United States Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity

National Fair Housing Alliance,	)	
	)	
Complainant,	)	
	)	
v.	)	Complaint Nos. 02-09-0682-8 and 02-09-0687-8
	)	
Roberto Tristaino and	)	
Metro Net Realty, LLC,	)	
	)	
Respondents.	)	
	)	

CHARGE OF DISCRIMINATION

JURISDICTION

In May 2009, a fair housing advocacy and counseling organization, National Fair Housing Alliance, ("Complainant" or "NFHA") filed two separate verified complaints with the United States Department of Housing and Urban Development ("HUD"), alleging that Roberto Tristaino ("Respondent Tristaino") and Metro Net Realty, LLC ("Respondent Metro Net") made statements with respect to the rental of a two bedroom apartment indicating a preference and limitation based on familial status in violation of the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.* ("Act"). In particular, Complainant alleges that Respondents placed unlawful advertisements on an online-classified website, craigslist, specifying that the apartment listed was to be rented exclusively to a "[m]ature couple or single with no children."

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination ("Charge") on behalf of aggrieved persons following an investigation and determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. § 3610(g)(2). The Secretary has delegated to the General Counsel (74 Fed. Reg. 62802, Dec. 1, 2009), who has retained and re-delegated to the Regional Counsel (76 Fed. Reg. 42465, July 18, 2011), the authority to issue such a Charge following a determination of reasonable cause. The Director of the Office of Fair Housing and Equal Opportunity ("FHEO") for the New York/New Jersey Region, on behalf of the Assistant Secretary for FHEO, has authorized this Charge because he has determined after investigation that reasonable cause exists to believe that a discriminatory housing practice has occurred. *See* 42 U.S.C. § 3610(b).

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 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 any dwelling that indicates any preference, limitation, or discrimination based on familial status 42 U.S.C. § 3604(c).

PARTIES

2. Complainant, National Fair Housing Alliance, is a non-profit organization dedicated to promoting equal opportunity in housing. NFHA works to eliminate housing discrimination and to ensure equal housing opportunities throughout the United States by engaging in a variety of counseling, educational and referral services, as well as conducting fair housing testing.

3. At all times relevant to this Charge, Respondent Roberto Tristaino was a New York State real estate salesperson who worked for Metro Net Realty, LLC.

4. At all times relevant to this Charge, Respondent Metro Net Realty, LLC was a real estate agency located in 159-35 102nd St., Howard Beach, New York.

FACTUAL ALLEGATIONS IN SUPPORT OF CHARGE

5. On September 22, 2008, Complainant noted an internet advertisement on craigslist for a two-bedroom rental apartment. The referenced apartment is a "dwelling" within the meaning of the Act.

6. The advertisement was for an apartment in Bergen Beach, a neighborhood in Brooklyn, New York. The advertisement began running on craigslist on September 16, 2008 and stated the following:

   *"$1400 / 2br – Close to Bus, Great Space, Large 2bdrms Great Area, (***SEE PICS***SEE PICS* BERGEN BEACH). ASKING ONLY $1400... Large 2 Bedroom Apt Located on a Beautiful Tree Lined Block in Heart of Bergen Beach. Second Floor apt with private entrance. Huge kitchen with plenty of cabinet space...extra large living room and dining room. Master Bed with Walk in closet. Spacious Bathroom...Close to Bus stop, resturants (sic), and Shopping Malls. Home Owner Is Great with positive upbeat attitude..This apartment wont (sic) last. Please Call Agent Rob 1-718-696-8217. LOOKING FOR:: Mature couple or single with no children .. and no dogs or cats. Credit and background check required."*

   "Listed by: metronet (sic) realty."

7. On October 30, 2008, Complainant discovered the same rental advertisement on craigslist. Again, it sought to rent the two bedroom apartment to a "[m]ature couple or single with no children."

8. Complainant noted that the two advertisements contained the facially discriminatory preference: "FOR:: Mature couple or single with no children."

9. Both advertisements were posted by Respondent Tristaino while in the employ of Respondent Metro Net realty.

10. Respondents' discriminatory advertisement have interfered with Complainant's efforts and programs that are intended to bring about equality of opportunity in housing and forced it to devote scarce resources to identify and counteract Respondents' unlawful housing practices thereby diverting time and money from its other functions and goals.

11. As described above, Respondents violated the Act because they posted advertisements with respect to the rental of a dwelling that indicated a preference, limitation, or discrimination based on familial status. 42 U.S.C. § 3604 (c).

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 Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(c) and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondents as set forth above violate the Fair Housing Act, 42 U.S.C. §§ 3601-3619;

2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, from discriminating because of familial status against any person in any aspect of the sale, rental, use, or enjoyment of a dwelling pursuant to 42 U.S.C. § 3612(g)(3);

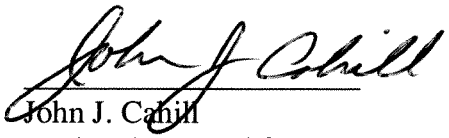
3. Orders Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, take all affirmative steps necessary to remedy the effects of the illegal, discriminatory conduct described herein and to prevent similar occurrences in the future;

4. Awards such damages pursuant to 42 U.S.C. § 3612(g)(3) as will fully compensate Complainant for damages caused by Respondents' discriminatory conduct;

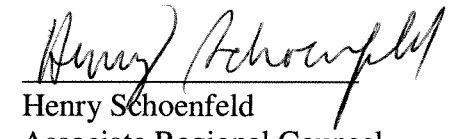
5. Assesses a civil penalty against Respondents for each violation of the Act pursuant to 42 U.S.C. § 3612(g)(3) and 24 CFR§180.671 (2011) ; and

6. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

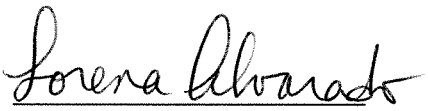
Respectfully submitted,



John J. Cahill
Regional Counsel for
New York/New Jersey



Henry Schoenfeld
Associate Regional Counsel



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