



## Fair Housing Enforcement Program

June 2015

Volume 2, Issue 6

Aloha!



Nationally and locally, the Fair Housing Act has been in the news recently, including the release of studies, reports, charges, and settlements. See below for fair housing news. This month's fact sheet focuses on medical verification of need for reasonable accommodation and modification requests. Next month's newsletter will feature a fact sheet on domestic violence and fair housing.

As always, be sure to check out our [website](#) for more program updates and resources!

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### About Us

The Fair Housing Enforcement Program (FHEP) is a project of the Legal Aid Society of Hawaii. Our mission is to promote fair housing and end housing discrimination through education, advocacy, outreach, and litigation.

All people in Hawaii have the right to make housing choices without regard to race, color, religion, national origin, sex, disability, familial status, age, gender identity or expression, sexual orientation, marital status, or HIV infection.

If you believe you have been denied access to housing because of

## Recent Fair Housing News

### National Fair Housing Alliance Releases its 2015 Fair Housing Trends Report

On April 30, 2015 the National Fair Housing Alliance (NFHA) released its 2015 Fair Housing Trends Report, "Where You Live Matters." The report reviews the importance of where you live, the benefits of diverse communities, 2014 housing discrimination complaints, notable cases, policy issues, and recommendations. It reveals that there are an estimated four million instances of discrimination in the rental market alone each year, although less than one percent is reported. In 2014, 27,528 instances were reported; 51.8 percent of complaints on the basis of disability discrimination and 22 percent on the basis of race. Private non-profit fair housing organizations investigate over two thirds of the complaints. Read the report [here](#).

### Impacts of Neighborhoods on Economic Mobility

Recently, two studies were published that examine the impacts of neighborhoods on intergenerational economic mobility. The findings reveal that the area in which children grow up has a significant effect, and that every year spent in a better area during childhood increases a child's earning in adulthood. The studies conclude that efforts to move disadvantaged families into mixed-income communities are likely to reduce the persistence of poverty across generations. The executive summaries can be found [here](#).

The studies have received coverage by the New York Times ([here](#), [here](#), and [here](#)), and Atlantic's City Lab ([here](#) and [here](#).)

### HUD Settlement in Hawaii, Charge in Nevada Regarding Familial Status Discrimination

On May 8, 2015 the U.S. Department of Housing and Urban Development (HUD) announced it reached a conciliation agreement with owners of an apartment complex in Kihei. The HUD investigation determined that the apartment complex designated two of the buildings as adults only, and did not allow families to live in those buildings. Furthermore, they required that children of different genders sleep in different

discrimination, you may call the FHEP Hotline at **808-527-8024** or from the Neighbor Islands, **866-527-3247**. Leave a message and our Intake Specialist will call to schedule an interview.

One of our staff attorneys will then review your case and determine whether we will be able to provide assistance.

rooms. The apartment complex has agreed to change their policies and attend fair housing training. HUD also announced it had charged Nevada rental property owners who allegedly refused to rent to a family because they had children. For more information, click [here](#) to read the press release.

### Civil Rights Groups File Complaint against Fannie Mae for Racial Discrimination

On May 13, 2015 the National Fair Housing Alliance announced that it and 19 other fair housing and civil rights groups have filed a fair housing complaint with HUD against Fannie Mae, alleging racial discrimination in 34 U.S. metro areas and 129 cities. Investigations conducted from 2010 through 2015 revealed that Fannie Mae, one of the largest owners of foreclosed property in the U.S., maintains and markets its properties in white neighborhoods consistently better than those in African American or Latino neighborhoods. For more information, click [here](#) to read the press release.

### Justice Department Reaches Settlement Agreement with Ruston, Louisiana Housing Authority, Norfolk, Virginia Retirement Home

On May 11, 2015 the Justice Department announced that the Ruston Housing Authority (RHA) in Louisiana had agreed to a settlement resolving allegations of racial discrimination. The Justice Department alleged that RHA assigned vacancies by race, placing predominantly white applicants in housing located in predominantly white neighborhoods, and African American applicants in housing located in predominantly African American neighborhoods, instead of by the order of the waiting list. The settlement agreement requires the RHA to make comprehensive changes to their policies and procedures and pay \$175,000 to 19 victims, who will also receive priority if they request to move to another complex or reapply. To read more, click [here](#).

In Virginia, a settlement was reached in a case in which the Justice Department alleged that Fort Norfolk Retirement Community in Norfolk, Virginia violated the fair housing act by enacting policies that segregated residents based on their level of disability

such as limiting access to certain dining rooms and events. In accordance with the settlement agreement, Fort Norfolk Retirement Community is to appoint a fair housing compliance officer, implement new policies, pay \$350,000 to residents harmed by the policies, and pay \$40,000 to the federal government. To read more, click [here](#).

HUD Files Lawsuit against New Mexico Landlord, Reaches Agreement with Virginia Landlord, Alaskan Municipality Alleging Disability Discrimination

On May 4, 2015, HUD filed a lawsuit against a Sante Fe, New Mexico landlord for alleged discrimination against a tenant with disabilities. The suit alleges that the landlord refused a request for a reasonable accommodation to allow the tenant with a psychological disability keep an emotional support animal and have her daughter live with her, and threatened eviction if she did not remove the dog and her daughter from the unit. For more information, click [here](#) to read the press release.

On May 26, 2015 HUD announced it reached an agreement with a landlord in Virginia. The Roanoke based Retirement Unlimited, Inc. was alleged to have discriminated against people with disabilities by requiring residents who used motorized scooters to pay an extra security deposit and obtain liability insurance. Retirement Unlimited is to pay \$107,500 to aggrieved individuals, \$30,000 to the non-profit fair housing organization that filed the suit, \$30,000 to a HUD approved non-profit that provides services to persons with disabilities, revise its policies, and provide its staff training on the new policies. For more information, click [here](#) to read the press release.

On May 14, 2015 HUD announced it has reached an agreement with Anchorage, Alaska. HUD alleged that municipality zoning codes discriminated against people with disabilities because it set different standards for different groups. Anchorage has agreed to allow a qualified independent consultant to evaluate and advise on its zoning codes, and refund up to \$5,000 in permit fees for variances regarding residences for people with disabilities. Click [here](#) to read the press release.

### HUD Reaches Settlement Agreements in Cases Alleging Racial Discrimination

On May 26, 2015, HUD announced it had reached a historic \$200 million settlement agreement with Wisconsin-based Associate Bank resolving redlining complaints. HUD accused the bank of discriminatory lending practices against African Americans and Latinos and their communities. It is the largest settlement HUD has ever reached. Click [here](#) to read the press release.

On May 13, 2015 HUD announced it had reached a settlement agreement with an Ohio Housing Authority. HUD alleged that the Housing Authority discriminated against African Americans in its administration of Section 8 vouchers by using a residency preference point system, disproportionately penalizing African Americans who did not reside in the neighborhood. The Housing Authority is to eliminate the point system, purge its waiting list and offer vouchers on a first come, first serve basis, create a \$35,000 relocation assistance fund, market its services to minorities who do not live or work in the area, and develop a plan to increase services to persons with limited ability to read and write English. Click [here](#) to read the press release, and [here](#) to read more.

Finally, on May 12, 2015 HUD announced it had reached a settlement agreement with a Pennsylvania Housing Authority. HUD alleged that the Housing Authority of Hazelton, Pennsylvania, discriminated against Latino households by denying limited English proficiency services. The Housing Authority will pay \$18,000 to complainants and in legal fees, provide limited English proficiency services, hire bilingual staff, and require staff to attend fair housing and cultural competency training. Click [here](#) to read the press release.

### Fair Housing Organization Files Lawsuit against Florida Apartments Alleging Racial Discrimination

On April 1, 2015 the Housing Opportunities Project for Excellence (HOPE, Inc.) filed a lawsuit against two Florida apartments, Creek Club and Nile Gardens,

alleging racial discrimination. HOPE, Inc. conducted fair housing testing that revealed African American testers were provided with different information than their Latino counterparts. For example, African American testers were consistently told apartment units were not available while Latino testers were told there were available units and offered viewings. Read more [here](#).

### **Q&A: Medical Verification for Reasonable Accommodations or Modifications**

When residents ask for reasonable accommodations to rules/policies or reasonable modifications to existing structures, the person requesting said accommodations or modifications must be disabled and there needs to be a nexus between the disability and the accommodation or modification being sought. Residents typically do so by having a medical professional verify the need for the accommodation or modification in light of their disabilities.

#### **Q: I am requesting a reasonable modification and the housing provider is asking for verification from my doctor. Can they ask for a verification?**

A: In most situations, a housing provider may request verification of a disability from a medical professional. The exception to requiring a medical verification is when the disability is readily apparent, such as someone in a wheelchair asking for a ramp modification.

#### **Q: Do I need to disclose the nature of my disability in the medical verification?**

A: No, the medical verification does not need to list the nature of your disability. In terms of disclosure of medical information, your doctor or other treating medical professional only needs to disclose that you are disabled as defined under the law.

Under federal and state law, an individual is disabled if he/she has a physical or mental impairment that *substantially limits one or more major life activities*, has a record of such an impairment, or is regarded as having such an impairment. Major life activities

include, but are not limited to, walking, seeing, hearing, speaking, breathing, thinking, communicating, learning, performing manual tasks, and caring for oneself.

**Q: What information should my healthcare provider include in the verification?**

A: The medical verification should preferably be from the resident's treating healthcare provider. The verification must also state that the person is disabled as defined under federal and state law. In addition to verifying that the person is disabled, the doctor must also state that the requested accommodation is necessary to afford the resident full use and enjoyment of the dwelling.

**Q: I submitted a reasonable accommodation request accompanied with a verification from my doctor. The housing provider is now asking to speak with my doctor. Can my housing provider contact my healthcare provider for further information regarding my disability?**

A: No, a housing provider may not request medical records nor access to healthcare providers to verify a disability. Housing providers also should not be requesting information regarding a person's diagnosis, treatment, or nature and severity of a person's disability. Housing providers should only be inquiring into whether the person is disabled as defined under the law, and whether the accommodation being sought offers the requesting resident the same opportunity to use and enjoy their unit as a non-disabled person.

\*For a PDF version of this fact sheet, please click [here](#).

## Upcoming Tester Training Sessions

The Fair Housing Tester Program will be holding tester training sessions for anyone eligible to attend. All interested candidates must be 18 years and older with no previous felony record, have no open case with the Legal Aid Society, and cannot have an active real estate license.

The following tester training sessions have been scheduled for the month of June:



- Tuesday, June 9, 2015 in Honolulu
- Thursday, June 25, 2015 on Maui

If you are unable to attend these sessions, you may request a private training during general office hours. Please call the Fair Housing Tester Coordinator at (808) 527-8036 to register and to receive more details, or complete the online [pre-screening questionnaire](#).

### Future FHEP Outreaches

The Fair Housing team has a planned training scheduled for June 29, 2015 at Kahuku Elderly at 11:00 am. This fair housing training session will focus on Reasonable Accommodation Requests under the Fair Housing Act. For more information on this training session, please contact Madonna at (808) 527-8083.



*AmeriCorps members provide legal information at a community outreach event*

### Weekly Outreach at St. Elizabeth Episcopal Church

FHEP Civil Rights Advocate, Madonna, will join Health Connector Advocate, Jojo Peter, at St. Elizabeth Episcopal Church in Kalihi on June 25th from 12:30-2:00 p.m. to provide educational and outreach materials. Onsite intake services will also be available. If you or anyone you know has a fair housing issue and is interested in applying for Legal Aid services, feel free to come down. A Chuukese interpreter will also be available. For more information on this outreach, please contact Madonna



at (808) 527-8083.

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