

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 Respondents Fedor and Mountain View with violating the Act as follows:

A. LEGAL AUTHORITY

1. It is unlawful to refuse to rent or negotiate to rent or otherwise make unavailable or deny a dwelling to any person because of familial status. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.60(a) and (b)(2).
2. It is unlawful to discriminate against any person in the terms, conditions, or privileges of the rental of a dwelling because of familial status. 42 U.S.C. § 3604(b); 24 C.F.R. § 100.65(b)(4).
3. It is unlawful to make statements or publish advertisements with respect to the rental of a dwelling that indicate 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); 24 C.F.R. §§ 100.75(a) and (c)(1).
4. "Familial status" means one or more individuals under the age of eighteen being domiciled with a parent or legal guardian. 42 U.S.C. § 3602(k); 24 C.F.R. § 100.20.
5. Pursuant to the Act, an "aggrieved person" includes any person who claims to have been injured by a discriminatory housing practice. 42 U.S.C. § 3602(i); 24 C.F.R. § 100.20.
6. Pursuant to the Act, "dwelling" means any building, structure, or portion thereof which is occupied as, or designated or intended for occupancy as a residence by one or more families. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.

B. PARTIES AND SUBJECT PROPERTY

7. The property that is the subject of the discriminatory housing practices is located at 8 Searle Avenue, in Easthampton, Massachusetts ("subject property").
8. The subject property constitutes a dwelling within the meaning of 42 U.S.C. § 3602(b) and does not qualify for any exemptions under the Act.
9. Complainants [REDACTED] are husband and wife and the parents of a child who was three years old during the period relevant to this charge. [REDACTED] was also pregnant and expecting the couple's second child during the period relevant to this charge.
10. Complainants and their children are "aggrieved persons" as defined by the Act. 42 U.S.C. § 3602(i); 24 C.F.R. § 100.20.
11. Respondent Mountain View owns the subject property.

12. Respondent Fedor is Mountain View's general partner and carries out the day-to-day operations at the subject property.

C. FACTUAL ALLEGATIONS

13. In November 2015, Complainants began searching for an apartment to lease beginning around January 1, 2016, for themselves and their three-year-old son. [REDACTED] also was pregnant with the couple's second child at the time.

14. On or about November 27, 2015, Complainants called Respondent Fedor in response to an advertisement posted by him on Craigslist for the rental of the subject property.

15. Both Complainants were on the call, and both spoke with Respondent Fedor.

16. During the call Complainants and Respondent Fedor discussed Complainants' credit scores, that there would be no pets living with Complainants, and that Complainants intended to live at the subject property with their three-year-old son.

17. Upon learning that Complainants had a young child, Respondent Fedor stated to Complainants that the apartment was on the third floor and that he would never rent to them, asking if they knew "what could happen to a child?" Respondent Fedor explained to Complainants that he was relaying that information as would a "father to a daughter."

18. Complainants subsequently contacted the Massachusetts Fair Housing Center ("MFHC"), a non-profit organization in Holyoke, Massachusetts with a mission of eliminating illegal housing discrimination.

19. In response to Complainants' contact, MFHC arranged and coordinated two telephone calls to Respondent Fedor as a means of corroborating Complainants' allegations. According to MFHC's records, on December 2, 2015, a trained fair housing tester ("Tester 1") responded by telephone to the Craigslist advertisement and inquired about the subject property. Tester 1 spoke with Respondent Fedor.

20. When Tester 1 revealed that he lived with his wife and three-year-old son, Respondent Fedor responded: "Oh, that's not going to work because this is a third floor apartment." Respondent Fedor said that, "as the father of children," he would "strongly not consider putting a child on the third floor." Tester 1 stated that the speaker abruptly said "thanks for calling" and hung up the phone.

21. MFHC's records show that a second telephone test was conducted on December 4, 2015, when a second trained fair housing tester ("Tester 2") responded to the Craigslist advertisement. Tester 2 also spoke to Respondent Fedor.

22. Tester 2 stated that he intended to live in the apartment with his wife. Respondent Fedor suggested that Tester 2 drive by the apartment and call to set up a time for a viewing if he liked the area. On December 6, 2015, Tester 2 called Respondent Fedor and left a

voicemail asking that his call be returned. On December 7, 2015, Tester 2 missed a call from the telephone number listed in the Craigslist advertisement and received a voicemail from Respondent Fedor leaving a call back number.

23. As a result of Respondents' actions, Complainants suffered damages including but not limited to the loss of a housing opportunity, emotional distress, inconvenience, and frustration.

D. FAIR HOUSING ACT VIOLATIONS

24. Respondents Fedor and Mountain View violated the Act by refusing to negotiate the rental of a dwelling and by steering Complainants away from their desired housing. 42 U.S.C. § 3604(a) and 24 C.F.R. §§ 100.60(a) and (b)(2).
25. Respondents Fedor and Mountain View violated the Act by refusing to permit a family with children to live on the third floor of his unit, while permitting families without children to live on whichever floor they please. 42 U.S.C. § 3604(b); 24 C.F.R. § 100.65(b)(4).
26. Respondents Fedor and Mountain View violated the Act when Respondent Fedor stated to Complainants that he would never rent to them because they had a child. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4), 100.75(a), (b), and (c)(2).

III. CONCLUSION

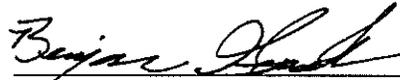
WHEREFORE, the Secretary of HUD, through the Office of the Regional Counsel for New England, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges the Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(a) and (c) and prays that an order be issued that:

- A. 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;
- B. Enjoins Respondents from further violations of 42 U.S.C. §§ 3604(a), (b), and (c);
- C. Awards such damages as will fully compensate Complainants for their loss of a housing opportunity, emotional distress, inconvenience, and frustration caused by Respondents' actions in violation of 42 U.S.C. §§ 3604(a), (b) and (c);
- D. Awards a \$16,000 civil penalty against each Respondent for each violation of the Act, pursuant to 42 U.S.C. § 3612(g)(3); and
- E. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted,



Miniard Culpepper
Regional Counsel for New England



Benjamin Gworek
Trial Attorney

Office of Regional Counsel
Department of Housing and Urban Development
10 Causeway St., Rm. 310
Boston, MA 02222
(617) 994-8250

Date: September 12, 2016