

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

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Mary E. Scott, Candice K. Herzog,

Civil Action No. 10-cv-04118 MJD/LIB

Plaintiffs,

v.

**STIPULATION**

U.S. Department Of Housing And Urban  
Development, Housing And  
Redevelopment Authority Of Douglas  
County, a body corporate and politic,  
Jeffrey Schiffman, in his official  
capacity as Executive Director of  
Housing and Redevelopment Authority  
of Douglas County,

Defendants.

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WHEREAS, Defendant Housing and Redevelopment Authority of Douglas County passed Resolution Numbers 08-30-2010 and 08-30-2010A on August 30, 2010 which resulted in amendment of its Public Housing Authority 5-Year and Annual Plan and its Administrative Plan.

WHEREAS, Plaintiffs subsequently filed and served a Complaint dated October 1, 2010, challenging the passage of the Resolutions and other acts of the above-named Defendants.

WHEREAS, the above-entitled action has been fully compromised and settled,  
NOW THEREFORE, IT IS HEREBY STIPULATED by and between the parties hereto through their undersigned attorneys that the Court may enter an order as follows:

1. Following the entry of an Order pursuant to this Stipulation, the HRA will promptly adopt, and make effective as of December 1, 2010, the voucher payment standard that was effective during the month of September 2010 for the Section 8 Housing Choice voucher program which it administers, subject to the Annual Adjustment Factor issued by Defendant U.S. Department of Housing and Urban Development (HUD) in October 2010. This stipulation does not affect the ability of the HRA to adopt different voucher payment standards in the future.

2. The HRA stipulates and agrees that the households of plaintiffs Mary E. Scott and Candice K. Herzog have submitted documentation to qualify for a reasonable accommodation exception to the voucher occupancy standard that was adopted by the HRA on August 30, 2010. In order to facilitate resolution of this matter, the above-identified Defendants will not oppose the entry of an Order, declaring that the households of plaintiffs Mary E. Scott and Candice K. Herzog qualify for a reasonable accommodation pursuant to 42 U.S.C. Section 3604(f)(3)(B). The HRA stipulates and agrees that if such an Order is issued, under the reasonable accommodation, Ms. Scott and Ms. Herzog shall be entitled to a two-bedroom voucher occupancy standard based upon their current household size. The parties hereto, however, stipulate and agree that such Order will not affect the ability of the HRA to apply a different occupancy standard

to Ms. Scott and/or Ms. Herzog based upon any future change in circumstances that alters their entitlement to a reasonable accommodation.

3. Execution of this Stipulation will not limit the ability of the HRA to increase or decrease the number of voucher holders in the program, nor otherwise limit the HRA's administration of its program.


4. Judgment shall be entered and Plaintiffs' Complaint will be dismissed in its entirety, on its merits, with prejudice, without attorneys fees, costs or disbursements to any of the parties herein and without further Motion, but upon submission of an Affidavit by a Representative of the HRA certifying that the HRA has implemented the changes required by the Order to be entered pursuant to this Stipulation.

5. Pursuant to Rule 6(b)(1), Federal Rules of Civil Procedure, the parties stipulate and request that the Court order an extension for Defendant HUD to file an Answer or otherwise respond to the Complaint to January 3, 2011.

**Respectfully submitted,**

Dated: 11/29/10

**Housing Preservation Project**



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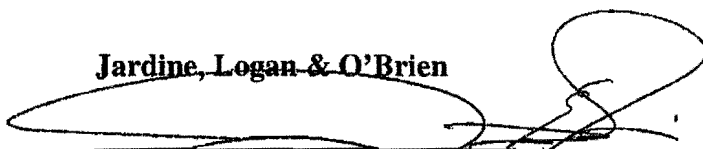
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Dated: 11/29/10

**Jardine, Logan & O'Brien**

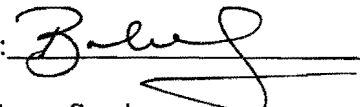


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Dated: 11/29/10

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