

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 SALAZAR DOS SANTOS,)
 TRUST OF SALAZAR DOS SANTOS,)
 and)
 TRUST OF AMERICA DOS SANTOS,)
)
 Defendants.)

COMPLAINT

COMPLAINT

The United States of America alleges as follows:

1. The United States brings this action to enforce the provisions of Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601, *et seq.* (“Fair Housing Act”).

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1345, 2201, and 2202, and 42 U.S.C. § 3614(a).

3. Venue is proper in this district under 28 U.S.C. § 1391(b) because the actions and omissions giving rise to the United States’ allegations occurred in the District of Massachusetts, and the Defendants reside or do business in the District of Massachusetts.

FACTUAL ALLEGATIONS

4. Defendant Salazar dos Santos is a resident of Chicopee, Massachusetts.

5. Since the early 1970s, Defendant Salazar dos Santos has managed residential rental properties located in and around Chicopee, Massachusetts.

6. Defendant dos Santos currently manages at least eight residential properties containing a total of approximately 35-40 individual rental units in the Chicopee area, owned by various trusts, including Trust of Salazar dos Santos and Trust of America dos Santos (the “Defendant Trusts”).

7. The residential rental properties include, but are not limited to, the buildings located at 27-29 Linda Avenue, 113 Exchange Street, 39 Abbey Street, and 40 Abbey Street in Chicopee, Massachusetts (the “Properties”).

8. The Properties owned by the Defendant Trusts and managed by Defendant dos Santos are “dwellings” within the meaning of 42 U.S.C. § 3602(b).

9. Defendant dos Santos acted on behalf of the Defendant Trusts, and has controlled and managed the Properties by advertising units for rent, showing units to prospective tenants, providing and signing rental leases or establishing verbal rental agreements, collecting rent from tenants, receiving maintenance requests and assisting with some of the requests, sending agents or “workers” to attend to maintenance requests, communicating with tenants via phone and in person, sending eviction notices, and appearing in housing court in cases related to the Properties.

10. The legal address of Defendant Trust of Salazar dos Santos is in Chicopee, Massachusetts.

11. Defendant Trust of Salazar dos Santos is, or at times relevant to this action was, the owner of 27-29 Linda Avenue in Chicopee.

12. The legal address of Defendant Trust of America dos Santos is in Chicopee, Massachusetts.

13. Defendant Trust of America dos Santos is, or at times relevant to this action was, the owner of 39 Abbey Street, 40 Abbey Street, and 113 Exchange Street in Chicopee.

14. Defendant dos Santos is, or at times relevant to this action was, the manager and operator of the Properties owned by the Defendant Trusts.

15. Defendant dos Santos was acting as the agent of the Defendant Trusts when he engaged in the unlawful conduct alleged in this complaint.

Defendant dos Santos's Harassment

16. Since at least 2008, Defendant dos Santos has subjected female tenants of the Properties to discrimination on the basis of sex, including severe or pervasive and unwelcome sexual harassment, on multiple occasions. Such conduct has included, but is not limited to:

- a. Subjecting female tenants to unwelcome sexual contact, including coercing them to perform oral sex on him, rubbing his exposed penis on their bodies, touching their breasts and buttocks, and other forced touching of their bodies, without consent;
- b. Exposing his penis to female tenants;
- c. Implicitly offering to grant tangible benefits—such as allowing late rent payments and providing payment plans—in exchange for engaging in sexual acts with him;
- d. Threatening or insinuating he will report female tenants to authorities (e.g., a parole officer) for a violation unless they agree to engage in sexual acts with him;
- e. Taking adverse housing actions, or threatening to take such actions, against female tenants who resisted or objected to his unwelcome sexual harassment;

- f. Forcing female tenants to speak with him “privately” in secluded areas of their units, and/or requiring female tenants to come to his office in person, where he locks the door from the inside to prevent them from getting out, to conduct and further his sexual advances;
- g. Intimidating female tenants by monitoring them from outside their apartments; and
- h. Frequently making unwelcome sexual comments and sexual advances to female tenants, including, but not limited to, propositions for sex and inquiries into their sex lives.

17. For example, over the span of about 18 months from 2008-2010, Defendant dos Santos sexually harassed one female tenant, including physically assaulting her, on approximately 40-60 different occasions. He would force her to come to his office to pay rent, lock her inside the room with him, take out his penis, touch her sexually under her clothing, and coerce her to perform oral sex on him. On the occasions when she did not have child care, dos Santos would force her to perform sexual acts on him when her infant was present in the office. Defendant dos Santos implied that he would grant this female tenant a rent payment plan in exchange for sex. The female tenant was terrified that he was going to contact her parole officer—as he had threatened to do in the past for late payment of the rent—and that she would go to prison and lose custody of her children if she did not acquiesce to his demands for sex.

18. In 2019, Defendant dos Santos entered the home of another female tenant, took out his penis, masturbated, grabbed her hips and rubbed his exposed penis on her, and told her to “kiss it” and “touch it,” and to give him oral sex. During this encounter, the female tenant understood Defendant dos Santos’s actions to be an implied offer of sex for rent or a rent

installment plan. On several other occasions, he repeatedly made sexual comments to her and inquiries into her sex life. This female tenant did not acquiesce to Defendant dos Santos's sexual advances and instead reported him to the Chicopee Police Department and obtained a temporary restraining order against him. Almost immediately following these events, Defendant dos Santos evicted her.

19. In 2019, Defendant dos Santos locked a different female tenant in his office, took out his penis, repeatedly told her to "kiss it and suck it" and that he "wanted to be with her [sexually]," and subjected her to unwanted sexual touching by groping her breast and buttocks. On an earlier occasion when she was in his office with her young daughter, he made several sexual comments and inquiries into her sex life while making sexual masturbation hand motions. This female tenant did not acquiesce to Defendant dos Santos's sexual advances, and instead reported him to the Chicopee Police Department. She also obtained a temporary restraining order against him. Following these events, Defendant dos Santos evicted her for failing to pay rent.

20. Beginning in 2012 until she moved out in 2018, Defendant dos Santos subjected another female tenant to repeated sexual comments and inquiries into her sex life, propositioned her for sex, and monitored her movements and watched when she had guests over to her unit. On almost every occasion when Defendant dos Santos came to her unit to collect rent, he would subject her to unwelcomed sexual touching by hugging her "too tight," rubbing her, and regularly trying to touch her buttocks and breasts, on occasion succeeding. The female tenant believed that Defendant dos Santos thought she was "ok" with the harassment because he allowed her to pay her rent late or in smaller installments. She does not believe he would have

allowed her flexibility in paying her rent if he did not touch her. She endured Defendant dos Santos's harassment for years because she was afraid of being evicted.

21. The experiences of these women were not isolated instances. Rather, these were part of Defendant dos Santos's longstanding pattern or practice of illegal sexual harassment of numerous female tenants.

22. The above-described actions and conduct of Defendant dos Santos caused female tenants to suffer physical harm, fear, anxiety, and emotional distress, and inhibited their ability to secure housing for themselves and their families.

23. Defendants Trust of Salazar dos Santos and Trust of America dos Santos are liable for the above-described discriminatory conduct of their sole manager and/or agent, Defendant dos Santos. All of the Properties at which the harassment occurred were managed by Defendant dos Santos and owned by Defendants Trust of Salazar dos Santos or Trust of America dos Santos.

CAUSE OF ACTION

24. By the actions and statements described above, the Defendants have:
- a. Made dwellings unavailable because of sex, in violation of 42 U.S.C. § 3604(a);
 - b. Discriminated in the terms, conditions, or privileges of the rental or sale of dwellings, or in the provision of services or facilities in connection therewith, because of sex, in violation of 42 U.S.C. § 3604(b);
 - c. Made statements with respect to the sale or rental of dwellings that indicate a preference, a limitation, or discrimination based on sex, in violation 42 U.S.C. § 3604(c);

d. Coerced, intimidated, threatened, or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights granted or protected by Section 804 of the Fair Housing Act, in violation of 42 U.S.C. § 3617.

25. The Defendants' conduct constitutes:

- a. A pattern or practice of resistance to the full enjoyment of the 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.*, where such denial raises an issue of general public importance.

26. Female tenants and persons associated with them have been injured by the Defendants' discriminatory conduct. These persons are "aggrieved persons" as defined in 42 U.S.C. § 3602(i), and have suffered damages as a result of the Defendants' conduct.

27. The Defendants' conduct was intentional, willful, and taken in reckless disregard of the rights of others.

PRAYER FOR RELIEF

WHEREFORE, the United States requests that the Court enter an Order that:

- a. Declares that the Defendants' discriminatory practices violate the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*;
- b. Enjoins the Defendants, their agents, employees, and successors, and all other persons in the active concert or participation with them from:
 - i. Discriminating on the basis of sex, including engaging in sexual harassment, in any aspect of the rental or sale of a dwelling;
 - ii. Interfering with or threatening to take any action against any person engaged in the exercise or enjoyment of rights granted or protected by the Fair Housing Act;
 - iii. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the Defendants' past unlawful practices to the position they would have been in but for the discriminatory conduct; and
 - iv. 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, as nearly as practicable, the effects of the Defendants' unlawful practices;
- c. Awards monetary damages to each person aggrieved by the Defendants' discriminatory conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B);

- d. Assesses civil penalties against the Defendants to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(C); and
- e. Awards such additional relief as the interests of justice may require.

Dated: December 7, 2020

Respectfully submitted,

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