

**UNITED STATES OF AMERICA  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

The Secretary, United States Department )  
of Housing and Urban Development, on )  
behalf of Fair Housing Center of )  
Washington, )  
 )  
Charging Party, )  
 )  
v. )  
 )  
Deidra Miller and Claudia Welch, )  
 )  
Respondents. )  
\_\_\_\_\_ )

FHEO No. 10-10-0073-8

CHARGE OF DISCRIMINATION

I. JURISDICTION

On December 21, 2009, Complainant, Fair Housing Center of Washington (“FHCW”), an aggrieved person, filed a timely verified complaint with the United States Department of Housing and Urban Development (“HUD”). The complaint was amended on January 5, 2010, to remove DDK Properties, LLC as a named respondent and to add Deidra Miller, the property owner, as a named Respondent. The complaint was amended again on September 20, 2010, to add Claudia Welch, the on-site manager, as a respondent. The complaint alleged that Respondents, Deidra Miller and Claudia Welch injured Complainant by, inter alia, making a dwelling unavailable to its tester because of handicap and refusing to make a reasonable accommodation to its rules or policies, in violation of the Fair Housing Act (“Act”), as amended, 42 U.S.C. §§ 3601-3619.

The Act authorizes issuance of a charge of discrimination on behalf of the 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 has delegated to the General Counsel (74 Fed. Reg. 62802 (Dec 1, 2009)), who has redelegated to the Regional Counsel (76 Fed. Reg. 42465 (Jul 18, 2011)), the authority to issue such a charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity or his or her designee.

The Regional Director for Fair Housing and Equal Opportunity, Region X, has determined that reasonable cause exists to believe that discriminatory housing practices have occurred and authorized the issuance of this Charge of Discrimination.

## II. SUMMARY OF THE ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the complaint and the attached determination of reasonable cause, Respondents are hereby charged with violations of the Act, specifically, 42 U.S.C. Sections 3604(c), 3604(f)(1)-(2), and 3604(f)(3)(B), as set forth below.

1. It is unlawful to 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 that indicates any preference, limitation or discrimination based on handicap, or an intention to make any such preference, limitation or discrimination. 42 U.S.C. § 3604(c).
2. It is unlawful to discriminate in the rental of, or to otherwise make unavailable or deny, a dwelling to any renter because of a handicap of that renter, a person residing in or intending to reside in the dwelling after it is rented, or any person associated with that renter. 42 U.S.C. § 3604(f)(1).
3. It is unlawful to discriminate against any person in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of that person, or a person residing in or intending to reside in the dwelling after it is rented, or any person associated with that person. 42 U.S.C. § 3604(f)(2).
4. It is unlawful discrimination under Section 3604(f) to refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a person with a handicap equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B).
5. The term "handicap" is defined in the Act as a physical or mental impairment which substantially limits one or more of a person's major life activities, a record of having such an impairment or being regarded as having such an impairment.<sup>1</sup> 42 U.S.C. § 3602(h).
6. The subject property is a trailer park named Terrace Trailers, which is located at 6525 150<sup>th</sup> Street SW, Lakewood, Washington, and contains fourteen trailers within the park.
7. Complainant FHCW is a Washington non-profit corporation, whose organizational purpose is to assure equal access to housing and other related services to the residents of Washington. In furtherance of its mission, Complainant FHCW provides fair housing services including, but not limited to, education, investigation and enforcement of

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<sup>1</sup> "Disability" is used interchangeably with "handicap" herein.

applicable laws. As part of its efforts, Complainant FHCW conducts fair housing “tests” to determine whether housing providers engage in discriminatory housing practices.

8. At all times relevant herein, Respondent Deidra Miller (“Miller”) owned the subject property and the fourteen trailers located in the trailer park. Respondent Miller operated the trailer park under the name Terrace Trailers.
9. At all times relevant herein, Respondent Claudia Welch (“Welch”) was employed by Respondent Deidra Miller as the onsite manager for Terrace Trailers.
10. On or about November 5, 2008, Complainant FHCW designed and began a telephone test for housing discrimination based on disability at Terrace Trailers. The test was prompted by a random audit which located a posting on Craigslist that indicated “NO PETS ALLOWED” in all capital letters and identified Respondent Welch and Respondent Miller by name and telephone numbers.
11. On or about November 5, 2008, Complainant FHCW’s Assistant Director determined that the advertised unit was available by calling the telephone number listed in the posting for Respondent Welch.
12. On or about November 6, 2008, FHCW Tester #152, posing as a person with a disability and a service dog looking for a two bedroom unit, called the number listed in the posting for Respondent Welch. At the end of the call, Tester #152 asked with whom she was speaking and was told “Claudia.”
13. During the call, Respondent Welch confirmed that a two bedroom unit was for rent at the subject property. Tester #152 said that she is disabled, she has a service dog, and asked about the requirements for the service dog. Respondent Welch replied that they do not allow animals, if one tenant has an animal everyone will want one, and animals destroy the place or words to that effect.
14. Tester #152 then asked for a reasonable accommodation since it is a service animal for her disability. Respondent Welch said the owner did not allow a dog for another woman with a disability but told Tester #152 she could call the office and provided a telephone number.
15. Respondent Welch attributed the policy to Respondent Miller by stating that everything goes through the owner and the owner makes the decision. Respondent Welch repeated that the owner denied another woman’s request for a service dog.
16. Based on the November, 2008, test Complainant FHCW determined that additional testing was warranted. On or about July 10, 2009, Complainant conducted another test for housing discrimination based on disability at Terrace Trailers.

17. On or about July 10, 2009, Complainant FHCW's Testing Coordinator determined that units were available for rent at the park by calling the number previously advertised and speaking with a woman who identified herself as "Claudia."
18. On or about July 10, 2009, FHCW Tester #293, posing as a person with a disability and a service dog looking for a one or two bedroom unit, called the number previously advertised in the posting for Respondent Welch. The woman who answered the telephone identified herself as "Claudia."
19. During the call, Respondent Welch confirmed that a two bedroom unit was for rent at the subject property. Tester #293 told Respondent Welch that she had a disability and a service dog and asked about the requirements for keeping a service animal. Respondent Welch replied that they do not accept dogs.
20. Tester #293 stated she had the necessary paperwork and asked to fill out a reasonable accommodation form. Respondent Welch said she would have to call the owner and asked Tester #293 to call back on Monday, July 13, 2009.
21. On or about Tuesday, July 14, 2009, Tester #293 called back. The woman who answered the telephone identified herself as "Claudia."
22. Tester #293 asked if Respondent Welch had spoken with the owner about the reasonable accommodation. Respondent Welch said she had but that the owner would not allow dogs on the property, not even a service dog. Tester #293 repeated that this was a service dog and she had all of the necessary paperwork. Respondent Welch replied that the owner said no and told Tester #293 that she could call the owner. Respondent Welch identified the owner as "Deidre Miller" and provided the same telephone number that was listed in the 2008 Craigslist posting.
23. Respondent Welch attributed the policy to Respondent Miller by stating that the owner said no because then everyone would want a dog.
24. Respondent Welch committed unlawful discrimination by making statements that indicated a preference or limitation based on disability when she told FHCW Tester #152 that the owner did not allow a dog for another woman with a disability and when she told FHCW Tester #293 that the owner would not allow service dogs on the property, in violation of 42 U.S.C. § 3604(c).
25. From at least November, 2008, to July, 2009, Respondents employed a policy of making the subject property unavailable to persons with disabilities who have service dogs by refusing to permit service dogs at the subject property. Respondents committed unlawful discrimination by making the subject property unavailable to both FHCW testers because of their disability and need for a service dog, in violation of 42 U.S.C. § 3604(f)(1).

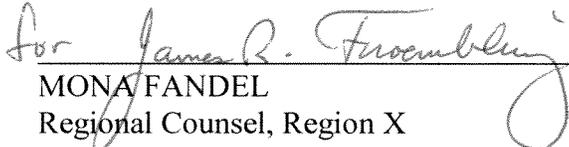
26. From at least November, 2008, to July, 2009, Respondents employed a policy of refusing to permit service dogs at the subject property. Respondents committed unlawful discrimination against both FHCW testers on the basis of disability by adopting and implementing a policy of not allowing disabled persons to have service dogs at the property, in violation of 42 U.S.C. § 3604(f)(2).
27. From at least November, 2008, to July, 2009, Respondents employed a policy of refusing to make reasonable accommodations to their no pets policy at the subject property. Respondents committed unlawful discrimination by refusing to make reasonable accommodations to their no pets policy to allow both FHCW testers an equal opportunity to use and enjoy a dwelling at the property, in violation of 42 U.S.C. § 3604(f)(1)-(2) and (f)(3)(B).
28. As a result of Respondents' discriminatory policy and conduct, Complainant FHCW has suffered damages, including a diversion of resources from other activities and frustration of its organizational purpose.

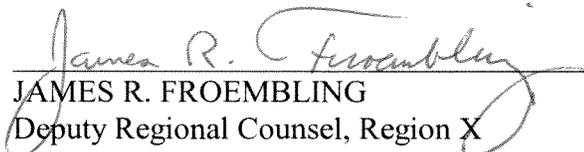
III. PRAYER FOR RELIEF

WHEREFORE, the Secretary of the United States Department of Housing and Urban Development, through the Regional Counsel for Region X, and pursuant to 42 U.S.C. § 3610(g)(2)(A) of the Act, hereby charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604, and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondents, Deidra Miller and Claudia Welch, as set forth above, violate the Fair Housing Act, 42 U.S.C. §§ 3601-3619;
2. Enjoins Respondent Deidra Miller, her agents, employees, successors, and all other persons in active concert or participation with her from discriminating on the basis of handicap against any person in any aspect of the rental of a dwelling;
3. Awards such damages as will fully compensate Complainant Fair Housing Center of Washington for its economic loss and frustration of its organizational purpose caused by the discriminatory conduct of Respondents Deidra Miller and Claudia Welch.
4. Assess a civil penalty against Respondents Deidra Miller and Claudia Welch for each violation of the Act committed, pursuant to 42 U.S.C. § 3612(g)(3); and,
5. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted,

for   
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MONA FANDEL  
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DATE: Sep 22, 2011