

Significant Fair Housing Act Cases and Settlements with Department of Justice Involvement, August 2022 – August 2023

Decisions

A. Procedural Issues

1. Intervention

United States v. Chicopee Hous. Auth., 2023 WL 2633737 (D. Mass. Mar. 24, 2023) (granting alleged aggrieved person’s right to intervene in United States’ suit).

United States v. Dominion Mgmt., LLC, No. 2: 21-cv-01187-SGC (N.D. Ala. Feb. 22, 2023) (denying alleged aggrieved person’s motion to intervene in design and construct case after consent decree has been entered).

2. Discovery

United States v. Housing Authority of Ashland, Alabama, 2022 WL 2307736 (N.D. Ala. June 27, 2022) (ordering United States to identify all third parties who responded to the United States’ outreach and to produce written communications and voicemails from such persons, but denying motion to identify all persons from whom the United States had obtained written or oral statements).

United States v. Town of Oyster Bay, No. 2:14-cv-2317-GRB-LGD (E.D.N.Y. Sept. 27, 2022) (granting US motion to compel to depose current town officials not employed at time of adoption of policy and outside counsel who provided advice regarding legality of policy).

United States v. Eilman, 2023 WL 2894960, (E.D. Wis. April 11, 2023) (allowing Rule 35 examination of complainant and Rule 34 inspection of assistance animal by animal behavior expert).

3. Administrative Subpoena Enforcement

United States v. Boca View Condo. Assoc., Inc., 2023 WL 2534087 (S.D. Fla. March 16, 2023) (granting motion to enforce HUD subpoena).

4. Other Pretrial

United States v. Jones, Case No. 1:20-cv-502-JMB-RSK (W.D. Mich. Sept. 1, 2022) (denying as premature motion to exclude testimony of aggrieved persons who Defendant was not able to depose during discovery period.).

United States v. LRG Corp. 2022 WL 14672742 (W.D. Pa. Oct. 25, 2022) (largely granting US motions in *limine* and denying Defendants’ motion).

B. Merits Decisions

1. Race/National Origin

Connolly v. Lanham, 2023 WL 4932870 (D. Md. Aug. 2, 2023) (US filed statement of interest) (US filed statement of interest) (plaintiffs plausibly alleged that: (1) appraiser violated the FHA by lowering the valuation because of race; and (2) lender violated the FHA by relying on an appraisal it knew was discriminatory rather ordering a second appraisal or conducting a formal appeal and review).

Louis v. Saferent Solutions, LLC, --- F.Supp.3d ----, 2023 WL 4766192 (D. Mass. July 26, 2023) (US filed statement of interest) (denying motion to dismiss complaint alleging that Defendants' use of a tenant screening service that results in the denial of applications because of credit history and credit scores has an unjustified disparate impact based on race and national origin).

United States v. SSM Properties, LLC., 2022 WL 3093285 (S.D. Miss. Aug. 3, 2022) (granting plaintiffs' motion for summary judgment in pattern or practice race discrimination case based on testing evidence).

2. Sex

United States v. Hames, 2023 WL 2386306 (N.D. Ala. Mar. 6, 2023) (denying defendants' motion for summary judgment on statute of limitations and granting US motion holding that if Hames is held liable corporate defendant will be vicariously liable, including for punitive damages).

United States v. Ables, Order Granting Injunctive Relief and Civil Penalty, Civil Action No. 1:18-cv-1249 (E.D. Tenn. May 8, 2023) (entering permanent injunction and \$25,000 civil penalty in sexual harassment case, after jury found liability and awarded \$70,500 to aggrieved persons).

United States v. Jones, Case No. 1:20-cv-502-JMB-RSK (W.D. Mich. Aug. 31, 2022) (denying Defendants motion for summary judgment in case alleging a pattern or practice of sexual harassment).

3. Disability

a. *Land Use/Zoning*

SoCal Recovery v. City of Costa Mesa & Raw Recovery v. City of Costa Mesa, 56 F.4th 802 (9th Cir. Jan. 3, 2023) (US filed amicus brief) (reversing grant of summary judgment against sober living home operator and concluding that sober living homes need not provide individualized evidence of their residents' disabilities to establish a cause of action for disability discrimination under the FHA or the ADA.).

b. *Reasonable Accommodation*

Klossner v. IADU Table Mound MHP, LLC 2023 WL 2851115, --- F.4th ---- (8th Cir. Apr. 10, 2023) (US filed amicus brief) (holding that requiring acceptance of housing choice vouchers is not a necessary reasonable accommodation under the FHA).

Martin v. Ruredy, 808, L.L.C. & United States v. Ruredy 808, L.L.C. 2023 WL 1868191 (N.D. Miss. Feb. 9, 2023) (denying cross motions for summary judgment in case alleging owner threatened to evict tenant with service animal).

United States v. Dorchester Owners' Ass'n, 2023 WL 413580 (E.D. Pa. Jan. 25, 2023) (entering final judgment on jury verdict finding Defendant discriminated against persons with assistance animals, and awarding approximately \$37,000 to aggrieved family, \$1 in a civil penalty, and injunctive relief requiring defendants to maintain assistance animal policies and promptly address requests).

United States v. Gainfort, Civil Action No. 2:20-cv-1949-CCW W.D. Pa. Nov. 14, 2022) (reasonable accommodation – assistance animal/retaliation) (jury verdict awarding \$3,750 to complainant on retaliation claim).

United States v. Fox Run Apts., LLC No. 2:23-cv-02096-HLT-GEB (D. Kan. Aug. 9, 2023) (denying motion to dismiss in case alleging Defendants violated FHA by refusing to extend deadline for complainant to submit verification of his disability related need for his assistance animal even after complainant informed Defendants that provider was out of town).

c. Design and Construct

United States v. Albert C. Kobayashi, Inc., 2023 WL 2163678 (D. Haw. Feb. 22, 2023) (denying defendants' motions for summary judgment because there are material issues of fact regarding each defendant's participation in the inaccessible design and construction).

d. Olmstead

Doe v. Zucker, 2023 WL 4305246 (N.D.N.Y. June 30, 2023) (US filed amicus brief in support of State) (denying cross motions for summary judgment in case alleging that New York state regulation that generally prohibits adult homes from having a population of more than 25% individuals with serious mental illness violates FHA).

Oceanview Home for Adults, Inc. v. Zucker, --- N.Y.S.3d ----, 2023 WL 3235674 (N.Y. Sup. Ct. App. Div. 3d May 4, 2023) (US filed statement of interest in lower court supporting State) (holding that New York state regulation that generally prohibits adult homes from having a population of more than 25% individuals with serious mental illness did not violate Fair Housing Act).

4. Familial Status

HUD v. Felder, No. 23-1812 (8th Cir. May 26, 2023) (granting motion to enforce award of \$10,200 in compensatory damages and \$5,500 in civil penalties in familial status case).

United States v. Rupp, 2023 WL 3556840 (8th Cir. May 19, 2023) (affirming \$60,000 punitive damages award in familial status case).

Settlements¹

A. Race/National Origin

CFPB and United States v. Trident Mortgage Co. (E.D. Pa. Sept. 14, 2022) (consent order approving \$24.4 million redlining settlement).

United States v. Housing Auth. of Ashland, Ala. (N.D. Ala. Dec. 13, 2022) (consent order requiring payment of \$285,000 in damages and civil penalties and injunctive relief).

United States v. City of Hesperia (C.D. Cal. Dec. 27, 2022) (consent order requiring Defendants to repeal crime free ordinance, pay \$770,000 in damages and civil penalties, spend \$180,000 for affirmative marketing and to fund community partnerships, and take other measures to redress and prevent discrimination).

United States v. City National Bank (C.D. Cal. Jan. 31, 2023) (consent order approving \$31,250,000 redlining settlement).

United States v. Louis Liberty & Assoc. (N.D. Cal. April 6, 10, 2023) (consent orders resolving case alleging Defendants targeted Hispanics for predatory loan modification services).

United States v. SSM Properties, LLC. (S.D. Miss. Nov. 1, 2022) (consent order requiring defendants to pay \$123,000 in damages and civil penalties and injunctive relief).

United States v. Lakeland Bank (D. N.J. September 29, 2022) (consent order approving \$13,150,000 redlining settlement).

United States v. Park National Bank (S.D. Ohio March 2, 2023) (consent order approving \$9 million redlining settlement).

United States v. ESSA Bank (E.D. Penn. June 9, 2023) (consent order approving \$3,295,000 redlining settlement).

United States v. Evolve Bank and Trust (W.D. Tenn. October 17, 2022) (consent order approving \$1,350,000 settlement resolving allegations that Defendant discriminated because of race, sex, and national origin in pricing of home mortgage loans).

B. Sex

United States v. Bruno (D. Conn. April 21, 2023) (consent order in sexual harassment case requiring payment of \$400,000 in damages and civil penalties and injunctive relief).

¹ Settlements can be found on the Housing and Civil Enforcement Section's website at [Civil Rights Division | Housing and Civil Enforcement Cases | United States Department of Justice](#).

United States v. Dos Santos (D. Mass. May 3, 2023) (consent order in sexual harassment case requiring payment of \$450,000 in damages and civil penalties and injunctive relief).

United States v. Jones (W.D. Mich. March 7, 2023) (consent order in sexual harassment case requiring payment of \$165,000 in damages and civil penalties and injunctive relief).

United States v. Ukejnovik (E.D. Mo. May 19, 2023) (consent order in sexual harassment case requiring payment of \$110,000 in damages and civil penalties and injunctive relief).

United States v. Evolve Bank and Trust (W.D. Tenn. October 17, 2022.) See Part A, above.

C. Disability

1. *Land Use/Zoning*

United States v. Village of Hinsdale (N.D. Ill.) (February 1, 2023) (consent order approving settlement requiring payment of \$800,000 in damages and civil penalties and injunctive relief in case alleging Village discriminated against sober home).

2. *Reasonable Accommodation*

United States v. Havre de Grace Assoc. (D. Md. June 7, 2023) (consent order resolving complaint alleging defendants violated FHA when they denied reasonable accommodation to allow the complainant, who used a wheelchair, to have aides help him clean and prepare his unit for bed bug treatments).

United States v. Larpenteur Estates Apts. (D. Minn. Oct. 11, 2022) (consent order resolving assistance animal case).

United States v. Ruredy808 (N.D. Miss. July 10, 2023) (consent order resolving assistance animal case).

United States v. Pereos (D. Nev. Dec. 19, 2022) (consent order resolving assistance animal case requiring Defendant to revise policies and pay \$27,500 in damages).

United States v. Premiere Holdings, Inc. (D. Nev. Feb. 7, 2023) (consent order resolving assistance animal case requiring payment of \$35,000 in damages and injunctive relief).

United States v. Albright Care (M.D. Penn. April 11, 2023) (consent order requiring payment of \$215,000 in damages and injunctive relief in case alleging defendant refused to grant a reasonable accommodation to allow the son of a resident with disabilities to live with her as an aide, which was necessary because the community barred external visitors to the community due to COVID-19 restrictions).

United States v. Perry Homes (W.D. Penn. January 3, 2023) (consent order resolving assistance animal case).

United States v. MA Partners 2 (N.D. Tex. June 27, August 10, 2023) (consent orders resolving case alleging Defendants violated FHA by refusing to allow residents to pay rent on the 5th of the month, due to when they received their SSI and SSDI payments).

3. *Design and Construct*

United States v. Housing Authority of New Orleans (E.D. La.) (consent order approving settlement of design and construct case requiring retrofits and payment of \$250,000 in damages and civil penalties).

United States v. Humphrey-Stavrou Assoc. (D. Md. Nov. 22, 2022) (partial consent order approving settlement of claims against some defendants requiring retrofits and payment of \$185,000 in damages and penalties).

United States v. Artimus Construction (S.D.N.Y April 7, 2023) (court approved settlement of design and construct case providing for retrofits and \$80,000 in damages and civil penalties).

United States v. J. Randolph Parry Architects (E.D. Pa. Sept. 28, 2022, Jan. 10, May 10, 18, June 5, 2023) (consent orders requiring various defendants to retrofit properties and pay \$220,000 in damages and civil penalties and requiring architect defendant to contribute \$350,000 to retrofit fund).

D. Familial Status

United States v. Concord Court (M.D. Fla. April 10, 2023) (consent order resolving familial status case requiring payment of \$265,000 in damages and civil penalties and injunctive relief).

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