

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

The Secretary, United States :
Department of Housing and Urban :
Development, on behalf of [REDACTED] :
[REDACTED], [REDACTED] minor :
aggrieved child of [REDACTED] :
by and through [REDACTED] her :
parent and general Guardian; :
and Fair Housing Council of :
Suburban Philadelphia, :
:
Charging Party, :
:
v. :
Vincent Quattrocchi; Louis :
Quattrocchi; Cecilia Quattrocchi; :
Quality Realty Associates, a :
Pennsylvania General Partnership, :
:
Respondents :

HUD ALJ No. :
FHEO Nos. 03-10-0163-8 :
03-10-0205-8 :
03-10-0162-8 :

CHARGE OF DISCRIMINATION

I. JURISDICTION

Fair Housing Council of Suburban Philadelphia ("FHCSF" or "Complainant FHCSF") submitted two timely complaints¹ with the United States Department of Housing and Urban Development ("HUD") on February 8, 2010, alleging that Quality Realty Associates ("QRA"), a Pennsylvania General Partnership, Vincent Quattrocchi, Agent, Construction Building Materials ("CBM"), and Cecilia Quattrocchi, and Louis Quattrocchi committed discriminatory housing practices on the basis of familial status in violation of the Fair Housing Act, 42 U.S.C. §§ 3601-19 ("the Act").

[REDACTED] ([REDACTED] or [REDACTED]) filed a timely complaint with the United States Department of Housing and Urban Development ("HUD") on March 3, 2010, alleging that Vincent Quattrocchi, Agent, CBM and QRA

¹ Case number 03-10-0162-8 was filed by FHCSF against Vincent Quattrocchi, Agent, Construction Building Materials and Quality Realty Associates. Case number 03-10-0163-8 was filed against Vincent Quattrocchi, Agent, Construction Building Materials, and Louis and Cecilia Quattrocchi.

committed discriminatory housing practices against her and her child, [REDACTED] on the basis of familial status in violation of the Act.²

The HUD Office of Fair Housing and Equal Opportunity ("FHEO") investigated the complaints of discrimination and concluded that with there is no reasonable cause to believe that CBM violated the Act. However, with respect to Respondents Vincent Quattrocchi, QRA and Louis and Cecilia Quattrocchi (hereinafter collectively referred to as the "Respondents"), there is reasonable cause to believe that discriminatory acts were committed.

The Act authorizes the issuance of a charge of discrimination ("Charge") on behalf of an aggrieved person following an investigation and 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 to the General Counsel (73 Fed. Reg. 68441), who retains and redelegates this authority to the Regional Counsel (73 Fed. Reg. 68442), the authority to issue such a charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity ("the Assistant Secretary") or his or her designee.

The FHEO Director for Region III, the Assistant Secretary's designee, has determined that reasonable cause exists to believe that discriminatory housing practices have occurred and, therefore, has authorized the issuance of this charge of discrimination.

II. SUMMARY OF THE ALLEGATIONS IN SUPPORT OF THIS CHARGE

A. Statutory and Regulatory Provisions

1. It is unlawful to refuse to rent or negotiate for rental or otherwise make unavailable or deny a dwelling to any person because of familial status. 42 U.S.C. § 3604(a); 24 C.F.R. § 100.60(a) and (b) (2009).
2. It is unlawful to make statements with respect to the rental of a dwelling that indicate 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(a) (2009).
3. "Familial status" refers to one or more individuals (who have not yet attained the age of 18) being domiciled with a parent or other person having custody of such individuals. 42 U.S.C. § 3602(k); 24 C.F.R. § 100.20 (2009).

B. Parties and Properties

² Contemporaneous with the filing of this Charge, Complainant [REDACTED] has amended her complaint, in case number 03-10-0205-8, to add Respondents Louis and Cecilia Quattrocchi, as co-owners of 1119 Radcliffe Street.

1. At all times pertinent to this Charge, Respondent QRA is a General Partnership which consists of three partners: (1) Louis Quattrocchi, (2) Theodore Walp and (3) Harry and Martha Shapcott. Each partner has an equal interest in the partnership and Respondent Louis Quattrocchi is the managing partner.
2. QRA is the owner of two rental properties in Bristol, Pennsylvania. The first property, which consists of eight (8) one-bedroom apartments, is located at 445/447 Mill Street, and the second property consists of four (4) one-bedroom units, located at 119 Wood Street.
3. At all times pertinent to this Charge, Respondents Louis and Cecilia Quattrocchi, as husband and wife, co-own a property located at 1119 Radcliffe Street, Bristol, Pennsylvania. The property has a total of fourteen (14) apartment units – eleven (11) one-bedroom apartments and three (3) two-bedroom apartments.
4. All of the properties referenced in paragraphs 2 and 3 above are collectively referred to as “the subject rental properties.”
5. At all times pertinent to this Charge, Respondent Louis Quattrocchi is responsible for the daily operations of all of the subject rental properties. His responsibilities include setting rental policies.
6. At all times pertinent to this Charge, Respondent Cecilia Quattrocchi assists with keeping the books and records for the subject rental properties.
7. At all times pertinent to this Charge, Respondent Vincent Quattrocchi handles phone calls and inquiries for the subject rental properties and shows the properties to prospective tenants. Vincent Quattrocchi is an agent of QRA.
8. At all times pertinent to this Charge, Complainant ██████ is the parent of children under the age of 18. In June of 2009, Complainant ██████ was pregnant and had two children – ██████ lived with Complainant ██████ however, ██████ lived with his father.
9. FHSCP is a private, non-profit organization working to promote freedom of residence. The organization’s stated mission is to educate and advocate for equal access to quality, affordable housing for all persons, without regard to race, color, religion, national origin, disability, gender and familial status, in Southeast Pennsylvania.

C. Factual Allegations

1. In March of 2009, Complainant ██████ observed a “For Rent” sign on a building at the corner of Bath and Otter Streets located in Bristol,

Pennsylvania with a phone number identified as 215-788-3377.

2. The following business day, Complainant ██████ called telephone number 215-788-3377³ and inquired about available apartments for rent. ██████ spoke with Respondent Vincent Quattrocchi.
3. Respondent Vincent Quattrocchi advised ██████ that a one-bedroom apartment was available for \$800 per month plus security deposit. Respondent Vincent Quattrocchi asked who would be occupying the apartment. ██████ responded, stating that the apartment would be for her and her 7-year old daughter. Respondent Vincent Quattrocchi told ██████ that the owner preferred not to rent to children and that the apartment was on the third floor. Complainant ██████ asked Respondent Vincent Quattrocchi if he had any other apartments and he said that the other apartments were rented.
4. Complainant ██████ did not pursue the matter any further at that time since she did not want to live in a place where children were not welcome.
5. At all times pertinent to this Charge, Complainant ██████ worked at Lower Bucks County Hospital located at 501 Bath Road in Bristol, Pennsylvania.
6. On or about April 22, 2010, after experiencing several failed attempts to find an apartment in which to live, Complainant ██████ and her daughter became residents of the Levittown Red Cross Shelter ("shelter").
7. ██████ Complainant's seven-year old daughter and an aggrieved party, was not comfortable living at the Red Cross Shelter. After one night at the shelter, ██████ moved in with her grandmother until Complainant ██████ was able to find permanent housing for her family.
8. In the beginning of June of 2009, knowing that Complainant ██████ was still looking for a place to live, a co-worker gave her several phone numbers to local apartments in Bristol, PA. Complainant ██████ continued to live in the shelter.
9. Complainant ██████ called one of the numbers given to her and asked if there were any other apartments available. When she spoke with Respondent Vincent Quattrocchi she realized that she had called the number before. Complainant ██████ asked about available apartments, and Respondent Vincent Quattrocchi said that he had a one-bedroom apartment available for \$800, plus security deposit and no children. The conversation ended.
10. The property referenced in paragraph 9 was the subject rental property located at 445-447 Mill Street in Bristol, PA, owned by QRA, and was within walking

³ This phone number is also associated with CBM, a fuel and hardware supply store, however, Respondents advised HUD that CBM is not involved in the residential rental business.

distance to the Complainant [REDACTED] place of employment.

11. At all times relevant to this Charge, Complainant [REDACTED] was working at Lower Bucks County Hospital and able to pay the monthly rent and security deposit Respondents sought.
12. On or about June 9, 2009, Complainant [REDACTED] left the Red Cross Shelter and moved into the Blessed Margaret of Castello Home for Crisis Pregnancies until the end of June, 2009. In the end of June, Complainant [REDACTED] moved in with her children's grandmother until she located her own apartment in Philadelphia, PA, on or about October 31, 2009.
13. Complainant [REDACTED] apartment in Philadelphia was twenty-eight miles from her work at the hospital and this required her to travel two hours by public transportation on the days that she worked.
14. On or around November 1, 2009, Complainant [REDACTED] contacted the FHCSP. FHCSP conducted testing of the rental practices of the Respondents.
15. On or about June 5, 2009, Tester #1 called 215-788-3377 and inquired about available apartments in Bristol, PA. A female answered the phone and told the tester that Vince would call her back. Respondent Vincent Quattrocchi called Tester #1 back. Respondent Vincent Quattrocchi described several apartment units available. Respondent Vincent Quattrocchi told the tester that he had two one-bedroom apartments available at 445 Mill Street – one on the first floor and the other on the second floor – both for \$800 per month and two two-bedroom units at 1119 Radcliff Street for \$1,000 (first floor apartment) and \$1,100 (third floor unit) per month.
16. Tester #1 told Respondent Vincent Quattrocchi that she would be living in the apartment with her seven year old daughter. Respondent Vincent Quattrocchi advised tester #1 that he would have to check with the owner as to whether he could show her the apartment since the owner has a “no children” policy. Tester #1 told Respondent Vincent Quattrocchi that she would call him back on June 6 so that he could check with the owner and schedule an appointment to see the units.
17. On June 6, 2009, Tester #1⁴ called 215-788-3377 and left a message for Respondent Vincent Quattrocchi, stating that she would not be interested in seeing the apartments.
18. On June 8, 2009, Tester #2⁵ called 215-788-3377 and left a message, inquiring

⁴ Tester #1 is identified in the Determination of Reasonable and No Reasonable Cause as Tester #1 of match pair test #1.

⁵ Tester #2 is identified in the Determination of Reasonable and No Reasonable Cause as Tester #2 of match pair test #1.

about the availability of apartments. Respondent Vincent Quattrocchi returned the call and advised the tester that he had a couple of one-bedroom units for \$800 at the Mill and Pond Streets and two-bedroom apartments for \$1,100 and a little less. Tester #2 asked to view one-bedroom apartments and agreed to meet Respondent Vincent Quattrocchi for that purpose.

19. When they met to view apartments on June 8, Tester #2 mentioned that he was married and had a wife. Respondent Vincent Quattrocchi said "no pets or children." Tester #2 was shown two one-bedroom units at 445/447 Mill Street and two two-bedroom apartments at 1119 Radcliffe Street. After showing Tester #2 the apartments, Respondent Vincent Quattrocchi gave the tester an application that identified the properties he had shown the tester.
20. On June 19, 2009, Tester #3⁶ called 215-788-3377 and initially spoke with a female. When the tester said that she was looking for an apartment, the woman said she would see if Vincent was available. Tester #3 advised Respondent Vincent Quattrocchi that she was looking for an apartment. Respondent Vincent Quattrocchi advised the tester that he had two two-bedroom units available on Radcliff Street. Respondent Vincent Quattrocchi stated that the rent was \$1,100 and "no children or pets".
21. Tester #3 stated that she has two children who would be living with her. When Respondent Vincent Quattrocchi asked their ages, she replied "four and nine." Respondent Vincent Quattrocchi said the only apartment he could show her was on the third floor. Respondent Vincent Quattrocchi told Tester #3 that she could see the third floor apartment and see if she liked it and then he would check with the owner, because of the no children policy. Tester #3 told Respondent Vincent Quattrocchi that she would be in touch when she would like to see the apartment.
22. On June 19, 2009, Tester #4⁷ called 215-788-3377 and inquired about available apartments. The female who answered said that the tester would need to speak with Vince. After holding on the telephone, Tester #4 spoke with Respondent Vincent Quattrocchi about available two-bedroom apartments. Respondent Vincent Quattrocchi asked the tester if she had any children or pets and the tester said "no." The tester asked Respondent Vincent Quattrocchi to view the available apartments.
23. On June 20, 2009, Tester #4 called to schedule a time to see the apartments. While showing Tester #4 two-bedroom apartments on Radcliff Street, Respondent Vincent Quattrocchi asked the tester who would be living with her and told the tester, "no children or pets." Tester #4 stated that she had no

⁶ Tester #3 is identified in the Determination of Reasonable and No Reasonable Cause as Tester #1 of match pair test #2.

⁷ Tester #4 is identified in the Determination of Reasonable and No Reasonable Cause as Tester #2 of match pair test #2.

children or pets and that her husband and mother-in-law would be living with her.

24. On or about June 24, 2010, Tester #4 received a voicemail message from Respondent Vincent Quattrocchi asking if she had the opportunity to talk with her husband and mother-in-law about the units he showed her and whether she is still looking for an apartment.
25. Respondent Louis Quattrocchi advised HUD that in the thirty to forty years that he has managed properties, he has never rented to families with children.
26. Respondent Louis Quattrocchi stated that his "no children" policy is based upon safety concerns.
27. Respondent Louis Quattrocchi stated that Respondents' one-bedroom apartments are very small and can only accommodate one person, according to the square footage requirements of the local occupancy code. However, Respondent Louis Quattrocchi admits to renting their one-bedroom units to more than one person. In addition, some of the one-bedroom units owned by Respondents have sufficient square footage to accommodate more than one person in accordance with the local occupancy code, which is the 2003 International Property Maintenance Code®.
28. Respondent Louis Quattrocchi admitted to HUD that Respondents have a policy of not renting to families with children and that all persons seeking to rent the subject rental properties are told this. Respondent Louis Quattrocchi said that he did not know there was a law prohibiting such a rental policy.
29. There are no families with children currently living in the subject rental properties. Respondent Louis Quattrocchi admitted to HUD that Respondents have never rented to families with children.
30. As a result of Respondents' discriminatory actions, [REDACTED] and her child suffered the loss of a housing opportunity, economic loss, humiliation, and mental and emotional distress. She experienced feelings of frustration, anger, sleeplessness, anxiety and difficulty focusing at work. Complainant [REDACTED] was forced to stay at shelters while she sought housing through Respondents.
31. As a result of Respondents' discriminatory actions and statements, FHCSP suffered frustration of its mission due to diversion of resources normally devoted to educational, counseling and referral services, in investigating the matter. Resources were diverted to activities including, but not limited to, use of staff time in counseling [REDACTED] investigating and preparing investigative documents, contracting and training of testers and advertising in Bristol to counteract familial status discrimination.

Fair Housing Act Violations

1. By refusing to rent, or negotiate for the rental of the subject rental properties, to Complainant [REDACTED] and the testers sent by FHCSP, and by discouraging Complainant [REDACTED] and the testers sent by FHCSP from renting the subject rental properties, Respondents discriminated in the rental of a dwelling on the basis of familial status in violation of 42 U.S.C. § 3604(a); 24 C.F.R. § 100.60 (2009).
2. By informing Complainants that they do not rent to families with children Respondents discriminated against them by making statements that indicated a preference, limitation, or discrimination against families with children or an intention to make such a preference, limitation or discrimination with respect to the sale or rental of a dwelling, in violation of 42 U.S.C. § 3604(c); 24 C.F.R. § 100.65 (2009).

III. CONCLUSION

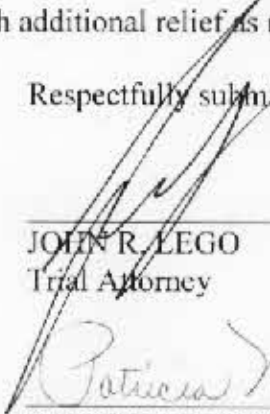
WHEREFORE, the Secretary of Housing and Urban Development, through the Office of Regional Counsel for the Philadelphia Regional Office, and pursuant to 42 U.S.C. §§ 3610(g)(2)(A) and 3612(g)(3), the Charging Party, prays that an Order be issued that:

1. Declares that Respondents' discriminatory housing practices, as set forth above, violate the Fair Housing Act, 42 U.S.C. §§ 3601-19 and its implementing regulations;
2. Pursuant to 42 U.S.C. § 3612(g)(3), enjoins Respondents and all other persons in active concert or participation with them, from discriminating against any person based on familial status in any aspect of a rental transaction;
3. Pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.671(a)(1), assesses a civil penalty against each Respondent for each violation of the Act;
4. Pursuant to 42 U.S.C. § 3612(g)(3), awards such damages as will fully compensate Complainant [REDACTED] and her aggrieved child for the emotional distress and financial costs associated with Respondents' discriminatory conduct; and
5. Pursuant to 42 U.S.C. § 3612(g)(3), awards such damages as will fully compensate Complainant FHCSP for the diversion of its resources and out-of-pocket expenses devoted to investigating the matter and actions seeking to reverse the effects of discrimination, and frustration of its organizational mission.


The Secretary of HUD further prays for such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

The Secretary further prays for such additional relief as may be appropriate.


Respectfully submitted,




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