

PARTIES

4. At all times relevant to this action, Plaintiff was a tenant who resided in an apartment managed by the Ypsilanti Housing Commission in Ypsilanti, Michigan, in the Eastern District of Michigan.

5. At all times relevant to this action, Defendant, Ypsilanti Housing Commission (“YHC”), was the property management entity responsible for managing the Plaintiff’s apartment in Ypsilanti, Michigan.

6. At all times relevant to this action, Defendant, Janine S. Scott, was the executive director of the YHC.

NATURE OF THE COMPLAINT

7. At all times relevant hereto, Plaintiff resided at 604 Armstrong Street, Ypsilanti, Michigan.

8. At all times relevant hereto, Plaintiff’s residence was an apartment, a residence for occupancy and rented to members of the general public. Accordingly, Plaintiff’s apartment is a “dwelling” within the meaning of 42 U.S.C. §3602(b) and “real property” within the meaning of M.C.L. § 37.2501.

9. At all times relevant to this action, Defendants established and implemented rental policies, rules and practices regarding Plaintiff’s apartment.

10. On or about February 29, 2000, Plaintiff was assaulted in her apartment by a former boyfriend, Kinte Robinson.

11. On or about February 29, 2000, Plaintiff reported the assault to police.

12. On March 8, 2000, Plaintiff received a Notice of Termination of Tenancy issued March 8, 2001.

13. The Notice of Termination of Tenancy stated that: "As of March 8, 2000, your tenancy is terminated because of criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the Commission, or because of drug-related criminal activity occurring in or near the Commission's Property."

14. An eviction action was commenced against Plaintiff by the YHC in the Circuit Court for Washtenaw County, Michigan, on April 13, 2000.

15. The YHC, in its Complaint for Termination of Tenancy, cited paragraph 22 of the parties' lease agreement as the basis for Plaintiff's eviction.

16. Paragraph 22 of the Plaintiff's lease agreement is captioned "One Strike Policy", and provides in relevant part: "In accord with these goals, the resident covenants to assure that their household is a crime-free household and that they will be responsible for the household regardless of whether or not he or she was personally engaged in the prohibited drug or criminal action on the premises."

17. The eviction action in Washtenaw County Circuit Court was later dismissed due to procedural errors.

18. The Defendants moved to evict Ms. Warren only because she had been a victim of domestic violence and because of her sex.

19. The eviction process has caused considerable harm to Plaintiff.

LEGAL CLAIMS

COUNT I

(Violation of the Fair Housing Act, 42 U.S.C. §§ 3604(a) and (b))

20. Plaintiff repeats and realleges the allegations in paragraphs 1 through 19 of this complaint.

21. By attempting to terminate Plaintiff's tenancy in her apartment operated and managed by the YHC, Defendants intentionally discriminated against Plaintiff in the opportunity to reside in a dwelling and in the terms, conditions and privileges of the rental, on the basis of her sex, in violation of the Fair Housing Act, 42 U.S.C. §§ 3604(a) and (b).

22. Defendants engaged in such discriminatory conduct intentionally, willfully, and in disregard of the rights of Plaintiff.

23. Plaintiff has suffered injury as a result of Defendants' illegal conduct.

COUNT II

(Violation of the Fair Housing Act, 42 U.S.C. §§ 3604(a) and (b))

24. Plaintiff repeats and realleges the allegations in paragraphs 1 through 23 of this complaint.

25. By adopting a policy of terminating the tenancy of victims of domestic violence, the vast majority of whom are women, after an incident of domestic violence at apartments controlled and managed by the YHC, Defendants engaged in a practice that has a disparate impact on women and therefore discriminates on the basis of sex in violation of the Fair Housing Act, 42 U.S.C. §§3604 (a) and (b).

26. Defendants engaged in such discriminatory conduct intentionally, willfully, and in disregard of the rights of Plaintiff and persons similarly situated.

27. Because Defendants applied that policy to Plaintiff, she was injured by Defendants' discriminatory conduct.

**COUNT III
(Violation of Substantive Due Process of U.S. Constitution)**

28. Plaintiff repeats and realleges the allegations in paragraphs 1 through 27.

29. By engaging in the conduct described in paragraphs 1 through 28 of this complaint, defendants violated Plaintiff's substantive due process rights by government action that is arbitrary and capricious.

30. Defendants engaged in such discriminatory conduct intentionally, willfully, and in disregard of the rights of Ms. Warren.

31. Ms. Warren has suffered injury as a result of Defendants' illegal conduct.

**COUNT IV
(42 U.S. C. § 1983 Claim Enforcing Violation of Substantive Due Process)**

32. Plaintiff repeats and realleges the allegations in paragraphs 1 through 31 of this complaint.

33. The defendants acting under color of law violated Plaintiff's substantive due process rights by their arbitrary and capricious conduct.

34. By depriving Plaintiff of her substantive due process rights, conferred by the U.S. Constitution, § 1983 is available as a means of redressing her rights.

COUNT V

(Violation of Elliott Larsen Civil Rights Act, M.C.L. § 37.2502 (b))

35. Plaintiff repeats and realleges the allegations in paragraphs 1 through 34.

36. By engaging in the conduct described in paragraphs 1 through 28 of this complaint, Defendants intentionally discriminated against Plaintiff in the renting of real property, and in the terms, conditions and privileges of the rental on the basis of her sex in violation of M.C.L.A. § 37.2502 (b).

37. Defendants engaged in such discriminatory conduct intentionally, willfully, and in disregard of the rights of Plaintiff.

38. Plaintiff has suffered injury as a result of Defendants' illegal conduct.

COUNT VI

(Violation of Elliott Larsen Civil Rights Act, M.C.L. § 37.2502 (b))

39. Plaintiff repeats and realleges the allegations in paragraphs 1 through 38 of this complaint.

40. By adopting a policy of terminating the tenancy of victims of domestic violence, the vast majority of whom are women, after an incident of domestic violence at apartments controlled and managed by the YHC, Defendants engaged in a practice that has a disparate impact on women and therefore discriminates on the basis of sex in violation of the Elliott Larsen Civil Rights Act, M.C.L.A. § 37.2502 (b).

41. Defendants engaged in such discriminatory conduct intentionally, willfully, and in disregard of the rights of Plaintiff and persons similarly situated.

42. Because defendants applied that policy to Ms. Warren, she was injured by Defendants' discriminatory conduct.

COUNT VII
(Intentional Infliction of Emotional Distress)

43. Plaintiff repeats and realleges the allegations in paragraphs 1 through 42 of this complaint.

44. Defendants' conduct in discriminating against Plaintiff and refusing to make available to her an apartment or otherwise discriminating against her because she was a victim of domestic violence and because of her sex was extreme, outrageous, egregious and of such a character as not to be tolerated by a civilized society.

45. Defendants acted willfully and intentionally or recklessly to cause Plaintiff extreme emotional distress.

46. As a result of Defendants' conduct, Plaintiff suffered extreme emotional distress and injury.

JURY DEMAND

47. Plaintiff, Aaronica Warren, demands a trial by jury on each and every claim to which she is so entitled.

RELIEF REQUESTED

WHEREFORE, Plaintiff requests that this Court grant the following relief:

1. Declare that the discriminatory practices of the Defendants, as set forth above, violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3619, and the Elliott Larsen Civil Rights Act, M.C.L.A. 37. 2501 et seq.

2. Enjoin Defendants, their agents, employees, and successors, and all other persons in active concert or participation with any of them, from continuing to evict tenants because they are victims of domestic violence and from discriminating on the basis of sex against any person in any aspect of the rental of a dwelling;

3. Award Plaintiff actual damages for the injuries caused by Defendants' discriminatory actions, pursuant to 42 U.S.C. §§ 3613 (c) and M.C.L.A. 37.2502 (b), and Michigan common law;

4. Award punitive damages to Plaintiff pursuant to 42 U.S.C. § 3613(c)(1);

5. Award reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 3613 (c)(2); and M.C.L.A. 37.2801 (3).

6. Award Plaintiff such additional relief as the interests of justice require.

DATED this 6th day of February, 2002.

Respectfully submitted,

DYKEMA GOSSETT PLLC

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