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IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

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SAVANNAH DIVISION

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SO. DIST. OF GA.

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 V. )  
 )  
 THE CITY OF POOLER, GA )  
 )  
 Defendant. )

case No. CV 401-263

COMPLAINT  
Jury Trial Requested

The United States of America alleges:

1. This action is brought by the United States to enforce Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 4 2 U.S.C. §§ 3601, et seq. (the "Fair Housing Act").

2-b The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3614.

3. Defendant City of Pooler (the "City") is a political subdivision of the state of Georgia located within the Southern District of Georgia, Savannah Division. The City is located in Chatham County, approximately 12 miles from Savannah.

4. The City is governed by an elected City Council, which consists of six Council members and a mayor. The City exercises zoning and land use authority over the land within its boundaries.

5. According to the 2000 Census, the City, with a population of 6,239, is 88% white. The City of Savannah, also located in Chatham County and with a population of 131,510, is 39% white.

6. Jerry Braden is a self-employed real estate developer of multi-family, single-family, and commercial properties.

7. In April 2000, Braden secured an option to purchase a tract of land in the City, where he planned to construct Harbor Pointe Apartments, a 68-unit, low-income elderly housing complex, using state allocated tax credits under the federal Low-Income Housing Tax Credit ("LIHTC") program.

8. The LIHTC program, one of the largest federal programs to fund the development and rehabilitation of affordable housing, provides federal tax credits to private developers as an incentive to create affordable housing. The tax credits for the creation of affordable housing within the state of Georgia are allocated in a competitive process to individual developers by the Georgia Department of Community Affairs ("Georgia DCA"),

9. The proposed 68 units of housing at Harbor Pointe Apartments are "dwellings" within the meaning of 42 U.S.C. § 3602 (b).

10. Braden's plan for Harbor Pointe Apartments required a variance (or "text amendment") from the per unit minimum square footage requirements in the City's zoning ordinance. The City's

zoning ordinance requires that one-bedroom apartments be at least 2,000 square feet, and that two-bedroom units be at least 2,500 square feet. Braden proposed a text amendment to the City's zoning ordinance that would have allowed him to construct 68 one- and two-bedroom units of 750 and 850 square feet, respectively.

11. Although the City's Planning and Zoning Commission unanimously recommended approval of Braden's requested zoning text amendment, on April 3, 2000, the City Council denied Braden's request.

12. The City opposed the proposed zoning text amendment because it feared that Harbor Pointe Apartments would attract black residents to the City from neighboring Savannah.

13. As a result of the City's denial of the proposed zoning text amendment, Braden modified his plan for Harbor Pointe Apartments to conform to the City's pre-existing zoning requirements- The new plan for Harbor Pointe Apartments was for 68 units in 34 duplexes. The City's zoning ordinance did not have a minimum per unit square footage requirement for duplexes, but allowed only 5.4 duplexes per acre. To meet the minimum square acreage requirement, Braden optioned additional land adjacent to his original tract.

14. In allocating tax credits for the year 2000, the Georgia DCA took into account the views of the city in which a proposed development would be located, Accordingly, on April 17,

2000, Braden presented his reformatted proposal for Harbor Pointe Apartments to the City and requested a letter of endorsement.

15. On June 5, 2000, the city Council voted to oppose the proposed construction of Harbor Pointe Apartments and notified the Georgia DCA of its opposition in writing.

16. As with the proposed zoning text amendment, the City opposed the construction of Harbor Pointe Apartments because it feared that the proposed development would attract black residents to the City from Savannah.

17. Because of the City's opposition to Harbor Pointe Apartments, including its opposition to the proposed zoning text amendment, Braden was not awarded tax credits in the 2000 LIHTC competition and Harbor Pointe Apartments was not constructed.

18. The above stated actions of the Defendant have made dwellings unavailable to persons because of race or color, in violation of 42 U.S.C. § 3604(a).

19. The Defendant's conduct as stated above constitutes a denial of Fair Housing Act rights to a group of persons, which denial raises an issue of general public importance.

20. There are persons who have been injured by Defendant's discriminatory housing practices. Such persons are aggrieved persons as defined in 42 U.S.C. § 3602(i).

21. Defendant's conduct was intentional, willful, and taker, in reckless disregard of the rights of others.

WHEREFORE, the United States prays that the Court enter a JUDGMENT that:

1. Declares that the actions of the Defendant described herein constitute a violation of the Fair Housing Act, pursuant to 42 U.S.C. § 3614(d) (1) (B), and 29 U.S.C. § 2201;

2. Enjoins the Defendant, its officials, agents, employees, and all other persons acting in concert or participation with the Defendant from discriminating on the basis of race or color in violation of the Fair Housing Act, pursuant to 42 U.S.C. § 3614(d) (1) (A);

3. Requires the Defendant to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory housing practices in the future and to eliminate the effects of Defendant's unlawful practices described herein, pursuant to 42 U.S.C. § 3614(d) (1) (A);

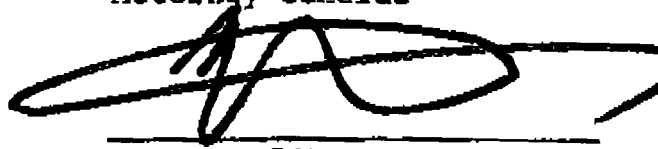
4. Awards such damages as would fully compensate each person aggrieved by Defendant's discriminatory housing practices, pursuant to 42 U.S.C. § 3614(d) (1) (B);

5. Awards each person aggrieved by Defendant's discriminatory housing practices punitive damages, pursuant to 42 U.S.C. § 3614(d) (1) (B); and

6. Assesses a civil penalty against the Defendant to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d) (1) (C).

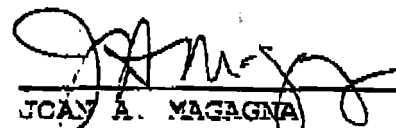
The United States further prays for such additional relief  
as the interests of justice may require.

JOHN ASHCROFT  
Attorney General

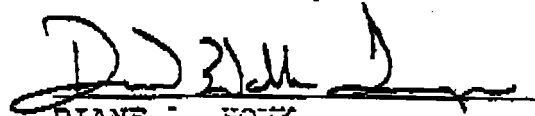


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