

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

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The Secretary, United States Department	)	
of Housing and Urban Development,	)	
on behalf of [REDACTED]	)	
Charging Party,	)	FHEO No. 01-16-4196-8
	)	
v.	)	
	)	
Allan R. Saari, individually and as trustee of	)	
The Allan R. Saari Revocable Trust of 2009,	)	
Respondents.	)	

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**CHARGE OF DISCRIMINATION**

**I. JURISDICTION**

On April 5, 2016, [REDACTED] (“Complainants”), on behalf of themselves and their minor children, J.B. and B.B., filed a complaint with the United States Department of Housing and Urban Development (“HUD”). Complainants allege that Allan R. Saari (“Mr. Saari”) and Allan R. Saari as trustee of The Allan R. Saari Revocable Trust of 2009 (“Saari Trust”) (collectively, “Respondents”)<sup>1</sup> discriminated against them by making housing unavailable and making discriminatory statements in violation of the Fair Housing Act (“the Act”). 42 U.S.C. Sections 3601-3619. Complainants allege that Respondents’ discriminatory acts were based on familial status.

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)-(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 designee. 24 C.F.R. §§ 103.400 and 103.405; 76 Fed. Reg. 42,463, 42,465 (July 18, 2011).

By Determination of Reasonable Cause dated September 27, 2016, the Director of the Fair Housing Hub, Office of Fair Housing and Equal Opportunity for New England, has determined that reasonable cause exists to believe that Respondents have engaged in discriminatory housing practices, and has authorized and directed the issuance of this Charge of Discrimination by the Regional Counsel. 42 U.S.C. § 3610(g)(2).

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<sup>1</sup> The April 5, 2016 complaint was amended on September 6, 2016 to revise Respondents’ names. Respondents were identified in the original complaint as Allan Saari and Allan Saari Real Estate. Respondents were identified in the amended complaint as Allan R. Saari, Allan R. Saari d/b/a Allan Saari Real Estate, and Allan R. Saari as trustee of The Allan R. Saari Revocable Trust of 2009.

## **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 attached Determination of Reasonable Cause, the Secretary charges Respondents 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)(2).
3. "Familial status" means one or more individuals under the age of eighteen being domiciled with a parent or legal guardian. 42 U.S.C. § 3602(k); 24 C.F.R. § 100.20.
4. 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.
5. Pursuant to the Act, "dwelling" means any building, structure, or portion thereof which is occupied as, or designated or intended for occupancy as a residence by one or more families. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.

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

6. The property that is the subject of the discriminatory housing practices is located [REDACTED] in Keene, New Hampshire ("subject property").
7. The subject property constitutes a dwelling within the meaning of 42 U.S.C. § 3602(b) and does not qualify for any exemptions under the Act.
8. Complainants [REDACTED] are husband and wife and the parents of children J.B. and B.B., who were ages eight and one years old, respectively, during the time period relevant to this charge.
9. Complainants and their children are "aggrieved persons" as defined by the Act. 42 U.S.C. § 3602(i); 24 C.F.R. § 100.20.
10. The Saari Trust owns the subject property.

### C. FACTUAL ALLEGATIONS

11. In February 2016, Complainants began searching for an apartment in Keene, New Hampshire to lease for themselves and their two children.
12. Complainants were living in a home they own [REDACTED] in Keene, New Hampshire and were looking for a home that better met their needs. They planned to list their home for sale after finding a suitable rental apartment.
13. On or about February 12, 2016, Ms. [REDACTED] responded to an advertisement posted by Mr. Saari in the *Keene Sentinel Source* online classified section for the rental of the subject property.
14. The advertisement was for a “huge” apartment in West Keene for \$950 with a garage and listed the telephone number [REDACTED].
15. Complainants were interested in the apartment because it had a garage, and Mr. [REDACTED] has medical conditions which have made snow removal difficult. Complainants were also interested in the West Keene location because it was close to [REDACTED] school.
16. Ms. [REDACTED] telephoned the number listed in the advertisement and spoke with Mr. Saari. During the call, Ms. [REDACTED] stated that she was looking for an apartment for herself, her husband, and her children, and asked about arranging a visit. Upon learning that Complainants had children, Mr. Saari told Ms. [REDACTED] that he was not interested in renting to anyone with children and that he just evicted a family with children because they were too loud. Mr. Saari then ended the phone call.
17. On February 12, 2016, Ms. [REDACTED] posted on Facebook that she had called about the subject property and that “this man refused to rent to me because we have children.”
18. On February 26, 2016, the New Hampshire Legal Assistance (NHCLA) Fair Housing Project arranged for two fair housing testers to telephone Mr. Saari about the subject property.
19. According to NHCLA’s records, on February 26, 2016, a fair housing tester (“Tester 1”) telephoned [REDACTED]. The call went to a voicemail message with a male voice which identified itself as Allan. Tester 1 left a message inquiring about the apartment from the advertisement. On February 27, 2016, she received a missed call from [REDACTED] but the caller did not leave a message. On March 1, 2016, Tester 1 left another message at the same number inquiring about the apartment.
20. According to NHCLA’s records, on February 26, 2016, another fair housing tester (“Tester 2”) telephoned [REDACTED]. The call went to a voicemail message with a male voice which identified itself as Allan. Tester 2 left a message inquiring about the apartment. On March 1, 2016, Tester 2 made another call to the same number and left another message regarding the apartment. Also on March 1, 2016, Tester 2 received a voicemail message from Allan returning her call and suggesting that she return his call later that

afternoon. Later that day, Tester 2 returned the phone call and spoke with Mr. Saari, who identified himself as Allan.

21. During the March 1 phone call, Mr. Saari indicated that the apartment was still available. Tester 2 asked for information about the size of the apartment, the building, and the utilities, and Mr. Saari answered her questions. Mr. Saari asked Tester 2 how many people would be moving in to the apartment, and Tester 2 responded that just she and her husband would be moving in. Mr. Saari stated that he had evicted the previous tenants, who he described as “white trash” with three kids who made a mess. Mr. Saari further stated that Tester 2 sounded like the kind of tenant he was looking for. He asked Tester 2 to confirm that no kids or close relations would take up residence with her and she confirmed they would not. Mr. Saari then stated that he would like to rent to a husband and wife or a single person.
22. During the March 1 phone call, Mr. Saari indicated that another potential tenant would be visiting the apartment several days later and if that person wanted the apartment, it would no longer be available. Tester 2 indicated that she would like to drive by the apartment and get back to him. Mr. Saari provided the address of the subject property, and Tester 2 indicated that she would call back several days later if she was still interested to see if the apartment was still available. Mr. Saari agreed and the call ended.
23. On May 1, 2016, Mr. Saari rented the subject property to [REDACTED] two women who did not have children.
24. On August 29, 2016, Complainants listed their home [REDACTED] in Keene, New Hampshire for sale. As of that date, Complainants still resided in their home and had not been successful in locating a rental apartment.
25. As a result of Mr. Saari’s actions, Complainants suffered damages including but not limited to the loss of a housing opportunity, emotional distress, inconvenience, and frustration.

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

26. Respondents violated the Act by refusing to negotiate the rental of a dwelling. 42 U.S.C. § 3604(a) and 24 C.F.R. §§ 100.60(a) and (b)(2).
27. Respondents violated the Act when Mr. Saari stated to Ms. [REDACTED] that he would not rent to Complainants because they had children. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4), 100.75(a), (b), and (c)(2).

### **III. CONCLUSION**

WHEREFORE, the Secretary of HUD, through the Office of the Regional Counsel for New England, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges the Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(a) and (c) and prays that an order be issued that:

- A. Declares that the discriminatory housing practices of Respondents as set forth above violate the Fair Housing Act, as amended, 42 U.S.C. Sections 3601-3619;
- B. Enjoins Respondents from further violations of 42 U.S.C. §§ 3604(a) and (c);
- C. Awards such damages as will fully compensate Complainants for their loss of a housing opportunity, emotional distress, inconvenience, and frustration caused by Respondents' actions in violation of 42 U.S.C. §§ 3604(a) and (c);
- D. Awards a civil penalty against Respondents for each violation of the Act, pursuant to 42 U.S.C. § 3612(g)(3); and
- E. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted,

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Miniard Culpepper  
Regional Counsel for New England

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Hillary Harnett  
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Date: \_\_\_\_\_