

B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
NATIONAL PROPERTIES INC.,)
NPI MANAGEMENT CORPORATION,)
BARRCREST MANOR ASSOCIATES,)
L.P., and SANDY BROWN,)
)
Defendants.)
_____)

Civil Action No.

07 -0434

A TRUE COPY CERTIFIED TO FROM THE RECORD
DATE: **FEB 01 2007**
ATTEST: Steve Tarnor
CLERK OF COURT
EASTERN DISTRICT OF PENNSYLVANIA

COMPLAINT

The United States of America alleges:

1. This action is brought 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 ("Fair Housing Act"), 42 U.S.C. §§ 3601 *et seq.*
2. This court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3614(a).
3. Venue is proper because the claim alleged herein arose in the Eastern District of Pennsylvania, and concerns or otherwise relates to real property located in the Eastern District of Pennsylvania.
4. Defendant National Properties, Inc., is incorporated under the laws of Pennsylvania, and has its principal place of business in the Eastern District of Pennsylvania.
5. Defendant National Properties, Inc., owns, operates and manages multifamily dwellings in the Eastern District of Pennsylvania, including the Barrcrest Manor Apartments, a 85-

- unit residential apartment complex located at 1705 Marietta Avenue, Lancaster, PA.
6. Defendant Barrcrest Manor Associates is a limited partnership under the laws of Pennsylvania. Defendant Barrcrest Manor Associates, along with Defendant National Properties, Inc., owns Barrcrest Manor Apartments.
 7. Defendant NPI Management Corporation is incorporated under the laws of Pennsylvania, and has its principal place of business in the Eastern District of Pennsylvania.
 8. Defendant NPI Management Corporation, along with its parent company, National Properties, Inc., manages and operates residential multifamily dwellings, including Barrcrest Manor Apartments, in the Eastern District of Pennsylvania.
 9. Defendant Sandy Brown is the rental manager at Barrcrest Manor Apartments. At all times relevant to this complaint, Defendant Brown has participated in and was responsible for the management and operation of the Barrcrest Manor Apartments on behalf of Defendant National Properties, Inc., Defendant NPI Management Corporation, and Defendant Barrcrest Manor Associates.
 10. At all times relevant to this complaint, Defendants have had a policy of refusing to allow residents at the Barrcrest Manor Apartments to keep dogs, including dogs used as service animals to assist persons with a handicap.
 11. In June and August of 2006, the United States Department of Justice conducted testing to evaluate the Defendants' compliance with the Fair Housing Act. Testing is a simulation of a housing transaction which compares responses given by housing providers to different types of home-seekers in order to determine whether or not illegal discrimination is occurring. The testing undertaken by the United States revealed that the

Defendants are engaged in housing practices that discriminate on the basis of handicap at the Barrcrest Manor Apartments, by refusing to make reasonable accommodations in their no-dog policy when such accommodations may be necessary to afford a person with a handicap equal opportunity to use and enjoy a dwelling, such conduct has included, but is not necessarily limited to, refusing to allow guide dog users with vision impairments to reside in their apartments.

12. Defendants, through the actions described above, have:

(a) Discriminated in the rental of, or otherwise made unavailable or denied, dwellings to renters because of handicap, in violation of 42 U.S.C. § 3604(f)(1);

(b) Discriminated against persons in the terms, conditions or privileges of rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, because of handicap, in violation of 42 U.S.C. § 3604(f)(2);

(c) Refused to make reasonable accommodations in its rules, policies, practices, and services, when such accommodations may be necessary to afford a person with a handicap equal opportunity to use and enjoy a dwelling, in violation of 42 U.S.C. § 3604(f)(3)(B); and

(d) Made, printed, or published a notice or statement 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).

The conduct of Defendants described above 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 denial raises an issue of general public importance.

13. There may be persons who have been the victims of discriminatory housing practices by the Defendants. Such persons are aggrieved persons as defined in 42 U.S.C. § 3602(i), and may have suffered injuries as a result of the Defendants' conduct described above.
14. The discriminatory actions of the Defendants were intentional, willful, and taken in disregard of the rights of the victims of this discrimination.

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

1. Declares that the Defendants' policies and practices, as alleged herein, violate the Fair Housing Act;

2. Enjoins the Defendants, their officers, employees, agents, successors and all other persons in active concert or participation with them, from:

- (a) Discriminating in the rental, or otherwise making unavailable or denying dwellings to renters because of handicap;

- (b) Discriminating against any person in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection with such dwelling because of handicap;

- (c) Failing or refusing to make reasonable accommodations as required by 42 U.S.C. § 3604(f)(3)(B);

- (d) Making, printing or publishing any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that limits, or discriminates on the basis of handicap, in violation of 42 U.S.C. § 3604(c); and

- (e) 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

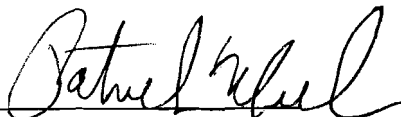
position they would have been in but for the discriminatory conduct.

3. Awards monetary damages, pursuant to 42 U.S.C. § 3614(d)(1)(B), to all persons aggrieved by the Defendants' discriminatory practices; and

4. Assesses a civil penalty against the Defendants in an amount authorized by 42 U.S.C. § 3614(d)(1)(C), to vindicate the public interest.

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

Dated: February 1, 2007



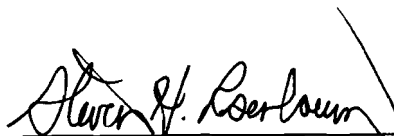
PATRICK L. MEEHAN
United States Attorney
Eastern District of Pennsylvania

VIRGINIA A. GIBSON
Civil Chief
Office of the United States' Attorney
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
Tel: (215)861-8355

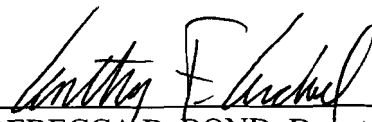
ALBERTO R. GONZALES
Attorney General



WAN J. KIM
Assistant Attorney General



STEVEN H. ROSENBAUM, Chief



REBECCA B. BOND, Deputy Chief
ANTHONY F. ARCHEVAL, 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) 305-4066; Fax: (202) 514-1116