

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

FILED.
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

NOV 29 1983

LUCILLE YOUNG and VIRGINIA WYATT *

Plaintiffs, *

V. *

MARTHA WHITEMAN,
HOUSING AUTHORITY OF THE
CITY OF CLARKSVILLE, *

Defendants *

No. P-82-37-CA

MURRAY L. HARRIS, CLERK
By
Deputy *Doris Stanley*

ORDER

Came on to be heard the show cause order why Defendants should not be held in contempt for their failure to offer Plaintiff Young a unit as required by this Court's order of Oct. 11, 1983. The Court finds the following facts based on the evidence produced at the hearing or otherwise in the record of this case.

1. This Court's order of 11 Oct., 1983 directed Defendants to make an "immediate offer of a unit to Plaintiff Young." No unit whatsoever was offered to Plaintiff until Defendants sent the following letter to Plaintiff dated November 21, 1983.

"I have a one bedroom unit in Cheatham Heights vacant at this time. This is the largest unit that is available now. If you are interested please come by the office and bring records showing your income, name and birthdates of all members of the family, also any medical expenses for the year not covered by insurance.

Sincerely Yours,

/s/
Rosemary Caviness
Executive Director "

A TRUE COPY I CERTIFY
MURRAY L. HARRIS, CLERK
U. S. DISTRICT COURT
EASTERN DISTRICT, TEXAS

BY: *Doris Stanley*

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2. According to the occupancy standards approved by HUD and in use by Defendants, the maximum number of persons that may occupy a one bedroom unit is 3 persons. (Plaintiffs' Exhibit 4, page 4) Ms. Young's family consists of herself and six children. Ms. Young has two boys aged fourteen and seven and four girls aged fifteen, eleven, six, and six. (Transcript page 20) According to Defendants' occupancy standards, Ms. Young is appropriately housed in either a four or a three bedroom unit.

3. There are no current vacancies in any of Defendants' three or four bedroom units. There is one vacancy in unit # 34, a one bedroom unit in the Cheatham Heights (black) site. (Defendants' Proposed transfer plan, Exhibit A, ii.) Ms Young is currently at the top of the waiting list for four bedroom units and second from the top of the waiting list for three bedroom units. (Plaintiffs' Exhibit 3)

4. The two three bedroom units in the white site are currently occupied by households below the minimum number of persons for occupancy in such a sized unit. The Defendants' and HUD's occupancy standards require a minimum of four persons in a three bedroom unit. (Plaintiffs' Exhibit 4, page 4) Unit 51a is occupied by a 2 person household consisting of a Husband and Wife. Unit 52a is occupied by a 2 person household consisting of a mother and a daughter. (Plaintiffs' Exhibit 13) Unit 51a has been occupied by its current residents since July 18, 1980. These residents transferred to unit 51a on that date. Unit 52a has been occupied by its current residents since July of 1978. (Plaintiffs' Exhibit 2)

4. Defendants' Occupancy Policies require the transfer of

tenants "to correct occupancy standards. These transfers shall take priority over applicants." (Plaintiffs' Exhibit 4, page 5) The lease signed by each tenant currently residing in the authority contains the following terms which require transfer to an appropriate sized unit should such a unit become available. "If the Authority determines that the size of the dwelling unit is no longer appropriate, Tenant will be notified in accordance with Section 13 hereof, to transfer to the appropriate size dwelling unit when such unit is available." (Page 1 of each lease submitted by Defendants as an Attachment for their Motion for Stay in the Fifth Cir.) "Tenant agrees to transfer to an appropriate dwelling unit, based on family composition, upon appropriate notice by the authority that such a dwelling unit is available." (Page 2 of each lease)

5. In order to comply with this Court's order, Defendants' own Occupancy Standards, and the present composition of the waiting list, Defendants' have available the present course of action.

6. The 2 person household in unit 52a (mother and daughter) can be transferred to the currently vacant unit # 34. This household has already been notified that they must move. (Plaintiffs' Exhibit 7- Caviness deposition, page 33) As a two person household, it is well below the maximum number of persons for a one bedroom unit. The 5 person black household in unit # 65b (husband, wife, 2 daughters, and 1 son- Plaintiffs' Exhibit 13) can then be transferred from their present 4 bedroom unit to the three bedroom unit 52a. This will open up a four bedroom unit for the person currently on the top of the four bedroom unit

waiting list, Ms Young.

7. These two transfers will undoubtedly involve some inconvenience to the tenants involved. The Defendants' will provide all assistance necessary to minimize this inconvenience. It must be pointed out that Defendants' have had many opportunities since HUD found it in non-compliance with Title VI to bring about these transfers to "correct occupancy standards" (Plaintiffs' Exhibit 10- Summary of vacancies filled since August 17, 1981) Instead, Defendants chose to maintain the current pattern of segregated housing.

Based on the above facts, Defendants, their agents, officers, and employees are hereby ordered and enjoined to immediately implement the course of action set out in paragraph six (6) of this order. By immediate implementation is meant that unit 65b shall be ready for occupancy by Ms. Young and her family no later than noon, Dec. 2, 1983.

It is further ordered that the "Transfer Plan" ordered and proposed by Defendants' shall be modified to take into account the specific actions set out in this order.

November 28, 1983.
Date

John C. [Signature]
U. S. District Judge