

The Secretary, United States Department
of Housing and Urban Development,
on behalf of Complainants **NAME REDACTED**
and **NAME REDACTED**,

Charging Party,

v.

Good Team Realty LLC,
Jack O Cohen Revocable Trust, and Jack Cohen,

Respondents.

HUD ALJ No. _____

FHEO No. 01-23-3886-8

I. JURISDICTION

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 re-delegated the authority to the Regional Counsel. 24 C.F.R. §§ 103.400, 103.405; 76 Fed. Reg. 42,463, 42,465 (July 18, 2011).

¹ This charge uses the term “disability” interchangeably with the term “handicap,” which appears in the Fair Housing Act.

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint and the Determination of Reasonable Cause, HUD hereby charges Respondents with violating the Act as follows:

A. Legal Authority

1. It is unlawful to discriminate in the rental of, or to otherwise make unavailable or deny, a dwelling to any renter because of the disability of that renter. 42 U.S.C. § 3604(f)(1)(A); 24 C.F.R. § 100.202(a)(1).
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 a disability of that renter. 42 U.S.C. § 3604(f)(2)(A); 24 C.F.R. § 100.202(b)(1).
3. The Act defines disability as a physical or mental impairment which substantially limits one or more major life activities, a record of having such an impairment, or being regarded as having such an impairment. 42 U.S.C. § 3602(h); 24 C.F.R. § 100.201. HUD's regulations define major life activities to include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. 24 C.F.R. § 100.201(b).

B. Parties and Subject Property

4. Complainant **NAME REDACTED** and her daughter **NAME REDACTED** are persons with a disability as defined by 42 U.S.C. § 3602(h). Complainants have been diagnosed with post-traumatic stress disorder ("PTSD") resulting in difficulty sleeping, keeping normal routines, and performing daily tasks. Medical professionals have recommended that both Complainants have emotional support dogs.
5. The Complainants are aggrieved persons as defined by the Act. 42 U.S.C. § 3602(i); 24 C.F.R. § 100.20.
6. Respondent Jack O Cohen Revocable Trust, LLC, is the owner of a dwelling located at **ADDRESS REDACTED**, Manchester, New Hampshire ("subject property"), and the owner of forty-five rental properties, in total.
7. Respondent Jack Cohen is the sole member of Good Team Realty, LLC and the trustee of Jack O Cohen Revocable Trust.
8. Respondent Good Team Realty, LLC is the realty agent for the properties owned by Jack O Cohen Revocable Trust, including the 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.

C. Factual Allegations

10. On June 10, 2023, Complainants received letters from their physician stating that they have each been diagnosed with PTSD and that Complainants' conditions result in difficulty sleeping, keeping normal routines, and performing daily tasks. The letters recommend an emotional support dog for each of Complainants because the dogs will help them maintain a routine, provide a feeling of safety, and calm Complainants down when they are distressed.
11. On July 14, 2023, Complainant **NAME REDACTED** called Respondent Cohen to inquire about renting the subject property during which Complainant **NAME REDACTED** told Respondent Cohen that she had an emotional support dog. During the call Complainants **NAME REDACTED** and **NAME REDACTED** agreed to meet Respondent Cohen at the subject property later that day. Respondent Cohen did not ask Complainants to provide any documentation regarding the dogs during this call.
12. Upon meeting at the subject property, Respondent Cohen asked Complainants about the breed of their dogs and requested medical verification that they were assistance animals. Complainant **NAME REDACTED** explained to Respondent Cohen that she had medical verification that she was willing to provide but that she did not bring it to the appointment. Respondent Cohen told Complainants that the meeting was over and walked away from Complainants without showing or discussing the rental of the subject property.
13. Respondents do not require tenants without emotional support animals to provide verification of other forms of eligibility prior to viewing or applying for an apartment.
14. As a result of Respondents' discriminatory policies and actions, Complainants have suffered actual damages, including, but not limited to out-of-pocket expenses and emotional distress.

D. Fair Housing Act Violations

15. As described above, Respondents violated Section 804(f)(1)(A) of the Act by discriminating against Complainants based on disability by failing to allow them to view or apply to rent the subject property. 42 U.S.C. §§ 3604(f)(1)(A), 3604(f)(2)(A); 24 C.F.R. § 100.202(a).
16. As described above, Respondents violated Section 804(f)(2)(A) by requiring Complainants to provide verification of the medical need for emotional support animals prior to allowing them to view an apartment, while imposing no similar

verification requirements on non-disabled individuals who wish to view an apartment.
42 U.S.C. § 3604(f)(2)(A); 24 C.F.R. § 100.202(b).

III. CONCLUSION

WHEREFORE, the Secretary of HUD, through the Office of the Regional Counsel for New England, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges the Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604(f) and prays that an order be issued that:

- A. Declares that the discriminatory housing practices of Respondents, as set forth above, violate the Act, as amended, 42 U.S.C. Sections 3601-3619;
- B. Enjoins Respondents, their agents, employees, successors, and all other persons in active concert or participation with any of them, from discriminating on the basis of disability against any person in any aspect of the purchase or rental of a dwelling, and from further violations of 42 U.S.C. § 3604(f);
- D. Awards such monetary damages as will fully compensate the Complainants for any and all injuries caused by Respondents' violations of the Act, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(b)(3)(i);
- E. Awards 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
- F. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted,

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