

CAUSE NO. 380,393

MARIA ESTHER CARDENAS	§	IN THE COUNTY COURT
Plaintiff	§	
	§	
v.	§	AT LAW NUMBER TWO
	§	
APARTMENT INVESTMENT	§	
AND MANAGEMENT COMPANY	§	
(AIMCO); SAN JOSE	§	
PRESERVATION, L.P., d/b/a SAN	§	
JOSE APARTMENTS; and	§	
INGRAM SQUARE	§	
PRESERVATION, L.P., d/b/a	§	
INGRAM SQUARE	§	
APARTMENTS	§	
Defendants	§	BEXAR COUNTY, TEXAS

ORDER GRANTING PLAINTIFF'S MOTION FOR PARTIAL SUMMARY  
JUDGMENT AND DENYING DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT

The court heard Plaintiff's Motion to Enter Order Granting Plaintiff's Motion for Partial Summary Judgment and Denying Defendants' Motion for Summary Judgment on January 7, 2015. Having considered the arguments of the parties, the court enters the following order.

This case came on for hearing on December 4, 2014, on Plaintiff's Motion for Partial Summary Judgment and Defendants' Motion for Summary Judgment. Plaintiff, Maria Esther Cardenas, appeared through her attorneys of record, Fred Fuchs and C. Ilene Garcia of Texas RioGrande Legal Aid. Defendants, Apartment Investment and Management Company (AIMCO), San Jose Preservation, L.P., d/b/a San Jose

Apartments, and Ingram Square Preservation, L.P., d/b/a Ingram Square Apartments, appeared through their attorney of record, Paul Pilibosian of Hoover Slovacek LLP.

Having considered the pleadings, the summary judgment motions and attached summary judgment evidence, and arguments of both parties, the Court is of the opinion that Plaintiff is entitled to partial summary judgment, and that Defendants are not entitled to summary judgment. Therefore, Plaintiff's Motion for Partial Summary Judgment should be, and hereby is, GRANTED. Defendants' Motion for Summary Judgment should be, and hereby is, DENIED.

The court hereby DECLARES that Defendants' rental selection guidelines relating to applicants with a criminal conviction do not comply with the requirements of 42 U.S.C. § 13661(c), and the implementing regulations, because Defendants' guidelines do not provide for denial to federally assisted housing on the basis of criminal activity engaged in by the applicant during a reasonable time preceding the date the applicant would otherwise be selected for admission.

The court hereby ENJOINS Defendants, San Jose Preservation, L.P., d/b/a San Jose Apartments, and Ingram Square Preservation, L.P., d/b/a Ingram Square Apartments, both of which are multifamily apartment complexes with project-based Section 8 Housing Assistance Payments contracts and Low Income Housing Tax Credits, and Apartment Investment and Management Company (AIMCO), their management company, from utilizing the rental selection guidelines relating to criminal history challenged by Plaintiff Cardenas in this lawsuit.

The court hereby ORDERS Defendants, San Jose Preservation, L.P., d/b/a San


Jose Apartments, and Ingram Square Preservation, L.P., d/b/a Ingram Square Apartments, and Apartment Investment and Management Company (AIMCO), their management company, to immediately revise their rental selection guidelines to provide that any applicants for tenancy at San Jose Apartments or Ingram Square Apartments who seek to lease an apartment and who have a criminal conviction may be denied admission on the basis of such conviction only if the conviction occurred during a reasonable time preceding the date when the applicant would otherwise be selected for admission.

The relief granted in the foregoing paragraphs shall be enforceable against Defendants, jointly and severally.

It is further ORDERED that Defendants shall reconsider Plaintiff Cardenas's application for admission at both San Jose Apartments and Ingram Square Apartments after adopting revised tenant selection policies relating to applicants with a criminal conviction that comply with the requirements of 42 U.S.C. § 13661(c) and the implementing regulations. Defendants shall apply the revised tenant selection guidelines in reconsidering Plaintiff's application.

~~It is further ORDERED that Plaintiff is entitled to recover economic damages in the amount of \$22.00 and is accordingly awarded judgment against Defendants, jointly and severally, for the amount of Twenty-Two and No/100's Dollars (\$22.00).~~ e

Signed this the 7 day of January 2015.

  
Judge David J. Rodriguez  
County Court at Law # 3  
Bexar County, Texas

APPROVED AS TO FORM AND CONTENT:

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