

**IN THE UNITED STATES DISTRICT COURT  
IN THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

DORIS GLASPER,  
NSOMBI LAMBRIGHT and  
NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED  
PEOPLES (NAACP)-JACKSON BRANCH

Plaintiffs

v.

CHRIS WELLS,  
Executive Director of Mississippi  
Department of Environmental Quality  
in his official capacity

LIZ WELCH,  
Executive Director of Mississippi  
Department of Finance and Administration  
in her official capacity

DAVID MCRAE,  
Mississippi State Treasurer  
in his official capacity

Defendants.

Civil Action NO.: 3:25-cv-632-HTW-LGI

**COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

Plaintiffs Doris Glasper, Nsombi Lambright and National Association For The Advancement Of Colored Peoples (“NAACP”)-Jackson Branch bring this action under 42 U.S.C. § 1983 and Title VI of the Civil Rights Act, stating as follows:

**INTRODUCTION**

1. Defendants have intentionally deprived residents of the City of Jackson of access to federal relief funds currently in the Capital City Water/Sewer Projects Fund of the State Treasury— via a state pass-through grant program of American Rescue Plan Act (“ARPA”) funds—which were promised to Jackson in order to address the water infrastructure crisis. Plaintiffs seek declaratory judgment that Defendants’ law withholding ARPA funds from Jackson—2022 Senate Bill 2822 (“S.B. 2822”)—is both facially discriminatory and the result of discriminatory purpose. Plaintiffs ask this court to enjoin Defendants from permanently diverting those funds away from Jackson’s ongoing water crisis.

2. Jackson’s water crisis is a public health emergency in and around Jackson, Mississippi, beginning in the 1990s and reaching a tipping point on August 22, 2022, when the Pearl River overwhelmed the City’s primary water treatment plant and caused the system to fail. The water crisis has been marked by decades of underfunded infrastructure, unreliable water pressure, unpotable drinking water, and unaffordable water bills. During the same period, the population in Jackson decreased sharply and shifted from having a slight white majority to being predominantly black. Meanwhile, the poverty rate in Jackson grew by roughly 50% and poverty among black residents grew to triple that of non-black residents, leaving black residents experiencing poverty to shoulder the burden of the Jackson water crisis.

3. Defendants, keeping with decades of refusal to provide the residents of Jackson, Mississippi with funds for its water infrastructure, have knowingly and intentionally enacted and administered procedures to keep federal relief funds out of Jackson’s reach. Their actions have denied equal protection under the law to the majority- black residents of Jackson, in violation of the Fourteenth Amendment of the U.S. Constitution.

4. When Mississippi received millions of ARPA funds in May 2021, the State of Mississippi sat idly for over a year while the City of Jackson inched closer to its entirely avoidable water system failure. Defendant Chris Wells then created and implemented a grant competition which was biased against Jackson from the outset. Defendants' grant program and application process discounted Jackson's exigency and intentionally disadvantaged the 122,000 black residents who would be most impacted by the law, in violation of the Fourteenth Amendment.

5. Shortly after Defendant Wells awarded Jackson \$35.6 million in matching funds, he and the Mississippi Department of Environmental Quality (MDEQ") amended the grant program to waive the matching requirement for future applicants. Acting under color of law, Defendant Wells fully funded all subsequent applications without any matching requirement—exacerbating the already unlawful burden on the black Jacksonians who would be most impacted and again denying Jackson's black residents Equal Protection under the law.

6. With discriminatory purpose, the State of Mississippi enacted a law that facially discriminated against the City of Jackson by requiring that funds awarded to Jackson and only Jackson were to be held by the Mississippi Treasury in a Capital City Water/ Sewer Projects Fund. S.B. 2822 provided no clear guidance as to what Jackson would have to do to receive those monies. No other municipality was singled out in this way or had its ARPA award withheld. Three years later, as Jackson continues to wait for the awarded ARPA funds and hundreds of low-income black renters in Jackson face forced relocation due to water shutoffs, the disproportionate harm caused by S.B. 2822 is neither happenstance nor unforeseeable accident. Rather, Defendants are engaging in calculated disregard for the lives and welfare of low-income black residents of Jackson, in violation of Title VI of the Civil Rights Act of 1964 and the Fourteenth Amendment.

7. Any funds the City of Jackson is unable to access as a result of the hurdles Defendants imposed and enforced under color of law will revert to the State's General Fund or be returned to the U.S. Treasury. Per S.B. 2822's companion bill, 2022 H.B. 1031, any funds appropriated to Jackson and placed in the Capital City Water/Sewer Projects Fund would revert to the State's General Fund if not used by January 1, 2027, indicating the State's intent to permanently deprive Jackson of its access to these funds and to deprive Jackson's black residents of equal access to funding, in violation of Title VI of the Civil Rights Act of 1964 and the Fourteenth Amendment.

8. Meanwhile, rather than offer meaningful assistance to the black residents of Jackson, the State of Mississippi has joined a federal lawsuit against the City of Jackson for violations of clean drinking water regulations. The lawsuit has resulted in an Interim Third Party Manager ("ITPM") being placed over the City's water system, now operating under the name JXN Water. The ITPM, Edward "Ted" Henefin is seeking rate increases and shutting off water for multi-family housing/apartment complexes in an attempt to address revenue shortfalls. Again, the class of people intentionally most impacted by the foreseeable consequences of Defendants' actions are black residents of Jackson.

9. To date, Jackson still has not received the \$35.6 million in ARPA funds, which the Defendants received over four years ago and promised Jackson almost three years ago.

10. Plaintiffs are individuals and organizations who were harmed in August 2022 by S.B. 2822 and Defendants' refusals to provide the assistance necessary to prevent and mitigate Jackson's water crisis. In 2025, Plaintiffs continue to experience physical, emotional and financial injury—including displacement from their homes and places of business—which could be remedied if Defendants Welch and Wells were to disburse funds in the Capital City Water/ Sewer Projects Fund for ARPA eligible uses. ARPA eligible uses include investments in water, sewer and

broadband infrastructure; responses to public health and negative economic impacts of the pandemic; and Title I projects that are eligible activities under the CDBG and ICDBG programs, as listed in section 105(a) of the Housing and Community Development Act of 1974. Plaintiffs are at risk of the same physical and financial harm in the future if Defendants are not forced to end their unconstitutional withholding of ARPA funds and instead use the funds for these eligible uses that will redress their harm.

### **JURISDICTION AND VENUE**

11. This court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1343(a)(3), as this action seeks redress of a deprivation, under color of State law, of a protected right or privilege secured by the Constitution, and 28 U.S.C. § 1331, as this action arises under the laws and Constitution of the United States; pursuant to 28 U.S.C. § 1983; and pursuant to 28 U.S.C. § 2201, as an actual controversy exists within this Court's jurisdiction. This Court is authorized to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

12. Venue is proper pursuant to 28 U.S.C. § 1391, because at least one Defendant resides in this District and all Defendants reside in this State, and because a substantial part of the events or omissions giving rise to the claims set forth in this Complaint occurred within this District.

### **PARTIES**

#### **A. Plaintiffs**

13. Plaintiff NAACP is a local Jackson-based Branch of a 501(c)(4) nonprofit organization working to build black political, social, and economic power to end racial injustice. At all times relevant to this complaint, Plaintiff NAACP has operated out of Jackson, Mississippi, and is an organization eligible for relocation payments and assistance for displaced individuals,

families, businesses, organizations, and farm operations, under the U.S. Treasury's Final Rule (31 CFR Part 35) and 105(a) of the Housing and Community Development Act of 1974. To accomplish its mission, the NAACP relies upon members to serve as local volunteers, organize marches and rallies, participate in get out the vote campaigns, and more. Since August 2022, Plaintiff NAACP has suffered loss of meeting space, loss of fundraising and loss of membership which have inhibited its ability to carry out its work. Plaintiff NAACP has offered U.S. Congress testimony on Jackson's water crisis and Defendants' history of disinvestment, as well as testimony before this Court regarding the impact of the Jackson water crisis. Plaintiff NAACP has been deprived of equal protection of law and equal access to funding in violation of Title VI of the Civil Rights Act of 1964 and the Fourteenth Amendment of the United States Constitution due to the Defendants' action under the color of Mississippi State law.

14. Plaintiff NAACP also represents a membership of just over 300 black Jacksonians. As an association, Plaintiff NAACP's members have experienced water shutoffs and shortages for years. Many are at risk of being displaced from their homes due to water shutoffs beyond their control, flooding, or other consequences of Jackson's water crisis. Members have spent thousands of dollars on potable water, even while their employers have closed and/or relocated their businesses due to lack of water. Plaintiff NAACP's members have been deprived of equal protection of law and equal access to funding in violation of Title VI of the Civil Rights Act of 1964 and the Fourteenth Amendment of the United States Constitution due to the Defendants' action under the color of Mississippi State law. NAACP's members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the

participation of individual members in this lawsuit. *Hunt v. Washington State Apple Advert. Comm'n*, 432 U.S. 333, 343 (1977).

15. Plaintiff Nsombi Lambright is a Jackson, Mississippi native and current resident. She is a mother of one son, who also lives in Jackson in a property owned by Plaintiff Lambright. She and her family have lived in Jackson at all times relevant to this Complaint. Plaintiff Lambright went without potable water for a month when Jackson's water system failed in August 2022 and over 6 weeks without drinking water. While spending thousands of dollars on water on safe water over the last 3 years, Plaintiff Lambright has also suffered a loss of rental income due to Jackson's water crisis. She fears flooding in her neighborhood will add to the harms she has experienced by leaving her displaced from her home. Plaintiff Lambright-- one of the black Jacksonians whom Defendants aimed to disadvantage in multiple aspects of S.B. 2822—has been deprived of equal protection of law and equal access to funding in violation of Title VI of the Civil Rights Act of 1964 and the Fourteenth Amendment of the United States Constitution due to the Defendants' action under the color of Mississippi State law. The harm to Plaintiff Lambright, her family, and other black residents of Jackson could be mitigated if the Defendants were ordered to end the unlawful withholding of ARPA funds.

16. Plaintiff Doris Glasper is a 70-year-old Jackson, Mississippi native and current resident. She and her family have lived in Jackson at all times relevant to this Complaint and her family is eligible for relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations, under the 31 CFR Part 35 and 105(a) of the Housing and Community Development Act of 1974. She, along with her daughter, granddaughters and 3-year-old great grandson lived in a Blossom Apartments unit for four years. She and her family were without water for nearly a month, in July and August 2025. Plaintiff Glasper has lived

through multiple water shutoffs now, as a result of the Jackson water crisis. Plaintiff Glasper has been deprived of equal protection under the law and equal access to funding in violation of Title VI of the Civil Rights Act and the Fourteenth Amendment of the United States Constitution due to the Defendant's action under the color of Mississippi State law. Indeed, she is one of the 122,000 low-income black Jacksonians whom Defendants aimed to disadvantage in multiple aspects of S.B. 2822. The harm to Plaintiff Glasper, her family, and other black residents of Jackson could be mitigated if the Defendants were ordered to end the unlawful withholding of ARPA funds.

17. Plaintiffs have a private right of action for intentional discrimination under Title VI of the Civil Rights Act and 42 U.S.C. § 1983 to enforce their Fourteenth Amendment Equal Protection rights. *Barnes v. Gorman*, 536 U.S. 181, 185 (2002) (quoting *Alexander v. Sandoval*, 532 U.S. 275, 280 (2001)); *Gonzaga Univ. v. Doe*, 536 U.S. 273, 290 (2002).

## **B. Defendants**

18. Defendant Chris Wells is the Executive Director of the Mississippi Department of Environmental Quality (MDEQ). S.B. 2822 authorized MDEQ to administer the Mississippi Municipality & County Water Infrastructure (MCWI) Grant Program, which allocated \$450 million in matching funds, from ARPA, in order to make necessary investments in water and sewer infrastructure. Defendant Wells is statutorily tasked with enforcing S.B. 2822, including MDEQ's award of funds using a discriminatory matching grant programming. He is a state actor acting under color of state law.

19. Defendant Liz Welch is Executive Director of Mississippi's Department of Finance and Administration, which monitors the Capital City Water/Sewer Projects Fund into which Jackson's MCWI award was deposited. Governor Tate Reeves has publicly stated that in order to receive the ARPA funds awarded by MDEQ in November 2022, Jackson must submit a



plan and application to the Department of Finance and Administration. Defendant Welch is tasked with enforcing S.B. 2822’s discriminatory withholding of grant funds from the City of Jackson. She is a state actor acting under color of law.

20. Defendant David McRae is the State Treasurer. S.B. 2822 instructed Defendant McRae to deposit Jackson’s MCWI into the Capital City Water/Sewer Projects Fund created by H.B. 1031. The Mississippi Treasury will dissolve the Fund on January 1, 2027, either reverting all funds to the State General Fund per H.B.1031 or returning excess funds to the U.S. Treasury, per federal regulations, at that time. Defendant McRae is statutorily tasked with enforcing S.B. 2822 and H.B. 1031, including measures which singled out Jackson and withheld grant funds awarded to the City of Jackson. He is a state actor acting under color of state law.

21. Defendants are not entitled to sovereign immunity because they are being sued in their official capacities in order for Plaintiff(s) to “seek prospective relief to redress an ongoing violation of federal law.” *Ex parte Young*, 209 U.S. 123, (1908); (a “state official is not the State for sovereign-immunity purposes when a federal court commands [him or her] to do nothing more than refrain from violating federal law.”) *Williams On Behalf of J.E. v. Reeves*, 954 F.3d 729, 736 (5th Cir. 2020) (internal citations omitted).

## STATEMENT OF FACTS

### **A. History of the Jackson Water Crisis and Jackson’s Requests for Assistance from the State of Mississippi**

22. Jackson, Mississippi is the state’s largest city—twice as large as any other city in Mississippi.

23. Between 1990 and 2020, following the election of the first black City Council member and first black mayor in 1985 and 1997 respectively, the City's population declined sharply and shifted from having a slim majority of white residents to being majority black.

24. Today, 81.8% of Jackson's population is black.

25. The median family income is \$43,238, and 26.83% of Jackson's population lives in poverty.

26. 51% of Jackson's housing units are renter occupied.

27. On August 29, 2022, floodwaters from the Pearl River overwhelmed the City of Jackson's primary water treatment plant, resulting in a systemwide failure. Approximately 150,000 residents were left without safe drinking water, or adequate water pressure to flush toilets or fight fires. The water pressure was not restored until September 6, 2022.

28. The State imposed a city-wide boil water advisory that remained in place from September 2022–January 2023. During that time, Plaintiff Lambright was one of many volunteers who distributed 1,400 pallets of drinking water. This equates to nearly 120,000 cases or roughly 4.2 million bottles of water.

29. However, the water infrastructure crisis in Jackson predates August 29, 2022. Beginning in the mid-1990s, Jackson's first black mayor, Harvey Johnson, Jr., repeatedly requested that the State provide the City with a payment in lieu of taxes or make loans available to repair the City's aging infrastructure, because Jackson, as Mississippi's capital city, hosts state agencies on extensive tax-exempt properties. The State refused, and instead, diverted federal highway and bridge funds meant for predominantly black Hinds County (in which Jackson is the county seat) to the surrounding counties of Madison and Rankin, which remain predominantly white.

30. Further, Mississippi's Governors and Legislature have derailed Jackson's attempts to fund water infrastructure for years by rejecting Jackson's proposed sales taxes and by creating state-run boards to undermine Jackson's elected officials.

31. In 2012, the City of Jackson was put under a federal consent decree for violations of the Clean Water Act. The consent decree followed a Complaint filed by the US Attorney General and U.S. Environmental Protection Agency ("EPA"). The State of Mississippi, the Mississippi Commission on Environmental Quality, and the MDEQ would later join the Complaint seeking injunctive relief and civil penalties for the City's alleged violations of the Mississippi Air and Water Pollution Control Law.

32. Since that Consent Order, tens of billions of billions of gallons of sewage have leaked into the Pearl River. The City recorded 3.9 billion gallons of sewage released into the Pearl River in 2013, 3.4 billion gallons in 2018, and over 3 billion gallons in 2019.

33. Record rainfall in just the first quarter of 2020 "overflowed the City's sewage system and dumped nearly a half billion gallons of raw sewage" and 5.7 billion gallons of minimally treated sewage into the Pearl River.

34. A 2020 EPA report found the "City of Jackson's Water distribution system experiences numerous leaks and line breaks, with crews reportedly repairing 5 or 6 of these per day ... Loss of pressure associated with these incidents requires the city to issue 'Boil Water Notices' (BWNs); over 750 BWNs have been issued since 2016."

35. A winter storm in February 2021 left tens of thousands of residents without running water for as long as a month. Storms in 2010, 2014 and 2018 had also resulted in water outages.

36. On March 3, 2021—just days after an extensive water service shutdown—Jackson Mayor Chokwe Lumumba wrote to Mississippi's Governor and Legislature with a detailed request

for \$47 million in emergency funding to ensure the integrity of the City’s drinking water system. The State did not provide the requested funds. Instead, the legislature provided only \$3 million.

37. On March 12, 2021, Mayor Lumumba similarly wrote to the Lt. Governor, seeking his support of legislation authorizing a one percent sales tax bill. The letter was followed by an in-person meeting between the two.

38. On September 23, 2022, Derrick Johnson, President and CEO of the NAACP, wrote to Governor Reeves and Defendant Wells making the case that the current cap on loan forgiveness per the State’s Independent Use Plan—\$500,000—was too low given the billions of dollars needed to fix Jackson’s water. Johnson pleaded with the Governor and Defendant Wells to prioritize the need in places like Jackson, as the EPA urged.

39. Defendants have engaged in a long-standing pattern and practice of systematically depriving Jackson of the funds that it needs to operate and maintain its water facilities in a safe and reliable manner.

40. MDEQ received funds from the EPA as part of a “historic opportunity to correct longstanding environmental and economic injustice”, and despite being aware of Jackson’s severe needs, distributed to the City only a small fraction and disproportionately low amount. From fiscal year 2015 through 2022, the EPA awarded MDEQ’s Drinking Water State Revolving Fund over \$81 million in capitalization grants and the Mississippi State Department of Health awarded nearly \$265 million in Drinking Water State Revolving Fund loans to all its loan recipients combined; \$51 million in loans were awarded to Jackson from 2016 through 2021.

41. Mississippi has also blocked Jackson’s ability to obtain and generate funds at the state and local level. Governor Reeves vetoed infrastructure funding legislation, S.B. 2586, in 2020 that was vital to the Jackson water supply’s future. In 2011, the Mississippi Legislature rejected a

1% sales tax that would have funded repairs to Jackson’s water and sewage system. Governor Reeves appointed a State Commission that restricts Jackson’s Mayor and City Council in expending funds, leaving Jackson’s elected officials with a minority representation on the Commission. And Governor Reeves has refused to compensate Jackson for lost tax revenues from significant areas of state-owned, tax-exempt real estate, despite proposals for a “Payment in Lieu of [Property] Taxes” system.

42. The Mississippi Department of Health considers those revenue streams when considering whether to grant a Drinking Water State Revolving Fund (DWSRF) loan. Thus, when the state blocks Jackson’s attempts to raise revenue (for instance, Jackson’s request for a 1% sales tax), the State adversely impacts Jackson’s ability to secure a DWSRF loan.

43. Similarly, those revenue streams would increase the amount of money Jackson could obtain through the MDEQ matching grants, which are the subject of this Complaint.

44. Yet, Lt. Governor and State Senate President Delbert Hosemann has publicly queried, “You remember during Kane Ditto’s administration, he did repair work on water and sewer. So what happened since then?”, as if to attribute blame for the water crisis to the inaction of all seven black mayors since Kane Ditto—the last white mayor of Jackson.

45. In the same legislative session wherein Mississippi’s Legislature passed S.B. 2822, the Legislature failed to vote on a bill (H.B. 1064), which would have provided Jackson with an additional \$42 million in ARPA funds beyond what would be available via the state’s matching funds.

46. The people unable to use Jackson’s water while the State has denied the City’s requests for help are largely low-income black people who cannot afford to purchase safe water or

move to affordable housing with consistent access to water. Individual residents of Jackson have reported spending most of their monthly federal SNAP funds on bottled water.

47. Black residents make up 96% of the residents of The Housing Authority of the City of Jackson (JHA). JHA operates 34 single-family units of low-income Public Housing, 188 Project Based Vouchers, and 835 Housing Choice Vouchers.

48. On September 8, 2022, the Department of Housing and Urban Development (“HUD”)’s Jackson, Mississippi field office conducted site visits to Section 8 and multifamily public housing complexes and reported their findings to HUD’s Multifamily Southeast Regional Office. These complexes consisted of family, elderly, and disabled units. Site visits demonstrated that there was a boil water notice for all 32 complexes visited and all of the residents relied on bottled water for drinking. Of those 32 complexes, 23 of them did not have potable tap water. Fifteen of the housing complexes surveyed required bottled water for both drinking and hygiene, 3 used bottled water and tap water for hygiene, and 14 complexes stated “yes” or “good water pressure” or water system for uses related to hygiene despite many of these same complexes’ tap water being designated as not potable.

49. Of the approximately 20 tenants who lost water service at Blossom Apartments in July 2025, 13 relied upon vouchers through HUD or the Jackson Housing Authority.

50. Amid ongoing uncertainty about water quality and safety, water affordability and water shutoffs took center stage in 2024. JXN Water implemented new charges and fees, including rate increases, shut-off fees, tamper fees, and a \$40 “water availability charge” effective January 1, 2024. JXN Water’s rate increases were accompanied by promises to ramp up shut-offs—all aimed at addressing the utility’s cash flow challenges and collection rates, which have been

averaging just above 65%. The rate increases were announced on JXN Water's website, with an advisory that drinking JXN Water was still cheaper than buying bottled water.

51. In July 2024, residents of Gardenside Apartments in Jackson lost water service due to the complex's overdue bill of more than \$148,000. That same month, Blossom Apartments lost water service for a brief period of time before the owner made a \$48,000 payment to have service reconnected. JXN Water acknowledged that residents who were impacted were not directly responsible for the nonpayment. Indeed, those residents—largely seniors, veterans and otherwise disabled individuals—paid their rents, inclusive of utility payments, to the complex's utility. The summer water shutoff came at no fault of the low-income, black tenants.

52. In April 2025, Henifin proposed another rate increase—this time of approximately 12% (or \$9/month per customer) in order to cover a \$30 million deficit in the water system's annual operating costs.

53. While testifying in support of this rate increase, Henifin reported that the \$35.6 million in ARPA funds has not yet been disbursed to Jackson.

#### **B. 2022 S.B. 2822**

54. In March 2021, the United States Congress passed ARPA (House Bill 1319), which established the Coronavirus State and Local Fiscal Recovery Fund (SLFRF). Via its administration of the Fund, the U. S. Treasury was to distribute \$350 billion to state, local, and tribal governments to “respond to acute pandemic-response needs, fill revenue shortfalls among state and local governments, and support the communities and populations hardest hit by the COVID-19 crisis.” Among the potential uses enumerated by the U.S. Treasury was, “[i]nvest in water, sewer, and broadband infrastructure, improving access to clean drinking water, supporting vital wastewater and stormwater infrastructure, and expanding access to broadband internet.” Additionally, funds

were to be used to “aid the communities and populations hardest hit by the crisis, supporting an equitable recovery by addressing not only the immediate harms of the pandemic, but its exacerbation of longstanding public health, economic and educational disparities.”

55. In 2023, an updated Interim Final Rule added to the list of eligible uses: activities that are eligible under the CDBG and ICDBG programs, as listed in section 105(a) of the Housing and Community Development Act of 1974. Section 105(a) includes Section “relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations, when determined by the grantee to be appropriate”, and housing services such as housing counseling.

56. Mississippi was to receive \$1.8 billion of the \$350 billion. Separately, Jackson received \$42 million in ARPA Coronavirus Local Fiscal Recovery Funds directly from the federal government.

57. Mississippi received the first half of its total SLFRF allocation in May of 2021. That money was not appropriated until 2022. Following a 2020 dispute between Governor Reeves and Legislature over Coronavirus Aid, Relief and Economic Security (CARES) Act funds, the Legislature passed Mississippi H.B. 109 requiring such federal assistance funds be appropriated or otherwise made available by the Legislature. Thus, ARPA funds remained in the Mississippi Treasury fund for nearly a year, until the 2022 Legislature allocated \$1.5 billion of the funds for the Fiscal Years 2022 and 2023.

58. For Fiscal Year 2022 (July 1 through June 30), the Mississippi Legislature allocated \$450 million to MDEQ, with \$400 million going towards water and sewer projects in cities and counties and \$50 million to match assistance for cities that received under \$1 million Coronavirus Local Fiscal Recovery Funds.



59. On April 26, 2022, Governor Reeves signed into law Mississippi Senate Bill 2822 to administer a state pass-through grant program, the MCWI Grant Program, to disburse the \$450 million of ARPA funds allocated to the State of Mississippi's water projects.

### **C. MCWI's Discriminatory Design and Operation**

60. Senate Bill 2822 enacted a discriminatory grant program that codified decades of discrimination against the City of Jackson and operated to limit Jackson's access to ARPA funds.

#### **a. Matching Requirement**

61. States have wide discretion in how they award ARPA funds and the State of Mississippi abused that discretion by creating a matching system which preemptively limited Jackson's access to much needed financial assistance.

62. S.B. 2822 allowed Mississippi's larger municipalities and cities like Jackson to apply for funding for water and sewer projects with a one-to-one match using their own direct ARPA funds, while smaller municipalities receiving less than \$1 million in ARPA funds could request two-to-one matching.

63. Although applied to all applicants in the first of two rounds of applications, the matching requirement was subsequently waived for the second round—76% of MCWI applicants. Recipients of MCWI awards during the first round of applications were not permitted to seek additional funding in the second round. Consequently, Defendant Wells and MCWI effectively operated two competitions—one for Jackson, and a separate one for the majority of applicants.

64. Under color of law, Defendant Wells' matching requirement targeted Jackson and its 120,000 black residents, including Plaintiffs.

65. At the time the matching requirement was created in the 2022 legislative session, the State of Mississippi knew exactly how much direct federal ARPA money Jackson received in

2021. Defendants were aware Jackson received far more than the \$1 million dollar ceiling it created for eligibility for a two-to-one match.

66. Other states have awarded all federal funds without requiring matching from local grant recipients.

67. Louisiana provided for a waiver of the matching requirement or decreased match where the local governing authority or water system is unable to provide a match.

68. Alabama allocated \$225 million of ARPA funds for water and sewer projects--\$120 million of which would go to previously identified emergency or high need projects without a local match; \$100 million of which would require a local match based on ability to pay; and \$5 million of which would go to longstanding problems in the Black Belt region of the state.

#### **b. Scoring System**

69. Mississippi's S.B. 2822 established and funded the MCWI Grant Program, to be administered by Defendant Wells and MDEQ. Defendant Wells produced Rules and Regulations as to the administration of the program, determined eligibility based on submission of applications for match funds, developed a scoring system, ranked eligible applications, awarded funding, and monitored the funded programs to assure compliance with federal and state laws, rules and regulations.

70. Defendant Wells and the MCWI Grant Program have published three versions of its scoring system. The version in place at the time of Jackson's application awarded nearly 1/4 of its points by considering the median income and unemployment rates of residents in an applicant's service area.

71. As a result, MCWI's scoring system may award projects in other parts of the state twice as many points under the "disadvantaged and overburdened communities" category if the

area median income is slightly lower than that of Jackson's, even if these other areas already have access to clean and reliable drinking water. Jackson's need was far more complex than a question of median income.

72. Of 100 points available in the MCWI scoring system, only 15 points *at most* could be awarded based on the lack of clean water that complies with primary drinking water standards. The dire, longstanding deficiency in Jackson's water infrastructure would easily be outweighed by consideration of the project(s)'s timeline for completion. The scoring system awarded up to 24 points for projects which could be completed by December 31, 2026, and were already underway or ready to begin in 6 months.

73. Jackson's water crisis could be outweighed by superficial considerations of median income, unemployment rates, and the number of political subdivisions served. While appearing to consider the needs of disadvantaged and overburdened communities, MCWI's scoring system turned a blind eye to the well-documented water crisis brewing in Mississippi's largest, predominantly black city.

74. In addition to the matching requirements, Defendant Wells employed a scoring system which failed to appropriately weigh the mitigation risk and need despite their knowledge of the water crisis in Jackson, Mississippi. On November 4, 2022, Defendant Wells and MDEQ awarded Jackson with \$35.6 million in SLFRF monies to match Jackson's local SLFRF monies, for a total of \$71 million in SLFRF for water projects.

75. Subsequently, in April 2023, the Mississippi Legislature passed Senate Bill 2444, which removed from the MCWI program the scoring requirements under which Jackson's request was evaluated.

76. S.B. 2444 went on to provide an additional \$41 million to fully fund all applications submitted during the second and final round of applications. However, Jackson and the municipalities who were awarded funding during the first round were precluded from applying for additional funds. In the end, less than 24% of MCWI funded projects were scored as Jackson was scored.

77. Removing the scoring system from subsequent awards while prohibiting the City of Jackson from obtaining additional funds in the second round of awards has perpetuated the burden and harm on black residents of Jackson.

78. Defendant Wells and MCWI scored the City of Jackson's round of applications by placing significant weight on a statistic – median income—that does not tell the whole story, rather than considering which systems are at risk of becoming distressed or are already distressed because of an amalgamation of factors including but not limited to poverty rates.

79. As applied during the first round of MCWI grant applications and at the time of Jackson's November 4, 2022, award, the MCWI matching requirement and scoring system's oversights disproportionately affected black residents of Jackson like the Plaintiffs.

80. As applied during the first round of MCWI grant applications and at the time of Jackson's November 4, 2022, award, the MCWI matching requirement and scoring system ensured Defendants could continue Mississippi's decades-long history of refusing to turn over hundreds of millions of dollars to a predominantly black city in a water crisis.

81. In May of 2024, the Environmental Protection Agency responded to a 2022 Administrative Complaint filed against MDEQ and Defendant Wells with a recommendation that MDEQ ensure funding is allocated to communities with the greatest need and assess the terms of its funding programs on large communities like Jackson: "Assess loan terms to ensure meaningful

access to funding for communities in greatest need over time and develop and, if within MDEQ's authority, implement alternative approaches, to include: Limits on SRF forgiveness parameters such as the amount, caps, and size of community eligible to receive loan forgiveness, all of which uniquely affect a large system such as Jackson's".

82. Defendant Wells has ignored recommendations from the EPA that MDEQ ensure that funding is allocated to communities most in-need - regardless of race.

83. Under color of state law, Defendant Wells has operated a grant program, which purported to have the express purpose of allocating ARPA water and sewer infrastructure funds, to discriminate against the predominantly black city of Jackson which, due to decades of pleas for financial assistance from City leadership, Defendant knew had an exigent need for such water and sewer infrastructure funds.

84. Defendant Wells engaged in a consistent pattern of decision making that prevented critical mitigation resources from reaching the City that needed it most. Jackson is the only Mississippi city or municipality with such a significant, long-standing need. No other Mississippi water system requires billions of dollars of repairs. Moreover, Defendant Wells knew this decision making would most disadvantage black residents, as 81.8% of Jackson's residents are black.

#### **D. Withholding and Reversion of Funds Awarded to the City of Jackson**

85. By enacting and effectuating S.B. 2822, Defendants required Jackson to deposit any ARPA funds it receives via the MCWI grant program "in the Capital City Water/Sewer Projects Fund of the State Treasury."

86. No other jurisdiction is required to turn over its grant funds to the State, and S. B. 2822 did not specify under what circumstances Defendants Welch and McRae will disburse

Jackson's grant monies beyond a requirement that Jackson submit a plan outlining the use of the funds for approval.

87. Defendants' requirement that Jackson submit a plan for using the ARPA funds is a pretext for the State's discriminatory purpose because Defendants know Jackson has already created, and repeatedly updated, a plan for using the funds it has repeatedly requested from the State. Jackson's Water Master Plan was prepared in 1985 and updated in 1997 and 2012.

88. This requirement has slowed Jackson's access to the funds it so desperately needs and allowed Defendants to continue blocking Jackson's access to funding, paving the way for an attempted forced takeover of Jackson's water facilities.

89. Additionally, any funds not used by January 1, 2027, revert back to the State's general fund or to the U.S. Treasury, permanently stripping Jackson of those funds.

#### **E. Discriminatory Intent**

90. While defending another bill impacting the City of Jackson, Mississippi State Representative Trey Lamar very plainly stated: "We're not going to turn over hundreds of millions of dollars to a city government over the last several years that's theme is this: no water, no sewer, no garbage collection, no attempt to collect the necessary fees that operate those systems."

91. Legislators' words and actions indicate the State, and by extension the Defendants as state actors, have no intention of complying with U.S. Treasury's directive that ARPA funds be used to "aid the communities and populations hardest hit by the crisis, supporting an equitable recovery by addressing not only the immediate harms of the pandemic, but its exacerbation of longstanding public health, economic and educational disparities."

92. On October 17, 2022, U. S. Representatives Carolyn Maloney (D-NY-12) and Bennie Thompson (D-MS-02) sent a 7-page letter to Governor Reeves citing the conditions of

Jackson residents, as well as President Biden’s Emergency Declaration. The letter stated, “the Jackson Water Crisis was a disaster waiting to happen, and it will not be resolved unless we address generational disinvestment in majority black cities.”

93. The Representatives’ letter specifically requested the status of ARPA funding that could be used to assist the residents of Jackson. Representatives Maloney and Thompson directly questioned the impact of S.B. 2822:

- We are also troubled by the Mississippi Legislature’s decision to allocate federal funding from the State and Local Fiscal Recovery Funds program on a matching basis with municipalities, which risks further perpetuating underinvestment in Jackson. The cost of necessary maintenance to Jackson’s water distribution systems is forecasted to be as high as \$1 billion. Under the matching formula. Mississippi adopted for American Rescue Plan Act funds, Jackson would directly receive, at most, \$84 million for water projects—assuming the city is able to use its entire allocation for these projects. Although the Legislature established a dedicated fund for capital area water and sewage projects, it chose to impose special burdens on Jackson’s ability to obtain funding for projects not shared by other municipalities. Further, as part of this formula, any funds left unused on January 1, 2027, revert to the State’s general fund, stripping Jackson of those funds.

The letter then concluded with a request for a breakdown of the localities who received state ARPA funds (including amount, racial demographics, and population size), as well as a detailed description of the additional layer of review for applications from the City of Jackson and the basis for it.

94. Governor Reeves responded on October 31, 2022, largely hiding behind the fact that awards of ARPA funds had not yet been announced and no funds had been deposited into the Capital City Water/Sewer Projects Fund yet. Despite the fact Jackson has already drafted and twice updated a 20-year Water Master Plan, Reeves suggested, “it must establish a plan for the project or projects for which the governing authorities desire assistance and submit the plan and application for assistance to the Department of Finance and Administration.” Reeves quoted an

inflated estimate of \$148 million in funding earmarked for Jackson without acknowledging Jackson's need for \$2 billion to address its longstanding water infrastructure woes. Similarly, Reeves emphasized that Jackson has only applied for funds from the DWSRF three 3 times, without acknowledging that Jackson's limited revenue prevents it from requesting *and repaying* the significant amount of money needed.

#### **F. Third Party Manager and Funding**

95. On September 26, 2022, a letter from the U.S. Department of Justice, on behalf of the EPA, notified the City of Jackson of the government's intent to file an action against the City under the Safe Drinking Water Act.

96. The letter requested the City immediately enter into negotiations with the DOJ regarding the recent drinking water crisis.

97. On November 29, 2022, the U.S. DOJ, on behalf of the EPA, moved forward with filing a Complaint against the City of Jackson, alleging failure to comply with the Safe Drinking Water Act. Attorney General Merrick Garland advised the Complaint was filed to allow the City and the DOJ to reach an agreement that could be judicially enforced.

98. The agreement/order authorized Henifin, as ITPM, to: Operate and maintain the city's public drinking water system in compliance with Safe Drinking Water Act, the Mississippi Safe Drinking Water Act, and related regulations; Take charge of the Water Sewer Business Administration, the arm of the City responsible for billing water users; Implement capital improvements to the City's public drinking water system, in particular, a set of priority projects meant to improve the system's near-term stability, including a winterization project meant to make the system less vulnerable to winter storms; and correct conditions within the City's public



drinking water system that present, or may present, an imminent and substantial endangerment to the health of the City's residents.

99. However, 2 years later, the EPA's Office of Inspector General issued a report finding that "layers of inadequate oversight and enforcement" by state and federal agencies contributed to the water crisis. In particular, MSDH did not notify City officials about significant problems after sanitary surveys and annual inspections from 2015 through 2021.

100. Under Henifin, improvements to Jackson's water system have been funded by: An EPA award of over \$148 million in funding to address the City's drinking water emergency with its emergency grant authority; MSDH approved use of nearly \$300 million in DWSRF; A congressional directed community grant of \$1.5 million, and payment of bills for water and sewer service by individual and commercial customers.

101. The City of Jackson did not receive any ARPA funds from the Capital City Water/Sewer Projects Fund of the Mississippi Treasury until November 2023.

102. Defendant McRae reports only \$3.8 of the \$35.6 million awarded to the City of Jackson by the MCWI have been disbursed to JXN Water as of August 18, 2022.

103. Henifin testified, on June 16, 2025, that he was "holding out hope that we see that \$36 million come our way".

104. Within days of the Court denying Henifin's proposed rate increase, Henifin and JXN Water indicated that water shutoffs would begin for a list of up to 15 apartment buildings that owe the utility hundreds of thousands of dollars in past due bills.

105. Henifin's 4 year contract expires in 2026, and he has stated he plans to leave Jackson in September or October 2027.

**G. Ongoing Attempts to Undermine Jackson's Self-Governance**

106. Rather than simply provide Jackson resources to address perceived deficiencies, the State of Mississippi has a pattern of using federal resources to fund the political and economic disenfranchisement of black Jacksonians. S.B. 2822 is just one of many ways the State of Mississippi has acted upon its discriminatory purpose.

107. Defendants Wells and Welch's retention of ARPA funds intended for Jackson is complementary to the State's ongoing attempts to take over Jackson's water system.

108. Mississippi's Senate, with the support of Henifin, has pushed for the creation of a Capitol Region Utility Authority which would strip Jackson of control over its water system and give control to a State Board.

109. The efforts to create a Capitol Region Utility Authority, though unsuccessful to date, build upon the State's successful takeover of Jackson's courts and police via 2023 H.B. 1020 and S.B. 2343 respectively. Lt. Governor Hosemann acknowledged Hinds County, the county where Jackson is located, is the only county where the State paid hundreds of thousands of dollars to overlay an additional judicial system. Defendant Welch was tasked with the administration of both H.B. 1020 and S.B. 2343.

110. When Jackson's schools needed help in 2017, Mississippi's previous governor considered a state takeover instead.

111. Similarly, the State of Mississippi has continued to pursue Mississippi's takeover of Jackson's airport per a 2016 law passed to create a State controlled airport Board.

112. Also in 2016, State Representative Mark Barker stated he would consider drafting legislation to install a conservator over Jackson because of budget woes.

113. Finally, when the state did allow Jackson to instate a 1% sales tax for infrastructure, the tax legislation was held hostage until Jackson's mayor agreed to allow a State-appointed commission to oversee the disbursement of approximately \$15 million in annual revenue.

114. For 30 years, the State of Mississippi, with help from Defendants, has built upon, rather than correct, its disinvestment in black residents of Jackson.

115. The State's resolve to take as many resources as possible from the black Residents of Jackson and place control of Jackson in the hands of white state officials smacks of apartheid. The Defendants' actions in support of the State's multi-decade efforts to nullify Jackson's self-governance are intentionally discriminatory.

#### **H. Harm to Plaintiffs**

116. Plaintiff NAACP holds its banner annual fundraiser in late summer/early fall with the aim of raising \$20,000 for Jackson Public School students' scholarships and books. The annual event takes place in person at a Masonic Lodge. That fundraiser could not take place in 2022 due to Jackson water system's failure. Plaintiff NAACP was unable to make up those funds and did not give out its usual scholarships.

117. Plaintiff NAACP has generally held in-person meetings for its membership at Cade Chapel Missionary Baptist Church in Jackson. Plaintiff NAACP was unable to hold in-person meetings for approximately six months following the August 2022 water system failure due to the lack of water.

118. Following and as a result of the water crisis issues, Plaintiff NAACP has seen its members move out of the City of Jackson due to the lack of water. Plaintiff NAACP's membership has decreased from 500 members to approximately 330 in the last 3 years.

119. Plaintiff NAACP's members, particularly those residing in South Jackson near Forest Hills, have complained of water shortages and shutoffs for days at a time as recently as 2024.

120. Plaintiff NAACP's members still complain of water that does not appear clean or safe, prompting the organization to continue distributing bottled water.

121. Plaintiff NAACP's members include disabled and elderly residents of assisted living and senior living communities. Plaintiff NAACP's members are at risk of experiencing water shutoffs and sudden displacement at no fault of their own.

122. Plaintiff NAACP's members live in South Jackson neighborhoods where flooding is a concern. They also fear sudden displacement from their homes as a result of Jackson's ongoing water infrastructure crisis.

123. Plaintiff Lambright owns two homes within Jackson city limits. She and her husband live in one while her son lives in the other. She and her family were without potable water for a month after Jackson's water system failed on August 22, 2022. They were without safe drinking water for weeks longer.

124. Plaintiff Lambright's residence is in a South Jackson neighborhood where flooding threatens to displace her and her husband. Recent storms have caused the water to rise noticeably in her garage.

125. In 2024, six houses on Plaintiff Lambright's Street were flooded. Those families were displaced from their homes for six months.

126. Plaintiff Lambright and her husband go through two cases of water per week, to cook and brush their teeth. They have spent thousands of dollars purchasing potable water since August 2022.

127. Plaintiff Lambright' son resides in her North Jackson property. Plaintiff Lambright had intended to use the home as a rental property but is not able to do so due to Jackson's ongoing water crisis and lack of clean water.

128. On August 7, 2025, after weeks without water service, Plaintiff Glasper was advised to leave her home within 5 days, per a relocation order from the Mississippi Home Corporation advising all tenants of Blossom Apartments citing safety violations and health concerns.

129. Plaintiff Glasper paid \$900 per month to Blossom Apartments which was to cover rent and include all utilities. There was no specified amount for water. Plaintiff Glasper received \$888 in social security retirement income and her granddaughter received \$967 in social security disability.

130. Plaintiff Glasper's water was also shutoff in 2024, due to Blossom Apartments' failure to pay the water bill.

131. Without water, Plaintiff Glasper boiled water every morning to cook and do sponge baths. Plaintiff Glasper's daughter left to go to a hotel to take a hot bath. Plaintiff Glasper has been unable to clean like she wants and relies on water brought by firemen to keep the toilet flushed.

132. Water donations do not ease Plaintiff Glasper's concerns that she does not have the resources to find affordable housing with consistent, running water. She and her daughter have spent every day on the phone to find a new apartment. Plaintiff Glasper saved money from her August 2025 social security check and her granddaughter's disability checks for application fees, but has had to pass on apartments where she cannot afford the rent of \$1400. She is struggling to find adequate housing she can afford and that has access to water. Plaintiff Glasper has told her

granddaughters to stop shopping and spending money on apps on their phones, because they need to save every single penny for rental applications and moving expenses.

133. Plaintiff Glasper is planning to put her belongings in storage if she is not able to find an apartment soon. She worries about finding adequate housing before the weather gets cold.

134. Blossom Apartments' residents have struggled to identify units they can afford to apply and qualify for, and which are not on the list of apartment complexes JXN Water may shut off next.

135. Plaintiff Glasper is feeling the economic, emotional and mental burden of having to find new housing on a short timeline, amid an influx of other residents doing the same thing.

136. Stewpot Community Services "Stewpot"—a Mississippi nonprofit using a federal emergency housing grant to assist Blossom Apartments' residents—has offered to provide application fees and security deposits. Stewpot has indicated it can provide more limited assistance for the first month's rent, depending on applicants' income.

137. JXN Water also terminated water service to Chapel Ridge Apartments, in Jackson, on August 1, 2025 and has not yet restored water service to those apartments.

138. Residents of Chapel Ridge have not been able to access services from Stewpot. Stewpot does not have unlimited resources to provide counseling services to all of the potentially affected complexes at this moment.

139. JXN Water has not publicly announced which other complexes will be shut off next but has indicated that the Blossom and Chapel Ridge shutoffs may be "practice runs" for future apartment complex shutoffs.

140. Residents of Tracewood Apartments may be next, and hundreds more Jacksonians could be displaced from their homes if the shutoffs continue to follow in the same manner as the

Blossom Apartments shutoffs and subsequent relocation orders. See Case No. 3:25-cv-00606-HTW-LGI

141. The harm to Plaintiffs could be remedied if Defendants Welch, and McRae released Jackson's ARPA funds for use in community-centered activities that are eligible under the CDBG and ICDBG programs, as listed in section 105(a) of the Housing and Community Development Act of 1974. Plaintiffs will be adversely affected if Defendants continue to withhold federal relief funds which Defendants have possessed since before the August 2022 failure of Jackson's water system.

142. Harms similar to Plaintiffs' may be felt by thousands of Jacksonians if Defendants discrimination is not enjoined by this Court.

143. Plaintiffs have no plain, adequate, or complete remedy at law to redress the wrongs described herein.

144. Plaintiffs are still residents of Jackson, serviced by JXN Water, such that they are susceptible to future harm as a result of Defendants' ongoing discrimination.

## **CLAIMS**

### **COUNT ONE**

**Race Based Discrimination in Funding Competition Under Color of Law  
Violation of the Equal Protection Clause of Fourteenth Amendment to the United  
States Constitution, Brought Under 42 U.S.C. § 1983,  
(by all Plaintiffs against Defendant Wells)**

145. Plaintiffs incorporate herein and re-allege, as if fully set forth herein, all factual allegations of paragraphs 1–145.

146. Plaintiffs are black residents of Jackson, Mississippi. They are members of the protected class most impacted by S.B. 2822, which intentionally singled out and disadvantaged the largest pre-dominantly black city in Mississippi. *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977)

147. The near-collapse of Jackson’s water system in 2022 and subsequent forced displacement of Jackson residents was both the obviously foreseeable outcome and intended purpose of Defendants’ continued and systemic withholding of relief funds requested by Jackson’s black leadership. *Reno v. Bossier Par. Sch. Bd.*, 520 U.S. 471, 487 (1997); *Veasey v. Abbott*, 830 F.3d 216, 230 (5th Cir. 2016). See also *Columbus Bd. of Educ. v. Penick*, 443 U.S. 449, 465, (1979)

148. The Plaintiffs’ financial harm—including money spent on bottled water and relocation -- was both the obviously foreseeable outcome and intended purpose of Defendants’ continued and systematic withholding of relief funds requested by Jackson’s black leadership. *Reno v. Bossier Par. Sch. Bd.*, 520 U.S. 471, 487 (1997); *Veasey v. Abbott*, 830 F.3d 216, 230 (5th Cir. 2016). See also *Columbus Bd. of Educ. v. Penick*, 443 U.S. 449, 465, (1979)

149. The historical background behind the enactment of S.B. 2822 includes a 30 year history of disinvestment in Jackson while both its leadership and population became increasingly black. *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977)

150. The sequence of events leading up to Defendants’ enactment of S.B. 2822 evidences intentional discrimination. The State of Mississippi enacted the matching requirements and charged Wells with administering the matching grant program in the same legislative session



the Legislature declined to pass a bill sending unencumbered funds to Jackson. *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977)

151. Furthermore, under color of law and in furtherance of a discriminatory purpose, Defendant Wells awarded Jackson a \$35.6 million dollar matching grant on November 4, 2022 just months after the Mississippi Legislature declined to give Jackson \$42 million unencumbered by unnecessary obstacles. *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977)

152. Demonstrating a deviation from normal procedure and normal criteria intended to harm black residents who make up the majority of Jackson's population, Defendant Wells applied the matching requirement and scoring system ONLY during the first round of MCWI grant applications when Jackson was expected to apply, but waived the matching for the subsequent and majority of applicants. *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977)

153. The legislative history, including remarks by State Senate President Hosemann and Representative Lamar as well as the Legislature's refusal to vote on a proposal to send additional ARPA funds to the City of Jackson—leave no doubt as to discriminatory intent. *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977)

154. Defendant's actions both directly and proximately exacerbated and prolonged the Jackson water crisis by leaving Plaintiffs and over 122,000 other black residents of Jackson without overdue relief and ultimately without consistent access to safe, affordable water necessary for adequate housing.

155. Defendants actions have deprived Plaintiffs of Equal Protection under the law under the Fourteenth Amendment of the U.S. Constitution.

156. Defendants' conduct is neither required nor authorized by any federal law, and violates 42 U.S.C. § 1983.

157. The balance of hardships and public policy strongly favor the Court entering a declaratory judgment finding S.B. 2822 unconstitutional.

## **COUNT TWO**

### **Equal Access to Funding**

#### **Violation of the Equal Protection Clause of the Fourteenth Amendment**

##### **(by all Plaintiff against Defendants Welch and McRae)**

158. Plaintiffs incorporate herein and re-allege, as if fully set forth herein, all factual allegations of paragraphs 1–145, and 154-157.

159. The sequence of events leading up to Defendants' enactment of S.B. 2822 evidences intentional discrimination. The State of Mississippi instructed Defendants McRae and Welch to withhold ARPA funds from the City of Jackson in the same legislative session the Legislature declined to pass a bill sending unencumbered funds to Jackson. *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977)

160. Defendants McRea and Welch deviated from normal procedure by depositing and holding only Jackson's MWCI award in the Capital City Water/ Sewer Project Funds. S.B. 2822 singled out Jackson as the only municipality subject to this additional step. *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977)

161. Further deviating from normal procedures, Defendants McRae and Welch have enforced S.B. 2822's additional ambiguous requirements to delay and obfuscate the City of Jackson's ability to draw upon the Fund. *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977)

162. The increase in water rates and water shutoffs in Jackson are both the obviously foreseeable outcomes and intended purpose of Defendants' continued and systematic withholding of funds requested by Jackson's black leadership. *Reno v. Bossier Par. Sch. Bd.*, 520 U.S. 471, 487 (1997); *Veasey v. Abbott*, 830 F.3d 216, 230 (5th Cir. 2016). See also *Columbus Bd. of Educ. v. Penick*, 443 U.S. 449, 465, (1979)

163. Defendants' conduct is likely to continue unless enjoined.

164. The balance of hardships and public policy strongly favor the Court entering a preliminary injunction and thereafter permanently enjoining Defendants' unlawful policies and practices as described herein.

### **COUNT THREE**

#### **Equal Access to Funding**

#### **Violation of Title VI of the Civil Rights Act of 1964**

#### **(by all Plaintiffs against all Defendants)**

165. Plaintiffs incorporate herein and reallege, as if fully set forth herein, all factual allegations of paragraphs 1-164.

166. Defendants' agencies receive federal funding.

167. Defendants' agencies have been tasked with the allocation and/or disbursement of ARPA funding received from the federal government.

168. Plaintiffs have been harmed by Defendants' actions in administering and operating programs under S.B. 2822. *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977) and *McDonnell Douglas Corporation v. Green*, 411 U.S. 792 (1973)

169. Plaintiffs are all black residents of Jackson and members of a protected class based on their race. *McDonnell Douglas Corporation v. Green*, 411 U.S. 792 (1973)

170. In furtherance of 2822, Defendants created hurdles which would prevent black Jacksonians from being awarded and actually receiving ARPA funding. *McDonnell Douglas Corporation v. Green*, 411 U.S. 792 (1973)

171. No other municipality has been subjected to matching requirements, scoring system, and mandatory use of the Capital City Water/ Sewer Projects Fund as Jackson has. *McDonnell Douglas Corporation v. Green*, 411 U.S. 792 (1973)

172. Defendant Wells knowingly and intentionally acted to ensure that Jackson could request and would receive MCWI funds to cover only 3.5% of its need. The same cannot be said of any other municipality that would apply for MCWI grant funds. *McDonnell Douglas Corporation v. Green*, 411 U.S. 792 (1973)

173. In furtherance of 2822, Defendants have denied Plaintiffs access to federal funding without a legitimate non-discriminatory reason. *McDonnell Douglas Corporation v. Green*, 411 U.S. 792 (1973)

174. Defendants' racial discrimination against the black leadership and residents of Jackson was at least on purpose. *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977) and *McDonnell Douglas Corporation v. Green*, 411 U.S. 792 (1973)

175. Defendants have intentionally denied black residents of Jackson equal opportunity and equal access to federal funds in violation of Title VI of the Civil Rights Act of 1964.

176. Defendants' actions have perpetuated and protracted the harms of the Jackson water crisis including but not limited to the financial harms of displacement due to water shutoffs.

**PRAYER FOR RELIEF**

On the basis of the foregoing, Plaintiffs respectfully pray that this Court:

1. Assume jurisdiction over this action;
2. Declare that Defendants violated Plaintiffs' constitutional rights by implementing and administering the MCWI grants program and Capital City Water/ Sewer Projects Fund per the unconstitutional provisions of S.B. 2822 and H.B. 1031;
3. Preliminarily enjoin Defendants' operation, alteration or expenditure of the Capital City Water/Sewer Projects Fund containing the City of Jackson's ARPA funds during the pendency of this litigation without a Court-approved Consent Decree;
4. Permanently enjoin Defendants from retaining the funds awarded to the City of Jackson on January 1, 2027 per H.B. 1031;
5. Order Defendants to disburse City of Jackson's ARPA SRLF relief, for community-centered and ARPA- eligible uses, including creation of a fund for relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations;
6. Award costs and reasonable attorney fees under 42 U.S.C. § 1988 and any other applicable provision of law;
7. Award such other and further relief as the Court deems just and proper.

Respectfully submitted this 21<sup>st</sup> day of August, 2025

s/ Wesley Evans

**Wesley Evans**

Mississippi Bar #9956

**Jamie Rush\***

Georgia Bar 999887

**Crystal McElrath\***

Georgia Bar 277151

Alabama Bar 4715M00I

**Jacqueline Azis\***

Florida Bar 101057

**THE SOUTHERN POVERTY LAW CENTER**

Wesley.evans@splcenter.org

Jamie.rush@splcenter.org

Crystal.mcelrath@splcenter.org

Jacqueline.azis@splcenter.org

*\* Pro hac vice application forthcoming*

Counsel for Plaintiffs