

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
V.)	CIVIL ACTION No.:
)	
)	
LANDINGS REAL ESTATE GROUP,)	
LONG MEADOW LANDINGS, LLC)	
and LANDINGS MANAGEMENT, LLC)	
Defendants.)	
)	

COMPLAINT

The United States of America, by and through its counsel, David B. Fein, United States Attorney for the District of Connecticut, and Ndidi N. Moses, Assistant United States Attorney, for its Complaint alleges as follows:

1. The United States brings this action to enforce Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 *et seq.* (the "Fair Housing Act"). It is brought on behalf of Kandi Emery ("Complainant"), pursuant to 42 U.S.C. § 3612(o).

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. § 3612(o).

3. Venue is in the District of Connecticut under 28 U.S.C. § 1391(b) and 42 U.S.C. § 3612(o), in that the events, acts or omissions giving rise to this action occurred in this district.

PARTIES

4. Plaintiff is the United States of America. The United States brings this action on behalf of the Complainant Kandi Emery ("Ms. Emery"), who at all times

relevant to this action was a resident of the District of Connecticut. At all relevant times, Ms. Emery resided with her four minor children, two daughters and two sons, in the District of Connecticut.

5. At all times relevant to the Complaint, Defendant Long Meadow Landings LLC, a company incorporated under the laws of the State of Connecticut, with a principal place of business at One Mill Street, Suite 200, Newport, RI 02840, owned the subject property known as Long Meadow Landings Apartment Community, (“subject property”) located at 55 South Road, Groton, Connecticut.

6. At all times relevant to the Complaint, Defendant Landings Management, LLC, a company incorporated under the laws of Rhode Island, with a principal place of business at One Mill Street, Suite 200, Newport, RI, 02840 managed the subject property.

7. Landings Real Estate Group, a Rhode Island based company, located at One Mill Street, Suite 200, Newport, RI, 02840, established the occupancy standard for the subject property, and at all times relevant to the Complaint exercised authority concerning the occupancy standards of the subject property.

8. The subject property is a “dwelling” within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b). The subject property is an apartment complex consisting of 156 two-bedroom units. There are three different styles of units, the largest of which is a 1,100 square foot two-bedroom apartment with a 120 square foot bedroom (12’0 x 10’0), and a 168 square foot bedroom (14’0 x12’0). The unit also has 276 square feet (23’0 x 12’0) of additional living space, and a loft area of approximately 166 square feet. The loft area has a ceiling that exceeds 7 feet in height.

FACTUAL ALLEGATIONS

9. In the last week of March, 2009, Complainant visited the subject property and inquired about the availability of a two-bedroom apartment for herself and her four children. Complainant informed Defendant Landings Management that she had four children who would be residing with her in the rented apartment

10. Defendant Landings Management LLC, through its representatives, agents or assignees, told Complainant that Connecticut law prohibited more than two occupants per bedroom, and that the subject property had only two-bedroom apartments available. Complainant was informed that Defendants, their representatives, agents, or assignees, would not permit Complainant to rent a unit at the subject property.

11. In March 2010, the subject property had at least two 1,100 square foot two-bedroom units with a loft area vacant and available for rental.

12. In April 2009, Complainant again contacted Defendant Landings Management, LLC about renting an apartment for herself and her four children. Complainant was again informed that Defendants would not permit the Complainant to rent any unit at the property. Defendant Landings Management, LLC told the Complainant that Connecticut law prohibited more than two occupants per bedroom, and that the subject property only had two-bedroom apartments for rent.

13. Unable to secure a rental apartment at the subject property, Complainant and her four children continued to live with friends until they could find an apartment to rent.

14. Complainant contacted the Connecticut Fair Housing Center, a non-profit organization that works to eliminate housing discrimination. The Connecticut Fair Housing Center tested Defendants' occupancy policy by arranging for two female testers to call Defendant Landings Management, LLC in May 2009.

15. The first of the two Connecticut Fair Housing Center testers did not inform Defendant Landings Management, LLC of her family size. She was invited to visit the subject property.

16. The second of the two testers told Defendant Landings Management, LLC that she had four children. Defendant Landings Management, LLC informed the tester that Connecticut law prohibited more than two occupants per bedroom, that the subject property only had two-bedrooms, and that she would not be permitted to rent any of the units at the subject property.

17. As of April 8, 2010, a family of five --two adults and three children-- resided in a two-bedroom unit, and have occupied the unit since 2000, before the Defendants owned and managed the subject property. The household was allowed to continue to occupy the unit because the family was in the unit prior to the institution of the two person per bedroom occupancy policy by Defendants.

18. As applied to Complainants, Defendants' two person per bedroom occupancy policy is more restrictive than the State of Connecticut Fire and Safety Code. The State of Connecticut Fire and Safety Code, Chapter 7, *Means of Egress*, Section 7.3.1.2, provides that apartment buildings must maintain 200 square feet per person.

19. As applied to Complainants, Defendants' two-person per bedroom occupancy standard is more restrictive than the local occupancy code applicable to residential units in Groton, Connecticut. Section 9-180 of the Town of Groton Housing Code provides, in relevant part:

Every dwelling unit shall contain a minimal gross floor area equal to but not less than 150 feet for the first occupant and 100 square feet for each additional occupant.

The Town of Groton Housing Code further states that:

. . . every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of 70 square feet; and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant.

The code specifies in Section 9-109 that:

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartment, laundries, furnace rooms, pantries, kitchenettes, foyers or communication corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas in unsealed or uninsulated parts of a structure below ground level or in attics.

Finally, Section 9-180 provides that:

At least one-half of the floor area of every habitable room shall have a ceiling height of no less than seven feet.

Under the Town of Groton Housing Code, which was in effect at all times relevant to this Complaint, the subject property's 1,100 square foot apartments could legally accommodate five occupants. Complainant could have met these standards by having at least one of the five members of her household use the loft as a bedroom, or having three people occupy the 168 square foot bedroom.

20. According to the 2010 United States Census, there are 735 five-person households in the Groton, Connecticut, and 650 of those households (or 88.4%) include children.

21. Given the overall size and configuration of the 1,100 square foot apartment at the subject property, the size of the bedrooms and the loft area, and the local and state governmental occupancy restrictions, the occupancy limitation imposed by the Defendants unreasonably limited the ability of families with children to rent the property.

HOUSING AND URBAN DEVELOPMENT (HUD) ADMINISTRATIVE PROCEEDING

22. Ms. Emery, through her counsel, filed a timely Complaint with HUD on or about January 11, 2010, under the Fair Housing Act, claiming that Defendants' occupancy policy discriminated against her based on familial status in violation of the Fair Housing Act, 42 U.S.C. § 3601-3619.

23. Pursuant to 42 U.S.C. § 3610(a) and (b), the Secretary of HUD conducted and completed an investigation of the Complaint. HUD attempted conciliation without success and prepared a final investigative report. Based on the information gathered in the investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause existed to believe that illegal discriminatory housing practices had occurred. HUD issued a charge of discrimination on September 28, 2011, pursuant to 42 U.S.C. 3610(g)(2)(A), charging the named Defendants with engaging in discriminatory practices based on familial status, in violation of the Fair Housing Act.

24. Complainant made a timely election to have the claims asserted in the HUD charge resolved in a civil action pursuant to 42 U.S.C. § 3612(a). On October 19, 2011, the Administrative Law Judge issued a Notice of Election to Proceed in United States District Court and terminated the administrative proceeding.

25. Following this Notice of Election, the Secretary of HUD authorized the Attorney General to commence a civil action, pursuant to 42 U.S.C. § 3612(o).

FAIR HOUSING ACT VIOLATIONS

26. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 26, above.

27. By the actions set forth above, Defendants Landings Real Estate Group, Long Meadow Landings, LLC and Landings Management, LLC have discriminated against Ms. Emery by making housing unavailable to her because of

familial status, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a).

28. As a result of the conduct or actions of Defendants Landings Real Estate Group, Long Meadow Landings, LLC and Landings Management, LLC, Ms. Emery suffered damages, including a lost housing opportunity, economic loss, inconvenience, and emotional distress. Ms. Emery is an “aggrieved person” within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(i), (k).

29. The actions of Defendants were intentional, willful, and taken in disregard of the federally protected rights of Ms. Emery and her minor children.

PRAYER FOR RELIEF

WHEREFORE, the United States requests that the Court enter an order that:

A. Declares that Defendants Landings Real Estate Group, Long Meadow Landings, LLC, and Landings Management, LLC’s discriminatory practices, as set forth above, violate the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*;

B. Enjoins Defendants Landings Real Estate Group Long Meadow Landings, LLC and Landings Management, LLC , their agents, employees, successors, and all other persons in active concert or participation with any of them from discriminating on the basis of familial status, in violation of the Fair Housing Act, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1);

C. Enjoins Defendants Landings Real Estate Group, Long Meadow Landings, LLC and Landings Management, LLC from failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the Complainant to the position she would have been in but for the discriminatory conduct, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1);

D. Enjoins Defendants Landings Real Estate Group, Long Meadow Landings, LLC and Landings Management, LLC from failing or refusing to take such

affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of their unlawful practices, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1);

E. Awards monetary damages to the Complainant, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1); and

F. The United States further prays for such additional relief as the interests of justice may require.

Respectfully submitted,

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/s/ Ndid N. Moses

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