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FOR RELEASE
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HUD CHARGES FLORIDA PROPERTY OWNER, MANAGERS WITH DISABILITY DISCRIMINATION

*Management refused to relocate resident hospitalized by
neighbors' second-hand smoke*

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WASHINGTON – The U.S. Department of Housing and Urban Development (HUD) has charged an Ocala, Florida property owner, management company, and its employees with violating the Fair Housing Act for refusing to allow a resident to move to a different apartment after her neighbors' second-hand smoke twice sent her to the emergency room.

HUD brings the charge on behalf of the resident, alleging that managers at Magnolia Walk II, a 144-unit low income housing tax credit participant property, falsely claimed that tax law required that they treat the tenant's request like a new application, requiring new fees and deposits, before they could grant her request.

The **Fair Housing Act** requires landlords to make reasonable accommodations for renters with disabilities.

"Owners and managers of low-income housing tax credit properties, like others, must rent and manage apartments in a manner consistent with the Fair Housing Act," said John Trasviña, HUD Assistant Secretary for Fair Housing and Equal Opportunity. "A transfer to another unit when it is medically necessary not only affords a person with a disability the same opportunity to enjoy her housing as others do, but may also be critical to that person's well-being. HUD will ensure through its enforcement of the law that people with disabilities have the opportunity to live in the housing of their choice."

According to **HUD's charge**, the resident had to be transported to the emergency room twice from her apartment after complaining of difficulty breathing. First orally, and then formally in writing, the tenant informed Magnolia Walk II management that smoke was coming into

her apartment from other units, and that her doctor had advised her to avoid exposure to cigarette smoke because it would exacerbate her chronic respiratory illness. She requested to move to a vacant apartment located between an elevator and a unit occupied by a non-smoker.

Managers claimed, falsely, that tax regulations prevented the tenant's transfer without her being treated as a new tenant, necessitating an application fee and additional security deposit, as well as an early termination fee for vacating her current unit. To avoid paying the early termination fee, the tenant waited to move to the requested unit until after her lease expired, nearly a year after her first request. Management still charged her the application fee and additional security deposit.

HUD's charge will be heard by a United States Administrative Law Judge unless any party to the charge elects to have the case heard in federal district court. If an administrative law judge finds after a hearing that illegal discrimination has occurred, the judge may award monetary damages to the resident for the harm she was caused by the discrimination. The judge may also order injunctive and other equitable relief to deter further discrimination, as well as payment of attorney fees. In addition, the judge may impose fines in order to vindicate the public interest. If the matter is decided in federal court, the judge may also award punitive damages to the resident.

FHEO and its partners in the Fair Housing Assistance Program investigate more than 10,000 housing discrimination complaints annually. People who believe they are the victims of housing discrimination should contact HUD at 1-800-669-9777 (voice), (800) 927-9275(TTY).

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HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination; and transform the way HUD does business.

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