

**UNITED STATES OF AMERICA  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

The Secretary, United States	)	
Department of Housing and Urban	)	
Development, on behalf of	)	
<b>Redacted Name</b> and her minor children,	)	
	)	
Charging Party,	)	HUD ALJ No. FHEO No. 08-18-6936-8
	)	
v.	)	
	)	
Tralee Prairie View, LLC,	)	
RAM Partners, LLC and	)	
Pam Gunnarson	)	
	)	
Respondents.	)	
	)	
	)	

**CHARGE OF DISCRIMINATION**

**JURISDICTION**

On November 2, 2017, Complainant **Redacted Name** (“Complainant”) and **Redacted Name** **Redacted Name**<sup>1</sup>, a couple with four minor children, filed a verified complaint (“Complaint”) with the United States Department of Housing and Urban Development (“HUD”) alleging that Tralee Prairie View, LLC, (“Respondent Prairie View”), RAM Partners, LLC, (“Respondent RAM”), and Pam Gunnarson, (“Respondent Gunnarson”) (collectively “Respondents”) imposed discriminatory terms, conditions, or privileges and limited services or facilities in connection with a rental; printed a notice that indicated a preference, limitation, or discrimination; and otherwise made housing unavailable to them because of their familial status in violation of the Fair Housing Act, 42 U.S.C. §3601 et seq. (the “Act”).

The Act authorizes the issuance of a charge of discrimination on behalf of an aggrieved person 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 to the General Counsel (54 Fed. Reg. 13121), who has re delegated to the Regional Counsel (76 Fed. Reg. 42465), the authority to issue such a charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity or his or her designee.

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<sup>1</sup> Mr. **Redacted Name** voluntarily withdrew from the complaint in January 2020.

The Office of Fair Housing and Equal Opportunity Region VIII Director, 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 has occurred in this case and has authorized and directed the issuance of this Charge of Discrimination.

### **LEGAL AUTHORITY IN SUPPORT OF CHARGE**

1. It is unlawful to refuse to rent after the making of a bona fide offer, or to refuse to negotiate for the rental of, 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)(3); 24 C.F.R. § 100.70(b).
2. It is unlawful to discriminate 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 sales or rentals, because of familial status. 42 U.S.C. § 3604(b); 24 C.F.R. § 100.50(b)(2); 24 C.F.R. § 100.65(a).
3. 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 familial status, or an intention to make such preference, limitation, or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.50(b)(4); 24 C.F.R. § 100.75(a).
4. The term "familial status" is defined by the Act as one or more individuals (who have not attained the age of 18 years) being domiciled with a parent or other person having legal custody of such individual or individuals or the designee of such parent or person having custody. 42 U.S.C. § 3602(k); 24 C.F.R. § 100.20.

### **PARTIES**

5. Complainant **Redacted Name**, an aggrieved person, and **Redacted Name** were a couple with minor children at all times relevant to the Complaint. In June 2017, their infant was one year old. Mr. **Redacted Name**'s sons were six years old and eight years old, and Complainant's son was nine years old. All four of the couple's children were minors at the time of the charged conduct and are aggrieved persons as defined by the Act. 42 U.S.C. § 3602(i).
6. Respondent Tralee Prairie View, LLC is the owner of Prairie View Apartments, located at 5825 Eastland Court, Cheyenne, Wyoming, (the "subject property"). The subject property is a dwelling, as defined by the Act. 42 U.S.C. § 3602(b).
7. At all times relevant to this Charge, Respondent RAM Partners, LLC was retained by Respondent Tralee Prairie View, LLC to be the property management company at the subject property.

8. At all times relevant to this Charge, Respondent Pam Gunnarson was employed by Respondent RAM Partners, LLC as the on-site community manager at the subject property.

### **FACTUAL ALLEGATIONS IN SUPPORT OF CHARGE**

9. Complainant Redacted Name, Redacted Name, and their minor children were tenants at the subject property in 2017.
10. On or around June 5, 2017, Respondents posted a newsletter on tenants' doors. The newsletter stated in pertinent part:

“PLEASE SUPERVISE YOUR CHILDREN WHEN THEY ARE OUTSIDE – We are having way too many complaints about kids on bikes driving in front of cars in the parking lot and have notice [sic] that most of these children do not have helmets.” [emphasis in original]
11. On June 26, 2017, Respondents issued new rules at the subject property. The rules were contained in a document titled, “Community Notice” which Respondents posted to tenants' doors. The Community Notice stated, in relevant part:

Due to the NUMEROUS complaints we have received regarding unsupervised children disrupting the peace of the community at all hours of the day and night these rules will be going into effect IMMEDIATELY:

- Children 12 and under must be supervised by an adult while outside
- The playground area and field with the basketball hoop are the ONLY designated play areas-there will be no more playing or hanging out behind building, entryways/stairwells, in parking lots or in the dog park
- Curfew is 9pm—children should not be left outside unattended after hours
- Excessive noise will not be tolerated

\*If you are a resident who is being disturbed due to any of these abovementioned issues please do not hesitate to relay any information to the office. If behavior continues LEASE VIOLATIONS AND POSSIBLE EVICTIONS will be delivered. [emphasis in original]

12. Respondent Gunnarson authored the Community Notice with help from the assistant property manager and issued the rules to everyone at the subject property. The

- content of the Community Notice was based upon Respondent Gunnarson's own judgment and beliefs.
13. Respondent Gunnarson did not address the individual behavior of children that were the basis of the various complaints and instead issued the June 26, 2017 Community Notice.
  14. Respondents did not make any other policy changes or take any other actions at the subject property to mitigate risk and address safety concerns for children.
  15. On June 23, 2017, Complainant received a lease violation notice from Respondents. The notice was related to sunflower seeds left on the sidewalk near Complainant's unit.
  16. Following the lease violation notice, Complainant tried to follow the community rules very closely to avoid receiving any more lease violations. In order to comply with the Community Notice and new rules, Complainant generally kept her children inside her unit because she was unable to provide adult supervision for them outside as Mr. [Redacted Name] frequently worked out of town and Complainant needed to be inside to care for their baby.
  17. The Community Notice created "designated play areas" at the subject property. The "designated play areas" were limited to the playground and the basketball court.
  18. Children were prohibited from playing anywhere else at the subject property aside from the two "designated play areas." The prohibition included the large grassy areas contained within the subject property, including the field behind the Complainant's unit.
  19. Based on this prohibition, Complainant could no longer supervise her older children in the open field behind their unit through the glass sliding door. Complainant would take the older children outside to the designated play areas for short periods of time when she could bring the baby, but the children often wanted to remain outside.
  20. Complainant describes the period after the lease violation as "stressful" and "hectic." Keeping the children inside without an outlet for their energy caused the kids to become "hyperactive."
  21. Keeping the children inside all summer caused tension within the family, and Complainant and Mr. [Redacted Name] were compelled to move away from the subject property to another property where the kids could play outside.
  22. Complainant, Mr. [Redacted Name] and their children moved out of the subject property on or about August 31, 2017.

23. Complainant and her family had limited options for affordable housing. Complainants moved into a trailer at Southfork Mobile Home Subdivision, which they rented from a family friend.
24. The trailer was not move-in ready and required the Complainants to replace the carpet, mitigate a rodent problem, and address various maintenance issues such as fixing holes.
25. Due to the location of the Southfork Mobile Home Subdivision, Complainant had to send the children to a different school and attend a new church. Prior to the move, the children went to school with friends from the neighborhood, many of whom also attended their church. Following the move, the children attended a new school and were bullied. The family was assigned to a different ward of their church, meaning that they no longer attend church with Complainant's mother, who now attends church alone.
26. As a result of Respondents' discriminatory conduct, Complainant and her children suffered actual damages including, but not limited to, emotional distress, loss of housing opportunity, inconvenience, and economic loss.

#### **FAIR HOUSING ACT VIOLATIONS**

27. Respondents violated subsection 804(a) and (b) of the Act by discriminating against Complainant based on familial status in the terms, conditions, or privileges of rental of their dwelling, by expressing limitations specifically targeting families with children. In addition, Respondents' conduct made housing unavailable to the Complainant and her minor children. 42 U.S.C. § 3604(a), (b); 24 C.F.R. § 100.50(b)(2) and (3); 24 C.F.R. § 100.70(b); 24 C.F.R. § 100.65(a).
28. Respondents violated subsection 804(c) of the Act by printing and distributing the June 26, 2017 Community Notice with respect to the rental of a dwelling that indicates a preference, limitation, and discrimination based on familial status. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.50(b)(4); 24 C.F.R. § 100.75(a).

#### **CONCLUSIONS**

WHEREFORE, the Secretary of the U.S. 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 Respondents with engaging in discriminatory housing practices in violation of Subsections 3604(a), 3604(b), and 3604(c) of the Act, and prays that an order be issued that:

1. Declares that the discriminatory housing practices of the Respondents, as set forth above, violate the Fair Housing Act, as amended, 42 U.S.C. § 3601 *et seq.*;

2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them from discriminating against any person because of familial status in any aspect of the rental, sale, use, or enjoyment of a dwelling;
3. Mandates that Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, 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. Requires Respondents, their agents, employees and successors, and all other persons in active concert or participation with them to attend, at Respondents' expense, training that addresses the Act's prohibitions against familial status discrimination;
5. Awards such damages as will fully compensate the Complainant and her minor children for their actual damages, including inconvenience, emotional distress, loss of housing opportunity and out-of-pocket losses caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. § 3612(g)(3); and
6. 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.

The Secretary of HUD further prays for additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted on this 9<sup>th</sup> day of September, 2020.



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