



# Department of Justice

United States Attorney Johnny Sutton  
Western District of Texas

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## FEDERAL JUDGE ORDERS THE HOUSING AUTHORITY OF THE CITY OF SAN ANTONIO TO PAY IN SETTLEMENT OF A DISABILITY DISCRIMINATION LAWSUIT

United States Attorney Johnny Sutton and Wan J. Kim, Assistant Attorney General for the Justice Department's Civil Rights Division, announced that U.S. Magistrate Judge John Primomo has ordered the Housing Authority of the City of San Antonio, the San Antonio Housing Facility Corporation, Pat Matherly, and the Pilgrim Allena Housing Development Corporation (collectively "Defendants") to comply with the terms of a Settlement and Release Agreement in a tenant disability discrimination case and pay the plaintiffs \$125,000.

On June 2, 2005, the United States of America filed a complaint on behalf of Antonio and Josefina Maldonado with the U.S. District Court for the Western District of Texas, San Antonio Division, *Case No. SA05CA0520XR*. The complaint was brought to enforce the provisions of Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act), as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601, *et seq.*

According to the complaint, Pilgrim Allena Housing Development Corporation owns the Westminster Square Apartments, a multi-family apartment complex where the Maldonados have resided since 1989. San Antonio Housing Facility Corporation manages the Westminster Square Apartments and is a subsidiary of the Housing Authority of the City of San Antonio. Pat Matherly was the on-site manager at the Westminster Square Apartments.

Antonio Maldonado is a double leg amputee, a physical impairment that substantially limits his major life activity of walking. Josefina Maldonado has osteoporosis, hyperlipidemia, angina, diffuse arthritis, and diabetes, all of which are physical impairments that substantially limit her major life activity of walking. In recent years, Josefina Maldonado has experienced increased fatigue due to her disabilities.

On February 23, 2004, Josefina Maldonado requested a reasonable accommodation from Defendant Matherly, stating that she and her husband, Antonio Maldonado, needed to be transferred from their third floor unit to a first floor apartment due to her deteriorating health and their disabilities. The Maldonados provided Matherly with copies of letters from their health providers to support their request for reasonable accommodation. In response to Josefina Maldonado's request, Matherly requested the original letters from the Maldonados' health providers.

On March 15, 2004, Josefina Maldonado provided Matherly original supporting letters from the Maldonados' health providers. The letters requested that the Maldonados be transferred to a first

floor unit due to their disabilities. The defendants denied the Maldonados' request for reasonable accommodation because elevators were available for the Maldonados to use. However, on March 31, 2004, the Maldonados again requested to be transferred to an accessible first floor unit stating that, although they were aware of the elevators, the elevators were not an appropriate accommodation in their circumstances. The Maldonados had been trapped in the elevators, the elevators had been inoperable on several occasions and the elevators were not near their third floor unit, which required the Maldonados to travel a much farther distance to access their unit. In addition, the Maldonados explained that they feared for their safety in an emergency situation where the elevators may not be operable. The Maldonados also explained that Josefina Maldonado's doctor believed that she was progressively becoming unable to maneuver Antonio Maldonado in his wheelchair, and that a first floor unit was required to avoid deterioration of her health.

After the Maldonados' requests for accommodation, the defendants leased two apartments on the first floor to other tenants. As a result, the Maldonados filed a complaint with the United States Department of Housing and Urban Development ("HUD") alleging discrimination on the basis of disability. After completing its investigation into their complaint, HUD issued a finding that reasonable cause existed to believe that the defendants had unlawfully discriminated against the Maldonados because of their disabilities. HUD then authorized the Attorney General to commence a civil action on behalf of the Maldonados, pursuant to 42 U.S.C. § 3612(o). The Maldonados retained their own legal counsel and, on August 29, 2005, they commenced their own civil action against the same Defendants, *Case No. SA05CA0823OG*.

Last week, the defendants entered into an agreement with the United States of America to settle the lawsuit that was filed against them. In the agreement, the defendants agreed to pay \$125,000 to the Maldonados and to the Fair Housing Council of Greater San Antonio, who assisted the Maldonados with their efforts to obtain reasonable accommodation. In addition, the defendants agreed not to discriminate on the basis of disability in violation of federal law, to act on all requests for reasonable accommodation in accordance with federal law and to implement a reasonable accommodation policy at the Westminster Square Apartments. The defendants also agreed to distribute their reasonable accommodation policy to all current and new tenants at the property, to post a HUD fair housing poster at the property in a conspicuous and easily viewable location and to maintain written records of each request for reasonable accommodation that they receive from tenants or prospective tenants at the property. The defendants further agreed to provide training on the sections of the Fair Housing Act pertaining to discrimination on the basis of disability to all of their employees and agents who have responsibility related to the rental and/or management of dwellings at the property. The defendants have also agreed to allow representatives from the U.S. Department of Justice to inspect and copy all records pertaining to the defendants' obligations under the agreement in order to monitor compliance with the Settlement and Release Agreement.

Assistant United States Attorney Joseph C. Rodriguez and Elizabeth Singer of the U.S. Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, represented the Government in this matter.

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