

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

TONYA ALLEN

v.

KENDALL RIDGE APARTMENTS, ET AL.

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Civil No. JFM-10-2021

MEMORANDUM

Plaintiff has instituted this *pro se* action under the Fair Housing Act against Kendall Ridge Apartments and Fairfield Properties, LP. Defendants have filed a motion to dismiss to which plaintiff has responded. The motion will be granted.

At bottom, plaintiff alleges that defendants have violated the Fair Housing Act because she suffers from asthma and they have not taken effective steps to prohibit the boyfriend of the tenant who lives in the apartment above plaintiff's to smoke in the tenant's apartment. Plaintiff has not made any allegations from which it could be inferred that defendants discriminated against her because of her asthma or for any other reason. Moreover, the record also establishes that defendants have taken steps to reasonably accommodate plaintiff's concerns. Specifically, defendants have (1) moved plaintiff from another apartment unit in which she complained about odors that she smelled to her present apartment unit; (2) performed preventative maintenance in plaintiff's present unit, including caulking around the baseboards, insulating all doors and windows, insulating pipes, insulating outlets, adding filters and air-vents and adding a product known as "True Air filter;" (3) written to all tenants asking that they and their visitors smoke only on the balcony; and (4) advised plaintiff that she would be let out of her lease and that she could relocate somewhere else at any time.

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ORDER

For the reasons stated in the accompanying memorandum, it is, this 19th day of October
2010

ORDERED

1. Defendant's motion to dismiss is treated as one for summary judgment and, as such, is granted; and
2. Judgment is entered in favor of defendants against plaintiff.

/s/
J. Frederick Motz
United States District Judge