

the Fair Housing Act, specifically 42 U.S.C. § 3604(f). The following allegations support this Charge of Discrimination:

A. Legal Authority

2. It is unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling unit, including public and common use areas. 42 U.S.C. § 3604(f); 24 CFR § 100.204.

B. Parties

3. Complainant Debra Herrick resides in Bayview Condominiums at 330 Shore Drive #F-11, Highlands, New Jersey 07732.

4. Respondent, MEM Property Management Corporation located at 910 Bergen Ave., Suite 207, Jersey City, New Jersey 07306.

5. Respondent, Martin Laderman is the property manager employed by MEM Property Management Corporation for Bayview Condominiums.

6. Respondent, Bayview Condominium Association, Inc. located at 330 Shore Drive, Highlands, New Jersey 07732.

7. Respondent John Heaton, Association President resides in Bayview Condominiums at 330 Shore Drive #F-5, Highlands, New Jersey 07732.

C. Factual Allegations

8. Complainant Debra Herrick has resided in her condominium unit at all relevant times herein.

9. Complainant suffers from several disabilities, including asthma, tendonitis and residual carpal tunnel syndrome in both hands substantially limiting her ability to transport belongings, equipment and other possessions. She underwent carpal tunnel endoscopic surgery on both hands in 1998 and then in 2001 she underwent carpal tunnel decompression surgery on both hands and had a tenosynovectomy. She is a person with a disability under the Fair Housing Act.

10. Complainant currently works part time but had been unemployed for three years and receives Social Security Disability Benefits based on her residual carpal tunnel syndrome.

11. Prior to June 2003, Bahr's Realty Company in Highland, New Jersey listed the subject property for sale. Complainant was shown the unit and assured by the Realtor, Jean Rosen, that the unit included the option of installing a clothes washer and dryer.

12. On June 2, 2003, Complainant purchased the subject unit.

13. Bayview Condominiums contain seven buildings with eight laundry facilities for condominium owners and occupants. Complainant resides in a building with laundry facilities on the ground floor. She resides in a second floor unit.

14. After moving into her new unit, Complainant informed Respondent Heaton that she ordered a new dishwasher, clothes washer and clothes dryer. Respondent Heaton told Complainant to write a letter for the Board's review, containing the delivery information including the name and license number of the plumber.

15. On or about July 9, 2003, the dishwasher, clothes washer and dryer were delivered. During the delivery, Respondent Heaton informed the Complainant that she did not have permission to install a clothes washer and dryer. At his request, she returned the clothes washer and dryer.

16. On or about July 18, 2003, Complaint orally requested a reasonable accommodation. She advised Respondent Laderman of her disability and her subsequent difficulty with transporting items. Respondent Laderman informed her that an exception to the rule could be made and that she should continue with her plans to have a clothes washer and dryer installed in her unit.

17. Complainant approached Respondent Heaton a few days later, seeking his advice on who she should hire to install the clothes washer and dryer. Respondent Heaton questioned her decision to proceed with the installation. Complainant then informed Respondent Heaton of Respondent Laderman's decision to grant her permission.

18. The next day Complainant received a voice-mail message from Respondent Laderman revoking his permission for the installation of the clothes washer and dryer.

19. In a memorandum dated July 24, 2003, Respondent MEM Property Management Corporation notified the owners and residents of Bayview Condominiums that there is a problem with the plumbing throughout the complex and that the installation of any new clothes washers is prohibited.

20. As a result of Respondents' refusal to grant permission for Complainant to install a clothes washer and dryer in her condominium unit, Complainant has suffered damages. The Complainant suffered and continues to suffer repeated episodes of physical stress from having to carry her belongings to and from laundry facilities. She was embarrassed and humiliated when people witnessed her difficulty carrying her belongings. The Complainant suffered emotional distress and humiliation due to the condition of her clothes from lack of proper laundering. She suffered economic loss for the cost of delivering and returning the clothes washer and dryer as well as the cost of hiring a plumber to install the machines. She also suffered emotional distress and humiliation due to the Respondent Association and Respondent John Heaton's repeated refusals.

21. The Respondents have failed to provide any documentation of the alleged sewer problem.

D. Fair Housing Act Violations

22. Respondents violated the Act by discriminating 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 therewith, because of a disability. 42 U.S.C. § 3604(f)(2).

23. The Respondents committed unlawful discrimination by refusing to make reasonable accommodations in rules, policies, practices, or services, when such accommodations were necessary to afford the Complainant, a disabled person, an equal opportunity to use and enjoy her dwelling unit, including public and common use areas in violation of 42 U.S.C. § 3604(f)(3)(b).

III. CONCLUSION

WHEREFORE, the Secretary of Housing and Urban Development, through the Office of General Counsel, and pursuant to 42 U.S.C. § 3601(g)(2)(A), hereby charges the Respondent with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604(f), and prays that an order be issued pursuant to §§ 3601-3619, that:

1. Declares that the discriminatory housing practices of the Respondents as set forth above violate the Fair Housing Act, 42 U.S.C. §§ 3601-3619;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them from discriminating based on a disability in any aspect of the rental or sale of a dwelling pursuant to 42 U.S.C. § 3612(g)(3);
3. Permits Complainant Debra Herrick to install a clothes washer and dryer in her condominium unit.
4. Awards such damages pursuant to 42 U.S.C. § 3612(g)(3) as willfully compensate Complainant for physical pain and suffering and emotional distress caused by Respondents' discriminatory conduct;
5. Awards a civil penalty against each Respondent for discriminatory housing practices pursuant to 42 U.S.C. § 3612(g)(3); and
6. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted,

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for New York/ New Jersey

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