

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
)
v.) No. 99cv30062-FHF
)
ALAN J. TABIN,)
)
Defendant.)

CONSENT DECREE

This action was brought by the United States to enforce the Fair Housing Act, 42 U.S.C. §§ 3601 et seq. In its complaint, the United States alleges that the defendant, Alan J. Tabin, discriminated against Maria Rivera on the basis of familial status, in violation of Sections 804(a)-(d) of the Fair Housing Act, 42 U.S.C. §§ 3604(a)-(d).

The defendant denies the material allegations of the United States. However, to avoid costly and protracted litigation, the parties have agreed that the controversy should be resolved without the necessity of an evidentiary hearing or further litigation. Accordingly, the parties have consented to the entry of this Consent Decree, subject to approval and entry by the Court. In entering into the Consent Decree the parties acknowledge and agree that damages, including compensatory damages, attorneys fees, costs and interest, have been awarded in the case of Maria Rivera v. Alan Tabin, Hampden County Housing

Court, No. 97-cv-00016 and are not part of the relief provided in this Consent Decree.

I. INJUNCTIVE RELIEF

It is ORDERED, ADJUDGED, and DECREED that Defendant, his agents, employees, heirs, and all persons in active concert or participation with him are permanently enjoined, with respect to the rental of dwellings¹ at which they actively participate in the management of rental dwellings, from:

A. Refusing to rent a dwelling unit, refusing or failing to provide or offer information about a dwelling unit, or otherwise making unavailable or denying a dwelling unit to any person because of familial status;

B. Discriminating against any person in the terms, conditions or privileges of rental of a dwelling unit, or in the provision of services or facilities in connection therewith, because of familial status;

C. Making, printing, publishing, or causing to be made, printed, or published any notice, statement or advertisement with respect to the rental of a dwelling unit that states any preference, limitation or discrimination based on familial status;

¹For the purposes of this Order, "dwelling" shall have the same meaning as it does in the Fair Housing Act, 42 U.S.C. § 3602(b).

- D. Misrepresenting to any person because of familial status that any dwelling unit is not available for inspection or rental when such dwelling unit is, in fact, so available; and
- E. Engaging in any other discriminatory housing practice prohibited by 42 U.S.C. §§ 3601 et seq.

II. COMPLIANCE PROVISIONS

It is further ORDERED, ADJUDGED, and DECREED as follows:

A. Within ten (10) days after the date of entry of this Consent Decree, the defendant shall inform all co-owners of his rental properties of the provisions of this order, by furnishing them with a copy of the Consent Decree.

B. During the term of this Decree, the defendant shall advise counsel for the United States in writing within fifteen (15) days of receipt of any written or oral complaint against him, or against any of his employees or agents, regarding equal opportunity in housing. If the complaint is written, the defendant shall provide a copy of it with the notice; if the complaint is oral, they shall include a written summary of it with the notice. The notice shall include the full details of the complaint, including the complainant's name, address, and telephone number. The defendant shall also promptly provide the United States all information it may request concerning any such complaint and its actual or attempted resolution.

III. ADMINISTRATION

It is further ORDERED, ADJUDGED, and DECREED as follows:

A. The provision of this Consent Decree shall apply to the defendant and its agents, servants and employees.

B. This Consent Decree is effective on its entry by the Court and shall remain in effect for two (2) years, or until the defendant ceases to own or operate any rental dwellings, whichever is earlier.

C. The case is hereby dismissed without prejudice to its being reopened in the event a dispute arises about compliance with the terms of the Order. After the two-year duration of the Consent Decree, the dismissal will operate as a dismissal with prejudice unless the duration of the Consent Decree has been extended in accordance with subsection D, below. The Court shall retain jurisdiction over this action during the period specified above, or during any extended period under subsection D below.

D. The United States may move the Court to extend the period in which the Decree is in effect if it determines that the defendant likely violated one or more terms of this Decree or the interests of justice otherwise require an extension of the terms of the Decree.

E. The parties to this Consent Order shall endeavor in good faith to resolve informally any differences regarding interpretation of and compliance with this Order prior to

bringing such matters to the Court for resolution. However, in the event of a failure by the defendant, whether willful or otherwise, to perform in a timely manner any act required by this Consent Order or otherwise to act in violation of any provision thereof, the United States may move this Court to impose any remedy authorized by law or equity, including, but not limited to, an order requiring performance of such act or deeming such act to have been performed, and an award of any damages, costs, and attorneys' fees, if applicable, which may have been occasioned by the defendants' violation or failure to perform. The Court shall retain jurisdiction to enforce the terms of this Order.

ORDERED this 9th day of March, 2000.

Frank H Freedman
UNITED STATES DISTRICT JUDGE

The undersigned apply for and consent to the entry of this Order:

For Defendant

Marjorie B. Dunn
Marjorie B. Dunn
Attorney at Law
23 College Street

South Hadley, MA 01075

For the United States:

Donald K. Stern
United States Attorney

By:

Karen L. Goodwin
Karen L. Goodwin
Assistant U.S. Attorney
1550 Main Street
Springfield, MA 01103