

**HOUSING DISCRIMINATION COMPLAINT**

**CASE NUMBER:**

**1. Complainant:**

Equal Rights Center  
820 First Street NE, LL160  
Washington, D.C. 20002  
(202) 234-3062

**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 Brixton  
421 S Broadway  
Baltimore, MD 21231

**6. Respondents:**

Chasen Construction LLC d/b/a Chasen Companies  
12 W Montgomery Street  
Baltimore, MD 21230  
(Building developer)  
Registered Agent:

Brandon Chasen  
12 W Montgomery Street  
Baltimore, MD 21230

CS 421 South Broadway LLC  
1511 Eastern Avenue  
Baltimore, MD 21231  
(Building owner)  
Registered Agent:  
Brandon Chasen  
1511 Eastern Avenue  
Baltimore, MD 21231

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

Complainant Equal Rights Center has investigated violations of the Fair Housing Act's accessibility requirements at Respondents' property, The Brixton, located in Baltimore, MD.

The investigation revealed multiple violations of the design and construction requirements, including the lack of an accessible route into common-use areas, the lack of an accessible route into and through the units, lack of maneuvering space in bathrooms, lack of maneuvering space in kitchens, and inaccessible environmental controls, among others.

**The Parties**

The Equal Rights Center ("ERC," or "Complainant") is a public nonprofit fair housing organization whose mission is to identify and seek the elimination of unlawful and unfair discrimination in housing, employment, and public accommodations in the Washington, DC region and nationwide. The ERC is the only private fair housing organization dedicated to serving the entire greater Washington, DC and Baltimore region. It is committed to assisting individuals in the area who believe they have experienced housing discrimination or who need assistance with preparing and/or submitting requests for reasonable accommodations and modifications. The ERC's various programs and activities provide guidance and information on civil rights to the community, as well as assistance to members of classes protected under federal, state, and local laws who face discrimination.

Chasen Construction LLC d/b/a Chasen Companies is a Maryland-based limited liability company with its principal offices in Maryland. The company is the developer of The Brixton. In addition to The Brixton, the company has developed several multifamily dwelling units in Maryland and elsewhere.

CS 421 South Broadway LLC is a Maryland-based limited liability company with its principal offices in Maryland. The company is the owner of The Brixton.

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

The Brixton was designed and constructed for first occupancy after March 13, 1991, and was first occupied in 2024. It is a completed five-story mixed-use, thirty-three residential unit building with an elevator. These units are covered multifamily dwelling units under the Act. 42 USC § 3604(f)(7). The public and common use areas of the property are also subject to the Fair Housing Act's accessibility requirements.

A complainant may establish a prima facie case of violations of FHA accessibility requirements by proving a respondent's failure to comply with Housing and Urban Development's ("HUD") Fair Housing Amendment Act Guidelines, 56 Fed. Reg. 9472 (Mar. 6, 1991) ("Guidelines"), *codified* at 24 C.F.R. Ch. I, Subch. A, App. II (Apr. 1, 1995). Additionally, HUD's Fair Housing Act Design Manual provides clear guidance on ways to design and construct housing that complies with the FHA. U.S. Dep't of Hous. & Urb. Dev., *Fair Housing Act Design Manual: A Manual to Assist Designers and Builders in Meeting the Accessibility Requirements of the Fair Housing Act* (rev. 1998) ("Design Manual").

Complainant ERC investigated The Brixton by visiting the property to evaluate accessibility issues, testing for accessibility, taking photographs of exterior and interior elements of the property, reviewing the blueprints and designs of the property, reviewing available photographs online of the property, occupancy permits, and ownership data. Based on complainant ERC's investigation, it uncovered numerous and obvious violations of accessibility requirements.

### **Inaccessible Building Entrance (Requirement 1)**

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 a 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.

During its testing, Complainant observed that the building's sole elevator was inoperable. No other continuous, unobstructed path to an entrance was available in the building. Consequently, units above the ground floor lacked an accessible entrance on an accessible route as mandated by the FHA.

### **Inaccessible Common-Use Areas (Requirement 2)**

FHA regulations require that “covered multifamily dwellings with a building entrance on an accessible route shall be designed in such a manner that the public and common use areas are readily accessible to and usable by handicapped persons.” 24 C.F.R. § 100.205. According to the Design Manual, “[a]n accessible route is a path that is at least 36 inches wide, smooth, as level as possible, and without hazards or obstructions.” Design Manual at 2.15. Additionally, the Design Manual provides that common-use areas extend to “rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or the guests thereof.” Design Manual at 16. In buildings with an elevator, all public and common-use spaces on all floors are covered by the FHA’s accessibility requirements.

Upon information and belief, the Brixton’s rooftop deck is accessible to and usable by persons with disabilities only by use of the building’s elevator with no alternate access. As previously noted, the elevator was inoperable when tested by Complainant. Moreover, access to the deck is impeded by an interior threshold estimated to be approximately 10 inches in height (Figure 1), and an exterior threshold estimated to be at least an inch in height (Figure 2). Both exceed the 1/2-inch-height limit for thresholds on accessible routes articulated by the ANSI standard. *See* 2009 ICC A117.1 § 404.2.4. For all of these reasons, the deck is inaccessible in violation of FHA requirements.



Figure 1: Interior threshold at entry to rooftop deck.



Figure 2: Exterior threshold at entry to rooftop deck.

### **Unusable Interior Doors (Requirement 3)**

FHA regulations provide that all covered multifamily dwellings have doors that are “designed to allow passage into and within all premises [that] are sufficiently wide to allow passage by handicapped persons in wheelchairs.” 24 C.F.R. § 100.205. HUD Guidelines require that “doors intended for user passage through the unit have a clear opening of at least 32 inches nominal width when the door is open 90 degrees, measured between the face of the door and the stop.” Guidelines at 9506; *see also* Design Manual at 3.5 (“Accessible doors in public and common use spaces and primary entry doors of dwelling units must provide a clear opening of 32 inches minimum.”).

Through its testing at The Brixton, Complainant identified clear openings at bedroom doors measuring between 27 inches and approximately 29 inches wide, short of the nominal 32” minimum width required by the FHA. Specifically, Complainant observed a clear opening measuring approximately 27 inches in width at the bedroom door to Unit 409 (Figure 3), and approximately 29 inches at the bedroom door to Unit 302 (Figure 4).

Complainant also observed bathroom doors measuring less than 32 inches wide in the units it tested. Specifically, Complainant observed a clear opening measuring approximately 23 inches in width at the bathroom doors to Unit 302 (Figure 5) and Unit 409 (Figure 6), and 27 inches wide in Unit 411 (Figure 7).



Figure 3: Unit 409 bedroom door measuring approximately 27 inches.



Figure 4: Unit 302 bedroom door measuring approximately 29 inches.





Figure 5: Unit 302 bathroom door measuring approximately 23 inches.

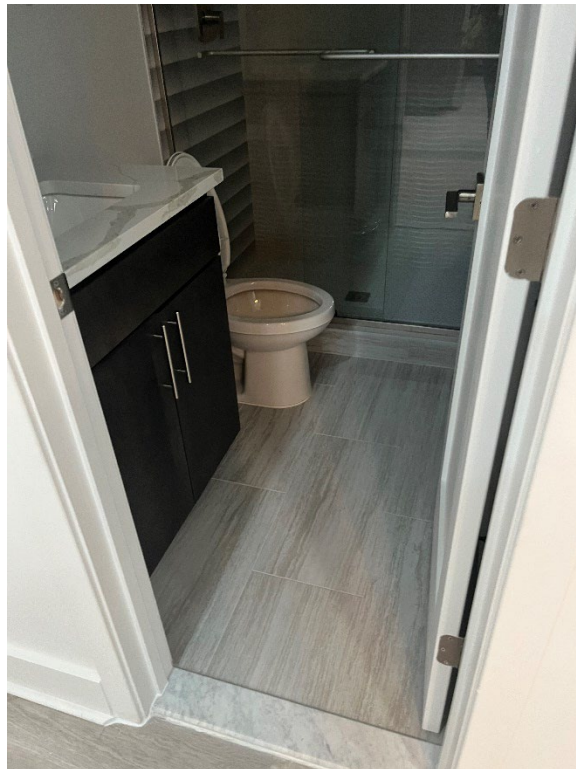


Figure 6: Unit 409 bathroom door measuring approximately 23 inches.



Figure 7: Unit 411 bathroom door measuring approximately 27 inches.

#### **Inaccessible Routes into and Through Units (Requirement 4)**

The Design Manual explains that “an accessible route is intended to ensure the maintenance of a continuous path of travel with no abrupt changes in level so people with disabilities who use wheelchairs or scooters and those who walk are not impeded.” Design Manual at 4.12. Further to that goal, the Manual prescribes a maximum threshold height of  $\frac{3}{4}$  of an inch at the exterior doors of dwelling units. Any change in level “must be beveled with a slope no greater than 1:2.” *Id.* The rules are similar for interior thresholds, where the Manual forbids “a level change more than  $\frac{1}{4}$  inch without being beveled or tapered.” Design Manual at 4.5.

During its testing, Complainant observed noncompliance with these guidelines at both primary and secondary exterior doors and in the interiors of units. As to exterior doors, Complainant measured an unbeveled threshold of 2 inches at the primary door to Unit 411 (Figure 8), and unbeveled thresholds of approximately 1.5 inches at the primary doors to Units 302 and 409 (*See, e.g.*, Figure 9).

Additionally, Complainant observed unbeveled thresholds of up to several inches at secondary exterior doors exiting onto decks. Specifically, Complainant noted an unbeveled threshold exceeding one inch at the door leading to Unit 302’s exterior patio made of pervious wooden material (Figure 10). And it noted an unbeveled threshold of 5 inches at the door leading to Unit 409’s exterior patio composed of impervious metal material (Figure 11). Finally, it noted what appear to be unbeveled thresholds in excess of  $\frac{1}{4}$  inch in the doorways to the bathrooms of Unit 302, Unit 409, and Unit 411 (*see supra* Figures 5, 6, and 7). All of these configurations significantly exceed the threshold heights allowable under the guidelines.





Figure 8: Unit 411 primary exterior door threshold measuring approximately 2 inches.

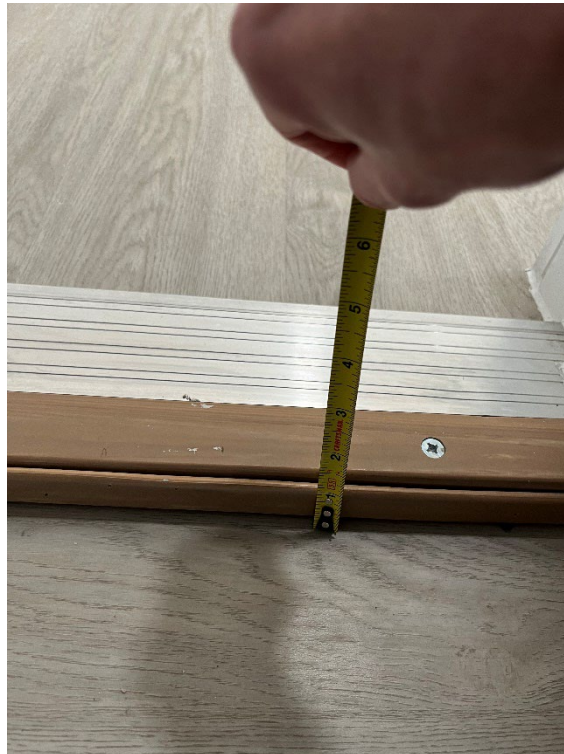


Figure 9: Unit 409 primary exterior door threshold measuring approximately 1.5 inches.



Figure 10: Unit 302 secondary exterior door threshold measuring in excess of 1 inch.



Figure 11: Unit 409 secondary exterior door threshold measuring 5 inches.

### **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 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.

During its testing, Complainant observed temperature control devices which have been installed with the lowest operable part of the control at 60 inches, 12 inches higher than the accessibility requirement of no more than 48 inches. Inaccessibly high devices were observed in all of the units Complainant tested, including Units 302, 409, and 411 (*See, e.g.,* Figure 12).



Figure 12: Unit 411 temperature control device mounted above 60 inches.

### **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.

When asked, The Brixton housing providers stated that none of the building’s units have reinforced walls suitable for mounting grab bars. Consequently, they are in violation of these regulations.

### **Unusable Kitchens (Requirement 7)**

Regulations implementing the FHA require that covered dwellings have “[u]sable kitchens . . . such that an individual in a wheelchair can maneuver about the space.” 24 C.F.R. § 100.205. To qualify as a usable kitchen, the Guidelines require a clearance of at least 40 inches between all opposing base cabinets, countertops, appliances, and walls, measured from any countertop or the face of any appliance (not including handles and controls) that projects into the kitchen to the opposing cabinet, countertop, appliance, or wall. Guidelines at 9511; Design Manual at 7.7, 7.8. Further, the Guidelines stipulate that U-shaped kitchens featuring a range at the base of the U must provide a 60-inch turning diameter.

Complainant observed several violations of these rules through its testing. These include an immovable kitchen island that affords approximately 36 inches of clearance between the counters and opposing appliances in Unit 409 (Figures 13 and 14); an oven that opens approximately two inches and directly into opposing appliances in Unit 302 (Figure 15); and a range-equipped unit with a U-shaped kitchen that allows less than 60-inch turning diameter in Unit 302 (Figure 15).





Figure 13: Clearance between kitchen counters and appliances in Unit 409.



Figure 14: Unit 409 measuring approximately 36 inches of clearance between kitchen counters and appliances.





Figure 15: Unit 302 kitchen featuring oven opening approximately two inches and onto opposing appliances, and less than 60 inches turning diameter.

### **Unusable Bathrooms (Requirement 7)**

The Guidelines provide for sufficient maneuvering space within the bathroom for a person using a wheelchair or other mobility aid to enter and close the door, use the fixtures, reopen the door and exit. Guidelines at 9511. More specifically, the Design Manual states that the minimum floor space for a person using a wheelchair is 30" x 48." Design Manual at 7.39; Guidelines at 9512. Such maneuvering space includes "any knee space or toe space available below bathroom fixtures." Guidelines at 9511. Furthermore, the FHA's safe harbors permit a distance of between 16 and 18 inches between the toilet centerline and the side wall of the bathroom. *See, e.g., 2009 ICC A117.1 § 604.2.*

During its testing, Complainant noted that all of the units it viewed appeared to feature bathrooms with less than the 30" x 48" of clear floor space called for by the Design Manual. These include Units 302, 409, and 411 (Figures 16, 17, and 18). Additionally, Complainant observed units with toilet centerline distances of greater than the 18-inch maximum allowed under the safe harbors. Specifically, Complainant measured a toilet centerline of 19.5 inches in Unit 302 (Figure 19).



Figure 16: Unit 302 bathroom featuring less than 30" x 48" of clear floor space.



Figure 17: Unit 409 bathroom featuring less than 30" x 48" of clear floor space.



Figure 18: Unit 411 bathroom featuring less than 30" x 48" of clear floor space.



Figure 19: Unit 302 toilet centerline of approximately 19.5 inches.

**Injury to Complainant**

Respondents' practices have injured Complainant 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 greater Washington, DC and Baltimore areas and the nation, harming the communities it serves.

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

Complainant last visited The Brixton on March 20, 2024. The property's last certificate of occupancy was issued on February 12, 2024. Respondents' violations at The Brixton are ongoing.

**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) 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.**

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Kate Scott  
Executive Director  
The Equal Rights Center

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Date