



## PARTIES AND NATURE OF COMPLAINT

### **Plaintiffs:**

1. Plaintiff, William P. Smith (“Mr. Smith”, or collectively, “Plaintiffs”) is a disabled man within the meaning of IHRA 775 ILCS § 5/3-102.1(B).
2. Mrs. Smith is the wife of William P. Smith, with Power of Attorney over Mr. William P. Smith (“Mrs. Smith”, or collectively, “Plaintiffs”).
3. Mrs. Diane Smith and Mr. William Smith are each an “Aggrieved Party” within the meaning of 775 ILCS 5/1-103(B) of the IHRA.

### **Defendants:**

4. Ms. Jayanthi Rangarajan (“Defendant”) at the time of the incident, was the owner of and exercised control over the condominium at the Subject Property.
5. Defendant, Jayanthi Rangarajan, was the contact person listed on the advertisement for the apartment at subject property.
6. Defendant is a “Person” within the meaning of 775 ILCS 5/1-103(L) of the IHRA.

## STATEMENT OF FACTS

7. In 2014, Plaintiffs began their search for an apartment that would allow them to sign a short-term lease for six months, as Mr. Smith had planned to attend school in Colorado sometime at the end of 2014.
8. Plaintiffs sought to rent a property in the Gold Coast area because of its proximity to Northwestern Memorial Hospital, where Mr. Smith’s primary care physicians were located.
9. On April 12, 2014 Mrs. Smith contacted Defendant in response to an on-line advertisement posted on Zillow.com.

10. The posting advertised the unit as 2 Beds / 2.5 Baths / 1620 Sq. Ft, for \$4,800 per month<sup>1</sup>.
11. The apartment is located at 250 E Pearson Street, Unit 2101, Chicago, IL 60605, in the Gold Coast neighborhood of Chicago (the “Subject Property”).
12. Defendant was the contact person listed on the advertisement.
13. To Plaintiff’s knowledge at this time, upon information and belief, the Defendant has since entered into a lease for the Subject Property with another individual.
14. Mrs. Smith e-mailed the defendant’s email address listed on the advertisement to inquire about the availability of the apartment. (See e-mail correspondence chain between Plaintiffs and Defendant, marked herein as “**Exhibit A**”).
15. Mrs. Smith asked several questions regarding the Subject Property, including whether the unit was wheelchair accessible.
16. Defendant answered Mrs. Smith’s questions and informed her the unit was wheelchair accessible.
17. On the following day, April 13, Defendant informed Mrs. Smith that it would be difficult to navigate the unit in a wheelchair. Defendant informed Mrs. Smith that the hallways are narrow and would not be wheelchair friendly.
18. Defendant further informed Mrs. Smith that the rent originally advertised was quoted for a tenant with no pets and a long-term lease. Defendant explained that the rent would be increased for a shorter-term lease and increased if the tenant had a pet.
19. Mrs. Smith was looking to sign a lease for six months, and did not have any pets.

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<sup>1</sup> A record of this listing was not available from Zillow.com at the time of the filing of this complaint.

20. Defendant went on to explain that she had put in new floors and carpet in the unit and wanted minimal wear and tear to the improvements and she “would have to determine what is a suitable charge for a wheelchair, but it will be much more rent.” (**Exhibit A**)
21. The overall property of 250 E Pearson Street is a multi-family apartment complex and constitutes “real property” under the 775 ILCS 5/3-101(A) of the IHRA.
22. Mrs. Diane Smith’s husband, Mr. William P. Smith, resides with her, and was, and continues to be at this time, disabled, at the time of the denial.
23. At the time of the incident complained of herein, Mrs. Smith was ready, willing and able to rent the apartment at 250 E Pearson Street.
24. Plaintiff filed a complaint with Illinois Department of Human Rights (IDHR) on June 23, 2014.
25. On September 9, 2014 Plaintiff withdrew the IDHR complaint, to pursue action with this court. Plaintiff’s complaint is thus timely filed.
26. The Defendant’s actions caused Mr. and Mrs. Smith to suffer tangible damages because they had sought to sign a six month lease with Defendant, however, due to defendant’s discriminatory increase in rent for the use of a wheelchair, the Smiths were forced to seek housing elsewhere and sign a year-long lease in a property further away from Mr. Smith’s primary care providers at Northwestern Memorial Hospital.
27. The Defendant’s actions caused Mr. Smith to defer his enrollment in school in Colorado until next year.
28. The Smiths suffered intangible damages in the form of embarrassment and emotional distress.

29. In engaging in the unlawful conduct described above, Defendant acted intentionally and maliciously causing Mrs. Smith and her husband damages, which was a direct violation of their civil rights, and in violation of the IHRA, the Federal Fair Housing Act.

### **COUNT I**

#### **DEFENDANT'S ACTIONS WERE A VIOLATION OF THE ILLINOIS HUMAN RIGHTS ACT, 775 ILCS §5/3-102.1(B)**

30. Mrs. Smith re-alleges and incorporates Paragraphs 1-29 above as though fully alleged herein as Paragraph 30 for Count I.

31. The IHRA, 775 ILCS 5/3-102.1(B), states in pertinent part: “[i]t is a civil rights violation to alter the terms, conditions, or privileges of sale or rental of a dwelling or the provision of services or facilities in connection with such dwelling because of a disability of a person with a disability or a disability of any person residing or intending to reside in that dwelling after it is sold, rented, or made available, or a disability of any person associated with that person.” 775 ILCS § 5/3-102.1(B).

32. Defendant’s increase in rent for Mrs. Smith because of her husband’s disability constitutes discrimination in the rental of the Subject Property is a violation of IHRA, 775 ILCS § 5/3-102.1(B).

33. Moreover, Defendants’ written statement that she “would have to determine what is a suitable charge for a wheelchair, but it will be much more rent,” was a written statement made in connection with a prospective real estate transaction, which expressed an intent to engage in unlawful discrimination because of Mr. Smith’s disability by increasing the amount of rent owed based on Mr. Smith’s use of a wheelchair to ambulate, and constituted a violation of 775 ILCS § 5/3-102.1(B).

### **COUNT II**

**Violation of 42 USC 3601 et seq. (The Federal Fair Housing Act)**

34. Mrs. Smith re-alleges and incorporates Paragraphs 1-29 above as though fully alleged herein as Paragraph 34 for Count II.

35. The FHA, 42 U.S.C. §3604(a), states in pertinent part “ it shall be unlawful...[t]o 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, because of a handicap of-- (A) that person; or (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or (C) any person associated with that person.” 42 U.S.C. §3604(f)(2).

36. The FHA defines handicap as ““Handicap" means, with respect to a person-- (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).” 42 U.S.C. §3602(h).

37. Defendants written statements that she “would have to determine what is a suitable charge for a wheelchair, but it will be much more rent”, constitutes discrimination in the terms, conditions, or privileges of sale or rental of a dwelling because of Mr. Smith’s handicap.

38. Defendants actions were a violation of FHA 42 U.S.C. §3604(f)(2).

**RELIEF**

**WHEREFORE**, Plaintiffs request:

- A. That Defendant, Jayanthi Rangarajan, be ordered to take appropriate affirmative actions to ensure that the activities complained of above are no longer engaged in by her or any of her agents;
- B. That Defendant, Jayanthi Rangarajan, be permanently enjoined from discriminating against the persons in violation of the Illinois Human Rights Act;
- C. That appropriate compensatory damages be awarded to Plaintiffs, Mr. and Mrs. Smith, jointly and severally;
- D. That appropriate punitive damages be awarded to Plaintiffs, Mr. and Mrs. Smith, jointly and severally;
- E. That Plaintiffs, Mr. and Mrs. Smith, be awarded their costs and reasonable attorney's fees in this action pursuant to the Federal Fair Housing Act (42 USC §3601 *et seq.*) and the Illinois Human Rights Act (775 ILCS 5/3-101); and
- F. That Plaintiffs, Mr. and Mrs. Smith, be awarded any other relief this court deems just and equitable;
- G. That Plaintiffs, Mr. and Mrs. Smith, hereby demand a trial by jury.

Respectfully Submitted,

  
One of the Attorneys for Plaintiff

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