UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

Secretary, United States Department of Housing and Urban Development, on behalf of Complainants [redacted] and their minor children,	)	
Charging Party,	)	
v.	)	ALJ No. _____
Betty L. Brinson and Hughston L. Brinson,	)	FHEO No. 09-14-0564-8
Respondents.	)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On March 25, 2014, Complainants [redacted] timely filed a complaint with the U.S. Department of Housing and Urban Development ("HUD") alleging that Respondents Betty L. Brinson and Hughston L. Brinson discriminated against them and their three minor children on the basis of familial status in violation of subsections 804(a), 804(b) and 804(c) of the Fair Housing Act ("Act"), as amended, 42 U.S.C. §§ 3601-19.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination ("Charge") on behalf of aggrieved persons 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)-(2). The Secretary of HUD has delegated that authority to the General Counsel, who has re-delegated that authority to the Regional Counsel. 24 C.F.R. §§ 103.400, 103.405; 76 Fed. Reg. 42463, 42465 (July 18, 2011).

The Regional Director of the Office of Fair Housing and Equal Opportunity for Region IX, 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 because of familial status and has authorized and directed the issuance of this Charge of Discrimination. 42 U.S.C. § 3610(g)(2).

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based upon HUD's investigation of the allegations contained in the aforementioned

complaint and the findings contained in the Determination of Reasonable Cause, Respondents are hereby charged with violating the Act as follows:

A. Legal Authority

1. It is unlawful to refuse to rent after the making of a bona fide offer, or to refuse to negotiate for the rental of, or otherwise make unavailable or deny, a dwelling to any person because of familial status. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(1) and (b)(3), 100.60(a) and (b)(2).

2. It is unlawful to discriminate against any person in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of familial status. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2), 100.65(a).

3. It is unlawful to make, print, or publish, or cause to be made, printed, or published any notice or statement, with respect to the rental of a dwelling, that indicates any preference, limitation, or discrimination based on familial status, or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4), 100.75(a), (b), (c)(1) and (c)(2).

4. "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with (a) a parent or another person having legal custody of such individual or individuals or (b) the designee of such part or other person having such custody, with the written permission of such parent or other person. 42 U.S.C. § 3604(k); 24 C.F.R. § 100.20.

B. Parties and Subject Property

5. Complainants [redacted] are the parents of three minor children who, at all relevant times to this Charge, lived with Complainants. Complainants and their minor children are protected under the Act on the basis of their familial status. 42 U.S.C. § 3602(k); 24 C.F.R. § 100.20.

6. Complainants and their minor children are aggrieved persons under the Act. 42 U.S.C. § 3602(i); 24 C.F.R. § 100.20.

7. At all times relevant to this Charge, Respondents Betty L. Brinson and Hughston L. Brinson owned [redacted] Street, Carson City, Nevada 89703 ("Subject Property") as joint tenants. The Subject Property is a single family residence with 2 bathrooms, 3 bedrooms, a den/game room and an office/loft. The Subject Property constitutes a dwelling under the Act. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.

8. At all times relevant to this Charge, Respondent Betty L. Brinson managed the day-to-day operations of the Subject Property.

C. Factual Allegations

9. On or about March 4, 2014, Complainants were living in Dayton, Nevada and sought to move to Carson City, Nevada.

10. Respondents made the Subject Property available to rent by placing an advertisement in a local newspaper, Nevada Appeal, from March 4, 2014 to March 17, 2014. The advertisement read:

    3 or 5BD. *2 people pref.* $1000/mo, [redacted] Pets Ok, Please Call [redacted] or [redacted] (emphasis added).

11. On March 4, 2014, Complainant [redacted] saw the advertisement on http://www.NevadaAppeal.com. Complainant [redacted] called a telephone number in the advertisement because she was interested in renting the Subject Property. Respondent Betty L. Brinson answered her telephone call.

12. Complainant [redacted] inquired how the Subject Property can be either 3 or 5 bedrooms. Respondent Betty L. Brinson stated the house has a den/game room and an office/loft that could be used as bedrooms.

13. Respondent Betty L. Brinson asked whether Complainant [redacted] was "1 or 2 persons" per the advertisement. Respondent Betty L. Brinson provided that she wanted a "couple only" and that Complainant [redacted] probably has several children.

14. When Complainant [redacted] acknowledged that she had several children, Respondent Betty L. Brinson told her that the Subject Property was not for her because she wanted a couple to take care of the lawn and Subject Property.

15. Complainant [redacted] stated, "You can't say that, it's against the law." Respondent Betty Brinson replied, "Well, the Nevada Appeal says I can."

16. Respondent Betty L. Brinson then abruptly ended the rental inquiry, without scheduling an appointment for Complainant [redacted] to view the Subject Property, by hanging up the telephone.

17. Respondents placed an additional advertisement for the Subject Property in the Nevada Appeal for March 18, 2014 to March 31, 2014. The advertisement read:

    3 BD. *1 or 2 adults.* $1000/mo, [redacted] Pets Ok, Please Call [redacted] or [redacted] (emphasis added).

18. Respondent Betty L. Brinson also placed rental advertisements in the Nevada Appeal for other properties she owned during the period from March 26, 2014 through June 2, 2014, limiting them to adults only. The advertisements read:

Studios $468 & up. Furnished. Utilities paid. *1 or 2 adults*. 6 month lease. Call [redacted]. (emphasis added).

19. On July 21, 2014, Respondent Betty L. Brinson confirmed with the HUD Investigator that she preferred a "retired couple" for the Subject Property so that they would take care of the yard.

20. Respondent Betty L. Brinson also explained in a writing, dated September 19, 2014, to the HUD Investigator that her tenant preference for 2 people was based on lawn care, and the Subject Property was near the Governor's Mansion.

21. As a result of Respondents' discriminatory conduct, Complainants and their minor children suffered actual damages, including economic loss and inconvenience.

D. Legal Allegations

22. As described above, Respondents violated the Act because they refused to negotiate with Complainants and made housing unavailable to them because of familial status. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(1) and (b)(3), 100.60(a) and (b)(2).

23. As described above, Respondents violated the Act because they discriminated in the terms, conditions, or privileges of rental of a dwelling because of familial status. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2), 100.65(a).

24. As described above, Respondents violated the Act because they made, cause to be printed and published notices and statements, 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); 24 C.F.R. §§ 100.50(b)(4), 100.75(a), (b), (c)(1) and (c)(2).

III. CONCLUSION

WHEREFORE, the Secretary of HUD, through the Office of the Regional Counsel for Region IX, 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(a)-(c) and requests that an Order be issued that:

1. Declares that the discriminatory housing practices of Respondents, as set forth above, violate subsections 804(a), 804(b) and 804(c) of the Act, 42 U.S.C. §§ 3604 (a)-(c), and its implementing regulations;

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

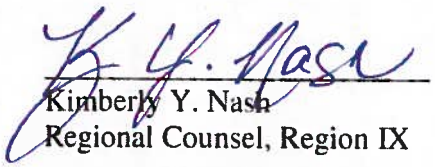
3. Requires Respondents to attend a training that addresses the Act's prohibitions against familial status discrimination;

4. Awards such damages as will fully compensate Complainants and their minor children for any and all injuries caused by Respondents' discriminatory conduct, pursuant to 42 U.S.C. § 3612(g)(3);

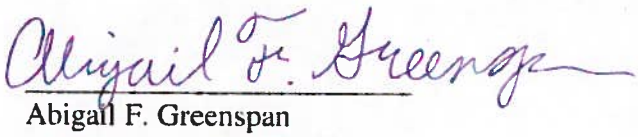
5. Assesses a civil penalty against Respondents for violation of the Act, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.671; and

6. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3).

Respectfully submitted on this 27th day of April, 2015.



Kimberly Y. Nash
Regional Counsel, Region IX



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