

UNITED STATES OF AMERICA  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF HEARINGS AND APPEALS

The Secretary, United States Department of Housing and Urban Development, on behalf of Devin Young,	)	
	)	
Charging Party,	)	<b>HUDOHA No.</b>
	)	<b>24-JM-0247-FH-012</b>
	)	
v.	)	<b>FHEO No.</b>
	)	<b>03-22-0750-8</b>
	)	
	)	July 19, 2024
JP3 Realty, LLC,	)	
	)	
Respondent	)	
	)	

**INITIAL DECISION AND CONSENT ORDER**

**I. BACKGROUND**

This matter arose from a Complaint of disability discrimination filed on October 11, 2021, by Complainant Devin Young, with the United States Department of Housing and Urban Development (“Department” or “HUD”), alleging that JP3 Realty, LLC (Respondent) violated sections 804(f)(1), 804(f)(2), and 804(f)(3)(B) of the Fair Housing Act (the Act), because of his disability, by refusing to make a reasonable accommodation in rules, policies, practices, or services, when such accommodation was necessary to afford him an equal opportunity to enjoy his dwelling. 42 U.S.C. §§ 3604(f)(1), 3604(f)(2), and 3604(f)(3)(B).

On May 6, 2024, the Department as Charging Party issued a Charge of Discrimination (“Charge”) against Respondent alleging violations of 42 U.S.C. §§ 3604(f)(1), 3604(f)(2), and 3604(f)(3)(B) which prohibit, among other things, discrimination on the basis of disability in a rental setting, discriminating in the terms, conditions, or privileges of a rental transaction or in the provision of services or facilities in connection with such dwelling because of disability, and refusing to make a reasonable accommodation in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with disabilities the equal opportunity to use and enjoy a dwelling. The Charge alleged that Respondent refused to make a change to its No Pet policy to grant Complainant a reasonable accommodation in connection with his disability. The Respondent has denied that it violated the Act as alleged in the Charge.

None of the parties involved in this matter elected to have their claims decided in a civil action. An administrative hearing is scheduled to commence on September 3, 2024. However, to avoid uncertain and costly litigation, the parties have agreed to resolve the above-captioned case without the need for a hearing. The Charging Party, Complainant and Respondent have consented to the entry of this Initial Decision and Consent Order (hereinafter "Consent Order"), as indicated by the signatures of the parties and counsel below. The entry of this Consent Order shall in no way be deemed as an admission of fault or liability by the Respondent.

## **II. GENERAL INJUNCTION**

It is hereby ORDERED that Respondent JP3 Realty, LLC, its heirs, executors, assigns, agents, employees, and successors, and all other persons in active concert or participation with it in the ownership, operation or management of all properties owned or managed by Respondent is permanently enjoined from discrimination against any person on the basis of disability, in any aspect of rental of a dwelling, pursuant to 42 U.S.C. §§ 3604(f)(1), 3604(f)(2), and 3604(f)(3)(B).

Respondent acknowledges that the Act makes it unlawful to:

- A. Make unavailable or deny a dwelling unit to any person because of race, color, religion, national origin, sex, disability, or familial status; or refuse or fail to provide or offer information about a dwelling unit or to show or rent a dwelling unit to any person because of race, color, religion, national origin, sex, disability or familial status.
- B. Discriminate against any person in the terms, conditions, or privileges of rental of a dwelling unit, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, sex, disability or familial status.
- C. 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 unit that states any preference, limitation or discrimination based upon race, color, religion, national origin, sex, disability or familial status.
- D. Represent to any person because of race, color, religion, national origin, sex, disability or familial status, that any dwelling unit is not available for inspection or rental when such dwelling unit is, in fact, so available.

## **III. SPECIFIC RELIEF**

In exchange for the Charging Party's agreement to dismiss this Charge and for the Complainant's agreement to release all claims against Respondent:

- A. Respondent JP3 Realty, LLC shall pay the total sum of \$4,500.00 to Complainant Devin Young in the form of a certified check made payable to Devin Young within

ten (10) days of the effective date of this Consent Order, to be sent by Federal Express or certified mail to the following address:

Devin Young



B. Within five (5) days of the date of the issuance of the check referenced in Section III.A of this agreement, Respondent JP3 Realty, LLC shall send a copy of the certified check made payable to Devin Young to HUD's Regional Counsel via email to the following email addresses:

Brad E. Rader Johnson, Regional Counsel, Region III

[Brad.E.Rader@hud.gov](mailto:Brad.E.Rader@hud.gov)

Sonya M. Kaloyanides, Associate Regional Counsel for Litigation

[Sonya.M.Kaloyanides@hud.gov](mailto:Sonya.M.Kaloyanides@hud.gov)

Patricia McGarvey Knebels, Trial Attorney

[PatriciaMcGarvey.Knebels@hud.gov](mailto:PatriciaMcGarvey.Knebels@hud.gov)

C. Within thirty (30) days of the effective date of this Consent Order, all employees, agents and principals of JP3 Realty, LLC engaged in reviewing, approving, or implementing applicant or tenant requests for reasonable accommodations at any properties owned or managed by Respondent shall read and review the following HUD Guidance which addresses Reasonable Accommodations and Assistance Animals: Joint Statement of HUD and the Department of Justice on *Reasonable Accommodations under the Fair Housing Act* dated May 17, 2004, and HUD FHEO Notice 2020-01 on *Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act*, dated January 28, 2020, found at:

- [https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint\\_statement\\_ra.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf)
- <https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>

In addition, Respondent agrees to provide copies of the forgoing HUD Guidance to all current and future tenants within ten (10) days of the effective date of this Consent Order. Once all employees, agents or principals of JP3 Realty, LLC have read and reviewed the foregoing HUD Guidance and Respondent has provided all tenants copies of the HUD Guidance, Respondent shall provide a signed and dated certificate of completion to the Department, in the same form as that attached hereto as "Attachment A," evidencing, by name and title, the employees, agents and principals that have successfully completed the requisite reading and the names and addresses of all tenants to whom Respondent has provided HUD Guidance. The certificate of completion shall be emailed to the Department as follows:

Rachel Leith

Enforcement Branch Chief, Region III

U.S. Department of Housing and Urban Development

- D. Respondent agrees that it will process requests for reasonable accommodations at all properties owned or managed by Respondent in a manner consistent with mandates of the Fair Housing Act (42 U.S.C. §§ 3601, *et seq.*), its implementing regulations (24 C.F.R. Part 100) and HUD Guidance,<sup>1</sup> including but not limited to when an applicant or tenant requests a reasonable accommodation in connection with a disability-related need for an assistance animal, such request for an assistance animal will be granted in accordance with HUD Guidance.

#### IV. MUTUAL RELEASE

In consideration for Respondent's payment to Devin Young, 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, Devin Young, his successors, assigns, agents, employees, and attorneys hereby forever waive, release, and covenant not to sue Respondent, its 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 No. 24-JM-0247-FH-012, 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 release as set forth in this paragraph.

In consideration for the execution of this Consent Order, and other good and valuable consideration, Respondent, its successors, assigns, agents, employees, and attorneys, including any subsequent owner of Respondent's properties, hereby forever waive, release, and covenant not to sue Devin Young, the Department 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 No. 24-JM-0247-FH-012, 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.

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<sup>1</sup> Guidance includes but is not limited to the Joint Statement of HUD and the Department of Justice on *Reasonable Accommodations under the Fair Housing Act* dated May 17, 2004 (found at [https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint\\_statement\\_ra.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf)) and FHEO Notice 2020-01 on *Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act*, dated January 28, 2020. (found at <https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>).

The parties have read and fully understand the significance of all the terms set forth herein.

- B. The parties and their counsel 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 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 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.
- E. This Consent Order shall govern the conduct of the parties to it for a period of two (2) years following the date this Consent Order becomes final pursuant to 42 U.S.C. §3612(h).
- F. This Consent Order is binding upon Devin Young, Respondent and their 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.
- I. This Consent Order does not in any way limit or restrict the Department's authority to investigate any other complaint involving Respondent 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 if there is good cause to believe that provisions of this agreement have been violated, the Department, 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, may examine witnesses, and may examine and copy pertinent records of Respondent at any reasonable time between the effective date of the Consent Order and two (2) 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 the 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 Devin Young 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**

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 Third Circuit to enforce the Consent Order and for any appropriate relief in accordance with 42 U.S.C. §§ 3612(j). Moreover, if Respondent fails to make full, timely payment to Devin Young 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 their 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.

## **IX. ADMINISTRATION**

This Consent Order is entered into pursuant to the Fair Housing Act and its implementing regulations, 24 C.F.R. § 180.450, and shall become final upon the expiration of thirty (30) days or by confirmation of the Secretary within that time. *See* 42 U.S.C. §3612(h). 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.

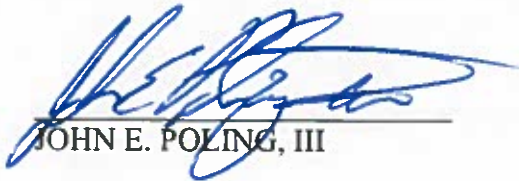
## **X. EFFECTIVE DATE OF AGREEMENT**

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 effective date of this agreement is the date on which Administrative Law Judge Mahoney signs this Initial Decision and Consent Order.

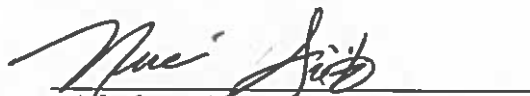
**XI. CONSENT AND SIGNATURE PAGES**

The undersigned party has read the foregoing Consent Order, HUD ALJ No. 24-JM-0247-FH-012, 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 and that of its counsel below:

FOR RESPONDENT JP3 Realty, LLC:

  
\_\_\_\_\_  
JOHN E. POLING, III

Date: 7-18-24

  
\_\_\_\_\_  
Nicholas Gianvito, Esquire  
Attorney for JP3 Realty, LLC

Date: 7/18/24

**XII. CONSENT AND SIGNATURE PAGES**

The undersigned party has read the foregoing Consent Order, HUD ALJ No. 24-JM-0247-FH-012, 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:

FOR COMPLAINANT Devin Young:

*Devin Young*

\_\_\_\_\_  
DEVIN YOUNG

Date: 07/12/2024



**XIII. CONSENT AND SIGNATURE PAGES**

The undersigned party has read the foregoing Consent Order, HUD ALJ No. 24-JM-0247-FH-012, 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 and that of its counsel below:

FOR THE DEPARTMENT:

Brad E. Rader  
Brad E. Rader  
Regional Counsel  
Region III

07/12/2024  
Date

Sonya Kaloyanides  
Sonya M. Kaloyanides  
Associate Regional Counsel for  
Litigation, Region III

07/12/2024  
Date

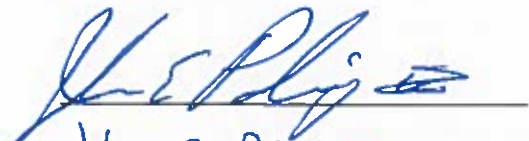
Patricia McGarvey Knebel  
Patricia McGarvey Knebel  
Trial Attorney

07/12/2024  
Date

U.S. Department of Housing  
and Urban Development  
Office of Regional Counsel  
Region III  
801 Market Street  
Philadelphia, PA 19107  
Telephone: (215) 430-6664  
Fax: (215) 656-3446

**XIV. ATTACHMENT A**

I, John E. Poling III, hereby certify that the following individuals have reviewed and read the HUD Guidance specified in Section III.C of this Initial Decision and Consent Order for HUD ALJ No. 24-JM-0247-FH-012, and that all current and future tenants have been or will be provided with the HUD guidance specified in Section III.C of this Initial Decision and Consent Order for HUD ALJ No. 24-JM-0247-FH-012.

  
\_\_\_\_\_  
John E. Poling III

Date: 7-18-24

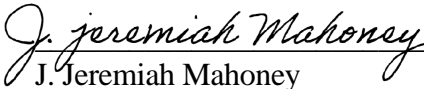
## **XV. ORDER OF THE COURT**

The foregoing order was presented to the undersigned Administrative Law Judge for approval on July 18, 2024. In accord with 24 C.F.R. § 180.450, the ALJ 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.

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.

This Consent Order carries no precedential weight, as the matter has been reviewed solely to determine that the parties' settlement does not offend the public interest. No opinion is expressed on legal or policy statements contained herein, nor the form and quantum of the agreed relief.

So **ORDERED** this 19th day of July, 2024

  
\_\_\_\_\_  
J. Jeremiah Mahoney  
Chief Administrative Law Judge