



FAIR HOUSING

YOUR MONTHLY UPDATE TO HOUSING NEWS, INFORMATION AND EVENTS

November 2018

State Associations Join in MHI's Call to Eliminate Discriminatory Zoning

Twenty-four state associations joined in MHI's call for the Department of Housing and Urban Development (HUD) to eliminate zoning that discriminates against residents of manufactured housing by revising a decades old directive on the topic.

As was noted in the last edition of MHI's Fair Housing Update, HUD is taking a second look at the regulation known as "Affirmatively Furthering Fair Housing" ("AFFH"). In a comment letter that can be found [here](#), MHI took the opportunity to call on HUD to eliminate discriminatory zoning that would restrict or eliminate manufactured housing from a community's stock of affordable housing by revising a directive it issued back in 1997.

In its letter, MHI said it "... strongly encourages HUD to broadly

exercise its existing power, especially when land use planning excludes (or code enforcement targets) manufactured housing in communities and such action has a direct or disparate discriminatory impact on protected classes of persons."

Following MHI's submission, twenty-four state associations filed comment letters detailing how local land use planning decisions had discriminatory impact on persons in protected classes residing in manufactured housing.

The push for state letters resulted following an invitation-only "listening session" with the top staffers at HUD where MHI was the only group asked to speak regarding manufactured housing. "Assistant Secretary for

Fair Housing, Anna Maria Farías, made it clear she wanted examples of discriminatory zoning relative to manufactured housing," said MHI General Counsel Rick Robinson. "So that's what we gave her."

Following a template provided by MHI, state executive directors from across the nation provided examples. From a county ordinance in Marion County, [Oregon](#) that requires all manufactured homes in a residential zone to have to have a garage or carport to [Mississippi](#) where small cities are using non-conforming use to ban the replacement of older manufactured homes, our state executive directors sounded off.

To review all letters filed by the various states, you may use the search tool [found here](#).



Fair Housing Enforcement Actions Continue

The following cases were taken from HUD's web page that contains its Press Releases and Media Advisories. The site is available to the public and may be found by clicking [here](#).

While only one of these cases involve manufactured housing, the issues raised in them are relevant to all housing providers, including land-lease communities.

A property manager in [California](#) settled a claim with HUD over emotional support animals. Read the Settlement Agreement [here](#).

An advertisement that included the words "No Teenagers Please" is the basis for a charge against a [Louisiana](#) landlord. Read the charge [here](#).

In [New Jersey](#), a condo association was charged with violations because they charged a pet fee for an emotional assistance animal. You can read the charge [here](#).

Sexual harassment is alleged in a recent [Tennessee](#) manufactured housing case. You can read the charge [here](#).

A [Texas](#) management company that threatened to fine a family for having their children play in the common area has been charged by HUD for Fair Housing Act violations. You can read the charge [here](#).

Failure to make reasonable accommodations and modifications is the subject of a claim against a [Virginia](#) based low-income housing provider. You can read the charge [here](#).

Designated parking spaces for disabled residents is the basis for a claim against the owners of an apartment complex in [West Virginia](#). You can read the charge [here](#).

A ban on renting to families with children is the issue in a [Wisconsin](#) case. You can read the charge [here](#).



If you have any questions regarding Fair Housing or would like back issues, please contact MHI's Senior Vice President of State and Local Affairs and General Counsel, Rick Robinson at rrobinson@mfghome.org.

© 2018, Manufactured Housing Institute, Inc. (MHI), Arlington, VA, all rights reserved. Republication without the express written consent of MHI is strictly prohibited. www.manufacturedhousing.org