

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	:	
<b>Redacted</b> and her four	:	
minor aggrieved children,	:	
	:	ALJ No.
Charging Party,	:	
	:	
v.	:	FHEO No. 03-15-0468-8
	:	
Heathermoor II, LLC and Valhalla	:	
Management & Real Estate, LLC	:	
d/b/a Woda Management & Real	:	
Estate, LLC,	:	
	:	
Respondents.	:	
	:	

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**CHARGE OF DISCRIMINATION**

**I. JURISDICTION**

On August 5, 2015, Complainant, **Redacted** (formerly **Redacted**), filed, on her own behalf, and on behalf of her four minor children, a Complaint with the United States Department of Housing and Urban Development, alleging that Respondents, Heathermoor II, LLC and Valhalla Management & Real Estate, LLC d/b/a Woda Management & Real Estate, LLC violated sections 804(f)(1), 804(f)(2), 804(f)(3)(A), and 804(f)(3)(B) of the Fair Housing Act (the Act), because of her disability, by refusing to permit the Complainant, at her expense, to make necessary reasonable modifications to her dwelling such as would afford her and her four minor children full enjoyment of the premises, and by refusing to make a reasonable accommodation in rules, policies, practices, or services, when such accommodation was necessary to afford her and her four minor children equal opportunity to use and enjoy a dwelling. 42 U.S.C. §§ 3604(f)(1), 3604(f)(2), 3604(f)(3)(A), and 3604(f)(3)(B).<sup>1</sup>

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<sup>1</sup> Complainant filed an amended complaint on February 16, 2018. Simultaneous with issuance of this Charge of Discrimination, HUD has issued a Determination of No Reasonable Cause and Reasonable Cause, finding that there is reasonable cause to conclude that Respondents violated 42 U.S.C. §§ 3604(f)(1), 3604(f)(2), and 3604(f)(3)(B), and no reasonable cause to conclude that Respondents violated 42 U.S.C. § 3604(f)(3)(A).

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 re-delegated 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. Accordingly, this Charge of Discrimination is authorized under 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 No Reasonable Cause and Reasonable Cause, Respondents, Heathermoor II, LLC and Valhalla Management & Real Estate, LLC d/b/a Woda Management & Real Estate, LLC are hereby charged with violating the Act as follows:

### ***A. Legal Authority***

1. It is unlawful to discriminate against any person in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability<sup>2</sup> of that person. 42 U.S.C. § 3604(f)(1); 24 C.F.R. § 100.202(a).
2. It is unlawful to discriminate against any person in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, because of the disability of that person. 42 U.S.C. § 3604(f)(2); 24 C.F.R. § 100.202(b).
3. Refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford an individual with a disability an equal opportunity to use and enjoy a dwelling, constitutes unlawful discrimination. 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204.

### ***B. Parties and Properties***

1. Complainant, **Redacted**, is a person with a disability, as defined under the Act. 42 U.S.C. § 3602(h). Complainant presently resides, along with her four minor children, at **Redacted**, Winterville, OH 43953.

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<sup>2</sup> The term "disability" is used herein in place of, and has the same meaning as, the term "handicap" in the Act and its implementing regulations.

2. Complainant and her four minor children are aggrieved persons, as defined by the Act. 42 U.S.C. § 3602(i).
3. Respondents, Heathermoor II, LLC and Valhalla Management & Real Estate, LLC d/b/a Woda Management & Real Estate, LLC (principal office address for each Respondent organization is 229 Huber Village Boulevard, Suite 100, Westerville, OH 43081) own and operate Heathermoor II Apartments, located at 400 Heathermoor Drive, Weirton, WV 26062.
4. Heathermoor II Apartments offers one to four bedroom apartments and is referred to hereafter as the “subject property.” The subject property is a dwelling, as defined by the Act. 42 U.S.C. § 3602(b).

*C. Factual Allegations*

1. On or about June 2, 2011, Complainant and her three minor children moved into unit **Redacted** of the subject property. Unit **Redacted** is a three-bedroom unit.
2. On or about July 21, 2014, Complainant and her four minor children moved within the subject property from unit **Redacted** to unit **Redacted**. Unit **Redacted** is a four-bedroom unit.
3. On or about July 3, 2015, Complainant made a verbal request to Respondents’ Property Manager, Rebecca Graziani-Payne, for a designated parking space as a reasonable accommodation for her disability. In reply, Respondents’ Property Manager informed the Complainant that she needed to get a prescription from her doctor.
4. On or about July 6, 2015, Complainant provided Respondents’ Property Manager with a prescription from her medical provider, dated July 6, 2015, stating “Pt has a disability + requires a designated parking place close to home....”
5. On or about July 13, 2015, Respondents’ Property Manager provided Complainant with a reasonable accommodation request form.
6. On or about July 17, 2015, Complainant returned to Respondents’ Property Manager the completed form, along with a copy of her July 6, 2015, prescription, noting that the Complainant was requesting a designated parking space.
7. On or about August 13, 2015, Complainant’s medical provider returned a

completed copy of the Respondents' reasonable accommodation verification to Respondents. In this form, Complainant's medical provider indicated that Complainant is disabled, that she needs the requested designated parking space close to her unit to be able to live in the apartment community, and that there is an identifiable relationship between Complainant's requested accommodation and her disability.

8. Respondents failed to grant Complainant's reasonable accommodation request.
9. As Respondents failed to grant Complainant's reasonable accommodation request, Complainant continued to have difficulties finding a parking space close to her unit, exacerbating her medical condition.
10. On or about July 31, 2017, Complainant and her four minor children moved from the subject property.
11. As a result of Respondents' discriminatory actions, Complainant and her four minor children have suffered actual damages, including emotional distress.

#### ***D. Fair Housing Act Violations***

1. By refusing to grant Complainant's request for a reasonable accommodation of a designated parking space close to her unit, Respondents discriminated against Complainant because of disability. 42 U.S.C. §§ 3604(f)(1) and 3604(f)(2); 24 C.F.R. §§ 100.202(a) and 100.202(b).
2. By failing to comply with 42 U.S.C. §§ 3604(f)(1) and 3604(f)(2), Respondents violated 42 U.S.C. § 3604(f)(3)(B) when they refused to grant Complainant's request for a reasonable accommodation to Respondents' policy of not designating parking spaces for individual tenants. 42 U.S.C. § 3604(f)(1); 24 C.F.R. § 100.202(a); 42 U.S.C. § 3604(f)(2); 24 C.F.R. § 100.202(b); 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204.

### ***III. CONCLUSION***

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 Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(f)(1), 3604(f)(2), and 3604(f)(3)(B), and requests that an order be issued that:

1. Declares that Respondents' discriminatory housing practices, as set forth above, violate 42 U.S.C. §§ 3604(f)(1), 3604(f)(2), and 3604(f)(3)(B);

2. Enjoins Respondents and all other persons in active concert or participation with Respondents from discriminating against any person based on disability in any aspect of the occupancy, sale or rental of a dwelling;
3. Awards such damages as will fully compensate Complainant;
4. Assesses a civil penalty against Respondents 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 28<sup>th</sup> day of September 2018

\_\_\_\_\_/s/\_\_\_\_\_  
Richard A. Marchese  
Trial Attorney

\_\_\_\_\_/s/\_\_\_\_\_  
Steven J. Rappaport  
Associate Regional Counsel for Litigation

\_\_\_\_\_/s/\_\_\_\_\_  
Sheryl L. Johnson  
Regional Counsel

U.S. Department of Housing  
and Urban Development  
Office of the Regional Counsel  
The Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3380  
Telephone: (215) 430-6668  
Fax: (215) 656-3446  
TTY: (215) 656-3450