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RIGHTS PROJECT



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January 17, 2007

BY US MAIL AND FACSIMILE

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OFFICERS AND DIRECTORS  
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Dear Ms. Waters:

We are writing on behalf of your former tenant, Ms. Tanica Lewis. Ms. Lewis resided with her two children in Northend Village at 925 Hague Street, Apt. 37, in Detroit from July 30, 2005 until March 31, 2006. She moved out involuntarily, on the basis of a notice to quit received from Management Systems Incorporated.

This notice to quit was based upon an incident of domestic violence by Reuben Thomas (Ms. Lewis's former boyfriend), which occurred on March 1, 2006. On that date, Mr. Thomas appeared at Ms. Lewis's home while she was absent from her residence. When he could not gain entry to her apartment, he broke her windows and kicked in her door. Based on this incident, Management Systems Incorporated issued Ms. Lewis a 30-day notice to quit on March 13, 2006, stating that Ms. Lewis had violated that portion of her lease indicating that she would be liable for any damage resulting from her lack of proper supervision of her guests.

On February 24, 2006, however, Ms. Lewis had obtained a personal protection order against Mr. Thomas based on his threats against her. She informed Northend Village management of the order at the time she obtained it. This court order, enforceable by the police, prohibited Mr. Thomas from entering the 925 Hague Street property. When Ms. Lewis learned that Mr. Thomas had come to her home and vandalized it in violation of the protection order on March 1, 2006, she immediately reported this violation to the police, as well as to the Residential Manager of Northend Village. Indeed, Mr. Thomas was ultimately convicted of breaking and entering and ordered to pay restitution for the damaged property. Accordingly, Ms. Lewis did everything within her power to prevent Mr. Thomas from visiting 925 Hague Street and to enforce available

legal remedies against Mr. Thomas when he did so in violation of her personal protection order. As the management of Northend Village was aware at the time of the incident, far from being Ms. Lewis's guest, Mr. Thomas was in fact an individual whom she had gone so far as to legally bar from her home.

On the basis of the notice to quit issued by Management Systems Incorporated, Ms. Lewis left her apartment in Northend Village and thus shouldered moving costs. The apartment to which she was forced to relocate cost approximately \$200 more in rent a month than her previous home. In addition, it was inconveniently located far from her place of employment, in contrast to her home in Northend Village, which was less than ten minutes from her workplace. Because of the move, she was also forced to make new and less desirable childcare arrangements for her youngest daughter; the child's grandmother, who lived within a few blocks of Northend Village, had previously cared for Ms. Lewis's daughter. Most importantly, the notice to quit threatened Ms. Lewis with homelessness at the very moment that she was attempting to protect herself and her children from Mr. Thomas's threatening and dangerous behavior, resulting in significant emotional distress for Ms. Lewis.

As we assume you are aware, both the federal Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.*, and the Michigan Eliot-Larsen Act, M.C.L. §§ 37.2501 *et seq.*, prohibit discrimination in rental housing on the basis of sex. These statutes forbid both actions based upon gender stereotyping or animus and those that have a discriminatory impact on women. The eviction of Ms. Lewis was apparently based on gender stereotypes about battered women—namely, the stereotype that if a woman is experiencing domestic violence, it is necessarily her fault, because she must be inviting it or allowing it to happen. In addition, because most domestic violence victims are women, those policies and practices that discriminate against victims of domestic violence have an unlawful disparate impact on women. Management Systems Incorporated's interpretation of the word "guest" to mean those individuals who enter a property uninvited and in violation of personal protection orders constitutes just such a practice.

For just these reasons, courts and agencies considering the question have repeatedly found that housing practices that discriminate against victims of domestic violence unlawfully discriminate on the basis of sex. For instance, in *Bouley v. Young-Sabourin*, 394 F. Supp.2d 675 (D. Vt. 2005), a case in which the ACLU Women's Rights Project appeared first as amicus and then as plaintiff counsel, the district court denied defendant's summary judgment motion in a sex discrimination Fair Housing Act claim, based on plaintiff's

showing that less than 72 hours after her husband assaulted her, her landlord issued her a notice to quit. Shortly after this ruling, the case settled with an award of damages and attorneys' fees. *See also Winsor v. Regency Property Mgmt.*, No. 94 CV 2349 (Wis. Cir. Ct. Oct. 2, 1995) (finding discrimination against domestic violence victims had a discriminatory effect on women in violation of state fair housing law) (attached).

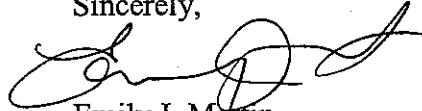
Similarly, in a federal case in Oregon litigated by the ACLU Women's Rights Project, the U.S. Department of Housing and Urban Development determined that when an apartment management agency takes action against an individual based upon her status as a victim of domestic violence, it discriminates on the basis of sex, because most victims of domestic violence are women. *See HUD v. CBM Group, Inc.*, HUDALJ 10-99-0538-8, Charge of Discrimination (2001); *see also* 1985 Op. N.Y. Att'y Gen. 45 (1985) (same) (attached). That case resulted in a consent decree, under which the federal government monitored the apartment management corporation for five years to ensure that its practices and policies in relation to victims of domestic violence complied with the Fair Housing Act. In addition, the apartment management corporation was required to pay compensatory damages and attorneys' fees, to refrain from evicting or otherwise discriminating against tenants because they have been victims of violence, and to train its employees about discrimination and fair housing law.

Moreover, it seems unlikely that evicting an tenant for criminal behavior undertaken by an individual whom the tenant not only had not invited to the property, but whom she had legally excluded from her home, complies with the requirement that all Low-Income Housing Tax Credit properties terminate tenancy only for good cause. 26 U.S.C.A. § 42(h)(6)(E)(ii)(I); I.R.S. Rev. Rul. 2004-82, Q&A 5 (2004). Given that the behavior on which the notice to quit was premised cannot reasonably be construed as a violation of Ms. Lewis's lease, the notice to quit amounts to a termination of tenancy without cause.

For this reasons, we believe that your eviction of Ms. Lewis violated federal and state law. Moreover, it forced her and her children from her home at a time of significant emotional trauma. We hope that we can resolve this matter amicably. Therefore, we ask that you reimburse Ms. Lewis and her children for the financial damages occasioned by the move as well as for the significant emotional distress they experienced. We further request that you make available an apartment to Ms. Lewis's family comparable in cost, amenities, and location to the Northend Village unit from which they were terminated and suggest that rent abatement for a period of months may be a method of addressing Ms. Lewis's accrued damages. We understand from

Ms. Lewis that New Center Commons Condominiums and Palmer Court Townhomes may offer such comparable properties. Finally, we request that Management Systems Incorporated amend the discriminatory policy outlined above, to ensure that tenants who are victims of domestic violence are not subject to the sort of preemptory eviction in the absence of good cause that Ms. Lewis experienced. We ask that you or your attorney contact us no later than January 31, 2007, so that we may pursue resolution of this matter.

Sincerely,



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