

**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)	
[REDACTED])	
)	
Charging Party,)	
)	
v.)	HUDALJ No.:
)	FHEO No.: 05-13-0651-8
)	
Persaud Bramante Apartments, L.L.C.,)	
Terry Persaud and Mary Huebner,)	
)	
Respondents.)	
)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On April 3, 2013, [REDACTED] ("Complainant") timely filed a verified complaint with the United States Department of Housing and Urban Development ("Department" or "HUD"), alleging that Respondents Terry Persaud and Mary Huebner violated the Fair Housing Act, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601, *et seq.* (the "Act"). The complaint¹ was amended on June 29, 2015 to add Persaud Bramante Apartments, L.L.C., as a respondent (hereinafter, respondents collectively referred to as "Respondents") and to add violations of the Act.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination ("Charge") 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 has delegated that authority to the General Counsel (24 C.F.R. §§ 103.400 and 103.405; 76 Fed. Reg. 42462), who has retained and re-delegated to the Regional Counsel (76 Fed. Reg. 42465), 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 of the Office of Fair Housing and Equal Opportunity for Region V, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred in this

¹ The verified complaint included allegations of violations of 42 U.S.C. §§ 3604(b) and 3604(f)(1). The Department issued a no cause determination in regard to 42 U.S.C. § 3604(b).

case based on disability², and has authorized and directed the Regional Counsel to issue this Charge of Discrimination. 42 U.S.C. § 3610(g)(2).

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based upon HUD's investigation of the allegations contained in the aforementioned HUD Complaint and the Determination of Reasonable Cause, Respondents are charged with discriminating against Complainant based on disability in violation of 42 U.S.C. § 3604(f)(2)(A) and 42 U.S.C. § 3604(f)(3)(B) as follows:

A. LEGAL AUTHORITY

1. It is unlawful to discriminate 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 a dwelling because of a "handicap" of that person. 42 U.S.C. § 3604(f)(2)(A); 24 C.F.R. § 100.202(b)(1).
2. Discrimination includes a refusal to make a reasonable accommodation in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204(a).
3. The Act defines "handicap" as a "physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment, or being regarded as having such an impairment." 42 U.S.C. § 3602(h); 24 C.F.R. § 100.201.

B. PARTIES AND THE SUBJECT PROPERTY

4. At all times relevant to this Charge, Complainant, [REDACTED], had a physical impairment which substantially limited one or more of her major life activities, and specifically her ability to walk. Complainant was, at all times relevant to this Charge, a person with a "handicap" within the meaning of the Fair Housing Act. 42 U.S.C. § 3602(h); 24 C.F.R. § 100.201.
5. Complainant is an aggrieved person, as defined by 42 U.S.C. § 3602(i).
6. At all times relevant to this Charge, Respondent Persaud Bramante Apartments, L.L.C. owned and operated the Bramante's Apartments, located at 800 W. County Road D, New Brighton, Minnesota ("subject property"). The subject property is an apartment complex and consists of approximately one hundred and twenty apartment rental units.
7. Respondent Persaud Bramante Apartments, L.L.C. is a Minnesota limited liability corporation.

² The Fair Housing Act uses the term "handicap," whereas this document uses the term "disability." Both terms have the same legal meaning. See *Bragdon v. Abbott*, 524 U.S. 624, 631 (1988).

8. The subject property is a dwelling, as defined by 42 U.S.C. § 3602(b).
9. At all times relevant to this Charge, Respondent Mary Huebner was a property manager for the subject property, whose duties included interacting with tenants and responding to tenant requests and complaints.
10. At all times relevant to this Charge, Respondent Terry Persaud managed the day-to-day operations of the subject property.
11. Respondent Persaud hired and supervised Respondent Huebner.

C. FACTUAL ALLEGATIONS

12. Complainant rented and resided in apartment [REDACTED] at the subject property.
13. Complainant was a tenant at the subject property from September 20, 2012 until February 26, 2013.
14. Complainant has an ambulatory disability that limits her ability to walk.
15. At all times relevant to this Charge, Respondents maintained a first-come, first-served parking policy at the subject property for residents and visitors. During Complainant's tenancy, Respondents did not assign, or reserve any of the subject property's parking spaces on an individual basis.
16. Residents registered vehicles they planned to park in the subject property's parking lot with Respondents.
17. Complainant registered her vehicle with Respondents. Complainant's vehicle displayed state-issued accessible parking tags, issued to drivers with mobility disabilities and entitling them to legally park in parking spaces reserved for people with disabilities.
18. The subject property has approximately 120 units and, on information and belief, 176 available surface parking spaces. Additionally, thirty-two (32) two-car garages and eight (8) 1-car garages are located on the subject property grounds. On information and belief, the use of the garage parking is not subject to the Respondents' first-come, first-served parking policy.
19. In September 2012, Complainant requested a reserved, accessible parking space as an accommodation for her ambulatory disability. Complainant asked that the accessible parking space be located near the closest entrance for the wing of the building in which her apartment was located, the 800 entrance, and that it be reserved for her exclusive use.
20. Respondents were aware of Complainant's mobility disability and acknowledged her right to park in an accessible parking space.

21. Respondents created an accessible parking space in response to Complainant's request, but did not reserve the space for her use. That accessible parking space was located near the 800 entrance and was installed at some time after Complainant's tenancy began. The 800 entrance had no steps to traverse to enter the subject property.
22. Respondent Huebner verbally rejected Complainant's request to have an accessible parking space reserved for her use at the subject property.
23. Respondent Persaud did not act to reserve Complainant an accessible parking space at the subject property.
24. Other disabled tenants with mobility disabilities who resided at the subject property also had the right to park in accessible parking spaces, as did visitors with disabilities.
25. Complainant competed with other disabled tenants for the use of the newly created accessible parking space by the 800 entrance. Complainant was unable to use the accessible parking space closest to her unit, the 800 entrance, on numerous occasions during her tenancy, because it was occupied.
26. While there was another entrance to the subject property that was near to Complainant's unit and had an accessible parking space, the 800-802 entrance, that entrance was not accessible, in that Complainant would be required to climb eight (8) steps to reach the entrance door.
27. The accessible parking space closest to Complainant's unit was 116 feet from the 800 entrance.
28. Complainant's physician stated that she is unable to ambulate more than 200 feet without risk of falling and that her breathing may be impacted by extensive walking.
29. As a result of the accessible parking space nearest her unit at the 800 entrance being occupied, Complainant was often forced to park in parking spaces that were not accessible, were more than 200 feet from the entrance, and which were sometimes located in other parking lots at the subject property. In the winter of 2012-2013, Complainant suffered falls after parking her vehicle in the subject property's parking lot and walking to the entry of the building.
30. Respondents continued to refuse to assign Complainant an accessible parking space, even after they were aware of the problems with the accessible parking space nearest the entrance to her unit, the 800 entrance, being occupied by other tenants.
31. In February of 2013, Complainant accepted Respondents' offer to vacate her apartment at the subject property and she terminated her lease.
32. As a result of Respondents' failure to accommodate her disability, Complainant suffered damages, including, but not limited to, physical pain, emotional distress, and inconvenience.

D. LEGAL ALLEGATIONS

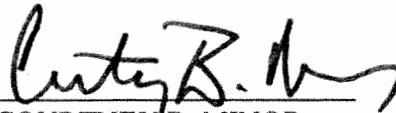
33. Respondents violated the Act when they discriminated against Complainant in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such a dwelling, by refusing to make a reasonable accommodation in their rules, policies, practices, or services, when such an accommodation was necessary to afford Complainant equal opportunity to use and enjoy her dwelling. 42 U.S.C. § 3604(f)(2)(A) and (f)(3)(B); 24 C.F.R. § 100.204.

III. CONCLUSION

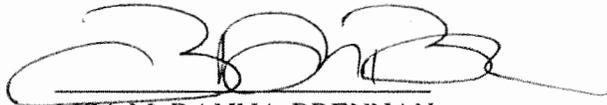
WHEREFORE, the Secretary of the United States Department of Housing and Urban Development, through the Office of the Regional Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604(f)(2)(A) and 42 U.S.C. § 3604(f)(3)(B) and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondents, as set forth above, violate the Act, 42 U.S.C. § 3601, *et seq.*, and its implementing regulations;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, from discriminating against any person in any aspect of the rental of a dwelling in violation of the Act, specifically on the basis of disability pursuant to 42 U.S.C. § 3612(g)(3);
3. Awards such damages as will fully compensate Complainant, including but not limited to emotional distress damages and financial costs associated with Respondents' discriminatory conduct in violation of 42 U.S.C. § 3604(f)(2) and (f)(3)(B).
4. Assesses a civil penalty against Respondents for each violation of the Act that Respondents have committed pursuant to 42 U.S.C. § 3612(g)(3); and
5. Provides any such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

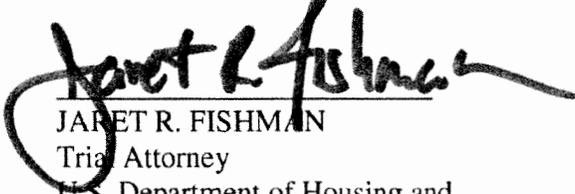
Respectfully submitted,



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