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16 IN THE UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

18 THE COMMUNITY ACTION LEAGUE,
19 a California non-profit organization;
20 CALIFORNIA STATE CONFERENCE
21 OF THE NATIONAL ASSOCIATION
22 FOR THE ADVANCEMENT OF
23 COLORED PEOPLE, a non-profit
24 organization; SHEILA WILLIAMS, an
25 individual; MICHELLE ROSS, an
26 individual; and JAQUINN DAVIS, an
27 individual,

28 Plaintiffs,

vs.

CITY OF LANCASTER and CITY OF
PALMDALE,

Defendants.

Case No. 11-CV-4817-ODW-VBK
Honorable Otis D. Wright

**FIRST AMENDED COMPLAINT
FOR VIOLATIONS OF:**

- (1) 42 U.S.C. § 3604(a);
- (2) 42 U.S.C. § 3604(b);
- (3) 42 U.S.C. § 3617;
- (4) U.S. CONST. AMEND. XIV;
- (5) CAL. GOV'T CODE § 12955(k);
- (6) CAL. GOV'T CODE § 11135;
- and
- (7) CAL. CONST. ART. I § 7, ART. IV § 16

JURY TRIAL DEMANDED

Original Compl. Filed: June 7, 2011
Pre-trial Conference: None Set
Trial Date: None Set

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1 Plaintiffs The Community Action League (“TCAL”), California State
2 Conference of the National Association for the Advancement of Colored People
3 (“NAACP”), Sheila Williams, Michelle Ross, and Jaquinn Davis (collectively,
4 “Plaintiffs”) bring this action against Defendants City of Lancaster (“Lancaster”) and
5 City of Palmdale (“Palmdale”) (collectively, the “Cities” or “Defendants”) for
6 violation of the equal protection clauses of the United States and California
7 Constitutions, the federal Fair Housing Act (42 U.S.C. §§ 3604, 3617), the California
8 Fair Employment and Housing Act (Cal. Gov’t Code § 12955), and California
9 Government Code § 11135. Plaintiffs’ claims are based on Defendants’ intentional
10 race-based exclusion of and discrimination against black and Latino families and
11 individuals, and on the unjustified racially disparate impact of Defendants’ policies
12 and practices upon them. Plaintiffs allege upon personal knowledge with respect to
13 themselves and their own acts, and upon information and belief with respect to all
14 other matters, as follows:

15 **NATURE OF THE ACTION**

16 1. Through this action, Plaintiffs seek to end the racial and ethnic
17 discrimination against low income black and Latino residents caused by the Cities’
18 policies and practices that target certain black and Latino families for intimidation,
19 harassment, and exclusion – specifically, those black and Latino families who
20 participate in the Section 8 Housing Choice Voucher program.

21 2. The Section 8 Housing Choice Voucher program, commonly referred to
22 as “Section 8,” is a federal program funded and administered by the U.S. Department
23 of Housing and Urban Development (“HUD”) that provides rental subsidies for low
24 income families and individuals, including those who are elderly or disabled. The
25 purpose of the Section 8 program is to enable the historic victims of discrimination to
26 live in communities of their own choosing and to encourage economic and racial
27 integration.

28

1 3. HUD generally delegates administration of the Section 8 program to a
2 local housing authority. In most of Los Angeles County, including Lancaster and
3 Palmdale, the local housing authority is the Housing Authority of the County of Los
4 Angeles (“HACoLA”).

5 4. As the name implies, housing choice is an important element of the
6 Section 8 program. Once a participant is approved by the local housing authority, he
7 or she may apply for tenancy with any landlord who agrees to accept payment
8 through a Section 8 voucher. The landlord then receives payment from the local
9 public housing authority for a portion of the participant’s rent. The remainder is paid
10 by the participant. In order to qualify for the Section 8 voucher program in 2010, a
11 family of four in Los Angeles County was required to have an income at or below
12 \$41,400, and 75% of new admissions must have had incomes at or below \$24,850.¹
13 Participants undergo rigorous criminal background checks and are randomly selected
14 for credit checks to verify their income.

15 5. Under the provisions of the federal program, Section 8 housing choice
16 vouchers issued by a public housing authority may be used to obtain housing within
17 the issuing housing authority’s jurisdiction. Lower housing costs have made
18 Lancaster and Palmdale attractive for Section 8 participants looking to provide a
19 better quality of life for their families. For example, a recent review of rental listings
20 accepting Section 8 vouchers shows that the same \$1,100/month voucher that can be
21 used to obtain a two-bedroom, one-bath apartment in Alhambra, Covina, or
22 Inglewood, can be used to rent a three-bedroom, two-bath single-family house in
23 Palmdale or Lancaster.²

24 6. Approximately 3,600 primarily black and Latino families³ (or 11,400
25 individuals⁴) with Section 8 vouchers have chosen to live in Lancaster or Palmdale.

26 ¹ See http://www.huduser.org/portal/datasets/il/index_il2010.html.

27 ² See http://www.socialserve.com/tenant/index.html?state_id=4107&rid=32066&ch=HACOLA.

28 ³ See HACoLA Antelope Valley Section 8 Activity Report to Michael D. Antonovich, dated Oct. 19, 2010.

1 According to HUD's statistics for 2008, the most recent year available, 70% of
2 Lancaster Section 8 tenants were black and 14% were Latino.⁵ Similarly, in
3 Palmdale, 67% of Section 8 participants identified themselves as black and 18% as
4 Latino.⁶

5 7. The Cities have not welcomed these Section 8 families. Rather, City
6 officials have treated Section 8 participants as outsiders who have been imposed or,
7 as one Lancaster official put it, "dumped" upon Lancaster and Palmdale.⁷ In the
8 words of a Palmdale Council Member, the Cities fear they will be "swarm[ed]" by
9 Section 8 participants.⁸ Thus, the Cities have targeted these black and Latino Section
10 8 voucher holders – and other black and Latino individuals whom the Cities' officials
11 and residents assume to be program participants – with punitive surveillance and
12 harassment intended to drive them from the Cities. Moreover, the Cities have sought
13 to discourage Section 8 voucher holders currently living elsewhere from moving into
14 the Cities.

15 8. The constant surveillance and harassment to which Section 8 participants
16 have been subject is part of a carefully orchestrated campaign by the Cities. As stated
17 by Lancaster's Mayor, "[T]his City wants to limit the number of Section 8 units that
18 are placed in this community. . . . [I]t is a problem that is crushing the community . .
19 . and *it is time to go to war.*"⁹ The only Section 8 participants who are safe from the
20 Cities' campaign are those Section 8 participants who are elderly or have disabilities,
21

22 ⁴ See <http://www.huduser.org/portal/picture2008/index.html>.

23 ⁵ See *id.*

24 ⁶ See *id.*

25 ⁷ See, e.g., June 10, 2008 Lancaster City Council Minutes, June 24, 2008 Lancaster City Council
26 Minutes. Lancaster City Council Minutes, as well as agendas, videos, and some staff reports, are
27 available on the City of Lancaster's webpage, <http://www.cityoflancasterca.org>.

28 ⁸ September 19, 2007 Palmdale City Council Meeting Video. Videos of Palmdale's City Council
meetings, as well as agendas, minutes, and some staff reports, are available on the City of
Palmdale's webpage: <http://www.cityofpalmdale.org>.

⁹ June 10, 2008 Lancaster City Council Minutes (emphasis added).

1 and who are less likely to be black or Latino. City officials have treated these
2 individuals as “deserving” Section 8 assistance and spared them from attack.¹⁰

3 9. Lancaster and Palmdale have taken a number of steps that operate
4 together in furtherance of their unlawful exclusion of and discrimination against
5 Section 8 participants.

6 a. Unrelenting Surveillance and Investigative Activity. Both
7 Lancaster and Palmdale have entered into annual agreements with HACoLA
8 and the County of Los Angeles to fund markedly greater levels of
9 investigations and terminations of Section 8 participants in their Cities. These
10 City-funded investigators have engaged in extraordinarily aggressive tactics,
11 including mounting intimidating multi-agency Section 8 “sweeps” and
12 unnecessarily enlisting armed deputies to join investigators when performing
13 putative compliance checks. Sheriff’s deputies act as officers of the Cities
14 pursuant to the annual agreements. City-funded housing investigators were
15 accompanied by Sheriff’s deputies on fully 64% of their visits to Section 8
16 participants’ homes in Lancaster and 71% of their visits to Section 8
17 participants’ homes in Palmdale during the first nine months of 2010.¹¹ In
18 contrast, in the rest of the County, law enforcement accompanied housing
19 investigators only 8% of the time.¹² Moreover, Lancaster and Palmdale
20 investigators have recommended far more program terminations than
21 investigators in other parts of the County. For example, according to data
22 provided to the Cities on a monthly basis, between July 2008 and June 2009,
23 approximately 1 in 12 Palmdale Section 8 tenants and 1 in 22 Lancaster
24 Section 8 tenants had their vouchers terminated for purported fraud or some
25

26 ¹⁰ June 24, 2008 Lancaster City Council Minutes.

27 ¹¹ Data compiled from “Field Contact – Entry Reports” provided by HACoLA in response to CPRA
request.

28 ¹² Id.

1 other program violation.¹³ In the rest of HACoLA's jurisdiction, the rate
2 during the same period was roughly 1 in 115.¹⁴ In addition, in order to be able
3 to specifically target Section 8 families, the Cities entered into agreements with
4 HACoLA to obtain, on a monthly basis, the names and addresses of every
5 Section 8 participant and every landlord renting to Section 8 participants in the
6 Cities. City officials direct several "public safety" programs that regularly
7 work with the City-funded investigators to further harass Section 8
8 participants. Lancaster operates two subprograms within its public safety
9 department that target rental properties: LAN-CAP and CORE. LAN-CAP
10 polices multi-unit buildings, while CORE focuses its efforts on nuisance-type
11 complaints. Palmdale likewise has a subprogram focused on rental units,
12 called PAC.

13 b. Putting Out The "Not-Welcome" Mat. Lancaster and Palmdale
14 have met with HACoLA repeatedly in order to attempt to exclude Section 8
15 tenants from the Antelope Valley. The Cities asked HACoLA to produce an ad
16 campaign to dissuade voucher participants from moving to the Antelope Valley
17 by falsely suggesting that there were no jobs, no services, and that the cost of
18 living was high. The Cities also asked to be present at orientation meetings for
19 voucher participants, in order to lecture participants and "lay down the law."¹⁵

20 c. Discriminatory Use of Business License and Inspection
21 Ordinances for Rental Properties. Lancaster and Palmdale have enacted
22 business licensing and inspection ordinances and have used these ordinances to
23 harass landlords who rent to Section 8 participants. Lancaster, in particular,

24 ¹³ See HACoLA Antelope Valley Section 8 Activity Report to Michael D. Antonovich, dated July
25 16, 2009.

26 ¹⁴ Id.

27 ¹⁵ See email from R. Nishimura, HACoLA, to M. Badrakhan, HACoLA, dated July 15, 2009 re:
28 FW: City of Lancaster Letter. Letters and emails cited in this Complaint, as well as certain reports
and minutes not available on the Cities' websites, were produced to attorney Blasi in response to
California Public Records Act requests submitted to Lancaster, Palmdale, and HACoLA.

1 goes so far as to ask registering landlords whether they will be accepting
2 Section 8 payments, and has sought means to limit the number of licenses it
3 gives to Section 8 landlords. Both Cities have also directed HACoLA to send
4 threatening letters to Section 8 landlords whose properties were not licensed,
5 stating that the landlords must obtain licenses or risk losing their right to
6 Section 8 payments. Finally, both Cities have used their rental inspection
7 ordinances as an additional means of entering Section 8 households and
8 harassing tenants.

9 d. Lancaster’s Discriminatory Nuisance Ordinance. After
10 Lancaster’s mayor specifically asked the City Council to “[l]ook into a means
11 for making it very easy for neighbors to file nuisance lawsuits with the
12 assistance of the City against . . . Section 8 housing,”¹⁶ Lancaster enacted a
13 nuisance ordinance that provides enhanced penalties where there are multiple
14 calls to the police or public safety entities for service – even where there is no
15 actual criminal activity.

16 e. Lancaster’s Section 8 Commission. In 2008, Lancaster’s City
17 Council designated a “Section 8 Commission” to investigate ways for
18 Lancaster to take over administration of Section 8 from HACoLA in order to
19 further remove and exclude Section 8 participant families. The Commission
20 was later renamed the “Neighborhood Vitalization Commission,” but it
21 remains focused on removing and excluding Section 8 participants from the
22 City. When a consultant reported in 2008 that it was not feasible for Lancaster
23 to take over administration of the Section 8 program, the Commission turned
24 its attention to other means of excluding Section 8 participants. Among these
25 was the development of a “Good Neighbor Guide” encouraging Lancaster
26 residents to report possible Section 8 violations by their neighbors and make
27

28 ¹⁶ June 10, 2008 Lancaster City Council Minutes.

1 other nuisance complaints. In 2010, the City commissioned another consultant
2 to explore again how Lancaster could seize control of the Section 8 program
3 and impose its own administrative rules.

4 10. Officials in both Cities have spread false stereotypes about Section 8
5 participants in order to justify unlawful discrimination and exclusion.
6 Notwithstanding the threshold requirement for participation in the Section 8 program
7 that voucher holders pass rigorous criminal background checks, and the lack of any
8 correlation between Section 8 tenants – who constitute a very small portion of the
9 population – and crime rates, officials in both Cities have wrongly labeled their
10 Section 8 residents as criminals in an effort to justify their surveillance and
11 harassment.¹⁷

12 11. Similarly, the Cities claim that large numbers of Section 8 participants
13 have committed fraud in order to obtain assistance, and, therefore, that “cracking
14 down” on Section 8 fraud is appropriate.¹⁸ Notably, even in the isolated event that a
15 Section 8 participant receives federal assistance to which he or she was not
16 technically eligible, there is no resulting loss to either Lancaster or Palmdale, so their
17 intense interest in Section 8 fraud is not fiscally reasonable.

18 12. Finally, Lancaster officials have propagated false stereotypes about
19 children of Section 8 families as truants or troublemakers and their parents as
20 indifferent to their education or wellbeing, and sought to have Section 8 families
21 whose children miss school terminated from the program and evicted.¹⁹ They have
22 done so while simultaneously acknowledging that the stereotypes underlying these
23 efforts are without factual support.²⁰

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25 ¹⁷ See, e.g., February 19, 2009 Lancaster Section 8 Commission Minutes.

26 ¹⁸ See, e.g., June 24, 2008 Lancaster City Council Minutes; September 19, 2007 Palmdale City
27 Council Meeting Video.

28 ¹⁹ See October 26, 2010 Lancaster City Council Meeting Minutes.

²⁰ See October 26, 2010 Lancaster City Council Meeting Video.

1 13. As detailed below, individual Plaintiffs and members of the
2 organizational Plaintiffs have suffered from unlawful discrimination resulting in
3 invasion of their privacy and public humiliation in front of their neighbors. They
4 have been both intimidated and demonized in an attempt to drive them from their
5 homes. In addition, the Cities have sent each individual and organizational Plaintiff
6 the unmistakable – and unlawful – message that black and Latino residents in
7 Lancaster and Palmdale are unwelcome and should be excluded. The Cities’ actions
8 have forced Section 8 participants to choose between holding onto a better home for
9 their families and fleeing hostilities of the Cities’ unrelenting war.

10 14. The Cities’ conduct constitutes a pattern or practice of intentional
11 discrimination and has an unjustified disparate impact in violation of both federal and
12 state law. As noted above, the vast majority of the families who receive Section 8
13 assistance in Los Angeles County and who bring their vouchers to Lancaster and
14 Palmdale – and who are targeted by the Cities – are black and Latino. As a result, the
15 Cities’ campaign to remove Section 8 participants from their Cities amounts to a
16 knowing and deliberate attempt to re-segregate their historically virtually all-white
17 communities.

18 15. Indeed, a 2009 letter from HUD warned Lancaster that “[b]ecause the
19 majority of voucher holders in the city of Lancaster are African-Americans,” actions
20 seeking to limit their numbers “could be found to result in an unlawful disparate
21 impact ... under the [Fair Housing] Act.”²¹ Plaintiffs echoed this warning in a pre-
22 litigation demand to both Cities. Neither HUD’s warning nor Plaintiffs’ demand has
23 had any effect. At the June 1, 2011 Palmdale City Council meeting, held after the
24 City had received and reviewed Plaintiffs’ pre-litigation demand, a Council Member
25 proclaimed that the City would continue its current course of action without
26 “waver[ing]” so “legitimately” “deserving” individuals could use the vouchers.²²

27 ²¹ Letter from B. Fulton, HUD, to H. McKeon, U.S. Congress, rec’d May 5, 2009.

28 ²² June 1, 2011 Palmdale City Council Meeting Video.

1 mission, TCAL serves the community in the areas of housing, public policy, youth,
2 business, and community organizing. TCAL's Board of Directors and its members
3 are all residents of the Antelope Valley. TCAL has been forced to dedicate extensive
4 time and resources to investigating and combating the Cities' discriminatory policies
5 and practices, including door knocking, outreach and education meetings, press
6 conferences, and public meetings. TCAL operates a toll-free hotline where the
7 community can share their complaints about housing discrimination. The need to
8 divert its resources to addressing the Cities' practices has frustrated TCAL's mission.
9 Because of the Cities' actions, TCAL has been unable to devote sufficient resources
10 to other areas that are critical to its mission, such as youth outreach programs and
11 programs addressing racial profiling by police in the Antelope Valley.

12 22. Plaintiff California State Conference of the National Association for the
13 Advancement of Colored People ("NAACP") is a nonprofit, civil rights organization
14 that serves as the state-wide entity of the NAACP. NAACP is the nation's oldest and
15 largest civil rights organization, founded in 1909 with a particular historic
16 commitment to combating exclusion and discrimination in housing. The California
17 State Conference of the NAACP consists of local branches throughout the state,
18 including branches in and around the Antelope Valley. The NAACP has at least one
19 member who participates in the Section 8 voucher program in the Antelope Valley,
20 and who has been injured by the Defendants' harassment of black and Latino Section
21 8 tenants. The NAACP also has black and Latino members who participate in the
22 Section 8 voucher program in California, and whose housing choices have been
23 limited as a result of the Defendants' exclusion of black and Latino Section 8 tenants
24 from their Cities.

25 23. The NAACP's mission is to ensure the political, educational, social, and
26 economic equality of all persons and eliminate race prejudice. As part of this
27 mission, the State Conferences and branches are dedicated to ensuring compliance
28 with laws designed to prevent housing discrimination. Branches within the California

1 State Conference have worked to counter the effects of the defendants'
2 discriminatory conduct. Working with other community organizations, the Antelope
3 Valley Branch has engaged in outreach and education programs designed to counter
4 the effects of the Cities' discriminatory conduct, and other branches have provided
5 counseling services to help low-income families, including those who use Section 8
6 vouchers, locate affordable housing. The exclusion and discrimination challenged in
7 this action have impaired the NAACP's ability to refer Section 8 recipients to
8 Lancaster and Palmdale to find homes. The Cities' discriminatory practices have
9 therefore frustrated the NAACP's mission, and hindered the NAACP's efforts to help
10 Section 8 participants locate affordable housing. In order to investigate and
11 counteract the Cities' exclusion and discrimination, the NAACP has diverted
12 resources from other efforts.

13 24. Plaintiff Sheila Williams is a black Section 8 participant who lived in
14 Lancaster until mid-2010. Ms. Williams was harassed by a City-funded investigator
15 and local Sheriff's deputies, acting as agents of Lancaster, until she made the decision
16 to leave the Antelope Valley. In addition, Ms. Williams was a victim of Lancaster's
17 discriminatory nuisance ordinance, which caused her landlord to turn against her.
18 Ms. Williams also suffered from the hostile environment created by anti-Section 8
19 rhetoric of Palmdale and Lancaster officials. Ms. Williams continues to participate in
20 the Section 8 program, and would likely return to the Antelope Valley if the Cities
21 ceased engaging in exclusion and discrimination. Because of the Cities'
22 discriminatory actions, Ms. Williams has been deprived of the equal opportunity to
23 live in the home or city of her choosing.

24 25. Plaintiff Michelle Ross is a black Section 8 participant who lived in
25 Palmdale until shortly before the initiation of this litigation and then moved to
26 Lancaster. Ms. Ross was harassed by a City-funded investigator and local Sheriff's
27 deputies, acting as agents of Palmdale. Ms. Ross also suffered from the hostile
28 environment created by anti-Section 8 rhetoric of Palmdale and Lancaster officials.

1 Ms. Ross moved to Lancaster to avoid further harassment by Palmdale agents while
2 allowing her children to remain in Antelope Valley schools. Ms. Ross would have
3 preferred to stay in her home in Palmdale in order to maintain continuity in her
4 children's schooling. Because of the Cities' discriminatory actions, Ms. Ross has
5 been deprived of the equal opportunity to live in the home or city of her choosing.

6 26. Plaintiff Jaquinn Davis is a black Section 8 participant who lives in
7 Lancaster. Ms. Davis has experienced harassment from a City-funded investigator in
8 Lancaster, as detailed below. Ms. Davis and her son live in fear that continued
9 discriminatory actions by Lancaster will force her to leave her home, and will likely
10 force her to leave the Antelope Valley. Because of these discriminatory actions, Ms.
11 Davis has been deprived of the equal opportunity to live in the home or city of her
12 choosing.

13 27. Defendant City of Lancaster, California, is a municipal entity located in
14 Los Angeles County. Lancaster is located in the area of Los Angeles County
15 northeast of the City of Los Angeles known as the Antelope Valley. It has a
16 population of approximately 157,000.²⁴ Law enforcement services are provided by
17 the Los Angeles County Sheriff under contract with, and at the direction of, the City.
18 Approximately 9.3% of the housing units – or 4,843 homes – in Lancaster are
19 vacant.²⁵ As of September 2010, there were 2,226 Section 8 households in
20 Lancaster.²⁶

21 28. Defendant City of Palmdale, California, is a municipal entity located in
22 Los Angeles County. Palmdale is also located in the area of Los Angeles County
23 northeast of the City of Los Angeles known as the Antelope Valley. It has a
24 population of approximately 153,000.²⁷ Law enforcement services are provided by

25 ²⁴ See 2010 Census Data at <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>.

26 ²⁵ Id.

27 ²⁶ HACoLA Antelope Valley Section 8 Activity Report to Michael D. Antonovich, dated Oct. 19, 2010.

28 ²⁷ See 2010 Census Data at <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>.

1 the Los Angeles County Sheriff under contract with, and at the direction of, the City.
2 Approximately 7.7% of the housing units – or 3,592 homes – in Palmdale are
3 vacant.²⁸ As of September 2010, there were 1,416 Section 8 households in
4 Palmdale.²⁹

5 FACTS COMMON TO ALL CLAIMS

6 29. The Antelope Valley, particularly its major cities of Lancaster and
7 Palmdale, was the site of intense racial segregation well into the 1970s and home to
8 white supremacist groups.³⁰ Prior to the advent of fair housing laws, Palmdale was
9 recognized as a “sundown town” – that is, a town from which all blacks had to leave
10 by sundown.³¹ The nearby community of Sun Village traces its existence to
11 Palmdale’s segregated housing policies, providing a place for blacks to live because
12 they could not live within Palmdale itself.³² At the time of the 1990 Census,
13 Lancaster’s population was 73% white and Palmdale’s population was 66% white.³³

14 30. A dramatic increase in the numbers of non-whites in the Antelope Valley
15 in the 1990s was marked by a dramatic surge in the number of hate crimes,
16 particularly attacks on black persons and families.³⁴ According to a 1999 study of
17 hate crimes across Los Angeles County, “[i]n Antelope Valley . . . the vast majority

18 ²⁸ Id.

19 ²⁹ HACoLA Antelope Valley Section 8 Activity Report to Michael D. Antonovich, dated Oct. 19,
20 2010.

21 ³⁰ See Lynda Thompson Taylor, History of the Antelope Valley NAACP, undated. Available at
22 http://av-naacp.org/Documents/History_of_the_AVNAACP.pdf; Karen Umemoto & Kimi Mikami,
23 A Profile of Race-Bias Hate Crimes in Los Angeles County, UCLA Lewis Center for Regional
24 Studies, Working Paper Series, June 1, 1999; John Sanders, AV Leaders Decry Label of Racism,
25 Daily News – Los Angeles, Nov. 16, 1999.

26 ³¹ See <http://sundown.afro.illinois.edu/sundowntownsshow.php?id=1117> (a compilation of oral
27 histories regarding sundown towns in the United States).

28 ³² See Sebastian Rotella, Sun Village: Black Enclave Withers Amid Antelope Boom, L.A. Times,
Aug. 27, 1989.

³³ See 1990 Official U.S. Census Data, at <http://www.census.gov/main/www/cen1990.html>.

³⁴ See Karen Umemoto & Kimi Mikami, A Profile of Race-Bias Hate Crimes in Los Angeles
County, UCLA Lewis Center for Regional Studies, Working Paper Series, June 1, 1999; see also
John Sanders, AV Leaders Decry Label of Racism, Daily News – Los Angeles, Nov. 16, 1999.

1 of [hate crime] victims are African American.”³⁵ In 1990, during the Palmdale
2 elections, “vote white” was spray-painted on a black woman’s campaign sign.³⁶ In
3 July 1997, in Palmdale, two white men and one white woman murdered a black man
4 so that one of them could earn a white supremacist tattoo.³⁷ In February of 2004, two
5 black men were stabbed in two separate bars in Lancaster by the son of a mayoral
6 candidate – the attacker was quoted saying “white power.”³⁸ In July 2008, two
7 Palmdale homes were plastered with words offensive to Jews and blacks along with
8 “white power” and a swastika.³⁹ In August of 2010, the Church of Jesus Christ of
9 Latter-day Saints in Lancaster and the First African Methodist Episcopal Church in
10 Palmdale were firebombed.⁴⁰ Area hate crimes have also specifically targeted
11 Section 8 recipients. In January 2011, the news reported that a Palmdale Section 8
12 participant discovered graffiti stating “I hate Section 8” and “Nigger” on her garage.⁴¹
13 This Section 8 participant was Plaintiff Michelle Ross.

14 31. Although the Cities have disavowed this ugly past as mere history and
15 characterize more recent actions as those of a few disturbed individuals, the Cities’
16 officials now seek to perpetuate prior discrimination by subjecting Section 8
17 participants – who are overwhelmingly black and Latino families — to exclusion and
18 discrimination.

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21 ³⁵ Karen Umemoto & Kimi Mikami, A Profile of Race-Bias Hate Crimes in Los Angeles County,
UCLA Lewis Center for Regional Studies, Working Paper Series, June 1, 1999, at 14.

22 ³⁶ See John Chandler, Racial Scrawl on Election Poster Angers Palmdale, L.A. Times, Apr. 7, 1990.

23 ³⁷ See Richard Fausset, 3 Charged with Hate Crimes in 1997 Killing of Black Man, L.A. Times,
Jan. 28, 2004.

24 ³⁸ See Hector Becerra, Son of Mayoral Hopeful Charged, L.A. Times, Feb. 21, 2004.

25 ³⁹ See Leo Stallworth, Palmdale houses vandalized in “hate crime,” KABC-TV July 8, 2008,
<http://abclocal.go.com/kabc/story?section=news/local&id=6252533>.

26 ⁴⁰ See Church Arsons, Ourweekly.com, Aug 31, 2010, <http://www.ourweekly.com/antelope-valley/church-arsons> .

27 ⁴¹ See Leo Stallworth, “Palmdale family target of Section 8 hatred,” KABC-TV Jan. 4, 2011,
28 http://abclocal.go.com/kabc/story?section=news/local/los_angeles&id=7880152.

1 32. Indeed, 84% of Section 8 participants in Lancaster and 85% in Palmdale
2 are black and Latino.⁴² According to HUD's statistics for 2008, the most recent year
3 available, of the 7,203 individuals in Section 8 voucher holders' households in
4 Lancaster, 70% were black and 14% were Latino.⁴³ Similarly, in Palmdale, 67% of
5 the 4,146 individuals in Section 8 voucher holder households identified themselves as
6 black and 18% as Latino.⁴⁴ Lancaster's and Palmdale's harassment and intimidation
7 of Section 8 participants already living in their Cities are targeted primarily against
8 blacks and Latinos.

9 33. Across Los Angeles County and the nation, black and Latino families
10 also make up the majority of Section 8 tenants. In Los Angeles County, 47% of the
11 194,222 Section 8 voucher holders were black and 24% Latino in 2008.⁴⁵ Of the
12 5,076,510 people using Section 8 vouchers nationally, 42% were black and 17%
13 Latino.⁴⁶ Thus, Lancaster's and Palmdale's efforts to exclude Section 8 participants
14 from elsewhere in the County or other parts of the country likewise are targeted
15 primarily against blacks and Latinos.

16 **I. LANCASTER AND PALMDALE'S WAR TO EXCLUDE SECTION 8**
17 **PARTICIPANTS FROM THEIR COMMUNITIES**

18 34. All of Lancaster's and Palmdale's actions targeting Section 8
19 participants for discrimination and exclusion have been part of an ongoing policy or
20 practice with origins in activities as early as 2004 that have expanded greatly since
21 2008. If it were up to the Cities, they would continue in full force to the present
22 day.⁴⁷

23 _____
24 ⁴² See <http://www.huduser.org/portal/picture2008/index.html>.

25 ⁴³ See id.

26 ⁴⁴ See id.

27 ⁴⁵ See id.

28 ⁴⁶ See id.

⁴⁷ In June 2011, shortly after this lawsuit was filed, the County of Los Angeles imposed a 90-day moratorium on its agreements with the Cities for additional housing investigators and staff. The Mayors of each City appeared at the Los Angeles County Board of Supervisors meeting on June 21,

1 **A. Unduly Aggressive Investigations and Disproportionate Results**

2 35. In 2004, Lancaster and Palmdale began to focus undue law enforcement
3 attention on Section 8 participants. Lancaster established its “Lancaster Community
4 Appreciation Project” (“LAN-CAP”) police team to target multi-family rental
5 properties. As a later Lancaster city newsletter explained, a substantial portion of
6 LAN-CAP deputies’ time was and is devoted to conducting “compliance checks” on
7 Section 8 tenants and encouraging landlords and managers to police their Section 8
8 tenants: “The Lancaster Sheriff’s Station has a special team of officers dedicated to
9 removing the criminal element from problem apartments and other rentals in
10 Lancaster. . . . [In one year alone], over 1,500 arrests were made – three times the
11 normal apprehension rate. They have trained over 300 property owners and
12 managers on how to spot potential problems and have performed over 200 Section 8
13 compliance checks.”⁴⁸ Palmdale has a similar program to devote particular attention
14 to rental units, called the “Partners Against Crime” (“PAC”) unit. The PAC unit
15 consists of two sergeants and ten deputies.⁴⁹ According to Palmdale’s website, “[t]he
16 PAC program combines the City, Palmdale Sheriff’s Station, rental property owners
17 and managers and residents into a team that focuses on keeping illegal activity out of
18 rental property”⁵⁰

19 36. Meetings among Lancaster, Palmdale, and HACoLA in 2004 and 2005
20 spurred Memoranda of Understanding (“MOU”) to hire additional housing
21 investigators to work with the local Sheriff’s office and focus on eliminating

22 2011 to oppose the moratorium. The 90-day moratorium was extended for an additional 90 days on
23 September 20, 2011, again over the objection of the Cities’ Mayors, while the County investigates
24 Plaintiffs’ claims and Plaintiffs continue to negotiate with the County in an effort to resolve those
25 claims without litigation. Should the County-imposed moratorium end, the Cities have made clear
that they would resume their prior course of conduct.

26 ⁴⁸ January 2007 City of Lancaster Outlook Lite,
<http://www.cityoflancasterca.org/index.aspx?recordid=46&page=350>.

27 ⁴⁹ April 1, 2009 Staff Report for Palmdale City Council Meeting Agenda Item 7.1.

28 ⁵⁰ City of Palmdale webpage,
http://www.cityofpalmdale.org/departments/public_safety/pac/index.html.

1 purported Section 8 fraud. In November 2004, Lancaster entered into a MOU with
2 HACoLA and the County of Los Angeles providing “for additional investigative
3 services to address criminal activity and other violations related to the [Section 8]
4 Program administered by the Housing Authority within [Lancaster]”⁵¹ The City
5 paid HACoLA \$50,000, and the County’s Fifth District matched the City’s
6 contribution, in order to provide “a maximum of 2,080 hours of investigative services
7 during the term of this MOU.”⁵² The term of the original MOU was twelve months.⁵³

8 37. A few months later, in February 2005, Palmdale followed suit and
9 entered into a MOU with HACoLA and the County as well – noting, in fact, in its
10 staff report that Lancaster had already done so.⁵⁴ The original Palmdale MOU paid
11 for twenty hours per week of investigational services.⁵⁵ Like the Lancaster MOU, the
12 Palmdale MOU was limited to a one year term absent subsequent amendment.⁵⁶

13 38. Each year, the Cities and HACoLA entered into either amendments to
14 existing MOUs or new MOUs to retain and expand these enhanced investigational
15 services. At the end of 2005, Palmdale amended its first MOU and increased its
16 commitment from an extra twenty hours of investigative services per week to thirty-
17 two.⁵⁷ Subsequent amendments were entered into in May 2006 and March 2007.⁵⁸ A
18 new Palmdale MOU was signed in August 2008 and renewed on July 1, 2009 and
19

20 ⁵¹ Memorandum of Understanding By and Between the Housing Authority of the County of Los
21 Angeles and the City of Lancaster, dated Nov. 4, 2004.

22 ⁵² Id.

23 ⁵³ See id.

24 ⁵⁴ See Palmdale City Council Staff Report re: Approval of Agreement No. A-0917..., dated Feb. 14,
25 200[5].

26 ⁵⁵ See Palmdale Agmt. No. A-0917, A Memorandum of Understanding By and Between the
27 Housing Authority of the County of Los Angeles and the City of Palmdale For the Hiring of A
28 Section 8 Investigator to Provide Services Within the City.

⁵⁶ See id.

⁵⁷ See Palmdale City Council Staff Report re: Approval of Amendment No. 3 to Agreement No. A-
0917, ..., dated Mar. 5, 2007.

⁵⁸ See id.

1 May 5, 2010.⁵⁹ In November 2010, Palmdale again increased the level of service it
2 would pay for from thirty-two hours per week to forty,⁶⁰ due to the “inordinate
3 amount of Section 8 in our community.”⁶¹ The Palmdale City Council voted
4 unanimously to renew the MOU on June 1, 2011.⁶²

5 39. Lancaster increased its support for additional investigative services even
6 more dramatically. The \$50,000 commitment in 2004 had expanded to a \$130,882
7 commitment in June 2009, when the City Council approved an amendment to
8 Lancaster’s second MOU with HACoLA.⁶³ The County’s Fifth District continued to
9 match these funds. The combined funds paid for 1) two part-time investigators,
10 2) supervision of those investigators, 3) a part-time analyst, and 4) a part-time hearing
11 officer.⁶⁴ The June 9, 2009 City Council staff report recommending approval of this
12 amendment argued that “[t]he City’s Rental Inspection Program and inter-agency
13 cooperation between Code Enforcement and Housing Authority investigators has had
14 a significant impact on reducing the number of problematic Section 8 tenants.”⁶⁵

15 40. Further harassment of Section 8 residents in Lancaster came in the form
16 of Lancaster’s 2007 establishment of the Community Oriented Response and
17 Enforcement program (“CORE”) which provided an additional four deputies and a
18 sergeant. Each deputy is assigned to a quadrant of the city.⁶⁶ According to
19 Lancaster’s description of the program, “[t]his team focuses primarily on ongoing and
20 quality-of-life issues, such as loitering, graffiti, ‘problem neighbors,’ and emerging

21 ⁵⁹ See Palmdale City Council Staff Report re: Approval of Amendment No. 2 to Agrcement No. A-
22 2419 ..., dated May 5, 2010.

23 ⁶⁰ See Palmdale City Council Staff Report re: Approval of Amendment No. 3 to the Memorandum
of Understanding (MOU) ..., Agreement No. A-2419, dated Nov. 3, 2010.

24 ⁶¹ Nov. 3, 2010 Palmdale City Council Meeting Video.

25 ⁶² June 1, 2011 Palmdale City Council Meeting Video.

26 ⁶³ See Lancaster City Council Staff Report re: Approve Amendment # 1 to the Memorandum of
Understanding ..., dated June 9, 2009.

27 ⁶⁴ See *id.*

28 ⁶⁵ *Id.*

⁶⁶ City of Lancaster webpage, <http://www.cityoflanasterca.org/index.aspx?page=835>.

1 crime patterns in specific areas.”⁶⁷ The CORE team, like the LAN-CAP team, also
2 participates in Section 8 compliance checks.⁶⁸

3 41. Until September 2009, HACoLA had only a cursory protocol in place
4 governing the conduct of housing investigators, requiring little more than that the
5 housing investigator request consent to enter whenever he or she was conducting a
6 compliance check or investigation. In September 2009, HACoLA issued a new
7 protocol but, as discussed below, the Cities confirmed that it was only binding when
8 HACoLA was the “lead agency” in an investigation.⁶⁹ In Lancaster, the City-funded
9 investigators were given space in the Lancaster Sheriff’s Station, and investigators in
10 both Cities accompanied deputies in multi-agency “sweeps” of Section 8 homes.⁷⁰
11 On some occasions, the sweeps of Section 8 homes in Lancaster and Palmdale
12 involve not only Sheriff’s deputies, but also the Department of Child and Family
13 Services, the Probation Department, and Code Enforcement officials.⁷¹ In any event,
14 the protocol did little to address the aggressive tactics favored by Lancaster and
15 Palmdale investigators. For example, the protocol requires investigators to get
16 independent consent from tenants to conduct a search even where Sheriff’s deputies
17 are already inside a home. Investigators have stated to Section 8 tenants who decline
18 that such consent is irrelevant, because they will simply review everything Sheriff’s
19 deputies find. The City-funded investigators appear to have unlimited access to
20 Sheriff’s department records.⁷²

21 42. The intense law enforcement scrutiny and constant suspicion of Section
22 8 tenants simply by virtue of their participation in the Section 8 program has resulted

23 ⁶⁷ Id.

24 ⁶⁸ See id.

25 ⁶⁹ See attachment to email from B. Lindsay, HACoLA, to M. Badrakhan, HACoLA, dated Mar. 31,
2009 re: “5thDistrictMtg.notes.32509.”

26 ⁷⁰ See, e.g., email from R. Nishimura, HACoLA, to M. Badrakhan, HACoLA, re: FW: Lancaster
27 Section 8 Compliance Checks, dated Dec. 11, 2008.

27 ⁷¹ See, e.g., id.

28 ⁷² See, e.g., “City of Palmdale Section 8 Investigations Monthly Reports,” June 2005-Sept 2010.

1 in unwarranted harassment of participants and their families. Lancaster and Palmdale
2 were aware of the disproportionate effect of their actions on the Section 8 participants
3 in their Cities and of the unusually aggressive tactics used by City-funded
4 investigators, often in conjunction with Sheriff's deputies acting as officers of the
5 Cities. Despite knowledge of these improper activities, the Cities continued their
6 support.

7 43. According to data provided by HACoLA, between 2006 and 2010, the
8 odds that a Section 8 participant would be subjected to an investigation were
9 approximately 2.6 times higher in Lancaster than in the rest of County and
10 approximately 3.2 times higher in Palmdale than in the rest of County.⁷³ Many of
11 these investigations have been marked by excessively aggressive tactics, such as the
12 presence of multiple armed Sheriff's deputies with guns drawn and unnecessary
13 hand-cuffing of household members. As noted above, according to data provided by
14 HACoLA, in the first nine months of 2010, Sheriff's deputies accompanied
15 investigators on approximately 71% of their visits to homes in Palmdale and 64% of
16 their visits to homes in Lancaster, while in the rest of the County, law enforcement
17 participated only 8% of the time.⁷⁴ Lancaster and Palmdale investigators conducting
18 home visits during this period were also four times more likely to determine that a
19 household was not in compliance with Section 8 rules than investigators in other parts
20 of the County.⁷⁵ Palmdale's most recent investigator, Gary Brody, has been
21 particularly aggressive, taking as many as fifteen armed officers with him on
22 purported "compliance checks" and threatening Section 8 voucher holders or their
23 families with search warrants and arrest if they do not consent to searches of their
24 homes. Moreover, Brody has demonstrated in the past that he had access to minors'

25
26 ⁷³ Data provided by HACoLA in response to California Public Records Act request.

27 ⁷⁴ Field Contract Entry Reports provided by HACoLA in response to California Public Records Act
request.

28 ⁷⁵ Id.

1 school and juvenile records – which he should not – and used these records to target
2 the children in Section 8 households. Indeed, Brody’s own reports to Palmdale
3 reference discussions with school deputies and reviews of booking records to find
4 juvenile arrests in Section 8 homes. Brody and his predecessors apparently made
5 monthly reports to Palmdale, providing details of how they spent their time and
6 summaries of “noteworthy” incidents.⁷⁶ The Palmdale City Council has met with
7 Brody to discuss his work and lauded it as “incredible.”⁷⁷ Indeed, Palmdale has
8 praised their investigator’s “unmatched” “productivity.”⁷⁸ Brody has trained
9 Lancaster investigators in his tactics.

10 44. HACoLA’s “Antelope Valley Section 8 Activity Reports” – which the
11 Cities received on a monthly basis and which included comparative and year-to-date
12 data for the fiscal year – plainly demonstrated that investigators in Lancaster and
13 Palmdale took a much different approach to Section 8 tenants than those in other
14 parts of HACoLA’s jurisdiction. According to the reports:

15 a. Between July 2008 and June 2009, investigators in Lancaster
16 opened 239 investigations, and proposed terminations in 98 (41%) of those
17 investigations, deeming only 37 (15%) of the claims against the Section 8
18 tenants unfounded.⁷⁹ During the same period in Palmdale, investigators
19 opened 166 investigations, proposed termination for 96 tenants (58%), and
20 deemed 11 (7%) unfounded.⁸⁰ In the rest of the County, with nearly 17,000
21 Section 8 families, 670 investigations were opened, of which 183 (27%)
22 resulted in proposed terminations and 207 (31%) were deemed unfounded.⁸¹

23 ⁷⁶ See “City of Palmdale Section 8 Investigations Monthly Reports,” June 2005-Sept 2010,
24 produced by Palmdale in response to a California Public Records Act request.

25 ⁷⁷ November 3, 2010 Palmdale City Council Meeting Video.

26 ⁷⁸ November 3, 2010 Palmdale City Council Meeting Video.

27 ⁷⁹ See HACoLA Antelope Valley Section 8 Activity Report to Michael D. Antonovich, dated July
28 16, 2009.

⁸⁰ See id.

⁸¹ See id.

1 As a result of these aggressive tactics, as noted above, one in 22 Lancaster
2 Section 8 participants and one in 12 Palmdale Section 8 participants had their
3 vouchers' terminated, while the rate in the rest of HACoLA's jurisdiction was
4 one in 115.⁸²

5 b. Between July 2009 and June 2010, the number of proposed
6 terminations dropped significantly – indeed, despite opening nearly 350
7 investigations in Lancaster and Palmdale, investigators only issued field
8 terminations for 23 tenants.⁸³ However, investigators were still reluctant to
9 close an investigation on the grounds that it was unfounded – instead, they left
10 the investigations open, thereby leaving the Section 8 tenant open to further
11 harassment.⁸⁴ Despite the decrease in field-issued proposed terminations,
12 Section 8 participants in Lancaster were still 4.9 times more likely to have their
13 vouchers terminated than participants in HACoLA's jurisdiction outside the
14 Antelope Valley, and Section 8 participants in Palmdale fared even worse –
15 they were 7.5 times more likely to have their vouchers terminated than
16 participants elsewhere in the County.⁸⁵

17 c. Between July 2010 and April 2011 (the most recent time period
18 for which data was available), Lancaster had resumed more aggressive
19 proposed termination rates, already doubling its July 2009-June 2010 total, and
20 Palmdale's investigator had issued more than three times as many proposed
21 terminations than he had for the prior fiscal year.⁸⁶ Indeed, investigations in
22 Palmdale for that period were four times more likely to end in proposed
23 terminations than elsewhere in the County, and only half as likely to be deemed
24

25 ⁸² See id.

26 ⁸³ See HACoLA Antelope Valley Section 8 Activity Report to Michael D. Antonovich, dated July
14, 2010.

27 ⁸⁴ See id.

28 ⁸⁵ See id.

⁸⁶ See HACoLA Antelope Valley Section 8 Activity Report for April 1-30, 2011.

1 unfounded.⁸⁷ Section 8 participants in both Cities continued to be roughly 2.4
2 times more likely to be subject to an investigation than Section 8 participants
3 elsewhere in HACoLA's jurisdiction.⁸⁸

4 45. Likewise apparent from information available to the Cities are the
5 differences in how investigations are initiated in the Antelope Valley and how they
6 are initiated elsewhere. In the rest of the County, particularly in recent years, the
7 majority of investigations are prompted by "complaints" – usually calls to
8 HACoLA's fraud hotline. At a June 2011 Lancaster City Council meeting with
9 HACoLA representatives, HACoLA characterized its investigations as "complaint
10 driven."⁸⁹ In the rest of the County, this characterization is accurate: between July
11 2010 and April 2011, HACoLA's fraud hotline referred 592 calls for further
12 investigation - this accounted for roughly 93% of the 632 investigations opened
13 during that period.⁹⁰ During the same period in Lancaster, however, only 51 fraud
14 hotline calls were referred for further investigation, yet 194 investigations were
15 opened.⁹¹ Similarly, only 26 calls were referred to investigators in Palmdale, yet
16 Palmdale's investigator opened 120 investigations.⁹² Investigator Brody's reports to
17 Palmdale suggest that many of his investigations were opened in response to prompts
18 from Palmdale Sheriff's deputies.⁹³

19 46. Overall, between 2006 and 2010, the odds that an investigation would
20 result in a recommendation that the participant's voucher be terminated were over 4
21 times higher in Lancaster than in the rest of County and almost 6 times higher in
22

23 ⁸⁷ See id.

24 ⁸⁸ See id.

25 ⁸⁹ Video of June 22, 2011 Lancaster City Council Special Joint Meeting.

26 ⁹⁰ HACoLA Antelope Valley Section 8 Activity Report for April 1-30, 2011.

27 ⁹¹ Id.

28 ⁹² Id.

⁹³ See "City of Palmdale Section 8 Investigations Monthly Reports," June 2005-Sept 2010,
produced by Palmdale in response to a California Public Records Act request.

1 Palmdale than in the rest of County.⁹⁴ Indeed, between July 1, 2006 and November 6,
2 2010, of the 1173 “proposed field terminations” of Section 8 participants in the entire
3 HACoLA area, a quarter (26%) were generated in Lancaster and a third (33%) in
4 Palmdale, for a total of 59% of all terminations in Los Angeles County – even though
5 Palmdale and Lancaster residents comprise only 17% of the County’s Section 8
6 households.⁹⁵

7 47. Not all terminations proposed by City-funded investigators are actually
8 imposed by HACoLA – indeed, Lancaster officials have complained that “[t]he
9 transfer of termination decisions from the Investigative Division in the Antelope
10 Valley to [HACoLA Headquarters in] Santa Fe Springs has led to a decrease in
11 terminations.”⁹⁶ In proposed terminations, the most commonly invoked rule pertains
12 to obtaining HACoLA approval for any change in the persons living in the unit,
13 generally referred to as an “unauthorized tenancy.” According to HUD reports on
14 Section 8 terminations in Lancaster between January 2007 and September 2010, 57%
15 were based at least in part on an “unauthorized tenancy.”⁹⁷ However, the presence of
16 an unauthorized tenant is not readily determined in a single visit – or even multiple
17 visits – by an investigator, because HACoLA regulations only deem someone an
18 unauthorized tenant if they stay in a residence more than thirty consecutive days or
19 more than sixty total days in one year.⁹⁸ Thus, unsurprisingly, HACoLA records
20 reflect that many terminations proposed on these grounds are patently unwarranted
21 and only serve to harass the Section 8 participants. For example:

22 a. In June 2009, a Palmdale tenant received a notice of proposed
23 termination alleging the tenant had unauthorized subjects (the tenant’s daughter
24 and granddaughter) residing in her unit. The tenant was a stage 4 lung cancer

25 ⁹⁴ Data provided by HACoLA in response to California Public Records Act request.

26 ⁹⁵ Data provided by HACoLA in response to California Public Records Act request.

27 ⁹⁶ May 4, 2010 Lancaster Neighborhood Vitalization Commission Minutes.

28 ⁹⁷ Data provided by HACoLA in response to California Public Records Act request.

⁹⁸ See HACoLA Administrative Plan Section 6.8.8.

1 patient whose tumors had spread to her brain and who therefore required 24-
2 hour monitoring. She admitted to have asked her daughter to stay the night
3 sometimes so she would not be alone. Nevertheless, the investigator insisted
4 on recommending termination. An administrative hearing officer overturned
5 the proposed termination finding the termination was unwarranted.⁹⁹

6 b. In July 2009, a tenant living in Palmdale received a notice of
7 proposed termination solely because the investigators were informed that an
8 unauthorized tenant had listed the tenant's Section 8 unit as his place of
9 residence on police records. The investigator failed to acquire, or even seek,
10 any additional corroborating evidence. Despite this and the participant's
11 assertions that the unauthorized tenant did not actually reside at the unit, the
12 investigator recommended termination. The proposed termination had to be
13 overturned at an administrative hearing for lack of evidence.¹⁰⁰

14 c. In August 2009, a Palmdale tenant received a notice of proposed
15 termination because an investigator alleged that an unauthorized tenant – the
16 tenant's spouse – was residing in the tenant's Section 8 unit and that the spouse
17 was engaged in criminal activity. In actuality, the tenant and the spouse had
18 been separated for years and the tenant had a restraining order against the
19 spouse because she was the victim of domestic violence. The proposed
20 termination was withdrawn after the tenant contacted HACoLA to dispute the
21 proposed termination.¹⁰¹

22 48. In short, over the last five years, both the number of investigations and
23 the number of proposed and completed voucher terminations in the Antelope Valley
24 have been disproportionate when compared to the rest of HACoLA's jurisdiction. As
25

26 ⁹⁹ See HACoLA Hearing Summaries, provided by HACoLA in response to California Public
27 Records Act request.

28 ¹⁰⁰ See id.

¹⁰¹ See id.

1 demonstrated further by the accounts of the individual plaintiffs below, the sheer
2 number of investigations to which Section 8 participants are subject, and the
3 likelihood that they will be subject to one in the future, serve to intimidate Section 8
4 participants in Lancaster and Palmdale. That intimidation is heightened by the
5 aggressive tactics employed by City-funded investigators and Sheriff's deputies, and
6 by the disproportionate number of terminations proposed and completed in the Cities.
7 These are the predictable consequences of the Cities' decisions to fund investigators
8 to conduct aggressive investigations in the Cities and to direct sections of their
9 Sheriff's departments to focus scrutiny on Section 8 participants, and the Cities knew
10 that these results were being realized.

11 **B. Business Licensing and Inspections for Rentals in Lancaster and**
12 **Palmdale**

13 49. Both Lancaster and Palmdale have passed rental unit inspection
14 ordinances that give the Cities an additional avenue to enter the homes of Section 8
15 tenants, nominally in the interest of public safety. In addition, both Cities have used
16 their rental business licensing ordinances to target Section 8 landlords.

17 50. In 2004, the City of Lancaster passed Ordinance 822, which required
18 landlords renting units in multi-family buildings to obtain business licenses. The
19 licensing program was expanded in 2007 via Ordinance 869, which required those
20 renting single-family homes to obtain business licenses as well. These ordinances are
21 now codified in Lancaster Municipal Code Ch. 5.40. The ordinances require that all
22 rental units be inspected on a regular basis and when any complaints are made. These
23 inspections may "include inspections by other City departments and/or Los Angeles
24 County enforcement agencies."¹⁰² The City of Lancaster provides a form for
25 requesting a rental business license, which in its current iteration expressly asks
26 landlords whether they will be accepting Section 8 tenants.¹⁰³

27 ¹⁰² Lancaster Muni. Code § 5.40.080(A).

28 ¹⁰³ See City of Lancaster webpage, <http://www.cityoflanasterca.org/index.aspx?page=527>.

1 51. Similarly, in 2006, Palmdale – which already had a business license
2 requirement in place in Palmdale Municipal Code Ch. 3.44 – passed Ordinance 1273,
3 giving itself expanded rights to inspect rental units. Like the Lancaster statute, the
4 Comprehensive Residential Rental Unit inspection program, codified in Palmdale
5 Municipal Code Ch. 8.40, requires that all rental units be registered and be inspected
6 on a regular basis and when any complaints are made. As with Lancaster, these
7 inspections in Palmdale may “include inspections by other city departments and/or
8 Los Angeles County enforcement agencies.”¹⁰⁴

9 52. The Cities have deployed these ordinances in their war against Section 8
10 residents. On October 14, 2008, Lancaster’s City Manager wrote a letter to HACoLA
11 asking that it immediately stop Section 8 payments to landlords who did not have
12 current business licenses.¹⁰⁵ After HACoLA refused, Lancaster requested that
13 HACoLA send letters to Section 8 landlords whose properties were not licensed
14 indicating that they must obtain licenses or they may lose their right to Section 8
15 payments.¹⁰⁶ HACoLA agreed to do so. At a March 25, 2009 meeting among
16 HACoLA, Lancaster, and Palmdale, Palmdale asked that HACoLA do the same for
17 its unlicensed landlords,¹⁰⁷ even though Palmdale’s ordinance had traditionally not
18 been enforced against rental complexes smaller than four units.¹⁰⁸

19 53. Also at the March 25, 2009 meeting, the Cities devised a plan to use the
20 existence of the business licensing ordinances as a pretext for requesting lists of
21 Section 8 properties.¹⁰⁹ Betraying their interest in more than business licensing

22 ¹⁰⁴ Palmdale Muni. Code § 8.40.030.

23 ¹⁰⁵ See letter from M. Bozigian, Lancaster City Manager, to W. Huang, Acting Exec. Dir.,
HACoLA, dated Oct. 14, 2008.

24 ¹⁰⁶ See email from R. Nishimura, HACoLA, to M. Badrakhhan, HACoLA, dated Mar. 30, 2009 re:
25 “Joint Cities and County Housing Authority/Section 8 Meeting.”

26 ¹⁰⁷ See HACoLA Memo. From C. Carrillo to N. Hickling, “Section 8 Status Report,” Mar. 25, 2009.

27 ¹⁰⁸ See Palmdale City Council Staff Report, “Discussion regarding Business Licensing, Rental
Housing Requirements, and Section 8 Housing,” Sept. 19, 2007.

28 ¹⁰⁹ See email from N. Hickling, County of Los Angeles 5th Dist., to Mar. 25, 2009 meeting
participants dated Mar. 27, 2009 re: Joint Cities and County Housing Authority/Section 8 Meeting.

1 compliance, the Cities also requested a list of the approved tenants in each rental
2 unit.¹¹⁰ Indeed, a Lancaster representative stated that she had previously received a
3 list of Lancaster's Section 8 participants that identified whether the participants were
4 elderly or had children.¹¹¹ Shortly thereafter, each City sent a nearly identical public
5 records request to HACoLA seeking a spreadsheet containing the current business
6 license status, the property owner's name, the property owner's mailing address, and
7 the Section 8 unit address for each Section 8 landlord in their respective
8 jurisdictions.¹¹² Beginning in May 2009, HACoLA provided lists that included not
9 only the requested information but also the names of the Section 8 tenants. HACoLA
10 apparently stopped providing the lists in late 2010.

11 54. Both Cities have likewise used the rental inspection ordinances as a
12 means of entering Section 8 households without adhering to HACoLA rules
13 regarding investigations and compliance checks. Indeed, the Cities confirmed at the
14 March 25, 2009 meeting that if HACoLA was not the lead agency on an inspection,
15 its protocols would not apply.¹¹³

16 55. The Cities have also sought to use the business licensing ordinances to
17 exert more direct control over Section 8 landlords in order to make it impossible for
18 Section 8 tenants to find housing. For example, in 2007, Lancaster sought to impose
19 a five-year moratorium on business licensing for Section 8 housing. Council Member
20 Ronald Smith suggested that this "would be the perfect vehicle in controlling Section
21 8, because when Section 8 comes up, the City already knows how many business
22

23 ¹¹⁰ See attachment to email from A. Gonzalez, HACoLA, to M. Badrakhan, HACoLA, dated Mar.
24 30, 2009 re: "Meeting Notes."

25 ¹¹¹ See attachment to email from B. Lindsay, HACoLA, to M. Badrakhan, HACoLA, dated Mar.
26 31, 2009 re: "5thDistrictMtg.notes.32509."

27 ¹¹² See letter from B. Boswell, Lancaster Finance Dir., to C. Carrillo, HACoLA Acting Exec. Dir.,
dated Apr. 15, 2009; letter from S. Williams, Palmdale City Manager, to C. Carrillo, HACoLA
Acting Exec. Dir., dated Apr. 28, 2009.

28 ¹¹³ See attachment to email from B. Lindsay, HACoLA, to M. Badrakhan, HACoLA, dated Mar. 31,
2009 re: "5thDistrictMtg.notes.32509."

1 licenses there are and that there are over 2000 vouchers in the City.”¹¹⁴ Council
2 Member Sileo concurred that “if the City can use this to leverage some control on the
3 Section 8 population and exercise additional control, this would be good.”¹¹⁵
4 Unsurprisingly, the City Attorney cautioned that there would be some “very serious
5 legal issues that need to be dealt with” – although the City Attorney’s primary
6 concern was federal pre-emption, not fair housing.¹¹⁶ The matter was temporarily
7 dropped.

8 56. However, in September 2008, then Vice Mayor Smith revived the
9 business licensing discussion in the City Council. In late 2008, the City wrote a letter
10 to its congressional representative, Representative Howard McKeon, seeking his
11 assistance in requesting approval from HUD to adopt an amendment to the licensing
12 ordinance that would provide that no business license would be issued to an owner
13 who proposes to rent residential property to Section 8 participants. In February 2009,
14 Vice Mayor Smith gave an update to the City on his proposal, which had transformed
15 from an outright ban on those intending to accept Section 8 vouchers to “a possible 1-
16 year moratorium on business licenses on single family homes.” Nonetheless, his
17 motive was unambiguous: “*[t]his would be a backdoor way of controlling how many*
18 *vouchers are coming into the City.*”¹¹⁷ Both Vice Mayor Smith and Mayor Rex
19 Parris reiterated their desire to penalize landlords who rent to Section 8 tenants in a
20 March 2009 City Council meeting, with the Vice Mayor emphasizing the need for a
21 “restrictive ordinance” and the Mayor urging that “the City should be able to identify
22 the people who are going to profit from this; stop doing business with them; make it
23 known to the community who these people are; they are destroying the community;

24
25
26 ¹¹⁴ July 24, 2007 Lancaster City Council Minutes.

27 ¹¹⁵ Id.

28 ¹¹⁶ Id.

¹¹⁷ February 19, 2009 Lancaster Section 8 Commission Minutes (emphasis added).

1 have the courage to identify these people and have the courage to stop doing business
2 with these individuals.”¹¹⁸

3 57. Meanwhile, Representative McKeon forwarded Lancaster’s request to
4 HUD, and, on June 17, 2009, he forwarded HUD’s response to Vice Mayor Smith. In
5 its response, HUD stated that the City’s actions were plainly counter to the Section 8
6 program’s goals of “expanding available housing choices.”¹¹⁹ The HUD response
7 continued: “It is worth noting that according to HUD’s data, as of December 2008,
8 African-Americans accounted for approximately 75 percent of the city of Lancaster’s
9 voucher holders Because an overwhelming majority of city of Lancaster HCV
10 participants are minorities . . . , the proposed amendment will likely have a significant
11 disproportionate effect on these groups.”¹²⁰ The HUD response went on to observe
12 that “[b]ecause the majority of voucher holders in the city of Lancaster are African-
13 Americans . . . , the proposed amendment, while facially neutral, *could be found to*
14 *result in an unlawful disparate impact . . . under the [Fair Housing] Act.*”¹²¹

15 **C. Additional Avenues for Harassment Pursued By Lancaster**

16 58. Lancaster has greatly escalated its focus on Section 8 since 2008. In
17 June 2008, newly elected Mayor R. Rex Parris was adamant about the need to address
18 the Section 8 “problem” and the animus he expressed against Section 8 participants
19 was palpable: “[Mayor Parris stated t]he Section 8 housing issue needs to be dealt
20 with on a local level in an aggressive manner *rather than becoming a dumping*
21 *ground for Section 8 into the community.* He stated that six months from now, he
22 hopes to see a much different approach to Section 8 in the Antelope Valley.”¹²² In
23 response to the suggestion that the City should be targeting all rentals, not just
24 Section 8, Mayor Parris was unmoved: “*Make no mistake, this City wants to limit*

25 ¹¹⁸ March 24, 2009 Lancaster City Council Minutes.

26 ¹¹⁹ Letter from B. Fulton, HUD, to H. McKeon, U.S. Congress, rec’d May 5, 2009.

27 ¹²⁰ *Id.*

28 ¹²¹ *Id.* (emphasis added).

¹²² June 10, 2008 Lancaster City Council Minutes (emphasis added).

1 *the number of Section 8 units that are placed in this community.* . . . [I]t is a
2 problem that is crushing the community. . . . [The County and HACoLA] *have been*
3 *dumping Section 8 here* in a much more rapid rate in the last few months. They have
4 totally ignored the plight of the Antelope Valley and *it is time to go to war.*¹²³
5 Notably, at the following City Council meeting, Mayor Parris clarified his intent with
6 respect to Section 8: “Mayor Parris stated that there will not be any obstacle for
7 seniors and disabled people; the City is not going to do anything about law abiding
8 Section 8 citizens.”¹²⁴ Council Member Sherry Marquez reiterated that the City “will
9 not go after people who actually deserve Section 8 funding.”¹²⁵

10 59. Lancaster’s openly-expressed animus to Section 8 has continued
11 unabated. For example, Mayor Parris repeated his hostility to the Section 8 program
12 in subsequent communications with HACoLA officials later in 2008, stating that “for
13 too long, the County has treated the City of Lancaster and the Antelope Valley as a
14 repository for Section 8.”¹²⁶ Other Council Members have echoed his sentiments. At
15 the newly formed Section 8 Commission meetings, Council Member Marquez
16 complained that “[u]nfortunately, those that receive the vouchers do not stay in the
17 City of Los Angeles; they migrate to the Antelope Valley.”¹²⁷ Adhering to the
18 rhetoric that casts Section 8 participants as criminals, she continued: “Many
19 prisoners are to be paroled soon which means a number of them will be receiving
20 Section 8 housing, therefore, Lancaster will soon be inundated with another
21 group.”¹²⁸ In fact, individuals on parole are not eligible for Section 8 vouchers per
22 HACoLA regulations.¹²⁹ In a March 2009 Lancaster City Council Meeting, Mayor
23

24 ¹²³ *Id.* (emphasis added).

25 ¹²⁴ June 24, 2008 Lancaster City Council Minutes.

26 ¹²⁵ *Id.*

27 ¹²⁶ September 3, 2008 Lancaster City Council Minutes (emphasis added).

28 ¹²⁷ February 19, 2009 Lancaster Section 8 Commission Minutes.

¹²⁸ *Id.*

¹²⁹ HACoLA Administrative Plan Section 2.8.1.

1 Parris again proclaimed “there must be a reduction in rentals; reduction in Section 8
2 housing;” and that “he wants to see the numbers drop . . . it has been far too long that
3 this issue has gone on; [the City] must come up with numbers and evaluate if the City
4 is going in the right direction.”¹³⁰ The Lancaster City Manager “stated that *the goal*
5 *of the City is to reduce the numbers to half of what is received now.*”¹³¹

6 60. Consistent with these sentiments, Lancaster has deployed a number of
7 additional tactics in recent years above and beyond the intimidation and harassment
8 already described.

9 61. Nuisance Ordinance. In June 2008, Mayor Parris asked the City Council
10 to “[l]ook into a means for making it very easy for neighbors to file nuisance lawsuits
11 with the assistance of the City against group homes and Section 8 housing that
12 becomes a nuisance and where the owners of the property fail to protect the
13 neighbors.”¹³² The City Council obliged. On October 14, 2008, it passed Ordinance
14 908, codified in Lancaster Municipal Code Ch. 8.52, which provides that if a property
15 is the subject of five calls to law enforcement to report “nuisance activity” in a one-
16 year period, the landlord and the tenant will receive a notice of abatement with a
17 schedule of fees for future services.¹³³ “Nuisance activity” is defined broadly in
18 Ordinance 908 as including “[a]nything which is injurious to health, or is indecent, or
19 offensive to the senses, or is an obstruction to the free use of property, so as to
20 interfere with the comfortable enjoyment of life or property by an entire community
21 or neighborhood, or by any considerable number of persons.”¹³⁴ Under Ordinance
22 908, the landlord is jointly and severally liable for all fees incurred, and failure to pay
23 the fees will result in the revocation of the landlord’s business license.¹³⁵ However,

24 _____
25 ¹³⁰ March 24, 2009 Lancaster City Council Minutes.

26 ¹³¹ Id. (emphasis added).

27 ¹³² June 10, 2008 Lancaster City Council Minutes.

28 ¹³³ Lancaster Muni. Code § 8.52.060.

¹³⁴ Lancaster Muni. Code § 8.52.030.

¹³⁵ Lancaster Muni. Code § 8.52.070 - 8.52.080.

1 Ordinance 908 gives the landlord an affirmative defense (against both the revocation
2 of the license and the payment of the fees): evict the tenant.¹³⁶ In a meeting of
3 Lancaster’s Section 8 Commission, Council Member Marquez heralded the newly
4 passed Nuisance Ordinance as “a great tool to help the City move forward.”¹³⁷

5 62. Section 8 Commission. Also in June 2008, Mayor Parris requested that
6 Council Member Marquez be appointed as the Chair of an Ad Hoc Committee to
7 appoint a “Section 8 Commission.”¹³⁸ Council Member Marquez was, like Mayor
8 Parris, newly elected, but had appeared before the City Council prior to her election
9 as a citizen concerned about the purported effect of Section 8 on the community.¹³⁹
10 The purpose of the Section 8 Commission would be to “(1) ... look at a Joint Powers
11 Agreement to take over the Section 8 for the Antelope Valley; (2) ... look into the
12 enforcement of Section 8 in a much more aggressive manner; [and] (3) look into
13 drafting an ordinance that would limit the number of business licenses for Section 8
14 housing”¹⁴⁰

15 63. One of the first ideas put forth by the Section 8 Commission was a so-
16 called “Good Neighbor Guide,” which was suggested by Council Member Marquez
17 on the grounds that “[p]eople need to get involved in calling in on such things as
18 Section 8 code violations,” or as the City Manager called them, “problem renters.”¹⁴¹
19 The “Good Neighbor Guide” went through several iterations, but was up on
20 Lancaster’s city website by August 2009.¹⁴²

21 64. After formation of a regional housing authority was deemed cost-
22 prohibitive, the Section 8 Commission was renamed the “Neighborhood Vitalization
23

24 ¹³⁶ Lancaster Muni. Code § 8.52.090.

25 ¹³⁷ Oct. 16, 2008 Lancaster Section 8 Commission Minutes.

26 ¹³⁸ June 10, 2008 Lancaster City Council Minutes.

27 ¹³⁹ Sept. 26, 2006 Lancaster City Council Minutes; May 8, 2007 Lancaster City Council Minutes.

28 ¹⁴⁰ June 10, 2008 Lancaster City Council Minutes.

¹⁴¹ July 8, 2008 Lancaster City Council Minutes; Sept. 3, 2008 Lancaster City Council Minutes.

¹⁴² Aug. 3, 2009 Lancaster Neighborhood Vitalization Commission Minutes.

1 Commission.” Nonetheless, its mission statement continued to reflect animus against
2 Section 8 participants: “The Lancaster Neighborhood Vitalization Commission will
3 examine the ongoing cumulative *negative effects of an over-abundance of publicly-*
4 *subsidized housing*, and *recommend policies and programs to deter the*
5 *proliferation of subsidized housing* until such time as the city is able to achieve fair-
6 share parity with other cities in Los Angeles County.”¹⁴³ In practice, the Commission
7 continued to have regular meetings with HACoLA and County staff and to focus
8 much of its efforts on Section 8 participants.

9 65. For example, in July 2009, the Neighborhood Vitalization Commission
10 sent a letter to newly appointed HACoLA Executive Director Sean Rogan, purporting
11 to follow up on a campaign discussed and agreed upon at the March 25, 2009 meeting
12 to dissuade Section 8 participants from coming to the Antelope Valley. The letter
13 asked, among other things: “1. Where are we with the Cities of Lancaster and
14 Palmdale taking part in the orientation for new Section 8 Voucher holders at the
15 Palmdale office? Also, has a DVD been prepared that was discussed at the meeting in
16 Palmdale several months ago? 2. Where are we with the [HACoLA] doing an ad
17 campaign to let Voucher holders know that it is expensive to live in the Antelope
18 Valley and that there are very few available jobs in the area[?]”¹⁴⁴ The DVD
19 referenced was apparently intended to focus on rule compliance and bases for
20 termination.¹⁴⁵ Lancaster sought to “lay down the law” to Section 8 participants by
21 participating in the orientation process.¹⁴⁶ The advertising campaign referenced was
22 an attempt to dissuade Section 8 participants from moving to the Antelope Valley due
23

24 ¹⁴³ Lancaster Neighborhood Vitalization Commission Mission Statement, Feb. 2009 (emphasis
25 added).

26 ¹⁴⁴ Letter from B. Banks, Lancaster Neighborhood Vitalization Commission, to S. Rogan, HACoLA
27 Exec. Dir., dated July 7, 2009.

28 ¹⁴⁵ See email from R. Nishimura, HACoLA, to M. Badrakhan, HACoLA, dated July 15, 2009 re:
FW: City of Lancaster Letter.

¹⁴⁶ Id.

1 to the high costs of heating and cooling a large home as well the lack of jobs and
2 services.¹⁴⁷

3 66. In addition, the Neighborhood Vitalization Commission wanted more
4 information from HACoLA on Section 8 participants. The July 2009 letter stated:
5 “[a]lthough [HACoLA] is currently providing a periodic activity report, members of
6 our Commission have determined that there is insufficient information contained in
7 this existing report to assess progress in a number of other areas and would appreciate
8 a monthly report that contains the following information: 1. The number of elderly,
9 disabled and family Voucher holders in the City of Lancaster”¹⁴⁸

10 67. HACoLA’s response denied some of Lancaster’s requests, and made
11 clear that attempting to drive Section 8 participants away from the Antelope Valley
12 was illegal. HACoLA’s Rogan stated that Lancaster officials would be permitted to
13 participate in Section 8 orientations, but that their role would be primarily as
14 observers.¹⁴⁹ Moreover, he instructed them that “[t]he Housing Authority did not
15 agree to do an ad campaign to let Voucher holders know that it is expensive to live in
16 the Antelope Valley and that there are very few available jobs in the area. The
17 Housing Authority indicated that both landlords and tenants can access housing
18 availability throughout the County on the socialserve.com website. *At the last*
19 *meeting it was mentioned that Fair Housing laws do not allow steering program*
20 *participants.*”¹⁵⁰ Rogan further refused to comply with Lancaster’s request for
21 additional information on a monthly basis.¹⁵¹ However, he did provide the
22 information requested on a one-time basis, informing the Commission that the
23

24 ¹⁴⁷ See *id.*

25 ¹⁴⁸ Letter from B. Banks, Lancaster Neighborhood Vitalization Commission, to S. Rogan, HACoLA
Exec. Dir., dated July 7, 2009.

26 ¹⁴⁹ See letter from S. Rogan, HACoLA Exec. Dir., to B. Banks, Lancaster Neighborhood
27 Vitalization Commission, dated July 21, 2009.

28 ¹⁵⁰ *Id.* (emphasis added).

¹⁵¹ See *id.*

1 number of elderly in Lancaster was 332, the number of disabled was 892, and the
2 remainder was 1157.¹⁵²

3 68. Further Demands of HACoLA. Undeterred by the Neighborhood
4 Vitalization Commission's failure to get substantial cooperation from HACoLA in
5 these efforts to make Lancaster less attractive to Section 8 tenants, Lancaster City
6 Manager Mark Bozigian wrote to Rogan again in October 2009. In his letter,
7 Bozigian asked HACoLA to create a local preference list for Lancaster; to create a
8 more onerous pre-approval process for Section 8 applicants by requiring inspections
9 and interviews in their current residences; and to develop specific qualification
10 criteria for Lancaster applicants and landlords, including criminal background checks
11 for all household members over the age of fifteen, extended background checks, and
12 imposing a "one strike" rule for drug-related activity.¹⁵³ Moreover, Bozigian asked
13 that "[i]f any family member is arrested, regardless of the charge, the voucher holder
14 must report the arrest to the Housing Authority, which will, in turn, report the arrest
15 to the City of Lancaster and reevaluate the qualifications of the family to participate
16 in the program."¹⁵⁴ Again, HACoLA responded that it would not comply with many
17 of Lancaster's requests, and in particular that "[l]ocalities within HACoLA's
18 jurisdiction may not have separate policies, procedures or waiting lists."¹⁵⁵

19 69. In July 2010, Dorian Jenkins of HACoLA made a presentation to the
20 Lancaster City Council, and Mayor Parris reiterated his frequent claims that Section 8
21 tenants were being "dumped" in Lancaster: "[T]here is a drastic imbalance of
22 Section 8 people being steered to the Antelope Valley ... the Housing Authority wants
23

24
25 ¹⁵² Id.

26 ¹⁵³ See letter from M. Bozigian, Lancaster City Manager, to S. Rogan, HACoLA Exec. Dir., dated
27 Oct. 16, 2009.

28 ¹⁵⁴ Id.

¹⁵⁵ Letter from S. Rogan, HACoLA Exec. Dir., to M. Bozigian, Lancaster City Manager, dated
December 2, 2009.

1 these people living in Lancaster.”¹⁵⁶ At this same City Council meeting, Mayor
2 Parris’s racial animus became even more blatant, as he asked Mr. Jenkins: “Why is it
3 that over 70 % of your recipients are African Americans, when your population base
4 is probably a third African American, a third Hispanic, and a third White?”¹⁵⁷ Mayor
5 Parris has elsewhere commented that “[t]he problem with Section 8 is that it’s
6 unbalanced. African-Americans comprise 78 percent of the recipients but are only 20
7 percent of the population. That’s unfair.”¹⁵⁸

8 70. In October 2010, the City Council suggested to HACoLA that it should
9 “requir[e] families to adhere to all rules and laws including that their children attend
10 school” and that HACoLA could “use Lancaster as a pilot program for this.”¹⁵⁹
11 Notably, Mayor Parris conceded that he had no basis to believe that children from
12 Section 8 families were not attending school: “That would require us first to find out,
13 is it a problem? Maybe everybody on Section 8, all of their kids are attending school
14 and that would be something we should know. But if it’s not, why can’t we have a
15 pilot program in Lancaster to enforce that. We certainly have the network in
16 Lancaster that is capable of providing the information.”¹⁶⁰ The network Mayor Parris
17 referred to is a system of truancy ticketing and truancy sweeps under which students
18 may be fined for being late for school, and which has itself been criticized as
19 targeting black and Latino students.¹⁶¹ Although HACoLA has refused to accede to
20 Lancaster’s request, as late as April 2011, Lancaster was still pursuing a means to
21 make truancy a ground for Section 8 termination, still in the complete absence of any
22

23 ¹⁵⁶ July 27, 2010 Lancaster City Council Minutes.

24 ¹⁵⁷ July 27, 2010 Lancaster City Council Meeting Video.

25 ¹⁵⁸ Tricia Tighe, Conversations with the Mayor: the Difficult Issue of Section 8, The AV News,
<http://www.avnewstodayonline.com/LancasterPageConversationsSection8.html>.

26 ¹⁵⁹ Oct. 26, 2010 Lancaster City Council Minutes.

27 ¹⁶⁰ Oct. 26, 2010 Lancaster City Council Meeting Video.

28 ¹⁶¹ See Britney M. Walker, Truancy Proving to Be a Costly Issue for Lancaster Students, Parents,
Our Weekly, Mar. 10, 2011.

1 factual basis for asserting that truancy by the children in Section 8 participant
2 families is a problem.¹⁶²

3 71. Attempt to Secede from HACoLA. Most recently, Lancaster has been
4 considering a revised proposal to seize control of Section 8 operations from
5 HACoLA, which would free it to devise Section 8 regulations as draconian as
6 possible within the broad discretion given by HUD to local housing authorities.¹⁶³ As
7 noted above, Lancaster's Section 8 Commission was originally formed to explore the
8 possibility of creating a local Public Housing Authority that would replace HACoLA
9 as the Section 8 program administrator in Lancaster.¹⁶⁴ Upon review of the financial
10 and logistical obstacles to creating its own Public Housing Authority, the
11 Commission and its consultants recommended in 2009 against taking over
12 administration of Section 8.¹⁶⁵ Notably, the pertinent Commission minutes reflect that
13 "[t]he proposed recommendation not to take over the administration of the [Section 8]
14 program is not solely based on the lack of new vouchers, the cost to administer the
15 program, and lack of will to create a multi-jurisdictional housing authority. The
16 recommendation is also based on the success of HACoLA's sustained efforts and
17 commitments to deter disorderly Section 8 tenants in Lancaster over the last three
18 years"¹⁶⁶ Because HACoLA has not complied with all of Lancaster's demands
19 for action in the City's war on Section 8,¹⁶⁷ Lancaster initiated in 2010 a new study of
20 the feasibility of developing a local agency to manage Section 8 vouchers in
21

22 ¹⁶² See Apr. 5, 2011 Lancaster Neighborhood Vitalization Commission Agenda

23 ¹⁶³ See Apr. 5, 2011 Lancaster Neighborhood Vitalization Commission Agenda; May 3, 2011
Lancaster Neighborhood Vitalization Commission Agenda.

24 ¹⁶⁴ See Oct. 16, 2008 Lancaster Section 8 Commission Minutes; Feb. 19, 2009 Lancaster Section 8
25 Commission Minutes.

26 ¹⁶⁵ See Feb. 19, 2009 Lancaster Section 8 Commission Minutes.

27 ¹⁶⁶ *Id.*

28 ¹⁶⁷ See letter from S. Rogan, HACoLA Exec. Dir., to M. Bozigian, Lancaster City Manager, dated
December 2, 2009; letter from S. Rogan, HACoLA Exec. Dir., to B. Banks, Lancaster
Neighborhood Vitalization Commission, dated July 21, 2009.

1 Lancaster, culminating in a consultant's report that was presented to the
2 Neighborhood Vitalization Commission in April 2011.¹⁶⁸ The consultant's report
3 advised that "[i]f Lancaster believes and documents that HACoLA cannot properly
4 manage and administer the program for the city, we do recommend that Lancaster
5 submit an application to the State of California and HUD through the local field
6 office to establish the Lancaster [Public Housing Authority]."¹⁶⁹ At its May 3, 2011
7 meeting, the Neighborhood Vitalization Commission proposed to do just that.¹⁷⁰

8 **II. SECTION 8 PARTICIPANTS MUST CHOOSE BETWEEN A**
9 **BETTER HOME FOR THEIR FAMILIES AND FLEEING**
10 **MUNICIPAL INTIMIDATION AND HARASSMENT**

11 72. As a result of the Cities' discriminatory harassment of Section 8
12 participants, Section 8 families in the Antelope Valley live in constant fear that they
13 or their families will draw attention to themselves and become a target for attack. In
14 the cases of Plaintiffs Sheila Williams, Michelle Ross, and Jaquinn Davis, those fears
15 were borne out. Ms. Williams, Ms. Ross, and Ms. Davis all came to the Antelope
16 Valley to find a better place to raise their children. Instead, they suffered harassment
17 by City-funded investigators and, in the cases of Ms. Williams and Ms. Ross,
18 humiliation in front of a community turned hostile as a result of the Cities' anti-
19 Section 8 rhetoric.

20 73. Sheila Williams is a black single mother and a participant in the Section
21 8 Housing Choice Voucher program. She lived in Lancaster, California for about ten
22 years with her four youngest children. While living in Lancaster, she worked as a
23 preschool teacher. Her children attended the local schools and earned excellent
24 grades.

25
26 ¹⁶⁸ See MFR Report: Feasibility Assessment for Development of a Local Public Housing Authority
27 for the City of Lancaster, dated March 22, 2011.

28 ¹⁶⁹ Id.

¹⁷⁰ See May 3, 2011 Lancaster Neighborhood Vitalization Commission Agenda.

1 74. While living in the Antelope Valley, Ms. Williams was always careful to
2 avoid telling anyone that she used Section 8 to help pay her rent, particularly in the
3 last few years. Comments by Mayor Parris and others in the City government about
4 their desire to reduce the number of Section 8 participants in Lancaster made Ms.
5 Williams fear that she might lose her Section 8 voucher if she drew attention to
6 herself. She also feared being branded with the stereotypes that Mayor Parris and
7 others ascribed to Section 8. Her fears were heightened as she heard from friends that
8 many Section 8 families in Lancaster were having their vouchers terminated.

9 75. In October 2009, Ms. Williams' fears were realized. Sheriff's deputies
10 came to her home one day while she was at work, allegedly responding to a call about
11 a potential burglary. There was no burglary; Ms. Williams' son and his friends were
12 at the home. Rather than leaving once it was apparent that Ms. Williams' home was
13 not being burglarized, the Sheriff's deputies determined that the home was a Section
14 8 unit and contacted one of the City-funded housing investigators for Lancaster,
15 Allen Mullins. Investigator Mullins arrived, and together with the deputies, searched
16 the entire home. The deputies also reported Ms. Williams to the Department of
17 Children and Family Services and to Lancaster Code Enforcement. Ms. Williams's
18 son called her at work to tell her about the deputies' and investigator's search. She
19 came home immediately but the deputies and investigator had already left by the time
20 she arrived.

21 76. A few weeks later, Ms. Williams received a notice of proposed
22 termination of her Section 8 voucher – which she challenged at an informal hearing
23 and won. The Department of Children and Family Services took no action against
24 her. However, the damage from the investigation had already been done.

25 77. The investigation itself, and the months of worrying about losing her
26 voucher or, worse, her children, understandably took a toll on Ms. Williams.
27 Moreover, because of the Sheriff's deputies' and investigator's search of her home,
28 her neighbors discovered that her family was part of the Section 8 program.

1 Formerly friendly neighbors became hostile to her and her children, embracing the
2 negative image of Section 8 participants painted by Mayor Parris and the City.
3 Adding to Ms. Williams' discomfort, a marked Lancaster City car, with what
4 appeared to be a HACoLA staff person in it, began driving past her home at least two
5 to three times per week. Sometimes it parked in front of her home for a period of
6 time. Ms. Williams felt she was under constant surveillance, and the presence of the
7 City vehicle made her family even more suspect in the eyes of her neighbors. In
8 addition, after the investigation, Ms. Williams found that her landlord no longer
9 wanted her as a tenant because the City was monitoring the property closely, and the
10 landlord had apparently been fined under Lancaster's nuisance ordinance. Thus, the
11 landlord began sitting outside of Ms. Williams' home and monitoring Ms. Williams'
12 family.

13 78. After several months of this treatment, Ms. Williams decided she had to
14 leave the Antelope Valley. She feared hostility from her neighbors and she feared
15 even more that the City or investigators would manufacture another reason to try to
16 take away her Section 8 voucher. Without rental assistance, her family would be
17 homeless. Thus, she left the Antelope Valley. This entailed not only leaving her
18 home and uprooting her children from their schools, but also leaving her job.

19 79. Ms. Williams continues to live in Los Angeles County and still
20 participates in the Section 8 voucher program. She would consider moving back to
21 Lancaster or Palmdale if she could feel safe from harassment and derision simply
22 because she is a Section 8 participant. She had a good job in Lancaster and has been
23 unable to find another one since.

24 80. Michelle Ross is a black single mother and a participant in the Section 8
25 housing choice voucher program. Ms. Ross and her children lived in Palmdale for
26 three and a half years. She and her children lived in a home that was safe and
27 comfortable, and her children attended the local schools and were happy there.
28 Between May 2009 and November 2010, Palmdale's Investigator Brody and local

1 Sheriff's deputies began a series of "compliance checks" (as the investigator called
2 them) or "probation sweeps" (as the deputies called them), which ultimately led Ms.
3 Ross to leave Palmdale. Each of these checks was conducted without any
4 justification, and most involved an excessive and intimidating show of force.

5 81. At the first compliance check/probation sweep, in May 2009,
6 investigator Brody and approximately fifteen Sheriff's deputies appeared at Ms.
7 Ross's door with their guns out of their holsters. In the face of this show of force,
8 Ms. Ross allowed them to enter her home, fearing her Section 8 voucher would be in
9 jeopardy if she did not. Investigator Brody and the deputies asked her who in the
10 household was on probation, and she responded that her two sons – both minors –
11 were on probation. Investigator Brody and the deputies then proceeded to search her
12 home before they finally left. The experience left Ms. Ross scared, because she did
13 not understand why her home was being searched or why the deputies had their guns
14 drawn.

15 82. A few months later, in November 2009, Brody returned to Ms. Ross's
16 home, again accompanied by about fifteen armed deputies. Ms. Ross was not there
17 when they arrived but came home shortly thereafter. The deputies and Brody asked
18 Ms. Ross where her sons were – they were in school. Brody and the deputies left.

19 83. A few months after that, in February 2010, Ms. Ross received a notice of
20 proposed termination of her Section 8 voucher. The ground for termination was her
21 alleged failure to report her sons' juvenile adjudications. HACoLA scheduled a
22 conference at the Palmdale HACoLA office. At the meeting, Brody showed Ms.
23 Ross that he had her sons' juvenile records, telling her that the deputies give him any
24 information he wants related to a Section 8 household. Brody told Ms. Ross that her
25 voucher could be terminated because she had not reported the contents of her sons'
26 juvenile records to HACoLA. He threatened Ms. Ross's 15-year-old son, telling him
27 that his brother and sister would end up on the street because of him. The case
28 worker, however, reviewed the Section 8 program rules and determined that the

1 termination Brody had proposed was improper. Juvenile records are confidential and
2 juvenile adjudications in the household are not a basis for terminating a Section 8
3 voucher.

4 84. A few months after the meeting, in June 2010, Brody again appeared at
5 Ms. Ross's home, again accompanied by approximately fifteen Sheriff's deputies
6 with their guns drawn. This time, they said they were looking for Ms. Ross's eldest
7 son, who was not living in the home and had not been living there during any of the
8 prior checks. The deputies searched Ms. Ross's home again, and then left.

9 85. What would become the final compliance check/probation sweep
10 happened a few months later, in November 2010. Brody and about twenty Sheriff's
11 deputies came to Ms. Ross's home while she was not there. Her son answered the
12 door. The deputies ran into the home and searched it. Investigator Brody then
13 apparently opened the garage and took pictures. He told Ms. Ross's son to call her,
14 so he could speak to her on the phone. In that phone call, Brody asked Ms. Ross
15 about two Hummer vehicles in her garage. She told him that the vehicles belonged to
16 a friend and gave Investigator Brody the owner's information. It is Ms. Ross's
17 understanding that HACoLA confirmed the vehicles belonged to her friend and not to
18 Ms. Ross.

19 86. Like Ms. Williams, after the searches, Ms. Ross quickly learned that
20 many in her community embraced the Cities' stereotypes about Section 8 residents.
21 After the last search, pictures of Ms. Ross's home and her open garage with the
22 Hummer vehicles in it were posted on a Facebook page called "I HATE SECTION
23 8." The webpage identified her Section 8 status and where she lived. Comments on
24 the webpage were full of violence and malice, and included a threat to burn her house
25 down. Her children were taunted at school and by passers-by on her street. The
26 taunts were blatantly racial: her children were called "dirty Section 8 niggers." Ms.
27 Ross saw people she did not recognize stopping in front of her home and taking
28 pictures.

1 87. On January 3, 2011, as Ms. Ross was leaving home to drop her children
2 off at school, she was shocked to discover that “I hate Section 8 Niggers,” had been
3 graffitied on her garage, and that a window had been broken. Ms. Ross called the
4 Sheriff’s department, but their only response was to accuse her children of breaking
5 the window. After the graffiti incident, attacks on her children escalated. One day,
6 young people drove by her home and threw what appeared to be urine at her children,
7 again hurling the slur: “Section 8 niggers.”

8 88. After these incidents, Ms. Ross and her children so feared for their safety
9 that they no longer slept in their home. They stayed with friends while looking for
10 another landlord to accept Ms. Ross’s Section 8 voucher. Ms. Ross had limited
11 transportation and did not want to take her children out of their school, so she was
12 constrained to look for housing in the Antelope Valley.

13 89. Ms. Ross again found that the Cities’ stigmatization of Section 8 tenants,
14 as well as their harassment of Section 8 landlords, was having an effect. Most
15 landlords she approached said they would not take a Section 8 voucher. Ms. Ross
16 found that landlords in both Cities appeared to accept the Cities’ message that most
17 Section 8 tenants were criminals and should not be welcomed. Ms. Ross finally
18 found a place to rent in Lancaster. After the filing of this lawsuit, which she
19 originally brought under the pseudonym Judy Doe, and after her true identity was
20 released to the Cities and the press without warning, Ms. Ross is seeking to relocate
21 to a home outside the Antelope Valley. If her family could stay in the Antelope
22 Valley without fear of harassment, Ms. Ross would welcome the opportunity to do
23 so, so that her children could take advantage of the neighborhoods and schools.

24 90. Jaquinn Davis is a black single mother and a Section 8 participant. She
25 recently completed cosmetology school and is currently interning at a beauty salon in
26 Los Angeles while she waits for her license. Ms. Davis also receives assistance from
27 the Department of Public Social Services (“DPSS”). She moved to Lancaster in April
28

1 2010 because she could not find a unit to rent in Los Angeles that would both accept
2 Section 8 and did not have severe habitability problems.

3 91. Ms. Davis has a young son who suffers from asthma. The home they
4 rented using her Section 8 voucher in Los Angeles was infested with mold, presenting
5 a danger to any resident and a particularly acute danger to her asthmatic son. She
6 looked for another home nearby, but found nothing better. Ms. Davis turned to the
7 Antelope Valley in hopes of finding a clean, well-maintained home where her son's
8 health would not be in further jeopardy.

9 92. Upon moving to Lancaster, she immediately enrolled her son in the local
10 elementary school. Before moving to the Antelope Valley, her son was an honor roll
11 student, and she expected he would do just as well at a new school. However, as
12 soon as her son began attending the local school in Lancaster, he became a target for
13 bullies, and as a result, his grades dropped. Ms. Davis approached the school
14 administration, but they were of no help. At the start of the new school year, Ms.
15 Davis decided it was in her son's best interest to pull him out of the elementary
16 school in Lancaster and re-enroll him at his old school in Los Angeles. Free from
17 bullying, her son's grades went back up.

18 93. As a result, Ms. Davis and her son commute to Los Angeles from
19 Lancaster Monday through Friday each week. She and her son take the train to a
20 train station in Los Angeles, where her mother picks up her son and takes him to
21 school and Ms. Davis herself catches the bus to the beauty salon where she interns.
22 This commute is long and exhausting, but Ms. Davis believes it is in the best interest
23 of her son to have him in a school where he is not bullied and is on the honor roll, and
24 it is in her own best interest to intern while she waits for her cosmetologist's license
25 so that she can learn a variety of skills and get a better job once she has her license.
26 In short, Ms. Davis is making sacrifices to help craft a better future for herself and her
27 son, one that she hopes will allow her to support herself without government
28 assistance.

1 94. In February 2011, the DPSS fraud unit contacted Ms. Davis and
2 informed her that she was being investigated because DPSS did not believe she lived
3 in Lancaster. The fraud unit questioned how she could afford to travel back and forth
4 from Lancaster to Los Angeles for work and for her son's schooling. In order to
5 prove that she was living in Lancaster and had no unreported income, the DPSS case
6 worker asked her to provide a letter from her son's school indicating he lives in
7 Lancaster, rent receipts, utility bills, train stubs, and a declaration. Ms. Davis
8 promptly submitted all these documents as requested, and responded immediately to
9 all of DPSS's follow up questions. Within a few weeks, she was informed that DPSS
10 had closed its case and was satisfied that no fraud was being committed.

11 95. Months later, in June 2011, Investigator Mullins appeared at Ms. Davis's
12 home and asked for authorization to conduct a compliance check. Ms. Davis
13 consented, fearing she might lose her Section 8 voucher if she refused. When Ms.
14 Davis asked Investigator Mullins why he was conducting the compliance check, he
15 said that DPSS had told him that she was subleasing her Section 8 unit. Ms. Davis
16 explained that DPSS had cleared her of any fraud months earlier, and pulled out
17 copies of all of the documents she had sent to DPSS – documents that proved that she
18 lived in her unit. Investigator Mullins told her that he already had copies of all of
19 those documents.

20 96. Despite the fact that DPSS had closed its investigation, and that
21 Investigator Mullins already had extensive documentation demonstrating that Ms.
22 Davis lived in her home, Mullins conducted an inspection of the entire home –
23 pulling out bureau drawers and looking through closets. Mullins expressed surprise
24 that Ms. Davis's home was clean and well-kept, as though he expected otherwise.
25 Unsurprisingly, he found no evidence that she was subletting the home.

26 97. Nonetheless, in July 2011, a HACoLA staff person scheduled Ms. Davis
27 for a counseling session. At the session, Ms. Davis was asked to sign a copy of the
28 Housing Authority rules. Ms. Davis never received a clear answer as to why she was

1 being “counseled,” as she had broken no rules, and had never been investigated prior
2 to moving to Lancaster.

3 98. Lancaster and Palmdale officials’ statements have made it clear Ms.
4 Davis and her son are not welcome, and the baseless investigation and counseling to
5 which she was subjected confirm that animus. Ms. Davis fears future unwarranted
6 harassment, and even termination of her voucher. Without the Section 8 voucher
7 program, she and her son would be homeless. She thus feels forced to choose
8 between the better housing conditions she has found in the Antelope Valley and the
9 fear that she could end up with no home at all.

10 **FIRST CAUSE OF ACTION**

11 **42 U.S.C. § 3604(a)**

12 **AGAINST ALL DEFENDANTS**

13 99. Plaintiffs repeat and incorporate by reference the allegations set forth in
14 paragraphs 1 through 98 above.

15 100. The Fair Housing Act, 42 U.S.C. § 3604(a) provides that: “It shall be
16 unlawful . . . [t]o refuse to sell or rent after the making of a bona fide offer, or to
17 refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a
18 dwelling to any person because of race, color, . . . or national origin.”

19 101. The Cities of Lancaster and Palmdale have violated 42 U.S.C. § 3604(a)
20 by undertaking a series of actions expressly designed to exclude and discriminate
21 against Section 8 participants in their Cities, including: (1) subjecting current tenants
22 to unwarranted, constant surveillance and harassment as well as frequent invasions of
23 their homes under the guise of investigations and compliance checks; (2) attempting
24 to dissuade landlords from renting to Section 8 tenants and subjecting those who do
25 to increased surveillance and harassment; and (3) attempting additional action to
26 dissuade would-be Lancaster and Palmdale residents from moving to the Antelope
27 Valley.

1 102. The vast majority of Section 8 participants are either black or Latino,
2 and Section 8 has been targeted by Defendants because the vast majority of Section 8
3 participants are black or Latino.

4 103. Defendants' actions constitute a pattern or practice of intentional
5 exclusion and discrimination. These actions also have an unjustified disparate impact
6 on blacks and Latinos, who make up the vast majority of Section 8 participants in
7 Lancaster and Palmdale, and in Los Angeles County. Therefore, these actions
8 otherwise make unavailable or deny, a dwelling to Plaintiffs because of race, color, or
9 national origin in violation of 42 U.S.C. § 3604(a).

10 104. As a direct and proximate result of Defendants' unlawful conduct,
11 Plaintiffs have suffered irreparable harm and this harm will continue absent
12 injunctive relief.

13 **SECOND CAUSE OF ACTION**

14 **42 U.S.C. § 3604(b)**

15 **AGAINST ALL DEFENDANTS**

16 105. Plaintiffs repeat and incorporate by reference the allegations set forth in
17 paragraphs 1 through 98 above.

18 106. The Fair Housing Act, 42 U.S.C. § 3604(b) provides that: "It shall be
19 unlawful . . . [t]o discriminate against any person in the terms, conditions, or
20 privileges of sale or rental of a dwelling, or in the provision of services or facilities in
21 connection therewith, because of race, color, . . . or national origin."

22 107. The Cities of Lancaster and Palmdale have violated 42 U.S.C. § 3604(b)
23 by undertaking a series of actions expressly designed to exclude and discriminate
24 against Section 8 participants in their Cities, including: (1) subjecting current tenants
25 to unwarranted, constant surveillance and harassment as well as frequent invasions of
26 their homes under the guise of investigations and compliance checks; (2) attempting
27 to dissuade landlords from renting to Section 8 tenants and subjecting those who do
28 to increased surveillance and harassment; and (3) attempting additional action to

1 dissuade would-be Lancaster and Palmdale residents from moving to the Antelope
2 Valley.

3 108. The vast majority of Section 8 participants are either black or Latino,
4 and Section 8 has been targeted by Defendants because the vast majority of Section 8
5 participants are black or Latino.

6 109. Defendants' actions constitute a pattern or practice of intentional
7 exclusion and discrimination. These actions also have an unjustified disparate impact
8 on blacks and Latinos, who make up the vast majority of Section 8 participants in
9 Lancaster and Palmdale, and in Los Angeles County. Therefore, these actions have
10 the effect of discriminating against Plaintiffs in the terms, conditions, or privileges of
11 sale or rental of a dwelling, or in the provision of services or facilities in connection
12 therewith because of race, color or national origin in violation of 42 U.S.C. §
13 3604(b).

14 110. As a direct and proximate result of Defendants' unlawful conduct,
15 Plaintiffs have suffered irreparable harm and this harm will continue absent
16 injunctive relief.

17 **THIRD CAUSE OF ACTION**

18 **42 U.S.C. § 3617**

19 **AGAINST ALL DEFENDANTS**

20 111. Plaintiffs repeat and incorporate by reference the allegations set forth in
21 paragraphs 1 through 98 above.

22 112. The Fair Housing Act, 42 U.S.C. § 3617 provides that: "It shall be
23 unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or
24 enjoyment of, or on account of his having exercised or enjoyed, or on account of his
25 having aided or encouraged any other person in the exercise or enjoyment of, any
26 right granted or protected by section 3603, 3604, 3605, or 3606 of this title."
27 Department of Housing and Urban Development regulation 24 C.F.R. § 100.400,
28 which interprets Section 3617, provides that: "Conduct made unlawful under this

1 section includes, but is not limited to, the following: (1) Coercing a person, either
2 orally, in writing, or by other means, to deny or limit the benefits provided that
3 person in connection with the sale or rental of a dwelling or in connection with a
4 residential real estate-related transaction because of race, color, . . . or national origin.
5 (2) Threatening, intimidating or interfering with persons in their enjoyment of a
6 dwelling because of the race, color, . . . or national origin of such persons, or of
7 visitors or associates of such persons.”

8 113. The Cities of Lancaster and Palmdale have violated 42 U.S.C. § 3617 by
9 undertaking a series of actions expressly designed to exclude and discriminate against
10 Section 8 participants in their Cities, including: (1) subjecting current tenants to
11 unwarranted, constant surveillance and harassment as well as frequent invasions of
12 their homes under the guise of investigations and compliance checks; (2) attempting
13 to dissuade landlords from renting to Section 8 tenants and subjecting those who do
14 to increased surveillance and harassment; and (3) attempting additional action to
15 dissuade would-be Lancaster and Palmdale residents from moving to the Antelope
16 Valley.

17 114. The vast majority of Section 8 participants are either black or Latino,
18 and Section 8 has been targeted by Defendants because the vast majority of Section 8
19 participants are black or Latino.

20 115. Defendants’ actions constitute a pattern or practice of intentional
21 exclusion and discrimination. These actions also have an unjustified disparate impact
22 on blacks and Latinos, who make up the vast majority of Section 8 participants in
23 Lancaster and Palmdale, and in Los Angeles County. Therefore, these actions have
24 the effect of coercing, intimidating, threatening, and interfering with Plaintiffs’
25 exercise of their Fair Housing rights because of race, color or national origin in
26 violation of 42 U.S.C. §3617.

1 116. As a direct and proximate result of Defendants' unlawful conduct,
2 Plaintiffs have suffered irreparable harm and this harm will continue absent
3 injunctive relief.

4 **FOURTH CAUSE OF ACTION**
5 **42 U.S.C. § 1983 / U.S. CONST. AMEND. XIV**
6 **AGAINST ALL DEFENDANTS**

7 117. Plaintiffs repeat and incorporate by reference the allegations set forth in
8 paragraphs 1 through 98 above.

9 118. 42 U.S.C. § 1983 provides that “[e]very person who, under color of any
10 statute, ordinance, regulation, custom, or usage, of any State or Territory or the
11 District of Columbia, subjects, or causes to be subjected, any citizen of the United
12 States or other person within the jurisdiction thereof to the deprivation of any rights,
13 privileges, or immunities secured by the Constitution and laws, shall be liable to the
14 party injured in an action at law, suit in equity, or other proper proceeding for redress.
15” The Fourteenth Amendment to the United States Constitution provides that no
16 state shall “deny to any person within its jurisdiction the equal protection of the laws”
17 on the basis of race or ethnicity.

18 119. The Cities of Lancaster and Palmdale have violated the Equal Protection
19 Clause of the Fourteenth Amendment by undertaking a series of actions expressly
20 designed to exclude and discriminate against Section 8 participants in their Cities,
21 including: (1) subjecting current tenants to unwarranted, constant surveillance and
22 harassment as well as frequent invasions of their homes under the guise of
23 investigations and compliance checks; (2) attempting to dissuade landlords from
24 renting to Section 8 tenants and subjecting those who do to increased surveillance and
25 harassment; and (3) attempting additional action to dissuade would-be Lancaster and
26 Palmdale residents from moving to the Antelope Valley.

1 to dissuade landlords from renting to Section 8 tenants and subjecting those who do
2 to increased surveillance and harassment; and (3) attempting additional action to
3 dissuade would-be Lancaster and Palmdale residents from moving to the Antelope
4 Valley.

5 133. The vast majority of Section 8 participants are either black or Latino,
6 and Section 8 has been targeted by Defendants because the vast majority of Section 8
7 participants are black or Latino.

8 134. Defendants' actions constitute a pattern or practice of intentional
9 exclusion and discrimination. These actions also have an unjustified disparate impact
10 on blacks and Latinos, who make up the vast majority of Section 8 participants in
11 Lancaster and Palmdale, and in Los Angeles County. Therefore, these actions have
12 the effect of discriminating on the basis of race, color, ethnic group identification, or
13 national origin in violation of Cal. Gov't Code § 11135.

14 135. As a direct and proximate result of Defendants' unlawful conduct,
15 Plaintiffs have suffered irreparable harm and this harm will continue absent
16 injunctive relief.

17 **SEVENTH CAUSE OF ACTION**
18 **CAL. CONST. ART. I § 7, ART. IV, § 16**
19 **AGAINST ALL DEFENDANTS**

20 136. Plaintiffs repeat and incorporate by reference the allegations set forth in
21 paragraphs 1 through 98 above.

22 137. Section 7(a) of Article I of the California Constitution provides that "[a]
23 person may not be ... denied equal protection of the laws" on the basis of race or
24 ethnicity.

25 138. Section 16(a) of Article IV of the California Constitution provides that
26 "[a]ll laws of a general nature have uniform operation."

27 139. The Cities of Lancaster and Palmdale have violated the Equal Protection
28 Clauses of the California Constitution by undertaking a series of actions expressly

1 designed to exclude and discriminate against Section 8 participants in their Cities,
2 including: (1) subjecting current tenants to unwarranted, constant surveillance and
3 harassment as well as frequent invasions of their homes under the guise of
4 investigations and compliance checks; (2) attempting to dissuade landlords from
5 renting to Section 8 tenants and subjecting those who do to increased surveillance and
6 harassment; and (3) attempting additional action to dissuade would-be Lancaster and
7 Palmdale residents from moving to the Antelope Valley.

8 140. The vast majority of Section 8 participants are either black or Latino,
9 and Section 8 has been targeted by Defendants because the vast majority of Section 8
10 participants are black or Latino.

11 141. Defendants' actions constitute a pattern or practice of intentional
12 exclusion and discrimination on the basis of race and ethnicity. Therefore, these
13 actions have the effect of denying Section 8 tenants within the Cities' jurisdiction the
14 equal protection of the laws.

15 142. As a direct and proximate result of Defendants' unlawful conduct,
16 Plaintiffs have suffered irreparable harm and this harm will continue absent
17 injunctive relief.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiffs pray for judgment:

20 1. Declaring that Defendants' actions seeking to exclude and discriminate
21 against Section 8 participants or having the unjustified effect of excluding and
22 discriminating against Section 8 participants violate state and federal law;

23 2. Enjoining Defendants from taking any further actions that are designed
24 to exclude and discriminate against Section 8 participants or that have the unjustified
25 effect of excluding and discriminating against Section 8 participants;

26 3. Declaring that Defendants' actions seeking to dissuade Section 8
27 participants from residing in the Cities or having the unjustified effect of dissuading
28 Section 8 participants from residing in the Cities violate state and federal law;

1 4. Enjoining Defendants from taking any further actions that are designed
2 to dissuade Section 8 participants from residing in the Cities or that have the
3 unjustified effect of dissuading Section 8 participants from residing in the Cities;

4 5. Declaring that Defendants' actions seeking to dissuade landlords from
5 renting to Section 8 participants in the Cities or having the unjustified effect of
6 dissuading landlords from renting to Section 8 participants in the Cities violate state
7 and federal law;

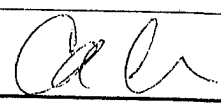
8 6. Enjoining Defendants from taking any further actions that are designed
9 to dissuade landlords from renting to Section 8 participants in the Cities or that have
10 the unjustified effect of dissuading landlords from renting to Section 8 participants in
11 the Cities;

12 7. Ordering Defendants to take affirmative steps necessary to remedy the
13 effects of their unlawful acts;

14 8. Awarding Plaintiffs the costs, expenses, and attorneys' fees incurred in
15 this action; and

16 9. Awarding Plaintiffs such other and further relief as may be deemed by
17 this Court to be just and proper.
18

19 DATED: September 28, 2011



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Attorneys for Plaintiffs



Neal S. Dudovitz
NEIGHBORHOOD LEGAL SERVICES OF
LOS ANGELES COUNTY
Attorneys for Plaintiffs

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 2029 Century Park East, Suite 2600, Los Angeles, California 90067. On September 28, 2011 I served the foregoing document(s) described as: **FIRST AMENDED COMPLAINT AND SUMMONS** on interested parties in this action by placing the original true copy(ies) thereof enclosed in sealed envelopes as follows: as stated on the attached mailing list:

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Counsel for Defendant City of Lancaster

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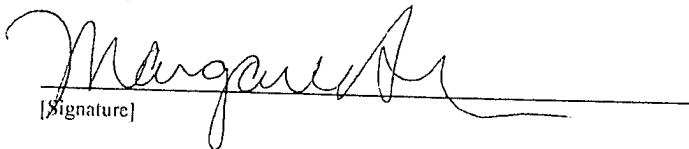
BY MAIL (C.C.P. § 1013(a)) I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the U.S. postal service. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. The envelope was sealed and placed for collection and mailing on that date following ordinary business practices.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 28, 2011 at Los Angeles, California.

Margaretha Ayers

[Print Name Of Person Executing Proof]


[Signature]