



# FAIR HOUSING CENTER of WASHTENAW COUNTY

## UPDATE MAY 1994

### FHC Settles New Familial Status Case

#### *Hawkins v Maplewood*

Tashie Hawkins settled her housing discrimination suit against Maplewood Apartments in March of 1994. The amount of the settlement is undisclosed, but includes funds for a down payment available for Hawkins to purchase a home. "I feel much better now that Maplewood has been penalized for how they treated me" said Hawkins, a student at Eastern Michigan University.

Hawkins contacted the FHC in April of 1993. In her complaint Hawkins said she tried to rent a two bedroom apartment at Maplewood Apartments in Ypsilanti Township for herself, her three-year-old daughter and her infant son. Hawkins reported being told she was ineligible for a two bedroom unit because she had a son and a daughter.

According to the lawsuit filed by Cooperating Attorney Michael J. Steinberg, Hawkins was denied the opportunity to fill out or submit an application for a two bedroom apartment because Maplewood had policies that prohibited a brother and sister from sharing a bedroom and that barred a child from sharing a bedroom with a parent. Testing conducted by the Fair Housing

Center provided evidence that Maplewood Apartments maintained these policies. The case was assigned to Judge Donald E. Shelton. Through the Washtenaw County Bar Association Pro-Bono Program, Michael Steinberg was aided by Attorneys Steve Gray of Legal Services of Southeastern Michigan and Michael O. Love of Dykema Gossett.



*Tashie Hawkins and children Deon and Keana  
with Cooperating Attorney Michael J. Steinberg.*

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## Test Case of Michigan Handicapper's Rights Act Removes Physical and Legal Barriers

### *Franke v McKinley*

In May 1994, fifteen-year-old Natasha Franke and her parents Jim and Janet Franke settled their disability discrimination case against McKinley Properties, the owners of Glencoe Hills Apartments, for \$15,000 plus \$3500 set aside for the installation of an electric exterior door. This case is believed to be the first attempt to enforce the landlord's duty to pay for modifications under the Michigan Handicapper's Civil Rights Act (MHCRA). The apartment, located on the ground floor, had five steps leading to a landing and then five steps going back down. Natasha has Muscular Dystrophy and uses a wheelchair. Since 1989, the Franks had on many occasions requested that McKinley Properties remove the front steps. Each time McKinley refused, including September 1992 when the property owner ripped out the worn steps and replaced them with a new set of stairs.

In September 1993, the stairs to the apartment were finally removed. Attorneys for McKinley credit the picketing of Glencoe Hills Apartments by advocacy groups (ADAPT/Michigan and the Homeless Action Committee) with their decision to make the initial improvements.

The Michigan Handicappers' Civil Rights Act states that a corporation "...shall accommodate a [person with a disability] for purposes of housing unless the [corporation] demonstrates that the accommodation would impose an undue hardship". McKinley is the fourth largest residential property management company in Michigan. The case was assigned to Washtenaw County Circuit Court Judge Patrick Conlin. Congratulations to the Franks and Cooperating Attorney Martin Scott.



*Natasha Franke with (l to r) her parents Jim and Janet Franke and Cooperating Attorney Martin Scott.*

### **Remembering Al Wheeler**

On April 4, 1994 Ann Arbor lost a champion of civil rights. The Fair Housing Center Board of Directors and staff mourn the loss of local civil rights leader, Dr. Albert H. Wheeler. In 1963 Dr. Wheeler worked to make Ann Arbor the first city in Michigan and one of the first cities in the country to have a fair housing ordinance. Dr. Wheeler was elected Mayor of Ann Arbor in 1975 and 1977. He was Ann Arbor's first and only Black Mayor. Dr. Wheeler and his wife Emma Wheeler dedicated their lives to justice and equality for African-Americans and the poor. We continue to be inspired by his work and dedicated to carrying out a small part of what he and many others began fifty years ago.



## Race, Familial Status, Sexual Orientation are Issues in New Cases Filed

### *Magennis v Shoner*

Marlyss Magennis contacted the Fair Housing Center in July of 1993 with a complaint of housing discrimination. According to Magennis she was prevented from renting a duplex on Bemis Road in southeastern Washtenaw County because she lives with her 17-year-old son.

Testing conducted by the Fair Housing Center confirmed that Shoner offered to show the unit to a family with two adults and stated ". . . I'd just like to keep it adults; only adults live on the side."

According to the lawsuit filed in September 1993, the property owner, Edna Shoner, expressed reservations about renting to Magennis because she had a son. The law suit goes on to claim that Shoner began yelling at Magennis about her son. She stated that the duplex was her place and that she would rent to whomever she wanted. The suit filed by cooperating attorney David Cahill in Washtenaw County Circuit Court alleges discrimination based on familial status. The case is assigned to Judge Kurtis T. Wilder.

### *Shannon & Fair Housing Center v Camelot*

In October 1993 the Fair Housing Center of Washtenaw County and Margaret Shannon, a single parent with one child, filed a lawsuit in Federal Court suing Camelot Apartments in Ypsilanti, Michigan for discrimination against families with children.

According to the suit Camelot Apartments denied Shannon and her then four-year-old son the opportunity to rent a one-bedroom apartment and also "made, printed and published notices and statements with respect to the rental of the dwelling that indicate preference, limitations and discrimination based on familial status".

The Camelot Apartments application stated a policy of "one person or one couple per bedroom." Testing conducted by the Fair Housing Center supports the claim of discrimination against families with children. The suit was filed by Fair Housing Center Cooperating Attorneys Sarah J. Stitt and Steve Dane of Cooper, Straub, Walinski & Cramer. This is the first time the Fair Housing Center has joined a fair housing suit.

### *Fogel & Daniels v University Townhouses*

Carla Daniels and Gretchen Fogel, a lesbian couple, have been a family for 15 years. In March of 1991 the couple went to apply for a unit at University Townhouses, a cooperative in Ann Arbor. According to the lawsuit filed in Washtenaw County Circuit Court, Fogel and Daniels were told that they must be related by blood or law in order to qualify for entrance into the cop. The application at University Townhouses Cooperative states: " The family is understood to be two or more people related by blood or law. Unmarried couples (male & female) constitute a family also."



Fogel and Daniels continued.

The suit, filed in March 1994 by Cooperating Attorney Helen Gallagher, alleges violations of the Michigan Elliott-Larsen Civil Rights Act and the City of Ann Arbor Human Rights Ordinance. The Elliott-Larsen Civil Rights Act bans discrimination based on sex and marital status and the City of Ann Arbor Human Rights Ordinance prohibits discrimination based on sexual orientation. The case is assigned to Chief Judge Melinda Morris.

### **Worthy v Briar Cove**

On April 18, 1994 Frank and Elgirtha Worthy filed a race discrimination suit against Briar Cove Apartments in Ann Arbor. In November 1992 the Worthys, an African-American couple with one child living at home, contacted the Fair Housing Center of Washtenaw County with a complaint of race discrimination against the complex, located near Briarwood Mall.

In their complaint to the FHC the Worthys stated that they believed they were being given false and incomplete information about the availability of units as they sought to rent at Briar Cove. According to the Worthys, they went to see a unit and were told the unit they sought was not available. According to Mrs. Worthy, she called the next day without identifying herself and was told that the preferred unit was available. Testing conducted by the Fair Housing Center supports the Worthy's charge of discrimination based on race.

The Worthys eventually moved into Briar Cove. According to the law suit, when the Worthys arrived at Briar Cove to move in, the rental agent laughed and said "You are in for a surprise." The Worthys then found the apartment to be in filthy condition. FHC-Washtenaw Cooperating Attorney James C. Barnes, Jr. filed suit on behalf of the Worthys in Wayne County Circuit Court. The case was assigned to Judge Michael L. Stacey.

### **New Staff Members**

The Fair Housing Center is pleased to announce that Ruth Kraut and Amy Jordan have joined the staff of the FHC, both as part-time Coordinators of Investigations. Ruth has been a Fair Housing Center volunteer and is employed with the Ecology Center in Ann Arbor where she works as the Educational Outreach Coordinator presenting programs to public school children. Amy is pursuing her Doctorate in History from the University of Michigan and currently teaches African-American History at Washtenaw Community College, also on a part-time basis.

### **New and Continuing Members/Donors**

The Fair Housing center would like to thank the following members who have recently joined or renewed their membership.

#### **Founding/Continuing Members**

Pam Means  
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