

LEGAL AUTHORITY IN SUPPORT OF CHARGE

4. It is unlawful to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodation may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f) (3) (B).

PARTIES:

5. Complainant is a recovering alcoholic, who suffers from recurrent refractory depression. He resides in the Stuyvesant Town apartment complex (hereinafter referred to as "ST") at 440 East 20th Street, Apt. 8G, New York, NY 10009. Complainant is represented by Darryl M. Vernon, Esq., Vernon & Ginsburg, LLP, 261 Madison Avenue, New York, NY 10016.
6. Respondents ST Owner LP and Tishman Speyer PCVST Management LLC are the owners and managers of ST. Respondents are represented by S. Steward Smith, Esq., Belkin Burden Wenig & Goldman, LLP, 270 Madison Avenue New York, N.Y. 10016.

FACTUAL ALLEGATIONS IN SUPPORT OF CHARGE

7. Complainant's tenancy at ST commenced in 1999. His lease contained a no-pet provision.
8. In 2003, Complainant was diagnosed with recurrent refractory depression, impeding his ability to work and socialize and interfering with other daily activities. Because other treatments, including medication, were not alleviating Complainant's depression, his physician prescribed an emotional support animal as an alternative form of therapy.
9. Respondents maintained a policy and practice of requiring tenants who were entitled to keep support animals as a reasonable accommodation to acquire a liability insurance policy of not less than \$300,000.00.
10. In January 2006, Complainant obtained two Havanese dogs—one weighs six pounds, the other 16 pounds.

11. Because of his dogs, on or about July 13, 2007, Respondents served Complainant with a "Notice to Cure" his alleged breach of its no pet policy. Thereafter, on or about August 23, 2007, Respondents served Complainant with a "Notice of Termination" of his lease.
13. On August 28, 2007, Complainant requested that Respondents permit him to keep his dogs as a reasonable accommodation. In support of his request, Complainant submitted a letter from his doctor verifying his need of a support animal.
14. Nevertheless, in September 2007, Respondents commenced holdover proceedings in state court to evict Complainant from his apartment in ST.
15. Complainant has had both dogs for over a year and a half and they have become a vital part of Complainant's life, tempering his depression and enabling him to cope with the activities of daily life.
16. Complainant has suffered emotional and financial damages because Respondents have refused to grant him a reasonable accommodation and have attempted to evict him from his home.

FAIR HOUSING ACT VIOLATIONS:

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

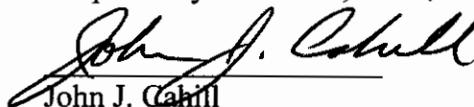
CONCLUSION:

WHEREFORE, the Secretary of HUD, through the Office of General Counsel and pursuant to 42 U.S.C. § 3610(g) (2) (A), hereby charges the Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(f)(2) and (3)(B) and prays that an order be issued that:

1. Declares that the discriminatory housing practices of the 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 such person equal opportunity to use and enjoy a dwelling pursuant to 42 U.S.C. § 3612(g)(3);

3. Awards such damages pursuant to 42 U.S.C. § 3612(g)(3) as will fully compensate the Complainant for the emotional distress and financial cost associated with defending the eviction proceedings caused by Respondents' discriminatory acts pursuant to 42 U.S.C. §§ 3604(f)(1) and (3)(B);
4. Awards a civil penalty against the Respondents for each violation of the Act, pursuant to 42 U.S.C. § 3612(g)(3); and
5. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted,



John J. Cahill

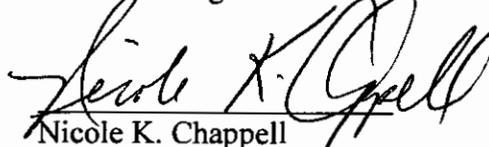
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Date: April 30, 2008

CERTIFICATE OF SERVICE

I hereby certify that the foregoing "Charge of Discrimination," "Notice," and "Determination" in Paluszek v. ST Owner LP, et al., FHEO No. 02-08-0008-8, was sent via overnight mail:

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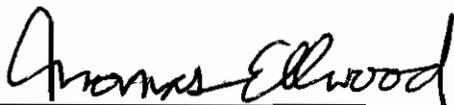
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By Overnight Mail and Fax:
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This 28th day of April 2008.


Thomas Ellwood, Paralegal Specialist
U.S. Department of Housing and
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