

Racial bias tops list of complaints at fairness center

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Washtenaw County residents have found where they can turn if they believe they are victims of housing discrimination.

For the past year and a half, the Fair Housing Center of Washtenaw County has been there to investigate complaints of housing discrimination based on race, national origin, sex, disability, familial or marital status or source of income. And it has not come up empty.

"Here in Ann Arbor, it is so easy to think we have a liberal attitude and racism doesn't happen here," says Verna Spayth, president of the FHC's nine-member board of directors. "What's become increasingly clear is that the Ann Arbor area has the same problems everybody else has."

The county center officially opened February 1992 in an office of the Legal Services of Southeastern Michigan building at 420 N. Fourth Ave. in Ann Arbor, becoming Michigan's sixth fair housing center. The office is open Mondays, Wednesdays and Fridays and is staffed solely by executive director Pam Kisch, who also is assistant coordinator of investigations at the Fair Housing Center of Metropolitan Detroit.

The idea of opening a local center came about four years ago largely because Ann Arbor area residents were lodging complaints with the Detroit center. Kisch responded to those Washtenaw County complaints and trained testers in the Ann Arbor-Ypsilanti area to investigate.

In June 1991, the center was incorporated in Ann Arbor with an interim board of directors. By September 1991, the local center had received a \$19,000 grant from HUD's Fair Housing Initiatives Program-Private Enforcement Initiative. The center is still receiving that federal funding as well as some funding from Ann Arbor and Ypsilanti for its \$34,000 budget.

The center wasn't even officially open when it began



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Fair Housing Center's tactics draw critics

receiving calls from local residents; it received 43 complaints of housing discrimination from September 1991 to August 1992. It has now received a total of 121 complaints.

According to FHC figures, the majority of complaints are from Ann Arbor. More than half of the complaints have been about racism.

"Washtenaw County has an ability to bury its head in the sand as far as discrimination is concerned," said Jérôme Strong, a FHC-Washtenaw County board member. "The FHC brings things to the surface."

Of the complaints the center has received, eight have resulted in lawsuits. Three cases have been settled, with combined settlements of more than \$50,000.

Spayth and Strong say the center's most notable case so far has been Mary Vaughn's 1991 lawsuit against Eastern Michigan University. Last year, Vaughn settled out of court with EMU for \$30,000.

Vaughn was on the job for only 10 days before she was fired as resident manager of EMU's Cornell Court Apartments. Vaughn said her supervisor told her not to lease to Asian students, particularly to Chinese students whose cooking in open woks would add to an existing roach problem. Vaughn said she refused to follow the instructions.

While talking with a tenant about the situation, Vaughn said the tenant told her about the Fair Housing Center. Vaughn said she tried to work something out with EMU officials, but when they wouldn't respond, she decided to file a lawsuit.

"This is the first time I really felt that I fought back when something like that happened and I'm really glad I decided to do it," Vaughn said. "Something that was really bad turned out to be something really good."

Strong said, "Sitting down at the table (to negotiate) has not proved to be the best thing possible. Each time a case is won, it substantiates the need for a FHC in Washtenaw County. Everything we've won, we're proud of."

When a complaint is filed with the center, Kisch takes detailed information on the situation. Then she sends testers to the location to look for evidence of discrimination. For instance, if a complaint comes in from a couple with children, a couple with children posing as renters would go to see how they are treated, then a couple without children would be sent to the same place to see if they are treated differently.

When there is enough evidence of discrimination, Kisch calls the complainants back to discuss their options: They can ask the center to negotiate a settlement with an agent or owner, they can file a complaint with HUD, or they can file a lawsuit. So far, complainants prefer using the court

system; resulting in the eight lawsuits filed. No one has asked the FHC to negotiate a settlement, and only one complaint has been filed with HUD.

What about the rest of the complaints? Because Kisch is the only Ann Arbor staff member, some complaints go unanswered. And in many cases, testers do not find evidence of discrimination.

When complainants decide to sue, Kisch refers them to what the FHC calls "cooperating attorneys," private-practice lawyers willing to take these types of cases on a contingency basis.

But the Fair Housing Center and its methods are not without their critics.

Ann Arbor attorney David H. Raaflaub, whose practice includes civil rights and landlord and tenant cases, said the Fair Housing Center's methods, like sending testers, are not the best way to prove housing discrimination.

Testers, he contends, are not interested in getting a house but instead are interested in being turned down. A landlord, sensing a tester is not really serious, could turn a tester down not because of discrimination but because the landlord does not want to waste his or her time. The landlord also may suspect he or she is being set up for something. Also, renters or house-seekers would benefit by knowing their rights under fair housing laws.

"There ought to be a mechanism for the people who are really interested in applying for a house to confront the landlord and say they feel they've been discriminated against and try to work something out," Raaflaub said. "A tester is not motivated to work out a situation where both parties can win. It's running around in bad faith setting up win-lose situations and not a good market situation where we can find a win-win situation."

Spayth said sometimes it's too easy for a landlord, after being confronted with discrimination, to say, "Oh, that's illegal? I didn't mean it." That is why some complainants decide to sue.

"Filing a lawsuit is a way of pushing back," Spayth said. "Some people can take more pushing than others, but everybody gets to a point where they say, 'No, I've suffered too much. I've been damaged by this.' The bruises don't show, but you've been hurt by it."

The center also is interested in educating the community about housing discrimination. Kisch speaks to community and civic groups as well as works on special projects such as "Loan Denied," a recent report on racial discrimination in mortgage lending by financial institutions in Washtenaw County.

"I'd like to say we're determined to end segregation all together in Washtenaw County, but I can't," says Spayth. "But Pam and I are working on it."



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— Jerome Strong, a Fair Housing Center board member