

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

FILED  
JUN 7 2001

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
CAPE GIRARDEAU

FRANCES HINES, et al.,

Plaintiffs,

vs.

CHARLESTON HOUSING  
AUTHORITY, et al,

Defendants.

Case No. 1:01CV70 CDP

**MEMORANDUM AND ORDER**

Plaintiffs seek to prevent the demolition of Charleston Apartments, a low-income apartment complex in Charleston, Missouri. Defendants Charleston Housing Authority and Paul Page move to dismiss the claims of Housing Comes First for lack of standing. Housing Comes First is a nonprofit corporation whose mission is "to prevent homelessness and to preserve, expand, and ensure the availability of affordable housing for low-income families in Missouri."

(Complaint at ¶¶ 2, 55). Housing Comes First asserts claims on its own behalf under federal statutes, including the Fair Housing Act.

In Havens Realty Corp. v. Coleman, 455 U.S. 363, 372 (1982), the United States Supreme Court held that fair housing organizations have standing to sue under the FHA if they allege injury in fact. "As long as respondents have alleged distinct and palpable injuries that are 'fairly traceable' to petitioner's actions, the


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Article III requirement of injury in fact is satisfied." Id. at 376. Where a fair housing organization such as Housing Comes First "devote[s] significant resources to identify and counteract a defendant's unlawful practices," Arkansas ACOEN Fair Housing, Inc. v. Greystone Development Ltd. Co., 160 F.3d 433, 434 (8th Cir. 1998) (quoting, Havens, 455 U.S. at 379), the injury in fact requirement is satisfied and the organization has standing to sue. "That the alleged injury results from the organization's noneconomic interest in encouraging open housing does not effect the nature of the injury suffered . . . ." Havens, 455 U.S. at 379 n.20.

Housing Comes First alleges that it "has had to divert significant time and resources to addressing the loss of affordable housing, discrimination, displacement of tenants from their homes, and the denial of tenants' housing rights at the Charleston Apartments. Plaintiff Housing Comes First has been adversely affected by defendants' actions as complained of herein." (Complaint at ¶ 55). This allegation satisfies the injury in fact requirement of Article III. See id. at 379 (allegations that fair housing organization "has had to devote significant resources to identify and counteract" defendants' conduct was sufficient to allege injury in fact and to vest organization with standing to sue under FHA). Housing Comes First has standing to sue on its own behalf.

Accordingly,

**IT IS HEREBY ORDERED** that defendants' motion to dismiss [#10] is  
denied.

  
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**CATHERINE D. PERRY**  
**UNITED STATES DISTRICT JUDGE**

Dated this 7<sup>th</sup> day of June, 2001.