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 and)))
Charging Party)) HUD ALJ No.) FHEO No. 01-12-0001-8
v.)
Talgar General Partnership, H. William Gardner & Bruce Talbot, d/b/a Sleepy Hollow Mobile Home Park))
Respondents)) _)

CHARGE OF DISCRIMINATION

I. JURISDICTION

On October 3, 2011, Complainants and and filed a complaint with the United States Department of Housing and Urban Development ("HUD"), alleging that Respondents H. William Gardner and Bruce Talbot, sole partners of Respondent Talgar General Partnership, discriminated against them in violation of the Fair Housing Act ("the Act"), as amended. 42 U.S.C. Sections 3601-3619.

The Act authorizes the Secretary of HUD to issue of a Charge of Discrimination 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), (2). The Secretary has delegated to the General Counsel, who has redelegated to the Regional Counsel, the authority to issue such a Charge following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity or his or her designee. 24 C.F.R. §§ 103.400, 103.405; 76 Fed.Reg. 42463, 42465 (July 18, 2011).

The Director of the Fair Housing Hub, Office of Fair Housing and Equal Opportunity for New England, has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred in this case, and has authorized the issuance of this Charge of Discrimination by the Regional Counsel. 42 U.S.C. §3610(g)(2).

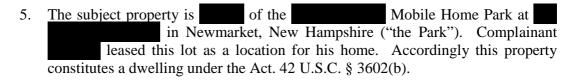
II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint, and the findings contained in the attached Determination of Reasonable Cause, the Secretary charges the Respondents with violating the Act as follows:

A. LEGAL AUTHORITY

- 1. It is unlawful to refuse to make a dwelling unavailable because of a person's disability or because of a person's association with a person with a disability. 42 U.S.C. § 3604(f)(1)(A), (C); 24 C.F.R. § 100.202(a).
- 2. It is unlawful to discriminate against any person in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, because of a disability of that tenant or because of a disability of a person associated with that tenant. 42 U.S.C. §§ 3604(f)(2)(A), (C); 24 C.F.R. § 100.202(b).
- 3. It is unlawful to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodation may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204(a).
- 4. It is unlawful to coerce, intimidate, threaten, interfere, or retaliate against any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Section 804 of the Fair Housing Act. 42 U.S.C. § 3617; 24 C.F.R. §§ 100.400(b), (c)(1-5).

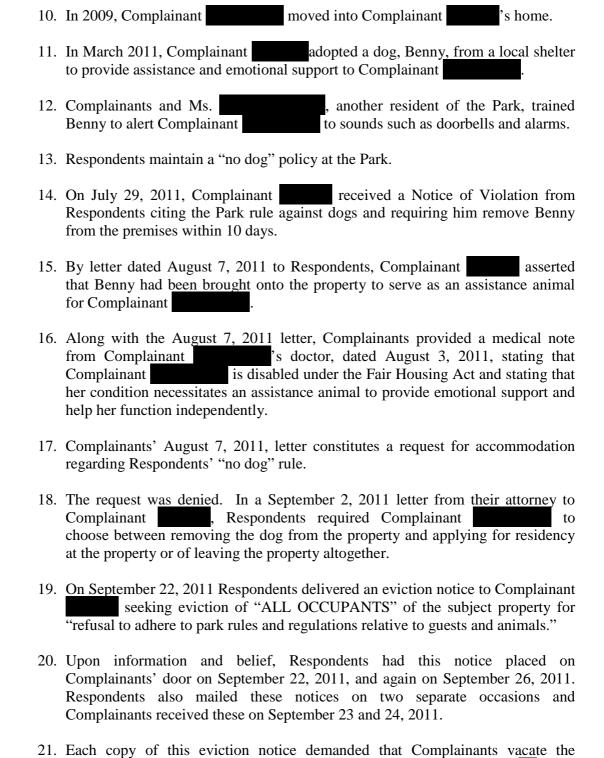
B. PARTIES AND SUBJECT PROPERTY



- 6. At all times relevant to the action, Respondent Talgar General Partnership, consisting of Respondents Bruce Talbot and H. William Gardner, owned the Park.
- 7. Complainant and is an aggrieved person as defined by the Act. 42 U.S.C. § 3602(i).
- 8. Complainant is a disabled person under the Act by virtue of her deafness and psychological limitations in her ability to deal with stress and anxiety. Complainant is an aggrieved person as defined by the Act. 42 U.S.C. § 3602(i).

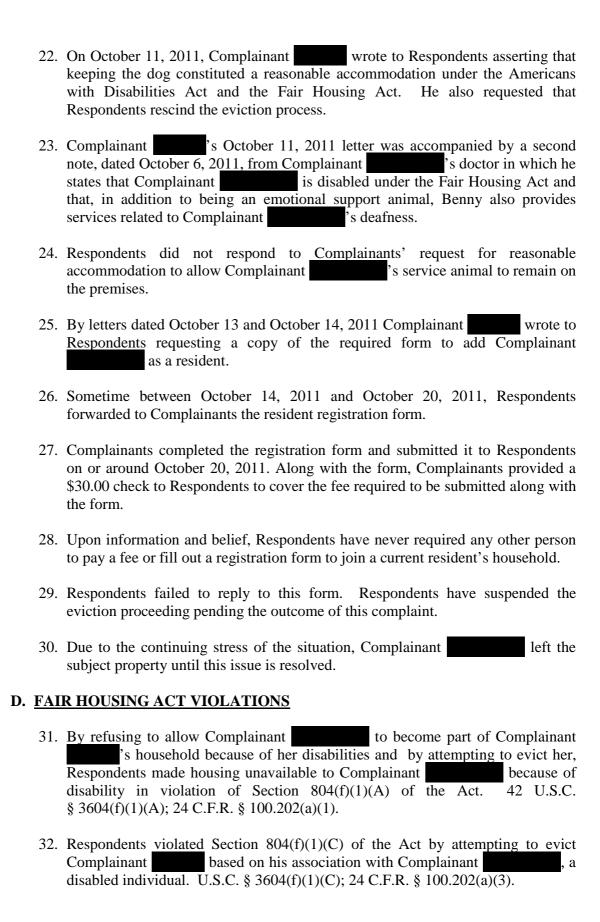
C. FACTUAL ALLEGATIONS

9. In 1988, Complainant rented Lot of the Park and located his home on that lot.



premises and remove all of their property and appurtenances from Lot

before December 1, 2011.



- 33. By treating Complainant differently from other similarly-situated new household members because of her disabilities, Respondents violated section 804(f)(2)(A) of the Act, 42 U.S.C. § 3604(f)(2)(A); 24 C.F.R. § 100.202(b)(1).
- 34. Respondents violated Section 804(f)(2)(C) of the Act by imposing different terms and conditions on Complainant by requiring him to submit a completed application form and fee before allowing an individual to be added to his household. These discriminatory requirements were based on Complainant 's association with Complainant , a disabled individual needing accommodation. 42 U.S.C. § 3604(f)(2)(C); 24 C.F.R. § 100.202(b)(3).
- 35. Respondents failed to make a reasonable accommodation under Section 804(f)(3)(B) of the Act by refusing allow Complainant to keep an assistance animal in violation of Section 804(f)(2) of the Act. 42 U.S.C. § 3604(f)(3)(B); 42 U.S.C. § 3604(f)(2); 24 C.F.R. § 100.204(a).
- 36. Each of Respondents' multiple eviction notices to Complainants violated Section 818 of the Act by interfering, coercing, intimidating, and retaliating against Complainants in their assertions of their right to be treated equally with other non-disabled tenants of the property in the application of Rules and Regulations and in their assertions of Complainant 's right to have reasonable accommodations granted when necessary. 42 U.S.C. § 3617; 24 C.F.R. §§ 100.400(b), (c)(1-5).
- 37. As a result of the Respondents' actions, Complainants have suffered damages including but not limited to emotional distress, inconvenience, loss of housing opportunity, and interference with free association.

III. <u>CONCLUSION</u>

WHEREFORE, the Secretary of Housing and Urban Development, through the Office of the Regional Counsel, Region I, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges Respondents Talgar General Partnership, H. William Gardner, and Bruce Talbot with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604(f)(1), § 3604(f)(2), § 3604(f)(3)(B), and § 3617 and prays that an Order be issued that:

- 1. Declares that the discriminatory housing practices of Respondents as set forth above violate the Fair Housing Act, as amended, 42 U.S.C. Sections 3601-3619;
- 2. Enjoins the Respondents from further violations of the Act;
- 3. Awards such damages as will fully compensate Complainants for their economic loss, loss of housing opportunity, inconvenience, and emotional distress caused by the Respondents discriminatory conduct;
- 4. Awards a civil penalty against each Respondent for each violation of the Act pursuant to 42 U.S.C. Section 3612(g)(3);

5.	Awards su	ıch	additional	relief	as	may	be	appropriate	under	42	U.S.C.	Section
	3612(g)(3)).										

Respectfully submitted,

/s/

Miniard Culpepper Regional Counsel, Region I

/s/

Abraham Brandwein Associate Regional Counsel Fair Housing, Personnel, and Administrative Law

/s/

Christopher C. Ligatti Attorney

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Date: 2/29/2012