

HUD FORM 903 COMPLAINT

1. Complainant(s):

National Community Reinvestment Coalition ("NCRC")
740 15th Street NW, Flr. 4
Washington, DC 20005

2. Other Aggrieved Persons:

NONE

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

42 U.S.C. 3604, Section 804 (a) and 24 C.F.R. 100.50(b)(1) & 100.60(a)

To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

42 U.S.C. 3604 Section 804 (b) and 24 C.F.R. 100.50(b)(2) & 100.65(a)

To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.

42 U.S.C. 3604 Section 804 (d) and 24 C.F.R. 100.80(b)(1)

To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

4. The alleged violation occurred because of:

National Origin

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

1312 Club House Rd., Pinedale, WY 82941 and
888 Nethercott Lane, Victor, ID 83455

6. Respondent(s):

River Realty, Real Estate Company
Kaydene Andrews, Real Estate Agent/Owner
352 South Washington Street
Afton, WY 83110-5106

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

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The NCRC's fair housing testing program evaluates fair housing practices throughout the United States to combat discriminatory housing practices.

As part of the testing program, NCRC's compliance manager researched racially identifiable names and developed email addresses for White tester profiles and Asian American tester profiles. The NCRC created email address ScottMcAvoy3009@gmail.com to be an identifiably White profile belonging to "Scott McAvoy" and email address BingwenCheung@protonmail.com to be an identifiably Asian American profile belonging to "Bingwen Cheung."

On April 8, 2020, NCRC conducted 2 match paired sales tests via email on Respondent Kaydene Andrews, the owner of River Realty, based on the protected class of National Origin. During the initial test, Respondent received emails about a home for sale located at 1312 Club House Rd., Pinedale, WY 82941 from the tester profiles of Scott McAvoy (White) and Bingwen Cheung (Asian American). The Respondent responded to the email from Scott later that day, but declined to provide a response to Bingwen. Respondents' failure to provide a response indicates a difference in treatment that would hinder an Asian American's access to housing. Additionally, when Scott did not respond to the email response from Respondent, Respondent emailed him again on April 9, 2020, to ask about his interest in the home.

The NCRC conducted a follow-up test to confirm the findings were not a single isolated incident but rather a reflection of Respondent's discriminatory behavior. In the second test, Respondent received emails about a different home for sale located at 888 Nethercott Lane, Victor, ID 83455 from two new testing profiles: "Garrett Hartman" and "Hao Nguyen". The email from HaoNguyen3949@gmail.com was sent on April 8, 2021, and the email from Garrett.C.Hartman7@gmail.com was sent on April 9, 2021. Respondent Andrews repeated the discriminatory behavior demonstrating a difference in treatment by responding (on April 10, 2021) to the email received from Garrett while ignoring the email received from Hao.

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

April 10, 2021

9. Types of federal funds identified:

None

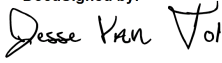
10. The acts alleged in this complaint, if proven, may constitute a violation of the following:

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The Fair Housing Act, 42 U.S.C. §§ 3604(a) – 3604(b) (2021).; 24 C.F.R. 100.50(b)(1) & 100.60(a); 24 C.F.R. 100.50(b)(2) & 100.65(a)

The Fair Housing Act, 42 U.S.C. § 3604(c) (2021).; 24 C.F.R. 100.80(b)(1)

I declare under penalty of perjury that I have read this complaint (including any attachments) and that it is true and correct.

DocuSigned by:

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7/27/2021

Jesse Van Tol, CEO
National Community Reinvestment Coalition

Date