

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA

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|---------------------------|---|-------------------------|
| _____ |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | Hon. |
| Plaintiff, |) | |
| |) | Case No. |
| v. |) | |
| |) | |
| NEYSA C. CRIM, |) | <u>COMPLAINT</u> |
| |) | |
| Defendant. |) | |
| _____ |) | |

The United States of America alleges as follows:

NATURE OF ACTION

1. This action is brought by the United States on behalf of Jimmy Crump to enforce Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act Amendments of 1988, 42 U.S.C. §§ 3601-3619 (the "Fair Housing Act").

JURISDICTION & VENUE

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

THE DEFENDANT

4. At all times relevant to this matter, Defendant Neysa C. Crim ("Defendant Crim") was the owner of a two-bedroom, single-family house located at 640 East Moulton Street, Decatur, Morgan County, Alabama ("the subject property").

5. Defendant Crim also owned at least three other single-family houses in Decatur, Alabama, including but not limited to, 615 East Moulton Street, 646 East Moulton Street, and 650 East Moulton Street.

6. Defendant Crim's properties in Decatur, Alabama, including the house located at 640 East Moulton Street, are "dwellings" within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

FACTUAL ALLEGATIONS

7. Jimmy Crump is a black male.

8. In October 2004, Mr. Crump observed a sign in front of the subject property advertising that it was available to rent. The sign included Defendant Crim's phone number.

9. Mr. Crump repeatedly called the number on the sign, but each time he reached an answering machine instructing the caller to leave a message. On at least three such occasions, Mr. Crump left a message stating his name, his phone number, and his interest in renting the subject property. Mr. Crump never received a return call.

10. After having left these messages, Mr. Crump drove by the subject property again and noticed two women sitting on its porch. The rental sign was still posted in the yard. Mr. Crump got out of his car, walked up to the two women, and asked if the house was still for rent.

11. One of the women on the porch, Defendant Crim, introduced herself as the owner of the

subject property and stated that the house was not yet rented but that the other woman on the porch had the first choice for the rental.

12. On or about October 28, 2004, Mr. Crump spoke to Linda Waldrep, his supervisor at A.D.F. Freight Company, about his interest in the subject property and his unsuccessful attempts to contact Defendant Crim by telephone. Ms. Waldrep offered to call Defendant Crim's number. Ms. Waldrep is a white woman.

13. Shortly thereafter, Ms. Waldrep called Defendant Crim's number and reached an answering machine. While Ms. Waldrep was leaving a message, Defendant Crim answered the telephone and identified herself as the owner of the subject property. After Ms. Waldrep stated that she was inquiring about the subject property on behalf of a friend, Defendant Crim asked, "What color is he?" or words to that effect. Defendant Crim asked Ms. Waldrep, "Is he white or black," and stated that she did not want a black person renting the house, or words to that effect.

14. After additional conversation with Ms. Waldrep, Defendant Crim agreed to speak to Mr. Crump. Mr. Crump told Defendant Crim that he wanted to look at the subject property and they made arrangements to meet there on or about October 29, 2004.

15. On or about October 29, 2004, Mr. Crump met Defendant Crim at the subject property. Defendant Crim reiterated to Mr. Crump that the lady with whom she was speaking on the day he had approached the front porch had first priority. Mr. Crump walked through and saw the house.

16. After touring the property, Mr. Crump stated his desire to rent the subject property and offered to give Defendant Crim a cash deposit. However, Defendant Crim stated that she would not give Mr. Crump a receipt for the deposit. Because Mr. Crump did not want to leave a cash deposit without receiving a receipt, Mr. Crump did not make a deposit on the subject property.

17. About a week later, Mr. Crump entered into a lease for another property.
18. The subject property remained unrented for at least four months after the last conversation between Mr. Crump and Defendant Crim.
19. On or about November 30, 2004, Mr. Crump timely filed a complaint with the Department of Housing and Urban Development ("HUD") alleging discrimination on the basis of race or color in violation of the Fair Housing Act.
20. On or about February 15, 2006, Mr. Crump filed an amended complaint with HUD.
21. As required by the Fair Housing Act, 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD conducted an investigation of Mr. Crump's complaint, attempted conciliation without success, and prepared a final investigative report. Based on the information gathered in this investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g), determined that reasonable cause exists to believe that illegal discriminatory housing practices had occurred. Therefore, on or about November 8, 2007, the Secretary issued a Determination of Reasonable Cause and Charge of Discrimination pursuant to 42 U.S.C. § 3610(g), charging Defendant Crim with discrimination on the basis of race in violation of the Fair Housing Act.
22. On November 30, 2007, Defendant Crim elected to have the claims asserted in HUD's Charge of Discrimination resolved in a civil action pursuant to 42 U.S.C. § 3612(a).
23. On December 3, 2007, the Administrative Law Judge issued a Notice of Election and terminated the administrative proceeding on the HUD complaint.
24. 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).

FAIR HOUSING ACT VIOLATIONS

25. Defendant Crim, through the actions and statements described above, has:

- (a) Refused to negotiate for the rental of, or made unavailable or denied, a dwelling because of race or color, in violation of 42 U.S.C. § 3604(a);
- (b) Made statements with respect to the rental of a dwelling that indicated a preference, limitation, or discrimination based on race or color, in violation of 42 U.S.C. § 3604(c); and
- (c) Made representations because of race or color that a dwelling was not available for rental when such dwelling was in fact so available, in violation of 42 U.S.C. § 3604(d).

26. Mr. Crump is an “aggrieved person” as defined in 42 U.S.C. § 3602(i), and suffered damages as a result of Defendant Crim’s discriminatory conduct.

27. Defendant Crim’s actions and statements were intentional, willful, and taken in disregard for the rights of Mr. Crump.

PRAYER FOR RELIEF

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

- (a) Declares that Defendant Crim’s conduct as described above violates the Fair Housing Act;
- (b) Enjoins Defendant Crim and her agents, employees, and successors, and all other persons in active concert or participation with her, from discriminating on the basis of race or color in violation of the Fair Housing Act; and

- (c) Awards monetary damages to Mr. Crump, 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: January 29, 2008

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