

discriminatory housing practice has occurred. HUD's efforts to conciliate the complaint were unsuccessful. *See* 42 U.S.C. § 3610(b).

LEGAL AUTHORITY IN SUPPORT OF CHARGE

4. 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 person or a person residing in that dwelling after it is rented. 42 U.S.C. § 3604 (f) (2) (A) and (B). Discrimination includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodation may be necessary to afford a person with disabilities equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f) (3) (B).

PARTIES:

5. Complainant is an elderly woman with physical disabilities, including Coronary Artery DS, Diabetes Mellitus, Massive Obesity, Neuropathy of Feet, and Chronic Obstructive Pulmonary Disease. Complainant's physical impairments pose substantial limitations on her ability to walk. Complainant resides at 36 Cerone Place, Apt. 811, Newburgh, NY 12550.
6. Respondent Burton Towers Housing Development Fund Company, Inc. is the owner of Complainant's apartment and 126 other housing units in a development for the elderly in Newburgh, New York ("Burton Towers").
7. Respondent Betty Evans is a former Manager of Burton Towers.

FACTUAL ALLEGATIONS IN SUPPORT OF CHARGE

8. Complaint moved into Burton Towers in 1994. From the inception of her tenancy until August 2007, Complainant had been assigned parking space #18, which is located close to the entrance to her building, because she had difficulty walking and breathing.
9. In 2007, Burton Tower's management company notified tenants that assigned parking spaces would be redistributed on a first-come, first-serve basis. Beginning July 31, 2007, all tenants could visit the management office to request any parking space.
10. Upon receiving notice of the intent to redistribute parking spaces, Complainant informed Respondents that she needed to retain parking space #18 because she could not walk long distances.
11. On August 1, 2007, when Complainant went to the management office to

again request parking space #18, it was no longer available. Complainant was assigned parking space #11, which is considerably farther away from her apartment building than her previously assigned parking space #18.

12. In a letter to Respondent Evans, dated March 25, 2008, Complainant requested that Respondents assign her a parking space closer to her apartment because of health reasons and submitted a letter from her internist, Dr. Susan M. Jensen, supporting her need for a parking space as close to the entrance of her building as possible because of her inability to walk.
13. Respondents denied Complainant's request for a parking space closer to her building, alleging that all residents of Burton Towers require parking spaces as close to their building entrances as possible. Respondents have failed, however, to present evidence supporting their reason for denying Complainant's request for a reasonable accommodation.
14. Complainant has suffered emotional distress and other damages because Respondents have refused to grant her a reasonable accommodation.

FAIR HOUSING ACT VIOLATIONS:

15. Respondents have violated the Act by refusing to make reasonable accommodations in their rules, policies, practices, or services, when such accommodations were necessary to afford Complainant an equal opportunity to use and enjoy her dwelling. 42 U.S.C. § 3604 (f) (2) (A); 42 U.S.C. § 3604 (f) (3) (B); 24 C.F.R. § 100.204.

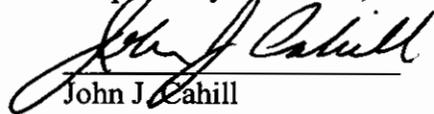
CONCLUSION:

WHEREFORE, the Secretary of HUD, through the Office of 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 42 U.S.C. § 3604 (f) (2) (A) and 42 U.S.C. § 3604(f) (3) (B) and prays that an order be issued that:

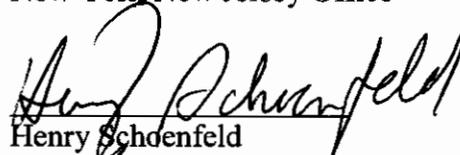
1. Declares that the discriminatory housing practices of Respondents as set forth above violate the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.*;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, from refusing to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford disabled persons equal opportunity to use and enjoy their dwellings pursuant to 42 U.S.C. § 3612(g)(3);

3. Grants Complainant parking space #18 or another parking space that is as close, or closer, to Complainant's building entrance;
4. Awards such damages pursuant to 42 U.S.C. § 3612(g) (3) as will fully compensate Complainant for the emotional distress and financial cost she suffered because of Respondents violation of the Act.
5. Awards a civil penalty against the Respondents for each violation of the Act, pursuant to 42 U.S.C. § 3612(g)(3); and
6. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g) (3).

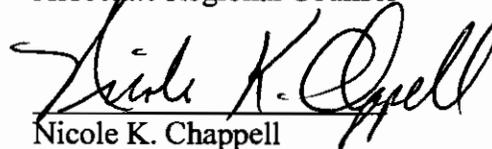
Respectfully submitted,



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