

Tourette's sufferer sues, charging unfair eviction

Landlord says woman opted to leave after involuntary vocal tics bothered other tenants

By Sue Lindsay

News Staff Writer

Claudia Hunley knows that she shouldn't yell "Fire!" at the top of her lungs.

But she can't help it.

Hunley, 38, suffers from Tourette's syndrome, a rare, incurable disorder that causes her to make involuntary noises. And many of them are loud.

Hunley's attorney, John Holland, filed a federal lawsuit Tuesday charging that the owners of her apartment building with "illegal, overt, intentional discrimination" for evicting her because of her condition.

The lawsuit charges that Carmel Companies Inc., owners of the Torrey Pines complex in Arapahoe County, violated the Fair Housing Act in throwing her out of her home.

"She was cruelly thrown out of her apartment solely because she makes involuntary vocalizations due to her Tourette's syndrome," Holland said. "This case challenges a disabled poor woman's being evicted from Section 8 housing because she is unable to stop being disabled."

Carmel denies evicting Hunley.

"She elected to move out of the complex when the complex de-

manded . . . that she cease to violate the contractual promises she had made," said the company's attorney Andrew Hamrick in a written statement. "The complex made a number of accommodations to try to reasonably accommodate Ms. Hunley's claimed disability."

Carmel complied with the law, Hamrick said.

"I treated Ms. Hunley (as it does all its residents) with professionalism and fairness," he wrote.

Beyond that, Hamrick declined to comment on allegations in the suit, which he had not yet seen.

Hunley said she has had the condition since age 9, when she first began having the involuntary movements associated with Tourette's.

"Little by little, it has gotten progressively worse," Hunley said. By the time she was 15, "It was pretty much unbearable."

The intensity of the constant, involuntary sounds cause her ribs and chest muscles to ache, and she is chronically hoarse from yelling.

For reasons she does not understand, Hunley most often says or yells, "Fire!"

"Sometimes I feel if I say it enough times and loud enough, it would go away. But it doesn't. It haunts me."

Her only escape from the disease is sleep.

This isn't the first time she lost her home because of her disorder.

"You're seeing someone who has been living with discrimination for 29



Claudia Hunley and her attorney filed a lawsuit Tuesday against Hunley's landlord, charging that the company had violated the Fair Housing Act by evicting her because she suffers from Tourette's syndrome.

Hill Scootzie/Rocky Mountain News

years," Holland said. "She's been fired and she's been thrown out of housing before, and she just goes, feeling shunned and reviled. She finally got tired of it."

Hunley said she wanted to make a stand for herself and others with Tourette's.

"I would like to stand up for Tourette's and the other people that suffer with Tourette's," she said.

"I want them to know they have the right to live in the community in an apartment and not be thrown out because of what they have and cannot control and have to live with every day."

Hunley, who lives on a \$900

monthly disability income, rents the apartment under Section 8 federally subsidized housing for the poor. The owners knew about her disability when she moved in, Holland said.

On Jan. 21, a notice was posted on Hunley's door giving her 15 days to stop noise violations or move out.

The notice said she violated her lease because of "continuous noise problems from your apartment."

"I felt outraged, mad, very sad, disgusted," Hunley said. "I don't like this any more than they do. I would stop it if I could. My pride and self confidence were shattered."

Hunley takes medication in an attempt to control the Tourette's but

there is no cure. Medication levels sufficient to stop the outbursts leave her too sedated to function.

Holland said that the problem arose Dec. 5, when Hunley complained about tenants living above her.

"They were cussing and yelling at me and stomping on the floor with their feet," she said, ridiculing her about her outbursts.

The notice said that three different residents complained about Hunley's noise and one moved out because of it.

But Hunley was never warned about complaints and none had been documented by the landlords as of Dec. 23, when a manager who stuck up for Hunley was forced to resign, the lawsuit said.

Employees never tried to assess noise levels coming from Hunley's apartment or move her to a unit where her outbursts would be less likely to bother other tenants, Holland said.

Holland said her physical and verbal tics from her syndrome have become more pronounced since the eviction. She is also suffering depression, flashbacks and nightmares.

"Disabled persons have long struggled to be integrated into and allowed to live in the world," Holland said. "What happened to Claudia Hunley is a societal wake-up call reminding us that this continuing struggle is far from over."

Contact Sue Lindsay at (303) 892-5181 or lindsay@s@RockyMountainNews.com.