





## News Release

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### **HUD CHARGES SOUTH DAKOTA DEVELOPERS WITH DISCRIMINATING AGAINST PERSONS WITH DISABILITIES**

WASHINGTON - The U.S. Department of Housing and Urban Development today announced that it is charging the developers of three multifamily housing complexes in Sioux Falls, South Dakota, with housing discrimination for designing and constructing buildings that failed to accommodate the special needs of elderly and disabled tenants.

The *Fair Housing Act* requires that new multifamily housing built after 1991 contain accessible features for individuals with disabilities.

According to HUD's investigation, Equity Homes, Inc., along with various other entities, failed to design and construct accessible dwelling units and public and common use areas at Beverly Gardens Apartments, Sertoma Hills Apartments and Villas, and West Briar Estates.

In addition, HUD claims the complexes have numerous inaccessible features, including, bathrooms that lack sufficient space for a person using a wheelchair, electrical outlets and thermostats that cannot be reached by persons using wheelchairs, and narrow doorways.

The complaints that led to the charges were filed by Fair Housing of the Dakotas, one of HUD's Fair Housing Initiative Program agencies.

"One out of five persons live with some type of physical disability, making it more important than ever that developers comply with the Fair Housing Act's accessibility requirements," said Bryan Greene, HUD's General Deputy Assistant Secretary for Fair Housing and Equal Opportunity. "Whenever HUD determines that a developer has failed to meet his responsibility in this area, we will not hesitate to act."

The HUD charges will be heard by a United States Administrative Law Judge unless any party to a charge elects to have that case heard in federal district court. If an administrative law judge finds after a hearing that discrimination has occurred, he may award damages to the complainant for its loss as a result of the discrimination. The judge may also order injunctive relief and other equitable relief to deter further discrimination, including retrofitting of the complexes, as well as payment of attorney fees. In addition, the judge may impose civil penalties in order to vindicate the public interest. In the event of an election, a federal district court judge may also award punitive damages to the complainant.

FHEO and its partners in the Fair Housing Assistance Program investigate approximately 10,000 housing complaints annually. People who believe they are the victims of housing discrimination should contact HUD at (800) 669-9777 (voice), (800) 927-9275 (TTY). Additional information is available at [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing). Stay on top of the most up-to-date news regarding the Fair Housing Act by signing up for the FHEO RSS Feed.

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*HUD is the nation's housing agency committed to sustaining homeownership; creating affordable housing opportunities for low-income Americans; and supporting the homeless, elderly, people with disabilities and people living with AIDS. The Department also promotes economic and community development and enforces the nation's fair housing laws. More information about HUD and its programs is available on the Internet at [www.hud.gov](http://www.hud.gov) and [espanol.hud.gov](http://espanol.hud.gov).*

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