

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY/AMERICUS DIVISION

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U.S. DISTRICT COURT
GEORGIA
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UNITED STATES OF AMERICA, :
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 Plaintiff, :
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 v. :
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 :
 CITY OF BLAKELY HOUSING :
 AUTHORITY; CITY OF BLAKELY, :
 GEORGIA; and DAN COOPER, :
 individually and in his :
 official capacity as :
 Executive Director of the :
 City of Blakely Housing :
 Authority, :
 :
 Defendants. :
 :
 _____ :

Civil Action No. 1:02-cv-87-3

COMPLAINT

The United States of America alleges:

1. This action is brought by the United States to enforce the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601-3619.

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1345 and 42 U.S.C. § 3614.

3. Defendants, the City of Blakely Housing Authority ("BHA"), the City of Blakely, Georgia, and Dan Cooper, in his individual and official capacity as the Executive Director of the BHA, have violated the rights of numerous African-Americans and engaged in a pattern or practice of racial discrimination by:

refusing to rent apartments to African-American tenants or applicants at Cedar Hill Homes II; subjecting African-American tenants to different terms and conditions in the rental of BHA apartments; tolerating and/or failing to protect African-American tenants from racial harassment and discrimination; and coercing, intimidating, threatening and/or interfering with African-American tenants in the exercise or enjoyment of rights granted or protected by the Fair Housing Act. The United States seeks declaratory, injunctive, and monetary relief.

4. Defendant City of Blakely Housing Authority is a public body corporate and politic created to provide decent, safe and sanitary dwellings to persons of low income. Ga. Code § 8-3-3(10). The BHA owns, operates and manages five public housing complexes, Cedar Hill Homes I, Cedar Hill Homes II, Willis Cain Homes I, Willis Cain Homes II and Baptist Branch Homes. These five public housing complexes are dwellings within the meaning of 42 U.S.C. § 3602(b).

5. Defendant Dan Cooper was hired as Executive director of the BHA on April 15, 1994, pursuant to a delegation of authority from the Commissioners of the BHA. Ga. Code § 8-3-51(e). Mr. Cooper currently serves as BHA Executive Director.

6. Defendant City of Blakely established the BHA on May 2, 1950 by resolution of the City council. The Mayor of the city of Blakely appoints Commissioners of the BHA Ga. Code § 9-3-50.

In addition, the Mayor may remove any BHA Commissioner from office. Ga. Code § 8-3-53. The five public housing complexes owned by the BHA are subject to the planning, zoning, sanitary, and building laws, ordinances and regulations of the City of Blakely. Ga. Code § 8-3-7.

7. Defendant City of Blakely has a long history of active involvement in the design, construction and operation of BHA housing. In 1954, Defendant City of Blakely and Defendant BHA designed and constructed Cedar Hill Homes I, with all 26 apartments officially designated for white tenants; and Willis Cain Homes I, with all 49 apartments officially designated for "Negro" tenants. In 1964, the Cedar Hill Homes II complex was built adjacent to Cedar Hill Homes I, with all 14 apartments officially designated for white tenants; and the Willis Cain Homes II complex was built adjacent to Willis Cain Homes I, with all 10 units officially designated for "Negro" tenants.

8. Defendant City of Blakely and Defendant BHA intentionally established a racially segregated dual system of public housing. In support of this racially segregated dual system of public housing, Defendant City of Blakely and Defendant BHA located the Willis Cain Homes adjacent to the "Negro" high school and residential area, thereby increasing the concentration of minorities and furthering racial isolation and segregation.

9. In 1981, Baptist Branch Homes were constructed, with 50

units unrestricted by race. In the early 1980s, Defendants began placing African-American tenants in Cedar Hill Homes I, but continued to refuse to rent apartments in Cedar Hill Homes II to African-American tenants.

10. After Defendant Cooper was hired as BHA Executive Director in 1994, he continued to implement Defendants' discriminatory policies by refusing to rent vacant apartments in Cedar Hill Homes II to eligible African-American applicants on the BHA waiting list and by holding those apartments vacant until suitable white applicants could be located.

11. Defendant Cooper's methods of implementing Defendants' discriminatory policies included, but were not limited to:

- (a) skipping white applicants over black applicants - who had higher positions on the BHA waiting list - so that white applicants could be placed in vacant Cedar Hill Homes II apartments;
- (b) placing white applicants in Cedar Hill Homes II apartments without verifying their application information and refusing to place African-American applicants in Cedar Hill Homes II apartments, even if they were entitled to waiting list preferences; and
- (c) placing and maintaining single white tenants in two-bedroom Cedar Hill Homes II apartments and thereby making those two-bedroom apartments unavailable to

African-American families on the BHA waiting list, in violation of the BHA Admissions and Continued Occupancy Policy (June 27, 1996), which states that single tenants must occupy studio or one-bedroom apartments.

12. Since Defendant Cooper was hired as BHA Executive Director, African-American tenants have been subjected to racial harassment and discrimination, including but not limited to Defendant Cooper's actions of: using racial slurs and derogatory terms when speaking of African-American applicants and tenants; walking through the predominantly African-American housing complexes wearing fatigues and armed with a gun; stopping and searching African-American tenants without cause; and, at various times, requiring African-American tenants to remain inside their apartments and out of BHA common areas and meeting rooms.

13. Beginning shortly after Mr. Cooper arrived, numerous African-American tenants have complained of racial harassment and discrimination to Defendant Cooper, Defendant BHA and Defendant City of Blakely. Defendants have failed or refused to take adequate action to prevent, stop or correct the racial harassment and discrimination suffered by African-American tenants.

14. African-American tenants who complained of racial harassment and discrimination have been subjected to coercion, intimidation and/or retaliation, including but not limited to Defendant Cooper's and other BHA employees' actions of: refusing

to allow African-American tenants to use BHA meeting rooms or recognize their tenants' council; having the police detain African-American tenants or otherwise disrupt their meetings; improperly increasing African-American tenants' rental rates or transferring them to smaller apartments; and threatening African-American tenants with eviction and initiating unwarranted eviction actions.

15. Defendant BHA and Defendant City of Blakely have failed to take effective steps to: alert Defendant Cooper and other BHA employees that racial harassment, discrimination and/or retaliation would not be tolerated on BHA property; take appropriate action against Defendant Cooper and other BHA employees who engaged in racial harassment, discrimination and/or retaliation; inform tenants of the procedures for reporting racial harassment, discrimination and/or retaliation; or train Defendant Cooper and other BHA employees in procedures to prevent, stop and correct racial harassment, discrimination and retaliation.

16. As set forth above, Defendants' statements, actions, and failures to act, including the maintenance of policies intended to discriminate against African-Americans, constitute:

- (a) A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619; and

(b) A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619, which raises an issue of general public importance.

17. Defendants, by their statements, actions, and failure to act, as set forth above, have:

- (a) Refused to rent, refused to negotiate for the rental of, or otherwise made unavailable, dwellings because of race or color, in violation of 42 U.S.C. § 3604(a);
- (b) Discriminated in the terms, conditions or privileges of the rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race or color, in violation of 42 U.S.C. § 3604(b);
- (c) Made statements with respect to the rental of dwellings that indicate a preference, limitation, or discrimination based on race or color, or an intention to make such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c); and
- (d) Coerced, intimidated, threatened or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights under the Fair Housing Act, in violation of 42 U.S.C. § 3617.

18. Persons who have been the victims of Defendants' racial

harassment, discrimination and/or retaliation are aggrieved persons, as defined by 42 U.S.C. § 3602(i), and have suffered harm and incurred damages as a result of Defendants' discriminatory housing practices.

19. Defendants' discriminatory actions were intentional, willful and/or taken in disregard for the rights of those African-American applicants and tenants who were subjected to Defendants' discriminatory housing practices.

WHEREFORE, the United States prays for an Order from this Court that:

1. Declares that the discriminatory housing practices of Defendants, as set forth above, violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3619;

2. Enjoins Defendants, their agents, employees and successors, and all other persons in active concert or participation with them or any of them, from:

- (a) Refusing to negotiate for the rental of, or otherwise making unavailable or denying, a dwelling to any person because of race or color;
- (b) Discriminating against any person in the terms, conditions or privileges of rental of a dwelling because of race or color;
- (c) Making statements with respect to the rental of dwellings that indicate a preference, limitation, or

discrimination based on race or color, or an intention to make such preference; and

- (d) Coercing, intimidating, threatening, or interfering with any person, in the exercise or enjoyment of any right granted or protected by the Fair Housing Act;

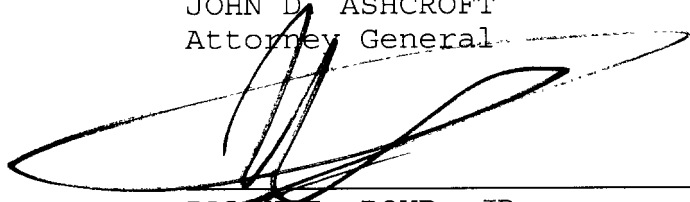
3. Awards such damages as would fully compensate each identifiable victim of Defendants' discriminatory housing practices for injuries suffered as a result of Defendants' discriminatory conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B);

4. Awards punitive damages to each identifiable victim of Defendants' discriminatory housing practices, pursuant to 42 U.S.C. § 3614(d)(1)(B); and

5. Awards civil penalties to the United States, in the amount authorized by 42 U.S.C. § 3614(d)(1)(C), in order to vindicate the public interest.

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

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Boyd-

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CERTIFICATE OF SERVICE

This is to certify that I have this date served the within and foregoing Complaint in a properly addressed envelope with sufficient postage affixed to ensure delivery upon the following:

Robert B. Langstaff, Jr., Esq.
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This 10th day of June, 2002.

A handwritten signature in black ink, appearing to read 'William D. Gifford', written over a horizontal line.

William D. Gifford
Assistant United States Attorney