TESTIMONY OF WAYNE DAWSON

Good morning Commissioners. My name is Wayne Dawson. I am the Executive Director of the Savannah-Chatham County Fair Housing Council, Inc. (SCFHC) I am joined today by my mentor, my colleague, and my friend, our Board President Terry Tolbert. As a housing counseling and community action advocate, my friend joins me in the goal of ensuring equal housing opportunity.

Our organization is a small operation with a volunteer board of ten and a current staff of two. We attempt to serve three coastal counties, but we can realistically only impact the City of Savannah and Chatham County. Through a toll-free number and the Internet, we have responded to requests for assistance throughout South Georgia and southern South Carolina. We operate on a spartan budget of just over $150,000.

In 1994, I found Savannah anything but hospitable to someone who needed a wheelchair-accessible housing. In my search (and the search of the organization that wanted to hire me), there existed **ONE** accessible unit in a community of over 200,000 people which would accommodate my needs.

Before moving to today's topic: the failure of the current enforcement system, please allow me to point out several potential successes.

Our organization has referred two cases directly to the U.S. Department of Justice (DOJ) for a pattern or practice of discrimination. One of theses cases is the USDOJ/SCFHC vs. Genesis Designer Homes. In our lawsuit, we have taken the position that Genesis and its principals and associates designed and constructed 193 condominium units – all of which should have met the seven minimal design requirements of the Fair Housing Act Amendments, none of which did. The DOJ exercised its pattern and practice authority to join our case which is presently in federal court. We applaud the DOJ for joining our case.

The other potential success is the US vs. Morgan Mobile Home Park. This case involves a pattern or practice of discrimination in which a South Georgia mobile home park operator of nearly 100 mobile homes denied available units and steered potential African-American tenants away from his properties, and sexually harassed his female tenants over a 10-15 year period. The DOJ conducted an investigation, interviewed our witnesses, and filed their similar case in September of this year. Again, we applaud the DOJ for joining us in this case.

And now for a few cases which were not successful.

In 1996, the City of Savannah issued a report which cited the need for 4,618 accessible housing units. Recognizing this need, we investigated a number of properties for failure to design and construct accessible housing.

In 1999, we filed an administrative complaint with the U.S. Department of Housing and Urban Development (HUD) against the owners of a local apartment community named Wildhorn for discrimination based upon their failure to design and construct nearly 100 units. The case was subsequently referred to the State's 'substantially equivalent' Fair Housing Assistance Program (FHAP) agency known as the Georgia Commission on Equal Opportunity or GCEO. After investigating the complaint for over two years, GCEO issued a Charge of Discrimination. We elected to pursue this case in Superior Court of Chatham County. The GCEO referred the case to the State of Georgia Attorney General's Office. In an attempt to resolve this case, we participated in a mediation with representatives of the GA Attorney General, GCEO, and the Defendant property. During that meeting, the Defendant caucused with the State's representatives and resolved the case which we (SCFHC) initiated, a case which was captioned ***THE STATE OF GEORGIA ON BEHALF OF THE SAVANNAH-CHATHAM COUNTY FAIR HOUSING COUNCIL***. Despite the fact that we brought the issue to the State's attention, we were never consulted or given any opportunity for input in the resolution. If we had not continued to pursue this case with a private attorney, this case would have resulted in little more than a civil penalty of $10,000 to the State and retrofit on demand. While this case was not a failure, it certainly did not exemplify how the GCEO, the Attorney General's Office and SCFHC could collaborate in enforcing the State's 'equivalent' law.

In a similar design and construction case captioned the State of Georgia on behalf of the SCFHC vs. Alvin Davis, the Attorney General's Office once again settled the case which we originated. This fact did not go unrecognized by the Defense who took advantage of the State's settlement to argue against us in our private action. These two cases point to a failure in systemic enforcement.

In another case, we were contacted by a condominium owner, who we'll refer to as Mrs. C who was the second purchaser of her unit at Oglethorpe Woods in Savannah. Mrs. C was a wheelchair user, and a retiree in her late 60's who was attempting to add a handrail to the wheelchair ramp that she had paid to construct in front of her dwelling. Upon investigation, we discovered that the nearly 50 units: 1) were covered by the FHAA (i.e., four or more units), 2) that the units were clearly built after 1991, and 3) the units were not compliant with the FHAA. The GCEO conducted an investigation and initially issued a 'No Probable Cause finding'. Two days later, they corrected the record by issuing a Charge of Discrimination and referring the case to the AG's Office. Despite repeated requests, the AG's office chose not to pursue the case. Our understanding of the AG's rationale was that they were concerned about the Statute of Limitations on filing. I say, 'my understanding' because the AG never issued anything in writing to us. In the meantime, our client, Mrs. C had spent more than $20,000 of her money to retrofit a property which should have needed no such retrofit. In my estimation, the system failed Ms. C.

Another case involved Ms. S., a wheelchair user who had requested a reasonable accommodation in a federally-assisted housing complex in Savannah. Ms. S was a vocal advocate in our community who championed disability rights. As early as May 7, 2001, Ms. S

verbally requested that the property be modified to allow better access to her restroom. The management responded by issuing a letter which stated that she could modify the unit at her expense. Under Section 504 of the 1973 Rehabilitation Act, Ms. S. should have received the requested accommodation at no cost. If the property was federally-assisted, the owner should pay. Our office formalized the request on December 22, 2003. We determined that the letter issued by management was in conflict with HUD regulations and the HUD Occupancy Handbook governing federally-assisted properties. Ms. S filed a discrimination complaint with our office on March 5, 2004. The case was not officially considered filed with HUD until July 14, 2004. The HUD investigator was focused solely on when, and in what form the request was originally transmitted. We responded that the issue was who should pay. The manager had clearly stated that the company was not responsible for the cost. Unfortunately, Ms. S died on December 8, 2004 without ever realizing her accommodation. Not only did the system fail her, but it failed her many followers who highly regarded her advocacy work.

The final case I would like to describe is another Ms. S. This Ms. S. was in her early 60's, and had both mental and physical disabilities. She too lived in a federally-assisted HUD project. Her principal limitation was mental disability. She experienced severe depression. Ms. S. had attempted suicide on two occasions. Her son had to travel in his job, and picked up a kitten which he asked his mother to keep while he was away. After giving her the kitten, the son noticed a significant change in his mother's temperament. Ms. S.' doctor also detected a change in her mental status. She required fewer visits, and fewer medications. The physician documented that the animal had had brought about a major change, and he wrote a letter to the management supporting her need for this 'emotional support animal.' Ms. S. requested that management waive the $300.00 pet deposit as our client's income consisted solely of a Supplemental Security Income (SSI) check for $538.00 per month. The District Manager responded that he was very familiar with the ADA (Americans with Disabilities Act) which would require such a waiver. However, he stated that his company distinguishes between mental and physical disability. This position is not supported by law.

This time, the GCEO initially issued Reasonable Cause finding, and within days, contradicted it with a No Cause finding. After GCEO issued a No Cause finding, we sought input from a variety of sources -- one of which was Michael Allen, a current colleague of Mr. Chang. After reviewing the No Cause ruling and the Summary of Findings, Mr. Allen stated, *"I wanted to express to you my profound dismay in reading the Summary of Findings. It appears to have been prepared without reading the recent decisions of federal courts and HUD's own ALJ decisions. The Summary is sloppy and internally inconsistent. This appears to be another example of lack of quality control in investigations and findings that deprive people with disabilities of full enforcement of their rights."* Again, the current system failed Ms. S.

I hope these cases give you a picture from the front lines. Obviously, we could assist more people with greater funding, but you are probably aware of sparse fair housing funding. As you consider the amount of funding, I might suggest that you consider planning for a

network of fair housing organizations -- similar to the paradigm used for Centers for Independent Living (CIL) funding through the U.S. Department of Education.

I realize this is a deviation from our topic today. I would be happy to respond to this or other questions you may have. Thank you for allowing me to attend.