



Housing Opportunities Made Equal of Virginia, Inc.

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DOJ Urges Court to Reinstate Fair Housing Complaint Against Shockoe Valley View Apartments in Richmond

RICHMOND – Yesterday, the U.S. Department of Justice filed a Statement of Interest asking the U.S. District Court, Eastern District of Virginia, Richmond Division to reconsider its dismissal of alleged Fair Housing Act (FHA) violations against people with disabilities at the Shockoe Valley View Apartments in Richmond, Va.

In October 2014, Housing Opportunities Made Equal of Virginia, Inc. (HOME) and the National Fair Housing Alliance (NFHA) filed a federal housing discrimination suit against Hunt Investments, LLC, Walter Parks, Architect, PLLC, MGT Construction Management, Inc., Cedar Street Genesis, LLC, and Genesis Homes Manager, LLC alleging discrimination against people with disabilities for failure to design and construct Shockoe Valley View Apartments in accordance with the accessibility [requirements](#) of the federal Fair Housing Act.

In April 2015, the Court dismissed the case, holding that the claims were not yet ripe for adjudication because some parts of the project were still under construction.

The Department of Justice disagrees.

In its 23-page statement, The United States of America's [Statement of Interest](#) disagreed with the Court's opinion, saying that, "[the] argument, essentially a claim that judicial relief is never possible until construction is complete, lacks merit."

The Department of Justice statement restates the violations alleged in the complaint, noting that multiple violations are present throughout the complex in which tenants currently reside and which contains units that are currently for rent: "The accessibility barriers in Shockoe Valley include steps precluding access to some ground floor apartments (including the model unit),

doors within the units that are too narrow for people using wheelchairs, and kitchens and bathrooms that do not have sufficient clear floor space to be usable by persons who use wheelchairs. The accessibility barriers described above are present in dwelling units that have been completed and are being offered for rent.”

The Statement goes on to say, “Under the interpretation adopted by this Court, however, a person using a wheelchair who is unable to rent a finished apartment because he or she could not physically get to the apartment would have no ability to seek judicial redress until the entire complex was completed. Yet such a person has suffered an immediate, concrete injury -- namely, the denial of housing because of his or her disability -- that the FHA is intended to prevent. There is no reason to think that Congress intended to delay a person with a disability access to the courts in that situation.”

Referring to the Congressional Record when the Fair Housing Amendments Act passed, DOJ reiterates the effect of inaccessible dwellings: “A person using a wheelchair is just as effectively excluded from the opportunity to live in a particular dwelling by the lack of access into a unit and by too narrow doorways as by a posted sign saying ‘No Handicapped People Allowed.’”

“We are very pleased that DOJ is standing along with us in our efforts to promote equal access to housing for people with disabilities,” said Shanna L. Smith, president and CEO of the National Fair Housing Alliance. “The very serious design and construction violations we have identified need to be addressed immediately so as to not further limit the choices of people with disabilities in their housing search.”

“HOME is grateful to the DOJ for filing this statement to urge reconsideration of our complaint. The alleged accessibility violations at Shockoe Valley View have and continue to injure people with disabilities and our organizations,” said Heather Mullins Crislip, president and CEO of HOME. “We believe this case is ripe for the Court to consider and adjudicate – these housing opportunities must be accessible under the law.”

Housing Opportunities Made Equal of Virginia, Inc. (HOME), founded in 1971, is a statewide fair housing non-profit. HOME's mission is to ensure equal access to housing for all people. HOME investigates housing discrimination and provides support for discrimination victims. You can learn more about HOME and all of its services at www.HOMEofVA.org.

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