

# Annual Update: Key Fair Housing Cases (June 2017—June 2018)

---



National Fair Housing Alliance  
Annual Meeting  
Baltimore, Maryland – June 10, 2018

© Robert G. Schwemm

Michael G. Allen  
Relman, Dane & Colfax PLLC  
1225 19th Street, NW, Suite 600  
Washington, DC 20036-2456  
(202) 728-1888 tel  
(202) 728- 0848 fax  
[mallen@relmanlaw.com](mailto:mallen@relmanlaw.com)

Robert G. Schwemm  
Ashland-Spears Professor  
College of Law  
University of Kentucky  
Lexington, KY 40506-0048  
(859) 257-6013 tel  
[schwemmr@uky.edu](mailto:schwemmr@uky.edu)

Diane Houk  
Emery Celli Brinckerhoff & Abady  
600 5<sup>th</sup> Avenue at Rockefeller Center, 10<sup>th</sup> Floor  
New York, NY 10020-2302  
(212) 763-5000 tel  
[dhouk@ecbalaw.com](mailto:dhouk@ecbalaw.com)



# I. Introduction and Overview

---



# Introduction and Overview

---

- A. The Federal Fair Housing Act: Basic Coverage
  - 1. Properties
  - 2. Transactions
  - 3. Bases of Discrimination
  
- B. Standards of Proof: ("Because of race" and Others)
  
- C. Procedures and Relief



# Introduction and Overview

---

- D. Potential Amendments to the Fair Housing Act and Related Legislative Activity
- E. Importance of Other Laws: Federal, State, and Local [see also VII-A-2 and -3]
- F. Deference to HUD Interpretations of the FHA
  - *Sanders v. SWS Hilltop, LLC*
  - *Simmons v. T.M. Associates Management, Inc.*
  - *West v. DJ Mortgage, LLC*



# Introduction and Overview

---

## G. Note on the Current Supreme Court in Civil Rights Cases



## II. Properties Covered and Exemptions

---



# Properties Covered and Exemptions

---

## A. "Dwellings" vs. Temporary Housing: § 3602(b)

- *Congregation Rabbinical College of Tartikov, Inc. v. Village of Pomona, NY*
- *Entine v. Lissner*
- *Haws v. Norman*

## B. Exemptions: "Mrs. Murphy" Apartments and Others



## III. Transactions Covered

---





# Transactions Covered

---

## A. Basic Transactions: § 3604(a) and § 3604(b)

- *Sanders v. SWS Hilltop, LLC*
- *Siler v. Abbott House, Inc.*

## B. Other Transactions: § 3604(a) and § 3604(b)

1. § 3604(a)'s "Otherwise Make Unavailable" Provision
  - a. Steering
  - b. Exclusionary Land-Use



# Transactions Covered

---

## B. Other Transactions: § 3604(a) and § 3604(b) (cont.)

1. § 3604(a)'s "Otherwise Make Unavailable" Provision (cont.)
  - c. Financial and Insurance Discrimination; Predatory Lending (see III-D + III-E)
  - d. Other Practices
    - *Dayton Veterans Residences v. Dayton Metropolitan Housing Auth.*



# Transactions Covered

---

## B. Other Transactions: § 3604(a) and § 3604(b) (cont.)

2. § 3604(b): Harassment, "Exploitation" Theory, and Other Practices
  - *Belcher v. The Grand Reserve MGM, LLC*
  - *D.K. by L.K. v. Teams*
  - *Georgia State Conference of the NAACP v. City of LaGrange, Georgia*
  - *Jimenez v. Tsai*
  - *National Fair Housing Alliance v. Federal National Mortgage Ass'n*
3. Other Cases



# Transactions Covered

---

## C. § 3604(c): Notices, Statements, and Advertising

### 1. Advertising

- *Cross v. HFLP-Dolphin Beach, LLC*
- *Inclusive Communities Project, Inc. v. Lincoln Property Co.*

### 2. Notices and Statements (see also VI-C)

- *Fair Housing Justice Center, Inc. v. Allure Rehabilitation Services LLC*
- *Seeberger v. Davenport Civil Rights Commission*



# Transactions Covered

---

## C. § 3604(c): Notices, Statements, and Advertising (cont.)

3. Reasonable Reader-Listener Standard
4. Standing to Sue
5. 1<sup>st</sup> Amendment Defense and Other Constitutional Defenses
  - *Seeberger v. Davenport Civil Rights Commission*



# Transactions Covered

---

## D. Mortgage Discrimination: § 3604(a) and § 3605

### 1. Government Enforcement: HUD; DOJ; Others

- *People ex rel. Madigan v. Wildermuth*

### 2. Private Litigation

- *Premium Properties Unlimited, LLC v. Mercantile Bank Mortgage Co.*
- *Cederberg v. NW Priority CU*
- *Chappell v. National City Corp.*
- *Marquard v. New Penn Financial, LLC*
- *National Fair Housing Alliance v. Federal National Mortgage Ass'n*



# Transactions Covered

---

## D. Mortgage Discrimination: § 3604(a) and § 3605 (cont.)

### 3. Predatory Lending

- *City of Philadelphia v. Wells Fargo & Co.*
- *County of Cook, Illinois v. Bank of America Corp.*
- *County of Cook, Illinois v. HSBC North America Holdings Inc.*
- *County of Cook, Illinois v. Wells Fargo & Co.*
- *Horne v. Harbour Portfolio VI, LP*



# Transactions Covered

---

- E. Insurance Discrimination: § 3604(a-b)
  - *National Fair Housing Alliance v. Travelers Indemnity Co.*
- F. Discriminatory Assessments: § 3604(a-b), § 3605, § 3606
- G. Special Disability Claims: § 3604(f)(3) [see V-C, -D, and -E]





# Transactions Covered

---

## H. Harassment Interference, and Retaliation Claims: § 3617 (cont.)

### 1. Traditional Intimidation Claims

### 2. Interference

- *Congregation Rabbinical College of Tartikov, Inc. v. Village of Pomona, NY*
- *Fair Housing Center of Central Indiana v. MH Leasing, LLC*
- *Frazier v. Cooke*
- *HOPE, Inc. v. Alden Gardens of Bloomingdale, Inc.*
- *Morris v. West Hayden Estates First Addition Homeowners Ass'n, Inc.*



# Transactions Covered

---

## H. Harassment and Interference Claims: § 3617 (cont.)

3. Retaliation; Different Focus re: "On Account of..."
  - *Binns v. City of Marietta, Ga*
  - *Geraci v. Union Square Condo. Ass'n*
  - *Morgan v. Carrington Mortgage Services*
  - *Belcher v. The Grand Reserve MGM, LLC*
  - *Cederberg v. NW Priority CU*
  - *Haws v. Norman*
  - *Jimenez v. Tsai*
  - *Mariano v. Villa*
  - *Trostenetsky v. Keys Condominium Owners Association*



# Transactions Covered

---

## H. Harassment and Interference Claims: § 3617 (cont.)

3. Retaliation; Different Focus re: “On Account of...” (cont.)
  - *United States v. Trumbull Metro. Housing Authority*
  - *Welch v. McNeil*
  - *West v. DJ Mortgage, LLC*
4. Against Housing Provider or Other Third Party
  - *D.K. by L.K. v. Teams*
5. 1<sup>st</sup> Amendment Defense
6. Other Issues



# Transactions Covered

---

- I. Discriminatory Brokerage Services: § 3606
- J. Governmental Discrimination and § 3608



## IV. The “Old” Bases of Discrimination

---



# The “Old” Bases of Discrimination

---

## A. Race-Color-National Origin

- *Belcher v. The Grand Reserve MGM, LLC*
- *Pepin v. Pompano Place Condominium Ass’n, Inc.*
- *Tejada v. LittleCity Realty LLC*

## B. Religion

- *Chabad Jewish Center of Toms River, Inc. v. Township of Toms River*
- *Congregation Rabbinical College of Tartikov, Inc. v. Village of Pomona, NY*
- *Morris v. West Hayden Estates First Addition Homeowners Ass’n, Inc.*



# The “Old” Bases of Discrimination

---

## C. Sex and Sexual Harassment (cont.)

- Article: Rigel C. Oliveri, *Sexual Harassment of Low-Income Women in Housing: Pilot Study Results* (2018), available at <http://ssrn.com/abstract=3118665>
- *Cederberg v. NW Priority CU*
- *Curto v. A Country Place Condominium Ass'n, Inc.*
- *Metropolitan Fair Housing Council of Oklahoma, Inc. v. Pelfrey*
- *West v. DJ Mortgage, LLC*
- Justice Department: *Sexual Harassment in Housing Initiative* (2018), press release available at <http://www.justice.gov/crt/sexual-harassment-housing-initiative>



## V. Handicap/Disability

---





# Handicap/Disability

---

## A. Definition of “Handicap”: § 3602(h)

- *Geraci v. Union Square Condo. Ass’n*
- *Oxford House, Inc. v. Browning*

## B. Group Homes

- *Get Back Up, Inc. v. City of Detroit, Michigan*
- *Valencia v. City of Springfield, Illinois*
- *Blake Gardens, LLC v. State of New Jersey*
- *Community Services for the Developmentally Disabled-Buffalo v. Town of Boston*
- *Cornerstone Residence, Inc. v. City of Clairton, Pennsylvania*



# Handicap/Disability

---

## B. Group Homes (cont.)

- *Grandview Beach Ass'n v. County of Cheboygan*
- *New Horizons Rehabilitation, Inc. v. Indiana*
- *Oxford House, Inc. v. Browning*
- *Rehabilitation Support Services, Inc. v. City of Albany, New York*
- *Rehabilitation Support Services, Inc. v. Town of Colonie*
- *Walls v. Capella Park Homeowners' Association, Inc.*
- *Welch v. McNeil*



# Handicap/Disability

---

## C. Reasonable Accommodations: § 3604(f)(3)(B)

### 1. General Standards and Burdens of Proof

### 2. Traditional Cases

#### a. Animals

- *Oregon Bureau of Labor and Industries v. Chandler Apartments, LLC*
- *Baird v. 1600 Church Road Condominium Ass'n*
- *Boffoli v. Swalko*
- *Entine v. Lissner*
- *Freidel v. Park Place Community LLC*
- *Giardiello v. Marcus, Marcus, Errico, Emmer & Brooks, P.C.*
- *Gill Terrace Retirement Apartments, Inc. v. Johnson*
- *Haws v. Norman*



# Handicap/Disability

---

## C. Reasonable Accommodations: § 3604(f)(3)(B) (cont.)

### 2. Traditional Cases (cont.)

#### a. Animals (cont.)

- *Hintz v. Chase*
- *Houston v. DTN Operating Co.*
- *Siler v. Abbott House, Inc.*
- *United States v. 111 E. 88th Partners*

#### b. Parking

- *Del Rio Gordo v. Hospital Ryder Memorial, Inc.*



# Handicap/Disability

---

## C. Reasonable Accommodations: § 3604(f)(3)(B) (cont.)

### 3. Other Claims

- *Binns v. City of Marietta, Ga.*
- *Stein v. Creekside Seniors L.P.*
- *Tull v. New York City Housing Authority*
- *Fair Housing Center of Central Indiana v. MH Leasing, LLC*
- *Fair Housing Justice Center, Inc. v. Allure Rehabilitation Services LLC*
- *Floyd v. City of Sanibel*



# Handicap/Disability

---

## C. Reasonable Accommodations: § 3604(f)(3)(B) (cont.)

### 3. Other Claims (cont.)

- *Moore v. Equity Residential Management, L.L.C.*
- *Schaw v. Habitat for Humanity of Citrus County, Inc.*
- *Simmons v. T.M. Associates Management, Inc.*
- *Trostenetsky v. Keys Condominium Owners Association*
- *United States v. Trumbull Metro. Housing Authority*
- *Welch v. McNeil*



# Handicap/Disability

---

- D. Modifications of Existing Premises: § 3604(f)(3)(A)
  - *Evans v. ForKids, Inc.*
- E. Design and Construction Requirements: § 3604(f)(3)(C)
  - *Morgan v. Western Rim Investors 2013-3, L.P.*
- F. Other Disability Issues under the Fair Housing Act
  - *Morgan v. Carrington Mortgage Services*
  - *Cross v. HFLP-Dolphin Beach, LLC*
  - *Daniels v. HUD*
  - *D.K. by L.K. v. Teams*



# Handicap/Disability

---

## F. Other Disability Issues under the Fair Housing Act (cont.)

- *Freidel v. Park Place Community LLC*
- *HOPE, Inc. v. Alden Gardens of Bloomingdale, Inc.*
- *Sanders v. SWS Hilltop, LLC*
- *Siler v. Abbott House, Inc.*
- *Simmons v. T.M. Associates Management, Inc.*





# Handicap/Disability

---

## G. Americans with Disabilities Act: Relevance to Housing

### 1. Title II: State and Local Governmental Programs

- *D.K. by L.K. v. Teams*
- *Cross v. HFLP-Dolphin Beach, LLC*
- *Entine v. Lissner*

### 2. Title III: Public Accommodations Re: Housing

- *Paterson v. SK5 Wolverine Crossing, LLC*
- *Trostenetsky v. Keys Condominium Owners Association*



## VI. Familial Status

---



# Familial Status

---

## A. Traditional and Group-Home Cases

- *Barry Farm Tenants and Allies Ass'n, Inc. v. District of Columbia Housing Auth.*
- *Belcher v. The Grand Reserve MGM, LLC*

## B. Occupancy Standards

- *Fair Housing Center of Washington v. Breier-Scheetz Properties, LLC*

## C. § 3604(c): Advertising/Statements

- *Fair Housing Center of Central Indiana v. MH Leasing, LLC*

## D. Housing-for-Older-Persons Exemption: § 3607(b)

## VII. Other Bases: FHAct and Disparate Impact; State and Local Laws

---





# Other Bases

---

## A. Income and Source of Income

### 1. Fair Housing Act

### 2. Section 8

- *Inclusive Communities Project, Inc. v. Lincoln Property Co.*
- *National Fair Housing Alliance v. Travelers Indemnity Co.*
- *Open Communities Alliance v. Carson*

### 3. State and Local Laws

- *Inclusive Communities Project, Inc. v. Abbot*

## B. Marital Status; the “Religious” Landlord Defense



# Other Bases

---

## C. Sexual Orientation and Related Status

- *EEOC & Stephens v. Harris Funeral Homes, Inc.*
- *Hively v. Ivy Tech Community College of Indiana*
- *Whitaker v. Kenosha Unified School District*
- *Zarda v. Altitude Express, Inc.*

## D. U.S. Citizenship

## E. Others



## VIII. The Standards of Proof ("Because of race, . . .")

---



# Standards of Proof

---

## A. Discriminatory Intent Cases (“Disparate Treatment”)

### 1. Direct Evidence

- *Sanders v. SWS Hilltop, LLC*

### 2. Circumstantial Evidence: The Prima Facie Case Concept

- *Get Back Up, Inc. v. City of Detroit, Michigan*

### 3. Other Sources of Intent Evidence

- *Congregation Rabbinical College of Tartikov v. Village of Pomona, NY*
- *Greater New Orleans Fair Housing Action Center, Inc. v. Hotard*





# Standards of Proof

---

## B. Discriminatory Effect Cases (“Disparate Impact” and “Segregative Effect”)

- Article: Robert G. Schwemm, *Segregative-Effect Claims Under the Fair Housing Act*, 20 N.Y.U. JOURNAL OF LEGISLATION & PUBLIC POLICY 709 (2017), available at <http://www.nyujlpp.org>.

### 1. HUD-DOJ Developments

- *HUD to Seek Public Comment on “Disparate Impact” Regulation* (May 10, 2018), press release at [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/HUD\\_No\\_18\\_035](https://www.hud.gov/press/press_releases_media_advisories/HUD_No_18_035)

### 2. Court Cases

- *Ellis v. City of Minneapolis*
- *Avenue 6E Investments, LLC v. City of Yuma, Arizona*
- *Belcher v. The Grand Reserve MGM, LLC*



# Standards of Proof

---

## B. Discriminatory Effect Cases (“Disparate Impact”) (cont.)

### 2. Court Cases (cont.)

- *City of Philadelphia v. Wells Fargo & Co.*
- *County of Cook, Illinois v. Bank of America Corp*
- *County of Cook, Illinois v. HSBC North America Holdings Inc.*
- *County of Cook, Illinois v. Wells Fargo & Co.*
- *Fair Housing Center of Washington v. Breier-Scheetz Properties, LLC*
- *Horne v. Harbour Portfolio VI, LP*
- *Inclusive Communities Project, Inc. v. Lincoln Property Co*
- *Lowe v. Planning and Zoning Comm’n of the Town of Mansfield*
- *Metro. St. Louis Equal Hous. & Opp. Council v. City of Maplewood*



# Standards of Proof

---

## B. Discriminatory Effect Cases (“Disparate Impact”) (cont.)

### 2. Court Cases (cont.)

- *MHANY Management, Inc. v. County of Nassau*
- *National Fair Housing Alliance v. Federal National Mortgage Ass’n*
- *National Fair Housing Alliance v. Travelers Indemnity Co.*
- *Oviedo Town Center II v. City of Oviedo, Florida*
- *Paige v. New York City Housing Authority*
- *Schaw v. Habitat for Humanity of Citrus County, Inc.*
- *62-64 Kenyon Street, Hartford LLC v. City of Hartford*
- *TBS Group, LLC, v. City of Zion, Illinois*

### 3. Issues



# Standards of Proof

---

- C. § 3604(c) Cases (see III-C-3)
- D. § 3604(f)(3): Special Disability Cases (see V-C, -D, and -E)
- E. § 3617 Retaliation Cases (see III-H-3)
- F. “Pattern or Practice” Standard in DOJ’s § 3614 Cases



## IX. Plaintiffs and Defendants

---



# Plaintiffs and Defendants

---

## A. Plaintiffs

### 1. In General

- *City of Philadelphia v. Wells Fargo & Co.*
- *County of Cook, Illinois v. HSBC North America Holdings Inc.*
- *County of Cook, Illinois v. Wells Fargo & Co.*
- *Dayton Veterans Residences v. Dayton Metropolitan Housing Authority*
- *Elliott v. QF Circa 37, LLC*
- *Giardiello v. Marcus, Errico, Emmer & Brooks, P.C.*
- *Moore v. Equity Residential Management, L.L.C.*
- *Morgan v. Western Rim Investors 2013-3, L.P.*



# Plaintiffs and Defendants

---

## A. Plaintiffs (cont.)

2. § 3604(c) Claims (see III-C-4)

3. Fair Housing Organizations and Testers

- *Oregon Bureau of Labor and Industries v. Chandler Apartments, LLC*
- *Fair Housing Center of Washington v. Breier-Scheetz Properties, LLC*
- *Fair Housing Justice Center, Inc. v. Allure Rehabilitation Services LLC*
- *Greater New Orleans Fair Housing Action Center, Inc. v. Hotard*
- *HOPE, Inc. v. Alden Gardens of Bloomingdale, Inc*



# Plaintiffs and Defendants

---

## A. Plaintiffs (cont.)

### 3. Fair Housing Organizations and Testers (cont.)

- *Inclusive Communities Project, Inc. v. Abbott*
- *Jimenez v. Tsai*
- *Miami Valley Fair Housing Center, Inc. v. Metro Development LLC*
- *National Fair Housing Alliance v. Federal National Mortgage Ass'n*
- *National Fair Housing Alliance v. Travelers Indemnity Co.*





# Plaintiffs and Defendants

---

## B. Defendants

### 1. Principal-Agent

- *Oregon Bureau of Labor and Industries v. Chandler Apartments, LLC*
- *Hintz v. Chase*
- *Mariano v. Villa*
- *Metropolitan Fair Housing Council of Oklahoma, Inc. v. Pelfrey*

### 2. Condos, Coops, and Other Self-Contained Communities

- *Welch v. McNeil*



# Plaintiffs and Defendants

---

## B. Defendants (cont.)

3. Housing Provider's Liability for Tenant's Harassment
4. Liability Insurers
5. Federal, State, and Local Defendants; Immunity Issues
  - *Blake Gardens, LLC v. State of New Jersey*
  - *D.K. by L.K. v. Teams*
  - *Daniels v. HUD*
  - *HOPE, Inc. v. Eden Management LLC*
  - *Inclusive Communities Project, Inc. v. Abbott*
  - *New Horizons Rehabilitation, Inc. v. Indiana*
6. Others



## X. HUD Proceedings

---



# HUD Proceedings

---

## A. Substantial Equivalency

1. About 40 States and 70 Localities (80% of complaints to HUD)
2. De-Certification
  - Missouri

## B. Investigation and Charge; Timing

## C. Conciliations



# HUD Proceedings

---

## D. The Election-to-Court Option

- *United States v. 111 E. 88th Partners*
- *United States v. Trumbull Metro. Housing Authority*

## E. Intervention

## F. Non-Elected Cases



## XI. Other Procedural Issues

---



# Other Procedural Issues

---

## A. Evidence; Defendant's Dealings with Others in Protected Group

## B. Statutes of Limitations

- *Premium Properties Unlimited, LLC v. Mercantile Bank Mortgage Co.*
- *Chappell v. National City Corp.*
- *City of Philadelphia v. Wells Fargo & Co.*
- *County of Cook, Illinois v. HSBC North America Holdings Inc.*
- *County of Cook, Illinois v. Wells Fargo & Co.*
- *Frances v. Accessible Space, Inc.*
- *Tejada v. LittleCity Realty LLC*



# Other Procedural Issues

---

## C. Jury Trials

- *New West v. City of Joliet*

## D. Collateral Estoppel and Res Judicata; the *Rooker-Feldman* Doctrine

- *Berry v. Wells Fargo Bank, N.A.*
- *Chellappa v. Summerdale Court Condominium Ass'n*
- *Morgan v. Carrington Mortgage Services*
- *New West v. City of Joliet*
- *Alexander v. Pauloski*
- *City of Philadelphia v. Wells Fargo & Co.*





# Other Procedural Issues

---

## D. Collateral Estoppel and Res Judicata; the *Rooker-Feldman* Doctrine (cont.)

- *County of Cook, Illinois v. Wells Fargo & Co.*
- *Rajapakse v. Lexington Asset Management*

## E. Discovery

- *City of Philadelphia v. Wells Fargo & Co.*
- *McFadden v. Meeker Housing Authority*
- *Winfield v. City of New York*

## F. Class Actions

- *Borum v. Brentwood Village, LLC*
- *Soderstrom v. MSP Crossroads Apartments LLC*



# Other Procedural Issues

---

## G. Pleading Standards

### 1. Upheld (Adequate)

- *HOPE, Inc. v. Alden Gardens of Bloomingdale, Inc.*

### 2. Dismissed (Inadequate)

- *Glenn v. Wells Fargo Bank, N.A.*
- *Pintea v. Gurvey*
- *Metro. St. Louis Equal Hous. & Opp. Council v. City of Maplewood*
- *United States v. Trumbull Metro. Housing Authority*



# Other Procedural Issues

---

## H. Miscellaneous

- *Alexander v. Edgewood Management Corp.*
- *Bowman v. Bella Estancias, LLC*



## XII. Relief

---



# Relief

---

## A. Actual/Compensatory Damages

1. Elements
2. Legal Principles
3. Significant Awards
  - *Fair Housing Center of Washington v. Breier-Scheetz Properties, LLC*
  - *United States v. DeFaffe*



# Relief

---

## B. Punitive Damages

### 1. Legal Principles

- *Fair Housing Center of Washington v. Breier-Scheetz Properties, LLC*
- *Holland v. The Related Companies, Inc.*

### 2. Significant Awards

- *Fair Housing Center of Washington v. Breier-Scheetz Properties, LLC*



# Relief

---

## C. Civil Penalties

1. Legal Principles
2. Significant Awards
  - *United States v. DeFaffe*

## D. Injunctive Relief and Civil Contempt

- *Valencia v. City of Springfield, Illinois*
- *Belcher v. The Grand Reserve MGM, LLC*
- *Entine v. Lissner*
- *New Horizons Rehabilitation, Inc. v. Indiana*



# Relief

---

## E. Attorney's Fees and Costs

- *Affordable Recovery Housing v. City of Blue Island*

## F. Other Issues





## XIII. Settlements

---



# Settlements

---

- *Baltimore Regional Housing Campaign v. State of Maryland*
  - \$225,000 (to help locate 1500 family units in communities of opportunity)
  - Conciliation Agreement (9-17)
  - Maryland (HUD Conciliation)
  - Race, National Origin, and Familial Status (LIHTC-subsidized apartment sites)
  - [reported at Fair Housing-Fair Lending Rptr. ¶10.13 (Oct. 1, 2017)]
  
- *Broadway Triangle Community Coalition v. Bloomberg*
  - \$2,400,000 (organization for fair housing work); \$1,300,000 (attorney's fees)
  - Settlement Order (12-5-17)
  - New York, N.Y. (N.Y. state court)
  - Race + National Origin (apartment construction)
  - [reported at Fair Housing-Fair Lending Rptr. ¶12.5 (Dec. 1, 2017)]



# Settlements

---

- *Equal Rights Center v. The Lenkin Company Management, Inc.*
  - \$125,000 (fair housing organization + attorney's fees); \$24,000 (testing by P-org.)
  - Consent Agreement (11-30-17)
  - Washington, D.C. (D.C. Superior Court)
  - Source-of-Income and Race (apartment rentals; terms + conditions)
  - [reported at Fair Housing-Fair Lending Rptr. ¶12.5 (Dec. 1, 2017)]
  
- *Fair Housing Center of Central Indiana v. Housing Authority of City of Anderson*
  - \$230,000 (organization and two individuals; plus attorney's fees)
  - Consent Order (9-26-17)
  - Anderson, Indiana (S.D. Ind.)
  - Race, Sex, and Disability (apartment rentals)
  - also: United States v. Housing Authority of City of Anderson
  - \$70,000 (to seven individual victims)
  - [reported at Fair Housing-Fair Lending Rptr. ¶9.7 (Sept. 1, 2017)]



# Settlements

---

- *Fair Housing Justice Center, Inc. v. Kosova Properties, Inc.*
  - \$620,000 (organization and four individuals; plus attorney's fees)
  - Settlement Agreement (9-25-17)
  - New York, New York (S.D. N.Y.)
  - Race + Source of Income (apartment rentals)
  - [reported at Fair Housing-Fair Lending Rptr. ¶10.10 (Oct. 1, 2017)]
  
- *Fair Housing Justice Center, Inc. v. Martin Rankell LP*
  - \$107,500 (damages for organization and four tester-plaintiffs + attorney's fees)
  - Settlement Agreements (6-17)
  - Brooklyn, New York (E.D. N.Y.)
  - Race (apartment rental; terms + conditions)
  - [reported at Fair Housing-Fair Lending Rptr. ¶7.9 (July-Aug.. 1, 2017)]



# Settlements

---

- *Fair Housing Justice Center, Inc. v. Sentosacare LLC et al.*
  - \$172,500 (damages + attorney's fees)
  - Settlement Agreements (3-9-18)
  - New York City area, New York (E.D. N.Y.)
  - Disability (refusal by nursing homes/assisted living facilities to use sign language services for deaf residents)
  
- *Fair Housing Justice Center, Inc. v. Ulster Savings Bank*
  - \$275,000 (damages for organization + 3 tester-plaintiffs); \$200,000 (attorney's fees)
  - Settlement Agreements (8-31-17)
  - Kingston (Hudson Valley), New York (S.D. N.Y.)
  - Race (mortgages financing; terms + conditions)
  - [reported at Fair Housing-Fair Lending Rptr. ¶10.10 (Oct. 1, 2017)]



# Settlements

---

- *Hart v. Premier Apartments, LLC*
  - \$1,000,000 (\$645,100 to two plaintiffs; 354,900 in attorney's fees + costs)
  - Judgment based on Settlement Agreement (11-27-17)
  - Los Angeles, California (C.D. Cal.)
  - Disability (apartment rental terms-and-conditions; refusal to accommodate)
  - [reported at Fair Housing-Fair Lending Rptr. ¶12.5 (Dec. 1, 2017)]



# Settlements

---

- *Independent Living Center of Southern California et al. v. City of Los Angeles*
  - \$8,750,000 (accessibility spending); \$3,000,000 (three organizational plaintiffs);
  - \$2,250,000 (attorney's fees); \$160,000 (future monitoring)
  - Judgment based on Settlement Agreement (9-7-17)
  - Los Angeles, California (C.D. Cal.)
  - Disability (lack of accessibility features)
  - [reported at 2017 WL 3976623]
  - This is in addition to last year's settlement with the City for \$200,000,000 (10-year accessibility spending); \$4,500,000 (organizational plaintiffs); \$20,000,000 (attorney's fees)
  - [reported at Fair Housing-Fair Lending Rptr. ¶9.8 (Sept. 1, 2017)]



# Settlements

---

- *Long Island Housing Services, Inc. v. Village of Mastic Beach, N.Y.*
  - \$387,500 (\$48,000 to each of five victims; and attorney's fees)
  - Settlement Agreement (8-23-17)
  - Mastic Beach, New York (E.D. N.Y.)
  - Race + National Origin (harassment by town officials of Sec. 8 voucher users)
  - [reported at Fair Housing-Fair Lending Rptr. ¶9.7 (Sept. 1, 2017)]
  
- *Metro. Fair Housing Council of Oklahoma, Inc. v. Pelfrey and Collins v. Pelfrey*
  - \$800,000 (organization and fourteen victims + attorney's fees)
  - Consent Order (12-7-17)
  - Oklahoma City and surrounding area, Oklahoma (W.D. Okla.)
  - Sex (harassment in apartment rentals)
  - [reported at Fair Housing-Fair Lending Rptr. ¶12.5 (Dec. 1, 2017)]





# Settlements

---

- *National Fair Housing Alliance v. Travelers Indemnity Co.*
  - \$450,000 (for organization + attorney's fees)
  - Settlement Agreements (2-23-18)
  - Washington, D.C. (D. D.C.)
  - Race, Sex + Familial Status (insuring landlords who rent to Sec.8 voucher holders)
  - [reported at Fair Housing-Fair Lending Rptr. ¶3.9 (Mar. 1, 2018)]
- *Sams v. American Apartment Management Co., Inc.* [Savannah Fair Housing Center]
  - \$357,500 (damages for plaintiffs and attorney's fees)
  - Consent Agreement (11-22-17)
  - Savannah, Georgia (S.D. Ga.)
  - Race + National Origin (apartment rentals: ban on tenants with criminal records)
  - [reported at Fair Housing-Fair Lending Rptr. ¶1.5 (Jan. 1, 2018)]



# Settlements

---

- *Serrano & Westchester Residential Opportunities v. Mamaroneck Gardens, Inc.*
  - \$182,500 (individual + organizational plaintiffs; plus attorney's fees)
  - Settlement Agreement and Order (3-28-18)
  - Westchester County, New York (S.D. N.Y.)
  - Familial status (co-op's occupancy standards)
  - [reported at Fair Housing-Fair Lending Rptr. ¶4.9 (April 1, 2018)]
- *Soderstrom v. MSP Crossroads Apartments LLC*
  - \$300,000 (class members); \$200,000 (housing organizations); \$110,000 (fees+costs)
  - Settlement Agreement (2-18-18)
  - St. Paul, Minnesota (D. Minn.)
  - Race + National Origin (apartment complex's withdrawal from Sec. 8 program)
  - [reported at 2018 WL 692912 (D. Minn. Feb. 2, 2018) and
  - Fair Housing-Fair Lending Rptr. ¶3.9 (Mar. 1, 2018)]



# Settlements

---

[Justice Department settlements described below are available at Justice's web site at <http://www.justice.gov/crt/about/hce/>]

- *United States v. 505 Central Avenue Corp.* [from Westchester Res. Opportunities]
  - \$120,000 (victim's compensation) and \$5,000 (civil penalty)
  - Settlement Agreement (7-20-17)
  - White Plains, N.Y. (S.D. N.Y.)
  - Disability (housing coop sale/refusal to make reasonable accommodation)
- *United States v. Ginsburg Development Companies* [from Fair Hous. Justice Center]
  - \$125,000 (victim's compensation); \$50,000 (civil penalty); extensive retrofits
  - Settlement Agreement (4-18)
  - Haverstraw, N.Y. (S.D. N.Y.)
  - Disability (apartment rentals terms + conditions: lack of accessibility features)



# Settlements

---

- *United States v. Kansas City, Kansas Housing Authority*
  - \$360,000 (fourteen victims); \$5,000 (civil penalty)
  - Settlement Agreement (9-29-17)
  - Kansas City, Kansas (D. Kan.)
  - Sex (harassment in apartment rentals)
  
- *United States v. Tjoelker*
  - \$140,000 (ten victims); \$10,000 (civil penalty)
  - Settlement Agreement (10-3-17)
  - Grand Rapids, Michigan (W.D. Mich.)
  - Sex (harassment in apartment rentals)



# Settlements

---

- *United States v. Walden*
  - \$500,000 (victims' compensation fund): \$100,000 (civil penalty)
  - Consent Decree (7-16-17)
  - Morgantown, West Virginia (W.D. W.Va.)
  - Sex (harassment in apartment rentals)
  
- *United States v. Webb* [from Metro. St. Louis Equal Hous. & Opportunity Council]
  - \$600,000 (fifteen victims); \$25,000 (civil penalty)
  - Settlement Agreement (3-19-18)
  - St. Louis, Missouri (E.D. Mo.)
  - Sex (harassment in apartment rentals)