

**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 **NAME REDACTED** and her minor)
children and minor nephew,)
)
Charging Party,)
) OHA No. _____
v.)
) FHEO No. 07-19-1861-8
Second Bell Trust; Jimmie Bell as Trustee;)
and Jimmie Bell, Individually,)
)
Respondents.)
_____)

CHARGE OF DISCRIMINATION

I. JURISDICTION

On or about May 20, 2019, Complainant **NAME REDACTED** filed a timely complaint with the U.S. Department of Housing and Urban Development (HUD), amended on June 22, 2023, alleging that Respondents Jimmie Bell and Second Bell Trust discriminated against her because of sex by sexually harassing her in violation of Subsections 804(a), 804(b), 804(c) and Section 818 of the Fair Housing Act (“the Act”), as amended, 42 U.S.C. §§ 3601-19.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination on behalf of an aggrieved person following an investigation and a determination that reasonable cause exists to believe 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, 24 C.F.R. §§ 103.400 and 103.405 (2023), who has redelegated the authority to the Regional Counsel. 76 Fed. Reg. 42463, 42465 (July 18, 2011).

By Determination of Reasonable Cause dated August 31, 2023, the Fair Housing and Equal Opportunity (“FHEO”) Director for Region VII, on behalf of the Assistant Secretary for FHEO, determined that reasonable cause exists to believe that discriminatory housing practices have occurred and has authorized and directed the issuance of this Charge of Discrimination. 42 U.S.C. § 3610(g)(2).

II. SUMMARY OF THE ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the above-referenced complaint and the Determination of Reasonable Cause dated August 31, 2023, Respondents are hereby charged with violating the Act as follows:

A. Statutory and Regulatory Provisions

1. It is unlawful to make unavailable or deny a dwelling to any person because of sex. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(3), 100.60(b)(6) and (7), 100.70(b), and 100.600.
2. 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 therewith, because of sex. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2), 100.65(a), (b)(6) and (7), 100.70(b), and 100.600.
3. It is unlawful to make any statement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on sex, 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) and 100.75(a), (b), and (c)(2).
4. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, any right granted or protected by section 804 of the Act. 42 U.S.C. § 3617; 24 C.F.R. §§ 100.50(b)(3), 100.60(b)(6) and (7), 100.65(b)(6) and (7), 100.70(b), 100.400(b) and (c)(2), and 100.600.

B. Parties and Subject Property

5. The subject property is a single-family house located at **ADDRESS REDACTED**, Springfield, MO 65804.
6. At all times relevant to the allegations, Respondent Second Bell Trust owned, and Respondent Jimmie Bell managed, the subject property and at least 50 other residential rental properties in and around Springfield, Missouri.
7. At all times relevant to the allegations, Respondent Jimmie Bell (male) (hereinafter Respondent) was the agent of Second Bell Trust and its trustee.
8. Complainant (female), her three minor children, and her minor nephew resided in the subject property from on or around July 15, 2017, until approximately August 20, 2019. The subject property is a dwelling as defined by the Act. 42 U.S.C. § 3602(b).
9. Complainant, her minor children, and her minor nephew are aggrieved persons as defined by the Act. 42 U.S.C. § 3602(i).

C. Factual Allegations

10. Complainant moved into the subject property along with her three minor children and minor nephew on or about July 15, 2017.
11. At all times relevant to this Charge, the monthly rent was \$795.
12. Soon after Complainant moved in, Respondent started calling her “beautiful lady” and made comments like “I wish you didn’t have a boyfriend living with you, beautiful lady.”
13. At some point during her tenancy, Complainant fell behind with rental payments.
14. Complainant thereafter arranged with Respondent to pay her rent weekly. She paid in person at the management office.
15. Complainant was not given a mailing address nor told she could pay by mail. Respondent required her to make an appointment before visiting the office.
16. In response to Complainant being delinquent with rent, Respondent told her, “there are ways we can work this out” and asked “what can we do to handle this” implying he wanted to have sex.
17. In or around February 2018, Complainant met with Respondent in the management office. He said to her, while standing up with his pants unbuttoned and suspenders on, “there’s something down there that wants to play.” He moved to a chair and sat down. Complainant felt obligated and sat on his lap, but she changed her mind and got up.
18. In around January 2019, when Complainant visited the management office, Respondent told Complainant the tattoo above her breast was pretty and touched it.
19. In or around the winter or spring of 2019, when Complainant visited the management office to make a late rent payment, Respondent grabbed Complainant’s breast and stuck his hand down the front of her pants. Complainant responded by saying she was sick or that she was sweaty from work.
20. Complainant did not welcome Respondent’s touching and when he touched her, she “wanted to throw up.”
21. Respondent allowing Complainant to pay her rent late was his way of holding it over her head, and he made it known to her that he had power over her housing.
22. On or about April 26, 2019, Complainant made an appointment to pay her rent, which was late, at the management office.
23. When she arrived at the office, Respondent was sitting on the floor naked from the waist down with his penis in his hand. Complainant asked what he was doing, and Respondent

replied, “we’re all adults here.”

24. Complainant snapped a picture of Respondent with her cell phone then left the office.
25. At some point in 2019, Complainant recorded Respondent saying, “if you don’t want to play why don’t you just mail in a check or money order.”
26. Within a week after finding Respondent naked in the management office, Complainant returned with her aunt who confronted Respondent about putting his hands on Complainant and taking advantage of young women.
27. On or about May 2, 2019, Respondent filed for rent and possession of the subject property in circuit court and claimed Complainant owed \$12,400. The court dismissed the matter without prejudice after Respondent failed to appear on May 21, 2019.
28. Respondent issued Complainant a notice of lease non-renewal dated May 29, 2019, stating he was selling the house.
29. Complainant felt belittled and powerless as a result of Respondent’s conduct. She was anxious and afraid that she would be unable to house herself and her children.
30. Complainant vacated the property on or about August 20, 2019, on her own accord, and thereafter experienced difficulty obtaining housing. The non-renewal prompted her to start looking for housing elsewhere.
31. Respondent made unwelcome sexual advances towards at least 11 other women during their tenancy, including touching or attempting to touch their breasts, putting his hand down their pants, attempting to touch their vaginas, or otherwise behaving in a lewd or inappropriate manner toward them.
32. As a result of Respondent’s discriminatory conduct, Complainant, her minor children and minor nephew suffered actual damages, including out of pocket costs, humiliation, anxiety, trauma, and other emotional distress.

D. Fair Housing Act Violations

33. As described above, Respondents Jimmie Bell and Second Bell Trust violated Subsection 804(a) of the Act by making housing unavailable to Complainant because of sex when Respondent Bell engaged in hostile environment sexual harassment, unwanted touching, requested sexual favors for reduced rent, and attempted to evict her, all of which was sufficiently severe or pervasive to interfere with Complainant’s use or enjoyment of her home, and forcing her to leave the home. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(3), 100.60(b)(6) and (7), 100.70(b), and 100.600.
34. As described above, Respondents Jimmie Bell and Second Bell Trust violated Subsection 804(b) of the Act by discriminating against Complainant in the terms,

conditions, or privileges of the rental of a dwelling because of sex when Respondent Bell requested sexual favors in exchange for reduced rent, subjected her to severe or pervasive sexual harassment, and attempted to evict her. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2), 100.65(a), (b)(6) and (7), 100.70(b), and 100.600.

35. As described above, Respondents Jimmie Bell and Second Bell Trust violated Subsection 804(c) of the Act when Respondent Bell made numerous statements to Complainant with respect to the rental of a dwelling that indicated a preference, limitation, or discrimination because of sex, or the intention to make any such preference, limitation, or discrimination, including unwelcome sexual comments and references to exchanging sex for rent. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4) and 100.75(a), (b), and (c)(2).
36. As described above, Respondents Jimmie Bell and Second Bell Trust violated Section 818 of the Act when Respondent Bell subjected Complainant to harassment because of her sex, including intimidation, coercion, threats, and unwanted sexual advances and comments, which interfered with her exercise or enjoyment of her rights granted or protected by Section 804 of the Act. 42 U.S.C. § 3617; 24 C.F.R. §§ 100.50(b)(3), 100.60(b)(6) and (7), 100.65(b)(6) and (7), 100.70(b), 100.400(b) and (c)(2), and 100.600.

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) of the Act, hereby charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(a), 3604(b), 3604(c), and 3617, and requests an Order be issued that:

1. Declares Respondents' discriminatory housing practices, as set forth above, violate Sections 804(a), (b), (c) and Section 818 of the Act, 42 U.S.C. §§ 3604(a), 3604(b), 3604(c), and 3617;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, from discriminating because of sex;
3. Awards such monetary damages as will fully compensate Complainant, her minor children, and minor nephew for their actual damages caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. § 3612(g)(3);
4. Assesses a civil penalty against Respondents 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 31st day of August 2023.

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