

# Justice for All

## Why Ability Housing took on City Hall — and Won!

By Shannon Nazworth,  
Executive Director of Ability Housing



Ability Housing takes its mission to heart. “Building strong communities where everyone has a home” is more than a phrase we include on grant applications; it is the reason we come to work every day. That mission is also why, in 2015, Ability Housing filed a lawsuit against the City of Jacksonville for violating the Fair Housing Act and the Americans with Disabilities Act.

### Background:

In 2014, Ability Housing announced plans to purchase and renovate a 12-unit apartment building in Jacksonville’s Springfield neighborhood to provide permanent supportive housing for disabled veterans.

We selected this building for multiple reasons, including its proximity to a VA Clinic, public transportation, and educational opportunities at a nearby state college. City officials initially said our project was zoned appropriately; however, that changed after a group of Springfield residents mobilized to oppose the project.

For more than a year, we worked with our legal team to convince the City that denying the project was a violation of the Fair Housing and Americans with Disabilities Acts. However, in July 2015 the City denied our Certificate of Use application, stating the residents’ disabilities as a key factor.

After an appeal of the decision was again denied, we filed suit in federal court against the City of Jacksonville in

November 2015. Disability Rights Florida, a federally funded protection and advocacy group, also filed suit. The U.S. Department of Justice began an investigation into this matter in late 2015 and filed suit against the City in December 2016.

### Why We Went To Court:

Ability Housing lost nearly \$1.4 million in grant funding and pre-development expenses. The financial loss was substantial; but, we were more concerned by the City’s violation of the rights of people with a disability.

While it was a very important decision, it was not a difficult one for our board. Each member is deeply passionate about the quality of life of the people we serve. A heated community meeting with neighborhood representatives opposing the project only solidified their commitment to fighting this injustice.

### How We Made Our Case:

Our case was strong. The denial referenced the disability status of the intended residents as a basis for the decision. There were multiple public comments demonstrating

discrimination, a voluminous amount of discovery, and depositions from a myriad of perspectives related to the project and suit — including one community member who spent over \$100,000 opposing the project.

After almost a year of litigation, settlement agreements were reached between Ability Housing, Disability Rights Florida, the U.S. Department of Justice, and the City of Jacksonville. The Jacksonville City Council approved the settlement in May 2017.

Under the terms of the settlement, the City amended its Zoning Code to strengthen protections for persons with disabilities; paid damages to the plaintiffs; will create a \$1.5 million grant for the development of supportive housing; and is implementing training and compliance measures outlined by the Department of Justice.

### What Other Nonprofits Can Learn:

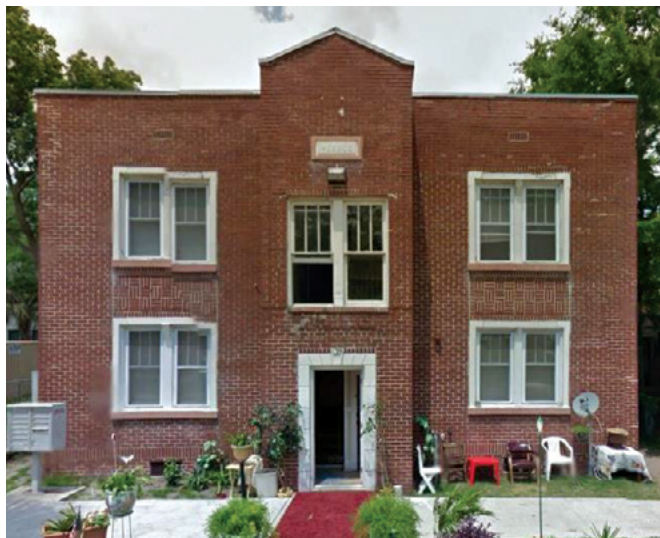
Ability Housing is a small nonprofit organization; we did not have hundreds of thousands of dollars to spend on legal fees. Thankfully, Akerman LLP took on our case pro bono. We are deeply grateful for their support.

While no developer wants to end up in the position we faced, the experience taught us lessons that may prove helpful for our colleagues with similar challenges:



SHANNON NAZWORTH

**Sharon Nazworth** is the executive director of Ability Housing, Inc. Headquartered in Jacksonville, Ability Housing serves Northeast and Central Florida, providing high quality affordable and supportive housing with a focus on meeting the needs of individuals and families experiencing or at risk of homelessness and adults with a disability. She is also the board president of the Florida Supportive Housing Coalition and chair of Florida's Council on Homelessness.



The 12-unit apartment building in Jacksonville's Springfield Neighborhood that was the subject of litigation.

**Find allies.** A strong legal team is essential; you will need them as a long-term ally in your fight. Find other allies, as well. Do not assume like minded peers will support your cause. Engage stakeholders by communicating ways they can demonstrate support and engage decision-makers.

**Know the law, and make sure others do too.** We quickly learned that several stakeholders in this matter — from City Council members to the media — did not know the full

scope of the Fair Housing Act and the Americans with Disabilities Act. Proactive and reactive media relations, one-on-one meetings, and consistent website and social media updates were key parts of our strategy.

**Defend your rights as a developer.** Developers who specialize in housing for persons with a disability have specific rights under the Fair Housing Act and the Americans with Disabilities Act, including the right to claim a violation of civil rights without fear of retaliation.

This experience challenged our team in many ways, and the costs far surpassed strictly legal expenses. But throughout we never wavered in our knowledge that the people we serve deserved nothing less than an ardent defense of their right to live in any neighborhood of their choosing. **HNN**

**EDITOR'S NOTE:** An alternative method for resolving land use disputes that involve affordable housing is found in Florida Statute 760.26, Florida's Fair Housing Act. The beauty of this law is how it works in tandem with Florida's Property Rights laws found in Chapter 70, Florida Statutes, to provide a quick dispute resolution process in front of a local magistrate, rather than having the expense and delay of bringing a court case. Contact the Florida Housing Coalition for more information.