

ORIGINAL.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

U. S. DISTRICT COURT  
Southern District of Ga

Filed in office

3:20 P.M.

MAY 18 1979

*Steve Bower*  
Deputy Clerk

MARGIE C. BOYD, MELVIN S. GREGORY, )  
VENUS SKREEN, MARTHA ROBINSON, and )  
MRS. JAMES WILLIAMSON, individually )  
and on behalf of themselves and all )  
other persons similarly situated, )

PLAINTIFFS, )

vs. )

CIVIL ACTION NO. 138-250

PATRICIA R. HARRIS, individually )  
and in her official capacity as )  
Secretary of the United States )  
Department of Housing and Urban )  
Development; W. A. HARTMAN, )  
individually and in his official )  
capacity as Director of the Area )  
Office of the United States )  
Department of Housing and Urban )  
Development; PAUL WEDDLE, Chief )  
Housing Programs Management Branch )  
of the United States Department of )  
Housing and Urban Development; )  
HOUSING AUTHORITY OF THE CITY OF )  
AUGUSTA, GEORGIA; G. A. BOARDMAN, )  
individually and in his official )  
capacity as Director of the )  
Housing Assistance Payment Program )  
of the Housing Authority of the )  
City of Augusta, Georgia; )  
H. MADDEN REID, individually and )  
in his official capacity as )  
Executive Director of the Housing )  
Authority of the City of Augusta, )  
Georgia; BLANCHARD and CALHOUN )  
REAL ESTATE CO., INC.; PETE VERDERY )  
and FORD VERDERY d/b/a THE VERDERY )  
CO., )

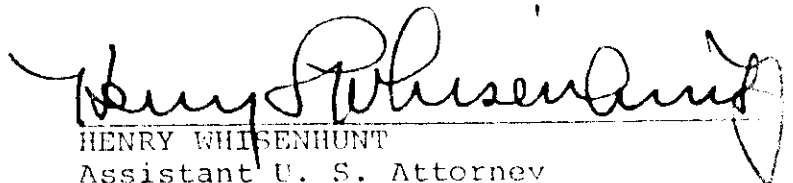
DEFENDANTS. )

APPROVAL OF STIPULATION OF DISMISSAL

NOW COME Defendants PATRICIA R. HARRIS, W. A. HARTMAN,  
and PAUL WEDDLE (hereinafter "HUD"), by and through their attorney  
of record, and enter this their approval of the foregoing  
STIPULATION OF DISMISSAL executed by counsel for the Plaintiffs

Payments Program - Existing Housing And Excepting Attorney  
Fees Question. This 18<sup>th</sup> day of May, 1979.

BARBARA L. GORDON  
Federal Programs Branch  
Civil Division  
U. S. Department of Justice  
Washington, D. C. 20530

  
HENRY WHISENHUNT  
Assistant U. S. Attorney  
Old Federal Building  
Augusta, Georgia 30902

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

U. S. DISTRICT COURT  
Southern District of Ga.

Filed in office

3:00 P.M.  
MAY 18 1979

Deputy Clerk

MARGIE C. BOYD, MELVIN S. GREGORY, )  
VENUS SKEEN, MARTHA ROBINSON, and )  
MRS. JAMES WILLIAMSON, individually )  
and on behalf of themselves and all )  
other persons similarly situated, )

PLAINTIFFS, )

vs. )

CIVIL ACTION NO. 178-250

PATRICIA R. HARRIS, individually )  
and in her official capacity as )  
Secretary of the United States )  
Department of Housing and Urban )  
Development; W. A. HARTMAN, )  
individually and in his official )  
capacity as Director of the Area )  
Office of the United States )  
Department of Housing and Urban )  
Development; PAUL WEDDLE, Chief )  
Housing Programs Management Branch )  
of the United States Department of )  
Housing and Urban Development; )  
HOUSING AUTHORITY OF THE CITY OF )  
AUGUSTA, GEORGIA; G. A. BOARDMAN, )  
individually and in his official )  
capacity as Director of the )  
Housing Assistance Payment Program )  
of the Housing Authority of the )  
City of Augusta, Georgia; )  
H. MADDEN REID, individually and )  
in his official capacity as )  
Executive Director of the Housing )  
Authority of the City of Augusta, )  
Georgia; BLANCHARD and CALHOUN )  
REAL ESTATE CO., INC.; PETE VERDERY )  
and FORD VERDERY d/b/a THE VERDERY )  
CO., )

DEFENDANTS. )

STIPULATION OF DISMISSAL WITH PREJUDICE  
TO THE NAMED PARTIES

NOW COME Plaintiffs and Defendants, HOUSING AUTHORITY OF  
THE CITY OF AUGUSTA, GEORGIA, G. A. BOARDMAN AND H. MADDEN REID  
and stipulate to the dismissal of this case on the following terms  
and conditions:

and Urban Development (HUD). Copies of the new allowances are attached hereto as Exhibit "A" and "B".

2.

The Housing Authority will employ a full-time employee for the Section 8 Existing Housing Program for the sole purpose of implementing the revised utility allowances. The new allowances will be implemented by August 1, 1979 for all affected Section 8 tenants.

3.

The Augusta Housing Authority does hereby acknowledge that "negative rents" are currently paid to three (3) participants in the Section 8 Program. Within thirty (30) days after the completion of the implementation of the new utility allowances, the Housing Authority agrees to conduct a review of the records of all Section 8 tenants, who have contracted to pay their own utilities, for the sole purpose of determining whether additional individuals may be eligible for "negative rents".

4.

Within ten (10) days after completion of the review of the affected Section 8 tenants for "negative rent" eligibility, as defined in Paragraph 3, the Plaintiffs' counsel will be provided with: (a) notice that the review was made; and (b) notice of the number of Section 8 tenants found eligible for direct payments as "negative rent".

5.

It is further agreed that the Housing Authority shall furnish to attorneys for the Plaintiffs the names and addresses of all Section 8 tenants who have leases which provide for the payment of all or one hundred percent (100%) of utilities by the

6.

It is further agreed that the Housing Authority shall assist attorneys for the Plaintiffs in recovering all monies illegally charged and collected by private landlords who had contracted to provide all utilities pursuant to their Section 8 lease. The Authority will give its full cooperation in recovering said money. The Authority shall notify in writing all private landlords who are discovered to have illegally charged Section 8 tenants for utilities. A copy of the notification shall be furnished simultaneously to Plaintiffs' counsel. Said notification shall insist that said landlords immediately reimburse the Section 8 tenants who have been overcharged. The Authority agrees to employ all remedies available to it under the HAP contract and under the H & C Development Act to ensure that the landlord is abiding by the terms of the lease it has executed with the tenant, except that the Authority shall not institute judicial proceedings against the landlord.

7.

It is further agreed that the Housing Authority shall mail to all Section 8 tenants a copy of the letter attached hereto as Exhibit "C" within thirty (30) days of Court approval of this Stipulation of Dismissal.

8.

Upon the receipt of any oral or written response from a tenant to the letter attached as Exhibit "C", the Housing Authority shall make the name and address of the tenant and the reply available to counsel for the Plaintiffs within five (5) days of said receipt.

9.

It is further agreed that the Housing Authority's em-

10.

The Housing Authority agrees that in its next request for additional certificates from HUD for the Section 8 Existing Housing Program its application will request more three-bedroom certificates and certificates for four and five-bedroom units. A copy of this request will be made available to Plaintiffs' counsel.

11.

For the duration of the current Annual Contribution Contract ("ACC") for Project Numbers GA06-E001-001 and GA06-E001-002, the Housing Authority will give notice to Plaintiffs' counsel of any reduction in the dollar amount of the ACC for these projects, when that reduction causes the Authority to have to terminate a family's assistance under the Section 8 program. Such notice shall in no way be construed as requiring the Authority to seek the concurrent or assent of counsel for plaintiffs prior to taking action to terminate assistance. Said notice shall be provided to Plaintiffs' counsel at least thirty(30) days prior to any action to terminate a family's certificate due to the reduction in the amount funded pursuant to the ACC and shall provide the name and address of each individual Section 8 tenant affected.

12.

The issue of class determination in this matter was not reached by the Court. The class defined in the Plaintiffs' Second Motion for Class Determination filed April 10, 1979, was neither certified or denied.

13.

Defendant Housing Authority of the City of Augusta, Georgia, agrees to bear the costs of this action and to pay Plaintiffs' attorneys' fees in the amount of \$1,000.00 within thirty (30) days of Court approval of this Stipulation of Dismissal.

*David E. Hudson by David E.*

DAVID E. HUDSON

Attorney for HOUSING AUTHORITY  
OF THE CITY OF AUGUSTA, GEORGIA

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
 SECTION B, EXISTING HOUSING ALLOWANCES FOR  
 TENANT-FURNISHED UTILITIES AND OTHER SERVICES

3-8-79  
 SPR

Augusta

11/01/77 FAMILY

MONTHLY COLLECTOR ALLOWANCES

UTILITY OR SERVICE	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
HEATING		8.00	10.00	14.00	17.00	
a. Natural Gas						
b. Radiant Gas						
c. Electric		13.00	16.00	20.00	25.00	
AIR CONDITIONING		10.00	12.00	15.00	21.00	
COOKING		2.00	2.00	2.00	3.00	
a. Natural Gas		3.00	3.00	4.00	4.00	
b. Electric						
c. Radiant Gas						
OTHER ELECTRIC LIGHTING, REFRIGERATION, ETC		10.00	13.00	15.00	20.00	
WATER HEATING		5.00	5.00	8.00	10.00	
a. Natural Gas		7.00	11.00	12.00	13.00	
b. Electric						
c. Radiant Gas						
WATER		5.00	6.00	8.00	9.00	
SEWER						
TRASH COLLECTION		4.00	4.00	4.50	4.50	
RANGE		8.00	10.00	14.00	12.00	
REFRIGERATOR		8.00	10.00	10.00	12.00	
OTHER (Specify)						

ACTUAL FAMILY ALLOWANCES (To be used by family to compute allowances. Complete below for Actual Unit Rented)

APARTMENT NUMBER	
APARTMENT TYPE	
NUMBER OF ADULTS	

UTILITY OR SERVICE	PER MONTH
HEATING	\$
AIR CONDITIONING	
COOKING	
OTHER ELECTRIC	
WATER HEATING	
WATER	
SEWER	
TRASH COLLECTION	
RANGE	
REFRIGERATOR	
OTHER (Specify)	
TOTAL	



SECTION 8, EXISTING HOUSING ALLOWANCES FOR TENANT FURNISHED UTILITIES AND OTHER SERVICES

2-8-79

SPJ

CITY: Augusta

PROPERTY TYPE: DETACHED SINGLE FAMILY

MONTHLY DOLLAR ALLOWANCES

UTILITY OR SERVICE	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
HEATING						
a. Natural Gas		12.00	14.00	19.00	24.00	
b. Bottle Gas						
c. Oil						
d. Electric		18.00	22.00	28.00	36.00	
AIR CONDITIONING		13.00	17.00	21.00	29.00	
COOKING						
a. Natural Gas		2.00	2.00	3.00	3.00	
b. Electric		3.00	3.00	4.00	4.00	
c. Bottle Gas						
OTHER ELECTRIC LIGHTING, REGENERATION, ETC		10.00	13.00	18.00	20.00	
WATER HEATING						
a. Natural Gas		2.00	3.00	8.00	10.00	
b. Electric		3.00	11.00	12.00	13.00	
c. Bottle Gas						
d. Oil						
WATER		5.00	6.00	8.00	9.00	
SEWER						
TRASH COLLECTION		4.50	4.50	4.50	4.50	
RANGE		8.00	10.00	10.00	12.00	
REFRIGERATOR		8.00	10.00	10.00	12.00	
OTHER (Specify)						

ACTUAL FAMILY ALLOWANCES (To be used by family to compute allowance. Complete below for Actual Cost Renting)

UTILITY OR SERVICE

PER MONTH

NAME OF FAMILY

ADDRESS OF UNIT

NUMBER OF BED ROOMS

HEATING  
 AIR CONDITIONING  
 COOKING  
 OTHER ELECTRIC  
 WATER HEATING  
 WATER  
 SEWER  
 TRASH COLLECTION  
 RANGE  
 REFRIGERATOR  
 OTHER (Specify)  
 TOTAL

To: All Participants in the Section 8  
Housing Program of the Housing Authority  
of the City of Augusta, Georgia

Dear Sir/Madam:

This letter is to inform you of some important aspects of the Section 8 Housing Program and to seek your help in identifying some situations where Section 8 tenants may be making unnecessary utility payments. This letter is being sent with the approval and assistance of the Augusta Office of Georgia Legal Services Program (Legal Aid).

- (1) To tenants with leases which provide for payment of all utilities by the Landlord.

It has come to our attention that there may be tenants who have leases requiring the landlord to pay all or 100% utilities, where the landlord has requested or required the tenant to make some utility payments. The landlord should not require, or attempt to require, utility contributions from tenants who have such leases.

If your lease requires the landlord to pay all or 100% of utilities, but you have had the problem of the landlord asking you to pay some of the utilities, we want to see that you get assistance in correcting this problem. We ask that you contact Mr. C. A. Boardman, at the Housing Authority (724-5466) and let him know of your situation. He will immediately provide your name to Georgia Legal Services and you will be contacted with an offer of assistance.

- (2) Leases where the tenant receives a utility allowance and pays his or her own utilities.

Many of you have lease contracts that require you to pay your own utility bills. This is to advise you that the present utility allowance has been increased because of increased utility costs. The new allowance will mean that your rent will be reduced automatically or you will be provided additional funds to pay utilities to off-set these utility cost increases. This reduction will take place within ninety (90) days of the date you receive this letter.

(See Next Page, Please)

(3) Certain individuals may be eligible for direct payments to them.

Some participants in the Section 8 Program have income which is so low that they may be eligible to receive money from the Housing Authority to assist them with their utility payments. To be eligible for these payments:

- a. Your lease must provide that you are responsible for paying all of your own utilities;
- b. The utility allowance which is calculated for your apartment must be greater than your contribution to the rent.

If you believe that you are eligible for these contributions, please contact Mr. G. a. Boardman at 724-5466, and he will be happy to assist you.

Please be assured that your response to this letter will not in any way jeopardize your eligibility to participate in the Section 8 Program. This is an attempt to help you, if you are one of those persons who have been erroneously required to make utility payments where your lease puts this entire obligation on the landlord; or if you are eligible for contributions from the Housing Authority towards your utility payments.

Very truly yours,

J. MADDEN REID  
Executive Director  
Housing Authority of the City of Augusta, Georgia