

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination (“Charge”) on behalf of aggrieved persons following an investigation and 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 to the General Counsel (24 C.F.R. § 103.400 (a)(2)(i), 103.405), who has re-delegated to the Regional Counsel (73 Fed. Reg. 68441, 68442) (Nov. 18, 2008), the authority to issue such a Charge, following a determination of reasonable cause.

The Director of the Office of Fair Housing and Equal Opportunity (“FHEO”) for the New York/New Jersey Region, on behalf of the Assistant Secretary for FHEO, has authorized this Amended Charge because he has determined after investigation that reasonable cause exists to believe that a discriminatory housing practice has occurred. HUD’s efforts to conciliate the complaints were unsuccessful. See 42 U.S.C. § 3610(b).

LEGAL AUTHORITY IN SUPPORT OF AMENDED CHARGE

1. It is unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make such preference, limitation, or discrimination. 42 U.S.C. § 3604(c).

PARTIES

2. LIHS is a non-profit corporation organized under the laws of the State of New York with its principal place of business at 640 Johnson Avenue, Suite 008, Bohemia, New York 11716. LIHS promotes racial integration and equal housing opportunity throughout Long Island through advocacy and education. LIHS also conducts fair

housing testing, which is a simulation of housing transactions to evaluate compliance with the Act.

3. NFHA is a national not-for-profit fair housing organization with its principal place of business at 1101 Vermont Avenue NW, Suite 710, Washington, DC. NFHA promotes racial integration and equal housing opportunities throughout the United States by engaging in a variety of counseling, educational and referral services, as well as conducting fair housing testing.
4. Respondents Emanuil Uvaydov and Vyacheslav Uvaydov are brothers who, at all times relevant to this Amended Charge, co-owned a single-family house located at 71-04 171st Street, Fresh Meadows, New York.

FACTUAL ALLEGATIONS IN SUPPORT OF AMENDED CHARGE

5. On or about August 7, 2007, Respondent Vyacheslav Uvaydov posted an advertisement to rent a two-bedroom apartment (“Apartment”) on Craigslist, an online-classified website.
6. The Apartment is located in the house Respondents co-own in Fresh Meadows, New York, and is a “dwelling” within the meaning of the Act.
7. Because of a complaint it had received from an anonymous caller who had responded to the Craigslist posting, on or about August 8, 2007, NFHA engaged a tester to contact Respondent Vyacheslav Uvaydov regarding the Apartment.
8. During the course of their telephone conversation, Respondent Vyacheslav Uvaydov told the tester, among other things, that he would not rent the Apartment to a black person. Respondent Vyacheslav Uvaydov stated that he lived in a white neighborhood and that there would be complaints if he rented to a black person.

Respondent Vyacheslav Uvaydov also told the tester that he had four or five calls that same day from “people of different colors” and that he just could not rent to them.

9. Following that initial test, NFHA and LIHS conducted additional tests between August 11, 2007, and August 17, 2007, to evaluate Respondent Vyacheslav Uvaydov’s compliance with the Act. During the course of those tests, Respondent Vyacheslav Uvaydov indicated a preference with respect to the rental of the Apartment predicated on the race, color, and national origin of the testers as well as their roommates. For example, Respondent Vyacheslav Uvaydov inquired about where the testers and their respective roommates were from, and whether they were Greek, Indian, Italian or Irish.
10. Respondent Vyacheslav Uvaydov’s discriminatory statements have interfered with Complainants’ efforts and programs that are intended to bring about equality of opportunity to all persons, regardless of race, color and national origin and forced Complainants to devote scarce resources to identify and counteract Respondent Vyacheslav Uvaydov’s unlawful housing practices.

FAIR HOUSING ACT VIOLATIONS

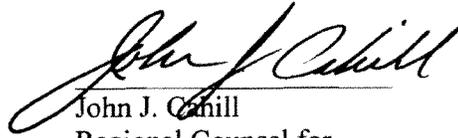
11. As described above, Respondent Vyacheslav Uvaydov made statements with respect to the rental of a dwelling that indicated a preference, limitation, or discrimination based on race, color, and national origin in violation of 42 U.S.C. § 3604(c).
12. Respondent Emanuil Uvaydov, as co-owner of the Apartment, is liable for the discriminatory statements of Respondent Vyacheslav Uvaydov and is therefore also in violation of 42 U.S.C. § 3604(c).

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 (c) 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. §§3601-3619;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, from making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, or national origin, or an intention to make such preference, limitation, or discrimination;
3. Orders Respondents to take appropriate affirmative action to insure that the activities complained of above are not engaged in again by them or any of their agents;
4. Awards such damages pursuant to 42 U.S.C. §3612(g) (3) as will fully compensate Complainants for damages caused by Respondents' discriminatory conduct;
5. Awards a civil penalty against Respondents for violation of the Act; and
6. Awards such additional relief as may be appropriate under 42 U.S.C. §3612(g) (3).

Respectfully submitted,



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