

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JUL 27 2 37 PM '77

ARLENA WEEKS, ET AL.,

Plaintiff,

v.

WALTHAM HOUSING AUTHORITY, ET AL.,

Defendants.

DISTRICT COURT
DISTRICT OF MASS.

C.A. No. 76-402-F

JUDGMENT

The plaintiffs having filed their complaint demanding a declaration that the provisions of G.L. c.121B, §32 (d) are invalid on the grounds that they violate the Fourteenth Amendment of the United States Constitution and 42 U.S.C. §1981 and a permanent injunction, as appears more fully in the complaint and prayers for relief therein, and the Defendants having agreed upon a basis for the adjustment of the matters alleged in the complaint and an entry of judgment, and having entered into a stipulation, the original of which is on file with the Court, and due deliberation being had thereon, now, on motion of counsel for the plaintiffs and counsel for the defendants, it is

ORDERED, ADJUDGED AND DECREED, that final judgment in favor of the plaintiffs and against the defendants is hereby granted and ordered entered as the judgment in this action as follows:

1. (a) This action by Arlena Weeks is certified as a class action. Arlena Weeks is certified as representative of the class.

(b) The class consists of all resident aliens who have applied for any public housing program in Massachusetts and who have been denied participation in or eligibility for such housing solely because they are not citizens of the U.S.

(c) The class is so numerous that joinder of all members is impracticable; there are questions of law or fact common to the members of the class; the claim of the representative party is typical of the class she represents; and the representative will fairly and adequately protect the interests of the class.

2. The provisions of Mass. G.L. c.121B, §32 (d) are violative of the Fourteenth Amendment of the U.S. Constitution.

3. Defendant William G. Flynn, Secretary of the Office of Communities and Development, and his successors in office, agents and employees are permanently enjoined from requiring or allowing local housing authorities to deny eligibility for or participation in public housing to persons because they are not citizens of the U.S.

4. The defendants Waltham Housing Authority and Thomas F. Bergin, Edward Costello, John C. Winchester, John J. Walker, and Alfred T. Crane, as they are members of the Waltham Housing Authority, are permanently enjoined from denying eligibility for or participation in public housing to persons because they are not citizens of the United States.

5. Members of the plaintiff class who have completed formal applications for housing assistance or for whom a local housing authority has an existing record of an inquiry for housing assistance, are entitled to be placed in that position on public housing waiting lists in which they would now be had their original applications not been denied. No current tenant in any public housing program shall be displaced in order to fulfill this provision.

6. Defendant William G. Flynn, Secretary of the Office of Communities and Development, shall notify all local housing authorities in the Commonwealth of Massachusetts of the entry and terms of this Judgment.

7. Defendant, William G. Flynn, Secretary of the Office of Communities and Development, shall cause a public notice announcing the entry and terms of this Judgment to be published in the following newspapers: Boston Herald American (Boston), Berkshire Evening Eagle (Pittsfield), Boston Globe (Boston), Lowell Sun (Lowell), Springfield Daily News (Springfield), The Standard Times (New Bedford), Worcester Telegram and Gazette (Worcester), Springfield Union (Springfield), and The News-Tribune (Waltham).

8. Defendant Waltham Housing Authority shall conspicuously post notice of this Judgment at its offices at 110 Pond Street, Waltham, Massachusetts for a period of 90 days and shall adjust the placement of members of the plaintiff class on its public housing waiting lists in accordance with paragraph 5 of this Judgment.


United States District Judge

DATED: August 2, 1977

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

ARLENA WEEKS, ET AL.,

v.

WALTHAM HOUSING AUTHORITY, ET AL.

C.A. No. 76-402F

DOCKETED

STIPULATION

It is hereby stipulated by and between the plaintiffs and defendants in the above-entitled action as follows:

1. Plaintiffs and defendants have agreed upon a basis for adjustment of the matters alleged in the complaint and to the entry of judgment in this action, being desirous of settling this action without trial herein.

2. Defendants, without admitting the allegations of the complaint to the effect that the provisions of G.L. c.121B, §32 (d) denying public housing benefits to aliens are unconstitutional, waive all defenses to the complaint.

3. Plaintiffs and defendants waive the entry of findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure and consent to the entry by the Court of the Judgment in the form annexed hereto as Exhibit A, at any time after the date hereof upon motion of either party without notice or any further proceedings and without costs.

4. Neither this Stipulation nor the Judgment, nor anything contained herein or therein, shall constitute evidence or an admission or adjudication with respect to any matter alleged in or arising out of the complaint concerning any wrongdoing or misconduct on the parts of the defendants or any official or employee of the Department of Community Affairs or of the Waltham Housing Authority.

5. (a) This action by Arlena Weeks may be maintained as a class action pursuant to Rule 23 (b), Federal Rules of Civil Procedure. Arlena Weeks is an appropriate representative of the class.

(b) The class consists of all resident aliens who have applied for any public housing program in Massachusetts and who have been denied participation in or eligibility for such housing solely because they are not citizens of the United States.

(c) The class is so numerous that joinder of all members is impracticable; there are questions of law or fact common to the members of the class; the claims of the representative party is typical of the class she represents; and the representative will fairly and adequately protect the interests of the class.

6. Plaintiffs and defendants agree that the defendants, their agents and employees are to be permanently enjoined from enforcing the provisions of G.L. c.121B, §32 (d) which deny participation in and eligibility for public housing on the grounds of alienage.

7. Plaintiffs and defendants agree that all past applicants for public housing who were denied eligibility for or participation in public housing solely on the basis of alienage are entitled to be placed in that position on a local housing authority waiting list in which they would now be had their original applications not been denied. No current tenant in any public housing program shall be displaced in order to fulfill this provision. For the purposes of this Stipulation, "applicants" shall refer to persons who have completed formal applications for housing assistance or for whom a local housing authority has an existing record of an inquiry for housing assistance.

8. Defendant William G. Flynn, Secretary of the Office of Communities and Development, shall notify all local housing authorities in the Commonwealth of Massachusetts of the entry and terms of the Judgment in this action.

9. Defendant William G. Flynn shall cause a public notice announcing the entry and the terms of the Judgment, attached hereto as Exhibit B, to be published in the following newspapers: Boston Herald American (Boston), Berkshire Evening Eagle (Pittsfield), Boston Globe (Boston), Lowell Sun (Lowell), Springfield Daily News (Springfield), The Standard Times (New Bedford), Worcester Telegram and Gazette (Worcester), Springfield Union (Springfield), and The News-Tribune (Waltham).

10. Defendant William G. Flynn shall notify the Commissioner of the Department of Public Welfare, the Director of the Division of Employment Security and the United States Immigration Service that Judgment has been entered, shall send them a copy of the Judgment, and shall request the cooperation of those agencies in publicizing the change in policy and the availability of remedial relief for non-citizens who were denied public

housing in the past due to their alienage.

11. Defendant Waltham Housing Authority shall conspicuously post notice of the Judgment at its offices at 110 Pond Street for a period of 90 days and shall adjust the placement of aliens on its public housing waiting lists in accordance with the provisions of paragraph 7 of this stipulation.

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NOTICE TO ALIENS REGARDING PUBLIC HOUSING

Un aviso importante a todos los extranjeros interesados en obtener vivienda publica. Si usted no puede leer ni entender este aviso, favor de obtener una traduccion o llame a la Oficina de Asistencia Legal de Boston College al 893-4793.

The United States District Court for the District of Massachusetts has ruled that resident aliens have a right to apply for public housing.

This notice is to inform all aliens of two things:

1. You do not have to be a U.S. citizen to apply for public housing in Massachusetts
2. If you are an alien and have been refused public housing, you are entitled to go to the Housing Authority which refused you and request that you be given priority on the public housing waiting list. Your place on the waiting list will depend on the date you originally applied.

The decision in Weeks et al. vs. Waltham Housing Authority et al., Civil Action No. 76-402F, dated _____ has declared the Massachusetts statutes and regulations prohibiting aliens from public housing to be in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

If you have any questions concerning this notice or your rights to public housing, please call the attorneys for plaintiff, Boston College Legal Assistance Bureau, 21 Lexington Street, Waltham, Massachusetts, at 617-893-4793.