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 the Fair Housing Council of Suburban Philadelphia,	:	
	:	ALJ No.
Charging Party,	:	
v.	:	FHEO No. 03-14-0313-8
Michael DeRomo,	:	
Respondent	:	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On July 11, 2014, Complainant Fair Housing Council of Suburban Philadelphia (Complainant) filed a complaint with the United States Department of Housing and Urban Development (HUD), alleging that Respondent Michael DeRomo was responsible for discriminatory refusal to rent; discriminatory terms, conditions, or privileges of rental; and discriminatory advertising, statements, and notices. The Complainant alleges that the Respondent's discriminatory acts were based on familial status.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination 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)(1) and (2). The Secretary has delegated that authority to the General Counsel, who has redelegated the authority to the Regional Counsel. 24 C.F.R. §§ 103.400 and 103.405; 76 Fed. Reg. 42463, 42465 (July 18, 2011).

The Regional Director of the Office of Fair Housing and Equal Opportunity for Region III, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined that reasonable cause exists to believe that discriminatory housing practices have occurred in this case and has authorized the issuance of this Charge of Discrimination. 42 U.S.C. 3610(g)(2).

II. SUMMARY OF THE ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint and the Determination of Reasonable Cause and No Reasonable Cause, Respondent Michael DeRomo (Respondent) is hereby charged with violating the Fair Housing Act (the Act) as follows:

A. Legal Authority

1. It is unlawful to refuse to rent or negotiate to rent 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. §§ 100.60(a) and (b)(2).

2. It is unlawful to make statements or publish advertisements with respect to the rental of a dwelling that indicate 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. §§ 100.75(a) and (c)(1).

3. "Familial status" includes one or more individuals under the age of eighteen (18) being domiciled with a parent or legal guardian. 42 U.S.C. § 3602(k); 24 C.F.R. § 100.20.

B. Parties and Properties

1. Complainant Fair Housing Council of Suburban Philadelphia (now called the Housing Equality Center) is a private, non-profit organization working to eliminate housing discrimination through education, advocacy and enforcement of fair housing laws. Complainant's office is located at 455 Maryland Drive, Suite 190, Fort Washington, PA, 19034.

2. Complainant is an aggrieved person, as defined by the Act. 42 U.S.C. 3602(i).

3. Until July 2015, Respondent Michael DeRomo owned and managed the rental unit located at 705 Tilghman Street, Coopersburg, Pennsylvania (the "subject property"). The subject property is a dwelling, as defined by the Act. 42 U.S.C. 3602(b). The subject property is a one-bedroom unit on the second floor of a four-unit building.

4. Respondent Michael DeRomo posted advertisements and responded to phone calls from prospective tenants relating to the subject property.

C. *Factual Allegations*

1. On July 10, 2013, Respondent DeRomo posted the following advertisement on *craigslist.com* for the subject property which included the following language: "Not suitable for children due to the exterior landing and stairs."

2. On July 10, 2013, Complainant's former Testing Coordinator called the phone number in the *craigslist.com* advertisement and spoke to Respondent about the subject property. Respondent asked the Testing Coordinator who would be living in the unit and she told him that she and her husband would be living in the subject property. Respondent asked questions about monthly income and why they were moving and offered to show her the unit. The Testing Coordinator then prepared a paired test for the subject property.

3. On July, 11, 2013, Tester #1, representing a single mother with a four-year-old child, contacted the Respondent and left a voice message with her name and telephone number, and expressed an interest in renting the apartment. Respondent DeRomo, returned the Tester's call on the same day. When asked about who would be living in the unit, the Tester informed him that she and her daughter would be the occupants. Respondent asked the Tester how old her daughter was, and she told him that her daughter was four years old. The Respondent told the Tester that the advertisement stated, "No kids" and told her that he could not have kids in the apartment because the stair landing was not secure.

4. On July 12, 2013, Tester #2, representing a married couple without children, called the number in the advertisement and spoke to Respondent DeRomo about the subject property advertised for rent. When the Respondent inquired about the prospective occupants of the apartment, the Tester informed him that she and her husband would be the only occupants. Respondent and Tester arranged to view the apartment on July 14, 2013. On July 14, 2013, after Tester #2 met and viewed the subject property, Respondent provided Tester #2 a rental application.

5. Following the paired test, FHCSP initiated an education campaign about familial status housing discrimination to counteract Respondent's actions, including placing an advertisement, on September 8, 2013, in *The Morning Call* newspaper to educate the public about housing discrimination based on familial status.

6. On November 1, 2013, Respondent rented the subject property to a tenant without children.

7. Respondent stated that he has not allowed any family with children to reside in the two second-floor apartments, which includes the subject property, due

to the landing and the stairs.

6. As a result of Respondent's discriminatory actions, Complainant's mission was frustrated. Furthermore, Complainant expended time and resources in responding to the discrimination. Complainant conducted an investigation of Respondent's housing advertisements, which required strategic planning, regular monitoring of *craigslist.com* advertisements, and testing. Complainant initiated a fair housing education campaign to counteract Respondent's discriminatory actions. The resources expended for these activities were diverted from Complainant's other fair housing programs.

D. Fair Housing Act Violations

1. By refusing to negotiate the rental of a dwelling or to permit a tester representing a prospective tenant with a child to view the available unit at the subject property, and by stating that he could not have any children in the apartment, Respondent violated 42 U.S.C. § 3604(a) and 24 C.F.R. §§ 100.60(a) and (b)(2).

2. By reminding her that the *craigslist.com* advertisement said "No kids" and by making the following statements to Tester #1, Respondent discriminated by indicating a preference against families with children in violation of 42 U.S.C. § 3604(c) and 24 C.F.R. §§ 100.75(a) and (c)(1): that he could not have "kids" in the apartment because the stair landing was not secure.

3. By publishing advertisements which contained the phrase "Not suitable for children due to landing and stairs," Respondent indicated a preference against renting to families with children in violation of 42 U.S.C. § 3604(c) and 24 C.F.R. §§ 100.75(a) and (c)(1).

III. <u>CONCLUSION</u>

WHEREFORE, the Secretary of the United States Department of Housing and Urban Development, through the Office of Regional Counsel for the Philadelphia Regional Office, 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(a) and (c), and requests that an order be issued that:

1. Declares that Respondent's discriminatory housing practices, as set forth above, violate Sections 3604(a) and (c) of the Fair Housing Act, 42 U.S.C. §§ 3604(a) and (c);

2. Enjoins Respondent and all other persons in active concert or participation with Respondent from discriminating against any person based on familial status in any aspect of the sale or rental of a dwelling;

3. Awards such damages as will fully compensate Complainant;

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

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

Respectfully submitted on this 23rd day of September, 2015

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