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On behalf of Center for Leadership and Justice and individuals living in subsidized housing, Open Communities Alliance and others file a lawsuit against HUD and Local Housing Authorities

HARTFORD, CT (NOVEMBER 18, 2020) –

On behalf of the Center for Leadership and Justice (“CLJ”) and numerous individual plaintiffs representing broader classes of residents, Open Communities Alliance, the Jerome N. Frank Legal Services Organization, the Lawyers’ Committee for Civil Rights Under Law, and Covington & Burling LLP today filed a lawsuit against the U.S. Department of Housing and Urban Development, the Housing Authority of the City of Hartford, the City of Hartford, and Imagineers, LLC.

The suit challenges government decisions and failures that caused the perpetuation of segregation in the North Hartford area. The case stems from the failed relocation of families from three federally subsidized properties in high poverty, segregated neighborhoods in the North End of Hartford – Clay Arsenal Renaissance Apartments, Barbour Gardens Apartments, and Infill I – and HUD’s decision to re-subsidize many of the units in these properties rather than subsidizing housing in higher-opportunity areas.

For years, HUD subsidized each of these privately-owned buildings despite inhumane vermin and mold infestations, failed safety inspections, and unsafe conditions in the neighborhood. In 2018 and 2019, with the support of CLJ, the residents of these buildings lobbied HUD to terminate its contracts with the owners. Following months of advocacy, HUD terminated those contracts and provided the occupants with Section 8 Housing Choice Vouchers that they theoretically could have used to move anywhere in the country.

The residents perceived this as a turning point in their lives. Many hoped to move out of Hartford, to areas with high resourced schools and less gun violence. But rather than implementing a relocation strategy designed to offer families choices in where they moved – including options in higher-opportunity areas – HUD and the other defendants prioritized relocating people quickly. Among other failings, defendants did not use a proven tool called mobility counseling that is designed to help families move to higher-opportunity areas and counteract segregation. As a result, the vast majority of families stayed in Hartford or moved to other low-opportunity, racially isolated areas. Defendants thereby perpetuated segregation and breached their legal duties to affirmatively further fair housing.

After receiving a voucher from HUD, Hartford, and Imagineers, **Marina Ilarraza** sought to leave Hartford and considered trying to move to areas like Bloomfield, Manchester, or West Hartford. Ilarraza was looking forward to “anything but Hartford” and hoped to provide a healthier and safer environment for her three children.

“It was inspiring to witness the organizing power built by the residents we worked with to address the failures of slumlords, HUD, and others,” said **Cori Mackey Executive Director of the Center for Leadership and Justice**. “However, it was a demoralizing reality check to see the extent to which residents were stripped of choice as their desires to move to specific areas and neighborhoods in the region were systematically denied. This has to change.”

To make matters worse, after relocating the former residents, HUD re-subsidized two of the three dilapidated buildings with Project Based Rental Assistance (PBRA) subsidies. Because PBRA subsidies are “tied” to a specific building, residents cannot move without losing them. This type of subsidy is different from Section 8 Housing Choice Voucher subsidies that are “tied” to the voucher holder resident, allowing them to move more easily. In effect, by re-subsidizing these buildings with PBRA, HUD is continuing to lock families into housing in low-opportunity areas that they cannot afford to leave. This practice further entrenches subsidized housing in segregated areas with high poverty concentrations where most of the region’s subsidized housing is already located.

“This is a case about a series of government decisions that inevitably led to segregation, following a long historical trend. It was like watching a train wreck in slow motion – but a train wreck that has happened hundreds of times before and could have been avoided. At virtually every decision point where the defendants could have chosen to make desegregation and true housing choice a real option for the families who were interested in accessing areas with strong schools and safe streets, they opted to disregard their duties under the Fair Housing Act,” said **Erin Boggs, Executive Director of OCA**.

“Under the Fair Housing Act, HUD is required to place subsidized housing in a regional way instead of confining it mainly to distressed, high poverty areas. HUD’s continuing failure to comply with this fundamental duty here means that the North End of Hartford will again be unfairly compelled to host a disproportionate share of the affordable housing need of the region. This is unfair both to the City and to low-income residents of the region. It concentrates poverty further in an area that HUD itself has called one of the “poorest in the country” with “alarmingly high rates of unemployment, violent crime, and food insecurity,” said **Peter Haberlandt, Senior Legal Counsel at OCA.**

“The Fair Housing Act charges HUD with combatting racial segregation that has resulted from decades of discriminatory housing policies. But instead of fighting segregation in Hartford, HUD has perpetuated it. After subjecting the plaintiffs and their families to deplorable housing conditions for several years, HUD rushed them through a relocation process that effectively denied them the ability to move to less segregated, higher-opportunity neighborhoods,” said **Lanny A. Breuer, Shankar Duraiswamy, and Daniel Suleiman**, partners at **Covington & Burling** representing the plaintiffs pro bono.

“HUD is violating its duty to counteract segregation, maintaining the cycle of poverty and hardship in marginalized communities and demonstrating clear violations of the Fair Housing Act,” said **Thomas Silverstein**, an attorney with the **Lawyers’ Committee for Civil Rights Under Law**. “By concentrating subsidized housing in North Hartford, HUD has maintained racial division within the region. The civil rights community will continue to fight for fair housing for all.”

“This case has the potential to push HUD to change their practices, so that people who are relocated with section 8 vouchers in the future will receive the full mobility counseling they are legally entitled to,” said **Zoe Masters**, a student with the **Jerome N. Frank Legal Services Organization at Yale Law School**. “It gives me hope to think that, with this case as a precedent, HUD might do a better job in the future of fulfilling their mandate to actively ameliorate segregation.” “Too often, people like our clients are mistreated by powerful actors who assume they can act with impunity,” added fellow student **Ben Gerig Shelly**. “Confronting that assumption, I believe, is the highest calling of the profession we students are soon to join.”

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Open Communities Alliance is a Connecticut-based civil rights organization that promotes access to opportunity for all people through education, organizing, advocacy, research, and partnerships. The Alliance works to address Connecticut’s deep level of segregation and support policies that lead to housing choice. For more information, please visit <http://ctoca.org>.

The Center for Leadership and Justice is the legacy of an urban mission founded in 1851. It has a long history of partnership with United Church of Christ congregations and now engages in faith-based organizing with diverse faith communities throughout the Greater Hartford region. For more information, please visit <http://cljct.org>.

The Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee), a nonpartisan, nonprofit organization, was formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. The principal mission of the Lawyers' Committee for Civil Rights Under Law is to secure, through the rule of law, equal justice for all, particularly in the areas of voting rights, criminal justice, fair housing and community development, economic justice, educational opportunities, and hate crimes. For more information, please visit <https://lawyerscommittee.org>.

The Jerome N. Frank Legal Services Organization (LSO) provides legal representation to individuals and organizations in need of legal services but unable to afford private attorneys. Students, supervised by Law School faculty members and participating attorneys, interview clients, write briefs, prepare witnesses, try cases, negotiate settlements, draft documents, participate in commercial transactions, draft legislation and regulatory proposals, and argue appeals in state and federal courts, including the U.S. Court of Appeals for the Second Circuit and the Connecticut Supreme Court. The LSO Housing Clinic fights foreclosures, defends evictions, and brings fair housing civil rights cases combatting economic and racial segregation in Connecticut. For more information, please visit <https://law.yale.edu/studying-law-yale/clinical-and-experiential-learning/jerome-n-frank-legal-services-organization-lso>.

Covington and Burling provides corporate, litigation, and regulatory expertise to help clients navigate their most complex business problems, deals, and disputes. The firm is frequently recognized for pro bono service, including ten times being ranked the top pro bono practice in the U.S. by *The American Lawyer*. Much of our pro bono work is anchored in meeting local needs, serving economically disadvantaged individuals and families in our surrounding communities. Founded in 1919, the firm has more than 1,000 lawyers in offices in Beijing, Brussels, Dubai, Frankfurt, Johannesburg, London, Los Angeles, New York, Palo Alto, San Francisco, Seoul, Shanghai, and Washington. For more information, please visit <https://www.cov.com>.