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U.S. Department of Justice
Civil Rights Division
Housing and Civil Rights Division
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United States Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	
RIVERWALK CONDOMINIUMS, LLC,)	
)	
Defendant,)	
)	
and)	
)	
RIVERWALK CONDOMINIUM)	
ASSOCIATION, INC.,)	
)	
Rule 19 Defendant)	
)	

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, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601-3619 (“FHA”).

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 this jurisdiction, pursuant to 28 U.S.C. § 1391(b) and 42 U.S.C. § 3612(o), because the Defendants are located in this judicial district and the events or omissions giving rise to the claims alleged in this action occurred in this judicial district.

4. Defendant Riverwalk Condominiums LLC (“Defendant”) is an Idaho corporation with its registered address in Santee, California. Defendant is, and was at times relevant to this action, the builder of the Riverwalk Condominiums.

5. The Riverwalk Condominiums (“Riverwalk”) is a condominium complex located at 304 and 308 N. Greensferry Road, Post Falls, Idaho. Riverwalk consists of two buildings of two stories each, each of which contains 18 dwellings. Neither building contains an elevator. Each of the 18 ground-floor units at Riverwalk is a covered multi-family dwelling within the meaning of 42 U.S.C. § 3604(f)(3)(C).

6. Riverwalk Condominium Association, Inc. (“Association”), an Idaho non-profit corporation, is a homeowners’ association comprised of the owners of individual dwelling units at Riverwalk. The Association controls the common areas at Riverwalk, and is a necessary party to this action under Fed. R. Civ. P. 19(a)(1)(A).

7. Defendant engaged in discriminatory housing practices in designing and constructing Riverwalk. These discriminatory housing practices include, but are not limited to, failing to design and construct these properties such that:

- a. the public use and common use portions are readily accessible to and usable by individuals with disabilities;
- b. all doors within the ground floor units are sufficiently wide to allow

passage by persons with disabilities who use wheelchairs; and

- c. the ground floor units contain the following features of adaptive design:
 - (i) an accessible route into and through the dwelling;
 - (ii) electrical outlets, thermostats and other environmental controls in accessible locations; and
 - (iii) usable kitchens and bathrooms such that an individual using a wheelchair can maneuver about the space.

COUNT I

8. Plaintiff re-alleges and incorporates by reference herein the allegations set forth above.

9. Complainant Intermountain Fair Housing Council ("IFHC") is a non-profit fair housing enforcement agency with its principal place of business in Boise, Idaho.

10. During the spring of 2006, a representative of IFHC inspected the exterior premises of newly constructed multifamily dwellings in Post Falls and nearby communities for compliance with the Fair Housing Act, and observed apparent violations at Riverwalk.

11. Complainant Janice Bolon is a person with a disability. During the spring and summer of 2006, Ms. Bolon was seeking to rent an accessible apartment in the Post Falls area.

12. On or about June 7, 2006, Janice Bolon inspected a ground-floor unit at Riverwalk which was offered for rental. Ms. Bolon observed apparent violations of the Fair Housing Act in the interior of the apartment as well as the exterior premises of Riverwalk.

13. On or about September 29, 2006, Janice Bolon filed a timely HUD complaint pursuant to 42 U.S.C. § 3610(a), alleging that Defendant had discriminated against her on the basis of disability in violation of the Fair Housing Act, as amended, 42 U.S.C. § 3601 et seq. On or about October 20, 2006, IFHC filed a similar complaint alleging that Defendant discriminated

against it. Specifically, each alleged that Defendant had discriminated against the complainant on the basis of disability by designing and constructing Riverwalk to be inaccessible in violation of the FHA.

14. Pursuant to the requirements of 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD (“the Secretary”) conducted an investigation of the above-mentioned complaints regarding Riverwalk, attempted conciliation with the Defendant without success, and prepared final investigatory reports.

15. Based on the information gathered in this investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause exists to believe that illegal discriminatory housing practices occurred at Riverwalk. Accordingly, on or about August 10, 2009, the Secretary issued a Determination of Reasonable Cause and Charge of Discrimination, charging Defendant with engaging in discriminatory housing practices in violation of the FHA.

16. On or about August 27, 2009, complainants Janice Bolon and IFHC 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).

17. The Secretary subsequently authorized the Attorney General to commence this action, pursuant to 42 U.S.C. § 3612(o).

18. The Defendant, through the actions referred to in paragraph 7, has:

a. Discriminated in the rental of, or otherwise made unavailable or denied, dwellings to renters because of handicap, in violation of 42 U.S.C. § 3604(f)(1);

b. Discriminated against persons in the terms, conditions or privileges of rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, because of handicap, in violation of 42 U.S.C. § 3604(f)(2); and

c. Discriminated in the rental of, or otherwise made unavailable or denied, dwellings to renters because of handicap by failing to design and construct covered multifamily dwellings with the required accessibility features, in violation of 42 U.S.C. § 3604(f)(3).

19. Janice Bolon and IFHC are aggrieved persons within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(i), and have suffered damages as a result of Defendant's conduct described above.

20. The discriminatory actions of the Defendant were intentional, willful, and taken in disregard for the rights of others.

COUNT II

21. Plaintiff re-alleges and incorporates by reference herein the allegations described in paragraph 7, above.

22. The conduct of the Defendant described in paragraph 7 constitutes:

(a) a pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619, or

(b) a denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619, which denial raises an issue of general public importance.

24. In addition to Janice Bolon and IFHC, there may be other victims of the Defendant's discriminatory actions and practices who are aggrieved persons as defined in 42 U.S.C. § 3602(I). These persons may have suffered actual injury and damages as a result of the above actions and practices.

25. The discriminatory actions of the Defendant were intentional, willful, and taken in

disregard for the rights of others.

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

1. Declares that the Defendant's policies, practices, and conduct, as alleged herein, violate the Fair Housing Act;
2. Declares that the Defendant have engaged in a pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, and that a group of persons has been denied rights granted by the Fair Housing Act and that such denial raises an issue of general public importance;
3. Enjoins the Defendant, its officers, employees, agents, successors and all other persons in active concert or participation with any of them, from:
 - a. Failing or refusing to bring the ground floor units and public use and common use areas at Riverwalk into compliance with 42 U.S.C. § 3604(f)(3)(C);
 - b. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, victims of the Defendant' unlawful practices to the position they would have been in but for the discriminatory conduct; and
 - c. Designing or constructing covered multifamily dwellings in the future that do not contain the accessibility and adaptability features required by 42 U.S.C. § 3604(f)(3)(C);
4. If necessary, enjoins the Association identified in paragraph 6 from engaging in conduct that denies access to the common and public use areas and the covered multifamily dwellings at Riverwalk, or from failing to take any other action

appropriate to ensure that any retrofits required to bring the living units and public use and common use areas into compliance with the accessibility provisions of the Fair Housing Act be done in a prompt and efficient manner;

5. Awards monetary damages pursuant to 42 U.S.C. 3612(o)(3), 3613(c)(1), and 3614(d)(1)(B), to all persons harmed by the Defendant's discriminatory practices, including Janice Bolon and IFHC;


6. Awards a civil penalty to the United States pursuant to 42 U.S.C.

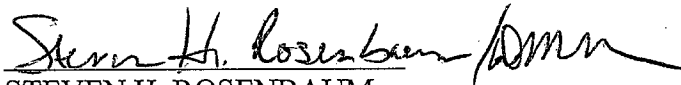
3614(d)(1)(C).

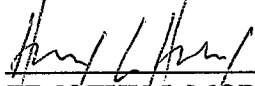
The United States further prays for such additional relief as the interests of justice may require.

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