

**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)	
NAME REDACTED and her three minor children)	
)	
Charging Party,)	
)	HUDOHA No. _____
v.)	
)	FHEO No. 04-22-2098-8
Indian Oaks Apartments LTD,)	
Russell Management Services LLC,)	
H.J. Russell & Company,)	
The Russell Realty LP,)	
Nichole Long,)	
)	
Respondents.)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On July 13, 2022, **NAME REDACTED** (“Complainant”) timely filed a fair housing discrimination complaint with the U.S. Department of Housing and Urban Development (“HUD”) alleging that Respondents Indian Oaks Apartments LTD, Russell Management Services LLC, and Nichole Long (collectively “Respondents”) violated Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (the “Act”) 42 U.S.C. §§ 3601 *et seq.*, based on disability¹ when they failed to grant Complainant’s request to move to a ground floor unit. The complaint named Complainant’s three minor children as aggrieved parties. The complaint was amended on January 8, 2024, to add H.J. Russell & Company and The Russell Realty LP as Respondents.

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)-(2). The Secretary has delegated that authority to the General Counsel, who has redelegated the authority to the Regional Counsel. 24 C.F.R. §§ 103.400, 103.405; 76 Fed. Reg. 42463, 42465 (July 18, 2011).

The Regional Director of HUD’s Office of Fair Housing and Equal Opportunity (“FHEO”) for Region IV, on behalf of the Assistant Secretary for FHEO, has determined that

¹ The term “disability” is used in place of, and has the same meaning as, the term “handicap” in the Act and its implementing regulations.

reasonable cause exists to believe that a discriminatory housing practice has occurred in this case and has authorized the issuance of this Charge. 42 U.S.C. § 3610(g)(1) and (2)(A); 24 C.F.R. § 103.400(a)(2)(i).

II. SUMMARY OF FINDINGS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the above-mentioned complaint and the resulting Determination of Reasonable Cause, HUD hereby charges Respondents 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 sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of (1) that person, or (2) a person residing in or intending to reside in that dwelling after it is rented or made available, or (3) any person associated with that person. 42 U.S.C. § 3604(f)(2); 24 C.F.R. § 100.202(b).
2. Discrimination under 42 U.S.C. § 3604(f) of the Act includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204(a).
3. The Act defines "handicap" as a physical or mental impairment which substantially limits one or more of such person's major life activities. 42 U.S.C. § 3602(h)(1); 24 C.F.R. § 100.201. Although the term "handicap" appears in the Fair Housing Act and its implementing regulations, the Charge and Determination of Reasonable Cause and Determination of No Reasonable Cause use the terms "disability" and "handicap" interchangeably.
4. The Act defines an "aggrieved person" to include 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. As used in subsection 804(f)(3)(C) of the Act, "covered multifamily dwellings" includes all dwelling units in buildings consisting of four or more units if such buildings have one or more elevators. 42 U.S.C. § 3604(0)(7); 24 C.F.R. § 100.201.

B. Parties and Subject Property

6. Complainant and her three minor children are aggrieved persons as defined by 42 U.S.C. § 3602(i) who have suffered damages as a result of Respondents' conduct.

7. At all times pertinent to this Charge, Indian Oaks Apartments (the “Subject Property”) is comprised of 150 units and is located at **ADDRESS REDACTED**, Fort Valley, Georgia 31030.
8. At all times pertinent to this Charge, the Subject Property was owned by Indian Oaks LTD.
9. At all times pertinent to this Charge, H.J. Russell & Company and The Russell Realty LP were General Partners in Indian Oaks LTD.
10. At all times pertinent to this Charge, Russell Management Services, LLC managed the Subject Property.
11. At all times pertinent to this Charge, Respondent Nichole Long was an employee of Russell Management Services, LLC. She became the Property Manager of the Subject Property in 2021.
12. At all-time pertinent to this Charge, Complainant resided in **ADDRESS REDACTED** at the Subject Property.
13. The Subject Property is a “dwelling” within the meaning of the Act. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.

C. Factual Allegations

14. On or around October 26, 2018, Complainant moved into **ADDRESS REDACTED**, a three-bedroom unit on the second floor, at the Subject Property.
15. Complainant’s child was born on November 2, 2018. Beginning in or about December 2019, until approximately May 2021, Complainant underwent the diagnosis process with her child. In May 2021, Complainant received a diagnosis that her child’s mobility was permanently impaired.
16. Respondents’ reasonable accommodation policy states current residents requiring a disability reasonable accommodation have priority over waitlist applicants.
17. In June 2021, Complainant verbally notified Respondent Long of her child’s diagnosis and reasonable accommodation request for a ground-floor unit.
18. On or around October 11, 2021, unit 9A at the Subject Property, a three-bedroom ground-floor unit became vacant.
19. On or around October 13, 2021, unit 10D at the Subject Property, a three-bedroom ground-floor unit became vacant.

20. In November 2021, Complainant's child received a specially designed wheelchair.
21. On or around November 9, 2021, Complainant supplied a letter to Respondents written by Dr. Helen Moore, explaining Complainant's child has quadriplegia.
22. From around November 1, 2021 through August 1, 2022, Respondents' "Rent Roll" shows unit 9A and 10D remained vacant.
23. In December 2021, Complainant was told contractors had been approved to finish a unit for her. From January through May 2022, Complainant was repeatedly told work was still ongoing in the unit.
24. During this time, Complainant's disabled child became too large for her to safely bring him up and down the stairs for medical appointments.
25. Respondent Long admits to being aware of Complainant's increasing frustration and difficulties with basic entry for her disabled child to and from the unit.
26. Complainant inquired about moving at least twice a month.
27. On or around February 28, 2022, **ADDRESS REDACTED** at the Subject Property, a four-bedroom ground-floor unit became vacant.
28. From around March 1, 2022 through August 1, 2022, Respondents' "Rent Roll" shows **ADDRESS REDACTED** remained vacant.
29. In May 2022, Complainant's child was removed from therapy, which aided his condition, as a result of being unable to regularly attend appointments.
30. On or around June 6, 2022, Complainant sent Respondent Russell Management Services an email relaying her standing reasonable accommodation request from June 2021.
31. On June 8, 2022, Respondent Long emailed an employee of Russell Management Services named Destiny Riley regarding transferring Complainant to a ground floor unit. Respondent Long stated a contractor completed a three-bedroom ground floor unit and instructed Ms. Riley to inform Complainant she will need to be completely moved out by the following Monday or Tuesday. Complainant was not informed of the completed unit or instructed to move out of her current unit.
32. By early July 2022, Complainant still had not been informed of the completed unit or instructed to move out of her current unit.
33. On or around July 15, 2022, unit 11C at the Subject Property, a four-bedroom ground floor unit, became vacant.

34. From around July 15, 2022 to August 1, 2022, Respondents' "Rent Roll" shows unit 11C remained vacant.
35. On or around August 25, 2022, the Subject Property was sold and Ambling Property Investments, Inc. ("Ambling") commenced property management. At the time, Complainant was still in **ADDRESS REDACTED**.
36. On or around August 26, 2022, Ambling's "Affordable Rent Roll with Lease Charges" showed the following units were vacant: 6D, 9A, 10B, 10C, 10D, 11C, and **ADDRESS REDACTED**.
37. On or around November 23, 2022, Complainant was moved into **ADDRESS REDACTED** by Ambling.

D. Fair Housing Act Violations

38. As described in the paragraphs above, Respondents discriminated against Complainant in the sale or rental of a dwelling based on disability when they refused to grant her requests for reasonable accommodation and made housing unavailable to Complainant. 42 U.S.C. §§ 3604(f)(1) and (f)(3)(B); 24 C.F.R. §§ 100.202(a) and 100.204(a).
39. As described in the paragraphs above, Respondents discriminated against Complainant in the terms, conditions, or privileges of the rental of a dwelling based on disability when they refused to grant her request for reasonable accommodation by not providing her with a ground floor unit. 42 U.S.C. §§ 3604 (f)(2) and (f)(3)(B); 24 C.F.R. §§ 100.202(b) and 100.204(a).

III. CONCLUSION

WHEREFORE, the Secretary of HUD, through the Office of Regional Counsel in the Atlanta Regional Office, 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 the Act, 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)(2) and 3604(f)(3)(B) of the Act.
2. Enjoins Respondents and their agents, employees, and successors, and all other persons in active concert or participation with them, from further violations of the Act, pursuant to 42 U.S.C. § 3612(g)(3);
3. Requires Respondents and their agents, employees, and successors, and all persons in active concert or participation with them to attend, at Respondents' expense, training that addresses the Act's prohibitions against discrimination based on disability, pursuant to 42 U.S.C. § 3612(g)(3);

4. Awards such damages as will fully compensate Complainant for any and all damages caused by Respondents' discriminatory conduct, pursuant to 42 U.S.C. § 3612(g)(3);
5. Assesses the maximum civil penalty against each Respondent for each violation of the Act that Respondents have committed, pursuant to 42 U.S.C. § 3612(g)(3); and
6. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3).

Respectfully submitted on this 4th day of September 2024.



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