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 Charging Party, v. Gerald Paribelli and Patrick Paribelli, Respondents.	)	FHEO No. 02-09-0753-8 FHEO No. 02-09-0916-8

CHARGE OF DISCRIMINATION

JURISDICTION

On or about May 18, 2009, ("Complainant") filed a verified complaint with the United States Department of Housing and Urban Development ("HUD"). Complainant, who is handicapped, alleged that his landlord, Gerald Paribelli and his son Patrick Paribelli ("Respondents"), had refused to grant him a reasonable accommodation in violation of the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.* ("Act"). In particular, Complainant alleged that he required a therapeutic service dog to treat his post–traumatic stress and seizure disorders and Respondents had refused to allow him to obtain such an animal because of his lease's no-pet provision. In September 2009, Complainant amended his complaint to include an additional allegation that Respondents made discriminatory statements in violation of the Act.

On or about June 22, 2009 Complainant filed a second verified complaint with HUD, alleging that Respondent Gerald Paribelli had threatened to evict him from his apartment because he had filed a housing discrimination complaint against Respondents.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination ("Charge") on behalf of aggrieved persons following an investigation and determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. § 3610(g) (1) and (2). The Secretary has delegated to the General Counsel (24 C.F.R. § 103.400 (a)(2)(i), 103.405), who has re-delegated to the Regional Counsel (73 Fed. Reg. 68441- 68442) (Nov. 18, 2008), the authority to issue such a Charge, following a determination of reasonable cause.

The Director of the Office of Fair Housing and Equal Opportunity ("FHEO") for the New York/New Jersey Region, on behalf of the Assistant Secretary for FHEO, has authorized this Charge because he has determined after investigation that reasonable cause exists to believe that a discriminatory housing practice has occurred. HUD's efforts to conciliate the complaints were unsuccessful. *See* 42 U.S.C. § 3610(b).

LEGAL AUTHORITY IN SUPPORT OF CHARGE

1. 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 a dwelling, because of a handicap of that person or a person residing in that dwelling after it is sold. 42 U.S.C. § 3604(f) (2) (A) and (B). Discrimination includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a handicap equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B).

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 sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make such preference, limitation, or discrimination. 42 U.S.C. § 3604(c).

3. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 803, 804, 805, or 806 of this title. 42 U.S.C § 3617.

PARTIES

4. Complainant suffers from post-traumatic stress disorder, depression, and seizure disorder resulting from his military service. Complainant experiences high levels of anxiety, hypervigilence, intrusive thoughts and nightmares. Complainant is reluctant to leave his apartment because of his impairments.

5. Complainant is a person with a handicap within the meaning of the Act. 42 U.S.C. § 3602(h).

6. Complainant's doctor prescribed an emotional support animal for Complainant to reduce the anxiety that he experiences due to his post-traumatic stress disorder, depression, and seizure disorder.

7. Respondents Gerald Paribelli and his son Patrick Paribelli are landlords and co-owners of "Apartment Buildings of South Street Builders Inc.", a multi-family apartment complex located at 700 South Street, Highland, New York.

FACTUAL ALLEGATIONS IN SUPPORT OF CHARGE

8. Complainant resides in , Highland, New York, a residence owned and managed by Respondents.

9. Complainant's apartment is a "dwelling" within the meaning of the Act. 42 U.S.C. § 3602 (b).

10. Complainant has a month to month lease for Apartment and that lease has a provision which read as follows: "Pets. No dogs, cats, fish, or other animals shall be allowed on the premises at any time and disregard for this policy is a violation of this lease."

11. On or about May 2, 2009, Complainant told Respondent Patrick Paribelli that his doctor had recommended that Complainant obtain a service animal to reduce the anxiety and fears that he experiences due to his post-traumatic stress disorder and seizure disorder. Complainant then requested permission to obtain a service animal that would be trained to help him deal with his disability.

12. Respondent Patrick Paribelli told Complainant that he would not allow any kind of animal in his apartment.

13. On or about May 12, 2009, Complainant explained to Respondent Gerald Paribelli that he required a service animal because of his seizure disorder and post-traumatic stress disorder.

14. Respondent Gerald Paribelli acknowledged that he had heard of dogs that assisted persons who suffered seizures, but nonetheless told Complainant that if he required an animal because of his medical conditions, he would have to move to a place that permits animals in apartments.

15. Because Respondents refused to give Complainant permission to obtain a service animal as a reasonable accommodation, Complainant filed a housing discrimination complaint with both HUD and the New York State Division of Human Rights ("NYSDHR").

16. On or about June 15, 2009, Complainant tried once again to explain to Respondent Gerald Paribelli that he required a specially trained service dog because of his disabilities, but Respondent told Complainant that pursuant to his lease agreement he would not permit him to obtain any kind of dog, no matter how well trained it was.

17. On June 15, Respondent also told Complainant that because he had filed a housing discrimination complaint he would have to start looking for another place to live.

18. Because Respondents have failed to grant Complainant a reasonable accommodation, he has suffered from severe anxiety, distress and other damages.

19. Complainant has also suffered severe distress and anxiety because Respondent Gerald Paribelli has told Complainant that he must seek other housing in retaliation for filing a housing discrimination complaint.

FAIR HOUSING ACT VIOLATIONS

20. Respondents have violated the Act because they have discriminating against Complainant in the terms, conditions or privileges of a sale of a dwelling, or in the provision of services or facilities in connection with such a dwelling, by refusing to make a reasonable accommodation in its rules, policies, practices, or services, when such an accommodation was necessary to afford Complainant equal opportunity to use and enjoy his dwelling. 42 U.S.C. § 3604 (f)(2)(A) and (f)(3)(B); 24 C.F.R. § 100.204.

21. Respondents have violated the Act by making statements with respect to the rental of a dwelling that indicated a preference, limitation, or discrimination based on handicap in violation of 42 U.S.C. § 3604(c).

22. Respondents have violated the Act by threatening to evict Complainant for filing a complaint against them. 42 U.S.C § 3617.

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 Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604 (c), (f)(2) (A), (f)(3)(B) and 42 U.S.C. § 3617 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, 42 U.S.C. §§ 3601-3619;

2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, 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. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, from making, printing, or publishing, or causing 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 disability or an intention to make such preference, limitation, or discrimination, 42 U.S.C. § 3604 (c);

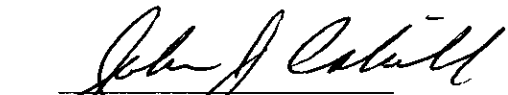
4. Enjoins Respondents from intimidating, coercing, threatening, or interfering with the Complainant's rights granted or protected by sections 803,804,805, or 806 of the Act;

5. Awards such damages pursuant to 42 U.S.C. §3612(g)(3) as will fully compensate Complainant for damages caused by Respondents' discriminatory conduct;

6. Awards a civil penalty in the amount of $16,000 against Respondents for each violation of the Act pursuant to 42 U.S.C. § 3612(g) (3); and

7. Awards such additional relief as may be appropriate under 42 U.S.C. §3612(g) (3).

Respectfully submitted,



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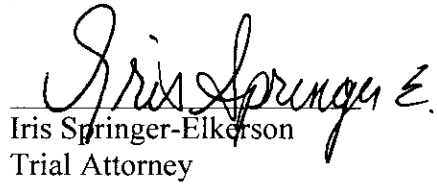

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