

## Fairness for Michigan Families

### Disability Advocacy a Top Priority for FHC

#### **Darrian Has Room to Play** **Reasonable modification**

Darrian Shaffer is a 35-month-old toddler who suffered from HSV Encephalitis, an illness that left him with a significant amount of brain damage. He is at the cognitive level of a 6-9 month old.



*Darrian Shaffer, 3 years old, inside of the new fence at his home in Ann Arbor. Below with mother Lee-Anne Concheiro. Photographs by Kristen Cuhran.*

Darrian's disability impedes his understanding of language- including simple warnings like "stop" or "no." Taking him to an open-area park or playground is dangerous.

Darrian's father planned to enclose the backyard with a fence, but the owner of the mobile home park where the family resides refused the request on aesthetic grounds.



Section 804 [42 U.S.C. 3604] (f)(3)(A) of the Fair Housing Act, "discrimination in sale or rental of housing and other prohibited practices," states that discrimination includes:

"a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises."

After the Fair Housing Center informed the owner about fair housing law, permission was given and the fence was built. Even the owner now agrees that the fence looks good-- and more importantly, Darrian has room to play safely.

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

### **FHC Turns 20!**

The Fair Housing Center is turning 20 on February 17, 2012. More information on the celebration will be coming your way soon!

# disability complaints resolved

## **\$825 in Late Fees Returned, Rent Due Date Changed**

### **Reasonable accommodation, Pittsfield Township**

What do you do when your Social Security Disability check comes on the 3rd and your rent is due on the first? Call the Fair Housing Center! A woman contacted FHC because she thought it was wrong that her apartment complex was charging her late fees. Her Social Security Disability checks arrived after the 1st of the month and she had no ability to pay her rent before the 1st. Her complex was accessing her large monthly fines even though she explained the situation to them. She decided to take action and made the call to Fair Housing.

FHC staff wrote a letter asking to have a woman's rent due on or just after the check was scheduled to arrive and to have the late fees that were previously accessed returned. The property granted the request for the due date change and returned \$825 in late fees to the woman.

## **Visual Aid for Tenant**

### **Reasonable accommodation, Ann Arbor**

A woman with a visual impairment was being penalized for not responding to written notices from her rental office. She asked the office staff to either read her the notices or to email the information in an accessible format. When they did not honor her request, she turned to the Fair Housing Center for help. A letter from FHC staff asking for a reasonable accommodation resolved the situation.

## **Cancer Patient Allowed to Remain in Unit**

### **Reasonable accommodation, Ann Arbor**

The FHC resolved a case for a woman who was disabled by cancer and undergoing treatment. The owner refused to renew her lease, telling her that a community group wanted her unit for their clients. The owner offered to move her to another building. The woman worried that the stress of moving would impede her treatment and recovery.

FHC spoke with the owner and ultimately contacted the community group (who did not want the unit if a disabled person would have to be uprooted). Our complainant, who had lived in that apartment for over 20 years, was allowed to renew her lease.

## **FHC works with CACIL to Reunite Family**

### **Reasonable accommodation, Lansing**



*Adrian L. Ray (top middle) with her family, (clockwise from top left) Terri R. Battle, Jonathan W. Ray Sr., Brandy J. Wheeler, and Angel A. Ray. Photograph by Pam Kisch.*

Adrian Ray wanted to have her 19 year old daughter Brandy Wheeler move in with the rest of the family. Brandy was newly disabled, using a wheelchair and unable to leave a nursing home until she had an accessible place to live. The owner would approve the additional occupant but the Ray family lived in a second floor apartment and the owner had no accessible alternative for them.

Section 8 was willing to let the family move mid-lease but only with landlord approval. Working closely with the Capital Area Center for Independent Living (CACIL) staff, FHC staff successfully persuaded the owner to let the family out of their lease forfeiting only their security deposit. The family now lives together in an wheelchair accessible home.

## did you know?

The top three types of complaints made to the Fair Housing Center in 2010:

- physical disability
- race
- mental/emotional disability

## "One Child Only" Policy Challenged

*Kraehnke v Shamrock*

Cassandra Kraehnke contacted the FHC to report that her family was denied the rental of a mobile home in Monroe because she had one child and was pregnant with a second. Ms. Kraehnke said the agent told her that the property had a "one child policy" and thus her family could not live there because she was expecting a second child. FHC testing supported their claim. FHC Cooperating Attorney Michael Gatti filed the case on behalf of the Kraehnkes. The case was assigned to Federal Judge David M. Lawson.



*Cassandra Kraehnke and children outside of her home in Monroe. Photograph by Andre J. Jackson. Reprinted with permission by the Detroit Free Press.*

The FHC also referred the case to U.S. Department of Justice. The DOJ filed its own lawsuit against Shamrock Village Mobile Home Park, along with a proposed settlement. Under the settlement, the park's owner, Tel-Clinton Trailer Courts, agreed to comply with the law, train its employees and create a \$20,000 pool to compensate other victims who were turned away because of Shamrock's alleged policy. The company also agreed to pay a \$7,500 civil penalty.

The DOJ lawsuit was assigned to Federal Judge Arthur J. Tarnow and was brought by Assistant United States Attorney Susan DeClercq from the U.S. Department of Justice and Christopher Fregiato, an Attorney with the Housing and Civil Enforcement Section of the Civil Rights Division, U.S. Department of Justice.

**Court: Federal**

**Settlement: Non-disclosed**

**US v Shamrock: \$7,500 in civil penalties and \$20,000 victim's fund**

## FHC Wins Race Discrimination Case

*FHC v Ivanhoe House Apartments*

The case against Ivanhoe House Apartments in Ann Arbor settled in July 2010. Cooperating Attorneys D. Scott Chang and Stephen M. Dane from the law firm of Relman, Dane & Colfax, PLLC and Stephen R. Tomkowiak filed the case on behalf of the FHC. The U.S. Department of Justice also filed suit. Judith Levy and Holly Lincoln from the DOJ represented the U.S. The case was assigned to Federal Judge Sean F. Cox. Read the Ann Arbor Chronicle article about the case at [www.fhcmichigan.org](http://www.fhcmichigan.org).

**Court: Federal**

**Settlement: \$82,500**

## \$115,000 awarded to six women for sexual harassment case + \$85,000 civil penalties

*US v Peterson and Johnson*

Initially, two women contacted the Fair Housing Center to report allegations of sexual harassment by property manager Glen Johnson in Ypsilanti Township. In each case, the women reported being offered housing, but were pushed to trade sexual favors for repairs or keys to the property. FHC staff and Liz Elkiss, a law student from the University of Michigan, did research to find other possible victims.

FHC contacted the U.S. Department of Justice and met with Assistant U.S. Attorney Judith Levy to discuss the case. The Department of Justice used their resources to find additional victims. The owner of the rental homes is Washtenaw County Commissioner Ronnie Peterson.

The case was tried in front of Federal Judge Julian Abele Cook Jr. After about five days of testimony, the jury awarded a total of \$115,000 to six victims.

On March 4, 2011, the Court entered a post-trial order for additional injunctive relief and civil penalties totalling \$82,500. (The order requires Johnson to pay a \$55,000 civil penalty, the maximum civil penalty for a first violation of the Fair Housing Act, and orders Peterson to pay a \$27,500 penalty.)

**Court: Federal**

**Jury Award (litigated by DOJ): \$115,000**

**Civil Penalties: \$82,500**

# Michigan Fair Housing Center's Study on Same-Sex Discrimination gets National Attention

On January 24, 2011, HUD proposed new regulations to ensure equal housing access for LGBT people in all of its housing programs, including financing.

The press release titled "HUD proposes new rule to ensure equal access to housing regardless of sexual orientation or gender identity" was covered by multiple newspapers (including the *New York Times* and *The Washington Post*), as well as national and international online news sources and blogs.

The 2007 joint report by Michigan's fair housing centers (of Metropolitan Detroit, Southeastern Michigan, Southwest Michigan, and West Michigan), "Sexual Orientation and Housing Discrimination in Michigan," was mentioned and linked to in HUD's proposed rule. The report was also covered in the national media and has over 500 search results online -- a significant audience for this groundbreaking research.

Funded by a grant from ARCUS, the Michigan study is the largest ever done in the country assessing the status of housing discrimination against gay people.

Renewed interest in the study led to invitations for FHC Director Pam Kisch to be a panelist at the 23rd National Conference on LGBT Equality: Creating Change in Minneapolis, Minnesota in February 2011 and at the HUD Policy Conference in New Orleans in July 2010.

Current Michigan law does not protect against discrimination towards LGBT persons. Over the past decade, various bills have been introduced to include sexual orientation and gender identity in the Elliott-Larsen Civil Rights Act but none have passed through the Michigan legislature.

***[excerpt from rule]: "Michigan fair housing centers found disparate treatment in 32 out of 120 fair housing tests it conducted. Testers posing as gay or lesbian home seekers received unfavorable treatment on issues such as whether housing was available, the amount of rent, application fees, and levels of encouragement as compared to testers posing as heterosexual home seekers."***

In the FHC's six-county area, however, city non-discrimination ordinances in Ann Arbor, Ypsilanti, Lansing and East Lansing do provide some protection against discrimination based on sexual orientation, gender identity, and gender expression.

If you believe you have been the victim of housing discrimination because of your sexual orientation or gender identity, we encourage you to file a complaint with our office. We have had successful litigation with the current Federal Fair Housing Act under sex

discrimination, and with the Elliott-Larsen Civil Rights Act under marital status. Complaints can be filed by calling 1-877-979-FAIR or by filling out a complaint form at [www.fhcmichigan.org](http://www.fhcmichigan.org).

## membership drive

### Fair Housing Center of Southeastern Michigan

*You can also donate on our website through Google Checkout Donations (thanks to Google Grants, we will receive 100% of the amount of your online donation).*

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**New Member** - yes, I want to become a member of the Fair Housing Center!

**Renewing Member**

\$50

\$75 (sustaining membership)

\$250 (leading membership)

\$ \_\_\_\_\_ (other)

*Senior citizens or the unemployed may request a waiver/reduction in dues from the FHC Board.*

**Your Donation Is Tax Deductible**

## Jessica Ortiz, Assistant Coordinator of Investigations

Please join us in welcoming Jessica Ortiz as the newest full-time staff member of the Fair Housing Center. Jessica began as the Assistant Coordinator of Investigations at FHC on September 1, 2010. She received a Master of Social Work from the University of Michigan and a Bachelor of Arts in Social Work from Michigan State University. Between her undergrad and graduate degrees, Jessica did development work in Chicago at the United Neighborhood Organization (UNO) which focuses on the Latino community. Jessica lives in Brighton.



## Part-time Staff Discuss Lessons Learned

In 2010 and 2011, Bryon Lawrence and Sara Strauch worked part-time at the Fair Housing Center. Each assisted with investigations, answering phones, and taking complaints. We asked them to reflect on their time at the FHC.

Bryon had this to share with us: "I appreciated the time I spent at FHC in phone conversations acknowledging people's needs and helping them as much as possible. One of the main things I took away from this experience was that discrimination is about more than just race- it happens within races, across disability status, gender, and religions".



Sara said "I loved working at the FHC! It was a wonderful experience that taught me so much. Before I took this position, I knew about civil rights and discrimination, however, I had no idea how widespread it was or how ugly it is. This position and the FHC staff increased my desire to be an advocate for others and to fight to end discrimination."



## Create a Causes Wish

Causes Wish is the fun and social way to raise money to affirmatively further fair housing. Use the events of your life—like a birthday, wedding, memorial, or a 10k run—to make a difference. Decide what your "wish" will be (for example: End Housing Discrimination!) and then direct your fundraising to the Fair Housing Center. It's easy, fun, and fulfilling to see your impact so clearly and quickly. Head to [wishes.causes.com](http://wishes.causes.com) or visit our facebook page [www.facebook.com/FHCMSM](http://www.facebook.com/FHCMSM) to create your Wish today.

## New FHC Baby!

Willa Sea Holbrook was born to parents Kristen J. Cuhran and Natalie Holbrook on November 30, 2010. Willa was born at 7:09 AM at 5 lbs 15 ounces, 21 inches. Kristen brings Willa to work at the FHC office every so often. Willa is the couple's first child.



*Willa, pictured at 6 months.  
Photograph by Kristen Cuhran.*

## Can You Help?

The FHC needs help with outreach to your community! This could mean posting a flier, sending an email, putting a statement in your church or community group bulletin, telling a friend, or Facebooking about our services. We are also looking for testers in order to fully investigate the 140+ claims of housing discrimination we receive each year. Testers can volunteer their time or be paid for this critical civil rights work. If you are interested in helping us end housing discrimination through either of these unique opportunities, please contact us!



# Housing Advocates Training Livingston County, Michigan November 1 and 2

Presented by the Fair Housing Center of Southeastern Michigan, Michigan Poverty Law Program, and Legal Services of South Central Michigan, this two-day training in Livingston County 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. For more information, visit our website at [www.fhcmichigan.org](http://www.fhcmichigan.org) or call us toll-free at 1-877-979-FAIR. Registration is required.



Participants and trainers at the East Lansing Housing Advocates Training (HAT) in 2010. Photograph by Jessica Ortiz.

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