

Recent Litigation, Settlements & Complaints

Against Architects, Developers, Builders, Engineers, & Governmental Jurisdictions

“Most significant judicial opinion involving homelessness in the history of the nation” says ACLU/Southern California Legal Director, Mark Rosenbaum.

The Ninth Circuit Court of Appeals issues a decision in *Jones v. City of Los Angeles*. The decision decriminalizes homelessness by preventing Police from arresting people for sleeping, sitting, or lying on public sidewalks when shelters are full. See the full article at fairhousing.com/advocate.

DOJ settles design and construction (D&C) case with property’s architects, builders, developers, and engineers. Settlement includes retrofits and \$320,000 accessibility fund.

The parties involved in the D&C of several Memphis, Tennessee apartment complexes have agreed to make retrofits to ground floor units and common areas of the apartment communities in order to make the properties accessible to individuals with disabilities as required by the Fair Housing D&C Standards. Additionally, they will place \$320,000 into a fund to help individuals living in Shelby County, TN, make accessibility improvements to their individual homes. The fund will be administered by the Memphis Center for Independent Living. See the full article at fairhousing.com/advocate.

DOJ settles D&C case with property’s architects, builders, developers, and engineers. Settlement includes retrofits totaling more than \$1,000,000, establishment of \$200,000 accessibility fund, payment of \$200,000 in damages, and \$50,000 in civil fines.

The parties involved in the

D&C of several Olathe, Kansas apartment complexes have agreed to make retrofits to building units and common areas of the apartment communities in order to make the properties accessible to individuals with disabilities as required by the Fair Housing D&C Standards. See the full article at: fairhousing.com/advocate.



Westchester County Charged With Failing To Meet Its Fair Housing Obligations

A federal lawsuit was served on Westchester County, NY alleging that the county got more than \$45 million in federal funds by falsely certifying that it was complying with its obligations to affirmatively further fair housing.

The suit, brought by the Anti-Discrimination Center under the federal False Claims Act, points out that the municipalities that make up the Westchester Urban County Consortium are starkly segregated: 40% of Consortium communities have populations that are 1% Black or less, and more than 60% of Consortium communities have populations that are 3% Black or less.

The Center alleges that, contrary to Westchester’s obligations under federal law and regulation, the County failed to conduct a proper Analysis of Impediments to Fair Housing. The County’s obligation to “affirmatively further” fair housing goes well beyond the requirement to avoid discriminatory conduct; it actually requires the County

to take affirmative steps to eliminate discriminatory barriers, whether imposed by public or by private parties.

continued on next page



Michael Allen, an attorney with Relman and Associates, PLLC, the nationally-renowned fair housing law firm which is lead counsel in this case said: "Segregation is alive and well in Westchester County, even though its elected officials promised to use federal housing funds to dismantle racial barriers. Far from 'affirmatively furthering fair housing,' the County has permitted segregated living patterns to be perpetuated."

Craig Gurian, Executive Director of the Anti-Discrimination Center said: "The 20th century problem was government officials who harbored racial animus; the 21st century problem is County officials of good will who are nevertheless unwilling to take the simple – but politically difficult – steps necessary to change the racially segregated status quo and comply with their federal obligations."

Developers of an Idaho apartment complex must pay \$58,000 to aggrieved individuals and complete retrofits within one year.
On July 18, 2006, the Court entered a Consent Order

resolving *United States v. Taigen & Sons, Inc., et al.* (D. Idaho), a Fair Housing Act pattern or practice case alleging discrimination on the basis of disability. The complaint alleged that the defendants failed to design and construct Centennial Trail Apartments in Post Falls, Idaho, in accordance with the accessibility provisions of the Act and the Americans With Disabilities Act.

The Court found that the defendants violated the Act and the ADA by failing to design and construct the complex in accordance with both laws. The complex fails in many respects to meet the accessibility requirements, e.g., the rental office was on the second floor and its bathroom and other features were inaccessible; interior doors are too narrow; the kitchens and some bathrooms lack sufficient maneuvering space; and common areas, including the mailboxes and sidewalks, are inaccessible.

On January 25, 2006, the court issued an order that the retrofits must be made within

one year and without regard to whether any resident requests the retrofits. Pursuant to the Consent Order, the defendants will complete the retrofitting and pay \$58,000 to compensate aggrieved individuals, including residents who experienced difficulties living at the complex and persons who were unable to live there, due to its non-compliance.

Ready to Rent

Do you or someone you know own residential property in the Portland-Vancouver market?

If so then you need to know about the region's renter education program called Ready to Rent.

The program is designed to assist applicants in addressing past issues and creating a realistic housing plan and household budget. High standards are set for graduation; to be sure, not all students complete the program. For those that do, there are financial incentives for landlords who accept Ready to Rent graduates.

It is perfectly legal to have alternative screening criteria under Fair Housing laws; so long as all criteria are applied to all applicants without regard to any protected class status.

For more information:

Clackamas County

Call: 503/650-5647

Clark County

Call: 360/906-9117

Multnomah County

Call: 503/802-8494

Washington County

Call: 503/640-3263



**FOR
RENT**