

DC FEDERAL DISTRICT COURT RULING HERALDS OPPORTUNITY FOR BROOKLAND MANOR CASE TO MOVE FORWARD AND PATH FOR RESIDENT FAMILIES TO STAY IN PLACE

On November 21, 2016, the federal district court for the District of Columbia issued a significant ruling denying Mid-City Financial Corporation's and affiliated defendants' motion to dismiss the Brookland Manor case. The court additionally denied the plaintiff resident families' and ONE DC's motion for a preliminary injunction that would have immediately prohibited the defendants from taking any action to relocate on or off the property, evict, or otherwise end the tenancy of residents currently living at Brookland Manor on the basis of the redevelopment. The court found it premature to order the injunctive relief the plaintiffs requested at this stage, noting that because the redevelopment is moving in phases, a number of families, including the named plaintiffs, would not be required to move until later phases in the redevelopment take place. Nonetheless, the court welcomed plaintiffs to refile their motion for injunctive relief if they obtain evidence showing that families are being forced to move from their homes on a faster timeline than that which the defendants disclosed to the court.

As an important safeguard, the court specifically ordered the defendants to report to the court and the plaintiffs "any changes to Defendants' proposed redevelopment schedule that might make displacement of their tenants more imminent as compared to the schedule" Defendants disclosed to the court in this case. Defendants will be required to report these developments within 7 days of these changes, and the legal team for the Brookland Manor families and ONE DC will continue to monitor developments at the property as the case moves forward.

The court also concluded that the evidence the plaintiffs submitted to show the discriminatory impact the redevelopment would cause on families who reside in the three-, four-, and five-bedroom units that will be eliminated or significantly reduced by the redevelopment was legally sufficient. The court found that the plaintiffs correctly analyzed the impact the redevelopment would have on existing tenants at Brookland Manor, who it concluded made up the relevant "universe of persons." Whether other families could move into smaller units in the redevelopment that would be too small to accommodate current families was irrelevant.