

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

Secretary, United States Department)	
of Housing and Urban Development, on behalf of)	
the Housing Discrimination Project, Inc.,)	
)	
Charging Party,)	
)	
v.)	HUDALJ No. 11-F-071-31
)	FHEO No. 01-11-0347-8
Craig Robbins,)	
)	
Respondent.)	
<hr/>		

INITIAL DECISION AND CONSENT ORDER

I. BACKGROUND

This matter arose from a complaint of discrimination filed by Complainant, the Housing Discrimination Project, Inc. ("Complainant"), on June 8, 2011, with the United States Department of Housing and Urban Development ("Department" or "HUD") pursuant to the Fair Housing Act as amended in 1988 ("Fair Housing Act"). On September 22, 2011, the Department issued a Charge of Discrimination against Respondent, Craig Robbins ("Respondent"), for violations of 42 U.S.C. §§ 3604(a) and (c), which prohibit discriminatory refusal to rent and discriminatory statements on the basis of familial status.

Respondent owns a three-family house at 11 Walden Street in Springfield, Massachusetts ("subject property"). On May 21, 2010, Respondent posted an advertisement on the website Craigslist (www.craigslist.org) seeking to rent a one-bedroom apartment on the third floor of the subject property. Respondent's advertisement was captioned "working singles" and described the apartment available for rent.

Complainant is a non-profit, fair housing center located in Holyoke, Massachusetts. As part of its mission to combat housing discrimination, Complainant performs fair housing testing to uncover evidence of discrimination. Between June 2, 2010 and June 30, 2010, Complainant arranged for four fair housing testers to contact Respondent to inquire about the apartment for rent that Respondent had posted on Craigslist. At the time of testing, each of the four testers represented to Respondent that they had a child or children under the age of 6 years old.

Three of the four testers spoke with Respondent about the subject property via telephone. After learning that the testers had children, Respondent told the testers that he was unwilling to rent the

apartment to families with children under 6 years old because of the presence of lead paint in the unit. A fourth tester arranged a viewing of the third-floor apartment with Respondent. After the tester toured the apartment and expressed his interest in renting the unit, Respondent provided the tester with a rental application and his business card. Upon learning that the tester was the parent of a 1-year old son, Respondent made discriminatory statements to the tester and discouraged the tester from renting the apartment.

The Department found that Complainant suffered damages, including diversion of resources and frustration of purpose, as a result of Respondent's discriminatory acts, statements, and advertisement.

The Secretary, Complainant, and Respondent ("parties") have agreed to resolve this matter without the need for a hearing before a HUD Administrative Law Judge ("ALJ"). Therefore, 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

A. The parties acknowledge that this Consent Order is a voluntary and full settlement of the Charge. No party has been coerced, intimidated, threatened, or in any way forced to become a party to the Consent Order. The parties have read and fully understand the significance of all the terms set forth herein.

B. The parties acknowledge that the terms set forth herein are contractual and not merely a recital of the parties' intentions. The parties acknowledge that they have read and fully understand the significance of the provisions of this Consent Order and their obligations.

C. The parties and their counsel agree that, in the interest of prompt conclusion of this matter, the execution of this Consent Order may be accomplished by the parties' signatures on separate pages with the original executed Signature Pages to be attached to the body of this Consent Order to constitute one document.

D. The signatures of the parties to this Consent Order may be executed by way of fax or e-mail and shall be deemed to be an executed and admissible Consent Order for all purposes as may be necessary under the terms of this Consent Order.

E. The parties acknowledge this Consent Order will become the final agency decision thirty (30) calendar days from the date it is issued by the ALJ or earlier, if affirmed by the Secretary within that time. 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 this Consent Order at any time.

F. The parties and their counsel agree that if the situation arises where a party to this agreement needs an extension of time in order to satisfy a deadline provided herein, such extension must be obtained by mutual agreement of the parties and all signatories or their successors in writing.

G. This Consent Order shall govern the conduct of the parties and remain in effect for a period of three (3) years following the date upon which the Consent Order becomes final as described below.

H. This Consent Order is binding upon Complainant, as well as upon Respondent and his employees, heirs, successors, assigns, and all others working for or associated with Respondent who are involved in the operation of the subject property, including any subsequent owners of the property.

I. Pursuant to 24 C.F.R. § 180.680, the parties understand that this Consent Order shall be a public document.

J. Except as provided herein, the signatures of the parties to this Consent Order further constitute a waiver of any right to apply for additional attorney's fees or costs pursuant to 24 C.F.R. § 180.705.

K. This Consent Order does not in any way limit or restrict the Department's authority to investigate any other complaint involving Respondent, his successors or his assigns, made pursuant to the Fair Housing Act, or any other complaint within the Department's jurisdiction.

L. Respondent agrees and understands that the Department, on request of Complainant, or on its own motion, may review compliance with this Consent Order. Respondent agrees to provide full cooperation in any review undertaken by the Department to ensure compliance with this Consent Order.

M. Respondent agrees that Respondent's failure to satisfy the terms of this Consent Order is a breach of the Consent Order, which may be enforced in the appropriate United States Court of Appeals pursuant to 24 C.F.R. § 180.715.

III. GENERAL INJUNCTION

A. Respondent, his heirs, executors, assigns, agents, employees, and successors, and all other persons in active concert or participation with him in the ownership or operation of the subject property and any other properties owned or managed by him, are permanently enjoined from any further violations of the Fair Housing Act. Respondent hereinafter promises and agrees to comply with all provisions of the Fair Housing Act relevant to the subject property and any other properties owned or managed by him.

B. Respondent acknowledges that the Fair Housing Act makes it unlawful to:

- i. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin. 42 U.S.C. § 3604(a).
- ii. Make, print or publish, or cause to be printed or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any

preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604(c).

C. Respondent further acknowledges that HUD has issued guidance concerning lead-based hazard control activities and the requirements of the Fair Housing Act, which provides that if a unit which has not undergone lead hazard control treatments is available and a family chooses to live in the unit, a housing provider must advise the family of the condition of the unit, but may not decline to allow the family to occupy the unit because the family has children. HUD Memorandum, *Requirements Concerning Lead-Based Paint and the Fair Housing Act* (August 1, 1997).

IV. SPECIFIC RELIEF

A. In exchange for the Charging Party's agreement to dismiss this Charge, Respondent shall pay the total sum of FOUR THOUSAND DOLLARS (\$4,000) to Complainant for compensatory damages, including attorneys fees. The first TWO THOUSAND DOLLARS (\$2,000) of this payment shall be due on or before three (3) months after the entry of this Consent Order by the ALJ. The second TWO THOUSAND DOLLARS (\$2,000) of this payment shall be due on or before six (6) months after the entry of this Consent Order by the ALJ. Respondent shall send the payments to the address given below, with the checks made payable to "Housing Discrimination Project, Inc."

Housing Discrimination Project, Inc.
57 Suffolk Street
Holyoke, MA 01040

A copy of the certified checks made payable to Housing Discrimination Project shall be sent to HUD's Regional Counsel at the address specified below.

Miniard Culpepper, Regional Counsel, Region I
U.S. Department of Housing and Urban Development
Office of the Regional Counsel
10 Causeway Street, Room 310
Boston, MA 02222

B. In exchange for the Charging Party's agreement to dismiss this Charge, Respondent Craig Robbins shall pay a civil money penalty to the Government in the total sum of TWO THOUSAND DOLLARS (\$2,000). The first ONE THOUSAND DOLLARS (\$1,000) of this payment above shall be due on or before three (3) months of the entry of this Consent Order by the ALJ. The second ONE THOUSAND DOLLARS (\$1,000) of this payment shall be due on or before six (6) months after the entry of this Consent Order by the ALJ. Accompanying the checks should be a cover letter indicating that the check is for the civil penalty and referencing both case numbers, HUDALJ No. 11-F-071-31 and FHEO Case No. 01-11-0347-8, on both the cover letter and the checks. Respondent shall send the payments to the address given below, with the checks made payable to "U.S. Department of Housing and Urban Development."

Miniard Culpepper, Regional Counsel, Region I
U.S. Department of Housing and Urban Development
Office of the Regional Counsel
10 Causeway Street, Room 310
Boston, MA 02222

C. Respondent agrees that within thirty (30) days following the date upon which the Consent Order becomes final as described below, Respondent shall have a Massachusetts licensed lead inspector conduct a comprehensive lead paint inspection of the third-floor unit at 11 Walden Street, Springfield, Massachusetts and provide a copy of the full report to the Department at the address described in Paragraph B above no more than ten (10) days after the inspection. In the event that any lead hazards are found on the premises, Respondent agrees that within one (1) year following the date upon which the Consent Order becomes final, Respondent shall have the third-floor unit deleaded or abated in compliance with all federal and Massachusetts state laws by a Massachusetts licensed deleading contractor and provide a copy of the Letter of Compliance to the Department within ten (10) days after receipt.

D. As part of the Department's review of Respondent's compliance with this Consent Order, Respondent agrees to submit reporting to the Department on the last day of every October for a period of three (3) years following the date upon which the Consent Order becomes final. Respondent's reports shall cover all rental units in the subject property at 11 Walden Street, Springfield, MA 01108.

Respondent shall submit reports to the Department's Boston Regional Office of Fair Housing and Equal Opportunity at the following address:

Regional Director
Boston Regional Office of Fair Housing and Equal Opportunity
U.S. Department of Housing and Urban Development
10 Causeway Street, Room 321
Boston, MA 02222

Respondent's reports shall contain the following information:

- i. A copy of every written application and a written description of every oral application from all persons who applied for occupancy of Respondent's properties, including a statement of the person's familial status, whether the person was rejected or accepted, the date of such action, and, if rejected, the reason for the rejection.
- ii. A list of vacancies at all Respondent's properties, including the departed tenant's familial status, the date of termination notification, the date the departed tenant moved out, the date the unit was next committed to rental, the familial status of the new tenant, and the date the new tenant moved in.
- iii. Current occupancy statistics indicating which of Respondent's properties are occupied by families with children.

- iv. Copies of all advertisements published or posted during the reporting period, including dates and what media was used, or a statement that no advertising was conducted.
- v. A list of all persons who inquired in any manner about renting one of Respondent's properties or units, including the person's name, address, familial status, and the date and disposition of the inquiry.
- vi. A description of any rules, regulations, leases or other documents, or changes thereto, provided to or signed by any tenants or applicants.

E. Respondent shall institute internal record-keeping for the purpose of complying with this Consent Order. In order to ensure Respondent's compliance with this Consent Order, Respondent shall permit representatives of the Department to inspect and copy all pertinent records of the operation of the subject property named in Paragraph D above at reasonable times after reasonable notice.

F. Respondent agrees and understands that Complainant and the Department may review compliance with the Fair Housing Act through continued fair housing testing of all properties owned or managed by Respondent.

G. Within six (6) months of the entry of this Consent Order, Respondent must attend fair housing training to be conducted by a qualified fair housing enforcement agency. The training must cover his responsibilities under federal, state, and local fair housing laws, regulations, and ordinances. Respondent is responsible for any and all costs, if any, associated with such fair housing training. Respondent may contact Attorney Eric Batcho at 617-994-8255 for assistance in locating a local qualified fair housing enforcement agency to conduct the required training. Respondent shall provide a certificate of completion to the Department, in the same form as that attached hereto as "Attachment A" evidencing that he has successfully completed the course. Respondent, as well as the instructor conducting the training, should sign and date the certificate of completion and sent it to the Department with five (5) days of completion of the course. The certificate of completion shall be mailed to the Department at the following address:

Miniard Culpepper, Regional Counsel, Region I
U.S. Department of Housing and Urban Development
Office of the Regional Counsel
10 Causeway Street, Room 310
Boston, MA 02222

H. As additional consideration for Respondent's payment to Complainant, compliance with the conditions and terms of this Consent Order and with all orders of this tribunal described herein, and for other good and valuable consideration, Complainant agrees to dismiss its complaint against Respondent upon receipt of the second payment described in Paragraph A above.

V. MUTUAL RELEASE

In consideration for Respondent's payment to Complainant, compliance with the conditions and terms of this Consent Order and with all orders of this tribunal described herein, and for other

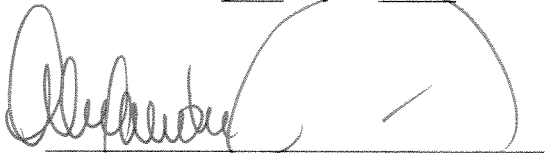
good and valuable consideration, Complainant, her successors, and assigns hereby forever waive, release, and covenant not to sue Respondent, his successors, heirs, executors, assigns, agents, employees, attorneys, or any subsequent owner of the subject property, with regard to any and all claims, damages, injuries, and attorneys fees of whatever nature presently known or unknown, arising out of the subject matter of HUDALJ No. 11-F-071-31 and FHEO Case No. 01-10-0167-8, or which could have been filed in any action or suit arising from said subject matter.

In consideration of the execution of this Consent Order, and for other good and valuable consideration, Respondent, his successors, assigns, agents, employees, or any subsequent owner of the subject property, hereby forever waive, release, and covenant not to sue the Department or Complainant or their officers, successors, assigns, agents, employees and attorneys with regard to any and all claims, damages injuries, and attorneys fees of whatever nature whether presently known or unknown, arising out of the subject matter of HUDALJ No. 11-F-071-31 and FHEO Case No. 01-10-0167-8, or which could have been filed in any action or suit arising from said subject matter.

VI. ADMINISTRATION

For purposes of this Consent Order, the effective date of this Consent Order is the date the Consent Order is signed by the HUD ALJ. This Consent Order is entered into pursuant to 42 U.S.C. § 3612(e) and (g) and the regulations thereunder issued at 24 C.F.R. § 180.450. This Consent Order shall become final upon the expiration of thirty (30) calendar days from the date of its issuance or affirmation by the Secretary with that time. 42 U.S.C. § 3612(h); 24 C.F.R. § 180.670(b)(2).

SIGNED this 28th day of November 2011.


United States Administrative Law Judge

CONSENT AND SIGNATURE PAGES

The undersigned party has read the foregoing Consent Order, HUDALJ No. 11-F-071-31 and FHEO Case No. 01-11-0347-8, and willingly consents to it with a full understanding of the rights it confers and the responsibilities it imposes on her, as signified by her signature below:

FOR COMPLAINANT:



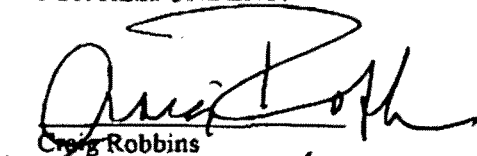
Meris Bergquist, Esq.
Housing Discrimination Project, Inc.

Date: 11.23.11

CONSENT AND SIGNATURE PAGES

The undersigned parties have read the foregoing Consent Order, HUDALJ No. 11-F-071-31 and FHEO Case No. 01-11-0347-8, and willingly consent to it with a full understanding of the rights it confers and the responsibilities it imposes on them, as signified by their signatures below:

FOR RESPONDENT:


Craig Robbins

Date: 11/22/11

CONSENT AND SIGNATURE PAGES

The undersigned party has read the foregoing Consent Order, HUDALJ No. 11-F-071-31 and FHEO Case No. 01-11-0347-8, and willingly consents to it with a full understanding of the rights it confers and the responsibilities it imposes on it, as signified by their signatures and that of their counsel, below:

FOR THE DEPARTMENT:



Miniard Culpepper
Regional Counsel for New England
Department of Housing and Urban Development
10 Causeway Street
Boston, MA 02222

Date: Nov. 23, 2011

ATTACHMENT A

I, Craig Robbins, hereby certify that I attended the training session on fair housing law given by a qualified fair housing enforcement agency on _____ 201__, pursuant to Section IV(G) of the foregoing Consent Order, HUDALJ No. 11-F-071-31 and FHEO Case No. 01-11-0347-8.

Signature

Date: _____

I, _____, hereby certify that Craig Robbins attend a training session on fair housing law given by my organization, _____, on _____ 201__, pursuant to Section IV(G) of the foregoing Consent Order, HUDALJ No. 11-F-071-31 and FHEO Case No. 01-11-0347-8.

Signature

Date: _____