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EXECUTIVE SUMMARY

Housing discrimination remains a serious issue in Washtenaw County. This report analyzes census data, the housing market, and other records from the jurisdictions in the WC Urban County, and makes recommendations on local public policy, including housing accessibility, new construction, zoning definitions, banking practices, and local civil rights protections, among others. Fair housing testing, advice, advocacy and community education also have their place in a comprehensive approach to reducing impediments to fair housing. As outlined in this report, there is much that local jurisdictions can do to improve equal housing opportunity.

The Urban County uses Community Development Block Grants (CDBG) to support community development work throughout the Urban County, and one of the requirements for CDBG money is to provide an analysis of impediments to fair housing. The goal is to identify and analyze impediments, and suggest ways to affirmatively further fair housing.

Key questions include:

- Are the jurisdictions in the Urban County working to identify discriminatory practices?
- Are the jurisdictions in the Urban County using the tools at their disposal—zoning, planning, and community development—to further fair housing?

Fair housing laws apply everywhere equally, but we know that housing discrimination influences the housing market in a way that creates distinct segregation patterns. As an Urban County consortium, there are opportunities to leverage resources and share knowledge that will increase the protection of fair housing rights. For instance, sharing model language for master plans, zoning ordinances, and zoning ordinance definitions; providing training for professionals and lay leaders working in areas covered by fair housing (e.g. zoning, planning, building); and supporting fair housing enforcement are all ways to affirmatively further fair housing.

The Urban County is a diverse set of jurisdictions that are all located in Washtenaw County. Support by Washtenaw County and the Urban County for testing, investigation, and advocacy is the key to ensuring enforcement of fair housing laws and removing impediments to fair housing. This report was prepared by the Fair Housing Center of Southeastern Michigan at the request of Washtenaw County on behalf of the jurisdictions participating in the Washtenaw Urban County. The Fair Housing Center of Southeastern Michigan is a private non-profit organization working since 1992 to investigate and resolve complaints of illegal housing discrimination.

PART I: INTRODUCTION

This report was prepared at the request of Washtenaw County on behalf of the jurisdictions participating in the Washtenaw Urban County. The Fair Housing Center of Southeastern Michigan (FHC-Southeast) is a private non-profit organization working to investigate and resolve complaints of illegal housing discrimination.

Since the County requested this report as a result of U.S. Department of Housing and Urban Development regulations that pertain to all Community Development Block Grant (CDBG) recipients, FHC-Southeast focused on only those jurisdictions of the County that participate in the grant programs. The Urban County currently includes the City of Ann Arbor, Ann Arbor Township, Bridgewater Township, Northfield Township, Pittsfield Township, Salem Township, Scio Township, Superior Township, York Township, the City of Ypsilanti, and Ypsilanti Township.

Any discussion of impediments to fair housing focuses on discrimination and should not be confused with a full-scale discussion of housing affordability. The Federal Fair Housing Act bars discrimination in housing based on race, color, religion, sex, national origin, familial status (families with children), and disability. Michigan's Elliot-Larsen Civil Rights Act protects those categories and adds marital status and age as protected categories.

In preparation for this report FHC-Southeast staff reviewed public policies including Zoning Ordinances, Master Land Use Plans, Building Codes, and meeting minutes from Zoning Commissions, Planning Commission, and other relevant governmental bodies in the Urban County.

For this report we focus on fair housing complaints and investigations in the six-year period from January 1, 2005 - December 31, 2010. Litigation Logs cover all lawsuits filed and/or settled since 1992, when FHC-Southeast (formerly the Fair Housing Center of Washtenaw County) opened. Demographic data comes from 1990, 2000, and 2010 U.S. census data.

Any mistakes in this report are the errors of the Fair Housing Center, and not of those staff who assisted us.

PART 2: DEMOGRAPHICS

THE URBAN COUNTY POPULATION: RACE, ETHNICITY, GENDER, AGE

The Urban County comprises a diverse group of jurisdictions. Some of them are primarily rural in character, others are primarily urban. Although the demographics of each jurisdiction will be addressed later, in this section some brief observations about the Urban County can be made.

		Washtenaw County, Michigan	Urban County Totals	Urban County as % of Washtenaw County
Total Population	Number	344,791	283,148	82%
65 years and over	Number	34,951	26,648	76%
65 years and over	Percent	12%	9%	
White	Number	256,880	198,978	77%
White	Percent	74.50%	70%	
Black or African American	Number	43,767	42,543	97%
Black or African American	Percent	12.70%	15%	
American Indian and Alaska Native	Number	1,174	979	83%
American Indian and Alaska Native	Percent	0.30%	0.3%	
Asian	Number	27,109	26,340	97%
Asian	Percent	7.90%	9%	
Some Other Race	Number	4,159	3,808	92%
Some Other Race	Percent	1.20%	1.3%	
Two or More Races	Number	11,574	10,403	90%
Two or More Races	Percent	3.40%	3.7%	
Hispanic or Latino (of any race)	Number	13,860	12,299	89%
Hispanic or Latino (of any race)	Percent	4%	4.3%	
Total households	Number	137,193	113,516	83%

Table 1: Population Characteristics of the Urban County as Compared to Washtenaw County. Taken from SF-1, US Census 2010.

In the last twenty years, Washtenaw County's population grew from 282,937 individuals (1990) to 322,895 individuals (2000) to 344,791 (2010)¹. Overall the Urban County is made up of fewer than half of the county's jurisdictions, yet 82% of the county's population, and 83% of the county's households, are located in these areas. The Urban County population has fewer residents over age 65, which is not surprising given that the University of Michigan, Eastern Michigan University, and Washtenaw Community College are all located within Urban County jurisdictions.

The Urban County is more racially and ethnically diverse than the rest of the county. Over 97% of Washtenaw County's African-American and Asian populations live in the Urban County; and 90% of those who identify as multi-racial live in the Urban County. Further, 89% of the county's Hispanic/Latino population lives in the Urban County. The populations of whites, African-Americans, Asians, and Latinos are heavily concentrated in certain cities and townships, and are also concentrated in particular areas within those jurisdictions.

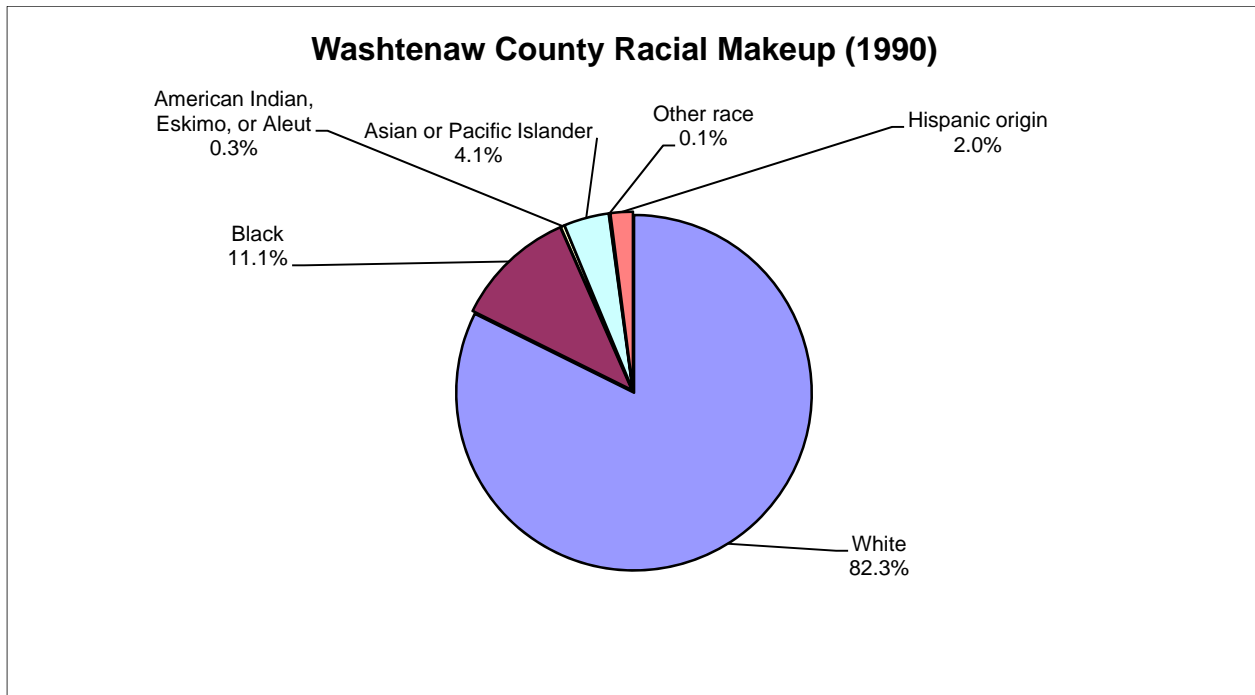


Figure 1: Washtenaw County Racial Makeup, US Census, 1990.

¹ Throughout this report, “County” refers to the whole of Washtenaw County, and Urban County refers to the Urban County.

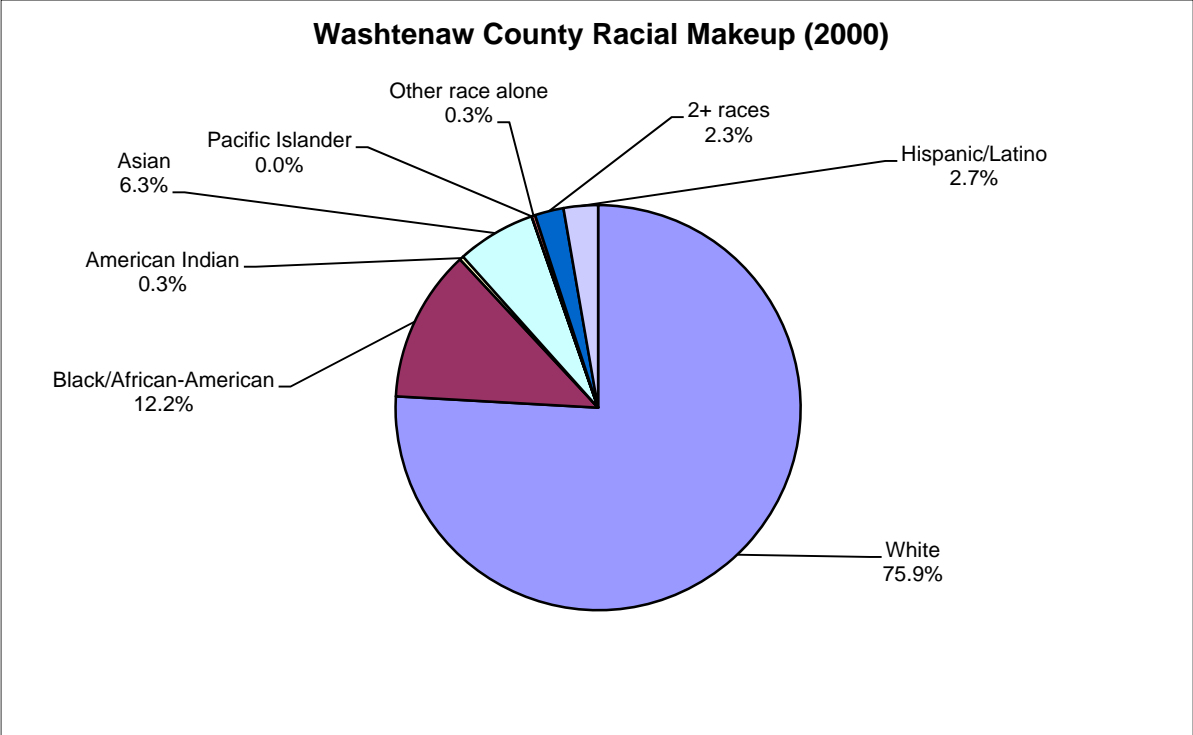


Figure 2: Washtenaw County Racial Makeup, US Census 2000.

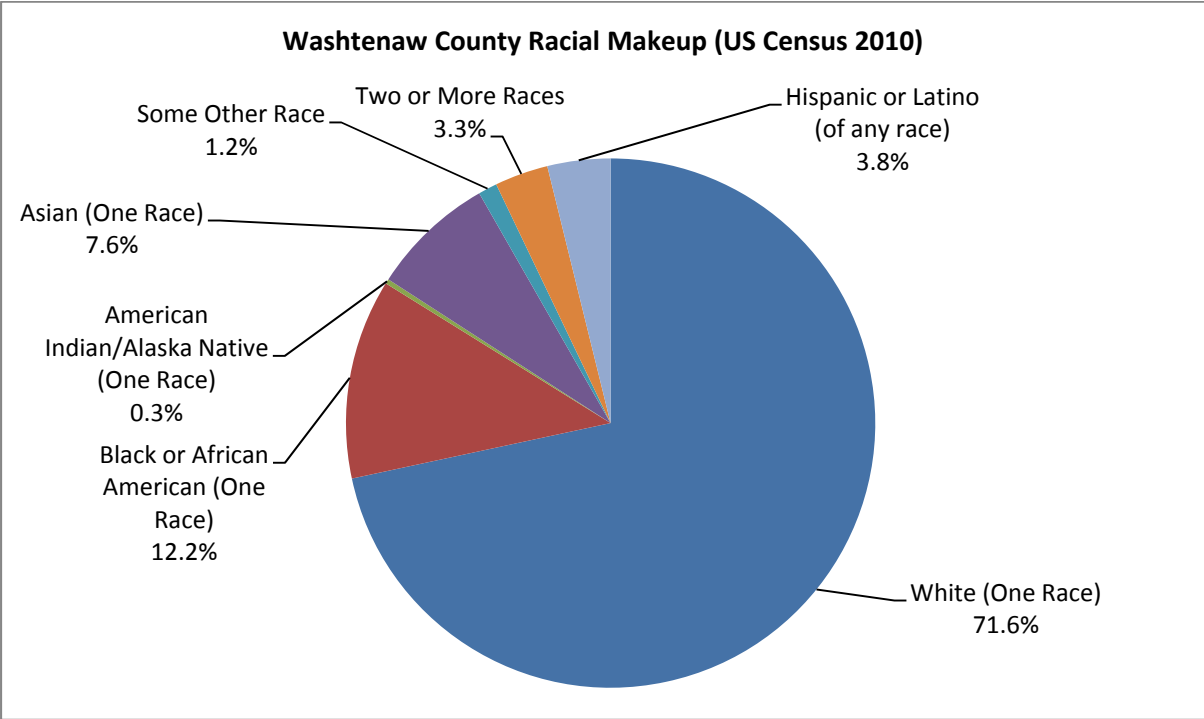


Figure 3: Washtenaw County Racial Makeup (US Census 2010)

As the county's population has grown it has also increased in racial and ethnic diversity. However, the largest portion of the increase in diversity came between 1990 and 2000. In 1990, whites made up 83.5% of the population, and in 2000 whites made up 77.4% of the population². In 2010, whites made up 71.6% of the population. Between 2000 and 2010, the percentage of the population that identifies as African-American remained nearly the same, while the Asian and Hispanic/Latino populations grew³.

Areas of minority concentration in Washtenaw County in 2010 are shown in the following map, taken from the Washtenaw Urban County 2011-2012 Action Plan.

Areas of Minority Concentration Washtenaw County Census Tracts

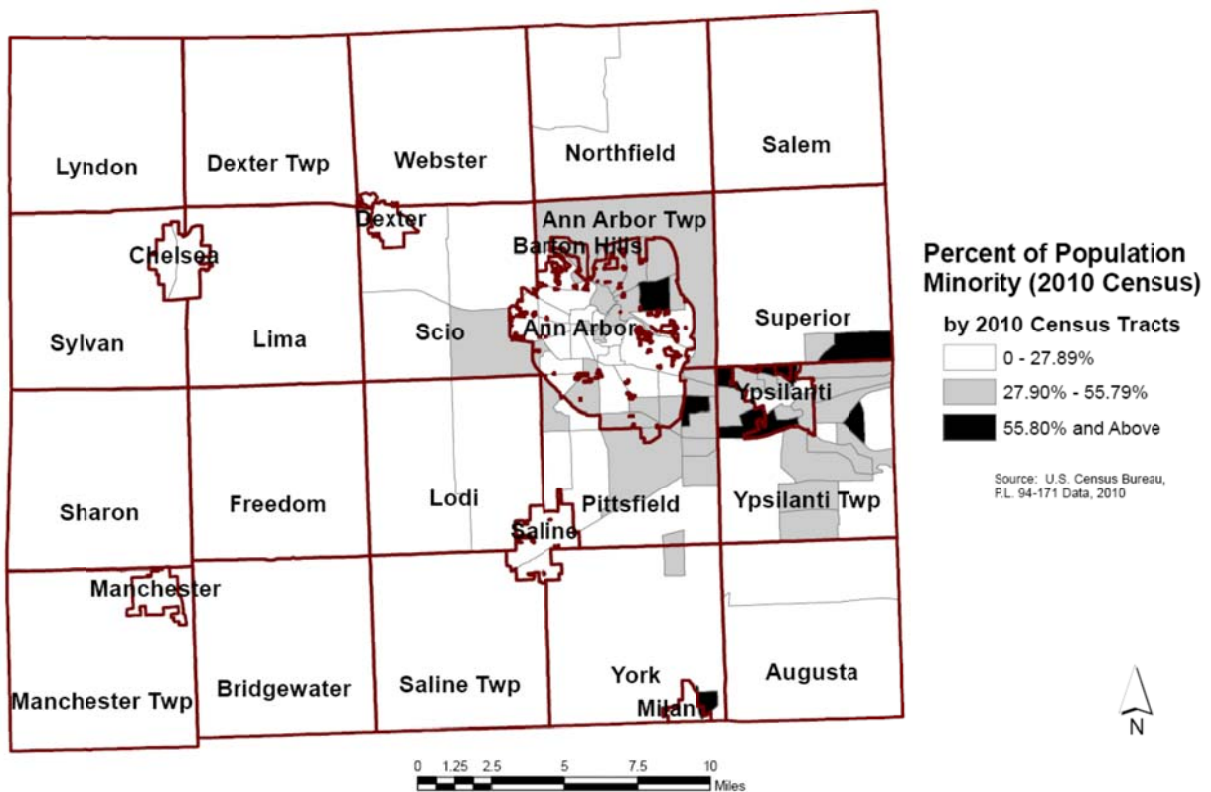


Figure 4: Minority Population by 2010 Census Tracts, taken from the 2011-2012 Washtenaw Urban County Action Plan

² The U.S. Census Bureau cautions that race data from the 1990 and 2000 censuses are not directly comparable.

³ In all pie charts using census data, the Hispanic/Latino category refers to Hispanics or Latinos of any race, and all other racial categories are of respondents who indicated that they were “not of Hispanic origin.” In 2000, for the first time, respondents were able to choose more than one race.

Housing Units in the Urban County and Washtenaw County, 2010

		Washtenaw County, Michigan	Urban County Totals	Urban County as % of Washtenaw County
Total Population	Number	344,791	283,148	82%
Total Housing Units	Number	147,573	121,771	83%
Occupied housing units	Number	137,193	113,516	83%
Occupied housing units	Percent	93%	93%	
Vacant housing units	Number	10,380	8,255	80%
Vacant housing units	Percent	7%	7%	
Owner-occupied housing units	Number	83,483	63,437	76%
Owner-occupied housing units	Percent	61%	52%	
Population in owner-occupied housing units	Number	214,839	161,396	75%
Population in owner-occupied housing units	Percent	62%	57%	
Renter-occupied housing units	Number	53,710	50,079	93%
Renter-occupied housing units	Percent	36%	41%	
Population in renter-occupied housing units	Number	112,140	104,504	93%
Population in renter-occupied housing units	Percent	33%	37%	

Table 2: Housing Units in the Urban County and in Washtenaw County. Taken from SF-1, US Census 2010.

Overall, the Urban County has nearly 122,000 housing units. Approximately 93% of those units were occupied at the time of the 2010 census. In comparison with the rest of the county, the Urban County has fewer owner-occupied units and more rentals. Again, the fact that the University of Michigan, Eastern Michigan University, and Washtenaw Community College are all in the Urban County likely heavily influences these numbers. In fact, 93% of all rental units in Washtenaw County are located in the Urban County.

Detailed disability data is not available from the 2010 census. The data that follows is for all of Washtenaw County and is from the 2010 American Community Survey of the U.S. Census Bureau⁴⁵.

⁴ The data in this table is drawn from the U.S. Census, which uses the following definition for disability: *A long-lasting physical, mental, or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.*

2010 American Community Survey 1-Year Estimates of Disability Characteristics Washtenaw County, Michigan

Subject	Washtenaw County, Michigan					
	Total		With a disability		Percent with a disability	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Total civilian non-institutionalized population	340,961	+/-2,094	29,097	+/-2,283	8.5%	+/-0.7
Population under 5 years	19,158	+/-155	187	+/-297	1.0%	+/-1.5
Population 5 to 17 years	52,726	+/-168	2,505	+/-784	4.8%	+/-1.5
Population 18 to 64 years	234,378	+/-2,045	15,227	+/-1,680	6.5%	+/-0.7
Population 65 years and over	34,699	+/-844	11,178	+/-1,222	32.2%	+/-3.4
With a hearing difficulty	(X)	(X)	3,941	+/-795	11.4%	+/-2.3
With a vision difficulty	(X)	(X)	2,556	+/-783	7.4%	+/-2.2
With a cognitive difficulty	(X)	(X)	3,223	+/-776	9.3%	+/-2.2
With an ambulatory difficulty	(X)	(X)	7,201	+/-989	20.8%	+/-2.8
With a self-care difficulty	(X)	(X)	2,803	+/-879	8.1%	+/-2.5
With an independent living difficulty	(X)	(X)	4,742	+/-977	13.7%	+/-2.7
SEX						
Male	168,889	+/-1,102	13,937	+/-1,535	8.3%	+/-0.9
Female	172,072	+/-1,931	15,160	+/-1,632	8.8%	+/-0.9
RACE AND HISPANIC OR LATINO ORIGIN						
One Race	N	N	N	N	N	N
White alone	253,215	+/-1,773	22,555	+/-2,148	8.9%	+/-0.9
Black or African American alone	41,208	+/-2,477	4,477	+/-1,125	10.9%	+/-2.7
Asian alone	27,481	+/-1,026	771	+/-404	2.8%	+/-1.5
Two or more races	14,079	+/-2,371	1,079	+/-567	7.7%	+/-4.0
White alone, not Hispanic or Latino	246,432	+/-1,364	21,997	+/-2,205	8.9%	+/-0.9
Hispanic or Latino (of any race)	13,761	+/-101	907	+/-526	6.6%	+/-3.8

Table 3: 2010 American Community Survey estimates of population with a disability for Washtenaw County. Table uses 90% confidence intervals.

Of particular interest in this table is the way in which disability increases as people age. While overall 8.5% of the population has a disability, less than 5% of the school-age population is considered to have a disability. Over time this increases, and approximately 1/3 of the population that is 65 or older has a disability—most commonly a mobility impairment. As the

⁵ The Fair Housing Center defines disability using the definition for “handicapped” found in the Fair Housing Act as amended March 12, 1989. “Handicap” means, with respect to a person - (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of title 21). “Handicap” and “disability” are considered legally equivalent.

Washtenaw County population ages, it becomes ever more important to address issues of disability, in particular in housing, transportation, and governmental facilities.








The maps that follow are for the entire county. They show the geographic distribution by race/ethnicity for White, Black/African American, Asian, Hispanic/Latino, as well as two or more races.

Thematic Map of Percent of total population - Race - One Race - White
 Geography by: Census Tract

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

Legend:

Data Classes

	16.1 - 26.6
	35.5 - 49.9
	55.3 - 66.2
	66.6 - 75.8
	76.5 - 83.2
	83.7 - 90.7
	91.9 - 97.9

Boundaries

	State
	*10 County
	*10 Co Sub

Features

	Major Road
	Street
	Stream/Waterbody

Items in grey text are not visible at this zoom level

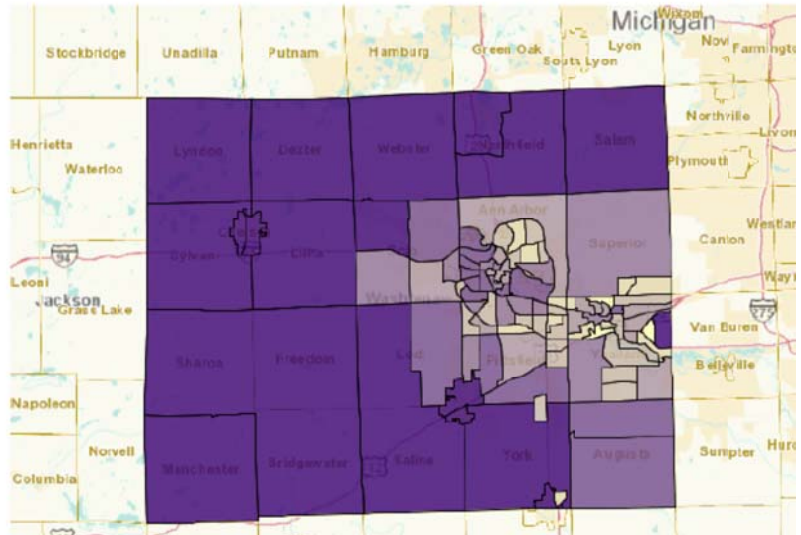









Figure 5: Percentage of Washtenaw County Population that is White alone, US Census 2010, SF1.

Thematic Map of Percent of total population - Race - One Race - Asian
 Geography by: Census Tract

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

Legend:

Data Classes

	0.0 - 1.9
	2.1 - 3.9
	4.3 - 5.9
	7.4 - 12.5
	13.8 - 18.6
	20.0 - 25.3
	31.6 - 44.7

Boundaries

	State
	'10 County
	'10 Co Sub

Features

	Major Road
	Street
	Stream/Waterbody

Items in grey text are not visible at this zoom level

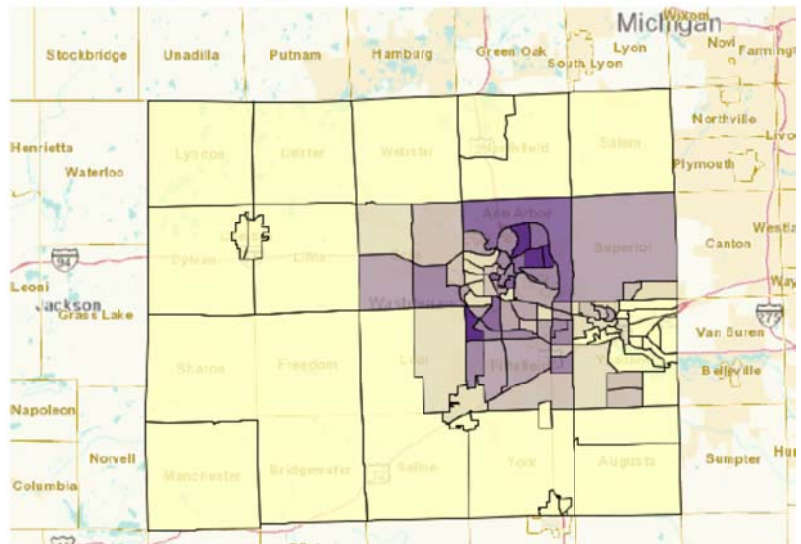


Figure 6: Thematic map of percent of Washtenaw County population that is Asian alone, US Census 2010, SF1.








Washtenaw County’s Asian population is primarily concentrated in northeast Ann Arbor, Ann Arbor Township, Pittsfield Township, and Scio Township.

Thematic Map of Percent of total population - Race - One Race - Black or African American
 Geography by: Census Tract




NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

Legend:




Data Classes

	0.0 - 1.3
	1.9 - 3.5
	4.4 - 8.0
	8.4 - 14.9
	16.7 - 30.7
	33.3 - 51.8
	64.8 - 76.3

Boundaries

	State
	'10 County
	'10 Co Sub

Features

	Major Road
	Street
	Stream/Waterbody

Items in grey text are not visible at this zoom level

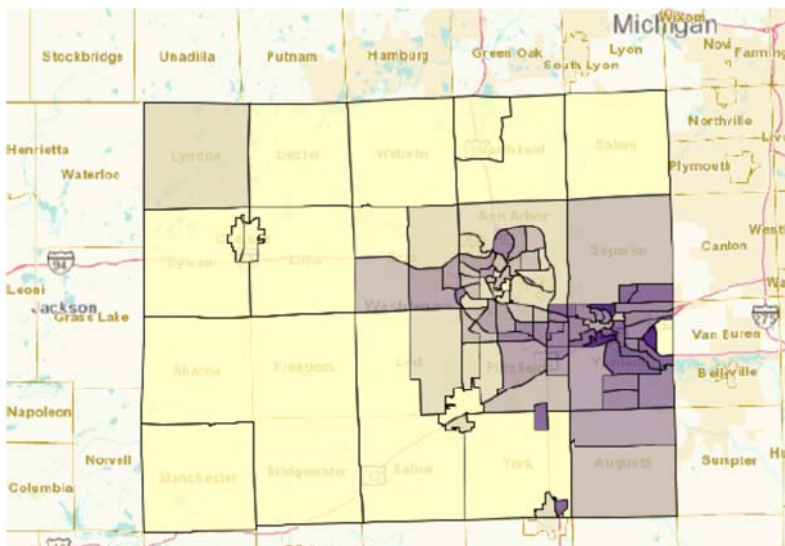


Figure 7: Percent of population that is African American or Black alone in Washtenaw County, US Census 2010, SF1.





The African American population in Washtenaw County is heavily concentrated in the southeastern part of the county, in particular in the City of Ypsilanti, Ypsilanti Township, Pittsfield Township, Superior Township, and the City of Ann Arbor. The rectangular census tract in Pittsfield and York townships, and the tract in the southeast corner of York Township represent prisoner populations.

Thematic Map of Percent of total population - Hispanic or Latino (of any race)
 Geography by: Census Tract

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

Legend:

Data Classes

	0.0 - 2.0
	2.1 - 2.8
	2.9 - 3.6
	3.7 - 4.6
	4.8 - 6.6
	7.1 - 10.4
	14.3 - 15.0

Boundaries

	State
	'10 County
	'10 Co Sub

Features

	Major Road
	Street
	Stream/Waterbody

Items in grey text are not visible at this zoom level

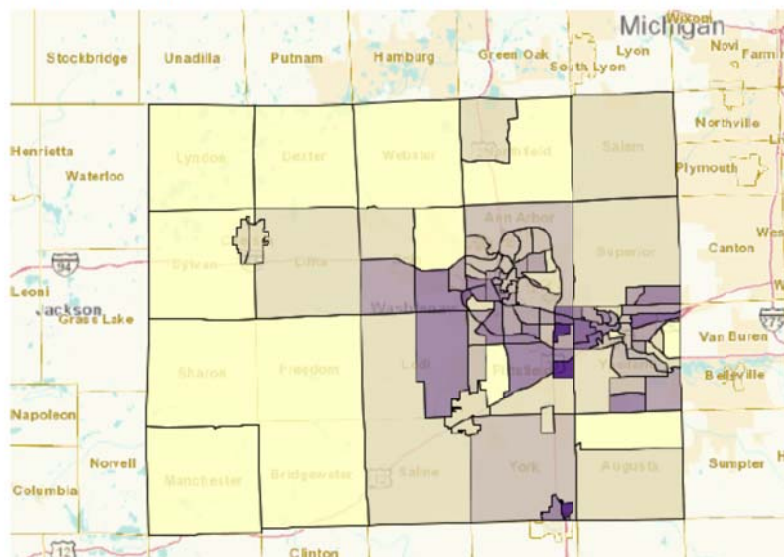


Figure 8: Percent of the Washtenaw County population that is Hispanic or Latino (of any race). US Census 2010, SF1.

Although there are small numbers of Hispanic or Latino residents throughout Washtenaw County, they are particularly concentrated in the southeastern part of the county, particularly Pittsfield Township, the City of Ypsilanti, the City of Ann Arbor, and Ypsilanti Township.

As can be seen in the following table, the median age of jurisdictions in the Urban County ranges from a low of 25 in the City of Ypsilanti and 27.8 in the City of Ann Arbor, to a high of nearly 45.7 in Salem Township, 44.7 in Bridgewater Township, and 43.5 in Ann Arbor Township. The needs of populations that vary significantly in age may indicate that they have different needs as well.

Similarly, Bridgewater Township is 97% white, and Northfield and Salem townships are over 95% white, while Ypsilanti Township is 58.4% white and Superior Township is 59% white. Ann Arbor Township has the highest percentage of Asian residents (17.4%), with the City of Ann Arbor and Pittsfield Township following (14.4% and 13.6% respectively)—while Bridgewater and Northfield townships have fewer than 1% of their residents identifying as Asian. The Hispanic/Latino population is found at low levels throughout the county, but has its highest concentrations in Pittsfield Township. The African American population is most concentrated in Ypsilanti Township, where 1/3 of the residents identify as African American, followed closely by Superior Township (30.1%) and the City of Ypsilanti (29.2%).

Since the City of Ypsilanti has such a young median age, fueled by the population at Eastern Michigan University, it is not surprising that less than 1/5 of the households have individuals under 18 years of age living at home. In York Township, over 2/5 of the households have children at home. This is also reflected in the average household size. Similarly, over 25% of the households in Salem, Ann Arbor, and Bridgewater townships have individuals who are over 65.

		Washtenaw County	Ann Arbor City	Ann Arbor Charter Township (excluding Barton Hills)	Bridgewater Township	Northfield Township	Pittsfield Charter Township	Salem Township	Scio Township	Superior charter Township	York Charter Township	Ypsilanti City	Ypsilanti Charter Township
Median age (years)	Number	33.3	27.8	42.3	44.7	39.7	33.8	45.7	40.5	37.5	41	25	33.3
White	Number	256,880	83,171	3,060	1,623	7,866	22,928	5,361	16,572	7,704	7,311	11,952	31,171
White	Percent	74.5	73	77.5	97	95.4	66.1	95.3	82.5	59	84	61.5	58.4
Black or African American	Number	43,767	8,804	125	2	83	4,579	73	865	3,929	883	5,669	17,528
Black or African American	Percent	12.7	7.7	3.2	0.1	1	13.2	1.3	4.3	30.1	10.1	29.2	32.8
American Indian and Alaska Native	Number	1,174	301	9	4	32	133	15	58	31	56	113	227
American Indian and Alaska Native	Percent	0.3	0.3	0.2	0.2	0.4	0.4	0.3	0.3	0.2	0.6	0.6	0.4
Asian	Number	27,109	16,353	737	8	74	4,710	66	1,719	746	149	657	1,101
Asian	Percent	7.9	14.4	18.6	0.5	0.9	13.6	1.2	8.6	5.7	1.7	3.4	2.1
Some Other Race	Number	4,159	1,172	40	17	44	922	38	199	168	121	209	873
Some Other Race	Percent	1.2	1	1	1	0.5	2.7	0.7	1	1.3	1.4	1.1	1.6
Two or More Races	Number	11,574	4,095	94	20	145	1,382	74	660	479	185	828	2,434
Two or More Races	Percent	3.4	3.6	2.4	1.2	1.8	4	1.3	3.3	3.7	2.1	4.3	4.6
Hispanic or Latino (of any race)	Number	13,860	4,666	108	36	190	2,270	140	715	495	428	758	2,476
Hispanic or Latino (of any race)	Percent	4	4.1	2.7	2.2	2.3	6.5	2.5	3.6	3.8	4.9	3.9	4.6

		Washtenaw County	Ann Arbor City	Ann Arbor Charter Township (excluding Barton Hills)	Bridgewater Township	Northfield Township	Pittsfield Charter Township	Salem Township	Scio Township	Superior charter Township	York Charter Township	Ypsilanti City	Ypsilanti Charter Township
Households with individuals under 18 years	Percent	28.4	20.1	26	32.2	31.2	32.5	31.5	36.7	36.9	42.1	18.4	34.5
Households with individuals 65 years and over	Percent	18.6	17	25.5	27	18	14.5	27.7	20.2	21.5	22.1	14.6	16.4
Average household size	Number	2.38	2.17	2.3	2.67	2.49	2.43	2.71	2.55	2.63	3	2.06	2.49
Total housing units	Number	147,573	49,789	1,826	672	3,601	14,808	2,209	8,251	5,322	2,438	9,271	23,447
Occupied housing units	Percent	93	94.5	94.2	93.3	91.7	94.7	94.1	95.2	92.5	96.1	86.6	91.4
Vacant housing units	Percent	7	5.5	5.8	6.7	8.3	5.3	5.9	4.8	7.5	3.9	13.4	8.6

Table 4: Selected Characteristics of Population and Housing, 2010 (US Census, SF-1). Light green is indicative of the lowest number in the Urban County, while light red is indicative of the highest number.

HOUSING CHARACTERISTICS IN THE URBAN COUNTY: HOMEOWNERSHIP, FORECLOSURES, AND VACANCIES

Foreclosures continue to be an increasing issue in Washtenaw County. As noted in the Urban County’s 2011-2012 Action Plan, “According to the County Clerk’s office: 1,399 homes were auctioned at sheriff’s sale in 2010, compared to 1,196 homes in 2009, 1,439 in 2008, 1,151 in 2007 and 703 in 2006.” In other words, since 2006 the numbers have nearly doubled. In Washtenaw County, Ypsilanti Township has been hardest hit.

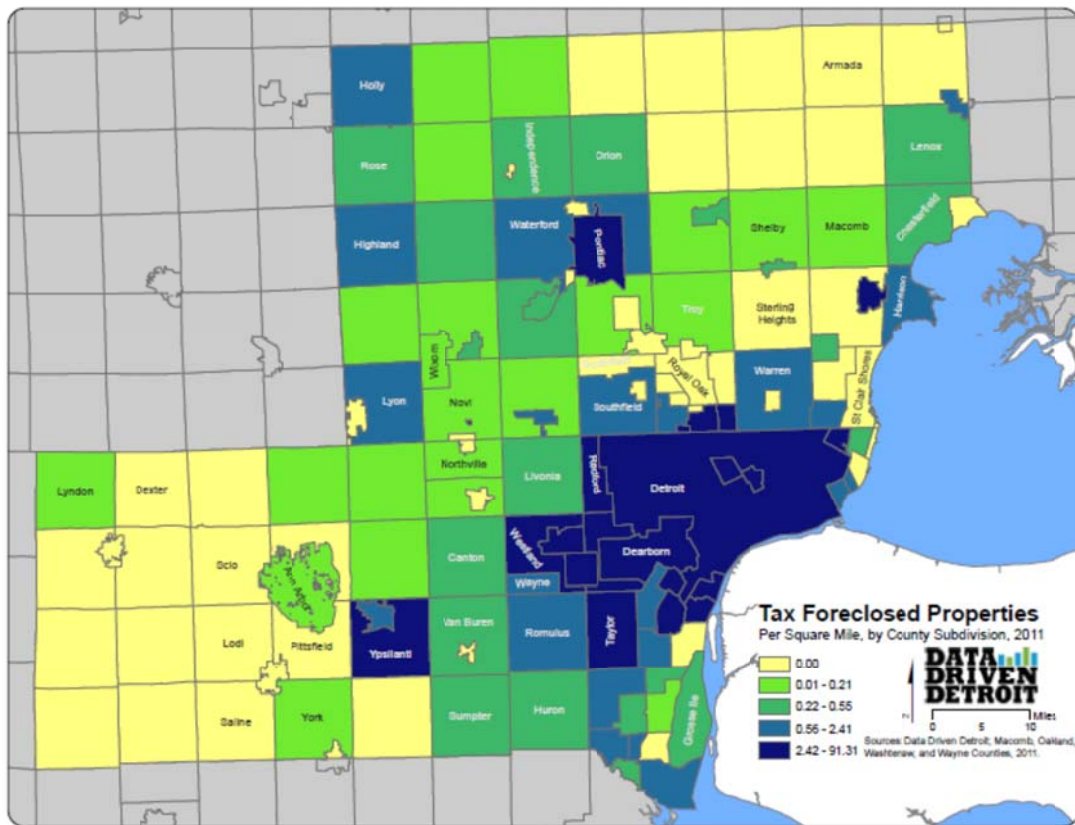


Figure 9: Map of Tax Foreclosed Properties Per Square Mile, by County Subdivision, 2011. Source: Data Driven Detroit, Macomb, Oakland, Washtenaw and Wayne Counties, 2011.

As noted in the National Community Reinvestment Coalition’s White Paper on *The Foreclosure Crisis and Its Impact On Communities of Color*:

While the foreclosure crisis has had vast consequences throughout the United States, it has had a disproportionate impact on persons of color. It is estimated that among recent borrowers, nearly eight percent of both Blacks/African Americans and Hispanics/Latinos have been foreclosed upon, compared to 4.5 percent of non-Hispanic

Whites, controlling for differences in incomes among the groups (Bocian et al., 2010). These proportions are especially striking considering that the foreclosure rates of Black/African American and Hispanic/Latino homeowners are disproportionately high compared to their share of mortgage originations. (NCRC, p. 5)⁶

In fact, in Michigan, homeownership rates for African Americans fell from 50.7% in 2000 to 45% in 2010.⁷

In Washtenaw County, homeownership is not evenly distributed by either geographic unit or race. Overall, 39% of all units in Washtenaw County (or 2/5 of all units) are renter-occupied. In Ann Arbor and the City of Ypsilanti, however, a majority of units are renter-occupied (Ann Arbor: 55%; Ypsilanti: 67%). In Salem and York townships, 93% of residents live in owner-occupied units. The highest percentage of vacant housing units is found in the City of Ypsilanti (13.4%), while the lowest number is found in York Township (3.9%).

By race, we also see disparities. For instance, in the City of Ann Arbor, white residents are split nearly equally between renters and owners, but a majority of Black and Asian residents rent. In Pittsfield Township, for white and Asian residents the ratio of owners to renters is nearly 2:1, while 2/3 of African American residents are renters. In fact, the only jurisdiction in the Urban County where more African American residents are owners rather than renters is Superior Township.

⁶ National Community Reinvestment Coalition, *The Foreclosure Crisis and Its Impact on Communities of Color: Research and Solutions*

⁷ Bridge: News and Analysis from the Center for Michigan, *Analysis: African Americans Hit Hardest on Homeownership*, 9/22/2011.

MANUFACTURED HOUSING UNITS AND FAIR HOUSING

A note here is in order regarding manufactured housing units. Some jurisdictions—for instance, Northfield Township, Salem Township and Ypsilanti Township—have a large number of manufactured housing units. People in manufactured housing generally own their homes and rent the land; for the purposes of census data they are considered homeowners. While residents of manufactured housing communities tend to choose these communities because of their relative affordability, they may end up paying high lot rents. The owners pay very limited taxes to the local jurisdiction, but if the property is not kept up, the jurisdictions get complaints. In some jurisdictions, a new manufactured housing community has had a large impact on the size of the population.

A full discussion of manufactured home communities is outside of the scope of this study. Much of the decision-making around the siting of manufactured housing is not controlled by local jurisdictions. It is worth noting, however, that zoning decisions—and related lawsuits—around manufactured housing communities have occupied a significant amount of attention from jurisdictions in the Urban County. A significant amount of Washtenaw County's Urban County funding has been used to rehabilitate units.

Much of the discussion found in this report is relevant to residents of manufactured housing communities, and the Fair Housing Center has received many complaints from residents or would-be residents of these communities. These include rental, financing, and sales complaints; and involve cases of race, familial status, and disability.

Homeowner and Renter Characteristics of Urban County Housing Units, by Race and Jurisdiction (2010)

		Washtenaw County	Ann Arbor City	Ann Arbor Charter Township ⁸	Bridgewater Township	Northfield Township	Pittsfield Charter Township	Salem Township	Scio Township	Superior charter Township	York Charter Township	Ypsilanti City	Ypsilanti Charter Township
Total Housing Units	Number	147,573	49,789	1,879	672	3,601	14,808	2,209	8,251	5,322	2,438	9,271	23,447
Owner occupied	Percent	61	45	69	92	79	58	93	80	79	93	33	60
Owned with a mortgage or loan	Percent	46	32	47	64	59	46	67	59	61	71	24	47
Owned free and clear	Percent	15	13	22	28	20	11	26	21	18	22	9	13
Renter occupied	Percent	39	55	31	8	21	42	7	20	21	7	67	40
Owner-occupied housing units: White alone householder	Percent	51	38	56	90	76	42	89	70	55	88	25	43
Renter-occupied housing units: White alone householder	Percent	24	36	23	8	20	25	7	15	8	6	37	17
Owner-occupied housing units: Black or African American alone householder	Percent	5	2	1			4		2	17		7	13
Renter-occupied housing units: Black or African American alone householder	Percent	8	5	2			10		2	12		23	19
Owner-occupied housing units: Asian alone householder	Percent	3	3	9			8		6	4		0	1
Renter-occupied housing units: Asian alone householder	Percent	4	10	5			4		1	0		2	1

Table 5: Homeowner and Renter Characteristics of Urban County Housing Units, by Race/Ethnicity and Jurisdiction. Taken from US Census 2010, Table QT1. The dark green boxes indicate that 1% or less of that jurisdiction's population is represented when the "owner-occupied" and "renter-occupied" boxes are added by race. *Includes data from Barton Hills.

⁸ In this table, Ann Arbor Charter Township census data includes the Village of Barton Hills because the data was not available for Ann Arbor Township without Barton Hills.

ABOUT THE URBAN COUNTY JURISDICTIONS

Ann Arbor Township is located directly north of the City of Ann Arbor, and much of its original land has been annexed by the City. Due to annexation, Ann Arbor Township is geographically small and has fewer than 4,000 residents. A large portion of Washtenaw Community College is located in Ann Arbor Township. A small percentage of Ann Arbor Township's residents live in the Village of Barton Hills, which is not a member of the Urban County and is its own municipality.

Over the past ten years the township's population has decreased. There is an increasingly large Asian population (18.6% of the total in 2010). Compared to Washtenaw County as a whole, the median age in the Township is older, and in fact between 2000 and 2010 increased by nearly two years to 42.3 years.

The City of Ann Arbor is the most populous jurisdiction in the county, and its population represents approximately 1/3 of the county's population. As a result, certain attributes of the City, particularly the influence of the University of Michigan, directly affect county-wide demographics. Of particular note, the 36,000+ student body at the University of Michigan helps lower the county's median age; decreases the county's percentage of family households; and affects income statistics. Between 2000 and 2010, the City's population remained almost the same (113,934 in 2000 and 114,024 in 2010). The percentage of residents identifying as African American dropped just slightly between 2000 and 2010, from 8.8% to 7.7%, while the percentage of residents identifying as Asian increased slightly, from 11.9% to 14.4.

Bridgewater Township is a rural township in the southwestern quadrant of Washtenaw County. Compared to the rest of the county, it is older (median age more than eleven years greater than the county's median) and less racially/ethnically diverse. The number of vacant housing units is similar to the rest of the county.

Bridgewater Township's occupied housing units are primarily comprised of homeowner units. Ninety-seven percent of residents identify as "white alone." There are no housing units in the township occupied by individuals who identify as "black alone," and very few units occupied by individuals identifying as Asian alone, two or more races, or Latino or Hispanic.

Northfield Township is located north of the City of Ann Arbor and Ann Arbor Township in the northeast quadrant of the county, and is bisected by U.S. 23. The township has few renters, although it does have a relatively large manufactured housing community. In 2010, it had a population of 8,245—almost the same as in 2000. The median age of the population has increased from 35.1 in 2000 to 39.7 in 2010. Northfield Township is predominantly white (95.4%).

The vast majority of residents own their property. However, 84% of residents owned their own property in 2000, and that number dropped to 79% in 2010. This may indicate that some homeowners are choosing to rent homes that they would have sold in the past, due to the sluggish real estate market.

Pittsfield Township is a growing township that is located south of, and in between, Ann Arbor and Ypsilanti. Along with the City of Ann Arbor, its population fairly closely matches the median age and racial/ethnic population numbers for the entire county. It has a wide variety of housing, and a significant investment in public parkland. Despite the fact that some of the original Pittsfield Township has been annexed, Pittsfield Township continues to experience growth. Pittsfield Township is home to the state-run Huron Valley Women’s Correctional Facility.

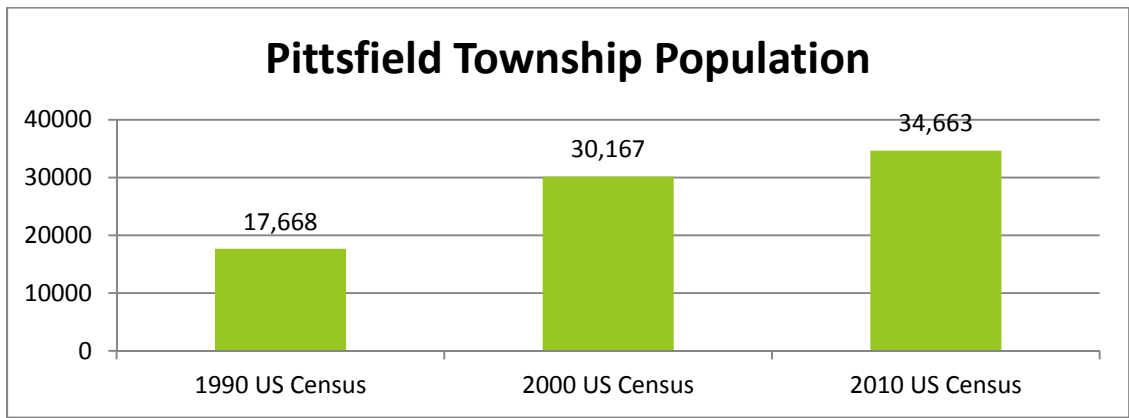


Figure 10: Pittsfield Township population, 1990-2010. US Census Data.

Salem Township is a semi-rural township located in the northeastern corner of Washtenaw County. It has very few renters, or rental property, and is surrounded by townships that have experienced heavy development pressure. A large manufactured housing community was developed in the northern part of the township. The township saw its population increase by 49% between 1990 and 2000, but remain nearly flat between 2000 and 2010. The majority of the growth between 1990 and 2000 was related to the establishment of a single mobile home park on the northern border of the township, serviced by a private sewer. In the township, 93% of the residents live in owner-occupied homes, and the population is 95% white. The median age is 45.7. A significant portion of township funding comes from tipping fees at a local private landfill.

Scio Township, located west of the City of Ann Arbor, has had some land annexed by the City of Ann Arbor. The township has had development pressure throughout the township, with commercial development pressure concentrated along the Jackson Road corridor. The area has seen continuous growth. In the 2010 80% of residents were living in owner-occupied residences. In addition to large homes and limited farmland, the township has a large manufactured housing community and some subsidized housing complexes. Scio Township has seen a significant decrease in the population that identifies as white (87.3% in 2000 and 82.5% in 2010) while the Asian population has more than doubled.

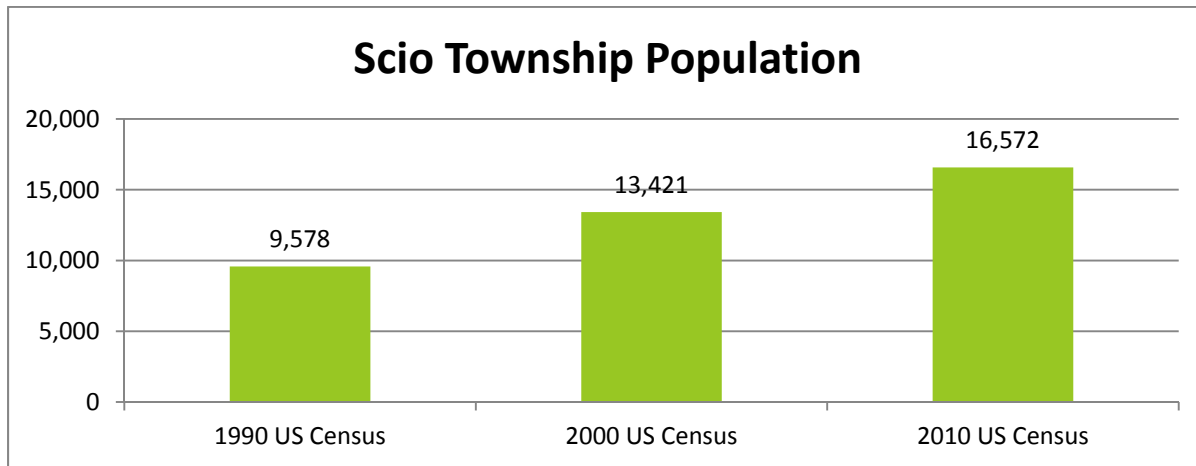


Figure 11: Scio Township Population Change, 1990-2010. US Census.

Superior Township, located just north of the City of Ypsilanti, has both an urbanized southern tier and a more rural part of the township. The population of Superior Township between 1990 and 2000, and it grew again in 2010.

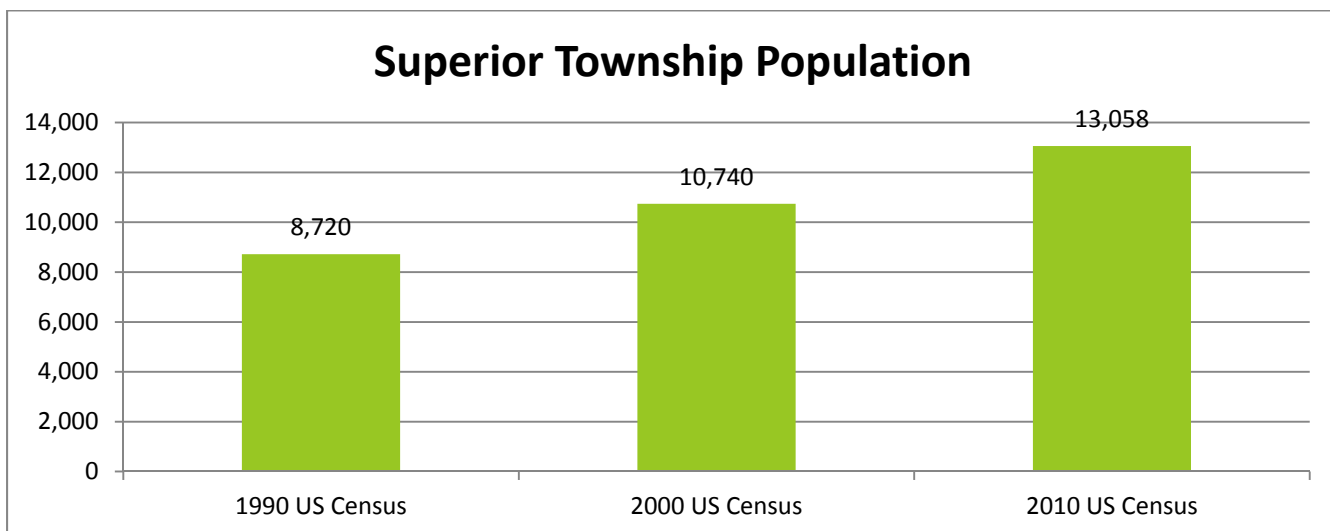


Figure 12: Superior Township Population Change, 1990-2010. US Census Data.

Overall, the township is racially and ethnically diverse, and is 59% white, 30.1% African-American, 5.7% Asian, and 3.8% Latino. The Asian and Latino populations more than doubled between 2000 and 2010. The population is also largely segregated, with the vast majority of the African-American population living south of Geddes Road. Superior Township is the only jurisdiction in the county where more African Americans are homeowners than renters. A significant portion of the rental stock is subsidized housing.

York Township is a primarily rural township located in southeastern Washtenaw County. Over the past ten years, its population has increased somewhat, from 7,392 in the 2000 census to 8,708 in the 2010 census. York Township is home to two prisons: the Milan Federal Correctional Institution and the state’s Center for Forensic Psychiatry. At least some of the increase in population between 2000 and 2010 can be attributed to

changes in the prison populations, due to state and federal decisions. Of the total population in the US 2010 census, 1311 were living in the federal prison, and 196 were residing at the Center for Forensic Psychiatry. Another 166 residents are listed as York Township residents in “workers’ group living quarters.” Taken altogether, this population is approximately 20% of the York Township population. The concentration of male prisoners explains why, although the county-wide male/female ratio is approximately 50/50, in York Township the male/female ratio is 60/40. At least some of the racial diversity in the county, as listed in the census, is attributable to the prison population.

Ypsilanti Township, which surrounds much of the City of Ypsilanti, is also home to Willow Run Airport. Between 1990 and 2000, its population grew fairly consistently, to 53,362 in 2010.

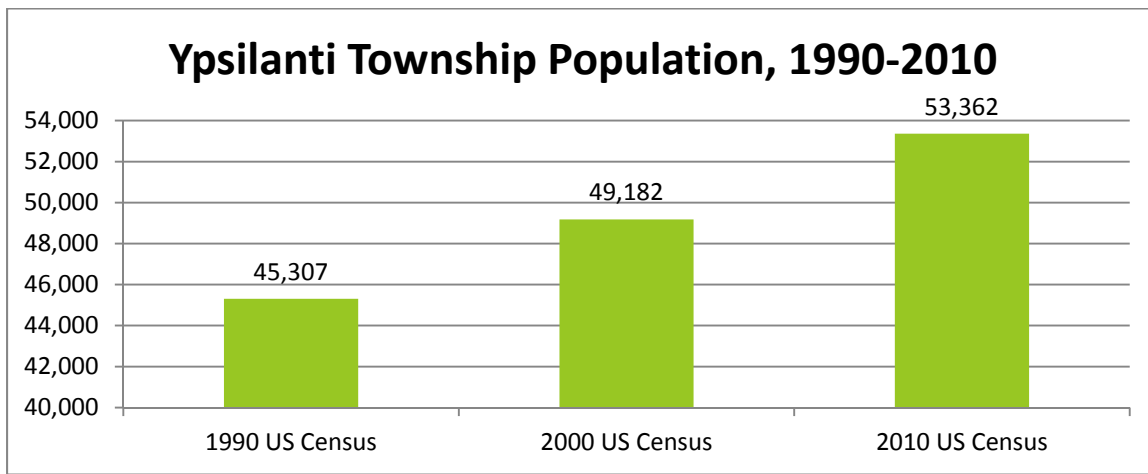


Figure 13: Ypsilanti Township Population Change, 1990-2010. US Census Data.

This makes Ypsilanti Township the second-most populous location in the county, after the City of Ann Arbor. The township's median age of 33.3 exactly matches the County’s median age. Ypsilanti Township is significantly more racially diverse than Washtenaw County as a whole—in 2000, 67.5% of the population identified as white, and in 2010 that percentage had dropped to 58.4. The African American population now comprises one-third of the residents (up from 25.5% in 2000). The township also has the second-highest number of vacant units in the county, 8.6%, second only to the City of Ypsilanti.

The City of Ypsilanti, home to Eastern Michigan University, had its population drop between 1990 and 2000 and between 2000 and 2010. In addition, the census identifies 2,641 of Ypsilanti’s residents, or over 10% of the population, as living in college/university student housing (dormitories).

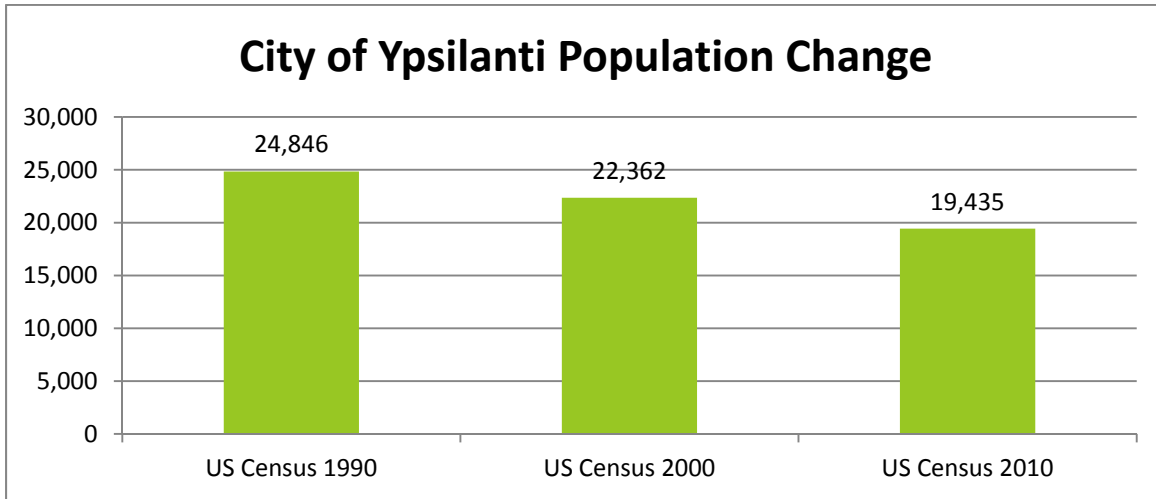


Figure 14: City of Ypsilanti Population Change, 1990-2010. US Census.

In part because of the presence of Eastern Michigan University, the median age of the City is a young 25 years. Despite the drop in population, the racial diversity in the City has remained stable. The percent of residents who identified as white in 2000 was 61.4%, and in 2010 was 61.5%. Residents identifying as African American went from 30.6% to 29.2%, and the percent Asian went from 3.2% to 3.4%.

Only one-third of the residents own their homes, a percentage that has remained stable since 2000. Given the drop in population, it is not surprising that the City of Ypsilanti has the highest vacancy rate in the Urban County, at 13.4%.

PART 3: THE URBAN COUNTY: AN OVERVIEW OF COMPLAINTS, TESTING, LITIGATION, AND PATTERNS

OVERVIEW

The Washtenaw Urban County is a patchwork of governmental units, including both urban and rural areas. Each unit has its own commissions, master/comprehensive plan and rural, ex-urban, or urban character. While some areas, like the City of Ypsilanti, the housing stock includes many multi-family rental units other areas, such as Salem Township, the housing is largely owner-occupied single family homes. Some areas have large landholders, such as the State of Michigan or a few large farmers, while others are more diversified.

In assessing a jurisdiction's fair housing practices, the tone is set by governmental units' ordinances and by their implementation by township and city boards, particularly the planning commission and zoning board of appeals. For instance, although a jurisdiction can decide to completely exclude houses of worship as a special or conditional use from a *particular* type of zoning, once houses of worship are included, all of them must be treated similarly. In other words, the church and the mosque must receive the same treatment. In the same vein, private and parochial schools, senior housing, supportive housing, and group home applications offer a window into whether the decision-making processes of planning commissions and zoning boards of appeal treat all people equally. In the case of private homeowners, are people of all races and national origins treated equally when requesting variances? In order to assess this information, it is essential to look at planning and zoning documents. The question is not only whether the townships' ordinances are fair, but also: are they fairly applied? In addition, in the case of group homes or other housing for people with disabilities, an understanding of reasonable accommodation under the Federal Fair Housing Act is required.

LOCATIONS OF FAIR HOUSING COMPLAINTS: THE RELATIONSHIP BETWEEN FAIR HOUSING AND AFFORDABLE HOUSING

Although it is the role of the Analysis of Impediments study to primarily focus on discrimination—any discussion of fair housing must necessarily have some discussion of issues raised primarily by renters, particularly lower-income renters.

As soon as the issue of "fair housing" is raised, many people assume that affordable housing is directly related. This is not necessarily the case. *In theory*, there is no relationship between the two because fair housing addresses the question of discrimination in housing, while affordable housing addresses the question of affordability. Thus, one might expect that the number of fair housing complaints would be (on a per capita basis) roughly equivalent from one part of the CDBG Urban County Consortium to the next. Yet this is not the case either. *In practice*, there is a relationship between affordable housing and fair housing.

In fact, as can be seen from the table below, some parts of the Urban County have few or no complaints, while others have many. It is important to examine why this happens. From 2005 to 2010 the Fair Housing Center received 748 fair housing complaints, 525 from Washtenaw County, and 496 complaints from the Urban County. The location of a fair housing complaint is based on the address of the property that is the subject of the complaint/investigation. In the case of discrimination in mortgage lending, the location is tied to either the location of the loan office, or the location of the property to be purchased.

Fair Housing Center Complaints: 2005-2010 Total Urban County Complaints: 496 Total Washtenaw County Complaints: 525						
Urban County Property Location	Population Size	Rate of Complaints/ per 1000 residents	Percent of Occupied Units that are Rental	Number of Complaints	Percent of UC/HC Complaint Activity	Percent of all Washtenaw Co. Complaint Activity
City of Ann Arbor	113,934	1.7/1000	55.2%	201	40.7%	38.3%
Ann Arbor Twp.	4,361	NA	31.3%	3	<1%	<1%
Bridgewater Twp.	1,674	NA	8.1%	0	0%	0%
Northfield Twp.	8,245	NA	21.3%	3	<1%	0%
Pittsfield Twp.	34,663	1.5/1000	42.4%	51	10%	9.7%
Salem Twp.	5,627	NA	7.4%	0	0%	0%
Scio Twp.	20,081	1.4/1000	19.9%	28	5.6%	5.3%
Superior Twp.	13,058	2.0/1000	20.8%	26	5.3%	5.0%
York Twp.	8,708	NA	6.7%	0	0	0%
City of Ypsilanti	19,435	4.2/1000	66.8%	81	16.4%	15.4%
Ypsilanti Twp.	53,362	1.9/1000	39.9%	103	20.9%	19.6%
Washtenaw County	344,791	2.2/1000	39.1%	525		Urban County Complaints: 94.5%

Table 3: Fair Housing Center Complaints in the Urban County, 2005-2010, Fair Housing Center of Southeastern Michigan. Population and rental numbers taken from US Census 2010, SF-1.

First, some of this may be related to sample size. Generally, smaller jurisdictions have few or no complaints.

Second, there is a strong overlap between issues of affordable housing and fair housing due to demographics. Lower-income groups disproportionately include people with disabilities, Latino and African-American families, single-parent households with children, and senior citizens.

Third, people of the same income, of different races, tend to live in different locations. As a result, discrimination complaints may come from particular areas more than from other areas. This may be related to issues of subsidized and affordable housing, as well as to discriminatory decisions of individual landlords, banks, and jurisdictions. In fact, people may not want to live where they feel that they may not be welcome.

Fourth, fair housing centers get the largest numbers of complaints from rental housing, which tends to be multi-family housing. Multi-family housing is denser development, and perhaps even more importantly, turnover plays an important role in discrimination. Put simply, renters move more frequently than homeowners. Every time a member of a protected class (say, for example, an African-American woman) applies to move into a new apartment, there is another “opportunity” for the applicant to experience discrimination. No jurisdiction in the county that has less than 15% of their housing units as rental properties got any fair housing complaints.

In fact, complaints from the Urban County represent over 94% of all Washtenaw County complaints; and at the same time, 93% of Washtenaw County’s rental properties are located within Urban County jurisdictions.

Housing discrimination in sales transactions is different from discrimination in rental transactions. In real estate sales transactions, licensed realtors, mortgage brokers, and/or banks are involved in the sale the majority of the time. Although realtors, mortgage brokers, and banks should be aware of and trained in fair housing law, national studies have consistently shown discrimination from these professionals.

Fifth, in Washtenaw County, the majority of the white population lives in housing that they own, while the majority of the black, Asian, and Latino populations lives in housing that they rent, as demonstrated in the table below.

If housing discrimination did not exist, we could assume that people choose to live wherever they want based on affordability and personal preferences. *We know from a history of fair housing testing that housing discrimination does exist in Washtenaw County, and so in other words, we should understand the distribution of where people live as having two parts: a)*

the influence that real estate professionals (property managers, Realtors, etc.) have on housing choice and b) the individual choices that people make.

Washtenaw County Population in Occupied Units by Tenure, Organized by Race/Ethnicity, US Census 2010					
Washtenaw County, Michigan	White Alone	Black Alone	Asian Alone	Two or More Races	Latino or Hispanic
Population in occupied housing units:	249,303	41,570	24,609	6,870	11,129
Owned with a mortgage or a loan	143,497	15,277	10,006	2,648	4,515
Owned free and clear	36,713	2,057	1,978	488	933
Renter occupied	69,093	24,236	12,625	3,734	5,681
Percent Renter Occupied	28%	58%	51%	54%	51%

Table 6: Washtenaw County Population in Occupied Housing Units by Tenure, US Census 2010, SF-1, Tables H11A, B, D, G, and H

In sum, there is a relationship, and this is implicitly acknowledged in the local goals and vision of the Urban County, as laid out in the 2011-2012 Action Plan⁹:

The overall local goals that guide all Office of Community Development activities in the Urban County are listed below.

- To improve the quality, management, and supply of existing rental property available to low-income households.
- To increase homeownership opportunities for low- income households.
- To increase homeowner rehabilitation opportunities for low- income households.
- To promote housing and community stability by addressing identified gaps in public/human services.
- To promote access to mainstream resources, improve safety and livability, reduce isolation, encourage employment, and support special populations and people who are homeless.
- To promote community inclusion and accessibility to public transportation, fair housing choice, and economic opportunities for low-income households.

⁹ Washtenaw Urban County Consolidated Strategy and Plan FY 2011 One-Year Action Plan, pp. 3-4.

- To promote community and neighborhood stability through the improvement of existing or the construction of new community facilities, parks, and green spaces in low-income neighborhoods.
- To promote the safety and health of residents by providing and/or addressing infrastructure and other public facility needs in low-income neighborhoods.
- To encourage the development of jobs and economic opportunities for low-income areas.
- To create community assessments and plans that identify and address regional and local housing and community development needs.

Urban County Vision: The Washtenaw Urban County community is committed to creating housing and economic opportunities to provide a suitable living environment, principally for our low to moderate income residents.

The Fair Housing Center of Southeastern Michigan works to investigate and resolve complaints of illegal housing discrimination. Federal Fair Housing law protects against housing discrimination based on race, color, religion, sex, national origin, familial status, and disability. Michigan law adds age and marital status protections. Local fair housing ordinances may include: condition of pregnancy, source of income, family responsibilities, educational association, sexual orientation, gender identity, HIV status, political orientation, and use of adaptive devices or aids.

Here are some examples of complaints that the Fair Housing Center has recently received:

SALES (RACE)

An African-American woman made an offer to purchase a house. The woman had been pre-qualified for a loan greater than the price of the home and her offer was over the listed price. She was told by the realtor that the owners did not want to “deal with an FHA mortgage.” She submitted a new offer with a conventional mortgage and was denied again. The woman believes she is being denied because of her race.

FAMILIAL STATUS

A single father of four children inquired about a four-bedroom home for rent. The owner told him he did not want to rent to four children, and that he preferred to rent to someone who was married so there would be a wife to take care of the home.

DISABILITY

A woman and her mother, who uses a wheelchair, rent a condominium. The parking lot outside their home has no accessible parking and no curb cuts, so the woman and her brother must lift their mother in order for her to leave the home. The woman asked the manager for these accommodations; the manager said he could not provide them with a parking space and that they would have to wait at least six months for the curb cut. Nine months later, the woman asked the manager about her request. The manager stated that he forgot about her request and that she had missed her opportunity for the curb cut this year. He said she could present her needs to the condo’s board of directors if she wanted it to be done next year.

RACE

An African-American woman resides in an apartment. Before she moved in, she pointed out repair issues and was assured they would be fixed before move in. When she moved in,

nothing had been fixed. She was told to submit an inventory of damages and a request for repairs. Two weeks later, maintenance told her they would not fix anything. The woman has a friend who is Caucasian and also resides in the complex; her friend reports that her apartment is in very good repair.

Urban County Complaints Received by the Fair Housing Center: 2005-2010 Total=496 Complaints		
Basis for Complaint	Number of Urban County Complaints	Percent of Urban County Complaint Activity
Race	197	40%
Physical Disability	178	36%
Mental/Emotional Disability	95	19%
Familial Status	56	11%
National Origin	40	8%
Sex	39	8%
Age	37	7%
Income Source	24	5%
Marital Status	12	2%
Religion	10	2%
Student Status	8	2%
Sexual Orientation/Gender Identity	5	1%
Color	2	0.4%

Table 7: Urban County Complaints Received by the Fair Housing Center 2005-2010, by Basis of Complaint (Fair Housing Center Report). Complaints may have more than one basis.

The above table shows the basis for fair housing complaints made to the Fair Housing Center from Urban County communities. One complaint may have more than one basis. Age and marital status are not covered by the Federal Fair Housing Act, but are included in the Michigan Elliott-Larsen Civil Rights Act. Source of income and sexual orientation are covered in City of Ypsilanti ordinances. In the City of Ann Arbor, source of income, sexual orientation/gender identity and student/non-student status are covered in their ordinance.

The most common complaints to the Fair Housing Center of Southeastern Michigan are discrimination based on race, disability and familial status. Each of these groups is more likely to be looking for housing in areas where housing is more affordable, and at the same time, they are all groups that are protected by federal and state fair housing law.

**Urban County Complaints
Received by the Fair Housing Center 2005-2010
Total=496 Complaints**

Complaints by Property Type	# of UC Complaints	% of UC Complaint Activity
Rental	408	83%
Cooperative	54	11%
Sales	13	26%
Condominiums	7	1.4%
Mortgage Loan	5	1%
Other	9	1.8%
Total	496	

Table 8: Urban County Complaints Received by the Fair Housing Center, 2005-2010, by Property Type (Fair Housing Center Report).

Fair Housing Center Complaints by Jurisdiction, 2005-2010

	Number of complaints	Percent of all Urban County complaints
Ann Arbor Township	3	.6%
City of Ann Arbor	201	40.5%
Northfield Township	3	.6%
Pittsfield Township	51	10.3%
Scio Township	28	5.6%
Superior Township	26	5.2%
Ypsilanti Township	103	20.8%
City of Ypsilanti	81	16.3%
Total	496	

Table 9: Fair Housing Complaints by Jurisdiction, 2005-2010 (Fair Housing Center Report).

As a result, on a per capita basis, there are more discrimination complaints from renters than from homeowners, and more discrimination complaints in areas where housing is more affordable, than in areas where it is less affordable.

Within jurisdictions, complaints may be primarily received from a few apartment complexes. Even within jurisdictions that appear to have a diverse population, the population is often heavily segregated by race and or ethnicity,

What follows are the complaints made to the Fair Housing Center of Southeastern Michigan by jurisdiction. There were no complaints made to the Fair Housing Center regarding properties in Bridgewater, Salem, or York townships between 1/1/2005 and 12/31/2010.

ANN ARBOR TOWNSHIP

Ann Arbor Township Fair Housing Complaints January 1, 2005 - December 31, 2010		
All Urban County Complaints	496	
Total Ann Arbor Township Complaints*	3	.6%
Race	0	0%
Physical Disability	1	33%
Mental/Emotional Disability	0	0%
Familial Status	0	0%
Sex	1	33%
National Origin	1	33%
Marital Status	0	0%
Sexual Orientation/Gender Identity	0	0%
Religion	0	0%
Age	0	0%
Income Source	0	0%
Student Status	0	0%
*Complaint may have more than one basis		
Complaints by Type		
Rental	3	100%
Co-op	0	0%
Sales	0	0%
Condominium	0	0%
Mortgage Loan	0	0%
Other	0	0%

Table 10: Ann Arbor Township Fair Housing Complaints

CITY OF ANN ARBOR

City of Ann Arbor Fair Housing Complaints January 1, 2005 - December 31, 2010		
All Urban County Complaints	496	
Total Ann Arbor Complaints*	201	40.5%
Race	63	31%
Physical Disability	70	35%
Mental/Emotional Disability	40	20%
Familial Status	25	12%
Sex	12	6%
National Origin	26	13%
Marital Status	7	3%
Gender Identity	1	0%
Religion	8	4%
Age	12	6%
Income Source	10	5%
Student Status	4	2%
*Complaint may have more than one basis		
Complaints by Type		
Rental	144	72%
Co-op	33	16%
Sales	8	4%
Condominium	6	3%
Mortgage Loan	2	1%
Other	8	4%

Table 11: City of Ann Arbor Fair Housing Complaints

NORTHFIELD TOWNSHIP

Northfield Township Fair Housing Complaints January 1, 2005 - December 31, 2010		

All Urban County Complaints	496	
Total Northfield Township Complaints*	3	0.6%
Race	1	33%
Physical Disability	1	33%
Mental/Emotional Disability	0	0%
Familial Status	1	33%
Sex	0	0%
National Origin	0	0%
Marital Status	0	0%
Sexual Orientation/Gender Identity	0	0%
Religion	0	0%
Age	0	0%
Income Source	0	0%
Student Status	0	0%
*Complaint may have more than one basis		
Complaints by Type		
Rental	3	100%
Co-op	0	0%
Sales	0	0%
Condominium	0	0%
Mortgage Loan	0	0%
Other	0	0%

Table 12: Northfield Township Fair Housing Complaints

PITTSFIELD TOWNSHIP

Pittsfield Township Fair Housing Complaints January 1, 2005 - December 31, 2010		
All Urban County Complaints	496	
Total Pittsfield Township Complaints*	51	10.3%
Race	20	39%
Physical Disability	25	49%

Mental/Emotional Disability	12	24%
Familial Status	1	2%
Sex	2	4%
National Origin	5	10%
Marital Status	1	2%
Sexual Orientation/Gender Identity	1	2%
Religion	1	2%
Age	2	4%
Income Source	6	12%
Student Status	1	2%
*Complaint may have more than one basis		
Complaints by Type		
Rental	51	100%
Co-op	0	0%
Sales	0	0%
Condominium	0	0%
Mortgage Loan	0	0%
Other	0	0%

Table 13: Pittsfield Township Fair Housing Complaints

SCIO TOWNSHIP

Scio Township Fair Housing Complaints January 1, 2005 - December 31, 2010		
All Urban County Complaints	496	
Total Scio Township Complaints*	28	5.6%
Race	14	50%
Physical Disability	11	39%
Mental/Emotional Disability	10	36%
Familial Status	2	7%
Sex	1	4%
National Origin	1	4%
Marital Status	0	0%

Sexual Orientation/Gender Identity	0	0%
Religion	0	0%
Age	3	11%
Income Source	0	0%
Student Status	0	0%
*Complaint may have more than one basis		
Complaints by Type		
Rental	27	96%
Co-op	0	0%
Sales	1	4%
Condominium	0	0%
Mortgage Loan	0	0%
Other	0	0%

Table 14: Scio Township Fair Housing Complaints

SUPERIOR TOWNSHIP

Superior Township Fair Housing Complaints January 1, 2005 - December 31, 2010		
All Urban County Complaints	496	
Total Superior Township Complaints*	26	5.2%
Race	16	62%
Physical Disability	6	23%
Mental/Emotional Disability	1	4%
Familial Status	6	23%
Sex	2	8%
National Origin	1	4%
Marital Status	1	4%
Gender Identity	0	0%
Religion	0	0%
Age	4	15%
Income Source	0	0%
Student Status	1	4%

*Complaint may have more than one basis		
Complaints by Type		
Rental	24	92%
Co-op	1	4%
Sales	1	4%
Condominium	0	0%
Mortgage Loan	0	0%
Other	0	0%

Table 15: Superior Township Fair Housing Complaints

YPSILANTI TOWNSHIP

Ypsilanti Township Fair Housing Complaints January 1, 2005 - December 31, 2010		
All Urban County Complaints	496	
Total Ypsilanti Township Complaints*	103	20.8%
Race	47	46%
Physical Disability	41	40%
Mental/Emotional Disability	19	18%
Familial Status	7	7%
Sex	11	11%
National Origin	1	1%
Color	2	2%
Marital Status	1	1%
Sexual Orientation/Gender Identity	2	2%
Religion	0	0%
Age	8	8%
Income Source	7	7%
Student Status	2	2%
*Complaint may have more than one basis		

Complaints by Type		
Rental	77	75%
Co-op	20	19%
Sales	2	2%
Condominium	1	1%
Mortgage Loan	2	2%
Other	1	1%

Table 16: Ypsilanti Township Fair Housing Complaints

CITY OF YPSILANTI

City of Ypsilanti Fair Housing Complaints January 1, 2005 - December 31, 2010		
All Urban County Complaints	496	
Total City of Ypsilanti Complaints*	81	16.3%
Race	36	44%
Physical Disability	23	28%
Mental/Emotional Disability	13	16%
Familial Status	14	17%
Sex	10	12%
National Origin	5	6%
Marital Status	2	2%
Sexual Orientation/Gender Identity	1	1%
Religion	1	1%
Age	8	10%
Income Source	1	1%
Student Status	0	0%
*Complaint may have more than one basis		
Complaints by Type		
Rental	79	98%
Co-op	0	0%
Sales	1	1%
Condominium	0	0%

Mortgage Loan	1	1%
Other	0	0%

Table 17: City of Ypsilanti Fair Housing Complaints

URBAN COUNTY FAIR HOUSING COMPLAINTS TO FEDERAL AND STATE AGENCIES (HUD AND MDCR)

Between 1998 and 2002, there were only six Urban County based complaints about fair housing to the Department of Housing and Urban Development (HUD). Between 2005 and 2010, HUD received a total of 57 complaints in Washtenaw County, a ten-fold increase.¹⁰

From 1998-2002 the Michigan Department of Civil Rights (MDCR) recorded one City of Ann Arbor complaint and four other Urban County allegations for a total of five fair housing complaints over five years (the 98-02 City of Ann Arbor Analysis of Impediments to Fair Housing was done separately from the 98-02 Urban County Analysis of Impediments to Fair Housing). From 2005-2010 there were 60 Urban County complaints made to MDCR in six years, a ten-fold increase.

During this same time period the Fair Housing Center got 525 new fair housing complaints from Washtenaw County, or nearly ten times as many complaints as either agency.

During this time period, HUD successfully resolved six complaints through conciliation and one case went to court. During this same time period, MDCR resolved five complaints through some kind of settlement or adjustive action.

The Fair Housing Center complaints during this time period resulted in monetary settlements totaling over \$430,000 (including an estimate of undisclosed settlements). In many cases, for complaints during this time period that were disability-related, the Fair Housing Center was able to pursue reasonable accommodations—conciliation letters that request that an owner accommodate a person’s disability. In fact, from 2005-2010, the Fair Housing Center successfully achieved 30 reasonable accommodations.

¹⁰ Summary data about the HUD complaints is presented in this section. Detailed data for complaints is in the Appendix.

Locations of Complaints to HUD within the Urban County, 2005-2010

City of Ann Arbor	29
City of Ypsilanti	8
Pittsfield Township	6
Scio Township	1
Superior Township	5
Ypsilanti Township	8
Grand Total	57

Table 18: HUD Complaint Locations. Data provided by HUD, 2011.

HUD Complaints by Property Type, 2005-2010

House	3
Multi-family 2-4 or more	1
Multi-family 5+	35
Multi-family 5+, Condominium	1
N/A	1
No information available	16
Grand Total	57

Table 19: HUD Complaints by Property Type, 2005-2010. Data provided by HUD, 2011.

Status of HUD Complaints, 2005-2010, in 2011

Complainant failed to cooperate	3
Complaint withdrawn by complainant after resolution	9
Complaint withdrawn by complainant without resolution	8
Conciliation settlement successful	6
Election made to go to court	1
No cause determination	24
Open	6
Grand Total	57

Table 20: Final Status of HUD Complaints, 2005-2010. Data provided by HUD, 2011.

More than half of the HUD complaints came from the City of Ann Arbor. More than half of all HUD complaints were multi-family, and in over one-fourth of the complaints, no information was available about the property type. The vast majority of HUD complaints were over allegations of discrimination in terms, conditions, or privileges (for instance, charging black applicants higher security deposits than white applicants). In addition, at least ten of the complaints involved an allegation of failing to make a reasonable accommodation. The majority of the complaints were allegations of discrimination based on disability or race; national origin and familial status also accounted for several complaints.

Locations of Complaints to MDCR within the Urban County, 2005-2010	
City of Ann Arbor	34
City of Ypsilanti	10
Pittsfield Township	6
Scio Township	1
Superior Township	3
Ypsilanti Township	6
Grand Total	60

Table 21: Locations of Complaints to MDCR within the Urban County, 2005-2010. Data provided MDCR, 2011.

Status of MDCR Complaints, 2005-2010, in 2011	
Insufficient evidence—No adjustment	23
Complaint declined to file	8
Withdrawn- Adjustment	8
Withdrawn-No interest in pursuing w/MDCR or HUD	5
Lack of jurisdiction	4
Settlement agreement	3
Untimely	3
Insufficient evidence—Adjustment	2
Adjusted—Customer satisfied	1
Generic closing	1
Insufficient grounds to file—no standing	1
Post-investigation settlement/adjustive action	1
Grand Total	60

Table 22: Status of MDCR Complaints, 2005-2010, in October 2011. Data provided by MDCR, 2011.

Basis* of MDCR Complaints, 2005-2010

*Complaints may have more than one basis

Race	23
Physical Disability	17
Mental/Emotional Disability	8
Familial Status	6
Sex	6
National Origin	5
Marital Status	2
Age	1
Religion	4
Color	1
Not listed	5

Table 23: Basis of MDCR Complaints, 2005-2010. Data provided by MDCR, 2011.

RESEARCH, TESTING, ADVOCACY

FAIR HOUSING CENTER INVESTIGATIONS

Complaints that are received by the Fair Housing Center are subject to rigorous investigation. In some cases, they require research or advocacy; in other cases they require testing.

A complaint that requires research often involves a policy component. Does this property have formal written permission to rent only to people with disabilities that are 55 and over? Does a section 8 voucher holder have the right to a two-bedroom unit if she needs live-in care? Does the policy of a particular township illegally exclude group homes?

Those who plan to discriminate rarely make their strategy obvious; most housing discrimination comes with “a smile and a handshake.” The prospective tenant is more likely to hear “I am so sorry but I just rented the last unit” than “We don’t rent to families with children.” Most fair housing complaints alleging discrimination based on race, color, religion, familial status and national origin require testing. For instance, if an African-American woman believes she is being denied housing at ABC Apartments, the Fair Housing Center would send two testers to that property: an African-American woman and a white woman, both with

similar characteristics, each asking for instance for a 2 bedroom apartment for a September 1st move in. Each tester reports back to the fair housing center and FHC-Southeast staff reviews the reports. Was the white tester offered a security deposit discount? Was the white tester offered an apartment for September 1st, and the African-American tester told she could get on a waiting list for mid-October?

Below are tables summarizing the fair housing testing that was done in the Urban County between 2005 and 2010. Over two-thirds of the testing that was done was related to complaints about discrimination based on race. One-fifth of the tests related to complaints about discrimination based on familial status. Over half of the time, the Fair Housing Center found evidence supporting the complaints of discrimination. If a location is not listed, no tests were done in that location during that time period.

Testing in the Urban County by Jurisdiction, 2005-2010

Complaint Tests	City of Ann Arbor	City of Ypsilanti	Ann Arbor Twp.	Northfield Twp.	Pittsfield Twp.	Scio Twp.	Superior Twp.	Ypsilanti Twp.	Totals	Percentages
Race	100	32		3	38	16	13	83	285	68.2%
Familial Status	43	23		1	4			13	84	20.1%
National Origin	6				1			1	8	1.9%
Sex	0	1						2	3	0.7%
Disability	9	1						5	15	3.6%
Religion		2							2	0.5%
Income	1							1	2	0.5%
Student Status	3	1					1	1	6	1.4%
Age	1	2			2				5	1.2%
Marital Status	2	1	1		3			1	8	1.9%
TOTALS	165	63	1	4	48	16	14	107	418	
Evidence	96	36	1	1	24	8	6	51	223	53%
No Significant Difference	52	25		3	19	5	2	45	151	36%
Inconclusive	17	2		0	5	3	6	11	44	11%
	165	63	1	4	48	16	14	107	418	

Table 24: Fair Housing Center Testing in the Urban County by Jurisdiction, 2005-2010. Data provided by the Fair Housing Center of Southeastern Michigan. If the jurisdiction is not listed, no testing was done there between 2005 and 2010.

Percent of Fair Housing Tests in the Urban County by Jurisdiction with Evidence of Differences in Treatment Based on Race and Familial Status

Complaint Tests	City of Ann Arbor	City of Ypsilanti	Ann Arbor Twp.	Northfield Twp.	Pittsfield Twp.	Scio Twp.	Superior Twp.	Ypsilanti Twp.
Race	53%	53%	n/a	33%	38%	50%	38%	47%
Familial Status	72%	61%	n/a	0%	50%	n/a	n/a	54%

Table 25: Percent of Fair Housing Tests in the Urban County by Jurisdiction with Evidence of Differences in Treatment (Race, Familial Status). Data provided by the Fair Housing Center.

Complaints that require advocacy tend to be complaints related to persons with disabilities. Recent complaints that have been settled through requests for “reasonable accommodations” include:

- Requests for the establishment of a designated handicapped parking space for someone with difficulty walking.
- Requests to allow a service animal in an apartment with a “no pets” policy.
- Requests for a fence to keep a child with a developmental disability safe, even when there is a “no fence” policy.

According to the Fair Housing Act, it is illegal for anyone to discriminate based on disability. In cases related to disability, the “facts” are not often in dispute. For instance, a complainant with mobility problems may have asked a landlord for a reserved parking space near his or her unit. Both the landlord and the complainant may agree that the landlord was asked, and refused, to allow a reserved parking space. In this case, the complainant needs advice and advocacy.

According to the Fair Housing Act, it is illegal to refuse “to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford...persons [with disabilities] equal opportunity to use and enjoy a dwelling.” Courts have applied this aspect of the law to property owners, housing managers, homeowners, condominium associations, lenders, real estate agents, and brokerage services.

Thus, in these types of cases, the role of the Fair Housing Center is often to advocate for the legal rights of the person with the disability. Since the majority of disability-related complaints involve failure to make a reasonable accommodation, disability complaint enforcement relies on a high level of advocacy and advice. The following are examples of reasonable accommodations gained for disabled complainants, without the need for litigation:

✍ A woman with an emotional disability needed a therapeutic pet, but her apartment complex had a no-pets policy. FHC staff obtained permission for the service animal as a reasonable accommodation.

✍ A family with a child suffering from asthma needed to install a wall air conditioner to ease the child's breathing. When the landlord said no, FHC staff wrote asking for the accommodation. The air conditioner was then installed by the tenant without fear of retaliation by the landlord.

✍ A disabled woman who needed her own reserved parking space was refused by the landlord. FHC advocacy led to the designation of a reserved parking space.

✍ A disabled women living on the second floor of her apartment complex needed to move to a first floor unit. Her requests were refused until FHC staff took action on her behalf.

✍ A senior with a disability living in a two-bedroom apartment asked, as reasonable accommodation of his disability, to stay in his barrier-free two-bedroom unit. The owners of the HUD-subsidized apartment complex were insisting that he move to a non-accessible one-bedroom to prevent under-occupancy of the unit. FHC staff researched the issue and wrote a letter asking for the accommodation, with copies of the relevant HUD regulations. The accommodation was granted.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND MICHIGAN DEPARTMENT OF CIVIL RIGHTS INVESTIGATIONS

The Michigan Department of Civil Rights, and the U.S. Department of Housing and Urban Development agency both take fair housing complaints. They may do investigations, including requesting documents from the property owner; but they are not equipped to provide fair housing testing services.

FAIR HOUSING LITIGATION IN URBAN COUNTY JURISDICTIONS

Between 2005 and 2010, there were fourteen FHC-assisted cases that were either filed or settled in federal court, where the properties were located in the Urban County. There were seven cases in the City of Ann Arbor, one case in Ann Arbor Township, one case in Pittsfield Township, two cases in the City of Ypsilanti, and three cases in Ypsilanti Township. There were no other cases brought to litigation in other areas of the Urban County.

CITY OF ANN ARBOR

FHC V. IVANHOE HOUSE APARTMENTS

After several years of testing Ivanhoe Apartments for possible violations of fair housing law, the FHC filed suit against the owner and resident manager of the housing complex. To investigate allegations of race discrimination the FHC sent African-American and white test teams to Ivanhoe Apartments. Testing evidence supported the claims of race discrimination. The FHC Board voted to act a plaintiff. (The U.S. Supreme Court decision in *Havens v Coleman* recognizes the right of fair housing organizations to sue for damages under the Federal Fair Housing Act.) Cooperating Attorneys D. Scott Chang and Stephen M. Dane from the law firm of

Relman & Dane, and Stephen R. Tomkowiak filed the case on behalf of the Fair Housing Center. Judith Levy and Holly Lincoln from the Department of Justice represented the U.S. The case was assigned to Federal Judge Sean F. Cox.

Court: Federal

Settlement: \$82,500 (\$35,000 for victims/ \$7,500 in civil penalties)

SIMPSON V. ARBOR APARTMENTS

Dawn Simpson told the FHC that an agent from Arbor Apartments said that she and her toddler son could not share a one bedroom apartment. Testing, and advertising on their web site supported a claim of discrimination based on familial status. FHC Cooperating Attorneys Jonathan Weber filed suit on behalf of Ms. Simpson in U.S. Federal District Court, the case was assigned to George Caram Steeh.

Court: Federal

Settlement: \$15,000

SALINSKY V. COURTHOUSE SQUARE

As a reasonable accommodation of his disability, Warren Salinsky asked Courthouse Square to move him to the 10th floor where there are no smokers. The managers said no, but a letter from FHC changed their minds. Mr. Salinsky was told that the only open unit (Unit A) had serious repair problems and Courthouse Square said they had no idea how long the renovations would take. Months went by and then Mr. Salinsky, whose disability effects breathing, heard about another 10th floor apartment (Unit B). Concerned that Courthouse Square might misrepresent the availability of unit B (a unit without repair problems), FHC staff (identifying themselves as such), accompanied Mr. Salinsky to the office to inquire about “any other unit on the 10th floor.” The rental agent repeated that only Unit A was open, and in the midst of renovation. On the same day, FHC sent a tester to find housing for her grandmother. The same agent showed our tester Unit B saying her grandmother could move in ASAP. Cooperating Attorney Steve Tomkowiak agreed to take the case to stop Courthouse Square from renting Unit B to anyone else. A few days later Warren Salinsky moved into Unit B and the case was filed in federal court.

Court: Federal

Status: Dismissed

FJELLMAN V. FOREST HILLS COOPERATIVE

Forest Hills Cooperative started eviction proceeding against Gwen Fjellman based the behavior of her disabled child. Legal Services of South Central Michigan requested that Forest Hills drop the eviction plan as a reasonable accommodation of the child’s disability. When the request for

reasonable accommodation was refused, FHC Cooperating Attorney Gayle Rosen immediately filed a fair housing case in Federal Court. The case was assigned to Judge David M. Lawson.

Court: Federal Status: Non-disclosed

KECK V. KENSINGTON COURT

An African-American couple went to Kensington Court hotel to book their wedding reception and hotel rooms for October 2005. After trying to make arrangements to no avail, Alfreda and Devon Keck turned to the FHC for help. FHC testing supported their claim of race discrimination. FHC Cooperating Attorney Stephen M. Dane of Relman & Dane filed the case in U.S. Federal District Court on March 12, 2007. The case was assigned to the Honorable Robert H. Cleland. *“Relman, Dane & Colfax successfully represented Mr. and Mrs. Keck, a couple who tried unsuccessfully for three months to reserve the Kensington Court hotel in Ann Arbor, Michigan for their wedding reception. The Kecks were never permitted to place a deposit, sign a contract, or even schedule an appointment with the hotel’s wedding specialist. The District Court granted defendants’ motion for summary judgment, but the United States Court of Appeals for the Sixth Circuit reversed in a rare appellate decision addressing the elements of a /prima facie/ case of race discrimination in a retail establishment. The appellate court held that a plaintiff need not rely exclusively on showing differential treatment of similarly situated customers to raise an inference of discrimination. Rather, in the retail establishment context, a plaintiff can survive summary judgment by showing that the defendant’s behavior ‘was so profoundly contrary to its financial interests, and so far outside of widely accepted business norms,’ that the conduct supports a rational inference of discrimination. The case was settled after the appellate decision.”* From the web site of Relman, Dane & Colfax, downloaded from www.relmanlaw.com on 10/2/2011.

Court: Federal Settlement: non-disclosed

FRYE V. PARKWAY MEADOWS

Carol Frye has a disability. When she could no longer manage without a wheelchair, she made a written request to Keystone Management for a ramp to the entrance of her apartment. She also requested an accessible shower. In a letter denying her request, the regional property manager states, “Our contractor advised us that a ramp would not be possible as there is not enough room to install one to ADA code.” FHC staff hired architect David Esau to look at Ms. Frye’s front steps. Within 24 hours Mr. Esau had drawings of a ramp and suggestions on how to install a shower unit. FHC staff made a second request for reasonable accommodation in writing along with Mr. Esau’s design. No ramp was provided. FHC Cooperating Attorney J. Mark Finnegan of Heberle & Finnegan filed the case on behalf of Ms. Frye. The case was

assigned to Judge John Feikens. Before the case was over, Ms. Frye had a ramp and a roll-in shower.

Court: Federal Settlement: \$112,000

ANN ARBOR TOWNSHIP

HATCH V. FLYING DUTCHMAN

FHC Cooperating Attorney Jonathan G. Weber filed suit on behalf of the Hatch family in the United States District Court for the Eastern District of Michigan. The suit, filed on February 15, 2010, was assigned to Judge Arthur J. Tarnow. Testing by the Fair Housing Center supported a claim of discrimination based on race. Four of the five members of the family are African-American.

Court: Federal Settlement: non-disclosed

PITTSFIELD TOWNSHIP

FHC V. TOWN & COUNTRY

In 2001, Felton Lockett, an African-American man, told the FHC that he was accepted and later denied tenancy at Town & Country Apartments on Carpenter Road. Undercover testing supported Mr. Lockett's race discrimination claim and Cooperating Attorney Stephen R. Tomkowiak helped settle the case for \$5,000. After the case settled, Attorney Tomkowiak wrote to the owner strongly encouraging staff training in fair housing law. In 2005, another Town & Country complainant came to us alleging race discrimination; again FHC testing supported the claim. Because the complainant did not wish to take legal or administrative action, the FHC Board of Directors voted to act as plaintiffs. Stephen R. Tomkowiak filed the case in U.S. Federal District Court. Cooperating Attorney Edward Voci joined the case for trial. The case was assigned to Judge Avern Cohn. The jury believed that the Town & Country agent gave false and unequal information to the African-American testers, but did not agree that race was the reason.

Court: Federal Status: Jury found the defendant not guilty

CITY OF YPSILANTI

ABRAMS V. ADAMS

Mitch Abrams and his wife Sue Dible contacted the FHC with discrimination complaint after they tried to rent an apartment in Ypsilanti with their two young sons. Testing and statements made to FHC staff supported their claim of discrimination based on familial status. FHC Cooperating Attorney Jonathan Weber filed suit on behalf of the Abrams-Dible family in U.S. Federal District Court, the case was assigned to Judge Victoria Roberts.

Court: Federal Settlement: \$20,000

YPSILANTI TOWNSHIP

TYUS V. FAIRWAY TRAILS

After living in Fairway Trails Apartments for three months, Harry Tyus asked if, instead of the first week of the month, he could pay his rent after his Social Security disability check arrived. He liked the location and convenience of the apartment but not the monthly \$50 late fee on his rent. FHC staff requested an accommodation on behalf of Mr. Tyus. Instead of an accommodation, Mr. Tyus received an eviction notice. Legal Services attorney Henry Wolfe responded to the eviction with fair housing counter claims. In the fall of 2004 Washtenaw County Judge John B. Collins ordered the complex to accommodate Mr. Tyus' request. The complex in turn refused to renew his lease, forcing him to move. FHC-Southeast worked with Mr. Tyus to file a HUD complaint. When Fairway Trails was contacted by HUD they initially offered Mr. Tyus \$300 to settle the claim. HUD gave Mr. Tyus the option of taking his case to the Department of Justice. On May 8, 2006 Judith Levy, Assistant US Attorney in Detroit, filed suit claiming retaliation against Mr. Tyus. FHC cooperating attorney J. Mark Finnegan represented Mr. Tyus. The case was assigned to Judge John C. O'Meara of the US Federal District Court, Eastern District of Michigan, Southern Division.

Court: Federal Settlement: \$50,000

HOLLAND ET AL V. CAMELOT

Nikia Holland, an African-American woman, and her white friends Suzanne and Eric Trader accepted \$47,500 to settle a race discrimination case against the owners of Camelot Apartment in Ypsilanti Township. In 2005, Ms. Holland and her friend contacted the FHC to complain about the manager. Their complaints led to a court action filed in United States District Court before Federal Judge Bernard A. Friedman, Case Number 07-10543. Their complaint alleged: the use of racial epithets, harassing white tenants to stay away from African-American friends

and tenants, and failing to make repairs in Ms. Holland’s apartment. Testing evidence supported their claims of race discrimination against Camelot Apartments. The case was litigated by FHC Cooperating Attorney Jonathan G. Weber.

Court: Federal

Settlement: \$47,500

U.S. V. PETERSON AND JOHNSON

Two women contacted the Fair Housing Center to report allegations of sexual harassment by property manager Glen Johnson in Ypsilanti Township. In each case, the women reported being offered housing, but were pushed to trade sexual favors for repairs or keys to the property. FHC staff, and a University of Michigan law student, did research to find other possible victims. FHC contacted the U.S. Department of Justice and met with Assistant U.S. Attorney Judith Levy to discuss the case. The Department of Justice used their resources to find additional victims. The owner of the rental homes is Ronnie Peterson, a Washtenaw County Commissioner. The case was tried in front of Federal Judge Julian Abele Cook Jr. After about five days of testimony, the jury awarded a total of \$115,000 to six victims. On March 4, 2011, the Court entered a post-trial order for additional injunctive relief and civil penalties totaling \$82,500. The order requires Mr. Johnson to pay a \$55,000 civil penalty, the maximum civil penalty for a first violation of the Fair Housing Act, and a lifetime ban on “operating, consulting, managing, staffing, participating in, working in (whether paid or unpaid), or otherwise having any involvement in the management, rental or maintenance of any dwelling, as defined by the Fair Housing Act, 42 U.S.C. Section 802(b).” The order also requires Mr. Peterson to pay a \$27,500 penalty.

Court: Federal

Jury Award (litigated by DOJ): \$115,000

Civil Penalties: \$82,500

OTHER LAWSUITS RELATED TO DISCRIMINATION

In some jurisdictions, there have been civil rights lawsuits related to allegations of discrimination in employment. Allegations of employment discrimination are generally based on the same areas of protected classes that are covered under fair housing law, e.g. race, age, national origin. Since allegations of employment discrimination against jurisdictions that are also responsible for planning and zoning have the potential to imply that the jurisdiction is also creating a hostile environment for people that live there, it is also worth looking at some of these allegations. These include race and/or sex discrimination lawsuits against the City of Ann Arbor, the City of Ypsilanti, and Washtenaw County.

HATE CRIMES

Another pattern worthy of attention is information about hate crimes in Washtenaw County. Hate crimes highlight patterns of bias that relate to many of the same protected classes that are protected under fair housing law. In addition, in approximately 20% of bias crimes, the offender is a neighbor. The data below is taken from the Michigan Incident Crime Reporting logs, and is separated by police department. Therefore, some of the incidents may have taken place outside of the Urban County but still within Washtenaw County.

Agency	Number of Cases	Bias Motivation
2009		
Ann Arbor Police Department	11	Anti-Black (4) Anti-Jewish(3) Anti-Female Homosexual (1) Anti-Multiracial Group (1) Anti-Asian/Pacific Islander (1) Anti-Other Ethnicity/National Origin (1)
Northfield Township Police Department	1	Anti-Female Homosexual (1)
Saline Police Department	1	Anti-Black
UM Department of Public Safety	2	Anti-Black (1) Anti-Male Homosexual (1)
Washtenaw County Sheriff	5	Anti-Black (3) Anti-Male Homosexual (1) Anti-Homosexual (1)
Ypsilanti Police Department	4	Anti-Black (2) Anti-Multiracial Group (1) Anti-Male Homosexual (1)
2008		
Ann Arbor Police Department	10	Anti-Islamic (1) Anti-Male Homosexual (3) Anti-Homosexual (1) Anti-Black (2) Anti-Jewish (1) Anti-Asian/Pacific Islander (1) Anti-Other Ethnicity/National Origin (1)
Milan Police Department	1	Anti-Homosexual (1)
Pittsfield Township Police Department	4	Anti-Black (4)
UM Department of Public Safety	3	Anti-Black (1) Anti-Homosexual (1) Anti-Multiracial Group (1)
Washtenaw County Sheriff	4	Anti-Black (2)

		Anti-White (1) Anti-Homosexual (1)
Ypsilanti Police Department	2	Anti-Black (1) Anti-Male Homosexual (1)
2007		
Ann Arbor Police Department	18	Anti-Black (3) Anti-White (1) Anti-Hispanic (1) Anti-Asian/Pacific Islander (1) Anti-Other Ethnicity/National Origin (2) Anti-Physical Disability (1) Anti-Male Homosexual (7) Anti-Female Homosexual (1) Anti-Homosexual (1)
Chelsea Police Department	1	Anti-White (1)
Eastern Michigan University Police Dept.	2	Anti-White (1) Anti-Male Homosexual (1)
Milan Police Department	1	Anti-Black
Saline Police Department	6	Anti-Black (3) Anti-Asian/Pacific Islander (3)
UM Department of Public Safety	9	Anti-Black (3) Anti-Asian/Pacific Islander (1) Anti-Jewish (1) Anti-Male Homosexual (2) Anti-Homosexual (2)

Figure 15: Washtenaw County Hate Crimes, 2007-2009, Michigan Incident Crime Reporting. Found online at <http://miaahc.com/Data.aspx>, 9/9/2011.

SUBSIDIZED HOUSING IN THE URBAN COUNTY CONSORTIUM

Subsidies are available from the federal, state, and local levels to allow owners of rental units to make apartments more affordable. These subsidies run through a variety of programs. Some of them focus on apartments for the elderly and/or people with disabilities, while others focus on “family” units, which are available to anyone.

The lists below are based on data from the Michigan State Housing Development Authority, and do not include all subsidized housing. For instance, local nonprofits may offer subsidized units that are not on this list, and Habitat for Humanity subsidizes the costs of home buying. Part of the role of Community Development Block Grants and HOME and ESG is to provide help with rental and home-buyer assistance. By joining the Urban County, jurisdictions not only gain potential access to funding, but also show their commitment to providing housing-related assistance.

In addition, Section 8 subsidized housing has been used throughout the county. There are two types of Section 8 subsidized housing. Site-based Section 8 attaches the voucher to the location, so that a tenant moving into a particular apartment receives a Section 8 subsidy. Tenant-based Section 8, known as “Housing Choice Vouchers,” gives the subsidy to a particular tenant, who can move into any housing that meets the criteria. The tenant pays 30% of their income in rent, and the federal government then pays the rest of the rent. Site-based Section 8 can be designated for the elderly/people with disabilities, or for family units. Housing Choice Vouchers can be used in any location. Currently they are allocated locally by the Ann Arbor Housing Commission (over 1330 vouchers) the Ypsilanti Housing Commission (over 340 vouchers).

According to the 2011-2012 Action Plan,

Community Development has recommended to each Urban County Jurisdiction that they adopt PA 612 of 2006 which provides up to a 2-year tax abatement to non-profit housing providers whose mission is homeowner housing to acquire, rehabilitate and resell units or acquire land and build new housing for low-income homebuyers. The City of Ann Arbor and the Township of Ypsilanti both adopted the act.

Summary Table: Subsidized Housing in the Urban County

Jurisdiction	Total Number Subsidized Units	Eligible for Rural Housing Subsidy Funds?
City of Ann Arbor	2,775	
Ann Arbor Township	NONE	No
Bridgewater Township	NONE	Yes
Northfield Township	NONE	Yes
Pittsfield Township	412 units	Southern sections of township
Salem Township	NONE	Yes
Scio Township	NONE	No
Superior Township	455	No
York Township	NONE	Yes
City of Ypsilanti	1,151 +144 units at Parkview	No
Ypsilanti Township	1265	Southern sections of township
Urban County Summary	6,058 units + 144 Parkview units (planned renovation)	Some sections of the Urban County are eligible; several of the jurisdictions that are scheduled to join the Urban County in the coming years are eligible.

Table 26: Information based on MSHDA Directory of Subsidized Housing, found online at http://www.mshda.info/housing_locator/

Although many low and moderate income persons do not live in subsidized housing, nonetheless there is a correlation between those areas of the Urban County with large numbers of subsidized units, and those areas that have more concentrated numbers of people with low and moderate incomes.

It is noteworthy that some areas of the Urban County have significant numbers of subsidized units, while others have none at all.

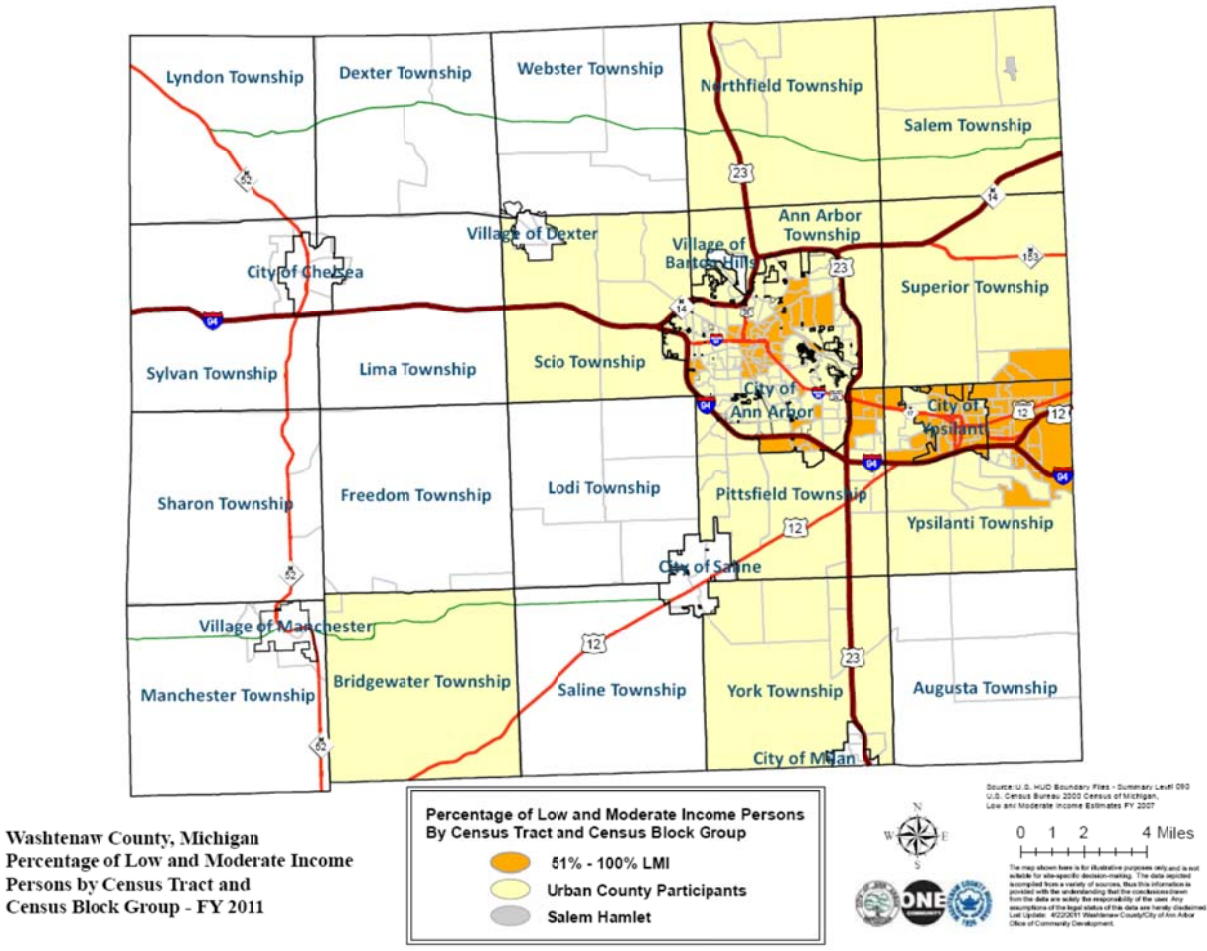


Figure 16: Percentage of Low and Moderate Income Persons by Census Tract and Census Block Group, taken from the 2011-2012 Washtenaw Urban County Action Plan

PART 4: POLICIES, CONCERNS AND RECOMMENDATIONS FOR ALL MUNICIPALITIES AND TOWNSHIPS IN THE URBAN COUNTY

OVERVIEW

These recommendations address diversity and accessibility issues; zoning ordinance definitions; conditional (special) use permits; accessibility in new construction; access to public and private land; adding legal protections against discrimination; and jurisdictional banking choices. In each area, some jurisdictions may have already taken action on these issues, but other jurisdictions have not addressed them.

The Fair Housing Center has not discussed these recommendations with individual jurisdictions, but will be happy to do so and to share information with them at their request in order to help them implement these recommendations.

It is important to acknowledge the work that both individual jurisdictions and the Urban County and Washtenaw County have continued to do to remove barriers to fair housing.

URBAN COUNTY PRACTICES THAT SHOULD BE CONTINUED

The Urban County has spent a lot of time and energy on projects that support fair housing development and implementation, and these should be continued. Here are some examples:

- ❖ As can be seen in this report, fair housing testing suggests that there are still barriers to fair housing choice in the Urban County, and further, that testing is an effective method of enforcement of fair housing law. *The Urban County should continue to fund fair housing enforcement.*
- ❖ Increasing foreclosure rates in certain areas of the Urban County put pressure on both the homeowner and rental markets. *The work that the Urban County has been doing, in conjunction with other groups, on foreclosure prevention, should be continued.*
- ❖ *Technical support for local jurisdictions on both fair housing issues and the related issues of affordable housing and transportation allow smaller jurisdictions to access knowledge that they would not otherwise be able to access.* This should be continued, and—as

detailed below—there are areas related to web sites, zoning, master planning, among others--where this emphasis could be increased.

NEW JURISDICTIONS JOIN THE URBAN COUNTY: THE NEED FOR BASELINE DATA

In 2006, Scio Township, York Township and the City of Ypsilanti joined the Urban County. The City of Ann Arbor joined the Urban County in 2009. The Urban County is growing, with agreement that the City of Saline, the village of Manchester, and the townships of Dexter, Lima, Manchester, Webster and Saline will all join the Urban County beginning in July 2012. Many jurisdictions may not know where to begin to remove impediments to fair housing.

RECOMMENDATION #1: BASELINE DATA

We recommend that new jurisdictions do a baseline “audit” of their status related to fair housing, including looking at their ordinances, web site, publications, and master plan. This will give them an idea of what steps they can take to affirmatively further fair housing. The issues covered in this section can be used as a guide, as can the skills and knowledge of Office of Community Development staff.

AWARENESS AND DIVERSITY

The population of Washtenaw County is increasing in size; it is also increasing in diversity. Compared with twenty years ago, there are more Asians, more Latinos, and more African-Americans living in Washtenaw County. There are more single-parent households, more senior citizens, and new and emerging definitions of "family." In the coming twenty years, the population is expected to diversify even more.

RECOMMENDATION #2: AWARENESS

In many cases, people may not be aware of their rights to fair housing. They may not know that discrimination is illegal. Every jurisdiction should prominently display—both in their offices and on their web sites—information about fair housing, and about how to access fair housing services. The Fair Housing Center can provide posters for each jurisdiction in the county.

In the case of the web sites, this could be a single link on the front page of the web site that leads to a centrally-maintained page of the Urban County. Key information to share on this

web site would include: that fair housing is a right; that discrimination is illegal; and how to access help if a resident believes he or she has been the victim of housing discrimination.

RECOMMENDATION #3: DIVERSITY

Every governmental unit in the county should be working to make itself accessible to all residents, regardless of their race, ethnicity, color, religion, family status, disability, national origin, or sex.

Local governments can follow the lead of the County in providing immediate translation of web site documents, and providing access to Language Line, or another immediate translation service that can be made available on an as-needed basis. In addition, some jurisdictions may find that it is important to translate key documents into other languages, such as Spanish, Chinese, Japanese, or Arabic.

Web sites that use photographs with people in them should strive to represent a wide variety of ethnicities, ages, and genders to show a welcoming community.

ACCESSIBILITY

The number of people with disabilities varies from jurisdiction to jurisdiction, but in every jurisdiction a significant percentage of residents are disabled. Disabilities include physical disabilities and mental/emotional disabilities. As noted earlier, the county population is aging and over 20% of those who are over 65 indicated mobility impairments/ambulatory difficulties in the 2010 US Census. Increasing attention should be paid to accessibility issues.

RECOMMENDATION #4: ACCESSIBILITY

Every governmental unit in the county should work to make itself user-friendly to people with disabilities. Although some buildings are old, and others are new, whenever possible accommodations should be made to allow wheelchair users independent access to buildings and bathrooms; counters that allow wheelchair users to see administrative staff are critical. In addition, jurisdictions should be able to accommodate residents' (and potential residents') needs, for instance through ensuring the availability of TTY phone lines for the hearing-impaired, American Sign Language interpretation at public meetings if requested, through Braille or recorded tapes for people with visual impairments, and other accommodations, making it easy for residents to access these services.

The City of Ann Arbor was placed under a consent decree after the Center for Independent Living sued because new curb cuts had been put in place that did not meet the

requirements of the Americans with Disabilities Act. The City of Ypsilanti also ended up redoing some of its curb cuts to meet ADA requirements. It is noteworthy that the Urban County has made a commitment to accessibility by using CDBG funding to provide a county-wide accessibility ramp program targeted at low-income elderly and disabled residents (2011-2012 Action Plan).

RECOMMENDATION #5: CURB CUTS AND MORE

New sidewalk construction needs to meet the requirements of the ADA, and curb cuts are an excellent example of how planning for people with disabilities enhances the livability of a community and sets a welcoming tone, not just for people with disabilities but also for people pushing strollers. In all cases where jurisdictions are responsible for construction, attention to accessibility should strive to make areas accessible in a welcoming manner, so that—for instance—handicapped access to a building does not require going to the service entrance.

THE IMPACT OF ZONING ORDINANCE DEFINITIONS ON FAMILIES AND PEOPLE WITH DISABILITIES

Zoning ordinances regulate many aspects of development, and allow jurisdictions some measure of control over siting decisions in their township. As has been highlighted throughout this document, their use has fair housing implications. These primarily fall into the following areas.

✍ Equal application and interpretation of zoning ordinances: If conditional use permits or zoning variances are required of schools, houses of worship, assisted living facilities, are the rules applied and variances granted equally to all types of schools, houses of worship, assisted living facilities? Does the Zoning Board of Appeals respond to variance requests fairly, or is it harder for some types of individuals or organizations to get variances?

✍ Exclusionary vs. inclusionary zoning: Is the intention of the zoning ordinance to include or exclude certain types of people? Numerous courts have applied the “reasonable accommodation” requirements of fair housing law to state and local governments, most often related to exclusionary zoning and land-use decisions. Jurisdictions need to review their zoning ordinances for zoning that potentially affects people with disabilities and people of color in particular. Parts of the ordinance that may have a *disparate impact* on people with disabilities and people of color should be reviewed and revised. This includes zoning such as the City of Ypsilanti’s supportive housing ordinance, but can also relate to issues such as minimum house sizes and

minimum lot sizes. If there is no place in a jurisdiction for affordable housing, then this may be considered to have a disparate impact on people of color.¹¹ Definitions used in zoning ordinances can also be exclusionary. It is far better to move toward inclusionary zoning, including nondiscrimination ordinances and nondiscriminatory definitions.

✍ *New Construction and New Parks:* Master Plans, Planning Departments, and Building Departments each affect new construction and parkland acquisition in different ways. In general, planning and building departments should encourage accessible construction and public access to recreational lands.

✍ *Zoning Ordinance Updates and Overhauls:* At least two of the jurisdictions in the Urban County—Pittsfield Township and Bridgewater Township—are in the process of updating their Zoning Ordinances. Care should be taken during this process to ensure that attention is paid to fair housing.

As noted in the Disabilities Law Project Handbook, “Discriminatory Zoning and the Fair Housing Act,”

The legislative history of the FHAA makes plain that Congress sought to prohibit the application of state and local zoning and land use laws in ways that limit access to housing by people with disabilities, stating:

The Committee intends that the prohibition against discrimination against those with handicaps apply to zoning decisions and practices. The Act is intended to prohibit the application of special requirements through land-use regulations, restrictive covenants, and conditional or special use permits that have the effect of limiting the ability of such individuals to live in the residence of their choice in the community.¹²

While the Act prohibits intentional discrimination, it also prohibits other forms of discrimination in zoning, including discriminatory classification of persons with disabilities; zoning laws which, although neutral on their face, have a "disparate impact," i.e., a discriminatory effect, on persons

¹¹ See, for example, The NIMBY Report, August, 2004, which highlights a Georgia lawsuit that alleges that increasing minimum lot sizes amounts to intentional discrimination by limiting affordable housing options.

¹² H. Rep. No. 100-711, at 24 (1988), *reprinted in*, 1988 U.S.C.C.A.N. 2173, 2185, as cited in Discriminatory Zoning and the Fair Housing Act.

with disabilities; and the failure of municipal officials to reasonably accommodate the needs of persons with disabilities.

Zoning ordinance definitions directly impact how welcoming a community is to a wide range of people. Definitions can be used to include or exclude groups. In particular, the definition of a family may include or exclude certain populations. According to the Coalition to Preserve the Fair Housing Act (FHA), good family definitions treat both functional and traditional families equally, and do not set occupancy limitations. Rather, they use the building code to set occupancy limitations. According to Discriminatory Zoning and the Fair Housing Act, published by the Disability Rights Network of Pennsylvania, a zoning ordinance may violate the FHA if it defines family units or maximum occupancy differently for related or unrelated people.

Non-traditional families are growing as a proportion of the population, and in fact there was one Washtenaw County fair housing test in the past few years where a tester was told by a property manager (paraphrase), “I don’t think you fit the family definition in the township ordinance, but if anyone asks, just lie and say you are married.” In fact, this family did meet the test of most of the jurisdictions.

The Ypsilanti Township zoning ordinance is an example of an excellent family definition in use in the Urban County (excerpted below). This definition is an excellent definition because it includes both traditional and functional families, treats them equally, and uses the building code to set occupancy limits.

Family: *A single individual or a number of individuals domiciled together whose relationship is of a continuing nontransient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, hospice, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration of school terms or other similar determinable period. (Ypsilanti Township Zoning Ordinance)*

RECOMMENDATION #6: DEFINITIONS OF FAMILY

Family definitions in zoning ordinances should include functional families as well as relationships such as adoption and foster care. Whether they identify traditional families and functional families in two different sub-definitions or in a single definition (as above), the families must be treated equally. So, for instance, occupancy limitations should not be placed only on the functional family. It is best if the definition does not address occupancy limitations, but rather, the building code sets the occupancy limitations.

The following jurisdictions have family definitions that should be updated/changed.

City of Ann Arbor: *There are multiple definitions in this ordinance. References to functional family size limits in particular zoning districts should be removed, as should references to functional families requiring special exception use permits.*

Pittsfield and Salem townships: *The ordinance needs to define both functional and nonfunctional families, without limits on the number of persons that comprise a family. The definition of a family should not reside in the decision making of an individual zoning administrator.*

Superior Township: *There are multiple family definitions in this ordinance. The first one, which matches the Ypsilanti Township definition, is excellent and the others—particularly the definition which refers to decision-making by the Zoning Administrator as to what constitutes a family—should be eliminated.*

City of Ypsilanti: *There are multiple definitions in this ordinance. The third definition limits the number of members of a family. The fourth definition, which matches the Ypsilanti Township definition, is excellent. All the others should be eliminated.*

Despite the fact that definitions comprise several pages of every zoning ordinance in Urban County jurisdictions, in the past several years these definitions have clearly been inadequate in several cases. In addition, the default—that the planning/zoning staff, or the zoning board of appeals, relies on a general dictionary definition, is also clearly inadequate for specialized uses. These issues often come up in relation to senior housing developments. An assisted care facility that serves one meal a day, for instance, is neither a nursing home nor a typical apartment complex. The apartments may not have full kitchens, as most meals may be prepared in a communal kitchen; and yet full-scale nursing care is not available.

Given that the population is aging, this issue is likely to continue and perhaps expand. In order to appropriately address these kinds of situations, planning commissions must have access to good definitions, and not be forced to rely on generalized dictionaries.

RECOMMENDATION #7: ZONING DEFINITIONS

Definitions are a critical piece of a zoning ordinance. Zoning definitions that address the kind of facilities in which senior citizens and people with disabilities live should be reviewed and revised, as necessary, to ensure that: 1) they are compatible with civil rights laws (including FHAA and the Elliott-Larsen Civil Rights Act), state law, and the Americans with Disabilities Act; and 2) they are respectful of the people or citizens served.

CONDITIONAL USE PERMITS

Conditional use permits, used to site many types of development, are an important tool used by municipalities to control zoning in their communities. Every conditional use permit needs to go through the review process, and conditional use permits are often used for the siting of churches, group homes, and schools, among others. In many cases, the organizations requesting the siting are religious organizations or non-profit organizations that work with people with disabilities or senior citizens. Frequently, people choose to live near their congregations and schools.

In recent years, within the boundaries of Washtenaw County, and within the Urban County jurisdictions, several lawsuits have been brought regarding the planning/zoning process under both the Religious Land Use and Institutionalized Persons Act¹³ (RLUIPA) and the Civil Rights Act of 1964. Many other cases had the potential for litigation. Generally, these cases raise concerns over permit denials related to religious institutions, senior housing, housing for people with disabilities, and schools.

A recent case in front of the Planning Commission in Pittsfield Township highlights some of the issues related to zoning decisions around congregational use and schools. At issue is a request from the Michigan Islamic Academy to build a school on land it had purchased. A case from 2000 serves as an example.

¹³ The Religious Land Use and Institutionalized Persons Act (“RLUIPA”) says that “No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution-- (A) is in furtherance of a compelling governmental interest; and (B) is the least restrictive means of furthering that compelling governmental interest.” *42 U.S.C. § 2000cc. Protection of land use as religious exercise*

\$35,000 Settles Church's Race Discrimination Lawsuit against Scio Township

Ann Arbor's Fountain Church of God in Christ has accepted \$35,000 to settle their race discrimination suit against Scio Township, the Scio Township Planning Commission and the Scio Township Board of Trustees.

In late 1994, Fountain Church of God in Christ, an African-American church, attempted to purchase land zoned A-1 (agricultural) and have a conditional use permit issued in order to build a new church at the corner of West Delhi and Miller Roads. In February 1995, on a 4-3 vote, and against the advice of their planning consultant, the Planning Commission denied the conditional use permit to Fountain COGIC. This decision was upheld by the Scio Township Board of Trustees. An investigation conducted by the FHC found that Fountain Church was at that time the only house of worship to be denied a conditional use permit by the Scio Township Planning Commission since 1978.

The Planning Commission cited "incompatibility" with the surrounding neighborhood as its reason for denial of the conditional use permit. However, land-use expert, Charles Leman of Villican-Leman, wrote in his land-use analysis that "It is our opinion the Fountain Church site is suitable for a church... Of the six church sites which have been approved, a number exhibit many of the same characteristics as the Fountain Church site . . . adequate site size exists to provide a harmonious relationship through proper landscaping and screening of the church property."

The Church Board of Deacons believed they were denied a special conditional use permit because of the race of the church membership. Church member and realtor Mrs. Alvin Rimson claimed to have lost the commission associated with the sale of the land, a commission that she planned to donate to the church. Mrs. Rimson contacted the FHC in 1995.

Fountain COGIC was then located on Fountain Street in Ann Arbor, Michigan. Having outgrown their building, the church was looking for new space. After being denied the conditional use permit by Scio Township, they subsequently found a larger building on West Stadium in Ann Arbor near Pioneer High School.

According to Township documents, the Township's own planning consultant held that the tangible issues were resolvable, and believed that the church could be compatible with the zoning and neighborhood. Several other churches approved by the Township were asked to address problems related to landscaping, noise, traffic, and drainage.

FHC Cooperating Attorney Benjamin Whitfield, Jr. filed suit on behalf of Fountain Church of God in Christ in Federal District Court. The suit alleged violations of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, the Civil Rights Acts of 1866 and 1871, and the Michigan Elliott-Larsen Civil Rights Act. The case was assigned to Judge Avern L. Cohn. Fair Housing Center Newsletter, November 2000

RECOMMENDATION #8: PLANNING PROCESS

Staff and elected officials must work to ensure that the planning process is free of bias. Each jurisdiction has different needs, and should construct their zoning regulations carefully, so that the township or city is able to apply these regulations fairly. For instance, while in some cases traffic issues are a real concern, in many cases the traffic impact of a school, congregation, day care center, or assisted living facility is overstated by opponents to further other interests. The planning process should proceed without bias so that a planning commission would not approve majority white churches but deny a majority African-American church, or approve a private preparatory school but deny a private parochial school, unless there are defensible reasons to do so.

Given the proliferation of private, parochial, and charter schools in Washtenaw County, nearly every jurisdiction in the Urban County has been approached by a school interested in using a piece of property. Every jurisdiction should be using clear standards to assess these requests. As the state of Michigan does not currently make recommendations for school acreage, jurisdictions can create their own. One option is that jurisdictions could use national guidelines for analyzing whether sufficient space is being provided for a proposed conditional use. Another possibility is that a jurisdiction could develop its own standards, in advance of requests. If Planning Commissions can identify standards and concerns in advance, it is more likely that they will be able to apply those standards fairly and equally.

If Urban County/Office of Community Development staff can assist Urban County jurisdictions in identifying a national set of standards—in particular for schools and religious congregations—this might make it easier for local jurisdictions to be consistent in their decision-making.

MASTER PLANS

Every jurisdiction in the Urban County is involved in the development of Master Plans on a regular basis. Although some of the master plans are very forthright in addressing issues of affordable housing and racial and ethnic diversity, others avoid those subjects. For instance, Bridgewater Township’s Master Plan (2006) does not mention issues of race or ethnicity at all, and neither does Salem Township’s Master Plan.

RECOMMENDATION #9: MASTER PLANS

All jurisdictions should include information about the community’s racial and ethnic makeup, as well as thoughts and plans regarding affordable housing and housing for the elderly, in the master plans.

NEW CONSTRUCTION

The Fair Housing Amendments Act (FHAA) establishes seven design and construction requirements for covered multifamily housing completed for first occupancy on or after March 13, 1991. Briefly, buildings covered by these requirements include buildings with four or more units if the building has one or more elevators, or the ground floor units in other buildings with four or more units. FHAA requirements are not to be confused with fully accessible/barrier free design requirements set out by the State of Michigan.

Multi-family units (4 or more units in a structure) built for first occupancy after March 13, 1991 are required to meet specific accessibility guidelines in compliance with the Federal Fair Housing Amendments Act. These guidelines include minimum doorway widths, usable bathrooms and kitchens and a clear accessible path into and through the units. Building departments are accustomed to enforcing building codes, but are not currently prepared to highlight or point out Fair Housing Act requirements. There have been many incidents in the last ten years in which multi-family structures have met building codes but not fair housing law. In 2000, the lawsuit (*WACA/FHC v. Oakridge*), in which developers in Ypsilanti Township did not comply with the Fair Housing Act's accessibility guidelines, resulted in a \$15,000 settlement as well as a requirement for retrofitting. More recently, the Fair Housing Center had a case in another county that illustrates these issues very well.

Lowrey v. Uptown

The Fair Housing Center negotiated an agreement requiring an apartment complex in Canton, Michigan to renovate 97 first-floor units, in order to fully comply with the 1988 Federal Fair Housing Amendments Act. The lead plaintiffs in the case, Michael Lowrey and his mother Marilyn Lowrey, accepted \$227,500 to settle their claims of discrimination. Mr. Lowrey, who uses a wheelchair, contacted the center in early 2006 because his apartment, advertised as "barrier free," had some accessibility problems. According to the settlement, Uptown in Canton Apartments will make the property more accessible for people with disabilities. This includes retro-fitting all ninety-seven first floor units; providing accessible routes through the entire property; and adding accessible parking. Costs for the changes are estimated at over \$1,000,000. FHC Cooperating Attorney J. Mark Finnegan filed the case in Federal Court on behalf of Mr. Lowrey in July 2006. After a year of inaction on the part of the respondents, the FHC Board of Directors voted to intervene in the case. Cooperating Attorney Steve Dane of Relman, Dane & Colfax represented the FHC. Both cases were assigned to Judge Nancy Edmonds.

Court: Federal Settlement \$272,500

In these cases, prospective residents and advocacy groups have standing to sue both the architect and the developer for violations of the federal Fair Housing Amendments Act of 1988. A frequent complaint of developers and architects is that the local building and planning departments approved their plans. While it may not be the legal responsibility of building, zoning, or planning departments to identify fair housing act violations, it is helpful to both developers and would-be residents if jurisdictions make these requirements known.

The Fair Housing Act, the State of Michigan Building Code, and the U.S. Department of Housing and Urban Development each have requirements about accessibility in multi-family housing. Some requirements are attached to the project funding source; others apply to nearly all multi-family housing.

The Michigan State Building Code covers multi-family dwellings with more than two units (R-2 buildings), including boarding houses, shelters and other buildings for non-transient residents. According to the Fair Housing Act, if there are four or more units in a building, the units are required to be adaptable (Type B units). Adaptable means they are minimally accessible and could easily be made fully accessible. Ideally Type B units can be altered to become barrier free units. In a building with more than 20 units, then at least 2%, and not less than one unit must be fully accessible (Type A unit). Fully accessible is the same as barrier free.

For new HUD-funded construction projects with five or more units, 5% of the units (at least one unit) must meet full accessibility requirements set out by the Uniform Federal Accessibility Standards. This standard focuses on wheelchair accessibility. Another 2% of the units (at least one) must be accessible for those with visual or hearing impairments. Units may be accessible only to those with hearing impairment, only to those with visual impairments or some of each.

A review of several of the local building departments suggested that information and education about the federal Fair Housing Amendments Act guidelines for accessibility were not being shared. It is to everyone's advantage to meet accessibility requirements rather than to retrofit. Often it is less expensive, and generally it is easier to make things completely accessible initially. Truly, when it comes to building accessible housing, "an ounce of prevention is worth a pound of cure."

RECOMMENDATION #10: PROMOTING ACCESSIBILITY THROUGH BUILDING CODES

Federal Fair Housing Amendments Act Accessibility Guidelines for new construction of multi-family dwellings should be made available from local building departments. In addition, while localities are not at this time responsible for enforcement, they should consider ways to make the law clearer to those going through the multi-family building process. The best way to insure compliance with the Fair Housing Amendments Act requirements is to have those requirements

reflected in local building code. HUD recognizes the International Building Code as a “safe harbor” to prevent the failure of design and construction guidelines outlined in the Amendments.

We recommend that building department staff place warnings on permits and applications that state, “This project may be subject to building accessibility requirements set out by the federal Fair Housing Amendments Act of 1988.” The US Department of Justice concurs, suggesting that incorporation of fair housing and ADA requirements into building codes would improve compliance with these laws (see box below).

U.S. Department of Justice Statement on Promoting Accessibility through Building Codes

According to the U.S. Department of Justice, “The Civil Rights Division of the U.S. Department of Justice recognizes that barriers in the built environment pose a serious impediment to the full integration of people with disabilities into society. Federal law has attempted to address the lack of accessibility in certain residential buildings through the design and construction requirements of the Fair Housing Act and in commercial and public properties through the design and construction requirements of the Americans with Disabilities Act...Most states or localities in this country have adopted building codes to govern construction within their jurisdictions. These building codes are enforced by local or state code officials. The Civil Rights Division believes that incorporation of the design and construction requirements of the Fair Housing Act and the Americans with Disabilities Act into building codes represents an opportunity to enhance compliance with these federal laws.” (US Department of Justice, U.S. Department of Justice, Civil Rights Division: Promoting Accessibility through Building Codes.)

PUBLIC LAND, PRIVATE LAND: OWNERSHIP AND ACCESSIBILITY ISSUES

Over the past several years, a number of Urban County jurisdictions have made a commitment to purchasing public land, both as a tool to control development and as a way to provide access to parkland. As land in Washtenaw County has increasingly been developed into condominium communities, rather than platted in the traditional matter, developers have frequently used the Planned Unit Development (PUD) process. Oftentimes, parkland and/or open space are part of the package when developments go through the planning process. In some cases, the land is deeded to the township or the City; in other cases, it is not. In some cases, an agreement allowing access to all township residents is written; in other cases, it is not. Some locales look toward private parks as a way to ensure parkland for residents without incurring expense to the locality. In other parts of the country, however, private parks have been the source of discrimination complaints, based on race, ethnicity, and religion.

RECOMMENDATION #11: PUBLIC PARKS, PRIVATE PARKS

Localities should have as their goal, the provision of access to all residents to parkland. Thus, if private parkland is part of a PUD or other planning process, access to the park by all of the jurisdiction's residents should in some way be codified. Alternatively, governmental units should seek to acquire public parkland, preserving access for both current and future residents.

ADDING LEGAL PROTECTIONS, INCLUDING SOURCE OF INCOME AND SEXUAL ORIENTATION

SOURCE OF INCOME

Property owners and managers sometimes refuse to rent to people based on their legal source of income. For lower-income people, this may involve disability or social security income from the federal or state government, income from the Department of Human Services for families with small children, child support, and/or Section 8 vouchers. As noted earlier, in the discussion on the connection between fair housing and affordable housing, people with disabilities, senior citizens, young people, and single parents with children are more likely to be low income. The addition of a “source of income” discrimination protection can help address this issue. In many cases, discrimination based on source of income is a form of discrimination against people with disabilities or families with children.

“Source of income” is not protected by federal or state law, but laws in the City of Ann Arbor and the City of Ypsilanti cover income. As the U.S. Department of Housing and Urban Development notes, “prohibiting this kind of discrimination [source of income discrimination] is a step jurisdictions could take to help address the housing burdens of their residents”(2003).

SEXUAL ORIENTATION & GENDER IDENTITY

In 2005, the Fair Housing Center did a state-wide special project in conjunction with the other Michigan fair housing centers, testing properties for discrimination based on sexual orientation. Although in some cases sexual orientation discrimination is covered under discrimination based on sex or marital status, there is no state or federal statute prohibiting discrimination based on sexual orientation. Nonetheless, in those areas where discrimination based on sexual orientation is prohibited by local statute (for example, the cities of Ann Arbor and Ypsilanti), the Fair Housing Centers found lower levels of discrimination.

In addition, HUD recently came out with proposed guidelines that state,

Like all Federal agencies, HUD is charged with ensuring equal access to Federal programs that it administers. HUD also has a unique charge, as the Nation's housing agency, to promote the Federal goal of providing decent housing and a suitable living environment for all. Accordingly, HUD has a responsibility to ensure equal access to its core rental assistance and homeownership programs for all eligible individuals and families. HUD fulfills this responsibility by taking such actions as necessary so that all who are otherwise eligible to participate in HUD programs will not be excluded based on criteria that are irrelevant to the purpose of HUD's programs, such as sexual orientation or gender identity. (Federal Register, 1/24/2011)

FAIR AND OPEN HOUSING; NON-DISCRIMINATION ORDINANCES

The Ypsilanti ordinance, excerpted below, is a fine example of an ordinance that affirms the rights of residents to have fair and open housing. In addition, the City of Ypsilanti has a Non-Discrimination Ordinance that covers housing, employment, and public accommodations, and is also excerpted below.

Naturally, ordinances are only effective when they have enforcement mechanisms attached to them.

**EXCERPT FROM THE CITY OF YPSILANTI FAIR AND OPEN HOUSING ORDINANCE
(CHAPTER 66 OF TITLE VI OF THE YPSILANTI CITY CODE):**

6.201 Discrimination Prohibited. (1) Except as otherwise provided herein, no person engaging in a real estate transaction concerning housing accommodations, and no real estate broker or salesperson, shall, wholly or partly [discriminate] for reasons of religion, race, color, sex, marital status, age, national origin, handicap, sexual orientation, potential tenant/buyer having children, source of income, or birth place or any other protected classification specified by Michigan or federal law. [Followed by list of practices.]

**EXCERPT FROM THE CITY OF YPSILANTI NON-DISCRIMINATION ORDINANCE (CHAPTER
67 OF TITLE VI OF THE YPSILANTI CITY CODE)**

It is the intent of the City that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil or political rights or be discriminated against because of race, color, religion, national origin, sex, sexual orientation, age, marital status, having a disability, familial status, educational association, source of income, height or weight.

The City of Ann Arbor also has a comprehensive Non-Discrimination Ordinance, which states:

Excerpt from Chapter 112, City of Ann Arbor Non-Discrimination Ordinance:

It is the intent of the City that no person be denied to equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil or political rights or be discriminated against because of actual or perceived race, color, religion, national origin, sex, age, height, weight, condition of pregnancy, marital status, physical or mental limitation, source of income, family responsibilities, educational association, sexual orientation, gender identity or HIV status. As used herein, "perceived" refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken.

Nothing herein contained shall be construed to prohibit any affirmative action laws passed by any level of government.

RECOMMENDATION #12: FAIR AND OPEN HOUSING ORDINANCES

All jurisdictions should consider adding Fair and Open Housing ordinances if they do not already have them on their books. These ordinances should include a reference to federal and state law, and in addition, should protect source of income and sexual orientation. All such ordinances should include enforcement mechanisms. Jurisdictions can go even further, as the City of Ypsilanti has, and develop a non-discrimination ordinance, as is excerpted above. This ordinance also protects educational association, height, and weight.

BOARDS AND COMMISSIONS

Every jurisdiction has several boards and commissions. Many of the positions on these boards are appointed. In some cases, these commissions and boards do not reflect the diversity of the communities that they represent. In addition, members of boards and commissions—who are typically volunteers—may not know very much about fair housing or civil rights, or about their responsibilities to follow fair housing law in their decision-making.

RECOMMENDATION #13: DIVERSITY ON COMMISSIONS

In recruiting for these commissions, and in appointing members of commissions, those who make the appointments should look for a set of members that represents the diversity of the communities—including an awareness of race/ethnicity, gender, and disability. In addition, members of these boards and commissions should receive training on fair housing and civil rights annually.

COMMUNITY REINVESTMENT ACT AND JURISDICTIONAL BANKING CHOICES

The Community Reinvestment Act works to encourage banks to invest in underserved areas, and to be community-minded in other ways. Annually, banks are required to report their actions, and they are regularly evaluated as to their compliance with the Community Reinvestment Act. Individual banks can be researched through the Federal Financial Institutions Examination Council web site, www.ffiec.gov.

The Fair Housing Center's initial analysis of 2008 Home Mortgage Disclosure Act for the Ann Arbor MSA (unpublished data) confirms the Fair Housing Center's findings from our 1996 Loan Denied II report—African Americans are still much more likely to be denied a mortgage loan today than are whites. This is true whether the loan applied for was a conventional mortgage, FHA mortgage, or refinance, and it was true when controlling for income. (Credit score information was not available.) Origination rates for all applicants were lowest in census tracts with concentrations of minorities over 30%, but a lending disparity for African Americans existed in all census tracts, although the disparity was smallest in census tracts with a minority concentration of 10-29.9%. Home Mortgage Disclosure Act data is available for individual lending institutions at the census tract level and can be an important tool for jurisdictions to engage with local banking entities.

Individual jurisdictions are encouraged to learn about the banking institutions in which they have invested their money, and to use the knowledge of those institutions to leverage increased investment in those same jurisdictions.

RECOMMENDATION #14: JURISDICTIONAL BANKING CHOICES

Local jurisdictions, and the County, have relatively large budgets, and some money is kept in financial institutions. Jurisdictions should investigate their institutions' banking practices, and either choose financial institutions based on their community-mindedness, or encourage their current bank to invest significantly in their community. Any investigation of a jurisdiction's financial institutions should include, but should not be limited to, their CRA record. No jurisdiction should place funds in any bank that has received less than a Satisfactory CRA rating, and a rating of Outstanding is preferable.

In areas where large numbers of foreclosures have been an issue, jurisdictions may want to examine the Home Mortgage Disclosure Act (HMDA) data for their jurisdiction, and the investment patterns of specific financial institutions in their jurisdiction in order to a) choose where their funds should be invested and b) encourage investment in their community..

Much of the Urban County is located in rural or semi-rural areas. In these areas, such as Bridgewater and Salem townships, there are few rental properties, and it is often difficult for people who develop disabilities to stay in the township, because of housing and transportation needs. The United States Department of Agriculture recognizes this need and has a Rural Housing Service program which includes financing options for developers of low-income housing development, as well as assistance for individual rural renters and homeowners. Some parts of the Urban County qualify, as can be seen from the map below. The map below details the eligible areas in Washtenaw County (anything outside of the green line is eligible). Although there are some jurisdictions that will be joining the Urban County that have developments subsidized by Rural Housing Service programs, there are none within the current Urban County area.

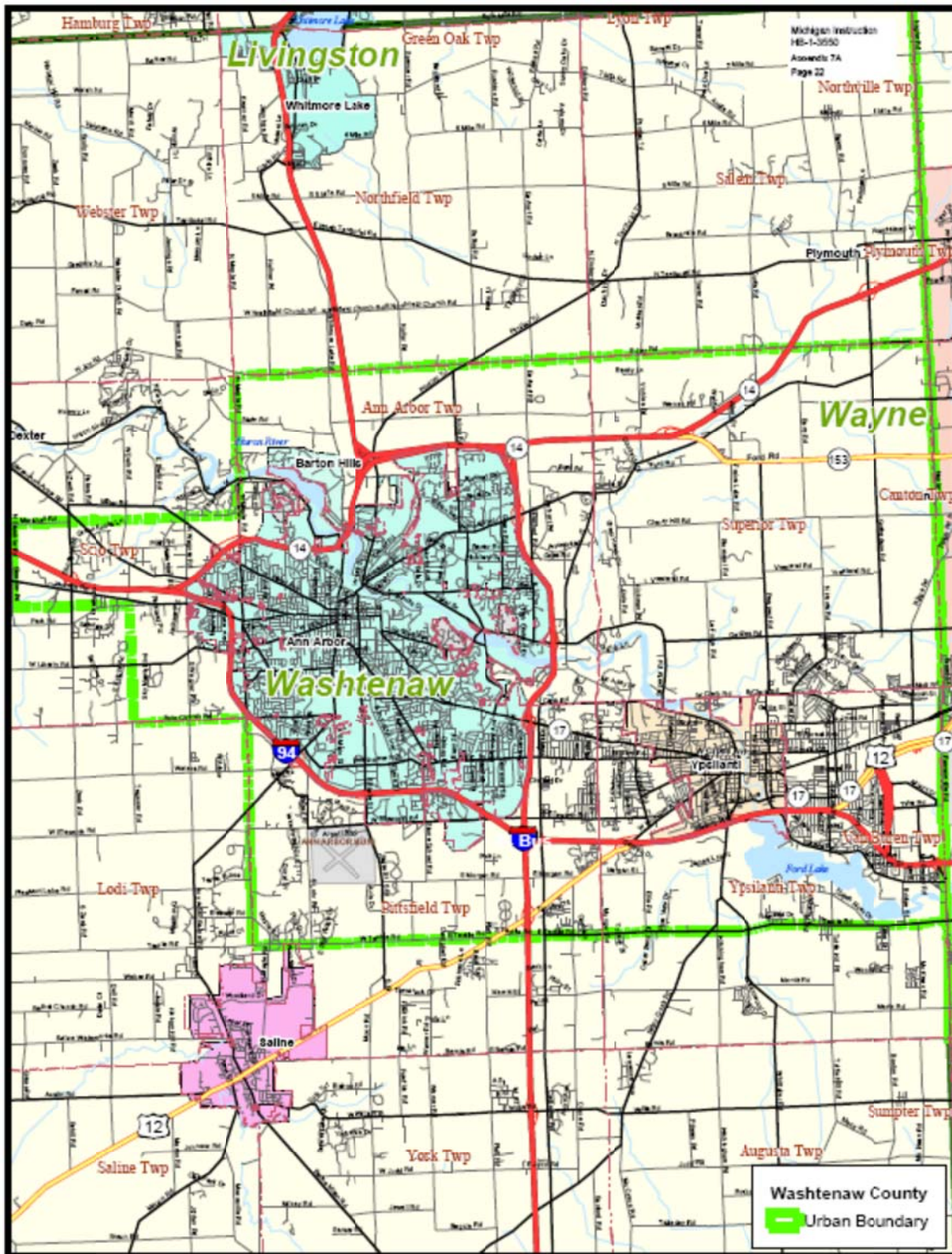
RECOMMENDATION #15: RURAL HOUSING INVESTMENT

The Urban County as a whole, and/or specific jurisdictions that qualify for Rural Housing Service programs, should investigate their applicability to their local areas. In some cases, they may help allow current residents to stay in that jurisdiction. This recommendation applies in particular to Northfield, Salem, Scio and York townships.

The Ann Arbor Transportation Authority has been spearheading a planning process for public transportation over the past year. The map below shows current transportation options. The Ann Arbor Transportation Authority serves the Ann Arbor-Ypsilanti area; Northfield Township is serviced by People's Express, the Chelsea-Dexter area is serviced by the Western-Washtenaw Area Value Express, and southwestern Washtenaw County is serviced by Manchester Senior Services. The types of services provided range from regular bus transportation to paratransit transportation, and to service for all people to service only for seniors and people with disabilities. The current transportation planning process calls for representatives for a countywide transportation authority. Although most jurisdictions in the county are participating, at least one Urban County jurisdiction (Bridgewater) has declined to participate.

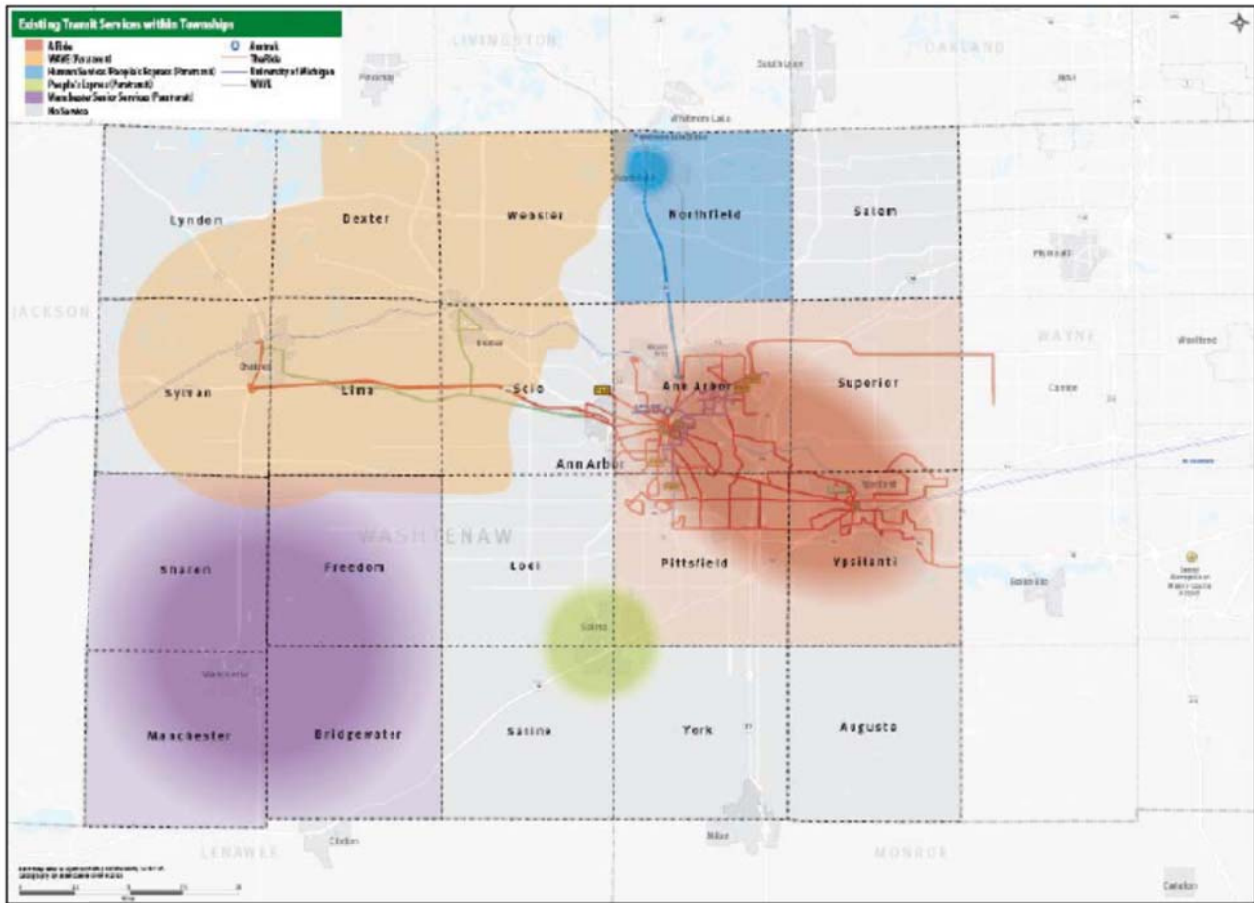
RECOMMENDATION #16: TRANSPORTATION

The Urban County Consortium should investigate ways to ease transportation problems for people in their home jurisdictions, whether through participation in the county-wide transit planning process or with specific actions targeted at particular jurisdictions.



PN 806 (6/10/2002)

Figure 17: Ineligible Area Map for Rural Housing Services. Areas outside the “ineligible area” lines qualify for rural housing loans and services. Found online at: http://www.rurdev.usda.gov/mi/maps/Washtenaw_Co.pdf. Downloaded 9/9/2011.



Existing transit and paratransit services in Washtenaw County



Figure 18: Map provided by AATA and found online at <http://www.movingyouforward.org/why-plan>. Downloaded 9/16/2011.

PART 5: ADDITIONAL CONCERNS

PEOPLE WITH DISABILITIES

REASONABLE ACCOMMODATIONS IN ZONING ORDINANCES

Salem Township should be commended for having a paragraph in its Zoning Ordinance referring to reasonable accommodations, which says in part:

A. Purpose

This section is intended to authorize the grant of relief from the strict terms of the ordinance in order to provide equal housing opportunities particularly suited to the needs of persons entitled to reasonable accommodation under law and to encourage innovation in land use and variety in design and layout. In the event state or federal law, e.g., The Federal Fair Housing Amendments Act of 1988, requires the Township to make "reasonable accommodation" for a particular proposed user of property, the Township Board, following public hearing before and recommendation of the Township Supervisor, under the authority of MCL 125.286c, may administratively approve a special accommodation use, subject to and in accordance with this section.

RELIGION

It appears that it is the practice of Northfield Township for someone to offer a prayer at the beginning of Township board meetings.

RECOMMENDATION #17: PRAYER AT PUBLIC MEETINGS

Although it is not illegal to do so, if prayers are offered at public meetings, care should be taken to ensure that they are non-denominational and do not refer to any particular religion.

FUNDING

The City of Ann Arbor funded fair housing enforcement for over a decade, but beginning in July Of 2011 is no longer funding fair housing enforcement services. The Fair Housing Center gets the largest number of complaints from the City of Ann Arbor. Over 40% of all Fair Housing Center complaints in the Urban County come from the City of Ann Arbor.

RECOMMENDATION #18: FUNDING

The City of Ann Arbor should continue to fund fair housing enforcement.

HUMAN RIGHTS/RELATIONS COMMISSIONS

The City of Ann Arbor is to be commended for having a Human Rights Commission. However, the information on the City's web site is unclear in several places, and is out of date, referring to reports expected out in 2009. Further, the site says that the Human Rights Commission can only investigate community-wide concerns but not individual concerns, and refers individuals with concerns to the Human Resources Department, for reasons that are unclear. Perhaps individuals with concerns about employment discrimination should be referred to the Human Resources department, but in other cases referrals to the Fair Housing Center, Legal Services, or the Center for Independent Living (for instance) might be more applicable. In addition, minutes to Human Rights Commission meetings were unavailable on the web site, although the web site indicated that they should be there.

RECOMMENDATION #19: HUMAN RIGHTS/RELATIONS COMMISSION WEB SITES

The Human Rights Commission/Human Relations Commission web sites should be maintained, and a more adequate referral system should be set in place.

The City of Ypsilanti is to be commended for having a Human Relations Commission. Information about the commission, and minutes from its meetings, are available online at the City of Ypsilanti website. They have a published complaint process as well as a brochure regarding how to get help.

HOUSING COMMISSIONS

The Ann Arbor Housing Commission operates under the aegis of the City of Ann Arbor, and the Ypsilanti Housing Commission operates under the aegis of the City of Ypsilanti. Minutes from a January 2009 AAHC meeting indicate that the Ann Arbor Housing Commission had to respond to at least two civil rights complaints, one related to Section 8 housing and one related to public housing. Minutes from the Ypsilanti Housing Commission are not available online.

RECOMMENDATION #20: HOUSING COMMISSION TRAINING AND WEB SITES

All Housing Commission employees at both housing commissions should be fully trained, annually, in fair housing law. Web sites should be fully maintained with up-to-date information and minutes of meetings.

INSPECTIONS AND BLIGHT

Ypsilanti Township has taken several noteworthy actions in the last several years. The Office of Community Standards has tackled blighted properties, and according to the Urban County 2011-2012 Action Plan, “Ypsilanti Township has allocated \$275,000 to acquire foreclosed homes that will be rehabilitated by Habitat for Humanity and sold to homebuyers.” This is an excellent step.

In addition, Ypsilanti Township has begun a rental inspection program, which was one of the recommendations in the 2005 Analysis of Impediments to Fair Housing.

ZONING AND PLANNING REVISIONS

NEW COMMISSIONERS, NEW ORDINANCES

York Township has recently created a Planning Commission. New commissioners should receive training on their duties, including attention to fair housing and civil rights law.

Over the years, zoning ordinances get revised. At least Pittsfield and Bridgewater townships are currently planning on major overhauls to their zoning ordinances.

RECOMMENDATION #21: UPDATING ZONING ORDINANCES

As zoning ordinances are updated and overhauled, the involved parties should be careful to ensure that they pay attention to fair housing law.

STUDENT HOUSING

The City of Ypsilanti has developed a Student Overlay District whose intent “is to provide areas in the vicinity of the Eastern Michigan University campus which are conducive to student living.

RECOMMENDATION #22: STUDENT HOUSING

Although the intent of the ordinance is not a problem, it is critical that Ypsilanti remain vigilant to ensure that landlords in the student overlay district do not believe that this allows them to exclude non-students of any age, or students with children, from the area.

SUPPORTIVE HOUSING

In 2003, the City of Ypsilanti added to their zoning ordinance an ordinance regarding supportive housing, which is defined in the box below.

Supportive Housing and Supportive Services Definitions (City of Ypsilanti Zoning Ordinance)

Supportive Housing means a facility that provides housing for twenty-four (24) hours per day and supportive services designed to assist residents with improving daily living skills, securing employment, rehabilitation, or obtaining permanent, independent housing. Supportive housing is not intended for short-term, emergency housing and care, but rather longer periods ranging from a few months to a few years. Supportive housing is distinguished from a hospital or other health care environment, and facilities regulated by the State of Michigan as State licensed residential facilities. This definition shall not include fraternities, sororities, dormitories, adult foster care facilities, group homes, nursing homes, substance abuse treatment facilities, emergency shelters, individuals utilizing tenant-based or homeownership-based voucher funding through the U.S. Department of Housing and Urban Development, community correctional facilities, and housing for the rehabilitation of former occupants of correctional facilities. (Ord. No. 988, 12-25-03)

Supportive Services are services provided to residents of supportive housing for the purpose of facilitating the independence of residents, and may be provided on the premises, or off-site. Some examples are case management, medical or psychological counseling and supervision, child care, transportation, and job training. (Ord. No. 988, 12-25-03)

In the opinion of the Fair Housing Center, this ordinance creates an impediment to fair housing based on disability and, potentially, other factors. The Fair Housing Center believes this ordinance will have a disparate impact on people with disabilities, as the vast majority of those who would need supportive housing have disabilities.

Those who wish to provide supportive housing in the City of Ypsilanti are asked to jump through a number of administrative hoops, including a Special Use Review and a Site Plan Review. These reviews are costly and time consuming. The Special Use Review is not required of any units that do not involve supportive housing, and the Site Plan Review is only required of multi-family dwellings with three or more units. Although FHC staff was told that the supportive housing ordinance was originally meant to match the City's R-3 zoning, the requirements diverge and are more restrictive for supportive housing than for other housing.

There are several additional ways in which the ordinance appears to discriminate against those who require supportive housing. For instance, the ordinance imposes an arbitrary limit of eight persons for supportive housing, with a minimum lot area of 8,000 square feet. In R-3 and R-4 zoning, minimum lot areas for rooming houses with 4 or fewer units, and for single-family and two-family dwellings, are significantly less than that required for supportive housing. Additionally, the maximum number of persons allowed is limited to 8 in supportive housing, and is not based on number of bedrooms or building code requirements.

It is overly restrictive to say that supportive housing can only take place in the R-3 or R-4 districts, and the requirement that these locations be at least 750 feet from numerous other activities (such as other supportive housing, nursing homes, drop-in centers, and day care locations), limits the possibilities even further. Ultimately, very little of the City would actually be available for supportive housing. As the *Local Officials Guide to Fair Housing* notes,

When it enacted the Fair Housing Amendments Act of 1988, Congress recognized that state and local governments had sometimes used their zoning power to discriminate against people with disabilities, children, and families. The legislative history identified the limits of local zoning power under the FHA:

The Committee intends that the prohibition against discrimination against those with handicaps apply to zoning decisions and practices. The Act is intended to prohibit the application of special requirements through land-use regulations, restrictive covenants, and conditional or special use permits that

have the effect of limiting the ability of such persons to live in the residence of their choice in the community. (H.R. Rep. No. 711, 100th Cong., 2nd Session 24 (1988), reprinted in 1988 U.S.C.C.A.N. 2173, 2185, and cited in the Local Officials Guide to Fair Housing, p. 4)

RECOMMENDATION #23: SUPPORTIVE HOUSING ORDINANCE

Section 122-811 of the City of Ypsilanti Zoning Ordinance is a barrier to equal housing opportunity for people with disabilities, or for others who might otherwise be helped by a supportive housing environment. The Fair Housing Center of Southeastern Michigan strongly recommends that the City of Ypsilanti rescind this ordinance.

PART 6: SUMMARY AND RECOMMENDATIONS

THE ROLE OF WASHTENAW COUNTY

Washtenaw County has provided consistent funding for fair housing services since 1993. The Fair Housing Center provides the County with fair housing services, including testing, fair housing research and advocacy for people with disabilities (mainly in an effort to gain reasonable accommodations), and some education and outreach.¹⁴

WASHTENAW COUNTY/URBAN COUNTY GOVERNANCE RECOMMENDATIONS

Washtenaw County, and the Urban County, can provide leadership to affirmatively further fair housing throughout the County and the Consortium area. FHC recommends the following actions related to planning, zoning, and building issues:

- ✍ Assist jurisdictions that are new to the Urban County to collect baseline data regarding fair housing issues.
- ✍ Provide training for local officials on fair housing law as it pertains to building codes, zoning, planning and land-use.
- ✍ Create materials for all building departments to aid builders/developers in compliance with Fair Housing Amendments Act accessibility requirements.
- ✍ Conduct a periodic review of all local regulations pertaining to building codes, zoning, planning and land-use.
- ✍ Provide basic training for Building, Planning, and Zoning staff on the accessibility requirements written into the Fair Housing Amendments Act.
- ✍ Encourage local jurisdictions to involve members of the disability rights community in building, planning and zoning decisions/issues.

¹⁴ While County funding goes a long way in providing needed fair housing enforcement services, the residents and potential residents of the Urban County Consortium are dependent to some extent on the funding provided to the FHC by the HUD Fair Housing Initiatives Program/Private Enforcement Initiative.

- ✍ Have a list of fair housing experts available to consult with the County on zoning, planning, and land-use issues.

Community education is critical, and Washtenaw County has a significant role to play.

- ✍ Washtenaw County and local jurisdictions can include community education around fair housing laws in seminars related to building and development, through inserts in newsletters published by the various jurisdictions, and by placing relevant links on their web sites.
- ✍ Washtenaw County and local jurisdictions can work to educate planning and zoning staff so that they are trained to give clear and consistent information to all citizens, without discrimination.
- ✍ As the county becomes more diverse, Washtenaw County should investigate ways to assist local jurisdictions with translation-related needs.
- ✍ Washtenaw County should continue its pursuit of public, county-owned parkland.

In addition to community education and technical assistance, Washtenaw County should continue its support of testing activities.

- ✍ Washtenaw County should continue to contract with a private fair housing organization to support fair housing investigation and testing activities within the county.
- ✍ Washtenaw County should consider doing testing, or mystery shopping, of planning and building departments within the Urban County. This would identify any potential problems in the treatment of protected classes. For instance, if a white person and a black person both request information on building a new home, are they given the same information?

Finally, Washtenaw County controls a significant amount of money.

- ✍ Washtenaw County should encourage the banks in which it invests to invest in Washtenaw County.
- ✍ Washtenaw County should ensure that any banks in which it invests have minimal CRA ratings of Satisfactory, and preferably of Outstanding.

The Urban County is an area of great diversity. Each jurisdiction, by joining the Urban County/HOME Consortium, has already demonstrated its interest in fair housing and affordable

housing. Still, there is much that can and should be done, in the coming years, to remove impediments to fair housing.

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City of Ypsilanti Fair and Open Housing Ordinance (Chapter 66 of Title VI of the Ypsilanti City Code)

City of Ypsilanti Non-Discrimination Ordinance (Chapter 67 of Title VI. Ypsilanti City Code)

City of Ypsilanti, MI Zoning Ordinance (Supportive Housing Ordinance)

Elliott-Larsen Civil Rights Act. State of Michigan. PA 453 of 1976

Fair Housing Act Amendments. 1989. U.S. Government

Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc

APPENDIX (DETAILED HUD COMPLAINTS BY LOCATION)

Urban County Housing Discrimination Complaints Filed with the U.S. Department of Housing and Urban Development, 2005 – 2010

(Complaints may be filed against public or private properties)

Date Filed	Basis	Transaction Type	Property Type	Type of Allegation	Status	Location
3/3/2005	Familial Status	Rental	Multi-family 5+	Discriminatory refusal to negotiate for rental	No cause determination	City of Ann Arbor
3/16/2005	Disability	Cooperative	Multi-family 5+	Coercion, Failure to make a reasonable accommodation	No cause determination	City of Ann Arbor
5/2/2005	National Origin, Familial Status	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges relating to rental; Discriminatory acts under Section 818	No cause determination	City of Ann Arbor
6/23/2005	Disability	Rental	Multi-family 5+	Failure to make a reasonable accommodation	Complaint withdrawn by complainant without resolution	City of Ann Arbor
11/30/2005	Disability	Rental	Multi-family 5+	Failure to make a reasonable accommodation	Complainant failed to cooperate	City of Ann Arbor
4/12/2006	Race, Familial Status	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges relating to rental; Discriminatory acts under Section 818	Complaint withdrawn by complainant after resolution	City of Ann Arbor
4/16/2006	Race, National Origin	Mortgage Loan	House	Discriminatory Financing	Complainant failed to cooperate	City of Ann Arbor

6/2/2006	Disability	Rental	Multi-family 5+	Failure to make a reasonable accommodation	Complaint withdrawn by complainant after resolution	City of Ann Arbor
9/13/2006	National Origin, Religion	not listed	Multi-family 5+, Condominium	Discrimination in terms, conditions, privileges, or services and facilities	No cause determination	City of Ann Arbor
11/16/2006	National Origin, Familial Status, Religion	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges, or services and facilities	Complaint withdrawn by complainant without resolution	City of Ann Arbor
3/8/2007	Religion	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges relating to rental	Complaint withdrawn by complainant after resolution	City of Ann Arbor
7/6/2007	Race	Cooperative	Multi-family 5+	Discrimination in terms, conditions, privileges, or services and facilities	Complaint withdrawn by complainant without resolution	City of Ann Arbor
7/27/2007	Sex, Disability	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges, or services and facilities, Failure to make a reasonable accommodation	Conciliation settlement successful	City of Ann Arbor
11/29/2007	Disability	Rental	Multi-family 5+	Failure to make a reasonable accommodation	Complaint withdrawn by complainant after resolution	City of Ann Arbor
5/9/2008	Race	Public Accommodation	n/a	Discrimination in terms, conditions, privileges, or services and facilities	Complaint withdrawn by complainant after resolution	City of Ann Arbor

6/5/2008	Race, Disability	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges, or services and facilities	Complaint withdrawn by complainant without resolution	City of Ann Arbor
6/5/2008	Race	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges relating to rental	No cause determination	City of Ann Arbor
8/14/2008	National Origin	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges relating to rental	Complaint withdrawn by complainant after resolution	City of Ann Arbor
12/17/2008	Race	Rental	Multi-family 5+	Discriminatory acts under Section 818	No cause determination	City of Ann Arbor
12/17/2008	Race	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges relating to rental	No cause determination	City of Ann Arbor
1/22/2009	Race	not listed	not listed	Discriminatory advertising	Conciliation settlement successful	City of Ann Arbor
3/10/2009	Race, Disability	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges, or services and facilities	Conciliation settlement successful	City of Ann Arbor
7/29/2009	Race	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges, or services and facilities	No cause determination	City of Ann Arbor
7/16/2010	Sex	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges, or services and facilities	No cause determination	City of Ann Arbor
7/30/2010	Sex, National Origin, Familial Status	Rental	Multi-family 5+	Refusal to Rent, Discrimination in services and facilities	open	City of Ann Arbor

8/27/2010	Disability	No info. available	No info. available	Discrimination in terms, conditions, privileges, or services and facilities	open	City of Ann Arbor
10/27/2010	Race	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges, or services and facilities, coercion	No cause determination	City of Ann Arbor
12/7/2010	Disability	Cooperative	Multi-family 5+	Failure to make a reasonable accommodation	open	City of Ann Arbor
12/10/2010	Race	Rental	No info. available	Discrimination in terms, conditions, privileges, or services and facilities	open	City of Ann Arbor
1/10/2005	Sex, Sexual Harassment	Rental	No info. available	Discrimination in terms, conditions, privileges, or services and facilities, coercion	No cause determination	City of Ypsilanti
2/21/2006	Familial Status	Rental	No info. available	Discriminatory refusal to rent	No cause determination	City of Ypsilanti
7/10/2006	Race	Rental	No info. available	Discrimination in terms, conditions, privileges, or services and facilities	Complainant failed to cooperate	City of Ypsilanti
9/26/2007	Disability	Rental	Multi-family 2-4 or more	Discrimination in terms, conditions, privileges, relating to rental	Complaint withdrawn by complainant without resolution	City of Ypsilanti
5/14/2008	Disability	Rental	No info. available	Failure to make a reasonable accommodation	Complaint withdrawn by complainant after resolution	City of Ypsilanti
2/9/2009	Disability	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges, or services and facilities	No cause determination	City of Ypsilanti
5/5/2009	Race, Color, Disability	Rental	Multi-family 5+	Discriminatory refusal to rent	No cause determination	City of Ypsilanti

12/8/2010	Race, Disability	Rental	No info. available	Discrimination in terms, conditions, privileges relating to rental Discrimination in services and facilities relating to rental	open	City of Ypsilanti
5/18/2009	Race, Sexual Harassment	Rental	House	Discrimination in terms, conditions, privileges, or services and facilities	No cause determination	Pittsfield Township
1/25/2010	National Origin	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges, or services and facilities	Open	Pittsfield Township
2/14/2006	Disability	Rental	Multi-family 5+	Discriminatory refusal to rent	No cause determination	Pittsfield Township
2/14/2006	Disability	Rental	Multi-family 5+	Failure to make a reasonable accommodation	No cause determination	Pittsfield Township
4/24/2006	Familial Status	Rental	No info. available	Discriminatory refusal to rent	No cause determination	Pittsfield Township
5/22/2008	Disability	Rental	No info. available	Failure to make a reasonable accommodation	No cause determination	Pittsfield Township
1/26/2010	Disability	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges, or services and facilities, failure to make a reasonable accommodation	Conciliation settlement successful	Scio Township
8/10/2005	Race	Rental	No info. available	Discriminatory refusal to rent	No cause determination	Superior Township
1/11/2006	Race, Familial Status	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges	Complaint withdrawn by complainant without resolution	Superior Township
2/14/2006	Race	No info. available	No info. available	Discrimination in terms, conditions, privileges, or services and facilities	No cause determination	Superior Township

5/16/2006	Disability	Rental	Multi-family 5+	Failure to make a reasonable accommodation	Complaint withdrawn by complainant after resolution	Superior Township
4/14/2009	Race, Disability	Rental	No info. available	Discrimination in terms, conditions, privileges relating to rental	Complaint withdrawn by complainant after resolution	Superior Township
4/18/2005	Retaliation	Rental	Multi-family 5+	Coercion	Election made to go to court	Ypsilanti Township
7/22/2005	Disability	Rental	Multi-family 5+	Failure to make a reasonable accommodation	Conciliation settlement successful	Ypsilanti Township
6/11/2008	Disability	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges, or services and facilities	Complaint withdrawn by complainant without resolution	Ypsilanti Township
12/9/2008	Familial Status	No info. available	No info. available	Discrimination in terms, conditions, privileges, or services and facilities	No cause determination	Ypsilanti Township
3/13/2009	Race	No info. available	No info. available	Discriminatory acts under Section 818	Conciliation settlement successful	Ypsilanti Township
7/16/2009	Race	Appraisal	No info. available	Discrimination in appraising of residential property	Complaint withdrawn by complainant without resolution	Ypsilanti Township
9/24/2009	Disability	Rental	Multi-family 5+	Discrimination in terms, conditions, privileges, or services and facilities	No cause determination	Ypsilanti Township
6/10/2010	Race	Sales	Single Family Home	False denial or representation of availability Discrimination in terms, conditions, privileges, relating to sale	No cause determination	Ypsilanti Township