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Contact: Natalia Garzon
212-965-2255 / ngarzon@naacpldf.org

LDF Files Amicus Brief in the Eleventh Circuit Court of Appeals in Georgia Fair Housing Case

The City of LaGrange, Georgia is discriminating against African-American housing residents with policies that are cutting off access to essential utilities – such as water, electricity, and gas – in violation of the Fair Housing Act (FHA), according to an amicus brief in the Eleventh Circuit Court of Appeals.

The NAACP Legal Defense and Educational Fund, Inc.’s (LDF) brief, supporting the Georgia State Conference of the NAACP and individual LaGrange residents, explains how the city’s policy of refusing to provide vital utility services pending housing residents’ full payment of outstanding court debt contradicts the law’s purpose to provide fair housing throughout the United States. The FHA prohibits racial discrimination in the sale, rental, financing, or provision of services in connection with housing, including policies—like the one at issue in this case—that disproportionately affect African-American residents. Consistent with this mandate, the FHA protects residents from this discrimination in connection with housing that they already occupy and, as the plaintiffs in this case correctly argue, is not limited to discrimination merely at the moment of sale or rental. “Claiming that the Fair Housing Act does not protect existing homeowners or renters is wholly inconsistent with Congress’ original intent to root out housing discrimination in this country,” said Samuel Spital, LDF’s Director of Litigation. “The Fair Housing Act is being misconstrued to deny residents access to vital services like water and electricity. The district court’s narrow reading of the law is not only out of step with the law’s intent but also with the interpretation that federal courts across the country have repeatedly applied to it.”

LDF’s amicus brief urges the Court of Appeals to reject the district court’s narrow interpretation of the FHA that leaves hundreds of the city’s residents without the legal means to seek justice for housing discrimination. A coalition of civil rights organizations including National Fair Housing Alliance; the Center for Fair Housing, Inc.; Central Alabama Fair Housing Center, Inc.; Fair Housing Center of Northern Alabama; Fair Housing Continuum, Inc.; Fair Housing Center of Greater Palm Beaches, Inc.; Housing Opportunities Project for Excellence, Inc.; Metro Fair
Housing Services, Inc.; Savannah-Chatham County Fair Housing Council, Inc.; The Leadership Conference on Civil and Human Rights; and Equal Justice Society have joined LDF in signing the brief.

The City of LaGrange is the sole provider of essential utility services to city residents. In violation of the FHA, the City conditions access to utility services on the payment of outstanding LaGrange Municipal Court fines and fees by denying new services or disconnecting existing utility services until they are paid, regardless of the nature of the offense or the amount owed.

The discriminatory policy disproportionately limits African Americans’ access to these essential services. For example, according to the plaintiffs’ complaint, from January 2015 to September 2016, about 90 percent of the individuals with utility accounts with court debt attached were African American even though African Americans account for only 49 percent of the city’s population.

This year marks the 50th anniversary of the FHA, which Congress passed in the week following the assassination of Dr. Martin Luther King, Jr. in 1968. The City’s interpretation of the FHA in this case thwarts the law’s objective to eliminate racial discrimination in housing and housing-related policies. The U.S. Supreme Court has broadly interpreted the language of the FHA and has instructed courts to do the same. A broad interpretation of the FHA necessarily protects people—like the plaintiffs, who are already in possession of their homes—from discriminatory housing practices and policies such as those imposed by the City of LaGrange.

Read the full brief here.

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.