

**UNITED STATES OF AMERICA  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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The Secretary, United States	)	
Department of Housing and Urban	)	FHEO No. 09-10-0591-8
Development, on behalf of [REDACTED]	)	
[REDACTED] and [REDACTED],	)	
	)	
Charging Party,	)	
v.	)	
	)	
Peter Jan DeAngeli and the DeAngeli	)	
Family Trust,	)	
	)	
Respondents.	)	

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**CHARGE OF DISCRIMINATION**

**I. JURISDICTION**

On March 16, 2010, complainants [REDACTED] (“Complainant [REDACTED]”) and [REDACTED] [REDACTED] (“Complainant [REDACTED]”) (collectively, “Complainants”) filed a complaint (“Complaint”) with the United States Department of Housing and Urban Development (“HUD”), alleging that Respondents, Peter Jan DeAngeli (“Respondent DeAngeli”), and the DeAngeli Family Trust (collectively, “Respondents”), violated the Fair Housing Act (“Act”), 42 U.S.C. §§ 3601-19, by discriminating on the basis of disability. On October 1, 2010, the Complaint was amended to identify the proper owner of the property at issue, clarify the factual allegations, and include additional violations of the Act. Specifically, Complainants alleged facts that constitute violations of 42 U.S.C. §§ 3604(f)(1)-(3) and 3617. HUD’s efforts to conciliate the Complaint were unsuccessful.

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination on behalf of an aggrieved person following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. § 3610(g)(1) and (2). The Secretary has delegated that authority to the General Counsel. 24 C.F.R. §§ 103.400 and 103.405. The General Counsel has, in turn, redelegate that authority to the Regional Counsel. 76 Fed. Reg. 42463, 42465 (July 18, 2011).

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1 Respondent DeAngeli is also known as “Jan DeAngeli,” which is the name identified in the Complaint.

The Office of Fair Housing and Equal Opportunity Region IX Director, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined that reasonable cause exists to believe that a discriminatory housing practice in violation of the Act has occurred in this case and has authorized and directed the issuance of this Charge of Discrimination.

## **II. SUMMARY OF ALLEGATIONS IN SUPPORT OF CHARGE**

Based on HUD's investigation of the allegations contained in the aforementioned Complaint and Determination of Reasonable Cause, filed herewith, Respondents are charged with violating the Act as described below:

1. It is unlawful to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability<sup>2</sup> of (A) that buyer or renter; (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or (C) any person associated with that buyer or renter. 42 U.S.C. § 3604(f)(1); 24 C.F.R. § 100.202(a).
2. It is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of (A) that person; (B) a person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or (C) any person associated with that person. 42 U.S.C. § 3604(f)(2); 24 C.F.R. § 100.202(b).
3. For purposes of section 3604(f), discrimination includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204(a).
4. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 803, 804, 805, or 806 of the Act. 42 U.S.C. § 3617; 24 C.F.R. § 100.400(b).
5. The property at issue is a residential apartment complex located at 1425 N. Virginia Street in Reno, Nevada ("Subject Property").

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<sup>2</sup> The Act uses the term "handicap" instead of the term "disability." However, both terms have the same legal meaning. This Charge uses the term "disability."

6. At all times relevant to the Complaint, Respondent DeAngeli Family Trust was the owner of the Subject Property. Additionally, at all times relevant to the Complaint, Respondent DeAngeli was the landlord of the Subject Property.
7. In September 2009, Complainants entered into a lease agreement with Respondent DeAngeli to rent a one-bedroom unit at the Subject Property. The lease agreement included a “no pets” clause.
8. Complainants’ unit is a dwelling within the meaning of 42 U.S.C. § 3602(b).
9. On March 10, 2010, Complainant [REDACTED] friend, [REDACTED], visited Complainant [REDACTED] and accompanied her in Complainants’ unit with his support dog while a technician inspected the unit’s furnace.
10. At all times relevant to the Complaint, [REDACTED] was an individual with a disability within the meaning of 42 U.S.C. § 3602(h). [REDACTED] has delusional disorder, personality disorder, and attention deficit hyperactivity disorder. These conditions cause [REDACTED] to become anxious and agitated whenever he leaves his home. Therefore, whenever [REDACTED] leaves his home, he requires a support dog to be with him to keep him calm and controlled.
11. Shortly after [REDACTED] and his support dog left the premises, Respondent DeAngeli arrived at Complainants’ unit. Respondent DeAngeli stated to Complainant [REDACTED] that no dogs were allowed inside the unit and threatened to evict Complainants because they allowed [REDACTED]’s support dog inside the unit.
12. Complainant [REDACTED] stated that [REDACTED] was disabled and that his dog was a service animal. She also stated that she could provide Respondent DeAngeli with documentation indicating that the dog was a service animal.
13. Regardless, Mr. DeAngeli insisted that he was going to evict Complainants as a result of [REDACTED]’s support dog being inside the unit.
14. On March 11, 2010, [REDACTED] again visited Complainants’ unit with his support dog to accompany Complainant [REDACTED] while the technician was present. While [REDACTED] and his dog were still inside the unit, Respondent DeAngeli arrived and told [REDACTED] that no dogs were allowed.
15. [REDACTED] advised Respondent DeAngeli that he was disabled and that the dog was a service animal. [REDACTED] provided Respondent DeAngeli with a document to show that the dog was a service animal. Complainant [REDACTED] also told Respondent DeAngeli that [REDACTED] was disabled and that his dog was a service animal.

16. However, instead of granting the request or engaging in an interactive process with Complainant [REDACTED] or [REDACTED] regarding the request for an exception to Respondents' "no pets" policy, Respondent DeAngeli simply stated that he did not want the dog on the property and that he would evict Complainants.
17. On March 12, 2010, Respondent DeAngeli served Complainants with a Notice of Termination for Violation of Lease or Rental Agreement. The Notice indicated that the presence of [REDACTED]'s dog inside Complainants' unit constituted a violation of Complainants' lease.
18. On March 25, 2010, Respondent DeAngeli served Complainants with a Five-Day Notice of Unlawful Detainer for Failure to Vacate Rental Unit and Notice of Summary Eviction. The Notice provided that if Complainants did not vacate the unit within five days, Respondent DeAngeli would seek an order of eviction from the Justice Court of the State of Nevada.
19. Shortly after Respondent DeAngeli initiated eviction efforts against Complainants, he posted a notice near their unit that stated the following:

ATTENTION ALL TENANTS: IF HARASSED OR BOTHERED BY TENANTS  
OF THESE APARTMENTS CALL 911 IMMEDIATELY.
20. On April 5, 2010, the Justice Court of the State of Nevada held a hearing at which it dismissed Respondents' eviction action.
21. On April 8, 2010, Respondent DeAngeli served Complainants with a Notice to Vacate for Wrongful Assignment or Subleasing, Waste, Unlawful Business, Nuisance, or Violation of Controlled Substance Laws. The Notice stated that Complainants were "suffering, permitting, or maintaining a nuisance in or on the rental unit" and required them to vacate their unit within three days.
22. As a result of Respondents' eviction efforts, Complainants suffered injuries including, but not limited to, the loss of housing and emotional distress.
23. Respondents violated the Act because they denied housing or made housing unavailable to Complainants because of the disability of a person associated with Complainants, by refusing to make a reasonable accommodation in their "no pets" policy when such accommodation was necessary to afford an equal opportunity to use and enjoy Complainants' dwelling. 42 U.S.C. § 3604(f)(1)(C) and (f)(3)(B); 24 C.F.R. §§ 100.202(a) and 100.204(a).

24. Respondents violated the Act because they discriminated against Complainants in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of the disability of a person associated with Complainants, by refusing to make a reasonable accommodation in their “no pets” policy when such an accommodation was necessary to afford an equal opportunity to use and enjoy Complainants’ dwelling. 42 U.S.C. § 3604(f)(2)(C) and (f)(3)(B); 24 C.F.R. §§ 100.202(b) and 100.204(a).
25. Respondents violated the Act because they coerced, intimidated, threatened, or interfered with Complainants on account of the exercise of the right to a reasonable accommodation, or for having aided or encouraged the exercise of a right to a reasonable accommodation under the Act. 42 U.S.C. § 3617; 24 C.F.R. § 100.400(b).

### **III. CONCLUSION**

WHEREFORE, the Secretary of the U.S. Department of Housing and Urban Development, through the Office of General Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A) of the Act, hereby charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(f)(1)-(3) and 3617 and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondents, as set forth above, violate the Fair Housing Act, 42 U.S.C. §§ 3604(f)(1)-(3) and 3617;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them from discriminating against any person because of disability in connection with the Subject Property, pursuant to 42 U.S.C. § 3612(g)(3);
3. Requires Respondent DeAngeli to attend a training that is administered by an entity of HUD’s choosing and that addresses the Fair Housing Act’s prohibition against discrimination on the basis of disability, pursuant to 42 U.S.C. § 3612(g)(3);
4. Awards such damages as will fully compensate Complainants for any and all injuries caused by Respondents’ discriminatory conduct, pursuant to 42 U.S.C. § 3612(g)(3);
5. Assesses a civil penalty against Respondents for each violation of the Act that Respondents have committed, pursuant to 42 U.S.C. § 3612(g)(3); and
6. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted,

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