



FAIR HOUSING NEWS

Produced by the Fair Housing Center of West Michigan

Fair Housing Movement Marches On: Honors Past, Plans Future

2008 Fair Housing Awards Presented

The Fair Housing Center of West Michigan presented two 2008 Fair Housing Awards at its *21st Annual Fair Housing Luncheon & Workshop Series*, underwritten by the Grand Rapids Association of Realtors and Macatawa Bank, on April 30, 2008. More than 350 people watched as the awards were presented to two unsuspecting fair housing advocates by FHCWM Board & Advisory Board Members Jorge Gonzalez, Bart Jonker, Suzanne Schulz and Margaret Sieh. **Joel Dye**, Community Development Director of the City of Holland,



was presented the Outstanding Individual Award for his advocacy and

personal commitment to equal housing. Mr. Dye has applied his commitment to his work by adding a statement in landlord licenses that make clear the City's expectation that landlords comply with fair housing law. While seemingly simple, this is a novel and effective approach that will hopefully be used as a model in other communities. Further, he has looked for ways to collaborate with other governmental entities along the lakeshore and recently joined the Lakeshore Fair Housing Advisory Board to help open up housing choice on the lakeshore.

The **Michigan Association of REALTORS (MAR)** received the Outstanding Organization Award which was accepted by current President Jeff Young.



MAR has been working with the FHCWM on a self-testing project wherein member

organizations can elect to self-test and the FHCWM then works with MAR to develop education and training based on the findings. In addition, MAR has worked with the FHCWM and the National Fair Housing Alliance to develop a brand-new comprehensive fair housing training for realtors, which debuted during this event. This training is more advanced and interactive than anything the Center has developed previously for sales training. MAR also worked with the Center to access State funding to develop the training as well as assisted FHCWM staff in pursuing and securing Michigan Real Estate Continuing Education Credits for it.

Mr. Young is also co-chair of the **2008 Membership Drive**, so he officially kicked off the membership drive and made a few remarks on the importance of supporting the Center through joining as a member.



Morning Workshops a Success!

The FHCWM had almost 150 participants registered for one of four different morning workshops. The *Seniors at Risk: Housing Discrimination Limits Options for Senior Citizens* workshop was moderated by FHCWM Senior Project Coordinator Rev. David May. This workshop provided information from recent research and reports which investigate the impact of housing discrimination upon senior citizens in our communities; it also provided practical information on various ways to prevent and address the predatory practices facing our seniors based upon their age, disability status, race and national origin. Panelists featured: Regina Davis (FHCWM), Mira Tanna (Equal Housing Opportunity Council of St. Louis) and Michael Seng (John Marshall Law School and Fair Housing Clinic). This workshop was funded in part by the Kent County Senior Millage.



The *Why Fair Housing Matters: the High Costs of Housing Discrimination* workshop was moderated by Jorge Gonzalez (Macatawa Bank/FHCWM Lakeshore Advisory Board). This workshop discussed the impact of subprime loans and predatory lending on our communities and the loss of wealth to families and our communities as a result of discrimination. It also debunked a few myths about housing discrimination, including the common belief that it does not happen in west Michigan and that it has no systemic impact on the health and vitality of our communities. Panelists featured: Dennis Angner (Michigan Bankers Association/IBT Bancorp), Cat Cloud (National Fair Housing Alliance), Lee Nelson Weber (Dyer-Ives Foundation) and Greg Squires (George Washington University). ...continued on page 2...

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Morning Workshops a Success!

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The Causes & Effects: Current Fair Housing Cases & Implications for Our Community workshop was moderated by Nelson Miller (Cooley Law School). This workshop provided up to date information on national and local fair housing cases as well as a historical view of fair housing law and the progress made in Michigan. Panelists featured: Steve Dane (Relman & Dane), Sylvia Elliott (Michigan Department of Civil Rights), Fred Mackraz (Kuiper Orlebeke PC) and Shanna Smith (National Fair Housing Alliance).

The Fair Housing Best Practices: Applications for Housing Industry Partners workshop was moderated by Doretha Ardoin (Coldwell Banker AJS-Schmidt/FHCWM Board President). This workshop and training provided State of Michigan Real Estate Continuing Education Credits for realtors in attendance. This workshop covered key elements of fair housing law, discrimination in the sales process and the top ten best practices to comply with fair housing. Panelists featured: Anne Houghtaling (National Fair Housing Alliance) and Brian Westrin (Michigan Association of REALTORS).

Nancy Haynes, FHCWM Executive Director, introduced the keynote speakers: Shanna Smith and Cat Cloud of the National Fair Housing Alliance, President and Senior Vice President, respectively. Ms. Cloud provided a brief summary of the history of the fair housing movement, Dr. Martin Luther King Junior's involvement and the importance of the 40th Anniversary of the Fair Housing Act this year. Ms. Smith addressed the foreclosure crisis, provided local data on race, neighborhood composition and high cost loans. According to Ms. Smith, the nation and our local communities are at a critical point, facing unprecedented foreclosure rates; the minority community has been hardest hit, as discrimination is a hidden factor that is often overlooked in the crisis. Ms. Smith called for change, saying "we have to stop all owner-occupied home foreclosures for six months" and asked the audience to take action by contacting elected officials.

Local Fair Housing News

COMPLAINT #08-058

The FHCWM received a call from a woman requesting assistance with a reasonable accommodation. She had two dogs living with her which were service animals necessary for her full and equal enjoyment of the dwelling.

Although her two dogs were service animals and not pets, she had been paying a monthly pet deposit. The FHCWM worked with the client to secure the proper documentation from her doctor and draft the reasonable accommodation request asking the recipient complex to waive the pet fee. After an opportunity to educate the recipient complex about reasonable accommodations under fair housing law, the request was granted and the pet fee was indefinitely waived for the client.



COMPLAINT #08-041

The FHCWM received a complaint from a woman alleging that she had been a victim of familial status discrimination. The claimant stated that she was asked by a landlord who would be moving in with her. She told him that it would be her, her boyfriend and her son that was under 18 years old that she would have in her care every other weekend. The claimant stated that the landlord then said that the complex was inhabited by people who are retired and don't have kids. The claimant asked the landlord if he had a problem renting to people that have kids and he allegedly replied, "Yes". The FHCWM conducted testing and found evidence to support the claim of familial status discrimination, which is illegal under federal law. The FHCWM assisted the claimant in filing her complaint with HUD.

National Fair Housing News

San Pablo, CA - A lawsuit by 15 Latino families alleging that the Caucasian resident managers of the Alpine Mobile Home Park in San Pablo, California, repeatedly used racial slurs and intimidating behavior, which constitutes illegal housing discrimination on the basis of national origin, has been settled for \$520,000.

The resident managers used racial epithets against the tenants, mocked them when they asserted their rights, and showed a general aggression because of the tenants' ancestry. This included constant yelling and screaming, cussing, inappropriate physical gestures, and statements such as "Mexicans are pigs" and "Mexicans are stupid." The tenants also complained that the resident managers threatened to call the "INS" and obstructed the sale of the Latinos' mobile homes by requiring purchase documentation

beyond that of non-Latino sellers, resulting in abandonment. These tenants complained that the resident managers then assumed ownership of the abandoned trailers and sold them for profit. The Manager towed only the Latino family's cars and refused to let Latino family children play outside. They also reported that the Manager used security cameras that were located throughout the park and if they had guests or company over, the Manager would immediately come into their home and yell at them and make the guests leave.

It took the efforts of the local school, Housing Rights, Inc. and other community supporters to encourage the families to accept legal help and pursue their fair housing complaints. These brave families worked with attorneys Rapiere and Salinas for several years and they now have justice.



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Local Fair Housing Case Settles on Eve of Trial

COMPLAINT # 06-108

FHCWM clients Tammy and Greg Horner settled their housing discrimination case against Bob Ortiz, Realtor and Owner of ReMax of Grand Rapids less than a week and a half before the trial was scheduled to begin in Federal Court in Kalamazoo. Greg and Tammy Horner and their two children were interested in relocating their family from Texas to the Grand Rapids area and were working with local Realtor Doug Takens to find an appropriate home. As Mr. Horner uses a wheelchair, they were looking for an accessible home with an open floor plan. The case centered on an interaction between Mrs. Horner and Mr. Ortiz during an open house that Mr. Ortiz hosted at one of his listings in Byron Center. Mrs. Horner claimed that she and her Realtor went into the home and determined that it met their needs and asked if Mr. Ortiz would mind if she placed the portable ramp they traveled with at the front door of the home to allow Mr. Horner to access the home despite the front stoop. According to the allegations, Mr. Ortiz refused Mr. Horner access to the home, claiming concerns that the wheelchair would track in mud and mar the floors. The Horners alleged that Mr. Ortiz's discriminatory statements and his actions to deny Mr. Horner access to the home illegally interfered with their ability to obtain housing contrary to federal and state fair housing laws. In the complaint filed in federal court in April 10, 2007, Mr. and Mrs. Horner sought compensatory damages, punitive damages, and attorneys fees. After 14 months of discovery and trial preparation, the case settled for an undisclosed amount.



Recent Supreme Court Decision With Significant Fair Housing Implications

Lilly Ledbetter, an employee of Goodyear Tire and Rubber Company for 19 years, discovered that she was being paid between 15% and 40% less than her male counterparts regardless of seniority. Upon realizing this inequality, Ms. Ledbetter filed a lawsuit, *Ledbetter v. Goodyear Tire & Rubber Co.*, under the protection of the Civil Rights Act of 1964 claiming she had been illegally discriminated against in her pay because of her gender. A federal jury found for Ms. Ledbetter, and the district court awarded her more than \$3 million in back pay and damages. However, the Supreme Court overturned this award, holding that Ms. Ledbetter's claim exceeded the statute of limitations. The 1964 Civil Rights Act states that charges of discrimination must be filed within 180 days after the alleged practice occurred. Despite the fact that Ms. Ledbetter and her counsel argued that each time she was paid she was being discriminated against, the Supreme Court ruled that the discrimination occurred when Ms. Ledbetter was first hired 19 years earlier, and thus her case was far beyond the 180 day statute. This reasoning on the statute of limitations determined in the *Ledbetter* case has not only negatively impacted workers' rights and victims of pay discrimination, but also fair housing.

In the case *Garcia v. Brockway*, the Ninth Circuit Court issued an opinion that relied heavily on the reasoning of the *Ledbetter* case, an opinion which "severely limited the enforceability of the Fair Housing Act (FHA)," according to the Alliance for Justice. In 2001, Noll Garcia, a wheelchair user, rented a unit at South Pond Apartments in Boise, Idaho, a complex built in 1993. While at South Pond, Garcia's apartment complex did not comply with the design-and-construction requirements of the FHA. It lacked curb cuts from the parking lot to the sidewalk, it did not have a ramp to the front entrance door and the doorways were too narrow to allow clear passage of a wheelchair. Garcia's requests that management make accessibility improvements were ignored, as was his request that management build a ramp to his door or that he be relocated to a more accessible unit. Within two years of leasing an

apartment, Garcia sued the original builder (Brockway) and architect, and the current owners and management for not complying with the FHA design-and-construction requirements. Although the FHA has a two year statute of limitations and Mr. Garcia filed within two years of the beginning of his tenancy in 2001, the court cited the *Ledbetter* case and ruled that the discrimination occurred when the complex was built in 1994 and not when Garcia moved in. Thus, Garcia's case was determined beyond the statute.

The *Garcia* decision makes it so that a disabled person who experiences discrimination by not being able to access a building must file a complaint within two years of the date of issuance of the certificate of occupancy for the property, rather than within two years of when the discrimination occurred. In other words, developments that do not meet the regulations plainly laid out under law are immune if no one

reports the violation within the first two years. Many developments are normally vacant for some time after construction is completed and many more do not have disabled applicants or tenants in the first two years; for these reasons, violations often go unnoticed and/or unreported and the two years of protection slip away.

The dissenting opinion of the *Garcia* case stated that this decision "takes an Act that was designed to protect disabled persons by mandating that

multifamily housing be made accessible to them and construes its statute of limitations in a way that solely benefits the housing construction industry and renders the statute of far less use to disabled individuals than Congress intended." The Alliance for Justice claims that in the *Garcia* case, "the majority's interpretation of the FHA goes against common sense, longstanding agency interpretation, and congressional intent. Unfortunately, the Supreme Court's *Ledbetter* precedent bolstered such an approach."

Senators Edward Kennedy (D-MA), Tom Harkin (D-IA), Hillary Rodham Clinton (D-NY), and Barbara Mikulski (D-MD) announced that they will introduce legislation in an attempt to remove the technical hurdle to equal opportunity created by the *Ledbetter* case. This legislation is pending.



Save the Date! Upcoming Fair Housing Events



The FHCWM is pleased to announce its plans for the following events in 2008:

- ◆ **Tuesday, August 26, 2008** at 11:45 am—the Fair Housing Book Club at the FHCWM (20 Hall SE). Pick up or check out a copy of the “*Arc of Justice*” by Kevin Boyle, pack a lunch and join us for great dialogue.
- ◆ **Wednesday, September 10, 2008** at 8:00 am—the 2nd Annual Lakeshore Breakfast featuring renowned urban policy consultant David Rusk at the DoubleTree Hotel in Holland (650 East 24th St.).
- ◆ **October 9, 2008** at 11:45 am— a Book Club meeting on the *Arc of Justice* for our Lakeshore supporters and members at Disability Network Lakeshore (426 Century Lane). Please join us for great dialogue! Brown bag lunches welcome.
- ◆ **Fall Event**—2nd Annual *Friends of Fair Housing Luncheon*. Date and location is to be announced shortly!

About the “Arc of Justice: A Saga of Race, Civil Rights and Murder in the Jazz Age” by Kevin Boyle

According to www.schulerbooks.com, this National Book Award winning read tells the electrifying story of the sensational murder trial that divided the City of Detroit and ignited the civil rights struggle. In 1925, Detroit was a smoky swirl of jazz and speakeasies, assembly lines and fistfights. The advent of automobiles had brought workers from around the globe to compete for manufacturing jobs, and tensions often flared with the KKK in ascendance and rising violence. Ossian Sweet, a proud Negro doctor—grandson of a slave—had made the long climb from the ghetto to a home of his own in a previously all-white neighborhood. Yet just after his arrival to his new home, a mob gathered outside and shots rang from inside and out.

Tragedy struck: Sweet, or one of his friends,

had accidentally killed one of the whites that were threatening their lives and homes.

And so it began—a chain of events that brought America’s greatest attorney, Clarence Darrow, into the fray and transformed Sweet into a controversial symbol of equality. Historian Kevin Boyle weaves the police investigation and courtroom drama of Sweet’s murder trial into an unforgettable tapestry of narrative history that documents the volatile America of the 1920’s and movingly re-creates the Sweet family’s journey from slavery through the Great Migration to the middle class. Ossian Sweet’s story, so richly and poignantly captured here, is an epic tale of one man trapped by the battles of his era’s changing times.

Author Kevin Boyle was born in 1960 and grew up in Detroit. He received a bachelor’s degree from the University of Detroit Mercy and a graduate degree from the University of Michigan. He is currently a professor of history at Ohio State University.



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