

ORIGINAL

Docket No. 21-8022
In the Supreme Court of the United States
October Term 2021



FILED
OCT 25 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

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WILLIAM DEW,

Petitioner,

v.

S. COLUMBIA TERRACE, LLC; THE RIVER CLUB

Respondents.

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ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

◆

PETITION FOR REHEARING

◆

WILLIAM DEW,
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SUPREME COURT, U.S.

The petitioner herein respectfully moves this Court for an order (1) vacating its denial of the petition for certiorari, entered on October 3, 2022, and (2) granting the petition. As grounds for this motion, petitioner states the following:

I. A Discriminatory Effect on Members of a Protected Class is Enough for a Federal Housing Act Claim

The determination of the Third Circuit is contrary to *Town of Huntington v. NAACP*, 488 U.S. 15 (1988) where this Court held that in instances where a policy has a disparate impact, justification must be proffered to rebut the prima facie case. That was never done here.

HUD has long interpreted the Fair Housing Act ("the Act") to create liability for practices with an unjustified discriminatory effect, even if those practices were not motivated by discriminatory intent.

The undisputed evidence shows the following. The Petitioner, a disabled Black-American citizen, is a member of a protected class who was wrongfully segregated in a multi-unit rental property which is not handicapped accessible. The owner refused to accept all forms of rental assistance including Section 8 Vouchers from members of a protected class in violation of the Federal Housing Act.

On January 10, 2020, Petitioner sought a preliminary injunction in District Court to stay a warrant of removal pending the conclusion of HUD investigation to protect his (FHA) rights during investigation. The Petitioner and other members of a protected class are segregated within the township of Edgewater New Jersey in multiunit rental properties that are not handicapped accessible.

The owner of multiunit rental properties refused to accept all forms of rental assistance including Section 8 Vouchers, which is prejudicial to members of a protected class in violation of the Fair Housing Law.

The petitioner also sought a preliminary injunction which the District Court denied although petitioner met the legal standard of a preliminary injunction in violation of the New Jersey Administrative Code Title 13 Law and Public Safety Administrative Rules under N.J.S.A. § 10:5-13,. The Fair Housing Act also demands Prompt Judicial Action to Combat Discriminatory Evictions under 42 U.S.C. § 3610(e) and 24 C.F.R. § 103.500.

Petitioner moved into a 15 unit racially diverse handicap accessible apartment building located in Bergen county, Edgewater New Jersey, 9 Columbia House, apartment 4C. The rent was (1390.00) monthly and the security deposit was (1390.00).

Between 2009 and 2015, Dew enjoyed his apartment and interactions with all of the racially diverse neighbors and building owner Mr. Eldad (Shaulov) and Manager David (Shaulov) without incident. In March 2015, Dew experienced at 9 Columbia House dramatically changed for the worse. The building was sold to S Columbia Terrace, LLC.

After the Respondent discovered the Dew is Black in March 2015, it refused to cooperate with social services and failed to provide the The Director of Social Services Laura Martin with a valid lease that reflected his true rent of \$1182 monthly.

The Respondent actions effectively terminated Dew existing rental assistance and placed unjust financial burden on the Petitioner, his friends and family this also placed him in debt. The Petitioner turned around and evicted him under the pretext of nonpayment of rent.

After the Respondent took ownership in March 2015, In state court (SCT) submitted the Subject building 2015 tenants list, the racial make-up of the building change dramatically. One can infer that the respondent's failure to accept legal source of rent payment was fueled by racial animus. This is evidenced by the drastic change in the racial demographics of the building from 97 % racially diverse to 96% White between 2015 to 2020.

Dew was court ordered to move out of his home of 10 years under the pretext of nonpayment of rent by February 20, 2020, (SCT) failed to return his original security deposit (\$ 1390.00).

What this Court said in *Palmore v. Sidoti*, 466 U.S. 429, 431–32 (1984) is quite apt and clearly shows why rehearing is mandated: The [trial] court's opinion, after stating that the 'father's evident resentment of the mother's choice of a black partner is not sufficient' to deprive her of custody, then turns to what it regarded as the damaging impact on the child from remaining in a racially mixed household. App. to Pet. for Cert. 26. This raises important federal concerns arising from the Constitution's commitment to eradicating discrimination based on race.”

That is precisely the circumstance here and this Court must not blink the systematic racism practiced here. So viewed, this case is probably one of the most significant, if not the most significant, presented to the Court this Term, if not of the decade.

II. The District Court did not applied the correct legal standard for preliminary injunctive relief when there is a threat of eviction and the realistic prospect of homelessness.

In order to obtain a preliminary injunction, a party must show that they will suffer irreparable harm unless the injunction is issued.

In *Winter v. Natural Resources Defense Council, Inc*, 555 U.S. 7 (2008), this Court described the balancing test for whether a preliminary injunction is appropriate. A court needs to examine whether the plaintiff is likely to succeed on the merits, whether the plaintiff is likely to suffer irreparable harm without the injunction, whether the balance of equities and hardships is in the plaintiff's favor, and whether an injunction is in the public interest.

The district court failed to apply this test even though all of these elements were present.

III. The District Court did not Direct (HUD) and (DCR) to complete its investigations 100 days of the filing of the complaint and notify the Petitioner and the respondent(s), by mail, of the reasons for the delay, in direct violation of § 103.115) and § 103.225 Completion of federal investigation.

The failure to comply with Supreme Court precedents and failure to grant a preliminary injunction flouts the Fair Housing Act and diminishes accountability of state officials nationally when federal housing discrimination complaints are being investigated, is a ground for certiorari.

Conclusion

For the reasons cited above, as well as those contained in the petition for the writ of certiorari, petitioner prays that this Court grant rehearing of the order of denial, vacate that order, grant the petition and review the judgment and opinion below.

Respectfully submitted,

A handwritten signature in black ink that reads "William Dew". The signature is written in a cursive, slightly slanted style.

WILLIAM DEW,
Petitioner Pro Se

October 25, 2022

Certificate of Petitioner

I hereby certify that this petition for rehearing is restricted to the grounds specified in Rule 44 in that it is based upon substantial grounds not previously presented that it is presented in good faith and not for delay.

WILLIAM DEW,
Petitioner Pro Se

October 25, 2022

9 COLUMBIA HOUSE DEMOGRAPHIC

March 2015 TENANT LIST
97% MINORITIES - 3% WHITE

July 2020 TENANT LIST
96% WHITE - 2% MINORITIES
2% VACANCY

APT#		APT#	NEW TENANTS
AA	WHITE	AA	NEW- WHITE
1 A	WHITE	1 A	NEW- WHITE
1 B	Hispanic	1 B	Hispanic
2 A	Indian	2 A	NEW- WHITE
2 B	Indian	2 B	NEW- WHITE
2 C	Hispanic	2 C	NEW- WHITE
2 D	Indian	2 D	NEW- WHITE
3 A	Asian	3 A	NEW- WHITE
3 B	Asian	3 B	NEW- WHITE
3 C	Black -American	3 C	Asian
3 D	Asian	3 D	Vacant apartment
4 A	Asian	4 A	NEW- WHITE
4 B	WHITE	4 B	NEW- WHITE
4 C	Black -American	4 C	Vacant apartment
4 D	Hispanic	4 D	NEW- WHITE

Between March, 2015 and July 2020 S Columbia Terrace, LLC exclusively rented apartments to one race Non-Hispanic whites.

S Columbia Terrace, never rented any available apartments to, minorities or anyone receiving state or federal rental assistance.

The previous owner rented apartments 1B to an Hispanic tenant and 3C to an Asian couple before the sale of the building in March, 2015.

9 Columbia Terrace
 Edgewater, NJ 07020
 March 2015

Security Deposits

<u>APT#</u>	<u>TENANT</u>	<u>ORIGINAL</u> <u>SECURITY</u> <u>DEPOSIT</u>	<u>DATE</u> <u>OF</u> <u>DEPOSIT</u>	<u>SECURITY</u> <u>DEPOSIT</u> <u>W/INTEREST 0.05%</u>
AA	Dorata Meller	\$1175.00	1/2015	\$1175.00
1A	Jalme Quintero	\$1100.00	11/2010	\$1102.20
1B	Amelia Llano	\$1200.00	6/2013	\$1201.20
2A	Mike Tomczyk	\$1375.00	5/2014	\$1375.70
2B	Jatin Rai	\$1425.00	2/2015	\$1425.00
2C	R Piedra/ P Martinez	\$1350.00	8/2014	\$1350.68
2D	S Shahani/K Lescano	\$1375.00	2/2015	\$1375.00
3A	Jennifer Hong	\$1375.00	8/2014	\$1375.70
3B	Jeffrey Tam/Chan	\$1315.00	6/2014	\$1315.65
3C	Patricia Hill	\$1390.00	9/2014	\$1390.69
3D	S Yoo/ M Kim	\$1350.00	8/2012	\$1352.04
4A	Kathy Cheng	\$1350.00	12/2013	\$1350.68
4B	C Brady/J Senerth	\$1450.00	10/2014	\$1450.72
4C	William Dew	\$ -0-		
4D	David Girgis	\$1200.00	11/2011	\$1201.80
			TOTAL	\$18,442.06

DEMOGRAPHIC OF RENTAL PROPERTIES NEXT DOOR TO 9 COLUMBIA HOUSE

13 COLUMBIA TERRACE
TWO UNIT RENTAL PROPERTY

OCTOBER 2021 TENANT LIST
100% MINORITIES - 0% WHITE

APT#

1F - HISPANIC

2F - ASIAN

15 COLUMBIA TERRACE
FOUR UNIT RENTAL PROPERTY

OCTOBER 2021 TENANT LIST
99% MINORITIES - 1% WHITE

APT#

1F - HISPANIC

2F - WHITE

1R - HISPANIC

2R - BLACK

Housing Discrimination Complaint

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity

OMB Approval No. 2529-0011

Please type or print this form

Public Reporting Burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Read this entire form and all the instructions carefully before completing. All questions should be answered. However, if you do not know the answer or if a question is not applicable, leave the question unanswered and fill out as much of the form as you can. Your complaint should be signed and dated. Where more than one individual or organization is filing the same complaint, and all information is the same, each additional individual or organization should complete boxes 1 and 7 of a separate complaint form and attach it to the original form. Complaints may be presented in person or mailed to the HUD State Office covering the State where the complaint arose (see list on back of form), or any local HUD Office, or to the Office of Fair Housing and Equal Opportunity, U.S. Department of HUD, Washington, D.C. 20410.

This section is for HUD use only.

Number	(Check the applicable box) <input type="checkbox"/> Referral & Agency (specify) <input type="checkbox"/> Systemic <input type="checkbox"/> Military Referral	Jurisdiction <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Additional Info	Signature of HUD personnel who established Jurisdiction
Filing Date			

1. Name of Aggrieved Person or Organization (last name, first name, middle initial) (Mr., Mrs., Miss, Ms.) Dew, William	Home Phone 646-752-3180	Business Phone
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Street Address (city, county, State & zip code)
9 Columbia Terrace, Apt 4C, Edgewater, Bergen County, NJ 07626

2. Against Whom is this complaint being filed? (last name, first name, middle initial) S. Columbia Terrace, LLC	Phone Number 201-368-6591
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Street Address (city, county, State & zip code)
208 Truman Drive, Cresskill, Bergen County, NJ 07626

Check the applicable box or boxes which describe(s) the party named above:
 Builder Owner Broker Salesperson Supt. or Manager Bank or Other Lender Other

If you named an individual above who appeared to be acting for a company in this case, check this box and write the name and address of the company in this space:
 Name: _____ Address: _____

Name and identify others (if any) you believe violated the law in this case:

3. What did the person you are complaining against do? Check all that apply and give the most recent date these act(s) occurred in block No. 6a below.

Refuse to rent, sell, or deal with you Falsely deny housing was available Engage in blockbusting Discriminate in broker's services
 Discriminate in the conditions or terms of sale, rental occupancy, or in services or facilities Advertise in a discriminatory way Discriminate in financing Intimidated, interfered, or coerced you to keep you from the full benefit of the Federal Fair Housing Law
 Other (explain)

4. Do you believe that you were discriminated against because of your race, color, religion, sex, handicap, the presence of children under 18, or a pregnant female in the family or your national origin? Check all that apply.

<input checked="" type="checkbox"/> Race or Color <input checked="" type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Other	<input type="checkbox"/> Religion (specify)	<input type="checkbox"/> Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Handicap <input type="checkbox"/> Physical <input type="checkbox"/> Mental	<input type="checkbox"/> Familial Status <input type="checkbox"/> Presence of children under 18 in the family <input type="checkbox"/> Pregnant female	<input type="checkbox"/> National Origin <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Other (specify)
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5. What kind of house or property was involved? <input type="checkbox"/> Single-family house <input type="checkbox"/> A house or building for 2, 3, or 4 families <input type="checkbox"/> A building for 5 families or more <input type="checkbox"/> Other, including vacant land held for residential use (explain)	Did the owner live there? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	Is the house or property <input type="checkbox"/> Being sold? <input type="checkbox"/> Being rented?	What is the address of the house or property? (street, city, county, State & zip code)
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6. Summarize in your own words what happened. Use this space for a brief and concise statement of the facts. Additional details may be submitted on an attachment. Note: HUD will furnish a copy of the complaint to the person or organization against whom the complaint is made. See the attached verified complaint.	6a. When did the act(s) checked in Item 3 occur? (Include the most recent date if several dates are involved) 08/02/2019
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7. I declare under penalty of perjury that I have read this complaint (including any attachments) and that it is true and correct.

Signature & Date: William Dew 10/19/2019

PROOF OF SERVICE

I William Dew , do swear or declare that on this date, October 25, 2022, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR REHEARING on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

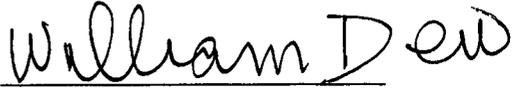
The Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Ave., N.W.. Washington, D. C. 20530-0001.

Law Offices of Ira C. Kaplan, P.C 190 Moore Street, Suite 430 Hackensack, NJ 07601

The River Club 105 Lighthouse Terrace Edgewater, NJ 07020

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 25 ,2022


WILLIAM DEW