

Housing Discrimination Complaint

Case Number: 2016H0336

1. Complainants:

Thomas & Melinda D'Aiuto
104350 OVERSEAS HWY APT B102
KEY LARGO, FL 33037

2. Complainant Representatives:

3. Other Aggrieved Parties:

4. The following is alleged to have occurred or is about to occur:

- Discriminatory terms, conditions, privileges, or services and facilities
- Failure to permit reasonable modification

5. The alleged violation occurred because of:

- Handicap

6. Address and location of the property in question (or if no property is involved, the city and state where the discrimination occurred):

Moon Bay Condominiums
104350 Overseas Highway
Boat Slip #34
Key Largo, FL 33037

7. Respondents:

MOON BAY CONDOMINIUM ASSOCIATION, INC.
c/o PERSAUD, SAMUEL A (registered agent)
9100 South Dadeland Boulevard SUITE 400
MIAMI, FL 33156

PATRIOT PROPERTY SERVICES, INC.

c/o Larrivee, Kenneth J (registered agent)
14 Hibiscus Dr
Key Largo, FL 33037

KATHRYN PECKO (Title VP/D)
MOON BAY CONDOMINIUM ASSOCIATION, INC.
PO BOX 370219
KEY LARGO, FL 33037

8. The following is a brief and concise statement of the facts regarding the alleged violation:

Complainant Thomas D'Aiuto alleged that he possesses a physical disability as defined by the Fair Housing Act (FHA). Therefore, Complainant belongs to a class of persons whom the Act protects from unlawful discrimination by virtue of disability. Complainant owns a condominium unit in "Moon Bay Condominiums," located at 104350 Overseas Hwy., unit B-102, Key Largo, FL 33037; which has a deeded boat slip #34. The unit and boat slip are subject to the rules and regulations of Respondent Moon Bay Condominium Association, Inc., and managed by Respondent Patriot Property Services, Inc.

Complainant alleged that his physical disability restricts his safe access and use of his boat in the boat slip. Complainant alleged that he made a reasonable modification request on May 2015, to Respondents, to be allowed to install a mechanical boat lift his deeded boat slip. Complainant explained that the mechanical boat lift would provide him equal opportunity to safely use and enjoy the amenities of the community, which include the boat slip. Complainant alleged that he provided Respondents with documentation that supported his need for the modification, including written physicians orders detailing his medical necessity. Complainant alleged that Respondents tentatively approved his modification request on August 20, 2015, but instituted several unreasonable requirements which prevented the installation of the boat lift. Complainant alleged that Respondents required an electric meter to be installed on the boat lift, and for the lift to be used in a manner which violated the manufacturer's specification, owner's manual, warranty and safe use. Complainant alleged that other slip owners are allowed unlimited use of electricity at their boat slips without metering and with no additional cost. Complainant explained that he regards Respondents' additional requirements as unreasonable, and believes that Respondents have constructively denied his modification request through the imposition of the additional requirements. As such, Complainant believes that Respondents have constructively denied his modification request, and subjected him to unreasonable terms in a discriminatory manner based on his disability.

9. The most recent date on which the alleged discrimination occurred:

August 20, 2015 , and is continuing.

10. Types of Federal Funding Identified:

11. The acts alleged in this complaint, if proven, may constitute a violation of the following sections:

804b or f, and 804f3A of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988.

Please sign and date this form:

I declare under penalty of perjury that I have read this complaint (including any attachments) and that it is true and correct.

 3/30/16

Thomas & Melinda D'Aiuto

Date

N O T E : HUD WILL FURNISH A COPY OF THIS COMPLAINT TO THE PERSON OR ORGANIZATION AGAINST WHOM IT IS FILED.