This page is located on the U.S. Department of Housing and Urban Development's Homes and Communities Web site at
http://www.hud.gov/news/release.cfm?CONTENT=pr06-032.cfm.

News Release

HUD No. 06-032	**For Release**
Antoinette Perry-Banks	**Thursday**
(800) 328-1856	**March 30, 2006**
www.hud.gov/news/	

HUD CHARGES MICHIGAN APARTMENT COMPLEX WITH VIOLATION OF THE FAIR HOUSING ACT BY REFUSING TO GRANT REASONABLE ACCOMMODATION
Property manager, Management Company, owner and general partner also charged

WASHINGTON – The U.S. Department of Housing and Urban Development announced today that it has charged Nicole Morbach, property manager at the Fairway Trails Apartments, Benchmark Management Corporation, the management company, Benchmark Michigan Properties, Inc., the general partner and Fairway Trails Limited, L.P., the apartment owner in Ypsilanti, Michigan with a violation of the Fair Housing Act. HUD believes that Morbach, the property manager, the management company, the general partner and, the apartment owner retaliated against tenant, Harry Tyus, when they evicted him after he won a reasonable accommodation request against Fairway Trails Apartments.

HUD's investigation showed that Tyus requested a reasonable accommodation on his lease agreement to ensure prompt rent payment. Tyus, who is disabled, asked Morbach if he could pay his rent on the third Wednesday of each month instead of the first day of each month. The change would have coincided with Tyus' Social Security disability payments and would have allowed him to avoid paying the $50 late fee monthly.

After checking with the corporate office, Morbach turned down the request. Tyus immediately sought help from the Fair Housing Center of Southeastern Michigan. Fairway Trails responded to a Center request for reasonable accommodation by stating, "doing so would result in extending a preference," and denied the request.

In July 2004, when rent was not paid on time Fairway Trails Apartments started the process to evict James. Despite the rent and the late fee being paid on July 22, Fairway continued the eviction process.

In October 2004, a Michigan court agreed that Tyus should have received the rent reset as a reasonable accommodation. The judge also ruled that Fairway Trails Limited L.P. was not entitled to a late fee for the previous two months and that the pay date would be reset.

Unhappy with the court ruling, Fairway Trails Limited L.P. informed Tyus in October 2004 that they would not renew his lease when it expired in January

2005.

"When you stand up for your Fair Housing rights, the government stands with you," said Kim Kendrick, Assistant Secretary for Fair Housing and Equal Opportunity. "Retaliation in cases like this is more mean spirited, it is against the law."

Housing discrimination charges heard before an ALJ carry a maximum civil penalty of $11,000 for a first offense, in addition to actual damages for the complainant, injunctive or other equitable relief, and attorneys' fees. Sanctions can be more severe if a respondent has a history of housing discrimination. If either party elects to go to federal district court, either party may request a jury trial, and punitive damages may be awarded.

HUD is the nation's housing agency committed to increasing homeownership; creating affordable housing opportunities for low-income Americans; and supporting the homeless, elderly, and people with disabilities. The Department also promotes economic and community development as well as enforces the nation's fair housing laws. More information about HUD and its programs is available on the Internet at www.hud.gov and espanol.hud.gov.

People who believe they are the victims of housing discrimination should contact HUD at (800) 669-9777 or DOJ at (800) 896-7743 or 202-514-4713. Additional information is available at www.hud.gov and www.usdoj.gov.

U.S. Department of Housing and Urban Development
451 7th Street, S.W., Washington, DC 20410
Telephone: (202) 708-1112 Find the address of a HUD office near you