

Fair Housing Enforcement Partners:

HUD has recently seen several cases around the country dealing with smart meters, radio frequency (RF) or electromagnetic frequency (EMF) issues. These 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, as accommodation requests, that an opt out fee not be charged for declining to have 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 HUD that they will not open investigations under Section 504 based on these allegations.

Based on advice from HUD’s Office of General Counsel, FHEO will not accept as jurisdictional allegations dealing with Smart Meters, RF and/or EMF issues, and any complaints already accepted will be closed. 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; if so, FHAP agencies will be informed of any change in HUD’s position.

*** FHAP agencies must make their own determination whether to accept such complaints under their respective substantially equivalent State or local fair housing laws. Note, however, that under the Cooperative Agreements between HUD and FHAP participants, HUD reimburses only for cases that are jurisdictional under the federal Fair Housing Act. Where such complaints are accepted by a FHAP, they will not be accepted by HUD for payment. FHAP agencies that decline to accept such complaints should advise individuals of their right to file a civil action on their own under either the substantially equivalent State or local law, the federal Fair Housing Act, or both.

Thank you.

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