

No. A-_____

In the Supreme Court of the United States

Suellen Klossner,

Petitioner,

v.

IADU Table Mound MHP, LLC, and

Impact MHC Management, LLC,

Respondents.

**Application for an Extension of Time to File a Petition for a
Writ of Certiorari to the U.S. Court of Appeals for the Eighth Circuit**

To the Honorable Brett M. Kavanaugh, Associate Justice and Circuit Justice for
the Eighth Circuit:

Pursuant to Rule 13.5 of this Court, Petitioner Suellen Klossner respectfully
requests a 30-day extension of time, to and including August 9, 2023, in which to file
a petition for a writ of certiorari in this Court. The Court has jurisdiction under 28
U.S.C. § 1254(1).

The judgment of the U.S. Court of Appeals for the Eighth Circuit was entered on
April 10, 2023, so the time to file a petition for a writ of certiorari currently expires
on July 10, 2023. A copy of the Court of Appeals' opinion is attached.

In the decision below, *Klossner v. IADU Table Mound MHP, LLC*, 65 F.4th 349
(8th Cir. 2023), the Court of Appeals exacerbated a preexisting circuit split over how
to interpret an often-litigated provision of the Fair Housing Act. The FHA prohibits
discrimination against people with handicaps. The provision at issue defines
discrimination to include "a refusal to make reasonable accommodations in rules,

policies, practices, or services, when such accommodations may be necessary to afford such [handicapped] person equal opportunity to use and enjoy a dwelling.” 42 U.S.C. § 3604(f)(3)(b). The circuit split is over whether an “accommodation” can include the relaxation of a landlord’s policy of refusing to accept rent from a source other than the tenant’s own funds (such as government assistance or the help of a family member), where the tenant has a disability that prevents her from earning a sufficient income to pay the rent herself. Two circuits, the Ninth and Eleventh, hold that an accommodation *can* include the relaxation of such a policy. *Giebeler v. M & B Assocs.*, 343 F.3d 1143 (9th Cir. 2003); *Schaw v. Habitat for Humanity of Citrus Cty., Inc.*, 938 F.3d 1259 (11th Cir. 2019). In the decision below, the Eighth Circuit joined the Second and Seventh in holding, to the contrary, that the Fair Housing Act requires landlords to accommodate only the physical effects of a disability, not the disability’s effect on a tenant’s ability to earn income. *Salute v. Stratford Greens Garden Apartments*, 136 F.3d 293 (2d Cir. 1998); *Hemisphere Bldg. Co. v. Village of Richton Park*, 171 F.3d 437 (7th Cir. 1999).

There is a substantial chance that the Court will grant certiorari. The circuits are divided, the issue recurs frequently, and this case is an excellent vehicle for resolving it. Moreover, the decision below is wrong. It cannot be squared with the text of the Fair Housing Act, which merely requires “accommodations” without distinguishing between the physical and the economic effects of a disability.

Good cause exists for an extension of time to prepare a certiorari petition in this case. Undersigned counsel of record was not involved in the case in the lower courts.

Counsel needs time to familiarize himself with the full record and to conduct the research necessary for the preparation of the certiorari petition. In addition, counsel has a long-planned family vacation in June.

Counsel for respondents has told us that respondents have no objection to the requested extension of time.

For these reasons, we request a 30-day extension of time, to and including August 9, 2023, in which to file a petition for a writ of certiorari.

Respectfully submitted,



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May 26, 2023