

IN THE UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF TEXAS

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MAR 14 1980

MURRAY L. HARRIS, CLERK

BY
DEPUTY

Paris Stanley

LUCILLE YOUNG, VIRGINIA WYATT)
)
) Plaintiffs')

PARIS DIVISION

VS.)

MOON LANDRIEU, SECRETARY OF THE)
U.S. DEPARTMENT OF HOUSING AND)
URBAN DEVELOPMENT:)
THOMAS ARMSTRONG, REGIONAL)
ADMINISTRATOR, REGION VI, U.S.)
DEPT. OF HOUSING AND URBAN)
DEVELOPMENT: MARTHA BEERS, EXEC.)
DIR. OF HOUSING AUTHORITY OF)
CLARKSVILLE: HOUSING AUTHORITY)
OF CLARKSVILLE: U.S. DEPT. OF)
HOUSING AND URBAN DEVELOPMENT)

CIVIL ACTION NO.

P-80-8-Ca

W W J

Defendants')

CLASS ACTION

COMPLAINT
INTRODUCTION

1. This is a suit to dismantle the racially segregated aspects of the Federally assisted rental housing system in East Texas as rapidly as possible by requiring the United States Department of Housing and Urban Development to fulfill its duty to take affirmative action to provide for racially integrated housing.

JURISDICTION

2. Jurisdiction in this Court is invoked pursuant to 28 U.S.C. 1331, 28 U.S.C. 1337, 28 U.S.C. 1343, and 42 U.S.C. 3612. Plaintiffs allege that Defendant United States Department of Housing and Urban Development (hereinafter H.U.D.) has violated its legal obligations under: a) 42 U.S.C. Sec. 2000 (d) by allowing and causing black residents of East Texas to be excluded from participation in, denied the benefits of and subjected to discrimination under the Federally assisted rental housing programs administered by H.U.D., b) 42 U.S.C. 3608 by failing to administer its programs and activities relating to Housing and Urban Development in a manner affirmatively to further the purposes of 42 U.S.C. Section 3601 - 3619 c) and the due process clause of the Fifth Amendment to the United States Constitution prohibiting intentional racial discrimination.

Plaintiffs allege that the Defendant Housing Authority of Clarksville (hereinafter H.A.C.) has violated its legal obligations to:

- 1) not exclude from participation in, deny the benefits of or subject to discrimination under its programs and activities receiving Federal financial assistance, any person on the ground of race, 42 U.S.C. 2000 (d),
- 2) not refuse to rent or otherwise make unavailable or deny a dwelling to any person because of race or to discriminate against any person in terms, conditions, or privileges of rental of a dwelling or in the provision of services or facilities in connection therewith because of race, 42 U.S.C. 3604, b) c),
- 3) not to represent to any person because of race that any dwelling is not available for inspection or rental when such dwelling is in fact so available, 42 U.S.C. 3604 (d)
- 4) to afford all persons the same right to make and enforce contracts and to the full and equal benefit of all laws and proceedings for the security of persons or property as is enjoyed by white citizens, 42 U.S.C. 1981,
- 5) to extend to all citizens the same right as is enjoyed by white citizens to the deprivation of any rights, privileges, or immunities secured by the Constitution and Laws under color of State Law, 42 U.S.C. 1983.

PARTIES

3. Plaintiffs LUCILLE YOUNG and VIRGINIA WYATT, are black residents of Clarksville, Texas. Ms. Young and Ms. Wyatt have been eligible for the past several years for participation in H.U.D. assisted rental housing including the public housing programs run by Defendant H.A.C. Both Plaintiffs have made application for admission to the public housing programs operated by Defendant. (Ms. Young - 1975; Ms. Wyatt - 1978). Both Plaintiffs were determined to be eligible and placed on the waiting list maintained by Defendant H.A.C. Both have been carried on the waiting list since the date of application, though they have at all times been ready to accept placement in appropriate units.

4. Plaintiffs' bring this suit as representatives of and on behalf of the class of all black, eligible, applicants for and residents of H.U.D. assisted rental housing in those counties of East Texas making up the State of Texas planning regions of Deep East Texas, East Texas, Northeast Texas, and Southeast Texas. The members of the class number approximately 40,000 households. Joinder of all these members is impractical. Defendant H.U.D.'s breach of its legal obligations provide for racially integrated housing involves questions of law and fact common to all members of the class. The claims of Plaintiff Young and Wyatt are typical of the claims of the class members against Defendant H.U.D. All members of the class will benefit in some way from a judgment granting relief. Plaintiffs' Young and Wyatt are represented by qualified and experienced counsel employed by East Texas Legal Services. There is no conflict between the named Plaintiffs' interest and the interest of the class members in regards to the subject matter of this suit. Defendant H.U.D. has acted on the grounds of race which is generally applicable to the class thereby making appropriate final injunctive relief or declaratory relief with respect to the class as a whole.

5. Defendant H.U.D. is the federal agency charged with the duty of administering the Federal rental assistance housing programs known as Public Housing, Section 8, 221 (d), 236, and 202. Defendant H.U.D.'s duties include financial and other assistance to local recipients such as H.A.C. who then contract directly with tenants for the provision of subsidized rental housing. Defendant H.U.D. is also the agency charged with the duty of administering the provisions of the Fair Housing Act, 42 U.S.C. 3601, et seq.

6. Defendants Landrieu and Armstrong are the H.U.D. officials charged with enforcing the duties set out in paragraph 6 above.

7. Defendant H.A.C. is a Public Housing Authority organized and operated under the laws of the State of Texas for the purpose of providing decent, safe, and sanitary housing to low-income residents of Clarksville. The housing units rented out by Clarksville Housing Authority were constructed with, and are presently

maintained with the aid of federal financial assistance administered by Defendant H.U.D.

8. Martha Beers is the Executive Director of the Housing Authority of Clarksville and is responsible for operating the program in compliance with the Fair Housing Act and the Constitution of the United States.

FACTS

9. The suppliers and administrators of H.U.D. assisted rental housing in East Texas engage in the following practices: a) New tenants and transfer tenants are assigned to individual projects on the basis of race for the purpose of, and achieving the effect of maintaining racially segregated housing. b) Within each project which does contain members of the black and white races the residents are segregated into specific (and isolated) areas on the basis of race. c) Sites for projects have been and are chosen according to the racial criteria of the prospective residents of the projects in order to achieve the result and with the effect of placing black occupied projects in black neighborhoods and white occupied projects in white neighborhoods.

10. Defendant H.A.C. processes new tenant applicants on the basis of race in order to achieve and with the result of achieving, racially segregated projects.

11. But for the race of Ms. Young and Ms. Wyatt, they would have been moved off of the waiting list and into the public housing run by Defendant H.A.C. They have been denied admission to vacant units which were rented to white applicants who had not been on the waiting list as long as these plaintiffs.

12. Defendant H.U.D. has knowingly acquiesced in the maintenance of this dual system of racially segregation of federally assisted housing in East Texas.

13. Defendant H.U.D. has continued to provide federal financial and other assistance for this dual system of racially segregation of federally assisted housing in Texas.

14. Defendant H.U.D. has failed to require the recipients of its Federal financial and other assistance to take effective affirmative action to achieve racially integrated housing.

15. Defendant H.U.D. has failed effectively to enforce the Federally mandated requirements of non-discrimination in federally assisted housing.

CLAIMS FOR RELIEF

16. Defendant H.U.D.'s knowing acquiescence in the racially discriminatory practices of local suppliers of housing and housing related services in East Texas violates Defendant H.U.D.'s duty under 42 U.S.C. 2000 (d), 42 U.S.C. 2000-1, 42 U.S.C. 3608, 42 U.S.C. 1981, 42 U.S.C. 1982, and the Fifth Amendment to the Constitution of the United States of America.

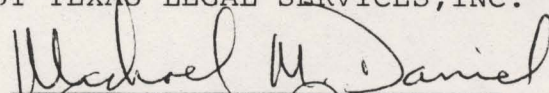
17. Defendant H.A.C.'s actions violate its duty under 42 U.S.C. 2000 (d), 42, U.S.C. 3604, U.S.C. 1981, 42 U.S.C. 1982, and 42 U.S.C. 1983.

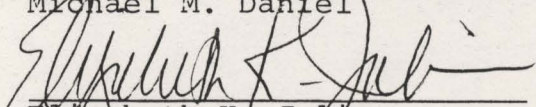
PRAYER FOR RELIEF

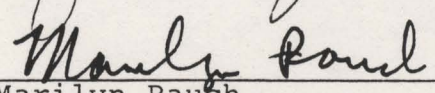
WHEREFORE, PREMISES CONSIDERED, Plaintiffs' pray the Court for the following relief: 1) A preliminary injunction requiring H.A.C. to offer the first two appropriate sized vacancies to Ms. Young and Ms. Wyatt according to their date of application without regard to the location or racial composition of the surrounding public housing units. 2) A preliminary injunction restraining the use by Defendant H.A.C. of its racially discriminatory tenant selection and admission procedures, 3) A permanent injunction restraining Defendant H.A.C. from any and all racially discriminatory practices, 4) A permanent injunction requiring Defendant H.A.C. and Defendant H.U.D. to take effective affirmative action to remedy the effects of past discrimination. 5) A permanent injunction against Defendant H.U.D. enjoining H.U.D.'s continued acquiescence and approval of a racially discriminatory system of federally assisted housing in East Texas, 6) A permanent injunction requiring Defendant H.U.D. to take effective affirmative action to bring into compliance local suppliers of H.U.D. assisted rental housing, 7) An award of damages against Defendant H.A.C., 8) Costs and attorney fees, 9) Any other appropriate relief. Respectfully submitted,

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