

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

The Secretary, United States Department of Housing and Urban Development,)	
)	
Charging Party,)	
)	
on behalf of NAME REDACTED)	
)	
Complainant,)	HUDOHA No. _____
)	FHEO No. 02-21-8659-8
v.)	
)	
Carlos Vazquez and Ligia Hernandez,)	
)	
Respondents.)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On April 8, 2021, **NAME REDACTED** (“Complainant”) filed a complaint with the U.S. Department of Housing and Urban Development (“HUD” or the “Department”) alleging that Carlos Vazquez (“Respondent Vazquez”) and Ligia Hernandez (“Respondent Hernandez”) (collectively, “Respondents”) violated the Fair Housing Act, as amended, 42 U.S.C. § 3601 *et seq.* (the “Act”) by discriminating against Complainant because of his disability¹ (the “Complaint”). Specifically, Complainant alleges that Respondents refused to renew his lease agreement, made discriminatory statements, and interfered with his fair housing rights.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination (“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 (24 C.F.R. §§ 103.400 and 103.405), who has re-delegated to the Regional Counsel the authority to issue such a Charge following a determination of reasonable cause. 76 Fed. Reg. 42462, 42465 (July 18, 2011).

The Director of the Office of Fair Housing and Equal Opportunity (“FHEO”) for Region II, on behalf of the Assistant Secretary for FHEO, has authorized this Charge because a determination, after investigation, that reasonable cause exists to believe Respondents engaged in

¹ The Act uses the term “handicap.” This Charge uses the term “disability,” unless quoting from the Act or applicable regulations. Both terms have the same legal meaning.

a discriminatory housing practice. *See* 42 U.S.C. § 3610(g)(1)-(2); 24 C.F.R. §§ 103.400 and 103.405.

II. LEGAL AUTHORITY AND FACTUAL BASIS FOR THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned HUD Complaint and the Determinations 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 sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of disability. 42 U.S.C. § 3604(f)(1)(A); 24 C.F.R. §§ 100.50(b)(1) and 100.202(a)(1).
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 sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on disability or an intention to make such preference, limitation, or discrimination. 42 U.S.C. § 3604(c) and 24 C.F.R. §§ 100.50(b)(4).
3. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any person in the exercise or enjoyment of any right granted or protected by 42 U.S.C. §§ 3603-3606; 42 U.S.C. § 3617; 24 CFR § 100.400.

B. PARTIES AND SUBJECT PROPERTY

4. Complainant is a person with a disability, as defined by the Act. 42 U.S.C. § 3602(h).
5. Complainant is an aggrieved person, as defined by the Act. 42 U.S.C. § 3602(i); 24 C.F.R. § 100.20.
6. Condominium Las Carmelitas. is located at **ADDRESS REDACTED**, San Juan, Puerto Rico (the "Subject Property"). The Subject Property is a condominium complex. Each unit at the Subject Property is individually owned. The Subject Property is administered by a Homeowners Association known as Asociacion Condominio Las Carmelitas, Inc. (the "HOA"). The HOA is managed by a Board of Directors.
7. Respondent Vazquez owns Unit 2H (the "Unit") at the Subject Property.
8. Respondent Vazquez hired Respondent Hernandez as a real estate agent broker to assist in renting out the Unit.

C. FACTUAL ALLEGATIONS

9. Complainant is a person with disability that substantially limits major life activities, including breathing, sleeping, walking, and difficulty in social situations.
10. On or about February 27, 2020, Complainant entered into a one-year lease agreement with Respondent Vazquez to rent the Unit effective March 1, 2020. Complainant moved into the Unit on March 1, 2020, with his wife and minor daughter.
11. On November 16, 2020, Complainant mailed a lease renewal request to Respondent Vazquez.
12. By text message dated December 18, 2020, Complainant informed Respondent Hernandez that he wanted to install quieter air conditioning units.
13. In January 2021, the Complainant advised a property manager at the Subject Property that he is a person with a disability (mental health) and asked to install low decibel air conditioners as a disability-related reasonable accommodation. Thereafter, Complainant installed the low decibel air conditioning units in the Unit windows.
14. On January 22, 2021, the Complainant advised Respondent Hernandez that the HOA ordered him to remove the air conditioner units and place them in another location.
15. On January 23, 2021, Complainant texted Respondent Hernandez that he needs specialists to install the low decibel air conditioner units in accordance with the HOA's specifications.
16. On January 25, 2021, Respondent Hernandez advised Complainant that Respondent Vazquez would renew the lease for an additional 6 months.
17. By text message that same day, Complainant informed Respondent Hernandez that the HOA had illegally denied his reasonable accommodation request because he is a person with a disability.
18. Immediately following the text message, Respondent Hernandez called the Complainant and left the following voicemail message:

NAME REDACTED first time heard that you have a disability. This was not contemplated when [you] leased the apartment so we had no knowledge at all. Here in Puerto Rico these laws I don't know if they are applicable or not. I don't know what the A/C units situation has to do with the disability you have that I don't know where it is but anyway we're trying to help Carlos avoid a fine that they're trying to give him because of a bad installation so anyway Carlos just told me that he's going to send a letter and he would not renew the lease so you have 60 days to vacate [the] premises.
19. Thereafter, Complainant advised Respondent Hernandez that Fair Housing rights apply in Puerto Rico. Respondent Hernandez replied with a voicemail message advising that the Subject Property was privately owned and not federal property.

20. On January 26, 2021, one day after Complainant disclosed his disability status, Respondent Vazquez emailed the Complainant that he would not renew the lease and would be requesting the Complainant's eviction.
21. On March 8, 2021, an attorney for Respondent Vazquez and Respondent Hernandez sent Complainant a notice of eviction.
22. On March 15, 2021, Respondent Hernandez along with counsel, appeared at Complainant's unit to ask for the keys.
23. On March 15 and 28, 2021, Respondent Vazquez sent additional eviction notices to Complainant ordering him to vacate by March 31, 2021.
24. As a result of Respondents' actions, Complainant suffered actual damages, including, but not limited to, emotional distress, humiliation, embarrassment, out-of-pocket expenses, and inconvenience.

D. LEGAL ALLEGATIONS

25. As described in the paragraphs above, Respondents discriminated against Complainant because of his disability when they refused to renew Complainant's lease. 42 U.S.C. § 3604(f)(1)(A); 24 C.F.R. §§ 100.202(b)(1) and 100.50(b)(2).
26. As described in the paragraphs above, Respondents violated Section 818 of the Act by interfering with Complainant's exercise of his rights under the fair housing act. 42 U.S.C. §§ 3617; 24 C.F.R. § 100.400(b) and (c)(1-2).
27. As described in the paragraphs above, Respondents violated Section 3604(c) of the Act when Respondents made statements to the Complainant with respect to the rental of a dwelling that indicated preference, limitation, or discrimination because of disability. 42 U.S.C. § 3604(c) and 24 C.F.R. §§ 100.50(b)(4).

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(f)(1), and 3604(f)(2)(A), and requests that an Order be issued that:

1. Declares that the discriminatory housing practices of Respondents, as set forth above, violate the Act, as amended, 42 U.S.C. §§ 3601-3619;
2. Enjoins Respondents, their agents, officers, employees, and successors, and all other persons in active concert or participation with any of them, from discriminating or retaliating against any person because of disability in any aspect of the sale, rental, use, or enjoyment of a dwelling;

3. Mandates that Respondents, their agents, officers, employees, and successors, and all other persons in active concert or participation with them, take all affirmative steps necessary to remedy the effects of the illegal, retaliatory, discriminatory conduct described herein and to prevent similar occurrences in the future;
4. Awards such monetary damages pursuant to 42 U.S.C. § 3612(g)(3) as will fully compensate Complainant for damages caused by Respondents' discriminatory conduct;
5. Awards 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; and
6. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3).

Respectfully submitted,



Erica Levin
Regional Counsel, Region II



Valerie M. Daniele
Associate Regional Counsel for Litigation

Chris Brochyus

Christopher W. Brochyus
Trial Attorney
Office of Regional Counsel
U.S. Department of Housing
and Urban Development
26 Federal Plaza, Room 3500
New York, NY 10278-0068
Christopher.W.Brochyus@hud.gov

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