

FILE

In re Barnett

The Open Housing Center

Education, Information & Advocacy

To: Applicant

From: Kellis Parker, Director of Litigation

Date: February 24, 2005

Re: Barnett Litigation

Matt and Sarah Barnett have come to us seeking representation regarding the housing discrimination they feel occurred during their attempt to rent an apartment at 91 Woodland Avenue here in Kingsfield, Franklin. Their initial inclination is to pursue this matter before the Franklin Commission on Human Rights.

Matt and Sarah want to bring an action and seek relief against Tony Gordon, the owner of the apartment building. Please draft a memorandum to me that explores in detail how the facts support our claims that

- (1) Tony Gordon violated §§ 107(a) *and* 107(b) of the Franklin Administrative Code; and
- (2) Matt and Sarah are *each* entitled to bring an action to recover substantial damages from Tony Gordon.

The Open Housing Center

Education, Information & Advocacy

To: Kellis Parker, Director of Litigation

From: Marianne P. Relman

Date: February 10, 2005

Re: Matt Barnett: Interview Notes

I interviewed Matt Barnett today. He feels that he and his family were discriminated against in their attempt to secure an apartment at 91 Woodland Ave., Kingsfield.

Over the last month, Matt and Sarah have been actively looking for a new home for their family. They have three children: Casey (15), Nicole (11), and Sammy (5). Matt is white, 42 years old, and the assistant manager of a restaurant in the Point Pleasant section of Kingsfield. He has been married to Sarah for 17 years. She is dark skinned and was born and raised in England.

Two weeks ago, Matt noticed a flier stapled to a telephone pole outside the restaurant he manages. The flier described a spacious three-bedroom apartment in a two-family brownstone in the Point Pleasant section of Kingsfield (only blocks away from Matt's restaurant) that was renting for \$1,000 per month. I made a copy of the flier, which Matt has seen on "lots of" poles since the incident.

Matt called the number on the flier and spoke to Tony Gordon, who described himself as the owner of the building. Matt made an appointment to see the apartment on his lunch hour the next day. Gordon took Matt's home phone number. Gordon told Matt that Gordon would leave a key to the apartment with his sister, Helena Pall, who lives in the other unit in the building, and that Matt could take a look. Gordon lives elsewhere.

That night, Matt told Sarah about the appointment. They were both excited because they had been looking for a place with more room. Their current apartment is in Dunlop Square. Though the apartment is in good condition, it is small (two bedrooms—all of the kids now share one bedroom) and there is no place for the kids to play except the sidewalk and street (Dunlop Square was originally an industrial area that has gradually shifted to residential use). Now that the kids are getting older, having only one bathroom has become a problem; the local schools are not ranked highly by the Board of Education; and both Matt and Sarah must use public transportation to get to

work, which takes them each about 30 minutes each way. The rent on their current apartment is \$800. However, they can afford to pay more rent now that Sarah has begun working for the Kingsfield Legal Aid Society, in the criminal defense division. They can afford to pay as much as \$1,200 per month in rent, but apartments in their price range are not plentiful.

Matt went alone to see the apartment the next day, and he picked up the key from Helena Pall. Pall was cordial. She had been expecting Matt because her brother Tony had told her about the appointment. Matt described the apartment as "a palace compared to our current place." It has three large, sunny bedrooms and a study that Pall said had been used by the former tenant as a fourth bedroom. There is a sunken living room, which opens through French doors into a nice-sized dining room. The kitchen is more than adequate. There are two bathrooms. Matt said that the apartment was "perfect for kids." He returned the key to Pall and left.

Matt was excited when he returned home that evening, as was Sarah after hearing Matt describe the apartment. That night, Matt called Gordon and made an appointment to take Sarah to see the apartment the next evening after work. Gordon had already picked up the key from Pall, but told Matt he would drop it off again the next day.

The next evening when Matt and Sarah went to see the apartment, they arrived on time and rang Pall's doorbell. There was no answer. They waited on the stoop for another minute and rang again. This time, Pall came to the window and said, "Sorry, it's been rented," and walked away.

Disappointed and feeling a little put out, Matt and Sarah returned home. Later that evening, Sarah answered the phone. It was Gordon, who was calling to see whether they wanted the apartment. Sarah said that she and Matt had gone to see the apartment but were turned away by Pall. Gordon apologized, saying that his sister must have been "confused." He asked if they would visit again and when Sarah agreed, they arranged to see the apartment the next evening.

The next evening when they returned, Matt and Sarah picked up the key from Pall, looked at the apartment, and then dropped off the key with Pall. Pall was not rude, but was not nearly as cordial as she had been when Matt visited the apartment alone. Sarah said it was a great apartment, and Pall said, "Yes it's certainly worth the \$2,500 monthly rent." Matt said the flier stated that the rent

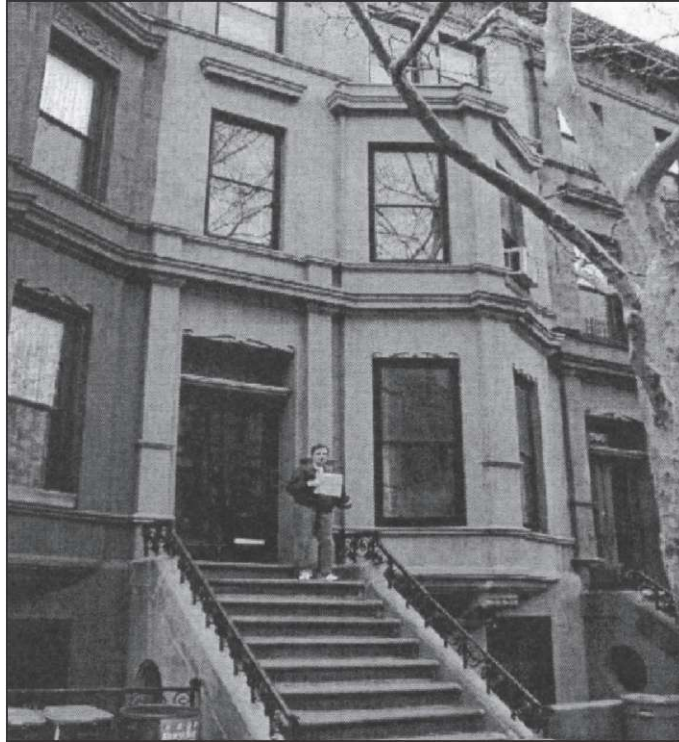
would be \$1,000 per month. Pall insisted that he was mistaken. Sarah looked aghast. Matt said he knew immediately what was going on, took Sarah by the hand, and stormed out of the building. Matt was sure they had been denied the apartment because the owner did not want to rent to what appeared to him to be an interracial couple. Sarah conceded that he might be right but wanted to be sure. When they arrived home, Matt was too angry to go inside and went for a long walk. Sarah called Gordon and told him what had transpired and requested an explanation. Gordon told her that the apartment had been rented to someone else.

The next day, Sarah arranged for a "test" to confirm that the apartment was available and to verify the original rent amount. Matt suggested that we talk with Sarah about that.

Matt said that this has been an ordeal and has hit his family "like a bombshell." He is very upset, has started smoking again, and his ulcers have "flared up, big time," requiring him to see his doctor, who "doubled" the strength of his ulcer medicine. In addition, Sarah seems constantly angry. The kids are aware of what is going on and are upset as well. Matt said that the worst part was when his youngest son, Sammy, came to him and suggested that Matt and Casey (his light-skinned older brother) take the new apartment and that he (Sammy) would find another place with Sarah and Nicole, who is dark skinned as well. Matt was on the verge of tears as he related this incident to me.

Matt said that he and Sarah don't want to have anything to do with Tony Gordon or his apartment. However, they want "justice" and would like to "make sure that Gordon understands the pain he has caused" and that they want to "do something that prevents him from doing this again to anyone else."

HOME SWEET HOME



3 bedrooms in a large newly renovated two-family brownstone. Features large, modern kitchen with all appliances, spacious living room, dining room, small study, and 2 full bathrooms.

Central a/c, working fireplace, hardwood floors, lots of windows, recessed lighting, crown molding, walk-in closets, and private deck/patio overlooking landscaped backyard with garden. Street parking available.

The Open Housing Center

Contact To *Education, Information & Advocacy* 555-4291

To: Kellis Parker, Director of Litigation

From: Marianne P. Relman

Date: February 18, 2005

Re: Sarah Barnett: Interview Notes

Sarah is an impressive woman with an interesting history. After years of working as a classical violist and part-time music teacher, Sarah (age 40) recently graduated from Kingsfield School of Law and is working as an attorney with the Kingsfield Legal Aid Society. She is dark skinned, was brought up in England, and speaks with an English accent. She emigrated to the U.S. in her late teens and, shortly after her marriage to Matt, became a U.S. citizen.

She related her sense of outrage with regard to her final phone conversation with Gordon, and with what she called Gordon's "blatant lie." After Pall told her and Matt the rent was \$2,500 per month, Sarah called Gordon to find out what was going on. Gordon told her, "Sorry, I just rented the apartment to an old family friend. But if you'd like, I'll put your name on file in case something else opens up at one of my other properties." Sarah said she hung up without responding. She is embarrassed that she even called Gordon and wishes that she had displayed the anger she now feels toward him. In our time together, she seemed more demoralized than angry. At one point she said, "We work hard and try to do things right. I thought that if we played by the rules we would be rewarded. I see that this is not the case."

Following this phone discussion with Gordon, she withdrew, feeling alternately angry and depressed. She found it difficult to face her work responsibilities and missed a day of work. She is not getting much sleep, has lost 5 pounds, and cannot muster the enthusiasm for work that she had only a short time ago. She has also begun seeing a psychotherapist to deal with her anger and depression. Neither she nor Matt has resumed a search for a new place. "What's the use?" she says.

She mentioned a "test" that her friend Brian performed at her request. Brian Donnelly works in Sarah's office. The day after her final conversation with Gordon, she phoned Brian from home, explained what had happened, and asked if he would call Gordon to see whether the apartment was available and, if so, at what rent. Brian called Gordon that day. He spoke to Gordon's assistant, who informed Brian that she thought the apartment was still available and that the rent would be \$1,000 per month.

Like Matt, Sarah would like to litigate this matter.

