



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

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October 24, 2019

Sent Via Email, With Highest Urgency, To:

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Senator Sarah Elfreth, *et al.*

Re: Urgent Request for Help for Residents of HACA Public Housing

Dear Senator Elfreth, Delegate Cain, Delegate Henson, County Executive Pittman and Councilwoman Rodvien:

As you may be aware, this office frequently provides legal advice and representation for public housing residents in the City of Annapolis, and we are co-counsel representing the plaintiffs in [*Heaven White, et al. v. City of Annapolis, HACA, et al.*](#),¹ a federal civil rights lawsuit currently pending against the City of Annapolis and the Housing Authority of the City of Annapolis (“HACA”). The City of Annapolis has failed for decades to hold HACA to the same standards to which it holds all other landlords in the City; without that imposed accountability and oversight by the City, HACA properties have become dilapidated, mold-infested, structurally unsound and dangerous.

We are writing to request your help and intervention on behalf of HACA residents because each of you has shown an interest in improving the living conditions in HACA public housing, whereas the Mayor and the City Council have not. The City’s complete inaction in the face of its clear knowledge and understanding of the dire conditions in which residents of HACA properties are living, even in the face of a federal lawsuit undertaken to address those conditions, defies common sense, political sense, legal sense and basic human decency.

The column published in [*The Capital*](#)² by Senator Elfreth, Delegate Henson and Delegate Cain on August 31, 2019, accurately described conditions in HACA properties as having “persistent mold that has led to reports of serious respiratory conditions in children, dysfunctional plumbing that has leaked human waste into bathrooms and kitchens, evidence of rampant rodents and cockroaches, lack of air conditioning during increasingly hot summers and air ducts crusted with years of dust and debris.” People pay rent and are living in those conditions every single day. Those properties are their homes, where they eat, sleep and live, where they are raising their children. The residents simply do not have the luxury of being able to wait quietly while their health and safety continues to deteriorate as the City continues to ignore them.

We recognize that HACA residents are also constituents of the Mayor of Annapolis and of City Aldermen and Alderwomen of the Annapolis City Council. However, our clients have given up any hope that the Mayor or the City Council will help them. Despite our efforts on behalf of our clients, our clients’ own efforts, the efforts of many residents who are not our clients, multiple news articles highlighting the deplorable conditions in HACA properties, years of poor to failing HUD inspection scores, and finally even a federal civil rights lawsuit based on the deplorable conditions, the City has taken absolutely no action to assist HACA residents in improving the conditions at HACA properties.

¹ <https://www.wisedonahue.com/wp-content/uploads/2019/06/Amended-Complaint.pdf>

² <https://www.capitalgazette.com/opinion/columns/ac-ce-column-district30-20190831-aplxmx2zkrbqfazobtxbbjfrqe-story.html>

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While a few members of the City Council have quietly expressed dismay at the conditions in HACA properties, the Council as a whole is apparently either unwilling or unable to take any concrete steps that would result in tangible improvement in the living conditions of HACA residents. The Mayor has failed to even acknowledge the HACA residents' concerns and appears to have checked out completely. We were heartened when we read the Capital column, and we were cautiously optimistic after reading your short-term plan and your affirmation that "County and state officials are committed to working together to ensure our constituents live in the same conditions that we want for ourselves and our families." Unfortunately, it appears that your hope for City officials and HACA to join in your commitment was misplaced. We are hopeful that your commitment to your Annapolis constituents can be turned into action and that, among you, the leadership void on this issue can be filled.

We met last week with several of the clients in the *White v. City of Annapolis* case, and we have spoken with several other residents over the recent past. The fact that the population of HACA public housing is over 91% African American in a majority White city is not lost on our clients. We think it is important that you hear what citizens of Annapolis who live in HACA properties had to say – how they feel – about how they are being treated by their political representatives and by HACA. These are just a few of the comments we have heard:

- "Cookouts for 600 don't change the fact that my kids and I go home to a moldy, disgusting home."
- "Mayor Buckley would never let his mother live like this."
- "They just think we're poor, and we're black and we don't know we could live any better."
- "They just try to move us all around like there's no difference between us and it doesn't matter where we live."
- "Not a single one of those HACA people or politicians would live one day in our homes."
- "Mayor Buckley's always talking about how his mother lives in public housing in Australia, and he says it's beautiful. I guarantee you she don't live in conditions like we live in."
- "I appreciate them helping out with backpacks and uniforms and stuff, but my kid still can't breathe in our apartment because of the mold."
- "I gave them all my doctor notes and told them I need to move somewhere without all the mold, and they [HACA] said they're not doing any transfers."
- "Might as well not even tell them to "fix" things. My house is a mess after maintenance come on through. I don't bother cleaning my house until after they come and gone."

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- “They don’t take into account our kids. Our kids can’t just move from one neighborhood to another one. That’s dangerous for them, and they’re scared. My kids are gonna have to move in with their grandma if I have to move over there [from one HACA property to another].” (The young people in the various public housing neighborhoods tend to band together and form alliances. Parents have expressed grave concerns about the possibility of their children being targeted after a move because they are from a different neighborhood.)

Our current clients and those who have considered becoming additional clients in the federal case have been told by some HACA Commissioners that they could be evicted for doing so, and many have been “kindly cautioned” that they are better off not “rocking the boat” because HACA residents are going to lose their housing altogether if they demand better conditions. Some have been told they are simply lucky to have a roof, any roof, over their heads. Meanwhile, conditions continue to deteriorate. Many of our clients are emotionally exhausted and physically ill as a result of just trying to get from day to day at this point. Many report frequent inability to sleep, and many also report that they literally cry every time they think about their living conditions and what it is taking just to get someone to pay attention to their situation.

We also believe it is important for you to know what our clients put on their wish list when we asked them for a “best case scenario” for where they live. This is what they asked for:

- Healthy, safe housing without mold or bugs and without leaky pipes.
- Something structurally sound, so you don’t have to worry about falling through stairs.
- Windows “that air doesn’t pass through.”
- A decent, clean, safe laundry room or in-unit washer/dryer.
- A recreation center for the kids/community space for adults.
- A safe space for recreation for kids.
- Something we can have pride in.

That’s it. People in public housing are not seeking, expecting or demanding luxury.

We were heartened in June, 2019, when the City Council passed a resolution shortly after the federal lawsuit was filed acknowledging that the City’s health and safety laws do indeed apply to HACA properties. However, we were soon discouraged by backpedaling on the issue and a complete lack of action on the City’s part to follow through. To date, although we understand a handful of properties have been inspected (with findings of multiple problems), the City has not even taken the simple action provided for in the City Code of posting HACA’s uninspected

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rental units.³ Potential renters and others have a right to know that the properties have not been inspected by the City to ensure that they meet the City's health and safety standards. The Mayor and City Council are quite conspicuously ignoring all things HACA, while at the same time they are publicly wringing their hands over the "crucial" question of whether to inspect and license high-end, single-family homes in the City's more affluent neighborhoods that are being used as short-term rentals in Annapolis. It's no wonder residents of public housing have given up hope that their City politicians will ultimately address the issues affecting them.

As for HACA, as recently as this month, HACA's general counsel continues to maintain, in writing, that the City has affirmatively "excepted" HACA properties from the health and safety inspection and licensing ordinance that applies to all landlords in the City, and HACA claims it is free to continue its practice of renting unlicensed units unimpeded by the City's laws. HACA admitted at a meeting of Newtowne 20 residents that they are and will be moving Newtowne 20 residents into other uninspected, unlicensed properties. In fact, one of our disabled clients living at Newtowne 20 is being required to move from her apartment – which HACA acknowledges is uninhabitable due to its conditions – into one of two other uninspected, unlicensed units chosen by HACA which HACA staff admits it cannot ensure is mold-free, a need specified by her doctors. According to HACA, she must accept one of the two offered units, or her lease will be terminated. While our office has a long history of working collaboratively, cooperatively and in good faith with HACA in the past, our more recent experiences with HACA have led us to believe that, unless held to account by law or by some other outside force, HACA will not do the right thing for its residents on its own.

There can be no doubt that the City's abrogation of its oversight function as it relates to HACA's properties is a residual effect of long term, systemic, institutionalized racism in the City of Annapolis. The City's African American history spans nearly four hundred years – from the slave trade operated on the Annapolis City Dock, to racist Jim Crow policies, to the destructive policies of urban renewal in Annapolis of the 1960s and 1970s that led to the forced displacement of thriving African American families and businesses, right up to the dire present day living conditions of public housing residents. The City's history is finally reaching a tipping point – a point where it can no longer be hidden or ignored. The City and HACA` have agreed and operated for years upon years as if the City's rental licensing mechanism for protecting the health and safety of Annapolis renters simply doesn't apply to renters, 91+% of whom are African American, who happen to live in housing owned and operated by the City's Housing Authority. This is racial discrimination in its most basic, most blatant form, and it has had disproportionately dire and negative effects on the African American community in Annapolis.

³ Annapolis, Maryland Code of Ordinances 17.44.130 – Posting of Unlicensed Property

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In a recent Facebook post, Mr. Pittman stated, “I wish we could all agree that the purpose of government is to provide opportunities for the health and wellness of the people that it serves.” We share that wish. The Housing Authority of the City of Annapolis is at a crisis point – a housing crisis, and a public health crisis - and the City of Annapolis has thrown up its hands and is looking the other way as if these HACA residents do not exist, as if these residents are invisible. We are writing to you in the hopes that you will see them, and that you will help them.

Regardless of the outcome of any current or future litigation related to the HACA properties, these issues are not going away. *There is an urgent need for leadership in Annapolis.* It is not hyperbolic to say that HACA properties are literally falling down around the people living in them. Saving this housing is going to be a huge undertaking, and it’s going to require committed individuals who can and will step up to identify options, to locate funding sources, to create strategic plans for both the short and long term, to pull together potential developers and community partners, to maintain involvement, transparency and stability for the residents, and to either enforce accountability on HACA or to replace it altogether. It is clear that no one currently on the scene is willing or able to take on the leadership role. Will one, or all, of you help to identify a point person and to get a real plan underway?

We would be happy to provide additional information and to meet with you to discuss these issues further. As you know, our resources are limited, but we are absolutely committed to the people of our City, and we stand ready to help them in any way we can. I look forward to hearing from you at your earliest convenience.

Sincerely,

Lisa Marie Sarro

Lisa Marie Sarro

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