



Manufactured
Housing Institute

August 2016

Fair Housing Update

DOCUMENT, DOCUMENT, DOCUMENT Having a Paper Trail Matters

Earlier this year, the Fair Housing Update reported on a case where the owner of a Florida manufactured housing community sustained a substantial fine for offering a home for rent to one owner when, only hours earlier, the member of a protected class had been told no homes were available.

Ask any landlord how they were successful in defending an a Fair Housing Act claim and they'll likely tell you they had a trail of paper a mile long to back up their side of the story.

In the case above, the regular and timely update of a list of available units given to each prospective tenant may have saved the landlord a whole bunch of money.

Lawsuits are costly and one key to avoiding them is to establish proper

procedures for creating and maintaining supporting documents.

For example, many fair housing agencies say they often get complaints that one class of people have their maintenance requests handled quicker than others.

The easiest way to defeat this type of claim is to keep copies of all work requests, with notes on when the request was made, what actions were taken and when.

When faced with a claim that is well-documented in the landlord's favor, it will be harder to maintain a Fair Housing Act claim.

Document your leasing procedures. **Document** your available sites and/or homes that are available for rent or sale. **Document** service requests and your responses to have a record.



City of Richmond Virginia Hires Fair Housing Officer

According to a recent news report, Richmond, VA has agreed to a second settlement over its code enforcement at two parks, which court documents claim unfairly discriminated against Hispanic residents.

The city must now hire a "fair housing compliance officer" to oversee the implementation of the settlement and to develop a city-wide non-discrimination policy.

While not an MH case, this recent settlement is a good example of what not to do when renting to families.

FOR IMMEDIATE RELEASE

July 28, 2016

Justice Department Settles with Colorado Apartment Complex for Discriminating Against Families with Children

The Justice Department announced today that the owners and manager of the Westland Apartments, a 28-unit apartment complex in Lakewood, Colorado, have agreed to pay \$75,000 to settle a lawsuit alleging discrimination against families with children in violation of the Fair Housing Act. The settlement must still be approved by the U.S. District Court of the District of Colorado.

The department's lawsuit, which was handled jointly by the department's Civil Rights Division and the U.S. Attorney's Office of the District of Colorado, was filed on Nov. 9, 2015. The lawsuit alleges that Roger and Eileen Loecher, the owners of the Westland Apartments, and Miriam Yehudah, the resident property manager, implemented a policy of generally excluding families with children from living in the front building at Westland and generally restricting them to apartments in the rear building.

The lawsuit arose from a complaint filed with the U.S. Department of Housing and Urban Development (HUD) by the Denver Metro Fair Housing Center (DMFHC), a non-profit organization that works to promote equal housing opportunities in the Denver metropolitan area. DMFHC sent testers posing as prospective renters to Westland to determine whether they were engaging in discriminatory practices in violation of the Fair Housing Act. As alleged in the complaint, DMFHC's testing revealed that Westland's property manager told prospective renters that families with children were generally placed in apartments in the rear building and did not offer prospective renters with children the opportunity to consider available apartments in the front building. DMFHC also filed a lawsuit against the defendants on Dec. 22, 2015. The cases were consolidated on March 3, 2016.

"Steering families with children to a certain part of an apartment complex limits their housing choices, perpetuates housing segregation and clearly violates federal law," said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Justice Department's Civil Rights Division. "The Justice Department will continue its vigorous enforcement of the Fair Housing Act to ensure equal access to housing for all families."

"The U.S. Attorney's Office is committed to enforcing federal civil rights laws in Colorado," said U.S. Attorney John F. Walsh of the District of Colorado. "Discrimination against families with children hurts Colorado children and is not only unjustified, it is illegal."

Under the terms of the proposed settlement, the defendants must pay \$25,000 to establish a settlement fund to compensate victims who were harmed by their conduct, \$45,000 in monetary damages to DMFHC and \$5,000 to the United States as a civil penalty. In addition, the proposed settlement prohibits the defendants from engaging in discrimination against families with children in the future. It also requires that they implement a nondiscrimination policy, establish new nondiscriminatory application and rental procedures, receive training on the Fair Housing Act and conduct monitoring and reporting to the department for three years.



For more information, questions, or to get copies of past Updates, contact MHI's General Counsel, Rick Robinson, at rrobinson@mfghome.org.

