# UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA,	)	
TN 1 100	)	GAGENO
Plaintiff,	)	CASE NO
	)	
v.	)	
	)	
HOUSING AUTHORITY OF THE	)	
CITY OF RUSTON,	)	
	)	
	)	
Defendant.	)	
	)	

#### **COMPLAINT**

The United States of America ("United States") files this Complaint, alleging as follows:

- 1. This action is brought by the United States 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 Housing Authority of the City of Ruston, Louisiana ("RHA") is a political subdivision of the State of Louisiana and is public body, corporate and politic, created to provide decent, safe and sanitary dwellings to persons of low income in the City of Ruston ("Ruston"). La. Rev. Stat. §§ 40:384; 40:392.

### A. RHA's Public Housing Complexes Are Segregated by Race

- 5. From at least 2007 to the present, the RHA has engaged in a pattern or practice of race discrimination by steering applicants to housing complexes based on race and by maintaining a racially segregated public housing program.
- 6. Between 1956 and 1971, the RHA built five housing complexes containing 300 housing units in the City of Ruston, all of which are federally subsidized under the United States Housing Act of 1937, 42 U.S.C. § 1437 *et seq*. RHA's housing complexes are the Louise Homes, established in 1956; the Greenwood Homes, established in 1956; the Maryland Plaza Homes, established in 1965; the Truman Homes, established in 1965; and the Eastwood Homes, established in 1971. These complexes are dwellings within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).
- 7. The RHA established its housing complexes as a dual system of public housing segregated by race. Two RHA housing complexes -- the Louise Homes and Maryland Plaza Homes -- were designated as reserved for "white" families and "white" seniors, respectively, and are located on the north side of Ruston. Two RHA complexes -- the Greenwood Homes and Truman Homes -- were designated as reserved for "colored" families and "colored" seniors, respectively, and are located on the southeast side of Ruston. The Eastwood Homes is located near the Greenwood and Truman Homes and did not have a racial designation when it opened in 1971.
- 8. From at least 2007, tenants at all five RHA housing complexes have lived in complexes that were disproportionately of one race. Analyses of annual occupancy data

maintained by the U.S. Department of Housing and Urban Development ("HUD") from 2007 through 2011 show that the Eastwood, Greenwood and Truman Homes were "racially identifiable" as black during this time period, *i.e.*, occupied by a disproportionately higher percentage of black tenants than would be expected at these complexes if housing assignments were not based on race. For example, between 2007 and 2011, approximately 96% to 100% of the tenants living at the Eastwood Homes, depending on the year, were black. By contrast, the Louise Homes and the Maryland Plaza Homes were "racially identifiable" as white, *i.e.*, occupied by a disproportionately higher percentage of white tenants than would be expected at these complexes if housing assignments were not based on race. For example, between 2007 and 2011, approximately 81% to 90% of the tenants living at the Maryland Plaza Homes, depending on the year, were white. The degree of racial imbalance at all five complexes is statistically significant and cannot be explained by non-racial factors such as bedroom size or whether a tenant is elderly or disabled.

- 9. From at least 2007 through at least 2011, nearly all tenants at RHA were living in racially identifiable complexes. Approximately 91% to 95% of all white tenants living at the RHA, depending on the year, lived in the Louise Homes and Maryland Plaza Homes. Similarly, approximately 87% to 89% of all black tenants living at the RHA, depending on the year, lived in the Eastwood, Greenwood, and Truman Homes.
- 10. RHA's complexes are located in racially concentrated areas of Ruston. Based on 2010 U.S. Census Bureau data, the Eastwood, Greenwood and Truman Homes are located in two census tracts that are 79% black and 75% black. By contrast, the Louise Homes and Maryland

Plaza Homes are located approximately one mile away, across a set of railroad tracks, and in a census tract that is 75% white.

## B. The RHA Has a Policy and Practice of Racial Steering and Deferring to Tenant Preferences

- 11. The racial segregation described in paragraphs 1-10 above is a direct result of RHA's current policy and practice of steering applicants and tenants to particular complexes based on race and of RHA's failure to apply consistently its Admissions and Continued Placement Policy ("ACOP"). Among its provisions, the ACOP requires that RHA make housing assignments from a waiting list that is maintained by bedroom size in the order in which households applied and without regard to tenant preference for a particular complex or location. Instead, between 2007 and at least 2011, staff at RHA followed a practice of deferring to the preferences of white applicants for the Louise and Maryland Plaza Homes and of black applicants for the Eastwood, Greenwood or Truman Homes. Staff at RHA housed white applicants based on their perception that white applicants would favor units in identifiably white complexes and would reject units in identifiably black complexes. Similarly, staff at RHA housed black applicants based on their perception that black applicants would favor, or would be less likely to reject, units in identifiably black complexes.
- 12. From 2007 through the first part of 2012, more than 400 applicants moved into units at the RHA. RHA assigned white applicants to units in the Louise and Maryland Plaza Homes and black applicants to units in the Eastwood, Greenwood and Truman Homes in percentages that were much higher than would be expected if housing assignments were not based on race. To do so, RHA selected some white applicants ahead of comparable black applicants

who had higher positions on the waiting list so that white applicants could be housed in the Louise or Maryland Plaza Homes. Similarly, RHA selected black applicants over comparable white applicants who had higher positions on the RHA's waiting list so that black applicants would be housed in Eastwood, Greenwood or the Truman Homes. In some cases, black applicants who were offered units in the Eastwood or Greenwood Homes, but who should have been offered units in the Louise Homes, rejected the units because of the location and consequently, had to look elsewhere for housing.

- 13. RHA's conduct has reinforced or perpetuated a racially segregated public housing system and has exacerbated racial segregation in the census blocks in which public housing is located in the City of Ruston. The dissimilarity index, a common measure of residential racial segregation used by the United States Census Bureau, is approximately .81 in the census blocks where RHA's five housing complexes are located. This means that 81% of residents would have to move census blocks in order for the population in those areas to be distributed evenly by race. If RHA made housing assignments at its complexes in a race-neutral manner, rather than based on race, the dissimilarity index for the census blocks would be substantially lower, at .50, which means that fewer than 50% of residents would have to move in order for the population in those census blocks to be distributed evenly by race.
- 14. RHA's discriminatory policies and practices have harmed dozens of applicants and tenants at RHA who were offered and assigned to units in segregated housing or were delayed housing because RHA skipped them on the waiting list.
  - 15. The conduct of the defendant as described above 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).

- 16. The conduct of the defendant 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.
- 17. Individuals who were subjected to 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 defendant's 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 it, 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. Requires defendant to take all necessary and appropriate affirmative steps to

correct the continuing effects of its past and present discriminatory practices.

D. Requires such action by the defendant as may be necessary to restore all persons

aggrieved by its discriminatory housing practices to the position they would have

occupied but for such discriminatory conduct.

E. Awards monetary damages to each person aggrieved by defendant's discriminatory

housing practices, pursuant to 42 U.S.C. § 3614(d)(1)(B).

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

Dated: September 30, 2013

ERIC H. HOLDER JR. Attorney General

/s/ Jocelyn Samuels

JOCELYN SAMUELS

Acting Assistant Attorney General

Civil Rights Division

/s/ Steven H. Rosenbaum

STEVEN H. ROSENBAUM

Chief

Housing and Civil Enforcement Section

Civil Rights Division

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JS 44 (Rev. 12/12)

### **CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

purpose of mining into order	(										
I. (a) PLAINTIFFS				DEFENDANTS							
UNITED STATES OF AMERICA				HOUSING AUTHORITY OF THE CITY OF RUSTON							
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)				County of Residence of First Listed Defendant Lincoln Parish  (IN U.S. PLAINTIFF CASES ONLY)  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.							
(c) Attorneys (Firm Name, Address, and Telephone Number) Burtis M. Dougherty, Sameena Shina Majeed U.S. Dept. of Justice, Civil Rights Division 950 Pennsylvania Ave., NW NW Bldg. Washington, DC 20530			Attorneys (If Known) Robert E. Shadoin 207 West Alabama Avenue Ruston, LA 71273								
II. BASIS OF JURISDI	CTION (Place an "X" in On	ne Box Only)		TIZENSHIP OF PI	RINCIPA	L PARTIES					
☑ 1 U.S. Government Plaintiff	3 Federal Question (U.S. Government N	ot a Party)		(For Diversity Cases Only) PT en of This State		Incorporated or Prin of Business In Th		PTF	DEF		
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CONTRACT  110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise  REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land	☐ 315 Airplane Product Liability ☐ 320 Assault, Libel &	PERSONAL INJUR  365 Personal Injury - Product Liability Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPER 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage Product Liability PRISONER PETITIO Habeas Corpus: 463 Alien Detainee 510 Motions to Vacate Sentence	XTY	DRFEITURE/PENALTY 25 Drug Related Seizure of Property 21 USC 881 20 Other  LABOR 10 Fair Labor Standards Act 20 Labor/Management Relations 40 Railway Labor Act 51 Family and Medical Leave Act 20 Other Labor Litigation 91 Employee Retirement Income Security Act	422 Appeal 28 USC 158		□ 410 Antitrust □ 430 Banks and Banking □ 450 Commerce □ 460 Deportation □ 470 Racketeer Influence Corrupt Organizatio □ 480 Consumer Credit □ 490 Cable/Sat TV □ 850 Securities/Common Exchange □ 890 Other Statutory Ac □ 891 Agricultural Acts □ 893 Environmental Mat □ 895 Freedom of Inform Act □ 896 Arbitration □ 899 Administrative Pro Act/Review or App Agency Decision □ 950 Constitutionality of		□ 400 State Reapportionment □ 410 Antitrust □ 430 Banks and Banking □ 450 Commerce □ 460 Deportation □ 470 Racketeer Influenced and Corrupt Organizations □ 480 Consumer Credit □ 490 Cable/Sat TV □ 850 Securities/Commodities/ Exchange □ 890 Other Statutory Actions □ 891 Agricultural Acts □ 893 Environmental Matters □ 895 Freedom of Information Act □ 896 Arbitration □ 899 Administrative Procedure Act/Review or Appeal of		nment ng nced and tions odities/ actions fatters mation rocedure
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VI. CAUSE OF ACTIO	ON 42 U.S.C. 3604 (I	Fair Housing Act) use:		Do not cite jurisdictional state and placement of appli			by housing	authori	ty		
VII. REQUESTED IN COMPLAINT:	The second secon	IS A CLASS ACTION		DEMAND \$ 450,000.00	C	HECK YES only URY DEMAND:	if demanded in	-	int:		
VIII. RELATED CAS	E(S) (See instructions):	JUDGE			DOCKE	ET NUMBER					
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JS 44 Reverse (Rev. 12/12)

#### INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

  United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

  Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

  Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin. Place an "X" in one of the six boxes.
  - Original Proceedings. (1) Cases which originate in the United States district courts.
  - Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
  - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing
  - Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

  Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

  Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.