

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CIVIL ACTION
)	NO. _____
v.)	
)	
SUBURBAN HOMES REALTY CO.,)	<u>COMPLAINT</u>
LAWRENCE O'DONNELL, EUGENE)	
O'DONNELL and JOHN DONNELLY,)	
)	
Defendants.)	
_____)	

The United States of America alleges:

1. This action is brought pursuant to 42 U.S.C. 3613 seeking to remedy violations of the fair housing provisions contained in Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 et seq.

2. This Court has jurisdiction of this action under 28 U.S.C. Section 1345 and 42 U.S.C. Section 3613.

3. Defendant Suburban Homes Realty Company is a partnership which maintains its principal office in Houston in the Southern District of Texas. The defendant is in the real estate business and acts primarily as the exclusive selling agent for several home construction companies.

4. Defendant Lawrence O'Donnell is the President of Suburban Homes Realty Company. Defendant Eugene O'Donnell is an executive manager of the company. Defendant John Donnelly is the sales manager of the company.

Each of these individual defendants resides in the Southern District of Texas.

5. The homes with which the defendants' business is concerned are dwellings within the meaning of 42 U.S.C. 3602(b).

6. The defendants pursue a policy and practice of discriminating against black persons on account of race with respect to the selling of homes. This policy and practice is implemented, among other ways, as follows:

(a) The defendants have through racially discriminatory selection of advertising media, through the racially suggestive form of some of their advertisements, and otherwise, steered and channelled black prospective purchasers of dwellings to predominantly black areas, while steering and channelling white prospective purchasers of dwellings to predominantly white areas, and have made dwellings unavailable to persons on account of race, in violation of 42 U.S.C. 3604(a).

(b) The defendants have published and caused to be published advertisements indicating a racial preference, limitation and discrimination with respect to the sale

of homes, in violation of 42 U.S.C.

3604(c).

7. The Secretary of the Department of Housing and Urban Development (HUD) and the Attorney General of the United States have attempted to secure voluntary compliance by defendants with the provisions of the Fair Housing Act. These attempts have resulted in the execution of two conciliation agreements between representatives of the defendants and the Secretary of HUD, and in formal assurances by representatives of the defendants to the Attorney General. These agreements and assurances require defendants to comply with the Fair Housing Act and to take appropriate affirmative steps to correct the effects of the past. In spite of these agreements, the defendants have continued to engage in discriminatory practices.

8. The conduct of the defendants described in the preceding paragraphs constitutes a pattern or practice of resistance to the full enjoyment of the rights secured by Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 et seq.

9. The denial to black persons of the right to equal opportunity in housing described in this complaint raises an issue of general public importance.

WHEREFORE, the plaintiff prays for an order enjoining the defendants, each member of the partnership, their employees, agents, successors and all other persons in active concert or participation with any of them, from:

(a) discriminating against any person on the basis of race, color, religion, or national origin with respect to the rights secured by Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 et seq.; and

(b) failing or refusing to take all necessary and appropriate affirmative steps to correct the continuing effects of ^{his} its discriminatory practices.

Plaintiff further prays for such additional relief as the interests of justice may require, together with the costs incurred in maintaining this action.

JOHN N. MITCHELL
Attorney General

DAVID L. NORMAN
Assistant Attorney General

ANTHONY J. P. FARRIS
United States Attorney

Frank E. Schwelb
FRANK E. SCHWELB
Attorney
Department of Justice

Norman P. Goldberg
NORMAN P. GOLDBERG
Attorney
Department of Justice