

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

PROJECT B.A.S.I.C.)

Plaintiff)

VS.)

C.A. No. 89-0248/P)

JACK F. KEMP, in his capacity)
as Secretary of the United)
States Department of Housing)
and Urban Development; THE)
UNITED STATES DEPARTMENT OF)
HOUSING AND URBAN DEVELOPMENT;)
STEPHEN J. O'ROURKE, in his)
official capacity as Executive)
Director of the Housing)
Authority of the City of)
Providence; THE HOUSING)
AUTHORITY OF THE CITY OF)
PROVIDENCE; THE CITY OF)
PROVIDENCE; and the PROVIDENCE)
COMMUNITY ACTION PROGRAM, INC.)

Defendants)

CONSENT ORDER

WHEREAS plaintiff, Project B.A.S.I.C., has brought this action alleging, inter alia, that the City of Providence's actions and inactions with respect to the siting of 240 units of replacement public housing for units demolished at the Hartford Park public housing ("replacement units") project violated the Fair Housing Act, 42 U.S.C. §3601 et seq., the Civil Rights Act of 1964, 42 U.S.C. §2000d and the Equal Protection and Due Process clauses of the Fourteenth Amendment to the United States Constitution; and

WHEREAS, the City denies that its actions and inactions regarding the siting of the replacement units were unlawful as alleged by Project B.A.S.I.C.;

E.O. Date 4/22/91

NOW THEREFORF, it is hereby agreed by Project B.A.S.I.C. and the City that the following order be entered in this action:

1. The City of Providence, its officers, agents, employees, successors and all persons in active concert or participation with any of them (collectively, "the City") shall not interfere with the development of any of the 210 units of replacement public housing for units demolished at the Hartford Park public housing project ("replacement units"), including the 109 units referenced in a settlement stipulation between plaintiff Project B.A.S.I.C. ("B.A.S.I.C."), and defendants the Providence Housing Authority ("PHA") and the United States Department of Housing and Urban Development ("H.U.D.") dated April 12, 1991.

2. Within 30 days of the signing of this consent order the City shall provide to B.A.S.I.C. a list of all City-owned land and or buildings located outside "areas of minority concentration," including, but not limited to, land and buildings to which the City has obtained tax title. In this consent order, the term "areas of minority concentration" is defined as those census tracts in the City of Providence containing a higher proportion of racial minorities than the City-wide average using 1990 census information. The City shall continue to provide said list on an annual basis; provided that during the first year after the signing of this consent order, the City shall provide said list on a semi-annual basis.

3. For every application received or made by the City for financial assistance ("application") for a specific low/moderate income housing development ("development") or a specific facility for the homeless ("facility"), the City will solicit and respond to

B.A.S.I.C.'s opinion as to the fair housing consequences of the funding of the application, as set forth below in paragraphs 4 through 9, inclusive.

4. Within 10 days of receipt of an application that the City determines is sufficiently complete, the City will send to B.A.S.I.C. a notice in the form set forth in Exhibit A to this consent order.

5. Upon the City's filing an application, the City will send to B.A.S.I.C. a notice in the form set forth in Exhibit B to this consent order.

6. B.A.S.I.C. may respond to the notices received pursuant to paragraphs 4 and 5, above, by submitting written comments and requesting the City to prepare a Fair Housing Assessment of the application under consideration or made by the City.

7. The City will review and consider B.A.S.I.C.'s comments, and shall, if requested by B.A.S.I.C., prepare a Fair Housing assessment ("assessment") of the application. In the assessment, the City shall:

- A. determine the effect of approval of the application on the racial and socio-economic composition of the area surrounding the proposed development or facility; and
- B. describe how the funding of the proposed development or facility increases the supply of open housing opportunities for minorities in Providence.

9. The City shall send a copy of the assessment to B.A.S.I.C.

9. The City shall attach copies of all Fair Housing assessments, and any correspondence relating to those assessments, to any report submitted to HUD describing the actions taken by the City to affirmatively promote fair housing in Providence.

10. The City reaffirms its support for the development of the 240 replacement units.

11. The City reaffirms its support for the development of additional shelters and transitional housing facilities for homeless persons in Providence.

12. The City shall use federal, state and local housing assistance to increase the supply of low income housing and facilities for the homeless outside "areas of minority concentration," and to increase the number of minority families that receive federal, state and local housing assistance outside "areas of minority concentration."

13. The City shall encourage and permit the development of low income housing, and facilities for the homeless, in all neighborhoods in Providence.

14. The City shall not support the demolition or disposition of family public housing units in Providence without obtaining approval for one replacement of those units with new public housing units pursuant to 42 U.S.C. §1437p.

15. The City shall issue on October 31, 1991, and annually thereafter, a report that specifies the location and racial composition of all housing assisted with federal, state and local funds in Providence, and shall send a copy of this report to B.A.S.I.C.

16. The City shall issue on October 31, 1991, and annually thereafter, a report that specifies the amount of financial assistance approved by the City, including the location and number of units assisted or sought to be assisted in Providence, and shall send a copy of this report to B.A.S.I.C.

17. The City shall incorporate the provisions set forth above in paragraphs 10 through 16, inclusive, into each and every Comprehensive Affordable Housing Strategy (CHAS) submitted to HUD pursuant to Section 105 of the Cranston-Gonzalez National Affordable Housing Act, Pub. L. No. 101-625, 104 Stat. 4079 (Nov. 28, 1990), or any successor statute or regulation ("Act").

18. In addition to the City's responsibilities for coordination, consultation and citizen participation in the development of CHAS under the Act and its implementing regulations, the City will involve B.A.S.I.C. in the development of the CHAS, commencing after September 1, 1991, as set forth below in paragraphs 19 through 22, inclusive.

19. Before soliciting public comments on the CHAS, the City and B.A.S.I.C. shall meet to discuss how public comments are to be solicited and recorded. The City will hold at least three public hearings on the CHAS, two of which are to be held at locations in low moderate income neighborhoods.

20. The City will meet with B.A.S.I.C. to review all comments received on the CHAS, including the testimony received at the CHAS public hearings. The City will keep written minutes of this meeting. The City will send a copy of the minutes to B.A.S.I.C. so that B.A.S.I.C. may review and make any

additions/corrections to the minutes. The City shall attach the revised copy of the minutes to the CHAS submitted to HUD for approval.

21. Prior to submitting any performance report or substantial amendment to the CHAS, the same procedures outlined in paragraph 20, above, must be followed.

22. Prior to any annual update of the CHAS the City shall give B.A.S.I.C. adequate notice of its intent to update the CHAS, and invite B.A.S.I.C. to meet to discuss said update. The keeping of meeting minutes and procedures regarding B.A.S.I.C.'s revising the minutes, all as outlined in paragraph 20, above, shall apply to any meeting held regarding an annual update of the CHAS.

23. Copies of notices or reports required to be sent to B.A.S.I.C. shall be sent to the following address:

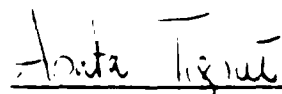
Project B.A.S.I.C.
1043 Broad Street
Providence, R.I. 02907
Attn: City Monitoring File

24. B.A.S.I.C. and the City shall each bear responsibility for their own respective attorneys' fees in connection with the B.A.S.I.C.'s claims against the City regarding the siting of the replacement units.

25. This Court shall retain jurisdiction to enforce the terms of this consent order.

PROJECT B.A.S.I.C.

BY:



Asata Tigrat, Director

Attorneys for

Project B, A.S.I.C.

[Handwritten signature]
[Handwritten name]

Steven Fischbach, #3259
Judith Kaye, #3793
R. I. Legal Services
77 Dorrance Street
Providence, R. I. 02903
(401)-274-2652
(401)-421-6993

THE CITY OF PROVIDENCE

By its Attorneys,

[Handwritten signature]
[Handwritten name]

Irving Brodsky #0261
Kevin F. McHugh, #3927
Department of Law
60 Eddy Street
Providence, R. I. 02903
(401)-421-7740

ENTER:

PER ORDER

[Handwritten signature]
Hon. Raymond J. Pettine, S.J.
[Handwritten name]

[Handwritten signature]
Deputy Clerk

Date: 4/19/91

3253F

EXHIBIT A

TO: **Project B.A.S.I.C.**

FROM: _____ (Name of Responsible City Official,
His/Her title and Agency)

DATE: _____

This agency has received an application for financial assistance for the specific low income housing development or facility for the homeless identified below. You are invited to submit comments on this application on or before _____ (date).

Applicant _____

Address of Applicant _____

Name and Address of proposed low income housing development or facility for the homeless:

Amount and type of financial assistance sought (describe)

EXHIBIT B

TO: Project B.A.S.I.C.

FROM: _____ (Name of Responsible City Official,
His/Her title and Agency)

DATE: _____

Today, this agency filed an application with the agency named below for financial assistance for the specific low income housing development or facility for the homeless identified below. You are invited to submit comments on this application on or before _____ (date).

Agency Applied to: _____

Name and Address of proposed low income housing development or facility for the homeless:

Sponsor of Development Facility: _____

Address of
Sponsor _____

Amount and type of financial assistance sought (describe)

