

**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)	
Complainant [REDACTED] and his)	
minor children,)	
)	
Charging Party,)	
)	OHA No. _____
v.)	
)	FHEO No. 07-21-6222-8
Felder Peter King Estate of Ward Protectee,)	
Daniel J. Felder as Co-Guardian and Conservator)	
of the Felder Peter King Estate of Ward Protectee,)	
Andrea Williams as Co-Guardian and Conservator)	
of the Felder Peter King Estate of Ward Protectee,)	
and Eric Felder,)	
)	
Respondents.)	
_____)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On or about October 7, 2020, Complainant [REDACTED] filed a timely complaint with the U.S. Department of Housing and Urban Development (“HUD”) alleging he and two of his minor children were injured by discriminatory acts based on familial status. The complaint was subsequently amended on May 24, 2021, to properly name the Respondents and add an allegation. Complainant alleges Respondents Eric Felder, the Felder Peter King Estate of Ward Protectee, and Daniel J. Felder and Andrea Williams in their roles as Co-Guardians and Conservators of the Respondent Estate (collectively “Respondents”) discriminated against Complainant and two of his minor children in violation of Subsections 3604(a), 3604(b), and 3604(c) of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-19 (“the Act”).

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 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).

By Determination of Reasonable Cause dated August 27, 2021, the Regional Director of HUD's Office of Fair Housing and Equal Opportunity ("FHEO") for Region VII, on behalf of the Assistant Secretary for FHEO, has determined that reasonable cause exists to believe that discriminatory housing practices have occurred and has authorized the issuance of this Charge of Discrimination. 42 U.S.C. § 3610(g)(2).

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the above-referenced complaint and the Determination of Reasonable Cause dated August 27, 2021, Respondents Eric Felder, Felder Peter King Estate of Ward Protectee, and Daniel J. Felder and Andrea Williams as Co-Guardians and Conservators of Felder Peter King Estate of Ward Protectee are hereby charged with violating the Act as follows:

A. Legal Authority

1. It is unlawful to refuse to rent after the making of a bona fide offer, or to refuse to negotiate for the rental of, 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), 100.60(a) and (b)(2).
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 such dwelling, because of familial status. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2), 100.65(a) and (b)(3).
3. It is unlawful to make any 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), (c)(1) and (c)(2).
4. Pursuant to the Act, "familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with a parent. 42 U.S.C. § 3602(k)(1); 24 C.F.R. § 100.20.
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)(1); 24 C.F.R. § 100.20.
6. 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 Properties

7. The subject property, an upper floor unit of a duplex, is located at 614 Tompkins Street, St. Charles, Missouri 63301 and is a dwelling as defined by the Act. 42 U.S.C. § 3602(b).
8. At all times relevant to the Charge, Respondent Felder Peter King Estate of Ward Protectee (“Estate”) was the owner of the subject property.
9. Respondent Estate was also the owner of a triplex and another duplex located in close proximity to the subject property in St. Charles, Missouri.
10. At all times relevant to the Charge, Respondents Daniel J. Felder and Andrea Williams were Co-Guardians and Conservators of Respondent Estate. A third Co-Guardian and Conservator, Suzanne M. Felder, died January 27, 2021.
11. At all times relevant to the Charge, Respondent Eric Felder, the son of Suzanne M. Felder, served as property manager for the subject property.
12. Complainant is the single father of twins (████████████████████), age five at the time of the HUD complaint, and they resided with him two to three days a week.
13. Complainant and his twins are aggrieved persons as defined by the Act. 42 U.S.C. § 3602(i)(1).

C. Factual Allegations

14. On or about February 2, 2020, Complainant saw a Craigslist ad for one of Respondents’ rental units at 618 Tompkins Street, advertised for \$700 a month.
15. On or about February 2, 2020, Complainant texted Respondent Eric Felder, whose number was in the ad, and viewed the advertised unit with Respondent Felder that day. Respondents ultimately rented the unit to another applicant, and Respondent Felder notified Complainant via text on February 3, 2020.
16. On February 3, 2020, Respondent Eric Felder texted Complainant that he had another unit, the subject property located at 614 Tompkins Street which was above the unit Complainant had just viewed, and it would soon become available at the end of March or in April 2020.
17. Complainant expressed interest in the unit, said that would work too, and that he wanted “something quasi solid to tell the school district.” Respondent Eric Felder informed Complainant he would let him know when he could view the unit and he would give Complainant “first dibs for sure.”
18. Complainant and Respondent Eric Felder exchanged texts in February and March 2020 in which Complainant reiterated he wanted to rent the subject property and inquired about

availability. In the texts, Respondent Felder indicated the unit would be ready at the end of March for Complainant and he would let Complainant know when it was ready to view.

19. On March 18, 2020, after Complainant texted Respondent Eric Felder about the available date for the unit and when he could view it, Respondent Felder responded he would leave a door open and he could check it out anytime. Complainant viewed the subject property the afternoon of March 18, 2020.
20. While viewing the unit on March 18, 2020, Complainant spoke to Respondent Eric Felder over the phone and Respondent Felder verbally approved Complainant to rent the subject property with a tentative move-in date of April 1, 2020.
21. At 6:29 p.m. on March 18, 2020, Respondent Eric Felder texted Complainant, “Remind me...[y]ou, one daughter and dog????”
22. Complainant replied, “Twins. Boy and girl. And dog. I have 4 kids total but the older girls are not likely to stay the night. One is 16 and crazy busy. Other is 11 and she is attached to her bedroom. Twins probably only a couple nights a week. I just want to get that area for Lincoln School. Dog is potty/crate trained. 22lbs.”
23. Respondent Eric Felder responded, “Gotta run all this by my Mom....she’s the boss and there’s sensitivity with noise for that lower unit. New Carpet would be the only way go with buffer between. Will let ya know her decision in the morn.”
24. Complainant responded, “OK Dog is quiet. Never barks. My kids would definitely be quieter than a 2am Party.”
25. Respondent Eric Felder thereafter refused to rent Complainant the unit with the following text at 8:06 pm on March 18, 2020, “Hate to say it.... but my Mom gave me a firm ‘No’. She’s against little kids in such a small place and Says she’s had trouble in the past. Sorry man – Good Luck.”
26. Complainant responded via text expressing his frustration that Respondent Eric Felder was telling him this after two months, that he had passed on other places because Respondent had told him he had “first dibs,” and that he had been clear about his children from the beginning.
27. Complainant thereafter continued seeking housing and ultimately located a unit that cost \$300 more per month than the subject property.
28. As a result of Respondents’ discriminatory conduct, Complainant and his aggrieved children suffered actual damages, including a lost housing opportunity, emotional distress, inconvenience, and out-of-pocket costs.

D. Fair Housing Act Violations

29. As described above, Respondents violated Subsection 3604(a) of the Act when Respondents refused to rent to Complainant because of familial status. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(1), 100.60(a) and (b)(2).
30. As described above, Respondents violated Subsection 3604(b) of the Act when Respondents discriminated against Complainant in the terms, conditions, or privileges of the rental of a dwelling because of familial status. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2), 100.65(a) and (b)(3).
31. As described above, Respondents violated Section 3604(c) of the Act when Respondent Eric Felder made statements to Complainant with respect to the rental of a dwelling that indicated a preference, limitation, or discrimination because of familial status. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4), 100.75(a), (c)(1) and (c)(2).

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) of the Act, hereby charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(a), 3604(b), and 3604(c), and requests an Order be issued that:

1. Declares Respondents' discriminatory housing practices, as set forth above, violate the Act, Subsections 3604(a), 3604(b), and 3604(c);
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, from discriminating because of familial status towards any person in any aspect to the sale or rental of a dwelling pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(b)(3)(ii);
3. Awards such monetary damages as will fully compensate Complainant and his aggrieved children for all 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. Assesses 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; and
5. Awards such additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3).

Respectfully submitted on this 30th day of August 2021.

Bion W. Vance
Regional Counsel, Region VII

Kristy A. McTighe
Deputy Regional Counsel, Region VII

Katherine A. Varney
Associate Regional Counsel, Region VII

Heather M.F. Ousley
Trial Attorney, Region VII
U.S. Department of Housing and Urban Development
400 State Avenue, Gateway Tower II, Room 200
Kansas City, KS 66101
(913) 551-6830
Email: Heather.M.Ousley@hud.gov