

**CITY OF BALTIMORE
COUNCIL BILL 06-0195R
(Resolution)**

Introduced by: Councilmembers Young, D’Adamo, President Dixon, Councilmembers Kraft,
Holton, Harris, Mitchell, Clarke, Conaway, Branch
Introduced and adopted: June 12, 2006

A COUNCIL RESOLUTION CONCERNING

Informational Hearing – The Status of Public Housing in Baltimore City

FOR the purpose of requesting the Housing Commissioner, in the role of Executive Director of the Housing Authority of Baltimore City (HABC), to report to the City Council on the current status of public housing in the City; to provide an assessment of the trends in the public housing needs of low-income residents; to report court proceedings regarding former and current residents of public housing whose children have been harmed by exposure to lead paint; and to analyze the impact of recent local and federal court rulings on the future of public housing demographics in Baltimore City and the surrounding counties.

Recitals

This past January, a federal judge issued a major housing desegregation ruling that held that the U.S. Department of Housing and Urban Development (HUD) violated fair housing law by failing to take a regional approach to the desegregation of public housing, declaring that Baltimore “should not be viewed as an island reservation for use as a container” for the area’s poor. The decision was hailed as a victory for public housing tenants and their advocates that filed suit in 1995, charging that City and federal officials failed to dismantle the segregated system of public housing put in place in the 1930s and 1940s, thereby effectively consigning poor black residents to the City’s most distressed neighborhoods.

“*Lawyers & Social Change: Taking the Long View in Baltimore*”, an article by staff of the Poverty & Race Research Action Council, published in The Next American City, Issue 9/2005, states that “while the principles in Thompson [the case that led to the desegregation ruling] what happens next is not...Institutional reform lawsuits like Thompson can only succeed if they are part of a larger advocacy effort that includes strategies in grassroots community organizing, coalition-building, financing, housing development, public education, and legislative and administrative advocacy.”

Highlights of the remedy proposal from private civil rights attorneys, the ACLU of Maryland and the NAACP Legal Defense Fund, include stipulations that HUD would develop a regional housing plan for the Baltimore region so that: (1) Affordable housing opportunities would become available throughout the entire Baltimore region in “Communities of Opportunity” – job-rich communities with good educational systems, childcare resources, transportation structures, low crime, and high quality of health and environment – that have little on no assisted housing now; (2) HUD would then make sure that a fair portion of federal housing funds are used to make affordable housing available in “Communities of Opportunity”.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 The remedy proposal also includes the requirements for HUD: (3) To create 675 housing
2 opportunities, in Communities of Opportunity; (4) To fund housing search and mobility
3 counseling; (5) To provide that participation in the program would be voluntary so that families
4 who want to move could choose among a range of housing options and neighborhoods or
5 families could decide to stay in their current homes; and (6) To consult a new Advisory Group as
6 the agency takes the remedy steps as proposed. The Advisory Group would bring together a
7 cross section of the regional community and include representatives of local housing officials
8 and employers, tenant organizations, religious leaders, civil rights organizations, real estate
9 experts, and non-profit housing providers.

10 In addition to the turmoil caused by the legal actions and decisions surrounding the federal
11 housing desegregation case, HABC is also under assault from former and current public housing
12 tenants who claim their children were harmed by lead paint exposure while living in city owned
13 housing between 1988 and 1997, despite the fact that the results of a 1990 nationwide HUD
14 survey found that 3.8 million houses contained peeling lead-based paint or high levels of
15 hazardous lead-paint dust and that ½ of these homes were occupied by families whose incomes
16 were below the poverty level. Earlier that year, HUD issued new, more stringent, guidelines for
17 removing or encapsulating lead paint in public housing, and \$2.5 billion was allocated in FY
18 1990 for abatement as part of public housing modernization – the same year in which 544 cases
19 of lead poisoning were found in Maryland, 503 of them in Baltimore, according to the State
20 Department of the Environment.

21 The HABC has requested relief from liability for the lead paint poisonings by asking a City
22 judge to rule that the authority “has no funds, and therefore no ability to pay any judgements
23 entered against it” in the case. The petition for relief notes a list of financial problems for the
24 Authority, including a projected drop of \$4 million in federal funding this year, recent layoffs to
25 balance its budget, and the dissolution of its police force in 2004. The subject lawsuits involve
26 28 children, but there are dozens of similar lawsuits against the Housing Authority either
27 pending or expected to be filed on behalf of children whose exposure to lead paint has led to
28 significant neurological damage, including reduction in intelligence levels and the development
29 of learning disabilities.

30 Regardless of where “the buck stops” for liability in each of these instances, it is not with the
31 victims. As a Body that seeks to protect and advocate for the welfare of its citizens, it is
32 imperative that the City Council remain abreast of all ramifications of recent local, state, and
33 federal court actions pertaining to the welfare of those citizens to least able to advocate on their
34 own behalf.

35 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
36 Housing Commissioner, in the role of Executive Director of the Housing Authority of Baltimore
37 City (HABC), is requested to report to the City Council on the current status of public housing in
38 the City; to provide an assessment of the trends in the public housing needs of low-income
39 residents; to report on court proceedings regarding former and current residents of public
40 housing whose children have been harmed by exposure to lead paint; and to analyze the impact
41 of recent local and federal court rulings on the future of public housing demographics in
42 Baltimore City and the surrounding counties.

43 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the
44 Commissioner of Housing, the Director of ACLU Maryland, and the Mayor’s Legislative
45 Liaison to the City Council.