

**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 [REDACTED])	
[REDACTED])	
Charging Party)	HUD All No.
v.)	FHEO Nos. 01-11-0290-8
Clifton Hylton & Merline Hylton)	01-11-0292-8
Respondents.)	
)	
)	
)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On May 11, 2011, Complainants [REDACTED] and her minor children filed complaints with the United States Department of Housing and Urban Development ("HUD"), alleging that Respondents Clifton Hylton and Merline Hylton discriminated in violation of the Fair Housing Act ("the Act"), as amended. 42 U.S.C. Sections 3601-3619.

The Act authorizes the issuance of a charge of discrimination on behalf of an aggrieved person following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. § 3610(g) (1) - (2). The Secretary of HUD has delegated to the Assistant Secretary for Fair Housing and Equal Opportunity the authority to make such a determination; and to the General Counsel the authority to issue such a charge of discrimination. The General Counsel has redelegate to the Regional Counsel the authority to issue such a charge.

By Determination of Reasonable Cause dated August 25, 2011, the Director of the Fair Housing Hub, Office of Fair Housing and Equal Opportunity for New England, has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred in this case, and has authorized the issuance of this Charge of Discrimination by the Regional Counsel. 42 U.S.C. §3610(g)(2).

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaints, and the findings contained in the attached Determination of Reasonable Cause, the Secretary charges the Respondents Clifton Hylton and Merline Hylton with violating the Act as follows:

A. LEGAL AUTHORITY

1. It is unlawful to discriminate in the sale or rental of a dwelling, to refuse to negotiate over the rental of a dwelling, or to otherwise make unavailable or deny a dwelling to any renter because of race, color, or national origin. 42 U.S.C. § 3604(a); 24 C.F.R. § 100.60(a).
2. It is unlawful to discriminate against any person in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, because of race, color, or national origin. 42 U.S.C. § 3604(b); 24 C.F.R. § 100.65(a).
3. It is unlawful for any person to make any statement with regard to the sale or rental of the dwelling that indicates any preference, limitation, or discrimination based on race, color, or national origin. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75(a).

B. PARTIES AND SUBJECT PROPERTY

4. The subject property is a single-family home located at [REDACTED], Windsor Locks, CT.
5. At all times relevant to the action, Respondent Merline Hylton was the owner of the subject property.
6. At all times relevant to this action, Respondent Clifton Hylton managed the subject property as president/secretary/director of Hylton Real Estate Management, Inc.
7. Complainant [REDACTED] is an African-American male who is married to Complainant [REDACTED], a Caucasian female.
8. Complainant [REDACTED] is an African-American female with two minor African-American children, [REDACTED], age 14, and [REDACTED], age 10.

C. FACTUAL ALLEGATIONS

9. On May 1, 2010, Complainants [REDACTED] signed a one-year lease to rent the subject property from Respondents Merline and Clifton Hylton.

10. Respondents' names appear on the lease signed with Complainants [REDACTED] [REDACTED] as lessors of the subject property and both signed the lease.
11. In late May 2010, Complainant [REDACTED] telephoned Respondent Clifton Hylton to inform him of their intention to move and terminate the lease.
12. In a letter dated June 1, 2010, Complainant [REDACTED] reiterated Complainants' intention to move at the end of the month and stated that he would find a suitable tenant to rent the subject property for the remainder of the lease term.
13. On or around this date, Complainants [REDACTED] [REDACTED] posted an online advertisement to www.craigslist.com ("Craigslist"), seeking a sub-lessee for the property.
14. On June 21, 2010, Complainant [REDACTED] contacted Complainant [REDACTED] by replying to her advertisement on Craigslist.
15. On June 22, 2010, Complainant [REDACTED] viewed the property with Complainant [REDACTED] and stated that she wished to rent the property.
16. On or around June 22, 2010, Complainant [REDACTED] called Respondent Clifton Hylton to inform him that they had found a tenant to sublease the apartment through the end of the lease term.
17. During this conversation, Respondent Clifton Hylton initially stated that he would approve a sublet but when asked put this approval in writing, Respondent Hylton asked whether Complainant [REDACTED] is white.
18. Complainant [REDACTED] informed Respondent Hylton that Complainant [REDACTED] is black.
19. Respondent Hylton stated to Complainant [REDACTED] that he did not want too many blacks at the property.
20. Respondent Hylton stated to Complainant [REDACTED] that the neighbors would not want to see too many blacks there.
21. Respondent Hylton then stated to Complainant [REDACTED] that he rented to Complainant [REDACTED] only because Complainant [REDACTED] was "white" and it was "a good mix."
22. Respondent Hylton then stated to Complainant [REDACTED] that the Complainants would need to find "good white people that could afford it because [Complainant [REDACTED]] is not going to be able to pay."

23. Later that same day, June 22, 2010, Complainant [REDACTED] telephoned Complainant [REDACTED] to tell her that she would not be able to rent the subject property to her and her family because the owner would not approve renting to a black tenant.
24. On or around July 6, 2010, Complainant [REDACTED] moved from the subject property.
25. Sometime after July 2010, Complainant [REDACTED] wrote a letter to Respondent Hylton requesting the return of their security deposit. Respondent Hylton never responded to this request, and neither returned the security deposit or cited any basis for such refusal.

D. FAIR HOUSING ACT VIOLATIONS

26. Respondent Clifton Hylton violated Section 804(a) of the Act by refusing to rent to Complainant [REDACTED] and her children and by making housing unavailable to Complainant [REDACTED] and her children based upon race, national origin and/or color. 42 U.S.C. § 3604(a); 24 C.F.R. § 100.70(a-c).
27. Respondent Clifton Hylton violated Section 804(a) of the Act by refusing to permit Complainants [REDACTED] to sublet to Complainant [REDACTED] based on Complainant [REDACTED] race, color and/or national origin. 42 U.S.C. § 3604(a); 24 C.F.R. § 100.70(a-c).
28. Respondent Clifton Hylton violated Section 804(b) by limiting potential sublessees based on race, color, and/or national origin, thereby imposing different terms and conditions on Complainants [REDACTED] on the basis of race, color, and/or national origin. 42 U.S.C. § 3604(b); 24 C.F.R. § 100.65(a).
29. Respondent Clifton Hylton's question about Complainant [REDACTED] color as well as his subsequent statements to Complainant [REDACTED], which were then communicated to Complainants [REDACTED], constituted multiple violations of Section 804(c) of the Act by indicating a "preference, limitation, or discrimination" based on race, color, and/or national origin. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75(a).
30. As the owner of the property, Respondent Merline Hylton is vicariously liable for the actions of her agent, Respondent Clifton Hylton, and has, therefore, violated Section 804(a), 804(b), and 804(c) of the Act.
31. As a result of Respondent Clifton Hylton's discriminatory statements and actions, Complainants [REDACTED] have suffered damages, including but not limited to emotional distress.

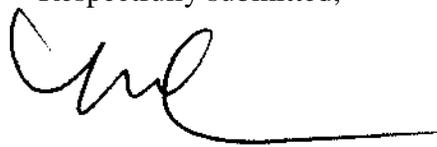
32. As a result of the Respondent Clifton Hylton's discriminatory statements and actions, Complainants [REDACTED] have suffered damages including but not limited to emotional distress and loss of housing opportunity.

III. CONCLUSION

WHEREFORE, the Secretary of Housing and Urban Development, through the Office of the Regional Counsel for New England, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges Respondents Clifton and Merline Hylton with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604(a), § 3604(b), and § 3604(c) and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondents as set forth above violate the Fair Housing Act, as amended, 42 U.S.C. Sections 3601-3619;
2. Enjoins the Respondents from further violations of the Act;
3. Awards such damages as will fully compensate Complainants for their economic loss, loss of housing opportunity, inconvenience, and emotional distress caused by the Respondents discriminatory conduct;
4. Awards a civil penalty against each Respondents for each violation of the Act pursuant to 42 U.S.C. Section 3612(g)(3);
5. Awards such additional relief as may be appropriate under 42 U.S.C. Section 3612(g)(3).

Respectfully submitted,



Miniard Culpepper Regional Counsel
for New England

Abraham Brandwein

Abraham **Brandwein**
Associate Regional Counsel
Fair Housing, Personnel, and
Administrative Law



Christopher C. Iggitti
Attorney

Office of Regional Counsel
Department of Housing and Urban Development
10 Causeway St., Rm. 310
Boston, MA 02222
(617) 994-8250

Date: *qi*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing "Determination of Reasonable Cause" and "Charge of Discrimination" and "Important Notice" in 01-11-0290-8 and 01-11-0292-8 were sent by United Parcel Service overnight delivery this day of August 25, 2011, to the following:

Chief Docket Clerk
Office of Administrative Law Judges
409 rⁱ Street, SW
Suite 201
Washington, DC 20024

John Loconsolo, Esq.
146 High Street
Enfield, CT 06082-3532

Clifton Hylton
6 Meg Way
Windsor Locks, CT 06096

Merline Hylton
6 Meg Way
Windsor Locks, CT 06096

[address withheld at Complainants' request]

[address withheld at Complainants' request]

Timothy Bennett Smyth, Esq.
Connecticut Fair Housing Center
221 Main Street
Hartford, CT 06106

Lodi
legal Specialist
S. Department of Housing and Urban
Development
10 Causeway Street
Boston, MA 02222
(617) 994-8250


Joan
Lodi
U.