

Retaliation Cases

1- *Arnal v. Aspen View Condo Ass'n*–Owner of a condo unit granted his tenant's reasonable accommodation request for a dog. Owner claims the condo association retaliated against him by issuing fines. The court ruled that the plaintiff can have a retaliation claim even in the absence of underlying discrimination.

2- *U.S. v. Whitescarver*–The Whitescarvers were found to have violated the Fair Housing Act by discriminating against tenants on the basis of sex, including severe and pervasive sexual harassment. They also retaliated, such as by filing evictions against female tenants who refused or reported sexual advances. Defendants were ordered to pay \$220,000 to the complainants.

3- *U.S. v. Dally*–Landlord denied a reasonable accommodation request for an assistance cat and the tenant filed a Fair Housing Act complaint. The landlord terminated the family's lease in retaliation. The landlord was ordered to pay \$23,500 to the complainant.

Filing a Complaint

Report Fair Housing Act harassment, retaliation, & discrimination to HUD. Document what happened, the date of the incident, & any witnesses. Complaints must be filed within one year of the discrimination.

HAVE MORE QUESTIONS ABOUT THE FAIR HOUSING ACT?

Talk to a lawyer for **free** by calling Idaho Legal Aid's Housing Advice Line at **208-746-7541** (TRS, dial 7-1-1).
Mon-Thurs 10 am - 4:00 pm MT.

Or apply online at idaholegalaid.org.

NEED TO FILE A FAIR HOUSING ACT COMPLAINT?

Contact HUD at 1-800-669-9777 or 1-800-927-9275 (TDD) or visit hud.gov/fairhousing

Fair Housing Resources:

hud.gov/fairhousing

idaholegalaid.org

ifhcidaho.org

humanrights.idaho.gov

Idaho Legal Aid Housing Advice Line:
208-746-7541

The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government.

Your Fair Housing Rights: Harassment & Retaliation



Idaho Legal Aid
Services, Inc.

What is the Fair Housing Act?

The Fair Housing Act, Title VIII of the Civil Rights Acts, prohibits discrimination in housing.

The Fair Housing Act makes it illegal to discriminate against someone in a housing matter because that person belongs to a protected class. The protected classes are: Race, Color, Sex, Religion, National origin, Disability, and Familial status (presence of minor children).

Harassment

The Fair Housing Act prohibits intimidating, threatening, or interfering with any person's exercise of their fair housing rights. This includes prohibiting harassment in housing and housing-related transactions because of race, color, religion, sex, national origin, disability, and familial status. Owners, property managers, HOA's, other tenants, neighbors, and other homeowners can all be liable for harassment.

Examples of Illegal Harassment:

- Repeatedly yelling anti-Muslim slurs at a Muslim tenant
- Taunting and threatening a person with a mental disability
- Subjecting a person to pervasive racial epithets or defacing a person's home with racially derogatory or threatening words or images

Harassment Cases

Where appropriate, HUD will take legal action to enforce the Fair Housing Act. The following are recent examples of cases referred to the U.S. Dept. of Justice related to harassment.

1- *United States v. Collier* - A neighbor yelled racial epithets at the complainant, who was Indian-American, and discouraged people from visiting her business. Told her "You are going to die. God hates you. This is white man's land." The neighbor was ordered to pay the complainant \$10,000.

2- *United States v. Applewood of Cross Plains* - Three tenants made offensive comments to the complainants' daughter, such as "You belong in an institution" and referring to her as "mentally retarded." They filed a complaint with the landlord but the landlord took no action and one neighbor continued to harass their daughter. The landlord was ordered to pay the complainant \$17,500.



Retaliation

The Fair Housing Act makes it illegal to retaliate against any person because that person reported a discriminatory practice to a housing provider or other authority. This includes retaliation against the person making the fair housing complaint, or against a person assisting with a complaint, or against an employee. Even if an underlying complaint lacks merit, a retaliatory action is its own separate violation of the Fair Housing Act.

Retaliation Examples:

- Pressuring someone to deny housing to an applicant because of their race.
- Threatening a tenant with eviction because they requested a reasonable accommodation related to their disability.
- Refusing to renew a tenant's lease because they filed a Fair Housing Act complaint.
- Firing an employee because they cooperated with a U.S. Dept. of Housing and Urban Development (HUD) investigation.
- Raising a tenant's rent because they informed other tenants of their fair housing rights.