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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
)
Plaintiff)
)
v.)
)
SUMMERHILL PLACE, LLC,)
GRAN, INC., and RITA LOVEJOY,)
)
Defendants.)

NO.
COMPLAINT AND
DEMAND FOR JURY TRIAL

The United States of America alleges as follows:

1. The United States brings this action pursuant to 42 U.S.C. §§ 3612(o) and 3614(a) to enforce the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631.
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).
3. Venue is proper in the District Court for the Western District of Washington pursuant to 28 U.S.C. § 1391(b), as all Defendants reside in this District, a substantial part of the events or

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1 omissions giving rise to the claims asserted in this action occurred in this District and the
2 property that is the subject of this action is located in this District.

3 4. Summerhill Place Apartments (“Summerhill”) is a 268-unit apartment complex located at
4 10415 SE 174th Street, Renton, Washington 98055. Summerhill consists of five separate
5 buildings. Buildings 1-4 each have approximately 55 apartments. Building 5 has
6 approximately 48 apartments. Summerhill, and the 268 apartments located therein, are
7 “dwellings” within the meaning of 42 U.S.C. § 3602(b).
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9 5. Defendant Summerhill Place, LLC is a limited liability company licensed in Washington.
10 Defendant Summerhill Place, LLC does business in the Western District of Washington. Since
11 2001, and continuing to the present, Defendant Summerhill Place, LLC has owned and
12 operated Summerhill. Since 2002, and continuing to the present, Defendant Summerhill Place,
13 LLC has retained GRAN, Inc., a property management company, to manage Summerhill on its
14 behalf.
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16 6. Defendant GRAN, Inc. (“GRAN”) is a corporation incorporated in Washington that manages
17 multifamily residential property. Defendant GRAN does business in the Western District of
18 Washington. Since 2002, and continuing to the present, Defendant GRAN has managed
19 Summerhill for Summerhill Place, LLC.
20

21 7. From 2002, until approximately November 2008, Defendant Rita Lovejoy (“Lovejoy”) was
22 employed by GRAN as the onsite manager for Summerhill. Defendant Lovejoy resided in
23 Building 5 during this time.

24 8. In the spring of 2007, two Summerhill employees contacted the King County Office of Civil
25 Rights (“KCOCR”) and complained about discriminatory housing practices at Summerhill.

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- 1 9. Thereafter, KCOCR contracted with the Fair Housing Council of Washington (“FHCW”) to
2 conduct testing at Summerhill.
- 3 10. On various occasions between April 2007 and June 2008, FHCW performed testing at
4 Summerhill and provided the results to KCOCR. Those tests revealed evidence of
5 discrimination on the basis of race, color, national origin and familial status including, but not
6 limited to, quoting different rental rates to African American, Hispanic and Caucasian testers,
7 discouraging African Americans, Hispanics and families with children from renting at
8 Summerhill and making statements indicating discrimination against African Americans.
- 9 11. In the spring of 2008, KCOCR referred the matter to the Department of Housing and Urban
10 Development (“HUD”).
- 11 12. On June 6, 2008, the HUD Assistant Secretary for Fair Housing and Equal Opportunity, on
12 behalf of the Secretary of HUD, filed a timely housing discrimination complaint, as authorized
13 by 42 U.S.C. § 3610(a)(1)(A)(i), alleging that the Defendants had discriminated on the basis of
14 race, color, national origin and familial status in violation of 42 U.S.C. §§ 3601-3631.
- 15 13. Pursuant to 42 U.S.C. § 3610(a) and (b), the Secretary of HUD conducted and completed an
16 investigation of the complaint, attempted conciliation without success and prepared a final
17 investigative report. Based on the information gathered in the investigation, the Secretary
18 determined, pursuant to 42 U.S.C. § 3610(g)(1), that reasonable cause existed to believe that
19 illegal discriminatory housing practices had occurred. Therefore, on April 1, 2010, the
20 Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A), charging
21 the Defendants with engaging in discriminatory practices on the bases of race, color, national
22 origin and familial status.
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1 14. On April 16, 2010, the Defendants made a timely election to have the claims resolved in federal
2 court, pursuant to 42 U.S.C. § 3612(a).

3 15. On April 22, 2010, the Administrative Law Judge issued a Notice of Election and terminated
4 the administrative proceeding.

5 16. Following this Notice of Election, the Secretary of HUD authorized the Attorney General to
6 commence a civil action, pursuant to 42 U.S.C. § 3612(o).

7
8 17. Defendants have engaged in discriminatory housing practices against African Americans,
9 Hispanics, people from India, and families with children at Summerhill apartments. Such
10 practices have included:

- 11 a. Instructing staff to not show vacant apartments in Building 5 or newly renovated
12 apartments to Indians, African Americans and families with children.
- 13 b. Failing to inform Indians, African Americans and families with children of available
14 apartments in Building 5 or available renovated apartments, while showing and
15 informing white prospective tenants without children of such apartments.
- 16 c. Steering Indian prospective tenants into Buildings 1 through 4 and away from Building
17 5.
- 18 d. Discouraging Hispanic prospective tenants from renting apartments by asking Hispanic
19 prospective tenants, but not other prospective tenants, about whether they are legal
20 residents of the United States, whether they have a social security number and, on at
21 least one occasion, instructing a prospective tenant and bilingual employee not to speak
22 Spanish to each other.

- 1 e. Discouraging African American prospective tenants from renting apartments by telling
2 African American prospective tenants, but not others, that there are strict rules on tenant
3 conduct and suggesting they will be evicted if they violate them, telling African
4 American prospective tenants, but not others, that they should not even bother applying
5 unless they have “pristine credit” or “squeaky clean” credit and, on one occasion, telling
6 an African American prospective tenant to pull up his pants.
7
8 f. Discouraging prospective tenants with children from renting by falsely telling them that
9 their children would not be allowed to play anywhere on the complex.
10
11 g. Discriminating against Indian tenants by not replacing their carpet or their broken
12 appliances, while providing such services to other similarly situated tenants, telling one
13 or more Indian tenants that their children cannot play outside and that they should take
14 them to a park to play, telling Indian tenants to “go back to India” if they cannot learn
15 how to work their appliances and making other derogatory comments to such persons
16 about their national origin.

17 18. The Defendants’ discriminatory conduct or actions as set forth above was intentional, willful,
18 and taken in disregard for the rights of others.

19 19. Summerhill Place, LLC has, at all times relevant to this Complaint, had the authority to control
20 and direct GRAN’s management and operation of Summerhill.

21 20. GRAN has, at all times relevant to this Complaint, had the authority to control and direct the
22 actions of its agents and employees concerning the management and operation of Summerhill.
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COUNT I

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2 21. Plaintiff, United States of America, realleges and incorporates by reference the allegations set
3 forth in paragraphs 1 through 20 above.

4 22. The conduct set forth above constitutes:

5 a. A refusal to rent, a refusal to negotiate for the rental of, and conduct otherwise making
6 unavailable or denying dwellings to persons because of race, color, national origin and
7 familial status, in violation of 42 U.S.C. § 3604(a);

8
9 b. Discrimination in the terms, conditions, or privileges, of rental of dwellings on the basis
10 of race, color, national origin and familial status, in violation of 42 U.S.C. § 3604(b);

11 c. Statements of preference or limitation on the basis of race, color, national origin and
12 familial status in connection with the rental of dwellings, in violation of 42 U.S.C. §
13 3604(c); and

14 d. Misrepresentations regarding the availability of units on the basis of race, color,
15 national origin and familial status, in violation of 42 U.S.C. § 3604(d).
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17 23. Upon information and belief, there are victims of Defendants' discriminatory conduct or
18 actions that are aggrieved persons within the meaning of 42 U.S.C. § 3612(o).
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COUNT II

20 24. Plaintiff, United States of America, realleges and incorporates by reference the allegations set
21 forth in paragraphs 1 through 23 above.

22 25. By the conduct set forth above, the Defendants have engaged in:

23 a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair
24 Housing Act, in violation of 42 U.S.C. § 3614(a); and
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1 b. A denial to a group of persons rights granted by the Fair Housing Act, which denial
2 raises an issue of general public importance, in violation of 42 U.S.C. § 3614(a).

3 26. Upon information and belief, there are victims of Defendants' discriminatory conduct or
4 actions that are aggrieved persons within the meaning of 42 U.S.C. § 3614(d)(1)(B).

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

6 A. Declares that Defendants' policies and practices, as alleged herein, violate the Fair Housing
7 Act, as amended, 42 U.S.C. §§ 3601 *et seq.*;

8 B. Enjoins the Defendants, their agents, employees, and successors, and all other persons in
9 active concert or participation with them from:

10 (1) Discriminating on account of race, color, national origin, and familial status against
11 any person in any aspect of the rental of a dwelling; and

12 (2) Interfering with any person in the exercise or enjoyment of rights granted or
13 protected by the Fair Housing Act.

14 C. Awards monetary damages to each person aggrieved by Defendants' discriminatory
15 housing practices, pursuant to 42 U.S.C. § 3614(d)(1)(B); and

16 E. Assesses a civil penalty against each Defendant in order to vindicate the public interest,
17 pursuant to Section 814(d)(1)(C) of the Fair Housing Act, 42 U.S.C. § 3614(d)(1)(C).

18 The United States further prays for such additional relief as the interests of justice may require.
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1 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the United States of America
2 hereby demands a trial by jury of this action of all issues triable of right to a jury.
3

4 DATED this 16th day of July, 2010
5

6
7 Respectfully Submitted,

8 ERIC H. HOLDER, Jr.
9 ATTORNEY GENERAL

10 /s Jenny A. Durkan
11 JENNY A. DURKAN
12 UNITED STATES ATTORNEY

/s Thomas E. Perez
THOMAS E. PEREZ
ASSISTANT ATTORNEY GENERAL
Civil Rights Division

/s Steven H. Rosenbaum
STEVEN H. ROSEBAUM
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