

FHEO, has authorized this Charge because he has determined, after investigation, that reasonable cause exists to believe that a discriminatory housing practice has occurred. HUD's efforts to conciliate the complaint were unsuccessful. See 42 U.S.C. § 3610(b).

LEGAL AUTHORITY IN SUPPORT OF CHARGE

4. It is unlawful to make a statement with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on familial status or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604(c).

PARTIES:

5. Complainant, at all times relevant to this Charge, had her three children residing with her. In 2004, Mark Jackson was 15 years old, Miles Jackson was 13 years old, and Deiondre Jackson was 8 years old. Ms. Miles, together with her children, currently lives at 273 Linden Avenue, Buffalo, NY 14216. HOME is the Complainants' advocate. HOME is located at 700 Main Street, Buffalo, NY 14202. The contact person at HOME is Andrea A. Mujahid-Moore, Associate Director. She may be reached at 716-854-1400.
6. Respondents Laura Ann and Brian Piccillo, at all times relevant to this Charge, were married and co-owners of the subject dwelling. Patrick Wesp, Esq., of Hughes & Wesp, Attorney's at Law, is the Respondents' legal representative. He may be reached at Hughes & Wesp, Attorneys at Law, 14 Lafayette Square, Suite 2500, Rand Bldg., Buffalo, New York 14203-1925, (phone) 716-852-2552 and (fax) 716-852-8027.

FACTUAL ALLEGATIONS IN SUPPORT OF CHARGE

7. The Complainant had three minor children when she responded to an advertisement for an available rental apartment in a February 2004 edition of the Buffalo News (Home Finder). The Complainant alleges when she called and inquired about the apartment, the Respondent Laura Ann Piccillo, who occupied the upper apartment in the house, stated that she would not rent the apartment below to anyone with dogs or children.
8. After being turned down by the Respondent, the Complainant contacted Housing Opportunities Made Equal ("HOME"), a local fair housing organization. On February 21, 2004, a HOME tester, left a message on the Respondents' answering machine. Laura Piccillo called her back on February 23, 2004. Mrs. Piccillo told the Tester that the apartment was a three-bedroom and quite spacious. The Tester responded that was great because they were looking for a larger place. The Tester stated Mrs. Piccillo asked if she had children. The Tester said no, that it was just her and her husband. Mrs.

Piccillo stated that was good, because they don't rent out to kids or dogs. The Tester expressed interest in the apartment and made arrangements to view it the following day.

9. On February 24, 2004, the tester met with the Respondent and viewed the subject apartment. Respondent Laura Piccillo told her that the apartment would be available on March 1st and gave her an application form. The tester contacted the Respondent later that day and arranged to have her husband view the apartment, but did not follow up on that conversation.
10. By making a statement with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on familial status, or an intention to make any such preference, limitation, or discrimination, Respondents have discriminated against families with children.
11. As a result of Respondents' discrimination, the Complainants have suffered emotional pain. Contributing to Ms. Miles' pain was the fact that the apartment she and her children ultimately moved into was farther from her mother's home than the subject apartment. Ms. Miles takes her mother to the doctor on a regular basis and handles her mother's business affairs.

FAIR HOUSING ACT VIOLATIONS:

12. The Respondents violated the Act by making a statement with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on familial status, or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75.

CONCLUSION:

WHEREFORE, the Secretary of HUD, through the Office of General Counsel and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges the Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604(c), and prays that an order be issued that:

1. Declares that the discriminatory housing practices of the Respondents as set forth above violate the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.*;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, from making discriminatory statements against any person in any aspect of the sale or rental of a dwelling pursuant to 42 U.S.C. § 3612(g)(3);

3. Awards such damages pursuant to 42 U.S.C. § 3612(g)(3) as will fully compensate the Complainants for the emotional distress caused by Respondents' discriminatory statements pursuant to 42 U.S.C. § 3604(c);
4. Awards a civil penalty against the Respondents for each violation of the Act, pursuant to 42 U.S.C. § 3612(g)(3); and
5. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

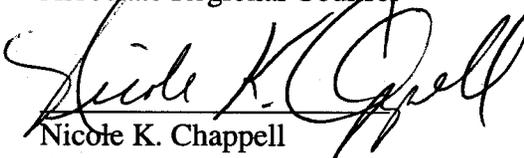
Respectfully submitted,



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Date: September 27, 2007

CERTIFICATE OF SERVICE

I hereby certify that the foregoing "Charge of Discrimination," "Notice," and "Determination" in Miles v. Golombek, FHEO No. 02-04-0666-8, was sent to the following, in the manner indicated:

By Overnight Mail:

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This 27th day of September 2007.



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