

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
S-2 PROPERTIES, INC. and)
BILL TURZAI,)
Defendants.)
)
)

COMPLAINT

Case No. _____

The United States of America alleges:

1. This action is brought to enforce the Fair Housing Act, 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.*
2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. §§ 3612(o) and 3614(a). Venue is proper under 28 U.S.C. § 1391(b) as the claims alleged herein arose in the Western District of Pennsylvania.
3. S-2 Properties, Inc. (“S-2 Properties”) is a Pennsylvania Limited Partnership with its principal place of business at 831 East Sleepy Hollow Road, Pittsburgh, Pennsylvania 15234.
4. S-2 Properties owns the Baldwin Commons apartment complex (“Baldwin Commons”), a 100-unit rental property located at 49 Rosewood Court in Pittsburgh, Pennsylvania 15236. The units at Baldwin Commons are “dwellings” within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

5. Defendant Bill Turzai is the manager and the on-site leasing agent of Baldwin Commons and is employed by S-2 Properties. Mr. Turzai is responsible for showing and leasing dwelling units at Baldwin Commons.
6. S-2 Properties has the right to direct and control the actions of its agent, Mr. Turzai, as manager and on-site leasing agent of Baldwin Commons.
7. Between at least February 19, 2013, until April 25, 2013, and while acting with the actual or apparent authority of S-2 Properties, Mr. Turzai showed and offered for rent apartments and townhomes located at Baldwin Commons.
8. Between February 19, 2013, and April 25, 2013, the United States Department of Justice conducted three tests at Baldwin Commons to evaluate the Defendants' compliance with the Fair Housing Act. Testing is the simulation of a housing transaction that compares responses given by housing providers to different types of home-seekers to determine whether illegal discrimination is occurring.
9. The Department of Justice conducted the first test at Baldwin Commons on February 19 and February 20, 2013. On February 19, a white male tester contacted Baldwin Commons by telephone and asked about the availability of a 1 or 2-bedroom unit for rent. Mr. Turzai told the white male tester that there was a 2-bedroom townhome that was available to rent. On February 20, a black male tester visited Baldwin Commons and inquired about the availability of a 2-bedroom unit for rent for March. Mr. Turzai told the black male tester that the complex was "fully occupied" and that he had to be placed on a waiting list for a call back. On the same day, a few hours later, a white male tester visited Baldwin Commons and inquired about the availability of a 2-bedroom unit for

March. Mr. Turzai told the white male tester that a unit was available to rent immediately and that he should “snag it.”

10. The Department of Justice conducted a second test at Baldwin Commons on March 27 and March 28, 2013. On March 27, a white male tester visited Baldwin Commons and inquired about a 2-bedroom unit for rent for the end of April. Mr. Turzai told the white male tester that there was a unit available for rent and “ready to go.” On the same day, a few hours later, a black male tester visited Baldwin Commons and asked about the availability of a 2-bedroom unit for the first of May. Mr. Turzai told the black male tester that there was a vacant 2-bedroom unit but that it was “not going to be available” for rent and that he could “put [him] on the waiting list.” On March 28, the following day, the white male tester called Mr. Turzai to inquire about the vacant unit he had seen the day before. Mr. Turzai told him that the unit was still available for rent.
11. The Department of Justice conducted a third test at Baldwin Commons on April 23-25, 2013. On April 23, a white male tester visited Baldwin Commons and inquired about a 2-bedroom unit for rent for the end of May. Mr. Turzai told the white male tester that there were three units that were “opening up” and available for rent and that there were two additional units that would potentially be available for rent as well. On April 24, the following day, a black male tester visited Baldwin Commons and inquired about the availability of a 2-bedroom unit for the first of June. Mr. Turzai told the black male tester that he had “some openings” but that he had people “lined up” to rent them. Mr. Turzai told the black tester that he could be placed on the waiting list and could wait for a call back if a unit became available. On April 25, the following day, the white male

tester called Mr. Turzai and inquired about whether there were available units to rent.

Mr. Turzai told the white tester that the three units that he had been shown the day before were still available to rent and that “you can come right in off the street if you want one right now.”

12. By the conduct set forth above, Defendants S-2 Properties and Bill Turzai:

- a. Refused to negotiate for the rental of, or otherwise made unavailable or denied a dwelling to a person on the basis 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, or the provision of services or facilities in connection with the 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. Represented to persons, because of race, that a dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available, in violation of Section 804(d) of the Fair Housing Act, 42 U.S.C. § 3604(d).

13. The conduct of Defendants S-2 Properties and Bill Turzai, as set forth above, constitutes:

- a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619; or
- b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619, which denial raises an issue of general public importance.

14. The discriminatory actions of Defendants S-2 Properties and Bill Turzai were intentional, willful, and taken in disregard of the requirements of the Fair Housing Act and the rights of residents, potential residents, and others.
15. There may be victims of the Defendants' discriminatory housing practices who are "aggrieved persons" as defined in 42 U.S.C. §3602 (i), and who may have suffered injuries as a result of the conduct described above.

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

1. Declares that the conduct of the Defendants, S-2 Properties and Bill Turzai, as alleged herein, violates the Fair Housing Act;
2. Enjoins the Defendants and their officers, employees, agents, successors and all other persons in active concert or participation with them, pursuant to 42 U.S.C. § 3614(d)(1)(A), from further:
 - a. Refusing to rent, or refusing to negotiate for the rental of, or otherwise make unavailable or deny, a dwelling to any person because of race;
 - b. Discriminating against any person in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race;
 - c. Discriminating on the basis of race against any person in any aspect of the rental of dwellings; and
 - d. Failing or refusing to take such steps that may be necessary to prevent the recurrence of any discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of the Defendants' unlawful housing practices;

- e. Failing or refusing to take such steps that may be necessary to restore persons aggrieved by the Defendants' unlawful housing practices to the position they would have been in but for the Defendants' conduct.
- 3. Awards monetary damages, pursuant to 42 U.S.C. § 3614(d)(1)(B), to any persons harmed by the defendants' discriminatory practices.
- 4. Assesses a civil penalty against Defendants in an amount authorized by 42 U.S.C. § 3614(d)(1)(C) and 28 C.F.R. § 85.3(b)(3), to vindicate the public interest.

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

Dated: September 30, 2013

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