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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3 Northern Division

4 CARMEN THOMPSON, et al. *
5 Plaintiffs *

6 vs. * Civil Action Number

7 U.S. DEPARTMENT OF * MJG-95-309

8 HOUSING & URBAN DEVELOP- *
9 MENT, et al. *

10 Defendants *

11 * * * * *

12 Pursuant to Notice, the continuation of
13 the deposition of WILLIAM TAMBURRINO was taken on
14 Friday, November 22, 2002, commencing at 9:00 a.m.,
15 at the Law Offices of Jenner & Block, 601 15th
16 Street, N.W., Washington, D.C., before Janice A.
17 Flack, a Notary Public.

PLAINTIFF'S EXHIBIT NO. 12
CASE NO. MJG 95 - 309
IDENTIFICATION: _____
ADMITTED: _____

1 Has HUD done anything to encourage
2 HABC to use Hollander Ridge HOPE VI funds to
3 provide replacement public housing units outside
4 areas of minority and poverty concentration?

5 Actually, I should revise that
6 question. The question should not be poverty
7 concentration. It should be assisted housing
8 concentration, correct?

9 So let me ask the question that I
10 just said.

11 A. That's more specific.

12 Q. Right. Let me ask it as I should
13 have asked it then.

14 Has HUD done anything to require
15 HABC to use Hollander Ridge HOPE VI funds to
16 provide replacement public housing units outside
17 areas of minority and assisted housing
18 concentration?

19 A. To my knowledge, no.

20 Q. What is the current status of
21 Hollander Ridge HOPE VI grants?

1 Q. How?

2 A. There are often conferences which we
3 attend on housing issues and they include
4 participants from other housing service providers
5 as well as representatives of the community. And
6 this type of issue is discussed on occasion.

7 Q. And again just to generally orient
8 you, I'm going to ask you just a few questions
9 about Sandtown Winchester.

10 In July of 1993 did HUD approve the
11 location of public housing in Sandtown Winchester?

12 A. In 1993, as I recall, no housing has
13 replacements for public housing that would have
14 been approved in that area.

15 Q. Okay. Has there ever been a time
16 since you returned to HUD in 1987 when HUD approved
17 the location of public housing in Sandtown
18 Winchester?

19 A. Yes, after 1993.

20 Q. When did that occur?

21 A. I can not place it precisely, but I

1 were not resolved, it may again lose its
2 eligibility for public housing development funds?

3 A. We did not impose that explicit
4 sanction, but the same answer I gave on the first
5 finding applies for the IG finding.

6 Q. That the IG finding itself may have
7 had the affect of disallowing HABC participation
8 and certain funding opportunities?

9 A. Yes.

10 Q. And do I understand that the threat
11 alone would have been considered or a threat to cut
12 off funding alone, the mere threat is considered to
13 be a sanction; is that correct?

14 MR. SUBAR: Object to the form.

15 THE WITNESS: I don't recall that we
16 issued a threat.

17 BY MR. SULLIVAN:

18 Q. Right. And I am now not trying to
19 ask this in the specific, but I'm trying to ask
20 this in the general. I said did you threaten to
21 cut off funding and you said, we didn't use that

1 there were other instruments that were being used
2 often and this became an obsolete tool.

3 Q. Now, if there were an HABC tenant
4 who chose to move to Baltimore County, would the
5 Baltimore County landlord receive a voucher from
6 HABC or from the Baltimore County authority?

7 A. What scenario are you referring to?
8 How we operate now or how this program operated?

9 Q. Oh, no, thank you for asking for
10 that clarification. I'm talking about under the
11 regional certificate program, under that program?

12 A. I don't know.

13 Q. Now, during the time of when this
14 program operated, did HABCs's area of operation
15 extend beyond the City?

16 A. In part, yes.

17 Q. And what do you mean by, "in part"?

18 A. It was changed to the Maryland State
19 law, which occurred in 1990. Prior to 1990, the
20 law explicitly allowed a Housing Authority to
21 operate up to 10 miles within a surrounding

1 jurisdiction if there were no agency operating in
2 that jurisdiction.

3 In the 1990 law, that provision was
4 completely removed. On the other hand, there was a
5 provision which made it clear that housing
6 assistance programs could be operated throughout
7 the state by any administering agency.

8 Q. Now, before 1990 did HABC, in fact,
9 operate outside of the City boundaries?

10 A. In its Section 8 program, I'm sorry,
11 I don't really know. I believe it may have under
12 the Section 8 program, but I'm not certain of that.

13 Q. Were there any jurisdictions within
14 the 10 miles radius of Baltimore City that did not
15 have a PHA other than Baltimore County?

16 A. I'm not sure how close Howard County
17 is, but they did not for a period.

18 Q. And when did Howard County's public
19 housing program become a PHA?

20 A. Perhaps the mid '80s or early '80s.

21 Q. And was there a time when HABC

1 discusses, "freedom of choice principles"?

2 A. Yes.

3 Q. Okay. And the sentence appears,
4 "During implementation of this policy, segregation
5 did not appreciably diminish".

6 A. Yes, I see that.

7 Q. Do you agree with that?

8 A. Not entirely, no.

9 Q. Tell me with what part you disagree?

10 A. I think it was very clear in the
11 case of Baltimore City that the willful
12 construction of segregated properties had stopped
13 at this point. And if segregation implies a
14 willful act, I would disagree with the sentence.
15 Segregation did not appreciably diminish.

16 Q. Did racial integration appreciably
17 improve during the freedom of choice period?

18 MR. SUBAR: Object as to the form.

19 THE WITNESS: No.

20 BY MR. SULLIVAN:

21 Q. If we would turn to the second full

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TAKEN ON NOVEMBER 21, 2002

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1 stop there.

2 Q. Okay. Has Baltimore City used a
3 community-wide waiting list for public housing?

4 A. Yes.

5 Q. Okay. Has that been an effective
6 means of promoting integration?

7 A. No.

8 Q. Let's look at the next paragraph,
9 the first sentence, "For these and other reasons,
10 the resident populations of a number of large PHAs
11 today are preliminarily of one race or of one
12 ethnicity". Does that statement apply to
13 Baltimore City?

14 A. I can accept that statement.

15 Q. And is there any reason to believe
16 that Baltimore City is not included within that
17 sentence?

18 A. No.

19 MR. SULLIVAN: I'm going to give you
20 another document and I'll ask you to mark this as
21 Exhibit Number 4, please.