

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
THE CHICOPEE HOUSING)	
AUTHORITY and MONICA BLAZIC,)	COMPLAINT
in her capacity as Executive Director)	
of the Chicopee Housing Authority,)	
)	
Defendants.)	
)	

COMPLAINT

The United States of America, by and through its attorney, Nathaniel R. Mendell, Acting United States Attorney for the District of Massachusetts, brings this suit against the Chicopee Housing Authority and Monica Blazic, in her capacity as Executive Director of the Chicopee Housing Authority, for violating the Fair Housing Act based on disability.

NATURE OF ACTION

1. This is a civil action to enforce the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3612(o).
3. Venue is proper in this judicial district pursuant to 42 U.S.C. § 1391(b), because the events giving rise to this action occurred in this judicial district.

PARTIES

4. The Plaintiff is the United States of America, which brings this action on behalf of Clover King. Ms. King is an “aggrieved person” as defined by the Fair Housing Act, 42 U.S.C. § 3602(i).

5. Defendant Chicopee Housing Authority (“CHA”) is a public housing agency that owns and operates federally- and state-funded public housing projects in Chicopee, Massachusetts.

6. Defendant Monica Blazic is CHA’s Executive Director and makes final decisions on behalf of CHA including whether to grant reasonable accommodation requests, whether to transfer tenants between units, and whether to rent housing to applicants. Blazic has been the Executive Director of CHA at all times relevant to this case.

FACTUAL ALLEGATIONS

7. Since 2010, Ms. King has resided in apartment 2C at 1302 Memorial Drive in Chicopee, Massachusetts (“the subject property”). The subject property, which is owned and operated by CHA, is a dwelling within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b). Ms. King’s residence is a studio apartment that has 246 square feet of space, containing a bedroom and kitchen in the same room without any wall or doorway separating them. The apartment is on the second floor without elevator access.

8. Ms. King has been diagnosed with end stage renal disease, asthma, and ankylosing spondylitis, a form of arthritis. Ms. King’s disabilities limit her major life activities, including her ability to care for herself, walk and climb stairs, breathe, and survive without regular medical treatment, including dialysis.

9. Ms. King is a person with a disability within the meaning of the Fair Housing Act,

42 U.S.C. § 3602(h).¹

10. Because of Ms. King's disabilities, she has difficulty breathing and walking up stairs. Thus, living on the first floor or on a floor accessible by elevator is medically necessary to accommodate her disabilities.

11. Ms. King's renal failure requires regular dialysis treatment performed at home daily, in an apartment with a sanitary space separate from the kitchen or bathroom to accommodate her medical equipment.

12. Because Ms. King's current apartment does not include a separate bedroom, which is necessary for in-home dialysis treatment, Ms. King's medical providers currently prescribe her dialysis treatment only three times per week at a clinic.

13. Patients who receive dialysis three times a week rather than daily face significantly higher rates of morbidity and mortality. Daily dialysis treatment is not available at a clinic. Thus, a one-bedroom unit with sufficient space to accommodate her medical equipment is medically necessary to accommodate Ms. King's disability.

14. On May 10, 2017, Ms. King submitted a written reasonable accommodation request to CHA seeking a unit transfer to a one-bedroom unit on the first floor or on a floor accessible by elevator. The request was accompanied by a letter from Ms. King's primary care physician certifying her medical needs. The letter stated that Ms. King needs a one-bedroom apartment on the first floor or accessible by elevator because of her disabilities.

15. CHA issued Ms. King a letter, also dated May 10, 2017, informing her that she was eligible for a transfer and that she would be placed on a waitlist for an appropriate unit. In the

¹ The Fair Housing Act uses the terms "handicap" and "handicapped," which are considered antiquated terms. This Complaint uses the terms "disability" or "disabled" instead. Those terms have the same meaning as "handicap" or "handicapped," as defined in the Fair Housing Act.

approval letter, CHA explained that Ms. King was being placed on a waitlist for a one-bedroom unit in either the Cabot Manor or Canterbury Arms projects.

16. Despite being placed on this waitlist, to date, Ms. King has not been transferred.

17. Since October 2017, CHA has offered at least ten leases for one-bedroom, wheelchair-accessible apartments to new move-in applicants, eight of whom did not submit initial applications until several months after Ms. King was approved for a transfer.

18. In February, March, and April 2019, Ms. King provided CHA with additional verifications of her disability-related need to transfer to a one-bedroom unit in an accessible location. This included letters from four different medical providers. Each letter supported Ms. King's need to transfer to a one-bedroom unit with sufficient space to accommodate her medical equipment, on the first floor or accessible by elevator, and described the detrimental impact of delaying the needed transfer.

19. On April 16, 2019, Ms. King filed a fair housing complaint with the Massachusetts Commission Against Discrimination alleging discrimination based on disability. This complaint was transferred to the United States Department of Housing and Urban Development ("HUD") on May 10, 2019.

20. In August 2019, while HUD was investigating Ms. King's complaint, CHA offered her a transfer to a different unit.

21. Ms. King viewed the unit, accompanied by her therapist. The apartment was visibly infested with cockroaches and had a foul odor, similar to that of spoiled food. It had only a half kitchen. The therapist found that it was too small for Ms. King's needs and substantially smaller than Ms. King's current apartment.

22. Ms. King reported to CHA that this unit was not suitable for her medical needs but

stated that she wanted to stay on the waitlist.

23. Pursuant to 42 U.S.C. § 3610(a) and (b), the Secretary of HUD (the “Secretary”) conducted an investigation of Ms. King’s complaint, attempted conciliation without success, and prepared a final investigative report. Based on information gathered in the investigation, the Secretary found that reasonable cause existed to believe that Defendants have engaged in illegal discriminatory housing practices.

24. On March 11, 2021, the Secretary issued a Charge of Discrimination (“Charge”), pursuant to 42 U.S.C. § 3610(g)(2)(A), charging Defendants with engaging in discriminatory practices in violation of the Fair Housing Act.

25. On March 19, 2021, Ms. King elected to have the claims asserted in the Charge resolved in a civil action heard in federal district court pursuant to 42 U.S.C. § 3612(a).

26. On March 19, 2021, the Chief Administrative Law Judge issued a Notice of Election of Judicial Determination and terminated the administrative proceeding on Ms. King’s complaint.

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

28. Ms. King was finally offered another apartment in March 2021, only after HUD had issued a Charge of Discrimination against CHA in the matter. Ms. King’s therapist will conduct an inspection of this unit in late April 2021 to determine whether this unit is suitable for Ms. King’s medical needs.

CLAIMS FOR RELIEF

29. The allegations set forth above are incorporated by reference.

30. Defendants, through the above-referenced actions, have:

- a. Discriminated in the rental of, or otherwise made unavailable or denied, a dwelling to Ms. King because of a disability, in violation of 42 U.S.C. § 3604(f)(1)(A);
- b. Discriminated in the terms, conditions, or privileges of sale or rental of a dwelling, in violation of 42 U.S.C. § 3604(f)(2)(A); and
- c. Refused to make reasonable accommodations in rules, policies, practices, or services, which were necessary to afford Ms. King an equal opportunity to use and enjoy a dwelling, in violation of 42 U.S.C. § 3604(f)(3)(B).

31. As a result of CHA's discriminatory policies and actions, Ms. King has suffered harm, including, but not limited to, physical pain and suffering, out-of-pocket expenses, and emotional distress.

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

A. Declaring that the discriminatory conduct of Defendants as set forth above violates the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*;

B. Enjoining the Defendants, their agents, employees, successors, and all other persons in active concert or participation with any of them from discriminating against any person because of a disability, in violation of the Fair Housing Act;

C. Ordering the Defendants to take such affirmative steps as may be necessary to restore, as nearly as practicable, Ms. King to the position she would have been in but for the discriminatory conduct;

D. Ordering Defendants to take such actions 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 conduct, including implementing policies and procedures to ensure

that no applicants or tenants are discriminated against because of disability;

E. Awarding monetary damages to Ms. King pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1); and,

F. Ordering such additional relief as the interests of justice may require.

The United States demands trial by jury.

Respectfully submitted,

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