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 9 UNITED STATES DISTRICT COURT  
 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 10 SOUTHERN DIVISION

<p>11 MARCKUS WILLIAMS, on behalf of          himself and those similarly situated,          12 and FAIR HOUSING CENTER OF          CENTRAL INDIANA,          13          Plaintiffs,          14          v.          15          TRICON RESIDENTIAL, INC.,          16 TRICON AMERICAN HOMES LLC,          and TAH HOLDING LP,          17          Defendants.          18</p>	<p><b>Civil Action No: <u>8:24-cv-02534</u></b>  <b>CLASS ACTION COMPLAINT          SEEKING NATIONWIDE          DECLARATORY AND          INJUNCTIVE RELIEF AND          DAMAGES; JURY DEMAND</b>          Fair Housing Act, 42 U.S.C. §§ 3601  <i>et seq.</i></p>
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1 **NATURE OF THE ACTION**

2 1. Plaintiffs Marckus Williams, on behalf of himself and those similarly  
3 situated, and the Fair Housing Center of Central Indiana (“FHCCI”) bring this suit  
4 pursuant to the Fair Housing Act of 1968, as amended, 42 U.S.C. §§ 3601 *et seq.*,  
5 and the California Fair Employment and Housing Act, Cal. Gov’t Code §§ 12900 *et*  
6 *seq.*, for injunctive, monetary, and declarative relief against Defendants Tricon  
7 Residential, Inc., Tricon American Homes LLC, and TAH Holding LP (collectively,  
8 “Tricon” or “Defendants”), for engaging in a pattern or practice of illegal  
9 discrimination on the basis of race and gender in the marketing and rental of housing.

10 2. Tricon is one of the largest providers of single-family rental homes in  
11 the country. Tricon owns nearly 40,000 single-family rental homes in North  
12 America. Tricon markets, leases, and manages its single-family rental properties  
13 from its headquarters in Orange County, California.

14 3. At all its single-family rental homes nationwide, Tricon maintains two  
15 ongoing policies that have a disparate impact on the basis of race and/or gender.  
16 First, Tricon has a blanket ban against renting to individuals with a record of any  
17 felony convictions within the past seven years, or any convictions for a list of  
18 enumerated offenses regardless of when they occurred. Second, Tricon has a blanket  
19 ban against renting to individuals with a record of any eviction filings within at least  
20 the past two years.

1           4.     Tricon enforces these blanket bans by generating screening reports for  
2 every rental applicant to its homes nationwide. If the report shows any criminal  
3 and/or eviction filing history that Tricon has deemed disqualifying, the company  
4 immediately denies the applicant. The company does not inquire into whether the  
5 information on the screening report is correct; disregard convictions or evictions that  
6 have been expunged, sealed, or otherwise legally nullified; nor distinguish between  
7 eviction filings, most of which do not ultimately result in an eviction, and actual  
8 evictions. If the screening report shows *any* criminal or eviction filing history within  
9 the respective lookback periods, Tricon automatically rejects the applicant.

10           5.     This is precisely what happened to Plaintiff Marckus Williams. Mr.  
11 Williams, who is a Black man, applied to rent a Tricon home in Indianapolis,  
12 Indiana. His screening report showed three prior criminal convictions. Tricon  
13 applied its blanket ban and automatically denied Mr. Williams's application. Had  
14 Tricon inquired further, it would have learned that two of the listed convictions had  
15 been expunged—and one was not a conviction at all. Instead, Tricon immediately  
16 rejected Mr. Williams's application without any individualized consideration.

17           6.     Mr. Williams's struggle to find housing eventually brought him to  
18 FHCCI, a non-profit organization that promotes open access to housing, including  
19 through activities and programs that facilitate open housing access for those with  
20

1 histories of incarceration and eviction. FHCCI counseled Mr. Williams on his rights  
2 and housing options.

3 7. Tricon’s continuing policy of refusing to rent to certain justice-  
4 involved<sup>1</sup> individuals harms FHCCI’s programming. FHCCI undertook a  
5 comprehensive investigation into Tricon’s practices and their discriminatory effects.  
6 FHCCI’s investigation uncovered Tricon’s categorical ban on renting not only to  
7 justice-involved individuals, but also to individuals with prior eviction filings.  
8 FHCCI’s investigation further showed that these policies are in place at all Tricon  
9 single-family rental homes nationwide.

10 8. Tricon’s exclusionary criminal history policy has a racially disparate  
11 impact on Black<sup>2</sup> rental applicants. Nationally, and in the markets where Tricon is  
12 active, there are wide racial disparities at every step in the criminal legal process.  
13 Black people are more likely than white people to be stopped by law enforcement,  
14 arrested, convicted, and imprisoned at the federal, state, and local levels. Thus,  
15 Tricon’s categorical criminal history policy has a significant, disproportionate, and  
16 predictable adverse impact—exclusion—on otherwise-qualified Black applicants.

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19 <sup>1</sup> The term “justice-involved,” as used throughout this Complaint, refers to individuals who have  
20 had prior contact with the criminal legal system via arrest, conviction, incarceration, or similar  
events.

<sup>2</sup> Throughout this complaint, “white” refers to non-Hispanic white, and “Black” refers to non-  
Hispanic Black individuals.

1           9.     Tricon’s ongoing exclusionary eviction policy also has a disparate  
2 impact on Black applicants, and even more so on Black female<sup>3</sup> applicants.  
3 Nationally, and in the markets where Tricon is active, Black people, particularly  
4 Black women, disproportionately face eviction filings. Thus, Tricon’s exclusionary  
5 eviction policy has a significant, disproportionate, and predictable adverse impact—  
6 exclusion—on otherwise-qualified Black and female applicants.

7           10.    There is an obvious and ready-made less discriminatory alternative for  
8 addressing any legitimate concerns Tricon may raise regarding the potential tenancy  
9 of applicants with criminal or eviction records: individualized review. Guidance  
10 issued by the U.S. Department of Housing and Urban Development (HUD) in 2016  
11 and again in 2022 recommends individualized review as a less discriminatory  
12 alternative to categorically banning certain justice-involved applicants. Similarly,  
13 HUD guidance issued earlier this year states that eviction filing records are notably  
14 unreliable and should be reviewed on a case-by-case basis.

15           11.    Accordingly, Plaintiffs Marckus Williams and FHCCI both challenge  
16 Tricon’s discriminatory criminal history policy under federal and state law. Because  
17 Mr. Williams is just one of hundreds, if not thousands, of individuals who have been  
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20 <sup>3</sup> This Complaint uses the terms “female” and “women” interchangeably throughout to refer to persons whose sex assigned at birth is female because criminal and eviction court records report sex assigned at birth as opposed to self-identified gender identity.

1 discriminated against by Tricon’s policy of not renting to certain justice-involved  
2 applicants, he brings his claims on behalf of all Black applicants who were otherwise  
3 qualified to rent with Tricon but were automatically rejected from tenancy based on  
4 Tricon’s criminal history policy. Furthermore, Plaintiff FHCCI challenges Tricon’s  
5 discriminatory eviction filing policy under federal and state law.

6 12. Plaintiffs seek to prevent Tricon from continuing its discriminatory and  
7 unlawful conduct; ensure that applicants injured by Tricon’s practices will have a  
8 meaningful opportunity to secure desperately needed rental housing; and redress the  
9 harm suffered as a direct result of Tricon’s conduct.

10 **PARTIES**

11 13. Plaintiff Marckus Williams resides in Indianapolis, Indiana. He brings  
12 this case on behalf of himself and a class of similarly situated individuals.

13 14. Plaintiff FHCCI is a not-for-profit corporation headquartered in  
14 Indianapolis, Indiana. FHCCI is dedicated to promoting safe, affordable, and  
15 accessible housing for all individuals. Its programs and activities in furtherance of  
16 this mission include providing counseling and referrals to individual housing  
17 consumers and housing providers, neighborhood stabilization and community  
18 investment, and supporting legislation that will promote open access to housing.

1 15. Defendants Tricon Residential, Inc., Tricon American Homes LLC, and  
2 TAH Holding LP together do business as Tricon Residential and manage the  
3 application screening process of Tricon's rental home portfolio.

4 16. Defendant Tricon Residential, Inc. is incorporated in Delaware with its  
5 principal U.S. place of business in Tustin, California. Tricon Residential, Inc. was  
6 founded in 1988. By and through its subsidiaries, Tricon Residential owns, leases,  
7 and manages tens of thousands of single-family rental homes across the United  
8 States.

9 17. Defendant Tricon American Homes LLC is a limited liability  
10 corporation incorporated in Delaware with its principal place of business in Tustin,  
11 California. Tricon American Homes LLC was formed on June 15, 2012. Tricon  
12 American Homes is a subsidiary of Tricon Residential. Tricon American Homes, by  
13 and through its subsidiaries, serves as the property manager for Tricon's single-  
14 family rental homes in the United States.

15 18. Defendant TAH Holding LP is a limited partnership formed in  
16 Delaware with its principal place of business in Tustin, California. TAH Holding LP  
17 is a subsidiary of Tricon Residential. TAH Holding LP was formed on July 1, 2014.  
18 TAH Holding LP owns single-family homes across the United States that Tricon  
19 American Homes LLC, by and through its subsidiaries, rents out and manages on  
20 TAH Holding LP's behalf.

1 19. In acting or omitting to act as alleged herein, Defendants were acting  
2 through their employees, officers, directors, agents, successors, assignees, affiliates,  
3 predecessors, parents or controlling entities, and/or subsidiaries and are liable on the  
4 basis of the acts and omissions thereof.

5 20. In acting or omitting to act as alleged herein, each employee or officer  
6 of Tricon was acting in the course and scope of their actual or apparent authority  
7 pursuant to such agencies, or the alleged acts or omissions of each employee or  
8 officer as a Tricon agent were subsequently ratified and adopted by Tricon as  
9 principal.

10 21. Each Defendant participated in the acts and/or omissions at issue, acted  
11 in concert with, or acted as an agent or servant of other Defendants.

12 **JURISDICTION AND VENUE**

13 22. This Court has jurisdiction over this matter pursuant to 42 U.S.C. §  
14 3613. This Court also has jurisdiction under 28 U.S.C. §§ 1331 and 1343 because  
15 the claims alleged herein arise under the laws of the United States. This Court has  
16 supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. §  
17 1367.

18 23. Venue is proper in this district under 28 U.S.C. § 1391(b)(1) because  
19 Defendants reside in this district. Venue is also proper under 28 U.S. § 1391(b)(2)  
20



1 because the events or omissions giving rise to Plaintiffs' claims took place in Tustin,  
2 California.

3 **FACTUAL BACKGROUND**

4 **I. Tricon Owns and Manages Tens of Thousands of Single-Family**  
5 **Rental Homes in Cities Around the Country**

6 24. Tricon was founded in 1988 as a fund manager for residential real estate  
7 investors. In 2012, Tricon entered the U.S. single-family home rental business.  
8 Tricon purchased homes that were being foreclosed upon in the aftermath of the  
9 Great Recession and began renting them out. It has become one of the largest single-  
10 family homeowners and corporate landlords in the U.S. market.

11 25. Tricon owns and operates a portfolio of approximately 40,000 single-  
12 family homes across North America, with a growing focus on the U.S. Sun Belt.

13 26. Tricon targets "middle-market" renters with household incomes from  
14 \$75,000 to \$125,000 per year, whom they expect to seek home rental rates of \$1,600  
15 to \$2,300 per month. As of December 31, 2023, the average rent for a single-family  
16 Tricon home was \$1,877.

17 27. Tricon Residential, Inc. manages its single-family rental homes through  
18 a series of subsidiaries, including Tricon American Homes LLC and TAH Holding  
19 LP. These subsidiaries function as one with respect to property management and  
20 implementation of the challenged policies.

1           28.     TAH Holding LP owns Tricon’s single-family U.S. rental homes.  
2 Tricon American Homes LLC, by and through state-specific members/subsidiaries,  
3 acts as a property manager for all U.S. single-family rental homes owned by TAH  
4 Holding LP on behalf of Tricon Residential, Inc. In this role, Tricon American  
5 Homes LLC sets policies regarding applicant requirements and qualifications—such  
6 as the policies at issue in this case—that apply to all TAH Holding LP-owned homes.

7           29.     In 2015, Tricon internalized its single-family rental home property  
8 management. Tricon provides integrated property management services to its entire  
9 rental portfolio. The property management business is headquartered in Orange  
10 County, California, and provides resident-facing services such as marketing, leasing,  
11 repairs, and maintenance delivered through a dedicated call center.

12           30.     Tricon Residential, Inc.’s Chief Resident Experience Officer, who is  
13 also the President of Operations for Tricon American Homes LLC, works out of  
14 Orange County, California. The majority of Tricon’s U.S.-based executives work  
15 out of Orange County.

16           31.     Earlier this year, the private equity firm Blackstone took Tricon private.  
17 Blackstone is now Tricon’s parent company. In July 2024, Blackstone announced  
18 that Tricon would take over property management for additional single-family rental  
19 homes in Blackstone’s portfolio, making Tricon Blackstone’s only single-family  
20 rental management company.

1           32.     Focusing on single-family rentals has been hugely profitable for Tricon.  
2 Tricon reported \$795.3 million in revenue from single-family rental properties alone  
3 in 2023, an increase of 23.2% over 2022.

4           **II.     Tricon Automatically Rejects Certain Rental Applicants Based on**  
5           **Justice Involvement, Which Constitutes Unlawful Discrimination**

6           **A.     Tricon Automatically Rejects Applicants with Any Felony**  
7           **Conviction Within the Past Seven Years, or Certain Types of**  
8           **Convictions Regardless of When They Occurred**

9           33.     When a person applies to a Tricon property, Tricon screens the  
10 applicant using a report from a third-party screening provider. Each applicant must  
11 pay a nonrefundable \$55 screening fee for the generation of this report.

12           34.     The screening report contains information about the applicant’s prior  
13 rental history, credit report, and other similar information. The report also contains  
14 a renter “score” and a recommendation about whether Tricon should rent to the  
15 applicant.

16           35.     Tricon rejects all applicants whose screening report shows any felony  
17 convictions within the past seven years, or any convictions for arson, crimes against  
18 children, homicide, kidnapping, or sex crimes (hereinafter, “the enumerated  
19  
20

1 convictions”), regardless of when the offense occurred.<sup>4</sup> Tricon automatically and  
2 categorically rejects such applicants, without any additional review of their  
3 applications. Tricon representatives have confirmed that this policy applies at all  
4 Tricon rental homes nationwide, and it is reflected in Tricon’s public articulation of  
5 applicant qualifications.

6 36. For these justice-involved applicants, Tricon does not consider any  
7 mitigating information, such as whether the applicant has a stable rental and/or  
8 employment history, their age at the time of the offense, character references, or  
9 evidence of changed circumstances.

10 37. Nor does Tricon differentiate based on type of felony conviction, how  
11 long ago the conviction was (within the seven-year lookback period), or whether the  
12 conviction has been expunged, sealed, or otherwise legally nullified.

13 38. Tricon does not tell people who are denied based on a conviction  
14 appearing on their screening report that this was the reason for the denial. To find  
15 out the reason for the denial, rejected applicants must contact Tricon’s call center.

16 39. Tricon has no appeals process by which an individual who is rejected  
17 based on apparent prior justice-involvement can challenge the accuracy of their  
18

19 \_\_\_\_\_  
20 <sup>4</sup> Tricon may also automatically disqualify applicants whose screening report shows certain  
misdemeanor convictions.

1 screening report, present mitigating information, or otherwise receive an  
2 individualized review.

3 **B. Mr. Williams Was Adversely Affected by Tricon’s Discriminatory**  
4 **Policy**

5 40. Mr. Williams lives in Indianapolis with his wife and baby. More than a  
6 decade ago, he spent time in prison for drug possession offenses. Since his release,  
7 he has worked hard to become a community leader. For example, Mr. Williams  
8 founded a grocery store in a former “food desert” in Indianapolis.<sup>5</sup>

9 41. On November 28, 2022, Mr. Williams and his then-fiancée applied to  
10 rent a Tricon home at 2613 Harshaw Court, Indianapolis, IN. They paid all  
11 application fees, including the screening fee, and were financially qualified for the  
12 property. Mr. Williams received an email from Tricon that day confirming that his  
13 application had been received.

14 42. On or about November 28, 2022, Tricon ran a background check on  
15 Mr. Williams and generated a screening report.

16 43. On November 29, 2022 at 10:02 AM, Mr. Williams received an email  
17 from Tricon American Homes ([admin@triconah.com](mailto:admin@triconah.com)) stating that the company was  
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19 <sup>5</sup> “Food deserts” are “neighborhoods and communities that have limited access to affordable and  
20 nutritious foods.” Nat’l Rsch. Council, *The Public Health Effects of Food Deserts: Workshop  
Summary 1* (2009), <https://www.ncbi.nlm.nih.gov/books/NBK208016/> [https://perma.cc/GZF8-64RK].

1 “unable to accept your rental application at this time” “based in whole or in part on  
2 the information provided” by a screening report. However, the email stated that the  
3 third-party screening company “plays no part in the decision to take any action on  
4 your rental application and is unable to provide you with specific reason(s) for not  
5 accepting your application.”

6 44. At the same time, Mr. Williams and his then-fiancée both received an  
7 email from Tricon Residential ([mtorres@triconresidential.com](mailto:mtorres@triconresidential.com)) stating that “a  
8 disqualifying record” was found in “the credit/background screening,” and  
9 instructing them to contact the screening company if they wanted “the full  
10 breakdown of your report.” The email further stated:

11 “Tricon is part of a large corporation. We have strict policies and criteria  
12 which must be followed and met – no exceptions.”

13 45. On or about November 29, 2022, Mr. Williams called Tricon to inquire  
14 further about the denial. A Tricon representative informed him that he had been  
15 rejected due to the “Criminal History” section of his screening report. Mr. Williams  
16 informed the representative that his prior criminal convictions had been expunged.  
17 Upon learning about the expungements, the Tricon representative encouraged Mr.  
18 Williams to re-apply to Tricon.

1           46.     Accordingly, Mr. Williams and his then-fiancée reapplied for the  
2 Tricon home at 2613 Harshaw Court on November 30, 2022. They again paid the  
3 application/screening fees.

4           47.     That same evening at 7:02 PM, they received another email from a  
5 Tricon American Homes address informing them that their second application had  
6 been rejected “based in whole or in part on the information provided” in a screening  
7 report.

8           48.     They simultaneously received another email from a Tricon Residential  
9 address informing them that “the application was denied due to a disqualifying  
10 record found reported active as to your file.” The email reiterated that “no  
11 exceptions” would be made to Tricon’s “strict policies and criteria.”

12           49.     The following day, December 1, 2022, Mr. Williams’s then-fiancée  
13 responded to Tricon Residential, requesting a copy of the disqualifying report as  
14 well as “a written copy of Tricon’s policy regarding criminal convictions and their  
15 impact on housing decisions.” A Tricon Residential representative responded and  
16 instructed them to contact the screening company.

17           50.     They did so and received Mr. Williams’s report on December 1, 2022.  
18 The report gave Mr. Williams a renter “score” of 494 with the recommendation  
19 “Accept with Conditions.” The report explained:  
20

1 “Your management company established criteria (decision points) appropriate  
2 for approval of applicants to your community. Questions regarding these  
3 criteria should be directed to your management company.”

4 51. The report stated that Mr. Williams had three prior criminal  
5 convictions: a guilty plea for three counts of possession of a controlled substance on  
6 September 10, 2012; a “plea by agreement” for a single count of possession of a  
7 controlled substance on January 27, 2017; and a conviction for a single count of  
8 possession of cocaine or narcotics on April 20, 2006.

9 52. Had Tricon conducted an individualized review, it would have learned  
10 that the first and third of these convictions, for conduct in 2012 and 2006  
11 respectively, had been expunged from Mr. Williams’s record prior to the generation  
12 of his screening report. The second “conviction,” from 2017, was in fact not a record  
13 of a criminal offense at all. Rather, it was a record of Mr. Williams’s participation  
14 in a court-ordered program after a period of incarceration, to help him reenter the  
15 community and make positive life changes.

16 53. When Mr. Williams informed Tricon representatives on the phone that  
17 these convictions had been expunged or incorrectly reported, Tricon did not conduct  
18 an individualized review of his application or otherwise reconsider whether his  
19 justice-involvement should be disqualifying as to his rental application. Rather, they  
20 informed Mr. Williams that Tricon had a “no exceptions” policy.



1           54. On or around December 1, 2022, Mr. Williams’s then-fiancée  
2 communicated by phone with several Tricon representatives. When discussing their  
3 rejected application, a Tricon representative told Mr. Williams’s then-fiancée to find  
4 a “better roommate” than Mr. Williams, apparently referring to Mr. Williams’s prior  
5 convictions.

6           55. Mr. Williams subsequently worked to get this inaccurate information  
7 removed from his record and to get the 2017 “conviction” expunged. In so doing, he  
8 met Plaintiff FHCCI.

9           **C. FHCCI’s Investigation Revealed Tricon’s Policy Against Renting**  
10           **to Certain Justice-Involved Individuals Is Robust and Nationwide**

11           56. Given the potential implications of Tricon’s ongoing policy on  
12 FHCCI’s efforts to promote safe, affordable, and accessible housing, in light of Mr.  
13 Williams’s experience, FHCCI was compelled to investigate Tricon’s policy further.  
14 FHCCI’s investigation included telephonic investigative calls and online research,  
15 both conducted by trained employees following standardized protocols, including  
16 making a contemporaneous record of their findings.

17           57. In November 2023, an FHCCI staff member called Tricon’s general  
18 customer service number to inquire about its policy on applicants with criminal  
19 justice involvement. A Tricon representative informed the FHCCI caller that any  
20 felony convictions in the past seven years would result in an automatic denial. The

1 agent further stated that any convictions for arson, crimes against children, homicide,  
2 kidnapping, or sex crimes, regardless of when the convictions occurred, would result  
3 in an automatic denial.

4 58. The FHCCI caller specifically asked whether a felony drug possession  
5 conviction from five years ago, that had since been expunged, would disqualify them  
6 from renting a Tricon home. The Tricon agent responded that, if the conviction  
7 showed up on a screening report—regardless of whether it had been expunged—it  
8 would be disqualifying. The FHCCI caller did not state which Tricon property they  
9 sought to apply to, and the agent did not ask.

10 59. Both Mr. Williams and FHCCI separately filed complaints against  
11 Tricon with the U.S. Department of Housing & Urban Development (HUD)  
12 regarding Tricon's refusal to rent to certain justice-involved individuals on  
13 November 29, 2023.

14 60. FHCCI continued its investigation. On May 8, 2024, another FHCCI  
15 staff member called Tricon about a single-family rental in Southern California. The  
16 caller stated that his brother had a felony conviction for theft from six years ago and  
17 asked if his brother would be able to rent at the property. The Tricon agent responded  
18 that the brother's conviction would result in an automatic denial. The caller asked if  
19 his brother would be able to rent at a different Tricon property. The Tricon agent  
20

1 responded that Tricon's ban on renting to certain justice-involved applicants applies  
2 at all of its rental properties.

3 61. On May 22, 2024, another FHCCI staff member called Tricon to ask if  
4 a felony conviction from nine years ago would disqualify them from renting a Tricon  
5 home in Southern California. The Tricon agent responded that any felony conviction  
6 within seven years would result in an automatic denial, and a conviction from nine  
7 years ago would be evaluated on a case-by-case basis.

8 62. On May 23, 2024, another FHCCI staff member called Tricon to ask if  
9 a felony drug possession conviction from six years ago would disqualify them from  
10 Tricon housing. The Tricon agent responded that felonies can be disqualifying if  
11 they appear on the screening report. The FHCCI caller asked if this policy applies  
12 across all Tricon properties. The Tricon agent responded that it does.

13 63. Through these investigative calls, FHCCI confirmed that the  
14 company's categorical ban on renting to certain justice-involved applicants is  
15 broadly applied at Tricon's thousands of properties across the country.

16 64. FHCCI also surveyed Tricon tenants in December 2023, January 2024,  
17 and May 2024 by mail and phone. These surveys included a tenant screening section  
18 that inquired about the tenant's experiences with Tricon's application process,  
19 background checks, and denials (if any). Through the surveys, FHCCI confirmed  
20 Tricon's policy against renting to certain justice-involved applicants.

1           **D. Tricon’s Justice-Involvement Policy Illegally Discriminates**  
2                           **Against Black Individuals**

3                   **i. Tricon’s Blanket Ban Disproportionately and Severely**  
4                           **Impacts Black Individuals**

5           65. Racial disparities in the criminal justice system are well-established,  
6 persistent, and widely known. Black individuals are incarcerated at rates  
7 significantly disproportionate to their numbers in the United States general  
8 population. As of 2022, at the national level, the overall rate of incarceration of Black  
9 adults was 5.22 times that of white adults.<sup>6</sup>

10           66. These disparities persist among people released from incarceration.  
11 Nationally, almost half a million people are released from confinement each year.<sup>7</sup>  
12 Largely because the imprisoned population is disproportionately Black and 95% of  
13 the imprisoned population is eventually released,<sup>8</sup> 35% of the formerly incarcerated  
14 population—but only 12% of the overall population—in the United States is Black.<sup>9</sup>

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17           <sup>6</sup> See E. Ann Carson & R. Kluckow, U.S. Dep’t of Just., *Prisoners in 2022 – Statistical Tables*,  
18 Bureau of Just. Stats. 13 (Nov. 2023), <https://bjs.ojp.gov/document/p22st.pdf>  
[<https://perma.cc/LDM6-4R5T>].

19           <sup>7</sup> *Id.* at 19 (providing statistics for releases in 2021 and 2022).

20           <sup>8</sup> Devah Pager, *The Mark of a Criminal Record*, 108 Am. J. of Sociology 937, 938 (2003).

<sup>9</sup> Terry-Ann Craigie et al., *Conviction, Imprisonment, and Lost Earnings: How Involvement with  
the Criminal Justice System Deepens Inequality*, The Brennan Ctr. for Just. 10 fig. 1 (2020),  
<https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal> [<https://perma.cc/4ZMT-5YNH>].

1           67. On the other hand, white people are incarcerated and released from jails  
2 and prisons at rates significantly lower than their representation in the general  
3 population at the national and state levels.

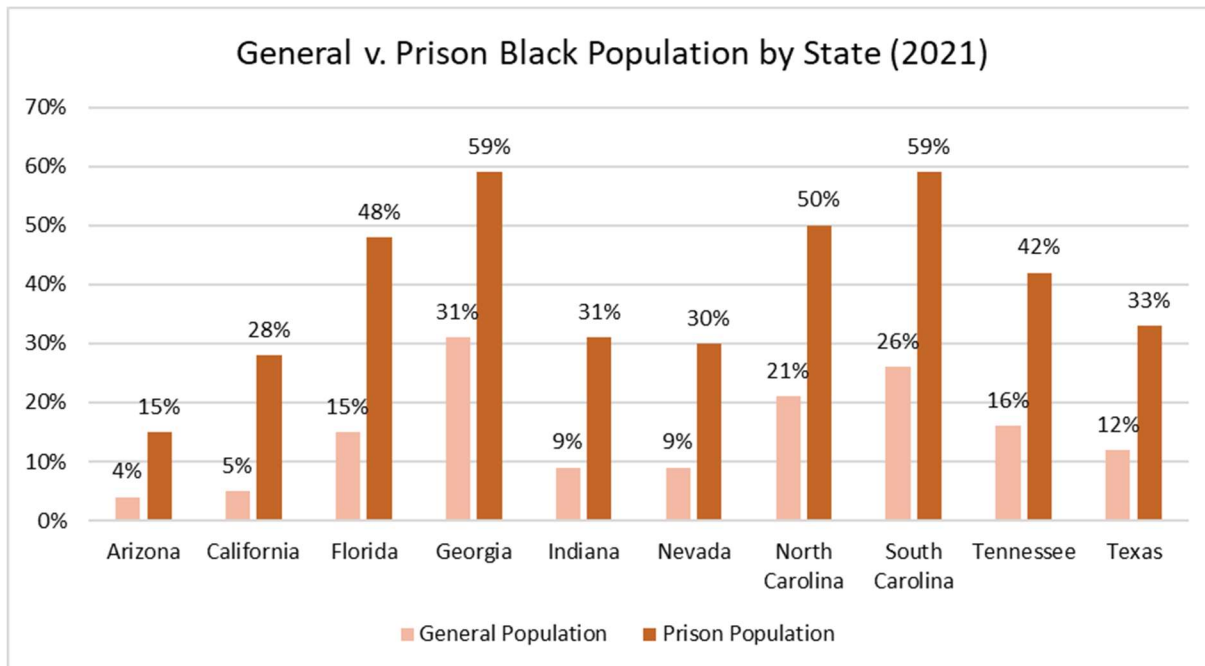
4           68. As is generally the case with blanket bans, due to the wide and  
5 persistent racial disparities described above, Tricon's blanket ban has a clear  
6 disparate impact on the basis of race. Black individuals are far more likely than white  
7 individuals to have a criminal record. As a result, Tricon's blanket ban operates to  
8 disqualify otherwise-qualified Black individuals from living in its properties at  
9 disproportionate rates.

10           69. The likely impact of an exclusionary policy like Tricon's can be  
11 estimated using data from the United States Census Bureau, the Bureau of Justice  
12 Statistics, and the Criminal Justice Administrative Records system.

13           70. Presently available data indicate that nationally, the proportion of Black  
14 renters disqualified by Tricon's blanket ban on renting to people with any felony  
15 convictions within the past seven years is 5.32 times greater than the proportion of  
16 white renters disqualified. In other words, the proportion of disqualified Black  
17 renters is 532% larger than the proportion of disqualified white renters.

18           71. Black people are also overrepresented in the prison populations in the  
19 ten states where Tricon operates single-family rental homes: Arizona, California,  
20 Florida, Georgia, Indiana, Nevada, North Carolina, South Carolina, Tennessee, and

1 Texas. For example, data from 2021 shows that Black people comprised just 5% of  
 2 California's general population but comprised 28% of California's prison  
 3 population. Similarly, Black people comprised just 9% of Indiana's general  
 4 population but comprised 31% of Indiana's prison population. These 2021 numbers  
 5 for every state where Tricon has homes are as follows:



14 72. Similarly, in Marion County, Indiana, where Plaintiffs reside, between  
 15 March 2023 and March 2024, the proportion of Black renters with a felony  
 16 conviction was 1.63 times greater than the proportion of white renters with a felony  
 17 conviction. That is, the proportion of Black renters disqualified by Tricon's blanket  
 18 ban is 163% larger than the proportion of disqualified white renters.

19 73. All of these numbers likely understate the racially disparate impact of  
 20 Tricon's policy because the company excludes not only persons with any felony

1 convictions within the past seven years but also persons with certain enumerated  
2 convictions regardless of when they occurred.

3 74. The disproportionate adverse impact of Tricon’s blanket exclusion of  
4 justice-involved individuals on Black prospective tenants is clear from these  
5 findings. The ongoing policy prevents prospective Black tenants—both those who  
6 apply and are rejected, and the untold number of potential Black applicants who did  
7 not even bother to apply to Tricon because of its publicly articulated policy against  
8 renting to justice-involved persons—from living in the housing of their choice more  
9 often than it does prospective white tenants.

10 **ii. Giving Individualized Consideration to Applicants’**  
11 **Circumstances Is a Less Discriminatory Alternative That**  
12 **Would Satisfy Any Concerns**

13 75. Tricon’s blanket ban on renting to certain justice-involved applicants is  
14 not necessary to achieve any legitimate nondiscriminatory business purpose. While  
15 Tricon may argue that excluding justice-involved renters is justified by public safety  
16 concerns, a blanket ban is not necessary to satisfy that concern. Providing  
17 individualized consideration of each applicant’s circumstances, including any prior  
18 justice-involvement, is a less discriminatory alternative that would serve public  
19 safety equally well.

1           76. Nor can Tricon rely on any concerns related to negative housing  
2 outcomes, such as failure to pay rent or lease terminations. In fact, a 2019 study  
3 found that most criminal offenses have no significant effect on housing outcomes.<sup>10</sup>  
4 To the extent that a prior criminal offense may increase the likelihood of any  
5 negative housing outcomes, any such effect declines over time and becomes  
6 insignificant two years after a misdemeanor, and five years after a felony. A  
7 categorical ban that fails to account for the nature of the conviction, as well as other  
8 relevant factors, and/or applies an unreasonable lookback period, is therefore  
9 unnecessary to address any such concerns.

10           77. Tricon may protect public safety and prevent negative housing  
11 outcomes by employing an individual assessment that considers the nature of an  
12 individual's conviction, age at the time of the conduct, the amount of time since the  
13 conviction, and evidence of changed circumstances, among other factors. Such an  
14 individualized assessment allows justice-involved individuals who pose no realistic  
15 current or future threat to the community to obtain housing. This more targeted and  
16 narrower approach both protects public safety and is less discriminatory and  
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18 <sup>10</sup> See Cael Warren, *Success in Housing: How Much Does Criminal Background Matter?*, Wilder  
19 Rsch. 23 (Jan. 2019),  
20 [https://www.wilder.org/sites/default/files/imports/AEON\\_HousingSuccess\\_CriminalBackground\\_Report\\_1-19.pdf](https://www.wilder.org/sites/default/files/imports/AEON_HousingSuccess_CriminalBackground_Report_1-19.pdf) [<https://perma.cc/X9Q9-9JXQ>] (“Most types of criminal offenses do not significantly increase a household’s likelihood of a negative housing outcome when other observable factors are held constant.”).



1 exclusionary because it reduces the number of Black applicants who would be  
2 banned from Tricon properties.

3 78. This is precisely the framework that HUD has recommended that  
4 housing providers use in assessing potential applicants.

5 79. In 2016, HUD issued guidance on the use of criminal records in housing  
6 transactions, recognizing that “[b]ecause of widespread racial and ethnic disparities  
7 in the U.S. criminal justice system, criminal history-based restrictions on access to  
8 housing are likely disproportionately to burden African Americans and Hispanics.”<sup>11</sup>  
9 It specifically warned that “[a] housing provider that imposes a blanket prohibition  
10 on any person with any conviction record—no matter when the conviction occurred,  
11 what the underlying conduct entailed, or what the convicted person has done since  
12 then—will be unable to meet [their] burden” to show that such a policy is necessary  
13 to achieve a substantial, legitimate, nondiscriminatory interest precisely because an  
14 individualized assessment that accounts for relevant mitigating information, such as  
15 the circumstances surrounding the criminal conduct, the age of the individual at the  
16  
17

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18  
19 <sup>11</sup> U.S. Dep’t of Hous. & Urb. Dev., *Office of General Counsel Guidance on Application of Fair*  
20 *Housing Act Standards to the use of Criminal Records by Providers of Housing and Real Estate-*  
*Related Transactions* 10 (Apr. 4, 2016),  
[https://www.hud.gov/sites/documents/HUD\\_OGCGUIDAPPFHASTANDCR.PDF](https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF)  
[<https://perma.cc/6EPM-2JBD>].

1 time of the conduct, their history as a tenant, and evidence of changed circumstances,  
2 is an obvious less discriminatory alternative to categorical exclusions.<sup>12</sup>

3 80. Major industry organizations including the National Multifamily  
4 Housing Council, the National Apartment Association, and the National Association  
5 of Realtors all disseminated information about the HUD Guidance and emphasized  
6 the importance of dispensing with automatic criminal history bans.<sup>13</sup> It is very  
7 unusual for apartment companies to thoroughly disregard sound and well-known  
8 industry practices designed to prevent discrimination. Upon information and belief,  
9 Defendants have been aware of the HUD Guidance since its release.

10 81. In a June 2022 Memorandum, HUD reaffirmed those principles and  
11 provided additional guidance and recommendations to facilitate implementation of  
12 the 2016 Guidance.<sup>14</sup> The June 2022 Memorandum recognized that housing  
13

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14 <sup>12</sup> *Id.* at 6.

15 <sup>13</sup> Nat'l Multifamily Hous. Council, *Tips for Better Criminal Activity Screening* (Nov. 22, 2016),  
<https://www.nmhc.org/news/articles/tips-for-better-criminal-activity-screening/>  
[<https://perma.cc/3MB7-HLL8>]; Nat'l Apartment Ass'n, Fed Officials Warn Against Blanket  
16 Criminal History Exclusions (Apr. 25, 2016), [https://www.naahq.org/fed-officials-warn-against-](https://www.naahq.org/fed-officials-warn-against-blanket-criminal-history-exclusions)  
[blanket-criminal-history-exclusions](https://www.naahq.org/fed-officials-warn-against-blanket-criminal-history-exclusions) [<https://perma.cc/UAB7-DJGQ>]; Nat'l Ass'n of Realtors,  
17 *What the Latest Fair Housing Guidance on Criminal Background Checks Means for Real Estate*  
(May 13, 2016), [https://www.prnewswire.com/news-releases/what-the-latest-fair-housing-](https://www.prnewswire.com/news-releases/what-the-latest-fair-housing-guidance-on-criminal-background-checks-means-for-real-estate-300268465.html)  
[guidance-on-criminal-background-checks-means-for-real-estate-300268465.html](https://www.prnewswire.com/news-releases/what-the-latest-fair-housing-guidance-on-criminal-background-checks-means-for-real-estate-300268465.html)  
18 [<https://perma.cc/LF22-V6HQ>].

19 <sup>14</sup> See generally U.S. Dep't of Hous. & Urb. Dev., Memorandum on Implementation of the  
Office of General Counsel's Guidance on Application of Fair Housing Act Standards to the Use  
of Criminal Records by Providers of Housing and Real-Estate Transactions (June 10, 2022),  
20 <https://www.hud.gov/sites/dfiles/FHEO/documents/Implementation%20of%20OGC%20Guidanc>  
[e%20on%20Application%20of%20FHA%20Standards%20to%20the%20Use%20of%20Crimina](https://www.hud.gov/sites/dfiles/FHEO/documents/Implementation%20of%20OGC%20Guidanc)  
[l%20Records%20-%20June%2010%202022.pdf](https://www.hud.gov/sites/dfiles/FHEO/documents/Implementation%20of%20OGC%20Guidanc) [<https://perma.cc/US5G-VBLB>].

1 providers’ “written and unwritten policies and practices” concerning background  
2 screening may create an unjustified discriminatory effect in violation of the FHA,  
3 and reaffirmed that individualized assessment of relevant mitigating information  
4 from applicants with criminal justice involvement is likely to have a less  
5 discriminatory effect than categorical exclusions like Tricon’s.

6 **III. Tricon Automatically Rejects Certain Rental Applicants Based on**  
7 **Prior Eviction Filings, Which Constitutes Unlawful Discrimination**

8 **A. Tricon Automatically Rejects Certain Applicants with Eviction**  
9 **Filings, Regardless of Whether the Eviction Was Ultimately**  
10 **Completed**

11 82. In addition to its work making housing available to justice-involved  
12 individuals, FHCCI also works to increase access to housing for individuals with a  
13 record of prior evictions.

14 83. For example, FHCCI was part of a coalition that successfully lobbied  
15 the Indiana legislature in 2022 to create a mechanism by which renters in Indiana  
16 can have eviction filings that were dismissed, resolved by a court in their favor, or  
17 overturned on appeal expunged from their records. FHCCI now assists renters with  
18 eviction expungement, in addition to providing other forms of housing counseling  
19 to clients with eviction histories.

20

1           84. As such, in the course of investigating Tricon’s ongoing policy against  
2 renting to certain justice-involved individuals, FHCCI also inquired about Tricon’s  
3 policies regarding renting to persons with eviction filings on their screening report.

4           85. FHCCI learned that Tricon automatically rejects applicants whose  
5 screening reports show an eviction filing within at least the past two years, and  
6 perhaps even further back in time.

7           86. This ban applies equally to eviction filings that were ultimately  
8 dismissed, sealed, or expunged; any eviction filing that shows up on the report is  
9 disqualifying, regardless of outcome.

10           87. Furthermore, because Tricon automatically rejects based on eviction  
11 *filings*, not merely completed evictions, Tricon automatically rejects applicants  
12 whose screening report shows evictions that were ultimately dismissed, decided in  
13 the renter’s favor, or overturned on appeal—the very eviction filings that FHCCI  
14 worked to make expungable.

15           88. Just as they do with criminal convictions, Tricon relies on a screening  
16 report to determine whether an applicant has an eviction filing within at least the  
17 past two years. If the report shows such an eviction filing, Tricon automatically  
18 rejects the applicant.

19           89. Tricon does not conduct an individualized review or consider  
20 mitigating information, such as whether the eviction was actually completed (as

1 opposed to merely filed), whether the applicant has had a stable rental history since  
2 the eviction, whether any completed eviction was subsequently expunged/sealed,  
3 what circumstances led to the eviction filing, or whether the applicant's financial  
4 status has changed.

5 90. Applicants who are rejected due to an eviction filing on the screening  
6 report are given no opportunity to challenge the accuracy of the report or provide  
7 contextual information to Tricon.

8 91. On information and belief, this ongoing policy against renting to people  
9 with any eviction filing within the past two years applies to all of Tricon's single-  
10 family rental homes nationwide.

11 **B. FHCCI's Investigation Revealed Tricon's Policy Against Renting**  
12 **to Certain Individuals with Prior Eviction Filings Is Robust and**  
13 **Nationwide**

14 92. Trained FHCCI employees conducted investigative calls regarding  
15 Tricon's continuing policy against renting to persons with prior eviction filings. The  
16 investigations follow standardized protocols, including making a contemporaneous  
17 record of their findings.

18 93. During a November 6, 2023 call by an FHCCI staff member to Tricon's  
19 customer service line, a Tricon agent informed the FHCCI staff member that Tricon  
20 automatically denies applicants whose screening reports show prior eviction filings.

1 The FHCCI staff member asked if this blanket ban applies only to individuals with  
2 completed evictions, or also to those with mere filings. The Tricon agent responded  
3 that the company does not differentiate between eviction filings and completed  
4 evictions; both are grounds for automatic rejection. On this call, the FHCCI staff  
5 member did not inquire about any specific Tricon property, and the Tricon agent did  
6 not ask whether their questions pertained to a specific property.

7 94. On May 22, 2024, another FHCCI staff member called Tricon to inquire  
8 about Tricon's no-prior-eviction-filings policy for a Tricon home in Southern  
9 California. A Tricon agent informed them that any eviction within the past few years  
10 that shows up on the screening report is grounds for automatic disqualification. The  
11 FHCCI staff member asked if an eviction filing that was subsequently dismissed  
12 would be grounds for rejection. The Tricon agent responded that the company relies  
13 on what shows up in the screening report. If an eviction filing within the last few  
14 years appears on the report, Tricon automatically rejects the applicant.

15 95. On May 29, 2024, another FHCCI staff member called Tricon and  
16 asked whether an eviction from two years ago that was dismissed would be  
17 disqualifying for a Tricon home in Southern California. A Tricon agent responded  
18 that if the eviction did not show up on the applicant's screening report, they should  
19 be fine, but in the inverse, if the dismissed eviction did show up on the report, it  
20 would be disqualifying.

1 96. The phone and mail surveys that FHCCI conducted in December 2023,  
2 January 2024, and May 2024 confirmed Tricon’s continuing policy against renting  
3 to certain persons with prior eviction filings.

4 **C. Blanket Bans on Renting to Individuals with Eviction Filings**  
5 **Disproportionately and Severely Impact Black Renters,**  
6 **Particularly Black Women**

7 **i. Tricon’s Blanket Ban Disproportionately and Severely**  
8 **Impacts Black Individuals, Especially Black Women**

9 97. Racial and gender disparities in eviction filings are well-established,  
10 persistent, and widely known. Black renters, especially Black women, are more  
11 likely to be subjected to eviction filings than any other racial or gender group.

12 98. Less than one-fifth of American renters are Black (18.6%), but over  
13 half of all eviction filings are against Black renters (51.1%). By contrast, although  
14 over half of American renters are white (50.5%), only 26.3% of eviction filings are  
15 against white renters.<sup>15</sup>

16 99. The disparities are even worse for Black female renters. Black female  
17 renters without children are threatened with eviction at an annual rate of 16.3%,  
18

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20 <sup>15</sup> Nick Graetz et al., *A Comprehensive Demographic Profile of the US Evicted Population*, 120  
Proc. Nat’l Acad. Scis. U.S. 1, 3 (2023)  
<https://www.pnas.org/doi/10.1073/pnas.2305860120#sec-2>.

1 whereas white female renters without children are threatened with eviction at an  
2 annual rate of 2.4%. That is, Black female renters without children are threatened  
3 with eviction at about 6.8 times the rate at which white female renters without  
4 children are threatened with eviction. Disparities persist for Black women with  
5 children, who are threatened with eviction at about 4.3 times the rate of white female  
6 renters with children (28.3% v. 6.6%).<sup>16</sup>

7 100. A recent report by the Consumer Financial Protection Bureau (CFPB)  
8 noted the disparate impact of eviction filings on Black renters, particularly women,  
9 who are disproportionately subject to and affected by eviction filings—even after  
10 controlling for failure to pay rent.<sup>17</sup>

11 101. As is generally the case with blanket bans, due to the wide and  
12 persistent racial disparities described above, Tricon’s blanket ban has a clear  
13 disparate impact on the basis of race and gender. Black renters, particularly Black  
14 women, are far more likely than white individuals to have a history of eviction  
15 filings. As a result, Tricon’s blanket ban operates to disqualify otherwise-qualified  
16 Black renters, especially Black women, from living in its properties at  
17 disproportionate rates.

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19 <sup>16</sup> *Id.*

20 <sup>17</sup> Consumer Fin. Prot. Bureau, Tenant Background Checks Market 33–34 (Nov. 2022),  
[https://files.consumerfinance.gov/f/documents/cfpb\\_tenant-background-checks-  
market\\_report\\_2022-11.pdf](https://files.consumerfinance.gov/f/documents/cfpb_tenant-background-checks-market_report_2022-11.pdf) [https://perma.cc/U5ZF-SCUG].



1           102. The likely impact of an exclusionary policy like Tricon’s can be  
2 estimated using data from the United States Census Bureau, the Bureau of Justice  
3 Statistics, and the Criminal Justice Administrative Records system.

4           103. Presently available data indicate that nationally, the proportion of Black  
5 renters disqualified by Tricon’s blanket ban on renting to people with eviction filings  
6 is 0.94 times greater the proportion of white renters disqualified. In other words,  
7 Black rental applicants are nearly twice as likely to be disqualified as white rental  
8 applicants by Tricon’s blanket ban.

9           104. The proportion of Black female renters disqualified by Tricon’s blanket  
10 ban nationwide is twice the proportion of white female renters.

11           105. The areas in which Tricon owns and rents single-family homes have  
12 racial disparities in eviction filings that mirror national trends. For example, Marion  
13 County, Indiana has approximately 258,000 adult renters. Approximately 39% are  
14 Black, and 42% are white. Yet the proportion of Black renters disqualified from  
15 Tricon’s properties based on its policy against renting to individuals with eviction  
16 filings is 110% larger than the proportion of white renters disqualified by the policy.  
17 Put differently, while the number of white and Black renters in Marion County is  
18 approximately equal, more than twice as many Black renters are disqualified by  
19 Tricon’s blanket ban on renting to persons with a history of eviction filings.  
20

1           106. The disproportionate adverse impact of Tricon’s blanket exclusion of  
2 individuals with eviction filings on Black prospective tenants, especially Black  
3 women, is clear from these findings. The ongoing policy prevents Black tenants,  
4 particularly Black female tenants, from living in the housing of their choice more  
5 often than it does white tenants.

6                   **ii. Giving Individualized Consideration to Applicants’**  
7                   **Circumstances Is a Less Discriminatory Alternative That**  
8                   **Would Satisfy Any Concerns**

9           107. Tricon’s blanket ban is not necessary to achieve any legitimate  
10 nondiscriminatory business purpose. While Tricon may argue that categorically  
11 excluding persons with eviction filings is justified by concerns about negative  
12 housing outcomes, blanket bans are not necessary to satisfy that concern. Rather,  
13 providing individualized consideration to each applicant’s circumstances is a less  
14 discriminatory alternative that would mitigate any concerns about housing outcomes  
15 without automatically excluding many Black people and Black women.

16           108. An eviction filing is not necessarily probative of an eviction outcome  
17 because many eviction filings are later defeated by the tenant, settled, or voluntarily  
18 dismissed.

1           109. Eviction filing records are “notably unreliable.”<sup>18</sup> The recent CFPB  
2 report cited a study of 3.6 million eviction court records which found that, on  
3 average, 22% of state eviction records are false or ambiguous.<sup>19</sup> The CFPB report  
4 also explained that third-party screening companies—such as the company that  
5 generates reports for Tricon—often “lack adequate procedures” to address the  
6 “complexities and errors” in eviction data.<sup>20</sup>

7           110. Eviction filings can be more probative as to the landlord than the tenant.  
8 For example, one study found that “large landlords”—those who own 55 units on  
9 average, do not reside with tenants, and are often large corporations—are 186%  
10 more likely to file for eviction than “small landlords,” who own only a handful of  
11 units and live in the same building as their tenants about one-quarter of the time.<sup>21</sup>  
12 And filings by large landlords were 68% less likely than filings by small landlords  
13 to result in a completed eviction.<sup>22</sup>

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16 <sup>18</sup> Off. of Fair Hous. & Equal Opportunity, U.S. Dep’t Hous. & Urb. Dev., *Guidance on  
Application of the Fair Housing Act to the Screening of Applicants for Rental Housing* 19 (Apr.  
29, 2024),

17 [https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO\\_Guidance\\_on\\_Screening\\_of\\_Applicants\\_for\\_Rental\\_Housing.pdf](https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO_Guidance_on_Screening_of_Applicants_for_Rental_Housing.pdf) [https://perma.cc/NSW9-J8MA].

18 <sup>19</sup> CFPB, *supra* n.17, at 2.

18 <sup>20</sup> *Id.* at 32.

19 <sup>21</sup> *Research Summary: Do Large Landlords’ Eviction Practices Differ From Small Landlords’?*,  
Hous. Matters (Feb. 1, 2023), <https://housingmatters.urban.org/research-summary/do-large-landlords-eviction-practices-differ-small-landlords#:~:text=Large%20landlords%20filed%20evictions%20186,but%20by%20the%20ownership%20structure> [https://perma.cc/BMJ4-DE2U].

20 <sup>22</sup> *Id.*

1           111. Landlords often commence eviction filings against their renters for  
2 reasons that are not the fault of the renter, known as “no-fault evictions”—for  
3 example, in order to sell the property, do construction, or re-occupy the unit  
4 themselves.

5           112. Tricon may prevent negative housing outcomes by instead employing  
6 an individualized assessment that considers the nature of the prior eviction; whether  
7 it was completed or merely filed; whether it has been expunged; whether it was a  
8 “no-fault” eviction; and whether the renter’s circumstances have changed since the  
9 prior eviction, among other factors. Such an individualized assessment allows  
10 individuals with prior eviction filings that are not probative of their ability to be a  
11 successful renter to obtain housing. This targeted and narrower approach both  
12 protects any legitimate concerns about negative housing outcomes and is less  
13 discriminatory and exclusionary because it reduces the number of denials, especially  
14 for Black (female) applicants who would be banned from Tricon properties.

15           113. This framework is not only reasonable, but it is well-established as a  
16 less discriminatory alternative by HUD. Earlier this year, HUD’s Office of Fair  
17 Housing and Equal Opportunity issued guidance recommending that housing  
18 providers conduct an individualized review of eviction records on tenant screening  
19 reports and correct or disregard inaccurate or incomplete records because “overbroad  
20

1 screenings for eviction history may have an unjustified discriminatory effect” on  
2 Black renters, especially women and families.<sup>23</sup>

3 114. In light of the unreliability of eviction data, and the probable disparate  
4 impact on Black, particularly Black female, renters, HUD’s guidance stated that  
5 housing providers should not deny housing to applicants based on “eviction  
6 proceedings where the tenant prevailed, a settlement was reached, or the matter was  
7 dropped”; “‘no fault’ evictions”; or “[a]n eviction that occurred long ago or under  
8 circumstances that are no longer relevant.”<sup>24</sup> HUD also stated that it would be  
9 “particularly problematic to hold a past eviction against a tenant” where that eviction  
10 was “filed . . . in retaliation for asserting their rights” or “due to an underlying  
11 experience of domestic violence, dating violence, sexual assault, or stalking.”<sup>25</sup>

12 115. HUD further noted that housing providers who do not conduct an  
13 individualized review of eviction records may be in violation of the Fair Housing  
14 Act.

15 116. That is precisely the case with Tricon: Because the company  
16 automatically excludes any potential renter with an eviction *filing* within the past  
17 few years—regardless of whether the filing resulted in a completed eviction, whether  
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19  
20 <sup>23</sup> HUD, *supra* n.18, at 20.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 20–21.

1 the filing was the fault of the tenant, whether the filing has been expunged, whether  
2 the renter’s financial circumstances have changed, or other relevant mitigating  
3 information—Tricon violates the Fair Housing Act.

4 **CLASS ALLEGATIONS**

5 117. Tricon relies on the same applicant screening policies across its  
6 nationwide portfolio of nearly 40,000 single-family homes. These policies harmed  
7 not just Mr. Williams, but also the many other applicants who also faced automatic  
8 rejection because of their justice involvement.

9 118. Mr. Williams accordingly brings this Complaint as a class action  
10 pursuant to Federal Rule of Civil Procedure 23(a), 23(b)(2), and 23(b)(3) on behalf  
11 of himself and similarly situated individuals.

12 119. Mr. Williams requests that this Court certify a nationwide class of all  
13 Black applicants who were otherwise qualified to rent with Tricon but were  
14 automatically rejected from tenancy based on Tricon’s criminal history policy on or  
15 after January 1, 2015 (“the Class”).

16 120. Mr. Williams is a member of the Class he seeks to represent.

17 121. The Class asserts claims under the federal Fair Housing Act, 42 U.S.C.  
18 § 3604, and the Fair Employment and Housing Act, Cal. Gov’t Code § 12955.

19 122. This action is properly maintained as a class action.  
20

1           123. The volume of Class members is sufficiently numerous that joinder of  
2 all members is impracticable. Tricon appears to have relied on the same criminal  
3 history policy since it began managing its single-family home portfolio around  
4 January 1, 2015. Throughout that time, the number of homes managed by  
5 Defendants has steadily increased and is now nearly 40,000. At the same time, the  
6 United States maintains a high rate of conviction and incarceration. Plaintiffs  
7 estimate that Tricon automatically rejected scores of applicants based on their justice  
8 involvement.

9           124. Defendants have acted or refused to act on grounds generally applicable  
10 to the Class.

11           125. There are questions of law or fact common to each Class member. Such  
12 questions include, without limitation: (a) whether Tricon's criminal history policy  
13 disproportionately excludes Black applicants; (b) whether such a disparate impact  
14 can be justified by business necessity; (c) whether there are available alternative  
15 screening policies that would have a less discriminatory impact; and (d) whether the  
16 Class members have sustained damages and the measure of those damages.

17           126. Mr. Williams's claims are typical of those of the Class because: (a) he  
18 is a Black person; (b) he submitted a rental application to Tricon and was  
19 automatically rejected by Tricon based on its criminal history policy within the  
20

1 relevant time period; and (c) he was otherwise qualified to rent the unit to which he  
2 applied.

3 127. Mr. Williams and class counsel will fairly and adequately represent the  
4 interests of the Class.

5 128. Mr. Williams has no interests that are antagonistic to the interests of the  
6 Class as a whole.

7 129. Class counsel have extensive experience in civil rights, consumer, and  
8 class action litigation.

9 130. The Class is certifiable under Federal Rule of Civil Procedure 23(b)(2)  
10 as to liability and injunctive relief, because Defendants have acted or refused to act  
11 on grounds generally applicable to the Class, thereby making appropriate final  
12 injunctive relief or corresponding declarative relief with respect to the Class as a  
13 whole.

14 131. The Class is certifiable under Federal Rule of Civil Procedure 23(b)(3)  
15 because questions of law and fact common to the Class predominate over any  
16 questions affecting only individual members, and a class action is superior to other  
17 available methods for the fair and efficient adjudication of this case. Damages can  
18 be proven on a class-wide basis via generally applicable evidence.

19 132. Alternatively, class-wide liability and punitive damages liability under  
20 the theories advanced in this action are properly certified under Federal Rule of Civil



1 Procedure 23(c)(4) for the Class because such claims present only common issues,  
2 the resolution of which would advance the interests of the parties in an efficient  
3 manner.

#### 4 **INJURY TO PLAINTIFFS**

5 133. As a result of Tricon's discriminatory policy, Mr. Williams and those  
6 similarly situated have suffered compensatory harm, including emotional distress,  
7 pain and suffering, the injury to dignity associated with being stereotyped, and other  
8 injuries attendant to racial discrimination.

9 134. Tricon's categorical rejection of certain justice-involved applicants  
10 caused them emotional distress, pain, and suffering. For example, after Mr. Williams  
11 was rejected by Tricon, he was unhoused for approximately a month. The rejection  
12 and resultant complications in Mr. Williams's search for housing caused him the  
13 emotional distress, pain, and suffering that any person in this situation would  
14 necessarily experience.

15 135. Tricon's categorical rejection of certain justice-involved applicants  
16 caused them to experience the harm and stigma inherent in discrimination. Being  
17 reduced to and dismissed offhand on account of a prior criminal record, without any  
18 opportunity to discuss individual character or circumstances, causes the type of  
19 dignitary harm that the Fair Housing Act was designed to prevent.  
20

1           136. Furthermore, Tricon’s unlawful conduct, policies, and practices have  
2 inflicted and continue to inflict concrete, particularized, and substantial injuries on  
3 Plaintiff FHCCI by impairing its mission and by impairing its ongoing programs and  
4 core activities.

5           137. FHCCI’s mission is to facilitate open housing for all people. This  
6 mission includes ensuring the availability of affordable and accessible housing;  
7 promoting housing choice and homeownership; advocating for an inclusive housing  
8 market; working toward stable and equitable communities; and eradicating housing  
9 discrimination within Central Indiana, the State of Indiana, and nationally.

10           138. FHCCI currently engages in programs and activities in furtherance of  
11 its mission. For example, FHCCI provides housing counseling and referral services  
12 to individual housing consumers and housing providers. Through its counseling  
13 work, FHCCI connects people with resources to help them locate housing options;  
14 to stave off eviction, foreclosure, or instability; to identify or access available  
15 housing programs; and to combat or address conflicts or inequities with their housing  
16 providers and/or housing services.

17           139. FHCCI also engages in neighborhood stabilization and community  
18 investment through its “Inclusive Communities” program. This program has  
19 included investing in and repairing properties; helping home seekers obtain credit;  
20

1 securing housing for families in need of urgent shelter; and preventing displacement  
2 of elderly and differently abled homeowners.

3 140. FHCCI also lobbies for laws that will advance the organization's  
4 mission of open and accessible housing. This advocacy includes drafting issue  
5 statements and op-eds to propose and/or endorse new laws; meeting with regulators  
6 and policymakers; and identifying existing legislation that creates barriers to  
7 housing.

8 141. FHCCI also conducts education and outreach. This programming  
9 includes authoring and releasing fact sheets and guidance; conducting trainings and  
10 information sessions; and organizing community events.

11 142. Tricon is one of the largest providers of single-family rental homes in  
12 the country, and it relies on exclusionary applicant screening policies and practices  
13 that automatically reject people based on justice involvement and eviction history.  
14 These policies and practices harm FHCCI in at least three ways.

15 143. Tricon's rental screening policies and practices impair FHCCI's  
16 ongoing counseling and referral services, one of its core activities. As part of its  
17 counseling program, FHCCI responds to inquiries from people with justice  
18 involvement by providing referrals and support in their search for housing. Because  
19 Tricon's policies automatically exclude applicants based on justice involvement,  
20 there is less housing available for people with criminal histories. This decrease in

1 housing availability impairs FHCCI's counseling and referral services. This  
2 impairment is especially harmful because FHCCI has seen a significant rise in the  
3 number of intakes from people with justice involvement. Already, the number of  
4 inquiries FHCCI has received from justice-involved individuals in 2024 is nearly  
5 three times the number of inquiries FHCCI received from this population in 2018.  
6 Also, as part of its counseling program, FHCCI responds to inquiries from people  
7 with eviction histories by providing guidance on how to retain or find housing.  
8 Because Tricon's policies automatically exclude applicants based on eviction filings  
9 there is less housing available for this population. This decrease in housing  
10 availability impairs FHCCI's counseling and referral services.

11 144. Tricon's rental screening policies and practices also impair FHCCI's  
12 mission of ensuring open and affordable housing for all. People with justice  
13 involvement have an acute need to find stable and affordable housing, which is often  
14 required by probation and/or parole terms, and which is essential to maintaining  
15 employment. FHCCI has seen an increase in outreach from justice-involved  
16 individuals who are unable to find housing because of their criminal histories.  
17 FHCCI also receives inquiries from people with eviction filings on their records who  
18 are similarly unable to locate housing because of their rental histories. Although  
19 there is a demand for housing, especially for people with criminal and/or eviction  
20 histories, Tricon's policies and practices restrict the available housing stock and

1 shrink the single-family rental market. Given the size of Tricon's rental portfolio,  
2 the impact of Tricon's exclusionary practices is considerable.

3 145. Tricon's eviction screening policies and practices also interfere with  
4 FHCCI's eviction expungement advocacy, another core activity. FHCCI was part of  
5 a coalition that lobbied the state legislature to enact a law that permits expungements  
6 of certain evictions, and eviction expungement has since been codified in Indiana.  
7 FHCCI now helps people determine whether they qualify for eviction expungement  
8 and, if so, helps them navigate the expungement process. Tricon automatically  
9 excludes applicants where an eviction filing appears on their screening report,  
10 irrespective of whether that eviction was subsequently dismissed, sealed, or  
11 expunged. This disregard for disposition and expungement essentially nullifies  
12 FHCCI's lobbying efforts and the time that FHCCI devotes to helping people obtain  
13 expungements.

14 146. These injuries are not mere setbacks to the organization's abstract goals  
15 but rather direct and tangible impediments to FHCCI's ability to achieve its mission  
16 of facilitating open housing access for all people and to FHCCI's activities and  
17 programs.

18 147. FHCCI has suffered further damages because the injuries to its mission  
19 and activities caused a consequent drain on the organization's resources. FHCCI was  
20

1 compelled to investigate and counteract Tricon's discriminatory policies and  
2 practices, and it diverted scarce resources to do so.

3 148. FHCCI has a small staff and a limited budget. Yet because Tricon's  
4 policies present an ongoing impairment to FHCCI's mission, FHCCI diverted staff  
5 time and incurred expenses researching Tricon's portfolio and policies; collecting  
6 documents; designing and implementing investigative calls; and drafting, mailing,  
7 and reviewing surveys. This expenditure of resources was necessary to determine  
8 the scope and degree of Tricon's discrimination.

9 149. FHCCI also diverted staff time and resources to engage in outreach to  
10 the potentially affected residents within its service area to educate them regarding  
11 their fair housing rights in relation to the types of unlawful discrimination in which  
12 Tricon was engaging. These education efforts included drafting a criminal history  
13 fact sheet for housing consumers; attending summits and expos hosted by reentry  
14 organizations; meeting with reentry organizations to discuss the needs of their  
15 clients; and conducting workshops and presentations for justice-involved  
16 individuals. FHCCI also diverted resources to training local agencies regarding  
17 housing for people with justice involvement.

18 150. FHCCI also diverted staff time and resources toward counseling Mr.  
19 Williams and investigating his experience with Tricon.

20

1           151. In carrying out activities, for which it had not budgeted time or money,  
2 to counteract the harm caused by Tricon, FHCCI was forced to divert significant  
3 staff time and funds away from other planned activities. This diversion delayed,  
4 diminished, and interfered with FHCCI's core operations.

5           152. FHCCI's investigation into Tricon impaired the organization's ability  
6 to respond to inquiries from housing consumers and to provide timely counseling to  
7 clients.

8           153. Because it diverted time and resources to investigating Tricon, FHCCI  
9 had to delay research and drafting for five different public reports addressing  
10 environmental justice, the state of fair housing, investor-purchased properties, land  
11 contracts, and manufactured housing. The delay of these reports impaired FHCCI's  
12 mission and programming. Public reports are essential to one of FHCCI's core  
13 activities, education and outreach, because they raise awareness; generate clients and  
14 referrals; and promote industry-specific strategies for increasing open access to  
15 housing. If FHCCI had not diverted time to investigating Tricon, it could have  
16 released its reports sooner, and thus seen swifter progress on those topics.

17           154. The time FHCCI expended to investigate and counteract Tricon's  
18 unlawful conduct thus perceptibly impaired FHCCI's mission and activities and  
19 thereby compounded and exacerbated the direct injuries inflicted by Tricon's  
20 conduct.

1 155. Tricon’s reliance on discriminatory screening practices has also harmed  
2 FHCCI’s reputation. Because of Tricon’s reliance on discriminatory screening  
3 practices, FHCCI’s ability to support housing choice for justice-involved individuals  
4 has been diminished. This undermines FHCCI’s role in the community—both with  
5 reentry organizations specifically and with potential funders and donors more  
6 generally—because FHCCI is not able to achieve its mission or serve those in need.

7 156. Unless enjoined, Tricon will continue to engage in the unlawful conduct  
8 described herein and FHCCI’s injuries will increase because it will have to continue  
9 diverting resources and curtailing its other activities to counteract Defendants’  
10 conduct.

11 **CAUSES OF ACTION**

12 **Count I – Violation of the Fair Housing Act (42 U.S.C. § 3604)**

13 **Criminal History Policy**

14 **(All Plaintiffs v. All Defendants)**

15 157. Plaintiffs repeat and incorporate by reference all allegations set forth in  
16 paragraphs 1 through 156 above.

17 158. Tricon’s acts, policies, and practices have an adverse and  
18 disproportionate impact on Black individuals as compared to similarly situated white  
19 people. This adverse and disproportionate impact is the direct result of Tricon’s  
20 ongoing blanket policy of automatically refusing housing to certain people with



1 criminal records with no consideration of their individual characteristics and  
2 circumstances. This policy is not necessary to serve any substantial legitimate,  
3 nondiscriminatory interest, and any such interest can be satisfied by another  
4 practice—providing individualized consideration—that would have a less  
5 discriminatory effect.

6 159. Tricon’s acts, policies, and practices constitute discrimination and  
7 violate the Fair Housing Act, as amended, 42 U.S.C. § 3604, and its implementing  
8 regulations, in that:

- 9 a. Tricon’s acts, policies, and practices have made and continue to make housing  
10 unavailable because of race in violation of 42 U.S.C. § 3604(a); and  
11 b. Tricon’s notices and statements have expressed and/or continue to express a  
12 preference, limitation, and discrimination based on race in violation of 42  
13 U.S.C. § 3604(c).

14 **Count II – Violation of Fair Housing Act (42 U.S.C. § 3604)**

15 **Eviction Filings Policy**

16 **(Plaintiff FHCCI v. All Defendants)**

17 160. Plaintiffs repeat and incorporate by reference all allegations set forth in  
18 paragraphs 1 through 156 above.

19 161. Tricon’s acts, policies, and practices have an adverse and  
20 disproportionate impact on Black individuals, particularly Black women, as

1 compared to similarly situated white people. This adverse and disproportionate  
2 impact is the direct result of Tricon’s ongoing blanket policy of automatically  
3 refusing housing to certain people with eviction filing records with no consideration  
4 of their individual characteristics and circumstances. This policy is not necessary to  
5 serve any substantial legitimate, nondiscriminatory interest, and any such interest  
6 can be satisfied by another practice—providing individualized consideration—that  
7 would have a less discriminatory effect.

8 162. Tricon’s acts, policies, and practices constitute discrimination and  
9 violate the Fair Housing Act, as amended, 42 U.S.C. § 3604, and its implementing  
10 regulations, in that:

- 11 a. Tricon’s acts, policies, and practices have made and continue to make housing  
12 unavailable because of race and/or gender, in violation of 42 U.S.C. § 3604(a);  
13 and  
14 b. Tricon’s notices and statements have expressed and/or continue to express a  
15 preference, limitation, and discrimination based on race, and/or gender, in  
16 violation of 42 U.S.C. § 3604(c).

1 **Count III – Violation of California Fair Employment and Housing Act**

2 **(CAL. GOV'T CODE § 12955(a), (c), (k))**

3 **Criminal History Policy**

4 **(All Plaintiffs v. All Defendants)**

5 163. Plaintiffs repeat and incorporate by reference all allegations set forth in  
6 paragraphs 1 through 156 above.

7 164. Tricon's acts, policies, and practices have an adverse and  
8 disproportionate impact on Black individuals as compared to similarly situated white  
9 people. This adverse and disproportionate impact is the direct result of Tricon's  
10 ongoing blanket policy of automatically refusing housing to certain people with  
11 criminal records with no consideration of their individual characteristics and  
12 circumstances. This policy is not necessary to serve any substantial legitimate,  
13 nondiscriminatory interest, and any such interest can be satisfied by another  
14 practice—providing individualized consideration—that would have a less  
15 discriminatory effect.

16 165. California has a cognizable public policy interest in Plaintiffs' claims.  
17 Tricon's illegal policy discriminating against certain justice-involved renters was  
18 promulgated from its property management headquarters in Orange County,  
19 California.

20

1 166. California’s Civil Rights Department, which administers the Fair  
2 Employment and Housing Act, issues regulations that are presumptively valid and  
3 binding under state law. Those regulations make it unlawful to:

4 Implement a “blanket ban” or categorical exclusion practice that takes  
5 adverse action against all individuals with a criminal record regardless  
6 of whether the criminal conviction is directly related to a demonstrable  
7 risk to the identified substantial, legitimate, nondiscriminatory interest  
8 or purpose. Examples of such prohibited practices include bans against  
9 all individuals with a criminal record, bans against all individuals with  
10 prior convictions, bans against all individuals with prior misdemeanors,  
11 and bans against all individuals with prior felonies.

12 Cal. Code Regs. Tit. 2 § 12269(a)(5).

13 167. Civil Rights Department regulations also make it unlawful to “[s]eek,  
14 consider, use, or take an adverse action based on information about any criminal  
15 conviction that has been sealed, dismissed, vacated, expunged, voided, invalidated,  
16 pardoned, or otherwise rendered inoperative by judicial action or by statute.” Cal.  
17 Code Regs. Tit. 2 § 12269(a)(3).

18 168. Tricon’s policies fly in the face of California law. Tricon automatically  
19 rejected Mr. Williams solely because of his criminal history and refused his efforts  
20 to appeal the denial. It most certainly did not engage in an individualized review.

1           169. Furthermore, Tricon refused to disregard Mr. Williams’s expunged  
2 convictions, in direct violation of Civil Rights Department regulations.

3           170. Tricon’s acts, policies, and practices constitute discrimination and  
4 violate the California Fair Employment and Housing Act, Cal. Gov’t Code § 12955,  
5 and its implementing regulations, in that:

6           a. Tricon’s acts, policies, and practices discriminate against persons because of  
7 their race in violation of Cal. Gov’t Code § 12955(a) and Cal. Code Regs. Tit.  
8 2 §§ 12265, 12269;

9           b. Tricon’s acts, policies, and practices have expressed and/or continue to  
10 express a preference, limitation, and discrimination based on race in violation  
11 of Cal. Gov’t Code § 12955(c) and Cal. Code Regs. Tit. 2 §§ 12265, 12268,  
12 12269; and

13           c. Tricon’s acts, policies, and practices have made and continue to make housing  
14 unavailable because of race in violation of Cal. Gov’t Code § 12955(k) and  
15 Cal. Code Regs. Tit. 2 §§ 12265, 12269.

1 **Count IV – Violation of California Fair Employment and Housing Act**

2 **(CAL. GOV'T CODE § 12955(a), (k))**

3 **Eviction Filings Policy**

4 **(Plaintiff FHCCI v. All Defendants)**

5 171. Plaintiffs repeat and incorporate by reference all allegations set forth in  
6 paragraphs 1 through 156 above.

7 172. Tricon's acts, policies, and practices have an adverse and  
8 disproportionate impact on Black individuals, particularly Black women, as  
9 compared to similarly situated white people. This adverse and disproportionate  
10 impact is the direct result of Tricon's ongoing blanket policy of automatically  
11 refusing housing to certain people with eviction filing records with no consideration  
12 of their individual characteristics and circumstances. This policy is not necessary to  
13 serve any substantial legitimate, nondiscriminatory interest, and any such interest  
14 can be satisfied by another practice—providing individualized consideration—that  
15 would have a less discriminatory effect.

16 173. California has a cognizable public policy interest in Plaintiffs' claims.  
17 Tricon's illegal policy discriminating against renters with prior eviction filings was  
18 promulgated from its property management headquarters in Orange County,  
19 California.

20

1 174. Tricon's acts, policies, and practices constitute discrimination and  
2 violate the California Fair Employment and Housing Act, Cal. Gov't Code § 12955,  
3 and its implementing regulations, in that:

- 4 a. Tricon's acts, policies, and practices discriminate against persons because of  
5 their race and/or gender, in violation of Cal. Gov't Code § 12955(a);  
6 b. Tricon's acts, policies, and practices have expressed and/or continue to  
7 express a preference, limitation, and discrimination based on race and/or  
8 gender, in violation of Cal. Gov't Code § 12955(c); and  
9 c. Tricon's acts, policies, and practices have made and continue to make housing  
10 unavailable because of race and/or gender, in violation of Cal. Gov't Code §  
11 12955(k).

12 **REQUEST FOR RELIEF**

13 WHEREFORE, Plaintiffs respectfully request that the Court grant them the  
14 following relief:

15 (1) Certify a class pursuant to Rule 23 of the Federal Rules of Civil  
16 Procedure;

17 (2) Enter a declaratory judgment finding that the foregoing actions of  
18 Tricon violate the Fair Housing Act and the California Fair Employment and  
19 Housing Act;

20

1 (3) Enter an injunction enjoining Tricon and its directors, officers, agents,  
2 and employees from continuing to publish, implement, and enforce the illegal,  
3 discriminatory conduct described herein and directing Tricon and its directors,  
4 officers, agents, and employees to take all affirmative steps necessary to remedy the  
5 effect of the illegal discriminatory conduct described herein and to prevent  
6 additional instances of such conduct or similar conduct from occurring in the future;

7 (4) Award compensatory damages to Plaintiffs in an amount determined  
8 by the jury that would fully compensate Plaintiffs for their injuries caused by the  
9 conduct of Tricon alleged herein;

10 (5) Award punitive damages to Plaintiffs in an amount determined by the  
11 jury that would punish Tricon for the willful, malicious, and reckless conduct alleged  
12 herein and that would effectively deter similar conduct in the future;

13 (6) Award Plaintiffs their reasonably attorneys' fees and costs pursuant to  
14 42 U.S.C. § 3613(c)(2) and California Code of Civil Procedure section 1021.5;

15 (7) Award prejudgment interest to Plaintiffs; and

16 (8) Order such other relief as this Court deems just and equitable.

17 **DEMAND FOR JURY TRIAL**

18 Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs demand a trial by jury on all issues  
19 triable as of right.

20



1 DATE: November 20, 2024

2 Respectfully submitted,  
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