



Miami Valley Fair Housing Center, Inc.

505 Riverside Drive

Dayton, OH 45405

937-223-6035

Jim McCarthy, President/CEO

NEWS RELEASE

FOR IMMEDIATE RELEASE

FURTHER INFORMATION:

Jim McCarthy, President/CEO
(937) 223-6035 | jim.mccarthy@mvfhc.com

FAIR HOUSING CENTER FILES LAWSUIT ALLEGING DISABILITY BIAS AT CARILLON HOUSE CONDOMINIUMS

The Miami Valley Fair Housing Center (MVFHC) has filed a federal lawsuit alleging that the Carillon House Association, Inc. — which owns and operates The Carillon House, a high-rise residential community of condominiums located at 2230 S. Patterson Blvd., Dayton OH, 45409 — published and distributed notices and statements indicating a limitation and discrimination based on disability. The lawsuit, filed June 19, 2020, alleges violations of the federal Fair Housing Act.

Built in 1968 as luxury apartments, The Carillon House was converted to a condominium association five years later in 1973, and The Carillon House Association, Inc. was incorporated. The building consists of fifteen stories, serviced by two elevators and two parking garages. The Carillon House is not associated in any way with Carillon Historical Park.

“The Fair Housing Center is passionate in pursuit of its mission. Condominium associations are subject to the Fair Housing Act and cannot create rules for their residents that violate the protections of the Act,” said Ronald Jackson, Chair of the Fair Housing Center’s Board of Directors.

NEWS RELEASE
MIAMI VALLEY FAIR HOUSING CENTER FILES FEDERAL LAWSUIT
AGAINST THE CARILLON HOUSE ASSOCIATION

June 19, 2020

Page 2

The complaint alleges that in January, 2020, The Carillon House Association's Board of Directors printed and published a tri-fold brochure entitled "Carillon House Pet Etiquette" setting limitations, restrictions, and rules prohibiting the presence of "pets" in public and common use areas throughout Carillon House. Specifically, the ingress and egress of pets was restricted to a single door located in the north garage. Pets were also no longer permitted to be present or pass through other common or public avenues of ingress or egress, such as the main entrance to the building.

While such limitations imposed on people with animals who own "pets" are legal, the limitations and restrictions in the brochure were expressly made applicable to residents with disabilities who need and use service animals and emotional support animals, even though such animals are not considered "pets" within the meaning of the Americans with Disabilities Act or the Fair Housing Act. In fact, the brochure stated, "Service, therapy and emotional support pets are not exempt from this policy."

The brochure also allegedly discouraged residents from using the individualized "reasonable accommodation" process available under the Fair Housing Act, 42 U.S.C. §3604(f)(3)(B). To the contrary, the brochure claimed to be making accommodations for all people with disabilities on a universal, undifferentiated basis. The brochure stated "Reasonable accommodations have been made by [such residents] using the elevators, N. Garage ramp and N. Garage exits." The brochure did not advise residents with disabilities of their rights to individualized determinations of their need for accommodation to the ingress/egress restrictions contained in the Pet Etiquette brochure.

The Center's President/CEO, Jim McCarthy, said "It is very disappointing when, despite our 27 years of extensive fair housing education and outreach throughout the Miami Valley, we discover such a basic lack of understanding and appreciation for the rights embedded in the Fair Housing Act."

The Fair Housing Center's complaint alleges that the Defendant was well aware of the rights provided under the Fair Housing Act to people with disabilities who use service animals or assistance animals. According to the complaint, prior to its adoption of the Pet Etiquette Brochure, a committee of residents had recommended that the brochure exempt service and assistance animals from the ingress and egress rules, and that the brochure include a statement that such animals be allowed to enter and exit through any door of Carillon House. Nevertheless, the Board of Directors rejected this

NEWS RELEASE

**MIAMI VALLEY FAIR HOUSING CENTER FILES FEDERAL LAWSUIT
AGAINST THE CARILLON HOUSE ASSOCIATION**

June 19, 2020

Page 3

suggestion and instead published its requirement that the restrictive ingress/egress rule applied even to service and assistance animals. The brochure was published, posted, and widely disseminated throughout Carillon House and its residents in March, 2020.

“Just as the Carillon House cannot require someone who uses a cane or wheelchair to use only a certain door, it may not restrict disabled individuals who use a service or emotional support animal to use only a certain door. Service and support animals are not pets. They are necessary accessories that assist an individual with their disability,” McCarthy continued.

The complaint alleges Miami Valley Fair Housing Center became aware of the publication and distribution of the brochure to Carillon residents. On March 7, 2020, the Fair Housing Center wrote to The Carillon House Association, advising it that the brochure and its statements improperly suggested to an ordinary reader that the ingress and egress of a particular group of people (specifically, people with disabilities) was being limited and restricted in violation of the Fair Housing Act. The Fair Housing Center also advised The Carillon House Association that a number of statements contained in the brochure were incorrect and that enforcement of the new rules would result in illegal housing discrimination against individuals with disabilities, in violation of state and federal fair housing laws. The Fair Housing Center’s letter requested that the Board rescind the brochure immediately. Instead of doing so, the Board had its attorney initiate a series of letter communications with the Fair Housing Center throughout the remainder of March, 2020. The Fair Housing Center engaged its own counsel to continue negotiations.

Eventually, because of the Center’s advocacy, The Carillon House Association modified its Rules and Regulations concerning animal ingress and egress to include acceptable language about the rights of people with disabilities.

The suit alleges that the Miami Valley Fair Housing Center was forced to divert scarce resources to identify, investigate, and eventually successfully eliminate The Carillon House Association’s discriminatory brochure, and in doing so, the Fair Housing Center suffered damages and incurred costs that are compensable under the Fair Housing Act.

NEWS RELEASE

**MIAMI VALLEY FAIR HOUSING CENTER FILES FEDERAL LAWSUIT
AGAINST THE CARILLON HOUSE ASSOCIATION**

June 19, 2020

Page 4

The suit also asserts that The Carillon House Association's conduct also frustrated MVFHC's mission to eradicate discrimination in housing and undermined the effectiveness of MVFHC's programs and services—including encouraging integrated living patterns, providing assistance to individuals affected by discriminatory housing practices, and eliminating discriminatory housing practices. Finally, the suit alleges that The Carillon House Association acted intentionally and willfully, thus warranting punitive damages.

The suit asks the Court to grant judgment in the Miami Valley Fair Housing Center's favor, and against The Carillon House, and to award compensatory and punitive damages, plus reasonable attorney fees and costs.

Stephen M. Dane, a nationally recognized fair housing attorney, represents the Miami Valley Fair Housing Center.

The Miami Valley Fair Housing Center is an Ohio private non-profit corporation. The contracts with Montgomery County, the City of Kettering, the Dayton Human Relations Council, the City of Springfield, and others to provide services to eliminate discriminatory housing practices. The Center works to educate the public about housing discrimination laws, discriminatory housing practices, and the availability of legal remedies for such discriminatory housing practices. The Center provides counseling, investigative, and referral services to the public. In addition, the Center educates the housing industry about fair housing compliance through cooperative relationships with Dayton Realtors®, the Greater Dayton REALTIST Association, the Greater Dayton Apartment Association, and Greater Dayton Real Estate Investors Association, in order to expand equal housing opportunities in the Miami Valley region, the State of Ohio, and nationally.