

**Public Advocates Inc.
The Impact Fund
Lawyers Committee for Civil Rights of the San Francisco Bay Area
American Civil Liberties Union of Northern California**

Written Testimony to the
National Commission on Fair Housing and Equal Opportunity
Los Angeles, California
September 9, 2008

**Race & Justice in the Suburbs:
Housing Opportunities & Police Targeting of
African American Tenants in Antioch, California**

As this National Commission pursues its work to advance the cause of just and effective housing policies and practices, we want to call your attention to a disturbing pattern of racial profiling and harassment against Section 8 tenants in Antioch, California culminating in the recent filing of *Williams, et al. v. City of Antioch* (ND Cal. No. C08-2301 BZ). We encourage the Commission to explore whether such interference with the housing rights of low-income people and people of color is taking place elsewhere in the country.

The City of Antioch and its police department are engaged in a concerted campaign of intimidation, harassment and discrimination against African Americans who receive federally funded Section 8 housing rent assistance, say community members and four Bay Area non-profit civil rights organizations who filed a class action lawsuit in federal court. Filing suit in July on behalf of the plaintiffs are the Impact Fund, Public Advocates Inc., Lawyers Committee for Civil Rights of the San Francisco Bay Area, and the American Civil Liberties Union of Northern California.

Before filing suit, in December of last year, Public Advocates issued a report (attached) which found that African-American households in Antioch are approximately **four times more likely** than White households to be subjected to unwelcome police interference with their housing rights, including searches, investigations, threatening letters to landlords, and efforts to terminate their Section 8 housing assistance. The report examined unfounded police referrals to the local Housing Authority over two years, and found that only 17.9 percent of unmeritorious requests for Section 8 termination were directed at White families, while 71.8 percent were directed at African-American families.

“There is no question that the City and its police department are targeting Section 8 families, particularly African American recipients,” said attorney Brad Seligman of the Impact Fund, based in Berkeley, California. “The Police have a deliberate policy of coercion, intimidation and threats

that target these Section 8 families and their landlords. The City's goal is to force these families to move out of town."

Plaintiff Alyce Payne moved to Antioch with her children to show her family they could "make it" outside of Oakland and so that her children could attend public schools there. But after her landlord received several letters from the police department, her tenancy was terminated. Ms. Payne relocated her family out of the City.

"Everyone should have the right to live in peace in the community they choose," said Payne, who testified before the Antioch City Council about the discrimination she encountered from police officers. "We all want to live in a place where our families and our rights are respected."

Richard A. Marcantonio, managing attorney at Public Advocates Inc. in San Francisco, said, "The Plaintiffs moved to Antioch so they could have a better life. Instead of being welcomed as new neighbors, they have been targeted by the Antioch Police Department. We found a disturbing pattern of attempts to interfere with the housing rights of law-abiding African America families."

Ms. Payne and the other named plaintiffs in the case, all African American women, document that the Antioch Police Department:

- Established a special unit in 2006, the Community Action Team (CAT) for the purpose of targeting Section 8 residents, and the unit has directed the majority of its activities at African American families.
- Frequently searches the homes of African American families in the Section 8 program (or those erroneously believed to participate in the program) without their consent and without a warrant in an attempt to gather evidence to be used against Section 8 participants.
- Engages in a pattern of informing neighbors of African-American Section 8 households that the household is receiving Section 8 housing assistance and suggesting that neighbors file nuisance or disturbance reports against the Section 8 household.
- Threatens landlords with letters and visits by suggesting that landlords will be held liable for the activities of Section 8 tenants, and police officers actively encourage landlords to evict Section 8 tenants.
- Attempts to pressure the local Housing Authority in charge of the Section 8 program to terminate the voucher benefits of tenants whom the police department has targeted. Over 70% of these attempts have been directed at African Americans. A majority of these complaints were not sustained by the Housing Authority.

The lawsuit claims that the varied forms of coercion, intimidation and threats carried out by the City and the Antioch Police Department violate state and federal laws, including the Fair Housing Act; the Fourth Amendment; and the Equal Protection clause of the Fourteenth Amendment, which prohibits intentional discrimination on the basis of race. It seeks an injunction against the City of Antioch to force it to stop its discriminatory and unlawful targeting of African American tenants.

Profiling by Income and Race

The racial tensions that led to the targeting of the tenants in Antioch reflect a hostile response to shifting demographics tied to the real estate crisis. The downturn in the housing market has made many Antioch homes more affordable to renters who can help owners to meet mortgage payments, including participants in the federally subsidized Section 8 program. In the last five years, the number of Section 8 families in Antioch has risen by over 50%, to 1582, the majority of whom are African American. Over the same period, the African American population in Antioch has doubled, from 8,824 to 15,687, in a city of 101,000.

Attorneys for the plaintiffs say that the City has reacted with alarm and hostility to the newcomers, choosing to scapegoat them as the cause of the economic downturn. They point to legal documents filed today containing numerous public statements by the mayor, city council members and police officers characterizing Section 8 residents as unlawful and unwelcome.

While only 25% of Antioch households rent their homes, 85% of investigations by the Antioch Police Department's CAT unit involve rental households. Although Section 8 participants make up only 5% of Antioch households (one-fifth of all rental housing), two-thirds of the CAT team investigations involve homes where voucher participants reside.

The brunt of investigations by the CAT unit falls disproportionately on African Americans: African Americans constitute only about 14% of Antioch households yet they are subject to two-thirds of all special unit investigations.

The lawsuit, which expands a previously-filed suit filed by Bay Area Legal Aid, seeks an injunction against the City of Antioch to force it to stop its discriminatory and unlawful targeting of African American tenants.

Thank you for your dedication to the work of the Commission and the pursuit of fair housing.

*** **

Counsel for the plaintiffs would be happy assist the Commission in your important mission. For additional information please contact Brad Seligman of the Impact Fund or Richard A. Marcantonio of Public Advocates; other attorneys working on the case include Alan Schlosser of the ACLU-NC; Michelle Natividad Rodriguez of Public Advocates; Oren M. Sellstrom and Kendra Fox-Davis of the Lawyers' Committee for Civil Right of the San Francisco Bay Area; and Jocelyn Larkin and Alvaro Soria of the Impact Fund.

Attachments

First Amended Complaint in *Williams et al. v. City of Antioch*

Report: Public Advocates, Inc. and Bay Area Legal Aid, POLICING LOW-INCOME AFRICAN-AMERICAN FAMILIES IN ANTIOCH: RACIAL DISPARITIES IN “COMMUNITY ACTION TEAM” PRACTICES (DEC. 2007)

Solomon Moore, “As Program Moves Poor to Suburbs, Tensions Follow,” NEW YORK TIMES, Aug. 9, 2008, p. A1