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| The Secretary, U.S. Department of Housing and Urban Development, Charging Party, on behalf of |) | |
| |) | |
| DARLENE MUÑOZ, HELVIA NIEVES, and WAEEL B. SAYAH, |) | HUDOHA 14-JM-0032-FH-002 |
| |) | |
| Complainants, |) | |
| v. |) | FHEO No. 02-13-0349-8 |
| |) | |
| DARDANIA PROPERTIES, LLC and HAMID NEZAJ, |) | April 24, 2014 |
| |) | |
| Respondents. |) | |
| |) | |

I. BACKGROUND

Respondent Dardania Properties, LLC is the owner of the building located at 3110 Wilkinson Avenue, Bronx, NY 10461 (the "Subject Premises"). Hamid Nezaj is the principal of Dardania Properties, LLC. Complainants are occupants of Apartment 2D located at the Subject Premises.

Respondents deny that they violated the Act as alleged in the Charge. However, in order to avoid the additional cost and expense and uncertainty of litigation, the parties agree to settle the claims in the underlying action by entering into this Initial Decision and Consent Order ("Consent Order"). The entry of this Consent Order shall not be deemed an admission or finding of any fault or liability by Respondents.

II. GENERAL PROVISIONS

1. The parties acknowledge that this Consent Order is a voluntary and full resolution of the disputed complaint. No party has been coerced, intimidated, threatened, or in any way forced to become a party to it. The parties acknowledge that they have read and fully understand the significance of the provisions of this Consent Order and their obligations under it.
2. The parties agree that the Charging Party shall file with the 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 parties.
3. This Consent Order is binding upon Respondents, their members, principals, owners, employees, successors, agents, assigns and all others in active concern with them in the management of the Subject Premises located at 3110 Wilkinson Avenue, Bronx, NY. In the event the subject property is transferred or sold prior to full performance of all the provisions of this Consent Order, Respondents will remain liable for the financial compensation described in Section IV.
4. Pursuant to 24 C.F.R. § 180.680(a), the parties understand that this Consent Order is a public document.

III. MUTUAL RELEASE

5. In consideration of the execution of this Consent Order, the Charging Party and Complainants Muñoz, Nieves, and Sayah, their successors, assigns, agents, employees, and attorneys hereby forever waive, release, and covenant not to sue Respondents, their heirs, executors, assigns, agents, employees, 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 14-JM-00320FH-002/ FHEO Case No. 02-13-0349-8, or which could have been filed in any action or suit arising from said subject matter, except where necessary to enforce this agreement. Nothing in this release will be construed to prevent HUD from investigating other complaints filed against Respondents, or taking appropriate enforcement action thereon.
6. In consideration of the execution of this Consent Order, Respondents, their successors, assigns, agents, employees, and attorneys hereby forever waive, release, and covenant not to sue HUD or Complainants Muñoz, Nieves, and Sayah, their heirs, executors, assigns, agents, employees, 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 14-JM-00320FH-002/ FHEO Case No. 02-13-0349-8, or which could have been filed in any action or suit arising from said subject matter, except where necessary to enforce this agreement. Nothing contained in this release will be construed to prevent Respondents from bringing and maintaining a proceeding for an alleged violation or breach of Complainants' lease not arising out of the subject matter of the Charge or right to occupy apartment 2D located at the Subject Premises.

IV. RELIEF FOR COMPLAINANTS

7. Respondents will pay to Complainants by corporate check the sum of eight thousand dollars (\$8,000.00) within sixty (60) days of the issuance of this Consent Order by the Administrative Law Judge as full settlement of Complainants' claims for damages arising out of the allegations presented in the Charge. Payment will be made in two installments.

- a. Within thirty (30) days of the issuance of this Consent Order, Respondents will pay to Complainants the first payment in the amount of six thousand dollars (\$6,000.00) by corporate check made payable to "Darlene Muñoz." Respondents will send the check to counsel for the Charging Party at HUD's Regional Counsel for New York/ New Jersey for delivery to Complainants: A. Isabel DeMoura, Trial Attorney, Office of Regional Counsel, U.S. Department of Housing and Urban Development, 26 Federal Plaza, Room 3500, New York, New York 10278.
- b. Within sixty (60) days of the issuance of this Consent Order, Respondents will pay to Complainants the second payment in the amount of two thousand dollars (\$2,000.00) by corporate check made payable to "Darlene Muñoz." Respondents will send the check to counsel for the Charging Party for delivery to Complainants at the address set forth in paragraph 7(a).
- c. Complainants acknowledge that they have not relied on any representations by HUD as to the tax consequences of this agreement or any payments made hereunder. Complainants will be responsible for all applicable taxes, if any, on the foregoing payments.

8. Respondents authorize Complainants Muñoz and Nieves to keep their German Shepard named Lenox in their apartment for as long as either Complainant Muñoz or Complainant Nieves resides at the Subject Premises and only for so long as they require the assistance of Lenox. Respondents agree that this term will survive the expiration of this Consent Order.

9. Respondents acknowledge that Complainant Nieves is a tenant of record for her apartment at the Subject Premises and that she was identified as a tenant on the original lease. Respondents agree to list both Complainants Muñoz and Nieves as tenants on the renewal lease in September 2014.

10. Within ninety (90) days of the issuance of this Consent Order, Respondents will repair the damage caused by a water leak from the roof to a closet in Complainants' apartment.

11. Within ninety (90) days of the issuance of this Consent Order, Respondents will re-install a one (1) foot grab bar in the bathtub/shower area of Complainants' bathroom.

12. Within ninety (90) days of the issuance of this Consent Order, Respondents will place a seat in the lobby area of the Subject Premises. Complainants agree to make every effort to ensure that the seat remains clean. In the event that the seat is not kept clean, Respondents will send directly and only to Complainant Muñoz a notice by certified mail informing her that the

seat is not being maintained and that the seat will be permanently removed if it is not maintained thereafter.

13. Respondents agree to immediately place Complainants Muñoz and Nieves on a priority list with the right of first refusal for the next vacant rent stabilized two-bedroom apartment on a lower floor located at the Subject Premises at the legal rent for that lower floor unit without set off, credit or reduction. This priority will expire either on September 30, 2014, if Complainants do not renew their current lease, or one (1) year from the effective date of this Consent Order if Complainants renew their lease.

14. Within ninety (90) days of the issuance of this Consent Order, Respondents will install an alarm on the door that provides access to the roof area of the Subject Premises. If there is more than one door that allows such access, Respondents will ensure that, at a minimum, the door to the roof that is located closest to Complainants' apartment is equipped with an alarm.

15. Within ninety (90) days of the issuance of this Consent Order, Respondents will ensure that the handrails located in the front of the building and in the lobby area of the Subject Premises are repaired and secure.

16. Respondents agree to notify HUD within five (5) days of completing the terms set forth above in paragraphs 10-15.

V. ACTIONS IN THE PUBLIC INTEREST

17. Injunction from Discrimination.

Respondents, their agents, employees, successors, and assigns, and all other persons in active concert or participation with any of them, are hereby enjoined from:

- a. Discriminating in the sale or rental, or otherwise making unavailable or denying, a dwelling to any buyer or renter because of disability, as prohibited by the Act, 42 U.S.C. § 3604(f)(1);
- 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 disability, as prohibited by the Act, 42 U.S.C. § 3604(f)(2);
- c. Refusing to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling, as prohibited by the Act, 42 U.S.C. § 3604(f)(1), (f)(2), and (f)(3)(B).
- d. Retaliating against Complainants or any other person who participated in the investigation of this complaint, as prohibited by the Act, 42 U.S.C. § 3617.

18. Mandatory Education and Training.

- a. Within one hundred and eighty days (180) days of the issuance of this Consent Order, Respondents and all employees of Respondent Dardania Properties, LLC and individuals acting under their direction who receive, process, review or make determinations with regard to any reasonable accommodation request ("covered employee") shall attend a minimum of two (2) hours of training pertaining to their obligations under the Fair Housing Act and applicable state and local housing non-discrimination laws. All costs of the training shall be borne by Respondents. Respondents shall require all attendees to sign a certification of attendance.
- b. During the term of this Consent Order, each new covered employee must receive at least two (2) hours of fair housing training within thirty (30) days of starting employment. Respondents shall maintain records of evidence of the completion of fair housing training throughout the term of this Consent Order.
- c. Within twenty-one (21) days after the completion of the fair housing training required under this subsection, Respondents will submit the signed attendance list to HUD.

19. Adoption and Implementation of Reasonable Accommodation Policy.

- a. Within sixty (60) days of the issuance of this Consent Order, Respondents agree to adopt and implement a "Reasonable Accommodation Policy" that complies with the Fair Housing Act. Respondents agree to submit the Policy to HUD for approval within thirty (30) days of the issuance of this Consent Order.
- b. Within fifteen (15) calendar days of the receipt of Respondents' Reasonable Accommodation Policy, HUD agrees to notify Respondents of its approval or disapproval. In the event of disapproval, HUD shall provide suggested revisions to the Policy. If revisions are required, Respondents agree to submit a revised Policy within fifteen (15) days of receipt of HUD's notice of disapproval.
- c. Upon obtaining HUD approval, Respondents agree to implement the Reasonable Accommodation Policy immediately.

VI. COMPLIANCE

- 20. During the term of this Consent Order, HUD may review compliance with this Consent Order, subject to and in accordance with HUD regulations.
- 21. The parties shall endeavor, in good faith, to resolve informally any differences regarding interpretation of and compliance with this Consent Order.
- 22. 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 Second Circuit to enforce the Consent Order and for any other appropriate relief in accordance with 42 U.S.C. §

3612(j)).

VII. ADMINISTRATION

23. This Consent Order shall remain in effect for a period of one (1) year from its effective date or until compliance with all the terms and specific time periods set forth in Section IV, whichever is later.

24. This Consent Order is entered 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 earlier affirmance by the Secretary. 42 U.S.C. § 3612(h); 24 C.F.R. § 180.670(b)(2).

25. All required notification and documentation of compliance must be submitted to HUD as follows, unless otherwise indicated:

Jay Golden
Director, Region II
Office of Fair Housing and Equal Opportunity
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3532
New York, NY 10278

Henry Schoenfeld
Associate Regional Counsel for Program Enforcement and Litigation
Office of Regional Counsel, Region II
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3500
New York, NY 10278

A. Isabel DeMoura
Trial Attorney
Office of Regional Counsel, Region II
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3500
New York, NY 10278

26. 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.

27. The parties agree that if any party to this agreement needs an extension of time in order to satisfy a deadline provided herein, such extension must be obtained in writing from counsel for the Charging Party.

28. The signatures of the parties constitute a waiver of any right to apply for attorney's fees

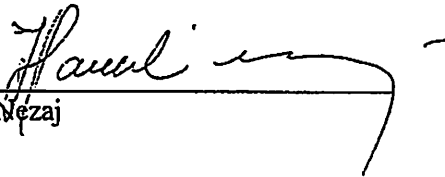
or costs pursuant to 24 C.F.R. § 180.705. Each party is responsible for its own attorney's fees and costs.

29. The parties and counsel 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 individual signature pages to be attached to the body of the Consent Order to constitute one document to be filed with the Office of Administrative Judges. Signatures of the parties to this Consent Order may be executed by way of facsimile or electronic transmission.

30. 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.

VIII. AGREEMENT OF THE PARTIES

RESPONDENTS:



Hamid Nezaj

4.22.14

Date




Dardania Properties, LLC

4.22.14

Date

COUNSEL FOR RESPONDENTS:



Howard Levine, Esq.

4.22.14

Date

VIII. AGREEMENT OF THE PARTIES

COMPLAINANTS:

Darlene Muñoz
Darlene Muñoz

4/17/14
Date

Helvia Nieves
Helvia Nieves

4-17-14
Date

Wael
Wael B. Sayah

04/17/14
Date

VIII. AGREEMENT OF THE PARTIES

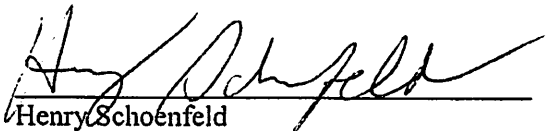
COUNSEL FOR THE CHARGING PARTY, UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT:



John J. Cahill

Regional Counsel, Region II
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3500
New York, NY 10278

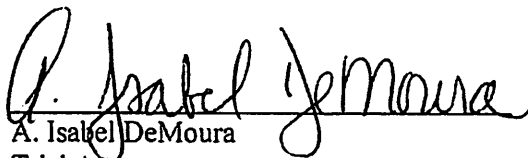
4/23/14
Date



Henry Schoenfeld

Associate Regional Counsel for
Program Enforcement and Litigation
Office of Regional Counsel, Region II
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3500
New York, NY 10278

4/23/14
Date



A. Isabel DeMoura

Trial Attorney
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3500
New York, NY 10278

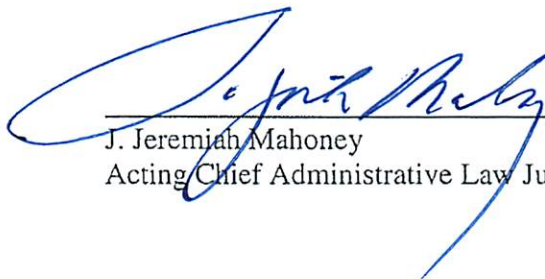
4/23/14
Date

IX. ORDER OF THE COURT

The hearing in this matter was originally scheduled for March 18, 2014. On January 30, 2014, the Court stayed the proceedings to accommodate settlement discussions. The Court granted subsequent requests for a further stay of proceedings.

On April 23, 2014, the parties filed a motion for entry of this Initial Decision and Consent Order, incorporating the terms of their agreement. The Court, having read the agreement, finds that it appears to be in the public interest. All parties have given their consent as reflected by their signature to the agreement incorporated in the foregoing Initial Decision and Consent Order, which is hereby accepted and issued.

So ORDERED this 24th day of APRIL, 2014.



J. Jeremiah Mahoney
Acting Chief Administrative Law Judge