

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARING AND APPEALS**

The Secretary, United States Department of Housing and Urban Development, on behalf of)	
Redacted,)	
Charging Party,)	HUDOHA No. _____
)	FHEO No. 02-18-9006-8
v.)	
John Graham,)	
Respondent.)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On January 2, 2018, **Redacted** (“Complainant”) filed a verified complaint with the U.S. Department of Housing and Urban Development (“HUD” or the “Department”) alleging violations of the Fair Housing Act (the “Act”), 42 U.S.C. § 3601 *et seq.* Specifically, Complainant alleges that John Graham (“Respondent”) refused to negotiate with her, made discriminatory statements, falsely represented availability, and intimidated or threatened her because of her race (black/African-American).

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); 24 C.F.R. § 103.400(a). The Secretary has delegated to the General Counsel, who has retained and re-delegated to the Regional Counsel, the authority to issue such a Charge following a determination of reasonable cause. 76 Fed. Reg. 42463, 42465 (July 18, 2011).

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 Charge because he has determined, after investigation, that reasonable cause exists to believe that a discriminatory housing practice has occurred. *See* 42 U.S.C. § 3610(g)(1) and (2)(A); 24 C.F.R. § 103.400(a).

II. LEGAL AUTHORITY AND FACTUAL BASIS FOR THIS CHARGE

Based on HUD's investigation of the allegations contained in the above-mentioned verified complaint and the Determination of Reasonable Cause, Respondent is charged with violating the Act as follows:

A. LEGAL AUTHORITY

1. It is unlawful to refuse to negotiate for the rental of, or otherwise make unavailable or deny, a dwelling to any person because of race or color. 42 U.S.C. § 3604(a); 24 C.F.R. § 100.60(a) and (b)(2).
2. 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 rental of a dwelling that indicates any preference, limitation, or discrimination based on race or color. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75(a), (c)(1), and (c)(2).
3. It is unlawful to represent to any person, because of race or color, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available. 42 U.S.C. § 3604(d); 24 C.F.R. § 100.80(a), (b)(1), and (b)(4).
4. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of any right granted or protected by Section 804 of the Act. 42 U.S.C. § 3617; 24 C.F.R. § 100.400(a), (b), and (c)(2).

B. PARTIES AND SUBJECT PROPERTY

5. Complainant is an African American/black female.
6. Complainant is an "aggrieved person" as defined by 42 U.S.C. § 3602(i) and has suffered damages as a result of Respondent's conduct.
7. Respondent owns 3 properties, including two side-by-side buildings, each consisting of three apartments, located at **Redacted**, Paramus, NJ. The **Redacted** is the subject of this Charge (the "Subject Property"). The Subject Property is a "dwelling" as defined by 42 U.S.C. § 3602(b).

C. FACTUAL ALLEGATIONS IN SUPPORT OF CHARGE

8. On or about February 2, 2017, Respondent listed the Subject Property for rent on Craigslist (newjersey.craigslist.org).
9. Complainant observed the listing on Thursday, February 2, 2017, at which time she and her son were anxious to move out of the apartment they had been renting because it had been without heat for weeks.

10. On February 2, 2017, Complainant contacted Respondent at the phone number listed in the Craigslist advertisement.
11. Respondent asked Complainant to come and view the property that same day. Complainant stated that she could not view the property until Saturday, two days later. Respondent hung up.
12. Complainant called again but Respondent did not pick up the phone.
13. Complainant then sent Respondent a text message, resulting in the following exchange:

Complainant: Hello my name is **Redacted**, do you have any pictures for the two-bedroom apartment?

Complainant: Can you text me the address also Saturday morning at 10 is that good.?

Respondent: No thank you

Respondent: Do not make the cut

Complainant: What are you talking about

Respondent: Apartment is rented

Respondent: Nigger free zone

Respondent: White power white power

Complainant: Learn how to wash your ass you racist asshole go kill yourself bastard

Respondent: I'll have my slave clean it for me

Respondent: With her slave tone

Complainant: Go finish fucking your mother you retarded sick ass

Respondent: KKK

14. On February 15, 2017, Respondent entered into a lease with the current renters of the Subject Property for \$1450 per month.
15. The current renters of the Subject Property have a Housing Choice Voucher (“HCV”), commonly known as “Section 8,” which is administered thorough the New Jersey Department of Community Affairs (“DCA”).
16. DCA documents show that the current renters of the Subject Property were approved to move into the Subject Property as of April 1, 2017.
17. As a result of Respondent’s discriminatory actions, Complainant has suffered actual damages, including, but not limited to, out-of-pocket expenses and emotional distress.

D. FAIR HOUSING ACT VIOLATIONS

1. Respondent violated Subsection 804(a) of the Act because he refused to negotiate

rental of the Subject Property with Complainant because of race or color. 42 U.S.C. § 3604(a); 24 C.F.R. § 100.60(a) and (b)(2).

2. Respondent violated Subsection 804(c) of the Act by making statements to Complainant with respect to the rental of the Subject Property that indicated a preference, limitation, and discrimination based on race and color. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75(a), (c)(1) and (c)(2).
3. Respondent violated Subsection 804(d) of the Act by representing to Complainant that the Subject Property was unavailable when, in fact, it was available because of race or color. 42 U.S.C. § 3604(d); 24 C.F.R. § 100.80(a), (b)(1), and (b)(4).
4. Respondent violated Section 818 of the Act by intimidating and threatening Complainant when she attempted to exercise a right protected by Section 804 of the Act. 42 U.S.C. § 3617; 24 C.F.R. § 100.400(a), (b), and (c)(2).

III. CONCLUSION

WHEREFORE, the Secretary of HUD, through the office of the General Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges Respondent with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604(a), (c), and (d) and 42 U.S.C. § 3617, and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondent as set forth above violate Subsections 804(a), (c), and (d) and Section 818 of the Act, 42 U.S.C. § 3604(a), (c), and (d) and 42 U.S.C. § 3617;
2. Enjoins Respondent, his agents, employees, successors, and all other persons in active concert or participation with him, from discriminating on the basis of race and color against any person in any aspect of the sale, rental, use, or enjoyment of a dwelling;
3. Mandates Respondent, his agents, employees, successors, and all other persons in active concert or participation with him, take all affirmative steps necessary to remedy the effects of the illegal, discriminatory conduct described herein and to prevent similar occurrences in the future;
4. Awards such damages as will fully compensate Complainants for damages caused by Respondent's discriminatory conduct;
5. Assesses a civil penalty against Respondent for each violation of the Act pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.671 (2016); and
6. Awards any additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted,

Signed _____
Ventura Simmons
Regional Counsel for Region II

Signed _____
Sean P. Kelly
Associate Regional Counsel for Litigation

Signed _____
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