

Fair Housing Update – Rental

Indiana Consortium of State & Local Human Rights Agencies
Conference

November 2, 2022



Presenter Info

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Pronouns: She/Her

Fair Housing Center of Central Indiana

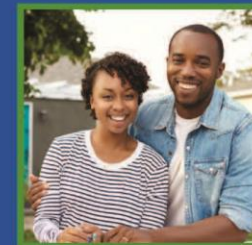
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Find us on Facebook, Instagram, Twitter,
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THE FAIR HOUSING ACT PROTECTS ALL OF US.



The Fair Housing Act became law in 1968. It prohibits discrimination in the lease, sale, rental and financing of housing based on race, color, religion, national origin, sex, familial status or disability. If you believe you've experienced housing discrimination, the Act can help you.

Contact the Fair Housing Center of Central Indiana by calling 317-644-0673, emailing info@fhcci.org, or visiting www.fhcci.org.



A public service message from the U.S. Department of Housing and Urban Development in cooperation with the National Fair Housing Alliance.

The information today is not legal advice. For legal advice, please consult an attorney.

Materials provided for educational purposes only.

NOWHERE ON A RENTAL APPLICATION DOES IT SAY

YOU MUST BE A WHITE MAN

WITH NO KIDS

AND NO DISABILITIES.

 **FAIR HOUSING CENTER**
of CENTRAL INDIANA

(317) 644-0673
www.fhcci.org
For more information contact us at
info@fhcci.org

 **Education Fund**

 **NFHA**
National Fair Housing Alliance

The Federal Fair Housing Act protects your right to live where you want. In fact, in any decision regarding rental, sales, lending or homeowner's insurance, it is against the law to consider race, color, national origin, religion, sex, disability, or family status. If you think you've been denied housing, call us. **Fair housing. It's not an option. It's the law.**

NFHA 1-866-222-FAIR www.fairhousinglaw.org

Fair Housing Center of Central Indiana (FHCCI)

- The mission of the Fair Housing Center of Central Indiana (FHCCI) is to ensure equal housing opportunities by eliminating housing discrimination through advocacy, enforcement, education, and outreach.
- Based in Indianapolis – service area of 24 Central Indiana counties, although we will go outside this area, if resources allow, due to lack of other nonprofit fair housing organizations in Indiana
- Have 4 main programs to advance fair housing: Advocacy, Education, Inclusive Communities, and Public Policy
- Do not have attorneys on staff and do not cover issues solely related to landlord/tenant disputes

"I'm sorry. I must have misplaced your paperwork..."



"Your credit report isn't back."

"Your income hasn't been verified yet."

Don't be fooled by excuses. What appears to be a delay could be discrimination. You can fight back.

If you believe you may be a victim of housing discrimination, contact HUD or your local Fair Housing Center:

Contact the Fair Housing Center of Central Indiana (FHCCI) by calling 317-644-0673, emailing info@fhcci.org, or visiting www.fhcci.org.

Your Choice. Your Right. Your Home.



A public service message from the U.S. Department of Housing and Urban Development in partnership with the National Fair Housing Alliance. The federal Fair Housing Act prohibits discrimination because of race, color, religion, national origin, sex, familial status or disability. For more information, visit www.hud.gov/fairhousing.



Federal Fair Housing Act

- Federal Fair Housing Act passed in **1968** as part of Civil Rights Act (Title VIII) – Made it unlawful to discriminate in housing transactions due to **race, color, national origin, and religion**
- In **1974**, Act amended to protect due to **gender/sex**
- In **1988**, Act amended to protect **families with children and people with disabilities**
- From **2012-2021**, regulations and guidance, SCOTUS, and an Executive Order appear to indicate **sexual orientation, gender identity, gender expression, and transgender** being part of the sex/gender protection
- Court cases have confirmed that zoning and housing related services (insurance, etc.) are also covered

Federal Protections Defined

- **Race** includes all races - African-American, American Indian, Caucasian, etc.
- **Color** refers to the color of one's skin
- **National Origin** means the country where one was born
- **Religion** includes one's membership in an organized religious group
- **Gender (Sex)** includes discrimination due to being male, female, for being transgender, or the gender identity, gender expression, and/or the sexual orientation of the person or a family member
- **Disability (Handicap)** includes physical, cognitive, intellectual, and mental impairments if impairment substantially limits a major life function
- **Familial Status** is the presence of one or more children under the age of 18 in the household - it includes being a parent, step-parent, adoptive parent, guardian, foster parent or custodian of a minor child, as well as any person who is pregnant or who is in the process of acquiring legal custody of a child under 18

Indiana Fair Housing Act

- Protects all the federal protections and also provides protection due to ancestry

Note: Some localities may have additional protections...



WARNING: Some of the cases referenced include slurs and threats and/or harm to victims targeted

Also included some cases which may involve homeowners and/or renters

Familial Status Cases



U.S. v. Concord Court, et al (FL)

- Amelia Court at Creative Village includes two apartment towers, Concord Court and Amelia Court. The defendants manage both towers and own Concord Court's residential units. DOJ alleged that the defendants refused to issue building access devices to minor residents, prohibited children from common areas and amenities unless supervised by adults, and misrepresented the availability of units in Concord Court to families with children.
- The case arose when ten families who resided at the complex filed complaints with the U.S. Department of Housing and Urban Development, which determined that the defendants had violated the Fair Housing Act. The matters were referred to the Justice Department, which conducted its own investigation and filed a lawsuit.
- Under the consent order, the defendants will pay \$260,000 to residents who were harmed by their practices and a civil penalty to the government to vindicate the public interest. The settlement also requires the defendants to implement nondiscrimination policies and provide fair housing training to employees with management or leasing responsibilities at over 80 residential rental properties they own or operate in Florida.

Louisiana Fair Housing Action Center v. Tall Pines Slidell LLC, et al (LA)

- LaFHAC alleged in 2019 complaint that on multiple occasions the onsite manager, Carey Rizzuto, refused to follow up with Black prospective renters and lied to prospective Black renters about lack of availability.
- Agent also told fair housing tester, “I don’t have any kids here. This is mostly adults. I don’t like kids.” and “...[agent] tries to separate people with kids and without. I put people with kids in [neighboring units]....so they can irritate each other.”
- In January 2022 settlement, defendants agreed to pay total of \$35,000, required its staff to take fair housing training, created/published non-discrimination policy, among other relief.

FHCCI, et al v. Pierce Education (IN)

- Pierce Education Properties manages a portfolio of 27 student housing complexes across the country, encompassing approximately 5,715 individual units across 18 states or over 12,830 rentable bedroom units.
- Complaint alleged an ongoing pattern of discrimination through the Respondents' enforcement of a one person per bedroom policy regardless of the size of the bedroom, local occupancy code, or HUD issued guidance.
- The investigation found that a single student with a child as young as one year old would be required to rent an extra bedroom instead of sharing with his/her child. The investigation also uncovered that a married student couple with a child could not rent a two bedroom unit under the Respondents' then policies.
- Settlement whereby Pierce agreed to pay \$50,000; change their occupancy policy to provide equal housing opportunity to families with children; revise their marketing materials to be inclusive of all students regardless of familial status, age, disability, and other protected classes under fair housing law; and train their employees and managers across the nation on fair housing, among other terms.

Religion Cases



U.S. v. Schifer (OH)

- Douglas G. Schifer, 66, was accused of threatening neighbors and their guests because of their religion through making antisemitic threats during an outdoor gathering at the neighbors' residence in 2020.
- Plea documents detail that Schifer stated in part, "all you f— — ing people, it's no wonder Hitler burned you people in ovens," "f— — Hitler should have gassed you," and "Jews burn, you belong in ovens." He also broke one of their windows and spat at one of his neighbors.
- Court documents state that Schifer also said to the neighbors "f— — dog" and "I will poison your dog if it comes back to the fence." Schifer admitted to threatening to shoot the neighbors and their dog, and to "burn to the ground" a garage the neighbors were remodeling.
- In 2021, Schifer was sentenced in federal court for criminally interfering with his neighbors' right to fair housing. He received six months in prison, was ordered to pay a \$50,000 fine, and will have one year of supervised release.

Disability Cases



U.S. v. Heritage Senior Living LLC (PA)

- In 2020 [complaint](#), DOJ alleged that the defendants, who are the owners and operators of Traditions of Hanover, a senior living facility, violated the Fair Housing Act by enacting a policy that:
 - required residents who use wheelchairs to transfer from their wheelchairs into a dining room chair,
 - enacting a policy that required residents who used motorized and non-motorized wheelchairs to pay a non-refundable deposit, and
 - requiring residents to sign a lease that imposes conditions such as requiring an initial physical assessment as a requirement of tenancy and potential eviction if a resident develops certain health conditions.
- In addition, the complaint alleged that the defendants provided transportation as an amenity and that until 2013, that transportation was inaccessible to people who used wheelchairs in violation of the Fair Housing Act.
- Under 2021 [consent order](#), defendants will pay a minimum of \$250,000 and a maximum of \$325,000 into a settlement fund to compensate residents and prospective residents who were harmed by these policies. Defendants will also pay a \$55,000 civil penalty to the United States. In addition, defendants will attend fair housing training, appoint a Fair Housing Act compliance officer at Traditions and other senior living facilities, and will implement new resident policies, including a new reasonable accommodation policy and a new motorized wheelchair policy.

FHCCI v. PMM, et al (IN)

- During a two year investigation, the FHCCI identified what the FHCCI alleged to be violations of the (1) accessibility requirements of the Fair Housing Amendments Act which apply to multi-family dwellings designed and constructed for first occupancy after March 13, 1991, and (2) the Americans with Disabilities Act which applies to areas that serve the general public, including rental offices and public parking spaces constructed after January 26, 1993 in 16 properties constructed by the Defendants.
- In June 2021, a [settlement](#) was reached. The settlement includes extensive retrofits and remedial actions in all public and common use areas at all involved properties, including, but not limited to, providing accessible routes to each villa unit, to the rental office, and to amenities around the properties; replacing external door hardware on villa entrance doors; adding more ramps and curb ramps and replacing sidewalks that have steep slopes; and providing the appropriate number of accessible parking spaces.
- Respondents have also agreed to establish a \$20,000 Modification Fund at each property (for a total of \$280,000) to pay for modifications to individual units or to the exterior of the property at the request of any resident or applicant. The Respondents also agreed to a settlement in the amount of \$275,000 as compensation for the FHCCI's attorneys' fees, costs, and other expenses. Other settlement terms will include providing fair housing publications, fair housing training for Respondent staff, and other relief in the public interest. Defendants admitted no fault as part of the resolution.



Fair Housing Justice Center v. Odyssey House Inc. (NY)

- In April 2021 [complaint](#), FHJC alleged that the defendants refused to provide American Sign Language (ASL) interpreter services and declined to give deaf persons access to their residential recovery facilities. The alleged conduct violates the Fair Housing Act, the Rehabilitation Act, the Affordable Care Act, the New York State Human Rights Law, and the New York City Human Rights Law.
- On one test, after a tester inquired about the availability of a sign language interpreter for his Deaf relative, the agent said, “Unfortunately we don’t have sign language here and he’s deaf so he wouldn’t be able to engage in group or individual sessions,” the agent continued, “so this level of care would not be appropriate. You might want to look at hospital-based settings, maybe they have somebody who translates sign language.”
- On another test, in response to a request for a sign language interpreter for his relative, the agent stated, “This is not the program for him because you know there’s a lot of talking required, group sessions, and things of that nature and he wouldn’t be as attentive as he would be if he had someone that could, uh, translate for him.” The agent added that she had never heard of a program that provides sign language interpreters and suggested the tester contact his relative’s insurance company.
- Agents also steered deaf applicants to other senior living facilities or made comments that the place of application would not be a good fit.
- November 2021 [settlement](#) of \$107,500 in damages and attorney’s fees and requires defendants to not deny applicants that are d/Deaf or hard of hearing, attend fair housing training, adopt new policies related to complaint, include depictions of protected classes in any use of human models in advertising, among other relief.

U.S. v. Dennis Parker, et al (WI)

- DOJ alleges that Dennis Parker, the onsite manager of the property, subjected a gay male tenant with a disability to unwelcome harassment, both verbally and through numerous text messages during his tenancy in 2020 and 2021.
- The complaint also alleges that Parker struck the tenant in the groin and threatened to evict him in retaliation for reporting the harassment to the police. The lawsuit also names as defendants Leaf Property Investments LLC which owns the property, and Sam Leaf, who manages the property. The complaint alleges that Parker managed the property on behalf of these defendants.
- The tenant, who later moved out of the property, filed a [complaint](#) with the Department of Housing and Urban Development (HUD) alleging that the defendants had violated the Fair Housing Act. After an investigation, HUD determined that the defendants had discriminated against the tenant in violation of the Fair Housing Act and it issued a charge of discrimination. After the tenant chose to have the matter decided in federal court, HUD referred the matter to the Justice Department.
- Pending.

Gender Cases



Redacted v. Perris Family Apartments, et al (CA)

- A female tenant alleged she was subjected to sexual harassment by the maintenance person, Kenneth Parker, and that the owners and manager failed to prevent further incidents of sexual harassment.
- Conciliation reached in 2022 for \$21,000 to the tenant, changes in rules and policies, and other relief.
- Complaint filed with HUD. No ruling occurred and defendants did not admit to any wrongdoing.

FHCCI, et al v. Long (IN)

- In August 2020, FHCCI filed a court complaint with an Indianapolis resident alleging that Henry Long engaged in discrimination and harassment against one of his female tenants by requesting that she engage in sex with him because she could not pay the monthly rent after being furloughed from her job due to the COVID pandemic.
- In March 2020, one of Long's female tenants contacted him and asked for a payment extension after she was furloughed from her restaurant job due to COVID-19. "I love your honesty...and I don't want to put you in a situation..but I'm in a situation..got mortgage payment due and property taxes due...let's figure this out together," Long said in a text message.
- She offered to pay him with her government stimulus check when it arrived, prompting him to ask, "you got a ride...?" Assuming he was asking if she had a ride to deliver the rent money, she replied that she could call an Uber or ask a friend to drive her. The following transcript of text messages then occurred.

- LONG: “So...you gonna stay all night?”

WOMAN: “What do you mean? I don’t know if you meant to send that to me”

LONG: “I did”

WOMAN: “I don’t understand what you mean[.] Stay where?”

LONG: “Stay wit[h] me tonight...get a shot of that”

WOMAN: “I don’t think I understand what you are asking. What do you mean?”

LONG: “U don’t want to...I understand...”

WOMAN: “I don’t understand. Are you asking in a sexual way?”

LONG: “Absolutely”

WOMAN: “That’s so inappropriate. I did not think you were that kind of person. I will be leaving soon. Don’t worry”

- The female tenant was shocked at Mr. Long's sexual advances, which were particularly outrageous during a pandemic and while she was financially vulnerable. As a result, she quickly started a housing search so that she could move out of the subject dwelling as soon as possible.
- A settlement was reached in November 2020. Mr. Long will pay \$45,900 in monetary relief to resolve the lawsuit. Mr. Long is barred from having any interaction with tenants. He will be required to retain and pay for services of a property manager to handle all day-to-day operations of the residential rental properties that he owns, including contact with tenants and potential tenants. Mr. Long and any agents shall also attend yearly fair housing trainings for the duration of the decree, along with other relief.

HUD v. 21 Palms RV Resort, Inc. & Nathan Dykgraaf (FL)

- In 2021 complaint filed with HUD, Complainant (Anonymous) alleged Defendants violated the gender protections under fair housing laws due to Complainant's gender identity and transitioning.
- In January 2021, Defendant gave letter to complainant which stated, "I have been informed of your actions to have your sex changed to a female, I am told you have started taking the necessary medication and that after a period of time your change will be completed. To avoid problems you must: 1. Act as a man 2. Talk as a man 3. Dress as a man 4. Avoid tight clothing that is revealing sexual organs. If you follow the above steps trouble will be avoided. Sincerely, Nathan D."
- After receiving letter, Complainant "recloseted" herself and stopped dressing and living in her true gender identity in fear of eviction or retaliation.
- In March 2021, Respondent Nathan Dykgraaf wrote to HUD, stating that Complainant is "not free to engage with other tenants about her clothing and transition that makes them uncomfortable. It is considered disruptive to the community."
- HUD issued a [charge](#) in June 2022.
- August 2022 [consent order](#) approved by a HUD Administrative Law Judge, requires 21 RV Palms Resort and Dykgraaf to pay the tenant and her family \$45,000 in damages. 21 RV Palms Resort and Dykgraaf are also barred from future discrimination and will undergo training on the Fair Housing Act, including training on transgender and gender non-conforming discrimination.
- The Consent Order does not constitute an admission of liability by 21 RV Palms Resort or Dykgraaf.

U.S. v. Centanni (NJ)

- Lawsuit filed by DOJ alleged that Joseph Centanni's harassment spanned a period of at least 15 years. He owned hundreds of units across 18 properties. According to the complaint, Centanni demanded sexual favors, like oral sex, to get or keep housing; offered housing benefits, such as reduced rent in exchange for sexual favors; touched tenants and applicants in a way that was sexual and unwelcome and made unwelcome sexual comments and advances to tenants and applicants. The complaint also alleged that Centanni initiated or threatened to initiate eviction actions against tenants who objected to or refused his sexual advances.
- Centanni focused his harassment on women, as well as men who were gay or bisexual. According to the complaint, Centanni participated in the federal Housing Choice Voucher Program (also known as Section 8) and received approximately \$102,000 each month in Housing Choice Voucher payments.
- The United States' complaint alleged that Centanni would take housing applicants and tenants to places on his properties like empty apartments, and empty laundry or storage rooms. There, he would do things like ask for massages, expose himself, demand oral sex and force people to touch him sexually. If people submitted to his demands, Centanni allowed them to move in, or keep their housing. If people did not submit, Centanni refused to rent to them, or evicted them.

- Under the December 2021 settlement, Centanni will pay \$4,392,950 in monetary damages to tenants and prospective tenants harmed by his harassment. The monetary settlement marks the largest ever obtained in a case alleging sexual harassment in housing.
- Centanni has sold all of his residential rental properties. He is permanently enjoined from owning and managing residential rental properties in the future.
- Centanni will be required to dismiss housing court judgments obtained in proceedings deemed to be retaliatory and take steps to repair the credit of any affected tenants.
- He must also pay a \$107,050 civil penalty to the United States, the maximum civil penalty allowed under the FHA. A separate criminal action pending by state prosecutors involves three dozen criminal counts, including criminal sexual contact and sexual assault.



A major New Jersey landlord allegedly forced at least 13 tenants into sex for rent relief and there may be more victims, prosecutors say. NBC New York's Brian Thompson reports.

Race, Color, National Origin Cases



Louisiana Fair Housing Action Center v. Grundmann Enterprises LLC, et al (LA)

- LaFHAC alleged in August 2020 [complaint](#) that on multiple occasions the onsite manager refused to follow up with Black prospective renters, quoted them higher rents, or lied about whether apartments were available, while providing better service and waiving application fees for white prospective renters.
- LaFHAC used fair housing testers to uncover discriminatory practices.
- During the tour, agent told white tester, “All the people are cool. I’m selective who I let move in. Even the Black people are really nice. Sweet people....The ones I let move in.”
- In April 2021 [settlement](#), defendants agreed to pay total of \$20,000, required its staff to take fair housing training, created/published non-discrimination policy, submit to monitoring for two years, and fired agent and barred him from acting in any capacity related to their residential properties.

FHCCI, et al v. Twin Creeks HOA/Kirkpatrick/Vicki New (IN)

- The FHCCI and a Black Indianapolis resident alleged that Vicki New, while a resident of the Twin Creeks subdivision, engaged in a campaign of harassment based on race and national origin against her neighbors for more than two years, and that Kirkpatrick Management and Twin Creeks Homeowners Association had the power to take strong action to correct or stop her conduct, but failed to do so.
- In August 2016, shortly after the Banks, a Black family, moved in, Ms. New began to verbally harass the Banks family. Ms. New called Ms. Banks a “black n----- bitch” and commented that the neighborhood was “better before all of you n----- moved in,” or words to that effect.
- On one occasion, Ms. Banks was inside her house and heard a commotion outside. She looked out and saw her husband and Ms. New arguing. Mr. James New (Ms. News’ husband) and an African American neighbor who lived on the same block were also engaged in the argument. Ms. Banks heard Ms. New yell, “this neighborhood was so much better without you people,” or words to that effect.

- Ms. Banks subsequently learned that the incident was sparked by Ms. New yelling at an African American neighbor who was driving in her car. Ms. New yelled, “slow down you n----- bitch,” or words to that effect.
- Ms. New frequently followed Ms. Banks’ daughter and other children of color to the bus stop.
- On several occasions, Ms. New called Ms. Banks and her daughter using the slur, “n----- bitch.”
- On or about August 22, 2017, Ms. Banks witnessed Ms. New yelling at a Latino worker who was inspecting the roof of another Twin Creeks house. Ms. New yelled that she “can’t stand none of you n-----s, f-gs, and Mexicans.” Mr. James New then came outside and called Mr. Banks a “n-----”. Ms. Banks called the police.

- On several occasions when Ms. Banks' daughter and her friends sat on their front porch, Ms. New yelled "shut your stupid mouths up" and other words to that effect. This occurred frequently during Spring 2018. Additionally, during a Banks family reunion, Ms. New shouted at the visitors – who were African American – to go inside.
- Ms. Banks and her family observed and heard about Ms. New's discriminatory treatment of other neighbors based on their national origin, and race, which contributed to the hostile environment. For example, in 2018, after a Latino couple moved into the house next door to the News' house, Ms. Banks observed Ms. New yelling at the Latino couple from her yard.
- Ms. New called the Latino woman "fat bitch," and a "piece of shit...who does not deserve to be a mother," or words to that effect. In the same incident, Ms. New said "you wouldn't be alive if my grandfather were still alive," or words to that effect. Ms. New said, "[t]hat fucking Mexican is going to be dead," or words to that effect, and threatened to "wrap a hose around your neck," or words to that effect.

- The Plaintiffs alleged between 2016 and 2018, many HOA residents contacted the HOA, or Kirkpatrick, or both, to complain about the News' campaign of discriminatory conduct. In response to those repeated complaints, Defendants stated that they could not do anything to stop Vicki New's conduct and advised complainants to rely on the police to help them.
- By summer 2016, the HOA was well aware that Ms. New routinely harassed, threatened, and intimidated other Twin Creeks residents. In June 2016, the HOA's attorney issued a cease-and-desist letter to the News demanding that Ms. New "immediately stop telling the community's members, residents and contractors that you are a member of the Board of Directors or otherwise acting on behalf of the Association," and that Ms. New "cease any behavior that could be deemed as harassment, bullying or mistreatment of the community's residents."
- Although the HOA failed to enforce the provisions of the covenants to stop News' discriminatory behavior, the HOA did not hesitate to initiate legal proceedings in 2017 against Mr. and Mrs. New based on non-payment of HOA dues.

- After receipt of a complaint by a resident, the FHCCI began an investigation and some local news stories also broadcast the experiences of HOA residents. Only then did the defendants finally try to take action against the News.
- In late 2018, the News sold their home and moved out.
- The FHCCI and Ms. Banks filed fair housing complaints and an eventual lawsuit.
- In January and December 2021, a federal court ruled in separate orders that the fair housing complaint could proceed against the named Defendants. Specifically:
 - On the federal Fair Housing Act and Indiana Fair Housing Act claims, Judge Tanya Walton Pratt ruled, “The Plaintiffs have standing to assert their fair housing claims because they have sufficiently alleged an injury at the hands of the Association Defendants for discriminatory housing practices under a theory of direct liability pursuant to 24 C.F.R. § 100.7. The Act prohibits a broad range of discriminatory housing practices beyond just a refusal to rent or sell a home and constructive eviction, and a defendant may interfere with fair housing rights under Section 3617 even without a constructive eviction.”
 - On the Section 1982 claims, the court further ruled, “There are sufficient factual allegations to draw an inference that the Association Defendants had discriminatory intent in interfering with Banks' right to hold real property when they initiated legal action against New for failing to pay HOA dues but not pursuing legal action when New engaged in egregious, racially-discriminatory conduct that affected property rights—all when the Association Defendants had the authority and power to intervene.”

- The Court entered default judgment against Vicki New in April 2021.
- In March 2022, a settlement was reached with the HOA and Kirkpatrick. As part of the settlement, Defendants will update policies on how to handle discrimination and harassment allegations, will participate in fair housing training, and pay \$262,500 as compensation for the Plaintiffs' damages, attorney fees, and costs.
- In June 2022, a federal judge entered a judgment requiring Vicki New to pay a total of \$226,222.52 as a result of the discrimination including punitive damages.
- The Defendants made no admission of liability or wrongdoing in connection with the allegations and claims made.

Housing Equality Center of Pennsylvania, et al v. Residential Management, et al (PA)

- A family had their application for tenancy rejected by Aspen Grove Apartment Homes due to the complex's policy of requiring that all adults have a social security number. The husband had a social security number, an outstanding credit score, and an income which qualified the family to rent the apartment. His wife had lawfully arrived from Colombia and was lawfully residing in the United States, but was not yet a citizen and did not yet have a social security number.
- HECP conducted an investigation and discovered that Residential Management's policies and practices at Aspen Grove and their other rental complexes were discriminatory on several bases:
 - Residential Management's requirement of a social security number for all adult applicants has an unlawful discriminatory impact based on national origin and race, in that it is effectively a policy that excludes people who have lawfully immigrated to the U.S. from another country but have not yet received a social security number.
 - Residential Management's policies and procedures included a blanket ban on rentals to persons who have any type of criminal background which has an unlawful discriminatory impact based on race and national origin. This policy did not contain a process for an individualized assessment to determine whether or not an applicant posed a direct threat to other persons or property, or any other less discriminatory alternative.
 - Residential Management's policies and procedures contained occupancy standards at some complexes which had an unlawful and discriminatory impact on families with children. The Aspen Grove policy limited occupancy of a two bedroom apartment to three people and occupancy of a three bedroom apartment by four people. These stringent limitations were not justified by local property maintenance codes and limited the housing opportunities available to families in violation of the Fair Housing Act.
- 2022 settlement of \$450,000 in damages to the complainants, to HECP to cover a portion of the costs incurred to bring about the agreement and to provide future consumer education regarding the fair housing rights of southeastern Pennsylvania residents, and legal fees. The respondents also agreed to adopt revised policies addressing the acceptance of alternative forms of documentation for applicants without social security numbers, a less discriminatory criminal background screening process, and less restrictive, more appropriate occupancy standards.

Louisiana Fair Housing Action Center v. Sailboat Bay Apartments LLC, et al (LA)

- Plaintiffs alleged in 2017 [HUD complaint](#) that the property used a racially discriminatory blanket ban on renting to anyone with a criminal record, including arrests or convictions.
- In LaFHAC's [Locked Out report](#), revealed African Americans were discriminated against/treated less favorably 50% of the time due to presence of their criminal history as compared to similarly situated white applicants.
- Across the country, arrest rates are 2.5 times higher for African Americans than for whites, and pre-trial detention rates for African Americans are 5.2 times the rate of white defendants. In Louisiana, African Americans make up 32% of the total population, yet African Americans account for a full 66% of the prison population.
- February 2022 [settlement](#) of \$35,000 in monetary damages and to adhere to a new admissions policy drafted by HUD and LaFHAC. The new policy is designed to ensure that arrests, charges, expunged or vacated convictions, misdemeanor convictions, and any felony convictions that took place more than five years ago, will not be considered since the HUD guidance states they are not a “reliable basis upon which to assess the potential risk to resident safety or property posed by a particular individual.”

U.S. v. Crimson Management LLC, et al (GA)

- The May 2020 [complaint](#) alleged that the defendants violated the Fair Housing Act by discriminating on the bases of race and color when they steered African-American housing applicants who were elderly and/or had a disability away from Cedarwood Village, a predominantly white housing complex for elderly persons and persons with disabilities, to less desirable units at Cedartown Commons, a predominantly African-American general occupancy complex.
- The complaint also alleged that defendants maintained and perpetuated racial segregation of the elderly and disabled population at Cedarwood Village and Cedartown Commons.
- The [consent decree](#) requires the defendants to pay \$83,000 in damages/settlement fund to three former tenants who were harmed as a result of the defendants' racial steering, pay a \$4,500 civil penalty to the United States, implement nondiscriminatory policies and procedures, complete fair-housing training, and submit periodic reports to the Justice Department.

L.A. Tenants Win Groundbreaking \$2.5 Million Settlement in Housing Discrimination Lawsuit



Source: https://youtu.be/jxazlqCr_sE

Martinez, et al v. Optimus Properties LLC (CA)

- Lawsuit asserted that a Los Angeles based real estate investment firm targeted Spanish-speaking tenants, tenants with mental disabilities, and families with children in L.A.'s Koreatown neighborhood
 - blanketing them with unmerited eviction notices, leaving their units in disrepair, and verbally attacking their disabilities and national origin
- Alleged a concerted effort to remove those viewed as “undesirable” from six apartment buildings in the rapidly gentrifying neighborhood.
- The complaint alleged Respondent would renovate the vacated units in order to rent to younger, English-speaking tenants – a process that they called their “Koreatown strategy.”

- \$2.5 million settlement with defendants paying Strategic Actions for a Just Economy (SAJE) and Step Up on Second Street \$208,000 in damages and the individual plaintiffs a total of \$677,000, plus attorneys' fees and costs.
- Defendants also agreed to rent the next seven available units to applicants using Section 8 vouchers, they will repair deficiencies in the apartments identified by city inspectors, implement non-discrimination and reasonable accommodation policies, advertise available units in Spanish and English, and participate in fair housing training.

U.S. v. Cox (MS)

- The Justice Department announced that Axel C. Cox, 23, has been charged with hate crime and arson violations for burning a cross in his front yard to threaten, interfere with and intimidate a Black family in Gulfport, Mississippi.
- According to [court documents](#), Cox is charged with one count of criminal interference with the right to fair housing and one count of using fire to commit a federal felony.
- The indictment alleges that on Dec. 3, 2020, Cox threatened, intimidated and interfered with a Black family's enjoyment of their housing rights. According to the indictment, Cox burned a cross in his front yard, and used threatening and racially derogatory remarks toward his Black neighbors. Cox allegedly chose to burn the cross because of the victims' race.
- Pending.

U.S. v. Donner (KS)

- On Sept. 11, 2019, Colton Donner, 27, was driving through a residential area of Paola, Kansas, when he saw the victim, an African American man, walking on the sidewalk. Donner stopped, got out of the car, and approached the victim while brandishing a knife. Donner threatened the victim, yelled racial slurs, and told the victim that Paola is a “white town.”
- The victim had been living in Paola which is almost 90% white and 4% African American, according to population data.
- In February 2022, Donner pleaded guilty to intimidation and interference with the man’s right to fair housing.
- Sentenced in June 2022 to 27 months in federal prison and 18 months of supervised release

U.S. v. Hoehn (IN)

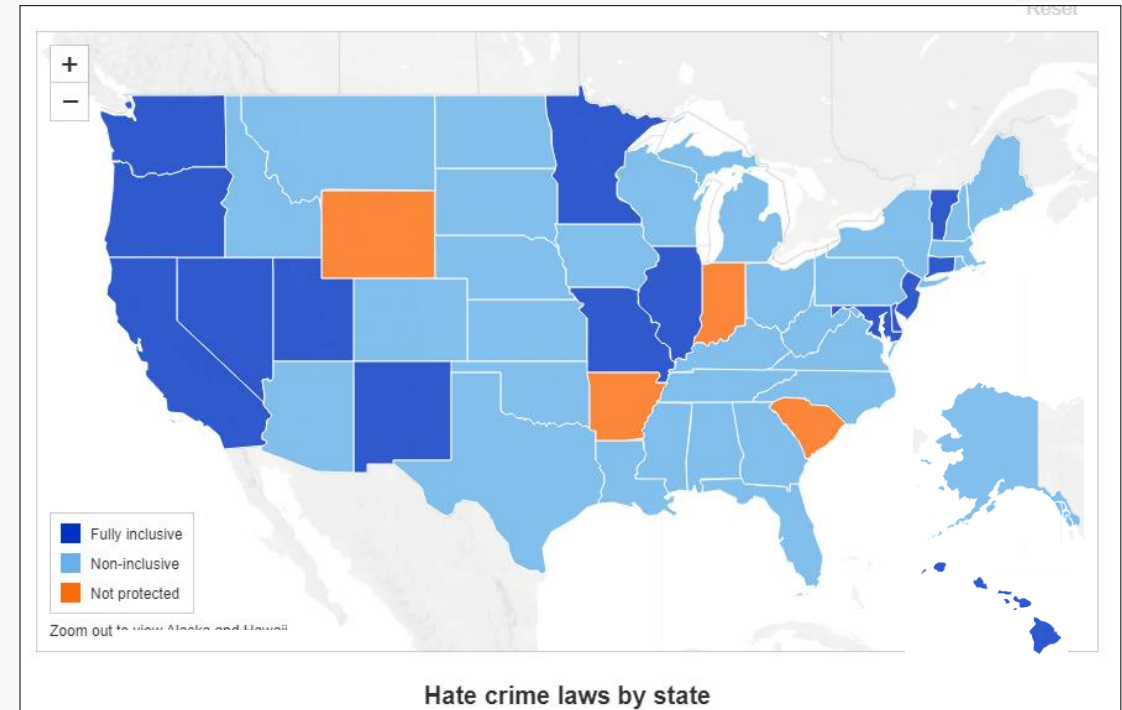
- Shepherd Hoehn, 51, of Lawrence, pleaded guilty in federal court to making threats to intimidate and interfere with his neighbor, who is Black, because of the neighbor's race and because the neighbor was exercising his right to fair housing. Hoehn also pleaded guilty to unlawfully possessing firearms.
- On June 18, 2020, a construction crew began working at the direction of Hoehn's neighbor to remove a tree from the neighbor's property. Upon learning of the tree removal, Hoehn became angry and took several steps to threaten, intimidate, and interfere with his neighbor and the construction workers.
- Specifically, Hoehn placed and burned a cross above the fence line facing his neighbor's property; created and displayed a swastika on the outer side of his fence, facing his neighbor's property; created and displayed a large sign containing a variety of anti-Black racial slurs next to the swastika; visibly displayed a machete near the sign with the racial slurs; loudly played the song "Dixie" on repeat; and threw eggs at his neighbor's house. On July 1, 2020, the FBI executed a federal search warrant at Hoehn's home. During the search, several firearms and drug paraphernalia were located.
- In June 2021, Hoehn was sentenced to 46 months in federal prison and three years of supervised release for these offenses.

Doesn't Indiana Have a Hate Crime Law?

- In the 2019 Indiana General Assembly, [SB 12](#), a bill supported by businesses and advocates, was introduced and heard before the Senate Public Policy Committee. This comprehensive and inclusive bias crimes bill was passed by the Committee in a vote of 9-1 in bipartisan support.
- However, when the bill went to the Senate floor, the bill was amended to remove any references to any protected groups or classes targeted by hate or bias. Bills in other states who have removed those characteristics have been found to be unconstitutional, or unenforceable, due to the vagueness of the language.
- The FHCCI, and fellow advocates, could no longer support SB 12 in its amended version. Unfortunately, SB 12 was passed by the Indiana Senate 39-10 in a party line vote.
- However, in a twist, instead of SB 12 moving to a House Committee, however, House leadership then amended [SB 198](#), an unrelated sentencing bill, on the House floor after it had passed the House and Senate committees in its original sentencing language-only form.

- Public testimony was therefore not taken on this amended bill - only floor debate by legislators. Supporters of the bill claimed the floor amendment included alleged bias crimes language. However, the statute and/or the bill language did not include **gender, gender identity, age, or ancestry** in its list of personal characteristics and included language noting that offenses also included “bias due to the victim's or the group's real or perceived characteristic, trait, belief, practice, association, or other attribute the court chooses to consider.”
- Advocates argued that this broad language would make the bill unenforceable and, possibly, unconstitutional, due to rulings and actions in other states with similar language. The lack of inclusion of all groups commonly targeted by hate was also a critical flaw. The FHCCI, and many other advocates, could not support this bill with all its many problems. It was; however, signed into law by Governor Holcomb and touted as Indiana passing a hate crime law. We disagree to this day.

- After the 2019 Indiana General Assembly ended, ADL evaluated the passed legislative language and determined that Indiana's new law did NOT meet their definition of a hate crime/bias crime law.
- The only state with language similar to Indiana, Utah, is unable to effectively utilize their statute because it is too broad.
- **Are bias crimes statutes constitutional?** The U.S. Supreme Court ruled unanimously in *Mitchell v. Wisconsin* (1993) that bias crime statutes punished action, not thought, and in no way “cooled” or limited free and constitutional speech or religious practices. 45 of the 46 states with a bias crime statute utilize some sort of “protected classes” such as race, religion, national origin, etc.



Indiana is now one of only 4 states without a comprehensive and inclusive hate crime law.

- **What Indiana General Assembly action is needed for Hoosiers?** Define what constitutes a bias motivated crime in statute, which should include specific “protected classes” that are all groups commonly targeted with hate.
- Create a sentencing tool, such as an aggravator or enhancement, for prosecutors and judges to fully address the bias motivation behind the crime.
- Update and enhance current reporting requirements, which will require Indiana bias-crime data to be reported to the FBI.
- Establish uniform law enforcement education standards to ensure agencies and officers are properly trained on how to recognize and respond to bias motivated crimes.
- Want to learn more? Read our [Policy Brief](#) or visit the [FHCCI Hate Crime Page](#)

Rental Resources – Learn More



**Live
life in
full
color.**

Encourage and accept diversity in your neighborhood and community. It will promote a greater sense of engagement, better prepare your children for the global community they will inhabit...give us all a richer life. To better understand how neighborhood diversity will benefit you and your family, please log onto www.ARicherLife.org.

NFHA
National Fair Housing Alliance
www.ARicherLife.org

STATE FARM
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FAIR HOUSING CENTER
of CENTRAL INDIANA
www.fhcci.org

Abigail's Housing Discrimination Story



<https://youtu.be/6bws-euFTbU>

Sarah's Housing Discrimination Story



for the future. And I moved into an apartment.
As I was getting accustomed to my environment

<https://www.youtube.com/watch?v=mCnA8WOApAE&t>

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EDUCATION PROGRAM

The Education Program of the Fair Housing Center of Central Indiana provides education programs and activities to increase fair housing knowledge. We conduct trainings and conferences, distribute publications, support community events, issue e-newsletters, provide social media alerts and a website, release reports, and other activities to advance knowledge about fair housing laws. We work with consumers, the housing industry, and state and local policy makers to advance fair housing.

On this page and this page's topical subpages, you will find a variety of publications and guidance about relevant fair housing issues.

Please note that if alternative formats of any of these publications are needed for those with disabilities, please [contact the FHCCI \(info@fhcci.org\)](mailto:info@fhcci.org) and we will attempt to accommodate.

What is Fair Housing?

Fair housing is a right—not a privilege. Fair housing is the law—not just an idea. Each of us is a member of several protected classes. Fair housing laws apply to and protect all of us! Fair housing is about exercising a choice and choosing where you want to live based upon your own economics. It's the promotion of healthy, diverse neighborhoods.

Fair Housing Law

There are a number of laws concerning discrimination in housing. While the Federal Fair Housing Act is the law most frequently cited, the federal government has a number of laws and executive orders addressing the issue.

Generally speaking there are four basic components to any allegation of unlawful housing discrimination:

1. A protected class that is covered by the law, and
2. A discriminatory act or practice that is covered by the law, and
3. The most recent discriminatory act that occurred meets jurisdiction timelines, and
4. The allegation involves a kind of housing covered by the law(s)

Programs

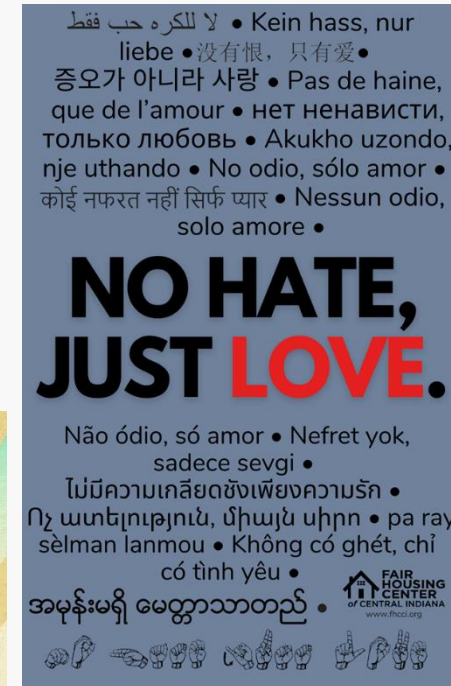
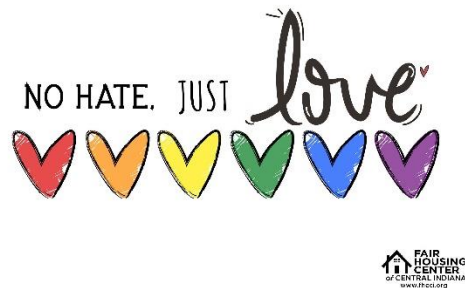
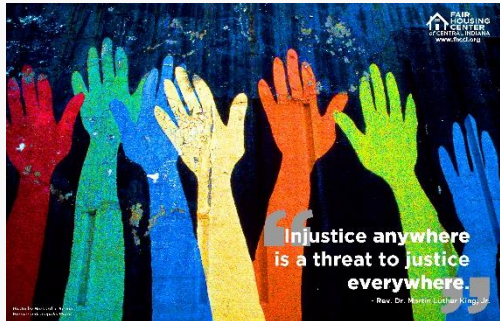
- Advocacy
- Education
 - Advertising
 - AFFH
 - Appraisals
 - Criminal History
 - Disability
 - Familial Status
 - Gender
 - Gender Identity, Expression, & Transgender
 - Hate Crimes
 - Human Relations Commissions
 - Insurance
 - Landlord/Tenant
 - Lending
 - Military Service Veteran Status
 - National Origin, Immigration, & Refugee Status
 - PSA
 - Race & Color
 - Religion
 - Rent to Own & Land Contracts
 - Sales
 - Sexual Orientation
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 - Videos
 - Zoning
- Inclusive Communities
 - Art
 - Social Justice Art
- Public Policy
 - 2014 Public Policy

FREE Fair Housing Posters/Yard Signs!

- Visit

<https://www.fhcci.org/about/publications/>
to order.

- Posters are mailed free to any Indiana address.
- Yard signs must be picked up at FHCCI office in downtown Indianapolis.



Reminders & How You Can Help Fight Housing Discrimination!

- Report discrimination
- Visit our Education, Public Policy, or News Page at www.fhcci.org for more fair housing information
- Follow us on [Twitter](#), [Facebook](#), [LinkedIn](#), or [YouTube](#)
- Sign up for our monthly e-newsletters (go to www.fhcci.org)
- Attend our trainings and/or conference – [Events Page](#)
- [Donate](#)! We are a 501c3 organization
- Contact us with questions!

