

Antipoverty group to get \$1m in suit

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Said town violated clients' civil rights

By Erica Noonan, Globe Staff | October 27, 2010

The Town of Framingham has agreed to pay a local antipoverty agency \$1 million to settle a lawsuit in which the agency contended that town officials illegally blocked its activities by violating the civil rights of its poor and disabled clients and tried to prevent it from building a center for recovering drug addicts.

The settlement brings to a close a lawsuit filed three years ago by the South Middlesex Opportunity Council, the town and the agency said yesterday.

The settlement calls for Framingham to train its officials about antidiscrimination laws and to follow civil rights law in considering future building permits, according to Howard Cooper, an attorney representing the council before US District Judge Douglas P. Woodlock.

"This is a tremendous victory," said Cooper. "This is a landmark civil rights case. I think this lawsuit will serve as a learning opportunity for all public officials charged with making the important decisions about the efforts of nonprofits to site projects in our communities that help the disadvantaged. The law is clear that there is no room for discrimination."

The agency filed a wide-ranging lawsuit against the town in 2007 naming 18 defendants, including the town, as well as four Town Meeting members, three members of the Board of Selectmen, four Planning Board members, and several residents.

Among other arguments, the agency said Framingham officials had unfairly delayed permitting for years on two centers intended to provide housing for vulnerable populations, Sage House and Larry's Place.

Sage House, a residence for about a dozen recovering addicts and their families that the council wanted to move to Winter Street, and Larry's Place, a residence for about 19 homeless veterans in downtown Framingham, both eventually opened.

"On behalf of the disadvantaged and disabled populations served by our agency, we embrace the agreement in which both parties acknowledged the right of every person in our community to have a place to call home," James T. Cuddy, the agency's executive director, said in a statement issued yesterday.

Framingham officials said the settlement closed a difficult chapter and that the money would be paid by the town's insurer, not taxpayers.

"This settlement provides for a dismissal of all claims against the town and individual defendants and preserves the town's valued principles of self-government," the Board of Selectmen said last night.

"This agreement also ensures that the First Amendment rights of all citizens to ask questions, raise concerns, and petition public officials are protected."

As part of the settlement, the town and all defendants deny wrongdoing.

The board "looks forward to continuing to work with SMOC in a climate of mutual respect," the statement read.

Framingham's town manager and a former defendant in the lawsuit, Julian Suso, did not return calls seeking additional comment yesterday.

The original suit sought unspecified compensatory and punitive damages and asked the court to supervise the town's compliance with civil rights laws.

Framingham officials had contended that the lawsuit was unfair and should be dismissed because officials eventually granted the council's request to open the shelters.

Over the past three years, the town successfully moved to have several defendants, including Suso and Alexis Silver, the town's human services coordinator, removed from the case.

Last month, Woodlock refused Framingham's request to dismiss the suit and ruled that the case should go forward against the town and 10 officials and residents, some of whom were unelected officials who spoke out in opposition to the housing.

In a 100-page Sept. 9 ruling, Woodlock wrote that the agency produced enough evidence to show that the town "through abusive communications and improper efforts to manipulate the municipal permitting process, unlawfully violated the detailed legal constraints fashioned to assure that prejudice within a community not impede access to housing and related programs for those suffering from recognized disabilities such as alcoholism and addiction."

The judge found that evidence supported allegations that the town's selectmen, Planning Board, and Town Meeting members violated the civil rights of the agency's clients, including the Americans with Disabilities Act and federal fair housing laws.

While Woodlock said the case could move forward, he urged both sides to resolve the case as soon as possible.

Framingham's town counsel, Christopher Petrini, will determine which town officials should attend training on civil rights laws. The training must be completed within 90 days according to the ruling, Cooper said.

Framingham officials said they chose to settle the case because it was in the best interests of the town.

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