

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

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215 Alliance, Community Stabilization Project,  
and Christine Learned,                      Plaintiffs,

Civil No. 98-64 DWF/AJB

v.

***[SECTION 8 OPT OUT SITUATION]***

Andrew Cuomo, in his official capacity as  
Secretary of the Department of Housing and  
Urban Development; the United States  
Department of Housing and Urban  
Development; and Oak Grove Towers  
Associates,

**DECLARATION OF**

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**(Tenant of project/Advocate/Attorney,  
etc.)**

Defendants.

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[Overall, the objective is to provide as much information as possible about the project, including the # of units and who lives or lived in them and how the tenants were affected by HUD's illegal actions. Other useful information includes descriptions of the market in which the project is located, (vacancy rates, etc.) and how the loss of affordable units affects the market and those seeking affordable housing.]

Pursuant to 28 U.S.C. ' 1746, I, \_\_\_\_\_, under penalty of  
perjury, make the following declaration:

1. Describe status, i.e. tenant of property and for how long, tenant advocate or legal services attorney who worked with residents, etc. If a tenant, describe yourself and your situation (low income, single parent, elderly, disabled, etc.)
2. Describe the property, the total # of units, the # of subsidized units.

3. Describe and attach copies of notices received by tenants and HUD regarding owner's opt out/renewal/nonrenewal of contract.
4. Statement that HUD has approved the owner's opt out of contract and describe when opt out occurred or that it is still pending.
5. Describe the effect of the opt out on tenants of the property. Include any displacement that occurred or is likely, stress or anxiety and any manifestations thereof (illness, etc.), any additional costs that tenants will have or now pay that didn't have to pay before and how that affects their lives (how the additional costs have resulted in the inability to pay for other essentials, etc.).
6. Describe any effects on other vulnerable tenants and how you know about those.
7. Describe any difficulties in finding comparable alternative housing because of the current market including vacancy rates, etc. Describe how the loss of these units has affected the community and low income/vulnerable tenants in need of affordable housing.

Sample suggested language - by no means exhaustive!

- \_ I am a resident of \_\_\_\_\_ where I have lived for the past \_\_\_\_\_ years. (Or if advocate or other non-tenant declarant, describe how have knowledge of project and circumstances.)
- \_ I have experienced myself and/or witnessed firsthand the effect on other residents of the loss of the project based section 8 contract. Many of the residents of \_\_\_\_\_ are elderly, disabled, recent immigrants, working

poor, or the single parents of minor children. Nearly all of us have very limited incomes. The loss of the security of ongoing subsidies that would have allowed us to afford to remain in our homes at \_\_\_\_\_ has caused us great stress and anxiety. We know that affordable housing is very difficult to find generally and almost non-existent in this neighborhood. We will be forced to move.

— Many of the residents have no idea where and how they will live in the near future.

A number of residents have already moved because the continuing uncertainty about the situation at \_\_\_\_\_ is too stressful. I am aware that many of those who have moved are in less suitable and desirable units than they had at \_\_\_\_\_.

Dated: \_\_\_\_\_