The Impact of Legislation on Equity

The City Council of Wilson, a city of 15,000 with a large state university, has duly enacted an ordinance to regulate apartment complexes. The key provisions include:

1) The ordinance sets minimum apartment standards in several areas including lighting, plumbing, and heating.

2) A Housing Authority is created and is empowered to enact regulations implement the standards of #1 and to carry out the legislative intent.

3) "No suit for the purpose of restraining the enactment of any regulation of the Housing Authority shall be maintained in any court."

4) "If the court finds that the conditions within the apartment, if permitted to continue, will imperil the health or safety of the tenants, it shall have jurisdiction to enjoin and close said apartment."

5) "In an action brought by the Housing Authority, upon a proper showing, the court shall appoint a receiver to manage and operate said apartment."

6) "If a tenant establishes that the owner of the apartment has violated the statutory standards, the tenant shall recover his or her actual damages, not to exceed $500. A judgment in favor of the tenant shall be a bar to further prosecution for a violation of such statutory provisions."

7) "Whoever violates the statutory standards or the regulations shall be fined not less than $50 nor more than $500 or imprisoned not more than 30 days."

Analyze this ordinance in light of the materials listed below. Read pages 13-14 and 317-318. Consider how this ordinance would be construed in various litigation settings, including:

a) Landlord seeks to bar the enactment of a regulation requiring municipal inspection of all apartment swimming pools. See the Norris-Laguardia Act, pages 20-22. See #4, page 325.

b) Housing Authority seeks a receiver to take over and operate the apartment complex.

c) The Housing Authority seeks an injunction to close the apartment complex. See TVA v. Hill, page 318-325, and United States v. Oakland Cannabis Buyers' Cooperative, pages 85-89.

d) Tenants seek an injunction to compel landlord to repair apartment. See Orloff, pages 14-16.

e) Tenants have suffered actual damages of $750 as a result of substandard housing. See notes, pages 17-18.

f) The Housing Authority seeks a refund for the tenants of $150 for each month they were forced to live in substandard housing.

The left side of the room represents the landlord; the center, the housing authority; the right side of the room, the tenants. Be prepared to make arguments on behalf of your clients.

09/T/5

See Housing Ordinance