



## Settlement Agreement Summary

January 13, 2010

### LANDMARK CIVIL RIGHTS AGREEMENT WILL INCREASE HOUSING ACCESSIBILITY ACROSS COUNTRY

#### Nation’s Fifth-Largest Housing Developer to Retrofit Record Number of Apartments for People with Disabilities, Create National Accessibility Fund

**How did the settlement agreement come about?** During an undercover investigation and subsequent litigation, NFHA and its member organizations uncovered thousands of apartment units in **Arizona, California, Colorado, Florida, Georgia, Kansas, Missouri, Nevada, New York, North Carolina, Texas, Indiana, New Mexico, and South Carolina** that were out of compliance with the Fair Housing Act’s design and construction requirements. The Fair Housing Amendments Act of 1988 requires builders to construct units accessible to people with disabilities.

The settlement resolves a lawsuit filed by NFHA and four of its members against A.G. Spanos Companies, the nation’s fifth-largest housing developer, based in California. The relief provided by the settlement requires the developer to renovate thousands of housing units that are not currently accessible to people with disabilities and to establish national and local accessibility funds to further increase access to housing for the growing number of Americans with disabilities.

#### What national and local fair housing organizations are represented?

<b>National Fair Housing Alliance</b> Washington, DC 202-898-1661 President & CEO: Shanna L. Smith	<b>Fair Housing Continuum, Inc.</b> Melbourne, FL 321-757-3532 Executive Director: David Baade	<b>Fair Housing of Marin</b> San Rafael, CA 415-457-5025 Executive Director: Nancy Kenyon
<b>Fair Housing Napa Valley</b> <b>Napa, CA</b> 707-224-9720 Executive Director: Kathryn Winter	<b>Metro Fair Housing Services, Inc.</b> East Point, GA 404-524-0000 Executive Director: Gail Williams	

## What does the agreement include?

**Retrofit Requirements:** Within 3 years, the renovation of 82 buildings comprising approximately 12,300 units to make them accessible for people with disabilities.

**National Accessibility Fund:** 41 Spanos-Developed buildings could not be retrofitted because of structural or topographical complications. Instead, Spanos agreed to establish the NFHA Accessibility Fund with \$4.2 million over five years for grants to homeowners and renters who require modifications or other assistance to make their homes accessible.

**Local Accessibility Funds:** Spanos will contribute \$750,000 over three years to be used by the five plaintiffs to establish local retrofit funds. Each fair housing agency and NFHA will establish a program to provide grants, directly or through support organizations, to people with disabilities.

**Building Accessible Housing Coalition:** \$40,000 will support the creation of an accessibility coalition to be co-chaired by NFHA and Metro Fair Housing Services. The coalition, including builders, architects, social services providers, medical professionals, city/county planners, fair housing practitioners, and disability advocates, will identify new construction designs and modification needs to help increase the supply of accessible housing nationwide. A report will be released within 18 months.

**National Media Campaign:** Spanos will support NFHA's *A Richer Life* multi-media campaign with a \$100,000 contribution. NFHA created the first national media campaign to promote inclusive communities as a proactive step to encourage neighbors to welcome people who are different from themselves because of their race, color, religion, national origin, disability, or other personal characteristic. [www.aricherlife.org](http://www.aricherlife.org)

**Damages and Attorney Fees:** The agreement includes \$950,000 in compensatory damages to the plaintiffs and \$1.325 million in attorneys' fees and litigation costs. The agreement will be monitored over a five year period.

**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 requirements, as must all units served by an elevator.

**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 Spanos 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 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. NFHA and its members identified the following violations during the investigation. Not all violations were found in every complex:

- doors in units were not sufficiently wide enough to allow passage for people using wheelchairs into kitchens, bathrooms, bedrooms and other areas in the units;
- lack of an accessible route into and through the unit, including access to patios, balconies and other outside areas;
- bathrooms lacked sufficient clear floor space to allow a person in a wheelchair to maneuver;
- kitchens lacked sufficient clear floor space to allow a person in a wheelchair to maneuver;
- light switches, electrical outlets, thermostats and other environmental controls were not in accessible locations.

Additionally, doors required the exertion of too much pressure to open; entrances had inaccessible ramp routes; parking lots lacked designated accessible parking spaces, and the properties lacked readily accessible routes into and through common use and public use areas.

**What are current statistics on people with disabilities?** According to 2005 data released by the Census, more than 54 million Americans (19%) has some form of disability, and 12% have a severe disability. Approximately 3.3 million people (1%) age 15 and older used a wheelchair or similar device, with 10.2 million (4%) using a cane, crutches or walker. These numbers are expected to increase as the population ages. Accessible housing is an essential means of ensuring that people with disabilities are able to fully participate in community life.

**Who are the plaintiffs?**

Founded in 1988, the **National Fair Housing Alliance** 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.

**Metro Fair Housing Services, Inc.** is a nonprofit civil rights organization founded in 1974 to combat blockbusting in DeKalb County, Georgia. MFHS is now a full service fair housing organizations investigating rental, sales and lending complaints. MFHA expanded its programs to provide tenant/landlord counseling and housing counseling to the residents of metropolitan Atlanta. MFHS is a HUD certified housing counseling agency.

**Fair Housing Napa Valley** is a nonprofit fair housing organization whose primary objectives are to promote equal opportunity in renting, purchasing, and advertising of housing; to educate people regarding federal and state fair housing laws; and to eliminate discriminatory housing practices. It furthers its mission through education programs in the community regarding fair housing, training programs for housing providers including real estate professionals, research regarding housing discrimination in the community, advocacy for housing related issues, and fair housing counseling and investigation.

**The Fair Housing Continuum, Inc.** is a private, nonprofit fair housing enforcement agency. The organization was incorporated in the State of Florida in October 1994. It is the agency's mission is to Ensure Equal Housing Opportunity and Eliminate Discrimination in Florida.

**Fair Housing of Marin** has provided full fair housing services to the residents of Marin County, California since 1985. Our housing and foreclosure counseling, legal, affordable housing advocacy and school human rights programs have brought the message home to young and old alike that "People learn to live together by living together." Fair Housing of Marin has received numerous awards - from County organizations, the City of San Francisco and the U.S. Department of Housing & Urban Development; the latter for its pioneering work in equal rights for seniors and inclusive senior housing. It has provided supportive fair housing services in Sonoma and Contra Costa counties, while maintaining an active role with the Northern California Fair Housing Coalition and the National Fair Housing Alliance.