

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Civil Case No. 8:03-cv-659-T-26TGW
v.	)	
	)	
COMPTON PLACE ASSOCIATES,	)	
SHELDON ROAD ASSOCIATES,	)	
CYPRESS MEADOWS ASSOCIATES, and	)	
RAYMOND LEON d/b/a RJ LEON & ASSOC.,	)	
	)	
Defendants.	)	
_____		

**SUPPLEMENTAL CONSENT ORDER**

1. The United States filed this action to enforce the provisions of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 – 3619 (the “Fair Housing Act” or “FHA”), and Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12181 – 12189 (“ADA”), alleging that Defendants engaged in a pattern or practice of discrimination against persons with disabilities or denied rights to a group of persons because of disability by failing to design and construct three multifamily complexes with the features of accessible and adaptable design and construction required by 42 U.S.C. § 3604(f)(1), (2) & (3)(C), and 42 U.S.C. § 12183(a)(1).

2. Pursuant to this Court’s Consent Order (“Consent Order” or “Order”) entered August 5, 2003, Defendants Compton Place Associates, Sheldon Road Associates, and Cypress Meadows Associates (the “Compton Defendants”) are to build four hundred twenty (420) single-family homes that include features of accessibility for persons with disabilities within ten (10) years after the entry of the Order. Order, at Section VII.B.<sup>1</sup> The Compton Defendants agreed to

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<sup>1</sup> Defendant Raymond Leon d/b/a RJ Leon & Assocs. was not subject to the requirement to build 420 homes under Section VII.B of the Consent Order and is not subject to this Supplemental Consent Order.

construct the 420 homes in exchange for performing retrofits to kitchens in covered units at the multifamily complexes covered by the Consent Order. The parties agree that the present costs of these kitchen retrofits, if performed in-house by the Compton Defendants, are approximately \$200,000.00.

3. In February 2011, the Compton Defendants notified the United States that due to poor market conditions, they had not constructed any homes and that they likely would need a significant extension of the time period under the Consent Order to construct the 420 accessible homes. The Consent Order provides that the Compton Defendants may petition the United States for an extension of this requirement in the event they cannot comply due to independently verified market impediments. *Id.*

4. In April 2012, the Compton Defendants notified the United States that their assessment concerning compliance with the 420-home requirement had not changed. However, the Compton Defendants informed the United States that they were planning to construct a 210-unit apartment complex (70 of which would be ground-level FHA-covered units) called Tampa Palms at the Southwest corner of Commerce Palms Drive and Compton Boulevard in Tampa, Florida, and that the project was in the design and permitting stage. Tampa Palms is planned to have nine three-level buildings. Six buildings (Buildings 1, 2, 3, 4, 5, 6) have 12 one-bedroom/one-bathroom units and 12 two-bedroom/two-bathroom units. Two buildings (Buildings 7 and 8) have 12 two-bedroom/two-bathroom and 12 three-bedroom/two-bathroom units. One building (Building 9) has nine one-bedroom/one-bathroom units and nine two-bedroom/two-bathroom units. Tampa Palms is planned to have a clubhouse, a pool, and a playground. The Compton Defendants have proposed to the United States that additional features of accessibility could be provided at Tampa Palms in lieu of constructing the 420 single-

family homes. The Compton Defendants have represented to the United States that construction of Tampa Palms should begin by the end of 2013 and be completed within one year and three months thereafter.

5. Since April 2012, the parties have endeavored in good faith to resolve the matter of the Compton Defendants' compliance with the 420-home requirement. The United States and the Compton Defendants now agree that the matter should be resolved without further proceedings and have therefore jointly entered into this Supplemental Consent Order ("Supplemental Consent Order" or "Supplemental Order") to require that the features of accessibility below be provided at the Tampa Palms in lieu of the Compton Defendants constructing the 420 single-family homes. The parties agree that full implementation of the terms of this Supplemental Consent Order will provide a fair and reasonable resolution of this matter.

**In light of the stipulated facts above, it is hereby ORDERED, ADJUDGED, and DECREED:**

6. Within forty-two (42) months from the date of entry of this Supplemental Order, the Compton Defendants will take all actions to complete the construction at Tampa Palms and to make the construction of Tampa Palms fully compliant with the Fair Housing Accessibility Guidelines of the Fair Housing Act ("FHAG"), the Americans with Disabilities Act, the Americans with Disabilities Act Accessibility Standards, and with the additional requirements set forth in paragraphs 7-15, below.

7. The Compton Defendants shall provide Garaventa Model GSL-Artira exterior chair lifts at Tampa Palms to access all three levels at the following four stair locations: one set of stairs at Building 1; one set of stairs at Building 9; and both sets of stairs at Building 8. Appendix A to

this Supplemental Consent Order further identifies the locations of the required exterior chair lifts. These exterior chair lifts will increase the number of FHA-covered units at Tampa Palms by 30 units. These additional covered units must comply with the Fair Housing Accessibility Guidelines. Thus, by providing these chair lifts, the number of FHA-covered units at Tampa Palms will total 100 units.

8. The Compton Defendants shall provide elevated crosswalks at the locations identified on Appendix A and further described here: (a) connecting the sidewalk facing Buildings 8 and 9 with the sidewalk facing the clubhouse; and (b) connecting the sidewalk facing Buildings 1 and 2 with the sidewalk facing the north side of the clubhouse. These elevated crosswalks must be level with the connecting sidewalks so that the surface of the crosswalk shall be flush with the adjacent curbs and shall not have an abrupt level change exceeding  $\frac{1}{4}$  inch. The elevated crosswalks must provide routes that are a minimum of 36-inches wide, and they must have cross slopes not to exceed 2% and running slopes not to exceed 5%. The elevated crosswalks may be beveled on the sides with running slopes not to exceed (1:5) or 20% to permit vehicles to pass over them, *i.e.*, designed so that they function as vehicular speed bumps.

9. All covered units (*i.e.*, those units on the ground level and those accessed through the exterior chair lifts discussed in paragraph 7, above) at Tampa Palms must provide (a) 36-inch wide interior and exterior doors; (b) lever hardware at all interior and exterior doors; (c) thermostats with touchpad controls in all covered units; and (d) rocker switches for lights and other controls in covered units.

10. At a total of five (5) one-bedroom/one-bathroom covered units in Buildings 1, 2 and 9, the Compton Defendants shall provide a roll-in shower compliant with the FHA and FHAG, a

self-cleaning oven with controls in front, lever controls for all faucets, hanging rods and shelving located no higher than 48” above the finished floor, and a side-by-side refrigerator.

11. All two-bedroom/two-bathroom covered units at Tampa Palms shall contain one Spec B bathroom in accordance with the FHAG, Req. 7(2)(b).

12. In addition to the requirements of paragraph 11, above, at eight (8) two-bedroom/two-bathroom covered units in Buildings 1, 2, 3, and 9, the Compton Defendants shall provide a roll-in shower compliant with the FHA and FHAG, a self-cleaning oven with controls in front, lever controls for all faucets, hanging rods and shelving located no higher than 48” above the finished floor, and a side-by-side refrigerator.

13. All three-bedroom/two-bathroom covered units shall contain one Spec B bathroom in accordance with the FHAG, Req. 7(2)(b).

14. In addition to the requirements of paragraph 13, above, at two (2) three-bedroom/two-bathroom covered units in Buildings 7 and 8, the Compton Defendants shall provide a roll-in shower, self-cleaning oven with controls in front, lever controls for all faucets, hanging rods and shelving located no higher than 48” above the finished floor, and a side-by-side refrigerator.

15. The Compton Defendants shall provide strobe alarms for individuals with hearing impairments in all bedrooms in a total of five (5) covered units (in at least one of each unit type).

16. During the term of this Supplemental Order, upon reasonable notice, the United States will be permitted full access to Tampa Palms to inspect for compliance with the FHA, the FHAG, the ADA, the ADA Standards and the additional accessibility requirements this Supplemental Consent Order.

17. Within forty-eight (48) months from the date of entry of this Supplemental Consent Order, the Compton Defendants shall provide a certification from a neutral architectural firm not

associated with the design or construction of Tampa Palms and approved by the United States that Tampa Palms is fully compliant with the FHA, the FHAG, the ADA, the ADA Standards, and the additional accessibility features required by this Supplemental Consent Order. The Compton Defendants shall bear all costs associated with providing such inspection(s) and certifications.

18. If the Compton Defendants fail to comply with paragraphs 6-17 within forty-eight (48) months from the date of entry of this Supplemental Consent Order, then they shall cause to be paid a total of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) to establish an accessibility fund. The payment shall be in the form of an electronic funds transfer pursuant to written instructions to be provided by the United States.

19. The United States shall use the accessibility fund for the purpose of increasing the stock of accessible housing in the Tampa Bay metropolitan region and for other uses consistent with this purpose and this Supplemental Consent Order.

20. The United States may designate one or more fund administrators to administer the accessibility fund in accordance with its purpose set forth in paragraph 19. The fund administrator(s) may be reimbursed out of the accessibility fund for reasonable administration expenses associated with administering the fund and managing the retrofits.

21. The provisions relating to the accessibility fund will continue until the funds have been exhausted.

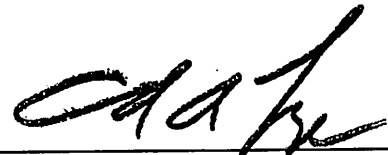
22. The Compton Defendants' payment as set forth in paragraph 18 shall relieve them of their obligations under paragraphs 6-17 of this Supplemental Consent Order.

23. The term of the Consent Order and this Supplemental Consent Order shall be the shorter of either six (6) months after the United States' receipt of the Compton Defendants' architect

inspection report certifying full compliance in accordance with paragraph 17, above, or the payment to the accessibility fund as set forth in paragraph 18 forty-eight (48) months from the date of entry of this Supplement Order.

24. The Compton Defendants shall not be required to comply with Section VII of the August 5, 2003 Consent Order. In all other respects, the August 5, 2003 Consent Order remains in full force and effect, as supplemented by this Supplemental Consent Order.

SO ORDERED, this 24<sup>TH</sup> day of June, 2013.



UNITED STATES DISTRICT JUDGE

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# Appendix A

