



**FOR IMMEDIATE RELEASE**

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**LANDLORDS DISCRIMINATE AGAINST FAMILIES WITH CHILDREN:  
FAIR HOUSING COUNCIL PREVAILS IN COMPLAINT**

Madison, Wisconsin – The Metropolitan Milwaukee Fair Housing Council (MMFHC) has prevailed in a fair housing complaint against Madison landlords Gordon, Elizabeth and Bruce Becker, the owners and managers of the Lexington Green apartment complex on Heritage Circle. The Beckers compensated MMFHC \$4710 for costs incurred while investigating discrimination against families with children, and paid MMFHC’s attorney’s fees.

MMFHC filed the complaint with the Wisconsin Equal Rights Division (ERD) in 2007, alleging that the Beckers violated Wisconsin Open Housing Law by steering prospective tenants with children to first floor units, resulting in segregation of families with children. In November 2007, the ERD issued a charge and initial determination that there was probable cause to believe that the Beckers violated the Wisconsin Open Housing Law by discriminating on the basis of family status in the privileges, services or facilities that are available in connection with housing. The complaint was then assigned to Wisconsin Administrative Law Judge John L. Brown, who held a hearing in August 2008. On March 31, 2009, Brown issued a written decision in favor of MMFHC. The Beckers complied with the financial terms of the settlement at the end of 2009.

In late 2006, MMFHC’s Fair Housing Center of Greater Madison (FHCGM) satellite office conducted an investigation of discrimination against families with children at Lexington Green, an apartment complex with over fifty units. FHCGM utilized an investigative method known as “testing.” Three pairs of testers visited Lexington Green and interacted with the Beckers. In each test, one tester had at least one minor child and the other tester did not, but their other characteristics such as income, marital status, age, rental history and race were similar. None of the testers expressed a preference for either first-floor or second-floor units. In the first test, Gordon Becker showed the tester with a child a second-floor unit and a first-floor unit before he knew she had children. Once he learned that she had children, he told the tester, “I didn’t ask you what you want, but when you have little people, I’d like to have you on the first floor.” In a subsequent phone call, he told this tester that the second-floor apartment was no longer available because of her children, although in fact it was not yet rented. In contrast, Gordon Becker showed both second-floor and first-floor units to a tester without children and made no attempt

to restrict her choice to one floor or the other. In two subsequent tests, the Beckers showed only first-floor units to testers with children, and showed first-floor and second-floor units to testers without children. As noted in the written decision of Administrative Law Judge Brown, the Beckers' standard practice for 10 years when interacting with prospective tenants with children was to say nothing about the availability of second-floor apartments, even when second-floor apartments were available. In contrast, apartment seekers without children were told about and shown units on both floors. At the time of the ERD's investigation into MMFHC's complaint, which took place in October 2007, only 3 of 53 tenants at Lexington Green were under age eighteen, and all lived in first-floor units.

According to information provided by the Beckers and their attorney, the Beckers developed their standard practice of steering families with children to first-floor units for two reasons: experience led them to believe that families with children preferred lower units, and they assumed that young children living in second-floor units would create noise problems for tenants living beneath them. Testimony indicated that this latter belief was not based on any specific experience at the complex. It also failed as a legal defense; as Administrative Law Judge Brown noted in his written decision, "There is no exception under the statute allowing a rental agent to restrict the availability of housing for prospective tenants because of family status based on a fear that such prospective tenants will cause noise problems because of their having young children."

"Segregating families with children to first-floor units artificially and unfairly limits the number of units available to them," says MMFHC Executive Vice-President Carla Wertheim. "It's already difficult for many families with children to find affordable housing, and this type of segregation makes it even harder."

According to Attorney Michael Cohn, who represented MMFHC in the complaint, "The decision in *Becker* is important because it is the first ERD decision that steering based on familial status is unlawful. Again, Fair Housing Council testing revealed discriminatory housing practices that prospective tenants would not have discovered simply applying to rent an apartment."

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MMFHC is a private, non-profit organization whose purpose is to promote fair housing throughout the State of Wisconsin by guaranteeing all people equal access to housing opportunities and by creating and maintaining racially and economically integrated housing patterns. It operates satellite offices in Dane County (the Fair Housing Center of Greater Madison) and in Northeast Wisconsin (the Fair Housing Center of Northeast Wisconsin).

Persons who feel they may have experienced illegal housing discrimination should call 1-877-647-FAIR, a toll-free number. Callers within the 414 area code may call 414-278-1240. All services to victims of illegal housing discrimination are free of charge.