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Landmark Court Ruling For Low-Income Renters

'Section 8' Tenant(s) Prevail as Northwest Housing Market Tightens

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SEATTLE—In a landmark decision, Western District Court Judge John C. Coughenour found that a Renton apartment complex's attempt to evict all federally subsidized tenants violated federal laws prohibiting discrimination against children, women, and African-Americans in housing. Tenants of the Avalon Ridge Apartments filed a class action suit against building owners Sunpointe Associates after a "no-Section 8 policy" was instituted in 1996. The policy forced approximately 10 to 15 families—all single-parent households headed by women with children, to leave their residences. Approximately twenty additional families were notified of pending eviction. The court issued its final approval of the class action settlement under which the tenants were awarded \$250,000 in damages and attorneys' fees. Tenants who had not yet been evicted under the no-Section 8 policy will be allowed to remain at Avalon Ridge.

"This decision sends a direct message to landlords: you cannot discriminate against low income tenants simply to gentrify your property or exploit the Seattle area's overheated housing market," said David Zapolsky, the pro bono attorney from Bogle & Gates who represented the class. "Since the federal government has stopped building new public housing units, Section 8 vouchers and certificates are the only way many low-income families can secure housing in the Puget Sound region."

As a condition of receiving public construction funding, the owners of Avalon Ridge agreed to accept apartment lease applications from Section 8 recipients. However, in late 1995, management decided to discontinue participation in the program. This decision stemmed from a desire to take advantage of the booming housing market and increasing rents. Avalon Ridge stopped renewing the leases of current Section 8 tenants, forcing them to move as their leases came up for renewal.

Angela Green, a single mother of two and Section 8 tenant, was informed in July 1997 that her lease at Avalon Ridge would not be renewed. After two months of

unsuccessful attempts to secure housing for her family, she turned to the law to keep from being evicted.

"As a good and reliable tenant, I saw no reason why we were being forced to move. Having to consider the possibility that my children and I might be homeless was devastating," said Ms. Green.

After meeting with other Avalon Ridge tenants, Ms. Green filed a class action lawsuit alleging that the actions of Avalon Ridge's ownership and management had a discriminatory impact on women, families with children, and African-Americans.

Section 8, administered by the U.S. Department of Housing and Urban Development, is designed to help lower income families meet their housing needs. Recipients receive a rent subsidy based on their income, and the amount of the subsidy decreases as the family's income increases. Section 8 enables families to become self-sufficient and eventually assume total responsibility for rent. Here in the Seattle area, Section 8 tenants experience great difficulty in finding housing since the rents paid by HUD are too low for such an inflated rental market. As a result, families vying to get off assistance and into the workplace are forced to live farther and farther away from available jobs. Currently, the most affordable rents are found in South King County, making the trip to work extremely difficult for low income residents, many of whom rely on public transportation.

The ruling is especially significant because it comes at a time when America's poorest citizens are in the midst of a housing crisis. Jim McIntyre, an economist at the University of Washington's Graduate School of Public Affairs, commented, "The housing squeeze is particularly acute in the Puget Sound region. A robust local economy has sent rents skyrocketing and the region's poor scrambling to find housing."

In a recent nationwide study, the Department of Housing and Urban Development concluded that:

☐ 35,000 low-income households in the Seattle metro area are either paying more than half of their incomes for rent or are living in substandard housing.

approximately 17,000 households in the Seattle metro area are on HUD waiting lists for housing assistance.

5.3 million low-income households in the United States face either unaffordable rents or substandard conditions(.

"Low-income people are struggling to find and keep a decent roof over their heads. For some of the families on the HUD waiting list, it has taken up to five years to get housing," said Siobhan Ring of the Tenants Union. "Meanwhile, parents and their children cope with overcrowding, high rent and substandard conditions. The Avalon Ridge case shows how important it is for tenants who have decent, affordable housing to defend their rights and protect their homes."

Under the terms of the settlement, members of the class action suit who were discriminated against will be allowed to stay at their apartments and Avalon Ridge's owners must continue to consider Section 8 recipients as potential renters.

As housing markets tighten across the nation, cases similar to Avalon Ridge have arisen, indicating a growing national trend