UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

UNITED STATES OF AMERICA, Plaintiff, v. NEWTON HOUSING AUTHORITY, JOLYNN COLBERG, *Executive Director*; and COURTNEY HOLT, *Housing Specialist*, Defendants.	)	**Case No. 26-1414** **JURY TRIAL DEMANDED**

COMPLAINT

The United States of America, for its complaint against Defendants Newton Housing Authority ("NHA"), Executive Director Jolynn Colberg, and Housing Specialist Courtney Holt, alleges:

NATURE OF ACTION

1. This is an action brought by the United States to enforce the provisions of Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601 *et seq*. ("Act").

2. The United States brings this action for injunctive relief and monetary damages on behalf of Laketha Bordeaux ("Complainant") and her, at all times relevant to the allegations, minor daughter Tyrianna Bridges,[1] pursuant to the Act, 42 U.S.C. § 3612(o).

[1] Tyrianna Bridges is, at the time of filing of this Complaint, over 18 years old.

3. The United States alleges that Defendants discriminated against the Complainant and her daughter, Tyrianna Bridges, on the basis of familial status in violation of Sections 3604(a), (b), and (c) of the Act. 42 U.S.C. §§ 3601 et seq. (2025).

JURISDICTION AND VENUE

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

5. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because a substantial part of the events giving rise to the claims occurred in this district, and because Defendants are located in this district.

PARTIES AND SUBJECT PROPERTY

6. Plaintiff is the United States of America.

7. Defendant NHA owns and operates a total of 136 public housing units at three properties, including Midtown Towers, in Newton, Kansas. Defendant NHA also administers a Section 8 Housing Choice Voucher program.

8. Midtown Towers is a public housing development with 100 apartments, located at 115 W. 9th Street, Newton, Kansas 67114 ("Subject Property") and is a dwelling as defined by the Act. 42 U.S.C. § 3602(b).

9. Defendant Jolynn Colberg is the Executive Director of Defendant NHA. As an employee of NHA, Defendant Colberg was responsible for implementing NHA's policies regarding eligibility of tenants to reside at the Subject Property.

10. At all times relevant to the allegations, Defendant Courtney Holt was employed as a Housing Specialist with NHA. As an employee of NHA, Defendant Colberg was responsible for implementing NHA's policies regarding eligibility of tenants to reside at the Subject Property.

11. Complainant has two children and Complainant's daughter, Tyrianna Bridges, was a minor at all times relevant to the allegations.

FACTS

12. Before January 2021, Defendant NHA operated the Subject Property as elderly housing and had an approved elderly designation pursuant to HUD's Public Housing designations[2] to rent to elderly (62 years or older) or near elderly (50 years or older) persons with a head of household that met the age criteria.

13. On January 28, 2021, Defendant NHA's Board of Commissioners approved Board Resolution 2021-1: "Changes to the eligibility of age requirements to [eighteen] years of age or older for the Midtown Towers." Board Resolution 2021-1 limited the Subject Property to tenants who are eighteen years old or older. Following approval of this resolution, the Subject Property was no longer operated in accordance with HUD's Public Housing designation for elderly or near elderly persons.

14. At all times relevant to the allegations, Defendants restricted occupancy at the Subject Property to persons 18 and over and did not rent units to families with minor children at the Subject Property.

15. At all times relevant to the allegations, Defendant NHA and the Subject Property did not qualify for the exemption for housing for older persons under Section 3607(b) of the Act. 42 U.S.C. § 3607(b). Even when the Subject Property had an approved elderly designation, NHA

[2] 24 C.F.R. Part 945.

was not permitted to exclude qualified applicants with a minor child in the household. 24 C.F.R. § 945.301.

16. Defendant NHA permitted two people to live in a one-bedroom unit at the Subject Property if they were a couple or married.

17. In or around February 2022, Complainant applied online for public housing with NHA as a single household member.

18. On Complainant's Application for Admission to Public Housing completed on April 5, 2022, she marked "yes" to indicate that she anticipated someone else residing with her in the future. She identified her two children, her daughter Tyrianna Bridges and her son, as people she anticipated may reside with her.

19. On April 19, 2022, Complainant signed a lease for a one-bedroom unit at the Subject Property, with utilities included, and moved in. Her daughter, Tyrianna Bridges, was not living with her at that time.

20. The apartments at the Subject Property, including Complainant's unit, were approximately 550 square feet, with a kitchen, living room, a separate bedroom, and a bathroom.

21. Defendant NHA's form lease states, "the tenant shall use the premises solely as a private dwelling for him or herself and the persons named herein as members of the household, with the exception of minor children born into the household during this tenancy."

22. On July 26, 2023, Complainant's daughter, Tyrianna Bridges, 16 years old at the time, was displaced from her residence with another family member and moved in with Complainant at the Subject Property.

23. Defendant NHA's Admissions and Continued Occupancy Policy states, "after the initial application to be placed on the [NHA] waiting list, any addition to the household composition requires prior approval by [NHA]."

24. On July 27, 2023, Complainant told Defendants' office staff that her daughter, Tyrianna Bridges, would be staying with her and would need to be added to her lease.

25. On August 21, 2023, Defendant NHA issued Complainant a lease violation for permitting a guest to reside in her unit for more than fourteen days without Defendants' permission. The violation stated, "It has been observed by NHA staff, and reported to the office, that a female has been living with you for at least the past month at MidTown [sic] Towers."

26. On August 23, 2023, Complainant wrote Defendants a letter requesting Defendants allow her daughter, Tyrianna Bridges, an extended stay due to an unfortunate circumstance.

27. After receiving the lease violation, Complainant went to the NHA office in late August 2023, to discuss the situation and ask again that her daughter, Tyrianna Bridges, be added to the lease. Defendants Colberg and Holt told Complainant that Tyrianna could not live there because she was under eighteen years old and the Subject Property was an eighteen and up building.

28. When Complainant visited the office, Defendants told Complainant she would need to apply for one of NHA's family units at the other NHA properties or a Section 8 Housing Choice Voucher and move when one became available.

29. Defendant Holt also told Complainant during the visit to the office that her daughter, Tyrianna Bridges, could not live with her at the Subject Property while they waited for a two-bedroom family unit or a voucher to become available.

30. On November 30, 2023, a two-bedroom unit became available at one of Defendant NHA's properties with family units. Defendants started the process to transfer Complainant to

that property, but she could not provide proof of utilities in her name and could not afford the unit because the rent did not include utilities.

31. After the transfer was unsuccessful, Defendants Colberg and Holt continued to tell Complainant she needed to relocate from the Subject Property because her daughter could not live there.

32. On March 8, 2024, Complainant received a Housing Choice Voucher from NHA for a two-bedroom unit, and she and Defendants began looking for available units.

33. Before she had secured other housing, on April 8, 2024, Defendants issued Complainant another lease violation for an unauthorized guest, that stated "You have 7 days to find other accommodations for your daughter at this point. She is below the approved age for tenancy to reside at Midtown Towers."

34. Complainant felt forced to move out because Defendants would not approve her daughter to live there. On April 11, 2024, Complainant provided Defendants with her written thirty-day notice to vacate.

35. On April 15, 2024, Complainant completed Defendants' intent to vacate form which asked the reason for moving; Complainant wrote, "I received my section 8 voucher and there were problems with my daughter living with me ... [Defendant Colberg] was trying to kick her out."

36. On or about June 2, 2024, Complainant and her daughter moved out of the Subject Property. They moved into an apartment using the Housing Choice Voucher from NHA but not all utility bills, such as water service, were covered.

37. Complainant and her daughter suffered actual damages caused by Defendants' discriminatory conduct, including out-of-pocket costs, lost housing opportunity, and emotional distress.

PROCEDURAL BACKGROUND

38. On June 17, 2024, Complainant filed a complaint with the U.S. Department of Housing and Urban Development ("HUD") alleging that Defendants discriminated against her and her daughter because of familial status.

39. As required by the Fair Housing Act, 42 U.S.C. § 3610(a) and (b), the Secretary of HUD ("Secretary") conducted an investigation of the complaint made by Complainant, attempted conciliation without success, and prepared a final investigative report.

40. Based on the information gathered in the HUD investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g), determined that reasonable cause exists to believe that illegal discriminatory housing practices occurred. On March 31, 2026, the Secretary issued a Determination of Reasonable Cause and Charge of Discrimination pursuant to 42 U.S.C. § 3610(g)(2)(A), charging Defendants with discrimination under the Fair Housing Act.

41. On April 15, 2026, Defendants elected to have the claims asserted in HUD's Charge of Discrimination resolved in a federal civil action pursuant to 42 U.S.C. § 3612(a).

42. On April 16, 2026, a HUD Administrative Law Judge issued a Notice of Election and terminated the administrative proceedings on the HUD complaint filed by Complainant. Following the Notice of Election, the Secretary authorized the Attorney General to commence a civil action pursuant to 42 U.S.C. § 3612(o).

CLAIM FOR RELIEF

(Violations of the Fair Housing Act, 42 U.S.C. 3604(a), (b), and (c))

43. The United States re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

44. Through the conduct described above, Defendants have:

a. Discriminated in the rental of, or otherwise made unavailable or denied, a dwelling to Complainant and her daughter because of familial status in violation of 42 U.S.C. § 3604(a).

b. Discriminated against Complainant and her daughter in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection therewith, because of familial status in violation of 42 U.S.C. § 3604(b).

c. Made, printed, or published, or caused to be made, printed, or published a notice, statement, or advertisement, with respect to the rental of a dwelling that indicates a preference, limitation, or discrimination because of familial status, or an intention to make any such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c).

45. Defendants' conduct, as described above, constitutes one or more "discriminatory housing practice[s]" within the meaning of 42 U.S.C. § 3602(f).

46. Complainant and her daughter are "aggrieved persons" within the meaning of 42 U.S.C. § 3602(i).

47. Defendants' discriminatory actions were intentional, willful, and taken in disregard of the rights of the Complainant and her daughter.

PRAYER FOR RELIEF

WHEREFORE, the United States requests that this Court:

1. Declare that Defendants' discriminatory housing practices as set forth above violate the Fair Housing Act;

2. Enjoin and restrain Defendants, their officers, employees, agents, successors, and all other persons or corporations in active concert or participation with Defendants, from:

a. Refusing to sell or rent after the making of a bona fide offer, or otherwise making unavailable or denying, a dwelling to any person because of familial status, in violation of 42 U.S.C. § 3604(a);

b. Discriminating against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of familial status, in violation of 42 U.S.C. § 3604(b); and

c. Making, printing, or publishing, or causing to be made, printed, or published, any notice, statement, or advertisement, that indicates a preference, limitation, or discrimination based on familial status with respect to the rental of a dwelling, in violation of 42 U.S.C. § 3604(c);

3. Award monetary damages to Complainant and her daughter pursuant to 42 U.S.C. §§ 3612(o)(3); and

4. Order such additional relief as the interests of justice require.

Respectfully submitted,

For the Plaintiff UNITED STATES:

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REQUEST FOR PLACE OF TRIAL

Plaintiff United States of America hereby requests that the trial of the above-entitled matter be held in the City of Wichita, Kansas.

/s/ Andrew Jorgenson
Andrew Jorgenson
Assistant United States Attorney