September 16, 2016

Michael Rose
Director, Field Office, Community Planning and Development
820 First Street NE
Suite 300
Washington, DC 20002

Melody Taylor-Blancher
Director, Regional Office Fair Housing and Equal Opportunity
100 Penn Square
Philadelphia PA 19107

Dear Mr. Rose and Ms. Taylor-Blancher:

We challenge the certification made by Washington, DC ("the City" or "District"), in conjunction with its submission of its Consolidated Plan, that it is in compliance with the Fair Housing Act and that it will affirmatively further fair housing. We provide evidence that demonstrates the City is taking actions that are materially inconsistent with its certifications, and that its proposed actions fail to address or overcome important impediments identified in its analysis of impediments to fair housing choice (AI).

We request that the Department declare the City's certification to be inaccurate and unsatisfactory to the Department, and require assurances to ensure that the City's actions are consistent with identified impediments and with fair housing choice.[1] This request is made consistent with 24 CFR 91.215, 91.225 and 24 CFR 91.236.

Our analysis is based on evidence demonstrating three critical failures by the City in its consolidated plan submission:

1. Its failure to identify actions and strategies that address profound and long-standing patterns of racial segregation in the City, despite its own recognition that segregation is an impediment to fair housing choice;
2. Its failure to take actions to preserve affordable housing in the face of gentrification which is inconsistent with its AIs and which does not support the City's expressed commitment to inclusive and diverse communities; and
3. Its failure to provide for preservation and restoration of affordable three, four and five bedroom units, which are needed by families with minor children.

When the City submits a Consolidated Plan, the City certifies that the grant will be "conducted and administered" in conformity with the Fair Housing Act, and certifies that it "will affirmatively further fair housing." The City "must consider the existence and impact of race discrimination on housing opportunities and choice in its jurisdiction. In identifying impediments to fair housing choice, it must consider impediments erected by race

discrimination, and if such impediments exist, it must take appropriate action to overcome the effects of those impediments." *United States ex rel. Anti-Discrimination Ctr. of Metro N.Y., Inc. v. Westchester County*, 2007 U.S. Dist. LEXIS 50589 (S.D.NY 2007).

IMPEDIMENTS TO FAIR HOUSING EXIST IN WASHINGTON DC AND APPROPRIATE ACTION IS NOT BEING TAKEN BY THE CITY

*Obligation to Address Patterns of Racial Segregation*

The City adopted a comprehensive analysis of impediments (AI) for 2005 and an analysis of impediments in 2012.[2] Both reports flatly state that the City is segregated by race. The 2012 report identifies as an impediment that one third of the City's 39 neighborhoods are 93% or more African American and identifies 13 areas of hypersegregation. (2012 AI, page 179-180). It affirms the need for the City to expand the housing choices of existing and potential residents beyond those neighborhoods dominated by their own race or ethnicity. (2012 AI, Impediment 1, Recommendation 1.B.) The City's 2012 AI explicitly states that "the long term welfare of the entire metropolitan area depends on transforming the current dual housing market into a unitary market where people of all races and ethnicities consider housing throughout the metropolitan area and not just in racial or ethnic enclaves." (2012 AI, page 187). It includes concrete actions, like expanded housing counseling for residents about opportunities outside their existing neighborhoods. Finally, the City obligates itself to vigorously implement recommendations on the siting of affordable housing to expand fair housing choice, stating these actions are needed "to preserve existing housing affordable to households with modest incomes and assure a proportion of new units are affordable to this income group in the gentrifying neighborhoods and throughout the city. (2012 AI, page 182.) These recommendations include the impediment of a shortage of affordable housing and lost affordable housing. (See discussion, infra.)

The pattern of segregation in the City is demonstrated by HUD-provided maps showing a high degree of racial segregation along the midline of the City. AFFHT, Map 1, Race and Ethnicity, demonstrates 11 large areas of racial and ethnic concentration by poverty (R/ECAP) on the east side of the City and one small R/ECAP area on the west side of the City, along with virtually all of the black population on the east side of the City. A view of HUD's Map 5 for the City demonstrates that publicly subsidized housing, including public housing, tax credit housing, multifamily housing and other publicly supported housing, contributes strongly to those patterns of segregation. AFFHT, Map 5, Publicly Supported Housing and Race/Ethnicity. Map 6 demonstrates that virtually all of the Housing Choice Vouchers in use are concentrated on the east side of the City, which contributes to the concentrations of race and poverty and creates racial segregation. AFFHT, Map 6, Housing Choice Vouchers and Race/Ethnicity. See 2012 AI, Figure 14, page 142, also demonstrating this pattern of voucher usage contributing to segregation by race. Finally, see 2012 AI, page 82, Figure 5, displaying the entire east side of the City with higher percentages of African-Americans than what would be expected in a free market.

The 2012 AI describes some limited progress with integration in the City but attributes most of

those minor changes to movement by white families, through gentrification, into black neighborhoods. It recognizes that one result of such gentrification has been displacement of black families with more modest incomes, and that "to maintain the racial and economic integration in these neighborhoods and prevent resegregation to virtually all–white" the City needs to preserve existing affordable housing and create new units of affordable housing. (2012 AI, page 83).

Evidence shows that the City is taking actions that perpetuate segregation by race. First, by not taking concrete actions to end segregation by race, the City is perpetuating racial segregation. The City's Consolidated Plan contains no concrete strategy that will address the patterns of segregation in the City. The Consolidated Plan should include specific goals and strategies that will address patterns of racial segregation that have been exacerbated by the siting of public housing units, tax credit units and landlords accepting tenants with Housing Choice Vouchers. It does not. Instead of recognizing the long-standing written commitment by the City to encourage and support neighborhoods that are racially and economically diverse, the Consolidated Plan includes the barest head nod to the need to address integration, asserting it will work with the Housing Authority on its Voucher program, and offering a Tenant Right to Purchase Act, which will be useless to low and very low income families in the District. The lack of specificity regarding number of units, plans for land acquisition, consideration of infill housing and accessory units, and, most importantly, the absence of a plan to strengthen inclusionary zoning provisions that would include deeply affordable units in new rental and homeownership developments are substantial deficiencies in the Consolidated Plan. As the AIs in effect over the past ten years have repeatedly noted, it will take sustained and ongoing efforts to address the long-standing patterns of segregation in the city, and the Consolidated Plan does not even begin that task.

A recent example of the City's actions that would have perpetuated segregation and its failure to affirmatively further fair housing was its approval, brought to the attention of HUD and subsequently being addressed further, to take 100 inclusionary zoning units affordable at 60 percent AMI and rather than including them in the Peebles Development proposal at a development at 5th and I Streets NW, a gentrifying neighborhood where black population is decreasing, placed them in Anacostia, an area that is deeply segregated and identified as a R/ECAP area by HUD. In fact, according to data from the U.S. Census Bureau, between 2000 and 2014, the District's African American population decreased by over 30,000 while increasing in already hyper-segregated Wards 7 and 8 by nearly 3,000. [3] This action by the City demonstrates its lack of commitment to sustaining neighborhoods that are diverse racially and economically, and constituted an action that perpetuated segregation.

*Obligation to Preserve and Expand Affordable Housing, Including for Families with Children*
As noted above, the 2012 AI identifies as an impediment to fair housing choice the loss of affordable housing units in the District (2012 AI, Impediment 4, page 186), calling for preservation of affordable housing in gentrifying neighborhoods and inclusion of new affordable units in gentrifying neighborhoods.

The 2012 AI also confirms a 2005 Impediment recognized by the City: "Affordable housing for low and moderate income...housing is available in small and decreasing numbers of DC neighborhoods." (AI, page 169). The 2012 AI indicates that the District could not provide information on how various recommendations for increasing low and moderate income housing had been implemented in evaluating progress on this commitment made in the 2005 AI. Thus the City failed to keep records that would demonstrate that it was taking actions that would comply with the 2005 AI Impediment and Recommendations. This fact alone establishes a failure to affirmatively further fair housing, since taking actions and keeping records of the actions that were undertaken under an AI is a key component of the obligation. Moreover, and perhaps more importantly, during the time when the City had identified that the loss of affordable housing was a fair housing impediment and simultaneously failed to keep records on actions taken to address the impediment, the City was losing affordable housing units in astonishing numbers.

A 2015 study by the DC Fiscal Policy Institute [4] indicates that the number of low-cost apartments dropped in the City between 2002 and 2013 from 57,756 to 33,433, a reduction of almost 50% and a decrease from 40% of the housing units in the District to 20% of the housing units. It called on the City to "greatly increase investments to preserve the affordable apartments we have and to add affordable housing to maintain the city's economic vitality." The report also identified that two-thirds of low income residents with incomes under $32,000 for a family of four spent more than half of their income on housing, which HUD defines as persons having a severe housing burden. Additionally, HUD data indicates that 56,045 black households (or 45.45% of black households in the City) have one or more severe housing problems, including overcrowding or cost burden. (HUD AFFHT, Table 9, Disproportionate Housing Needs).

The disastrous drop in affordable housing availability for very low income residents came during a period when the District had committed itself in its AIs to preserve affordable housing. Instead, the City lost a huge number of affordable housing units. The report called on the District to strengthen its inclusionary zoning program (a commitment which is found in both the City's recent AIs) and take other actions. Instead, the City has taken actions to reduce affordable housing availability and particularly to reduce affordable units in gentrifying areas.

There are multiple, concrete examples of the City's failure to sustain affordable housing units in gentrifying neighborhoods:

- The City's Office of Planning and its Zoning Commission approved a private developer's plan to redevelop 199 units of affordable housing at Sursum Corda, located in Northwest One. The development plan contained fewer affordable units than existed at Sursum Corda and failed to provide appropriate numbers of inclusionary units in addition to the replacement units. In a proposal for approximately 1100 units to be located on New York Avenue NW, an area that is rapidly gentrifying, the City approved only 133 affordable units to replace units at Sursum Corda lost in the development,

rather than one to one replacement of the 199 existing units. Further, the City failed to approve an additional approximately 120 units that would have been inclusionary units. There was strong local support for a total of 363 affordable units in the development, as well as for replacement units for Sursum Corda three, four and five bedroom units that were being lost. The City did not approve sufficient numbers of affordable units, failed to provide sufficient affordable units that would house very low income residents, and it did not approve the necessary numbers of three, four and five bedroom units to replace those being lost at Sursum Corda.[5] The area where this development is occurring is described in the 2012 AI as an area where the District "needs to preserve existing housing for households with modest incomes and create new units affordable to modest income households." (AI, Discussion of Cluster 8, page 41.) It hardly needs to be said that the Office of Planning and the Zoning Commission, which have authority to act on private development plans, must ensure that their actions affirmatively further fair housing when they deal with housing development or with urban development activities. See 42 U.S.C. 3608(d) and (e)(5). The Office of Planning, a City office, recommended approval of the plan. When concerns about the absence of family housing in affordable housing were raised with the City's Director of the Office of Housing and Community Development, she stated that three, four and five bedroom units were "too expensive to develop."[6] These actions by the City in failing to provide units with enough bedrooms to serve families with children constitute illegal discrimination under the Fair Housing Act based on "familial status" as well as a failure to affirmatively further fair housing for families with children. They are also failures by the City to take actions to preserve affordable housing that are consistent with its AI and therefore constitute a failure to affirmatively further fair housing. This action resulted in a net loss of approximately 276 affordable units to the District.

- The City's Office of Planning and Zoning Commission has also failed to take actions consistent with its AIs and its obligation to affirmatively further fair housing by approving the redevelopment of Brookland Manor, a 535 unit affordable housing development in a gentrifying area which the City approved to be replaced by over 1700 units, mostly market rate and some for homeownership. On August 25, 2016, a lawsuit was filed against the developer for planning to eliminate 134 four and five bedroom apartments, and significantly reduce the number of three bedroom units, adversely impacting up to 149 families. The evidence from the Zoning Commission record further showed that the developer had deemed housing large families inconsistent with the creation of the new community it sought to develop. The failure of the City's Office of Planning and its Zoning Commission to assure protection of affordable units and units that can house families, including intergenerational families, is inconsistent with the obligation to affirmatively further fair housing and constitutes "familial status" discrimination in violation of the Fair Housing Act. It is also further evidence that the City is taking actions that are inconsistent with its AI obligations to preserve affordable housing. Additionally, because the rents at Brookland Manor have remained largely affordable for its residents, including those who do not reside in the Section 8 project-based units (373 of the 535)—either because these households rely on tenant-based

voucher subsidies or the significantly affordable market rate rents currently available to tenants—there may be a net loss of as many as 162 affordable units should the Zoning Commission not require the developer to preserve additional affordable housing or ensure that the City, through its DCHA-administered Housing Choice Voucher Program, will take the necessary steps to allow current voucher holders to continue to reside in the redevelopment when the rents transition to market rate. [7]

- Further evidence supporting the claim that the City has failed to preserve affordable housing comes through an examination of the treatment of Temple Courts, a 211 unit affordable housing property operated by the City until 2007, when it vacated and demolished the property and displaced the residents. Located at 33 K Street NW in the same neighborhood cluster as Sursum Corda, the City promised in its New Communities Initiative to replace the units one for one, which would have been consistent with the 2005 AI in effect at the time. However, Temple Courts residents are still dispersed today, and 33 K Street is a parking lot. While the City expects to issue an RFP for development of the site with affordable units, there are still concerns about one for one replacement of lost three, four and five bedroom units in the proposed housing and the absence of inclusionary zoning units in a development that is expected to include a significant number of market rate units. The development, once again, is in a neighborhood that is already gentrifying and where the City's AI indicates it should be committed to preserving affordable housing units and providing new affordable housing. The delay by the City in replacing the units, now more than 8 years after the demolition of Temple courts, is evidence that the City's actions were in direct conflict with its AI commitment to preserve affordable housing in gentrifying neighborhoods.

Finally, the Consolidated Plan submission, in addition to lacking a strategic plan which summarizes the specific objectives to implement its actions relating to addressing the impediments to fair housing choice in its current AI, proposes a cut to its proposal to expand affordable housing of $913,761 and a cut to its allocation of the National Housing Trust Fund of $3 million. These cuts demonstrate the lack of commitment by the District to support the development of new affordable housing and must be reversed.

*Suggested Assurances*

The City has taken actions that are inconsistent with its past two analyses of impediments to fair housing choice, it has failed to act in a way that is consistent with its identified impediments, it has engaged in discriminatory practices and it has failed to identify concrete strategies and goals in its current Consolidated Plan submission that would affirmatively further fair housing, all in violation of its statutory and regulatory obligations. Therefore, at a minimum, we seek the following assurances:

- Revision of the Consolidated Plan and the AI to identify strategies and specific actions that will expand affordable housing opportunities in high opportunity areas that are not segregated by race, including actions by the DC Housing Authority and Section 8

program to increase Housing Choice Voucher use in Northwest DC and in areas of opportunity across the District.

- Revision of the Consolidated Plan to include strategies and specific actions to strengthen the City's inclusionary zoning ordinance to require the set aside of at least 10 percent of all rental, condominium and other multifamily housing or single family developments with five or more units to be affordable at 30% AMI or below and prohibit the placement of affordable units off site when the location of the proposed housing is in a higher opportunity, gentrifying, or predominantly white area.
- Revision of the Consolidated Plan to require that the proposed loss of any affordable housing considered, reviewed, funded (including use of tax credits) or undertaken by the City, including private development reviewed or approved by the Office of Planning, the Zoning Commission, the Department of Housing and Community Development or the Office of Deputy Mayor for Planning and Economic Development, be approved only if it provides for one for one replacement of all units affordable at 80% of AMI or below, at the existing affordability level and at the existing bedroom size.
- Revision of the Consolidated Plan to support increased enforcement of the prohibition against discrimination based on source of income, including funding the DC Office of Human Rights and private fair housing organizations to support higher levels of enforcement.
- Require the consideration of the use of accessory apartments, tenant opportunity to purchase existing housing, and other affordable housing development strategies (including financial and other incentives for redevelopment of existing structures to support development of affordable housing, including tax credit housing and scattered site public and affordable housing), in higher opportunity, predominantly white, and/or racially diverse areas of the City.
- Revision of the Consolidated Plan to increase the Housing Trust Fund allocation by a minimum of $5 million and restoration of $1 million to the City's affordable housing fund.

Sincerely yours,

S/

Washington Lawyers' Committee for Civil Rights and Urban Affairs
Attention Catherine Cone
11 Dupont Circle, NW
Suite 400
Washington, DC 20036

The Equal Rights Center
Attention Kate Scott
11 Dupont Circle NW
Washington, DC 20036

Holy Redeemer Parish Social Justice Ministry
Attention Randy Keesler
Holy Redeemer Church
206 New York Avenue NW
Washington, DC 20001

Cc: Marvin Turner, HUD Field Office Director, Washington DC
Fr. David Bava, Pastor, Holy Redeemer Church
Sara Pratt, Holy Redeemer Church Parish Council

[1] This request includes and incorporates by reference the Comments prepared by the Equal Rights Center regarding the District of Columbia's Consolidated Plan, submitted to the City prior to the submission of the Consolidated Plan to HUD, Appendix A.
[2] District of Columbia Analysis of Impediments to Fair Housing Choice 2006-2011, published December 21, 2012, available at http://dhcd.dc.gov/publication/analysis-impediments-fair-housing-choice-2006-2011; District of Columbia Analysis of Impediments to Fair Housing Choice, 2005, available at http://www.urban.org/research/publication/analysis-impediments-fair-housing-choice-district-columbia/view/full_report
[3] U.S. Census Bureau, *Census 2000, Summary File 1*. Issued 2001, available at http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF; U.S. Census Bureau, *2014 American Community Survey 1-Year Estimates,* Issued 2015, available athttp://www.socialexplorer.com/tables/ACS2014/R11213739.
[4] Going, Going, Gone: DC's Vanishing Affordable Housing, March 12, 2015, available at www.dcfpi.org.
[5] See Correspondence with the City's Office of Planning and Testimony before the Zoning Commission regarding replacement housing at Sursum Corda, attached as Appendices B and C.
[6] Interview of Polly Donaldson by Fr. David Bava and Sara Pratt.
[7] See Complaint and Washington Post article, attached as Appendices D and E.

# APPENDIX A

THE EQUALRIGHTS CENTER
ADVANCING CIVIL RIGHTS FOR ALL

August 8, 2016

Polly Donaldson, Director
Department of Housing and Community Development
1800 Martin Luther King Jr. Avenue, SE
Washington, DC 20020

Submitted via email to Jennifer.Skow@dc.gov

**Re: Comments on DC draft five-year Consolidated Plan, FY2017 Annual Action Plan, and FY2017 National Housing Trust Fund Allocation Plan**

Dear Director Donaldson,

The Equal Rights Center (ERC) is a civil rights organization that identifies and seeks to eliminate unlawful and unfair discrimination in housing, employment, and public accommodations in its home community of greater Washington, D.C. and nationwide. Specifically, for more than 30 years, the ERC has served as the only full service private fair housing center serving the entire greater Washington region. We receive funding from HUD to conduct fair housing education and outreach, intakes, testing, investigation, and, if necessary, enforcement in the District.

In my role as the ERC's Director of Fair Housing, I have reviewed the draft five-year consolidated plan, FY2017 Annual Action Plan, and FY2017 National Housing Trust Fund Allocation Plan made public for review by your office in late June. Prior to the release of the drafts, I also familiarized myself with the *District of Columbia Analysis of Impediments to Fair Housing Choice* (AI) adopted in 2012. Additionally, a member of ERC's Fair Housing Program team attended and observed the July 27 public hearing hosted by your office. Accordingly, as stipulated by the note in the beginning of the draft five-year consolidated plan, the ERC offers the following written comments for your consideration:

***Concerns About AI Implementation***

First, we commend your office for having published such an excellent AI. Over the course of more than a decade working in the field of fair housing, I've encountered many AIs, but the District's is one of the best that I've seen. The document provides clear, comprehensive evidence that an "extreme degree of racial segregation is the District's greatest fair housing challenge," but warns that "in-migration by wealthier whites is producing gentrification that is reducing the District's supply of housing affordable to households with modest incomes and

threatens to re-segregate these gentrifying neighborhoods as virtually all–white."[1] It also makes a series of balanced, feasible recommendations to address the impediments it identifies, including the utilization of tools already at the District's disposal to address the increasing need for affordable housing among many residents.

Since the AI was published in 2012, the need for affordable housing in the District has reached even greater crisis proportions. The DC Fiscal Policy Institute issued a report in 2015 finding that "the District now has half as many low-cost units as in 2002. The number of apartments renting for less than $800 a month fell from almost 60,000 in 2002 to 33,000 in 2013...These findings suggest that there is very little low-cost housing in the private market and that subsidized housing is now virtually the only source of inexpensive apartments. Meanwhile, the number of apartments with higher rents –above $1,400–has skyrocketed."[2] Such data suggests that the District has not been able to address the brewing affordable housing crisis identified in the AI through either unit preservation or creation, which has negatively impacted its ability to meet its obligation to affirmatively further fair housing (AFFH). Furthermore, the small amount of remaining affordable units in the city are heavily clustered in racially and ethnically concentrated areas of poverty (primarily Wards 7 and 8), again reflective of the entrenched racial segregation that characterizes the entire District housing market.

Overall, the analysis sections of the five-year plan acknowledge the severe need for both the preservation and production of affordable housing- specifically housing affordable to extremely low-income individuals and families. However, there is a concerning and significant disconnect between the District's latest AI and the draft consolidated plan documents when it comes to acknowledging the significance of racial segregation and the identification of strategies to address it. For example, the draft five year plan uses the word "segregation" once, and not until two thirds of the way through the nearly 200-page document. This is one of only a handful of times that the AI is even cited.

Further, the five-year plan document posits several explanations for the housing and community development challenges that District residents face. For example, it suggests that there is a skills mismatch between District residents and the needs of job providers (page 120). However, it does not include one of the AI's most important findings: differences in median income alone do not explain the extreme degree of racial segregation in the District; racially discriminatory practices have created a dual housing market here. Without including this causal

[1] Planning/Communications, *District of Columbia Analysis of Impediments to Fair Housing Choice 2006–2011* (River Forest, IL: April 2012).

[2] http://www.dcfpi.org/going-going-gone-dcs-vanishing-affordable-housing-2

analysis in the sections of the plan devoted to analyzing the housing market, there is no way that the document can effectively incorporate the AI. There is a plethora of data in the draft five-year plan indicating the ongoing persistence of racial segregation in the District (see, for example, the maps of RECAPs). Analysis sections of the document need to clearly identify the patterns displayed in maps and tables for what they represent: a high degree of deeply entrenched racial segregation.

Overall, there is an absence of various commitments in the draft consolidated planning documents that would implement the AI, making it difficult to conclude that the District is fully meeting its obligation to AFFH.

***Lack of Specificity in Strategic Plan and FY2017 Annual Action Plan***

A lack of specificity in the strategic plan portion of the five-year plan and the FY2017 Annual Action Plan make it difficult to understand how goals and commitments in these documents address the fair housing concerns that are highlighted in previous sections and the AI[3]. For example, the analysis sections of the document identify a need for family sized 3, 4, and 5 bedroom units affordable to extremely low-income families and note the financial difficulties associated with developing these kinds of units. However, none of the plans reference how the District will address these needs. There also do not appear to be any commitments that explain *how* the District's proposed uses of funds will AFFH or improve fair housing enforcement and education, which 52% of online survey respondents identified as a high need.

Finally, the plans do not address the ways that different goals are related. In some instances, this may lead to further displacement of residents due to gentrification. Specifically, DC's prior experiences with neighborhood displacement over the last decade in areas such as the U and H Street corridors and Columbia Heights demonstrate that any investments in public infrastructure or amenities in distressed neighborhoods must be coupled with robust efforts to preserve housing affordability in those areas.

Fortunately, there are a number of commitments the District can incorporate into its final Consolidated Plan documents to address the concerns I've highlighted above. Many of these commitments are also recommendations contained in the 2012 AI. Some of these commitments should include:

1. Enhance specificity about how the District will address the housing needs of certain populations, including victims of domestic violence, large families, and voucher holders

[3] The Draft National Housing Trust Fund Plan is much more specific in this regard; unfortunately, it relates to the smallest pool of funding available for impact.

that want to rent in neighborhoods in the western half of the city. Commitments to funding and technical assistance for CBOs working to meet the housing needs of domestic violence victims, using funds to incentivize the production of larger, family sized units for extremely low income families, and instituting a mobility counseling program for voucher holders who want to live in neighborhoods in the western half of the city are all specific ideas that would assist in this regard.

2. Intentionally balance infrastructure or community amenity investments with a strategy (or strategies) to preserve housing affordability in the immediate surrounding neighborhood. There are a variety of effective strategies available to preserve affordability beyond the renegotiation of project-based voucher contracts. Funds could be invested in targeted outreach campaigns about Tenant Opportunity to Purchase Act (TOPA) rights in neighborhoods slated for infrastructure and amenity improvements. The City could also incentivize permanent affordability through the use of the Community Land Trust (CLT) model.
3. Encourage a citywide commitment to affirmatively furthering fair housing and implementation of the AI. Encourage the adherence to AFFH principles in other city programs by continuing and improving the New Communities Initiative's commitment to build first and to ensure replacement and other forms of affordable housing siting in a way that will address segregation and re-segregation. Review the zoning code to identify impediments to the development of deeply affordable housing especially on the west side of the city and work across agencies to remove them. Advocates for the preservation of affordable housing in gentrifying neighborhoods have reported a critical disconnect between the Office of Planning and the Zoning Commission in terms of following AFFH commitments made by the city. Because the obligation to affirmatively further fair housing applies to private as well as federally funded actions, the Office of Planning should take actions on private housing development proposals to ensure that strong diverse neighborhoods are created and preserved through investments and affordable housing replacement. In particular, these offices must ensure that the District's commitment to affordable 3, 4 and 5 bedroom units is met in zoning and planning decisions, that exceptions and weakening of the inclusionary zoning ordinance do not occur and that other actions are taken that will balance affordable housing creation and preservation with the approval of market rate rental units. Zoning decisions must consider the obligation to AFFH and seek to ensure that the city's AFFH commitments are met and that segregation and re-segregation are concretely addressed.
4. Increase landlord participation in the Section 8 voucher (HCV) program to provide greater housing choice for voucher holders in higher opportunity areas in the western half of the city.

5. Increase DHCD and other agency efforts to fund and support fair housing education and enforcement. Use CDBG funds to address the fair housing education gaps uncovered through the review process. For example, concerned organizers attended the July 27th hearing to voice concerns about Spanish-speaking constituents' lack of awareness of fair housing protections. This form of outreach is critical in an increasingly diverse city like DC. Many other jurisdictions around the country utilize CDBG dollars to conduct fair housing testing. ERC testing indicates that there is ongoing source of income discrimination in housing, particularly in the Northwest quadrant of the city, which contributes to ongoing residential segregation. There continues to be evidence of housing discrimination that suggests the city should support fair housing enforcement.

Ending residential segregation in the District is critical- and possible- though it may take years to do it. Through the consolidated planning process, DHCD is tasked with leading the way to a fully integrated DC. There's no better time to start than now- before the planning documents are submitted to HUD for approval!

In addition to offering the above suggestions in writing, I welcome the opportunity to meet with DHCD staff and discuss ideas about how the District can better meet its obligations to implement the AI and affirmatively further fair housing.

Best regards,

Kate Scott
Director of Fair Housing
Equal Rights Center
kscott@equalrightscenter.org

CC:
Brian Kenner, Deputy Mayor for Planning and Economic Development
brian.kenner@dc.gov

Melody C. Taylor-Blancher, Regional Director, HUD FHEO
melody.c.taylor-blancher@hud.gov

# APPENDIX B

March 6, 2016

The Honorable Muriel Bowser
Mayor
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

The Honorable Brian Kenner
Deputy Mayor
Office of Planning and Economic Development
1100 4th Street, SW, Suite 650 East,
Washington DC 20024

Polly Donaldson
Director
Department of Housing and Community Development
1800 Martin Luther King Avenue, Jr. SE
Washington, DC 20020

Subject: Loss of affordable housing units resulting in failing to comply with city policies and representing a failure to affirmatively further fair housing in the District

Dear Mayor Bowser, Deputy Mayor Kenner and Ms. Donaldson:

Holy Redeemer Church, a historically black Catholic parish located in the heart of Washington, seeks the preservation of affordable housing for very low and low income persons in the NW I area and has become seriously concerned about a number of recent actions by City officials that fail to preserve affordable housing, support gentrification and are at odds with commitments made by the City to the Department of Housing and Urban Development as a condition of funding. The actions have resulted in a significant loss of affordable housing units, as documented in "Going, going, gone," a 2015 study by the DC Fiscal Policy Institute, which found that the City had half as many low-cost units as in 2002 and the loss of units has most dramatically affected persons with very low incomes.

The church, located at 206 New York Avenue, NW, has a long history of service to and engagement with the Sursum Corda neighborhood, and with parishioners living throughout the Sursum Corda neighborhood and the Northwest 1 area generally, has serious concerns about the approach envisioned in the redevelopment plan of the area that includes Sursum Corda Cooperative housing and 76 M Street NW.

Holy Redeemer parish understands and supports the desire of the Sursum Corda Cooperative Board for redevelopment and recognizes and appreciates the long journey that the Board's leadership and the developer have undertaken to get the project to this stage.

However, the District has an obligation to its residents, and is required as a condition of its funding from the Department of Housing and Urban Development, to address impediments to fair housing choice and comply with legal requirements when it considers development plans. The unchecked gentrification of the Northwest 1 area, combined with recent and forthcoming losses of affordable housing units, especially those that will house low and very low income families, is rapidly exacerbating the problems already identified in the District's current AI. The District is failing to live up to those commitments and those in its New Communities Initiative and the MidCity plan, which includes Sursum Corda. The result is rapid resegregation and loss of the vibrant, racially and economically diverse neighborhoods which the District envisioned in its AI and Mid City plan.

We start with the principle, reiterated in the District's New Communities Initiative and a fundamental component of the District's 2006-2011 Analysis of Impediments to Fair Housing Choice ("AI"), that the District needs stable neighborhoods that are integrated economically and racially and which require that the District take action to preserve affordable housing options throughout the District. As the AI notes, "the creation and preservation of housing affordable to households of modest means [is] a critical component of any effort to end the hypersegregation that dominates the city and achieve racial and ethnic integration throughout the District and surrounding counties...."

As the AI recognizes, the income gap between median income of non-Hispanic White households and the median income of African American households is significant. In 2000, African American households in Washington DC earned only 45 percent of the median income of non-Hispanic White Households. By 2010, the income gap had grown more pronounced and the median income for African American households was just 37 percent that of non–Latino White households. As affordable housing is lost, less economically advantaged populations are forced out of their neighborhoods. Preservation of housing that is affordable to low and very low income persons is necessary under such circumstances to encourage and maintain racially and economically diverse neighborhoods. As confirmed in the MidCity Small Area Plan, the District has committed itself to "maintain or increase the number of affordable housing units throughout [the area] (and specifically in its plans for Sursum Corda redevelopment) to better serve all household types, including families."

Gentrification in areas of the District, including, notably, the Sursum Corda area, has repeatedly reduced the stock of affordable housing while creating expensive housing which is not affordable to families of modest means. Simultaneously, the District's stock of affordable rental housing is rapidly decreasing, with the AI noting that more than a third of the District's rental stock was lost between 2000 and 2010. Recent and pending losses of affordable housing in the Northwest 1 area have included 172 units at Temple Court, 302 units at Museum Square, 14 units at M Street NW as a result of the proposed redevelopment of Sursum Corda, as well as the pending relocation of 100 affordable housing units from the Mt. Vernon Square area to Anacostia as part of the redevelopment at 901 5th Street NW by the Peebles Corporation. As the AI and the

MidCity Plan also recognize, the area where Sursum Corda is located is rapidly gentrifying, and the AI recommends that the District should "preserve existing housing affordable to households with modest incomes and create new units affordable to modest-income housing."
Recent actions by the Office of Planning and the Zoning Commission are directly counter to the preservation of affordable units in the area, and, in fact, show no awareness of the obligation to affirmatively further fair housing or the need to support economically and racially diverse communities. Specifically, the Office of Planning recommended, and the Zoning Commission is considering an application for redevelopment of Sursum Corda without taking actions to preserve enough affordable units as part of the plan, which will result in a significant loss of housing that is affordable for current residents of the area.

Holy Redeemer supports the redevelopment of Sursum Corda, but also supports additional actions by the City and/or the developer to preserve affordable units.

<u>The Sursum Corda redevelopment and redevelopment of surrounding areas should provide more affordable units for families than currently planned</u>

1. More affordable units should be provided and more units ought to be affordable for residents at 30% of AMI or below

Census data indicates that census tract 47, where Sursum Corda is located, has a 2014 estimated median family income of $11,267. The Washington DC area median income for 2015 is $109,200. The developer only proposes a "combined 60% AMI" calculation for the affordable units in the development. However, units in the proposed redevelopment will only provide a meaningful affordable housing opportunity for local residents if all of the units replacing lost Sursum Corda units are affordable to families with incomes that are 30% or below the area median income. The City should act to support and require the developer to assure that at least 199 units, the total number originally in Sursum Corda, are provided in the development and all of those units should be affordable to 30% of AMI.

The redevelopment plan now indicates that only 136 units will be reserved for current Sursum Corda residents; this number represents a net loss of units from the 199 total units originally in Sursum Corda. In total, the plan only provides 199 affordable units out of 1142 proposed units.

In addition to the 199 units affordable at 30% AMI, the total number of units that are required to be affordable in the development ought to be increased. In addition to 199 units to replace lost Sursum Corda units, additional units should be provided consistent with the District's inclusionary zoning ordinance. The proposed total of 199 affordable units is not adequate to compensate for the unreplaced loss of affordable units in the area in the recent past and those that will soon be lost.1<!--[if !supportFootnotes]-->[1]<!--[endif]-->[1] First, fourteen units will be lost at 76 M Street NW as part of the redevelopment, and the plan is silent about plans to provide for those residents. The plan for return of Sursum Corda residents ought to include those

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1<!--[if !supportFootnotes]-->[1]<!--[endif]--> According to the developer, the current occupants of Sursum Corda represent a range of need for affordable housing, with 88 families (64%) at 30% or below AMI, 31families or 23% under 50% AMI, 2 families under 60% AMI, 2 families under 80% AMI and 13 families over 80% AMI.

households, provide them relocation services and costs, and offer them an unrestricted right to return to the new development. In addition, 172 affordable units at the nearby Temple Court site, which the District promised residents in 2008 would be replaced one for one with hard units, have never been replaced. The units lost at Temple Court should be replaced as part of this redevelopment. The expected loss of 302 affordable units at Museum Square will also create demand for more affordable units. Because the District has failed for so long to ensure the preservation of affordable units in the area, consistent with its commitment in its AI, more affordable units should be provided in this development, and we urge the District to support those units financially and to require the developer to provide those units.

The total number of affordable units that the District should require in this redevelopment plan is 33% of the total number of units, or 363 units, because the City has already committed to 66% of the units in the redeveloped property to be available at market rate.

2. Units provided for Sursum Corda residents ought to remain affordable in perpetuity

The redevelopment plan as presented before the Zoning Commission proposes to return each of the units reserved for Sursum Corda residents to market rate units either if they are not initially occupied by Sursum Corda residents or when returning Sursum Corda residents later leave the apartments. Therefore, those units will not remain affordable to other low and very low income future residents. In order to preserve affordable housing options, the District should require the developer to provide assurances that all affordable units, including a total of 199 units replacing Sursum Corda units, will remain affordable, at the 30% AMI or below level, in perpetuity. In addition, the low term effect of the redevelopment plan would provide fewer and fewer affordable units at the development over time, as residents returning from Sursum Corda to the new development die or move away. In these circumstances, the redevelopment proposal would ultimately only provide fewer than 60 affordable units. The City should find this proposal unacceptable.

3. Enough units should be provided to meet the needs of families with children

The redevelopment plan filed with the Zoning Commission lacks a breakdown of affordable units by bedroom size; in order to accommodate families now living at Sursum Corda the plan ought to provide a firm commitment to make a minimum number of three, four, five and six bedroom units affordable, including an adequate number of units in each bedroom size to accommodate the families currently living in Sursum Corda. The District should ensure that the redevelopment plan provides that adequate numbers of units are preserved for families with children including an appropriate number of 3, 4, 5, and 6 bedrooms, as exist in the original Sursum Corda development.

4. Affordable units should be dispersed throughout all buildings

The redevelopment plan provides for affordable units to be provided in Phases 1-3 of the development for Sursum Corda residents which may change as the developer redraws the plans for the redevelopment. However, to provide economic and racial diversity throughout the development, the District should require that the total number of affordable units required, 363,

be dispersed throughout all buildings and available in all bedroom sizes to accommodate a range of households. A plan that perpetuates either economic or racial segregation across the property will be unacceptable.

The Sursum Corda development should include the Build First principle or the City should ensure stable housing options for residents displaced by construction until construction is completed

1. The Build First principle should be required in the redevelopment plan

Consistent with the District's New Communities principles, the District should require that the redevelopment plan develop a phased -in approach that creates minimum disruption for residents. Specifically, the plan should incorporate Build First principles that will permit Sursum Corda and 76 M Street residents to be located directly into new units, rather than required to relocate for the several years likely to be involved in construction. If the developer is unable to provide a plan that, by relocating residents within the Sursum Corda site, can accommodate demolition and new construction, the developer should be required to provide and pay for relocation of residents to nearby hard units in other developments while they wait for construction at the new site to be completed.

2. Vouchers are an unacceptable interim method to house residents displaced by construction

Any plan by the developer to use vouchers as a mechanism to house Sursum Corda residents while construction is occurring should be rejected by the District out of hand. Recent experiences of former Temple Court residents has taught that suitable housing for voucher holders, especially for families, is almost impossible to locate in the District. In addition, the disruption for Sursum Corda and 76 M Street residents and the risk that they could not be located when it is time to use their right of return is unacceptable.

3. Units should provided for Sursum Corda residents with an absolute right of return without rescreening

Although the development plan provides for units for Sursum Corda residents, it is silent on creating an absolute right of return. The District should require the developer to provide for a right to return for all members of all households currently living in Sursum Corda with no additional credit or qualifications screening of any type. Sursum Corda residents, especially because the property is a cooperative, have special rights that should not be invalidated by any later screening mechanism.

We ask that the District government step in and require amendment of the redevelopment plan consistent with these concerns and, if necessary, commit its own resources to meet the need for housing that is affordable to low and very low income residents of Sursum Corda and the NW1 area and meet the needs of the City for neighborhoods that are diverse and strong,

Thank you for your consideration. We will request early meetings with you or members of your respective staffs to discuss this matter further. If you have questions, please do not hesitate to contact the undersigned at (202) 347-7510.

Sincerely,

S/

Fr. David Bava, Pastor
Holy Redeemer Church
and for the Parish Council

cc. Councilmember Charles Allen
Parish Council

# APPENDIX C

TESTIMONY BEFORE THE DISTRICT OF COLUMBIA ZONING COMMISSION

FEBRUARY 11, 2016

SURSUM CORDA COOPERATIVE ASSOCIATION, INC.

Z.C.CASE NO. 15-20

TESTIMONY OF HOLY REDEEMER CATHOLIC CHURCH

206 NEW YORK AVENUE NW

WASHINGTON DC

PRESENTED BY RANDY KEESLER, PARISH COUNCIL PRESIDENT

COMMISSIONERS,

Holy Redeemer Catholic Church was created when a group of African American Catholics petitioned then Cardinal James Gibbons in 1919 for the establishment of a Catholic Church that would serve African American parishioners in the neighborhood where Sursum Corda is sited today. Located at 206 New York Avenue and dedicated in 1922, the church property includes the church, a parking lot adjacent to Perry School and Holy Redeemer School which is currently in the process of redevelopment. Residents and former residents of Sursum Corda attend church at Holy Redeemer. Some parishioners also came to Holy Redeemer from St. Aloysius Catholic Church where Fr. Horace McKenna, one of the initial supporters of Sursum Corda was pastor. It is a vibrant, predominantly African American Parish with parishioners who come to the church from throughout Northwest One and from across the city. I am the current president of the Parish Council.

The parish has a long history of service to and engagement with the Sursum Corda neighborhood. I speak tonight for the neighborhood, not otherwise represented at this hearing. I speak to support changes in the redevelopment proposal that will address concerns of residents and neighbors of Sursum Corda and the concerns of Holy Redeemer Parish that the plan, as presented fails to preserve affordable housing in the neighborhood, fails to protect residents of Sursum Corda and fails to ensure that the neighborhood remains economically and racially diverse, a principle to which this city has declared itself to be committed.

I request permission for the Parish's written comments to be made part of the record, including the attached study by the DC Policy Institute that documents the loss of affordable housing in the city.

I should say initially that Holy Redeemer Parish understands and supports the desire of the Sursum Corda Cooperative Board for redevelopment.

However, we believe that the plan as proposed violates fundamental principles that the city has committed to, including the city's New Communities Initiative, and its Mid City Small Area Plan and that this redevelopment plan if approved and implemented will fair to affirmatively further fair housing, an obligation imposed by the Department of Housing and Urban Development as a condition of the city's receipt of community development block grant funds and other funding from HUD.

We start with the principle, reiterated in the District's New Communities Initiative and a fundamental component of the District's current Analysis of Impediments to Fair Housing Choice ("AI"), that the District needs stable neighborhoods that are integrated economically and racially and which requires that the District take action to preserve affordable housing options throughout the District. As the District's AI notes, "the creation and preservation of housing affordable to households of modest means [is] a critical component of any effort to end the hypersegregation that dominates the city and achieve racial and ethnic integration throughout the District and surrounding counties...." The AI also recognizes that "the District of Columbia has a long history in

which integration is the period between the first wealthy white household moving into a neighborhood and the last modest income African American household moving out."

Sursum Corda is in the heart of a radically changing neighborhood, formerly mostly black and poor, but now trending economically upward as a result of incredibly speedy gentrification. As poor black family after poor black family is displaced from neighborhoods they have grown up in and where their family and friend networks exist, the new housing coming into the area has high rents and those units are unaffordable to the current residents, and often not designed for families but for young white professionals or students. Sursum Corda is in the middle of significant gentrification and expansion of the downtown area and if development is not provided more carefully, and affordable housing is not preserved, the area will not be a vibrant economically and racially diverse neighborhood. It will be a mostly white upperclass neighborhood.

As confirmed in the Mid City Small Area Plan, the District has committed itself to "maintain or increase the number of affordable housing units throughout [the area] (and specifically in its plans for Sursum Corda redevelopment) to better serve all household types, including families." This plan will not do that.

We strongly urge that the proposal be modified as follows:

- The developer should be required to provide 363 units (approximately one third of the total number of units in the development) rather than the 138 units it proposes to replace occupied units at Sursum Corda. Providing either 199 (the original number of units at Sursum Corda) or 138 affordable units out of the 1142 proposed units will result in a significant net loss of affordable units in the neighborhood.

  In addition to the 199 affordable units at Sursum Corda that will be lost by the redevelopment, 14 units will be lost at 76 M Street NW, 172 affordable units at the nearby Temple Court site, which the District promised residents would be replaced one for one with hard units, have been lost, and there is an impending loss of 302 affordable units at Museum Square. The residents at 76 M Street have already been given notice; they will be displaced effective April 30. They should be offered a right to return to the new units to be developed. Because the District has already failed to ensure the preservation of affordable units in the area, consistent with its commitment in its AI, we urge the District to support those units financially.

- All affordable units must be affordable to households at 30% AMI. The plan only proposes to provide units overall at 60% AMI and some units which it describes as affordable at 80% of AMI. Units at 60% AMI or 80% AMI will not be affordable to current residents of Sursum Corda or other extremely low or very low income households. 2014 Census data indicates that census tract 47, where Sursum Corda is located, has an estimated median family income of $11,267. Current residents and neighbors cannot afford to live in units that are priced for 60% or 80% AMI.

- The plan must commit to at least enough affordable units provided in the redevelopment to provide 3, 4, 5 and 6 bedroom units as Sursum Corda has and which are needed by larger families. The developer has not committed to that.

- Affordable units must be dispersed though the planned buildings and have access to the same amenities and services that other residents have.

- The redevelopment plan must follow the city's commitment to "Build First" by providing hard units to displaced Sursum Corda residents. We do not support use of vouchers for displaced residents because of poor experiences in other recent displacement, We recommend that all replacement or temporary units be funded through Section 8 project based vouchers rather than Housing Choice Vouchers. If necessary, units should be rented for families in nearby market rate units until Sursum Corda residents can move into the new property.

- Residents at Sursum Corda must have an absolute right to return without being screened out either in the voucher process or in a reapplication process.

- The developer should institute close relations and make a significant investment in groups such as Holy Redeemer, Perry School and proposed job training programs at the Holy Redeemer site that provide resources for the neighborhood, both as development is on- going and after completion to keep communications open and to create job opportunities for residents.

Thank you for your attention to these important concerns.

# APPENDIX D

**UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF COLUMBIA**

**ADRIANN BORUM,**
1318 SARATOGA AVENUE, APARTMENT 6,
NORTHEAST, WASHINGTON, D.C. 20018

**LORRETTA HOLLOMAN,**
1285 BRENTWOOD ROAD, APARTMENT 4,
NORTHEAST, WASHINGTON, D.C. 20018

*Individually and on Behalf of All Others Similarly Situated,*

AND

**ORGANIZING NEIGHBORHOOD EQUITY IN SHAW AND THE DISTRICT OF COLUMBIA,**
A NOT-FOR-PROFIT
614 S. STREET, NORTHWEST,
WASHINGTON, D.C. 20001

*Plaintiffs,*

v.

**BRENTWOOD VILLAGE, LLC,**
2822 DEVONSHIRE PLACE, NORTHWEST,
WASHINGTON, DC 20008

**BRENTWOOD ASSOCIATES, L.P.,**
7200 WISCONSIN AVENUE, SUITE 903,
BETHESDA, MARYLAND 20814

**EDGEWOOD MANAGEMENT CORPORATION,**
20316 SENECA MEADOWS PARKWAY,
GERMANTOWN, MARYLAND 20876

**MID-CITY FINANCIAL CORPORATION,**
20316 SENECA MEADOWS PARKWAY,
GERMANTOWN, MARYLAND 20876

*Defendants.*

Civil Action No. 16-cv-1723

**JURY TRIAL DEMANDED**

**CLASS ACTION COMPLAINT**

Nearly 150 low- and moderate-income families are facing displacement from their homes and community solely because of their family status and size. The owners and operators of Brookland Manor Apartments ("Brookland Manor") have deemed large families "not consistent with the creation of a vibrant new community." These families will be forcibly displaced from Brookland Manor because many three-bedroom and all four- and five-bedroom apartments that can accommodate them will be eliminated. As a result, larger families will be forced to find housing elsewhere in the District of Columbia or surrounding states, most likely in neighborhoods that lack the diversity of Brookland Manor and the surrounding areas, or will be rendered homeless. This redevelopment plan violates federal and District of Columbia fair housing laws that protect tenants from discrimination based on their "familial status."

Among those who face displacement from Brookland Manor are residents Adriann Borum and Lorretta Holloman and their families. Because of the discriminatory effect that the proposed redevelopment will have on them and similarly situated families, Mses. Borum and Holloman, joined by Organizing Neighborhood Equity in Shaw and the District of Columbia ("ONE DC"), bring this action under federal and state fair housing laws to challenge the discriminatory redevelopment of Brookland Manor and ensure an inclusive community of which they can be a part.

## INTRODUCTION

1. Plaintiffs Adriann Borum, Lorretta Holloman, and ONE DC seek to remedy violations of the Fair Housing Act, 42 U.S.C. § 3601 *et seq.* ("FHA"), and the District of Columbia Human Rights Act, D.C. Code § 2-1401 *et seq.* ("DCHRA"). Plaintiffs Adriann Borum and Lorretta Holloman bring this action on their own behalf and on behalf of more than

one hundred similarly situated families who reside at the Brookland Manor property and will be displaced by Defendants' proposed redevelopment that will disproportionately harm households with minor children.

2. In revising the federal fair housing law to include protections for families, Congress specifically recognized that "[t]he American dream of having the ability to provide safe and decent housing for one's family is quickly becoming just that—a dream. One-third of the homeless population nationwide are families, a proportion that is rising. Families, the backbone of American society, are turned away from houses and apartments simply because they have children." 134 Cong. Rec. H4603-02 (daily ed. June 22, 1988) (statement of Rep. Pepper).

3. Plaintiffs Holloman and Borum are residents of Brookland Manor, an affordable housing apartment complex located in Ward 5 of Northeast Washington, D.C., owned and operated by Brentwood Village LLC, Brentwood Associates, L.P., Edgewood Management Corporation, and Mid-City Financial Corporation (collectively, "Defendants"). Mses. Holloman and Borum rent and reside in four-bedroom apartment units at Brookland Manor. They live in their apartments with their minor children or with their minor children and extended family members, and these larger-size apartments are necessary to accommodate their families.

4. The families at Brookland Manor want to remain part of an inclusive community—one that welcomes families and people from all backgrounds—whether at Brookland Manor or a future redevelopment of the property. Unfortunately, a proposed redevelopment of Brookland Manor is threatening to displace hundreds of families who currently live at Brookland Manor and transform Brookland Manor into a community where families are unwelcome. As part of the proposed redevelopment of Brookland Manor, Defendants have

adopted a policy or practice of eliminating the vast majority of larger apartment units, which will disproportionately cause the displacement of Plaintiffs and other families.

5. As Defendants' redevelopment plans submitted to the District of Columbia Zoning Commission ("the Zoning Commission") make clear, Defendants intend to eliminate all four- and five-bedroom apartment units and significantly reduce the number of three-bedroom apartments in the redevelopment. Whereas Brookland Manor currently has 209 apartments of three bedrooms or more, the redeveloped property would have zero four- or five-bedroom apartments and only 64 three-bedroom apartments. Based on Defendants' public filings, these large-size apartments are home primarily to families, and therefore families at Brookland Manor are far more likely to be displaced from their homes due to the redevelopment, as compared to non-families who do not have minor children in their households.

6. If the redevelopment of Brookland Manor goes forward as planned by the Defendants, the families who live in larger-size units at Brookland Manor will struggle greatly to find affordable housing for their families due to the gross scarcity of affordable and available three-, four-, and five-bedroom apartments in the District of Columbia ("D.C."). Some of these families will become homeless. Others will be forced to move far away from the neighborhood in which they have lived for decades in order to find housing for their families.

7. Many families at Brookland Manor have been a part of the community for generations. If forcibly displaced from the property and offered no replacement housing of their unit type in the redevelopment, numerous families at Brookland Manor will lose their long-standing support structures, including access to their jobs, assistive or social service-related programs, and their children's local schools.

8. Defendants purport to justify their policy of eliminating and reducing larger-size units through a series of discriminatory statements against large families. Defendants have publicly stated that they will not build four- or five-bedroom apartment units in the redeveloped property because Defendants believe that allowing large families to reside in large units at apartment complexes is unsuitable for such families, has an "adverse" impact on residential quality of life, and is inconsistent with the new community Defendants seek to create.

9. Defendants have unlawfully discriminated against the families of Brookland Manor under the FHA and DCHRA by implementing a policy to eliminate all four- and five-bedroom units and significantly reduce three-bedroom units at the redeveloped property, and by making public statements that large families who reside in apartment complexes harm the quality of life of the residential community.

10. As a result of Defendants' discriminatory policy, families at Brookland Manor will be disparately impacted by the redevelopment. The proposed redevelopment of Brookland Manor is threatening to displace hundreds of families and transform Brookland Manor into a community where families are unwelcome. For those displaced families able to find replacement housing in D.C., these families will likely be forced to migrate to neighborhoods that are majority-minority and/or areas where there is existing concentrated poverty. A 2015 study from the Urban Institute indicates that the larger-sized rental units these families need are extremely limited in number and largely restricted to Wards 7 and 8, which are affected by poverty more than any other area in D.C. and have high concentrations of African American and Latino communities. *See* Peter Tatian et al., Urban Institute, *Affordable Housing Needs Assessment for the District of Columbia, Phase II* (May 2015). The redevelopment's displacement of families will likely lead to more intensified patterns of segregation and/or concentrated poverty in D.C.,

results that will adversely impact these families by limiting their access to opportunities and integrated communities. And for those families who are unable to find housing, the redevelopment will bring these families closer to homelessness.

11. If forcibly displaced from the property and offered no replacement housing of their unit type in the redevelopment, numerous families at Brookland Manor will lose access to long-standing support structures, including access to jobs, assistive or social service-related programs, and local schools. The harm to these families is difficult to quantify, and as a D.C. Fiscal Policy Institute report has observed, "[s]table . . . housing is a critical foundation to stable families and communities." Wes Rivers, D.C. Fiscal Policy, *Going, Going, Gone: DC's Vanishing Affordable Housing* 5 (March 12, 2015).

12. These families have suffered and will continue to suffer substantial injury unless this Court enjoins Defendants from moving forward with its discriminatory redevelopment plan. In addition, so long as Defendants' FHA and DCHRA violations continue, ONE DC will continue to suffer injury by having to engage in activities to identify and combat Defendants' discriminatory conduct, requiring ONE DC to divert its scarce organizational resources and frustrating its mission to create and preserve racial and economic equity in the District.

## JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 as Plaintiffs assert claims under a federal civil rights statute, the Fair Housing Act, 42 U.S.C. § 3601.

14. This court has supplemental jurisdiction under 28 U.S.C. § 1367 over Plaintiffs' District of Columbia law claims, which are so related to Plaintiffs' federal claims that they form part of the same case or controversy.

15. Declaratory and injunctive relief is sought, as authorized by 28 U.S.C. §§ 2201-02.

16. Venue is proper in this district under 28 U.S.C. § 1391(b)(2), as a substantial part of the events or omissions giving rise to this action occurred in this district.

## PARTIES

17. Plaintiff Adriann Borum is a Brookland Manor tenant residing at 1318 Saratoga Ave. NE, Apt. 6, Washington, D.C. 20018 with her minor children. Ms. Borum lives in a four-bedroom unit at Brookland Manor.

18. Plaintiff Lorretta Holloman is a Brookland Manor tenant residing at 1285 Brentwood Road NE, Apt. 4, Washington, D.C. 20018 with her minor children, disabled brother, and elderly mother. Ms. Holloman lives in a four-bedroom unit at Brookland Manor.

19. Plaintiff Organizing Neighborhood Equity in Shaw and the District of Columbia ("ONE DC") is a community-based non-profit organization with its principal place of business at 614 S Street NW, Washington, D.C. 20001. ONE DC seeks to create and preserve racial and economic equity in the District. As part of its broader mission, ONE DC's Right to Housing campaign supports long-time District of Columbia residents by advocating for safe and affordable housing and organizing, educating, and training tenants to resist punitive and harmful displacement tactics.

20. Defendant Brentwood Village, LLC ("Brentwood Village") is a limited liability company with its principal place of business at 2822 Devonshire Place NW #206, Washington, D.C. 20008. Brentwood Village owns the Brookland Manor property.

21. Defendant Mid-City Financial Corporation ("Mid-City") is incorporated in the District of Columbia and has its principal place of business at 20316 Seneca Meadows Parkway,

Germantown, MD 20876. Mid-City owns Brentwood Village and is Brentwood Village's authorized representative before the D.C. Zoning Commission for the proposed redevelopment of Brookland Manor.

22. Defendant Brentwood Associates, LP ("Brentwood Associates") is a limited partnership with its principal place of business at 7200 Wisconsin Avenue, Suite 903, Bethesda, MD 20814. Brentwood Associates manages Brookland Manor's federally assisted (*i.e.*, affordable) housing contracts with federal housing authorities, described *infra* at paragraphs 27 and 34.

23. "Brookland Manor Apartments" is a registered trade name of Brentwood Associates, LP.

24. Defendant Edgewood Management, Corporation ("Edgewood") is incorporated in Maryland and has its principal place of business at 20316 Seneca Meadows Parkway, Germantown, MD 20876. Edgewood manages numerous rental complexes throughout the District of Columbia, Virginia, and Maryland, including the residential property known as Brookland Manor.

25. Upon information and belief, when Defendant Edgewood sends written correspondence to tenants at Brookland Manor, it uses and conducts business under the name Brookland Manor Apartments.

## FACTUAL ALLEGATIONS

### A. Brookland Manor Property

26. Brookland Manor is an apartment complex situated on twenty acres of land at the intersection of Rhode Island Avenue, NE and Montana Avenue, NE, Washington, D.C.

27. Since 1977, Brentwood Associates has managed Brookland Manor pursuant to two U.S. Department of Housing and Urban Development Project-Based Section 8 Housing Assistance Payment contracts ("HUD HAP contracts" or "project-based Section 8").

28. Upon information and belief, Mid-City has oversight over Brentwood Associates' management of the Brookland Manor HUD HAP contracts.

29. Brentwood Associates additionally accepts District of Columbia Housing Authority ("D.C. Housing Authority") administered tenant-based Housing Choice Vouchers ("Vouchers") for residents on the property.

30. The Brookland Manor property currently includes 535 apartment units that range in size from one- to five-bedroom apartments.

31. Many families who reside at Brookland Manor have a long history in the community, with family members born and raised on the property.

32. The current configuration of the Brookland Manor property is broken down into the following bedroom size units:

| **Unit Type** | **Number of Units** |
|---|---|
| 1BR/1BA | 280 |
| 2BR/1BA | 46 |
| 3BR/1BA | 75 |
| 4BR/2BA | 113 |
| 5BR/2BA | 21 |

33. 373 units at Brookland Manor are governed by two HUD HAP contracts.

34. As of April 2015, 490 of the 535 apartment units at Brookland Manor were occupied. In addition to the 373 apartments governed by HUD HAP contracts, 117 of these apartments available to tenants were "market" rate units that Defendants maintain at affordable rents and for which the majority of tenants qualify for Vouchers. A minority of the residents at

Brookland Manor pay full, market-rate rent without public assistance. A small number of apartments are used by Defendants to house management and security offices.

35. Brookland Manor last reported the demographics of its residents in June 2015. At this time, 486 households continued to reside in apartments at the property.

36. As of June 2015, minor children resided in 253 of these 486 households.

37. As of June 2015, 116 households resided in four- and five-bedroom apartment units. An additional 67 households resided in three-bedroom units. Of the 183 households in apartment units of three or more bedrooms, 149 households included minor children and therefore qualify as "families" under the FHA and DCHRA.

38. D.C. Housing Authority occupancy standards mandate that these large families cannot reside in smaller apartment units. *See* D.C. Mun. Regs. tit. 14, § 5205.3 (2012).

39. Under these occupancy guidelines, Plaintiffs Borum and Holloman, as well as many similarly situated families that currently live at Brookland Manor, including many ONE DC members, require four- or five-bedroom apartments to accommodate their families.

40. Under these occupancy guidelines, many similarly situated families who currently live at Brookland Manor, including many ONE DC members, require at least three- bedroom apartments to accommodate their families.

41. If forced to relocate to smaller units based on Defendants' eradication of units of adequate size to safely house these families pursuant to D.C. Housing Authority occupancy standards, these families would suffer a deprivation of privacy and safe living conditions.

42. Brookland Manor is one of very few residences in Northeast Washington, D.C. that offers affordable three-, four-, and five-bedroom apartments.

**B. Defendants' Zoning Commission Disclosures**

43. The D.C. Municipal Regulations ("DCMR") set forth the rules governing the PUD process. Specifically, the DCMR provides that in the case of a two-stage PUD, the first stage involves, among other things, a review of the "appropriateness, character, scale, mixture of uses, and design of the uses proposed," as well as of "the compatibility of the proposed development with city-wide, ward, and area plans of the District of Columbia, and other goals of the PUD process." D.C. Mun. Regs. tit. 11, § 2402.2.

44. On October 1, 2014, Mid-City, acting as a duly authorized representative of Brentwood Village, filed an application for a First-Stage Planned Unit Development and Related Zoning Map Amendment (the "First-Stage PUD") with the Zoning Commission.

45. In conjunction with the First-Stage PUD, Defendants provided a detailed overview of their proposed redevelopment plan for Brookland Manor. This overview included a proposal that identifies the number of different sized apartment units that would be available at the property after the redevelopment.

46. As the Defendants' First-Stage PUD application states, the redeveloped property would have zero four- or five-bedroom apartment units.

47. As the Defendants' First-Stage PUD application states, the redeveloped property would have only 64 three-bedroom apartment units, as compared to the 75 three-bedroom units that are currently available for residents at Brookland Manor.

48. Defendants' proposed redevelopment will include 373 designated affordable housing units out of the total 1,760 units of which 1,646 will be apartments. Defendants claim that these affordable units will be preserved through renewal of the current HUD HAP contracts.

49. Defendants have not informed the Zoning Commission if any of the remaining 64 three-bedroom units on the redeveloped property will be affordable.

50. According to Defendants' submissions to the Zoning Commission, 183 households—of which 149 are "families" as defined in the FHA and DCHRA—currently reside in three-, four-, or five-bedroom units at Brookland Manor. The vast majority of families residing in four- and five-bedroom units at Brookland Manor could not adequately house their families in a unit with three or fewer bedrooms.

51. Even if these families could safely reside in three-bedroom units without violating D.C. Housing Authority occupancy standards, an adequate total number of three bedroom apartments will not be available to accommodate them. Under the current redevelopment plan, all 183 households currently living in three-, four-, or five-bedroom apartments at Brookland Manor would be forced to vie for 64 three-bedroom units at the redeveloped property.

52. On information and belief, many of these three-bedroom units will not be affordable, further reducing the available housing for larger families.

53. At a minimum, the redevelopment will forcibly displace 119 households who currently reside in larger-size apartments at Brookland Manor.

54. On May 11, 2015, Mid-City's Executive Vice President Michael Meers testified before the Zoning Commission. Meers testified to the Zoning Commission that "all residents in good standing shall have the opportunity to return [to the redeveloped property]. And when relocations do occur ownership will pay for all packing and moving expenses, and will make sure that it's done in a first class manor [sic] with as few inconveniences as possible." Meers further testified that Defendants were "committed that anyone with a [D.C. Housing Authority] Housing Choice Voucher . . . will have the opportunity to remain."

55. Citing a public report focused on issues of housing redevelopment in D.C., however, Meers additionally testified that Defendants "'do[] not intend that replacement units will mirror the demolished units by bedroom size. . . . Nor can the mix of new housing be built to fit the households in the current population.'" Rather, Meers testified that Defendants would "work with . . . families" that cannot be accommodated in the redevelopment "to determine what their needs and preferences may be."[1]

56. The Zoning Commission approved Defendants' First-Stage PUD on June 29, 2015 and its subsequent order became final on November 6, 2015.

57. Based on the approval of a first-stage PUD, a PUD applicant may file an application for a second-stage PUD approval. One a second-stage application is approved, Defendants may immediately seek building permits and begin demolition. D.C. Mun. Regs. tit. 11, §§ 2408.1, 2408.8, 2408.9; *see also id.* § 2409.1.

58. Based on representations by Mid-City, the second-stage PUD approval process for Defendants' proposed redevelopment is to commence imminently. Defendants are expected to file their second-stage PUD application with the Zoning Commission any day now and a Commission hearing on and approval of the second-stage PUD application will follow shortly thereafter.

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[1] Similarly, Edgewood organized and held a meeting on March 4, 2015 at the Israel Baptist Church. Upon information and belief, with the express or implied consent of Brentwood Associates, Edgewood used the registered trade name "Brookland Manor Apartments" in written notices to tenants about this meeting. At this meeting, Mid-City informed tenants of Brookland Manor, including Plaintiffs Holloman and Borum, that all tenants would have the opportunity to return to Brookland Manor. However, at the same meeting, Mid-City stated that it would not build any four- or five-bedroom units.

### C. Defendants' Statements About and Actions Against Larger Families

59. Defendants have stated publicly—including in their Zoning Commission submission and at related hearings, in correspondence to Brookland Manor tenants, and in meetings with the same tenants—that Defendants' planned redevelopment does away with or dramatically reduces larger size apartment units because Defendants do not want larger families to reside at the redeveloped property.

60. For example, on April 10, 2015, Mid-City, as a duly authorized representative of Brentwood Village, made the following statement to the Zoning Commission: "Communities and organizations throughout the country are in agreement that housing very large families in apartment complexes is significantly impactful upon the quality of life of households as well as their surrounding neighbors. Therefore, the Applicant does not propose to construct four or five bedroom units in the project."

61. Further, in a December 2014 letter to the Brookland Manor/Brentwood Village Residents Association, Mid-City stated that "practical experience has demonstrated that [four or five bedroom apartments are] not an ideal housing type for larger families and there are adverse impacts on the remainder of the community."

62. Similarly, in a January 20, 2015 letter to all Brookland Manor residents, Mid-City stated that "the new community will not include new 4 and 5 [bedroom] units as these large units are not consistent with the creation of a vibrant new community."

63. Defendants have not yet obtained the necessary second-stage approval for their redevelopment plan from the Zoning Commission. Nonetheless, Defendants are already engaging in efforts to force larger families to move away from Brookland Manor. These

ongoing actions will result in disrupting these families' support structure and eliminating their current housing.

64. As early as July 2015, Edgewood sent letters to leaseholders with large families stating or suggesting that, due to the redevelopment, they must relocate from their homes starting in August 2015. These tenants were informed by Edgewood that households residing in HUD HAP contract units would move first, followed by Voucher holder households, and finally by market-rate residents.

65. In October 2015, Edgewood sent letters to large families who use Vouchers to pay their rent, indicating that they had to move out of their homes. These letters stated or suggested that the transfer was required by the D.C. Housing Authority, even though the decision to transfer to another unit is a voluntary one that only the tenant or family is entitled to make.

66. Edgewood has also told leaseholders with larger families that there are no available alternative larger-size apartment units at the property and has required many larger households to downsize to inappropriately small units or break up their families into multiple units.

67. Upon information and belief, residents of Brookland Manor who do not require three-, four-, or five-bedroom apartments have not received similar letters from Edgewood to encourage them to leave their current units or have not been forced to relocate apartments in order to facilitate Defendants' redevelopment plans.

68. Upon information and belief, Edgewood used the name "Brookland Manor Apartments" in its communications with larger families about the alleged need for relocation. Upon further information and belief, Brentwood Associates knew or approved use of its

registered trade name when communicating with larger families about the alleged need for them to relocate off the property.

**D. Disparate Impact of the Redevelopment on Families**

69. Defendants' proposed redevelopment, which eliminates all four- and five-bedroom apartments and significantly reduces the number of three-bedroom apartments, will adversely affect and have a substantial disparate impact on families who currently live at Brookland Manor.

70. In 2015, in conjunction with the First-Stage PUD, Mid-City publicly disclosed a range of demographic information about the residents who live in each of the 486 occupied units at Brookland Manor, including the relevant number of bedrooms in each unit and the ages of the residents in each unit. That information is attached to the Complaint as Exhibit A ("Demographics Disclosure").

71. In the Demographics Disclosure, Mid-City identified 486 occupied units at Brookland Manor, including 261 one-bedroom units, 42 two-bedroom units, 67 three-bedroom units, 99 four-bedroom units, and 17 five-bedroom units.

72. Among the 486 occupied units at Brookland Manor, Mid-City identified 253 units that are occupied by "families" within the meaning of the FHA and DCHRA, *i.e.*, those who have one or more minor children living in the household.

73. Defendants' own public filings demonstrate that larger units (three-, four-, and five-bedroom units) are far more likely to be occupied by families than the smaller units at Brookland Manor (one- and two-bedroom units).

74. For example, only 104 of the 303 (34.3%) one- and two-bedroom units at Brookland Manor are occupied by families. In comparison, 149 of the 183 (81.4%) three-, four-, and five-bedroom units at Brookland Manor are occupied by families.

75. The following chart identifies for each bedroom unit size the number of occupied units at Brookland Manor, the number of such units that are occupied by families and the percentage of such units that are occupied by families.

| Unit Size | # Occupied Units at Brookland Manor | # Units Occupied by Families | % of Unit Type Occupied by Families |
|---|---|---|---|
| **1 Bedroom** | 261 | 83 | 31.80% |
| **2 Bedrooms** | 42 | 21 | 50.00% |
| **3 Bedrooms** | 67 | 47 | 70.15% |
| **4 Bedrooms** | 99 | 87 | 87.88% |
| **5 Bedrooms** | 17 | 15 | 88.24% |
| **Total** | **486** | **253** | |

76. Because families are far more likely than non-families to currently live in three-, four-, or five-bedroom units at Brookland Manor, and because most of the households who live in three-, four-, and five-bedroom units will be displaced from Brookland Manor under Defendants' redevelopment plan, the redevelopment will have a severely disparate impact on families. In other words, families at Brookland Manor are far more likely than non-families to be adversely impacted by the proposed redevelopment.

77. Based upon Defendants' public filings, 149 of the 253 (58.89%) families at Brookland Manor will be subject to being displaced by the proposed redevelopment, whereas only 34 of the 233 (14.59%) non-families at Brookland Manor will be subject to being displaced by the proposed redevelopment.

78. The following chart identifies the number and percentage of families and non-families who will be adversely affected by the proposed redevelopment:

| | Non-Families | Families |
|---|---|---|
| **# Units Overall in Brookland Manor** | 233 | 253 |
| **# Units Adversely Affected (3, 4 or 5 bedroom units in Brookland Manor)** | 34 | 149 |
| | 14.59% | 58.89% |

79. Accordingly, families are more than four times as likely as non-families to be adversely affected by the proposed redevelopment and elimination or reduction of their respective unit types.

## INDIVIDUAL ALLEGATIONS

**Lorretta Holloman**

80. Plaintiff Lorretta Holloman has resided in a four-bedroom unit at Brookland Manor for five years.

81. Ms. Holloman lives with her 62-year-old mother Lenora, her 33-year-old brother Dereck, and her three children, Dionna, Quentin, and Autumn, who are ages 17, 11, and 3, respectively.

82. Ms. Holloman's 33-year-old brother Dereck is severely autistic and attends a day program for special needs adults. This program is able to provide Dereck transportation to and from Brookland Manor.

83. Ms. Holloman's son, Quentin, is mildly autistic, and attends a special-needs program at Eliot-Hine Middle School, located in close proximity to Brookland Manor.

84. Ms. Holloman's 3-year-old daughter Autumn attends a daycare located in Israel Baptist Church, located alongside the Brookland Manor complex.

85. Ms. Holloman's mother Lenora recently began a daytime computer training class that is located within walking distance of Brookland Manor.

86. Ms. Holloman's mother and brother came to live with her when she moved in to Brookland Manor, after her mother lost her home in southeast D.C.

87. Ms. Holloman does not live in a project-based Section 8 unit or receive a Housing Choice Voucher. Ms. Holloman pays $1,675 in rent for her Brookland Manor apartment each month. She previously participated in a one-year transitional housing program under which she paid $600 per month and that ended in April 2014.

88. Due to the ages of the members of her family, the size of her family, and the special needs of her family members, Ms. Holloman requires at least a four-bedroom apartment.

89. If the redevelopment is implemented as proposed, Ms. Holloman and her family will be involuntarily displaced from the family's apartment and will not be able to reside at the redeveloped property.

90. Ms. Holloman will have an extremely difficult time finding an adequately sized apartment in D.C. for her family because of the scarcity of affordable housing of her unit type, which Ms. Holloman reported to be the case in June 2016 when she began exploring available housing options in the event that she and her family are forcibly displaced from their four-bedroom unit at Brookland Manor.

91. Ms. Holloman has been unable to find housing large enough to accommodate her family size as the only available affordable housing in D.C. consists of units of three- or fewer bedrooms. As a result, if forcibly displaced, Ms. Holloman believes she may be required to move her family outside of D.C., including to Hyattsville, Fort Washington, or Columbia, Maryland.

92. Ms. Holloman has already witnessed how Defendants' conduct has forced other families at Brookland Manor to move due to the redevelopment.

93. Ms. Holloman's family, who attends school, daycare, and other programs in close proximity to Brookland Manor, will be negatively impacted if they are involuntarily displaced from the property and are unable to find appropriate substitute housing in the area of Brookland Manor.

**Adriann Borum**

94. Plaintiff Adriann Borum grew up on the Brookland Manor property. She has resided in her current four-bedroom unit, or other units on the Brookland Manor property, for approximately 25 years.

95. Ms. Borum lives with her children Donta Borum, Trayvon Borum, Demante Borum, Garey Freeman Jr., and Taylor Borum, ages 21, 20, 18, 13, and 7, respectively.

96. All of Ms. Borum's children have lived at Brookland Manor since they were born.

97. Ms. Borum has been a member of the neighborhood Israel Baptist Church for 18 years, and depends on the membership for religious and communal support.

98. Ms. Borum's 7-year-old daughter, Taylor, attends an after school program at the Boys and Girls club, located near Brookland Manor at 2500 14th St NW, Washington, DC 20009, every weekday. Ms. Borum depends on this program to provide afterschool care for her young child while she is at work.

99. Ms. Borum's school-age children all attend schools in close proximity to Brookland Manor. Demante Borum and Gary Freeman Jr. attend Kingsman Academy public Charter School, which is a short drive from Brookland Manor. Taylor Borum attends Noyes Education Campus, which is a short walk from Brookland Manor.

100. Ms. Borum's sons participate in recreational activities and programs at the neighboring Brentwood Recreational Center.

101. Ms. Borum's place of employment is within walking distance of Brookland Manor. Ms. Borum chose this place of employment in order to reduce her commute time and allow her to spend more time caring for her children.

102. Ms. Borum is a participant in the project-based Section 8 program at Brookland Manor.

103. Due to the ages of her children, the size of her family, and the needs of her family, Ms. Borum requires at least a four-bedroom apartment.

104. If the redevelopment moves forward as planned, Ms. Borum and her family will be involuntarily displaced from their apartment.

105. Ms. Borum will have an extremely difficult time finding an adequately sized apartment in D.C. for her family because of the scarcity of affordable housing of her unit type.

106. Ms. Borum has already witnessed how Defendants' conduct has forced other families at Brookland Manor to move due to the redevelopment, including families who have moved off the property.

107. Ms. Borum's family, who attends school and other programs in close proximity to Brookland Manor, will be negatively impacted if they are involuntarily displaced from the property.

**ONE DC**

108. Plaintiff ONE DC is a community-based organization comprised of members who include tenants of affordable housing properties that are seeking to avoid displacement, preserve affordable housing, ensure fair housing, and further equitable development in D.C.

109. ONE DC brings this action on its own behalf and as a representative of its members, including members who are residents of Brookland Manor and have minor children,

whose fair housing rights are being violated and who wish to ensure an equitable redevelopment of the Brookland Manor property that preserves affordable housing and maintains a family-inclusive community.

110. The participation of individual ONE DC members in the action is not required to resolve the claims at issue or to formulate appropriate relief.

111. ONE DC also brings this case because Defendants' discriminatory conduct has damaged ONE DC by frustrating its mission of creating and preserving racial and economic equity in D.C. for all and by causing ONE DC to divert scarce organizational resources that it would have used to raise community awareness of the structural causes of poverty and injustice, increase membership and the organization's political influence around issues of racial and economic equity, and invest in members' empowerment and training in methods for building ownership and equity with respect to employment and housing, among other goals.

112. ONE DC has a limited operational budget and only two full-time staff members and an intern. Accordingly, when ONE DC takes on a new organizing project, this project necessarily diverts both money and human resources from ONE DC's other organizational activities and community initiatives.

113. Instead of providing services to its members and the community, ONE DC has been forced to divert its scarce resources to identifying, investigating, and combating Defendants' discriminatory policies and practices, and to counseling, organizing, and reassuring tenants who have been forcibly moved or have feared imminent displacement under Defendants' proposed redevelopment plan of Brookland Manor.

114. On or around July 2014, ONE DC received reports from residents and its own organizers that Defendants planned to redevelop Brookland Manor through a PUD process and

that tenants were fearful of the possible outcomes of such a redevelopment, including tenant displacement and the loss of their current affordable housing.

115. Given these reports, ONE DC was compelled to further investigate the tenants' concerns about the redevelopment.

116. As a result of its investigation, in 2014 and 2015, ONE DC undertook organizing efforts to investigate and resist the redevelopment of Brookland Manor, which led to a series of "Outreach Days" at the property. ONE DC conducted six Outreach Days in 2015.

117. These Outreach Days were paired with phone calls to tenants, door knocking and canvassing efforts at the property, and a series of tenant association and related tenant-focused meetings and gatherings. ONE DC appeared before the Tenant's Association on April 23, 2015 and has continued to remain involved with the Tenant's Association monthly meetings, making frequent appearances at these and other redevelopment-related meetings organized for residents.

118. Because of the impact of the redevelopment, ONE DC has redirected and continues to redirect significant resources to "crisis organizing" and tenant counseling and development-resistance training efforts, work that would not have been done in the absence of Brookland Manor's proposed redevelopment and efforts to force families to vacate their units.

119. ONE DC has also allocated resources to meet with other organizations regarding Brookland Manor, including members of the D.C. organized labor community.

120. ONE DC has participated in various government-related meetings and hearings to raise awareness about the proposed redevelopment of Brookland Manor and how it will unfairly impact families.

121. As of July 28, 2016, ONE DC has diverted approximately 640 hours of its staff members' time to identify and combat Defendants' discriminatory conduct through outreach,

organizing, advocacy and tenant counseling efforts, among other activities. ONE DC will continue to divert it scarce resources to identify and combat such discrimination until Defendants cease their violations of the FHA and the DCHRA.

## VI. CLASS ALLEGATIONS

122. Plaintiffs bring this action on behalf of themselves and all others similarly situated pursuant to Rule 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure, or in the alternative as a hybrid class under Rule 23(a) and 23(b)(2) and (3) or under Rule 23(a) and (b)(2) and (c)(4), on behalf of the following class:

> All households who reside or have resided at Brookland Manor in a three-, four-, or five bedroom unit with one or more minor child, and (i) have been displaced from a three-, four-, or five-bedroom unit at Brookland Manor since October 1, 2014 (the date that Defendants proposed their First Stage PUD to the Zoning Commission), or (ii) are at risk of being displaced from a three-, four-, or five-bedroom unit at Brookland Manor.

123. Plaintiffs seek permanent injunctive relief for all members of the proposed Class so that all members of the proposed Class will have a future opportunity to reside at Brookland Manor or the redeveloped property in a three-, four-, or five-bedroom unit. Plaintiffs, further seek damages for individuals who have already been displaced from a three-, four-, or five-bedroom unit at Brookland Manor since October 1, 2014 or are so displaced at a later date, insofar as their displacement causes distinct and additional harms separate from their loss of housing, including but not limited to monetary costs related to moving services or apartment brokerage fees and increased transportation costs to school and work.

124. This action is properly maintainable as a class action, because the requirements of Rule 23(a) and Rule 23(b) of the Federal Rules of Civil Procedure can be satisfied.

125. The class is so numerous that joinder of all members is impracticable. Upon information and belief, at least 149 families in Brookland Manor are members of the Proposed Class.

126. There are numerous questions of law and fact that are common to each member of the Proposed Class.

127. Defendants' proposed redevelopment will have the same impact on all class members, as Defendants' uniform policy and practice of eliminating four- and five-bedroom units and significantly reducing three-bedroom units as part of its redevelopment of the property will make the property unavailable to the class members. In particular, common questions of law and fact that apply to each class member include, but are not limited to:

a) Whether Defendants' policy or practice of eliminating four-, and five-bedroom units and reducing the number of three-bedroom units will make class members' housing unavailable by impacting class members' ability to remain residents of Brookland Manor once it is redeveloped;

b) Whether Defendants' decision to eliminate four-, and five-bedroom apartments and reduce the number of three-bedroom units from the Brookland Manor redevelopment has a disparate impact on families at Brookland Manor;

c) Whether Defendants have a legitimate non-discriminatory reason for their policy or practice;

d) Whether Defendants could have adopted an alternative policy or practice that would have had a less discriminatory impact on families.

e) Whether Defendants' statements regarding the impact of large families on the quality of life of tenants who reside in apartment buildings and inconsistency of housing larger families with the creation of vibrant new community reveals a preference to not provide housing to families in violation of the FHA and the DCHRA.

f) Whether Defendants' actions and statements violate § 3604(a) and (c) of the Fair Housing Act and the equivalent provisions of the DCHRA.

g) Whether Defendants may be enjoined from proceeding with their proposed redevelopment that will have an unjustified disparate impact on families.

128. Members of the Proposed Class have been injured and will be injured by Defendants' failure to comply with the FHA and DCHRA.

129. The claims of the named Plaintiffs are typical of the claims of the other putative Class Members they seek to represent. Plaintiffs challenge a single policy and practice of Defendants through which Defendants have chosen to purposefully eliminate four- and five-bedroom units in the redevelopment and significantly reduce the affordable, three-bedroom units as part of the redevelopment of Brookland Manor, as well as to justify the instant policy or practice through a series of discriminatory statements made against families. Plaintiffs' civil rights were accordingly violated in the same manner as all other Class Members, who were subjected to Defendants' same policy or practice and Defendants' same discriminatory statements.

130. The named Plaintiffs will fairly and adequately protect the interests of the proposed Class. The named Plaintiffs are aware of no conflict with any other member of the Class. The named Plaintiffs understand their obligations as proposed Class Representatives,

have already taken steps to fulfill them, and are prepared to continue to fulfill their duties as proposed class representatives.

131. Defendants have no unique defenses against the named Plaintiffs that would interfere with them serving as Class Representatives.

132. Plaintiffs' counsel are experienced in federal court class-action litigation, including in the area of fair housing law.

133. This action may be maintained as a class action pursuant to Rule 23(b)(3) of because the questions of law and fact common to members of the class predominate over questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient resolution of this controversy.

134. This action may alternatively be maintained as a hybrid class under Rule 23(b)(2) and 23(b)(3), in which the Court certifies a Rule 23(b)(2) class with respect to the claims for injunctive or declaratory relief and a Rule 23(b)(3) class with respect to the monetary claims, and grants the right to opt out to class members regarding monetary relief. Defendants' actions in uniformly eliminating four- and five-bedroom units and significantly reducing the number of affordable, three-bedroom units through the redevelopment applies generally to the members of the Class. Final injunctive or declaratory relief, therefore, is appropriate with respect to the class as a whole. The proposed Class can satisfy Rule 23(b)(3)'s requirements of predominance and superiority, and to the extent that some of the members of the Proposed Class have damages, their claims for damages can be adjudicated consistent with Rule 23(b)(3).

135. Finally, this action may alternatively be maintained as a hybrid class pursuant to Rule 23(b)(2) and (c)(4). Because final injunctive or declaratory relief is appropriate with respect to the class as a whole, the proposed Class may seek injunctive and declaratory relief

pursuant to Rule 23(b)(2). In addition, the Court may certify an issue class pursuant to Rule 23(c)(4), which states that "an action may be brought or maintained as a class action with respect to particular issues," while resolving on an individual basis the claims for damages that some of the proposed Class Members may have.

136. By resolving the common issues described herein through a single class proceeding, each member of the Class will receive a determination of whether Defendants' policy or practice of eliminating four- and five-bedroom units and reducing the number of three-bedroom units makes their housing unavailable and has a disparate impact on families in violation of the FHA and DCHRA, whether Defendants' statements revealed a discriminatory preference in violation of the FHA and DCHRA, and whether Defendants have a legal obligation to not adversely affect families in redeveloping Brookland Manor.

137. Members of the Proposed Class do not have a significant interest in controlling the prosecution of separate actions, as a single injunction will provide all Class Members the primary relief that they seek in this litigation.

138. There has been no prior litigation involving the redevelopment of Brookland Manor.

139. There are no difficulties in managing this class as a class action.

**COUNT 1: DISPARATE IMPACT DISCRIMINATION**
**(Familial Status Discrimination under the Fair Housing Act ("FHA"), 42 U.S.C. § 3604(a))**

140. Plaintiffs incorporate by reference the allegations in all of the preceding paragraphs.

141. Plaintiffs Holloman and Borum bring this claim on behalf of all members of the proposed Class. Plaintiff ONE DC brings this claim on its own behalf and on behalf of its members who currently reside in three-, four-, or five-bedroom units at Brookland Manor.

142. The Fair Housing Act makes it unlawful, among other practices, to "otherwise make unavailable or deny[] a dwelling," to an individual on the basis of familial status. 42 U.S.C. § 3604(a).

143. Defendants violated the FHA, 42 U.S.C. § 3604(a), by creating, proposing, undertaking implementation of a redevelopment plan that will reduce the number of three-bedroom apartment units and eliminate all four- and five-bedroom apartment units, and thus will have a disparate impact or disproportionate effect on families at Brookland Manor.

144. Section 3602(k) of the FHA defines familial status as one or more individuals under the age of 18 being domiciled with (1) a parent, legal custodian, or (2) the designee of such parent or legal custodian, with the written permission of such parent or legal custodian.

145. Under the FHA, "person" is defined to "include[] one or more individuals . . . associations . . . [or] unincorporated organizations." 42 U.S.C. § 3602(d).

146. Defendants, individually and through their agents, adopted a redevelopment plan that significantly reduces the number of three-bedroom units and entirely eliminates four- and five-bedroom units at Brookland Manor, thus making housing unavailable to families residing in these units.

147. The reduction in three-bedroom units and elimination of four- and five-bedroom units will have a disparate impact on families who live at Brookland Manor based on their familial status.

148. Defendants injured Plaintiffs Borum, Holloman, and other members of the Proposed Class, as well as ONE DC, by committing these discriminatory housing practices. Thus, Plaintiffs Holloman and Borum, similarly situated members of the Proposed Class, and ONE DC are "aggrieved persons" within the meaning of the FHA, 42 U.S.C. § 3602(i).

149. By reason of Defendants' unlawful acts or practices, Plaintiffs Borum, Holloman, and all members of the Proposed Class, including ONE DC members, have suffered violations of their civil rights. Most, if not all, members of the Proposed Class, will also suffer deprivation of the full use and enjoyment of their dwellings, and will suffer wrongful eviction and displacement from their dwellings and community.

150. By reason of Defendants' unlawful acts or practices, Plaintiff ONE DC has suffered direct harm by being forced to reallocate significant financial resources and man power to community organizing and training efforts intended to empower Brookland Manor tenants.

**COUNT 2: DISPARATE IMPACT DISCRIMINATION**
**(Familial Status Discrimination under the District of Columbia Human Rights Act ("DCHRA") (D.C. Code §§ 2-1402.21(a)(1), 2-1402.68)**

151. Plaintiffs incorporate by reference the allegations in all preceding paragraphs.

152. Plaintiffs Holloman and Borum bring this claim on their own behalf and on behalf of all members of the Proposed Class. Plaintiff ONE DC brings this claim on its own behalf and on behalf of its members who live in three-, four, or five-bedroom units at Brookland Manor.

153. The DCHRA makes it an unlawful discriminatory practice to "refuse or fail to initiate or conduct any transaction in real property" when such refusal is "wholly or partially for a discriminatory reason based on the actual or perceived[] familial status . . . of any individual." D.C. Code § 2-1402.21(a).

154. The DCHRA specifies that "[a]ny practice which has the effect or consequence of violating any of the provisions of this chapter [Chapter 14. Human Rights] shall be deemed to be an unlawful discriminatory practice." D.C. Code § 2-1402.68.

155. Defendants injured Plaintiffs and Proposed Class members in violation of the DCHRA, D.C. Code §§ 2-1402.21(a) & 2-1402.68, by creating, proposing, and undertaking

implementation of a redevelopment plan that will reduce the number of three-bedroom apartment units and eliminate four- and five-bedroom apartment units, resulting in a disparate impact or disproportionate effect on families who live at Brookland Manor.

156. The DCHRA defines familial status as "one or more individuals under 18 years of age being domiciled with: (1) a parent or other person having legal custody of the individual; or (2) the designee, with written authorization of the parent, or other persons having legal custody of individuals under 18 years of age." D.C. Code § 2-1401.02(11A). Further, "[t]he protection afforded against discrimination on the basis of familial status [] applies to any person who is pregnant or in the process of securing legal custody of any individual under 18 years of age."

157. The DCHRA defines "person" to include any "individual," "association," or "organization." D.C. Code § 2-1401.02(21).

158. Defendants adopted a redevelopment plan that significantly reduces the number of three-bedroom units and entirely eliminates four- and five-bedroom units at Brookland Manor, which has the effect of making housing unavailable to families residing in these units.

159. The reduction in three-bedroom units and elimination of four- and five-bedroom units will result in a disparate impact on families who reside at Brookland Manor on the basis of their familial status.

160. Defendants injured Plaintiffs Borum, Holloman, and other members of the Proposed Class, as well as ONE DC, by committing these discriminatory housing practices. Accordingly, Plaintiffs Borum and Holloman, all members of the Proposed Class, and ONE DC are "aggrieved persons" entitled to enforce the DCHRA against Defendants under the DCHRA, D.C. Code § 2-1403.16(a).

161. By reason of Defendants' unlawful acts or practices, Plaintiffs Borum and Holloman and members of the Proposed Class have suffered violations of their civil rights. Most, if not all of the Proposed Class Members will also suffer deprivation of the full use and enjoyment of their dwellings, and will suffer wrongful eviction and displacement from their dwellings and community.

162. By reason of Defendants' unlawful acts or practices, Plaintiff ONE DC has suffered direct harm by being forced to reallocate significant financial resources and man power to community organizing and training efforts intended to empower Brookland Manor tenants.

**COUNT 3: DISCRIMINATORY STATEMENTS**
**(Discriminatory Statements under the FHA, 42 U.S.C. § 3604(c))**

163. Plaintiffs incorporate by reference the allegations in all preceding paragraphs.

164. Section 3604(c) of the FHA makes it unlawful to make a statement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on familial status, or an intention to make any such preference, limitation or discrimination on the basis of familial status. 42 U.S.C. § 3604(c).

165. Defendants have made public statements to the D.C. Zoning Commission that four- and five- bedroom units will not be constructed because "housing very large families in apartment communities is significantly impactful upon the quality of life of households as well as their surrounding neighbors."

166. Defendants have also publicly stated to the Brookland Manor Residents Association that "practical experience has demonstrated that [four or five bedroom apartments are] not an ideal housing type for larger families[,] and there are adverse impacts on the remainder of the community."

167. Further, Defendants have stated to Brookland Manor residents in a widely-distributed letter about the redevelopment that building four and five-bedroom units is "not consistent with the creation of a vibrant new community." Because the four- and five-bedroom units are effectively a proxy for the families who reside in these apartments, Defendants' statements about households who live in four- and five-bedroom units directly indicate that including families in the redevelopment would be inconsistent "with the creation of a new vibrant community."

168. Defendants injured Plaintiffs Borum, Holloman, and all members of the Proposed Class, as well as ONE DC, by making statements with respect to the rental of apartment units at Brookland Manor that expressed a preference against including families in the redeveloped property. Therefore, these statements expressed an unlawful preference, limitation, or discrimination —or at minimum, evidenced an intention to make such a preference, limitation, or discrimination—on the basis of familial status, in violation of 42 U.S.C. § 3604(c).

169. By reason of Defendants' unlawful statements, Plaintiffs Borum, Holloman, and members of the Proposed Class have suffered violations of their civil rights.

170. By reason of Defendants' unlawful acts or practices, Plaintiff ONE DC has suffered direct harm by being forced to reallocate significant financial resources and man power to community organizing and training efforts intended to empower Brookland Manor tenants.

**COUNT 4: DISCRIMINATORY STATEMENTS**
**(Discriminatory Statements under the DCHRA, D.C. Code § 2-1402.21(a)(5))**

171. Plaintiffs incorporate by reference the allegations in all preceding paragraphs.

172. The DCHRA provides that it is an unlawful discriminatory practice "to make . . . or cause to be made[] . . . any statement . . . with respect to a transaction, or proposed transaction,

in real property," that "indicates or attempts unlawfully to indicate any preference, limitation or discrimination based on . . . familial status." D.C. Code § 2-1402.21(a)(5).

173. Defendants have made public statements to the Zoning Commission that four- and five- bedroom units will not be constructed because "housing very large families in apartment communities is significantly impactful upon the quality of life of households as well as their surrounding neighbors."

174. Defendants have also publicly stated to the Brookland Manor Residents Association that "practical experience has demonstrated that [four or five bedroom apartments are] not an ideal housing type for larger families and there are adverse impacts on the remainder of the community."

175. Further, Defendants have stated to Brookland Manor residents in a widely-distributed letter about the redevelopment that building four and five-bedroom units is "not consistent with the creation of a vibrant new community." Because the units are a effectively proxy for the families who reside in these apartments, Defendants' statements about households who live in four- and five-bedroom units directly indicate that including families in the redevelopment would be inconsistent "with the creation of a new vibrant community."

176. Defendants injured Plaintiffs Borum, Holloman, and all members of the Proposed Class, as well as ONE DC, by making statements with respect to the rental of apartment units at Brookland Manor that expressed a dis-preference for including families in the redeveloped property. Therefore, these statements expressed an unlawful preference, limitation, or discrimination—or at minimum, evidenced an intention to make such a preference, limitation, or discrimination— on the basis of familial status, in violation of D.C. Code § 2-1402.21(a)(5).

177. By reason of Defendants' unlawful statements, Plaintiffs Borum, Holloman, and members of the Proposed Class have suffered violations of their civil rights.

178. By reason of Defendants' unlawful acts or practices, Plaintiff ONE DC has suffered direct harm by being forced to reallocate significant financial resources and man power to community organizing and training efforts intended to empower Brookland Manor tenants.

## PRAYER FOR RELIEF

Based upon the foregoing, Plaintiffs respectfully request that the Court:

(a) Certify this action as a class action on behalf of the Proposed Class pursuant to Rules 23(a) and (b)(2), and (b)(3) of the Federal Rules of Civil Procedure;

(b) Designate the named, individual Plaintiffs as representatives of the Class, and designate Plaintiffs' counsel of record as Class Counsel for the Class;

(c) Declare that in eliminating the number of four- and five-bedroom units and significantly reducing the number of three-bedroom units from the redevelopment of Brookland Manor, Defendants' proposed redevelopment plan violates the Fair Housing Act of 1968 and the District of Columbia Human Rights Act, as well as declare that Defendants are obligated, as a matter of law, to make housing available to families requiring three-, four-, and five-bedroom units as part of its planned redevelopment.

(d) Order any and all injunctive relief that the Court may deem appropriate, including entering a preliminary and permanent injunction ordering Defendants to: (i) cease violating Plaintiffs' federally-protected rights and rights protected by the District of Columbia; and (ii) in particular, enjoining Defendants' implementation of the currently proposed redevelopment unless and until the redevelopment ensures that

housing will remain available for members of the Proposed Class who reside in current three-, four-, and five-bedroom units;

(e) Enter judgment awarding Plaintiff ONE DC and members of the Proposed Class compensatory damages and punitive damages, where such damages are appropriate under the FHA and DCHRA;

(f) Award Plaintiffs costs and reasonable attorneys' fees incurred in this action to the extent allowable by law; and

(g) Grant such other relief to the Plaintiffs as the Court may deem just and proper.

August 25, 2016

Respectfully submitted,

/s/ Maureen F. Browne
Maureen F. Browne (D.C. Bar No. 441440)
(*mbrowne@cov.com*)
Nooree Lee (D.C. Bar No. 1001687)
(*nlee@cov.com*)
COVINGTON & BURLING LLP
One CityCenter
850 10th Street NW
Washington, D.C. 20001
Telephone: (202) 662-6000

/s/ Matthew Handley
Jonathan Smith (D.C Bar No. 396578)
(*jonathan_smith@washlaw.org*)
Matthew Handley (D.C Bar No. 489946)
(*mhandley@washlaw.org*)
Catherine Cone (D.C. Bar No. 1032267)
(*catherine_cone@washlaw.org*)
WASHINGTON LAWYERS' COMMITTEE

FOR CIVIL RIGHTS & URBAN AFFAIRS
11 Dupont Circle, NW, Suite 400
Washington, D.C. 20036
Telephone: (202) 319-1000

*Counsel for Plaintiffs Adriann Borum, Lorretta Holloman, ONE DC, and all those similarly situated.*

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Complaint will be hand delivered on August 25, 2016 to the following:

CT Corporation System
1015 15th St. NW
Suite 1000
Washington, D.C. 20005
Registered Agent of Defendants Brentwood Associates, LP; Mid-City Financial Corporation, and Edgewood Management Corporation

Mr. Leonard Harris
2822 Devonshire Place NW #206
Washington, D.C. 20008
Registered Agent of Defendant Brentwood Village, LLC

/s/ Matthew Handley
Matthew Handley
*Counsel for Plaintiffs Adriann Borum, Lorretta Holloman, ONE DC, and all those similarly situated.*

# APPENDIX E

The Washington Post

Social Issues

# In gentrifying D.C., apartments for large families are quickly disappearing

By Paul Duggan August 29

Lorretta Holloman, the breadwinner of her household, is "really, really happy" in her four-bedroom apartment. The place is spacious enough for her family of six, its location in Northeast Washington suits their daily routines, and at $1,675 a month, the rent is affordable (if just barely) on her moderate income.

"It allows for us all to be together," said Holloman, 36, sitting on her sofa one night last week. Her daughters — a prekindergartner and a college student — live with her. So does her adolescent son, who has special-education needs; and her adult brother, who is profoundly autistic; and her jobless mother, 62, who lost a house to foreclosure.

"We're not on top of each other like we used to be," Holloman said, recalling life in the two-bedroom apartment she used to rent in Prince George's County. "We can still be close as a family without tearing one another's heads off."



But now their days are numbered at sprawling Brookland Manor, a World War II-era development of 19 squat brick blockhouses with 535 no-frills apartments. A few miles north of the U.S. Capitol — the dome is

visible on the horizon — the complex is occupied mainly by low-income tenants whose rents are government-subsidized.

As the District's growing affluence spreads in every direction, the tide of prosperity is rolling northeast from downtown toward Brookland Manor, in a historically industrial and working-class neighborhood near Catholic University. For Brookland's owner, the time is right to raze and rebuild, to erect a modern, denser, more aesthetically attractive complex of 1,760 residences with an array of amenities — and far pricier rents for most tenants.

But in a city with a critical shortage of affordable housing, the massive redevelopment off Rhode Island Avenue NE has become for some a symbol of the problems faced by those of modest means who are fearful of being displaced by moneyed newcomers in the District's hot real estate market.

Such fears are especially acute for large families such as Holloman's that are overrepresented among the city's poor.

Brookland Manor today has 134 four- and five-bedroom apartments. Yet when the new community is built, none of its 1,646 apartments or 114 for-sale townhouses will have more than three bedrooms, and a vast majority will have only one or two.

Brookland's owner, Mid-City Financial Corp., based in Germantown, Md., told the city's Zoning Commission that four- and five-bedroom apartments "are not consistent with the creation of a vibrant new community."

Tenants' advocates, who filed a class-action lawsuit Thursday alleging housing discrimination, interpret Mid-City's assertions as a polite way of saying that the company is worried that the multi-generational families will make the soon-to-be-rebranded "Brentwood Village" a harder sell to the affluent professionals flocking to the nation's capital.

The plaintiffs' attorneys argue that Mid-City's plan would result in scores of families being forced out of Brookland in violation of the federal Fair Housing Act and the D.C. Human Rights Act. Mid-City Executive Vice President Michael Meers said that those concerns are overblown and that his company is committed to accommodating most current residents.

"This is all 100 percent orchestrated by the tenant advocates," Meers said. "It never stops. We honor, acknowledge, recognize all the tenants' rights. But we also have the view that the community has rights, too.

Ownership has rights. And we have an obligation to make sure this project is successful and works for everybody."

He declined to comment on specifics of the lawsuit, saying he had not yet read it.

Will Merrifield, a lawyer with the Washington Legal Clinic for the Homeless, called the situation at Brookland Manor "a perfect snapshot of a broader problem."

He was referring not just to the dearth of low and moderately priced housing in the District but also to the particular scarcity of affordable housing big enough for large families, many of whom end up in the crowded, decrepit shelter for homeless families at the old D.C. General Hospital.

Holloman, who makes $50,000 a year working in human resources, is one of just 60 or so Brookland tenants who pay unsubsidized market rents. As she searched for a new place recently, she said, the only similarly priced apartments of equal size that she found in the District were in crime-scarred pockets of poverty east of the Anacostia River, as yet untouched by gentrification.

"Plus I'd have to pay all the utilities, which I don't pay utilities here, and it becomes an issue of us trying to finagle our budget," she said. "That's something that I can't do, because our budget is already tight."

Holloman's income, supplemented by her brother's $733 in monthly disability payments, is a fortune compared with what many of her poorer neighbors in subsidized units get by on. For them, relocating could be even more daunting.

Four- and five-bedroom units in the District constitute just 8 percent and 4 percent of available rental housing, respectively, with most of the properties in Wards 7 and 8, the city's poorest areas, according a report last year by the Urban Institute, a public-policy research group. Brookland is in Ward 5, a largely working- and middle-class precinct that is on the rise.

In gaining zoning approval for the project last year, Mid-City, which has owned Brookland Manor since 1975, assured the commission that all of the complex's current low-income tenants would be offered apartments in the new community.

For decades, 373 Brookland apartments have been reserved for tenants getting assistance from the federal rent-subsidy program known as Section 8. About 100 other units are occupied by residents with subsidy vouchers from the city, while roughly 60 apartments, including Holloman's, are leased at market prices.

Mid-City promised to retain 373 Section 8 units in the vastly expanded Brentwood Village, each with a federal rent ceiling, and also pledged to try to accommodate the 100 or so tenants holding city vouchers. But that low-income population includes families in the four- and five-bedroom apartments, which are going away.

After conducting "detailed demographic research" of Brookland residents, Mid-City told zoning officials, the company determined that with few exceptions, each of those large-apartment families could be moved to a smaller unit, or divided into multiple smaller units, without violating federal rent-subsidy regulations.

Tenants' advocates, including lawyers who filed the lawsuit, dispute this, contending that a lot of poor families will be forced out of the complex and cast into a brutal D.C. market for affordable housing. Only 64 of the planned 1,760 residences in the new community will have three bedrooms, and the rest will be smaller, Mid-City told the Zoning Commission.

That sort of squeeze, occurring in many parts of the city, not only is exacerbating homelessness but also is hardening a landscape of "economic segregation," said Jonathan Smith, director of the Washington Lawyers' Committee for Civil Rights and Urban Affairs, one of the groups involved in the lawsuit.

Referring to the impoverished areas where such displaced families wind up, Smith said: "Look at what happens to children. We know that the outcome for a kid is predicted more by the income of their census tract than by the income of their family."

The plaintiffs, also represented pro bono by the major law firm Covington & Burling, hope to force Mid-City to include affordable four- and five-bedroom units in the redevelopment.

In an interview, Mid-City's Meers described the Brookland redevelopment as a "legacy" project championed by Eugene F. Ford Sr., who founded the company in 1965 and died in October at age 86. For decades, Meers said, Ford enjoyed a reputation as a responsible owner of subsidized housing in the Washington region.

Meers said that in 1977, after acquiring Brookland Manor, Mid-City signed contracts with the U.S. Department of Housing and Urban Development. In return for a 40-year, low-interest HUD mortgage, the company set aside the 373 apartments for tenants with rent subsidies. The complex has been meticulously kept up, Meers said.

Of the 535 apartments, fewer than 500 are occupied, because Mid-City is reducing the tenant population through attrition as it prepares for the redevelopment. Albeit austere, the complex is clean and reasonably well functioning, Meers said.

"Our founder did more for affordable housing than all these advocates combined," he said. "We've owned this property for 40 years. The owner never made a penny. There hasn't been a [revenue] distribution in all that time. Everything that's been generated by the property in rents and subsidies has been reinvested in the property."

Now, with maintenance costs getting prohibitive at the 75-year-old complex and with the HUD mortgage due to be paid off next August, ending redevelopment restrictions, Meers said, the time has come to ambitiously revitalize the 20-acre site, as a monument to Ford and in response to the lucrative emerging market along Rhode Island Avenue.

Although it doesn't have to, Mid-City has negotiated with HUD to keep the 373 affordable apartments "in perpetuity," Meers said. He declined to talk in detail about the elimination of three- and four-bedroom units, saying, "We went over this for hours with the Zoning Commission."

Holloman has lived at Brookland for five years. But because she isn't a low-income tenant with a subsidy — and because rent at the new Brentwood Village, even for a smaller apartment, is almost certain to be well beyond her means — she eventually will have to leave unless Mid-City alters its plans.

Of the five others in her family whose lives would be disrupted by a move, the one she worries about most is Derek, her 33-year-old autistic brother.

"He can become very agitated by new things," Holloman said one recent evening.

As she spoke, Derek appeared in the kitchen, only to vanish, a burly figure in dark slacks and a white undershirt, lumbering silently from room to room. "He'll isolate himself, get very confused and withdrawn," she said.

"You know, Derek, he doesn't do well with change."

Paul Duggan covers the Metro system and transportation issues for The Washington Post.
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