



National Freedom of  
Information Coalition

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## Seattle-area Housing Authority institutes transparency reforms

**Settlement in Knight FOI Fund case resolves tenant's open meeting complaint, but public records issues are still pending.**

COLUMBIA, Mo. (August 6, 2013) – A public housing agency serving suburban Seattle, Wash., will institute a sweeping series of transparency measures as a result of a lawsuit made possible by the inspired persistence of an engaged public housing resident and a litigation grant made under the Knight FOI Fund.

Cindy Ference, a tenant in a King County Housing Authority complex for senior and disabled people in Shoreline, Wash., [sued the housing agency over open-meetings violations in April](#) after learning it had set up a shadow entity to carry out some of its programs without public oversight. Ms. Ference and her attorney, Katherine George, reached a settlement agreement with the Housing Authority to ensure that the public can learn about programs of the agency as well as its shadow entity, a nonprofit called Moving King County Residents Forward.

“This settlement ensures that the Housing Authority will not only meet, but exceed, Washington state requirements for governments to make decisions openly,” Ference said. “Furthermore, it will allow the thousands of residents served by the Housing Authority to be better informed regarding the decisions that affect their lives.”

Ference received financial support for her legal action from the National Freedom of Information Coalition (NFOIC), which administers the Knight FOI Fund. The open government litigation fund, which is intended to assist meritorious open government lawsuits, was begun in 2010 under a grant to NFOIC and the University of Missouri from the John S. and James L. Knight Foundation.

The King County Housing Authority's shadow organization, Moving King County Residents Forward, has the same governing board, the same staff and the same offices as the Housing Authority. Previously, the agency had taken the position that it was not subject to Washington's Open Public Meetings Act (OPMA) and Public Records Act (PRA). The lawsuit was designed to stop the Housing Authority Board of Commissioners from meeting privately as an allegedly separate organization, and also challenged closed meetings of the Board's Finance Committee.

The Housing Authority serves more than 18,000 low-income, senior and disabled residents in the suburbs of Seattle.

Ms. Ference's lawsuit quickly led to changes. Within two weeks, Moving King County Residents Forward changed its bylaws to start complying with Washington's open government laws. But Ms. Ference was able to secure broader assurances of open operations through the settlement announced today, including a commitment by both Moving King County Residents Forward and the Housing Authority to provide earlier and more detailed notice of board meetings than state law requires.

Key provisions of the settlement include the following:

- Meetings of the King County Housing Authority's Finance Committee will be open to the public and will be recorded. Committee recordings and meeting minutes will be available to the public.
- Both the Housing Authority Board of Commissioners and the board of the nonprofit Moving King County Residents Forward will post their meeting agendas online at least five days in advance. Meeting packets will be available to the public at least 24 hours before meetings. The new public notice practices required by the settlement exceed requirements of Washington law.
- Adopted resolutions will be posted on the Web in a manner allowing the public to search by date and subject matter. This, too, exceeds state requirements.
- The King County Housing Authority will provide records to Ms. Ference related to the Finance Committee and the nonprofit organization run by the Housing Authority board.

"This is a good result for Ms. Ference, her fellow residents, and all taxpayers who have an interest in how public housing programs are run," said George, the attorney handling the suit.

The settlement resolves all claims related to open meetings, but Ms. Ference still has claims under the Public Records Act that have not been settled.

"The practices adopted as a result of this lawsuit can serve as a model for other agencies in Washington state and elsewhere," said Kenneth F. Bunting, executive director of NFOIC. "Ms. Ference's persistence and her civic engagement are inspiring, and we are happy we could assist her."

The NFOIC is a nonpartisan coalition of open government groups and advocates headquartered at the Missouri School of Journalism. The Knight FOI Fund was begun under a \$2 million, three-year grant to NFOIC and the University from the John S. and James L. Knight Foundation. The Knight FOI Fund is set up to assist the pursuit of important open government cases by helping to defray upfront costs such as filing fees, depositions, court costs and other expenses associated with legal actions.

In addition to support for meritorious legal access cases under state and local public disclosure and open meetings laws, the FOI Fund may also support litigants in anti-SLAPP (Strategic Lawsuits Against Public Participation) suits, SLAPP defenses, important appellate

cases and federal FOIA cases where citizen and journalist access to important public record information might be enhanced.

Since it began in January 2010, the Knight FOI Fund has assisted litigants with 35 grant awards in FOI or access cases. While some are still being adjudicated, Knight Fund-supported cases have resulted in 21 favorable court orders or settlements that achieved more transparency or greater access.

Besides the settlement with housing agency, other notable legal victories have included a California case that kept the nation's largest public pension fund from hiding details of a \$100 million real estate investment loss; a case that forced Wisconsin governor Scott Walker to release more than 8,000 emails; and another Washington state case, *Doe v. Reed*, which involved access to election-qualifying petitions. The Knight Fund only seeks reimbursement—or any kind of recovery of the Knight FOI Fund investments—if resulting awards in the cases cover fees and costs for which the Knight Fund money was spent.

NFOIC is a national network of state freedom of information advocates, citizen-driven nonprofit freedom of information organizations, academic and First Amendment centers, journalistic societies and attorneys. Its mission is to foster government transparency at the state and local level. A unit of the Missouri School of Journalism, the NFOIC is an affiliate of the Donald W. Reynolds Journalism Institute, and is based at the University of Missouri, home to the nation's oldest FOI Center. For more, visit <http://www.nfoic.org/>.

The John S. and James L. Knight Foundation supports transformational ideas that promote quality journalism, advance media innovation, engage communities and foster the arts. The Foundation believes that democracy thrives when people and communities are informed and engaged. For more, visit <http://www.knightfoundation.org/>.

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