

A leaky roof, a tenant's complaint and a landlord's response: 'You're just another dumbass n----- I got to go to court with'

By **Ned Oliver** - May 12, 2019



Winter Whittaker, whose former landlord responded with a string of expletives and a racist slur when she asked him to repair a leaky roof, stands outside her new apartment in Richmond. (Photo by Ned Oliver/Virginia Mercury)

In a final, exasperated call to her landlord about a leaky roof that sent a steady stream of rain water dripping into her bedroom, Winter Whittaker threatened to take him to court.

"You're going to fix what you're supposed to fix," she said in the call, which she [recorded](#).

Dean Parsons, who has said he oversees a portfolio of 375 apartments and rental houses in the Richmond area, responded by shouting a string of profanity and a racist slur.

He told Whittaker, who is black, to move if she had a problem. Her threat of legal action, he said, didn't worry him.

"I don't give a good goddamn. You're just another dumb ass n--- I got to go to court with and I got to court every damn day with them," Parsons, who is white, told her. "It ain't no big damn deal to me."

Advocates say the case offers an extreme glimpse into the difficulty tenants in Virginia can face getting landlords to repair their properties. And Parson's language, they say, provides an unusually candid window into the degree to which at least one landlord feels the law tilts in his favor, particularly when renting to low-income, minority tenants.

Researchers studying Virginia's highest-in-the-nation eviction rates have found that as the percentage of black residents in a neighborhood increases, so do the percentage of evictions, even after controlling for income. They've discovered a similar link between high eviction rates and neighborhoods with poor quality housing. Whittaker's lawyer, Helen Hardiman, says her client's experience vividly illustrates the way those connections can play out, highlighting "what tenants who earn low- to moderate-incomes have to deal with in the shrinking segment of the housing market to which they have access."

During the phone call, Parsons is heard attempting what's sometimes called an "informal eviction," in which a landlord forces out a tenant through intimidation or other illegal tactics.

In this case, Whittaker, a 47-year-old clerk at a car rental company who is studying for a graduate degree in her spare time, is by all accounts a tenant in good standing trying to secure necessary repairs.

Parsons, who would not comment for this story, responds by repeatedly demanding she "get the hell out of my goddamn house."

"He felt like he had me against the wall," said Whittaker, who moved to Richmond with her eight-year-old son and 17-year-old daughter from New Jersey looking for a fresh start. "To know you're barely making your rent ... you got to say, 'Ok, I'm going to settle for it raining in my house. I'm going to settle for rodents being in my house.'"

"Your worst fear is to get thrown out with your kids on the street."

When low-income tenants complain, sometimes they end up homeless

Examples of people struggling to get their landlords to fix their properties abound to the point where news stories about tenant complaints have evolved into a sub-genre of their own on local television broadcasts.

The outcomes are mixed. One man's lease was terminated three days after [telling](#) Richmond's CBS affiliate, WTVR, about sewage from his upstairs toilet leaking onto his stove.

Even when local governments get involved — deploying safety inspectors and issuing code violations — repairs don't always follow and tenants are sometimes

A leaky roof, a tenant's complaint and a landlord's response: 'You're just another dumbass n—— I got to go to court with' - Virginia Mer...
forced to move.

Officials in Richmond condemned dozens of buildings in an apartment complex in Richmond after years of news stories about poor conditions. The city's decision left dozens homeless and scrambling for new living arrangements. The city, meanwhile, struggled to get the property's out-of-state owners to come to court, according to [NBC12](#).

A judge ultimately [ordered](#) the building's sale after the company's bank intervened.

In neighboring Henrico County, officials called Essex Village, a large federally subsidized apartment complex, "the worst of the worst," ultimately filing nine criminal charges against the owners after years of resident complaints and mishaps that included a pregnant woman's fall from a broken second-floor balcony, according to [NBC12](#).

That complex has since been sold and renamed. The new owner promised renovations and the county dropped the charges, citing evidence of improvements.

Some residents say things have gotten better. Others are less convinced.

"I'll believe it when I see it," one tenant told the [Richmond Times-Dispatch](#).

'A lot of states have a much more tenant-friendly orientation'

Under state housing law, tenants typically have two options when landlords fail to uphold their end of the lease by maintaining a safe and habitable property.

They can either file in their local district court to terminate the lease and move or they can file what the court calls a "tenant's assertion," which allows them to begin paying rent into an escrow account rather than to the landlord until a judge rules on the case.

Often, neither approach is particularly practical for struggling, low-income tenants, said Martin Wegbreit, the director of litigation at the Central Virginia Legal Aid Society.

Seeking to terminate the lease requires moving on short notice, which itself requires a lump sum payment to a new landlord in the form of a security deposit and one or two months' worth of rent — money Wegbreit says many don't have.

Tenant's assertions can also be difficult to maneuver, he said.

For one, they're poorly understood. Wegbreit said he sees cases on a weekly basis involving tenants who mistakenly believed that they could withhold rent altogether

to force a landlord to make repairs. While that's legal in more than a dozen other states, in Virginia he says it's a "surefire ticket to eviction."

Even if a tenant knows the rules and is able to file correctly and pay rent into escrow, he says the law is effectively requiring them to continue paying rent on a home that may no longer be habitable — a nonstarter for many who are either unable to afford paying rent on two properties or don't want to risk continuing to pay for substandard housing they fear will never adequately be repaired.

"A lot of states have a much more tenant-friendly orientation," he said. "They don't require that you pay in full for a defective product in order to have the defective product fixed. But that's what Virginia law requires."

The north Richmond home Winter Whittaker rented from Dean Parsons' Intermont Properties for \$850 a month. (Photo by Ned Oliver/Virginia Mercury)

The link between eviction, race and housing conditions

A first-of-its-kind Princeton University [study](#) led by Pulitzer Prize winning author Matthew Desmond found eviction rates in Virginia's cities are among the highest in the nation. The work prompted researchers in Virginia to dig into the data to try to understand what's driving those numbers.

While the housing industry initially blamed poverty for the problem, an eviction-focused [think tank](#) at Virginia Commonwealth University, determined low-income areas aren't always the ones experiencing the highest eviction rates. Instead, they found a [disproportionately high](#) number of cases in minority communities, even after controlling for income and poverty rates.

Poor housing conditions turned out to be another another common thread.

Kathryn Howell, a professor at VCU who co-founded the RVA Eviction Lab, compared violations of Richmond's housing code with eviction data gathered by Princeton. She said the results are clear: "What we know for sure is that where we have high concentrations of evictions, we also have high concentrations of building code violations."

She said one possible explanation is that low-income and minority residents have fewer housing options —either because of their economic circumstances or discriminatory housing practices. As a result, they're more likely to find themselves in poor quality buildings.

"What also happens in terms of evictions is residents will say, 'I don't have heat, I'm not paying my rent,'" she said. "That then becomes an evict-able offense."

New policy a small step to 'level the playing field'

Widespread news coverage of the state's eviction rates, including a [front-page story in The New York Times](#) focused on Richmond, led state lawmakers to introduce [dozens](#) of bills this year aimed at addressing the issue.

Among the seven pieces of legislation that [passed](#) is a measure that specifically addresses poor housing conditions, allowing tenants to recoup attorney fees from their landlords on tenant's assertions cases.

Under existing law, landlords can typically recoup their legal fees from tenants in eviction and other cases, but not the other way around. Legal aid groups and housing lawyers say the change will allow them to begin taking more cases from tenants who otherwise couldn't afford an attorney to help them navigate the court system.

"In a lot of respects, in landlord-tenant laws, the rights were a little imbalanced," said Del. Jeff Bourne, D-Richmond, who introduced the measure. He said the new eviction data "opened some folks' eyes who might not have understood the gravity of the situation."

The apartment industry ultimately backed the legislation. "If the landlord screws up, the landlord has to pay the attorney fees, and we didn't have any problem with that basic concept," said Patrick McCloud, the director of the Virginia Apartment Management Association.

But he said the industry wouldn't support policies other states have adopted that allow tenants to withhold rent altogether to force repairs or use failure to maintain a property as a defense in an eviction case — something advocates would ultimately like to see but McCloud worries would lead to false claims.

And he rejects the suggestion that state laws and courts skew in favor of landlords. The association has consistently rejected the validity of Princeton University's study, which it calls flawed.

"I will tell you that I work with plenty of property owners who feel the Richmond courts are strongly in favor of the tenant, not the landlord," he said. "I will tell you they feel without question it leans toward the tenant.

"Virginia has an extraordinarily fair and balanced approach."

A settlement and an unexpected phone call

Last year, a landlord called me up to complain and share a similar sentiment after I [wrote](#) about Princeton's eviction findings for my former employer, the Richmond Times-Dispatch.

It was Parsons, Whittaker's former landlord. He told me he and his friends who rent properties had been talking. "It all seems like it's skewed toward the big bad landlord going after the poor old tenant," he said. "It's not really the case. The tenant isn't doing what they're supposed to be doing. If you have an obligation, you're supposed to honor your obligation."

He said in his experience, tenants were especially bad in the "inner-city," where he told me "a lot of people have an entitlement attitude. ... It's very prominent."

I later quoted him in a [story](#) that ran last May — a month before Whittaker recorded him using racist language and expletives to belittle her — about climbing rents around the region and how that's squeezing some tenants and boosting landlords' bottom lines. "If somebody's moving, we can't get them out fast enough before we've got someone standing at the door, which is good for us," he said.

I told Whittaker about what Parsons had said about renters with an "entitlement attitude" when we spoke last year. Her response was immediate.

"He's the one who's entitled," she said, alleging that during their months-long push and pull over problems ranging from a rodent and bug infestation to unexpectedly high heating bills, Parsons had repeatedly told her about his connections with city leaders and golf games with officials. The message Whittaker says she took away: Don't even bother trying to challenge me.

During the phone call Whittaker recorded, Parsons' was explicit: "You ain't nothing but a goddamn tenant. That's all you are."

While extremely distressed by Parsons' comments, she was ultimately undeterred, something she credits to her New Jersey upbringing. "We're litigious," she said.

“We’ll sue you. ... I was to the point after he called me that word — I was already at the federal court building writing out my own complaint against him.”

After her neighbor, also a tenant of Parsons, shared the audio of the phone call on [Facebook](#), a local activist, Omari Al-Qadaffi, connected her to an area fair housing attorney, Hardiman, who was part of the state work group that drafted the compromise eviction legislation that came out of this year’s General Assembly session.

Hardiman says Parsons agreed to settle before a case was even filed, and while the terms are confidential, her client is satisfied with the outcome. Whittaker, who couldn’t afford to move on short notice, stayed in the home until November when her lease expired. She now rents a new apartment nearby from a different landlord, with whom she says she’s had no problems.

Parsons did not have much to say about the case. After leaving phone messages with his office and his attorney last week, I got through to him on his cell phone Friday afternoon.

“Can I do this, bud? I’m right in the middle of a golf game right now and I’m on the 18th hole,” he said. “Let me call you back about that. There ain’t much I can tell you because everything is pretty settled, alright?”

Parsons did not call me back, nor did he answer or respond to additional phone calls and messages over the weekend.

Whittaker and Hardiman say they wanted to draw attention to Whittaker’s experience to help other tenants who may be renting from Parsons, but also because cases of housing discrimination and property maintenance violations are rarely so clear cut or egregious.

By going public with her ordeal, Whittaker said she hopes to show others who might feel powerless that they can fight back and win.

“I want my kids, my neighbors, and everyone to know that they don’t have to tolerate this kind of treatment,” Whittaker said.

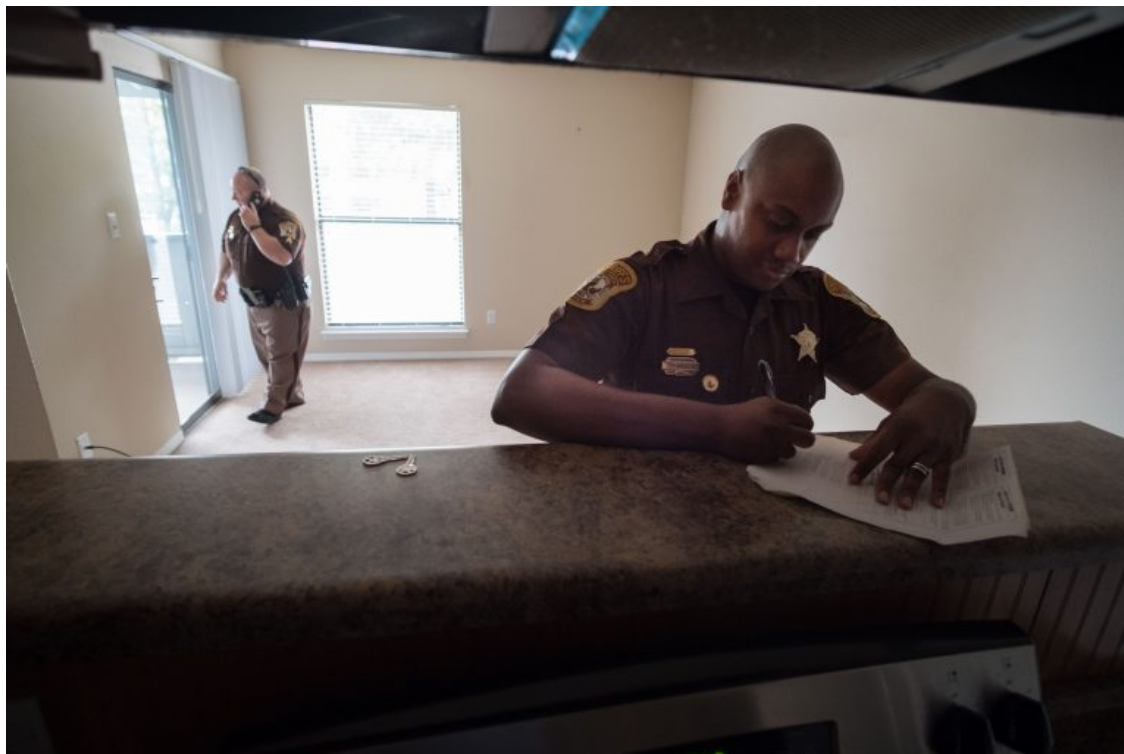
Ned Oliver

Ned, a Lexington native, has a decade’s worth of experience in journalism, beginning at The News-Gazette in Lexington, and including stints at the Berkshire Eagle, in Berkshire County, Mass., and the Times-Dispatch and Style Weekly in Richmond. He also has the awards to show for it, including taking a pair of first-place honors at the Virginia Press Association awards earlier this year for investigative reporting and feature writing. He is a graduate of Bard College at Simon’s Rock, in Great Barrington, Mass. Contact him at noliver@viriniamercury.com



Tenants facing eviction almost never have lawyers. Now, an attorney trawls a courthouse lobby handing out free advice

By **Ned Oliver** - May 15, 2019



Deputies from the Henrico County Sheriff's Department process an eviction on July 12, 2018. The tenants had already departed and the deputies, after checking the unit to make sure it's empty, watch as the owner changes the unit's locks.

Shaquana Bethea, a 22-year-old who makes just over minimum wage working as a home healthcare aide, showed up to court to fight an eviction lawsuit this week with only her mother in tow for advice and support.

She left the courthouse with a free lawyer, who will help her mount a defense after investigating her claims that she was locked out of her apartment months ago after a fire.

“How can I pay rent for a damaged house I can’t stay in?” she asked.

Tenants facing eviction in Virginia are almost never represented by lawyers. But that’s about to change as a flood of cash begins to flow to legal aid groups around the state to hire attorneys to take on more housing cases, establish an eviction help hotline staffed by hundreds of volunteer lawyers and — in two courthouses — open offices right outside the doors of courtrooms where thousands of eviction cases a year are processed.

Those courthouse offices are how Bethea met her lawyer, Janae Craddock, a newly hired housing outreach attorney at the Central Virginia Legal Aid Society who will

Tenants facing eviction almost never have lawyers. Now, an attorney trawls a courthouse lobby handing out free advice - Virginia Mercury primarily work out of a converted storage closet in Richmond's civil district court.

"I will be doing everything short of hanging a sign on my chest to let people know we're here and available to assist," she said as she milled around the lobby outside the courtrooms inspecting dockets and trawling for potential clients.

Advocates say money to pay for all the new legal help was prompted by a Princeton University [study](#) that found Virginia's cities have some of the highest eviction rates in the country.

A donation from a Northern Virginia law firm will fund Craddock's position in Richmond, a similar position and office in the Newport News courthouse as well as a third position at Virginia Poverty Law Center, which is establishing a statewide eviction help line that will be staffed by a full-time attorney augmented by hundreds of lawyers who are volunteering their time to answer questions on a pro-bono basis.

Another grant from an organization called Equal Justice Works will fund six positions in legal aid offices in central Virginia. Finally, a state budget amendment proposed by Gov. Ralph Northam will pay for another 17 housing lawyers who will be stationed in legal aid offices around the state.

Altogether, that represents 26 full-time lawyers focused solely on housing law.

"It's a lot," says Christie Marra, a staff attorney at the Virginia Poverty Law Center who is leading a statewide campaign to reduce evictions.

She said that while many cases rise and fall on a tenant's ability to pay rent, advice from a lawyer and their participation in negotiations with landlords can make a big difference, and that help is something that's historically been hard to come by for low-income tenants facing eviction.

She pointed to a study released last year by the National Center for State Courts, which found that both sides in civil cases are represented by lawyers just 1 percent of the time in district court, where eviction cases are heard. When a lawyer is involved, they almost always represent the person filing the suit, be it a landlord or debt collector, and they usually win the case, the study found.

"Poverty, and the concomitant inability to retain counsel, creates a significant barrier to successful outcomes for unrepresented poor litigants in Virginia's courts, notwithstanding the best efforts of our judges to treat all litigants fairly," concluded John Whitefield, the director of Blue Ridge Legal Services, in a [summary](#) he sent the Virginia Supreme Court.

That said, having more lawyers in the mix won't solve everything, as Craddock's first few days in her new office in the Richmond courthouse this week illustrated.

She advised one tenant whose landlord sued to evict her 62 times since 2012 to focus her energy on finding a cheaper apartment. The woman, who did not want to be named for this story out of fear of upsetting her landlord, had always been allowed to stay after paying her rent late, plus fees and court costs, which over the years have totaled just over \$6,000, according to court records.

“Unfortunately, I’ll tell you right now, it will probably be best if you start looking for something you can afford,” she told the woman.

Help on the money front, however, is coming, too – at least to Richmond. City leaders included \$485,000 in funding in the budget they approved this week for a pilot eviction-diversion program that will provide direct financial help to people being sued for eviction.

It’s aimed at preventing people who face unexpected financial hardship from falling permanently behind. “We’ll provide one-time assists to people who can otherwise afford the apartment that they’re in but for a medical bill or a car repair,” said Heather Crislip, the executive director of Housing Opportunities Made Equal, a Richmond fair housing group that will administer the program.

She said the cash – the group estimates they have enough to help in about 500 cases – will be paired with a short but mandatory class on financial literacy and tenants’ rights.

“Making sure tenants know financial literacy, but also know their rights, is really important to us,” she said.

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