

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDY HAMES and HAMES
MARINA, d/b/a HAMES MARINA
AND MOBILE HOME PARK,

Defendants.

CASE NO.:

COMPLAINT OF THE UNITED
STATES OF AMERICA

Demand for Jury

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 Northern District of Alabama, and the Defendants reside or do business in the Northern District of Alabama.

FACTUAL ALLEGATIONS

4. Defendant Randy Hames is a resident of Morgan County, Alabama. Defendant Hames owns or has owned residential property in Cullman County, Alabama. Upon information and belief, Defendant Hames transferred residential property in Cullman County, Alabama, in or around March 2018.

5. Defendant Hames Marina, LLC, d/b/a Hames Marina and Mobile Home Park (“Hames Marina”) is a residential real estate company that owns and manages property in Cullman County. The property includes or has included at least 15 rental mobile homes (the “subject property”).

6. At all times relevant to this action, Defendant Hames has held an ownership interest in Hames Marina.

7. Defendant Hames has authority to act on behalf of Hames Marina. At all times relevant to this action, Defendant Hames has been responsible for the management and operation of the subject property.

8. The subject property is a “dwelling” within the meaning of 42 U.S.C. § 3602(b).

9. At all times relevant to this action, Defendant Hames controlled all aspects of the management of the subject property including, but not limited to, recruiting prospective tenants, accepting or rejecting prospective tenants, setting

rates for rent and security deposits, collecting rent, accepting requests for repairs, and evicting tenants.

10. Since at least 2011, Defendant Hames has subjected female tenants of the Defendants' residential rental property to discrimination on the basis of sex, including severe, pervasive, and unwelcome sexual harassment, on multiple occasions. Such conduct has included, but is not limited to:

- a. Demanding that female tenants engage in, or pressuring them to engage in oral sex or other sexual acts with him to obtain or keep rental housing;
- b. Subjecting female tenants to unwelcome sexual contact, including but not limited to hugging female tenants, touching (or attempting to touch) female tenants' bodies, and rubbing his body against female tenants' bodies;
- c. Offering to grant tangible housing benefits—such as reducing or excusing rent payments, late payments, or deposit amounts—in exchange for engaging in sexual acts with him;
- d. Making intrusive, unannounced visits to female tenants' homes for no apparent legitimate purposes and to further his sexual advances;

- e. Menacing female tenants by repeatedly parking for extended periods of time in front of their homes when he had no apparent legitimate reason to do so;
- f. Making unwelcome sexual comments, propositions, and sexual advances to female tenants; and
- g. Taking adverse housing actions, such as evicting or refusing to make repairs, or threatening to take such actions, against female tenants who have objected to his unwelcome sexual advances and/or refused to engage in sexual acts with him.

11. For instance, in or around December 2017, Defendant Hames requested that a female tenant engage in oral sexual acts with him in exchange for rent. In the presence of her toddler, Defendant Hames attempted to put his arm around this woman and to place his hand on her upper thigh. After she rejected these advances, the Defendants placed an eviction notice on her door. While this female tenant was residing on Defendants' property, Defendant Hames also repeatedly made inappropriate sexual comments to her and entered her home without permission on several occasions, including when she was showering and sleeping. Defendant Hames also frequently parked in the driveway of her home and watched her through the windows for extended periods of time for no apparent legitimate purpose.

12. Additionally, in or around November 2017, Defendant Hames subjected another female tenant to unwelcome sexual propositions, including requesting her to engage in sexual acts with him in exchange for rent. During this woman's tenancy, Defendant Hames repeatedly came to her home, uninvited and unannounced. Because the Defendants never installed a lock on the front door of this tenant's home, Defendant Hames entered her home without a key and without permission. Defendants placed an eviction notice on her front door after she rejected Defendant Hames's sexual advances and requested that he repair her front door lock. After the Defendants evicted this female tenant, Defendant Hames continued to harass her by following her to her new residence for no apparent legitimate reason.

13. In yet another example, in or around approximately 2011, Defendant Hames made inappropriate sexual advances to another female tenant, repeatedly telling her that she could keep her money if she engaged in sexual acts with him. Defendant Hames also frequently parked his car in the front and back yard of this woman's home, sitting in his vehicle and surveilling her home for extended periods of time; he also peered into the window of this woman's home.

14. The experiences of these three women were not isolated instances. Rather, these were part of Defendant Hames's longstanding pattern and practice of illegal sexual harassment of numerous female tenants.

CAUSE OF ACTION

15. By the actions and statements described above, the Defendants have:
- a. Denied dwellings or otherwise 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 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 rental of dwellings that indicate a preference, a limitation, or discrimination based on sex, in violation 42 U.S.C. § 3604(c); and
 - 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 the Fair Housing Act, in violation of 42 U.S.C. § 3617.
16. 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.*, which denial raises an issue of general public importance.

17. Female tenants 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.

18. 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, as amended, 42 U.S.C. §§ 3601 *et seq.*;
- b. Enjoins the Defendants, their agents, employees, and successors, and all other persons in 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 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 Defendant' 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 under 42 U.S.C. § 3614(d)(1)(B);
- d. Assesses civil penalties against the Defendants to vindicate the public interest under 42 U.S.C. § 3614(d)(1)(C); and
- e. Awards such additional relief as the interests of justice may require.

Dated: July 9, 2018

Respectfully submitted,

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