

VIA E-MAIL

January 19, 2024

Julia Gordon
Assistant Secretary for Housing and Federal Housing Commissioner
U.S. Department of Housing and Urban Development
451 7th St., S.W.
Washington, D.C. 20410

Christopher Nunn
Commissioner
Georgia Department of Community Affairs
60 Executive Park South, NE
Atlanta, GA 30329

The Honorable Mayor Andre Dickens
City of Atlanta
55 Trinity Ave., S.W. #2500
Atlanta, GA 30303

Reggie Samuel
The Leumas Group - Leumas Residential
4343 Plank Road, Suite 115
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RE: Relocation and Displacement of Forest Cove Tenants

Dear Ms. Gordon, Mr. Nunn, Mayor Dickens, and Mr. Samuel,

We write to you on behalf of our clients, the Atlanta Economic Justice Program of the American Friends Service Committee (“AFSC”) and Housing Justice League (“HJL”), to demand action from the Department of Housing and Urban Development (“HUD”), Leumas, the City of Atlanta, and the Georgia Department of Community Affairs (“DCA”) regarding the rushed, chaotic and unlawful relocation of hundreds of families from their former home at Forest Cove, a project-based Section 8 development located at 900 New Town Cir. SE, Atlanta, Georgia. The combined actions and inactions of HUD, Leumas Residential (“Leumas”), the City of Atlanta, and DCA violate the civil rights of Forest Cove tenants to be free from discrimination under Title VI of the Civil Rights Act of 1964, the federal Fair Housing Act, and Section 504 of the Rehabilitation Act. These discriminatory actions have frustrated the mission of our clients and forced them to divert substantial resources to protect the Forest Cove families from further harm in violation of civil rights laws. The vast majority of Forest Cove families are Black¹, and many are large families with children or have household members with disabilities.

¹ At the time Forest Cove was fully occupied, 98.3% of its residents were Black. U.D. Dep’t of Hous. and Urban Dev., Affirmatively Furthering Fair Housing Data and Mapping Tool, Table 8, <https://egis.hud.gov/affht/> (last visited Jan. 4, 2024).

AFSC and HJL's Diversion of Resources and Frustration of Mission

AFSC's mission is to work with people of all faiths and backgrounds to challenge unjust systems and promote lasting peace. HJL's mission is to support renters and homeowners to self-organize and defend their right to remain in their historic community, to preserve affordable housing, for just living conditions, and to prevent gentrification. Since 2017, AFSC and HJL have diverted resources and thousands of staff hours to helping the Forest Cove families address terrible housing conditions and trying in vain to get HUD and the City of Atlanta to protect these families from displacement from their historic Black community of Thomasville Heights and the loss of their project-based Section 8 subsidy. Now it appears that the Forest Cove residents have been and will be forced to relocate to low-opportunity, segregated neighborhoods across the Atlanta metropolitan area or worse, be rendered homeless. AFSC and HJL's missions have been directly frustrated by HUD, Leumas, the City of Atlanta, and DCA's actions that have led to the displacement of Forest Cove families from the Thomasville Heights neighborhood, without any enforceable right to return to any re-subsidized units in the community. If not for the fact that AFSC and HJL were forced to engage in counteracting activities, HJL and AFSC would have furthered their missions. For HJL, this would have meant focusing time and energy to advance better tenant protections for Georgia renters and to work with other apartment complexes in need. For AFSC, this would have meant increased flexibility to accept requests for assistance from other local economic justice campaigns, more staff capacity to build out its conflict resolution initiative, and more time to conduct local organizing trainings.

HJL is also a member-based organization and approximately 55-60 Forest Cove residents, in addition to the Forest Cove Tenant Association, are HJL members. As described in this letter, the acts and omissions of HUD, Leumas, the City of Atlanta, and DCA have injured members of HJL. As HJL members, Forest Cove residents regularly meet with HJL staff for capacity building trainings and to discuss their concerns and frustrations with their displacement from Forest Cove and the Thomasville Heights community.

The Failure to Protect Forest Cove Families from Harm and Displacement

HUD and the City of Atlanta have a long history of displacing Black tenants from their historic communities, including the Black residents of the Thomasville Heights neighborhood. Before the displacement of the majority Black Forest Cove residents, Black homeowners were displaced from Thomasville Heights as a part of Urban Renewal.² While the City of Atlanta built affordable housing to respond to the housing crisis triggered by Urban Renewal, many of those units, including all of Atlanta's public housing, have since been torn down.³ Specifically, in 2010, the 350-unit Thomasville Heights public housing development that provided affordable housing to mainly Black families in the community was demolished. A number of the Forest Cove families are former residents of the Thomasville Heights public housing project. When they could not find

² Stephannie Stokes, WABE 90.1, *A Deteriorated Forest Cove complex, a 50-year history of neglect* (May 2, 2022) <https://www.wabe.org/at-deteriorated-forest-cove-complex-a-50-year-history-of-neglect/>

³ Stephanie Garlock, CityLabHousing, *By 2011, Atlanta Had Demolished All of its Public Housing Projects. Where Did All of those People Go?* (May 8, 2014) <https://www.bloomberg.com/news/articles/2014-05-08/by-2011-atlanta-had-demolished-all-of-its-public-housing-projects-where-did-all-those-people-go>

alternative housing in Thomasville Heights using their Section 8 vouchers issued as a result of the demolition, these families moved to the 396-unit project-based Section 8 development of Forest Cove. Unfortunately, despite repeated promises of planned rehabilitation by both its former owner and by the current property owner Millennia, Forest Cove residents were forced to live for years with horrific housing conditions, including rats, burned out units, mold, and trash. As a result of these conditions, Forest Cove families suffer from chronic respiratory illnesses, depression, and post-traumatic stress disorder. Now, just as the city is advancing the Thomasville Heights Neighborhood Plan that would invest millions in resources to revitalize the community, the Black families from Forest Cove are being displaced yet again.⁴ The plan calls for the Forest Cove site to be demolished and replaced with more than 700 apartments.

In partnership with the tenants, AFSC and HJL initially sought to preserve the federal housing subsidy at Forest Cove, improve housing conditions, and hold Millennia and HUD accountable for the terrible state of disrepair. Despite AFSC, HJL, and the tenants' constant efforts to demand better housing conditions and preserve this important supply of site-based affordable housing, HUD and the City of Atlanta repeatedly failed to address the terrible conditions at Forest Cove or to hold Millennia accountable in order to preserve the project-based Section 8 subsidy for the families who lived there. Indeed, Forest Cove failed its HUD inspection in 2018, recording a failing Real Estate Assessment Center (REAC) score of 32c out of 100. In that inspection, HUD identified exigent health and safety deficiencies that required immediate attention – including mold, infestation, trash, and a lack of working heat - because of the serious threat and risk to tenants' lives and health. Yet the failing REAC score did not trigger HUD to take any meaningful steps to ensure Millennia was providing decent, safe, and sanitary housing or to hold the company accountable for its failure to do so.

AFSC, HJL, and resident leaders repeatedly warned HUD that Millennia was failing to address even the most immediate and hazardous housing conditions. Even with this information, HUD continued to play an extremely hands-off role and deferred to its local field offices, who would then routinely route calls about serious housing conditions back to Millennia. HUD also continued to defend Millennia's maintenance of Forest Cove and rejected requests from AFSC, HJL, and others for HUD to exercise its enforcement authority, including the appointment of a receiver who could have made emergency repairs.

The City of Atlanta's condemnation of Forest Cove and temporary relocation of residents. HUD's lack of engagement and communication led the City of Atlanta to condemn the property. The condemnation further pushed the residents of Forest Cove towards contract termination and a permanent loss of housing and destruction of their community. In 2022, Forest Cove families were told that they would be moved temporarily out of Forest Cove into units within the City of Atlanta. Yet again, HUD took an extremely hands-off role and essentially allowed the relocation of the federally subsidized Forest Cove tenants to be handled by the City of Atlanta and the Community Foundation For Greater Atlanta (CFGAs). While some families were moved to better housing, other households faced the same or similar poor housing conditions or were

⁴ Sean Keenan, *What Happened To Forest Cove Is Key To New Thomasville Heights Revitalization Plan*, Atlantic Civic Circle, (July 12, 2023) <https://atlantaciviccircle.org/2023/07/12/forest-cove-key-to-thomasville-heights-revitalization/>

threatened with eviction when Millennia failed to advance the project-based subsidy. Forest Cove families were instructed to leave their pest-infested furniture and Millennia would replace their furnishings, but some families are still waiting on furniture 15 months later. Others did not receive federally mandated utility allowance payments, again putting them at risk of eviction. HUD did little to address these issues and tenants are still facing these problems.

The unlawful displacement of 30 Forest Cove families. Worse still, approximately 30 Forest Cove families were not moved as a part of the planned temporary relocation. Prior to the notice of involuntary relocation, some families notified Millennia that due to serious health and safety concerns, they had to move out temporarily until their units could be repaired or they could be moved to a safe, habitable unit. At the time those families were moving out, Millennia promised those households that they could return to the property or be moved with continued project-based Section 8 assistance if temporary relocation occurred in the future. In other cases, families still living at Forest Cove when the planned temporary relocation was underway were told that they would not be allowed to move and continue to receive project-based Section 8 assistance. In both cases, the unlawfully displaced families received no written notice of termination of their tenancies, and on information and belief, there was no good cause for termination of their project-based subsidies. AFSC and HJL repeatedly raised concerns with HUD and the City of Atlanta that Forest Cove families had lost their project-based Section 8 housing without cause. Both entities refused to address this issue, let alone even investigate these serious allegations.

HUD's termination of Forest Cove's project-based Section 8 contract. When HUD finally signaled in the summer of 2023 that it intended to permanently terminate the project-based Section 8 contract at Forest Cove, AFSC, HJL, and HJL's tenant leaders and members asked that HUD and the City ensure that families could make successful and integrative moves with their vouchers, including by providing quality housing mobility counseling and a high enough payment standard so that landlords would take the vouchers.⁵ Given the City of Atlanta's extremely tight rental housing market and rising rent prices, AFSC and HJL urged HUD to give the Forest Cove residents the resources and support they needed to be successful.⁶ They also asked that the Forest Cove families have the opportunity to return to site-based subsidized housing if and when the Forest Cove budget authority was transferred to another property or set of properties.⁷

Families' moves are also complicated by the fact that because these vouchers are administered by DCA, every Forest Cove household will be forced to take an additional and cumbersome step of porting their voucher to another public housing authority that administers a voucher

⁵ Ltr. from the Forest Cove Tenants Association to Mark Dominick, Multifamily Southeast Regional Center Director, U.S. Dep't Hous. & Urban Dev. (Jul. 19, 2023).

⁶ *Id.*

⁷ *Id.*

program. Even in the best of circumstances, households who need to also apply to port their vouchers need additional time.⁸

HUD begins relocation, despite warnings of the civil rights implications. Even though the tenant association, AFSC, and HJL outlined these challenges to the agency, HUD initially only gave tenants until early 2024 to find housing with their vouchers and to move. HUD contracted with Leumas to provide its standard relocation services to the Forest Cove families, despite AFSC, HJL, and tenants' requests and warnings that without more support, the Forest Cove families would continue to suffer.⁹ Leumas has handled prior involuntary relocations for HUD after a project-based Section 8 contract termination. However, Leumas does not provide highly specialized housing mobility counseling. Indeed, in a prior, nearly identical relocation of tenants by Leumas from a project-based Section 8 property where the contract was also terminated, the majority of families were moved to low-opportunity, segregated neighborhoods.¹⁰ Despite being on notice that this kind of minimal relocation assistance is contrary to civil rights obligations to assure that displaced residents have options to live in higher opportunity, non-segregated areas, Forest Cove families have received little to no housing counseling services and have largely been on their own to find landlords willing to take their vouchers. They have also received conflicting or insufficient information about their vouchers. For example, in some cases, Forest Cove families received voucher paperwork where the amount of the voucher was missing, making it nearly impossible for them to secure new housing or to even begin to look for units within a stated price range. In other cases, residents have still not received their vouchers to even begin their housing search. Forest Cove families have also reported issues obtaining vouchers which honor requests for reasonable accommodations supported by appropriate medical documentation. Other families have reported multiple different housing authorities being unable to find their vouchers once ported out. In response, Leumas has refused to reissue the voucher or indicated that re-issuing the voucher would restart the family's process.

HUD, DCA, and the City of Atlanta should be well aware of the challenges of Atlanta's metropolitan housing market, where HUD's own data has found that 85% of households with children issued vouchers by the Housing Authority of the City of Atlanta, the vast majority of whom are Black, live in a high poverty, racially segregated neighborhood.¹¹ The little assistance offered by Leumas to Forest Cove residents included a list of available rental properties, where

⁸ See 24 CFR §§ 982.353(b), 982.355; U.S. Dep't of Hous. and Urban Dev., Housing Choice Voucher Program Guidebook, Moves and Portability 17-18 (2019), https://www.hud.gov/sites/dfiles/PIH/documents/HCV_Guidebook_Moves_and_Portability.pdf.

⁹ Ltr. from Forest Cove Tenants Association, *supra* note 1.

¹⁰ *CLJ v. HUD*, Open Communities Alliance, 20 C 01728 (Nov. 18, 2020 Dist. Conn.) https://www.ctoca.org/clj_v_hud#:~:text=The%20case%20stems%20from%20the,of%20the%20units%20in%20these (last visited Jan. 4, 2024).

¹¹ PHA Concentration of Voucher Holders in High Poverty Neighborhoods, HUD.gov (May 30, 2023), <https://www.hud.gov/sites/dfiles/PIH/documents/Voucher%20Concentration%20Spreadsheet%20May%2030%202023.pdf>; See also Center on Budget and Policy Priorities, *Interactive Map: Where Voucher Holders Live in the 50 Largest Metropolitan Areas*, (Jan. 3, 2019) <https://www.cbpp.org/research/housing/interactive-map-where-voucher-households-live-in-the-50-largest-metropolitan-areas>.

the majority of the units identified are located in high-poverty, low-opportunity areas, thus effectively segregating and steering Forest Cove families into majority Black communities. Forest Cove families report that many of the housing options presented to them have trash, rats, and roaches, starkly similar to their housing conditions at Forest Cove. Others report being turned away from rental properties who simply do not want to accept vouchers, a stark reality given the lack of source of income protection in Georgia. Others report being unable to qualify for rentals due to low credit scores—an issue that would be moot but for the atrocious housing conditions in Forest Cove which left them without housing in the first place. Leumas, DCA, HUD, and the City of Atlanta have also failed to consider how it is even more challenging to find available units with three or more bedrooms, which are needed by many of the Forest Cove households due to the presence of children in the home. Leumas, DCA, HUD, and the City of Atlanta have also failed to address the needs of households that include persons with disabilities who need accessible units or reasonable accommodations. Leumas, DCA, HUD, and the City of Atlanta have also failed to consider the need for units where children currently attend school or the proximity to current or future employment opportunities. As a result, some Forest Cove families have been separated—with children living apart from their parents—to preserve some stability for the children. Families who have found acceptable housing report having to move far from the MARTA bus lines they require for transportation to work. In short, the primary objective with this relocation appears to be to have the Forest Cove families move “out” – regardless of where they land or if they land at all.

Leumas has also refused to provide AFSC and HJL with even the most basic information about its services or the voucher process, despite knowing that tenants often seek support from AFSC and HJL, given its long history of working with Forest Cove families. Leumas staff have said that they have no obligation to respond to any inquiries from AFSC and HJL on behalf of the tenants.

While we understand that Leumas only recently announced that the Forest Cove families have until February 20, 2024 to submit proof of lease-up with their voucher or a Request For Tenancy Approval, this extension is not sufficient because families have not received adequate time, mobility counseling, or support services (including help with reasonable accommodations) to find replacement housing. Without these additional services and time, Forest Cove families are virtually guaranteed to follow the prior discriminatory patterns of Black voucher households in Atlanta and be concentrated in highly segregated, low-opportunity communities, or worse, will be unable to use their vouchers and be rendered homeless. Indeed, already 83% of Atlanta’s homeless population is Black, though they make up only 48% of the general population.¹² It also does nothing to address their permanent displacement from their historic community.

HUD and the City of Atlanta deny Forest Cove residents a right of return. As a result of the termination of the project-based Section 8 contract at Forest Cove, HUD is permitting the City of Atlanta to determine where the project-based Section 8 subsidy will go and, importantly, who will benefit from it. The City of Atlanta plans to build new housing within the Thomasville Heights community and apparently proposes to attach the project-based subsidy to that new property. Despite repeated requests from AFSC, HJL, and Forest Cove residents to be given an

¹² 2023-PIT.pdf (partnersforhome.org); [U.S. Census Bureau QuickFacts: Atlanta city, Georgia](#).

enforceable right to return to these newly built units within their historic community, the City of Atlanta and HUD have not committed to provide this important right. This rebuff of their demands is particularly painful for the Forest Cove residents who were previously displaced from public housing in Thomasville Heights and who wish to return. In addition, former Forest Cove residents should have the right to access housing options that are in other, higher opportunity areas.

The Civil Rights Obligations of HUD, Leumas, the City of Atlanta, and the DCA

HUD, Leumas, the City of Atlanta, and the DCA have a duty not to discriminate in the operation and administration of their programs. All four entities knew or should know that the rushed and insufficient housing relocation of Forest Cove's households would perpetuate segregation on the basis of race in violation of 42 U.S.C. § 3604, make housing unavailable on the basis of race in violation of 42 U.S.C. § 3604(a), and discriminate in the terms, conditions, privileges, or services and facilities in violation of 42 U.S.C. § 3604(b). As described above, Leumas is also steering Forest Cove residents to majority Black, low opportunity areas. The City of Atlanta, Leumas, and the DCA are also recipients of federal funding, and their combined actions discriminate against the Forest Cove households on the basis of race and color in violation of Title VI of the Civil Rights Act of 1964.

By failing to consider and address the challenges that larger households with children will undoubtedly face when involuntarily relocated, HUD, Leumas, the City of Atlanta, and the DCA also discriminate on the basis of familial status in violation of the federal Fair Housing Act. HUD and the City of Atlanta compound that harm when they deny Forest Cove families an enforceable choice to return to a future project-based Section 8 development created with the budget authority from Forest Cove.

By failing to identify accessible units, meet other accessibility needs, or support reasonable accommodation requests, HUD, Leumas, the City of Atlanta, and the DCA also discriminate on the basis of disability in violation of the federal Fair Housing Act and Section 504 of the Rehabilitation Act.

The Fair Housing Act also obligates HUD, the City of Atlanta, and the DCA to affirmatively further fair housing. See 42 U.S.C. § 3608(d), (e)(5). This is more than the duty not to discriminate, and requires them to "as much as possible," fulfill "the goal of open, integrated residential housing patterns," and to, "prevent the increase of segregation." *Otero v. New York City Hous. Auth.*, 484 F.2d 1122, 1134 (2d Cir. 1973).

HUD and DCA must extend families' search periods at least until August 2024 and do the following for the families searching for housing with vouchers:

- Direct Leumas to subcontract with a high-quality, experienced housing mobility counseling program that is familiar with the Atlanta metroplex and begin offering housing mobility counseling to all former and current Forest Cove residents.
- In consultation with the mobility counseling program, Leumas must provide tenants with a list of units, with a variety of unit sizes, in higher-opportunity communities where

voucher use is not concentrated. This list should be updated monthly to ensure that the Forest Cove tenants have access to the latest information on housing options that are safe, affordable, and located in higher opportunity communities.

- Tenants applying for vouchers should not be rescreened, with the exception of income eligibility. Given the issues that have occurred with rent payments during the term of the pass-through leases, there should be no consideration of rent debts or evictions.
- Pay for all relocation expenses for all Forest Cove tenants, incurred in the past and to be incurred in the future, including but not limited to, security deposits, application fees, credit checks, move-in fees, moving costs and transportation costs associated with searching for a unit.
- Require Leumas and themselves be in direct communication with AFSC and HJL so that they can answer tenant questions and support them through this process.
- Ensure that families still living in temporary housing are not threatened with eviction or lease termination and that the cooperating landlords continue to be paid on a timely basis.

HUD must also extend relief to the families who moved out before the start of the relocation process because of the terrible conditions in their units or safety concerns. These residents must have their housing subsidies restored and they should then be offered the same array of options as other tenants, including a Section 8 voucher and the panoply of relocation assistance.

Finally, in consultation with tenants, AFSC, and HJL, the City of Atlanta must develop a written, enforceable right-of-return that allows Forest Cove tenants who wish to live in site-based housing the ability to return to any new housing developed by the city of Atlanta in Thomasville Heights or at another site or sites where the budget authority from Forest Cove will be moved to. The residents must not be subjected to rescreening and must be guaranteed to receive housing that will meet their household size and accessibility needs. The City of Atlanta should provide an explicit right of return to all former Forest Cove tenants.

We urge you to take immediate action, or we will be forced to pursue legal actions to protect the civil rights of Forest Cove residents from discrimination on the basis of race, familial status, and disability. If there are any questions, please contact Jamie Rush at jamie.rush@splcenter.org. We welcome the opportunity to discuss the immediate steps necessary to remediate the ongoing harm and prevent continuing discrimination in the provision of housing to Forest Cove tenants. We must hear from you by January 29, 2024, or we will have no choice but to proceed with litigation.

Sincerely,

Jamie Rush, Crystal McElrath, Miriam Gutman, Wesley Evans*, & Kirsten Anderson*, Southern Poverty Law Center

Kate Walz* & Bridgett Simmons*, National Housing Law Project

*Not licensed to practice law in Georgia