

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JANE DOE and CHARLES BOONE,)	
)	
Plaintiffs,)	
)	
v.)	
)	C.A. No. 10-473-LPS
WILMINGTON HOUSING AUTHORITY)	
and FREDERICK S. PURNELL, SR., in his)	JURY TRIAL DEMANDED
official capacity as executive director of the)	
Wilmington Housing Authority,)	
)	
Defendants.)	

**APPENDIX TO DEFENDANTS' OPENING BRIEF
IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

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Lauren E. Moak, Esquire (Bar I.D. 5366)
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*Attorneys for Defendants Wilmington Housing Authority
and Frederick S. Purnell, Sr.*

Dated: February 21, 2011

**CONFIDENTIAL – FILED UNDER SEAL
SUBJECT TO PROTECTIVE ORDER**

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NATIONAL RIFLE ASSOCIATION OF AMERICA
OFFICE OF THE GENERAL COUNSEL
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030

Handwritten: *Ennen*
C/S Rosmini
RECEIVED
FEB 3 / REC'D

(703) 267-1250
(703) 267-3985 fax



1 February 2010

Wilmington Housing Authority
Frederick S. Purnell, Sr., Executive Director
400 N. Walnut Street
Wilmington, Delaware 19801

Dear Mr. Purnell:

It has been brought to our attention by members of the National Rifle Association and by the Caesar Rodney Institute that the Wilmington Housing Authority imposes a lease provisions that prohibits a resident from possessing a firearm. Such a restriction is unconstitutional.

Article I, § 20 of the Delaware Constitution guarantees that "A person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use." Furthermore, the United States Supreme Court in *District of Columbia v. Heller*, 128 S. Ct. 2783, 171 L.Ed.2d 637 (2008), held that the right to keep an operable firearm in the home for self-defense is a core right guaranteed by the Second Amendment. Consequently, the court struck down a ban on the possession of handguns and a ban on the possession of operable firearms in the home.

The Housing Authority of Portland, Oregon, proposed like regulations. The Attorney General of Oregon on September 12, 1988, in Opinion No. 8196, held that a lease provision proposed by the Housing Authority of Portland, which would prohibit any resident to possess any firearm within his apartment, would violate the state constitutional guarantee to bear arms. Cf. *Doe v. Portland Housing Authority*, 656 A.2d 1200 (Maine 1995), cert. denied 133 L.Ed.2d 112 (1995). Maine's preemption statute voided public housing gun ban. Delaware has enacted a preemption statute that bars a municipal government from, among other things, banning the possession of firearms. 22 Del. Code § 111. See also Robert Dowd, *Bearing Arms in State Bills of Rights, Judicial Interpretation, and Public Housing*, 5 St. Thomas L. Rev. 203, 212 (1992).

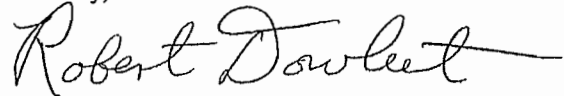
It is well-settled law that the government may not condition entitlement to a public benefit, whether gratuitous or not, upon the waiver of constitutional rights that the government could not abridge by direct action. *Lefkowitz v. Turley*, 414 U.S. 70 (1973); *Keyishian v. Board of Regents*, 385 U.S. 589, 606 (1967); *Sherbert v. Verner*, 374 U.S. 398 (1963). The government is not free to place unconstitutional prerequisites upon the securing of public housing. Eligibility for low income housing provided by a housing authority plainly is a public benefit or privilege. While the housing authority may lawfully condition eligibility on satisfaction of income criteria and other

factors designed to ensure that only eligible tenants reside in that housing, the housing authority may not require an otherwise eligible individual to surrender his rights in order to obtain low income housing.

Labeling housing as a right or a privilege is of no moment. *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972), teaches that "this Court now has rejected the concept that constitutional rights turn upon whether a governmental benefit is characterized as a 'right' or as a 'privilege'."

In summation, the ban on firearm possession adopted by the housing authority of Dover, Newark, and Wilmington is unconstitutional and should be promptly rescinded to avoid litigation.

Sincerely,

A handwritten signature in cursive script that reads "Robert Dowlut". The signature is written in black ink and has a long horizontal flourish extending to the right.

Robert Dowlut
General Counsel

cc: Mayor James M. Baker
John Sigler

REDACTED



CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

D000504

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

D000254

REDACTED



CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

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ATTENTION:
The Public Hearing Scheduled for September 16th, 2010
Has Been Rescheduled for October 14th, 2010

Wilmington Housing Authority
“Planning for the Future”

FY 2010 Annual Plan Amendment
Public Hearing Notice
RE: WHA Firearms Policy

The Wilmington Housing Authority invites residents and citizens of the City of Wilmington to attend a public hearing to discuss changes to the Public Housing Lease and Admissions and Continued Occupancy Policy to incorporate its proposed Firearms Policy. The public hearing will provide the opportunity for residents and citizens to make **FINAL** comments and suggestions regarding these proposed changes. The comments and/or suggestions resulting from this hearing will be considered prior to submission to the U.S. Department of Housing and Urban Development for approval.

A copy of this notice will be posted for a period of 45 days prior to the public hearing at the following locations:

Central Office – 400 North Walnut Street
Section 8 Office – 1400 Todds Lane
Leasing & Scattered Site Offices – 1800 N. Broom Street
Northeast Office – 1312-1314 East 24th Street
Southbridge Office – D & Buttonwood Streets
Compton Towers Office – 325 E. 5th Street
Herlihy Apartments Office – 320 East 5th Street
Crestview Apartments Office – 2700 North Market Street
Baynard Apartments Office – 309 West 18th Street

The proposed changes can be reviewed at all WHA offices and comments will be received during regular business hours. WHA will give consideration of all comments. Any comments resulting in a change will be posted for review. Additional information on the FY 2010 Annual Plan will be available at the Public Hearing at 6:00 pm on Thursday, October 14, 2010, at the Herlihy Community Room, 320 East 5th Street, Wilmington, DE 19801.

We encourage citizens to express their ideas about the plan so that we may provide the best possible services to our residents and serve to compliment the City’s overall housing efforts.

Public Hearing
Thursday, October 14, 2010, 6:00 PM
Wilmington Housing Authority
Herlihy Community Room
320 East 5th Street
Wilmington, DE 19801

D000069

The Wilmington Housing Authority is an equal opportunity agency that does not discriminate against any person because of race, color, age, religion, sex, national origin, disability, or familial status.

D000070

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EDWARD B. MAXWELL, 2ND
JOSE W. INGERSOLL

September 28, 2010

BY CERTIFIED MAIL RETURN RECEIPT REQUESTED

Robert Dowlut, Esq.
National Rifle Association
1600 Rhode Island Avenue, NW
Washington DC, 20036

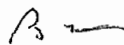
Re: Public Hearing on Wilmington Housing Authority Firearms Policy

Dear Mr. Dowlut:

You have previously communicated with Wilmington Housing Authority (“WHA”) concerning its firearms policy. I write to inform you and the National Rifle Association (“NRA”) that WHA has proposed amendments to the firearms policy contained within its standard lease. A copy of the proposed amendments is enclosed herewith for your review.

Pursuant to U.S. Department of Housing and Urban Development regulations, WHA will be holding a public hearing to gather comments and suggestions on the proposed amendments on October 14, 2010, at 6:00 p.m. WHA invites the NRA to attend the public hearing. Alternatively, the NRA may submit written comments to this office. In the absence of any communication from the NRA, WHA will interpret the NRA’s silence as approval of the amended firearms policy and a waiver of any objection.

Very truly yours,



Barry Willoughby

Enclosure

WHA Firearms Policy

Lease Modification:

(Replaces Lease Part I § IX.P.)

Ownership, possession, transportation and use of firearms is governed by the Wilmington Firearms and Weapons Policy.

Wilmington Housing Authority Firearms and Weapons Policy:

The resident, members of the resident's household, and guests, shall be obligated:

1. To comply with local, state and federal legal requirements applicable to the ownership, possession, transportation, and use of firearms or other weapons. The term "firearm" includes, but is not limited to, all pistols, revolvers, other handguns, rifles, shotguns, BB guns, air guns, spring-action guns, automatic, and semiautomatic guns, and any other instrument that expels a metallic, partly metallic, or other hard projectile.
2. To refrain from the discharge, display, or use of any firearm or other weapons on WHA property except when done in self-defense.
3. To refrain from carrying a firearm or other weapon in any common area, except where the firearm or other weapon is being transported to or from the resident's unit.
4. To have available for inspection upon request, a copy of any permit or license required by state, local, or federal law for the ownership, possession, or transportation of any firearm or other weapon before bringing such firearm or other weapon onto WHA premises.
5. When applicable, to have available for inspection upon request, a copy of the license required by the State of Delaware under 11 *Del. C.* § 1441 for carrying a concealed deadly weapon before carrying a concealed deadly weapon on WHA premises.
6. To exercise reasonable care in the storage of loaded or unloaded firearms and ammunition or other weapons to insure that they are not within the reach or easy access of a minor under the age of 18.

Violation of this Policy by any resident, member of the resident's household, or guest, shall be grounds for immediate Lease termination and eviction.



Fox Rothschild LLP
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September 30, 2010

VIA HAND DELIVERY

Barry M. Willoughby, Esquire
Young Conaway Stargatt & Taylor LLP
1000 West Street, 17th Floor
Wilmington, DE 19801

Re: *Doe v. Wilmington Housing Authority, et al.*
Del. Ch., C.A. No. 5521-CC

Dear Barry:

In reply to your letter of yesterday, I refer you to the prior explanations of our position in pleadings, e-mails and letters that provide legal support for our opposition to the proposed regulations that your client is attempting to implement. I will not repeat all the previously provided legal reasoning that supports our position. In part, our position is that your client is violating the constitutional rights of my clients, and my clients have no duty to participate in your "hearings" to discuss a change in policy, nor are my clients waiving their rights by choosing not to participate in your "hearings." Actions such as the pending suit pursuant to 42 U.S.C. § 1983 do not require that we first exhaust any administrative remedies. *See Patsy v. Board of Regents of the State of Florida*, 457 U.S. 496, 516 (1982). My clients are entitled to pursue their remedies for your client's violation of their rights without regard to their participation in the non-judicial hearing.

My clients are entitled to the fundamental rights enjoyed by other Delawareans and other Americans, and we will not permit your client to dilute those fundamental rights simply because my clients may be poor, elderly and/or members of a minority group. They deserve the same

WM1A 968851v1 09/30/10

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Fox Rothschild LLP
ATTORNEYS AT LAW

Barry M. Willoughby, Esquire
September 30, 2010
Page 2

rights as those who may be fortunate enough to live in their own homes as opposed to a home chosen as a result of the need for government assistance in the form of public housing.

Sincerely,

Francis G.X. Pileggi/mar

Francis G.X. Pileggi

FGXP/mar

REDACTED



CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

D000835

Wilmington Housing Authority

**Public Hearing: October 14
Herlihy Building - 6:00 p.m.**

“Planning for the Future”

**FY 2010 Annual Plan Amendment
Proposed Changes to the WHA Firearms Policy**

AGENDA

6:00 p.m.	Opening Remarks	Frederick S. Purnell, Sr. Executive Director
6:15	Introduction of the Panel	Karen A. Spellman Deputy Executive Director
6:15-6:30	Introduction of Proposed Changes to the WHA Firearms Policy - a provision of the Admissions and Continued Occupancy Policy and its affect on the Public Housing Lease Agreement	
6:30-7:00	Legal Update	Barry Willoughby, Esquire Young Conaway Stargatt & Taylor
7:00-7:45	Comments From the Panel:	
	<ul style="list-style-type: none">• Ami Sebastian Hauer	Executive Director Dover Housing Authority
	<ul style="list-style-type: none">• Matthew Heckles	Legislative and Policy Advisor Delaware State Housing Authority
	<ul style="list-style-type: none">• Stephanie T. Bolden	Third District City Councilwoman
7:45	Public Questions and Comments	
8:45	Closing Remarks	Frederick S. Purnell, Sr.

Note: Public Hearing is being recorded for purpose of Minutes

D000226

Wilmington Housing Authority

Public Hearing
October 14, 2010

Sign-In Sheet

Name	Address
Doris Cannon	Herlihy Apts
Diana Dorr	Compton Towers
Shirley A. Kaulstad	Heelby Apts
Howard Carter	Herlihy Apts
Verdi Mae Brinson	
Gette [unclear]	
Keisha Watson	
Dorothy Walker	
Edna Davis	Compton Towers
Larry Jones	Compton Towers
Beatrice Mills	
Antoinette I. Bhattin	Compton Towers
Tami Rose	Compton Towers
Egyptine Walker	Heelby
Mark L. Lim	Herlihy
Shirley Houston	Herlihy
Richard White	Compton T
Theresa Freeman	Herlihy

D000075

Wilmington Housing Authority

Public Hearing
October 14, 2010

Sign-In Sheet

Name	Address
Christine Arnold	WHA
Kevin Amore	Henry
Ma. Rohai Blaud	
Monroe Pugh	
Greg Jones	Henry
Charlotte Baise	apt 214
Bernice Langford	apt # 211
JAMES GARNETT	APT. 603
Mitza Nogueira	216
Ryan Turk	WHA
Araceli Jackson	apt. 401
Rosa Malin	apt 2108
Barbara Jackson	715
Cyelyn Williams	810
Larrazu Clever	314
Marcus Henry	WHA
Jayanne Wiggins	910
Frank P. 00	WHA

D000076

Wilmington Housing Authority

Public Hearing
October 14, 2010

Sign-In Sheet

Name	Address
Benny Winogh	Yours Care
Jane Bemer	W.H.A.
Karen Spellman	WHA
Sandi Rosmini	WHA
Doris Kelley	504
Joyce J. Baxter	711
Gloria Lloyd	416
Blen E. Hudson	313
Rachelle Dims	402
Le Roy Coleman	402
Edith Butler	903
Matthew Heckles	DC. state Housing Authority
Bernadette Kenston	WHA Grand
Effie Whiting	506
WALTER MILLER	305
Isse Johnson	409
Janie A. Ross	Southridge

REDACTED



REDACTED



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D000732

REDACTED



CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

D000733

RESOLUTION NO. 10-25

**RESOLUTION ADOPTING THE WILMINGTON HOUSING AUTHORITY
FIREARMS AND WEAPONS POLICY**

WHEREAS, on June 28, 2010, the Supreme Court of the United States issued its decision in *McDonald v. City of Chicago*, which held the Second Amendment to the United States Constitution applicable to the States; and

WHEREAS, the Board of Commissioners determined that the Court's decision in *McDonald* raised questions about the permissibility of the firearms policy previously contained within the WHA public housing lease; and

WHEREAS, WHA created a proposed firearms and weapons policy in response to the Court's decision in *McDonald*, and after proper notice, held a public hearing on October 14, 2010, to elicit comment regarding the proposed policy; and

WHEREAS, after careful consideration of legal precedent, similar policies adopted by other housing authorities throughout the country, and public comments offered during the October 14, 2010 public hearing, WHA created the Wilmington Housing Authority Firearms and Weapons Policy;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Wilmington Housing Authority that the Wilmington Housing Authority Firearms and Weapons Policy is adopted; and

BE IT FURTHER RESOLVED that this amendment shall take effect immediately.

ADOPTED: October 25, 2010

Synopsis of Resolution 10-25

On June 28, 2010, the Supreme Court issued a decision entitled *McDonald v. City of Chicago*. That decision holds that the Second Amendment to the United States Constitution is applicable to State and local governments. As a result, questions were raised about the permissibility of the ban on the use and possession of firearms imposed by WHA's public housing lease.

In response, WHA drafted and distributed for public comment a new firearms and weapons policy. A public hearing was held to discuss that policy on October 14, 2010. The policy adopted by this resolution, known as the Wilmington Housing Authority Firearms and Weapons Policy, is a result of careful consideration of the law, policies adopted by other housing authorities throughout the country, and the public comments offered at the October 14 public hearing.

WHA Firearms and Weapons Policy

Lease Modification (Replaces Lease Part I § IX.P.):

Ownership, possession, transportation, display, and use of firearms and weapons is governed by the Wilmington Housing Authority Firearms and Weapons Policy which is incorporated into and made a part of this lease.

Wilmington Housing Authority Firearms and Weapons Policy:

WHA recognizes the importance of protecting its residents' health, welfare, and safety, while simultaneously protecting the rights of its residents to keep and bear arms as established by the federal and state constitutions. WHA therefore adopts the following Firearms and Weapons Policy. Residents, members of a resident's household, and guests:

1. Shall comply with all local, state, and federal legal requirements applicable to the ownership, possession, transportation, and use of firearms or other weapons. The term "firearm" includes any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable, loaded or unloaded, and any weapon or destructive device as defined by law.
2. Shall not discharge or use any firearm or other weapons on WHA property except when done in self-defense.
3. Shall not display or carry a firearm or other weapon in any common area, except where the firearm or other weapon is being transported to or from the resident's unit, or is being used in self-defense.
4. Shall have available for inspection a copy of any permit, license, or other documentation required by state, local, or federal law for the ownership, possession, or transportation of any firearm or other weapon, including a license to carry a concealed weapon as required by 11 *Del. C.* § 1441, upon request, when there is reasonable cause to believe that the law or this Policy has been violated.
5. Shall exercise reasonable care in the storage of loaded or unloaded firearms and ammunition, or other weapons.
6. Shall not allow a minor under 16 years of age to have possession of a firearm, B.B. gun, air gun, or spear gun unless under the direct supervision of an adult.
7. Shall not give or otherwise transfer to a minor under 18 years of age a firearm or ammunition for a firearm, unless the person is that child's parent or guardian, or unless the person first receives the permission of the minor's parent or guardian.

Violation of this Policy by any resident or member of the resident's household shall be grounds for immediate Lease termination and eviction. In addition, a resident or member of the resident's household who knowingly permits a guest to violate this Policy shall be subject to immediate Lease termination and eviction.

D000150

RESOLUTION NO. 10-03

**RESOLUTION ADOPTING THE PARK VIEW
HOUSE RULES AMENDED RULE 24**

WHEREAS, on June 28, 2010, the Supreme Court of the United States issued its decision in *McDonald v. City of Chicago*, which held the Second Amendment to the United States Constitution applicable to the States; and

WHEREAS, the Board of Directors of the Wilmington Revitalization Corporation determined that the Court's decision in *McDonald* raised questions about the permissibility of the firearms policy previously contained within the Park View House Rules, at Rule 24; and

WHEREAS, after careful consideration of legal precedent and similar policies adopted by public housing authorities throughout the country, the Wilmington Revitalization Corporation created the Amended Rule 24;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Wilmington Revitalization Corporation that the Park View House Rules Amended Rule 24 is adopted; and

BE IT FURTHER RESOLVED that this amendment shall take effect immediately.

ADOPTED: 12/15/10 

The Park View House Rules
Amended Rule 24

Amended Rule 24:

The owners and managers of the Park View recognize the importance of protecting the health, welfare, and safety of all Park View tenants, while simultaneously protecting the rights of its tenants to keep and bear arms as established by the federal and state constitutions. The owners and managers therefore adopt the following Amended Rule 24. Tenants, members of a tenant's household, and guests:

1. Shall comply with all local, state, and federal legal requirements applicable to the ownership, possession, transportation, and use of firearms or other weapons. The term "firearm" includes any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable, loaded or unloaded, and any weapon or destructive device as defined by law.
2. Shall not discharge or use any firearm or other weapons on Park View property except when done in self-defense.
3. Shall not display or carry a firearm or other weapon in any common area, except where the firearm or other weapon is being transported to or from the tenant's unit, or is being used in self-defense.
4. Shall have available for inspection a copy of any permit, license, or other documentation required by state, local, or federal law for the ownership, possession, or transportation of any firearm or other weapon, including a license to carry a concealed weapon as required by 11 *Del. C.* § 1441, upon request, when there is reasonable cause to believe that the law or this Policy has been violated.
5. Shall exercise reasonable care in the storage of loaded or unloaded firearms and ammunition, or other weapons.
6. Shall not allow a minor under 16 years of age to have possession of a firearm, B.B. gun, air gun, or spear gun unless under the direct supervision of an adult.
7. Shall not give or otherwise transfer to a minor under 18 years of age a firearm or ammunition for a firearm, unless the person is that child's parent or guardian, or unless the person first receives the permission of the minor's parent or guardian.

Violation of this Rule by any tenant or member of the tenant's household shall be grounds for immediate Lease termination and eviction. In addition, a tenant or member of the tenant's household who knowingly permits a guest to violate this Policy shall be subject to immediate Lease termination and eviction.

D000153



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In the Matter Of:

Doe and Boone

v.

Wilmington Housing Authority and Purnell

C.A. # 10-473-LPS

Transcript of:

Boone, Charles (1_19_2011)

January 19, 2011

Wilcox and Fetzer, Ltd.
Phone: 302-655-0477
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Doe and Boone v. Wilmington Housing Authority and Purnell

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WILCOX & FETZER LTD.

CONFIDENTIAL
Outside Attorneys' Eyes Only

In the Matter Of:

Doe and Boone

v.

Wilmington Housing Authority and Purnell

C.A. # 10-473-LPS

Transcript of:

Jane Doe (1_19_2011)

January 19, 2011

Wilcox _ Fetzer, Ltd.
Phone: 302-655-0477
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Email: depos@wilfet.com
Internet: www.wilfet.com

Doe and Boone v. Wilmington Housing Authority and Purnell
Doe - ATTORNEYS' EYES ONLY

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Doe and Boone v. Wilmington Housing Authority and Purnell
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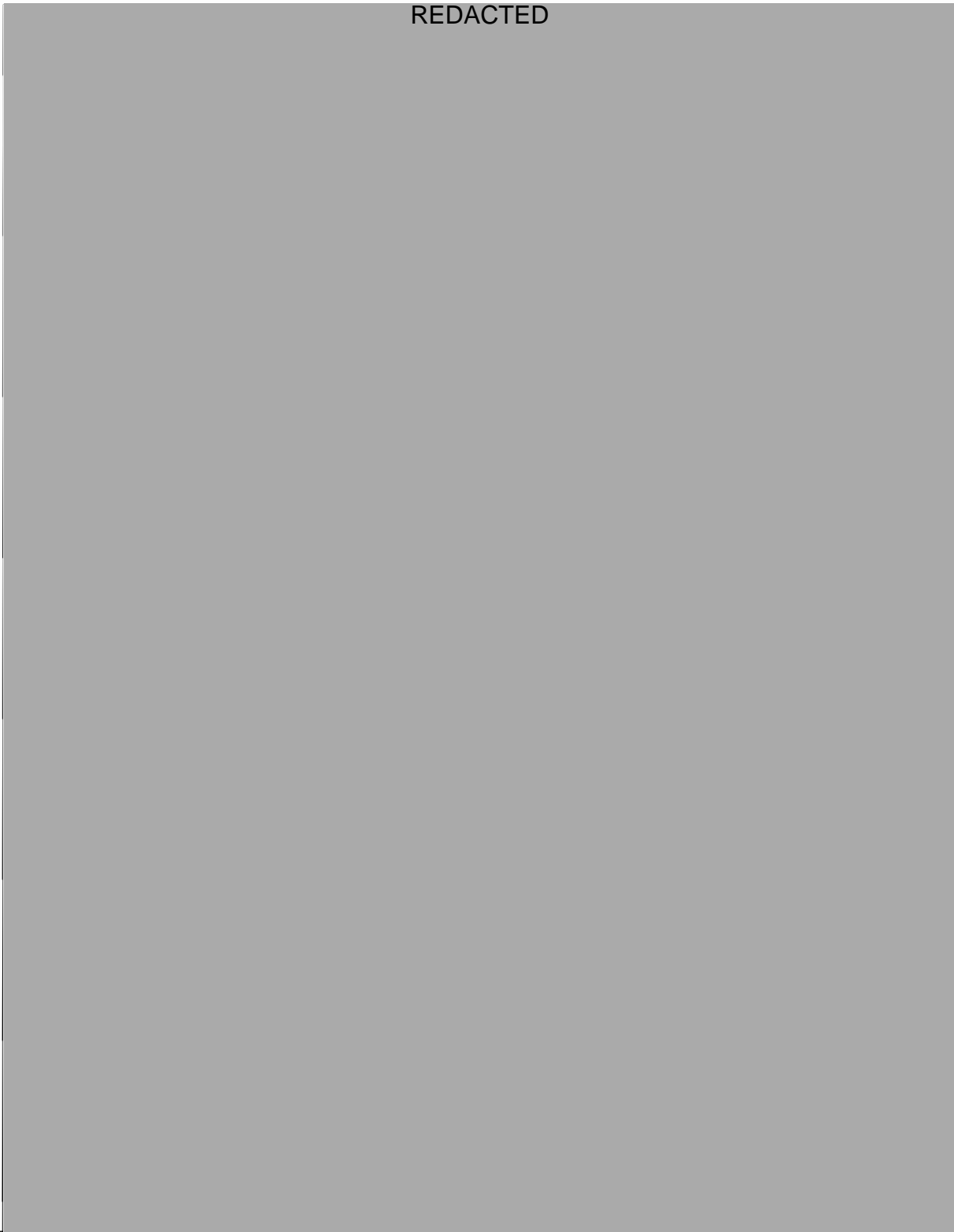
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Doe and Boone v. Wilmington Housing Authority and Purnell
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Doe and Boone v. Wilmington Housing Authority and Purnell
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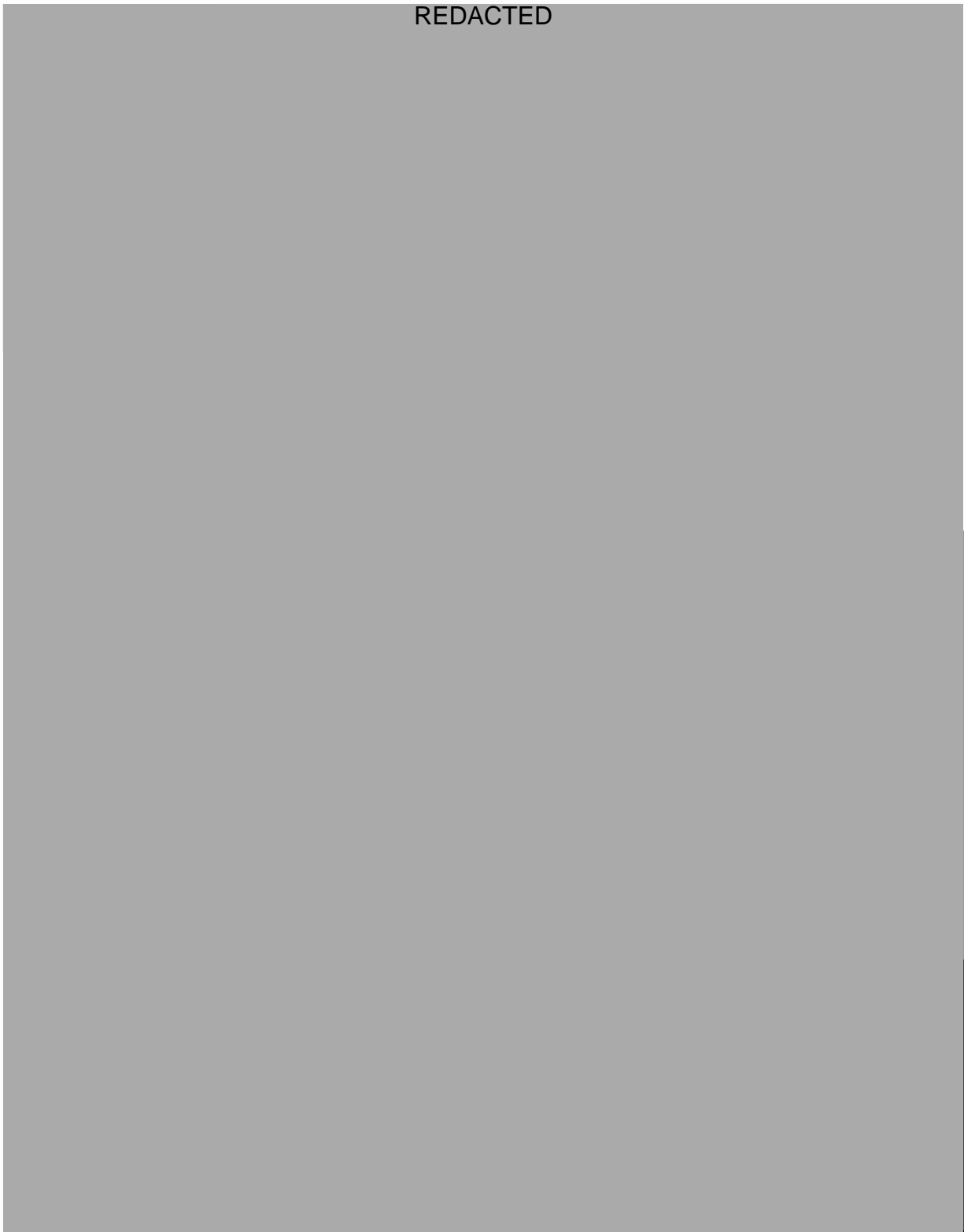
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Doe and Boone v. Wilmington Housing Authority and Purnell
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Doe and Boone v. Wilmington Housing Authority and Purnell
Doe - ATTORNEYS' EYES ONLY

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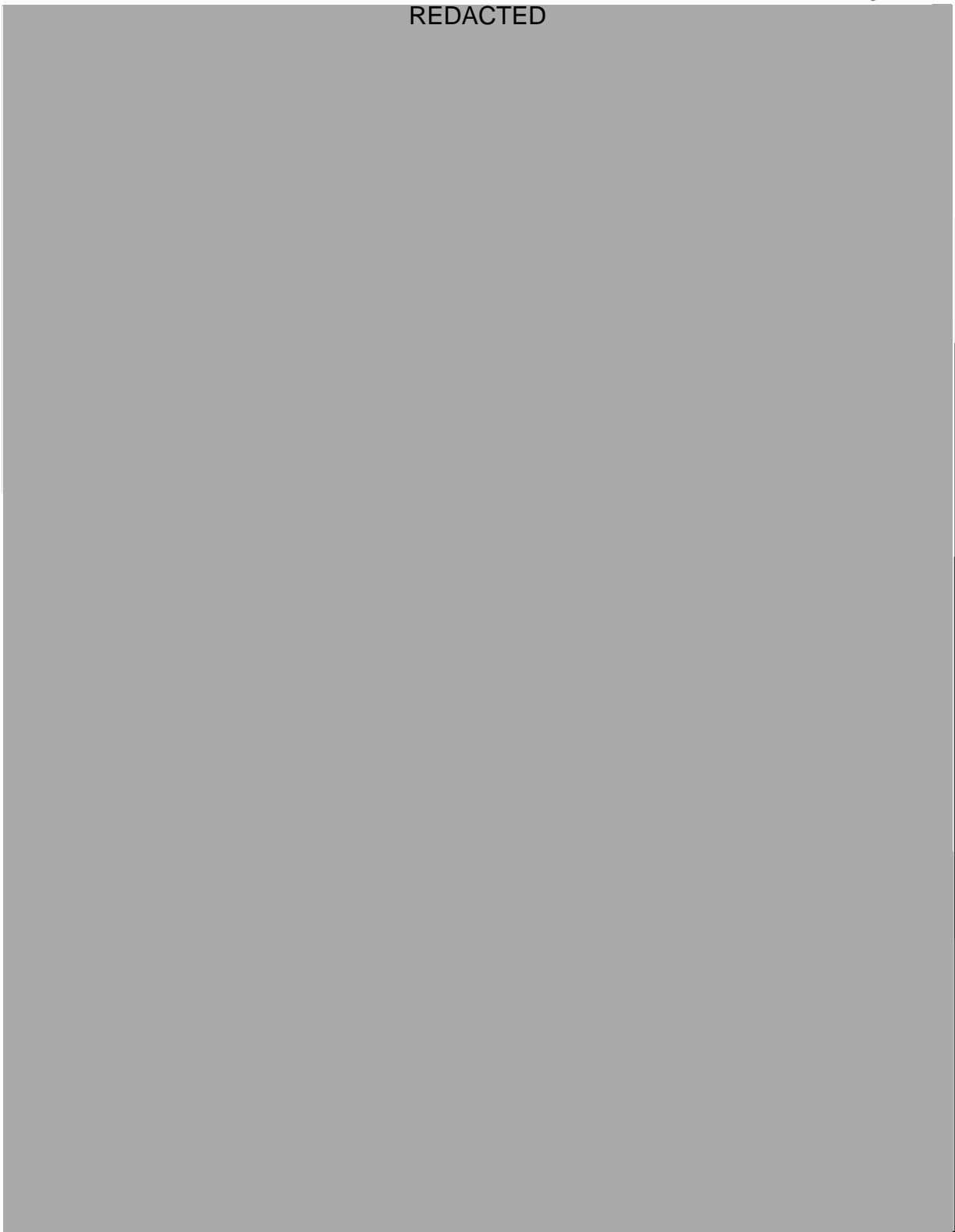
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In the Matter Of:

Doe and Boone

v.

Wilmington Housing Authority and Purnell

C.A. # 1:10-CV-00473 LPS

Transcript of:

Langdon, Geoff (1_27_2011)

January 27, 2011

Wilcox and Fetzer, Ltd.
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Doe and Boone v. Wilmington Housing Authority and Purnell
Geoff Langdon

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Doe and Boone v. Wilmington Housing Authority and Purnell
Geoff Langdon

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Doe and Boone v. Wilmington Housing Authority and Purnell
Geoff Langdon

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Doe and Boone v. Wilmington Housing Authority and Purnell
Geoff Langdon

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Doe and Boone v. Wilmington Housing Authority and Purnell
Geoff Langdon

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In the Matter Of:

Doe and Boone

v.

Wilmington Housing Authority and Purnell

C.A. # 1:10-CV-00473 LPS

Transcript of:

Majeski, Nicole (2_1_2011)

February 1, 2011

Wilcox and Fetzer, Ltd.
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Doe and Boone v. Wilmington Housing Authority and Purnell
Nicole Majeski

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Doe and Boone v. Wilmington Housing Authority and Purnell
Nicole Majeski

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Doe and Boone v. Wilmington Housing Authority and Purnell
Nicole Majeski

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Doe and Boone v. Wilmington Housing Authority and Purnell
Nicole Majeski

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Doe and Boone v. Wilmington Housing Authority and Purnell
Nicole Majeski

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Doe and Boone v. Wilmington Housing Authority and Purnell
Nicole Majeski

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Doe and Boone v. Wilmington Housing Authority and Purnell
Nicole Majeski

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In the Matter Of:

Doe and Boone

v.

Wilmington Housing Authority and Purnell

C.A. # 1:10-CV-00473 LPS

Transcript of:

Mell, III, Donald (1_25_2011)

January 25, 2011

Wilcox and Fetzer, Ltd.
Phone: 302-655-0477
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Email: depos@wilfet.com
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Doe and Boone v. Wilmington Housing Authority and Purnell
Donald Mell, III

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Doe and Boone v. Wilmington Housing Authority and Purnell
Donald Mell, III

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Doe and Boone v. Wilmington Housing Authority and Purnell
Donald Mell, III

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Doe and Boone v. Wilmington Housing Authority and Purnell
Donald Mell, III

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Doe and Boone v. Wilmington Housing Authority and Purnell
Donald Mell, III

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Doe and Boone v. Wilmington Housing Authority and Purnell
Donald Mell, III

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Doe and Boone v. Wilmington Housing Authority and Purnell
Donald Mell, III

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Doe and Boone v. Wilmington Housing Authority and Purnell
Donald Mell, III

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Doe and Boone v. Wilmington Housing Authority and Purnell
Donald Mell, III

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WILCOX & FETZER LTD.

In The Matter Of:

Wilmington Housing Authority

Public Hearing

October 14, 2010

Wilcox _ Fetzer, Ltd.
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1 Miss Spellman will introduce everyone who is. As
2 you see, we have a court reporter and
3 stenographer. And this is a meeting that will be
4 officially on the record in relationship to a
5 court action that we are dealing with in which
6 Mr. Willoughby will talk about a little later.

7 I'd just like to say good evening.
8 Thank you all for coming tonight to share your
9 comments regarding the proposed WHA firearms
10 policy. This is an issue of particular
11 importance to the Wilmington Housing Authority
12 because of the impact it has upon the health,
13 safety of our residents.

14 WHA's first and foremost concern is
15 providing a safe and secure environment for
16 individuals who reside in the public housing
17 units. In an effort to achieve that goal, WHA
18 has traditionally limited the possession of
19 firearms by its residents. However, recent
20 changes in the law have caused WHA to reexamine
21 its firearms policy.

22 After careful consideration,
23 examination of the law and review of policies
24 imposed by other housing authorities, WHA arrived

1 public hearing notice. Now, as you are aware and
2 I think as Mr. Purnell already said, we are
3 required by law to have a public hearing for any
4 change in our policies of this type. So that
5 notice is Exhibit 2. Exhibit 3 is the policy
6 that Miss Spellman just read. And Exhibit 4 is a
7 letter that we received from the National
8 Association of Housing and Redevelopment
9 Officials. That will be read into the record at
10 a later time. But this is a national
11 organization out of Washington D.C. that
12 represents a number of housing authorities. And
13 although they could not be here tonight, they did
14 submit a statement that they have asked us to
15 read into the record.

16 So with that, I think we are prepared
17 for, first, an overview by Miss Spellman of the
18 various housing facilities that WHA operates with
19 particular emphasis on the kinds of security and
20 other issues that are relevant to tonight such as
21 the type of community rooms. Because as I
22 understand it, they have daycare facilities and
23 such that are in the facility. So I will let
24 Miss Spellman address that.

1 MS. SPELLMAN: Just to give you an
2 overview of our housing developments, Wilmington
3 Housing Authority owns and operates a total of
4 1,817 low income public housing units. And those
5 units are distributed between 11 different site
6 locations. I will start with our high-rise
7 buildings. We have community rooms with pool
8 tables, wide screen TV's in all of our community
9 rooms. Herlihy and Baynard have libraries for
10 resident use. Crestview and Baynard computer
11 labs also for resident use. We have active
12 resident councils in all of our locations as most
13 of you know with the exception of Crestview
14 because Crestview was just repopulated and they
15 are in the process of organizing a resident
16 council at that location.

17 The roving guards respond to all
18 emergency calls and after-hour calls at the
19 high-rises. At our family developments, the
20 police respond to calls at those locations.

21 Herlihy is the building that we are
22 now in. It's 126 one-bedroom units. We have a
23 total of 31 cameras throughout the building,
24 including outside, inside and on the floors. We

1 have security through International Security that
2 provide eight hours of security nightly at this
3 location. Compton is 180 units of zero, one and
4 two-bedroom units. And we have a total of 48
5 cameras throughout Compton. And we have 24-hour
6 around the clock security door monitoring at
7 Compton. Crestview is 149 units, bedroom
8 distribution the same as Compton, zero, ones and
9 twos. We have a total of 70 cameras there. And
10 we also have around the clock security at
11 Crestview. Baynard is 100 units, zeros and ones.
12 We have 11 security cameras and we have 5 hours
13 of nightly guard service.

14 And then we have our mid-rise
15 buildings. We have onsite daycare at Evans
16 House. And we are in the process of revitalizing
17 Kennedy. We are depopulating Kennedy right now.
18 And we just have a couple residents yet still to
19 relocate. And we are preparing that building for
20 some renovations. Asbury Gardens is 24 units of
21 two and three-bedroom, 8 cameras there. The
22 rover is responsible for the security at that
23 location. Kennedy is 24 units also. And it's
24 all three-bedroom units, 12 security cameras and

1 they are also covered by the rover. Evans House
2 is 18 three-bedroom units, 8 cameras and rover
3 coverage. 1802 West Street is 13 units of zero
4 and ones, 10 security cameras and 6 hours of
5 nightly door monitoring service.

6 Our family development is
7 Southbridge. And onsite at Southbridge we do
8 have the Southbridge Youth Academy. And we have
9 daycare that is located at Southbridge. We are
10 in the process of undertaking a revitalization
11 effort there. Correct if I'm wrong. Is it \$3.3
12 million Green Energy Grant?

13 A VOICE: 3.6.

14 MS. SPELLMAN: \$3.6 million Green
15 Energy Grant. And that is for new appliances,
16 windows, new roofing and central air and heating
17 systems. Southbridge has one, two, three and
18 four bedrooms. It consists of 180 units.
19 Northeast is one, two, three and four. And it
20 has 388 units. And we have our scattered sites.
21 And they go up from one to five bedrooms. And we
22 have a total of 283 scattered site units. That
23 is our public housing. WHA also has some tax
24 credit things. But the housing that is affected

1 24-hour security and us being able to bear arms?
2 Are the security now going to become armed in the
3 building or are we going to end up doing away
4 with security in our building because now we can
5 be armed ourselves and we don't need them?

6 Because you are able to security
7 yourself, they are placed down there to protect
8 us and for us to be safe. They monitor who comes
9 in, who goes out. So if they are doing all that,
10 if you are dealing with somebody that's crazy,
11 you are kind of putting your own self into
12 jeopardy. Because if they are watching who comes
13 in and who comes out and they are watching the
14 cameras, I'm pretty much sure nobody is just
15 going to knock on your door and just try to come
16 and do something crazy to you. It's something
17 you already have some involvement with them or
18 some other underhanded stuff on your own personal
19 thing or whatever. So that's my question.

20 MR. IZQUIERDO: Can I comment on
21 that? Aflred Izquierdo, Izzy, International
22 Security, LLC. Next Thursday we are going to
23 have a meeting at 2:00 for Compton and Herlihy
24 residents. In that meeting, we are going to

1 posted it. Mr. Willoughby mentioned that we will
2 be having a WHA board meeting on the 25th, which
3 is the last Monday of this month. We will be
4 taking any comments we have, comments from the
5 record, making any changes to the proposed
6 policy. But it is our intention to try and get
7 this policy implemented so that we will at least
8 be on the right side of the law. And, again, we
9 do have to go back to court in the same time
10 frame.

11 Barry, anything else we need to know?

12 MR. WILLOUGHBY: No. You are
13 correct. You want to make your comments as soon
14 as possible. Because the board is going to have
15 to make a decision very quickly and make a final
16 decision by October 25th, which is the next board
17 meeting. I did want to point out, as I think
18 Mr. Purnell had mentioned, we did invite various
19 people to be here. We also invited the National
20 Rifle Association to either submit written
21 comments or appear. And to my knowledge, they
22 have done neither act. So we have asked for
23 their opinion as well and have not received
24 anything from them in response to that. But I



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In the Matter Of:

Doe and Boone

v.

Wilmington Housing Authority and Purnell

C.A. # 1:10-CV-00473 LPS

Transcript of:

Purnell, Sr., Frederick S. (1_24_2011)

January 24, 2011

Wilcox and Fetzer, Ltd.
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Doe and Boone v. Wilmington Housing Authority and Purnell

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In the Matter Of:

Doe and Boone

v.

Wilmington Housing Authority and Purnell

C.A. # 1:10-CV-00473 LPS

Transcript of:

Spellman, Karen (1_31_2011)

January 31, 2011

Wilcox and Fetzer, Ltd.
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Doe and Boone v. Wilmington Housing Authority and Purnell
Karen Spellman

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Doe and Boone v. Wilmington Housing Authority and Purnell
Karen Spellman

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In the Matter Of:

Doe and Boone

V.

Wilmington Housing Authority and Purnell

C.A. # 1:10-CV-00473 LPS

Transcript of:

Winston, Bernadette (1_25_2011)

January 25, 2011

Wilcox and Fetzer, Ltd.
Phone: 302-655-0477
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Doe and Boone v. Wilmington Housing Authority and Purnell
Bernadette Winston

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Doe and Boone v. Wilmington Housing Authority and Purnell
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