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## Cuddy: SMOC seeks 'respectful dialogue' with Framingham

 By **Jim Cuddy**, Guest columnist

**GHS**

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SMOC enjoyed a 40-year history of working cooperatively with Framingham officials until sometime in 2005 when the town, together with a small but influential group of individuals, undertook a series of official actions to discourage the siting of programs for disabled people. We firmly believe these actions violated state and federal law and undermined the long term safety and stability of the community.

Prior to 2005 community leaders understood the connection between supportive housing, delivery of comprehensive social services and our joint obligation to end substance abuse and homelessness. We do not understand why the Town developed these new discriminatory tactics against people who wished to reside in programs designed to reduce homelessness and help families and individuals achieve economic self-sufficiency, particularly at a time when the cooperative partnership model was beginning to show long term success.

In response to these discriminatory tactics, the Board of Directors of SMOC voted unanimously to file a comprehensive lawsuit in federal court in October of 2007. We did so with great reluctance and only after multiple efforts to engage the Town in constructive dialogue. For decades we had enjoyed an excellent relationship with the town. We were disheartened when some in the town became intent on blocking housing opportunities for disadvantaged individuals and families. We watched with great sadness as the long held understanding of SMOC's role in strengthening the community was replaced by an unfair sense that social service agencies were destroying the community. It was distressing to see some town leaders take the lead in directing this negative mindshift.

While we worked diligently to respond to the usual questions and requirements that accompany siting proposals, it became clear to us that some town leaders had embarked upon a strategy to discourage housing opportunities for disabled people by imposing costly delays and orchestrating vigorous opposition to new programs. For example, the Sage House Family Program was subjected to many delays, including seven Planning Board public hearings that delayed our move to Winter Street for two years and cost us more than a million dollars in additional project costs. This was despite both the Attorney General and town counsel advising the Planning Board that their jurisdiction was limited to parking concerns. The town then began to engage in these same tactics when we proposed the siting of veterans' housing on Lincoln St. and began an aggressive campaign to question the operation of our sober housing network both in Framingham and in other communities.

After many months of costly litigation Federal District Court Judge Douglas Woodlock issued a written 60-page decision on the defendants' initial motions to dismiss SMOC's lawsuit on September 30. The fact that we are even before a federal judge rather than working jointly to face the same community issues we have collaborated on for 40 years makes it impossible for either side to legitimately claim any victory from this early decision. But let us be clear about the meaning of Judge Woodlock's decision.

Judge Woodlock rejected defendants' claims that SMOC's lawsuit was a SLAPP suit brought against individuals to deter them from exercising their political or free speech rights. More significantly, the fundamental claims in our case under the Fair Housing Act, the Americans with Disabilities Act and the Federal Rehabilitation Act will proceed, as will the defamation claims against individual defendants. Significantly, the Fair Housing Act claim will proceed not only against the Town of Framingham, but also against 12 of the 13 named defendants in the case. Julian Suso, the Town Manager, was the only defendant dismissed from the case. Further, like the town, each of the 12 individual defendants faces potential personal liability under the Fair Housing Act, which provides for many forms of potential relief.

Relative to the Fair Housing Act violation, Judge Woodlock wrote the following: "I find that the Plaintiffs have made sufficient factual allegations against Orr, Laurora, Lee, Smith and Adams to provide a plausible showing of a pervasive pattern of harassment that could be viewed as coercive or intimidating."

With respect to the defamation claims, Judge Woodlock wrote: "Because I find that a reasonable reader could conclude that the Defendants' statements conveyed a defamatory meaning, and because these involved either assertions of fact or statements of mixed fact and opinion, I deny the Defendants' motion to dismiss the state law claims of defamation against Adams, Esty, Giombetti, Laurora and Orr."

So, what does all of this mean? It means that unless people of good will on both sides of this case can find a way to initiate respectful dialogue at a time of grave economic crises, the judicial system gets to decide whether the Defendants will be held accountable under the laws that prohibit discrimination against disabled people. It means that all parties can continue to spend large sums of money that would be better used to provide emergency shelter from a cold winter, or to pay for municipal services in a time of certain budget cuts.

Our system of justice promotes and protects the rights of people to be free from housing discrimination by providing the opportunity to redress wrongs in the court system. Discrimination is discrimination and it is illegal. The Court will decide whether the allegations made by SMOC rise to the level of being unlawful discrimination. But the courts were and remain SMOC's forum of last resort. We have always preferred respectful dialogue with our

community partners and would welcome it going forward. Further, SMOC has little interest in seeing the economic penalties exacted against the Town of Framingham or individual residents for Fair Housing violations that other municipalities have suffered in similar cases across the country. What SMOC wants is the non-discriminatory treatment its clients are entitled to under the law.

The mission of the South Middlesex Opportunity Council is to work with individuals, families and with the community at large to provide nurturing and supportive services to help people become successful, productive members of the community. The current economic climate makes this mission more urgent than ever. We look forward to a just resolution of this matter for all residents of Framingham and we are committed to doing so preferably through negotiation, but ultimately through the courts if necessary.

We also look forward to the day when we can return to our past practice of working closely with the Town of Framingham to meet the basic human needs of our residents.

*Jim Cuddy is executive director of the South Middlesex Opportunity Council (SMOC). SMOC's board of directors has expressly approved this article.*

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