



Manufactured
Housing Institute

December 2017

Fair Housing Update

Arkansas Settlement Favors MH Home Owners

In September of 2016, a young couple moved their manufactured home to McCrory, Arkansas, from a neighboring community.

Shortly after their move, the McCrory City Council passed an ordinance which stated no manufactured home could be sited in the city “unless it has a value established by a certified appraiser or a bill of sale of not less than \$7,500.00.”

McCrory claimed the ordinance was necessary because it provided relief from overcrowding, was good for health and safety of McCrory residents, and promoted orderly growth in the community.

However, after the ordinance passed, the couple that had moved their home to McCrory was visited by the city’s police chief. He told them they’d have to move their home because it was valued at \$1500 and did not comply with the city’s new valuation ordinance.

Equal Justice Under the Law (“Equal Justice”), a DC based legal aid organization, got in-

involved and assisted the couple in filing suit against the City of McCrory.

The thirty-one page, well-crafted original lawsuit labeled McCrory’s ordinance “a wealth-based banishment scheme, imposing a ‘fate universally decried by civilized people’” that essentially criminalized poverty.

The lawsuit asked for the Federal Court in the Eastern District of Arkansas to declare the ordinance unconstitutional.

Equal Justice was able to get the city to repeal the ordinance and according to a November 28, 2017 press release they finalized a settlement in the lawsuit.

JD Harper, who is Executive Director of the Arkansas Manufactured Housing Association has been following the case since its inception calls the case “a significant victory against zoning discrimination.” He pointed out that the case has caused several other towns with similar ordinances to change their laws, too.



EDITED FROM HUD'S PRESS FILES — 11/16/17

HUD CHARGES KANSAS PROPERTY OWNERS WITH HOUSING DISCRIMINATION AFTER ALLEGED SEXUAL HARASSMENT OF TWO FEMALE TENANTS

WASHINGTON – The U.S. Department of Housing and Urban Development (HUD) announced today it is charging the owner and landlord of several rental properties in Wichita, Kansas, and his wife, who co-owned one of the properties, with housing discrimination after the landlord allegedly sexually harassed two female tenants at his properties. HUD's charge further alleges that he also made discriminatory statements based on one of the women's race.

The Fair Housing Act makes it illegal to discriminate against individuals on the basis of race, color, religion, national origin, sex, familial status, or disability. Sexual harassment is a form of illegal sex discrimination.

“Landlords who use their position to intimidate or harass residents or to attempt to trade sexual favors for rent violate the sanctity of a woman's home, the place where she should feel the safest,” said Anna María Farías, HUD's Assistant Secretary for Fair Housing and Equal Opportunity. “HUD is committed to protecting the housing rights of those who are sexually harassed and will continue to take action any time housing providers violate those rights.”

The charge is the result of complaints filed by two female residents alleging that the landlord made unwanted sexual advances toward them, harassed them, made derogatory statements based on race, and evicted them because they refused his advances.

HUD's charge alleges that the landlord subjected one of the women, who was working as a property manager, to a hostile environment, including entering her apartment uninvited, sexually harassing her, and requesting sex in exchange for allowing her to stay in her unit. The charge also alleges that the landlord told her that he could be her “sugar daddy,” grabbed her buttocks, and made comments about her body to others. On one occasion she awoke to find him in her bedroom on her bed.

The charge further alleges that the landlord subjected a second woman to a hostile environment by making numerous requests for sex when he picked up her rent payments. Once, when she was late paying a portion of her rent, the landlord allegedly asked her if she wanted to have sex with him instead of paying the \$150 she owed. When she refused the offer, the landlord allegedly became very upset and immediately wrote her a 3-day notice to vacate.

The charge will be heard by a United States Administrative Law Judge unless any party elects for the case to be heard in federal court. If the administrative law judge finds after a hearing that discrimination has occurred, he may award damages to the complainants for their loss as a result of the discrimination. The judge may also order injunctive relief and other equitable relief, as well as payment of attorney fees. In addition, the judge may impose civil penalties in order to vindicate the public interest.