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Advocacy groups accuse Ryan Companies of developing Illinois, Iowa senior living complexes in violation of Fair Housing Act

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 By Jonathan Bilyk

A trio of organizations advocating for housing for those with disabilities has filed a lawsuit against the Ryan Companies, a national developer of commercial and multi-family residential properties, and its business partners, claiming they have failed to comply with the federal Fair Housing Act.



In the May 1 suit, the three groups ask Chicago's federal court to compel the development partners to immediately improve accessibility for those with disabilities at about a dozen senior housing apartment complexes in Illinois and Iowa.

Washington, D.C.-based National Fair Housing Alliance, along with the HOPE Fair Housing Center in West Chicago and Winnetka-based Open Communities, filed the suit against Ryan Companies, which is headquartered in Minnesota and operates a regional office in Naperville, and businessman James N. Bergman of Iowa.

More than 30 development and property management companies believed to be either owned or operated by Ryan Companies and Bergman are also named as defendants.

In their suit, the housing advocacy organizations claim Ryan Companies, Bergman and their allegedly associated alter corporate egos failed to make hundreds of apartment units in complexes they partnered to build sufficiently accessible to potential residents with disabilities, in violation of the Fair Housing Act.

The complexes in question are located throughout the suburbs of Chicago and near the Quad-Cities in western Illinois and eastern Iowa, including the communities of Glenview, Fox Lake, Lake Zurich, Gurnee, East Dundee, Orland Park, Glendale Heights and Lisle.

According to the suit, Ryan and Bergman built the first of the age-restricted senior living apartment complexes around 2005 and added the others in the years since.

In the past year, the organizations contend their personnel conducted "testing" at nine of the senior living complexes, checking the apartment units for a variety of features they say are required under the Fair Housing Act and necessary for those with disabilities.

The plaintiff advocacy groups claim their investigation found "each of these senior apartment complexes failed to meet one or more accessibility requirements" of the law.

Among other violations, they allege the investigated units included kitchens and bathrooms rendered virtually inaccessible to those with disabilities by the installation of bathtubs, toilets, sinks and shower stalls that are the wrong height and installed in places that would not allow someone with a disability to easily maneuver around them.

Likewise, the organizations assert in their complaint that the units they investigated included interior thresholds that were "too high" and exterior ramps that were "too steep" for those in wheelchairs to maneuver. Parking and fitness areas in the complexes were also deemed inappropriate and inaccessible for those with wheelchairs, the suit states.

Since the various complexes were developed using similar plans, the plaintiffs contend they believe other complexes developed by the defendants harbor similar allegedly discriminatory challenges for those with disabilities.

While the owners and operators of the complexes did not refuse to rent to people with disabilities, the advocacy organizations claim the design and layout of the complexes and apartment units "effectively communicates to people with disabilities that they are not welcome," and therefore, amounts to housing discrimination.

In their suit, the plaintiffs ask Chicago's federal court to determine the development companies violated the federal law, order them to immediately begin to upgrade every apartment complex and unit to bring them into compliance with the law and bar them from renting any more apartments until the improvements are completed.

They also want a judge to award an unspecified amount of punitive and compensatory damages as a reimbursement for what they spent to investigate and counter the alleged pattern of discrimination.

The case has been assigned to U.S. District Judge Amy St. Eve, who earlier this month set an initial status hearing in the matter for June 16.

The housing advocacy organizations are being represented by attorneys Jennifer K. Soule of Soule, Bradtke & Lambert in Elmhurst; Janell M. Byrd and Ellen L. Eardley of Mehri & Skalet PLLC in Washington D.C.; and Morgan Williams, counsel for the National Fair Housing Alliance in Washington D.C.

The other defendants named in the complaint include: Ryan A+E Inc.; Iceberg Development Group LLC; Thomas and Thomas Associates Inc.; Pioneer Property Management Inc.; PPMI Management LLC; RRG Development Inc.; Thomas Place L.P.; Thomas Place LLC; TPA Fox Lake L.P.; TPA Fox Lake GP LLC; JNB Hometown Harbor Bettendorf L.P.; JNB Hometown Bettendorf LLC; JNB Hometown Harbor Waukee L.P.; JNB Hometown Waukee LLC; Hometown Harbor East Moline Limited Partnership; Zurich Meadows Senior Apartments L.P.; Zurich Meadows Apartments LLC; TPA Gurnee L.P.; TPA Gurnee GP LLC; Gardiner Senior Apartments LP; Gardiner Senior Development LLC; TPA Orland L.P.; TPA Orland GP LLC; GHSA LP; GHSA GP LLC; Alice Place LP; Alice Place GP LLC; House of Light Properties LLC; RP Lisle LP; and RP Lisle GP LLC.

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