

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

Secretary, United States	:	
Department of Housing and Urban	:	
Development, on behalf of the Fair	:	
Housing Council of Suburban	:	
Philadelphia,	:	
	:	ALJ No.
Charging Party,	:	
	:	
v.	:	FHEO No. 03-12-0150-8
	:	
Christine Roescher, Maryanna	:	
Karpinski, and Stanislaw Karpinski,	:	
	:	
Respondents	:	
	:	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On March 9, 2012, Complainant Fair Housing Council of Suburban Philadelphia ("Complainant") filed a complaint with the United States Department of Housing and Urban Development ("HUD"), alleging that the Respondents Christine Roescher, Maryanna Karpinski, Stanislaw Karpinski, and Prudential Fox and Roach Realtors were responsible for discriminatory refusal to rent; discriminatory terms, conditions, or privileges of rental; and discriminatory advertising, statements, and notices. The Complainant alleges that the Respondents' discriminatory acts were based on familial status. On March 26, 2012, the complaint was amended to remove Prudential Fox and Roach Realtors from the address of Respondent Roescher and to remove Section 804(f) of the Act from the list of alleged violations.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination on behalf of aggrieved persons 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 that authority to the General Counsel (24 C.F.R. §§ 103.400 and 103.405), who has redelegated the authority to the Regional Counsel. 76 Fed. Reg. 42463, 42465 (July 18, 2011).

The Fair Housing and Equal Opportunity Director for Region III, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined that reasonable cause exists to believe that discriminatory housing practices have occurred in

this case and has authorized the issuance of this Charge of Discrimination. 42 U.S.C. 3610(g)(2).

II. SUMMARY OF THE ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint and the Determination of Reasonable Cause and No Reasonable Cause, Respondents Christine Roescher, Maryanna Karpinski and Stanislaw Karpinski (the "Respondents") are hereby charged with violating the Fair Housing Act (the "Act") as follows:

A. Legal Authority

1. It is unlawful to refuse to rent or negotiate to rent 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)(2) (2012).
2. It is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of familial status. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.65(a) (2012).
3. It is unlawful to make statements or publish advertisements 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) and (c)(1) (2012).
4. "Familial status" means one or more individuals under the age of eighteen (18) being domiciled with a parent or legal guardian. 42 U.S.C. § 3602(k); 24 C.F.R. § 100.20 (2012).

B. Parties and Properties

1. Complainant Fair Housing Council of Suburban Philadelphia is a private, non-profit organization working to eliminate housing discrimination. The organization's stated mission is to educate and advocate for equal access to quality, affordable housing for everyone in Southeast Pennsylvania. Complainant's office is located at 455 Maryland Drive, Suite 190, Fort Washington, PA, 19034.
2. Complainant is an aggrieved person, as defined by the Act. 42 U.S.C. 3602(i).
3. Respondents Maryanna and Stanislaw Karpinski own the triplex building

located at 2828 Thompson Street (the "subject property"). The subject property is a dwelling, as defined by the Act. 42 U.S.C. 3602(b).

4. Respondents Maryanna and Stanislaw Karpinski authorized their daughter, Christine Roescher, to handle the rental and management of the subject property. Respondent Roescher posts advertisements for vacant units at the subject property, responds to phone calls from prospective tenants, and shows available units to prospective tenants. Upon information and belief, Respondent Roescher is a real estate agent.

C. Factual Allegations

1. On or about February 15, 2011, the Respondents posted an advertisement on *craigslist.com* for an apartment at the subject property. The advertisement stated: "This would be a good place for a mature couple. Too many stairs for young children."
2. Upon viewing this advertisement, Complainant's Test Coordinator, [REDACTED] emailed Respondent Roescher from a pseudonym email address and expressed interest in the advertised unit. In the emails exchanged, [REDACTED] indicated that she was looking for a home for herself and her husband, and Ms. Roescher stated that she would wait for [REDACTED] call. [REDACTED] then prepared a testing campaign for the subject property with a matched pair test.
3. On February 17, 2011, Tester #1 called Respondent Roescher to inquire about the advertised apartment. Tester #1 mentioned the language in the advertisement concerning the stairs, stated that she had a 5-year-old child, and asked if that would be an issue. Respondent Roescher replied, "Well it's really more of a problem of the tenant downstairs, they don't want noisy kids running up and down the stairs." Tester #1 stated that her son was mild mannered, and that he wouldn't be noisy. Respondent Roescher stated, "Yeah but that is why we asked for a mature couple in the ad so that it wouldn't bother the tenant; it is my choice." Tester #1 then asked Respondent Roescher whether she could view the apartment. Respondent Roescher stated, "Well I most definitely wouldn't rent to people with children so there really is no use."
4. On February 20, 2011, Tester #2 spoke to Respondent Roescher on the telephone. When Tester #2 mentioned that both he and his wife worked in Philadelphia, Respondent Roescher asked if the apartment would be for just the two of them. Tester #2 said that it would. They arranged to meet at the subject property the next day. On February 21, 2011, Respondent Roescher showed Tester #2 the advertised unit at the subject property. She told Tester #2 that some people had expressed interest in the unit, and that she was amazed that some of the people who had contacted her said that they had children. Respondent Roescher also told Tester #2 that the advertisement

plainly stated that the unit was not for children, and that she could not believe some people who couldn't seem to read. She further stated that she did not want children clomping up and down the stairs or running around.

5. On March 12, 2011, March 31, 2011, April 10, 2011, April 16, 2011, May 19, 2011, June 7, 2011 and June, 14, 2011, Respondents posted advertisements on *craigslist.com* containing the following language: "This would be a good place for a mature couple. Too many stairs for young children."
6. As a result of Respondents' discriminatory actions, Complainant's mission was frustrated. Furthermore, Complainant expended time and resources in responding to the discrimination. Complainant conducted an investigation of Respondents' housing advertisements, which required strategic planning, regular monitoring of *craigslist.com* advertisements and testing. Complainant also took steps to counteract Respondents' discriminatory actions, including placing a fair housing advertisement in a local weekly paper. The resources expended in this investigation were diverted from Complainant's other fair housing programs.

D. Fair Housing Act Violations

1. By refusing to negotiate the rental of a dwelling or to permit a tester to view the available unit at the subject property, and by stating that they would not rent to people with children, Respondents violated 42 U.S.C. § 3604(a) and 24 C.F.R. §§ 100.60(a) and (b)(2) (2012).
2. By implementing a policy of not permitting people with children to view or apply for an available unit at the subject property, Respondents violated 42 U.S.C. § 3604(b) and 24 C.F.R. §§ 100.65(a) (2012).
3. By making statements that the downstairs tenant didn't want "noisy kids" and stating that they "most definitely wouldn't rent to people with children," and they did not want children clomping up and down the stairs, Respondents discriminated by indicating a preference against families with children in violation of 42 U.S.C. § 3604(c) and 24 C.F.R. §§ 100.75(a) and (c)(1) (2012). By publishing advertisements which contained the following language: "This would be a good place for a mature couple" and "Too many stairs for young children" Respondents indicated a preference against renting to families with children in violation of 42 U.S.C. § 3604(c) and 24 C.F.R. §§ 100.75(a) and (c)(1) (2012).

III. CONCLUSION

WHEREFORE, the Secretary of the United States Department 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), hereby charges Respondents

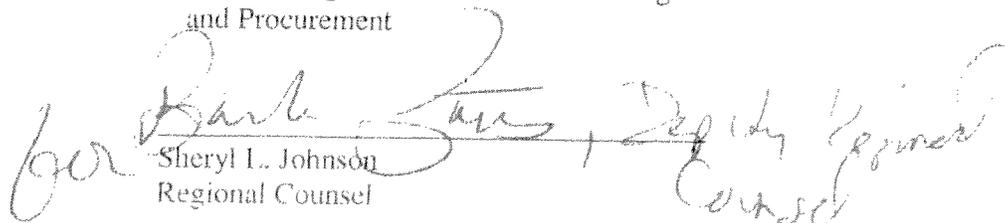
with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(a), (b) and (c), and requests that an order be issued that:

1. Declares that Respondents' discriminatory housing practices, as set forth above, violate Sections 3604(a), (b) and (c) of the Fair Housing Act, 42 U.S.C. §§ 3604(a), (b) and (c);
2. 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 the sale or rental of a dwelling;
3. Awards such damages as will fully compensate Complainant;
4. Assesses a civil penalty against each Respondent for each violation of the Act, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.671 (2012);
5. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3).

Respectfully submitted on this 11th day of September, 2012


Margaret R. Baldwin
Attorney-Advisor


Richard A. Marchese
Associate Regional Counsel for Civil Rights
and Procurement


for Sheryl L. Johnson, Deputy Regional Counsel
Regional Counsel

U.S. Department of Housing
and Urban Development
Office of the Regional Counsel
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3380

Telephone: (215) 430-6653

Fax: (215) 656-3446

TTY: (215) 656-3450