
From: Lehman, Barbara L <Barbara.L.Lehman@hud.gov>

Sent: Friday, March 31, 2017 7:14 AM

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Cc: Fandel, Mona <Mona.Fandel@hud.gov>; Riggs, Jo Ann <jo.ann.riggs@hud.gov>

Subject: FW: Smart Meter, Radio Frequency, and Electromagnetic Frequency

From: Smyth, Timothy M

Sent: Friday, March 31, 2017 6:23 AM

To: Frisk, Amy M <Amy.M.Frisk@hud.gov>; Quesada, Anne <Anne.Quesada@hud.gov>; Lehman, Barbara L <Barbara.L.Lehman@hud.gov>; Bottiger, Betty <Betty.Bottiger@hud.gov>; Osegueda, Carlos <Carlos.Osegueda@hud.gov>; Sweeney, Garry L <Garry.L.Sweeney@hud.gov>; Golden, Jay <jay.golden@hud.gov>; McGough, Maurice J <Maurice.J.McGough@hud.gov>; Taylor, Melody C <Melody.C.Taylor@hud.gov>; Forward, Susan M <susan.m.forward@hud.gov>; Nevels, Kimberly L <Kimberly.L.Nevels@hud.gov>; Grosso, Lynn M <Lynn.M.Grosso@hud.gov>; Patterson, Gordon F <Gordon.F.Patterson@hud.gov>; Pelletier, Joseph A <Joseph.A.Pelletier@hud.gov>

Subject: Smart Meter, Radio Frequency, and Electromagnetic Frequency

Hi Team,

The Department has seen several cases around the country dealing with smart meters, radio frequency (RF) or electromagnetic frequency (EMF) issues. Cases typically concern persons who allege to have a disabling sensitivity to RF or EMF fields. Often, a complainant requests, as a reasonable accommodation, that electrical utility companies not place “smart meters” on a residence or on residences within a certain distance from a subject property – usually not within 500 or 600 feet of a subject property. We have also seen putative complainants asking, as an accommodation, that an opt out fee not be charged to complainant for not having a smart meter installed at their property. The Department of Energy and Department of Justice have also received numerous complaints dealing with these issues and have informed FHEO that they will not open investigations under Section 504 based on these allegations.

After consultation with OGC-Fair Housing, it has been decided that, at this time, FHEO will not accept, as jurisdictional, allegations dealing with Smart Meters, RF and/or EMF issues. Should circumstances change in the future with respect to medical or legal opinions relating to these types of cases, the Department may reevaluate this position; but for now, FHEO Intake should not accept these types of allegations and any complaints already accepted should be closed accordingly. As we always do when declining to accept allegations as jurisdictional, we must counsel front line staff to speak cautiously when asserting limitations of the Fair Housing Act’s jurisdiction. Accordingly, the attached letters are short and straightforward. At this time, consistent with our federal partners, we will not open these cases. As the attached sample letters set forth, parties retain their right to timely file in court.

In addition, this information should be shared with FHAP agencies since we would not pay them to investigate complaints we deem to be non-jurisdictional.

Attached please find two sample documents:

1. Closure of Inquiry concerning Smart Meters
2. Closure of Complaint concerning Smart Meters

Have a good Friday,

Timothy M. Smyth, Deputy Assistant Secretary for Enforcement and Programs
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