UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

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| The Secretary, United States Department of Housing and Urban Development, on behalf of the Estate of Jody Mahon,<br><br>Charging Party,<br><br>v.<br><br>Crompound Apartment Owners, Inc., aka Crompound Stone Gate Board of Directors<br><br>Respondent. | ) | FHEO No. 02-07-0432-8 |

## CHARGE OF DISCRIMINATION

## JURISDICTION

1. On or about May 10, 2007, Jody Mahon (Complainant) filed a verified complaint with the United States Department of Housing and Urban Development (HUD), alleging that Crompound Apartment Owners, Inc. (Respondent) discriminated against her because of her disability, in violation of the Fair Housing Act (Act). 42 U.S.C. §§ 3601-3619.

2. The Act authorizes the Secretary of HUD to issue a Charge of Discrimination (Charge) on behalf of aggrieved persons following an investigation and a determination that reasonable cause exists to believe that a discriminatory act has occurred. 42 U.S.C. §§ 3610(g) (1) and (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 a Charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO), or his or her designee.

3. The Director of the Office of FHEO for New York/New Jersey Hub, on behalf of the Assistant Secretary, has authorized this Charge because he has determined after investigation that reasonable cause exists to believe Respondent engaged in a discriminatory housing practice. HUD's efforts to conciliate the complaint were unsuccessful. 42 U.S.C. § 3610(b).

## LEGAL AUTHORITY IN SUPPORT OF CHARGE

4. 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 therewith, because of a disability. 42 U.S.C. § 3604(f) (2).

5. It is unlawful to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604 (f) (3) (b).

## PARTIES

6. Complainant, who is now deceased, was a person with chronic heart, lung and joint disease. Complainant's impairments severely limited her ability to walk up and down hills and distances over 150 feet. Complainant's Estate has informed HUD that it wishes to go forward with the complaint, filed May 10, 2007.

7. Respondent Crompound Apartment Owners, Inc., aka Crompond Stone Gate Board of Directors, is a cooperative corporation owned by resident shareholders. The subject cooperative development (Development) was built in 1972. It consists of 9 buildings, containing a total of 217 residential units.

## FACTUAL ALLEGATIONS IN SUPPORT OF CHARGE

8. The Development has 250 parking spaces located throughout its property. There are no designated spaces for handicapped parking.

9. At all relevant times to this charge, Complainant lived in a Development residential unit.

10. In June 2005, Complainant notified Respondent that she was suffering from a physical disability which prevented her from walking to her assigned parking space, and that she needed a parking space close to her apartment as a reasonable accommodation. At that time, Complainant's parking space, #704, was up hill and approximately 290 feet from her residence.

11. On August 29, 2006, Complainant wrote to Respondent again requesting a parking space which she could access, close to her apartment, noting that she had told it several times that she was no longer able to walk up the hill to her parking space. Respondent failed to respond.

12. On or about October 31, 2006, Complainant submitted a second written request to Respondent, asking "that a parking space be made available as a reasonable accommodation of (her) disabilities." At that time, Complainant submitted documentation from her physician, verifying that she "suffers from heart, lung and joint disease which impairs ambulation endurance" and that "A closer parking space is medically necessary."

13. In December 2006, Respondent assigned Complainant parking space #701. Space #701 is located up a hill and approximately 260 feet away from the Complainant's unit. Because of her disability, Complainant was unable to walk to her new parking space.

14. After being assigned the new parking space, Complainant told Respondent that the new space "didn't help" because the distance from the space to her apartment was too far. Also, the new space still required Complainant to walk up a steep hill.

15. Respondent failed to provide Complainant with a parking space that she could walk to as a reasonable accommodation though such spaces were available, or could have been made available, for Complainant's use.

16. As a result of Respondent's discriminatory conduct, Complainant suffered damages, including emotional and physical distress, embarrassment and humiliation.

**FAIR HOUSING ACT VIOLATIONS**

16. Respondent has violated the Act by refusing to make reasonable accommodations in its rules, policies, practices, or services, when such accommodation was necessary to afford Complainant an equal opportunity to use and enjoy her dwelling. 42 U.S.C. § 3604(f) (3) (B); 24 C.F.R. § 100.204.

17. Respondent has violated the Act by unlawfully discriminating against Complainant in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of her disability. 42 U.S.C. § 3604(f) (2).

**CONCLUSIONS**

**WHEREFORE,** the Secretary of HUD, through the office of the General Counsel, and pursuant to 42 U.S.C. § 3610 (g) (2) (A), hereby charges Respondent with engaging in discriminatory housing practices in violation of 42 U.S.C. §3604 (f), and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondent as set forth above violate the Fair Housing Act, 42 U.S.C. §§ 3601-3619;

2. Enjoins Respondent, its agents, employees, and successors, and all other persons in active concert or participation with it, from discriminating because of handicap status against any person in any aspect of the sale, rental, use, or enjoyment of a dwelling pursuant to 42 U.S.C. § 3612(g)(3);

3. Awards such damages pursuant to 42 U.S.C. § 3612(g) (3) as will fully compensate Complainant's Estate for Complainant's humiliation, embarrassment, and emotional and physical distress caused by Respondent's discriminatory conduct;

4. Awards an $11,000 civil penalty against Respondent for each violation of the Act, 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,

John J. Cahill
Regional Counsel
New York/New Jersey Office

Henry Schoenfeld
Associate Regional Counsel
New York/New Jersey Office

Iris Springer-Elkerson
Trial Attorney
Office of Regional Counsel
U.S. Department of Housing
and Urban Development
26 Federal Plaza, Room 3500
New York, NY 10278-0068
(212) 542-7208

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