

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**  
**Civil Division**

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**DISTRICT OF COLUMBIA,**  
a municipal corporation,  
441 Fourth Street, N.W.  
Washington, D.C. 20001,

Plaintiff,

v.

**SPRING HILL REAL ESTATE, LLC,**  
1577 Spring Hill Road, Suite 300B  
Vienna, VA 22182,

*Serve on:*

**Lina Jimenez**  
**Registered Agent**  
1420 Woodhurst Boulevard  
McLean, VA 22182

**PIEDAD SUAREZ,**  
11807 Great Owl Circle  
Reston, VA 20194,

Defendants.

Case No.:

**JURY TRIAL DEMANDED**

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**COMPLAINT**

Plaintiff the District of Columbia (the District) brings this action against defendant Spring Hill Real Estate, LLC (Spring Hill), a real estate brokerage; and defendant Piedad Suarez, a District-licensed real estate salesperson and agent of Spring Hill. Defendants are liable for discriminatory practices that limit affordable housing and violate the District of Columbia Human Rights Act (DCHRA), D.C. Code §§ 2-1401.01, *et seq.* In support of its claims, the District states as follows.

## INTRODUCTION

1. The District of Columbia faces a housing crisis. Affordable housing stock has trended downward while rents have trended upward, squeezing out low-income tenants. Housing-assistance programs that subsidize rent are a core pillar of the District's response to these pressures. By subsidizing rent, housing assistance programs help the District's lowest-income populations avoid homelessness and maintain a foothold in private housing. This assistance is critical in the District, where many tenants spend more than half of their monthly income on rent.

2. The District brings this action against a District licensed real estate brokerage and salesperson who posted six advertisements that stated that housing assistance would not be accepted as rental payment for a property in the District.

3. Although housing discrimination is problematic in any form, it is even more concerning when perpetuated by the real estate profession. Real estate professionals—including brokers, salespersons and property managers—play an integral role in connecting customers to housing, including low-income tenants seeking an affordable place to live. They may dispense advice to property owners on how to market properties, and they act as gatekeepers for renters and buyers. When a real estate salesperson discriminates against potential tenants who use housing assistance programs, she not only violates her professional licensing standards but lends dangerous credibility to discriminatory practices.

4. Defendants' discriminatory online advertisements for rental housing lend professional credence to the idea that turning away tenants based on their

source of income is not only acceptable but lawful. In the District, it is neither. Instead, it is a DCHRA violation that is prohibited not only as source-of-income discrimination but, because of the large number of African Americans enrolled in housing assistance programs, as racial discrimination as well.

5. Consequently, the District seeks declaratory and injunctive relief and civil penalties, costs and attorney's fees to prevent and deter defendants from engaging in discriminatory practices that mislead vulnerable District residents and limit access to affordable housing.

### **JURISDICTION**

6. The Attorney General for the District of Columbia brings this action on behalf of the District of Columbia to uphold the public interest and enforce District law, here, the DCHRA. *See District of Columbia v. ExxonMobil Oil Corp.*, 172 A.3d 412 (D.C. 2017); D.C. Code § 1-301.81(a)(1) (“The Attorney General for the District of Columbia ... shall be responsible for upholding the public interest.”).

7. This Court has subject matter jurisdiction over the claims and allegations in the Complaint. *See* D.C. Code § 11-921(a).

8. This Court has personal jurisdiction over defendants Spring Hill and Suarez, a District licensed real estate salesperson, because defendants are owners within the meaning of the DCHRA, conducted transactions in real property in the District and had the actual or perceived right to rent or lease 1325 Belmont Street, N.W. *See* D.C. Code § 2-1402.23; see § 2-1401.02(20) (identifying “owners” to include managing agents or other persons having the right of ownership or possession of, or

the right to sell, rent or lease any real property); see also § 2-1401.02(30) (defining a “transaction in real property” as the “advertising ... [of] any interest in real property”). This Court also has personal jurisdiction over the defendants because the defendants have caused tortious injury in the District and transact business in the District of Columbia. § 13-423.

## PARTIES

9. Plaintiff District of Columbia, a municipal corporation, is the local government for the territory constituting the permanent seat of the government of the United States. The District is represented by and through its chief legal officer, the Attorney General for the District of Columbia. The Attorney General conducts the District’s legal business and is responsible for upholding the public interest. D.C. Code § 1-301.81(a)(1); *District of Columbia v. ExxonMobil Oil Corp.*, 172 A.3d 412 (D.C. 2017).

10. Defendant Spring Hill Real Estate, LLC, is a District-licensed real estate organization, Real Estate Organization License Number REO98370540. Spring Hill is a limited liability company previously registered in the District of Columbia.<sup>1</sup> Its principal place of business is 1577 Spring Hill Road, Suite 300B, Vienna, VA 22182.

11. Defendant Piedad Suarez is a District-licensed real estate salesperson, Salesperson License Number SP98362564, who leases residential real estate in the District and surrounding areas.

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<sup>1</sup> Spring Hill’s District of Columbia business license has been revoked.

## FACTS

### Housing Assistance and the Rental Housing Market in the District

12. The ability to access affordable housing free from discrimination is District residents' top civil rights concern. Office of the Attorney General for the District of Columbia, *Community Voices: Perspectives on Civil Rights in the District of Columbia* 4 (2019) <https://oag.dc.gov/sites/default/files/2019-11/Civil-Rights-Report.pdf>. In 2018, more than 23% of the District's tenant households spent more than half of their monthly income on rent. Tom Acitelli, *Nearly half of D.C.-area renter households 'cost-burdened,' report says*, Curbed (Oct. 15, 2019), <https://dc.curbed.com/2019/10/15/20915332/dc-renter-households-burdened>. In recent years, the District's rental housing market has become more expensive while the availability of affordable rental housing has plunged. WES RIVERS, DC FISCAL POLICY INSTITUTE, *GOING, GOING, GONE: DC'S VANISHING AFFORDABLE HOUSING* (2015), <https://www.dcfpi.org/wp-content/uploads/2015/03/Going-Going-Gone-Rent-Burden-Final-3-6-15format-v2-3-10-15.pdf>. Housing-assistance programs are a core pillar of the District's response to the growing affordable-housing crisis.

13. Housing assistance programs, including subsidized rent programs, are particularly crucial in the District, where high rents consume a disproportionate share of household expenditures. D.C. Housing Authority, *Housing Choice Voucher Program*, <https://www.dchousing.org/topic.aspx?topid=2&AspxAutoDetectCookieSupport=1> (last visited June 18, 2020). These programs are therefore increasingly important to

low-income District tenants seeking to obtain affordable housing and navigate the city's high cost of living.

14. Housing vouchers are one form of housing assistance available to low-income residents, referred to here as housing voucher holders, and are available through multiple District and District-area agencies and organizations. Housing voucher holders may use their voucher to pay all or part of their monthly rent to subsidize housing costs consistent with the requirements of the relevant housing voucher program. District housing voucher programs include Housing Choice (commonly referred to as Section 8) and Rapid Re-Housing, among others.

15. It is also a violation of the DCHRA to take any action that has “the effect or consequence” of discriminating based on race. D.C. Code § 2-1402.68.

16. In the District, over 90 percent of housing voucher holders are African American, although they only account for 48 percent of the total population. *See* Aastha Uprety and Kate Scott, “In the District, Source of Income Discrimination is Race Discrimination Too,” *Equal Rights Center* (Oct. 12, 2018) <https://equalrightscenter.org/source-of-income-and-race-discrimination-dc/> (last visited June 2, 2020). Given the disproportionate number of African Americans using Housing Choice Vouchers in the District, any discrimination based on source of income is 71 times more likely to discriminate against an African American renter rather than a white renter in the District. *Id.*

## **Real Estate Professionals Face Myriad Licensing Requirements to Protect Consumers from Discrimination**

17. Tenants use many sources to identify affordable housing in the District, including real estate agents and online housing resources. A real estate broker is a firm or person who offers properties for sale, lease or rent. Brokers have responsibility for the actions of any real estate salespersons hired to undertake these activities. *See* D.C. Code § 47-2853.161.

18. A broker that is a firm rather than a person may obtain a license as a real estate organization so long as the firm is a licensed entity in the District of Columbia, it is led by a licensed broker at all of its branches and its real estate staff hold appropriate licenses. *See* D.C. Code § 47-2853.183.

19. A real estate salesperson is someone employed by a licensed real estate broker to offer properties for sale, lease or rent. *See* D.C. Code § 47-2853.171.

20. Recognizing the critical role that real estate professionals play in the housing market, including the market for affordable housing, the District of Columbia Regulatory Affairs' Real Estate Commission requires these professionals to adhere to standards that mandate equitable treatment of housing consumers. *See, e.g.*, D.C. Code § 47-2853.02(d)(1) (requiring a license to “protect the public”); 17 DCMR 2609.1 (“A licensee shall not discriminate or assist any party in discriminating in the sale, rental, leasing, exchange, or transfer of property.”)

21. Real estate professionals are reminded of the District's non-discrimination laws and their obligations during the fair housing training they must take every two years to maintain their licenses. *See* D.C. Code § 47-2853.13.

22. Under their licensing standards, a real estate broker or real estate salesperson who violates the DCHRA may have her real estate license revoked and face civil—or even criminal—penalties. *See* D.C. Code §§ 47-2843.01, *et seq.*

### **Online Discriminatory Advertising**

23. Many tenants in the District—including those who receive housing assistance—rely on online housing advertisements to locate rental housing. An apartment-industry survey showed that at least 83 percent of apartment hunters used an online resource to search for housing. J Turner Research, *The Internet Adventure: The Influence of Online Ratings on a Prospect’s Decision Making 3* (2016), [https://www.jturnerresearch.com/hubfs/Docs/J\\_Turner\\_Research-The\\_Internet\\_Adventure\\_Nov2016.pdf](https://www.jturnerresearch.com/hubfs/Docs/J_Turner_Research-The_Internet_Adventure_Nov2016.pdf).

24. More prospective tenants turning to online advertising has led to new opportunities for discriminatory advertising. In 2017 alone, more than 120 advertisements contained language suggesting that the housing provider discriminated based on source of income in the District. Equal Rights Center, *The Equal Rights Center Annual Report 2018 6* (2018), <https://equalrightscenter.org/wp-content/uploads/6.20.19-annual-report-2018-final.pdf>.

25. Discriminatory postings and advertisements create permanent barriers in the rental market each day the advertisements are visible. Unlike temporary restrictions such as “no one-bedroom units available,” warnings like “no vouchers accepted” send a lasting message to voucher holders and are likely to permanently discourage them from pursuing that housing opportunity. *Cf.* John M. Yinger et al.,

*The Status of Research into Racial Discrimination and Segregation in American Housing Markets*, 6 OCCASIONAL PAPERS IN HOUSING AND COMMUNITY AFF. 60 (1979), <https://tinyurl.com/housingresearchagenda> (describing discrimination that discourages housing seekers from considering certain areas).

### **Defendants' Discriminatory Advertising**

26. On or before February 10, 2020, District-licensed real estate salesperson defendant Suarez, acting under the brokerage of defendant Spring Hill, posted at least six discriminatory advertisements for 1325 Belmont Street N.W., Washington, D.C. 20009 (the Property). The advertisements stated that the Property was a five-bedroom, three-bath townhouse available to rent in the District for \$5,500. The advertisements were posted on Apartments.com, Coldwell Banker Homes, Hotpads, Realtor.com, Trulia and Zillow.

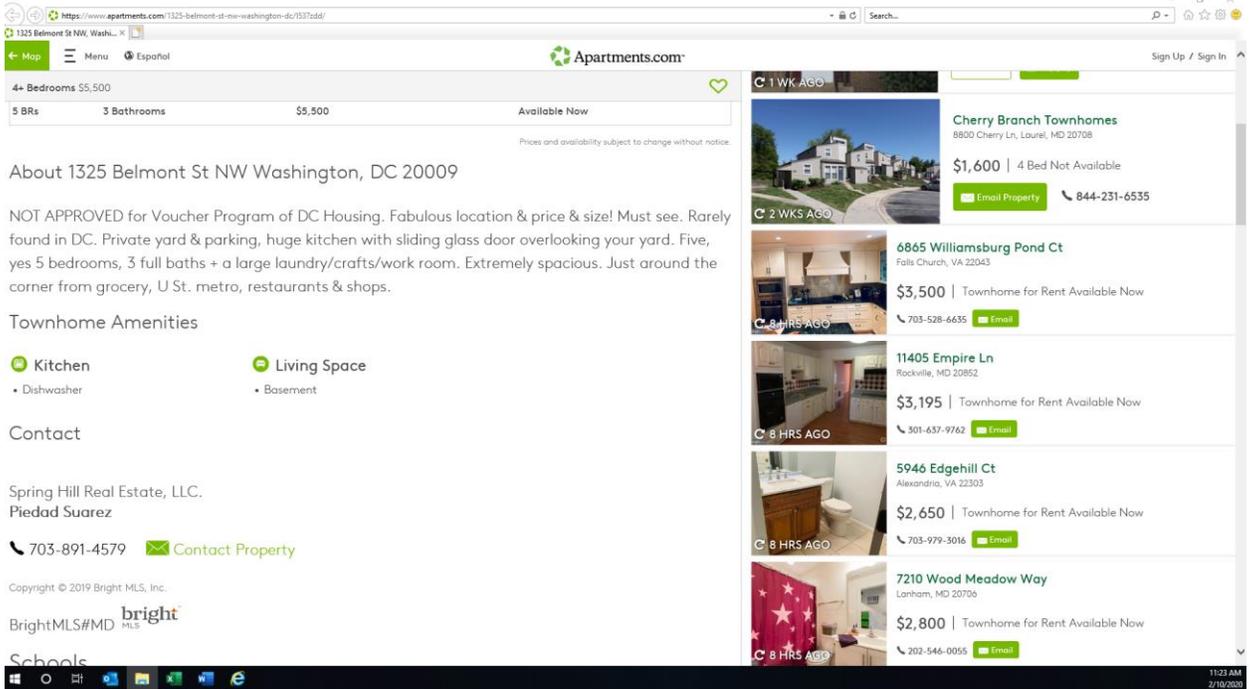
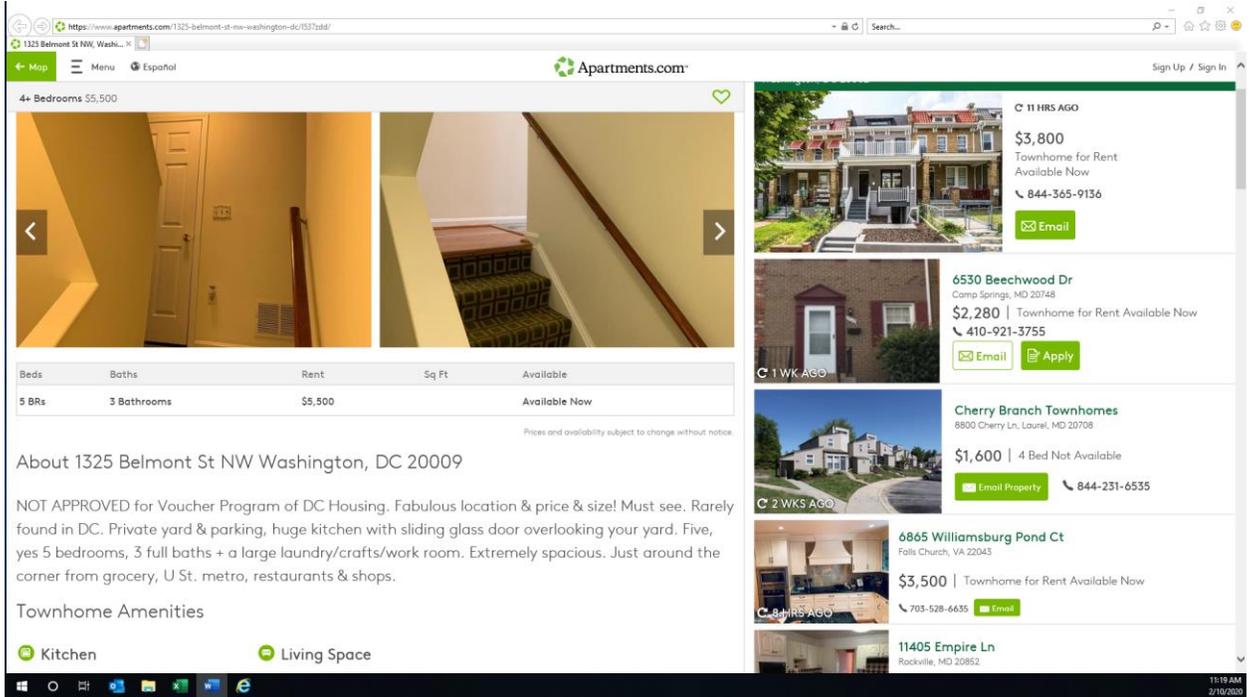
27. Defendant Spring Hill, through its agent defendant Suarez, acted as the point of contact and real estate broker for each discriminatory advertisement on each online platform.

28. The Apartments.com and Zillow advertisements indicate that defendant Suarez was acting under the authority of her real estate broker, defendant Spring Hill.

29. The advertisements on Apartments.com, Coldwell Banker Homes, Hotpads, Realtor.com, Trulia and Zillow all stated that the Property was "NOT APPROVED for Voucher Program of DC Housing."

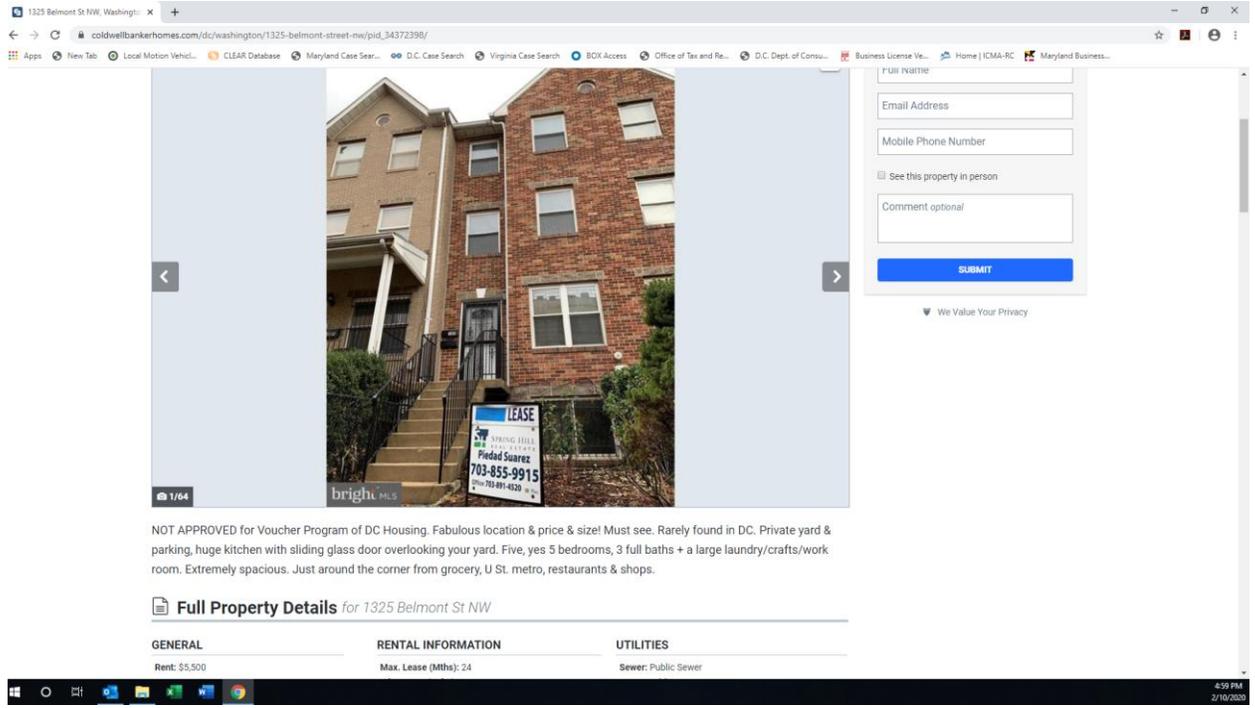
30. Two screenshots of the Apartments.com advertisement are included

here:

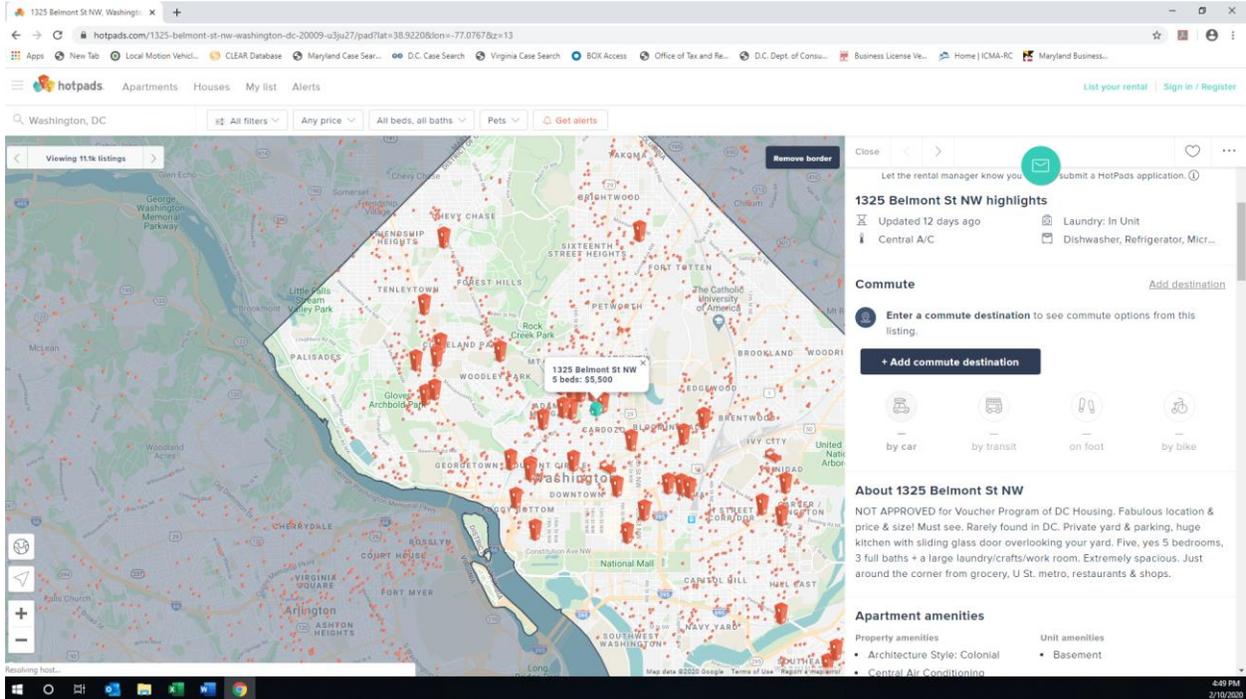


31. A screenshot of the Coldwell Banker Homes advertisement is included

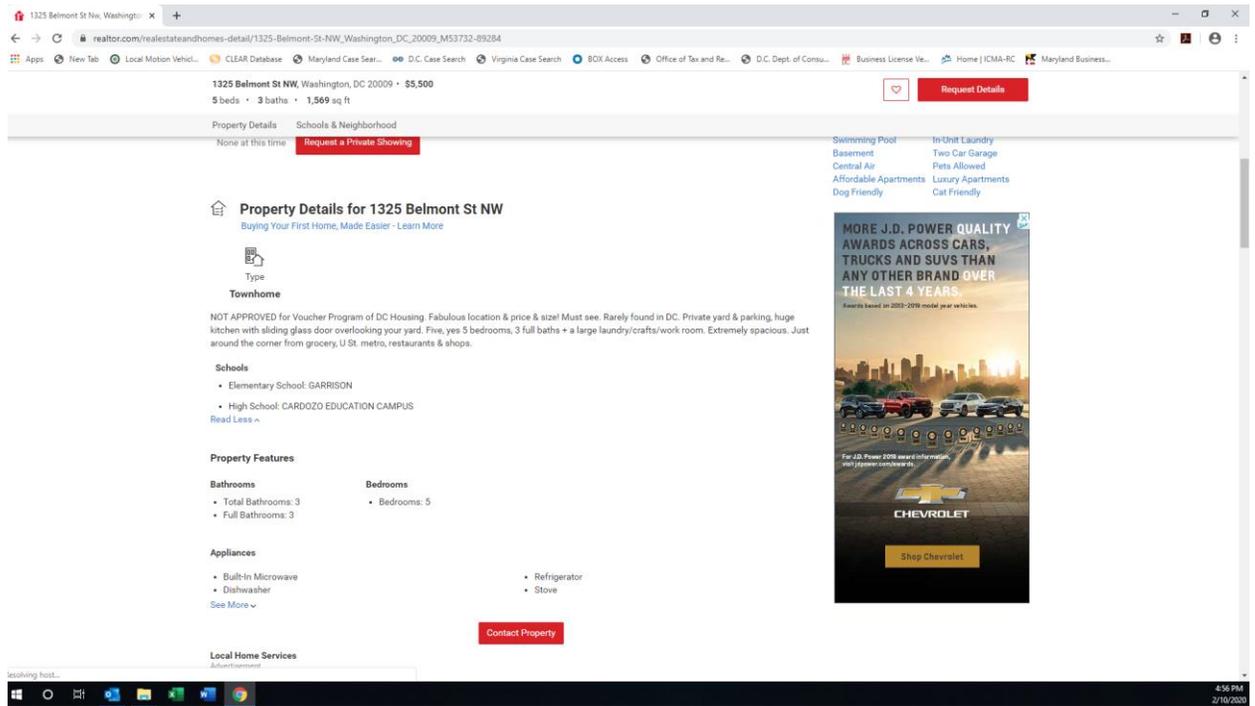
here:



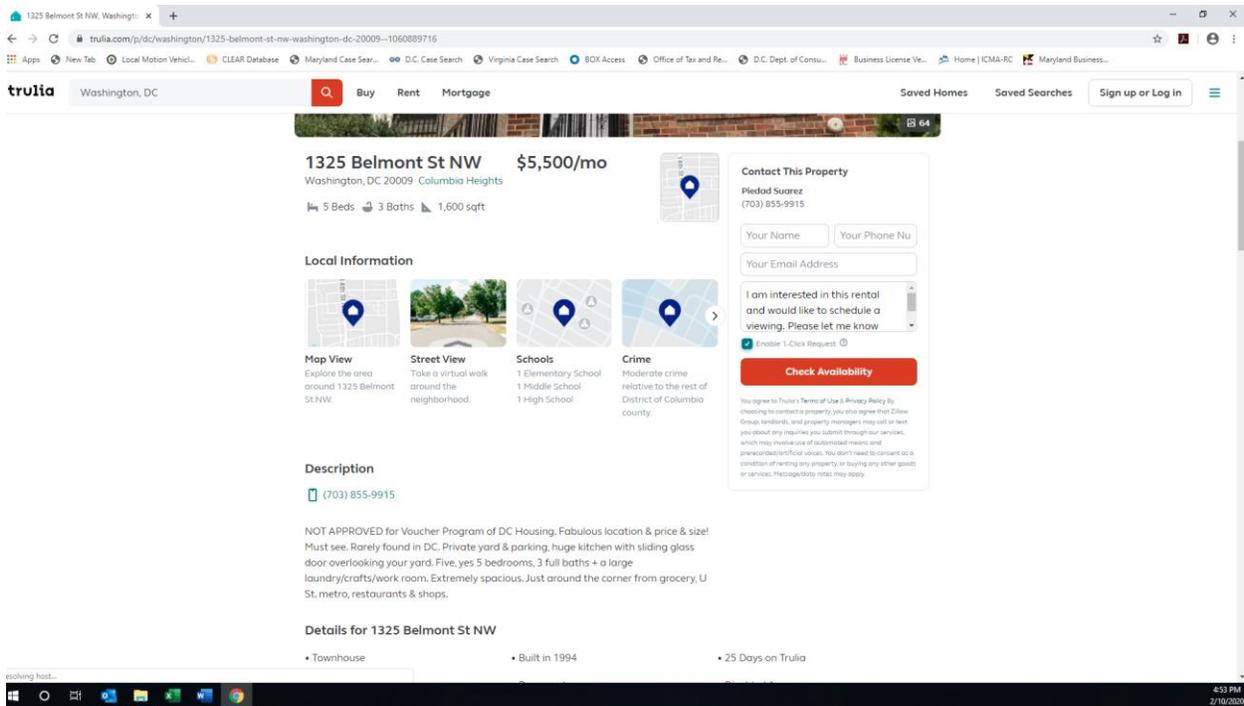
32. A screenshot of the Hotpads advertisement is included here:



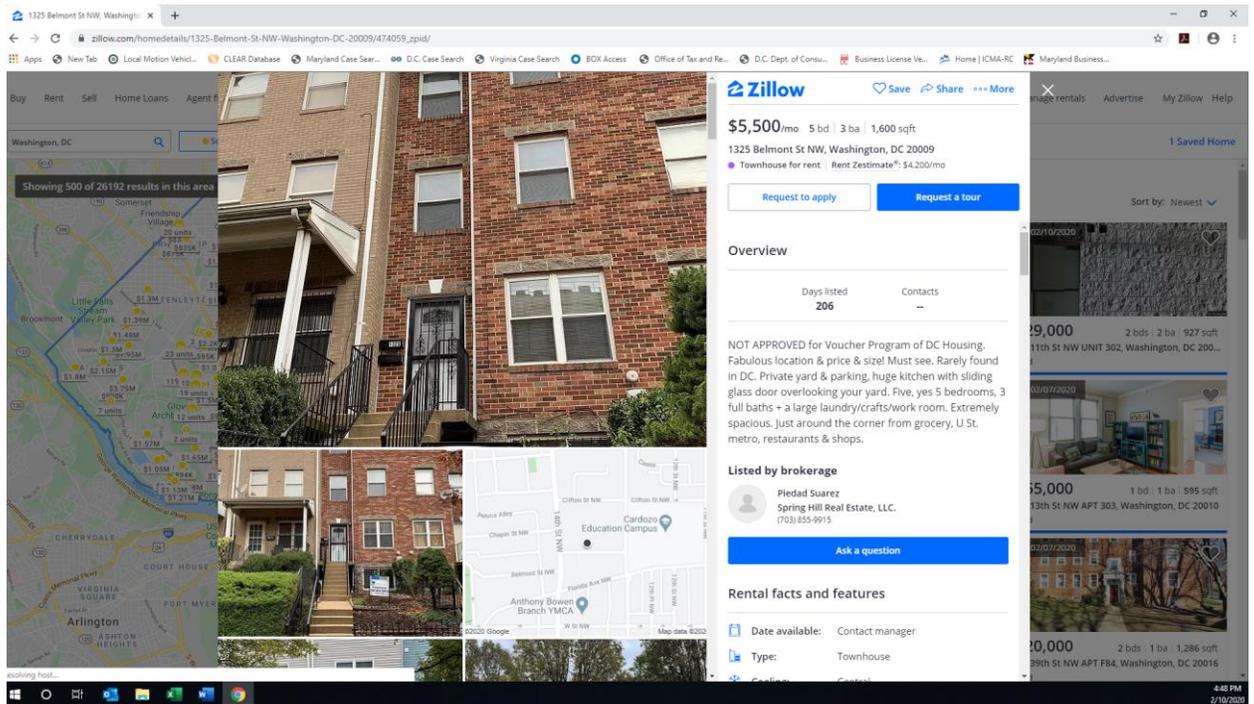
33. A screenshot of the Realtor.com advertisement is included here:



34. A screenshot of the Trulia advertisement is included here:



35. A screenshot of the Zillow advertisement is included here:



**COUNTS I-VI  
DISCRIMINATORY ADVERTISEMENT IN VIOLATION OF THE DCHRA  
(All Defendants)**

36. Paragraphs 1-35 are incorporated here.

37. Defendants posted discriminatory advertisements for the Property on Apartments.com, Coldwell Banker Homes, Hotpads, Realtor.com, Trulia and Zillow that discriminate against housing voucher holders.

38. Both defendant Suarez, a District-licensed real estate salesperson and agent of Spring Hill, and defendant Spring Hill are responsible for the discriminatory advertisements posted for the Property.

39. Under the DCHRA it is an “unlawful discriminatory practice” to make “any ... statement, or advertisement, with respect to a transaction, or proposed

transaction, in real property ... [that] unlawfully indicates or attempts unlawfully to indicate any preference, limitation, or discrimination based on ... source of income ... of any individual.” D.C. Code § 2-1402.21(a)(5).

40. Rental payment from a housing voucher is a source of income under the DCHRA. *See* OHR Guidance No. 16-01 (stating that source of income includes “short- and long-term rental subsidies” such as “Housing Choice Vouchers”); *see also* D.C. Code § 2-1402.21(e) (the DCHRA expressly defines “source of income” broadly to encompass income from all legal sources, including funding from “section 8 of the United States Housing Act of 1937[.]”); D.C. Code § 2-1402.21(29) (expressly defining “source of income” to include “federal payments”).

41. Defendants’ statements on Apartments.com, Coldwell Banker Homes, Hotpads, Realtor.com, Trulia and Zillow that the property was “NOT APPROVED for Voucher Program of DC Housing” are discriminatory advertisements based on the source of income of individuals in violation of D.C. Code § 2-1402.21(a)(5).

42. Defendants violated the DCHRA each time they posted a discriminatory advertisement. Defendants’ discriminatory advertisements discourage potential tenants of the Property based on their source of income.

**COUNTS VII-XII**  
**DISPARATE IMPACT BASED ON RACE IN VIOLATION OF THE DCHRA**  
(All Defendants)

43. Paragraphs 1-42 are incorporated here.

44. Defendants posted discriminatory advertisements on Apartments.com, Coldwell Banker Homes, Hotpads, Realtor.com, Trulia and Zillow that discriminate against housing voucher holders.

45. Under the DCHRA, it is an “unlawful discriminatory practice” to “refuse or fail to initiate or conduct any transaction in real property” where such refusal or failure is “wholly or partially ... based on the actual or perceived ... race ... of any individual.” D.C Code § 2-1402.21(a)-(a)(1).

46. Over 90 percent of voucher holders in the District are African American. The Defendants’ refusal to accept housing voucher holders is also a discriminatory practice against African Americans.

47. Defendants’ policy to discriminate against voucher holders disparately impacts African Americans in the District and is a violation of D.C. Code § 2-1402.21(a)-(a)(1).

48. Defendants violated the DCHRA each time they posted a discriminatory advertisement.

**COUNT XIII**  
**ACTS OF DISCRIMINATION BY A**  
**REAL ESTATE SALESPERSON IN VIOLATION OF THE DCHRA**  
(Suarez)

49. Paragraphs 1-48 are incorporated here.

50. Defendant Suarez is a licensed real estate salesperson in the District of Columbia who posted and acted as the point of contact for the discriminatory advertisements of the Property.

51. The discriminatory language was published in six separate advertisements on Apartments.com, Coldwell Banker Homes, Hotpads, Realtor.com, Trulia and Zillow.

52. It is an “unlawful discriminatory practice” to make “any ... statement, or advertisement, with respect to a transaction, or proposed transaction, in real property ... [that] unlawfully indicates or attempts unlawfully to indicate any preference, limitation, or discrimination based on ... the ... race ... [or] source of income ... of any individual.” D.C. Code § 2-1402.21(a)(5). *See* D.C. Code § 2-1402.23 (holding any real estate salesperson who violates the discrimination provisions of the DCHRA as a danger to the public interest).

53. Defendant Suarez violated the DCHRA six times when she posted six separate advertisements with discriminatory language on Apartments.com, Coldwell Banker Homes, Hotpads, Realtor.com, Trulia and Zillow. The advertisements violated the DCHRA on the basis of both source of income and race.

54. As a registered real estate salesperson, defendant Suarez’s discriminatory acts are violations of the DCHRA and therefore have endangered the public interest.

55. Her violations of the DCHRA also violate D.C. Code § 2-1402.23.

**COUNT VIII**  
**ACTS OF DISCRIMINATION BY A REAL ESTATE BROKER**  
**OR SALESPERSON IN VIOLATION OF THE DCHRA**  
(Spring Hill)

56. Paragraphs 1-55 are incorporated here.

57. Defendant Spring Hill is a District-licensed real estate organization that, through its agent defendant Suarez, posted discriminatory advertisements in violation of the Property.

58. The discriminatory language was published in six separate advertisements on Apartments.com, Coldwell Banker Homes, Hotpads, Realtor.com, Trulia and Zillow.

59. It is an “unlawful discriminatory practice” to make “any ... statement, or advertisement, with respect to a transaction, or proposed transaction, in real property ... [that] unlawfully indicates or attempts unlawfully to indicate any preference, limitation, or discrimination based on ... the ... race ... [or] source of income ... of any individual.” D.C. Code § 2-1402.21(a)(5). *See* D.C. Code § 2-1402.23 (holding any real estate broker or salesperson who violates the discrimination provisions of the DCHRA as a danger to the public interest).

60. Defendant Spring Hill violated the DCHRA six times when its agent defendant Suarez posted six separate advertisements with discriminatory language on Apartments.com, Coldwell Banker Homes, Hotpads, Realtor.com, Trulia and Zillow. The advertisements violated the DCHRA on the basis of both source of income and race.

61. As a real estate brokerage or salesperson, defendant Spring Hill’s discriminatory acts are violations of the DCHRA and therefore have endangered the public interest.

62. Defendant Spring Hill's violations of the DCHRA also violate D.C. Code § 2-1402.23.

### **PRAYER FOR RELIEF**

WHEREFORE, the District requests that this Court enter judgment in its favor and grant relief against defendants as follows:

- (a) Injunctive and declaratory relief;
- (b) Damages;
- (c) Civil penalties;
- (d) The District's reasonable attorney's fees and costs and
- (e) Such other and further relief as this Court deems appropriate based on the facts and applicable law.

### **JURY DEMAND**

The District of Columbia demands a jury trial by the maximum number of jurors permitted by law.

Dated: June 26, 2020.

Respectfully submitted,

KARL A. RACINE  
Attorney General for the District of Columbia

TONI MICHELLE JACKSON  
Deputy Attorney General  
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/s/ Michelle D. Thomas  
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