

# LEGAL AID SOCIETY

## OF MIDDLE TENNESSEE AND THE CUMBERLANDS

THDA TENNESSEE HOUSING CONFERENCE  
MARCH 1, 2022



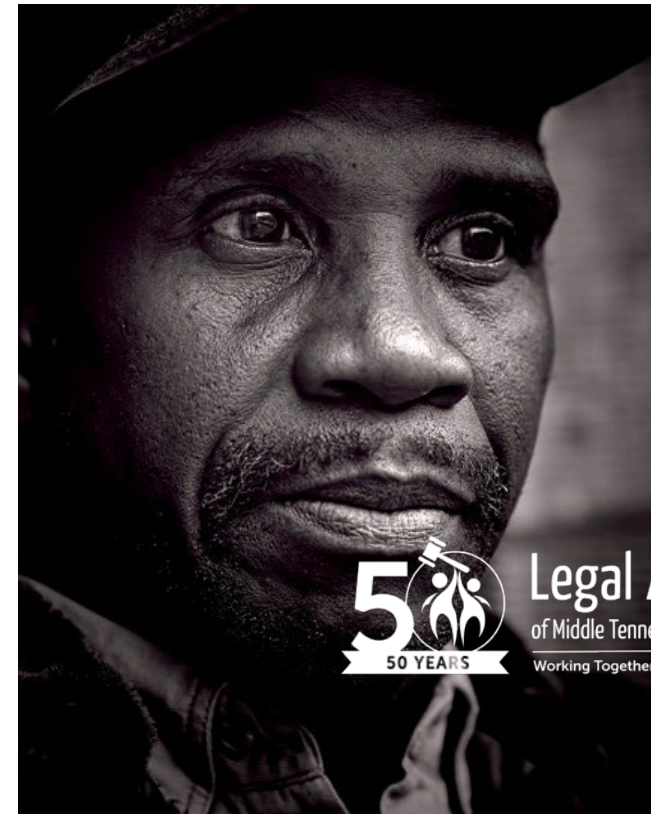
**Legal Aid Society**  
of Middle Tennessee & the Cumberland  
Working Together. Doing Justice. Restoring Hope.

# What is Legal Aid Society?

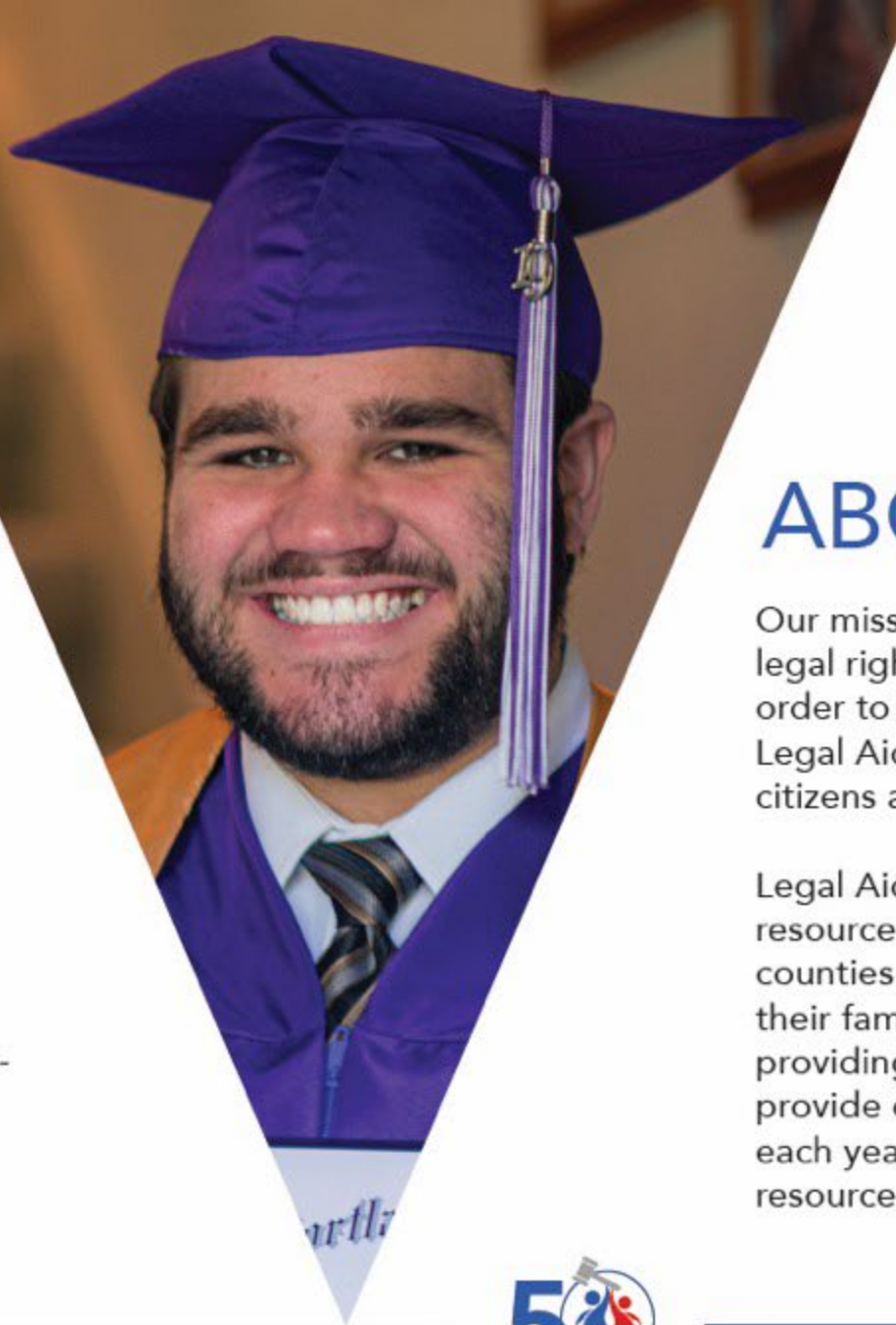
Legal Aid Society is a 501 (c )(3) private, non-profit law firm that provides education and representation in civil matters for low-income individuals, families and seniors, who normally could not afford legal services.

**Mission:**

To advance, defend, and enforce the legal rights of low-income and vulnerable people in order to secure for them the basic necessities of life.



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In our service area, over 440,000 individuals live at or beneath the federal poverty line.

There is one Legal Aid Society attorney for every 13,000 citizens who might need our services.

## ABOUT US

Our mission is to enforce, advance and defend the legal rights of low income and vulnerable families in order to obtain for them the basic necessities of life. Legal Aid Society is committed to the principle that all citizens are due equal representation under the law.

Legal Aid Society is committed to providing the best resources available to low income people in all 48 counties to protect their livelihoods, their health, and their families. We have 32 attorneys in 8 offices providing help across 48 counties who are able to provide direct representation to thousands of people each year. The demand for services far exceeds the resources to provide them.





# Areas of Practice

- Bankruptcy
- Consumer Protection
- Education
- Elder Law
- Employment
- Family Law and Domestic Violence
- Health Law
- Housing
- Immigration Law
- Juvenile Law
- Mortgage Foreclosure
- Public Benefits
- Tax Disputes

# Where We Serve



Clarksville Office

Columbia Office

Gallatin Office

Murfreesboro Office

Oak Ridge Office

Cookeville Office

Tullahoma Office

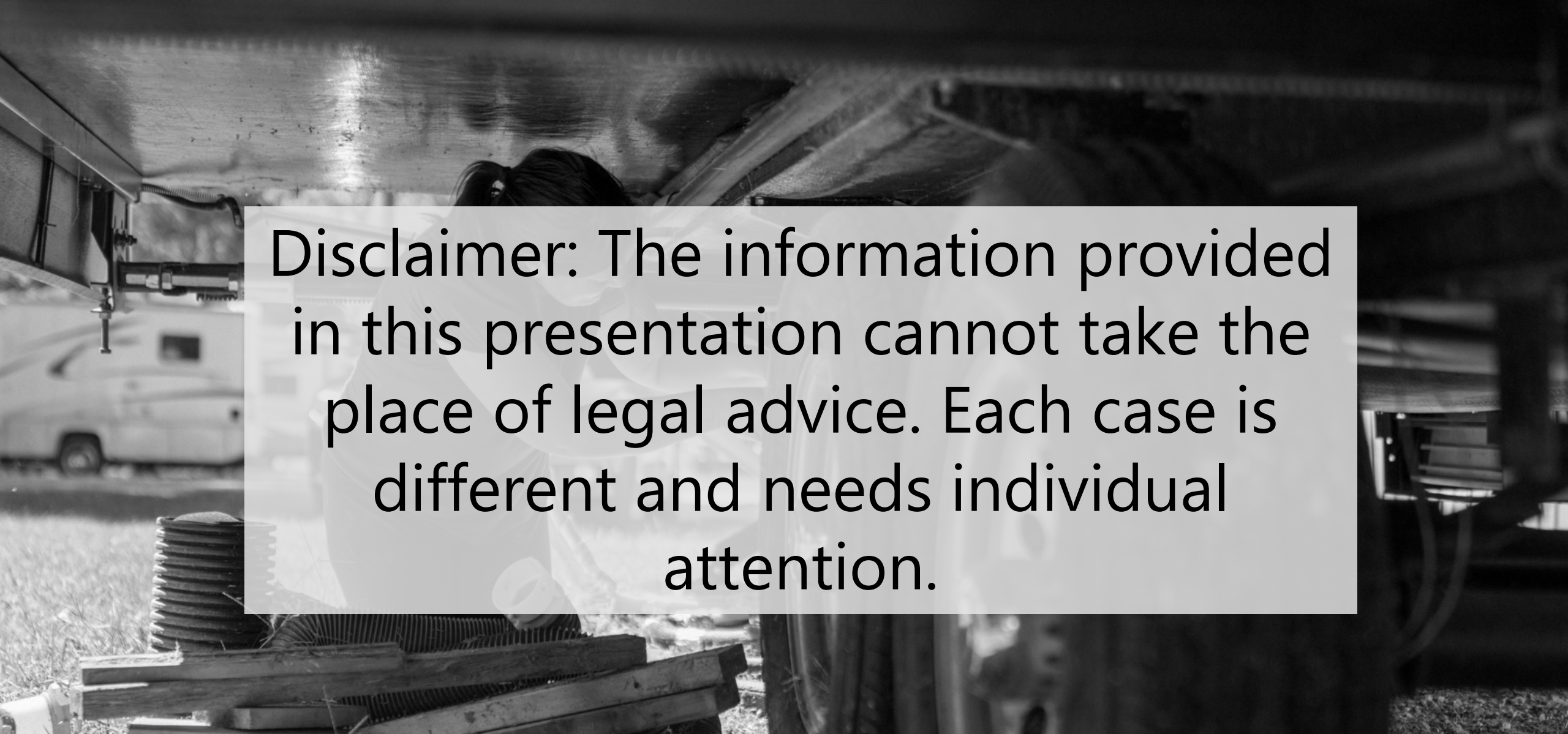
Nashville Office



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Disclaimer: The information provided in this presentation cannot take the place of legal advice. Each case is different and needs individual attention.



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# Fair Housing Act

Civil Rights Act Extension – Signed 1968

## Protected Classes

Race  
Color  
National Origin  
Religion  
Creed (TN Only)  
Sex  
Familial Status  
\*Disability/Handicap

Goals – Prohibit Discrimination &

\*Afford Everyone Opportunity for Fair Housing



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# When Does the Fair Housing Act Apply?

## *Covered Markets*

- Rental
- Sales
- Lending
- Zoning
- Insurance
- All Areas Connected With Residential Housing

## *Covered Entities*

- Owners
- Managers
- HOAs
- Lenders
- Real Estate Agents
- Governments
- Insurers
- All Persons/Entities Involved with Residential Housing

## *Covered Dwellings*

- Private & Subsidized Properties
- Single Family Homes
- Duplexes
- Multi-Family Buildings
- Temporary Shelters
- Group Homes
- Assisted Living Housing
- All Other Residential Housing: "Where I Live"



# Handicap & Disability

- Handicap vs. Disability: Same Term
- 1) Physical or Mental Impairment
  - Substantially Limits
  - 1 or More Major Life Activities
- 2) Record of Impairment
- 3) Regarded as Having Impairment
- Exception: Current illegal use or addiction to controlled substance
- Definition not as strict as Social Security Administration
- No requirement that tenant receive SS funds

Disabilities/handicaps are not always obvious

Employed tenants can have disabilities

Asthma  
Post-Traumatic Stress Disorder  
Depression/anxiety  
Substance abuse (legal drugs)  
Arthritis  
HIV  
Hoarding  
Muscular dystrophy  
Bipolar disorder



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# Reasonable Modifications

- Change to the physical aspect of the property
- Landlord must give permission, tenant may have to pay
- Tenant must reverse modification when leaving if reasonable
- Tenant must maintain
- Landlord can require "workmanlike manner"
  - Permits, licensed/bonded
- Landlord pays for upgrades
- Grab bars in bathroom
- Removing cabinets under sink for wheelchair
- Ramps
- Widened door frames
- Additional sidewalk
- <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>

# Reasonable Accommodations

- Change to the rules or policies
- Landlord must grant unless
  - Direct, non-speculative threat to others
  - Unreasonable financial/administrative burden
  - Fundamental alteration of landlord's normal duties
- Emotional Support Animals
  - <https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>
- Shifted Payment Dates
- Transfer of Unit or Termination of Lease without Fee
- Time to Clean or Get Treatment/Assistance
- [https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint\\_statement\\_ra.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf)

# The Process – Making the Request



1. Request is Made
  - Tenant or Someone on Their Behalf
  - Oral or Written
  - Must be Obvious, but No Magical Words Needed
2. Request Makes Clear What Accommodation They Need
3. Request Explains How Need is Related to Disability

# The Process – Evaluating the Disability



## 4. Evaluate How “Obvious” the Disability Is

- Is the Disability Obvious? Inquiry Over
  - Wheelchair, Walker, Visual Impairment, Receives SSDI or SSI
- Non-Obvious Disability
  - Landlord Can Require Proof, But It Is Limited
    - Verify Disability Meets FHA Definition
    - Describes Needed Accommodation
    - Shows Relationship from Disability to Need
  - Who Can Provide Proof?
    - Medical Provider
    - Peer Support Group
    - Mental Health Services
    - Non-Medical Service Agency
    - Reliable Third-Party In Position to Know



# The Process – Preventing Denial



5. Landlord Doesn't Respond = Denial
6. Landlord Declines = Interactive Process
  - If Landlord Believes Accommodation/Modification is Administratively or Financially Burdensome
  - Discuss Alternative Methods for Accommodating
7. Extra Fees or Deposits Prohibited
8. Can Charge for Damages Later
9. Accommodation/Modification Still Declined?
  - HUD/THRC Complaint or State/Federal Court Complaint

# Examples

- Lilly Babbitt
  - Walking Disability, Not Always Apparent
  - Rented from Individual Owner in Condo Building
  - Assigned Parking, Needed Closer Spot
  - Interactive Process – PM Approached Owners Not Using Spots to Swap for Limited Time
- Sharon Wilson
  - Hoarding and Other Mental Health Issues
  - Accommodation Granted, What Now?
  - Local Organizations Pitched In for Cleaning and Replacing Furniture
- Maria Nolasco
  - Breathing issues from Asthma and COVID
  - Needed Carpet Removed, New Flooring Installed
  - Modification Unaffordable for Tenant
  - Interactive Process – Transfer or Terminate Lease without Fee
- Harold Cobb
  - Double Amputee in Wheelchair
  - Complex Approved, But Client Can't Afford
  - Secured Help from Local VA Group



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**Website: [www.las.org](http://www.las.org)**  
**Phone: 1-800-238-1443**

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