

UNITED STATES OF AMERICA  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF ADMINISTRATIVE LAW JUDGES

Secretary, United States Department  
of Housing and Urban Development,  
on behalf of Complainants [REDACTED] and  
[REDACTED] their minor children,  
and [REDACTED]

Charging Party,

v.

Townhomes of Kings Lake HOA, Inc.,  
and The Vanguard Management Group, Inc.,

Respondents.

ALJ No.  
FHEO No. 04-07-0406-8

CHARGE OF DISCRIMINATION

I. JURISDICTION

On December 22, 2006, [REDACTED] (“Complainants”) filed a complaint with the United States Department of Housing and Urban Development (“HUD”), alleging that Respondent Townhomes of Kings Lake Homeowners Association, LLC (“the HOA”) discriminated against them based on familial status, in violation of the Fair Housing Act (“the Act”). 42 U.S.C. §§ 3601-3619. On May 10, 2007, the complaint was amended to add The Vanguard Management Group, Inc. (“Vanguard”) as an additional respondent. On July 16, 2012, the complaint was amended to add Tiffany Tracey Skizinski as a complainant.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination (“Charge”) on behalf of an aggrieved person following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. §§ 3610(g)(1) and (2). The Secretary has delegated this authority to the General Counsel (24 C.F.R. §§ 103.400 and 103.405), who has redelegated the authority to the Assistant General Counsel for Fair Housing Enforcement. 76 Fed. Reg. 42463, 42465 (July 18, 2011).

The Regional Director of the Office of Fair Housing and Equal Opportunity for Region IV, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined that

<sup>1</sup> Subsequent to the filing of their complaint, complainants divorced and [REDACTED] changed her surname to [REDACTED]. Accordingly she is referred to as [REDACTED] in this Charge.

reasonable cause exists to believe that a discriminatory housing practice has occurred in this case based on familial status and has authorized and directed the issuance of this Charge of Discrimination. 42 U.S.C. § 3610(g)(2).

## II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint and the Determination of Reasonable Cause and No Reasonable Cause, the HOA and Vanguard (collectively "Respondents") are charged with violating the Act as follows:

### A. LEGAL AUTHORITY

1. It is unlawful to discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of familial status. 42 U.S.C. § 3604(b); 24 C.F.R. § 100.65(a).

### B. PARTIES AND SUBJECT PROPERTY

2. Complainants [REDACTED] are the parents of six children. At the time the complaint was filed, Complainants' six children were all under the age of eighteen.
3. Complainants and their children are aggrieved persons as defined by the Act. 42 U.S.C. § 3602(i).
4. Complainant [REDACTED] mailing address is [REDACTED] Land O' Lakes, FL 34639.
5. Complainant [REDACTED] Tampa, FL.
6. Complainant [REDACTED] Davenport, FL.
7. The subject property is a four-bedroom townhouse with 1,561 square feet of living space located at [REDACTED] Kings Crossing Drive in Gibsonton, FL, in Townhomes of Kings Lake ("Kings Lake"). The subject property is a dwelling as defined by the Act. 42 U.S.C. § 3602(b).
8. Kings Lake consists of 249 townhomes in a variety of sizes and includes common areas such as a pool.
9. Respondent HOA is a Florida non-profit corporation. Respondent HOA is managed by an elected Board of Directors comprised of residents of the community that governs the

community, enforces the recorded Declaration of Covenants, Conditions and Restrictions ("the Declaration") and other rules and regulations established regarding the community, reviews and approves applications from persons wishing to rent homes located in the community, makes monthly assessments to fund the operations of the HOA, and authorizes penalties and evictions.

10. Respondent HOA's principal place of business is 2870 Scherer Drive N, Suite 100, St. Petersburg, FL.
11. At all times relevant to this Charge, Respondent Vanguard managed the community. Respondent Vanguard was responsible for carrying out decisions of the HOA, generally managing the community and subject property, reviewing applications for tenancy, and assisting the HOA in enforcing the rules of the community including the Declaration. Respondent Vanguard is a Florida for profit corporation.
12. Respondent Vanguard's principal place of business is 9300 N 16th Street, Tampa, FL.

### C. FACTUAL ALLEGATIONS

13. At all times relevant to this Charge and to the present day, Section 13.22.2 of the Declaration ("Section 13.22.2") provides:

Maximum Number of Occupants per Home. Each Home shall be occupied only by an Owner or tenant, members of his or her family, overnight guests and professional caregivers as a residence and for no other purpose. The maximum number of occupants in any Home, including overnight guests and professional caregivers, shall be as follows:

13.22.2.1 In the event the Home contains two (2) bedrooms, no more than three (3) persons shall be permitted.

13.22.2.2 In the event the Home contains three (3) bedrooms, no more than four (4) persons shall be permitted.

13.22.2.3 In the event the Home contains four (4) bedrooms, no more than six (6) persons shall be permitted.

14. Section 13.22.2 was recorded as part of the Declaration in the Clerk of Court of Hillsborough County on October 2, 2003, and remains a part of Kings Lake's Declaration.
15. Hillsborough County Ordinance 04-18, section 10, paragraph 13 provides:

REQUIRED SPACE, DWELLINGS - Every dwelling unit or dwelling shall contain at least 150 square feet of floor space for the first occupant and at least 100 additional square feet of floor area per additional occupant. In every room occupied for sleeping purposes in any dwelling or dwelling unit, there shall be at least 70 square feet for the first two occupants and at least 50 square feet of floor area per additional occupant.

16. The subject property's bedrooms measure approximately as follows: a 162.5 square foot master bedroom, a 128.5 square foot bedroom, a 110 square foot bedroom, and a 125.5 square foot bedroom.
17. The county ordinance described in paragraph 15 permits eleven occupants in the subject property, making the occupancy restriction at Section 13.22.2 significantly more restrictive than local law.
18. On or about July 27, 2006, Complainant [REDACTED] completed a lease agreement with the subject property's owner, [REDACTED] to rent it for a one-year term beginning August 1, 2006. Complainants and their children began to occupy the subject property soon thereafter.
19. On or about July 27, 2006, Complainant [REDACTED] completed an Application and Screening Information form required by Respondents. The form requested personal information and an authorization to perform a background check. Although Complainant [REDACTED] did not fully complete the form, Respondents approved his tenancy.
20. On September 17, 2006, Respondent Vanguard issued a "Compliance Request" to Complainants alleging that neighbors had complained of Complainants' children's unruly behavior and threatened fines of as much as \$100.00 per day and legal action. Respondents are unable to substantiate the allegations in the Compliance Request.
21. Subsequent to receiving the Compliance Request, Complainants called Respondent Vanguard to dispute the allegations of the "Compliance Request." Alice Kuhn, an employee of Respondent Vanguard, answered the phone and spoke with one of the Complainants. She asked how many children the family had. When one of the Complainants told her they had six children, Ms. Kuhn responded "Well that's a problem." She then told the Complainant about Section 13.22.2 and that the HOA had already contacted its attorneys.
22. On or around December 14, 2006, Complainants received a letter from the HOA's attorney informing them that they must comply with Section 13.22.2 and threatening eviction if they did not reduce the number of occupants in the subject property or seek residence elsewhere.
23. On December 22, 2006, Complainants filed the complaint that gave rise to this Charge.

24. After the complaint's filing, HUD requested that Respondents stay the eviction proceedings until after the complaint had been investigated. Respondents agreed to do so.
25. Complainants remained in the subject property until on or around November 3, 2007, when they purchased a home and moved out.
26. In July 2009, Respondent HOA published a newsletter which informed residents in the community that Section 13.22.2 contained occupancy restrictions prohibiting more than six persons to occupy a four-bedroom unit and requested residents to refer neighbors and friends who violated this rule to the management company.
27. In January 2010, Respondent HOA published a newsletter reaffirming that Section 13.22.2 restricted the number of people allowed to occupy a home, as described above in paragraph 14.

#### **D. LEGAL ALLEGATIONS**

28. As described in paragraphs 20-22 above, Respondents' conduct directed against Complainants violates subsection 804(b) of the Act by imposing different terms and conditions on the rental of a dwelling based on familial status. 42 U.S.C. § 3604(b); 24 C.F.R. § 100.65(a).
29. Respondent HOA's adoption, enforcement, and continued implementation of the occupancy policy described in paragraph 13 violates subsection 804(b) of the Act by imposing different terms and conditions on the sale or rental of a dwelling based on familial status. 42 U.S.C. § 3604(b); 24 C.F.R. § 100.65(a).
30. Respondent Vanguard's enforcement of the occupancy policy described in paragraph 13 violated subsection 804(b) of the Act by imposing different terms and conditions on the sale or rental of a dwelling based on familial status. 42 U.S.C. § 3604(b); 24 C.F.R. § 100.65(a).
31. As a result of Respondents' discriminatory conduct, Complainants and their children suffered actual damages, including out-of-pocket expenses and emotional distress.

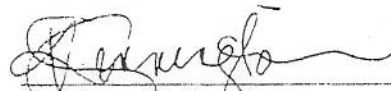
#### **III. CONCLUSION**

WHEREFORE, the Secretary of Housing and Urban Development, through the Office of General Counsel and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges Respondents with engaging in discriminatory housing practices in violation of the Act, and prays that an order be issued that:

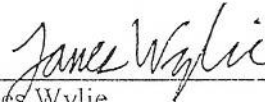
1. Declares that the discriminatory housing practices of Respondents as set forth above violate subsection 804(b) the Fair Housing Act;
2. Enjoins Respondents from enforcing Section 13.22.2 in violation of the Act;
3. Enjoins Respondents from further violations of the Act;
4. Awards such damages as will fully compensate Complainants and their children for the injuries caused by Respondents' discriminatory conduct;
5. Assesses an appropriate civil penalty against each Respondent for its violation of the Act, pursuant to 42 U.S.C. § 3612(g)(3);
6. Awards such additional relief as may be appropriate under 42 U.S. C. § 3612(g)(3).

Respectfully submitted,

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