

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

THE ONTARIO OWNERS, INC.,
a Corporation,
Defendant.

CIVIL ACTION NO. 142-69

ORDER

The plaintiff, United States of America, filed its Complaint herein on January 17, 1969. According to the uncontradicted allegations of the Complaint, defendant, Ontario Owners, Inc., is a corporation organized and existing under the laws of the State of Delaware and doing business in the District of Columbia. It owns and operates a cooperative apartment house known as the Ontario Apartments at 2853 Ontario Road, N.W., Washington, D. C. Owners of occupancy interests in apartments at the Ontario are members of the defendant corporation. Under its charter and by-laws, defendant, through its Board of Directors and Admissions Committee, retains and exercises the power to determine whether persons to whom apartment owners wish to sell or rent their interest shall be approved for occupancy. The Ontario contains approximately 110 units and is a dwelling within the meaning of Section 802(b) of the Civil Rights Act of 1968, 42 U.S.C. 3602(b). Plaintiff alleges, but defendant denies, that defendant has engaged

in a pattern and practice of resistance to the full enjoyment of rights secured by Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 et seq. In January 1969, the defendant rejected the application of Mrs. Marian Williams, a Negro, for occupancy of Apartment 121 at the Ontario, which is presently occupied by Mr. and Mrs. Walter Conlon, who have entered into an agreement to sell their interest to Mrs. Williams. Plaintiff contends that this refusal was pursuant to the alleged pattern or practice of discrimination by the defendant, whereas defendant contends that its conduct was non-discriminatory and not based on Mrs. Williams' race or color.

Defendant, without admitting any violation of the law on its part, has authorized the owner-occupancy by Mrs. Marion O. Williams of Apartment 121, and has agreed to comply with Title VIII of the Civil Rights Act of 1968, and to take affirmative steps as set forth in this Order.

Accordingly, plaintiff and defendant have consented to the entry of this Order.

NOW, THEREFORE, without trial or adjudication of this cause upon the merits, and upon consent of the parties, it is hereby ORDERED, ADJUDGED and DECREED that the defendant Ontario Owners, Inc., together with its officers, employees, agents, and all persons, boards or committees acting on its behalf, their successors, and all those in active concert or participation with any of them, be and each is hereby permanently enjoined, in the operation of the Ontario Apartments, from:

- (a) Making unavailable or denying a dwelling to any person because of race, color, religion or national origin;
- (b) Discriminating 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 therewith, because of race, color, religion or national origin;
- (c) Interfering with any person in the exercise or enjoyment of the right to purchase, sell, rent or occupy a dwelling without discrimination based on race, color, religion or national origin;
- (d) Failing or refusing to process the application of Negroes for occupancy of any apartment at the Ontario in a reasonable and prompt manner on the same basis as the applications of white persons have been processed in the past;
- (e) Failing or refusing to approve the application for occupancy of any non-white applicant who possesses the qualifications and meets the criteria heretofore required of approved occupants, provided, however, that if the defendant should elect to alter its past criteria or

qualifications for occupancy of apartments at the Ontario by making changes therein which are non-racial in purpose and effect, it shall promptly submit such changes to the plaintiff in writing. Any dispute between the parties arising from such change may be raised by either party in any subsequent appropriate proceeding in this court;

(f) Failing or refusing to take prompt affirmative steps to assure that approvals of transfers of interest in apartments at the Ontario shall be accomplished on a racially nondiscriminatory basis and to inform the public that the defendant will approve applications for occupancy of apartments at the Ontario on the basis of objective criteria, standards and procedures, without discrimination or distinction based on race, color, religion or national origin. In implementation, the defendant shall

(1) Advise all real estate brokers known to defendant to have participated in transactions or proposed transactions for the sale or rental of any apartment at the Ontario since January 1, 1967, or who may hereinafter, but prior to January 1, 1970, so participate, of the defendant's nondiscriminatory

policy. Such notification shall be in writing, and shall be communicated, within thirty days of the entry of this Order, to said known brokers or agents who have engaged in such transactions in the past, and shall be communicated to brokers or agents who may hereinafter engage in such transactions within fifteen days of such broker's or agent's participation in such transaction coming to the attention of any representative of the defendant;

- (2) Within thirty days after entry of this Order, advise all occupants of apartments at the Ontario, in writing, of the defendant's nondiscriminatory policy, of the entry of this Consent Order, and of the occupants' obligations, under federal and District of Columbia law and under the terms of this Order, not to discriminate in the sale or rental of their interest on account of race, color, religion, or national origin.

IT IS FURTHER ORDERED that on the first day of June, September and December of the year 1969 and of March and June of the year 1970, the defendants shall file with the Court, and serve on counsel for plaintiff, a report containing the following information:

The name, address, and race of any person who has applied for occupancy during the period preceding the report, the date of application, the action taken on the application, the date of such action; the name and address of any broker, salesman or agent who has participated in any such transaction with respect to any apartment, and the name of any broker, salesman or agent known to defendant to have attempted to cause the sale or rental of any apartment or who has caused or attempted to cause any apartment to be listed for sale or rental.

The Report of June 1, 1969, shall also include a description of all steps taken in compliance with the provisions of this Order for notification of brokers and occupants of the Ontario, and shall include copies of any letters of notification or other correspondence sent to any person in connection therewith. All subsequent reports shall include copies of any letters of notification or other correspondence sent to any person pursuant to this Order during the preceding Reporting Period.

IT IS FURTHER ORDERED that representatives of the plaintiff shall be permitted to inspect and copy all pertinent records of the defendant at any and all reasonable times, provided, however, that the plaintiff shall endeavor to minimize any inconvenience to the defendant from the inspection of such records.

In light of the agreement of the defendant to implement the affirmative steps required by this Order,

no costs shall be assessed against any of the parties hereto with respect to any matter predating the entry of this Order.

The Court retains jurisdiction of this action for all purposes.

ORDERED this 9th day of April 1969.

151 Matthew F. McGuire
United States District Judge

The undersigned consent to the entry of this Order:

For the Plaintiff

ONTARIO OWNERS, INC., by

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