

# Civil rights and wrongs: Fair Housing isn't always fair.

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Having once prosecuted fair housing cases for the United States Department of Housing and Urban Development, I would be the first to tell you that housing discrimination is hardly a laughing matter. Between 1990 and 2003, I was involved in hundreds of cases involving everything from apartment evictions to fire bombings and cross burnings. Of the thousands of complaints filed each year with federal, state and local fair housing agencies, a significant number are cynical or frivolous. Below are some interesting examples.

As elsewhere in today's society, marital discord and conspiracy theories are reflected in fair housing cases, although not usually in the same case. A man whose ex-wife had obtained title to their marital residence filed a HUD complaint. Although this is common in divorce cases, this complainant felt his fair housing rights had been violated because, he claimed, the Central Intelligence Agency had assisted his wife in obtaining title to their house. What was worse, the ex-husband went on to complain that the CIA had been trying "to force me to change my political view, and become a Democrat." Such cases are not limited to disgruntled ex-husbands either. In another case, a wife complained that she and her husband "are both mentally disabled, but my husband is more so than me." Isn't that always the case?

The very reason fair housing laws have been enacted seems to be misunderstood by a number of complainants. One homeowner filed a complaint against a real estate developer after the homeowner learned that some of his neigh-

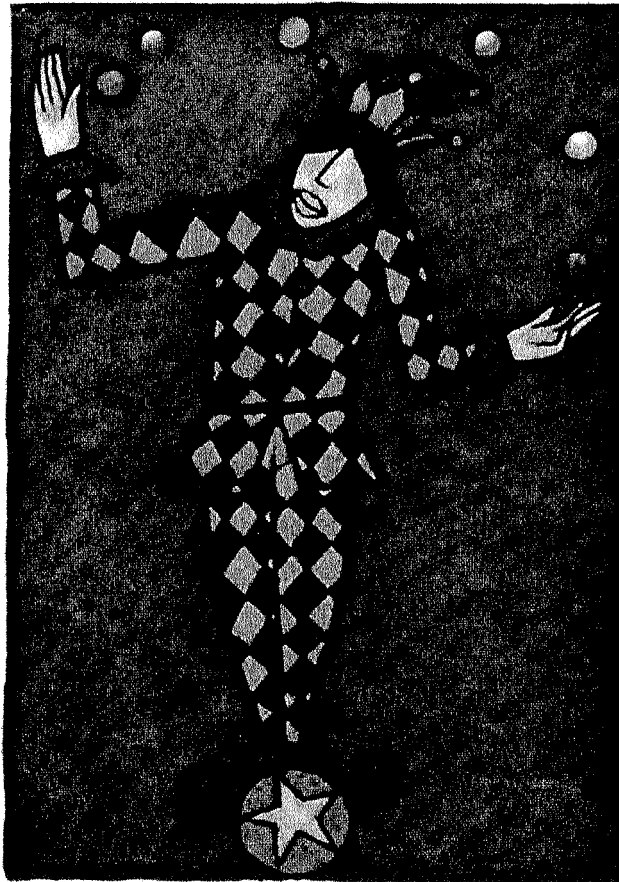
who wanted HUD to sue the Department of Defense because he had been improperly discharged.

Even in cases of some merit, finding the defendant can make prosecution impossible. One woman complained to HUD, "I have a ghost in my apartment. He is throwing stuff at us. I have not slept good in over two weeks. Please, can you do something?"

Speaking of the Supernatural, an 83-year-old man being evicted from his apartment for noise violations was eager to volunteer that he and his "girlfriend" did make noise when they were "amorous," but denied making enough noise to warrant eviction. Perhaps congratulations were in order.

As nearly everyone knows, the usual targets of fair housing complaints are property owners, managers, and agents, though not always. One woman claimed her eviction was "the devil's work." Would that make her attorney the devil's advocate?

Some complaints seem more like television soap operas than civil rights matters. Several years ago HUD received a complaint from a man who claimed he had been discriminated against because of his religion, which he noted on the standard HUD complaint form as "Gay Baptist." The investigators discovered that while the man had been conducting a public prayer service in his neighbor-



bors were going to be African-American. The man claimed that the developer had reneged on their agreement to build houses for "whites only."

At other times, complainants severely overestimate the government's authority to address housing discrimination. Consider the case of an ex-Marine

hood he had been arrested and taken to jail for disturbing the peace. Did I mention he was naked at the time? Another complainant alleged he was being discriminated against because of his religion, which he noted was "Happiness." No, that case was not from California.

So-called retirement communities have been an especially fertile ground for complaints. During pretrial discovery in one case, we learned that the minutes of one homeowners' association meeting reported: "Alligator in lake, leave it alone. Baby in Section II." As far as we know, both the alligator and baby are doing well. A condominium president in another case answered a complaint by saying: "Because of the 'familial status gag rule,' this rental family now has (sic) chickens in their backyard. The park is zoned for people not farm animals." I still do not understand the connection between chickens and housing discrimination.

Are condominium associations authorized to install wire-taps? At least one person thought so. A witness agreed to testify against a condominium president, but also wished to remain anonymous because she feared retaliation from the condominium board. She insisted that we not use her real name in phone conversations. Instead, she instructed us to refer to her as "Bubblebutt."

Culinary concerns seem to bother others. "Civil rights" violations were alleged against one resident manager because, among other things, he would not let his onsite staff eat red beans and rice in the office.

That landlords must reasonably accommodate disabled residents has also been fertile ground for frivolous complaints. There was the case of a woman who was evicted after three successive inspections showed unhealthy conditions in her unit. The woman claimed

she was paralyzed in one arm, which prevented her from cleaning properly. Unfortunately for her, during its investigation HUD discovered that she was working as a maid for a cleaning service.

Another woman was evicted from her apartment for being late on her rent payments nine times in two years. She filed a complaint saying she was disabled and needed a reasonable accommodation. Her disability—she forgets to pay her rent on time.

Another complainant, who alleged he was blind, was seen putting his "seeing eye" dog in his car and then driving away.



Perhaps the most noteworthy demand came from a tenant who claimed he was disabled and in need of a reasonable accommodation, in his case it was a Jacuzzi. When the complex refused to install one in his unit, he threatened to shoot and kill some maintenance workers who had been sent to his unit. The final straw must have come when the tenant stole two of three turkeys that the complex had put out for its Holiday Party.

In another case, an elderly man claimed he had been rejected by a HUD-subsidized property because of his disability. The investigation showed that the man was, in fact, disabled but had been rejected because of a negative report from his former landlord. The former landlord reported that the com-

plainant and he had disagreed about some plumbing repairs, that the complainant got a pistol and began shooting at him. The complainant also began shooting at the police after they had been called, wounding one officer. The complainant's disability? He was blind.

We know that occupancy policies can be overly restrictive against families. But what about a complaint filed by a family of two adults and eight children whose application to move into a 2-bedroom unit was denied?

After learning that "national origin" is a protected category, Russian speaking residents in an elderly high rise filed a complaint because the housing provider would not install a satellite dish that would enable them to get Russian language television.

An 84-year-old woman claimed she was continually bombarded by loud "piercing" noises that she believed were coming from an upstairs apartment. Over the course of several months, management sent maintenance staff to the complainant's apartment but never heard anything out of the ordinary. Frustrated, the woman bought a boom box so she could drown out the noise from upstairs. Ultimately the complainant was evicted after neighbors complained about her loud music. Perhaps all of this could have been avoided had she had her hearing aid tested. Turned out that the "loud piercing" noise the complainant heard was coming from her defective hearing aid.

Although these examples of offbeat cases seem amusing and frivolous, all of these cases were taken seriously by the investigating agency. Why precious resources are devoted to such nonsense is a question for others to answer. So the next time you think you've "heard it all," think again. *ALP*