

Ability Housing Settles Lawsuit with the City of Jacksonville
Jacksonville City Council approves settlement agreement at May 23 meeting

May 23, 2017 — Jacksonville, Fla. — The Jacksonville City Council today approved settlement agreements that would resolve three lawsuits brought against the City of Jacksonville to enforce the Fair Housing Act and the Americans with Disabilities Act.

The plaintiffs in the lawsuits — Ability Housing, Disability Rights Florida and the U.S. Department of Justice — separately negotiated the settlement agreements with representatives of Mayor Lenny Curry's administration in January.

Under the terms of the settlement, the City must amend its Zoning Code to strengthen protections for persons with disabilities; pay damages to the plaintiffs; create a \$1.5 million grant for the development of affordable housing; and implement training and compliance measures outlined by the Department of Justice.

"We are pleased this matter has come to a successful conclusion," said Shannon Nazworth, Executive Director of Ability Housing. "Jacksonville can now move forward knowing it has safeguards in place to ensure the rights of persons with a disability are not impinged. We want to thank everyone for the hard work and diligence in ensuring what the Jacksonville City Council passed this evening is in the best interest of all of the City's residents. Ability Housing looks forward to returning to our regular business of creating quality housing for families in need."

The council's approval of the settlement ends a three-year legal dispute that started when Ability Housing announced in March 2014 its plans to purchase a 12-unit apartment building in the Springfield neighborhood to provide permanent supportive housing for disabled homeless veterans.

In May 2014, at the request of a community member, the City of Jacksonville issued an official written interpretation of the Zoning Code stating that although the apartment building was zoned for apartments, Ability Housing's plan was illegal under the Springfield Zoning Overlay because the persons living in the apartments would have disabilities and would potentially receive services related to their disabilities.

Ability Housing attempted to proceed with the project and, with attorneys from Akerman LLP, worked to convince the City that Ability Housing, as a provider of housing for persons with a disability, has rights under the Fair Housing Act and Americans with Disabilities Act to provide housing in any neighborhood without discrimination based on the disabilities of the residents. However, in July 2015, the City denied Ability Housing's Certificate of Use (COU) application.

Ability Housing appealed the denial in an October 2015 hearing before the City's Certificate of Use Appeals Board, which denied the appeal because the 12-unit building's residents would all have disabilities. Because it could not receive requisite City approvals, Ability Housing lost almost \$1.4 million in grant funding and the opportunity to provide housing to twelve veterans with disabilities.

In November 2015, Ability Housing filed suit against the City of Jacksonville for violations of the Fair Housing Act and the Americans with Disabilities Act. Disability Rights Florida, a federally funded nonprofit whose mission is to enforce rights of persons with a disability, filed a separate lawsuit the same month; the two suits were later consolidated. The U.S. Department of Justice began an investigation into this matter in late 2015 and filed suit against the City in December 2016.

Akerman LLP represented Ability Housing pro bono in the lawsuit.

“Ability Housing would not have been able to proceed with this action without the pro bono service of the Akerman firm,” said Nazworth. “They invested greatly in the successful resolution of this litigation, and should be commended for their efforts to protect the civil rights of persons with a disability.”

The settlement agreement with Ability Housing and Disability Rights Florida was brought forward to the council as part of Ordinances 2017-36 and 2017-69. The settlement agreement with the U.S. Department of Justice was brought forward to the council as part of Ordinances 2017-36 and 2017-68.

The council voted 16-3 to approve Ordinance 2017-36, which amends the Zoning Code to include a statement of intent that it be interpreted consistent with civil rights laws; creates a process for persons with disabilities to request and receive a reasonable accommodation from the Zoning Code if required due to their disability; recognizes the rights of persons with disabilities to receive supportive services for their disabilities in their homes; and removes unique prohibitions on housing designed to serve persons with disabilities from the Springfield Zoning Overlay District, thereby making it consistent with the zoning requirements elsewhere in Jacksonville. The reforms to the zoning code were a critical part of the negotiated settlement.

The council voted 18-1 to approve Ordinance 2017-69, which settles claims by Ability Housing and Disability Rights Florida. Ability Housing will receive \$400,000 and Disability Rights Florida will receive \$25,000 for a portion of their fees, expenses and costs. The City of Jacksonville must also award a \$1.5 million grant for permanent supportive housing for persons with disabilities, to be awarded through a competitive grant process. Ability Housing will be eligible to compete for and receive the grant.

The council voted 17-2 to approve Ordinance 2017-68, a proposed consent decree that was negotiated to settle the lawsuit filed by the U.S. Department of Justice. Under the terms of the decree, the City would be under court order to comply with the Fair Housing Act and Americans with Disabilities Act. The decree would also demand that the City designate a Fair Housing Compliance Officer; require Fair Housing Act and Americans with Disabilities Act training for all City representatives with duties related to the planning, zoning, permitting, construction, code enforcement or occupancy of housing; file biannual compliance reports with the U.S. Department of Justice; and pay a \$25,000 fine to the United States Treasury. The proposed consent decree is subject to review and approval by the Federal District Court.

ABOUT ABILITY HOUSING:

Ability Housing is a Florida nonprofit that strengthens communities by creating quality housing that ends homelessness for hundreds of individuals, families, and persons with a disability; the housing is linked with wrap-around services so all residents have a network of support. Ability Housing maintains safe, stable properties that improve the quality of neighborhoods. Ninety-five percent of Ability Housing’s residents maintain their housing.

For more information, visit www.abilityhousing.org, like the organization on Facebook (www.facebook.com/abilityhousing) and follow Ability Housing on Twitter ([@AbilityHousing](https://twitter.com/AbilityHousing)).