



Fair Housing Newsletter

Keeping you current on fair housing news and issues



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HUD Charges Minnesota Landlord with Fair Housing Violations after ESA Denial

The U.S. Department of Housing and Urban Development has charged a Minnesota housing complex, owner and two employees with violation of the Fair Housing Act for refusing an emotional support animal.

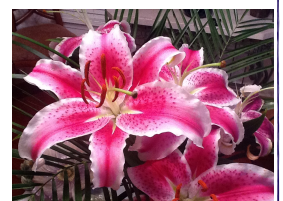
The HUD complaint was filed by an applicant who alleged she tried to rent an apartment but was told her emotional support animal was not welcome. According to the charge, when she told the property manager she had an assistance animal, he said she could not have an animal in the apartment. The Property Manager also suggested she apply for an apartment somewhere else. When she talked to the owner of the property and of the management company, he scolded her by saying she should consider the neighbors who do not want to live around animals and asked her why she did not apply somewhere else. The owner also allegedly told the applicant, "You are welcome, your animal is not" or words to that effect.



Following an investigation, HUD found evidence of Fair Housing Act violations based on the refusal to allow an emotional support animal.

An Administrative Law Judge will hear the case unless any party to the charge elects to have the case heard in federal court or the case is settled.

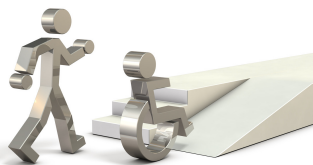
Note From the Editor: Summer is not far away, which means kids are out of school and outside more. If you are thinking about new rules for kids, you need to attend this month's Fair Housing Webinar on Restricting Children on the Property. See page 5 to register.



HUD Charges St. Louis Apartment Complex with Disability Discrimination

The U.S. Department of Housing and Urban Development has charged the developers and original owners of an 84-unit apartment complex in St. Louis, Missouri, with Fair Housing Act violations.

Following testing by HUD and the St. Louis Equal Housing and Opportunity Council, the charge alleges the developers and original owners failed to design and construct the ground-floor apartments, as well as its public and common use areas, in accordance with the fair housing requirements. The inaccessible features at the complex include “doors which are too narrow to allow passage by a person using a wheelchair, routes with steep slopes and inaccessible curbs, bathrooms and kitchens that lack sufficient space for a wheelchair, inaccessible public and common use areas, and building entrances that can only be accessed by using the stairs” according to HUD’s press release.



The charge also names the current owner as a necessary party to permit and facilitate the property’s retrofitting for accessibility.

The charge will be heard by an Administrative Law Judge unless any party decides to have the charge heard by a federal judge or the charge is settled.

Did You Know?

A Fair Housing complaint may be brought against a neighbor - not just the landlord.

Wisconsin Man Criminally Charged with Violations of the Fair Housing Act

A Wisconsin man has been charged with a federal hate crime after allegedly targeting his eight Black neighbors and one Puerto Rican neighbor, at the apartment complex where they all live. The man was charged with “willfully injuring, intimidating, or interfering with another’s housing rights because of their race, color, or national origin by force or threat of force,” according to reports by CNN.

The allegations involve incidents that occurred over the period of a year. During this time, the man allegedly left harassing notes on the windshields of the cars of his neighbors referencing race and national origin. In addition, the man allegedly slid two intimidating notes under the door of a Black neighbor demanding she move out of the complex. He is also accused of slashing neighbors’ tires and smashing car windows.

If proven, these are violations of the Fair Housing Act which may result in civil and criminal penalties.





HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Housing Crossroads Webinar

Residents Behaving Badly

Wednesday, May 25, 2022
10:00 a.m. - 11:30 a.m. central

Somehow every property has one or two residents that are always walking-the-line of eviction. These few residents consume most of the manager's time with investigations, inspections, and sending out notices. Everything they do seems to be either a violation of the lease or cause a problem with a neighbor.

In this webinar, we will discuss some common problems when residents behave badly and give landlords some guidance on how to address the problems. Our discussion will include:

- Refusal to Allow Access to the Apartment
- Unauthorized Occupants
- Unauthorized Pets
- Damage to the Property
- Bad Housekeeping
- Threats of Violence

\$34.99
[Register Now](#)



Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
Law Office of Angelita E.
Fisher

Hawaii Housing Providers Resolve Disability Discrimination Claims

The architects, builders, and owners of multifamily housing in Hawaii have agreed to settle allegations of Fair Housing Act violations based on disability.

The alleged violations arose after two residents, one in a wheelchair and another who uses a walker, filed a complaint with the U.S. Department of Housing and Urban Development. The complaint alleged the disabled residents' housing was not built according to accessibility requirements under the Fair Housing Act, Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act. More specifically, the residents alleged the building failed to have accessible building entrances and exits, accessible parking and garage entrances, accessible doors in common and public use areas, accessible bathrooms and kitchens, and accessible light switches, among other things. When the residents asked the housing providers to address the inaccessibility, the Property manager allegedly refused, telling one that she would have to pay for any retrofits herself.



After an investigation, HUD filed a charge alleging Fair Housing Act violations. To settle the claims, the housing providers have agreed to pay the two residents \$25,000 collectively and to create a "Fair Housing Aloha Accessibility Fund" by depositing \$30,000 into an account to pay for damages to others who may have been injured by inaccessibility at the property. The housing providers also agreed to hire accessibility consultants to conduct surveys, complete an assessment, self-evaluation, and transition plan to ensure that the entire property is in full compliance with accessibility requirements. Based on the outcomes of the surveys and assessments, the housing providers will make retrofits to the property which will include modifications to individual units.

The Fair Housing Act requires certain features of accessible design in all residential buildings with four or more units built after March 13, 1991. Section 504 requires recipients of federal financial assistance to provide at least the minimum number of designated accessible units that comply with the Uniform Federal Accessibility Standards. In addition, Title II of the ADA requires public entities to ensure facilities are readily accessible and usable by individuals with disabilities. These federal laws also require the provision of reasonable accommodations and modifications for individuals with disabilities.

Bank of America Settles Familial Status and Sex Discrimination Claims

Bank of America has agreed to settle a Fair Housing Act claim filed with the U.S. Department of Housing and Urban Development. The claim involved a family with a newborn child who alleged the Bank would not approve their loan application until the wife returned to work from maternity leave, even though her employer was paying her 80% of her salary during her leave. According to HUD, this is a violation of the Fair Housing Act based on familial status and sex.



To settle the claim, Bank of American has agreed to pay \$15,000 to the family and follow a new policy where applicants on temporary leave, including parental leave, can be approved for a mortgage prior to returning to active work status. Bank of America did not admit guilt.

DOJ Files Statement of Interest in Fair Housing Act Case

The U.S. Department of Justice filed a Statement of Interest in a lawsuit previously filed in a New York federal court. The lawsuit alleges a landlord, who owns multiple properties, violated the Fair Housing Act by refusing to rent apartments to applicants who have limited English proficiency. The landlord allegedly would not rent to applicants unless someone who speaks and reads English lives in the unit. The lawsuit further alleges the landlord refused the applicants' offers to bring their own interpreters to translate lease documents and assist with communications.



The purpose of filing the Statement of Interest was to explain the DOJ's position. The Statement of Interest explains how policies which exclude rental housing applicants because they do not speak English may violate the Fair Housing Act by causing a disparate impact. According to census data in this case, the landlord's alleged policy imposed a disparate impact on the basis of national origin and race.

The landlord has asked the court to dismiss the case. This motion is now pending before the court.



Fair Housing Webinar

Restricting Children on the Property

Wednesday, May 11, 2022

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

\$24.99

As the seasons change and kids are out of school, residents, including children are outside more. They are playing, riding bikes and making full use of the property's common areas. What could go wrong? Plenty. In this webinar we will discuss property rules that limit a child's activities as they relate to fair housing laws. Our topics will include:

- Swimming Pool Rules
- Work-Out Room Rules
- Playing in Common Areas
- Toys in Breezeways
- Making Noise
- Damaging Property

\$24.99
[Register Now](#)