UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

The Secretary, United States Department of Housing and Urban Development, on behalf of Anna Webster and her minor children, Crystal Hall and her minor children, Lindsey Smith and Jess Smith, and Daniel Howard and his children,	)	
Charging Party,	)	HUDALJ:
v.	)	FHEO No.: 07-08-0396-8 07-08-0750-8 07-09-0456-8 07-09-0458-8
Roger Harris, Forum Manor Associates, L.P., and Hediger Enterprises, Inc.,	)	
Respondents.	)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

Complainant Anna Webster filed a verified complaint with the U.S. Department of Housing and Urban Development ("HUD" or the "Department") on or about April 11, 2008, as amended on or about September 8, 2009, on behalf of herself and her minor children, Tyrese Foster and Ashley Shirley, aggrieved persons, alleging Respondents Roger Harris, Forum Manor Associates, L.P. and Hediger Enterprises, Inc., ("Respondents"), committed discriminatory housing practices on the basis of race association (African American/Caucasian), sex (female) and retaliation in violation of Sections 3604(b), (c) and 3617 of the Fair Housing Act, as amended in 1988, 42 U.S.C. §§ 3601 *et seq.* (2009) (the "Act").

Complainant Crystal Hall filed a verified complaint with HUD on or about September 18, 2008, as amended on or about September 8, 2009, on behalf of herself and her minor children, Hailey, Jordyn, Brooklynn and Kyree Hall, aggrieved persons, alleging Respondents committed discriminatory housing practices on the basis of race (African American) in violation of 42 U.S.C. § 3604(a) and (c).

Complainant Lindsey Smith filed a verified complaint with HUD on or about May 27, 2009, on behalf of herself and her husband Jess Smith, an aggrieved person, alleging Respondents committed discriminatory housing practices on the basis of sex (female) and retaliation in violation of 42 U.S.C. §§ 3604(b) and 3617.

Complainant Daniel Howard filed a verified complaint with HUD on or about May 27, 2009, on behalf of himself and his children, Brianna and Benjamin Howard, aggrieved persons, alleging Respondents committed discriminatory housing practices on the basis of sex (male) in violation of 42 U.S.C. § 3604(a), (c) and (d).

The Act authorizes the issuance of a Charge of Discrimination (Charge) on behalf of an aggrieved person following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. § 3610(g)(1) and (2). The Secretary has delegated to the General Counsel (54 Fed. Reg. 13121 (Mar. 30, 1989)), who has redelegated to the Regional Counsel (73 Fed. Reg. 68442 (Nov. 18, 2008)), the authority to issue such a Charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) or his or her designee.

By Determination of Reasonable Cause of September 23, 2009, the FHEO Region VII Director, on behalf of the Assistant Secretary for FHEO, has determined that reasonable cause exists to believe that discriminatory housing practices have occurred based on race, race association, sex and retaliation, and has authorized and directed the issuance of this Charge of Discrimination.

II. SUMMARY OF THE ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaints and as set forth in the aforementioned Determination of Reasonable Cause, Respondents are charged with discriminating against the Complainants based on race, race association, sex and retaliation in violation of 42 U.S.C. §§ 3604(a), (b), (c), (d) and 3617 as follows:

A. Applicable Federal Law

1. It is unlawful to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race or sex. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(1), 100.60(a) and (b)(2).

2. It is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race or sex. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2), 100.65(a), (b)(4) and (b)(5).

3. It is unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that

indicates any preference, limitation, or discrimination based on race or sex, or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75(a), (b), (c)(1) and (2).

4. It is unlawful to represent to any person because of sex that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available. 42 U.S.C. § 3604(d); 24 C.F.R. § 100.80(a) and (b)(5).

5. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Section 3603, 3604, 3605, or 3606 of the Act. 42 U.S.C. § 3617; 24 C.F.R. §§ 100.400(b), (c)(2) and (c)(5).

6. Pursuant to the Act, "aggrieved person" includes any person who claims to have been injured by a discriminatory housing practice. 42 U.S.C. § 3602(i); 24 C.F.R. § 100.20.

B. Factual Allegations

Parties and Subject Property

7. Complainant Anna Webster (Caucasian) is a 32-year-old single mother who resided at Forum Manor Apartments ("Forum Manor" or subject property) from May 2006 to September 2008 with her daughter (Caucasian) and son (African American/Caucasian).

8. Complainant Crystal Hall (African American) is a 28-year-old single mother with four children (African American and African American/Caucasian) who sought housing at Forum Manor in or around the summer of 2008.

9. Complainant Lindsey Smith (Caucasian), formerly Lindsey Heifner, age 24, resided at Forum Manor from approximately November 2006 to November 2008.

10. Complainant Daniel Howard (Caucasian) is a 38-year-old single father with two teenage children (Caucasian) who sought housing at Forum Manor in mid-October 2008.

11. The subject property is a 44-unit subsidized housing complex located at 1900 Farrar Drive, Rolla, Missouri, that receives Project Based Section 8 funding from HUD. The subject property's management office is located offsite at 1421 Forum Drive, less than a mile from the property.

12. The subject property is owned by Respondent Forum Manor Associates, L.P., and managed by Respondent Hediger Enterprises, Inc. ("Respondent Hediger").

13. Respondent Roger Harris (Caucasian) is a 51-year-old divorced male who has been employed by Respondent Hediger as the Forum Manor property manager since June 17, 2005. Judy Davis (Caucasian), a district manager for Respondent Hediger, is Respondent

Harris' direct supervisor. Respondent Harris conducts business from the management office, but he generally visits the subject property daily Monday through Friday.

General Background

14. During his management of Forum Manor, Respondent Harris routinely and blatantly made disparaging, insulting, and derogatory comments to numerous tenants, including those with biracial children and Black boyfriends, about African Americans calling them "niggers," thugs, hoodlums, and gangsters. He warned tenants that Blacks cause trouble and live off their girlfriends, and he did not want them on the property or stirring up trouble. Additionally, prior to the investigation of the subject complaints, Respondent Harris never approved a single Black applicant at Forum Manor.

15. During his management of Forum Manor, Respondent Harris intimidated, threatened, and scared numerous female tenants with his unpredictable and controlling behavior. He did so by peeping in their windows at night, making them cry, yelling aggressively and angrily at them, threatening to terminate their housing, telling them they could not have male guests and he was the only man they needed, and attempting to exert power over them by insisting he was doing them favors by allowing them to live there or by not evicting them.

16. During his management of Forum Manor, Respondent Harris routinely created an uncomfortable living environment for many of the women by making inappropriate and vulgar comments, gestures, and innuendos of a sexually suggestive nature, and by frequently touching them in a personal way, such as rubbing their backs or shoulders or touching their hair or caressing their faces. Respondent Harris also made sexual comments and innuendos implying he would provide favorable treatment to female tenants if they engaged in sex acts with him.

17. At no time prior to the investigation of the subject complaints did Respondent Harris rent a unit to any single male head of household. Respondent Harris regularly told tenants that the property was for single women to get back on their feet and made other statements indicating he preferred to rent to women.

18. Respondents Hediger and Forum Manor Associates, L.P., were on notice of Respondent Harris' mistreatment of tenants at the property and knew or should have known of his discriminatory conduct.

19. Respondents do not have a sexual harassment policy for tenants and provided no sexual harassment or fair housing training to Respondent Harris or any other employee at Forum Manor during Respondent Harris' tenure.

Complainant Anna Webster

20. Complainant Webster moved into Forum Manor in May 2006 with her two children, one of whom was her biracial son.

21. Complainant Webster has many African American friends and family members, including the family of her estranged husband (African American), her biracial son's father.

22. Soon after Complainant Webster moved into Forum Manor, Respondent Harris asked her if she knew the history of Germans and Blacks and that Germans are afraid of Blacks. He further told her not to have Blacks over after dark because of her German neighbor and an elderly White lady downstairs. During one conversation, Respondent Harris stated, "Don't have colored people over scaring Ms. [Bayer]."

23. After these warnings, Complainant Webster felt that she could not have her African American family and friends to her unit.

24. Respondent Harris' made repeated derogatory comments about African American males during Complainant Webster's tenancy, including using the term nigger. In one instance during her tenancy, Respondent Harris stated he does not understand why she or other tenants want to be with niggers, because none of them pay child support.

25. On another occasion during or before the spring of 2008, Complainant Webster and another tenant with a biracial child were watching the kids play outside when Respondent Harris approached. He asked the other tenant if she was still dating the father of her baby, who is African American. Respondent Harris told them he did not know why they dated Black men because Black men were worthless, they did not work, could not take care of their kids and did not pay child support. He asked them if it was a sexual thing, if they liked Black guys because they are "big." During this same conversation, Respondent Harris referred to Complainant Webster's biracial son as a "nigglet."

26. Complainant Webster was upset by Respondent Harris' degrading statements about African American males and felt the derogatory statements about Black males were about her biracial child also.

27. Numerous tenants and former tenants confirmed that Respondent Harris made derogatory comments about African Americans or that they had personally heard him use the word nigger.

28. Due to Respondent Harris' statements and attitude about African Americans, Complainant Webster's African American friends and family rarely visited and she was unable to fully enjoy her unit and the same privileges as other tenants. Complainant Webster was angry and ashamed she could not have African American guests.

29. During the weekend of March 14-15, 2008, in a rare instance when Complainant Webster had African American relatives from out of town staying with her, Respondent Harris witnessed her guests at her unit late at night due to an emergency repair situation. The next day, Respondent Harris called Complainant Webster several times, yelling at her and accusing her of having loud music and a party, causing her to cry. Complainant was so

upset she hung up on him and contacted HUD, as set out below, after the HUD office opened the following Monday.

30. In addition to making offensive racial statements to Complainant Webster, Respondent Harris started making inappropriate sexual comments and talking about sex frequently about six or seven months after Complainant Webster moved in. Around the same time, he started touching her face and/or rubbing her shoulder when they saw each other.

31. During Complainant Webster's tenancy, Respondent Harris intimidated, yelled at, and berated her over minor issues such as parking and lost keys.

32. Complainant Webster felt she had to keep her windows and blinds shut because she was worried about Respondent Harris looking in her windows at night as he had with other female tenants.

33. Respondent Harris tried to control Complainant Webster and other women at the property and made it clear he did not want other men there. Respondent Harris told Complainant Webster that men will try to take over and he is the only boss there.

34. On or about March 17, 2008, Complainant Webster contacted HUD to file a fair housing complaint against Respondents alleging sexual and racial discrimination. HUD investigated her complaint throughout the summer of 2008, and Respondent Harris was aware a HUD investigator was at Forum Manor interviewing other tenants in late August and that the investigation was continuing throughout September 2008. In approximately August 2008, Respondent Harris accused Complainant Webster of having her African American brother-in-law living with her and threatened she could lose her government housing assistance.

35. Complainant Webster provided Respondent Harris written notice dated September 12, 2008, that she would be moving due to the stressful environment she was forced to live with at Forum Manor.

36. On September 15, 2008, while Complainant Webster was loading her belongings in a U-Haul truck to move out, she accidentally got the truck stuck in the grass. Respondent Harris called the police, personally confronted her, and asked the police officer to arrest Complainant Webster for causing property damage. Just prior to calling the police, a tenant informed Respondent Harris the HUD investigator had indicated there was more than one fair housing complaint against Respondent Harris.

37. After Complainant Webster moved out of Forum Manor, Respondent Harris continued to intimidate her by driving up and down her new street in the mornings during the first three weeks after she arrived at her new home.

38. As a result of Respondents' discriminatory conduct, Complainant Webster experienced a burdensome housing environment that was significantly less desirable than if the conduct

had not occurred, and she and her minor children suffered damages including emotional distress, embarrassment, humiliation, inconvenience and economic loss.

Complainant Crystal Hall

39. Complainant Hall moved to Rolla, Missouri on or around June 9, 2008, staying at a domestic violence shelter with her children while she searched for permanent housing in Rolla.

40. On or around June 18, 2008, Complainant Hall visited the Forum Manor office to apply for an apartment. She knocked on the door and Respondent Harris answered, blocking the doorway. Standing outside the door, she told him she had heard he might have three-bedroom apartments and she was interested in one of them. Respondent Harris told Complainant Hall, "I don't rent to people who look like you."

41. Respondent Harris continued, telling her that if someone is on welfare and has bad credit, he won't rent to them. Complainant Hall tried to convince Respondent Harris to give her a chance and explained she was not on welfare, she worked full time but that she did not have the best of credit. Respondent Harris rejected Complainant Hall again telling her, "I'm the owner and I don't rent to people who look like you," and then slammed the door in her face.

42. At the time Complainant Hall attempted to apply at Forum Manor in June 2008, there were units available at the property and Respondent Harris was placing applicants on the waiting list. A three-bedroom unit that was available on June 18, 2008, was rented to a Caucasian female that applied prior to Complainant Hall. An additional three-bedroom unit became available in late July 2008 and was rented to a Caucasian female that applied after Complainant Hall attempted to apply.

43. On or about August 28, 2008, Complainant Hall, after talking to the HUD investigator and still desperate to find housing, went back to the Forum Manor office, knocked on the door and requested another application. Respondent Harris told her he did not have any more applications, to come back on Monday and closed the door.

44. Complainant Hall met the low-income criteria for Forum Manor. Complainant Hall's credit report reflects negative items. However, Respondent Harris approved Caucasian women for tenancy who did not meet the credit history criteria in the Forum Manor Admissions and Occupancy Policy, including women who owed debts to previous landlords.

45. Respondent Harris had a practice of turning away African Americans requesting applications by informing them there were no applications available, by telling them there were not any units available or by telling them they would not qualify. From July 19, 2006, until September 1, 2008, there is no record of any African Americans submitting applications at Forum Manor, despite that African Americans were seeking

assisted housing elsewhere in the community and some attempted to apply at Forum Manor.

46. As a result of Respondents' discriminatory conduct, Complainant Hall and her minor children suffered damages including emotional distress, embarrassment, humiliation, inconvenience and economic loss.

Complainant Lindsey Smith

47. Complainant Lindsey Smith, who was single at the time, moved into Forum Manor with her two children in November 2006.[1] She married Jess Smith on February 14, 2008.

48. From the time Complainant Smith first moved in and throughout her tenancy, Respondent Harris made degrading comments about the men she dated and told her she did not need a man in her life. Not long after she moved in, Respondent Harris told Complainant Smith she looked "hot" and made similar improper comments to her throughout her tenancy. He also often commented to Complainant Smith about other female tenants in a sexual way.

49. During her tenancy, Respondent Harris would frequently touch Complainant Smith when he saw her by rubbing her shoulders, touching her back, and massaging her neck. On one occasion, Respondent Harris greeted Complainant Smith, and asked, "How's my working girl?" He then came up behind her and started to massage her neck, telling her that she was too pretty for the guys he has seen her with. Complainant Smith felt uncomfortable; she froze and tried to change the subject.

50. In approximately August 2007, Complainant Smith submitted an application and related documents to Respondent Harris for her then boyfriend Jess to be added to her lease. Respondent Harris never said there was a problem with the application, so Complainant Smith and Jess assumed Jess had been added.

51. In early September 2007, Jess moved to South Carolina for a temporary job for a few months but he planned to live at Forum Manor when he returned. Respondent Harris knew that Jess was out of state and took an increased romantic interest in Complainant Smith during this time.

52. During approximately October 2007, after Complainant Smith told Respondent Harris she had taken a second job, he told her how proud he was of her and asked her to go out to dinner with him as a reward. Complainant Smith stated she declined and told him she had a boyfriend. His request made her feel awkward.

53. While Jess was in South Carolina, Respondent Harris offered to give Complainant Smith rides to her jobs and asked her to clean his house, offers which she declined. Around this

[1] Complainant Smith's children were in foster care and did not reside with her from approximately March 2007 to July 2008.

same time, Respondent Harris told the property's maintenance man on several occasions that he "liked" Complainant Smith.

54. About a week or two after Complainant Smith turned down Respondent Harris' dinner invitation, he showed up at Complainant Smith's unit uninvited around 9:00 p.m. with a large bottle of rum and asked if she wanted to have a couple of drinks. Complainant Smith let him in, and they had a drink and talked. After about an hour, she told him she was tired and wanted to go to bed, hoping he would leave. He, however, stayed and told her to just lie down on the couch if she was tired. He kept trying to fill her glass with alcohol, but she told him she would get her own.

55. While in Complainant Smith's unit, Respondent Harris told her, among other things, that she was too good for the guys she was seeing, and that he would try to help her out any way he could. When they were sitting on the couch, Respondent Harris put his hand on her leg. Complainant Smith pulled away and got up. Because she was feeling pressured and felt he was trying to get her drunk and seduce her, Complainant Smith repeatedly told him that she was tired and wanted to sleep. Respondent Harris did not leave and got upset at Complainant Smith, asking why she was trying to rush him out. Respondent Harris finally left about an hour after she had first indicated she wanted him to leave.

56. Complainant Smith tried to avoid Respondent Harris after that night. She generally placed her rent in the afterhours drop box to avoid contact with him.

57. After returning to Rolla, Jess Smith moved into Complainant Smith's unit in February 2008. Respondent Harris, who knew Jess moved in, was disrespectful to Jess when he saw him on the property but did not indicate there was a problem for him to live there.

58. After Complainant Smith rejected Respondent Harris' romantic advances and Jess moved in with her, Respondent Harris began enforcing certain rules more strictly against Complainant Smith. He became confrontational, yelled at her about late rent, told her she was not cooperating with him and displayed resentment because she was avoiding him.

59. Respondent Harris' actions caused Complainant Smith to fear she would lose her housing.

60. In approximately late July or August 2008, Complainant Smith received a letter from Respondent Harris dated June 23, 2008, about having an unauthorized person living in her unit and stating she must complete an application for Jess. Complainant Smith told Respondent Harris she had already provided Jess' application and should not have to provide it again.

61. In early August 2008, Complainant Smith notified Respondent Harris she was starting a new job and would pay her rent and late fees after she was paid on August 25, 2008. Respondent Harris said that would be okay. On August 20, 2008, however, Complainant Smith received a notice from Respondent Harris terminating her tenancy for having an unauthorized person living in her unit, failure to provide information regarding that

person, and failure to pay rent in a timely manner. Complainant Smith was upset and discussed the notice with Respondent Harris, who told her they could ignore the letter if Jess filled out another application.

62. Despite being lenient with other tenants and Complainant Smith about late rent in the past, after she rejected his romantic advances and moved her husband in her unit, Respondent Harris became insistent that Complainant Smith pay all rent and fees timely and issued her the termination notice, received August 20, 2008, including failure to pay rent timely as a basis for the termination. Several other tenants had past due balances during the spring and summer of 2008, some for several months, but Respondent Harris did not terminate their tenancies as he did Complainant Smith's.

63. The same day Complainant Smith received the termination notice, on August 20, 2008, the HUD investigator knocked on Complainant Smith's door, in an attempt to interview her as a witness for Complainant Webster's fair housing complaint, but no one answered. The investigator interviewed Complainant Smith in her unit on August 22, 2008. Complainant Smith saw the maintenance man outside her unit as the HUD investigator was leaving. Additionally, Respondent Harris was at the property on August 20 and 21, 2008, when the HUD investigator was there attempting to interview tenants.

64. Within days of Complainant Smith's interview with the HUD investigator on August 22, 2008, Complainant Smith tried to submit Jess' completed application to Respondent Harris. Respondent Harris refused to accept the application and told Complainant Smith he would not add Jess to her lease, even though just days earlier he had told her she could ignore the termination notice if Jess completed another application.

65. A few days later, on or around August 28, 2008, the Smiths were getting in their minivan, with Complainant Smith's two young children, when Respondent Harris pulled his truck in front of them blocking them in and the maintenance man pulled his truck behind the Smith's van. Respondent Harris got out of his truck and angrily confronted Complainant Smith, yelling that he would not put Jess on the lease and that they needed to find another place to live. Jess told Complainant Smith not to say anything and to get in the car and that they would get a lawyer. Respondent Harris then stormed toward Jess and threatened him saying that would not be a good idea. Jess turned away before the confrontation became physical. Complainant Smith was scared for her safety and the safety of her family during and after this incident.

66. Because of Respondent Harris' conduct and threats, Complainant Smith and her family moved out of the property on or around November 1, 2008.

67. As a result of Respondents' discriminatory conduct, Complainant Smith experienced a burdensome housing environment that was significantly less desirable than if the conduct had not occurred, and she and her husband Jess Smith suffered damages including emotional distress, embarrassment, humiliation, inconvenience and economic loss.

Complainant Daniel Howard

68. In October 2008, Complainant Howard, a single father, was seeking affordable housing in Rolla, Missouri for himself and his two children. A Forum Manor resident told him that there were vacancies at Forum Manor and suggested he apply.

69. On or around October 13-14, 2008, Complainant Howard called the Forum Manor office several times to inquire about unit availability and left voice messages. He also drove by the office but no one was there.

70. On or around October 16, 2008, Respondent Harris returned Complainant Howard's call to tell him he really did not have anything and was only returning the call so Complainant Howard would not think he was ignoring him.

71. Complainant Howard told Respondent Harris he was coming to the office because he really wanted to apply, and did so after hanging up the phone. When Complainant Howard got to the Forum Manor office, he told Respondent Harris he was a single dad and was self employed. Respondent Harris responded that Complainant Howard's lack of verifiable income was a problem. Complainant Howard tried to explain that he could verify his income because he had a few steady contracts with his lawn and handyman business.

72. Respondent Harris refused to listen and bluntly told Complainant Howard that he had something for single mothers but not much for single fathers, communicating to him that nothing was available because he was a man.

73. Respondent Harris did not explain the application process or rental qualifications, offer Complainant Howard an application, or give him an opportunity to submit an application for housing.

74. Respondent Harris falsely told Complainant Howard there were no units available. There were at least three vacant three-bedroom units at the time Complainant Howard attempted to apply at Forum Manor. Each of the three units was rented to a female that applied after Complainant Howard attempted to apply.

75. Complainant Howard would have met the low-income requirements for the subject property. Though Complainant Howard has some negative credit issues, Respondent Harris was routinely inconsistent in applying Forum Manor's resident selection criteria regarding credit and approved females that did not meet the criteria.

76. Respondent Harris routinely told tenants the property was not for men but was for single women to get back on their feet and made other statements indicating that men should not be living at an assisted property.

77. As a result of Respondents' discriminatory conduct, Complainant Howard and his children suffered damages including emotional distress, embarrassment, humiliation, inconvenience and economic loss.

C. Fair Housing Act Violations

78. By Respondent Harris telling Complainant Webster she could not have Blacks to her unit and making other derogatory statements about African Americans indicating African Americans were not welcome at the property, Respondents limited Complainant Webster's privileges regarding guests and interfered with her tenancy because of her association with African Americans in violation of 42 U.S.C. §§ 3604(b) and 3617.

79. By Respondent Harris telling Complainant Webster she could not have Blacks to her unit, making derogatory statements about Black males, referring to African Americans as niggers and referring to her son as a nigglet, Respondents made discriminatory statements based on race that affected Complainant Webster's rental of a dwelling in violation of 42 U.S.C. § 3604(c).

80. By Respondent Harris accusing Complainant Webster of having her African American brother-in-law living with her and threatening she could lose her housing assistance, calling the police on Complainant Webster, and driving up and down her street after she moved out in order to intimidate and harass her because she filed a fair housing complaint, Respondents retaliated against Complainant Webster in violation of 42 U.S.C. § 3617.

81. By Respondent Harris berating Complainant Webster, making inappropriate sexual comments to her, engaging in unwanted touching, stating women could not have male guests, and threatening her housing assistance, Respondents intimidated Complainant Webster and interfered with her tenancy because of her sex in violation of 42 U.S.C. § 3617.

82. By Respondent Harris rejecting Complainant Hall's attempts to apply for housing at the subject property, Respondents refused to rent to her and made housing unavailable to her because of her race in violation of 42 U.S.C. § 3604(a).

83. By Respondent Harris telling Complainant Hall he did not rent to people that looked like her, Respondents unlawfully made statements that indicated discrimination based on race in violation of 42 U.S.C. § 3604(c).

84. By Respondent Harris engaging in severe and pervasive conduct by making repeated unwelcome sexual advances and comments to Complainant Smith, Respondents subjected Complainant Smith to a hostile environment based on sex in violation of 42 U.S.C. § 3604(b).

85. By Respondent Harris refusing to add her husband to her lease and issuing her a termination of tenancy notice after she rejected his sexual advances and after she

participated in a fair housing investigation, Respondents took adverse actions against Complainant Smith based on sex and retaliation in violation of 42 U.S.C. §§ 3604(b) and 3617.

86. By Respondent Harris berating Complainant Smith, making inappropriate sexual comments and advances to her, engaging in unwanted touching, stating women could not have male guests, and threatening her housing assistance, Respondents intimidated Complainant Smith and interfered with her tenancy because of her sex in violation of 42 U.S.C. § 3617.

87. By Respondent Harris confronting Complainant Smith in an intimidating and threatening manner and blocking her vehicle to prevent her from leaving the property, Respondents retaliated against Complainant Smith because she participated in a fair housing investigation in violation of 42 U.S.C. § 3617.

88. By Respondent Harris rejecting Complainant Howard's attempt to apply for housing at the subject property, Respondents refused to rent to Complainant Howard and made housing unavailable to him because of his sex in violation of 42 U.S.C. § 3604(a).

89. By Respondent Roger Harris telling Complainant Howard he had units available for single mothers but not much for single fathers, Respondents unlawfully made discriminatory statements indicating a preference against males based on sex with respect to the rental of a dwelling in violation of 42 U.S.C. § 3604(c).

90. By Respondent Harris falsely indicating to Complainant Howard that there were not units available at the subject property when there were in fact units available, Respondents misrepresented the availability of units because of Complainant Howard's sex in violation of 42 U.S.C. § 3604(d).

III. CONCLUSION

WHEREFORE, the Secretary of HUD, through the Office of the General Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(a), (b), (c), (d) and 3617, and prays that an order be issued that:

1. Declares that the discriminatory housing practices of the Respondents, as set forth above, violate the Act, 42 U.S.C. §§ 3601 *et seq.*;

2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them from retaliating or discriminating because of race, color, religion, sex, disability, familial status or national origin against any person in any aspect of the rental of a dwelling;

3. Awards such damages as will fully compensate Complainants and aggrieved persons for their damages caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. § 3612(g)(3); and

4. Awards a $16,000 civil penalty against each Respondent for each violation of the Act that they are found to have committed pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.671.

The Secretary of HUD further prays for additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted,

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Date: 9-24-09