

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

Secretary, United States Department of)
Housing and Urban Development, on behalf of)
Savannah-Chatham County Fair Housing Council)
and Shakeira Brown)
Charging Party,)
v.)
Michael N. Parker and Fonda W. Parker)
Respondents.)
_____)

ALJ No. _____

FHEO Nos. 04-15-0533-8
04-15-0938-8

CHARGE OF DISCRIMINATION

I. JURISDICTION

Savannah-Chatham County Fair Housing Council (“Complainant SCFHC” or “SCFHC”) timely filed a complaint with the U.S. Department of Housing and Urban Development (the “Department” or “HUD”) on or about November 12, 2014, alleging that Michael N. and Fonda W. Parker (collectively, “Respondents”) made a dwelling unavailable, imposed different terms and conditions in the rental of a dwelling, and made a discriminatory statement, based on familial status, in violation of the Fair Housing Act (the “Act”), 42 U.S.C. §§ 3601-3619. The complaint was last amended on September 16, 2015.

Shakeira Brown (“Complainant Brown”) timely filed a complaint with HUD on or about November 14, 2014, alleging that Respondents made a dwelling unavailable, imposed different terms and conditions in the rental of a dwelling, and made a discriminatory statement, based on familial status, in violation of the Fair Housing Act (the “Act”), 42 U.S.C. §§ 3601-3619. The complaint was last amended on August 12, 2015.¹

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 to the General Counsel, who has re-delegated to the Regional Counsel, the authority to issue such a Charge following a determination of reasonable cause by the Assistant

¹ Since the two complaints arise out of the same set of operative facts and the same violations of the Act, the Department has opted to issue a single Charge of Discrimination.

Secretary of Fair Housing and Equal Opportunity or his or her designee. 24 C.F.R. §§ 103.400 and 103.405; 76 Fed. Reg. 42,463, 42,465 (July 18, 2011).

The Regional Director of the Office of Fair Housing and Equal Opportunity for Region IV has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred and has authorized the issuance of this Charge of Discrimination. 42 U.S.C. § 3610(g)(2).

II. SUMMARY OF FINDINGS IN SUPPORT OF THIS CHARGE

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

A. LEGAL AUTHORITY

1. It is unlawful to refuse to rent or negotiate to rent or otherwise make unavailable or deny a dwelling to any person because of familial status. 42 U.S.C. § 3604(a); 24 C.F.R. § 100.60(a).
2. It is unlawful to discriminate against any person in the terms, conditions, or privileges of rental, or in the provision of services or facilities in connection therewith, because of familial status. 42 U.S.C. § 3604(b); 24 C.F.R. § 100.65(a).
3. It is unlawful to make statements or publish advertisements with respect to the rental of a dwelling that indicate any preference, limitation or discrimination based on familial status, or an intention to make any such preference, limitation or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75(a).
4. Discriminatory notices, statements, and advertisements include using words, which convey that dwellings are available or not available to a particular group of persons because of familial status. 24 C.F.R. § 100.75(c)(1).
5. The Act defines an "aggrieved person" as any person, corporation, or organization who claims to have been injured by a discriminatory housing practice. 42 U.S.C. § 3602(i)(1); 24 C.F.R. § 100.20.
6. The Act defines "dwelling" as any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.
7. The Act defines "familial status" to mean one or more individuals (who have not attained the age of 18 years) being domiciled with- (1) a parent or another person having legal custody of such individual or individuals; or (2) the designee of such parent or other person having such custody, with the written permission of such parent or other person. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.

B. PARTIES AND SUBJECT PROPERTY

8. SCFHC is a nonprofit organization whose mission is to provide fair housing services that will result in the protection of equal housing opportunity from discrimination based on race, color, national origin, sex, religion, familial status or disability, and to take all appropriate action in furtherance of this goal.
9. SCFHC promotes fair housing through education and outreach programs.
10. SCFHC is an “aggrieved person” as defined by the Act.
11. At the time of the alleged discrimination, Complainant Brown’s minor children were seventeen (17) years old and eight (8) years old.
12. Complainant Brown is an “aggrieved person” as defined by the Act.
13. At all times pertinent to this Charge, Respondents owned the property located at 282 Greenwich Drive, Richmond Hill, Georgia 31324 (“Subject Property”).
14. The Subject Property is an eighteen (18) unit property consisting of eight (8) two-bedrooms units and ten (10) 3-bedroom units.
15. The Subject Property is a “dwelling” as defined by the Act.
16. At all times pertinent to this Charge, Respondent Michael Parker managed the rental of the units at the Subject Property.

C. FACTUAL ALLEGATIONS

17. On or about June 9, 2014, Complainant Brown was searching for an apartment for her and her two (2) minor children and observed a sign outside of the Subject Property that read, “2 or 3 bedroom apartments for rent.”
18. On or about June 9, 2014, Complainant Brown called the phone number on the for-rent sign and heard a voicemail recording that stated, “Hi. This is Mike Parker of Parker Apartments in Richmond Hill. I have two- and three-bedroom units in the Richmond Heights area. I require a twelve-month lease and don’t allow pets. No more than one child is allowed in a two-bedroom or two children in a three-bedroom. Clean-cut, non-smokers are preferred. Leave a message if you want more information. Thank you.”
19. Respondent Michael Parker admits that he recorded the voicemail message.
20. On or about June 9, 2014, Complainant Brown left a message for Respondents indicating that she was interested in a three-bedroom apartment and requested that they return her phone call.

21. Respondents never returned Complainant Brown's phone call and Complainant Brown subsequently rented another three-bedroom apartment in the vicinity of the Subject Property.
22. On or about July 9, 2014, while attending a first-time homebuyer seminar conducted by SCFHC, Complainant Brown informed SCFHC of the contents of Respondents' voicemail recording.
23. On or about July 10, 2014, SCFHC called Respondents and heard the same voicemail recording heard by Complainant Brown.
24. On or about July 11, 2014, SCFHC called Respondents again, and this time recorded the voicemail recording.
25. Subsequent to recording Respondents' voicemail message, SCFHC conducted outreach to residents of the Subject Property advising them of their rights under the Act.
26. On or about November 9, 2014, as a result of Respondents' discriminatory conduct, SCFHC published public service announcements regarding discrimination based on familial status in the Bryan County News. This public service announcement ran for four (4) consecutive weeks.
27. On June 30, 2016, Respondent Michael Parker stated in an interview with HUD that he tries to discourage people from having too many children in an apartment.
28. According to the City of Richmond Hill, Georgia Planning and Zoning Department, there are no applicable ordinances limiting the number of family members who may occupy a bedroom in a dwelling.
29. As a result of Respondents' discriminatory conduct, the mission of SCFHC was frustrated and SCFHC diverted time and resources investigating and responding to the discrimination.
30. As a result of Respondents' discriminatory conduct, Complainant Brown suffered actual damages, including emotional distress damages.

D. FAIR HOUSING ACT VIOLATIONS

31. Respondents' voicemail recording stating that "no more than one child is allowed in a two-bedroom or two children in a three-bedroom," demonstrates a discriminatory policy of making housing unavailable based on familial status in violation of 42 U.S.C. § 3604(a); 24 C.F.R. § 100.60(a).
32. Respondents' voicemail recording stating that "no more than one child is allowed in a two-bedroom or two children in a three-bedroom," demonstrates a discriminatory policy of imposing different terms and conditions in connection with the rental of a

dwelling based on familial status in violation of 42 U.S.C. § 3604(b); 24 C.F.R. § 100.65(a).

33. By having a voicemail recording stating that “no more than one child is allowed in a two-bedroom or two children in a three-bedroom,” Respondents engaged in discriminatory conduct by making a statement that indicated a preference, limitation, or discrimination based on familial status or an intention to make such a preference, limitation or discrimination with respect to the sale or rental of a dwelling, in violation of 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75.

III. CONCLUSION

WHEREFORE, the Secretary of the U.S. Department of Housing and Urban Development, 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 the Act and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondents, as set forth above, violate the Act, 42 U.S.C. § 3601, *et seq.*;
2. Enjoins Respondents and all other persons in active concert or participation with them, from discriminating against any person based on familial status in any aspect of a rental transaction pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(b)(3)(ii);
3. Awards such damages as will fully compensate Complainants for the actual damages caused by Respondents’ discriminatory conduct, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(b)(3)(i);
4. Awards a civil penalty against each Respondent for each violation of the Act, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.671(b)(3)(iii);
5. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(b)(3); and
6. Mandates Respondents, their agents, employees, successors, and all other persons in active concert or participation with them, to attend training that addresses the Act’s prohibitions against familial status discrimination.

Respectfully submitted,

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