

Fair Housing

DANE LAW

Civil Rights

May 21, 2020

Via email only

Garrett Humes
Kaman & Cusimano, LLC
11311 Cornell Park Drive, Suite 220
Cincinnati, Ohio 45242

**Re: Carillon House Pet Etiquette Brochure
2230 S. Patterson Blvd, Dayton, OH 45409**

Dear Garrett:

In follow-up to our discussion this afternoon, this is to confirm that the Miami Valley Fair Housing Center, Inc. (“MVFHC”) is making a demand that Carillon House reimburse it for the diversion of its resources and for attorneys fees incurred in connection with the Pet Policy Brochure matter.

The Fair Housing Act provides for awards of compensatory damages to fair housing organizations who successfully advocate to terminate alleged fair housing violations. The scope of damages includes recompense for diversion of resources and frustration of mission.

Compensatory damages for diversion of resources consist of the costs expended in performing an investigation and conducting testing with respect to the fair housing violations. *See, e.g., Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982); *Hooker v. Weathers*, 990 F.2d 913, 915 (6th Cir. 1993) (“Fair Housing Contact Service conducted an investigation, and confirmed the facts and circumstances alleged . . .”). *Miami Valley Fair Housing Ctr. v. Connor Grp.*, 725 F.3d 571, 576 (6th Cir. 2013) (upholding MVFHC’s standing to sue under the FHA).

Frustration of mission damages consist of the future costs a fair housing organization will incur to rectify the effects of a housing provider’s actions. *See Fair Housing of Marin v. Combs*, 2000 U.S. Dist. LEXIS 4737No. C97-1247 MJJ, 2000 WL 365029, at *3-4 (N.D. Cal. March 29, 2000), *aff’d*, 285 F. 3d 899 (9th Cir. 2002). Such amounts seek to redress the damage that

discriminatory housing practices not only inflict on the mission of an organization securing housing rights, but also to the community at large and can include future monitoring and testing costs, training costs and community outreach costs. *See id.*; *Housing Rights Center Ctr. v. Snow*, 2006 U.S. Dist. LEXIS 94472No. CV05-4644SGL(JTLX), 2007 WL 91148, at *2 (E.D. Cal. Jan. 3, 2007).

In this situation, MVFHC's diversion of resources damages are \$4,072, and the attorneys fees it incurred add up to \$2,500. It therefore demands that Carillon House reimburse it in the amount of \$6,572.

Please present this demand to your client and respond as soon as possible. Thank you for your attention.

Very Truly Yours,

Stephen M. Dane

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Cc: Miranda Wilson