

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

Secretary, United States Department of)	
Housing and Urban Development, on behalf)	
of Complainant Greater New Orleans Fair)	
Housing Action Center,)	
)	
Charging Party,)	
)	ALJ No. _____
v.)	
)	FHEO No. 06-14-1081-8
Brandon Tarricone,)	
)	
Respondent.)	
_____)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On or about July 21, 2014, Complainant Greater New Orleans Fair Housing Action Center (“Complainant”) filed a complaint with the U.S. Department of Housing and Urban Development (“HUD”) alleging that Respondent Brandon Tarricone discriminated against it based on familial status, in violation of the Fair Housing Act (“Act”), 42 U.S.C. § 3604 (b) and (c). On October 31, 2014, the complaint was amended to include a claim under 42 U.S.C. § 3604(a).

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 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 for the Office of Fair Housing and Equal Opportunity for Region VI, 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 and has authorized and directed the issuance of this Charge of Discrimination. 42 U.S.C. § 3610(g)(2).

II. SUMMARY OF FINDINGS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint and the attached Determination of Reasonable Cause, Respondent Brandon Tarricone is 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. §§ 100.50(b)(1) and (b)(3), 100.60(a) and (b)(2), 100.70(c)(1), (2), and (3).
2. 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), and (c)(2).
3. Familial status is defined as one or more individuals, who have not attained the age of 18 years, being domiciled with a parent or another person having legal custody of such individual or individuals. 42 U.S.C. § 3602(k)(1); 24 C.F.R. § 100.20.

B. Parties and Subject Property

4. Complainant Greater New Orleans Fair Housing Action Center is a private civil rights organization dedicated to eradicating housing discrimination throughout the greater New Orleans area through education, investigation and enforcement activities. Complainant's office is located at 404 S. Jefferson Davis Parkway New Orleans, LA 70119.
5. Complainant is an aggrieved person, as defined by the Act. 42 U.S.C. 3602(i).
6. Respondent Brandon Tarricone resides at [REDACTED] Peabody, MA 01960.
7. Respondent Brandon Tarricone owns the triplex house divided into three apartments, located at [REDACTED] Cambronne St. New Orleans, LA 70118 ("subject property"). The subject property consists of one single-level basement apartment and two duplex-style multi-level apartments on the upper floor. The subject property is a dwelling, as defined by the Act. 42 U.S.C. § 3602(b).
8. Respondent Brandon Tarricone posted advertisements and responded to emails from prospective tenants relating to the subject property.

C. Factual Allegations

9. On or about April 8, 2014, Complainant identified an online advertisement on Craigslist for the subject property.

10. On April 11, 2014, Complainant's tester ("Tester") emailed Respondent to set up a time to view the subject property. Tester claimed that he was married with 8 month old twins. Respondent replied, "[y]ou may or may not find this house is what your (sic) looking for for the fam. There is not much of a yard, instead the backyard is paved for parking, and that is a shared area with the other 2 units in the house."
11. On April 13, 2014, Tester visited the property. Tester was shown the property by a friend of Respondent. Respondent was not present at the visit. Tester was directed to contact the respondent to discuss the rent and security deposit.
12. On April 14, 2014, Tester emailed Respondent requesting confirmation of the cost of rent and inquired about the security deposit.
13. On April 15, 2014, Respondent responded in an email stating, "Im (sic) not sure the combo with the two young babies and the vacation rental next door is the best fit. While there is a no party rule, it doesn't mean people don't still have a good time over there and there is sometimes 7 or 8 guests staying who are up at night, hanging on the porch and having fun. I have only gotten a few complaints from long term tenants over the years, but I am concerned that with two young kids you could be complaining more than that and I don't want to get the wrong tenants in the house."

D. Legal Allegations

14. As described in paragraphs 9-13 above, Respondent Brandon Tarricone violated Section 804(a) of the Act when he engaged in conduct relating to the provision of housing that otherwise made unavailable or denied the subject property to Complainant because of Complainant's tester's familial status. By discouraging Complainant's tester against rental of the subject property, by exaggerating drawbacks of the subject property and failing to inform the tester of desirable features of the subject property, and by communicating to Complainant's tester, a prospective renter, that he would not be comfortable with the subject property because of Complainant tester's familial status, Respondent Tarricone violated Section 804(a) of the Act. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(1) and (b)(3), 100.60(a) and (b)(2), 100.70(c)(1),(2), and (3).
15. As described in paragraphs 9-13 above, Respondent Brandon Tarricone violated Section 804(c) of the Act when he made a statement with respect to the rental of a dwelling that indicates any preference based on familial status. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4), 100.75(a), (b), and (c)(2).
16. As a result of Respondents' discriminatory conduct, Complainant diverted its resources to identify and counteract the Respondent's discriminatory practices. Moreover, Respondent's discriminatory practices frustrated Complainant's mission by interfering with the Complainant's ability to promote integration of and equal access to housing in the Greater New Orleans area.

III. CONCLUSION

WHEREFORE, the Secretary of the United States Department of Housing and Urban Development, through the Office of the General Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A) of the Act, hereby charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(a) and 3604(c), and requests that an Order be issued that:

1. Declares that Respondent's discriminatory housing practices, as set forth above, violate 42 U.S.C. §§ 3604(a) and 3604(c) of the Fair Housing Act;
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; and
5. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3).

Respectfully submitted on this ____ day of September 2016.

Respectfully submitted,

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