

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, on behalf of Adam :
Robertson and Marta White, :
individually, and on behalf of Ricky :
Rowh, a minor aggrieved child, by :
and through Adam Robertson and :
Marta White, his parents and :
general guardians, :

Charging Party, :

v. :

FHEO No. 03-07-0197-8

Julie Sokoloff and Steven Sokoloff, :

Respondents :

CHARGE OF DISCRIMINATION

I. JURISDICTION

Adam Robertson and Marta White (“Complainants”) submitted a complaint with the United States Department of Housing and Urban Development (“HUD”) on or about February 7, 2007 alleging that Julie Sokoloff (“Sokoloff” or “Respondent”) committed a discriminatory housing practice against Robertson and White and their minor child, Ricky Rowh, who is an aggrieved person, on the basis of familial status, in violation of the Fair Housing Act, 42 U.S.C. §§ 3601-19 (“the Act”). On March 1, 2007, the complaint was amended to add Steven Sokoloff, Julie Sokoloff’s husband who co-owns 507 Woodland Terrace, in Philadelphia (“subject property”), as a Respondent.

The Act authorizes the issuance of a charge of discrimination (“Charge”) on behalf of an aggrieved person following an investigation and 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 (54 Fed.Reg. 13121), who has redelegated to the Regional Counsel (67 Fed.Reg. 44234), 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 Fair Housing and Equal Opportunity Director for Region III has determined that reasonable cause exists to believe that discriminatory housing practices have occurred and, therefore, has authorized the issuance of this charge of discrimination.

II. SUMMARY OF THE ALLEGATIONS IN SUPPORT OF THIS CHARGE

A. Statutory and Regulatory Provisions

1. It is unlawful to refuse to rent or negotiate for rental 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) and (b) (2006).
2. It is unlawful to make statements 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), (b) and (c) (2006).
3. “Familial status” refers to being domiciled with a parent or other person having custody of an individual or individuals under eighteen years of age. Familial status includes any person who is in the process of adopting an individual under eighteen years of age. 42 U.S.C. § 3602(k); 24 C.F.R. § 100.20 (2006).

B. Factual Allegations

1. On or about May 29, 2006, Marta White contacted Julie Sokoloff via email to inquire about whether Sokoloff had any apartments for rent. Ms. White’s friends are Sokoloff’s tenants and gave White her email address. Sokoloff responded to White’s email and informed her that there were two units available for rent: a two-bedroom unit at 507 Woodland Terrace (“subject property”) for \$1,100 a month and a one-bedroom unit at 501 Woodland Terrace for \$800 a month. Sokoloff said that White could view the properties on *craigslist.com* under “University City, Woodland Terrace”.
2. At all times pertinent to this Charge, Julie Sokoloff and Steven Sokoloff (“Respondents”), who are married, owned properties at 507 Woodland Terrace and 501 Woodland Terrace in Philadelphia, Pennsylvania, including the subject property.
3. After viewing pictures of the properties on the internet, Marta White

responded to Sokoloff via email stating that she was interested in the two-bedroom apartment at 507 Woodland Terrace (“subject property”) but that she was out of the country and wondered if the property would be available before September 1, 2006. Marta White and Complainant Adam Robertson, White’s fiancé, were looking to settle into rental housing in the Philadelphia area before the start of their school year at the University of Pennsylvania Medical School.

4. During an exchange of emails dated May 29 through May 31, 2006 White and Sokoloff discussed deposits, rental amount, move-in date and the possibility that White’s friends would view the apartment for them.
5. Complainants White and Robertson were at all times pertinent to this Charge qualified and financially able to rent the subject property.
6. On or around May 30, 2006, Marta White told Sokoloff by email that she and her partner were in the process of adopting a two-year old boy and wanted to make sure that would not be a problem with Sokoloff.
7. On or about May 30, 2006, in reply, Ms. Sokoloff sent an email to Ms. White which said, “Sorry, we don’t rent to anyone with children – this apartment is really not big enough for a family. Best of luck – sorry we can’t be more helpful.”
8. Marta White responded the same day by stating that “she thought it was housing discrimination to not allow families as long as the amount of space per the amount of people was allowed by law.”
9. On or about May 31, 2006 in another email message, Ms. Sokoloff responded to White’s email by stating:

I probably was too quick to respond without explanation, sorry – we really don’t like to have children because of the lead paint issue. Very old houses have lead paint under many layers and we have everyone sign a disclosure. Lead paint can be very dangerous around young children (however, for adults it doesn’t seem to be a problem.) You may want to think about this....you also may want to think about this apartment is on the third floor and you will have to lug your stroller, etc. up and down. We will not let any storage of strollers in the hallway. You are perfectly free to let your friends come see the apartment, but I’m not sure this is what you are looking for.

10. On or about August 1, 2006, the Complainants rented an apartment in which the rent was in excess of the monthly rental cost of the subject property.
11. The subject property remained available and the Respondents rented it to a

household without children for a two-year lease term that began on or about August 15, 2006.

12. There are no families with children currently living in Respondents' units.

Fair Housing Act Violations

1. By initially refusing to rent or negotiate for the rental of the subject property to the Complainants and ultimately discouraging them from renting it, the Respondents discriminated in the rental of a dwelling because of Complainants' familial status in violation of 42 U.S.C. § 3604(a); 24 C.F.R. § 100.60 (2006).
2. By informing Complainants that they do not rent to families with children Respondents discriminated against the Complainants by making statements that indicated a preference, limitation, or discrimination against families with children or an intention to make such a preference, limitation or discrimination in violation of 42 U.S.C. § 3604(c); 24 C.F.R. § 100.65 (2006).
3. As a result of the Respondents' discriminatory statement and refusal to rent the subject property to Complainants and aggrieved person, they suffered emotional distress, humiliation, embarrassment, inconvenience and lost housing opportunity.

III. CONCLUSION

WHEREFORE, the Secretary of Housing and Urban Development, through the Office of Regional Counsel for the Philadelphia Regional Office, and pursuant to 42 U.S.C. §§ 3610(g)(2)(A) and 3612(g)(3), the Charging Party, prays that an Order be issued that:

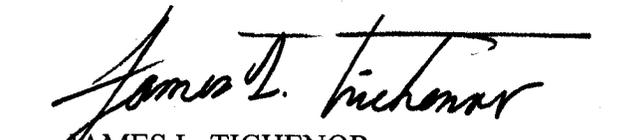
1. Declares that the Respondents' discriminatory housing practice, as set forth above, violates the Fair Housing Act, 42 U.S.C. §§ 3601-19 and its implementing regulations;
2. Pursuant to 42 U.S.C. § 3612(g)(3), enjoins Respondents and all other persons in active concert or participation with them, from discriminating against any person based on familial status in any aspect of a rental transaction;
3. Pursuant to 42 U.S.C. § 3612(g)(3), awards such damages as will fully compensate Mr. Robertson, Ms. White and their minor son for economic loss, emotional distress, lost housing opportunity, pain and suffering, embarrassment, inconvenience and humiliation, caused by Respondents' discriminatory conduct;

4. Pursuant to 42 U.S.C. § 3612(g)(3), assesses a civil penalty against the Respondents for each violation of the Act they have committed; and
5. Awards such additional relief as may be appropriate.

Respectfully submitted,



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