

**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 Complainant <b>Redacted Name</b> and her	)	
minor children,	)	
	)	
Charging Party,	)	
	)	ALJ No. _____
v.	)	
	)	FHEO No. 06-18-2511-8
Salman Kahn,	)	
	)	
Respondent.	)	
_____	)	

**CHARGE OF DISCRIMINATION**

**I. JURISDICTION**

On or about July 17, 2018, Complainant **Redacted Name** (“Complainant”) filed a complaint with the Texas Workforce Commission (“TWC”), a participant in the U.S. Department of Housing and Urban Development (“HUD”) Fair Housing Assistance Program alleging that Respondent Salman Kahn (“Respondent”) and Joshua Thai discriminated against her and her minor children based on familial status in violation of the Fair Housing Act (“Act”), 42 U.S.C. § 3604(a). On September 11, 2018, HUD reactivated the complaint from TWC to complete the investigation pursuant to the Memorandum of Understanding between HUD’s Office of Fair Housing and Equal Opportunity and TWC. On September 21, 2018, the complaint was amended to correct the subject property address, add violations of discriminatory different terms and conditions and discriminatory statements, 42 U.S.C. § 3604 (b) and (c), and to correct minor grammatical errors in the allegation statement. During the investigation, HUD determined that Joshua Thai was not a proper respondent and is therefore not charged in this complaint.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination 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) and (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 and 103.405; 76 Fed. Reg. 42463, 42465 (July 18, 2011).

The Regional Director for the Office of Fair Housing and Equal Opportunity for Region VI, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined

that reasonable cause exists to believe that a discriminatory housing practice occurred in this case and has authorized and directed the issuance of this Charge of Discrimination. 42 U.S.C. § 3610(g)(2).

## **II. SUMMARY OF FINDINGS IN SUPPORT OF THIS CHARGE**

Based on HUD's investigation of the allegations contained in the complaint and the attached Determination of Reasonable Cause, Respondent Salman Kahn is hereby charged with violating the Act as follows:

### **A. Legal Authority**

1. It is unlawful to refuse to rent or negotiate to rent or otherwise make unavailable or deny a dwelling to any person because of familial status. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(1) and (b)(3), 100.60(a) and (b)(2), 100.70(a), (c)(1).
2. It is unlawful, because of familial status, to impose different terms and conditions related to the rental of a dwelling, including failing to process an offer for the rental of a dwelling or failing to communicate an offer accurately. 42 U.S.C. § 3604(b); 24 C.F.R. § 100.65(a), (b)(3).
3. It is unlawful, because of familial status, to restrict or attempt to restrict the choices of a person by word or conduct in connection with seeking, negotiating for, or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct choices in a community, neighborhood, or development. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.70(a) and (c)(1).
4. It is unlawful to make, print, or publish, or cause to be made, printed, or published any notice or statement, with respect to the rental of a dwelling, that indicates any preference, limitation, or discrimination based on familial status, or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4), 100.75(a) and (c)(1) and (2).
5. Familial status is defined as one or more individuals, who have not attained the age of 18 years, being domiciled with a parent or another person having legal custody of such individual or individuals. 42 U.S.C. § 3602(k)(1); 24 C.F.R. § 100.20.
6. Pursuant to the Act, an "aggrieved person" includes any person who claims to have been injured by a discriminatory housing practice. 42 U.S.C. § 3602(i); 24 C.F.R. § 100.20.
7. Pursuant to the Act, "dwelling" means any building, structure, or portion thereof which is occupied as, or designated or intended for occupancy as a residence by one or more families. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.

### **B. Parties and Subject Property**

8. Complainant **Redacted Name** is a mother with ten (10) minor children that reside with her.

At all times relevant to this Charge, Complainant sought tenancy for herself and her minor children.

9. Complainant and her minor children are aggrieved persons, as defined by the Act. 42 U.S.C. 3602(i).
10. Respondent resides at **Redacted Name** Lane, Frisco, TX 75035. At all times relevant to this Charge, he owned at least five (5) single-family homes. Respondent rented and managed additional homes in addition to the five (5) he owned. Respondent works as a real estate agent and is involved in the listing, buying, and selling of homes.
11. Respondent owns a 5,095 square foot, six (6) bedroom single-family home located at **Redacted Name** Lane, Frisco, Texas 75035 (the “subject property”). The subject property is a dwelling, as defined by the Act. 42 U.S.C. § 3602(b).
12. Respondent posted advertisements related to the subject property. Respondent sent messages and conducted phone calls with Complainant related to the subject property.

### **C. Factual Allegations**

13. At the time of the alleged actions, Complainant held a six-bedroom Dallas Housing Authority Housing Choice Voucher to house herself and her ten children.
14. On or about May 31, 2018, Respondent sent a message to Complainant through *GoSection8.com*, a privately run Housing Choice Voucher advertising website, stating “[w]e have a beautiful 5,095 square foot home for rent in Frisco.”
15. The following day, on June 1, 2018, Complainant replied, “Hello, I have a 6 bedroom voucher through (Lone Star). What bedroom size are you offering?” Respondent replied, “6 bedroom. What is your phone number?”
16. On June 1, 2018, Complainant and Respondent spoke on the phone. At the beginning of the call, Complainant asked for the property’s address. In reply, Respondent said, “Yeah. I just need to get some information from you first. How many people in your family and where you currently living?”
17. Complainant replied she had ten children, with eleven people total in her household seeking tenancy.
18. The following conversation occurred in response:

Respondent: How many?  
Complainant: Eleven.  
Respondent: Oh. Wow, yeah that’s too many kids for us, I’m sorry. Ok?  
Complainant: Too many kids?  
Respondent: It’s only six-bedroom so...

Complainant: Right, that's what the voucher's for, two kids per bedroom.  
Respondent: Yes, sorry, yeah. I'm sorry we can't accept that the landlord will not allow that. Ok?

19. In reply, Complainant asked Respondent how many children could live in a six-bedroom home. Respondent said he did not know, and he could not comment on a specific rule.
20. When Complainant continued to ask about the requirements for household occupancy and the Section 8 HCV system, the following conversation transpired:

Respondent: OK, I'm not going to argue with you.  
Complainant: I'm not arguing I'm just getting information so I know.  
Respondent: Yea you can. I don't know what to tell you (inaudible) with eleven kids. I've never had a [inaudible] with eleven kids. This landlord will not allow eleven kids in the house.  
Complainant: You there?  
Respondent: Yeah I'm there.  
Complainant: I'm just trying to figure things out and this housing has me approved me for six bedrooms based on the number of children and I'm trying to, I mean I don't know, they don't make many houses that are ten bedrooms or anything like that...  
Respondent: I don't know. I don't know what to tell you, maybe there's another landlord who accept it, but this one will not.

21. In response to Respondent's statement, Complainant asked how many children the landlord would accept for a six (6) bedroom home. Respondent said he would have to check with the landlord.
22. Complainant requested the landlord's contact information so she could contact him directly and not go through a third party. Respondent replied "No...No, you can't. No."
23. Respondent kept the property advertised for rent on *GoSection8.com* until August 4, 2018. On April 18, 2018, he placed the property for rent on *Zillow.com*. As of August 9, 2018, the property remained advertised as available on *Zillow.com*. Between August 2018 and February 2019, the subject property remained vacant. In February 2019, Respondent and his mother moved into the subject property.
24. As a result of Respondent denying her tenancy, Complainant and her minor children had to move into a home that was significantly smaller than the subject property, with 2,437 square feet and four (4) bedrooms as opposed to the subject property that had 5,095 square feet and six bedrooms. The home she and her children moved into was in a lower-rated school district than the subject property, was farther from job opportunities, and was in a neighborhood with less amenities than the subject property. Complainant experienced, among other things, frustration, humiliation, and stress when denied tenancy at the subject property.

## **D. Legal Allegations**

25. As described in paragraphs 13-24 above, Respondent Salman Kahn violated Section 804(a) of the Act when he engaged in conduct relating to the provision of housing that otherwise made unavailable or denied the subject property to Complainant because of Complainant's familial status. By refusing to discuss terms of rental with Complainant and refusing to negotiate rental with her once she told him her family size, Respondent Khan violated Section 804(a) of the Act. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(1) and (b)(3), 100.60(a) and (b)(2), 100.70(a), (c)(1).
26. As described in paragraphs 13-24, Respondent violated Section 804(b) of the Act when he failed to process an offer for rental and failed to communicate an offer accurately. He also violated Section 804(b) of the Act when he restricted the rental choice of Complainant in connection with seeking, negotiating for, and renting a dwelling, discouraging her to rent in that community, and obstructing her choice to live in the neighborhood and community of the subject property. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2), 100.65(a) and (b)(3), 100.70(a) and (c)(1).
27. As described in paragraphs 13-24 above, Respondent violated Section 804(c) of the Act when he made statements with respect to the rental of a dwelling that denied housing to Complainant based on the number of children she had in her family and indicated a preference based on familial status. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4), 100.75(a), (c)(1) and (2).
28. As a result of Respondents' discriminatory conduct, Complainant and her children suffered compensatory damages including lost housing opportunity, out-of-pocket expenses, and emotional distress.

WHEREFORE, the Secretary of the United States Department of Housing and Urban Development, through the Office of the General Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A) of the Act, hereby charges Respondent with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(a), 3604(b), and 3604(c), and requests that an Order be issued that:

1. Declares that Respondent's discriminatory housing practices, as set forth above, violate 42 U.S.C. §§ 3604(a), 3604(b), and 3604(c) of the Fair Housing Act;
2. Enjoins Respondent and all other persons in active concert or participation with Respondent from discriminating against any person based on familial status in any aspect of the sale or rental of a dwelling;
3. Awards such damages as will fully compensate Complainant and her aggrieved children;
4. 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; and
5. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3).

Respectfully submitted on this 1st day of April 2021.

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