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18 UNITED STATES DISTRICT COURT  
 19 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 20 EASTERN DIVISION  
 21

22 UNITED STATES OF AMERICA,  
 23 Plaintiff,  
 24 v.  
 25 CITY OF HESPERIA, COUNTY OF  
 26 SAN BERNARDINO, and SAN  
 27 BERNARDINO COUNTY SHERIFF'S  
 DEPARTMENT,  
 28 Defendants.

Case No. 5:19-cv-02298

**COMPLAINT AND  
 DEMAND FOR JURY TRIAL**

1 **COMPLAINT**

2 Plaintiff, the United States of America (“United States”), alleges as follows:

3 **I. INTRODUCTION**

4 1. The United States brings this action to enforce Title VIII of the Civil Rights  
5 Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C.  
6 §§ 3601–3631 (the “Fair Housing Act” or “FHA”). The United States brings this action  
7 pursuant to 42 U.S.C. § 3612(o) following an investigation and charge of discrimination  
8 by the Department of Housing and Urban Development (“HUD”) and an election by  
9 Defendant City of Hesperia (“Hesperia” or the “City”) to proceed in federal district court.

10 2. The United States also brings this action pursuant to 42 U.S.C. § 3614(a),  
11 because Defendants Hesperia, the County of San Bernardino, California (“San Bernardino  
12 County” or the “County”), and the San Bernardino County Sheriff’s Department (the  
13 “Sheriff’s Department”), a law enforcement agency that is part of the County, separately  
14 and collectively have engaged in a pattern or practice of discrimination against residents  
15 and prospective residents of Hesperia because of race and national origin. This  
16 discrimination denied rights to a group of persons and such denial raises an issue of general  
17 public importance under 42 U.S.C. § 3614(a).

18 3. In November 2015, the City—with substantial support from the Sheriff’s  
19 Department, which provides the City’s local police services—enacted an ordinance  
20 mandating that rental property owners evict their tenants if the Sheriff’s Department  
21 notified them that a tenant engaged in any purported criminal activity on or near the  
22 property. The ordinance also mandated criminal background checks and Sheriff’s  
23 Department screenings for tenants, and annual inspections of rental properties by the  
24 Sheriff’s Department. Although the City purportedly enacted the ordinance to reduce  
25 crime, its true purpose was to address a so-called “demographical problem” by driving  
26 African American and Hispanic or Latino (“Latino”) renters from their homes and from  
27 Hesperia and by deterring other African Americans and Latinos from moving to the City.



1 IV. FACTUAL ALLEGATIONS

2 A. The City—with substantial support from the Sheriff’s Department—enacted  
3 the mandatory eviction ordinance to address a perceived “demographical  
4 problem”: the growing population of African American and Latino renters in  
5 Hesperia.

6 1. *Changing Demographics in Hesperia*

7 12. Hesperia is located north of the Los Angeles National Forest in the Victor  
8 Valley region of the Mojave Desert in San Bernardino County.

9 13. The African American and Latino population in Hesperia grew rapidly in the  
10 late 20th and early 21st centuries while the percentage of non-Hispanic white residents  
11 declined. In 1990, non-Hispanic white residents were 76.8% of the City’s population, but  
12 by 2000, this had dropped to 62.4%. By 2010, Hesperia’s non-Hispanic white population  
13 was 41.1%. According to Census Bureau estimates, the percentage of non-Hispanic whites  
14 in Hesperia had further declined to 35.8% by 2016.

15 14. The number of Latino residents in Hesperia rose by 140% between 2000 and  
16 2010, from 18,400 to 44,091. The number of African American residents rose by 103%  
17 during the same period, from 2,388 to 4,853. According to the 2010 Census, the City was  
18 5.4% African American and 48.9% Latino.

19 2. *Overview of the Ordinance*

20 15. On November 17, 2015, Hesperia enacted ordinance no. 2015-12, entitled  
21 “An Ordinance of the City Council of the City of Hesperia, California, Requiring the  
22 Registration and Regulation of Housing Rental Businesses for Crime Free Rental  
23 Housing.” The ordinance went into effect on January 1, 2016, and remained in effect until  
24 on or about July 18, 2017.

25 16. The ordinance applied exclusively to rental properties. It contained four core  
26 requirements relevant to the United States’ claims.

27 a. First, it required all owners of rental property in the City to register  
28 their properties and pay an annual fee, and it imposed fines for failure to register those

1 properties. Under the City fee schedule for the ordinance, an owner had to pay a \$350 fine  
2 for failing to register a single-family rental property, and a fine of \$50 per unit for failing  
3 to register a multifamily property. The ordinance also made the failure to register or to  
4 comply with the provisions of the ordinance a misdemeanor.

5 b. Second, it required owners to submit the names of all adult tenancy  
6 applicants to the Sheriff’s Department for a background screening. In addition, it required  
7 owners to use a commercially available service to conduct a criminal background check  
8 of their tenants, at the owners’ expense. The City fee schedule for the ordinance imposed  
9 a \$250 fine for an owner’s failure to screen a tenant or applicant.

10 c. Third, it required all owners to incorporate a “Crime Free Lease  
11 Addendum” into all new and renewed residential leases. The City Council approved the  
12 addendum. The addendum mandated that if any occupant, guest, or “other person under  
13 the [occupant’s] control” engaged in a single instance of any criminal activity “on or near”  
14 the property or, in the case of drug crimes, “at any location,” this “w[ould] result in a  
15 Three-Day Notice to Quit.” Neither the ordinance nor the addendum required a conviction  
16 or other criminal disposition, or even an arrest, to trigger the three-day notice. The  
17 addendum allowed landlords to serve the three-day notice requiring that “every member  
18 of . . . [the] household . . . shall vacate the premises within three days.”

19 d. The City fee schedule for the ordinance imposed a \$500 fine on owners  
20 for failure to initiate an eviction in accordance with the addendum, as well as a \$250 fine  
21 for failure to incorporate the addendum in a lease.

22 e. Fourth, the ordinance required all rental properties in the City to  
23 undergo annual police inspections for items related to actual or potential criminal activity,  
24 for example, whether poor lighting or landscaping offered places for individuals to hide.  
25 The City fee schedule for the ordinance provided a \$100 fee for each reinspection and a  
26 \$400 fine for failing to make any required corrections.

27 17. The City amended the ordinance as of July 18, 2017, during HUD’s  
28 investigation. The language of the ordinance changed, but the components of the crime-

1 free rental housing program implemented under the original ordinance remain largely the  
2 same, although certain provisions are no longer mandatory. The current City fee schedule  
3 provides for many of the same fines under the amended ordinance as it did under the  
4 original ordinance.

5 *3. The City's Enactment of the Ordinance*

6 18. The ordinance's stated rationale was a purported connection between rental  
7 properties and increased "illegal activity" and "law enforcement calls for service."  
8 However, statements by City and Sheriff's Department officials leading up to the  
9 enactment of the ordinance belie this rationale.

10 19. Instead, statements by City and Sheriff's Department officials indicate that  
11 the ordinance was enacted with discriminatory intent and with the purpose of evicting and  
12 deterring African American and Latino renters from living in Hesperia.

13 20. In City Council hearings prior to the ordinance's enactment, the Mayor,  
14 Mayor Pro Tem, and other City Councilmembers made numerous statements that  
15 demonstrate the City enacted the ordinance to reverse perceived "demographic" changes  
16 in Hesperia. During hearings, City officials focused on the places from which renters had  
17 moved when discussing the need to expel the perceived newcomers from Hesperia.  
18 Although approximately three-quarters of new Hesperia residents between 2012 and 2016  
19 moved there from other parts of San Bernardino County, City Councilmembers focused  
20 many of their statements on purported newcomers from Los Angeles County, whose  
21 population in 2016 was estimated to be only 26.7% non-Hispanic white. For example:

22 a. City Councilmember Russ Blewett stated the purpose of the ordinance  
23 was "to correct a demographical problem." He stated he "could care less" that landlords  
24 and organizations including "the Apartment House Association, and the Building Industry,  
25 and the Board of Realtors" disagreed with him about the ordinance, and stated that the  
26 City needed to "improve our demographic." Blewett also stated that "those kind of people"  
27 the ordinance would target were "no addition and of no value to this community, period,"  
28

1 and that he wanted to “get them the hell out of our town,” adding “I want their butt kicked  
2 out of this community as fast as I can possibly humanly get it done.”

3 b. The Mayor, Eric Schmidt, stated “I can’t get over the fact that we’re  
4 allowing . . . people from LA County” to “mov[e] into our neighborhoods because it’s a  
5 cheap place to live and it’s a place to hide.” He also stated that “the people that aggravate  
6 us aren’t from here,” and that they “come from somewhere else with their tainted history.”

7 c. Mayor Pro Tem Bill Holland stated “[w]e are surgically going after  
8 those elements that create an inordinate amount of problems in every single  
9 neighborhood,” and “[y]ou are trying to eliminate them, you are trying to pluck them out  
10 and make them go somewhere else.” He also stated that the ordinance’s purpose was to  
11 get each landlord “to rid his rental . . . of that blight,” similar to “call[ing] an exterminator  
12 out to kill roaches, same difference.”

13 d. City Councilmember Mike Leonard stated that “we’ve had a lot of  
14 people from over the hill move up here that are not very friendly people,” and “we need  
15 to work on getting them out of here.” He also stated “[w]e need to get [the ordinance]  
16 going because we are falling further and further behind on our ability to cut down some of  
17 our problem areas.”

18 e. During a hearing on the proposed ordinance, Mayor Schmidt asked a  
19 property manager what percentage of his renters came from outside San Bernardino  
20 County. The property manager testified that people were moving from specific parts of  
21 Los Angeles County—all of which were well known as having significant minority  
22 populations, including the “323 area code” (which is concentrated in central Los Angeles  
23 city) and the cities of Compton, Inglewood, Long Beach, and Los Angeles. According to  
24 Census estimates, in 2016 the non-Hispanic white population in Compton was 1.1%; in  
25 Inglewood, it was 3.7%; in Long Beach, it was 27.7%; and in Los Angeles, it was 28.5%.

26 21. Captain Nils Bentsen from the Sheriff’s Department, who later became  
27 Hesperia’s City Manager, was present at the hearings during which the statements  
28 described in Paragraph 20 were made.

1           22. Captain Bentsen and the City Councilmembers described Hesperia’s  
2 renters—a group in which African American and Latino individuals are overrepresented  
3 in comparison to their share of homeowners—as dangerous because they were “anti-  
4 social” and “victimized” homeowners. According to 2016 Census estimates, 58% of renter  
5 households in Hesperia were African American or Latino, compared to just 44% of  
6 homeowner households.

7           23. Captain Bentsen and the City Councilmembers also disparaged Hesperia’s  
8 Housing Choice (“Section 8”) Voucher holders—three-quarters of whom were African  
9 American or Latino. For example, Councilmember Leonard stated the ordinance would  
10 “straighten . . . out” Hesperia’s “issues with a lot of Section 8 housing,” and told the other  
11 Councilmembers “[y]ou just pay more taxes to support these people that are sucking up  
12 the Section 8 housing,” and added “[w]e need to get them out.” Captain Bentsen compared  
13 the ordinance to his previous efforts evicting people in “a Section 8 house” where “it took  
14 us years to . . . find some criminal charges [and] arrest the people.”

15                   4. *The Sheriff’s Department’s Involvement in the Creation and Enactment*  
16                   *of the Ordinance*

17           24. The Sheriff’s Department provided significant support and resources to help  
18 the City create and prepare to implement the ordinance before it was enacted.

19           25. According to Hesperia’s City Manager at the time, Mike Podegracz, Captain  
20 Bentsen was the “driving force” behind the ordinance. Bentsen testified in uniform before  
21 the City Council over six months before the ordinance’s enactment “to see if the Council  
22 [was] willing to establish a mandatory [crime free rental] program.” In his testimony, he  
23 cited data that he claimed showed a nexus between rental properties and increased crime.  
24 However, these data were misleading and incomplete, and he provided no testimony  
25 demonstrating that any of the data points were appropriate measures of crime rates:

26           a. First, Bentsen claimed that in 2014 one-third of 911 calls in the City  
27 came from rental properties. But he failed to exclude from his data those 911 calls that  
28 were unrelated to criminal activity, and did not provide any additional data about the



1 remaining 911 calls to enable the decision makers to determine whether the proportion of  
2 911 calls coming from rental properties was disproportionate to the percentage of occupied  
3 housing units that were rental units (which was approximately 37% in 2014), and if so, by  
4 how much;

5           b.       Second, Bentsen cited the proportion of “multiple response” citations  
6 that the Sheriff’s Department issued at rental properties. According to Bentsen, the  
7 Sheriff’s Department issued “multiple response” forms when its officers had responded  
8 multiple times to a particular residence, including for loud music. Although Bentsen  
9 claimed that 80% of “multiple responses” from law enforcement were for rental properties,  
10 he omitted from his count those “multiple responses” involving alarm calls, which  
11 typically occurred at homes. Bentsen also did not testify about the circumstances in which  
12 the Sheriff’s Department issued “multiple response” forms; and

13           c.       Finally, Bentsen asserted that nine of the ten homicides in Hesperia  
14 from 2012 through 2014 occurred at rental properties. He presented no statistics for other  
15 types of crime, however, claiming that it would be “very difficult” and take “a lot of time”  
16 to compile the data necessary to determine whether crime rates for any other offenses vary  
17 depending on whether a property is owner- or renter-occupied. He asserted that he  
18 presented only data on homicides because that information “was an easier one for me to  
19 pull up because we don’t have that many homicides, thank God.”

20           26.     The Sheriff’s Department began planning for an internal unit to enforce the  
21 ordinance before it was enacted. For instance, the Sheriff’s Department “purchased Crime  
22 Free tracking software that allows the Sheriff’s Department to quickly determine if a  
23 prospective tenant has been in violation of the Crime Free program anywhere in San  
24 Bernardino County.”

25           27.     Captain Bentsen testified to the City Council that, “[u]nder Crime Free, you  
26 don’t have to be convicted of a crime” to be evicted, and that “misdemeanor crimes [that  
27 are] mostly going unprosecuted . . . a good example is disturbances,” could be enough to  
28 warrant eviction.

1                   5. *Opposition to the Ordinance’s Enactment and Enforcement*

2           28. The City enacted the ordinance despite objections from members of the  
3 community to many of its provisions. For example, the director of a property management  
4 company stated during a hearing that the ordinance was “trampling on civil rights.” In  
5 addition, a group of realtors sent a letter to the City stating that, by “[t]aking the time of a  
6 Sheriff’s Deputy to inspect a property,” the ordinance would “keep[] that deputy from  
7 being able to actively protect the public from crimes.” The realtors also suggested that the  
8 ordinance’s purported crime-reduction objective would better be achieved if the City  
9 “could utilize existing data to identify where there have been higher incidents of crime,  
10 and could focus on addressing that issue in those areas.”

11           29. Defendants also disregarded a fair housing organization’s letter stating that  
12 the ordinance “undermines law enforcement efforts, imposes unfair burdens on owners,  
13 conflicts with the City’s fair housing obligations, and creates devastating effects on  
14 Hesperia residents who are most in need of law enforcement services.” Councilmember  
15 Blewett stated in response, “I don’t care what fair housing says about” the people the  
16 ordinance targeted. Councilmember Paul Russ stated, “maybe we should go down to [the  
17 fair housing organization’s offices] and start poking our noses in your business.”

18           30. Housing-related organizations continued raising civil rights and other  
19 objections after enforcement began. For instance, the California Apartment Association  
20 wrote the City that “many key provisions of the ordinance are unconstitutional,  
21 inconsistent with state law and subject owners to the risk of significant liability for fair  
22 housing violations and wrongful eviction.” Another housing provider expressed concerns  
23 about the legality of the screening form and the addendum based on fair housing, civil,  
24 and privacy laws, and in advocating for revisions to those forms, told the Sheriff’s  
25 Department that her company was “not willing to subject our clients or ourselves to the  
26 legal exposure the current documents represent.” One housing provider stated that the  
27 ordinance “exposes landlords to significant civil liability,” “does not provide tenants with  
28

1 adequate procedural protections, and also discriminates against renters and those the City  
2 has determined to be ‘undesirable.’”

3 **B. The Sheriff’s Department—with the City’s knowledge and assent—enforced**  
4 **the ordinance intentionally to evict and deny housing to African American**  
5 **and Latino renters.**

6 *1. The City Granted Discretion to the Sheriff’s Department*

7 31. Captain Bentsen testified to the City Council that the ordinance was designed  
8 to be “lighter on the requirements and more heavy on the enforcement.”

9 32. The City tasked its “police department” and “Chief of Police”—i.e., the  
10 Sheriff’s Department and a designated Sheriff’s Captain—with enforcing the ordinance.  
11 Enforcement was specifically handled by a special Crime Free Housing Team within the  
12 Sheriff’s Department comprising a deputy, a service specialist, and an office specialist.

13 33. The ordinance made the Sheriff’s Department the only entity with discretion  
14 to decide whether the ordinance required an eviction. It made the Sheriff’s Department  
15 responsible for maintaining a “crime free” database and for sending crime notifications to  
16 property owners. If the Sheriff’s Department staff sent a crime notification to owners about  
17 their property, the ordinance mandated that the owners begin an eviction process.

18 34. The Sheriff’s Department exercised discretion in all aspects of enforcing the  
19 ordinance. Neither the ordinance nor the City provided much guidance to the Sheriff’s  
20 Department regarding enforcement. The ordinance explicitly gave “discretion” to the  
21 “Chief of Police”—i.e., Sheriff’s Department staff—to determine whether and what  
22 “evidence and documents” would be sent to housing providers notifying them to evict a  
23 tenant.

24 35. Sheriff’s Department staff stated that the ordinance was applied on a “case-  
25 by-case basis *of course*” (emphasis added), and that they “handl[ed] each situation  
26 differently” and applied “more of a ‘spirit of the law’ determination” than a fixed set of  
27 rules.  
28

1                   2. *Harsh Enforcement*

2           36. Under the ordinance, the Sheriff’s Department routinely determined that  
3 tenants should be evicted despite the absence of any conviction or court judgment.  
4 Sheriff’s Department staff stated that “a copy of the call [to 911] for service,” a “negative  
5 Law Enforcement action [as opposed to a] conviction of a crime,” or a “multiple response  
6 citation,” which could be issued if the Sheriff’s Department responded to a property  
7 multiple times for “noise disturbances” such as “loud music,” could all trigger eviction.

8           37. Even conduct that was legal under California state law could justify an  
9 eviction. Sheriff’s Department staff explained to a housing provider, “even if your tenant  
10 has a [medical] marijuana card . . . they will be in violation of the Crime Free Program  
11 [even though a]s the police, we can’t arrest someone for smoking marijuana who has a  
12 card.”

13           38. Sheriff’s Department staff pressured property owners to ensure evictions took  
14 place and dedicated or offered to dedicate significant attention and resources to assist. For  
15 example, after a landlord served a notice to vacate on the landlord’s tenants, Sheriff’s  
16 Department staff told the landlord that “if they end up fighting it and going to court, we’d  
17 be happy to accompany you.” Sheriff’s Department staff also offered to “speak to any  
18 problem tenants about their better options if they refuse to move after an arrest occurs.”

19           39. Sheriff’s Department staff provided legal advice to owners to assist with  
20 evictions. For example, a Deputy Sheriff informed one landlord that “[i]f a tenant is  
21 evicted and you do not want them on the property, as long as you notify them they are not  
22 welcome we can move forward with a citizen’s arrest,” and “I would document the date  
23 and time they were advised not to return to the property.”

24           40. The Sheriff’s Department also encouraged owners to use extra-judicial tactics  
25 to eject tenants from their homes. Sheriff’s Department staff told a housing provider to use  
26 “whatever method fits the situation” to evict tenants, “as long as [the tenants] leave.”  
27 Sheriff’s Department staff encouraged the use of threats of eviction to get tenants to vacate  
28

1 through a “voluntary move,” “especially after explaining that an official eviction could  
2 have a negative impact on their credit.”

3 41. The Sheriff’s Department encouraged housing providers to evict entire  
4 households when one member of the household engaged in purported criminal activity.  
5 For example, a staff member told a housing provider, “[n]ot sure which one [of your  
6 tenants] was arrested, but under the new City Ordinance any arrest on the premises means  
7 the whole house is subject to eviction anyway.” Sheriff’s Department staff also demanded  
8 the eviction of an elderly Latino couple who lived in a majority-minority Census block  
9 after their adult son, who did not live with them, was arrested.

10 42. The Sheriff’s Department also notified landlords to begin evictions of victims  
11 of domestic violence even though the ordinance contained language purporting to protect  
12 them. For example, one woman was evicted together with her three children from a  
13 majority-minority Census block after she called 911 to report that her husband was beating  
14 her with a television cable. Sheriff’s Department staff explained to another landlord that,  
15 under the ordinance, the Sheriff’s Department “would be notifying you to begin eviction  
16 on the entire household” of a domestic violence victim “if the victim ends up allowing [the  
17 abuser] back in, and the problems persist.” Also, the Sheriff’s Department told the landlord  
18 of an African American domestic violence victim that the victim “is allowing the problem  
19 to continue,” and that the landlord could “warn [her] that if she allows [her husband] back  
20 in, and the problem persists, she would be subject to eviction.”

21 43. Residents reported to HUD that they were scared to call the police due to the  
22 fear of eviction.

23 44. Evicting crime victims who called 911 undercuts Defendants’ assertion that  
24 a principal purpose of the ordinance was to reduce crime and make neighborhoods safer.

25 45. Defendants retaliated against housing providers that hesitated to evict tenants  
26 as demanded by the Sheriff’s Department. If owners did not begin evictions, the Sheriff’s  
27 Department threatened them with fines. When a property management company raised  
28 concern about the ordinance’s legality, the Sheriff’s Department emailed the company’s

1 clients to inform them the company was noncompliant with the ordinance, and thus the  
2 City could fine the clients.

3 46. The City failed to exercise meaningful oversight over the Sheriff's  
4 Department in its enforcement of the ordinance.

5 47. The Sheriff's Department tracked the progress of the eviction campaign it  
6 directed with a document listing more than 250 people it had targeted for eviction and the  
7 status of their housing.

8 *3. Disproportionate Enforcement Against African American and Latino*  
9 *Renters and Renters in Majority-Minority Neighborhoods*

10 48. During its investigation, HUD obtained an "eviction tracking spreadsheet"  
11 from the Sheriff's Department purporting to list those residents and households that the  
12 Sheriff's Department had targeted for eviction in 2016 and the status of their housing.  
13 Based on an analysis of the residents on the spreadsheet whose race and national origin  
14 could be identified, HUD determined that African American and Latino renters were  
15 significantly more likely to be evicted under the ordinance than non-Hispanic white  
16 renters. Specifically, HUD determined that African American renters were almost four  
17 times as likely as non-Hispanic white renters to be evicted because of the ordinance, and  
18 Latino renters were 29% more likely than non-Hispanic white renters to be evicted.

19 49. The Sheriff's Department's data further show that 96.3% of individuals and  
20 96.9% of households evicted under the ordinance had been evicted from majority-minority  
21 Census blocks, even though only 79% of rental households in Hesperia are located in  
22 majority-minority Census blocks.

23 50. HUD further determined from the Sheriff's Department data that of the  
24 Census blocks in Hesperia with at least 25% renters and at least four rental units, 24%  
25 were majority-white, but only 2.5% of evictions occurred in those blocks.

26 51. Moreover, HUD's analysis showed that the rate of evictions under the  
27 ordinance increased in relation to the percentage of minorities residing in the Census  
28

1 block. The higher the concentration of minority population in an area, the more likely  
2 households in that neighborhood were to be evicted under the ordinance.

3 52. Defendants intended this disproportionate enforcement to drive African  
4 American and Latino renters out of their homes and out of Hesperia.

5 *4. The Sheriff's Department's Screening Process*

6 53. The ordinance, on its face, did not require housing providers to deny housing  
7 to applicants whom the Sheriff's Department "flagged" through the background screening  
8 process as having previously "violated rules of the Crime Free Rental Housing Program."

9 54. However, the Sheriff's Department warned landlords about renting to tenants  
10 flagged during the screening process. For example, Sheriff's Department staff described  
11 such tenants as "potential future violators" to one housing provider, and cautioned another,  
12 "[y]ou just have to keep the consequences in mind along with the knowledge that you're  
13 renting to a previously bothersome tenant."

14 55. Defendants also threatened some housing providers if they rented to tenants  
15 flagged through screenings. For example, the City informed a couple who owned four  
16 rental properties in Hesperia that they could be fined if they leased to applicants who were  
17 flagged during the screening process. The couple denied the housing application of at least  
18 one Latino tenant because of the Sheriff's Department's screening.

19 56. Sheriff's Department's screening reports generally did not provide  
20 information about why an applicant was flagged, and some housing providers simply  
21 denied housing to every applicant the Sheriff's Department flagged.

22 57. The Sheriff's Department flagged at least 75 tenancy applicants during its  
23 screening process.

24 **C. Defendants' actions were taken with intent to discriminate, and had the effect**  
25 **of discriminating, against African American and Latino individuals.**

26 58. Defendants intended for the enactment and enforcement of the ordinance to  
27 drive African American and Latino renters out of their homes and out of Hesperia, and to  
28 discourage African American and Latino applicants from moving to Hesperia.





1           66. On November 1, 2019, Hesperia filed a notice of election to have the case  
2 heard in a civil action pursuant to 42 U.S.C. § 3612(a).

3           67. On November 4, 2019, an Administrative Law Judge issued a Notice of  
4 Election to Proceed in United States Federal District Court and terminated the  
5 administrative proceeding on the charge of discrimination.

6           68. Following Hesperia's notice of election, the Secretary authorized the  
7 Attorney General to commence a civil action pursuant to 42 U.S.C. § 3612(o).

8           **VI. DEFENDANTS' VIOLATIONS OF THE FAIR HOUSING ACT**

9           69. The United States re-alleges and herein incorporates by reference the  
10 allegations set forth in paragraphs 1–68 above.

11           70. The rental properties the ordinance affected are all dwellings within the  
12 meaning of 42 U.S.C. § 3602(b).

13           71. The conduct of Defendants described above constitutes:

14           a. A denial of housing or otherwise making housing unavailable because  
15 of race and national origin, in violation of Section 804(a) of the Fair Housing Act, 42  
16 U.S.C. § 3604(a);

17           b. Discrimination in the terms, conditions, or privileges of rental of a  
18 dwelling, or in the provision of services or facilities in connection therewith, because of  
19 race and national origin, in violation of Section 804(b) of the Fair Housing Act, 42 U.S.C.  
20 § 3604(b); and

21           c. Coercion, intimidation, threats, or interference with persons in the  
22 exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights  
23 under Section 804 of the Fair Housing Act, in violation of Section 818 of the Fair Housing  
24 Act, 42 U.S.C. § 3617.

25           72. The conduct of Defendants described above constitutes:

26           a. A pattern or practice of resistance to the full enjoyment of rights  
27 granted by the Fair Housing Act, in violation of 42 U.S.C. § 3614(a); and  
28



1           4.       Requires such action by Defendants as may be necessary to restore all persons  
2 aggrieved by Defendants’ discriminatory housing practices to the position they would  
3 have occupied but for such discriminatory conduct;

4           5.       Awards appropriate monetary damages to all persons harmed by Defendants’  
5 discriminatory conduct, as authorized by 42 U.S.C. §§ 3612(o)(3), 3613(c)(1), and  
6 3614(d)(1)(B); and

7           6.       Assesses civil penalties against Defendants under 42 U.S.C. § 3614(d)(1)(C)  
8 in order to vindicate the public interest.

9           The United States prays for such additional relief as the interests of justice may  
10 require.

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**DEMAND FOR JURY TRIAL**

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: December 2, 2019

Respectfully submitted,

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