

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

The Center for Rights of Parents with Disabilities, a Colorado Corporation

Plaintiff,

v.

Colorado Homeless Families, Inc. d/b/a/ R.B. Ranch, Inc. a Colorado Corporation

Defendant.

COMPLAINT

Plaintiff, The Center for Rights of Parents with Disabilities, hereby brings this Complaint against Colorado Homeless Families for violations of the Federal Fair Housing Act, 42 U.S.C. 3601, *et seq.* and the Americans with Disabilities Act, 42 U.S.C. §§ 12101, *et seq.*

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343.
2. Venue is proper in the District of Colorado under 28 U.S.C. § 1391(b).

PARTIES

3. Plaintiff, The Center for Rights of Parents with Disabilities (“CRPD”), organized as a Colorado non-profit organization incorporated under the laws of the state of Colorado.
4. Defendant, Colorado Homeless Families d/b/a/ R.B. Ranch, Inc. is a non-profit organization incorporated under the laws of the state of Colorado. Defendant is a nonprofit

organization whose mission is to help homeless families become self sufficient within 18 months to 2 years. To accomplish this mission, Defendant provides various services and supports to people admitted into its program. Examples of such services and supports are set forth in the following paragraphs.

5. Defendant leases transitional housing to participants at favorable rates while they get back on their feet and learn the life skills needed to be self sufficient after they leave the program. Defendant currently owns and maintains approximately 47 transitional housing properties.

6. Defendant provides participants with counseling services to help them deal with the stresses of homelessness, poverty, financial devastation, and personal tragedies.

7. Defendant provides participants with educational seminars and support group meetings addressing such issues as credibility and integrity; parenting skills; successful marriage relationships and the importance of family role models; establishing healthy boundaries; anger management; how to obtain good credit and budgeting skills.

8. Defendant provides a summer youth program for children ages 7 to 16 years old, and a Grandparent Program for young men ages 8-16, through which these youths participate in various activities, receive tutoring, learn how to drive, etc.

9. In recognition that Christmas for homeless families can be an especially stressful time, Defendant arranges for each participant to be adopted by members of the community, families and/or businesses who provide them with gifts for Christmas. This program relieves the

stress of the holidays while helping participants to continue on their journey toward self-sufficiency.

10. Defendant also provides participants with referrals to agencies who assist first-time home buyers with purchasing properties, English as a Second Language classes, food, furniture and clothing.

FACTS

11. The mission of CRPD is to combat discrimination that impacts parenting for parents with disabilities, and for families with children with disabilities.

12. Many of CRPD's disabled clients are indigent and in need of housing, but have a steady source of income through the receipt of government benefits, including Supplemental Security Income ("SSI") and Social Security Disability Insurance ("SSDI") benefits.

13. As part of its mission, CRPD assists its disabled homeless clients to find transitional and permanent housing, and intends to do so in the future.

14. For example, most of CRPD's caseload consists of assisting disabled parents in child protection cases, and such cases typically include treatment plans requiring parents to have safe and stable housing.

15. In the spring of 2012, CRPD contacted Defendant about its transitional housing program and was told that only people who could work were eligible to participate.

16. In or about May 2013, CRPD again contacted Defendant and asked if an applicant who received SSDI benefits would be eligible for its program.

17. The Defendant's representative responded that it was unlikely that an applicant with a disability that prevented him or her from working or going to school would be admitted into the program.

18. This statement was consistent with Defendant's printed and published eligibility criteria, which require that applicants have a good work history, and that applicants have a job, or be willing to attend a college or trade school in order to secure future employment.

19. On information and belief, Defendant applies these criteria based on its view that in order to become self sufficient after completing its program, participants will need a source of income to pay rent and other expenses.

20. CRPD's disabled homeless clients who receive social security benefits have a source of income that -- with the benefit of the training, services and supports provided by Defendant -- would permit them to be self sufficient.

21. These clients and their families are thus qualified to participate in Defendant's program because they have a source of income that would permit them to be self sufficient after completing the program, and because in developing the life skills necessary to become self sufficient, they would benefit from the transitional housing and related services and supports provided by Defendant.

22. Defendant's eligibility criteria requiring that participants have, or are expected to have by the end of the program, income to be self sufficient, but excluding people whose source of income is government benefits, exclude and operate to exclude people whose disabilities prevent them from working.

23. The predictable result of Defendant's criteria is to exclude people whose disabilities prevent them from working.

24. Defendant's criteria constitute illegal disparate treatment discrimination on the basis of disability.

25. Defendant's criteria also constitute illegal disparate impact discrimination on the basis of disability.

26. Prior to filing this lawsuit, CRPD and its representatives attempted repeatedly and unsuccessfully to convince Defendant not to exclude disabled applicants who could not work but who had a source of income through receipt of government benefits.

27. These efforts included a request that Defendant provide a reasonable accommodation by not excluding disabled applicants who receive government disability benefits solely on the ground that they cannot work. Defendant refused to do so.

28. CRPD has suffered damages resulting from Defendant's discriminatory actions described herein.

29. Defendant's past and ongoing discriminatory practices obstruct, frustrate, and damage CRPD in its efforts to prevent discrimination against parents with disabilities.

30. Defendant's past and ongoing discriminatory practices frustrate CRPD's mission and cause CRPD to divert scarce resources from other activities.

31. If Defendant's discriminatory practices stop, CRPD intends in the future to refer its disabled homeless clients who receive government benefits to Defendant, and to assist those clients in applying for Defendant's program.

FIRST CLAIM FOR RELIEF - VIOLATION OF FAIR HOUSING ACT

32. Plaintiff incorporates herein by reference all other paragraphs of this complaint as if those allegations were set out explicitly herein.

33. Defendant has committed unlawful acts of discrimination based on disability in violation of the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.*

34. Such unlawful acts include, without limitation: (a) denying rental of a dwelling on the basis of disability; (b) discriminating on the basis of disability in the terms, conditions, and privileges of the rental of a dwelling, and in the provision of services and facilities in connection with such dwelling; (c) refusing to make reasonable accommodations in rules, policies, practices, or services, when such accommodations are necessary to afford disabled persons equal opportunity to use and enjoy a dwelling; and (d) printing and publishing, or causing to be printed or published, statements with respect to the rental of a dwelling that indicates discrimination based on disability.

SECOND CLAIM FOR RELIEF - VIOLATION OF THE AMERICANS WITH DISABILITIES ACT

35. Plaintiff incorporates herein by reference all other paragraphs of this complaint as if those allegations were set out explicitly herein.

36. Defendant owns, leases (or leases to), or operates a place of public accommodation for purposes of Title III of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12101 *et seq.*

37. Defendant has committed unlawful acts of discrimination in violation of the ADA.

38. Such unlawful acts include, without limitation: (a) subjecting an individual or class of individuals on the basis of a disability of such individual or class to a denial of the opportunity of the individual or class to participate in the benefit from the goods, services, facilities, privileges, advantages, or accommodations of Defendant; (b) utilizing standards or criteria or methods of administration that have the effect of discriminating on the basis of disability; and (c) failing to make reasonable accommodations in policies, practices, or procedures that are necessary to afford disabled persons the goods, services, facilities, privileges, advantages, and accommodations of Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests:

- A. A declaration that Defendant is in violation of the Fair Housing Act and/or the ADA;
- B. An injunction requiring Defendant to comply with these statutes;
- C. An award of compensatory damages to Plaintiff;
- C. An award of attorneys' fees and costs of this action; and
- E. Any additional or alternative relief as may be just, proper and equitable.

DATED: October 11, 2013

Respectfully submitted,

/s Timothy Fox

Timothy Fox, #25889

Attorney for Plaintiff

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