

Affordability squeeze may prompt income housing

BY DOUG FUNK
STAFF WRITER

George Amber, a West Bloomfield resident who made his fortune building and managing apartments, believes that the time is ripe for a return to income houses — upper and lower flats and duplexes.

So he's written a booklet to promote the concept.

"You have income houses and out-go houses," Amber said. "Ninety-nine percent accept out-go where money is going out."

That is, money is going out in the form of mortgage payments.

Amber suggests that ownership of two-flat houses with money coming in — not exactly a new concept in some older communities like Dearborn — is especially timely today for lots of reasons.

"They're cheaper per square foot to build. Every house has a foundation, roof, furnace and water heater. The same one can handle two families as well as one."

Buyers who live in one flat and rent the other also will have an easier time financing their housing with rents in addition to their own funds.

Another selling point, according to Amber — renters would much more want to form relationships and put down roots in a neighborhood than in an apartment complex.

"It worked well years ago," he said. "I think the economy calls for it now. If out of 100 people who want to buy a new house, maybe only three want income, that's still a lot of people."

Amber, 72, a visionary during

'If he can do it in a price range people can afford, it would be terrific. Unless both (marriage) partners are working, it's difficult to qualify for starter homes from \$80,000 to \$80,000.'

Jay Hughes
Mayfair Realtors

his heyday, was among the first to include balconies and fireplaces in his apartments.

Amber may be on to something, said Jay Hughes, partner in Mayfair Realtors in Livonia and a longtime real estate agent.

"If he can do it in a price range people can afford, it would be terrific," Hughes said. "Unless both partners are working, it's difficult to qualify for a home, starter homes from \$60,000 to \$80,000."

The major stumbling block to the two-flat plan is zoning, or land use regulations, Amber and Hughes agree.

Some owners believe that a neighborhood of other owners rather than renters is more stable, safer and more conducive to maintaining property values.

Historically, a mix of owners and tenants has fostered a sense of community, Amber argues. Plus, on-site owners who also rent

are right there to keep an eye on their properties.

"By tradition, two-flat houses are on half-mile roads," Amber said. "What I see beyond that is subdivisions dedicated to this. Any house builder can do it. Technically, it's not challenging. What it takes is a willingness to do it."

Existing two-flat houses and duplexes generally are snapped up immediately when they become available, Hughes said. Investors and owners who want to provide housing for other family members, especially immigrants, covet them.

But it looks like it may be a slow go getting new two-flats built.

"I don't think the generation we're dealing with now is familiar

enough with the opportunity to have someone help pay for it," Hughes said. "They need to be educated."

John Bolland Jr., a Troy builder, isn't sure there's a big enough market for Amber's proposal. "I agree it sounds great," Bolland said. "It's an old concept that's been around a long time. Primarily, I don't see it as a viable lifestyle now."

"It might be a good concept in scattered situations — and, in other areas of the country (with more dense population), it may be workable," he added.

Large apartments currently offering all kinds of services and incentives and the possibility of condominium ownership are more attractive to renters and buyers today, Bolland said.

Adverse possession claim on boundary issue may have merit



ROBERT M. MEINER

We purchased some property approximately 30 years ago. Our real estate agent told us that the left boundary line was a road. Actually, it turns out that our next door neighbors own that property.

During the last 30 years, we have, in our opinion, established a claim to the property because we posted a no trespassing sign and did not let the neighbors use the land. Do we have a claim by way of adverse possession?

Michigan courts have enunciated two basic principles in regard to adverse possession. The first states that when the land owner takes possession of land of an adjacent owner with the intent to hold to the true boundary line,

the possession is not hostile and adverse possession cannot be established.

In your case, a similar Michigan court has indicated that the second principle applies since you claim possession to the road that was manifested by your exclusive use of the property, the posting of no trespassing signs, and your denial of permission to your neighbor to use the disputed parcel. Chances are you would be successful in an adverse possession proceeding.

We are a cooperative that is threatened to be sued for alleged civil rights violations on the basis of race. Can you tell me in general terms what other requirements must be met by such a claimant?

The Sixth Circuit Court of Appeals has held that the same standard of proof is required for both the Fair Housing Act and the Civil Rights Act as it relates to any alleged violation of one's civil rights in an action against a cooperative.

Courts have held that a plaintiff establishes a prima facie case by proving that he or she is a member of a racial minority, that he or she applied for and was qualified to rent or purchase certain property or housing, that he or she was rejected and that the housing or rental property remained available thereafter. If these criteria are not met, there is no basis for a claim. But you should consult with legal counsel to get an opinion on the particulars of your case.

Robert M. Meiner is a Birmingham attorney concentrating his practice in the areas of condominiums, real estate and corporate law. You are invited to submit topics you would like to see discussed in this column by writing Robert M. Meiner at 30200 Telegraph Road, Suite 467, Bingham Farms 48025. This column provides general information and should not be construed as legal opinion. To leave a voice mail message for Robert Meiner, dial 563-2047, mail box 1871.

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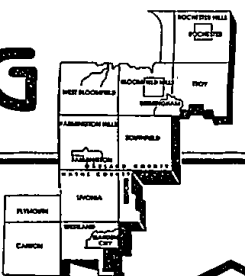
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