



Invisible Evidence

Although protections like the Fair Housing Act can secure for tenants the right to a happy living situation, those protections are often not enough to prove housing discrimination in a court of law. Housing discrimination cases are rarely cut and dried — they can be messy, tough to prove and emotionally draining.

Take, for instance, the case of Bernice Pogue.

Pogue says she has been dealing with housing issues for the past three years, even becoming homeless at times. Just recently, she took a housing discrimination case to federal court on the grounds of disability discrimination.

The case was dropped due to a lack of evidence that any violation of the Fair Housing Act took place, and because Pogue couldn't adequately explain her case in court due to her complex post-traumatic stress disorder (C-PTSD) — the basis for her complaint.

"The case got dropped because I couldn't tell my story," Pogue says, "which is actually part of my disability."

In Pogue's defense, her story is pretty complex.

Pogue's case was against Homes For Good, formerly the Housing and Community Services Agency of Lane County (HACSA), which handles her Section 8 voucher and partially pays for her rent. In her lawsuit, Pogue claimed that Homes for Good improperly handled a situation with her landlord and did not properly assist her housing needs while considering her PTSD.

She made her complaint through the U.S. Department of Housing and Urban Development (HUD), the primary national organization that handles such complaints.

Pogue and her three youngest children moved to the Eugene area from California after she separated with her then-husband.

"When we first moved here, I didn't have much of a problem finding a place," Pogue says. She had steady jobs, mostly in retail. But, she says, as she and her husband were going through the divorce, he would periodically fail to pay child support.

The complexities of a non-physical disability housing discrimination claim

BY MEERAH POWELL

"I would go a month without child support, then I would not be able to pay my full rent," she says. From there, Pogue says she eventually ended up getting on Section 8.

She and her family have had housing off-and-on since then.

Most recently, after a long span of searching, in early 2017 Pogue found Section 8 housing in a duplex in Springfield with her three children.

"It was getting to the point where I was going to lose my voucher because I couldn't find a place," Pogue says. "A landlord answered my Craigslist ad and I ended up getting a place."

She and her family were in the unit for just a few months when it was revealed that the duplex's landlord was being indicted on "fourth-degree assault constituting domestic violence." The charges involved a prior tenant who had been the landlord's roommate, according to a story in *The Register-Guard*.

Pogue found this out when a neighbor showed her the *RG* article.

As a result of that incident, Homes For Good said they would be cutting ties with the landlord and told Pogue she would need to relocate. Pogue asked that Homes For Good not tell her landlord that she knew about the situation until she and her family were moved out of his unit, but, she says, they didn't honor that request.

Pogue says her landlord asked her in person why Homes For Good was severing ties and if she would be leaving. She had to "play dumb," she says.

Pogue refused to sign the 60-day move-out notice, stating that she didn't trust the process; she wanted to make sure Homes for Good would be offering moving support before she committed to leaving. She says that since Homes for Good was the one breaking the lease, the application and moving fees, and the difficulty of finding another home, should be the organization's responsibility.

"Since they're breaking the lease, and they're the ones who wanted me to move — I had just moved in there," Pogue says. "There's no way I could get the federal help that I got to move in again that soon. So that was going to be a huge obstacle for me."



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