



Department of Housing and Urban Development – Alphonso Jackson, Secretary
Office of Public Affairs, Washington, DC 20410

**HUD CHARGES ILLINOIS REAL ESTATE BROKER AND ZELLPAC, INC.,
WITH VIOLATION OF FAIR HOUSING ACT
*BROKER REFUSES TO RENT APARTMENT TO WOMAN USING A WHEELCHAIR***

WASHINGTON, D.C. – The U.S. Department of Housing and Urban Development said today it has charged Guy Emery, an Illinois real estate broker and apartment owners, Zellpac, Inc., with violating the Fair Housing Act by refusing to rent an apartment to Deborah Norton because she uses a wheelchair.

HUD’s investigation showed that in November 2001, Christopher Norton, Ms. Norton’s son, saw a newspaper advertisement for an apartment at 908-910 N. Bentley Street in Marion, Illinois. When inquiring about the apartment availability, Norton told Emery he was looking for an apartment for his mother who uses a wheelchair.

Norton arranged to tour the apartment with Emery in early December. While viewing the apartment, Norton borrowed Emery’s tape measure and measured the bathroom doorway to ensure his mother’s wheelchair would fit. Satisfied with the apartment configuration, on December 17, Norton arranged for his hospitalized mother to fill out the application and he then returned the application with a \$100 check to Emery’s house as instructed.

Several hours after receiving the completed application and the check, Emery called Mr. Norton and informed him he could not rent the apartment to Norton’s mother because of the wheelchair. Emery went on to explain that the apartment faces north and with the snow and ice, he felt Norton’s mother might fall and that she would not have access to the apartment because of the snow.

Upon hearing about Emery’s concerns, Deborah Norton called Emery to allay his fears. Emery again stated that because she was in a wheelchair, it would be a liability for him. Ms. Norton asked Emery if he was aware of the federal and state laws prohibiting him from discriminating based on her disability and Emery replied that he did not care.

“Denying Ms. Norton the opportunity to rent the apartment took away her independence and placed a burden on her family. HUD will not hesitate to enforce the Fair Housing Act to ensure that the doors to rental opportunities remain open for all,” said Carolyn Peoples, HUD’s Assistant Secretary for Fair Housing and Equal Opportunity.

On January 18, 2005, the respondents elected for a civil action in federal court. This case is now under the jurisdiction of the U.S. Department of Justice.

Housing discrimination charges heard before an ALJ carry a maximum civil penalty of \$11,000 for a first offense in addition to actual damages for the complainant, injunctive or other equitable relief, and attorney fees. Sanctions can be more severe if the respondent has previously violated the Fair Housing Act. If either party elects to go to federal district court, either party may request a jury trial and punitive damages.

In either forum, a United States Department of Housing and Urban Development attorney or a Department of Justice attorney brings the case on behalf of the complainant. Each party has the right to be represented by his or her own attorney.

HUD is the nation's housing agency committed to increasing homeownership; creating affordable housing opportunities for low-income Americans; and supporting the homeless, elderly, people with disabilities and people living with AIDS. The Department also promotes economic and community development as well as enforces the nation's fair housing laws. More information about HUD and its programs is available on the Internet at www.hud.gov and espanol.hud.gov.

People who believe they are the victims of housing discrimination should contact HUD at 1-800-669-9777 or DOJ at 1-800-896-7743 or 202-514-4713. Additional information is available at www.hud.gov and www.usdoj.gov.

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