

**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 ,)	
)	
Charging Party,)	
)	HUDOHA No.
v.)	
)	FHEO No. 04-21-9391-8
Kevin Lee Forrestal, Lydia Forrestal, and)	
PadSplit, Inc.)	
)	
)	
Respondents.)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On March 31, 2021, **NAME REDACTED** (“Complainant”), timely filed a verified complaint with the U.S. Department of Housing and Urban Development (“HUD”) alleging Respondents PadSplit, Inc. (“Respondent PadSplit”), Kevin Lee Forrestal (“Respondent Kevin Forrestal”), and Lydia Forrestal (“Respondent Lydia Forrestal”), collectively “Respondents”, discriminated against Complainant based on disability when they failed to grant her reasonable accommodation requests for a service animal and visual doorbell, in violation of the Fair Housing Act (“Act”), as amended, 42 U.S.C. §§ 3601 *et seq.*¹

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 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).

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.

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 sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a 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 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).
3. 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).
4. 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.
5. 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.

B. Parties and Subject Property

6. Complainant **NAME REDACTED** ("Complainant") is an individual with a disability within the meaning of the Act. 42 U.S.C. § 3602(h); 24 C.F.R. § 100.201.
7. Complainant is an aggrieved person as defined by 42 U.S.C. § 3602(i) who has suffered damages as a result of Respondents' conduct.
8. At all times pertinent to this Charge, Respondent Kevin Forrestal and Respondent Lydia Forrestal owned a single-family home located at **ADDRESS REDACTED**, Decatur, GA 30032 ("Subject Property").

9. The Subject Property is a “dwelling” within the meaning of the Act. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.
10. At all times pertinent to this Charge, Complainant resided in a room at the Subject Property.
11. At all times pertinent to this Charge, Respondent PadSplit served as the property management company for the Subject Property.
12. At all times pertinent to this Charge, Erin Willbanks was employed by Respondent PadSplit and served as the Property Manager for the Subject Property.

C. Factual Allegations

13. Complainant is legally deaf and requires the assistance of a service animal.
14. Complainant’s service animal is a dog named Lady **NAME REDACTED** who was approximately four (4) years old in January 2020.
15. On July 13, 2018, Respondent Kevin Forrestal entered into a contract with PS-**ADDRESS REDACTED**, LLC to rent the subject property.
16. Respondent PadSplit managed and facilitated the room rentals at the subject property.
17. On January 4, 2020, Complainant entered into a rental agreement with Respondent PadSplit to occupy one (1) of six (6) bedrooms at the Subject Property.
18. Respondent PadSplit was aware Complainant was deaf.
19. On January 17, 2020, Complainant emailed Respondent PadSplit a reasonable accommodation request for her service animal.
20. On January 21, 2020, Erin Willbanks replied to Complainant asking, “*What is your dog trained to do?*”
21. On January 22, 2020, in response, Complainant indicated that the dog is her hearing dog and “is trained to let me know who’s at the door she lets me know my surroundings.”
22. On January 23, 2020, Complainant emailed Respondent PadSplit emphasizing her need for a service animal after her car was broken into. Due to her disability, Complainant did not hear the police or housemates knocking on the door to alert her. Complainant reiterated she did not feel safe without her service animal to bark and wake her up in case of emergencies.

23. On January 24, 2020, Complainant again emailed Respondent PadSplit requesting that she be allowed to bring her service animal to the Subject Property.

24. On January 27, 2020, Respondent PadSplit's employee, Hannah Hill, emailed Complainant a response which outlined Respondent PadSplit's reasonable accommodation practice regarding service animals:

Of course, if your service animal is necessary for your wellbeing we want you to have your animal with you. However, at this time, we do not accept certificates like the one you sent us as proof. Below, please find the necessary documents we need to approve your service animal:

- *Proof of verification of disability by a board-certified doctor, disability services or any other government agency.*
- *Doctor's note that prescribes a Service Animal or Psychiatric Service Dog*
- *Must provide records of rabies vaccinations.*

Please note, at this time, PadSplit does not accept Emotional Support Animals into PadSplits. If you have additional documents such as training your dog has received or certifications this would be helpful but not required.

25. In response, on January 27, 2020, Complainant stated that she is legally deaf, and she would get the requested documents.

26. On February 21, 2020, after attempting to gather the requested documentation, Complainant spoke on the phone with Respondent PadSplit's employee Toyin Adebayo regarding her accommodation request.

27. On April 14, 2020, Complainant submitted a reasonable accommodation request through Respondent PadSplit's maintenance portal requesting a flashing doorbell due to her disability.

28. On April 27, 2020, Complainant's physician wrote and signed a reasonable accommodation request letter on her behalf which stated:

*Patient **NAME REDACTED** is deaf and requires the use of a service animal. She meets the definition of disability under the Americans with Disabilities Act.*

29. On April 30, 2020, Complainant emailed Respondent PadSplit the physician letter and the service animal's vaccination records.

30. On May 1, 2020, Erin Willbanks asked Complainant if she had a card to show the animal was a certified service animal.

31. On May 5, 2020, Complainant emailed Erin Willbanks the Certificate of Registration for her service animal that she obtained on November 8, 2018, from FreeMyPaws.com.

32. Respondent PadSplit's employee, Hannah Hill, wrote an internal note indicating it was the same certificate "from the fake place she sent before."

33. On May 11, 2020, Erin Willbanks emailed Complainant stating:

[T]his is unfortunately not a certified training document for you dog. Because this is a co-living environment all service animals must be certified with an official training certification. This is a certification that is purchased from the freemypaws.com website. We will need the documentation show it is a trained service animal.

34. On May 11, 2020, Complainant responded that she had completed all requirements Respondents made of her.

35. On May 19, 2020, Erin Willbanks presented additional obstacles for approval of her service animal and emailed Complainant:

It seems like you do not have a certificate of training for your service animal. The only way we will be able to let you have your service animal will be if you agree to follow the below rules:

- 1.) You animal must be leashed inside the home in all common areas*
- 2.) If you leave your home the animal must go with you. Your service can never be left alone in the home and if it is it can result in membership termination.*

Do you agree to these terms?

36. On June 5, 2020, Complainant informed Respondent PadSplit that the offer failed to accommodate her disability as she could not take the service animal with her during the day working as a rideshare driver.

37. On July 9, 2020, Complainant sent Respondent PadSplit a photo of the Service Dog Certificate of Dog Registration from USAnimalregistry.org and asked that they reconsider her reasonable accommodation request.

38. On July 16, 2020, Complainant emailed Respondent PadSplit and asked why they were neglecting her emails since she had not received any response to her emails dated June 5, July 8, and July 9, 2020. Complainant also informed Respondent PadSplit that she made multiple requests using the "maintenance inbox" for a flashing smoke alarm and flashing doorbell to assist her with her disability.

39. On August 6, 2020, and September 1, 2020, Complainant sent Respondent PadSplit emails asking for updates on her reasonable accommodation requests.

40. On September 2, 2020, Respondent PadSplit employee, Toyin Adebayo, emailed Complainant:

PadSplit is a property management company and does not own your PadSplit home. Each home is owned by an individual host/owner, as any traditional single family home would be. Traditional single family homes do not fall under ADA guidelines. Therefore, PadSplit is not required to provide any of the requested amenities. However, we have forwarded your request to the owner of this home and are awaiting a response. Once we receive a response, we will reach out to you with more information.

41. On September 29, 2020, Complainant moved out of the Subject Property.

42. Complainant paid a friend, Cathy Miller, to house and care for her service animal throughout her tenancy at the Subject Property.

43. As a result of Respondents' discriminatory conduct, Complainant suffered actual damages, including but not limited to economic loss, lost housing opportunity, and emotional distress.

D. Fair Housing Act Violations

1. 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).
2. 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 declining to permit her to have her service animal and to install a flashing doorbell. 42 U.S.C. §§ 3604 (f)(2) and (f)(3)(B); 24 C.F.R. §§ 100.202(b) and 100.204(a).

III. CONCLUSION

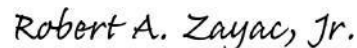
WHEREFORE, the Secretary of HUD, through the Office of Regional Counsel in the Atlanta Regional Office, and pursuant to 42 U.S.C. § 3610(g)(2)(A) of the Act, hereby charges Respondents with engaging in discriminatory housing practices in violation of the Act, and requests that an Order be issued that:

1. Declares that Respondents' discriminatory housing practices, as set forth above, violate Subsections 804 (f)(1), (f)(2), and (f)(3)(B) of the Act, 42 U.S.C. 3604(f)(1), (f)(2), and (f)(3)(B);
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 12th day of December 2023.



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