



Pinellas County

Legislation Details (With Text)

File #: 17-1356A **Version:** 1

Type: County Attorney Item **Status:** Passed

File created: 7/28/2017 **In control:** County Attorney

On agenda: 8/15/2017 **Final action:** 8/15/2017

Title: Proposed initiation of litigation in the case of James Menefee v. Japanese Gardens Mobile Estates, Inc.; U.S. Department of Housing and Urban Development (HUD) Case No. 04-16-5002-8; Pinellas County Case No. 16-075 - alleged housing discrimination.

Sponsors:

Indexes:

Code sections:

Attachments: 1. February 28, 2017 reasonable cause determination from the Office of Human Rights

Date	Ver.	Action By	Action	Result
8/15/2017	1	Board of County Commissioners	approved	Pass

Subject:

Proposed initiation of litigation in the case of James Menefee v. Japanese Gardens Mobile Estates, Inc.; U.S. Department of Housing and Urban Development (HUD) Case No. 04-16-5002-8; Pinellas County Case No. 16-075 - alleged housing discrimination.

Recommended Action:

Approval to authorize outside counsel to initiate litigation on behalf of James Menefee through one of the County’s existing agreements with either Gulfcoast Legal Services, Inc. or Bay Area Legal Services, Inc. for legal services.

Strategic Plan:

N/A

Summary:

In his August 18, 2016 complaint, James Menefee, a person with a disability, filed a charge of housing discrimination with HUD alleging Complainant was subjected to unlawful housing discrimination on the basis of his handicap. Specifically, Respondent’s denial of Complainant’s request to make a reasonable accommodation in their rules, policies, practices or services by failing to contact Complainant’s daughter in the event of any financial errors or irregularities with Complainant’s account. Following that investigation, on February 28, 2017, the Pinellas County Office of Human Rights (PCOHR) issued a finding of reasonable cause to believe that James Menefee was a victim of housing discrimination based on his handicap, in violation of the FHAA, including, but not limited to, 42 U.S.C. § 3604(f). Attempts to conciliate the matter were unsuccessful. In accordance with Section 70-146 and 70-147 of the Pinellas County Code, the County Attorney’s Office is required to file a civil action on behalf of an aggrieved party seeking appropriate relief and if a timely election is not made to have the charge decided in a civil action, the County Attorney’s office shall provide legal representation in an administrative hearing.

Background Information:

The determination issued by PCOHR sets forth the facts and applicable law that led to the reasonable cause determination.

Fiscal Impact:

Unknown.

Staff Member Responsible:

Jewel White, County Attorney

Brijesh Patel, Assistant County Attorney

Partners:

Office of Human Rights

Attachments:

February 28, 2017 reasonable cause determination from the Office of Human Rights.