

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 15-11748
)	
J & R ASSOCIATES,)	
)	
Defendant.)	
_____)	

COMPLAINT

The United States of America 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. §§ 3601-3619 (the Fair Housing Act).

JURISDICTION AND VENUE

2. This 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 under 28 U.S.C. § 1391(b), because the claims alleged herein arose in the District of Massachusetts.

PARTIES

4. Plaintiff is the United States of America.

5. Defendant J & R Associates is the owner of Royal Park Apartments.

6. Defendant J & R Associates is incorporated in the Commonwealth of Massachusetts and its principal office address is 65 East Washington Street, North Attleboro, Massachusetts 02760.

ROYAL PARK APARTMENTS

7. Royal Park Apartments is an eight-building multi-family residential complex with 224 units and a separate on-site rental office, located at 65 East Washington Street, North Attleboro, Massachusetts 02760.

8. The units at Royal Park Apartments are dwellings within the meaning of 42 U.S.C. § 3602(b).

9. Defendant J & R Associates employs a rental agent who, at all times pertinent to the allegations in this Complaint, is authorized to act on Defendant's behalf for the purpose of renting, showing, and/or managing the units at Royal Park Apartments.

FACTUAL ALLEGATIONS

10. Between January and May 2014, the United States Department of Justice conducted testing to evaluate Defendant's compliance with the Fair Housing Act. Testing is a simulation of a housing transaction that compares responses given by housing providers to different types of home-seekers and renters to determine whether illegal discrimination is occurring.

11. The testing undertaken by the United States revealed that Defendant is engaged in housing practices that discriminate on the basis of familial status at Royal Park Apartments by maintaining and enforcing policies that segregate families with children in certain buildings, and restrict them to certain floors and units.

12. Illustrations of Defendant's discriminatory housing practices include, but are not limited to, the following incidents, as revealed by the testing conducted by the United States:

a. On January 15, 2014, Defendant's rental agent, acting on its behalf, represented to one of the United States testers that "the only buildings with kids are five, seven, and eight; one, two, three, four and six are adults. You will see some kids there 'cause if they are born there I can't throw them away. They have to stay there."

b. On January 15, 2014, Defendant's rental agent, acting on its behalf, represented to one of the United States testers that "these four buildings along the courtside, that's where I would probably want to put you. They are basically adult buildings. The children we put in family buildings down in the back."

c. On April 9, 2014, Defendant's rental agent, acting on its behalf, stated to one of the United States testers that she could possibly put him and his two-year-old child in a first floor unit to avoid his child "running around," explaining further, that the "buildings here, the four [buildings], we try to keep working professionals so the kids aren't running around screaming."

d. On April 9, 2014, Defendant's rental agent, acting on its behalf, offered units on certain floors and in certain buildings to a tester without children that the Defendant's rental agent did not offer to a tester with a child.

13. The testing undertaken by the United States revealed that Defendant is engaged in housing practices that discriminate on the basis of familial status at Royal Park Apartments by:

a. Denying, or refusing to negotiate for the rental of, or otherwise making unavailable for rent certain buildings, floors, and/or units to families with children;

b. Segregating families with children within Royal Park Apartments by assigning families with children to particular buildings, floors, and/or units at Royal Park Apartments and maintaining adult-only buildings, floors, and/or units;

c. Discouraging and restricting families with children from renting and living in certain buildings, units and/or floors at Royal Park Apartments;

d. Making or causing to be made statements with respect to the rental of a dwelling that indicate a preference, limitation, or discrimination based on familial status, or an intention to make such preference, limitation or discrimination.

CLAIMS FOR RELIEF

14. The conduct of Defendant described above constitutes:

a. A refusal to negotiate for the rental of, or otherwise making unavailable or denying dwellings to persons because of familial status, in violation of 42 U.S.C. § 3604(a); and

b. Statements with respect to the rental of a dwelling that indicate a preference, limitation, or discrimination based on familial status, in violation of 42 U.S.C. § 3604(c).

15. The conduct of Defendant described above constitutes:

a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*; or

b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*, which denial raises an issue of general public importance.

16. Persons who may have been victims of Defendant's discriminatory housing practices are "aggrieved persons" as defined in 42 U.S.C. § 3602(i), and may have suffered damages as a result of the conduct described above.

17. Defendant's conduct described above was intentional, willful, and taken in disregard for the rights of families with children.

PRAYER FOR RELIEF

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

1. Declares that Defendant's policies and practices, as alleged herein, violate the Fair Housing Act;
2. Enjoins Defendant, its officers, employees, agents, successors, and all other persons in active concert or participation with any of them, from:
 - a. Discriminating against any person on the basis of familial status in any aspect of the rental of a dwelling;
 - b. Failing or refusing to make, print, or publish statements that dwellings owned or operated by Defendant are available to all persons on a non-discriminatory basis;
 - c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendant's' unlawful practices to the position they would have been in but for the discriminatory conduct; and
 - d. 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, to the extent practicable, the effects of Defendant's' unlawful practices;
3. Awards monetary damages, pursuant to 42 U.S.C. § 3614(d)(1)(B) to all persons harmed by Defendant; and
4. Assesses a civil penalty against Defendant in an amount authorized by 42 U.S.C. § 3614(d)(1)(C) and 28 C.F.R. § 85.3(b)(3) to vindicate the public interest.

The United States further prays for such additional relief as the interests of justice may require.

Respectfully submitted,

LORETTA E. LYNCH
Attorney General

/s/ Vanita Gupta
VANITA GUPTA
Principal Deputy Assistant Attorney General
Civil Rights Division

CARMEN M. ORTIZ
United States Attorney
District of Massachusetts

/s/ Jennifer A. Serafyn
JENNIFER A. SERAFYN, BBO No. 653739
Assistant United States Attorney
One Courthouse Way
Suite 9200
Boston, MA 02210
(617) 748-3188
(617) 748-3969
Jennifer.Serafyn@usdoj.gov

/s/ Beth Pepper
STEVEN H. ROSENBAUM
Chief, Housing Section
R. TAMAR HAGLER
Deputy Chief
BETH PEPPER
Trial Attorney
United States Department of Justice
Housing and Civil Enforcement Section
950 Pennsylvania Avenue, N.W.
Northwestern Building, 7th Floor
Washington, DC 20530
Tel: (202) 305-0916
Fax: (202) 514-1116
Beth.Pepper@usdoj.gov

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