

3. Plaintiff, Woodbridge Involved Senior Citizens, (hereinafter "WISC"), organized under the laws of the State of New Jersey is a not for profit corporation, whose members are senior citizens residing in the Township of Woodbridge, County of Middlesex, State of New Jersey. Many of WISC's members are low income senior citizens, who have applied and are currently on waiting lists for admission into public housing complexes managed by the defendants. Other members of WISC currently occupy apartments in buildings managed by defendant, Woodbridge Housing Authority.

4. Defendant, Woodbridge Housing Authority, (hereinafter the "Authority"), the offices of which are located at Bunns Lane, Township of Woodbridge, County of Middlesex, State of New Jersey, is a public body created pursuant to N.J.S.A. 55:14A-4.

5. Upon information and belief, defendant, Eugene Finn, Director of the Woodbridge Housing Authority, is responsible for overseeing the operation of defendant, Authority, and assuring that federally subsidized public housing in the Township of Woodbridge is managed in conformance with federal statutes, regulations and policies promulgated by the United States Department of Housing and Urban Development.

6. The defendant, Authority, pursuant to 42 U.S.C.A. § 1401 et. seq., manages federally funded senior citizen public housing projects in the Township of Woodbridge, including, Bunns Lane Housing Project, Sterns Towers, Coopers Towers, Olsen Towers, and 555 Rahway Avenue.

7. In accordance with 42 U.S.C.A. § 1437d, the defendant, Authority, must comply with regulations promulgated by the U.S. Dept. of Housing and Urban Development (hereinafter "HUD").

8. The Woodbridge Housing Authority is a Public Housing Authority as defined by 42 U.S.C.A. § 1437(a)(6).

9. 24 CFR § 880.603(b)(2) and 882.207(b) require a Public Housing Authority to maintain waiting lists of all eligible applicants for public housing when no vacancies currently exist. In addition, the HUD Public Housing Occupancy Handbook 7465.1 Rev. § 2 requires that eligible applicants be assigned an appropriate position on such a waiting list and admitted to public housing in proper sequence as vacancies occur.

10. By letter dated May 13, 1980, plaintiff, WISC, made a written request to inspect and copy all waiting lists maintained by defendant, Authority.

11. By letter dated May 29, 1980, defendant, Authority, expressed reservations concerning the release of the requested information, which defendant, Authority, believed would include the dissemination of confidential financial data.

12. By letter dated July 1, 1980, plaintiff, WISC, indicated that its request for information did not include confidential financial information.

13. By letter dated July 8, 1980, the Authority refused to honor plaintiff WISC's request for disclosure of names, in proper sequence, on waiting lists maintained by the defendant, Authority.

WHEREFORE, plaintiffs pray that this Court:

(1) Declare that defendants are hereafter required to make the names on waiting lists maintained by defendants available for inspection and copying within a reasonable period of time after a demand has been made;

(2) Order that defendants make waiting lists, maintained by the Authority, available as requested;

(3) Award plaintiffs their costs, disbursements and reasonable attorney's fees in this action; and,

(4) Grant such other and further relief as the Court may deem just and proper.

SECOND COUNT

14. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 13, as set forth herein.

15. Plaintiffs bring this action under 42 U.S.C.A. §1983 for deprivation of rights and privileges secured by federal law, specifically 42 U.S.C.A. § 1437d(c). This Court has jurisdiction under the aforementioned statute.

16. Plaintiff, Rose Barilla, resides at 472 Rahway Avenue, Township of Woodbridge, State of New Jersey.

17. Plaintiff, Rose Barilla, seeks to maintain this action pursuant to R. 4:32-1 et. seq., as a class action on behalf of herself and all other persons similarly situated. The size of the class cannot be immediately ascertained due to the fact that defendants have sole control and custody of any and all records of applicants for public housing in the Township of Woodbridge.

18. As set forth below, there are questions of law and fact common to the class; the claims of the representative party is typical of the claims of the class, and the representative party will fairly and adequately protect the interests of the class:

Plaintiff, Rose Barilla, represents a class of persons who (a) reside in the Township of Woodbridge; (b) have applied or are eligible to apply for senior citizen public housing; and (c) have been unlawfully denied senior citizen public housing.

19. Upon information and belief, there is a strong possibility of

multiple litigation in this matter since upon information and belief defendants have failed to adhere to the applicable federal laws and regulations specifying the proper method of (a) processing applicants for senior citizen public housing and (b) maintaining waiting lists of eligible applicants when no vacancies exist in senior citizen housing projects. Accordingly, defendants have refused to act on grounds generally applicable to the class.

20. Plaintiff, Rose Barilla, filed an application for public housing with the defendant, Authority, on or about May, 1975.

21. Plaintiff is eligible to fill an apartment vacancy in the senior citizen public housing complexes located in the Township of Woodbridge, by reason of her age and income.

22. On numerous occasions during the course of the last five years, plaintiff, Rose Barilla, has requested information with regard to her place on the waiting list, or in the alternative, the approximate date as to when a vacancy, for which she would be eligible, might occur.

23. Pursuant to 24 CFR § 882.207(b) and 24 CFR § 880.603(b)(2), defendant, Authority is obligated to provide such information upon request to an eligible applicant.

24. Upon information and belief, at the time plaintiff, Rose Barilla, submitted her aforementioned application, defendant, Authority, was obligated to maintain waiting lists and admit eligible applicants to senior citizen public housing in proper sequence therefrom.

25. Upon information and belief, defendants have in the past and continue to presently withhold such information from plaintiff, Rose Barilla, and other similarly situated persons in violation of 24 CFR § 882.207(b) and 880.603(b)(2).

26. Upon information and belief, defendants have failed to comply with federal laws and regulations, promulgated by the United States Department of Housing and Urban Development, proscribing the manner in which applications for public housing are to be processed and waiting lists maintained.

WHEREFORE, plaintiffs pray that this Court:

(1) Determine by order that this action be maintained as a class action pursuant to R. 4:32-1, et. seq.;

(2) Declare the defendants in violation of 42 U.S.C.A. § 1437(c), 24 CFR §§ 882.207(b) and 880.603(b)(2) and the Public Housing Occupancy Handbook issued by the United States Department of Housing and Urban Development, 7465.1 REV §§ 2-12 through 2-21 by not admitting eligible applicants to senior citizen public housing in compliance with said statutes and regulations;

(3) Enjoin defendants from violating aforementioned federal laws and regulations which set forth the proper method of processing applications for public housing units managed by defendants and which also specify the proper method of maintaining waiting lists of eligible applicants for public housing;

(4) Enjoin defendant from denying plaintiff, Rose Barilla, an apartment in senior citizen public housing located in the Township of Woodbridge and order that plaintiff be admitted to the next available apartment;

(5) Award plaintiffs their costs, disbursements and reasonable attorney's fees in this action; and,

(6) Grant such other and further relief as the Court may

just and proper.

MIDDLESEX COUNTY LEGAL SERVICES CORP.
Attorneys for Plaintiffs

DATED: August 4, 1980

BY:

A handwritten signature in black ink, appearing to read "Steven P. Weissman", written over a horizontal line.

STEVEN P. WEISSMAN,
Staff Attorney