

HUDOHA 19-AF-0149-FH-016

6. The parties agree that HUD shall file with the Office of Administrative Law Judges a Motion for Entry of an Initial Decision and Consent Order, along with this Initial Decision and Consent Order, after this document is executed by all parties.

7. This Consent Order is binding upon Respondents, their members, principals, owners, employees, successors, agents, assigns, and all others in active concert with them in the operation of Roderick Apartments, LLC.

8. This Consent Order is a full settlement of all claims by Complainant that are in any way related to the allegations set forth in the Charge. The parties hereby forever waive, release, and discharge each other and their attorneys, representatives, employees, and agents from any and all claims, causes of action, demands, fees, and liabilities of any kind, whether known or unknown, that the parties have, have had, or may have concerning the subject matter of HUD Case No. 19-AF-0149-FH-016 and the events described in the Charge. The extent of this release is intended to have the broadest possible application and includes, but is not limited to, any tort, contract, common law, constitutional, and statutory claims arising out of any federal, state, or local laws.

9. Complainant and Respondents shall not issue any press release or otherwise contact the news media regarding the terms of this Consent Order unless they obtain the written consent of the other Party. Notwithstanding this provision, Complainant and Respondents may disclose the existence and terms of this Consent Order to their immediate family members, financial and tax advisors, and attorneys, and in response to any subpoena or court order. The Department shall not be bound by the requirements in this Section.

10. Pursuant to 24 C.F.R. § 180.680, this Consent Order is a public document.

III. RELIEF FOR COMPLAINANT

11. Respondents shall pay to Complainant a total of eight thousand dollars (\$8,000.00) in full settlement of Complainant's claims for damages arising out of the allegations presented in the Charge. On or before December 22, 2019, Respondents shall pay to Complainant by certified or cashier's check the sum of two thousand dollars (\$2,000) and shall make additional payments to Complainant of two thousand dollars (\$2,000.00) each on or before January 22, 2020, February 22, 2020, and March 22, 2020. Respondents shall make the checks payable to "Anthony Almeida" and send the checks to:

Dylan Maeby
Staff Attorney
Veterans Medical-Legal Partnership
Pine Tree Legal Assistance
PO Box 2429
Augusta, ME 04338

Respondents shall photocopy these checks and send the copies to HUD's Regional Counsel for New England at the address given below:

Miniard Culpepper, Regional Counsel
c/o Ben Gworek

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

IV. RELIEF IN THE PUBLIC INTEREST

12. Respondents, their agents, employees, successors, members and assigns, and all other persons in active concert or participation with any of them, are hereby enjoined from violating the Fair Housing Act, 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.

13. Respondents shall enact a written reasonable accommodation policy that, among other things, explicitly allows for reasonable accommodation requests for assistance animals, including emotional support animals, and does not impose additional fees or insurance requirements as a condition of granting such requests. A copy of this policy shall be provided to counsel for the Charging Party within 30 days of the effective date of this Consent Order. This policy shall be approved by the Charging Party and implemented by Respondents within 30 days after its receipt by the Charging Party. Within 15 days after enacting the policy, Respondents shall distribute a copy to all tenants of any residential rental properties that they have a direct or indirect ownership, management or other financial interest in, and certify to HUD that they have done so.

V. REPORTING AND RECORD KEEPING

14. 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:

Susan Forward, Regional Director
U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
10 Causeway Street, Room 308

Boston, MA 02222

VI. COMPLIANCE

15. 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.

16. 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

17. This Consent Order is entered into pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.450. This Consent Order will become effective and final thirty (30) calendar days from the date it is issued by the HUD ALJ or earlier, if affirmed by the Secretary within that time ("effective date"). 24 C.F.R. § 180.680(b).

18. This Consent Order shall remain in effect for a period of three (3) years from its effective date.

19. This Consent Order does not in any way limit or restrict HUD's authority to investigate any other unrelated complaints involving Respondents made pursuant to the Act, or any other complaints within HUD's jurisdiction.

20. 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 Department.

21. The signature of the parties to this Consent Order constitute a waiver of any right to apply for attorney fees or costs pursuant to 24 C.F.R. § 180.705. Each party is responsible for its own attorney fees and costs, if any.

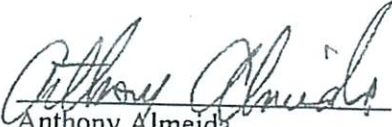
22. The parties agree that in the interest of a prompt conclusion of this matter, the execution of this Consent Order may be accomplished by the parties' signatures on separate pages of this Consent Order, with the signature pages and Consent Order to constitute one document to be filed with the Office of Administrative Law Judges. Signature pages may be provided by facsimile or electronic transmission.

VIII. AGREEMENT OF THE PARTIES

23. The parties below have read this Consent Order in HUDOHA 19-AF-0149-FH-016 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]

COMPLAINANT-INTERVENOR:


Anthony Almeida


Date: 12-12-19

COUNSEL FOR COMPLAINANT-INTERVENOR :


Dylan Maebby
Pine Tree Legal Assistance Inc.
P.O. Box 2429
Augusta, ME 04338
dmaebby@ptla.org


Date: 12-12-19

FOR RESPONDENTS:


Jo Roderick, individually and
on behalf of Roderick Apartments, LLC

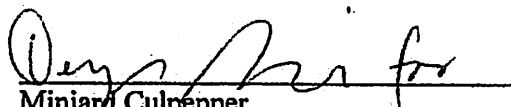
Date: 12-23-19

COUNSEL FOR RESPONDENTS


Neal Weinstein
32 Saco Avenue
Old Orchard Beach, ME 04064
weinlaw@maine.rr.com

Date: 12-16-19

FOR THE DEPARTMENT:

A handwritten signature in dark ink, appearing to read "Miniard Culpepper", is written over a horizontal line.


Miniard Culpepper
Regional Counsel for New England
U.S. Department of Housing and Urban
Development
10 Causeway Street, Room 310
Boston, MA 02222

Date: 1/6/20

IX. ORDER OF THE COURT

In accordance 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. The foregoing order was presented to the undersigned ALJ for approval on January 6, 2020. The proposed order does not incorporate information such as facts or stipulations necessary for the Court to determine whether the settlement is "in the public interest." However, after considering the record in its entirety, the undersigned ALJ 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.

So **ORDERED**, this 8th day of January, 2020.



Alexander Fernández
Administrative Law Judge