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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) Case No.:
v.)
)
JOAN BEDFORD AND DONALD) **COMPLAINT**
BEDFORD)
Defendants.)
)
)
_____)

The United States of America alleges as follows:

1. This action is brought by the United States to enforce the provisions of 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. § 1345 and 42 U.S.C. § 3612(o).
3. At all times relevant to this complaint, Defendant Joan Bedford and Defendant Donald Bedford have been the owners of an 8-unit residential rental property at 1100 Grand Drive, Bigfork, Montana (the “subject property”).
4. The subject property is a dwelling within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).
5. Defendants Joan Bedford and Donald Bedford reside in Bigfork, Montana in the District of Montana.
6. Venue is proper in the District Court of Montana under 28 U.S.C. § 1391(a) and (b) in that the events or omissions giving rise to this action occurred in this district and both Defendants reside in this District.
7. On or about March 8, 2006, Ms. Wendy Clement, a single-mother of a teenaged daughter, contacted Defendant Joan Bedford about an advertisement Ms. Clement had seen for an apartment at the subject property.
8. Ms. Clement told Ms. Bedford that she was seeking housing for herself and her teenage daughter.
9. Upon learning that Ms. Clement had a teenage daughter, Ms. Bedford expressed concern that teenagers like to entertain friends and cause noise, and that the older

residents at the subject property would not tolerate noise.

10. Ms. Clement assured Ms. Bedford that she and her daughter would be courteous tenants, and explained to Ms. Bedford that she had experience living in apartments and even managed an apartment for elderly persons.
11. After providing this explanation, Ms. Clement asked Ms. Bedford if she could view the apartment. Ms. Bedford responded that Ms. Clement should seek housing that was better suited for her daughter and suggested she look in the newspaper the next day, and ended the phone call.
12. The Defendants ultimately rented the apartment to a person without children.
13. Ms. Clement subsequently reported this incident to Montana Fair Housing, Inc. (“MFH”), a private, non-profit organization that provides fair housing education, counseling, and enforcement services within the State of Montana.
14. Between March 10, 2007 and March 18, 2007, MFH conducted a series of fair housing tests of the subject property.
15. One such test involved a tester posing as a single mother of a teenage son seeking housing at the subject property. The tester spoke with Ms. Bedford and inquired about housing. The tester informed Ms. Bedford that she was interested in housing for herself and her teenage son. Ms. Bedford expressed concern about noise issues associated with teenagers, noting that several retired couples lived at the subject property. The tester informed Ms. Bedford that her son was quiet; nonetheless, Ms. Bedford continued to discourage the tester and stated that there was no place for the teenager to play and that the tester should look for an

apartment “elsewhere” that was less restrictive.

16. Defendants have not rented to any families with children from approximately August 1, 2002 until July, 2006.
17. Defendants have not rented to any families with teenagers since approximately November, 1998.
18. On or about June 1, 2006, Wendy Clement filed a complaint of discrimination with the Department of Housing and Urban Development (“HUD”) alleging that the Defendant discriminated on the basis of familial status in violation of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601, et seq.
19. On or about June 1, 2006, MFH filed a complaint of discrimination with the Department of Housing and Urban Development (“HUD”) alleging that the Defendant discriminated on the basis of familial status in violation of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601, et seq.
20. Pursuant to the requirements of 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD conducted an investigation of the complaints, attempted conciliation without success, and prepared a final investigative report. Based on the information gathered in this investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause existed to believe that Defendants committed illegal discriminatory housing practices in connection with the subject property. Therefore, on March 29, 2007, the Secretary issued a Determination of Reasonable Cause and Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A), charging that the Defendants had engaged in discriminatory

practices, in violation of the Fair Housing Act.

21. On April 11, 2007, Complainants Wendy Clement and MFH timely elected to have their charges resolved in a federal civil action, pursuant to 42 U.S.C. § 3612(a).
22. The Secretary subsequently authorized the Attorney General to file this action on behalf of the Complainants, pursuant to 42 U.S.C. § 3610(o).
23. Plaintiff, United States of America, re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 22 above.
24. By the actions and statements set forth above in paragraphs 7-17, Defendants have:
 - a. Refused to rent, refused to negotiate for the rental of, or otherwise made unavailable or denied a dwelling to a person because of familial status, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);
 - b. Made statements with respect to the rental of a dwelling that indicates a preference, limitation and discrimination based on familial status, and an intention to make such a preference, limitation or discrimination based on familial status, in violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c).
25. As a result of Defendants' conduct or actions, Complainant Wendy Clement has suffered damages and is an aggrieved person within the meaning of 42 U.S.C. § 3602(i).
26. As a result of Defendants' conduct or actions, Complainant MFH suffered injury

and damages, including the frustration of its mission and the diversion of its resources from its counseling, referral, educational, and other programs and is an aggrieved person within the meaning of 42 U.S.C. § 3602(i).

27. The Defendants' discriminatory actions and statements as set forth above were intentional, willful, and taken in disregard for the rights of others.

WHEREFORE, the United States prays for relief as follows:

1. A declaration that the conduct of Defendants as set forth above violates the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631;
2. An injunction against Defendants, their agents, employees, and successors, and all other persons in active concert or participation with them, from:
 - a. discriminating on the basis of familial status in violation of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631;
 - b. failing or refusing to notify the public that dwellings owned or operated by the Defendants are available to all persons on a nondiscriminatory basis; and
 - c. failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, Wendy Clement and MFH and any other aggrieved persons to the position they would have been in but for the discriminatory conduct;
3. An award of monetary damages to Wendy Clement and MFH pursuant to 42 U.S.C. §§ 3612(o)(3) , 3613(c), and 42 U.S.C. § 3614(d).

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

Dated: June 11, 2007

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