

**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,)	
Charging Party, on behalf of [REDACTED] and)	
[REDACTED],)	
Complainants,)	
v.)	HUDOHA No. 21-AF-0213-FH-026
Ralph W. Torr, The Ralph W. Torr Revocable)	FHEO No. 01-20-4280-8
Trust of 2000, and The Pauline Torr Revocable)	
Trust of 2000,)	
Respondents.)	

INITIAL DECISION AND CONSENT ORDER

I. BACKGROUND

1. On July 22, 2021, the United States Department of Housing and Urban Development (“Charging Party” or “HUD”) filed a Charge of Discrimination (“Charge”) alleging that Respondents Ralph W. Torr, The Ralph W. Torr Revocable Trust of 2000, and the Pauline Torr Revocable Trust of 2000 (“Respondents”) discriminated against Complainants [REDACTED] and [REDACTED] (“Complainants”) based on disability in violation of the Fair Housing Act, 42 U.S.C. §§ 3601-19 (“Act”).
2. Specifically, the Charge alleged that Respondents violated Sections 804(f)(1) and 804(f)(2) of the Act by refusing to make a reasonable accommodation to allow Complainant [REDACTED] to live with his mother, Complainant [REDACTED], at the West Wind Estates II mobile home park located at Lynn Lane in Rochester, New Hampshire.
3. Complainants, Respondents, and the Charging Party (“parties”) have agreed to resolve this matter without the need for a hearing before a HUD Administrative Law Judge. The parties have consented to the entry of this Initial Decision and Consent Order (“Consent Order”) as indicated by their signatures below.

II. GENERAL PROVISIONS

4. The parties acknowledge that this Consent Order is a voluntary and full resolution of the disputed Charge. No party has been coerced or in any way forced to become a party to this Consent Order. The parties acknowledge that they have read and fully understand the significance of the provisions of this Consent Order and their obligations as set forth below.
5. The parties understand that the execution of this Consent Order does not constitute an admission by Respondents of any violation of the Act.
6. The parties agree that the Charging Party shall file with the HUD Office of Hearings and Appeals a Motion for Entry of an Initial Decision and Consent Order, along with this Consent Order, after this document is executed by all the parties.
7. This Consent Order is binding upon Respondents, their members, principals, owners, trustees, employees, heirs, successors, executors, agents, assigns, and all others in active concert or participation with them in the operation of the West Wind Estates II mobile home park located at Lynn Lane in Rochester, New Hampshire.
8. In consideration of the execution of this Consent Order, Complainants hereby forever waive, release, and covenant not to sue HUD or Respondents, or their members, principals, owners, trustees, employees, heirs, successors, executors, agents, assigns, or attorneys, with regard to any and all claims, damages, and injuries of whatever nature, whether presently known or unknown, arising out of the subject matter of HUDOHA No. 21-AF-0213-FH-026 and FHEO No. 01-20-4280-8, or which could have been filed in any action or suit arising from said subject matter.
9. In consideration of the execution of this Consent Order, Respondents hereby forever waive, release, and covenant not to sue HUD or Complainants, or their members, principals, owners, trustees, employees, heirs, successors, executors, agents, assigns, or attorneys, with regard to any and all claims, damages, and injuries of whatever nature, whether presently known or unknown, arising out of the subject matter of HUDOHA No. 21-AF-0213-FH-026 and FHEO No. 01-20-4280-8, or which could have been filed in any action or suit arising from said subject matter.
10. This Consent Order is a full settlement of all claims by Complainants that are in any way related to the allegations set forth in the Charge.
11. Pursuant to 24 C.F.R. § 180.680, this Consent Order is a public document.

III. RELIEF FOR COMPLAINANT

12. Within fifteen (15) days of the effective date of this Consent Order, Respondents shall pay to Complainants by certified or cashier's check the sum of fifteen thousand dollars (\$15,000) in full settlement of Complainants' claims for damages arising out

of the allegations presented in the Charge. Respondents shall make the check payable to “██████████ and ██████████” and mail the check to:

U.S. Department of Housing and Urban Development
Office of Regional Counsel
c/o Eric Batcho, Trial Attorney
10 Causeway Street, Room 310
Boston, MA 02222

IV. RELIEF IN THE PUBLIC INTEREST

13. Respondents, their members, principals, owners, trustees, employees, heirs, successors, executors, agents, assigns, and all others in active concert or participation with them, are hereby enjoined from violating the Act, 42 U.S.C. §§ 3601-19, including:

- A. Discriminating in the sale or rental, or otherwise making unavailable or denying, a dwelling to any buyer or renter because of a disability of that buyer or renter, a person residing in or intending to reside in that dwelling after it is sold, rented, or made available, or any person associated with that buyer or renter, as prohibited by the Act, 42 U.S.C. § 3604(f)(1). This includes the refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling.
- B. Discriminating against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of the disability of that person, a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available, or any person associated with that person, as prohibited by the Act, 42 U.S.C. § 3604(f)(2). This includes the refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling.

14. Within ninety (90) days of the effective date of this Consent Order, Wayne Torr, the son of Respondent Ralph W. Torr, who assists his father in managing the West Wind Estates II mobile home park located at Lynn Lane in Rochester, New Hampshire, shall attend fair housing training to be conducted by a qualified fair housing enforcement agency. The training must cover Respondents’ responsibilities under federal, state, and local fair housing laws, including the responsibility to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. Respondents must contact Damainique Bruce, HUD Equal Opportunity Specialist, at Damainique.E.Bruce@hud.gov for assistance in locating a qualified fair housing enforcement agency to conduct the

required training. Respondents shall provide a certificate of completion to HUD in a form to be provided to Respondents by HUD. Wayne Torr, as well as the instructor conducting the training shall sign and date the certificate of completion and send it to HUD within thirty (30) days of completion of the training.

15. Within sixty (60) days of the effective date of this Consent Order, Respondents shall enact the written reasonable accommodation policy attached as Exhibit A. Within fifteen (15) days after enacting the policy, Respondents shall distribute a copy of the policy to all residents of any residential properties that they have a direct or indirect ownership, management, or other financial interest in, including the West Wind Estates II mobile home park located at Lynn Lane in Rochester, New Hampshire, and send to HUD: (a) a copy of the policy; and (b) evidence that they distributed the policy to all such residents. Additionally, during the term of this Consent Order, whenever Respondents distribute a copy of a Rental Application to a prospective resident or purchaser of a mobile home at West Wind Estates II, Respondents shall also distribute to the prospective resident or purchaser a copy of the reasonable accommodation policy attached as Exhibit A.
16. Within sixty (60) days of the effective date of this Consent Order, Respondents shall comply with HUD's 55 and older housing regulations at 24 C.F.R. §§ 100.304, 100.305, 100.306, 100.307 for the West Wind Estates II mobile home park located at Lynn Lane in Rochester, New Hampshire. To demonstrate compliance with the above referenced regulations, Respondents shall send to HUD documentation of the following: (a) at least 80 percent of the occupied mobile home units are occupied by at least one person 55 years of age or older (24 C.F.R. § 100.305); (b) published policies and procedures that demonstrate an intent to provide housing for persons 55 years or older (24 C.F.R. § 100.306); and (c) reliable surveys and affidavits verifying the ages of all occupants (24 C.F.R. § 100.307). To demonstrate an intent to provide housing for persons 55 years or older as described above, Respondents shall enact the written 55 years or older housing community policy attached as Exhibit B. During the term of this Consent Order, whenever Respondents distribute a copy of a Rental Application to a prospective resident or purchaser of a mobile home at West Wind Estates II, Respondents shall also distribute to the prospective resident or purchaser a copy of 55 years or older housing community policy attached as Exhibit B. During the term of this Consent Order, Respondents shall send to HUD documentation of updated surveys and affidavits verifying the ages of all occupants at least once every two years in accordance with 24 C.F.R. § 100.307(c).

V. REPORTING AND RECORD KEEPING

17. With respect to the Relief in the Public Interest described in Section IV above, Respondents shall submit any required correspondence or certifications to HUD at the following email address: ConciliationMonitoringRegion1FHEO@hud.gov. If for any reason the parties need to mail hard copies of documentation to HUD, they shall use the following mailing address:

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
c/o Damainique Bruce, Equal Opportunity Specialist
10 Causeway Street, Room 321
Boston, MA 02222

18. During the term of this Consent Order, Respondents shall notify HUD of any formal complaint filed against them with a local, state, or federal agency regarding equal opportunity or discrimination in housing within ten (10) days of receipt of any such complaint. Respondents shall provide a copy of the complaint with the notification to HUD. Respondents shall provide such notification to HUD at the email or mailing address listed in the Paragraph above.

VI. COMPLIANCE

19. During the term of this Consent Order, HUD may review compliance with this Consent Order, subject to and in accordance with HUD regulations. As part of such review, HUD may, upon providing advance notice of said inspection, inspect Respondents' residential rental properties, examine witnesses, and copy pertinent records of Respondents. Respondents agree to provide their full cooperation in any review undertaken by HUD to ensure compliance with this Consent Order.
20. Upon breach of any provision of this Consent Order, HUD may refer this matter to the Department of Justice to petition the United States Court of Appeals for the First Circuit to enforce the Consent Order and for any other appropriate relief in accordance with 42 U.S.C. § 3612(j).

VII. ADMINISTRATION

21. This Consent Order is entered into pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.450. The effective date of the Consent Order shall be the date it becomes final, *i.e.* upon the expiration of thirty (30) days from the date of its issuance, or affirmance by the Secretary within that time. 42 U.S.C. § 3612(h); 24 C.F.R. § 180.680(b).
22. This Consent Order shall remain in effect for a period of three (3) years from its effective date.
23. This Consent Order does not in any way limit or restrict HUD's authority to investigate any other complaints involving Respondents made pursuant to the Act, or any other complaints within HUD's jurisdiction.
24. If Respondents need an extension of time in order to satisfy a deadline provided in this Consent Order, such extension must be obtained in writing from counsel for the Charging Party.

25. The signatures of the parties to this Consent Order constitute a waiver of any right to apply for attorney's fees or costs pursuant to 24 C.F.R. § 180.705. Each party is responsible for its own attorney's fees and costs, if any.
26. The signatures of the parties to this Consent Order constitute a waiver of any right to withdraw their consent during the thirty (30) day Secretarial review period, and a waiver of any right to challenge the validity of the Consent Order at any time.
27. The parties agree that in the interest of a prompt conclusion of this matter, the execution of this Consent Order may be accomplished by the parties' signatures on separate pages of this Consent Order, with the signature pages and Consent Order to constitute one document to be filed with the HUD Office of Hearings and Appeals. Signature pages may be provided by facsimile or electronic transmission.

VIII. AGREEMENT OF THE PARTIES

28. The parties below have read this Consent Order in HUDOHA No. 21-AF-0213-FH-026 and have willingly signed it with a full understanding of the rights it confers and the responsibilities it imposes upon them, as signified by their signature, or that of their counsel, below:

[SIGNATURE PAGES TO FOLLOW]

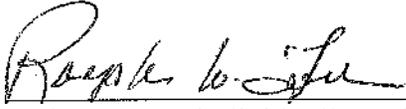
FOR COMPLAINANTS:



Deft:Oa/sr

Dew fl/asteti

FOR RESPONDENTS:



Ralph W. Torr, individually and as trustee of
the Ralph W. Torr Revocable Trust of 2000 and
The Pauline Ton Revocable Trust of 2000

Date: 8-19-2021

COUNSEL FOR RESPONDENTS:



Brian Barrington, Esq.
The Coolidge Law Firm, PLLC
98 High Street
Somersworth, NH 03878

8-19-2021
Date:

COUNSEL FOR THE CHARGING PARTY, UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:

Derya Samadi _____ Date: 8/23/2021

Derya Samadi
Acting Regional Counsel for New England

Eric Levin _____ Date: 8/23/2021

Eric Levin
Associate Regional Counsel for Litigation

Eric Batcho _____ Date: 8/23/2021

Eric Batcho
Trial Attorney

IX. ORDER OF THE COURT

On _____, 2021, the parties presented the foregoing order to the undersigned Administrative Law Judge for approval. In accord with 24 C.F.R. § 180.450, the Administrative Law Judge shall accept a settlement agreement agreed to by the parties if he finds the agreement to be in the public interest, by issuing an Initial Decision and Consent Order.

After considering the record in its entirety, the undersigned Administrative Law Judge has independently determined that the agreement between the parties does not offend the public interest and is approved. All parties have given their consent and signed the agreement incorporated in the foregoing Consent Order, which is hereby accepted and issued.

This Consent Order carries no precedential weight, as the matter has been reviewed solely to determine that the parties' settlement does not offend the public interest. No opinion is expressed on the legal or policy statement contained herein, nor the form and quantum of the agreed relief.

So ORDERED, this ____ day of _____, 2021.

Alexander Fernández-Pons
Administrative Law Judge

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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_____)
The Secretary, United States Department)
of Housing and Urban Development,)
) Charging Party, on behalf of [REDACTED] and)
[REDACTED],)
)
Complainants,)
) HUDOHA No. 21-AF-0213-FH-026
v.)
) FHEO No. 01-20-4280-8
)
Ralph W. Torr, The Ralph W. Torr Revocable)
Trust of 2000, and The Pauline Torr Revocable)
Trust of 2000,)
)
)
Respondents.)

**INITIAL DECISION AND CONSENT ORDER
EXHIBIT A**

REASONABLE ACCOMMODATION POLICY

West Wind Estates II mobile home park located at Lynn Lane in Rochester, New Hampshire is committed to assuring equal access in accordance with federal law.

A reasonable accommodation is a change or exception to a rule or policy that is needed because of a person's disability. For example, a housing provider that has a policy of not assigning parking spaces must make an exception to this policy in order to grant an assigned parking space to an individual who is substantially limited in his ability to walk.

Upon request and review, West Wind Estates II mobile home park located at Lynn Lane in Rochester, New Hampshire will allow reasonable accommodations in rules, policies, practices, or services governing the property when such accommodations may be necessary to afford persons with disabilities the equal opportunity to use and enjoy their dwellings or common areas. West Wind Estates II mobile home park located at Lynn Lane in Rochester, New Hampshire is obligated to provide such reasonable accommodations, unless doing so would result in an undue hardship or fundamental alteration in the operation of the property.

The Fair Housing Act defines a person with a disability as (1) a person with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such impairment.

When the disability is readily apparent or otherwise known, and the need for the requested accommodation is similarly apparent or known, there will be no request for information in support of the disability or the disability-related need for the accommodation.

When the disability is not obvious or known, property management may request additional information that (1) is necessary to verify that the person meets the Fair Housing Act definition of disability, (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested accommodation. This additional information can be provided by the requesting person (*e.g.*, proof that an individual under 65 years of age receives Supplemental Security Income or Social Security Disability Insurance Benefits or a credible statement by the individual). A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability. In most cases, medical records or detailed information about the nature of the disability is not necessary.

All information obtained in analyzing a request for reasonable accommodation will be kept confidential and will not be shared unless necessary to make or assess a decision to grant or deny a reasonable accommodation request or unless disclosure is required by law.

To obtain a reasonable accommodation request form, there are several ways to contact us:

Wayne Torr, Park Manager
Cell (603) 234-5584

Email waynetorr61@yahoo.com
Address
240 Chestnut Hill Road
Rochester, NH 03867

If you need assistance filling out our forms, or if you would like to submit a request in some other way, please contact us as set forth above. Although a reasonable accommodation request can be made orally or in writing, it is usually helpful for both the requester and the housing provider if the request is made in writing.

All requesters will be promptly notified in writing of a decision. Prior to denying a request, property management will attempt to engage in an interactive process with the requester in which the parties discuss possible alternative accommodations that might effectively meet the individual's disability related needs. We recognize that an individual with a disability is generally in the best position to know whether or not a particular accommodation will be effective in meeting his or her needs. If the request is denied, an explanation for the denial will be provided in the written notification.

If an individual believes that he or she has been the subject of a discriminatory housing practice, including the wrongful denial of a request for reasonable accommodation, then he or she may contact the U.S. Department of Housing and Urban Development (HUD) within one year after the alleged discrimination. There are several ways to contact HUD, including:

Toll free: 800-669-9777 or TDD 800-877-8339

Website: www.hud.gov

Address: Office of Fair Housing and Equal Opportunity
U.S. Department of Housing & Urban Development
451 Seventh Street, SW, Room 5204
Washington, DC 20410

West Wind Estates II mobile home park
By:

Date:

**Ralph W. Torr, individually and as trustee of
The Ralph W. Torr Revocable Trust of 2000 and
The Pauline Torr Revocable Trust of 2000, OWNER**

Reasonable Accommodation Request Form

Date: _____

Resident/Applicant Name: _____ Phone: _____

Address: _____ Zip: _____
 PO Box or Street City/Town

The following member of my household claims a physical or mental impairment that limits the ability to occupy our unit: _____

Please let us know how the accommodation will help you. Attach a separate sheet if you need more space.

Please provide the following reasonable accommodation:

This reasonable accommodation is needed because:

You may be asked to allow us to verify the need for this accommodation. If so, the information we obtain will be kept completely confidential and used only to determine if the accommodation is needed.

**Reasonable Accommodation Request
Certification by Healthcare or Social Service Professional**

Date: _____

Resident Name: _____
Resident Address: _____

The person named above has made a request for a reasonable accommodation in the rules, policies, or practices of their housing provider. In accordance with federal law, a person with a physical or mental impairment that limits a major life activity is entitled to a reasonable accommodation if it is necessary to allow them an equal opportunity to use and enjoy their dwelling. In this case, the individual has requested the following:

I, _____ (name of certifying professional) hereby certify to the following responses regarding the person named above:

- a. Do you believe the individual has a physical or mental impairment that limits a major life activity?

- b. Do you believe that the requested accommodation is necessary to allow this individual to use and enjoy their dwelling?

- c. Is there any other information that would be helpful in making the right accommodation for this individual?

In signing this form, I certify that the above-named individual requires the reasonable accommodation requested to reside at the property.

Signature

Date

Title of Physician or Healthcare Professional

Address: _____

Phone: _____

**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,)	
Charging Party, on behalf of [REDACTED] and))	
[REDACTED],)	
)	
Complainants,)	
)	HUDOHA No. 21-AF-0213-FH-026
v.)	
)	FHEO No. 01-20-4280-8
Ralph W. Torr, The Ralph W. Torr Revocable)	
Trust of 2000, and The Pauline Torr Revocable)	
Trust of 2000,)	
)	
Respondents.)	

INITIAL DECISION AND CONSENT ORDER
EXHIBIT B

55 YEARS OR OLDER HOUSING COMMUNITY POLICY

It is the policy of West Wind Estates II Mobile Home Park located at Lynn Lane in Rochester, New Hampshire, to provide housing for persons 55 years of age or older.

As such, in accordance with West Winds Estates Park Rules as set forth in the Mobile Home park Rental Agreement dated June 16, 1969 and as amended on August 19, 2021 constituting the **PROPERTY RULES, RENTAL AGREEMENT** for, all residents and occupants of the property shall be age 55 or older.

Reasonable Accommodations

If necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, residents or prospective residents may submit a reasonable accommodation request for a person younger than age 55 to reside at the property. For example, a resident who needs the assistance of a live-in aide or attendant, may request a reasonable accommodation for permission to have a live-in aide or attendant under age 55 reside in her unit. Instructions on how to submit a reasonable accommodation request may be found in the West Wind Estates II Mobile Home Park located at Lynn Lane in Rochester, New Hampshire reasonable accommodation policy.

Advertising Procedures

When describing the housing community to prospective residents or purchasers, all advertisements shall state that West Wind Estates II Mobile Home Park located at Lynn Lane in Rochester, New Hampshire is a housing community for persons “55 years or older.”

Age Verification Procedures

West Wind Estates II Mobile Home Park located at Lynn Lane in Rochester, New Hampshire shall conduct an age verification survey of all residents and occupants at the time of initial occupancy and at least once every two years thereafter.

Any of the following documents are considered reliable documentation of the age of residents and occupants: (1) driver’s license, (2) birth certificate, (3) passport, (4) immigration card, (5) military identification, (6) any other state, local, national, or international official documents containing a birth date of comparable reliability, or (7) a certification in a lease, application, affidavit, or other document signed by the resident or occupant.

West Wind Estates II Mobile Home Park located at Lynn Lane in Rochester, New Hampshire shall maintain copies of all age verification documentation in its property management files.

More Information

The U.S. Department of Housing and Urban Development (HUD) has issued regulations implementing the Housing for Older Persons Act of 1995 (HOPA). These regulations may be

found at 24 C.F.R. Part 100, Subpart E. Additionally, HUD has published Questions and Answers regarding HOPA, which may be found at the following web address: https://www.hud.gov/sites/documents/DOC_7769.PDF.

West Wind Estates II Mobile Home Park
By its OWNER:

Date:

Ralph W. Torr, individually and as trustee of
The Ralph W. Torr Revocable Trust of 2000 and
The Pauline Torr Revocable Trust of 2000

CERTIFICATE OF SERVICE

I hereby certify that copies of this **NOTICE OF HEARING AND ORDER** issued by Alexander Fernández-Pons, Administrative Law Judge, in HUDOHA 21-AF-0213-FH-026, were sent to the following parties on this 13th day of August 2021, in the manner indicated:



Iamanadette Jones, Staff Assistant
HUD Office of Hearings and Appeals

VIA EMAIL

COMPLAINANTS:



REPRESENTATIVE for RESPONDENTS Ralph W. Torr, The Ralph W. Torr Revocable Trust of 2000, and the Pauline Torr Revocable Trust of 2000:

Brian R. Barrington, Esq.
brian@coolidgelawfirm.com

OFFICIALS:

Eric Batcho
Trial Attorney
U.S. Department of Housing and Urban
Development
eric.d.batcho@hud.gov

Kathleen M. Pennington
kathleen.m.pennington@hud.gov

Amy M. Frisk
amy.m.frisk@hud.gov