

**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] :
[REDACTED] and on behalf of [REDACTED] :
minor aggrieved child, by and through :
[REDACTED], his parent and general :
Guardian; and the Fair :
Housing Council of Suburban :
Philadelphia, :
Charging Party, :
v. :
Patricia Trucksess and :
Charles Trucksess, :
Respondents :

HUD ALJ No. _____
FHEO Nos. 03-10-0065-8
03-10-0068-8

I. JURISDICTION

[REDACTED] filed a verified complaint with the United States Department of Housing and Urban Development (“HUD”) on or about November 16, 2009, alleging that Charles and Patricia Trucksess committed discriminatory housing practices against her and her minor child, on the basis of familial status and race¹, in violation of the Fair Housing Act (“Act”), 42 U.S.C. §§ 3601-19.

The Fair Housing Council of Suburban Philadelphia (“FH CSP”) submitted a timely complaint with the United States Department of Housing and Urban Development (“HUD”) on November 16, 2009, alleging that Charles and Patricia Trucksess (“Respondents”) committed a discriminatory housing practice on the basis of familial status and race in violation of the Act.

The Act authorizes the issuance of a charge of discrimination (“Charge”) on behalf of an aggrieved person following an investigation and determination that

¹ The Department concluded that there was no reasonable cause to believe that Respondents discriminated against the Complainant and her child on the basis of race in violation of Section 804 (a) of the Act. See attached Letter of Determination.

reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. §§ 3610(g)(1) and (2). The Secretary has delegated to the General Counsel (73 Fed. Reg. 68441), who retains and redelegates this authority to the Regional Counsel (73 Fed.Reg. 68442), 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 Fair Housing and Equal Opportunity Director for Region III has determined that reasonable cause exists to believe that discriminatory housing practices have occurred and, therefore, has 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 allegations contained in the aforementioned complaint and as set forth in the aforementioned Determination of Reasonable Cause, Respondents are charged with discriminating against the Complainants based on familial status in violation of 42 U.S.C. § 3604(a) and (c).

A. Statutory and Regulatory Provisions

1. It is unlawful to refuse to rent or negotiate for rental or otherwise make unavailable or deny a dwelling to any person because of familial status. 42 U.S.C. § 3604(a); 24 C.F.R. § 100.60(a) and (b) (2009).
2. It is unlawful to make statements with respect to the rental of a dwelling that indicate any preference, limitation or discrimination based on familial status, or an intention to make any such preference, limitation or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75(a), (b) and (c) (2009).
3. "Familial status" means one or more individuals under the age of eighteen (18) being domiciled with a parent or legal guardian. 42 U.S.C. § 602(k); 24 C.F.R. § 100.20 (2009).
4. "Aggrieved person" includes any person who claims to have been injured by a discriminatory housing practice. 42 U.S.C. § 3602(i).

B. Parties and Properties

1. Respondents Patricia and Charles Trucksess are the owners of two multifamily buildings located at 5519 Old Easton Road, Doylestown ("subject property"). They have owned the property since 1969. In addition to the two multifamily buildings, the subject property also houses three commercial businesses. The Respondents also own several other residential rental properties.

2. [REDACTED] rented a three-bedroom apartment at 5519 Old Easton Road, Apartment C, Doylestown, Pennsylvania ("subject apartment") from Respondents Patricia and Charles Trucksess from March 1, 2007 to June 15, 2009.
3. On December 15, 2007, [REDACTED] became the foster parent of [REDACTED], a nine-year old boy, who became a member of her household on that date. On December 30, 2008, [REDACTED] adoption of [REDACTED] was finalized.
4. Fair Housing Council of Suburban Philadelphia ("FHCSF") is a private, non-profit organization working to promote freedom of residence. The organization's stated mission is to educate and advocate for equal access to quality, affordable housing for all persons without regard to race, color, religion, national origin, disability, gender and familial status, in Southeast Pennsylvania.

C. Factual Allegations

1. In late January or early February, 2007, [REDACTED] viewed the apartment at 5519 Old Easton Road, Apartment C, Doylestown, Pennsylvania. Charles and Patricia Trucksess were present for the viewing.
2. [REDACTED] was told about the vacancy from her sister, [REDACTED]. [REDACTED] and [REDACTED], sisters of Complainant [REDACTED], are tenants, at another property, of the Respondents and have rented from them for many years. Both sisters of [REDACTED] live on the property that contains the personal residence of Patricia and Charles Trucksess, which is within walking distance of the subject property.
3. During the viewing, [REDACTED] informed the Respondents that she intended to adopt a child and she needed to rent an apartment so that she could demonstrate that she had a home for the child.
4. During the viewing, Patricia Trucksess informed [REDACTED] that she had never rented to a family with children. [REDACTED] was told that the property was not a safe place to raise a child because of the truck traffic entering and exiting the property. Sensing hesitation about renting to a person with a child due to the alleged safety issues, [REDACTED] mentioned to Respondent Patricia Trucksess that the children that she would be interested in adopting would be at least nine years of age.
5. During the viewing, Respondent Patricia Trucksess mentioned to [REDACTED] that she had previously advertised the three-bedroom apartment as a two-bedroom so as to avoid inquiries from families with children.
6. Respondent Charles Trucksess told [REDACTED] that he was surprised that his wife was renting an apartment to her since his wife had never rented to a family with children.

7. Respondent Charles Trucksess told a HUD Investigator that ██████████ informed them, prior to the signing of the lease, that she intended to find a new home after she adopted a child.
8. On March 1, 2007, ██████████ entered into a one-year lease for the subject apartment. The lease states that it automatically renews each year, for a one year term, unless the lease is terminated, by the landlord or tenant, at least 60 days prior to the end of the lease term.
9. On December 15, 2007, ██████████ became the foster parent of ██████████, a nine-year old boy, who became a member of her household on that date. Because of the abuse and neglect that he suffered as a young child, ██████████ suffers from post-traumatic stress disorder.
10. On December 17, 2007, ██████████ sent an announcement of ██████████ arrival to her household. Respondent Patricia Trucksess was among the recipients of the e-mail announcement.
11. On December 30, 2008, ██████████ adoption of ██████████ was finalized.
12. On March 1, 2009, the lease agreement between ██████████ and the Respondents automatically renewed for a year.
13. By letter dated April 7, 2009, ██████████ was informed that her lease was being terminated, effective June 30, 2009.
14. On April 9, 2009, ██████████ contacted the Fair Housing Council of Suburban Philadelphia.
15. At the suggestion of FHCSP, on April 16, 2009, ██████████ sent an email to Respondent Patricia Trucksess asking for the reason that her lease was being terminated.
16. On April 20, 2009, Respondent Patricia Trucksess sent an email response to ██████████ wherein she made the following discriminatory statements:

When you rented the apartment . . . you were told we cannot have children living in the apartment because the property is zoned commercial and used commercially by three companies, we have never had children living on this property because of the liability.

I will be glad to give you a good reference and I think the answer to why you have to move is to be honest—you did not have ██████████ when you rented an apartment on a commercial

property and being a responsible parent that I know you are, you want to find a safer place to live so that he can throw a ball, ride his bike and play with other children without worrying about being hit by vehicles.

17. The subject property is not zoned commercial and is approved for residential use.
18. Prior to the placement of [REDACTED] into [REDACTED] home, several social service agencies visited the subject apartment to perform a safety inspection and each determined that it was a safe environment for a child.
19. Despite their alleged concerns about safety, Respondents failed to offer to provide any safety measures that would reduce the possibility that a pedestrian on the grounds of the subject property would be hit by a vehicle or truck.
20. After receiving [REDACTED]'s complaint, FHCSF provided training and placed advertisements in local newspapers in an effort to educate landlords and the public about familial status discrimination. FHCSF devoted staff time and monetary resources to develop an education campaign focused on educating the public about housing discrimination. This education campaign included training of housing providers and consumers in Bucks County, Pennsylvania, preparing and placing newspaper advertisements educating consumers about familial status protections under the Fair Housing Act and the creation of new educational materials regarding familial status discrimination.
21. [REDACTED] and her son moved out of the subject apartment on June 15, 2009. The subject apartment was then rented to three adults.
22. There are no families with children currently living in the subject property.
23. As a result of Respondents' discriminatory actions, [REDACTED] suffered the loss of a housing opportunity, economic loss, and mental and emotional distress. She experienced feelings of frustration, anger, sleeplessness, anxiety and difficulty focusing at work.
24. [REDACTED] suffered the loss of a housing opportunity, and mental and emotional distress. Because of the lease termination, he had to attend a new school. He was forced to move away from his aunts, who lived within walking distance from the subject apartment, and the friends that he made in the neighborhood. Because of the past abuse and unsettled circumstances of his life before he came to live with [REDACTED], [REDACTED] suffers from post-traumatic stress disorder and the loss of his home, therefore, had a profound negative effect on his well-being.
25. [REDACTED] is a single mother who benefitted greatly by the fact that her two sisters, [REDACTED], lived within walking distance of the subject apartment and

were able to supervise [REDACTED] if [REDACTED] had work obligations. In addition, [REDACTED] often socialized with [REDACTED]; they would often share meals, watch movies and socialize together at their apartments. After the lease termination, [REDACTED] were forced to move to an apartment in a different town, about a twenty minute car ride, and are therefore no longer able to socialize as frequently with [REDACTED] sisters because of the distance. [REDACTED] has been saddened by the loss of frequent visits with his two aunts. Although [REDACTED] attempted to find a comparable apartment in the local area, she was unable to find one in her price range.

D. Fair Housing Act Violations

1. By informing [REDACTED] that they do not rent to families with children, Respondents indicated a preference, limitation, or discrimination against families with children or an intention to make such a preference, limitation or discrimination with respect to the sale or rental of a dwelling, in violation of 42 U.S.C. § 3604(c) (2009).
2. By terminating the lease of [REDACTED] because of the presence of her child, Respondents refused to rent to a family with a child in violation of 42 U.S.C. § 3604(a) (2009).
3. As a result of Respondents' discriminatory actions and statements, FHCSF suffered frustration of its mission due to diversion of resources normally devoted to educational, counseling and referral services, in investigating the matter. Resources were diverted to atypical activities including, but not limited to, use of staff time in counseling [REDACTED] and providing training and information regarding housing discrimination.

III. CONCLUSION

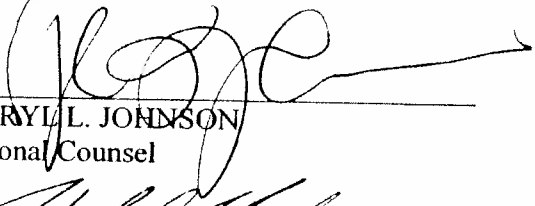
WHEREFORE, the Secretary of HUD, through the Office of Regional Counsel for the Philadelphia Regional Office, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(a) and (c), and prays that an order be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

1. Declares that Respondents' discriminatory housing practice, as set forth above, violates the Fair Housing Act, 42 U.S.C. §§ 3601-19 and its implementing regulations;
2. Pursuant to 42 U.S.C. § 3612(g)(3), enjoins Respondents and all other persons in active concert or participation with them, from discriminating against any person based on familial status in any aspect of a rental transaction;

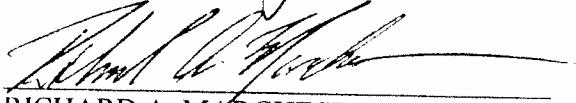
3. Pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.671(a)(1), assesses a civil penalty against Respondents for each violation of the Act;
4. Awards such damages pursuant to 42 U.S.C. § 3612(g)(3) as will fully compensate [REDACTED] and [REDACTED] for the emotional distress and financial costs associated with Respondents' discriminatory conduct.
5. Pursuant to 42 U.S.C. § 3612(g)(3), awards such damages as will fully compensate FHCSP for the diversion of its resources and out-of-pocket expenses devoted to investigating the matter and frustration of its organizational mission.

The Secretary further prays for such additional relief as may be appropriate.

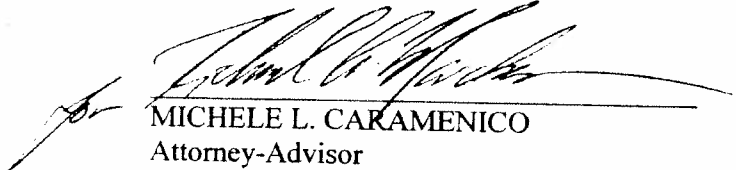
Respectfully submitted,



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