



**Metropolitan Fair Housing Council of Oklahoma, Inc.**

*"Fighting Housing Discrimination in Oklahoma Since 1979"*

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**Metropolitan Fair Housing Council of Oklahoma Announces  
\$50,000 Settlement of Disability Discrimination Lawsuit**

**FOR IMMEDIATE RELEASE – October 03, 2018** ([See Consent Decree + Complaints](#))

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Today, the Metropolitan Fair Housing Council of Oklahoma, Inc announced a Settlement Agreement of \$50,000 to resolve a federal lawsuit filed on behalf of Nicola Mariott, a disabled homeowner, against Christine Irvin, the owner and manager of Shady Acres Mobile Home Park in Oklahoma City. The Plaintiff, the United States of America ("the United States"), through the U.S. Department of Justice on behalf of Complainant Nicola Mariott, and Defendant Christine Irvin, through her authorized representatives entered into the Agreement to resolve a Complaint filed by the United States on November 16, 2017, (*United States v. Christine Irvin*), Civil Action No. 17-1233-M (W.D. Okla.) to enforce Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act). The Agreement also resolves a Private Action filed on April 11, 2018 on behalf of Nicola Mariott in United States Federal District Court (W. D. Okla.), (*Nicola Mariott v. Christine Irvin & Jim Irvin*, Civil Action No. CIV-18-327-D. The Plaintiff, Nicola Mariott was represented by MFHC Cooperating Attorney Christopher Brancart and MFHC Staff Attorney Ge'Andra Johnson. On May 3, 2018, the Court consolidated both cases.

Ms. Nicola Mariott is a person with a disability who needed an assistance animal to accommodate her disability. Ms. Mariott owned her mobile home and rented lot space for her home at Shady Acres Mobile Home Park in Oklahoma City, Oklahoma from September 2010 until June 2016. The mobile home park had a pet policy permitting residents to keep one small dog per family. In April 2016, Ms. Mariott made oral and written requests for a reasonable accommodation, asking that she be allowed to live with her assistance animal, Bell, a Blue Heeler-Labrador Retriever mix-breed dog. Ms. Mariott stated the owner informed her that her assistance animal was in violation of the pet policy due to the animal's size. Ms. Mariott provided letters from her treating psychiatrist, that she (Mariott) was a person with a disability, that the request was reasonable and necessary. The owner refused to grant the request and refused her doctor's letters deeming them fake. On April 21, 2016, Nicola Mariott filed a complaint with the U.S. Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity alleging disability discrimination and harassment. Ms. Mariott alleged after Ms. Irvin received notice from HUD that Ms. Mariott filed a complaint of housing discrimination, Irvin retaliated against her by issuing a notice of eviction, demanding that she vacate Shady Acres Mobile Home Park by June 20, 2016. Ms. Mariott alleged Ms. Irvin refused to rescind her demand that she vacates the property even though she informed Ms. Irvin that she had removed her assistance animal from the property. Ms. Mariott alleged the eviction caused her to sell her mobile home and move back home with her parents. The Secretary of HUD conducted and completed an investigation of the complaint filed on April 21, 2016, attempted conciliation without success, and prepared a final investigative report. Based upon the information gathered in the investigation, the Secretary, determined that reasonable cause existed to believe the Defendant Christine Irvin violated the Fair Housing Act. On August 10, 2017, the Secretary issued a Charge of Discrimination, charging the Defendant, Christine Irvin with engaging in discriminatory housing practices on the basis of disability. On August 18, 2017, the Complainant, Ms. Mariott, elected to have the claims asserted in the HUD Charge resolved in a civil action instead of an administrative proceeding and on August 21, 2017, the Administrative Law Judge issued a Notice of Election to Proceed in United States Federal District Court and terminated the administrative proceeding on the complaint.



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In its Civil Action, the United States alleged that by actions and statements, the Defendant (Christine Irvin) discriminated in the rental, or otherwise made unavailable or denied a dwelling to a renter because of a disability of that renter. Further summary of the United States allegation included; the Defendant (Irvin) discriminated in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection with such a dwelling, because of a disability of that renter; refused to make reasonable accommodations in rules, policies, practices, or services, when such an accommodation was necessary to afford a person with a disability equal opportunity to use and enjoy her dwelling; and coerced, intimidated, threatened, or interfered with a person in the exercise or enjoyment of, or on account of her having exercised or enjoyed, rights granted by the Fair Housing Act. The United States further alleged that the Defendant's conduct was intentional, willful, and/or taken in reckless disregard of the rights of others.

All parties agreed that claims against the Defendant (Irvin) should be resolved without further proceedings or a trial. Provisions of the agreement include; within 10 days of the effective date of the settlement agreement, the Defendant Irvin will pay Ms. Mariott a total sum of \$50,000 in settlement of Civil and Private Actions to resolve any and all claims for damages, attorney's fees and costs arising from any and all claims. Within 30 days of the agreement, the Defendant will establish and adopt a "Reasonable Accommodation Policy for Persons with Disabilities." Within 10 days after the Reasonable Accommodation Policy is adopted, Defendant shall notify in writing each resident of Shady Acres Mobile Home Park or any other rental property subject to the agreement and notify new residents with 10 days of moving in. Other provisions include the Defendant and her officers, employees etc. will notify the public within 30 days that they have a non-discrimination policy, including posting signs, listing the policy in all advertisements to include "Equal Housing Opportunity Provider." All individuals having any duties regarding the subject property shall attend mandatory fair housing training within 90 days of the effective date of the agreement and shall submit to counsel for the United States a compliance report within 120 days. Defendant shall notify counsel for the United States in writing within 15 days of receipt of any new complaint. The United States may take steps to monitor the Defendant's compliance with the Agreement, including conducting fair housing tests at the rental housing owned and/or managed by the Defendant. The duration of this Agreement shall be for a period of three (3) years from the date of execution.

Ms. Nicola Mariott stated, "My hope is this settlement will help raise awareness about the rights of people with mental illness. I would like to thank Metropolitan Fair Housing Council, my lawyer Ge'Andra Johnson for all her hard work and Mary Daniels Dulan for her kindness and wisdom."

"Assistance animals play a vital role in helping individuals with disabilities perform the daily functions of life that persons without disabilities take for granted," said Anna Maria Farias, Assistant Secretary for Fair Housing and Equal Opportunity with the Department of Housing and Urban Development. "HUD applauds the efforts of the Metropolitan Fair Housing Council of Oklahoma and the Justice Department in handling this case. Hopefully today's settlement will help other housing providers to recognize and comply with their obligation to uphold the nation's fair housing laws."

Richard Marshall, President, MFHC Board of Directors, stated, ""It continues to be unfortunate that people are mistreated and suffer because individuals refuse to comply with federal law. I applaud Ms. Marriott for (standing her ground) to make sure her rights are protected. I'm prayerful her future years are lived in comfort without out fear."



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Mary Daniels Dulan, Executive Director, MFHC, Inc. stated, "Ms. Mariott lived the American Dream of home ownership for six years until she was forced from her home, traumatized and retaliated against by her housing provider for requesting a reasonable accommodation for an assistance animal. We at MFHC commend her courage to discuss the rights of people with mental illness and for her strength, determination and belief in fair housing law."

Ge'Andra Johnson, Staff Attorney, MFHC, Inc. stated, "We are honored that Ms. Mariott chose the Metropolitan Fair Housing Council of Oklahoma, Inc. to assist her with her fight against housing discrimination. On behalf of Ms. Mariott, we extend our appreciation to MFHC Cooperating Attorney Christopher Brancart for serving as co-counsel in her lawsuit; HUD's Office of Fair Housing and Equal Opportunity and the Justice Department for their work toward a successful resolution to enforce Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act).

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**Metropolitan Fair Housing Council of Oklahoma, Inc.** - Since 1979, the Metropolitan Fair Housing Council has served as the only full-service, 501(c) (3) private nonprofit, qualified fair housing enforcement and advocacy organization in Oklahoma. We provide fair housing enforcement resources to alleged victims of housing discrimination; respond to consumer complaints of unfair treatment from the housing industry, conduct fair housing/fair lending education and outreach training for consumers, housing providers, public and private organizations and conduct counseling and mediation services to promote equal housing opportunity. We are dedicated to the creation of racially and economically integrated communities, and the elimination of housing discrimination.

**Brancart & Brancart** - Since 1989, Brancart & Brancart has been litigating housing discrimination cases on behalf of plaintiffs in federal and state courts. The firm is dedicated to promoting enforcement of the federal Fair Housing Act and related state laws through litigation and advocacy, and by providing education, training and support to fair housing attorneys and advocates throughout the country.

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