

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO.: 3:16cv1851
)	
PARK CITY COMMUNITIES, FORMERLY)	
THE BRIDGEPORT HOUSING AUTHORITY,)	
AND KIMBERLEE CENTENO)	
)	
Defendants.)	
_____)	

COMPLAINT

The United States of America alleges as follows:

NATURE OF 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 *et seq.* (“Fair Housing Act”). It is brought on behalf of Joeliana Santana (“Santana”) pursuant to Section 812(o) of the Fair Housing Act, 42 U.S.C. § 3612(o).

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. §§ 3612(o). Venue is proper in this judicial district pursuant to 42 U.S.C. § 1391(b) because the events giving rise to this action occurred in this judicial district.

PARTIES

3. Defendant Park City Communities, formerly the Bridgeport Housing Authority (“BHA”), operates public housing in the City of Bridgeport, Connecticut. The BHA receives

funding from the State of Connecticut and federal funding from the United States Department of Housing and Urban Development (“HUD”). The BHA owns and operates public and subsidized housing in Bridgeport, Connecticut, including a two-family scattered site public housing development located at 60 Sixth Street, Bridgeport, Connecticut 06607 (“subject property”).

4. At all times relevant to the complaint, Defendant KimberLee Centeno was the Director of Asset Management at the BHA. Ms. Centeno’s job duties include processing reasonable accommodation requests.

5. The subject property is a dwelling as defined by the Act. 42 U.S.C. § 3602(b).

6. Ms. Santana is the mother of four small children, who reside with her at the subject property.

7. Ms. Santana is a person with a disability as defined by the Act, 42 U.S.C. § 3602(h). Ms. Santana has been diagnosed with anxiety, depression, and Post Traumatic Stress Disorder (“PTSD”), which substantially limit her major life activities, including her ability to sleep and her ability to care for herself and her children.

FACTUAL ALLEGATIONS

8. On January 13, 2012, Ms. Santana and her two eldest children moved into a 2-bedroom scattered site public housing unit located at 60 Sixth Street in Bridgeport, Connecticut.

9. On numerous occasions in 2012 and 2013, Ms. Santana witnessed loud socializing, drinking, drug use, and drug trafficking in the area outside her home. She began to develop symptoms of anxiety and depression because of this activity and was concerned for her safety and the safety of her two children.

10. On July 17, 2013, a murder occurred on the street directly in front of Ms. Santana’s home. Ms. Santana was at home when the murder occurred and heard the gunshots and

saw the victim lying motionless in the car parked in front of her unit. Ms. Santana called the BHA that day to report the incident.

11. In the days following the murder, a message was painted onto the concrete sidewalk in front of Ms. Santana's home to honor the victim. The message remains on the sidewalk outside of the subject property. Every time Ms. Santana enters and exits her home she sees the message, triggering her anxiety about the murder and the safety of her family.

12. Following the murder, Ms. Santana experienced increased symptoms of anxiety and depression. Ms. Santana sought treatment at the Hollow Community Health Center at 82-88 George Street in Bridgeport, Connecticut, where she was seen by Advanced Practice Registered Nurse Marleena Dimaggio.

13. Ms. Dimaggio provided Ms. Santana with regular treatment for her anxiety and depression.

14. On January 8, 2014, Ms. Santana gave birth to her third child.

15. In early 2014, Ms. Dimaggio encouraged Ms. Santana to talk to her landlord about transferring to a different housing unit to eliminate the "triggers" of her anxiety. Ms. Dimaggio also informed Ms. Santana of her right to request a transfer as a reasonable accommodation for her disabilities. Prior to this conversation with her health care provider, Ms. Santana was not aware of this option.

16. On July 23, 2014, Ms. Santana submitted reasonable accommodation request to the BHA to transfer out of her unit at 60 Sixth Street. On the Transfer Request Form, Ms. Santana checked the "Medical" box as the reason for her transfer. Ms. Santana attached a note from Ms. Dimaggio to her request. The note stated: "Joeliana Santana . . . is suffering from

anxiety + depression and states she feels unsafe at home due to violence in her current neighborhood.”

17. On November 14, 2014, Ms. Santana received a letter from Jennifer Black, the BHA’s Director of Legal Services. The letter approved Ms. Santana’s July 23, 2014 reasonable accommodation request for a transfer. It stated: “Your request for a reasonable accommodation transfer has been approved. When your name comes to the top of the transfer list based on the date and time of your request and a unit is available to meet you and your family’s needs a unit offer will be made to you.”

18. In approving Ms. Santana’s July 23, 2014 reasonable accommodation request for a transfer, a BHA staff person signed the Transfer Request Form and completed the section of the form to be completed by site staff. A BHA staff person checked the “Approved” box and attached a “Doctor’s note” received on July 23, 2014, which was the note from Ms. Santana’s medical provider, Ms. Dimaggio. The BHA staff person also checked the “Yes” box to indicate that the BHA received documentation to substantiate the need for Ms. Santana’s reasonable accommodation.

19. Shortly after receiving the approval letter, Ms. Santana called the BHA to inquire about the status of her transfer. She was told that she had been placed on a transfer waiting list.

20. Ms. Santana called the BHA periodically to inquire about the status of her transfer. Each time she called, the BHA informed her that she was still on the waiting list, but a unit was not available yet.

21. On or about July 22, 2015, Ms. Santana again called the BHA to inquire about the status of her transfer. Initially, Ms. Santana spoke with a BHA staff person named Deirdre Perry,

who informed her that her transfer approval had been “reversed.” Ms. Perry then transferred Ms. Santana to Ms. Centeno, Asset Manager for the BHA.

22. Ms. Centeno told Ms. Santana that the BHA had rescinded or withdrawn her reasonable accommodation approval because the BHA had approved too many transfer requests. When Ms. Santana asked to speak to Ms. Centeno’s manager, Ms. Centeno refused, stating that she was the only person to talk to regarding the decision.

23. Ms. Centeno informed HUD that the BHA’s Executive Director George Lee Byers directed the BHA to cancel the processing of all transfer requests, including transfers as a reasonable accommodation.

24. The BHA provided HUD with a spreadsheet titled “Approved Accommodations Not Yet Transferred.” Ms. Santana is listed on the second page of the spreadsheet. The spreadsheet lists Ms. Santana’s reasonable accommodation request date as “7/23/14” and her approval date as “11/14/14.” However, in the “Approved/Denied/Complete” column, the spreadsheet says “D,” and in the “Comments” column, the spreadsheet says “Nerves, someone was killed on her street. Not reasonable.”

25. On September 28, 2015, Ms. Santana gave birth to her fourth child.

26. After the BHA’s withdrawal of her transfer approval and denial of her reasonable accommodation request, Ms. Santana continued to seek medical treatment for anxiety and depression.

27. On February 10, 2016, Ms. Santana’s health care provider Ms. Dimaggio wrote that: “Over the past four years [Ms. Santana] has developed a panic disorder. She has panic attacks and feels anxious all the time. She has trouble sleeping and feels depressed at times. Ms. Santana called two weeks ago regarding her anxiety and was seen today for a visit. She feels

very unsafe in her current residence and is fearful for her children.” The letter goes on to say: “Ms. Santana was started [sic] on medication and referred to Mental Health today. It would help her current state of anxiety if she was moved to a residential neighborhood that had less criminal activity so that she could feel safe in the environment in which she lives with her children.”

28. On May 10, 2016, at the recommendation of Ms. Dimaggio, Ms. Santana visited the LifeBridge Community Center at 475 Clinton Avenue in Bridgeport, Connecticut for a behavioral health assessment. The assessment was conducted by Behavioral Health Clinician Holly Benedetto, MS.

29. On May 24, 2016, Ms. Benedetto diagnosed Ms. Santana with PTSD due to “recurring flashbacks, nightmares, anxiety, irritability, fear, hypervigilance, guilt, social isolation, and agitation symptoms.” Ms. Benedetto’s letter further states: “Ms. Santana suffers from high levels of anxiety and moderate depression caused by the recent traumatic experience involving a shooting. Ms. Santana reports no past history of psychiatric hospitalization for current symptoms. This indicates symptoms developed due to traumatic experience. Ms. Santana will continue to be triggered, if not relocated immediately, causing symptoms to worsen. Santana’s current living conditions are a concern for her mental health and ability to safely raise her children. If Ms. Santana continues therapy weekly and is relocated immediately to a safer and secure housing unit, her symptoms will decrease over a significant period of time.”

30. Ms. Santana continues to need a transfer to a different public housing unit away from the site of the trauma she experienced at 60 Sixth Street to accommodate her anxiety, depression, and PTSD.

31. Over two years after her reasonable accommodation request, the BHA has not provided Ms. Santana with the necessary transfer.

HUD ADMINISTRATIVE PROCESS

32. On or around November 2, 2015, Ms. Santana filed a timely Fair Housing Complaint against the BHA and KimberLee Centeno with HUD. 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 upon 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 an illegal discriminatory housing practice had occurred. Therefore, on August 11, 2016, the Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A), charging the above named Defendants with engaging in a discriminatory housing practice on the basis of disability.

33. On September 1, 2016, the BHA elected to have the claims asserted in the HUD Charge of Discrimination resolved in a civil action pursuant to 42 U.S.C. § 3612(a).

34. Following this Notice of Election, the Secretary of HUD authorized the Attorney General to commence a civil action pursuant to 42 U.S.C. § 3612(o).

CLAIM FOR RELIEF

35. Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs 1–34, above.

36. By the actions set forth above, Defendants have:

- a. Discriminated in the terms, conditions or privileges of the rental of a dwelling, or in the provision of services or facilities in connection therewith, on the basis of disability, in violation of 42 U.S.C. § 3604(f)(2); and
- b. Refused to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person

equal opportunity to use and enjoy a dwelling, in violation of 42 U.S.C. § 3604(f)(3)(B).

37. As a result of the Defendants' discriminatory conduct, Ms. Santana has suffered actual injury and damages and is an aggrieved person within the meaning of 42 U.S.C. § 3602(i).

38. Defendants discriminatory actions as set forth above were intentional, willful, and taken in disregard for the rights of Ms. Santana.

WHEREFORE, the United States of America prays for relief as follows:

1. A declaration that the discriminatory conduct of Defendants as set forth above violates the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*;

2. An injunction against Defendants, their agents, employees, successors, and all other persons in active concert or participation with any of them from:

- a. Discriminating on the basis of disability, in violation of the Fair Housing Act;
- b. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, Ms. Walsh to the position she would have been in but for the discriminatory conduct; and
- c. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future.
- d. An award of monetary damages to Ms. Santana for the harm caused by Defendants' discriminatory practices, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1).

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

Dated: November 10, 2016

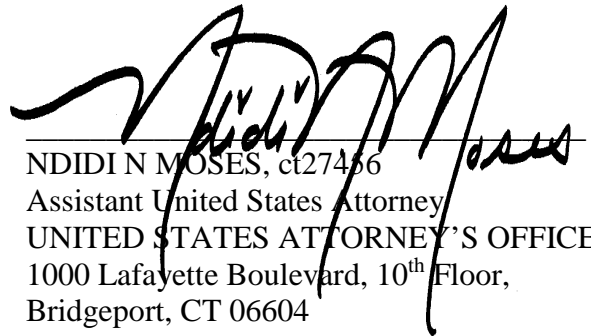
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A large, stylized handwritten signature in black ink, appearing to read 'Ndidi N. Moses', is written over a horizontal line.

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