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UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

2008 SEP 29 PM 2:00

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TN

UNITED STATES OF AMERICA,

Plaintiff,

v.

MURPHY DEVELOPMENT, LLC;  
MEADOW CREEK, LP; MILLER TOWN, LP;  
SWISS RIDGE, LP; 17TH STREET, LP; ALTA  
VISTA, LP; FOREST VIEW, LP; and  
STONEBRIDGE, LP,

Defendants.

Civil Case No.

COMPLAINT

The United States of America alleges:

1. This action is brought by the United States to enforce the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (the "Fair Housing Act"), 42 U.S.C. §§ 3601 – 3619.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. §§ 3614(a).

3. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the United States' allegations occurred in the Middle District of Tennessee, many of the subject properties are located in this District, and Defendants either reside or do business in this District.

## SUBJECT PROPERTIES

4. Meadowcreek Apartments is an apartment property located at 919 South Dickerson Road in Goodlettsville, TN. Meadowcreek Apartments consists of nine two-story, non-elevator buildings and contains 156 total dwelling units, 72 of which are located on the ground floor. Meadowcreek Apartments was developed using Low-Income Housing Tax Credits awarded in 2001.

5. Miller Town Apartments is an apartment property located at 395 Jack Miller Blvd. in Clarksville, TN. Miller Town Apartments consists of twelve two-story, non-elevator buildings and contains 96 total dwelling units, 48 of which are located on the ground floor. Miller Town Apartments was developed using Low-Income Housing Tax Credits awarded in 2001.

6. Swiss Ridge Apartments is an apartment property located at 455 Swiss Avenue in Nashville, TN. Swiss Ridge Apartments consists of four non-elevator buildings, two of which are two-story buildings, and two of which have two stories plus an additional lower level. Swiss Ridge Apartments contains 86 total dwelling units, 32 of which are located on the ground floor and 12 of which are located on the lower level, which is also considered a ground floor under the Fair Housing Accessibility Guidelines, 56 Fed. Reg. 9472 (1991). Swiss Ridge Apartments was developed using Low-Income Housing Tax Credits awarded in 2002.

7. 17th Street Apartments is an apartment property located at 2565 17th Avenue East in Springfield, TN. 17th Street Apartments consists of six two-story, non-elevator buildings and contains 108 total dwelling units, 54 of which are located on the ground floor. 17th Street Apartments was developed using Low-Income Housing Tax Credits awarded in 2002.

8. Lake Side Apartments is an apartment property located at 3940 Bell Road in

Hermitage, TN. Lake Side Apartments consists of six three-story, non-elevator apartment buildings and contains 156 total dwelling units, 60 of which are located on the ground floor. Lake Side Apartments was developed using Low-Income Housing Tax Credits awarded in 2003.

9. Forest View Apartments is an apartment property located at 119 Belinda Parkway in Mt. Juliet, TN. Forest View Apartments consists of seven non-elevator apartments buildings, two of which are two-story buildings, and five of which have two stories plus an additional lower level. Forest View Apartments contains 130 total dwelling units, 46 of which are located on the ground floor and 22 of which are located on the lower level, which is also considered a ground floor under the Fair Housing Accessibility Guidelines, 56 Fed. Reg. 9472 (1991). Forest View Apartments was developed using Low-Income Housing Tax Credits awarded in 2003.

10. Stonebridge Apartments is an apartment property located at 100 Stonebridge Way, adjacent to Tom Hitch Parkway in Columbia, TN. Stonebridge Apartments consists of four two-story, non-elevator apartment buildings and contains 64 total dwelling units, 32 of which are located on the ground floor. Stonebridge Apartments was developed using Low-Income Housing Tax Credits awarded in 2005.

#### **DEFENDANTS**

11. Defendant Murphy Development, LLC is an active for profit limited liability company incorporated in Tennessee with its principal office address listed as 6514 Deane Hill Drive, Knoxville, TN 37919. Additional addresses include 5401 Kingston Pike, Ste 340-1, Knoxville, TN 37919-5052; 813 S. Northshore Dr., Suite 105, Knoxville, TN 37919 and 4823 Old Kingston Pike, Suite 205, Knoxville, TN 37919-6473. Murphy Development, LLC is the developer for the seven properties that are the subject of this complaint, described above at

Paragraphs 4-10 (the "Subject Properties"), and it was involved in the design and construction of the Subject Properties.

12. Meadow Creek, LP is an active limited partnership incorporated in Tennessee. Addresses for Meadow Creek, LP include 4823 Old Kingston Pike, Ste. 205, Knoxville, TN 37919-6473 and 813 S. Northshore Dr., 105, Knoxville, TN 37919 (Knox County). Meadow Creek, LP is the owner of Meadowcreek Apartments and was involved in the design and construction of Meadowcreek Apartments.

13. Miller Town, LP is an active limited partnership incorporated in Tennessee. Addresses for Miller Town, LP include 6514 Deane Hill Drive, Knoxville, TN 37919 and 813 S. Northshore Dr., 105, Knoxville, TN 37919 (Knox County). Miller Town, LP is the owner of Miller Town Apartments and was involved in the design and construction of Miller Town Apartments.

14. Swiss Ridge, LP is an active limited partnership, incorporated in Tennessee. Its address is listed as 813 S. Northshore Dr., Ste. 105, Knoxville, TN 37919 and 4823 Old Kingston Pike, Ste. 205, Knoxville, TN 37919-6473. Swiss Ridge, LP is the owner of Swiss Ridge Apartments and was involved in the design and construction of Swiss Ridge Apartments.

15. 17th Street, LP is an active limited partnership incorporated in Tennessee. Addresses for 17th Street, LP include 6514 Deane Hill Drive, Knoxville, TN 37919; 4823 Old Kingston Pike, Ste. 205, Knoxville, TN 37919-6473; and 813 S. Northshore Dr., 105, Knoxville, TN 37919 (Knox County). 17th Street, LP is the owner of 17th Street Apartments and was involved in the design and construction of 17th Street Apartments.

16. Alta Vista, LP is an active limited partnership incorporated in Tennessee. Its

principal office address is 4823 Old Kingston Pike, Ste. 205, Knoxville, TN 37919. Additional addresses for Alta Vista, LP include 813 Northshore Drive, Suite 105, Knoxville, TN 37919 and 6514 Deane Hill Drive, Knoxville, TN 37919. Alta Vista, LP is the owner of Lake Side Apartments and was involved in the design and construction of Lake Side Apartments.

17. Forest View, LP is an active limited partnership incorporated in Tennessee. Its principal office address is 4823 Old Kingston Pike, Suite 205, Knoxville, TN 37919. Forest View, LP is the owner of Forest View Apartments and was involved in the design and construction of Forest View Apartments.

18. Stonebridge, LP is an active limited partnership incorporated in Tennessee. Addresses for Stonebridge, LP include 6514 Deane Hill Drive, Knoxville, TN 37919 and 4823 Old Kingston Pike, Ste. 205, Knoxville, TN 37919-6473. Stonebridge, LP is the owner of Stonebridge Apartments and was involved in the design and construction of Stonebridge Apartments.

#### **FACTUAL ALLEGATIONS**

19. The Subject Properties described above were designed and constructed for first occupancy after March 13, 1991.

20. Each of the Subject Properties contains "dwellings" as defined by 42 U.S.C. § 3602(b).

21. Each of the Subject Properties contains "covered multifamily dwellings" within the meaning of 42 U.S.C. § 3604(f)(7).

22. The covered multifamily dwellings at the Subject Properties are subject to the requirements of 42 U.S.C. § 3604(f).

23. The covered multifamily dwellings at the Subject Properties are not designed and constructed in a manner that complies with the requirements of 42 U.S.C. § 3604 (f)(3)(C), including the following requirements:

- a. the public use and common use portions of the dwellings therein are readily accessible to and usable by handicapped persons; and/or
- b. all premises within such dwellings contain accessible routes into and through the dwellings.

#### **FAIR HOUSING ACT CLAIMS**

24. The allegations of Paragraphs 1 – 23 are hereby incorporated by reference.

25. The Defendants have failed to design and construct covered multifamily dwellings in the manner set forth in 42 U.S.C. §§ 3604(f)(3).

26. The Defendants may have designed and constructed other multifamily housing complexes for first occupancy after March 13, 1991, which are also subject to the Fair Housing Act's accessibility requirements.

27. The Defendants' conduct described above violates 42 U.S.C. §§ 3604(f)(1), (f)(2), and (f)(3)(C).

28. The Defendants' conduct constitutes:

- a. a pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 – 3619; or
- b. a denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 – 3619, which raises an issue of general public importance.

29. Persons who may have been the victims of the Defendants' discriminatory housing practices are aggrieved persons as defined in 42 U.S.C. § 3602(i), and may have suffered injuries as a result of the conduct described above.

30. The Defendants' conduct described above was intentional, willful, and taken in disregard for the rights of others.

**PRAYER FOR RELIEF**

WHEREFORE, the United States prays that the Court enters an order that:

- a. Declares that the Defendants' conduct as alleged herein violates the Fair Housing Act; and
- b. Enjoins the Defendants, their officers, employees, agents, successors, and all other persons in active concert or participation with any of them, from:
  - i. Failing or refusing to bring the living units and public and common use areas in these and other covered multifamily dwellings designed and constructed by the Defendants into compliance with 42 U.S.C. § 3604(f)(3)(C);
  - ii. Failing or refusing to conduct a compliance survey at all covered multifamily dwellings designed and constructed by the Defendants to determine whether the retrofits ordered in paragraph (i), above, were made properly;
  - iii. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the Defendants' unlawful practices to the position they would have been in but for the discriminatory

conduct; and

- iv. Designing and constructing any covered multifamily dwellings in the future that do not comply with 42 U.S.C. § 3604(f)(3)(C);
- c. Awards monetary damages to all persons harmed by the Defendants' discriminatory practices, pursuant to 42 U.S.C. §§ 3614(d)(1)(B); and
- d. Assesses a civil penalty against Defendants Murphy Development, LLC, Meadowcreek, LP, 17th Street, LP, Alta Vista, LP, Forest View, LP, and Stonebridge, LP, to vindicate the public interest pursuant to 42 U.S.C. §§ 3614(d)(1)(C) and 28 C.F.R. § 85.3(b)(3).



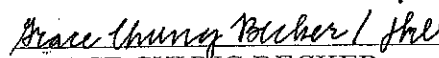
The United States prays for such additional relief as the interests of justice may require.


Dated September 29, 2008

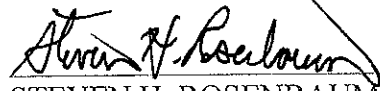
Respectfully submitted,

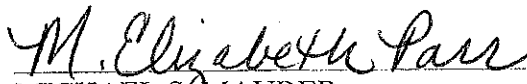
MICHAEL B. MUKASEY  
Attorney General

EDWARD M. YARBROUGH  
United States Attorney  
Middle District of Tennessee

  
GRACE CHUNG BECKER  
Acting Assistant Attorney General  
Civil Rights Division

  
MARK H. WILDASIN (BPR 015082)  
ELLEN BOWDEN MCINTYRE (BPR 023133)  
Assistant United States Attorneys  
Office of the United States Attorney  
Middle District of Tennessee  
110 Ninth Avenue South, Suite A-961  
Nashville, TN 37203  
Tel.: 615-736-5151  
Fax: 615-736-5323

  
STEVEN H. ROSENBAUM  
Chief  
Housing and Civil Enforcement Section

  
MICHAEL S. MAURER  
Deputy Chief  
M. ELIZABETH PARR  
Trial Attorney  
Department of Justice  
Civil Rights Division  
Housing and Civil Enforcement Section  
950 Pennsylvania Avenue, N.W.  
Northwestern Building, 7th Floor  
Washington, DC 20530  
Tel: (202) 514-4713; Fax: (202) 514-1116  
Elizabeth.Parr@usdoj.gov