

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	CIVIL NO.
GENTLE MANOR ESTATES, LLC AND JOHN	)	
TOWNSEND,	)	
	)	
Defendants.	)	

**COMPLAINT**

The United States of America alleges as follows:

NATURE OF THE ACTION

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

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. §3614(a).
3. Venue is proper under 28 U.S.C. §1391(b), because the claims alleged herein arose in the Northern District of Indiana.

FACTUAL ALLEGATIONS

4. Gentle Manor Estates, LLC (“GME”) owns Gentle Manor Estates (“Gentle Manor”), a 173-lot mobile home park, located at 1350 East North Street, Crown Point, Indiana, 46307. GME offers mobile home lots at Gentle Manor for rent. Those lots are dwellings within the meaning of 42 U.S.C. §3602(b).

5. GME is an Indiana limited liability corporation with its principal place of business in Crown Point, Indiana.
6. John Townsend is an agent for GME; he leases the Gentle Manor mobile home lots on GME's behalf. As an agent for GME, GME is liable for all discriminatory conduct alleged herein that was carried out by John Townsend.
7. The United States Department of Justice conducted testing to evaluate Defendants' compliance with the Fair Housing Act. Testing is a 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.
8. On September 18, 2014, the Department of Justice conducted one such test at Gentle Manor. During this test, a male tester who represented that he would be living alone, inquired about the availability of a mobile home lot rental. Mr. Townsend informed the tester that he had lots available and that Gentle Manor required all residents to be at least forty years old to live at the property.
9. On September 23, 2014, the Department of Justice conducted another test at Gentle Manor. During this test, a female tester who represented herself as married with a child, asked about the availability of a mobile home lot rental. Although Mr. Townsend did not verify the tester's age, Mr. Townsend told the tester that he did not have a mobile home lot to rent to her family because no one under the age of forty was allowed to live at Gentle Manor.
10. On that same day, the female tester who represented herself as married with a child, called Gentle Manor again and spoke to Mr. Townsend to clarify whether her family would be able to rent a Gentle Manor mobile home lot if she and her husband were both

forty years old by the time that her family would occupied the dwelling. Mr. Townsend told the tester that the presence of her child prevented her from living at Gentle Manor because Gentle Manor does not allow children to live at the property.

11. The testing undertaken by the United States revealed that Defendants are engaged in housing practices that discriminate on the basis of familial status at Gentle Manor, including:
  - a. Denying, or refusing to negotiate for the rental of, or otherwise making unavailable a dwelling because of familial status;
  - b. Discouraging persons with children from renting dwellings owned by Defendants; and
  - c. Making or causing to be made statements with respect to the rental of a dwelling that indicate a preference, a limitation, or discrimination based on familial status, or an intention to make such preference, limitation or discrimination.
  
12. The conduct of Defendants described above constitutes:
  - a. A refusal to negotiate for the rental of, or otherwise making unavailable or denying dwellings to persons because of familial status, in violation of 42 U.S.C. § 3604(a); and
  - b. Statements with respect to the rental of a dwelling that indicate a preference, a limitation, or discrimination based on familial status, in violation of 42 U.S.C. § 3604(c).
  
13. The conduct of Defendants described 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, et seq.; or
  - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, et seq., which denial raises an issue of general public importance.
14. Persons who may have been victims of Defendants' discriminatory housing practices are "aggrieved persons" as defined in 42 U.S.C. § 3602(i), and may have suffered damages as a result of the conduct described above.
15. Defendants' conduct described above was intentional, willful, and taken in disregard for the rights of others.

**PRAYER FOR RELIEF**

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

1. Declares that Defendants' policies and practices, as alleged herein, violate the Fair Housing Act;
2. Enjoins Defendants, their officers, employees, agents, successors, and all other persons in active concert or participation with any of them, from
  - a. Discriminating against any person on the basis of familial status in any aspect of the rental of a dwelling;
  - b. Failing or refusing to notify the public that dwellings owned or operated by Defendants are available to all persons on a non-discriminatory basis;
  - c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendants' unlawful

practices to the position they would have been in but for the  
discriminatory conduct; and

- d. 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 Defendants' unlawful practices;

3. Awards monetary damages, pursuant to 42 U.S.C. § 3614(d)(1)(B) to all persons harmed by Defendants; and
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 interest of justice may require.

Dated: May 18, 2015

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