

## **HOUSING DISCRIMINATION COMPLAINT**

### **CASE NUMBER:**

#### **1. Complainants**

**Maryland Consumer Rights Coalition**

d/b/a Economic Action Maryland  
2209 Maryland Avenue  
Baltimore, Maryland 21218

**Angela Banks**

1802 Leticia Avenue  
Baltimore, Maryland 21230

**Represented by:**

Thomas Silverstein, Esq.  
anneke dunbar-gronke, Esq.  
Lawyers' Committee for Civil Rights Under Law  
1500 K Street NW, Suite 900  
Washington, D.C. 20005

**Other Aggrieved Persons**

Black low- and moderate-income residents of Poppleton neighborhood, who have been subjected to redevelopment projects using eminent domain which disproportionately harm Black property owners and Black tenants living those properties.

#### **2. The following is alleged to have occurred or is about to occur:**

Through its redevelopment policies for the Poppleton neighborhood, Baltimore City has caused the disproportionate displacement of Black residents without justification. In doing so, Baltimore City has violated 42 U.S.C. § 3604(a) (implemented by regulation at 24 CFR §100.500 (2013)) and 42 U.S.C. § 3608(e)(5) (implemented by regulation at 24 CFR § 5.152).

#### **3. The alleged violations occurred because of:**

Race and color.

#### **4. Address and location of the property in question (or if no property is involved, the city and state where the discrimination occurred):**

1132 W Saratoga St., Baltimore, MD 21223 and all properties in the Poppleton neighborhood in Baltimore, MD formerly owned or occupied by Black legacy residents of the Poppleton neighborhood (together, the "Properties").

## **5. Respondents**

The City of Baltimore  
c/o Mayor Brandon Scott  
Office of the Mayor  
250 City Hall  
100 N. Holliday St.  
Baltimore, MD 21202

Baltimore City Council  
Office of the President  
City Hall  
100 N. Holliday St., Ste. 400  
Baltimore, MD 21202

## **6. The following is a general background to the facts regarding the alleged violation:**

Pursuant to 42 U.S.C. § 3610 of the Fair Housing Act (FHA), Complainants the Maryland Consumer Rights Coalition (MCRC) and Ms. Angela Banks allege that the City of Baltimore, by and through the Mayor and City Council (collectively “the City”), has failed to comply with the civil rights obligations associated with the use of federal housing and community development funds and that the City has: 1) made housing unavailable or otherwise denied housing in violation of 42 U.S.C. § 3604(a) (implemented by regulation at 24 CFR §100.500 (2013)); *see also Reyes v. Waples Mobile Home Park*, 903 F.3d 415, 423–424, 425 n.5 (4th Cir. 2018); and 2) discriminated on the basis of race and color in the terms, conditions or privileges of services or facilities in connection with the sale or rental of a dwelling in violation of 42 U.S.C. § 3604(b) (implemented by regulation at 24 CFR §100.65(a) (2020)).

Specifically, Complainants allege that the City has violated the fair housing rights of Poppleton neighborhood residents on the basis of race and color by causing the disproportionate displacement of Black residents. In addition, Complainants allege the City has failed to comply with its obligation to affirmatively further fair housing (“AFFH”) as required by 42 U.S.C. § 3608(e)(5) (implemented by regulation at 24 CFR § 5.152) by adopting laws and policies that have had the effect of discriminating on the basis of race and color, had a disparate impact and segregative effect, and have perpetuated segregation on the basis of race and color and by not considering the impact of those policies on patterns of segregation and disproportionate housing needs by race within Baltimore. Additionally, the City has failed to engage in fair housing planning activities sufficient to ensure that its AFFH certifications to the U.S. Department of Housing and Urban Development (“HUD”) have been valid.

### **A. Background and Explanation**

In 1975, the City created the Poppleton Urban Renewal Area and adopted the Urban Renewal Plan for Poppleton, and provided, *inter alia*, that residents who were displaced under the plan should be given priority to “any housing within the project area, over which the

[Baltimore City] Department [of Housing and Community Development] has direct control.”<sup>1</sup> The plan was reauthorized and amended multiple times thereafter but, upon information and belief, never revised the plan to exclude the relocation provision. In 2005, Baltimore City announced its plan to partner with a New York-based developer, La Cité to redevelop the predominantly Black and low-income neighborhood of Poppleton in West Baltimore. In 2006, the parties entered into a Land Disposition and Development Agreement (“LDDA”), wherein Baltimore City committed to selling over 500 properties to a La Cité subsidiary LLC for demolition to make way for new construction by (1) conveying 358 of the City’s properties and (2) exercising its eminent domain powers established through the Poppleton Urban Renewal Plan to seize an additional 167 properties in the Poppleton neighborhood.<sup>2</sup> The City, a body corporate and politic and a political subdivision of the State of Maryland, acting by and through the Baltimore City Department of Housing and Community Development (the “Department”), was and is authorized to acquire, sell, lease, convey, transfer or otherwise dispose of all the Properties detailed in the Poppleton Project.<sup>3</sup> 134 of the seized properties were occupied by Black families at the time of acquisition.

The stated goal of the redevelopment was to build 1,650 units of new housing, of which 20% would be “affordable housing” units—59 rental units affordable at 60–80% area median income (“AMI”), 88 homeownership units affordable at 80% AMI, and 117 homeownership units affordable at 80–100% AMI.<sup>4</sup> Accordingly, the City agreed to a redevelopment project that would have provided 330 units affordable to families between 60-100% AMI but which would not have been affordable to most Black Poppleton legacy residents, whose incomes largely fall at or below the 30% AMI mark.

The original LDDA broke the construction into four phases and set the project’s completion set for 2015:

- Phase 1 required the demolition of 155 buildings and was scheduled for completion 30 months after the date of closing on those properties;
- Phase 2 required the demolition of 101 buildings and was scheduled to begin within six months after either the closing on those properties or the completion of Phase 1 (whichever occurred later later) provided that La Cité had sold or leased 80% of Phase 1 properties by that time;
- Phase 3 planned for the demolition of about 100 buildings and the rehabilitation of some rowhomes and was scheduled to begin within six months of the closing on all Phase 3

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<sup>1</sup> Baltimore City Council Ordinance 14-0389 (Sept. 15, 2014), attach. 2, BALTIMORE CITY DEP’T OF HOUSING AND COMMUNITY DEV’T, URBAN RENEWAL PLAN, POPPLETON, [https://planning.baltimorecity.gov/sites/default/files/PoppletonURP\\_Amendment13CCB.pdf](https://planning.baltimorecity.gov/sites/default/files/PoppletonURP_Amendment13CCB.pdf).

<sup>2</sup> See Memorandum from Paul T. Graziano, Comm’r, Baltimore City Dep’t of Housing and Community Dev’t to Karen Randle, Executive Secretary, Baltimore City Board of Estimates (“2006 BoE Memo”) at 1–2 (Sept. 6, 2006); see also Jill Rosen, *METRO*, BALTIMORE SUN (Apr. 25, 2005), <https://www.baltimoresun.com/news/bs-xpm-2005-04-22-0504220322-story.html>.

<sup>3</sup> See Balt. City, Md., Charter art. II, § 15 (1996); Balt. City, Md., Code art. 13 (2000); Balt. City, Md., Ordinance No. 837 (Mar. 31, 1975); Balt. City, Md., Ordinance No. 831 (Jul. 19, 1978); 2006 Land Disposition and Development Agreement (“Original LDDA”) at 1; Balt. City, Md., Ordinance No. 477 (Dec. 6, 1973); Balt. City, Md., Code art. 13 § 2-7 (2016); see also Urban Renewal Agreement.

<sup>4</sup> Original LDDA, Part E.

properties or the completion of Phase 2 (whichever occurred later) provided that La Cite had sold or leased at least 80% of Phase II properties; and

- Phase 4 planned for the demolition 101 properties (with some properties set for demolition during this phase to be acquired by the City and cleared during Phase 1) and was scheduled to begin within six months after the closing on all Phase 4 properties or the completion of Phase 3 (whichever occurred later) provided that La Cite had sold or leased at least 80% of Phase III properties, and was to be completed no later than 30 months from the date of commencement.<sup>5</sup>

Additionally, the LDDA provided that La Cité would conduct scattered site rehabilitation within 12 months from the closing date on the relevant properties and complete construction on those properties within three years of the effective date of the contract so that the properties would be ready to “accommodate residents relocated due to the City’s acquisition efforts.”<sup>6</sup>

To date, La Cité remains in Phase 1 of the development project and the City has failed to ensure completion of the redevelopment project within a reasonable timeframe, much less the originally contemplated timeline. In May 2012, nearly six years after the LDDA had been signed between the two parties, the City recognized La Cité’s failure to perform according to the agreement attempted to terminate its relationship with the company, claiming in a letter that the development company had defaulted on the parties’ agreement by failing to secure financing to move the project forward. In response, La Cité filed a civil suit against the mayor and City Council, the Department, and Housing Commissioner Paul T. Graziano to prevent the City from voiding the contract.<sup>7</sup> At that time, La Cité’s plans for the redevelopment included up to 1,800 residences, 150,000 square feet of commercial space, a charter school, and a youth-oriented tennis center.<sup>8</sup> A federal judge ruled in favor of La Cité in 2013, the year that the project was originally meant to be completed.<sup>9</sup> Since then, the City and La Cité have amended the LDDA five times to adjust for significant project delays and prolonging the development stages, with the latest amendment approved by the party this year and yet another amendment in progress to accommodate further delays by La Cité. Moreover, the City has financed La Cité despite its delays, approving a \$58.3 million tax increment financing plan (“TIF”) for redevelopment in Poppleton in 2015 and the issuance of \$12 million in TIF bonds for Phase 1A in 2016.<sup>10</sup>

By 2019, La Cité increased the predicted number of units to be constructed from 1,650 to “2,853 units of Class A rental housing” with “20% workforce and affordable with the remaining 80% rented at market rate,” and has submitted at least one project plan for 998 units with nearly 200 units affordable at 50% AMI, but, even at 50% AMI rather than 60% AMI (as contemplated in the original plan), these units are not likely to be accessible to Black legacy Poppleton

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<sup>5</sup> Original LDDA, Schedule A; Section 3.13.

<sup>6</sup> Original LDDA, Section 3.13(e).

<sup>7</sup> *Poppleton Development I, LLC v. Mayor & City Council of Baltimore et al*, No. 1:12-cv-01904 (D. Md. Jun. 27, 2012).

<sup>8</sup> Steve Kilar, *Developer Sues Baltimore Over Poppleton Project*, Baltimore Sun (Jul. 12, 2012), <https://www.baltimoresun.com/business/bs-bz-poppleton-suit-20120709-story.html>.

<sup>9</sup> An order approving the dismissal was signed and entered on April 9, 2013. Docket for the *Poppleton Development I, LLC v. Mayor & City Council of Baltimore et al.*, Docket No. 1:12-cv-01904 (D. Md. Jun. 27, 2012).

<sup>10</sup> See Second Amendment to Land Disposition and Development Agreement (“LDDA amend. 2”) (Oct. 8, 2014); Third Amendment to Land Disposition and Development Agreement (“LDDA amend. 3”) (Jul. 15, 2015).

residents. The majority of Black legacy Poppleton residents being displaced have incomes that fall at or below the 30% AMI threshold as of 2019, and there is no evidence to suggest that La Cité will be developing any units affordable to Black legacy Poppleton residents at that level.<sup>11</sup>

These delays paired with the City's premature seizures have caused the displacement of Poppleton residents who then struggled to find affordable housing. Beginning as early as 2005, the City started sending Poppleton residents condemnation notices and relocation assistance notices. Many landlords voluntarily sold their properties to the City, leaving their tenants, including individuals who have sought assistance and counseling from MCRC and Ms. Banks, with imminent eviction dates and without any meaningful relocation assistance. Further, the City seized these properties well before La Cité was prepared to develop them and so left them vacant for years, thus worsening conditions, sparking the rise of the vacancy rate in Poppleton (from 22.5% in 2000 to 37% in 2019), displacing or disrupting community programs and amenities—such as Pop! Farm, the community farm used primarily by seniors in the neighborhood that was evicted from a yet-to-be-developed land parcel at the corner of N Schroeder St. and W Fairmount Ave., or Poppleton's community center, which has been closed for years— and, thus, tanking the assessed values of Black-owned homes prior to seizure through eminent domain.

Accordingly, the City of Baltimore has furthered and continues to further a history of racial segregation through the displacement of Black and low-income Poppleton residents by failing to complete the redevelopment plan without providing suitable and feasible relocation options for those directly affected by the taking. Further, the City has failed to uphold its 1975 Urban Renewal Plan promising former residents a priority choice in new housing. Through these actions, the City has left the low-income, mostly Black Poppleton residents, who have been historically discriminated against, without appropriate remedy.

## **B. Demographic Context**

The Poppleton neighborhood is covered by two census tracts, 1801 and 1802. The Black population of both of these tracts was significantly higher statistically than the Black population in the rest of the City, even as of 2019, at 99% and 84.7% respectively. Residents of the neighborhood also earn significantly lower incomes than the rest of Baltimore City. The City's overall median income was above \$50,000 in 2019, while tract 1801 had a median income of \$15,000, which was \$6,000 below the 2019 individual 30% AMI threshold, and tract 1802 had a median income of \$25,000, which was only \$4,000 above the 2019 individual 30% AMI threshold.<sup>12</sup> Relatedly, that same year, the rent in Poppleton was much lower than the City's

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<sup>11</sup> MD. DEP'T OF HOUSING AND COMMUNITY DEVELOPMENT MULTIFAMILY HOUSING PROGRAMS, TEFRA PUBLIC HEARING NOTICE INFORMATION SHEET FOR PROPOSED MULTIFAMILY RENTAL DEVELOPMENT – PSH IV PROJECT at 1, 3 (Nov. 20, 2019); U.S. CENSUS BUREAU, 2019: ACS 5-Year Estimates Detailed Tables, Table b190013B – Median Household Income in the Past 12 Months (in 2019 Inflation-Adjusted Dollars) (Black or African-American Alone Householder), Census Tracts 1801 & 1802, <https://data.census.gov/table?q=b19013b&g=1400000US24510180100,24510180200>; HUD, *30% Income Limits – Baltimore-Columbia-Towson* (2019), <https://www.huduser.gov/portal/datasets/il/il19/IncomeLimits-30-FY19.pdf>.

<sup>12</sup> U.S. DEP'T OF HOUSING AND URBAN DEV'T, OFFICE OF POLICY DEV'T & RES., *FY 2019 HUD 30% Low Income Limits*, <https://www.huduser.gov/portal/datasets/il/il19/IncomeLimits-30-FY19.pdf>. It is important to note that the 30% AMI threshold for a household of three (a closer proxy to median household income) is significantly higher than the 30% AMI threshold for an individual.

median rent of \$1,073 – indeed, the median rent was \$382 in tract 1801 and \$208 in tract 1805. In sum, Poppleton was an affordable neighborhood for Black and low-income residents of Baltimore City until the City’s redevelopment plan drove these residents from their homes.

In 2005, when the City selected a developer for the Poppleton Project, representatives of the City falsely reported that the area was “mostly vacant.”<sup>13</sup> At that time, only 143 out of 635 total housing units in tract 1802 were vacant—a 22.5% vacancy rate. More recent Census data from 2019 shows that the vacancy rate has risen to 37% since the redevelopment project began, with the total number of housing units decreasing to 598 and the number of vacant homes disproportionately increasing to 221. This rise in the vacancy rate is a result of the eminent domain takings by the City and the lack of new replacement housing timely provided by La Cité under the redevelopment project, rather than being the product of any preexisting blight.

Residential patterns in Poppleton likewise depart from statistical trends in Baltimore City overall. In 2019, Tract 1801 was 18.7% owner-occupied housing units and 81.3% renter-occupied housing units, and Tract 1802 was 26.4% owner-occupied housing units and 73.6% renter-occupied housing units. Despite the high rate of renter-occupied housing, prior to redevelopment, and likely because of this long-term affordability, Poppleton is a remarkable community where residents tend to stay rooted in their homes for as long as they can. 2019 American Community Survey data from the Census Bureau show that 63.4% of heads of household in Tract 1801 and 60.7% in Tract 1802 have lived in their Poppleton homes since before 2005. As of 2019, Poppleton counts 27 heads of household who have resided there since before 1969, and 43 heads of household who had resided there since the 1970s.

In addition to its disparate impact, the City’s redevelopment plan has also furthered segregation because the displaced Poppleton residents could only find similarly priced housing in other majority Black and low-income neighborhoods in Baltimore, such as the Black portion of Morrell Park, which is 94.6% Black,<sup>14</sup> Park Heights, which is 90% Black, and Mondawmin, which is 87.5% Black.<sup>15</sup> Complainant Ms. Banks lost her home of 30 years due to the City’s redevelopment project. The City solicited her landlord to sell his property and her landlord did so voluntarily, leaving Mrs. Banks without any relocation assistance. She was evicted from the property and left homeless for three to six months, living out of her vehicle and hotels with two minor children. She struggled to find housing that matched her Poppleton home’s rent of \$700 per month. She eventually found a rental unit for \$900 per month in Morrell Park, which has since increased to \$1,200 per month. Meanwhile, with the redevelopment project constantly delayed, her former home remained in Poppleton, vacant and untouched. The redevelopment project left Mrs. Banks facing consistent housing insecurity, and though she would like to move back in to Poppleton, she cannot, for there is not enough available and affordable housing under the project. Thus, even being pushed to these low-income neighborhoods, the displaced Poppleton residents still struggled with increased rent prices. Based on information from residents, it is likely that further investigation would reveal additional displaced households that

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<sup>13</sup> See Rosen, *supra* note 2.

<sup>14</sup> Morrell Park is covered by census tracts 2502.06, which is 94.6% Black, and 2503.03, which is 23.2% Black.

<sup>15</sup> Data retrieved from the census reporting section of the Baltimore Neighborhood Indicators Alliance. <https://bniajfi.org/>.

were moved to more isolated, predominantly Black neighborhoods within Baltimore as well.

### C. History of Demonstrable Racial Discrimination

Baltimore City has been plagued by racial discrimination and segregation in housing since its founding. Both the City and federal governments continuously contributed to the forced displacement of Black people, resulting in the hyper-segregated city that exists today. Baltimore was the first city in the nation to adopt a residential racial zoning ordinance in 1910. Over the ensuing century, the City continued to force segregation and destroy Black neighborhoods through slum clearance, urban renewal, discriminatory public housing siting, code enforcement practices, demolition of public housing, highway construction, exclusionary zoning, and a multitude of other discriminatory practices. When combined, these government actions caused a total of 21,588 Black households to be displaced between 1940 and 2010.<sup>16</sup> The Home Owners' Loan Corporation ("HOLC") redlined map of Baltimore from 1937 included the area of Poppleton in the "Fourth Grade" redlined area—designating the neighborhood "Hazardous" and unsuitable for capital investment.<sup>17</sup> During the following era of slum clearance, the City displaced Poppleton residents to construct the public housing projects Poe Homes and Lexington Terraces in 1940 and 1958 respectively. The City's segregated public housing projects displaced more Black families than the number of housing units that were created for Black families.<sup>18</sup> The City forced a loss of 738 housing units for Black families through slum clearance, causing more overcrowding in Black neighborhoods and more strain on Black families. As recently as 1996, the City displaced Black families in Poppleton again with the demolition of Lexington Terraces under HOPE VI, a displacement event that, like the use of eminent domain in Poppleton, was not carried out in a manner that enabled former residents to move to high-resource areas from which they had historically been excluded.<sup>19</sup>

Even more Poppleton residents were displaced by the construction of highways in the 1970s and 1980s. The construction of the Franklin-Mulberry Expressway was accomplished by using eminent domain to seize and demolish 971 homes. Consistent with Baltimore's history of supporting the expansion of academic institutions and displacing Black communities, in the early 2000s, the City sanctioned the University of Maryland BioPark Project which expanded the University of Maryland into Poppleton.<sup>20</sup> Poppleton's proximity to the academic and medical institutions made Poppleton a target for redevelopment. Following the establishment of the University of Maryland BioPark, the City sought to redevelop the adjacent majority-Black neighborhood by, once again, using eminent domain to displace and demolish Black households. The lingering effects of these historical dynamics are borne out in today's data. As of 2020, Baltimore City has a White-Black/Black-White Dissimilarity Index of 66.3.<sup>21</sup> This means that 66.3% of Black Baltimoreans would need to move in order for the City's racial demographics to

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<sup>16</sup> LAWRENCE T. BROWN, *THE BLACK BUTTERFLY: THE HARMFUL POLITICS OF RACE AND SPACE IN AMERICA* 97 (2021).

<sup>17</sup> HOME OWNERS' LOAN CORPORATION, *RESIDENTIAL SECURITY MAP OF BALTIMORE, MD.* (1937).

<sup>18</sup> BROWN, *supra* note 16, at 95.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 96-97.

<sup>21</sup> Diversity and Disparities, BROWN UNIVERSITY, <https://s4.ad.brown.edu/projects/diversity/segregation2020/city.aspx?cityid=2404000>.

be equally distributed. A Dissimilarity Index above 60 is considered very high and Baltimore surpasses that threshold. As of 2020, Baltimore City also had a White Isolation Index of 52.2% and a Black Isolation Index of 78.4%.<sup>22</sup> Isolation indexes measure “the extent to which minority members are exposed only to one another,” where areas with higher isolation indexes mark areas that are more segregated.<sup>23</sup>

**D. THE CITY VIOLATED THE FAIR HOUSING RIGHTS OF POPPLETON NEIGHBORHOOD RESIDENTS ON THE BASIS OF RACE AND COLOR BY CAUSING THE DISPROPORTIONATE DISPLACEMENT OF BLACK RESIDENTS IN VIOLATION OF 42 § U.S.C. 3604.**

**a. The City’s policies and practices have caused and continue to cause a disproportionate adverse impact on the Black residents of Poppleton**

The City’s actions, practices and policies, have had and continue to have a substantial adverse, disparate impact on Black residents in Poppleton in violation of the 42 U.S.C. § 3604(a). Under, 42 U.S.C. § 3604(b), it is unlawful to “refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental or, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.” Disparate impact claims are cognizable under the FHA.<sup>24</sup> “A dwelling can be made otherwise unavailable by, among other things, action that limits the availability of affordable housing. The FHA can be violated by either intentional discrimination or if a practice has a disparate impact on a protected class.”<sup>25</sup>

The FHA’s prohibition on discriminatory practices that “otherwise make unavailable or deny” housing based on one of the enumerated categories “refers to the consequences of an action rather than the actor’s intent.”<sup>26</sup> *ICP* sets forth the elements of an FHA disparate impact claim. Generally, a complainant bringing a disparate impact claim must show that the “challenge[d] practices that have a disproportionately adverse effect on minorities and are otherwise unjustified by a legitimate rationale.”<sup>27</sup> Further, disparate impact claims should be examined under a three-step, burden-shifting framework.<sup>28</sup> Under the first step, the complainant has the burden of proving that a challenged practice caused or predictably will cause a discriminatory effect.”<sup>29</sup> Under the FHA, a practice or policy that perpetuates racial segregation

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<sup>22</sup> *Id.*

<sup>23</sup> *Housing Patterns: Appendix B: Measures of Residential Segregation*, U.S. Census Bureau, Nov. 21, 2021, <https://www.census.gov/topics/housing/housing-patterns/guidance/appendix-b.html#:~:text=The%20isolation%20index%20measures%20%22the,minority%20proportion%20in%20each%20are>

<sup>24</sup> *Texas Dep’t of Hous. & Cmty. Affairs v. Inclusive Communities Project, Inc. (“ICP”)*, 576 U.S. 519, 586 (2015).

<sup>25</sup> *Mt. Holly Gardens Citizens in Action, Inc. v. Twp. of Mount Holly*, 658 F.3d 375, 381 (3d Cir. 2011) (internal citations omitted).

<sup>26</sup> *Id.* (referring to 42 U.S.C. § 3604(a)).

<sup>27</sup> *ICP*, 576 U.S. at 524; 24 C.F.R. § 100.500(a).

<sup>28</sup> *ICP*, 576 U.S. at 527; 24 C.F.R. § 100.500(c).

<sup>29</sup> *ICP*, 576 U.S. at 527; *see also Reyes*, 903 F.3d 415, 424 n.4 (4th Cir. 2018) (adopting *ICP* burden-shifting framework).



will cause a discriminatory effect for the purposes of a disparate impact claim.<sup>30</sup> If the complainant can establish the first step, the burden shifts to the respondent to “state and explain the valid interest served by their policies.”<sup>31</sup> If the respondent can establish the second step, then the burden shifts back to the complainant to prove that the respondent’s asserted interests “could be served by another practice that has a less discriminatory effect.”<sup>32</sup>

By targeting the Poppleton neighborhood for redevelopment and displacing residents by acquiring their homes, the City has “[made] unavailable or [denied]” residents of fair housing in violation of the FHA. First, the residents being displaced by the City’s redevelopment of Poppleton are disproportionately Black in comparison to the broader population of Baltimore City and its surrounding metropolitan area, resulting in a disparate impact on a Black neighborhood and a community of color. The two census tracts covering the Poppleton neighborhood were 99% Black and 86.2% Black as of 2019 respectively, while only 62.4% of Baltimore City was Black at that time.

Absent a remedy to this complaint, it is unlikely that the displaced Black Poppleton residents will ever be able to return to the Poppleton neighborhood, despite having been rooted there for generations in many cases. The original 2006 LDDA provided that La Cité would “rehabilitate twenty-eight (28) vacant properties on the adjacent blocks and offer the newly restored homes as a relocation option for families within the project area”<sup>33</sup> and that the developer would “use commercially reasonable efforts to complete the construction of [those] Scattered Site Rehabilitation Properties in time to accommodate residents relocated due to the City’s acquisition efforts.”<sup>34</sup> Instead of following through on this plan, the City promptly moved to acquire the 167 occupied properties well before the relocation units have been redeveloped and then, in 2013, the parties made the development of relocation properties optional by including in their first amendment to the LDDA a provision allowing La Cité to opt out of the development of Scattered Site Rehabilitation properties altogether.<sup>35</sup> To date, despite the fact that the City has seized all 167 formerly occupied properties, La Cité has not developed any relocation units and neither Baltimore City nor La Cité have provided any other consistent or sufficient alternative relocation assistance for either displaced homeowners or renters.

Moreover, according to the redevelopment plan, none of the families displaced by the development thus far will have access to the 20% of “affordable” and “workforce” units. First, those units will be affordable to families between 50% and 100% AMI, which, even though a lower threshold than 60% AMI threshold originally contemplated, is still a higher threshold than the majority of Black Poppleton residents whose incomes hover around 30% AMI. The City has not developed a relocation plan or baked a first right of refusal for displaced residents into the

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<sup>30</sup> 24 C.F.R. § 100.500(a); *see also Betsey v. Turtle Creek Associates*, 736 F.2d 983 (4th Cir. 1984) (“[I]f a policy perpetuates segregation and thereby prevents interracial association, it will be considered invidious under the Fair Housing Act notwithstanding the fact that it may have no immediate impact”); *Nat’l Fair Housing Alliance v. Bank of America, N.A.*, 401 F. Supp. 3d 619, 641 (D. Md. 2019) (same).

<sup>31</sup> *ICP*, 576 U.S. at 541.

<sup>32</sup> *Id.* at 527.

<sup>33</sup> 2006 BoE Memo at 2.

<sup>34</sup> Original LDDA, Section 3.13(e).

<sup>35</sup> First Amendment to Land Disposition and Development Agreement (“LDDA amend. 1”) at 3, (Apr. 3, 2013).

redevelopment agreements, and, upon information and belief, La Cité has not been required to secure funding, such as Low-Income Housing Tax Credit financing, that would facilitate the development of units affordable to the displaced population. Further, the City has failed to ensure those displaced Black families were provided with uniform access to relocation assistance or subsidies like Housing Choice Vouchers or other assistance that would have enabled them to afford the newly developed units.

Finally, the City's actions exacerbated homeownership problems for Black residents of Baltimore. Baltimore's homeownership rate has hovered steadily between 46% and 48% since 2016, representing a small drop from 51% in 2007.<sup>36</sup> Specifically for Black homeowners in Baltimore, the rate dropped from 45% in 2007 to 42% in 2017 and remained at the level through 2020.<sup>37</sup> The decline in homeownership overall in the City has had an outsized effect on Black residents, as seen through both the overall statistics and now through the case study of Poppleton. In Poppleton, the City's eminent domain acquisition practices responsible for the 15% vacancy rate increase during the extended redevelopment period, paired with the City's facilitation of La Cité's impermissible development delays, had the effect of driving down the value of yet-to-be-acquired properties owned by Black Poppleton residents and reducing the resources available to those displaced residents for relocation.

The clearly foreseeable result of these policies and practices was that Black Poppleton residents—homeowners and renters alike—have been and are in the process of being displaced from their homes, with little to no chance of returning, resulting in a disparate adverse impact on the Black residents of Poppleton.

#### **b. The displacement of Poppleton residents perpetuated segregated housing patterns in the City of Baltimore.**

Under the FHA, a practice or policy that perpetuates racial segregation will cause a discriminatory effect for the purposes of a disparate impact claim.<sup>38</sup> The Supreme Court has construed this prohibition against “otherwise mak[ing] unavailable or deny[ing] a dwelling to any person because of race” in 42 U.S.C. § 3604(a) to apply to intentionally discriminatory policies and to seemingly neutral policies that result in a disparate impact.<sup>39</sup> In *ICP*, the Court did not directly address the viability of disparate impact claims premised on segregative effects, however, it did implicitly sanction this view. In its decision upholding disparate impact liability under the FHA, the Court specifically expressed concerns about covert efforts to maintain

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<sup>36</sup> U.S. CENSUS BUREAU, *Quick Facts, Baltimore City, Maryland*, <https://www.census.gov/quickfacts/fact/table/baltimorecitymaryland/HSG445220#HSG445220>.

<sup>37</sup> ABELL FOUNDATION, THE ABELL REPORT (Jul. 2020), [https://abell.org/wp-content/uploads/2020/07/2020\\_Abell\\_Howownership20Report\\_FINAL2\\_web20dr.pdf](https://abell.org/wp-content/uploads/2020/07/2020_Abell_Howownership20Report_FINAL2_web20dr.pdf); U.S. CENSUS BUREAU, 2021: ACS 5-Year Estimates Detailed Tables, Table b25003B – Tenure (Black or African American Alone Householder), Baltimore, MD, <https://data.census.gov/table?q=b25003B&g=1600000US2404000&tid=ACSDT5Y2021.B25003B>.

<sup>38</sup> 24 C.F.R. § 100.500(a); *see also Betsey v. Turtle Creek Associates*, 736 F.2d 983 (4th Cir. 1984) (“[I]f a policy perpetuates segregation and thereby prevents interracial association, it will be considered invidious under the Fair Housing Act notwithstanding the fact that it may have no immediate impact”); *Nat’l Fair Housing Alliance v. Bank of America, N.A.*, 401 F. Supp. 3d 619, 641 (D. Md. 2019) (same).

<sup>39</sup> *ICP*, 576 U.S. at 545

segregated housing patterns and cited to *Huntington v. NAACP*, 487 U.S. 15, 18 (1988), the canonical example of a perpetuation of segregation claim under the FHA, as favorable authority for its general holding.<sup>40</sup>

The City’s policies and practices surrounding the Poppleton development are perpetuating racial segregation in Baltimore City. By the most commonly used measure of residential segregation between two groups, the dissimilarity index—which reflects the relative distributions across neighborhoods within a city or metropolitan area—the 66.3 White/Black dissimilarity index for Baltimore City is high. This high level of residential segregation is the result of a historic patterns and practices that have created pockets of concentrated poverty in majority-Black neighborhoods of Baltimore such as Poppleton.

The role the City has played in furthering these segregated housing patterns is well documented. In 1910, Baltimore became the first city in the United States to codify residential segregation through a city ordinance.<sup>41</sup> Throughout the following century, the City passed and enforced numerous laws and policies that continued to segregate its residents and push Black residents into concentrated, disinvested neighborhoods. Poppleton, like other majority Black neighborhoods in Baltimore, has been neglected for several decades as a result of redlining and resource hoarding in more wealthy, white areas of the city.<sup>42</sup> In fact, the Poppleton neighborhood was dramatically affected by the 1960s City redevelopment project, which displaced nearly 3,000 residents from majority Black neighborhoods in West Baltimore, including those adjacent to Poppleton, and demolished their homes to make way for extensions of Interstate 70. Construction for that project ended in the 1970s after opposition from white residents concerned about displacement, leaving behind the “Highway to Nowhere”—a monument to the unequal treatment of neighborhoods in the city, cutting off Poppleton from other West Baltimore communities with which it used to be deeply intertwined.<sup>43</sup>

The City targeted Poppleton for redevelopment and in its practices and policies of doing so, is perpetuating the entrenched segregation of Black residents in Baltimore because Black Poppleton residents have nowhere to go but more segregated neighborhoods. Market rate housing options for families in Baltimore making below 50% AMI are scarce and are invariably farther away from highly-resourced opportunity areas like Inner Harbor, Downtown, Seton Hill, and Federal Hill than Poppleton. While census tracts 1801 and 1802 are predominantly Black, the median gross rent in those tracts in 2019—\$409 and \$499 per month respectively—was only available in about a dozen other census tracts in the city, all of which are predominantly Black and also in most cases farther from key infrastructure like public transportation, schools, and grocery stores. Indeed, the only other census tracts with comparable rents in 2019 were 2718.01 (95.1% Black), 1308.05 (74.3% Black), 1512 (92.8% Black), 2804.04 (89.5% Black), 1501 (93.1% Black), 1702 (87% Black), 2503.01 (88.6% Black), 2502.04 (93.3% Black), 1002 (96.3%

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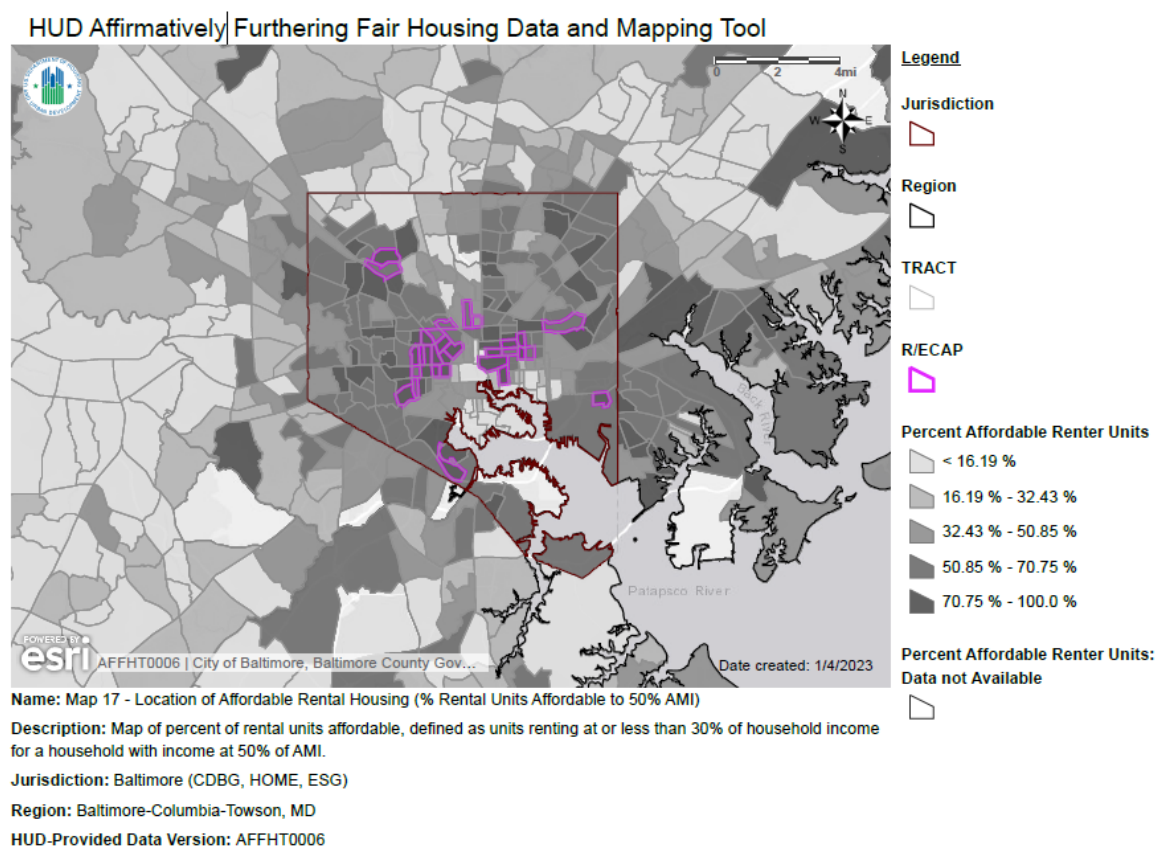
<sup>40</sup> *Id.* at 539 (characterizing suits like *Huntington v. NAACP* as “resid[ing] at the heartland of disparate-impact liability”).

<sup>41</sup> See generally Antero Pietila, NOT IN MY NEIGHBORHOOD: HOW BIGOTRY SHAPED A GREAT AMERICAN CITY (2010); BROWN, *supra* note 16.

<sup>42</sup> *Id.*

<sup>43</sup> Urban Land Institute, *From a Highway to Nowhere to a Road to Revival* (June 26-27, 2018), <https://ulidigitalmarketing.blob.core.windows.net/ulidcnc/2019/05/2018-09-19-Highway-to-Nowhere-TAP-ReportFINAL.pdf>

Black), 2805 (93.5% Black), 301 (76.9% Black), 2606.04 (79.6% Black) and 802 (93.9% Black). Unsurprisingly, many of these same census tracts report lie within or very near all of the Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs) in the city.



<https://egis.hud.gov/affht/app/PrintMap/Print.html?jurisdictionId=240086&mapNumber=1700&gdbVersion=AFFHT0006&zoom=1&isPha=false&mapScale=local&basemap=gray&visiblelayers=CHAS-Dat...> 1/1

Subsidized housing in Baltimore City has provided little recourse for displace Black Poppleton residents. The Housing Authority of Baltimore City (“HABC”) stopped accepting public housing applications in 2019 citing a waitlist more than 14,000 names long and a five-year wait time.<sup>44</sup> The Baltimore Regional Housing Partnership’s Housing Choice Voucher program closed to new applicants in 2017, and HABC last opened its list in 2014, received 74,000 applications, and then closed again.<sup>45</sup>

The combination of these factors means that the City’s redevelopment plan has and continues to displace Black Poppleton residents and forcing them to relocate to disinvested areas with high concentrations of poverty, less infrastructure and fewer resources and will increase

<sup>44</sup> Lillian Reed, *Baltimore to stop taking public housing applications, citing average 5-year delay for those on wait list*, The Baltimore Sun (Nov. 12, 2019, 3:42 PM), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-housing-authority-20191112-20191112-to7xezy6s5bn3afc0u4wtrqz14-story.html>.

<sup>45</sup> See *id.*; Yvonne Wenger, *Baltimore Housing Authority tries to identify families seeking public housing as it moves through big wait list*, The Baltimore Sun (Jan. 23, 2019, 6:00 AM), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-public-housing-wait-list-20190122-story.html>.

segregation in the city overall. The Poppleton neighborhood is likely more diverse than the areas where the majority of displaced residents are or have relocated. Census tracts 1801 and 1802 (now 2806 as of 2020) border two census tracts on the south and east that are much more racially mixed, with Black populations of 50% or less.

**c. There are less discriminatory alternatives to the City’s policy of displacing Poppleton residents.**

In a disparate impact claim, if the complainant can show causation, the burden then shifts to the respondent to show that the policy is “necessary to achieve one or more substantial, legitimate, nondiscriminatory interests.”<sup>46</sup> If the respondent meets that burden, the complainant can still prevail in the action by showing that the respondent’s interests can be served through alternative, less discriminatory means. *Id.* Local policy that seeks to “‘mov[e] the Nation toward a more integrated society’ is legitimate and entitled to deference.”<sup>47</sup> And, localities have the “leeway to state and explain the valid interest served by their policies.”<sup>48</sup>

The City cannot show that its redevelopment policies and practices are necessary to achieve its purported interests. According to the Tax Increment Financing Application submitted by Poppleton Development I, LLC (a subsidiary company of La Cite) and approved by DHCD Commissioner Paul Graziano in 2015, “[t]he public purpose of [the] project is to revitalize an extremely blighted neighborhood and restore residents to an area that has suffered tremendous population loss,” as “only 45 properties out of 524 [were] believed to be occupied.”<sup>49</sup> These benefits were to include 339 new units of affordable housing, including 240 affordable homeownership units for households earning 80-100% AMI and 99 affordable rental units for households earning 50-80% AMI, a substantial increase in the tax base and the creation of construction and property management jobs.<sup>50</sup> However, tax increment financing districts (“TIFs”) produce wildly different outcomes depending upon the conditions of the locality and, in many cases and specifically in some cities that are demographically similar to Baltimore, TIFs have resulted in various undesired outcomes, including actual revenues significantly lower than projected revenues, no new business activity attributable to the district, and slower property value growth in the TIF area than in the rest of a city as a whole.<sup>51</sup> Moreover, some studies show that TIF districts focusing on improvements to industrial areas have a positive employment effect and TIF districts focusing on retail areas, as in Poppleton, tend to have a negative employment

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<sup>46</sup> *ICP*, 576 U.S. at 527; *see also Reyes v. Waples Mobile Home Park Lt’d Partnership*, 903 F.3d 415, 424 n.4 (4th Cir. 2018).

<sup>47</sup> Stacy Seicshnaydre, *Disparate Impact and the Limits of Local Discretion After Inclusive Communities*, 24 GEO. MASON L. REV. 663 (2017) (citing *Inclusive Communities Project, Inc.*, 576 U.S. at 547).

<sup>48</sup> *ICP*, 576 U.S. at 521.

<sup>49</sup> 2015 Tax Increment Financing Application at 54.

<sup>50</sup> *Id.*

<sup>51</sup> Richard Briffault, *The Most Popular Tool: Tax Increment Financing and the Political Economy of Local Government*, 77 U. CHI. L. REV. 65, 81–82 (2010).

effect, whereas others have observed that TIFs do not statistically significantly affect employment or employment growth at all.<sup>52</sup>

The City's putative purposes have been confounded largely by the City's own policies and practices. Instead of revitalizing the neighborhood, the City's acquisition practices have increased, rather than decreased, the vacancy rate in the neighborhood over the last 15 years. Additionally, the displacement of residents has only exacerbated the population loss in the area, rather than ameliorating it. To date, nearly 20 years after the redevelopment project began, none of the affordable homeownership units have materialized and only a limited number of affordable rental units are on the market.

Moreover, the City has largely failed to follow through on the very plans it set forth in service of its original purposes, which would have been less discriminatory. First, in the 1975 Urban Renewal Plan, the City stated that residents who were displaced under the plan should be given priority to "any housing within the project area, over which the Department has direct control," but the City failed to address displaced residents whose homes were being taken through eminent domain in their LDDA or any other agreements regarding the redevelopment, and so failed to adequately set forth a plan for redressing displaced residents. The City did not prioritize continuity for residents whose homes were being seized by eminent domain. Several displaced residents ended up moving away from the neighborhood to Park Heights, Morrell Park, and Mondawmin. Instead of perpetuating segregation by allowing displaced residents to be pushed further into West and South Baltimore, the City could have ensured that new affordable housing was built on vacant sites *prior* to any takings as originally planned, or otherwise created pathways for displaced residents to access those units. Third, the City ignored the possibility of a targeted approach for vacant units. Instead, the City acquired blocks of property, then left them abandoned for future use upon acquisition of other similar properties. There remains severe disinvestment on Vine Street and Fayette Street, with homeowners on Vine Street in particular still suffering from the blight of vacant, uncared for properties. Further, several of the properties in the original LDDA still have not been redeveloped, even after a decade. Instead of allowing for vacancies and blight to continue and grow throughout the sixteen-year, ever-extending partnership with La Cité, the City could have focused redevelopment specifically on blocks with more vacancies, or offered displaced residents of a vacant-heavy block a city-owned home on a block with fewer vacancies. A more targeted approach to development likely could have avoided the disproportionate impact that the City's displacement and subsequent blight had on the majority-Black residents of Poppleton. Instead, the City failed to make any substantive effort to mitigate these effects.

Complainant Angela Banks is one of the many residents whose outcome could have been easily ameliorated with a less discriminatory approach. In 2018, Ms. Banks was displaced as a direct result of the redevelopment project when the City solicited her landlord to sell his property to the City. Ms. Banks' family had rented the home in Poppleton for nearly 30 years. Since her landlord did not lose the property through eminent domain, but instead sold it to the City

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<sup>52</sup> See Paul F. Byrne, *Does Tax Increment Financing Deliver on Its Promise of Jobs? The Impact of Tax Increment Financing on Municipal Employment Growth*, 24 ECONOMIC DEV'T Q. 1, 14 (2010); Anita Yadavalli & Jim Landers, *Tax Increment Financing: A Propensity Score Approach*, 31 ECONOMIC DEV'T Q. 312 (2017).

voluntarily, Ms. Banks did not receive any assistance in relocating despite being displaced for the City’s redevelopment project. After Ms. Banks was evicted from the property, she experienced homelessness for three to six months, living out of her vehicle and hotels with her two minor children. At her Poppleton home, Ms. Banks paid a monthly rent of \$700. She struggled to find new housing at that rate and never received an offer from the City to help her relocate. At the time of Ms. Banks’ eviction, the City offered up to five years of relocation rental assistance for displaced Poppleton residents, but her landlord’s voluntary sale of the property rendered Ms. Banks ineligible for such relief. Ms. Banks took it upon herself to try and find new housing within the neighborhood but was unsuccessful. Ultimately, Ms. Banks secured a rental unit in Morrell Park for \$900 per month, which later increased to \$1,200 per month in 2021. To date, the Poppleton home Ms. Banks was evicted from in 2018 is still standing and has stood vacant since her move.

Ms. Banks would like to live in Poppleton and would move there but cannot due to the lack of available and affordable housing under the redevelopment project. Ms. Banks misses her community and the access the Poppleton location has to transit and downtown Baltimore. Ms. Banks has faced consistent housing insecurity since her eviction from Poppleton due to increased rental prices in the area.

**E. THE CITY HAS FAILED TO COMPLY WITH ITS OBLIGATION TO AFFIRMATIVELY FURTHER FAIR HOUSING (“AFFH”) AS REQUIRED BY 42 U.S.C. § 3608(E)(5); § 5304(B)(2), 12705(B)(15), AND RELATED FEDERAL STATUTES AND REGULATIONS BY VIRTUE OF THE DISPARATE IMPACT AND SEGREGATIVE EFFECTS OF ITS POLICIES.**

- a. As a recipient of federal housing and community development funds through the CDBG, HOME, and ESG programs, the City has a legal duty to affirmatively further fair housing.**

Baltimore City is a Participating Jurisdiction for the community development block grant (CDBG) program, the HOME Investment Partnerships (HOME) program, and also receives funds through the Emergency Solutions Grant (ESG) program and the Housing Opportunities for Persons with Aids (HOPWA) program. The City has projected \$22,378,771 in CDBG funding for Fiscal Year 2022, \$4,264,549 in HOME funding, \$1,899,401 in ESG funding, and \$8,275,283 in HOPWA funding. The total projected funding for FY22 from these programs is \$36,818,004.<sup>53</sup>

The Housing and Community Development Act of 1974 sets forth detailed planning and reporting requirements for Participating Jurisdictions such as Baltimore City; in particular, participating jurisdictions must include a certification that they “will affirmatively further fair housing” in their Consolidated Plans, per 42 U.S.C. § 5304(b)(2). The Cranston-Gonzales National Affordable Housing Act, 42 U.S.C. § 12705(b)(15), requires HOME grantees to certify

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<sup>53</sup> Projected Consolidated Plan Funding Sources CFY 2022, <https://dhcd.baltimorecity.gov/sites/default/files/CFY%202022%20-%20Summary%20of%20Activities.pdf> (last visited Apr. 15, 2022).

that they will affirmatively further fair housing as well. 24 CFR § 5.151 defines the obligation as “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.” Additionally, under 42 U.S.C. § 3608(e)(5), the HUD Secretary has a duty to affirmatively further fair housing through the administration of federal housing and community development programs. Under the Fair Housing Act, HUD grantees are subject to the same obligation.<sup>54</sup> Therefore, as a recipient of CDBG, HOME, and ESG funds, Baltimore City is subject to a requirement under the Fair Housing Act that it affirmatively further fair housing, and a requirement under the Housing and Community Development Act and the Cranston-Gonzales National Affordable Housing Act that it certify its compliance with the duty to affirmatively further fair housing.

**b. The City failed to consider redevelopment or displacement as a contributing factor to perpetuating segregation in Baltimore, nor did it lay out any concrete action steps to address these issues.**

In 2020, an Analysis of Impediments (AIs) for Baltimore City, which is part of a planning process to promote fair housing choice and address the effects of historic patterns of segregation that HUD grantees are required to undertake, was completed. The analysis fails to thoroughly set forth concrete plans to address the identified contributing factors to segregation within it. Within Baltimore City, the relevant AI focuses on creation of new affordable housing opportunities, specifically acknowledging that almost half of affordable housing units created over the next five years will be done so in “areas which are clearly gentrifying,” with “public investment . . . required to ensure that rental units remain available for lower income households.”<sup>55</sup> There is little meaningful discussion of potential displacement as a barrier to fair housing anywhere else within the Baltimore City action items. Similarly, within the regional action items, there was little to no acknowledgment of redevelopment or displacement as a factor perpetuating segregation.

These omissions are not responsive to the landscape in Baltimore, which is set to see much redevelopment in the coming years given the lack of affordable housing, the amount of vacant lots and properties, and the need to expand the tax base. If these future projects are to follow the same path as the displacement in the Poppleton neighborhood, Black residents will be pushed further into segregated areas away from corridors of opportunity. The City must acknowledge displacement and redevelopment as a contributing factor perpetuating segregation and set forth action steps to address it in the future. In failing to both acknowledge and address these two salient and critical issues, the City has not met its obligation to affirmatively further fair housing.

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<sup>54</sup> See *Otero v. New York City Housing Authority*, 484 F.2d 1122, 1129-30 (2d Cir. 1973).

<sup>55</sup> ROOT POLICY RESEARCH, FINAL REPORT: 2020 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE IN THE BALTIMORE REGION (“Regional AI Rep’t”) at 380.



## **CONTINUING VIOLATION**

As outlined above, the City has engaged in one or more acts of discrimination on the basis of race and color in the two years preceding the filing of this complaint. In addition, the City's actions since 2005, as outlined herein, constitute an ongoing violation of the FHA and related civil rights statutes mentioned above. As a consequence, HUD has the authority under those statutes to investigate the City's actions and inactions during the past eighteen years, and to take necessary and appropriate action to enforce the City's civil rights obligations and to provide appropriate relief to the Complainants.

## **CONCLUSION**

Due to the City's failure to 1) affirmatively further fair housing, 2) failure to provide fair compensation covering replacement costs for the takings, not just the appraisal value, so that those displaced are not worse off, 3) participation in the displacement of Black people, and 4) use of eminent domain for economic development to unfairly and disproportionately harm racial and ethnic minorities in the Poppleton neighborhood, we respectfully request that HUD find that Baltimore City has violated the Fair Housing Act, 42 U.S.C. § 3604 and 42 U.S.C.A. § 5304. The Complainants also seek those additional remedies available under the relevant statutes, including damages, attorneys' fees, and costs. Moreover, in light of the foregoing, it is Complainants' position that the following actions are critical to remedy the harm of the complained of actions and Baltimore City's history of discrimination in Poppleton:

1. Compensation for Ms. Angela Banks and all renters and homeowners in Poppleton who have been displaced from the neighborhood since 2005 or who have incurred costs, fees or other damages in battling displacement since 2005.
2. Right of return in new rental housing or home ownership developments for former Poppleton residents who have been displaced from the neighborhood between 2005 to present.
3. Creation of a relocation fund for former Poppleton residents exercising their right of return that provides qualifying individuals and families with moving expenses and subsidizes rents at a rate affordable to those individuals and families.
4. Change Baltimore City's eminent domain policies as applied to occupied residential uses to require, for a Land Disposition and Development Agreement (LDDA), Urban Renewal Plan (URP) or other agreement or plan that requires the City to make use of its eminent domain powers, the creation of a board of community advisors that would be required to review the proposed agreement or plan prior to a City Council hearing on the plan as well as an opportunity to present the board's assessment of the proposed agreement or plan at any City Council hearing where the assessment or plan is being considered. Neighborhood residents should be able to apply for the board of community advisors and the boards should seek to include at least 4 members per census tract encompassed within any plan's proposed geographical boundaries.
5. Change to Baltimore City's policies and procedures related to eminent domain in association with any Urban Renewal plan – including renewals – to require, before

condemnation may be used, a full substantive review that conforms to the procedure outlined Baltimore City Code art. 13 §§ 2-5, 2-6 and additionally requires (1) a detailed, funded, and publicly-approved plan showing a public use and (2) a City Council hearing involving substantive community representation in the development.

6. Change to Baltimore City's development policies to require that the City exhaust alternative options for achieving legitimate redevelopment goals before resorting to the use of eminent domain to seize occupied residential and commercial properties.
7. Provision by Baltimore City, by and through La Cité, of rental and home ownership opportunities affordable to former Sarah Ann St. rowhomes residents earning between \$18,000 to \$25,000 per year. Unless required by federal statute or regulation, however, no household occupying an affordable unit provided by any agreement associated with this complaint should be evicted solely because household income rises above the initial income eligibility ceiling.
8. Creation of a board of community advisors that would be provide oversight for the spending of all development funds currently allocated for the redevelopment of the U.S. 40 corridor (popularly known as "the Highway to Nowhere") that aligns with the borders of the Poppleton neighborhood. Neighborhood residents should be able to apply for the board of community advisors and the boards should include at least 4 members per census tract encompassed within any plan's proposed geographical boundaries.
9. Evaluation of the City's past zoning and urban renewal decisions between 2005 and the present with the goal of identifying areas to prioritizing funding for apprenticeship and job training programs, daycare programs, senior center programming, recreation centers, youth recreation programs, parks, and green space for farming and community gatherings.
10. Return Pop! Farm to its previous location at the corner of N Schroeder St. and W Fairmount Ave.
11. Establish Poppleton Community Land Trust, funded by the Affordable Housing Trust Fund within one year of any settlement agreement, which should include, *inter alia*, (1) the land parcel at the corner of N Schroeder St. and W Fairmount Ave. where Pop! Farm was previously located and (2) the vacant lot(s) currently used for farming by the Allen AME Church, which church is located at 1130 W Lexington St., Baltimore, MD 21223.