

II. SUMMARY OF THE ALLEGATIONS THAT SUPPORT THIS CHARGE

Based on HUD's investigation of the allegations in the aforementioned complaint and as set forth in the attached Determination of Reasonable Cause, Respondent Beulah Stevens is charged with discriminating against Complainant and her minor child in violation of Sections 804 (a), (b), and (c) and 818 of the Act, and 24 C.F.R. Sections 100.50, 100.60, 100.65, 100.75, and 100.400 (2004).

A. LEGAL AUTHORITY

1. It is unlawful to refuse to rent, after making a bona fide offer, refuse to negotiate the rental of, or otherwise make unavailable or deny a dwelling to any person because of race or color. 42 U.S.C. § 3604 (a) and 24 C.F.R. §§ 100.50 (b)(5) and 100.60.
2. It is unlawful to discriminate against any person in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race or color. 42 U.S.C. § 3604 (b) and 24 C.F.R. § 100.65.
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 color, or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604 (c) and 24 C.F.R. § 100.75 (a).
4. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of a person having exercised or enjoyed, or on account of a person having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by section 803, 804, 805, or 806 of the Act. 42 U.S.C. § 3617 and 24 C.F.R. § 100.400 (a) and (b).

B. PARTIES AND SUBJECT PROPERTY

5. At the time of the filing of her complaint with HUD, Complainant Michele Jones ("Complainant") was a 23-year-old single Caucasian (White) female and her minor child, Mikayla R. Jones, was an 18-month-old biracial, Caucasian/African American (White/Black), female.
6. At the time of the filing of the complaint with HUD, Complainant and her daughter lived in a single-family house located at 146 Bayou Sara Avenue, Saraland, Mobile County, Alabama 36571 (the "subject property"). The subject property is a "dwelling" as defined by the Act. 42 U.S.C. § 3602 (b) and 24 C.F.R. § 100.20.²

² The subject property is not a recipient of federal financial assistance.

7. At the time the complaint was filed with HUD, Respondent Beulah Stevens (“Respondent”) was a 77-year-old widowed Caucasian (White) female and the owner of the subject property.

8. Respondent owns the house she lives in at 130 Bayou Sara Avenue, Saraland, Mobile County, Alabama 36571, which is located down the street from the subject property and eighteen (18) other parcels of land with improvements, including townhouses, single-family homes, and mobile home lots.³

C. FACTUAL ALLEGATIONS

9. In February 2002, Complainant’s Caucasian (White) friend told her that the subject property owned by the Respondent was vacant. Complainant asked her girlfriend, who was a resident of Respondent’s mobile home park, “Bea’s Trailer Park,” to ask the Respondent about the vacancy. Complainant’s girlfriend spoke to the Respondent about renting the house to Complainant.

10. In February 2002, without meeting the Complainant, Respondent agreed to rent the subject property to Complainant for \$350 per month, with a \$300 security deposit.

11. In mid-March 2002, Complainant and her daughter moved into the subject property without executing a written lease agreement. Complainant did complete an application at a later date.

12. In late March 2002, Respondent saw Complainant’s African American (Black) friend and co-worker at Complainant’s home. Complainant’s friend told Complainant that a lady in a Cadillac was driving by slowly and looking at him. Later that same day, another co-worker of Complainant’s, a Chinese American friend, delivered a television to Complainant. Respondent also saw this friend at Complainant’s home and asked Complainant to come outside so Respondent could inquire about him. Respondent stated, “I saw a nigger at your house earlier. I don’t want any trouble with the neighbors.”

13. In late March 2002, Respondent visited Complainant’s girlfriend who lives in Bea’s Trailer Park and asked her if Complainant dated Black men, invited people over to spend the night, or had parties. The friend told Respondent that Complainant had Black friends and in fact had a biracial daughter. Respondent told Complainant’s girlfriend that she did not want any Blacks in that house and “[T]hey (referring to Blacks) know they are not supposed to be in the park after 5:00 p.m.”

14. On or about April 13, 2002, Respondent’s African American (Black) yardman visited Complainant and inquired about cleaning her yard. Around 7:30 p.m. the same night, Respondent stopped Complainant on her way to visit a friend and told Complainant she

³ These properties are all listed solely in the Respondent’s name at the Mobile County Revenue Commissioner’s Office.

was aware that her yardman had come to Complainant's home and she was not going to have that "s---" going on at her property. Respondent also stated that she had warned her yardman not to visit Complainant's house and that she was going to "fire that f----- nigger because he doesn't do what I tell him to do and he's got a smart mouth."

Respondent further stated: "Everyone around here knows that I don't let those people come around here. If I had known that you were like that, with a mixed child, you would have never come here . . . I don't care what the government says about this. I don't want to see any more Black people at your house." Respondent also stated that the next time she rented to anyone that she would make sure she looked the kids in the face real good.⁴

15. On or about April 15, 2002, Complainant called Respondent about repairing her stove. Respondent came over around 6:30 p.m., and as she was leaving and without provocation, Respondent told Complainant that she was not harassing her.⁵ She went on to state, "...I have never used the 'n-word', I always say Black people." Respondent then told Complainant that she needed to look for somewhere else to live because they could not get along, Complainant was having lots of parties, and the house needed a lot of repairs, so she had decided to sell it. Complainant asked for a written notice to vacate and Respondent refused to provide one.

16. On or about May 31, 2002, Complainant move from the subject property because she was unhappy, and no longer felt comfortable living in the house after the Respondent told her that her black friends could not visit her. Complainant believed that she and her daughter could not enjoy the house as they wanted because her daughter's relatives were Black and could not visit when they wanted to.

17. HUD's investigation revealed that although Respondent had rented to one (1) African American (Black) family in 1996, Respondent had no African American (Black) tenants at the time of the allegations of the complaint.

18. On October 1, 2003, the Mobile Fair Housing Center, a not-for-profit fair housing advocacy organization, conducted two fair housing tests in connection with properties belonging to Respondent Stevens. The Center sent two testers, with families, to the mobile home park to inquire about rental with the Respondent. One tester family was all White and the other tester family was interracial (White and Black family members).

19. On October 1, 2003, Tester Family #1, an African American (Black) male, his Caucasian (white) wife, and their bi-racial (White and Black) minor daughter, visited the Respondent's mobile home park. The male tester walked to the Respondent's door and when he spoke to her, Respondent initially ignored him. Respondent told the tester that he was from the "g-d d--- HUD" and that she did not have anything available. Respondent did not allow the tester to come inside of her home. Nor would she answer any of his questions regarding price, availability, lease requirements, application fee, or

⁴ During HUD's investigation, Complainant explained that her daughter's ethnicity was not apparent.

⁵ During HUD's investigation, Complainant stated that Respondent continued to harass her about her guests.

deposit amount. She continually cursed at him, telling him that she did not have anything available, and that he was from HUD.

20. On October 1, 2003, Tester Family #2, a Caucasian (White) male, his Caucasian (white) wife, and their Caucasian (White) daughter, visited the Respondent's mobile home park. They were greeted and shown several lots. Respondent told the male tester that she rented to a lady with a "mixed" child and she would not do that again. Respondent told the tester that she rented to a white girl and she did not know at the time that the girl had one of those mixed babies. She also stated that the girl had young Black boys outside the house at all hours, and that the girl was married, or something, to a Black man and she did not know it at the time. Respondent showed this tester family three (3) mobile home spots, and discussed price and availability with them. Respondent did not invite Tester Family #1 to view any of her properties.

21. As a result of Respondent's discriminatory conduct, Complainant and her minor child have suffered significant damages including, but not limited to: economic loss, emotional distress, inconvenience, embarrassment, humiliation, and the loss of a housing opportunity.

D. FAIR HOUSING ACT VIOLATIONS

22. By forcing Complainant to move because of the race or color of Complainant's daughter, visitors, guests, and associates, Respondent made the dwelling unavailable and violated 42 U.S.C. § 3604 (a) and 24 C.F.R. §§ 100.50 (b)(3) and 100.60 (b)(5).

23. By telling Complainant that she could not have Black guests, visitors or associates and not restricting the guests, visitors or associates of her other tenants, Respondent applied different terms and conditions based on race or color to Complainant and violated 42 U.S.C. § 3604 (b) and 24 C.F.R. § 100.65 (a).

24. By using racial slurs and making other derogatory statements to Complainant about her daughter, guests, visitors, and associates, with respect to Complainant's rental of a dwelling, Respondent violated 42 U.S.C. § 3604 (c) and 24 C.F.R. § 100.50 (b)(4).

25. By interfering with Complainant's and her daughter's use and enjoyment of a dwelling because of the race or color of Complainant's daughter, guests, visitors and associates, Respondent violated 42 U.S.C. § 3617 and 24 C.F.R. §§ 100.400 (c)(2) and 100.400 (b).

III. CONCLUSION

Wherefore, the Secretary of HUD, through the Office of General Counsel, and pursuant to 42 U.S.C. §§ 3610(g)(2)(A) and (g)(3), hereby charges Respondent Beulah L. Stevens with engaging in discriminatory housing practices as set forth above, and prays that an order be issued that:

A. Declares that the Respondent's discriminatory housing practices, as set forth above, violate the Fair Housing Act, 42 U.S.C. §§ 3601-19 and its implementing regulations;

B. Enjoins Respondent, her agents, employees, and successors, and all other persons in active concert or participation with her, from discriminating against any person based on race or color in any aspect of the sale, rental, use, or enjoyment of a dwelling, pursuant to 42 U.S.C. § 3612 (g)(3);

C. Enjoins the Respondent, her agents, employees, and successors, and all other persons in active concert or participation with her, from making discriminatory statements based on the race or color of any person in any aspect of the sale, rental, use, or enjoyment of a dwelling pursuant to 42 U.S.C. § 3612 (g)(3).

D. Awards such monetary damages pursuant to 42 U.S.C. § 3612 (g)(3) as will fully compensate Complainant Jones and her minor daughter for their economic losses, including but not limited to, all out-of-pocket expenses, embarrassment, humiliation, emotional and physical distress and the loss of a housing opportunity, and any and all other damages caused by the Respondent's discriminatory conduct;

E. Awards an \$11,000 civil penalty against the Respondent for each violation of the Act, pursuant to 42 U.S.C. § 3612 (g)(3); and

F. Awards such additional relief as may be appropriate pursuant to 42 U.S.C. § 3612 (g)(3).

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