



Miami Valley Fair Housing Center, Inc.

505 Riverside Drive

Dayton, OH 45405

937-223-6035 • Fax 937-558-5868

Jim McCarthy, President/CEO

## **INFORMATIONAL BACKGROUNDER**

**FOR IMMEDIATE RELEASE**

For Further Information Contact:

Jim McCarthy, President/CEO

(937) 223-6035

[jim.mccarthy@mvfairhousing.com](mailto:jim.mccarthy@mvfairhousing.com)

### **Fair Housing Center settles complaint against Steiner + Associates, Developer of the Gilbert Court apartment units at The Greene.**

(DAYTON) On December 10, 2012, Judge Thomas M. Rose, of the U.S. District Court for the Southern District of Ohio approved a settlement in Miami Valley Fair Housing Center et al, v. Steiner + Associates, et al, requiring Defendants to retrofit covered apartment units and adjacent common areas at three apartment complexes, consisting of 395 covered unites in three states, to ensure that they are accessible to people with disabilities. In Dayton, the settlement also provides for a easement and right of way into The Green Town Center for 99 years, to allow the Dayton RTA to operate public transportation beyond the Montgomery County line on a route that runs east on Glengarry Drive into the center of The Greene Town Center and thus provide ready access to the residential units and other amenities at The Greene to people with mobility impairments.

The litigation commenced in April 2008, after an extensive investigation by the Miami Valley Fair Housing Center, the Metropolitan Milwaukee Fair Housing Council, and the National Fair Housing alliance uncovered substantial architectural barriers at three town centers developed by Steiner: Gilbert Court at The Greene Phase I, in Beavercreek, OH; Lofts at Zona Rosa in Kansas City, Missouri; and Bayshore Town Center in Glendale, Wisconsin.

**INFORMATIONAL BACKGROUNDER**

**FAIR HOUSING CENTER SETTLES COMPLAINT AGAINST STEINER + ASSOCIATES**

**February 1, 2013**

**Page 2**

Under the terms of the Stipulated Judgment approved by the judge, the Defendants will be solely responsible for the costs of alterations or retrofits, and are required to bring the common use facilities and exteriors of the properties into compliance, as agreed by the parties, within 24 months; and the interiors of covered units into compliance within 36 months.

The Stipulated Judgment also names an inspector, to be paid solely by the Defendants, who is then responsible for conducting or supervising an on-site inspection at each retrofit property to determine if alterations have been performed according to the terms of the Stipulated Judgment.

In addition, the Defendants agreed to ensure that for a period of six years after the judgment, each will design and/or construct any new covered multifamily dwellings in compliance with the federal Fair Housing Act and other accessibility laws as are applicable in the jurisdiction where such properties may be constructed; each Defendant to have one of its employees, who has supervisory authority over design or construction to attend a seminar or training session wherein the federal Fair Housing Act, the Americans with Disabilities Act, or similar state accessibility law is a topic; to post and prominently display in the sales or rental offices of all covered multifamily dwellings a sign indicating that all dwellings are available for rental on a nondiscriminatory basis; and to include in all future advertising in newspapers, pamphlets, brochures, websites, and other promotional literature regarding any multifamily rental property owned in whole or in part and/or managed by Defendants, the universal symbol of accessibility, together with the text "This property includes apartment units and common area features that are accessible to and usable by people with disabilities."

The Stipulated Judgment also provides for a settlement payment, the amount of which was not disclosed, to be made to Plaintiffs for alleged damages and expenses for the alleged diversion of Plaintiffs resources, and alleged frustration of Plaintiffs' mission; reimbursement for alleged costs and expenses relating to the investigation; and Plaintiffs' litigation costs and expenses, and attorney fees.

"We are very pleased with the resolution of this case," said Jim McCarthy, President/CEO of the Miami Valley Fair Housing Center. "Our mission is to ensure equal housing opportunity for all people in our region, and the

**INFORMATIONAL BACKGROUNDER**

**FAIR HOUSING CENTER SETTLES COMPLAINT AGAINST STEINER + ASSOCIATES**

**February 1, 2013**

**Page 3**

pursuit of this case was essential to meeting our mission in the community, especially for people with disabilities.”

***What is the Fair Housing Amendments Act?*** The Fair Housing Amendments Act of 1988 is a federal law that provides anti-discrimination protection for people with disabilities. It mandates that every multifamily apartment building containing four or more units, and built for first occupancy after March 13, 1991, is subject to certain design and construction requirements. All ground floor units must comply with the following seven requirements, as must all units served by an elevator.

Requirement 1. An accessible building entrance on an accessible route.

Requirement 2. Accessible public and common use areas.

Requirement 3. Usable doors (usable by a person in a wheelchair).

Requirement 4. Accessible route into and through the dwelling unit.

Requirement 5. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.

Requirement 6. Reinforced walls in bathrooms for later installation of grab bars.

Requirement 7. Usable kitchens and bathrooms.

Additional information on these requirements is available at <http://fairhousingfirst.org>

***Why is building accessible apartments important and required?*** A person using a wheelchair or other mobility aid is just as effectively excluded from the opportunity to live in a particular dwelling by steps or thresholds at building or unit entrances and by too narrow doorways as they are by a posted sign saying “No Handicapped People Allowed.” In considering the 1988 disability amendments to the Fair Housing Act, Congress stressed that enforcement of civil rights laws is necessary to protect people with disabilities from the devastating impact of housing discrimination, including the architectural barriers erected by developers who fail to construct dwellings and public accommodations accessible to and adaptable by, people with disabilities.

***How were Steiner properties out of compliance with the Fair Housing Amendments Act?*** Accessibility standards are a blend of accessible and adaptable design features that apply to buildings ready for occupancy

**INFORMATIONAL BACKGROUNDER**

**FAIR HOUSING CENTER SETTLES COMPLAINT AGAINST STEINER + ASSOCIATES**

**February 1, 2013**

**Page 4**

after March 13, 1991. All ground floor units must comply with the requirements, as must all units served by an elevator in buildings with an elevator and four or more units. The Act also requires housing providers to make reasonable accommodations in rules, policies and practices to disabled people in order to provide equal opportunity of use and enjoyment of their homes. MVFHC, MMFHC, and NFHA identified the following violations during the investigation. Not all violations were found in every complex:

- Apartment units with steps and narrow hallways on the route to the bedrooms making the bedrooms in accessible to people with mobility impairments;
- Apartment units with bathrooms with insufficient space for a wheelchair user to enter and close the door behind him or her;
- Bathrooms with a lack of centered, clear-floor space at the lavatories to allow a wheelchair user to use the faucets and bowl;
- Electrical outlets positioned over cabinets in kitchens and bathrooms which were beyond the reach range of persons in wheelchairs;
- Thresholds within apartment units at doors to terraces, porches, balconies and laundry rooms which were either too high or had abrupt level changes for passage by persons in wheelchairs;
- Doors to closes which were insufficiently wide for safe passage by persons in wheelchairs
- Amenities such as coat racks and mailboxes which were located beyond the reach range of persons in wheelchairs;
- Objects in common area bathrooms, such as toilet paper dispensers and grab bars, that were inappropriately located for use by persons with mobility impairments;
- Doors within common area amenities, that required excessive force to open or that closed too rapidly for use by persons with mobility impairments
- Numerous, excessive running and cross slopes on the route from the apartment building to the bus stop serving that building, amounting to an impediment for travel by people with mobility impairments

*Who are the plaintiffs?*

**The Miami Valley Fair Housing Center, Inc.** (MVFHC) is a private non-profit corporation, organized under Ohio law, and incorporated in 1993. Under the direction of a volunteer board of directors and with a paid staff of fifteen, MVFHC's mission is to eliminate housing discrimination and ensure equal housing opportunity for all people in our region. Since 2001, MVFHC has operated the Predatory Lending Solutions and Foreclosure Prevention project. MVFHC also provides education and outreach, victim intervention services, local community impact research, and legislative support on the issue of predatory mortgage lending and subsequent foreclosures.

**Metropolitan Milwaukee Fair Housing Council** (MMFHC) is a private, non-profit organization whose purpose is to promote fair housing throughout the State of Wisconsin by combating illegal housing discrimination and by creating and maintaining racially and economically integrated housing patterns. It operates satellite offices in Dane County (the Fair Housing Center of Greater Madison) and in Northeast Wisconsin (the Fair Housing Center of Northeast Wisconsin).

**National Fair Housing Alliance** (NFHA) is a consortium of more than 220 private, non-profit fair housing organizations, state and local civil rights agencies, and individuals from throughout the United States. Headquartered in Washington, DC, the National Fair Housing Alliance, through comprehensive education, advocacy and enforcement programs, provides equal access to apartments, houses, mortgage loans and insurance policies for all residents of the nation.