

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

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MAR 05 1990

MURRAY L. HARRIS, CLERK
BY TINA CHAMBLESS

LUCILLE YOUNG, et al, *

Plaintiffs, *

v. *

SAMUEL R. PIERCE, et al, *

Defendants *

CIVIL ACTION NO.
P-80-8-CA

PLAINTIFFS' MOTION TO ADD THE CITY OF PARIS
AND THE PARIS HOUSING AUTHORITY
AS DEFENDANTS IN THIS CASE

Plaintiffs move the Court for an order joining the City of Paris, Texas and the Housing Authority of the City of Paris, Texas as defendants in this case by allowing the filing of the plaintiffs' supplemental complaint against the City and the PHA [copy attached to this motion].

The basis for the motion is the City and the PHA's actions delaying, inhibiting, and obstructing the development of 50 units of public housing which HUD allocated to the PHA to meet HUD's obligation under the injunction in this case to "exercise its discretion under its various housing programs to attempt to create and develop, for class members, housing alternatives in areas and neighborhoods that will offer class members a desegregated housing opportunity".

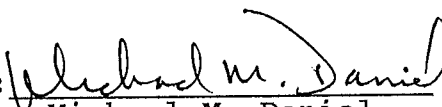
The City and the PHA are subject to service of process and their joinder will not deprive the Court of jurisdiction over the subject matter of this case. Unless the City and the PHA are subject to the orders of this court, complete relief

for the racial segregation in HUD's public housing program cannot be afforded to the class members on the PHA's waiting list and in the PHA's existing public housing projects.

Joinder is authorized by Fed. R. Civ. P. 19(a) and the filing of the supplemental complaint by Fed. R. Civ. P. 15(d).

Respectfully Submitted,

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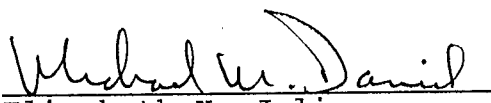
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Attorneys for plaintiffs

Certificate of Service

I certify that a true and correct copy of the above was served upon counsel for defendants and the City of Paris and the executive director of the PHA by U.S. MAIL on the 28th day of Feb, 1990.


Elizabeth K. Julian
Michael M. Daniel

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

LUCILLE YOUNG, et al,	*	
Plaintiffs,	*	
v.	*	CIVIL ACTION NO.
		P-80-8-CA
SAMUEL R. PIERCE, et al,	*	
Defendants	*	

PLAINTIFFS' SUPPLEMENTAL COMPLAINT STATING CLAIMS
AGAINST THE CITY OF PARIS AND THE PARIS HOUSING AUTHORITY

1. This Court has jurisdiction pursuant to 28 U.S.C. 1331, 28 U.S.C. 1343, and 28 U.S.C. 1651.
2. Plaintiffs bring this supplemental complaint as representatives of the class certified in this case which includes the black applicants for and residents of the Housing Authority of the Paris' [PHA] low rent public housing program.
3. The Defendant City of Paris is a municipality formed and operating under the laws of the state of Texas.
4. The Defendant PHA is a public housing authority created by the City of Paris under the laws of the state of Texas and operating a HUD assisted low rent public housing authority in the city of Paris.
5. Defendant PHA receives federal financial assistance under the low rent public housing program and the Section 8 housing program. 42 U.S.C. 1437, et seq.
6. Defendant City of Paris has received federal financ-

ial assistance under the Community Development Bloc Grant program and other housing related programs.

7. Defendant PHA has received a HUD allocation for the construction of 50 units of low rent public housing. The allocation was given by HUD under its duty to use its discretion to provide desegregated housing opportunities for the class members in this case. Under the relevant HUD guidelines, the 50 units must be constructed in areas other than neighborhoods which already have a concentration of low income and minority residents. The two existing PHA projects are in low income, minority neighborhoods.

8. Defendant City of Paris is engaged in a pattern and practice of actions which have the purpose and effect of obstructing, inhibiting, and delaying the development of the 50 public housing units in non-low income and non-minority neighborhoods. The City of Paris is acting with the purpose and effect of denying class members the desegregated housing opportunity which the 50 units would offer if they were developed in white neighborhoods in the city of Paris.

9. The City of Paris, acting through its elected and appointed officials, have:

A) enforced discriminatory zoning laws to inhibit the development of the 50 units,

B) encouraged white neighborhood residents to object to the selection of sites outside of minority neighborhoods,

C) encouraged HUD officials and employees to allow the

development of the units in minority neighborhoods,

D) passed a resolution nominating requiring the 50 units to be developed on four separate sites of 15 or less units per site. Three of the four sites nominated have already been found unacceptable by HUD on the grounds that they do not meet HUD site and neighborhood standards. The resolution states that if the four sites are not selected, then the city of Paris "withdraws its support" for the development of the 50 units of multifamily housing.

9. The PHA has attempted to timely develop the 50 units of public housing but has been unable to do so because of the political opposition of the City of Paris. Even though the PHA's purpose has not been discriminatory, the effect of its delays in development of the units has been to deny class members the benefit of the desegregated housing opportunities which would result from the development of the units in white neighborhoods.

10. Unless enjoined by this Court, the City of Paris will continue its opposition to the development of the 50 units on sites which will provide a desegregated housing opportunity to class members. The City of Paris can obstruct the development of the units through the exercise of its zoning and building code ordinances and through its power to appoint the members of the PHA board.

11. Unless enjoined by this Court, the PHA will continue to delay the development of the 50 units on sites which will

provide a desegregated housing opportunity to class members.

12. The City of Paris' and the PHA's actions have the effect of obstructing and inhibiting the operation of the relief ordered by this Court in the March 3, 1988 injunction, paragraph 3, 685 F.Supp. 986, 988.

13. The City of Paris' actions are done for the purpose and have the effect of making desegregated housing unavailable to class members because of their race and violate the Fourteenth Amendment to the U.S. Constitution, 42 U.S.C. 1981, 42 U.S.C. 1982, 42 U.S.C. 1983, 42 U.S.C. 2000d, 42 U.S.C. 3604, and 42 U.S.C. 5309.

14. The PHA's actions have the effect of making housing unavailable to class members because of their race and violate 42 U.S.C. 3604.

15. Plaintiffs request the following relief:

A) a preliminary and permanent injunction enjoining the City of Paris and the PHA and their officials, employees, agents, and attorneys from any actions which have the effect of obstructing, inhibiting, or delaying the development of the 50 units of public housing on sites that offer class members a desegregated housing opportunity,

B) a preliminary and permanent injunction enjoining the City of Paris, its officials, employees, agents, and attorneys from appointing any person to the board of the PHA who is opposed to the desegregated placement of the 50 units and from failing to re-appoint to the board of PHA any person who

supports the desegregated placement of the 50 units,

C) a preliminary and permanent injunction requiring the PHA to select sites which meet the HUD site and neighborhood standards for the development of public housing and acquire those sites, through the use of eminent domain if necessary, for the 50 units within 90 days of the date of the order,

D) a preliminary and permanent injunction requiring the PHA to develop the 50 units on the sites acquired and begin occupancy of the sites within one year of the date of site acquisition,

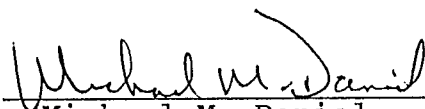
E) the recovery of costs, litigation expenses, and attorney's fees, and

F) any other relief deemed appropriate.

Respectfully Submitted,

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Attorneys for plaintiffs

Certificate of Service

I certify that a true and correct copy of the above was served upon counsel for defendants and the City of Paris and the executive director of the PHA by U.S. MAIL on the 28th day of FEB, 1990.

Michael M. Daniel
Elizabeth K. Julian
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