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## Apartment Complex to Renovate 97 Units

**Largest-ever FHC settlement award; plaintiffs accept \$272,500**

### *Lowrey & FHC v. Uptown in Canton Apartments*

In a landmark settlement, the Fair Housing Center of Southeastern Michigan has negotiated an agreement which will require the Uptown in Canton Apartments complex to renovate 97 first-floor units, in order to fully comply with the 1988 Federal Fair Housing Amendments Act.

The lead plaintiffs in the case, Michael Lowrey and his mother Marilyn Lowrey, have accepted \$227,500 to settle their claims of discrimination.

Mr. Lowrey, who uses a wheelchair, contacted the center in early 2006 because his apartment, advertised as "barrier free," had some accessibility problems. Mrs. Lowrey, a retired nurse, frequently visited her son to help with his care. Able to walk only short distances due to her disabilities, she parked behind Mr. Lowrey's unit (there were no near by accessible parking spaces). Mrs. Lowrey joined the suit after Uptown staff repeatedly threatened to tow her car.

During our investigation FHC discovered that only four first floor units in the new complex were made accessible. The Fair Housing Act says 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, and an accessible route.

The U.S. Department of Housing and Urban Development (HUD) defines an accessible route as "an unobstructed path connecting accessible...spaces in a building or within a site that can



Complainant Michael Lowrey (L) with Attorney J. Mark Finnegan

be negotiated by a person...using a wheelchair."

FHC found problems with the sidewalks, lack of access to the mailboxes and other common areas of the property. Mr. Lowrey was forced to sit outside the pool area fence while his guests swam, because the only ramp led to a locked Club House.

According to the settlement, Uptown in Canton Apartments will finally make the property more accessible for people with disabilities. This includes retro-fitting all ninety-seven first floor units; providing accessible routes through the entire property; and adding accessible parking. Costs for the changes are estimated at over \$1,000,000.

FHC Cooperating Attorney J. Mark Finnegan filed the case in Federal Court on behalf of Mr. Lowrey in July 2006. A year later, the FHC Board of Directors voted to intervene in the case. Cooperating Attorney Steve Dane of Relman, Dane & Colfax represented the FHC. Both cases were assigned to Judge Nancy Edmonds.

**Court: Federal Settlement: \$272,500**

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### FHC ads featured on buses in Ann Arbor, Jackson

(see page 3)



**TWO-FACED LANDLORDS CAN BE STOPPED**  
HOUSING DISCRIMINATION IS AGAINST THE LAW ■ KNOW YOUR RIGHTS

## Settlement Resolves Allegation of Discrimination Based on Perceived Disability, Race, and Familial Status

*Newby et. al. v Woodcrest Condominiums*

Condominium buyer James Newby, sellers Sarah and Joshua Drummonds and the Fair Housing Center of Southeastern Michigan have accepted \$40,000 to settle a housing discrimination lawsuit against the Woodcrest Condominium Association and its managers, Barbara and Allen Diedrich.

The lawsuit was initiated in 2007 when Mr. Newby contacted the FHC to report the denial of his application by the Woodcrest Board of Directors. At the time, Mr. Newby and the Drummonds had a signed sales agreement for purchase of a one bedroom-unit at the complex, which is located in Monroe, Michigan.

The lawsuit alleged that Mrs. Diedrich made comments about her perception that Mr. Newby was disabled. Testing conducted by the Fair Housing Center supported the claims of discrimination based on disability, race, age, and familial status (families with children). According to the lawsuit, both the prospective buyer and seller were harmed by alleged acts of discrimination at Woodcrest. The Newby offer remains today the only purchase offer that the Drummonds have received since putting their condominium on the market in December of 2006. The FHC joined the lawsuit to bring the allegations of race discrimination.

The Drummonds are prohibited by Woodcrest's by-laws from renting their condominium, and their inability to sell their condominium has rendered them unable to qualify for a mortgage to buy their own home to raise a family. Under the terms of the settlement, Barbara and Allen Diedrich are barred from participation in decisions regarding prospective buyers or applicants. The settlement also includes an agreement not to interfere with the Drummonds sale of the condominium to Mr. Newby.

This is the second time the Woodcrest Condominium Association and Barbara and Allen Diedrich were sued for alleged violations of fair housing law. As a result of a previous housing discrimination case, filed in 2000, Woodcrest signed a consent decree with the U.S. Department of Justice in 2002. The decree required the defendants to attend fair housing training, over a five year period, with the Fair Housing Center



Complainant James Newby.  
Photograph courtesy of Kim Kibat.

of Metropolitan Detroit. The training thoroughly outlined the duties of property owners and managers under fair housing laws.

According to the more recent 2007 lawsuit, both the FHC-Southeast and the FHC-Detroit believe that Woodcrest Condominiums, Allen Diedrich, and Barbara Diedrich deliberately violated fair housing laws.

Cooperating Attorney Jonathan G. Weber filed suit on behalf of Mr. Newby, the Drummonds and the FHC in the United States District Court for the Eastern District of Michigan. The suit was assigned to Judge John Corbett O'Meara.

**Court: Federal**

**Settlement: \$40,000**

## Wedding Bell Blues: Fair Housing Testing Supports Race Discrimination Claim

*Keck v Kensington Court Hotel*

Alfreda and Devon Keck, an African-American couple, contacted the FHC in 2004 to report their treatment at Kensington Court hotel. Testing by the Fair Housing Center supported their claim of discrimination based on race. Cooperating Attorney Stephen M. Dane filed the lawsuit on behalf of the Kecks. The case was assigned to Federal District Court Judge Robert Cleland.

The couple tried unsuccessfully for three months to reserve the Kensington Court hotel in Ann Arbor, Michigan for their wedding reception. The Kecks were never permitted to place a deposit, sign a contract, or even schedule an appointment with the hotel's wedding specialist.

The District Court granted defendants' motion for summary judgment, but the United States Court of Appeals for the Sixth Circuit reversed in a rare appellate decision addressing the elements of a /prima facie/ case of race discrimination in a retail establishment. The appellate court held that a plaintiff need not rely exclusively on showing differential treatment of similarly situated customers to raise an inference of discrimination. Rather, in the retail establishment context, a plaintiff can survive summary judgment by showing that the defendant's behavior **"was so profoundly contrary to its financial interests, and so far outside of widely accepted business norms,"** that the conduct supports a rational inference of discrimination. The case was settled after the appellate decision.

**Court: Federal**

**Settlement: Non-disclosed**

## cases filed

### **Decade Long Investigation Leads to FHC, Justice Suit Against Ann Arbor Complex** *FHC v Ivanhoe House Apartments*

After several years of testing Ivanhoe Apartments for possible violations of fair housing law, the Fair Housing Center of Southeastern Michigan Board of Directors voted to file suit against the owner and resident manager of the Ann Arbor housing complex in July 2009.

To investigate allegations of race discrimination the Fair Housing Center sent African-American and White test teams to Ivanhoe Apartments located off Packard Road in Ann Arbor. Testing evidence supports the claims of race discrimination. The FHC's enforcement program is supported in part with funding provided by the United States Department of Housing and Urban Development through the Fair Housing Initiatives Program.

"Based on the testing evidence, the Fair Housing Center has a responsibility to litigate this case" said Ann Routt, President of the FHC's Board of Directors. The US Supreme Court decision in *Havens v Coleman* recognizes the right of fair housing organizations to sue for damages under the Federal Fair Housing Act.


The Justice Department filed suit in March 2010 alleging that the defendants discriminated on the basis of race or color in the rental of apartments. The case is being handled by the Justice Department's Civil Rights Division and the U.S. Attorney's Office for the Eastern District of Michigan.

Filing on behalf of the FHC are Cooperating Attorneys D. Scott Chang and Stephen M. Dane from the law firm Relman, Dane & Colfax, and Steve Tomkowiak. Judith Levy and jointly Holly Lincoln from the Department of Justice are representing the U.S. The case is assigned to Federal Judge Sean F. Cox.

**Court: Federal**

**Status: Open**

## ads target "two-faced" rental practices



The graphic features two side-by-side images of a man's face. On the left, he has a stern expression and is holding up a hand in a 'stop' gesture. A speech bubble next to him says, "I'm sorry, we don't have any apartments available for YOU." On the right, he has a friendly smile and is holding out a key. A speech bubble next to him says, "We'd love to have YOU move into the apartment today!"

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### **New Ad Campaign**

The FHC recently launched a new ad campaign, designed by Patricia Claydon of Ballistic Design. A version of our new ad was in Ann Arbor and Jackson buses in April, Fair Housing Month, and will continue through May 2010. Lansing movie-goers will see a video version of the ad, April - June.

We are sending the poster to social service agencies in our 6 county area, as well as placing ads in some area newspapers, and on our website and facebook page. If you would like a 11 x 17 color poster or have a suggestion on where to place one please email us at [info@fhcmichigan.org](mailto:info@fhcmichigan.org) or call 1-877-979-FAIR.

To see the movie ad and all versions of the new campaign, please visit [www.fhcmichigan.org](http://www.fhcmichigan.org).

### **Congratulations**

The FHC congratulates Coordinator of Investigations, Kristen Cuhran (left) on her un-wedding to her partner of 10 years Natalie Holbrook. Kristen and Natalie chose the "un-wedding" theme as a way to bring attention to the lack of federal equal rights for lgbtq persons in the United States. The ceremony was held February 2010, in Ypsilanti under the gazebo at Riverside Park, followed by a reception at the Corner Brewery. The couple "un-nymooned" on the waterfront in West Michigan. The ceremony was featured on [asimplewedding.com](http://asimplewedding.com) and [pridesource.com](http://pridesource.com).



# membership drive

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### Did you know?

The FHC needs testers of all races, ages, and sexes. Interested? Please call Kristen at 1-877-979-FAIR. Together, we can put an end to housing discrimination.

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