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UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

SEP 26 2008

JAMES N. HATTEN, Clerk

By: *Vicki Dougherty*  
Deputy Clerk

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
HOUSING AUTHORITY OF THE )  
CITY OF WINDER, GEORGIA, )  
 )  
Defendant. )  
\_\_\_\_\_ )

CASE NO: 2 08 - CV - 0196

**COMPLAINT**

The United States of America alleges:

1. This action is brought by the United States of America 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).

The events giving rise to this action occurred in this judicial district, and the property that is the subject of this action is situated in this judicial district.

4. Defendant Winder Housing Authority ("WHA") is a public body

corporate and politic created to provide decent, safe and sanitary dwellings to persons of low income in Barrow County, Georgia. Ga. Code § 8-3-1 *et seq.* The WHA owns and maintains nine public housing complexes located in the City of Winder and surrounding areas.

5. The WHA public housing complexes are dwellings within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

6. The WHA has had at all times relevant to this Complaint the authority to control and direct the agents who committed the discriminatory actions stated herein.

7. The WHA and its agents and/or employees have engaged in a pattern or practice of discrimination based upon race or color in connection with the rental of dwellings in WHA complexes in violation of the Fair Housing Act by, among other ways:

- (a) selecting white applicants over eligible black applicants who had higher positions on the WHA's waiting list so that white applicants could be housed in vacant units in majority white complexes;
- (b) selecting black applicants over eligible white applicants who

had higher positions on the WHA's waiting list so that white applicants would not be housed in vacant units in majority black complexes;

- (c) providing inferior treatment to black tenants in the terms, conditions, and/or privileges of a rental at the WHA properties.

8. The conduct of the Defendant as described in Paragraph 7 constitutes:

- (a) A refusal to rent, a refusal to negotiate for the rental of, and conduct otherwise making unavailable or denying dwellings to persons because of race or color in violation of 42 U.S.C.

§ 3604(a); and

- (b) Discrimination in the terms, conditions, or privileges, of rental of dwellings on the basis of race or color in violation of 42 U.S.C. § 3604(b).

9. The conduct of the Defendant, as described herein, was intentional, willful, and taken in disregard for the rights of others.

10. The conduct of the Defendant described in Paragraph 7 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.

11. Individuals who were subjected to the 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 Defendants' conduct as described herein.

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 them, from:
  - (1) Discriminating on account of race or color 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 or color .

- C. Awards monetary damages to each person aggrieved by Defendant's discriminatory housing practices, pursuant to 42 U.S.C. § 3614(d)(1)(B); and
- D. Assesses a civil penalty against the Defendant in order to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(C).

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

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