

**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, [REDACTED])	
[REDACTED])	
)	
Charging Party,)	
)	
v.)	HUDALJ No.:
)	FHEO No.: 05-12-1365-8
)	
Bradford Strom and Sarah Strom,)	
)	
Respondents.)	
)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On August 29, 2012, Complainant [REDACTED] filed a complaint with the United States Department of Housing and Urban Development (“Department” or “HUD”), alleging that Respondents Bradford Strom and Sarah Strom (“Respondents”) violated the Fair Housing Act as amended in 1988, 42 U.S.C. § 3601, *et seq.* (the “Act”), by making a discriminatory statement based on Complainant’s familial status, refusing to negotiate for the rental of, and otherwise making unavailable or denying a dwelling to her based on her familial status.

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 (24 C.F.R. §§ 103.400 and 103.405; 76 Fed.Reg. 42462), who has retained and re-delegated to the Regional Counsel (76 Fed.Reg. 42465) the authority to issue such a Charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity or his or her designee.

The Office of Fair Housing and Equal Opportunity Region V Director, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred in this case based on familial status, and has authorized and directed the issuance of this Charge. 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 HUD Complaint and Determination of Reasonable Cause, Respondents are charged with discriminating against Complainant, an aggrieved person as defined by 42 U.S.C. §3602(i), based on familial status in violation of 42 U.S.C. §3604(a) and (c) as follows:

A. LEGAL AUTHORITY

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 to otherwise make unavailable or deny, a dwelling to any person because of familial status. 42 U.S.C. § 3604(a).
2. 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 familial status, or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. §3604(c).

B. PARTIES AND SUBJECT PROPERTY

3. During the time period relevant to this case, Complainant had a minor child, with whom she was domiciled.
4. Complainant and her minor child are protected under the Act on the basis of their familial status, as defined under 42 U.S.C. § 3602(k).
5. Complainant is an "aggrieved person" as defined by the Act. 42 U.S.C. § 3602(i).
6. During the time period relevant to this case, Respondents owned and/or managed a multifamily residential and commercial mixed-use property [REDACTED] Jackson, Minnesota ("subject property"). On information and belief, as of the date of this Charge, Respondents still own and/or manage the subject property.
7. The subject property is comprised of a retail store on the first floor and three residential rental units on the second floor. Two of the rental residential units (unit 5 and unit 7) are two-bedroom units, while one (unit 6) is a one-bedroom unit.
8. During the time period relevant to this case, Respondents additionally owned and/or managed a rental property [REDACTED]
9. On information and belief, Respondents still own and/or manage the rental property [REDACTED] Jackson, Minnesota.
10. Respondents do not reside at the subject property.

11. During the time period relevant to this case, Respondents listed telephone number [REDACTED] on their rental advertisements for the subject property and used that telephone number to manage rental inquiry calls.

C. FACTUAL ALLEGATIONS

12. In July of 2012, Complainant moved back to her hometown of Jackson, Minnesota [REDACTED]
13. Immediately after arriving in Jackson, Minnesota, Complainant started looking for rental housing for herself and her baby.
14. Because Jackson, Minnesota is a small town, and because Complainant had a specific time frame she had to adhere to in entering into a lease, Complainant had difficulty finding rental housing. The difficulty of her rental search was exacerbated by competition from individuals moving to Jackson to work at a nearby manufacturing plant, which was hiring employees during this time period.
15. On August 3, 2012, Complainant noticed an advertisement in a local newspaper, listing a one bedroom apartment available for rent at the subject property.
16. The advertisement referenced in paragraph 15, above, listed [REDACTED] as the contact telephone number to be used by prospective renters.
17. On August 3, 2012, Complainant telephoned [REDACTED] to inquire about renting the advertised studio/one bedroom apartment.
18. A man identifying himself as "Brad" answered Complainant's August 3, 2012 telephone call. Brad confirmed that the one bedroom unit (unit 6) was available for rent starting on August 15, 2012. Brad also provided information about various features of the unit, including the amount of rent, types of utilities included, the amount of the security deposit, and the layout of the unit.
19. During the August 3, 2012 telephone call, after providing Complainant with information concerning the unit, Brad asked Complainant tell him her "situation," and then asked, "just you?" or similar words to that effect. In response, Complainant stated that she sought to rent the unit for herself and her [REDACTED] daughter. Brad then replied, that it "would not work out" or similar words to that effect.
20. In addition to the statements alleged in paragraph 19, above, Brad also told Complainant that he had rented to families before and that "it just doesn't work," or similar words to that effect. Brad did not attempt to schedule a viewing with Complainant or indicate in any way that the subject property was available for her to rent.

21. Complainant understood Brad's statements as indicating that the unit was not available to her because of her familial status and terminated the telephone conversation. Brad made no effort to continue the telephone conversation.
22. On information and belief, the man who identified himself as "Brad" during the August 3, 2012 telephone conversation with Complainant regarding the subject property was Respondent Bradford Strom.
23. During HUD investigation, Respondent Bradford admitted that he also told Complainant during the August 3, 2012 telephone call that the unit in question had only been rented to individual renters in the past, that the unit was not "preferred" for children but, rather, for adults, that it was unsuitable for a child, and made other similar statements that discouraged Complainant from attempting to rent the unit.
24. About a month before the August 3, 2012 telephone call, a family with two children prematurely terminated the lease and moved out early from unit ■ of the subject property, citing small size of the unit and lack of air conditioning.
25. During the time period relevant to this case, Complainant was willing and able to place the security deposit and pay the rent cited by Respondents for the unit (\$245).
26. On August 15, 2012, Respondent Bradford Strom executed a handwritten lease with an individual applicant with no minor children to occupy unit ■ of the subject property. This lease contains a provision which reads, "1 person occupancy! (Emphasis original)"
27. On information and belief, no local or state occupancy code prohibits the occupancy of unit ■ of the subject property by an adult and a minor child.
28. Complainant's August 3, 2012 conversation with Respondent Bradford Strom left Complainant feeling insulted and upset because she felt that should not have been rejected for housing because of her daughter. Her emotional reaction was compounded by her belief that the rejection was illegal, and by the difficulty she experienced obtaining rental housing.
29. Because of the emotional stress experienced by Complainant due to the August 3, 2012 conversation with Respondent, and her continuing difficulty locating rental housing, Complainant suffered various symptoms, including significant weight gain.
30. In spite of her diligent search, Complainant was subsequently unable to find suitable rental housing in Jackson, Minnesota. As a result, she was forced to stay with her mother and her mother's boyfriend, who she had only met briefly prior to July of 2012.
31. Being forced to stay with her mother and her mother's boyfriend made Complainant feel humiliated, uncomfortable and inconvenienced.

32. Because of her unstable housing situation, Complainant ultimately gave up her plan to stay in Jackson, Minnesota until she enrolled in law school. Complainant returned to Arizona in January of 2013 after accepting an early enrollment offer, although she would have attended a different school, had she been able to obtain rental housing in Jackson, Minnesota, which would have allowed her to wait until the regular enrollment season started in fall.

D. LEGAL ALLEGATIONS

33. As alleged above, Respondents refused to rent and/or to negotiate with Complainant and denied her a rental dwelling on the basis of her familial status when, after learning that Complainant has a child, Respondent Bradford Strom made discriminatory statements to Complainant and discouraged her from attempting to rent by stating that, "it wouldn't work out," "it just doesn't work," that it had not worked out with a previous tenant with children, and then failed to offer to show the subject property to Complainant or indicate in any way that the subject property remained available to her. Accordingly, Respondent violated Section 804(a) of the Act, which makes it unlawful to refuse to 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 on the basis of familial status. 42 U.S.C. § 3604(a).
34. As alleged above, after Complainant disclosed that the rental housing would be for herself and her [REDACTED] daughter, Respondent Bradford Strom made statements indicating preference, limitation, or discrimination based on familial status. Accordingly, Respondents violated Section 804(c) of the Act, which makes it unlawful to make a statement with respect to the sale or rental of a dwelling that indicates preference or limitation based on familial status. 42 U.S.C. §3604(c).

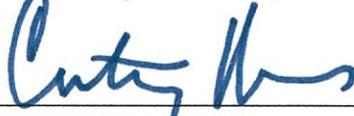
III. CONCLUSION

WHEREFORE, the Secretary of the U.S. Department of Housing and Urban Development, through the Office of the Regional Counsel, and pursuant to Section 3610(g)(2)(A) of the Act, hereby charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604(a) and (c) of the Act, and prays that an order be issued that:

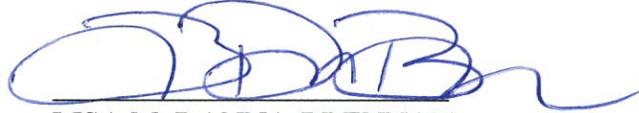
1. Declares that the discriminatory housing practices of Respondents as set forth above violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601, *et seq.*;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them from further violation of the Act;
3. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them from discriminating because of familial status against any person in any aspect of the purchase or rental of a dwelling;

4. Awards such monetary damages as will fully compensate Complainant for any and all injuries caused by Respondents' discriminatory conduct;
5. Awards a \$16,000 civil penalty against Respondents for their violation of the Act pursuant to 42 U.S.C. § 3612(g)(3); and
6. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

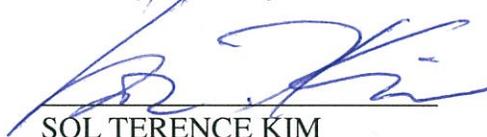
Respectfully submitted,



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