

The Secretary, United States Department of
Housing and Urban Development, on behalf of
Fair Housing Advocates Association,

V.

Respondents.

05-08-1737-8

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II. SUMMARY OF THE ALLEGATIONS THAT SUPPORT THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned HUD complaint and Determination of Reasonable Cause, Respondent James Hunt, Sr., and Respondent Sagamore 400 Townhouses LLC., (collectively referred to as "Respondents") are charged with discriminating against Complainant Fair Housing Advocates, an aggrieved party as defined by 42 U.S.C. § 3602(i), based on race, in violation of 42 U.S.C. § 3604(a) and (d).

A. LEGAL AUTHORITY

1. It shall be unlawful to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin. 42 U.S.C. § 3604(a); *see also* 24 C.F.R. § 100.50(b)(1).
2. It shall be unlawful to represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available. 42 U.S.C. § 3604(d); *see also* 24 C.F.R. § 100.50(b)(5).

B. PARTIES AND SUBJECT PROPERTY

3. At all times relevant to this Charge, the property that is the subject of this complaint was a sixty-four unit townhouse complex located at 400 West Aurora Road, Sagamore Hills, Ohio, 44067 ("subject property").
4. At all times relevant to this Charge, Respondent James Hunt, Sr. ("Respondent Hunt") was the manager of the subject property, and on information and belief, Respondent Hunt is a partner of Sagamore 400 Townhouses LLC.
5. At all times relevant to this Charge, Respondent Sagamore 400 Townhouses LLC. was the owner of the subject property.
6. Complainant Fair Housing Advocates was and is a fair housing organization with the stated mission to eliminate housing discrimination, lending and homeowners insurance discrimination, and racial and sexual harassment and ensure housing opportunities for all people. Specifically, the Fair Housing Advocates seeks to eliminate housing discrimination against all persons because of race, color, religion, national origin, sex, disability, or familial status. In furthering this goal, Fair Housing Advocates engages in activities designed to encourage fair housing practices through educational efforts; assists persons who believe they have been

victims of housing discrimination; identifies barriers to fair housing in order to help counteract and eliminate discriminatory housing practices; works with elected and government representatives to protect and improve fair housing laws; and takes all appropriate and necessary action to ensure that fair housing laws are properly and fairly enforced throughout Summit County, the City of Barberton, and the State of Ohio.

C. FACTUAL ALLEGATIONS

7. At all times relevant to this Charge, the subject property was advertised for rent in the Sun Newspapers and online; those advertisements directed prospective renters to call (330) 467-4531, a telephone number listed to "James P. Hunt," Respondent Hunt. In addition, on information and belief, a sign for rental availability appeared at the subject property at all times relevant to this Charge.
8. On or about Friday, July 25, 2008, Celeste Barker, a *bona fide* home-seeker who is African-American, responded to a newspaper advertisement for a townhouse rental at the subject property. Ms. Barker called the number printed on the advertisement and spoke with a man later identified as Respondent Hunt, who told her to call back during business hours on Monday, July 28, 2008, to make an appointment.
9. On or about Saturday, July 26, 2008, Ms. Barker and her sister, Tracey Barker-Pratt, drove past the rental office of the subject property and noticed that it appeared to be open. They spoke with a man later identified as Respondent Hunt, who informed them that the rental office was closed, and that the advertised unit was no longer available, but that they should call on the following Monday to make an appointment.
10. In or around late July or early August 2008, Complainant Fair Housing Advocates received a complaint from Ms. Barker, in which she alleged discrimination on the basis of race, in her attempt to secure rental housing from Respondent Hunt.
11. In response to Ms. Barker's complaint, Complainant Fair Housing Advocates conducted fair housing testing of Respondents' rental practices. Complainant Fair Housing Advocates assigned a black tester and a white tester, each of whom sought rental housing at the subject property.
12. On or about August 4, 2008, at 1:05 PM, the white tester called (330) 467-4531, Respondent Hunt's phone number, to inquire about availability. A man answered the phone and told the white tester that an apartment would be available shortly.

The two made an appointment to see the unit for the next day, August 5, 2008, at 12:30 PM.

13. On or about August 5, 2008, at 1:10 PM, the white tester met with a white male who appeared to her to be in his seventies, and introduced himself as “Jim,” Respondent Hunt. Respondent Hunt told the white tester that unit #3 would be ready to move into on September 1, 2008. He said that unit #3 was “a nice location because it’s back from the road and we can keep it private,” or words to that effect. Additionally, Respondent Hunt pointed out that unit #3 had new windows that could easily be removed in order to move in oversized furniture. The white tester informed Respondent Hunt that she had one more unit to look at, and did not take or fill out a rental application.
14. On or about August 6, 2008, at 3:23 PM, the black tester called (330) 467-4531, Respondent Hunt’s phone number, and spoke with a man. The black tester asked about vacancies; the man told him there were no vacancies, but that something might become available in October.
15. That same day, on or about August 6, 2008, at 4:10 PM, the white tester called (330) 467-4531 to verify that there was still an available unit at the subject property. The white tester spoke with Respondent Hunt, who told her that the unit that she had toured, unit #3, was still available.
16. The next day, on or about August 7, 2008, at 4:49 PM, the black tester visited the subject property’s rental office without an appointment. The black tester spoke with a man named “Jim,” who appeared to him to be a white male in his sixties, and who identified himself as the “rental manager.” On information and belief, “Jim” was Respondent Hunt. Respondent Hunt told the black tester that there were no available units. Respondent Hunt added that something may become available by September 15 or October 15, and presented the black tester with an information sheet. Finally, Respondent Hunt advised the black tester to check back weekly, because something may become available, pending evictions.
17. On or about August 7, 2008 or August 8, 2008, independent of Complainant Fair Housing Advocates’ testing, a *bona fide* home-seeker, Chris Curry, who is African-American, called the subject property. Mr. Curry spoke with a man who identified himself as the “manager,” and told him that there were multiple units available, and to come over to see a unit that same day.

18. Later that day, on or about August 7, 2008 or August 8, 2008, Mr. Curry, and his girlfriend, Chrystienne Parrish, also a *bona fide* home-seeker and African-American, met with a man at the rental office of the subject property, who appeared to them to be a white male in his sixties with grey hair—on information and belief, Respondent Hunt. When interviewed by HUD staff, Mr. Curry and Ms. Parrish both stated that, contrary to his demeanor on the telephone, Respondent Hunt treated Mr. Curry and Ms. Parrish rudely when he met them in person. Specifically, Respondent Hunt acknowledged having spoken with Mr. Curry earlier over the phone, but denied having told him to stop by the subject property for a tour. Respondent Hunt made them wait around for approximately thirty minutes, after which he finally showed Mr. Curry and Ms. Parrish a unit, but told them that nothing was currently available for rent, and advised them to check back in September or October. Respondent Hunt wrote down Mr. Curry's contact information and said that he would call Mr. Curry if anything became available. Mr. Curry never received a call back.
19. On or about August 8, 2008, at 11:00 AM, the white tester once again called (330) 467-4531 and spoke with Respondent Hunt, who told her that unit #3 was still available for rent. The white tester asked if she could bring her daughter over to tour the unit at around 4:15 PM. Respondent Hunt agreed, and told her that, even if he wasn't around, "one of the guys will open the place so you can take a look," or words to that effect.
20. Later that day, on or about August 8, 2008, at 4:15 PM, the white tester and her daughter met with a man in his forties, who identified himself as Jim Hunt, Jr., and who explained that he was the son of Jim Hunt, Sr., who is in charge. The white tester and her daughter toured the unit, and Jim Hunt, Jr. represented that not only was unit #3 still available, but that it would be ready for occupancy on August 12, 2008, even earlier than the September 1, 2008 date she had been previously given by Respondent Hunt.
21. On or about August 13, 2008, at 1:26 PM, the black tester again called (330) 467-4531 to ask if anything had become available. The black tester talked to a man named "Jim," whose voice he recognized as that of the man who he had met with in person on August 7, 2008, Respondent Hunt. The black tester reminded Respondent Hunt that Respondent Hunt had indicated that something may become available around September or October, and that he had said to check back. Respondent Hunt replied that he had a unit that a lady had changed her mind about, and maybe another one. They set up an appointment to see one of the

available units at 3:30 PM the same day. Later that day, at around 4:05 PM, the black tester arrived at the subject property and was shown unit #3.

22. On or about August 22, 2008, Complainant Fair Housing Advocates filed a housing discrimination complaint with HUD.
23. In response to a data request letter from HUD, Respondent Hunt stated that it is his policy and practice when showing units to prospective tenants to show the actual unit that is available for rent.
24. Contrary to his stated policy, in an interview with HUD staff, Respondent Hunt stated that unit #3, the unit he showed to the white tester on August 5, and ultimately, showed to the black tester on August 13, was a model unit, available for viewing, but not rental.
25. In response to a data request letter from HUD, Respondent Hunt stated that it is his policy, when a unit is vacated, to clean and prepare the unit for re-renting within two weeks of it becoming vacant.
26. Unit #31 became vacant in or around June of 2008. On information and belief, unit #31 was vacant at the time that the black tester, and the black *bona fide* home-seekers, Mr. Curry and Ms. Parrish, inquired as to availability of rental units at the subject property. Respondent did not show or offer unit #31 to the black tester, Mr. Curry or Ms. Parrish.
27. Unit #34 became vacant in or around June of 2008. On information and belief, unit #34 was vacant at the time that the black tester, and the black *bona fide* home-seekers, Mr. Curry and Ms. Parrish, inquired as to availability of rental units at the subject property. Respondent did not show or offer unit #34 to the black tester, Mr. Curry or Ms. Parrish.
28. Unit #72 became vacant in or around June of 2008. On information and belief, unit #72 was vacant at the time that the black tester, and the black *bona fide* home-seekers, Mr. Curry and Ms. Parrish, inquired as to availability of rental units at the subject property. Respondent did not show or offer unit #72 to the black tester, Mr. Curry or Ms. Parrish.
29. Unit #78 became vacant in or around June of 2008. On information and belief, unit #78 was vacant at the time that the black tester, and the black *bona fide* home-seekers, Mr. Curry and Ms. Parrish, inquired as to availability of rental

units at the subject property. Respondent did not show or offer unit #78 to the black tester, Mr. Curry or Ms. Parrish.

30. In an interview with HUD staff, Respondent Hunt stated that it is his policy and practice to treat a unit as available up until the time that an applicant pays the application fee and is approved via credit check.
31. The white tester never asked for, received, or filled out an application to apply to rent a unit at the subject property.
32. Respondent Hunt knew that the black tester, Mr. Curry and Ms. Parrish were African-Americans when he misrepresented availability of units at the subject property and refused to rent to them.

D. FAIR HOUSING VIOLATIONS

33. When Respondent Hunt told the white tester that unit #3 was available to rent on August 4, August 5, August 6, and August 8, but denied that units were available for rent when speaking to the black tester on August 6 and August 7 and when meeting with the black *bona fide* home-seekers on August 7 or August 8, he misrepresented the availability of housing on the basis of race, in violation of 42 U.S.C. § 3604(d).
34. When Respondent Hunt told the white tester that unit #3 was available to rent on August 4, August 5, August 6, and August 8, but denied that units were available for rent when speaking to the black tester on August 6 and August 7 and when meeting with the black *bona fide* home-seekers on August 7 or August 8, he refused to rent housing on the basis of race, in violation of 42 U.S.C. § 3604(a).
35. As a result of Respondents' discriminatory conduct as described above, Complainant Fair Housing Advocates has suffered damages in the form of inconvenience, economic loss through diversion of its resources, and frustration of its mission to promote fair housing throughout Summit County, the City of Barberton, and the State of Ohio. Complainant Fair Housing Advocates expended resources counseling and representing Ms. Barker; it was forced to divert some of its scarce resources to investigate Respondents' discriminatory actions, organize and fund testing in response to Ms. Barker's complaint, and taking actions to counteract the effects of Respondents' discrimination.
36. As a result of Respondents' discriminatory conduct, an unknown number of prospective tenants who are African-American were discouraged from renting at the subject property because of Respondents' discriminatory practices frustrating

Complainant's mission to promote fair housing throughout Summit County, the City of Barberton, and the State of Ohio.

III. CONCLUSION

Wherefore, the Secretary of HUD, through the Office of the General Counsel and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges Respondent James Hunt, Sr., and Respondent Sagamore 400 Townhouses LLC with engaging in discriminatory housing practices as set forth above and prays that an order be issued that:

- A. Declares that Respondents' discriminatory housing practices, as set forth above, violate the Fair Housing Act, as amended, 42 U.S.C. § 3601, *et seq.*;
- B. Enjoins Respondents, their agents, employees and successors, and all other persons in active concert or participation with them, from discriminating against any person based on race in any aspect of the sale, rental, occupancy, use or enjoyment of a dwelling, in violation of the Fair Housing Act, as amended, 42 U.S.C. § 3601, *et seq.*;
- C. Awards such monetary damages as will fully compensate Complainant Fair Housing Advocates, and aggrieved parties, for their emotional distress, economic losses, diversion of resources and frustration of mission caused by Respondents' discriminatory conduct in violation of 42 U.S.C. § 3604(a) and (d);
- D. Imposes a civil penalty of sixteen thousand dollars (\$16,000) against each Respondent for each violation of the Fair Housing Act that Respondents committed, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.671(a)(1); and
- E. Awards such additional relief as may be appropriate pursuant to 42 U.S.C. § 3612(g)(3).

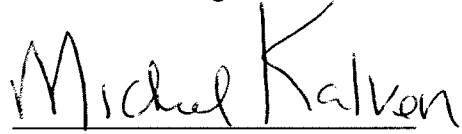
Respectfully Submitted,



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