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NEWS RELEASE

FOR IMMEDIATE RELEASE

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FAIR HOUSING CENTER AND WOMAN LIVING WITH DISABILITIES FILE LAWSUIT ALLEGING DISABILITY DISCRIMINATION AT AUDUBON CROSSING, AN AFFORDABLE HOUSING PROPERTY FOR SENIORS AND INDIVIDUALS LIVING WITH A DISABILITY

The Miami Valley Fair Housing Center (MVFHC) and Latisha Martin have filed a federal lawsuit alleging that the Audubon Crossing Apartments, and Woda Cooper Companies—which owns and operates Audubon Crossing, 50-unit development for seniors and disabled individuals located within the Old Dayton View neighborhood of Dayton – engaged in discrimination in violation of federal law. The building opened in December 2018. Woda Cooper Companies developed the facility with \$750,000 from the Ohio Housing Trust Fund and \$380,000 in Low Income Housing Tax Credits (LIHTC). Audubon Crossing also participates in Ohio’s Section 811 Project Rental Assistance Program for people with disabilities, a program operated by the Ohio Housing Finance Agency (OFHA). Audubon Crossing was constructed on the last remaining parcel of the Salem Crossing HUD HOPE VI Revitalization site.

Latisha Martin has been a resident of Audubon Crossing Apartments since April 2019. She uses a power wheelchair for mobility and has limited use of her limbs. The lawsuit says that both prior

to and after moving into the apartment, Ms. Martin requested a reasonable accommodation under the federal Fair Housing Act and the federal Rehabilitation Act to Defendants' operations. Ms. Martin's issue was related to opening and closing the door where she enters and exits her unit. Latisha's limited reach and dexterity required her to angle her wheelchair to allow her to unlock the door, lean to turn the handle without falling from her wheelchair and then push, and hold the door open with her wheelchair to enter her apartment at Audubon Crossing Apartments. In doing so, her wheelchair was being damaged. Additionally, she had concerns related to whether or not the door was causing an additional fall/tipping hazard and the additional time it took her to enter the unit creating potential safety hazards caused by such a delay.

"Cases like Latisha Martin's demonstrate why the Miami Valley Fair Housing Center is a critical resource in our community. Without the Fair Housing Center's assistance, Ms. Martin would likely still not have her requested accommodations/modifications," said Ronald Jackson, Chair of the Board of Directors of the Miami Valley Fair Housing Center.

The lawsuit alleges that on March 1, 2019, Latisha Martin submitted a request for reasonable accommodation and/or modification. The request was for an automatic door to be installed, along with other items to make the unit more accessible. It was 132 days later, in mid-July before Woda Cooper Companies responded denying this first request for an accommodation or modification regarding the automatic door. The stated reason for the denial was excessive cost. However, the lawsuit alleges that Woda Cooper's denial of Latisha's request was untrue and unreasonable, and not supported by any legitimate business justification, and that Woda Cooper failed to engage in a meaningful interactive dialogue to determine what Latisha truly needed, in an effort to find possible alternative solutions.

Ms. Martin and her support staff re-submitted requests for an automatic door in late July, August and September, which were each denied for shifting reasons. The lawsuit alleges that each of Woda Cooper's denials of Latisha's request was untrue and unreasonable, and not supported by any legitimate business justification, and that Woda Cooper repeatedly failed to engage in a meaningful interactive dialogue to determine what Latisha truly needed, in an effort to find possible alternative solutions.

In November 2019, Ms. Martin and her support staff requested permission to have a new door opener installed if Ms. Martin was able to find the funding necessary to complete the project. Two weeks later, Woda Cooper issued another denial indicating that an automatic door opener on her unit could not be approved, even if Ms. Martin paid for it, because it would be unsafe. The lawsuit alleges that this fourth reason for denial was also untrue.

“It is difficult to understand how Woda Cooper Companies, which promotes itself as a company that “leads the affordable housing industry” can get such basic principles of the Fair Housing Act and Rehabilitation Act so wrong multiple times and issue four separate written denials, all with specious rationale,” said Jim McCarthy, President/CEO of the Miami Valley Fair Housing Center.

Ms. Martin contacted the Miami Valley Fair Housing Center (MVFHC) for assistance. MVFHC advised Ms. Martin of her options to ensure she had access to fair and equal housing opportunities. After discussing her options, Ms. Martin decided to attempt to resolve the complaint through the administrative process rather than in federal court. MVFHC assisted in the preparation of Ms. Martin’s administrative complaint to be filed with the City of Dayton Human Relations Council, a Fair Housing Assistance Program (FHAP) funded by the U.S. Department of Housing and Urban Development (HUD).

The Dayton Human Relations Council conducted an investigation, and on December 8, 2020, the Human Relations Council’s Board of Directors found Probable Cause that disability discrimination occurred against Ms. Martin, and that MVFHC diverted resources and had its mission to eliminate housing discrimination frustrated by Woda Cooper’s actions.

“Woda Cooper’s website boasts that Woda Cooper Companies owns and operates more than 350 properties and 14,000 housing units in 15 states in the Midwest, Mid-Atlantic and Southeast. Any company controlling that many units of affordable housing must be held accountable to providing individuals living with disabilities their rights under the federal Fair Housing Act,” McCarthy continued.

As a direct consequence of the filing of the administrative complaints, and while the Dayton Human Relations Council complaints were pending and under investigation by the DHRC, Woda Cooper finally agreed to purchase and install a door opener for Ms. Martin’s dwelling unit that met her

needs. The completion of the door opener installation occurred in July 2020, more than 16 months after Ms. Martin's initial request in March 2019.

The lawsuit asserts that both Ms. Martin and Miami Valley Fair Housing Center have suffered compensatory damages, and that the Miami Valley Fair Housing Center's mission has been frustrated by Woda Cooper's actions. The lawsuit asserts that punitive damages are warranted, and demands a jury trial. The plaintiffs are compensatory damages, punitive damages, reasonable attorney fees, and such other relief as the federal court deems just and proper.

Stephen M. Dane, a nationally recognized fair housing attorney, is representing Latisha Martin and the Miami Valley Fair Housing Center.

The Miami Valley Fair Housing Center is an Ohio private non-profit corporation. The Fair Housing Center contracts with Montgomery County, the City of Kettering, the Dayton Human Relations Council, the City of Springfield, and others to provide services to eliminate discriminatory housing practices. The Center works to educate the public about housing discrimination laws, discriminatory housing practices, and the availability of remedies for such discriminatory housing practices. The Center provides counseling on options for bringing a complaint alleging housing discrimination. We also offer investigative, and referral services to the public. In addition, the Center educates the housing industry about fair housing compliance through cooperative relationships with Dayton Realtors®, the Greater Dayton REALTIST Association, the Greater Dayton Apartment Association, and Greater Dayton Real Estate Investors Association, in order to expand equal housing opportunities in the Miami Valley region, the State of Ohio, and nationally.