

**AN AFFIRMATIVE
LITIGATION TOOLKIT
FOR PUBLIC INTEREST
ADVOCATES**



The Who, How, Where, What and Why

Who Renters' Rights of Tennessee, formerly Nashville Hispanic Bar Association.

How We see housing justice as a three-legged stool.

Where We're based in Nashville with a new program in Chattanooga.

What This toolkit is an online, email protected resource guide for plaintiff actions.

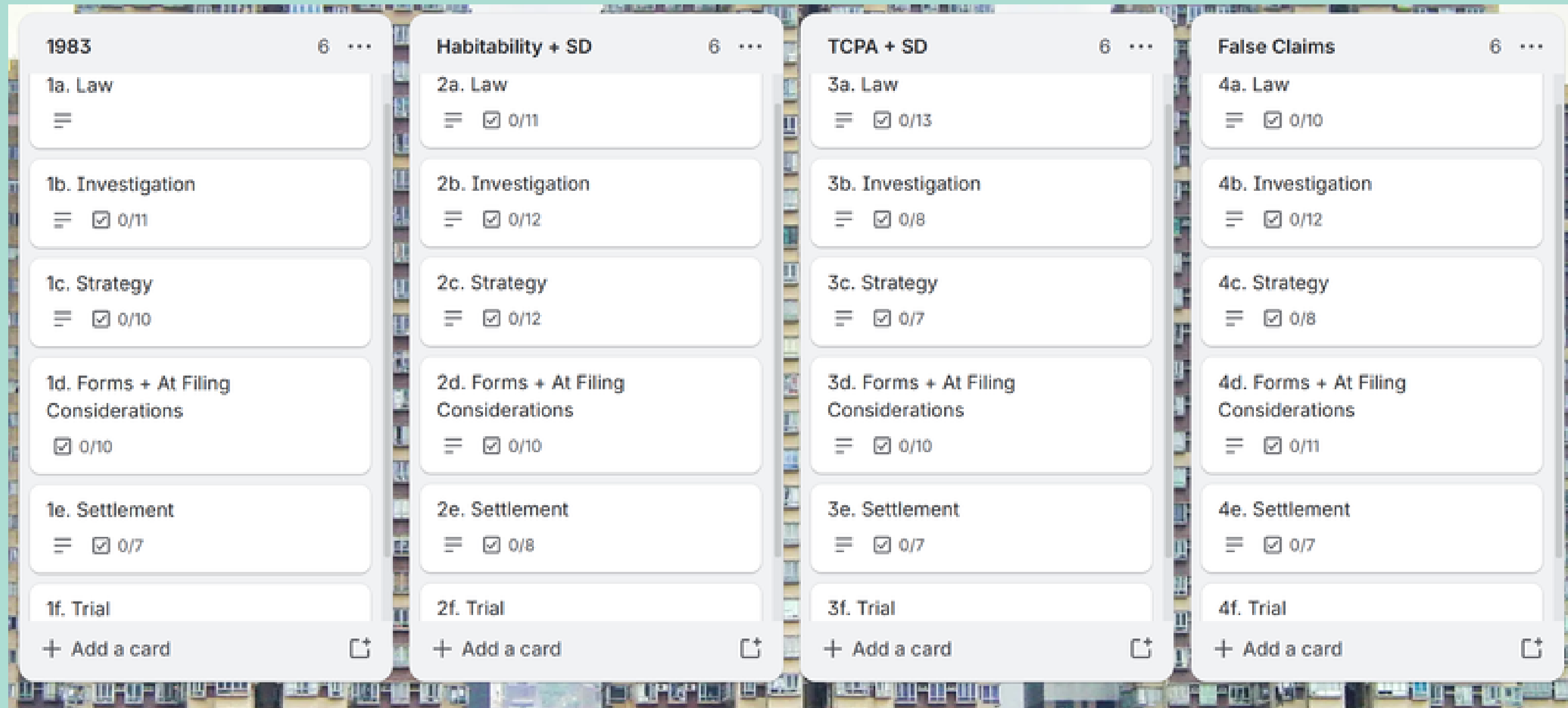
Why More relief, more options, more opportunities for justice

+ this is just the beginning

4 Areas of Law

6 folders for each Area

Tailored resources for each stage of a case



1983 Actions + Housing Justice

What is the Law?

- The civil rights enforcement action
- When a state actor has deprived an individual of a right or privilege under the color of law
- You've seen it in excessive force actions or the now unsuccessful Eighth Amendment arguments against municipal criminalization of unhoused status

How do we use it in Housing?

- It's still a civil rights enforcement mechanism
- Primarily grounded in due process protections
- Against PHAs for improper termination of subsidies
- There's potential for actions around sheriff writ execution times

The False Claims Act + Housing Justice

What's the Law?

- A false claim for payment is made to and paid out by the government
- It's about fraud mostly in Medicare/aid
- History fact...it started post-Civil War when contractors were swindling the federal government
- In the quit tam action, a relator brings on behalf of the government
- That relator does take a share of the recovery
- The statute of limitations is 6 years.

How do we use it in Housing?

- Think about who (individuals and entities) gets funding from the government directly or indirectly...
- PHAs and corporate and individual landlords
- We see potential actions for illegal side payments and HQS non-compliance

Tennessee Consumer Protection Act + Housing Justice

What's the Law?

- The go-to consumer protection law for Tennessee, which does in fact apply to renters
- Covers unfair and deceptive acts
- Treble damages are available where conduct is willful and knowing
- Attorney's fees are available even without willfulness
- Statute of limitations is 1 year

How do we use in in Housing?

- Security deposits
- Contracting for rights don't have
- Suing when don't have the authority to do so
- Fraudulent rent to own scenarios
- Conditions issues = renting an uninhabitable property

Habitability + Housing Justice

What's the Law?

- It's a grab bag
- We're pulling from URLTA, common law, and the TCAP
- So, we're dealing with various statutes of limitations but sticking to claims with a fee shift
- Inner City Law Center as a model

How do we use it in Housing?

- Quiet enjoyment
- Constructive eviction
- Failure to supply essential services
- Noncompliance
- Conditions as deceptive commercial act in consumer protection
- Abuse of Access

Guess what....you're going to try it out now!

Small groups

Different assignments

Explore the toolkit

Pull the resources you would use if
you were taking on a case

Time to share...

What did you find?

How did you build your case?

What did you use on the Toolkit to do that?

What did you wish you had?

Moving Forward...

We are adding...

.....this fall

- More settlement materials
- More trial materials
- More complaint examples
- More case law as we find and use it

.....in the future

- The appellate process

Questions? Comments?

