

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

OXFORD HOUSE, INC.,)	
)	
Plaintiff,)	
)	
v.)	COMPLAINT
)	
)	Jury Trial Demanded
CITY OF ROCKFORD, ILLINOIS,)	
)	
Defendant.)	

COMPLAINT

PRELIMINARY STATEMENT

This matter arises pursuant to the Fair Housing Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601 *et seq.* ("FHA"). Plaintiff, Oxford House, Inc. ("OHI"), seeks damages and injunctive relief as redress for: (1) the disparate impact visited upon them due to the acts and decisions of the Defendant and its subsidiary or affiliate organizations; (2) the affirmative disability-based discrimination manifested in Defendant's acts and decisions; (3) Defendant's discriminatory refusal and denial to provide Plaintiff a reasonable accommodation in keeping with Federal anti-discrimination laws;(4) and Defendant's retaliation against Plaintiffs based on their protected class and protected activities. Defendant's actions above now threaten Plaintiff's residents – who are disabled under the FHA and ADA – with impending eviction based on discriminatory means. To prevent such a result, Plaintiff hereby asks this Honorable Court for declaratory and injunctive relief to halt Defendant's discrimination based on

handicap or disability in violation of the FHA and ADA, respectively. Additionally, Plaintiff seeks monetary damages, costs, and reasonable attorneys' fees.

JURISDICTION

1. This action is brought by Oxford House, Inc. to enforce the provisions of the Fair Housing Act, 42 U.S.C. § 3601, et seq., and the Americans with Disabilities Act, 42 U.S.C. § 12131, et seq.

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, 1343; 42 U.S.C. § 3613, and 42 U.S.C. § 12133.

3. Venue is proper in the United States District Court for the Northern District of Illinois because all acts complained of occurred within this District.

PARTIES

4. OHI is a 501(c)(3) non-profit corporation organized under the laws of the State of Delaware and has its principal place of business in Silver Spring, Maryland. OHI is the umbrella organization that provides the network connecting all Oxford Houses and allocates resources to duplicate the Oxford House.

5. Oxford Houses are homes that support individuals with disabilities who are recovering from alcoholism or drug addiction and who no longer use alcohol or drugs. Simply put, Oxford Houses are democratically run, self-supporting, drug-free homes.

6. The Defendant, the City of Rockford, Illinois ("the City"), is a municipal corporation organized and existing pursuant to the laws of the State of Illinois.

7. The City, acting through its Mayor, Town Council, boards, departments, lawyers, police, and its codes, ordinances, and regulations, exercises zoning and land use authority over land within its boundaries.

STATUTORY AND REGULATORY FRAMEWORK

8. In 1988, Congress amended the FHA to extend the guarantee of fair housing to handicapped individuals. Congress also authorized the Secretary of the United States Department of Housing and Urban Development to promulgate regulations to implement the FHA.

9. Under the FHA, a person is subject to a "handicap" if she or he has a "physical or mental impairment which substantially limits one or more of such person's major life activities, a record of such an impairment, or being regarded as having such an impairment." 42 U.S.C. § 3602(h). The term "physical or mental impairment" includes "alcoholism" and "drug addiction (other than addiction caused by current, illegal use of a controlled substance)." 24 C.F.R. § 100.201. The ADA uses similar terminology to define a "disability." *See, e.g., Tsombandis v. West Haven Fire Dept.*, 352 F.3d 565 (2d. Cir. 2003).

10. Under the FHA, it is unlawful to discriminate against or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of that buyer, renter, or person residing in, or intending to reside in, that dwelling after it is sold, rented, or made available. 42 U.S.C. § 3604(f)(1).

11. The FHA further provides that it is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, based on a handicap of such person residing in or intending to reside in that dwelling after it is sold, rented, or otherwise made available. 42 U.S.C. § 3604(f)(2).

12. The federal regulations implementing the FHA define as discriminatory activity and prohibit the provision of municipal services in a different manner as based on a handicap. 24 C.F.R. § 100.70(d)(4).

13. The federal regulations implementing the FHA further make it unlawful "to restrict or attempt to restrict the choices of a person by word or conduct in connection with seeking, negotiating for, buying or renting a dwelling so as to . . . discourage or obstruct choices in a community, neighborhood or development" because of a handicap. 24 C.F.R. § 100.70(a).

14. The FHA also contains an Anti-Retaliation provision that makes it unlawful "to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, . . . any right granted or protected by [the FHA]. 42 U.S.C. § 3617.

15. Similarly, the Americans With Disabilities Act was passed in 1990 by Congress to eradicate discrimination on the basis of disability in all areas of public life, as well as private employment, 42 U.S.C. § 12101, and "to assure equality of opportunity, full participation, independent living, and economic self-sufficiency" for people with disabilities. 42 U.S.C. § 12101(a)(8).

16. The ADA requires that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, program, or activities of a public entity or be subjected to discrimination by any municipal entity. 42 U.S.C. § 12132.

17. The federal regulations implementing the ADA prohibit a public entity from administering a licensing program or establishing certain requirements for activities of a licensee in a manner that subjects qualified disabled individuals to discrimination on the basis of their disability. 28 C.F.R. § 35.130(6).

18. The federal regulations implementing the ADA also make it unlawful for a public entity, in determining the site or location of a facility, to make selections that have the purpose or

effect of excluding individuals with disabilities, denying them the benefits of certain locations, or otherwise subjecting them to discrimination. 28 C.F.R. § 35.130(4)(I).

19. Both of these statutes, along with their regulations, prohibit discrimination against people with disabilities by governmental entities delivering services in connection with housing in which such persons with disabilities live, or intend to live; and require that such entities provide reasonable accommodations for people with disabilities. 42 U.S.C. § 3604(f)(1), (2), (3); 42 U.S.C. 12132.

STATEMENT OF FACTS

Oxford House History

20. Oxford House strives to provide individuals in recovery from alcoholism and drug addictions the opportunity to develop comfortable sobriety without relapse.

21. In keeping with this mission, Oxford House opened its first home in 1975 to assist individuals recovering from alcohol and drug addiction.

22. Today, each house represents a remarkably effective and low-cost method of preventing relapse. This was the purpose of the first Oxford House established in 1975, and this purpose is served, day by day, house after house, in each of over 3000 houses in the United States today.

Oxford House Residents

23. All past and present Oxford House residents are individuals with the disability of Substance Use Disorder ("SUD").

24. SUD is a disease that affects a person's brain and behavior and leads to an inability to control the use of drugs or alcohol.

25. Because of their disability, all past and present residents of Oxford House have difficulty caring for themselves and sustaining healthy relationships with friends and family.

26. SUD impacts Oxford House residents' decision-making processes and their ability to concentrate and stay on task.

27. While treatment eventually helps ameliorate SUD symptoms, the underlying disease never disappears.

28. The relapse rate for individuals with SUD is significant without structure, accountability, and support.

29. Even though Oxford House residents must be sober to reside in any Oxford home, their underlying addictions substantially limit their ability to live independently without relapsing.

30. The residents live in Oxford homes because they do not want to relapse into drug or alcohol use again.

31. The length of each resident's stay depends on the resident's continued need for supported living.

32. Oxford House enables the residents to recover from alcoholism and substance abuse at their own pace, which ameliorates the effects of the disease.

33. Oxford House residents are vital to each other's sobriety. They eat together, go out together, attend meetings, and learn living tools to help them transition out of the sober home and back into their communities.

Oxford House Model

34. Oxford Houses are individually self-run, self-supporting homes for individuals recovering from alcoholism and drug addiction living in a family environment.

35. Oxford Houses do not provide treatment, counseling, therapy, or any other type of

services. There is no house manager, paid staff, or personnel involved in the supervision or management of the house.

36. The residents of the Oxford House govern themselves democratically by voting residents to be officers (specifically, president, vice president, treasurer, coordinator, comptroller, and secretary) and having regular house meetings to decide everything from who does what chores to who moves in or out.

37. Oxford Houses are also financially self-supporting. The residents pay their pro rata share of rent and utilities each month to the house treasurer, who then pays the house bills.

38. Oxford Houses do not receive outside funding or pay any funds other than rent and utilities.

39. All Oxford Houses adopt their own name and use the house name for their lease, utility, and bank accounts.

40. All Oxford Houses lease their house from its owner through a standard residential lease.

41. The residents live as any other group of unrelated persons functioning as a single housekeeping unit, share all household responsibilities, and generally live two to a bedroom.

42. The quality and nature of the relationship among the residents are akin to that of a family providing the emotional and mutual support and bonding needed for their recovery.

43. By living with other persons in recovery, the residents never have to face a recovering person's deadliest enemy: loneliness and isolation.

44. Living in a structured, safe, and therapeutic environment is necessary to the residents' recovery process.

Oxford Houses in Rockford, IL

45. OHI contracts with the State of Illinois to develop a network of Oxford Houses.

46. Pursuant to its contract with the State of Illinois, OHI has established six Oxford Houses in the City of Rockford, five of which are the subject of this action. The five homes listed herein, which are the subject of this action, are collectively referred to as "the Oxford Houses."

47. All past and present Oxford House residents who resided or reside in the Rockford, IL Oxford Houses are individuals with the disability of Substance Use Disorder ("SUD").

48. On September 1, 2021, Oxford House Waylon opened for up to nine men at the single-family detached home at 5383 Pepper Drive in the City.

49. On September 30, 2021, the City sent OHI a letter stating Oxford House Waylon is Community-Based Housing under the City's zoning ordinance, and a maximum of six unrelated individuals are allowed to live in Community Based Housing. OHI received this letter on October 6, 2021.

50. On October 25, 2021, before OHI responded to the City's letter, the City's police served a search and seizure warrant on Oxford House Waylon to "use such force as is reasonably necessary to effect entry into said premises [and] remove any persons inside the structure unlawfully."

51. On October 26, 2021, the City's police came to Oxford House Waylon and ordered the seven residents living at the home to vacate the property by 5:00 p.m. that day or be arrested.

52. All the residents left their home that day by 5:00 p.m. for fear of arrest and did not return that night.

53. On October 26, 2021, the City also condemned Oxford House Waylon as "DANGEROUS and UNSAFE TO OCCUPY" and denied the residents entry to the property.

54. On October 26, 2021, counsel for OHI called and spoke with the City's attorney and was told that the City's police will forcibly remove anyone in the house after 5:00 p.m. The City's attorney advised that the City would call OHI back the next day to discuss the matter further.

55. On October 27, 2021, the City allowed six of the seven persons it evicted to return to Oxford House Waylon if Oxford House applied for a Community-Based Housing permit.

56. On October 1, 2021, Oxford House Rock River opened at 6274 Brigatine Lane for thirteen men.

57. On November 15, 2021, Oxford House Indigo Bird opened at 1234 National Avenue for nine women.

58. On January 1, 2022, Oxford House Ernest opened at 3522 Applewood Lane for eight men.

59. On June 1, 2022, Oxford House Athelstan opened at 5946 Weymouth Drive for eight men.

60. The City has classified all the Oxford Houses as Community Based Housing and required each house to apply for and obtain a Community-Based Housing permit, and also obtain either a variance or a special use permit if any Oxford House wanted more than six residents.

61. The City also said Oxford House Ernest is too close to Oxford House Waylon, because all Community-Based Housing must be 500 feet from each other.

62. OHI wrote the City and explained that the Oxford Houses are not Community-Based Housing under the City's definition of same, and further requested a reasonable accommodation pursuant to the FHA to be treated like a family without limitation on the number of unrelated persons who can live at each Oxford House, and for the City to waive its requirement that the two Oxford Housse be separated by 500 feet.

63. The City advised OHI that the variance process would be how the City would consider OHI's requested reasonable accommodation.

64. All the Oxford Houses submitted Community-Based Housing permit applications and variance applications.

65. Thereafter, the City sent OHI another letter requiring all the Oxford Houses to have fire sprinkler systems.

66. OHI wrote the City and explained that the Oxford House does not require a sprinkler system under the code and alternatively requested a reasonable accommodation for the City to waive any sprinkler requirements in the Oxford Houses.

67. The City advised OHI it could appeal the City's determination that the code required sprinkler systems and that it would need to inspect all of the Oxford Houses in order to consider OHI's reasonable accommodation request.

68. OHI then appealed the sprinkler code determination to the City's Board of Appeals and allowed the City to inspect the Oxford Houses.

69. On September 8, 2022, the City denied OHI's appeal of the sprinkler requirement.

70. On March 27, 2023, the City denied OHI's request for a reasonable accommodation to waive its sprinkler requirement and, in so doing, decided that no more than four persons can live in any of the Oxford Houses without a sprinkler system.

71. The Oxford Houses are rented, single-family homes, and none have sprinkler systems.

72. On October 2, 2023, the City denied all of OHI's requests for reasonable accommodations to be treated as a family, waived the Community-Based Housing limit of six residents, and waived the 500-foot separation requirement as to Oxford House Waylon and Oxford

House Earnest.

73. The City has never issued any Community-Based Housing permits for any of the Oxford Houses, even for six residents.

74. The City's conduct has harmed the Oxford House residents by unlawfully evicting them under police force from their homes with nowhere to go, instilled fear of future illegal eviction and intimidation under color of law, instilled fear of losing their homes, and caused anxiety, emotional distress, setbacks in their recovery, and other irreparable harm.

75. The City's actions have injured OHI by frustrating OHI's purpose and interfering with the efforts, contracts, and programs of OHI in Illinois, and forced OHI to divert, expend, and devote scarce resources to counteract the City's unlawful practices.

CLAIMS FOR RELIEF

Claim One - Discrimination Under the FHA

76. The residents of the Oxford Houses are persons recovering from alcoholism or drug addiction who are no longer using alcohol or drugs and as such are persons with a disability within the meaning of the 42 U.S.C. § 3602(h) and 42 U.S.C. § 12132.

77. The Oxford Houses are each a "dwelling" within the meaning of the 42 U.S.C. § 3602(b).

78. OHI, the Oxford Houses, and their past, current, and future residents, are "aggrieved person(s)" as defined in 42 U.S.C. § 3602(i) and have suffered damages as a result of the City's discriminatory conduct.

79. The City is a "public entity" within the meaning of 42 U.S.C. § 12131(1).

80. The conduct of the City and its actions amount to a denial or exclusion related to a "program or activity" within the meaning of 42 U.S.C. §12131(2).

81. The City is intentionally violating the rights of OHI, the Oxford Houses, and their residents under the Fair Housing Act, 42 U.S.C. § 3601, et seq. and the Americans with Disabilities Act, 42 U.S.C. § 12131, et seq. and their implementing regulations, by including but not limited to:

a. Forcing the Oxford House Waylon residents from their home with the threat of arrest;

b. Applying and interpreting its codes and ordinances in an arbitrary, capricious, and discriminatory manner by refusing to properly classify the Oxford House use, thereby denying Oxford House, Inc., the Oxford Houses, and their residents their choice of residence in the City;

c. Enforcing its codes and ordinances against the Oxford Houses because the residents are recovering from alcoholism and/or drug addiction without a legitimate non-discriminatory reason by requiring cost-prohibitive sprinkler systems or limiting the number of residents to four.

82. The City's above-described conduct was taken on the basis of disability of the residents of Oxford Houses in violation of 42 U.S.C. §§ 3604(f)(1) and (f)(2).

83. The City's unlawful actions and practices described above constitute an ongoing continuing pattern or practice of discrimination under 42 U.S.C. § 3604(f).

Claim Two – Failure to Grant a Reasonable Accommodation Under the FHA

84. OHI has made numerous requests that the City grant it and the Oxford Houses and their residents a reasonable accommodation from its policies, procedures, rules, and ordinances so that Oxford Houses may continue to operate in the City with their current number of residents in each house, at their respective locations, and without sprinkler systems.

85. The requested accommodation is necessary because of the disabilities of the residents and would result in a direct ameliorative benefit to the residents of their disabilities.

86. The requested accommodation is reasonable because there is no undue burden or fundamental alteration of any City program, code, or regulation.

87. Without a reasonable accommodation, the City's limitation on the number of residents at the Oxford Houses makes the operation of the Oxford Houses impossible under the Oxford House model and is deleterious to the residents' recovery.

88. Without a reasonable accommodation, the City's requirement of installing a sprinkler system in these rented single-family homes is cost prohibitive and makes the Oxford Houses unavailable to their residents.

89. Despite the necessity of the requested accommodation and the lack of any undue financial and administrative burden or fundamental alteration of any City program, the City denied OHI's requests for a reasonable accommodation.

90. The City's refusal to make a reasonable accommodation in its rules, policies, practices, or services which is necessary to afford OHI, the Oxford Houses, and their residents an equal opportunity to use and enjoy housing is a violation of 42 U.S.C. § 3604(f)(3)(B).

91. The City's conduct was intentional, and in disregard of the rights of others.

Claim Three – Retaliation Under the FHA

92. Plaintiff realleges and incorporates herein by references the foregoing paragraphs.

93. Defendant is violating Plaintiff's rights under the FHA and its implementing regulations by retaliating against Plaintiff because of the protected class of its residents and its exercise of their legal rights under the FHA.

Claim Four – Discrimination under the ADA

94. Plaintiff realleges and incorporates the foregoing paragraph.

95. Plaintiff OHI is involved in the process of providing housing to people with disabilities as defined in 42 U.S.C. § 12102(2).

96. Plaintiff's residents are individuals with a disability, as defined in 42 U.S.C. § 12102(2), living at the Oxford Houses.

97. Defendant is a public entity, within the definition of 42 U.S.C. § 12131(1).

98. The actions of Defendant violate Plaintiff and its residents' rights under the ADA and the regulations promulgated thereunder by:

a. denying the individual disabled residents the opportunity to participate in or benefit from the supportive housing program OHI offers;

b. using and administering codes and land use ordinances with the purpose and effect of subjecting Plaintiff and its residents to discrimination based on their disability;

c. subjecting Plaintiff and its residents to discrimination on the basis of their disability;

d. denying disabled residents the opportunity to participate in a program in the most integrated setting appropriate to their needs in a manner discriminatory against Plaintiff and different from the opportunities presented to non-disabled individuals;

e. utilizing licensing and permit and code requirements to deny Plaintiff's residents' enjoyment of rights, privileges, advantages, and opportunities enjoyed by non-disabled individuals in a discriminatory manner against Plaintiff.

Claim Five – Failure to Grant a Reasonable Accommodation Under the ADA

99. OHI has made numerous requests that the City grant it and the Oxford Houses and their residents a reasonable accommodation from its policies, procedures, rules, codes, and

ordinances so that Oxford Houses may continue to operate in the City with their current number of residents in each house, at their respective locations, and without sprinkler systems.

100. The requested accommodation is necessary because of the disabilities of the residents and would result in a direct ameliorative benefit to the residents of their disabilities.

101. The requested accommodation is reasonable because there is no undue burden or fundamental alteration of any City program, code, or regulation.

102. Without a reasonable accommodation, the City's limitation on the number of residents at the Oxford Houses makes the operation of the Oxford Houses impossible under the Oxford House model and is deleterious to the residents' recovery.

103. Without a reasonable accommodation, the City's requirement of installing a sprinkler system in these rented single-family homes is cost prohibitive and makes the Oxford Houses unavailable to their residents.

104. Despite the necessity of the requested accommodation and the lack of any undue financial and administrative burden or fundamental alteration of any City program, the City denied OHI's requests for a reasonable accommodation.

105. The City's refusal to make a reasonable accommodation in its rules, policies, practices, or services which is necessary to afford OHI, the Oxford Houses, and their residents an equal opportunity to use and enjoy housing is a violation of 42 U.S.C. § 12132.

106. The City's conduct was intentional and in disregard of the rights of others.

PRAYER FOR RELIEF

WHEREFORE, to remedy Defendant's illegal actions outlined in all the claims above, the Plaintiff prays the Court to enter an ORDER:

- a. That declares that the actions of the City of Rockford constitute violations

of the Fair Housing Act, 42 U.S.C. § 3601, et seq. and the Americans with Disabilities Act, 42 U.S.C. § 12131, et seq.

b. That enjoins the City of Rockford, its departments, commissions, boards, councils, agents, employees, assigns and all other persons in active concert or participation with it, from violating any provision of the Fair Housing Act, 42 U.S.C. § 3601, et seq. and the Americans with Disabilities Act, 42 U.S.C. § 12131, et seq.

c. That requires the City of Rockford to grant the Oxford Houses all necessary permits or other permissions to operate the Oxford Houses in the City, and enjoins the City, its departments, commissions, boards, councils, agents, employees, assigns and all other persons in active concert or participation with it, from otherwise interfering with these Oxford Houses at their present locations, with the requested number of residents, and without fire sprinkler systems.

d. That requires the City of Rockford to take such affirmative steps as may be necessary to eliminate the effects of the City's unlawful practices described herein and put the Plaintiff in the position it would have been but for the City's discriminatory conduct pursuant to 42 U.S.C. § 3613(c)(1).

e. That awards monetary damages (compensatory and punitive) to fully compensate Oxford House, Inc. pursuant to 42 U.S.C. § 3613(c)(1).

f. That awards Oxford House, Inc. its attorney's fees and costs pursuant to 42 U.S.C. § 3613(c)(2), and 42 U.S.C. § 12133.

7. That awards such further and other relief as the interests of justice may require.

JURY DEMAND REQUESTED.

Respectfully submitted,

Dated: Friday, October 13, 2023

/s/ Sarah Jane Hunt

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