

# HUD Fair Housing Activity Escalates in November

The Department of Housing and Urban Development (HUD) this month filed multiple new Fair Housing claims and entered compliance agreements. While these cases do not involve manufactured housing, they do indicate HUD's stepped-up and aggressive enforcement of the Fair Housing Act.

These cases are paraphrased from recent HUD press releases. The first three cases are about "reasonable accommodation" and "reasonable modification" which the Update addressed in May.

**FLORIDA** – HUD has charged the owner of a Hollywood, Florida multifamily development and a previous president of the homeowners' association with housing discrimination for failing to make reasonable accommodations, publishing discriminatory notices and statements, and attempting to intimidate and retaliate against two family members who filed a housing discrimination complaint.

In this case, one individual lives at the development, and the other person, was allegedly prevented from visiting because she uses an

emotional support animal. HUD alleges the development discriminated against persons with disabilities by requiring personal and unnecessary medical information in order to grant reasonable accommodations, and by prohibiting emotional support animals and their owners from having access to the development.

The charge will be heard by a United States Administrative Law Judge. If the administrative law judge finds after a hearing that discrimination has occurred, he may award damages to the complainants to compensate them for the discrimination and

may also assess a civil penalty.

For your information, a copy of HUD's guidance on support animals is attached.

**Massachusetts** – HUD entered into a Voluntary Compliance Agreement with a several property management companies in Quincy, Massachusetts, after finding the companies discriminated against a resident with disabilities by denying her reasonable accommodation request to transfer to an accessible unit.



**Nevada** – HUD reached a Conciliation/Voluntary Compliance Agreement with the Nevada Rural Housing Authority after a Carson City woman alleged the housing authority terminated her lease because she is disabled. Under the agreement, the housing authority will pay the woman \$11,000; reinstate her lease and allow her to continue living at the property; grant her reasonable accommodation request to have a staff person designated to act as her contact with the housing authority; and provide fair housing training for its staff.

*And since last month's topic for the Update focused on "familial status," check out these three new HUD actions on the topic:*

**Georgia** – HUD has charged a homeowners association with denying a family's request to have play equipment for their children in their backyard. The family had requested permission to construct a playset but the request was denied. Subsequently, the family attached a slide to the rear deck of the home. When the association learned about the slide, they sent the family a letter demanding the slide be removed, levying \$2,300 in fines against the family for unauthorized improvements and denied the family access to some community amenities, including the community pool.

**Louisiana** – The owner of a three-unit rental property in New Orleans has been charged by HUD with discrimination against families with children. This one came to HUD's attention when a local housing agency saw a classified ad on Craigslist. A fair housing tester posing as a married father with eight-month-old twins sent an email to the owner inquiring about the apartment and visited the unit. The email reply: "I'm not sure the combo with the two young babies and the vacation rental next door is the best fit...I have only gotten a few complaints from long-term tenants over the years, but I am concerned that with two young kids you could be complaining more than that and I don't want to get the wrong tenants in the house."

**New Hampshire** – HUD alleges an apartment owner in West Keene discriminated against a family for allegedly refusing to rent them an available unit. The charge alleges that the couple first learned about the unit when they saw an ad for a "huge" apartment in West Keene. The wife contacted the owner and was allegedly told "he was not interested in renting to anyone with children," and that he "just evicted a family with children because they were too loud." The charge further claims a tester also contacted the owner and was told the previous tenants had three "messy" children, and that he would like to rent the apartment to a husband and wife or a single person. The owner ultimately rented the apartment to two women who did not have children.



For more information, questions, or to get copies of past Updates, contact MHI's General Counsel, Rick Robin-

