

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 ALASKA HOUSING FINANCE)
 CORPORATION,)
)
 Defendant.)
 _____)

CIVIL NO. _____

COMPLAINT

The United States of America alleges as follows:

1. This action is brought by the United States on behalf of Laura Waldon 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.* ("Fair Housing Act").

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.

3. Defendant Alaska Housing Finance Corporation ("AHFC") is a self-supporting public corporation that operates as the State of Alaska's housing authority. Among other things, AHFC receives federal funding from the United States Department of Housing and Urban Development ("HUD") to administer a Section 8 Housing Choice Voucher Program ("Voucher Program") throughout the state. The Voucher Program provides low income individuals with a

specified amount of subsidy, based on household income and number of bedrooms needed, to choose and lease a rental dwelling from any private landlord willing to participate in the program.

4. Laura Waldon is a person with a disability as defined within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(h). Ms. Waldon has physical impairments that substantially limit her ability to walk, work, and carry on other important activities.

5. Ms. Waldon has been a participant in the Voucher Program since at least 2001.

6. In early 2005, Ms. Waldon requested a transfer of her housing voucher from Anchorage to Willow, Alaska. In this request, Ms. Waldon asked for a three-bedroom voucher and included information documenting her disability and need for two additional bedrooms: one for a live-in aide and the other for her exercise equipment.

7. On or about November 3, 2005, AHFC sent Ms. Waldon a letter (“approval letter”) stating that Ms. Waldon was approved for a three-bedroom subsidy in Willow, Alaska.

8. In the approval letter, AHFC stated: “You are currently a participant in the Housing Choice Voucher Program. Your family composition qualifies you for a one bedroom subsidy. I have verified that you have added [your daughter] as your live-in aide. I have also spoken with [your physician], and she has verified that she has prescribed your exercise equipment for you.” The approval letter also advised Ms. Waldon that she must meet verification requirements annually.

9. On or about November 14, 2005, Ms. Waldon signed a lease for a three-bedroom house located at 2530 West Alexander Avenue, Willow, Alaska through the Voucher Program.

10. The home at 2530 West Alexander Avenue, Willow, Alaska is a “dwelling” within the meaning of 42 U.S.C. § 3602(b).

11. On or about August 14, 2006, AHFC informed Ms. Waldon by letter of her annual Section 8 recertification requirements to continue to receive a voucher for her three-bedroom home.

12. On or about September 22, 2006, Dr. Weigand submitted a "Medical Verification for a Live-in Aide" form to AHFC in support of Ms. Waldon's recertification for the additional two rooms stating that Ms. Waldon required a live-in aide and "must also have an extra room for all of her health equipment."

13. On or about October 4, 2006, Dr. Weigand also submitted a "Medical Verification for Auxiliary Apparatus" form to AHFC in support of Ms. Waldon's recertification for the additional two rooms indicating that Ms. Waldon has a permanent disability requiring the use of in-home medical apparatus to enable her to live independently.

14. On or about October 4, 2006, Ms. Waldon's medical social worker submitted a letter to AHFC in support of Ms. Waldon's recertification for the additional two rooms stating that, given Ms. Waldon's disabilities, "exercise ... is consistently one of the most helpful interventions prescribed by [Ms. Waldon's] doctors. The prescribed exercise activities are [to be done] seven days a week twice daily."

15. On or about October 4, 2006, Ms. Waldon submitted a "Reasonable Accommodation Request" form to AHFC in support of her recertification for the additional two rooms.

16. On or about October 17, 2006, AHFC denied Ms. Waldon's request for recertification for a three-bedroom voucher. AHFC approved a two-bedroom voucher instead denying Ms. Waldon a subsidy for an extra bedroom for her exercise equipment, but allowing one for her live-in aide.

17. On or about October 23, 2006, Ms. Waldon appealed the decision to deny her a subsidy for the third bedroom under AHFC's grievance procedures.

18. On or about November 15, 2006, an informal hearing was held before a hearing officer regarding AHFC's decision to deny Ms. Waldon a reasonable accommodation for the additional bedroom for her exercise equipment.

19. On November 27, 2006, the hearing officer affirmed AHFC's decision to deny Ms. Waldon a reasonable accommodation for the additional bedroom for her exercise equipment.

20. On or about November 29, 2006, Ms. Waldon filed a timely complaint with HUD alleging that AHFC discriminated against her on the basis of disability.

21. On or about October 24, 2007, AHFC granted Ms. Waldon a three-bedroom voucher, which included an additional bedroom for her exercise equipment.

22. Pursuant to 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD conducted and completed an investigation of Ms. Waldon's 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 illegal discriminatory housing practices had occurred. Therefore, on September 30, 2009, the Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A), charging AHFC with engaging in discriminatory practices, in violation of 42 U.S.C. § 3604(f) of the Fair Housing Act.

23. On October 6, 2009, Ms. Waldon elected to have the claims asserted in the United States Department of Housing and Urban Development's Charge of Discrimination resolved in a civil action pursuant to 42 U.S.C. § 3612(a).

24. On October 9, 2009, the Chief Administrative Law Judge issued a Notice of Election of Judicial Determination and terminated the administrative proceeding on Ms. Waldon's complaint.

25. Following this Notice of Election, the Secretary of the United States Department of Housing and Urban development authorized the Attorney General to commence a civil action, pursuant to 42 U.S.C. § 3612(o).

26. Defendant AHFC, through the above-referenced actions, has:

- (a) Discriminated in the terms, conditions, or privileges of sale or rental of a dwelling, in violation of 42 U.S.C. § 3604(f)(2)(A); and
- (b) Refused to make reasonable accommodations in rules, policies, practices, or services, which were necessary to afford the Ms. Waldon an equal opportunity to use and enjoy a dwelling, in violation of 42 U.S.C. § 3604(f)(3)(A).

27. Ms. Waldon is an "aggrieved person" within the meaning of 42 U.S.C. §3602(i).

28. As a result of AHFC' discriminatory conduct, Ms. Waldon has suffered actual injury and damages.

29. The discriminatory actions of AHFC was intentional, willful, and taken in disregard of the federally protected rights of Ms. Waldon.

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

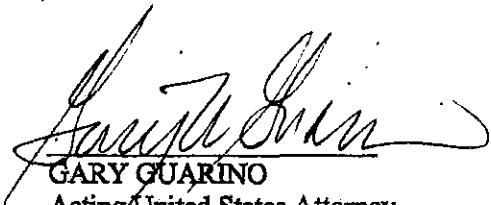
1. A declaration that the conduct of AHFC as set forth above violates the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*;
2. An injunction against AHFC, its agents, employees, successors, and all other persons in active concert or participation with any of them from discriminating

because of a disability, in violation of the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*; and

3. Awards of monetary damages to Ms. Waldon, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1).

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

Dated: *March 12, 2010*



GARY GUARINO
Acting United States Attorney
Federal Building & U.S. Courthouse
222 West Seventh Ave., #9, Rm. 253
Anchorage, Alaska 99513-7567
Tel: (907) 271-5071
Fax: (907) 271-2344
Email: Gary.Guarino@usdoj.gov

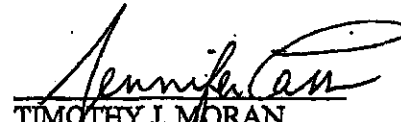
ERIC H. HOLDER, JR.
Attorney General



THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division



STEVEN H. ROSENBAUM
Chief, Housing and Civil
Enforcement Section



TIMOTHY J. MORAN
Deputy Chief
JENNIFER C. CASS

Attorney
Housing and Civil Enforcement Section
Civil Rights Division,
U.S. Department of Justice
950 Pennsylvania Avenue, N.W. - G St.
Washington, DC 20530
Tel: (202) 307-2896, Fax: (202) 514-1116
Email: Jennifer.C.Cass@usdoj.gov