

fa=r HOUSING CENTER

of SOUTHEASTERN MICHIGAN

we provide
advice,
advocacy,
conciliation,
attorney referral,
and
community
education

march 2008

P.O. Box 7825 | Ann Arbor, MI 48107
(734) 994-3426 | (734) 241-9600 | (517) 263-1777
www.fhcsoutheast.org | info@fhcmichigan.org

Tyus case pushes FHC over \$1,000,000 mark

Tyus v Fairway Trails

Ypsilanti Township

When Harry Tyus accepted \$50,000 to settle his claim against Fairway Trails Apartments, FHC aided settlements went over the \$1,000,000 mark. The Tyus v Fairway Trails victory was a group effort involving the Fair Housing Center, Legal Services of South Central Michigan, Washtenaw County Circuit Court, an FHC Cooperating Attorney, the U.S. Department of Housing and Urban Development (HUD), and ultimately the U.S. Department of Justice. After living in the Fairway Trails Apartments for three months Harry Tyus asked if, instead of the first week of the month, he could pay his rent after his Social Security disability check arrived. Fairway Trails refused and sent him an eviction notice. Legal Services of South Central Michigan attorney Henry Wolfe responded to the eviction with fair housing counter claims.

In October 2004 Washtenaw County Judge John B. Collins ordered the complex to accommodate Mr. Tyus' disability by accepting his rent later in the month without penalty. Fairway Trails responded by refus-

ing to renew Mr. Tyus' lease, forcing him to move. FHC worked with Mr. Tyus to file a complaint with HUD alleging retaliation. When contacted by a local HUD investigator Fairway Trails offered Mr.



FHC Director Pamela Kisch and Harry Tyus.
Photo courtesy of the Detroit Free Press.

Tyus \$300 to settle the claim. Mr. Tyus refused their offer. HUD attorneys in the Chicago Regional Office again tried unsuccessfully to negotiate a settlement. The HUD regional office gave Mr. Tyus the option of taking his case to the U.S. Department of Justice. In May 2006 Judith Levy, Assistant U.S. Attorney in Detroit, filed suit claiming that Fairway Trails retaliated against Mr. Tyus for making a fair housing complaint. FHC cooperating attorney J. Mark Finnegan represented Mr. Tyus. The case was assigned to Judge John C. O'Meara of the U.S. Federal District Court, Eastern District of Michigan, Southern Division. "Our country's civil rights laws require not only freedom from discrimination, but also freedom from retaliation for those who seek to exercise their civil rights," wrote the U.S. Department of Justice about the Tyus case.

Court: Federal
Settlement: \$50,000

"Our country's civil rights laws require not only freedom from discrimination, but also freedom from retaliation for those who seek to exercise their civil rights."

*U.S. Department of Justice
about the Tyus case*

cases settled

Holland et al v Camelot Ypsilanti Township

Nikia Holland, an African-American woman, and her white friends Suzanne and Eric Trader accepted \$47,500 to settle a race discrimination case against the owners of Camelot Apartment in Ypsilanti Township. In 2005, Ms. Holland and her friend contacted the FHC to complain about manager Deanna Larivee. Their complaints included:



Nikia Holland

the use of racial epithets, harassing white tenants to stay away from African-American friends and tenants, and failing to make repairs in Ms. Holland's apartment. Testing evidence supported their claims of race discrimination. The case, litigated in Federal Court by FHC Cooperating Attorney Jonathan G. Weber, was assigned to Federal Judge Bernard A. Friedman. Shortly after the case settled Ms. Holland (herself a rental property manager) was sent to dismiss the staff at several apartment complexes recently acquired by her company. When she arrived at a complex in Milan, Michigan she came face to face with none other than Deanna Larivee, former manager of Camelot Apartments.

Court: Federal **Settlement: \$47,500**

Fjellman v Forest Hills Cooperative Ann Arbor

Forest Hills Cooperative started eviction proceedings against Gwen Fjellman based on the alleged behavior of her disabled child. Legal Services of South Central Michigan requested that Forest Hills drop the eviction plan as a reasonable accommodation of the child's disability. When the request for reasonable accommodation was refused, FHC Cooperating Attorney Gayle Rosen immediately filed a fair housing case in Federal Court. The case was assigned to Judge David M. Lawson. The terms of the settlement agreement are confidential.

Court: Federal **Settlement: Non-disclosed**

Brown v University Management, Inc. Ypsilanti

FHC testing supported Leslie Brown's claim of discrimination based on race. FHC Cooperating Attorneys Jonathan Weber and Jonathan Rose represented Ms. Brown in the case in Federal Court. The case was assigned to Judge Denise Page Hood.

Court: Federal **Status: Case Dismissed**

other news

Become a Fair Housing Act 40th Anniversary Member

The enactment of the Federal Fair Housing Act on April 11, 1968 came out of a long and difficult struggle. In 1965 civil rights groups in coordination with Dr. Martin Luther King, Jr. focused on Chicago and pushed for fair housing rights. In 1966 and 1967 Congress considered a fair housing bill, but failed to pass it. When the Dr. Martin Luther King, Jr. was assassinated on April 4, 1968, President Johnson used this national tragedy to urge for the bill's speedy approval.

Please help us stop illegal housing discrimination by making a contribution in honor of the 40th Anniversary of the Federal Fair Housing Act. Consider a \$400 donation before April 30, 2008. If you are not yet a member, please join. No gift is too small to bring about change.

FHC Welcomes Coordinator of Investigations

Kristen Cuhran joined the Fair Housing Center staff in November 2006. Kristen comes to this job with a solid fair housing background. Kristen coordinated the testing of restaurants in four southern states with the Fair Housing Action Center in New Orleans, volunteered for us while in graduate school, and successfully coordinated the FHC-Southeast testing for the Arcus Foundation project on a (very) part-time basis. Prior to joining the FHC, Kristen spent four years as the Director of Marketing and Events for Ozone House in Ann Arbor. Kristen holds a BA in Sociology from Grand Valley State University and a Masters Degree in Women's Studies from Eastern Michigan University. Kristen and her partner Natalie Holbrook live in Ypsilanti.



Kristen J. Cuhran

cases filed

Lowrey v Uptown & FHC v Uptown

Canton

Mike Lowrey contacted the FHC to report accessibility problems with his "barrier free" apartment. Our investigation found that only four units in the complex were made acces-

sible. According to the Fair Housing Amendments Act, all multi-family housing built for first occupancy after March 13, 1991, must adhere to seven design requirements regarding wheelchair accessibility for ground floor units. We also found problems with the sidewalks, lack of access to the mailboxes, club house, and other common areas of the property. Cooperating Attorney J. Mark Finnegan filed the case in Federal

Court on behalf of Mr. Lowrey in July 2006. FHC Board of Directors voted to intervene in the case. By joining the litigation, FHC can negotiate for retro-fitting that will increase accessibility for all current and future tenants with disabilities. Cooperating Attorney Steve Dane of Relman & Dane represents the FHC. Both cases are assigned to Judge Nancy Edmonds.



Uptown removes and rebuilds sidewalks to comply with the FHAA

Salinsky v Courthouse Square

Ann Arbor

As a reasonable accommodation of his disability, Warren Salinsky asked Courthouse Square to move him to the 10th floor where there are no smokers. The manager refused, but a letter from FHC changed her mind. She then told Mr. Salinsky that the only open 10th floor unit (Unit A) had serious repair problems and she had no idea how long the renovations would take. Months went by and Mr. Salinsky, whose disability affects breathing, heard about another 10th floor apartment (Unit B). Concerned that Courthouse Square might misrepresent the availability of Unit B, FHC staff accompanied Mr. Salinsky as he inquired about "any other unit on the 10th floor". The rental agent repeated that only Unit A was open and in the midst of renovation. On the same day, FHC sent a tester to find housing for her "grandmother". The same agent showed our tester Unit B and said her grandmother could move in ASAP. Cooperating Attorney Steve Tomkowiak agreed to take the case to stop Courthouse Square from renting Unit B to anyone else. Within days Warren Salinsky moved into Unit B and the case was filed in Federal Court. The case is assigned to Judge Paul V. Gadola.

Keck v Kensington Court

Ann Arbor

Alfreda and Devon Keck filed a racial discrimination suit against Kensington Court Hotel located in Ann Arbor. The African-American couple went to Kensington Court to book their wedding reception and hotel rooms for October 2005. The Keck's felt they were being treated unfairly and turned to the FHC for help. FHC testing supported their claim of race discrimination. FHC Cooperating Attorney Stephen M. Dane of Relman & Dane filed the case in Federal Court on March 12, 2007. The case is assigned to Judge Robert H. Cleland.

membership drive

Fair Housing Center of Southeastern Michigan

You can also donate on our website through: **Network for Good**

Name _____

Email _____ Phone _____

Address _____

City _____ State _____ ZIP _____

Fair Housing Center • P.O. Box 7825 • Ann Arbor, MI 48107 • (734) 994-3426 • fhcsoutheast.org

New Member- *yes, I want to help celebrate the 40th Anniversary by becoming a new member!*

Renewing Member

\$400, 40th Anniversary Fair Housing Act

\$100

\$250

\$50

\$ _____

Your Donation Is Tax Deductible



Housing Advocates Training April 1 & 3

This 2 day training in Ann Arbor features information on fair housing, landlord/tenant law, housing subsidy programs and a welfare policy seminar. This is a fantastic resource for anyone working as an advocate. Visit our website at www.fhcsoutheast.org or call us at (734) 994-3426 for more information or to register.



Akisha Jones

Akisha Jones and Sarah Powers, both University of Michigan graduate students, worked part-time with FHC in 2007. Akisha edited our HUD grants, and Sarah worked on Housing Advocates Training. They also did a tremendous amount of work on our investigations. After receiving her Masters Degree in Education, Akisha became a Research and Evaluation Associate for Edvantia in Charleston, West Virginia. Sarah will receive



Sarah Powers

Masters Degrees in both Public Health and Urban Planning. In May Sarah is heading back to Rwanda where she will work on public health planning. We wish them both all the best.

fa=r
HOUSING
CENTER

RETURN SERVICE REQUESTED

P.O. BOX 7825
ANN ARBOR, MI 48107

NON PROFIT ORG
US POSTAGE
PAID
ANN ARBOR, MI
PERMIT #87

Did you know?

April 2008 marks the 40th Anniversary of the Federal Fair Housing Act. Visit www.fhcsoutheast.org to learn more.

**board of
directors**

Kim M. Moore, *President*
Michael Appel, *Secretary/Treasurer*
Paul Haynes
Mark Mitshkun
Raymond Mullins
Larry Richardson
Ann Routt
Delphia Simpson

staff

Pamela A. Kisch, *Executive Director*
Kristen J. Cuhran, *Coordinator of Investigations*
Ruth L. Kraut, *Special Projects Coordinator*