

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARING AND APPEALS

The Secretary, United States Department of)	
Housing and Urban Development, on behalf of)	
NAME REDACTED ,)	
)	
Charging Party,)	OHA No.:
)	FHEO No.: 01-23-3686-8
v.)	
)	
Greenview Associates L.P.,)	
Palmer Asset Management, LLC, and John Martin,)	
)	
Respondents.)	
)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On June 13, 2023, Complainant **NAME REDACTED** timely filed a fair housing complaint with the U.S. Department of Housing and Urban Development (HUD) alleging that Respondents Greenview Associates L.P., Palmer Asset Management LLC and Regional Property Manager John Martin violated the Fair Housing Act, as amended, 42 U.S.C. § 3601 *et seq.* (the “Act”), by discriminating against Complainant because of his race/national origin.

On November 21, 2023, the complaint was amended after Complainant alleged that Respondents initiated eviction against him after he attempted to enforce his rights by filing a complaint with HUD.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination on behalf of aggrieved persons 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 that authority to the General Counsel, who has re-delegated the authority to the Regional Counsel. 24 C.F.R. §§ 103.400, 103.405; 76 Fed. Reg. 42463, 42465 (July 18, 2011).

The Regional Director of HUD’s Office of Fair Housing and Equal Opportunity (“FHEO”) for Region I, on behalf of the Assistant Secretary for FHEO, has determined that reasonable cause exists to believe that a discriminatory housing practice based on retaliation has occurred in this case and has authorized the issuance of this Charge of Discrimination. 42 U.S.C. § 3610(g)(2).

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint and the findings contained in the attached Mixed Determination of Reasonable Cause and No Reasonable Cause, the Secretary charges Respondents Greenview Associates L.P., Palmer Asset Management LLC and John Martin (collectively "Respondents") with violating the Act as follows:

A. LEGAL AUTHORITY

1. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of her having exercised or enjoyed, any right granted or protected by section 804 of the Act. 42 U.S.C. § 3617; 24 C.F.R. §§ 100.60(b)(6)-(7); 100.65(a), (b)(6)-(7); 100.400(b), (c)(2), (c)(4); 100.600(a)(1)-(2). This includes retaliating against any person because that person complained about a discriminatory housing practice to a housing provider or other authority. 42 U.S.C. § 3617; 24 C.F.R. § 100.400(b), (c)(5)-(6).
2. Pursuant to the Act, an "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.
3. Pursuant to the Act, "dwelling" means any building, structure, or portion thereof which is occupied as, or designated or intended for occupancy as a residence by one or more families. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.

B. PARTIES AND SUBJECT PROPERTY

4. Complainant identifies as a Hispanic male and filed a complaint with HUD.
5. Complainant is an "aggrieved person," as defined by the Act, 42 U.S.C. § 3602(i), and has suffered damages as a result of Respondents' conduct.
6. Complainant resides at **ADDRESS REDACTED**, Manchester, NH **ADDRESS REDACTED** (the "Subject Property").
7. The Subject Property is a "dwelling" as defined by the Act. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.
8. Respondent Greenview Associates L.P. ("Respondent Greenview") is a Massachusetts limited partnership that owns the Subject Property.
9. Respondent Palmer Asset Management, LLC ("Respondent Palmer Asset Management") is a limited liability company that contracts with Respondent Greenview as the property management company for the Subject Property.
10. Respondent John Martin is the Regional Property Manager of Greenview Village and, at all times relevant hereto, was employed by Respondent Palmer Asset Management.

C. FACTUAL ALLEGATIONS

11. Complainant was born in the Dominican Republic and identifies as Hispanic. He describes himself as a bigger dark skin man, who is bald with a full beard.
12. Complainant has lived at the Subject Property with his minor child since 2019.
13. On June 13, 2023, Complainant filed a complaint with HUD alleging discrimination based on race, color, and national origin.¹
14. On July 12, 2023, Respondents submitted their answer to the complaint to HUD.
15. On November 2, 2023, Respondent John Martin told a HUD investigator that the investigation process was causing him to incur legal fees, that he needed to “get rid” of Complainant, and that he intended to get the local news involved if the case continued.
16. On November 6, 2023, Complainant received an email from attorney Charles Cleary of Wadleigh Starr & Peters, a law firm located in Manchester, NH, asking that all communications regarding his tenancy at the Subject Property go through Cleary’s office. The email stated that Respondents were terminating Complainant’s tenancy for materially false statements made on his rental application that were recently discovered when Respondents completed a background check on Complainant. Specifically, Respondents’ attorney claimed that Complainant failed to disclose a conviction for reckless road endangerment that took place in 2005 when Complainant was 19 years old.
17. Respondents filed an eviction action in the New Hampshire State Court 9th Circuit District Division Manchester docketed at *Greenview Associates Limited Partnership v. NAME REDACTED*, 456-2024-LT-00015.
18. On November 8, 2023, Respondents served Complainant with an eviction notice.
19. Complainant told a HUD investigator that, in his opinion, Respondents retaliated against him for filing the complaint with HUD by conducting a background check four years after he began living at the Subject Property in 2019, and subsequently serving him with a notice to evict based on information discovered during the background check.
20. On November 21, 2023, the complaint was amended to include a claim of retaliation under Section 818 of the Fair Housing Act.
21. On November 27, 2023, HUD sent a request for information (RFI) to Respondents asking for detailed information as it pertains to their tenant selection process as well as comparable data for evictions of tenants in similar circumstances as Complainant.

¹ HUD determined that there is no reasonable cause to support the allegations related to violations of Section 804(a) and 804(b) of the Civil Rights Act as amended by the Fair Housing Act of 1988. See *Mixed Determination of Reasonable Cause and No Reasonable Cause, NAME REDACTED v. Greenview Associates, L.P., et. al*, 01-23-3686-8.

22. On December 22, 2023, Respondents provided a response to the amended complaint and RFI. In response to HUD's request for comparable data, Respondents admitted that they do not complete background checks on residents, however they completed a specific inquiry into Complainant's background due to the complaint filed by Complainant on June 13, 2023.
23. In response to HUD's request for a list of tenants evicted in the last two years based on their background checks as well as a list of tenants whose background checks were performed after the application process had been completed, Respondents stated that there were none.
24. On January 29, 2024, the State of New Hampshire Judicial Branch granted judgment in favor of Complainant in Respondents' eviction case against Complainant. In particular, the state court held that "the eviction following his report to HUD is a per se violation" of a New Hampshire statute, which provides that retaliation is a defense to an eviction action. The state court further found that Complainant provided "credible testimony" that he had, in fact, disclosed his criminal record to Respondents' rental agent when he submitted his rental application and that the rental agent told Complainant not to worry about it.
25. Complaint continues to reside at the Subject Property.

D. FAIR HOUSING ACT VIOLATIONS

26. As described above, Respondents violated section 818 of the Act when they retaliated against Complainant by seeking to evict him because he filed a complaint with HUD pursuant to the Act. 42 U.S.C. § 3617; 24 C.F.R. § 100.400(c)(5)-(6).

III. CONCLUSION

WHEREFORE, the Secretary of HUD, through the Office of the Regional Counsel for New England, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges Respondents with engaging in discriminatory housing practices in violation of Section 818 of the Act and prays that an order be issued that:

- A. Declares that the discriminatory housing practices of Respondents as set forth above violate the Section 818 of the Fair Housing Act.
- B. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, from discriminating and retaliating against any person in any aspect of the rental or sale of a dwelling, including services in connection therewith;
- C. Awards such monetary damages as will fully compensate Complainant for any and all damages caused by Respondents' discriminatory conduct;
- D. Awards a civil penalty against Respondents for each violation of the Act, pursuant to 42 U.S.C. § 3612(g)(3); and

- E. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted on this day of September 2024.

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