

THE DUTY OF PHA'S TO ENSURE THE RIGHT TO LIVE FREE FROM RACIAL VIOLENCE

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Boston, MA

June 2004

Legal Obligations

- Problems between tenants are all too common in public housing
- But when disputes between tenants are based on race or national origin (or other protected categories) - and they become violent – it is the PHA’s legal duty to take appropriate action.

In Boston Tenants of Color Were Routinely Harassed by White Tenants

Rocks, BB Guns, Bricks through windows – families forced to sleep on floor	Fires set outside Black and Latino families' doors -	8 yr. old AA boy had arms pinned & firecrackers set off in coat pocket
Pregnant woman had door tied from outside	Constant racial graffiti & swastikas	Cars vandalized, tires slashed, windows broken
Haitian family had to remove feces from door before Church	Children of color harassed and beat up by older kids	White teens gathered in hallways harassing tenants

Boston Housing Authority Failed To Take Complaints of Racial Violence Seriously

- At first BHA tried to ignore what was going on
- Did not have adequate complaint procedure
- Did not conduct adequate investigation
- Did not take decisive actions against white perpetrators
- Did not provide leadership and clear policies against racial harassment

By Failing To Protect Tenants of Color We Alleged the BHA:

- Discriminated in terms, conditions, privileges of housing in violation of 42 USC 3604(b).
- Denied housing to the minority tenants by “otherwise making housing unavailable”. 42 USC 3604(a)
- Allowed white tenants to interfere by threats, intimidation or coercion with minority tenants enjoyment of their f.h. rights. 42 USC 3617
- Permitted a “hostile living environment” making it impossible for tenants of color to live in their apts.

Racially Hostile Living Environment

- Theory of “hostile work environment” well accepted in employment law – both sexually & racially hostile environments accepted
- “Hostile living environment” less commonly used but has been upheld by courts



Reeves v. Carrollsburg Condo Unit Owners Association

- Court held that an AA woman harassed by white neighbor stated claim of a hostile living environment under FHA

Conduct must be:

- Unwelcome
- Based on persons protected status
- Sufficiently severe or pervasive to alter living conditions
- Defendants knew or should have known of harassment yet took no effective action to correct situation

HUD Issued First Ever Finding of Systemic Discrimination Against BHA

After 3 year investigation HUD found:

- BHA knew about the the “severe & pervasive racial hostility”
- Failed to develop policies to adequately respond
- Failed to protect tenants from racially motivated violence & vandalism

1.5 Million Dollar Settlement

- BHA had to hire more police
- Hire more civil rights staff
- Train managers on civil rights procedures
- Improve translation services
- Add a “zero tolerance” eviction procedure for civil rights violations to lease
- Promptly & thoroughly investigate complaints of harassment
- Assess each situation for triggering factors indicating racial animosity
- Take prompt action against perpetrators including eviction

What This Means

- Review your civil rights policies
- Be sure to have written policies on how to deal with complaints of racial violence
- Inform tenants of complaint procedures
- Train all staff on civil rights laws & policies
- Investigate all complaints thoroughly
- Coordinate with local police
- Take swift action against perpetrators
- Have Director set tone of zero tolerance for racial harassment and violence of every kind