

Ann Arbor

Justice Department investigating Ypsilanti Township over section 8 housing discrimination



Ponds of Lakewood off Textile Road near the intersection with Tuttle Hill Road. There are 16 condos built in the development. (Dominic Valente | The Ann Arbor News)



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The Justice Department is investigating Ypsilanti Township over alleged housing discriminations stemming from rules the township put in place to limit Section 8 and rental housing.

YPSILANTI NEWS

Last July, the township developed a first-of-its-kind plan to ban section 8 housing and limit rentals in new subdivisions.

As part of the development agreement written for the 392-unit Majestic Lakes subdivision unanimously approved by the Ypsilanti Township Board of Trustees in September, subsidized housing is barred, the number of rentals is limited, and the length of time its single-family homes can be rented is capped at three years.

Pam Kisch, director of the Fair Housing Center in Ypsilanti, said the agency filed a Fair Housing Act complaint with the U.S. Department of Housing and Urban Development (HUD) in April over the section 8 rules and other township housing policies. She said she was informed the Justice Department is already investigating.

Kisch charged the township's rules disproportionately impact minorities, women, disabled residents and women with children - all groups protected under the Fair Housing Act.

"We think it's discrimination to say to a developer 'You can only develop land if you will never take section 8 vouchers,'" Kisch said. "That's a form of discrimination."

A media representative from the U.S. Attorney's Office in Detroit declined to comment.

Ypsilanti Township Attorney Doug Winters said he's aware of the Fair Housing Center's HUD complaint and that the Justice Department is investigating.

"Their complaints are totally untrue. We have some of the most diverse housing stock in the county, so for them to claim that we're discriminatory is totally untrue," Winters said. "We obviously have a difference of opinion as to what the facts are, but we'll deal with that in whatever forum they take it to."

The rules are part of **a broader township effort** to increase home ownership and reduce the number of rentals. According to its data, the township experienced a spike in the number of rentals and section 8 housing during the recession, and officials say that's the source of a disproportionate amount of their crime and blight-related issues.

In 2008, there were 841 single-family rental homes in Ypsilanti Township, but that number is now at 2,641 – an increase of 214 percent. Rentals now make up 17 percent of the township's housing stock, according to the township.

Officials have also pointed to **a report** by the Washtenaw County of Community Economic Development they say supports their claims that the township holds a disproportionate amount of the county's subsidized housing and rentals. The report recommends more market rate housing and owner-occupied housing the county's eastern half, and more affordable housing in and around Ann Arbor.

Stipulations in the development agreement:

- Prohibit homeowners from renting single-family homes for more than three years except in extenuating circumstances.
- Prohibit the developer or builder from accepting any sort of government subsidy.
- Requires rent be set at market rate.
- Requires a 60-40 single-family-to-multi-family unit ratio.
- Requires the installation of public surveillance cameras at the neighborhoods' entrances and requires developers to set up special assessment districts to pay for the maintenance.

Township officials previously said the neighborhood association would be the "first line" in upholding the terms of the development agreement and could potentially sue property owners in violation.

But if the association failed to do so, the township could take legal action.

In September, Winters told The Ann Arbor News that he believes there's nothing illegal about the rules.

"It's a contractual agreement between the township and developer," he said at the time. "There's no requirement that the developer have to accept section 8 housing, and we have many developers in the township who already don't accept section 8 housing."

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He later added, "Most of our problems come with rentals and come from section 8 housing. The headaches caused by rentals and subsidized housing could have, for lack of a better way of saying it, could have been avoided if these new restrictions had been in place in our current neighborhoods."

But Kisch sees it differently, and the Fair Housing Center is demanding the township eliminate the section 8 rule and other rules or policies it views as discriminatory.

In response to officials' concerns about the number of section 8 vouchers and rental housing in the township, she said, "Housing discrimination is not the answer. Discrimination is not the solution to the problem."

Aside from concerns over the section 8 and rental rules, the Fair Housing Center HUD complaint includes concerns about the township's and Sheriff's Office policy of alerting landlords or MSHDA if a tenant is involved in criminal activity or has "behavioral issues." That can result in the resident losing a housing voucher or other assistance. The township and Sheriff's Office also pressure landlords into evicting tenants viewed as a problem, the Fair Housing Center charges.

Kisch said the policies are a concern because other factors often play into the situations, and there may be better responses.

"Why be punitive? Making people lose their housing - that means they're going to be living in worse housing, in dire circumstances, so why is that the community response?" she asked.

Kisch added that it appeared the Sheriff's Office is acting as "an arm of" the township's government, and it should be acting independently.

"One question we have is 'How are they qualified to decide whether someone has violated some kind of HUD policy?'" Kisch asked.

She cited a case involving Ypsilanti Township resident Angel Ford. Kisch said Ford called the Sheriff's Office several times over domestic abuse issues with an ex-boyfriend last year. Ford was the victim in the case, Kisch said, but a Sheriff's Office deputy still contacted her landlord and pressured him to evict Ford.

The landlord refused to do so, Kisch said, adding that the agency and ACLU attorneys twice met with the Sheriff's Office to discuss the case. She said the Sheriff's Office agreed that it wasn't a good idea to discourage women from calling the police over domestic abuse concerns.

Sheriff Jerry Clayton said the meetings were positive, the Sheriff's Office learned about how some of its policies may have unintended consequences, and it made some adjustments in how it handles these situations. For example, it removed a section in its record keeping where HUD violations were listed. But Clayton noted that police face a challenge when it encounters disruptive behavior that's impacting neighbors' quality of life, and there needs to be a balance.

Police were repeatedly called to Ford's property, Clayton said, and neighbors were complaining about issues to his office. That put police in a position where some action had to be taken.

"We went to the same location over and over again, so at some point we have to say 'We are expending too many resources and too much time to the same location with no positive outcome.' We have neighbors in the neighborhood watch group that say 'Sheriff, what are you guys doing?'"

But he stressed that the Sheriff's Office made adjustments to how it handles such cases, he wants victims of domestic violence to call the police, and his office is continuing work with all stakeholders to develop a balanced solution.

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