

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,            )  
  )  
                                  Plaintiff,    )  
  )  
                                  v.            )  
  )  
TERENCE FLANAGAN,                    )  
  )  
                                  Defendant.    )  
\_\_\_\_\_ )

**JURY TRIAL REQUESTED**

**COMPLAINT**

The United States of America alleges:

1. This action is brought by the United States to enforce the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, ("Fair Housing Act"), 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. §3614(a).

3. Venue is proper under 28 U.S.C. §1391(b). The acts complained of herein occurred in the Northern District of Illinois and concern or otherwise relate to persons residing in and real property located in the Northern District of Illinois.

4. Defendant Terence Flanagan resides in the Northern District of Illinois. At all times relevant to this action, he has been the beneficial owner of a single-family house located at 14412 South Highland in Orland Park, Illinois, that has been made available for rent.

5. The single-family house located at 14412 South Highland in Orland Park, Illinois, ("the Orland Park house") is a dwelling within the meaning of the Fair Housing Act, 42 U.S.C. §3602(b).

6. Defendant Terence Flanagan also owns, or acts as the agent of the owners of, multiple other residential rental properties located in the Northern District of Illinois that are dwellings within the meaning of the Fair Housing Act.

7. On or about July 27, 2009, Kamal Alex Majied called the telephone number listed in a newspaper advertisement that offered for rent a single-family house located at 14412 South Highland in Orland Park, Illinois, confirmed that the house was available for rent, and made an appointment to see it on July 28, 2009.

8. On or about July 28, 2009, Mr. Majied, who is African-American, and his wife met Mr. Flanagan outside the Orland Park house, where he was speaking with a white man. He invited them to inspect the house on their own. Mr. Flanagan later came inside and informed them that he had already rented the house to the white man he had been speaking to when they arrived. The Majieds asked if he had any other properties. Mr. Flanagan replied that he had another one, but that he did not think it would work for them.

9. On or about July 29, 2009, Mrs. Majied called the telephone number listed in the newspaper advertisement for the Orland Park house. Without identifying herself, Mrs. Majied

asked the man who answered the telephone whether the house was still available for rent. The man told her that it was, and she made an appointment to see the Orland Park house later that day. She did not keep that appointment.

10. Later that same day, the Majieds contacted the South Suburban Housing Center to submit a complaint that Mr. Flanagan had illegally discriminated against them in connection with their attempt to rent the Orland Park house.

11. The South Suburban Housing Center ("SSHC") is an Illinois nonprofit corporation located in Homewood, Illinois, that provides a range of fair housing services in the Chicago metropolitan area to identify barriers to fair housing, to counteract and eliminate discriminatory housing practices, and to protect the rights of its constituents to enjoy the benefits of living in an integrated community. Its activities to promote equal opportunity in housing include counseling and referral of home seekers and educational programs directed at both housing providers and home seekers. SSHC diverted resources from its other programs to investigate and pursue legal action with respect to the Majieds' housing discrimination complaint against defendant Terence Flanagan.

12. On or about July 30, 2009, SSHC had a female African-American fair housing tester call the telephone number listed in the advertisement for the Orland Park house. Nobody answered the

telephone, so she left a message, including her telephone number. To date, she has not received a return call.

13. On July 31, 2009, SSHC had a white female fair housing tester call the telephone number listed in the advertisement for the Orland Park house. She spoke with Terence Flanagan, who stated that the house was available for rent, and they made an appointment to meet at the Orland Park house later that afternoon.

14. During the course of the white female tester's conversation with Mr. Flanagan at the Orland Park house on July 31, he stated that he had received many telephone calls about the house, most of them from black persons. He asked whether the tester's husband was black, and, after she responded no, he related problems he had had when he had unknowingly rented the house previously to an interracial couple. Mr. Flanagan also made various statements that expressed his preference or intention not to rent the Orland Park house to African-American tenants.

15. The white SSHC tester asked Mr. Flanagan if he had any other properties that he rented. He replied that he had apartments in Wrigleyville and a house like a duplex in Joliet.

16. On August 7, 2009, the United States Department of Justice conducted a fair housing test at the Orland Park house to evaluate the Defendant Terence Flanagan's compliance with the

Fair Housing Act. A white female tester made an appointment by telephone with Mr. Flanagan to see the house, and met him there later that day. Mr. Flanagan asked the tester whether her husband was black before he showed her the house, and he related problems that he had had when he had unknowingly rented the house several years before to an interracial couple. Mr. Flanagan also made several statements that expressed his preference or intent not to rent the Orland Park house to African-American tenants. Mr. Flanagan offered to rent the house to the white tester for an amount lower than advertised because of her race. Near the end of their conversation, Mr. Flanagan stated that he handled some 96 units, primarily in the Wrigley and Lincoln Park areas of Chicago.

17. Mr. Flanagan told the white testers for both the SSHC and the United States that he had previously rejected an offer to rent the Orland Park house from an African-American man who had offered to rent the house at the advertised price and pay a full year's rent in advance.

18. The dealings the Majieds had with Mr. Flanagan and the testing undertaken by the United States and the SSHC revealed that the Defendant Terence Flanagan has engaged, and continues to engage, in housing practices that discriminate on the basis of race or color, including:

- a. Refusing to negotiate, in person or by telephone, for the rental of or otherwise making unavailable dwellings to persons who are, or who he believes to be, African-American;
- b. Denying the availability of dwellings for rent or inspection to African-American persons while at the same time telling white persons about dwellings available to rent or inspect;
- c. Offering dwellings for rent at different rates based on the race or color of the prospective applicant; and
- d. Making statements that express his intent or preference not to rent dwellings to African-Americans.

19. The conduct of the Defendant described above constitutes:

- a. A refusal to negotiate for the rental of, or otherwise making unavailable or denying dwellings to persons because of race or color, in violation of 42 U.S.C. §3604(a);
- b. Discrimination against persons in the terms, conditions or privileges of rental, or in the provision of services in connection therewith, because of race or color, in violation of 42 U.S.C. §3604(b);
- c. The making of statements with respect to the rental of a dwelling that indicate a preference, limitation, or discrimination based on race or color or an intent to make

such a preference, limitation, or discrimination, in violation of 42 U.S.C. §3604(c); and

d. A representation to persons because of race or color that dwellings are not available for inspection or rental when such dwellings are in fact so available, in violation of 42 U.S.C. §3604(d).

20. The conduct of the Defendant 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.; and

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.

21. Kamal Alex Majied is an aggrieved person as defined in 42 U.S.C. §3602(i). He has suffered injuries and damages as a result of the Defendant's unlawful conduct described above.

22. SSHC is an aggrieved person as defined in 42 U.S.C. §3602(i). The organization has suffered injury and damages, including the diversion of its resources from its counseling, referral, educational, and other programs, as a result of the Defendant's unlawful conduct described above.

23. There may be other persons who have been the victims of discriminatory housing practices engaged in by the Defendant. Such persons are aggrieved persons as defined in 42 U.S.C. §3602(i), and may have suffered injuries as a result of the Defendant's unlawful conduct described above.

24. The Defendant's conduct described above was intentional, willful, and taken in disregard of the rights of others.

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

1. Declares that the Defendant's policies and practices, as alleged herein, violate the Fair Housing Act;

2. Enjoins the Defendant and all other persons in active concert or participation with him, from:

a. discriminating against any person on the basis of race or color in any aspect of the sale or rental of a dwelling;

b. failing or refusing to notify the public that dwellings owned, operated, or managed by the Defendant are available to all persons on a nondiscriminatory basis;

c. making or publishing any notice, statement, or advertisement with respect to the sale or rental of a



dwelling that indicates any preference, limitation, or discrimination based on race or color, or an intention to make any such preference, limitation, or discrimination; and

d. failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the Defendant's unlawful practices to the position they would have been in but for the discriminatory conduct;

3. Awards monetary damages to all persons aggrieved by the Defendant's discriminatory practices, pursuant to 42 U.S.C. §3614(d)(1)(B); and

4. Assesses a civil penalty against the Defendant in the amount authorized by 42 U.S.C. §3614(d)(1)(c), as amended, to vindicate the public interest.

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

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