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U.S. DISTRICT COURT  
HARTFORD, CONN.

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,

Plaintiff

vs.

TOWN OF GLASTONBURY,  
CONNECTICUT

Defendant

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CIVIL ACTION NO.: H-80-770 *mu*

NOVEMBER , 1982

CONSENT DECREE

The plaintiff United States, on December 1, 1980, instituted this action against the defendant Town of Glastonbury, pursuant to 42 U.S.C. §§3613 and 3617, seeking relief for alleged violations of the Fair Housing Act of 1968, 42 U.S.C. §3601 et seq.

The Town of Glastonbury maintains that it has pursued policies and practices supportive of and conforming with the Fair Housing Act, and denies that it has violated the Act's provisions.

The parties wish to avoid the uncertainty and expense of litigation. Accordingly, without an adjudication on the merits, the parties agree to resolve this case by entry of the following consent decree, the purpose of which is to promote equal housing opportunities within the Town for low and moderate-income families.

Findings of fact and conclusions of law are waived.

I. INJUNCTION

It is hereby ORDERED, ADJUDGED, and DECREED that the defendant Town of Glastonbury, Connecticut, its officers, officials, agents, servants, successors and all persons in active concert or participation with any of them, are hereby permanently enjoined from:

A. Engaging in any conduct which violates the Fair Housing Act and denies, abridges, or interferes with the exercise of any right secured by said Act; and

B. Exercising its municipal powers in any manner which has the purpose of excluding persons on account of race, color or national origin from developing, buying, leasing or residing in any housing in the Town of Glastonbury.

II. FAIR HOUSING PROGRAM

It is further ORDERED that the defendant Town of Glastonbury, its elected and appointed officials, employees and their successors shall undertake the following affirmative steps to encourage and aid in the full enjoyment of equal housing opportunity:

A. Assist Developers

(1) The Town shall cooperate with and aid any potential developer of or applicant for approval of proposed low or moderate-

income rental housing by providing all available information concerning such matters as the existence of sites for such housing, zoning procedures, environmental data, traffic patterns and roads, and existing and proposed public improvements and facilities, to the extent permitted by applicable Federal, State and Town laws and ordinances. To this end, the Town shall, within three (3) months after the entry of this decree, identify areas containing potential sites within its borders generally appropriate for the construction of multi-family rental housing for low and moderate-income families; and the Town shall provide such information, along with any information it has with respect to the availability of such sites, to potential developers and applicants. Identification of any such areas containing such potential sites shall not by itself change nor be construed as indicating a future change of the designation of the site's underlying zone existing at the time such identification is made; the usual procedure for effectuating zone changes shall remain applicable in all respects.

(2) The Town shall expedite to the extent permitted by applicable Federal, State and Town laws and ordinances, and reasonable under all attendant circumstances, the review and evaluation process for low and moderate-income rental housing

applications, the publication of all relevant notices, the arrangement of meetings with staff and appropriate officials and Town Boards and Commissions; and the scheduling of board or commission hearings and public hearings.

(3) The Town shall sponsor and conduct, through the Town Human Relations Commission, public and private educational meetings, seminars and conferences, for real estate brokers and agents, Town officials and employees with responsibilities under this decree, residents, and builders and developers, to acquaint such persons with the provisions of all Federal, State and Local fair housing laws; the zoning regulations; developer incentives which may be considered and allowed in appropriate applications; the procedures applicable to the proposed development and construction of low and moderate-income multi-family housing units within the Town; the generally appropriate and available areas having sites for such proposed development; and the provisions of this decree. Such meetings, seminars and conferences shall be offered and conducted at least bi-annually during the period within which this decree remains in force and effect.

(4) The Town shall encourage prospective developers of low and moderate-income rental housing to locate projects in Glastonbury by making it known to such developers, as outlined

above, at such time as an application is filed, or upon written or personal inquiry at the Office of Community Development, that the following incentives may be considered and allowed where the need for one or more such incentives is demonstrated in a particular development for which application has been made, and where such incentives would be appropriate and allowable under applicable State and Town laws and ordinances:

- (a) Increased densities;
- (b) Relaxation of other cost-increasing land use or zoning controls;
- (c) Tax abatements;
- (d) Assistance and support for prospective developers of low and moderate-income rental housing to help them obtain construction loans and other forms of financing and subsidies through meetings with, appearances before and correspondence with such agencies as the Connecticut Housing Finance Authority, the Connecticut State Department of Housing, and such other federal, state or private sources of funding or subsidy as may be available.

(5) The Town shall encourage prospective developers of multi-unit rental housing to set aside 15 to 20 percent of their

units for rental to low and moderate-income tenants at a below market rental by making it known to such developers, as outlined above, at such time as an application is filed, or upon written or personal inquiry at the Office of Community Development, that appropriate incentives such as those described in paragraph II(A)(4) above, may be considered and allowed where the need for one or more such incentives is demonstrated in a particular development for which application has been made, and where such incentives would be appropriate and allowable under applicable State and Town laws and ordinances.

(6) Nothing in this decree is to be construed as preventing the Town from exercising its discretion, consistent with the purpose of this decree and applicable state laws and town ordinances, as to which incentives, if any, shall be granted in any particular case. The Town shall make the availability of the various incentives known to prospective developers, who then may apply to the appropriate Town body for the consideration of a request for a particular incentive.

(7) The Town shall inform developers that low and moderate income rental units produced with assistance provided pursuant to this decree must be affirmatively marketed in an effort to attract tenants of all races, colors and national

origins.

(8) The Town, through its Human Relations Commission, or other appropriate designated agency, shall implement an affirmative marketing plan in an effort to attract tenants of all races, colors and national origins, and assist developers of low and moderate-income rental units in their affirmative marketing efforts, as follows:

(a) Publicize to the Hartford area minority community the availability of housing opportunities for all persons regardless of race, color, or national origin by placing advertisements in the Hartford Courant and in at least one local newspaper which circulates principally in the Hartford area minority community, at such times as rental units in public housing are available or are anticipated to become available. The advertisements shall appear in such size and frequency as is compatible with budgetary restraints;

(b) Contact the Hartford Housing Authority, as well as outreach or social services oriented organizations which serve the Hartford area minority community, for referrals of prospective tenants at such times as vacancies in public or privately owned low and moderate-income rentals are known to exist or are anticipated; and

(c) Refer such prospective minority tenants to the Town's Public Housing Authority and to the managers of privately-owned buildings in which low and moderate-income rental units are located and are known or anticipated to be available.

(d) Insofar as the Glastonbury Housing Authority and its units are herein concerned, the obligations hereunder are subject to and may otherwise be limited by the H.U.D. regulations and H.U.D. approved policies and agreements applicable thereto, and also to the waiting lists already in place at the time of entry of this decree.

B. Enact a Fair Housing Resolution

Within thirty (30) days of the entry of this decree, the Town shall enact a Fair Housing Resolution welcoming persons of all races, colors, creeds and national origins to reside in the Town and setting forth a policy of nondiscrimination in all aspects of housing within its borders.

III. COMPLIANCE REPORTS AND INSPECTION OF RECORDS

It is further ORDERED that:

A. Within four (4) months after the entry of this decree, and every four (4) months thereafter for the period



for which this decree remains in force and effect, the Town shall serve on counsel for plaintiff a report containing the following information:

(1) Documentation of the Town's activities conducted pursuant to paragraph II(A) (3);

(2) Copies of all affirmative advertising placed pursuant to paragraph II(A) (8);

(3) A list of each private housing complex by project name, address, size (number of units), and developer to which the provisions of paragraph II(A) (5) have been applied;

(4) The name, address, and phone number of each developer of low and moderate-income housing who has applied to the Town for the incentives offered to such developers pursuant to paragraph II(A) (4), or who has inquired in writing for information regarding such incentives;

(5) A list of each multi-family P.A.D. complex of over Twenty (20) units by project name, address, size (number of units), and developer, approved by the Town's zoning authority.

B. The Town shall maintain and retain until the expiration of this decree any and all records which are the source of, or contain, any information pertinent to its responsibilities under this decree. The United States shall be permitted if

it deems it necessary to conduct inspections of such records to ascertain the Town's compliance with the provisions of this decree.

IV. RETENTION OF JURISDICTION AND DISSOLUTION

The Court shall retain jurisdiction of this case for purposes of observing compliance for a period of two years, it being understood that during such time the plaintiff shall have the right to move the Court for appropriate relief should the defendant be in violation of this decree.

This decree shall be dissolved by its own terms two years after its entry without the need for application or motion of counsel, and the Court shall thereafter be divested of jurisdiction as to this matter.

Nov. 17, 1982

*M. Joseph Blumenthal*  
UNITED STATES DISTRICT JUDGE

The undersigned apply for and consent to the entry of this Order:

For the Defendant,  
Town of Glastonbury

For the Plaintiff,  
United States of America

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