

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CASE NO: 5:16-CV-01376
)	
v.)	
)	
HOUSING AUTHORITY OF)	
BOSSIER CITY,)	
)	
Defendant.)	
_____)	

JOINT MOTION FOR ENTRY OF CONSENT ORDER

Plaintiff, United States of America, and Defendant, Housing Authority of Bossier City, hereby jointly move the Court for entry of the attached Consent Order resolving this lawsuit.

Dated: September 30, 2016

Respectfully submitted,

For the United States:

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Attorney General

STEPHANIE A. FINLEY
United States Attorney

s/ Vanita Gupta

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CERTIFICATE OF SERVICE

I certify that on September 30, 2016, I caused a copy of the foregoing *Joint Motion* to be sent by email and First Class Mail to the following:

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s/ Junis L. Baldon

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CONSENT ORDER

I. INTRODUCTION

1. The United States initiated this action to enforce the Fair Housing Act, as amended, 42 U.S.C. § 3601, et seq. (“FHA”). The United States’ complaint alleges that the Defendant, Housing Authority of Bossier City (“HABC”): (1) refused to rent, refused to negotiate for the rental of, or otherwise made unavailable or denied dwellings to persons because of race or color and disability in violation of 42 U.S.C. § 3604 (a) and (f)(1); (2) discriminated in the terms, conditions, or privileges, of rental dwellings on the basis of race or color and disability in violation of 42 U.S.C. § 3604(b) and (f)(2); and (3) engaged in a pattern or practice of resistance to the full enjoyment of rights secured by the FHA and a denial to a group of persons of rights granted by the FHA, which denial raises an issue of general public importance, in violation of 42 U.S.C. § 3614(a).

2. Specifically, the United States alleges that the Defendant violated these provisions of the FHA by, among other ways:

- a. steering applicants and residents based on race or color to public housing complexes that the HABC had located in racially segregated areas;
- b. assigning and transferring black elderly applicants and residents to general occupancy housing complexes, which are disproportionately Black and located in majority Black areas, in a manner that departs substantially from a neutral, non-discriminatory norm;
- c. assigning and transferring White elderly applicants and residents to Patricia Plaza I – a housing complex that is designated for elderly residents and that is disproportionately White and located in a majority White area – in a manner that departs substantially from a neutral, non-discriminatory norm;
- d. selecting White elderly or otherwise qualified applicants over similarly qualified Black applicants who had higher positions on HABC’s waiting list so that the white applicants would be housed in vacant units in Patricia Plaza I;
- e. selecting Black elderly or otherwise qualified applicants over similarly qualified White applicants who had higher positions on the HABC’s waiting list so that the Black applicants would be housed in vacant units in the general occupancy complexes;
- f. maintaining and implementing a policy of segregating non-elderly residents with disabilities at one housing complex, Patricia Plaza II -- which, like Patricia Plaza I, is officially designated for elderly residents -- both through new assignments and transfers;

- g. selecting non-elderly applicants with disabilities over elderly applicants who had higher positions on HABC's waiting list for vacant units at Patricia Plaza II; and
- h. selecting elderly applicants over non-elderly applicants with disabilities who had higher positions on HABC's waiting list for vacant units at Patricia Plaza I.

3. The HABC denies each of the above allegations and denies that it in any way discriminated or violated any provisions of the Fair Housing Act.

4. The United States and the Defendant desire to avoid costly and protracted litigation and agree that the United States' claims should be settled without further litigation or an evidentiary hearing. Therefore, the United States and the Defendant have agreed to the entry of this Consent Order.

THEREFORE, IT IS HEREBY ORDERED THAT the Joint Motion for Entry of Consent Order [Doc. No. 2] is **GRANTED**.

IT IS FURTHER ORDERED THAT:

II. GENERAL INJUNCTION

5. The Defendant, its employees, agents, and all those acting in concert or participation with them, are hereby enjoined from:

- a. Refusing to rent a dwelling,¹ refusing or failing to provide or offer information about a dwelling, or otherwise making unavailable or denying a dwelling to a person because of race, color, or disability;
- b. Discriminating against any person in the terms, conditions, or privileges of

¹ The term "dwelling" has the meaning set out in the Fair Housing Act, 42 U.S.C. § 3602(b).

the rental of a dwelling or in the provision of services or facilities in connection therewith, on the basis of race, color, or disability;

- c. Restricting or attempting to restrict the choices of a person by word or conduct in connection with seeking or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or discouraging or obstructing choices in a community, neighborhood or development on the basis of race, color, or disability;
- d. Assigning any person to a dwelling at a particular development or building because of the person's stated preference based on race or color, or a perception of the person's preferences based on their race, color, or disability; and
- e. Assigning any person to a particular section of a community, neighborhood or development, or to a particular building, because of race, color, or disability; except, in the case of an individual with a disability, if the assignment is made based on the need for a unit accessible to persons with disabilities or a request for a reasonable accommodation.

6. The provisions of this Section, Section III, and all of Defendant's responsibilities under this Consent Order shall apply to each and every public housing rental property in which the HABC has or obtains an ownership, management, or other financial interest (collectively, "Subject Properties"). The Subject Properties currently include Cisco Homes, Mariah Bush Homes, Hall Park, Central Park, Scott/Dickerson, Patricia Plaza I, and Patricia Plaza II.

III. SPECIFIC INJUNCTION

7. The Defendant, its employees, agents, and all those acting in concert or participation with them in the operation of the Subject Properties, are hereby further enjoined from:

- a. operating Patricia Plaza I and II in a manner that departs from their formal HUD designations pursuant to 42 U.S.C. § 1437e, which currently specify that the properties are designated as housing for elderly persons, until such time as HUD may approve any changes to those HUD designations;
- b. considering applicants with disabilities and/or elderly applicants as eligible only for Patricia Plaza I or II. The HABC shall, consistent with the HABC's Assignment and Continued Occupancy Policy ("ACOP"), offer all available units at the general occupancy complexes to the first eligible applicant on the waiting list for the appropriate bedroom size, regardless of that applicant's eligibility for a unit designated pursuant to 42 U.S.C. § 1437e. The HABC may, however, continue to operate a preference for applicants with disabilities (*i.e.*, when a unit in a general occupancy complex comes available, offering that unit to an otherwise eligible applicant with a disability before offering that unit to an applicant without a disability who may have applied earlier in time); and
- c. treating any units or properties within the general occupancy complexes as housing for a specific subset of the HABC's public housing population without a HUD designation for those units or properties (*e.g.*, treating Hall Park as housing for elderly residents).

8. The Defendant, its employees, agents, and all those acting in concert or participation with them, shall:

- a. take reasonable steps to ensure that the elevator at Patricia Plaza II is functioning at all times; and
- b. perform repairs and maintenance at all of the Subject Properties on an equal basis except to the extent that older properties may require more maintenance due to their age than newer properties.

IV. NONDISCRIMINATION POLICY

9. Immediately upon entry of this Consent Order, Defendant shall implement the Nondiscrimination Policy appearing at **Appendix A** at the Subject Properties. The text of the Nondiscrimination Policy shall be added to the HABC's ACOP when the HABC's ACOP is revised pursuant to Section V, *infra*.

10. Within ten (10) business days after entry of this Consent Order, the HABC shall:

- (a) provide a copy of this Consent Order and the Nondiscrimination Policy appearing at **Appendix A** to all of its employees, agents, or anyone acting under their direction, who have responsibility for showing, renting, or managing dwelling units at the Subject Properties ("Covered Persons"); and
- (b) conduct a question and answer session for all such employees and agents regarding the contents of the Consent Order and Nondiscrimination Policy. The HABC shall secure a signed statement from each Covered Person acknowledging that he or she has received and read the Consent Order and the Nondiscrimination Policy, has had the opportunity to have questions about the Consent Order and Nondiscrimination Policy answered, and agrees to abide by the relevant provisions of the Consent Order and Nondiscrimination Policy. This statement shall be in the form of **Appendix B**.

11. The HABC shall provide a copy of this Consent Order and the Nondiscrimination Policy appearing at **Appendix A** to each new Covered Person within five (5) days after the Covered Person begins work in the covered position and shall provide him or her the opportunity to have questions about those documents answered. The HABC shall also secure a signed statement from each such new Covered Person in the form of **Appendix B**.

12. Within thirty (30) days after the date of entry of this Consent Order, the HABC shall take the following steps to notify the public of its Nondiscrimination Policy:

- a. At the HABC's central leasing office, and at any other location the HABC may subsequently use for the rental of dwellings at the Subject Properties, the HABC shall prominently post in a location easily visible to the public a fair housing poster no smaller than ten (10) by fourteen (14) inches that states that all housing units are available for rent on a nondiscriminatory basis. A poster that comports with 24 C.F.R. Part 110 will satisfy this requirement.
- b. Include the words "Equal Housing Opportunity" and/or the fair housing logo in all housing-related advertising conducted by the HABC, its agents, or employees, including both print and other visual or electronic media, and in all pamphlets, brochures, and other informational material it makes available to the public. This requirement does not compel the HABC to advertise in any media, but does require compliance with this provision whenever the HABC so advertises.
- c. Include the following phrase in the standard rental application and the standard rental agreement used for rental of dwelling units, using letters of

equal or greater size to those of the text in the body of the document:

We are an equal housing opportunity provider. We do not discriminate on the basis of race, color, sex, national origin, religion, disability, or familial status (having children under age 18).

V. NONDISCRIMINATORY PROCEDURES FOR APPLICATIONS, ASSIGNMENTS, AND TRANSFERS

13. The parties acknowledge that the HABC has adopted a written ACOP that, *inter alia*, sets forth procedures to be followed with respect to the selection of applicants from the waiting list and their placement in the HABC's public housing units. The HABC further acknowledges that it is legally obligated to comply with HUD's regulations relating to the operation of federally funded public housing authorities. The HABC shall also comply with the specific procedures in Paragraphs 14-15, *infra*, with respect to the rental of dwellings at HABC housing complexes (but only to the extent the provisions of Paragraphs 14-15 comply with the FHA and with HUD's regulations and do not violate any other federal or state act, statute, regulation or case law) to ensure compliance with the FHA and relevant HUD regulations and to ensure that these dwellings are made available for rent on an equal basis and on the same terms and conditions for all persons, irrespective of race, color, or disability in compliance with the Fair Housing Act, HUD regulations, ADA and all other federal or state acts, statutes, regulations and case law.

14. Within sixty (60) days after the date of entry of this Consent Order, the HABC shall develop and submit to the United States for approval a revised ACOP that includes written uniform nondiscriminatory procedures for: (1) receiving, handling, processing, rejecting, and approving rental inquiries and applications made in-person, by telephone, or by other means; (2) creating, maintaining, and updating waiting lists; (3) contacting and documenting contact with

applicants on the waiting list, (4) assigning applicants to new units; and (5) transferring existing residents to different units; and (6) providing services to residents (collectively, “Nondiscriminatory Procedures”).

15. At a minimum, the Nondiscriminatory Procedures shall include the following provisions (but only to the extent that the following procedures are consistent with HUD regulations, the ADA and other relevant statutes, regulations and case law), which are intended to ensure nondiscrimination in the creation and maintenance of the HABC’s waiting list and the selection and assignment of applicants to available apartments and to ensure the creation of a proper record that can be monitored for compliance in the future:

- a. Availability List: the HABC shall develop, and update on a weekly basis, an Availability List that documents all dwelling units at the Subject Properties known to be available or reasonably expected to be available for rental within thirty (30) days, which includes for each dwelling:
 1. the complex name, and the street address, unit number, and number of bedrooms;
 2. whether the dwelling is available for occupancy and, if not, the date that it is expected to be available for occupancy; and
 3. the date of the list.

The HABC shall post the most current version of the Availability List in a prominent location visible to the public at all rental offices for the Subject Properties for the duration of this Consent Order. If at any time during the duration of this Consent Order the HABC develops a website, the Availability List shall also be posted weekly on that website. The HABC shall maintain electronic copies of its weekly Availability Lists in its files

for the duration of this Consent Order.

- b. Preference Form. The HABC shall create a Preference Form and shall provide one to each applicant during the application process. The Preference Form shall fully explain each of the housing preferences that are available under the HABC's ACOP, and provide a space where the applicant can indicate which preference(s) the applicant believes he or she is entitled to, and the supporting reason(s). In addition, the HABC shall require all applicants to sign the Preference Form stating that they understand the various preferences available and have had an opportunity to indicate each one to which they believe they are entitled. The HABC shall record on the Preference Form each preference that was granted or denied, the date of that decision, the reason(s) for the decision, and the name of the HABC employee who assisted the applicant. Also, the HABC shall record on the Preference Form which document(s) (or lack thereof) justify the decision to grant (or deny) each preference, and attach such supporting documents. If written records are not available to justify a particular preference, the applicant shall not be eligible for that preference. Applicants shall have the opportunity to submit an updated preference form if changed circumstances make him/her potentially eligible or ineligible for a preference at any time he/she is on the waiting list.
- c. Waiting Lists. The HABC shall develop and maintain separate waiting lists for each bedroom size unit it has in its inventory. This paragraph is not intended to limit the ability of the HABC to, in accordance with HUD

regulations, close its waiting list upon proper notice. For each applicant, the list shall contain each applicant's name and race and/or ethnicity; current address; one or more current telephone numbers; the number of household members; and any applicable preference(s). The waiting list shall also record, for each applicant, the time and date he or she was placed on the list and the name of the HABC employee who received the applicant's application. The rank of each applicant on the waiting list shall be determined in accordance with the HABC's most recent ACOP, applicable HUD regulations, and the requirements set forth in this Section. The HABC shall maintain complete, accurate, and up-to-date records to support each applicant's rank on the waiting list, the type of dwelling for which each applicant is eligible, and the preference HABC gives to each applicant, if any. The HABC shall record all unsuccessful attempts to contact a person on the waiting list, all offers of available units that it makes to persons on the waiting lists, and all placements accepted by persons on the waiting list as set forth in Paragraph 15(f) ("Placement Log"), *infra*. The HABC shall retain an electronic version of its waiting lists on no less than a weekly basis for the duration of this Consent Order.

- d. Transfer List. The HABC shall develop and maintain a list of residents seeking to transfer to another unit at the HABC ("Transfer List"). The Transfer List shall contain the resident's name and race, current address, one or more telephone numbers, the number of household members, the size of unit for which the resident is eligible, the date of the transfer

request, the reason for the transfer request, and the name of the HABC employee who received the resident's request for a transfer. The rank of each applicant on the transfer list shall be determined in accordance with the HABC's most recent ACOP and in accordance with Paragraph 44, *infra*. The HABC shall maintain complete, accurate, and up-to-date records to support each applicant's rank on the transfer list, the type of dwelling for which each applicant is eligible, and the preference HABC gives to each applicant, if any. The HABC shall record all offers of available units that it makes to persons on the transfer lists and all placements accepted or rejected by persons on the transfer list as set forth in Paragraph 15(f), *infra*.

- e. Contact Procedures. The HABC shall develop, adopt, and implement a written procedure for contacting applicants regarding offering and assigning them to units. The policy shall specify, with regard to contacting applicants to offer them a unit: (1) how many times and over what time period the HABC must attempt to reach an applicant; (2) what means the HABC must use to attempt to reach an applicant (*e.g.*, phone, emergency contact's phone, email, letter); (3) how long the HABC must wait to hear from an applicant before offering a unit to the next applicant on the Waiting List. All contact or attempted contact with applicants regarding vacant units shall comply with these procedures and shall be documented in the Placement Log, Paragraph 15(f), *infra*.
- f. Placement Log. The HABC shall develop and maintain a document that

lists HABC's offers of housing and housing placements. The Placement Log shall include, for each vacant unit: the name, current address, and one or more telephone numbers of each applicant considered for placement in that unit; each applicant's rank on the waiting list for a unit of that size and type at the time of the offer; the time(s) and/or date(s) on which the HABC attempted to contact each applicant; the name of the HABC employee who attempted to make such contact; the manner of the attempted contact (telephone, mail, e-mail, etc.); the result of each attempted contact; whether the applicant was offered the unit, and the date and time of such offer; and the applicant's response to the offer. If the highest-ranking applicant currently on the Waiting List or Transfer List for that type and size unit is not offered the available unit, the HABC shall fully explain why on the Placement Log, attaching any supporting documentation. If the HABC offers an applicant more than one unit, the Placement Log shall provide the reason HABC offered the applicant more than one unit, attaching supporting documentation.

If the HABC so chooses, and if HUD regulations permit, the HABC may include in its ACOP and Nondiscriminatory Procedures a list of specific reasons that permit an applicant to refuse a unit without losing his or her place on the waiting list. If an applicant refuses a unit, the Placement Log shall record the reason for the refusal. If the applicant refuses an offered unit for a reason other than one that permits him or her to do so without losing their position on the waiting list pursuant to the ACOP, the

Placement Log shall also record the applicant's new position on the waiting list.

- g. Occupancy List. The HABC shall develop and maintain a resident occupancy list that is updated monthly that lists the residents, by head of household, residing at each HABC complex. The occupancy list for each complex shall indicate for each unit the resident's name, address, one or more current telephone number, move-in date, number of bedrooms, number of persons in the household, the race and disability status of the head of household, and whether the household received any preference in assignment.
- h. Rental Applications. The HABC shall permit all persons who inquire about renting a dwelling unit the opportunity to complete a written rental application. This requirement shall not apply if the HABC has closed its waiting list for the applicable bedroom size in accordance with HUD regulations, in which case the applicant shall be advised that the waiting list for that bedroom size is closed and no applications are being accepted at that time. The HABC shall write legibly on each rental application filled out by a prospective resident the month, day, year, and time that the HABC received the application, and shall also record that information electronically. The HABC shall process the applications in the order in which they are received. Within three (3) business days of a decision to reject an applicant, the HABC shall send a written explanation to the applicant stating the reason(s) for the HABC's decision, including any

supporting documentation, and the name of the HABC employee who made the decision. The HABC shall retain all rental applications and copies of correspondence in its files for the term of this Consent Order.

- i. Information to Prospective Applicants. The HABC shall inform all persons who inquire about renting any dwelling that they may fill out an application and, if they qualify, will be put on a waiting list; that they will be offered the first available unit of the size they need when they become the highest-ranking applicant on the waiting list; the consequences of refusing an offer of housing; and that they will be treated equally, irrespective of race, color, religion, sex, familial status, national origin, and disability. Any applicant or prospective applicant who requests a copy of the Availability List shall be provided one free of charge. These requirements shall not apply if the HABC has closed its waiting list for the applicable bedroom size in accordance with HUD regulations, in which case the applicant shall be advised that the waiting list for the applicable bedroom size is closed and that no applications are being accepted at that time.

16. The United States shall respond to the HABC's submission described in Paragraph 14, *supra*, within thirty (30) days and shall not unreasonably withhold its approval. If the United States indicates in writing that it does not approve the revised ACOP including the Nondiscriminatory Procedures, or specific provisions thereof, the implementation of the provisions to which the United States objects shall be delayed, and the HABC and the United States shall seek to resolve their differences within fourteen (14) days. In the event that the

parties cannot agree, then either party may, within fourteen (14) days thereafter, request the intervention of the Court. The HABC may implement the revised ACOP immediately upon receipt of a no objection notice or upon the expiration of the initial thirty (30) day period described above without receipt of a response from the United States. The HABC shall implement the revised ACOP within ten (10) business days of receipt of a no objection notice from the United States or upon judicial resolution. In no event shall the HABC fail to implement the revised ACOP more than fifteen (15) days after receiving the United States' no objection notice or judicial resolution of a dispute between the parties.

17. No later than five (5) days before implementation of the revised ACOP, the HABC shall: (a) provide a copy of the revised ACOP to all Covered Persons; and (b) conduct a question and answer session for all Covered Persons regarding the contents of the Nondiscriminatory Procedures. The HABC shall secure a signed statement from each Covered Person acknowledging that he or she has received the revised ACOP, has had the opportunity to have questions about the Nondiscriminatory Procedures answered, and agrees to abide by the Nondiscriminatory Procedures. This statement shall be in the form of **Appendix C**.

18. The HABC shall provide a copy of the revised ACOP to each new Covered Person within five (5) days after that individual begins work in a covered position and shall provide that individual with the opportunity to have his or her questions about the Nondiscriminatory Procedures answered. The HABC shall also secure a signed statement from each such new agent or employee in the form of **Appendix C**.

19. No later than ten (10) days of their implementation, the HABC shall post and prominently display the Nondiscriminatory Procedures in any office where there is rental-related activity for the Subject Properties and/or personal contact with applicants, and the HABC shall

offer a copy of the Nondiscriminatory Procedures to all applicants for the rental of a dwelling.

20. For the duration of this Consent Order, the Nondiscriminatory Procedures may be modified only upon prior approval of the United States. At least thirty (30) days prior to any planned modification, the HABC shall submit the proposed modification to the United States for review and approval. The United States shall respond within thirty (30) days and shall not unreasonably withhold its approval. If the United States indicates in writing that it does not approve the modification, the implementation of the provisions to which the United States objects shall be delayed, and the HABC and the United States shall seek to resolve their differences within fourteen (14) days. In the event that the parties cannot agree, then either party may, within fourteen (14) days thereafter, request the intervention of the Court. The HABC may implement the proposed modifications to the Nondiscriminatory Procedures within five (5) days of receipt of a no objection notice or upon the expiration of the thirty (30) day period described above without receipt of a response from the United States.

VI. FAIR HOUSING POLICY

21. Within ninety (90) days of the entry of this Consent Order, the HABC shall develop and implement, subject to approval by the United States, a Fair Housing Policy that sets out the specific steps the HABC will take, at the Subject Properties and at any future public housing complexes its acquires or develops during the term of this Consent Order, to reduce both the disparate racial residency patterns which may exist at the Subject Properties as a result of the HABC's policies and practices and the segregation of residents with disabilities at certain HABC properties.

22. The Fair Housing Policy shall include a plan for ensuring, subject to HUD authorization, that a proportional number of one-bedroom units at each of the seven Subject

Properties are designated for elderly residents and shall ensure that units for persons who are elderly or have disabilities are not concentrated at Patricia Plaza.² Any change to the designation of particular units may be effectuated by the HABC upon the next vacancy of that unit and no existing resident will be required to transfer units due to any changes implemented pursuant to the Fair Housing Policy.

23. The Fair Housing Policy may include a plan to permit residents to transfer voluntarily to other complexes to reduce racial concentration at its housing complexes or the concentration of individuals with disabilities and provide appropriate financial and other assistance to them to do so and/or any other actions as the HABC determines to be appropriate to accomplish these purposes consistent with applicable law and HUD regulations and not in violation of any other federal or state act, statute, regulations or case law.

VII. TRAINING

24. Within ninety (90) days after the date of entry of this Consent Order, and annually thereafter, all Covered Persons shall undergo training on the Fair Housing Act, with specific emphasis on discrimination on the basis of race, color, and disability. Such training shall be conducted in person unless the United States approves a specific proposal from the HABC to provide for the training in another form. All training required by this Section shall be conducted by an independent, qualified third party, approved in advance by the United States. Any expenses associated with this training shall be borne by the HABC.

25. At a minimum, the training required in the preceding paragraph shall consist of the following:

- a. informing each attendee of his or her duties and obligations under this

² The HABC has agreed, as set forth in Paragraph 7a, to discontinue operating Patricia Plaza II as housing only for persons with disabilities and will operate Patricia Plaza II as housing for elderly persons, in accordance with its HUD designation, until such time as its HUD designation may be changed.

Consent Order as well as under the Fair Housing Act and HUD's fair housing related regulations;

- b. ensuring that each attendee receives or has received a copy of this Consent Order and the revised ACOP containing the Nondiscriminatory Procedures and the Nondiscrimination Policy;
- c. explaining that the HABC's Nondiscriminatory Procedures are designed to ensure that unlawful considerations of race, color, or disability do not influence the process of providing rental information to persons who make inquiries, the process of making decisions on rental applications, the process of assigning applicants or granting transfers to units, and the provision of services related to rental of housing;
- d. a question and answer session for the purpose of reviewing the foregoing areas; and
- e. securing a signed certification in the form of **Appendix D** from each attendee indicating that he or she has received, read, and understood this Consent Order and the HABC's Nondiscriminatory Procedures.

26. Each new Covered Person shall undergo the training required by Paragraphs 24 and 25 above within thirty (30) days after the agent or employee is hired or begins in a covered position. If a training is already scheduled pursuant to Paragraphs 24 and 25 for current employees within ninety (90) days of the new agent's or employee's beginning of work, the training required by Paragraphs 24 and 25 may be delayed until that time. However, within five (5) days of beginning work, the new agent or employee shall be provided with a copy of the Non-Discrimination Policy, HABC's revised ACOP and this Consent Order and provided the

opportunity to have questions answered, all in accordance with Paragraph 11. The HABC shall secure a signed certification in the form of **Appendix D** from each agent or employee trained pursuant to this paragraph.

VIII. ACQUISITION, LOCATION, AND DESIGNATION OF NEW PUBLIC HOUSING UNITS

27. For the duration of this Consent Order, if the HABC undertakes to develop or acquire either additional public housing units or land to be used for such purpose, it shall ensure that such additional units are located in areas that do not further racial segregation at HABC developments, it shall not seek a HUD designation for those units that further segregates the HABC's public housing population on the basis of race, color, or disability.

28. The HABC shall notify the United States at least sixty (60) days before entering into any contracts or obligations to acquire or develop such property or dwellings. This notice shall include the nature of the HABC's interest in the property, the property address, the number of dwelling units, and the number of bedrooms in each unit. The HABC shall also provide counsel for the United States a copy of the documents memorializing the transfer in interest when such documents are executed.

29. Should the HABC acquire or develop any properties for use as public housing during the term of this Consent Order, said property shall become a Subject Property subject to all relevant provisions of this Consent Order.

30. This Section shall not apply to any of the Villages at Eagle Point properties, which are all tax credit properties.

IX. NOTIFICATION TO RESIDENTS

31. Within thirty (30) days of entry of this Consent Order, the HABC shall distribute to all public housing residents a summary of this Consent Order set forth at **Appendix E** and the

Nondiscrimination Policy. The HABC shall make available a copy of the Consent Order to any resident or applicant upon request.

32. Within thirty (30) days of its approval and implementation, the HABC shall distribute to all public housing residents the Nondiscriminatory Procedures.

X. COMPLIANCE TESTING

33. The United States may take steps to monitor the HABC's compliance with this Consent Order including, but not limited to, conducting fair housing tests at any office(s) in which the HABC, now or in the future, conducts rental activities.

XI. IDENTIFICATION OF AND RELIEF FOR AGGRIEVED PERSONS

34. Within thirty (30) days of the entry of this Order, the HABC shall deposit in an interest bearing escrow account the total sum of One Hundred and Twenty Thousand dollars (\$120,000) for the purpose of compensating any person whom the Court determines may have been harmed by the HABC's discriminatory rental practices ("aggrieved persons"). This money shall be referred to as the "Settlement Fund." The HABC shall also submit proof to the United States that this account has been established and the funds deposited within five (5) days of making the deposit.³

35. Any interest accruing to the Settlement Fund shall become a part of the Settlement Fund and be utilized as set forth herein.

36. The HABC shall publish and distribute a Notice to Potential Victims of Housing Discrimination ("Notice"), attached as **Appendix F**, informing persons of the availability of

³ Any material or information required by this Order to be submitted to the United States shall be provided to the United States by overnight non-USPS delivery addressed as follows – Chief, Housing and Civil Enforcement Section, Civil Rights Division, U.S. Department of Justice, 1800 G St., NW, Suite 7002, Washington, DC 20006, Attn: DJ 175-33-168, or as otherwise agreed to between counsel.

compensatory funds and the availability of requesting a transfer to another complex. The Notice shall be published and distributed as follows:

- a. Within thirty (30) days after the date of entry of this Consent Order, the Notice shall be published on at least four (4) occasions in the “A” Section (or News Section) of the Bossier Press-Tribune and the Shreveport Times including at least two (2) occasions on Sunday. The HABC shall provide a copy of the newspapers containing each such Notice to counsel for the United States within ten (10) days after publication of the Notice.
- b. Within thirty (30) days after the date of entry of this Consent Order, the HABC shall provide a copy of the Notice to the organizations listed in **Appendix G**.
- c. Within thirty (30) days of the entry of this Consent Order, the HABC shall distribute a copy of the Notice to each current resident at the Subject Properties, and shall mail a copy of the Notice to the last-known address of all former residents who resided at the Subject Properties at any time since January 1, 2012 to the present. Within forty-five (45) days of entry of this Consent Order, the HABC shall provide to counsel for the United States certification or proof that the Notice was distributed as provided in this paragraph.
- d. Within thirty (30) days of the entry of this Consent Order, the HABC shall post a copy of the Notice in a visible location at each office where there is rental-related activity and/or personal contact with applicants for HABC housing. Those Notices shall remain posted for a period of at least one

hundred and twenty (120) days after entry of this Consent Order.

37. The HABC shall produce to the United States or permit the United States, upon reasonable notice, to inspect and copy any documents, information, or records in its possession, custody, or control, or that of its agents or employees, that the United States believes to be useful in identifying persons who may be entitled to relief under this Consent Order and/or in facilitating its determination regarding the claims of and possible relief for allegedly aggrieved persons.

38. Nothing in this Consent Order shall preclude the United States from making its own efforts to locate and provide notice to potential aggrieved persons.

39. The United States shall investigate the claims of potentially aggrieved persons, within one hundred eighty (180) days after the date of entry of this Consent Order, and shall make a preliminary determination of which persons are aggrieved and the appropriate relief to provide to such persons. This includes a preliminary determination of whether such a person is entitled to monetary relief, and the appropriate amount of compensation that should be paid to such a person in the event monetary relief is warranted. This also includes a determination of whether such a person is entitled to either (1) transfer to a specific HABC complex if they are currently a HABC resident or (2) apply for and receive priority placement at a specific HABC complex if they are a former resident or applicant.

40. The United States will inform the HABC in writing of its preliminary determination of persons who are aggrieved and entitled to damages and/or other relief and provide the HABC with the factual basis supporting each determination. The HABC will have twenty-one (21) days to review the determinations and agrees to accept these determinations unless it can produce reliable documentation or other information that refutes these claims within

the twenty-one (21) day time frame. The parties shall then have thirty (30) days to endeavor, in good faith, to resolve any differences regarding the aggrieved persons determinations. After completion of the process described in this paragraph, the parties shall submit their joint final recommendations to the Court for approval, if they agree, or separate recommendations, if they do not agree.

41. Within ten (10) days of a Court order approving the parties' aggrieved persons recommendations described in the preceding paragraph, the HABC shall deliver to the United States checks payable to the aggrieved persons in the amounts approved by the Court. When counsel for the United States has received a check from the HABC payable to an aggrieved person and a signed release that is substantially similar to the form of **Appendix H** from the aggrieved person, counsel for the United States shall deliver the check to the aggrieved person and a copy of the signed release to counsel for the HABC. No aggrieved person shall be paid until he/she has executed and delivered to counsel for the United States a release substantially similar to the form at **Appendix H**. In no event shall the aggregate of all such checks exceed the sum of the principle deposited in the Settlement Fund plus any accrued interest.

42. In no event shall any past debts owed to the HABC by an aggrieved person be recoverable from the damages awarded pursuant to this Consent Order.

43. Within ten (10) days of a Court order approving the parties' aggrieved persons recommendations, the HABC shall inform each aggrieved person of his or her opportunity to apply for the transfer or re-apply for housing with the HABC as follows:

- a. For those aggrieved persons notified of their opportunity to transfer, the HABC shall inform them of their opportunity to transfer to the next available unit of the appropriate size at one or more of the HABC complexes identified by the United

States.

- b. For those aggrieved persons notified of their opportunity to re-apply for HABC housing, the HABC shall inform them that upon completion of the application process, a determination of eligibility, and the availability of a unit of the appropriate size, they will be offered a unit at one or more HABC complexes identified by the United States.

The notices described in this paragraph shall also inform aggrieved persons eligible for a transfer or priority placement that they have sixty (60) days from the date of the notice to notify the HABC that they want to be transferred or re-apply for HABC housing pursuant to this paragraph.

44. The HABC shall assign all aggrieved persons who elect to apply for a transfer or re-apply for HABC housing, and who the HABC determines are otherwise eligible, to the first available unit of the appropriate bedroom size at the property/properties identified by the United States ahead of all other households on the waiting list, except that such transfers and placements shall be processed after any emergency transfers or placements. Aggrieved persons who are new entrants shall be assigned before aggrieved persons who are transferring. Nothing in this paragraph requires HABC to admit into its public housing program households that are not otherwise eligible pursuant to the HABC's ACOP and Nondiscriminatory Procedures, except that past debts owed to the HABC shall not be a bar to any aggrieved person's right under this Consent Order to transfer or receive priority placement.

XII. RECORD KEEPING AND REPORTING REQUIREMENTS

45. Within ninety (90) days after the date of entry of this Consent Order, and every six (6) months thereafter for the duration of this Order, the HABC shall deliver to counsel for the

United States a report containing information about the HABC's compliance efforts during the preceding reporting period, including but not limited to:

- a. photographs of each office in which rental activity is conducted, showing the fair housing poster, Nondiscrimination Policy, and Nondiscriminatory Procedures, and Notice pursuant to Sections IV, V, and XI, *supra*;
- b. copies of all Employee Acknowledgment forms (**Appendices B and C**), pursuant to Sections IV and V, *supra*;
- c. copies of all fair housing training certifications (**Appendix D**), pursuant to Section VII, *supra*;
- d. copies of all documents referenced in Section V generated in the current reporting period, including Availability Lists, Preference Forms, Waiting Lists, Transfer Lists, Placement Logs, Occupancy Lists, and Rental Applications;
- e. copies of the current rental application form and any other materials distributed to prospective residents and the current lease in use at the Subject Properties;
- f. copies of current resident rules and regulations, including any updates to the ACOP; and
- g. written verification that the summary of this Consent Order (**Appendix E**), Nondiscrimination Policy (**Appendix A**), and Nondiscriminatory Procedures have been distributed to residents, as required by Section IX.

46. For the duration of this Consent Order, the HABC shall preserve all records that are the source of, contain, or relate to any of the information pertinent to the obligations under

this Order, including, but not limited to, all documents listed in Section V, as well as records relating to the acquisition of interest in new dwelling units, as set out in Section VIII. Upon reasonable notice, the HABC shall permit the United States to inspect and copy all such documents, or upon request by the United States, the HABC shall provide copies of such documents.

47. For the duration of this Consent Order, the HABC shall notify counsel for the United States in writing within ten (10) days of receipt of any complaint, whether written, oral, or in any other form, against the HABC, or against any of its employees or agents, regarding discrimination based on race, color, or disability in housing. If the complaint is written, the HABC shall provide a copy of it with the notification. The notification shall include the full details of the complaint, including the complainant's name, address, and telephone number. The HABC shall also promptly provide the United States all information it may request concerning any such complaint and shall inform the United States within fifteen (15) days of any resolution of such complaint.

XIII. SCOPE AND DURATION OF CONSENT ORDER

48. This Consent Order shall remain in effect for five (5) years after the date of its entry.

49. By consenting to entry of this Consent Order, the United States and the HABC agree that in the event the HABC engages in any future violation(s) of the FHA during the effective five (5) year period of this Order, such violation(s) shall constitute a "subsequent violation"(s) pursuant to 42 U.S.C. § 3614(d)(1)(C)(ii).

50. The Court shall retain jurisdiction for the duration of this Consent Order to enforce the terms thereof, after which time the United States' complaint shall be dismissed with

prejudice. The United States may move the Court to extend the duration of the Consent Order in the event of non-compliance with its terms or as the interests of justice may otherwise require.

XIV. REMEDIES FOR NON-COMPLIANCE

51. The parties shall endeavor in good faith to resolve informally any differences regarding interpretation of and compliance with this Consent Order prior to bringing such matters to the Court for resolution. However, in the event the United States contends that there has been a failure by the HABC, whether willful or otherwise, to perform in a timely manner any act required by this Consent Order or otherwise to act in conformance with any provision thereof, the United States may move this Court to impose any remedy authorized by law or equity, including, but not limited to, an order requiring performance of such act or deeming such act to have been performed, and an award of damages, costs, and reasonable attorneys' fees which may have been occasioned by the violation or failure to perform.

XV. TIME FOR PERFORMANCE

52. Any time limits for performance imposed by this Consent Order may be extended by written agreement of the parties. Other provisions in this Order may be modified only upon approval of the Court, upon motion by either party or jointly.

XVI. MISCELLANEOUS

53. The parties agree, as of the date of the entry of this Consent Order, that litigation is not "reasonably foreseeable" concerning the subject matter of the United States' complaint. To the extent either party previously implemented a litigation hold to preserve documents, electronically stored information (ESI), or things related to the matters described above, the party is no longer required to maintain such litigation hold. Nothing in this paragraph relieves either party of any other obligations imposed by this Consent Order.

54. Each party to this action will bear its own costs and attorneys' fees associated with the action.

IT IS SO ORDERED this _____ day of _____, 2016.

United States District Judge

By their signatures below, the parties apply for and consent to the entry of this Consent Order.

For the United States:

STEPHANIE A. FINLEY
United States Attorney

VANITA GUPTA
Principal Deputy Assistant Attorney General
Civil Rights Division

s/ Karen J. King

KAREN J. KING (#23508)
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s/ Junis L. Baldon

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For the Defendant Housing Authority of Bossier City:

s/ Mark Gilliam

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Appendix A

NONDISCRIMINATION POLICY

It is the policy of the Housing Authority for Bossier City, Louisiana (“HABC”) to comply with Title VIII of the Civil Rights Act of 1968, as amended, (commonly known as the Fair Housing Act) by ensuring that units are available to all persons without regard to race, color, religion, national origin, disability, familial status, or sex. This policy means that, among other things, the HABC and all its agents and employees with the responsibility for renting, managing or administering any dwelling units must not discriminate in any aspect of the rental of dwellings against qualified applicants or residents because of race, color, or disability. HABC agents and employees may not:

- A. Refuse to rent a dwelling, fail to provide or offer information about a dwelling, or otherwise make unavailable or deny, a dwelling to any person because of race, color or disability;
- B. Discriminate against any person in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, or disability;
- C. Restrict or attempt to restrict the choices of a person by word or conduct in connection with seeking or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or discouraging or obstructing choices in a community, neighborhood or development on the basis of race, color, or disability;
- D. Assign any person to a dwelling at a particular development or building because of the person’s stated preference based race or color, or a perception of the person’s preferences based on their race, color, or disability;
- E. Assign any person to a particular section of a community, neighborhood or development, or to a particular building, because of race, color, or disability, except based on the need of a person with a disability for an accessible -accessible unit or a reasonable accommodation.

Any HABC agent or employee who fails to comply with this Nondiscrimination Policy will be subject to appropriate disciplinary action. Any action taken by an agent or employee that results in the unequal service to, treatment of, or behavior toward applicants or residents on the basis of race, color, religion, national origin, disability, familial status, or sex may constitute a violation of state and federal fair housing laws.

Any resident who believes that any of the above policies have been violated by any agent or employee of the HABC may contact the U.S. Department of Housing and Urban Development at 1-888-799-2085, or the U.S. Department of Justice at 1-800-896-7743 or 202-514-4713.

Appendix B

**EMPLOYEE ACKNOWLEDGMENT OF RECEIPT AND DISCUSSION OF
CONSENT ORDER AND HABC NONDISCRIMINATION POLICY**

I acknowledge that on _____ [date], I was provided a copy of the Consent Order entered by the Court in *United States v. Housing Authority of Bossier City*, Civil Action No. 5:16-CV-01376 (W.D. La. Sept. 30, 2016), and the HABC Nondiscrimination Policy. I have read and understand these documents and have had my questions about these documents answered. I understand my legal responsibilities and shall comply with those responsibilities. I further understand that I may be subject to discipline by the HABC if I fail to so comply.

Signature

Print Name

Title

Date

Appendix C

**EMPLOYEE ACKNOWLEDGMENT OF RECEIPT AND DISCUSSION OF
HABC NONDISCRIMINATORY PROCEDURES FOR
APPLICATIONS, ASSIGNMENTS, AND TRANSFERS**

I acknowledge that on _____ [date], I was provided a copy of the Housing Authority of Bossier City's revised ACOP containing the Nondiscriminatory Procedures for Applications, Assignments, and Transfers. I have read and understand this document and have had my questions about this document answered. I understand my legal responsibilities and shall comply with those responsibilities.

Signature

Print Name

Title

Date

Appendix D

EMPLOYEE CERTIFICATION OF FAIR HOUSING ACT TRAINING

On _____ [date], I attended and completed training on the Fair Housing Act. At the training I had, or was provided, a copy of the Consent Order entered in *United States v. Housing Authority of Bossier City*, Civil Action No. 5:16-CV-01376 (W.D. La. Sept. 30, 2016), and the Housing Authority of Bossier City's Nondiscrimination Policy and Nondiscriminatory Procedures for Applications, Assignments, and Transfers. I have read and understand these documents and have had all of my questions concerning these documents and the Fair Housing Act answered. I understand my legal responsibilities and shall comply with those responsibilities.

Signature

Print Name

Title

Date

Appendix E

NOTICE TO HABC RESIDENTS

On September 30, 2016, the United States filed and settled a lawsuit against the Bossier Housing Authority, *United States v. Housing Authority of Bossier City*, Civil Action No. 5:16-CV-01376, in the United States District Court for the Western District of Louisiana. In that lawsuit, the United States claimed that the Bossier Housing Authority violated the federal Fair Housing Act because it discriminated on the basis of race or color and disability against applicants and residents at Bossier Housing Authority's public housing complexes. Below is a summary of the main provisions of the Consent Order that settled the case.

- 1. Injunction against Discrimination.** The Housing Authority cannot discriminate against a resident or applicant on the basis of his or her race, color, or disability in any aspect of the rental of a unit.
- 2. Patricia Plaza.** The Housing Authority will no longer operate Patricia Plaza II (also known as "Bobbie Street") as housing exclusively for residents with disabilities.
- 3. Nondiscrimination Policy.** The Housing Authority will publish and distribute to residents a Nondiscrimination Policy regarding the rental of units.
- 4. Nondiscrimination Procedures for Applications, Assignments, Transfers and Services.** The Housing Authority will develop, distribute to residents, and follow new Nondiscrimination Procedures for responding to inquiries from persons interested in renting units, for processing applications, for assigning and transferring residents to units, and for providing services to residents.
- 5. Fair Housing Policy.** The Housing Authority will develop a plan for reducing racial segregation and segregation of residents with disabilities in its public housing units.
- 6. Training.** Employees of the Housing Authority will attend in-person training on the Fair Housing Act each year.
- 7. Location and Designation of New Public Housing Units.** The Housing Authority will notify the United States if it intends to build new public housing units and/or designate any units as units specifically for elderly residents and/or residents with disabilities and will ensure that new units are located in areas that do not further racial segregation or segregation based on disability.
- 8. Compliance Testing.** The United States may take steps to monitor the Housing Authority's compliance with the Consent Order, including fair housing tests.
- 9. Identification of and Relief for Aggrieved Persons.** The Housing Authority will reserve \$ 120,000 in an account for the purpose of compensating residents or applicants who may have been harmed by the Housing Authority's discriminatory practices. Residents who have been

discriminated against may be entitled to transfer to another unit or complex.

10. Record Keeping and Reporting. The Housing Authority will provide the United States with a report every six months about its compliance with the Consent Order.

11. Length of Order. The Consent Order will remain in effect for five (5) years.

12. Remedies for Non-Compliance and Other Matters. The United States may ask the Court to impose a remedy if the Housing Authority does not comply with the Consent Order. The parties may modify the terms of the Consent Order by mutual written agreement or by asking the Court.

If you would like to obtain a copy of the Consent Order, please contact the Bossier Housing Authority. It will give you one free of charge.

Appendix F

NOTICE TO POTENTIAL VICTIMS OF HOUSING DISCRIMINATION BY THE HOUSING AUTHORITY OF BOSSIER CITY

On September 30, 2016, the Housing Authority of Bossier City (“HABC”) settled a lawsuit brought by the United States, *United States v. Housing Authority of Bossier City*, Civil Action No. 5:16-CV-01376, in the United States District Court for the Western District of Louisiana. In that lawsuit, the United States claimed that the HABC violated the federal Fair Housing Act because it discriminated on the basis of race, color, and disability against applicants and residents at the HABC’s public housing complexes.

There is now a court order in place (called a consent order) which provides relief for current or former HABC residents or applicants. For example, if the HABC assigned you or transferred you to a particular housing complex because of your race, color, or disability, you may be able to transfer to another unit at another complex.

In addition, you may be able to receive money to compensate you if the HABC (1) denied you a unit at a particular complex because of your race, color, or disability; (2) delayed in assigning you to a unit because of your race, color, or disability; or (3) refused to transfer you to a particular complex because of your race, color, or disability.

If you believe you have been discriminated against because of race, color, or disability in connection with the Housing Authority of Bossier City, please contact the United States Department of Justice at: **1-800-896-7743, mailbox 9993**.

You may also write to:

**United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Ave. NW - G St.
Washington, DC 20530
Attn: DJ# 175-33-168**

You must call or write on or before [120 days after entry of Consent Order] and your message or letter must include your name, address, and, if possible, at least TWO telephone numbers or email addresses where you or an emergency contact may be reached.

Appendix G

Legal Services of Northern Louisiana, Inc.

Appendix H

RELEASE OF ALL CLAIMS

In consideration of and contingent upon the payment of the sum of _____ dollars (\$_____), pursuant to the Consent Order entered in *United States v. Housing Authority of Bossier City*, Civil Action No. 5:16-CV-01376, in the United States District Court for the Western District of Louisiana (“the Action”), I hereby release and forever discharge the Housing Authority of Bossier City, including all of its officers, employees, agents, representatives, assignees, and successors in interest, from any and all liability for any claims, legal or equitable, under any source of law, that I may have against any of them arising in whole or in part out of the factual allegations made in this Action as of the date of the entry of the Consent Order. I fully acknowledge and agree that this Release shall be binding on my heirs, representatives, executors, successors, administrators, and assigns. I hereby acknowledge that I have read and understand this release and have executed it voluntarily and with full knowledge of its legal consequences.

Signature

Print Name

Address

Date