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Private Housing Company Won't Evict Domestic Violence Victims After ACLU Lawsuit (2/26/2008)

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Groundbreaking Policies Bring Company Into Compliance With Federal Fair Housing Act

DETROIT – A groundbreaking settlement agreement finalized today between a domestic violence survivor, a private housing complex and a property management company offers victims of domestic violence, stalking, date rape and sexual assault far reaching protections from eviction and discrimination. This is the first settlement of its kind that applies to private housing.

The settlement follows a federal sex discrimination lawsuit filed by the American Civil Liberties Union and the ACLU of Michigan on behalf of Tanica Lewis - a domestic violence survivor who had been evicted from her apartment because of her abuser's behavior- against the property management company Management Systems, Inc. and the housing complex North End Village. Management Systems manages 50 housing communities in Detroit and Flint, Michigan and Toledo, Ohio, including North End Village. The lawsuit charged that under the federal Fair Housing Act, Management Systems' policy of evicting domestic violence victims because of their abusers' actions constitutes sex discrimination in violation of the federal Fair Housing Act and Michigan's Civil Rights Act.

"We commend Management Systems and North End for recognizing that landlords should not blame women for the criminal acts perpetrated against them," said ACLU Women's Rights Project staff attorney Sandra Park. "All too often, landlords force victims of domestic violence out of their homes, based on the stereotype that victims can control the violence and have chosen not to do so. We hope that this settlement encourages other private housing companies to enact proactive policies that comply with federal law and help rather than harm women."

The settlement goes beyond the federal Violence Against Women Act's (VAWA) housing law in both substance and scope and serves as an exemplary model for private housing policies throughout the country. VAWA applies only to public and voucher housing and does not affirmatively provide for early lease termination and/or relocation to tenants who must flee violence.

Under the settlement, North End Village and Management Systems, Inc. will not evict or discriminate against tenants because they have been the victims of domestic violence, dating violence, sexual assault or stalking, whether or not the abuser is residing in the tenant's household. The property management company will also offer early lease termination and relocation to tenants who have been the victims of such abuse and need to leave their homes to ensure their safety.

Tanica Lewis ended a relationship with Reuben Thomas in 2005 and obtained a personal protection order a few months later in 2006 after he harassed and stalked her. She informed the management company of the order that prohibited Thomas from coming near her home in North End Village. On March 1, 2006, however, Thomas broke the windows of her home and kicked in her door. Lewis immediately reported the incident to the police as well as to the residential manager of the property. Thomas was ultimately convicted of home invasion and ordered to pay restitution. Nonetheless, based on this incident, Management Systems Inc. issued Lewis a 30-day notice of

eviction on March 13, 2006, stating that she had violated the portion of her lease that said she would be liable for any damage resulting from “lack of proper supervision” of her “guests.” As a result of the eviction, Lewis and her two young daughters could not return home and lived in a shelter. Later, they found another apartment but the rent was much higher and was farther from Lewis’ job. She also had to arrange new, and more costly, childcare arrangements.

“When I reported the domestic violence, first to the police and then to my housing manager, I thought I was making myself and my children safer. Instead, my landlord threw us out of the apartment and we had nowhere to go,” said Lewis. “I hope other women in private housing who are brave enough to come forward about their abusers don’t suffer the same way.”

Studies from across the country confirm the connection between domestic violence and homelessness. The 2005 Hunger and Homelessness Survey by the United States Conference of Mayors found that half of the U.S. cities surveyed reported that domestic violence is a primary cause of homelessness. Another 2005 investigation by the Anti-Discrimination Center of Metro New York, a fair housing group, found that 28 percent of housing providers in New York City either flatly refused to rent to a domestic violence victim or failed to follow up as promised when contacted by an investigator posing as a housing coordinator for a domestic violence survivor assistance program.

“Landlords often only learn about domestic violence because victims have sought the help of police or the courts,” said Kary Moss, Executive Director of the ACLU of Michigan. “When victims know that they may face eviction if a landlord finds out about the abuse, they are less likely to seek this assistance and more likely to submit to the abuse. We hope that other private housing companies will follow Management Systems’ lead and put in place policies that help end the cycle of violence which sometimes compels women and their children to live on the streets.”

The ACLU has successfully challenged similar discriminatory policies in housing across the country. In another case in Michigan, the Ypsilanti Housing Commission (YHC) agreed, after the ACLU intervened, to end a policy that led to the eviction of Aaronica Warren, a domestic violence victim. The YHC had relied on a “one-strike rule” in its lease that permitted it to evict tenants if there was any violence in a tenant’s apartment – even if the tenant was the victim of the violence.

In addition, after the ACLU became involved, a federal court in Vermont issued a first-of-its-kind ruling in *Bouley v. Young-Sabourin* in 2005, holding that discriminating against victims of domestic violence can constitute sex discrimination under the Fair Housing Act. The judge ruled that when a landlord seeks to evict a tenant immediately after she has been the victim of a domestic assault, the protection the Fair Housing Act provides against sex discrimination is applicable.

Lewis is represented by Park, Emily Martin and Lenora M. Lapidus of the ACLU Women’s Rights Project, and Moss and Michael J. Steinberg of the ACLU of Michigan.

The settlement and other legal documents are available online at:
www.aclu.org/fairhousingforwomen

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