



Department of Justice

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Justice Department Files Lawsuit Alleging Disability-based Housing Discrimination at Six Complexes in Sioux Falls, South Dakota

The Justice Department filed a lawsuit today against Equity Homes Inc, PBR LLC, BBR LLC and Shane Hartung in U.S. District Court in South Dakota for failing to provide accessible features required by the Fair Housing Act at multi-family housing developments in Sioux Falls.

The lawsuit, which originated from a complaint filed with the U.S. Department of Housing and Urban Development (HUD), concerns six Sioux Falls complexes - East Briar Apartments, West Briar Apartments, Kensington Apartments, Beverly Gardens Apartments, Sertoma Hills Apartments and Sertoma Hills Villas.

"When builders and designers construct homes without regard for accessible features, they are effectively shutting the door to persons with disabilities," said Loretta King, Acting Assistant Attorney General for the Justice Department's Civil Rights Division. "Designing and constructing multi-family housing without basic features of accessibility violates the law."

"The Fair Housing Act's design and construction standards for accessible housing in multifamily dwellings are clear and have been law for 18 years. Most architects, builders and developers get it right. We commend Fair Housing of the Dakotas for bringing this case to our attention for enforcement of the law," stated HUD Assistant Secretary for Fair Housing and Equal Opportunity John Trasviña.

The Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, familial status, national origin and disability. Among other things, the act requires that new multifamily housing developments be designed and constructed with basic accessibility features, including accessible common and public use areas, accessible routes to and through apartments, doors wide enough for wheelchair users, kitchens and bathrooms with sufficient maneuvering space for wheelchair users, outlets and environmental controls in accessible locations, and bathrooms with reinforcements for grab bars. The complaint alleges that the defendants failed to include certain of these required accessibility features at each of the six complexes.

The lawsuit seeks a court order requiring the defendants to modify the complexes to bring them into compliance with federal laws and prohibiting future discrimination by the defendants, as well as monetary damages to compensate victims.

Fighting illegal housing discrimination is a top priority of the Justice Department. More information about the Civil Rights Division and the laws it enforces is available at www.usdoj.gov/crt. Additional information about the Fair Housing Act is also available at www.usdoj.gov/fairhousing and www.HUD.gov. Individuals who believe that they may have been victims of housing discrimination can call the Housing Discrimination Tip Line at 1-800-896-7743, e-mail the Justice Department at fairhousing@usdoj.gov, or contact the U.S. Department of Housing and Urban Development at 1-800-669-9777.

The complaint is an allegation of unlawful conduct. The allegations must still be proven in federal court.

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