

FOR IMMEDIATE RELEASE

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**\$40,000 FAIR HOUSING WIN:**  
**PIT BULL SUPPORT ANIMAL REUNITED WITH FAMILY**

Denise Cox and her mother, Marcia Gooding, have accepted \$40,000 to settle their case against Hastings Mutual Insurance Company and East Bay Manufactured Home Community in Fenton.

Ms. Gooding contacted the Fair Housing Center on July 13, 2016, to report that she had been given an ultimatum by East Bay – get rid of Ms. Cox’s emotional support animal or be evicted.

According to Ms. Gooding, when she bought their home in May 2015, Ms. Cox’s animal, a pit bull called Kylee, had been approved to live at the property as a reasonable accommodation of her disability. Then on June 7, 2016, Ms. Gooding and Ms. Cox were served with a notice that they had to leave unless the dog was removed. To avoid losing their home, the family made the hard choice to separate Kylee from Ms. Cox. Not only were they forced to board the dog for \$40 a day, but Ms. Cox experienced significant emotional distress during this time and needed additional medical care.

Ms. Gooding reported to the FHC that they had already worked with another attorney on the case, but that attorney closed their case when East Bay informed them that their insurance company, Hastings Mutual, would not allow pit bulls on the premises.

The Fair Housing Center took a complaint from the family and agreed to advocate on their behalf.

FHC staff wrote a request for reasonable accommodation, asking East Bay Manufactured Home Community to allow Ms. Cox to remain in her mother’s home with her emotional support animal. Ms. Cox had all of the appropriate paperwork from her doctor to document her need for the animal. Once again citing insurance company breed restrictions, East Bay refused to grant the accommodation request.

Fair Housing staff then asked East Bay to verify their insurance company’s policy on animal breed and reasonable accommodation requests. The FHC reminded East Bay that an emotional

support animal is not a pet, and that a housing or insurance provider may not have blanket bans on emotional support animals. East Bay denied this second request, stating “Our insurance company stands by its current underwriting guidelines.”

HUD guidelines require owners and insurers to evaluate each emotional support animal on a case-by-case basis. The Fair Housing Center advised Ms. Gooding and Ms. Cox of their rights under the law. The family felt strongly that they should not give up, that is was not right to get evicted because of an assistance animal needed for a disability. The case was referred to FHC Cooperating Attorney Steve Tomkowiak.

Mr. Tomkowiak filed suit in federal court on behalf of Ms. Cox and Ms. Gooding on September 7, 2016. The case was assigned to the Honorable Victoria A. Roberts. As part of the negotiations, Ms. Cox was given permission to bring the support animal home in mid-October. The case officially settled in November, for \$40,000.

The settlement agreement also included changes in policies by both East Bay Manufactured Home Community and Hastings Mutual Insurance Company. East Bay agreed to modify its community rules and regulations with respect to emotional support animal requests. Hastings Mutual agreed to modify its underwriting rules relating to its animal and accommodation requests, and undertake staff training regarding assistance animals.

“We will not prohibit or discourage our insureds from making independent decisions on requests for accommodation for service animals, regardless of breed, and will not take adverse underwriting actions against insureds who make those accommodations, if the animal in question has not demonstrated violent or aggressive tendencies, and has not been the cause of any injury or claim.” – Excerpt from the Hastings Mutual policy change, negotiated in the settlement

**Court: Federal      Settlement: \$40,000**

Attached: Picture of Denise Cox and Kylee, reunited in October, 2016

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*The Fair Housing Center of Southeast & Mid Michigan founded in 1992, actively protects the civil rights of those who are discriminated against in the rental, sale, or financing of housing through investigation, education, advocacy, and legal action. The FHC takes an average of 150 complaints each year from its eight-county service area – Clinton, Eaton, Ingham, Jackson, Lenawee, Livingston, Monroe, and Washtenaw counties.*

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