

house”) within the R-1 zoning district established under the Saraland Zoning Ordinance.

6. On or about August 5, 2003, Ms. Lewis, pursuant to the Saraland Zoning Ordinance, applied to the Saraland Board of Adjustment for a special exception to use the Joaneen-Drive house as a foster-care home for nine adults with mental disabilities. (The term “disability” has the same meaning as the term “handicap,” as defined in 42 U.S.C. § 3602(h).)

7. The proposed foster-care home at the Joaneen-Drive house would have been a dwelling within the meaning of 42 U.S.C. § 3602(b).

8. The mentally disabled adults who would have resided at the Joaneen-Drive house would have been referred to Ms. Lewis pursuant to a contract with the Greater Mobile-Washington County Mental Health-Mental Retardation Board, Inc., and had a variety of medically diagnosed mental disabilities ranging from clinical depression to bi-polar disorder and schizophrenia.

9. The prospective residents of Ms. Lewis’s proposed home were handicapped within the meaning of 42 U.S.C. § 3602(h).

10. On or about September 2, 2003, the Saraland Board of Adjustment held a regular session at which the application of Ms. Lewis was heard. At the session members of the Board heard from private citizens who voiced opposition to Ms. Lewis’s proposal because of the mental disabilities of the prospective residents of the home. Also at the session members of the Board made statements indicating an indisposition on their part to approve Ms. Lewis’s application because of the mental disabilities of the prospective residents of the home. At the end of the hearing members of the Board voted to deny the special-exception application of Ms. Lewis.

11. The defendants' denial of Ms. Lewis's special-exception application has prevented her from establishing and operating a foster-care home for mentally disabled adults at the Joaneen-Drive house.

12. The defendants' denial of Ms. Lewis's special-exception application was because of the disabilities of the prospective residents of the proposed home and therefore violated 42 U.S.C. §§ 3604(f)(1) and 3604(f)(2).

13. The defendants' conduct was intentional, willful, and done in disregard of the rights of others.

14. The defendants' denial of Ms. Lewis's special-exception application constitutes a denial to a group of persons of rights granted by Title VIII of the Civil Rights Act of 1988, 42 U.S.C. §§ 3601-3619, that raises an issue of general public importance under 42 U.S.C. § 3614(a).

15. Ms. Lewis and other persons who have been, or who may have been, the victims of the defendants' discriminatory practices are aggrieved persons as defined in 42 U.S.C. § 3602(i). These persons have suffered, or may have suffered, damages as a result of the defendants' conduct.

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

1. Declares that the defendants' actions described above constitute a violation of the Fair Housing Act;
2. Enjoins the defendants, their agents, employees, assigns, successors, and all other persons in active concert or participation with them, from violating any provision of the Fair Housing Act by discriminating on the basis of disability;

3. Enjoins the defendants, their agents, employees, assigns, successors and all other persons in active concert or participation with them, to make reasonable accommodations in their policies, practices, rules, or services as required by the Fair Housing Act, including accommodations that permit the establishment and operation of group residences for persons with disabilities;

4. Requires such action by the defendants as may be necessary to restore all persons aggrieved by the their discriminatory housing practices to the position they would have occupied but for such discriminatory conduct;

5. Awards appropriate monetary damages pursuant to 42 U.S.C. § 3614(d)(1)(B) to fully compensate each person aggrieved by the defendants' discriminatory housing practices for their injuries caused by such discriminatory conduct; and

6. Assesses a civil penalty against the defendants in an amount of money authorized by 42 U.S.C. § 3614(d)(1)(C) to vindicate the public interest.

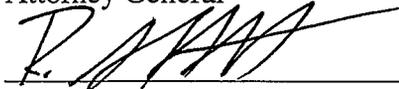
The United States further prays for such additional relief as the interests of justice may require.

DAVID P. YORK
United States Attorney
Southern District of Alabama

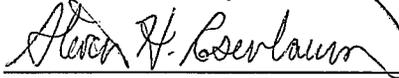
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