

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**  
**Civil Division**

---

**DISTRICT OF COLUMBIA,**  
a municipal corporation,  
441 Fourth Street, N.W.  
Washington, D.C. 20001,

Plaintiff,

v.

**BRIAN LOGAN REAL ESTATE,**  
1728 Kalorama Road, N.W.  
Washington, D.C. 20009,

*Serve on:*

**Brian Logan,**  
Registered Agent  
1728 Kalorama Road, N.W.  
Washington, D.C. 20009,<sup>1</sup>

**BRIAN LOGAN,**  
Independent Broker I.D. #IB1212  
1728 Kalorama Road, N.W.  
Washington, D.C. 20009,

Defendants.

---

**COMPLAINT**

Plaintiff the District of Columbia (the District) brings this action against defendants Brian Logan Real Estate, an unregistered business in the District of Columbia,<sup>2</sup> and Brian Logan, a District-licensed real estate broker and agent of Brian

---

<sup>1</sup> Brian Logan Real Estate is an unregistered District corporation. Brian Logan is Brian Logan Real Estate's last known registered agent and principal officer.

<sup>2</sup> Upon information and belief, Brian Logan Real Estate's District business license expired in 1990.

Logan Real Estate. Defendants are liable for discriminatory practices that limit affordable housing and violate the District of Columbia Human Rights Act (DCHRA), D.C. Code §§ 2-1401.01, *et seq.* In support of its claims, the District states as follows.

## INTRODUCTION

1. The District of Columbia faces a housing crisis. Affordable housing stock has trended downward while rents have trended upward, squeezing out low-income tenants. Housing-assistance programs that subsidize rent are a core pillar of the District's response to these pressures. By subsidizing rent, housing assistance programs help the District's lowest-income populations avoid homelessness and maintain a foothold in private housing. This assistance is critical in the District, where many tenants spend more than half of their monthly income on rent.

2. The District brings this action against an unlicensed real estate company and a licensed realtor who together posted multiple advertisements that stated that housing assistance would not be accepted as rental payment for a property in the District, and who stated that they would not accept a rental application from a housing voucher holder.

3. Although housing discrimination is problematic in any form, it is even more concerning when perpetuated by the real estate profession. Real estate professionals—including brokers, salespersons and property managers—play an integral role in connecting customers to housing, including low-income tenants seeking an affordable place to live. They may dispense advice to property owners on how to market properties, and they act as gatekeepers for renters and buyers. When

a real estate professional discriminates against potential tenants who use housing assistance programs, he not only violates his professional licensing standards but lends dangerous credibility to discriminatory practices.

4. Defendants' discriminatory online advertisements for rental housing lend professional credence to the idea that turning away tenants based on their source of income is not only acceptable but lawful. In the District, it is neither. Instead, it is a DCHRA violation that is prohibited not only as source-of-income discrimination but, because of the large number of African Americans enrolled in housing assistance programs, as racial discrimination as well.

5. Consequently, the District seeks declaratory and injunctive relief, damages, civil penalties and costs and attorney's fees to prevent and deter defendants from engaging in discriminatory practices that mislead District residents and limit access to housing for vulnerable District residents.

### **JURISDICTION**

6. The Attorney General for the District of Columbia brings this action on behalf of the District of Columbia to uphold the public interest and enforce District law—here, the DCHRA. *See, e.g., District of Columbia v. ExxonMobil Oil Corp.*, 172 A.3d 412 (D.C. 2017); D.C. Code § 1-301.81(a)(1) (“The Attorney General for the District of Columbia ... shall be responsible for upholding the public interest.”).

7. This Court has subject matter jurisdiction over the claims and allegations in the Complaint. *See* D.C. Code § 11-921(a) (2001).

8. This Court has personal jurisdiction over the defendants because the defendants are owners within the meaning of the DCHRA, conducted transactions in real property in the District and had the actual or perceived right to rent or lease 3714 Commodore Joshua Barney Drive, N.E., Washington, D.C. 20018 (the Property). D.C. Code § 2-1402.23; *see* § 2-1401.02(20) (identifying “owners” to include managing agents or other persons having the right of ownership or possession of, or the right to sell, rent or lease any real property); *see also* § 2-1401.02(30) (defining a “transaction in real property” as the “advertising ... [of] any interest in real property”). This Court also has personal jurisdiction over the defendants because the defendants have caused tortious injury in the District and transact business in the District of Columbia. § 13-423.

## PARTIES

9. Plaintiff the District of Columbia, a municipal corporation, is the local government for the territory constituting the permanent seat of the government of the United States. The District is represented by and through its chief legal officer, the Attorney General for the District of Columbia. The Attorney General conducts the District’s legal business and is responsible for upholding the public interest. D.C. Code § 1-301.81(a)(1); *District of Columbia v. ExxonMobil Oil Corp.*, 172 A.3d 412 (D.C. 2017).

10. Defendant Brian Logan is a District-licensed broker who leases residential real estate in the District and surrounding areas.

11. Defendant Brian Logan Real Estate is an unregistered business and real estate broker operating in the District whose primary business address is 1728 Kalorama Road N.W., Washington, D.C. 20009-2624.

## FACTS

12. The ability to access affordable housing free from discrimination is District residents' top civil rights concern. Office of the Attorney General for the District of Columbia, *Community Voices: Perspectives on Civil Rights in the District of Columbia* 4 (2019) <https://oag.dc.gov/sites/default/files/2019-11/Civil-Rights-Report.pdf>. In 2018, more than 23% of the District's tenant households spent more than half of their monthly income on rent. Tom Acitelli, *Nearly half of D.C.-area renter households 'cost-burdened,' report says*, Curbed (Oct. 15, 2019), <https://dc.curbed.com/2019/10/15/20915332/dc-renter-households-burdened>. In recent years, the District's rental housing market has become more expensive while the availability of affordable rental housing has plunged. WES RIVERS, DC FISCAL POLICY INSTITUTE, *GOING, GOING, GONE: DC'S VANISHING AFFORDABLE HOUSING* (2015), <https://www.dcfpi.org/wp-content/uploads/2015/03/Going-Going-Gone-Rent-Burden-Final-3-6-15format-v2-3-10-15.pdf>. Housing-assistance programs are a core pillar of the District's response to the growing affordable-housing crisis.

13. Housing assistance programs, including subsidized rent programs, are particularly crucial in the District, where high rents consume a disproportionate share of household expenditures. D.C. Housing Authority, *Housing Choice Voucher Program*,

<https://www.dchousing.org/topic.aspx?topid=2&AspxAutoDetectCookieSupport=1>

(last visited June 18, 2020). These programs are therefore increasingly important to low-income District tenants seeking to obtain affordable housing and navigate the city's high cost of living.

14. This case involves housing vouchers, a form of assistance for low-income residents. Housing vouchers are available through multiple District and District-area agencies and organizations. Housing voucher holders may use their voucher to pay all or part of their monthly rent to subsidize housing costs, consistent with the requirements of the relevant housing voucher program. District housing voucher programs include Housing Choice (commonly referred to as Section 8) and Rapid Re-Housing, among others.

15. It is also a violation of the DCHRA to take any action that has “the effect or consequence” of discriminating based on race. D.C. Code § 2-1402.68.

16. In the District, over 90 percent of housing voucher holders are African American, although they account for only 48 percent of the total population. *See* Aastha Uprety and Kate Scott, “In the District, Source of Income Discrimination is Race Discrimination Too,” *Equal Rights Center* (Oct. 12, 2018) <https://equalrightscenter.org/source-of-income-and-race-discrimination-dc/> (last visited June 2, 2020). Given the disproportionate number of African Americans using housing vouchers in the District, any discrimination based on source of income is 71 times more likely to discriminate against an African American renter rather than a white renter in the District. *Id.*

## **Real Estate Professionals Face Myriad Licensing Requirements to Protect Consumers from Discrimination**

17. Tenants use many sources to identify affordable housing in the District, including real estate agents and online housing resources. A real estate broker is a firm or person who offers real property for sale, lease or rent. D.C. Code § 47-2853.161.

18. Recognizing the critical role that real estate professionals play in the housing market, including the market for affordable housing, the District of Columbia Regulatory Affairs' Real Estate Commission requires these professionals to adhere to standards that mandate equitable treatment of housing consumers. *See, e.g.*, D.C. Code § 47-2853.02(d)(1) (requiring a license to “protect the public”); 17 DCMR 2609.1 (“A licensee shall not discriminate or assist any party in discriminating in the sale, rental, leasing, exchange, or transfer of property.”)

19. Real estate professionals are reminded of the District’s non-discrimination laws and their obligations during the fair housing training they must take every two years to maintain their licenses. *See* D.C. Code § 47-2853.13.

20. Under their licensing standards, a real estate broker who violates the DCHRA may have his or her real estate license revoked and face civil—or even criminal—penalties. *See* D.C. Code §§ 47-2843.01, *et seq.*

### **Discriminatory Advertising**

21. Many tenants in the District—including those who receive housing assistance—rely on online housing advertisements to locate rental housing. An apartment-industry survey showed that at least 83 percent of apartment hunters

used an online resource to search for housing. J Turner Research, *The Internet Adventure: The Influence of Online Ratings on a Prospect's Decision Making* 3 (2016), [https://www.jturnerresearch.com/hubfs/Docs/J\\_Turner\\_Research-The\\_Internet\\_Adventure\\_Nov2016.pdf](https://www.jturnerresearch.com/hubfs/Docs/J_Turner_Research-The_Internet_Adventure_Nov2016.pdf). Among the most popular online resources is Craigslist, a website where housing providers can list available units. Approximately 17 percent of all tenants rely on Craigslist to find an apartment. J Turner Research, *Marketing to Different Generations: Emerging Online, Language, and Lifestyle Trends* 12 (2015), <https://www.jturnerresearch.com/courting-the-baby-boomers>. Online internet platforms, such as Craigslist, act as a third-party website where housing providers can post listings at no or low cost.

22. More prospective tenants turning to online advertising has led to new opportunities for discriminatory advertising. In 2017 alone, more than 120 advertisements contained language suggesting that the housing provider discriminated based on source of income in the District. Equal Rights Center, *The Equal Rights Center Annual Report 2018* 6 (2018), <https://equalrightscenter.org/wp-content/uploads/6.20.19-annual-report-2018-final.pdf>.

23. Discriminatory postings and advertisements create permanent barriers in the rental market each day the advertisements are visible. Unlike temporary restrictions such as “no one-bedroom units available,” warnings like “no vouchers accepted” send a lasting message to voucher holders and are likely to permanently discourage them from pursuing that housing opportunity. *Cf.* John M. Yinger et al., *The Status of Research into Racial Discrimination and Segregation in American*



*Housing Markets*, 6 OCCASIONAL PAPERS IN HOUSING AND COMMUNITY AFF. 60 (1979), <https://tinyurl.com/housingresearchagenda> (describing discrimination that discourages housing seekers from considering certain areas).

### **Defendants' Discriminatory Practices**

24. Defendants are a real estate broker and his related broker company. Upon information and belief, Mr. Logan employs at least six real estate salespersons at Brian Logan Real Estate.

25. Beginning on or about December 19, 2019, and continuing through on or about January 9, 2020, defendants posted online advertisements stating that they will not accept housing vouchers for the Property.

26. Defendants used an online listing service to ensure their advertisements for the Property were far-reaching. Advertisements for the Property were posted on at least five platforms: Craigslist.com, Apartments.com, LoganFoster.com, ColdwellBankerHomes.com and HomeSnap.com.

27. The Property's advertisements listed defendants as the Property's point of contact. In each of these advertisements, defendants stated "SORRY, NO VOUCHERS. THIS PROPERTY IS NOT IN THE PROGRAM." A screenshot of one of the advertisements is included below, and screenshots of advertisements with the same or similar discriminatory language from the platforms identified in paragraph 26 of this Complaint are attached as Exhibit A.

https://washingtondc.craiglist.org/doc/apa/d/rentwood-large-4-level-th-furnished/7027991075.html



Large 4 level TH FURNISHED

CL Washington, DC > district of columbia > housing > apts/housing for rent

reply favorite hide flag Posted 6 days ago print

**\$3200 / 3br - 3500ft<sup>2</sup> - Large 4 level TH FURNISHED (Fort Lincoln)**

image 1 of 19

3BR / 4.5Ba | 3500ft<sup>2</sup> | available now

application fee details \$35 credit report

townhouse

wid in unit

attached garage

Large and lux. This home is only 10 months old. The ground floor has a 2 car garage and a bedroom and attached full bath. The main level is open concept with nicely equipped kitchen dining area and living area. Half bath on this level. The first level up has MBR with bath, 2 BR's full bath and laundry room. The top level has full bath, loft studio room and roof deck. *Rented with the furniture in the pictures--can not be removed.*

**SORRY, NO VOUCHERS. THIS PROPERTY IS NOT IN THE PROGRAM.**

Shopping is close with Costco, Lowes, etc.

Call Brian  
Brian Logan Real Estate

4:55 PM  
12/19/2019

28. Defendants also verbally refused to rent to an individual because of the individual's intent to use a housing voucher, and made clear that they would have considered the individual but for the fact that he intended to pay rent via a housing voucher. During a conversation between defendant Logan and a District investigator, defendant Logan asserted that the defendants had already received a rental application from "one voucher holder that I'm pleased with and whom I'm considering. But if you're a non-voucher holder I could consider you."

29. Defendants are aware of their obligations to comply with District and federal anti-discrimination laws.

30. As part of his real estate licensing requirements, Mr. Logan participated in mandatory fair housing training.

31. Defendants violated the DCHRA each time they posted a discriminatory advertisement. Defendants' discriminatory advertisements discourage potential tenants of the Property based on their source of income.

32. Defendants violated the DCHRA when they refused to consider a purported housing voucher holder (the District investigator) for the Property, and when they stated that they would have considered the applicant if he were not a voucher holder.

**COUNTS I-V**  
**DISCRIMINATORY ADVERTISEMENT IN VIOLATION OF THE DCHRA**  
(Against All Defendants)

33. Paragraphs 1–32 are incorporated here.

34. Both defendant Brian Logan, a District-licensed real estate broker and agent of Brian Logan Real Estate, and defendant Brian Logan Real Estate, an unregistered District broker firm, are responsible for the discriminatory advertisements posted for the Property.

35. Defendants posted discriminatory advertisements for the Property on at least five online platforms: Craigslist.com, Apartments.com, LoganFoster.com, ColdwellBankerHomes.com and HomeSnap.com.

36. Under the DCHRA it is an “unlawful discriminatory practice” to make “any ... statement, or advertisement, with respect to a transaction, or proposed transaction, in real property ... [that] unlawfully indicates or attempts unlawfully to indicate any preference, limitation, or discrimination based on ... source of income ... of any individual.” D.C. Code § 2-1402.21(a)(5).

37. Rental payment from a housing voucher is a source of income under the DCHRA. *See* OHR Guidance No. 16-01 (stating that source of income includes “short- and long-term rental subsidies” such as “Housing Choice Vouchers”); *see also* D.C. Code § 2-1402.21(e) (the DCHRA expressly defines “source of income” broadly to encompass income from all legal sources, including funding from “section 8 of the United States Housing Act of 1937[.]”); D.C. Code § 2-1402.21(29) (expressly defining “source of income” to include “federal payments”).

38. Defendants’ online advertisements stating “SORRY, NO VOUCHERS. THIS PROPERTY IS NOT IN THE PROGRAM” are discriminatory advertisements based on the actual or perceived source of income of individuals in violation of D.C. Code § 2-1402.21(a)(5).

39. Defendants violated the DCHRA each time they posted a discriminatory advertisement. Defendants’ discriminatory advertisements discourage potential tenants of the Property based on their source of income.

**COUNT VI**  
**DISCRIMINATORY TREATMENT IN VIOLATION OF THE DCHRA**  
(Against All Defendants)

40. Paragraphs 1–39 are incorporated here.

41. Both defendant Brian Logan, a District-licensed real estate broker and agent of Brian Logan Real Estate, and defendant Brian Logan Real Estate are responsible for the discriminatory treatment of the District investigator posing as a voucher holder.

42. Defendant Logan, acting as a realtor and the agent for Brian Logan Real Estate, refused to consider a voucher holder for the Property, stating that defendants had received a leasing application from “one voucher holder that I’m pleased with and whom I’m considering. But if you’re a non-voucher holder I could consider you.”

43. Under the DCHRA, it is an “unlawful discriminatory practice” to “refuse or fail to initiate or conduct any transaction in real property” where such refusal or failure is “wholly or partially ... based on the actual or perceived ... source of income ... of any individual.” D.C. Code § 2-1402.21(a)-(a)(1).

44. The DCHRA defines “source of income” broadly to encompass income from all legal sources, including funding from “section 8 of the United States Housing Act of 1937[.]” D.C. Code § 2-1402.21(e); *see also* D.C. Code § 2-1402.21(29) (expressly defining “source of income” to include “federal payments”); OHR Guidance No. 16-01 (stating that source of income includes “short- and long-term rental subsidies” such as “Housing Choice Vouchers”).

45. Defendants’ refusal to consider a potential tenant using a housing voucher as rental payments was a discriminatory refusal to conduct a transaction in real property based on source of income and thus violated D.C. Code § 2-1402.21(a)(1).

46. Defendants’ refusal to transact was willful because defendants were aware of their legal obligations not to treat potential tenants differently based on their source of income.

**COUNTS VII-XI**  
**DISPARATE IMPACT BASED ON RACE IN VIOLATION OF THE DCHRA**  
(Against All Defendants)

47. Paragraphs 1-46 are incorporated here.

48. Defendants posted discriminatory advertisements on at least five online platforms: Craigslist.com, Apartments.com, LoganFoster.com, ColdwellBankerHomes.com and HomeSnap.com.

49. Under the DCHRA, it is an “unlawful discriminatory practice” to “refuse or fail to initiate or conduct any transaction in real property” where such refusal or failure is “wholly or partially ... based on the actual or perceived ... race ... of any individual.” D.C Code § 2-1402.21(a)-(a)(1).

50. Over 90 percent of voucher holders in the District are African American. Defendants’ refusal to accept voucher holders also is a discriminatory practice against African Americans.

51. Defendants’ policy to discriminate against voucher holders disparately impacts African Americans in the District and is a violation of D.C. Code § 2-1402.21(a)-(a)(1).

52. Defendants violated the DCHRA each time they posted a discriminatory advertisement.

**COUNTS XII-XVI**  
**ACTS OF DISCRIMINATION BY A**  
**REAL ESTATE BROKER IN VIOLATION OF THE DCHRA**  
(Against Defendant Logan)

53. Paragraphs 1-52 are incorporated here.

54. Defendant Logan is a licensed real estate broker in the District of Columbia who posted and acted as the point of contact for discriminatory advertisements for the Property.

55. The discriminatory language was published on at least five online platforms: Craigslist.com, Apartments.com, LoganFoster.com, ColdwellBankerHomes.com and HomeSnap.com.

56. It is an “unlawful discriminatory practice” to make “any ... statement, or advertisement, with respect to a transaction, or proposed transaction, in real property ... [that] unlawfully indicates or attempts unlawfully to indicate any preference, limitation, or discrimination based on race ... [or] source of income ... of any individual.” D.C. Code § 2-1402.21(a)(5). *See* D.C. Code § 2-1402.23 (identifying any broker who violates the discrimination provisions of the DCHRA as a danger to the public interest).

57. Defendant Logan violated the DCHRA at least five times when he posted advertisements with discriminatory language on the online platforms identified in paragraph 55 of this Complaint. The advertisements violated the DCHRA on the basis of source of income and race.

58. As a registered broker, defendant Logan’s discriminatory acts violate the DCHRA and therefore have endangered the public interest.

59. Defendant Logan’s violations of the DCHRA also violate D.C. Code § 2-1402.23.

**COUNTS XVII-XXI**  
**ACTS OF DISCRIMINATION BY A**  
**REAL ESTATE BROKER IN VIOLATION OF THE DCHRA**  
(Against Defendant Brian Logan Real Estate)

60. Paragraphs 1-59 are incorporated here.

61. Defendant Brian Logan Real Estate is an unregistered real estate broker firm operating in the District. Through its agent defendant Logan posted discriminatory advertisements for the Property.

62. The discriminatory language was published on at least five online platforms: Craigslist.com, Apartments.com, LoganFoster.com, ColdwellBankerHomes.com and HomeSnap.com.

63. It is an “unlawful discriminatory practice” to make “any ... statement, or advertisement, with respect to a transaction, or proposed transaction, in real property ... [that] unlawfully indicates or attempts unlawfully to indicate any preference, limitation, or discrimination based on race ... [or] source of income ... of any individual.” D.C. Code § 2-1402.21(a)(5). *See* D.C. Code § 2-1402.23 (identifying any real estate broker who violates the discrimination provisions of the DCHRA as a danger to the public interest).

64. Defendant Brian Logan Real Estate violated the DCHRA at least five times when its agent defendant Logan posted advertisements with discriminatory language on the online platforms identified in paragraph 62 of this Complaint. The advertisements violated the DCHRA on the basis of source of income and race.



65. As a real estate broker firm, defendant Brian Logan Real Estate's discriminatory acts violate the DCHRA and therefore have endangered the public interest.

66. Defendant Brian Logan Real Estate's violations of the DCHRA also violate D.C. Code § 2-1402.23.

### **PRAYER FOR RELIEF**

WHEREFORE, the District requests this Court enter judgment in its favor and grant relief against Defendants as follows:

- (a) Injunctive and declaratory relief;
- (b) Damages;
- (c) Civil penalties;
- (d) The District's reasonable attorney's fees and costs and
- (e) Such other and further relief as this Court deems appropriate.

### **JURY DEMAND**

The District of Columbia demands a jury trial by the maximum number of jurors permitted by law.

Dated: June 26, 2020.

Respectfully submitted,

KARL A. RACINE  
Attorney General for the District of Columbia

TONI MICHELLE JACKSON  
Deputy Attorney General  
Public Interest Division

/s/ Michelle D. Thomas  
MICHELLE D. THOMAS [993514]  
Chief, Civil Rights Section

/s/ Kathryn Jarosz  
KATHRYN JAROSZ [1619565]  
Assistant Attorney General  
441 Fourth Street, N.W., Suite 630 South  
Washington, D.C. 20001  
Tel: (202) 805-7546  
Fax: (202) 741-0584  
Email: kathryn.jarosz@dc.gov

*Attorneys for the District of Columbia*