

Sargent Shriver National Center on Poverty Law
Six-Month Report to Barbara McDowell and Gerald S. Hartman Foundation
Submitted March 28, 2018

The Sargent Shriver National Center on Poverty Law (Shriver Center) is pleased to provide an update to the Barbara McDowell and Gerald S. Hartman Foundation on the progress of the litigation for which it was generously granted support, *HOPE Fair Housing v. City of Peoria*.

Background:

The Shriver Center, along with co-counsel Relman, Dane, & Colfax PLLC (“RDC”), filed a lawsuit in the late summer of 2017 in federal court against the City of Peoria in Illinois. The lawsuit, *HOPE Fair Housing v. City of Peoria*, contends that the City intentionally targeted enforcement of its “chronic nuisance” ordinance in predominantly African-American neighborhoods and against buildings with predominantly African-American tenants, violating the Fair Housing Act, 42 U.S.C. § 3601 *et seq.* and Illinois Civil Rights Act of 2003. As a result of these enforcement practices, African-American residents regularly face eviction for conduct that would not result in eviction for white residents.

In addition to the federal court case, an administrative complaint was filed with the U.S. Department of Housing and Urban Development’s Office of Fair Housing and Equal Opportunity (“FHEO”) on behalf of a local property owner and a tenant who was impacted by the ordinance.

Specifically, the lawsuit asserts that in addition to being discriminatory as to *where* it enforces the ordinance, the City discriminates as to *how* it enforces the ordinance. The ordinance delegates virtually total discretion to the police department as to how a nuisance should be “abated.” In practice, the police department often has exercised this discretion, particularly in predominantly African-American neighborhoods and in gentrifying neighborhoods, to require the eviction of all tenants associated with nuisance activity—whether perpetrator, victim, or innocent third party. In particular, the enforcement of the ordinance is resulting in the eviction of survivors of domestic violence, most of whom are women, which results in discrimination on the basis of sex as well as race.

The goals of the litigation are to secure the repeal of the nuisance ordinance and to send a message to other jurisdictions throughout the country with crime-free and nuisance property ordinances that the enforcement of those laws must comply with civil rights laws.

Status Update:

In September 2017, the City of Peoria filed a motion to dismiss the case. In response, the Shriver Center submitted a memorandum in opposition of the motion in early October. As the parties wait for the ruling on the motion to dismiss, the Shriver Center and its co-counsel have been cooperating with FHEO’s investigation. In late 2017, the Shriver Center and RDC prepared for interviews with FHEO. Over the course of two months, the Shriver Center,

RDC, HOPE Fair Housing , the tenants, and the property owner were interviewed by the FHEO team. The Shriver Center and its co-counsel have also provided some documentation of their discrimination allegations to FHEO. The FHEO investigation continues.

Progress Anticipated:

The Shriver Center expects the federal court case to survive a motion to dismiss and to begin discovery thereafter. Surviving the motion to dismiss will also amplify the Shriver Center's message that these ordinances are a liability risk for local governments.

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