

\$20,000 to Monroe Mom Discrimination Against Families with Kids Case Settles

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

Cicity Pippens of Monroe has settled her housing discrimination lawsuit against landlord Mildred Trkula for \$20,000, with assistance from the Fair Housing Center of Southeastern Michigan.

Ms. Pippens contacted the Fair Housing Center in January 2013 to report that the agent at a West Eighth Street property in the City of Monroe took a rental application away from her after the agent learned that she has two children.

The Fair Housing Center investigated the claim of housing discrimination by sending testers who acted as potential home seekers and reported their experiences to FHC staff. Testers visited the property at various times during the period of a month. The results of FHC testing strongly supported Ms. Pippens' claim of discrimination based on familial status.

According to the lawsuit, the defendant, Mildred Trkula, told Pippens that "they really do not want children living here." Ms. Trkula is the owner of the property.



Cicity Pippens and FHC Cooperating Attorney Steve Tomkowiak outside the courthouse after accepting the settlement

The lawsuit also states that the defendant told FHC testers "you can't have kids," "it is an adult unit," and a non-FHC tester that when a previous tenant "found a girlfriend with kids" she, Ms. Trkula, "got rid of them."

FHC staff met with Ms. Pippens in early February 2013 to discuss her options. Ms. Pippens chose to go to litigation with a Fair Housing Center Cooperating Attorney, selecting Steve Tomkowiak to handle her case. On March 5, 2013, Mr. Tomkowiak filed Pippens v. Trkula in U.S. Federal District Court. The case was assigned to Judge Victoria A. Roberts and in November 2013, Judge Roberts found in favor of Ms. Pippens, resulting in a \$20,000 settlement.

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.

22nd anniversary event

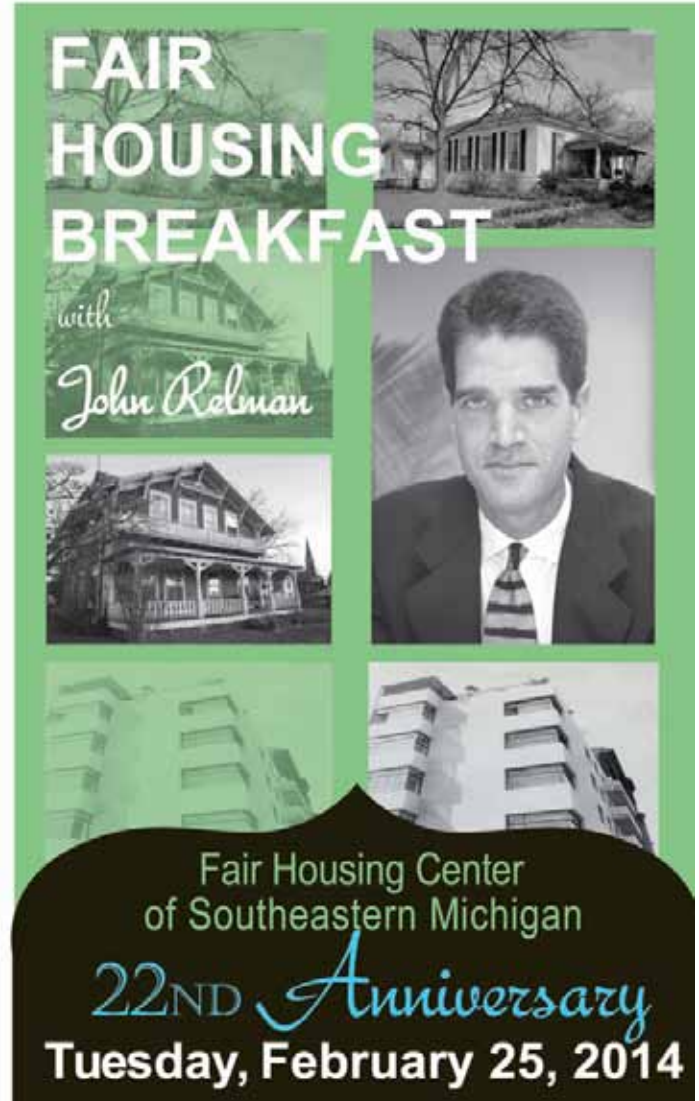
FHC Hosts Breakfast for Housing Professionals

On February 25th, we held a Fair Housing Breakfast event for our 22nd Anniversary. Our guest speaker was attorney John Relman, founder and managing partner of Relman, Dane & Colfax PLLC. Mr. Relman also teaches public interest law at Georgetown University Law Center, where he serves as an adjunct professor. He received his law degree from the University of Michigan. Mr. Relman is a national expert in fair housing and the author of the "Housing Discrimination Practice Manual."

The morning began with a delicious breakfast buffet at the Dahlmann Campus Inn in downtown Ann Arbor. Attendees got a chance to network and learn more about the Fair Housing Center. Mr. Relman then spoke to us about "Lasting Effects: The Next Generation of Fair Housing Enforcement."

We hope the event expanded the conversation about fair housing for participants. Mr. Relman's talk covered redlining, reverse redlining, and the impact that leaders in the real estate and lending industries can make in working to end housing discrimination.

This was our first event for housing industry professionals. We look forward to making this event a tradition.



Amy Khan and Colin Khan from CMB Management



Attorney Angela King, Todd Lands (Charles Reinhart Company Realtors), and Emily Hall (FHC-Detroit Board Member)

22nd anniversary event



Michigan Association of REALTORS table, clockwise from bottom left: Melissa Tee, Michael Appel (FHC Board Member), Ron Zupko, Vance Shutes, Kathie Feldpausch, and Collin Cote



Ann Arbor State Bank table: Craig Orndorf, Jeremy Shaffer, Nicole Mourning, Sean Breeden, Jason Robinson, and Dave Graff



Ann Routt (FHC Board President), Edward Moorman (FHC Board Member), Pam Kisch (FHC Executive Director), Attorney John Relman, and Ronald Woods (EMU Professor)

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HOUSING
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of SOUTHEASTERN MICHIGAN

Thank You

McKinley, Inc.

Ann Arbor State Bank

Michigan State Housing Development Authority

Michigan Association of REALTORS

Bank of Ann Arbor

Michigan Department of Civil Rights

Ann Arbor Area Board of REALTORS

**FAIR HOUSING
BREAKFAST** *with*

John Relman

The Fair Housing Center opened on February 17, 1992. In 22 years, we've investigated 3,000 complaints, conducted over 2,250 tests, resolved over 150 reasonable accommodations for people with disabilities, and settled 79 cases in State and Federal Court with \$1,845,000 in settlements.

Fair Housing Center Settles Ann Arbor Disability Case for \$39,500

“Live-in” leasing policy unfairly applied, discriminates against people with disabilities



Picture of Scio Farms Estates, Ann Arbor

This past June, the Fair Housing Center (FHC) and Renaissance Community Homes (Renaissance) – a provider of assisted living services – settled a U.S. Department of Housing and Urban Development (HUD) complaint against Scio Farms Estates in Ann Arbor. Scio Farms Estates is part of Sun Community Homes, a nationwide company with yearly sales near \$300 million.

Under terms of the settlement, Scio Farms Estates and Sun Community Homes will **no longer require guardians of tenants with developmental disabilities to live on the premises when co-signing a lease.** Sun Community Homes will also provide relevant training to staff, and pay \$39,500 to Renaissance and FHC.

“Sun Communities placed the bar so high that it would have been practically impossible for people with developmental disabilities to live there,” said Pam Kisch, Director of the Fair Housing Center of Southeastern Michigan. “We’re pleased that HUD was able to step in and change that. A harmful policy has been removed and I hope Sun Communities has learned from this.”

The case began on March 28, 2011 when FHC staff member Kristen Cuhran took a complaint from Sandi Donner, on behalf of Renaissance and two of its clients (who wish to remain anonymous). Ms. Donner claimed that three of her clients were denied housing at Scio Farms Estates because of their developmental disabilities.

Two weeks before the complaint was filed, an application was submitted to Scio Farms Estates by Ms. Donner on behalf of

the three clients, signed by their guardians. The home was perfect - a great location, less expensive rent than what the clients were currently paying, and larger square footage. Ms. Donner was told by the Scio Farms agent to expect to hear back in 24-48 hours.

When she hadn’t heard back after 48 hours, she followed up with an agent at Scio Farms who said she was looking into the situation. The next day, Ms. Donner called again and an agent told her that the corporate office was looking into the matter. One week after they had originally applied, **Ms. Donner went to the Scio Farms office in person where an agent told her that the corporate office denied the application because the clients' guardians signed the lease and “whoever signs the lease has to live there.”**

The Fair Housing Center advised the Renaissance staff to have the men (one of whom was his own guardian; the other two had related family as guardians) sign the lease themselves, which they did. Because the clients have developmental disabilities, they rely on representative payees (someone who manages their money) who also co-signed the lease. Sun Community Homes denied the application a second time, stating that the payees would have to live with them. The payees in this instance were an organization - Renaissance Community Homes.

FHC testing found that the policy “whoever signs the lease has to live there” was not enforced for prospective tenants without disabilities.

The Fair Housing Center tested the property through phone and on-site investigations in regards to payees, guardians, and co-signers. FHC testing found that the policy “whoever signs the lease has to live there” was not enforced for prospective tenants without disabilities. FHC staff talked with the families of the clients and Renaissance staff about what action they would like to pursue.

One Renaissance client and his family decided to pursue the case through a HUD complaint. FHC Board voted to join the case in order to seek changes in policies for all Sun Community Homes properties. FHC staff referred the case to HUD on December 14, 2011. A conciliation agreement was finalized on May 16, 2013, between the owner, Sun Communities, Inc., and Renaissance Community Homes, the Fair Housing Center of



Renaissance Community Homes Resident Manager, Sandi Donner, brought the case to the attention of the Fair Housing Center

Southeastern Michigan, and the individual complainant and his family.

The agreement includes a monetary settlement of \$30,000 to Renaissance Community Homes and \$9,500 to the Fair Housing Center of Southeastern Michigan to monitor Sun Community Homes for fair housing compliance. **The client and his family declined any settlement money but stayed in the case in order to further civil rights for people with disabilities.** They generously were in full support of Renaissance and FHC receiving monetary settlements.

The agreement also includes a charge to Sun Community to develop and distribute written policies to all staff that interacts with potential and current residents regarding the HUD suggested language on a "Payee Policy" and a "Policy Against Unlawful Scrutiny on the Basis of Disability." Sun Community Homes must also develop additional training for all staff on these issues, as well as adhere to monitoring from HUD for a period of 18 months (separate from FHC monitoring).

Reasonable Accommodations

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

"No Pets" Policies Overturned, Harassment Stopped

Five Reasonable Accommodations; Bay, Livingston, Washtenaw, and Wayne Counties

FHC staff assisted five people who required emotional support animals due to their disabilities. Each landlord cited "No Pets" policies as a reason for refusing to accept, threatening, or trying to evict the tenant. Staff at one property told an FHC complainant to muzzle her dog and put it in a cage. They also intimidated other tenants for their perceived association with the complainant. Letters from the Fair Housing Center convinced the landlords to allow the animals as reasonable accommodations and put a stop to the harassment. The FHC also clarified that pet rent could not be charged in these circumstances.

Evictions Stopped, Rent Due Dates Changed

Two Reasonable Accommodations, Livingston and Washtenaw Counties

The Fair Housing Center assisted two people with getting late fees dropped, eviction proceedings stopped, and previously assessed fines returned. Each complainant received their monthly Social Security Disability checks after their rent due date. The checks are their only sources of income. As reasonable accommodations of their disabilities, the FHC asked that no late fees be charged if their rent checks were received two days after their Social Security Disability checks arrived, that landlords refrain from mid-month eviction proceedings in the future, and that any past fees be refunded. The accommodations were all granted.

Successful Negotiation

Reasonable Modification, Washtenaw County

A man with a mobility impairment needed to move to a more accessible unit. His landlord denied him the request. FHC staff asked for a reasonable accommodation and the landlord agreed to make modifications to his current unit instead.

Chemical Treatment of Bed Bugs Averted

Reasonable Accommodation, Lenawee County

The family of a child with a disability that affected his ability to breathe needed a non-chemical treatment of bed bugs in their rented apartment. FHC staff aided the family in getting a letter from the child's physician and made a written request for thermal treatment as a reasonable accommodation. The accommodation was granted and the family was able to stay in their apartment.

Policy Change for Emergency Access

Reasonable Accommodation, Monroe County

A woman with a physical disability is living in a manufactured home. Management stated she was required to install a railing on her back stairs. The railing previously prevented medical personnel from getting her safely out of the home during an emergency. A letter from FHC staff led to a solution that included changing the position of her back steps as a reasonable accommodation of her disability.

Roll-in Shower Granted

Reasonable Modification, Washtenaw County

A woman with a physical disability needed a roll-in shower in her apartment unit. FHC staff wrote a letter asking for permission to make the modification and asked if the owner would pay half the cost. Not only did they allow the modification, the owner split the cost with a local community service organization (which is not required by the FHA).

Accessible Parking Spaces

Three Reasonable Accommodations, Jackson and Washtenaw Counties

FHC staff assisted three people with reasonable accommodations related to parking spaces. The accommodations included new accessible spaces, restriping, and appropriate signage, including one tenant whose parking space was designated for his use only.

Eviction and Charges for Wheelchair Wear and Tear Stopped

Reasonable Accommodation, Washtenaw County

A couple, both of whom use wheelchairs, were charged hundreds of dollars for damages caused by their wheelchairs scraping the floor and walls of their rented apartment. The owner applied the damages to their rent and sent out an eviction notice for non-payment. FHC informed the owner that this type of "damage" is considered normal wear and tear for wheelchair users. The owner dropped the charges and stopped the eviction to the considerable relief of the tenants.

USPS Mail Delivery Route Negotiated

Reasonable Accommodation, Washtenaw County

A woman with a mobility impairment needed to have her mail delivered to her front door. FHC staff wrote a letter asking the US Postal Service to bypass the communal mail boxes that were inaccessible to the complainant. The accommodation was made and the woman was able to continue living in her apartment building.

Caregivers with Conviction Records Allowed

Reasonable Accommodation, Washtenaw County

A woman who owns a mobile home needs 24-hour-a-day care provided by her son and her boyfriend. Both had been living with her for the last six years without complaint or incident. A new manager demanded she officially put her caregivers on her lease, but denied their applications because of past felony convictions. This led to an eviction notice and the complainant feared that any gap in her care could be fatal. FHC staff wrote a letter asking that they let her add her caregivers to the lease as a reasonable accommodation of her disability. The accommodation was granted.

Criminal Background, Arrest and Conviction Record and Fair Housing

The United States Department of Justice advises that more than 650,000 ex-offenders are released from prison every year¹, and social scientists and legal scholars now estimate up to **65,000,000 people are living with a criminal conviction in the U.S.**² A high percentage of those 65 million are African-Americans and Latinos³, and we therefore believe that housing policies that ban people with criminal records impact a disproportionate number of people of color because they are overrepresented in the criminal justice system.

For years the Fair Housing Center has been documenting calls to our office from people who cannot find housing due to their conviction record.

Currently no federal or state fair housing protections exist for persons with a criminal background (regardless of type of crime, length of sentence, or time elapsed since conviction). Many fair housing advocates believe that using civil rights law is one way to successfully advocate for stable housing for this growing population.

We believe there are robust frameworks which demonstrate how civil rights law may provide successful arguments to assist this substantial population in both securing and keeping housing.

When we look at discriminatory practices against a protected class barred by the Fair Housing Act of 1968 (protected classes here include race, religion, sex, disability, the presence of children, national origin, and color), how do we understand these practices when combined with criminal background?

Here's an example: If a property owner or manager requires only applicants of a certain race to submit to a criminal background check OR if a property manager or owner requires all applicants to undergo a background check but only denies housing to applicants of color, this may violate the FHA.

Local community ordinances exist that prohibit housing discrimination against individuals with an arrest or conviction, such as the Fair Housing Ordinance in Dane County, Wisconsin⁴, but to date they are extremely rare. We believe

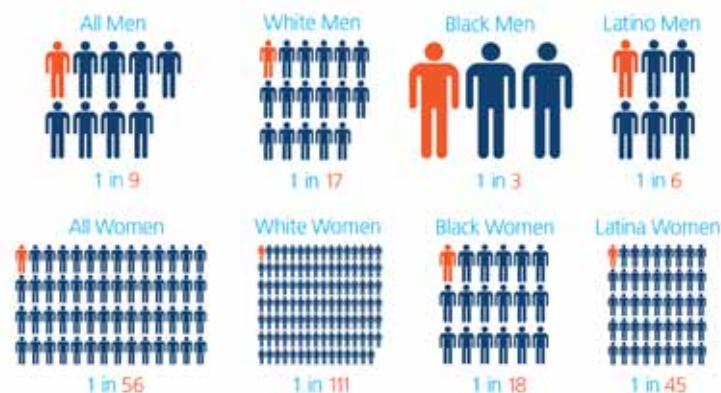
1 www.justice.gov/archive/fbci/progmenu_reentry.html

2 Rodriguez, Michelle and Maurice Emsellem. 2011. "65 Million Need Not Apply." *The National Employment Law Project*.

3 The Sentencing Project. www.sentencingproject.org/template/page.cfm?id=122

4 Section 31.03. <http://danedocs.countyofdane.com/webdocs/pdf/>

Lifetime Likelihood of Imprisonment



Source: Bonczar, T. (2003). *Prevalence of Imprisonment in the U.S. Population, 1974-2001*. Washington, D.C.: Bureau of Justice Statistics.



ordinances like these are a valuable tool to promote greater housing security for this population and should be replicated.

The FHA has established what is known as *disparate impact analysis* (DIA). DIA is a legal doctrine that can be used to rigorously enforce fair housing law. Disparate impact arguments frequently rely on statistical analysis to demonstrate that seemingly neutral housing policy may actually produce a discriminatory effect on a protected group of people as established in the FHA of 1968.

In March 2013, the Department of Housing and Urban Development (HUD) issued a Final Rule, "Implementation of the Fair Housing Act's Discriminatory Effects Standard," which officially provides pathways to liability or relief, as established by disparate impact claims. In the *Harvard Civil Rights-Civil Liberties Law Review*⁵, **Assessing HUD's Disparate Impact Rule: A Practitioner's Perspective**, authors Michael G. Allen, Jamie L. Crook, and John P. Relman suggest:

"By applying the framework in HUD's Final Rule, a successful disparate impact challenge to criminal background screening can achieve important results, including incentivizing housing providers to adopt alternative and less discriminatory screening policies, increasing access to housing for a vulnerable population, and perhaps even ferreting out subtle evidence of discriminatory intent motivating blanket bans."

Criminal Background, continued on page 8

[ordinances/ord031.pdf](http://www.fairhousingcenter.org/ordinances/ord031.pdf)

5 *Harvard Civil Rights-Civil Liberties Law Review*, Vol. 49, No. 1, Winter 2014

fair housing center updates

Criminal Background, continued from page 7

Thus, the disparate impact claim differs from the example in the first section in a critical way. If a property owner requires all applicants to submit to a criminal background check, and the owner subsequently fails to ever rent or lease to people of a certain race, regardless of whether or not discrimination was intended, the owner may be liable under disparate impact theory and HUD's Final Rule.

Recently, HUD Secretary Shaun Donovan and Assistant Secretary for Public and Indian Housing Sandra Henriquez wrote to the Executive Directors of the Country's Public Housing Authorities⁶ encouraging them to use less restrictive tenant selection criteria. This included considering all relevant information, such as family support or evidence of rehabilitation. This is critical, as many public housing agencies explicitly bar individuals with a criminal conviction from tenancy.

Secretary Donovan also wrote to all HUD-assisted property owners nationwide, asking them to evaluate, review, and potentially edit their tenant selection policies. He proposes these changes as part of a larger social and governmental effort to reduce recidivism, reunify families, encourage productivity, and to reduce homelessness among the ever expanding group of citizens with criminal backgrounds.

HUD's recommendations are notable for the ways housing applicants with conviction records may be protected, but they also provide a road map for replication in the private housing market.

We expect lively conversations and productive dialogue on the connection between criminal background and fair housing to not only continue, but accelerate in upcoming years.

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www.fhcmichigan.org/emerging-issues

You can read more about this and other emerging issues on our website at fhcmichigan.org/emerging-issues.



FHC Welcomes Assistant Coordinator of Investigations

Niki Green joined the Fair Housing Center staff in September 2013. Niki has committed herself professionally to public interest and advocacy work for the past five years as an attorney for two Michigan legal aid programs. Niki has substantial experience in the landlord/tenant law arena, which led to her interest in fair housing law, after observing how often the two areas intersect. We are fortunate that Niki plans to use her Spanish speaking skills to assist FHC complainants. Niki received her B.A. in History and Sociology from Emory University and her J.D. from the University of Denver. She lives in Ann Arbor with her husband, Ed, and their toddler son, Julian.

Thank You, Norah!

Norah Rast volunteered with the FHC during her junior and senior year at Ann Arbor Pioneer High School. Norah's volunteer duties included research, programmatic support, collating, and copying (in other words, the real non-profit gamut!). Norah is now a student at Washington University in St. Louis. We wish her the best!



New Film and Radio Pieces Cover Fair Housing History

Our colleagues across the country have been part of, and producing, some fantastic work in the realm of fair housing. Below is a quick glimpse of some film and radio shows to check out. All of these titles are linked at fhcmichigan.org.

Seven Days

This gripping, eight-minute award winning film, produced by Nationwide in conjunction with the National Fair Housing Alliance, tells the story of the seven days that changed America. From the devastating assassination of Dr. Martin Luther King on April 4, 1968 to the passage of the Fair Housing Act on April 11, 1968, America's cities were in turmoil - its people looking for some sign of hope. President Johnson compelled Congress to move hastily to pass sweeping civil rights legislation in an effort to demonstrate to the American people that Dr. King's dream would live on. The Fair Housing Act, drafted by then-Senators Ed Brooke and Walter Mondale, would become a cornerstone of the Civil Rights Act. vimeo.com/68787849

Michigan Roundtable Honors Cliff Schrupp

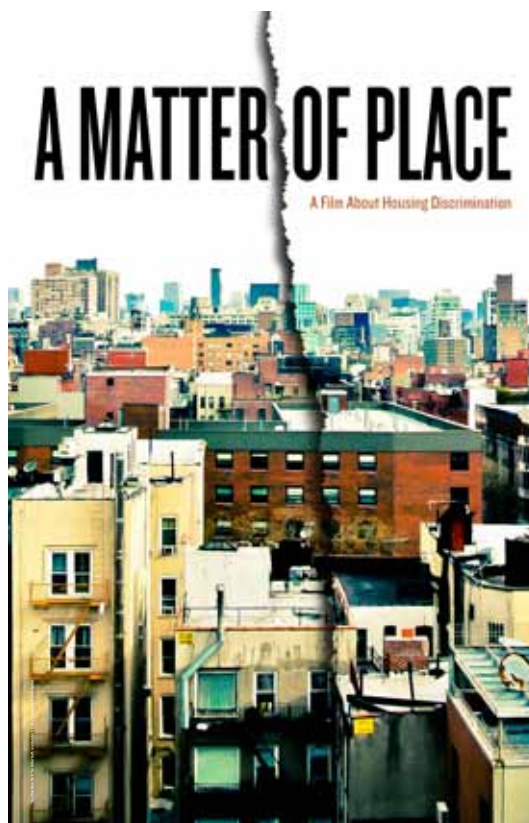
We lost an important friend and mentor to the Fair Housing Center when Clifford Schrupp, the founder and Executive Director of the Fair Housing Center of Metropolitan Detroit, passed away on September 11, 2013. He was 74. The Michigan Roundtable for Diversity and Inclusion produced a video honoring Cliff, titled "Cliff Schrupp 2013 Humanitarian Tribute." We encourage you to take a few moments to learn more about the life of this extraordinary "agent for change." youtu.be/-gftRB28fQ0

A Matter of Place

The Fair Housing Justice Center in New York partnered with Kavanagh Productions to produce the film "A Matter of Place," a documentary film that shines a bright light on housing

discrimination, one of the most shrouded and misunderstood civil rights issues in America. This 30-minute, superbly crafted documentary details the testing process used by many fair housing centers.

Synopsis: "A Matter of Place" connects past struggles for fair housing to contemporary incidents of housing bias based on race, sexual orientation, disability, and source of income. Three stories are presented by people who faced housing discrimination in present-day New York City. They poignantly describe the injuries inflicted on them during these incidents, as well as their resolve to fight for justice. Through experts, civil rights advocates, and fair housing testers, the film also recounts our nation's often overlooked history of residential segregation. vimeo.com/77785957



NPR's This American Life Highlights Fair Housing

This American Life recently aired a show titled "House Rules." The piece focuses on the Fair Housing Act, affirmatively furthering fair housing (including former Republican

Governor of Michigan George Romney's pro-integration role in fair housing), and why and how testing matters. Also in the show are actual recordings from Fair Housing Justice Center testers. Much of the show's content comes from ProPublica reporter Nikole Hannah-Jones, whose 2012 series "Living Apart: Fair Housing In America" has won several awards. thisamericanlife.org/radio-archives/episode/512/house-rules

FHC Staff and Complainant Talk to WKAR

WKAR Current State staff spoke with FHC Executive Director Pam Kisch and previous FHC complainant Laurretta Codrington. The piece, titled "Housing Discrimination Pervasive but Subtle," explores the work of the Fair Housing Center of Southeastern Michigan and a compelling personal story of what housing discrimination looks and feels like. wkar.org/post/housing-discrimination-pervasive-subtle



housing advocates training

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

East Lansing, MI

tuesday, may 13, 2014, 9am - 5pm
wednesday, may 14, 2014, 9am - 12pm

Washtenaw County, MI

october, 2014

What is Housing Advocates Training (HAT)? HAT is a two-day training covering everything from **illegal evictions to discrimination to subsidized housing to welfare policies.**

The Fair Housing Center, Legal Services of South Central Michigan, and the Michigan Poverty Law Program provide this participatory workshop for people from local community organizations (clients/consumers also welcome). By the end of the training, participants will understand:

- how to recognize signs of housing discrimination
- how to advocate for victims of housing discrimination
- the services offered by fair housing organizations
- the basis of the landlord/tenant relationship
- how to advocate for clients in need of housing repairs
- how the eviction process works
- how to advocate for clients in an eviction or lockout
- the services offered by Legal Services programs
- the basic characteristics of housing subsidy programs
- the rights and responsibilities of tenants in subsidized housing programs
- covered services and eligibility requirements for DHS and Social Security programs
- advocacy strategies for DHS and Social Security programs

for more information, to register, or to be added to our mailing list, contact:

Fair Housing Center of Southeastern Michigan

PO BOX 7825, Ann Arbor, MI 48107

877-979-FAIR, fax: 734-994-4913, info@fhcmichigan.org

www.fhcmichigan.org, www.facebook.com/fhcsml, twitter @fhcmichigan

Testers Needed

To Investigate **Civil Rights** Violations

in Ingham, Jackson, Lenawee, Livingston, Monroe and Washtenaw Counties

The **FAIR HOUSING CENTER** of Southeastern Michigan is seeking women and men to assist in the investigation of housing discrimination complaints (“testing”). “Testers” pose as home seekers in a variety of housing rental and sales situations. Testers will be part-time as-needed employees (\$24 an hour plus mileage reimbursement), or may choose to volunteer. Hours vary and are flexible. Attention to details is a must.

Testers of every race, ethnicity, religion, gender, and age are always needed. However, the FHC currently has a great need for Black, White, Latino/a, and Asian men and women.

The Fair Housing Center of Southeastern Michigan is a private, nonprofit agency that provides investigative services (testing), advice, advocacy, conciliation, attorney referral, and community education. State and federal law prohibits housing discrimination based on race, color, religion, national origin, familial status, sex, disability, marital status, and age. Local ordinances may provide added protection against discrimination based on gender identity, sexual orientation, source of income, and student/non-student status.

If you would like more information on becoming a tester, or if you think you have been the victim of illegal housing discrimination, please call the Fair Housing Center using our toll free number: 1-877-979-FAIR or visit our website at www.fhcmichigan.org.

Fair Housing: It's not an option. It's the law.



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more ways to become a member

It's now easier than ever to join the Fair Housing Center and our mission to end discrimination in housing and public accommodations and to promote accessible, integrated communities.

- **visit our website at www.fhcmichigan.org**
- **use our one-time donation button (found on every page)**
- **set up a reoccurring donation subscription on our membership page (www.fhcmichigan.org/get-involved/membership)**

Help us investigate the
"Donald Sterlings"
of Southeastern Michigan



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