

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO.

24-0035 E

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

BOSTON HOUSING AUTHORITY,

Defendant.

JOHN E. POWERS III
ACTING CLERK IN CHARGE
2024 JAN - 5 P 1:20
SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE

COMPLAINT AND JURY TRIAL DEMAND

1. The Commonwealth of Massachusetts brings this action against the defendant, Boston Housing Authority ("BHA" or "Defendant") for repeatedly violating the state's fair housing laws. Over a period of several years, BHA unlawfully failed to provide reasonable accommodations for its tenants, Christina Crawford and her two minor nieces, D.C. and A.C. Ms. Crawford and her nieces, who live together, have disabilities that make them particularly susceptible to environmental irritants and unsanitary conditions. Between 2020 and 2023, BHA failed to respond to Ms. Crawford's repeated requests to transfer out of an apartment that had severe sanitary code violations – including an unmitigable rodent infestation and black mold – that were having a serious negative impact on the family's health because of their disabilities. After BHA finally responded to Ms. Crawford's requests and transferred the family to a new apartment, it unlawfully failed to grant her requests for reasonable modifications in the new unit.

2. As detailed below, the Commonwealth asserts that Defendant's failure to grant the Crawfords reasonable accommodations and modifications based on their disabilities violated

the Massachusetts Anti-Discrimination law, G.L. c. 151B §§ 4(6) and 4(7A) and Boston Fair Housing Act, MA Acts of 1994, c. 37, § 5. The Commonwealth seeks injunctive relief, compensatory damages and punitive damages, civil penalties, and attorneys' fees and costs.

3. This action incorporates an administrative complaint filed against BHA by its tenant, Christina Crawford, with the Boston Fair Housing Commission pursuant to the Boston Fair Housing Act.

Parties

4. Plaintiff Commonwealth of Massachusetts is represented by and through its Attorney General, whose principal place of business is located at One Ashburton Place, Boston, Massachusetts. The Attorney General is authorized to bring this action pursuant to G.L. c. 12, § 10 and G.L. c. 151B, § 9.

5. Defendant Boston Housing Authority is a public housing authority organized pursuant to G.L. c. 121B and 42 U.S.C. §1437d. BHA receives federal and state funding to provide housing programs to low-income individuals and families. BHA's main office address is 52 Chauncy Street, Boston, MA 02111.

6. BHA owns and operates more than 50 public housing developments in the City of Boston, including the apartments located at 20A Ames Street, Dorchester, MA 02124 and 194 D Street, South Boston, MA 02127 at issue in this complaint.

Jurisdiction & Venue

7. The Court has jurisdiction over this action and the power to grant the relief requested under G.L. c. 151B, § 9 and G.L. c. 214 §1.

8. Venue properly lies in Suffolk County pursuant to G.L. c. 151B § 9, because it is the county in which the unlawful and discriminatory conduct occurred.

Administrative Procedural History

9. On December 11, 2022, Christina Crawford filed a complaint with the Boston Fair Housing Commission (“BFHC”), alleging that Defendant refused to accommodate her and her nieces’ developmental, mental and physical disabilities.

10. On June 5, 2023, BFHC issued a determination finding probable cause to believe that Defendant failed to make a reasonable accommodation based on Ms. Crawford’s and her nieces’ disabilities.

11. On June 7, 2023, Ms. Crawford elected judicial determination. BFHC subsequently dismissed the administrative proceeding and transferred the complaint to the Office of the Attorney General. Defendant agreed to toll the Commonwealth’s deadline to file the complaint through January 5, 2024.

Facts

12. On or around November 14, 2016, Ms. Crawford and her two minor nieces A.C. and D.C. moved into an apartment at 20A Ames Street in Dorchester (“20A Ames”), within BHA’s Franklin Field Development.¹ The move resulted from a reasonable accommodation transfer for Ms. Crawford’s mother, Betty Crawford, to a four-bedroom single-level unit anywhere in the city to accommodate her mobility impairment.

13. A.C. and D.C. have disabilities. Both A.C. and D.C. have been diagnosed with asthma and various developmental and mental disabilities which negatively impact major life activities. For example, their asthma and chronic environmental allergies require attentive management with daily medication and close monitoring, and their developmental and mental

¹ Ms. Crawford and her nieces initially lived together with Ms. Crawford’s mother, who was the primary BHA tenant and head-of-household. Ms. Crawford’s mother died in 2022, at which point Ms. Crawford applied for Residual Tenancy Status with BHA according to BHA’s Residual Tenancy Policy. Ms. Crawford was granted Residual Tenancy Status on March 6, 2023.

health diagnoses require behavioral therapy and housing that provides them with the ability to have their own respective bedrooms.

14. Due to their disabilities, A.C. and D.C. are particularly susceptible to environmental hazards. In particular, both A.C. and D.C. have a medical need for housing that is clean and free from dust, mold, and other unsanitary conditions for their therapeutic, behavioral, and mental health needs to be met.

15. When the Crawfords moved into 20A Ames, it was infested with mice and other pests.

16. Pest infestation problems were chronic and widespread at the Franklin Fields Development.

17. BHA was aware of these issues. The infestations were regularly reported in routine inspection reports prepared by BHA's extermination contractors. But BHA had failed to eliminate the problem.

18. The infestation at 20A Ames – which grew worse over time – created unsanitary and unsafe conditions for the Crawford family. For example, the radiators in the apartment were filled with mice droppings, there were droppings and chewed holes in all the furniture despite routine cleaning, and the entire family was living in fear of seeing mice, at times seeing more than five mice every hour. Ms. Crawford, her mother, and the children did not want to cook or eat in the unit due to fear of contamination by mice droppings and urine.

19. The pest infestation was not the only issue with the 20A Ames apartment. In late 2018, Ms. Crawford also began to notice a strong mildew smell in the unit, and noticed black mold forming on the ceiling of the upstairs bathroom and the first-floor bedroom.

20. The conditions at 20A Ames significantly exacerbated A.C. and D.C.'s

disabilities, leading to A.C. and D.C. having around two to three emergency medical visits every month. Upon every visit, A.C. and D.C. received increased asthma medication to address their increasingly severe symptoms.

21. In response to these problems, in October 2019, Ms. Crawford contacted her nieces' doctor, who then contacted the City of Boston Breathe Easy program and requested an inspection of the unit by the Boston Inspectional Services Department ("ISD").

22. On October 24, 2019, ISD inspected the apartment and found violations of the State Sanitary Code, including evidence of the continuing rodent infestation and black mold.

23. BHA was notified of the results of the inspection but failed to take effective steps to address the violations. For example:

24. In early November 2019, BHA made a single attempt to address the mold by spraying bleach and applying paint to parts of the ceiling. The black mold returned quickly and spread throughout the apartment.

25. BHA took no new or additional action to address the rodent infestation. Instead, it continued the same routine extermination program that it had been conducting for years. These limited, periodic exterminations remained ineffective, and the infestation worsened.

26. As a result of BHA's failure to effectively address the conditions in the apartment, A.C. and D.C.'s health continued to suffer, regularly resulting in emergency visits to the hospital for constant coughing and difficulty breathing.

27. Starting around 2020, the rodent infestation and its effects on A.C. and D.C.'s health became so severe that Ms. Crawford and the children had to leave 20A Ames and stay temporarily at friends' and family members' houses several times a month, often for several days at a time. During the period that they were forced to live with others, A.C. and D.C. were unable

to have their own respective bedrooms.

28. When the family did have to stay in the apartment, A.C. and D.C. were too afraid to sleep in their own beds after the family found mice in one of the beds. As a result, Ms. Crawford, her mother, and A.C. and D.C., had to sleep altogether in her mother's bedroom on the bottom floor, where the infestation was significantly worse, because her mother could not access the upstairs bedrooms due to her mobility impairments.

29. As a result, on December 29, 2020, Ms. Crawford requested to be transferred out of 20A Ames as an accommodation based on her nieces' disabilities. She mailed BHA a copy of a provider letter from A.C. and D.C.'s doctor at Boston Medical Center which notified BHA of A.C. and D.C.'s disabilities and explained their disability-related need for new housing which was free of dust and mold, which was not infested with rodents, and which provided A.C. and D.C. with the ability to have separate bedrooms.

30. In response to this reasonable accommodation request, BHA did not take any action to transfer the family to a unit that met their medical needs.

31. BHA also continued to fail to effectively address the conditions at 20A Ames. Throughout 2020 and continuing into 2021, it continued the same routine pest control services which had failed to eliminate the infestation problem over the last several years.

32. As a result, on May 6, 2021, Ms. Crawford made a second accommodation request to be transferred out of 20A Ames to a new apartment. She mailed BHA a copy of a second provider letter from A.C. and D.C.'s doctor. In this letter, their doctor notified BHA that the mice infestation was "is in fact getting worse rather than improving." The doctor again stated A.C. and D.C.'s disability-related need for new housing clean and free from dust and mold, that was not infested with mice and other pests, and which provided them with the ability to have

separate bedrooms.

33. Defendant again failed to respond to this reasonable accommodation request for a transfer. Instead, BHA continued to send out the same ineffective extermination services to the unit.

34. Ms. Crawford made significant efforts to attempt to mitigate the problems caused by the continuing rodent infestation. She purchased her own mouse traps and cleaning supplies and cleaned the apartment constantly, frequently removing mouse droppings at least two times a day.

35. But, despite these efforts, the conditions in the apartment continued to severely exacerbate her nieces' health conditions, particularly their asthma. A.C. and D.C. developed chronic coughs and difficulty breathing. Ms. Crawford was forced to take them to the hospital for emergency care for these symptoms approximately two to three times a month.

36. On January 28, 2022, Ms. Crawford made a third request to be transferred to a new apartment as an accommodation. She mailed BHA a third provider letter from A.C. and D.C.'s doctor reiterating their disability-related need for a transfer to a unit because of the severe, longstanding mouse infestation and black mold issues and their inability to have separate bedrooms.

37. Ms. Crawford also mailed to BHA a letter from her own doctor at Boston Medical Center. The letter gave BHA notice of Ms. Crawford's own disabilities, including difficult-to-manage diabetes and recurrent venous thromboembolism, and explained her medical need for a transfer to appropriate housing, as Ms. Crawford's extraordinary efforts to mitigate the conditions of the unit were having a detrimental effect on her medical condition.

38. In response to this third request, Defendant again failed to initiate a transfer to a

new unit. Instead, BHA continued to send out the same ineffective extermination services.

39. On August 23, 2022, Ms. Crawford requested another inspection of the unit by the ISD. The resulting inspection found the same State Sanitary Code violations at 20A Ames as in October 2019, including evidence of the continuing rodent infestation and black mold.

40. BHA was notified of the results of this inspection but failed to take effective steps to address the violations, including the mold and rodent infestation.

41. On or around November 15, 2022, Ms. Crawford made a fourth accommodation request to be transferred to another apartment. She mailed BHA a fourth provider letter from A.C. and D.C.'s doctor, reiterating A.C. and D.C.'s need for new housing without black mold and a mice infestation, and that provided them the ability to have separate bedrooms.

42. BHA again failed to respond to this request or address the conditions in the apartment.

43. On January 22, 2023, BHA's extermination contractor removed fourteen mice from the apartment and found that the bait stations in the unit had been "wiped clean" due to the severity of the infestation. As a result, the contractor designated 20A Ames as a "***High Priority Unit**."

44. On or about March 15, 2023 – more than two years after Ms. Crawford's first reasonable accommodation request for a transfer – BHA sent a Property Manager to inspect the unit. A day after his personal inspection of the unit, the Property Manager called Ms. Crawford to discuss an emergency administrative transfer out of 20A Ames and into a different residence.

45. On March 24, 2023, Ms. Crawford mailed to BHA a fifth provider letter from A.C. and D.C.'s doctor, restating their disability-related need for housing free of mold, rodents, and other infestations and that provides them with separate bedrooms.

46. In April 2023, a unit located in BHA's West Broadway development was offered to the Crawfords.

47. On May 1, 2023, Ms. Crawford and her nieces moved out of 20A Ames and into the unit located at 194 D Street ("D Street") in South Boston, within BHA's West Broadway development.

48. After the family moved, Ms. Crawford identified modifications that needed to be made to the D Street apartment because of A.C. and D.C.'s disabilities.

49. On or about September 26, 2023, Ms. Crawford made a reasonable modification request. She mailed BHA a provider letter from A.C. and D.C.'s doctor explaining their disability-related need for window guards in the unit, a video doorbell and security cameras. In particular, due to their developmental and mental health diagnoses, A.C. and D.C. require these modifications in order to feel safe in their home, and in order to monitor any unpredictable behavior resulting from these diagnoses. The letter also identified a number of additional issues that needed to be addressed because of A.C. and D.C.'s health conditions, including inadequate and ripped screens which allowed insects and pests to enter the unit, and continually leaking toilets which were creating conditions likely to lead to mold growth.

50. As of December 2023, the requested modifications and maintenance have not been fully completed, despite Ms. Crawford's in-person requests for assistance and numerous calls and emails to BHA.

51. As a result of BHA's unreasonable delay or denial of Ms. Crawford's reasonable accommodation requests, Ms. Crawford and her family suffered and continue to suffer significant emotional, financial, and physical harms due to the conditions of the 20A Ames and D Street units. For example:

52. A.C. and D.C.'s asthma and allergies were severely exacerbated by the presence of mice and black mold at 20A Ames. The increasingly severe conditions of the unit caused emergency hospital visits two to three times a month due to their difficulty breathing and constant coughing.

53. Ms. Crawford also suffered health consequences as a result of the conditions of the unit, including frequent difficulty breathing, frequent headaches, and a tight feeling in her chest.

54. Ms. Crawford and her nieces also became afraid to sleep in their own beds at night after they found a mouse in one of the beds. As a result, Ms. Crawford, her mother, and A.C. and D.C., had to sleep altogether in her mother's bedroom on the bottom floor, where the infestation was significantly worse, because her mother could not access the upstairs bedrooms due to her mobility impairments. The family continued to live in fear of the presence of mice in their beds.

55. A.C. and D.C.'s mental health were adversely impacted by the conditions of the unit, due to their constant fear of encountering mice in their unit, including in their own bedrooms and beds. Because of the duration and severity of the mice infestation at 20A Ames, A.C. and D.C. continue to this day to live in fear of encountering mice and other pests.

56. A.C. and D.C.'s mental health was particularly impacted after the passing of their grandmother in 2022, as they were grieving her passing while still dealing with frequent emergency hospital visits and constant physical discomfort due to their asthma and allergic reactions, as well as their fear of mice in the unit.

57. Ms. Crawford also suffered severe emotional distress as a result of BHA's denials, as she tried but could not mitigate the conditions in the unit herself to help alleviate her

nieces' symptoms, and as her own physical health suffered.

58. The family also incurred significant economic harms, including an inability to use and enjoy their apartment, property damage from the mice infestation, and costs incurred purchasing mouse traps and cleaning supplies.

Statement of Claims

COUNT I

Housing Discrimination Based on Refusal to Permit or to Make Reasonable Accommodation

(G.L. c. 151B, §§ 4(6) & 4(7A))

59. The Commonwealth re-alleges and incorporates the preceding paragraphs.

60. 20A Ames Street is a "publicly assisted housing accommodation" as defined by G.L. c. 151B, § 1(10).

61. 194 D Street is a "publicly assisted housing accommodation" as defined by G.L. c. 151B, § 1(10).

62. Defendant is the "owner" of 20A Ames Street and 194 D Street as that term is used in G.L. c. 151B, § 4(6).

63. Christina Crawford and her nieces, A.C. and D.C., are "handicapped person[s]" with "handicap[s]" as defined by G.L. c. 151B, §§ 1(17) and 1(19).

64. Defendants unlawfully discriminated against the Crawfords on the basis of disability.

65. Without limiting the foregoing, Defendants violated G.L. c. 151B, §§ 4(6) and 4(7A) by denying reasonable accommodations necessary to permit the Crawfords equal opportunity to fully use and enjoy their home.

COUNT II

Housing Discrimination Based on Refusal to Permit or to Make Reasonable Accommodation

(Boston Fair Housing Act, MA Acts of 1994, c. 37, § 5)

66. The Commonwealth realleges and incorporates the preceding paragraphs.

67. The property is a covered housing accommodation under MA Acts of 1994, c. 37, §§ 1 and 5.

68. Defendants unlawfully discriminated against the Crawfords by denying reasonable accommodations necessary to permit them equal opportunity to fully use and enjoy their home

PRAYER FOR RELIEF

WHEREFORE, the Commonwealth requests that the Court:

- a) Find that the defendant violated the Massachusetts Antidiscrimination Law, G.L. c. 151B, §§ 4(6) and 4(7A), and the Boston Fair Housing Act, MA Acts of 1994, c. 37, § 5;
- b) Issue injunctive relief requiring the defendant to comply with G.L. c. 151B;
- c) Award compensatory and punitive damages, costs, and reasonable attorney's fees; and
- d) Order such other relief as the Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS
ANDREA JOY CAMPBELL
ATTORNEY GENERAL

/s/ Trini Gao

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