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LDF Files Brief in *Pickett v. Cleveland* on Behalf of Black Residents Challenging Cleveland's Discriminatory Water Billing Policies

On October 4th, the [Legal Defense Fund \(LDF\)](#), [Covington & Burling LLP](#), and fair housing lawyer [Avery Friedman](#) filed a brief with the U.S. Sixth Circuit Court of Appeals in response to the City of Cleveland's appeal in *Pickett v. Cleveland*, a federal class action lawsuit challenging discriminatory water billing policies and practices in Cleveland, Ohio.

This filing comes one year after a federal district court allowed the case to move forward and certified a class of Black homeowners and residents who have been impacted by Cleveland's policy of placing liens on residents' homes for unpaid water bills. Class certification is an important step that allows a court to consider the claims of a group of similarly situated people with the same legal claims. Cleveland appealed the court's ruling and is attempting to dissolve the class.

Our brief argues that the district court's class certification order was correct. Additionally, we highlight that Cleveland's water lien policy can be challenged under the Fair Housing Act and Ohio Civil Rights Act because it makes it more difficult for Black Clevelanders to stay in their homes due to increased cost from penalties, interests and fees, and the increased risk of foreclosure.

"Statistical analysis and residents' lived experiences show that Cleveland has a clear record of imposing water liens on Black neighborhoods at a disproportionate rate," **said Jennifer Holmes, Deputy Director of Litigation at LDF**. "These actions are not exempt from the Fair Housing Act, a statute intended to eradicate housing discrimination in all its forms. We will continue to advocate on behalf of communities burdened by fear of losing their homes due to water liens."

"It is critically important that Black residents affected by Cleveland Water's discriminatory practices have a collective voice in this fight," **said Alexandra Thompson, Senior Counsel at LDF**. "Cleveland's practices impact Black Clevelanders' access to housing through its draconian water lien policy, and we look to the Sixth Circuit to uphold class certification so that this case can move forward, and residents can get long awaited relief."

"With the enactment of the Fair Housing Act, Congress intended to create a broad-based prohibition to cover anything and everything that could impact housing equality," **said Avery Friedman, Chief Counsel of the Fair Housing Council of Northeast Ohio**. "Whether it's interference with land use, lending, potential threats of violence, or Cleveland's water lien

policy at issue in this case, obstructions that ‘otherwise make housing unavailable’ will have to face off against half a century of Fair Housing Act precedent.”

“Cleveland’s residents have faced arbitrary and unjust water billing, shutoff, and lien practices for years. The district court’s denial of Cleveland’s attempt to have the case tossed out on summary judgment shows that the Court agrees there is enough evidence to support our clients’ claims,” **said Ashley Joyner Chavous, Of Counsel at Covington.** “We will continue to fight for the fair water utility practices that the city of Cleveland has chosen to deny its residents.”

Today’s filing can be found [here](#).

LDF and co-counsel have been involved in this matter since December 2019, when we filed a federal class action lawsuit against the City of Cleveland on behalf of several Black residents and proposed classes of Cleveland Water customers who have been subjected to discriminatory and unfair water billing policies and practices. Since then, courts have repeatedly rejected Cleveland’s requests to end the lawsuit. To learn more about the case, [click here](#).

For more information on the affordable water crisis facing Black communities, [view our Water/Color research brief](#).

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