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July 12, 2016

VIA FEDERAL EXPRESS

Mr. Maurice McGough
Regional Director
U.S. Department of Housing & Urban Development-Midwest Office
77 W. Jackson Boulevard, Suite 2101
Chicago, Illinois 60604

Re: Housing Discrimination Complaint

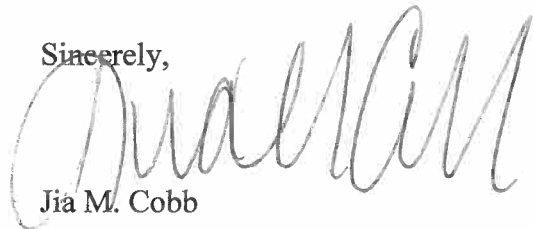
Dear Mr. McGough:

Please find enclosed a joint-complaint on behalf of Complainants the Fair Housing Center of West Michigan, the Fair Housing Center of Central Indiana, the Central Ohio Fair Housing Association, the Fair Housing Center of Southeast & Mid-Michigan, and the Fair Housing Center of Southwest Michigan, which I represent as counsel. The Complaint alleges that Respondent Apartment Management Professionals ("AMP" or "Respondent"), a property management company that manages apartment complexes in Michigan, Indiana, and Ohio, discriminates on the basis of familial status by maintaining a discriminatory occupancy policy.

I am happy to provide an electronic copy of the enclosed documents if that is your preference.

Please send all communications regarding this matter to my attention.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jia M. Cobb', is written over the typed name.

Jia M. Cobb

Encl. Attachments A, B, C, and Appendix.

Housing Discrimination Complaint

U.S. Department of Housing
and Urban Development
Office of Fair Housing
and Equal Opportunity

OMB Approval No. 2529-0011

Please type or print this form

Public Reporting Burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Read this entire form and all the instructions carefully before completing. All questions should be answered. However, if you do not know the answer or if a question is not applicable, leave the question unanswered and fill out as much of the form as you can. Your complaint should be signed and dated. Where more than one individual or organization is filing the same complaint, and all information is the same, each additional individual or organization should complete boxes 1 and 7 of a separate complaint form and attach it to the original form. Complaints may be presented in person or mailed to the HUD State Office covering the State where the complaint arose (see list on back of form), or any local HUD Office, or to the Office of Fair Housing and Equal Opportunity, U.S. Department of HUD, Washington, D.C. 20410.

This section is for HUD use only.

Number	(Check the applicable box) ☐ Referral & Agency (specify) ☐ Systemic ☐ Military Referral	Jurisdiction ☐ Yes ☐ No ☐ Additional Info	Signature of HUD personnel who established Jurisdiction
Filing Date			

1. Name of Aggrieved Person or Organization (last name, first name, middle initial) (Mr.,Mrs.,Miss,Ms.)	Home Phone	Business Phone
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Street Address (city, county, State & zip code)

2. Against Whom is this complaint being filed? (last name, first name, middle initial)	Phone Number
--	--------------

Street Address (city, county, State & zip code)

Check the applicable box or boxes which describe(s) the party named above:

☐ Builder ☐ Owner ☐ Broker ☐ Salesperson ☐ Supt. or Manager ☐ Bank or Other Lender ☐ Other

If you named an individual above who appeared to be acting for a company in this case, check this box ☐ and write the name and address of the company in this space:

Name:	Address
-------	---------

Name and identify others (if any) you believe violated the law in this case:

3. What did the person you are complaining against do? Check all that apply and give the most recent date these act(s) occurred in block No. 6a below.

☐ Refuse to rent, sell, or deal with you ☐ Falsely deny housing was available ☐ Engage in blockbusting ☐ Discriminate in broker's services
☐ Discriminate in the conditions or terms of sale, rental occupancy, or in services or facilities ☐ Advertise in a discriminatory way ☐ Discriminate in financing ☐ Intimidated, interfered, or coerced you to keep you from the full benefit of the Federal Fair Housing Law
☐ Other (explain)

4. Do you believe that you were discriminated against because of your race, color, religion, sex, handicap, the presence of children under 18, or a pregnant female in the family or your national origin? Check all that apply.

☐ Race or Color ☐ Black ☐ White ☐ Other	☐ Religion (specify)	☐ Sex ☐ Male ☐ Female	☐ Handicap ☐ Physical ☐ Mental	☐ Familial Status ☐ Presence of children under 18 in the family ☐ Pregnant female	☐ National Origin ☐ Hispanic ☐ Asian or Pacific Islander ☐ American Indian or Alaskan Native ☐ Other (specify)
--	---	--	---	--	---

5. What kind of house or property was involved? ☐ Single-family house ☐ A house or building for 2, 3, or 4 families ☐ A building for 5 families or more ☐ Other, including vacant land held for residential use (explain)	Did the owner live there? ☐ Yes ☐ No ☐ Unknown	Is the house or property ☐ Being sold? ☐ Being rented?	What is the address of the house or property? (street, city, county, State & zip code)
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6. Summarize in your own words what happened. Use this space for a brief and concise statement of the facts. Additional details may be submitted on an attachment.

Note: HUD will furnish a copy of the complaint to the person or organization against whom the complaint is made.

6a. When did the act(s) checked in Item 3 occur? (Include the most recent date if several dates are involved)

7. I declare under penalty of perjury that I have read this complaint (including any attachments) and that it is true and correct.

Signature & Date

See Attachment C

ATTACHMENT A

ATTACHMENT A

Fair Housing Center of West Michigan

20 Hall St. SE
Grand Rapids, MI
49507

Fair Housing Center of Central Indiana

615 North Alabama St. #426
Indianapolis, IN
46204

Central Ohio Fair Housing Association

175 S. 3rd St., Suite 580
Columbus, OH
43215

Fair Housing Center of Southeast & Mid-Michigan

P.O. Box 7825
Ann Arbor, MI
48107

Fair Housing Center of Southwest Michigan

405 W. Michigan Ave #6
Kalamazoo, MI
49007

**ATTACHMENT
B**

ATTACHMENT B- LIST OF PROPERTIES

43 North Apartments (14868 Lakeshore Dr. Grand Haven Township, MI, 49417)	7-8
Table 3	8
Addison Place Apartments (1165 Shiloh Square Evansville, IN, 47114).....	10-11
Aspen Lakes Apartments (1701 Knapp St. NE Grand Rapids, MI, 49505)	6-7
Table 2	7
Central Park Place (2875 Central Park Way NE Grand Rapids, MI, 49505)	6-7
Table 2	7
Country Place Apartments (1820 S. Crawford Rd., Mount Pleasant, MI, 48858).....	9
Edison Pointe Apartments (3902 St. Andrews Cir. Mishawaka, IN, 46545)	11-12
Table 6	12
Glen Oaks East Apartments (2353 Oak Forest Ln. SE, Grand Rapids, MI, 49546)	6, 8
Table 4	8
Muirwood Village Apartments (3251 Haddington Dr. Reynoldsburg, OH, 43068)	12-13
North Park Apartments (1125 Wellington Dr. Evansville, IN, 47710).....	11
Ridgewood (2110 Woodwind Dr. SE, Grand Rapids, MI, 49546)	6-7
Table 2	7
River Club Apartments (1010 N. Black River Dr. Holland, MI, 49424).....	9
Runaway Bay (1011 Runaway Bay Dr. Lansing, MI, 48917).....	13-14
Spring Brook Apartments (1074 West 32nd St. Holland, MI, 49423)	9-10
Table 5	10
Stone Crest Apartments (2880 S. Isabella Rd., Mount Pleasant, MI, 48858).....	9
The Valley Townhomes (4100 Whispering Lane NE, Grand Rapids, MI, 49525).....	10
Timberview Apartments (15056 Elizabeth Jean Ct., Grand Haven Township, MI, 49417)	7-8
Table 3	8
Waverly Place Apartments (1412 Banbury Rd., Kalamazoo, MI, 49001)	14
Table 7	14

Woodbridge Apartments (3140 E. Paris Ave SE, Kentwood, MI, 49512)	9
Woodland Creek Apartments (3300 E. Paris Ave, SE, Kentwood, MI, 49512)	9
Wyndham Hill Apartments (1851 Knapp St. NE, Grand Rapids, MI, 49505)	4-6
Table 1	5

ATTACHMENT C—STATEMENT IN SUPPORT OF HUD COMPLAINT

INTRODUCTION

The Fair Housing Center of West Michigan (“FHCWM”), the Fair Housing Center of Central Indiana (“FHCCI”), the Central Ohio Fair Housing Association (“COFHA”), the Fair Housing Center of Southeast & Mid-Michigan (“FHCSEM”), and the Fair Housing Center of Southwest Michigan (“FHCSWM”) (collectively, “Complainants”) bring this joint, multi-jurisdictional complaint against Apartment Management Professionals Residential LLC d/b/a AMP Residential (“AMP” or “Respondent”), a property management company that manages apartment complexes in Michigan, Indiana, and Ohio, for its pattern and practice of discrimination on the basis of familial status, in violation of the Fair Housing Act (“FHA”), 42 U.S.C. § 3601 *et seq.*¹

In the summer of 2015, after receiving a complaint that Respondent refused to allow a woman and her husband to rent a large, two-bedroom unit because the family had three children, Complainant FHCWM opened an investigation of Respondent’s housing practices. FHCWM engaged the other Complainants to investigate Respondent’s conduct in their respective jurisdictions. As part of Complainants’ investigation, Complainants conducted a series of controlled tests in which testers contacted Respondent’s properties seeking to rent two-bedroom units for their families consisting of two adults and three children.

Through their investigation, Complainants confirmed that AMP enforces a strict, two-person per bedroom maximum occupancy policy at a number of its properties. Respondent enforces its policy regardless of the size or configuration of the apartment unit or the size of the unit’s bedrooms or other living areas. Respondent, for example, enforces the same two-person per bedroom policy for its two-bedroom, three-level, 1600 square foot townhomes that it does for two-bedroom units that are half that size. For at least one of its properties, AMP represents that children are counted as occupants at birth, so even a family of five including an infant who sleeps in a crib in her parents’ room would be unable to rent a spacious two-bedroom unit at Respondent’s property. Respondent’s two-person per bedroom policy applies equally to one-bedroom units at many of its properties and thus prevents a couple with any children from renting those units at all, regardless of the size or configuration of the apartment. Further, for many of its floor plans, Respondent’s maximum occupancy policy is more restrictive than occupancy limitations imposed by applicable local law, which would allow more than two persons per bedroom to live in a number of its apartments.

Respondent’s unreasonable policy operates both to exclude and limit the number of families with children who can live at Respondent’s properties and thus discriminates against and has a discriminatory adverse impact on families with children. Respondent’s discriminatory conduct remains ongoing.

¹ Rather than requesting that HUD conduct separate investigations, Complainants have elected to file a joint complaint, as their respective investigations involve the same policy, maintained by the same Respondent, within the same HUD region (Region 5).

LEGAL FRAMEWORK

While HUD has advised that a “two-person per bedroom” occupancy policy may be reasonable in some circumstances, decades of HUD guidance makes clear that HUD does not determine compliance with the FHA “based solely on the number of people permitted in each bedroom.” Occupancy Standards Notice of Statement of Policy, 63 Fed. Reg. 70256–01, 70257 (Dec. 18, 1998). Instead, HUD instructs housing providers to consider a number of factors in developing “reasonable occupancy requirements,” such as the number and size of sleeping areas or bedrooms and the overall size of the dwelling unit.” *Id.* Indeed, HUD specifically identifies a two-person per bedroom occupancy policy that, like the policy at issue here, would prevent “a family of five who applied to rent an apartment with two large bedrooms and spacious living areas” as an example of a policy for which a charge of discrimination would be warranted. *Id.* Further, HUD has warned that any “non-governmental restriction” on occupancy (such as Respondent’s occupancy policy) will be carefully scrutinized “to determine whether [the policy] operates unreasonably to limit or exclude families with children.” *Id.*

Complainants’ investigation reveals that AMP ignores everything that HUD specifically directs housing providers to consider in setting occupancy standards and instead enforces the same rigid policy, regardless of the size of the unit, its bedrooms, or any other factors. Under similar circumstances, HUD has issued charges of discrimination against housing providers for rigidly enforcing a two-person per bedroom occupancy policy, particularly where, as here, the occupancy policy at issue was more restrictive than the local occupancy code. *See, e.g., Sec’y v. Draper and Kramer, Inc.*, 2006 WL 2848628 (HUDALJ Sept. 21, 2006) (HUD charge of discrimination alleging that respondents’ no more than two-person per bedroom policy was unreasonable, which resulted in a consent order); *Sec’y v. Insignia Fin. Grp., Inc.*, 1997 WL 768229 (HUDALJ Dec. 12, 1997) (HUD charge of discrimination alleging that respondents’ refusal to rent a two-bedroom unit to a couple with three minor children constituted unlawful discrimination under the FHA, which resulted in a consent order); *Sec’y v. Peppertree Apartments*, 1994 WL 681054 (HUDALJ Nov. 10, 1994) (consent order defining “unreasonable” occupancy policy as a policy that is more restrictive than the local occupancy code and enjoining respondents from adopting such a policy). Indeed, in 2015, HUD negotiated a conciliation agreement between another property management company and several fair housing organizations (including Complainant FHCCI) that required the company to rescind and revise the same two-person per bedroom occupancy policy at issue here. *Conn. Fair Hous. Ctr., et al. v. TGM Associates L.P.*, HUD Nos. 05-14-1529-8; 05-14-1528; 01-14-0656-8. Federal courts have also found that two-person per bedroom occupancy policies, like Respondent’s policy, can have a discriminatory disparate impact on families with children in violation of the FHA. *See, e.g., Gashi v. Grubb & Ellis Prop. Mgmt. Servs., Inc.*, 801 F. Supp. 2d 12 (D. Conn. 2011).

The facts supporting Complainants’ allegations and establishing Respondent’s discrimination are described in greater detail below.

PARTIES

Complainant Fair Housing Center of West Michigan (“FHCWM”) is a private, non-profit corporation that is committed to preventing and eliminating illegal housing discrimination and to ensuring equal housing opportunities in western Michigan. FHCWM undertakes various activities to further its mission, including tracking and investigating allegations of housing discrimination; assisting individuals as they report housing discrimination; mediating and

resolving claims of housing discrimination; surveying property marketing and other housing practices; training landlords, realtors, and others on fair housing practices; and building awareness and support for fair housing in the general western Michigan community.

Complainant Fair Housing Center of Central Indiana (“FHCCI”) is a private, non-profit fair housing organization whose mission is to ensure equal housing opportunities and eliminate housing discrimination through advocacy, enforcement, education, and outreach. To achieve its goals, FHCCI provides education programs, conducts trainings, and engages in other activities to increase fair housing knowledge among the public. FHCCI also conducts fair housing investigations and assists individuals and communities who have been impacted by unlawful housing discrimination.

Complainant Central Ohio Fair Housing Association (“COFHA”) is a private, non-profit corporation based in Columbus, Ohio. COFHA’s mission is to eliminate housing discrimination and ensure equal housing opportunity for all people, regardless of familial status or other protected characteristics. COFHA furthers its goal by engaging in activities designed to encourage fair housing practices through educational efforts, assisting individuals who believe that they have been victims of housing discrimination, and identifying barriers to fair housing in order to help counteract and eliminate discriminatory housing practices, among other activities.

Complainant Fair Housing Center of Southeast & Mid-Michigan (“FHCSEM”) is a private, non-profit fair housing organization serving mid- and southeastern Michigan. FHCSEM is a membership organization whose mission is to end discrimination in housing and public accommodations and to promote accessible, integrated communities. FHCSEM undertakes various activities to further its mission, including assisting in the investigation of unlawful housing discrimination, educating the public and housing advocates about fair housing rights and requirements, and providing education and outreach for housing consumers and housing advocates. FHCSEM’s programs are designed to protect the rights of persons to fair housing opportunities without discrimination on the basis of familial status or other protected characteristics.

Complainant Fair Housing Center of Southwest Michigan (“FHCSWM”) is a private, non-profit organization established to ensure equal housing opportunities for residents in southwest Michigan. Its mission is to promote integration and eliminate housing discrimination. FHCSWM works to fulfill its objectives through education, advocacy, and enforcement. FHCSWM’s programs and activities include providing training to real estate professionals and housing providers; conducting testing (including audit-based tests); investigating complaints of housing discrimination; and conducting various housing-related presentations, among other activities.

Apartment Management Professionals LLC, also known as Apartment Management Professionals Residential or AMP Residential (“AMP”) is a large property management company. Founded in 2014, AMP currently manages over thirty properties, and over 8,000 units, in Indiana, Ohio, Alabama, and Michigan. Based on Complainants’ investigation, AMP is responsible for the adoption and enforcement of the two-person per bedroom maximum occupancy policy at the properties at issue in this Complaint.

In addition to AMP, this Complaint is intended to be filed against any other subsidiary or division of AMP that owns and/or manages any of the properties named or referred to in this Complaint or that is otherwise responsible for implementing, maintaining, and/or enforcing the challenged occupancy policy at these properties.

FACTUAL BACKGROUND

In the summer of 2015, a woman contacted the Fair Housing Center of West Michigan (“FHCWM”) to inquire regarding an incident involving potential familial status discrimination. The woman told FHCWM that she had been looking for a two-bedroom apartment for herself, her three children, and potentially her husband. As part of her apartment search, she contacted Respondent’s **Wyndham Hill** property (in Grand Rapids, Michigan) to ascertain whether there were any units available for rent. According to the woman, AMP refused to allow her to rent a unit because it only allowed a maximum of two people per bedroom in any of its apartments. The woman, who was familiar with Wyndham Hill’s floor plans (and the square footage of its two-bedroom units), could think of no reason justifying Respondent’s refusal to rent to her, and wanted to know whether Respondent’s policy was lawful.

Although the woman ultimately did not pursue the matter beyond her initial complaint to FHCWM, her report prompted FHCWM to investigate Respondent’s conduct. As part of its investigation, an FHCWM tester contacted Wyndham Hill on July 15, 2015 posing as a married woman seeking a two-bedroom apartment for her family of two adults and three children. AMP’s employee told the tester that there was nothing available for a family with three children to rent at Wyndham Hill because the property enforced a strict, two-person per bedroom maximum occupancy policy. The employee even acknowledged how difficult it must be for the tester’s family to find housing, but made no exceptions to AMP’s policy in an effort to accommodate the tester’s family.

After confirming AMP’s policy at Wyndham Hill, FHCWM conducted additional investigation regarding Wyndham Hill’s floor plans, the size and configuration of two-bedroom apartments at Wyndham Hill, and any governmental occupancy restriction in the Grand Rapids area that may be relevant to AMP’s policy. FHCWM’s investigation confirmed that AMP’s policy at Wyndham Hill was unduly restrictive.

Wyndham Hill advertises “spacious” interiors, including two-bedroom units—namely, the Ashford and the Buckingham models—that are over 1100 square feet and have large bedrooms and living areas. These floor plans are attached as Exhibit 1.

The City of Grand Rapids’ (“Grand Rapids”) occupancy standards are set by the 2012 International Property Maintenance Code (“IPMC”), a universal, model code that imposes occupancy limitations by room. Per IPMC, each bedroom in a dwelling is required to have a minimum of 70 square feet and every bedroom occupied by more than one person must contain a minimum of 50 square feet per occupant. Int’l Prop. Maint. Code § 404.4.1.² As demonstrated by Table 1, the Ashford and Buckingham floor plans can lawfully accommodate up to *eight*

² The minimum area requirements for living rooms and dining rooms under the IPMC are the same for units occupied by 4 people as they are for units occupied by 5 and thus do not justify AMP’s two-person per bedroom occupancy restriction. Under the IPMC, a unit housing three to five occupants must have a living room that is at least 120 feet and a dining room that is at least 80 feet. IPMC at Table 404.5.

occupants under Grand Rapids’ safety and occupancy standards, yet AMP would refuse to allow even a family of five to rent these units.

Table 1.

Property Tested	Floor Plan Name	Total sq. ft. (advertised)	Bedroom 1 sq. ft.	# of occupants allowed in Bedroom 1	Bedroom 2 sq. ft.	# of occupants allowed in Bedroom 2	Total number occupants permissible under IPMC
Wyndham Hill	Ashford	1100	163	3	287	5	8 ³
Wyndham Hill	Buckingham	1220	287	5	163	3	8

After confirming that AMP’s policy was unreasonable in light of both the size of the units at Wyndham Hill and local occupancy standards, FHCWM opened an official investigation of AMP in August 2015. As part of that investigation, FHCWM contacted the other Complainants to investigate Respondent’s conduct in the jurisdictions outside of its own service area. As part of their respective investigations, each Complainant conducted testing to determine the nature and extent of Respondent’s discriminatory conduct. Complainants’ testing and investigation confirmed that Respondent maintains an unreasonably strict, two-person per bedroom policy at a number of properties throughout Michigan, as well as in Indiana and Ohio. Complainants’ testing and investigation is summarized in greater detail below.

Investigation by the Fair Housing Center of West Michigan (“FHCWM”)

In addition to its testing of AMP’s Wyndham Hill property, FHCWM conducted a series of controlled tests regarding occupancy restrictions for two-bedroom apartments at other AMP properties in western Michigan, including:

- 43 North (Grand Haven Township)
- Aspen Lakes (Grand Rapids)
- Central Park Place (Grand Rapids)
- Country Place (Mount Pleasant)
- Glen Oaks East (Grand Rapids)
- Ridgewood (Grand Rapids)
- River Club (Holland)
- Spring Brook (Holland)
- Stone Crest (Mount Pleasant)

³ Under the IPMC, a unit housing more than six occupants must have a living room that is at least 150 square feet, a dining room that is at least 100 square feet, or—in the case of a combined living and dining room space—a total area that is equal to that required for separate rooms (or at least 250 square feet). For both floor plans identified in the chart, the combined living/dining room area is 306.6 square feet and thus meets the requirement for a unit occupied by more than six occupants.

- The Valley (Grand Rapids)
- Timberview (Grand Haven Township)
- Woodbridge (Kentwood); and
- Woodland Creek (Kentwood)

FHCWM testers contacted these properties between August 2015 and March 2016 to inquire about renting a two-bedroom unit for two adults and three children. Uniformly, AMP employees informed FHCWM's testers that they were not allowed to rent a two-bedroom unit for their families because AMP enforced a two-person per bedroom occupancy policy. (Indeed, for most of the properties tested, two-bedroom apartments were the largest options available, so these families would not be permitted to rent any unit in the property at all). At least one of these properties (Glen Oaks East) told the tester that any child over the age of six months would be counted for the purposes of applying AMP's occupancy policy. Another property (Ridgewood Apartments) informed FHCWM's tester that it counts children as occupants at birth. Accordingly, under those policies, even a family with three children that included an infant sharing a room with her parents would not be allowed to rent a two-bedroom unit.

FHCWM conducted additional investigation and research to determine whether AMP's policy at these properties was unreasonable in light of the factors that HUD expressly directs housing providers to consider in setting occupancy standards—for example, the size and configuration of the unit and the application of any local occupancy codes. FHCWM's additional investigation confirmed that AMP's policy is unduly restrictive. Each of these properties offer two-bedroom floor plans that are large enough and configured in such a way to lawfully accommodate five (or in some cases more) occupants.

For example, in addition to Wyndham Hill, FHCWM calculated the number of occupants permitted under local occupancy standards at other AMP properties in Grand Rapids, including **Aspen Lakes, Central Park Place, and Ridgewood**. As discussed above, occupancy standards for Grand Rapids are set by the IPMC, which requires that every bedroom occupied by more than one person must contain a minimum of 50 square feet per occupant.⁴

As demonstrated in Table 2, AMP enforces a strict two-person per bedroom policy, at these properties, despite having a number of two-bedroom floor plans that can lawfully accommodate five (or more) occupants under the IPMC. (The floor plans are attached in the order in which they appear in Table 2 as Exhibits 2-4).

⁴ The minimum area requirements for living rooms and dining rooms under the IPMC are the same for units occupied by 4 people as they are for units occupied by 5 and thus do not justify AMP's two-person per bedroom occupancy restriction. Under the IPMC, a unit housing three to five occupants must have a living room that is at least 120 feet and a dining room that is at least 80 feet. IPMC at Table 404.5.

Table 2.

Property Tested	Floor Plan Name	Total sq. ft. (advertised)	Bedroom 1 sq. ft.	# of occupants allowed in Bedroom 1	Bedroom 2 sq. ft.	# of occupants allowed in Bedroom 2	Total number occupants permissible under IPMC
Aspen Lakes	Erie	1050	165	3	120	2	5
Aspen Lakes	Michigan	900	154	3	120	2	5
Aspen Lakes	Petoskey	1000	154	3	120	2	5
Aspen Lakes	Superior	1150	165	3	120	2	5
Central Park Place	Syracuse	890	198	3	110	2	5
Central Park Place	Manhattan	944	180	3	120	2	5
Central Park Place	Rockefeller	1000	169	3	143	2	5
Central Park Place	Broadway	932	154	3	143	2	5
Ridgewood	Paris	912	156	3	137	2	5

FHCWM’s testing of AMP’s conduct in another jurisdiction in which Respondent operates—Grand Haven Township, Michigan—yielded the same results. Applying IPMC standards,⁵ Table 3 shows two-bedroom apartments that can accommodate five occupants at AMP’s **43 North** and **Timberview** properties in Grand Haven Township. The relevant floor plans are attached as Exhibits 5-6.

⁵ Throughout this Complaint, where a property is located in a jurisdiction that either does not have its own local code or has a building or zoning code that does not place specific restrictions on the number of occupants that can reside in a particular dwelling, Complainants apply the IPMC as a default, as it is a universal, model code. Where a jurisdiction has its own code that does not apply IPMC standards, Complainants use the standards imposed by that code.

Table 3.

Property Tested	Floor Plan Name	Total sq. ft. (advertised)	Bedroom 1 sq. ft.	# of occupants allowed in Bedroom 1	Bedroom 2 sq. ft.	# of occupants allowed in Bedroom 2	Total number occupants permissible under IPMC
43 North	Westwind	970-1072	158	3	122	2	5
Timberview	Crystal	1045	225	4	124	2	6 ⁶
Timberview	St. Claire	932	176	3	113.3	2	5
Timberview	Paradise	1035	162	3	117	2	5
Timberview	Marquette	1095	186	3	117	2	5
Timberview	Charlevoix	1100	152	3	113.3	2	5

FHCWM similarly determined that families of five could live in a number of AMP's two-bedroom apartments at **Glen Oaks East** (in Grand Rapids, Michigan) under IPMC's guidelines. (The floor plans are again attached in the order in which they appear in Table 4 as Exhibit 7).

Table 4.

Property Tested	Floor Plan Name	Total sq. ft. (advertised)	Bedroom 1 sq. ft.	# of occupants allowed in Bedroom 1	Bedroom 2 sq. ft.	# of occupants allowed in Bedroom 2	Total number occupants permissible under IPMC
Glen Oaks East	Maple	1126	157	3	118	2	5
Glen Oaks East	Cedar	921	157	3	118	2	6 ⁷
Glen Oaks East	Hickory	1012	157	3	118	2	5

⁶ Under the IPMC, units occupied by 6 or more people must have a living room that is at least 150 square feet and a dining room that is at least 100 square feet. IPMC at Table 404.5. Based on Complainants' review of the Crystal floor plan, attached as Exhibit 6, it appears that it meets IPMC's living and dining room requirements for a unit occupied by six people. At a minimum, the Crystal could lawfully accommodate five occupants, which is more than AMP's policy allows.

⁷ Under the IPMC, units occupied by 6 or more people must have a living room that is at least 150 square feet and a dining room that is at least 100 square feet. IPMC at Table 404.5. Based on Complainants' review of the Cedar floor plan, attached as Exhibit 7, it appears that it meets IPMC's living and dining room requirements for a unit occupied by six people. At a minimum, the Cedar could lawfully accommodate five occupants, which is more than AMP's policy allows.

FHCWM also tested AMP's **Woodbridge** and **Woodland Creek** apartment in Kentwood, MI and, as discussed above, confirmed that those properties also enforce a two-person per bedroom occupancy policy. The precise dimensions of apartments at those properties are unavailable to Complainants. However, upon information and belief, those properties have at least one, two-bedroom floorplan that can accommodate a family of five under IPMC's standards. Woodbridge Apartments describes its apartments as having "spacious layouts" and offers a "deluxe" two bedroom floor plan that is 1000 square feet that Complainants believe could accommodate a family of five under IPMC. See Exhibit 8. Woodland Creek Apartments offers a number of two-bedroom floor plans, many over 1200 square feet, at least one of which, upon information and belief, could lawfully house five occupants under local occupancy standards. See Exhibit 9.

The precise dimensions of Respondent's **River Club** property in the City of Holland, Michigan are similarly not available to Complainants. However, FHCWM confirmed through its testing that Respondent enforces its policy at River Club Apartments and, upon information and belief, River Club has units that could accommodate more than two persons per bedroom under local occupancy guidelines. Indeed, Respondent advertises that River Club offers "a range of spacious floor plans," as well as that the apartments are designed to "maximize square footage." See Exhibit 10.

Country Place Apartments, in the City of Mount Pleasant, Michigan ("Mount Pleasant"), also enforces a two-person per bedroom policy that is more restrictive than IPMC as applied to a number of two-bedroom floor plans. For example, the White Pine and Cypress floor plans at Country Place Apartments, attached as Exhibit 11, are each over 900 square feet, have one bedroom that is 198 square feet (and thus can accommodate up to 3 people), and a second bedroom that is 110 feet (in which two occupants can sleep under the IPMC).⁸

FHCWM also tested Respondent's conduct at **Spring Brook Apartments** in Holland, Michigan. Spring Brook Apartments similarly has two-bedroom floor plans that can accommodate five (and in some cases more) occupants under IPMC, but not under AMP's restrictive policy. The relevant floor plans from Spring Brook Apartments, demonstrated in Table 5 below, are attached as Exhibit 13.

⁸ FHCWM also tested Stone Crest Apartments in Mount Pleasant, Michigan. The precise dimensions of its two floor plans are not available, but, upon information and belief, that complex also has at least one, two-bedroom floor plan that could lawfully house a family of five. Stone Crest advertises that it has "spacious" two-bedroom units that are over 900 square feet. Exhibit 12.

Table 5.

Floor Plan Name	Total sq. ft. (advertised)	Bedroom 1 sq. ft.	# of occupants allowed in Bedroom 1	Bedroom 2 sq. ft.	# of occupants allowed in Bedroom 2	Total number occupants permissible under IPMC
Tulip	1150	180	3	180	3	6
Lotus	950	156	3	156	3	6
Cherry Blossom	875	182	3	130	2	5

Finally, FHCWM conducted testing of the Respondent’s conduct at **The Valley**, a community comprised of apartments and townhomes in Grand Rapids. The Valley has two-bedroom townhomes that are sufficiently large for a family of five under IPMC, but not pursuant to AMP’s restrictive policy. The two-bedroom townhome floor plan is attached as Exhibit 14. It is over 1600 square feet. It has three levels. It includes a spacious living room, a separate dining room, and an additional 276 square foot “recreation room” on the lower level. Notably, the townhome has one bedroom that is 191 square feet (in which up to three occupants can sleep under IPMC’s standards), in addition to a 134 square foot bedroom that can accommodate up to two occupants. Yet, despite the size of the bedrooms, the layout, and the configuration of this large townhome, AMP refused to make any exception to its rigid policy to allow a family of five to live there. That AMP enforces the same occupancy policy for two-bedroom townhomes at The Valley that it does at two-bedroom units that are half that size confirms that Respondent’s policy is unreasonable per HUD’s guidance.

Investigation by the Fair Housing Center of Central Indiana (“FHCCI”)

In January and February 2016, FHCCI conducted testing at a number of AMP’s properties in Indiana to determine whether AMP enforced the same discriminatory occupancy policy in Indiana as it did in Michigan. FHCCI’s investigation determined that it did.

Prior to completing its testing, FHCCI conducted research to determine whether any of AMP’s Indiana properties offered two-bedroom floor plans that could lawfully accommodate families of five under local occupancy guidelines. FHCCI determined that a number of properties had such floor plans.

For example, FHCCI researched floor plans at **Addison Place Apartments**, an AMP Property located in the City of Evansville, Indiana (“Evansville, Indiana”), in Vanderburgh County. Evansville has its own code, the Property Maintenance Code of Evansville, Indiana, (“PMCE”) see Prop. Maint. Code § 15.15, which is similar to the IPMC in many respects. Like IPMC, in Evansville, a bedroom (or other room occupied for sleeping purposes) occupied by more than one person must have a minimum of 50 square feet per occupant. Also like IPMC, under Evansville’s code, there is no difference in the occupancy restrictions for living rooms and

dining rooms for units occupied by four people verses units occupied by five people. The minimum area limits for living rooms and dining rooms for any unit occupied by three to five people is 120 square feet and 80 square feet, respectively.

Applying these standards, FHCCI ascertained that Addison Place has at least one, two-bedroom unit that can lawfully accommodate five occupants—the Kensington floor plan. This floorplan, attached as Exhibit 15, is 1155 square feet, has one bedroom that is almost 200 square feet (and can thus accommodate up to three people), another bedroom that is 120 square feet (in which two people can sleep), and a spacious, combined living/dining room area.

Accordingly, when conducting its testing of Addison Place, FHCCI instructed one of its testers to inquire about a two-bedroom apartment for his family of five (two adults and three children) and to specifically ask about the Kensington floorplan. Before confirming whether the Kensington apartment was available, AMP’s leasing agent asked the tester how many occupants would be living in the unit. When the tester told the agent that the unit would be occupied by his family of five, AMP’s employee told the tester that the property adhered to a two-person per bedroom policy and, as a result, he would be unable to rent the unit there.

FHCCI also determined that Respondent has two-bedroom floorplans that can lawfully accommodate families of five at its **North Park Apartments**, also in Evansville, Indiana, under Evansville’s Property Maintenance Code, *see supra* at 10. For example, both the Berkshire and Harrington floor plans have 160 square foot bedrooms (that can accommodate up to three occupants), 100 square foot bedrooms (that can accommodate up to two occupants), and combined living and dining room spaces that can lawfully accommodate up to five occupants under Evansville’s Code. *See* Exhibit 16. Yet, Respondent told FHCCI’s tester (a woman posing as an individual seeking a unit for a couple with three children) that her family of five could not rent a two-bedroom unit at North Park because of AMP’s two-person per bedroom occupancy policy.

Similarly, FHCCI’s research confirmed that an AMP property called **Edison Pointe Apartments**, located in the City of Mishawaka in Indiana (“Mishawaka”), had two-bedroom units in which a family of five could live under local occupancy restrictions. Mishawaka adheres to the Building Officials and Code Administrators’ International, Incorporated (BOCA) occupancy standards, which are also almost identical to the IPMC in terms of their occupancy limitations. Bldg. Officials & Code Adm’rs Int’l Inc. § 405.0. Under BOCA, like under the IPMC, every room occupied for sleeping purposes by more than one person must contain at least 50 square feet per occupant *Id.* at § 405.3.⁹

As demonstrated in Table 6, Edison Pointe offers a number of two-bedroom floor plans in which a family of five could live under BOCA’s guidelines. (The floor plans contained in Table 6 are also attached as Exhibit 17).

⁹ Also like IPMC, under BOCA there is no difference in the occupancy restrictions for living rooms and dining rooms for units occupied by four people verses units occupied by five people. The minimum area limits for living rooms and dining rooms for any unit occupied by three to five people is 120 square feet and 80 square feet, respectively.

Table 6.

Floor Plan Name	Total sq. ft. (advertised)	Bedroom 1 sq. ft.	# of occupants allowed in Bedroom 1	Bedroom 2 sq. ft.	# of occupants allowed in Bedroom 2	Total number occupants permissible under IPMC
Kirkwood	1100	168	3	110	2	5
Stratford	1150	169	3	108	2	5
Inverness	950	156	3	110	2	5

An FHCCI tester contacted Edison Pointe posing as a woman seeking a two-bedroom apartment for herself, her husband, and her three small children. Before informing AMP’s leasing agent that she had three children, the tester confirmed that the Kirkwood floor plan was available for rent, as well as that an Inverness model would be available in the coming month. Despite the availability of housing at the complex, AMP informed the tester that her family could not rent the unit once the tester revealed that she had three children. Again, AMP’s employee represented that AMP had a two-person per bedroom occupancy limitation and would not make any exceptions for the tester despite the large size and configuration of its two-bedroom apartments.

Investigation by the Central Ohio Fair Housing Association (“COFHA”)

In November 2015, the Central Ohio Fair Housing Association (“COFHA”) conducted a controlled test at **Muirwood Village**, an AMP property in the City of Reynoldsburg, Ohio (“Reynoldsburg”), which is just outside of Columbus in Franklin County. Like the tests done by other Complainants, COFHA’s tester posed as a married woman looking to rent a two-bedroom apartment for herself, her husband, and her three children.

COFHA’s test confirmed that Respondent enforces the same two-person per bedroom policy at Muirwood Village that it does at other properties Complaints tested. A Muirwood Village employee told COFHA’s tester that the property’s maximum occupancy was two people per bedroom and thus the tester’s family could not rent an apartment at the complex.

After confirming the existence of a two-person per bedroom occupancy policy, COFHA conducted additional investigation to determine whether Muirwood Village’s policy was more restrictive than local occupancy limitations. COFHA’s additional investigation revealed that Muirwood Village’s occupancy policy is, in fact, more restrictive than applicable local occupancy codes.

Muirwood Village’s two-person per bedroom occupancy policy is more restrictive than the local, municipal occupancy code, the Housing Code for Columbus, Ohio (“Columbus Code”). Under the Columbus Code, any room used for sleeping that is occupied by more than one person is required to contain at least 50 square feet of floor area per occupant. *Id.* at § 4541.01. Other limitations imposed by the code are the same for a unit housing four occupants as they are for a unit housing five occupants. Specifically, a dwelling unit housing anywhere

from three to five occupants must have a living room that is at least 120 square feet and a dining room that is at least 80 square feet, and a kitchen that is at least 50 feet.¹⁰ Columbus Code at § 4541.015.

Muirwood Village offers at least two, two-bedroom floor plans that could lawfully accommodate five occupants under the Columbus Code—the Sycamore and the Chestnut. *See* Exhibit 18. The dimensions for each of these floor plans are the same. Both contain one bedroom measuring 192 square feet (which under the Columbus Code can accommodate three people). And both have a second bedroom that is 100 square feet (which can accommodate two people). Thus, under local occupancy standards, a family of five would be permitted to live in the Sycamore or Chestnut units at Muirwood Village, yet Respondent’s policy unreasonably caps occupancy for these units at two people per bedroom.

Muirwood Village’s policy is also more restrictive than the Franklin County Board of Health Housing Maintenance and Occupancy Code (“Franklin County Code”). Under the Franklin code, the maximum occupancy of any dwelling unit is 140 square feet for the first occupant of the unit and at least 100 square feet for each additional occupant. Franklin County Code at § 710.06 (B) (1). Per the code, floor space is calculated on the basis of total “habitable rooms.” *Id.* The code defines a “habitable room” as a “room or enclosed floor space arranged for living, cooking, eating, or sleeping purposes, but does not include a room used as a bathroom, water closet compartment, laundry, pantry, foyer, hallway, kitchenette, or other accessory floor space.” *Id.* at § 710.01 (EE).

Applying these standards, both the Sycamore and Chestnut units have over 540 square feet of habitable space, meaning that both floor plans can lawfully accommodate five people under the Franklin County Code.¹¹

Investigation by the Fair Housing Center of Southeast & Mid-Michigan (“FHCSEM”)

The Fair Housing Center of Southeast & Mid-Michigan began its investigation of the Respondent’s property in its service area (**Runaway Bay** in The City of Lansing, Michigan) in March 2016. FHCSEM instructed a tester to contact Runaway Bay to inquire about a two-bedroom unit for herself, her husband, and three small children. When the tester contacted Runaway Bay as instructed, Respondent’s agent confirmed its discriminatory policy, telling the tester that her family could not rent a two-bedroom unit because of Respondent’s two-person per bedroom occupancy restriction.

FHCSEM conducted additional research to determine whether AMP’s policy was unreasonably restrictive in light of HUD guidance instructing housing providers to consider the size of the unit, local occupancy restrictions, and other standards in setting occupancy limitations. Based upon FHCSEM’s research, AMP’s policy was unduly restrictive as enforced at Runaway Bay.

For example, applying IPMC standards, Runaway Bay has a two-bedroom floorplan called “Spinnaker” that can legally house up to five people. That floor plan is attached as

¹⁰ The Columbus Code also provides that the kitchen in any unit housing up to five occupants must be at least 50 square feet.

¹¹ Both floor plans, which have the same dimensions, have 568 square feet of total habitable space.

Exhibit 19. The unit has a 154 square foot bedroom (which is more than the minimum square footage required for three people under the IPMC), another bedroom in which two people can sleep (121 square feet), and a spacious combined living room and dining room area. Despite the size and configuration of this floorplan in particular, AMP made no exceptions to its policy in order to accommodate a family with three children.

Investigation by the Fair Housing Center of Southwest Michigan

Finally, in April 2016, the Fair Housing Center of Southwest Michigan conducted testing at Respondent's property in The City of Kalamazoo, Michigan ("Kalamazoo")—**Waverly Place**. Like the tests done by the other Complainants, FHCSWM's tester posed as a woman seeking a two-bedroom apartment for herself, her husband, and three children. Respondent's employee confirmed that Respondent enforces the same, restrictive occupancy policy at Waverly Place that it does at the other properties Complainants tested. Respondent's employee told the tester that Waverly Place has a two-person per bedroom occupancy policy and thus could not rent a two-bedroom unit to a family with three children, regardless of the ages of the children.

FHCSWM's investigation revealed that Respondent's strict, two-person per bedroom policy is more restrictive than the 2012 IPMC, *see supra* at 4, which also governs occupancy standards in Kalamazoo. The relevant floorplans are attached as Exhibit 20.

Table 7.

Floor Plan Name	Total sq. ft. (advertised)	Bedroom 1 sq. ft.	# of occupants allowed in Bedroom 1	Bedroom 2 sq. ft.	# of occupants allowed in Bedroom 2	Living Room	Total number occupants permissible under IPMC
Brooklyn	1000	154	3	110	2	176	5
Bryant	1000	154	3	110	2	176	5

As demonstrated by Table 7, Kalamazoo's local occupancy standards would permit a family of five to live in the Brooklyn or Bryant units at Waverly Place, yet Respondent inexplicably caps occupancy to no more than two people per bedroom.

* * *

As described in greater detail above, Complainants' respective investigations confirmed that Respondent enforces a strict and unreasonable maximum occupancy policy at a number of its properties. Respondent enforces this policy without regard to any of the factors that HUD has instructed housing providers to consider—such as the size of the unit, the configuration of the unit, or any limitations imposed by the local occupancy code. Respondent's policy has a predictable and disparate impact on families with children, as families with children are significantly more likely to be affected by policies that limit the number of people who can live in an apartment unit.

There is no legitimate business necessity for Respondent's policy. While preventing overcrowding is a legitimate concern for housing providers, local occupancy codes are similarly

enacted to prevent overcrowding and protect the health and safety of occupants of a dwelling. As detailed above, Respondent's policy often operates to be more restrictive than local occupancy codes. Certainly, conforming their policy to the limitations imposed by the local occupancy code for families with children would be a less discriminatory alternative to the current, across-the-board two-person per bedroom policy, as it would increase the number of families with children eligible to rent units in its communities. Given the absence of any legitimate business necessity for its practices, Respondent's rigid occupancy policy violates the FHA.

INJURY CAUSED BY RESPONDENT

As a result of Respondent's discriminatory conduct, prospective tenants in the communities that Complainants serve have been, and continue to be, significantly injured. Respondent's occupancy policy operates to both exclude and limit the number of families with children who are eligible to live in its apartment complexes.

Complainants have also been directly harmed by Respondent's actions. As this Complaint makes clear, Complainants' investigation was extensive, comprehensive, and time-consuming. Collectively, Complainants had to devote significant resources to investigate and counteract Respondent's discriminatory occupancy policy. In order to investigate Respondent's conduct, for example, Complainants had to invest substantial time to coordinate testing, analyze the tests conducted, and research and analyze local occupancy codes. Overall, Complainants conducted at least 20 tests at 20 properties over a period of many months. In order to do so, Complainants had to divert their scarce resources from other activities, such as education and outreach, client counseling, and community development. Further, Respondent's discriminatory practices have frustrated Complainants' missions of ensuring that all people within their respective jurisdictions have equal access to housing opportunities regardless of familial status. As Respondent's practices are ongoing, Complainants' injuries continue to accrue.

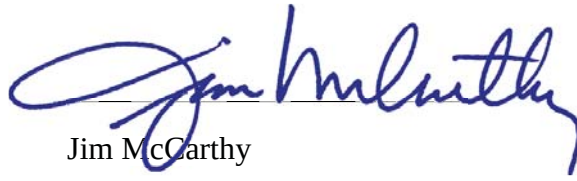
Executed on June 22, 2016

Nancy Haynes

Nancy Haynes for

Fair Housing Center of West Michigan

Executed on July 2, 2016

A handwritten signature in blue ink, appearing to read "Jim McCarthy", is written over a horizontal line.

Jim McCarthy

Central Ohio Fair Housing Association

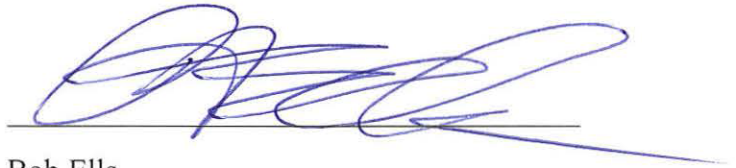
Executed on 6/22/2016

A handwritten signature in blue ink, appearing to read "Amy Nelson", is written over a horizontal line.

Amy Nelson

Fair Housing Center of Central Indiana

Executed on 6/22/2016

A handwritten signature in blue ink, appearing to read 'Bob Ells', written over a horizontal line.

Bob Ells

Fair Housing Center of Southwest Michigan

Executed on 6/22/16

Pamela A. Kisch

Pamela A. Kisch

Fair Housing Center of Southeast
& Mid-Michigan