

## HOPE Settles Federal Discrimination Complaint about Race and Familial Status



*Arbitrary rule enforcement at the basketball court at the Garden Walk Apartments was the tip of the iceberg. Property managers at the Cutler Bay (Miami-Dade County, FL) property were accused of being the ringleaders of a hostile environment, culminating in a federal complaint for housing discrimination.*

In September 2023, HOPE and plaintiff Michelle Brown settled a federal Fair Housing Act complaint against Tacolcy Property Management Corporation. In the complaint, HOPE and Brown alleged that the management company discriminated against Brown and her family due to their race and the presence of children in the family. The agreement settles a complaint filed in July 2023.

Brown began living at the Garden Walk Apartments, at 21346 SW 112 Ave in Cutler Bay, Florida as a child, and the property is now managed by the defendants. As a adult with children of her own (6, 9, and 12 years old at the time of the complaint), Brown alleges that she was the victim of discriminatory practices at the property.

In August of 2020, the complaint alleges that a property manager told Brown's children that they could not be on the basketball court without an adult and sent them home. In the days immediately following this, Brown called the office to speak to this property manager, only to be told that the manager was not in. Then, about a week later, management posted a sign at the basketball court indicating, "children must have adult supervision." That same day, however, Brown allegedly saw White and fair-skinned Hispanic children playing without supervision, and recorded a video of this.

Following all of this, Brown alleges that the environment became hostile, with people constantly looking for kids unaccompanied by adults to report to management, neighbors blaming Brown for creating the hostile environment with her video, and management harassing Brown and threatening to terminate her tenancy for violating rules (while accusing her of being loud, profane, and obnoxious). Brown sought assistance in her situation and contacted HOPE.

The Florida Commission on Human Relations found it probable that, from at least the fall of 2020 through the fall of 2022, Brown and her family suffered illegal housing discrimination, and left open the possibility that Brown could file a civil lawsuit. So Brown filed the complaint in question, and in late September 2023, the two sides reached a settlement agreement.

Brown and her family are to be commended for their resolve in seeing this case all the way through to its settlement. We at HOPE encourage all individuals who suspect unfair housing practices to step forward and assert their rights. You shouldn't have to work hard to find a place that will treat you right and won't discriminate against you. Instead, all housing providers need to work hard to ensure that their doors are open for all qualified potential residents to live in peace.

**Housing Opportunities Project for Excellence (HOPE), Inc. fights housing discrimination to ensure your civil rights.**

We have a three-tiered strategy of (1) Education & Outreach, (2) Intake & Counseling, and (3) Private Enforcement. Thanks to federal, state and local funding, all of our services are **free to the public**. We are here to honor the legacy of the civil rights movement by striving for a truly just and equal society.

To become a tester or volunteer, please call  
(305) 651-4673  
in Miami-Dade or  
(954) 567-0545  
in Broward.

Thank you!

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Please search for:

**HOPE Inc Fair Housing**

We're on X (formerly called Twitter)!  
Please find us and follow us at: **@hope\_fhc**



We're on Instagram!  
Please find us and follow us at: **@hope\_fhc**



*HOPE Inc.'s mission is to fight housing discrimination in Miami-Dade and Broward Counties and to ensure equal housing opportunities throughout Florida.*

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**National origin  
discrimination  
in housing  
is illegal.**

**Call  
305-651-4673  
to report your  
experience.**



Florida SB264 restricts Chinese, Venezuelan, and Cuban people (and people of other targeted races, national origins, and ethnicities) from owning homes. The Fair Housing Act says it can't.

If you were denied the opportunity to buy or sell a home or discouraged from buying or selling because of race, national origin, or ethnicity, you may have experienced illegal housing discrimination. **Please call (305) 651-4673 to report your experience.**

# Law Firm and 50 Fair Housing Organizations (including HOPE) Support Testers in Brief to Supreme Court

On August 9, 2023, attorneys with the civil rights law firm Relman Colfax, PLLC submitted a legal brief – or written argument – to the Supreme Court of the United States, to support the ability of fair housing testers to bring or participate in lawsuits about discrimination. Fair housing testers are individuals who pose as potential renters or buyers for housing, in order to see what sort of treatment they receive from housing providers and other housing industry professionals. Often, these testers are paired with each other and/or in groups to determine the extent to which their treatment is being driven by their demographics: Do women get told one thing about availability while something else is being told to men? Do testers in same-sex couples get quoted the same price as testers in other couples? Can a tester with children move in as soon as a tester without children?

This ability to bring or participate in lawsuits is called standing. So having standing means that you are recognized and listened to in making a complaint in court where you seek some remedy, correction, and/or compensation. Having standing doesn't necessarily mean you're going to win your case, it just means that you have the chance to make the case.

Relman Colfax submitted this brief because of a case, currently being argued to the Supreme Court, where somebody is saying that testers should not legally have standing for court cases. In the brief, Relman Colfax argues that testers should have standing, and several testers and 50 organizations have signed on in agreement. HOPE is one of those organizations, all of which fight housing discrimination and recognize the crucial role that testers play in that fight.

The case in question here involves an Americans with Disabilities Act (ADA) regulation mandating that hotels disclose the accessibility of their facilities, to assist potential patrons who have mental or physical challenges. Hotels must describe the accommodations "in enough detail to reasonably permit individuals with disabilities to assess independently whether a given hotel or guest room

meets her or his accessibility needs." A small hotel in Maine is alleged to have fallen short of meeting this requirement, as discovered by a woman named Deborah Laufer. Laufer lives in Florida and does use a wheelchair and has a visual impairment. She says that she went to the hotel's website and saw that the accessibility disclosures were not there, in violation of the law, and filed a lawsuit. The issue that has drawn the Supreme Court's eye here, however, is not that whether the Maine Hotel did the wrong thing, but whether Laufer has the right to be the one to point it out.

Laufer has filed hundreds of similar lawsuits against places of public accommodation, and may or may not have always intended to actually patronize these places, including this Maine hotel. She didn't end up making a reservation, which her opponents say shows that she was just stirring up trouble in suing the hotel, because she wasn't ever going to actually stay there. However, the argument on the other side is that Laufer's not making an appointment is exactly the result of the hotel's failure to make the accessibility disclosure. The argument is that she, and others in her position, cannot make legally protected informed decisions about staying at places that fail to make the required disclosures, under regulations put in place to ensure that people with mental and physical challenges can enjoy the same access and inclusion experienced by others – hence going elsewhere in this case and not making a reservation.

So the Supreme Court is considering whether a person in Laufer's position can bring a lawsuit. Can a person sue places for discrimination, even if that person is only a tester? For decades, the Supreme Court has said, "Yes." In the 1982 Supreme Court decision *Havens Realty Corp. v. Coleman*, a Black woman who was a tester was lied to by a realtor about housing being unavailable, when it really was (the housing was made available to a White tester). The Court upheld the right of that Black woman to participate in a lawsuit for housing discrimination,

*(Continued on page 5)*



# National Fair Housing Alliance Releases Updated Data on Housing Discrimination

The National Fair Housing Alliance (NFHA) is the country's only national civil rights organization dedicated solely to eliminating all forms of housing and lending discrimination and ensuring equal opportunities for all people. As the trade association for over 170 fair housing and justice-centered organizations and individuals throughout the U.S. and its territories, NFHA works to dismantle longstanding barriers to equity and build diverse, inclusive, well-resourced communities.

On August 8, 2023, NFHA issued the press release that appears below, concerning data in fair housing trends. In the release, headlined, "New NFHA Report Reveals Highest Number of Housing Discrimination Complaints to Date", NFHA noted, "[NFHA'S] Latest findings underscore the need for more robust funding for local fair housing enforcement organizations to create sustainability for non-profit private agencies obtaining relief for victims of housing discrimination." Here is the release:

*"The National Fair Housing Alliance (NFHA) released data today showing that the number of housing discrimination complaints rose to more than 33,000 nationwide last year, the highest on record. In a troubling turn, domestic violence related complaints saw a noticeable increase along with complaints based on source of income, according to new data published in the latest Fair Housing Trends Report.*

*There were 33,007 fair housing complaints received last year by private non-profit fair housing organizations (FHOs), the U.S. Department of Housing and Urban Development (HUD), Fair Housing Assistance Program (FHAP) agencies and the U.S. Department of Justice (DOJ), a 5.74 percent jump compared to 2021 when 31,216 complaints were filed. This represents the highest number of complaints ever reported in a single year.*

*These new findings show that housing discrimination is still affecting many people and communities. But even the unprecedented number of complaints don't account for the many incidents of housing discrimination that fail to get reported at all due to fear of retaliation or eviction. In other cases, incidents of housing discrimination go undetected or unreported because they are difficult to identify or*

*document.*

*"This year commemorates 55 years since the landmark Fair Housing Act became law. We have come a long way since then, but the findings of our latest Fair Housing Trends Report indicate that we still have a long way to go in dismantling unfair systems that are driving racial wealth and homeownership gaps, economic inequality, and structural barriers for people of color, people with disabilities, women, immigrants, certain religious groups, and LGBTQ+ individuals." said Lisa Rice, President and CEO of NFHA. "It is especially concerning that the numbers are trending upward for discrimination complaints involving victims of domestic violence, who are often already burdened with navigating the legal system. Now, these women, men, and children, through no fault of their own, have to bear the consequences of an abuser impacting their ability to secure housing or remain housed."*

*Connecticut is one of at least six states that have passed laws making victims of domestic violence a class of persons to be protected from discrimination. Because of the increased protections, fair housing advocates said reporting of instances of discrimination has improved.*

*"Additional state-level protections have expanded our reach in providing assistance to survivors of domestic violence in a variety of situations such as breaking a lease or transferring units, exceptions to credit policies, and eviction prevention," said Pamela Heller, staff attorney for the Connecticut Fair Housing Center. "It's another tool we can use to ensure equal access to housing and to secure safe and habitable conditions for our clients."*

*NFHA has produced the Fair Housing Trends Report annually since the mid-1990s as part of its mission to expand access to fair housing and credit opportunities and ensure that all neighborhoods are well-resourced, resilient places of opportunity in which people can thrive. This year, NFHA also developed a new interactive web-based feature to help the public better visualize the Fair Housing Trends Report data.*

*The latest report critically underscores the need for federal, state, and local governments to prioritize increasing funds to support the agencies on the frontlines processing and investigating fair housing*

complaints and working to dismantle barriers and systems that impede progress for all people.

“Given the spike in reported housing complaints during the nation’s fair and affordable housing crisis, we must redouble our efforts to secure adequate resources for the organizations and agencies — on the local, state, and federal level — working to advance fair housing,” Rice added.

FHOs processed 73.94 percent of complaints, compared to 5.80 percent by HUD, 20.15 percent by FHAP agencies, and 0.11 percent by the DOJ. As the numbers show, private fair housing organizations are at the forefront of fair housing enforcement. They are in dire need of more funding and resources to continue their important work of investigating complaints, collecting data, providing fair housing counseling and education to consumers, and helping clients file complaints with appropriate authorities.

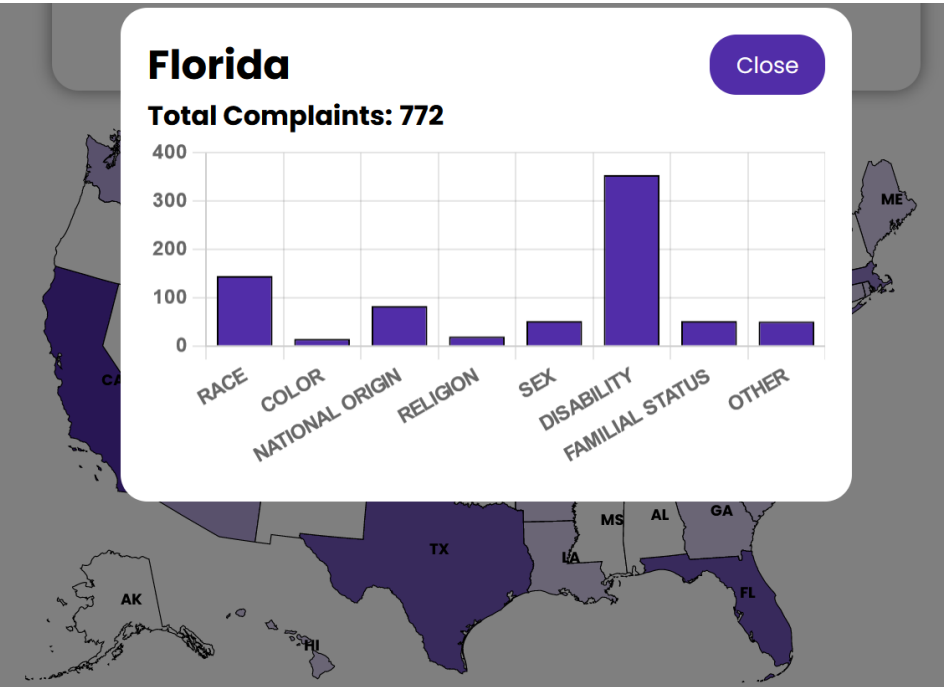
As in previous years, the latest findings show that discrimination based on disability accounted for the majority (53.26 percent) of complaints filed with FHOs, HUD, and FHAP agencies.

There were 2,490 complaints based on sex, the highest number recorded since NFHA began collecting such data in 2005. There was also a significant increase of 39.8 percent in complaints regarding source of income last year compared to the year before. And there was a spike in domestic violence complaints, with 289 reported domestic violence complaints last year, compared to 172 in 2021.

This report includes submissions from 86 NFHA member organizations, which are all either private non-profit fair housing organizations or fair housing programs of legal aid agencies. HUD’s 10 regional HUD offices and 77 state and local government agencies that participate in HUD’s FHAP program also provided data. In addition, the report contains information gathered from the DOJ.

...Those who believe they have experienced housing discrimination should file a report with their local fair housing agency, local or state government organization, and/or HUD.”

The full report can be found with an internet search for 2023 Fair Housing Trends Report.



The website for the Trends Report includes an interactive map of the numbers of fair housing complaints made across the country last year.

This screenshot of the map shows the 2022 housing discrimination complaints made to state and local governments in Florida, displayed by protected class (demographic trait being used in the discrimination). Florida was among the states with the highest number of complaints filed.

Continued from page 3, “Law Firm and...”

because the realtor’s actions were in violation of the Fair Housing Act, regardless of that tester’s reason for being there. In the 41 years since the Havens decision, there have been challenges to tester standing, but ultimately, none of them have successfully defeated the underlying concept that the act of intentional discrimination is not excused because the victim

ultimately happened to be just testing the waters. While Laufer’s case is about taking the steps to make legally required disclosures and not about giving differing information to various potential patrons or customers, the Supreme Court’s decision will potentially cut across to encompass all testing. We will continue to watch the case closely.

# Affirmatively Furthering Fair Housing

The concept of “affirmatively furthering fair housing” is based on Section 808 (e) (5) of the federal Fair Housing Act which states that the Secretary of HUD shall administer housing and community development programs in a manner that affirmatively furthers the purpose of the Fair Housing Act. We dedicate this space to Miami-Dade and Broward jurisdictions that receive Community Development Block Grant (CDBG) funds and partner with HOPE to implement the following outreach.

## Broward Area Outreach

The following jurisdictions were impacted by Broward area outreach activities during the quarter: Broward County, Davie, Fort Lauderdale, Tamarac, and other locations.

**Fair Housing and Predatory Lending Presentations:** These presentations consist of PowerPoint visuals, formal lectures, question and answer periods, and informational packages. All presentations are modified to meet the individual needs of the sponsor. The following presentations were conducted (in English, unless otherwise noted).

- Amazing Community Partners: 7/8/23, 8/19/23, 9/9/23
- Broward County Housing Authority, Lauderdale Lakes: 7/8/23, 8/12/23, 9/9/23
- Consolidated Credit Solutions: 7/22/23, 9/19/23, 9/20/23
- Hispanic Unity of Florida: 7/15/23, 8/19/23
- Housing Foundation of America, Broward County: 7/8/23, 7/15/23, 7/30/23, 8/5/23, 8/12/23, 8/26/23, 9/2/23, 9/9/23

- Oasis of Hope, Pompano Beach: 7/15/23, 8/19/23, 9/16/23
- Urban League of Broward County: 7/8/23, 7/29/23, 8/12/23, 8/23/23, 9/6/23

**Housing Provider Rights and Responsibilities Presentations:** Presentations designed for the specific needs of local housing providers.

**Community, Cultural, Health, and Job Fairs:** Local community events to diversify outreach efforts, counseling members of the general public on their rights and responsibilities.

- Employee Resource, Pembroke Pines, FL: 9/5/23
- Resource Fair, Plantation, FL: 9/19/23
- Family Self-Sufficiency Resource Fair, Lauderdale Lakes, FL: 9/23/23



Charmaine Williams, HOPE's Education & Outreach Coordinator for Broward County, at the Family Self-Sufficiency Resource Fair in Lauderdale Lakes, FL on September 23, 2023.

Give  
Miami  
Day

**Thursday,  
November 16,  
2023**

HOPE is again participating in Give Miami Day, which will take place on Thursday, November 16, 2023. Only gifts made at GiveMiamiDay.org during the 24-hour online giving period (12 a.m. on November 16 - 12 a.m. on November 17) are considered eligible gifts for the event. **On November 16th, please go to GiveMiamiDay.org to contribute to Housing Opportunities Project for Excellence (HOPE), Inc.'s efforts to end housing discrimination!**

All support is appreciated! Thank you!





# Miami-Dade Area Outreach

The following entitlement jurisdictions were impacted by Miami-Dade area outreach activities during the quarter: the Cities of Hialeah, Miami, Miami Beach, and North Miami, as well as other locations.

## Fair Housing and Predatory Lending Presentations (conducted in English, unless otherwise noted):

- Centro Campesino (English & Spanish), Florida City: 7/15/23, 7/29/23, 8/19/23, 9/9/23, 9/22/23, 9/23/23
- Cuban American National Council (CNC) (English & Spanish), Little Havana: 7/26/23, 7/28/23, 8/25/23, 9/8/23, 9/22/23
- Experts Resource Community Center (English & Creole), Miami Gardens & North Miami: 7/22/23, 7/27/23, 9/9/23, 9/23/23
- Haitian American CDC (English & Creole), Little Haiti: 9/8/23
- Helio Biblios Hour, blogtalkradio: 7/2/23
- Housing Foundation of America (English & Spanish), Miami Gardens & Palmetto Bay: 7/22/23, 7/29/23, 8/19/23, 8/26/23, 9/23/23
- Neighborhood Housing Services (English, Spanish, and Creole), Little Havana: 7/15/23, 7/19/23, 7/22/23, 8/5/23, 8/9/23, 8/19/23, 8/26/23, 9/6/23, 9/9/23, 9/13/23, 9/16/23
- Real Estate, Education and Community Housing (REACH) (English & Spanish), Kendall: 7/15/23, 7/29/23, 8/26/23, 9/30/23

- Ten North Group, Opa-locka: 7/22/23, 8/19/23, 9/30/23
- Trinity Empowerment (English & Spanish), Goulds: 7/15/23, 8/19/23, 9/16/23
- University of Miami School of Law, Coral Gables: 9/5/23

## Provider Presentations:

- Healthy Little Havana, Little Havana: 7/26/23
- Villa Alegria, Hialeah: 9/26/23

## Community Fairs:

- International Brotherhood of Electrical Workers HQ, seal & expunge event, Allapattah: 8/24/23
- Lynn Rehabilitation Center, Health & Wellness Exposition Fair: Civic Center: 9/27/23
- Miami Dade College North Campus, community fair, Westview: 9/20/23
- Miami Dade College Wolfson Campus, community fair, Downtown Miami: 9/21/23
- Miami-Dade County, inclusion fair, Downtown Miami: 7/28/23
- Morton Service Center, community tabling, Hialeah: 7/3/23, 7/24/23
- North Miami Library, The Mortgage Firm homebuyer event, North Miami: 9/30/23
- Villa Alegria, Hialeah: 9/12/23, 9/26/23



## Join the fight against discrimination! Become a tester!

Please join us in this movement (and make some extra cash as well!) - become a civil rights investigator! Interested people should contact HOPE's Testing Coordinators. Training consists of a paid training session, and after training, available testers are contacted as needed. Each assignment pays \$40-\$110.

Call today! Miami-Dade: (305) 651-4673, Broward: (954) 742-3778.

Applicant must:

- Be 18 years of age or older
- Have no convictions of a misdemeanor involving truth, veracity or honesty or of any felony
- Have good observational and writing skills
- Be able to donate approximately 4 hours for each test
- Be punctual with reliable transportation



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This document is available in an accessible format for people with disabilities upon request.  
Please call Daniel Howe at (305) 651-4673.

## Yes, I want to invest in the future of my community by becoming a member of HOPE!

Please fill out this membership application and mail with your TAX-DEDUCTIBLE contribution to:

**HOPE**  
**Attn: Membership**  
**11501 NW 2nd Ave**  
**Miami, FL 33168**

NAME: \_\_\_\_\_

COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ ST: \_\_\_\_\_ ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

\_\_\_\_\_ Individual (\$35.00)

\_\_\_\_\_ Family (\$75.00)

\_\_\_\_\_ Friend (\$100.00)

\_\_\_\_\_ Non-Profit (\$250.00)

\_\_\_\_\_ Corporate (\$500.00)

\_\_\_\_\_ Good Neighbor (\$1,000.00)

\_\_\_\_\_ Sustaining Partner (\$10,000.00)

\_\_\_\_\_ Juniors For Justice (\$5.00) (13-18 years old)

\_\_\_\_\_ Pennies from Heaven (children 12 and under)

\_\_\_\_\_ I am unable to contribute but please send me *HOPE Forum*

### There are laws against discrimination in the rental or sale of housing on the basis of:

- |                                     |  |
|-------------------------------------|--|
| ◇ Race                              | ◇ Age  |
| ◇ Color                             | ◇ HIV Status   |
| ◇ National Origin                   | ◇ Sexual Orientation                                       |
| ◇ Religion                          | ◇ Gender Identity  |
| ◇ Marital Status                    | ◇ Gender Expression  |
| ◇ Pregnancy                         | ◇ Political Affiliation                                    |
| ◇ Familial Status (having children) | ◇ Source of Income   |
| ◇ Disability                        | ◇ Ancestry   |
| ◇ Sex (gender)                      | ◇ Being a victim of domestic violence or human trafficking |
| ◇ Veteran Status                    |  |

**Do you suspect that you have been a victim of housing discrimination?**  
**Help is available; don't delay!**

**Call the HOPE DISCRIMINATION HELPLINE!**  
**Miami-Dade: 305-651-HOPE (4673)**  
**Broward: 954-742-3778**  
**TDD: 800-955-8771**  
**or file a complaint at [www.hopefhc.com](http://www.hopefhc.com)**