



Woman With HIV Sues Arizona Rehab Center for Wrongful Eviction

The woman is suing for HIV discrimination, alleging a treatment facility disclosed her HIV status to fellow residents then evicted her.

November 9, 2023 By Laura Schmidt

A woman living with HIV is suing an assisted living and treatment center in Arizona, alleging that the center disclosed her HIV-positive status to other residents and told them they would not be “safe” around her. Then she was removed from the center, according to the lawsuit.

In October, a [federal lawsuit](#) was filed by Hailei Joe, 36, against Olive Branch Assisted Living, a residential addiction treatment facility located in Casa Grande, Arizona. The lawsuit alleges the facility violated the federal Fair Housing Act, the Arizona Fair Housing Act and the Americans with Disabilities Act.

“I’m Native American,” Joe told the [Phoenix New Times](#). “My grandmother refers to us as the grassroots people because we are at the bottom of society, but I never thought in a million years that this would happen to me.”

Joe alleges that when she moved into the assisted living center in October 2022, she told a staff member that she thought she might be HIV positive, according to the lawsuit. “I told the house manager when he picked me up, I was like, ‘I’m pretty sure I have it,’ and he told me, ‘No, you probably don’t’” Joe said.

Only weeks later in November 2022, test results confirmed that she is indeed HIV positive. She said she was treated poorly after disclosing her HIV status to the facility. Olive Branch owner Russell Appleton subsequently banned Joe from a field trip and planned activities at the facility, according to the lawsuit notes.

Appleton allegedly told all of the people living at the treatment center that someone was HIV positive and that the facility was no longer “safe” for them. Although he did not mention Joe by name, she began crying and other residents attempted to comfort her, according to the lawsuit.

“When that diagnosis came, literally, the day it came, they held a meeting,” said Joe’s lawyer Jonathan Dessales. “She didn’t know what the purpose of the meeting was. And they said, ‘Hey, someone here has HIV and none of us are safe.’”

“When they have a meeting for the specific purpose of saying someone here has HIV and nine people are sitting there listening intently and the 10th person is crying uncontrollably, it’s pretty clear who he’s talking about,” Dessaulles said.

Learning of an HIV diagnosis is a stressful experience for anyone, but rather than feeling supported by staff at Olive Branch, Joe felt scared. These feelings only intensified after Appleton’s announcement to the facility, Joe said.

“This has not been a walk in the park for her,” Dessaulles told the newspaper. “This was a one-two punch: First getting an HIV diagnosis and not being told what it means, and then, the very next thing, an hour later, being told, ‘You shouldn’t live here anymore.’ That is a gut punch!”

After Appleton disclosed her status without her permission, Joe says she was forced to leave the facility, cutting off her access to its addiction treatment services.

“This is a care facility that exists to help people,” Dessaulles said. “They’re taking the most susceptible people, and they’re just marginalizing them, saying, ‘Sorry, we’re not gonna help you because of your diagnosis.’”

Joe filed the lawsuit after the eviction because it caused her to experience unstable housing and severe emotional pain. She also claims the facility violated her privacy by disclosing her HIV status with others. Now, she is seeking a jury trial and punitive damages for the emotional and financial strains she underwent after the eviction.

“I went to a rehab center for help,” she told PNT. “Instead, I got a place that refused me and left me with no knowledge and nothing to be able to protect myself.”

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Of course, Joe’s fellow residents and the Olive Branch staff had no reason to feel unsafe in the presence of a person living with HIV. The virus is not transmitted through the air or by sharing drinking glasses. As the [POZ Basics on HIV Transmission and Risk](#) explains:

HIV is transmitted through the following body fluids:

- Blood
- Semen
- Pre-cum
- Rectal fluids
- Vaginal fluids

- Breast milk

There are several ways this can happen:

- From condomless vaginal/frontal or anal sex with someone who has HIV, while not using a condom or not using medicines to prevent ([PrEP and PEP](#)) or treat HIV ([undetectable equals untransmittable or U=U](#)).
- From sharing needles, syringes or other injection equipment with someone who has HIV, while not using PrEP.
- From mother to child during pregnancy, childbirth or breastfeeding. However, if the mother is in regular care and on HIV treatment, this risk is reduced to nearly zero.
- From being stuck with a needle or cut with a sharp object that contains HIV-positive blood. This is mostly a risk for health care workers.
- From getting a blood transfusion. However, this risk is rare in U.S.

HIV is not transmitted through saliva, urine, feces, vomit, sweat, animals, bugs or the air. Therefore, you are NOT at risk for HIV if you:

- Are bitten by a mosquito or any other bug or animal.
- Are near a person who is HIV positive and sneezed.
- Eat food handled, prepared or served by a person who is HIV positive.
- Share toilets, telephones or clothing with a person who is HIV positive.
- Share forks, spoons, knives or drinking glasses with a person who is HIV positive.
- Touch, hug or kiss a person who is HIV positive.
- Attend school, church, restaurants, shopping malls or other public places where there are people who are HIV positive.

In the United States, sexual contact is the most common way that HIV is passed from person to person. Sex allows for the exchange of certain body fluids that have consistently been found to transmit HIV: blood, semen, rectal and vaginal secretions. HIV has also been found in extremely low, non-infectious amounts in other fluids (saliva, tears and urine); but no transmissions through these fluids have been reported to the CDC.

