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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 FAIR HOUSING COUNCIL OF SAN )  
11 FERNANDO VALLEY; FAIR )  
12 HOUSING COUNCIL OF SAN )  
13 DIEGO; each individually and on )  
14 behalf of the GENERAL PUBLIC,

15 Plaintiffs,

16 vs.

17 ROOMMATE.COM, LLC

18 Defendants.

CASE NO. CV03-9386 PA (RZx)

(Assigned to the Honorable Percy Anderson)

DECLARATION OF DIANA BRUNO IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Hearing Date: September 13, 2004  
Time: 1:30 p.m.  
Place: Courtroom 15

19  
20 I, Diana Bruno, declare under penalty of perjury:

21  
22 1. I am the Executive Director of the Fair Housing Council of San Fernando  
23 Valley ("FHC/SFV"). As FHC/SFV's Executive Director, I supervise and manage all  
24 aspects of FHC/SFV's operations.

25 **A. Personal Background**

26 2. I earned an Associate Degree in Sociology at Kingsborough Community  
27 College and a Small Business Management degree at New York City Community  
28 College. I am bilingual with native fluency in Spanish.

1           3.     I have worked in the field of fair housing since 1985. I began as a  
2 Bilingual Housing Counselor in 1985 at the Hollywood Fair Housing Council  
3 (HFHC). I became HFHC's Housing Coordinator in 1987 and then its Assistant  
4 Director in 1990. In 1993, I became the Executive Director of the Fair Housing  
5 Council of San Fernando Valley and have held that position to this day.

6 **B.     FHC/SFV's Mission and Programs**

7           4.     The Fair Housing Council of San Fernando Valley was incorporated in  
8 California as a non-profit corporation in 1959. The mission of FHC/SFV is to promote  
9 fair housing and work to implement programs designed to further equal housing so  
10 that all residents have the opportunity to secure the housing they desire and can afford,  
11 regardless of race, color, religion, national origin, familial status, disability, marital  
12 status, ancestry, age, sexual orientation, income source, or gender (all which are  
13 characteristics protected under state or federal fair housing laws). FHC/SFV covers  
14 a vast territory, providing services to residents of San Fernando Valley, Simi Valley,  
15 Santa Clarita, North Los Angeles County (excepting Lancaster and Palmdale), and  
16 Burbank. FHC/SFV serves a population of 2.5 million people.

17           5.     FHC/SFV has five (5) full-time staff. All five staff members are engaged  
18 in outreach and education of the general public on their rights and remedies under  
19 applicable fair housing law as well of housing providers and publishers and their legal  
20 responsibilities under the fair housing laws. Approximately 3 staff members are  
21 engaged in the coordination of testing for discrimination. The staff who conduct tests  
22 regularly receive training and continuing education regarding both basic and advanced  
23 testing methodology in rental and sales testing. We have a pool of 65 trained testers.

24           6.     FHC/SFV engages in a series of different programs in furtherance of its  
25 mission. These services include community education and outreach, fair housing  
26 advocacy, counseling on all housing issues, and investigation and research.

27                   Fair Housing Education and Outreach

28           7.     FHC/SFV offers extensive and comprehensive education and outreach

1 programs that include: property management seminars, housing rights presentations  
2 and workshops, predatory and fair lending seminars, a fair housing summit (held with  
3 other councils, tester training, information tables, media outreach, and participation  
4 in the Southern California Fair Housing Advertising Task Force.

5 Property Management Seminars

6 8. FHC/SFV conducts training seminars for property owners and  
7 management personnel. The seminars are typically 4-hours long and inform housing  
8 providers of the fair housing laws and their rights and responsibilities under the same,  
9 including those regarding advertising and a housing provider's legal responsibility to  
10 avoid making discriminatory statements in any rental or sales listing. The seminars  
11 also provide detailed information on methods of complying with fair housing laws.  
12 Furthermore, participants are given FHC/SFV's contact information for further fair  
13 housing assistance. In addition to the seminars, FHC/SFV conducts outreach and  
14 education by mail and advertising targeting real estate associations, apartment owners'  
15 associations, property managers and property owners to inform them of their  
16 responsibilities under the fair housing laws and assist them in complying with the fair  
17 housing laws. FHC/SFV conducts an average of 2 management seminars per month.

18 Housing Rights Presentations and Workshops

19 9. FHC/SFV offers residents, agencies, advocates, and housing professionals  
20 fair housing presentations and housing rights workshops. The fair housing  
21 presentations entail an overview of fair housing laws and a discussion about common  
22 forms of housing discrimination. The housing rights workshops include a fair housing  
23 presentation and a brief landlord/tenant law overview. FHC/SFV conducts an average  
24 of 6 presentations per month. This fair housing education is a powerful tool for  
25 promoting awareness of fair housing rights among members of the public and it  
26  
27  
28

1 protects minorities from the stigma and humiliation of discrimination.

2 Tester Training

3 10. In order to conduct quality investigations, tests, and audits to uncover acts  
4 of or trends of discrimination in the San Fernando Valley, FHC/SFV trains individuals  
5 to act as testers. The seminar covers all of the fair housing laws and then a substantive  
6 presentation on both rental and sales testing. We have 65 trained testers.

7 Literature, Events and Agency Tables

8 11. FHC/SFV distributes fair housing literature by mail and also at community  
9 events and housing conventions by setting up informational booths and tables. Fair  
10 housing materials describe how housing injustices arise, the applicable laws that  
11 protect against housing discrimination, and ways to prevent housing injustices.  
12 Materials also promote our toll-free hotline and summarize the agency's service area.

13 Media Outreach

14 12. The Council's media outreach includes press release to local newspapers,  
15 public service announcements on cable access channels and the publication of fair  
16 housing articles in local media. The Council creates and distributes press releases to  
17 print media that advertise fair housing information, the Council's services, and  
18 upcoming Council events. FHC/SFV uses public service announcement extensively  
19 in its current service area. PSA's are submitted to announce office hours, special  
20 agency events, or to generally inform the public about fair housing laws and the  
21 Council's services.  
22

23 Advertising Issues in Newspapers and on Rental Websites

24 13. FHC/SFV currently collaborates with the Fair Housing Advertising Task  
25 Force (with the Housing Rights Center and the *Los Angeles Times* among others) to  
26 run display advertisements in the *Los Angeles Times* and *The LA Weekly*. We also  
27 have ads and technical assistance relationships with the *Antelope Valley Press* (a daily  
28 ad with information about what not to put in a rental listings appears with our phone

1 number), the *Burbank Leader*, *The Daily News*, the *Simi Valley Star*, and *The Recycler*.  
2 Just this year FHC/SFV began a fair housing campaign in the pages and on the website  
3 of Recycler.com. These advertisements are educational in nature, providing a basic  
4 statement about who is protected by the fair housing laws and how neither the  
5 advertiser nor the provider should not make statements that indicate any preferences  
6 or biases with respect to those protected classes.  
7

### 8 9 **Task Forces and Advocacy**

10 14. FHC/SFV participates in a variety of advocacy efforts and regional  
11 groups, including the Southern California Fair Housing Advertising Task Force, the  
12 California Reinvestment Committee, and the County Human Relations Committee.  
13 I am on Equal Opportunity committee for the the Southland Regional Association of  
14 Realtors and in that capacity, the FHC/SFV and I spend time each month on education  
15 of realtors and housing providers about how to make sure their advertisements and  
16 listings do not indicate any unlawful preferences.  
17

### 18 19 **Counseling on All Housing Issues**

20 15. FHC/SFV provides housing counseling for tenants, landlords, property  
21 owners, and realtors. FHC/SFV counsels an average of 300 callers each month. As  
22 part of this counseling, FHC/SFV provides fair housing information to tenants,  
23 prospective tenants, homeowners, apartment owners, and real estate professionals.  
24 FHC/SFV also provides referral services for persons who have questions on issues  
25 other than fair housing, such as evictions. An average of 25-30 of the inquiries  
26 received each month are complaints of discrimination.  
27

28 16. If a tenant or prospective tenant believes that she may have been  
discriminated against by a housing provider or other entity, FHC/SFV staff refer the

1 complaint to FHC/SFV's investigators and consultant. The investigators gather  
2 additional information from the tenant, buyer, borrower or other complainant to  
3 determine whether further investigation is necessary. If further investigation is  
4 necessary, a meeting is set up with the client in order to fill out a detailed intake form  
5 and to record a description of the manner in which the tenant felt they were  
6 discriminated against, information about the complainant, and information about the  
7 subject property. Interviews of witnesses, surveys, and testing may be part of the  
8 investigation.  
9

### 10 11 **C. The Defendant's Website and its Practices**

12 17. Since November of 2003, I and my staff have been monitoring the rental  
13 website, www.roommates.com. My staff and I have been on the website numerous  
14 times. We have reviewed the listings described in the First Amended Complaint of  
15 this action, including rental listings that state "no . . . black muslims" "christian  
16 preferred" and the numerous prohibitions against persons based on their age, their  
17 gender, their sexual orientation, their source of income and their familial status.  
18

19 18. I have also reviewed the defendant's website at www.roommates.com,  
20 on several occasions, most recently in June of 2004. I have gone through all its pages.  
21 I have observed first hand the website's fields where the defendant Roommates.com,  
22 LLC actually requires from any person "looking for a place to live" that person's age,  
23 sexual orientation, gender, source of income, and familial status. Exhibit 18 is a true  
24 and correct copy of the page I downloaded where defendant requires this information.

25 When I attempted to use the default settings in each of the boxes in Exhibit 18 so that  
26 my age, sexual orientation, gender, source of income, and familial status would not be  
27 disclosed to potential landlords or housing providers, a warning box actually appeared  
28 stating "Age is required, Sexual Orientation is Required, Gender is Required,

1 Profession is Required, Children Selection is Required.” I or any other user must  
2 click “OK” on the box (the warning box cannot be printed) and then must provide this  
3 required information or they cannot complete the profile and they cannot be a member.  
4 Given my experience with property management companies I declare that this so-  
5 called “lifestyle” questionnaire is a type of screening service provided by property  
6 managers. However, no property manager I have come across has expressly screened  
7 for more than two of these particular protected class, much less all four.  
8

9 19. Regarding the first pages of the website, Ex. 21 is a true and correct copy  
10 of the website’s page one, noting that the defendant is marketing here to “landlords”  
11 through its Page One testimonial and that defendant has grown to over 151,000 current  
12 members. Regarding testimonials, I have seen other testimonials on defendant’s  
13 website which market defendant’s ability to state preferences based on religion, one  
14 such testimonial stating “I once again happily found a roommate through your  
15 services. . . He is a Christian as I and a conservative as I.” Another testimonial I read  
16 boasted that defendant’s “service narrows down what we’re looking for very well such  
17 as the smoking/non-smoking, sexual orientation, pets, etc.” I also searched for  
18 nicknames on the site and Ex. 15 is a true and correct copy of what I found and  
19 downloaded regarding the many race and religion-based nicknames on defendant’s  
20 website, including *AsianPride*, *Whitehme*, and *Christiangrl*. Exhibit 19 is a true and  
21 correct copy downloaded from defendant’s website with the Household Description  
22 required of all persons with a place available to rent on defendant’s website. Exhibit  
23 20 is a true and correct copy of the pages I observed for the preferences requested from  
24 all persons with a place available to rent on Defendant’s website. Finally, I and my  
25 staff and our counsel have participated in the downloading and preservation of  
26 Exhibits 9-14 and 16 and they are true and correct copies of listings downloaded from  
27 defendant’s website.  
28

1                   **D. IRREPARABLE INJURY**

2                   20. Defendant's actions described above include allowing, encouraging and  
3 requiring discriminatory statements to be made in the rental listings on  
4 www.roommates.com, as well conducting a virtual rental screening service that is  
5 based more on protected civil rights classes in California than traditional criteria of  
6 income and credit. Frankly, I have never seen such egregiously preferential  
7 statements and the sheer numbers coming from this one website for Los Angeles alone  
8 surpass any other case I've seen or heard about. Defendant's actions have caused and  
9 continue to cause FHC/SFV to suffer injury and damages for diversion of resources  
10 and is definitely interfering with our pro-active efforts to further equal housing, in  
11 other words, frustrating FHC/SFV's mission in ensuring equal housing.  
12

13                   **Diversion of Resources**

14                   21. Based on my years of experience in fair housing, I understand Diversion  
15 of Resources damages to be the harm caused by the diversion of FHC/SFV's resources  
16 away from its other programs and activities to deal with defendant's practices. I  
17 understand FHC/SFV's diversion of resources to be equivalent to the "opportunity  
18 costs" or the activities that FHC/SFV had to forego to address defendant's acts or  
19 practices.  
20

21                   22. In response to defendant's acts and practices, FHC/SFV has been forced  
22 and is continued to be forced to divert time (at least sixty hours and counting) and  
23 resources and staff pay from its normal education, counseling and other programs to  
24 investigate the allegations of discrimination, to respond to them (with a comprehensive  
25 letter to the defendant in late 2003) and to provide targeted education to counter-act  
26 the obvious discriminatory advertising policies, negligence and failures by defendant.

27                   We have spent at least twenty-five hours investigating and researching this case. On  
28 December 15 of 2003 and as a direct result of the disturbingly egregious and numerous



1 listings we found on defendant's website, we sent an education letter and fair housing  
2 packet to sixty-four (64) media and advertising sources with explicit mention of the  
3 fair housing concerns with advertising listings in the electronic form. Also, our  
4 Property Management Trainings now devote more time to the problem of  
5 discriminatory rental listings at the expense of other topics. Also, defendant  
6 encourages their customers to violate the law, in our opinion, and this has resulted in  
7 our need to investigate the persons who are posting discriminatory statements.  
8

9 If the defendant is allowed to continue the practices above pending the trial,  
10 FHC/SFV will have to conduct further investigation, spend more postage and time,  
11 and conduct further education to counter-act the discrimination, thus causing more  
12 diversion of resources away from its pro-active efforts.

### 13 **Frustration of Mission**

14 23. Based on my years of experience in fair housing, I understand Frustration  
15 of Mission injuries to be those against a fair housing organizations for injury to their  
16 mission. To establish frustration of mission injury or damages, a fair housing  
17 organization must show that its mission has been frustrated by the defendant's  
18 discriminatory housing practice and that expenditures will be necessary to counteract  
19 the effects of defendant's discrimination in the community.  
20

21 24. The mission of FHC/SFV includes the classes of race, color, religion,  
22 national origin, familial status, disability, marital status, ancestry, age, sexual  
23 orientation, income source, and gender and defendant's screening service and its  
24 posting actually focus on these classes rather than avoid them. As has been shown  
25 above, a big part of FHC/SFV's mission has been sending a message about  
26 advertising in newspapers and on the internet. That message has been severely  
27 undermined when a prominent provider of rental listings such as Roommates.com  
28 continues to do what I described at Paragraphs 17, 18 and 19, even after we sent them

1 a letter and even after we filed this litigation. Therefore, the defendant's  
2 discriminatory practices have caused and will continue to cause FHC/SFV to suffer  
3 harm to its organizational mission. Incidences and policies of overt discrimination  
4 such as those committed by the defendant set FHC/SFV back from its goal of  
5 eliminating discrimination in housing in Los Angeles, preventing the spread of  
6 misinformation about the law among members of the public and reducing the stigma  
7 and humiliation caused by such listings.  
8

9 26. The defendant's discriminatory practices continue to have an  
10 immeasurable and negative impact. I know that I and the other minority members of  
11 my staff were distressed ourselves over statements like "Asian preferred," "NOT  
12 looking for black muslims", "Christian only", and on and on. Many people who do  
13 not want to disclose their age or sexual orientation must be discouraged and turn away  
14 from this immense source of housing (over 2000 places available to rent in the LA area  
15 alone on Roommates.com this week). Our considerable housing work also shows  
16 there is a housing shortage and crisis in Los Angeles, so these apartments, houses and  
17 rooms for rent on defendant's website represent a significant source of housing here  
18 in our community. Even the rooms for rent or the shared quarters situations (which  
19 are only a part of the housing covered on defendant's rental website) are important for  
20 all persons, regardless of age. In fact, the younger (18-25) and the older (40-up) who  
21 have low incomes absolutely rely on rooms and shared living quarters situations.  
22

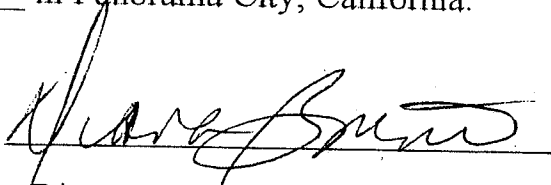
23 27. Based on the defendant's acts and conduct, prospective tenants, tenants and  
24 others who may have heard of the defendant's conduct will not only be discouraged,  
25 offended, humiliated, lose housing opportunities but they also may continue to form  
26 the mistaken impression that landlords are permitted to discriminate based on all these  
27 protected classes. That dynamic, of course, means that all of FHC/SFV's past, current  
28 and future fair housing education and awareness work is being harmed every week.

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I declare under penalty of perjury under the laws of California that the above is true and correct.

Executed on 8-19-04 in Panorama City, California.

BY:



Diana Bruno