do not leave apartments unnoticed and that they do not wander into the pool area. Remember to use keyless deadbolts, pin locks, and window latches when small children are inside.
- No children under the age of 18 will be allowed in the pool at any time, unless accompanied and supervised by a parent, guardian or a person over the age of 18 who has been given written authority by the parent or guardian to supervise the children and who has assumed responsibility for such supervision.
- Parents, guardians or custodians of a child are totally responsible for the child's compliance with these rules. These rules apply to residents, occupants, guest and their children.

As a result of a resident's children being outside playing, the landlord notified the resident that he had violated the children supervision policies and that unsupervised children are "not tolerated." The resident called the landlord and questioned the lease violation because at the time, his children were supervised by other adults in the vicinity. The landlord told the resident that his children were required to be supervised by blood relatives at all times. During the same conversation, the landlord told the resident that he would have to pay a \$250 fine or be evicted.



Shortly after the call, the resident received a "Friendly Reminder" notice reminding all residents that children required adult supervision at all times when in the pool area and failure to comply would result in a \$250 immediate fine. The Friendly Reminder stated no exceptions would be made.

An undated notice was also provided to the resident that stated, in part, unsupervised children would result in an immediate fine of \$250 and the police will be called for violations. The resident complained to HUD which investigated and found cause to believe the rules violate fair housing laws because they discriminate against families with children. The case will be heard in federal district court.

Extra time to Re-Certify May Be Reasonable

A Virginia based landlord has been charged with discrimination by the U.S. Department of Housing and Urban Development after it delayed approving a resident's request for an automatic door and then terminated her lease because she failed to timely re-certify her income and family composition.

The landlord owned a low-income development. The problems started when the resident requested to install an automatic door opener on her front door to make it easier to use her wheelchair. The resident had all the funding lined up and the door was not going to cost the landlord any money or work. However, the request was never granted or denied by the landlord. As such, the resident's contractor backed out and the resident never got her automatic door opener. Instead, her lease was terminated after she failed re-certify her income and family composition as required by the low-income housing program. The resident was sent several notices but eventually asked for extra time to re-certify because of illness. The landlord denied her request and terminated her lease.

HUD investigated the resident's complaint she was denied two reasonable accommodations and agreed with the resident. It filed a charge of discrimination against the landlord. The case will now be heard by an Administrative Law Judge or by a Federal Judge depending on what the parties elect. Either way, the landlord could be required to pay damages.

Justice Departments' Sexual Harassment Initiative One-Year Report Card

The U.S. Department of Justice launched a sexual harassment initiative in October, 2017, to combat sexual harassment in housing. The initiative was expanded nationwide in April, 2018. Since then, the Justice Department has seen what it calls, a "major upswing" in both reporting and enforcement of sexual harassment cases.

Specifically, over the last year, the Justice Department has opened 34 new sexual harassment in housing cases and filed six pattern-or-practice lawsuits challenging sexual harassment in housing. These numbers are a significant increase from years past.

As part of the initiative, in the last year, the Justice Department has held 20 roundtables about sexual harassment in housing at U.S. Attorneys' Offices around the country. At these roundtable meetings, the Justice Department has created opportunities for collaboration with local community partners, including engaging local law enforcement, legal aid, fair housing organizations, universities, civil rights organizations and other groups. The Justice Department has also created an outreach toolkit designed to help the U.S. Attorneys' Offices and boost local outreach about sexual harassment. It has released a public service announcement in conjunction with the U.S. Department of Housing and Urban Development featuring women who have been victims of sexual harassment in housing. Finally, the Justice Department has launched a website on sexual harassment in housing and a new Task Force.

What does this mean for landlords? If you, or one of your staff, are accused of sexual harassment, or looking the other way while one resident sexually harasses another resident, there will be consequences. The full force of the Justice Department and HUD will be investigating the claim.