

Scott Family Settles Race Case Against Swan Creek



Paula, Zanya, and Zakara Scott. The Scott family settled their fair housing case in July 2015.

Scott v Swan Creek

Paula Scott accepted a non-disclosed settlement to resolve her lawsuit against Swan Creek Mobile Home Community in Ypsilanti Township.

In April 2014, the FHC took a complaint from Paula Scott. Ms. Scott was referred to the Fair Housing Center by Legal Services of South Central Michigan (LSSCM). Ms. Scott reported that on March 5, 2014, her 17-year-old African American daughter, Zakara Scott, was pushed to the ground and physically assaulted by Amanda Cadreau, a white adult resident at Swan Creek.

Swan Creek staff requested statements regarding the incident, but only from the family of Amanda Cadreau. Two days after the assault and battery incident, Swan Creek served the Scotts with an eviction notice. Legal Services attorneys successfully stopped the eviction case against the Scott family. According to the lawsuit, "Ms. Cadreau assaulted and battered Plaintiff Zakara Scott as Zakara exited a school bus at the Defendant's manufactured home park community [...] The police report was filed immediately thereafter, listing Zakara Scott as victim of Amanda Cadreau's assault and battery."

On September 26, 2014, a jury convicted Amanda Cadreau of assault and battery against Zakara Scott.

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

It is understood that in all cases reported in this newsletter the defendant, unless noted otherwise, denies the allegations of discrimination made by the plaintiff and, in "settled" cases, the parties have agreed to resolve the case without a final determination by a jury or court.

Cases Settled

FHC v Parkside East et.al.

\$20,000 Settles Fair Housing Case

The Fair Housing Center initiated a housing discrimination lawsuit against several multi-family apartment properties owned, operated, and/or managed by Sudi Hopper. Testing showed evidence of discrimination against families with children. The properties include Parkside Apartments in East Lansing, Holt Manor Apartments in Holt, and Kelly Manor Apartments in Owosso.

According to the lawsuit, testers posing as a single parent with a young child were told that children were not allowed to live in one-bedroom apartments. By comparison, “Testers without children who inquired about the availability of one-bedroom units for themselves and a spouse were asked to confirm that they did not have children, told that apartments were available, provided additional information about the units, and invited to view the apartments.”

Fair Housing Center Cooperating Attorneys Jia Cobb and Stephen M. Dane of Relman, Dane & Colfax, along with local counsel Thomas Daniels and Matthew Daniels of Pear, Sperling, Eggan & Daniels, filed the lawsuit on behalf of the Fair Housing Center. The case, filed in U.S. Federal District Court on May 7, 2015, was assigned to the Honorable Sean F. Cox and settled in August 2015.

Court: Federal

Settlement: \$20,000

5:15-cv-11649-SFC-MJH Doc # 1 Filed 05/07/15 Pg 7 of 11 Pg ID 7

occupants under applicable state and/or local occupancy codes. Each tester spoke with Defendant Sudi Hopper, who owns and/or manages the properties.

24. FHC’s testing confirmed that Defendants discriminate on the basis of familial status by refusing to rent apartment units to families with children. Defendants permit two occupants to reside in a one-bedroom apartment, but not if one of the occupants is a child.

25. Uniformly, Defendant Hopper told the testers seeking to rent an apartment for themselves and a child that children are not allowed to live in one-bedroom units. Testers without children who inquired about the availability of one-bedroom units for themselves and a spouse were asked to confirm that they did not have children, told that apartments were available, provided additional information about the units, and invited to view the apartments.

26. During FHC’s testing of Defendants, Defendant Hopper repeatedly confirmed Defendants’ facially discriminatory policy and made other discriminatory statements regarding Defendants’ refusal to rent to young people and families with children.

Excerpt from page 7 from the FHC v Parkside East et.al. complaint filed May 7, 2015.

Cases Filed

Cusumano v Hartland Meadows

Wheelchair User Demands Sidewalk Access

Philip Cusumano has filed a disability discrimination lawsuit, claiming violations of the federal Fair Housing Act, against the Hartland Meadows mobile home community in Livingston County. Mr. Cusumano is legally blind and uses a wheelchair. He contacted the Fair Housing Center in April 2014 to report that Hartland Meadows’ “no parking on sidewalk” rule was not enforced. This made traveling around the community dangerous and denied him access to common areas, including his mailbox.

Mr. Cusumano also reported to FHC staff that in one instance when “the sidewalks were blocked by cars; I couldn’t get around the cars on the sidewalk in my wheelchair, so I had to go on the road, where I was nearly hit by a car.”

Mr. Cusumano and his wife, Vicki, have several photographs of cars parked on sidewalks throughout



Vicki and Philip Cusumano in their home at Hartland Meadows.

Hartland Meadows. Fair Housing Center staff investigated the property and also witnessed numerous cars on sidewalks.

Hartland Meadows' policy states that residents are not to park on the sidewalks. Three off-street parking spaces are provided to each home site. According to the lawsuit, the policy is not enforced.

The Fair Housing Center sent multiple letters to Hartland Meadows urging the enforcement of the rule that prevents parking on sidewalks. However, when the rule was still not enforced effectively, the FHC referred Mr. Cusumano to Cooperating Attorney Steve Tomkowiak for litigation. On August 1, 2014, Mr. Tomkowiak filed suit on behalf of Mr. Cusumano in U.S. Federal District Court. The case is assigned to the Honorable Matthew F. Lietman.

Welch v Cerda

Disability Case Heads to Court

Welch v Cerda was filed on January 28, 2015. Sunshine Welch contacted the FHC to report discrimination based on disability at an Ypsilanti Township apartment. FHC testing supported her claim of discrimination based on mental/emotional disability. FHC Cooperating Attorney Steve Tomkowiak filed suit on behalf of Ms. Welch in U.S. Federal District Court. The case is assigned to the Honorable David M. Lawson.

HUD Issues Affirmatively Furthering Fair Housing Rule

The Department of Housing and Urban Development (HUD) published a new final rule that requires state and local governments and housing authorities seeking HUD funding to consider how to eliminate fair housing barriers for people of color, families with children, and people with disabilities.

What is the duty to affirmatively further fair housing? "From its inception, the Fair Housing Act (and subsequent laws reaffirming its principles) not only prohibited discrimination in housing related activities and transactions but also imposed a duty to affirmatively further fair housing (AFFH). The AFFH rule sets out a framework for local governments, States, and public housing agencies (PHAs) to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. The rule is designed to help programs participants better understand what they are required to do to meet their AFFH duties and enables them to assess fair housing issues in their communities and then to make informed policy decisions." - AAFH Fact Sheet

Jurisdictions that receive Community Development Block Grant monies (in our eight county area, this includes the City of Lansing, the City of Jackson, the City of Monroe, and the Washtenaw Urban County) are included in this new rule. The tool these governments will use will now be the "Assessment of Fair Housing" (AFH), replacing the current "Analysis of Impediments" (AI) process.

As provided in the final rule, AFFH "means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. "

You can read more about the new rule and the AFH process at www.hudexchange.info/programs/affh/.

fair housing breakfast

Fair Housing Breakfast

On March 25, 2015, we held our second Fair Housing Breakfast event in downtown Ann Arbor. Housing professionals, community members, and policy makers attended the event, including local mayors and city council members.

Our guest speaker was Jason Reece, the Director of Research for the Kirwan Institute. Mr. Reece's talk at the Breakfast, "Place, Housing & Opportunity: Fair Housing for Supporting Thriving Families and Communities," covered housing and health equity, the need for fair housing enforcement, and the need for high quality housing in high opportunity areas for all.

You can view slides from the talk and pictures from the event at www.fhcmichigan.org/breakfast.

Thank you to our sponsors, speaker, and attendees for making our 2nd annual Fair Housing Breakfast a success. We hope the event expands the conversation about equal housing opportunity.



Thank You

McKinley

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Community and Economic Development**

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**FAIR HOUSING
BREAKFAST** with
Jason Reece



Jean Henry with Ypsilanti Mayor Amanda Edmonds



Ann Arbor City Council member Chuck Warpehoski addresses a question to presenter Jason Reece

fair housing breakfast



Pam Kisch (FHC Executive Director), Jason Reece (Kirwan Institute), and Ann Roult (FHC Board President)



Sandi Smith (Trillium Real Estate), Brenda Stumbo (Ypsilanti Township Supervisor), Linda Lombardini (Trillium Real Estate)



Minal Kelkar-Kamat (University of Michigan Credit Union), Rock DeBacker (University of Michigan Credit Union), Dr. Alexandra Murphy (FHC Board Member), Monica Mann (Michigan Ability Partners), Michael Appel (FHC Board Secretary/Treasurer), and Yvonne Cudney (attorney)



Chris Aikens (Flagstar) and Yvonne Harrington (Key Bank)



Shannon Duffany (Child Care Network), Charles Wilson (Washtenaw County Public Health), Patrick Sweeney (Crosky Lanni, PC)



Brett Lenart, Teresa Gillotti, and Stephen Wade (Washtenaw County Office of Community and Economic Development)

Reasonable Accommodations

Some recent reasonable accommodation and modification requests resolved by our office.

Termination of Lease Without Penalty

Two Reasonable Accommodations, Monroe and Washtenaw Counties

A woman living with cerebral palsy needed to break her lease because she could no longer safely enter and exit her apartment. She was told the step up to her unit would not be adjusted to ease her entrance, and that she would have to pay two months' rent to break her lease. A letter from the FHC resulted in the complainant breaking her lease without a penalty.

A man with a physical disability who lived in a second floor unit could no longer climb stairs. FHC staff asked that he be let out of his lease without penalty as a reasonable accommodation of his disability. His request was granted.

FHC Stops Evictions for People with Emotional Disability Concerns

Three Reasonable Accommodations, Livingston (2) and Washtenaw Counties

In the first case, our complainant received an eviction notice based on his reaction to loud noise from his neighbors. We negotiated a plan to stop the eviction, allowing the man to remain in his home until the end of his lease.

The second case concerned a family whose son is living with autism. The family was sent an eviction notice after witnesses claimed they saw him putting out a fire. The child was then accused of setting that fire, and several others, on the apartment complex property. FHC staff spoke with the son's doctor and helped the mother



Tattoo of "Lady Liberty" on former FHC Board Member, Bob Liston. "Disabled & Proud."

advocate for her son who could not have started the other fires because he was hospitalized at the time. The eviction was dropped.

The third case involved a woman who was sent an eviction notice for having an emotional support animal. FHC staff wrote a letter on her behalf including a letter from her doctor outlining the need for the emotional support dog. The eviction was dropped and she continues to live at the property.

Forced Downsize Halted

Reasonable Accommodation, Calhoun County

We were asked for help by a woman with multiple, severe disabilities. Her doctor prescribed numerous large pieces of equipment to manage her symptoms and pain. Her housing provider told her she had to move to a smaller unit. She asked for a reasonable accommodation to remain in her larger unit and her request was denied. FHC staff reviewed her case and wrote to the housing provider. The accommodation was made and the tenant was allowed to stay in her unit.

Assistance Animal Allowed in Assigned Roommate Situation

Reasonable Accommodation, Washtenaw County

A man with a mental/emotional disability was treated by a doctor who suggested that caring for a dog may help him manage his symptoms. The man explained his situation to his new housing provider. The manager stated that no pets were allowed especially because the unit came with an assigned roommate. Our complainant got written permission from his roommate who was very enthusiastic about the having a dog in their suite. Still, the manager tried to ban the support animal. Letters from the FHC staff led to the dog and the tenant staying in the property.

Income Requirements Waived

Reasonable Accommodation, Washtenaw County

A man with a disability was offered a long awaited space in low income housing. He contacted the FHC to report that he was turned down because his income was not three times that of the rent. FHC staff argued that he had been managing a higher rent in his current residence, that he met the income threshold if they counted only his portion of the rent, and that because of his disability he was unable to earn more income. The accommodation was granted.

Ex-Offender Keeps Housing, Parking Space

Reasonable Accommodation, Washtenaw County

A man with a physical disability lived in his apartment building for three years. He was, by all accounts, an excellent tenant. When a new management company took over, they required that each tenant reapply. Our complainant had a felony record from 14 years ago and for this reason the new managers told him he would have to move at the end of his lease. As a reasonable accommodation, FHC asked for a new lease to be issued, pointing out that our complaint had turned his life around and based on the severity of his disability he was unable to reoffend. The accommodation was granted. The complex later removed his reserved parking space. We asked for a second accommodation to have his reserved parking space returned to him and the accommodation was granted.

Late Fees Dropped and \$1,100 Refunded

Reasonable Accommodation, Washtenaw County

A woman receives her disability check from the government on the third Wednesday of the month. Each month her landlord charged her a \$35 late fee and an additional \$128 in court filing fees. FHC staff requested a return of over \$1,100 in fees and to stop future charges related to the timing of her disability income. The money was credited to her account and the late fees have stopped.

Caregiver-Related Eviction Dropped

Reasonable Accommodation, Washtenaw County

A woman with a disability faced eviction when her caregiver was accused of illegal activity on the property. FHC staff met with the property manager and the complainant. When an FHC investigation found there was no evidence of illegal activity, we requested the eviction be dropped and the no trespass order against the caregiver be lifted as a reasonable accommodation of her disability. Both requests were granted.

Denial Reversed and Housing Granted

Reasonable Accommodation, Washtenaw County

A young man with a disability applied to live in an apartment building. After being denied, he asked for a hearing and the denial was reversed. However, months went by and the manager appeared to be stalling, as she asked him for more duplicate paperwork. FHC staff advised the young man's disability advocate and aided her in writing a letter asking for his file. Shortly after the request he was offered a lease.

Illegal "Pet Fees" Stopped

Reasonable Accommodation, Washtenaw County

A young woman with a disability applied to live in an apartment building with her emotional support animal. The landlord said he didn't allow pets. She supplied a letter from her doctor and the landlord permitted the animal but only if she paid "pet rent." After living at the apartment for 11 months and paying the "pet rent," she learned about fair housing laws and contacted the Fair Housing Center. FHC staff wrote a letter informing the landlord that emotional support animals are not pets and asking that, as a reasonable accommodation under the law, the owner refund the "pet rent" already paid and discontinue charging the illegal fee. The accommodation was granted: \$275 was refunded and the landlord agreed to stop future charges.



New Fair Housing Baby!

Assistant Coordinator of Investigations Niki Green and husband Ed welcomed their second child on November 12, 2014. Elliott Joseph Green was born on a snowy winter morning weighing in at a sizable 8 lbs 13.5 oz. Big brother Julian is very excited to have a sibling.

**Sexual harassment by a landlord
is housing discrimination.**

fhcmichigan.org

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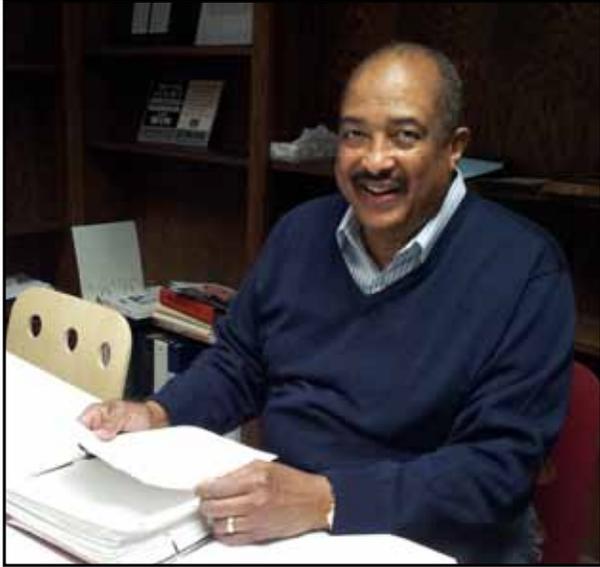
The Fair Housing Center launched a new education and outreach campaign on sexual harassment and fair housing. The "Shine a Light" campaign includes billboards, posters, and other handouts, as well as in-person education and outreach services.

Under the Fair Housing Act, housing providers – including landlords, management companies, real estate agents, home sellers, lending institutions, and homeowners' insurance companies – are prohibited from discriminating based on sex. Sexual harassment is considered a form of sex discrimination that is prohibited by the Fair Housing Act. Statements such as "I'll fix the sink if you go out with me" or "if you sleep with me, I can forget that the rent is late" are considered harassment and are illegal.

Read more about the law, our campaign, and view the materials at www.fhcmichigan.org. We also welcome contributions to this campaign to help "Shine a Light" on this critical issue.

We would like to thank the members of Youth Advocates for Women's Empowerment (YAWE), a grassroots grant making organization made up of 18 high school students in Washtenaw County, for the initial opportunity to highlight our work on sex discrimination.

FHC happenings



After 22 years in Ann Arbor, the FHC has moved to Ypsilanti. While our mailing address remains the same (PO BOX 7825, Ann Arbor, MI 48107), we now have only one phone number - **877-979-FAIR** - and **our fax number has changed to 734-340-6598.**

Members: The 2015 Annual Meeting is on Thursday, November 12th. Invitations to follow.

Pictured: FHC Board Member Edward Moorman. Ed volunteered time at our office in Ann Arbor, helping to organize and pack us up for the move. Thank you again, Ed!

Cocktails for Karma!

On the third Tuesday of every month **The Bar at 327 Braun Court** in Kerrytown, Ann Arbor, gives a little back. One dollar from every drink sold on those days will be donated to a local nonprofit.

The Fair Housing Center's next designated evening is on **Tuesday, November 17.**

Please stop by for great drinks in a cozy atmosphere.

Thank you to the Bar at 327 Braun Court!



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Do you use Amazon or Amazon Prime? If so, we encourage you to place your orders through **AmazonSmile.** Visit smile.amazon.com to select a non-profit of your choice to receive a percentage of your purchase. It's simple and free to participate, and you'll find the exact same products and benefits. Shop and do good with every purchase.



Become a Member of the Fair Housing Center

It's now easier than ever to join the Fair Housing Center and aid in our mission to end discrimination in housing and public accommodations and to promote accessible, integrated communities. Just visit our website at www.fhcmichigan.org to make a one-time donation or set up a reoccurring donation subscription on our membership page (www.fhcmichigan.org/get-involved/membership).

U.S. Supreme Court Upholds Disparate Impact Claim

On Thursday, June 25, 2015, the Supreme Court of the United States voted 5-4 to keep a critical piece of its legacy: the disparate impact claim.

This claim allows Americans to challenge not only laws, policies, and practices that are intentionally discriminatory, but also those that have an *unjustified discriminatory effect*.

This ruling is a solid victory for equal opportunity and for the future of our nation. The Court's decision will not only continue to protect millions of Americans, but it also upholds the important principle that, as a nation, we value the diversity of the communities in which we live, especially at a key moment for racial justice in America.

Examples of Disparate Impact from the National Fair Housing Alliance:



1) An apartment complex only allows people with full-time jobs. This bars disabled veterans and other people with disabilities who may not be able to work full-time, even though they can afford the apartment. The complex could instead consider all income to assess someone's ability to afford rent.

2) A city decides to prohibit all housing that would be affordable to working-class people, and that has the effect of excluding most or all people of color in that region. If the city cannot show a valid reason for its policy, or if a more fair and effective alternative is available, then the policy would have to be set aside under the disparate impact approach.

3) A lender has a policy of allowing its loan officers to overcharge consumers at the loan officer's discretion. The result is that women are charged higher prices than their male counterparts—even though both have the same credit profiles. In a case like this, the lender would have to abandon the discretionary pricing policy and take steps to insure that women are not over-charged for lending products and services.

Housing Advocates Training and Welfare Policy Seminar Coming to Monroe



The Fair Housing Center staff, along with the Michigan Poverty Law Program and Legal Services of South Central Michigan, will be holding Housing Advocates Training (HAT) on October 13 and 15, 2015, in Monroe. Registration is required.

HAT is designed to help social service workers gain a working knowledge of fair housing law, landlord/tenant law, and housing subsidy programs. The Welfare Policy Seminar focuses on the Department of Human Services' most popular programs. The trainings are an excellent resource for anyone working as an advocate (clients/consumers also welcome).

For details on the training and to register, visit the Housing Advocates Training page on our website.

"Very well done, clear and precise. Good examples and knowledgeable presenters."

"Just excellent—great practical advice and clear understanding of rights and process. Good use of quizzes for interaction."

"I'm interested in a follow-up training. Great information!"



housing advocates training

fair housing, landlord/tenant law, housing subsidy programs
& welfare policy seminar

october 13 & 15 in monroe, michigan

-once registered, directions and additional information will be sent to you-

registration form (one registrant per form, please)

if you need additional forms, please photocopy

housing advocates training

tuesday, october 13, 2015, 9am - 5pm (check-in begins at 8:45am)

continental breakfast and lunch included

- i'm a vegetarian
- other dietary restrictions: _____

\$55 registration by september 25

\$65 after september 25

- i've enclosed a check
- i pre-paid online at fhcmichigan.org/get-involved/hat/

welfare policy seminar

thursday, october 15, 2015, 9am - 12pm

free, space limited

Name _____ Title _____

Organization _____

Work Phone _____ Email _____

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City _____ State _____ Zip _____

Fair Housing Center of Southeastern Michigan

PO BOX 7825, Ann Arbor, MI 48107

1-877-979-FAIR, fax: 734-340-6598, info@fhcmichigan.org

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Scott Family... continued from page 1...

FHC Cooperating Attorney Steve Tomkowiak assisted LSSCM in opposing the eviction and agreed to continue with the civil rights portion of the case. In December 2014, Mr. Tomkowiak filed suit on behalf of the Scott family in U.S. Federal District Court. The case was assigned to the Honorable Bernard A. Friedman. The case settled on July 21, 2015 following a settlement conference before Magistrate Judge Michael J. Hluchaniuk.

Court: Federal
Settlement: Non-disclosed



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