

Housing Discrimination Complaint

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity

OMB Approval No. 2529-0011

Please type or print this form

Public Reporting Burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Read this entire form and all the instructions carefully before completing. All questions should be answered. However, if you do not know the answer or if a question is not applicable, leave the question unanswered and fill out as much of the form as you can. Your complaint should be signed and dated. Where more than one individual or organization is filing the same complaint, and all information is the same, each additional individual or organization should complete boxes 1 and 7 of a separate complaint form and attach it to the original form. Complaints may be presented in person or mailed to the HUD State Office covering the State where the complaint arose (see list on back of form), or any local HUD Office, or to the Office of Fair Housing and Equal Opportunity, U.S. Department of HUD, Washington, D.C. 20410.

This section is for HUD use only.

Number	(Check the applicable box) <input type="checkbox"/> Referral & Agency (specify) <input type="checkbox"/> Systemic <input type="checkbox"/> Military Referral	Jurisdiction <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Additional Info	Signature of HUD personnel who established Jurisdiction
Filing Date			

1. Name of Aggrieved Person or Organization (last name, first name, middle initial) (Mr.,Mrs.,Miss,Ms.) Fair Housing Center of Central Indiana; Fair Housing Center of West Michigan; Lexington Fair Housing Council; Legal Aid of North Carolina	Home Phone N/A	Business Phone Attachment A
Street Address (city, county, State & zip code)		

Attachment A

2. Against Whom is this complaint being filed? (last name, first name, middle initial) Pierce Education Properties, L.P.	Phone Number (619) 297-0400
Street Address (city, county, State & zip code)	

8880 Rio San Diego Drive, Suite 750 San Diego, CA 92108

Check the applicable box or boxes which describe(s) the party named above:

Builder Owner Broker Salesperson Supt. or Manager Bank or Other Lender Other

If you named an individual above who appeared to be acting for a company in this case, check this box and write the name and address of the company in this space:

Name:	Address:
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Name and identify others (if any) you believe violated the law in this case:

3. What did the person you are complaining against do? Check all that apply and give the most recent date these act(s) occurred in block No. 6a below.

Refuse to rent, sell, or deal with you Falsely deny housing was available Engage in blockbusting Discriminate in broker's services
 Discriminate in the conditions or terms of sale, rental occupancy, or in services or facilities Advertise in a discriminatory way Discriminate in financing Intimidated, interfered, or coerced you to keep you from the full benefit of the Federal Fair Housing Law
 Other (explain)

4. Do you believe that you were discriminated against because of your race, color, religion, sex, handicap, the presence of children under 18, or a pregnant female in the family or your national origin? Check all that apply.

<input type="checkbox"/> Race or Color <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Other	<input type="checkbox"/> Religion (specify)	<input type="checkbox"/> Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Handicap <input type="checkbox"/> Physical <input type="checkbox"/> Mental	<input checked="" type="checkbox"/> Familial Status <input checked="" type="checkbox"/> Presence of children under 18 in the family <input type="checkbox"/> Pregnant female	<input type="checkbox"/> National Origin <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Other (specify)
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5. What kind of house or property was involved? Did the owner live there? Is the house or property What is the address of the house or property?

<input type="checkbox"/> Single-family house <input type="checkbox"/> A house or building for 2, 3, or 4 families <input checked="" type="checkbox"/> A building for 5 families or more <input type="checkbox"/> Other, including vacant land held for residential use (explain)	Did the owner live there? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	Is the house or property <input type="checkbox"/> Being sold? <input checked="" type="checkbox"/> Being rented?	What is the address of the house or property? (street, city, county, State & zip code) Attachment B
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6. Summarize in your own words what happened. Use this space for a brief and concise statement of the facts. Additional details may be submitted on an attachment.

Note: HUD will furnish a copy of the complaint to the person or organization against whom the complaint is made.

Attachment C (Signature Pages attached to this form)

6a. When did the act(s) checked in Item 3 occur? (Include the most recent date if several dates are involved)

October 3, 2019 (most recent date); policy at issue believed to remain in effect

7. I declare under penalty of perjury that I have read this complaint (including any attachments) and that it is true and correct.	Signature & Date
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12/04/2019

What Does the Fair Housing Amendments Act of 1988 Provide?

The Fair Housing Act declares that it is national policy to provide fair housing throughout the United States and prohibits eight specific kinds of discriminatory acts regarding housing if the discrimination is based on race, color, religion, sex, handicap, familial status or national origin.

1. Refusal to sell or rent or otherwise deal with a person.
2. Discriminating in the conditions or terms of sale, rental, or occupancy.
3. Falsely denying housing is available.
4. "Blockbusting"—causing person(s) to sell or rent by telling them that members of a minority group are moving into the area.
6. Discrimination in financing housing by a bank, savings and loan association, or other business.
7. Denial of membership or participation in brokerage, multiple listing, or other real estate services.
8. Interference, coercion, threats or intimidation to keep a person from obtaining the full benefits of the Federal Fair Housing Law and/or filing a complaint.

What Does the Law Exempt?

The first three acts listed above do not apply (1) to any single family house where the owner in certain circumstances does not seek to rent or sell it through the use of a broker or through discriminatory advertising, nor (2) to units in houses for two-to-four families if the owner lives in one of the units.

What Can You Do About Violations of the Law?

Remember, the Fair Housing Act applies to discrimination based on race, color, religion, sex, handicap, familial status, or national origin. If you believe you have been or are about to be, discriminated against or otherwise harmed by the kinds of discriminatory acts which are prohibited by law, you have a right, within 1 year after the discrimination occurred to:

1. **Complain to the Secretary of HUD** by filing this form by mail or in person. HUD will investigate. If it finds the complaint is covered by the law and is justified, it will try to end the discrimination by conciliation. If conciliation fails, other steps will be taken to enforce the law. In cases where State or local laws give the same rights as the Federal Fair Housing Law, HUD must first ask the State or local agency to try to resolve the problem.
2. **Go directly to Court** even if you have not filed a complaint with the Secretary. The Court may sometimes be able to give quicker, more effective, relief than conciliation can provide and may also, in certain cases, appoint an attorney for you (without cost).

You Should Also Report All Information about violations of the Fair Housing Act to HUD even though you don't intend to complain or go to court yourself.

Additional Details. If you wish to explain in detail in an attachment what happened, you should consider the following:

1. If you feel that others were treated differently from you, please explain the facts and circumstances.
2. If there were witnesses or others who know what happened, give their names, addresses, and telephone numbers.
3. If you have made this complaint to other government agencies or to the courts, state when and where and explain what happened.

Racial/Ethnic Categories

1. **White (Non Hispanic)**—A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.
2. **Black (Non Hispanic)**—A person having origins in any of the black racial groups of Africa.
3. **Hispanic**—A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race.
4. **American Indian or Alaskan Native**—A person having origins in any of the original peoples of North America, and who maintains, cultural identification through tribal affiliation or community recognition.
5. **Asian or Pacific Islander**—A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

You can obtain assistance (a) in learning about the Fair Housing Act, or (b) in filing a complaint at the HUD Regional Offices listed below:

For Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont:

NEW ENGLAND OFFICE (Marcella_Brown@hud.gov)

Fair Housing Enforcement Center
U.S. Department of Housing and Urban Development
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, Room 321
Boston, MA 02222-1092
Telephone (617) 994-8300 or 1-800-827-5005
Fax (617) 565-7313 • TTY (617) 565-5453

For New Jersey and New York

New York/New Jersey Office (Stanley_Seidenfeld@hud.gov)

Fair Housing Enforcement Center
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3532
New York, NY 10278-0068
Telephone (212) 264-1290 or 1-800-496-4294
Fax (212) 264-9829 • TTY (212) 264-0927

For Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia

MID-ATLANTIC OFFICE (Wanda_Nieves@hud.gov)

Fair Housing Enforcement Center
U.S. Department of Housing and Urban Development
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-9344
Telephone (215) 656-0662 or 1-888-799-2085
Fax (215) 656-3419 • TTY (215) 656-3450

For Alabama, the Caribbean, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee:

**SOUTHEAST/CARIBBEAN OFFICE
(Gregory_L_King@hud.gov)**

Fair Housing Enforcement Center
U.S. Department of Housing and Urban Development
Five Points Plaza
40 Marietta Street, 16th Floor
Atlanta, GA 30303-2806
Telephone (404) 331-5140 or 1-800-440-8091
Fax (404) 331-1021 • TTY (404) 730-2654

For Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin:

MIDWEST OFFICE (Barbara_Knox@hud.gov)

Fair Housing Enforcement Center
U.S. Department of Housing and Urban Development
Ralph H. Metcalfe Federal Building
77 West Jackson Boulevard, Room 2101
Chicago, IL 60604-3507
Telephone (312) 353-7776 or 1-800-765-9372
Fax (312) 886-2837 • TTY (312) 353-7143

For Arkansas, Louisiana, New Mexico, Oklahoma, and Texas:

SOUTHWEST OFFICE (Thurman_G.Miles@hud.gov or Garry_L_Sweeney@hud.gov)

Fair Housing Enforcement Center
U.S. Department of Housing and Urban Development
801 North Cherry, 27th Floor
Fort Worth, TX 76102
Telephone (817) 978-5900 or 1-888-560-8913
Fax (817) 978-5876 or 5851 • TTY (817) 978-5595

For Iowa, Kansas, Missouri and Nebraska:

GREAT PLAINS OFFICE (Robbie_Herndon@hud.gov)

Fair Housing Enforcement Center
U.S. Department of Housing and Urban Development
Gateway Tower II
400 State Avenue, Room 200, 4th Floor
Kansas City, KS 66101-2406
Telephone (913) 551-6958 or 1-800-743-5323
Fax (913) 551-6856 • TTY (913) 551-6972

For Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming:

ROCKY MOUNTAINS OFFICE (Sharon_L._Santoya@hud.gov)

Fair Housing Enforcement Center
U.S. Department of Housing and Urban Development
633 17th Street
Denver, CO 80202-3690
Telephone (303) 672-5437 or 1-800-877-7353
Fax (303) 672-5026 • TTY (303) 672-5248

For Arizona, California, Hawaii, and Nevada:

PACIFIC/HAWAII OFFICE (Charles_Hauptman@hud.gov)

Fair Housing Enforcement Center
U.S. Department of Housing and Urban Development
Phillip Burton Federal Building and U.S. Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102-3448
Telephone (415) 436-8400 or 1-800-347-3739
Fax (415) 436-8537 • TTY (415) 436-6594

For Alaska, Idaho, Oregon, and Washington:

NORTHWEST/ALASKA OFFICE (Judith_Keeler@hud.gov)

Fair Housing Enforcement Center
U.S. Department of Housing and Urban Development
Seattle Federal Office Building
909 First Avenue, Room 205
Seattle, WA 98104-1000
Telephone (206) 220-5170 or 1-800-877-0246
Fax (206) 220-5447 • TTY (206) 220-5185

If after contacting the local office nearest you, you still have questions – you may contact HUD further at:

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
451 7th Street, S.W., Room 5204
Washington, DC 20410-2000
Telephone (202) 708-0836 or 1-800-669-9777
Fax (202) 708-1425 • TTY 1-800-927-9275

Privacy Act of 1974 (P.L. 93-579)

Authority: Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, (P.L. 100-430).

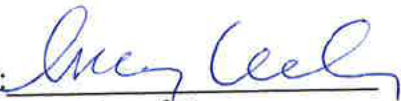
Purpose: The information requested on this form is to be used to investigate and to process housing discrimination complaints.

Use: The information may be disclosed to the United States Department of Justice for its use in the filing of pattern or practice suits of housing discrimination or the prosecution of the person who committed the discrimination where violence is involved; and to state or local fair housing agencies which administer substantially equivalent fair housing laws for complaint processing.

Penalty: Failure to provide some or all of the requested information will result in delay or denial of HUD assistance.

Disclosure of this information is voluntary.

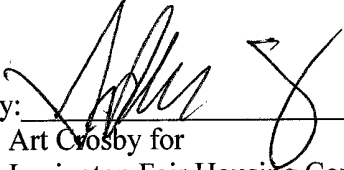
For further information call the Toll-free Fair Housing Complaint Hotline 1-800-669-9777.
Hearing Impaired persons may call (TDD) 1-800-927-9275.

By: 
Amy Nelson for
Fair Housing Center of Central Indiana

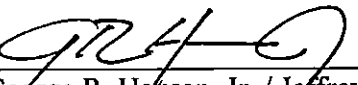
Date: 12/3/2019

By: Nancy Haynes
Nancy Haynes for
Fair Housing Center of West Michigan

Date: 12/3/19

By: 
Art Crosby for
Lexington Fair Housing Council

Date: 12/3/19

By: 
George R. Hausen, Jr. / Jeffrey Dillman for
Legal Aid of North Carolina

Date: 12/02/2019

ATTACHMENT A

1. Fair Housing Center of Central Indiana
445 N. Pennsylvania Street, Suite 811
Indianapolis, IN 46204
(317) 644-0673

2. Fair Housing Center of West Michigan
20 Hall Street SE
Grand Rapids, MI 49507
(616) 451-2980

3. Lexington Fair Housing Council
207 E Reynolds Road, Suite 130
Lexington, KY 40517
(859) 971-8067

4. Legal Aid of North Carolina
224 S. Dawson Street
Raleigh, North Carolina 27601
(855) 797-3247

ATTACHMENT B

1. Smallwood on College (Avenue on College)
455 N College Ave
Bloomington, IN 47404

2. The Haven
3701 N. Marleon Drive
Muncie, IN 47304

3. The Lodge on the Trail
2101 Cumberland Avenue
West Lafayette, IN 47906

4. The Village at Bluegrass
4300 Collegiate Way
Mt. Pleasant, MI 48858

5. Hilltop Club
2426 Thoroughbred Dr.
Bowling Green, KY 42104

6. The Landing
1920 Exchange Drive
Greenville, NC 27858

ATTACHMENT C – STATEMENT IN SUPPORT OF HUD COMPLAINT

Fair Housing Center of Central Indiana (“FHCCI”), Fair Housing Center of West Michigan (“FHCWM”), Lexington Fair Housing Council (“LFHC”), and Legal Aid of North Carolina (“Legal Aid NC”) (collectively “Complainants”¹) bring this Complaint against Pierce Education Properties, L.P. (“Pierce” or “Respondent”)², a residential property management company, for committing the following discriminatory housing practices:

- a. Discriminating or otherwise making housing unavailable because of familial status, in violation of 42 U.S.C. § 3604(a);
- b. Discriminating in the terms, conditions, and privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of familial status, in violation of 42 U.S.C. § 3604(b); and
- c. Making, printing, or publishing, or causing to be made, printed, or published, a statement with respect to the sale or rental of a dwelling that indicates a preference, limitation, or discrimination based on familial status, in violation of 42 U.S.C. § 3604(c).

During the course of their joint, multi-jurisdictional investigation of Respondent, Complainants conducted testing that confirmed that Respondent enforces a one-person per bedroom occupancy policy at its properties that has the purpose and effect of making housing unavailable for families with children. Complainants’ testing revealed that Respondent enforces its one-person per bedroom occupancy policy regardless of the size of the bedrooms available at Respondent’s properties, local occupancy codes (that would permit more than one person to occupy bedrooms at Respondent’s apartment buildings), or any other relevant factor that HUD has encouraged housing providers to consider in HUD’s guidance on occupancy standards. *See* Occupancy Standards Notice of Statement of Policy, 63 Fed. Reg. 70256–01 (Dec. 18, 1998). Complainants’ testing evidence is briefly summarized below.

Summary of Complainants’ Testing Evidence

Complainant FHCCI is a private, non-profit fair housing organization whose mission is to ensure equal housing opportunities and eliminate housing discrimination in Indiana through

¹ Because Complainants conducted a joint investigation involving the same policy maintained by the same Respondent, Complainants have filed a single HUD Complaint. Complainants have submitted this Complaint to Region 5, as Complainants initiated their investigation in Region 5 and two of the Complainants maintain offices in Region 5. HUD’s Region 5 has, in the past, allowed the Complainants based in this Region to file multi-jurisdictional complaints within a single HUD region and office for the sake of efficiency and to avoid the potential for inconsistent resolutions involving the same entity.

² This Complaint is also intended to be filed against any other subsidiary or division of Pierce Education Properties, L.P. that owns and/or manages any of the properties named or referred to in this Complaint or that is otherwise responsible for implementing, maintaining, and/or enforcing the challenged occupancy policy at these properties.

advocacy, enforcement, education, and outreach. FHCCI conducted testing at three of Respondent's properties: Smallwood on College (Avenue on College) (in Bloomington, Indiana), The Haven (in Muncie, Indiana), and Lodge on the Trail (in West Lafayette, Indiana). FHCCI developed test profiles that included a parent of a minor child contacting Respondent's properties to inquire whether a parent and child could share a bedroom. Through its testing, FHCCI confirmed that Respondent enforces a one-person per bedroom occupancy policy pursuant to which each occupant is required to lease his or her own bedroom, as well as that a child over the age of one cannot share a bedroom with a parent at Respondent's properties. Upon information and belief, the local codes of the jurisdictions in which Respondent's Indiana properties are located would permit more than one occupant to reside in a bedroom. The last confirmed date of Respondent's discrimination in FHCCI's service area was December 13, 2018, but Respondent's policy is believed to remain in effect (as confirmed by the other Complainants' subsequent testing of Respondent).

Complainant FHCWM is a private, non-profit fair housing organization that is committed to preventing and eliminating illegal housing discrimination, including discrimination against families with children, and to ensuring equal housing opportunity in western Michigan. FHCWM conducted testing at Respondent's property Village at Bluegrass (Mount Pleasant, Michigan). FHCWM created test profiles, including profiles for a single mom seeking to share a bedroom with a minor child and a family of three (a married couple and a child) looking to rent a two-bedroom unit. FHCWM's testing confirmed enforcement of Respondent's one-person per bedroom policy. Respondent's agents informed these testers that each occupant would be required to rent his or her own bedroom. When one of Respondent's testers sought to confirm that she would not be permitted to rent a two-bedroom apartment with her husband and child, the agent replied "Yes, we gear mostly toward college students, that's just how we run things." Upon information and belief, bedrooms at Village at Bluegrass are large enough to accommodate more than one occupant under applicable local occupancy codes. The last confirmed date of Respondent's discrimination in FHCWM's service area was September 4, 2019, but Respondent's policy is believed to remain in effect.

Complainant LFHC is a private, non-profit fair housing organization in Lexington, Kentucky. LFHC is the only private non-profit based in Kentucky dedicated to ending housing discrimination on the basis of all protected characteristics, including familial status. LFHC tested Respondent's property Hilltop Club (in Bowling Green, Kentucky). In its protected test, a single mother of a toddler contacted Respondent to inquire about renting a bedroom to share with her child. Confirming Respondent's enforcement of a one-person per bedroom occupancy policy, Respondent's agent informed the tester that she could not share a bedroom with her child. Upon information and belief, the bedrooms at Hilltop Club can comfortably accommodate more than one occupant, and Respondent's policy is more restrictive than occupancy limitations imposed by local code. LFHC's investigation also revealed that Respondent does not depict families with children in its advertisements or marketing materials. The last confirmed date of Respondent's discrimination in LFHC's service area was October 3, 2019, but Respondent's policy is believed to remain in effect.

Complainant Legal Aid NC is a statewide, non-profit legal services organization. Legal Aid NC's Fair Housing Project works to eliminate housing discrimination and to ensure equal housing opportunity for all people in North Carolina through education, outreach, public policy initiatives, advocacy, and enforcement. Legal Aid NC conducted testing at The Landing, an

apartment complex that Respondent owns and/or manages in Greenville, North Carolina. Like the other Complainants, Legal Aid NC confirmed through its testing that Respondent enforces a restrictive one-person per bedroom occupancy policy that limits the availability of housing for families with children. For example, in one test, Legal Aid NC's tester—a single mother of an 18-month-old child—called to ask about available housing, and Respondent's agent told the tester that Respondent only had single rooms available for rent. When the tester inquired about renting the single room and sharing it with her 18-month-old child, Respondent's agent informed the tester that pursuant to Respondent's one-person per bedroom occupancy policy, the tester could not rent the available room with her child. Upon information and belief, the bedrooms at this property are large enough for a parent and child to share under local occupancy standards. The last confirmed date of Respondent's discrimination in Legal Aid NC's service area was August 29, 2019, but Respondent's policy is believed to remain in effect.

Injury Caused by Respondent

As a result of Respondent's discriminatory occupancy policy, prospective tenants in the communities that Complainants serve have been, and continue to be, harmed. Respondent's occupancy policy operates to both exclude and limit the number of families with children who are eligible to live in its apartment complexes. Complainants have also been harmed by Respondent's actions. Complainants expended resources to investigate and counteract Respondent's practices, including through their testing. The time and resources Complainants spent investigating this matter diverted resources from their other activities, such as education and outreach, client counseling, and community development. Further, Respondent's conduct has frustrated Complainants' respective missions to rid their service areas of housing discrimination.