

II. PARTIES AND SUBJECT PROPERTY

3. Sharon Dunfee is a woman with a disability as defined by 42 U.S.C. § 3602(h). Ms. Dunfee's mental disability limits her major life activities, including her ability to interact with others.
4. Ms. Dunfee has a disability-related need for her two emotional assistance cats (at times referred to by the Parties as "service cats" or "emotional assistance cats").
5. Ms. Dunfee is a participant in the Section 8 Housing Choice Voucher Program, 42 U.S.C. § 1437f, and has a Section 8 Housing Choice Voucher ("Section 8 Voucher" or "Voucher") to assist in paying rent.
6. Defendant Sally Lund and David Lund owned and rented a single-family detached home located at 423 West Front Street, Erie, Pennsylvania, which they advertised for rent at \$500 per month in the *Erie Times-News*. The subject property is a dwelling as defined by 42 U.S.C. § 3602(b).

III. FACTUAL ALLEGATIONS

7. In August of 2009, Ms. Dunfee viewed an advertisement in the *Erie Times-News* advertising the subject property for rent at \$500 per month.
8. On or about August 7, 2009, Ms. Dunfee called the telephone number listed in the advertisement to inquire about renting the subject property. She spoke to Defendant Sally Lund.
9. During the conversation, Ms. Dunfee explained to Ms. Lund that she owned two service cats for emotional support, and that she had a Section 8 Voucher.
10. Ms. Lund responded that she would accept the Voucher but would not permit Ms. Dunfee to have cats on the property.

11. Ms. Dunfee further explained that her cats were service animals and that she needed them for her health.

12. Ms. Lund told Ms. Dunfee that she should not be so emotionally dependent on her cats.

13. Ms. Lund did not ask for medical or other documentation concerning Ms. Dunfee's need for the emotional support animals.

14. After the telephone call with Ms. Lund, Ms. Dunfee contacted Constance Burnett, Housing Director at Voices for Independence, a disability advocacy group in Erie, Pennsylvania.

15. Ms. Dunfee described the telephone call with Ms. Lund to Ms. Burnett, and requested Ms. Burnett's assistance in handling the matter.

16. Shortly thereafter, Ms. Burnett telephoned the Lunds on Ms. Dunfee's behalf.

17. Ms. Burnett initially spoke with Defendant Sally Lund. Ms. Burnett told Ms. Lund that she was calling on Ms. Dunfee's behalf about their recent conversation regarding renting the subject property.

18. Ms. Burnett informed Ms. Lund that, as a person with a disability, Ms. Dunfee has certain rights under the Fair Housing Act and that it was a violation of the Act to deny housing to a person with a disability based on his or her need for service animals.

19. Shortly into the conversation, Ms. Lund handed the telephone to Mr. Lund. Ms. Burnett explained to Mr. Lund that the Fair Housing Act required them to allow Ms. Dunfee to occupy the subject property with her emotional assistance cats regardless of their pet policy.

20. Mr. Lund told Ms. Burnett that they would not permit Ms. Dunfee to rent the subject property with her cats, nor could anyone dictate what they could do with their property.

21. Defendant Sally Lund knew or should have known that Ms. Dunfee had a disability.

22. Defendant Sally Lund knew or should have known that Ms. Dunfee had made a request for a reasonable accommodation to their "no pets" policy.

23. Defendant Sally Lund refused to make a reasonable accommodation in her rules, policies or practices when such accommodations may have been necessary to afford Ms. Dunfee equal opportunity to use and enjoy the subject property.

IV. MS. DUNFEE'S DISCRIMINATION COMPLAINT

24. On or about June 24, 2010, Ms. Dunfee timely filed a complaint of discrimination against Defendant Sally Lund and David Lund with the United States Department of Housing and Urban Development ("HUD"), pursuant to the Fair Housing Act.

25. Pursuant to 42 U.S.C. § 3610(a) and (b), the Secretary of HUD conducted and completed an investigation of the complaint, attempted conciliation without success, and prepared a final investigative report.

26. Based upon the information gathered in the investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause existed to believe that illegal discriminatory housing practices had occurred. Therefore, on April 5, 2013, the Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A), charging Defendant Sally Lund and David Lund with engaging in discriminatory practices in violation of the Fair Housing Act.

27. On April 19, 2013, Defendant Sally Lund timely elected to have the claim asserted in HUD's Charge of Discrimination resolved in a civil action pursuant to 42 U.S.C. § 3612(a).

28. On April 22, 2013, the Administrative Law Judge issued a Notice of Election to Proceed in United States Federal District Court and terminated the administrative proceedings on Ms. Dunfee's complaint.

29. Following the Notice of Election, the Secretary of HUD authorized the Attorney General to commence a civil action, pursuant to 42 U.S.C. § 3612(o).

V. FAIR HOUSING ACT VIOLATIONS

30. Defendant, through the actions described above, has violated the Fair Housing

Act by:

- a. Discriminating in the rental of and denying a dwelling to Ms. Dunfee because of her disability, in violation of 42 U.S.C. § 3604(f)(1)(A);
- b. Refusing to make reasonable accommodations in the rules, policies, practices, or services, when such accommodations were necessary to afford Ms. Dunfee an equal opportunity to use and enjoy a dwelling, in violation of 42 U.S.C. § 3604(f)(3)(B); and
- c. Making a statement with respect to the rental of a dwelling that indicates a limitation or discrimination based on Ms. Dunfee's disability, in violation of 42 U.S.C. § 3604(e).

31. Ms. Dunfee has suffered and continues to suffer damages as a result of Defendant's Fair Housing Act violations. She is an "aggrieved person" within the meaning of 42 U.S.C. § 3602(i).

32. Defendant's discriminatory actions were intentional, willful, and/or taken in disregard of the federally protected rights of Ms. Dunfee.

WHEREFORE, the United States requests entry of an ORDER that:

1. Declares that Defendant's conduct, as alleged herein, violates the Fair Housing Act;
2. Enjoins Defendant, and all other persons in active concert or participation with her, from:
 - a. Discriminating in the rental, or otherwise making unavailable or denying dwellings to renters because of disability;
 - b. Discriminating 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 such dwelling, because of disability;
 - c. Failing or refusing to make reasonable accommodations as required by 42 U.S.C. § 3604(f)(3)(B);
 - d. Making any statement with respect to the rental of a dwelling that indicates limitation or discrimination based on disability, or an intention to make any such limitation or discrimination;
 - e. 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 Defendant's discriminatory conduct; and
 - f. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, Sharon Dunfee to the position she would have been in but for the discriminatory conduct, including implementing policies and procedures to ensure that no applicants or residents are discriminated against because of disability.


3. Awards monetary damages to Sharon Dunfee, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(o)(1).

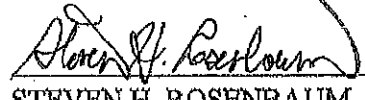
The United States further requests such additional relief as the interests of justice may require.

Date: June 19, 2013

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