

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CASE NO:
)	
v.)	
)	
HOUSING AUTHORITY OF)	
BOSSIER CITY,)	
)	
Defendant.)	
_____)	

COMPLAINT

The United States of America (“United States”) files this Complaint, alleging as follows:

1. This action is brought by the United States to enforce the provisions of the Fair Housing Act, as amended, 42 U.S.C. § 3601 *et seq.*
2. This Court has jurisdiction over this action under 28 U.S.C. § 1345 and 42 U.S.C. § 3614(a).
3. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) because (a) the events giving rise to this action occurred in this judicial district; (b) the properties that are the subject of this action are situated in this judicial district; and (c) the defendant is located in this judicial district.

I. Housing Authority of Bossier City

4. Defendant Housing Authority of the Bossier City, Louisiana (“HABC”) is a political subdivision of the State of Louisiana and is a public body, corporate and politic, created to provide decent, safe and sanitary dwellings to persons of low income in the City of Bossier (“Bossier”). La. Rev. Stat. §§ 40:384; 40:392.

5. Between 1953 and 1985, the HABC developed seven public housing complexes containing 437 housing units that it continues to own and operate as public housing today. All of these housing units are federally subsidized under the United States Housing Act of 1937, 42 U.S.C. § 1437 *et seq.* The HABC's public housing complexes are: Cisco Homes, established in 1953; Mariah Bush Homes, established in 1958; Central Park, established in 1958; Hall Park, established in 1967; Scott/Dickerson, established in 1969; Patricia Plaza I, established in 1981; and Patricia Plaza II, established in 1985. These complexes are dwellings within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

6. Since their development in 1981 and 1985, respectively, Patricia Plaza I and Patricia Plaza II have been designated by the U.S. Department of Housing and Urban Development ("HUD") as housing for persons over age 62, or "elderly persons," as that term is used in 42 U.S.C. § 1437e(a)(1). Consistent with this designation, only households whose head, co-head, spouse, or sole member is at least 62 years of age are eligible to live at Patricia Plaza I and Patricia Plaza II. The HABC's five other public housing complexes, referred to here as "General Occupancy Complexes," are open to all qualified residents, regardless of age.

II. The HABC has Discriminated Against Applicants and Residents Eligible to Live at Patricia Plaza on the Basis of Race.

7. From at least 2007 until at least 2014, the HABC has segregated the population of residents eligible to live at Patricia Plaza I or II by assigning such households to housing complexes based on race and color, rather than based on their place on the waiting list. Specifically, the HABC has disproportionately assigned White-headed households ("White households") eligible to live at Patricia Plaza to Patricia Plaza I or Patricia Plaza II, while disproportionately assigning Black-headed households ("Black households") also eligible to live at Patricia Plaza to one of the General Occupancy Complexes.

8. According to 2010 U.S. Census Bureau data, the population of Bossier City is approximately 61% White, 27% Black, 7% Hispanic, and 5% Asian, American Indian, or another racial designation.

9. At all times relevant to the allegations in this Complaint, the vast majority of the residents at the HABC's five General Occupancy Complexes have been Black. In 2014, for example, between approximately 90% and 98% of the population at the General Occupancy Complexes, depending on the complex, was Black. In addition, at all times relevant to this complaint, the vast majority of the Black households who reside in HABC properties have resided in one of the General Occupancy Complexes. In 2014, for example, approximately 84% of all Black HABC households lived in one of the General Occupancy Complexes.

10. By contrast, at all times relevant to the allegations in this Complaint, a significantly greater portion of the population at Patricia Plaza I and II has been White than is the case at the General Occupancy Complexes. In 2014, for example, approximately 44% of the population at Patricia Plaza I and II was White. In addition, at all times relevant to this Complaint, the vast majority of White households who reside in HABC properties have resided in Patricia Plaza. In 2014, approximately 90% of all White HABC households lived in Patricia Plaza I or II.

11. Analyses of occupancy data maintained by HUD from 2007 to 2014 show that among households eligible to live at Patricia Plaza, White households are being housed disproportionately at Patricia Plaza I while Black households are being housed disproportionately in the General Occupancy Complexes. The disparities are statistically significant and cannot be explained by neutral factors such as household size or eligibility to live at Patricia Plaza.

12. In 2011, Black households eligible to live at Patricia Plaza were underrepresented at Patricia Plaza I by a difference of 18 percentage points from the occupancy rate that would be expected if the HABC were making housing assignments in a race-neutral manner. White households were overrepresented at Patricia Plaza I by a difference of 13 percentage points from what would be expected if the HABC were making housing assignments in a race-neutral manner. Similarly, White households eligible to live at Patricia Plaza were underrepresented in the General Occupancy Complexes by a deviation of 35 percentage points while Black households eligible to live at Patricia Plaza were overrepresented in the General Occupancy Complexes by a deviation of 61 percentage points.

13. Again, in 2014, Black households eligible to live at Patricia Plaza were underrepresented at Patricia Plaza I by a difference of 18 percentage points from the occupancy rate that would be expected if the HABC were making housing assignments in a race-neutral manner. White households were overrepresented at Patricia Plaza I by a difference of 16 percentage points from what would be expected if the HABC were making housing assignments in a race-neutral manner. Similarly, White households eligible to live at Patricia Plaza were underrepresented in the General Occupancy Complexes by a deviation of 32 percentage points while Black households eligible to live at Patricia Plaza were overrepresented in the General Occupancy Complexes by a deviation of 36 percentage points.

14. In 2014, 95% of White households eligible to live at Patricia Plaza lived at Patricia Plaza I whereas only 44% of Black households eligible to live at Patricia Plaza lived at Patricia Plaza I. Less than 1% of White households eligible to live at Patricia Plaza lived in the General Occupancy Complexes (1 household), whereas 54% of Black households eligible to live at Patricia Plaza lived in the General Occupancy Complexes.

15. The racial segregation described above is a direct result of the HABC's current policy and practice of assigning elderly applicants and residents, and applicants and residents otherwise qualified to live at Patricia Plaza, to particular complexes based on race and color rather than applying consistently its Admissions and Continued Placement Policy ("ACOP").

16. Adopted by the HABC, the ACOP is the policy document that governs admissions and occupancy of the public housing units administered by the HABC.

17. Among its provisions, the ACOP requires that the HABC make housing assignments from a waiting list that is maintained by bedroom size in the order in which households applied and without regard to resident preference for a particular complex or location. Instead of following the ACOP, however, the HABC has followed a practice of primarily assigning White households that are eligible to live at Patricia Plaza to Patricia Plaza I, while primarily assigning Black households also eligible to live at Patricia Plaza to units in one of the General Occupancy Complexes. To do this, the HABC selected some White applicants ahead of Black applicants for Patricia Plaza I, even though Black applicants had higher positions on the waiting list. Similarly, in filling vacancies at the General Occupancy Complexes, the HABC selected Black applicants over comparable White applicants, even though White applicants had higher positions on the waiting list. In so doing, the HABC staff followed a practice of deferring to the preferences of White households for Patricia Plaza, or of deferring to the staff's perceptions that White households would prefer Patricia Plaza and that Black households would prefer the General Occupancy Complexes.

18. Additionally, while the ACOP requires that the HABC maintain an HABC-wide, prioritized transfer list, the HABC has followed a practice of providing Black residents who are eligible to live at Patricia Plaza transfers primarily within the General Occupancy Complexes

while providing comparable White households transfers primarily within Patricia Plaza.

19. The HABC's discriminatory policies and practices described in this Section have harmed Black applicants and residents who are elderly or otherwise qualified to live at Patricia Plaza. The HABC has done so by: (1) skipping qualified Black applicants on the waiting list to fill vacancies at Patricia Plaza I with later-applying White applicants, thereby delaying or denying Black applicants housing; and (2) denying qualified Black applicants the opportunity to transfer to Patricia Plaza I.

III. The HABC has Discriminated Against Non-Elderly Applicants and Residents on the Basis of Disability.

20. From at least 2007 until at least 2014, the HABC has segregated its public housing population based on disability by assigning non-elderly residents with disabilities – who are qualified to live at any of the housing complexes – based on disability, rather than based on their place on the waiting list. Specifically, the HABC has assigned, in a disproportionate manner, non-elderly residents with disabilities to Patricia Plaza II and elderly residents and residents without disabilities to Patricia Plaza I and the General Occupancy Complexes. The HABC has also transferred elderly residents from Patricia Plaza II to Patricia Plaza I, further segregating non-elderly residents with disabilities at Patricia Plaza II.

21. As explained above, Patricia Plaza I and Patricia Plaza II are designated by HUD as housing for elderly persons. Consistent with that designation, Patricia Plaza I and II are open to residents who are elderly, whether or not they have a disability. In practice, however, the HABC has generally considered only elderly residents and applicants as eligible for Patricia Plaza I and only non-elderly residents and applicants with disabilities as eligible for Patricia Plaza II.

22. Analyses of occupancy data maintained by HUD from 2007 to 2014 show that

non-elderly residents with disabilities have been significantly overrepresented at Patricia Plaza II as compared to Patricia Plaza I. The overrepresentation of non-elderly residents with disabilities at Patricia Plaza II as compared to Patricia Plaza I was statistically significant and cannot be explained by neutral factors such as household size.

23. For example, if elderly residents and non-elderly residents with disabilities were assigned to Patricia Plaza I and II without non-elderly residents with disabilities being segregated at Patricia Plaza II and elderly residents at Patricia Plaza I, approximately 31% of the residents at each of the two Patricia Plaza properties would have been non-elderly residents with disabilities in 2014. However, non-elderly residents with disabilities accounted for approximately 90% of residents at Patricia Plaza II and only approximately 6% of the residents at Patricia Plaza I in that year. Non-elderly residents with disabilities were also overrepresented in Patricia Plaza II relative to one-bedroom units among the General Occupancy Complexes, as only approximately 26% of one- or two-person households without children among the General Occupancy Complexes included a non-elderly resident with a disability.

24. More generally, residents with disabilities, regardless of age, are significantly disproportionately represented at Patricia Plaza II compared to both Patricia Plaza I and the General Occupancy Complexes. In 2014, persons with disabilities accounted for approximately 87% of the residents at Patricia Plaza II but only 45% of the residents at Patricia Plaza I and approximately 54% of the one- or two-person households without children living in the General Occupancy Complexes.

25. Between 2008 and 2014, HABC filled 85 vacancies at Patricia Plaza I and 35 vacancies at Patricia Plaza II. The HABC filled only nine of the vacancies at Patricia Plaza I with non-elderly applicants with disabilities. By contrast, the HABC filled *all* of the 35

vacancies at Patricia Plaza II with non-elderly applicants with disabilities. To do so, HABC selected some elderly applicants ahead of non-elderly applicants with disabilities who had higher positions on the waiting list in order to house elderly applicants at Patricia Plaza I. Similarly, the HABC selected non-elderly applicants with disabilities over elderly applicants who had higher positions on the waiting list in order to house non-elderly applicants with disabilities at Patricia Plaza II.

26. The HABC skipped over non-elderly applicants with disabilities on the waiting list when filling vacancies more frequently than it skipped over other applicants. Non-elderly applicants with disabilities were skipped over an average of approximately 16 times before being assigned to a unit, whereas elderly applicants and all other applicants were skipped over an average of approximately four times before being assigned to a unit.

27. The HABC's discriminatory policies and practices described in this Section have harmed non-elderly applicants with disabilities. HABC has done so by: (1) skipping qualified non-elderly applicants with disabilities on the waiting list to fill vacancies at Patricia Plaza I and the General Occupancy Complexes with later-applying applicants without disabilities, thereby delaying or denying non-elderly applicants with disabilities housing; and (2) denying qualified non-elderly applicants with disabilities the opportunity to transfer to Patricia Plaza I.

28. The disability-based segregation described above is a direct result of the HABC's current policy and practice of selecting new residents for Patricia Plaza II on the basis of disability and transferring residents from Patricia Plaza II to Patricia Plaza I when they reach age 62. In so doing, the HABC has failed to apply consistently the HUD designation for the Patricia Plaza complexes and its ACOP. Instead, HABC staff followed a practice of deferring to the actual or perceived preferences of non-elderly applicants or residents with disabilities for Patricia

Plaza II. Staff also deferred to other residents' actual or perceived preferences for avoiding Patricia Plaza II, based on stereotypes and fears of living with persons with disabilities.

IV. The HABC's Actions Violate the Fair Housing Act.

29. The allegations set forth in paragraphs 1 through 28 are hereby realleged and incorporated by reference.

30. By engaging in the conduct described above, the defendant has:

- a) refused to rent, refused to negotiate for the rental of, and otherwise made unavailable or denied dwellings to persons because of race or color in violation of 42 U.S.C. § 3604(a);
- b) discriminated against persons in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race or color in violation of 42 U.S.C. § 3604(b);
- c) discriminated in the rental of, or otherwise made unavailable or denied, dwellings to renters because of disability, in violation of 42 U.S.C. § 3604(f)(1); and
- d) discriminated against persons in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of disability in violation of 42 U.S.C. § 3604(f)(2).

31. The conduct of the defendant constitutes:

- a. A pattern or practice of resistance to the full enjoyment of rights secured by the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*; and

- b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*, which denial raises an issue of general public importance.

32. Individuals who were subjected to defendant's discriminatory housing practices are aggrieved persons as defined by the Fair Housing Act, 42 U.S.C. § 3602(i), and have suffered actual injury and damages as a result of defendant's conduct as described herein.

33. Defendant's conduct described above was intentional, willful, and/or taken with disregard for the rights of others.

WHEREFORE, the United States prays that the Court enter an order that:

A. Declares that the defendant's policies and practices, as alleged herein, violate the Fair Housing Act, as amended, 42 U.S.C. § 3601 *et seq.*;

B. Enjoins defendant, its agents, employees and successors, and all other persons in active concert or participation with it, from:

- (1) Discriminating on account of race, color, or disability against any person in any aspect of the rental of a dwelling; and
- (2) Discriminating in the terms, conditions, or privileges, of rental of dwellings on the basis of race, color, or disability.

C. Requires defendant to take all necessary and appropriate affirmative steps to correct the continuing effects of its past and present discriminatory practices.

D. Requires such action by the defendant as may be necessary to restore all persons aggrieved by its discriminatory housing practices to the position they would have occupied but for such discriminatory conduct.

E. Awards monetary damages to each person aggrieved by defendant's

discriminatory housing practices, pursuant to 42 U.S.C. § 3614(d)(1)(B).

The United States further prays for such additional relief as the interests of justice may require.

Dated: September 30, 2016

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

DEFENDANTS

Housing Authority of Bossier City, Louisiana

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Bossier Parish

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

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Attorneys (If Known)

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II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Fair Housing Act, 42 U.S.C. 3604(a)

Brief description of cause:

Federal enforcement action for discriminating against individuals on the basis of race and disability.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE
09/30/2016

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE