

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. 03-14-0314-8
	:	
William Schopf and SHK, LLC,	:	
	:	
Respondents	:	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On May 15, 2014, Complainant Fair Housing Council of Suburban Philadelphia (Complainant) filed a complaint with the United States Department of Housing and Urban Development (HUD), alleging that Respondent William Schopf was 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 16, 2015, the complaint was amended to add SHK, LLC as a Respondent.

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, who has redelegated the authority to the Regional Counsel. 24 C.F.R. §§ 103.400 and 103.405; 76 Fed. Reg. 42463, 42465 (July 18, 2011).

The Regional Director of the Office of Fair Housing and Equal Opportunity 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 William Schopf and SHK, LLC (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).
2. 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).
3. "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.

B. Parties and Properties

1. Complainant Fair Housing Council of Suburban Philadelphia (now called the Housing Equality Center) is a private, non-profit organization working to eliminate housing discrimination through education, advocacy and enforcement of fair housing laws. 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. Respondent SHK, LLC owns the rental unit located at [REDACTED] Allentown, Pennsylvania (the "subject property"). The subject property is a dwelling, as defined by the Act. 42 U.S.C. 3602(b).
4. Respondent William Schopf handled the rental of the subject property in May and June of 2013. Respondent Schopf posted advertisements, responded to phone calls from prospective tenants, and showed the subject property to prospective tenants.

C. *Factual Allegations*

1. On or about May 16, 2013, Respondent Schopf posted an advertisement on *craigslist.com* for rental of the subject property. The advertisement stated: "Not good for young children." The advertisement was updated on May 28, 2013.
2. On May 24, 2013, Complainant's Test Coordinator, [REDACTED], called the telephone number provided in the advertisement and confirmed that the apartment was still available and being shown. She then prepared a paired test for the property.
3. On May 28, 2013, Tester #1, representing a single woman with a two-year-old daughter, called the telephone number provided in the advertisement and spoke to Respondent Schopf. Tester #1 mentioned the language in the advertisement indicating that the apartment was not good for children, and explained that she lived with her two-year-old daughter. Tester #1 then asked Respondent Schopf if he would work with her. Respondent Schopf replied that he would not work with Tester #1 because the apartment was located above a construction business and the entrance was near the area where trucks entered and exited the business property. He stated that the apartment was good for adults, but was dangerous and not good for a two-year-old. Tester #1 did not view the subject property.
4. On May 24, 2013, Tester #2, representing a married man without children, called Respondent Schopf to inquire about the advertised apartment. During their conversation, Respondent Schopf told Tester #2 that he was looking to rent the subject property to a single person or two persons. They agreed that Tester #2 would view the property on May 28, 2013.
5. On May 28, 2013, Tester #2 met with Respondent Schopf and viewed the subject property. Respondent Schopf asked Tester #2 who would be living at the subject property, and whether he had children. Tester #2 stated that he and his wife would be living at the subject property, and that he did not have children. Respondent Schopf told Tester #2 that he did not want "kids" at the property because they would play on the lot and because there would be truck traffic from his business.
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 initiated a fair housing education campaign to counteract Respondents' discriminatory actions. The resources expended for these activities 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).
2. With the following statements, 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): that the apartment was good for adults, but was dangerous and not good for a two-year-old; and that Respondent Schopf did not want “kids” at the property because they would play on the lot and because there would be truck traffic from his business.
3. By publishing advertisements which contained the phrase, “Not good 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).

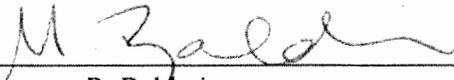
III. CONCLUSION

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) and (c), and requests that an order be issued that:

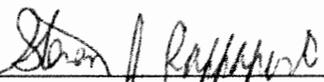
1. Declares that Respondents’ discriminatory housing practices, as set forth above, violate Sections 3604(a) and (c) of the Fair Housing Act, 42 U.S.C. §§ 3604(a) and (c);
2. Enjoins Respondents and all other persons in active concert or participation with them from discriminating against any person 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;

5. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3).

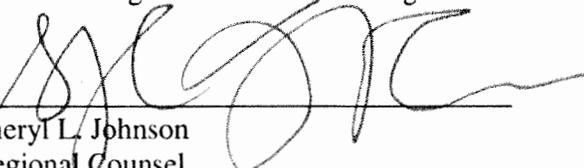
Respectfully submitted on this 21st day of July, 2015



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