



# Fair Housing Newsletter

*Keeping you current on fair housing news and issues*



 LAW OFFICE OF  
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## Changes at HUD

On February 5, 2025, Scott Turner was confirmed by the U.S. Senate to be the 19th Secretary of the U.S. Department of Housing and Urban Development. Secretary Turner previously led the White House Opportunity and Revitalization Council. He also served as Founder and CEO of the Community Engagement & Opportunity Council, and a housing development executive at JPI. Turner represented the 33rd District in the Texas State Legislature and played nine seasons in the National Football League.

Since taking office, Secretary Turner has issued an order halting any pending or future enforcement actions related to HUD’s 2016 rule entitled “Equal Access in Accordance With an Individual’s Gender Identity in Community Planning and Development Programs.” Any HUD funding providers, including housing programs and shelters, will now offer services based on a participant’s sex at birth: male or female.

HUD has also launched a U.S. Department of Government Efficiency (DOGE) Task Force to review how HUD is spending taxpayer dollars. The task force will be composed of HUD employees who will examine how to best maximize the agency’s budget and ensure all programs, processes and personnel are working together to advance the purpose of the department.



*HUD Changes Continued on Page 2*

**Note From the Editor:** March brings Spring and the annual Fair Housing Three-Part Webinar Series. Register now on page 4 of this newsletter and get all your fair housing training done for the year. Happy Spring!



*HUD Changes Continued from Page 1*

Secretary Scott Turner has also announced he is terminating the Biden-era 2021 Affirmatively Furthering Fair Housing (AFFH) rule. The rule was originally introduced by the Obama administration. It expanded the role of the federal government in local zoning decisions by increasing the certification process. It mandated the completion of complex jurisdictional and regional analysis, submission of a 92-question grading tool, and an analysis of impediments. During Trump’s first term, he terminated the rule, but it was restored by the Biden administration. Secretary Turner believes terminating this rule will cut costly red tape on localities. Under the new change, localities will now be able to self-certify that their new developments comply with anti-discrimination laws implemented under the 1968 Fair Housing Act. HUD has made it clear that prohibited discrimination under the Fair Housing Act of 1968 will still remain illegal.

## CA Court Refuses to Dismiss Fair Housing Suit Against Insurance Co.

A federal judge in California has refused an insurance company’s request to dismiss them from a lawsuit alleging violations of fair housing laws. The lawsuit alleges the insurance company threatened to cancel an apartment community’s insurance if they allowed a tenant to have a pit bull dog as an emotional support animal. The insurance company defended the case by arguing they did not know the tenant was disabled. The judge held the issue of the insurance company’s knowledge of the tenant’s disability status will be determined at a later time.



Lesson Learned: If your premise liability insurance policy excludes “aggressive breeds” of dogs, be sure to ask for an exception to the policy for disabled tenants needing an ESA and most importantly, be sure to inform the insurance company in writing that the tenant is disabled and needs the dog because of the disability.

## Two-Person Occupancy Standard Upheld by Court

A federal court in Indiana has upheld an apartment community’s two-person per bedroom occupancy standard policy in a lawsuit filed by an Indiana non-profit. The lawsuit alleged that the community’s occupancy standard policy discriminated against families with children.



The apartment community defended the two-person per bedroom policy arguing it was necessary to maintain an enjoyable, desirable and safe community and limit the community’s liability. It argued that increasing the occupancy impacts the turnover at a property and results in a less pleasant experience for other residents. It also impacts noise levels, parking availability, plumbing and trash issues as well as maintenance expenses.

After a three-day bench trial, the judge agreed with the apartment community and dismissed the claim. The community’s reasons for limiting the number of occupants was legitimate and non-discriminatory. The non-profit could not show a less restrictive policy that would achieve the same results. Landlord Wins.



# HOUSING CROSSROADS

WHERE FAIR HOUSING AND  
LANDLORD TENANT LAWS INTERSECT

## Housing Crossroads Webinar

### “You are not on the lease!”

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

When dealing with a resident – the lease is the governing document. But, what happens when you need to deal with a non-resident? There is no lease to point to for guidance. It is hard to know what you can and cannot say or do.

In this webinar, we will discuss issues that arise when addressing non-residents on the property. Our discussion will include:

- Talking to family of a sick or deceased resident
- Banning a non-resident
- Trespass Laws
- Caregiver’s rights
- Unauthorized tenants

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



Nathan Lybarger  
Law Office of Hall &  
Associates

### Speakers



Angelita Fisher  
Law Office of Angelita E.  
Fisher

## Annual Three-Part Webinar Series



### **Part One** **March 12, 2025** **Fair Housing Fundamentals**

[Register for Part One](#)  
[Only - \\$24.99](#)

Knowing the basic fundamentals of fair housing laws will assist owners, managers and staff in making better decisions on what law may apply to their residents and what actions may violate fair housing laws. In this webinar, we will discuss the basics of fair housing laws and the process by which residents may make complaints. Our discussion will include: What Law Applies to Your Property; The Protected Classes; Two Types of Discrimination; Two Types of Harassment; The Complaint Process; and Retaliation.



### **Part Two** **March 19, 2025** **Common Fair Housing Issues**

[Register for Part Two](#)  
[Only - \\$24.99](#)

Certain issues in fair housing arise time and again. It is important for managers and staff to know the answers before they face these common issues. In this webinar, we will discuss the current status of the law on common fair housing issues. Our discussion will include common issues for the protected classes of: Familial Status; Sex / Gender; Race / National Origin; and Religion.



### **Part Three** **March 26, 2025** **Accommodations and Modifications**

[Register for Part Three](#)  
[Only - \\$24.99](#)

Residents who are disabled file more fair housing complaints than all other protected classes combined. Why? Maybe because the accommodation process is easy to mess up. In this webinar, we will talk about a landlord's requirement to reasonably accommodate as well as some of the most common accommodation requests. Our discussion will include: Understanding the Difference between an Accommodation and Modification; Paying for the Accommodation/Modification; Getting the Paperwork Right; and Common Accommodations.



[Register for All Three Webinars](#)  
**\$ 64.99**

## Iowa Appeals Court Upholds Sexual Harassment Decision

An Iowa landlord appealed a lower court's decision holding an Iowa landlord liable for sexual harassment. The lawsuit, was filed by a tenant who alleged the landlord:

- Told her he was looking for a girlfriend;
- Hugged her on one occasion; and
- Asked her if she liked sex.

After a bench trial, the lower court held on behalf of the resident and ordered the landlord to pay the resident \$10,000 in actual damages, \$20,000 in punitive damages, and \$43,553 in attorney fees. The landlord appealed.

The Iowa Court of Appeals upheld the lower court's decision. The incidents were enough to establish a hostile housing environment.



## Did You Know?

*The Fair Housing Act prohibits disability discrimination not only against a resident but also disabled persons associated with the resident?*

## DOJ Settles Sexual Harassment Case



The U.S. Justice Department and the owner, Management Company and former Property Manager of an apartment complex in New Mexico have agreed to settle a sexual harassment lawsuit. The cost? \$360,000.

The DOJ's lawsuit alleged that the former Property Manager sexually harassed female tenants at a Section 8 Project-Based Rental Assistance property for over a decade. His alleged conduct included: making unwelcome sexual comments to female tenants; touching female tenants without their consent; locking female tenants in his office to demand sex acts; and threatening to evict female tenants who did not give in to his sexual demands.

Under the settlement agreement, the defendants will pay \$350,000 to tenants harmed by the Manager's conduct and a \$10,000 civil penalty to the United States. The agreement also permanently bars the Manager from contacting tenants harmed by his harassment and permanently bans him from managing residential rental properties in the future. The Management Company will adopt policies to prevent future harassment and the staff will undergo training.