



Written by [R. Cort Kirkwood](#) on August 15, 2012

Woman Sues Connecticut Town for Discrimination

[Winchester](#), Connecticut — a town that is 94.5 percent white — [has been sued](#) because it allegedly refused to provide low-income housing to Crystal Carter, a single black mother with six children.

The plaintiff's attorney is the leftist non-profit [Connecticut Fair Housing Center](#), which is seeking attorney fees.

The Lawsuit

At issue in the lawsuit is the [Winchester Housing Authority's](#) "residency requirement," enacted in October of 2010. It says those who want to live in low-income housing in Winchester or any of 16 other communities that compose the area's [Rental Assistance Alliance](#) must currently live in one of those communities. [According to](#) the lawsuit, "Public housing authorities, such as WHA, are prohibited from using 'residency requirements' in allocating Section 8 vouchers. They cannot refuse to provide Section 8 vouchers to families simply because they are not residents of the City, town, or jurisdiction in which the public housing authority is situated."

[Section 8 housing](#) is federally-subsidized housing for the poor.

While federal law prohibits residency requirements, [it does not prohibit](#) residency preferences as long as agencies adopt them "in accordance with non-discrimination and equal opportunity requirements."

"These requirements are unlawful," the [lawsuit continues](#), "because in communities with populations that are disproportionately White and/or non-Hispanic they perpetuate segregation by excluding minority applicants who live outside those communities from obtaining housing there."

The lawsuit says the residency requirement stops minorities from moving to "high-opportunity" areas, describing such areas as "overwhelmingly-White." It continues:

Contrary to the mobility and freechoice housing goals of the Section 8 program, residency requirements prevent minority families from moving to high-opportunity areas, ensuring that overwhelmingly-White communities remain overwhelmingly-White.

[A] comparison of renter-occupied housing units in Winchester compared to renter occupied housing units in Connecticut as a whole reveals even greater disparities.

In Winchester, 94.0% of renter units are occupied by White, non-Hispanic households, whereas in Connecticut as a whole, 56.5% of renter units are occupied by White, non-Hispanic households.

Similarly, while only 5.4% of Winchester's renter units are occupied by Hispanic households and 0% by African-American households, in Connecticut as a whole, 20.7% of renter units are occupied by Hispanic households and 17.1% by African-American households.

The [lawsuit alleges](#) that the area's Rental Assistance Alliance is "also overwhelmingly White and non-Hispanic, reflecting similarly extreme racial and national origin disparities as those present in Winchester." Those communities are 91 percent white. CFHC gathered its demographics from the federal Census Bureau's [American Community Survey](#).



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WHA manages Section 8 vouchers for the alliance.

Ms. Carter

The [lawsuit states](#), “In early 2011, [Mrs. Carter] moved from Florida to her hometown of Hartford, Connecticut, hoping to provide a stable environment for her six children.”

One of her children is “developmentally disabled,” and throughout 2011, “Carter and her family were forced to stay in various homeless shelters and other unstable environments,” including a “motel room with no kitchen.”

Although she “vigorously pursued housing for her family,” the [lawsuit claims](#), she could not find housing because “the Section 8 waiting lists for the vast majority of housing authorities were closed to all applicants because no vouchers were available and none were expected to become available in the foreseeable future.”

Then, in March 2011, Carter contacted the WHA for a voucher application, the [lawsuit states](#). An employee told Carter that Winchester “was not on a ‘bus line,’ that there were no jobs in the town, and that it was ‘in the woods,’ ” the lawsuit says.

[The employee] then told Ms. Carter that it would be better for her to apply to Section 8 programs in Bridgeport, New Haven, or Torrington, Connecticut.

The African-American and Hispanic populations in Bridgeport, New Haven, and Torrington are all significantly higher than in Winchester or any of the other communities in the Rental Assistance Alliance.

This conversation left Carter “feeling confused, extremely frustrated, and even more desperate to find housing. Although the WHA waiting list was open, she was precluded entirely from even applying and having an opportunity to provide stable housing for her family.”

The [lawsuit says](#) Carter suffered discrimination “on the basis of her race” and “has suffered and continues to suffer damage as a result of WHA’s actions.” It continues,

She has suffered emotional harm, humiliation, and embarrassment resulting from being discriminated against in violation of her civil rights. She has been denied housing and an equal, non-discriminatory opportunity to seek Section 8 housing assistance. As a result, she and her family have been forced to live in extremely unstable, unsafe, unhealthy, and inadequate conditions in lower opportunity areas for over a year. During this period and under these conditions, she has had to conduct an extremely difficult and time-consuming search for safe and stable housing for her family. The WHA’s policies and actions caused an enormous strain on Ms. Carter, the sole provider for her six children. Her children missed weeks of school due to relocation to the motel; the cramped quarters caused stress and anxiety for her children, negatively affected their behavior, their nutrition, their rest, their education, their interactions with each other and with their mother.

Testers

To prove that WHA prevented Carter from obtaining cheap housing, CFHC used testers to show that the agency used illegal residency requirements to keep out applicants who lived outside of towns that are part of the rental alliance. The [lawsuit claims](#) its testers “posed as residents of Litchfield and Cornwall (both of which are part of the Rental Assistance Alliance), and contacted WHA by telephone to gather information about the Section 8 program’s waiting list, as well as to obtain applications.”



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The testers found that WHA would send applications for Section 8 housing only to those who lived in one of the 17 towns in the alliance, and that “CFHC testers using addresses outside of the Rental Assistance Alliance were prevented from applying to WHA’s Section 8 program.”

From there, the [lawsuit claims](#) that WHA used the residency requirements to keep blacks and Hispanics out of public housing after it learned too many minorities were on the waiting list to get in. It offers numbers to prove its case. “In its Annual Plan submitted to HUD for the year 2000, WHA reported that 89% of the families on its Section 8 waiting list were ‘White Non-Hispanic,’ while only 1% were ‘Black Non-Hispanic’ and 10% were ‘Black/Hispanic,’” the lawsuit avers. Furthermore,

By 2010 (but prior to WHA’s 2010 amendment expressly limiting its Section 8 program only to “local” applicants), WHA reported to HUD that only 59.63% of families on the Section 8 waiting list were “White Non-Hispanic,” while 5.05% were “Black Non-Hispanic.” Unlike in 2000, WHA did not report a percentage for “Black/Hispanic.”

These numbers indicate that WHA’s illegal residency requirement was enacted in response to substantial decreases in the “White Non-Hispanic” applicants on the Section 8 waiting list.

The [lawsuit alleges](#) that WHA knew exactly what it was doing. “WHA was aware that Section 8 residency requirements are illegal and that in predominately [sic] white communities they perpetuate racial and national-origin housing segregation,” the lawsuit continues, and that the agency “was aware” that its residency requirement would block blacks and Hispanics from living in WHA units.

In other words, it charged that the agency crafted the illegal residency requirement to keep blacks and Hispanics out of the town.

CFHC seeks legal fees because it “has suffered, and continues to suffer, injury in the form of diversion of its resources and frustration of its mission” in using staff time and money to investigate the agency.

Photo: Logo of the Winchester Housing Authority



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