

URL: <http://www.aclu.org/womensrights/violence/28143prs20070117.html>

## **ACLU Fights Eviction of Domestic Abuse Victim in Michigan (1/17/2007)**

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### **Mother of Two in Detroit Evicted After Ex-Boyfriend Violates a Personal Protection Order, Breaks into Her Home**

DETROIT - In a letter sent to an apartment management company today, the American Civil Liberties Union and the ACLU of Michigan urged a Detroit landlord to revise a policy that evicts all tenants whose "guests" create a disturbance or damage the property, including tenants who are victims of domestic violence.

The letter was written on behalf of Tanica Lewis, a mother of two who was evicted from her home by Management Systems Incorporated shortly after an ex-boyfriend broke into her home when she was away. "By revising this policy, Management Systems Incorporated can help break the cycle of women being victimized twice - first by their abuser and then by their landlord," said Emily Martin, Deputy Director of the ACLU Women's Rights Project. "Landlords should encourage tenants who are victims of domestic abuse to take the necessary steps to make themselves safe, rather than penalize them for the actions of their abusers."

After Lewis ended a relationship with Reuben Thomas in January 2006, he harassed and stalked her. On February 24, 2006, she obtained a personal protection order against him and informed the management company of the order prohibiting Thomas from entering the complex. On March 1, 2006, however, Thomas attempted to gain entry into her home by breaking her windows and kicking in her door. When Lewis learned of the vandalism, she immediately reported the incident to police, as well as to the residential manager of the property. Thomas was ultimately convicted of breaking and entering and ordered to pay restitution for the damaged property.

Nonetheless, based on this incident Management Systems Incorporated issued Lewis a 30-day notice of eviction on March 13, 2006, stating that she had violated a portion of her lease that said she would be liable for any damage resulting from lack of proper supervision of her guests. Lewis subsequently moved from the property in compliance with the notice.

According to the ACLU's letter, the eviction of Lewis constitutes unlawful sex discrimination in direct violation of the federal Fair Housing Act and the Michigan Elliot-Larson Civil Rights Act.

According to the letter sent today, "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."

After Lewis was evicted, she was forced to relocate to an apartment that cost approximately \$200 more per month in rent. The new apartment was inconveniently located far from her job and from a family member who had cared for Lewis' youngest daughter during work hours. As a consequence, she was forced to make new and less desirable childcare arrangements.

The ACLU is asking Management Systems Incorporated to reimburse Lewis and her children for financial damages incurred by the move and has requested that the company make an apartment available to Lewis's

family comparable in cost, amenities and location to the unit from which they were evicted.

"Unfortunately, women, who are too often victims of domestic violence, get caught up unwittingly in the efforts of landlords to control crime," said Kary Moss, Executive Director of the ACLU of Michigan. "We hope that our intervention will help lead to greater insight by landlords into this very serious issue."

Over the years, the ACLU has successfully challenged similar policies across the country without going to trial. 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 constitutes 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 being represented by Moss and Michael J. Steinberg of the ACLU of Michigan, and Martin and Lenora M. Lapidus of the ACLU Women's Rights Project.

The letter sent to Management Systems Incorporated is available online at: [www-aclumich.org/tanicaletter.pdf](http://www.aclumich.org/tanicaletter.pdf)