

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
V.)	CIVIL ACTION No.:
)	
)	
CLIFTON HYLTON,)	
MERLINE HYLTON and)	
HYLTON REAL ESTATE)	
MANAGEMENT, INC.)	
Defendants.)	

COMPLAINT

The United States of America, by and through its counsel, David B. Fein, United States Attorney for the District of Connecticut, and Ndidi N. Moses, Assistant United States Attorney, for its Complaint alleges as follows:

JURISDICTION AND VENUE

1. The United States brings this action to enforce the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631. It is brought on behalf of Jermaine Bilbo, Taika Bilbo, DeMechia Wilson, and Wilson’s minor children: D.E. Wilson, and D. A. Wilson (collectively, “Complainants”).

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 in the District of Connecticut under 28 U.S.C. § 1391(b) and 42 U.S.C. § 3612(o), in that the events, acts or omissions giving rise to this action occurred in this district.

PARTIES

4. Plaintiff is the United States of America. The United States brings this action on behalf of the Complainants, as follows:

a. Complainant Jermaine Bilbo (“Mr. Bilbo”) is an African American resident of the District of Connecticut.

b. Complainant Taika Bilbo (“Ms. Bilbo”) is Caucasian, and the wife of Mr. Bilbo. Ms. Bilbo is a resident of the District of Connecticut.

c. Complainant DeMechia Wilson (“Wilson”) and her minor children, D.E. Wilson and D.A. Wilson, are African-American. At all times relevant to this complaint, they were residents of the District of Connecticut.

5. At all times relevant to the Complaint, Defendant, Merline Hylton (“Ms. Hylton”), was the owner of a single-family home, located at 5 Townline Road, Windsor Locks, CT (“subject property”). The subject property is a “dwelling” within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

6. At all times relevant to the Complaint, Defendant, Clifton Hylton (Mr. Hylton), husband of Merline Hylton, managed the subject property as an officer of Hylton Real Estate Management, Inc. (“HREM”).

7. HREM is a corporation registered with the State of Connecticut. Clifton Hylton is listed as the president, secretary, and director of HREM.

FACTUAL ALLEGATIONS

8. On or about May 1, 2010, Complainants, Jermaine Bilbo and Taika Bilbo, each signed a one year lease to rent the subject property from Defendants. The lease term commenced on May 1, 2010 and ended on April 30, 2011.

9. The lease, which was written on the letterhead of HREM, provides in Section 14 that Mr. and Ms. Bilbo must obtain prior written consent of the landlord before subletting the rental property.

10. On or about May 31, 2010, Mr. Bilbo telephoned Mr. Hylton to inform him that he and his wife intended to purchase a house, and would need to terminate the lease. Mr. Bilbo told Mr. Hylton that he would find a sub-lessee to take over the lease.

11. By letter dated June 1, 2010, Mr. Bilbo wrote to Mr. Hylton, reiterating that he and his wife intended to break the lease and move at the end of the month. Specifically, he stated:

“I just wanted to give you official notice as per our talk yesterday. I have made an offer on a house and it has been excepted [*sic*]. We are scheduled to close on 6-30-2010. If this deal goes through, I will no longer be able to continue to live, or pay rent on your property located at 5 Townline Road in Windsor Locks, CT 06096 . . .I hope we can work this out in a way that is mutually beneficial to us.”

12. On June 18, 2010, Mr. and Ms. Bilbo posted an online advertisement on www.craigslist.com (“Craigslist”), advertising the subject property, and seeking a sub-lessee for the property. The advertisement provided that the property would be available July 1, 2010.

13. On or about June 21, 2010, Ms. Wilson saw the Craigslist advertisement, offering the subject premise for a sub-lease, and emailed Ms. Bilbo to set up an appointment to view the subject property.

14. On the morning of June 22, 2010, Wilson viewed the subject property with Mr. Bilbo, and expressed an interest in subletting.

15. After showing Wilson the subject property, Mr. Bilbo called Mr. Hylton to inform him that he had found a tenant to sublease the apartment through the end of the lease term. Initially, Mr. Hylton told Mr. Bilbo that he would approve the sublet. Mr. Hylton then inquired into the race of the sub-lessee. When Mr. Bilbo informed Mr. Hylton that the person interested in subletting was African-American, Mr. Hylton stated that he did not want "too many blacks" at the property and that the neighbors would not want to see "too many blacks" at the subject property. Mr. Hylton told Mr. Bilbo that the only reason he rented to Mr. and Ms. Bilbo was because Ms. Bilbo was "white" and it was a good "mix." Mr. Hylton stated to Mr. Bilbo that he would need to find "good white people that could afford it because [Wilson] is not going to be able to pay."

16. During the evening of June 22, 2010, Ms. Bilbo telephoned Ms. Wilson to inform her that she would not be able to rent to her because the owner of the property would not approve a rental to a "black" tenant.

17. Pursuant to the requirements of 42 U.S.C. § 3610(a) and (b), the Secretary of HUD ("Secretary") conducted an investigation of the 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)(1), determined that reasonable cause existed to believe that Defendants Clifton Hylton and Merline Hylton had committed illegal discriminatory housing practices in connection with the subject property. Therefore, on August 25, 2011, the Secretary issued a Determination of Reasonable Cause and Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A), charging that Defendants

Clifton Hylton and Merline Hylton had engaged in discriminatory practices, in violation of the Fair Housing Act.

18. On or about September 7, 2011, Jermaine Bilbo, Taika Bilbo, DeMechia Wilson and her minor children D.E. Wilson and D.A. Wilson, through their attorney, made a timely election to have the HUD charge resolved in a federal civil action, pursuant to 42 U.S.C. § 3612(a).

19. The Secretary subsequently authorized the United States Attorney General to file this action on behalf of the Complainants, pursuant to 42 U.S.C. § 3612(o).

CLAIMS FOR RELIEF

20. By the actions and statements set forth above, Defendants Clifton Hylton, Merline Hylton, and HREM have:

a. Refused to negotiate for the rental of, or otherwise made unavailable or denied dwellings to persons because of race, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);

b. Discriminated in the terms, conditions, or privileges of rental of a dwelling because of race, in violation of Section 804(b) of the Fair Housing Act, 42 U.S.C. § 3604(b); and

c. Made statements with respect to the rental of dwellings that indicate a preference, limitation, or discrimination based on race, or an intention to make any such preference, limitation, or discrimination, in violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c).

21. As a result of the conduct or actions of Defendants, Complainants have suffered damages and are aggrieved persons within the meaning of 42 U.S.C. § 3602(i).

22. Defendants Clifton Hylton, Merline Hylton, and HREM's discriminatory actions and statements as set forth above were intentional, willful, and taken in disregard for the rights of the Complainants.

PRAYER FOR RELIEF

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

A. Declares that Defendants Clifton Hylton, Merline Hylton, and HREM's discriminatory practices, as set forth above, violate the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*;

B. Enjoins Defendants Clifton Hylton, Merline Hylton, and HREM, their agents, employees, successors, and all other persons in active concert or participation with any of them from discriminating on the basis of race, in violation of the Fair Housing Act, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1);

C. Enjoins the Defendants from failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the complainants to the position they would have been in but for the discriminatory conduct, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1);

D. Enjoins the Defendants from 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 their unlawful practices, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1);

E. Awards monetary damages to the Complainants, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1); and

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

