



# Fair Housing Gazette

The newsletter of the Fair Housing Project  
of the Legal Aid Society of Palm Beach County, Inc

"Making a difference in peoples lives"

Spring 2007



## Our Mission

To provide outreach, education, advocacy and enforcement of all federal, state and local housing laws to ensure that no Palm Beach County resident is denied access to housing based upon his/her race, color, religion, national origin, sex, disability, marital status, familial status, age, and/or sexual orientation.

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## IT WAS TRULY A FAMILY AFFAIR

In April, the Fair Housing Project in collaboration with the Children's Services Council, Glades Area Family & Community Partnership, the Beacon Center at Pioneer Park Elementary School, the Belle Glade Weed & Seed Program, and the Palm Beach County Sheriff's Office sponsored what has become an annual occurrence, "*Family Day in the Park*", at Glades Pioneer Park, Belle Glade, Florida. The event is held in recognition of Fair Housing Month.

Throughout the day, Glades area organizations participated in a resource fair in which representatives distributed information and materials regarding the services in the community that were available to the residents. There were many activities for the children. Among them were arts and craft, face painting, distribution of books and other literature, bounce houses, and games. There was also an egg hunt. A roll over simulator demonstration by the State Troopers of the Florida Highway Patrol. Raffle drawings throughout the day of very nice prizes. Terrific entertainment by Al Fuentes and his dance team. Food and drinks were provided free of charge to all participants. Services were made available to 102 families approximately 400 people. The "Day" was a great opportunity for families to spend some quality time together.

## THE GLADES COMMUNITY HONORS A FEW OF IT'S GREATEST RESOURCES

In April, the Glades Interagency Network (G.I.N.) held its second *Community Awards Recognition Luncheon* at the Dolly Hand Cultural Arts Center, which is located on the campus of Palm Beach Community College in Belle Glade, Florida. This year's event was sponsored by the Fair Housing Project of the Legal Aid Society of Palm Beach County, Inc. The event centers around those who have made a difference in the Glades community during the past year by giving of themselves to help others, going above and beyond

their duties, in an effort to better the community as a whole. Three cities that make up the Glades area, Belle Glade, Pahokee, and South Bay, were well presented. The theme of this year's event was the effect of Fair Housing in Palm Beach County. The keynote address was given by Pamela Guerrier, Esq., Manager of the Palm Beach County Office of Equal Opportunity.

Each honoree was presented with a crystal plaque in recognition of their outstanding service for others in the community. In all, it was a wonderful way to share a Spring afternoon.

## IN THE NEWS

### INSPECTORS BLOW WHISTLE ON BELLE GLADE HOUSING

Poor housing conditions have existed for quite some time in the poor farming town of Belle Glade. Immigrant farmhands have historically lived in wooden shacks or rooming houses with community bathrooms. Coincidentally, the village of Wellington has become the watch dog for the town.

Under a special agreement, Wellington officials began documenting the problems uncovered during their inspection of the housing in Belle Glade. Officials have concerns about Belle Glade leadership not addressing these deplorable conditions. Construction of new homes and businesses could not happen until these issues are addressed.

The initial survey identified more than 300 dilapidated units, including rooming houses, multifamily dwellings, single-family homes and mobile homes with severe structural defects or building code violations. Many of the homes were missing roofs, had downed pilings, or were starting to collapse. Besides the dilapidated condition of the housing units, the situation raises many fair housing issues such as affordability and accessibility of housing in Belle Glade. It speaks to those persons who are fortunate enough, or in many instances, desperate enough, to rent or actually purchase one of these housing units. (continued on page 3)

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**HOUSING DISCRIMINATION IS WRONG!!!**

**You have a right to Fair Housing!**

If you think you have been treated unfairly, contact us by phone, fax, mail or e-mail:

Phone: 561.655.8944  
Toll Free: 800.403.9353  
Fax: 561.655.5269

423 Fern Street, Suite 200  
West Palm Beach, FL 33401

E-mail:  
[fhp@legalaidpbc.org](mailto:fhp@legalaidpbc.org)  
[www.legalaidpbc.org](http://www.legalaidpbc.org)

\*The Legal Aid Society of Palm Beach County, Inc. is a non-profit 501 (c)(3) corporation.

**READ THE FINE PRINT!**

A common practice in the busy world we live in today is signing documents and contracts without fully reading them. For a Palm Beach Gardens woman, the failure to read the fine print severely hindered her chances to recover under federal, state or local fair housing laws.

Sanctuary Cove, an apartment complex in Palm Beach Gardens, has a "couple or one heartbeat per room" policy, which basically prohibits two people from living in the same room together unless they are a couple. For a single mother with two kids, the policy would prohibit this type of family from leasing a two bedroom apartment and instead would force this family to rent a three bedroom unit which would be at a much higher rate, possibly pricing them out of housing. It is this policy that has led to a familial status discrimination suit against Sanctuary Cove.

However, the lease the woman signed contained a waiver clause, which is something that is fairly standard on most lease agreements. The waiver clause is one in which a tenant waives his or her right to a trial by jury should any cause of action arise from the agreement between the tenant and the landlord. The owners of Sanctuary Cove claimed that since she signed the agreement, the woman waived her right to a jury trial for her fair housing claim. The woman asserted that her fair housing claim did not concern the agreement because it was not a breach of contract claim. She believed that a fair housing claim was outside the realm of the contract, therefore, the waiver clause did not apply in this situation.

The issue for the Court of the Southern District of Florida was whether any federal, state, or local fair housing claims "arose or were related to" the lease agreement between the woman and the owners of Sanctuary Cove. The Court ruled that fair housing claims were at least "fairly direct" and related to the lease agreement. In essence, the woman is now without the benefit of a jury trial for her fair housing claim against Sanctuary Cove.

The moral of the story is if you sign a lease agreement, or any contract for that matter, without reading the document, you may subject yourself to significant disadvantages for claims that may arise from the agreement. In this case, the woman was not able to thoroughly pursue her possible fair housing claim. So don't forget to read your lease agreements, ask questions about items such as waiver clauses, and understand your rights as a tenant. Make sure that you always check the fine print.

(Information from this article comes from Milsap v. Cornerstone residential Management, Inc., Slip Copy, 2007 WL 965590 S.D.Fla., 2007)

**CASE NOTE**

**DISABLED CONDOMINIUM RESIDENT SEEKING A PLACE TO PARK**

The Fair Housing Project is working on a potential disability discrimination case in which an elderly resident of 610 Clematis Condominiums, who is disabled, was prevented from parking in the handicap parking spaces. Though he has a valid handicap parking pass, the resident is forced to park in his assigned parking space which is approximately 100 yards from an accessible entrance to the building. The resident suffers from numerous medical conditions and has had two heart attacks that now make it extremely difficult for him to walk long distances.

When the resident attempts to park his car in a handicap parking space in the parking garage, he is threatened by security as well as members of the condominium association board to have his car ticketed, booted, or towed. These individuals told the resident that the handicap parking spaces are reserved solely for visitors and commercial purposes. (continued on page 3)

**PERSONS WITH DISABILITIES ARE ALSO PROTECTED UNDER FAIR HOUSING LAWS**

Those seeking housing with any kind of mental or physical disability are protected against housing discrimination by federal housing laws (Fair Housing Act, Sec. 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act) as well as state and local fair housing laws. Pay attention to acts by the housing provider such as: refusing to rent/changing rental terms, asking questions about your disability, refusing to either grant a reasonable accommodation or reasonable modifications, not complying with accessibility requirements, or using harassment or intimidation because of your disability. Housing providers must be in compliance with the law. *For more information, contact The Fair Housing Project at (561) 655-8944 or [fhp@legalaidpbc.org](mailto:fhp@legalaidpbc.org).*

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## **(CONDOMINIUM HANDICAP PARKING SPACE-continued from page 2)**

The issue is whether a condominium can limit the use of their handicapped parking spaces, thereby preventing certain disabled individuals from access to those spaces. The association believes that it does not have to provide these handicap parking spaces to its residents because they already have assigned parking spaces. Also, another issue is whether an assigned parking space for an individual who disabled, that is approximately 100 yards away from the entrance to the building is reasonable.

The Fair Housing Project submitted a written request for a reasonable accommodation which essentially asked that the resident either be granted an assigned parking space that is closer to the building or be allowed to park in a handicap park space in the parking garage. Stay tuned for updates and results in this matter.

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## **(WHISTLEBLOWING ON BELLE GLADE HOUSING –continued from page 1)**

Wellington inspectors catalogued the number of substandard housing units per street and photographed the worst examples. A Belle Glade city official expressed shock from viewing the findings. It was eye opening to find out how these conditions could have gone on for so long without being addressed. Due to what may be deemed as a lack of interest or concern for the well being of its citizens, the city has allowed housing providers to come in and conduct practices that force residents to either to accept the housing in its current miserable state or continue to have nothing at all.

Many of the structures had pilings that were broken or tilted, definitely unstable, and appeared ready to give way. You even had residents tying together wiring from an extension cord and jumper cables and attaching the cables to Florida Power & Light lines to get electricity. This further illustrates the point of desperateness some residents feel to make due with what they have, despite performing such a dangerous act.

In order to grow, change is needed. These Wellington officials have blown the whistle on Belle Glade's housing woes. Address the problems before it is too late to grow.

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## **HUD CHARGES CALIFORNIA LANDLORD WITH REFUSING TO RENT TO DISABLED MAN**

The U.S. Department of Housing and Urban Development announced today that it has charged the owner of a five-bedroom residential care facility in San Mateo, Calif., as well as the facility's manager, with violating the Fair Housing Act by denying a room to a man diagnosed with HIV. The Fair Housing Act makes it illegal to discriminate against persons with disabilities.

The charge alleges that owner Michael Que and his mother, property manager Lolita Sanchez, refused to rent a room to a man with HIV because of what they characterized as residents' concerns about contracting the disease. HUD's investigation found that the man disclosed his HIV status to residents when he visited the property. After the man's visit, his social worker visited the property and made arrangements for him to rent a shared room that was available at that time. Ms. Sanchez subsequently informed the social worker that she could not rent the room to the man because of residents' concern about his HIV status.

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### *Case of the Quarter*

The Fair Housing Project was contacted by a disabled woman, who was having difficulty negotiating the renewal of her lease with her landlord. The landlord filed for eviction to have the woman removed from the premises because she had not renewed her lease. The Fair Housing Project was able to negotiate with the landlord's attorney and stop the eviction from proceeding any further in court. As a result of our assistance, the woman signed a new 12 month lease and is no longer facing eviction.

A hearing on the charges against Michael Que and Lolita Sanchez will be held by a U.S. Administrative Law Judge on July 17, 2007, in the San Francisco area, unless either the complainant or respondent elect to have the case decided by a federal judge in U.S. District Court. An election to go to district court must be made by May 14, 2007.

Housing discrimination charges heard before an administrative law judge carry a maximum civil penalty of \$16,000 for each violation for a first offense, in addition to actual damages for each complainant, injunctive or other equitable relief, and attorneys' fees. Sanctions can be more severe if a respondent has a history of housing discrimination. \*\*\*\*\*

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**"Fair Housing"** is the ability for any person to live where he or she chooses and can afford to live. The Fair Housing Project enforces all federal, state, and local fair housing laws to ensure that no Palm Beach County resident is denied access to housing based upon:

**\*Race \*Color \*National Origin \*Religion \*Disability**  
**\*Gender \*Familial Status** (pregnant women and anyone securing legal custody of a child under the age of 18)

In *Palm Beach County*, there are three additional protected classes:

**\*Age \*Marital Status \*Sexual Orientation**

The Fair Housing Project makes a difference in the community by:

- ~ educating individuals as well as housing providers as to their fair housing rights through workshops and presentations given throughout Palm Beach County;
- ~ testing for discrimination in the housing market; and
- ~ representing individuals who have experienced discrimination.

If you believe that you have been treated unfairly by a housing provider, **The FAIR HOUSING PROJECT CAN HELP YOU.** Call us at: **(561) 655-8944 \* Toll Free 1(800) 403-9353.** The Fair Housing Project is here to protect your fair housing rights.

**Yes, I am interested in receiving fair housing educational materials/fair housing presentation from the Fair Housing Project!**

Please fill out this form and mail to:

**Legal Aid Society of Palm Beach County, Inc.**  
**Attn.: The Fair Housing Project**  
**423 Fern Street, Suite 200**  
**West Palm Beach, FL 33401**

**Name:** \_\_\_\_\_

**Company:** \_\_\_\_\_

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