

**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 XXXX	)	
	)	
Charging Party,	)	ALJ No.
	)	FHEO No. 01-10-0138-8
v.	)	
	)	
Landings Real Estate Group, Longmeadow Landings, LLC, and Landings Management, LLC,	)	
	)	
Respondents.	)	
	)	

**CHARGE OF DISCRIMINATION**

**I. JURISDICTION**

On January 11, 2010, XXXX<sup>1</sup> (“Complainant”) filed a complaint with the United States Department of Housing and Urban Development (“HUD”), alleging that Landings Real Estate Group, Longmeadow Landings, LLC, and Landings Management, LLC (“Respondents”), discriminated against her because of familial status in violation of the Fair Housing Act (“the Act”). 42 U.S.C. Sections 3601-3619.

The Act authorizes the issuance of a Charge of Discrimination (“Charge”) 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. Sections 3610(g)(1) and (2). The Secretary of HUD has delegated to the Assistant Secretary for Fair Housing and Equal Opportunity the authority to make such a determination; and to the General Counsel the authority to issue such a charge of discrimination. The General Counsel has redelegated to the Regional Counsel the authority to issue such a charge.

By Determination of Reasonable Cause dated September 28, 2011, the Director of the Fair Housing Hub, Office of Fair Housing and Equal Opportunity for New England, has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred in this case, and has authorized the issuance of this Charge of Discrimination by the Regional Counsel. 42 U.S.C. §3610(g)(2).

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<sup>1</sup> Following her marriage and subsequent to the filing of her complaint, Complainant changed her surname from XXXX to XXXX, and is accordingly referred to as “XXXX” in this Charge.

## **II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE**

Based on HUD's investigation of the allegations contained in the aforementioned complaint and the findings made in the attached Determination of Reasonable Cause, the Secretary charges Respondent with violating the Act as follows:

### **A. LEGAL AUTHORITY**

1. It is unlawful to refuse to rent after the making of a bona fide offer, or to otherwise make unavailable or deny, a dwelling to any person because of familial status. 42 U.S.C. § 3604(a); 24 C.F.R. § 100.50(b)(1) and (3).

### **B. PARTIES AND SUBJECT PROPERTY**

2. At all times relevant to this Charge, Complainant resided with her four minor children, two daughters aged 7 and 15, and two sons, aged 7 and 10.
3. At all times relevant to this Charge, Respondent Longmeadow Landings, LLC owned the subject property known as "Long Meadow Landings Apartment Community" (the subject property) and located at 55 South Road, Groton, Connecticut.
4. At all times relevant to this Charge, Respondent Landings Management, LLC, managed the subject property.
5. Respondent Landings Real Estate Group, a privately capitalized real estate development company, established the occupancy standards that, at all times relevant to this Charge, were in effect at the subject property.
6. The subject property is an apartment complex consisting of 156 two-bedroom units of three different configurations, one of which consists of an 1,100 square foot two-bedroom apartment with an 144 square foot bedroom, a second bedroom 168 square feet in area, 276 square feet of additional living space, and an additional loft area of approximately 166 square feet.

### **C. FACTUAL ALLEGATIONS**

7. On or about the last week of March, 2009, Complainant visited the subject property to inquire about the availability of a two-bedroom apartment for her and her children.
8. After Complainant informed Respondent Landings Management that she wished to rent an apartment with her four children, Respondent told her that Connecticut state law prohibited more than two occupants per bedroom, that the subject property had only two-bedroom apartments available, and that Respondent thus would not permit Complainant to rent a unit at the property.

9. In April, 2009, when Complainant once again contacted Respondent Landings Management, LLC about renting an apartment for her and her four children, Respondent Landings Management, LLC again told her that Connecticut state law prohibited more than two occupants per bedroom, that the subject property had only two-bedroom apartments for rent, and that Respondent thus would not permit the Complainant to rent any unit at the property.
10. Upon being told that she could not rent an apartment at Longmeadow Landings, Complainant and her children suffered considerable emotional distress and were forced to continue to rely on the goodwill of friends in permitting Complainant and her children to stay at her friends' apartment until she found an apartment approximately two months later.
11. The Connecticut Fair Housing Center tested Respondents' occupancy policy by arranging for two female testers to call Respondent Landings Management, LLC, in May, 2009.
12. The first of two testers, who gave no indication of her family size to Respondents, was invited by Respondents to visit, and actually visited, the subject property.
13. The second tester, who told Respondent Landings Management that she had four children, was told by the Respondent that Connecticut state law prohibited more than two occupants per bedroom, that Longmeadow Landings had only two-bedroom apartments for rent, and that Respondent thus would not be able to permit the tester to rent any unit at the property.
14. Under the Town of Groton Rental Housing Code in effect at all times relevant to this Charge, the subject property's 1100 square foot apartments could legally accommodate five occupants.
15. According to the 2010 U.S. Census data, there are 15,809 households in the Town of Groton. Of these households, 735 are five-person households, which represent 4.6% of the total households in the Town of Groton.
16. According to 2010 U.S. Census data, 650 Groton households, or 88.4% of all five-person households, contain children in Town of Groton. 85 households, or 11.6% of the five-person households, do not have children.
17. Respondents' two person per bedroom occupancy standard has a disparate impact on families with children inasmuch as it denies two-bedroom apartments to 6.8% of families with children in the Town of Groton, but makes such apartments unavailable to only 1.4% of Groton families without children.

#### **D. FAIR HOUSING ACT VIOLATIONS**

19. Respondent Landings Real Estate Group policy of limiting occupancy of units at the subject property based on a two-person per bedroom occupancy standard violates Section 804(a) of the Act by constituting a refusal to rent, a refusal to negotiate over the rental of property, and by making housing unavailable based on familial status. 42 U.S.C. § 3604(a); 24 C.F.R. § 100.60(b)(2).
20. Respondent Longmeadow Landings, LLC's, policy of limiting occupancy of units at the subject property based on a two-person per bedroom occupancy standard violates Section 804(a) of the Act by constituting a refusal to rent, a refusal to negotiate over the rental of property, and by making housing unavailable based on familial status. 42 U.S.C. § 3604(a); 24 C.F.R. § 100.60(b)(2).
21. Respondent Landings Management, LLC's policy of limiting occupancy of units at the subject property based on a two-person per bedroom occupancy standard violates Section 804(a) of the Act by constituting a refusal to rent, a refusal to negotiate over the rental of property, and by making housing unavailable based on familial status. 42 U.S.C. § 3604(a); 24 C.F.R. § 100.60(b)(2).
22. As a result of Respondents' conduct, Complainant and her family have suffered damages, including but not limited to emotional distress, inconvenience, and loss of housing opportunity.

### **III. CONCLUSION**

WHEREFORE, the Secretary of Housing and Urban Development, through the Office of the Regional Counsel for New England, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby Charges the Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604(a), 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. §§ 3601-3619;
2. Enjoins the Respondents from further violations of 42 U.S.C. § 3604(a) of the Act;
3. Awards such damages as will fully compensate Complainant for the economic loss and emotional distress caused by the Respondents' discriminatory conduct;
4. Awards a civil penalty against Respondents for each violation of the Act pursuant to 42 U.S.C. § 3612(g)(3);
5. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted,

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Regional Counsel for New England

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