

# Fair Housing Enforcement, Outreach Capacity, and Resources

## Key Findings

- Residents in Washtenaw County, as in many places, are unlikely to report a case of alleged discrimination. Reasons may include fear of retaliation, lack of awareness of one's rights under the fair housing laws, lack of awareness of which agencies may be of assistance, or limited support by private or public agencies.
- According to the Fair Housing Center of Southeast and Mid Michigan (FHC), complaints are more likely to be based on issues of race and disability, but discrimination regarding family size remains an issue.
- Complaints are primarily in the urbanized area of the county - City of Ann Arbor, Pittsfield Township, Ypsilanti Township, City of Ypsilanti and sections of Superior Township.
- Diminished resources at the federal, state and local levels limit opportunities for residents facing discrimination to receive support.

## Formal Fair Housing Actions

With a few exceptions, Federal and State law prohibits discrimination when based on the following classes:

- Race
- Color
- Religion
- Sex (including sexual harassment and pregnancy)
- National origin (including [immigration status](#))
- Familial status (the presence of children under the age of 18)
- Disability
- Age
- Marital status

In Michigan, housing discrimination is prohibited by the [Elliott-Larsen Civil Rights Act](#) and the [Persons with Disabilities Civil Rights Act](#). State law includes all federal protections as well as age, marital status, height and weight.

Local ordinances provide added protection against discrimination. The [City of Ann Arbor's non-discrimination ordinance](#) provides protections based on arrest record, educational association, family responsibilities, gender expression, gender identity, genetic information, height, HIV status, national origin, political beliefs, sexual orientation, source of income, veteran status, victim of domestic violence or stalking, or weight (City of Ann Arbor Code, Chapter 112, Section 9:150; Ord. No.14-25, Sec. 1, 10-20-14). The City of Ypsilanti was one of the first communities in the state to pass a [nondiscrimination ordinance in 1997](#). The Ypsilanti ordinance protects gender identity, immigration status, sexual orientation, educational association, or source of income.

To date, neither Washtenaw County, Washtenaw Urban County, nor the Ann Arbor Housing Commission (AAHC) has received any finding or issue, such as:

- A charge or letter of finding from HUD concerning a violation of a civil rights-related law,
- A cause determination from a substantially equivalent state or local fair housing agency concerning a violation of a state or local fair housing law,
- A letter of findings issue by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law,
- Or a claim under the False Claims Act related to fair housing, nondiscrimination or civil rights generally, including an alleged failure to affirmatively further fair housing.

There is, however, a pending fair housing lawsuit against an Ypsilanti Township landlord based on the protected class of sex currently assigned to Judge Linda Parker in Federal Court. More details on this case can be found [here](#).<sup>1</sup>

Recent settlements (from FHC website, August 2017)

- Mental/emotional disability, Ypsilanti Township: Welch v Cerda (2016)
- Race, Ypsilanti Township: Scott v Swan Creek (2015)
- Race, Ann Arbor: FHC v Ivanhoe House Apartments (2008)
- Race, Ann Arbor Township: Hatch v Flying Dutchman (2008)

TABLE 45\_FEDERAL LIST OF FAIR HOUSING COMPLAINTS

Year	Total Filed Cases	Race Basis	Color Basis	Religion Basis	Familial Status Basis	Disability Basis	National Origin Basis
2011	15	8		1	1	5	3
2012	16	4			2	12	
2013	15	8	1	1		8	1
2014	16	11			1	6	
2015	13	4				9	2
2016	21	8	1	1	5	12	2
Total	157	73	3	8	18	74	15

Source: HUD, the Office of Fair Housing and Equal Opportunity August 2017

## Local Fair Housing Agencies

The main agency in our area that provides education, outreach and enforcement is the Fair Housing Center of Southeast and Mid Michigan (FHC). The agency focuses on investigative services, testing, advice, advocacy, conciliation, attorney referral and community education. Their budget is largely limited to multi-year federal funding from HUD, which currently makes up 82.3% of their annual budget.

<sup>1</sup> <http://www.fhcmichigan.org/allegation-of-sexual-harassment-leads-to-fair-housing-lawsuit/#more-3664>

## Additional Information

The United Way of Washtenaw County recently provided some financial support to FHC to outreach and education efforts related to the recent HUD rule on criminal backgrounds. This funding supported education to landlords and property managers as well as individuals in the area.

## Contributing Factors of Fair Housing Enforcement, Outreach Capacity and Resources

Each chapter discusses contributing factors that continue, worsen, or otherwise prevent resolution to the fair housing issue discussed in the chapter. These contributing factors help direct the development of goals and strategies to counter the issue.

### **Lack of resources for fair housing agencies and organizations**

Currently the FHC's funding for outreach and enforcement is limited to that of the federal government, specifically HUD. In a stakeholder interview, key staff noted that more resources are always needed, but uncertainty rises due to the current federal political climate. The number of complaints recorded in 2016 was at the highest level in 20 years. And as of August, the rate of complaints coming into FHC is at a rate 2 weeks ahead of 2016 (Table 45).