

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Civil Action No. 5:18-CV-429-LF

BRITTNEY MCCULLERS,)
)
 Plaintiff,)
) **CONSENT DECREE**
)
 v.)
)
 HOUSING AUTHORITY OF THE CITY)
 OF RALEIGH,)
)
 Defendant.)

I. INTRODUCTION

1. On September 4, 2018, Plaintiff filed an action in this Court, alleging violations of the federal Violence Against Women Reauthorization Act 2013 (“VAWA”) and the federal Fair Housing Act (“FHA”), seeking injunctive relief and monetary damages.

2. By way of the Joint Motion for Entry of this Consent Decree and their signatures hereto, the parties, through counsel, hereby consent to the entry of this Consent Decree to resolve all issues in this case regarding injunctive relief.

ACCORDINGLY, IT IS HEREBY ADJUDGED, ORDERED AND DECREED:

II. SCOPE OF THE CONSENT DECREE

3. The provisions of this Consent Decree shall apply to Defendant (“RHA” or the “Housing Authority”) and its officers, property managers, their supervisors, agents, successors, and assigns.

4. This Consent Decree is effective immediately upon its entry by the Court. For purposes of this Consent Decree, the phrases “date of the Consent Decree” and “effective date” shall refer to the date on which the Court enters the Consent Decree.

5. The term “VAWA” shall refer to the Violence Against Women Reauthorization Act of 2013 and all regulations and subsequent amendments issued thereto.

6. The HUD Forms referenced herein are those in effect at the time of signing of entry of this Consent Decree. If HUD revises or updates these forms, Defendant shall provide the revised/updated forms as required by paragraphs ## 7, 8 and 11 below.

III. VAWA-RELATED RELIEF

7. No later than August 15, 2019, Defendant shall continue (or begin, as appropriate) providing to all public housing applicants/tenants a copy of the attached Notice of VAWA Occupancy Rights (HUD 5380) and Certification (HUD 5382) at the following four junctures:

- a) at orientation after an applicant is admitted to public housing;
- b) with notice that an applicant has been rejected from public housing;
- c) when a tenant is served by RHA with a notice of lease termination;
- d) at recertification during the twelve months following entry of this consent decree, if they have not already been provided at a previous recertification.

8. No later than August 15, 2019, Defendant shall post copies of the attached Emergency Transfer Request Form (HUD 5383) at all property management offices as well as at the main RHA office at 900 Haynes Street, Raleigh. RHA shall provide both of these forms upon

request by a tenant or a tenant's representative. The Emergency Transfer Plan (HUD 5381) shall be attached to the Emergency Transfer Request Form.

IV. EDUCATION AND TRAINING

9. Within ninety (90) days of the effective date of this Consent Decree, Defendant RHA, property managers and their supervisors, and all employees involved in lease intake, transfer decisions, and lease termination decisions, shall undergo in-person training on the most recent version of VAWA and its attendant regulations, the FHA, and domestic violence (including dating violence, sexual assault, and stalking). In-person training shall occur every three years or following a material change to VAWA and its attendant regulations, whichever occurs sooner. Five days in advance of the trainings that occur prior to October 1, 2022, Defendant shall request the name of the trainer, the agenda for the training, and any written materials to be used. Upon receipt, Defendant shall provide these to Plaintiff's counsel or to a designated LANC representative.

In the off years between in-person trainings, training that includes reference to VAWA and its attendant regulations, the FHA and domestic violence, (not necessarily in-person, by an outside provider, or as a stand-alone unit), will be provided as an adjunct to other staff training on an annual basis.

Any expenses associated with the above trainings shall be borne by Defendant RHA.

In addition, new employees who are hired between trainings will be trained on the most recent version of VAWA and its attendant regulations, the FHA, and domestic violence as a part of their orientation.

For three years from the execution of this Consent Decree, Defendant shall maintain records of training held, including dates, the names of presenters, topics covered and employees in attendance.

10. Defendant shall designate, or shall continue to designate, whichever is appropriate, a current RHA employee to serve as a point person for matters related to VAWA, and shall inform tenants and RHA employees of this designation. This person shall be responsible for responding to VAWA- related inquiries from RHA employees and tenants. This designation shall be updated annually as part of the point person's job description.

11. In all future revisions of the Admissions and Occupancy Plan for RHA Public Housing, Defendant shall clarify that certification of domestic violence by a tenant on HUD Form 5382 is sufficient documentation for a tenant wishing to avail herself or himself of protections under VAWA. A tenant who is found to have falsely self-certified domestic violence may be subject to lease termination.

V.TENANT FEEDBACK AND PROPERTY MANAGER EVALUATIONS

12. Within 120 days of this Decree, Defendant shall send a letter to every tenant and every resident council reminding them of the ways in which they can provide feedback regarding all aspects of the Housing Authority's operation and employees. The letter shall reference that feedback may be made via the online form available on the RHA website, by email, or mail sent through the U.S. Postal Service. Additionally, the letter sent to tenants or a notice reminding tenants of the ways in which they can provide feedback to the Housing Authority will be posted in every property management office, as well as the main RHA office.

VI. ENFORCEMENT, MODIFICATIONS AND REMEDIES

13. Each year for three years beginning in August 2020, and ending at the end of August 2022, Defendant shall provide to a representative from Legal Aid of North Carolina (LANC) the following documents (with tenant name, address and any other identifying information redacted, including charges and other bases for lease termination) :

a) records showing that the individuals identified in paragraph# 9 above attended the most recent VAWA training;

b) a sample of lease termination notices sent to public housing tenants by each RHA property manager in the preceding twelve months.

c) a sample of rejection letters (not to exceed 6) mailed by RHA to rejected applicants during the preceding twelve months;

d) a copy of the letter agreed to in paragraph#12 mailed to tenants during the preceding twelve months.

14. Any time limits for performance imposed by this Consent Decree may be extended by mutual written agreement of the parties with approval from this Court.

15. The parties to this Consent Decree shall endeavor in good faith to resolve informally any differences regarding interpretation of and compliance with this Consent Decree prior to bringing such matters to the Court for resolution. However, in the event that there has been a failure of any party, whether willful or otherwise, to perform in a timely manner any act required by the Consent Decree or otherwise to act in conformance with any provision thereof, a party may move this Court to impose any remedy authorized by law or equity.

IT IS SO ORDERED this 27th day of September, 2019.


LOUISE W. FLANAGAN
United States District Judge

CONSENTED TO:

On Behalf of Plaintiff Brittney McCullers

/s/ Suzanne Chester
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On Behalf of Defendant Housing Authority of the City of Raleigh

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