

DOCKET NO.: X10-UWY-CV-16-6033559-S : SUPERIOR COURT
PERSONNA NOBLE, ET AL. : JUDICIAL DISTRICT OF
WATERBURY
v. : AT WATERBURY
NORTHLAND INVESTMENT CORP., ET AL. : AUGUST 6, 2018

**BRIEF OF AMICUS CURIAE IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

STATEMENT OF INTEREST

The amicus curiae, Christian Activity Council (“CAC”), is a Connecticut urban mission organization founded in 1850 out of concern for the unmet needs of the poor and new immigrants in Hartford. Since its founding, CAC has responded to pressing social issues through a variety of programs and initiatives, uncovering the pressures and challenges facing the local community that are rooted in systemic injustice. CAC’s primary interest is ensuring access to the civil justice system and a higher quality of life for some of Connecticut’s poorest and most challenged communities.

The bottom level of the famous hierarchy of needs, postulated by Abraham Maslow in the 1940s, is physiological. The most basic needs of human beings have to do with the survival and safety of the body. Air, water, food and shelter are the key parts of this base layer of Maslow’s pyramid. In Hartford, one of the greatest places of need in terms of adequate housing, CAC has been working for decades to put public pressure on the city and landlords to achieve changes in Hartford’s relocation process, secure needed improvements to living conditions for tenants of local apartment buildings, and provide financial restitution for those whose lives had been turned upside down by abuses in the housing system. With the help of CAC, hundreds of families displaced yearly receive the

assistance they deserve to keep them in safe and stable replacement housing. CAC's motto is: "If you want to go fast, go alone. If you want to go far, go together." And indeed, these tenant communities, together, have made significant improvements to the base of Maslow's pyramid.

CAC's advocacy for the working poor began in 1989 when the Executive Director of the Hartford Housing Authority had a series of discussions with representatives of CAC regarding the housing crisis in Greater Hartford. By addressing housing conditions and advocating for very low to moderate-income families, CAC has made important contributions to the well-being of Connecticut's least advantaged residents. In the last five decades, CAC partnered with the Connecticut Department of Housing, the Hartford Housing Authority, and created a subsidiary organization, Urban Suburban Affordables. CAC helped to establish award-winning housing developments to assist hundreds of low-income families, was honored by the National Association of Housing and Redevelopment Officials for outstanding inter-jurisdictional coordination, and has been widely recognized as a significant deterrent to neighborhood decline. CAC has helped organize and empower low-income tenant communities — two of which have pursued legal claims in Connecticut courts — to uncover and remedy health and safety violations.

CAC sees class actions as a crucial tool in the effort to protect the rights of low-income tenant communities. Class certification will often determine whether such people will be heard or be silenced, and whether abuses of low-income communities will be punished or perpetuated. CAC files this amicus brief both because the vindication of the plaintiffs' rights in this case is important, and because, the Court's decision in this case may impact future actions by low-income housing communities. CAC, as an active

neighborhood organizer with a strong relationship to low-income housing communities, wishes to make sure those interests are presented to the Court.

INTRODUCTION

Currently before the Court is Plaintiffs' Motion for Class Certification. The Motion for Certification presents an issue of importance to the potential class, but also to the ability of future classes to ensure that landlords and cities appropriately maintain low-income housing, repair uninhabitable conditions, and relocate displaced low-income families as necessary. Class actions were created to remedy exactly the kind of wrongs alleged here, both so that the class may be made whole, and so that future wrongs will be deterred. Part I describes the predicament that faces Connecticut's low-income renters. Part II discusses the history and purpose of class actions. Part III highlights the importance of class actions to deterring future abuse of vulnerable communities. Finally, Part IV contends that these policy considerations necessarily inform the application of the procedural test for class certification.

ARGUMENT

I. The Proposed Class Represents a Particularly Vulnerable Population in Connecticut – Economically Disadvantaged Tenants of a Low-Income Housing Community.

Connecticut, America's bedroom community, is home to thousands of poor and working-class residents and families struggling to survive and to assert their rights under the weight of high housing costs. With insufficient and limited options for affordable housing, low-income renters are forced to make impossible choices—choosing between eviction and healthcare, for example, or accepting affordable but substandard living conditions.

Connecticut families contend with balancing poverty wages and some of the highest housing costs in the nation. 10% of Connecticut households have earnings that fall below the federal poverty line (FPL); of those exceeding the federal poverty line, 25% more (over 360,000 household) still fall short of a basic cost of living threshold.¹

Urban areas are particularly hard-hit: the cities of Hartford and New Haven rank in the bottom three of all Connecticut municipalities for median family income. At \$30,630, Hartford's median family income is 56% lower than the statewide median household income of \$70,331; New Haven's median family income, \$37,192, is 47% lower than the statewide median. Both cities rank among the top five Connecticut municipalities with the highest proportion of residents receiving food stamps^{2,3}.

Meanwhile, as so many Connecticut families face these financial pressures, too few affordable housing units are available to serve their needs. In 2016, 11.1% of housing units statewide, a total of 164,998 units, were considered affordable—in other words, eligible for rental or mortgage assistance.⁴ The result is that a significant portion of the

¹ ALICE Update (<http://alice.ctunitedway.org/housing/>); Meet ALICE: The Daily Struggle of Financial Hardship, Connecticut United Ways, <http://alice.ctunitedway.org>.

² Generally speaking, to be eligible for SNAP benefits, a family of 4 could earn no more than \$3,739 per month in gross income (185% of the federal poverty line), or \$2,021 per month in net income (100% of the federal poverty line). Mary Fitzpatrick, Office of Legislative Research, Research Report: SNAP Financial Eligibility & Benefits, 2016-R-0106 (June 16, 2016), at 3; Mary Fitzpatrick, Office of Legislative Research, Research Report: SNAP Work Requirements & Enrollment by Town, 2016-R-0107 (June 17, 2016), at 1.

³ Mary Fitzpatrick, Office of Legislative Research, Research Report: SNAP Work Requirements & Enrollment by Town, 2016-R-0107 (June 17, 2016), at 1.

⁴ Partnership for Strong Communities, 2018 Housing Data Profiles: Connecticut (Feb. 2018), http://www.pschohousing.org/files/PSC_2018HsgProfile_Connecticut.pdf, at 4; *see also* Connecticut United Ways, ALICE Update, *available at* <http://alice.ctunitedway.org/housing/> (noting that nearly 277,000 households are in need of affordable housing).

earnings of low-income Connecticut families go towards housing costs. Half of all renters in Connecticut spend more than 30% of their income on housing.⁵ That number soars to 57% in both Hartford and New Haven.⁶

The high cost of housing leaves an enormous dent in families' household budgets, leaving them without funds to withstand emergencies or even basic necessities. With few other options, families are often left with no choice but to remain in substandard housing, because it is the only affordable option or because they can't afford to leave.⁷ As a result, the rental housing market becomes a landlords' market, so to speak, leaving low income tenants without power to exercise their rights.

Tenants rely on minimum housing standards and consumer protection laws to cabin bad landlords' penny-pinching behaviors that put their tenants' health and well-being at risk. *See e.g.*, Conn. Gen. Stat. § 47a-7 (2018) (detailing landlord's responsibilities, including "[c]omply[ing] with the requirements of chapter 368o and all applicable building and housing codes materially affecting health and safety"); Conn. Gen. Stat. § 47a-7a(c) (2018) (prohibiting landlord from "offer[ing] for rent a dwelling unit that the landlord knows or reasonably suspects is infested with bed bugs"); Conn. Gen. Stat. § 47a-57 (2018) (detailing certificate of occupancy requirement with respect to apartments or dwelling units containing three or more housing units). But these laws provide only minimal protection to this vulnerable class of Connecticut residents. Class

⁵ ALICE Update (<http://alice.ctunitedway.org/housing/>).

⁶ Partnership for Strong Communities, 2018 Housing Data Profiles: Hartford (Feb. 2018), at 5, http://www.pschohousing.org/files/PSC_2018HsgProfile_Hartford.pdf; Partnership for Strong Communities, 2018 Housing Data Profiles: New Haven (Feb. 2018), at 5, http://www.pschohousing.org/files/PSC_2018HsgProfile_New%20Haven.pdf.

⁷ Connecticut United Ways, ALICE Update (<http://alice.ctunitedway.org/housing/>).

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