

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)	
Chicago Lawyers' Committee For Civil)	
Rights Under Law and Lolita Lindo,)	
)	HUD ALJ No.
Charging Party,)	FHEO Nos. 05-06-0264-8
)	05-06-1663-8
v.)	
)	
Janusz Godlewski,)	
)	
Respondent.)	

CHARGE OF DISCRIMINATION

I. **JURISDICTION**

On or about November 23, 2005, and August 1, 2006, respectively, Complainants Chicago Lawyers' Committee For Civil Rights Under Law ("Complainant CLC") and Lolita Lindo ("Complainant Lindo") filed verified complaints with the United States Department of Housing and Urban Development (the "HUD Complaints"), alleging that Respondent Janusz Godlewski ("Respondent") violated the Fair Housing Act as amended in 1988, 42 U.S.C. §3601 *et seq.* (the "Act"), by advertising in a discriminatory manner in violation of 42 U.S.C. §3604.

The Act authorizes the issuance of a charge of discrimination 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 (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 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 of Discrimination.

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned HUD Complaints and Determination of Reasonable Cause, Respondent Janusz Godlewski is charged with discriminating against Complainants Chicago Lawyers' Committee For Civil Rights Under Law and Lolita Lindo, aggrieved persons as defined by 42 U.S.C. §3602(i), based on familial status in violation of 42 U.S.C. §3604(c) of the Act as follows:

1. 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 unit that indicates any preference, limitation, or discrimination based on race, color, religion, sex, "handicap," familial status, or national origin, or an intention to make any such preference, limitation or discrimination. 42 U.S.C. §3604(c); see also 24 C.F.R. §100.75.
2. At all times relevant to this Charge, Respondent Janusz Godlewski was the sole owner and manager of the property located at 2453 N. California, Chicago, Illinois ("subject property").
3. The subject property is a three-unit, multi-family dwelling.¹ On information and belief, Respondent Janusz Godlewski resided in one of the units at all times relevant to this Charge.
4. Complainant CLC is a not-for profit Illinois corporation that promotes open housing in the Chicago metropolitan region. Its programs and activities include operating a Fair Housing Center and Legal Action Program.
5. Complainant Lindo is the mother of a minor child; she was seeking housing for herself and her son at all times relevant to this Charge. She viewed the "for rent" sign posted by Respondent Godlewski.
6. In or around August 9, 2005, Complainant Lindo was seeking rental housing for herself and her minor son. She had long admired the subject property, and when she noticed a "for rent" sign posted, she approached the sign to take down the contact information. She was shocked and angered by the content of the sign, which read, "FOR RENT, **for two persons**-apt. 2 bedroom, **No kids, No dog**, III Floor- 1500 SQ 773-742-8102." (Emphasis original.)
7. On or about August 11, 2005, Complainant Lindo contacted Complainant CLC and complained that she had suffered housing discrimination based on her familial status.

¹ The subject property was originally three units, but Respondent allegedly converted two of the units into one large unit. He resides in the converted unit.

8. In response to Complainant Lindo's complaint, on or about August 18, 2005, Complainant CLC's testing coordinator, Justin Massa, visited the subject property, and photographed the sign, confirming Complainant Lindo's observation.
9. Based upon its findings, on or about November 23, 2005, Complainant CLC filed a complaint with HUD.
10. Complainant Lindo subsequently filed a Complaint with HUD on August 1, 2006.
11. As a result of Respondent's discriminatory conduct, Complainant Lindo was shocked and angry. The sign brought back painful memories of a rental sign she once saw as a young woman, excluding "blacks" and "Jews." Further, Complainant Lindo was denied a housing opportunity at the subject property, a unique property in Chicago because of its fenced yard.
12. As a result of Respondent's discriminatory conduct, Complainant CLC has suffered damages, including inconvenience, economic loss through diversion of its resources, and frustration of its mission to promote equal housing opportunities in the Chicago metropolitan area. Complainant CLC was forced to divert some of its scarce resources to investigate the Respondent's discriminatory advertisement, conduct factual research into the ownership of the subject property and other properties owned by Respondent, conduct legal research, counsel Complainant Lindo regarding her fair housing rights, conduct education and outreach regarding familial status discrimination and recruit and retain legal counsel for its HUD complaint. Complainant also had to delay its efforts to pursue grant opportunities and was forced to delay an attorney training seminar as a result of the Respondent's discriminatory conduct.
13. As a result of the Respondent's discriminatory conduct, an unknown number of prospective tenants with children were discouraged from seeking a rental opportunity at the subject property because of the discriminatory language "No kids" on Respondent's rental sign, frustrating Complainant's mission to promote diverse and equal housing in the Chicago metropolitan area.

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) of the Act, hereby charges Respondent with engaging in a discriminatory housing practice in violation of Section 3604(c) of the Act, and prays that an order be issued that:

1. Declares that the discriminatory housing practice of the Respondent, as set forth above, violates the Fair Housing Act, as amended 42 U.S.C. §3601 *et seq.*;

2. Enjoins Respondent, his agents, employees, and successors, and all other persons in active concert or participation with him from discriminating because of familial status against any person in any aspect of the rental or sale of a dwelling;
3. Awards such damages as will fully compensate Complainant Lindo, an aggrieved party, for her emotional distress and loss of a unique housing opportunity caused by Respondent's discriminatory conduct pursuant to 42 U.S.C. § 3604(c);
4. Awards such damages as will fully compensate Complainant CLC, an aggrieved party, for its economic loss, inconvenience, and frustration of mission caused by Respondent's discriminatory conduct pursuant to 42 U.S.C. § 3604(c); and
5. Assesses a civil penalty of eleven thousand dollars (\$11,000) against Respondent for the violation of the Act that the Respondent has committed pursuant to 42 U.S.C. §3612(g)(3).

The Secretary of HUD further prays for additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3) (2004).

Respectfully submitted,

COURTNEY MINOR
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