

1 Plaintiff Faye Rivers ("Rivers"), for her Complaint, alleges as follows:
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3 **INTRODUCTORY STATEMENT**

4 Plaintiff, a former recipient of a Section 8 housing subsidy, sues Defendants
5 Housing Authority of the County of Contra Costa ("HACCC"); Elizabeth Campbell,
6 Acting Director of Housing Assistance Programs for HACCC, in her official capacity;
7 Terri Lockett, Housing Assistance Manager for HACCC, in her official capacity; and Does
8 1-10. Defendants terminated Plaintiff's Section 8 housing subsidy by using the release of
9 information purportedly relating to her son's juvenile criminal record, but this use of his
10 juvenile file was not authorized under federal or California law. Defendants also denied
11 Plaintiff's right of due process, adequate notice, and a meaningful opportunity to be heard.

12 Plaintiff requests that this Court issue an order directing defendants to reinstate her
13 Section 8 housing subsidy, compensate her for damages suffered as a result of the
14 improper denial of housing assistance payments, cease the improper use of juvenile
15 records, and that this Court award her any and all relief that it deems proper and just.

16 **JURISDICTION AND VENUE**

17 1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331
18 because it arises under 42 U.S.C. § 1437d and 42 U.S.C. § 1983, and for redress of
19 violations of Plaintiff's rights under Federal Housing and Federal Civil Rights Laws.

20 2. Venue is proper in this Court under 28 U.S.C. § 1391 because the events at
21 issue occurred in this judicial district.

22 3. A number of claims asserted herein allege violations of state law, and arise
23 out of the same transaction or series of transactions on which the federal claims are based,
24 and therefore this Court has supplemental jurisdiction over these state law claims.

25 **PARTIES**

26 4. Plaintiff Faye Rivers, at all times relevant herein, resided in Contra Costa
27 County.
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1 14. Until April 2005, Faye Rivers' son lived with Faye and Lonnie Rivers at
2 their apartment in Contra Costa County. The Rivers paid \$439 in rent per month, and
3 Defendant HACCC paid \$611 per month to the landlord (total rent was \$1050 per month).

4 15 Faye Rivers' son, who is 18 years old, has been charged with involvement
5 in a capital crime that occurred on April 23, 2005 in a neighboring city in Contra Costa
6 County. The Contra Costa County District Attorney's Office has stated that to its
7 knowledge Faye and Lonnie Rivers had no involvement in the April 23 incident.

8 16. On or about May 9, 2005, and purportedly based on the April 23 Incident,
9 HACCC notified Faye Rivers that it would seek to terminate her Section 8 rental subsidy.

10 17. On May 12, 2005, Faye Rivers requested in writing that HACCC provide
11 her with an administrative hearing to determine whether HACCC properly proposed
12 termination of her Section 8 rental subsidy.

13 18. On June 14, 2005, HACCC conducted an administrative hearing before
14 Hearing Officer Laurel Weil. At this hearing, Defendant Terri Lockett introduced a
15 newspaper article as evidence of the April 23 Incident. At this hearing, Ms. Lockett also
16 introduced a letter from Deputy District Attorney Hal Jewett dated June 9, 2005. Counsel
17 for Rivers objected to both the newspaper article and the letter as hearsay. The Deputy
18 District Attorney's letter stated that, to his knowledge, Faye and Lonnie Rivers had no
19 involvement in the April 23 Incident. The Deputy District Attorney's letter also made two
20 specific allegations regarding the juvenile record of Faye Rivers' son.

21 19. Defendants at no time provided Faye Rivers with access to any portion of
22 the juvenile records of her son.

23 20. Defendants at no time before the administrative hearing on June 14, 2005
24 provided Faye Rivers with notice that any aspect of her son's juvenile record would be at
25 issue or potentially become a basis for termination of her housing subsidy.

26 21. The Hearing Officer ruled in favor of HACCC, relying on and specifically
27 citing the juvenile allegations against Faye Rivers' son as they were detailed in the Deputy
28 District Attorney's letter dated June 9, 2005, and upheld the termination of Faye Rivers'

1 Section 8 rental subsidy because the alleged juvenile offenses described in the Deputy
2 District Attorney's letter had not been reported to HACCC.

3 22 By letter dated July 28, 2005, Defendant Elizabeth Campbell provided Faye
4 Rivers with a copy of the administrative hearing decision upholding the termination of
5 Section 8 housing assistance payments.

6 23. Faye and Lonnie Rivers moved to a less expensive apartment, but their
7 housing costs have increased due to the loss of Section 8 housing assistance payments

8 FIRST CAUSE OF ACTION

9 **(Violation of Federal Housing Law: Unauthorized Release of Juvenile Records)**

10 24. Plaintiff realleges and incorporates by reference paragraphs 1 through 23 of
11 her Complaint as though fully set forth herein.

12 25. This Cause of Action is brought pursuant to 42 U.S.C. §§ 1437d(q)(1)(c)
13 and 1437(q)(7).

14 26. The above-described acts and omissions of defendants, and each of them,
15 violated Plaintiff's rights pursuant to 42 U.S.C. § 1437d(q)(1)(c) because defendants
16 terminated Faye Rivers' housing subsidy by using the release of information purportedly
17 relating to a juvenile's criminal conviction that was not authorized under California law

18 27. As a direct and proximate result of the acts, omissions, and violations
19 alleged above, Plaintiff suffered damages in an amount to be proven at trial.

20 28. Plaintiff also seeks injunctive and declaratory relief to remedy her loss of a
21 housing subsidy that was wrongfully terminated as a result of defendants' unlawful acts.

22 SECOND CAUSE OF ACTION

23 **(Violation of Federal Housing Law: Failure to Provide Juvenile Records)**

24 29. Plaintiff realleges and incorporates by reference paragraphs 1 through 28 of
25 her Complaint as though fully set forth herein.

26 30. This Cause of Action is brought pursuant to 42 U.S.C. §§ 1437d(q)(2) and
27 1437d(q)(7)

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1 based on the release of information purportedly relating to her son's juvenile criminal
2 record that was not authorized under federal or California law, and by denying Plaintiff her
3 rights to due process, adequate notice, and a meaningful opportunity to be heard,
4 defendants abused their discretion

5 48. Plaintiff has exhausted all available administrative remedies, and has no
6 plain, speedy, or adequate remedy at law

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8 **PRAYER**

9 WHEREFORE, Plaintiff prays for judgment as follows:

10 1 That Plaintiff be awarded damages according to proof, under Plaintiff's first
11 cause of action caused by defendants' violation of Plaintiff's federal housing rights
12 pursuant to 42 U.S.C. §§ 1437d(q)(1)(c) and 1437(q)(7);

13 2. That Plaintiff be awarded damages according to proof, under Plaintiff's
14 second cause of action caused by defendants' violation of Plaintiff's federal housing rights
15 pursuant to 42 U.S.C. §§ 1437d(q)(2) and 1437d(q)(7);

16 3. That Plaintiff be awarded damages according to proof, under Plaintiff's
17 third cause of action caused by defendants' violation of Plaintiff's federal housing rights
18 pursuant to 42 U.S.C. § 1983, and 42 U.S.C. §§ 1437d(k)(1) and 1437d(k)(3);

19 4. That Plaintiff be awarded damages according to proof, under Plaintiff's
20 fourth cause of action caused by defendants' violation of Plaintiff's federal civil rights
21 pursuant to 42 U.S.C. § 1983, and the United States Constitution, in particular but not
22 limited to, the Fifth and Fourteenth Amendment thereto;

23 5 That Plaintiff be awarded damages according to proof, under Plaintiff's fifth
24 cause of action pursuant to California Code of Civil Procedure §§ 1094.5 and 1094.6;

25 6 That the Court order defendants to reinstate Plaintiff's housing choice
26 voucher payments under the program known as "Section 8";

27 7. That the Court permanently enjoin defendants from using juvenile records
28 in violation of 42 U.S.C. § 1437d;

