

Landlord Loses \$350,000 in Discrimination Claim by C.D. Publications

Nebraska: A tenant is awarded \$350,000 in compensatory and punitive damages against his landlord who discriminated against him because he was Hispanic and because he was the “spokesman” for all of the tenants who lived in the landlords’ mobile home park.

The tenant lived in a mobile home park where all of the residents were Hispanic. The tenant became the spokesman for the tenants who lived in the park.

The landlord filed a “frivolous multimillion-dollar” lawsuit against him after he began acting on behalf of all of the tenants who lived in the park.

The tenant sued his landlord claiming she violated the federal Fair Housing Acts of 1958 and 1988 as well as the state’s fair housing and landlord-tenant acts.

He claimed he was discriminated against in housing by reason of his national origin. The tenant also claimed his landlord retaliated against him for exercising his rights under the FHA after he organized a tenants’ petition regarding “substandard living conditions” and because he filed a discrimination complaint against his landlord with a state agency.

The FHA provides for the recovery in punitive damages by victims of discriminatory housing practices. Punitive damages are appropriate if the landlord’s conduct is shown to be motivated by “evil motive or intent” or when it involves “reckless or callous indifference” to the federally protected rights of others.

Such damages are limited to “cases in which the defendant has engaged in intentional discrimination and has done so with malice or with reckless indifference to the federally protected rights of an aggrieved individual.

The tenant testified he and other Hispanic tenants were subjected to deplorable and dangerous living conditions and substandard facilities.

The trailer park’s water was turned off on two occasions because the landlord failed to pay the water bill and the tenants were forced to use the bathroom facilities at a local public library. The landlord also failed to remove “dead and rotting animals” from vacant trailers and failed to provide trash removal in the park.

The tenant and his family were forced to relocate as a result of the substandard conditions and were denied financing because of the landlord’s “then-pending lawsuit” against the tenant.

He also incurred legal costs to defend against the landlord’s lawsuit and he suffered severe emotional distress as a result of the landlord’s actions before the case against him was ultimately dismissed.

The trial court agrees that the landlord’s conduct towards the tenant was “egregious” and that the landlord acted in “callous and reckless disregard” for the tenant’s federally protected rights.

The trial court awards the tenant \$10,000 in compensatory damages and \$250,000 in punitive damages.

Lesson: The landlord who owned and operated the mobile home park openly and aggressively discriminated against the Hispanic tenants and eventually directed her anger at this tenant and sued him in a frivolous lawsuit because he exercised his

federally protected FHA rights. The landlord owes this tenant \$350,000 as a result of the discrimination tactics.

Rigobarto Campos, Plaintiff vs. Barney G. Inc., Westwood USA Mobile Home Park and Leourieta B. Glass, Defendants. 2207 U.S. Dist.

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