

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 SARASOTA COUNTY, FLORIDA,) Case No:
)
 Defendant.)
 _____)

COMPLAINT

1. This action is brought by the United States of America to enforce the provisions of the Fair Housing Act, as amended, 42 U.S.C. § 3601 et seq.

2. This Court has jurisdiction over this action under 28 U.S.C. § 1345 and 42 U.S.C. §§ 3614(a) and (b).

3. Defendant Sarasota County, Florida (the “County”) is a political subdivision of the State of Florida within the Middle District of Florida and is organized under the laws of the State of Florida.

4. Venue is proper because the claims alleged herein arose in the Middle District of Florida.

5. Sarasota County, through its Board of County Commissioners, Board of Zoning Appeals, County Administrator, and Zoning Administrator, exercises zoning and land use authority over land within its boundaries. The Sarasota County Zoning Ordinance contains the County’s zoning and land use regulations.

6. Renaissance Manor, Inc. and Coastal Behavioral Healthcare, Inc. are Florida corporations whose principal place of business is in Sarasota County. Renaissance Manor and Coastal Behavioral Healthcare own housing units, known as “Tammi House,” that are rented to persons with mental illness and/or in recovery from alcohol or drug dependency. Tammi House is operated solely by Renaissance Manor.

7. Tammi House consists of six, single-family dwellings located at 403, 405, 410, 413, 414, and 417 Sevilla Street in Sarasota County. Each dwelling is located in a zone designated Residential Single Family (“RSF”) by the County Zoning Ordinance.

8. The Tammi House dwellings located on Sevilla Street are dwellings within the meaning of 42 U.S.C. § 3602(b).

9. The residents of Tammi House are disabled within the meaning of 42 U.S.C. § 3602(h). (The term “disability” has the same meaning as the term “handicap,” as defined in 42 U.S.C. § 3602(h).)

10. Tammi House was first opened in 1996. In November 2003, Renaissance Manor and Coastal Behavioral Healthcare completed the purchase of Tammi House, as well as two vacant parcels of land on Sevilla Street. At that time, Tammi House consisted of four single-family dwellings, each housing up to six residents with mental illness and/or in recovery from alcohol or drug dependency.

11. To purchase Tammi House, Renaissance Manor applied for and was granted both federal and state funding.

12. On or about September 26, 2003, before the purchase of the Tammi House

dwelling and the two vacant lots was completed, Renaissance Manor received a zoning determination from the Sarasota County Zoning Administrator stating that each of the six parcels of land could contain a single-family dwelling, and one family of up to six unrelated individuals constituting a family may occupy each home.

13. In or about October 2003, the County changed the definition of “family” in the County Zoning Ordinance to allow only four unrelated persons to occupy a dwelling in a single-family zone. The previous definition allowed six unrelated persons to occupy a dwelling in a single-family zone. The same provision of the County Zoning Ordinance provides that: “A family consisting of individuals protected by the Fair Housing Act shall not contain over six persons in any district.”

14. In or about April 2004, the County issued three building permits for three single-family homes to be built on property owned by Renaissance Manor and Coastal Behavioral Healthcare on Sevilla Street.

15. On or about July 21, 2004, the County sent a letter to Renaissance Manor stating that the six Tammi House dwellings would be classified as community residential homes, as defined by Florida statute, and must not be located within a radius of 1,000 feet of another community residential home. The letter informed Renaissance Manor that it would be allowed to operate only one dwelling on Sevilla Street.

16. The Tammi House dwellings are not community residential homes because they do not provide the type of services that would cause them to fall under the statutory definition of community residential homes, and they are not required to be

licensed by the State of Florida.

17. On or about August 19, 2004, Renaissance Manor submitted a notice of appeal of the County's July 21, 2004 determination.

18. On or about September 30, 2004, Renaissance Manor requested a reasonable accommodation to allow the six Tammi House dwellings to operate, each with six residents. The County never acted on this request.

19. On October 4, 2004, the Sarasota County Board of Zoning Appeals ("BZA") held a public hearing on Renaissance Manor's appeal of the July 21, 2004 determination. Neighbors made numerous statements indicating strong opposition to the Tammi House dwellings based on the disabilities of the residents. At the conclusion of the hearing, the BZA voted unanimously to uphold the July 21, 2004 determination.

20. After the Notice of Zoning Violation was issued on July 21, 2004, the County refused to release \$750,000 in Community Development Block Grant funds previously awarded to Renaissance Manor, suspended at least \$70,000 in County Grants-in-Aid funds, and rescinded a commitment of \$195,000 in State Housing Initiative and Partnership Program funds. Renaissance Manor has been informed by County officials that its actions have jeopardized any future awards of state or federal funding administered by the County.

21. On or about September 3, 2004, Renaissance Manor timely filed a complaint with the Department of Housing and Urban Development ("HUD"), pursuant to the Fair Housing Act, as amended, 42 U.S.C. § 3610(a), alleging discrimination on the

basis of disability in the County's application of its zoning code.

22. Pursuant to the requirements of 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD conducted an investigation of the complaint. Based on information gathered during the investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(2)(c), determined that the matter involved the legality of a local zoning or other land use law or ordinance and, on or about February 2, 2005, referred the matter to the Attorney General for appropriate action under 42 U.S.C. § 3614(b)(1).

23. The County made its decision that Renaissance Manor may not operate the six Tammi House dwellings on Sevilla Street for the purposes specified by Renaissance Manor because of the disabilities of the Tammi House residents and prospective residents, in violation of 42 U.S.C. § 3604(f)(1).

24. By refusing to respond to Renaissance Manor's request for a reasonable accommodation, the County failed or refused to make a reasonable accommodation in the application of its Zoning Code, in violation of 42 U.S.C. §3604(f)(3)(B).

25. By rescinding previously-awarded funds and refusing to grant any future state or federal funds to Renaissance Manor, the County has interfered with the exercise or enjoyment of rights granted or protected by the Fair Housing Act, in violation of 42 U.S.C. § 3617.

26. The County's conduct described in paragraphs 1–25 constitutes:

- a. A denial to a group of persons of rights granted by the Fair Housing Act that raises an issue of general public importance under

42 U.S.C. § 3614(a); or

b. A discriminatory housing practice under 42 U.S.C. § 3614(b)(1).

28. Renaissance Manor and former, current, and prospective residents of Tammi House are the victims of the County's discriminatory practices and are aggrieved persons as defined in 42 U.S.C. § 3602(i). These persons have suffered, or may have suffered, damages as a result of the County's conduct.

29. The County's conduct described above was intentional, willful, and taken in disregard of the rights of others.

WHEREFORE, the United States prays that the Court enter an ORDER that:

1. Declares that the actions of Sarasota County described herein constitute a violation of the Fair Housing Act;

2. Enjoins Sarasota County, its agents, employees, assigns, successors and all other persons in active concert or participation with it, from violating the Fair Housing Act by discriminating on the basis of disability;

3. Enjoins Sarasota County, its agents, employees, assigns, successors and all other persons in active concert or participation with it, from refusing to permit the operation of the Tammi House dwellings on Sevilla Street and to allow each home to be occupied by six unrelated persons;

4. Enjoins Sarasota County, its agents, employees, assigns, successors, and all other persons in active concert or participation with it, from failing to make reasonable accommodations in its policies, practices, rules or services as required by the

Fair Housing Act, including accommodations that permit the establishment and operation of housing for persons with disabilities;

5. Enjoins Sarasota County, its agents, employees, assigns, successors, and all other persons in active concert or participation with it, from interfering with any person in the exercise or enjoyment of any rights granted or protected by the Fair Housing Act;

6. Requires such action by Sarasota County as may be necessary to restore all persons aggrieved by the County's discriminatory housing practices to the position they would have occupied but for such discriminatory conduct;

7. Awards monetary damages to each person aggrieved by Sarasota County's discriminatory housing practices, pursuant to 42 U.S.C. § 3614(d)(1)(B); and

8. Assesses a civil penalty against Sarasota County to vindicate the public interest, in an amount of money authorized by 42 U.S.C. § 3614(d)(1)(C).

The United States further prays for such additional relief as the interests of justice may require.

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