

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

FAIR HOUSING COUNCIL OF SOUTH
TEXAS,

Plaintiff,

v.

BELLA VISTA, C.M.I., LTD.; LEGEND
HOME CORPORATION; and CAMILLO
PROPERTIES, LTD.

Defendants.

Case No. 5:24-cv-465

**COMPLAINT FOR DAMAGES AND DECLARATORY AND INJUNCTIVE RELIEF
AND DEMAND FOR JURY TRIAL**

NATURE OF THE ACTION

1. Plaintiff San Antonio Fair Housing Council, Inc., d/b/a Fair Housing Council of South Texas (“FHCST”), brings this action against Defendants Bella Vista, C.M.I., Ltd., Legend Home Corporation, and Camillo Properties, Ltd. (collectively, “Defendants” or “Bella Vista”). Plaintiff seeks a declaratory judgment, permanent injunctive relief, and damages resulting from discrimination because of disability in the provision of housing. This action arises under the Fair Housing Act of 1968, as amended, 42 U.S.C. § 3601, *et seq.*, and the Texas Fair Housing Act, Tex. Prop. Code § 301.001, *et seq.*

2. Bella Vista maintains policies and practices that discriminate against homebuyers with disabilities. Bella Vista has a strict policy of not allowing any changes to building plans during the pre-construction and construction process, including where such changes are necessary for a prospective homebuyer or a homebuyer’s family member with a disability to use and enjoy the home. Bella Vista refuses to consider—let alone grant—any exceptions to its

policy, even if the homebuyer is willing to pay for the costs of any modifications. This policy makes housing inaccessible and/or prohibitively costly for people with disabilities. If a homebuyer with a disability requires a wider doorway or hallways to accommodate a wheelchair or needs a roll-in shower in lieu of a bathtub, it would be substantially more costly—if not impossible—to retrofit a home once complete instead of easily incorporating the changes while the home is being initially constructed. For example, price estimates to widen a single, already-built doorway run up to \$2,500, while the cost to build a doorway slightly wider in the first place is negligible.

3. Federal and state anti-discrimination laws prohibit the denial of requests for reasonable accommodations from rules, policies, or practices when necessary to give a person with a disability equal opportunity to use and enjoy a dwelling. In this context, requests for an exception to Bella Vista’s policy of prohibiting changes to building plans are requests for reasonable accommodations.

4. The anti-discrimination laws also prohibit the denial of requests for reasonable modifications that may be necessary to afford a person with a disability full enjoyment of their home, provided that the person pay for related expenses. Joint guidance from the U.S. Department of Justice and the U.S. Department of Housing and Urban Development—which is regularly relied upon by developers, homebuyers, regulators, and courts—confirms that reasonable modifications include “structural changes to a dwelling unit that has not yet been constructed,” including changes such as site grading or installing accessible bathroom features made while a home is under construction. In this context, requests for alterations to building plans—including for wider hallways, changes to grading, and accessible bathrooms—are requests for reasonable modifications.

5. Reasonable accommodation and reasonable modification requests must be assessed on a case-by-case basis and housing providers may not establish blanket policies categorically denying certain types of requests.

6. Plaintiff FHCST uncovered Bella Vista's discriminatory policies and practices after receiving a complaint that homebuilders in the San Antonio area were not considering reasonable accommodations and modifications during the design and construction process. FHCST's investigation of Bella Vista's properties confirmed that they are one such builder.

7. Bella Vista's unlawful policies and practices have frustrated and impaired Plaintiff's mission to promote fair housing and eliminate discriminatory housing practices across South Texas. FHCST has been forced to divert significant resources to identify and counteract Bella Vista's conduct, which limits the potentially accessible homes to which FHCST can refer homeseeking clients with mobility impairments. FHCST launched an education and outreach campaign aimed at residents of Bella Vista's new subdivisions, to sales agents located at Bella Vista's many sales offices located in FHCST's service area, and to housing consumers. In addition, FHCST has educated residents regarding Bella Vista's policies and conducted a fulsome investigation of Bella Vista's subdivisions, including testing and resident surveys. Bella Vista's conduct has perceptibly impaired FHCST's mission because the resources expended in relation to Bella Vista's conduct have forced the organization to curtail or cancel other planned activities essential to its mission—including researching potential discrimination in apartment rentals, in-person education and outreach activities, and tester recruitment events—in an effort to mitigate the real-world impact of Bella Vista's unlawful conduct.

8. Plaintiff seeks injunctive relief, declaratory relief, and damages for Bella Vista's continuing violation of the federal Fair Housing Act, 42 U.S.C. § 3604, and the Texas Fair

Housing Act, Tex. Prop. Code § 301.025. Bella Vista has made clear that it will maintain its discriminatory policies and practices, meaning that absent judicial redress, the continuing violations of the fair housing laws and consequent injury to FHCST will continue.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction over this matter under 28 U.S.C. § 1331 because it arises under the laws of the United States. This Court has supplemental jurisdiction over Plaintiff's state law claim under 28 U.S.C. § 1367. Plaintiff seeks declaratory and injunctive relief under 28 U.S.C. §§ 1343, 2201, and 2202.

10. Venue is proper in this District under 28 U.S.C. § 1391(b) because most events and omissions giving rise to Plaintiff's claims occurred in this District, Plaintiff's principal place of business is in this District, and Defendants engage in significant business in the District.

PARTIES

11. Plaintiff Fair Housing Council of South Texas is a 501(c)(3) nonprofit organization incorporated in Texas, with its principal place of business at 4414 Centerview Drive, Suite 229, San Antonio, Texas 78228. It is dedicated to promoting fair housing and eliminating discriminatory housing practices in the areas of rental housing, real estate sales, mortgage lending, and homeowners' insurance across South Texas. FHCST works to eliminate housing discrimination and to ensure equal opportunity for all people through advocacy, education and outreach, counseling, and investigation.

12. Defendant Bella Vista, C.M.I., Ltd. ("Bella Vista"), is a domestic partnership based in Texas. Under the name Bella Vista Homes, Bella Vista has been an active homebuilder in the greater San Antonio region since 2005.

13. Defendant Legend Home Corporation (“Legend”), is a corporation with its headquarters in Houston, Texas. Under the name Legend Homes, Legend has been one of the biggest homebuilders in the Houston area for more than 30 years and has long operated as an affiliate brand to Bella Vista Homes. In February 2023, Legend announced that Legend Homes and Bella Vista Homes would unify and become Legend Homes by Camillo.

14. Defendant Camillo Properties, Ltd. (“Camillo”), is a domestic partnership with its headquarters in Houston, Texas. Camillo does business as Camillo Companies, which is the parent brand of Legend Homes and Bella Vista Homes.

15. In acting or failing to act as alleged herein, Defendants were acting through their employees, officers, and/or agents and is liable for the acts and omissions of its employees, officers, and/or agents.

16. In acting or failing to act as alleged herein, each employee, officer, or agent of Defendants was acting in the course and scope of his or her actual or apparent authority pursuant to such agencies, or the alleged acts or omissions of each employee or officer as agent were subsequently ratified and adopted by Defendants as principal.

FACTUAL BACKGROUND

A. The Need for Accessible Housing in South Texas

17. There are hundreds of thousands of people in South Texas with ambulatory and other disabilities. These individuals face enormous barriers in the housing market due to the lack of accessible housing in the region, barriers that are compounded when they are subjected to discriminatory treatment.

18. An individual with a physical disability may require various modifications to a residence to afford them full enjoyment of their home. To get into the home, a person with a

disability may require changes to grading so that they can enter from the street or through the garage. To move around the home, a person with a disability may require widened doorframes through which their wheelchair or walker can pass. To use the bathroom, a person with a disability may require installation of grab bars and a roll-in shower. These alterations enable people with disabilities to perform basic functions of daily life; without them, their use and enjoyment of their homes will be severely diminished, if not entirely compromised.

19. The vast majority of existing housing in America is inaccessible to people with disabilities. According to one study, just 0.15 percent of housing units in the United States are fully wheelchair accessible and under 4 percent of housing units could be considered livable by people with moderate mobility difficulties, meaning the units have accessible bathrooms with grab bars and people who have difficulty walking independently can navigate them. And only a third of units are potentially modifiable (having some structural features necessary for accessibility but in need of additional modifications), locking out people with mobility-related disabilities from most of the existing housing market.

20. Newly constructed homes offer an important, potentially accessible alternative for people with disabilities, particularly because these homes may be modified during planning and construction to meet the prospective occupant's accessibility needs. Most newly constructed homes are not custom built: per 2021 estimates, just 17.6% of new single-family homes were custom built. As a result, homebuyers with disabilities must rely on modifications to existing building plans in order to accommodate their disability-related needs. By refusing to allow such modifications during the pre-construction and construction phases, Bella Vista's discriminatory policies and practices have the effect of constricting the already limited pool of accessible housing for people with disabilities in South Texas.

B. Legal Requirement to Grant Requests for Reasonable Modifications and Reasonable Accommodations

21. The federal Fair Housing Amendments Act (FHAA) and its Texas state law analog prohibit discrimination in the sale or rental of housing because of disability. The text of the FHAA states that discrimination includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B); Tex. Prop. Code Ann. § 301.025(c)(2). Where there is a disability-related need, a requested accommodation must be granted so long as it does not impose an undue financial and administrative burden or fundamentally alter the nature of the provider’s operations. This determination of reasonableness must be made on a case-by-case basis based on various factors, such as the cost of the requested accommodation, the financial resources of the provider, the benefits that the accommodation would provide to the requester, and the availability of alternative accommodations.

22. In the context of this litigation, a request for an exception from Bella Vista’s policy prohibiting changes to building plans prior to and during construction in order to allow for an accessibility-related change is one for a reasonable accommodation.

23. The text of the FHAA also states that discrimination includes a refusal to permit, at the expense of the resident, reasonable modifications that are necessary to afford a person with disabilities the full enjoyment of the home. 42 U.S.C. § 3604(f)(3)(A); Tex. Prop. Code Ann. § 301.025(c)(1).

24. Requests for reasonable modifications may be made before, during, or after home construction. Joint guidance from the U.S. Department of Justice and the U.S. Department of Housing and Urban Development states that “[a] person may make a request for a reasonable

modification at any time. An individual may request a reasonable modification of the dwelling at the time that the potential tenancy or purchase is discussed.” The guidance elaborates that accessibility-related “structural changes to a dwelling unit that has not yet been constructed” are to be considered reasonable modifications.¹

25. The joint guidance lists examples of reasonable modification requests, which closely match the requests that are the subject of this litigation: (1) a buyer with a mobility disability purchasing a single family dwelling under construction who asks for a bathroom sink with a floorless base cabinet with retractable doors that allows the buyer to position his wheelchair under the sink; (2) a buyer with a mobility disability purchasing a ground floor unit in a detached townhouse who requests that the builder grade the entrance to eliminate the need for the step at the front door; and (3) a buyer with a mobility disability who wishes to have grab bars installed to make the bathroom accessible.

26. The joint guidance further clarifies that if a purchaser with a disability needs different or additional features added to a unit under construction or about to be constructed, the purchaser is only responsible for any additional cost that the structural changes might create over and above what the original design would have cost.

C. Complaints Received by FHCST

27. Over the past decade, FHCST has observed a marked increase in the number of disability discrimination complaints filed with its office, and ensuring equal housing opportunities for people with disabilities makes up a substantial share of its current workload.

¹ Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Modifications Under the Fair Housing Act at 15 (Mar. 5, 2008), https://www.hud.gov/sites/documents/reasonable_modifications_mar08.pdf.

Many of these complaints involve housing providers denying requests by people with disabilities for reasonable accommodations or reasonable modifications.

28. A complaint brought to FHCST's attention an example of discrimination against people with disabilities: homebuilders' refusals to make reasonable modifications, at a requester's expense, to pre-construction plans that would make the homes accessible for residents with disabilities. These refusals impose enormous costs on people with disabilities. While alterations to doorframe widths or to grading could be made with little or no additional cost during construction, the cost of these changes balloons once a home has already been substantially constructed. For example, to widen a doorway, the existing doorway must be removed, modifications to the surrounding wall may be required, and labor costs are increased and duplicated. Since the homebuyer will bear these costs in either instance, builders' refusals to allow the modifications during construction needlessly drive up the cost of acquiring an accessible home. In addition, homebuyers may end up purchasing homes with features they cannot use—such as a bathtub or inaccessible shower—which they must then pay to remove and replace with accessible features. And even if a homebuyer is both willing and able to pay these higher costs, retrofitting may delay their moving into their home while the alterations are made, and some changes, such as widening hallways, may be impracticable.

D. FHCST's Investigation Confirms that Bella Vista Maintains Policies and Practices That Discriminate Against People with Disabilities

29. In 2021, responding to a complaint about area homebuilders not permitting pre- and during-construction modifications, Plaintiff began an investigation of Bella Vista's policies and practices regarding reasonable accommodation and reasonable modification requests made prior to and during home construction.

30. As Plaintiff initiated its investigation it was aware that Bella Vista accounts for a large share of the market for new homes in the region and thus has an outsized impact on the availability of accessible homes for people with disabilities in the area FHCST serves. The harmful impact of such a policy on Plaintiff and area residents with disabilities by a builder with such a large presence in FHCST's service area compelled the organization to conduct a full investigation to identify the nature and scope of Bella Vista's reasonable accommodation and modification policies.

31. On September 27, 2021, FHCST conducted a disability sales test at Somerset Trails, a subdivision of new single-family homes constructed by Bella Vista and located in San Antonio. The tester spoke with one of Bella Vista's sales representatives and inquired about purchasing a home at Somerset Trails. The tester asked the representative if she could add specific accessibility features to the home during the construction process, at the tester's expense, which were needed due to her husband's disability since he used a wheelchair, including accessible routes from the street, garage, and back patio into the home, along with 32-inch-wide doorframes that would allow her husband full use of the home.

32. In response, the representative informed the tester that Bella Vista could not make modifications because it is not a custom homebuilder. When the tester asked if they could accommodate the changes if the tester paid for them, the representative said no and informed the tester, "They used to do modifications, they don't anymore. They just changed that."

33. The representative's actions constitute a denial by Bella Vista of the tester's request for a reasonable accommodation from its policy of disallowing accessibility-related changes to building plans and a denial of the tester's request for reasonable modifications to be made at the tester's expense to the home as it was being constructed.

34. On December 28, 2021, FHCST conducted a disability sales test at Saddle Creek Ranch, a subdivision of new single-family homes constructed by Bella Vista and located in Cibolo, Texas. The tester spoke with one of Bella Vista's sales representatives and inquired about purchasing a home at Saddle Creek Ranch. The tester asked the representative if they could add specific accessibility features to the home during the construction process, at the tester's expense, which were needed due to her husband's disability since he used a wheelchair. The tester sought a roll-in shower with grab bars, accessible routes from the street, garage door, and back patio into the home, and 32-inch-wide doorframes, which would afford her husband full use of the home.

35. In response, the representative informed the tester that Bella Vista does not allow any modifications to be made while the home is being built because of the system they use. The representative also recommended that the tester look at a floorplan in a more expensive community. When the tester asked if they could accommodate the changes if the tester paid for them, the representative said that no changes could be made and that when building homes "on an economies of scale type business model, it's real hard for them to do that and that's why they always say no."

36. Bella Vista's representative denied the tester's request for a reasonable accommodation from its policy of disallowing accessibility-related changes to building plans and denied the tester's request for reasonable modifications to be made to the home at the tester's expense.

37. Taken together, these tests reveal not only a pattern of discriminatory conduct, but a formalized, discriminatory policy, both of which stand in defiance of the explicit requirements of state and federal law, Bella Vista refuses to grant, or even to consider, *any* requests for

reasonable modifications to the home—no matter how reasonable or necessary those modifications may be. This blanket approach is contrary to the legal framework that applies to these requests, which requires individualized consideration.

38. This investigation also revealed that Bella Vista has a policy of not allowing buyers to close on their homes until the home has been built to a certain stage. This policy causes an adverse impact on homebuyers with disabilities because they cannot change the grading during the construction process in order to incorporate accessible routes into and around the home or modify the building frame to incorporate necessary accessibility features. Consequently, this policy causes higher retrofitting costs for homebuyers with disabilities needing accessibility-related modifications that could have been made during the construction of the home. Bella Vista's policy thus has an adverse disparate impact on people with disabilities by disproportionately denying people with disabilities an equal opportunity to obtain accessible housing. These policies and practices are not justified by any legitimate business need or necessity and cause injury to Plaintiff and others.

39. Bella Vista's conduct forced FHCST to engage in an education and outreach campaign to help ensure that prospective and current residents in Bella Vista's communities were aware of the requirements for reasonable accommodations and modifications in the context of new home construction. FHCST also reached out to Bella Vista's staff to ensure that they were aware of the relevant fair housing requirements.

40. FHCST filed a complaint with HUD on September 26, 2022, challenging Bella Vista's discriminatory conduct. HUD referred the matter to the Texas Workforce Commission, which investigates fair housing complaints under state law. On July 5, 2023, the Texas Workforce Commission discontinued investigation of the complaint.

INJURIES TO PLAINTIFF

41. Plaintiff FHCST has suffered substantial, particularized, and concrete injuries as a direct result of Bella Vista's unlawful conduct in the San Antonio region.

42. Bella Vista's unlawful conduct, policies, and practices have frustrated and obstructed FHCST's mission and ongoing work, forced it to divert its resources to identify and counteract Bella Vista's conduct, and curtailed its other activities.

43. FHCST's mission is to ensure that that people in South Texas have equal housing opportunities. FHCST receives fair housing complaints, investigates them, and counsels and advocates for individuals who have been victims of housing discrimination. Plaintiff conducts programs and activities including on fair housing related issues, but not limited to, trainings, information sessions, and community events. FHCST also works to increase the awareness of policymakers of fair housing issues by meeting with local, state, and federal officials to ensure comprehensive fair housing laws and policies.

44. As part of its counseling work, FHCST helps people with disabilities within its service area to find accessible housing that meets their needs. Because people with disabilities are likely to have lower incomes than the general population,² FHCST generally looks to identify homes that are available at affordable prices and that are—or can be modified to be—accessible. And since the stock of existing housing is largely if not entirely inaccessible for people with disabilities, opportunities for new construction homes that are built or can be modified to be accessible are often the most practical option for homebuyers.

² According to the 2023 Annual Disability Statistics Compendium, the median income for working-age people with disabilities is 19% lower than working-age people with no disability.

45. Bella Vista's discriminatory conduct frustrates FHCST's mission by interfering with its mission-related activities, impairing its ability to achieve its goals of ensuring equal access to housing opportunities, harming the communities that FHCST serves, and making it more difficult for FHCST to serve those communities. Bella Vista's policy thus significantly reduces the number of affordable, accessible housing opportunities available to people with disabilities in FHCST's service area by preventing people with disabilities from requesting modifications prior to construction to make homes accessible. As a result, Bella Vista concretely impairs FHCST's housing counseling work by substantially constraining the housing opportunities FHCST is able to identify for people with disabilities.

46. FHCST has suffered damages because it was compelled to investigate Bella Vista's discriminatory practices related to the denial of requests for reasonable accommodations and modifications in the context of new homes construction. It suffered damages when—as a result of the conduct uncovered by its investigation of Bella Vista—it was forced to divert scarce resources to counter Bella Vista's discriminatory policy and practices.

47. FHCST has a small staff and had to divert their limited time and incur expenses to continue the investigation after it showed that Bella Vista likely maintained a policy or practice of unlawfully denying reasonable accommodation and modification requests. The expenditure of resources was necessary to determine the degree and scope of Bella Vista's noncompliance.

48. FHCST diverted staff time and resources to engage in outreach to the potentially affected residents within its service area to educate them regarding their fair housing rights in relation to the types of unlawful discrimination in which Bella Vista was engaging. These education efforts included sending direct educational mailings to residents in Bella Vista's communities with information about homebuyers' right to request reasonable accommodations

and modifications, conducting a mail survey of the residents that included information about their rights to request reasonable accommodations and modifications and other fair housing protections, and publishing social media advertisements regarding homebuyers' rights to request reasonable modifications in new, pre-construction homes. In addition, FHCST's education efforts included sending educational mailings to sales agents who work at Bella Vista's many sales offices located in FHCST's service area.

49. In carrying out activities, for which it had not budgeted time or money, to counteract the harm caused by Bella Vista, Plaintiff was forced to divert significant staff time and funds away from other planned activities. FHCST cancelled several planned activities in Maverick County, including researching potential discrimination in the rental of apartment buildings in the County, in-person education and outreach activities, and tester recruitment events. FHCST's inability to engage in its typical activities for achieving its mission in Maverick County impaired its efforts to achieve its goals of ensuring equal access to housing opportunities. FHCST is the only organization conducting these advocacy, education and outreach, counseling, and investigation activities in this part of its service area. Consequently, FHCST was not able to provide residents within its service area with counseling, referral, advocacy, and other services that would have furthered FHCST's mission of ensuring that people in South Texas have equal housing opportunities.

50. These activities were important to achieving FHCST's mission because the likely rental discrimination in Maverick County was preventing families in FHCST's service area from obtaining the housing of their choice in a manner free from discrimination. The education and outreach efforts in the County would have been a primary means for the organization to distribute fair housing related information to the communities it serves in Maverick County.

These efforts would have increased awareness and understanding of fair housing laws for both customers and housing providers and established the basis for future referrals from residents in the County. The cancellation of these activities therefore reduces the number of people FHCST is able to serve. Further, tester recruitment is necessary to FHCST's mission in order to ensure the organization has the human resources to determine whether discrimination is likely occurring and, where it is, to counsel the residents affected and to educate the discriminating housing providers about fair housing requirements. The cancellation of tester recruitment events frustrates FHCST's mission by impairing its ability to conduct future testing activities.

51. The drain on staff time caused by having to investigate and counteract Bella Vista's discriminatory conduct also prevented FHCST from timely applying for new grants and funding sources. Outside grants and funding are the primary sources of income for the organization and applications for new grants and funding sources are necessary to FHCST's survival and ability to pursue its mission.

52. Investigating and counteracting unlawful conduct by Bella Vista thus perceptibly impaired FHCST's mission by forcing the cancellation and curtailment of its planned efforts to promote fair housing and eliminate discriminatory housing practices activities.

53. Unless enjoined, Bella Vista will likely continue to engage in the unlawful conduct described herein and Plaintiff's injuries will increase because it will have to continue diverting resources and curtailing its other activities to counteract Bella Vista's conduct.

CAUSES OF ACTION

Count I

Federal Fair Housing Act, 42 U.S.C. §§ 3604(c), 3604(f)(1), 3604(f)(2), and 3604(f)(3)

54. Plaintiff realleges and reincorporates by reference the allegations set forth above.

55. Defendants' acts, policies, and practices, as described above, constitute intentional discrimination in the sale of a dwelling or otherwise make housing unavailable or deny a dwelling because of disability, in violation of 42 U.S.C. § 3604(f)(1).

56. Defendants' express policy, established practice, and/or consistent set of acts of refusing to make accessibility-related changes to building plans has a disparate impact on people with disabilities, in violation of 42 U.S.C. § 3604(f)(1).

57. Defendants' acts, policies, and practices, as described above, constitute intentional discrimination 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, because of disability, in violation of 42 U.S.C. § 3604(f)(2).

58. Defendants' express policy, established practice, and/or consistent set of acts of refusing to make accessibility-related changes to building plans has a disparate impact on people with disabilities, in violation of 42 U.S.C. § 3604(f)(2).

59. Defendants' acts, policies, and practices as described above, constitute a refusal to permit requests for reasonable accommodations and reasonable modifications and a failure to engage in the required interactive process, in violation of 42 U.S.C. § 3604(f)(3).

60. Defendants' acts, including those through its agents, as described above, constitute the making, printing, publishing and/or have the effect of making, printing, or publishing a notice, statement, or advertisement that is about the sale or rental of a dwelling and that indicates preferences, limitations, and/or discrimination or the intention to make preferences, limitations, and/or discrimination because of disability in violation of 42 U.S.C. § 3604(c).

61. Defendants' acts, policies, and practices as described above, constitute a continuing violation of the Fair Housing Act from their initiation through the present.

62. As a result of the discrimination alleged in the previous paragraphs, FHCST has sustained the injuries described herein.

Count II

Texas Fair Housing Act, Tex. Prop. Code Ann. §§ 301.022, 301.025(a), 301.025(b), and 301.025(c)

63. Plaintiff realleges and incorporates by reference the allegations set forth above.

64. Defendants' acts, policies, and practices, as described above, constitute intentional discrimination in the sale of a dwelling, or otherwise make housing unavailable or deny a dwelling because of disability, in violation of Tex. Prop. Code Ann. § 301.025(a).

65. Defendants' express policy, established practice, and/or consistent set of acts of refusing to make accessibility-related changes to building plans has a disparate impact on people with disabilities, in violation of Tex. Prop. Code Ann. § 301.025(a).

66. Defendants' acts, policies, and practices, as described above, constitute intentional discrimination 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, because of disability, in violation of Tex. Prop. Code Ann. § 301.025(b).

67. Defendants' express policy, established practice, and/or consistent set of acts of refusing to make accessibility-related changes to building plans has a disparate impact on people with disabilities, in violation of Tex. Prop. Code Ann. § 301.025(b).

68. Defendants' acts, policies, and practices as described above, constitute a refusal to permit requests for reasonable accommodations and reasonable modifications and a failure to engage in the required interactive process, in violation of 42 U.S.C. § 301.025(c).

69. Defendants' acts, including those through its agents, as described above, constitute the making, printing, publishing and/or have the effect of making, printing, or

publishing a notice, statement, or advertisement that is about the sale or rental of a dwelling and that indicates preferences, limitations, and/or discrimination or the intention to make preferences, limitations, and/or discrimination because of disability in violation of Tex. Prop. Code Ann. § 301.022.

70. Defendants' acts, policies, and practices as described above, constitute a continuing violation of the Fair Housing Act from their initiation through the present.

71. As a result of the discrimination alleged in the previous paragraphs, FHCST has sustained the injuries described herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that the Court grant the following relief:

(1) enter a declaratory judgment that the foregoing actions of Defendants violate the Fair Housing Act of 1968, as amended, 42 U.S.C. § 3601, *et seq.*, and the Texas Fair Housing Act, Tex. Prop. Code Ann. § 301.001, *et seq.*;

(2) enter a permanent injunction directing Defendants and their agents and employees to take all affirmative steps necessary to remedy the effects of the illegal, discriminatory conduct described herein and to prevent similar occurrences in the future;

(3) award compensatory damages to Plaintiff in an amount to be determined by the jury that would fully compensate Plaintiff for its diversion of resources, frustration of mission, out-of-pocket costs, and any other damages that have been caused by the conduct of Defendants alleged herein;

(4) award punitive damages to Plaintiff in an amount to be determined by the jury that would punish Defendants for the willful, wanton, and reckless conduct alleged herein and that would effectively deter similar conduct in the future;

- (5) award Plaintiff its reasonable attorneys' fees and costs; and
- (6) order such other relief as this Court deems just and equitable.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury on all issues triable as of right.

Date: May 7, 2024

/s/ Reed Colfax
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