

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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)	
CRYSTAL CARTER and THE CONNECTICUT)	
FAIR HOUSING CENTER,)	
)	
<i>Plaintiffs,</i>)	Case No.: _____
)	
v.)	
)	
)	
HOUSING AUTHORITY OF THE TOWN OF)	
WINCHESTER,)	
)	
<i>Defendant.</i>)	
_____)	

COMPLAINT AND JURY DEMAND

PRELIMINARY STATEMENT

1. Plaintiffs Crystal Carter and the Connecticut Fair Housing Center (“CFHC”) bring this action for declaratory, injunctive, and monetary relief against Defendant Housing Authority of the Town of Winchester, also referred to as the Winchester Housing Authority (“WHA”), for systematically and unlawfully discriminating against African-Americans and Hispanics in the operation and administration of the WHA’s Section 8 housing choice voucher program.¹

2. The Section 8 program is the “federal government’s major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary

¹ The program is often described interchangeably as the “Housing Choice Voucher” and “Section 8” certificate program because the Section 8 voucher program was phased into the Housing Choice Voucher Program beginning in 1999, see HUD, Voucher Program Guidebook at 1-5 (Apr. 2001), available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/forms/guidebook. This Complaint uses the terms interchangeably.

housing in the private market.”² Through the program, local housing authorities, like WHA, administer federally-funded rental subsidies that can be used by eligible families to rent housing in the private market. The program is extremely important because Section 8 vouchers afford hundreds of thousands of beneficiaries the opportunity to move to areas with low poverty levels, good schools, high-quality public services, and employment opportunities (“high opportunity areas”).

3. Public housing authorities, such as WHA, are prohibited from using “residency requirements” in allocating Section 8 vouchers. They cannot refuse to provide Section 8 vouchers to families simply because they are not residents of the City, town, or jurisdiction in which the public housing authority is situated. *See* 24 C.F.R. § 982.207(b)(1)(i) (“Residency requirements are prohibited.”); *see also id.* § 982.202(b)(1) (admission to Section 8 programs cannot be based on “where the family lives before admission to the program”). These requirements are unlawful because in communities with populations that are disproportionately White and/or non-Hispanic they perpetuate segregation by excluding minority applicants who live outside those communities from obtaining housing there. Contrary to the mobility and free-choice housing goals of the Section 8 program, residency requirements prevent minority families from moving to high-opportunity areas, ensuring that overwhelmingly-White communities remain overwhelmingly-White.

4. Defendant is located in the city of Winsted, which is in the town of Winchester, in Litchfield County, Connecticut. The population of Winchester is overwhelmingly White, with very few African-Americans or Hispanics living there: according to the 2010 American Community Survey 5-year estimates, 94.5% of housing units in Winchester are occupied by

² HUD Website, Section 8 Fact Sheet, *available at* http://portal.hud.gov/hudportal/HUD?src=/topics/housing_choice_voucher_program_section_8.

White, non-Hispanic households, while only 4.5% are Hispanic.³ The number of housing units occupied by African-American households is so low it does not register above 0%.

5. Defendant is responsible for operating the Section 8 housing choice voucher program in Winchester and sixteen surrounding communities—a consortium WHA refers to as the “Rental Assistance Alliance.” A map depicting the Rental Assistance Alliance is included as Attachment 1.⁴ Like Winchester, the other towns in the Rental Assistance Alliance are overwhelmingly non-Hispanic White. In *all* of the Rental Assistance Alliance communities, the percentage of units occupied by White, non-Hispanics is greater than 91%.⁵

6. Ms. Carter is an African-American single mother and domestic violence survivor. In early 2011, she moved to Hartford, Connecticut hoping to provide a stable environment for her six children, one of whom is developmentally disabled. Forced to stay in various homeless shelters and other unstable environments throughout 2011, Ms. Carter diligently pursued housing for her family, contacting and applying to dozens of housing authorities and housing assistance programs throughout Connecticut.

7. During this period, Ms. Carter contacted Defendant WHA to request a Section 8 voucher application, hoping for a chance to move her family into a safer, higher opportunity area. Although WHA’s waiting list was open to applicants, WHA refused even to send Ms. Carter an application, telling her that she was not eligible because she did not live within the Rental Assistance Alliance. WHA also told Ms. Carter that Winchester was not on a “bus line,” there were no jobs there, and it was in the “woods.” WHA recommended that Ms. Carter apply

³ ACS Demographic Characteristics for Occupied Housing Units, 2006-2010 ACS 5-Year Estimates, S2502, Town of Winchester, available at <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>.

⁴ The Rental Assistance Alliance is depicted in green on the map. Attachment 1 also depicts three “comparator” regions, discussed below. *See infra* ¶¶ 60-64.

⁵ ACS Demographic Characteristics for Occupied Housing Units, 2006-2010 ACS 5-Year Estimates, S2502, for all towns in the Rental Assistance Alliance, available at <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>.

to the housing programs in Bridgeport, New Haven, or Torrington, all communities with considerably larger African-American and Hispanic populations than the towns in the Rental Assistance Alliance.

8. Devastated that she and her family were being denied the opportunity to move into stable housing, Ms. Carter sought help from a legal services provider, and was referred to CFHC. CFHC assisted Ms. Carter with counseling and her housing search, and it investigated WHA's conduct and practices. CFHC's investigation confirmed that WHA utilizes an illegal residency requirement, precluding applicants from outside the overwhelmingly majority-White Rental Assistance Alliance from even *applying* to its Section 8 program. WHA's illegal policy and practices preclude a disproportionate number of income-eligible minority households from receiving housing vouchers, solely because they do not already live in a Rental Assistance Alliance town. WHA thereby ensures that the towns in the Alliance remain disproportionately White and non-Hispanic.

9. Through its illegal residency requirement and unlawful administration of the Section 8 program, WHA intentionally discriminates against African-Americans and Hispanics, ensuring that most minority individuals in Connecticut never even receive a chance to apply for Section 8 vouchers, let alone actually receive them and move to a community in the Rental Assistance Alliance. WHA's actions also disparately harm African-Americans and Hispanics by perpetuating racial segregation in the overwhelmingly White Rental Assistance Alliance towns. WHA's actions deny these individuals access to areas in the Rental Assistance Alliance with low poverty levels, good schools, high-quality public services, and proximity to employment opportunities.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, and 1343, 28 U.S.C. §§ 2201 and 2202, and 42 U.S.C. § 3613.

11. Venue is proper in the District of Connecticut under 28 U.S.C. § 1391(b), as the acts complained of occurred in the District of Connecticut and Defendant resides in the District of Connecticut.

THE PARTIES

12. Plaintiff Crystal Carter lives at 498 Cornwall Street, Hartford, Connecticut 06112.

13. Plaintiff CFHC is a non-profit organization dedicated to ensuring that all people have equal access to housing opportunities in Connecticut, regardless of race, national origin or other protected characteristics. CFHC's principal office is located at 221 Main Street, Hartford, Connecticut 06106.

14. CFHC undertakes various activities to further its mission, including investigating complaints of housing discrimination; offering advice and counseling about the fair housing laws; providing free legal representation to the victims of housing discrimination; conducting education workshops on fair housing issues; working closely with city and local governments and housing providers on fair housing issues; and educating all members of the housing provider community on their rights and responsibilities under the fair housing laws.

15. CFHC also investigates fair housing violations through its "testing" program. "Testers" are individuals who pose as renters or homebuyers for the purpose of obtaining information about the conduct of local housing authorities and governments, landlords, real estate companies, agents, and others to determine whether illegal housing discrimination is

taking place. Testing occurs under controlled conditions to target and isolate potentially unlawful conduct.

16. CFHC has expended and continues to expend scarce staff time and resources to investigate and counteract Defendant's discriminatory operation of its Section 8 program, which has diverted and continues to divert resources away from other activities that CFHC would otherwise pursue. Defendant's discriminatory practices have also frustrated and continue to frustrate CFHC's mission of ensuring that all people have equal access to housing opportunities in Connecticut by, among other things, making housing unavailable because of race, color, and national origin.

17. Defendant the Housing Authority of the Town of Winchester, also called the Winchester Housing Authority, is a public body corporate and politic that has the power to sue and be sued. *See* Conn. Gen. Stat. §§ 8-40, 8-44(a). Its principal offices are located at 80 Chestnut Street, in the City of Winsted, Connecticut 06098. All references to Defendant WHA include any individual acting on behalf of or under the authority derived from WHA.

STATEMENT OF FACTS

A. Overview of the Section 8 Housing Choice Voucher Program.

18. Congress established the Section 8 Existing Housing Program—also referred to as the Housing Choice Voucher program—as part of the Housing and Community Development Act of 1974, Pub. L. No. 93-383, Title II, § 201(a), 88 Stat. 653, 662-66, now codified at 42 U.S.C. § 1437f and Housing Community and Development Act of 1987, Pub. L. No. 100-242, § 143, 101 Stat. 1814, 1850 (1988), codified as amended at 42 U.S.C. § 1437f(o); *see also* 24 C.F.R. §§ 982.1 *et seq.*

19. Under the program, the United States Department of Housing and Urban Development (“HUD”) enters into annual contracts with local housing authorities, like WHA, to fund Section 8 vouchers. Housing assistance is then provided on behalf of a family or individual, and the participants are able to find their own housing in the private market, including single-family homes, townhouses, and apartments. Participants are not limited to units located in subsidized housing projects. With Section 8 assistance, renters pay between 30% and 40% of their incomes for rent, and federal funding pays the remaining amount of rent to landlords.

20. Local housing agencies operating Section 8 programs must administer their programs in accordance with rules prescribed by HUD. Low-income families and individuals may apply for Section 8 vouchers at any authorized Section 8 housing agency when its waiting list is open. Each Section 8 program must be open to all applicants, not just local residents.

21. The Section 8 voucher program enables beneficiaries to choose the type and location of housing that best fits their needs, allowing recipients to live in high-opportunity areas with low poverty levels, good schools, high-quality public services, and employment opportunities. Section 8 vouchers are also intended to further racial and national origin integration by enhancing mobility and free housing choice. These vouchers are extremely important, because they offer hundreds of thousands of beneficiaries the opportunity to move into areas from which they would otherwise be excluded.

22. In furtherance of those goals, public housing authorities, such as WHA, are prohibited from imposing “residency requirements” on applicants. *See* 24 C.F.R. § 982.207(b)(1)(i) (“Residency requirements are prohibited.”). Families may not be excluded from Section 8 programs simply because they do not already live in the town, community, or

jurisdiction in which the housing authority is located. *Id.* § 982.202 (“Admission to the program may not be based on where the family lives before admission to the program.”).⁶

23. Policies that facially favor residents of communities with populations that are overwhelmingly White and non-Hispanic “disproportionately favor Whites [and non-Hispanics] over minorities in the long run.” *Langlois v. Abington Hous. Auth.*, 234 F. Supp. 2d 33, 57 (D. Mass. 2002). The prohibition on residency requirements addresses that problem, ensuring that communities with disproportionately White, non-Hispanic populations cannot perpetuate segregation by excluding people of color from Section 8 programs and, therefore, from their communities.

24. At all relevant times, WHA and its agents and employees have been or should have been aware of the prohibition against imposing residency requirements in the administration of Section 8 programs.

B. The Town of Winchester and the Other Towns in the Rental Assistance Alliance are Overwhelmingly non-Hispanic White.

25. The population of Winchester is disproportionately White, with very few African-Americans or Hispanics living there. According to the 2010 American Community Survey 5-year estimates, 94.5% of housing units in Winchester are occupied by White, non-Hispanic households, while only 4.5% are Hispanic.⁷ The number of housing units occupied by African-American households is so low that it does not register above 0%.

⁶ Public housing authorities are also prohibited from imposing local “preferences,” that are discriminatory or that have the purpose or the effect of denying admission to the program on the basis of race, color, or national origin. *See* 24 C.F.R. § 982.207(b)(1)(i) & (iii); *see also id.* § 5.105(a)(1).

⁷ *See* S2502, Town of Winchester, *supra* note 3.

26. By comparison, in Connecticut as a whole, only 77.2% of housing units are occupied by White, non-Hispanic households, while 9.8% are occupied by Hispanic households and 8.9% are occupied by African-American households.⁸

27. A comparison of renter-occupied housing units in Winchester compared to renter-occupied housing units in Connecticut as a whole reveals even greater disparities. In Winchester, 94.0% of renter units are occupied by White, non-Hispanic households, whereas in Connecticut as a whole, 56.5% of renter units are occupied by White, non-Hispanic households.⁹ Similarly, while only 5.4% of Winchester's renter units are occupied by Hispanic households and 0% by African-American households, in Connecticut as a whole, 20.7% renter units are occupied by Hispanic households and 17.1% by African-American households.

28. The sixteen other communities in the Rental Assistance Alliance are also overwhelmingly White and non-Hispanic, reflecting similarly extreme racial and national origin disparities as those present in Winchester. According to the 2010 5-year estimates, in *all* of the Rental Assistance Alliance communities, the percentage of units occupied by White, non-Hispanics is above 91%, compared to only 77.2% for Connecticut as a whole. Only one of the remaining sixteen communities has a population of units occupied by African-Americans above 1% (compared to 8.9% for Connecticut as a whole), and in thirteen of the communities, the percentage of units occupied by African-Americans is too low to register above 0%.¹⁰ A table summarizing the extremely high populations of Whites and extremely low populations of African-American and Hispanics in the Rental Assistance Alliance is included as Attachment 2.

⁸ ACS Demographic Characteristics for Occupied Housing Units, 2006-2010 ACS 5-Year Estimates, S2502, State of Connecticut, available at <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>.

⁹ Compare S2502, Town of Winchester, *supra* note 3, with S2502, State of Connecticut, *supra* note 8.

¹⁰ See S2502, for all towns in the Rental Assistance Alliance, *supra* note 5.

C. Plaintiff Crystal Carter's Efforts to Seek Housing Assistance From WHA.

29. Ms. Carter is an African-American single mother and domestic violence survivor. In early 2011, she moved from Florida to her hometown of Hartford, Connecticut hoping to provide a stable environment for her six children. One of her children, now five years old, is developmentally disabled. Throughout 2011, Ms. Carter and her family were forced to stay in various homeless shelters and other unstable environments. After staying in several shelters and living with family, the Connecticut Department of Children and Families relocated Ms. Carter and her children to a motel room with no kitchen.

30. During this period, Ms. Carter vigorously pursued housing for her family. She spent many hours researching, contacting, and applying to dozens of housing authorities and housing assistance programs throughout Connecticut. The Section 8 waiting lists for the vast majority of housing authorities were closed to all applicants because no vouchers were available and none were expected to become available in the foreseeable future.

31. In March 2011, Ms. Carter contacted the WHA to request a Section 8 voucher application, hoping for a chance to move her family into a stable, higher opportunity area. Unlike most other housing authorities, WHA's Section 8 waiting list was not closed; WHA was accepting applications for Section 8 vouchers.

32. Ms. Carter spoke with a WHA employee named Carol Henderson. Ms. Carter, who is identifiable by her voice as African-American, informed Ms. Henderson that she was a homeless mother with six children, and that she wanted to apply to the Section 8 program. Ms. Henderson told Ms. Carter that WHA was not sending applications to people who did not reside in one of the seventeen towns in the Rental Assistance Alliance. Ms. Henderson also told Ms. Carter that Winchester was not on a "bus line," that there were no jobs in Winchester, and that

Winchester was “in the woods.” Ms. Henderson then told Ms. Carter that it would be better for her to apply to Section 8 programs in Bridgeport, New Haven, or Torrington, Connecticut.

33. The African-American and Hispanic populations in Bridgeport, New Haven, and Torrington are all significantly higher than in Winchester or any of the other communities in the Rental Assistance Alliance.¹¹

34. Ms. Carter’s conversation with Ms. Henderson left her feeling confused, extremely frustrated, and even more desperate to find housing. Although the WHA waiting list was open, she was precluded entirely from even applying and having an opportunity to provide stable housing for her family.

35. Ms. Carter contacted HUD to inquire into whether WHA could legally deny her an application based on her residency. Ben Sanchez, a HUD representative, gave Ms. Carter a copy of 24 C.F.R. § 982.207, which prohibits all residency requirements and discriminatory residency preferences. HUD also informed Ms. Carter that any preferences for WHA’s Section 8 program must be contained in its administrative plan.

36. Ms. Carter followed up by phone with Ms. Henderson at WHA, informing her that the residency requirement violated HUD regulations. Ms. Carter also asked to see WHA’s administrative plan, but WHA refused to provide it. Ms. Henderson told Ms. Carter: “Well, I am still not sending you the paperwork.” Ms. Henderson refused to answer whether WHA’s residency requirement was part of its administrative plan.

¹¹ According to 2010 ACS 5-year estimates, the population of Bridgeport is 25.6% White, non-Hispanic; 34.4% African-American; and 35.4% Hispanic. The population of New Haven is 32.2% White, non-Hispanic; 35.6% African-American; and 25.7% Hispanic. The population of Torrington is 86.5% White, non-Hispanic; 1.7% African-American; and 7.6% Hispanic. *See* ACS Demographic and Housing Estimates, 2006-2010 ACS 5-Year Estimates, DP05, Bridgeport, New Haven, and Torrington, available at <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>.

37. Devastated that she and her family were being denied housing and fearful of the prospect of prolonged living in homeless shelters and other unstable housing situations, Ms. Carter sought help from Statewide Legal Services of Connecticut, Inc., and her case was eventually referred to CFHC.

D. CFHC's Investigation Confirms That WHA Utilizes a Discriminatory Residency Requirement.

38. CFHC has spent and continues to spend a substantial amount of its scarce resources helping Ms. Carter in her search for housing, and in researching, investigating, and counteracting WHA's unlawful conduct.

CFHC's Testing of WHA's Unlawful Residency Requirement

39. After learning about Ms. Carter's treatment by WHA, CFHC conducted testing of WHA. This testing confirms that WHA's administration of its Section 8 program is unlawful. CFHC testers who posed as residents of towns within the Rental Assistance Alliance received applications for WHA's Section 8 Housing Choice Voucher Program without difficulty, whereas testers representing that they did not reside in the Rental Assistance Alliance were denied applications and prevented from even applying to WHA's Section 8 program.

40. CFHC testers posed as residents of Litchfield and Cornwall (both of which are part of the Rental Assistance Alliance), and contacted WHA by telephone to gather information about the Section 8 program's waiting list, as well as to obtain applications. A recorded message indicated that WHA was only sending applications to residents of their 17 allied towns. The message further instructed those callers who lived within the 17 allied towns and were interested in an application to leave their name and address; the recording also informed callers that applications were mailed on a weekly basis. Testers left their names, phone numbers, and

mailing addresses for towns in the Rental Assistance Alliance. WHA mailed requested applications to these addresses.

41. CFHC testers using addresses outside of the Rental Assistance Alliance were prevented from applying to WHA's Section 8 program. CFHC testers posed as residents of Middletown and Hartford (both of which are not part of the Rental Assistance Alliance), and contacted WHA by telephone to gather information about the Section 8 program's waiting list, as well as to obtain applications. A recorded message stated: "We are only sending out applications to residents of our 17 allied towns. For a complete list, go to winchesterhousingauthority.org. If your town is listed, please leave your first and last name, and complete address. Applications are mailed out weekly." These testers left messages using addresses of towns not in the Rental Assistance Alliance. WHA never sent applications to the addresses provided by these testers, and WHA never contacted these testers.

42. In one instance, a tester who called WHA dialed the extension for a WHA employee named Ms. Hayes, and a woman answered the tester's call. The woman told the tester that WHA was only accepting applications from residents of the local towns; the woman asked the tester where she lived. When the tester informed the woman that she lived in Hartford, the woman informed the tester that WHA does not accept applications from Hartford residents.

43. WHA's investigative testing confirms that WHA utilizes a residency requirement, entirely precluding prospective applicants who do not already live in one of the overwhelmingly-White Rental Assistance Alliance towns from applying to, or becoming beneficiaries of, its Section 8 voucher program.

CFHC's Further Investigation of WHA's Unlawful Residency Requirement

44. Although WHA refused to provide Ms. Carter a copy of its Administrative Plan, CFHC's investigation revealed that in October 2010, WHA expressly enacted its unlawful residency requirement, approving the following amendment to Section 4.4.1.1 of its Administrative Plan:

Due to increased costs involving postage and personnel time to process applications, The Winchester Housing authority will be accepting applications from local families only (Winsted and its allied towns) for the Housing Choice Voucher Program (Section 8) waiting list. This is a temporary measure due to the present economic conditions.

45. CFHC's investigation has revealed that, consistent with the express requirement that WHA will only accept applications from applicants in the Rental Assistance Alliance, WHA in fact prohibits non-residents from applying to its Section 8 program. Not only do CFHC's testing results confirm that conclusion, WHA advertises that it precludes non-residents from applying. Via the phone number listed on its website (860-379-4573), the automated message system used by WHA to direct incoming phone calls states: "We are only sending applications to residents of our 17 allied towns. For a complete list, please visit winchesterhousing.org. If you live in one of the 17 allied towns, please speak clearly and slowly"

46. In addition, various pages of the WHA website, <http://winhouseauth.org/hudsection8.html>, expressly advertise: "We are **ONLY** taking applications from residents of our Rental Assistance Alliance at this time." (emphasis in original). A screenshot of a page of WHA's website advertising this unlawful requirement is included as Attachment 3.

47. The WHA website also includes numerous pictures, collectively showing dozens of individuals. Only one picture, which depicts a family that appears Asian or Asian American,

includes individuals who do not appear non-Hispanic and White.¹² WHA's website includes no pictures of African-Americans or Hispanics.

48. WHA's express advertising of its residency requirement, and its failure to use any African-American or Hispanic individuals in its advertising, indicates a preference for White applicants and against applicants who are African-American or Hispanic. WHA's advertising discourages minority applicants from applying to its programs on the basis of their race and national origin. This advertising further perpetuates segregation in the Rental Assistance Alliance towns by discouraging African-Americans and Hispanics from seeking housing there.

E. Through Its Illegal Residency Requirement, WHA Intentionally Discriminates Against and Disproportionately Harms African-Americans and Hispanics.

WHA's Residency Requirement Was Intentionally Enacted In Response to An Increase In Minorities on the Section 8 Waiting List

49. WHA's illegal residency requirement was enacted in response to a sharp increase in the number of African-American and Hispanic applicants on the WHA Section 8 voucher waiting list.

50. In its Annual Plan submitted to HUD for the year 2000, WHA reported that 89% of the families on its Section 8 waiting list were "White Non-Hispanic," while only 1% were "Black Non-Hispanic" and 10% were "Black/Hispanic."

51. By 2010 (but prior to WHA's 2010 amendment expressly limiting its Section 8 program only to "local" applicants), WHA reported to HUD that only 59.63% of families on the Section 8 waiting list were "White Non-Hispanic," while 5.05% were "Black Non-Hispanic." Unlike in 2000, WHA did not report a percentage for "Black/Hispanic."

52. These numbers indicate that WHA's illegal residency requirement was enacted in response to substantial decreases in the "White Non-Hispanic" applicants on the Section 8

¹² See Winchester Housing Authority Website, available at <http://winhouseauth.org/> (last visited July 30, 2012).

waiting list and substantial increases in the “Black Non-Hispanic” applicants on the Section 8 waiting list.

53. WHA was aware of the increases in “Black Non-Hispanic” and decreases in “White Non-Hispanic” applicants on its Section 8 waiting list.

54. WHA was aware that residents of the towns in the Rental Assistance Alliance were disproportionately white, non-minority, especially compared to populations in neighboring towns and cities.

55. WHA was aware that Section 8 residency requirements are illegal and that in predominately white communities they perpetuate racial and national-origin housing segregation.

56. WHA was aware that imposing its residency requirement would prohibit most African-American and Hispanic prospective applicants from admission to the Section 8 waiting list and therefore prevent them from receiving Section 8 vouchers and moving into communities in the Rental Assistance Alliance.

57. WHA intentionally imposed its residency requirement in order to discriminatorily preclude African-Americans and Hispanics from obtaining housing through its Section 8 program.

58. WHA now intentionally discourages African-Americans and Hispanics from applying to its Section 8 program and intentionally steers those who do attempt to apply to other Section 8 housing programs outside of the Rental Assistance Alliance.

WHA’s Discriminatory Residency Requirement Perpetuates Segregation and Disproportionately Harms African-Americans and Hispanics

59. Because the populations of Winchester and the other sixteen towns in the Rental Assistance Alliance are overwhelmingly White, non-Hispanic, Winchester’s illegal residency requirement favors White, non-Hispanic applicants, who have free access to the waiting list, and

excludes most African-American and Hispanic families from any chance at all of participating in the Section 8 program.

60. Included as Attachment 1 is a map of the Rental Assistance Alliance and three “comparator” regions. The Rental Assistance Alliance is represented in green on the map. The comparator regions roughly represent three quarter-concentric circles, moving out from the towns in the Rental Assistance Alliance. The three comparator regions include the towns in the Rental Assistance Alliance, as well as Torrington, which is sandwiched among the towns in the Rental Assistance Alliance but is not itself part of the Alliance. Comparator Region 1 includes the towns in the Rental Assistance Alliance, as well as the towns in blue. Comparator Region 2 includes the towns in red, as well as the towns in Comparator Region 1 (including the towns in the Rental Assistance Alliance). Comparator Region 3 includes the towns in tan, as well as the towns in Comparator Region 2 (including the towns in Comparator Region 1 and the Rental Assistance Alliance).

61. A comparison between the population that is “very low income” (and therefore income-eligible to participate in the Section 8 voucher program) in the Rental Assistance Alliance and the very low-income populations in the three comparator regions demonstrates that WHA’s residency requirement disproportionately excludes almost all African-American and Hispanic applicants.¹³ A table representing these drastic racial and national origin differences is included as Attachment 4.

¹³ Households with annual incomes that do not exceed 50% of the HUD Adjusted Median Family Income are defined as “very low income” and are eligible to participate in the Section 8 voucher program. *See* 24 C.F.R. § 982.201(b)(1)(i); *id.* § 5.603(b). Households with annual incomes that do not exceed 80% of the area median income are defined as “low income” and may also be eligible. *See id.* “Extremely low income” households, which have incomes that do not exceed 30% of the median area income, are also eligible. *See id.* Although the figures provided in paragraphs 62-64 discuss very-low income households, comparisons of low income and extremely low income households exhibit similarly stark disparities between the towns in the Rental Assistance Alliance and the neighboring communities in the comparator regions. *See* Attachment 4.

62. Using 2005-2009 Comprehensive Housing Affordability Strategy (“CHAS”) data, only about 0.08% of the very-low income households in the Rental Assistance Alliance are non-Hispanic Black. In comparison, the percentages of very-low income non-Hispanic Black households in the three comparator regions range from 17.70% to 19.84%.

63. Similarly, approximately 2.76% of the very-low income households in the Rental Assistance Alliance are Hispanic. In comparison, the percentages of very-low income Hispanic households in the three comparator regions range from 22.17% to 26.00%.

64. A comparison of the absolute numbers of very-low income households is even starker. Only 4 Black households in the Rental Assistance Alliance are very-low income, compared with between 15,689 and 36,006 households in the three comparator regions. Similarly, only 139 Hispanic households in the Rental Assistance Alliance are very-low income, compared with between 22,179 and 45,465 households in the three comparator regions.

65. WHA’s residency requirement not only disproportionately affects African-Americans and Hispanics and perpetuates segregation in the towns that make up the Rental Assistance Alliance, the residency requirement literally prohibits tens of thousands of income-eligible African-American and Hispanic households from even applying to its Section 8 program.

66. As a result of WHA’s unlawful administration of its Section 8 program, a disproportionately small number of beneficiaries who have actually received Section 8 vouchers from WHA are minority. As part of its investigation, CFHC uncovered a WHA document printed from WHA’s “Happy software system,” which WHA uses to maintain its Section 8 program. The document, labeled “Tenant List, April 13, 2012, Since 2001,” shows 118 White tenants, but reveals only 6 Black/African-American tenants.

67. WHA is aware of the disproportionately high percentage of White and non-Hispanic residents in the towns that constitute the Rental Assistance Alliance, especially compared to the towns neighboring the Rental Assistance Alliance. Likewise, WHA is aware that implementing a residency requirement in favor of “local” residents from these towns excludes a disproportionate percentage of income-eligible Hispanic and African-American applicants from WHA’s Section 8 program.

68. Because the populations in all of the towns in the Rental Assistance Alliance are overwhelmingly non-Hispanic White, WHA’s illegal residency requirement maintains and reinforces the racially segregated housing patterns in those towns, and it has a substantial adverse disparate impact on African-American and Hispanic residents of Connecticut who do not live in one of the seventeen communities in the Rental Assistance Alliance.

69. As one court explained, “[p]redominantly white suburban communities have enacted a Section 8 preference to bring their own residents to the front of the line for housing vouchers. That there *will be* a disparate impact over time seems clear.” *Langlois*, 234 F. Supp. 2d at 57 (emphasis in original). That impact is magnified here because WHA employs not just a discriminatory preference favoring local residents on the waiting list, but an absolute requirement banning all applicants who do not already reside in one of the overwhelmingly-White Rental Assistance Alliance communities from a chance of obtaining housing.

F. WHA’s Unlawful Conduct Has Injured Plaintiffs Carter and CFHC.

70. WHA, directly and through its representatives and agents, discriminated against Ms. Carter on the basis of her race. Ms. Carter has suffered and continues to suffer damage as a result of WHA’s actions. She has suffered emotional harm, humiliation, and embarrassment resulting from being discriminated against in violation of her civil rights. She has been denied

housing and an equal, non-discriminatory opportunity to seek Section 8 housing assistance. As a result, she and her family have been forced to live in extremely unstable, unsafe, unhealthy, and inadequate conditions in lower opportunity areas for over a year. During this period and under these conditions, she has had to conduct an extremely difficult and time-consuming search for safe and stable housing for her family. The WHA's policies and actions caused an enormous strain on Ms. Carter, the sole provider for her six children. Her children missed weeks of school due to relocation to the motel; the cramped quarters caused stress and anxiety for her children, negatively affected their behavior, their nutrition, their rest, their education, their interactions with each other and with their mother. These events have been traumatic and harmful to Ms. Carter. She has no adequate remedies at law, and is now suffering, and will continue to suffer, irreparable injury from WHA's acts unless relief is provided by this Court.

71. Plaintiff CFHC has suffered, and continues to suffer, injury in the form of diversion of its resources and frustration of its mission. CFHC has expended substantial staff time and funds to investigate WHA's Section 8 program, which has been used to deny access to federally-funded housing assistance to minorities and to perpetuate residential racial segregation in Winchester and the surrounding communities. As part of its investigative efforts, CFHC staff conducted testing and research. CFHC also engaged in an extensive community outreach campaign, which included distributing hundreds of flyers, handouts, and/or brochures to voucher holders throughout Connecticut both to educate this population about illegal residency requirements and to identify individuals who had been denied housing or placement on a waiting list based upon residency. Additionally, as part of its outreach to combat residency requirements, CFHC gave informational talks, held a fair housing training for a client agency, and counseled individual clients. Considerable administrative resources have gone toward

creating materials for distribution, logistics, and coordinating outreach efforts. In order to finance these activities, CFHC had to use a significant amount of money from its reserves. In the absence of WHA's discriminatory residency preference, CFHC would have devoted its scarce time and resources to other activities.

72. Because Defendant operates its Section 8 program in a way that ensures that the towns in the Rental Assistance Alliance are not open and inclusive, but rather, closed and racially restrictive as described above, Defendant is frustrating CFHC's mission to foster open and inclusive communities and eliminate housing discrimination throughout Connecticut. As described above, Defendant intentionally discriminates on the basis of race, color, and national origin in the operation of its Section 8 program in a manner to make housing opportunities unavailable and to continue to maintain racially segregated housing patterns in Winchester and the surrounding communities. Additionally, WHA's administration of its Section 8 program has a disparate impact on African-Americans and Hispanics based on race, color, and national origin, which further frustrates CFHC's mission of fostering open and integrated housing.

73. Defendant, in acting, refusing to act, or otherwise failing to act as alleged in this Complaint, was acting through its employees, agents, and/or representatives, and is liable on the basis of the acts and omissions of its employees, agents, and/or representatives.

74. Defendant's unlawful actions described above were, and are, intentional, willful, and knowing, and/or have been, and are, implemented with callous and reckless disregard for Plaintiffs' rights under federal law.

FIRST CAUSE OF ACTION
(Fair Housing Act, 42 U.S.C. § 3601, *et seq.*)

75. Plaintiffs repeat and re-allege the foregoing paragraphs of the Complaint as though fully set forth herein.

76. Defendant's policy and practice of using residency requirements and/or preferences and otherwise prohibiting or discouraging minorities from applying to its Section 8 program make unavailable and deny rental housing because of race, color, and national origin, in violation of the Fair Housing Act, 42 U.S.C. § 3604(a).

77. Defendant's policy and practice of using residency requirements and/or preferences and otherwise prohibiting or discouraging minorities from applying to its Section 8 program discriminate in the terms, conditions, or privileges of the rental of a dwelling because of race, color, and national origin, in violation of the Fair Housing Act, 42 U.S.C. § 3604(b).

78. Through its policy and practice of using residency requirements and/or preferences and otherwise prohibiting or discouraging minorities from applying to its Section 8 program Defendant has made, printed, or published, or caused to be made, printed or published notices, statements, or advertisements with respect to the rental of a dwelling that indicate a preference, limitation, or discrimination based on race, color, or national origin, or an intention to make any such preference, limitation, or discrimination, in violation of the Fair Housing Act, 42 U.S.C. § 3604(c).

79. Plaintiffs have been injured by Defendant's discriminatory conduct and have suffered damages as a result.

80. Defendant's conduct was intentional, willful, and made in reckless disregard for the known rights of others.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that judgment be entered against Defendant as follows:

- a. Declaring that Defendant's actions violate the Federal Fair Housing Act, 42 U.S.C. § 3601, *et seq.*;
- b. Permanently enjoining Defendant WHA from engaging in the conduct described herein and directing Defendant to take all affirmative steps necessary to remedy the effects of the conduct described herein and to prevent additional instances of such conduct or similar conduct from occurring in the future;
- c. Awarding all available damages to Plaintiffs, including but not limited to punitive damages in an amount that would punish Defendant for the willful, wanton and reckless conduct alleged herein and that would effectively deter similar conduct in the future;
- d. Awarding reasonable attorneys' fees and costs under 42 U.S.C. § 3613(c);
- e. Awarding such other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues so triable.

Dated: August 1, 2012

Respectfully Submitted,

/s/ Greg Kirschner

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* *Pro hac vice* admission to be sought