

**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)	
██████████ and ██████████)	
Charging Party,)	HUDOHA No. _____
v.)	FHEO No. 04-21-5434-8
21 Palms RV Resort, Inc. and Nathan Dykgraaf)	
Respondents.)	
_____)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

██████████ (“Complainant ██████████ timely filed a complaint with the U.S. Department of Housing and Urban Development (the “Department” or “HUD”) on or about February 16, 2021, which was amended on or about September 3, 2021, alleging that Respondents 21 Palms RV Resort, Inc. and Nathan Dykgraaf (collectively “Respondents”) violated the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 et seq. (the “Act”), because of sex (including gender identity).¹

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination (the “Charge”) 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 to the General Counsel, who has re-delegated to the Regional Counsel, the authority to issue such a Charge following a determination of reasonable cause by the Assistant Secretary of Fair Housing and Equal Opportunity or his or her designee. 24 C.F.R. §§ 103.400 and 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 IV has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred and has authorized the issuance of this Charge of Discrimination. 42 U.S.C. § 3610(g)(2).

¹ On September 3, 2021, the complaint was amended adding ██████████ as a complainant and Ms. ██████████ minor child as an aggrieved party.

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 Determination of Reasonable Cause, Respondents are hereby charged with violating the Act as follows:

A. LEGAL AUTHORITY

1. 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 therewith, because of sex. 42 U.S.C. § 3604(b); 24 C.F.R §§ 100.50(b)(2), (4), 100.65(a), (b)(4).
2. It is unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on sex or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75(a).
3. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of her having exercised or enjoyed any right granted or protected by Section 804 of the Act. 42 U.S.C. § 3617; 24 CFR § 100.400(b), (c)(2).
4. Pursuant to the Act, "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.
5. Sex discrimination under the Act includes discrimination because of gender identity.

B. PARTIES AND SUBJECT PROPERTY

6. Complainant [REDACTED] is a transgender woman. Complainant [REDACTED] is an "aggrieved person," as defined by the Act. 42 U.S.C. § 3602(i).
7. Complainant [REDACTED] is Complainant [REDACTED] fiancé. Complainant [REDACTED] and her minor child live with Complainant [REDACTED] and are "aggrieved persons," as defined by the Act. 42 U.S.C. § 3602(i).
8. At all times pertinent to this Charge, Respondent 21 Palms RV Resort, Inc. ("Respondent 21 Palms"), owned the RV community located at 6951 Osceola Polk Line Road, Davenport, Florida ("Subject Property").
9. The Subject Property is a "dwelling" as defined by the Act. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.

10. At all times pertinent to this Charge, Respondent Nathan Dykgraaf was the property manager for the Subject Property and an agent of Respondent 21 Palms RV Resort, Inc.
11. From June 14, 2018, to August 26, 2021, Complainant [REDACTED] Complainant [REDACTED] and Complainant [REDACTED] minor child rented a single-family residence located on lot # [REDACTED] at the Subject Property.

C. FACTUAL ALLEGATIONS

12. In early August 2020, Complainant [REDACTED] began to align her gender expression with her gender identity by privately wearing feminine-presenting clothes.
13. On or about January 4, 2021, Complainant [REDACTED] came out as a transgender woman and began widely wearing feminine-presenting clothing in public.
14. On January 13, 2021, Respondents issued Complainant [REDACTED] a handwritten notice stating: “I have been informed of your actions to have your sex changed to a female, I am told you have started taking the necessary medication and that after a period of time your change will be completed. To avoid problems you must: 1. Act as a man 2. Talk as a man 3. Dress as a man 4. Avoid tight clothing that is revealing sexual organs. If you follow the above steps trouble will be avoided. Sincerely, Nathan D.”
15. After receiving Respondents’ January 13, 2021 notice, Complainant [REDACTED] stopped fully expressing her gender identity, no longer publicly dressed as a woman at the Subject Property and avoided Respondents out of fear of eviction or other trouble. Complainant [REDACTED] also avoided interacting with neighbors and staff and limited her use of the amenities.
16. On or about March 24, 2021, Respondent Nathan Dykgraaf wrote to HUD, stating that Complainant [REDACTED] is “not free to engage with other tenants about her clothing and transition that makes them uncomfortable. It is considered disruptive to the community.”
17. On or about August 26, 2021, Complainant [REDACTED] Complainant [REDACTED] and Complainant [REDACTED] minor child vacated the Subject Property.
18. As a result of Respondents’ discriminatory conduct, Complainants and Complainant [REDACTED] minor child suffered actual damages including, but not limited to emotional distress, lost housing opportunity, and out-of-pocket expenses.

D. FAIR HOUSING ACT VIOLATIONS

1. As described above, Respondents discriminated against Complainant [REDACTED] in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection therewith, because of sex, in violation of Subsection 804(b) of the Act. 42 U.S.C. 3604(b); 24 C.F.R. §§ 100.50(b)(2), (4), 100.65(a), (b)(4).

2. As described above, Respondents violated Subsection 804(c) of the Act when they gave written notice to Complainant [REDACTED] to act and dress like a man indicating a preference, limitation, or discrimination based on sex. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75(a).
3. As described above, Respondents violated Section 818 of the Act by coercing, intimidating, threatening, or interfering with Complainant [REDACTED] exercise or enjoyment of her fair housing rights granted and protected by Section 804 of the Act. 42 U.S.C. § 3617; 24 CFR § 100.400(b), (c)(2).

III. CONCLUSION

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

1. Declares that the discriminatory housing practices of Respondents, as set forth above, violate the Act, 42 U.S.C. §§ 3604(b); 3604(c); 3617;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them from discriminating against any person because of sex in any aspect of the rental, use, or enjoyment of a dwelling, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(b)(3)(ii);
3. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them from threatening, interfering, coercing, or intimidating any person for engaging in activity protected by the Act, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(b)(3)(ii);
4. Awards such damages as will fully compensate Complainants for their actual damages, including emotional distress and out-of-pocket losses caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(b)(3)(i);
5. 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(b)(3)(iii); and
6. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(b)(3).

Respectfully submitted,

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