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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Alison Renee Lee, Circuit Court Judge

Appellate Case No. 2018-002155

The Housing Authority of the
City of Charleston,

RECEIVED
MAY 31 2019
SC Court of Appeals

Respondent,

v.

Katrina Brown,

Appellant.

MOTION FOR ORAL ARGUMENT

For the reasons that follow, Appellant hereby moves that this case be set for oral argument at the Court's convenience.

This case presents several questions of law which are novel in South Carolina and which are of particular import not only to Appellant, but to numerous low-income families, who face the potential loss of affordable housing under similar circumstances every year. These questions are also likely important to housing authorities who are charged with administering affordable housing programs under the statutes and regulations at issue in this case. In addition, South Carolina faces both an eviction crisis and an affordable housing shortage and the

issues presented in this case touch on both.

In 2017, over 140,000 eviction cases were filed in South Carolina.¹ This case originates in Charleston, South Carolina, a city which, according to the Eviction Lab at Princeton University, ranks 32nd out of 100 large American cities in terms of the number of renter households evicted in 2016.² The Eviction Lab found that North Charleston, the boundaries of which are within a few miles of Appellant's home, had the highest eviction rate among large American cities in 2016 when 16.5% of renter households were evicted that year, a rate more than three and one-half times that of the 50th ranked city. Columbia ranks 8th on that list. South Carolina in general, and the Charleston area in particular, face an eviction epidemic.

The consequences of eviction are severe for low-income families like Appellant's and like all families who live in public housing. In 2018, for every 100 extremely low-income families, there were only 45 housing units that were both affordable and available to them in South Carolina and over 70% of such families were considered extremely cost-burdened, spending more than 50% of their income on rent and utilities.³ Thus, when a low-income family is evicted – and particularly when they are evicted from subsidized housing – the prospect of finding affordable housing is dim.

¹ Data provided by S.C. Court Administration in response to Bulk Records Request (on file with author).

² Eviction Lab, <https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&l=0> (last visited May 2, 2019).

³ Aurand, Andrew, et. al., National Low Income Housing Coalition, *The GAP: A Shortage of Affordable Homes*, Appx. A, (March 2018), <https://reports.nlihc.org/gap>.

It is in this context of an eviction epidemic and an affordable housing shortage that the instant case presents this Court with questions concerning the circumstances under which a low-income family may be evicted from a federally-subsidized public housing complex. These questions are both novel and complex, and their answers are important not only to the parties, but to low-income families and housing authorities across South Carolina. These questions include:

1. Whether the United States Supreme Court's decision in U.S. Dep't of Hous. & Urban Dev. v. Rucker, 535 U.S. 125 (2002) controls a case which does not involve drug-related criminal activity.
2. Whether a housing authority must prove that non-drug-related criminal activity by one household member creates, or ever created, a threat to other residents or those living in the immediate vicinity before it has the authority to evict both offending and non-offending household members.
3. The meaning of "immediate vicinity" in the context of the statute and regulation authorizing housing authorities to evict for non-drug-related criminal activity.

While a few other states have addressed these questions, there are no reported decisions in South Carolina which do so.

In addition, Appellant contends that the Circuit Court's erroneous answer to the first question led the Magistrate to reverse her initial decision in Appellant's favor. That error set this case on its present course and must be corrected. Appellant contends that setting this case for oral argument is the best way to ensure

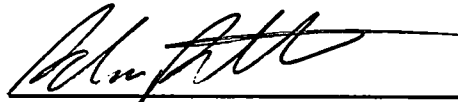
that these important questions are answered correctly.

THEREFORE, Appellant respectfully requests that this matter be set for oral argument at the Court's convenience.

WE SO MOVE:

May 31, 2019

SOUTH CAROLINA APPLESEED
LEGAL JUSTICE CENTER



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PROOF OF SERVICE

I certify that I have served the Motion for Oral Argument on the Housing Authority of the City of Charleston by depositing a copy of it in the United States Mail, postage prepaid, on the date below addressed to its attorney of record, Theodore Parker, III, Esq. at Parker Nelson & Associates, CHTD. 211 King Street, Suite 107 Charleston, SC 29401.

May 31, 2019

SOUTH CAROLINA APPLESEED LEGAL
JUSTICE CENTER


By: Adam Protheroe, S.C. Bar No. 78442
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May 31, 2019

Via Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

**RE: The Housing Authority of the City of Charleston v. Katrina Brown
Appellate Case No. 2018-002155**

Dear Ms. Kitchings:

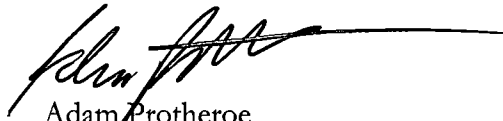
Please find enclosed for filing the original and six copies of the following:

- Motion for Oral Argument

Please file the original and return a clocked copy to me. Feel free to contact me if you have any questions.

With kind regards, I am

Sincerely,



Adam Protheroe
Matthew M. Billingsley
Attorneys for Appellant

AP/
CC (first class mail):

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