Kayla Hicks is suing Alpha Omicron Pi (AOII) for denying her the right to live in her sorority with an emotional support animal (ESA) while she was a student at Michigan State University.

According to the complaint taken by the Fair Housing Center in the fall of 2017, though her need for the animal was well documented, AOII refused to allow her to bring her emotional support animal, a two-pound Netherland Dwarf Rabbit named Sebastian (pictured right), to the sorority.

Ms. Hicks was in close communication with the national offices of the sorority during the summer of 2017. She provided the organization with proof that she had a disability and needed the ESA.

On September 1, 2017, after MSU classes began and Ms. Hicks had already moved into the sorority house for her senior year, her request for the animal was denied. Mandy Doyle, Director of Properties at the national headquarters in Tennessee sent an email stating:

“Hi Kayla, The decision is based upon our global policy created by AOII Properties to not allow emotional support animals. It is in AOII Properties good faith belief that the chapter house falls under the private club exemption ... Thank you, Mandy”

Discrimination is defined in the Fair Housing Amendments Act to include refusing “to make reasonable accommodations in rules, policies, practices, or services”
Jennifer L. Daugherty contacted the Fair Housing Center in August 2016 to file a sexual harassment complaint against her Ypsilanti Township landlord. Ms. Daugherty stated that she had been receiving unwelcome messages at all times of the day and night, unannounced visits, and other unwanted attention from her landlord for over a year. According to the lawsuit, the defendant, Michael Carpenter, harassed and intimidated her by repeatedly asking her to go out with him, spend time with him, and even going as far as to leave a "present" under her pillow while she was away.

Ms. Daugherty’s responses varied from "no" to "stop this" to several months of ignoring his constant requests and sexual innuendos. According to the lawsuit, "Defendant twice initiated eviction proceedings against Daugherty in retaliation for Daugherty’s refusals to enter into a relationship with Defendant, and thus grant him sexual favors." Ms. Daugherty wanted to continue to live in the apartment only because she needed to help care for her grandmother, who lived next door and was afflicted with Alzheimer’s.

The lawsuit states that Mr. Carpenter most recently gave Ms. Daugherty a notice to vacate on September 5, 2016, after watching her leave her apartment with another man and texting her that he would no longer rent to her. Worried about her safety, Ms. Daugherty filed a police report at that time. After the FHC advised her of her rights, Ms. Daugherty chose to take her case to litigation.

Former FHC Cooperating Attorney Steve Tomkowiak (see page 11) filed the fair housing complaint based on the protected class of sex in Federal Court on July 14, 2017. The case was assigned to the Honorable Linda Parker.
Fair Housing Breakfast

The Fair Housing Center of Southeast & Mid Michigan held its 5th Annual Fair Housing Breakfast on March 29, 2018, in Ann Arbor. We welcomed Richard Rothstein, author of The Color of Law: The Forgotten History of How Our Government Segregated America, as our speaker. The event also featured a Board of Directors Award to Pastor Anthony Darrington, and a special recognition of high school freshman Alex Hosey, for their efforts in the realm of fair housing. You can view a video of the event and additional pictures on our website’s 2018 Breakfast page. Thank you to our sponsors and everyone who joined us in support of fair housing and equal opportunity.

Photos clockwise from top:

1) Vishinksi Hosey, Fair Housing Breakfast Guest Speaker Richard Rothstein, Award Recipient Alex Hosey, Sam Hosey
2) Legal Services of South Central Michigan staff: Dakima Jackson, Shannon Lucas, and Kerene Moore
3) Caroline Wagner, Lisa Lemble (Gretchen’s House), Mirada Jenkins (Old National Bank)
4) Scott Trudeau, Jessica Letaw (Ann Arbor YIMBY), Paul Haynes (former FHC Board Member)
5) Jamie Guise (Old National Bank), Renee Gonzalez, Kasey White (ReMax)
Photos clockwise from top:

1) Richard Rothstein
2) McKinley staff: Bill Horner, Haleigh Crouch, Tia Davis, David Leber, and Breece Kelley
3) Margy Long (Success by 6), Greg Myers (Washtenaw Intermediate School District), Keith Norman
4) Washtenaw County Office of Community and Economic Development staff: Tara Cohen, Laura Urteaga-Fuentes, Nathan Voght, Teresa Gillotti, Darnishous Thompson
5) FHC Board President Ann Routt, Guest Speaker Richard Rothstein, FHC Executive Director Pam Kisch, FHC Associate Director Kristen Cuhran Fuller
6) FHC Board Member Mark Mitschun, Diane Rosenblum, Brian Bingham, FHC Award Recipient Dr. Anthony Darrington
7) Anthony Darrington (third from Right) accepts an award from FHC Board Members Ann Routt, Mark Mitschun, Gayle Rosen, Dr. Alexandra Murphy, Delphia Simpson
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FAIR HOUSING BREAKFAST with Richard Rothstein
Reasonable Accommodations
Some reasonable accommodation and modification requests resolved by our office.

Emotional Support Animals Allowed

Service Animal and Emotional Support Animal (ESA)
A woman with both physical and mental/emotional disabilities who lived with animals that served as emotional support and service animals. Despite asking for a reasonable accommodation on a number of occasions and providing medical documentation, the property manager refused to make the accommodation. A letter from the Fair Housing Center (FHC) again requested the accommodations. With no response from the owner/manager, the FHC followed up with a deadline to deny the request or we would assume the accommodation was granted. The complainant has not been harassed again.

No Pet Rent
In a similar case, a woman had two dogs, one to assist her with a physical disability and the other to serve as an emotional support animal. The manager at the apartment complex she planned to move into insisted that she pay “pet rent” because both dogs were not registered with the State of Michigan. A letter from FHC staff along with a letter from the complainant’s physician cleared up the misunderstanding about service dogs and ESAs, and allowed for the signing of the lease without the demand for “pet rent.”

Student Needs ESA
In the third case, Haley (see picture), a young woman with an emotional disability, was approved for an apartment but the landlord would not permit her ESA, a dog named Luke, until she and her doctor completed forms that our complainant thought, and FHC agreed, required too much personal information. The FHC sent a letter to the owner asking for the reasonable accommodation along with an appropriate letter from the treating physician supporting the need for the animal. The move-in date passed and the landlord had still not granted the accommodation. An additional note from the FHC promising further legal action led to permission to move in with the ESA.

ESA in Dormitory
Our fourth case involved a young woman with an emotional disability who was denied permission to have her ESA live with her in her college dormitory. A letter from FHC staff changed the university’s decision.

Stop Cat Fines
Our fifth case also involved a college student. A young woman with an emotional disability was fined for bringing her ESAs, two cats, to her off-campus apartment ahead of the school year. A letter from the FHC resulted in the dropping of the $200/week fine and permitting the animals as a reasonable accommodation.

Move to Own Place with ESA
The sixth case concerned a young man with an emotional disability who had been prescribed an emotional support animal. The complainant filled out the paperwork required by his landlord, requesting the dog as a reasonable accommodation, but months went by and he had not received permission to keep the ESA. Our complainant resorted to living with his mother to be with his dog. A letter from the FHC finally resulted in the landlord granting permission to for him to live in the apartment with his ESA.

Termination of Lease Without Penalty

Let Out of Lease for Better Care
A man with physical disabilities needed a higher level of care. His physician recommended that he move to a group home or nursing home as soon as possible. His advocate called the FHC to report that the landlord would not let the man out of his lease without paying for the remaining months’ rent on his lease, even though he had been a tenant in good standing for many years. A letter from the FHC staff resulted in the landlord granting permission to move without penalty.

Haley with her assistance animal, Luke
**Move to New Home with Accessible Bathroom**
Before moving in, a woman was told by the landlord he would put a shower in her apartment, as she was unable to use the bathtub due to mobility issues. Seven months later, she still did not have a shower and had to drive to friends’ homes to bathe. The FHC asked that she be let out of her lease early and the landlord obliged. The woman told FHC staff that she is so happy in her new home and that we helped change her life around.

**Assault Triggers Need to Move**
In this case, our complainant was assaulted in her shared apartment by the guest of another tenant. The assault exacerbated the symptoms of her emotional disability and she moved out of the apartment. A letter from her physician supported her need to live elsewhere and the FHC staff asked the landlord that she be let out of her lease without penalty as a reasonable accommodation. The request was granted.

**Policy Changes**

**Extra Time to Find Housing**
In the first case, when her lease was not renewed, a woman with a physical disability needed extra time to find a new accessible place to live. FHC staff asked for her to go to a month-to-month lease until she could find suitable housing as a reasonable accommodation of her disability. The accommodation was granted and prevented the complainant from becoming homeless.

**Pay the Old Fashioned Way**
The second case involved a woman with a mental/emotional disability who was incurring late fees when she was unable to use the new technology required by the owner to pay her rent. FHC staff advocated on her behalf, the late fees were reversed, and she was able to go back to the old rental auto-pay system that worked for her in the past.

**Change Rental Due Date**
Our third case involved a man with a disability who was incurring $40-$80/month in late fees because his disability payment arrived on the second Wednesday of the month. This led to his landlord sending him an eviction notice. FHC staff wrote to the property asking them, as a reasonable accommodation, to stop the eviction and change his rent due date to coincide with his government disability payments. They complied on both counts. They also provided the tenant with a senior discount and lowered his rent by $10/month.

**Parking Issue Resolved**

**Who Moved the Parking Space?**
Nancy Doerner (see below) had a parking space directly in front of her unit that met the needs of her disability. Without warning, the apartment complex (which exclusively houses seniors and people with disabilities) redesigned the parking lot, moving our complainant’s parking space. The new space was twice as far to walk to and required walking down a step and through the parking lot, making it difficult and sometimes dangerous for her to get to her car. After FHC letters requesting the return of her original parking space were ignored, the complainant chose to file with the Michigan Department of Civil Rights (MDCR). The complaint was charged by MDCR and in November 2017, over a year after the original FHC complaint was made, the complainant’s spot was returned to its original location and striped out with a sign indicating the parking space is exclusively for her use.
What is an Assistance Animal?

According to the Federal Fair Housing Act and Section 504 of the Rehabilitation Act of 1973, an assistance animal is one which works, provides assistance, performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability. They are sometimes referred to as emotional support animals or ESA’s.

Does an assistance animal require certification? It is not necessary for an assistance animal to be individually trained or certified.

How should a tenant request a reasonable accommodation for an assistance animal? A tenant should go through the same process as a non-animal reasonable accommodation request [see the Fair Housing Center’s fact sheets online or call our office]. The housing provider is expected to provide a timely response to the request.

May a housing provider ask for proof of disability or the need for an assistance animal? In cases where the disability is readily apparent or known and the need for the assistance animal is also apparent, this isn’t necessary. However, in cases where the disability is not obvious or the need for the assistance animal is not apparent, the housing provider may request additional information.

What can I provide to the housing provider if requested? Some materials that may be provided include but are not limited to:

- Proof of Supplemental Security Income (SSI),
- Proof of Social Security Disability Insurance (SSDI) benefits,
- A letter from a doctor or medical professional verifying the disability and the need for the assistance animal, &/or
- A letter from a non-medical service agency verifying the connection between the disability and assistance animal.

Materials should demonstrate how the assistance animal performs tasks which benefit the person with a disability or how the assistance animal alleviates one or more symptoms of a disability.

How is a request for an assistance animal evaluated? A housing provider will evaluate the following:

- Does the person seeking to use and live with the animal have a disability?
- Does the person making the request have a disability-related need for an assistance animal?

If the answer to both of these questions is yes, the housing provider must modify or provide an exception to a “no pets” rule or policy to permit the tenant with the disability to live with and use their assistance animal in all areas of the premises where people are usually allowed to go.

Can a housing provider charge for an assistance animal? A housing provider cannot require a tenant with a disability to pay a deposit, fee, or surcharge in exchange for having the assistance animal. Pet fees do not apply because an assistance animal is not a “pet,” but exists in order to serve an individual’s disability.

Does an assistance animal have to be a dog? Unlike the Americans with Disability Act (ADA) which defines a service animal as only a dog, the Fair Housing Act allows assistance animals to be animals other than dogs. Therefore, it is admissible to have a cat, a ferret, or other animal as an assistance animal.

Can an assistance animal be held to breed, size, or weight restrictions? An assistance animal for a tenant with a disability cannot be held to a housing provider’s usual restrictions on pets. An accommodation must be made for the tenant.
FHC Receives Two United Way Grants

The Fair Housing Center has been awarded two United Way grants.

The first is from the United Way of Monroe/Lenawee Counties. The grant is to conduct community-based education sessions on the topic of criminal background and housing rights. The sessions will be held in Lenawee County.

The second, from the United Way of Washtenaw County, is a grant which will allow us to organize and hold a Cooperating Attorney training session. When our office uncovers evidence of illegal housing discrimination through investigations, testing, and research, we may offer complainants the opportunity to work with a cooperating attorney to file a case in state or federal court. Historically, relief gained from successful litigation has the biggest impact on ending future illegal practices.

We need attorneys willing to litigate these cases and this grant will help us do the necessary outreach and education. If you are an attorney interested in attending our training, please contact Pam at 877-979-3247.

Book Teaches Kids About Housing Discrimination

The Fair Housing Center was awarded a grant by the Ann Arbor Area Board of Realtors for our Fair Housing Five Book Project. The grant money enabled us to donate one hardcover book to every elementary school in Washtenaw County. In honor of the 50th Anniversary of the passage of the Fair Housing Act, we designed and included a poster about the Act with each book.

The Fair Housing Five & the Haunted House is an illustrated children’s book about kids who take action in their neighborhood in response to a landlord who is discriminating. The book is designed to initiate conversations between parents, caregivers, teachers, and children about housing discrimination, systemic inequality, and the important role that we all have in ending both.

FHC Mourns Loss of Plaintiff and Former Board Member

Sadly, we lost former Board Member Larry Richardson in 2018. As President of the Lenawee County NAACP, Larry quickly heeded our call to act as plaintiff in the FHC case NAACP v Adrian Manor. The race case stemmed from a white couple who called us after their landlord casually asked if they knew anyone "as long as they are white" who might take over their lease when they moved out of state.

Larry Richardson was a trailblazer. He was the first African-American police officer in Adrian and the first African-American Sheriff of Lenawee County. We will miss his advice, historical perspective, and contributions to the community.
Mississippi's Exiled Daughter Book Event

The Fair Housing Center was pleased to welcome authors Brenda Travis and John Obee to Ann Arbor to discuss their new book, *Mississippi's Exiled Daughter: How My Civil Rights Baptism Under Fire Shaped My Life*.

The event, held at the Ann Arbor Downtown District Library, included a reading and question-and-answer time with Brenda Travis. Books were available for purchase and both Ms. Travis and Mr. Obee signed books afterward.

According to the book jacket: "In 1961, 16-year-old Brenda Travis was a youth leader of the NAACP branch in her hometown of McComb, Mississippi. She joined in the early stages of voter registration, and when the Freedom Rides and direct action reached McComb, she and two Student Nonviolent Coordinating Committee workers sat-in at the local bus station. That led to her first arrest and jailing, which resulted in her being expelled and leading a protest walkout from her high school. Thrown in jail for a second time, she was eventually released on the condition that she leave the state. Her poignant memoir describes what gave her the courage at such a young age to fight segregation, how the movement unfolded in Mississippi, and what happened after she was forced to leave her family, friends, and fellow activists."

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Yes! I want to help end housing discrimination

Fair Housing Center of Southeast & Mid Michigan

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Older adults or people with limited/fixed incomes may request a waiver/reduction in dues from the FHC Board.

Your Donation Is Tax Deductible
Why Are Private Fair Housing Centers Needed?

According to the 2018 Fair Housing Trends Report, in 2017 there were 28,843 reported complaints of housing discrimination across the USA. 71% of those complaints were handled by private FHCs.

The United States Office of Housing and Urban Development estimates that for a variety of reasons housing discrimination occurrences are grossly under reported and that the numbers are more likely around four million per year.

The FHC is the only organization in our eight-county area providing fair housing testing. Testing evidence has been a factor in the majority of our FHC-assisted legal victories.

Joining the Fair Housing Center is a good investment in justice. Since 1992, the FHC has helped complainants file 86 lawsuits and recover over $2,169,000 in damages, while keeping all of our services free. These settlements keep the message clear — housing discrimination is illegal and expensive.

FHC Remembers Mike Olshan

Mike Olshan, former Legal Services Coordinator of the Fair Housing Center of Metropolitan Detroit, died on August 2, 2018. His devoted wife, Faye Olshan, survives him.

Mike played an integral role in helping to document the impact of fair housing cases for people across the country. He believed in networking with other advocates and he worked tirelessly on behalf of the victims of discrimination. Our office worked with him for many years and sends condolences to all of his family, friends, and colleagues.

New Director at the Fair Housing Center of Metropolitan Detroit

In August 2018, Steve Tomkowiak became the new Executive Director of the Fair Housing Center of Metropolitan Detroit (FHCMD). Steve replaces Margaret Brown, who will continue her service to the center in the capacity of advisor, speaker, and trainer.

The FHC-Detroit is the oldest fair housing center in Michigan, established in April 1977. Mr. Tomkowiak had been a cooperating attorney for our fair housing center since 2001. He has taken 13 of our cases to federal court resulting in settlements of $225,000 for our complainants.

We are excited to welcome Steve to his new position. And, thank you, Margaret, for leading the FHC-Detroit the past several years.
FHC Board of Directors

Ann Routt, President
Michael Appel, Secretary/Treasurer
Mark Mitshkun
Kim M. Moore
Edward Moorman
Alexandra Murphy
Gayle Rosen
Delphia Simpson

FHC and Black Men Read

We were excited to partner with Black Men Read (BMR), a community reading series focused on sharing the stories of Black people with local youth, to share the story of the *The Fair Housing Five and The Haunted House* (see story on page 9).

The mission of Black Men Read states: "We promote the power of stories, storytelling and literacy to normalize the historical and cultural contributions of Black people through stories while uplifting Black men all of the ways that they engage in their families and communities."

You can find BMR online at: www.facebook.com/BMRBlackMenRead

FAIR HOUSING BREAKFAST
SAVE THE DATE
MARCH 21, 2019
8:30 AM, ANN ARBOR
Guest Speaker Fred Freiberg, Director of the Fair Housing Justice Center.

Black Men Read volunteer Alex Thomas reading the *Fair Housing Five* book to youth at the Ypsilanti District Library - Superior Branch, December 2018