



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-2000

ASSISTANT SECRETARY FOR
FAIR HOUSING AND EQUAL OPPORTUNITY

December 11, 2007

Mr. Daniel J. Bader
306 Coronado
Newport Beach, CA 92661-1230

Dear Mr. Bader:

Thank you for your email of October 25, 2007, to Secretary Jackson, in which you expressed concern about a complaint the Fair Housing Council of Orange County (FHCOC) filed against you with the California Department of Fair Employment and Housing (DFEH). The complaint alleged that the language you used in advertisements for the rental of a dwelling violated fair housing laws. Specifically, the subject advertisement indicated that your rental dwelling is "suitable for 1 or 2 professional adults" and, in another advertisement, "perfect for 1 or 2 professional adults."

The Federal Fair Housing Act and analogous State and local fair housing laws prohibit the making, printing or publishing of advertisements, which state a preference, limitation or discrimination on the basis of race, color, religion, sex, handicap, familial status, or national origin. Generally, one should avoid use of the word "adult" in real estate advertising, as it may suggest, in some contexts, exclusion of families with children. The Department, however, in evaluating whether any advertisement violates the Fair Housing Act, would consider the full text of the advertisement and the context in which potentially discriminatory words are used.

The FHCOC, the Complainant in this matter, is a private fair housing organization whose mission is to educate the public about housing discrimination and investigate potential violations of fair housing law. The matter about which you write is pending before a State agency and not before HUD. The Department does not intervene in matters pending in a State forum.

You state that "the FHCOC should be investigated for possible violation against Federal RICO laws." This Department has no authority to enforce Federal RICO laws, nor do we have any other basis to intervene in this action by a private organization pending in a state forum. I understand you strongly dispute the allegations and the remedy the FHCOC seeks. I trust that this dispute will be appropriately addressed by the State adjudicative body.

I hope this information is helpful. Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Greene", written over a horizontal line.

Bryan Greene
Deputy Assistant Secretary for
Enforcement and Programs



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Daniel Bader
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SEP - 7 2007

Dear Respondent:

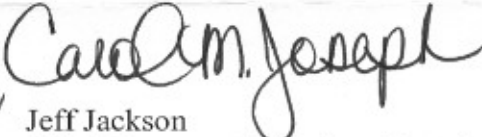
Subject: Housing Discrimination Complaint
FHCOC v. Bader
HUD Case No.: 09-07-0071-8
Agency Case No.: H200607P0239

We have been advised by the California Department of Fair Employment and Housing that the subject case has been referred to its legal office for possible enforcement action.

The California Department of Fair Employment and Housing will continue to process the case until final disposition by its legal staff. Although we are closing our case file because of the referral for enforcement action by the California Department of Fair Employment and Housing, we will continue to receive from them periodic updates on the status of the proceeding, until final disposition. At such time as they notify us of the final disposition, we will also confirm the results to you in a case closure letter.

Thank you for your cooperation. We encourage you to regularly examine your policies and practices to ensure full compliance with applicable state and federal fair housing laws.

Sincerely,


for Jeff Jackson
Chief, Program Operations Branch
Office of Fair Housing and
Equal Opportunity (FHEO)