

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 Gustavo Velasquez,)
Assistant Secretary of Fair Housing)
and Equal Opportunity,)

FHEO No. 03-13-0258-8

Charging Party)

v.)

[REDACTED])
[REDACTED])
[REDACTED])

HUDALJ No.

Respondents)

The Secretary, United States)
Department of Housing and Urban)
Development, on behalf of Jane Doe 1¹)
and her three minor aggrieved children,)
by and through Jane Doe 1, parent and general)
Guardian,)

FHEO No. 03-13-0234-8

Charging Party)

v.)

[REDACTED])
[REDACTED])
[REDACTED])

HUDALJ No.

Respondents)

The Secretary, United States)
Department of Housing and Urban)

¹ Because of the egregious nature of the violent sexual act endured by Complainant she is identified as "Jane Doe 1" throughout this Charge and the Determination of Reasonable Cause. Jane Doe 1's children are aggrieved parties and include one minor daughter and two minor sons.

Development, on behalf of Jane Doe 2² and her three minor aggrieved children, by and through Jane Doe 2, parent and general Guardian,

Charging Party

v.

[Redacted]

Respondents

The Secretary, United States Department of Housing and Urban Development, on behalf of [Redacted]

Charging Party

v.

[Redacted]

Respondents

The Secretary, United States Department of Housing and Urban Development, on behalf of [Redacted],

Charging Party

v.

[Redacted]

) FHEO No. 03-13-0233-8

) HUDALJ No.

) FHEO No. 03-14-0109-8

) HUDALJ No.

) FHEO No. 03-14-0119-8

) HUDALJ No.

² Because of the egregious nature of the violent sexual act endured by Complainant she is identified as "Jane Doe 2" throughout this Charge and the Determination of Reasonable Cause. Jane Doe 2's children are aggrieved parties and include two minor daughters and one minor son.

[REDACTED]
 Respondents
 The Secretary, United States
 Department of Housing and Urban
 Development, on behalf of [REDACTED]
 [REDACTED] and her minor aggrieved daughter,
 by and through [REDACTED], parent and general
 Guardian,
 Charging Party
 v.
 [REDACTED]
 Respondents

FHEO No. 03-13-0183-8

HUDALJ No.

CHARGE OF DISCRIMINATION

I. JURISDICTION

Complainant Jane Doe 1 filed a verified complaint³ with the U.S. Department of Housing and Urban Development (HUD or the Department) on or about May 4, 2013 as amended on July 22, 2014, alleging that [REDACTED] committed discriminatory housing practices on the basis of sex (female) against her and her minor children in violation of Sections 804(b) and 818 of the Fair Housing Act, as amended in 1988, 42 U.S.C. §§ 3601, *et seq.* (2014) (the Act).

Complainant Jane Doe 2 filed a verified complaint⁴ with the Department on or about May 4, 2013 and amended on July 24, 2014, alleging that [REDACTED] committed discriminatory housing practices on the basis of sex (female) against her and her minor children in violation of Sections 804(b) and 818 of the Act.

³ The complaint was dual filed with HUD and the State of West Virginia Human Rights Commission (Commission) and referred to the Commission for investigation. On January 23, 2014, HUD reactivated the case.

⁴ The complaint was dual filed with HUD and the State of West Virginia Human Rights Commission (Commission) and referred to the Commission for investigation. On January 23, 2014, HUD reactivated the case.

⁵ Complainant Jane Doe 2's amended complaint named [REDACTED] as a Respondent.

Complainant [REDACTED] (Complainant [REDACTED]) filed a verified complaint with the Department on or about February 14, 2014 which was amended July 23, 2014, alleging that [REDACTED] committed discriminatory housing practices on the basis of sex (female) in violation of Sections 804(b) and 818 of the Act.

Complainant [REDACTED] (Complainant [REDACTED]) filed a verified complaint with the U.S. Department on or about February 20, 2014, alleging that [REDACTED] committed discriminatory housing practices on the basis of sex (female) in violation of Subsections 804(b), 804(c) and Section 818 of the Act.

Complainant [REDACTED] (Complainant [REDACTED]) filed a verified complaint with the West Virginia Human Relations Commission on or about March 27, 2013⁶ and amended on July 26, 2014, alleging that [REDACTED] committed discriminatory housing practices on the basis of sex (female) against her and her minor child in violation of Subsections 804(b) and 804(c) of the Act.

Complainant HUD's Assistant Secretary for Fair Housing and Equal Opportunity⁷ (Complainant Secretary) filed a verified complaint with the Department on or about May 17, 2013, alleging that Respondents⁸ [REDACTED] committed discriminatory housing practices on the basis of sex (female) in violation of Subsections 804(b) and Section 818 of the Act.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination on behalf of aggrieved persons 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 that authority to the General Counsel (24 C.F.R. §§ 103.400 and 103.405 (2012)), who has re delegated the authority to the Regional Counsel. 76 Fed. Reg. 42463, 42465 (July 18, 2011).

By a Determination of Reasonable Cause issued contemporaneous with this Charge, the Region III Director, Office of Fair Housing and Equal Opportunity (FHEO), on behalf of the Assistant Secretary for FHEO, has determined that reasonable cause exists to believe that discriminatory housing practices have occurred based on sex and has authorized and directed the issuance of this Charge. 42 U.S.C. § 3610(g)(2).

⁶ The complaint was dual filed with HUD and on January 23, 2014, HUD reactivated the case.

⁷ The Assistant Secretary for Fair Housing and Equal Opportunity was John Trasviña when the complaint was filed, however, the current Assistant Secretary for Fair Housing and Equal Opportunity is Gustavo Velasquez.

⁸ The Secretary's complaint named the following additional Respondents: [REDACTED]

Based upon the limited scope of its investigation, HUD found no reasonable cause to believe that Respondents [REDACTED]

[REDACTED] committed discriminatory practices.

II. SUMMARY OF THE ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaints and as set forth in the aforementioned Determinations of Reasonable Cause, [REDACTED] are charged with discriminating against Complainants based on sex in violation of 42 U.S.C. §§ 3604(a), (b), (c) and 3617 as follows:

A. Applicable Federal Law

1. It is unlawful to discriminate against any person by making unavailable or denying a dwelling because of sex. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50, 100.60 and 100.70. Such discrimination includes threatening the eviction of a tenant on the receipt of sexual favors, including in instances where the tenant engages in coerced sexual activity in order to avoid eviction.
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 sex. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2) and 100.65(a).
3. It is unlawful to make any statement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on sex, 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 (b).
4. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of any right granted or protected by Section 3604 of the Act. 42 U.S.C. § 3617; 24 C.F.R. §§ 100.400(b) and (c)(2).
5. Pursuant to the Act, "Complainant" means any person, including the Assistant Secretary of HUD, who claims to have been injured by a discriminatory housing practice and files a complaint. 42 U.S.C. § 3602(i); 24 C.F.R. §§ 103.9 and 100.20.
6. Pursuant to the Act, the Assistant Secretary for Fair Housing and Equal Opportunity, on behalf of the Secretary of HUD, may file a complaint alleging discrimination based upon information that one or more discriminatory housing practices has occurred. 42 U.S.C. §§ 3602(j) and 3610(a)(1)(A)(iii); 24 C.F.R. §§ 103.9 and 103.204(a).
7. Pursuant to the Act, an "aggrieved person" includes any person who claims to have been injured by a discriminatory housing practice. 42 U.S.C. § 3602(i); 24 C.F.R. § 100.20.

[REDACTED]

15. Complainant Jane Doe 1 is a single female who has resided at [REDACTED] since [REDACTED] with her three minor children. Complainant Jane Doe 1 is a Section 8 voucher holder. Complainant Jane Doe 1 is actively seeking to leave [REDACTED]
16. Complainant Jane Doe 1's three minor children live with their mother in [REDACTED] and are aggrieved persons.
17. Complainant Jane Doe 2 is a single female who has resided at [REDACTED] since [REDACTED] with her three minor children. Complainant Jane Doe 2 is a Section 8 voucher holder.
18. Complainant Jane Doe 2's three minor children live with their mother in [REDACTED] and are aggrieved persons.
19. Complainant [REDACTED] is a single female who has resided at [REDACTED] since [REDACTED]. Complainant [REDACTED] is a Section 8 voucher holder.
20. Complainant [REDACTED] is a single female who has resided at [REDACTED] [REDACTED]. Complainant [REDACTED] is a Section 8 voucher holder.
21. Complainant [REDACTED] is a single female who resided at [REDACTED] [REDACTED] with her minor child until approximately [REDACTED]. Complainant [REDACTED] is a Section 8 voucher holder.
22. Complainant [REDACTED] minor child lived with her mother at [REDACTED] and is an aggrieved person.
23. The Assistant Secretary for Fair Housing and Equal Opportunity, on behalf of the Secretary of HUD, filed a HUD complaint that gives rise to this Charge alleging discrimination on the basis of sex.
24. All individuals subjected to sexual harassment at [REDACTED] by Respondents are aggrieved persons as defined by the Act. 42 U.S.C. § 3602(i) and 24 C.F.R. § 100.20.

C. FACTUAL ALLEGATIONS

25. In late January 2013, staff from the [REDACTED] notified HUD that several female Section 8 beneficiaries who were living at an apartment complex called [REDACTED] were experiencing sexual harassment.

Complainant Jane Doe 1

26. Soon after Complainant Jane Doe 1 moved into her apartment at [REDACTED], Respondent [REDACTED] began sending her unwelcome, offensive, and sexually suggestive text messages on her cellular phone. The messages included statements that he wanted to "hit that." Complainant Jane Doe 1 has never given Respondent [REDACTED] her cell phone number.
27. On or about [REDACTED], Respondent [REDACTED] entered Complainant Jane Doe 1's locked apartment without her permission and entered Jane Doe 1's bedroom. Complainant Jane Doe 1's four year old child lay asleep in Jane Doe 1's bedroom and her other two minor children were elsewhere in the apartment. Startled and frightened, Complainant Jane Doe 1 asked Respondent [REDACTED] how he got into her apartment and why he was there. Respondent [REDACTED] replied, "you know why I'm here" and told her that he has keys to everyone's apartments. Respondent [REDACTED] demanded that Complainant Jane Doe 1 participate in a violent sexual act and told her he could deprive her of her Section 8 voucher and have her evicted if she refused.
28. Under threat of losing her housing for herself and her children and fearful of waking her children, Complainant Jane Doe 1 was forced to succumb to [REDACTED] [REDACTED] unwelcome, violent, and coercive demands. Complainant's action was not consensual. Complainant Jane Doe 1's four-year old daughter remained asleep in the bedroom while the violent sexual act took place.
29. The following morning, Complainant Jane Doe 1's [REDACTED] son came to her expressing fear and asked what that man had been doing in their apartment.
30. On several other occasions Respondent [REDACTED] threatened to have Complainant Jane Doe 1's Section 8 voucher revoked. He made those threats orally and via text message.
31. On one occasion prior to the violent sexual act, Respondent [REDACTED] touched Complainant Jane Doe 1 in a sexual and unwelcome way while he was in her unit to inspect or fix something.
32. Complainant Jane Doe 1 reported the violent sexual act to several individuals including her Section 8 caseworker at [REDACTED].
33. Complainant Jane Doe 1 told Respondent [REDACTED] that Respondent [REDACTED] [REDACTED] had sexually harassed her but she did nothing about it.
34. As a result of Respondent [REDACTED]'s unwelcome sexual conduct and comments, Complainant Jane Doe 1 experiences persistent fear, agitation and vigilance. Since the September 9 incident, Complainant Jane Doe 1 has had trouble sleeping and has persistent nightmares of Respondent [REDACTED] entering

her bedroom and demanding sexual favors. Complainant Jane Doe 1 requested that a lock be installed on her apartment door with a new key so that Respondent [REDACTED] could never again enter her unit.

35. As a result of Respondent [REDACTED]'s threats of eviction and unwelcome sexual conduct and comments, Complainant Jane Doe 1 feared losing her Section 8 voucher and the housing where she and her children lived.
36. As a result of Respondent [REDACTED]'s unwelcome sexual conduct, sexually suggestive texts and statements, Complainant Jane Doe 1 and her three minor children experienced a severe, pervasive and persistently hostile housing environment which interfered with the quiet enjoyment of her housing and as a result, they suffered damages including but not limited to emotional distress, embarrassment, humiliation, degradation, and trauma.

Complainant Jane Doe 2

37. In or around January 2012, soon after Respondent [REDACTED] became site manager for [REDACTED] Complainant Jane Doe 2 met with Respondent [REDACTED] because she was behind in her rent payments. At this meeting, Respondent [REDACTED] made sexually suggestive remarks to her, asked if she had a boyfriend, and asked her about her sex life. Respondent [REDACTED] asked her to pull up the back of her shirt. As she walked toward the door, Respondent [REDACTED] examined her backside and said that he'd like to "hit that." Complainant Jane Doe 2 was very uncomfortable with Respondent [REDACTED]'s comments and behavior and believed she was powerless because of [REDACTED]'s control over her housing.
38. Soon after this meeting Complainant Jane Doe 2 began receiving sexually suggestive and explicit text messages from Respondent [REDACTED]. Complainant Jane Doe 2 had not given Respondent [REDACTED] her phone number.
39. Soon after the meeting described in paragraph 37, Respondent [REDACTED] began to stalk Complainant Jane Doe 2. Respondent [REDACTED] repeatedly attempted to meet with her and came to Complainant Jane Doe 2's door on several occasions. Because of her rental delinquencies, Complainant Jane Doe 2 was afraid to offend Respondent [REDACTED] and did not complain about the unwelcome sexual messages and his unwelcome sexual pursuit of her.
40. Late one night, while her rent was still unpaid in February 2012, Complainant Jane Doe 2 received a demand from Respondent [REDACTED] to meet him in his car [REDACTED]. Complainant Jane Doe 2 understood this demand to be a demand for sexual favors. Complainant Jane Doe 2 met him as demanded and got into his car. When Respondent [REDACTED] began driving, Complainant Jane Doe 2 told him that she did not want to have sex with him.

Respondent [REDACTED] told her that he would make her lose her voucher and make her and her children homeless if she did not perform a sexual act. Under threat of losing her housing for herself and her children, Complainant Jane Doe succumbed to [REDACTED] unwelcome demands. Complainant Jane Doe 2's coerced action was not consensual.

41. In March 2012, after receiving her tax refund check, Complainant Jane Doe paid her back rent. Although Respondent [REDACTED] continued to text her suggestive messages until June 2012, the intensity of the sexual harassment diminished after her back rent was paid.
42. On one occasion when Respondent [REDACTED] was in Complainant Jane Doe 2's apartment on a maintenance call, he exposed himself to her and asked if she "wanted some of this."
43. As a result of the unwelcome sexual conduct and comments of Respondents [REDACTED] and [REDACTED], Complainant Jane Doe 2 has experienced emotional distress, embarrassment, humiliation, and trauma.
44. As a result of Respondent [REDACTED]'s threats of eviction and unwelcome sexual conduct and comments, Complainant Jane Doe 2 has feared losing her Section 8 voucher and housing.
45. As a result of Respondent [REDACTED]'s unwelcome sexual conduct, sexually suggestive texts and statements and the unwelcome sexual conduct of Respondent [REDACTED], Complainant Jane Doe 2 and her three minor children have experienced a hostile and burdensome housing environment that is significantly less desirable than if the conduct had not occurred, and, consequently, they have suffered damages including but not limited to emotional distress, embarrassment, humiliation, and trauma.

Complainant [REDACTED]

46. In early March 2013, Complainant [REDACTED] requested maintenance of her toilet. In response to the maintenance request Respondent [REDACTED] arrived at Complainant [REDACTED] apartment and she showed him into the bathroom where the toilet was constantly running. At one point when Respondent [REDACTED] backed away from the toilet to get some tools Complainant leaned in to look into the toilet. Complainant [REDACTED] heard a noise behind her and turned to observe Respondent [REDACTED] exposing himself. Complainant [REDACTED] told Respondent [REDACTED] to get out of her apartment and attempted to push him down the hall and out the door. While she was pushing Respondent [REDACTED] down the hall, he grabbed a piece of paper and stated that [REDACTED] will need him so he was going to leave his number. Complainant [REDACTED] told Respondent [REDACTED], "It's time for you to go."

47. As a result of Respondent [REDACTED]'s unwelcome sexual conduct, Complainant [REDACTED] has experienced emotional distress, embarrassment, humiliation, and trauma.

Complainant [REDACTED]

48. [REDACTED], soon after Respondent [REDACTED] became site manager for [REDACTED], when Complainant [REDACTED] went to the [REDACTED] rental office to make her rent payment, Respondent [REDACTED] asked her to expose her breasts to him.

49. After her visit to the rental office, Respondent [REDACTED] began regularly sending obscene and overtly sexual text messages to Complainant [REDACTED] on her cell phone. Respondent [REDACTED] sent Complainant sexually explicit pictures of himself over the phone and told her he wanted to have sex with her. Respondent [REDACTED] would call Complainant [REDACTED] at all hours of the night asking to have sexual encounters with her. Complainant [REDACTED] had not given Respondent [REDACTED] her phone number.

50. Respondent [REDACTED] would walk around [REDACTED] at all hours of the night, knock on her door and sometimes look in her windows. One night Respondent [REDACTED] knocked on her door and when Complainant [REDACTED] allowed him into her unit, he exposed himself to her.

51. After the incident described in paragraph 48, Complainant [REDACTED] stopped going to the rental office and avoided leaving her unit for fear of running into Respondent [REDACTED]. Complainant [REDACTED] paid her rent by placing it in the slot outside of the office rather than encounter [REDACTED].

52. Respondent [REDACTED] came to her unit to do repairs on her air conditioning unit. During this maintenance call, Respondent [REDACTED] asked her questions of a sexual nature and requested that she remove her shirt, whereupon she asked him to leave.

53. Complainant [REDACTED] was afraid to tell anyone about the incidents and believed it was futile to do anything about the sexual harassment because the person who managed the property at the time was Respondent [REDACTED]. Complainant [REDACTED] believed it would be useless to report the sexual harassment because Respondent [REDACTED]

Complainant [REDACTED]

54. On or about November [REDACTED], 2012, Respondent [REDACTED] went to Complainant [REDACTED] apartment to fix a kitchen light bulb. When [REDACTED] removed the burnt-out bulb, he held it out in front of his genitals in a suggestive way and asked

Complainant [REDACTED], "do you think it's long enough?" Complainant ignored his comment, and he continued to complete the work order. Later that day, Respondent [REDACTED] sent Complainant a text message stating, "Can I put a work Order in for you to do me?" Complainant [REDACTED] had never given Respondent [REDACTED] her phone number.

55. On or about November [REDACTED] 2012, Complainant [REDACTED] called [REDACTED] [REDACTED] site manager and left a voice mail message complaining about the sexual harassment by the Respondent [REDACTED] [REDACTED]. [REDACTED] did not call Complainant back for a few weeks. When she did, Complainant [REDACTED] told [REDACTED] [REDACTED] about the unwanted and inappropriate sexual advances and harassment by [REDACTED]. Despite this complaint of sexual harassment, no action was taken to stop the harassment.
56. As a result of Respondent [REDACTED]'s unwelcome sexual advances, Complainant [REDACTED] did not seek needed maintenance for fear of a repeat of the offensive behavior.
57. As a result of Respondent [REDACTED]'s unwelcome sexual advances, Complainant [REDACTED] was fearful about leaving her daughter alone in the apartment. Complainant lost her job due to absences directly related to her fears relating to Respondent [REDACTED]'s sexual harassment and leaving her daughter home alone.
58. As a result of the unwelcome sexual conduct and comments of Respondent [REDACTED] [REDACTED], Complainant [REDACTED] has experienced emotional distress, embarrassment, humiliation, and trauma.
59. As a result of the unwelcome sexual conduct, sexually suggestive texts and statement of Respondent [REDACTED], Complainant [REDACTED] has experienced a hostile and burdensome housing environment that is significantly less desirable than if the conduct had not occurred, and, consequently, she has suffered damages including but not limited to emotional distress, embarrassment, humiliation, and trauma.

Secretary:

60. Female tenants at [REDACTED] experienced unwelcome, explicit sexual comments and sexual acts by Respondents [REDACTED], sometimes conditioning their tenancy or housing benefits or housing-related services on the receipt of sexual favors from the tenants.
61. Respondents [REDACTED] created a hostile environment for female tenants living at [REDACTED] by requiring the exchange of sexual favors for housing benefits and housing-related services and by making unwelcome, sexually suggestive or explicit statements to female tenants in person or by text. As a result of this hostile environment, female tenants experienced emotional

distress, embarrassment, fear, humiliation, degradation, and trauma.

General:

62. At all times relevant to this action, Respondents [REDACTED] have provided Respondent [REDACTED] for its properties, with the actual or apparent authority to collect rents and fees, to make repairs to tenants' apartments, to use keys to access tenants' apartments, to charge tenant fees for repairs or other issues related to their housing, and to evict tenants or otherwise enforce lease provisions.
63. At all times relevant to this action, Respondents [REDACTED] have provided Respondent [REDACTED], maintenance employee [REDACTED], with the actual or apparent authority to make repairs to tenants' apartments and to use keys to access tenants' apartments.
64. In or around August 2012, Respondent [REDACTED] was put on notice of Respondent [REDACTED] sexually harassing conduct by [REDACTED], site manager who was supervised by [REDACTED] and had reported that Respondent [REDACTED] was sexually harassing her. The [REDACTED] site manager met with Respondent [REDACTED] President, [REDACTED], and Vice President to describe the sexual harassment in detail. Instead of removing Respondent [REDACTED] from a position of authority, Respondent [REDACTED] moved the female site manager to another property.
65. On or about November 17, 2012, Respondent [REDACTED] was put on notice that Respondent [REDACTED] was sexually harassing a female tenant.
66. Respondent [REDACTED] did nothing to address the allegations of sexual harassment until May of 2013. In May 2013 Respondent [REDACTED] did an investigation into complaints of sexual harassment by Respondents [REDACTED] and [REDACTED].
67. Respondents [REDACTED] are closely held organizations run by [REDACTED]. Respondent [REDACTED] made management decisions for [REDACTED] in accordance with its management agreement.
68. When taking the actions alleged above, Respondent [REDACTED] was acting within the scope of his authority as District Manager [REDACTED] on behalf of Respondents [REDACTED].
69. When taking the actions alleged above, Respondent [REDACTED] was acting within the scope of his authority as a maintenance employee at [REDACTED] on behalf of Respondents [REDACTED].

70. Upon information and belief Respondents [REDACTED] abused their authority by, among other things, obtaining and/or using tenant phone numbers and obtaining and using keys to tenants' apartments to sexually harass them.
71. The discriminatory incidents described above occurred while Respondent [REDACTED] was exercising authority [REDACTED], including but not limited to collecting rent, using keys given to him by Respondents [REDACTED] to enter apartments, making repairs to units and/or enforcing lease provisions.
72. The discriminatory incidents described above occurred while Respondent [REDACTED] was exercising authority as [REDACTED]. As [REDACTED] manager she was responsible for managing and overseeing the rental and maintenance activities at [REDACTED]. As an agent for Respondents [REDACTED], Respondent [REDACTED] had a duty to report problems at [REDACTED] to Respondent [REDACTED], including complaints of sexual harassment. Respondent [REDACTED] received sexual harassment complaints and had the authority to take preventive and corrective action to address them, yet she failed to take reasonably act to stop the sexual harassment [REDACTED].
73. Respondents [REDACTED] are liable for the actions of their agent, [REDACTED]. Respondents [REDACTED] hired [REDACTED] to serve as site manager at [REDACTED] for twenty-two of its properties. Respondents [REDACTED] by and through its officers and partners, knew or should have known of the discriminatory conduct of its agent [REDACTED], and had the authority to take preventive and corrective action, yet failed to take reasonable preventive or corrective measures.
74. Respondents [REDACTED] are liable for the actions of their agent, [REDACTED]. Respondents [REDACTED] hired [REDACTED] to perform maintenance duties at [REDACTED]. Respondents [REDACTED] knew or should have known of the discriminatory conduct of its agent, [REDACTED], and had the authority to take preventive and corrective action, yet failed to take reasonable preventive or corrective measures.
75. Respondents [REDACTED] are liable for the actions of their agent, [REDACTED]. Respondents [REDACTED] hired [REDACTED] to serve as site manager at [REDACTED]. Respondents [REDACTED], by and through its officers and partners, knew or should have known that [REDACTED], their agent and site manager, was not reporting and/or addressing the sexual harassment complaints of female tenants at [REDACTED]. Respondent [REDACTED] had the authority to take preventive and corrective action, yet failed to take reasonable preventive or corrective measures to end the sexual harassment at [REDACTED].

76. Respondents [REDACTED] knew about complaints of sexual harassment by its agents Respondents [REDACTED] for almost a year before it did anything to address them. Respondents [REDACTED] did not begin to investigate the sexual harassment complaints occurring at [REDACTED] until sexual harassment complaints were filed against them.
77. Respondents [REDACTED] are vicariously liable for the actions of their agents, [REDACTED].

C. Fair Housing Act Violations

78. Since at least January 2012 through June 2013, Respondent [REDACTED] has subjected female tenants at [REDACTED], including Complainants Jane Doe 1, Jane Doe 2, [REDACTED] to discrimination on the basis of sex, including severe, pervasive and unwelcome sexual harassment in violation of Subsections 804(a), 804(b), 804(c) and Section 818 of the Fair Housing Act, on multiple occasions. Such conduct has included, but is not limited to:
- a. Making unwelcome sexual comments, unwelcome sexual gestures, and unwelcome sexual advances to female tenants, including subjecting female tenants to unwanted sexual touching and other unwanted sexual acts;
 - b. Sending unwelcome texts and pictures of a sexual nature to female tenants;
 - c. Exposing his body in a sexual manner in the presence of female tenants;
 - d. Entering the residences of female tenants without permission or notice;
 - e. Conditioning or offering tangible housing benefits in exchange for sexual acts; and
 - f. Taking adverse housing actions, or threatening to take such actions, against female tenants who have objected to and/or would not continue to grant sexual favors.
79. Since working at [REDACTED], Respondent [REDACTED] has subjected female tenants at [REDACTED], including Complainants Jane Doe 2, [REDACTED] to discrimination on the basis of sex, including severe, pervasive and unwelcome sexual harassment in violation of Subsections 804(b), 804(c) and Section 818 of the Fair Housing Act, on multiple occasions. Such conduct has included, but is not limited to:
- a. Making unwelcome sexual comments, unwelcome sexual gestures, and unwelcome sexual advances to female tenants, including subjecting female tenants to unwanted sexual touching and other unwanted sexual acts;
 - b. Sending unwelcome texts and pictures of a sexual nature to female tenants;
 - c. Exposing his body in a sexual manner in the presence of female tenants;
80. By the actions and statements described above, Respondents have discriminated by making unavailable or denying dwellings in violation of 42 U.S.C. § 3604(a).

81. By the actions and statements described above, Respondents have discriminated in the terms, conditions and privileges of the rental of dwellings, or in the provision of services or facilities in connection therewith, because of sex, in violation of 42 U.S.C. § 3604(b).
82. By the actions and statements described above, Respondents have made statements with respect to the rental of dwellings that indicate a preference, limitation or discrimination based on sex, in violation 42 U.S.C. § 3604(c); and
83. By the actions and statements described above, Respondents have coerced, intimidated, threatened, or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights granted or protected by Section 804 of the Fair Housing Act, in violation of 42 U.S.C. § 3617.
84. Respondents' egregious, severe, and pervasive conduct described above constitutes the denial of rights by a group of persons protected by the Fair Housing Act which raises an issue of general public importance.
85. Female tenants, Complainants Jane Doe 1, Jane Doe 2, [REDACTED] and persons associated with them have been injured by Respondents' discriminatory conduct. Such persons are aggrieved persons as defined in 42 U.S.C. § 3602(i), and have suffered damages as a result of Respondents' conduct
86. Respondents' conduct was intentional, willful, and/or taken in reckless disregard of the rights of others.

III. CONCLUSION

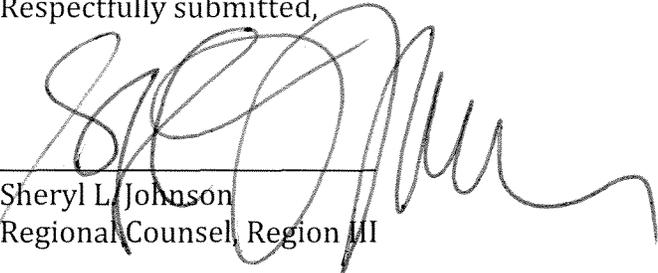
WHEREFORE, the Secretary of HUD, through the Office of the General Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(b), 3606(c) and 3617, and prays that an order be issued that:

1. Declares that the discriminatory housing practices of the Respondents, as set forth above, violate the Act, 42 U.S.C. §§ 3601 *et seq.*;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them from retaliating or discriminating because of sex against any person in any aspect of the rental of a dwelling;
3. Awards such damages as will fully compensate Complainants and their aggrieved minor children and all other aggrieved female tenants at [REDACTED] who were subjected to sexual harassment for their damages caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. § 3612(g)(3); and

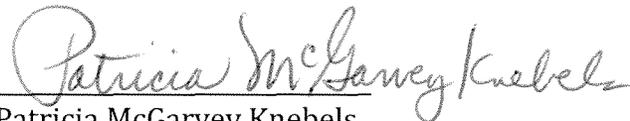
4. Awards a \$16,000 civil penalty against each Respondent for each violation of the Act they are found to have committed pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.671.

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

Respectfully submitted,



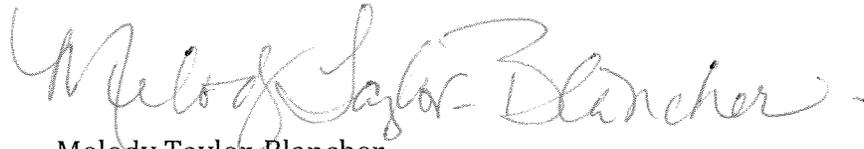
Sheryl L. Johnson
Regional Counsel, Region III



Patricia McGarvey Knebel
Trial Attorney, Region III
U.S. Department of Housing and
Urban Development
Office of Regional Counsel
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3380
Telephone: (215) 430-6664
Fax: (215) 656-3446

Date: September 30, 2014

United States Department of Housing and Urban Development
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107



Melody Taylor-Blancher
FHEO Director
HUD Region III

September 30, 2014