

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

The Secretary, United States Department of Housing and Urban Development, on behalf of	)	
LONG ISLAND HOUSING SERVICES, INC.,	)	
Charging Party,	)	
v.	)	FHEO No. 02-08-0977-8
SUNRISE VILLAS, LLC, ANNA MARIA DANIELS, and LISA DANIELS,	)	
Respondents.	)	
	)	

**CHARGE OF DISCRIMINATION**

**JURISDICTION**

On September 17, 2008, Complainant Long Island Housing Services, Inc. (Complainant) filed a verified complaint with the U.S. Department of Housing and Urban Development (HUD). Complainant alleges that Respondent Sunrise Villas, LLC (Sunrise) maintains a “No Pet Policy” (the Policy) which violates the Fair Housing Act, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 *et seq.* (the Act). In particular, Complainant alleges that the Policy fails to accommodate disabled persons who require a service animal, thus limiting their housing opportunities and denying them equal access to housing. 42 U.S.C. §§ 3604(f)(2). Complainant further alleges that Respondents’ refusal to accommodate disabled persons frustrates Complainant’s mission and forces it to devote scarce resources to identify and counteract Respondents’ unlawful housing practices.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination (Charge) on behalf of aggrieved persons following an investigation and 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 the authority to issue such a Charge, following a determination of reasonable cause, to the General Counsel (73 Fed. Reg. 68439), who has re-delegated this authority to the Regional Counsel (73 Fed. Reg. 68441).

The Director of the Office of Fair Housing and Equal Opportunity (FHEO) for the New York/New Jersey Region, on behalf of the Assistant Secretary for FHEO, has authorized this Charge because he has determined after investigation that reasonable cause exists to believe that a discriminatory housing practice has occurred. HUD's efforts to conciliate the complaint were unsuccessful. *See* 42 U.S.C. § 3610(b).

### **LEGAL AUTHORITY IN SUPPORT OF CHARGE**

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 with such dwelling, because of a disability of that person or a person residing in that dwelling after it is sold, rented or made available. 42 U.S.C. § 3604(f)(2). Discrimination includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B).

### **PARTIES:**

2. Complainant is a private, not-for-profit corporation organized under the laws of New York State, with its principal place of business at 640 Johnson Avenue, Suite 008, Bohemia, New York. Complainant is a fair housing advocacy and counseling organization whose primary objectives are to promote racial integration and equal housing opportunity throughout Long Island through client counseling, public presentations and housing testing and advocacy.
3. Respondent Sunrise is a multi-family complex for persons age 55 and older located at 500 Leonard Court, Lindenhurst, Suffolk County, Long Island, New York 11757.

4. Respondent Anna Maria Daniels, at all times relevant to this Charge, was employed by Sunrise as the general manager.
5. Respondent Lisa Daniels, at all times relevant to this Charge, was employed by Sunrise as the assistant general manager.

#### **FACTUAL ALLEGATIONS IN SUPPORT OF CHARGE**

6. Respondent Sunrise maintains a policy prohibiting tenants from keeping “pets of any kind,” including, but not limited to, dogs, cats, fish and gerbils. The Policy, which is contained in Paragraph 26 of Respondent Sunrise’s standard lease agreement, forbids tenants from keeping pets in the building, even on a temporary basis.
7. Complainant LIHS utilizes “testers” to investigate suspected housing discrimination. LIHS provides training to these testers prior to the investigation.
8. On February 5, 2007, Tester A telephoned Sunrise. She spoke with “Anna” and made arrangements to see two apartments that same afternoon.
9. During her visit, Tester A viewed two vacant apartments. After viewing the apartments, Tester A told Anna that she would be getting a “service dog.” Anna asked what a “service dog” was and Tester A explained that “[w]hen someone has a medical condition, this is an animal that has been trained to assist/help them.” Anna replied that no animals of any kind are allowed at Sunrise. On information and belief Anna is Respondent Anna Maria Daniels.
10. On August 27, 2007, Tester B telephoned Sunrise. She spoke with a female agent and made arrangements to see one apartment on August 29, 2007. This conversation was recorded.
11. Shortly after making the first call, Tester B called Sunrise again and spoke with the same agent. Tester B told the agent that she had a “service dog.” The agent replied that no pets are allowed at Sunrise. Tester B reiterated that the dog was a service animal and not a pet. The agent stated that she would “find out” and discuss the

situation with Tester B at their scheduled appointment. This conversation was also recorded.

12. On August 29, 2007, Tester B attempted to telephone Sunrise to discuss the pet policy but her calls were not answered and messages were not returned.
13. On August 30, 2007, Tester B spoke with the same female agent who restated that no pets are allowed at Sunrise unless the pet is a “seeing eye dog.” On information and belief the female agent is Respondent Anna Maria Daniels.
14. On March 19, 2008, Tester C visited Sunrise and inquired about an apartment for his “sister.” An agent showed Tester C two apartments.
15. Tester C asked the agent if there was an additional fee for a service dog. The agent told Tester C that no dogs were allowed at Sunrise. Tester C explained that this was a certified service animal and the agent agreed to discuss it with her boss.
16. The agent telephoned someone and told Tester C that her boss said “no dogs.” Tester C asked if the agent had told her boss that the dog was a certified service animal. The agent indicated that she had told her boss of the dog’s certification but was informed that the building had had problems in the past with pets and there was a strict no pet policy. Tester C asked the agent for a card and the agent wrote “Lisa – Sunrise Villas, 226-5555” on a sheet of paper and give it to Tester C. On information and belief Lisa is Respondent Lisa Daniels.
17. Respondents’ discriminatory actions described above have (1) interfered with the efforts and programs of Complainant intended to bring about equality of opportunity to disabled persons and others in housing; (2) forced Complainant to devote scarce resources to identify and counteract Respondents’ unlawful housing practices; and (3) interfered with the right of Complainant’s disabled constituents from enjoying equal access and opportunity to housing.

**FAIR HOUSING ACT VIOLATIONS:**

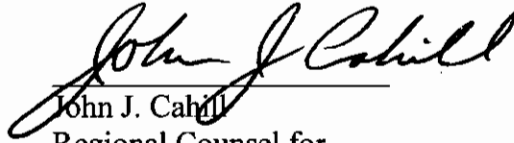
18. Respondents have violated the Act because the strict “No Pet Policy” constitutes a discriminatory refusal to afford disabled persons an equal opportunity to find, use or enjoy their dwelling. 42 U.S.C. §3604(f)(2).

**CONCLUSION:**

**WHEREFORE**, the Secretary of HUD, 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 42 U.S.C. §3604(f)(2) and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondents as set forth above violate the Act;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with it, from discriminating because of disability against any person in any aspect of the rental, sale, use or enjoyment of a dwelling pursuant to 42 U.S.C. § 3612 (g) (3);
3. Mandates the creation and implementation of a reasonable accommodation policy at Sunrise, and any other property owned or operated by Respondents, to be approved by HUD;
4. Awards such damages pursuant to 42 U.S.C. §3612(g) (3) as will fully compensate Complainant for its economic and any other loss caused by Respondents’ discriminatory conduct;
5. Awards a civil penalty against Respondents for violation of the Act, pursuant to 42 U.S.C. §3612(g) (3); and
6. Awards such additional relief as may be appropriate under 42 U.S.C. §3612(g) (3).

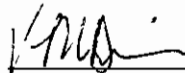
Respectfully submitted,



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New York/New Jersey



Henry Schoenfeld  
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Valerie M. Daniele  
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Date: July 20, 2009

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing "Charge of Discrimination," "Notice," and "Determination" in Long Island Housing Services, Inc. v. Sunrise Villas, LLC, et al., FHEO No. 02-08-0977-8, was sent via overnight mail:

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Anna Maria Daniels (Respondent)  
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And:

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July 21, 2009

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