



# FAIR HOUSING

YOUR MONTHLY UPDATE TO HOUSING NEWS, INFORMATION AND EVENTS

December 2018

## 2018 Year in Review

### States Move to Make it a Crime to Lie About the Need for Assistance Animals

In 2018, several state legislatures took control of the growing problem of residents lying about their need for emotional assistance animals.

[Alabama](#), [Arizona](#), [Hawaii](#), [Indiana](#), [Kentucky](#), [Minnesota](#), [Oklahoma](#), [Pennsylvania](#), [South Dakota](#), [Tennessee](#), and [Wisconsin](#) all enacted new laws. A broader bill on misrepresentation of disabilities passed in [West Virginia](#), while [Mississippi](#) came up with new definitions. A bill in [Massachusetts](#) became a study, and the commission approved in [New York](#) is in its early stages.

[Maine](#) passed a bill to protect landlords from damage or harm caused by assistance animals.

Finally, as this Update is being

distributed, the [Michigan](#) State Senate has passed assistance animal legislation that is now pending in the State House.

These states join Colorado, Virginia and Wyoming that had previously enacted laws regarding the misrepresentation of emotional support animals.

As many of the states that have passed legislation have relied on sample language drafted by MHI, several state associations have already requested assistance for the 2019 session.

**Affirmatively Furthering Fair Housing (AFFH)** – Following a meeting in Atlanta attended by the top brass at HUD (including Assistant Secretary for Fair Housing Anna Marie Faris), MHI called on the agency to eliminate zoning that discriminates against manufactured housing from a city or county’s stock of affordable housing.

In [its letter](#), MHI called on HUD to revise its outdated 1997 directive on zoning and stated it “... strongly encourages HUD to broadly exercise its existing power, especially when land use planning excludes (or code enforcement targets) manufactured housing in communities and such action has a direct or disparate discriminatory impact on protected classes of persons.”

Twenty-four state associations joined in MHI’s effort by filing individual letters explaining how zoning has impacted affordability in their particular states.

**Fair Housing and Local Zoning** – In 2018, MHI assisted several manufactured home communities in filing court actions or HUD complaints alleging local land use planning laws violated the Fair Housing Act.



## Fair Housing Enforcement Actions Continue

In 2018, this Update followed a wide-ranging number of Fair Housing cases found on HUD's web page that contains its Press Releases and Media Advisories. The site is available to the public and may be found by clicking [here](#).

While only a few of these cases involved manufactured housing, the issues raised in them are relevant to all housing providers, including land-lease communities.

If you wonder how some of these cases arise, a recent [HUD press release](#) is informative. Earlier this month, HUD awarded nearly \$23 Million to about 80 local fair housing organizations to "protect consumers from housing discrimination."

The program is called the [Private Enforcement Initiative](#) and offers a range of assistance to the nationwide network of fair housing groups. This initiative funds non-profit fair housing organizations to carry out testing and enforcement activities to prevent or eliminate discriminatory housing practices.

"It's been 50 years since the passage of the Fair Housing Act, yet the fight against housing discrimination continues," said HUD Secretary Ben Carson. "Today we are making another investment to support our fair housing partners

and protect families from discrimination."

To read a complete state-by-state and program-by-program listing of the grants, [click here](#).



In other Fair Housing news, HUD has charged the owners of a Denver apartment with discrimination alleging the design and construction of the complex made certain portions of the building inaccessible. To read HUD's press release, [click here](#). To read the actual charge, [click here](#).

If you have any questions regarding Fair Housing or would like back issues, please contact MHI's Senior Vice President of State and Local Affairs and General Counsel, Rick Robinson at [rrobinson@mfghome.org](mailto:rrobinson@mfghome.org).

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