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 [redacted]	)	
Charging Party,	)	ALJ No. _____
v.	)	FHEO No. 04-14-0693
James Collier, Ella M. Collier, and Phildon Collier[1]	)	
Respondents.	)	

CHARGE OF DISCRIMINATION

I. JURSIDICTION

[redacted] ("Complainant") timely filed a complaint with the U.S. Department of Housing and Urban Development (the "Department" or "HUD") on or about May 15, 2014, alleging that James Collier, Ella M. Collier, and Phildon Collier ("Respondents") were responsible for discriminatory refusal to rent; discriminatory terms, conditions, or privileges of rental; and discriminatory advertising, statements, and notices. The Complainant alleges that the Respondents' discriminatory acts were based on familial status in violation of the Fair Housing Act (the "Act"), 42 U.S.C. §§ 3601-3619.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination 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) and (2). The Secretary has delegated to the General Counsel, who has re-delegated to the Regional Counsel, the authority to issue such a Charge following a determination of reasonable cause by the Assistant Secretary of Fair Housing and Equal Opportunity or his or her designee. 24 C.F.R. §§ 103.400 and 103.405; 76 Fed. Reg. 42,463, 42,465 (July 18, 2011).

The Regional Director of the Office of Fair Housing and Equal Opportunity for Region IV has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred and has authorized the issuance of this Charge of Discrimination. 42 U.S.C. § 3610(g)(2).

[1] Respondent Phildon Collier is also known as Phillip Collier and Phil Collier.

II. SUMMARY OF FINDINGS IN SUPPORT OF THIS CHARGE

Based upon HUD's investigation of the allegations contained in the aforementioned complaint and the Determination of Reasonable Cause, Respondents James Collier, Ella M. Collier, and Phildon Collier are hereby charged with violating 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.

4. The Act defines an "aggrieved person" as any person who claims to have been injured by a discriminatory housing practice. 42 U.S.C. § 3602(i)(1); 24 C.F.R. § 100.20.

5. The Act defines "dwelling" as any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof. 42 U.S.C. § 3602(b).

6. The Act defines "to rent" as including to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant. 42 U.S.C. § 3602(e).

7. The Act defines "discriminatory housing practice" as any act that is unlawful under section 804, 805, 806, or 818 of this title. 42 U.S.C. § 3602(f).

B. PARTIES AND SUBJECT PROPERTY

8. Complainant [redacted] is the parent of a child that was under the age of 18 and resided with Complainant in August of 2013.

9. At all times pertinent to this Charge, Respondents James and Ella M. Collier, as husband and wife, co-owned a property located at 1430 East Vesta Avenue, East Point, Georgia 30344 ("subject property").

10. At all times pertinent to this Charge, Respondent Phildon Collier assisted Respondents with the management of the subject property, including approving rental applications, establishing rental policies, posting advertisements, and handling inquiries from prospective tenants.

11. At all times pertinent to this Charge, the subject property was a "dwelling" as defined by the Act.

12. At all times pertinent to this Charge, Complainant was an "aggrieved person," as defined by the Act.

C. FACTUAL ALLEGATIONS

13. In August of 2013, Complainant observed a "For Rent" sign in the window of the subject property.

14. Complainant called the number listed on the sign and spoke with Respondent Ella Collier. Respondent Ella Collier asked Complainant a series of questions which included questions regarding her employment and her family size.

15. On or about August 12, 2013, Respondent Phildon Collier emailed an application to Complainant.

16. On or about August 13, 2013, Complainant completed the application and emailed the application back to Respondent Phildon Collier. Complainant telephoned Respondent Ella Collier and notified her that she had submitted the application via email. Respondent Ella Collier informed the Complainant that she would review the application and that she would call the Complainant once she finished her review.

17. On or about August 15, 2013, having not received any update regarding her application from Respondents, Complainant called Respondents to inquire as to the status of her application. Respondent Phildon Collier informed Complainant that Respondent Ella Collier would contact Complainant regarding the status of her application.

18. On or about August 21, 2013, Complainant called Respondent Ella Collier to inquire as to the status of her application. Respondent Ella Collier asked Complainant if she was the applicant that worked for the Georgia Parole Board and had a fourteen (14) year old child. Complainant affirmed the answer to both questions was yes. Respondent Ella Collier then informed Complainant that the Respondents would not rent to applicants with children.

19. At all times pertinent to this Charge, Respondents James and Ella Collier owned a total of four (4) 2-bedroom duplexes, each containing 730 square feet of living space.

20. The investigation revealed that four (4) tenants in duplexes owned by Respondents James and Ella Collier stated that Respondents did not permit children to reside in any of the properties owned by Respondent James and Ella Collier.

21. The investigation revealed that one (1) tenant, who had her niece and nephew visit for the summer, was told by Respondents that her niece and nephew had to leave the property or she (the tenant) would be evicted.

22. In response to a March 2015, subpoena duces tecum, Respondents provided a lease agreement from February 2013 that stated, "NO CHILDREN."

23. In response to a March 2015, subpoena duces tecum, Respondents provided a lease agreement from May 2014 that stated, "NO CHILDREN."

24. In response to a March 2015, subpoena duces tecum, Respondents provided six (6) leases that each stated, "to be occupied by the LESSEE and his/her wife/husband or companion only with a maximum of two occupants."

D. FAIR HOUSING ACT VIOLATIONS

25. By refusing to negotiate the rental of a dwelling at the subject property to a prospective tenant with a minor child and by stating that tenant could not have children at the unit, Respondent violated 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.60(a) and (b)(2).

26. By informing Complainant that Respondents do not rent to families with children, Respondents discriminated against Complainant by making statements that indicated a preference, limitation, or discrimination against families with children or an intention to make such a preference, limitation or discrimination with respect to the sale or rental of a dwelling, in violation of 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75.

III. CONCLUSION

WHEREFORE, the Secretary of the U.S. Department of Housing and Urban Development, 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 the Act and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondents, as set forth above, violate the Act, as amended, 42 U.S.C. § 3601, *et seq.*;

2. Enjoins Respondents and all other persons in active concert or participation with them, from discriminating against any person based on familial status in any aspect of a rental transaction pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(b)(3)(ii).

3. Awards such damages as will fully compensate Complainants for the actual damages caused by Respondents' discriminatory conduct, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(b)(3)(i);

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

5. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(b)(3); and

6. Awards such damages as will fully compensate Complainant and her aggrieved child for the emotional distress and financial costs associated with Respondents' discriminatory conduct.

Respectfully submitted,

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