

**HOUSING DISCRIMINATION COMPLAINT**

**CASE NUMBER:**

**1. Complainants:**

National Fair Housing Alliance  
1331 Pennsylvania Ave NW, Suite 650  
Washington, DC 20004

Representing Complainant:

Sara Pratt  
Emily Curran  
Relman Colfax PLLC  
1225 19th Street NW, Suite 600  
Washington, DC 20036  
(202) 728-1888

Morgan Williams  
Scott Chang  
National Fair Housing Alliance  
1331 Pennsylvania Ave NW, Suite 650  
Washington, DC 20004  
(202) 898-1661

**2. Other Aggrieved Persons:**

To be determined.

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

Discriminating in the rental of, or otherwise made unavailable or denied, dwellings to persons because of their disabilities in violation of Section 804(f)(1) of the Fair Housing Act, 42 U.S.C. § 3604(f)(1);

Discriminating in the terms, conditions, or privileges of, or the provision of services or facilities in connection with the rental of a dwelling because of disability in violation of Section 804(f)(2) of the Fair Housing Act, 42 U.S.C. § 3604(f)(2); and

Failing to design and construct dwellings in compliance with the requirements mandated by Section 804(f)(3)(C) of the Fair Housing Act, 42 U.S.C. § 3604(f)(3)(C) and the applicable regulation, 24 C.F.R. § 100.205.

**4. The alleged violation occurred because of:**

Disability.

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

The Lofts at Town Madison  
124 Iberville St.,  
Madison, AL 35758

**6. Respondent(s):**

Breland Companies, LLC  
2101 West Clinton Ave, Suite 501  
Huntsville, AL 35805

The Lofts at Town Madison, LLC  
2101 West Clinton Ave, Suite 201  
Huntsville, AL 35805

The Lofts at Town Madison Condominium Association, Inc.  
2101 West Clinton Ave, Suite 201  
Huntsville, AL 35805

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

During the period of March 2023 to the present, Complainant National Fair Housing Alliance (“NFHA”) conducted an investigation of violations of the Fair Housing Act’s accessibility requirements at Respondents’ property, The Lofts at Town Madison (“The Lofts”), located in Madison, Alabama.

The investigation revealed multiple violations of Fair Housing Act (“FHA”) design and construction requirements, including the lack of an accessible route to an accessible primary entrance of the building, threshold issues at unit balconies impeding an accessible route throughout the unit, inaccessible environmental controls, and the lack of reinforced walls (blocking) in the walls around toilets and tubs to facilitate the installation of grab bars. The investigation also revealed violations of Title III of the Americans with Disabilities Act (“ADA”), including the lack of an accessible route to an accessible primary entrance of the building, because rental operations take place in the building.

**The Parties**

NFHA is a national non-profit, civil rights organization dedicated to eliminating housing discrimination and ensuring equitable housing opportunities for all people and communities through its education and outreach, member services, public policy and advocacy, housing and community development, responsible AI, enforcement, and consulting and compliance programs.

Breland Companies, LLC is registered in the State of Alabama as a foreign limited liability company. Breland Companies, LLC designed, constructed, owns, and operates The Lofts, and it is thus liable for design-and-construction accessibility violations present at The Lofts.

The Lofts at Town Madison, LLC is registered in the State of Alabama as a domestic limited liability company and may be liable for design-and-construction accessibility violations present at The Lofts.

The Lofts at Town Madison Condominium Association, Inc. is registered in the State of Alabama as a domestic non-profit corporation and may be liable for design-and-construction accessibility violations present at The Lofts.

### **Violations of the Fair Housing Act**

The Lofts at Town Madison (“The Lofts” or “the Property”) was designed and constructed for first occupancy after March 13, 1991. Unless otherwise noted, the violations identified in this Complaint continue until today. The Lofts is a completed three-story building with an elevator containing 21 one-bedroom and two-bedroom rental units (seven units on each floor). An identical second building is currently under construction in a lot adjacent to the first building. These units are covered multifamily dwelling units under the FHA, and the public and common use areas of the Property are also subject to the FHA’s accessibility requirements.

Complainant NFHA investigated The Lofts by visiting the Property to evaluate accessibility issues, meeting with a representative for the Property, testing for accessibility, taking photographs of exterior and interior elements of the Property, and reviewing blueprints of the Property. Based on Complainant NFHA’s investigation, it uncovered numerous obvious violations of accessibility requirements.

Complainant notified Respondents of the accessibility violations identified in this complaint by sending a letter on July 5, 2023.

### **Inaccessible Building Entrance (Requirements 1, 2, and 3)**

FHA regulations require that “[c]overed multifamily dwellings . . . shall be designed and constructed to have at least one building entrance on an accessible route unless it is impractical to do so because of the terrain or unusual characteristics of the site” and that “[t]he public and common use areas are readily accessible to and usable by handicapped persons.” 24 C.F.R. § 100.205. According to HUD’s Guidelines, accessible “means that the public or common use areas of the building can be approached, entered, and used by individuals with physical handicaps.” Guidelines at 9499. The Design Manual further states that “[a]n accessible route is a continuous, unobstructed path through sites and buildings that all accessible features, elements, and spaces. It is the critical element that allows the successful use of any site or building by a person with a disability. Such a

route is safe for someone using a wheelchair or scooter and is also usable by others.” Design Manual at 1.6.

Accordingly, “[t]hresholds at doorways shall not exceed 3/4 in (19 mm) in height for exterior sliding doors or 1/2 in (13 mm) for other types of doors. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2.” ANSI 4.13.8 (cited in Design Manual at 1.11).

Additionally, Title III of the ADA applies to areas of an apartment building in which rental operations occur. When covered, it is a violation of the ADA for thresholds at primary entrance doors to exceed one-half inch in new construction, and beveled thresholds must be at or under 1:2 slope above one-quarter inch. 2010 ADA Standards, § 404.2.5. Although there is no rental office within the building, NFHA observed that rental operations take place within The Lofts in vacant units accessed through the primary entrance pictured below.

NFHA documented threshold issues at the entrance to The Lofts that would impede a disabled person’s ability to enter the building, whether as a tenant or a member of the public. The Property’s entrance at 124 Iberville Street was observed to include a threshold exceeding one-quarter inch without beveling or one-half inch with beveling. This violates Requirement 1 (Accessible Building Entrance on an Accessible Route), Requirement 2 (Accessible and Usable Public and Common Use Areas), and Requirement 3 (Usable Doors). See Design Manual at 1.10–11; *id.* at 2.15; *id.* at 3.10. This also violates Title III of the ADA. 2010 ADA Standards, § 404.2.5. The below pictures show the threshold at the building entrance:



Figure 1: Exterior Threshold at Building Entrance

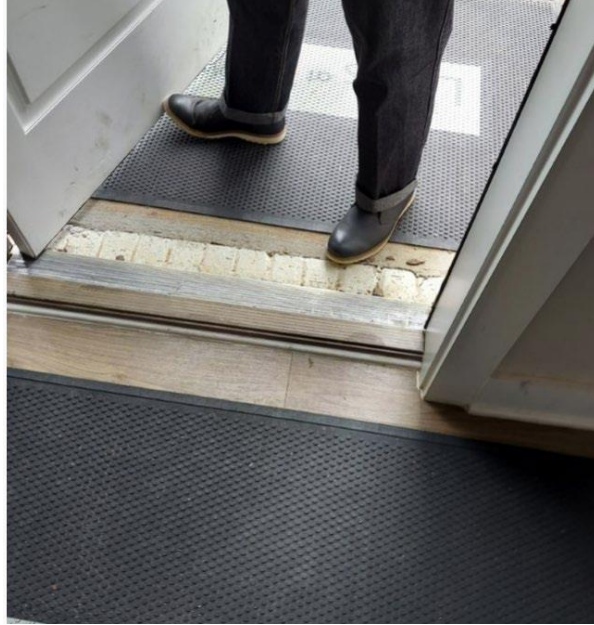


Figure 2: Interior Threshold at Building Entrance

Respondents have stated to Complainant that this violation was corrected in or around fall of 2023.

#### **Inaccessible Routes into and Through the Unit (Requirement 4)**

FHA regulations specify that an accessible route must be provided into and throughout the entire covered unit, including at thresholds to exterior doors. *See Design Manual at 4.12.* Accordingly, “thresholds at [] exterior doors, including sliding door tracks, shall be no higher than 3/4 inch” and “changes in level at [exterior doors] must be beveled with a slope no greater than 1:2.” *Id.*

The Loft contains violations of FHA threshold requirements at exterior doors to balconies, preventing a person with mobility disabilities from accessing this feature of their home. The threshold at the door to the unit balcony exceeds one-quarter inch without beveling or one-half inch with beveling. NFHA also measured a five-inch step down to the unit balcony, higher than the four inches allowed under the FHA when the balcony is constructed of impervious material. Both the threshold and the step violate Requirement 4. *See Fair Housing Act Design Manual at 4.12, 4.15.* The below pictures show the threshold and step to a unit balcony:

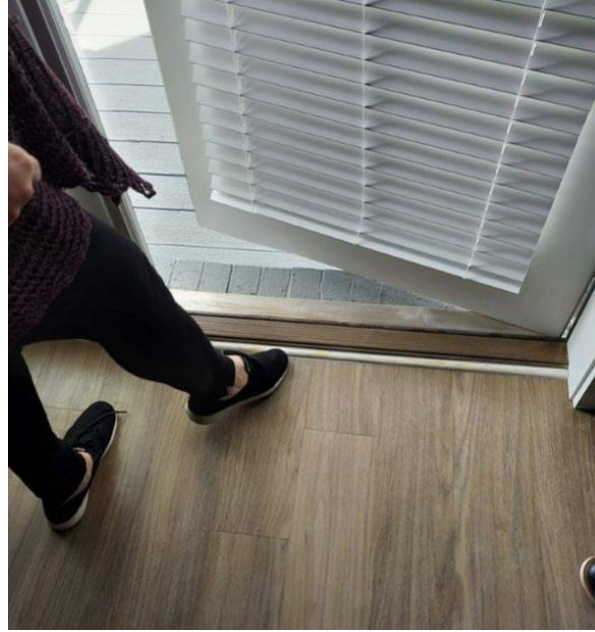


Figure 3: Interior Threshold at Unit Balcony



Figure 4 (with zoomed-in image): Exterior 5" Step at Unit Balcony

**Inaccessible Environmental Controls (Requirement 5)**

FHA regulations provide that environmental controls, including thermostats and other mechanisms that control and operate heating, ventilation, and air conditioning, must be positioned in accessible locations. 24 C.F.R. § 100.205. HUD Guidelines clarify this requirement by stating that such controls “are located no higher than 48 inches, and no fewer than 15 inches, above the floor.” Guidelines at 9507; *see also* Design Manual at 5.2, 5.5.

NFHA measured operable components of light switches and thermostats and found that they are placed above acceptable reach ranges. Operable components of light switches measured at 49-50 inches above the finished floor, while operable components of thermostats measured 59 inches above the finished floor, well beyond the maximum of 48 inches.



Figure 5: Appx. 59" to Operable Component of Thermostat

NFHA also measured operable components of electrical outlets and found that their operable parts are located below fifteen inches above the finished floor, making them inaccessible for many people with disabilities, as demonstrated in the following photo:



Figure 6: Less than 15” to Operable Outlet

### **No Reinforced Walls for Grab Bars (Requirement 6)**

FHA regulations require covered dwellings to have “[r]einforcements in bathroom walls to allow later installation of grab bars around the toilet, tub, shower, stall and shower seat, where such facilities are provided.” 24 C.F.R. § 100.205. The Guidelines further provide that the reinforcements “are provided at least at those points where grab bars will be mounted.” Guidelines at 9509. All bathrooms must comply with this requirement, as “[g]rab bars are critical for many people with mobility impairments to be able to safely transfer on and off the toilet.” Design Manual at 6.3.

Finished walls made it difficult for NFHA to ascertain whether blocking had been installed. However, upon information and belief, units at The Lofts do not have reinforced walls for mounting grab bars. This violates Requirement 6 and impedes access to bathroom facilities for people with disabilities.

### **Injury to Complainant**

Respondents’ practices have injured NFHA by undermining its other programs designed to eliminate unlawful discrimination in housing, requiring it to divert scarce resources from its usual and planned activities and instead devote substantial time and activities to both identify and counteract Respondents’ discrimination. Respondents’ practices have also frustrated Complainant’s mission to increase fair housing opportunities in the Huntsville, Alabama area and the nation, harming the communities that NFHA serves.



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

Respondents' violations at The Lofts are continuing, except to the extent that the violation at the primary entrance door was remediated after Complainant provided notice of the violations.

**9. Types of Federal Funds identified:**

None.

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

Sections 804(f)(1), (f)(2), and (f)(3) 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.**

DocuSigned by:  
*Lisa Rice*  
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Lisa Rice  
President/CEO  
National Fair Housing Alliance

04/29/2024 | 12:06 PM EDT  
\_\_\_\_\_  
Date