

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

HOUSING AUTHORITY OF THE)
CITY OF ROYSTON, GEORGIA,)
and CITY OF ROYSTON,)

Defendants.)

CASE NO: 3:10-cv-75

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 City of Royston, Georgia is a political subdivision of the State of Georgia, organized under the laws of that State and located in Hart County and Franklin County, Georgia.
5. Defendant Housing Authority of the City of Royston Georgia (the "RHA") is a

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

6. Defendant City of Royston established the RHA by resolution of the City Council. The Mayor of the City of Royston appoints Commissioners of the RHA. Ga. Code § 8-3-50. The Mayor may remove any RHA commissioners from office. Ga. Code § 8-3-53. The public housing developments owned by the RHA are subject to the planning, zoning, sanitary and building laws, ordinances and regulations of the City of Royston. Ga. Code § 8-3-7.

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

8. Defendants City of Royston and the RHA have had at all times relevant to this Complaint the authority to control and direct the agents who committed the discriminatory actions stated herein.

9. The Defendants and their 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 RHA complexes in violation of the Fair Housing Act by, among other ways:

- (a) steering applicants and residents to housing complexes based on race or color;
- (b) assigning black applicants to housing complexes that are majority black in a manner that departs substantially from a neutral, non-discriminatory norm;

- (c) assigning white applicants to housing complexes that are majority white in a manner that departs substantially from a neutral, non-discriminatory norm;
- (d) selecting white applicants over eligible black applicants who had higher positions on the RHA's waiting list so that white applicants could be housed in vacant units in majority white complexes; and
- (e) selecting black applicants over eligible white applicants who had higher positions on the RHA's waiting list so that white applicants would not be housed in vacant units in majority black complexes.

10. The conduct of the Defendants as described in Paragraph 9 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).

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

12. The conduct of the Defendants described in Paragraph 9 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.

13. Individuals who were subjected to Defendants' 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 Defendants' policies and practices, as alleged herein, violate the Fair Housing Act, as amended, 42 U.S.C. § 3601 *et seq.*;

B. Enjoins Defendants, their 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 Defendants' 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 27, 2010

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