

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 a dwelling, because of a handicap of that person or a person residing in that dwelling after it is sold. 42 U.S.C. § 3604(f) (2) (A) and (B). 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 handicap equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f) (3) (B).

PARTIES

2. Complainant, [REDACTED], is a woman who has physical impairments that substantially limit her mobility and cause her to walk with a cane. Complainant has [REDACTED] [REDACTED]. Because of her handicap, Puerto Rico has issued Complainant a handicapped parking decal.
3. Complainant is a person with a handicap within the meaning of the Fair Housing Act. 42 U.S.C. § 3602(h).
4. Respondent, HAL Development Corporation, is a corporation that developed the Condominium Monte Centro, located at [REDACTED] [REDACTED] Carolina, Puerto Rico, a gated community of walk-up apartments. Respondent manages the Condominium, including the parking area.

FACTUAL ALLEGATIONS IN SUPPORT OF CHARGE

5. Complainant resides in and owns Apartment [REDACTED] Carolina, Puerto Rico, which she purchased in or about June 2008. Complainant's apartment came with two assigned tandem parking spaces located in the Condominium's parking lot.
6. Complainant's apartment is a "dwelling" within the meaning of the Act.
7. Complainant's assigned parking spaces are located 238 feet from her apartment.
8. On September 15, 2008, Complainant filed a complaint with the Puerto Rico Department of Consumer Affairs ("DACO") alleging that Respondent had engaged in contractual deception by failing to disclose at the time of purchase that her assigned parking spaces were a considerable distance from her unit.

9. During the DACO proceeding, Complainant explained that she was a person with a handicap and that she had purchased her apartment because it had been designated as handicapped accessible. Complainant requested that DACO order Respondent to assign her the exclusive use of a handicapped accessible parking space close to her apartment.
10. The handicapped accessible parking space that Complainant requested is located 103 feet from her apartment; of those 103 feet, 73 are on an accessible route with railings that Complainant can use for support.
11. Complainant's assigned parking spaces are an additional 135 feet from the accessible parking space that she had requested.
12. In order to reach her assigned spaces, Complainant must ambulate without benefit of railings and cross oncoming traffic.
13. During the DACO proceeding, Respondent indicated that it would not assign Complainant the exclusive use of the accessible parking space, but stated instead that she, like others, could use the space on a first come first serve basis, so long as Complainant displayed a valid handicapped parking decal.
14. Complainant rejected Respondent's offer because it failed to accommodate her request for an accessible parking space close to her residence that she could use as needed.
15. On November 26, 2008, DACO issued a decision, finding that Respondent did not engage in contractual deception. The decision did not address either Complainant's status as a person with a handicap or Respondent's obligations under the Act.
16. By letter dated February 3, 2009, Complainant's doctor certified that Complainant was a person with a handicap and that walking distances greater than 25-30 steps exacerbated her physical impairments.
17. Despite being given a copy of the letter from Complainant's doctor verifying Complainant's handicap and her need for a parking space close to her residence, Respondent has refused to re-assign the handicapped accessible space to Complainant.
18. Because Respondent has failed to grant Complainant a reasonable accommodation, she has suffered emotional distress and other damages.

FAIR HOUSING ACT VIOLATIONS:

19. Respondent has violated the Act because it has discriminated against Complainant in the terms, conditions or privileges of a sale of a dwelling, or in the provision of services or facilities in connection with such a dwelling, by refusing to make a reasonable accommodation in its rules, policies, practices, or services, when such an accommodation was necessary to afford Complainant equal opportunity to use and enjoy her dwelling. 42 U.S.C. § 3604 (f) (2) (A); 42 U.S.C. § 3604 (f) (3) (B); 24 C.F.R. § 100.204.

CONCLUSION

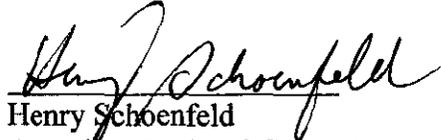
WHEREFORE, the Secretary of HUD, through the Office of General Counsel and pursuant to 42 U.S.C. § 3610(g) (2) (A), hereby charges Respondent with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604 (f) (2) and § 3604 (f) (3) (B) and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondent as set forth above violate the Fair Housing Act, 42 U.S.C. §§ 3601-3619;
2. Enjoins Respondent, its agents, employees, and successors, and all other persons in active concert or participation with it, from discriminating because of handicap 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. Permanently assigns Complainant a handicapped accessible parking space close to her residence;
4. Enjoins Respondents, its agents, employees, and successors, and all other persons in active concert or participation with it, from coercing, intimidating, threatening or interfering with Complainant's exercise or enjoyment of rights granted or protected by the Act;
5. Awards such damages pursuant to 42 U.S.C. § 3612(g) (3) as will fully compensate Complainant for emotional distress, including embarrassment and humiliation, inconvenience, and economic loss caused by Respondent's discriminatory conduct;
6. Awards a civil penalty against Respondent for violation of the Act, pursuant to 42 U.S.C. § 3612(g) (3); and
7. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g) (3).

Respectfully submitted,



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