

This column highlights promotions, transfers, hirings, awards won and other key personnel moves within the suburban real estate community. Send a brief biographical summary — including the towns of residence and employment, and a black-and-white photo, if desired — to: *Movers & Shakers*, Observer & Eccentric Newspapers, 36251 Schoolcraft, Livonia 48150. Our fax number is (313) 591-7270.

**Receives award**



**Charlotte Jacunski**, a Realtor associate with Century 21 Row in Livonia, has received a Gold Award for all three quarters of 1995. Century 21 agents win that award for reaching a quarterly gross commission figure of at least \$50,000 or attaining a point level for transaction activities including listings and sales. Jacunski lives in Livonia.

**Earns GRI**



**Carole Halmekangas**, a mortgage broker with Omega Mortgage and an associate broker with One Way Realty in Livonia, has received the professional designation of Graduate Realtors Institute. Halmekangas, a University of Michigan graduate and a licensed real estate agent, services western Wayne and Oakland counties.

**Joins Red Carpet Keim**



**Cindy Rothemel**, a Bedford resident, has joined Red Carpet Keim in Livonia as a Realtor associate. She has two years experience in the business.

**C21 honorees**

Century 21 recently announced its Top 21 Sales Associates in the Great Lakes Metro Council for the month of August.

Honorees include Norman Radabaugh, Century 21 East, Rochester Hills; Ronald Miller, Century 21 Today, Southfield; and Glenda Lagros, Century 21 Town & Country, Sterling Heights.

Also honored were Rosemary Firestone, Century 21 Hartford North, Livonia; Yoshiko Fujimori, Century 21 Row, Livonia; and Anna Carlesco, Century 21 Today, Livonia.



**Classified Ad Index**

CLASSIFICATION	NUMBER	SECTION
Real Estate (800-884)		
Real Estate (800-824)		
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ROBERT M. MELANER  
BIRMINGHAM AREA ATTORNEY  
concentrating his practice in the areas of condominiums, real estate and corporate law. You are invited to submit topics which you would like to see discussed in this column by writing Robert M. Melaner, 30200 Telegraph Road, Suite 467, Bingham Farms 48025.

**REAL ESTATE**

THURSDAY, NOVEMBER 16, 1995 • PAGE 1 SECTION E

**Fighting unfair housing**

BY SUZAN TAUBER  
Special Writer

The image of an apartment manager walking around with a cigarette dangling from his mouth, wearing a mangy-looking hat, torn T-shirt and dirty jeans frequently seen in television programs over the years is just that — an image from the past.

Today's managers strive to be professionals who dress appropriately and know much more than how to fix a leaking faucet. David Sparrow is president of the Apartment Association of Michigan (AAM). One of AAM's main purposes is to educate members and others in the field about the many facets of apartment management. The main focus is on following the requirements of the Fair Housing Amendments Act of 1988. It prohibits any discriminatory housing practices based on race, color, religion, sex, national origin, handicap and familial status (people with children included).

"AAM provides many services for our members. Just this year we were instrumental in getting a full credit course offered on apartment management at Lawrence Technological University in Southfield," said Sparrow, who is president of Management Corp. of Michigan in Bloomfield Hills. "Many members give employees time off work to attend classes and special seminars."

One of those seminars was the "Fair Housing Compliance Strategies for On-Site Personnel" program sponsored recently by AAM. It featured Thom Harris, owner of the Fair Housing Compliance Services in Dallas, Texas.

"It was a great seminar, very informative," said Stocking, property manager for Management Corp. of Michigan. He attended with two on-site resident managers, Jeri Adrian and Susan Scholma, who work in Saint Clair Shores.

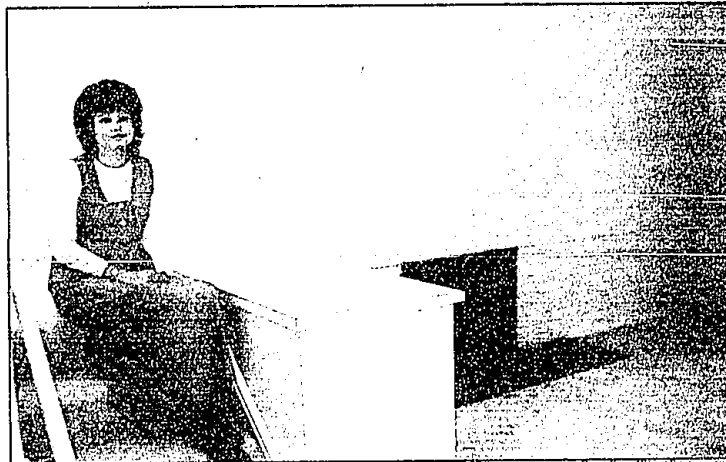
"We learned so much from Mr. Harris," said Stocking. "The seminar was really interesting because he used to work for the Federal Department of Housing and Urban Development protecting renters and buyers from discrimination."

Harris was a Fair Housing investigator for 10 years and chief of investigations for two years in Pennsylvania, Arkansas, Louisiana, New Mexico and Oklahoma.

"I saw that no one was showing the housing people how to comply with the Fair Housing Amendments Act. Since I had worked with people who felt they were being discriminated against, I felt I had a unique perspective to offer the business people," Thomas said.

"I teach what business people need to do to comply with the Fair Housing Act and how to prove they are complying. Much of this boils down to treating everyone the same and keeping good and accurate records," he added.

Because consumers have one year in



Leasing legalities: Rhonda Fazio, manager of Eaton Square Apartments, and other leasing agents recently attended a seminar on fair renting practices

which to file a discriminatory complaint, property managers must document their advertisements, telephone calls, on-site visits, qualifying processes, property maintenance procedures and the application of rules, policies and guidelines.

"For instance, if the policy is to show every consumer a rental unit, the policy must be followed every time."

"If a customer says he doesn't have time to see a unit, that must be written down. At Mr. Harris's request, we didn't go through steps 1-9 of the rental procedure. That way I can't come back later and say I was discriminated against because I wasn't shown a rental unit," he explained.

"The worst thing that can happen to a property owner or manager is to be accused of housing discrimination when it didn't happen. I got involved with a man who owned several homes he rented on two blocks. A Hispanic woman said he didn't rent to her because of her nationality. He proved to me he had rental requirements and that she didn't meet the requirements."

The requirements, according to Harris, were that the renters had a job to pay the rent and that they keep the rental house clean and take good care of the property. The property owner established this fact by looking in the back seat of the consumer's car. If it was clean, he rented to that person.

One evening, Harris and the property owner inspected the back seats of his renters' cars. All of them were clean. They went to where the Hispanic woman lived and looked in her back seat. It was messy.

"He didn't discriminate against her because he used the same standard for everyone he rented to," Harris said. "I talked to his renters. They were a mix of people, and all felt they were treated fairly."

Harris also helped people at the Troy seminar figure out how to answer tricky questions, such as what the racial mix of a community or development is.

"This is information an owner should maintain. The law says the housing provider can't use race as a factor. My answer to that question would be, 'We don't answer any per-

sonal questions about our residents and we don't discriminate against any race.'"

"The law is a little scary," said Debra Gath, leasing consultant for Eaton Square Apartments and Town Houses in Birmingham. "A person can be discriminating without even realizing it." Rhonda Fazio is her general manager.

"The seminar was very informative and funny. I could have listened to Harris all day," Gath said.

Metropolitan Detroit has its own Department of Housing and Urban Development, Fair Housing and Equal Opportunity Division in downtown Detroit. Its representatives answer questions for consumers and housing providers alike. Its telephone number is 313-226-6898.

There are two other sources for information and help: Oakland County Center for Open Housing and the Fair Housing Center of Metropolitan Detroit.

Clifford Schrupp is director of the Fair Housing Center of Metropolitan Detroit. Located in Detroit, one of its areas of coverage is Wayne County, with its more than 780,000 housing units. A not-for-profit organization, its purpose is to educate people on their housing rights, to educate housing providers and to investigate complaints.

"We're contracted by the federal government and by local units of government to investigate housing complaints. We use as many volunteers as we can for testers."

"We'll send a white couple or person out who will be told there are units available for rent. We'll send an African-American person or couple to the same place. They are told there are no units available, or no houses in their price range. That's definite discrimination."

Most of the center's complaints involve race discrimination. "That makes up 60 percent of our complaints — whites discriminating against African-Americans," Schrupp said.

Thanks to the amended Fair Housing law, organizations such as the Fair Housing Center of Metropolitan Detroit can do something substantial about housing discrimination. They

can file a lawsuit within one year the discriminatory practice allegedly occurred.

"The original law only gave discriminators a slap on the wrist. Now people are awarded significant damage awards and settlements, into the millions of dollars. Firms that pay awards do make behavior changes."

To reach Schrupp or one of his staff members, call the center at 313-963-1274.

The Oakland County Center for Open Housing, housed in Farmington Hills, also is a not-for-profit organization. Its mission is to build community understanding for fair housing in Oakland County by trying to maintain a stable, integrated community. It is funded by municipalities, Realtors, corporations and individual members. Oakland County, which has more than 400,000 housing units, is a supporter.

"Oakland County has an open door policy to everyone," said director Valerie Weatherly. "We work to maintain that policy for everyone. After all, the world is a mixture of people. We should all love each other and live in the real world."

The center gets most of its calls from its newspaper advertisements. "We meet with the person or family, find out what their requirements are — whether it's good schools or housing for a certain income level."

"We don't direct that client where to live. Instead we give them choices in maybe five different communities that fit their requirements. That way we aren't pushing people with the same income level or race backgrounds to live only in one area. We are giving them choices throughout the entire county."

Weatherly recalls how she recently helped a hearing-impaired family of four find a house to buy. They were living in a two-bedroom apartment and wanted to rent a house. The children attended a special school in West Bloomfield.

"I put them in touch with a real estate agent who introduced them to different living options, such as purchasing a home. They were thrilled."

To reach the Oakland County Center for Open Housing, call 810-639-3993.

**Beware clause that calls for independent inspector**

**REAL ESTATE QUERIES**



ROBERT M. MELANER

**Q.** Our builder wants to put a provision in our contract that provides that if we have a warranty claim, it must be certified by the local building inspector before it can be pursued against the builder. What do you think of that provision?

**A.** If I represent the purchaser, I want the warranty claims brought by purchase of houses or condominiums should be based upon the purchaser's own evaluation or that of a consultant retained by the purchaser, as opposed to a third party such as the building inspector in most instances. Obviously, the building inspector has his/her own responsibilities with respect to providing adequate inspections before a certificate of occupancy

is issued. However, the building inspector may or may not be the proper person to determine whether other warranty claims are available to the purchaser. I would avoid, therefore, a provision in the contract that leaves the determination of a warranty claim to someone other than the purchaser or the purchaser's representative.

**Q.** I am a land contract vendor that entered into a land contract which provided for interest at the rate of 8 percent per annum, but in the event of default, the interest rate would be 12 percent. I am now pursuing the vendee in foreclosure, but the vendee has claimed that the 12-percent interest rate is usurious and that I am not entitled to any interest. Does he have an argument that would be successful?

**A.** In determining whether an interest is usurious, a Court would look to the total interest on the principal

amount of the land contract and if the total amount of the interest did not exceed the 12 percent-per-annum maximum rate allowed for land contracts under the law, the Court would allow you to collect the interest. This decision was affirmed in a recent Court of Appeals decision; however, there was a strong dissent that the decision of the majority took liberties with the statute regarding usurious interest rates. The dissent was arguing that it is not permissible to merge legal and illegal contract rates to come up with a "legal" rate of interest.

You are best advised, therefore, to consult with legal counsel with respect to this issue.

Robert M. Melaner is a Birmingham area attorney concentrating his practice in the areas of condominiums, real estate and corporate law. You are invited to submit topics which you would like to see discussed in this column by writing Robert M. Melaner, 30200 Telegraph Road, Suite 467, Bingham Farms 48025.