

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF RHODE ISLAND**

PEOPLE TO END HOMELESSNESS, INC.	)	
	)	
V.	)	C.A. No. 01-
	)	
MEL MARTINEZ, in his official capacity as	)	
Secretary of the United States Department of	)	
Housing and Urban Development; the UNITED	)	
STATES DEPARTMENT OF HOUSING AND	)	
URBAN DEVELOPMENT; DEVELCO	)	
SINGLES APARTMENT ASSOCIATES;	)	
DEVELCO MODERN APARTMENT	)	
ASSOCIATES; DEVELCO APARTMENTS,	)	
INC.; DEVELCO FAMILY APARTMENTS	)	
ASSOCIATES; HEDCO LTD; and	)	
WOONSOCKET HOUSING AUTHORITY	)	

**PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER**  
**AND PRELIMINARY INJUNCTION**

Plaintiff moves, pursuant to Federal Rule of Civil Procedure 65(a) for a temporary restraining order and preliminary injunction to preserve the status quo by keeping seven project-based Section 8 contracts in effect at four low income housing developments in Woonsocket, Rhode Island covering 171 apartments. Without a temporary restraining order the contracts will permanently expire on May 31, 2001, resulting in the permanent loss of 171 project-based Section 8 units, more than 10% of the project-based Section 8 housing stock in Woonsocket.

The Court should act to preserve the status quo to prevent the defendants from completing an illegal opt out of these 171 apartments from the project-based Section 8 program. Before an owner of project-based Section 8 units can opt out of the Section 8

program, the owner must give the affected tenants one year's notice of the opt out under federal law, and two years notice under state law. The only notice sent to the tenants stating that the owner was opting out of the Section 8 program was dated April 16, 2001, a mere six weeks before the Section 8 contracts expire; and that notice was sent by the Woonsocket Housing Authority. Not only is the opt out illegal, but the loss of those project-based subsidies will cause irreparable harm to plaintiff, by thwarting its mission to expand and preserve the supply of low income housing, and by adding to the number of low income persons seeking plaintiff's assistance to find decent, safe and affordable housing.

By this motion, plaintiff asks the Court to enter a temporary restraining order and preliminary injunction:

- a. enjoining defendants Develco Singles Apartments Associates, Develco Modern Apartment Associates, Develco Apartments, Inc., Develco Family Apartments Associates and Hedco, Ltd. (collectively referred to as the "Owners") from opting out of their Section 8 contracts until such time as they have provided tenants with lawful and adequate notice of those actions;
- b. enjoining defendants Martinez and HUD from accepting the Owners' request to opt out of their Section 8 contracts until such time as the Owners have complied with the applicable federal and state notice requirements and HUD has considered the socioeconomic, racial and disability-related effects of the opt out;
- c. enjoining defendants Martinez and HUD from allowing the Section 8 contracts with the Owners to expire and require them to keep those contracts in full force and effect until such time as the Owners and have complied with the applicable federal and state notice requirements and

HUD has considered the socioeconomic, racial and disability-related effects of the opt out; and

- d. enjoining WHA from issuing Section 8 Housing Choice Vouchers to the tenants of the Develco Entities and from taking any further actions to qualify said tenants for those Section 8 vouchers.

: As grounds for this motion plaintiff relies on the facts alleged in the Complaint, the affidavit of Catherine L. Rhodes, and the memorandum of law submitted in support of its motion for a temporary restraining order and preliminary injunction.

**Plaintiff requests a hearing on this motion for a temporary restraining order on or before May 31, 2001.**

PLAINTIFF

BY THEIR ATTORNEYS,

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#### CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2001 I called the persons listed below at the telephone numbers indicated and informed them that I would be filing the within motion this afternoon and would be requesting a hearing on said motion on or before May 31, 2001. Furthermore, I caused to be sent by facsimile a copy of this motion to the persons listed below at the numbers indicated, and also caused to be hand delivered a copy of the within motion to the persons listed below at the addresses indicated.

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