

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL ACTION NO. \_\_\_\_\_

v.

COMPLAINT and

DANIEL WAISBORD, HELENE WAISBORD JURY DEMAND  
and AVA WAISBORD,

Defendants.

\_\_\_\_\_ )

The United States of America alleges as follows:

NATURE OF ACTION

1. This action is brought by the United States on behalf of Karla Baker to enforce the provisions of Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601, *et seq.* (the "Fair Housing Act").

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3612(o).

3. Venue is proper in this judicial district pursuant to 42 U.S.C. § 1391(b), because the events giving rise to this action occurred in this judicial district.

PARTIES

4. At all times relevant herein, Defendants Helene Waisbord and Ava Waisbord were the owners of the attached single family rental property located at 6331 Gillespie Street in Philadelphia, Pennsylvania ("the Gillespie Street property").

5. At all times relevant herein, Defendant Daniel Waisbord acted as the rental agent for Helene Waisbord and Ava Waisbord and was the manager of the Gillespie Street property.

6. Karla Baker is an African-American woman who, in or around December 2003, attempted to rent the Gillespie Street property from the Defendants.

7. The Gillespie Street property is a "dwelling" within the meaning of 42 U.S.C. § 3602(b).

FACTUAL ALLEGATIONS

8. Sometime prior to December 12, 2003, Karla Baker called Defendant Daniel Waisbord in response to a rental advertisement listed in the Northeast Times newspaper. Defendant Daniel Waisbord provided her with directions to a rental property located at 4904 Comly Street in Philadelphia, Pennsylvania ("the Comly Street property").
9. On or about December 12, 2003, Ms. Baker visited the Comly Street property. While she was there, she spoke with two repairmen. She told them she did not like the Comly Street property, and asked whether Defendant Daniel Waisbord had any other properties available. One of the repairmen called Defendant Daniel Waisbord. Ms. Baker spoke with Defendant Daniel Waisbord, who told her that the Gillespie Street property was available. Ms. Baker and Defendant Daniel Waisbord agreed to meet at the Gillespie Street property.
10. On or about December 12, 2003, Ms. Baker and Defendant Daniel Waisbord met at the Gillespie Street property. After viewing the property, Ms. Baker told Defendant Daniel Waisbord that she would like to rent the property. They discussed the rent and deposit, and Ms. Baker gave Defendant Daniel Waisbord money toward her deposit for the property. Ms. Baker asked Defendant Daniel Waisbord if he could reduce the rent by twenty-five dollars per month. Defendant Daniel Waisbord said that he could not do that for the Gillespie Street property, but he could for another property. Ms. Baker told him that she was not interested in seeing any other properties and that she wanted to rent the Gillespie Street property. Before leaving the Gillespie Street property, Defendant Daniel Waisbord gave Ms. Baker directions to the apartment complex located at 2105-2115 Rhawn Street in northeast Philadelphia, Pennsylvania (the "Rhawn Street property"). He encouraged Ms. Baker to visit the Rhawn Street property, where, he said, the rent was several hundred dollars lower and he could reduce the rent by an additional twenty-five dollars.
11. On or about December 19, 2003, Ms. Baker told Defendant Daniel Waisbord again that she was not interested in living at the Rhawn Street property and she wanted to rent the Gillespie Street property.
12. At some point during the course of Ms. Baker's contact with Defendant Daniel Waisbord in December 2003, this Defendant made statements to her about the race and/or ethnicity of the neighbors at the Gillespie Street property, and told her that he could not rent that property to her because the neighbors would not like it. These statements suggested to Ms. Baker that she may not be welcome in the neighborhood where the Gillespie Street property is located.
13. At all times relevant herein, Ms. Baker was ready, willing, and able to pay the rent and deposit that Defendant Daniel Waisbord asked for the Gillespie Street property.
14. Defendant Daniel Waisbord did not rent the Gillespie Street property to Ms. Baker. On or around December 19, 2003, he returned a portion of the money that Ms. Baker had given to him toward her deposit for the Gillespie Street property to Ms. Baker.
15. The Gillespie Street property remained available for rent after Defendant Daniel Waisbord's last contact with Ms. Baker.
16. Defendant Daniel Waisbord ultimately rented the Gillespie Street property to a Caucasian woman on or about December 23, 2003. Defendant Daniel Waisbord charged this Caucasian woman less in rent than what he asked Ms. Baker to pay.
17. On or about August 26, 2004, Ms. Baker filed a timely Fair Housing Act complaint with the United States Department of Housing and Urban Development ("HUD"). Ms. Baker filed an amended complaint on or about April 5, 2005.

18. Pursuant to 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD conducted and completed an investigation of the complaint, attempted conciliation without success, and prepared a final investigative report. Based upon the information gathered in the investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause existed to believe that illegal discriminatory housing practices had occurred. Therefore, on January 25, 2006, the Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A), charging the Defendants with engaging in discriminatory practices, in violation of 42 U.S.C. §§ 3604 of the Fair Housing Act.

19. On February 15, 2006, the Defendants elected to have the claims asserted in HUD's Charge of Discrimination resolved in a civil action pursuant to 42 U.S.C. § 3612(a).

20. On February 16, 2006, the Chief Administrative Law Judge issued a Notice of Election of Judicial Determination and terminated the administrative proceeding on Ms. Baker's complaint.

21. Following this Notice of Election, the Secretary of HUD authorized the Attorney General to commence a civil action, pursuant to 42 U.S.C. § 3612(o).

#### FAIR HOUSING ACT VIOLATIONS

22. Defendants, through the above-referenced actions, have:

- a. Refused to rent or negotiate for rental or otherwise made unavailable a dwelling to Ms. Baker because of race or color, in violation of 42 U.S.C. § 3604(a); and
- b. Discriminated against Ms. Baker in the terms, conditions, or privileges of rental of a dwelling because of race or color, in violation of 42 U.S.C. § 3604(b);
- c. Made statements with respect to a rental of a dwelling that indicate a preference, limitation or discrimination based on Ms. Baker's race or color, in violation of 42 U.S.C. § 3604(c).

23. Karla Baker is an "aggrieved person" within the meaning of 42 U.S.C. § 3602(i).

24. As a result of the Defendants' discriminatory conduct, Ms. Baker has suffered damages.

25. The discriminatory actions of the Defendants were intentional, willful, and taken in disregard of the federally protected rights of Ms. Baker.

WHEREFORE, the United States of America prays for relief as follows:

1. A declaration that the discriminatory conduct of Defendants as set forth above violates the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*;
2. An injunction against Defendants, their agents, employees, successors, and all other persons in active concert or participation with any of them from discriminating because of race or color, in violation of the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*; and
3. An award of monetary damages to Karla Baker, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1).

The United States further prays for such additional relief as the interests of justice may require.

Dated: \_\_\_\_\_

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