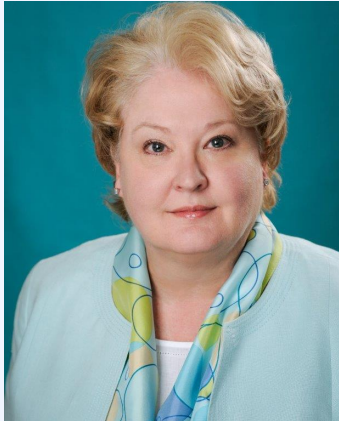




Fair Housing Newsletter

Keeping you current on fair housing news and issues



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Weight Restriction on Service Animal Results in HUD Charge

The owners and managers of an Idaho RV Park have been charged with discrimination for applying weight restrictions to service animals and charging additional rent. Unlike pet policies, rules restricting service, therapy and support animals may be a violation of the Fair Housing Act according to the U.S. Department of Housing and Urban Development.

In this case, the RV Park was willing to allow the resident to have a dog as long as the dog was under 15 pounds and the resident paid extra rent for the animal. When the resident attempted to explain that the dog was not a pet but rather a service animal, the manager responded that it did not matter – the policy still applied. Ultimately, the manager terminated the resident’s lease because the dog was over 15 pounds. The resident filed a complaint with HUD.



After an investigation, HUD determined the weight restriction and the additional rental fee violated the Fair Housing Act. It has filed a Charge of Discrimination. A United States Administrative Law Judge will hear HUD’s Charge unless any party to the Charge elects to have the case heard in federal district court or the case is settled.

Note From the Editor: *welcome October! As the weather starts to cool, we realize that the end of 2024 is quickly approaching. If you still need fair housing training, just give me a call or send me an email. I can help.*



HUD Charges NJ Landlord with Fair Housing Violations for Selective Application of Eviction Policy and Retaliation

The U.S. Department of Housing and Urban Development has charged a New Jersey, housing provider with violating the Fair Housing Act by discriminating against a Black Hispanic father and his three minor children because of his race, color, national origin, and familial status. Additionally, HUD charged the landlord with retaliating against the tenant after he filed a fair housing complaint.

The Charge involves the landlord's policy regarding extended absences from the property. The policy stated that "[u]pon notification of ... incarceration of a sole household member or in the case of abandonment, all locks providing entry to the individual apartment will be changed. The owner/agent reserves the right to initiate eviction, as required, in order to take possession of the unit." The policy also stated "[a]n extended absence for longer than 60 continuous days, or for longer than 180 continuous days for medical reasons, will be considered abandonment and grounds for the termination of the lease. Extenuating circumstances beyond this period shall be subject to the written approval of management."

When a Black resident was incarcerated for allegedly violating a civil order of protection, the landlord changed the locks within only a few days and refused entry to his mother and niece, even though they had keys and written authorization to enter. Later the landlord sent a Notice to Cease and a Notice to Quit and Demand for Possession. Eventually, the landlord filed for an eviction – all in less than 60 days. The resident was incarcerated for 64 days. The eviction was later dismissed.

The resident filed a fair housing complaint. Afterwards, the landlord claimed the resident had failed to timely complete his recertification and filed another eviction action.

During HUD's investigation, they found that the landlord's policy was not applied consistently across all of the properties they managed. A White man without children had been incarcerated based on charges he sexually assaulted a child. This man was a resident at another property managed by the same landlord. The man was subsequently found guilty of those charges after a trial and remained incarcerated nearly five years later. The landlord waited over five months to change the locks at his unit, and they did so only after reaching out to him to negotiate his voluntary relinquishment of the apartment. The landlord also waited over sixty days to issue any sort of notice regarding his absence, followed by several more weeks before taking further action. In the interim, the landlord allowed a relative of the resident to access his unit, despite having no written authorization to do so.

The investigation also revealed that when the Black resident attempted to recertify, the landlord demanded documents that had never before been required, inquired about sources of money not considered income under the USDA program rules, and repeatedly claimed documents were missing that the resident had provided many times.

HUD's charge will now be heard by a United States Administrative Law Judge unless any party to the charge elects to have the case heard in federal district court or the case is settled.





HOUSING CROSSROADS

WHERE FAIR HOUSING AND
LANDLORD TENANT LAWS INTERSECT

Six Common Areas Where Landlord/Tenant Laws and Fair Housing Laws Intersect

Wednesday, October 30, 2024
10:00 a.m. - 11:30 a.m. central

For years, housing providers have known that they can non-renew a lease under state law for any reason, or no reason at all. But did you know that this practice may result in liability under the federal Fair Housing Act? With every action they take, housing providers, property owners, and their management company and staff must remember that state laws regarding the landlord/tenant relationship, and Fair Housing regulations will both apply to the decisions that are made.

In this webinar, we will discuss six common areas where these laws intersect and where Fair Housing complaints are most prevalent. We'll provide you with real-life scenarios and give you practical examples how to approach these situations. Please join us for all this and more.

1. Non-Renewals
2. Domestic Violence
3. Animals
4. Housekeeping
5. Criminal Activity
6. Late Payment of Rent

\$34.99
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Nathan Lybarger
Law Office of Hall &
Associates

Speakers



Angelita Fisher
Law Office of Angelita E.
Fisher

FL Landlord’s “Unreasonable” Arguments Fail

By now, most landlords know they are required to provide residents and applications with reasonable accommodations under their policies or rules, unless it would cause an undue hardship. But, what is an undue hardship? In a recent case, a Florida landlord was unsuccessful arguing an ESA request was unreasonable.

In this case, a Florida landlord denied an ESA request because, according to the landlord, an ESA would constitute an undue financial burden and alter the company’s business practices by forcing the company to lay off employees and would increase their liability insurance rate. The landlord also stated that “Events in the past and medical conditions inhibit my team’s ability to perform their tasks while in the presence of other animals and possesses a direct threat to their safety and their health.” Finally, the manager threatened to terminate the resident’s lease because she had allegedly falsified information in her rental application indicating she had no pet or ESA. The landlord warned that the animal must be removed from the premises by no later than 7 days or a formal eviction notice will be issued.



Although she had not yet obtained an animal, the resident moved and filed a complaint with the U.S. Department of Housing and Urban Development. HUD investigated and rejected the claims of an undue hardship. It found a Fair Housing Act violation and has filed a Charge of Discrimination. The Charge will now be heard by a United States Administrative Law Judge unless any party to the Charge elects to have the case heard in federal district court or the case is settled.

San Diego Landlord Settles Sexual Harassment Lawsuit for \$275K

The cost of a settlement in sexual harassment cases continues to rise. A San Diego landlord has agreed to pay \$275,000 to settle a lawsuit filed by a fair housing agency on behalf of former, current, and prospective female tenants. The lawsuit alleged the landlord violated the Fair Housing Act by targeting low-income single mothers with housing vouchers for sexual harassment. The landlord contested all claims in the complaint and denied any liability. Regardless, he made the decision to pay the women to end the lawsuit.

OceanFirst Bank Settles Redlining Claims for \$15 Million

OceanFirst Bank, headquartered in Toms River, New Jersey, has agreed to settle a claim brought by the U.S. Department of Housing and Urban Development and the U.S. Department of Justice. The claim alleged that OceanFirst engaged in redlining by restricting access to credit and mortgage lending services in majority-Black, Hispanic, and Asian neighborhoods in the New Brunswick, New Jersey area.

HUD’s complaint alleged that not only did OceanFirst fail to provide mortgage lending services to predominantly Black, Hispanic, and Asian neighborhoods, it also acquired and subsequently closed branches and loan production offices in these neighborhoods. Thus, OceanFirst, according to HUD, failed to comply with fair lending practices. OceanFirst agreed to resolve the complaint voluntarily and HUD issued no findings related to the complaint’s allegations.



Failure to Transfer Results in HUD Charge

A Georgia property owner, management company and property manager are in hot water for refusing to transfer a resident to a ground-floor unit to accommodate her disabled child.

The child, who was born after the resident moved into a second floor unit, was obviously mobility disabled. The resident requested multiple times that they be allowed to move to a ground floor unit due to her child's disability and the use of a wheelchair. To support the request, the resident provided medical documentation.

The property kept putting the resident off while multiple ground-floor units became available and were rented to others. Finally, the resident filed a fair housing complaint with the U.S. Department of Housing and Urban Development. HUD investigated and has filed a Charge of Discrimination. The Charge will be heard by a United States Administrative Law Judge unless any party to the Charge elects to have the case heard in federal district court or the case is settled.



Fair Housing Webinar

“You Can’t Ask Me that Question”

Wednesday, October 16, 2024
10:00 a.m. - 11:00 a.m. Central

Every property manager has 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 some common questions and whether or not they 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
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