



Miami Valley Fair Housing Center, Inc.

505 Riverside Drive

Dayton, OH 45405

937-223-6035

Jim McCarthy, President/CEO

August 31, 2020

RE: Carillon House Association "Legal Update" dated 08/25/2020

Dear Carillon House Association Member:

I am writing in my capacity as the President/CEO of the Miami Valley Fair Housing Center, Inc. (MVFHC); however, I also am the co-owner of two units at the Carillon House. The purpose of my letter is not to summarize or rationalize the events that led to the filing a federal lawsuit against The Carillon House Association; instead I want to make available to you the actual documentation, in chronological order. I am doing so to allow you to read and understand for yourself, without interpretation by anyone else, how the dispute over the Pet Etiquette Brochure arose, and what transpired over a period of more than three months before MVFHC filed the federal lawsuit against The Carillon House Association.

It is important you know that raising these concerns is part of the Fair Housing Center's mission. I also want to explain what MVFHC sought to accomplish when it raised concerns about the Pet Etiquette Brochure to the Board. I recognize not everyone is interested in the lengthy details. However, if there is any doubt as to the veracity of how this interaction transpired, I invite you to visit [www.mvfairhousing.com/carillonhouse](http://www.mvfairhousing.com/carillonhouse) where you will find a detailed narrative and links to each document exchanged between MVFHC and The Carillon House Association or its attorneys.

It is also important to know that MVFHC received an unsolicited copy of the draft brochure—that *did not include the language MVFHC found objectionable*—and was told the draft brochure was the final version that the committee had agreed upon for submission to the Board.

MVFHC did not initiate its advocacy with an administrative complaint, nor a lawsuit against the Association. Instead, on 03/07/2020 MVFHC sent a letter to the Association through Gwyn Rotramel at Apple Management in an attempt to achieve voluntary compliance with state and federal fair housing laws and guidelines. MVFHC requested the Board immediately rescind the Pet Etiquette brochure, and explain to owners/ residents that the brochure contained incorrect information. The Board was unwilling to do so.

MVFHC requested the Board to clarify to owners/residents that the Americans with Disabilities Act (ADA) was not the law applicable to the situation, but instead that the federal Fair Housing Act and its equivalent state law were, and that the Fair Housing Act did not allow conditions and restrictions that housing providers apply to pets to be applied to assistance animals. The Board was unwilling to do so.

MVFHC requested the Board to clarify to owners/residents that the Pet Etiquette Brochure had misconstrued what a reasonable accommodation was when it published the following language:

"Service, therapy and emotional support pets are not exempt from this policy. The ADA requirement is that 'reasonable accommodations' are made for service animals. Reasonable accommodations have been made by using the elevators, N. Garage ramp and N. Garage exits."

The Board was unwilling to do so.

MVFHC requested the Board to clarify that restricting the doors through which an individual with an assistance animal might enter or exit is analogous to restricting the doors through which an individual with a cane, walker or wheelchair might enter or exit. The Board was unwilling to do so.

MVFHC requested that the Board clarify that by publishing and distributing the brochure to the Carillon House Association's owners/resident renters it had likely violated state laws and the federal Fair Housing Act, 42 U.S.C. Section 3604 which says "it shall be unlawful to —

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**(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination."**

The Board was unwilling to do so.

The Board chose not to engage directly with MVFHC and work out a cost-free resolution; instead, the Board turned the matter over to the Association's legal counsel, Kaman & Cusimano who replied to MVFHC on 03/20/2020. For an additional two weeks, MVFHC continued correspondence with Kaman & Cusimano in an attempt to achieve voluntary compliance, but was unsuccessful.

At the end of March, MVFHC engaged the services of a fair housing attorney to represent MVFHC in continued negotiations with Kaman & Cusimano. On May 15, 2020, the board distributed a revision to the Carillon House Handbook of Rules and Information and noted that, "the Pet Policy has been revised to include more information from Fair Housing. It should also replace the Pet Etiquette brochure that was distributed a few months ago."

MVFHC reluctantly accepted this revision without any of the other requested explanations to owners/residents. However, because MVFHC had spent more than three months, 20 staff hours, and had to engage an attorney to resolve the matter, the Fair Housing Center requested that the Association reimburse MVFHC for its costs. The Board was unwilling to do so.

It was only then, after the Board's refusal to pay, that the Fair Housing Center filed a federal lawsuit to recover reimbursement for its costs and expenses. The Association notified its insurance carrier and MVFHC's attorney and the insurance adjuster negotiated a settlement, and MVFHC dismissed the lawsuit. MVFHC is disappointed to learn that the Board maintains its position that the published Pet Etiquette Brochure is a reasonable and acceptable document. **It is not.**

Only the revised Carillon House Handbook of Rules and Information now contains acceptable language on assistance animals under the Fair Housing Act, and it contains that language only because MVFHC demanded the language be re-written. It remains the position of MVFHC that **the language of the Pet Etiquette Brochure distributed by the Carillon House Association regarding service, therapy and emotional support animals, directly contradicts HUD and DOJ published guidance** and likely violates the Fair Housing Act and equivalent state law.

Sincerely,



Jim McCarty  
President/CEO