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## **MEDIA RELEASE**

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### **Lake County Housing Authority**

#### **Stopped from Cutting Off Housing Assistance to Elderly Sisters**

A U.S. District Court judge Monday afternoon issued a temporary retaining order prohibiting the Lake County Housing Authority from terminating housing assistance it was providing to two elder sisters, one of whom is mentally disabled and unable to care for herself.

U.S. District Court Judge Wayne Andersen ruled on a motion filed by the Fair Housing Legal Clinic at The John Marshall Law School which represented the sisters. The case is set for a hearing on Wednesday, Feb. 11, 2009 before U.S. District Judge Samuel Der-Yeghiayan who will consider whether to extend the temporary restraining order, set a preliminary hearing or take other action.

The students and staff at the clinic will continue to handle the case for Pia and Giovanna Bernardi of Grayslake, Ill. The clinic is partially-funded by the U.S. Department of Housing and Urban Development (HUD).

The Lake County Housing Authority argued that Giovanna, 59, who cares for her disabled sister, Pia, 64, was not entitled to the benefits of a "Section 8" rent subsidy. The housing authority argued Giovanna lived in the apartment as a relative and not as a caregiver and therefore had notified the sisters that their rent assistance would terminate on Jan. 31, 2009. Giovanna has been the caretaker for Pia since the death of their father in 1981 and became Pia's legal guardian in 1991. Pia was left mentally disabled when, as a three-year-old living in Italy, she received improper medical treatment.

The sisters live in Lake County with the assistance of the "Section 8" housing voucher program. Pia is unable to live alone. Without her sister and the housing voucher benefit, Pia will likely have to be institutionalized.

The John Marshall Law School Fair Housing Legal Clinic lawyers pointed to a specific HUD regulation that allowed for Giovanna to serve as a live-in aide without disclosing her sporadic and meager income. The regulation also prohibited the housing authority from taking any of Giovanna's income as rent.

On Friday, the housing authority told the judge that Pia could stay if Giovanna moved out because she had failed to disclose her income from part-time jobs. Giovanna stated in her affidavit that when asked about income she voluntarily disclosed her part-time job and income to the housing authority. The housing authority failed to point out to the Judge any specific law or regulation that supported their position.

In his ruling, Andersen told the parties, “ I am concerned as a citizen in a regulation that would seem to make [it] more difficult for families to stay together....we have seen what happened in the Public Aid venue when fathers and mothers and children were divided up. It has resulted in generations now of children who didn't have a chance, which I don't think was right. And I am concerned that the interpretation that the (Lake County) Housing Authority puts on this...is one that deters family members who have genuine needs from taking care of each other...that doesn't make sense to me.”

The John Marshall Law School Fair Housing Legal Clinic entered the case on Friday, Jan. 30, when it filed the lawsuit and an emergency motion. The sisters were facing termination of benefits the following day. Andersen considered the 40 plus-page motion over the weekend and called the parties to court Monday, Feb. 2.

The Bernardi sisters seek to remain in their apartment while their case against the Lake County Housing Authority proceeds.

“With the nation, and Chicago in particular, facing an enormous housing crisis, we need to do all we can to protect the housing rights of our citizens,” said Allison Bethel, director of The John Marshall Law School Fair Housing Legal Clinic.

For more information on this case or other work of the clinic, contact Bethel at 312-427-2737, extension. 641.

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