

MEMORANDUM

TO: P&A Legal Directors and Other Interested Parties
FROM: Kenneth Shiotani
RE: P&A Docket of Housing Cases
DATE: September 21, 2005

Enclosed is the fourth edition of the Protection and Advocacy Docket of Housing Cases. New housing cases and any updates to the housing cases included in the August 2004 Housing Docket are highlighted in shaded text. This docket is organized by issue area, as indicated in the Table of Contents. Cases are arranged alphabetically by state under each issue section. A copy of this Housing Docket is also available on the "members only" section of the NDRN web site at www.ndrn.org. We ask that your offices do the following:

- Circulate the docket to all interested staff members and keep a copy of the docket in a central location in your office.
- Regularly provide NDRN with updates on your housing cases. Updates should include the style of the case, case summary, status, available documents, and contact persons.
 - We ask that whenever possible, pleadings, briefs and other documents be provided electronically. Please forward case updates and available documents to Ken Shiotani at Kenneth.Shiotani@ndrn.org.
 - Additionally, we request that a copy of pleadings and other documents being submitted to NDRN for inclusion in future P&A dockets be sent to the Disability Law Data Bank (DLDB) as well. This can be accomplished by simply adding the DLDB's e-mail address (jane@dldb.net) to the submission message, or by mailing a copy of documents only available on paper to Portland Humanities Committee, DLDB, 100 Commercial Street, Suite 302, Portland, ME 04101.
- Request documents by contacting the attorney listed on the case, unless the document is noted as being on the Disability Law Data Bank (www.dldb.net) or in NDRN's possession. Requests for documents in NDRN's possession should be made by e-mailing dockets@ndrn.org.

PROTECTION AND ADVOCACY SYSTEMS' DOCKET

**HOUSING CASES
CURRENT AND RECENT SIGNIFICANT CASES
UNDER THE FAIR HOUSING ACT AMENDMENTS OF 1988 AND
SECTION 504 OF THE REHABILITATION ACT OF 1973, AND OTHER HOUSING
LAWS**

5th Edition, SEPTEMBER 2005

Updates and Additions to the cases listed in the August 2004 Housing Docket are **shaded** for easy reference.

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A. Land Use Restrictions: Zoning, Plans and Covenants

1. (AZ) Canady et al. v. Prescott Canyon Estates Homeowners' Association, CV2000-013941 (Az. Sup. Ct) (Ariz. AG filed July 26, 2000, ACDL intervened Oct 27, 2000)

Summary: Parents, who were planning on buying a home in a senior housing community, requested that the homeowner's association (HOA) waive its age restrictions so that their 27-year old son, who has developmental disabilities, could live with them. The HOA refused to waive the restriction. The parents were required to cancel the escrow on their home and find other housing.

Status: **(RESOLVED)** The Arizona Center for Disability Law, as the intervener, filed a motion for summary judgment, arguing that the HOA had an affirmative duty under the Fair Housing Act Amendments of 1988 ("FHAA") to accommodate the family by waiving its age restriction. On cross motion for summary judgment, the HOA argued that the private covenant was valid, and that permitting the adult son with a disability to reside in its community would afford persons with disabilities an opportunity not afforded to persons without disabilities and, therefore, exceeded the scope of "equal opportunity" required by the state and federal FHAA. In addition, the HOA argued that the nature of its housing community would be fundamentally altered, by allowing even one person under the age of 35.

The trial court ruled in favor of the HOA. The Center filed an appeal in the Arizona Court of Appeals, which entered judgment in favor of the buyers, their son and the seller of the prospective residence. The appellate court awarded the Arizona P&A attorneys' fees and remanded the case to the trial court for a ruling on the amount of the fee award.

After the AZ Appeals Court ruled that discrimination did occur when the Homeowner's Association (HOA) refused to give Scott Canady a reasonable accommodation to allow him to live with his parents within the 55+ community, a damages trial occurred in November 2003. The jury awarded Scott Canady \$9,000 and Margaret Canady \$1,000. Recently (June 7, 2004), the trial judge awarded injunctive relief, attorneys fees in the amount of \$105,000 to the AZ Center for Disability Law, and \$25,000 to the Arizona Attorney General's Office. Defendants appealed but then withdrew the appeal.

Available: Motion to Intervene and appellate brief, from dockets@ndrn.org and www.dldb.net.

Contact: Diana Chen, Arizona Center for Disability Law, 3839 N. Third Street, Suite 209, Phoenix, Arizona 85012; (800) 922-1447; Dchen@acdl.com.

2. (AZ) Recovery Alternatives, Inc. v. City of Sedona Arizona (Administrative Complaint, Civil Rights Division of the Arizona Attorney General's Office) (Filed Dec. 2002)

Summary: **(RESOLVED)** A non-profit organization was trying to open a group home for women recovering from drug and alcohol addiction in Sedona, Arizona. The organization had bought a home and obtained all necessary permits. However, the City required the organization to obtain a special use permit under a cumbersome process that delayed the building of the home.

Status: The administrative claim alleged that the City had a duty to waive the conditional use permit requirement as a reasonable accommodation under Arizona's Fair Housing Act. It further alleged that land use provisions requiring a conditional use permit for group homes serving people with disabilities was itself a violation of fair housing laws because it imposes more burdensome terms and conditions on persons with disabilities looking for housing. The parties settled. The settlement agreement required, among other things, for the City to (1) purchase the property intended for the group home for a sum of \$382,000, (2) pay a settlement amount of \$148,334, (3) convene a study session of the planning commission to consider revision to the city codes, and (4) conduct trainings. In exchange, the non-profit organization agreed to wait a year to open the group home so that the City could revised its code.

Since the settlement, the City has convened a study session of the City Council to examine revision of their Planning and Zoning Code. The Arizona P&A was invited to speak and give input. The proposed code revisions are expected to be formally reviewed and voted upon by Sedona officials in August 2004.

Available: Press Release from dockets@ndrn.org

Contact: Diana Chen, Arizona Center for Disability Law, 3839 N. Third

Street, Suite 209, Phoenix, Arizona 85012; (800) 922-1447;
Dchen@acdl.com

3. (CA) Case Name: Mental Health Consumer Concerns (MHCC) and Henry Doe v. City of Pittsburgh, et al., Civil Action No. C99-02594 (Contra Costa County Superior Court) (Filed July 6, 1999)

Summary: In December of 1998, Mental Health Consumer Concerns (MHCC), a self-help organization, attempted to open a self-help center in downtown Pittsburgh, California. The Pittsburgh Planning Commission approved the application for the required permit, but the city council reversed the decision, determining that the self-help center did not fit within the permitted uses of the Downtown Specific Plan and denied the permit.

Status: **(RESOLVED)** Protection and Advocacy, Inc. ("PAI"), which is the California P&A, and the Public Interest Law Project filed a complaint and writ of administrative mandamus on behalf of MHCC and Henry Doe (an individual plaintiff) alleging violations of Title II of the Americans with Disabilities Act ("ADA"), Section 504 of the Rehabilitation Act of 1973, as amended, the Fair Housing Act Amendments ("FHAA"), and California Civil Code. The complaint alleged that the City of Pittsburgh discriminated against MHCC by overturning the permit granted by the Planning Commission.

During a court ordered Case Management Conference in late September 2000, the parties met with a mediator and negotiated a settlement. The terms of the settlement provide for (1) an alternative site for the center with free rent for two years,(2) \$50,000 for damages and incidentals to the plaintiffs (including attorneys' fees), (3) a low interest loan of \$28,000 for improvements to the alternative location, and (4) \$48,000 in attorneys' fees.

Available: Complaint and settlement agreement from dockets@ndrn.org and www.dldb.net.

Contact: Margaret Jakobson (619) 293-3500, Kim Swain, PAI, (510) 839-0811.

4. (NY) RECAP v. City of Middlesex, (Case Nos. 00-6318, 00-6354) (U.S.D.C., S.D.N.Y.) (Filed Nov. 1997)

Summary: Plaintiff provider filed application with city requesting permit to establish home for individuals who were recovering alcoholics and their children. The city denied the application.

Status: **(RESOLVED)** In *RECAP v. City of Middleton*, 294 F.3d 35 (2nd Cir. 2002), the Second Circuit Court of Appeals decided that (1) the individuals who would be living in the plaintiff's homes were disabled under the FHAA, the ADA, and the Rehabilitation Act because they were individuals whose addictions to alcohol substantially limited their ability to live independently and live with their families, (2) the plaintiff failed to state a claim for disparate impact or failure to make a reasonable accommodation because the plaintiff did not challenge a facially-neutral policy or practice, but a specific act (denying the special use permit), (3) a genuine dispute of material fact existed as to (a) whether the defendants' stated reasons for denying the permit were pre-textual, and (b) whether the defendants retaliated against the plaintiff by withdrawing grant funding after the plaintiff filed a discrimination complaint. The Second Circuit remanded the case to the district court. RECAP settled case about halfway through trial in January, 2003. The terms of the settlement are confidential.

Available: Complaint and motion to dismiss, response, and reply from dockets@ndrn.org.

Contact: Simeon Goldman, Disabilities Advocates, Inc., (518) 432-7861, sg@disabilityadvocates.info

5. (NY) Joseph's House v. City of Troy Planning Bd., (Case #05-CV-0514, U.S.D.C., N.D.N.Y.) Joseph's House V. City of Troy, NY (Case #05-CV-0757, U.S.D.C., N.D.N.Y.) (Filed 2005)

Summary: Plaintiff seeks to establish SRO housing for 16 individuals who have been homeless and have mental illness in an area of Troy zoned for both residential and commercial use, on a site surrounded by residential properties. Defendant discriminatorily denied plaintiff permission to do so because of "the impact on community character of a concentration of facilities in the area as a whole", and other pretextual reasons. In Case #05-CV-0514, plaintiff seeks injunctive relief, compensatory damages, and attorneys' fees under the FHA and Title II of the ADA

After the above action was commenced, the Troy City Council

voted to deny plaintiff federal emergency shelter grant funds which it had received for years in retaliation for the first lawsuit. In Case #05-CV-0757, plaintiff seeks injunctive relief, compensatory damages and attorneys' fees under the First Amendment, and the anti-retaliation provisions of the FHA and ADA.

Status: **(ACTIVE)** Complaints and Answers filed and served. Rule 16 conference scheduled for 8/23/05.

Available: Complaints from dockets@ndrn.org

Co-counsel: Bob Schonfeld, Stein & Schonfeld, rschonfeld@stein-law.com, (516) 542-0088

Contact: Simeon Goldman 518-432-7861 x12, SG@disabilityadvocates.info

6. **(PA) Wise et al. v. Township of Chartiers, (Case No. 99-1601)(U.S.D.C., W.D., Pa.)**

Summary: Complaint filed on behalf of the owner of a planned group home and two individuals with mental retardation to challenge the township's refusal to allow the group home to operate in a single-family residential district. The township is seeking to enforce a provision that required "group homes" to operate only in multi-family residential districts, even though the proposed residents meet the definition of a "family" and thus qualify to live in a single-family residential district.

Status: **(RESOLVED)** Consent Decree entered allowing plaintiffs to live in their home undisturbed and repealing illegal provision of zoning ordinance.

Available: Complaint and Brief Opposing Motion for Summary Judgment, available from dockets@ndrn.org and www.dldb.net.

Contact: Mark J. Murphy, Disabilities Law Project, (412) 391-5225; mmurphy@dlp-pa.org

7. **(PA) Burke v. West Penn Township, Case# 3:00-CV-00368 (U.S.D.C., M.D., Pa)**

Summary: Complaint filed on behalf of three individuals with mental retardation, group home provider, and neighbor to challenge the

township's and zoning hearing board's refusal to allow a group home to operate in the district where the group home was to be located. The township's zoning ordinance wholly excludes "group homes" from operating anywhere in the district where the house is located and only allows group homes in certain other districts and only if the zoning hearing board issues a special exception. Although the three residents meet the zoning ordinance's definition of the term "family," the Defendants refused to allow the group home. The lawsuit alleges that defendants violated the Fair Housing Act by: (1) intentionally discriminating against the Plaintiffs on the basis of their disabilities; (2) enacting and enforcing a zoning ordinance which includes discriminatory classifications; and (3) refusing to grant a reasonable accommodation to allow the group home to operate in the district.

Status: **(RESOLVED)** Settlement reached after close of discovery, allowing plaintiffs to live in home undisturbed.

Available: Complaint and draft TRO, available from dockets@ndrn.org and www.dldb.net.

Contact: Robert W. Meek, Disabilities Law Project, (215) 238-8070; rmeek@dlp-pa.org

8. (PA) Kurtz v. Center Township, Case No. 00-1936 (U.S.D.C., W.D. Pa.) (Filed Sept. 2000)

Summary: This lawsuit challenges Defendants' refusal to allow operation of a four-person group home for persons with mental retardation in a residential district. In addition to claims under the Fair Housing Act and the Constitution, the lawsuit also asserts that defendants' actions violate the ADA and Section 504.

Status: **(RESOLVED)** Settlement reached allowing plaintiffs to live in their home undisturbed.

Available: Amended Complaint and Plaintiff's Brief in Opposition to Defendants' Motion to Dismiss, available from dockets@ndrb.org and www.dldb.net.

Contact: Mark J. Murphy, Disabilities Law Project, (412) 391-5225, mmurphy@dlp-pa.org

9. (PA) Community Services, Inc. t/a CSG v. Wind Gap Municipal Authority (Case No. 02-8399),(U.S.D.C, E.D. Pa)

Summary: This case involves a challenge by a Community Services, Inc., a group home provider who provides housing and services to three women with mental retardation. The municipal sewer authority has imposed extra charges and fees on the group home solely based on its classification as a “personal care home.”

Date filed: Nov 7, 2002

Status: **(ACTIVE)** After negotiations failed, CSG filed suit alleging violations of the Fair Housing Act seeking an injunction barring the imposition of such fees and charges and damages. The complaint alleged that the charges constituted disparate treatment of individuals with disabilities, that such charges had a disparate impact on people with disabilities and that the sewer authority’s failure to waive the tapping fee and extra charges constituted a refusal to provide a reasonable accommodation all in violation of 42 U.S.C. § 3604. Discovery closed June 30, 2003 and the parties filed cross motions for summary judgment. The district court decided for plaintiff on April 1, 2004. The decision is published at 2004 WL 764793. But defendants appealed.

On August 31, 2005, Third Circuit reversed and remanded *Community Services v. Wind Gap* ___ F.3d ___ 2005, WL 2088424. The court concluded that the use of the term “personal care home” in the municipal sewer regulations was not a facially discriminatory classification “because of” a handicap under the FHAA. The court also found the district court’s analysis under disparate impact and in the reasonable accommodation claim was erroneous on the record and remanded to the district court for further proceedings.

Available:

Contact: Robert W. Meek, Disabilities Law Project, (215) 238-8070, rmeek@dlp-pa.org

10. (TX) Southmeadows Property Assn. v. Benson Anekwe et. al. (Harris Cty Dist., Ct.)

Summary: The defendant, who operates a small group home, and the owners of four other group homes were sued by the neighborhood

association, which sought to close down the homes on the grounds that their business operations violated deed restrictions.

Filed: Undetermined

Status: **(RESOLVED)** The neighborhood association dropped the case after the Texas P&A educated its attorney about the Fair Housing Act and promised a vigorous defense and a countersuit.

Available: Complaint and Motions available from Advocacy Inc.

Contact: Stephen Yelenosky, Advocacy, Inc., (512) 454-4816;
syelenosky@advocacyinc.org

11. (WI) Vincent Z. v. Village of Greendale, No. 96-C-1101 (U.S.D.C., E.D. Wis.) (Filed Sept. 24, 1996)

Summary: Action on behalf of all Milwaukee County residents with developmental disabilities to strike down the state law which allows local municipalities to prevent small group homes (3 to 8 beds) from being located within 2,500 feet of another group home, as violating the ADA and FHA.

Status: **(ACTIVE)** The court certified a class of Milwaukee County residents with developmental disabilities, and granted summary judgment for the class. The parties have stipulated to voluntarily dismiss the case. The court stated that it will not dismiss the case unless there is notice to class members class counsel has submitted the method of notification to the court.

Available: Complaint, class certification order and decision, available from
dockets@ndrn.org

Contact: Patrick Berigan, Wisconsin Coalition for Advocacy, (414) 342-8700;
patrickB@w-c-a.org

12. (WI) Oconomowoc Residential Programs, Inc. v. City of Milwaukee, No. 97-C-251 (U.S.D.C., E.D. Wis.) (Filed Nov. 1997)

Summary: Action by Oconomowoc Residential Homes, Inc., ("ORP") a group home provider, the Wisconsin P&A and two individuals with traumatic brain injuries to challenge denial of permission to develop

a group home based upon city ordinance which requires special permission to open a group home (3 to 8 beds) located within 2,500 feet of another group home.

Status: **(RESOLVED)** Plaintiff sued the city for violations of the FHA and ADA. The Wisconsin P&A intervened on behalf of the individual plaintiffs. In 1999, the district court adopted a Magistrate's proposed Order for Summary Judgment in favor of the plaintiffs with respect to liability. The court held that the city discriminated against the plaintiffs by failing to grant a reasonable accommodation to its 2,500 foot rule. In December 2000, after a bench trial, the court awarded damages of \$207,000 to the group home operator and \$12,500 each to the individual plaintiffs with disabilities. The judgment did not include injunctive relief, but the city allowed the home to open and stated its intent to continue to allow the home to stay open unless its position prevailed. The court also awarded more than \$500,000 in costs and attorney fees. The city appealed. The Seventh Circuit affirmed the district court's decision in favor of the plaintiff in *Oconomowoc Residential Programs, Inc. v. City of Milwaukee*, 300 F.3d 775 (7th Cir. 2002).

Available: Brief in support of Plaintiff Intervenors' Motion to Intervene, from dockets@ndrn.org

Contact: Patrick Berigan, Wisconsin Coalition for Advocacy, (414) 342-8700; patrickB@w-c-a.org.

B. Private Housing

1. (CA) **Niederhauser v. Independence Square Housing Corp., No. C 96-20504 RMW (U.S.D.C., N.D., Cal.)**

Summary: Action challenging a lease requirement imposed by defendants that tenants with disabilities must be able to live independently "without an attendant" or "relative care." Plaintiffs alleged that defendants refused to permit the plaintiff to return to the apartment that he and his wife had lived in for many years after an illness caused him to be temporarily placed in a skilled nursing facility. Plaintiffs alleged that defendants violated the Fair Housing Act, §504 of the Rehabilitation Act, §202 of the National Housing Act of 1959, 12 U.S.C. §1701q, and several California state housing laws.

Filed: Prior to 1998

Status: **(RESOLVED)** In August, 1998, the district court issued a decision on plaintiffs' motion for summary judgment, upholding plaintiffs' claims that the lessor's policies and practices violate the Fair Housing Act Amendments, Section 504 and California's fair housing laws. The court's decision affirms that landlords cannot use the nature or severity of a disability as criteria for housing eligibility.

Serious settlement discussions advanced following the district court order and by November 30, 1998 the parties agreed to a settlement. The settlement provides for payment of \$400,000 to plaintiffs as compensation for damages, attorney's fees, and costs. The settlement provides for a stipulated judgment, which incorporates the district court's order for a permanent injunction and contains provisions prohibiting defendants from harassing or retaliating against the Niederhausers. A final judgment was issued.

Available: From dockets@ndrn.org final judgment, joint application and stipulation for entry of final judgment, settlement agreement, proposed final judgment, plaintiffs' memorandum of points and authorities in support of motion for summary adjudication, defendants' memorandum of points and authorities in opposition to plaintiffs' motion for summary adjudication, plaintiffs' memorandum of points and authorities in reply to defendants' opposition to plaintiffs' motion for summary adjudication, order granting in part and denying in part plaintiffs' motion for summary adjudication.

Contact: Kimberly Swain, (510) 839-0811, or Eric Gelber, (916) 488-9955.

2. **(HI) John Roes 1-2 v. O'Connelly, et al., (Case # 99-00570 SOM), (U.S.D.C., Hi.)**

Summary: Luxury condominium attempted to enforce its "no pets" house rule upon two disabled individuals with service animals. Federal lawsuit filed, claiming that Defendants had failed to make reasonable accommodations for its tenant with a disability, in violation of the Fair Housing Act.

Status: **(RESOLVED)** Case settled in favor of the Plaintiffs. Defendants agreed to permit the service animals, paid \$5,000.00 in damages to John Roe I, and paid \$5,000.00 in attorney fees and costs. John Roe 2 voluntarily dismissed his causes of action because he relocated to San Francisco.

Available: Documents available from Hawaii P&A.

Contact: Shawn Anthony Luiz, Hawaii Disability Rights Center, (808) 949-2922, ext. 207.

3. (HI) Kolb-Latu v. Royal Kinau LP, et al., (Case #99-00642 HG) (U.S.D.C. Hi.)

Summary: Plaintiff, who is paraplegic, lived in one-year-old building that failed to provide accessible features. In addition, its guest policy had no exemption for care-givers.

Status: **(RESOLVED)** Case settled in favor of the Plaintiff. Defendant agreed to change the overnight guest policy to exempt care-givers, provided an air conditioner to the Plaintiff at no charge, installed 3 automatic doors, and paid \$1,200.00 in attorney fees and costs.

Available: Documents available from Hawaii P&A.

Contact: Shawn Anthony Luiz, Hawaii Disability Rights Center, (808) 949-2922, ext. 207.

4. (IL) Lifelink Housing Corporation v. Kathryn M. Black (No. 02 M1-725491 Circuit Ct., Cook Co., IL)

Summary: The tenant, who has an acquired brain injury and is incontinent, lives in subsidized Section 8 housing. She was receiving home health care services through the state, but the agency providing the services committed fraud and was terminated. Without services, the tenant's apartment became unsanitary. Subsequently, services were reinstated and the sanitary issues were resolved. However, the landlord still moved to evict her. If she is evicted, she will no longer be permitted to live in any Section 8 housing and will either be homeless or have to live in a nursing home. In response to the eviction action, the Illinois P&A filed an answer along with affirmative defenses under the Fair Housing Amendments Act and Section 504. The landlord filed a motion for summary judgment that was denied by the judge. Subsequently, the Landlord filed another motion for summary judgment.

Status: **(RESOLVED)** Tenant found appropriate housing elsewhere and the case was dismissed without prejudice.

Available: Answer, Defendant's Response to Plaintiff's Motion for Summary Judgment, Defendant's Cross Motion for Summary Judgment, and Memorandum in Support of Cross Motion for Summary Judgment.

Contact: John Whitcomb, Equip for Equality, 312-895-7309.

5. (IL) Thomas Bigley v. Illinois Veterans Home (Illinois state court)

Summary: Thomas Bigley was placed in the Illinois Veterans Home in Quincy, Ill., which is run by the Illinois Department of Veterans' Affairs. Like all residents, he entered into a lease agreement with the Home. While living in the domiciliary, Bigley chose to use doctors unaffiliated with the Veterans Home, a right afforded to him by his lease agreement. However, the Veterans Home staff attempted to evict him based on his decision to refuse services from their medical staff.

Filed: Approximately two years ago

Status: **(RESOLVED)** Equip for Equality represented Bigley in the eviction proceeding. The court entered a decision permanently enjoining the Veterans Home from evicting him and upheld Bigley's right to refuse its medical treatment, based upon constitutional and statutory legal principles of self-determination.

Available: From dockets@ndrn.org, hard copies of Complaint, Petition for Preliminary Injunction, Motion to Dismiss, Complaint for Administrative Review pursuant to Writ of Certiorari, Plaintiff's Brief in Support of Complaint for Administrative Review, Defendant's Reply to Plaintiff's brief in Support of Complaint for Administrative Review, Response in Brief in Opposition to Plaintiff's Complaint for Administrative Review pursuant to Writ of Certiorari, and Order.

Contact: Barry Lowy, Equip for Equality, (217) 544-0464;
barryl@equipforequality.org

6. (MA) Attenazio v. Medford Housing Authority (Mass. Comm'n against Discrimination) (Filed Feb. 4, 2002)

Summary: A tenant asked the housing authority for permission to construct a

fence in front of her house to prevent her 5-year old son with autism and ADHD from bolting into the street and traffic. The director of the housing authority refused.

Status: **(RESOLVED)** The case settled after the state FEP agency issued a favorable preliminary ruling. The Housing Authority in *Attenazio* agreed to construct a suitable fence.

Available: None available at this time.

Contact: Jane Alper, 617-723-8455 ext. 135 jalper@dlc-ma.org

7. (MA) Galgana v. The Village at Marshfield (Administrative Complaint) (filed Feb. 28 2003)

Summary: A tenant with schizophrenia has lived in his apartment since 1995. For approximately six months, his neighbors have complained about him making loud noise at night and behaving inappropriately towards a female neighbor and her children. The landlord has notified the tenant that it will not renew his lease when it expires on April 30, 2003.

Status: **(RESOLVED)** The case settled after the state agency issued a favorable preliminary ruling. The landlord agreed to renew the client's lease at the same rent, allow him to terminate his lease early if he found other housing, and agreed on a dispute resolution procedure to handle future inter-tenant disputes.

Available: Statement of Facts filed with complaint available from dockets@ndrn.org and www.dldb.net.

Contact: Jane Alper, 617-723-8455 ext. 135 jalper@dlc-ma.org

8. (MA) Zhou v. Needham Investment Co., Docket No. 02-01454, (Norfolk Superior Ct.,) (Filed Aug. 30, 2002)

Summary: Client became disabled and requested reasonable accommodations from landlord, including ramp and modifications to bathroom. Landlord refused. Client located accessible housing and landlord refused to refund security deposit because client broke the lease.

Status: **(RESOLVED)** Case brought under state fair housing law, which

requires landlords to make certain modifications at the landlord's expense. Case removed by landlord to court after Massachusetts Commission Against Discrimination issued probable cause finding. Case settled. Settlement requires that \$5000 be paid to the plaintiff and that the property manager attend a fair housing training.

Available: Plaintiff's and Plaintiff-Intervenor's Concise Statement of Material Facts in Support of Cross-Motion for Summary Judgment; Plaintiff's and Plaintiff-Intervenor's Memorandum in Opposition to Defendants' Motion for Summary Judgment and in Support of their Cross-Motion for Summary Judgment; Plaintiff's and Plaintiff-Intervenor's Statement of Legal Elements, available from dockets@ndrn.org and www.dldb.net.

Contact: Jane Alper, 617-723-8455 ext. 135 jalper@dlc-ma.org

8. (MI) Grad v. Royalwood (filed Aug. 30, 2002)

Summary: The plaintiff, who has bipolar disorder, requested her housing cooperative to waive its "no pets" policy so that she could keep an emotional support animal in her home, but the co-op board voted to deny her request.

Status: **(RESOLVED)** The Michigan P&A and the U.S. Department of Justice acted as co-counsel in the case. Expert witnesses testified that the plaintiff's dog, "Lady" provides her treatment similar to someone using assistive technology to maintain or increase her ability to live independently. After a six-day trial, a unanimous jury decided that the co-op had violated the Fair Housing Act and awarded the plaintiff approximately \$14,000 in actual damages and \$300,000 in punitive damages.

Available: Pleadings and transcripts.

Expert(s): Susan L. Duncan. Has own consulting firm, Duncan Consulting. Generally, firm assists with policy, practices and accessibility solutions for businesses in public and private sectors. Specialty is healthcare, accessibility and service animal issues. Was Director of the Delta Society National Service Dog Center for four years and assisted states' Veterans Health Administrations in developing service dog provisions for enrollees with disabilities.

Contact: Amy Maes, (517) 487-1755, AMAES@mpas.org

**9. (NY) Jo Fenton v. Longley Jones (Case #05-CV-0700), (U.S.D.C., N.D.N.Y.)
(Filed June 6, 2005)**

Summary: A woman with mobility impairment had lived in the same apartment complex for 9 years. When the apartment complex repaved and restriped the parking lot, the lot was restriped without the access aisles required under state law. She complained to management who told her if they restriped the lot, there would be one less handicapped parking space. She also filed a complaint to the local Code inspector which found a violation of state law. The landlord then refused to renew her lease which had been renewed without difficulty for the prior 8 years. She was forced to move to a more expensive and less convenient apartment. The suit seeks compensatory and punitive damages for violations of the Fair Housing Act and state Human Rights Law and the state retaliatory eviction statute.

Status: **(ACTIVE)** Complaint filed.

Available: Complaint from dockets@ndrn.org

Contact: Simeon Goldman 518-432-7861 x12, SG@disabilityadvocates.info

10. (PA) Head v. Geriatric and Medical Services, Case #98-4208 (U.S.D.C., Pa.) (Aug. 11, 1998)

Summary: Action against assisted living facility, alleging discriminatory housing practices in violation of the Fair Housing Act. Discriminatory practices include: (1) denial of unit to person with a disability on the grounds that he could not evacuate from the unit safely; (2) inaccessible construction of apartment unit bathrooms; and (3) refusal to allow service dog.

Status: **(RESOLVED)** Case settled. The facility agreed to make the apartment accessible and to remove the no service dog policy.

Available: Complaint, from dockets@ndrn.org

Contact: Disabilities Law Project, (215) 238-8070.

11. (TX) Lantana Square Apartments v. Ramiro Espinosa (Justice of the Peace Court, Precinct 1, Place 1, Nueces County) (Eviction Filed Feb. 19, 2002)

Summary: The landlord of a HUD subsidized property filed for eviction of the plaintiff for non-payment of rent. The plaintiff is diagnosed with bipolar disorder, and his mother had been helping him manage his money. When she was hospitalized with a serious illness, the plaintiff did not pay the rent on time and the landlord filed for eviction.

Status: **(RESOLVED)** On the morning of trial, the Texas P&A, on behalf of the plaintiff, proposed a reasonable accommodation plan, which included payment of all back rent and fees, but the landlord refused. During the trial, the plaintiff moved for a continuance on behalf of the plaintiff so that the plaintiff could assert counterclaims for failure to accommodate under Section 504, the ADA, and the FHA. The judge then strongly urged the landlord to accept the plaintiff's settlement offer of back rent and an accommodation plan. The landlord accepted the settlement, and the case is now resolved.

Available: No counterclaim had to be filed. Therefore, there are no documents in this case.

Contact: Dennis Driggers, Advocacy, Inc., (361) 883-3623;
ddriggers@Advocacyinc.org

12. (TX) Wymore v. Accessible Space, Inc., et al. (U.S.D.C., S.D. Tex.) (Filed Nov. 9, 2001)

Summary: The plaintiff alleged that the apartment management of her HUD-subsidized unit discriminated against her on the basis of her disability by harassing her about leaving her apartment without her attendant to accompany her, failing to install a door lock mechanism that the client could operate independently, and failing to make reasonable modification to the pet policy.

Status: **(RESOLVED)** After the plaintiff filed her complaint, the apartment management served the client with a 30-day notice to vacate the premises upon expiration of her lease based on the pretext of minor lease violations. On behalf of the plaintiff, the Texas P&A filed a

Motion for Preliminary Injunction to prevent the eviction and then negotiated an agreement with the apartment management to stop the eviction and enter into mediation. Before the case could be mediated, however, the plaintiff's preferred housing became available and she moved, which rendered moot the request for injunctive relief. Although the client was advised that she could still pursue claims for damages, costs, and fees, she chose not to do so. As a result, the plaintiff voluntarily dismissed the case.

Available: Amended complaint, from dockets@ndrn.org and www.dldb.net.

Contact: Dennis Driggers, Advocacy, Inc., (361) 883-3623;
ddriggers@Advocacyinc.org

13. (VT) Manley, et al. v. EGL Management, Inc. (Vt. Human Rights Commission) (Filed Sept. 2003)

Summary: Two elderly tenants with physical disabilities (arthritis and fibromyalgia) living in public housing twice sought reserved parking spaces in front of their units. The PHA initially installed reserved parking signs and then removed them without notice to the tenants. When the tenants sought to have the signs reinstalled, the PHA denied the request claiming they were only obligated under the FHA to provide reserved spaces to tenants living in designated handicapped accessible units.

Status: **(ACTIVE) Investigation pending before the human rights commission.**

Available: Contact the P&A.

Contact: Marilyn Mahusky, Staff Attorney, Disability Law Project of Vermont Legal Aid, Inc., 802-885-5181 (voice & TTY);
www.mmahusky@vtlegalaid.org

C. Public and Assisted Housing

1. (AL) Tinney et al. v. Venneman et al., Case #CV-02-C-2062-M (U.S.D.C., N.D. Al) (Filed Aug. 22, 2002)

Summary: This case was brought by low-income tenants with disabilities who live in government subsidized housing through Section 515 of the

Housing Act of 1949. Owner of property asked for permission to pay off its mortgages and exit the program, which requires that owner provide affordable housing in a rural area of Alabama. The tenants have sued the Secretary of the U.S. Department of Agriculture under the Administrative Procedures Act, 5 U.S.C. § 706, for (1) violating the Section 515 prepayment preservation statute, (2) violating her statutory obligation to administer the Section 515 program to avoid the displacement of families, and (3) violating her duty to administer the Section 515 program to affirmatively further fair housing pursuant to 42 USC § 3608(d). The tenants also sued the owners of the housing for (1) violating the tenants' rights under the Emergency Low Income Housing Preservation Act, 42 USC § 1472(c), and (2) violating Section 515.

Status: **(RESOLVED)** Federal court sent case back to administrative hearing. The fairing hearing officer upheld the Department of Agriculture's decision that the owner of a complex could not prepay the loans unless owner allowed existing tenants to continue to live in the complex at their current rental rates. The tenants are still in there homes.

Available: Amended Complaint, from dockets@ndrn.org and www.dldb.net

Contact: James Tucker, Alabama Disabilities Advocacy Program, (205) 348-4928; jtucker@law.ua.edu

2. **(CA) Leon Victoria, et al. v. Richmond Housing Authority (RHA), et al. No. C-00-3841 (U.S.D.C., N.D. Ca.) (Filed Oct. 17, 2000)**

Summary: In June 1999, the Richmond Housing Authority (RHA) closed the waiting list for its senior/disabled apartment complexes to people with disabilities under age 62. The plaintiff called RHA four times between April 2000 and September 2000 for housing as a person with disabilities. Each time, the plaintiff was turned away because the waiting list was only open to seniors. Housing Rights, Inc., a non-profit community fair housing organization, also sent three testers to the RHA. They were all told that the waiting list was closed to people with disabilities under age 62. Protection and Advocacy, Inc. ("PAI"), the California P&A, discovered that several qualified people with disabilities were removed from the waiting list and placed on another list prior to the change.

Status: **(RESOLVED)** PAI joined private co-counsel in filing a complaint on behalf of Mr. Victoria and those similarly situated, alleging that the

RHA discriminates against people with disabilities by closing the waiting list to them in violation of the ADA, the FHA, Section 504, and state law. HUD began a Section 504 compliance review. The case settled. Plaintiffs got housing, \$8,000 in damages and \$75,000 in attorneys' fees. RHA agreed not to close the waiting list to people with disabilities.

Available: Complaint, First Amended Complaint, Second Amended Complaint, Stipulation for Dismissal with Court to Retain Jurisdiction to Resolve Any Disputes Over Terms of the Settlement Agreement, from dockets@ndrn.org.

Contact: Fred Nisen, PAI; (510) 430-8033, fred.nisen@pai-ca.org.

3. (CA) Foster v. City of Richmond Housing Authority, et al., (Case No. C-02-8562-PJH) (U.S.D.C., N.D. Cal.) (filed Jan. 31, 2002)

Summary: The plaintiff, who is an individual with a disability, applied for elderly/disabled housing from the Richmond Housing Authority (RHA) in 1997. Although she was at the top of the waiting list in 1999, RHA withdrew her application because her son, with whom she was going to live, had a criminal history. The plaintiff asked if she could reapply by herself and RHA told her that it was not accepting applications. At that time, the waiting list was closed to people with disabilities under age 62 and remained open to persons who were elderly.

Status: **(RESOLVED)** The case settled. The terms of the settlement agreement include placing the plaintiff at the top of the waiting list for senior/disabled housing, providing the plaintiff with the first apartment to become available, opening the senior/disabled waiting list to non-elderly persons with disabilities, training, \$8000 in damages, and \$46,500 in attorneys fees.

Available: Plaintiff's Opposition to Motion to Dismiss; Memorandum of Points and Authorities in Support of Motion to Dismiss; Reply to Plaintiff's Motion to Dismiss; Settlement Agreement and Release, from dockets@ndrn.org and www.dldb.net.

Contact: Fred Nisen, PAI, (510) 430-8033, fred.nisen@pai-ca.org.

4. (DC) Consortium for Citizens with Disabilities Housing Task Force v. the U.S. Dept. of Housing and Urban Development (HUD Administrative Complaint) (Filed Jan. 12, 2001)

Summary: The members of the Consortium for Citizens with Disabilities (“CCD”) Housing Task Force, the Technical Assistance Collaborative (TAC) and Matthew Bausch, an individual with disabilities, filed an administrative complaint against the U.S. Department of Housing and Urban Development (“HUD”), alleging that HUD, in violation of §504 of the Rehabilitation Act of 1973, discriminates against non-elderly people with disabilities in policies and administrative practices involving admission and occupancy to multi-family developments under Title VI-D of the Housing and Community Development Act of 1992. The complaint states that HUD has failed to take steps to assure owner compliance with Title VI-D, and refuses to inventory and make public a list of the properties that limit occupancy by non-elders with disabilities.

Status: **(ACTIVE)** In the fall of 2004, CCD and HUD signed a Voluntary Conciliation Agreement containing four components. First, HUD revised its *Multi-Family Occupancy Handbook* and clarified the obligations of assisted owners to offer housing opportunities to non-elders with disabilities. HUD conducted training on the revised handbook to HUD field office staff and HUD agreed to improve monitoring and enforcement of the admission and occupancy rights of people with disabilities by changing the physical condition inspections conducted by HUD in assisted housing.

Second, HUD agreed to establish a publicly available internet-based inventory of assisted multi-family properties. It includes the name, address and telephone number of all the assisted properties in each state including the number of units in each property available to people with all types of disabilities, and the number of accessible units at each property. The settlement agreement obliges HUD to update the inventory each year. The web address of the inventory is:

<http://www.hud.gov/offices/hsg/mfh/hto/inventorysurvey.cfm>

Third, the agreement commits HUD to further discussions with CCD on improving methods of measuring the housing needs of people with disabilities. HUD’s Office of Community Planning and Development posted data on its Comprehensive Housing

Affordability Strategy web page depicting the housing needs of people with mobility and self-care disabilities in individual communities across the nation. The CHAS data is available at: <http://socds.huduser.org/scripts/odbic.exe/chas/index.htm>

Fourth, HUD agreed to do a self evaluation of HUD activities under Section 504. On 6/22/2005, HUD published notice in the Fed Register:

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-12242.htm>. The Self Evaluation is at: <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-12242.htm>

On 7/22/2005, NDRN filed CCD's Comments. The Arizona, Maryland & New Jersey P&As also filed Comments. In response, HUD extended the Comment period and on 8/22/2004 CCD filed additional comments.

Available: Administrative complaint, Voluntary Conciliation Agreement, CCD Comments to HUD 504 Self Evaluation, Additional CCD Comments to HUD Section 504 Self Evaluation from dockets@ndrn.org and www.dldb.net.

Contact: Kenneth Shiotani at NDRN, Kenneth.Shiotani@ndrn.org, Henry Korman, Counsel for CCD, h_korman@tcbinc.org; Michael Allen, The Bazelon Center for Mental Health Law, (202) 467-5730, michael@bazelon.org.

5. (DC) Young v DC Housing Authority, (Civ. No. 76-293, U.S.D.C., D.C.) (Filed Mar. 27, 2001)

Summary: Class action case filed under Section 504 of the 1973 Rehabilitation Act and implementing HUD regulations on behalf of people with mobility impairments in need of accessible public housing and Section 8 housing, and including people with visual impairments in need of accessible Section 8 housing. Injunctive relief sought. Individual named plaintiffs included children with cerebral palsy and other disabilities, young nursing home residents, and public housing tenants living in inaccessible housing.

Status: **(RESOLVED)** Consent order issued 3/27/02 requiring renovation and construction of 565 fully wheelchair accessible public housing units in compliance with UFAS and in accordance with fixed schedule; Section 8 program improvements including preference

for nursing home residents affording them “homeless” status; application to HUD for authorization of blanket increase in value to 120% of Section 8 vouchers held by people with mobility impairments; search assistance; development of list of accessible units.

Available: Amended Complaint and settlement agreement, from dockets@ndrn.org. See also, www.uls-dc.org for the settlement agreement and consent order.

Contact: Marjorie Rifkin, University Legal Services P&A; (202-547-0198) ext 112; mrifkin@uls-dc.com

6. (LA) Keller v. East Baton Rouge Housing Authority (U.S.D.C., M.D. La 2003) (Filed Sept. 25, 2003)

Summary: Case for damages and injunctive relief under the Fair Housing Act and Section 504, challenging the housing authority’s “no transfer” policy on its face and as applied to a tenant with a disability who was denied a transfer from an upstairs to a downstairs apartment in conventional public housing.

Status: **(SETTLED)** Discovery was completed and the parties exchanged motions for summary judgment. Settlement negotiations took place in March and April, 2005. A settlement agreement was finally signed in June, 2005, and the case was been dismissed with Court retaining jurisdiction to enforce the settlement agreement. Defendants agreed to modify policies on reasonable accommodation for tenants with disabilities. The policy on transferring tenants as a reasonable accommodation will require that accommodation requests for persons with disabilities will be treated as emergency requests and given precedence over all non-emergency transfer requests, unless a clearly identified provision of the law dictates otherwise. Transfers to other programs (e.g. project based §8 to public housing and vice versa) will be provided to the extent allowed by law. The Housing Authority will maintain a list of first-floor units, and all accessible units, in those facilities under its control, identifying whether or not each unit has accessibility features necessary for a person with a mobility, visual, or hearing impairment; and will further keep record of whether such units are occupied by a person with a disability who needs the accessibility features of the apartment. It will offer accessible units as they

become available first to tenants or applicants who have indicated a need for accessibility features.

The Housing Authority will submit compliance information as specified in the agreement to HUD at six-month intervals for the next three years, beginning on July 1, 2005 and paid Plaintiff's \$72,500 in attorneys' fees.

The Plaintiff was required to include in any press release about the case the fact that Defendants specifically deny any wrongdoing, fault, or liability and specifically contend that they have complied at all times with all applicable laws and regulations. However, the defendants desired to avoid costly and protracted litigation and agreed that the case should be resolved without the necessity of a trial.

Available: Complaint available from dockets@ndrn.org or www.dldb.net.

Contact: Nell Hahn at nhahn@advocacyla.org or (337) 237-7380, ext. 11.

**7. (MD) Richard Bailey, et al. v. HABC, et al., (Case# JFM 02-CV-225)
(U.S.D.C., Md.) (Filed Jan. 22, 2002)**

Summary: Class action lawsuit filed against the Housing Authority of Baltimore City (HABC), the Housing Commissioner, the Mayor and City of Baltimore, and the Baltimore City Department of Housing and Community Development on behalf of people with disabilities who have applied or will apply in the future for publicly-funded housing in Baltimore City, who reside in public housing, and who have been denied access to appropriate, accessible public housing for which they are eligible. Specifically, the lawsuit centers around three claims: 1) HABC has discriminated against non-elderly people with disabilities in its application and admissions procedures for its "mixed population" buildings which are supposed to house the elderly and persons with disabilities; 2) HABC has refused to transfer plaintiffs into accessible housing, and has not made its housing stock accessible as required by Section 504 of the Rehabilitation Act and the Fair Housing Act; and 3) HABC has discriminated against people with disabilities by refusing to make reasonable accommodations to its policies and procedures as required by Section 504 and Title II of the Americans with Disabilities Act.

Status: **(ACTIVE)** In December 2004, the Court approved a Consent

Decree settling the case. The settlement requires the HABC to provide substantial and specific relief including:

- Making available 755 fully accessible (UFAS compliant) public housing units over the next 6 years, 30 in “scattered site” units and 60 or more in newly created housing. 220 units must be available for occupancy within one year of court approval of the settlement.
- Creating 1850 housing opportunities for non-elderly persons with disabilities by 1350 Housing Choice Vouchers (850 tenant-based and 500 project-based and an additional 500 by designation in HABC family developments.
- Improving Procedures for Responding to Requests for “Reasonable Accommodations”
- Improving Procedures for Section 8 – Housing Choice Voucher including training to LIHTC properties, surveying all participating private landlords on any accessibility features, providing property lists and additional assistance, extending deadlines for using Vouchers.
- Paying damages and regularly report compliance with the settlement provision.

Available: Complaint, FOIA requests, Consent Decree, Press release, summary of Consent Decree from dockets@ndrn.org and www.dldb.net

Contact: Lauren Young, Legal Director, Maryland Disability Law Center, (410) 727-6352; laureny@mdlcbalto.org
Co-counsel (Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.)

8. (NY) Pietzak and Disability Advocates, Inc. v. New Rochelle Municipal Housing Authority, (No. 02-CIV-9071), U.S.D.C., S.D., NY (Filed Nov. 7, 2002)

Summary: The housing authority had a policy of not placing persons residing in adult care facilities (ACF) or skilled nursing facilities (SNF) in the housing authority’s federalized subsidized housing even though the plaintiff and other similarly situated individuals met the selection preferences for placement in affordable housing. This policy has a disparate impact on ACF and SNF residents, almost all who of whom are disabled and therefore, violates the Fair Housing Act. The policy also violates Title II of the Americans with Disabilities Act because it screens out individuals with disabilities from receiving the benefits of the defendant’s subsidized housing program.

Status: **(RESOLVED)** The case has settled. The plaintiff will be offered an apartment by the MHA within 60 days. Disabilities Advocates, Inc, had to agree to dismissed its claims brought under PAIMI.

Available: Complaint from dockets@ndrn.org and www.dldb.net.

Contact: Sim Goldman, Senior Staff Attorney, Disability Advocates, Inc., 518- 432- 7861, sg@disabilityadvocates.info

9. **(PA) Three Rivers Center for Independent Living, Dana Washington v. Housing Authority of the City of Pittsburgh, (Case # 02-1069), (U.S.D.C., W.D. PA.) (Filed June 14, 2002)**

Summary: Class action under § 504 of the Rehabilitation Act and HUD regulations, alleging that housing authority does not have 5% of its apartments accessible to people with mobility impairments. The named individual plaintiff, a mother of three children, cannot use the bathtub in her apartment because it is not wheelchair-accessible.

Status: **(ACTIVE)** On May 14, 2003, the District Court granted the Housing Authority's Motion to Dismiss those parts of Plaintiffs' Complaint that were based on alleged violations of HUD regulations (the 5%/2% Rule, for example). The Court held in part, "Based on the Court's review of the 5%-2% mandate as set forth in the subject regulations, the Court finds that the subject regulations are too far removed from Congressional intent as reflected in the text of Section 504 to constitute "federal rights" privately enforceable under either Section 504 or Section 1983." Plaintiff's sought leave to take an interlocutory appeal, which was granted by the District Court. Plaintiffs argued in the Third Circuit on May 12, 2004. On 8/30/04, the Third Circuit affirmed, holding no private right of action. *Three Rivers Center v. Housing Authority of the City of Pittsburgh*, 384 F.3d 412 (2004) Motion for leave for rehearing en banc denied 9/27/2004.

Available: From dockets@ndrn.org and www.dldb.net: Plaintiff's Complaint; Defendant's Motion for Dismissal; Plaintiff's Brief in Opposition to Defendant's Motion to Dismiss; Motion for Summary Judgment; Plaintiff's Motion to Certify Class; Plaintiff's Memorandum of Law in support of Class Certification.

Contact: Paul W. O'Hanlon, 412-391-5225 ext. 15; POHanlon@dlp-pa.org

10. (UT) Case Name: Disabled Rights Action Committee v. Ord & Rodgers, Jordan River Homes, (Case #2:98CV0662K)(U.S.D.C. Utah) (1999)

Summary: Action alleging that a 22-building condominium complex built in the last two years (and still being constructed) is in violation of the Fair Housing Act Amendment's new construction requirements. P&A filed a motion for preliminary injunction asking that: (1) all present and yet to be constructed exterior and common areas of the condominium will comply with the Fair Housing Act, and (2) condominium builders will modify existing and yet to be built condominium units to comply with Fair Housing Act requirements.

Status: **(RESOLVED)** The parties settled. Defendants agreed to correct all design violations in all units not yet built, and also in units already constructed but not yet sold. Defendants also put a large damage sum into a central pool, which will be used to modify the homes of individuals already living in the condo complex. If, after a period of years, money remains available in this central pool, it will be made available to all individuals in the state to make home modifications. Defendants paid damages to Plaintiffs and attorneys' fees.

Available: Memorandum in support of motion for preliminary injunction and stipulated agreement available from dockets@ndrn.org

Contact: Sonia Sweeney, Utah P&A, (801) 363-1347.

11. (WI) Pagel v. Oak Ridge Apartments, et al. v. (HUD Administrative Complaint) (Filed July 9, 2002)

Summary: A woman with a stroke causing mobility and speech impairments, lived in a senior apartment complex. She was cared for by her two daughters at no cost to the landlord. The building contained several design and construction flaws (such as mailboxes too high, inaccessible kitchens and bathrooms) and the management company refused to make some of the requested changes and only completed others after years of on-going requests. Landlord threatened to evict her because the housing was not "assisted living." The landlord also denied her reasonable accommodation request that her daughters be allowed to attend tenant meetings

because she needed her daughters help to communicate.

Status: **(RESOLVED)** The P&A helped her file a complaint with HUD. Complaint amended to include architects and contractor, as well as the apartment management company and owner to address these issues. The housing provider then agreed not to evict her because of her need for personal care services. After protracted negotiation, conciliation agreement signed in June, 2005. Provides plaintiff with damages and attorney's fees, requires development of procedures to provide reasonable accommodation, requires training on fair housing laws by the contractor, architect, management company and owner.

Available: Contact the P&A.

Contact: Jodi L. Hanna, Wisconsin Coalition for Advocacy, (608) 267-0214; jhanna@w-c-a.org