

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No.

v.

HON.

DAVID FRENCH and PAULA FRENCH,

Defendants.

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**COMPLAINT**

The United States of America alleges:

1. This action is brought by the United States to enforce the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601-3619. As explained more fully below, Defendant Paula French made statements indicating her preference to exclude Claire and William Rembis, a mixed-race (African-American and white) couple, and their then-seven children from being able to rent a house owned by her husband, Defendant David French, on the basis of race, color and familial status.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3612(o).

3. Venue is proper under 28 U.S.C. § 1391(b) because the alleged discriminatory conduct took place in the Eastern District of Michigan, both defendants reside and/or do business

in the Eastern District of Michigan, and the claims concern or otherwise relate to real property located in the Eastern District of Michigan.

#### PARTIES

4. Defendants David and Paula French (“the Frenches”) are a married couple who, at the time of the events giving rise to this action, owned and managed a four-bedroom, single family house located at 12910 Medina Road, Hudson, Michigan (“subject property”), which they used as rental property. At all times relevant to this Complaint, David French owned the subject property, and the Frenches established policies and procedures and made all management decisions, including screening prospective tenants and making rental decisions, relating to the subject property.

5. The subject property is a dwelling within the meaning of section 802(b) of the Fair Housing Act, as amended. 42 U.S.C. § 3602(b).

#### FACTUAL ALLEGATIONS

6. Complainants Claire and William Rembis (collectively “Complainants”) are a married couple. At all times relevant to this suit, Complainants had seven minor children, and now have nine. Complainant Claire Rembis and her children are of mixed race, African-American and white. Complainant William Rembis is white.

7. In or around September 2008, Complainants were searching for new housing because the rental house in which they were residing was in foreclosure.

8. In or around September 2008, Complainant Claire Rembis saw an advertisement for the subject property on [www.craigslist.com](http://www.craigslist.com). She called the telephone number identified in the ad and left a voicemail message about renting the subject property. A woman, later identified as Defendant Paula French, returned the call a couple of days later and the two talked about a

potential lease, possibly with an option to buy. However, no action was taken by either party as a result of this call.

9. On or about December 1, 2008, Complainant Claire Rembis again saw a rental advertisement for the subject property. Ms. Rembis called to inquire about the rental and again spoke to Paula French, who encouraged Ms. Rembis to look at the subject property and submit an application.

10. On December 2, 2008, Claire and William Rembis visited the subject property. They were shown the property by Kevin McCarty, Paula French's brother who lived in the area, as a favor to his sister and brother-in-law.

11. On December 3, 2008, Claire Rembis emailed to Paula French a completed rental application.

12. On December 5, 2008, Paula French called Claire Rembis at home and told her that she was going to come to where Ms. Rembis was living to see how she kept house, and to meet her children. Paula French claimed that she had been shopping in the area, but later admitted that she had driven forty-eight miles to Ms. Rembis' house specifically just to meet with her. Paula French acknowledged that such a visit was unusual, joking that she knew that Ms. Rembis would immediately call her husband to tell him about the visit.

13. Approximately ten minutes after calling, Paula French arrived at Ms. Rembis' house and asked if she could meet all of the children, even insisting that Ms. Rembis awaken two of her children who were napping. Ms. Rembis complied and submitted to a tour of her home and a visual inspection of her children by Paula French.

14. Afterwards, while discussing the subject property, Paula French commented to Claire Rembis, "I see that you're a woman of color, would you be uncomfortable living there at

all?” While making the statement, Ms. French made a gesture toward her own face with her hand. Paula French stated that there were not many “people of color” in the area where the subject property was located. Ms. Rembis responded by asking if there was racial tension in the area. Paula French replied that there was not, and added that she believed that the Rembis children would not have a difficult time “blend[ing] in” because they were “so fair.” Paula French then mentioned that she has a cousin who lives in the same area who is married to a black man and has “light skinned” children. Ms. French suggested that Ms. Rembis would probably get along well with her cousin.

15. After Paula French left her house, Claire Rembis called her husband and recounted her encounter with Ms. French. Ms. Rembis also called her mother and her sister, and posted comments on an internet discussion page.

16. On December 9, 2008, Paula French sent Claire Rembis an email rejecting her rental application stating that “My husband and I have decided that between your poor credit score and the number of small children that would be living in the house that we cannot afford the risk of renting to you. You have a good heart and are a good person I can tell. Good luck to your family. Paula.”

#### PROCEDURAL HISTORY

17. On or about December 7, 2009, Complainant Claire Rembis filed a complaint with the United States Department of Housing and Urban Development, alleging, *inter alia*, that Defendant Paula French had made statements with respect to the rental of the subject property that indicated a preference, limitation, or discrimination on the basis of race, color, and familial status. The complaint was later amended to include William Rembis as a complainant, their seven minor children as other aggrieved persons, and Defendant David French, as a respondent.

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

19. Based on the information gathered in the course of the investigation, the Secretary, pursuant to 42 U.S.C. §3610(g)(1), determined that there was reasonable cause to believe that Defendants had violated the Fair Housing Act.

20. On or about June 29, 2012, the Secretary issued a charge of discrimination pursuant to 42 U.S.C. §3610(g)(2)(A), charging Defendants with engaging in discriminatory housing practices in violation of the Fair Housing Act.

21. On or about July 9, 2012, the Complainants elected to have their charge resolved in a federal civil action pursuant to 42 U.S.C. §3612(a).

22. Pursuant to 42 U.S.C. § 3612(o)(1), the Secretary subsequently authorized the Attorney General to file this action on behalf of the aggrieved persons.

#### FAIR HOUSING ACT CLAIM

23. By their actions alleged in this Complaint, the Defendants have violated the Fair Housing Act, 42 U.S.C. § 3604(c) which makes it unlawful to “make, print, or publish, or cause to be made, printed, or published any notice, *statement*, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, [or] familial status, or an intention to make any such preference, limitation, or discrimination.” (Emphasis added).

24. Claire Rembis and her husband William Rembis have been injured by a discriminatory housing practice and are aggrieved persons as defined in 42 U.S.C. § 3602(i).

PRAYER FOR RELIEF

25. WHEREFORE, the United States prays that the Court enter an order that:
- a. Declares that the Defendants' conduct, as alleged herein, violates the Fair Housing Act, 42 U.S.C. § 3604(c);
  - b. Enjoins the Defendants, their officers, employees, agents, successors, and all other persons in active concert or participation with any of them, from:
    - i. Discriminating against any person on the basis of race, color, or familial status in violation of the Fair Housing Act in any aspect of the sale or rental of a dwelling; and
    - ii. Making any statement indicating a preference or discrimination based on race, color, or familial status;
  - c. Order Defendants to take such affirmative steps as may be necessary to restore, as nearly as practicable, Claire and William Rembis to the position they would have been in but for the discriminatory conduct;
  - d. Order Defendants to take such actions 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 their unlawful conduct, including implementing policies and procedures to ensure that no applicants or residents are discriminated against because of race, color, or familial status; and
  - e. Awards monetary damages to Claire and William Rembis, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1).

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

Respectfully submitted,

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