

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

The Secretary, United States Department of	)	
Housing and Urban Development, on behalf	)	
of Complainant [REDACTED],	)	
	)	
Charging Party,	)	
	)	
v.	)	HUDOHA No. _____
	)	
	)	FHEO No. 06-18-0225-8
Joe E. Vasquez and Sheila J. Vasquez,	)	
	)	
Respondents.	)	
_____	)	

**CHARGE OF DISCRIMINATION**

**I. JURISDICTION**

On November 21, 2017, Complainant [REDACTED] (“Complainant”) filed a timely 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 Joe E. Vasquez (“Respondent Joe Vasquez”) discriminated against her based upon disability<sup>1</sup> in violation of the Fair Housing Act (“Act”), 42 U.S.C. § 3604(f)(1). On or about October 10, 2018, the complaint was amended to add a violation of discriminatory statements, 42 U.S.C. § 3604 (c). On or about October 23, 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 October 2, 2020, the complaint was amended to add Joe Vasquez’s wife, Sheila J. Vasquez (“Respondent Sheila Vasquez”), as an additional respondent and to correct Joe Vasquez’s name.

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).

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<sup>1</sup> The Fair Housing Act uses the term “handicap,” whereas this document uses the term “disability.” Both terms have the same legal meaning. See *Bragdon v. Abbott*, 524 U.S. 624, 631 (1988).

The Regional Director of HUD's 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 above-referenced complaints and the Determination of Reasonable Cause, Respondents Joe and Sheila Vasquez (collectively "Respondents") are hereby charged with violating the Act as follows:

### **A. Legal Authority**

1. It is unlawful to discriminate in the rental, or otherwise make unavailable or deny, a dwelling to any renter because of a handicap of any person associated with that renter. 42 U.S.C. § 3604(f)(1)(C); 24 C.F.R. §§ 100.60(a) and (b)(2).
2. It is unlawful to make any statement with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on handicap, 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), (b), and (c)(1).
3. The Act defines "handicap"<sup>2</sup> as a physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment, or being regarded as having such an impairment. 42 U.S.C. § 3602(h); 24 C.F.R. § 100.201.
4. 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.
5. 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.
6. Pursuant to the Act, a person is vicariously liable for a discriminatory housing practice by the person's agent or employee regardless of whether the person knew or should have known of the conduct that resulted in a discriminatory housing practice, consistent with agency law. 24 C.F.R. § 100.7(b).

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

7. Complainant ██████████ ("Complainant") is a person who, pursuant to a contract with the Texas Health and Human Services Commission, provides services for persons with

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<sup>2</sup> This Charge uses the term "disability" in place of the term "handicap."

severe mental disabilities. Complainant's clients suffer from various mental illnesses which substantially limit one or more of their major life activities, including but not limited to cooking meals, obtaining housing, and providing transportation. By virtue of her assistance to her clients, Complainant is associated with persons with disabilities.

8. Complainant [REDACTED] is an aggrieved person, as defined by the Act. 42 U.S.C. § 3602(i); 24 C.F.R. § 100.20(a).
9. Respondents Joe and Sheila Vasquez are married. At all times relevant, Respondents jointly owned three single-family houses two of which they rented and managed, including the house located at [REDACTED] Houston, Texas 77082 (the "subject property").

### **C. Factual Allegations in Support of Charge**

10. At the time of the alleged actions Complainant was contractually obligated with the Texas Health and Human Services Commission ("HHSC") to provide critical services to persons diagnosed with severe mental illness deemed incapable of living on their own. Services included, among other things, obtaining and providing housing for such persons.
11. Complainant leased a property located at [REDACTED], Houston, Texas ("the Corona Property") from January 2017 through January 2018 to house her clients. Complainant's landlord informed her that he was looking to sell the Corona Property upon the expiration of her lease. Consequently, Complainant was required to find another place to house her three disabled clients.
12. Respondents posted a rental advertisement for the subject property online at *www.hotpads.com* ("hotpads").
13. Complainant discovered the subject property online and wanting to rent the house for her clients, responded to the hotpads advertisement. She spoke with Respondent Joe Vasquez via telephone about her interest in the house and set up a time to see the subject property.
14. On or about November 17, 2017, Complainant met with Respondent Joe Vasquez to tour the subject property. Respondent Joe Vasquez interacted with Complainant on behalf of Respondents. During their meeting, Complainant expressed a desire to rent the subject property stating she would "take it." Complainant further explained to Respondent Joe Vasquez that she was wanting to rent the subject property for her mentally ill clients.
15. In response, Respondent Joe Vasquez informed Complainant they were not willing to rent to her because "[o]ur neighborhood does not want those type of people. We are trying to get them out of our neighborhood." Respondents refused to negotiate the rental of the subject property with Complainant.

16. Respondents kept the property advertised for rent on *www.hotpads.com* until January 2018. Between November 2017 and January 2018, the subject property remained vacant.
17. After being denied by Respondents and while looking for other housing, Complainant leased the Corona Property on a month-to-month basis where the rent was higher than the subject property.
18. As a result of Respondents' discriminatory conduct, Complainant suffered actual damages, including out of pocket expenses, humiliation, anxiety, and other emotional distress.

#### **D. Fair Housing Act Violations**

19. As described above, Respondents violated subsection 804(f)(1) of the Act when Respondent Joe Vasquez engaged in conduct relating to the provision of housing that otherwise made unavailable or denied the subject property to Complainant because of Complainant's association with disabled people. By refusing to discuss terms of rental with Complainant and refusing to negotiate rental with her once she told him of her intent to house disabled people, Respondents violated subsection 804(f)(1) of the Act. 42 U.S.C. § 3604(f)(1); 24 C.F.R. §§ 100.50(b)(1) and (b)(3), and 100.60(a) and (b)(2).
20. As described above, Respondents violated subsection 804(c) of the Act when Respondent Joe Vasquez made statements with respect to the rental of a dwelling that denied housing to Complainant based on her intent to house disabled people and indicated a preference based on disability status. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4), 100.75(a), (c)(1) and (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) of the Act, hereby charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(f)(1) and 3604(c), and requests that an Order be issued that:

1. Declares that Respondents' discriminatory housing practices, as set forth above, violate subsections 804(f)(1) and 804(c) of the Act, 42 U.S.C. §§ 3604(f)(1) and 3604(c);
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them from discriminating because of disability status in any aspect of the sale or rental of a dwelling;
3. Awards such monetary damages as will fully compensate Complainant for her actual damages caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. § 3612(g)(3);

4. Requires Respondents to attend training that addresses the Fair Housing Act's prohibitions against disability discrimination;
5. Assesses a civil penalty against each Respondent for each violation of the Act, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.671; and
6. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.670(b)(3).

Respectfully submitted on this 14th day of September 2021.

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