

HOUSING JUSTICE

National Housing Law Project

Newsletter Spring/Summer 2016

Survivor Reaches Settlement with Housing Authority in Illinois

In March 2016, Mary Ann Blakemore, a domestic violence survivor who had lost her public housing unit when her daughter's boyfriend set fire to her home, reached a settlement agreement with the Housing Authority of Cook County in Illinois (HACC). Ms. Blakemore had sued HACC in April 2015 because her one-bedroom apartment was destroyed in the fire and was never repaired while she was in the hospital recovering from third-degree burns for three months. Instead, according to Ms. Blakemore, when she released from the hospital, she was forced to live with relatives while HACC delayed in getting her a new apartment. In the lawsuit, Ms. Blakemore claimed that she met with housing managers from HACC and they expressed concern that other residents' safety could be put at risk if she moved back into the complex.

In 2014, the police brought Ms. Blakemore's daughter and two young grandchildren to Ms. Blakemore's home after the daughter's boyfriend threatened the daughter's life. When the boyfriend came to the home a few days later, Ms. Blakemore called the police, but the boyfriend left the complex before police officers arrived. According to the Cook County state attorney's office, once police left the complex, the boyfriend returned, broke a win-

dow in the unit, poured gasoline inside, and set the unit on fire, severely burning Ms. Blakemore and her 5-month-old granddaughter. The boyfriend was sentenced to 26 years in prison for attempted murder and aggravated arson. Ms. Blakemore lost almost all her personal property in the fire.

As part of the settlement, HACC agreed to provide Ms. Blakemore a new public housing unit. She will further receive some financial aid from HACC to help replace the belongings she lost in the fire. In addition, HACC agreed to retrain its employees on how to recognize tenants with special circumstances, and learn more about laws designed to protect survivors of domestic violence and residents with disabilities. ■

HUD Publishes Resources for LGBT Service Providers

HUD recently published a toolkit of technical assistance materials on the agency's [LGBT homelessness page](#). These materials are geared towards helping HUD-funded service providers, including Continuums of Care, implement the agency's 2015 notice titled "[Appropriate Placement for Transgender Persons in Single-Sex Emergency Shelters and Other](#)

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[Facilities](#),” as well as requirements in the [Equal Access Rule](#), which HUD issued in 2012 and prohibits discrimination on the basis of gender identity, sexual orientation, and marital status in HUD-assisted or HUD- insured housing programs. National data indicate that LGBT individuals experience significant housing barriers when trying to access and maintain shelter and housing. For example, [a study released in January 2016](#) by the Center for American Progress and the Equal Rights Center showed that transgender homeless women who called shelters for services were often mistreated by shelter employees and only a minority of shelters was willing to properly accommodate them.

HUD’s LGBT homelessness webpage provides links to the federal legal authority governing equal access in HUD-funded shelters and projects. It also includes a guide “Equal Access for Transgender People,” which details how providers can implement policies that create transgender and gender non-conforming inclusivity among staff, residents, and in their facilities. Additionally, the guide provides sample documents on how to communicate anti-discrimination policies to clients as well as question-and-answer formats that practitioners can use when inquiring about sexual orientation and gender identity. The guide further emphasizes the importance of confidentiality in this context.

In addition, the HUD webpage includes important assessment and trainings materials for shelters and projects. For example, the Equal Access Self-Assessment spreadsheet allows providers to assess their own inclusivity by answering a series of questions. The webpage also has training scenarios involving residents, staff members, and supervisors that providers can use when training staff on how

Additional Resources

NHLP, Domestic Violence and Housing Newsletter, [“HUD Issues Notices on Equal Access Rule” \(April 2015\)](#).

to create and maintain transgender-inclusive environments. HUD-funded providers are further encouraged to request technical assistance via the HUD Resource Exchange.

Finally, the site includes resources for homeless LGBT individuals and families, as well as directions on how to file an online discrimination complaint to HUD. ▪

City of Surprise, Arizona Agrees to Repeal Nuisance Ordinance

In March 2016, Nancy Markham, a domestic violence survivor, [settled a federal lawsuit](#) with the City of Surprise, Arizona. Ms. Markham had faced eviction under the City’s nuisance ordinance after calling the police multiple times for protection. Surprise’s ordinance prohibited landlords from continuing to rent to tenants who called the police four times within 30 days, or when two or more crimes occurred at the property at any time, with no exception for tenants who needed emergency assistance. The law also required landlords to adopt crime-free leases that authorized the eviction of tenants when any criminal activity occurred at the property. In August 2015, Ms. Markham sued the City, the city’s police chief, and a Surprise police officer for enforcing the municipality’s nuisance law against her, asserting First Amendment, due process, equal

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protection, Fair Housing Act, and other claims. The settlement includes the City's repeal of the challenged ordinance provisions, an agreement not to enact another policy penalizing crime victims, monetary payment to Ms. Markham, and attorneys' fees to be determined by the court. ▪

DOJ Sues Landlords in W. Virginia for Committing Sexual Harassment Against Tenants

On March 16, 2016, the [U.S. Department of Justice \(DOJ\)](#) sued [Gary Walden](#); the Estate of Tina Walden; Walden Homes LLC, dba Walden Rentals; and 973 Chestnut Ridge Road Inc. The federal lawsuit alleges that female tenants in residential rental properties located in the Morgantown, West Virginia metropolitan area that were owned or managed by the Waldens had been subjected to egregious sexual harassment and retaliation in violation of the federal Fair Housing Act (FHA). Specifically, DOJ claims that from 2006 to 2015, Gary Walden, acting in his capacity as a manager, committed severe and pervasive sexual harassment against female tenants by, among other actions, engaging in unwanted and unwelcome sex acts including touching and groping tenants' private parts; conditioning or offering tangible housing benefits to female tenants in exchange for performance of sex acts on him or with his maintenance workers; making unwanted sexual comments and verbal sexual advances; and taking or threatening to take adverse action against tenants when they refused or objected to the advances. According to the complaint, since May 2015, Gary Walden has been incarcerated because he was

convicted of two counts of first degree sexual abuse, two counts of conspiracy, and burglary.

The lawsuit further claims that Tina Walden, who is Gary Walden's late wife, subjected female tenants to sexual harassment in violation of the FHA by failing to take appropriate steps to remedy the discrimination when tenants filed complaints, as well as retaliating against tenants who complained by threatening to take adverse housing actions. ▪

Note to OVW Grantees: The Office of Violence Against Women, U.S. Department of Justice, does not handle issues regarding sexual harassment.

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