

**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 Fair Housing Council of Oregon,)
)
Charging Party,)
)
v.)
)
Virginia Ruth Hadlock,)
)
Respondent.)
_____)
)

FHEO No. 10-08-0013-8

CHARGE OF DISCRIMINATION

I. JURISDICTION

On October 12, 2007, Complainant, Fair Housing Council of Oregon (“Complainant FHCO”), an aggrieved person, filed a timely verified complaint with the United States Department of Housing and Urban Development (“HUD”). The complaint alleged that Respondent, Virginia Ruth Hadlock, discriminated against its fair housing testers because of familial status by refusing to rent a house and by making discriminatory statements, in violation of the Fair Housing Act (“Act”), as amended, 42 U.S.C. §§ 3601-3619. Respondent owns more than three single family houses in Klamath Falls, Oregon.

The Act authorizes issuance of a charge of discrimination on behalf of the aggrieved person 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)-(2). The Secretary has delegated to the General Counsel (54 Fed. Reg. 13121), who has redelegated to the Regional Counsel (67 Fed. Reg. 44234), the authority to issue such a charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity or his or her designee.

The Acting Regional Director for Fair Housing and Equal Opportunity, Region X, has determined that reasonable cause exists to believe that discriminatory housing practices have occurred and authorized the issuance of this Charge of Discrimination.

II. SUMMARY OF THE ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the complaint and the attached determination of reasonable cause, Respondent is hereby charged with violations of the Act, specifically, 42 U.S.C. Sections 3604(a) and 3604(c), as set forth below.

1. It is unlawful to refuse to rent, to refuse to negotiate for the rental of, or otherwise make unavailable or deny, a dwelling to any person because of the person's familial status. 42 U.S.C. § 3604(a).
2. 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 rental of a dwelling that indicates 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).
3. "Familial status" is defined by the Act, in relevant part, as one or more individuals (who have not attained the age of 18 years) being domiciled with a parent or another person having legal custody of such individual or individuals. 42 U.S.C. § 3602(k).
4. Complainant FHCO is an Oregon non-profit corporation, whose organizational purpose is to further equal access to housing for all persons who reside in Oregon and southwest Washington without regard to race, color, religion, national origin, sex, disability or familial status and to promote culturally and demographically diverse communities. In furtherance of its mission, Complainant FHCO provides fair housing services including, but not limited to, fair housing counseling, education and outreach activities, filing legal actions and investigating housing discrimination. As part of its efforts, Complainant FHCO conducts fair housing "tests" to determine whether housing providers engage in discriminatory housing practices.
5. The subject property is a single family house located 2238 Main Street, Klamath Falls, OR.
6. At all times relevant herein, Respondent, Virginia Ruth Hadlock ("Respondent") was the owner and manager of the subject property. Respondent has also been known as Virginia R. Ryser and owns additional single family dwellings under that name.

7. On June 7, 2007, Complainant FHCO's testing coordinator received a complaint from a member of the public, Jennifer Johnson, stating that she had phoned Respondent about renting one of Respondent's properties located at 125 Sheldon, Klamath Falls, Oregon. The property is a two bedroom, single family house. Respondent told Ms. Johnson that she would not rent to anyone with children. Ms. Johnson did not have children but was disturbed by the remark.
8. Based on the above information, Complainant FHCO developed and conducted three paired tests to determine whether Respondent engaged in familial status discrimination. A fourth test was conducted to determine whether Respondent engaged in marital status discrimination, a protected status under Oregon state law. FHCO administered the tests between June 14, 2007 and July 28, 2007, using fair housing testers to evaluate Respondent's compliance with the Act.
9. The first paired test was conducted on June 14 and 15, 2007. However, because the property advertised at that time had already been rented the test was inconclusive and Complainant FHCO decided to conduct further testing at a later date.
10. The second test was conducted on July 26, 2007. Protected Class Tester "Gamma" posed as a widower with a nine-year-old son and Comparison Tester "Delta" posed as a single male looking for housing for himself only. Both Testers telephoned 541-884-8773 and spoke to a woman who identified herself as "Ruth." Investigation later identified "Ruth" as Respondent. Both Testers were given similar information about the property. However, during these telephone conversations, Respondent asked both Testers about the size of their family. When Protected Class Tester Gamma told Respondent that he had a son, she asked about the child's age then stated "I don't know about that. About having a son there at the house." Respondent also asked Protected Class Tester Gamma if "this was a divorce thing." When told that Protected Class Tester Gamma's wife had died some years before, Respondent wanted to know who would take care of the child and stated she "just didn't know about having a child there all alone." Respondent then stated that the house only had one bedroom. At the end of the conversation Protected Class Tester Gamma asked about applications and Respondent told him she would have an application there if he came to look at the house. During the investigation, Protected Class Tester Gamma described Respondent's reaction to his statement that he had a nine-year-old son as "poorly" and "very unsure about renting to a single father with a nine-year-old son."
11. The third test was conducted on July 28, 2007. Protected Class Tester "Alpha" posed as a single mother with an eight-year-old daughter and Comparison Tester "Beta" posed as a single female looking for housing for herself only. Both Testers telephoned 541-884-8773 and spoke to a woman who identified herself as "Ruth." Investigation later identified "Ruth" as Respondent. Both Testers were told the subject property was

available, however they were given varying information about the property, as discussed below.

12. When Protected Class Tester Alpha indicated that she was looking for a place for her and her daughter, Respondent told her the available property was a one bedroom house and "I wouldn't care for a child left alone." Protected Class Tester Alpha then inquired as to the size of the house and was told "it's a good size." Respondent wanted to know if Protected Class Tester Alpha would be working and, if so, who would care for her child. When Protected Class Tester Alpha responded her mother would care for her daughter, Respondent then asked for the full name and employment status of Protected Class Tester Alpha's mother.
13. To Comparison Tester Beta, Respondent said it's a small house with one good sized bedroom for one or two people and "I won't rent to families."
14. A fourth test was conducted on July 27 and 28, 2007. Because the focus of this test was on marital status, which is protected under Oregon law, the issue of familial status was not overtly presented in this test. However, Respondent did inquire as to the size of the tester's family and when she found out there was only one member, Respondent stated, "Good because it's no good for children because it's just a one bedroom."
15. During HUD's investigation, Respondent stated that with regard to the Second Test, there was only one bedroom in the house on Main, that she "wouldn't have an eight[sic]-year-old kid live there because he would be bringing kids to the house all the time and nobody was going to be there" that she was concerned "the kids would burn up" the house and that she "did not want an eight[sic]-year-old kid there when the parents were somewhere else." With regard to the Fourth Test, Respondent disputed a portion of the narrative, however, she then added that the house was "not good for children" because of the heavy traffic on Main Street and she "did not want kids to get killed."
16. Respondent committed unlawful discrimination against FHCO by engaging in a practice of discouraging and otherwise making unavailable or denying a dwelling to potential renters because of familial status in violation of 42 U.S.C. § 3604(a).
17. Respondent committed unlawful discrimination against FHCO by making oral statements to its Testers, as set forth above, with respect to the rental of the subject properties, which indicated a preference or discrimination based on familial status and an intent to make such a preference or discrimination in violation of 42 U.S.C. § 3604(c) of the Act.
18. As a result of Respondent's discriminatory conduct, Complainant FHCO has suffered damages, including a diversion of resources from other activities and frustration of its organizational purpose.

19. As a result of Respondent's discriminatory conduct, an unknown number of prospective tenants with children were discouraged from seeking a rental opportunity at the subject property. Respondent's discriminatory conduct frustrated Complainant FHCO's purpose and caused FHCO to divert organizational resources to investigate and remedy the practice of Respondent.

III. PRAYER FOR RELIEF

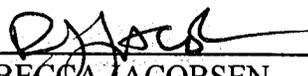
WHEREFORE, the Secretary of the United States Department of Housing and Urban Development, through the Regional Counsel for Region X, and pursuant to 42 U.S.C. § 3610(g)(2)(A) of the Act, hereby charges Respondent Virginia Ruth Hadlock with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604, and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondent Virginia Ruth Hadlock, as set forth above, violate the Fair Housing Act, 42 U.S.C. §§ 3601-3619;
2. Enjoins Respondent Virginia Ruth Hadlock, her agents, employees, successors, and all other persons in active concert or participation with her from discriminating on the basis of familial status against any person in any aspect of the rental of a dwelling;
3. Awards such damages as will fully compensate Complainant Fair Housing Council of Oregon for its economic loss and frustration of its organizational purpose caused by Respondent Virginia Ruth Hadlock's discriminatory conduct;
4. Awards a civil penalty against Respondent Virginia Ruth Hadlock for each violation of the Act committed, pursuant to 42 U.S.C. § 3612(g)(3); and,
5. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted,



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