



reasonable cause exists to believe that a discriminatory housing practice has occurred in this case based on national origin, 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 the aforementioned Determination of Reasonable Cause, Respondents Donald and E. Jane Rapp are charged with discriminating against Complainant Raquel Rios, and her children, Brenda Rios and Fernando Rios, aggrieved persons, based on national origin in violation of 42 U.S.C. Sections 3604(a) and (c) of the Act as follows:

1. It is unlawful to refuse to rent after the making of a bona fide offer, or to refuse to negotiate for the rental of, or otherwise make unavailable or deny, a dwelling to any person because of national origin. 42 U.S.C. Section 3604 (a).
2. It is unlawful to make any statement, with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on national origin or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. Section 3604(c).
3. At all relevant times, Respondents Donald Rapp and E. Jane Rapp, a married non-Hispanic couple, were the Trustors and Trustees of the Donald L. and E. Jane Rapp Living Trust. At all relevant times, according to Article Four of the Donald L. and E. Jane Rapp Living Trust, Respondents Donald Rapp and E. Jane Rapp were beneficiaries of the income and principal of the Donald L. and E. Jane Rapp Living Trust. The Donald L. and E. Jane Rapp Living Trust consists, in part, of ten real properties, one of which is the subject property.
4. Respondent Donald L. and E. Jane Rapp Living Trust holds the title to the subject property, located at 604 South Fairway in Sherwood, Arkansas. The subject property is a three bedroom, one and a half bathroom single-family house, which totals approximately 1250 square feet.
5. According to the Donald L. and E. Jane Rapp Living Trust dated September 17, 1996, the Respondents Donald and E. Jane Rapp's interest in the Donald L. and E. Jane Rapp Living Trust consists, in part, of the power to manage and control the subject property; to receive proceeds from rentals; and to make, renew or amend a lease. Respondents Donald and E. Jane Rapp have never rented to a Hispanic individual.
6. Complainant Raquel Rios is a Hispanic female who attempted to rent the subject property from Respondents. Complainant and her minor daughter, Brenda Rios, are both fair complexioned.

7. At all relevant times, Complainant intended to rent the subject property for herself, her minor daughter, Brenda Rios, age sixteen, her adult son, Fernando Rios, and her adult son's fiancée.
8. On or about March 17, 2002, Complainant's friend, Ms. Dell Brown, a non-Hispanic female, located a newspaper advertisement for the subject property. Ms. Brown contacted Respondent E. Jane Rapp on behalf of her friend, the Complainant, concerning the availability of the subject property. Ms. Brown told Respondent E. Jane Rapp that she was calling for a friend. Respondent E. Jane Rapp inquired into the number of occupants. Ms. Brown reported that there would be three adults and one child. Ms. Rapp agreed to show Ms. Brown and Complainant the subject property in fifteen minutes.
9. Complainant Raquel Rios, Complainant's daughter Brenda Rios, Ms. Brown, and a friend of Complainant's arrived at the subject property within fifteen minutes, where they met Respondent E. Jane Rapp. Respondent E. Jane Rapp began showing them around the subject property, pointing out positive attributes of the subject property.
10. Ms. Brown and Respondent E. Jane Rapp then entered the living room where Complainant and Complainant's daughter were speaking Spanish. According to Complainant and Ms. Brown, Respondent E. Jane Rapp's demeanor changed upon hearing Complainant speaking Spanish.
11. Respondent E. Jane Rapp then asked Complainant how many cars would be kept at the subject property. Complainant replied that there would be no more than three cars, and all would be gone during the day. Respondent E. Jane Rapp stated that she would need access to the portable building behind the house in order to access lawn equipment. Respondent E. Jane Rapp then told Complainant that jobs were hard to find in the area, to which Complainant stated that she already had a job. When Complainant told Respondent E. Jane Rapp that she would like to rent the property, Respondent E. Jane Rapp stated that this was not the house for her. She stated that too many people would be living there.
12. On March 18, 2002, Complainant contacted Respondent E. Jane Rapp to ask if she could rent the house if just she and her minor daughter occupied the home. She stated that her son and his fiancée had found another place to live. Respondent E. Jane Rapp refused to rent to Complainant, stating that sometimes if you rent the house to two people, they will move in 15 or 16 others.
13. On or about March 18, 2002, Respondent E. Jane Rapp rented the house to David and Crystal Thomas, a non-Hispanic married couple, who had one child.
14. By refusing to rent the subject property, by failing to negotiate for the rental of the subject property, and by making statements with respect to the rental of the subject property that indicate a preference and discrimination because of

Complainant's national origin, Respondents Donald and E. Jane Rapp violated 42 U.S.C. Sections 3604(a) & 3604(c).

13. Because of Respondents Donald and E. Jane Rapp's discriminatory conduct, Complainant Raquel Rios and her children, Brenda Rios and Fernando Rios, have suffered damages, including emotional distress, economic loss, inconvenience, and loss of a housing opportunity. Because of Respondents Donald and E. Jane Rapp's discriminatory conduct, Complainant had to take time off of work to find alternate housing. In addition, Complainant was only able to secure less desirable housing in a less desirable neighborhood, and the discrimination and subsequent housing situation negatively impacted Complainant Raquel Rios, and her children, Brenda Rios and Fernando Rios.

### **III. CONCLUSION**

WHEREFORE, the Secretary of the United States Department of Housing and Urban Development, through the Office of the General Counsel, and pursuant to 42 U.S.C. Section 3610(g)(2)(A) of the Act, hereby charges the Respondents Donald and E. Jane Rapp with engaging in discriminatory housing practices in violation of 42 U.S.C. Sections 3604(a) and (c) of the Act, and prays that an Order be issued that:

1. Declares that the discriminatory housing practices of the Respondents Donald and E. Jane Rapp, as set forth above violate the Fair Housing Act, as amended, 42 U.S.C. Section 3601 *et seq.*;
2. Enjoins Respondents Donald and E. Jane Rapp, their agents, employees, and successors, and all other persons in active concert or participation with any of them from discriminating because of national origin against any person in any aspect of the purchase or rental of a dwelling;
3. Awards such damages as will fully compensate Complainant Raquel Rios and her children, Brenda Rios and Fernando Rios, aggrieved persons, for their damages, including compensation for economic loss and physical and emotional distress caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. Sections 3604(a) and (c); and,
4. Awards a civil penalty against Respondents Donald and E. Jane Rapp for each violation of the Act committed, pursuant to 42 U.S.C. Section 3612(g)(3).

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

Respectfully submitted,

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