

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LAKISHA BRIGGS

Plaintiff,

v.

BOROUGH OF NORRISTOWN and DAVID R.
FORREST, CRANDALL O. JONES, RUSSELL J.
BONO, WILLIE G. RICHET and JOSEPH E.
JANUZELLI, in their individual and official
capacities

Defendants.

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: CIVIL ACTION
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: NO. 2:13-cv-02191-ER
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: JURY TRIAL DEMANDED
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VERIFIED SECOND AMENDED COMPLAINT

INTRODUCTION

1. This action is brought on behalf of an African-American, female victim of repeated domestic violence, who has periodically needed to rely on the police for protection at her rental home in Norristown, Pennsylvania.

2. Defendants – a Pennsylvania municipality, its Former and Current Municipal Administrator, Former and Interim Chief of Police, and Municipal Code Manager – have enacted and enforced two consecutive ordinances that authorize them to penalize landlords, and cause those landlords to remove their tenants from their homes, where the tenants have required the assistance of law enforcement for incidents of “disorderly behavior” at their rental properties.

3. Until November 2012, Defendants maintained and enforced Section 245-3 of the Norristown Municipal Code (the “Old Ordinance”) against landlords and tenants in Norristown.

4. The Old Ordinance authorized Defendants *to revoke or suspend a landlord’s rental license and forcibly remove a tenant from any property* where the police have responded to three instances of “disorderly behavior” at the property within a four month period.

5. The Old Ordinance broadly defined “disorderly behavior” to cover any “activity that can be characterized as disorderly in nature” and provided several examples of activities that constituted “disorderly behavior,” including instances of domestic violence.

6. The Old Ordinance vested the Chief of Police with sole discretion to determine whether the activity to which the police respond constituted “disorderly behavior” under this definition.

7. Thus, under the Old Ordinance, “disorderly behavior” could be found in virtually any call to which the police responded, including incidents where the tenant was blameless, reasonable in seeking police assistance, or facing a true emergency, and even where the police responded to a baseless call from a vindictive neighbor.

8. Between April and September 2012, Defendants enforced the Old Ordinance against Plaintiff and Plaintiff’s landlord by revoking Plaintiff’s landlord’s rental license and attempting to remove Plaintiff and her infant daughter from their home, on grounds that the police were called upon one too many times to protect her and her daughter from incidents of domestic violence.

9. In the course of enforcing the Old Ordinance, Defendants assigned three “strikes” to Plaintiff and placed her property on a 30-day probationary period.

10. During this probationary period, Plaintiff was so terrified she would lose her home due to Defendants’ enforcement of the Old Ordinance that she refrained from calling the police during an incident in which she was brutally attacked and almost killed by her former boyfriend.

11. Notwithstanding this violent episode, Defendants proceeded undeterred to take steps to remove Plaintiff from her rental property until Plaintiff’s counsel interceded.

12. In a September 2012 letter, Plaintiff's counsel explained to Defendants how enforcement of the Old Ordinance violated Plaintiff's constitutional rights and demanded that Defendants cease enforcement of the Old Ordinance against Plaintiff and other tenants in Norristown.

13. Following a meeting with Plaintiff's counsel, Defendants acknowledged the constitutional deficiencies of the Old Ordinance and subsequently repealed the Old Ordinance in its entirety, in November 2012.

14. Yet, within two weeks after repealing the Old Ordinance, Defendants quickly proceeded to enact, and ultimately did enact, a nearly identical, replacement ordinance (the "New Ordinance") in December 2012, without ever informing Plaintiff's counsel.

15. The New Ordinance permits Defendants *to assess a series of escalating criminal fines against landlords* of any property, at which, within a four-month period, the police have responded to three instances of "disorderly behavior," including instances of domestic violence.

16. The New Ordinance is substantially similar to the Old Ordinance. While the New Ordinance changes the penalties on landlords for violations thereof (from a suspension or revocation of rental licenses to a series of criminal fines), the New Ordinance has the same adverse impact as the Old Ordinance on tenants in Norristown and continues to suffer from all of the same constitutional and legal failings. Although the New Ordinance purports to target landlords, the New Ordinance directly infringes on Norristown tenants' constitutional rights.

17. Specifically, Defendants' previous enforcement of the Old Ordinance violated, and threatened enforcement of the New Ordinance continues to violate, Plaintiff's rights under the First, Fourth, and Fourteenth Amendments to the United States Constitution, their Pennsylvania constitutional equivalents and federal statutory law.

18. Accordingly, Plaintiff brings this action seeking damages for injuries suffered by Defendants' unconstitutional enforcement of the Old Ordinance and to enjoin Defendants from enforcing the New Ordinance.

19. This action is brought pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 3601 *et seq.*

20. Plaintiff seeks declaratory and injunctive relief, as well as compensatory damages, punitive damages and attorneys' fees as provided under 42 U.S.C. § 1988.

JURISDICTION AND VENUE

21. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343(3) & (4).

22. This Court has supplemental jurisdiction over the state constitutional claims pursuant to 28 U.S.C. § 1367.

23. Declaratory relief is authorized by 28 U.S.C. § 2201 and Federal Rule of Civil Procedure 57.

24. Injunctive relief is authorized by Federal Rule of Civil Procedure 65.

25. This Court has personal jurisdiction over Defendants because they are located or reside in the Eastern District of Pennsylvania and/or the events that give rise to this action occurred within the Eastern District of Pennsylvania.

26. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1391(b) in that Defendants are subject to personal jurisdiction within the Eastern District of Pennsylvania and the events that give rise to this action occurred within the Eastern District of Pennsylvania.

PARTIES

27. Plaintiff Lakisha Briggs ("Ms. Briggs") is a 33 year old, African-American, single mother. She is a citizen of the United States and is a resident of Norristown, in Montgomery

County, in the Commonwealth of Pennsylvania. Ms. Briggs has lived in Norristown for 24 years, since she was nine years old, and intends to live in Norristown for the rest of her life.

28. Between November 1, 2010 and February 1, 2013, Ms. Briggs lived on Wayne Avenue, in Norristown.

29. Ms. Briggs currently lives at another rental house in Norristown.

30. Ms. Briggs has two children: a three year old daughter, who lives with Ms. Briggs, and a 21 year old daughter, who lives independently in Philadelphia.

31. Defendant Borough of Norristown (“Norristown” or “the borough”) is a municipal corporation, having the name of “Borough of Norristown,” (*see* Borough of Norristown Home Rule Charter) located in Montgomery County, in the Commonwealth of Pennsylvania, with administrative offices and police headquarters located at 235 East Airy Street, Norristown, PA 19401.

32. Defendant David R. Forrest is the former Municipal Administrator for Norristown and in that position had the responsibility under the Old Ordinance for, among other things, determining whether and when to revoke or suspend rental licenses and whether and when to condemn private property and declare it unlawful to occupy the property as a rental unit. Defendant Forrest had ultimate supervisory authority over enforcement of the New Ordinance. Defendant Forrest maintained an office at the Norristown Municipal Building, 235 East Airy Street, Norristown, PA 19401. Defendant Forrest resigned from his position effective February 28, 2013. Robert H. Glisson assumed the position of Interim Municipal Administrator immediately after Defendant Forrest’s resignation and remained in this position until Defendant Crandall O. Jones’ appointment as the current Municipal Administrator. Defendant Forrest is

currently the City Manager for the City of Canandaigua, New York and maintains an office at 2 North Main Street, Canandaigua, NY 14424.

33. Defendant Crandall O. Jones is the current Municipal Administrator for Norristown and, in this position, has ultimate supervisory authority over enforcement of the New Ordinance. Defendant Jones maintains an office at the Norristown Municipal Building, 235 East Airy Street, Norristown, PA 19401. Defendant Jones assumed his position on August 20, 2013.

34. Defendant Russell J. Bono is the former Chief of Police for the Norristown Police Department and in that position, under both the Old Ordinance and the New Ordinance (collectively “the Ordinances”), had responsibility for, among other things, determining whether a call to which the police respond involves activity that can be characterized as disorderly in nature under the Ordinances. Defendant Bono maintained an office at the Norristown Police Department, 235 East Airy Street, Norristown, PA 19401. Defendant Bono resigned from his position effective February 28, 2013. Defendant Bono resides in Norristown, PA.

35. Defendant Willie G. Richet is the Interim Chief of Police for the Norristown Police Department and in that position, under the New Ordinance has responsibility for, among other things, determining whether a call to which the police respond involves activity that can be characterized as disorderly in nature under the New Ordinance. Defendant Richet maintains an office at the Norristown Police Department, 235 East Airy Street, Norristown, PA 19401. Defendant Richet assumed his position immediately after Defendant Bono’s resignation.

36. Defendant Joseph E. Januzelli is the Municipal Code Manager for Norristown and in that position had and has responsibility for, among other things, enforcement of the Ordinances. Defendant Januzelli maintains an office with the Building & Code Enforcement Department at the Norristown Municipal Building, 235 East Airy Street, Norristown, PA 19401.

37. Defendants Forrest, Jones, Bono, Richet, and Januzelli (collectively, the “Individual Defendants”) are named herein in both their individual and official capacities. Each of the Individual Defendants is a “person” as that term is defined in 42 U.S.C. § 1983 and at all relevant times has been acting under color of state law.

THE OLD ORDINANCE

38. At all relevant times, Norristown has required landlords to obtain rental licenses for each property that a landlord desires to rent to tenants in Norristown. *See* Section 245-2 of the Norristown Municipal Code, attached hereto as Exhibit A.

39. The Old Ordinance was in effect between January 5, 2009 and November 7, 2012 and allowed Norristown’s Municipal Administrator to revoke or suspend the rental license for any property where the police have responded to three instances of what the Chief of Police – in his sole discretion – considered “disorderly behavior” at the property within a four month period, including any “[d]omestic disturbances that do not require that a mandatory arrest be made.”¹ *See* Section 245-3 of the Norristown Municipal Code, attached hereto as Exhibit A. For each incident of “disorderly behavior,” landlords and their tenants were assigned a “strike.”

40. While the Old Ordinance purported to provide two exceptions to its enforcement for calls seeking “emergency assistance,” a plain reading of the relevant language reveals that these supposed “exceptions” were devoid of meaning:

a. First, the “exceptions” only exempted emergency calls made by “a tenant, a member of a tenant’s family or a tenant’s guest” and, thus, excluded calls for emergency assistance or otherwise by neighbors or any others outside the rental property;

¹ Pennsylvania does not have a mandatory arrest provision in the law for domestic violence crimes.

b. Second, one of the “exceptions” did not apply if it was later determined, in the unilateral discretion of the Norristown Police Department, that any acts of “disorderly behavior” (as defined in the Old Ordinance) had occurred at the property; and

c. Third, the other “exception” only excused such calls seeking “emergency assistance that is protected by Pennsylvania statute.”

41. The emptiness of these supposed “exceptions” was borne out by Defendants’ enforcement of the Old Ordinance against Ms. Briggs when the police were called to respond to emergency situations at her property and to protect her from incidents of domestic violence, as discussed herein.

42. The Old Ordinance unconstitutionally penalized domestic violence victims, like Ms. Briggs, who cannot control or prevent the violence perpetrated against them.

43. Although the nominal targets of the Old Ordinance were landlords in Norristown, the Old Ordinance had several direct, adverse effects on Ms. Briggs and other victims of domestic violence:

a. The Old Ordinance stripped domestic violence victims – some of the most vulnerable citizens in the community – of police protection, silenced them from reporting acts of violence against them, and emboldened their abusers to perpetrate their acts of violence in the home. Under the Old Ordinance, victims of domestic violence were essentially forced to choose between eviction and calling for help when they were being battered in their homes.

b. The Old Ordinance exacerbated the preexisting challenges that victims of domestic violence already face in accessing and maintaining housing. It is well-documented that domestic violence is a primary cause of homelessness and housing instability for women and children. Congress has found that women and families are being discriminated against and

evicted from housing because of their status as victims of domestic violence, 42 U.S.C. § 14043e. Norristown itself reported to the federal Department of Housing and Urban Development in 2012 that 20% of its homeless population are domestic violence victims. *See* Norristown Third Program Year Action Plan at 26, attached hereto as Exhibit B.

44. Domestic violence is a serious criminal, public health, and societal issue. One in three women in the United States has experienced rape, physical violence and/or stalking by an intimate partner in her lifetime, and it has been estimated that 85% of victims of domestic violence are women. Federal, state, and local governments have recognized the need for effective law enforcement response to these crimes, which historically were treated as private matters unworthy of police intervention. *See, e.g.*, Chapter 19 – Domestic Violence, U.S. Dept. of Hous. and Urban Dev., Pub. Hous. Occupancy Guidebook, at 216-19 (June 2003), attached hereto as Exhibit C.

45. Because the overwhelming numbers of domestic violence victims are women, the Old Ordinance had an inherent disparate impact on female tenants in Norristown.

THE RENTAL PROPERTY

46. Between November 1, 2010 and February 1, 2013, Ms. Briggs rented a house with a Section 8 voucher on Wayne Avenue, in Norristown (“the Property”).

47. Ms. Briggs’ landlord at the Property is named Darren Sudman (“Mr. Sudman”). Mr. Sudman considered Ms. Briggs to be a good tenant who paid her rent in a timely fashion.

EPISODES OF DOMESTIC VIOLENCE

48. While living at the Property, Ms. Briggs experienced several incidents of domestic violence where the police were called.

Early Incidents

49. On or about January 20, February 4, and March 12 and 17, 2012, Ms. Briggs called the police for assistance with domestic disturbances.

50. The police responded to all four of these calls but did not inform Ms. Briggs of the Old Ordinance and did not mention at that time whether the call would count as a strike.

April 9, 2012 Incident

51. On or about April 9, 2012, Ms. Briggs' boyfriend at the time, Wilbert Bennett ("Wilbert"), came to her home around 2:00 a.m. and tried to wake her up. He was intoxicated.

52. Wilbert and Ms. Briggs began arguing, and Wilbert hit her.

53. Ms. Briggs' 21 year old daughter, who was at the Property at the time, called the police. When the police arrived, they arrested Wilbert and charged him with disorderly conduct, public drunkenness, and possession of marijuana.

54. The police did not charge Ms. Briggs with a crime, issue a citation or accuse her of any violation of law.

55. This was the first occasion that the police informed Ms. Briggs about the Old Ordinance and warned her that this incident of domestic violence was her first strike. The police told her that they were charging her with a strike under the Old Ordinance because they were tired of responding to Ms. Briggs' previous calls to the police.

56. The police officer who told her about the Old Ordinance said: "You are on three strikes. We're gonna have your landlord evict you." The officer did not give Ms. Briggs any paperwork regarding the Old Ordinance or the three strikes policy.

57. Following this incident, Ms. Briggs had a lengthy discussion with members of her family and Wilbert regarding the Old Ordinance. She told them that any "disorderly behavior"

could get her evicted under the Old Ordinance. She told them that it would be terrible if she got evicted and she needed to keep the rental house to raise her three year old daughter.

April 15, 2012 Incident

58. Just six days later, on or about April 15, 2012, Wilbert and members of Ms. Briggs' family were at Ms. Briggs' home for a barbeque.

59. A fight arose between Wilbert and the boyfriend of Ms. Briggs' 21 year old daughter.

60. None of the individuals from Ms. Briggs' home called the police for fear of incurring a second strike.

61. Instead, a neighbor called the police. Upon arrival, the police entered the house with guns drawn because it was reported – erroneously – that shots had been fired.

62. The police arrested Wilbert and Ms. Briggs' 21 year old daughter's boyfriend and charged them with simple assault and reckless endangerment.

63. The police officers did not mention the Old Ordinance or any strikes at that time.

64. However, Mr. Sudman, Ms. Briggs' landlord, later received a notice in the mail indicating that this incident constituted a second strike against Ms. Briggs.

65. When Ms. Briggs found out about the second strike, she filed a Pennsylvania "Right to Know" Request to learn more and spoke to Detective Todd Dillon of the Norristown Police Department, who informed her that this incident counted as her second strike.

66. Following the April 15 incident, Ms. Briggs broke up with Wilbert and told him that he could no longer stay at or even visit her home.

67. Ms. Briggs wanted everyone out of her home, except for her three year old daughter. She did not want to do anything to risk losing her home.

May 2, 2012 Incident

68. Two and a half weeks later, on or about May 2, 2012, Ms. Briggs returned home from work and saw Wilbert in an alleyway near her house, drinking and talking with some unknown individuals.

69. Wilbert chased Ms. Briggs down the alley with a brick and followed her to her house, where he attacked her.

70. An unknown person called the police. When the police arrived at her house, Wilbert ran into the house to hide from the police.

71. Ms. Briggs remained on the porch in only her bra; her shirt had been ripped off by Wilbert during the struggle.

72. Notwithstanding the obvious appearance of being assaulted, Ms. Briggs declined to tell the police what had happened and told them that there was no one in the house. She was reluctant to tell the police the truth for fear that it could lead to a third strike under the Old Ordinance.

73. When the police asked if they should remove Wilbert from the house, Ms. Briggs declined because she was worried about eviction under the Old Ordinance.

74. The police eventually entered the house and arrested Wilbert. Wilbert was charged with public drunkenness, and both Ms. Briggs and Wilbert were cited for disorderly conduct and fighting.

75. For each of the April 9, April 15, and May 2, 2012 incidents, the police charged Ms. Briggs with a strike under the Old Ordinance. The borough then initiated license-revocation proceedings against Mr. Sudman, Ms. Briggs' landlord.

MEETING WITH BOROUGH OFFICIALS

76. On or about May 23, 2012, Ms. Briggs accompanied Mr. Sudman to a meeting with borough officials, regarding whether Mr. Sudman's license for the property on Wayne Avenue should be suspended or revoked and whether Ms. Briggs could continue to live in the house.

77. In attendance at the meeting were Defendants Forrest, Bono, and Januzelli, and Norristown's Solicitor, Sean Kilkenny, Esq.

78. The meeting lasted approximately 30 minutes. No official record, transcript or minutes were kept and no one appeared to be designated as a finder of fact.

79. Defendant Bono did most of the talking at the meeting, reporting what was recorded in the police reports.

80. Ms. Briggs attempted to tell her side of the story and describe the incidents, but she was interrupted by Defendant Bono's statements that the police had responded to a call, and that one of the callers had claimed erroneously that shots had been fired at the house. Defendant Bono also made specious allegations of drug-related activity at the house.

81. Mr. Sudman also spoke at the meeting and described Ms. Briggs as a good tenant who paid her rent in a timely manner. He explained that he had never had a problem with Ms. Briggs.

82. Mr. Sudman added that it would be a significant loss for him to lose Ms. Briggs as a tenant and noted that it would be an even greater loss for Ms. Briggs to lose her home because she had a three year old child to care for.

83. Ms. Briggs brought a friend, Dana Henderson, to support her at the meeting, but Ms. Henderson was not permitted to speak.

84. Later the same day, Defendant Forrest issued a letter decision and placed the property on a 30-day probationary period.

85. Defendant Forrest declared in his letter decision that any further violations during the 30-day period would result in suspension or revocation of the rental license.

86. Thus, through this letter as well as their previous communications, the Defendants affirmatively instructed Ms. Briggs that any future calls to the police would lead to her eviction. They restricted her communications with law enforcement, despite the government's interest in encouraging the reporting of crimes and responding to domestic violence.

June 23, 2012 Incident

87. Wilbert was briefly incarcerated for some period of time as a result of the May 2nd incident.

88. However, Wilbert was released from prison around the middle of June and went to find Ms. Briggs at her house.

89. Wilbert wanted to get back together. He threatened Ms. Briggs: "You are going to be with me or you are going to be with no one."

90. Ms. Briggs told Wilbert that she did not want to be with him anymore, but Wilbert would not accept her decision and refused to leave.

91. Ms. Briggs permitted Wilbert to stay because she could not by herself physically force him to leave and knew that she could not call on the police to remove him without violating the probationary period and facing eviction under the Old Ordinance.

92. Left powerless, Ms. Briggs acquiesced to Wilbert's demands. She let her abuser stay because she felt intimidated and worried that he would harm her or her three year old daughter if she tried to do anything to force him out, and she knew that she could not call the police for help without risking eviction.

93. On or about the evening of June 23, 2012, Wilbert invited some of his friends over to Ms. Briggs' house.

94. Powerless to prevent Wilbert's and his friends' intrusion without calling the police, Ms. Briggs let them stay. She could not call the police without violating the Old Ordinance.

95. Later that evening, Wilbert attacked Ms. Briggs for allegedly flirting with other men.

96. He bit and tore her lip.

97. He broke a glass ashtray against the right side of her head, knocking her down and leaving a two-inch gash.

98. He stabbed her in the neck with one of the large broken glass shards.

99. Ms. Briggs ultimately passed out, with blood gushing from a four-inch-long puncture wound in her neck.

100. Ms. Briggs did not call the police for fear of triggering eviction under the Old Ordinance. A neighbor called the police.

101. Ms. Briggs was quickly flown by trauma helicopter to the University of Pennsylvania Hospital for emergency medical care.

102. Wilbert later turned himself in to authorities and was held on aggravated assault charges.

103. Ms. Briggs subsequently obtained a Protection from Abuse ("PFA") restraining order against Wilbert on July 12, 2012, which expires on July 11, 2015.

EVICTON PROCEEDINGS

104. Three days after the stabbing incident, on or about June 26, 2012, Defendant Forrest told Mr. Sudman that his rental license was revoked and that Ms. Briggs had ten days to vacate the property. However, Defendant Forrest told Mr. Sudman that he could apply for a new rental license as soon as Ms. Briggs vacated the property. *See* June 26, 2012 email chain, attached hereto as Exhibit D.

105. Ms. Briggs had just returned home from the hospital after being treated for the stabbing incident. It was the middle of her pay period and she did not have the money to go anywhere else.

106. Mr. Sudman told Ms. Briggs that the borough was, unfortunately, forcing him to file for her eviction.

First Eviction Hearing

107. Ms. Briggs, her attorney Susan Strong, Esq., and Mr. Sudman attended the first eviction hearing before Magisterial District Justice Margaret Hunsicker.

108. Mr. Sudman told District Justice Hunsicker that he did not want to evict Ms. Briggs because she was a good tenant who paid her rent in a timely fashion, and was bringing the eviction action solely because he was required to do so by the borough.

109. The Court issued a continuance and postponed its decision to give the borough some time to reconsider its decision.

110. Susan Strong communicated what had transpired at the eviction hearings to the borough.

Second Eviction Hearing – August 22, 2012

111. At the second eviction hearing, on or about August 22, 2012, District Justice Hunsicker ruled that Ms. Briggs could continue to live at the rental house if she paid her rent up through the end of August and Mr. Sudman's court filing fees relating to the eviction proceedings.

112. Ms. Briggs promptly paid the required amounts and was, therefore, entitled to remain in the property.

113. Susan Strong communicated the outcome of the hearing to Mr. Sudman and the borough.

SUBSEQUENT ATTEMPTS TO REMOVE MS. BRIGGS

114. Despite District Justice Hunsicker's ruling, the borough continued to pursue the removal of Ms. Briggs from her home.

115. On or about August 27, 2012, Defendant Forrest told Mr. Sudman that – based on advice of counsel and notwithstanding the U.S. Constitution, applicable federal law and District Justice Hunsicker's decision – the borough had an “independent right” under the Old Ordinance to revoke his rental license, condemn the property as “unlawful,” and remove Ms. Briggs for trespassing. Accordingly, the borough strongly recommended that Mr. Sudman encourage Ms. Briggs to vacate the property voluntarily. *See* August 27, 2012 email from D. Forrest to D. Sudman, attached hereto as Exhibit E.

NOTICE OF CONSTITUTIONAL VIOLATIONS UNDER THE OLD ORDINANCE

116. Ms. Briggs, through her undersigned counsel, sent Defendants a letter on September 10, 2012 notifying Defendants of the unconstitutionality of Defendants' actions under the Old Ordinance and demanding that Defendants cease enforcement of the Old Ordinance

against Ms. Briggs and other tenants in Norristown. *See* September 10, 2012 letter, attached hereto as Exhibit F.

117. The September 10, 2012 letter also outlined the numerous constitutional problems associated with enforcement of the Old Ordinance and pointed out that the Old Ordinance violated the First, Fourth, Fifth, and Fourteenth Amendments to the U.S. Constitution and their Pennsylvania equivalents, as well as federal statutory law. *See id.*

118. Plaintiff's counsel later met with Defendants and Defendants' counsel on September 19, 2012 to discuss the constitutional concerns described in the September 10, 2012 letter.

119. At this meeting Defendants appeared to acknowledge the constitutional failings of the Old Ordinance.

120. Following this meeting, Defendants agreed to five demands by Plaintiff's counsel, including a repeal of the Old Ordinance:

a. First, Norristown agreed to cease any enforcement activities against Ms. Briggs under the Old Ordinance. Ms. Briggs would be free to call the Norristown Police Department without fear of eviction. Ms. Briggs would also not risk a strike or eviction if a neighbor or another person called the Norristown Police Department concerning Ms. Briggs' property.

b. Second, Norristown agreed to cease any enforcement activities against Ms. Briggs' landlord, Darren Sudman, under the Old Ordinance. Norristown would restore Mr. Sudman's rental license in full.

c. Third, Norristown agreed to suspend any enforcement of the Old Ordinance against any individuals (landlords or tenants) pending re-evaluation of the Old Ordinance by the Norristown Municipal Council.

d. Fourth, Norristown agreed to restore, where possible, the pre-enforcement positions of recently affected individuals (landlords or tenants).

e. Fifth, Norristown agreed to take steps to repeal the Old Ordinance in its entirety. *See* October 25, 2012 email chain, attached hereto as Exhibit G.

121. Plaintiff's counsel subsequently attempted to memorialize an agreement on these points with Defendants on October 25, 2012 in a written settlement agreement. *See id.*

122. However, Defendants, through their counsel, rejected Plaintiff's counsel's proposed settlement agreement and refused to enter into any written settlement agreement. *See id.*

123. Defendants subsequently repealed the Old Ordinance on November 7, 2012 by enacting Ordinance No. 12-11, attached hereto as Exhibit H.

124. In enacting Ordinance No. 12-11, the Norristown Municipal Council gave two reasons for repealing the Old Ordinance:

a. First, the Old Ordinance resulted "in the deprivation of property rights for tenants without due process in violation of the 5th and 14th Amendments to the U.S. Constitution and other federal and state statutes"; and

b. Second, a repeal of the Old Ordinance was "in the best interests of protecting the rights of the residents of Norristown." *See id.*

THE NEW ORDINANCE

125. Notwithstanding Norristown's admissions above in repealing the Old Ordinance, Defendants immediately began the process for introducing a proposed ordinance to re-enact the Old Ordinance in a "new" form.

126. On November 20, 2012, at the very next meeting of the Norristown Municipal Council following the repeal of the Old Ordinance, the Norristown Municipal Council introduced a proposed ordinance, “amending the 3-strikes ordinance.” *See* November 20, 2012 Municipal Council minutes, attached hereto as Exhibit I.

127. Defendants did not notify Ms. Briggs or Plaintiff’s counsel of the process or their plan to enact this new ordinance immediately following the repeal of the Old Ordinance.

128. At the following meeting of the Norristown Municipal Council on December 4, 2012, Defendants enacted the New Ordinance (Ordinance No. 12-15), to replace former Section 245-3 of the Norristown Municipal Code. *See* Ordinance No. 12-15, attached hereto as Exhibit J.

129. The New Ordinance permits Norristown’s Municipal Administrator to assess a series of daily, escalating criminal fines against landlords of any property where the police have responded to three instances of what the Chief of Police – in his sole discretion – considers “disorderly behavior” at the property within a four month period, including any “[d]omestic disturbances that do not require that a mandatory arrest be made.” *See id.*

130. The New Ordinance is substantially similar to the Old Ordinance in its direct, adverse impact on tenants in Norristown and is plagued by the same constitutional and legal deficiencies. *See* Blackline Comparison of the Old Ordinance and the New Ordinance, attached hereto as Exhibit K.

131. Whereas the Old Ordinance permitted Norristown to revoke or suspend a landlord’s rental license, the New Ordinance allows Norristown to impose criminal fines on landlords for the alleged “disorderly behavior” of a landlord’s tenants. *See id.*

132. Like its predecessor, the New Ordinance:

a. Gives the Chief of Police the authority and unfettered discretion to determine what “disorderly behavior” is and whether a landlord’s tenants or guests have engaged in such “disorderly behavior”;

b. Broadly defines “disorderly behavior” as conduct that “involves activity that can be characterized as disorderly in nature,” including “[d]omestic disturbances that do not require that a mandatory arrest be made”;²

c. Imposes a penalty on landlords where three instances of “disorderly conduct” have occurred at a property within a four month period; and

d. Provides a hollow exception for calls seeking “emergency assistance.” *See id.*

133. Unlike its predecessor, however, the New Ordinance goes further to penalize landlords and adversely impact tenants by:

a. Encouraging landlords to “include in their leases language that provides that it is a breach of the lease for a tenant to be convicted for disorderly behavior”; and

b. Subjecting landlords to criminal penalties according to a graduating series of fines for each instance of “disorderly behavior” that occurs at a landlord’s rental property, where “[e]ach day that a violation continues [] constitute[s] a separate offense.” *See id.*

134. Although the fifth recital of the New Ordinance states that the “Municipal Council desires that no . . . landlord [shall be] criminally responsible for the acts of their tenants,” subsections D, E, and K expressly provide that a landlord shall be subject to criminal fines up to \$1,000 per day for each incident of “disorderly behavior” of their tenants. *See Ordinance No. 12-15*, attached hereto as Exhibit J.

² Again, Pennsylvania does not have a mandatory arrest provision in the law for domestic violence crimes.

135. Although subsection H of the New Ordinance provides that “[n]o tenant shall be evicted or forced to vacate a rental dwelling unit by the Municipality of Norristown for violation of the provisions of Ordinance,” subsection F expressly provides that “adverse action may be taken [against a landlord] when the [landlord] fails to diligently pursue the eviction process.” Similarly, subsection I states that “[i]t is strongly encouraged that all [landlords] include in their leases language that provides that it is a breach of the lease for a tenant to be convicted for disorderly behavior.” *See id.*

136. Notwithstanding the shift from suspending or revoking landlords’ rental licenses to imposing criminal fines on landlords, the New Ordinance continues to suffer from the same constitutional and legal failings as its predecessor in that it:

- a. Adversely impacts and penalizes victims of domestic violence, like Ms. Briggs, who cannot control or prevent the violence perpetrated against them;
- b. Continues to strip victims of domestic violence of police protection, silences them from reporting acts of violence against them, and emboldens their abusers to perpetrate acts of violence in the home;
- c. Exacerbates the preexisting challenges that victims of domestic violence face in accessing housing;
- d. Has an inherent disparate impact on women; and
- e. Deprives domestic violence victims of a protected liberty interest in a dwelling without due process of law.

137. Defendants have attempted to sidestep the constitutional concerns of the Old Ordinance by drafting the New Ordinance in a way that: (a) penalizes landlords with criminal fines for the alleged “disorderly behavior” of their tenants, instead of revoking or suspending

their rental licenses; and (b) expresses Norristown's disinterest in evicting tenants but establishes a system by which landlords are obligated to take actions that Defendants have admitted would be unconstitutional if taken by them.

138. Such cosmetic alterations do nothing to rescue the New Ordinance from the same constitutional and legal failings that plagued the Old Ordinance.

**THE NEW ORDINANCE CONTINUES TO VIOLATE MS. BRIGGS'
CONSTITUTIONAL RIGHTS**

139. Ms. Briggs continues to fear that contacting the police for any reason may once again place her at risk of losing her home, even when she calls the police to protect her physical safety.

140. This fear was exacerbated when, on December 7, 2012, only a few days after the New Ordinance was enacted, Ms. Briggs learned that Norristown would be inspecting her home at the Property, without her consent, on December 11, 2012 as part of Norristown's new program of "random inspections" of rental units throughout the borough.

141. On information and belief, the proposed inspection of Ms. Briggs' home was not random; rather, Norristown officials had affirmatively selected her home for inspection.

142. Plaintiff's counsel sent Defendants' counsel a December 8, 2012 email objecting to and challenging the legality of Norristown's planned inspection of Ms. Briggs' home. *See* December 10, 2012 email chain, attached hereto as Exhibit L.

143. While Defendants have since agreed not to inspect Ms. Briggs' home without her consent, they have not indicated any agreement that they will not seek to do so in the future. *See id.*

THE NEW RENTAL PROPERTY

144. On February 1, 2013, Ms. Briggs and her three year old daughter moved from the Property to another location in Norristown, where she rents a house with a Section 8 voucher.

145. The landlord at Ms. Briggs' new property is named Rick Gallo ("Mr. Gallo").

146. Even at her new home, Ms. Briggs continues to fear that contacting the police for any reason may place her at risk for losing her home.

147. For example, on or about April 5, 2013, Ms. Briggs heard gun shots in her neighborhood and saw the gunman run through her backyard. She did not call the police to report this information for fear that it could lead to her eviction.

148. Defendants have not advised Ms. Briggs or her new landlord, Mr. Gallo, that Defendants consider the New Ordinance invalid or illegal, or that it will not be applied against them.

149. Defendants' initial actions to enforce the Old Ordinance against Ms. Briggs, their feigned repeal of the Old Ordinance, and their actions in enacting the New Ordinance continue to cause an undue chilling effect on the exercise of Ms. Briggs' free speech rights and her ability to seek the assistance of law enforcement.

150. At all relevant times, Defendants were acting within the enforcement and policy-making authority delegated to them under the Old Ordinance and the New Ordinance, which are both official laws, enacted by the Norristown Municipal Council.

151. Accordingly, Defendants are liable in both their individual and official capacities for harm caused to Ms. Briggs under both the Old Ordinance and the New Ordinance. *See Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978).

INJUNCTIVE AND DECLARATORY RELIEF IS NECESSARY

152. Absent injunctive and declaratory relief, Ms. Briggs and other tenants in Norristown face an ongoing threat that they will lose their homes if they contact the police for help, which causes an undue chilling effect on the exercise of Ms. Briggs' and other Norristown tenants' free speech rights and their ability to seek the assistance of law enforcement.

153. Ms. Briggs will suffer irreparable harm, for which there is no adequate remedy at law, if Defendants are not enjoined from enforcing the New Ordinance against her.

154. Injunctive relief is necessary to ensure that Mr. Gallo is not penalized and, thus, encouraged to evict Ms. Briggs if she reports an incident of domestic violence to the police, and that Ms. Briggs and her three year old daughter are not evicted from their home for exercising their rights under the First Amendment.

**COUNT I – RIGHT TO PETITION
(U.S. Const. amend. I; Pa. Const. Art. I, § 20)**

155. Ms. Briggs incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

156. The First Amendment to the United States Constitution and its Pennsylvania equivalent guarantee the right to petition the government for redress of grievances.

157. Under the First Amendment's "right to petition" clause, communications to law enforcement – including (1) reporting physical assault, (2) reporting criminal activity, and (3) filing a complaint with law enforcement – are constitutionally protected activities.

158. Defendants' enforcement of the Old Ordinance against Ms. Briggs and her landlord for calls made to the police, reporting physical violence and/or criminal activity, directly violated her right to petition the government to redress grievances.

159. Ms. Briggs was reluctant to report physical violence and/or criminal activity to the police for fear of receiving a “strike” under the Old Ordinance and triggering eviction from her home.

160. Thus, the Old Ordinance created an undue chilling effect on Ms. Briggs’ fundamental right to petition the police for protection.

161. Ms. Briggs suffered severe bodily injury as a result. The police affirmatively instructed her that any future calls to the police would lead to her eviction. Ms. Briggs was then effectively prevented from contacting the police when she was brutally attacked and almost killed by Wilbert.

162. The New Ordinance is substantially similar to the Old Ordinance in its unconstitutional and unlawful impact on tenants in Norristown.

163. Thus, Defendants’ threatened enforcement of the New Ordinance against Ms. Briggs and her landlord, and against other Norristown tenants and their landlords, continues to cause an undue chilling effect on the fundamental right of Ms. Briggs and other Norristown tenants to seek police protection.

164. The Old Ordinance did not and the New Ordinance does not advance any compelling government interest, and neither Ordinance is narrowly tailored to justify the infringement of Ms. Briggs’ or other Norristown tenants’ fundamental right to call the police.

165. Accordingly, the Old Ordinance violated and the New Ordinance continues to violate the First Amendment and its Pennsylvania equivalent.

**COUNT II – UNREASONABLE SEIZURE
(U.S. Const. amend. IV; Pa. Const. Art. I, § 8)**

166. Ms. Briggs incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

167. The Fourth Amendment to the United States Constitution and its Pennsylvania equivalent guarantee individuals the right to be “secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.”

168. Under the Fourth Amendment and its Pennsylvania equivalent, a seizure of property occurs if there is some meaningful interference with an individual’s possessory interest in that property.

169. Tenants have possessory interests in their leaseholds.

170. Defendants, through their enactment and enforcement of the Old Ordinance, unreasonably and meaningfully interfered with Ms. Briggs’ property interest in her leasehold by revoking her landlord’s rental license and attempting to forcibly remove her from her rental property.

171. The New Ordinance is substantially similar to the Old Ordinance in its unconstitutional and unlawful impact on tenants in Norristown.

172. Thus, Defendants, through the enactment and enforcement of the New Ordinance, continue to threaten to unreasonably and meaningfully interfere with Ms. Briggs’ property interest in her leasehold by subjecting her landlord to potential criminal fines for any future alleged “disorderly behavior” at her home, and by directing and incentivizing her landlord to initiate eviction proceedings against her.

173. Accordingly, the Old Ordinance violated and the New Ordinance continues to violate the Fourth Amendment and its Pennsylvania equivalent.

COUNT III – PROCEDURAL DUE PROCESS
(U.S. Const. amend. XIV; Pa. Const. Art. 1, §§ 1, 9, and 11)

174. Ms. Briggs incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

175. The Fourteenth Amendment to the United States Constitution and its Pennsylvania equivalents provide that no person shall be deprived of life, liberty or property without due process of law.

176. Enforcement of the Old Ordinance threatened to deprive Ms. Briggs of her property interest in her leasehold by revoking her landlord's rental license and attempting to forcibly remove her from her rental property without adequate procedural protections.

177. The New Ordinance is substantially similar to the Old Ordinance in its unconstitutional and unlawful impact on tenants in Norristown.

178. Thus, enforcement of the New Ordinance continues to threaten to deprive Ms. Briggs of her property interest in her leasehold by subjecting her landlord to potential criminal fines for any future alleged "disorderly behavior" at her home, and by directing and incentivizing her landlord to initiate eviction proceedings against her without adequate procedural protections.

179. The Old Ordinance did not and the New Ordinance does not provide adequate legal procedures to protect against the deprivation of Ms. Briggs' property interests. Neither Ordinance requires any notice to be given to the tenant of violations of the Ordinance, nor gives the tenant an opportunity to contest either the Chief of Police's discretionary decision to characterize an incident as "disorderly behavior" or the borough's decision to enforce the Ordinance against the landlord.

180. Accordingly, the Old Ordinance violated and the New Ordinance continues to violate the Fourteenth Amendment's Procedural Due Process Clause and its Pennsylvania equivalents.

COUNT IV – SUBSTANTIVE DUE PROCESS (STATE-CREATED DANGER)
(U.S. Const. amend. XIV; Pa. Const. Art. 1 § 26)

181. Ms. Briggs incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

182. The Fourteenth Amendment to the United States Constitution and Pennsylvania equivalent provide that no person shall be deprived of life, liberty or property without due process of law.

183. Individuals have a constitutional liberty interest in personal bodily integrity that is protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

184. Under the Due Process Clause, Norristown has an obligation to protect its citizens from dangers it creates.

185. Defendants' enactment and enforcement of the Old Ordinance created a danger to Ms. Briggs because she was effectively prohibited from calling the police during an emergency without risking a strike and ultimate eviction under the Old Ordinance and, as a result, suffered severe bodily injury when she was brutally attacked and almost killed by Wilbert.

186. Defendants knew that Wilbert was violent, had a criminal record, and had a history of physically abusing Ms. Briggs. Indeed, the Norristown police had arrested Wilbert on at least two occasions for violent assaults on Ms. Briggs before he brutally attacked and almost killed her.

187. Defendants knew that the issuance of strikes to a domestic violence victim and tenant, such as Ms. Briggs, for calling the police for protection against domestic violence would cause such victim-tenants to refrain from calling the police for fear of triggering their evictions and would likely result in further injury from their abusers.

188. Defendants knew that Ms. Briggs was a specific target of Wilbert's violence and physical abuse because the police had arrested Wilbert on at least two occasions for violent assaults on Ms. Briggs before she was brutally attacked and almost killed by him.

189. Defendants, by enforcing the Old Ordinance against her, were grossly negligent and/or deliberately indifferent to Ms. Briggs' victimhood and effective inability to call the police for help.

190. Defendants deliberately ignored the clear signs of Wilbert's physical abuse of Ms. Briggs, continued to assign her strikes for Wilbert's attacks against her, and doggedly pursued her removal from the property for incidents of domestic violence at her home. Indeed, immediately after the police arrested Wilbert for his first attack on Ms. Briggs, on April 9, 2012, a Norristown police officer told Ms. Briggs: "You are on three strikes. We're gonna have your landlord evict you." Defendants even sought to remove Ms. Briggs from her home just days after she was brutally attacked and almost killed by Wilbert.

191. Defendants affirmatively enacted and enforced the Old Ordinance, issued strikes against Ms. Briggs for seeking emergency assistance from Norristown police, attempted to remove her from her rental property, and terrified her into believing that she would be evicted if she continued to seek emergency assistance from the police. But for Defendants' overt actions, Ms. Briggs would have sought police protection against the repeated domestic violence perpetrated against her by Wilbert.

192. The New Ordinance is substantially similar to the Old Ordinance in its unconstitutional and unlawful impact on tenants in Norristown and continues to create a danger to Ms. Briggs and other domestic violence victims who are tenants in Norristown.

193. Accordingly, the Old Ordinance violated and the New Ordinance continues to violate the Fourteenth Amendment's Substantive Due Process Clause and its Pennsylvania equivalent.

COUNT V – EQUAL PROTECTION
(U.S. Const. amend. XIV; Pa. Const. Art. I, §§ 26 & 28)

194. Ms. Briggs incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

195. The Fourteenth Amendment to United States Constitution and its Pennsylvania equivalents prohibit the denial of equal protection of the law.

196. The Old Ordinance provided less protection to victims of domestic violence than to other victims of violence, because “domestic disturbances” were specifically targeted as “disorderly behavior” that can result in the eviction of the victim.

197. The Old Ordinance and its application against domestic violence victims blamed victims for criminal conduct perpetrated against them, and treated domestic violence as a criminal justice problem less seriously than other crimes.

198. The Old Ordinance, thus, intentionally discriminated against female tenants in Norristown, such as Ms. Briggs, who are victims of domestic violence by specifically including “domestic disturbances” in the statute.

199. Ms. Briggs was injured by the Old Ordinance because she could not seek police assistance without being evicted.

200. The New Ordinance is substantially similar to the Old Ordinance in its unconstitutional and unlawful impact on tenants in Norristown.

201. The New Ordinance was enacted by Norristown with the knowledge and intent that it adversely impacts domestic violence victims' ability to seek police assistance and maintain their housing.

202. The New Ordinance continues to provide less protection to victims of domestic violence than to other victims of violence, because "domestic disturbances" are specifically targeted as "disorderly behavior" that can result in the eviction of the victim.

203. The New Ordinance and its application against domestic violence victims blame victims for criminal conduct perpetrated against them, and treats domestic violence as a criminal justice problem less seriously than other crimes.

204. Thus, the New Ordinance continues to intentionally discriminate against female tenants in Norristown, such as Ms. Briggs, who are victims of domestic violence by specifically including "domestic disturbances" in the statute.

205. The Old Ordinance did not and the New Ordinance does not advance a compelling or important government interest, and neither is narrowly tailored nor substantially related to advance such an interest.

206. Accordingly, the Old Ordinance violated and the New Ordinance continues to violate the Fourteenth Amendment's Equal Protection Clause and its Pennsylvania equivalents.

COUNT VI – VAGUENESS
(U.S. Const. amend. XIV; Pa. Const. Art. 1, §§ 1, 9, and 11)

207. Ms. Briggs incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

208. The Fourteenth Amendment to the United States Constitution and its Pennsylvania equivalents prohibit the enforcement of legislation that is unduly vague.

209. The Old Ordinance failed to provide sufficient notice as to what conduct constitutes “disorderly behavior” and was covered by the Old Ordinance.

210. The Old Ordinance was largely incomprehensible and confusingly defined “disorderly behavior” as “activity that can be characterized as disorderly in nature,” including, among other things, “disorderly conduct.”

211. The Old Ordinance provided the Chief of Police with limitless discretion to determine what conduct was covered by the Old Ordinance and, thus, encouraged arbitrary and discriminatory enforcement.

212. The New Ordinance is substantially similar to the Old Ordinance in its unconstitutional and unlawful impact on tenants in Norristown.

213. Thus, the New Ordinance continues to fail to provide sufficient notice as to what conduct constitutes “disorderly behavior” and is covered by the Ordinances.

214. The New Ordinance continues to be largely incomprehensible and confusingly defines “disorderly behavior” as “activity that can be characterized as disorderly in nature,” including, among other things, “disorderly conduct.”

215. The New Ordinance continues to provide the Chief of Police with sole discretionary authority to determine what conduct is covered by the New Ordinance and, thus, encourages arbitrary and discriminatory enforcement.

216. Accordingly, the Old Ordinance was and the New Ordinance is void for vagueness under the Fourteenth Amendment and its Pennsylvania equivalents.

COUNT VII – FEDERAL FAIR HOUSING ACT
(Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*)

217. Ms. Briggs incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

218. The Fair Housing Act prohibits discrimination on the basis of any protected class (including sex) in housing and further prohibit any law that purports to require or permit any action that would constitute a discriminatory housing practice or has a disparate impact on a protected class.

219. The Old Ordinance specifically targeted “domestic disturbances” as “disorderly behavior.”

220. The Old Ordinance did not distinguish between domestic violence perpetrators or victims, but instead applied against both.

221. By including domestic violence as “disorderly behavior,” Norristown had a policy of treating domestic violence offenses differently from other crimes and punishing victims who reported offenses.

222. The Old Ordinance discriminated against and had a disparate impact on female tenants in Norristown, such as Ms. Briggs, who are victims of domestic violence and, therefore, discriminated on the basis of sex.

223. The New Ordinance is substantially similar to the Old Ordinance in its unconstitutional and unlawful impact on tenants in Norristown.

224. The New Ordinance continues to target “domestic disturbances” even though Norristown was fully aware of the effects of the New Ordinance on domestic violence victims like Ms. Briggs when it was enacted.

225. The New Ordinance continues Norristown’s policy of treating domestic violence offenses differently from other crimes and punishing victims who report offenses.

226. Thus, the New Ordinance continues to discriminate against and continues to have a disparate impact on female tenants of properties in Norristown, such as Ms. Briggs, who are victims of domestic violence and, therefore, continues to discriminate on the basis of sex.

227. Defendants intentionally discriminated against Ms. Briggs on the basis of sex, making a dwelling unavailable to her, discriminating against her in the rental terms, conditions, privileges, and provision of services, and interfering with her exercise and enjoyment of rights guaranteed under 42 U.S.C. § 3604, in violation of the Fair Housing Act, 42 U.S.C. §§ 3604(a) and (b) and 3617.

228. By adopting a policy of penalizing victims for police response to “domestic disturbances,” Defendants engaged in a practice that has a disparate impact on women, because the great majority of domestic violence victims are women, and that discriminates on the basis of sex in violation of the Fair Housing Act, 42 U.S.C. §§ 3604(a) and (b) and 3617.

229. Defendants engaged in such discriminatory conduct intentionally, willfully, and in disregard of the rights of Ms. Briggs, and she suffered injury as a result.

230. Accordingly, the Old Ordinance violated and the New Ordinance continues to violate the Fair Housing Act.

COUNT VIII – VIOLENCE AGAINST WOMEN ACT
(Violence Against Women Act, 42 U.S.C. 14043e-11, *et. seq.*,
***formerly 42 U.S.C. § 1437f, *et seq.**)**

231. Ms. Briggs incorporates by reference the allegations in the preceding paragraphs as though set forth at length herein.

232. In 2005, the federal Violence Against Women Act enacted housing protections for victims of domestic violence who live in public and Section 8 housing. Congress reauthorized the law in 2013. The law provides that incidents of actual or threatened domestic violence, dating

violence, or stalking, shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence. Furthermore, the Violence Against Women Act provides that criminal activity directly relating to domestic violence engaged in by a member of a tenant's household or any guest or other person shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence.

233. Enforcement of the Old Ordinance against tenants of properties in Norristown, such as Ms. Briggs, who are victims of domestic violence, for calls made to the police, reporting physical violence and/or criminal activity, penalized them for being victims of domestic violence.

234. The New Ordinance is substantially similar to the Old Ordinance in its unconstitutional and unlawful impact on tenants in Norristown.

235. Thus, enforcement of the New Ordinance against tenants of properties in Norristown, such as Ms. Briggs, who are victims of domestic violence, for calls made to the police, reporting physical violence and/or criminal activity, threatens to penalize them for being victims of domestic violence.

236. Accordingly, the Old Ordinance violated and the New Ordinance continues to violate the federal Violence Against Women Act and the New Ordinance is preempted under the Supremacy Clause. Federal law clearly protects domestic violence victims who hold Section 8 vouchers, like Ms. Briggs, from termination of assistance, tenancy, or occupancy rights based on incidents of domestic violence.

PRAYER FOR RELIEF

WHEREFORE, Ms. Briggs respectfully requests the following:

- a. a preliminary injunction pursuant to Federal Rule of Civil Procedure 65 prohibiting Defendants from further implementing or enforcing the New Ordinance, enacted pursuant to Ordinance 12-15, or the Old Ordinance, codified at Section 245-3 of the Norristown Municipal Code, against Ms. Briggs, other tenants residing in Norristown, or their landlords for any alleged “disorderly behavior” at rental properties in Norristown or from requiring their employees to do so, and from deeming any calls for police assistance to tenants’ homes as a “strike” under the Ordinances;
- b. a permanent injunction prohibiting Defendants from enforcing the Old and New Ordinances, codified at Section 245-3 of the Norristown Municipal Code and enacted pursuant to Ordinance 12-15;
- c. a declaratory judgment pursuant to 28 U.S.C. §§ 2201 & 2202 and 42 U.S.C. § 1983 declaring the Old and New Ordinances, codified at Section 245-3 of the Norristown Municipal Code and enacted pursuant to Ordinance 12-15, violate the First, Fourth, and Fourteenth Amendments to the United States Constitution, their Pennsylvania constitutional equivalents, and federal statutory law;
- d. damages against all Defendants for violating Ms. Briggs’ rights under the United States Constitution, and federal statutory law by enforcing the Old Ordinance, codified at Section 245-3 of the Norristown Municipal Code, against her;
- e. punitive damages against the Individual Defendants due to their intentional, willful, and reckless deprivation of Ms. Briggs’ rights under the United States Constitution and pursuant to 42 U.S.C. § 3613(c);

- f. an order directing Defendants to take such affirmative steps as necessary to prevent discrimination, harassment and retaliation against Ms. Briggs in the future;
- g. an order awarding Ms. Briggs' the costs incurred in this litigation, including attorneys' fees pursuant to 42 U.S.C. § 1988 and § 3613(c); and
- h. such other relief as the Court deems just and proper.

Dated: September 30, 2013

Respectfully submitted,

/s/ Sara J. Rose

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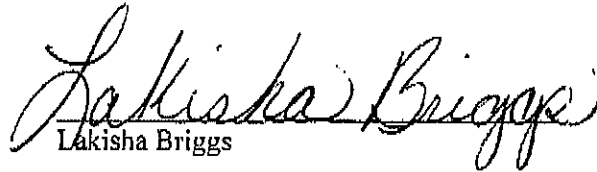
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VERIFICATION

I, Lakisha Briggs, hereby declare and affirm under penalty of perjury and pursuant to 28 U.S.C. § 1746 that I am the Plaintiff in this action, that I have personal knowledge of the facts set forth in the foregoing Verified Second Amended Complaint, and that the facts set forth therein are true and correct to the best of my knowledge, information and belief. Executed on September 30, 2013.


Lakisha Briggs

CERTIFICATE OF SERVICE

I, Peter M. Smith, hereby certify that on September 30, 2013 a true and correct copy of the foregoing Verified Second Amended Complaint was filed and served via ECF upon the following:

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/s/ Peter M. Smith

Peter M. Smith

Exhibit A



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	<u>PA</u>	
New Laws	Help	Print
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CHAPTER 245. RENTAL PROPERTY

ARTICLE I. Rental License Permits

§ 245-1. Definitions.

§ 245-2. Establishment of annual rental license permit.

§ 245-3. Procedures for revocation of license.

§ 245-4. Violations and penalties.

Chapter 245. RENTAL PROPERTY

[HISTORY: Adopted by the Municipal Council of the Municipality of Norristown as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Housing discrimination — See Ch. 188.

Noise — See Ch. 215.

Overcrowding of dwelling units — See Ch. 222.

Peace and good order — See Ch. 229.

Property maintenance — See Ch. 239.

Real Estate Registry — See Ch. 242.

Article I. Rental License Permits

[Adopted 6-3-2008 by Ord. No. 08-12*Editor's Note: This ordinance also repealed former Ch. 245, Rental Property, consisting of Art. I, Rental License Permits, adopted 1-4-2005 by Ord. No. 05-02, as amended. This ordinance further provided that it shall become effective October 1, 2008.***]**

§ 245-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

FAMILY

Any number of individuals living together on a nontransient basis as a single housekeeping unit and doing their cooking on the premises. The definition shall not apply to the occupants of a club, fraternity house, lodge or residential club. Notwithstanding the aforesaid definition, a family shall include any number of mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping unit, if such occupants are handicapped persons as defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined previously.

MULTIFAMILY DWELLING

A detached residential building containing three or more dwelling units. Units may be arranged entirely in vertical rows (like townhouses) and are generally located entirely above or below one another. Units may share

outside access and/or internal hallways, lobbies and similar facilities. The dwelling units cannot be individually lotted, but instead share the lot or tract on which the building containing them is located. The development is usually under one operating unit, as a rental or condominium development. This dwelling type includes but is not limited to low-rise, mid-rise and high-rise apartments and multifamily conversions as defined below.

A. LOW-RISE APARTMENT — An apartment building not exceeding three stories and 36 feet in height, also known as a "garden apartment."

B. MID-RISE APARTMENT—An apartment building exceeding three stories and 36 feet in height but not exceeding six stories and 72 feet in height.

C. HIGH-RISE APARTMENT—An apartment building exceeding six stories and 72 feet in height but not exceeding 10 stories and 120 feet in height.

D. MULTIFAMILY CONVERSION — A multifamily dwelling, containing not more than four units, that results from the conversion of a single-family or two-family dwelling, also known as a "converted apartment building."

SINGLE-FAMILY ATTACHED DWELLING UNIT

A dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with at least one but not more than three adjacent similar dwelling units and located in a building comprised of at least three dwelling units. Each dwelling unit may be individually lotted or owned as a condominium. This dwelling type shall include but not be limited to dwelling units commonly known as "townhouses," "row houses," "triplexes," "quadruplexes," and "multiplexes."

SINGLE-FAMILY DETACHED DWELLING

A dwelling designed for and occupied exclusively as a residence for only one family and not attached to any other building or dwelling units.

SINGLE-FAMILY SEMIDETACHED DWELLING (TWIN)

A two-family building with dwelling units placed side-by-side and joined to each other by a vertical, common party wall but otherwise surrounded by yard areas. When lotted, each dwelling unit may be on a separate lot, with the common boundary between the two lots running along the common party wall. Separate ingress and egress is provided to each unit.

TOWNHOUSE (ROW HOUSE)

A single-family attached dwelling in a row of at least three units, with one dwelling unit from ground to roof, with individual outside access. Although these units are in rows, their design should de-emphasize a lined-up appearance.

TWO-FAMILY BUILDING

A residential building containing two dwelling units and which is not attached to any other building. A two-family building counts as two dwelling units for density purposes.

TWO-FAMILY DETACHED (DUPLEX)

A two-family building with one dwelling unit placed above the other so that they share a common horizontal partition. When lotted, a duplex shall be entirely on one lot. Separate ingress and egress is provided to each unit.

§ 245-2. Establishment of annual rental license permit.

A. All owners of single-family detached dwellings, two-family buildings, single-family semidetached dwellings, two-family detached dwellings, single-family attached dwellings, townhouses, multifamily dwellings, and apartments houses (hereinafter "rental dwellings") intending to rent their rental dwelling or a portion of their rental dwelling in the Municipality of Norristown to nonfamily members shall make application to Code Enforcement of the Municipality of Norristown for licensing on an annual basis. Forms shall be available for inspection at the Municipality of Norristown Code Department.

B. At the time of application, the owner making application shall provide to Code Enforcement a list of current or proposed tenants for the calendar year. That tenant list shall include the tenant's full legal name

and any known aliases, address, employment title and address of employer. If a tenant vacates the owner's property and is replaced by a new tenant, the owner is obligated to notify Norristown Code Enforcement in writing within 60 days and provide the information required in the aforesaid tenant list about the new tenant(s) to Norristown Code Enforcement.

- C. At the time of application, the owner making application must have satisfied all permit fees owed to the Municipality of Norristown, with the exception of any taxes and or fees regulated by the statutory authority of the General Assembly of the Commonwealth of Pennsylvania. This satisfaction of the aforesaid permit fees applies not only to the property(s) that the owner is applying for currently but to all properties that the owner possesses title to within the Municipality of Norristown. The term "appropriate and applicable fees" is meant to extend to those property(ies) which may not be in the name of the owner but which the owner has partnership, shareholder, or equivalent status therein. The satisfaction of appropriate and applicable fees is meant to be liberally construed. Any and all disputes arising out of its interpretation shall be determined first by the Codes Manager and if that is not satisfactory to the owner by the Municipal Administrator of Norristown.
- D. At the time of application if the owner has had his license suspended or revoked in the previous 365 days, the Municipal Administrator reserves the right to deny issuance of the rental license for the following year.
- E. At the time of application, each owner for a license to operate a rental dwelling shall pay a license fee on an annual basis set by a resolution of Municipal Council.
- F. At the time of application, the owner shall complete a certification subject to the provisions of 18 Pa. C.S.A. § 4904 which states that the owner is aware of and intends to comply with the Norristown Property Maintenance Code, the Uniform Construction Code, the Municipality's Recycling Ordinance, and the Municipality's stand-alone ordinances regulating weeds, litter, and snow removal.
- G. Beginning in 2008, applications for housing licenses for 2009 and thereafter shall be made on or prior to November 15 of the preceding year. At the time of the application, the license fee shall be paid. Applications for housing licenses made after November 15 shall be subject to a penalty which shall be set by resolution of Municipal Council.

[Amended 10-7-2008 by Ord. No. 08-22]

- H. Upon the application of the owner for a rental license or renewal thereof, the Code Department may conduct an inspection of the property to determine and ensure that the residential rental property and each unit contained therein is not a public nuisance or substandard and meets all the zoning, health and safety requirements of the Municipality as well as general applicable law. All inspections shall conform to the protections guaranteed property owner(s) and/or individuals in the Constitution(s) of the United States and the Commonwealth of Pennsylvania.

§ 245-3. Procedures for revocation of license.

[Amended 1-5-2009 by Ord. No. 09-02; 2-7-2012 by Ord. No. 12-03]

- A. It shall be the licensee's responsibility to assure that the tenants, the tenants' family members and guests of any tenant or tenant family members not engage in disorderly behavior in the rental dwelling unit. For the purposes of this chapter, "rental dwelling unit" shall include common areas in the building where the rental dwelling unit is located.
- B. For the purposes of § 245-3, "disorderly behavior" may include but is not limited to the following:
 - (1) Drug-related illegal activity in the rental dwelling unit. "Drug-related illegal activity" means the illegal possession, manufacture, sale, distribution, purchase, use, or possession with intent to manufacture, sell, or distribute a controlled substance (as defined in the Controlled Substance Act [21 U.S.C. 802]) or possession of drug paraphernalia as defined by Pennsylvania statute. A tenant shall be deemed to be in possession of a controlled substance if any amount is located in the tenant's rental dwelling unit even if the tenant claims not to know the controlled substance was present, unless the tenant provides

a sworn statement by a person, other than another tenant or tenant's family member, that the controlled substance was his/hers and the tenant had no knowledge of the controlled substance.

- (2) Any call to a rental dwelling unit or units to which the Norristown Police Department responds, and which, in the sole discretion of the Chief of Police, involves activity that can be characterized as disorderly in nature, including, but not limited to the following types of activity:
 - (a) Disorderly conduct;
 - (b) Public nuisance;
 - (c) Unlawful use, discharge or possession of a firearm or weapon;
 - (d) Obstructing the administration of justice;
 - (e) Domestic disturbances that do not require that a mandatory arrest be made;
 - (f) Prostitution; and
 - (g) Intimidation.
- (3) The issuance of at least three citations by the Municipality of Norristown for a violation of the Property Maintenance Code, Norristown's codification of the Uniform Construction Code, or any other general law of Norristown.
- (4) Calls to which the Norristown Police Department respond will not be counted for purposes of determining whether a license shall be suspended or revoked where those calls are made by a tenant, a member of a tenant's family or a tenant's guest taking action to seek emergency assistance, unless it is discovered by the Norristown Police Department, upon investigation, that one or more of the acts constituting disorderly behavior have occurred at the rental dwelling unit(s), as set forth in Subsection B(2), above.
- (5) Exceptions:
 - (a) Calls will not be counted for purposes of determining whether a license will be suspended or revoked where the call is a result of a tenant, a member of a tenant's household, or guest taking action to seek emergency assistance that is protected by Pennsylvania statute; Residential tenant's right to seek police and emergency assistance.

C. Upon determination by a Municipal employee that a rental dwelling unit was the location of disorderly behavior, the Building Official shall notify the licensee of the violation by first-class mail, and direct the licensee to take steps to prevent further violations.

D. If a second instance of disorderly behavior occurs at a rental dwelling unit within two months of the date of the notice for a previous disorderly behavior at the same rental dwelling unit, the Building Official shall notify the licensee of the violation by first-class mail, and direct the licensee to submit, within 10 business days of the date of the notice, a written report to the Building Official of all actions taken by the licensee since the first violation notice, and actions the licensee intends to take to prevent further disorderly behavior. If the report is not received by the Building Official in a timely manner, the Municipal Administrator, on recommendation of the Building Official, may revoke or suspend a rental license without the need for a third instance of disorderly behavior.

E. If a third instance of disorderly behavior occurs at a rental dwelling unit within two months after the second instance of disorderly behavior at the same rental dwelling unit, the rental dwelling unit license may be revoked or suspended or not renewed by the Municipal Administrator, upon the recommendation of the Building Official. The Building Official shall make his/her decision to recommend revocation or suspension of the license and submit his/her recommendation to the Municipal Administrator within 10 days of the third instance of disorderly behavior.

F. (Reserved)

- G. No adverse license action shall be imposed where the instance of disorderly behavior occurred during pending eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to a tenant to vacate the rental dwelling unit. However, adverse license action may proceed when the licensee fails to diligently pursue the eviction process. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued at any time if the licensee has taken appropriate measures which will prevent further instances of disorderly behavior which may include a failed eviction.
- H. The Building Official shall notify the licensee in writing of the basis of the revocation or suspension of the license and the date upon which the Municipal Administrator will review the request to revoke or suspend the license. The notice required by this section shall be served upon the licensee at least 10 business days before the Municipal Administrator reviews the recommendation. Service shall be deemed sufficient if the notice is sent to the licensee by first-class mail at the address provided in the license application.
- I. The licensee and the Building Official shall be given an opportunity to be heard. The Municipal Administrator shall hear all relevant evidence and arguments and shall review all testimony, documents, and other evidence submitted.
- J. The Municipal Administrator shall make findings based on the evidence and shall make a decision on the recommendation to revoke or suspend a license based on the findings. The Municipal Administrator shall issue a written decision regarding the recommendation of the Building Official within 30 days following the date of the hearing and shall notify the licensee of the decision by first-class mail with a duplicate copy to the Building Official. The decision shall specify the rental dwelling unit or units to which it applies. Thereafter, and until a license is reissued or reinstated, no rental dwelling units that have had their rental license revoked or suspended may be re-let or occupied. Revocation or suspension of a license shall not excuse the licensee from compliance with all terms of this section for as long as any rental dwelling units in the building are occupied.
- K. After the Municipal Administrator revokes or suspends a license, no license will be issued for the affected rental dwelling unit(s) until the Building Official determines that the licensee has remedied the conditions identified by the Municipal Administrator as the basis for his/her action. An application to obtain a license for a rental dwelling unit after the Municipal Administrator has revoked, suspended or declined to renew a license for the same rental dwelling unit(s) must be accompanied by all fees required by this chapter.
- L. If for any reason other than natural causes a person dies in a rental unit or a person is injured due to the failure of the landlord to keep the dwelling in a habitable manner, the Municipal Administrator may at his/her discretion revoke a license. The Municipal Administrator shall issue a written decision regarding his/her decision within 10 days following the date of the decision and shall notify the licensee of the decision by first class mail with a duplicate copy to the Building Official. The decision shall specify the rental dwelling units or units to which it applies. Thereafter, and until a license is reissued or reinstated, no rental dwelling units that have had their rental license revoked or suspended may be re-let or occupied. Revocation or suspension of a license shall not excuse the owner from compliance with all terms of this section for as long as any rental dwelling units in the building are occupied.

[Added 1-5-2009 by Ord. No. 09-02]

- M. When a rental license is revoked or suspended, the Municipality may place a placard or similar sign on the property stating that it is unlawful to occupy the property as a rental unit. Removal of such placard or sign by any person other than a representative of the Municipality shall preclude a rental license from ever being issued for the applicable rental dwelling unit.
- N. When a property is condemned under the authority of the International Property Maintenance Code as adopted by the Municipality, any rental license issued for the property shall be automatically revoked on the effective date of the condemnation.

- O. A licensee's failure to remain current on the payment of all fees, taxes and other charges or assessments owed to the Municipality, the Norristown School District or the Norristown Municipal Waste Authority for the rental property at issue or for any other property owned by the licensee in the Municipality shall be cause to immediately revoke a rental license permit.

§ 245-4. Violations and penalties.

[Amended 10-7-2008 by Ord. No. 08-22; 2-7-2012 by Ord. No. 12-03] Any owner who does not possess a valid permit/license on or after January 1, 2009, shall be in violation of this chapter, and shall be issued a citation, and upon conviction of a summary offense by a court of competent jurisdiction shall be subject to a penalty of not less than \$300 nor greater than \$1,000 per nonlicensed dwelling unit, plus any and all court costs and reasonable attorneys' fees expended by the Municipality to enforce this chapter. Each day that the owner is in violation of any provision of this chapter shall constitute a separate offense.

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Exhibit B



Third Program Year Action Plan

The CPMP third Annual Action Plan includes the SF 424 and Narrative Responses to Action Plan questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations. The Executive Summary narratives are optional.

Narrative Responses

GENERAL

Executive Summary

The Executive Summary is required. Include the objectives and outcomes identified in the plan and an evaluation of past performance.

Program Year 3 Action Plan Executive Summary:

A. Purpose of Annual Plan

The Municipality of Norristown has prepared the Year 3 Action Plan as required under 24 CFR 91.220. The Action Plan for FY2012 identifies the activities to be funded with the Municipality's Community Development Block Grant (CDBG) (\$911,379.00) that it will receive during the program year.

B. Citizen Participation

The Municipality of Norristown engaged in a comprehensive consultation process with local public agencies and non-profit organizations in an effort to develop a community-driven Comprehensive Plan (CP). On September 1, 2011, the Municipality planning department staff conducted a public needs hearing to identify current issues and trends impacting the agencies and organizations as well as their organizational priorities in today's recession.

To encourage public input, Norristown conducted another Public Hearing on September 12, 2011 at 6:30 p.m. in the Council Chambers of the Norristown Municipal Hall. The hearing was scheduled in accordance with the Municipality's approved Citizen Participation Plan. A public notice for the hearing was published in the Norristown *Times Herald*. Notices were also posted on the Municipality's website.

Another Public Hearing was advertised on October 21, 2011 with a summary of proposed projects for funding, and a hearing held on Monday November 7, 2011 at 6:00 p.m. for public input to the proposed 2012 Action Plan.

A summary of the proposed Action Plan was also posted on the Municipality's website, www.norristown.org. The Action Plan was made available at the following locations from December 8, 2011 through January 9, 2012:

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- Norristown Municipal Hall
235 East Airy Street
Norristown, PA 19401
- Montgomery County-Norristown Public Library
1001 Powell Street
Norristown, PA 19401

As part of these public hearings, the Municipality also held hearings as part of the Municipal Council meeting, with a draft plan being presented to Council for discussion on October 21, 2011, and the proposed Action Plan Budget presented to Council for review on Tuesday November 15, 2011, and voted upon by the same on Tuesday December 6, 2011.

The Municipality received no comments on the draft Five-Year Consolidated Plan and One Year 2012 Action Plan at the September 12th Public Needs Hearing or at the November 7th Public Hearing.

C. Priorities

The Municipality of Norristown expects to focus its CDBG entitlement funds towards improving the quality of life in Municipality's neighborhoods for extremely low, very low, and low income households, and to preserve and increase the stock of affordable owner and renter housing units. CDBG activities have been separated into broad categories addressing priority needs identified in the Municipality's FY2010-2014 Consolidated Plan, and 2012 One Year Action Plan.

Priority One: Improve the economic base of the community so that Norristown will become economically self-sufficient to an extent that will allow the local government to provide an adequate level of services to all its residents.

Priority Two: Upgrade the housing stock for residents of all income levels in order that every resident will occupy safe, healthy, and decent living quarters.

Priority Three: Enhance neighborhood values by keeping them physically sound and visually attractive, and by providing recreational facilities and other amenities that will have a positive effect on the quality of life. And also eliminate conditions detrimental to the public's health safety and welfare.

A more thorough analysis of needs for individual components is provided below:

Priority Housing Needs

- *Increasing homeownership.* This is Norristown's most significant current need, as homeownership rates have declined in recent years. From 1990 to 2000, Census figures indicate that the percentage of owner-occupied housing units declined from 55.1% to 48.1%. Recent estimates show the percentage of owner-occupied housing in Norristown rising to 50.1% by 2008, although these calculations may not consider the full impact of the housing crisis, and the associated high rates of foreclosure. Projections indicate that homeownership rates will fall back under 50% (49.7%) by 2013.

- *Rehabilitating housing owned by low-income households.* An estimated 50% of the substandard units suitable for rehabilitation are occupied by extremely low income, very low income or low income households. Norristown is fully developed, with little or no land available for new affordable residential construction. In order to preserve Norristown's affordable housing stock, the Municipality will continue to rehabilitate and avoid demolition of standard and substandard units suitable for rehabilitation. Norristown will also increase its affordable housing stock by rehabilitating vacant units suitable for rehabilitation and selling to low to moderate income families.
- *Rehabilitation of rental housing.* Norristown is committed to stepping up code enforcement efforts on rental properties. At the same time, the Municipality will continue to support deconcentration of protected classes by encouraging other agencies, such as Montgomery County Housing Services, to continue efforts to fund the rehabilitation of existing rental properties outside of Norristown.

Homeless Needs and Strategies

The priorities for ending homelessness are based on the recognition that homelessness results from more than simply a lack of affordable housing, although providing housing is the ultimate objective. The Municipality participates in the Montgomery County Continuum of Care – which includes Montgomery County, Lower Merion, Norristown, and Abington – and its efforts to implement a Ten-Year Plan to End Chronic Homelessness. This plan reflects the best practice models from other cities that have successfully implemented housing first strategies for reducing chronic homelessness. The plan envisions a system in which public and private agencies work together as a consortium to procure and manage housing, provide central intake services, and deliver support services to clients through a coordinated case management system.

Priority Homeless Needs

The Montgomery County Continuum of Care has identified the following strategies for addressing homeless needs throughout its service area and in Norristown:

- *Increase the percentage of homeless persons moving from transitional to permanent housing to at least 63.5% - concurrent with progress towards this goal, the Municipality supports the deconcentration of homeless resources from Norristown*
- *Increase percentage of homeless persons staying in permanent housing over 6 months to at least 71.5%*
- *Increase the percentage of homeless persons employed at exit to at least 19% - this goal currently is not a high need for the Municipality*
- *Decrease the number of homeless households with children*
- *Create new permanent housing beds for chronically homeless persons – following its efforts toward deconcentration, the Municipality supports development of these facilities outside of Norristown.*

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Outcome Performance Measures

HUD has developed an outcomes performance measurement system to collect information on outcomes of activities and to aggregate that information at the local and national level. Below is a list of the Municipality of Norristown's proposed 2012 projects as matched with their HUD approved performance measures.

PERFORMANCE MEASURES FY 2011

RECEIPIENT	PROJECT	OUTCOME MEASURE	OBJECTIVE	OUTPUT
HOUSING				
Owner Occupied	Housing Rehab(CDBG)	Sustainability/Accessibility	Create suitable living environment	4 housing units
Owners/Renters	Code Enforcement	Sustainability/Accessibility	Create suitable living environment	5000 People
MUNICIPAL PROJECTS				
Main Street	Economic Development Initiative	Availability	Create economic opportunity	2 Jobs
Arts Hill	Historic Façade	Sustainability	Create economic opportunity	10 businesses
Neighborhood	Poley Park	Availability/Accessibility	Create a suitable living environment	1520 People
Neighborhood	Simmons Park	Availability/Accessibility	Create a suitable living environment	2637 People
Neighborhood	Main & Marshall Streets-Lighting and Security Upgrades	Sustainability	Create a suitable living environment	1667 People
West Marshall St	Sidewalk improvements	Sustainability	Create a suitable living environment	1696 People
Norristown Fire Department	Fire Engine Truck	Availability/Accessibility	Create a suitable living environment	1200 households
PLANNING & ADMINISTRATION				
Widener University	Small Business Assistance Center	Availability	Creating Economic Opportunities	1 Job
Norristown Planning Department	Administration	N/A		N/A

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Housing Consultant	Rehab Tech Support	N/A		N/A
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Community Development Needs and Strategies

The Municipality's economic base has been eroded and much of the Municipality's infrastructure was constructed prior to 1950, most of which is antiquated and continues to deteriorate. Norristown is in constant competition with its surrounding more affluent, newer suburban neighbors. The Municipality's demographic landscape has also changed substantially, including a rapid growth in Hispanic residents. The Municipality will continue its efforts to develop the community by augmenting small business activity and working to avert major population decline.

E. Evaluation of Past Performance

The Municipality of Norristown's past performance in the administration and implementation of the CDBG and HOME programs has fulfilled the spirit and intent of the federal legislation creating these programs. The Municipality has provided affordability for decent housing, availability and accessibility to a suitable living environment, sustainability of a suitable living environment, and accessibility to economic opportunities. The following is a summary of the Municipality's past performance as reported to HUD in the PY2010 Consolidated Annual Performance and Evaluation Report (CAPER), the most recent report filed.

During PY 2010, Norristown received \$1,091,473 in CDBG funds and during the same program year, spent a total of \$1,414,561.42 in CDBG funds. The Municipality has consistently met the timeliness goals set by HUD of not having more than 1.5 times the amount of its allocation in its line of credit. This goal is also expected to be met in 2011, and by the writing of this Action Plan, the Municipality has a ratio of 1.3. Funds were spent on a variety of activities including the following:

DESCRIPTION		OUTCOME	OBJECTIVE	FUNDING AMOUNT
Owner Occupied Housing Rehab		Sustainability	Decent Housing	\$204,513
Housing Rehab Technical Support		Sustainability	Decent Housing	\$17,425
Main Street		Sustainability	Create suitable living environment	\$3,980.53
DESCRIPTION		OUTCOME	OBJECTIVE	FUNDING AMOUNT
Neighborhood Beautification		Sustainability	Create suitable living environment	\$64,254
Poley Park		Accessibility/Availability	Create suitable living environment	\$162,400
Green Street Park		Accessibility/Availability	Create	\$286,310

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			suitable living environment	
Dekalb St. Avenue of the Arts		Sustainability	Create suitable living environment	\$108,085
Code Enforcement		Sustainability	Create suitable living environment	\$183,045
Fair Housing		Availability/Accessibility	Decent Housing	\$50,358
Montgomery County Cultural Center		Sustainability	Economic opportunity	\$4,480
Opportunities Industrialization Center		Sustainability	Create economic Opportunities	\$140
Small Business Dev. & Outreach Center		Sustainability	Create economic opportunities	\$40,922
Administration		N/A	N/A	\$167,012
Cherry St Park		Accessibility/Availability	Create suitable living environment	\$968

In 2007, the Municipality also received a HOME program grant of \$500,000 through the Pennsylvania Department of Community and Economic Development. These funds were for the purpose of owner occupied housing rehabilitation. Funds were expended during FY 2008, 2009 and 2010. In addition, there was a HOME CHDO allocation in 2008 in the amount of \$550,000 for acquisition, rehabilitation and resale to first time homebuyers in Norristown.

- Through the Owner-Occupied Housing Rehabilitation Program, the Municipality expended \$151,637.00 in 2009 and \$55,386.00 in 2010 which closed out the grant. 16 properties benefited from the funding.
- CHDO HOME funds were expended in 2010 and 2011 and to date \$157,938.71 has been expended with one (2) property being renovated.

The Municipality of Norristown was also the recipient of \$75,000 in 2009, \$62,233 in 2010 and \$46,183 through Justice Assistance Grants awarded by the Department of Justice. Additionally in 2009 the Municipality received \$312,257 through Recovery JAG funds. These funds were utilized for purchasing police equipment and hiring part-time officers to support existing anti-crime initiatives. This equipment was utilized in Bee-Sting Operations throughout Norristown, which focused on reducing all types of crime in the Municipality.

In 2011, all CDBG funds expended for activities met one of the national objectives as defined under the CDBG regulations. CDBG-funded activity expenditures totaled \$1,414,561.42, with 84% benefiting low- and moderate-income persons.

General Questions

1. *Describe the geographic areas of the jurisdiction (including areas of low income families and/or racial/minority concentration) in which assistance will be directed during the next year. Where appropriate, the jurisdiction should estimate the percentage of funds the jurisdiction plans to dedicate to target areas.*
2. *Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA) (91.215(a)(1)) during the next year and the rationale for assigning the priorities.*
3. *Describe actions that will take place during the next year to address obstacles to meeting underserved needs.*
4. *Identify the federal, state, and local resources expected to be made available to address the needs identified in the plan. Federal resources should include Section 8 funds made available to the jurisdiction, Low-Income Housing Tax Credits, and competitive McKinney-Vento Homeless Assistance Act funds expected to be available to address priority needs and specific objectives identified in the strategic plan.*

Program Year 3 Action Plan General Questions response:

1. Description of the Geographic Area

Priority CDBG funding areas in Norristown include areas where there is a majority of low and moderate income (LMI) persons. The following narrative describes the characteristics of these areas.

According to U.S. Census data, the population of Norristown has remained relatively steady since 1990, with the Municipality gaining only several hundred individuals over the last two decades. The population in Norristown in 2008 was estimated at 30,988 individuals. Population estimates for 2013, however, indicate that the population will decrease slightly to 30,226 residents. According to population estimates for 2008 and projections for 2013, Norristown and Montgomery County are in the midst of a demographic shift that is characteristic of overall trends in Pennsylvania and the United States. The proportion of minorities in both jurisdictions has increased since 2000. The Municipality will see a gradual decline in the White population as it begins to be replaced by a higher minority presence. The proportion of minorities in 1990 represented 29.3% of the population in Norristown. By 2013, it will consist of more than half the population, 51.5%. Similar trends are evident at the county and state levels, although not to the same extent.

Between 1990 and 2000, the racial minority share of Norristown's population rose from 29.3% to 45.7%, an increase of 5,235, or 16.4%. Most of the increase was in the Black and Hispanic population. After 2000, changes in the population aren't as pronounced; however, the Hispanic and Asian/Pacific Islander groups continued growing by consistent amounts. Between 2000 and 2008, the percentage of minorities in Norristown increased 2.9%. Between 2008 and 2013, projections indicate that the Municipality's racial and ethnic trends will continue, particularly the declining White population and increasing Hispanic population. Details appear in the table below.

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Persons of Hispanic origin may give their race as White, Black or other minority. Between 1990 and 2000, the Hispanics population increased 7.8% from 830, representing 2.7% of the total population, to 3,282, representing 10.5% of the total population. By 2008, the Hispanic population increased to 5,526, representing 17.8% of the total population. Projections indicate that Norristown will have 6,731 Hispanics, representing 22.3% of the total population, by 2013.

Population by Race and Hispanic Origin, 1990 - 2008												
	Total Population	White		Minority							Hispanic Origin	
		Total	% of Population	Total Minority	Black	% of Blacks	Am. Ind. Eskimo	Asian, Pacific Islander	Other	Two or More Races	Total	% of Hispanics
1990												
Norristown	30,939	21,886	70.7%	9,054	8,207	26.5%	50	511	286	*	830	2.7%
Montgomery Co.	678,109	620,087	91.4%	57,989	39,121	5.8%	746	15,973	2,149	*	8,352	1.2%
Pennsylvania	11,881,633	10,520,211	88.5%	1,361,266	1,089,778	9.2%	14,716	137,311	119,461	*	232,264	2.0%
2000												
Norristown	31,274	16,985	54.3%	14,289	10,884	34.8%	63	938	1,443	961	3,282	10.5%
Montgomery Co.	750,097	648,510	86.5%	101,587	55,969	7.5%	848	30,446	5,598	8,726	15,300	2.0%
Pennsylvania	12,281,054	10,484,203	85.4%	1,796,851	1,224,612	10.0%	18,348	223,230	188,437	142,224	394,088	3.2%
2008												
Norristown	30,988	15,918	51.4%	15,070	11,157	36.0%	121	1,305	1,490	997	5,526	17.8%
Montgomery Co.	776,119	640,378	82.5%	135,741	71,019	9.2%	1,987	44,560	6,759	11,416	26,435	3.4%
Pennsylvania	12,417,218	10,362,720	83.5%	2,054,498	1,288,088	10.4%	15,488	310,004	228,409	212,509	608,760	4.9%
2013												
Norristown	30,226	14,660	48.5%	15,567	11,264	37.2%	132	1,379	1,780	1,022	6,731	22.3%
Montgomery Co.	775,265	616,748	79.6%	158,517	88,917	11.5%	2,490	50,475	7,234	9,401	32,731	4.2%
Pennsylvania	12,378,770	10,254,568	82.8%	2,124,202	1,285,563	10.4%	12,479	335,008	264,144	227,008	744,790	6.0%

Source: DemographicsNow

* Not reported in 1990

Concentrations of Minority and Hispanic Persons

The following table presents population by race and Hispanic origin. The data is presented by census tract for 31,284 residents in Norristown in 2000. HUD defines areas of racial or ethnic concentration as geographical areas where the percentage of minorities or ethnic persons is at least 10 percentage points higher than in the Municipality overall.

In Norristown, minority persons comprised 45.7% of the population. Therefore, an area of racial concentration includes census tracts where the percentage of minority residents is 55.7% or higher. There were 3 census tracts in Norristown that met the criteria for areas of racial concentration. These areas include:

- Census tract 2036.01 – 62.7%
- Census tract 2039.01 – 60.0%
- Census tract 2039.02 – 40.7%

In addition, persons of Hispanic origin represented 10.5% of the population in Norristown. Therefore, an area of ethnic concentration includes the census tracts where the percentage of Hispanics is 20.5% or higher. Only one of the Municipality's census tracts met this definition. This area was:

- Census tract 2039.01 – 23%

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Population by Race and Hispanic Origin, 2000

Census Tract	Total	White	Minority							Hispanic Origin	
			Black	% of Blacks	Am. Ind. Eskimo	Asian	% of Asians	Other	Two or More	Total	% of Total
All Tracts	31,284	16,992	10,887	34.8%	63	928	3.0%	1,443	961	3,282	10.5%
2035.00	5,971	3,427	2,006	33.6%	12	249	4.2%	149	128	365	6.1%
2036.01	2,767	735	1,736	62.7%	4	44	1.6%	156	90	323	11.7%
2036.02	3,792	2,537	984	25.9%	3	62	1.6%	80	125	169	4.5%
2037.00	1,532	1,098	372	24.3%	2	20	1.3%	15	25	67	4.4%
2038.01	3,409	2,523	551	16.2%	2	103	3.0%	93	137	301	8.8%
2038.03	4,977	2,987	1,309	28.3%	7	196	3.9%	312	164	614	12.3%
2038.04	2,950	1,734	935	31.7%	15	58	2.0%	116	88	316	10.7%
2039.01	3,101	731	1,861	60.0%	14	41	1.3%	346	108	712	23.0%
2039.02	2,785	1,220	1,133	40.7%	4	155	5.6%	176	96	415	14.9%

Note: Shading indicates a tract that meets the definition of a racial or ethnic concentration.

Source: U.S. Census Bureau, Census 2000, Summary File 1 (P3, P4)

Low & Moderate Income Areas

The following table presents information regarding low and moderate income (LMI) individuals in Norristown. LMI persons, as determined by HUD, have incomes at or below 80% of the median family income (MFI). In its 2007 estimates, HUD determined that there were 17,453 LMI persons in the Municipality, equivalent to 57.6% of the population. Although data was not available for Norristown, HUD reported that the FY2007 MFI in Montgomery County was \$71,600.

HUD defines an LMI census tract as one in which 51% or more of the population have incomes of 80% or less of MFI. According to these criteria, five of the Municipality's nine census tracts qualify as LMI areas. Details on the LMI status of each tract appear in the following table.

**Low & Moderate Income
Persons by Census Tract, 2007**

Census Tract	Low & Moderate Income Persons	
	Persons	Percent
All Tracts	17,453	57.6%
2035.00	2,763	47.3%
2036.01	1,819	66.1%
2036.02	1,802	49.1%
2037.00	451	49.9%
2038.01	1,743	26.1%
2038.03	2,873	57.9%
2038.04	1,805	62.2%
2039.01	2,241	73.6%
2039.02	1,956	69.5%

Note: Shading indicates low-income census tracts.

Source: U.S. Housing and Urban Development

Concentrations of LMI Persons, Minority Persons and Hispanics

Of the five tracts identified as LMI areas, three were noted also to be areas of racial and/or ethnic concentrations. These areas are noted in the following table.

LMI Areas of Racial and/or Ethnic Concentration

Census Tract	Neighborhood	% LMI	% Black	% Hispanic
2036.01		66.1%	62.7%	11.7%
2039.01		73.6%	60.0%	23.0%
2039.02		69.5%	40.7%	14.9%

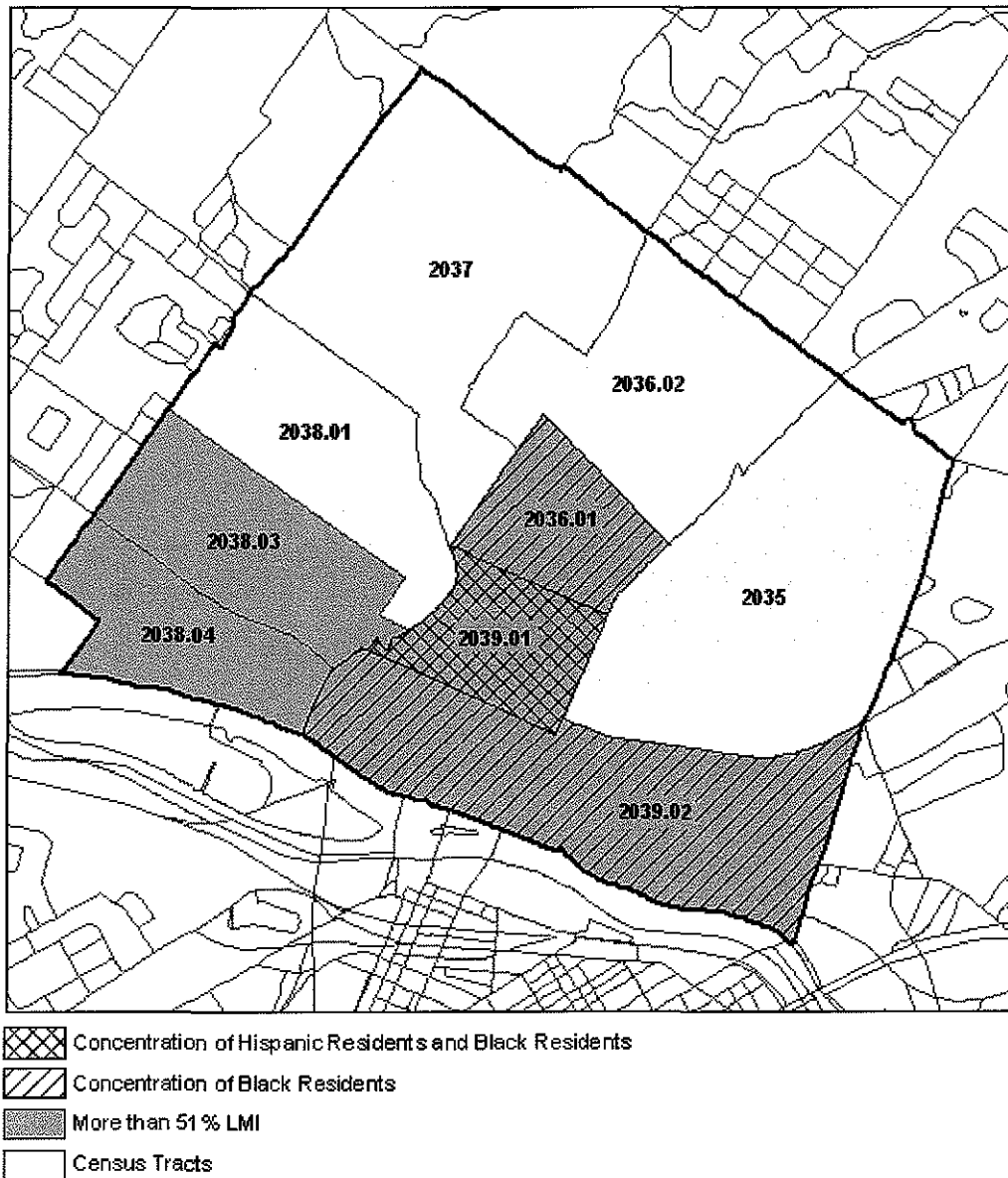
Source: U.S. Census Bureau, HUD

Federal CDBG funds are intended to provide low and moderate income households with viable communities, including decent housing, a suitable living environment and expanded economic opportunities. Eligible activities include community facilities and improvements, housing rehabilitation and preservation, affordable housing development activities, public services, economic development, planning, and administration.

The system for establishing the priority for the selection of these projects is predicated upon the following criteria:

- Meeting the statutory requirements of the CDBG program
- Meeting the needs of LMI residents
- Focusing on low and moderate income areas or neighborhoods
- Coordination and leveraging of resources
- Response to expressed needs
- Sustainability and/or long-term impact, and
- The ability to demonstrate measurable progress and success.

Much of the Municipality's funds are invested in one of the LMI areas in Norristown. These census tracts are 2036.01, 2038.03, 2038.04, 2039.01, and 2039.02. These LMI tracts, as well as census tracts of racial or ethnic concentration, are shown on the map.

Racial, Ethnic and LMI Concentration by Census Tract, 2000

3. Obstacles to Meeting Underserved Needs

The primary obstacle to meeting underserved needs is the limited resources available to address identified priorities. The Municipality of Norristown partners with other public agencies and non-profit organizations, when feasible, to leverage resources and maximize outcomes in housing and community development.

4. Funds Expected to be Available

Currently, the Municipality of Norristown receives CDBG funds from HUD. These funding sources will be available to help support new and existing community development projects and Housing preservation through the owner-occupied housing

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rehabilitation program. The Municipality's annual allocation from the entitlement grant is as follows:

CDBG \$911,379

The Municipality does not anticipate any CDBG program income during the program year. However, the Municipality expects to receive \$500,000 in state-allocated HOME funds during the program year from the Pennsylvania Department of Community and Economic Development to leverage our housing rehabilitation program.

Managing the Process

- 1. Identify the lead agency, entity, and agencies responsible for administering programs covered by the consolidated plan.*
- 2. Identify the significant aspects of the process by which the plan was developed, and the agencies, groups, organizations, and others who participated in the process.*
- 3. Describe actions that will take place during the next year to enhance coordination between public and private housing, health, and social service agencies.*

Program Year 3 Action Plan Managing the Process response:

1. Lead Agency

The lead agency for the Consolidated Plan is the Municipality of Norristown's Department of Planning and Municipal Development, which also administers the CDBG and HOME programs. In addition, the Montgomery County Housing Authority (MCHA) will play a larger role in providing and managing housing programs not covered by this plan. The Montgomery County Redevelopment Authority will be an important stakeholder in community development projects and improvements. Coordination with various non-profit organizations, such as Community Action Development Commission (CADCOM), Opportunities Industrialization Center (OIC), and the Montgomery County Housing Coalition the lead entity for the Montgomery County Continuum of Care process, will also be important.

2. Significant Aspects of the Process

In July 2009, the Municipality engaged the services of Mullin & Lonergan Associates, Inc. to serve as consultant to the Developing of the Five Year Consolidated Action Plan for 2010 to 2014.

The Municipality made the decision to encourage a high level of agency consultation in an effort to demonstrate its commitment to identifying priority needs and engaging the participation of public agencies and non-profit organizations in a positive and collaborative manner. A list of stakeholders and affordable housing providers was developed and included public agencies and private non-profit organizations whose missions included the provision of affordable housing and human services to LMI households and persons. These stakeholders were invited to

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participate in completing specific provider-type surveys held for the purpose of developing the CP.

The CP was developed using reliable data from sources such as the U.S. Census Bureau, HUD's State of the Cities Data System (CHAS data tables), the National Low Income Housing Coalition, the local real estate multi-list service database, municipal departments and several planning documents produced by or on behalf of Norristown. These include the original Norristown Economic Revitalization Strategy first adopted in 2000 and updated in 2009, the 2005-2009 Consolidated Plan, recent CAPER reports and the recently updated 2009 Comprehensive Plan, among other plans.

Additionally, public and private agencies which were identified as stakeholders in the process were asked to complete written questionnaires to provide data on special needs populations such as the elderly, youth, persons with HIV/AIDS, public housing residents, persons with disabilities, and the homeless. Copies of the written questionnaires sent to the various entities were included in the Five Year Consolidated Plan submission.

Based on the public hearings and stakeholder questionnaires, a set of priorities was established by the Municipality for the next five years. The Municipality just completed the second year of the five year plan and this submittal represents the 3rd Year of the Five Year Consolidated Plan Process.

While following the Citizens Participation Plan, an informal session was held on September 1, 2011 followed by the required Public Needs Hearing which was held on September 12, 2011 and November 7, 2011 including subsequent Council meetings in Council Chambers, Norristown Municipal Hall, 235 East Airy Street, Norristown, PA. No comments have been received. Minutes of the hearing are kept on file in the Department of Planning and Municipal Development and the Municipal Administration office.

A draft of the Consolidated Plan for 2010-2014 and the Annual Plan for FY2011 was placed on public display for 30 days beginning December 8, 2011 and ending January 9, 2012.

3. Actions to Enhance Coordination

The Municipality of Norristown engaged in public processes all year long through town Meetings in the different Council districts, working with local housing providers and non-profit organizations in an effort to develop a community-driven Plan. These organizations include, but are not limited to:

➤ Public Agencies

- Montgomery County Redevelopment Authority
- Montgomery County Housing Authority
- Montgomery County Economic and workforce Development
- Montgomery County Housing Coalition
- Montgomery County Continuum of Care
- Montgomery County Housing and Community Development

➤ Non-profit Organizations

- Genesis Housing
-

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- Habitat for Humanity
- Coordinated Homeless Outreach Center
- Fair housing Rights
- Opportunities Industrialization Center
- Montgomery County Cultural Center
- CADCOM
- Hedwig House
- Salvation Army
- ACLAMO

Collaboration and coordination with these entities will continue throughout the year in order to capitalize on potential future funding that may be received by the Municipality in 2012. Coordinated actions include programmatic linkages between agencies as well as budget allocation process coordination. In this way, the Municipality will be positioned to take advantage of potential partnership opportunities that would result in increased investment to benefit low and moderate income households and persons.

Citizen Participation

1. *Provide a summary of the citizen participation process.*
2. *Provide a summary of citizen comments or views on the plan.*
3. *Provide a summary of efforts made to broaden public participation in the development of the consolidated plan, including outreach to minorities and non-English speaking persons, as well as persons with disabilities.*
4. *Provide a written explanation of comments not accepted and the reasons why these comments were not accepted.*

**Please note that Citizen Comments and Responses may be included as additional files within the CPMP Tool.*

Program Year 3 Action Plan Citizen Participation response:

1. Summary of Citizen Participation Process

The Municipality of Norristown has followed the same procedures in advertising the amount of assistance expected to be received and the range of activities to be undertaken during the fiscal year in question, including the estimated benefits for low and moderate income populations.

The Municipality will make copies of the Proposed Action Plan available for public review and comment for 30 days. The 2012 Proposed Action Plan will also be posted on the Municipality's website, www.norristown.org. The Proposed Action Plan will be available at the following locations, in accordance with Norristown's Citizen Participation Plan:

- Norristown Municipal Hall:
235 East Airy Street
Norristown, PA 19401

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- Montgomery County-Norristown Public Library
1001 Powell Street
Norristown, PA 19401

The Municipal citizen review process for the final annual action plan allows for two public hearings each year, in addition to two regularly scheduled Municipal Council meetings, which are open to the public and televised on a local public television network. Once the proposed CDBG budgets have been finalized and presented to the Municipal Council for a final vote, an ordinance is passed that also represents a cementing of the local citizen participation process. Any public comments – verbal, written or e-mailed to the Municipality – are incorporated into the plan's final edition.

The required Public Needs Hearing was held on September 12, 2011 from 6:30 to 7:30 pm at Council Chambers, Norristown Municipal Hall, 235 East Airy Street, Norristown, PA. The hearing was scheduled in accordance with the Municipality's Citizen Participation Plan. A public notice for the hearing was published in *The Times Herald*, a copy of which is included in Additional Information – Appendix A. Notices also were posted in the Montgomery County-Norristown Public Library, as well as on the Municipality's website, www.norristown.org.

2. Summary of Citizen Comments

The Municipality received no public comments at the September 12, 2011 Public Needs Hearing. Another public hearing was held on Monday, November 7th, 2011 at 6:00 p.m. with proposed projects and activities for funding, in accordance with the Citizen Participation Plan. No public comments were received at the time.

3. Summary of Efforts Made to Broaden Public Participation

The Municipality has an open-ended policy of allowing for citizen input all year round. This input process also includes meetings with local community groups, particularly those which represent minority and non-English speaking persons, such as Accion Communal Latino Americana De Montgomery (ACLAMO). The Municipality also works with Montgomery County Housing Authority, the Montgomery County Housing Coalition as well as private housing advocacy groups, to encourage the participation of all the low to moderate income residents. The Department of Planning and Municipal Development has an application package that is available to applicants for Community Development Block Grant funding.

4. Explanation of Comments Not Accepted

No public comments have been received to date on the Action Plan.

Institutional Structure

- 1. Describe actions that will take place during the next year to develop institutional structure.*

Program Year 3 Action Plan Institutional Structure response:

1. Institutional Structure

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Norristown's Department of Planning and Municipal Development will continue to oversee the Municipality's housing rehabilitation, reconstruction, and down payment assistance programs. The Municipality will work towards improved coordination with the Montgomery County Housing Authority on housing issues, particularly as they pertain to deconcentration of facilities and services into the surrounding areas of the County. The department will also continue to provide overall administration of the CDBG and state-funded HOME programs. Additionally, Municipal officials have partnered with other officials in the County that have similar concerns for their Townships, in an effort to come up with a unified approach to the shared housing issues and concerns especially as it relates to deconcentration.

Monitoring

1. *Describe actions that will take place during the next year to monitor its housing and community development projects and ensure long-term compliance with program requirements and comprehensive planning requirements.*

Program Year 3 Action Plan Monitoring response:

1. Monitoring of Activities

The Municipality of Norristown conducts monitoring reviews to determine whether its programs are being carried out in accordance with its Consolidated Plan in the following manner. The reviews are completed by the Department of Planning and Municipal Development, as this department is responsible for the administration of grant funds. The housing activities are carried out by an in-house consultant, making it easy to monitor progress and long-term compliance with program requirements.

Monitoring of Housing Programs

- The Department will continue to require and conduct a review of monthly reports submitted by the Housing Program consultant. The department will review and approve bills before payment on an ongoing basis.
- The Department will review and approve bills before payment on an ongoing basis.
- The Department will meet and discuss figures and goals of the program with the consultant on an ongoing basis.
- The Department will conduct an annual assessment of the program's progress.

Monitoring of Community Development Programs

- The Department will review and approve bills before payment on an ongoing basis.
- The Department will meet and discuss figures and goals of the programs with other Department Heads and Administration.
- The Department will conduct an annual assessment of the programs' progress.

The Department will also conduct annual reviews of the following programs administered by other agencies: Montgomery County MH/MR and Aging and Adult

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Services, Montgomery County Community Action Development Commission (CADCOM), and Montgomery County Housing Authority Section 8 Certificate, Housing Choice Voucher, and Public Housing programs. Norristown will also continue to monitor the work of the Montgomery County Housing Authority.

Lead-based Paint

1. *Describe the actions that will take place during the next year to evaluate and reduce the number of housing units containing lead-based paint hazards in order to increase the inventory of lead-safe housing available to extremely low-income, low-income, and moderate-income families, and how the plan for the reduction of lead-based hazards is related to the extent of lead poisoning and hazards.*

Program Year 3 Action Plan Lead-based Paint response:

1. Actions to Evaluate and Reduce Lead-Based Paint Hazards

Lead abatement activities in Norristown are managed by the Montgomery Department of Health Services, which performs blood lead-level tests on children and other at-risk persons. Lead poisoning is a common childhood condition, but it is also totally preventable by reducing and eliminating the lead source within a child's environment. Lead testing is available at the Norristown Health Center for Montgomery County children up until their 7th birthday. Case management services are provided to all Montgomery County residents who have a child that has been identified as having an elevated blood lead level. Case management services involve education and home visits by an environmental health specialist and a public health nurse. They work together to assist parents and homeowners in reducing and/or eliminating the source of lead exposure to the child. In 2011, there were 56 reported cases of children with elevated lead levels (lead levels of 10 mcg/dL or greater), in Norristown.

Norristown will continue to monitor the Department's lead abatement activities. Additionally, the Municipality will also continue to comply with the lead abatement requirements of its housing programs, including the first-time homebuyer program and the acquisition/rehabilitation resale program. In compliance with CDBG regulations, the Municipality performs a risk assessment on all housing rehabilitation projects to identify any lead paint hazards. Measures are in place address these hazards during rehabilitation. A Lead-Certified Inspector performs a clearance test prior to the closeout of the project for the Housing Rehabilitation Program. Additionally, Municipality staff members are trained in visual assessment certifications and perform visual tests for the First Time Homebuyers Program. In 2011, 100% of the properties that received CDBG funding had lead hazards.

HOUSING

Specific Housing Objectives

**Please also refer to the Housing Needs Table in the Needs.xls workbook.*

1. *Describe the priorities and specific objectives the jurisdiction hopes to achieve during the next year.*
2. *Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by this Action Plan.*

Program Year 3 Action Plan Specific Objectives response:

1. Specific Priorities and Objectives

The Municipality of Norristown expects to focus its CDBG entitlement funds towards improving the quality of life in Municipality neighborhoods for extremely low, very low, and low income households, and to preserve and increase the stock of affordable owner occupied units while ensuring concentrated code enforcement for the and renter housing units. With this in mind, the following objectives have been established:

- **Rehabilitation of Housing Owned by Low Income Households:** An estimated 50% of the substandard units suitable for rehabilitation are occupied by extremely low income, very low income or low income households. Norristown is fully developed, with little or no land available for new affordable residential construction. In order to preserve Norristown's affordable housing stock, Norristown will also increase its affordable housing stock by rehabilitating vacant units suitable for rehabilitation and selling to low to moderate income families.

Objective: Continue the municipal-wide Owner Occupied Housing Rehabilitation Program, which provides interest-free loans. The loans average \$30,000 and are forgiven after 10 years. Assist four homes.

Objective: Increase the Municipality's affordable housing stock by rehabilitating vacant units suitable for rehabilitation and selling to low to moderate income families. Assist with the rehabilitation of four owner-occupied homes through the CDBG Acquisition / Rehabilitation / Resale Program.

Objective: Aid in the prevention of slum and blight areas by increasing code enforcement and inspecting 5,000 unoccupied and occupied housing units for compliance with building codes within the Municipality's CDBG area.

- **Rehabilitation of Rental Housing:** Norristown is committed to stepping up code enforcement efforts on rental properties. At the same time, the Municipality will continue to encourage other agencies, such as Montgomery County Housing Services, to continue their efforts to fund the rehabilitation of existing rental properties, particularly in the surrounding areas of the County.

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- **Increased Homeownership Opportunities:** Expand homeownership opportunities to very low and low income individuals and households. Norristown's most significant current need, as homeownership rates have declined in recent years. Projections indicate that homeownership rates will fall back under 50% (49.7%) by 2013.
- **Fair Housing Educational Activities:** Support efforts of the Fair Housing Council in its awareness campaigns

Objective: Target realtors and homeowners with warnings about prohibitions against block busting, workshops on fair housing, and advocacy for victims of housing discrimination. Serve 200 persons.

2. Resources Expected to be Available

Norristown anticipates receiving \$911,379 in CDBG funds in PY2012. The Municipality has also applied for additional HOME funds from the PA-DCED. These funding sources will be available to help support public improvements, the delivery of social services, affordable housing projects, housing rehabilitation programs, and homeless outreach and prevention activities.

(See HUD Activity Sheets in Additional Information – Appendix A.)

Needs of Public Housing

1. *Describe the manner in which the plan of the jurisdiction will help address the needs of public housing and activities it will undertake during the next year to encourage public housing residents to become more involved in management and participate in homeownership.*
2. *If the public housing agency is designated as "troubled" by HUD or otherwise is performing poorly, the jurisdiction shall describe the manner in which it will provide financial or other assistance in improving its operations to remove such designation during the next year.*

Program Year 3 Action Plan Public Housing Strategy response:

1. Public Housing Activities

Housing Choice Voucher Program (formerly Section 8)

Montgomery County Housing Authority (MCHA) currently owns only one public housing unit located within Norristown. This unit was recently rehabilitated by the MCHA and is for sale to a low income family. A total of 36 units of public housing within Norristown have been rehabilitated and sold to low income homeowners as part of a municipal/housing authority partnership over the last several years.

The primary source of assistance to make rental housing affordable in Norristown is the federal Housing Choice Voucher Program (formerly Section 8), which is administered by MCHA. This program permits those receiving a voucher to rent a housing unit and pay a maximum of 30% of their income on the rent. The Housing Choice Voucher Program pays the remaining portion.

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Beyond ensuring that residents have access to affordable housing through the Housing Choice Voucher program, Norristown is dedicated to increasing homeownership among low and moderate income households. In furtherance of this goal, the Municipality annually allocates \$150,000 of the CDBG funds to the Owner-Occupied Housing Rehabilitation Program. The Municipality has also allocated \$300,000 in HOME funds through the PA Department of Community and Economic Development, which will also fund this program.

2. The Montgomery County Housing Authority is not designated as a troubled agency by HUD.

Barriers to Affordable Housing

1. *Describe the actions that will take place during the next year to remove barriers to affordable housing.*

Program Year 3 Action Plan Barriers to Affordable Housing response:

1. Proposed Actions to Remove Barriers to Affordable Housing

There are relatively few barriers to affordable housing in Norristown. The Municipality has a large stock of affordable housing which has increased due to the recent economic downturn. Norristown has experienced a large influx of Housing Choice Voucher (formerly Section 8) residents, indicating that rents are affordable. These factors demonstrate that housing market conditions have not impeded the availability of affordable rental stock.

The primary impediment to the development of new affordable housing properties in Norristown is the built-out status of the Municipality, which translates to a lack of available land on which to build new units, especially multi-family structures. An increase in foreclosures and population decline have increased the number of vacant structures, and many older homes owned by low or moderate income families have fallen into substandard condition. These impacts are largely due to factors outside of the control of local government, though the Municipality has addressed them during the consolidated planning process and through increased concentrated code enforcement. The Municipality plans on addressing this impediment through its Acquisition/Rehabilitation/Resale Program.

Previous reports by and on the behalf of the Municipality have noted trends of panic selling and blockbusting in Norristown, which have limited housing choice by increasing the degree of neighborhood residential racial/ethnic segregation. While this has the potential effect of lowering the market price of property, thereby increasing its affordability, it severely limits the extent to which the Municipality can offer a fair housing environment. The Municipality's fair housing strategy is to be further detailed in its 2012 Analysis of Impediments to Fair Housing currently underway.

Other impediments to fair housing exist within the Municipality. Some Norristown owners carry high-cost loans as a result of predatory lending practices in the community. Unnecessarily expensive loans increase the burden of housing cost on owners, making it more likely that homes will fall into disrepair or foreclosure. ADA accessibility is an issue due to the age of Norristown's housing stock, particularly

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among older homes and multi-unit developments. Additionally, Norristown's growing Hispanic population faces several problems, including exorbitant rents for substandard housing, improper lease termination, and increasing rents for expenses such as water and sewer. Fear of deportation keeps many of these families and individuals from reporting violations to the Municipality.

To preserve the availability of affordable housing, the Municipality has focused on rehabilitating the housing stock available to low and moderate income households. The Owner-Occupied Housing Rehabilitation Program has been the most substantial of these efforts. The program has been the focus of several PA-DCED HOME grants (in the amount of \$500,000 or more) and a substantial amount of CDBG funds. The Municipality has also undertaken the Vacant Residential Acquisition Program, buying vacant properties and rehabilitating them itself or donating them to non-profits. Funds are directed towards this effort since rehabilitation on the private market would result in prohibitively expensive housing. In the past 26 years, the program has successfully rehabilitated between 400 and 450 properties, spending more than \$10,000,000 on acquisition, rehabilitation, resale, and construction. Depending on funding availability, between four and twenty-seven properties are rehabilitated per year.

In addition, Norristown has promoted homeownership through its First-Time Homebuyer Program, which is funded through CDBG and HOME funds allocated by the PA-DCED. The Municipality has partnered with several regional non-profits, including Genesis Housing Corporation, Habitat for Humanity, and Community Action Development Commission (CADCOM) to rehabilitate vacant and deteriorated housing, and provide services and funds for families and individuals seeking homeownership. In the past two decades, this program has enabled over 100 people to successfully become homeowners in Norristown, by receiving up to \$5,000 per person towards closing costs and down payment assistance.

The Municipality is an active and supportive partner to area non-profit housing developers and other organizations involved in the development of affordable housing. In addition to Norristown's willingness to work with area developers and non-profits, the Municipality has several multi-year programs and initiatives in place to address existing barriers to affordable housing that can be funded through the use of CDBG funds. The following is a list of these programs:

- **The Owner-Occupied Rehabilitation Program** – This program provides interest-free loans of up to \$30,000, forgivable after 10 years, to existing homeowners making no more than 80% of area median income to rehabilitate their homes. This program helps to restore the existing affordable housing stock and improve the quality of life conditions in Municipality neighborhoods.
- **Code Enforcement Efforts** – This program provides funds for the Municipality to inspect properties in target areas to bring them to building code and prevent the decline of deteriorated areas.
- **Participation in Fair Housing Council** – The Municipality is involved in an awareness campaign targeting realtors and homeowners with warnings about prohibitions against block busting, workshops on fair housing rights, and advocacy for victims of housing discrimination.

HOME/ American Dream Down payment Initiative (ADDI)

1. Describe other forms of investment not described in § 92.205(b).
2. If the participating jurisdiction (PJ) will use HOME or ADDI funds for homebuyers, it must state the guidelines for resale or recapture, as required in § 92.254 of the HOME rule.
3. If the PJ will use HOME funds to refinance existing debt secured by multifamily housing that is that is being rehabilitated with HOME funds, it must state its refinancing guidelines required under § 92.206(b). The guidelines shall describe the conditions under which the PJ will refinance existing debt. At a minimum these guidelines must:
 - a. Demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing.
 - b. Require a review of management practices to demonstrate that disinvestments in the property has not occurred; that the long-term needs of the project can be met; and that the feasibility of serving the targeted population over an extended affordability period can be demonstrated.
 - c. State whether the new investment is being made to maintain current affordable units, create additional affordable units, or both.
 - d. Specify the required period of affordability, whether it is the minimum 15 years or longer.
 - e. Specify whether the investment of HOME funds may be jurisdiction-wide or limited to a specific geographic area, such as a neighborhood identified in a neighborhood revitalization strategy under 24 CFR 91.215(e)(2) or a Federally designated Empowerment Zone or Enterprise Community.
 - f. State that HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG.
4. If the PJ is going to receive American Dream Down payment Initiative (ADDI) funds, please complete the following narratives:
 - a. Describe the planned use of the ADDI funds.
 - b. Describe the PJ's plan for conducting targeted outreach to residents and tenants of public housing and manufactured housing and to other families assisted by public housing agencies, for the purposes of ensuring that the ADDI funds are used to provide down payment assistance for such residents, tenants, and families.
 - c. Describe the actions to be taken to ensure the suitability of families receiving ADDI funds to undertake and maintain homeownership, such as provision of housing counseling to homebuyers.

Program Year 3 Action Plan HOME/ADDI response:

1. Other Forms of Investment

In FY2012, the Municipality does not anticipate receiving additional federal funds as a result of the American Recovery and Reinvestment Act of 2009 (known as ARRA).

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However, the Municipality was allocated additional grant funds from the following agencies:

- **\$97,230** (to the Montgomery County COC Housing Coalition) from HUD in Homelessness Prevention and Rapid Re-Housing Program (HPRP) funds (out of a total of \$2,140,521 allocated to the Montgomery County COC); and anticipates
- **\$500,000** in state-allocated HOME funds through the PA Department of Community and Economic Development

Together, these grant funds have enabled the Municipality to invest nearly \$600,000 in addition to their CDBG grant awards in FY2011. These funds will, by their nature, assist LMI individuals in the Municipality of Norristown.

2. Recapture/Resale Provisions

For owner occupied rehabilitation activities, the Municipality applies a non-amortizing 10 year mortgage that is recaptured 100% if the owner sales the property before the 10 year time period. Funds recaptured are reprogrammed for use for rehabilitation of other low moderate income owner occupied properties in need of rehab. Additionally assistance to first time homebuyers involves a five year lien on the property which is recaptured fully if the owner sales the property prior to the lien expiration period.

3. Use of HOME Funds to Refinance Existing Debt (Multi-family Housing)

NOT APPLICABLE.

4. Use of ADDI Funds

NOT APPLICABLE. The Municipality of Norristown does not anticipate receiving an allocation of ADDI funds for FY2012.

HOMELESS

Specific Homeless Prevention Elements

**Please also refer to the Homeless Needs Table in the Needs.xls workbook.*

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1. *Sources of Funds—Identify the private and public resources that the jurisdiction expects to receive during the next year to address homeless needs and to prevent homelessness. These include the McKinney-Vento Homeless Assistance Act programs, other special federal, state and local and private funds targeted to homeless individuals and families with children, especially the chronically homeless, the HUD formula programs, and any publicly-owned land or property. Please describe, briefly, the jurisdiction's plan for the investment and use of funds directed toward homelessness.*
2. *Homelessness—In a narrative, describe how the action plan will address the specific objectives of the Strategic Plan and, ultimately, the priority needs identified. Please also identify potential obstacles to completing these action steps.*
3. *Chronic homelessness—The jurisdiction must describe the specific planned action steps it will take over the next year aimed at eliminating chronic homelessness by 2012. Again, please identify barriers to achieving this.*
4. *Homelessness Prevention—The jurisdiction must describe its planned action steps over the next year to address the individual and families with children at imminent risk of becoming homeless.*
5. *Discharge Coordination Policy—Explain planned activities to implement a cohesive, community-wide Discharge Coordination Policy, and how, in the coming year, the community will move toward such a policy.*

Program Year 3 Action Plan Special Needs response:

1. Source of Funds

In light of the limited amount of CDBG funds available to the Municipality of Norristown, homeless needs and homeless prevention are addressed through other revenue sources. Norristown will support efforts of human service agencies, social service providers, and other organizations that provide services and assistance to individuals and families who are at imminent risk of becoming homeless, in as far permanent housing is concerned, and in any efforts concerning deconcentration of these services from Norristown, to through-out the County. The Municipality of Norristown does not receive Emergency Shelter Grant (ESG) funds to assist with homeless needs.

However, there are several non-profit homeless service providers in Norristown that receive funds through the U.S. Department of Health and Human Services, McKinney-Vento Homeless Assistance Act funds and other sources. These funds are used to operate other emergency shelters, transitional housing facilities, and permanent supportive housing facilities throughout the Municipality of Norristown and Montgomery County. These funds are also used to provide supportive services such as case management services, counseling, job training, and life skills classes.

The list below summarizes the services offered and available funding in Norristown, for some of these services:

- **Salvation Army** – The Salvation Army of Greater Philadelphia is an organization that offers spiritual ministry, as well as various social services. Their 2009 Annual Report indicated that their total revenue was

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\$28,610,314, with 49% coming from government funding, 16.5% from adult rehabilitation sales, and 16% from contributions and foundation grants.

- **Laurel House** – This organization is dedicated to the vision of ending domestic violence in each life, home, and community. Their mission is to provide safe haven for abused women and their children, to raise public awareness about domestic violence, and to advocate for social change against domestic violence. Their FY2008 total revenue stream was \$1,890,316, with 39.3% coming from government funding and another 24.9% coming from donations.

2. Homeless Needs

Specifically, the Strategic Plan focuses on outreach, data, housing, health care, finance, and supportive services. Some of the Municipality's objectives are summarized below, and are consistent with goals and objectives outlined in the 2009 Continuum of Care Plan.

- **Increase the percentage of homeless persons moving from transitional to permanent housing to at least 63.5%** - the Municipality's rehabilitation programs and services, as well as the Acquisition/Rehabilitation/Resale Program, should produce more affordable housing units for LMI households and individuals. The Municipality also continues to allocate funds towards First Time Homebuyers that go towards down payment or closing cost assistance. The Municipality also encourages deconcentration of homeless facilities and services so that these individuals have greater choices in housing type and location other than being concentrated in Norristown.
- **Increase the percentage of homeless persons employed at exit to at least 19%** - although this is not a specific focus of the Municipality, the opportunities developed by the Municipality's economic initiatives, such as the Studio Centre and Tax Increment Financing projects, should increase the number of accessible jobs available to individuals in Norristown.
- **Decreasing the number of homeless households with children** – by allocating money to organizations such as the Opportunities Industrialization Center, the Municipality's CDBG funds will support literacy, education, and job training services for households. These programs should assist families in procuring employment and affording rental housing units.

The main obstacle to completing the priorities listed above is a lack of funding from private and non-federal government sources. The recent economic downturn has reduced contributions to homeless service providers from the public. In addition, the economic downturn, and the accompanying decrease in taxes collected, has reduced the amount of municipal funds available for such activities.

3. Chronic Homelessness

HUD defines the term "chronically homeless" as unaccompanied individuals with disabilities who have been continually homeless for 12 months or more or who have had four episodes of homelessness in a three-year period. In Montgomery County, 160 people were identified as chronically homeless in 2004 and 74 were identified as

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such in 2008. Of those 74, 62 were receiving shelter within the Montgomery County system and 12 were currently unsheltered.

During 2005, the Coordinated Homeless Outreach Center opened in Norristown, Montgomery County. Forty-one percent of those seen at the Center were considered chronically homeless according to the HUD definition. Sixty-three percent reported having a mental illness, 42% reported alcohol abuse, and 52% reported the use of other substances. In addition, 10% presented with severe medical or physical disabilities.

The January 2008 Point in Time Survey categorized the people interviewed into subpopulations as follows:

2008 Continuum of Care Point in Time

Homeless Subpopulations

	<u>Sheltered</u>	<u>Unsheltered</u>	<u>Total</u>	<u>% Pop.</u>
Chronically Homeless	62	12	74	27%
Severely Mentally Ill	63	15	78	28%
Chronic Substance Abuse	50	7	57	21%
Veterans	10	1	11	4%
Persons with HIV/AIDS	0	0	0	0%
Victims of Domestic Violence	46	0	46	20%
Unaccompanied Youth Under 18 years of age	0	0	0	0%
Total	231	35	266	100.00%

As the chart illustrates, the chronically homeless accounted for over one quarter of those interviewed.

4. Homelessness Prevention and Outreach

Norristown will support efforts of human service agencies, social service providers, and other organizations that provide services and assistance to individuals and families who are at imminent risk of becoming homeless in as far as permanent housing is concerned and any efforts geared towards deconcentration of resources.

Norristown is a participant in the development of the Montgomery County's Ten Year Plan to End Homelessness. It will support all actions to implement this strategy, specifically actions related to establishing permanent housing for the homeless and deconcentration of services from Norristown. This CoC Ten Year Plan lists the following 2008 Local Action Steps to attain HUD's National Objective of ending chronic homelessness and moving families and individuals into permanent housing:

Increase the percentage of homeless persons moving from transitional to permanent housing to at least 63.5%

Action Step 1: Work with the Montgomery County Housing Authority to establish preference in public housing and Housing Choice Voucher Program for homeless households leaving transitional housing

Action Step 2: Establish County policies to prioritize use of County dollars for permanent housing affordable to families and individuals moving from transitional housing

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Action Step 3: Identify reasons for non-participation by private landlords in rental assistance programs and explore and implement new landlord initiatives that will increase housing available to homeless families and individuals

Increase percentage of homeless persons staying in Public Housing over 6 months to at least 71.5%:

- Action Step 1: Develop a Housing Tool Kit for use by case managers and other service providers to assist homeless to obtain and maintain housing;
- Action Step 2: Develop and conduct training on tenant/landlord rights and responsibilities
- Action Step 3: Develop a Peer Housing Support Program

Increase the percentage of homeless persons employed at exit to at least 19%:

- Action Step 1: Work with the County Department of Economic Development and Workforce Investment Board to target homeless persons and to address specific impediments to their participation in employment programs
- Action Step 2: Advocate with public welfare staff to maximize mainstream benefits for the homeless, including increasing awareness of how to assist food stamp recipients to utilize federal match for employment and training
- Action Step 3: Continue to increase access to education through the Power Program, a program for people with serious mental illness and co-occurring disorders

Decreasing the number of homeless households with children:

- Action Step 1: Develop pilot project with centralized intake for families and take other steps to move Montgomery County agencies addressing homeless families to the Rapid Re-housing Model
- Action Step 2: Since close to 70% of homeless families are in transitional housing, work with the Montgomery County Public Housing Authority to establish preference in public housing and Housing Choice Voucher Program for homeless households leaving transitional housing
- Action Step 3: Examine and strengthen policies to better utilize and coordinate state Housing Assistance Program (HAP) resources with McKinney and other programs serving homeless families

Create new Public Housing beds for chronically homeless persons:

- Action Step 1: Target 20 slots in new county mental health housing plan funded with Health Choices Reinvestment dollars for the chronically homeless
- Action Step 2: Adopt a policy to give priority to the chronically homeless in the County-funded Tenant Based Rental Assistance Voucher program
- Action Step 3: Designate Horizon House's 2007 3-bedroom Shelter Plus Care program for chronically homeless individuals

5. Discharge Coordination Policy

Foster Care Discharge Policy

As described in the 2008 Continuum of Care Discharge Planning Protocols Narrative for the Lower Merion/Norristown/Abington region of Montgomery County, work is continuing for discharge protocol for youth exiting the foster care system. In the meantime, the Office of Children and Youth (OCY) works with youth to ensure that appropriate housing is in place prior to their exit from the system. Independent living services are provided to those aged 16 to 21 who reside in out-of-home placement facilities. Aftercare services are also provided to promote self-sufficiency through support in employment, education, life skills, preventive services, and housing. Seventeen-year-old youths are now eligible for the county's Emergency Tenant Based Rental Program. OCY also supports the Valley Youth House TBRA program for young adults aging out of foster care developed through collaboration with the county agencies and the housing authority. In addition, the Commonwealth of Pennsylvania is working to develop a protocol for foster discharge. If passed, it would provide for the disposition of dependent children. This includes the development of a written plan that identifies appropriate services and supports for the child's transition from the child welfare system and requires a description of the child's suitable housing plan.

Health Care Discharge

As described in the 2008 Continuum of Care Discharge Planning Protocols Narrative for the Lower Merion/Norristown/Abington region of Montgomery County, hospitals in Pennsylvania must have written discharge policies for appropriate referral and transfer plans that comply with requirements of the Federal Conditions for Participation in Medicare and Medicaid Services and the Pennsylvania Code (028 Section 105.21 to 105.25). Ensuring compliance with these regulations is the responsibility of the PA Department of Health, Division of Acute and Ambulatory Care.

Mental Health Discharge

As described in the 2008 Continuum of Care Discharge Planning Protocols Narrative for the Lower Merion/Norristown/Abington region of Montgomery County, the Commonwealth of PA has a formal policy that no discharge from a state hospital can occur unless all housing, treatment, case management, and rehabilitation services are in place at the County level. In Montgomery County, there is a letter of Agreement between Norristown State Hospital (NSH) and the County Office of Mental Health/Mental Retardation/Drug and Alcohol/Behavioral Health related to the continuity of care for individuals who leave the hospital. OMH has developed a Continuity of Care Manual that serves as a guide to the roles of NSH team members responsible for discharge planning. OMH has a dedicated staff person on the grounds of the state hospital. Hospital staff sends the County staff an Active Discharge Candidate Notice informing him of all pending discharges so that he can assist in the assessment and planning, especially for those who may be difficult to place or require extra supports. In addition, to ensure that the person being discharged has adequate housing, the staff coordinator makes sure that he/she is linked to the County mental health system before discharge so that there is no hiatus in medication or mental health services.

Correctional Institution Discharge

As described in the 2008 Continuum of Care Discharge Planning Protocols Narrative for the Lower Merion/Norristown/Abington region of Montgomery County, the Commonwealth of PA has two ways of ensuring that individuals released from State Correctional Institutions do not become homeless. First, the PA Department of Corrections issued a policy statement on Inmate Re-entry and Transition on January 5, 2006. It requires that the Continuity of Care planners in each institution make every effort to assure a viable home plan and follow-up services for all who will be released at the maximum term of their sentence. This policy includes providing each inmate with written information on housing, ID, and other personal documents. Of particular relevance are sections I-VIII, A 1-2(d), H1-5 and 3A 1-5. Second, the PA Board of Probation and Parole has a formal policy that no individual may be released on parole without an approved Home Plan. Reference to this policy is found in Chapter 623 of the PA Code, Conditions Governing Parole. Section 63.4(2) specifically relates to housing.

On the County level, the Montgomery County Correctional Facility (MCCF) will not discharge an individual on parole without a verified address. The County Office of Mental Health has developed protocols for linkage, ongoing treatment services, and the identification of a housing plan for persons who have been identified as having a serious mental illness who are leaving state prisons, those being discharged from MCCF, and residents of the county being discharged from other County prisons in the region.

Emergency Shelter Grants (ESG)

(States only) Describe the process for awarding grants to State recipients, and a description of how the allocation will be made available to units of local government.

Program Year 3 Action Plan ESG response:

NOT APPLICABLE

COMMUNITY DEVELOPMENT

Community Development

**Please also refer to the Community Development Table in the Needs.xls workbook.*

1. *Identify the jurisdiction's priority non-housing community development needs eligible for assistance by CDBG eligibility category specified in the Community Development Needs Table (formerly Table 2B), public facilities, public improvements, public services and economic development.*
2. *Identify specific long-term and short-term community development objectives (including economic development activities that create jobs), developed in accordance with the statutory goals described in section 24 CFR 91.1 and the primary objective of the CDBG program to provide decent housing and a suitable living environment and expand economic opportunities, principally for low- and moderate-income persons.*

**Note: Each specific objective developed to address a priority need, must be identified by number and contain proposed accomplishments, the time period (i.e., one, two, three, or more years), and annual program year goals the jurisdiction hopes to achieve in quantitative terms, or in other measurable terms as identified and defined by the jurisdiction.*

Program Year 3 Action Plan Community Development response:

1. Priority Non-Housing Community Development Needs

The Municipality has identified the need for public infrastructure improvements, public facility improvements, and public service activities throughout Norristown. Most of these projects involve roadway and streetscape improvement projects.

2. Specific Short-Term and Long-Term Objectives

The Municipality of Norristown has determined the following non-housing priorities for the next five years:

Infrastructure

Public infrastructure in many CDBG-eligible areas of Norristown is inadequate for current demands. Where and when appropriate, the Municipality will augment its capital expenditures with resources from the Consolidated Plan when those resources support new construction projects or rehabilitation projects of existing units. In addition, these activities must benefit LMI persons. Priority projects in the infrastructure category include the reconstruction of streets and sidewalks that are heavily traveled and in need of repair. These projects will contribute to the safety and quality of life of neighborhoods throughout the Municipality of Norristown and will benefit LMI persons.

- **Long-Term Goals:** Provide financial assistance in the construction and replacement of infrastructure elements necessary to preserve existing affordable residential areas. Activities funded through the CDBG program should also improve the economic viability of existing and potential businesses in Norristown.

- **Short-Term Goals:**

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- Sidewalk Improvements along the 100 block of West Marshall Street that involve new sidewalks and urban friendly trees. It is expected to benefit 1696 persons, approximately 78% of whom are LMI.

Public Facilities Improvements (including Parks and Recreation)

In August 2005, the Municipality of Norristown drafted an Open Space Plan in conjunction with the Montgomery County Green Fields/Green Towns Program. The plan identified a number of municipal-wide locations for park improvements, as well as the implementation of Municipality-wide green infrastructure. A majority of these projects are located within CDBG eligible areas. As such, the Municipality of Norristown plans to provide resources to these projects when available to help improve the Municipality's various parks and playgrounds. Improvements will include safety upgrades and equipment upgrades to ensure that all facilities meet industry standards for safety and ADA compliance.

- **Long-Term Goals:** Provide financial assistance in making rehabilitation, repairs, and other improvements to public facilities, such as parks and playgrounds, to enhance the quality of public facilities and increase access to public facilities for LMI persons. These projects advance the Municipality's goal of improving quality of life for LMI households.
- **Short-Term Goals:** Public facilities improvements are undertaken for the purpose of improving living conditions:
 - Continuation of the Poley Park Improvement Project involving physical construction of amenities based on recommendations developed through a public master planning process. It is expected to benefit 1,520 persons, approximately 72% of whom are LMI.
 - Continuation of the Simmons Park Improvement Project inclusive of site furnishings, landscaping, and hardscapes. Funds are leveraged with funding from DCED and County Open Space funds. It is expected to benefit 2,637 persons, approximately 70% of whom are LMI.

Economic Development

Norristown's 2000 Economic Revitalization Strategy was updated in June 2009 for the Municipality of Norristown. The study area for the master plan encompasses the entire Municipality, although many of the recommendations relate to the downtown area. The goals of the revitalization plan are to develop means of maximizing the tax base, improve the quality of life for residents of Norristown, and promote retail, office, and entertainment uses in the downtown. Future Annual Plans may include appropriations for economic development projects when those requested resources could be shown to benefit low and moderate income residents of Norristown. When funds are available, the Municipality will support job training and mentoring services provided through the Opportunities Industrialization Center (OIC) in an attempt to improve the economic opportunities available to low income persons.

- **Long-Term Goals:** Improve the economic opportunities available to low income persons and enhance skills of the labor force to make Norristown a more attractive business climate for existing and potential businesses.
- **Short-Term Goals:**

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- Main Street Economic Development Initiative for the downtown business district to help in job creation and retention. It is expected to create two moderate income jobs.
- Small Business Assistance Center to help small businesses to locate in and stay in Norristown, to prepare business plans, start-up assistance, source library and development of resource material. Businesses served have to meet the micro-business criteria of five or fewer employees, one or more of whom owns the business. It is expected to create or retain two low moderate income jobs.

Public Services

To assist in providing services to area residents and in building better neighborhoods, the Municipality of Norristown may support activities related to improving the quality of life and the competitiveness of the labor force. In addition, the Municipality will provide funding, through a combination of federal and non-federal sources, for code enforcement and demolition activities aimed to improve and sustain the suitable living environment across Norristown's various neighborhoods. The Municipality will support miscellaneous youth educational programs when funding is available, including programs provided by Opportunities Industrialization Center, which benefits children from low income families.

- **Long-Term Goals:** Collaborate with local nonprofit organizations and other social service agencies to provide for the human service needs of LMI residents (including homeless and those at risk of becoming homeless). Improve the competitiveness of the Municipality's labor force by supporting literacy and job training services to LMI individuals.
- **Short-Term Goals:** Assist with the various youth educational and mentoring programs such as the OIC literacy and GED programs, and also be a part of the Continuum of Care process in Montgomery County as far as permanent housing is concerned and de-concentration of resources.
 - Ongoing improvements at the Opportunities Industrialization Center including electrical upgrades. It is expected to benefit 6,799 individuals, approximately 73% of whom are LMI.
 - Ongoing support of Fair Housing Rights Center in their awareness campaign targeting realtors, landlords and homeowners with warnings against block busting, foreclosure rescue scams, workshops on fair housing rights, and advocacy for victims of housing discrimination. Expected number of people to benefit is 600.
 - Continuum of Care process in the county with participation limited to provision of Permanent Housing and encouraging of de-concentration of resources to ensure that services are not just concentrated in the Municipality of Norristown.

Antipoverty Strategy

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1. *Describe the actions that will take place during the next year to reduce the number of poverty level families.*

Program Year 3 Action Plan Antipoverty Strategy response:

1. Actions to Reduce the Number of Poverty Level Families

The key to Norristown's anti-poverty strategy lies in the resurgence of its economy through business development and job training. The Municipality's government has already committed funds to improve critical public spaces downtown and throughout Norristown. Norristown has also actively sought and encouraged private renovations and new business start-ups. A revitalized Norristown will mean capturing business and reviving the economy, thereby increasing employment opportunities for households living in poverty. The Municipality will also actively pursue channels for job training and other workforce development.

However, providing better income opportunities is only half the battle. Norristown will also continue to ensure the availability of affordable housing by continuing its owner-occupied housing, first-time homebuyer, and acquisition/rehabilitation/resale programs. By increasing the skills of the workforce and reducing the cost of housing, the Municipality will reduce the number of individuals and families living in poverty.

The multiple aspects of the Municipality's anti-poverty strategy programs run by the Municipality or its subrecipients, when working in concert, have the ability to reduce the number of households with incomes below the poverty level. Specific components of the Municipality's anti-poverty strategy as are follows:

Housing

A lack of affordable housing places housing cost burdens on low to moderate income persons, limiting their ability to pay for other goods and services, such as quality education or needed prescriptions. The Municipality's housing efforts are aimed at improving and maintaining a high standard of housing quality while also creating or maintaining affordability.

Over the five-year period of the Consolidated Plan, and one year Action Plan period, the Municipality will also work with agencies that provide expanded housing options to current and potential Norristown residents. These agencies include Montgomery County Housing Authority, Genesis Housing, Habitat for Humanity, and Hedwig House, all of which assist many lower-income renters, including those with disabilities.

Social Services

Several social service programs are offered by subrecipients of CDBG funds in Norristown to provide assistance to persons with incomes below the poverty level. The Municipality provides assistance to the Opportunities Industrialization Center and the Carver Community Center, as well as being the financial conduit for funds for the Norristown Weed and Seed program.

Economic Development

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- On March 18, 2008, the Municipality, in conjunction with the Norristown Area School District and Montgomery County, authorized its first Tax-Increment Financing project at the Bell Telephone Building at 401-4-3 DeKalb Street. The project entails the utilization of 12,140 square feet for office space and a potential restaurant. The project is expected to significantly enhance the real estate value of the surrounding properties and boost revitalization efforts.
- The State has committed to \$10 million in Redevelopment Assistance Capital Program funds for rehabilitation of Studio Centre at Logan Square. This project originally proposed to build five studios amounting to 74,000 square feet of studio space. Other uses are proposed for the site, including a restaurant, a 50,000 square foot supermarket, and 20,000 square feet of retail space. With the economic downturn, this project has morphed leading to the elimination of the studios and instead expanding and creating the headquarters of USM, an outsourcing company, and the creation of more than 500 jobs that will benefit Low to moderate income residents of the community. As part of this allocation, Studio Centre has also applied for both County and Norristown Section 108 loan funds. To date, they have been awarded \$10million from the County Section 108 loan funds. The \$5 million section 108 loan application from Norristown's HUD allocation for this project is still pending. This project will boost revitalization efforts and create much-needed jobs in the area.
- The State also committed \$500,000 in Redevelopment Assistance Capital Program funds for the rehabilitation of a former 18 unit apartment building on Dekalb Street, into 12 Condominium style Townhouses. In addition to those funds, there was also a commitment of \$450,000 from the County Affordable Housing Trust Fund, \$500,000 from Norristown's allocation of HOME DCED funds and \$30,000 in First Time Home Buyer Assistance grants. This would ensure a fully funded project that would not only revitalize and stabilize this neighborhood but also create jobs and new housing units for low to moderate income residents.
- The Municipality's community development and public infrastructure are designed to improve the attractiveness of downtown Norristown to existing and potential businesses. Roadway infrastructure projects will improve connectivity to the surrounding highway system, as well as circulation within Norristown for both pedestrians and automobiles. Park improvements will improve the quality of life for residents and workers, while making the area more attractive aesthetically.

2. Estimated Reduction in the Number of Poverty-Level Families

Poverty is a function of income. Factors that affect income are education, job training, health, housing quality, cost of living, and employment. As a single unit of government, the Municipality of Norristown has only limited influence on the overall factors that cause poverty. However, the Municipality has chosen to maximize its resources to provide quality services to low income residents to help them improve their incomes.

The percentage of Norristown households living in poverty increased between 1990 and 2000, according to Census data. In 1990 there were 2,838 individuals living

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below the poverty line in Norristown, which was 9.5% of the population for which poverty status had been determined. By 2000, that group had increased to 5,238 persons, which represented 17.2% of the population. Notably, the increase in persons living in poverty occurred with a decrease in overall population.

Through the methods described above, the Municipality can positively influence the likelihood of poverty-stricken residents of moving up and out of poverty. Norristown can reduce the number of residents living in poverty by minimizing threats to individual and family financial stability and by extending services that will provide adequately for those in need. Ultimately, federal and state policies on welfare, health care, and the minimum wage are also crucial factors in the fight to address and reduce poverty. The Municipality will continue to support organizations that provide supportive services, to encourage local economic development, and to preserve and improve affordable housing options as part of its strategy to prevent and alleviate poverty.

NON-HOMELESS SPECIAL NEEDS HOUSING

Non-homeless Special Needs (91.220 (c) and (e))

**Please also refer to the Non-homeless Special Needs Table in the Needs.xls workbook.*

1. *Describe the priorities and specific objectives the jurisdiction hopes to achieve for the period covered by the Action Plan.*
2. *Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by this Action Plan.*

Program Year 3 Action Plan Specific Objectives response:

1. Priorities and Objectives

The priorities and objectives identified below are not presented in order of preference. They are grouped by type of activity and are based on information obtained from housing and social service providers.

Priorities for the Elderly/Frail Elderly Populations

- Support activities that provide affordable housing for elderly and frail elderly residents at or below 50% of area median income.
- Support activities that provide the elderly and frail elderly with benefits counseling, care coordination, transportation, and other services.
- Explore the possibility of creating new affordable housing options for the elderly population. There is a need for additional housing units that provide supportive services.

The Municipality will support the efforts of organizations that seek to provide affordable housing for the elderly and frail elderly, as well as those organizations that provide services to the elderly and frail elderly. Due to the limited funding amounts the Municipality receives, it cannot allocate CDBG funds to elderly and frail elderly related projects. However, the Municipality will support such efforts by issuing

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certificates of consistency for any elderly affordable housing or service-related projects submitted to the Municipality for approval by other entities in Norristown.

Priorities for Persons with Mental Illness

- Offer support and assistance to local agencies in Norristown that provide supportive services and outreach programs to individuals with mental illness.

Norristown will aid the efforts of area organizations that provide supportive services and transitional and supportive permanent housing options to persons with mental illness. The Municipality will issue certificates of consistency for any projects undertaken by other entities that include the provision of housing and other supportive services for persons suffering from mental illness, especially as they pertain to de-concentration.

Priorities for Persons with Disabilities

- Support tenant-based rental assistance subsidies, should they become available, to serve more individuals and families who have disabilities, and are in danger of becoming homeless especially if they are not concentrated in Norristown.
- Increase the supply of affordable, accessible housing for homeownership.
- Support activities that provide persons with disabilities with the resources necessary to make improvements to their homes.

The Municipality will support efforts to increase the supply of affordable, accessible Permanent housing within Norristown.

Priorities for Persons with Alcohol and Drug Addiction

- Offer support to local agencies that provide outreach programs to individuals with drug and alcohol problems which are located outside of Norristown.
- Maintain the supply of transitional and permanent supportive housing for individuals with drug and alcohol addiction, while encouraging deconcentration of these facilities.

The Municipality is willing to grant certificates of consistency for projects submitted for approval by area organizations. Such projects should support individuals with drug and alcohol addiction through the creation of transitional and supportive housing and the provision of supportive services outside of Norristown.

Priorities for Persons with HIV/AIDS

- Support efforts that provide affordable housing to people living with HIV/AIDS.
- Support organizations that provide supportive services to people living with HIV/AIDS.

The Municipality will support area organizations that provide supportive services and affordable housing options for people living with HIV/AIDS. The Municipality will

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issue certificates of consistency for any projects meeting the aforementioned criteria that are submitted for review.

All non-homeless special needs categories have been labeled either Medium or Low priority activities. Even though these activities are not viewed as a High priority, they are still important and are not meant to be understood as being unnecessary in the Municipality of Norristown. Rather, it is perceived that those needs are already overly concentrated in Norristown versus Countywide, and may also have other, more appropriate funding sources. The Municipality of Norristown has identified a limited number of priorities to provide a focus for activities that will be funded in the next year. If a high priority proposal is not received during the local CDBG application process, a medium priority project may be funded.

2. Resources Expected to be Available

The Municipality anticipates receiving \$911,379 in CDBG funds in FY2012. These funding sources will be available to help support public improvements, the delivery of services, affordable housing projects, housing rehabilitation programs, and homeless outreach and prevention activities.

It is increasingly difficult for the Municipality of Norristown to fund non-homeless special needs projects due to the limited amount of funding the Municipality receives annually to support housing and community development initiatives, as well as the increasing amount of basic community needs resulting from current economic conditions. However, other resources are available on the federal, state, and local levels that area organizations can solicit to help provide affordable housing opportunities and supportive services to Norristown's non-homeless special needs populations.

There are several resources available to support non-homeless special needs housing initiatives, including HUD Section 202 housing funds (elderly projects), HUD Section 811 housing funds (housing for people with disabilities), Housing Choice Voucher (formerly Section 8) tenant- and project-based rental assistance, Low Income Housing Tax Credits (LIHTC), Federal Home Loan Bank funds, funds from private foundations and other private entities, public housing funds, HOPWA funds, and other state and federal resources.

The Municipality will continue to support the efforts of local and regional organizations that provide housing and supportive services to non-homeless special needs individuals in Norristown, to the best extent possible while encouraging de-concentration of these resources to other parts of the County.

Housing Opportunities for People with AIDS

**Please also refer to the HOPWA Table in the Needs.xls workbook.*

- 1. Provide a Brief description of the organization, the area of service, the name of the program contacts, and a broad overview of the range/ type of housing activities to be done during the next year.*
- 2. Report on the actions taken during the year that addressed the special needs of persons who are not homeless but require supportive housing, and assistance for*

persons who are homeless.

3. *Evaluate the progress in meeting its specific objective of providing affordable housing, including a comparison of actual outputs and outcomes to proposed goals and progress made on the other planned actions indicated in the strategic and action plans. The evaluation can address any related program adjustments or future plans.*
4. *Report on annual HOPWA output goals for the number of households assisted during the year in: (1) short-term rent, mortgage and utility payments to avoid homelessness; (2) rental assistance programs; and (3) in housing facilities, such as community residences and SRO dwellings, where funds are used to develop and/or operate these facilities. Include any assessment of client outcomes for achieving housing stability, reduced risks of homelessness and improved access to care.*
5. *Report on the use of committed leveraging from other public and private resources that helped to address needs identified in the plan.*
6. *Provide an analysis of the extent to which HOPWA funds were distributed among different categories of housing needs consistent with the geographic distribution plans identified in its approved Consolidated Plan.*
7. *Describe any barriers (including non-regulatory) encountered, actions in response to barriers, and recommendations for program improvement.*
8. *Please describe the expected trends facing the community in meeting the needs of persons living with HIV/AIDS and provide additional information regarding the administration of services to people with HIV/AIDS.*
9. *Please note any evaluations, studies or other assessments that will be conducted on the local HOPWA program during the next year.*

Program Year 3 Action Plan HOPWA response:

NOT APPLICABLE.

Specific HOPWA Objectives

Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by the Action Plan.

Program Year 3 Specific HOPWA Objectives response:

NOT APPLICABLE.

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Other Narrative

Include any Action Plan information that was not covered by a narrative in any other section.

NOT APPLICABLE.

Table 1C
Summary of Specific Multi-Year Objectives
Homeless & Special Needs
Municipality of Norristown

***For the Consolidated Plan Period 2010-2014, the Municipality does not anticipate to fund any homeless and/or special needs projects, and therefore has no associated data to include in Table 1C below. The Municipality continues to be involved in the Continuum of Care, as noted in "Section C. Consolidated Plan Summary—Continuum of Care & Other Special Needs Activities" of each year's action plan. ***

Availability/Accessibility of Decent Housing (DH-1)							
Specific Objective		Source of Funds	Year	Performance Indicators	Expected Number	Actual Number	Percent Completed
DH 1.1	N/A		2010				%
			2011				%
			2012				%
			2013				%
			2014				%
			MULTI-YEAR GOAL				%
Affordability of Decent Housing (DH-2)							
DH 2.1	N/A		2010				%
			2011				%
			2012				%
			2013				%
			2014				%
			MULTI-YEAR GOAL				%
Sustainability of Decent Housing (DH-3)							
DH 3.1	N/A		2010				%
			2011				%
			2012				%
			2013				%
			2014				%
			MULTI-YEAR GOAL				%
Availability/Accessibility of Suitable Living Environment (SL-1)							
SL 1.1	N/A		2010				%
			2011				%
			2012				%
			2013				%
			2014				%
			MULTI-YEAR GOAL				%
Affordability of Suitable Living Environment (SL-2)							
SL 2.1	N/A		2010				%
			2011				%
			2012				%
			2013				%
			2014				%
			MULTI-YEAR GOAL				%

Sustainability of Suitable Living Environment (SL-3)							
SL 3.1	N/A		2010 2011 2012 2013 2014				% % % % %
			MULTI-YEAR GOAL				%
Availability/Accessibility of Economic Opportunity (EO-1)							
Specific Objective		Source of Funds	Year	Performance Indicators	Expected Number	Actual Number	Percent Completed
E O1 .1	N/A		2010 2011 2012 2013 2014				% % % % %
			MULTI-YEAR GOAL				%
Affordability of Economic Opportunity (EO-2)							
E O2 .1	N/A		2010 2011 2012 2013 2014				% % % % %
			MULTI-YEAR GOAL				%
Sustainability of Economic Opportunity (EO-3)							
E O3 .1	N/A		2010 2011 2012 2013 2014				% % % % %
			MULTI-YEAR GOAL				%
Neighborhood Revitalization (NR-1)							
N R1 .1	N/A		2010 2011 2012 2013 2014				% % % % %
			MULTI-YEAR GOAL				%
Other (O-1)							
O 1.1	N/A		2010 2011 2012 2013 2014				% % % % %
			MULTI-YEAR GOAL				%
Other (O-2)							
O 2.1	N/A		2010 2011 2012 2013 2014				% % % % %
			MULTI-YEAR GOAL				%

*****Specific objectives listed below are garnered from the Short-Term Strategies/Objectives and Long-Term Strategy/Objectives from the Municipality of Norristown's 2010-2014 Consolidated Plan and One Year 2011 Action Plan. Specific activities listed in Table 2C fall under these objectives. *****

SHORT TERM STRATEGY/OBJECTIVES

- PRIORITY 1.** Rehabilitate and upgrade housing stock and improve the quality of life in residential areas.
- PRIORITY 2.** Promote economic and community development.
- PRIORITY 3.** Eliminate conditions detrimental to the public's health, safety and welfare.
- PRIORITY 4.** Upgrade and replace antiquated community infrastructure.
- PRIORITY 5.** Expand recreational opportunities by developing and rehabilitating park and playground facilities.
- PRIORITY 6.** Promote the preservation of historic structures and neighborhoods.

LONG TERM STRATEGY/OBJECTIVES

- PRIORITY 1.** Improve the economic base of the community so that Norristown will become economically self-sufficient to an extent that will allow the local government to provide an adequate level of services to all its residents.
- PRIORITY 2.** Upgrade the housing stock for residents of all income levels in order that every resident will occupy safe, healthy, and decent living quarters.
- PRIORITY 3.** Enhance neighborhood values by keeping them physically sound and visually attractive, and by providing recreational facilities and other amenities that will have a positive effect on the quality of life. And also eliminate conditions detrimental to the public's health safety and welfare.
- PRIORITY 4.** Preserve and enhance the unique historic, architectural, and cultural features that characterize Norristown.

Table 2C
Summary of Specific Multi-Year Objectives
FY 2011
Housing & Community Development
Municipality of Norristown

Availability/Accessibility of Decent Housing (DH-1)							
Specific Objective		Source of Funds	Year	Performance Indicators	Expected Number	Actual Number	Percent Completed
DH-1.1	<i>Fair Housing</i> —Housing rights for owners, advocacy for victims of housing discrimination and issues related to unanticipated needs.	CDBG	2010	People	200	200	200 %
			2011		200	220	220 %
			2012		200	—	— %
			2013		200	—	— %
			2014		200	—	— %
			MULTI-YEAR GOAL		1000	420	210%
Affordability of Decent Housing (DH-2)							
Specific Objective		Source of Funds	Year	Performance Indicators	Expected Number	Actual Number	Percent Completed
DH-2.1	<i>First Time Home Buyers Program</i> — Grants in the amount of \$5000 to income eligible first-time home buyers.	CDBG	2010	Housing Units	2	2	100 %
			2011		2	—	— %
			2012		2	—	— %
			2013		NA	—	— %
			2014		NA	—	— %
			MULTI-YEAR GOAL		6	2	100%
Sustainability of Decent Housing (DH-3)							
Specific Objective		Source of Funds	Year	Performance Indicators	Expected Number	Actual Number	Percent Completed
DH-3.1	<i>Code Enforcement</i> — Inspect properties in targeted eligible concentrated areas to bring them to BOCA to prevent further deterioration.	CDBG	2010	Housing Units	5000	5000	100 %
			2011		5000	5000	100 %
			2012		5000	—	— %
			2013		5000	—	— %
			2014		5000	—	— %
			MULTI-YEAR GOAL		25,000	10,000	100%
DH-3.2	<i>Owner-Occupied Housing Rehab. Program</i> –Grants of approximately \$25,000 to income eligible households to bring owner-occupied homes up to code and lead abatement.	CDBG HOME	2010	Housing Units	4	7	175 %
			2011		4	6	150 %
			2012		4	—	— %
			2013		4	—	— %
			2014		4	—	— %
			MULTI-YEAR GOAL		20	13	162%

Sustainability of Suitable Living Environment (SL-3)							
Specific Objective		Source of Funds	Year	Performance Indicators	Expected Number	Actual Number	Percent Completed
SL-3.1	<i>Neighborhood Beautification Phase I – Streetscape beautification along the 1000 block of Powell Street that will include new sidewalks, curbs, street trees and lighting</i>	CDBG	2010	People	2110	2110	100%
			2011		NA	—	—%
2012	NA	—	—%				
2013	NA	—	—%				
2014	NA	—	—%				
			MULTI-YEAR GOAL		2110	2110	100%
SL-3.2	<i>Road reconstruction at the five point intersection of Swede, Elm and Powell Street—Physical reconstruction of the failing five point neighborhood intersection in the Municipality.</i>	CDBG	2010	People	4414	0	0%
			2011		4414	—	—%
2012	NA	NA	—%				
2013	NA	NA	—%				
2014	NA	NA	—%				
			MULTI-YEAR GOAL		4414	0	0%
SL-3.3	<i>Arts Hill —Historic Façade program for the business and arts district</i>	CDBG	2010	Businesses	NA	NA	NA
			2011		10	—	—%
2012	10	—	—%				
2013	NA	NA	NA				
2014	NA	NA	NA				
			MULTI-YEAR GOAL		20	—	—%
SL-3.4	<i>DeKalb St. Avenue of the Arts Project—Continued streetscape improvements to gateway to create an Avenue of the Arts along Dekalb Street from Lafayette Street to Marshall Street.</i>	CDBG COUNTY	2010	People	3000	3000	100 %
			2011		NA	—	—%
2012	NA	—	—%				
2013	NA	—	—%				
2014	NA	—	—%				
			MULTI-YEAR GOAL		3000	3000	100%
SL-3.5	<i>Side walk improvements at West Main Street and Astor Street—</i> Improvements to sidewalks to tie in with the access improvements at the Fairmount Fire Company	CDBG	2010	People	NA	NA	NA
			2011		1571	—	—%
2012	—	—	—%				
2013	—	—	—%				
2014	—	—	—%				
			MULTI-YEAR GOAL		1571	—	—%
SL-3.6	<i>W Marshall St Sidewalk Improvements —</i> New streetscapes involving sidewalks, curbs, new lighting and urban friendly trees along the 100 -200 block of W Marshall st	CDBG	2010	People	NA	NA	NA
			2011		1696	—	—%
2012	1696	—	—%				
2013	—	—	—%				
2014	—	—	—%				
			MULTI-YEAR GOAL		1696	—	%
SL-3.7	<i>Simmons Park Improvements—</i> Improvements include walking trail, multipurpose field, new basketball courts, landscaping and lighting.	CDBG DCNR COUNTY	2010	People	2637	2637	100%
			2011		2637	2637	100%
2012	—	—	%				
2013	NA	NA	NA				
2014	NA	NA	NA				
			MULTI-YEAR GOAL		2637	2637	100%

Sustainability of Suitable Living Environment (SL-3)							
Specific Objective		Source of Funds	Year	Performance Indicators	Expected Number	Actual Number	Percent Completed
SL-3.8	<i>Opportunities Industrialization Center</i> —improvements to the community center to involve electrical upgrades.	CDBG	2010	People	6799	6799	100%
			2011		NA	—	—%
			2012		NA	—	—%
			2013		NA	—	—%
			2014		NA	—	—%
			MULTI-YEAR GOAL		6799	6799	100%
SL-3.9	<i>Norris Hose Fire Company</i> —Improvements include interior restoration, sprinkler system and lighting	CDBG	2010	People	5211	5211	100%
			2011		NA	—	—%
			2012		NA	—	—%
			2013		NA	—	—%
			2014		NA	—	—%
			MULTI-YEAR GOAL		5211	5211	100%
SL-3.10	<i>Norristown Fire Department.</i> —Purchase of a new Fire engine truck	CDBG	2010	Households	NA	NA	NA
			2011		1200	—	—%
			2012		1200	—	—%
			2013		1200	—	—%
			2014		1200	—	—%
			MULTI-YEAR GOAL		1200	—	—%
SL-3.11	<i>Albert P. Parker (Cherry St) Park</i> — Improvements to park including basketball courts, site furnishings, Landscaping and fencing	CDBG	2010	People	3531	0	0%
			2011		NA	—	—%
			2012		NA	—	—%
			2013		NA	—	—%
			2014		NA	—	—%
			MULTI-YEAR GOAL		3531	0	—%
SL-3.12	<i>Poley Park Improvements</i> —Phase II Physical improvements of Poley Park based on recommendations developed through a Master Plan public process.	CDBG PA DCNR County	2010	People	1520	1520	100%
			2011		1520	1520	100%
			2012		1520	—	—%
			2013		—	—	—%
			2014		—	—	—%
			MULTI-YEAR GOAL		1520	1520	100%
SL-3.13	<i>Administration</i> —Administration of CDBG program.	CDBG Municipal General Fund	2010	NA	NA	NA	NA
			2011				NA
			2012				NA
			2013				NA
			2014				NA
			MULTI-YEAR GOAL		NA	NA	NA
SL-3.14	<i>Housing Rehabilitation Technical Support</i>	CDBG HOME	2010	NA	NA	NA	NA
			2011				
			2012				
			2013				
			2014				
			MULTI-YEAR GOAL		NA	NA	NA

SL-3.15	Main & Marshall Street Lighting & Security Upgrades	CDBG	2010	NA	NA	NA	NA
			2011	NA	NA	NA	NA
			2012	1657	—	—%	—%
			2013	1657	—	—%	—%
			2014	NA	NA	NA	NA
			MULTI-YEAR GOAL		NA	NA	NA
Sustainability of Economic Opportunity (EO-3)							
Specific Objective		Source of Funds	Year	Performance Indicators	Expected Number	Actual Number	Percent Completed
EO-3.1	Small Business Assistance Center—Technical assistance to eligible micro- businesses of five or fewer employees through source library and resource materials.	CDBG	2010	Businesses	1	3	300%
			2011		1	3	300%
			2012		1	—	—%
			2013		1	—	—%
			2014		1	—	—%
			MULTI-YEAR GOAL		5	6	300%
EO-3.2	Main Street Economic Development initiative—	CDBG	2010	Jobs	NA	NA	NA
			2011		2	0	—%
			2012		2	—	—%
			2013		—	—	—%
			2014		—	—	—%
			MULTI-YEAR GOAL		2	—	—%

TABLE 3B ANNUAL HOUSING COMPLETION GOALS					
ANNUAL AFFORDABLE RENTAL HOUSING GOALS (SEC. 215)	Annual Expected Number Completed	Resources used during the period			
		CDBG	HOME	ESG	HOPWA
Acquisition of existing units		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Production of new units		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Rehabilitation of existing units		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rental Assistance		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Total Sec. 215 Rental Goals		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ANNUAL AFFORDABLE OWNER HOUSING GOALS (SEC. 215)					
Acquisition of existing units		<input type="checkbox"/>	<input type="checkbox"/>		
Production of new units		<input type="checkbox"/>	<input type="checkbox"/>		
Rehabilitation of existing units		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Homebuyer Assistance		<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Total Sec. 215 Owner Goals		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ANNUAL AFFORDABLE HOUSING GOALS (SEC. 215)					
Homeless		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Non-Homeless		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Needs		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Sec. 215 Affordable Housing		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ANNUAL HOUSING GOALS					
Annual Rental Housing Goal		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Annual Owner Housing Goal		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Annual Housing Goal		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For the purpose of identification of annual goals, an assisted household is one that will receive benefits through the investment of Federal funds, either alone or in conjunction with the investment of other public or private funds.					

U.S. Department of Housing
and Urban DevelopmentOMB Approval No. 2506-0117
(Exp. 4/30/2011)**Table 3C**
Consolidated Plan Listing of Projects**Jurisdiction's Name:** Municipality of Norristown**Priority Need:** Owner-Occupied Housing - High**Project Title:** Housing Rehabilitation**Description**

Continuation of the Owner-Occupied Housing Rehabilitation Program. The Municipality will provide loans averaging \$30,000 to income eligible owner occupants of single family homes located within the Municipality of Norristown. The interest free loan is forgiven after 10 years. The Municipality processes applicants on a first come first served basis from an existing waiting list and expects to accept applicants throughout Fiscal Year 2008.

Objective category: ☐ Suitable Living Environment ☒ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☐ Affordability ☒ Sustainability

Location/Target Area
Community Wide

Objective Number DH-3	Project ID 0001
HUD Matrix Code 14A	CDBG Citation 570.202(a)(1)
Type of Recipient Grantee	CDBG National Objective LMH—570.208(a)(3)
Start Date (mm/dd/yyyy) 03/01/2012	Completion Date (mm/dd/yyyy) 02/28/2013
Performance Indicator Housing Units	Annual Units 4
Local ID 2012.400.001	Units Upon Completion 4

Funding Sources:

CDBG	\$141,379.00
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$141,379.00

The primary purpose of the project is to help: ☐ The Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

U.S. Department of Housing
and Urban DevelopmentOMB Approval No. 2506-0117
(Exp. 4/30/2011)**Table 3C**
Consolidated Plan Listing of Projects**Jurisdiction's Name:** Municipality of Norristown**Priority Need:** Rehabilitation Administration - High**Project Title:** Housing Rehabilitation Technical Support**Description**

Administration of Housing Rehabilitation programs. Housing consultant is contracted to provide technical and management support for the Housing Rehabilitation programs. Support includes income verification, technical specification write-ups, bidding, construction management, reports, and grant applications.

Objective category: ☐ Suitable Living Environment ☒ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☐ Affordability ☒ Sustainability

Location/Target Area
Community Wide

Objective Number DH-3	Project ID 0002
HUD Matrix Code 14H	CDBG Citation 570.202(a)(1)
Type of Recipient Grantee	CDBG National Objective LMH—570.208(a)(3)
Start Date (mm/dd/yyyy) 03/01/2012	Completion Date (mm/dd/yyyy) 02/28/2013
Performance Indicator Housing Units	Annual Units 4
Local ID 2012.100.005	Units Upon Completion 4

Funding Sources:

CDBG	\$35,000.00
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$35,000.00

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

U.S. Department of Housing
and Urban DevelopmentOMB Approval No. 2506-0117
(Exp. 4/30/2011)**Table 3C**
Consolidated Plan Listing of Projects**Jurisdiction's Name:** Municipality of Norristown**Priority Need:** Code Enforcement - High**Project Title:** Code Enforcement**Description**

Inspect properties in concentrated target areas so as to bring them to code and prevent the decline of deteriorated areas. Targeted areas include the following areas: Areas enclosed within the region marked by the Schuylkill River acting as the southern boarder, Selma Street acting as the Western boarder, all the way out to the Eastern boarder of the Municipality. Starting at the Schuylkill river on the south, to Selma St. on the west, with West Main St. being the northern boundary, extending east along West Main St., to Barbadoes St.. From Barbadoes St. north to Elm St. then continuing east on Elm St., to Arch Street. South on Arch to Moore St. East Moore St. is the northern border until it meets the 3-point intersection connecting Moore St., Airy St., and Sandy St. Continue east on Sandy St., which becomes the new northern boarder until the Municipal line.

Objective category: ☐ Suitable Living Environment ☒ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☐ Affordability ☒ Sustainability

Location/Target Area

- CT: 203500, BG: 3, County: 42091 - CT: 203500, BG: 4, County: 42091
 - CT: 203803, BG: 0, County: 42091 - CT: 203804, BG: 0, County: 42091
 - CT: 203901, BG: 0, County: 42091 - CT: 203902, BG: 0, County: 42091

Objective Number DH-3	Project ID 0003
HUD Matrix Code 15	CDBG Citation 570.202(c)
Type of Recipient Grantee	CDBG National Objective LMA—570.208(a)(1)
Start Date (mm/dd/yyyy) 03/01/2012	Completion Date (mm/dd/yyyy) 02/28/2013
Performance Indicator Households	Annual Units 5000
Local ID 2012.400.002	Units Upon Completion 5000

Funding Sources:

CDBG	\$130,000.00
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$130,000.00

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

U.S. Department of Housing
and Urban DevelopmentOMB Approval No. 2506-0117
(Exp. 4/30/2011)**Table 3C**
Consolidated Plan Listing of Projects**Jurisdiction's Name:** Municipality of Norristown**Priority Need:** Fair Housing Activities (subject to Admin. cap) - High**Project Title:** Fair Housing Program Administration**Description**

Activity funded will involve an awareness campaign targeting realtors and homeowners with warning about prohibitions against block busting leading to panic selling in Norristown low income neighborhoods, workshops on fair housing rights for homeowners, advocacy for victims of housing discrimination and other efforts addressing unanticipated critical need areas.

Objective category: ☐ Suitable Living Environment ☒ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area
Community Wide

Objective Number DH-1	Project ID 004
HUD Matrix Code 21D	CDBG Citation 570.206(c)
Type of Recipient Sub-recipient	CDBG National Objective LMC—570.208(a)(2)
Start Date (mm/dd/yyyy) 03/01/2012	Completion Date (mm/dd/yyyy) 02/28/2013
Performance Indicator People	Annual Units 200
Local ID 2012.400.012	Units Upon Completion 200

Funding Sources:

CDBG	\$35,000.00
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$35,000.00

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

U.S. Department of Housing
and Urban DevelopmentOMB Approval No. 2506-0117
(Exp. 4/30/2011)**Table 3C**
Consolidated Plan Listing of Projects**Jurisdiction's Name:** Municipality of Norristown**Priority Need:** Public Facilities - High**Project Title:** Poley Park Improvements Project – Phase II**Description**

Continued physical improvements to Poley Park based on recommendations developed through a Public Master planning process by the residents.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☐ Affordability ☒ Sustainability

Location/Target Area

- CT: 203803, BG: 1, County: 42091
- CT: 203803, BG: 2, County: 42091
- CT: 203801, BG: 1, County: 42091

Objective Number SL-3	Project ID 0006
HUD Matrix Code 03	CDBG Citation 570.201(c)
Type of Recipient Grantee	CDBG National Objective LMA—570.208(a)(1)
Start Date (mm/dd/yyyy) 03/01/2012	Completion Date (mm/dd/yyyy) 02/28/2013
Performance Indicator People	Annual Units 1881
Local ID 2012.401.050	Units Upon Completion 1881

Funding Sources:

CDBG	\$80,000.00
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$80,000.00

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

U.S. Department of Housing
and Urban DevelopmentOMB Approval No. 2506-0117
(Exp. 4/30/2011)**Table 3C**
Consolidated Plan Listing of Projects**Jurisdiction's Name:** Municipality of Norristown**Priority Need:** Street Improvements -High**Project Title:** Main & Marshall Streets Lighting and Security Upgrades**Description:**

The project is to improve lighting to promote safety and energy efficiency along Main & Marshall Streets, and to install a security surveillance network to further aid in promoting safety along Main Street in the downtown business district

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☐ Affordability ☒ Sustainability

Location/Target Area

- CT: 203803, BG: 1, County: 42091
- CT: 203803, BG: 2, County: 42091
- CT: 203902, BG: 4, County: 42091

Objective Number SL-3	Project ID 0008
HUD Matrix Code 03K	CDBG Citation 570.201(C)
Type of Recipient Grantee	CDBG National Objective CFR.570.208(b)(1) SBA
Start Date (mm/dd/yyyy) 03/01/2012	Completion Date (mm/dd/yyyy) 02/28/2013
Performance Indicator People	Annual Units 1657
Local ID 2012.405.001	Units Upon Completion 1657

Funding Sources:

CDBG	\$ 50,000.00
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$50,000.00

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

U.S. Department of Housing
and Urban DevelopmentOMB Approval No. 2506-0117
(Exp. 4/30/2011)**Table 3C**
Consolidated Plan Listing of Projects**Jurisdiction's Name:** Municipality of Norristown**Priority Need:** Parks, Recreational Facilities**Project Title:** Simmons Park Improvement Project – Phase II**Description**

Continuation of improvements to the park inclusive of site furnishings, landscape and hardscape.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity**Outcome category:** ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability**Location/Target Area**

- CT: 203500, BG: 3, County: 42091

-CT: 203901, BG: 2, County: 42091

- CT: 203500, BG: 4, County: 42091

- CT: 203601, BG: 1, County: 42091

- CT: 230901, BG: 1, County: 42091

Objective Number SL-1	Project ID 0009
HUD Matrix Code 03F	CDBG Citation 570.201(c)
Type of Recipient Grantee	CDBG National Objective LMA—570.208(a)(1)
Start Date (mm/dd/yyyy) 03/01/2012	Completion Date (mm/dd/yyyy) 02/28/2013
Performance Indicator People	Annual Units 2637
Local ID 2012.	Units Upon Completion 2637

Funding Sources:

CDBG	\$75,000.00
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$75,000.00

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

U.S. Department of Housing
and Urban DevelopmentOMB Approval No. 2506-0117
(Exp. 4/30/2011)

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name: Municipality of Norristown

Priority Need: ED Direct Financial Assistance to For-Profits - High

Project Title: Main Street Economic Development Initiative

Description

Economic Development initiative for the downtown business district to help in job creation and retention.

Objective category: ☐ Suitable Living Environment ☐ Decent Housing ☒ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area

Not Applicable

Objective Number EO-1	Project ID 0010
HUD Matrix Code 18A	CDBG Citation 570.203(b)
Type of Recipient Grantee	CDBG National Objective LMJP—570.208(a)(4)
Start Date (mm/dd/yyyy) 03/01/2012	Completion Date (mm/dd/yyyy) 02/28/2013
Performance Indicator Jobs	Annual Units 1.5
Local ID 2012.406.007	Units Upon Completion 1.5

Funding Sources:

CDBG	\$35,000.00
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$35,000.00

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

U.S. Department of Housing
and Urban DevelopmentOMB Approval No. 2506-0117
(Exp. 4/30/2011)

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name: Municipality of Norristown**Priority Need:** Sidewalks - High**Project Title:** West Marshall Street sidewalk Improvements**Description**

Sidewalk improvements along the 100 block of West Marshall Street that involve new sidewalks, and urban friendly trees.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☐ Affordability ☒ Sustainability

Location/Target Area

Not Applicable

Objective Number SL-3	Project ID 0011
HUD Matrix Code 03L	CDBG Citation 570.201(c)
Type of Recipient Grantee	CDBG National Objective LMA—570.208(a)(1)
Start Date (mm/dd/yyyy) 03/01/2012	Completion Date (mm/dd/yyyy) 02/28/2013
Performance Indicator People	Annual Units 1318
Local ID 2012.401.013	Units Upon Completion 1318

Funding Sources:

CDBG	\$80,000.00
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$80,000.00

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

U.S. Department of Housing
and Urban DevelopmentOMB Approval No. 2506-0117
(Exp. 4/30/2011)**Table 3C**
Consolidated Plan Listing of Projects**Jurisdiction's Name:** Municipality of Norristown**Priority Need:** Fire Station/Equipment - Medium**Project Title:** Firefighting Engine Truck**Description**

Purchase of a firefighting engine truck for the Norristown Fire Department.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area

West End

Objective Number SL-1	Project ID 0012
HUD Matrix Code 03O	CDBG Citation 570.201(c)
Type of Recipient Grantee	CDBG National Objective LMA—570.208(a)(1)
Start Date (mm/dd/yyyy) 03/01/2012	Completion Date (mm/dd/yyyy) 02/28/2013
Performance Indicator People	Annual Units 15000
Local ID 2012.405.001	Units Upon Completion 15000

Funding Sources:

CDBG	\$70,000.00
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$70,000.00

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

U.S. Department of Housing
and Urban DevelopmentOMB Approval No. 2506-0117
(Exp. 4/30/2011)

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name: Municipality of Norristown

Priority Need: ED Technical Assistance - High

Project Title: Small Business Assistance Center

Description

Continuation of business outreach center to help small businesses to locate in and stay in Norristown, to help with preparation of business plans, start-up technical assistance, source library and development of resource material. Businesses served have to meet the micro-business criteria of five (5) or fewer employees, one or more of whom owns the business.

Objective category: ☐ Suitable Living Environment ☐ Decent Housing ☒ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☐ Affordability ☒ Sustainability

Location/Target Area

Not Applicable

Objective Number EO-3	Project ID 0013
HUD Matrix Code 18C	CDBG Citation 570.203(b)
Type of Recipient Grantee	CDBG National Objective LMJ—570.208(a)(4)
Start Date (mm/dd/yyyy) 03/01/2012	Completion Date (mm/dd/yyyy) 02/28/2013
Performance Indicator Jobs	Annual Units 2
Local ID 2012.406.007	Units Upon Completion 2

Funding Sources:

CDBG	\$35,000.00
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$35,000.00

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

U.S. Department of Housing
and Urban DevelopmentOMB Approval No. 2506-0117
(Exp. 4/30/2011)**Table 3C**
Consolidated Plan Listing of Projects**Jurisdiction's Name:** Municipality of Norristown**Priority Need:** General Program Administration**Project Title:** Administration**Description**

Planning Department's staff salaries, wages and related costs required for the general management, oversight and coordination of the Community Development Block Grant (CDBG). Other costs for goods and services required for the administration of the CDBG program, including services such as rental or purchase, insurance, utilities and office supplies. Public information on CDBG programs available to Municipal residents and administrative services performed under third party contracts or agreements, including but not limited to legal, accounting, audit and appraisal services.

Objective category: ☐ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area
Not Applicable

Objective Number	Project ID 0014
HUD Matrix Code 21A	CDBG Citation 570.206
Type of Recipient Grantee	CDBG National Objective LMA—570.208(a)(1)
Start Date (mm/dd/yyyy) 03/01/2012	Completion Date (mm/dd/yyyy) 02/28/2013
Performance Indicator People	Annual Units 15000
Local ID 2012.405.001	Units Upon Completion 15000

Funding Sources:

CDBG	\$140,000.00
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$140,000.00

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Exhibit C



Chapter 19. Domestic Violence

19.0 Overview

The pervasiveness and seriousness of domestic violence has illuminated it as an issue of national importance. Domestic violence knows no race, gender, or nationality and its impact on the lives of its victims can be devastating. In many instances, victims of domestic violence suffer not only the physical abuse, but also the devastation of being displaced from their homes. As a result, affordable housing issues become a serious consequence of domestic violence. HUD and Congress have recognized the need for the provision of affordable housing for victims of domestic abuse and have taken measures to address this issue. In the Quality Housing and Work Responsibility Act of 1998, Section 514(e), Congress stated:

"It is the sense of Congress that, each public housing agency involved in the selection of eligible families for assistance under the United States Housing Act of 1937 (including residency in public housing and tenant based assistance under Section 8 of such Act) should, consistent with the public housing agency plan of the agency, consider preferences for individuals who are victims of domestic violence."

HUD strongly encourages PHAs to meet this challenge and has demonstrated its commitment to victims of domestic violence in a number of ways. In its initial guidance related to preferences for victims of domestic violence, HUD urged PHA's to consider adopting admission preferences for victims of domestic violence. (See 64 Fed Reg 8200, Feb. 18 1999 and 24 C.F.R § 960.206(b)(4) stating, "PHAs should consider whether to adopt a local preference for admission of families that include victims of domestic violence.")

As a result of these policies, PHAs have become more aware of the consequences of domestic violence-related tenancy and have sought to implement a multitude of solutions to address challenges posed by domestic violence situations. HUD continues to strongly encourage PHAs to exercise discretion in determining if domestic violence-related evictions are warranted as well as utilizing various tools, such as policies designed to transfer victims and address absences from public housing units. In addition, HUD strongly encourages PHAs to participate in ongoing dialogues with domestic violence providers and advocates, law enforcement agencies and non-profit organizations to develop coordinated solutions that respond to this problem.

This chapter is intended to establish a framework for the relationship between public housing agencies, victims of domestic violence who reside in public housing, and the domestic violence providers who may facilitate measures PHAs can employ to combat the problem. Illustrations of remedies/tools that are being



implemented by many public housing agencies will be offered in this chapter as a way of sharing best practices that other PHAs may wish to consider.

19.1 Why A Domestic Violence Preference

Domestic violence, as defined by HUD, is the “actual or threatened physical violence directed against one or more members of the applicant’s family by a spouse or other members of the applicant’s household.” In most instances victims of domestic violence are made powerless by the abuse. As such, the inability of victims to access and maintain housing that is decent and safe becomes a consequence of the abuse. Allowing preferences for victims of domestic violence creates alternatives for assisting those who may otherwise remain in an abusive situation or become homeless because of the need to flee the abuse. Under the guidance of 24 CFR § 960.206, PHAs may establish such preference policies based on local needs and priorities as determined by the PHAs.

19.2 Types of Evidence Required as Proof of Domestic Violence

Under existing HUD statutes and regulations, PHAs may already consider the nature and severity of each offense, and exercise discretion on whether or not household members or their guests may threaten the health, safety, or right to peaceful enjoyment of the premises by others. Currently, public housing agencies may consider: 1) the effects of termination of assistance on other family members who were not involved in the offense, and 2) conditions barring the culpable household member from residing or visiting the unit. PHAs may already consider the circumstances relevant to an eviction or termination of tenancy based on the extent to which the person has shown personal responsibility to prevent the offending action, and the time that has elapsed since their arraignment for that crime.

PHAs are encouraged to exercise its discretionary authority in accepting a broad range of evidence as proof of domestic violence. This evidence may include, but is not limited to:

- A domestic violence victim’s statement, testimony or affidavit outlining the facts of the violence or cruelty in each incident. The statement should include a listing of the approximate dates when each incident occurred, discussion of the applicant’s fears and injuries and the effect that each abusive incident has had on the applicant and her/his family.
- Restraining or civil protection orders.
- Medical records.



- Police reports, records of telephone calls or visits to the victim's address. This may include telephone calls to the police registering a complaint, a log of police runs made to the residence, copies of all tapes and reports written by officers responding to a call.
- Criminal court records if a batterer was arrested or convicted of any act of domestic violence or destruction of property relating to the victim (certified copies); a victim's own statement to police or prosecutors, which can be obtained from the prosecutor's office.
- Statements of workers from a domestic violence shelter or other domestic violence programs attesting to the time the victim spent in the shelter and the reason as linked to incidents of abuse.
- Statement from counselors, if victim attended counseling.
- Reports, statements from police, judges and other court officials, clergy, social workers and other social service agencies.
- Other credible evidence as corroborated by law enforcement or domestic violence providers.

19.3 Screening and Admission

PHAs may screen families on the basis of their family behavior and suitability for tenancy. In doing so, a PHA may consider an applicant's previous rental and tenancy history, as well as past criminal activity. In an attempt to ascertain whether domestic violence was a factor in the poor rental and tenancy history or criminal activity, staff should be encouraged to exercise discretion and inquire about the circumstances that may have contributed to the negative reporting. If the PHA determines that the negative reporting was a consequence of domestic violence against the applicant, the PHA may exercise discretion and approve admission pursuant to its Admissions and Continued Occupancy Plan (ACOP).

PHAs should also be cognizant of a victim's need to feel safe and as a result, she/he may be apprehensive about providing certain requested information such as current and previous address. In such cases, PHA staff should consider alternatives to verifying suitability. In other instances, victims may have undergone a change in identity. Again, PHAs may want to consult with domestic violence providers to obtain guidance on appropriate types of identification. Beyond policies related to admissions and occupancy, PHAs, as a standard policy, should provide linkages and referrals to victims of domestic violence to appropriate counseling and law enforcement entities.

19.4 Continued Occupancy and Transfer Policies

Issues related to the continuation of benefits are more often complicated by the fact that victims of domestic abuse may be evicted for the acts of their abuser. PHAs may assist these victims in avoiding their abusers and continuing occupancy in public housing by adopting a special transfer policy that takes into account the victim's circumstances.



A special transfer policy would assist victims, who are seeking to flee their abusers, in accessing and maintaining stable housing separate and apart from their abuser. In this instance, PHAs may adopt a transfer policy that includes a preference for victims of domestic violence who wish to move to other neighborhoods or even other jurisdictions. One tool PHAs may choose to use is the issuance of a voucher to the victimized family. PHAs may apprise victims of the availability of vouchers as an option to accessing affordable and stable housing.

19.5 Eviction and Termination

While public housing screening and eviction statute allows PHAs to evict households for any criminal activity by a member of the family or a guest that threatens the health, safety or right to peaceful enjoyment of other residents, PHAs are encouraged to carefully review circumstances where victims of domestic violence may be evicted due to circumstances beyond their control. PHAs may exercise their discretionary authority in these cases and remove the perpetrator from the household, while allowing the victim to remain in occupancy of the unit. PHAs may also exercise its discretion in situations where it has been determined that the circumstances warrant an action other than removal of the perpetrator from the unit such as requiring the perpetrator to participate in a domestic violence prevention program. HUD strongly encourages PHAs to consider alternatives to eviction where appropriate.

Public housing agencies that exercise their discretion in determining if eviction is appropriate effectively demonstrate that they consider the safety and well-being of victims of domestic violence as well as the health, safety and peaceful enjoyment of other residents who may be affected by incidents of domestic violence. Again, as previously stated, PHAs should, as a standard policy, provide linkages and referrals to victims of domestic violence to appropriate counseling and law enforcement entities.

For mixed families, (defined as a family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status), instances of domestic violence/abuse are complicated by HUD restrictions on assistance to noncitizens who have ineligible immigrant status. In these cases, PHAs may refer immigrant victims to agencies that can offer immigration relief and counsel the victim on steps to obtaining eligible status. For victims who are in the process of obtaining qualified alien status, PHAs may provide for a subcategory of preference for immigrant victims to apply to public housing.

19.6 Tools PHAs May Use

- Barring the culpable perpetrator from the unit or PHA development.
- Establishing “no trespass” list for those that have been banned from the unit or PHA development.



- Establishing a relationship with local law enforcement to make unscheduled home visits to the victim's public housing unit. Victims voluntarily submit their names to the list and authorize unscheduled home visits as a way of deterring the perpetrator.
- Donating old cell phones to victims to assist in cases of emergency.

19.7 Best Practices

The following are examples of PHA programs currently assisting victims of domestic violence:⁵²

- A PHA formed a collaborative partnership with a domestic violence service provider to create an on-site program that provided residents with a timely, safe and effective means of alleviating domestic abuse through direct services, education, information and referrals. The training of PHA staff and the support of an established presence at the public housing community have enabled the PHA to take a strong stand against domestic abuse in the community;
- A PHA developed a partnership with family advocacy coalitions, police, prosecuting attorneys, mental health, on-site medical professionals and others to reduce domestic violence and child abuse within a public housing community. The family advocacy coalition works with the PHA to train staff and residents so they can work together to educate and prevent domestic violence and child abuse;
- A PHA has a Community Policing to Combat Domestic Violence program which monitors the long term effects of domestic violence and provides victims immediate links to support services;
- A PHA formed a partnership with a domestic violence shelter, which included an outreach worker, a counselor, and a case manager. This led to numerous tenants availing themselves of the services and has enabled them to move out of abusive situations and begin again;
- A PHA provides a transitional home for battered women recovering from domestic violence - 95 percent of whom are now housing authority residents. Some participate in their Family Self-Sufficiency (FSS) program;
- A PHA encouraged the participation of social service providers, and converted 18 public housing units into space to be used for social services as well as formed a Safety Action Team with the police department to enforce trespassing laws; and

⁵² Information provided from a survey conducted by the National Association of Housing and Redevelopment Officials (NAHRO).



- A PHA developed a facility to shelter victims of domestic violence, with 27 shelter beds and ample space for providing program services. Through these collaborative efforts, the community has become better informed and more supportive of victims of domestic violence.

Exhibit D



Fwd: 133 Wayne Avenue

Tuesday, June 26, 2012 3:42 PM

From: "Darren Sudman" <dsudman@multifunding.com>

To: "Lakisha Briggs" <briggs119@yahoo.com>

Lakisha -

Our rental license has been revoked. As such, you need to make arrangements to move, immediately. You can see the email string below.

As far as your trip to the court house, which court house did you visit?

Begin forwarded message:

From: Russell Bono <Rbono@norristown.org>

Subject: RE: 133 Wayne Avenue

Date: June 26, 2012 11:41:19 AM EDT

To: Darren Sudman <dsudman@multifunding.com>, David Forrest <dforrest@norristown.org>

Cc: "Sean P. Kilkenny, Esq." <SKilkenny@fsalaw.com>, Joe Januzelli <jjanuzelli@norristown.org>

I have checked with the Court House and they have no record of Lakisha Briggs being in for a PFA. This information was provided after checking the sign in log they maintain.

Chief

From: Darren Sudman [mailto:dsudman@multifunding.com]

Sent: Tuesday, June 26, 2012 10:20 AM

To: David Forrest

Cc: Russell Bono; Sean P. Kilkenny, Esq.; Joe Januzelli

Subject: Re: 133 Wayne Avenue

Gentleman -

Dave and I just spoke. Thanks again for giving us a probationary opportunity to stay in compliance. I understand that your opinion required Lakisha Briggs to to obtain PFA in 30 days; however, I would like to point out that her attempt to obtain the PFA was thwarted not by her efforts, but by the system. She was told by a Court official that she was unable to obtain the order because she had not had an "encounter" with her daughter for 60 days. As such, she was legally unable to fulfill your requirement.

I don't know if this occurred because she waited until the end of the probation period to file. I am going to check with her to see when the last encounter with her daughter occurred. I would ask for you to do the same, since it will be easier for you to obtain the

police records.

I would ask that if these encounters occurred sixty days before a significant amount of time in the probationary period expired, she should be given another chance since there would have been no way, despite her best efforts, to comply with your requirements. If however, she could have filed for most of the probationary period, but was unable to do so because she waited until the last week, then I will not ask for exception. I will also point out that despite her failure to file, there have been no incidents at her property. We have both been working hard to ensure this.

I will let you know as soon as I hear from her. Please let me know if you are able to find out the date of the last daughter encounter.

Thanks for your assistance and understanding.

Best,
Darren

Help us help small businesses . . . your referral is much appreciated.

Darren Sudman bio

25 West Skippack Pike, Suite 205

Broad Axe, PA 19002

610.662.6948 (c)

800.276.2030 (f)

www.multifunding.com

See us in the **New York Times**

Hear us on **NPR**

On Jun 26, 2012, at 9:52 AM, David Forrest wrote:

Darren:

Since we have not heard anything, and since this was a condition of the 30-day probation period, yesterday we sent you a letter indicating that your rental license is revoked and your tenant must vacate the property within 10 days. You will have an opportunity to apply for a new rental license upon the tenant vacating the property.

Dave

From: Darren Sudman [<mailto:dsudman@multifunding.com>]

Sent: Tuesday, June 26, 2012 8:50 AM

To: Russell Bono
Cc: David Forrest
Subject: Re: 133 Wayne Avenue

Lakisha Briggs went to file a PFA last week. She was told that since there has not been an incident with her daughter within two months, she could not file. Is there something else that she should/could ask for?

Thanks,
Darren

Help us help small businesses . . . your referral is much appreciated.

Darren Sudman bio
25 West Skippack Pike, Suite 205
Broad Axe, PA 19002
610.662.6948 (c)
800.276.2030 (f)
www.multifunding.com
*See us in the **New York Times***
*Hear us on **NPR***

On Jun 14, 2012, at 3:29 PM, Darren Sudman wrote:

I will certainly give her that info. Thanks!

Help us help small businesses . . . your referral is much appreciated.

Darren Sudman bio
25 West Skippack Pike, Suite 205
Broad Axe, PA 19002
610.662.6948 (c)
800.276.2030 (f)
www.multifunding.com
*See us in the **New York Times***
*Hear us on **NPR***

On Jun 14, 2012, at 3:30 PM, Russell Bono wrote:

There is no charge to file a PFA.

Chief

From: Darren Sudman [mailto:dsudman@multifunding.com]
Sent: Thursday, June 14, 2012 3:22 PM
To: David Forrest
Cc: Russell Bono
Subject: Re: 133 Wayne Avenue

I definitely will. I did speak with her about a week ago to review your determination letter. I told her about the PFA. She told me that she couldn't file it until this week because she didn't get paid until this week.

I will follow up with you.

Best,
Darren

Help us help small businesses . . . your referral is much appreciated.

Darren Sudman bio
25 West Skippack Pike, Suite 205
Broad Axe, PA 19002
610.662.6948 (c)
800.276.2030 (f)
www.multifunding.com
See us in the New York Times
Hear us on NPR

On Jun 14, 2012, at 3:13 PM, David Forrest wrote:

Darren:

We have not had any other calls to this property since we last met; however, the tenant has not gotten a PFA against her daughter. Can you please look into this?

Dave

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Exhibit E

Jenkins, T. Stephen

Subject: FW: 133 Wayne Avenue

From: Darren Sudman [<mailto:dsudman@comcast.net>]

Sent: Monday, August 27, 2012 5:02 PM

To: Susan Strong

Subject: Fwd: 133 Wayne Avenue

Begin forwarded message:

From: David Forrest <dforrest@norristown.org>

Subject: 133 Wayne Avenue

Date: August 27, 2012 11:15:38 AM EDT

To: Darren Sudman <dsudman@comcast.net>

Cc: "David J. Sander, Esq." <DSander@fsalaw.com>, "Sean P. Kilkenny" <skilkenny@fsalaw.com>, Russell Bono <Rbono@norristown.org>, Joe Januzelli <jjanuzelli@norristown.org>

Darren:

Dave Sander of Sean's office completed his legal review. His conclusion is that federal restrictions related to domestic violence that we have been referencing are limited to the public housing realm only and are not relevant to any action the Municipality might take. Further, the actions of your tenant resulted in a violation of local law, i.e., the license has been revoked making the property illegal. Our understanding is that under federal law this is grounds for you to evict.

Finally, regardless of any actions you are able to take at district court to evict your tenant, the Municipality has an independent right under the three strikes ordinance to condemn the property as "unlawful" because there is no rental license. Once condemned, we can remove the tenant for trespassing. Obviously, this is not something we want to do. We would prefer to have her voluntarily leave the unit.

At this point we are going to post the property as condemned sometime next week. Hopefully, your tenant can make some alternative living arrangements quickly.

Dave

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Exhibit F



Western Region Office
313 Atwood St.
Pittsburgh, PA 15213
412-681-7736 T
412-681-8707 F

Pepper Hamilton LLP
Attorneys at Law

3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
215.981.4000
Fax 215.981.4750

September 10, 2012

Via Facsimile and Electronic Mail

David R. Forrest, Municipal Administrator
Municipality of Norristown
235 East Airy Street
Norristown, PA 19401-5003
Fax: 610-275-0687
E-mail: dforrest@norristown.org

**Re: Norristown Municipal Code Section 245-3, regulating "disorderly behavior"
in rental housing**

Dear Mr. Forrest:

We write on behalf of our client, Lakisha Briggs, who currently resides at 133 Wayne Avenue, Norristown, Pennsylvania 19401. We understand that the Municipality of Norristown had revoked the rental license for Ms. Briggs' residence and intended to condemn it as "unlawful" under Section 245-3 of the Municipal Code. Such an action would violate Ms. Briggs' rights under the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, their Pennsylvania constitutional equivalents, and federal and state housing law, as outlined below.

Although you recently have decided that you will not, after all, pursue the removal of Ms. Briggs from her home, and will restore her landlord's rental license, we understand that there is no statement on your part that you will not attempt to remove Ms. Briggs and/or revoke the landlord's license at any time in the future, including, e.g., if Ms. Briggs attempts to contact the police again in a domestic violence situation or otherwise. Nor have you advised Ms. Briggs or her landlord that you consider the ordinance invalid or illegal, or that it does not apply to her situation. Notwithstanding your recent decision, Ms. Briggs is very fearful that contacting the police for any reason may once again place her at risk of losing the home, for which she pays rent and where she has lived for three years, even when she calls the police to protect her physical safety in her own home. Thus, despite your recent decision, the threats made prior to that decision and the possibility that you may invoke the ordinance again, at any time, continues to cause an undue chilling effect on the exercise of Ms. Briggs' First Amendment free speech rights and her ability to seek the assistance of law enforcement.

Accordingly, we ask that you confirm to us in writing: (a) that you have formally ceased all efforts to condemn Ms. Briggs' residence; (b) that you have fully reinstated her landlord's rental license; (c) that you are not currently and will not in the future pursue enforcement of the provisions of Section 245-3 that infringe on the constitutional rights of landlords and residents, discussed herein; and (d) that you will promptly initiate relevant processes to repeal such unconstitutional provisions of Section 245-3.

Ms. Briggs has rented her present home for three years. We understand that her landlord, Darren Sudman, considers Ms. Briggs to be a good tenant and represented to the magisterial district justice that he brought the eviction action against her solely because he was required to do so under the ordinance. As you know, the court ruled that Ms. Briggs could not be evicted from the property unless she did not pay all rent owed and Mr. Sudman's court costs. Ms. Briggs paid all money owed and is therefore entitled to remain in the property.

Before reversing course and allowing Ms. Briggs to remain in her home, we understand that you notified Mr. Sudman that his property at 133 Wayne Avenue would be condemned as unlawful because it lacked a valid rental license (revoked as a consequence of your attempt to apply Section 245-3) and that Ms. Briggs would be arrested for trespassing if she remained there. Condemning a tenant's residence in this manner violates the Fifth Amendment and Fourteenth Amendment guarantees of due process. The U.S. Court of Appeals for the Third Circuit has recognized that leaseholders have a protected property interest in their leases.¹ Thus, tenants are entitled to procedural due process before the state can interfere with their occupancy of their homes. To determine what process is due, a court balances three factors: 1) "the private interest that will be affected by the official action"; 2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and 3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail."² Under the ordinance, only the licensee and building official are given an opportunity to be heard. Although we understand that tenants sometimes attend these "hearings," there is no indication that they contain sufficient procedural safeguards to protect tenants' due process rights.

Condemning tenants' homes in this manner also violates the Fifth Amendment right to just compensation for the taking of their property. Tenants clearly have a property interest in their leaseholds that is protected by the Fifth Amendment.³ In condemning a residence as "unlawful" under the ordinance, Norristown is exercising its police power purportedly to benefit the public by reducing calls to the police for "disorderly behavior" while depriving tenants of the use and enjoyment of their property. In *Devines v. Maier*, the U.S. Court of Appeals for the Seventh Circuit held that tenants who were evicted from substandard housing by the City of Milwaukee were entitled to just compensation because evictions were carried out

¹ *Ruiz v. New Garden Twp.*, 376 F.3d 203, 207 (3d Cir. 2004).

² *Mathews v. Eldridge*, 424 U.S. 319, 334-45 (1976).

³ *Devines v. Maier*, 665 F.2d 138, 141 (7th Cir. 1981).

in order to enforce the City's housing code and deprived the tenants of all enjoyment and use of their property.⁴ The same is true under Section 245-3.

Summarily evicting a person from their home also constitutes a "seizure" under the Fourth Amendment.⁵ The U.S. Supreme Court has recognized that "[a] 'seizure' of property . . . occurs when 'there is some meaningful interference with an individual's possessory interests in that property.'"⁶ Accordingly, Norristown's eviction of tenants under Section 245-3 must be reasonable in order to comport with the Fourth Amendment. It is difficult to imagine how seizing a person's home without a hearing after her landlord has failed to evict her simply because the police have been summoned to the home one too many times in response to alleged disruptive activity could be considered reasonable.

The enforcement of the ordinance against tenants who call the police for help also violates the First Amendment's right "to petition the Government for a redress of grievances," which includes the right to seek assistance from law enforcement.⁷ Federal courts have found strong public policy interests in "ensuring the free flow of information to the police" as "it would be difficult indeed for law enforcement authorities to discharge their duties if citizens were in any way discouraged from providing information."⁸

In Ms. Briggs' case, Norristown police advised her that calls to the police would be regarded as "strikes" against her, and they regarded calls by others to be "strikes" against Ms. Briggs as well. In fact, the police stated to Ms. Briggs (when they responded to the April 9 call by her daughter to report domestic violence by Ms. Briggs' then-boyfriend) that the April 9 call would be the first "strike" against her because they were tired of responding to Ms. Briggs' calls to the police for help with her 19-year-old daughter. In fact, Ms. Briggs did not call the police on any occasions after she was told on April 9 that she had one "strike" against her for fear that such a call would result in her eviction. Accordingly, Ms. Briggs did not call the police for assistance on June 23 when her then-boyfriend stabbed her. The ordinance clearly had a chilling effect on Ms. Briggs' exercise of her First Amendment right.

Finally, Norristown's enforcement of the ordinance against Ms. Briggs and other victims of domestic violence violates the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.*, and the Pennsylvania Human Relations Act, 43 P.S. §§ 951 *et seq.*, both of which prohibit discrimination in rental housing on the basis of sex.⁹ These statutes forbid actions based on gender stereotypes or animus, or those actions that have a disparate impact on women. Federal courts and HUD have recognized that eviction of domestic violence victims after an incident of abuse constitutes

⁴ *Id.* at 146.

⁵ *Soldal v. Cook County, Ill.*, 506 U.S. 56, 61 (1992).

⁶ *Id.* (quoting *United States v. Jacobsen*, 466 U.S. 109, 113 (1984)).

⁷ See, e.g., *Ottensmeyer v. Chesapeake & Potomac Tel. Co. of Md.*, 756 F.2d 986, 994 (4th Cir. 1985); *Forro Precision, Inc. v. Int'l Bus. Mach. Corp.*, 673 F.2d 1045, 1060 (9th Cir. 1982).

⁸ *Forro Precision, Inc.*, 673 F.2d at 1060.

⁹ We also note that Ms. Briggs' tenancy is protected by the federal Violence Against Women Act, which covers Section 8 programs and prohibits termination of tenancy based on criminal activity relating to domestic violence. 42 U.S.C. § 1437f(o)(20).

sex discrimination under the Fair Housing Act.¹⁰ As the overwhelming majority of domestic violence victims are women, those policies and practices that discriminate against or otherwise adversely affect victims of domestic violence have an unlawful disparate impact on women.¹¹ Accordingly, Norristown's enforcement of the ordinance – to require a property owner to evict an entire household when police respond to multiple calls that are related to domestic violence at a rental property, or if that fails, to cause the condemnation of the property and removal of all tenants – violates tenants' rights under federal and state law to be free from sex discrimination. Indeed, Norristown's ordinance directly targets victims of domestic violence, as it explicitly characterizes “domestic disturbances that do not require that a mandatory arrest be made” as “disorderly behavior” triggering its enforcement.

For similar reasons, enforcement of the ordinance against domestic violence victims such as Ms. Briggs could result in Norristown's loss of funding from the federal Department of Housing and Urban Development. The Fair Housing Act requires HUD to “administer [housing] programs . . . in a manner affirmatively to further the policies of [the Fair Housing Act],” including the general policy to “provide, within constitutional limits, for fair housing throughout the United States.” 42 U.S.C. § 3608(e)(5). As a recipient of HUD funds, Norristown has an obligation under Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000a *et seq.*), the Fair Housing Act (42 U.S.C. §§ 3601-3619) and the implementing regulations to affirmatively further fair housing (42 U.S.C. § 5304(b)(2); *see also* Executive Order 12892, §1-101 (1994) (“[A]ll executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) in a manner affirmatively to further the purposes of the [Fair Housing] Act . . .”); Executive Order 11063, Nov. 20, 1962, §102; Executive Order 12259, Dec. 31, 1970, §1-202.

As a HUD grantee, Norristown is required to certify that it will affirmatively further fair housing by conducting an analysis to identify impediments to fair housing choice within the municipality and to take appropriate actions to overcome the effects of any identified impediments. 24 C.F.R. §§ 570.601(a)(2); 91.225(a). These regulations “unambiguously impose mandatory requirements on the [recipients] not only to *certify* their compliance with fair housing laws, but actually to *comply*.”¹² Norristown's Consolidated Annual Performance and Evaluation Report fails to analyze the impact of the ordinance on those protected under the Fair Housing Act.¹³

For all of these reasons, we request that Norristown confirm in writing to us that it has formally ceased all steps being taken to condemn the property at 133 Wayne Avenue and/or evict Ms. Briggs from the property, and that it is no longer seeking enforcement of these

¹⁰ *See, e.g., Meister v. Kansas City*, No. 09-2544, 2011 U.S. Dist. LEXIS 19166, at *10-11 (D. Kan. Feb. 25, 2011); *Bouley v. Young-Sabourin*, 394 F. Supp. 2d 675, 678 (D. Vt. 2005); *HUD v. C.B.M. Group*, HUDALJ 10-99-0538-8, Charge of Discrimination (2001) (United States filed case in federal court after HUD issued its charge).

¹¹ *See* U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, *Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act (FHA) and the Violence Against Women Act (VAWA)* 2 (2011), available at <http://www.hud.gov/offices/fheo/library/11-domestic-violence-memo-with-attachment.pdf>.

¹² *Langlois v. Abington Housing Authority*, 234 F. Supp. 2d 33, 75 (D. Mass. 2002).

¹³ Available at <http://norristown.org/userfiles/file/2010%20CAPER%20Narrative%20-%20Draft.pdf>.

unconstitutional provisions of Section 245-3. We further ask that Norristown immediately rescind the provisions of the ordinance that penalize residents for calling the police for assistance. We believe that doing so will only improve law enforcement in Norristown, as it will remove the chilling effect the ordinance has on residents, like Ms. Briggs, who need to reach out to the police for help or to report a crime.

Please advise us in writing by **5:00 p.m. on Monday, September 17**, whether you will comply with these requests. If you refuse to comply with these requests or take any action inconsistent with these requests, we will have no choice but to seek immediate relief from a federal court. If we do not hear from you by the appointed time, we will construe your silence as a refusal to abide by these requests. You may send your response to us by fax at (412) 681-8707 or contact Sara Rose by phone at (412) 681-7864 if you have any questions. We look forward to hearing from you.

Sincerely,



Sara J. Rose
American Civil Liberties Union
of Pennsylvania



Peter M. Smith
Pepper Hamilton LLP

cc: Sean P. Kilkenny, Esq. (via e-mail: skilkenny@fsalaw.com)
Witold Walczak, Esq. (via e-mail: vwalczak@aclupa.org)
M. Duncan Grant, Esq. (via e-mail: grantm@pepperlaw.com)
Matthew E. Levine, Esq. (via e-mail: levinem@pepperlaw.com)

Exhibit G

Jenkins, T. Stephen

From: David J. Sander, Esq. <DSander@fsalaw.com>
Sent: Thursday, October 25, 2012 1:54 PM
To: Smith, Peter M.
Cc: Sean P. Kilkenny, Esq.; David Forrest
Subject: RE: Norristown - 133 Wayne Avenue - ACLU

Pete – thank you for your e-mail containing an agreement between Lakisha Briggs and Norristown. Please be advised that Norristown will not be entering into any written agreement with your client, Ms. Briggs. Best, Dave

David J. Sander, Esq.



Direct 215-690-3828 | **Fax** 215-635-7212

101 Greenwood Avenue, 5th Floor
Jenkintown, PA 19046

[e-mail](#) | [v-card](#) | [bio](#) | [website](#)

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From: Smith, Peter M. [mailto:smithpm@pepperlaw.com]
Sent: Thursday, October 25, 2012 11:58 AM
To: David J. Sander, Esq.
Cc: 'David Forrest'; Sean P. Kilkenny, Esq.; 'Witold Walczak (VWalczak@aclupa.org)'; 'Sara Rose' (SRose@aclupa.org); 'Mary Catherine Roper'; Grant, M. Duncan
Subject: RE: Norristown - 133 Wayne Avenue - ACLU

Dave,

Following up on my email below, attached is our proposed written settlement agreement to formalize our resolution and memorialize Norristown's decisions on this matter.

Pete

Peter M. Smith
Attorney at Law
Pepper Hamilton LLP

3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
215.981.4235 - Direct
215.880.0851 - Mobile
215.981.4750 - Fax
800.780.2182 - Direct Fax
smithpm@pepperlaw.com
www.pepperlaw.com

From: Smith, Peter M.

Sent: Friday, October 05, 2012 5:46 PM

To: 'David J. Sander, Esq.'

Cc: David Forrest; Sean P. Kilkenny, Esq.; Witold Walczak (VWalczak@aclupa.org); 'Sara Rose' (SRose@aclupa.org); Mary Catherine Roper; Grant, M. Duncan

Subject: RE: Norristown - 133 Wayne Avenue - ACLU

Dave,

Thank you for your email. We are pleased that Norristown made the right decision and is repealing the ordinance in its entirety. We are going to discuss on our end the best way to memorialize Norristown's decisions on this matter and will get back to you shortly with our proposal. We believe that a written settlement agreement would be best for both sides. Thanks and have a nice weekend.

Pete

Peter M. Smith
Attorney at Law
Pepper Hamilton LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
215.981.4235 - Direct
215.880.0851 - Mobile
215.981.4750 - Fax
800.780.2182 - Direct Fax
smithpm@pepperlaw.com
www.pepperlaw.com

From: David J. Sander, Esq. [<mailto:DSander@fsalaw.com>]

Sent: Thursday, October 04, 2012 2:46 PM

To: Smith, Peter M.

Cc: David Forrest; Sean P. Kilkenny, Esq.

Subject: Norristown - 133 Wayne Avenue - ACLU

Pete – thank you for your patience. I wish to respond to each of your 5 requests seriatim. Please see Norristown's representations in red, below:

1. Norristown will cease any enforcement activities against Ms. Briggs under the ordinance. Ms. Briggs is free to call the Norristown Police Department like any other citizen without fear of eviction. Ms. Briggs will also not risk a strike or eviction if a neighbor or another person calls the Norristown Police Department concerning Ms. Briggs. **All statements are agreed to in full as stated.**

2. Norristown will cease any enforcement activities against Ms. Briggs' landlord, Darren Sudman, under the ordinance. Norristown will restore Mr. Sudman's rental license in full. **Agreed as stated. Mr. Sudman's rental license has been restored in full.**

3. Norristown will suspend any enforcement of the ordinance against any individuals (landlord or tenants) pending re-evaluation of the ordinance by the Norristown city council. **Agreed as stated.**

4. Norristown will restore, where possible, the pre-enforcement positions of recently affected individuals (landlords or tenants). You had mentioned there were three. **Agreed as stated. Norristown has drafted a letter that will be sent to all affected landlords (I believe there are 3), advising them that Norristown will not challenge the re-occupancy of their rental units by the tenants that lived there under the rental license that was revoked by application of Section 245-3 of the Norristown Code of Ordinances.**

5. Norristown will re-evaluate the ordinance with legal counsel and city council members and consider whether to repeal the ordinance. **At its October 2, 2012 meeting, Norristown Municipal Council voted to authorize our office to draft an ordinance repealing Section 245-3 of the Norristown Code of Ordinances in its entirety. I am in the process of doing that now, and it will be acted on at a near-future Norristown Council meeting.**

I hope that this response addresses all issues raised by your client and the ACLU in this matter. Please advise. Thank you. Best, Dave

David J. Sander, Esq.



Direct 215-690-3828 | Fax 215-635-7212

101 Greenwood Avenue, 5th Floor
Jenkintown, PA 19046

[e-mail](#) | [v-card](#) | [bio](#) | [website](#)

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Exhibit H

**MUNICIPALITY OF NORRISTOWN
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 12-11 of 2012

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE GENERAL LAWS OF NORRISTOWN BY REPEALING SECTION 245-3, "PROCEDURES FOR REVOCATION OF LICENSE" IN ITS ENTIRETY; REPEALING ANY INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Norristown Municipal Council has enacted Ordinance No. 09-02 of 2009, as amended by Ordinance No. 12-03 of 2012, which established a procedure for the revocation of a rental license upon accumulating three (3) instances of disorderly behavior by tenants; and

WHEREAS, Council has closely examined the procedure by which rental license holders may have their rental license revoked, and has concluded that the procedure may result in the deprivation of property rights for tenants without due process in violation of the 5th and 14th Amendments to the U.S. Constitution and other federal and state statutes; and


WHEREAS, Council desires to repeal the potentially offending provisions of the rental license ordinance in the best interests of protecting the rights of the residents of Norristown;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Norristown Municipal Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

- I. Section 245-3 of the General Laws of Norristown is hereby repealed in its entirety, and shall be labeled "Intentionally Left Blank".
- II. All other ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.
- III. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the General Laws of Norristown.
- IV. This Ordinance shall be effective five (5) days following its legal enactment.

ENACTED and **ORDAINED** this 7th day of November, 2012.

Attest:


David Forrest, Municipal Administrator

NORRISTOWN MUNICIPAL COUNCIL



By: Gary Simpson, President

Exhibit I

Norristown Municipality
Committee of the Whole
November 20, 2012
7:30 pm – Agenda

- I. Call to Order, Gary Simpson, Council President
- II. Moment of Silence/Pledge of Allegiance
- III. Roll Call
- IV. Motion to Approve Minutes of the Council Meeting of Nov. 7, 2012
- V. Public Comment
- VI. Announcements
- VII. Communications

Finance/Administration/Personnel

- a. Motion to Adopt Ordinance 12-12 – regarding delinquent taxes
- b. Motion to Adopt Ordinance 12-13 – amending the Home Rule Charter/Admin Code (bidding requirements)
- c. Approve Monthly Disbursements

Pending

Planning/Economic Business Development

- a. Motion to approve Resolution 12-150 authorizing the filing for funds with PA DCED
- b. Kennedy Kenrick RC Overlay – Public Hearing
- c. Condemnation Discussion
- d. Award the Norris Hose HVAC project to B & E Boiler Works of Red Hill, PA for a contract price of \$41,500
- e. 2013 CDBG – Budget Proposal
- f. Zoning Appeals

Public Safety

- a. Motion to approve Handicapped parking as follows:
- b. 1117 Green St. and 319 Harding Blvd.

Code

- a. Motion to introduce proposed ordinance amending the 3-strikes ordinance

Executive Session Announcement

Adjournment

Exhibit J

**MUNICIPALITY OF NORRISTOWN
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 12-15 of 2012

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE GENERAL LAWS OF NORRISTOWN TO PROVIDE FOR FINES TO BE LEVIED AGAINST LANDLORDS FOR THE DISORDERLY CONDUCT OF THEIR TENANTS; PROVIDING SPECIFICALLY THAT NO PROPERTY SHALL BE CONDEMNED AS UNLAWFUL UNDER THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; ESTABLISHING SPECIFIC FINES FOR VIOLATION OF THE DISORDERLY CONDUCT PROVISIONS OF THIS ORDINANCE; PROVIDING FOR A ONE YEAR BAN ON OBTAINING A RENTAL LICENSE UPON CONVICTION FOR RENTING WITHOUT A RENTAL LICENSE; REPEALING INCONSISTENT ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Norristown Municipal Council has enacted the General Laws of Norristown which include, inter alia, provisions requiring landlords to obtain rental licenses in order to rent property to others in Norristown; and

WHEREAS, the Norristown Police Department has advised the Norristown Municipal Council that the majority of the calls to which it responds involve disorderly behavior by tenants; and

WHEREAS, the incidents of disorderly behavior occurring in tenant-occupied dwellings far outweigh the incidents of disorderly behavior in owner-occupied dwellings; and

WHEREAS, Municipal Council has determined that it is in the best interests of the health, safety and welfare of the residents of Norristown to hold landlords responsible for the disorderly behavior of their tenants by providing for stricter fines for landlords whose tenants commit actions that constitute disorderly behavior; and

WHEREAS, Municipal Council desires to specifically provide that no property shall be condemned as unlawful under the International Property Maintenance Code for violation of this Ordinance, nor shall any landlord be criminally responsible for the acts of their tenants;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Norristown Municipal Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. The General Laws of Norristown are amended to add a new Section 245-3 as follows:

“§245-3. Landlords Responsible for Certain Behavior of Tenants.

A. It shall be the licensee's responsibility to assure that the tenants, the tenants' family members, and guests of any tenant or tenant's family member not engage in disorderly behavior in the rental dwelling unit. For the purposes of this chapter, "rental dwelling unit" shall include common areas in the building where the rental dwelling unit is located.

B. For purposes of this Section 245-3 only, "disorderly behavior" may include, but is not limited to, the following:

(1) Drug-related illegal activity in the rental dwelling unit. "Drug-related illegal activity" means the illegal possession, manufacture, sale, distribution, purchase, use, or possession with intent to manufacture, sell or distribute a controlled substance (as defined in the Controlled Substance Act [21 U.S.C. §802]) or possession of drug paraphernalia as defined by Pennsylvania statute. A tenant shall be deemed to be in possession of a controlled substance if any amount of a controlled substance is located in the tenant's rental dwelling unit even if the tenant claims not to know the controlled substance was present, unless the tenant provides a sworn statement by a person, other than another tenant or tenant's family member, that the controlled substance was his or hers, and that the tenant had no knowledge of the existence of the controlled substance.

(2) Any call to a rental dwelling unit or units to which the Norristown Police Department responds, and which, in the sole discretion of the Chief of Police, involves activity that can be characterized as disorderly in nature, including, but not limited to, the following types of activity:

- (a) Disorderly conduct;
- (b) Public nuisance;
- (c) Unlawful use, discharge or possession of a firearm or weapon;
- (d) Obstructing the administration of justice;
- (e) Domestic disturbances that do not require that a mandatory arrest be made;
- (f) Prostitution; and
- (g) Intimidation.

(3) The issuance of at least three (3) citations by the Municipality of Norristown for a violation of the International Property Maintenance Code, Norristown's codification of the Uniform Construction Code, or any other general law of Norristown.

(4) Calls to which the Norristown Police Department responds will not be counted for purposes of determining whether a licensee shall be subject to the fines set forth in this Section 245-3 where those calls are made by a tenant, a member of a tenant's family or a tenant's guest taking action to seek emergency assistance unless it is discovered by the Norristown Police Department, upon investigation, that one or more of the acts constitution disorderly behavior set forth in subsection B.(2), above, have occurred at the rental dwelling unit(s).

C. Upon determination by the Chief of Police that a rental dwelling unit was the location of disorderly behavior, the Chief of Police shall notify the Director of Code

Enforcement who shall notify the applicable licensee of the violation by first-class mail at the licensee's last-known address, and direct the licensee to take steps to prevent further violations.

D. If a second instance of disorderly behavior occurs at a rental dwelling unit within two (2) months after the date of the notice for a previous disorderly behavior at the same rental dwelling unit, the Director of Code Enforcement shall notify the licensee of the violation by first-class mail at the licensee's last-known address, and direct the licensee to submit, within ten (10) business days of the date of the notice, a written report to the Director of Code Enforcement of all action taken by the licensee since the first violation notice, and actions the licensee intends to take to prevent further disorderly behavior. If the report is not received by the Director of Code Enforcement in a timely manner, the licensee shall be cited for violation of this Ordinance and, if found guilty by a court of competent jurisdiction, shall be required to pay the applicable fines as stated in §245-3.K., below.

E. If the licensee submits the report required in Section 245-3.D. above in at timely manner, and a third instance of disorderly behavior occurs at a rental dwelling unit within two (2) months after the date the date of the notice for the second instance of disorderly behavior at the same rental dwelling unit, the licensee shall be cited for violation of this Ordinance and, if found guilty by a court of competent jurisdiction, shall be required to pay the applicable fines as stated in §245-3.K., below.

F. No adverse action shall be taken against any licensee where the instance of disorderly behavior occurred during pending eviction proceedings or within 30 days of notice given by the licensee to a tenant to vacate the rental dwelling unit. However, adverse action may be taken when the licensee fails to diligently pursue the eviction process.

G. No property shall be condemned for any reason under the International Property Maintenance Code for violation of the provisions of this Ordinance.

H. No tenant shall be evicted or forced to vacate a rental dwelling unit by the Municipality of Norristown for violation of the provisions of this Ordinance.

I. It is strongly encouraged that all licensees include in their leases language that provides that it is a breach of the lease for a tenant to be convicted for disorderly behavior.

J. It is strongly encouraged that all licensees conduct criminal background checks on prospective tenants prior to entering into a lease.

K. Penalties for violation of Section 245-3.

(1) If a licensee is convicted of violating this Section 245-3, the first conviction shall carry a mandatory fine of a minimum of \$300 and a maximum of \$500.

(2) If a licensee is convicted of violating this Section 245-3 for a second time, such conviction shall carry a mandatory fine of a minimum of \$500 and a maximum of \$750.

(3) If a licensee is convicted of violating this Section 245-3 for a third time, such conviction shall carry a mandatory fine of a minimum of \$750 and a maximum of \$1,000.

(4) If a licensee is convicted of violating this Section 245-3 for a fourth or subsequent time, such conviction(s) shall carry a mandatory fine of \$1,000.

(5) All fines levied pursuant to this Section 245-3.K. shall have added to them all court costs and reasonable attorneys' fees incurred by the Municipality of Norristown to enforce this Section. Each day that a violation continues shall constitute a separate offense."

II. Section 245-4 of the General Laws of Norristown is amended to read as follows:

"§245-4. Violations and penalties.

A. Any person who violates any provision of this Chapter other than Section 245-3 shall be issued a citation, and upon conviction by a court of competent jurisdiction shall be subject to a fine of not less than \$300 nor more than \$1,000 per nonlicensed dwelling unit, plus any and all court costs and reasonable attorneys' fees incurred by the Municipality of Norristown to enforce this Chapter. Each day that a person is in violation of any provision of this Chapter shall constitute a separate offense.

III. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

IV. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance, or on the provisions of the General Laws of Norristown.

V. This Ordinance shall take effect five (5) days following its legal enactment.

ENACTED and ORDAINED this 4th day of December, 2012.

ATTEST:

NORRISTOWN MUNICIPAL COUNCIL



David Forrest, Municipal Administrator



By: Gary Simpson, President

Exhibit K

Borough of Norristown, PA Thursday, October 25, MUNICIPALITY OF NORRISTOWN
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 12-15 OF 2012

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE GENERAL LAWS OF NORRISTOWN TO PROVIDE FOR FINES TO BE LEVIED AGAINST LANDLORDS FOR THE DISORDERLY CONDUCT OF THEIR TENANTS; PROVIDING SPECIFICALLY THAT NO PROPERTY SHALL BE CONDEMNED AS UNLAWFUL UNDER THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; ESTABLISHING SPECIFIC FINES FOR VIOLATION OF THE DISORDERLY CONDUCT PROVISIONS OF THIS ORDINANCE; PROVIDING FOR A ONE YEAR BAN ON OBTAINING A RENTAL LICENSE UPON CONVICTION FOR RENTING WITHOUT A RENTAL LICENSE; REPEALING INCONSISTENT ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Norristown Municipal Council has enacted the General Laws of Norristown which include, inter alia, provisions requiring landlords to obtain rental licenses in order to rent property to others in Norristown; and

WHEREAS, the Norristown Police Department has advised the Norristown Municipal Council that the majority of the calls to which it responds involve disorderly behavior by tenants; and

WHEREAS, the incidents of disorderly behavior occurring in tenant-occupied dwellings far outweigh the incidents of disorderly behavior in owner-occupied dwellings; and

WHEREAS, Municipal Council has determined that it is in the best interests of the health, safety and welfare of the residents of Norristown to hold landlords responsible for the disorderly behavior of their tenants by providing for stricter fines for landlords whose tenants commit actions that constitute disorderly behavior; and

WHEREAS, Municipal Council desires to specifically provide that no property shall be condemned as unlawful under the International Property Maintenance Code for violation of this Ordinance, nor shall any landlord be criminally responsible for the acts of their tenants;

NOW, THEREFORE, be it, and it is hereby ORDAINED by the Norristown Municipal Council, and-it is hereby ENACTED and ORDAINED by authority of same as follows:

The General Laws of Norristown are amended to add a new Section 245-3 as follows:

~~“§ 245-3. Procedures for revocation of license~~245-3. Landlords Responsible for Certain Behavior of Tenants.

~~[Amended 1-5-2009 by Ord. No. 09-02; 2-7-2012 by Ord. No. 12-03]~~

- A. It shall be the licensee's responsibility to assure that the tenants, the tenants' family members, and guests of any tenant or tenant's family ~~members~~member not engage in disorderly behavior in the rental dwelling unit. For the purposes of this chapter, "rental dwelling unit" shall include common areas in the building where the rental dwelling unit is located.
- B. For ~~the~~ purposes of § this Section 245-~~3~~3 only, "disorderly behavior" may include, but is not limited to, the following:
- (1) Drug-related illegal activity in the rental dwelling unit. "Drug-related illegal activity" means the illegal possession, manufacture, sale, distribution, purchase, use, or possession with intent to manufacture, sell, or distribute a controlled substance (as defined in the Controlled Substance Act [21 U.S.C. §802]) or possession of drug paraphernalia as defined by Pennsylvania statute. A tenant shall be deemed to be in possession of a controlled substance if any amount of a controlled substance is located in the tenant's rental dwelling unit even if the tenant claims not to know the controlled substance was present, unless the tenant provides a sworn statement by a person, other than another tenant or tenant's family member, that the controlled substance was his ~~or~~ hers, and that the tenant had no knowledge of the existence of the controlled substance.
 - (2) Any call to a rental dwelling unit or units to which the Norristown Police Department responds, and which, in the sole discretion of the Chief of Police, involves activity that can be characterized as disorderly in nature, including, but not limited to, the following types of activity:
 - (a) Disorderly conduct;
 - (b) Public nuisance;
 - (c) Unlawful use, discharge or possession of a firearm or weapon;
 - (d) Obstructing the administration of justice;
 - (e) Domestic disturbances that do not require that a mandatory arrest be made;
 - (f) Prostitution; and
 - (g) Intimidation.
 - (3) The issuance of at least three (3) citations by the Municipality of Norristown for a violation of the International Property Maintenance Code, Norristown's codification of the Uniform Construction Code, or any other general law of Norristown.

(4) Calls to which the Norristown Police Department ~~respond~~responds will not be counted for purposes of determining whether a ~~licensee~~licensee shall be ~~suspended or revoked~~subject to the fines set forth in this Section 245-3 where those calls are made by a tenant, a member of a tenant's family or a tenant's guest taking action to seek emergency assistance; unless it is discovered by the Norristown Police Department, upon investigation, that one or more of the acts ~~constituting~~constitution disorderly behavior set forth in subsection B.(2), above, have occurred at the rental dwelling unit(s), ~~as set forth in Subsection B(2), above~~.

~~(5) — Exceptions:~~

~~(a) — Calls will not be counted for purposes of determining whether a license will be suspended or revoked where the call is a result of a tenant, a member of a tenant's household, or guest taking action to seek emergency assistance that is protected by Pennsylvania statute; Residential tenant's right to seek police and emergency assistance.~~

C. Upon determination by ~~a Municipal employee~~the Chief of Police that a rental dwelling unit was the location of disorderly behavior, the ~~Building Official~~Chief of Police shall notify the Director of Code Enforcement who shall notify the applicable licensee of the violation by first-class mail at the licensee's last-known address, and direct the licensee to take steps to prevent further violations.

D. If a second instance of disorderly behavior occurs at a rental dwelling unit within two (2) months ~~of~~after the date of the notice for a previous disorderly behavior at the same rental dwelling unit, the ~~Building Official~~Director of Code Enforcement shall notify the licensee of the violation by first-class mail at the licensee's last-known address, and direct the licensee to submit, within ten (10) business days of the date of the notice, a written report to the ~~Building Official~~Director of Code Enforcement of all ~~actions~~action taken by the licensee since the first violation notice, and actions the licensee intends to take to prevent further disorderly behavior. If the report is not received by the ~~Building Official~~Director of Code Enforcement in a timely manner, the ~~Municipal Administrator, on recommendation of the Building Official, may revoke or suspend a rental license without the need for a third instance of disorderly behavior~~licensee shall be cited for violation of this Ordinance and, if found guilty by a court of competent jurisdiction, shall be required to pay the applicable fines as stated in §245-3.K., below.

E. If the licensee submits the report required in Section 245-3 D. above in at timely manner, and a third instance of disorderly behavior occurs at a rental dwelling unit within two (2) months after the date the date of the notice for the second instance of disorderly behavior at the same rental dwelling unit, the ~~rental dwelling unit license may be revoked or suspended or not renewed by the Municipal Administrator, upon the recommendation of the Building Official. The~~

~~Building Official shall make his/her decision to recommend revocation or suspension of the license and submit his/her recommendation to the Municipal Administrator within 10 days of the third instance of disorderly behavior.~~ licensee shall be cited for violation of this Ordinance and, if found guilty by a court of competent jurisdiction, shall be required to pay the applicable fines as stated in §245-3.K., below.

~~F. (Reserved)~~

F. ~~G.~~ No adverse ~~license~~ action shall be ~~imposed~~ taken against any licensee where the instance of disorderly behavior occurred during pending eviction proceedings ~~(unlawful detainer)~~ or within 30 days of notice given by the licensee to a tenant to vacate the rental dwelling unit. However, adverse ~~license~~ action may ~~proceed~~ be taken when the licensee fails to diligently pursue the eviction process. ~~Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued at any time if the licensee has taken appropriate measures which will prevent further instances of disorderly behavior which may include a failed eviction.~~

G. No property shall be condemned for any reason under the International Property Maintenance Code for violation of the provisions of this Ordinance.

H. ~~The Building Official shall notify the licensee in writing of the basis of the revocation or suspension of the license and the date upon which the Municipal Administrator will review the request to revoke or suspend the license. The notice required by this section shall be served upon the licensee at least 10 business days before the Municipal Administrator reviews the recommendation. Service shall be deemed sufficient if the notice is sent to the licensee by first class mail at the address provided in the license application.~~ No tenant shall be evicted or forced to vacate a rental dwelling unit by the Municipality of Norristown for violation of the provisions of this Ordinance.

I. ~~The licensee and the Building Official shall be given an opportunity to be heard. The Municipal Administrator shall hear all relevant evidence and arguments and shall review all testimony, documents, and other evidence submitted.~~ It is strongly encouraged that all licensees include in their leases language that provides that it is a breach of the lease for a tenant to be convicted for disorderly behavior.

J. ~~The Municipal Administrator shall make findings based on the evidence and shall make a decision on the recommendation to revoke or suspend a license based on the findings. The Municipal Administrator shall issue a written decision regarding the recommendation of the Building Official within 30 days following the date of the hearing and shall notify the licensee of the decision by first class mail with a duplicate copy to the Building Official. The decision shall specify the rental dwelling unit or units to which it applies. Thereafter, and until a license is reissued or reinstated, no rental dwelling units that have had their rental license revoked or~~

~~suspended may be re-let or occupied. Revocation or suspension of a license shall not excuse the licensee from compliance with all terms of this section for as long as any rental dwelling units in the building are occupied.~~ It is strongly encouraged that all licensees conduct criminal background checks on prospective tenants prior to entering into a lease.

K. ~~After the Municipal Administrator revokes or suspends a license, no license will be issued for the affected rental dwelling unit(s) until the Building Official determines that the licensee has remedied the conditions identified by the Municipal Administrator as the basis for his/her action. An application to obtain a license for a rental dwelling unit after the Municipal Administrator has revoked, suspended or declined to renew a license for the same rental dwelling unit(s) must be accompanied by all fees required by this chapter.~~ Penalties for violation of Section 245-3.

L. ~~If for any reason other than natural causes a person dies in a rental unit or a person is injured due to the failure of the landlord to keep the dwelling in a habitable manner, the Municipal Administrator may at his/her discretion revoke a license. The Municipal Administrator shall issue a written decision regarding his/her decision within 10 days following the date of the decision and shall notify the licensee of the decision by first class mail with a duplicate copy to the Building Official. The decision shall specify the rental dwelling units or units to which it applies. Thereafter, and until a license is reissued or reinstated, no rental dwelling units that have had their rental license revoked or suspended may be re-let or occupied. Revocation or suspension of a license shall not excuse the owner from compliance with all terms of this section for as long as any rental dwelling units in the building are occupied.~~

[Added 1-5-2009 by Ord. No. 09-02]

M. ~~When a rental license is revoked or suspended, the Municipality may place a placard or similar sign on the property stating that it is unlawful to occupy the property as a rental unit. Removal of such placard or sign by any person other than a representative of the Municipality shall preclude a rental license from ever being issued for the applicable rental dwelling unit.~~

N. ~~When a property is condemned under the authority of the International Property Maintenance Code as adopted by the Municipality, any rental license issued for the property shall be automatically revoked on the effective date of the condemnation.~~

O. ~~A licensee's failure to remain current on the payment of all fees, taxes and other charges or assessments owed to the Municipality, the Norristown School District or the Norristown Municipal Waste Authority for the rental property at issue or for any other property owned by the licensee in the Municipality shall be cause to immediately revoke a rental license permit.~~

- (1) If a licensee is convicted of violating this Section 245-3, the first conviction shall carry a mandatory fine of a minimum of \$300 and a maximum of \$500.
- (2) If a licensee is convicted of violating this Section 245-3 for a second time, such conviction shall carry a mandatory fine of a minimum of \$500 and a maximum of \$750.
- (3) If a licensee is convicted of violating this Section 245-3 for a third time, such conviction shall carry a mandatory fine of a minimum of \$750 and a maximum of \$1,000.
- (4) If a licensee is convicted of violating this Section 245-3 for a fourth or subsequent time, such conviction(s) shall carry a mandatory fine of \$1,000.
- (5) All fines levied pursuant to this Section 245-3.K. shall have added to them all court costs and reasonable attorneys* fees incurred by the Municipality of Norristown to enforce this Section. Each day that a violation continues shall constitute a separate offense.”

II. Section 245-4 of the General Laws of Norristown is amended to read as follows:

“§245-4. Violations and penalties.

- A. Any person who violates any provision of this Chapter other than Section 245-3 shall be issued a citation, and upon conviction by a court of competent jurisdiction shall be subject to a fine of not less than \$300 nor more than \$1,000 per nonlicensed dwelling unit, plus any and all court costs and reasonable attorneys’ fees incurred by the Municipality of Norristown to enforce this Chapter. Each day that a person is in violation of any provision of this Chapter shall constitute a separate offense.

III. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

IV. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance, or on the provisions of the General Laws of Norristown.

V. This Ordinance shall take effect five (5) days following its legal enactment.

ENACTED and ORDAINED this 4th day of December, 2012.

ATTEST:

NORRISTOWN MUNICIPAL COUNCIL

David Forrest, Municipal Administrator

By: Gary Simpson, President

Document comparison by Workshare Professional on Tuesday, December 11, 2012 1:42:53 PM

Input:	
Document 1 ID	interwovenSite://PHDMS/Active/17282418/1
Description	#17282418v1<Active> - original 245-3
Document 2 ID	interwovenSite://PHDMS/Active/17282362/1
Description	#17282362v1<Active> - revised 245-3
Rendering set	ph standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	85
Deletions	46
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	131

Exhibit L

Jenkins, T. Stephen

From: David J. Sander, Esq. <DSander@fsalaw.com>
Sent: Monday, December 10, 2012 4:30 PM
To: Smith, Peter M.
Cc: David Forrest; Sean P. Kilkenny, Esq.; Joe Januzelli
Subject: RE: Norristown - Repeal of Section 245-3

Pete – please be advised that Norristown will not perform an inspection of the dwelling unit rented by Lakisha Briggs at 133 Wayne Avenue, Norristown, PA. Thank you for your correspondence on this matter. Best, Dave

David J. Sander, Esq.



Direct 215-690-3828 | **Fax** 215-635-7212

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From: Smith, Peter M. [<mailto:smithpm@pepperlaw.com>]
Sent: Saturday, December 08, 2012 4:56 PM
To: David J. Sander, Esq.; Sean P. Kilkenny, Esq.
Cc: Grant, M. Duncan; 'Witold Walczak (VWalczak@aclupa.org)'; 'Sara Rose' (SRose@aclupa.org); 'Mary Catherine Roper'
Subject: RE: Norristown - Repeal of Section 245-3

Dave,

I have also just learned that Norristown intends to do an inspection of our client, Lakisha Briggs' home on Tuesday (12/11/2012). Before the borough conducts any potential inspection of her home, we need to have a lot more information regarding the purpose, intent, scope and under what authority the borough purports to be conducting, such an inspection. Also, as I understand current case law, the law requires the borough to have a defined plan and schedule in place before proceeding to conduct such administrative inspections. Accordingly, in addition to the above information, we will need to see Norristown's plan, if any, before agreeing to any potential inspection of Ms. Briggs' residence. I note that the borough has not sought or obtained Ms. Briggs' permission for any such inspection. Unless and until we have the above information, we and our client expressly object to any such inspection. In addition to the

information requested in this email, please provide us with the information I previously requested in my email below (regarding the new ordinance) by 5:00 p.m. on Monday (12/10/2012). If we do not hear from you by that time, we will take appropriate action to protect the rights of our client and others similarly situated. We anticipate and appreciate your full cooperation.

Pete

Peter M. Smith
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From: Smith, Peter M.
Sent: Friday, December 07, 2012 10:50 AM
To: 'David J. Sander, Esq.'; 'Sean P. Kilkenny, Esq.'
Cc: Grant, M. Duncan; 'Witold Walczak' (VWalczak@aclupa.org); 'Sara Rose' (SRose@aclupa.org); 'Mary Catherine Roper'
Subject: RE: Norristown - Repeal of Section 245-3

Dave,

I have recently learned that Norristown has now replaced Section 245-3 with a new provision that allows the borough to fine landlords whose tenants engage in disruptive conduct. See <http://www.timesherald.com/article/20121205/NEWS01/121209765/rental-license-ordinance-modified-by-norristown-council> (attached). This is a step backwards from what we thought was a positive development by the borough in repealing Section 245-3. At first blush, this new ordinance would appear to suffer from many of the constitutional issues we raised with the three-strikes ordinance. Would you please provide us with a copy of this new ordinance? Thanks in advance.

Pete

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From: Smith, Peter M.
Sent: Thursday, November 15, 2012 12:27 PM

To: 'David J. Sander, Esq.'
Cc: David Forrest; Sean P. Kilkenny, Esq.; Grant, M. Duncan; Witold Walczak (VWalczak@aclupa.org); 'Sara Rose' (SRose@aclupa.org); 'Mary Catherine Roper'
Subject: RE: Norristown - Repeal of Section 245-3

Thank you, Dave.

Peter M. Smith
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From: David J. Sander, Esq. [<mailto:DSander@fsalaw.com>]
Sent: Thursday, November 15, 2012 12:05 PM
To: Smith, Peter M.
Cc: David Forrest; Sean P. Kilkenny, Esq.
Subject: Norristown - Repeal of Section 245-3

Pete – attached in a single attachment are the following documents:

1. A copy of Ordinance No. 12-11 of 2012 repealing section 245-3 of the Norristown General Laws in its entirety.
2. Copies of 3 letters, each dated October 4, 2012, to the 3 other landlords who had their rental licenses revoked, advising that Norristown will not prevent the reoccupancy of the rental units by the tenants who vacated the units as a result of Norristown's enforcement of Section 245-3.

Thank you for your attention to this matter.

David J. Sander, Esq.



Direct 215-690-3828 | **Fax** 215-635-7212

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