

Gay couple sues housing co-op

By SUSAN OPPAT
NEWS STAFF REPORTER

A lesbian couple has filed a lawsuit against the University Townhouses Cooperative in Ann Arbor, claiming they were refused housing because they are gay.

The women, who have lived together for 13 years and participated in a commitment ceremony at an Ann Arbor church, "are only asking to be treated as a family — the family they have been to each other for many years," according to attorney Helen V. Gallagher.

Carla Daniels and Gretchen Fogel took their complaint to the Fair Housing Center of Ann Arbor before they filed suit Thursday, the last day before the three-year statute of limitations ran out.

A tester from the center, representing herself as a partner in a

same-sex relationship, got the same refusal recently, according to Executive Director Pam Kisch.

The center is supporting the civil rights suit, filed in Washtenaw Circuit Court against the cooperative, past board president David Thompson and current president Khalil Samaha. Kisch said she was unaware of any previous, similar suits in Washtenaw County.

According to the suit, the women applied for an apartment on March 4, 1991, and a co-op worker told them that applicants must be related by blood or marriage.

According to the suit, the women challenged that, saying they knew of unmarried couples who lived in the co-op. They also noted that the townhouse application form said, "Unmarried couples (male and female) constitute a family too."

Still, the worker refused the ac-

cept the women's application, the suit says.

The women are demanding an injunction against further discrimination, and more than \$10,000 in damages, citing the Michigan Elliott-Larsen civil rights act. It prohibits discrimination based on gender, handicap, race, age or marital status, and a March 1991 Ann Arbor city ordinance prohibiting discrimination based on sexual orientation.

The co-op is a large complex of federally supported, low-income townhouses on Braeburn Circle, off Ellsworth Road on the south side of Ann Arbor.

A 1991 letter from Thompson to the women said the co-op's definition of family — two people related by blood or marriage, or an unmarried male and female — had been in use for 20 years, and was part of a regulatory agreement with the fed-

eral Housing and Urban Development department, which built and supports the housing complex.

Thompson and Samaha did not return messages from The News Friday. Property manager Alonso Restrepo declined comment on the suit.

But Ruth Featherstone, spokeswoman for the HUD fair housing division, said, "We don't define a family under the federal civil rights law. Some of our housing is specifically for families. Then there would be some definition, depending what funding section the housing was built under."

But she said Elliott-Larsen does prohibit discrimination based on marital status, and HUD would not try to "impose" a definition of family that contradicted state law.