

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 )  
[REDACTED] )  
[REDACTED] )  
Charging Party, )  
v. )  
[REDACTED] )  
Pinnacle Homestead Management, Inc., )  
[REDACTED] Columbus Arms, Ltd.)  
Respondents. )  
\_\_\_\_\_

FHEO No. 06-07-0581-8

CHARGE OF DISCRIMINATION

**I. JURISDICTION**

On or about March 20, 2007, [REDACTED] (Complainant) filed a verified complaint with the United States Department of Housing and Urban Development (HUD), alleging [REDACTED] violated the Fair Housing Act as amended in 1988, 42 U.S.C. § 3601 *et seq.* (the Act), by discriminating based on race, in violation of 42 U.S.C. § 3604(b). The complaint was amended on June 1, 2007, to include allegations of discriminatory acts under 42 U.S.C. § 3617. The complaint was amended on October 11, 2007, to add Pinnacle Homestead Management Inc. [REDACTED] as General Partner of Columbus Arms Ltd, and [REDACTED] as Respondents. The complaint was again amended on June 6, 2008, to add [REDACTED] as aggrieved persons and to remove the allegations under 42 U.S.C. § 3617. The complaint was last amended on July 9, 2008, to include Columbus Arms Ltd. as a respondent.

The Act authorizes the issuance of 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 to the General Counsel (54 Fed.Reg. 13121), who has redelegated to the Regional Counsel for Fair Housing Enforcement (67

Fed.Reg. 44234), the authority to issue such a Charge, following a determination of reasonable cause by HUD.

By determination of reasonable cause of June 2, 2009, the Director of the Office of Fair Housing and Equal Opportunity for Region VI, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred in this case based on race, and has authorized and directed the issuance of this Charge of Discrimination.

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

Based on HUD's investigation of the allegations contained in the aforementioned complaint and the aforementioned Determination of Reasonable Cause, Respondents [REDACTED] Pinnacle Homestead Management, Inc., [REDACTED] and Columbus Arms, Ltd. are charged with discriminating against Complainant, [REDACTED] and her children, [REDACTED] aggrieved persons, based on race in violation of 42 U.S.C. § 3604(b) of the Act as follows:

1. It is unlawful to discriminate against any person in the terms, conditions, or privileges of rental of a dwelling because of the race of that person. 42 U.S.C. § 3604(b).
2. Columbus Arms Apartments, the subject property, is an apartment complex of 48 units located at 1880 Highway S., Columbus, Texas 77805.
3. Respondent Columbus Arms Ltd. owns the subject property. According to Texas Secretary of State records, Columbus Arms, Ltd. is located at P.O. Box 3189, Bryan, Texas 77805.
4. Respondent [REDACTED] is the General Partner for Columbus Arms Ltd. According to Texas Secretary of State records, [REDACTED] is located at P.O. Box 3189, Bryan, Texas 77805.
5. Respondent Pinnacle Homestead Management, Inc. manages Columbus Arms Apartments. According to Texas Secretary of State records, Pinnacle Homestead Management, Inc. is located at P.O. Box 3189 Bryan, Texas 77805.
6. Respondent [REDACTED] is the on-site property manager of Columbus Arms Apartments and is employed by Respondent Pinnacle Homestead Management, Inc.
7. Respondent [REDACTED] is employed by Respondent Pinnacle Homestead Management, Inc. as a Management Supervisor. Respondent [REDACTED] supervises Respondent [REDACTED]

8. Complainant [REDACTED] is a single, Black female with four children [REDACTED] [REDACTED] "children"), who were ages five, nine, ten, and thirteen, respectively as of 2007.
9. Complainant and her children have lived at the subject property since December 23, 2005, in a two-bedroom unit.
10. At all relevant times, the occupancy policy for Columbus Arms Apartments allowed 2-4 tenants for a two-bedroom unit.
11. Complainant's original lease listed herself as the head of household and her three children [REDACTED]. Complainant did not place her son [REDACTED] on the lease since she was on the waiting list for a three-bedroom unit and had been instructed by the previous manager not to put him on the lease until she transferred. However, prior to Respondent [REDACTED] actions [REDACTED] had lived in the unit with his mother and siblings.
12. During Complainant's recertification process in August 2006, Complainant requested [REDACTED] be added to the lease. Respondent [REDACTED] informed Complainant she would be over the occupancy limits if she were to add her son [REDACTED] to Complainant's lease and thus, would be in violation of her lease.
13. Prior to Respondent [REDACTED] issuing Complainant an eviction notice for occupancy issues she requested Complainant provide her with a letter and documents showing residency of [REDACTED] was at another location.
14. Complainant then sent [REDACTED] to live with her sister. Complainant was required to pick up her son on school days in the morning and bring him back to Columbus Arms Apartments to catch the bus to school. Complainant instructed [REDACTED] to stay at her apartment at Columbus Arms Apartments after school until her sister could pick him up to take him home with her.
15. Respondent [REDACTED] issued Complainant a lease violation for occupancy issues on November 17, 2006, after observing [REDACTED] on the property in the evenings and at the bus stop on school-day mornings.
16. On an uncertain date, Respondent [REDACTED] without authority, pulled [REDACTED] along with other children that did not live at Columbus Arms Apartments, off the bus and provided a list of children that could ride the bus to the bus driver, which excluded [REDACTED].
17. A White female tenant [REDACTED] also lived at the subject property during the time of Complainant's tenancy. [REDACTED] also lived in a two-bedroom unit with her four minor children and her children's father. The [REDACTED] family had two people in the unit over the occupancy standards for the subject property.

18. [REDACTED] was recertified in October 2005 as being over occupancy with four children in a two-bedroom unit.
19. Respondent [REDACTED] became aware [REDACTED] children's father was staying at the subject property around July 2006.
20. Respondent [REDACTED] acknowledged she informed [REDACTED] children's father he would have to supply verification of income.
21. Respondent [REDACTED] also acknowledged she was aware of the occupancy issues with [REDACTED]
22. [REDACTED] children's father was never placed on the lease. Respondents [REDACTED] and [REDACTED] never issued a notice of lease violation to the [REDACTED] family for occupancy issues. In addition, Respondent [REDACTED] never requested [REDACTED] remove one of her children from the unit in order to be in compliance with the occupancy standards.
23. Complainant ultimately moved from the property in December 2006 since her son was not allowed to stay in the unit after school or use the bus stop located at Columbus Arms Apartments to catch the bus to school.
24. By forcing Complainant to remove her son from the unit to maintain her lease when another non-Black family who exceeded the occupancy standards was not asked to do so, Respondents discriminated in the terms and conditions of the rental of a dwelling against Complainant in violation of 42 U.S.C. § 3604(b).
25. Because of Respondents [REDACTED] Pinnacle Homestead Management, Inc. [REDACTED], and Columbus Arms, Ltd.'s discriminatory conduct, Complainant and her children have suffered damages, including emotional distress, embarrassment, and humiliation. In addition, Complainant [REDACTED] experienced increased frustration and a lack of privacy.

### III. CONCLUSION

WHEREFORE, the Secretary of the United States Department of Housing and Urban Development, through the Office of the General Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A) of the Act, hereby charges Respondents [REDACTED] Pinnacle Homestead Management, Inc. [REDACTED], and Columbus Arms, Ltd. with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604(b) of the Act, and prays that an Order be issued that:

1. Declares that the discriminatory housing practices of Respondent [REDACTED] [REDACTED] Pinnacle Homestead Management, Inc.,

[REDACTED] and Columbus Arms, Ltd., as set forth above, violated the Fair Housing Act, as amended, 42 U.S.C. § 3601 *et seq.*;

2. Enjoins Respondents [REDACTED] Pinnacle Homestead Management, Inc., [REDACTED] and Columbus Arms, Ltd., their agents, employees, and successors, and all other persons in active concert or participation with any of them from discriminating because of race against any person in any aspect of the purchase or rental of a dwelling;
3. Directs Respondents [REDACTED] Pinnacle Homestead Management, Inc., [REDACTED] and Columbus Arms, Ltd., their agents, employees, and successors to attend Fair Housing training;
4. Awards such damages as will fully compensate Complainant [REDACTED], an aggrieved person, for her damages, including compensation for economic loss and physical and emotional distress caused by Respondents [REDACTED] Pinnacle Homestead Management, Inc., [REDACTED] and Columbus Arms, Ltd.'s discriminatory conduct pursuant to 42 U.S.C. § 3604(b);
5. Awards such damages as will fully compensate [REDACTED] aggrieved persons, for their damages, including compensation for economic loss and physical and emotional distress caused by Respondents [REDACTED] Pinnacle Homestead Management, Inc., [REDACTED] and Columbus Arms, Ltd.'s discriminatory conduct pursuant to 42 U.S.C. § 3604(b); and
6. Awards a civil penalty against Respondents [REDACTED] Pinnacle Homestead Management, Inc., [REDACTED], and Columbus Arms, Ltd. for each violation of the Act committed, pursuant to 42 U.S.C. § 3612(g)(3).

The Secretary of HUD further prays for additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted,

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Regional Counsel  
Office of General Counsel  
Region VI

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