

STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
COMPLAINT AFFIDAVIT OF ILLEGAL DISCRIMINATORY PRACTICE

CASE NO: 1850071

DATE: November 14, 2017

For CHRO use

The Complainant's name is Tatiana Sellers with a mailing address of: c/o Attorney Tucker McWeeny, Szilagyi & Daly, 118 Oak Street, Hartford, Connecticut, 06106. Complainant is filing this Complaint through her attorney, Tucker McWeeny of Szilagyi & Daly, 118 Oak Street, Hartford, CT 06106.

The Respondent is Todd Grisham. The Respondent owns real property in Norwalk, Connecticut located at: 7 School Street #5, Norwalk, CT 06851. Upon information and belief, the Town of Norwalk lists the owner of 7 School Street #5, Norwalk, CT 06851 using that same address as an official mailing address.

On **November 5th, 2017**, Complainant was discriminated against when the Respondent's agent published a discriminatory statement of preference with respect to Complainant's **Lawful Source of Income** (Section 8 Voucher) in violation of Conn. Gen. Stat. § 46a-64c(a) et seq., Title VIII of the Civil Rights Act of 1968, as enforced through Conn. Gen. Stat. § 46a-58(a). The following theories are claimed by the Complainant: refusal to rent; refusal to negotiate and discriminatory statement.

I provide the following particulars:

1. Complainant's name is Tatiana Sellers and her mailing address is: c/o Attorney Tucker McWeeny, Szilagyi & Daly, 118 Oak Street, Hartford, CT 06106.
2. The Respondent is: Todd Grisham. The Respondent's mailing address is: 7 School Street #5, Norwalk, CT 06851.
3. The Respondent, Todd Grisham, is the owner of record of a property known as: 7 School Street #5, Norwalk, CT 06851.
4. Complainant has received from the U.S. Department of Housing and Urban Development Office of Public and Indian Housing a Section 8 voucher.
5. The Complainant is actively looking for an apartment in the Stamford-Norwalk area.
6. On or about November 6th 2017, Complainant saw an advertisement on craigslist.com and trulia.com for a two bedroom apartment in Central Norwalk, CT.
7. The advertised rent was \$2200 per month which would have worked for Complainant and her Section 8 voucher.
8. There were pictures of the property included in the advertisement and it was clean, included a two car garage and was located in a nice neighborhood. Upon information and belief the property advertised on craigslist and trulia was the subject property, 7 School Street #5, Norwalk, CT 06851

9. On or about November 7th, the Complainant reached out to the listing agent identified in the advertisements, Kathryn Martino.
10. Upon information and belief, Kathryn Martino is a licensed realtor employed by Higgins Group Real Estate at their Westport Connecticut location.
11. When Complainant asked whether the Respondent's rental was still available, the Respondent's agent stated, "Yes the unit is available. What time works for you to view it? Deposit is two month's rent. Thank you, Kathryn."
12. When the Respondent's agent, realtor Kathryn Martino, learned that the Complainant had a two bedroom Section 8 voucher she stated, "Unfortunately, this unit is not approved for Section 8."
13. Upon information and belief, the Respondent did not occupy 7 School Street #5 in Norwalk, CT. The property is not exempt from Connecticut Fair Housing law. Even if at any point the property were exempt, the exemption was extinguished when the services of a real estate professional, Kathryn Martino, were engaged. The exemption is also extinguished by the direct statement offered by Respondent's agent, Kathryn Martino.
14. Upon information and belief this is an illegal statement of preference, a discriminatory statement, and the statement constitutes a refusal to rent and/or negotiate solely because of membership in a protected class.
15. Respondent has discriminated against the Complainant solely because of her lawful source of income (Section 8). She was denied a valuable housing opportunity and suffered emotional distress reading the discriminatory statement. The Respondent is vicariously liable for any/all acts performed by his agent/servant/employee Kathryn Martino.

On behalf of Tatiana Sellers, we request the Connecticut Commission on Human Rights and Opportunities investigate this complaint, secure for her all her rights as guaranteed to me under the above-cited laws and secure for her any remedy to which she may be entitled.

Tucker McWeeny, states that he is the attorney representing the Complainant herein; that he has read the foregoing complaint and knows the content thereof; that the same is true to his own knowledge, except as to matters herein stated on information and belief and that as to these matters he believes the same to be true.

Dated this: 2017 / 11 / 14
Year Month Day



Tatiana Sellers, by her attorney Tucker McWeeny

**STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

FINAL INVESTIGATIVE REPORT

Under State and Federal Law:

PURSUANT TO CONNECTICUT GENERAL STATUTES § 46a-64c(a)

concerning:

Tatiana Sellers

v.

Todd Grisham

CHRO CASE NUMBER: 1850071

Prepared by: Cyndi J. Dryfe
Investigator

**STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

Tatiana Sellers

v.

FINDING OF
REASONABLE CAUSE
AND SUMMARY

Todd Grisham

CHRO CASE NUMBER: 1850028

DATE FILED: 11/14/17

SECTION I FINAL INVESTIGATIVE REPORT

I. JURISDICTION

A. Bases for Jurisdiction:

The complaint was filed with the Connecticut Commission on Human Rights and Opportunities (hereinafter "CHRO") on **November 14, 2017**, under CONNECTICUT GENERAL STATUTES § 46a-64c(a).

The alleged violation occurred on or about **November 6, 2017** and continuing. The complaint was filed with the CHRO **8** days following **November 6, 2017**, which was within one hundred eighty (180) days of the alleged violation and/or Complainant's knowledge of the alleged discrimination as required by CONN. GEN. STAT. §46a-82(e).

The Complainant is a person as defined by CONN. GEN. STAT. §46a- 51(14) and is claiming to be aggrieved by an alleged discriminatory act under CONN. GEN. STAT. §46a-82. The Respondent alleged to have committed an unlawful discriminatory act.

SECTION II PARTIES AND AGGRIEVED PERSONS

A. Complainant:
Tatiana Sellers
c/o Attorney Tucker McWeeny
Szilagyi & Daly
118 Oak Street
Hartford, CT 06106

Complainant Representative:
Tucker McWeeny, Esq.
Szilagyi & Daly
118 Oak Street
Hartford, CT 06106

1. Complainant's Allegations:

Complainant alleges Respondent discriminated against her because of her lawful source of income, (Section 8 Voucher).

Respondent:

Todd Grisham
160 Whistling Straits Drive
Southington, CT 06489

Respondent Representative:
None

Respondent Position:

Respondent denied allegations of discrimination.

SECTION III EVIDENTIARY SECTION

TABLE OF CONTENTS

- A. **CHRO Complaint #: 1850071**
- B. **Notification Letter to Respondent dated 1/19/18**
- C. **Respondents answer dated 2/22/18**
- D. **Documents and Records:**
 - 1. **Complainant's Evidence**
None
 - 2. **Respondent's Evidence**
 - A. position statement dated 2/22/18

3. Other Evidence

- A. Taped Interview of Complainant 4/17/18
- B. Interview of Respondent 4/25/18
- C. Respondent Martino position statement from complaint 1850072 dated 12/14/18

D. 100 Day Letter: - 4/30/18

E. Factual Observations/Site Visit – None

SECTION IV WORKING PAPERS/DELIBERATIVE SECTION

I. INTRODUCTION

Pursuant to CT GEN. STAT. §46a-82, the Commission has a duty to receive, investigate and issue determinations upon the merits of discriminatory practice complaints. Complaints filed pursuant to CT GEN. STAT. §46a-82 are assigned to an investigator for the purpose of conducting an investigation into the facts relevant to the complaint.

In accordance with the Commission's Rules and Regulations, the complaint, answer and case evidence were reviewed for the purpose of determining the Commission's jurisdiction. As a result thereof, the investigator concluded that the Commission has jurisdiction to receive, investigate and issue a determination upon the merits of the complaint.

Thereafter, in accordance with CT GEN. STAT. §46a-83, the investigator proceeded to conduct a thorough and complete investigation into the facts of the complaint and upon completing the same, notified the parties of their statutory rights to review and comment upon all the case evidence. In addition, the investigator has a duty to determine "if there is reasonable cause for believing that a discriminatory practice has been or is being committed as alleged in the complaint." [See, CT GEN. STAT. §46a-83(c)].

A preliminary draft of the investigator's findings was issued on May 7, 2018. The parties were advised of their right to provide comments on those findings and evidence in the case file by May 22, 2018. No comments were received from either party.

Pursuant to statutory and case authority, reasonable cause is defined as: "a bona fide belief that the material issues of fact are such that a person of ordinary caution, prudence, and judgement could believe the facts alleged in the complaint." [See, CT GEN. STAT. §46a-83(c)]. Therefore, the Commission concludes that the reasonable cause standard requires that the investigation be thorough and complete; that the investigator consider

all reliable and probative proof, irrespective of whom it supports; that the investigator make findings with respect to all material issues of fact, including disputed facts; and that the investigator ultimately determine if there is reasonable cause for believing that a discriminatory practice has been or is being committed as alleged in the complaint. Consequently, as a result of the application of these principles to the facts of this complaint, the investigator must determine whether the facts are such that a person of ordinary caution, prudence, and judgment **could** believe that a discriminatory practice has been or is being committed as alleged in the complaint.

II. CASE ANALYSIS

Complainant currently lives at 24 Hilltop Road, New Haven, Connecticut and recently just moved into her apartment approximately one week ago. Prior to that, Complainant lived in the State of Pennsylvania, and chose to relocate to Connecticut to live closer to her mother to assist with childcare. She stated during her interview on April 17, 2018, that she had been a recipient of the Section 8 voucher for one year, when she saw the advertisement for Respondent's property located at 7 School Street, #5, Norwalk, Connecticut. She was seeking a unit in the Stamford, Norwalk area and was interested in the two bedroom apartment located in Central Norwalk. Complainant contacted by email, the agent who listed the apartment and communicated with Respondent's licensed agent, Kathryn Martino, of Higgins Group Real Estate. Complainant stated she asked Respondent's agent if the apartment was available and was told, "Yes". An appointment was scheduled sometime on November 7, 2017, to view the unit.

Complainant stated in her complaint affidavit that Respondent's apartment advertised for \$2,200,00 and when asked the amount of her voucher, she stated that she did qualify for the unit because she had a 2 bedroom Section 8 voucher. It should be noted that a recipient's voucher amount varies, depending on the town/city the recipient chooses to reside in and the rental asking price for the available unit.

Complainant stated once she advised Respondent Martino that she was a recipient of Section 8, Ms. Martino, responded "Unfortunately, this unit is not approved for Section 8". Complainant stated she was never given the opportunity to view the unit or submit an application.

FINDINGS

Respondent stated in his response to Complainant's complaint that he did not list the unit for rent. While Respondent Grisham also stated he had no conversations with Complainant regarding the leasing of his apartment, Respondent is responsible for any actions or comments made by his realtor who represented him. On November 7, 2017, Respondent Martino refused Complainant once she mentioned her Section 8 voucher, and denied her on behalf of Respondent Grisham. Until this complaint was filed by

Complainant on November 14, 2017, Respondent also stated that he was not familiar with the Section 8 program.

However, his agent, Respondent Martino stated in her answer dated December 14, 2017, to the complaint filed against her, (1850072), that "the owner wanted to rent quickly and did not want to incur the delay associated with the inspection process for approval of Section 8". When Complainant was told by Respondent's agent that he did not want to deal with Section 8 recipients she was also not given the opportunity to view the unit. Respondent was not credible and was clearly familiar with the Section 8 process. It appears that he communicated to Respondent Martino, to refuse Complainant because of her Section 8 voucher. Furthermore, Respondent who is also renting his property to the public should know the housing laws governing the State of Connecticut, which includes, Lawful Source of Income. Respondent owns one rental unit and never in the past rented to a recipient of Section 8. The tenant he finally decided to lease the unit to, is also not a recipient of Section 8.

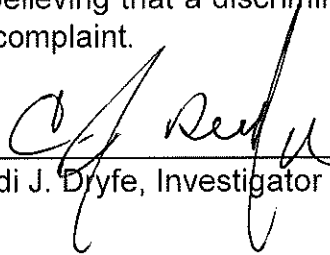
There is evidence to support Respondent refused Complainant the opportunity to apply for his available unit, therefore refusing her because of her class basis. Respondent's agent, Ms. Martino, was accused of discrimination and made the decision to make a discriminatory statement to Complainant on behalf of Respondent Grisham, after learning Complainant's class basis. Complainant was denied the opportunity to view or apply for Respondent's available unit and had to continue her search for housing for herself and two small children. Based on the actions of Respondent, Complainant was refused an available unit because of her Section 8 voucher and this investigator finds reasonable cause that Respondent discriminated against Complainant because of her Lawful Source of Income.

III Conciliation Efforts:

Not Successful

IV Conclusion:

Consequently, the undersigned determines that the facts are such that a person of ordinary caution, prudence, and judgment **could** conclude that there is reasonable cause for believing that a discriminatory practice has been or is being committed as alleged in the complaint.



Cyndi J. Dryfe, Investigator



Date