

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

FILED

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.)
)
FOUNTAINBLEAU APARTMENTS L.P.;)
AND ELIZABETH FOSTER,)
)
)
Defendants.)

2006 APR 27 P 3:45

Civil Action No. 06-1:06-cv-104

Edgar / Lee

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, 42 U.S.C. §§ 3601 et seq.
2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3614.
3. Venue is proper under 28 U.S.C. § 1391(b), because the events giving rise to this action occurred in the Eastern District of Tennessee.
4. Fountainbleau Apartments is located at 950 Spring Creek Road, East Ridge, Tennessee 37412.
5. Defendant Fountainbleau Apartments L.P., a Tennessee limited partnership, owns and manages Fountainbleau

Apartments.

6. At all times relevant to this complaint, Defendant Elizabeth Foster ("Ms. Foster") was the resident manager at Fountainbleau Apartments. Her employment responsibilities included the rental of dwellings at the Fountainbleau Apartments.

7. The Fountainbleau Apartments are dwellings within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

8. The United States Department of Justice conducted a series of tests to evaluate the Defendants' compliance with the Fair Housing Act. The testing undertaken by the United States revealed that the Defendants are engaged in housing practices that discriminate on the basis of familial status at Fountainbleau Apartments, including:

- a. Denying, or refusing to negotiate for the rental of, or otherwise making unavailable a dwelling because of familial status;
- b. Discouraging persons with children from renting dwellings owned and managed by the Defendants;
- c. Restricting or attempting to restrict the choices of available dwellings by steering persons with children to another apartment complex; and
- d. Making or causing to be made statements with respect to the rental of a dwelling that indicate

any preference, limitation, or discrimination based on familial status, or an intention to make such preference, limitation, or discrimination.

9. The conduct of the Defendants described in the previous numbered paragraph constitutes:
 - a. A refusal to rent, a refusal to negotiate for the rental of, or otherwise making unavailable or denying dwellings to persons because of familial status, in violation of 42 U.S.C. § 3604(a);
 - b. Statements with respect to the rental of a dwelling that indicate a preference, limitation, or discrimination based on familial status, in violation of 42 U.S.C. §3604(c).
10. The conduct of the 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, et seq.; or
 - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, et seq., which denial raises an issue of general public importance.
11. Upon information and belief, persons who have been the victims of discriminatory housing practices by the Defendants are aggrieved persons as defined in 42 U.S.C.

§ 3602(i), and have suffered injuries as a result of the Defendants' conduct described above.

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


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, and agents, and all other persons in active concert or participation with any of them, from:
 - a. Discriminating against any person on the basis of familial status in any aspect of the rental of a dwelling;
 - b. Failing or refusing to notify the public that dwellings owned or operated by the Defendants are available to all persons on a nondiscriminatory basis; and
 - c. 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 to each person injured by the Defendants' conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B);
and
4. Assesses a civil penalty against the Defendants in the 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.

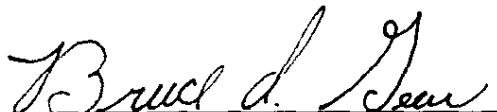
ALBERTO R. GONZALES
Attorney General



WAN J. KIM *WJK*
Assistant Attorney General
Civil Rights Division



STEVEN H. ROSENBAUM
Chief, Housing and Civil
Enforcement Section



MICHAEL S. MAURER
Deputy Chief
BRUCE I. GEAR [BAR No. 463388]
Trial Attorney
Housing and Civil
Enforcement Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530
Bruce.gear@usdoj.gov
(202) 353-0419
(202) 514-1116(fax)