

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
Plaintiff

v.

MARIA TRINI MENENDEZ; JOSEFINA  
AMPARO DE LA FUENTE-MUNDO;  
ALICIA DE LA FUENTE-MUNDO; and  
ROSALIA DE LA FUENTE-MUNDO  
Defendants

CIVIL NO.: 22-1261

Title VIII of the Civil Rights Act of  
1968

**COMPLAINT**

TO THE HONORABLE COURT:

COMES NOW, the United States of America (hereinafter referred to as “the United States”), for its complaint against Defendants, Maria Trini Mendez, Josefina Amparo De La Fuente-Mundo, Alicia De La Fuente-Mundo, and Rosalia De La Fuente-Mundo, and alleges as follows:

**NATURE OF ACTION**

1. This is an action brought by the United States to enforce the provisions of 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.* (“Fair Housing Act” or “FHA”).

2. The United States brings this action on behalf of Karla Mar Fernandez-Montero and Ricardo Medina-Medina (Complainants), pursuant to the Fair Housing Act. 42 U.S.C. § 3612(o).

3. The United States alleges that Defendants (the owners, managers, and real estate agent of a four-unit apartment building in San Juan, Puerto Rico) refused to allow Complainants, one of whom is legally blind and has a disability, to rent a unit with their service dog.

4. Defendants discriminated in the rental of a dwelling and in the terms and conditions of rental because of disability<sup>1</sup> by refusing to make reasonable accommodations in rules, policies, practices or services when such accommodations were necessary to afford a person an equal opportunity to use and enjoy a dwelling, in violation of the Fair Housing Act, 42 U.S.C. § 3604(f)(1), (f)(2) and (f)(3)(B).

### **JURISDICTION AND VENUE**

5. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3612(o).

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 42 U.S.C. § 3612(o).

### **PARTIES**

7. Plaintiff is the United States of America.

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<sup>1</sup> The FHA uses the term “handicap,” *see* 42 U.S.C. § 3602(h), but consistent with modern usage, the government uses the term “disability” in this Complaint.

8. This action is commenced on behalf of Karla Mar Fernandez-Montero and Ricardo Medina-Medina (“Complainants” or “Fernandez” and “Medina”). At all times relevant to this complaint, Complainants resided together in San Juan, Puerto Rico.

9. At all times relevant to this complaint, Complainant Fernandez has been a person with a disability within the meaning of 42 U.S.C. § 3602(h). Fernandez is legally blind, which severely impairs her ability to see, walk, and navigate her home and environs.

10. At all times relevant to this complaint, Complainant Medina has been Fernandez’s partner.

11. The Subject Property is a three-bedroom, two-bathroom unit, located at 1510 Las Marias Street, Unit #3, San Juan, Puerto Rico 00911 in a three-story building with a total of four units (the “Subject Property”). The Subject Property is a “dwelling” as defined by 42 U.S.C. § 3602(b).

12. At all times relevant to this complaint, Defendants Josefina Amparo De La Fuente-Mundo (“Josefina”), Alicia De La Fuente-Mundo (“Alicia”), and Rosalia De La Fuente-Mundo (“Rosalia”) were the owners of the Subject Property.

13. At all times relevant to this complaint, Defendant Josefina managed the Subject Property on behalf of Defendants Alicia and Rosalia through powers of attorney.

14. At all times relevant to this complaint, Defendant Maria Trini Menendez (“Menendez”) was a real estate agent duly licensed by the Commonwealth of Puerto Rico and retained by Defendant Josefina to rent out the Subject Property.

**FACTS**

15. On or about August or September 2020, Defendant Josefina hired Defendant Menendez to find a tenant to rent the Subject Property and instructed Menendez to rent the apartment with the provision that there be no pets allowed due to the “troublesome staircase.” The Defendant owners of the property do not maintain a reasonable accommodation policy.

16. Complainant Fernandez is legally blind in both eyes and normally uses a walking stick to guide her as she walks. Since 2017, Fernandez has used a guide dog as a service animal. In November 2019, after her previous guide dog passed away, Fernandez obtained an Irish Wolfhound named “Nyyrikki” as her service animal. Nyyrikki has been trained to help Fernandez avoid tripping, falling, and walking into obstacles, and can locate items on the floor and pick them up for her.

17. On October 4, 2020, Complainants saw the Subject Property listed for rent on a ClasificadosOnline advertisement. At the time, the advertisement did not indicate whether pets were allowed at the Subject Property. On October 11, 2020, Complainants called Defendant Menendez to inquire about the rental and arranged an appointment to tour the Subject Property that very afternoon. At the time Complaint Fernandez was not accompanied by her service dog.

18. During the tour, Complainant Medina guided Complainant Fernandez by holding her arm as they walked around the Subject Property. Although when she is not with her service dog Fernandez normally uses a walking stick to help her as she walks, on this occasion she kept it folded in her hands because Medina was there to guide her. Throughout the tour Medina verbally guided Fernandez around the Subject Property to help her avoid tripping.

19. Complainants explained to Defendant Menendez that the verbal instructions were necessary because Fernandez was legally blind and had tripped and fallen over objects in the past.

20. Complainants did not find the staircase at the Subject Property troublesome and informed Defendant Menendez that they were very interested in renting the Subject Property. Menendez then asked if they had any pets, to which Complainants responded that they did not have a pet, but that Fernandez has a service dog. Complainants then reminded Defendant Menendez that Fernandez was legally blind and told her that Nyyrikki was a “service animal” protected under the law - not a pet - and explained that her service dog assists her in avoiding objects that are in her path that she cannot see.

21. Complainants told Defendant Menendez that she should speak with the Defendant owner about the service dog. In response, Defendant Menendez insisted that they could not rent the apartment because the owner had a no pet policy at the Subject Property. When Complainants began to leave the Subject Property, Complainant Medina again told Defendant Menendez to speak with the owner and explain to her that not renting to someone who has a service dog could be grounds for a lawsuit.

22. Defendant Menendez responded with a mocking attitude, addressing Complainant Medina by his first name and stating, “Damn it Ricardo,” and adding that they “would have no way to prove” in court that she did not rent to them because of the dog because she would “just rent it to someone else and say it was simply taken.”

23. Later that afternoon, Defendant Menendez spoke with Defendant Josefina and told her that the Complainants had a service dog. According to Defendant Menendez, Defendant Josefina responded by stating that she did not allow pets in the building.

24. Later that day, Complainant Medina texted Defendant Menendez and requested that she inform the owner that service dogs were not pets. Defendant Menendez responded that she had already done so, but “it was to no avail.” She then texted Complainant Fernandez photos of different properties nearby that were pet friendly.

25. As a result of Defendants’ discriminatory conduct, Complainants suffered actual damages, including lost housing opportunity, out-of-pocket expenses, emotional and physical distress, embarrassment, and humiliation.

26. Following the tour of the apartment, at some point before October 18, 2020, the Subject Property advertising was edited to state that pets were not allowed.

### **PROCEDURAL BACKGROUND**

27. On or about October 16, 2020, Complainants filed a complaint with the U.S. Department of Housing and Urban Development (“HUD”) alleging that they had been discriminated against on the basis of Fernandez’ disability by the Defendants. On December 7, 2020, the complaint was amended to add Josefina Amparo De La Fuente-Mundo and Maria Trini Menendez as respondents.

28. As required by the Fair Housing Act, 42 U.S.C. § 3610(a) and (b), the Secretary of HUD conducted an investigation of the complaint made by Complainants, attempted conciliation without success, and prepared a final investigative report.

29. Based on the information gathered in the HUD investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(2)(A), determined that reasonable cause exists to believe that illegal discriminatory housing practices by the Defendants occurred.

30. On April 28, 2022, the Secretary issued a Determination of Reasonable Cause and Charge of Discrimination pursuant to 42 U.S.C. § 3610(g)(2)(A), charging the Defendants with discrimination under the Fair Housing Act for refusing to reasonably accommodate in their rules, policies or practices an individual with a disability in violation of 42 U.S.C. § 3604(f)(1), (f)(2), and (f)(3)(B).

31. On May 5, 2022, Defendant Menendez elected to have the claims asserted in HUD's Charge of Discrimination resolved in a federal civil action pursuant to 42 U.S.C. § 3612(a).

32. On May 9, 2022, a HUD Administrative Law Judge issued a Notice of Election and terminated the administrative proceedings on the HUD complaint filed by Complainants. Following the Notice of Election, the Secretary of HUD authorized the Attorney General to commence a civil action pursuant to 42 U.S.C. § 3612(o).

33. The United States now timely files this Complaint pursuant to the Fair Housing Act, 42 U.S.C. § 3612(o).

**FAIR HOUSING ACT VIOLATIONS**

34. The United States incorporates by reference the preceding paragraphs of this Complaint.

35. Defendants Josefina Amparo De La Fuente-Mundo, Alicia De La Fuente-Mundo, Rosalia De La Fuente-Mundo, and Maria Trini Menendez violated 42 U.S.C. § 3604(f)(1) and (f)(3)(B), by making housing unavailable to Complainants on the basis of Fernandez's disability by refusing to allow the Complainants, one of whom is legally blind, to rent a unit with their guide dog.

36. Defendants violated 42 U.S.C. § 3604(f)(2) and (f)(3)(B) by subjecting Complainants to different and less favorable terms, conditions, or privileges of sale or rental of the subject property on the basis of Fernandez' disability by refusing to allow them to rent a unit with their guide dog.

37. Defendants violated 42 U.S.C. § 3604(f)(3)(B) by failing to make a reasonable accommodation upon learning that Fernandez' dog Nyyrikki was a guide dog and that such accommodation would have provided Complainants an equal opportunity to enjoy the dwelling as tenants without disabilities. 42 U.S.C. § 3604(f)(3)(B).

38. The Complainants are "aggrieved persons" as defined in 42 U.S.C. § 3602(i) and have suffered injuries as a result of Defendants' actions.

39. Defendants' discriminatory actions were intentional, willful, and taken in disregard of the rights of the Complainants.

### **REQUEST FOR RELIEF**

WHEREFORE, the United States requests that this Court:



1. Declare that Defendants' discriminatory housing practices as set forth above violate the Fair Housing Act;

2. Enjoin and restrain Defendants, their officers, employees, agents, successors, and all other persons or corporations in active concert or participation with Defendants, from:

A. Discriminating in the sale or rental, or otherwise making unavailable or denying, a dwelling to any buyer or renter because of disability, in violation of 42 U.S.C. § 3604(f)(1);

B. Discriminating against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of disability, in violation of 42 U.S.C. § 3604(f)(2); and

C. Refusing to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling, in violation of 42 U.S.C. § 3604(f)(3)(B);

3. Order Defendants to take such affirmative steps as may be necessary to restore, as nearly as practicable, Complainants to the position they would have been in but for the discriminatory conduct;

4. Order Defendants to take such actions 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 their unlawful conduct, including implementing policies and

procedures to ensure that no applicants or residents are discriminated against because of disability;

5. Award monetary damages to Complainants pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1); and
6. Order such additional relief as the interests of justice require.

**DEMAND FOR A JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the United States demands trial by jury in this matter of all issues so triable.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 6<sup>th</sup> day of June, 2022.

**W. STEPHEN MULDROW**  
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