

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREENVIEW ASSOCIATES L.P.,  
PALMER ASSET MANAGEMENT, LLC,  
and JOHN MARTIN,

Defendants.

CASE NO.:

COMPLAINT

**DEMAND FOR JURY TRIAL**

---

The United States of America (United States), by its attorneys, alleges as follows:

**NATURE OF THE ACTION**

1. This action is brought by the United States 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. §§ 3601-3631 (“Fair Housing Act”).
2. The United States brings this action for injunctive relief and monetary damages on behalf of Complainant Rafael Silvestre-Dalmasi (Complainant), pursuant to 42 U.S.C. § 3612(o).
3. The United States alleges that Defendants Greenview Associates L.P., Palmer Asset Management, LLC, and John Martin violated 42 U.S.C. § 3617 by taking adverse actions, including attempting to evict the Complainant, because he filed a fair housing complaint with the Department of Housing and Urban Development (“HUD”) against the Defendants.

### **JURISDICTION AND VENUE**

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

5. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the United States' claims occurred in, and because at least one of the Defendants and the subject property are located in, this judicial district.

### **RELEVANT PARTIES AND THE SUBJECT PROPERTY**

6. Complainant is a tenant of an apartment located at Greenview Village Apartments, 75 Greenview Drive in Manchester, Hillsborough County, New Hampshire (the Subject Property).

7. The Subject Property is a "dwelling" as defined by the Fair Housing Act. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.

8. Defendant Greenview Associates L.P. is a Massachusetts limited partnership that owns the Subject Property.

9. Defendant Palmer Asset Management, LLC is a New Hampshire limited liability company. At all times relevant to this Complaint, Defendant Palmer Asset Management, LLC was the property management company for the Subject Property and acted as an agent for Defendant Greenview Associates L.P.

10. Defendant John Martin resides in Massachusetts.

11. At all times relevant to this Complaint, Defendant Martin was employed by Defendant Palmer Asset Management, LLC as a Regional Property Manager. In this role, he

oversaw and managed the day-to-day activities at the Subject Property, including meeting and communicating with tenants as needed.

12. In his capacity as a Regional Property Manager, Defendant Martin acted as an agent of Defendants Palmer Asset Management, LLC and Greenview Associates L.P. and had authority to act on behalf of Defendants Palmer Asset Management, LLC and Greenview Associates L.P.

### **FACTUAL ALLEGATIONS**

13. Complainant was born in the Dominican Republic and identifies as Hispanic.

14. Complainant has lived at the Subject Property with his minor child since 2019.

15. On or about June 12, 2023, Complainant filed a fair housing complaint with HUD against the Defendants alleging discrimination based on race, color, and national origin.

16. Defendants received notice of Complainant's fair housing complaint on or about June 13, 2023.

17. On November 2, 2023, Defendant John Martin told a HUD investigator that he needed the investigation to close so he could "get rid" of Complainant.

18. On November 6, 2023, Complainant received an email from an attorney representing all three Defendants, stating that Defendants were terminating Complainant's tenancy for materially false statements made on his rental application. Specifically, Defendants claimed that Complainant failed to disclose three convictions from 2005 pertaining to a reckless road endangerment incident in 2003, which occurred when Complainant was 17 years old.

19. Upon information and belief, in July 2023, shortly after the Complainant filed his HUD complaint, Defendant John Martin performed or directed another employee or agent of

Defendant Palmer Asset Management, LLC, to perform a background check of Complainant and discovered Complainant's criminal history.

20. Defendants do not generally perform background checks on existing residents. Defendants inquired into Complainant's background as a defense to the HUD complaint filed by Complainant.

21. Complainant had previously disclosed his criminal history to an agent of Defendant Greenview Associates L.P. before moving into the Subject Property.

22. On November 8, 2023, Defendant Greenview Associates L.P. initiated eviction proceedings against Complainant in New Hampshire state court in the Ninth Circuit District Division – Manchester.

23. On January 25, 2024, a hearing was held in New Hampshire state court on Defendant Greenview Associates L.P.'s eviction case against Complainant.

24. On January 29, 2024, the New Hampshire state circuit court granted judgment in favor of Complainant in the eviction proceeding. The state court held that Defendant Greenview Associates L.P.'s eviction of Complainant after he filed a complaint with HUD constituted "a per se violation" of a New Hampshire housing statute, which provides that retaliation is a defense to an eviction action. *See* N.H. Rev. Stat. § 540:13-a.

#### **HUD ADMINISTRATIVE PROCESS**

25. On or about June 12, 2023, Complainant filed a timely complaint of housing discrimination with HUD, pursuant to 42 U.S.C. § 3610(a), naming Defendant Greenview Associates L.P., Defendant Palmer Management, LLC, and Defendant John Martin as respondents. On or about November 21, 2023, Complainant timely amended his complaint to add a retaliation claim under Section 818 of the Fair Housing Act.

26. Pursuant to 42 U.S.C. § 3610, the Secretary of HUD conducted and completed an investigation of the complaint, 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 the Defendants violated the Fair Housing Act by retaliating against Complainant because he filed a complaint with HUD. *See* 42 U.S.C. § 3617. On September 20, 2024, the Secretary issued a Charge of Discrimination under 42 U.S.C. § 3610(g)(2)(A).

27. On October 10, 2024, Complainant elected to have the charge resolved in a federal civil action under 42 U.S.C. § 3612(a). On October 15, 2024, an Administrative Law Judge dismissed the administrative proceeding from the docket pursuant to Complainant's timely election.

28. The Secretary of HUD subsequently authorized the Attorney General to file this action on behalf of Complainant under 42 U.S.C. § 3612(o).

29. Beginning on October 24, 2024, the United States and the Defendants agreed to toll the expiration of the statute of limitations in this action up to and including January 10, 2025.

**FAIR HOUSING ACT VIOLATIONS PURSUANT TO 42 U.S.C. § 3617**

30. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 29, above.

31. By the actions and statements referred to in the foregoing paragraphs, the Defendants have coerced, intimidated, threatened, or interfered with a person in the exercise or enjoyment of, or on account of him having exercised or enjoyed, or on account of him

having aided or encouraged any other person in the exercise or enjoyment of, a right granted or protected by 42 U.S.C. § 3604, in violation of 42 U.S.C. § 3617.

32. Complainant is an “aggrieved person” within the meaning of 42 U.S.C. § 3602(i) and has suffered damages as a result of the Defendants’ discriminatory and retaliatory conduct.

33. The discriminatory actions of the Defendants were intentional, willful, and taken in reckless disregard of the rights of Complainant.

### **PRAYER FOR RELIEF**

WHEREFORE, the United States requests relief as follows:

1. A declaration that the discriminatory conduct of the Defendants as set forth above violates the Fair Housing Act;
2. An injunction against the Defendants, their agents, employees, successors, and all other persons in active concert or participation with any of them from:
  - a. Coercion, intimidation, threats, or interference in violation of 42 U.S.C. § 3617;
  - b. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, Complainant to the position he would have been in but for the unlawful conduct; and
  - c. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any conduct in violation of the Fair Housing Act in the future;
3. An award of monetary damages to Complainant pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1); and
4. The United States further requests such additional relief as the interests of justice may require.

**A Jury Trial is Requested**

Dated: January 8, 2025

Respectfully submitted,

MERRICK GARLAND  
Attorney General

JANE E. YOUNG  
United States Attorney  
District of New Hampshire

KRISTEN CLARKE  
Assistant Attorney General  
Civil Rights Division

CARRIE PAGNUCCO  
Chief

s/ Matthew Vicinanzo  
MATTHEW VICINANZO  
Assistant United States Attorney  
District of New Hampshire  
NH Bar No. 277123  
53 Pleasant Street, 4th Floor  
Phone: (603) 230-2574  
[MVicinanzo@usdoj.gov](mailto:MVicinanzo@usdoj.gov)

s/ Hayley Hahn  
KATHERINE A. RAIMODO  
Special Litigation Counsel  
HAYLEY HAHN  
Trial Attorney  
Housing and Civil Enforcement Section  
Civil Rights Division  
U.S. Department of Justice  
Virginia Bar No. 97003  
150 M Street, NE  
Washington, DC 20530  
Phone: (202) 802-4543  
Fax: (202) 514-1116  
E-mail: [Hayley.Hahn@usdoj.gov](mailto:Hayley.Hahn@usdoj.gov)

Attorneys for Plaintiff  
United States of America