

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

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

A. LEGAL AUTHORITY

1. 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 with such a dwelling, because of the disability of that person or a person residing in that dwelling after it is so sold, rented, or made available, or any person associated with that person. 42 U.S.C. § 3604(f)(2); 24 C.F.R. § 100.202(b).
2. For the purposes of § 3604(f), "discrimination" includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(1)(3)(B); 24 C.F.R. § 100.204(a).

B. PARTIES AND SUBJECT PROPERTY

3. Complainant [REDACTED] is the mother of Complainants [REDACTED] [REDACTED] [REDACTED]. At the time of the complaint, the three children were ages three years, six years, and nine months, respectively.
4. Complainants [REDACTED] are disabled individuals under the Act. 42 U.S.C. § 3602(h); 24 C.F.R. § 100.201.
5. Complainant [REDACTED] and her minor children, Complainants [REDACTED] are aggrieved persons under the Act. 42 U.S.C. § 3602(i); 24 C.F.R. § 100.20.
6. At all times relevant to this action, Complainants lived in Apartment 1 of the public housing development at 205 Taffrail Road. This property constitutes a dwelling under the Act. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.
7. The property at 205 Taffrail Road is part of a state-funded public housing development owned by Respondent Quincy Housing Authority.
8. At all times relevant to this action, Respondent Joseph MacRitchie was the Executive Director of the Quincy Housing Authority.
9. At all times relevant to this action, Respondent Robert Quinn was the Deputy Director of the Quincy Housing Authority.

C. FACTUAL ALLEGATIONS

10. On March 28, 2012, Respondent Quincy Housing Authority received Complainants' Reasonable Accommodation Request form, Request for Accommodation Verification Handicap/Disability form, and a letter dated March 6, 2012, from Complainants' medical providers.
11. Complainants' Reasonable Accommodation Request form sought a larger apartment to allow Complainant [REDACTED] to be able to take part in therapy needed for his medical condition.
12. The Request for Accommodation Verification Handicap/Disability form was filled out and signed by Dr. Aasma Khandekar on March 13, 2012. When asked whether the request accommodation would improve the disabled person's ability to perform a major life activity substantially limited by the impairment, Dr. Khandekar checked the "yes" box on the form.
13. The March 6, 2012, letter attached to these forms explained that Complainant [REDACTED] needed a designated area in which to receive therapy and that more space would help alleviate the symptoms of his condition. This letter was signed by Callie Antonelli, a licensed social worker at the Developmental Behavioral Pediatrics Department of Harvard Vanguard Medical Associates.
14. Complainants never received a response to their March 28, 2012, request.
15. On June 14, 2012, Callie Antonelli emailed Respondents MacRitchie and Quinn asking about the status of the request for a unit with an additional bedroom.
16. On June 18, 2012, Roberta Sawtelle, an employee of Respondent Quincy Housing Authority, responded by email, "The Dodge family has been on our 3 bedroom wait list since February 2012; no need for Reasonable Accommodation – family composition places them in 3 bedroom."
17. On June 27, 2012, Ms. Antonelli responded by email to Ms. Sawtelle that she was "very concerned for [her] patient [REDACTED] if he is not able to begin receiving the medically necessary in home therapies."
18. Ms. Antonelli attached a letter to this email. In this letter, Ms. Antonelli wrote, "due to the small living space the family currently resides in, home based therapies cannot be implemented effectively and his developmental progress has suffered."
19. In this letter, Ms. Antonelli further stated that Complainant [REDACTED] had also been evaluated and diagnosed with developmental impairments. Ms. Antonelli wrote, "It

has been recommended that [REDACTED] receive in home therapy, which cannot be implemented because of the small living space”

20. Ms. Antonelli’s letter concluded: “We feel strongly that it is in the best interests of the children and family as a whole that they are placed in a larger housing unit where the children can receive the appropriate therapies and learn to manage their behavioral and developmental needs. If Quincy Housing Authority can provide [REDACTED] with a more appropriate housing placement, he could begin receiving the prescribed medically necessary therapies which would have a significant impact on his developmental progress.”
21. Neither Complainants nor Ms. Antonelli ever received a response to this communication.
22. On July 19, 2012, Ms. Antonelli followed up with Ms. Sawtelle by email stating that no response had been received and asking for an update.
23. Neither Complainants nor Ms. Antonelli ever received a response to this communication.
24. On August 16, 2012, Ms. Antonelli sent a letter to Respondent MacRitchie stating that she was concerned with the lack of a response from Respondents. Ms. Antonelli wrote: “[Ms. Sawtelle] had encouraged me to read the Emergency Case Plan Guidelines and see if the family qualified for an emergency transfer request, which they do. I then wrote a letter in support of this . . . on 6/27/12. Neither myself or the parent heard back . . . so I re-sent the letter on 7/19/12. Still to this day the parent has not heard anything from anyone in your office after several calls. This family needs to be in a more appropriate housing placement immediately or I fear [REDACTED] will continue to not make appropriate developmental progress. Please pay attention to this matter and contact the family.”
25. On November 1, 2012, Ms. Sawtelle informed Complainant [REDACTED] that it would transfer her to a three bedroom apartment, but that she had to vacate her current apartment by Friday, November 9.
26. Complainants moved to the new apartment during the week of November 5, 2012, at their own expense.

D. FAIR HOUSING ACT VIOLATIONS

27. Respondents’ acts and omissions, including Respondent Quincy Housing Authority’s response on June 18, 2012, as well as their failure to respond to enquiries before and after that date, constitute a denial of a request for reasonable accommodation in violation of the Fair Housing Act. 42 U.S.C. § 3604(f)(2); 42 U.S.C. § 3604(1)(3)(B).

28. Respondent Quincy Housing Authority is vicariously liable for the actions and omissions of its agents, Respondents MacRitchie, Respondent Quinn, and Ms. Sawtelle.
29. As a result of the Respondents' actions, Complainants have suffered damages including but not limited to emotional distress, inconvenience, and loss of housing opportunity.

III. CONCLUSION

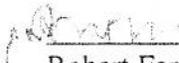
WHEREFORE, the Secretary of Housing and Urban Development, through the Office of the Regional Counsel for New England, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges the Respondents with engaging in discriminatory housing practices in violation of the Fair Housing Act and prays that an order 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. §§ 3601-3619;
2. Enjoins the Respondents from further violations of 42 U.S.C. § 3604(f)(1-3) of the Act;
3. Awards such damages as will fully compensate Complainants for their 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,



Miniard Culpepper
Regional Counsel
for New England



Robert Farrell
Associate Regional Counsel for
Litigation



Christopher C. Ligatti
Attorney

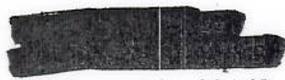
Office of Regional Counsel
Department of Housing and Urban Development
10 Causeway St., Rm. 310
Boston, MA 02222
(617) 994-8250

Date: 11/19/2013

CERTIFICATE OF SERVICE

I hereby certify that the foregoing "Determination of Reasonable Cause" and "Charge of Discrimination" and "Important Notice" in FHEO Case No. 01-12-0338-8 were sent this 19th of November 2012 to the following by United Parcel Service overnight delivery:

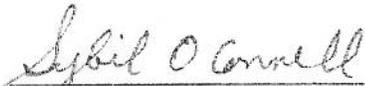
Docket Clerk
Office of Administrative Law Judges
U.S. Department of Housing
and Urban Development
409 3rd Street, SW, Suite 201
Washington, DC 20024


Quincy, MA 02169

Quincy Housing Authority
80 Clay Street
Quincy, MA 02170

Joseph MacRitchie, Executive Director
Quincy Housing Authority
80 Clay Street
Quincy, MA 02170

Robert Quinn, Deputy Executive Director
Quincy Housing Authority
80 Clay Street
Quincy, MA 02170


Sybil O'Connell
Paralegal Specialist
Department of Housing and
Urban Development