



Theresa L. Kitay

Shareholder

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Theresa L. "Terry" Kitay focuses her practice on defense and preventive representation of clients in the housing industry in all civil rights matters, including fair housing, Section 504, Title VI, and the Americans with Disabilities Act (ADA).

Terry's clients include many of the leading residential housing providers and public housing authorities in the country. She provides representation for consultation, conciliation, administrative matters and state and federal court litigation and appeals. Her practice places particular emphasis on advice regarding disability and accessibility issues, including compliance with the Fair Housing Act and building code requirements for accessibility in the design and construction of new multifamily housing. Terry is certified by the state of California as an Accessibility Specialist (CAsp), by the International Code Council as an Accessibility Inspector/Plans Examiner, and by the Accessibility Professional Association for matters of accessibility in the built environment (APAC-BE). She was formerly a trial attorney for the U.S. Department of Housing and Urban Development (HUD). Terry's enforcement background with HUD, combined with extensive experience in the defense representation of housing professionals since leaving HUD, have given her a unique ability to assist clients who face civil rights issues or wish to avoid them in the future.

Terry is a frequent source and contributor on fair housing, accessibility, and related topics to such national publications as *Units* and *Fair Housing Coach*. She routinely serves as a subject matter expert on fair housing and accessibility for the National Apartment Association and has also testified before the U.S. House of Representatives on these issues.



Representative Matters

- Advised client regarding accessibility compliance of a multifamily asset for potential acquisition, including evaluation of potential liability and exposure.
- Negotiated settlement of pattern and practice accessibility compliance investigation by the Department of Justice for client's portfolio of new construction multifamily assets.
- Defended multifamily management company against allegations of disparate impact racial discrimination allegedly resulting from the use of criminal history screening.
- Defended a residential property developer in a private enforcement action by an advocacy group for alleged accessibility deficiencies in its residential facilities.



Professional Honors & Activities

- Member – National Multifamily Housing Council
- Member – National Apartment Association
 - Fair Housing and Accessibility Task Force – National Apartment Association
 - Fair Housing Task Force – Atlanta Apartment Association
- Member – Wilmington Apartment Association
- Steering Committee Member – Fair Housing and Public Accommodation Subsection of the State Bar of California
- Member – Fair Housing Coach Board of Advisors
- AV[®] Preeminent[™] Peer Review Rated by Martindale-Hubbell



Publications

- Co-author – "A Look at Emotional Support Animal Obligations Under FHA," *Law360* (July 2022)
- Co-author – "'That's Not Fair' – What Does That Mean Under the Fair Housing Act?" (May 2022)
- Author – "Americans with Disabilities Act and its Incorporation into California Law," Chapter 11, *California Fair Housing and Public Accommodations* (2014)
- Author – "Fair Housing and Accessibility Issues in Multifamily Rental Housing," Chapter, *Georgia Apartment Law Book* (1997, 1999)



Speaking Engagements

- "Emerging Legal Issues and How to Keep Them From Cropping Up," Baker Recommends (September 2022)
- "National Apartment Association Emotional Support Animal & Accessibility Toolkits – Virtual Kickoff," (webinar) (August 2022)
- "Assistance Animal Issues – Update," The Habitat Group (webinar) (October 2020)
- "Fair Housing," National Government Affairs Roundtable and Legal Symposium (July 2019)
- "Must-Know Fair Housing Trends and Compliance Strategies for 2019," National Apartment Association Annual Education Conference (January 2019)
- "The ABCs of HUD: Fair Housing Seminar," South East Florida Apartment Association (SEFAA) (April 2018)
- "From the Front Lines: ADA Update on the Latest Issues and Trends for Shopping Centers," International Council of Shopping Centers (ICSC) (October 2013)
- In-depth training programs on fair housing and accessibility compliance provided on demand.



Education

- Harvard University Graduate School of Design – Executive Education
 - ADA, ABA, and 504 Access to Public, Private, and Federal Non-Residential Facilities and Programs, August 2016
 - Fair Housing, ADA, ABA, and 504 Access to Housing and Dorms, August 2016
 - Housing Accessibility, June 2015
 - Accessibility: Compliance, Comparisons, and Communications, July 2013
- Emory University School of Law, J.D., 1987, with distinction
- Smith College, A.B., 1984, cum laude



Admissions

- Georgia, 1987
- California, 2005
- North Carolina, 2017