

FHC Files Four Lawsuits Based on Criminal Background and Race

The Fair Housing Center has been working on issues related to criminal background and housing for several years now. In our 2014 newsletter we wrote about the nexus between race (particularly Black and Latino) and incarceration rates, and how that translated into housing inequities. Policies that ban people with criminal records disproportionately impact Black and brown people because they are overrepresented in the criminal justice system.

In our 2016 newsletter, we highlighted the new guidance issued by the United States Department of Housing and Urban Development (HUD), which banned landlords from using blanket denials based on criminal background. The guidance states that landlords must - if needed - modify their tenant selection policies to evaluate every potential tenant with a criminal background on a case by case basis.

Since then, our office received grants from the United Way of Washtenaw County and the United Way of Monroe/Lenawee to provide education and outreach on this matter to landlords, tenants, and the general community. We offer clear, concise ideas on best practices in tenant selection to housing providers, as well assist those who feel their rights have been violated. Thanks to additional HUD funding, we also created criminal background fact sheets and other materials for distribution. These materials are available on our website: <https://www.fhcmichigan.org/background>

Earlier this year we filed four new lawsuits in federal court on the basis of race and in violation of the HUD guidance; one of these cases is highlighted on page 5.

If you think you have experienced housing discrimination or have a question about fair housing, call us at 877-979-3247.

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.

Having a criminal background does NOT automatically bar you from housing



- * Landlords are obligated to evaluate every potential tenant on a case-by-case basis
- * The Fair Housing Center can help. 877-979-FAIR (3247) or fhcmichigan.org

#FAIRHOUSINGFORALL

Cases Settled

Lorms v. T & R Properties, Zahler Management

Emotional Support Animals Illegally Denied

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

According to the complaint taken by the Fair Housing Center of Southeast & Mid Michigan (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.

Mr. Lorms alleged 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 ended the call because the company had a “no dogs allowed policy.”

Mr. Lorms then called the Fair Housing Center and filed a complaint. Testing by the FHC supported his claim. Mr. Lorms first elected to have the Fair Housing Center attempt to resolve the complaint without legal action; it was not successful.

Because they were denied housing, Mr. Lorms and his family had to rent more expensive housing that was much further away from his work, friends, and family.

Under the Fair Housing Act, it is unlawful to discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of that buyer or renter. Discrimination is defined in the Act to include refusing “to make reasonable accommodations in rules, policies, practices, or services” when necessary to afford a person with a disability an

“equal opportunity to use and enjoy a dwelling.”

FHC Cooperating Attorney Francyne B. Stacey filed the fair housing complaint in U.S. Federal District Court on July 31, 2019. The case was assigned to the Honorable Nancy G. Edmunds. The case was resolved on February 11, 2020, for an undisclosed amount.

Court: Federal

Settlement: non-disclosed

Ngalle/Guest/FHC v. Grad Apartments

Race Discrimination Case Settles



Malahni Ngalle

Then-MSU student (now graduate) Malahni Ngalle contacted the FHC when she was ultimately denied the ability to rent from Grad Apartments in East Lansing. Based on comments made to her by the owner, she believed she was denied because of her race.

The FHC sent a Black tester to inquire about renting from the same property and the treatment this tester experienced mirrored that of the complainant. Based on offensive racial stereotypes expressed by the landlord, the FHC tester joined the lawsuit along with the complainant.

FHC Cooperating Attorney Sarah Riley Howard of Pinsky,

case updates

Smith, Fayette & Kennedy LLP filed the fair housing complaint in U.S. Federal District Court on September 20, 2019. The case was assigned to the Honorable Janet T. Neff.

Court: Federal
Settlement: \$20,000

Ashley v. Pipis

Illegal Denial of Wheelchair Ramp

The Civil Rights Litigation Initiative, a new legal clinic at the University of Michigan Law School, won a victory for Monroe resident Sheila Ashley in a disability discrimination case. Ms. Ashley accepted \$5,000 from a Monroe area Real Estate broker, Edward Pipis, to resolve her fair housing complaint. "I am very, very pleased with the way this turned out," said Ms. Ashley.

Ms. Ashley contacted the Fair Housing Center of Southeast & Mid Michigan in 2018 after she was denied the right to rent an apartment in Monroe because she requested to install a ramp at the entrance. Ms. Ashley has a disability and uses a wheelchair. Testing by the Fair Housing Center supported Ms. Ashley's claim.

The case was resolved by law students Will McCartney, Claire Shimberg, and Natalie Treacy, working under the supervision of Professor Michael J. Steinberg, Director of the Civil Rights Litigation Initiative of the University of Michigan Law School. Ms. Ashley called Professor Steinberg and the law students "heaven sent," and said they "helped me through so much."



Sheilia Ashely

Court: None
Settlement: \$5,000

Yoder v. Haven Homesteads LLC

Sexual Harassment and National Origin Lawsuit



Sarah Yoder

Yoder v. Haven Homesteads LLC was resolved for an undisclosed amount.

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 law suit. FHC Cooperating Attorney Robert M. Howard from the lawfirm of Bos & Glazier, PLC, 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, was assigned to the Honorable Robert J. Jonker.

Court: Federal

Settlement: non-disclosed

Michigan FHCs Resolve HUD complaint against Monarch Investment & Management Group LLC

14 Properties Tested Throughout the State

The Fair Housing Centers of West Michigan, Southeast & Mid Michigan, Metropolitan Detroit, and Southwest Michigan resolved a complaint based on familial status discrimination, in violation of the Fair Housing Act, filed against Monarch Investment & Management Group LLC.

Monarch is a property investment and management company with properties in 20 states. In Michigan, Monarch owns and/or manages 36 properties with over 9,000 units.

The complaint filed with the U.S. Department of Housing and Urban Development (HUD) alleged that Monarch engaged in systemic discrimination against families with children by enforcing an overly-restrictive occupancy policy of no more than two people per bedroom regardless of a unit's square footage.

In 2017, the Michigan FHCs conducted an investigation of 14 Monarch properties throughout the state. Through the use of testing, we determined about 30 different floor plans were large enough under state and local law to accommodate more occupants than the "two person per bedroom" rule enforced by Monarch agents. In fact, at one of the properties, the master bedroom was 320 square feet, which would itself be legally large enough to house

six people, yet Monarch enforced the same restrictions.

In February 2018, a HUD complaint was filed on behalf of the FHCs by FHC Counsel Jia Cobb of Relman, Dane & Colfax (now Relman Colfax).

In September 2019, the parties entered into a conciliation agreement in which Monarch agreed to pay \$130,000 for the Michigan Fair Housing Centers' costs and damages, change their occupancy policy so that it is no more restrictive than 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: \$130,000 + Policy Changes

Cases Filed

Amber Reineck House/FHC v. City of Howell

Sober Living Home for Women Denied

On January 27, 2020, Amber Reineck House, its Founder and President, Courtney Atsalakis, and the Fair Housing Center of Southeast & Mid Michigan filed a disability rights lawsuit against the City of Howell and two of its officials for engaging in a concerted, ongoing effort to prevent Amber Reineck House from opening a sober living home in Howell. The lawsuit, filed in U.S. District Court for the Eastern District of Michigan, alleges violations of the Fair Housing Act, Americans with Disabilities Act, and Michigan's Persons with Disabilities Civil Rights Act.

Ms. Atsalakis founded Amber Reineck House in 2017, in memory of her sister, Amber Reineck, who died of a fentanyl overdose in 2015. The nonprofit organization is dedicated to acquiring affordable properties in Michigan to provide housing and support services for individuals

case updates

recovering from substance use disorders, and to give women in recovery a chance to overcome their addiction in an affordable, supportive community setting.

The lawsuit claims that the defendants have taken a series of unlawful actions to block Amber Reineck House from opening the sober living home because of the disabilities of the home's future residents. The suit alleges that the defendants took these actions in direct response to significant community opposition to the proposed home, which was based on discriminatory bias against persons recovering from substance use disorders, all of whom are considered individuals with disabilities under the law.

The case was assigned to the Honorable Paul D. Borman. Both the FHC and Amber Reineck House are being represented by Relman Colfax and Dane Law.

FHC v. Erie Investments

FHC Files Criminal Background Case

The FHC has filed a race discrimination lawsuit against Erie Investments, owner of Red Lion Apartments in Ypsilanti. The suit alleges that by having a "no felony" policy, the owner knew or should have known that it would have a disparate impact on Black tenants and potential tenants. The lawsuit, filed in U.S. District Court for the Eastern District of Michigan, alleges violations of the Fair Housing Act.

The suit alleges that the defendants' "elevation of criminal history as an absolute bar to residency without consideration of other eligibility criteria for tenancy is also counter to other normal business practices in the apartment industry. In the normal course of business, consideration of income, prior rental history, credit, and other factors occurs simultaneously during the application process, and after an application has been submitted and reviewed."

According to an MLive article from April 3, 2019: "Erie Investments has purchased and renovated multiple troubled apartment complexes in Ypsilanti Township. Now, the company is making its effort to rehab a mismanaged, section 8 complex in the city of Ypsilanti and market it to Eastern Michigan University Business School students."

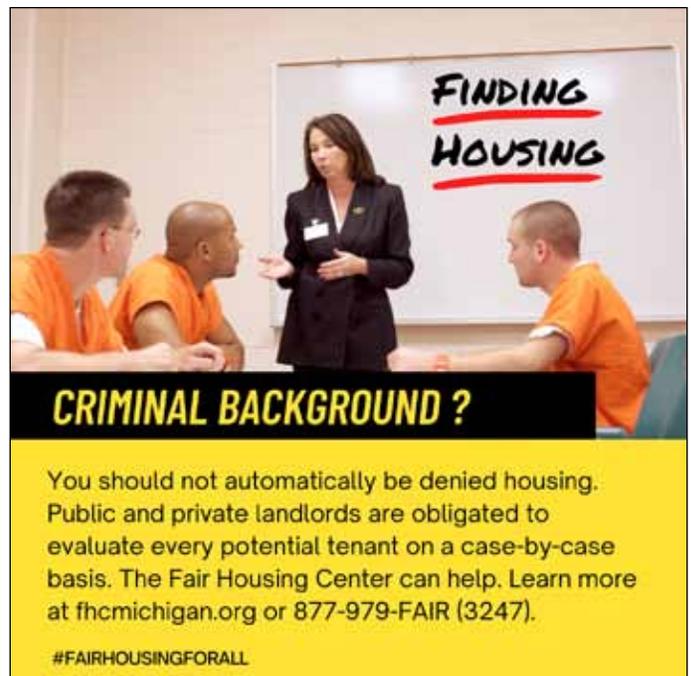
The student body of EMU is 17% Black, compared to the City of Ypsilanti which is over 30% Black.

Mike Radzik, Director of Community Standards for Ypsilanti Township, told MLive that Erie Investments "typically... will implement strict rental standards."

"A landlord's wish to be 'strict' towards prospective tenants does not give them the right to violate federal law," said Pamela A. Kisch, Executive Director of the Fair Housing Center. "2016 HUD Guidelines make it clear that rental agents must look at each person on an individual basis. How long ago did the felony occur? How old was the person at the time? What has this person accomplished with their life since that time?"

The Fair Housing Center has taken numerous complaints of discrimination based on criminal background. Some include bans on individuals who only have arrest records.

The suit was filed in U.S. Federal District Court on February 26, 2020. The Fair Housing Center is represented by Cooperating Attorney William F. Piper of Piper Law.



CRIMINAL BACKGROUND ?

You should not automatically be denied housing. Public and private landlords are obligated to evaluate every potential tenant on a case-by-case basis. The Fair Housing Center can help. Learn more at fhcmichigan.org or 877-979-FAIR (3247).

#FAIRHOUSINGFORALL

Reasonable Accommodations

Recent reasonable accommodation and modification requests resolved by our office.

Emotional Support Animals

Eviction Stopped & Fees Reversed

Our first case involves a student athlete from a local university living in an apartment complex. She mentioned her emotional support dog at the application stage; management said that was fine and detailed what paperwork she would have to turn in, which she did. The paperwork was reportedly given to the wrong department and was lost. She resubmitted the paperwork and had the dog move in with her, but was then fined \$250 and threatened with eviction if she did not remove the animal from the premises. FHC staff wrote a letter asking for the ESA to be accepted immediately with the accompanying doctor's letter, and asked that the fine be removed as well. The management swiftly granted the request

Monthly Pet Fee Stopped

A woman contacted the FHC for assistance regarding her emotional support animal. When new management took over her apartment complex 1.5 years ago, she was required to "register" her cat online. While no such registration is required of a person with an ESA, our complainant complied to avoid losing her housing. When it came time to renew her lease this year, she was told she had to agree to pay a monthly pet fee in order to sign a new lease. That's when she contacted our office. FHC staff advised her to get an updated doctor's letter and provided her with links to the appropriate fact sheets and guidance on our website. She used this information to get the letter and presented it to the agent who then allowed her to sign her lease with no mention of pet fees.

FHC and Doctor Uphold Child's Privacy

A child with a disability needed an emotional support animal. The law firm handling the case for the landlord sent a questionnaire to the child's doctor with 18 questions that were in violation of the patient's privacy. The child's doctor sent a response letter to the firm stating that he thought

those questions were intended to frustrate the purpose of granting the underlying reasonable accommodation and that he would not answer them. Along with a doctor's letter providing only the necessary information regarding the child's disability, the FHC sent a letter requesting the reasonable accommodation. The landlord eventually granted the accommodation.

Multiple ESAs Allowed

A family with two children, each needing an emotional support animal, was initially denied their right to have more than one ESA. A letter from the FHC along with letters from the treating therapists resulted in granting the accommodation.

Reasonable Modification

Automatic Door Openers Installed

A woman with multiple sclerosis needed an automatic door opener after the new doors to her building became too heavy for her to open on her own. The housing provider has a federal subsidy through the USDA. Two years of advocacy by FHC staff finally paid off with the installation of an automatic door opener at the front of her building and the building where the laundry is located. Our complainant let us know how much this meant to her, as her condition is steadily worsening and the modification allowed her additional autonomy.



Our complainant outside her home before the modification.

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 19% of his monthly income.

Transportation Issues Resolved

Speed Bumps Removed

A woman who uses a wheelchair was having trouble using her accessible van because the speed bumps in her complex were too high, hitting the bottom of her vehicle. A letter from the FHC led to the problem being addressed, and our complainant can now use her much-needed van.

Designated Parking Space

A man and his mother, both with physical disabilities, each needed reserved parking spaces at their apartment complex. Our complainant drives a truck and has it parked in the space reserved for his unit. For his mother, they have a wheelchair-accessible van. Until recently the van was parked in an open van-accessible parking space. As others began to use the same parking space, our complainant was unable to get his mother to her van, now parked much further away from their unit. The FHC asked to reserve the accessible parking space for our complainant's use only so they would have a reliable place to park the van. A letter from the FHC eventually resulted in signage signifying that the van-accessible space was for their use only.

FHC Mourns Loss of Longtime Board Member, Mark Mitshkun



Mark Mitshkun

Mark Mitshkun served on the Fair Housing Center's Board of Directors for over 20 years. He was suggested to us by Theodore M. Shaw, who was leaving Ann Arbor and our Board. Of course I didn't realize at the time what a gift this was.

Mark was the best board member. He worked to write and rewrite our personnel policies. He helped us make a million decisions about fair housing litigation, settlements, budget deficits, name changes, and fundraising events. He gave generously to the organization, using every family occasion (birthdays, memorials, etc.) as a new reason to donate to the Fair Housing Center. After his passing, his friends and family from around the country raised nearly \$6000 for the FHC in his name.

Mark cared deeply about ending illegal housing discrimination and he showed it through the time, energy, and resources he shared with us. We send our condolences to his family and friends, and especially to his wife, Diane Rosenblum.

~ Pam Kisch, Executive Director



Thank You to Our Sponsors



Ann Arbor Area Board of REALTORS
Bank of Ann Arbor
Charles Reinhart Company
Comerica Bank
Fifth Third Bank
Flagstar Bank

Michigan Realtors
Michigan State Housing Development Authority
Old National Bank
Plante Moran
TCF Bank
University of Michigan Credit Union



Fair Housing Breakfast

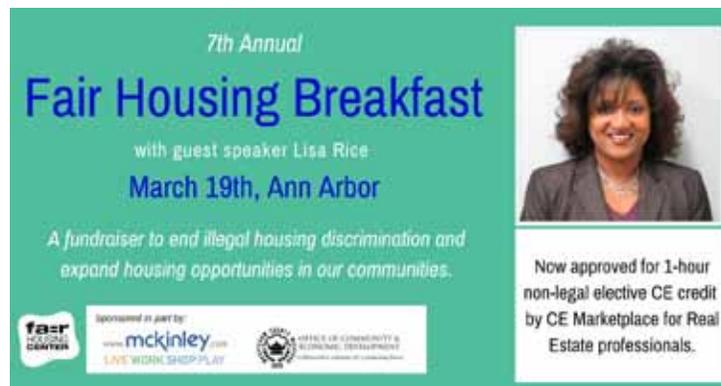
The 7th Annual Fair Housing Breakfast was like no other before. Planned for March 19, 2020, we had to make the hard decision to cancel the in-person event due to the Covid-19 pandemic.

We were so pleased that our guest speaker, Lisa Rice, agreed to join us virtually on May 28th. Ms. Rice is the President and CEO of the National Fair Housing Alliance (NFHA), the nation's only national civil rights agency solely dedicated to eliminating all forms of housing discrimination. NFHA is also the trade association for over 200 member organizations (including ours) across the country that work to eliminate barriers in the housing markets and expand equal housing and lending opportunities.

Ms. Rice is a member of the Leadership Conference on Civil and Human Rights Board of Directors, Center for Responsible Lending Board of Directors, JPMorgan Chase Consumer Advisory Council, Mortgage Bankers Association's Consumer Advisory Council, Freddie Mac Affordable Housing Advisory Council, Urban Institute's Mortgage Servicing Collaborative, Quicken Loans Advisory Committee, and America's Homeowner Alliance Advisory Board.

The title of her talk was, "Fair Housing: What's Ahead for 2020." This was the first time we were able to offer continuing education credits for Real Estate professionals through CE Marketplace.

Thank you to our generous sponsors; please see the sponsor list on page 9 of this newsletter.



board of directors

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

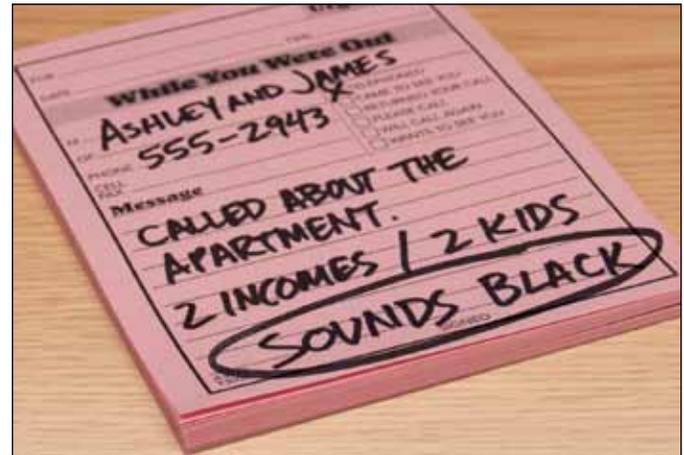
staff

Pamela A. Kisch, *Executive Director*
Kristen Cuhran Fuller, *Associate Director*
Jessica Ortiz Farley, *Director of Investigations*
Niki Green, *Investigations & Legal Research Coordinator*
Karen Hawver, *Staff Accountant*



Fair Housing Outreach

Thanks to an Education and Outreach grant from the United States Department of Housing and Urban Development, we were able to increase our advertising efforts in print and on the radio, Instagram, Facebook, and Google Ads. These are a few examples; please visit our social media to see more ads and help us spread the word on fair housing rights.



SOUNDS LIKE DISCRIMINATION.

What matters is how you look on paper – not how you sound over the phone. Judging you by your race or color instead of your qualifications is discrimination. It's unfair, it's painful... and it's against the law. The best way to stop housing discrimination is to report it.

If you think you may be a victim of housing discrimination, contact the Fair Housing Center of Southeast & Mid Michigan

Visit www.fhcmichigan.org or call 877-979-FAIR

Your Choice. Your Right. Your Home.



A public service message from the U.S. Department of Housing and Urban Development in partnership with the National Fair Housing Alliance. The federal Fair Housing Act prohibits discrimination because of race, color, religion, national origin, sex, familial status or disability. For more information, visit www.hud.gov/fairhousing



THIS VETERAN HAS EXPERIENCED ENOUGH.

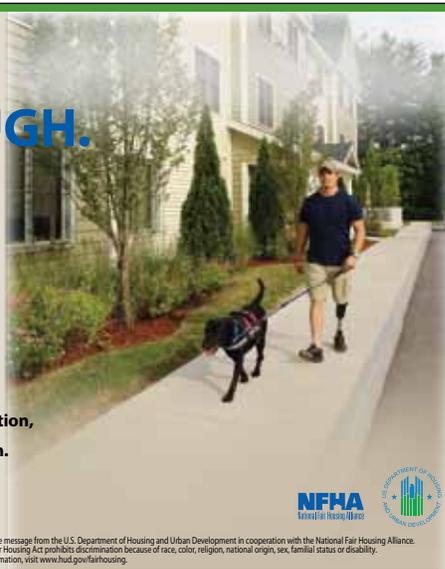
HE SHOULDN'T HAVE TO FIGHT HOUSING DISCRIMINATION BECAUSE OF HIS DISABILITY.

Sergio lost his leg and his hearing while serving our country overseas. Now back home, he was ready to start a new chapter in his life. But when he found the perfect apartment, the landlord refused to make a reasonable accommodation to allow his service dog in a "no pets" building. Then Sergio learned that the Fair Housing Act protects people with disabilities. He contacted a Fair Housing agency and filed a complaint. Today, Sergio is feeling right at home.

If you believe you may have experienced housing discrimination, contact the Fair Housing Center of Southeast & Mid Michigan.



**www.fhcmichigan.org
877-979-FAIR**



A public service message from the U.S. Department of Housing and Urban Development in cooperation with the National Fair Housing Alliance. The federal Fair Housing Act prohibits discrimination because of race, color, religion, national origin, sex, familial status or disability. For more information, visit www.hud.gov/fairhousing.



FHC Director Pam Kisch with PFC staff Ken Davis.

Thank you People's Food Co-op!

The People's Food Co-op in Ann Arbor chose the FHC as the Change For Our Community beneficiary in the month of August. We thank them for choosing us as the recipient, and for every patron who rounded up for us. They generously gave nearly \$1,600!

We invite other businesses to think of us in their monthly giving, and as always, individual donations are what keep us going.

Please consider giving at www.fhcmichigan.org/donate. Memberships start at \$35.00.

Increasing Our Reach While Working From Home

As the Covid-19 pandemic continues to impact us all, the Fair Housing Center staff continues to work from home. We've made adjustments so we can safely continue serving the residents of southeast & mid Michigan, conducting investigations, hosting trainings, and even expanding our services.

This summer, we hosted our first-ever Housing Advocates Training PLUS (HAT+). Without geographic limitations, this new virtual training was available to social service professionals (who had previously participated in our original Housing Advocates Training) across the state. Our next HAT and HAT+ will be hosted online in the spring of 2021; look for announcements on both trainings in our e-newsletters and on social media early next year.

We're also expanding in more ways than one! Not only have we officially added Hillsdale and Shiawassee Counties to our service area, but we also are hiring a new full-time staff member! We look forward to introducing our new Intake & Administrative Specialist to you soon.

Congratulations!

FHC Director of Investigations Jessica Ortiz Farley married Ryan Farley on February 2, 2020 at Valley of Fire State Park in Overton, NV (just outside Las Vegas). We wish them a long, happy life together.

Photo by Aimlee Photography



HOUSING DISCRIMINATION HAS NO PLACE IN OUR NATION



LEARN SOME POSSIBLE SIGNS SO YOU CAN HELP STOP IT.

- “We don’t take kids.”
- “You have to be married.”
- “I can’t assign you a handicap parking space.”
- “The unit I told you about on the phone has been rented.”
- “We only take people who speak English.”
- “The ad was wrong – the rent is really \$75 more.”

If you think you may be a victim of housing discrimination, contact the Fair Housing Center of Southeast & Mid Michigan.



www.fhcmichigan.org
877-979-FAIR

THE ONLY WAY TO STOP HOUSING DISCRIMINATION IS FOR YOU TO REPORT IT.



NFHA
National Fair Housing Alliance

A public service message from the U.S. Department of Housing and Urban Development in partnership with the National Fair Housing Alliance. The federal Fair Housing Act prohibits discrimination because of race, color, religion, national origin, sex, family status or disability.

What's INSIDE?

- New Criminal Background
- Lawsuits Filed, page 1
- Case Updates, page 2
- Disability Advocacy, page 6
- Fair Housing Breakfast, page 8

CHANGE SERVICE REQUESTED

P.O. BOX 7825
ANN ARBOR, MI 48107

fair
HOUSING
CENTER