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Housing Institute

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Fair Housing Update

HUD Files New Animal Claim

(revised from HUD press release dated 10/6/17))

WASHINGTON— HUD has charged the owner and manager of an apartment complex with discrimination for refusing to allow an Army veteran, who served tours of duty in Iraq and Afghanistan, to keep an emotional support animal.

The Fair Housing Act prohibits landlords from denying housing to people with disabilities, or from refusing to make reasonable accommodations in policies or practices for people with disabilities.

Allowing people with disabilities to have assistance animals is considered a reasonable accommodation under the Act.

"Assistance animals play a vital role in helping our veterans cope with service-related disabilities," said Anna Maria Farías, HUD Assistant Secretary for Fair Housing and Equal Opportunity. "Housing providers have an obligation to permit these animals, and HUD ensures that they meet this obligation."

The case came to HUD's attention when the veteran filed a complaint alleging that the owner and manager of the

apartments denied his request to keep an assistance animal, despite the veteran explaining in detail his right to have the animal.

In a letter responding to the veteran's request, the owner suggested that he get a cat instead, citing the property's policy of allowing cats but not allowing assistance animals weighing more than 12 pounds. The owner also stated that, even for an animal under 12 pounds, the veteran would need to provide proof that the animal was licensed.



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The veteran responded by providing a copy of his license for the animal, a certificate of training, and additional information about the animal, but the owner still refused his request, stating the dog had to be removed from the property.

In a subsequent letter, the manager notified the veteran that he was in violation of his lease by having the dog and that he had two weeks to vacate the unit. The eviction action was later withdrawn, but the veteran, still not being allowed to keep the animal, moved out of the apartment at the end of his lease.

Also from the press files at HUD

HUD CHARGES PENNSYLVANIA LANDLORDS WITH DISCRIMINATION AFTER POSTING ONLINE ANTI-FAMILY CLASSIFIED AD

WASHINGTON – The U.S. Department of Housing and Urban Development (HUD) announced today that it is charging the owners and operators of two apartment buildings in Altoona, Pennsylvania, with violating the Fair Housing Act by posting online classified ads that discriminate against families with children.

The Fair Housing Act makes it unlawful to discriminate against families with children and pregnant women, including unlawfully denying or limiting housing, making discriminatory statements, or imposing discriminatory rules or policies.

“No family should be denied the opportunity to rent a home simply because they have children,” said Anna Maria Farías, HUD Assistant Secretary for Fair Housing and Equal Opportunity. “Today’s enforcement action reaffirms HUD’s commitment to make sure housing providers meet their obligations to treat all applicants fairly, regardless of whether they have kids or not.”

The case came to HUD’s attention when the Fair Housing Partnership of Greater Pittsburgh, a local HUD-assisted fair housing organization, filed a complaint alleging that the owners and managers of the Altoona properties repeatedly violated the Fair Housing Act by running ads on Craigslist that discriminate against families with children. One ad for a two-bedroom unit read: “Not suitable for children/pets.”

After the online ad was posted, the Fair Housing Partnership of Greater Pittsburgh conducted fair housing tests to determine if the landlords intended to reserve apartments at the property exclusively to people without children, as advertised. One tester, posing as a married man with a pregnant wife and a three-year-old son, was told by the owner that he would not show him the unit because it “wouldn’t work out for either of us.” A second tester, posing as a man with no children, was told by the owner that the unit would be available in a week. A third tester, posing as a married woman with a child, was told that having children was a problem because the unit is located above the leasing office and children would make noise and because there is no yard. Three additional tests also revealed the owner demonstrated a preference for renting to applicants who did not have children.

HUD’s charge will be heard by a United States Administrative Law Judge unless any party elects for the case to be heard in federal court. If the administrative law judge finds after a hearing that discrimination has occurred, he may award damages to the complainant for his or her loss as a result of the discrimination. The judge may also order injunctive relief and other equitable relief, as well as payment of attorney fees. In addition, the judge may impose civil penalties in order to vindicate the public interest.