

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS**

OXFORD HOUSE, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CITY OF PEORIA, ILLINOIS	,	)
an Illinois municipal corporation		)
		)
Defendant.		)

**COMPLAINT**

**PRELIMINARY STATEMENT**

This matter arises under the Fair Housing Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601 *et seq.* ("FHA"), and the Americans with Disabilities Act 42 U.S.C. § 12131, *et seq.* ("ADA"). Plaintiff, Oxford House, Inc. ("Oxford House" or "OHI"), claims Defendant, City of Peoria, Illinois ("the City" or "Peoria"), interfered with OHI's operation and occupancy of dwellings for disabled persons recovering from alcoholism and drug addiction in violation of the FHA and ADA. The City classified Oxford House properties as something other than single-family dwellings and applied its zoning code in a manner that interfered with Oxford House's ability to open houses in the City. The City refused to provide the reasonable accommodation of treating Oxford Houses as single-family homes.

Plaintiff, Oxford House, Inc. ("OHI"), seeks damages and injunctive relief as redress for (1) the disparate treatment and impact of the City's acts and decisions; (2) the affirmative disability-based discrimination manifested in Defendant's acts and decisions; (3) Defendant's discriminatory

refusal 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 and fines based on discriminatory means. To prevent such a result, Plaintiff now 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 (compensatory and punitive), costs, and reasonable attorneys' fees.

### **JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1342, 42 U.S.C. § 3613, and 42 U.S.C. § 12133.
2. Declaratory and injunctive relief is sought pursuant to 42 U.S.C. § 3613(c)(1) and 42 U.S.C. § 12133, as well as Rules 57 and 65 of the Federal Rules of Civil Procedure.
3. Venue is proper in the United States District Court for the Central District of Illinois as all acts complained of occurred within this District.

### **PARTIES**

4. Oxford House is a Delaware not-for-profit corporation with a principal place of business in Silver Spring, Maryland.
5. Oxford House is an umbrella organization serving all individual Oxford Houses throughout the United States. It has exclusive authority for chartering individual Oxford Houses.
6. Oxford House assists in the establishment of affordable housing and support for individuals with disabilities, including the individuals recovering from drug addiction or alcoholism

who live at 415 W. Aspen Way, 419 W. Collingwood Circle, 2819 W, Fountaindale Drive, 4205 W. Carrousel Lane, 6616 N. Greenmont Road, 5946 W. Roxbury Lane, and 419 Collingwood Circle (all located in Peoria, Illinois).

7. All chartered Oxford Houses must (1) be financially self-supported, (2) be democratically run, and (3) immediately expel anyone who relapses into drug or alcohol use.

8. The City is a municipal corporation organized and existing under the laws of Illinois. The City, its agents, and its employees enforce its zoning, building, and property maintenance codes. The City is a public entity under the Americans with Disabilities Act. 42 U.S.C. § 12131.

### **STATUTORY AND REGULATORY FRAMEWORK**

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

10. 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).

11. 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).

12. 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 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).

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

14. 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).

15. 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.

16. 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).

17. 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.

18. The federal regulations implementing the ADA prohibit a public entity from administering a licensing program or establishing certain requirements for the 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).

19. 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).

20. These statutes and 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**

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

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

23. Today, each house represents a remarkably effective and low-cost method of preventing relapse. Preventing relapse 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 the over 3000 houses in the United States.

### **Oxford House Residents**

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

25. 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.

26. 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.

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

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

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

30. 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.

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

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

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

34. 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**

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

36. Oxford Houses do not provide treatment, counseling, therapy, or other services. There is no house manager, paid staff, or personnel involved in the supervision or management of the house.

37. The residents of the Oxford House govern themselves democratically by voting residents to be officers (specifically, president, vice president, treasurer, coordinator, comptroller, and secretary).

38. The residents hold regular house meetings to decide everything from who does what chores to who moves in or out.

39. 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.

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

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

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

43. 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.

44. 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.

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

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

47. The residents of each Oxford House have access to the entire house and all of the household facilities. There are no special locks on the doors of the bedrooms.

48. The residents live in each house as any other group of unrelated persons functioning as a single housekeeping unit.

49. The residents of each house share all household responsibilities.

50. The residents live together purposefully to create a "family" atmosphere where the residents share all aspects of domestic life.

### **Peoria Oxford Houses**

51. In 2021, Oxford House contracted with the state of Illinois to open several Oxford homes. There are approximately 80 Oxford Houses in Illinois.

52. One of the purposes of the contract was to supply a cost-effective, disciplined, supported, open-ended, alcohol and drug-free environment for recovering individuals.

53. Oxford Houses serve men and women with a history of drug or alcohol addiction who either completed a detoxification program or short-term substance abuse treatment or were discharged from a correctional facility.

54. In Peoria, Oxford House opened 415 W. Aspen Way; 419 W. Collingwood Circle; 2819 W. Fountaindale Drive; 4205 W. Carrousel Lane; 6616 N. Greenmont Road; 5946 W. Roxbury Lane; and 419 Collingwood Circle between 2021 and the present.

55. In November 2021, Oxford House–Volente rented 5946 W. Roxbury Lane from Alexander Halenka for a maximum of eight men recovering from alcoholism and drug addiction.

56. 5946 W. Roxbury Lane is in a single-family zoning district in Peoria.

57. In January 2022, Oxford House–Penman rented 6616 N. Greenmont Road from Mary Henley for a maximum of eight men recovering from alcoholism and drug addiction.

58. 6616 N. Greenmont Road is in a single-family zoning district in Peoria.

59. In March 2022, Oxford House–Vincere rented 2819 W. Fountaindale Drive from Mary Henley for a maximum of seven men in recovery from alcoholism and drug addiction.

60. 2819 W. Fountaindale Drive is in a single-family zoning district in Peoria.

61. In April 2022, Oxford House–Fondere rented 4205 W. Carrousel Lane from Nicholas Madrigal for a maximum of eight men recovering from alcoholism and drug addiction.

62. 4205 W. Carrousel Lane is in a single-family zoning district in Peoria.

63. In July 2022, Oxford House–Lila rented 415 W. Aspen Way from Michael and Tara Hellickson for a maximum of eleven women recovering from alcoholism and drug addiction and their children.

64. 415 W. Aspen Way is in a single-family zoning district in Peoria.

65. In November 2022, Oxford House–Hawley rented 419 Collingwood Circle from Tanner Justice for a maximum of ten men in recovery from alcoholism and drug addiction.

66. 419 Collingwood Circle is in a single-family zoning district in Peoria.

### **Critical Mass**

67. Oxford House, Inc. has provided housing for recovering alcoholics and substance abusers since 1977. Based on this experience for optimal outcomes in long-term recovery, Oxford House has learned that generally, the optimal number of residents per house is between 8-12, depending on the size of the home.

68. 415 W. Aspen Way requires 11 residents to reach the critical mass necessary to achieve the therapeutic benefits of a recovery home.

69. 419 W. Collingwood Circle requires ten residents to reach the critical mass necessary to achieve the therapeutic benefits of a recovery home.

70. 2819 W. Fountaindale Drive requires seven residents to reach the critical mass necessary to achieve the therapeutic benefits of a recovery home.

71. 4205 W. Carrousel Lane requires eight residents to reach the critical mass necessary to achieve the therapeutic benefits of a recovery home.

72. 6616 N. Greenmont Road requires at least eight residents to reach the critical mass necessary to achieve the therapeutic benefits of a recovery home.

73. 5946 W. Roxbury Lane requires eight residents to reach the critical mass necessary to achieve the therapeutic benefits of a recovery home.

74. Achieving the critical mass of residents provides more opportunities for social connections, which sustains recovery and decreases the risk of relapse.

75. The number of residents required to reach a critical mass depends on the size of each home.

76. Each resident comes to OHI with their own experiences and personality. Operating a program at critical mass increases the likelihood that the residents will find another program member with whom they can connect.

77. Filling the home to its critical mass residents mitigates the concern that any particular resident will find himself at home alone and at risk of relapse.

78. For the program to function optimally, the residents must share a room to ensure accountability and social integration and to prevent relapse.-

79. OHI also requires the critical mass listed above for each home to achieve financial viability.

**Peoria's Code Enforcement Activities**

80. On or about March 22, 2022, one or more neighbors complained to the City about OHI using 5946 N. Roxbury as a residence for people recovering from alcoholism and drug

addiction.

81. In response to the complaints, an Urban Planner employed by the City, Blake Eggleston, sent a letter to the property owners of Oxford House–Volente.

82. The letter, in the form of a notice of violation of the City's zoning code, advised Oxford House–Volente that the City had received a complaint regarding using the property as a halfway house. Mr. Eggleston advised Oxford House–Volente that the City code prohibited such use in a single-family zone.

83. On or about April 25, 2022, an attorney for Oxford House sent Mr. Eggleston a letter on behalf of Oxford House, the family trust, and the residents of Oxford House–Volente, wherein he requested that the City make a reasonable accommodation under the Fair Housing Act by waiving the limit on the number of unrelated persons that could reside together as a family. OHI also requested that the City treat 5946 N. Roxbury as single-family use and the residents as the functional equivalent of a family.

84. On or about April 22, 2022, the City sent a formal notice of violation to Mary Henley, owner of Oxford House-Penman, located at 6616 N. Greenmont Road. The notice notified her that using a property for a "rehab home" was not permitted in an R-3 residential zone. The City demanded that Ms. Henley appear before an Administrative Hearing Office on May 25, 2022, or pay a \$300 fine. Blake Eggleston signed the notice of the violation.

85. On or about May 4, 2022, an attorney for Oxford House sent Mr. Eggleston a letter on behalf of Oxford House, Mary Henley, and the residents of Oxford House-Penman, wherein he requested that the City make a reasonable accommodation under the Fair Housing Act by waiving the limit on the number of unrelated persons that could reside together as a family. OHI also

requested the City treat 6616 N. Greenmont Road as single-family use and the residents as the functional equivalent of a family.

86. The City did not respond to the reasonable accommodation requests for over six months.

87. On December 30, 2022, the City denied the requests.

### **Peoria's Change in Use**

88. In December 2022, the City notified all the Oxford Houses identified in paragraph 54 that the City classified them as "Family Care Facilities."

89. The City's zoning code defines "Family Care Facilities" as:

. . . a non-medical facility for the housing of no more than eight unrelated persons (inclusive of residential staff), who due to advanced age, handicap, impairment due to chronic illness, or status as a minor who is unable to live with parents or guardians, require assistance and/or supervision, and who reside together in a family-type environment as a single, housekeeping unit. Excluded from the definition of family care facility are homes established for or occupied by residents who are permitted to live in halfway houses including residences in which residents are criminal offenders in work release sentence or on parole or probation. A Group Care Facility is the same as a family care facility but may provide housing for no more than 15 persons.

90. Family Care Facilities with eight or fewer residents may be approved for an administrative permit, provided certain conditions are met.

91. These conditions are enumerated in Section 5.3.1C of the City's zoning code.

These requirements are:

1. The number of residents complies with requirements of this development code.
2. The parking requirements as set by this development code have been met.
3. The proposed use is not within 600 feet of another existing group occupancy that requires a use with administrative approval, or one which has obtained a use permitted with approval or special use in lieu of a use with

administrative approval. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the proposed use to the property line of the existing use.

4. In order to ensure that the structure and rooms are used as originally designed and intended, the proposed use will not require or include structural alterations as that term is defined in the Building Code adopted by the City.

5. The structure meets the requirements of the City's housing, building and fire codes as set forth in the Code of the City of Peoria or the codes adopted by reference.

6. Users and occupants have received any and all required approvals from other governmental bodies which permits use of the premises in conformance with the approval for which they have applied.

7. For group occupancy there shall be a minimum of 120 square feet of bedroom space for every two residents for residential uses. In determining the number of people in any group occupancy, the Zoning Administrator shall assume that no more than two persons will occupy any bedroom.

8. For group occupancy, the property owner or agent shall inform occupants of the property in writing either in a written lease or by a sign prominently posted at the property that the occupants shall not park in other than the provided off-street parking from midnight to 6:00 a.m.

9. Any group occupancy required by law to obtain a license from the state or its subdivisions for family care facilities and group care has received a license permitting it to operate from the relevant governmental body and a permit or approval document for the specific address indicating the specific address is approved and identifying the number of residents included in that approval.

10. Group Care Facilities and Family Care Facilities that do not meet the above standards for administrative approval can be approved as special uses through the special use approval procedures [ ].

92. In a letter dated February 20, 2023, an attorney for Oxford House wrote to Assistant City Attorney Masum Perkins objecting to the classification of Oxford Houses as "Family Care Facilities" for several reasons: (1) the Oxford Houses did not fit the definition of "Family Care Facility," and (2) compliance with the building and fire codes would necessitate a change in use from single-family use.

93. The plain language of the City's definition of Family Care Facility requires limits on residency to those persons with disabilities that "require assistance and/or supervision."

94. Oxford House residents do not require assistance, and there is no supervision at Oxford House.

95. Finally, "[e]xcluded from [the City zoning code's definition of Family Care Facility] are persons whose disability arises from current use or addiction to a controlled substance as this term is used in the US Code and Illinois Statutes."

96. Based on a plain reading of the ordinance, Oxford House residents are excluded since all residents are recovering alcoholics and substance abusers, meaning most, if not all, were "addicted" to a controlled substance.

### **Peoria Hearings**

97. On April 19, 2023, the City held a hearing before an Administrative Hearing Officer. During the hearing, the City testified that it denied OHI's reasonable accommodation requests for the City to treat Oxford Houses as single-family homes and the residents as the functional equivalent of a family.

98. The City testified treating Oxford Houses as a single-family home would not impose any administrative or financial burden on the City.

99. The City did not present any evidence to refute OHI's claim that its request for an accommodation was reasonable and necessary.

100. The hearing officer found the Oxford Houses violated the City's zoning code in his May 11, 2023 order.

101. The Hearing Officer upheld the City's determination that the Oxford Houses were

"Family Care Facilities."

102. The Hearing Officer also stated that he could not grant Oxford House's reasonable accommodation requests because he lacked the authority.

103. The City continues to enforce the determination that the Oxford Houses are "Family Care Facilities." It has levied fines for at least \$21,000 against the owners of the Oxford Houses: a \$21,000 fine against the Halenka Family Trust, a \$21,000 fine against Tanner Justice, a \$21,000 fine against Michael and Tara Hellickson, a \$21,000 fine against Nicholas Madrigal, and two \$21,000 fines against Mary Henley.

104. But for the intervention of the Court, the City will continue to cite other Oxford Homes and their landlords in the area.

105. 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**

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

107. 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.

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

109. 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.

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

111. 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).

112. The effect of Defendant's actions has been to prevent residents of Oxford Houses from residing at the dwelling of their choice or in any other home zoned for single-family use in the City.

113. The effect of Defendant's actions has been to prevent residents of Oxford Houses from residing at the dwelling of their choice or in any other home zoned for single-family use in the City.

114. The effect of the City's actions is to deny needed housing opportunities to recovering alcoholics and substance abusers within the City.

115. The effect of the conduct of the City is to limit the housing opportunities of unrelated disabled persons by denying them the right to live together as a group in any residential zoning district within the City.

116. The City is treating the residents of the aforementioned dwellings in a discriminatory fashion.

117. It imposes far more stringent requirements on this group of unrelated disabled individuals living together than upon individuals who are related by blood or marriage or other groups of unrelated non-disabled persons.

118. By arbitrarily and illegally classifying the premises as something other than a single-

family use home, the City is making single-family housing unavailable to persons recovering from drug and alcohol addiction who reside in dwellings that are neither licensed by the State of Illinois nor providing staffing or supervision.

119. The City has acted under the color of state law in failing to affirmatively further fair housing in its code enforcement activities with the purpose and effect of discriminating against Oxford House and its residents solely because of their handicap and applying those codes to deny Oxford House and its residents the residential opportunities available to persons related by blood, marriage, or adoption, or other groups of similarly situated unrelated non-disabled persons.

120. Oxford House residents are living in fear of losing their homes. They are suffering anxiety, emotional distress, pain, setbacks in their efforts at recovery, and other irreparable harm due to the City's actions. They have no adequate remedy at law.

121. The City denied Plaintiffs due process of law due to the arbitrary manner in which it has classified the premises occupied by Oxford House residents as something other than a single-family home and is seeking to use its municipal powers to force residents of Oxford House from living within residential zones within the City.

122. The City failed to affirmatively further fair housing in the administration and application of its zoning, building, property maintenance, and life safety codes.

123. The City utilized its municipal services to threaten, intimidate, harass, and coerce the Plaintiffs after they have exercised their rights under the Fair Housing Act.

124. The City is intentionally and maliciously harassing, intimidating, and interfering with Oxford House and persons associated with Oxford House to prevent Oxford Houses from existing in single-family neighborhoods.

125. 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).

126. 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**

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

128. 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 additional code requirements.

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

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

131. 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. It is deleterious to the residents' recovery.

132. 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.

133. 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).

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

**Claim Three – Retaliation Under the FHA**

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

136. 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 after Plaintiff had asserted its Fair Housing rights.

**Claim Four – Discrimination under the ADA**

137. Plaintiff realleges and incorporates the foregoing paragraph.

138. Plaintiff OHI provides housing to people with disabilities as defined in 42 U.S.C. § 12102(2).

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

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

141. 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 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 based on 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 requirements to enforce the Code and deny Plaintiff's residents' enjoyment of rights, privileges, advantages, and opportunities enjoyed by non-disabled individuals in a discriminatory manner against Plaintiff.

### **PRAYER FOR RELIEF**

WHEREFORE, to remedy Defendant's illegal actions outlined in all the claims above, 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: Thursday, October 26, 2023

/s/ Sarah Jane Hunt

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