

Need for Fair Housing Continues to Rise

Three New Fair Housing Lawsuits Already Filed in 2019

Yoder, FHC v. McDonell

New Sexual Harassment Lawsuit

Sarah Yoder contacted the Fair Housing Center in August 2018 to file a sexual harassment complaint against Ryan McDonell. Ms. Yoder says she was asked to do a striptease in exchange for negotiating a lower rent.

Ms. Yoder, a 39-year-old Native American woman, stated that she had gone to view a one-bedroom house listed for \$700/month in Lansing and that Mr. McDonell gave her a tour. Later that day, she asked Mr. McDonell via text if the rent was negotiable. McDonell responded, "I bet your (sic) more fun to negotiate with in person." Follow up text messages included asking Ms. Yoder to do a striptease for him. Ms. Yoder declined to respond to his subsequent text messages.

Two days later Ms. Yoder sent a message to another person named "Jason" listing a similar property on Craigslist. Ms. Yoder and a friend went to see the unit, soon realizing it was the same house. When they saw Mr. McDonell waiting there, they began to leave. Then, according to the lawsuit, he screamed discriminatory statements to Ms. Yoder. He texted her again that night asking, "u mad that I asked u to wear something cute so I could check u out?"

After the Fair Housing Center advised her of her rights, Ms. Yoder chose to take her case to litigation. The FHC Board of Directors elected to join the lawsuit. FHC Cooperating Attorney

Robert M. Howard filed the fair housing complaint based on sex and national origin.

The lawsuit alleges violations of the Federal Fair Housing Act and the Michigan Elliott-Larsen Civil Rights Act. The case, filed in Federal Court on September 9, 2019, has been assigned to the honorable Robert J. Jonker.



Screenshot of WILX Channel 10 News Story by Christina Ford, 10/21/2019, www.wilx.com

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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 Filed

Lorms v. T & R Properties, Zahler Management

Denied Housing Because of Emotional Support Animals

Scott Lorms has filed a lawsuit based on disability discrimination under the Fair Housing Act. The lawsuit states that T & R Properties and Zahler Management denied him the right to rent an apartment with his emotional support animals. Mr. Lorms has a disability as defined under the Fair Housing Act.

According to the complaint taken by the FHC, Mr. Lorms called T & R Properties on November 27, 2018, to inquire about a rental unit in Pinckney. Based on the size, location, and price of the duplex, Mr. Lorms thought the property was perfect for him and his family. The home was close enough to Ann Arbor to visit with friends and family and was a short commute to Mr. Lorms' job in South Lyon.



Scott Lorms with Curiz and Riley.

Mr. Lorms alleges that after he explained to the agent that he had emotional support dogs – which are not considered pets under the Fair Housing Act – the rental agent stated he would not show him the unit or discuss any accommodation for his emotional support animals. Mr. Lorms told the agent he had the required paperwork from a doctor regarding his disability, as well as training certificates for the animals if behavior was any concern. He asked for an application but the agent refused stating, “no dogs allowed.”

Mr. Lorms then called the Fair Housing Center and filed a complaint. Testing by the FHC supported the claim that T & R Properties refuses to rent to people with emotional support animals.

Because they were denied housing, Mr. Lorms and his family were forced to rent more expensive housing - 50% more than the desired home in Pinckney - further away from his work, friends, and family.

Fair Housing Center Cooperating Attorney Francyne B. Stacey filed the fair housing complaint in U.S. Federal District Court on July 31, 2019. The case has been assigned to the Honorable Nancy G. Edmunds.

FHC v. Grad Apartments

East Lansing Landlord Sued for Race Discrimination

According to the complaint taken by the FHC, a Michigan State University student contacted the Fair Housing Center to report that she was denied housing at Grad Apartments. Testing by the FHC supported the claim that Hans Larsen, agent of Grad Apartments, discriminates on the basis of race, sex, and age.

Based on the testing results, the Fair Housing Center's Board of Directors voted to bring a lawsuit against the owner. The Black tester was also invited to join the case.

“Fair housing groups often bring legal action against those who violate state and federal civil rights law,” said Ann Routt, FHC Board President.

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case updates

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Under the Fair Housing Act, it is illegal to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of the race of that buyer or renter.

Fair Housing Center Cooperating Attorney Sarah Riley Howard of Pinsky, Smith, Fayette & Kennedy LLP filed the fair housing complaint in U.S. Federal District Court on September 20, 2019. The case has been assigned to the Honorable Janet T. Neff.

Case Updates

Hicks v. AOII

Emotional Support Teacup Bunny Denied



Alpha Omicron Pi Fraternity, Beta Gamma Chapter House

According to the complaint taken by the FHC in the fall of 2017, Kayla Hicks' need for an emotional support animal was well documented, but East Lansing sorority Alpha Omicron Pi still refused to allow her live with her emotional support animal, a two-pound Netherland Dwarf Rabbit named Sebastian.

The FHC-aided lawsuit Hicks v. AOII was settled in September 2019 for an undisclosed amount. The Michigan Department of Civil Rights was also a part of the case and opposed the respondent's claim that because they are a private club, they are exempt from all aspects of the Michigan Persons with Disabilities Act.

**Federal Court and MDCR Complaint
Conciliation Agreement: Non-disclosed**

FHC, FHCCI v. Management Resources Development

\$45,000 settlement + Policy Changes

Management Resources Development (MRD) is a property management and construction company with its headquarters in East Lansing. MRD owns and/or manages over 9,000 properties, including apartments, in 10 states.

Between August 2016 and December 2017, the FHC conducted an investigation of MRD properties in five separate locations throughout Michigan. Through the use of testing, the FHC determined that all five units tested were large enough under state and local law to accommodate more occupants than the "two person per bedroom" rule enforced by MRD agents. In fact, at one of the properties, the master bedroom was 250 square feet, which would itself be legally large enough to house five people, yet MRD enforced the same restrictions. The Fair Housing Center of Central Indiana (FHCCI) also investigated properties and testing evidence supported the claim: MRD was enforcing overly-restrictive occupancy standards.

In February 2018, a U.S. Department of Housing and Urban Development (HUD) complaint was filed on behalf of the FHC and FHCCI by FHC counsel Jia Cobb of Relman, Dane & Colfax.

The complaint alleged that MRD engaged in systemic discrimination against families with children across properties in Michigan and Indiana by enforcing an overly-restrictive occupancy policy of no more than two people per bedroom regardless of a unit's square footage.

In June 2019, the parties entered into a conciliation agreement in which MRD agreed to pay \$45,000 for both Fair Housing Centers' costs and damages, change their occupancy policy so that it is no more restrictive than the applicable local occupancy codes, and train their employees and agents on fair housing laws and responsibilities, along with other terms to ensure compliance with fair housing laws. HUD did not make a determination on the merits of the allegations.

**HUD Complaint
Conciliation Agreement: \$45,000**

Fair Housing Breakfast

The Fair Housing Center of Southeast & Mid Michigan held its 6th Annual Fair Housing Breakfast on March 21, 2019, in Ann Arbor. We welcomed, Fred Freiberg, Executive Director of the Fair Housing Justice Center in New York, as the guest speaker. Mr. Freiberg is one the nation's leading experts on the use of undercover testing as an investigative tool to enforce civil rights laws.

The event included the FHC Board of Directors Award. This year's award was presented to David Esau with Michigan Accessible Homes, a division of Cornerstone Design – an architectural firm based in Ann Arbor. Mr. Esau has collaborated with the Fair Housing Center since 2006 on fair housing issues relating to accessibility under state and federal law. His expertise has aided in the resolution of nearly a dozen fair housing complaints including *Lowrey v. Uptown* and *Tankson v. Randolph Court*.

You can view a video of the event and additional pictures on our website's 2019 Breakfast page.



fair housing breakfast



Thank you to our sponsors and everyone who joined us in support of fair and equal housing opportunity.



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Fred Freiberg

justice for people with disabilities

Reasonable Accommodations

Recent reasonable accommodation and modification requests resolved by our office. Subsidized housing providers generally are required to pay for the changes.

Emotional Support Animals

No Pet Rent

A college student was charged a pet fee for his emotional support animal (ESA) in his off-campus rental house. His mother tried to work out the situation with the property owner but was unsuccessful. A letter from FHC staff resulted in the student keeping the ESA and the owner returning the \$100 pet fee.

ESA Refusal Overturned

In another case, a woman with an emotional disability sent her landlord a letter from her doctor outlining her need for an ESA. Her landlord insisted that he had the right to refuse all animals, including ESAs and service animals. FHC staff wrote a letter disabusing him of this notion. The landlord agreed to allow the animal.

Termination of Lease Without Penalty

Let Out of Lease for Mental Health

A man with a mental/emotional disability needed to end his lease because the landlord treated him in a way that exacerbated the symptoms of his disability. FHC staff spoke to the manager and persuaded her to allow our complainant to terminate his lease without penalty.

Move to New Home with No Stairs

In this case, a tenant with a disability needed to terminate her lease in order to find housing that did not require her to use stairs. The property owner insisted that she pay over \$1,500 to end her lease. A letter from FHC staff along with a letter from her physician allowed her to move out without a financial penalty.

Change in Rent Due Date

No More Late Fees

Our complainant has a disability and is unable to work. Her social security disability check arrives on the 2nd Wednesday of each month. She was charged a \$50 late

fee each month, even though the company knew her situation. We wrote a letter to the management company saying that the late fee was unfair and excessive and asked, as a reasonable accommodation of her disability, that her rent be due on the 15th of month. The first letter from FHC was ignored. A follow up letter resulted in the granting of the accommodation and the return of \$200 to cover the late fees from January through April of 2019.

In a similar case, another complainant has a disability and is unable to work. Her social security disability check arrives on the 6th of each month. She was also being charged a late fee of \$50 per month. For her new lease, FHC asked, as a reasonable accommodation of her disability, that her rent be due on the 10th of month to avoid late fees; the landlord agreed not to charge a fee if the rent was received by the 15th.

Our third case also involved a complainant with a disability whose social security disability check arrives on the 3rd Wednesday of each month. When the complainant asked for a change in due date, the manager refused saying, "due to fair housing laws I will not be able to accommodate you with this request." Her late fees of \$40/month were adding up and at the time of her call she owed over \$280. A letter from FHC staff resulted in a change in the rent due date.

Parking Issue Resolved

Freedom to Leave Home

A woman with a mobility impairment needed a reserved parking space. She contacted the FHC saying she feared leaving her apartment because she could not risk someone else taking the only accessible parking space shared by so many tenants. FHC contacted the landlord and requested a reserved parking space on the tenant's behalf. The parking space was installed for the tenant who can now come and go freely.

In the second case, our complainant has multiple physical disabilities and needed a parking space labeled for her use only. The management company took the FHC's written request to the condominium's Board of Directors and they eventually approved a designated parking space for our complainant's use.

Reasonable Modification

Much Needed Railing Installed

A couple with mobility impairments needed railings for the stairs to their unit. The existing stairs were exceptionally steep and even local building code required rails. The couple was unable to convince the landlord to fix the problem. FHC staff wrote a reasonable accommodation letter with a deadline complete the work. Four days after the receiving the letter, the landlord installed the railing.

Carpet Removed for Wheelchair Maneuverability

A man who uses a wheelchair lived in an apartment with thick wall-to-wall carpeting making it painful for him to operate his manual chair in the unit. He and the FHC asked the owner to replace the carpet with vinyl flooring. The owner complied with the request.

Successful Door Modification

A man with a disability was unable to open the door to his own unit after a new door-closer was installed. He had asked for months for it to be changed but was told no. FHC staff wrote to the property manager asking them to find a solution to our complainant being essentially trapped in his own apartment. The property installed an automatic door opener as the FHC suggested. This was done at no cost to the tenant.

Breathing Issue Resolved with Air Conditioning

A man with physical disabilities was in need of central air conditioning to accommodate his breathing issues. His unit had only one window air conditioning unit located in his bedroom. With the heat and humidity of summer our complainant was unable to spend time in the common

areas of his home. He asked the cooperative, where his family had lived in for decades, to install central air. They refused for nearly a year. At one point the co-op offered to lend him the money to put it in at his own expense, but the loan payments were not affordable on his fixed income. FHC staff wrote a letter asking for the A/C as an accommodation of this disability. With no reply, FHC staff wrote a follow up letter. As FHC was in the process of referring the case to a Cooperating Attorney for litigation, the co-op installed the central air conditioning.

Rules Changed

Non-Compliance Fine Reversed

A man with a physical disability was fined for not completing the preparation for the extermination of bed bugs in his unit. He was physically unable to comply with the request from his landlord and no help was provided. A letter from FHC resulted in a refund of the fine. The fine was equal to nearly 20% of his monthly income.

Felony Record Denial Reversed

A man with multiple physical disabilities wanted to move in with his daughter so she could take care of him. His daughter had recently moved to a first floor apartment so it would be accessible. The management company refused his application to be an occupant because of a felony record, though it was from 20 years ago. FHC asked, as a reasonable accommodation of the man's disability, that the company both review their occupancy guidelines and make an exception to the current guidelines. The management company allowed the complainant to move in and said they would change their rules regarding people with felony records.

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FHC Joins National Groups Opposing Changes to the Disparate Impact Rule



The Fair Housing Center joined a diverse coalition of civil rights groups in a campaign to “Defend Civil Rights,” aimed at mobilizing thousands of people across the country to oppose a rule proposed by HUD that would roll back a key fair housing enforcement tool.

We believe that if the rule is finalized, it would be virtually impossible to challenge covert discriminatory practices by financial institutions, insurance companies, and housing providers, and would open the floodgates for widespread discrimination against millions of people, particularly communities of color, women, immigrants, families with children, people of faith, LGBTQ people, and people with disabilities.

The FHC submitted a letter to HUD, which you can read at fhcmichigan.org, and aided community members in speaking out in opposition to the rule. The comment period is now closed; 45,000 comments were submitted by fair housing supporters across the country. We will keep you up to date on the situation via our email newsletter and social media.

Fair Housing Law and Litigation Training

Thanks to funding by the United Way of Washtenaw County, the Fair Housing Center held a fair housing law and litigation training for 27 attorneys and advocates on April 10th. Our trainers were fair housing experts John Relman and Sara Pratt from the law firm Relman, Dane, & Colfax in Washington, D.C.



New Fair Housing Baby!

Investigations & Legal Research Coordinator Niki Green and husband Ed welcomed their third child this summer. Zoe Cecilia Green was born on July 5th, 2019 at 2:46 am, weighing 7 lbs 1 oz and measuring 20 inches. Big brothers Julian and Elliott are very excited to have a sister.



Fair Housing Rights for Renters Brochures

Thanks to a new HUD Education and Outreach grant, we now have Fair Housing Rights for Renters brochures available in Chinese, Spanish, and English. Please contact our office for hard copies, or visit www.fhcmichigan.org/resources to download them today.



Save the Date!
Thursday, March 19th

7th Annual **Fair Housing Breakfast**

with guest speaker Lisa Rice

www.fhcmichigan.org/breakfast



Civil Rights Testers Needed!

The FHC currently has a high need for **White and Black men** to help with our investigations program.

We always need testers of every race, age, sex, and gender. Paid or volunteer.

Call 877-979-3247 or apply at:
bit.ly/fairhousingtester

What's INSIDE?

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