

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 Fair	:	
Housing Council of Suburban	:	
Philadelphia,	:	
	:	ALJ No. 15-JM-0118-FH-016
Charging Party,	:	
	:	
	:	FHEO No. 03-14-0313-8
v.	:	
	:	
Michael DeRomo,	:	
	:	
Respondent	:	

INITIAL DECISION AND CONSENT ORDER

I. BACKGROUND

This matter arose from a complaint of familial status discrimination filed by Complainant Fair Housing Council of Suburban Philadelphia (now known as the "Housing Equality Center of Pennsylvania") ("Complainant") with the United States Department of Housing and Urban Development (the "Department") pursuant to the Fair Housing Act as amended in 1988, 42 U.S.C. § 3601, *et seq.* (the "Act"). Complainant alleges that Respondent Michael DeRomo ("Respondent") was responsible for refusing to rent to families with young children in the second floor units of the property he had owned at 705 Tilghman Street, Coopersburg, Pennsylvania (the "subject property") and for publishing advertisements and making statements that discriminated on the basis of familial status.

On September 23, 2015, the Charging Party issued a Charge of Discrimination ("Charge") against Respondent for violations of 42 U.S.C. §§ 3604(a) and (c), which prohibit discriminating in the rental of housing on the basis of familial status, and publishing discriminatory advertisements and statements on the basis of familial status.

Neither of the parties involved in this matter elected to have their claims decided in a civil action. An administrative hearing has not yet been scheduled due to Respondent's medical condition and medical treatment schedule. However, to avoid uncertain and costly litigation, the parties have agreed to resolve the above-captioned case without the need for a hearing. Respondent admits no fault or liability. The Department,

Complainant, and Respondent have consented to the entry of this Initial Decision and Consent Order (hereinafter "Consent Order"), as indicated by the signature of the parties.

II. GENERAL INJUNCTION

It is hereby ORDERED that Respondent, his heirs, executors, assigns, agents, employees, and successors, and all other persons in active concert or participation with him in the ownership, operation or management of the subject property and any other properties owned or managed by him is permanently enjoined from discriminating against any person on the basis of familial status, in any aspect of rental or sale of a dwelling, pursuant to §§ 3604(a) and (c) of the Act.

Respondent acknowledges that the Act makes it unlawful to:

1. Discriminate in the rental of a dwelling, or to otherwise make unavailable or deny a dwelling to any renter on the basis of familial status.¹ 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.60(a) and (b)(2).
2. Make statements or publish advertisements with respect to the rental of a dwelling that indicate any preference, limitation or discrimination based on familial status, or an intention to make any such preference, limitation or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.75(a) and (c)(1).

III. SPECIFIC RELIEF

In exchange for the Department's agreement to dismiss this Charge, and Complainant's agreement to release its claims against Respondent (as described in Sections IV and VII of this Agreement):

- A. Respondent shall pay the total sum of \$2330.86, to Complainant in the form of a certified check made payable to "Housing Equality Center of Pennsylvania" within twenty (20) days of the effective date of this Consent Order, to be sent by Federal Express or Certified Mail to the following address:

Rachel Wentworth, Assistant Director
Housing Equality Center of Pennsylvania
455 Maryland Drive, Suite 190
Fort Washington, PA 19034

- B. Within five days of the date of the issuance of the certified check made payable to "Housing Equality Center of Pennsylvania" referenced in Section III.A of this Consent Order, Respondent shall send a copy of the check to HUD's Regional Counsel, via First Class Mail, at the following address:

¹ "Familial status" means one or more individuals under the age of eighteen (18) being domiciled with a parent or legal guardian. 42 U.S.C. § 3602(k); 24 C.F.R. § 100.20 (2015).

Sheryl L. Johnson, Regional Counsel, Region III
U.S. Department of Housing and Urban Development
Office of the Regional Counsel
The Wanamaker Building, 100 Penn Square East
Philadelphia, Pennsylvania 19107

- C. Within thirty (30) days of the date of the execution of this Consent Order, Complainant and Respondent will jointly submit a Letter to the Editor of The Morning Call newspaper in Allentown, PA, that HUD approves, that addresses familial status discrimination under the Fair Housing Act.

IV. 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, the Department and Complainant Housing Equality Center of Pennsylvania (formerly "Fair Housing Council of Suburban Philadelphia"), their successors, assigns, agents, employees, and attorneys hereby forever waive, release, and covenant not to sue Respondent, his successors, heirs, executors, assigns, agents, employees, and attorneys, including any subsequent owner of the subject property 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 HUD ALJ # 15-JM-0118-FH-016, or which could have been filed in any action or suit arising from said subject matter; however, any claims or causes of action that accrue after the execution of this Consent Order are not subject to the releases as set forth in this paragraph.

In consideration for the execution of this Consent Order, and other good and valuable consideration, Respondent his successors, assigns, agents, employees, and attorneys, including any subsequent owner of the subject property, hereby forever waives, releases, and covenants not to sue the Department or Complainant Housing Equality Center of Pennsylvania (formerly "Fair Housing Council of Suburban Philadelphia"), or their officers, successors, assigns, agents, employees and 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 HUD ALJ # 15-JM-0118-FH-016, or which could have been filed in any action or suit arising from said subject matter; however, any claims or causes of action that accrue after the execution of this Consent Order are not subject to the releases as set forth in this paragraph.

V. 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 agree that, in the interest of prompt conclusion of this matter, the execution of this Consent Order by the parties may be accomplished by separate execution of consents (the original executed Consent and Signature Pages) to be attached to the body of this Consent Order to constitute one document.
- C. The signatures of the parties to this Consent Order may be executed by way of facsimile transmission or electronic transmission in PDF form 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.
- D. The parties 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.
- E. This Consent Order shall govern the conduct of the parties to it for a period of three (3) years following the date this Consent Order becomes final pursuant to 42 U.S.C. §3612(h).
- F. This Consent Order is binding upon Complainant, Respondent and his employees, heirs, successors, assigns, and all others working for or associated with Respondent who are involved in the operation of any residential rental property owned or operated by Respondent.
- G. It is understood that this Consent Order shall be a public document.
- H. 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 42 U.S.C. § 3612 (p) and 24 C.F.R. § 180.705 (2015).
- I. This Consent Order does not in any way limit or restrict the Department's authority to investigate any other complaint involving Respondents made pursuant to the Fair Housing Act, or any other complaint within the Department's jurisdiction.

VI. MONITORING BY HUD

Respondent agrees and understands that the Department, on request of the Complainant or on its own motion, may review compliance with this Consent Order. As a part of such review, the Department may require written reports concerning compliance, may inspect, with reasonable notice, any and all residential rental properties owned or operated by Respondent, examine witnesses, and examine and copy pertinent records of Respondent at any reasonable time between the effective date of the Consent

Order and three (3) years from said date. Respondent agrees to provide full cooperation in any monitoring review undertaken by the Department to ensure compliance with this Consent Order.

VII. DIMISSAL OF CHARGE

In consideration of Respondent's payment to Complainant and compliance with the terms and conditions of this Consent Order, and all orders contained herein, the Charging Party agrees to the dismissal, without a formal determination, of the allegations that Respondent injured Complainant by violating the Act. Therefore, as of the effective date of this Consent Order, the Charge against Respondent is hereby DISMISSED with prejudice. However, nothing in this paragraph should be construed to prevent any of the parties from taking action to enforce this Consent Order.

VIII. COMPLIANCE

Respondent's failure to satisfy the terms of this Consent Order is a breach of the Consent Order, which may be enforced in the United States Court of Appeals pursuant to 42 U.S.C. §§ 3612(j) and (m). Moreover, if Respondent fails to make full, timely payment to Complainant or otherwise comply with this order, the ALJ will retain jurisdiction to hear a motion by the Charging Party to set aside this Consent Order and set a hearing on the merits of the Charge. Respondent hereby waives its right to object to such motion. As a sanction for the Respondent's breach of this Consent Order, should the Charging Party move to conduct such hearing, and should such motion be granted and a hearing occur, the Respondent shall be liable to the Charging Party for the Charging Party's reasonable attorney's fees and costs in making such motion and conducting such hearing.

X. ADMINISTRATION

This Consent Order is entered into pursuant to the Fair Housing Act and its implementing regulations, 24 C.F.R. § 180.450 (2015). This Consent Order shall remain in effect for a period of three (3) years from its effective date. 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. *See* 42 U.S.C. §3612(h); 24 C.F.R. § 180.680(b). 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.

X. CONSENT AND SIGNATURE PAGES

The undersigned party has read the foregoing Consent Order, HUD ALJ No. 15-JM-0118-FH-016, and willingly consents to it with a full understanding of the rights it confers and the responsibilities it imposes on him, as signified by his signature:

On behalf of Respondent Michael DeRomo

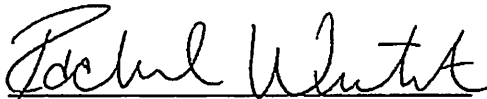

MICHAEL DEROMO

Date: Nov. 18, 2015

CONSENT AND SIGNATURE PAGES

The undersigned party has read the foregoing Consent Order, HUD ALJ No. 15-JM-0118-FH-016, and willingly consents to it with a full understanding of the rights it confers and the responsibilities it imposes on it, as signified by its signature below:

FOR COMPLAINANT HOUSING EQUALITY CENTER OF PENNSYLVANIA
(formerly "FAIR HOUSING COUNCIL OF SUBURBAN PHILADELPHIA")




RACHEL WENTWORTH
Assistant Director

Date: 11/17/15


CONSENT AND SIGNATURE PAGES

The undersigned party has read the foregoing Consent Order, HUD ALJ No. 15-JM-0118-FH-016, and willingly consents to it with a full understanding of the rights it confers and the responsibilities it imposes on the Department, as signified by their signatures, below:

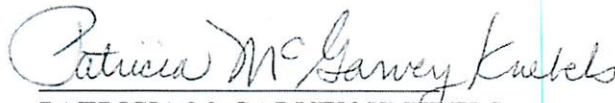
FOR THE DEPARTMENT:



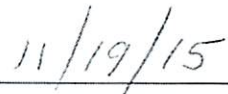
SHERYL L. JOHNSON
Regional Counsel
Region III



Date



PATRICIA MCGARVEY KNÉBELS
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U.S. Department of Housing
and Urban Development
Office of Regional Counsel
Region III
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3380
Telephone: (215) 430-6664
Fax: (215) 656-3446



Date

XI. ORDER OF THE COURT

This Consent Order settling HUD ALJ Case No. 15-JM-0118-FH-016 has been signed by all parties and appears to be in the public interest. Accordingly, the terms of the Consent Order are hereby entered.

SO ORDERED this 23rd day of NOVEMBER, 2015.



J. Jeremiah Mahoney
ADMINISTRATIVE LAW JUDGE