

DETERMINATION OF REASONABLE CAUSE

CASE NAME: Carr, Melissa v Nguyen, Jason and Vu, Vy Tuong et al

CASE NUMBER: HUD NO.: 04-26-9732-8/PCOHR NO.: PC-26-015

I. JURISDICTION:

Complainant Melissa Carr (hereinafter "CP") allege that Respondents discriminated against her on the basis of his Disability, denying her housing by refusal to rent and refusal to negotiate.

Respondent housing provider Jason H. Nguyen (R Nguyen), Vy Vu (R Vu), Hunt Nyugen aka Hung Nyugen (R Hunt) and Khoa Tran (R Tran). All named Respondents are not exempt under the applicable statutes.

The subject property is located at 1020 2nd Avenue NW, Largo, FL 33770. The property in question is not exempt under the applicable statutes.

The most recent alleged discriminatory act occurred on January 14, 2026, and the complaint was timely filed on February 24, 2026.

If proven, the allegation(s) would constitute a violation of Sections 804(f)(1)(a) of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988 and Chapter 70 of the Pinellas County Code. Section 804(f)(1)(a) states it is unlawful to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of that person.

The respondents receive no federal assistance.

COMPLAINANT'S ALLEGATIONS:

Complainant Melissa Carr (CP Carr) belongs to a class of persons protected by the Fair Housing Act (the Act) because of her disability. CP Carr was interested in renting the property located at 1020 2nd Avenue NW, Largo, FL 33770. The property is owned by Jason H. Nguyen (RP Nguyen) and Vy Tuong Vu (RP Vu), managed by Hunt Nyugen (RP Hunt) and shown and advertised on MLS and Zillow by Keller Williams Real Estate Agent Koa Tran (RP Tran). CP Carr states that after she completed the application, her request to live in the household was denied due to her disability.

On January 8, 2026, CP Carr contacted RP Tran via text regarding the property listing. He provided his business card and confirmed an appointment for 10:30 am with her. The appointment was changed to 3:00 pm. After CP Carr and her son viewed the property, she requested the application that was texted to her and requested that the link be sent to her son. On January 10, 2026, she received a text from Rp Tran confirming that her rent application was processed and everything looked great and advised her she would be contacted by Hunt (last name unknown), the property manager, for the next steps.

On January 12, 2026, CP Carr texted RP Tran advised her that the manager was reviewing it. On January 13, 2026, CP Carr contacted RP Tran, and he advised her to contact the property manager. CP Carr texted the property manager, and he advised her that he could contact her after he returned to work the next day. On January 14, 2026, CP Tran received a text message from the property manager stating that, after they reviewed the layout of the property, it would not be safe or suitable for a person with disabilities.

CP Carr states that when she viewed the property, she could manage around the property with her mobility devices. When she asked for an explanation, the property manager advised her that the side door in the other room is too small, and the back door to the garage is too narrow. CP Carr asked the property manager to elaborate on the assessment of the property. He said he would check and never replied. CP Carr reached out to RP Tran, who stated it was out of his hands. CP Carr states that this was a refusal to rent based on her disabilities.

II. RESPONDENTS' DEFENSES:

My name is Khoa Tran, the rental listing agent of Jason H. Nguyen and Vy Tuong Vu for the property at 1020 2nd Avenue NW in Largo, FL 33770.

Here's are my response to Melissa Carr allegations:

Mellissa Carr brief statement details were on point but missing facts and not entirely accurate:

During my showing with Melissa Carr, I've noticed some difficulty and unsafe in her accessing the entrance of the home and into the bedroom. The entrance had 2 elevation points which could be dangerous without custom ramps. The door to the main bedroom is so small that when she tries to fit in, her fingers must be on the inside of the wheelchair turning wheels. The garage also has a step down. Many of the home's features are not handicapped friendly. I had advised the owners of Melissa Carr handicap status, but I think the final decision came from the concern of Melissa safety and the fact that the home is not equipped for handicap tenants.

- 1) We did not discriminatory refused to rent or else we will not show the home to Melissa.
- 2) We did not discriminatory refused to negotiate for rental because to make it safe for Melissa Carr it would involve reconstructing the whole house interior and exterior.
- 3) We did not discriminatory refused and negotiate for rental because the allegations were not accurate and a house handicap inspection is available for the county to perform.

The Respondents R Nyugen and R Vu deny that any discrimination occurred. All decisions related to the subject property were made based on objective property-related factors and were not influenced by any protected characteristic, including disability.

2. Property Description and Structural Characteristics

The property located at 1020 2nd Avenue NW, Largo, FL is a residential home with structural features that include, but are not limited to, steps, narrow entryways, and bathroom configurations that were not designed or constructed for accessibility. These features are part of the original structure of the home.

The layout of the property does not accommodate accessibility modifications without substantial structural changes. Certain entry points and interior pathways are limited in width, and the home includes elevation changes that may present safety concerns depending on the use of mobility devices.

3. Basis for Rental Decision

After the property was viewed and the application process initiated, the Respondents evaluated the physical layout and structural characteristics of the home. Based on this evaluation, it was determined that the property may not be suitable due to its existing structural limitations.

This determination was made solely based on the condition and design of the property. It was not based on any personal characteristics of the Complainant.

4. No Request for Accommodation or Modification

At no time did the Complainant submit a request for reasonable accommodation or modification. No specific proposal was presented regarding potential changes to the property.

Given the nature of the home's construction, any adjustments to address accessibility concerns would require substantial structural alterations.

5. Equal Treatment Policy

The Respondents do not discriminate against applicants on the basis of disability or any other protected class. All applicants are evaluated consistently based on the suitability of the property and other standard rental criteria.

6. Good Faith Cooperation

The Respondents have acted in good faith throughout this process and are committed to fully cooperating with the Pinellas County Office of Human Rights. The Respondents are willing to provide additional documentation and make the property available for inspection if requested.

7. Conclusion

The Respondents respectfully maintain that the decision regarding the rental application was based entirely on legitimate, non-discriminatory factors related to the physical structure and limitations of the property. Accordingly, the Respondents request that this complaint be dismissed.

Hunt Nguyen: I would like to clarify my role in this matter. I am not the property owner and do not serve as a property manager. I am a personal acquaintance of the owners and occasionally assist with general property-related matters at their request. I do not make decisions regarding rental applications.

After the application was shared with me from Khoa, Ms. Carr asked for clarification regarding the layout of the property. In response, I attempted to contact her twice the following day to offer an opportunity for her to return to the property and view the remaining areas of the home, as the initial visit did not include all rooms. However, I did not receive a response to either call.

All decisions regarding the rental application were made solely by the property owners and were based on the structural characteristics and limitations of the home.

III. FINDINGS:

- 1- On January 8, 2026, CP Carr contacted RP Tran via text regarding the property listing, which CP found on the Zillow website.
- 2- On January 9, 2026, CP Carr met RP Tran at the home in question and toured the property.
- 3- On January 10, 2026, CP was advised by R Tran that her rental application was being processed.
- 4- The listing realtor, R Tran who had the home listed on MLS and Zillow, in his position statement relayed that his observations of the CP's visible disability, that many of the home's features are not handicap friendly and he advised R Nyugen and R Vu of the CP's handicap status.
- 5- On January 14, 2026, CP received a text message from R Hunt stating "After carefully reviewing the layout and physical structure of the home, we've determined that the property may not be a safe or suitable fit for your needs and we want to be mindful of the safety and accessibility concerns. For that reason, we won't be able to move forward with this rental. This decision is based solely on the physical limitations of the property itself, not on any personal factors."

IV. ANALYSIS:

- I. The Pinellas County Office of Human Rights determined there is sufficient evidence to support that the Respondents' actions were based on **Making Housing Unavailable**

Violations in this category generally fall under subsection 804(a). However, if the protected class is disability, the violation falls under subsection 804(f).

A. Refusal to Rent/ Sell

This PFC suits a case in which the complainant applied for and was denied the dwelling.

1. The complainant is a member of a protected class.
2. The complainant applied for and was qualified to rent or purchase the dwelling.
3. The complainant's application was rejected.
- 4b. The respondent rented or sold the dwelling to a person not of the complainant's protected class.

In regard to the first element, the CP is visibly disabled and remains confined to a wheelchair or needs the use of a walker to ambulate. The first element has been met.

In regard to the second element, the complainant applied for and was qualified to rent or purchase the dwelling. As a matter of fact, the CP and her son completed a rental application. The realtor, R Tran texted the CP on January 10, 2026, and said "Congratulations your reports look great, I will now connect you with the property manager, his name is Hunt." Thus, the second element has been met.

The complainant's application was rejected by R Hunt based on the CP's perceived disability. Thus, the third element has been met.

The respondent rented the dwelling to a able bodied person not of the complainant's protected class per R Nyugen. Thus, the fourth element has been met.

On January 8, 2026, CP contacted R Tran about renting the property at 1020 2nd Ave NW, Largo, FL 33770. At that point, R Tran did not know that the CP used a wheelchair. CP states "Tran was running late, so he gave me the door code and told me to go ahead and look around."

CP relayed that before she even got out of my car, her son went inside first to check the door widths. CP stated "I always do this. If the doors had been too narrow, I would have stayed in the car and left. I know what works for me. I've been doing this for 40 years. I drive my own car, I stow my wheelchair, put it in the trunk, and walk to the driver's seat." The CP replied in her response that she "has walked away from plenty of rentals that weren't right. But this house was different. This house worked."

The advertising realtor, R Tran, who had advertised the property for rent on MLS and Zillow and later showed the CP the property and accepted her rental application made observations during the showing that he relayed to R Nyugen and R Vu. R Tran stated, "During my showing with Melissa Carr, I've noticed some difficulty and unsafe in her accessing the entrance of the home and into the bedroom. The entrance had 2 elevation points which could be dangerous without custom ramps. The door to the main bedroom is so small that when she tries to fit in, her fingers must be on the inside of the wheelchair turning wheels. The garage also has a step down. Many of the home's features are not handicapped friendly. I had advised the owners of Melissa Carr handicap status, but I think the final decision came from the concern of Melissa safety and the fact that the home is not equipped for handicap tenants. We did not discriminatory (sic) refused to negotiate for rental because to make it safe for Melissa Carr it would involve reconstructing the whole house interior and exterior."

After seeing the property, CP paid \$120 for rental applications for herself and son. CP submitted everything required for the application. R Tran later texted the CP "Congratulations, your reports look great. I will now connect you with the property manager, his name is Hunt." The CP maintains that her credit was good and according to R Tran, her reports "looked great." Everything was in order.

The CP's application and commentary by R Tran to R Hunt. R Tran in his position statement stated, "I had advised the owners of Melissa Carr handicap status, but I think the final decision came from the concern of Melissa safety and the fact that the home is not equipped for handicap tenants." The CP's application and information was forwarded to R Hunt, on January 10, 2026. On January 14, 2026, the CP received a text message from R Hunt stating the following, "Thank you very much for your interest in our property and for taking the time to reach out. After carefully reviewing the layout and the physical structure of the home, we've determined that the property may not be a safe or suitable fit for your needs and we want to be mindful of safety and accessibility concerns. For that reason, we won't be able to move forward with this rental. This decision is based solely on the physical limitations of the property itself, not on any personal factors."

The CP then texted R Tran and stated, "I guess you know the property manager says due to physical limitations they don't think we are suitable for the house." Can you please clear up the property we saw with you. We didn't hear or see for any reason why it would not have been a suitable fit for my physical needs. That is why I went to the property to check." R Tran replied via text "Sorry, it is out of my hand."

The CP in her rebuttal to the Respondent's position statements, stated "They claim the home wasn't equipped for handicap tenants, but the home had grab bars, an extended showerhead, and wide doorways, features that made it MORE accessible, not less. They claim doors were too narrow, but I went through every door without trouble. They claim they were concerned about my safety, but housing providers can't deny someone housing based on "safety concerns" unless there's a real, proven threat with individualized assessment and objective evidence, not assumptions. They did none of that. They just saw my wheelchair and assumed. They say they didn't discriminate because they showed me the property, but they didn't know about my disability when they agreed to show it. The discrimination happened after they saw me. They suggest the home would require reconstruction, but I never asked for any changes. The home worked as-is."

R Tran relayed that "during my showing with Melissa Carr, I've noticed some difficulty and unsafe in her accessing the entrance of the home and into the bedroom. The entrance had 2 elevation points which could be dangerous without custom ramps." "The door to the main bedroom is so small that when she tries to fit in, her fingers must be on the inside of the wheelchair turning wheels. The garage also has a step down. Many of the home's features are not handicap friendly."

It should be noted that R Tran was the first respondent to answer this complaint. R. Tran's first response was to submit photographs of the home, such as the toilet, doorways etc. with measurements to prove the home was not wheelchair accessible.

Based on the statements provided by all parties and the text message evidence that the CP provided in support of her case, it is clear that the CP was a suitable rental candidate and possessed all

necessary qualifications based on the application to rent. R Tran then formulated an opinion based on what he observed, being the CP in a wheelchair and by his own admission assumed that the property was unfit for the CP based on her disability. R Tran then passed his opinion onto R Nyugen and R Vu who made the decision based upon "After the property was viewed and the application process initiated; the Respondents evaluated the physical layout and structural characteristics of the home. Based on this evaluation, it was determined that the property may not be suitable due to its existing structural limitations."

R Tran, R Hunt, R Nyugen and R Vu never even engaged in the interactive process with the CP, to give the CP a chance to answer any questions or see if reasonable accommodation or modification could have worked for the CP, even though she did not ask for one. As a matter of fact, the CP states "They claimed my fingers had to be inside the wheelchair to fit through the bedroom door, but the door was about 29 inches wide, and I went through easily. Also, my right hand doesn't move due to my disability, so I don't know what "fingers" mean. They claimed the home wasn't equipped for handicap tenants, but the home had grab bars, an accessible showerhead, and wide doors that exceeded what I needed. They claimed the side door and garage door were too narrow, but I went through every door and entrance during my visit without any problem."

The CP's son Jacob Carr. Mr. Carr stated the following "Yes, I was present with my mother Melissa Carr on the day we went to view the property. We arrived before the realtor and were given access to the house to view it. I went in first to open the door and ensure my mother could get inside with her wheelchair. She was able to clear the landing to the front door and enter the house by herself without assistance."

"We toured the house for approximately 20 minutes before Mr. Tran arrived. By that point we had already made up our mind we were going to proceed with the application process because we liked the house and would have been a good fit for my mother. She was perfectly capable of navigating the house on her own without assistance. Every doorway and even the closets were easily accessible to her without need for any modification."

"We then spoke with Mr. Tran and asked if the furniture that was already in the house could be left there and we asked about the application process. It was at that point he referred us to the link to RentSpree where we would each have to fill out an application and pay the \$50 fee for each. This was no issue and we quickly and accurately completed the two applications and submitted them for approval."

"We then received notice that our applications had been denied on the grounds that the owner had decided the house would not be a good fit for my mother based on her disability. I knew immediately that this biased decision was illegal and not in compliance with ADA and expressed my concern to my mother who was in agreement."

With the information provided by R Tran, R Nyugen and R Vu directed R Hunt to deny the CP housing-based solely on the appearance of her disability. All named respondents have a role in this decision. R Tran, as a licensed realtor who has attended Fair Housing Training as part of his Florida licensure, should not have made his assumptions known to the owner or manager of the property,

which caused an adverse action to the CP's right to fair housing. R Nyugen later confirmed during the investigation that the home was subsequently rented to an able-bodied person, not of the same protected class as the CP.

In addition to meeting the prima facie elements, the evidence in this case is also considered direct evidence of a denial of housing due to disability status. As such, there is "Reasonable Cause" that discrimination occurred.

V. CONCLUSION:

Therefore, based on the foregoing evidence and analysis of the investigation, set forth above, it is recommended that "Reasonable Cause" exists to believe that the Respondent's engaged in a discriminatory housing practice in violation of Section 804 (f) of the Act and Chapter 70 of the Code of Ordinances of Pinellas County.

VI. ADDITIONAL INFORMATION:

Notwithstanding this determination by the Pinellas County Office of Human Rights (PCOHR) and the Department of Housing and Urban Development (HUD), the Fair Housing Act provides that the complainant may file a civil action in an appropriate federal district court or state court within two years after the occurrence or termination of the alleged discriminatory housing practice. The computation of this two-year period does not include the time during which this administrative proceeding was pending. In addition, upon the application of either party to such civil action, the court may appoint an attorney or may authorize the commencement of or continuation of the civil action without the payment of fees, costs, or security, if the court determines that such party is financially unable to bear the costs of the lawsuit.

The Department's regulations implementing the Act require that a dismissal, if any, be publicly disclosed, unless the Respondent requests that no such release be made. Such request must be made by the Respondent within thirty (30) days of receipt of the determination to the Field Office of Fair Housing and Equal Opportunity. Notwithstanding such request by the respondent, the fact of a dismissal, including the names of all parties, is public information and is available upon request.

A copy of the final investigative report can be obtained from the Pinellas County Office of Human Rights.


Jay Burkey, Compliance Manager

5-28-2026
Date