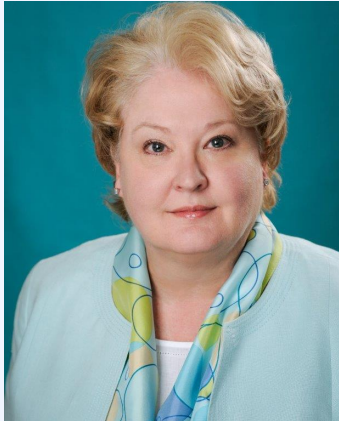




Fair Housing Newsletter

Keeping you current on fair housing news and issues



 LAW OFFICE OF
ANGELITA E. FISHER

.....
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.
.....

6688 Nolensville Road

Suite 108-161

Brentwood, TN 37027

615-305-2803

afisher@angelitafisherlaw.com

Attorney Fees Awarded in Fair Housing Case

Under the Fair Housing Act, attorney fees may be awarded to a prevailing party. What this means is that an inexpensive case may quickly turn into an expensive case. This recently happened after a jury awarded the Plaintiff \$1 in nominal damages and the court awarded over \$250,000 in attorney fees.

In this case, the Plaintiff was a resident at a nursing-home located in Arizona. The resident alleged the nursing home "discriminate against elderly deaf residents and prospective residents by failing and/or refusing to provide qualified American Sign Language interpreters or other auxiliary aids and services to ensure effective communication."

The case went to trial in March, 2022. The jury awarded the resident \$1 in nominal damages as well as \$100,000 in punitive damages. Afterwards, the resident's attorneys asked for attorney fees and expenses. The court awarded the attorneys \$251,442.04 in fees, \$4,059.77 in costs, and \$11,331.47 in expenses. In all the nursing home was ordered to pay \$366,834.28 – not including their own attorney fees.

In sum, a \$1 case got very expensive, very fast.



Note From the Editor: Happy Holidays. I wish all my clients, friends, and family a happy, healthy, and peaceful holiday season. Thank you for your business and support this past year. I hope 2023 is a great year for everyone.



HUD Issues Letter of Findings of Non-Compliance against Landlord

The U.S. Department of Housing and Urban Development has issued Findings of Non-Compliance with Title VI of the Civil Rights Act of 1964 for an Oklahoma property owner and Management Company. Both receive federal HUD funds. After an investigation, HUD found the owner and Management Company discriminated against tenants by failing to adequately respond to known racial harassment and retaliated against the complaining residents by giving notice it planned to terminate their lease.

The case began when a mother and her daughter filed a complaint with HUD alleging they had been harassed by neighbors and retaliated against by the owner and Management Company due to the race of the daughter's boyfriend. When the daughter, who is white, was seen dating a man who is Black, other residents began harassing the mother and daughter. The harassment included repeatedly being called racial slurs and being threatened with violence.



HUD's investigation found the mother and daughter had repeatedly notified the owner and Management Company of the racial harassment, but both failed to address the harassment. Instead, the mother and daughter were given a notice to vacate and eventually moved out. The harassers were also given a notice to vacate, but were ultimately allowed to stay.

HUD will now attempt to seek relief for the mother and daughter as well as public interest relief through requiring changes to policies and procedures. This will be accomplished through a Voluntary Compliance Agreement/Conciliation Agreement.

Atlanta Housing Authority Resolves HUD Compliance Review Findings of Discrimination

The U.S. Department of Housing and Urban Development and the Atlanta Housing Authority have entered into a Voluntary Compliance Agreement. The Agreement will resolve findings that resulted from a compliance review conducted by HUD.

The HUD review included over 400 interviews of tenants, staff interviews, interrogatories of property managers, and the review of hundreds of policy and procedure documents. HUD specifically identified 15 victims of discrimination based on disability.

During the review, HUD found the Housing Authority failed to comply with Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act by inadequately monitoring its sub-recipient housing providers on the issue of accommodations. The findings included sub-recipients who failed to process and delayed reasonable accommodation requests and insufficient record keeping accommodation requests.

The three-year Agreement includes a \$2 million dollar victims' fund that will pay compensation to the victims and unidentified parties who have a right to have their accommodation denial reviewed. The Agreement also requires extensive changes to the Housing Authority's monitoring and oversight of its sub-recipients such as increased training, monthly audits of reasonable accommodation logs, an updated website and grievance policies.





HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

2022 In Review

Wednesday, December 14, 2022
10:00 a.m. - 11:30 a.m. central

The year 2022 is almost gone. It went by so fast you may have missed a few things. Never fear - we are here to remind you of the 2022 changes you need to remember going into 2023.

In this webinar, we will review some of the cases, legislation and trends that got our attention. Our discussion will include:

- HUD and Criminal Background Checks
- On-Line ESA Documentation
- Harassment Cases
- Changes to Tennessee State Law
- COVID's Short-Term and Long-Term Impact

\$34.99
[Register Now](#)



Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
Law Office of Angelita E.
Fisher

NFHA Report Reveals Record Number of Housing Discrimination Complaints

The National Fair Housing Alliance's Fair Housing Trends Report is out. The Report looks at housing complaints filed with private fair housing groups, the Department of Housing and Urban Development, the Department of Justice, and state and local government. In the new 2021 Report, the NFHA reported the highest number of housing discrimination complaints since it began collecting data 25 years ago.

According to the Report, in 2021, the NFHA believes there were at least 2,504 more housing complaints filed than years previous. The number counted was 31,216. This represents an 8.7 percent increase as compared to 2020.

Private fair housing organizations processed 72.64 percent of all complaints in 2021, more than 2.6 times the number of complaints processed by state, local and federal government agencies combined, according to the report.

The 2021 Report also notes that discrimination based on disability accounts for more than half of complaints filed (53.68 percent). The second most reported type of housing discrimination was based on race, with 5,922 or 18.97 percent of all complaints. Complaints based on sex, including sexual orientation or gender identity, made up the third most frequent basis of discrimination, with 2,309 complaints or 7.40 percent. Familial status, with 2,261 complaints or 7.24 percent was fourth, and national origin, with 1,774 reported complaints or 5.68 percent, was fifth. Color was the basis of discrimination for 734 complaints or 2.35 percent, and religion was the basis of 382 complaints or 1.22 percent.

Most complaints came from the rental market. There were 25,501 complaints of rental discrimination. Real estate sales complaints made up 4.51 percent of all housing discrimination cases.

What does this mean for landlords? You are more likely to receive a fair housing complaint. Prepare now. Review your policies, train your staff, and stay up-to-date with fair housing changes.



Atlanta Takes Step to Prohibit Source of Income Discrimination

With soaring rent and limited affordable housing, many lower-income residents have trouble finding a place to live – even when they have a Section 8 voucher to assist with the rent. Why? Because many landlords will not accept a voucher. In response, some municipalities are taking action to require landlords accept vouchers.

Atlanta has taken a step closer to prohibiting landlords from denying voucher holders. An Atlanta City Councilmember has introduced legislation that would require publicly subsidized complexes to accept Section 8 housing vouchers. This would include not only landlords who took federal HUD subsidies, but also those who took other types of public subsidies like tax breaks.

Source of Income: Continued on Page 5

Source of Income: Continued from Page 4

This is not the first time Atlanta has tried to prohibit source of income discrimination. Atlanta councilmembers tried to prevent landlords from discriminating against renters using Section 8 vouchers in 2020, when they adopted broader legislation requiring all in-town landlords to accept the vouchers as rent payment. However, this ordinance may be legally unenforceable because it conflicts with state laws that bar municipalities from creating fair housing laws broader than the state's laws.



The new resolution is different, because it applies only to landlords receiving public subsidies. It also calls on public agencies to insert provisions in subsidy agreements with landlords requiring them to accept federally funded Section 8 vouchers as rent payment.



Fair Housing Webinar

Fair Housing Failures *Six Common Fair Housing* *Mistakes*

Wednesday, January 11, 2023
10:00 a.m. - 11:00 a.m. Central

\$24.99

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 Policies For Disparate Impact
4. Failing To Address Problems On The Property
5. Failing To Recognizes Retaliation
6. Failing To Train Employees

[Register Now](#)