

UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

FILED
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U.S. DISTRICT COURT
NEW HAVEN, CONN.

NORWALK BRANCH NAACP,)
Plaintiffs,)
vs.)
CITY OF NORWALK,) Case No.: No. B 84 641
Defendant.)
) SECOND AMENDED CONSENT DECREE
)

This Second Amended Consent Decree replaces the Consent Decree dated May 16, 1986, the Joint Submission Clarifying the Consent Decree dated September 4, 1986, and the amendment dated November 16, 1987. The parties hereby stipulate and agree that the judgment entered in 1986 in favor of the Plaintiffs, without damages, is hereby amended.

1. The parties hereby stipulate and agree that they enter into this agreement for reasons of public policy, and in the sincere desire by all parties to build much needed low and moderate income housing for Norwalk residents, to take full advantage of currently available federal housing subsidy funds to achieve this goal, and to avoid the loss of federal housing and development funds in the future. In no event does this settlement constitute an admission of liability by the City of Norwalk for any alleged violation of Title VIII of the Civil Rights Act of 1968 (42 U.S. C. 3601 et seq.) or other federal, state or local law, or ordinance concerning fair housing.

2. All parties recognize that future efforts may be made by the City or Housing Authority to convert rental housing to co-operative or condominium housing at the BCVA site.

3. The Defendant, City of Norwalk, will create the position of Fair Housing Officer, and allocate funds for salary and support services and staff the position by September 1, 1986. The position will be located in the Office of the Redevelopment

Agency and will be under only administrative supervision by the executive director of that agency. The parties may, upon agreement, change the location of the position and the administrative supervisor. The city shall make available a room that upon request by the FHO, to be used for interviews and meetings with clients.

4. The Fair Housing Officer will file an annual report at the end of the city's fiscal year to the Fair Housing Advisory Commission regarding his/her activities and findings and regarding enforcement and compliance in the city under title VIII and the city's Housing Equal Opportunity Ordinance Chapter 59a of the City Code. Upon acceptance by the Fair Housing Advisory Commission, the report shall be submitted to the Mayor, the Housing Site Development Agency and other appropriate city commissions and agencies. The Fair Housing Officer will be accessible to the Mayor and the Housing Site Development Agency as required.

5. The City of Norwalk will create, by ordinance, a Fair Housing Advisory Commission by August 1, 1986 to advise and assist the development and implementation of the City's Fair Housing policy and program. Membership, which members shall be appointed by the Mayor with the approval of the Common Council, shall include one representative from the 1) NAACP, 2) NEON, 3) Housing Authority, 4) Human Relations Commission, 5) Connecticut Legal Services, Inc. 6) Housing Site Development Agency, and 7) two mayoral nominees, one of whom will be designated as chair. The Commissioners shall be electors of the City of Norwalk throughout their term. The City Ordinance shall describe the length of terms of Commissioners and interim replacements in the event of incapacity or resignation. The interim replacement Commissioners shall be appointed according to the same procedures as other Commissioners.

6. The mayor shall also nominate a vice-chair, who shall be subject to confirmation by a majority vote of the full membership of the FHAC and who shall preside in the absence of the chair. The FHAC may elect such other officers it deems necessary. The officers shall serve for a one year term or until a successor is appointed.

7. The terms of members of the FHAC terminate at the expiration of the term as designated. The Mayor shall notify the member organizations designated in the ordinance two months before the expiration of the term of each organization's representative on the Fair Housing Advisory Commission. A designated organization may submit a name of a

new member or the re-nomination of the sitting member in time for the Mayor to act on filling the vacancy before the expiration of the term. In the event that the designated organization does not submit a nominee in a timely fashion, the incumbent's term shall end at the conclusion of his/her term. If the Mayor is at fault for not making a timely appointment at the expiration of the Commissioner's term after the organization has submitted a nominee, the organization's incumbent shall serve until a successor is appointed. If the NAACP or other designated organization nominates a person to the FHAC, but the Mayor refuses to submit that person's name to the Common Council or if the Council refuses to approve the Mayor's appointment, any incumbent Commissioner representing the designated organization shall remain in office pending the outcome of the dispute.

8. The Fair Housing Advisory Commission shall monitor private and public housing practices for compatibility with fair housing objectives, identify problem areas, and make recommendations to the Mayor, Common Council, Housing Site Development Agency and other appropriate City agencies and Commissions. In addition it shall develop policy statements internal and external communication techniques, and recommend housing programs. The Fair Housing Officer shall act as staff to the FHAC in these endeavors.

9. The Fair Housing Advisory Commission may, subject to the provisions of the Freedom of Information Act, conduct an evaluation of the Fair Housing Officer in a meeting where at least six commissioners are present, after a vote by at least five commissioners in favor of the evaluation. The completed evaluation will be placed in the Fair Housing Officer's personnel file, along with any comments concerning the evaluation filed by the Fair Housing Officer. This procedure does not preclude the Executive Director of the Norwalk Redevelopment Agency from conducting a similar evaluation for the areas in which he or she supervises the Fair Housing Officer.

10. The Fair Housing Advisory Commission, upon a vacancy in the position of Fair Housing Officer, shall, after review of résumés and interviews, recommend the selection of the Fair Housing Officer and submit his/her name to the Housing Site Development Agency (HSDA), who shall ratify such recommendation, unless good cause is shown. In the event that the Fair Housing Advisory Commission recommends that the

Fair Housing Officer should be terminated for unsatisfactory performance or other cause, such recommendation shall be submitted to the Housing Site Development Agency for approval, unless good cause is shown. The HSDA's determination of whether good cause exists in the above-cited cases of hiring and termination shall be final and binding on the FHAC. However, in the case of a recommendation for the termination of the present incumbent Fair Housing Officer, the HSDA shall submit the FHAC's recommendation, along with a report from the HSDA, jointly to the Mayor and to the Executive Director of the Norwalk Redevelopment Agency. These individuals shall jointly make the final decision whether good cause exists to reject the FHAC's recommendation. Their joint determination shall be final and binding on the FHAC.

11. The Fair Housing Officer shall prepare a proposed budget for the Fair Housing Office and submit it to the Fair Housing Advisory Commission. Any proposed expenditures for the Fair Housing Office by the Redevelopment Agency shall be included in the budget. The Fair Housing Advisory Commission shall make any revisions to the budget, and timely submit it through the City budget process for grant agencies. Nothing in this section shall be construed to limit the ability of the Finance Director, the Board of Estimate and Taxation, or the Common Council to obtain information directly from the Executive Director of the NRA or from the FHO concerning the budget of the Office.

12. The job description for the Fair Housing Officer is attached as Exhibit "A", but the job description may be amended by agreement of the parties.

13. The Fair Housing Advisory Commission may accept outside funds. The Fair Housing Advisory Commission may, as permitted by the City Code and in a manner approved by the Finance Director, solicit and accept outside funds, gifts or bequests, public or private, with the assistance of the Fair Housing Officer, consistent with the purpose of the Commission, in order to finance its activities. The outside funds cannot be used to advance or pay the salary of the Fair Housing Officer. The City may reasonably consider the receipt of outside funds when considering the budget of the Fair Housing Office.


14. The Defendant, City of Norwalk, through its Common Council, will recommend to the Planning and Zoning Commissions of the City of Norwalk that new zoning ordinances be adopted to provide for appropriate density bonuses for new or

substantially rehabilitated multi-family residential development in which a percentage of the units will be made available to low and moderate income persons.

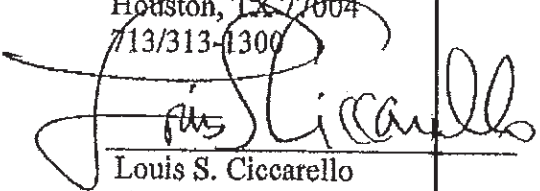
15. No City official or agency will attempt to coerce, intimidate, threaten, interfere with or, otherwise retaliate against, any complainant or anyone who aided or encouraged any complainant in the exercise of his/her rights granted and protected by the Fair Housing Act.

16. Any provisions in the City Ordinance Sections 59A-11 through 59A-15 inclusive, or the Consent Decree, concerning the Fair Housing Advisory Commission and the Fair Housing Officer that are inconsistent or contrary with the Second Amended Consent Decree shall be amended. The City will amend the ordinance in its normal procedure, after the Mayor drafts and submits to the Common Council an amended ordinance. The Mayor shall review his draft with the NAACP and the parties shall agree on the final draft before submitting it to the Common Council. The ordinance, inter alios, shall reflect the hiring, firing, evaluation and budget terms, as well as the relationship between the FHO and the FHAC as set out in the Second Amended Consent Decree. Additionally, Sections 59A-12A and C; Section 59A-13, first sentence; and Sections 59A-14 and 59A-15 shall be amended to conform the language therein to the language of the Second Amended Consent Decree and the Stipulation of January 17, 2003. Any future amendments to the City Ordinance shall be made by consent of the parties.

Respectfully submitted,



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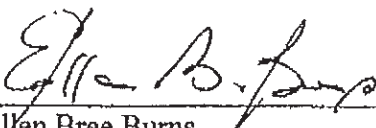


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ORDER

IT IS SO ORDERED

Dated this ^{1st} day of *Mar*, 2004



Ellen Bree Burns
United States District Court Judge

JOB DESCRIPTION

Title: Fair Housing Officer

Department: Norwalk Redevelopment Agency

Position Definition:

Organizes, coordinates and administers the fair housing plan for the city and oversees and performs the investigation of fair housing complaints.

General Duties:

Serves as support staff for, and attends the monthly meetings of, the Fair Housing Advisory Commission (FHAC). Assists the Commission in developing policy statements, fair housing programs, outreach, and an Annual Plan of Action. Assists the Commission in implementing its decisions and policies and in accomplishing its duties under Norwalk Code Section 59A-14 or as it may be amended. Keeps the FHAC informed of the activities of the Fair Housing Office. Prepares a proposed budget for the Fair Housing Office and submits it to the FHAC, which is responsible for revising and submitting it in accordance with the City budget process for grant agencies.

Establishes work procedures. Establishes priority of work tasks for the Fair Housing Office in cooperation with the FHAC. In consultation with city leaders, policy makers, the NRA, the Human Relations Commission (HRC), and community agencies and groups, and in cooperation with the FHAC drafts a Fair Housing Plan for the city. Prepares short and long-range plans for implementing and monitoring the Fair Housing Plan. Participates in the drafting of reports that are required by governmental agencies as a condition of receiving local, state or federal monies related to housing. Evaluates, analyzes, and conducts studies of local housing patterns and practices, fair lending practices, and economic and social trends relevant to fair housing and develops recommendations. Advises the Mayor, the NRA, the FHAC, and other appropriate entities on housing and economic issues that may impact citizens and groups of citizens, including special interest groups. Advocates for needed legislation. Prepares narrative and statistical reports for the Executive Director, the Mayor and the FHAC upon request. Conducts outreach to affected groups of residents. Prepares and distributes written materials to promote citizen awareness of housing services and needs. Speaks to social, cultural, religious and civic organizations on housing. Attends related housing meetings evenings or weekends as necessary. Remains current on issues and laws related to fair housing and is a source of information on landlord/tenant law and housing

discrimination. Prepares and submits an annual report according to the provisions of the Consent Decree of 1986 or as it may be amended.

Receives housing discrimination complaints from individuals and groups. Investigates complaints of housing discrimination patterns and practices and prepares recommendations for the City and agencies. Recruits, trains, and supervises volunteer testers to test in response to housing discrimination complaints. Solicits cooperation from other City departments in the investigation of complaints. Acts as ombudsman in investigating and resolving problems related to fair housing. Assists residents in the filing and pursuit of complaints to the HRC, the state Commission on Human Rights and Opportunities, or other appropriate enforcement body. Provides advocacy and/or testimony as appropriate at fair housing enforcement hearings. Maintains a list of private, pro bono attorneys who will assist residents who opt to file complaints with the State of Connecticut or in court. Works in cooperation with local, state, and federal officials, as well as private agencies and organizations to implement local fair housing/fair lending objectives.

Supervision:

Reports to, and receives day-to-day managerial supervision from the Executive Director and Assistant Director of the NRA. Receives policy advice and direction from the FHAC in those areas relating to the duties of the FHAC. Supervises volunteers and support staff.

Qualifications Profile:

The skills and knowledge required would generally be acquired with a Bachelor's Degree in race relations, sociology, urban studies, or other social science, and at least two years of responsible housing, discrimination, or community relations work that includes some administrative experience. Some law background and a working knowledge of Spanish or French are highly desirable. Two years of college and at least three years' successful experience as a fair housing officer in an urban setting may be considered in lieu of a Bachelor's Degree.

The candidate must possess the following abilities and knowledge: ability to work independently; ability to organize groups of people with divergent backgrounds into working committees to address housing problems; ability to defuse hostile situations; ability to research issues; ability to prepare written materials for public dissemination; ability to speak to groups of people, including the media, in a clear and concise manner; ability to supervise; ability to investigate complaints; ability to interview effectively; ability to advocate; a working knowledge of the legal system, especially as it pertains to fair housing; capacity to operate in all neighborhoods in the city and to be comfortable with people regardless of their circumstances; and a knowledge of, and respect for sociocultural and ethnic differences. The candidate should also possess skills in writing and client record-keeping; ability to prepare budgets and financial reports; ability to recruit, train, and supervise volunteers to be testers; ability to analyze and evaluate tester

data and generate enforcement action; and an ability to initiate creative approaches to problems and programs.

License or Certificate:

Required degree and a current motor vehicle operator's license:

Salary Level:¹ [blank]

Job Classification: Professional/Administrative/Exempt²

The description is illustrative of tasks and responsibilities. It is not meant to be all-inclusive of every task or responsibility.

¹ The salary amount will vary in the future in accordance with pay scales developed by the Norwalk Redevelopment Agency. As of October 2003, the Redevelopment Agency did not have an official pay policy for the Fair Housing Officer. The NAACP needs to know the salary for the FHO.

² This is a newly proposed, but not yet adopted, personnel job classification proposed by the executive director of the Norwalk Redevelopment Agency. The NAACP, to the extent the FHO position is a part of the Consent Decree, believes that the Redevelopment Agency must not violate any fair labor standards and other employment law regarding the increase in the job classification and the elimination of compensatory time for the Fair Housing Officer.

As a result of the uncertainty in the classification of the FHO, the parties will limit the agreement. Therefore, the parties agree on all other parts of the Job Description at this time, except for the job classification. The job classification and the compensatory time depend on the adoption of a new personnel policy by the Norwalk Redevelopment Agency.

Mayor Alex Knopp for the City of Norwalk  12/11/03
November , 2003

Initialed by John Brittain for the NAAACP  November 13, 2003