

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.

PORTER HOUSE INTERNATIONAL
REALTY GROUP, LLC,
1400 Mercantile Lane
Suite 150
Upper Marlboro, MD 20774,

Serve on:

Damaris Young
Registered Agent
5088 G Street, S.E.
Washington, D.C. 20019

AMAKA AKINOLA,
2916 Winterbourne Drive,
Upper Marlboro, MD 20774,

Defendants.

Case No.: **2020 CA 003699 B**

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff the District of Columbia (the District) brings this action against defendant Porter House International Realty Group (Porter House), a real estate brokerage; and defendant Amaka “Vanessa” Akinola, a District-licensed real estate salesperson and agent of Porter House. 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.*

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 a District-licensed real estate brokerage and salesperson who, on or about July 19, 2020, posted an advertisement on Craigslist stating that housing assistance would not be accepted as rental payment for a property in Ward 8 in the District.

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 salesperson discriminates against potential tenants who use housing

assistance programs, she not only violates her professional licensing standards but lends dangerous credibility to discriminatory practices.

4. In the District, turning away tenants based on their source of income 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 and civil penalties, costs and attorney's fees to prevent and deter defendants from engaging in discriminatory practices that mislead vulnerable District residents and limit access to affordable housing.

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 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).

8. This Court has personal jurisdiction over defendants Porter House, a District-licensed real estate brokerage, and Akinola, a District-licensed real estate salesperson, because 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 615 Galveston Street, S.E., Washington, D.C. 20032. *See* 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 transacted business in the District. § 13-423.

PARTIES

9. Plaintiff 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 Porter House is a District-licensed real estate organization, Real Estate Organization License Number REO200200467. Porter House is a limited liability company registered in the District of Columbia. Its principal place of business is 1400 Mercantile Lane, Suite 150, Upper Marlboro, MD 20774.

11. Defendant Amaka “Vanessa” Akinola is a District-licensed real estate salesperson, Salesperson License Number SP98378766, who leases residential real estate in the District and surrounding areas.

FACTS

Housing Assistance and the Rental Housing Market in the District

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. Housing vouchers are one form of housing assistance available to low-income residents, referred to here as housing voucher holders, and 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 the Housing Choice Voucher Program (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 only account for 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 Choice 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 properties for sale, lease or rent. Brokers have responsibility for the actions of any real estate salespersons hired to undertake these activities. *See* D.C. Code § 47-2853.161.

18. A broker that is a firm rather than a person may obtain a license as a real estate organization so long as the firm is a licensed entity in the District of Columbia, it is led by a licensed broker at all of its branches and its real estate staff hold appropriate licenses. *See* D.C. Code § 47-2853.183.

19. A real estate salesperson is someone employed by a licensed real estate broker to offer properties for sale, lease or rent. *See* D.C. Code § 47-2853.171.

20. 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.”)

21. 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.

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

Online Discriminatory Advertising

23. 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.

24. 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>.

25. Discriminatory postings and advertisements that target protected traits, like those that state “no vouchers accepted,” send a lasting message to

prospective tenants and are likely to permanently discourage them from pursuing that housing opportunity. *See, e.g.,* Robert G. Schwemm, *Discriminatory Housing Statements and § 3604(c): A New Look at the Fair Housing Act's Most Intriguing Provision*, 29 Fordham Urb. L.J. 187, 219 n.141 (2001) (describing the effect of racially discriminatory advertisements).

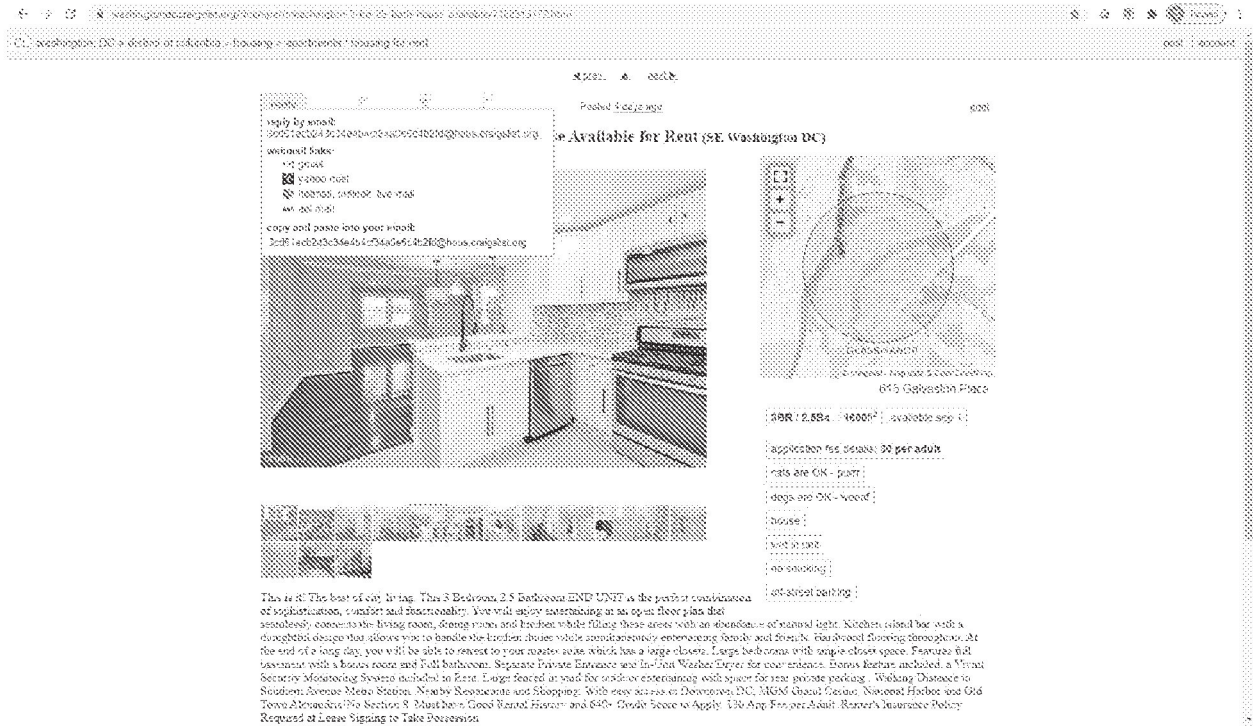
Defendants' Discriminatory Advertising

26. On or about July 19, 2020, District-licensed real estate salesperson defendant Akinola, acting under the brokerage of defendant Porter House, posted a discriminatory advertisement for 615 Galveston Street, S.E., Washington, D.C. 20032 (the Property). The advertisement was posted on Craigslist and stated that the Property was a three-bedroom, two-and-a-half-bath townhouse available to rent in the District.

27. Defendant Porter House, through its agent defendant Akinola, acted as the point of contact and real estate broker for the discriminatory advertisement.

28. The advertisement stated, "No Section 8."

29. A screenshot of the advertisement is included here:



**COUNT I
DISCRIMINATORY ADVERTISEMENT IN VIOLATION OF THE DCHRA
(All Defendants)**

30. Paragraphs 1-29 are incorporated here.

31. Defendants posted an advertisement for the Property on Craigslist that discriminates against housing voucher holders.

32. Both defendant Akinola, a District-licensed real estate salesperson and agent of Porter House, and defendant Porter House, a District-licensed real estate brokerage, are responsible for the discriminatory advertisement posted for the Property.

33. 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).

34. 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”).

35. Defendants’ statement on Craigslist, “No Section 8,” is a discriminatory advertisement based on the source of income of individuals in violation of D.C. Code § 2-1402.21(a)(5). Defendants’ discriminatory advertisement discourages potential tenants of the Property based on their source of income.

COUNT II
DISPARATE IMPACT BASED ON RACE IN VIOLATION OF THE DCHRA
(All Defendants)

36. Paragraphs 1-35 are incorporated here.

37. Defendants posted an advertisement on Craigslist that discriminates against housing voucher holders.

38. 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).

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

40. 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).

**COUNT III
ACTS OF DISCRIMINATION BY A
REAL ESTATE SALESPERSON IN VIOLATION OF THE DCHRA
(Akinola)**

41. Paragraphs 1-40 are incorporated here.

42. Defendant Akinola is a licensed real estate salesperson in the District of Columbia who posted and acted as the point of contact for the discriminatory advertisement of the Property, which was published on Craigslist.

43. 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 ... the ... race ... [or] source of income ... of any individual." D.C. Code § 2-1402.21(a)(5). *See* D.C. Code § 2-1402.23 (holding any real estate salesperson who violates the discrimination provisions of the DCHRA as a danger to the public interest).

44. Defendant Akinola violated the DCHRA when she posted an advertisement with discriminatory language on Craigslist. The advertisement violated the DCHRA both on the basis of source of income and on the basis of race.

45. As a registered real estate salesperson, defendant Akinola's discriminatory act is a violation of the DCHRA and therefore has endangered the public interest.

46. Her violation of the DCHRA also violates D.C. Code § 2-1402.23.

COUNT IV
ACTS OF DISCRIMINATION BY A REAL ESTATE BROKER
OR SALESPERSON IN VIOLATION OF THE DCHRA
(Porter House)

47. Paragraphs 1-46 are incorporated here.

48. Defendant Porter House is a District-licensed real estate organization that, through its agent defendant Akinola, posted a discriminatory advertisement for the Property on Craigslist in violation of the DCHRA.

49. 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 ... the ... race ... [or] source of income ... of any individual." D.C. Code § 2-1402.21(a)(5). *See* D.C. Code § 2-1402.23 (holding any real estate broker or salesperson who violates the discrimination provisions of the DCHRA as a danger to the public interest).

50. Defendant Porter House violated the DCHRA when its agent defendant Akinola posted an advertisement with discriminatory language on Craigslist. The advertisement violated the DCHRA both on the basis of source of income and on the basis of race.

51. As a real estate brokerage or salesperson, defendant Porter House's discriminatory act is a violation of the DCHRA and therefore has endangered the public interest.

52. Defendant Porter House's violation of the DCHRA also violates D.C. Code § 2-1402.23.

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) Civil penalties;
- (d) The District's reasonable attorney's fees and costs; and
- (e) 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 20, 2020.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

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Deputy Attorney General
Public Interest Division

/s/ Michelle D. Thomas

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