

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 Victoria Bell, Charles Bell, and Carolyn	)	
Jackson,	)	
	)	
Charging Party,	)	
	)	FHEO No. 09-02-0554-8
v.	)	
	)	
Grand Canyon Enterprises, Inc., Anita	)	
Grabowski,	)	
	)	
Respondents.	)	
_____	)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On June 25, 2002, Victoria Bell, Charles Bell, and Carolyn Jackson (“Complainants”) filed a verified complaint with the United States Department of Housing and Urban Development (“HUD”). The Complainants allege that Respondents, Grand Canyon Enterprises, Inc., Anita Grabowski, and Paul Grabowski discriminated against Complainants on the basis of race, color, and handicap, by failing to negotiate for and rent an apartment to Complainants, and by making discriminatory statements all in violation of the Fair Housing Act (“the Act”). 42 U.S.C. 3601-3619.

Paragraphs 810(g)(1) and (2) of the Act authorize issuance of a charge of discrimination on behalf of an aggrieved person following investigation and determination that reasonable cause exists to believe a discriminatory housing practice occurred. 42 U.S.C. Section 3610(g)(1) and (2).

By Determination of Reasonable Cause of September 28, 2004, HUD determined that reasonable cause exists to believe Respondents committed a discriminatory housing practice based on race, color, and handicap in violation of the Act, thereby authorizing and directing this Charge of Discrimination.

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

Based on HUD's investigation of the filed complaint and the Determination of Reasonable Cause, Respondents are charged with discriminating against Complainants based on race, color, and disability in violation of 42 U.S.C. 3604 Sections (a), (b), (c) and (f). The following allegations support this Charge:

1. It is unlawful to refuse to negotiate for the rental of, make unavailable, or deny, a dwelling to a person, or engage in any conduct relating to the provision of housing, facilities or services in connection therewith, that makes unavailable or denies dwellings to persons because of race or color. 42 U.S.C. 3604(a).
2. It is unlawful to discriminate against any person in the terms, conditions or privileges of rental of a dwelling because of race or color. 42 U.S.C. 3604(b).
3. It is unlawful to make a statement regarding the rental of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any such preference, limitation or discrimination because of disability, race or color. 42 U.S.C. 3604(c). These prohibitions extend to all oral notices or statements by a person engaged in the rental of a dwelling. 24 C.F.R. 100.75(b). Prohibited practices include using words or phrases that convey that dwellings are unavailable to persons because of race or color, and expressing to prospective renters a preference for or limitation on any renter because of disability, race or color. 24 C.F.R. 100.75(c)(1) and (2).
4. It is unlawful to discriminate in the sale or rental, make unavailable or deny, a dwelling to any buyer or renter because of a disability of that buyer or renter; a person residing or intending to reside in that dwelling after it is so sold, rented, or made available; or any person associated with that buyer or renter. 42 U.S.C. 3604(f)(1).
5. 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 dwelling, because of a disability of that person; a person residing in or intending to reside 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).
6. As used in Section 3602(h) of the Act, a disabled person has a mental or physical impairment that substantially limits one or more major life activity or is a person regarded as having such an impairment. 42. U.S.C. 3602(h)(1) and (3).
7. Complainant, Victoria Bell, is an African-American female who, at all

times relevant, suffered from End-Stage Renal Disease and was undergoing dialysis treatment three times per week as treatment. Mrs. Bell is a disabled person under the Act.

8. Complainant, Charles Bell, is an African-American male who, at all times relevant, used a mobile oxygen unit, and suffered from congestive heart failure, diabetes, and several other medical conditions affecting his ability to walk. Mr. Bell is a disabled person under the Act.
9. Complainant, Carolyn Jackson, is an African-American female. Ms. Jackson is Mrs. Bell's mother, and was planning to reside with the Bells at the subject property.
10. Respondent, Grand Canyon Enterprises, Inc., is a corporation. At all times relevant, Respondent owned the subject property, a seven-unit apartment building at 750 Moran Street, Reno, Nevada.
11. Respondent Anita Grabowski is one of two shareholders of Grand Canyon Enterprises, Inc. Ms. Grabowski is also the property manager for the subject property.
12. On or about April 22, 2002, the Complainants, Mrs. Bell, Mr. Bell, and Ms. Jackson, learned of an available two-bedroom apartment at 750 Moran Street, Unit F, from a Caucasian friend who resided there, Lanie Stovall. On or about April 22, 2002, the Complainants went to view the available apartment.
13. Complainants Mrs. Bell, Mr. Bell, and Ms. Jackson met Respondent, Anita Grabowski, in front of the apartment complex. While viewing the apartment, Mrs. Bell told Ms. Grabowski that the location of the apartment building was great because Mrs. Bell is on kidney dialysis and can walk to the hospital, Washoe Medical Center. Mr. Bell also used his mobile oxygen tank while viewing the apartment.
14. After viewing the apartment, Ms. Grabowski told Complainants to submit their rental application through Lanie Stovall. Complainants completed the application and left it with Ms. Stovall.
15. On or about April 23, 2002, Ms. Stovall gave Complainants' rental application to Ms. Grabowski. Ms. Grabowski regarded the Bells as disabled, and told Ms. Stovall that the Bells were "too sickly" to live in the apartment. Ms. Grabowski said Mr. Bell barely made it up the stairs and that Ms. Grabowski did not "want to deal" with whatever is wrong with Mr. Bell.

16. Ms. Grabowski also told Ms. Stovall “I’m not prejudiced, but I prefer not to rent to Black people.” Ms. Stovall then saw Ms. Grabowski throw Complainants’ application into the trash.
17. On or about April 23, 2002, Mrs. Bell, telephoned Ms. Grabowski about the status of the application. Ms. Grabowski told Mrs. Bell that she and Mr. Bell are too sick to live in the unit. Ms. Stovall later told the Bells that Ms. Grabowski said the Bells were too sick to live in the unit, and that Ms. Grabowski prefers not to rent to African-Americans.
18. HUD’s investigation revealed that Ms. Grabowski, also made similar discriminatory statements to two witnesses, stating Ms. Grabowski’s preference not to rent to Blacks or Mexicans.
19. HUD’s investigation disclosed that Respondent Anita Grabowski did not always require potential tenants to complete rental applications. The investigation also revealed that, in the past, Ms. Grabowski rented units to applicants on the spot, and did not always check references.
20. On or about April 25, 2002, Complainants saw a rental advertisement for the vacant apartment in the Reno Gazette.
21. HUD’s investigation revealed that in or about May, 2002, two Caucasian men moved into the apartment Complainants applied for.
22. In response to Complainants’ concerns, on or about June 25, 2002, Silver State Fair Housing Council conducted two tests on the basis of disability. The first test revealed that Ms. Grabowski discouraged a potential tenant who said she was undergoing radiation therapy and looking for an apartment for her and her husband. Ms. Grabowski told the tester that the available apartment was too small for two people, and did not schedule an appointment to view the apartment.
23. On or about June 25, 2002, a non-disabled tester phoned Ms. Grabowski and asked for an apartment for the tester and her husband. This test revealed that Ms. Grabowski scheduled an appointment to view the apartment with the potential tenant who did not reveal medical information.
24. Respondents committed unlawful discrimination against Complainants by refusing to negotiate for the rental of, or by making unavailable or denying a dwelling, because of Complainants’ race and color. 42 U.S.C. 3604(a).
25. Respondents committed unlawful discrimination by applying different terms, conditions or privileges in the rental of a dwelling because of Complainants’ race and color. 42 U.S.C. 3604(b).

25. Respondents committed unlawful discrimination by making statements regarding the rental of a dwelling that indicated a preference, limitation or discrimination because of Complainants' race and color. 42 U.S.C. 3604(c).
26. Respondents committed unlawful discrimination against Complainants by refusing to negotiate for the rental of, or by making unavailable or denying a dwelling, because of Complainants, Victoria and Charles Bell's, disabilities. 42 U.S.C. 3604(f)(1).
27. Respondents committed unlawful discrimination by applying different terms, conditions or privileges in the rental of a dwelling because of Complainants, Victoria and Charles Bell's, disabilities. 42 U.S.C. 3604(f)(2).
28. Respondents committed unlawful discrimination by making statements to Complainants and others regarding the rental of a dwelling that indicated a preference, limitation or discrimination because of Complainants, Victoria and Charles Bell's, disabilities. 42 U.S.C. 3604(c).
29. As a result of Respondents' discriminatory conduct, Complainants suffered damages including emotional distress, inconvenience, economic loss, and loss of an important housing opportunity.

### III. CONCLUSION

WHEREFORE, the Secretary of HUD, through the Office of the Regional Counsel, and pursuant to 42 U.S.C. Section 3610(g)(2)(A) and 24 C.F.R. 103.405, charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. 3604(a), (b), (c), and (f), and asks that an Order be issued that:

1. Declares that the discriminatory housing practices of Respondents, as set forth above, violate the Fair Housing Act, 42 U.S.C. 3601-3619;
2. Enjoins Respondents, their agents, estates, trusts, trustees, employees and successors, and all other persons in active concert or participation with them, from discriminating on the basis of race, color, and disability in any aspect of the rental, management, advertising, sale or ownership of the subject property;
3. Awards such damages as will fully compensate Complainants for their inconvenience, economic loss, emotional distress and loss of an important housing opportunity, caused by Respondents' discriminatory conduct, pursuant to 42 U.S.C. 3612(g)(3);

4. Awards a civil penalty against Respondents for each discriminatory housing practice Respondents committed, pursuant to 42 U.S.C. Section 3612(g)(3); and

5. Awards such additional relief as may be appropriate under 42 U.S.C. Section 3612(g)(3); and

6. Awards any other damages to which Complainants are legally entitled.

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Date

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