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Fair Housing Enforcement Trends: Lessons from Merryman and Other Recent Cases



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When the Virginia Attorney General secured a $2.25 million settlement against landlord David Merryman in 2026, many viewed the case as an outlier involving especially egregious facts. According to the Commonwealth of Virginia, Merryman engaged in discriminatory harassment, failed to maintain habitable housing conditions, retaliated against tenants who requested repairs, and sought evictions against residents who complained. The resolution of the case was a settlement agreement that permanently bars him from operating as a landlord in Virginia, requires the sale of his rental portfolio, and provides compensation to affected tenants.

From a fair housing perspective, Merryman's case fits squarely within a broader pattern of enforcement activity by federal and state regulators over the last two years. A review of recent HUD, DOJ, and state civil rights enforcement actions reveals several recurring themes:

- Harassment is increasingly being treated as a Fair Housing Act violation, not merely a landlord-tenant dispute
- Retaliation remains a top enforcement priority
- Maintenance and habitability issues become fair housing issues when linked to protected-class status or protected activity
- Regulators are targeting patterns of conduct, not isolated incidents
- Agencies are increasingly seeking injunctive remedies, not just monetary damages

The *Merryman* Case Is Not an Outlier

Often, housing providers view fair housing risk primarily through the lens of leasing and applicant screening decisions. However, the *Merryman* case was about existing tenancies and the relationships landlords have with their tenants. Investigators focused not merely on the existence of housing conditions, but on the relationship between those conditions, resident complaints, and the landlord's response. That enforcement theory is increasingly common.

Case Comparison

California Retaliation and Harassment Case (2025)
In 2025, the California Civil Rights Department announced a settlement involving Sacramento landlords accused of discriminating against a tenant because of her race, disability, and participation in the Section 8 program. According to the agency, after the tenant challenged allegedly improper utility charges, the landlords subjected her to racial slurs, threats of eviction, harassment, and ultimately locked her out of her residence. The matter settled for $42,500 plus injunctive relief.[1]

HUD's Montana Retaliation Charge (2024)

In 2024, HUD charged a Montana property manager and owner with retaliation after a tenant complained about allegedly inappropriate conduct by management. HUD alleged the landlord responded with threats of eviction, revocation of tenancy privileges, harassing messages, and efforts to remove the resident from the property.[2]

HUD's New Jersey Selective Eviction and Retaliation Case (2024)
In 2024, HUD issued a charge against New Jersey housing providers for allegedly applying eviction policies differently based on race, national origin, familial status, and protected activity. According to HUD, management aggressively pursued eviction of a Black Hispanic resident while failing to apply the same standards to a similarly situated White resident. HUD also alleged retaliation by the housing provider after the resident pursued fair housing complaints.[3]

***DOJ v. Mani* (2026)**
In August 2026, DOJ sued a Pennsylvania landlord alleging that after a female tenant rejected his advances, he retaliated by refusing to repair a furnace during freezing weather, forcing the resident and her children to relocate temporarily. DOJ specifically connected the maintenance failure to discriminatory conduct and retaliation.[4]

Looking across these matters, several clear enforcement trends have emerged.

Priority

Retaliation
HUD, DOJ, and state agencies consistently devote resources to retaliation investigations. The common denominator in many modern fair housing cases is not a refusal to rent. It is management's response after a resident complains, requests an accommodation, reports discrimination, or otherwise exercises a legal right.

Harassment During Tenancy
Agencies increasingly view resident harassment as a housing access issue. Can a resident meaningfully enjoy housing if subjected to discriminatory abuse, intimidation, or hostile treatment?

Operational Decision-Making
Many recent cases focus on routine business decisions: responses to maintenance requests; enforcement of rules or lease provisions; responses to reasonable accommodation requests; decisions around which tenants to file eviction suits against; and the tone and language used in resident communications.

None of these activities are inherently unlawful. However, legal exposure may arise if they appear connected to a protected class or protected activity.

Patterns and Practices
DOJ expressly identifies "pattern or practice" discrimination as a major enforcement area and seeks broad remedies when it believes misconduct reflects systemic operational failures rather than isolated mistakes.

The Takeaway

The most important lesson for multifamily owners and management companies is that regulators are no longer focused exclusively on what happens at the application stage. Today's investigations examine the entire resident lifecycle and appear to emphasize patterns of conduct rather than one-off incidents.

Here are some questions to add to your internal compliance audit:

- **Are we treating similarly situated residents consistently?**
- **Can our documentation objectively support our decisions?**
- **Would an objective third-party conclude that our maintenance, lease enforcement, and communication practices**

are driven by legitimate business reasons (and not subjective)?

[1]https://calcivilrights.ca.gov/2025/07/02/civil-rights-department-reaches-settlement-over-alleged-harassment-and-eviction-of-section-8-tenant-in-sacramento/

[2]https://archives.hud.gov/news/2024/pr24-013.cfm

[3]https://www.fairhousingnc.org/newsletter/hud-september-2024-charges-of-discrimination/

[4]https://www.justice.gov/crt/housing-and-civil-enforcement-cases