

UNITED STATES OF AMERICA  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF HEARINGS AND APPEALS

The Secretary, United States	)	
Department of Housing and Urban	)	
Development, on behalf of	)	
	)	
Jane and John Doe, and	)	
their minor children,	)	
	)	
Charging Party,	)	HUD ALJ No.
	)	FHEO No.: 05-15-1321-8
v.	)	
	)	
Trumbull Metropolitan Housing	)	
Authority, Russell Osman, in his	)	
Capacity as Assistant Director of	)	
TMHA, and Valerie Simeon, in her	)	
Capacity as Voucher Program	)	
Coordinator,	)	
	)	
Respondents.	)	

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**CHARGE OF DISCRIMINATION**

**I. JURISDICTION**

On or about February 20, 2015, Complainant Jane Doe timely filed a complaint, case number 05-15-0576-4, under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 *et seq.* (“Section 504”) with the United States Department of Housing and Urban Development (“HUD” or “the Department”) alleging that Respondents Trumbull Metropolitan Housing Authority (“TMHA”) and Valerie Simeon, TMHA’s Voucher Program Coordinator, refused to grant a reasonable accommodation request based on disability. The complaint was amended on November 30, 2015 to include violations of Sections 3604(f)(1), 3604(f)(2), and 3604(f)(3)(B) of the Fair Housing Act, as amended, 42 U.S.C. §3601, *et seq.* (“the Act”) and to include Complainant John Doe as a complainant. The complaint was subsequently amended for a second time on July 25, 2016 to add Complainants’ children as aggrieved parties, to add Respondent Russell Osman, TMHA’s Assistant Director, as a respondent, and to revise the date of the last discriminatory act to October 6, 2014.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination on behalf of an aggrieved person 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 redelegated to the Regional Counsel the authority to issue such a Charge following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity or his or her designee. 24 C.F.R. §§103.400, 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 V has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred in this case and has authorized the issuance of this Charge of Discrimination. 42 U.S.C. §3601(g)(2).

## **II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE**

Based on HUD's investigation of the allegations contained in the aforementioned complaint and the findings contained in the attached Determination of Reasonable Cause, the Secretary charges Respondents Trumbull Metropolitan Housing Authority, Russell Osman, and Valerie Simeon (collectively "Respondents") with violating the Act as follows:

### **A. LEGAL AUTHORITY**

1. It is unlawful to discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any renter because of a disability of that renter, or any person associated with that renter. 42 U.S.C. § 3604(f)(1); 24 C.F.R. § 100.202(a) (2016).
2. It is unlawful to discriminate against any person in the terms, conditions, or privileges of rental of a dwelling because of a disability of that renter, or any person associated with that renter. 42 U.S.C. § 3604(f)(2); 24 C.F.R. § 100.202(b) (2016).
3. For the purposes of Section 3604(f), "discrimination" includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204(a) (2016).
4. The Act defines "handicap"<sup>1</sup> as a "physical or mental impairment which substantially limits one or more major life activities." 42 U.S.C. § 3602(h)(1); 24 C.F.R. §§ 100.20, 100.201 (2016).
5. Pursuant to the Act, an "aggrieved person" includes any person who claims to have been injured by a discriminatory housing practice. 42 U.S.C. § 3602(i); 24 C.F.R. § 100.20 (2016).

### **B. PARTIES AND SUBJECT PROPERTY**

6. Respondent TMHA is a public housing authority that receives Federal financial assistance through an Annual Contributions Contract with HUD. Respondent TMHA uses this

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<sup>1</sup> This Charge uses "disability" in place of "handicap," the term which appears in the Fair Housing Act. The terms have the same legal meaning.

funding, in part, to finance public housing units and its Section 8 Housing Choice Voucher program (“voucher program”). Respondent TMHA is located at 4076 Youngstown Road, SE in Warren, Ohio.

7. At all times relevant to this Charge, Respondent Russell Osman, was employed as the assistant director of Respondent TMHA. Respondent Osman’s responsibilities as the assistant director include, but are not limited to, managing the day-to-day operations of the housing authority and approving or denying reasonable accommodation requests.
8. At all times relevant to this Charge, Respondent Valerie Simeon was employed as the voucher program coordinator of Respondent TMHA. Respondent Simeon’s responsibilities as the voucher program coordinator include, but are not limited to, processing reasonable accommodation requests from program applicants, residents, and voucher holders.
9. Complainant John Doe is a disabled individual under the Act as he was first diagnosed with type 1 diabetes—an autoimmune disease which affects the operation of the pancreas—at a young age.<sup>2</sup> Complainant John Doe was also diagnosed with end-stage renal disease and placed on hemodialysis and later, home peritoneal dialysis treatments, substantially limiting his major life activities related to kidney function, including the ability to remove toxins from the blood and limiting his ability to urinate, ambulate, fight infections and work. Complainant John Doe is currently waiting for both kidney and pancreas transplants. 42 U.S.C. § 3602(h); 24 C.F.R. § 100. 201 (2016).
10. Complainant Jane Doe is the mother of two grade-school aged daughters. At all times relevant to this Charge, Complainants’ elder daughter had, and has, a learning disability, impacting the major life function of concentration, and enuresis, which impacts her major life functions of controlling continence and sleep. When sharing a bedroom, Complainant Jane Doe’s elder daughter disrupts the sleep of the younger daughter, because of the need to tend to her continence issues in the night. At all times relevant to this Charge, Complainants’ daughters shared a bedroom.
11. Complainants and their minor children are aggrieved persons under the Act. 42 U.S.C. § 3602(h); 24 C.F.R. § 100.201 (2016).

### **C. FACTUAL ALLEGATIONS IN SUPPORT OF CHARGE**

12. On or about February 20, 2014, Complainant Jane Doe completed and submitted an application to participate in Respondent TMHA’s voucher program as the head of household and she was placed on the voucher program waiting list.

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<sup>2</sup> The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, impairments, cerebral palsy, autism, epilepsy, cancer, heart disease and diabetes. 24 C.F.R. §100.201 (a)(2).

13. In or around April 2014, Complainant John Doe was diagnosed with end-stage renal disease and was placed on hemodialysis. Complainant John Doe received in-clinic hemodialysis treatments from Fresenius Medical Care ("Fresenius") approximately three times per week.
14. On or about April 16, 2014, Complainants Jane and John Doe were married.
15. By letter dated June 9, 2014, Complainant Jane Doe notified Respondent TMHA of the marriage and requested that Respondent TMHA add Complainant John Doe as the head of household to the voucher program application. In the letter, she also informed Respondent TMHA that Complainant John Doe, at the time, received Supplemental Security Income ("SSI") and would start receiving Social Security Disability Insurance ("SSDI") in or around October 2014. Furthermore, in her letter, she also explained that Complainant John Doe was on dialysis, approximately three days per week, while waiting for kidney and pancreas transplants.
16. In or around August 2014, Complainants had reached the top of Respondent TMHA's voucher program waiting list. On or about September 3, 2014, Respondent TMHA issued Complainants a two-bedroom voucher based on four occupants in the household—two adults and two minor children. Complainants' voucher expiration date was November 2, 2014.
17. On September 5, 2014, Complainant Jane Doe met with Respondent Simeon at TMHA and requested a reasonable accommodation. Complainant Jane Doe requested that Complainants' two-bedroom voucher be increased to a four-bedroom voucher because Complainant John Doe needed a separate bedroom for his at-home dialysis treatment and Complainants' elder daughter needed her own bedroom because her disability disrupted the sleep of her younger sister.
18. On the same day, September 5, 2014, Complainant Jane Doe completed and returned two Verification of Need ("VON") Forms to Respondent TMHA. Complainant John Doe's VON Form, signed by Fresenius licensed social worker [REDACTED] confirmed the need for a separate bedroom in order for Complainant John Doe to perform his dialysis treatments. In addition, Complainant Jane Doe submitted a VON Form for her elder daughter which was signed by her pediatrician, Dr. [REDACTED] who confirmed the need for an additional bedroom for the elder daughter, based on sleep disruption.
19. During the HUD investigation, Respondent Simeon acknowledged that she received the two completed VON Forms, referenced in paragraph 18, above, from Complainant Jane Doe. Respondent Simeon admits that based on the VON Forms, she approved the reasonable accommodation request to increase the two-bedroom voucher to a four-bedroom voucher on September 5, 2014.

20. On or about September 17, 2014, Complainants submitted a HUD form titled, "Request for Tenancy Approval" ("RFTA")<sup>3</sup> to Respondent TMHA for a property located at [REDACTED] in Warren, Ohio ([REDACTED] home").
21. Although Complainants had a four-bedroom voucher, the investigation determined that the [REDACTED] home is a three-bedroom bi-level home, with the bedrooms on the upper floor. The lower floor level of the home, which is connected to the drive-under garage, consists of approximately 435 square feet of finished living space partially below grade. The laundry appliances were located in the garage area. The lease start date for the [REDACTED] home was October 1, 2014 and the listed rent was \$695.00 per month.
22. Although the [REDACTED] home was a 3-bedroom, rather than a 4-bedroom home, Complainants planned to use the below-grade living space for Complainant John Doe's dialysis treatments. However, sometime before September 29, 2014, Complainants described the configuration of the [REDACTED] home to [REDACTED] MSW, LSW a licensed "master's level" social worker employed by Fresenius. [REDACTED] job includes counseling patients on compliance issues with treatments, such as taking medication and issues concerning the cleanliness of a patient's home. She told Complainants that the below-grade space at the [REDACTED] home was not appropriate for Complainant John Doe's disability-related needs.
23. According to Fresenius's website, and, on information and belief, medical industry standards, to perform peritoneal dialysis at home, a patient requires a clean and well-lit room or other area that can be closed off. Fresenius also recommends that a patient have enough dry space to store a month's worth of supplies. In Complainant John Doe's case, one month's supplies consisted of approximately 40 boxes of various dialysis implements. According to the Home Visit Checklists used by Fresenius's Home-Training Nurse, the treatment site is evaluated for the type of dwelling, the community environment, proximity to hospital and a bathroom, sewage system, water supply, cleanliness, appropriate electrical, heating and cooling systems, adequate lighting and space for storage, an appropriate work surface, inaccessibility to children and pets, and closable doors.
24. The below-grade space in the [REDACTED] home lacked a closeable door to separate the space from common areas of the home and Complainants' children.<sup>4</sup> Additionally, the home's laundry appliances were located in the garage which would likely increase foot traffic through the basement space. These conditions threatened the cleanliness of the space.

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<sup>3</sup> The purpose of the RFTA form is to assist Respondent TMHA with collecting information about the family's selection of a unit and to determine if the home is eligible for rental assistance in accordance with the voucher program.

<sup>4</sup> In an interview with the HUD investigator, [REDACTED] the adult daughter of the owner of the [REDACTED] home who assists with renting the property referred to the "B floor level" as "the basement" and explained that it was an open area, located six steps underground, with a door connecting to the garage; there was only one window sitting atop ground level; and there was no door to close off the space from the rest of the house. [REDACTED] also advised the HUD investigator that, in her opinion, "it is not a good place to get dialysis, not in a basement next door to a garage."

25. Shortly after Complainants learned from [REDACTED] that the basement level area of the [REDACTED] home was not a suitable space to perform at-home dialysis treatment, Complainants located alternate housing—a four-bedroom home—located at [REDACTED] [REDACTED] in Warren, Ohio ([REDACTED] home”) that was suitable for Complainant John Doe’s and Complainants’ elder daughter’s disability-related needs.
26. The [REDACTED] home had two floors with one bedroom on the lower level and three bedrooms on the upper level. The lower level bedroom was ideal for Complainant John Doe’s treatment as it was separate from the other bedrooms, it was a private space with a door, it included a closet for his medical equipment, it was adjacent to a bathroom and it included a ceiling fan.
27. On or about September 29, 2014, the same day that Respondent TMHA passed the Housing Quality Standards (“HQS”) inspection for the [REDACTED] home, Complainants notified Respondent TMHA, via a hand-delivered letter, addressed to Respondent Osman, that the basement in the [REDACTED] home was not a suitable area for Complainant John Doe’s at-home dialysis treatments.
28. In the September 29, 2014 letter, Complainant Jane Doe requested, as a reasonable accommodation, the issuance of new RFTA paperwork to rent a different home they had located—the four-bedroom [REDACTED] home. Complainant Jane Doe explained in her September 29, 2014 letter that the new home they found “provides everything” and “my husband has privacy on one floor and wouldn’t have to worry about equipment in the open basement or have to deal with stairs. This home [REDACTED] home] has the privacy of a room secluded which definitely [sic] works.”<sup>5</sup>
29. When Complainant Jane Doe delivered her reasonable accommodation request letter to TMHA on September 29, 2014, she spoke with Respondent Simeon, who admits that she informed Complainant Jane Doe to sign the RFTA paperwork for the [REDACTED] home, live there for one year, and then find another place.
30. The following day, on September 30, 2014, Complainant Jane Doe sent two electronic mail messages to Respondent Osman. In her emails, Complainant Jane Doe again requested new RFTA paperwork and explained that Complainants were new to home dialysis treatment and had learned that the [REDACTED] basement was not suitable for Complainant John Doe’s at-home treatments. Complainant Jane Doe also stated that her elder daughter had learning disabilities and wets the bed due to a kidney problem, both of which disrupt the sleep of the younger daughter. Complainant Jane Doe concluded both emails with a request for new RFTA paperwork.

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<sup>5</sup> The investigation established that the [REDACTED] home is a four-bedroom, conventional home with approximately 1,854 square feet of total finished living space. The first floor area contains approximately 1,182 square feet of finished living space, including one bedroom and one bathroom. The second floor contains approximately 672 square feet of living space, including three bedrooms and one bathroom. Complainants asserted that the first floor bedroom, which is adjacent to a bathroom, would be the “perfect” space for Complainant John Doe’s dialysis as it would provide him with the privacy and cleanliness he needed for his at-home treatments.

31. On September 30, 2014, Complainants also visited Respondent TMHA in person and hand-delivered a letter, addressed to Respondent TMHA, from social worker [REDACTED] MSW, LSW. [REDACTED] September 30, 2014 letter includes the following language:

“Mr. [Doe] will be starting Peritoneal Dialysis soon. Mr. [Doe] has been on dialysis since April 2014 and is in End Stage Renal Disease. For Mr. [Doe] to do this, it is important for him to have a room dedicated to doing his dialysis and storing his supplies. The house that Mrs. [Doe] spoke of, where he would be in the basement off of the garage is not a good situation for him to be in. He needs a place that is clean and separate from a common area for the family. It could be difficult to move the machine and the supplies in and out of the basement. A house where Mr. [Doe] would have a room devoted to his performing dialysis and store supplies would be most beneficial for our patient. If you have any questions, please feel free to call me....”

32. Despite receipt of Complainants’ September 30, 2014 emails and [REDACTED] letter, Respondents again informed Complainants that Respondent TMHA’s policy requires a family to lease a selected rental unit once the unit passes a HQS inspection. More specifically, Respondent TMHA’s 2014 Administrative Plan, Chapter 10(B), addresses HQS Inspections and related policies. The policy states, in pertinent part, the following: “[o]nce the unit has had an initial inspection the family must take this unit unless the landlord fails to correct the items noted on the inspection list.”
33. Notwithstanding Respondent TMHA’s policy referenced in paragraph 32 above, Respondents admit that the aforementioned policy could be waived, as it is not a HUD requirement and also confirmed that exceptions have been made, in the past, to this policy.
34. On October 1, 2014, there was an email exchange between Respondents Osman and Simeon concerning Complainants’ reasonable accommodation request. Respondent Simeon stated in her email that she did not “know anything about home dialysis and what all it entails. I don’t understand why they couldn’t use the bedroom they would be sleeping in for him to do what he needs to do.” She concluded the email by informing Respondent Osman that “[t]his would be your call.”
35. Subsequently, Respondents advised Complainants that [REDACTED] September 30, 2014 letter was insufficient because [REDACTED] was not a physician. Respondents denied the accommodation and advised Complainants to sign the lease for the [REDACTED] home and live there for one year or risk termination of their Section 8 voucher.
36. On or about October 2, 2014, Complainant John Doe wrote a letter to Respondent Osman that repeated Complainants’ reasonable accommodation request and his need for alternate housing. Complainant John Doe urged Respondent Osman to reconsider his denial of Complainants’ reasonable accommodation request.
37. Some of Complainants’ extended family members also unsuccessfully lobbied Respondents in support of Complainants’ reasonable accommodation request.

38. Respondent Osman made the decision not to waive the policy and recommended terminating Complainants' voucher assistance.
39. By letter dated October 6, 2014, Respondents notified Complainants that their voucher program assistance was terminated, on October 3, 2014, because Complainants "failed to sign documents and move into [a] unit that had passed inspection." The letter advised Complainants that they may reapply for the voucher program when the waiting list reopened. In the October 6, 2014 letter, Respondent TMHA failed to include instructions regarding Complainants' right to request an informal review of its decision to terminate Complainants' voucher assistance. Although required by both Respondent TMHA's Administrative Plan and the Department's regulations, Respondents also failed to describe, in the letter, how to obtain the informal review.
40. At the time of the effective date of the termination, Complainants' voucher had thirty (30) days remaining until its expiration.
41. By letter dated October 8, 2014, addressed to Respondent Simeon, Complainants requested reconsideration of the termination of their voucher and explained that the [REDACTED] home was still available to lease. In addition, Complainants also attached a letter from Complainant John Doe's nephrologist, Dr. [REDACTED] also dated October 8, 2014, to support their reasonable accommodation request.
42. Respondents indicated that they would not consider the nephrologist's October 8, 2014 letter because Complainants had already been terminated from the voucher program.
43. As a result of the termination of their voucher assistance, Complainants and their children had to live separately. Complainant John Doe resided with his father in Youngstown, Ohio, and Complainant Jane Doe and her daughters lived with Complainant Jane Doe's grandmother in Warren, Ohio. The two homes are located in different counties, approximately twenty (20) miles apart. When Complainant John Doe began his at-home dialysis treatment at his father's home, it was oftentimes without the assistance of his wife.
44. During the period when Complainants lived apart, Complainant John Doe was hospitalized on at least four occasions and twice contracted a dialysis-related infection which ultimately led to Complainant John Doe's return to in-clinic hemodialysis on August 25, 2015. Complainant John Doe is currently on two separate waiting lists for kidney and pancreas transplants.
45. On or about February 19, 2015, Complainants reapplied to Respondent TMHA's voucher program. On or about March 18, 2015, Respondents issued Complainants a two-bedroom voucher.
46. On or about March 27, 2015, Respondent Simeon sent a VON Form to Complainant John Doe's medical provider, [REDACTED] Medical Care, without Complainant John Doe's knowledge, consent or signature. Instead, Respondent Simeon attached the signature page

from Complainant John Doe's previously executed HUD-9886 Form (signed on March 18, 2015) to the March 27, 2015 VON Form.

47. HUD's verification guidance for Public Housing and Housing Choice Voucher Programs confirms that the HUD-9886 Form is solely used to obtain income information and it expressly prohibits the use of the form to obtain any other information.
48. Respondents admit that their staff, on occasion, use participants' signature pages from the HUD-9886 Form as authorizations for Verification of Need forms in connection with reasonable accommodation requests.
49. Unlike the previous VON Forms that Complainants submitted to their medical providers in support of their reasonable accommodation requests, and the VON forms that Respondents have used for other tenants with disabilities, the VON form that Respondents sent to Fresenius included the language, "Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or Fraudulent statements to any department of the United States Government...."
50. In April 2015, Respondent Simeon spoke with staff at [REDACTED] about Complainant John Doe's medical information. Complainant John Doe was unaware that Respondent Simeon was having direct communication with [REDACTED] staff concerning his medical condition and need for an additional bedroom, and had provided no HIPPA release for such conversation.
51. On or about May 27, 2015, Complainants' attorney, by email addressed to Respondent Osman, requested a reasonable accommodation for a three-bedroom voucher.<sup>6</sup>
52. On or about May 28, 2015, in response to the request for a three-bedroom voucher, Respondent Osman informed Complainants' attorney, via email, that Complainant Jane Doe "must provide a Physicians [sic] name and address so that we can send a form to verify the need."
53. Because Complainants' voucher was set to expire on June 16, 2015, after requesting an extension of their voucher, on June 15, 2015, Respondent Osman emailed the HUD investigator, who was, by then, investigating Complainants' discrimination complaint, and informed her that Complainants could have an additional 30 days, however, he also stated that "we are still in need of medical verification as this is a new voucher."
54. Subsequently, after Respondent Simeon consulted with staff from HUD's Office of Public Housing, Respondents granted Complainants' reasonable accommodation request and increased Complainants' two-bedroom voucher, to a three-bedroom voucher.

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<sup>6</sup> Complainants indicated that because of all the difficulties they faced with their 2014 voucher and because they were in need for housing, they requested a three-bedroom voucher, as opposed to a four-bedroom voucher.

55. On September 1, 2015, Complainants used their voucher to rent a three-bedroom home located in Warren, Ohio, despite the fact that it is too small for their family's needs. The lease term for the property is 36 months and the monthly rent is \$650.00.

#### **D. FAIR HOUSING ACT VIOLATIONS**

56. Respondents discriminated against Complainants and their children when Respondents otherwise made housing unavailable, based on disability, by refusing to grant Complainants' request for a reasonable accommodation. 42 U.S.C. §§ 3604(f)(1) and (f)(3)(B); 24 C.F.R. §§ 100.202(b) and 100.204.

57. As described above, Respondents discriminated against Complainants and their children in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services, based on disability, when it refused to grant Complainants' request for a reasonable accommodation. 42 U.S.C. §§ 3604(f)(2) and (f)(3)(B); 24 C.F.R. §§ 100.202(b) and 100.204.

58. As described above, Respondents discriminated against Complainants and their children in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services, based on disability, when Respondents TMHA and Simeon misused the HUD-9886 Form and contacted Complainant John Doe's medical provider without Complainants' knowledge or consent. 42 U.S.C. §§ 3604(f)(2); 24 C.F.R. §§ 100.202(b) and 100.204.

59. As a result of Respondents' discriminatory acts, Complainants and their children suffered damages, including, but not limited to, substantial inconvenience, distress, emotional trauma and actual damages, including out-of-pocket expenses.

60. During the period Complainants lived apart, on November 12, 2014, the Social Worker Assessment Report maintained by [REDACTED] and [REDACTED] indicates that she asked Complainant John Doe whether he had appropriate housing. Complainant John Doe reported "No," and explained that he was "living between his wife's [grandmother] and his father's house [and that he was] working with an attorney for an appropriate Section 8 house to suit his dialysis needs."

61. As a result of the aforementioned discrimination, Complainants' family lost a unique housing opportunity when their voucher assistance was terminated on October 3, 2014, and they were not allowed to rent the [REDACTED] Home. From October 3, 2014 to September 1, 2015, when the family finally used their voucher to rent the home located in Warren, Ohio, Complainants' family was forced to live apart for 11 months. Moreover, during that 11-month period, the family lived approximately (20) miles apart, making it not only extremely hard and challenging for Complainant John Doe who began his at-home dialysis treatments at his father's home, but was also trying on the entire family. Complainant Jane Doe could not help her husband with his treatments on many days. Moreover, Complainant John Doe was forced to face a life threatening illness without the companionship and

support of his wife and step-children. Complainants' were forced to impose on their families for shelter.

62. This entire situation was not only extremely stressful for Complainants' family, but during the period Complainants lived apart, Complainant John Doe was hospitalized, on at least four occasions, and twice contracted a dialysis-related infection which ultimately led to Complainant John Doe's return to in-clinic hemodialysis on August 25, 2015.

### **III. 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 Trumbull Metropolitan Housing Authority, Russell Osman, Assistant Director of TMHA, and Valerie Simeon, TMHA Voucher Program Coordinator, with engaging in discriminatory housing practices as set forth above and prays that an order be issued that:

1. Declares the discriminatory housing practices of Respondents, as set forth above, violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601, *et seq.*;
2. Enjoins Respondents, their agents, employees and successors, and all other persons in active concert or participation with them, from discriminating against any person based on disability in any aspect of the rental, occupancy or use or enjoyment of a dwelling;
3. Awards such damages as will fully compensate Complainants and aggrieved persons for the actual damages caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. § 3612(g)(3);
4. Awards a \$16,000 civil penalty against each Respondents for their violation of the Act; and
5. Awards such additional relief as may be appropriate pursuant to 42 U.S.C. § 3612(g)(3).

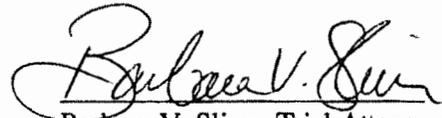
Respectfully Submitted,



Courtney B. Minor  
Regional Counsel, Region V



Lisa M. Danna-Brennan  
Associate Regional Counsel  
for Litigation, Region V



Barbara V. Sliwa, Trial Attorney  
U.S. Department of Housing  
and Urban Development  
Office of Regional Counsel  
77 W. Jackson Blvd., 26<sup>th</sup> Floor  
Chicago, IL 60604  
Tel. 312-913-8613  
Fax. 312-886-4944

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