

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA,)	Civil Action No. 2:11-2537-DCN
)	
Plaintiff,)	
)	
v.)	
)	
JOHN WINGARD ALTMAN,)	
)	
Defendant.)	
_____)	

COMPLAINT

The United States of America alleges as follows:

NATURE OF THE ACTION

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

JURISDICTION AND VENUE

2. This Court has 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 the claims alleged herein arose in the District of South Carolina.

FACTUAL ALLEGATIONS

4. Altman Apartments, a two-building, sixteen-unit apartment complex, is located at 1211 Central Avenue, Summerville, South Carolina, 29843.

5. Defendant John Wingard Altman, a resident of South Carolina, owns Altman Apartments.

6. The units at Altman Apartments are dwellings within the meaning of 42 U.S.C. § 3602(b).

7. Defendant published or caused to be published an advertisement on the Yahoo website that listed the name, address and phone number for Altman Apartments and listed its “Specialties” as “1 Bedroom Unfurnished, No Children, No Pets.” Defendant published or caused to be published an advertisement on yellowpages.com that listed the name, address and phone number for Altman Apartments and stated, “No Pets, No Children, 1 Bedroom Unfurnished.”

8. The voicemail message for the Altman Apartments office phone number also states, in part, that “tenants must be at least twenty-one.”

9. The United States Department of Justice conducted testing to evaluate Defendant’s compliance with the Fair Housing Act. Testing is a simulation of a housing transaction that compares responses given by housing providers to different types of home-seekers to determine whether illegal discrimination is occurring.

10. The testing undertaken by the United States revealed that Defendant is engaged in housing practices that discriminate on the basis of familial status at Altman 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 by Defendant; and

- c. Making or causing to be made statements with respect to the rental of a dwelling that indicate a preference, a limitation, or discrimination based on familial status, or an intention to make such preference, limitation or discrimination.

11. The conduct of Defendant described above constitutes:

- a. 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); and
- b. Statements with respect to the rental of a dwelling that indicate a preference, a limitation, or discrimination based on familial status, in violation of 42 U.S.C. § 3604(c).

12. The conduct of Defendant 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.

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

14. Defendant's 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 enter an order that:

1. Declares that Defendant's policies and practices, as alleged herein, violate the Fair Housing Act;
2. Enjoins Defendant, his officers, employees, agents, successors, 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 Defendant are available to all persons on a non-discriminatory basis;
 - c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendant's unlawful practices to the position they would have been in but for the discriminatory conduct; and
 - d. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of Defendant's unlawful practices;
3. Awards monetary damages, pursuant to 42 U.S.C. § 3614(d)(1)(B) to all persons harmed by Defendant; and
4. Assesses a civil penalty against Defendant in an amount authorized by 42 U.S.C. § 3614(d)(1)(C) and 28 C.F.R. § 85.3(b)(3) to vindicate the public interest.

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

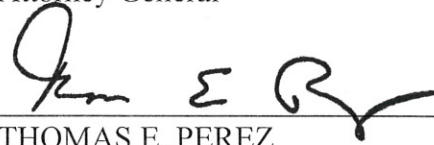
Dated: September 21, 2011

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s/ John H. Douglas

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