

April 08, 2019

Final Investigative Report

Case Name: Bergy, Patrick v Catholic Charities, et al

Case Number: 04-19-5727-8; PC-19-013



I. Jurisdiction

A complaint was filed on February 12, 2019 alleging that the complainant(s) was injured by a discriminatory act. It is alleged that the respondent(s) was responsible for: Discriminatory advertising, statements and notices; Discriminatory terms, conditions, privileges, or services and facilities; and Failure to make reasonable accommodation. It is alleged that the respondent(s)'s acts were based on Familial Status; and Handicap. The most recent act is alleged to have occurred on November 16, 2018, and is continuing. The property is located at: Pinellas Hope II, 5726 126th Avenue N., Clearwater, FL 33760. The property in question is not exempt under the applicable statutes. If proven, the allegation(s) would constitute a violation of Article II, Division 3 of Chapter 70 of the Code of Ordinances of Pinellas County, Florida and Sections 804c, 804b or f, and 804f3B of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988.

The respondent(s) receive federal funding.

II. Parties and Aggrieved Persons

A. Complainant(s)

Patrick Bergy
5230 Idlewild St.
New Port Richey, FL 34653

Complainant Allegations

Patrick Bergy (CP) is a disabled veteran, male, who resides at 5726 126th Avenue N, Apt. B1, Clearwater, FL 33760.

CP resides at 5726 126th Avenue N, Apt. B1, Clearwater, FL 33760, which he rents from R1 Catholic Charities. The subject property is managed by R2, Barbara (L/N/U).

CP alleges he moved into the subject property, commonly referred to as Pinellas Hope II, in or around April of 2018.

CP alleges he is a person with a disability which substantially limits his major life activity of walking/ambulation, and standing. He also is a combat veteran with PTSD, which substantially limits major life activities such as eating, sleeping, and socialization. R1 and R2 are aware of CP's disabilities, and how they substantially limit one or more of CP's major life activities.

The common areas and walkways to Pinellas Hope II are inaccessible to persons with disabilities, and present mobility issues to CP (as well as many of the other, seniors who live there, many of whom are veterans and/or persons with disabilities).

R1 and R2 are aware of the accessibility issues faced by CP and others, but have made no effort to provide accessible paths, walkways, or routes.

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<https://www.surveymonkey.com/r/OHRCustomerSatisfaction>

PLEASE ADDRESS REPLY TO:
Pinellas County Office of Human Rights
400 South Fort Harrison Avenue, 5th Floor
Clearwater, Florida 33756
PHONE: (727) 464-4880
FAX: (727) 464-4157
TDD: (727) 464-4062
WEBSITE: pinellascounty.org/humanrights

CP also is the father of three (3) minor children, aggrieved parties 1, 2 and 3 (AG1, AG2, and AG3).

CP would like to host his children in his residence, which in turn helps him socialize, sleep and eat, and to fully enjoy his housing opportunity.

R1 and R2 have promulgated a rule which prohibits the presence of minor children over night.

This rule precludes CP from benefiting from over-night visits from his minor children, and in turn impacts his disability.

On or about November 16, 2018, CP was provided a note by R2 which indicated she and R1 will be requiring CP to sign his lease renewal which includes the provision prohibiting minor children from staying as over-night guests.

B. Other Aggrieved Persons

C. Respondent(s)

Catholic Charities
Diocese of St. Petersburg
1213 16th St. N
St. Petersburg, FL 33705

Barbara LNU
Catholic Charities, Diocese of St. Petersburg
5726 126th Ave N
Clearwater, FL 33760

Respondent Defenses

The Respondent denies it engaged in any discriminatory or otherwise unlawful conduct towards Claimant and that the Claimant receives the same treatment as other similarly situated residents.

As to the familial status issue, respondent states that the Claimant never put his children on the lease, nor did he ask for the lease to be amended. Respondent further states that if the Claimant did request to amend his lease, they would be subjected to the Fair Housing Laws and used the Federal Register Part IV HUD Fair Housing Standards on Occupancy as their defense. Respondent states that Claimants unit is 247 sq. ft. and therefore too small to accommodate adding his children on the lease. Respondent states that because Claimant cannot add the children to the lease, they can visit as guest, and as such, must abide by the rules which Claimant agreed to.

As to the disability/mobility issue, respondent states that they have obtained all necessary permits and complied with government regulations and code, including accessibility prior to their Certificate of Occupancy being issued. Respondent states that however, they are in the process of improving their facility including the addition of sidewalks.

D. Witnesses

III. Case Summary

A. Interviews

Complainant Bergy, Patirck
Date of Interview: January 31, 2019
Type of Interview: In-Person
Interviewer: Postell, Lisa Ann Marie

B. Documents

Nature of Document: 903 signed
Who Provided: Complainant
How Transmitted to HUD: in person
Date of Document: November 20, 2018
Date Obtained: November 19, 2018

Nature of Document: Initial contact letters to Respondents
Who Provided: Intake
How Transmitted to HUD: intake
Date of Document: November 20, 2018
Date Obtained: November 20, 2018

Nature of Document: CP initial contact letters
Who Provided: intake
How Transmitted to HUD: intake
Date of Document: November 20, 2018
Date Obtained: November 20, 2018

Nature of Document: Position statement
Who Provided: Respondent
How Transmitted to HUD: email
Date of Document: December 13, 2018
Date Obtained: December 13, 2018

Respondent's response to initial RFI

Nature of Document: Rebuttal from CP
Who Provided: CP
How Transmitted to HUD: email
Date of Document: January 28, 2019
Date Obtained: January 28, 2019

CP's rebuttal

Nature of Document: Response to RFI
Who Provided: Respondent
How Transmitted to HUD: e-mail
Date of Document: February 13, 2019
Date Obtained: February 13, 2019

Response to additional questions

Nature of Document: Response concerning Familial Status issue
Who Provided: Respondent
How Transmitted to HUD: e-mail
Date of Document: March 27, 2019
Date Obtained: March 27, 2019

Response from Respondent to questions on familial status issue

Nature of Document: Conciliation info
Who Provided:

How Transmitted to HUD:
Date of Document:
Date Obtained:

Information concerning conciliation contact.

Nature of Document: various request for information
Who Provided: Investigator
How Transmitted to HUD:
Date of Document:
Date Obtained:

Various RFI requests to parties

Nature of Document: Interview notes
Who Provided: investigator
How Transmitted to HUD:
Date of Document:
Date Obtained:

Various email notes, onsite pictures

Nature of Document: Various emails from CP
Who Provided: Complainant
How Transmitted to HUD:
Date of Document:
Date Obtained:

Various emails from CP, including new address

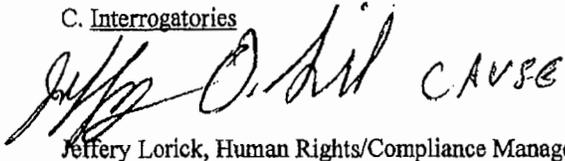
Nature of Document: Various emails from Resp
Who Provided:
How Transmitted to HUD:
Date of Document:
Date Obtained:

Emails from Resp concerning accessibility; sidewalk, civil engineer info

Nature of Document: Investigator information
Who Provided: investigator
How Transmitted to HUD:
Date of Document:
Date Obtained:

Certificate of occupancy; funding information; HUD information

C. Interrogatories

 CAUSE
Jeffery Lorick, Human Rights/Compliance Manager