

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CLERK OF COURT  
MAY 23 1995  
3:16

N.A.A.C.P., BOSTON CHAPTER, )  
Plaintiff )  
v. )  
ALPHONSO JACKSON, SECRETARY )  
OF HOUSING AND URBAN )  
DEVELOPMENT, )  
Defendant )

CIVIL ACTION  
NO. 78-850-WJS

**PLAINTIFF'S MOTION FOR FURTHER ORDERS  
FOR THE IMPLEMENTATION AND ENFORCEMENT OF CONSENT DECREE**

Pursuant to Section IV.A. of the Consent Decree approved by this Court on March 8, 1991,<sup>1</sup> Plaintiff N.A.A.C.P., Boston Chapter ("NAACP") moves that the Court issue an order for the implementation and enforcement of the obligations of defendant Alphonso Jackson, Secretary of Housing and Urban Development ("HUD"), to provide, from its Section 8 and/or other legally available appropriations, reserves or other resources, a level of subsidy to the Boston Housing Authority ("BHA") sufficient for 400 units of housing, having as an average 3 bedrooms, for use in providing housing opportunities for eligible minority families in Boston in predominantly white neighborhoods. As grounds for this motion, NAACP states as follows:

1. The Consent Decree required HUD, among other things, to "provide subsidies for 500 units having, as an average 3 bedrooms, of Section 8 family housing ... in addition to what any public housing agency operating in Boston may receive under a fair share allocation." Furthermore, the Consent Decree provided that in the event HUD's Section 8 appropriations proved to be insufficient to meet this obligation, HUD was "to make available funding to the recipient public

<sup>1</sup> A copy of the Consent Decree is submitted herewith under Tab 1.

housing agency(s) for a comparable substitute housing resource ... if, and to the extent that, any appropriation is legally available for these purposes.” Consent Decree, § II.C.2 (emphasis supplied).

2. HUD allocated subsidies for 400 of the 500 units to be administered by the BHA.

3. On February 8, 2000, the Court granted NAACP’s and HUD’s joint motion<sup>2</sup> to modify the Consent Decree to, among other things:

a. allow the subsidies for all 500 units to be used as Section 8 vouchers,<sup>3</sup> and

b. require that the Section 8 vouchers be made available only to minority families to be used only for housing located in predominantly white neighborhoods (at least during the first 120 days of a vouchers’ term.).

4. As HUD acknowledged in an agreement leading up to the above-mentioned joint motion (“the Modification Agreement”),<sup>4</sup>

the purpose of the 500 units of housing created by these Section 8 subsidies is to increase the number of affordable desegregated housing opportunities available to minority families in order to remedy HUD’s failure, as found by [this Court]... affirmatively to further fair housing in the City in that the Court found that [among other things], despite HUD’s knowledge that a housing emergency existed which had a disproportionate impact on low income black families, HUD did not ... finance the increase of desegregated housing stock to give minority families meaningful choice of location.

5. On January 26, 2005, NAACP was informed, by a carbon copy of a letter from the BHA to HUD<sup>5</sup> that as a result of recent revisions in HUD’s funding of BHA’s Section 8 Housing Choice Voucher Program, HUD would be providing funding in 2005 for only 217 of

---

<sup>2</sup> A copy of the motion is submitted herewith under Tab 2 and of the Court’s ruling under Tab 3.

<sup>3</sup> The Consent Decree provision that 300 of the 500 unit subsidies be project-based proved to be not feasible.

<sup>4</sup> A copy of the Modification Agreement is submitted herewith under Tab 4.

<sup>5</sup> A copy of this letter is submitted herewith under Tab 5.

the 400 Section 8 vouchers HUD had allocated to the BHA under the Consent Decree, even though 259 vouchers were under lease, and 141 vouchers had been issued to families in search for apartments, and that even the funding for the 217 vouchers was further reduced under HUD's programmatic funding reduction formula. In addition, NAACP has been informed that HUD's per-unit funding allowance is insufficient for the present-day fair market rent for a three-bedroom apartment in the Boston area.

6. Such reductions and shortfalls in HUD's funding are in violation of HUD's obligations under the Consent Decree and the Modification Agreement.

7. In accordance with Section IV.A. of the Consent Decree, NAACP has consulted with HUD, along with the BHA and the City of Boston, at a meeting of all the parties and through telephone conferences and correspondence, in an effort to resolve the matter informally, but HUD has declined to reconsider its funding decisions, has refused to authorize the BHA to use an available financial resource as at least a stopgap measure, and has failed to offer any solution to the problem<sup>6</sup>

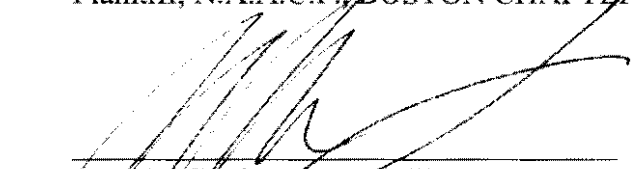
WHEREFORE, the Court should order HUD to take steps forthwith to assure full funding, over and above the subsidies that any public housing agency operating in Boston may receive under a fair share allocation, and utilizing either Section 8 or other legally available appropriations, reserves or resources, for the 400 vouchers administered by the BHA under the Consent Decree and the Modification Agreement, at a level sufficient to provide a mix of units having as an average 3 bedrooms.

---

<sup>6</sup> Copies of documents reflecting these consultations are submitted herewith under Tabs 6 through 12.

RESPECTFULLY SUBMITTED

Plaintiff, N.A.A.C.P., BOSTON CHAPTER

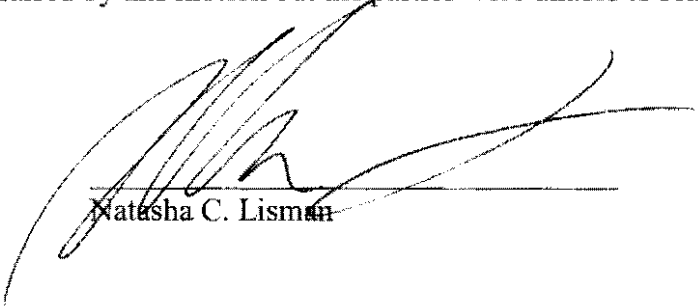


\_\_\_\_\_  
Natasha C. Lisman, BBO #301700  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street  
Boston, MA 02114  
(617) 227-3030

DATED: May 20, 2005

PLAINTIFF'S RULE 7.1 CERTIFICATE

I, Natasha C. Lisman, counsel for the Plaintiff, in accordance with the requirements of Local Rule 7.1 of the United States District Court for the District of Massachusetts, certify that between January 27, 2005 and April 14, 2005, my client's representatives and I have conferred, in person, by telephone, and correspondence, with Acting Regional Counsel and other representatives of the Defendant designated by Acting Regional Counsel, in a good faith effort to reach agreement on the issues raised by this motion but the parties were unable to reach agreement.



\_\_\_\_\_  
Natasha C. Lisman

CERTIFICATE OF SERVICE

I, Natasha C. Lisman, hereby certify that on May 20, 2005 I served the within document by mailing a copy of same, postage prepaid, to the following counsel of record:

Patricia M. Connolly, Esquire  
United States Attorney's Office  
John Joseph Moakley Federal Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210

Thomas W. Rodick, Esquire  
U.S. Department of Housing and  
Urban Development  
Thomas P. O'Neill, Jr. Federal Building  
10 Causeway Street  
Boston, MA 02222-1092



\_\_\_\_\_  
Natasha C. Lisman

#363014