

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 Respondent with violating the Act as follows:

1. It is unlawful for any person to make unavailable or deny a dwelling to any buyer or renter because of a disability of that buyer or renter. 42 U.S.C. § 3604 (f)(1)(A); 24 C.F.R. §§ 100.50 (b)(1) & (3) and 100.202 (a)(1).
2. It is unlawful for any person to make unavailable or deny a dwelling to any buyer or renter because of the race of that buyer or renter. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50 (b)(1) & (3) and 100.202 (a)(1).
3. It is unlawful to make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race or disability or an intention to make such preference, limitation, or discrimination. 42 U.S.C. §3604(c); 24 C.F.R. 100.50(b)(4).
4. Complainant Keith Harris has a disability as the term is defined in the Act. 42 U.S.C. Section 3602(h); 24 C.F.R. Section 100.201. Due to end-stage kidney disease, he requires hemodialysis three times a week, four hours each time, and has been placed on a kidney transplant waiting list; he has experienced heart failure, and requires a heart monitor. These conditions substantially limit his major life activities.
5. Complainant Keith Harris is an African-American male.
6. Respondent James Quill is the owner of the subject three-family, non-owner occupied house located at 43 Olga Avenue in Worcester, MA.
7. On or about September 8, 2005, the Complainant found an advertisement for a one-bedroom apartment in the University of Massachusetts Medical Center area that appeared in the Worcester Telegram and Gazette newspaper. The Respondent placed the advertisement to which the Complainant responded in the Worcester Telegram and Gazette newspaper.
8. On or about the afternoon of September 8, 2005, the Complainant telephoned the number listed in the advertisement and reached a man who would not give his name. The man was later identified as the Respondent James Quill.
9. During the telephone conversation, the Complainant informed the Respondent that he was very interested in the apartment because of its close proximity to the University of Massachusetts Medical Center, to which the Complainant travels for dialysis treatment

four times a week. The Complainant also told the Respondent that he is waiting for a heart transplant.

10. The Complainant expressed his interest in the unit and asked to see the vacant apartment.
11. The Respondent refused to allow the Complainant to see the apartment. The Respondent refused to rent the apartment to the Complainant.
12. The Respondent told the Complainant he would not rent to him. The Respondent stated “You are a fucking nigger. . . I don’t have time for this shit” and hung-up the telephone.
13. The Respondent also stated that he would not rent to the Complainant because the Complainant had “too much baggage,” referring to Complainant’s disabilities.
14. The Respondent subsequently stated to HUD investigators that he was not in a position “to provide for people’s endless physical and emotional needs.”
15. At all relevant times the advertised one-bedroom apartment was available for rental.
16. Following his refusal to rent the unit to the Complainant, the Respondent ultimately rented the one-bedroom unit to a Caucasian, non-disabled person.
17. The Complainant has not found another suitable unit for rental since being denied the unit by the Respondent.
18. The Respondent denied Keith Harris the opportunity to rent an available unit because he is African-American, in violation of 42 U.S.C. § 3604(a) and 24 C.F.R. §§ 100.50(b)(1) and (3), 100.60(a) and (b)(2), and 100.70(b).
19. The Respondent denied Keith Harris the opportunity to rent an available unit because he is disabled in violation of 42 U.S.C. § 3604(f)(1) and 24 C.F.R. §§ 100.50(b)(1) &(3), 100.60(a) & (b)(2), and 100.70(b).
20. The Respondent made statements with respect to the rental of a dwelling indicating a preference, limitation, or discrimination based on race and/or color in violation of 42 U.S.C. § 3604(c) and 24 C.F.R. §§ 100.50(b)(4) and 100.75(a), (b), & (c)(1) & (2).
21. The Respondent made statements with respect to the rental of a dwelling indicating a preference, limitation, or discrimination based on disability in violation of 42 U.S.C. § 3604(c) and 24 C.F.R. §§ 100.50(b)(4) and 100.75(a), (b), & (c)(1) & (2).
22. As a result of the Respondent’s conduct, Complainant Keith Harris suffered damages, including economic loss and emotional distress.

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), (c) and (f) 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. Sections 3601-3619;
2. Enjoins Respondent, his agents, employees, and successors, and all other persons in active concert or participation with any of them from discriminating because of race and/or handicap against any person in any aspect of the purchase or rental of a dwelling;
3. Awards such damages as will fully compensate Keith Harris for his economic loss and emotional distress caused by the Respondent's discriminatory conduct;
4. Awards a civil penalty against Respondent for each violation of the Act pursuant to 42 U.S.C. Section 3612(g)(3);
5. Awards such additional relief as may be appropriate under 42 U.S.C. Section 3612(g)(3).

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