

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH E. JOHNSON,

Defendant.

Civil Action No.

COMPLAINT

DEMAND FOR JURY TRIAL

The United States of America alleges as follows:

1. The United States brings this action to enforce the provisions of Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601–3619 (“Fair Housing Act”).

JURISDICTION AND VENUE

2. The Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. § 3614(a).

3. Venue is proper in the Eastern District of Kentucky under 28 U.S.C. § 1391(b) because the actions and omissions giving rise to the United States’ allegations occurred in Fayette County and the Defendant resides in Fayette County, which is in this District.

DEFENDANT AND SUBJECT PROPERTIES

4. Defendant Joseph E. Johnson resides in Lexington, Kentucky, which is located within Fayette County.

5. During the period from the early 1980s through the present (the “relevant time”), Defendant Johnson owned and/or managed over one hundred fifty rental units across more than sixty residential properties (“Subject Properties”) in Fayette County, including single-family homes, one apartment building, and numerous homes that have been divided into small apartment

units. The Subject Properties include, but are not limited to, the following properties that Johnson owns or owned: 559 Elm Tree Lane, 563 Elm Tree Lane, 795 Chiles Avenue, 417 E. Fourth Street, 721 Lakeview Drive, 215 E. Loudon Street, 571 W. Short Street, 321 Ross Avenue, 654 Headley Avenue, 142 Jefferson Street, 138 Jefferson Street, 503 Maryland Avenue, and 509 Maryland Avenue.

6. During the relevant time, Defendant Johnson has been actively involved in the management of the Subject Properties, including, but not limited to, showing the properties to prospective tenants, collecting rent, handling maintenance requests, communicating with tenants regarding paying rent, initiating eviction proceedings, and appearing at eviction hearings.

7. The Subject Properties are or contain “dwellings” within the meaning of 42 U.S.C. § 3602(b).

8. In the course of his management of Subject Properties, Defendant Johnson has been responsible for the hiring and training of all employees, including maintenance workers.

9. Over the years, Defendant Johnson has given his employees the authority to act on his behalf for the maintenance of the Subject Properties that the Defendant owns or manages.

DEFENDANT’S DISCRIMINATORY PRACTICES

10. The Defendant has violated the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.*, by discriminating against persons on the basis of sex in connection with the rental of the Subject Properties.

11. During the relevant time, Defendant Johnson has subjected female tenants of the Subject Properties to discrimination on the basis of sex, including severe, pervasive, and unwelcome sexual harassment. This conduct has included, but has not been limited to:

- a. Offering to grant tangible housing benefits—such as reducing rent, excusing late or unpaid rent, or making repairs—to female tenants in exchange for sexual favors;
- b. Subjecting female tenants to unwelcome sexual touching;
- c. Making unwelcome sexual comments and sexual advances to female tenants;
- d. Exposing his genitals to female tenants;
- e. Demanding that female tenants provide him with sexual favors, including oral sex and sexual intercourse;
- f. Entering female tenants' homes with his own key, without notice, permission, or a legitimate reason, under the guise of conducting maintenance;
- g. Receiving complaints that one or more of his maintenance employees sexually harassed female tenants, or otherwise becoming aware that one or more of his maintenance employees sexually harassed female tenants, but taking no corrective action; and
- h. Taking adverse housing actions, such as initiating eviction actions, or threatening to do so, against female tenants who objected to or refused his sexual advances.

12. For example, in around 1991, Defendant Johnson subjected a female tenant to repeated unwelcome and unwanted sexual comments, sexual propositions, and unwelcome sexual contact. On multiple occasions, Defendant Johnson asked the tenant for a “blow job.” On multiple occasions, Defendant Johnson grabbed the tenant and pushed her toward his groin. And on at least three occasions, Defendant Johnson used his own key to enter her home without prior notice or permission, and touched her breasts without her consent. These actions made the female tenant anxious and scared in her own home, to the point that she started blocking her front door with a chair.

13. In another example, in around 2005, Defendant Johnson subjected a female tenant to repeated unwelcome and unwanted sexual comments, sexual propositions, and unwelcome sexual contact. On multiple occasions when this female tenant was paying rent, Defendant Johnson touched her breasts and rubbed her buttocks with his hands. On multiple occasions, Defendant Johnson indicated he would exchange rent for sexual favors. The tenant's experiences made her feel vulnerable and powerless in her rental situation.

14. In yet another example, in approximately 2013, Defendant Johnson subjected a female tenant to repeated unwelcome and unwanted sexual comments, sexual propositions, and unwelcome sexual contact. During this tenant's rental, when Defendant Johnson collected rent, he made unwelcome sexual comments to her, including words to the effect that he would "like to have some of that" and that he "wanted something else" in addition to the rent money. On another occasion when he was collecting rent, Defendant Johnson pushed the female tenant against the wall and ran his hands up the front of her body, including grabbing her crotch through her pants. On at least one occasion, Defendant Johnson entered this female tenant's unit to collect rent and then held her down and attempted to sexually assault her. The tenant fled her apartment and broke her lease.

15. In approximately 2019, Defendant Johnson subjected a female tenant to repeated unwelcome and unwanted sexual comments. On multiple occasions, Defendant Johnson made sexual comments to her, including asking about her sex life. This tenant also received unwelcome and unwanted sexual comments from Defendant Johnson's maintenance man. On multiple occasions, Defendant Johnson's maintenance man brushed up against her buttocks and breasts when he came to the tenant's apartment to complete repairs. On one occasion, Defendant

Johnson's employee exposed his penis to the tenant and asked her if she thought she "could handle this." The tenant did not feel safe living at Defendant Johnson's apartment.

16. The experiences of the women described above were not the only instances of Defendant Johnson's sexual harassment of tenants or sexual harassment of his tenants by one or more of his employees, for whose on-the-job conduct he was responsible. Rather, they were part of a longstanding pattern or practice of sexual harassment of numerous female tenants from at least the 1980s to the present.

17. The conduct of Defendant Johnson and one or more of his employees described above caused female tenants to suffer physical harm, fear, anxiety, and emotional distress, and interfered with their ability to secure and maintain rental housing for themselves and their families.

CAUSE OF ACTION

18. By the actions described above, the Defendant has:

- a. Denied dwellings or otherwise made dwellings unavailable because of sex, in violation of 42 U.S.C. § 3604(a);
- b. Discriminated in the terms, conditions, or privileges of the rental of dwellings, or in the provision of services or facilities in connection therewith, because of sex, in violation of 42 U.S.C. § 3604(b);
- c. Made statements with respect to the rental of dwellings that indicate a preference, a limitation, or discrimination based on sex, in violation of 42 U.S.C. § 3604(c); and
- d. Coerced, intimidated, threatened, or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their

rights granted or protected by the Fair Housing Act, in violation of 42 U.S.C. § 3617.

19. Under 42 U.S.C. § 3614(a), the Defendant's conduct constitutes:

- a. A pattern or practice of resistance to the full enjoyment of the rights granted by the Fair Housing Act, and
- b. A denial to a group of persons of rights granted by the Fair Housing Act that raises an issue of general public importance.

20. Female tenants have been injured by the Defendant's discriminatory conduct. These persons are "[a]ggravated person[s]" as defined in 42 U.S.C. § 3602(i) and have suffered damages as a result of the Defendant's conduct.

21. The Defendant's discriminatory conduct was intentional, willful, or taken in reckless disregard of the rights of others.

PRAYER FOR RELIEF

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

- a. Declares that the Defendant's discriminatory practices violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3619;
- b. Enjoins the Defendant, his agents, employees, and successors, and all other persons in active concert or participation with them, from:
 - i. Discriminating on the basis of sex, including engaging in sexual harassment, in any aspect of the rental of a dwelling;
 - ii. Interfering with or threatening to take any action against any person engaged in the exercise or enjoyment of rights granted or protected by the Fair Housing Act;

- iii. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the Defendant's past unlawful practices to the position they would have been in but for the discriminatory conduct; and
- iv. 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, as nearly as practicable, the effects of the Defendant's unlawful practices;
- c. Awards monetary damages to each person aggrieved by the Defendant's discriminatory conduct, under 42 U.S.C. § 3614(d)(1)(B);
- d. Assesses a civil penalty against the Defendant to vindicate the public interest, under 42 U.S.C. § 3614(d)(1)(C); and
- e. Awards such additional relief as the interests of justice may require.

Dated: December 3, 2024

Respectfully submitted,

MERRICK GARLAND
Attorney General

CARLTON S. SHIER, IV
United States Attorney
Eastern District of Kentucky

KRISTEN CLARKE
Assistant Attorney General
Civil Rights Division

CARRIE PAGNUCCO
Chief

CARRIE B. POND
Assistant U.S. Attorney
260 West Vine Street
Suite 300
Lexington, KY 40507-1612
Phone: (859) 685-4869
Fax: : (859) 233-2747
Email: carrie.pond@usdoj.gov

/s/ Hannah Abelow
MICHAEL S. MAURER
Deputy Chief
HANNAH ABELOW
BETH FRANK
Trial Attorneys
Housing and Civil Enforcement Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue NW – 4CON
Washington, DC 20530
Phone: (202) 353-5006
Fax: (202) 514-1116
E-mail: hannah.abelow@usdoj.gov
beth.frank@usdoj.gov

Attorneys for Plaintiff
United States of America