

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No.

Plaintiff,

v.

GERALD A. and SHIRLEY L. BROWN, owners of
519 N. HARRIS ROAD, YPSILANTI, MI,

Defendants.

COMPLAINT AND JURY DEMAND

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. §§ 3601-3619.

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.

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 Michigan, defendants reside and/or do business in the Eastern District of Michigan, and the claims concern or otherwise relate to real property located in the Eastern District of Michigan.

DEFENDANTS

4. Defendants Gerald A. Brown and Shirley L. Brown, are co-owners of a 13-unit rental apartment complex located at 519 N. Harris Road, Ypsilanti, MI. At all times relevant to this complaint, the defendants owned the property and Gerald A. Brown personally managed it, establishing policies and procedures and making management decisions for the rental operation at 519 N. Harris Road, Ypsilanti, MI.

FACTUAL ALLEGATIONS

5. 519 N. Harris Road, Ypsilanti, MI consists of dwellings within the meaning of 802(b) of the Fair Housing Act, as amended. 42 U.S.C. § 3602(b).

6. In or around February 2009, a woman who was a bona fide home seeker saw an advertisement in a local newspaper for a one-bedroom apartment in what was later determined to be defendants' apartment complex at 519 N. Harris Road, Ypsilanti, MI. She called the telephone number listed in the advertisement to inquire about housing for herself and a child with whom she was pregnant at the time. She spoke to defendant Gerald A. Brown. Mr. Brown asked the home-seeker who the apartment was for, and the home-seeker replied "me and my unborn baby," or words to that effect. Mr. Brown then said that she would need a two-bedroom apartment because a one-bedroom would not be large enough, but that a two-bedroom unit was not currently available and likely would not be for a long time. He also said that he could not rent to her because she had a child on the way and that there is no play area for children at the property.

7. On or about February 9, 2009, the bona fide home seeker contacted the Fair Housing Center of Southeastern Michigan ("the FHCSM") and lodged a complaint about the treatment described above. The FHCSM did some research to determine who owned and

managed the apartment complex and discovered that it was owned by defendants Gerald A. and Shirley L. Brown.

8. Following the complaint described above in paragraph 7, the FHCSM conducted an investigation of the defendants' rental practices at 519 N. Harris Road, Ypsilanti, MI. As part of the FHCSM's investigation, it conducted a series of tests, using "testers" to compare the treatment afforded to prospective home seekers at 519 N. Harris Road, Ypsilanti, MI, depending on their familial status. Testers are persons who, without the intent to obtain a home, seek information about the availability of housing to determine whether unlawful discriminatory practices are occurring. The testing undertaken by the FHCSM revealed that defendant Gerald A. Brown engaged in practices in renting apartments at 519 N. Harris Road, Ypsilanti, MI that discriminate against families with children.

9. Since at least February 2009, defendant Gerald A. Brown has engaged in the following practices in renting apartments at 519 N. Harris Road, Ypsilanti, MI:

- a. Enacting a policy prohibiting prospective home seekers from having minor children;
- b. Informing prospective home seekers with minor children that such families are not allowed;
- c. Informing prospective home seekers with minor children that the property is not suitable for children and/or has no amenities for children;
- d. Refusing to negotiate for the rental of apartment units with families with minor children, and prohibiting such families from moving into the property while allowing other types of families; and

- e. Prohibiting one adult with a minor child from occupying a one-bedroom apartment, without imposing similar restrictions on two adults occupying the same sized unit.

10. Defendant Shirley L. Brown, as co-owner of the property, is vicariously liable for the acts of defendant Gerald A. Brown.

FAIR HOUSING ACT CLAIM

11. By the actions alleged in this Complaint, defendant Gerald Brown has engaged in:
- 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; and,
 - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619, raising an issue of general public importance.

12. There are persons who have been harmed by defendant Gerald Brown's discriminatory housing practices. Such persons, who include, but may not be limited to, the bona fide home seeker referred to in paragraph 6, have been injured by defendant Brown's discriminatory housing practices and are aggrieved persons as defined in 42 U.S.C. § 3602(i).

13. Defendant Gerald A. Brown's conduct alleged in this Complaint was intentional, willful, and taken in disregard of the rights of others.

PRAYER FOR RELIEF

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

- a. Declares that the defendants' policies and practices, as alleged herein, violate the Fair Housing Act;

- b. Enjoins the defendants, their officers, employees, agents, successors, and all other persons in active concert or participation with any of them, from:
 - i. Discriminating against any person on the basis of familial status in violation of the Fair Housing Act in any aspect of the sale or rental of a dwelling;
 - ii. Failing or refusing to notify the public that dwellings owned or operated by the defendants are available to all persons on a nondiscriminatory basis;
 - iii. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, any aggrieved persons to the position they would have been in but for the discriminatory conduct; and,
 - iv. 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 the defendants' unlawful practices.
- c. Awards monetary damages to each person injured by the defendants' conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B); and,
- d. 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.

JURY DEMAND

The United States hereby demands a jury trial pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: August 22, 2011

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