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**LDF Files Amicus Brief Supporting Black Tenant Whose Landlord Knew of,
but Failed to Address, Extreme Racial Harassment Perpetrated by Another Tenant**

On May 7, the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed an [amicus brief](#) in the U.S. Second Circuit Court of Appeals in support of Donahue Francis, a Black rental tenant who suffered extreme racial harassment, including a death threat, at the hands of a white neighbor. Mr. Francis and the local police department repeatedly informed his landlord, Kings Park Manor, Inc. (KPM), of his neighbor's harassment, but KPM decided to not intervene and directed its property manager not to get involved. Mr. Francis sued KPM for race discrimination under federal law, including 42 U.S.C. §§ 1981 and 1982, and brought claims under New York state laws. The district court dismissed most of Mr. Francis's claims, but a panel of the Second Circuit reversed the district court's decision, holding that KPM's failure to intervene on behalf of Mr. Francis amounted to racial discrimination. The court will rehear the case en banc. Our brief urges the Second Circuit to recognize that Mr. Francis adequately pleaded his claims against KPM under §§ 1981 and 1982, which confer on all Americans the same right to make and enforce contracts, and to lease and hold property, as white Americans.

"Mr. Francis was subject to brutal, targeted harassment from his neighbor, and his landlord chose to do nothing about it," said LDF Director of Litigation Sam Spital. "Mr. Francis's allegations that his landlord instructed its property manager not to get involved, even after Mr. Francis and the police repeatedly informed his landlord of this menacing harassment, paints a clear violation of §§ 1981 and 1982. As a Black resident, Mr. Francis was denied the same right to peaceable enjoyment of his apartment that white citizens enjoy under their leases."

"Mr. Francis endured pervasive harassment at the hands of his neighbor, which was so severe that the neighbor ultimately pleaded guilty to aggravated harassment, a form of hate crime under New York state law," said Mahogane Reed, John Payton Appellate and Supreme Court Advocacy Fellow at LDF. "But the discrimination he endured was not only from his neighbor. KPM also discriminated against Mr. Francis because it knew about the neighbor's menacing harassment but affirmatively decided to do nothing to address it. Mr. Francis deserves his day in court. We are honored to support his cause through our advocacy as amicus."

The Second Circuit will rehear argument in the Fall.

Read LDF's amicus brief supporting Mr. Francis [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. LDF 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.

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