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## Developer accused of federal violations

### Apartments limit access to disabled, HUD alleges

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A Sioux Falls developer faces housing discrimination charges for building apartments that limit access to disabled tenants.

Equity Homes is named in three new cases brought by the U.S. Department of Housing and Urban Development; an additional case was filed last fall and a fifth is pending.

HUD alleges violations exist at dozens of the units, including bathrooms too small to maneuver in a wheelchair, unreachable electrical outlets and thermostats, and inaccessible garages and building entrances.

Jon Broek, a partner at Equity Homes, said the city approved the building plans, but "it turns out the city of Sioux Falls does not follow (federal) guidelines."

That was true for several years in the 1990s, said Ron Bell, the city's chief building official. The Fair Housing Act established rules for multifamily dwellings first occupied after March 1991, but it took the city's code years to catch up. Builders should have known they can't count on the city to enforce federal rules, he said.

"If they relied on us to assure (federal compliance), they're sadly mistaken," Bell said.

In its investigation, HUD rejected Broek's excuse, writing that the developer should be familiar with federal accessibility rules.

The investigation began when someone complained to Fair Housing of the Dakotas about apparent code violations at East Briar Estates. The nonprofit group investigated, found various violations, and then found more at four other Equity Homes buildings: Beverly Gardens Apartments, West Briar Estates, Sertoma Hills Apartments and Sertoma Hills Villas.

Fair Housing's executive director, Amy Nelson, said about three-fourths of the cases her group investigates are settled without going to HUD: Violators bring the buildings up to code and pay Fair Housing the cost of investigating and prosecuting.

Broek said Fair Housing is trying to "extort" his company, and they aren't going to submit - at least, not at the price they were quoted. He added that he has fixed some problems with bathroom doors, and any remaining violations are insignificant.

"My dad was in a wheelchair and had no problem anytime accessing any of our properties," Broek said.

Nelson disagreed with his assessment. At least one disabled renter lived in a unit Equity Homes built and was unable to use it properly, she said, and there might be others who chose not to rent because

of design problems.

"I do not consider them minor in any capacity," she said.

In addition to Equity Homes, HUD has taken action against Hartung Design and JSA Consulting and Engineering. In one case, Shane Hartung told HUD his design was not intended to be built. JSA said its work was limited to drainage and grading.

The cases will be handled by an administrative law judge unless any party wants them moved to U.S. District Court. HUD is seeking orders that would require the defendants to bring the properties into compliance, award damages to Fair Housing and assess tens of thousands of dollars in fines.

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