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Civil Rights Groups Sue Developers of Affordable Senior Apartments for Discrimination Against People with Disabilities

Today, the National Fair Housing Alliance (NFHA), HOPE Fair Housing Center (HOPE) and Open Communities announced a lawsuit against Ryan Companies US, Inc, James N. Bergman, Thomas and Thomas Associates, and several of their affiliates, alleging discrimination against people with disabilities. Ryan Companies and its affiliates built affordable senior apartments using Low Income Housing Tax Credits awarded through the Illinois Housing Development Authority or the Iowa Finance Authority and other public funding sources.

NFHA, HOPE, and Open Communities investigated nine properties designed and/or built by the defendants in Illinois and Iowa. Every one of those nine properties failed to comply with the design and construction requirements under the federal Fair Housing Act. Three additional apartment complexes designed and/or built by the defendants have been identified in the lawsuit as likely to have accessibility violations.

“Since 1991, the Fair Housing Act has required that multi-family apartments be designed and built to be accessible to people with disabilities, yet the defendants’ apartments do not provide full access to tenants or their guests who use wheelchairs. Access to the bathroom and kitchen is a basic necessity to enjoy your living space,” said **Shanna L. Smith, President and CEO of the National Fair Housing Alliance**. “We are pleased that Ryan Companies and James Bergman have responded to the lawsuit positively by indicating a prompt intent to pursue settlement, including fixing accessibility violations. NFHA is looking forward to working with Ryan Companies, James Bergman and any other defendants that are willing to work expeditiously to fix their violations of the law.”

The lawsuit alleges that since about 2005, the defendants have engaged in a pattern and/or practice of building apartments for seniors which do not have the accessible features required by the Fair Housing Act. The defendants’ apartments had many problems including:

- insufficient space to access sinks in kitchens and bathrooms;
- shower stalls that are too small to allow access;
- steep slopes on sidewalks and other routes of entrance;
- access aisles for accessible parking spaces which are blocked by concrete pillars.

The Fair Housing Act makes it illegal to discriminate based on race, color, national origin, religion, sex, disability or familial status. The law was specifically amended in 1988 (the Fair Housing Act Amendments) to add protections for people with disabilities. Builders, developers, architects, and others have had to comply with accessible design and construction requirements since March 13, 1991.

“As in most places, the number of people with disabilities in Illinois increases with age. According to the 2012 Disability Status Report for Illinois, 48.6 percent of people aged 75 and over are living with a disability,” said **Gail Schechter, Executive Director of Open Communities**. “Since these properties are built and marketed for our rapidly aging population, ramps that are too steep and bathrooms that impede wheelchair maneuverability are inexcusable.”

“These developers applied for and obtained tax credit dollars and agreed in return for accepting those funds that they would comply with fair housing laws,” said **Anne Houghtaling, Executive Director of HOPE Fair Housing Center**. “At a minimum, developers should design and build apartments with the modest accessible features required under the Fair Housing Act.”

When the defendant entities received federal tax credit allocations through state financing agencies in Illinois and Iowa, they signed guarantees that they would comply with the Fair Housing Act. The apartment complexes identified in the lawsuit are: Thomas Place Glenview, Glenview, IL; Thomas Place Fox Lake, Fox Lake, IL; Thomas Place Bettendorf, Bettendorf, IA; Thomas Place Waukee, Waukee, IA; Hometown Harbor East Moline, East Moline; Zurich Meadows, Lake Zurich, IL; Thomas Place Gurnee, Gurnee, IL; Gardiner Place, East Dundee, IL; Thomas Place Orland Park, Orland Park, IL; Thomas Place Glendale Heights, Glendale Heights, IL; Alice Place (currently in design/construction phase), Waukee, IA; Lisle Senior Housing (Arbor Place) (currently in design/construction phase), Lisle, IL.

NFHA, HOPE and Open Communities are represented by Mehri & Skalet PLLC in Washington, DC and Soule, Bradtke & Lambert in Chicago, Illinois.

NATIONAL FAIR HOUSING ALLIANCE, INC.; HOPE FAIR HOUSING CENTER; and OPEN COMMUNITIES, v. RYAN COMPANIES US, INC.; RYAN A + E, INC.; JAMES N. BERGMAN; ICEBERG DEVELOPMENT GROUP, LLC; THOMAS and THOMAS ASSOCIATES, INC, et. al.
Case Number: 14 - cv – 3197, Northern District of Illinois

About the National Fair Housing Alliance (www.nationalfairhousing.org)

Founded in 1988, the National Fair Housing Alliance is a consortium of more than 120 private, non-profit fair housing organizations, state and local civil rights groups, and individuals from 37 states and the District of Columbia. Headquartered in Washington, D.C., NFHA, through comprehensive education, advocacy and enforcement programs, provides equal access to apartments, houses, mortgage loans and insurance policies for millions of people.

HOPE Fair Housing Center (www.hopefair.org)

Established in 1968, HOPE is the oldest fair housing center in Illinois. HOPE Fair Housing Center seeks to create equal housing opportunities regardless of race, color, religion, national origin, sex, disability, familial status, or any other characteristics protected under state or local laws. Located in West Chicago, HOPE serves 30 counties in northern and north central Illinois.

Open Communities (www.open-communities.org)

Open Communities is proud of its grassroots history as an integral part of Chicago's Civil Rights Movement of the 1960s. Open Communities works with current and prospective residents and local groups to promote economically and culturally diverse communities in north suburban Chicago.

Mehri & Skalet PLLC (www.findjustice.com), a Washington, DC law, firm is one of the nation's leading class action and complex litigation firms.

Soule, Bradtke & Lambert (www.soulebradtkeandlambert.com), an Illinois law firm, specializes in federal litigation and systemic discrimination cases.