

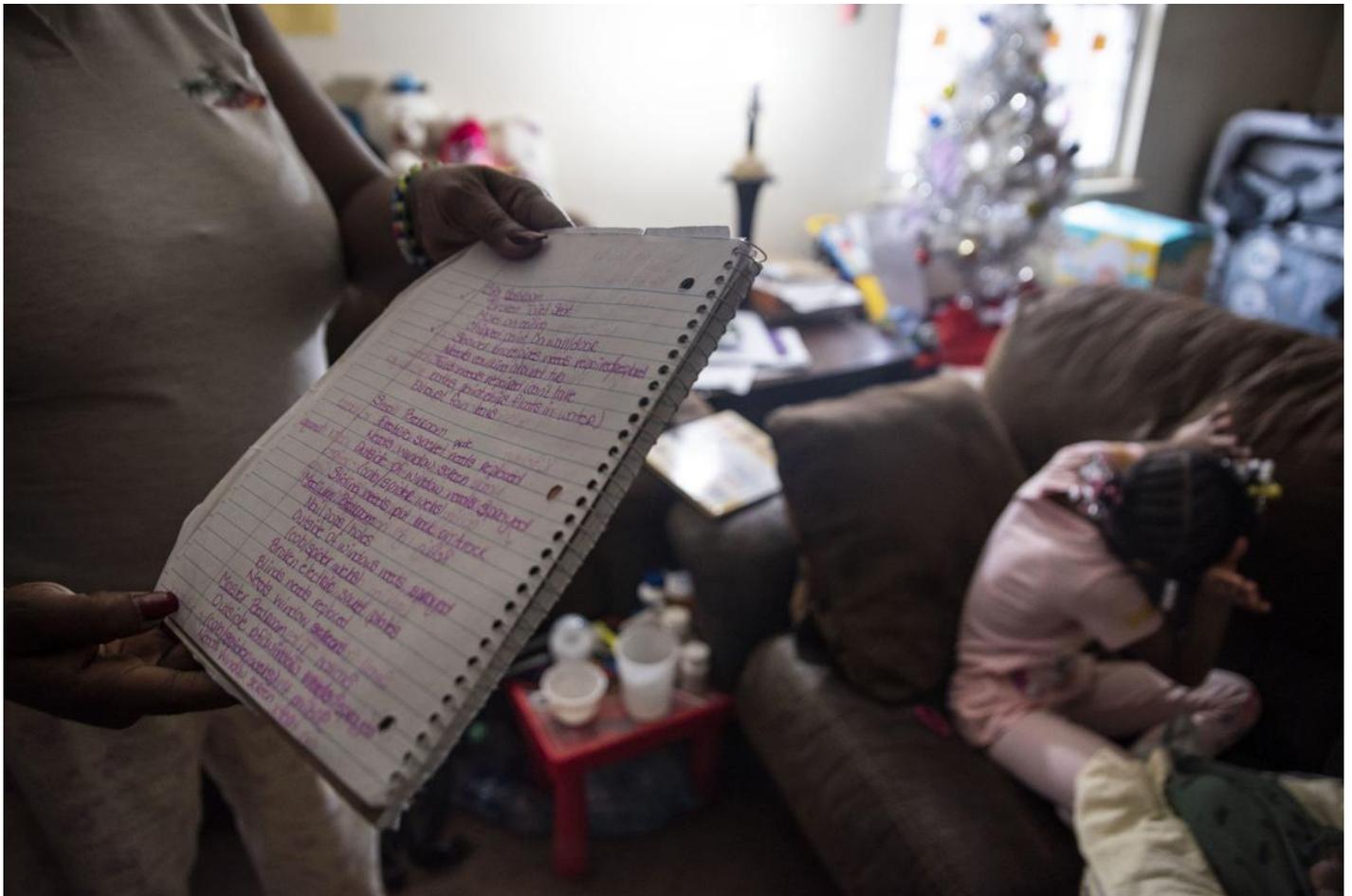
https://newsadvance.com/news/local/court-rules-on-deadlines-contempt-in-james-crossing-maintenance-cases/article_588d2524-93fa-11eb-9955-e79e027775d4.html

James Crossing apartments

Court rules on deadlines, contempt in James Crossing maintenance cases

Rachel Mahoney

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In this Jan. 11 file photo, James Crossing resident Tandeka Stevens holds a handwritten list of everything that she has requested to be fixed in her apartment. The list spans a front and back page of paper.

The News & Advance file

Legal action taken against the company that owns the James Crossing apartments in Lynchburg over unaddressed maintenance issues continues, with more tenants having filed complaints in recent months and a judge ordering the company Friday to put one tenant in a hotel room for what'll likely be more than a month.

Six current or former tenants at the low-income housing complex have filed cases through Virginia Legal Aid Society attorneys, seeking a court injunction to get a number of maintenance issues, including mold and water damage, fixed beyond what tenants have called "Band-Aids" on deeper problems.

For three of those tenants who filed cases last fall, Lynchburg Circuit Judge Fred Watson entered an order on Sept. 25 making Atlantic Housing Foundation, the Dallas-based nonprofit that manages James Crossing, pay for hotel accommodations for them until specified lists of maintenance issues were addressed.

The tenants' attorneys filed motions in early March to find AHF in contempt of those orders.

Taking the stand Friday in Lynchburg Circuit Court, those tenants testified they were all put in hotel rooms for a week before property management ushered them back into their units, only in slightly better shape than they left them.

"Maybe one thing in my apartment was fixed," said Latarsha Haskins, one of the tenants who ended up moving out of the complex.

All three said the mold in their units remained and described how maintenance workers would spray bleach on those spots and wipe them off.

Suzanne Claxton, a regional property supervisor with AHF, described work orders that listed repairs conducted on their units.

Most were opened in August, when attorneys for the tenants first wrote letters to AHF about their conditions, and closed around when the court order was entered.

Claxton said AHF had contracted for mold testing to occur, but no remediation took place. She said AHF had contracted with a restoration company to address the mold issues by November but had yet to be added to its schedule. AHF then contracted with another company on March 26 but was told it would be four to six weeks before crews could get to the apartments.

Circuit Judge Mike Doucette found AHF in contempt of the September order in all three cases on Friday, ordering that one tenant be relocated to a hotel at no cost to her until the mold in her apartment was taken care of.

Three other tenants with similar issues filed cases in January, and attorneys told Doucette they'd draw up an agreed order for those cases to be signed early this week.

While the details of maintenance requests for those tenants are still being hammered out, any who are still living at James Crossing should be put up in hotels as per that order, and AHF will be relaying regular status updates to the tenants and the court, according to Jeremy White, managing attorney with VLAS, who's leading the James Crossing cases.

Bryan Grimes Creasy, the attorney representing AHF on the case, said after Friday's hearing the company is committed to addressing the maintenance issues at the complex and is on the same page as White and his team.

Claxton added AHF is waiting on approval from the Department of Housing and Urban Development on a \$28 million bond deal that the company would use to gut the buildings and completely renovate them. Creasy said the company is moving in the right direction.

"It's going to be a great community," he said. "I mean, it's going to have everything."

Considering the challenges in contracting for mold remediation, White said he was concerned with the pace of maintenance and building work. He said he hoped the contempt finding would serve to get AHF moving on deferred issues but fears

maintenance issues aren't being properly remedied for tenants without attorneys involved.

"We're just seeing the fruit of kicking the can down the road for years on these properties," he said.

Doucette postponed his disposition in the contempt cases until mid-June, when White's team would argue monetary sanctions and attorney's fees be imposed.

https://newsadvance.com/news/local/problems-continue-at-james-crossing-apartments-with-little-response/article_3e842d98-ebc1-11eb-b98f-672e7b3e4a37.html

Problems continue at James Crossing apartments, with little response

Rachel Mahoney

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James Crossing tenant Marilyn Morgan poses for a photo in the kitchenette in her hotel room at the Extended Stay America in Lynchburg on Friday. Morgan was forced out of her apartment due to a sewage pipe overflowing that has not yet been repaired, and says one of the things she misses most is baking in an oven.

Kendall Warner, The News & Advance

As the owners of the James Crossing apartment complex stand poised to receive \$6 million in bonds for rehabilitation, several of its tenants have been put up in hotels because of severe maintenance issues — some of which have led to units being condemned.

Atlantic Housing Foundation, a Dallas-based nonprofit that manages low-income housing apartments across the country, has been held to task in Lynchburg court for ongoing maintenance and mold issues in several units. A majority of James Crossing units are Section 8, for which the owner of the units receives subsidies for renting to people with low incomes.

Attorneys with the Virginia Legal Aid Society have taken on as clients eight tenants experiencing those issues. Six have pending civil cases against AHF's James Crossing offshoot to get court intervention, in most cases for mold tenants said was wiped from surfaces but not fully removed. A regional property supervisor with AHF said at an April hearing the company has had trouble scheduling mold remediation specialists to restore those units.

Part of those court proceedings ensured AHF was putting tenants up in hotel rooms while major repairs on their units were underway — and keeping them there for however long it takes to get those repairs done.

That's turned into the case for more than those six original plaintiffs.

Marilyn Morgan has been in a hotel room for a month after her unit started flooding from a backed-up sewer line.

She said she was at home cooking the night of June 20 when she walked into her bathroom and was met with water up to her ankles.

"I just thought that was it, but it got worse," she said.

With every flush from neighbors elsewhere in the building, she said, the sewer line started to spit out cigarette butts, toilet paper and human waste into her apartment, and because of the late hour, “I couldn’t do nothing but sit there.”

Morgan alerted maintenance and management the next morning about the issue, eventually calling for a city inspector to come by. Having resulted to sitting outside in her truck, management placed her in an extended-stay hotel two days after the backup started.

Multiple requests for comment for this article from AHF administrators and a lawyer representing the company locally were not returned.

AHF purchased the 288-unit complex in March 2019 and started paving the way to get government loans for renovations soon after. Representatives came before the Lynchburg Redevelopment and Housing Authority in January 2020 asking for approval of a \$28 million bond request through the Department of Housing and Urban Development, but with federal backlogs and complications from the coronavirus pandemic, that and many other projects were put on hold.

Brian Grimes Creasy, the attorney representing AHF locally, said after an April hearing on the maintenance civil cases that those bonds would go toward gutting and renovating each building to create a “community everyone can be proud of.”

Last week, the housing authority’s board approved AHF’s supplemental request for \$6 million in taxable bonds, standing in for the \$28 million non-taxable request.

Mary Mayrose, executive director of the housing authority, said the company has to go through the authority for either of those bond requests and the authority supports “any opportunity we have to improve or uplift” the city’s affordable housing units. The housing authority is not on the hook for such bonds but merely serves as a conduit for them.

Mayrose said many people with housing choice vouchers who were living at James Crossing have asked to be transferred out because of negligent management, and only one person with a voucher has chosen to stay. Two left the complex this spring after a rash of violence in the area.

When the housing authority reaches out to tenants and finds out they have maintenance issues, it directs an inspector to provide written documentation of any issues alongside a 30-day notice for management, she said, and if the issues aren't resolved within that time it puts any housing assistance on hold until they are.

"They're crying for help. ...No one should have to live in those kinds of conditions," she said when told about Morgan's sewer line backing up.

Having lived at James Crossing for several years off and on, Morgan said she'd never had maintenance issues go unresolved until the sewer line backed up. She'd kept her unit spic and span and didn't realize others in the complex had chronic problems until she'd visit someone else there.

"People have to have somewhere to stay, so they just sit and stay there and put up with whatever," she said.

Morgan also cited neighborhood violence as a factor she thinks is deterring maintenance companies. Since December, the complex has seen two homicides and at least one other major shooting.

Jeremy White, managing attorney with the Virginia Legal Aid Society, said he was aware of about 20 James Crossing tenants temporarily living in hotels earlier this month. At least one tenant's unit was condemned recently when a hot water tank for a unit above it exploded, he said, and to his knowledge, no one has been placed back in a fully repaired unit.

One client was moved into a "renovated" unit several months ago, White said, and the ceiling of that unit partially collapsed in early July.

Since the beginning of the year, 15 housing condition cases at the complex have been reported to city officials, according to Interim Deputy City Manager Kent White. Two of those cases currently are “pending condemned,” but the status of a unit undergoing maintenance can shift rapidly. A fire earlier this month rendered several units unfit for occupancy.

Another tenant said she has received relative silence from James Crossing on a different issue, having first asked for an accessible first-floor unit in the beginning of 2019 without a response.

Susziene Cobbs suffered another multiple sclerosis flare-up this past spring that’s severely limited her ability to walk, and when social workers contacted apartment management this time around, she said they were told the request was pending corporate approval. Accommodation letters from her doctor have been met with no response, she said.

Cobbs moved back to her unit from rehab this past week, having to stop and rest after climbing each of the three flights of stairs up to her unit. She and home health workers assisting her are concerned about her ability to evacuate in an emergency and it’s a struggle to simply leave her house.

“It shouldn’t be happening like that,” she said. “It’s extremely dangerous for my condition. If I were to fall, then what?”

The federal Fair Housing Act mandates certain standards of accessibility for people with disabilities living in multi-family units, but it applies to housing built after March 1991 — land records indicate the James Crossing units were built in 1970.

Cobbs said grocery delivery and help from family members have helped her manage after the flare-ups, but the lack of response is frustrating.