

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

DISTRICT OF COLUMBIA,
a municipal corporation,
400 Sixth Street, N.W.
Washington, D.C. 20001,

Plaintiff,

v.

DELWIN REALTY LLC,
2840 Davenport Street, N.W.
Unit 1080
Washington, D.C. 20012,

Serve on:

Gary Evans
Registered Agent
4200 South Capitol Street, S.E.
Unit B
Washington, D.C. 20032,

KEM ASSOCIATES, LLC, d/b/a
HILLCREST HOUSE APARTMENTS,
8455 Colesville Road
Suite 1080
Silver Spring, MD 20910,

Serve on:

Gary Evans
Registered Agent
4200 South Capitol Street, S.E.
Unit B
Washington, D.C. 20032,

GARY EVANS,
4200 South Capitol Street, S.E.
Unit B
Washington, D.C. 20032,

Case No.: **2020 CA 003611 B**

JURY TRIAL DEMANDED

JAMAAL OPIE,
2501 25th Street, S.E.
Washington, D.C. 20020,

Defendants.

COMPLAINT

Plaintiff the District of Columbia (the District) brings this action on behalf of Artricia Morton against defendants Delwin Realty LLC (Delwin Realty), a District-licensed real estate organization; KEM Associates, LLC, a Maryland corporation doing business as Hillcrest House Apartments (Hillcrest House), 2501 25th Street, S.E., Washington, D.C. 20020 in Ward 8; Gary Evans, a District-licensed real estate broker and agent of Delwin Realty; and Jamaal Opie, a District-licensed real estate salesperson and agent of Delwin Realty. Defendants are liable for discriminatory practices that violate the District of Columbia Human Rights Act (DCHRA), D.C. Code §§ 2-1401.01, *et seq.* Defendants discriminated against Artricia Morton when they denied her reasonable accommodation request for a designated disability parking space within 200 feet of her apartment. When real estate professionals discriminate against tenants, they not only violate their professional licensing standards but provide legitimacy to discriminatory housing practices. The District has an interest in ensuring that real estate professionals abide by all anti-discrimination laws.

JURISDICTION

1. The Attorney General for the District of Columbia brings this action on behalf of Artricia Morton under D.C. Code § 2-1403.05(f)–(g) and on behalf of the District to uphold the public interest and enforce the District’s antidiscrimination law. *See* D.C. Code § 2-1403.05(f)–(g) (“If a timely election is made pursuant to subsection (f) of this section, ... the Corporation Counsel shall file a civil action on behalf of the aggrieved party in the Superior Court of the District of Columbia.”); *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.”).

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

3. This Court has personal jurisdiction over defendants because they transacted business in the District, caused tortious injury in the District by an act or omission in the District and used or owned real estate in the District. *See* D.C. Code § 13-423; D.C. Code § 2-1401.02(20) (under the DCHRA, a real estate “owner” includes a “managing agent or other person having the right of ownership or possession of, or the right to sell, rent or lease, any real property”). This Court also has personal jurisdiction over defendant Delwin Realty because it is organized under the laws of the District. *See* D.C. Code § 13-422.

PARTIES

4. Plaintiff District of Columbia, a municipal corporation, is represented by and through its chief legal officer, the Attorney General for the District of Columbia.

5. Defendant Delwin Realty is a District-registered limited liability company and a District-registered real estate organization, license number REO98369400. Its principal place of business is 2840 Davenport Street, N.W., Unit 1080, Washington, D.C. 20012. As its property management company, defendant Delwin Realty is defendant Hillcrest House's agent.

6. Defendant Hillcrest House is a Maryland-registered limited liability company that owns the apartment building at 2501 25th Street, S.E. (Ward 8), Washington, D.C., 20020, which it operates as Hillcrest House. Its principal place of business is 8455 Colesville Road, Suite 1080, Silver Spring, MD 20910. Defendant Hillcrest House hired defendant Delwin Realty to serve as its property management company.

7. Defendant Gary Evans is a District-licensed real estate broker, license number BR98369390. Defendant Evans is Delwin Realty's agent and serves as general manager at Hillcrest House. Defendant Evans owns defendant Delwin Realty.

8. Defendant Jamaal Opie is a District-licensed real estate salesperson, license number SP 200202528. Defendant Opie is Delwin Realty's property manager at Hillcrest House and is an agent of Delwin Realty.

PROCEDURAL HISTORY

9. Artricia Morton filed a complaint¹ with the District of Columbia Office of Human Rights (OHR) on May 7, 2019, which was perfected as a Charge of Discrimination on July 11, 2019. The complaint alleged that Delwin Realty discriminated against Artricia Morton on the basis of her disability when it unlawfully refused her request for a designated disability parking space within 200 feet of her apartment as a reasonable accommodation for her disability.

10. On June 30, 2020, OHR issued a Letter of Determination finding probable cause to believe that defendant Delwin Realty discriminated against Ms. Morton on the basis of her disability when it refused her request for a disability parking space within 200 feet of her apartment as a reasonable accommodation for her disability.

11. On July 15, 2020, Artricia Morton elected that the case be adjudicated in the Superior Court under D.C. Code § 2-1403.05(f).

12. On July 16, 2020, the Office of Human Rights referred the matter to the Office of the Attorney General (OAG) to file a civil action in the Superior Court.

¹ OHR Docket No. 19-387-H(CN).

FACTS

Ms. Morton's Health and Tenancy at Hillcrest House

13. Artricia Morton has rented apartment unit 417 at Hillcrest House Apartments, 2501 25th Street, S.E., Washington, D.C. 20020 since August 15, 1996. Ms. Morton is in her 60s and lives alone.

14. Ms. Morton has several diagnosed medical conditions, which cause chronic pain, severely limit her mobility and prevent her from walking more than 200 feet at a time without experiencing pain. Because of her mobility limitations, Ms. Morton has had a disability placard for her vehicle since 2003.

15. Hillcrest House has 76 apartment units and a parking lot with 67 parking spaces, three of which are designated disability parking spaces requiring a disability parking placard.

16. Hillcrest House allows Delwin Realty to manage parking at the apartment building. Upon information and belief, Hillcrest House reviews and approves all policies Delwin Realty creates related to leasing and parking at Hillcrest House. Delwin Realty provides parking decals to tenants, which entitle tenants to park in the Hillcrest House parking lot.

17. Currently, approximately seven Hillcrest House residents have a disability parking placard. As a result, the three disability spaces are frequently full, and tenants with disability parking placards often must park in non-disability spaces.

18. Although there are several spaces in the Hillcrest House parking lot that are less than 200 feet walking distance from Ms. Morton's apartment, many are more

than 200 feet from Ms. Morton’s apartment. Of the spaces that are less than 200 feet walking distance from Ms. Morton’s apartment, most are not disability spaces. .

19. Between 2003 and 2017, Ms. Morton had exclusive use of a disability parking space within 200 feet of her apartment. This dedicated parking space was an accommodation for her disability and was provided by Hillcrest House after Ms. Morton submitted appropriate medical information. If another resident parked in Ms. Morton’s dedicated space, the Hillcrest House property manager—Mr. Woodrow Wilson, Sr. at the time—would ask the other resident to move their vehicle.

**Ms. Morton’s Request for a Designated Parking
Space and Defendants’ Refusal**

20. Defendant Jamaal Opie became defendant Delwin Realty’s property manager at Hillcrest House on or about April 17, 2017.

21. Defendant Opie is a District-licensed real estate salesperson, license number SP200202528. 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 such professionals to adhere to standards that mandate equitable treatment of housing consumers and to undergo biannual fair housing training. *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.”); D.C. Code § 47-2853.13 (requiring fair housing training).

22. In February 2018, defendant Opie asked Ms. Morton to provide documentation of her need for a designated disability parking space within 200 feet of her apartment.

23. In June 2018, Ms. Morton provided defendant Opie with an updated doctor's letter from her physicians Asma Jamil and Joshua Thomas reiterating that she required "permanent handicap parking privileges" because she could not walk more than 200 feet without experiencing pain.

24. On July 13, 2018, Delwin Realty counsel Velma Rivers telephoned Ms. Morton and said that Delwin Realty would not provide Ms. Morton with a designated disability parking space within 200 feet of her apartment. During that call, Ms. Rivers claimed that if defendants gave Ms. Morton a designated disability parking space, defendants would need to provide such a space to every tenant with a disability. Ms. Rivers told Ms. Morton that if she wanted an accommodation for her disability, she should move to senior housing.

25. In late 2018, Ms. Morton saw defendants Evans and Opie at Hillcrest House and again asked for a designated disability parking space within 200 feet of her apartment. In response, defendants Evans and Opie told Ms. Morton that Hillcrest House is not a senior citizens' building, they were not going to designate a parking space for Ms. Morton and Ms. Morton is not special. Ms. Morton asked that defendants Evans and Opie put their denial of her reasonable accommodation request in writing.

26. On December 19, 2018, Ms. Morton, through her attorney, sent a letter to defendant Delwin Realty requesting that defendants provide Ms. Morton with a designated disability parking space within 200 feet of her apartment as a reasonable accommodation for her disability.

27. On January 18, 2019, Ms. Rivers called Ms. Morton's attorney and again refused to provide Ms. Morton with a dedicated disability parking space within 200 feet of her apartment. Ms. Rivers said that granting Ms. Morton's request would discriminate against other tenants and suggested that Ms. Morton consider moving.

28. On February 26, 2019, Ms. Morton's attorney sent a follow-up letter to Ms. Rivers, reiterating Ms. Morton's request. The letter explained that Ms. Morton's request imposed neither an undue financial or administrative burden on defendant Delwin Realty and would not require a fundamental alteration to defendant Delwin Realty's operations.

29. Ms. Rivers responded by letter dated March 6, 2019, again denying Ms. Morton's request. Ms. Rivers's letter asserted that defendant Delwin Realty was required to ensure only that "Ms. Morton has an opportunity to use and enjoy the apartment complex that is equal to all of the other disabled residents." (emphasis in original). Ms. Rivers suggested that Ms. Morton move to "another community where a personally assigned parking space would be feasible," offering to "assist her financially" to do so.

30. Because of defendants' ongoing refusal to provide Ms. Morton with a designated disability parking space within 200 feet of her apartment, Ms. Morton

often has been unable to park her vehicle in a disability parking space. Ms. Morton typically uses her vehicle five times every month, and at least three of those five times she cannot park in a disability parking space within 200 feet of her apartment upon her return. On those occasions, Ms. Morton has had to walk more than 200 feet from her vehicle to her apartment, and as a result she has suffered significant back pain, which radiates down her right leg and sometimes leads to swelling and pain in her right foot for days afterward.

31. When she can park in a disability parking space within 200 feet of her apartment, Ms. Morton tries to avoid leaving her home except for essential trips out of concern that she will not be able to get a space within 200 feet of her apartment when she returns. During these times, to avoid leaving home, Ms. Morton forgoes activities that are extremely important to her, including visiting with her children, grandchildren and friends and participating in social activities at her neighborhood senior center. Ms. Morton also delays important errands as long as possible, like grocery shopping.

32. Providing Ms. Morton with a designated disability parking space within 200 feet of her apartment would not be expensive or otherwise burdensome to defendants. It would require only that defendants post a sign and set aside a parking space for Ms. Morton.

Housing Discrimination by Real Estate Professionals

33. The ability to access 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>. Ensuring that real estate professionals understand and abide by fair housing laws is a key part of any effort to end housing discrimination.

34. Because discrimination by a real estate professional causes increased harm by giving a sheen of legitimacy to discrimination, a real estate broker, real estate salesperson or property manager 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.*

COUNT I
DISCRIMINATORY REFUSAL OF REASONABLE ACCOMMODATION
REQUEST IN VIOLATION OF THE DCHRA
(All Defendants)

35. Paragraphs 1-34 are incorporated here.

36. Defendants Delwin Realty, KEM d/b/a Hillcrest House, Gary Evans and Jamaal Opie are responsible for discriminating against Ms. Morton on the basis of her disability when individually and/or through their agents they denied her accommodation request for a dedicated disability parking space within 200 feet of her apartment, in violation of D.C. Code § 2-1402.21(d)(3)(B).

COUNT II
ACTS OF DISCRIMINATION BY A REAL ESTATE
BROKER IN VIOLATION OF THE DCHRA
(Defendant Gary Evans)

37. Paragraphs 1-36 are incorporated here.

38. Defendant Evans discriminated against Ms. Morton on the basis of her disability in violation of the DCHRA when he denied Ms. Morton's request for a dedicated disability parking space within 200 feet of her apartment, which she needed as a reasonable accommodation for her disability.

39. Because defendant Evans is a licensed real estate broker, license number BR98369390, in the District of Columbia under D.C. Code § 47-2853.161, his discrimination in violation of D.C. Code § 2-1402.21(d)(3)(B) also violated D.C. Code § 2-1402.23 and endangers the public interest. *See* D.C. Code § 2-1402.23 (any real estate salesperson or broker who violates the discrimination provisions of the DCHRA is considered a danger to the public interest).

COUNT III
ACTS OF DISCRIMINATION BY A REAL ESTATE
SALESPERSON IN VIOLATION OF THE DCHRA
(Defendant Jamaal Opie)

40. Paragraphs 1-39 are incorporated here.

41. Defendant Opie discriminated against Ms. Morton on the basis of her disability in violation of the DCHRA when he denied Ms. Morton's request for a dedicated disability parking space within 200 feet of her apartment, which she needed as a reasonable accommodation for her disability.

42. Because defendant Opie is a licensed real estate salesperson, license number SP200202528, in the District of Columbia under D.C. Code § 47-2853.171, his discrimination in violation of D.C. Code § 2-1402.21(d)(3)(B) also violated D.C. Code § 2-1402.23 and endangers the public interest. *See* D.C. Code § 2-1402.23 (any

real estate salesperson or broker who violates the discrimination provisions of the DCHRA is considered a danger to the public interest).

PRAYER FOR RELIEF

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

- (a) Injunctive and declaratory relief;
- (b) Damages;
- (c) Penalties;
- (d) Fees;
- (e) The District's reasonable attorney's fees and costs; and
- (f) Such other and further relief as this Court deems appropriate based on

the facts and applicable law.

JURY DEMAND

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

Dated: August 14, 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
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