

McKinney family files federal housing complaint over apartments' fine for unsupervised teen



Mona Reeder/Staff Photographer

"My kids were not out there doing things they were not supposed to," says Robert Guerrero, with wife Zinia, daughter Maritza and son Robert. The younger Robert incurred a \$50 fine when he was seen walking between buildings at the Creek Point Apartments without an adult.

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Robert and Zinia Guerrero moved into a [McKinney](#) apartment complex in 2009 to save money and get back on their feet. Instead, they faced a \$50 fine and possible eviction because their son, who was 13 at the time, was spotted in the complex without adult supervision.

That incident and another led the Guerreros to file a complaint with the U.S. Department of Housing and Urban Development. The Creek Point Apartments, which has since changed its rules, faces federal charges of discrimination against families with children.

"It's unfortunate that it's happening, but unless somebody stands up, it's going to continue to happen," Robert said.

The complex implemented its policy after the Guerreros moved in with their two children. Children under age 16 were not allowed outside without a parent, a rule that was later amended to include anyone under the age of 18.

“I knew there was a problem with that because in the state of Texas, you’re considered an adult at 17,” Guerrero said.

According to HUD, the complex implemented the parental supervision policy after having problems with teens cursing, kissing behind buildings and vandalizing walls.

“I have no idea who was doing what, but what I can tell you is that my kids were not out there doing things they were not supposed to,” said Guerrero, who filed one of the two complaints that HUD received.

His son, Robert, now 14, incurred the \$50 fine for walking from the family’s apartment to a neighboring building. The Guerreros were told if they did not pay the fine, they could be evicted.

On another occasion, Robert was sitting on the stairs just outside the family’s apartment when a Creek Point employee ordered him back inside with his parents.

“I never in my wildest dreams thought that I would have to hang out with a 13-year-old in a parking lot when I had other things to do,” Guerrero said.

He found an attorney who helped him write a letter to management asking that the rule be changed.

“We thought it would make this all go away,” he said.

When Creek Point did not change its policy, Guerrero said, he reported the issue to HUD as a possible violation of the Fair Housing Act.

According to HUD, at least nine residents were fined under the policy between August and September 2010.

The charges against Creek Point, which is managed by Picerne Development Corp., will be heard by a federal judge. If they are upheld, the complex may be assessed fines and monetary damages.

Picerne spokesman Gregg Perry said Creek Point is dedicated to attracting families with children.

“We have discontinued any rule that may have seemed to restrict children from playing outside,” Perry said. “The company does not intend that any of its policies overly restrict tenants with children.”

According to Perry, 70 percent of the 200 units at Creek Point are occupied by families with children. The complex offers children free breakfast and lunch programs, school supplies, after-school programs and entertainment. There are also computers in the main office that children may use for homework.

“It’s a family-focused community,” Perry said.

Guerrero disagrees, saying his family ultimately chose to break their lease two months early rather than stay in what he called a “hostile living environment.” Creek Point charged the family more than \$2,200 in damages and an early termination fee.

The Guerreros now rent a home with a yard where the kids can play.

“We’re going to hope to stay there, long enough for the kids to graduate from high school, anyways,”
Guerrero said.