



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"

Winter 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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LEARNING YOUR LESSON

In January, the Fair Housing Project Staff conducted a mandatory Fair Housing Training for the Board Members and invited guests of the Pine Ridge South II Condominium Association. The training served to bring the Association in compliance with a conciliation agreement from a case filed by Legal Aid in which there were alleged discriminatory housing practices based upon race. Through the Agreement, the Complainants received monetary damages and the Association was mandated to receive fair housing training.

The training was held at the main clubhouse of Pine Ridge South II Condominiums in Greenacres, FL. Legal Aid collaborated with the Palm Beach County Office of Equal Opportunity to conduct the training. Participants received a thorough review of local, state, and federal fair housing laws. They also received a complete recap of the protections afforded to their disabled residents under the Fair Housing Act. Those in attendance actively participated in the presentation, which indicated they sought a clear understanding of the law and a better way to conduct their daily activities regarding their residents.

The Board members were made aware of the consequences for not complying with the Conciliation Agreement and for any violations of fair housing laws in the future. For their sakes, let's hope the training was truly a lesson learned.

STAFF OF HOUSING PARTNERSHIP NOW CURRENT ON FAIR HOUSING LAWS

In January, the Fair Housing Project Staff conducted a training for the staff members of Housing Partnership, Inc. The event was held at the main office of Housing Partnership, Inc. in Riviera Beach, FL. The point of the training for the staff members was to refresh their understanding of fair housing laws and to provide them with information that would help them better serve the needs of their clients on a daily basis. >>>>>

Housing Advocate, Ricardo Collier, spoke about protections afforded those with disabilities under the U.S. Tax Code. Project Manager, Carlton Smith, provided a review of the Fair Housing Act and discussed individual rights under federal, state, and local fair housing laws. Mr. Smith also presented a thorough review of the protections afforded to those with disabilities under the Fair Housing Act, specifically, a definition of disability, reasonable requests for modification and/or accommodation, and accessibility issues. Supervising Attorney, Tequisha Myles, provided a review and discussion of recent cases and legal issues. Ms. Myles also facilitated a role play of a disabled person renting an apartment.

The Fair Housing Staff also created a classroom setting in which the staff members were quizzed on information provided during the training. The final segment of the training entailed staff members going around the conference room using a wheelchair, cane, walker, or crutches.

Staff members of Housing Partnership, Inc. received useful information that better equipped them to do their jobs more efficiently and effectively.

CROSSING COUNTY LINES TO SPREAD THE WORD ABOUT FAIR HOUSING

In February, the Fair Housing Staff collaborated with Florida Rural Legal Services to conduct a housing workshop for residents of both Palm Beach and Hendry Counties. The event was held at the Dallas B. Townsend Agricultural Center in La Belle, FL. The focus of the training was to educate the public on three main issues: tenant's rights under Florida landlord/tenant law; individual rights under fair housing laws; and rights afforded to persons with disabilities under the Fair Housing Act.

Michelle Trunkett, attorney for Florida Rural Legal Services, began the workshop with her presentation on tenant rights under Florida landlord/tenant law. (continued on page 2)

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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
www.legalaidpbc.org

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

(CROSSING COUNTY LINES - continued from page 1)

Ms. Trunkett provided information on how to address many of the situations that a tenant may encounter during the lease period.

Housing Advocate, Ricardo Collier, gave an overview of the services provided by Legal Aid and talked more specifically about the Low Income Tax Clinic. Program Manager, Carlton Smith, conducted a power point presentation in which he provided an overview of fair housing laws. Mr. Smith distinguished the protected classes under local ordinances from Palm Beach County and Hendry County. He discussed at length the protections afforded to persons with disabilities. Mr. Smith also enlisted the services of audience members to participate in role play and discussed further the subtle ways in which one can be discriminated against in present day.

The workshop was concluded with a presentation by the staff of Hometown Medical, a supplier of disability equipment. The staff demonstrated proper use of wheelchairs, walkers, and scooters, canes, and crutches. The audience was allowed to use the equipment to travel around the Center.

Participants received a hearty breakfast and collected a great deal of information regarding fair housing.

PROTECTIONS FOR PERSONS WITH DISABILITIES UNDER THE FAIR HOUSING ACT

The Fair Housing Act was passed by Congress in 1968 and prohibits housing discrimination based on race, color, national origin, religion, gender, familial status, and disability. In addition, Palm Beach County also prohibits housing discrimination based on sexual orientation, age, marital status, and gender identity and expression. Though each class is significant, disability is most intriguing because it could encompass many or all of the other protected classes, and it may also be based on perception.

So, who is considered to be disabled under the Fair Housing Act? An individual with a physical or mental impairment that substantially limits one or more life activities, or a person who has a record of such impairment, or someone who is regarded as having a physical or mental impairment may be considered disabled under the Fair Housing Act. Coverage under the Act is not provided for current

drug users, persons who pose a threat to the health and safety of other residents, or if the person's tenancy results in substantial damage to the property.

Disability discrimination may be intentional, which means that the discriminatory conduct is directly related to a person's disability. It may also be unintentional. When a rule or policy is applied to a disabled person, the result is discriminatory, though it was not meant to be.

Under the Act, a person with a disability has the right to make a reasonable request for a change to a rule, policy or procedure to make the home accessible and usable. A disabled person also has the right to make a reasonable request to make necessary physical changes to the unit in order to get full use of the unit. The cost of the modification may fall on the person requesting the change. Also, keep in mind that the housing provider may deny the request if the change causes an undue burden or is a fundamental alteration of the premises.

Accessibility issues are also covered under the Act. Newly constructed multi-family dwellings with four or more units that were ready for first occupancy on or before March 13, 1991, must provide basic accessibility. This applies to all units in buildings with elevators as well as ground floor units in multilevel buildings without elevators. Accessibility issues include entrances and accessible routes, public and common use areas, usable doors, routes into and through the dwelling unit, light switches, electrical outlets, environmental controls, reinforced walls in bathrooms, and usable kitchens and bathrooms.

Discrimination in any form is despicable, especially against persons with disabilities. If you or someone you know has encountered this behavior, please complain. Be a loud voice and continue to speak out until you are heard. Whether you are disabled or perceived to be, you are entitled to equal access to and equal enjoyment of where take up residence.

PROJECT HIGHLIGHTS

FHP HELPING WITH THE FORECLOSURE CRISIS

The Fair Housing Project continues to assist minority and disabled homeowners with predatory lending and financing complaints against lenders. The staff receives approximately ten to twelve calls per week from homeowners who are having problems with their mortgage lender. The Project continues to collaborate **(continued on page 3)**

***(FHP HELPING WITH THE
FORECLOSURE CRISIS - continued
from page 2)***

with financial institutions, housing counseling agencies, and others to assist homeowners to find solutions to avoid foreclosure.

The staff also educates homeowners about their mortgage rights and helps them to explore viable legal options to resolve their mortgage woes. The Project is networked with representatives of federal and local programs and has established a referral system so homeowners can receive assistance at the earliest possible time.

The Project took on five new clients this period who have problems with their mortgage company. The staff is reviewing their mortgage documents to determine the best course of action. The staff has also assisted many others through the referral process.

***TENANT REQUEST TO REPAIR
RAMP DENIED***

The Fair Housing Project assisted a disabled client with his claim of discrimination against his former landlord. The client has a debilitating condition that affected his sight.

The client moved into a unit located in Jupiter, FL. The unit had a ramp which was a modification made to the unit by a previous disabled tenant. The ramp was weathered and began to deteriorate. During his tenancy, the client made several requests to the property management company to repair the ramp as it was becoming unsafe. The management company denied all of client's requests.

Client filed a complaint with the Fair Housing Project for discrimination based on his disability. The client argued that the ramp was constructed prior to his tenancy and was part of the unit, therefore, the property management company had a duty to make the repairs. Client's claim was further investigated by the Palm Beach County Office of Equal Opportunity.

Through conciliation, an agreement was reached. Among other requirements, the client received \$3,000.00 as part of the settlement of this matter.



***REASONABLE ACCOMMODATIONS
BEING OVERTURNED BY
HOMEOWNER ASSOCIATIONS***

The Fair Housing Project is currently assisting two disabled clients who are being denied reasonable accommodations for their disabilities.

Client One requires a caretaker to assist her with her daily living activities. The client received approval from the HOA to have a caretaker, however, the newly elected president of the HOA denied her accommodation and banned the client's caretaker from the property. This president has gone so far as to threaten to disconnect the client's phone service.

Client Two requires a scooter for mobility. He owns a truck which he uses to transport his scooter. The HOA has a no truck rule. The HOA has stated that the client must purchase another vehicle by which to transport his scooter.

The Project is processing the intakes and will file complaints with the Palm Beach County Office of Equal Opportunity. Stay tuned.



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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 *Sexual Identity and Expression**

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: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

_____ Fair Housing Educational Materials

_____ Fair Housing Educational Presentation

THE FAIR HOUSING PROJECT

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West Palm Beach, FL 33401

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