

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS**

The Secretary, United States Department of)	
Housing and Urban Development, on behalf of)	
Complainant NAME REDACTED ,)	
)	
Charging Party,)	
)	HUD OHA No. _____
v.)	FHEO No. 04-23-4240-8
)	
Greenbriar Partners, LLC,)	
Jackson Properties and Financial Services, LLC,)	
and Erwin D. Jackson,)	
)	
Respondents.)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On January 18, 2023, **NAME REDACTED** (“Complainant”) timely filed a verified complaint with the U.S. Department of Housing and Urban Development (“HUD”) alleging that Respondents Greenbriar Partners, LLC, Jackson Properties and Financial Services, LLC, and Erwin D. Jackson (collectively “Respondents”) discriminated against Complainant based on disability¹ when they failed to grant her reasonable accommodation requests for an emotional support animal (“ESA”) in violation of the Fair Housing Act (“Act”), as amended, 42 U.S.C. §§ 3601 *et seq.*

On February 19, 2023, the complaint was amended to add Section 818 of the Act. The complaint was amended again on November 20, 2023, to add Section 804(f)(1).

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination (“Charge”) 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)(2). The Secretary has delegated that authority to the General Counsel, who has redelegated the authority to the Regional Counsel, the authority to issue such a Charge following a determination of reasonable cause by the Assistant Secretary of Fair Housing and Equal Opportunity or his or her designee. 24 C.F.R. §§ 103.400, 103.405; 76 Fed. Reg. 42463, 42465 (July 18, 2011). By Determination of Reasonable Cause issued contemporaneous with this Charge of Discrimination, the Fair Housing and Equal Opportunity (“FHEO”) Director for Region IV, on behalf of the Assistant Secretary for FHEO, has determined that reasonable cause exists to believe that a

¹ The term “disability” is used in place of, and has the same meaning as, the term “handicap” in the Act and its implementing regulations.

discriminatory housing practice has occurred in this case and has authorized the issuance of this Charge. 42 U.S.C. § 3610(g)(1) and (2)(A); 24 C.F.R. § 103.400(a)(2)(i).

II. SUMMARY OF FINDINGS IN SUPPORT OF THIS CHARGE

Based upon HUD's investigation of the allegations contained in the aforementioned complaint and the Determination of Reasonable Cause, Respondents are hereby charged with violating the Act as follows:

A. Legal Authority

1. It is unlawful to discriminate against any person in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability. 42 U.S.C. § 3604(f)(1)(A); 24 C.F.R. §§ 100.50(b)(1) and 100.202(a)(1).
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 with such dwelling, because of a disability of (1) that person, or (2) a person residing in or intending to reside in that dwelling after it is rented or made available, or (3) any person associated with that person. 42 U.S.C. § 3604(f)(2); 24 C.F.R. § 100.202(b).
3. Discrimination under 42 U.S.C. § 3604(f) of the Act includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204(a).
4. 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 3604 of the Act. 42 U.S.C. § 3617; 24 C.F.R. § 100.400(c)(2).
5. Disability means a physical or mental impairment which substantially limits one or more of a person's major life activities. 42 U.S.C. § 3602(h)(1); 24 C.F.R. § 100.201.
6. The Act defines an "aggrieved person" to include any person who claims to have been injured by a discriminatory housing practice. 42 U.S.C. § 3602(i)(1); 24 C.F.R. § 100.20.

B. Parties and Subject Property

7. Complainant is an individual with a disability within the meaning of the Act. 42 U.S.C. § 3602(h); 24 C.F.R. § 100.201.
8. Complainant is an "aggrieved person" as defined by 42 U.S.C. § 3602(i) who has suffered damages as a result of Respondents' conduct.

9. At all times pertinent to this Charge, Respondent Greenbriar Partners, LLC, is the registered owner of a multi-family property at **ADDRESS REDACTED**, Tallahassee, Florida **ADDRESS REDACTED** (“subject property”). Respondent Greenbriar Partners was organized in the State of Florida.
10. At all times pertinent to this Charge, Respondent Jackson Properties and Financial Services, LLC served as the management agent for the subject property. Respondent Jackson Properties and Financial Services was organized in the State of Florida.
11. At all times pertinent to this Charge, Respondent Erwin D. Jackson was a Managing Member of Greenbriar Partners, LLC, Managing Member of Jackson Properties and Financial Services, LLC, and property manager for the subject property.
12. The subject property is a “dwelling” within the meaning of the Act. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.
13. At all times pertinent to this Charge, Complainant resided in Apartment 1 at the subject property.

C. Factual Allegations

14. Complainant suffers from a mental disability and requires the assistance of an emotional support animal (ESA).
15. On or about August 20, 2022, Complainant moved into the subject property.
16. On or about October 2022, Complainant contacted a local animal shelter to secure an ESA.
17. On October 10, 2022, Complainant called Respondents and requested the appropriate steps to take to get an ESA approved. Respondents explained she would need a letter from her current medical provider stating her need for an ESA which would be reviewed.
18. On October 11, 2022, Complainant received an email from **NAME REDACTED**, an employee of the Animal Service Center of Tallahassee, stating that **NAME REDACTED** reached out to Respondents and was informed that the subject property is not pet friendly. Therefore, Complainant would need to provide documentation showing that she has permission to have a pet at the subject property.
19. On October 11, 2022, Complainant emailed Respondents stating she was a tenant at the subject property and attached a letter indicating she is qualified for an ESA.
20. Complainant stated in her email that she had not adopted a dog because she was not approved yet by Respondents.

21. The letter attached to the email was dated October 10, 2022, and written by **NAME REDACTED**, LMHC (licensed mental health counselor).
22. **NAME REDACTED** noted in his letter that Complainant had a mental disability and needed to live with an emotional support animal, *“because its presence will mitigate the symptoms of [Complainant’s] disability.”*
23. On October 13, 2022, Respondent Jackson replied to Complainant’s email and denied her request for an ESA.
24. Respondent Jackson stated that allowing Complainant to have an ESA would constitute an undue financial burden and alter the company’s business practices.
25. Respondent Jackson stated that allowing Complainant to have the ESA would force “our company” to lay off employees and would increase Respondents’ landlord liability insurance rate.
26. In his email, Respondent Jackson added, *“Events in the past and medical conditions inhibit my team’s ability to perform their tasks while in the presence of other animals and possesses a direct threat to their safety and their health.”*
27. Respondent Jackson ended his email by stating, *“Furthermore, your lease can and will be terminated at our discretion as you falsified information in your rental application indicating you had no pets or ESAs. The animal must be removed from the premises by no later than 7 days or a formal eviction notice will be issued.”*
28. On October 13, 2022, Complainant replied to Respondent Jackson stating she sent the email to her legal counsel and that she does not currently have an ESA, but rather, got approved for an ESA and was planning to get one because she had *“been on a decline mentally.”*
29. Complainant continued to experience symptoms related to her disability which led her to seek alternative housing.
30. On May 15, 2023, Complainant moved out of the subject property to live in an apartment complex that did not discriminate against Complainant and permitted her to have an ESA.
31. Complainant also continued to pay rent at the subject property until her lease ended on August 5, 2023.
32. As a result of Respondents’ discriminatory conduct, Complainant suffered actual damages, including but not limited to economic loss, lost housing opportunity, and emotional distress.

D. Fair Housing Act Violations

1. As described in the paragraphs above, Respondents discriminated against Complainant in the sale or rental of a dwelling based on disability when they refused to grant her requests for reasonable accommodation and made housing unavailable to Complainant. 42 U.S.C. §§ 3604(f)(1) and (f)(3)(B); 24 C.F.R. §§ 100.202(a) and 100.204(a).
2. As described in the paragraphs above, Respondents discriminated against Complainant in the terms, conditions, or privileges of the rental of a dwelling based on disability when they refused to grant her request for reasonable accommodation by declining to permit her to have her service animal. 42 U.S.C. §§ 3604 (f)(2) and (f)(3)(B); 24 C.F.R. §§ 100.202(b) and 100.204(a).
3. As described above, Respondents violated section 818 of the Act when Respondents threatened Complainant with an eviction because of her reasonable accommodation request for a service animal. 42 U.S.C. § 3617; 24 C.F.R. § 100.400(c)(2).

III. CONCLUSION

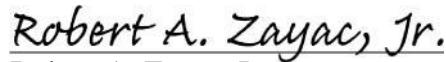
WHEREFORE, the Secretary of HUD, through the Office of the General Counsel, pursuant to 42 U.S.C. § 3610(g)(2)(A) of the Act, hereby charges Respondents with engaging in discriminatory housing practices in violation of Subsections 804(f)(1), 804(f)(2), and 804(f)(3)(B) of the Act, 42 U.S.C. §§ 3604(f)(2), 3604(f)(3)(B), and 3617 and requests an Order be issued that:

1. Declares that Respondents' discriminatory housing practices, as set forth above, violate 42 U.S.C. §§ 3604 (f)(1), 3604(f)(2), 3604(f)(3)(B) and 3617;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, from further violations of the Act, pursuant to 42 U.S.C. § 3612(g)(3);
3. Requires Respondents and their agents, employees, and successors, and all persons in active concert or participation with them to attend, at Respondents' expense, training that addresses the Act's prohibitions against discrimination based on disability, pursuant to 42 U.S.C. § 3612(g)(3);
4. Awards such monetary damages as will fully compensate Complainant for any and all damages caused by Respondents' discriminatory conduct, pursuant to 42 U.S.C. § 3612(g)(3);
5. Assesses the maximum civil penalty against each Respondent for each separate and distinct discriminatory housing practice that Respondents are found to have committed, pursuant to 42 U.S.C. § 3612(g)(3); and
6. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3).

Respectfully submitted on this 25th day of July 2024.

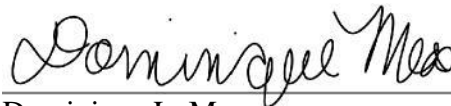


Antonette Sewell
Regional Counsel
U.S. Dept. of Housing and Urban Development
77 Forsyth Street, SW
Atlanta, GA 30303
(678) 732-2646
(404) 730-3315 (fax)



Robert A. Zayac, Jr.
Associate Regional Counsel
U.S. Dept. of Housing and Urban Development
77 Forsyth Street, SW
Atlanta, Georgia 30303
(678) 732-2887
(404) 730-3315 (fax)

Ashley A. Myers
Trial Attorney
U.S. Dept. of Housing and Urban Development
77 Forsyth Street, SW
Atlanta, Georgia 30303
(678) 732-2740
(404) 730-3315 (fax)



Dominique L. Moore
Trial Attorney
U.S. Dept. of Housing and Urban Development
77 Forsyth Street, SW
Atlanta, Georgia 30303
(678) 732-2023
(404) 730-3315 (fax)