

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 June Parker,)	
)	HUD ALJ No.
Charging Party,)	FHEO No. 05-03-0877-8
)	
v.)	
)	
Princess Benson, Woodrow Richardson,)	
and Rose Richardson,)	
)	
Respondents.)	
_____)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On or about July 16, 2003, the Complainant, June Parker (“Complainant Parker”) filed a verified complaint with the United States Department of Housing and Urban Development (“HUD”), alleging that Respondents Princess Benson, Woodrow Richardson and Rose Richardson violated the Fair Housing Act as amended in 1988, 42 U.S.C. Section 3601 *et seq.* (the “Act”), by discriminating on the basis of familial status, in violation of 42 U.S.C. §3604(c).

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.

By Determination of Reasonable Cause dated September 30, 2004, the Director of the Office of Fair Housing and Equal Opportunity for the Midwest HUB, Region V, 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 Complaint and Determination of Reasonable Cause, Respondents Princess Benson, Woodrow Richardson, and Rose Richardson are charged with discrimination against Complainant June Parker, an aggrieved person as defined by 42 U.S.C. §3602(i), on the basis of familial status, in violation of 42 U.S.C. §3604(c) 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 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(b); 24 C.F.R. §§100.75(c)(1) and (2).
2. The subject property is also governed by a local fair housing ordinance. The CHICAGO MUNICIPAL CODE, Ch.5-8-010, et seq., ("Chicago Code") prohibits discrimination in housing on the basis of parental status. Parental status is defined as "the status of living with one or more dependent minor or disabled children." CHICAGO MUNICIPAL CODE, §2-160-010(h).
3. Pursuant to the Chicago Code it is an unfair housing practice for an owner or agent to make a discriminatory statement of any kind relating to the rental or leasing of any residential real property within the city of Chicago because of parental status. See CHICAGO MUNICIPAL CODE, Ch.5-8-030(B). Moreover, owner-occupied properties are not exempt under the Chicago Code. See CHICAGO MUNICIPAL CODE, Ch.5-8-050.
4. At all times relevant to this Charge, Complainant was a single female and had an eleven (11) year old daughter named Catrice Parker.¹
5. At all times relevant to this Charge, Respondents Woodrow and Rose Richardson were the owners of the property located at 9019 S. Laflin, Chicago, Illinois 60620 ("subject property"). The subject unit advertised is a two-bedroom apartment and was available for rental at all times relevant to this Charge. The subject property contains four or fewer units and is occupied by Respondents Woodrow and Rose Richardson.
6. Respondents Woodrow and Rose Richardson retained Respondent Princess Benson in order to help them find a tenant for the subject property. At all times relevant to the Charge, Respondent Benson was employed by Professional Janitorial Services, Inc. ("PJS, Inc.") to manage properties it owns. As an independent business venture, Respondent Benson acted as a "rental screener" and rental agent for properties not owned by PJS, Inc. She received calls on

¹ Complainant Parker has since had a second child on November 13, 2003, but was unaware at the time she was searching for an apartment that she was pregnant.

available properties and set up appointments with landlords to show prospective tenants their available apartments.

7. Upon information and belief, Princess Benson also goes by the names, Principenia P. Benson and Princetenia Holmes.
8. On or about March 11, 2003, the subject unit was advertised for rent in the *Chicago Sun-Times*. Respondent Benson placed the advertisement. Respondent Benson's name and telephone number were also listed in the advertisement.
9. The advertisement listed a number of properties for rent. With regard to the subject unit, the advertisement read: "9019 S Laflin 2Br. htd. Call Ms Benson 708 417-8671 1-5 BDRM Apts Available Throughout the City! Sec.8 Wel."
10. On or about March 11, 2003, Complainant June Parker telephoned (708) 417-8671 and asked for Ms. Benson. The woman who answered the phone identified herself as Ms. Benson. Complainant June Parker told Respondent Benson that she was inquiring about the subject property.
11. Respondent Benson asked Complainant June Parker if she was a senior citizen. Complainant Parker responded that she was not a senior citizen. Respondent Benson next asked if Complainant Parker was a "husband and wife couple." Complainant Parker explained that she was not a "husband and wife couple," but was seeking to rent an apartment for herself and her daughter. At that time, Respondent Benson responded, "we don't accept kids."
12. On or about March 13, 2003, Complainant contacted the Chicago Lawyers' Committee for Civil Rights Under the Law, Inc. ("Lawyers' Committee"). The Lawyers' Committee conducted two fair housing tests in connection with the subject property.
13. On or about March 13, 2003, Tester #1 telephoned (708) 417-8671 and asked for Ms. Benson. A woman answered the phone and confirmed her identity as Ms. Benson. Tester #1 inquired about the apartment at 9019 S. Laflin that was listed in the *Chicago Sun-Times* advertisement. Respondent Benson explained that it was still available and asked if the tester had children. Tester #1 responded that the apartment was for her and her son. Respondent Benson stated that they were not taking children at that location. Before terminating the call, Tester #1 asked if she had any other available apartments that were taking kids and Respondent Benson replied that she did not have any.
14. On or about March 14, 2003, Tester #2 called (708) 417-8671 and inquired about the property at 9019 S. Laflin. Again, Respondent Benson identified herself. Respondent Benson asked Tester #2 to repeat the address of the property he was interested in. After repeating the address again, Respondent Benson asked Tester #2 how many people would reside in the apartment. Tester #2 stated that the apartment was for him and his wife. She asked if Tester #2 had any children, and

- he responded that he did not. Respondent Benson told him that they do not want any children. She then asked whether he had a Section 8 voucher.
15. Respondent Benson asked Tester #2 when he would like to see the apartment. The tester made an appointment to see the apartment on March 15, 2003 at noon. Respondent Benson told the tester that he should call her first and she would have “the guy” show it to him at noon. The tester agreed to do so.
 16. Tester #2 subsequently tried to contact Respondent Benson three times on March 15, 2003 and on March 17, 2003. He left messages each time he called.
 17. On or about March 19, 2003, Respondent Benson left a message on the cell phone of Tester #2. She stated that she was calling to set up an appointment for him to view the apartment at 9019 S. Laflin. She stated on the message that the apartment was only for a husband and wife. She admonished him that if there were any children or someone else the tester was trying to move in without their knowledge, it would not be accepted. She stated that the people in the building are older and do not want children. She requested that the tester return her call.
 18. On or about March 20, 2003, Tester #2 returned Respondent Benson’s call. Respondent Benson stated that she had been trying to reach him. She again described the apartment to the tester, stating that it was beautiful, clean, and decent. She explained that just older people lived in the building and that they were not accepting children.
 19. Respondent Benson told the tester that he would have to come to her office prior to viewing the apartment. Tester #2 agreed and asked the location of her office. She stated that the office was located at “2830 [Chicago Road] S. Chicago Heights [Illinois 60411].” She asked that the tester call her at 9:00 a.m. on March 21, 2003 to confirm the appointment, and the tester agreed to do so.
 20. On or about March 21, 2003, Tester #2 called Respondent Benson at 9:00 a.m., 9:20 a.m., and 9:36 a.m. in order to confirm their appointment to view the apartment. Respondent Benson finally called the tester back at 9:38 a.m. and stated that “he” will be there to show the apartment at 10:30 a.m.
 21. Finally, on or about March 21, 2003, at approximately 10:30 a.m., Tester #2 went to visit the apartment located at 9019 S. Laflin. When he approached the subject property, two African American men with gray hair were standing out front. Tester #2 approached the men to see if they were there to show him the unit. One man stepped away from the car and proceeded to show the tester the unit.
 22. The man, who later identified himself as Respondent Woodrow Richardson, took Tester #2 to see a two-bedroom apartment on the second floor. The tester asked how much they were asking for rent and Respondent replied \$700. Respondent offered that the apartment was in “good shape” because the previous tenant was

- an “old lady.” He said that she was civilized and took care of the place. He told the tester that there were no kids around and that he did not want any young children in the apartment. Tester #2 stated that Ms. Benson had made it very clear that children were not allowed.
23. Respondent Woodrow Richardson told Tester #2 that the apartment had been vacant for almost a year. Respondent stated that he told Ms. Benson what he was looking for and she agreed to send good tenants. He then asked the tester if the apartment was just for him and his wife. Tester #2 responded affirmatively. It was at this point that Respondent explained that he was the owner of the building and that he lived in the first floor apartment.
 24. Tester #2 stated that he liked the apartment, but that his wife would need to view it, too, and asked whom he should call to set up another showing. Respondent Woodrow Richardson stated that the tester could contact him directly at (773) 779-3383. Tester #2 asked the man his name and he replied that his name was “Woody.”
 25. Prior to the subject unit becoming available in 2002, a single woman resided in the subject unit for approximately seventeen (17) years. Additionally, the tenant in the third floor unit has lived there for approximately twenty (20) years. Neither of these tenants had minor children living with them.
 26. During a November 24, 2003 interview by a HUD investigator, Respondent Woodrow Richardson admitted that he may have told Respondent Benson that he preferred to rent to older people and if she could find an older person he would prefer it. Respondent Woodrow Richardson also admitted to the HUD investigator that he probably told the tester that came to view the subject property that he did not want young children in the apartment and that he preferred not to rent to people with small kids because of noise.
 27. During the November 24, 2003 interview by a HUD investigator, Respondent Woodrow Richardson stated that the subject property was eventually rented in July of 2003 to a single woman with no children.
 28. By making statements with respect to the sale or rental of a dwelling that indicated preference, limitation, or discrimination based on familial status, Respondents Princess Benson and Woodrow and Rose Richardson discriminated against Complainant in violation of 42 U.S.C. §3604(c).
 29. As a result of Respondents Princess Benson and Woodrow and Rose Richardsons’ discriminatory conduct, Complainant Parker has suffered damages in the form of emotional distress. Complainant became nervous, depressed, and suffered a loss of appetite. Further, the discriminatory conduct angered her, caused her stress, and preoccupied her.

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 Section 42 U.S.C. §3610(g)(2)(A) of the Act, hereby charges Respondents Princess Benson, Woodrow Richardson and Rose Richardson with engaging in discriminatory housing practices in violation of 42 U.S.C. §3604(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, successors, and all other persons in active concert or participation with them from discriminating on the basis of familial status against any person in any aspect of the purchase or rental of a dwelling;
3. Awards such damages as will fully compensate Complainant Parker, an aggrieved person, for her actual damages caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. §3604(c); and
4. Awards a civil penalty against each Respondent for violations of the Act 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).

Respectfully submitted,

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