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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

MICHELE MEI, individually and on
behalf of a class of all others similarly
situated, and
AMERICAN ALLIANCE FOR
EQUAL RIGHTS,

Plaintiffs,

v.

MULTNOMAH COUNTY;
HOME FORWARD;
METRO; and
TRANSITION PROJECTS, INC.

Defendants.

Case No. 3:26-cv-00115-YY

**VERIFIED CLASS-ACTION
COMPLAINT**

Second Amended Complaint
Civil Rights Action

DEMAND FOR JURY TRIAL

1. Michele Mei has been seeking long-term rent assistance from Multnomah County since 2021. Mei has lived nearly her whole life in Multnomah County. She has a neurological disability and has lacked stable housing for years. She is an obvious candidate for the program. Except for one thing: her race.

2. In announcing the long-term rent assistance program, Multnomah County promised to “prioritize[] Communities of Color,” achieve “housing placement goals for ... individual Communities of Color,” and serve “Black, Indigenous, and other people of color (BIPOC) ... at higher rates.” Consistent with these goals, the county has used

a race-based points system to decide which applicants qualify. That is, assuming a would-be applicant is permitted to apply at all. A Defendant turned Mei away when she sought to submit an intake application, telling her: “The county has told us to only help people of color at this time.”

3. Unlike the county, our law is colorblind. *See Ames v. Ohio Dep’t of Youth Servs.*, 605 U.S. 303, 309-10 (2025); *Allen v. Milligan*, 146 S. Ct. 1377, 1380 (2026). “[R]acial discrimination is invidious in all contexts,” *SFFA v. Harvard*, 600 U.S. 181, 214 (2023), including when done by programs that help the homeless. Multnomah County’s long-term rent assistance program violates the law. This Court should award all appropriate relief.

PARTIES

4. Plaintiff Michele Mei is a Multnomah County resident. She has lived in Multnomah County since she was a small child. In 2019, she began to have trouble securing housing. Since 2021, she has sought long-term rent assistance through Multnomah County’s Regional Long-Term Rent Assistance program. Mei is a member of the American Alliance for Equal Rights.

5. Plaintiff American Alliance for Equal Rights is a nationwide membership organization dedicated to ending illegal racial classifications across the United States. This challenge to the racially discriminatory Regional Long-Term Rent Assistance program is squarely within the Alliance’s mission.

6. Defendant Multnomah County is the Oregon county that encompasses most of Portland and much of the greater Portland area.

7. Defendant Home Forward is the Multnomah County housing authority. It operates public housing programs, including the Regional Long-Term Rent Assistance program, in Multnomah County.

8. Defendant Metro is a regional government entity spanning the three counties that constitute the greater Portland area. It funds—and works with all three counties in running—the Regional Long-Term Rent Assistance program.

9. Defendant Transition Projects, Inc., is a nonprofit based in Multnomah County. It helps perform the intake process for the Regional Long-Term Rent Assistance program in Multnomah County. That intake process determines who gets to benefit from the program.

JURISDICTION AND VENUE

10. The Court has subject-matter jurisdiction under 28 U.S.C. §1331 and §1343 because this action arises under the Constitution and laws of the United States.

11. Under 28 U.S.C. §1367, this Court has supplemental jurisdiction over the pendent state-law claims because they share a “common nucleus of operative fact,” *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 725 (1966), namely, the Regional Long-Term Rent Assistance program’s illegal racial classifications and Defendants’ failure to accommodate Mei’s disability.

12. Venue is proper in this district under 28 U.S.C. §1391 because Defendants reside in this district and a substantial part of the events or omissions giving rise to the claims occurred here.

FACTUAL ALLEGATIONS

Long-Term Rent Assistance in Multnomah County

13. In May 2020, the voters of the Portland area’s three counties approved new taxes intended to ameliorate homelessness in the region. Multnomah County Elections Division, *May 2020 Primary—Metro—Measure 26-210*, perma.cc/TCT6-P298.

14. These new taxes have raised approximately \$250 million per year to address homelessness. Multnomah County Homeless Services Department, *Supportive Housing Services Measure*, perma.cc/M5Z4-M75J.

15. With this new funding, Multnomah County and its two sister counties launched the Regional Long-Term Rent Assistance program in 2021. Multnomah County Homeless Services Department, *Regional Long-Term Rent Assistance Program*, perma.cc/3JNC-FUDN.

16. Regional Long-Term Rent Assistance is a voucher program for housing. It subsidizes rent for low-income tenants. It allows private landlords to rent apartments and homes to these tenants at fair market rates. It is like the federal Section 8 program, but funded locally through the Portland Metro area tax measure. *See id.*

17. As the announcement for the Regional Long-Term Rent Assistance program explained, “The RLRA program is rooted in a commitment to lead with racial

equity by especially meeting the needs of Black, Indigenous and people of color (BIPOC).” Supportive Housing Services Program, *Regional Long-Term Rent Assistance Program Policies*, perma.cc/MK4A-L3MY.

18. Metro—that is, the three-county regional government entity—works with the three Portland-area counties to reduce homelessness through the Regional Long-Term Rent Assistance program. Metro, *Supportive Housing Services: Addressing homelessness in greater Portland*, perma.cc/V4CG-LXB2. Metro provides a regional framework for the administration of rent assistance, and each county implements the program based on its priorities. Multnomah County Homeless Services Department, *Regional Long-Term Rent Assistance Program*, *supra*.

19. Metro’s framework is explicitly race-based. It promises that “[p]eople of color will be served at higher rates”: “programs funded through the Supportive Housing Services measure,” including the Regional Long-Term Rent Assistance program, “will serve people of color at higher rates and will show equal or better outcomes for people of color.” Metro, *Racial equity in Supportive Housing Services*, perma.cc/S3FZ-ZLLG. Metro also seeks to “increas[e] the availability of culturally specific services,” that is to say, those that “serve a particular community of color.” *Id.* Metro carefully tracks and publishes the precise racial demographics of the homeless people whom each county serves. *See id.*

20. “As part of its responsibility for implementing the Measure, Metro requires each of the three counties to develop a high-level Local Implementation Plan

that centers racial equity.” Multnomah County Homeless Services Department, *Multnomah County Local Implementation Plan (December 2020)*, perma.cc/4W2S-UDMS. According to its implementation plan, “Multnomah County, through the [Homeless Services Department], is committed to centering race at every stage of ... planning and program development.” *Id.* “The program prioritizes Communities of Color.” *Id.* And “[r]ent assistance ... programs will prioritize ... households in Communities of Color.” *Id.* In compiling its plan, the county “prioritized the perspectives from ... racial/ethnic identities other than Non-Hispanic Whites” and pledged to “[c]reate specific housing placement goals for ... individual Communities of Color.” *Id.*

21. Since launching the program, Multnomah County has continued to emphasize that “Black, Indigenous, and other people of color (BIPOC) will be served at higher rates than the general population” and that “BIPOC community members will receive culturally specific, affirming and effective services across the region.” Multnomah County Homeless Services Department, *Supportive Housing Services (SHS) Measure*, perma.cc/EA7Q-NHFK.

22. As a report from the Multnomah County housing authority explained, the county “select[s]” “[t]he majority of [Regional Long-Term Rent Assistance] projects ... through a competitive process run by” the county’s Homeless Services Department. It has “prioritized funding for ... BIPOC communities.” Home Forward Staff Report (Apr. 15, 2025), perma.cc/5EU9-GNBT.

23. Like Multnomah County itself, Home Forward—the Multnomah County housing authority—preferences people of color in administering the Regional Long-Term Rent Assistance program. Home Forward advertises its “BIPOC Chat line,” a phone number for “culturally specific assessments.” Home Forward, *Report on Regional Long Term Rent Assistance Program* (Mar. 14, 2025), perma.cc/8FGD-U32W.

24. And in Home Forward’s list of the 16 local service providers for the Regional Long-Term Rent Assistance program, five are aimed primarily or exclusively at particular racial or ethnic groups: IRCO (one of the 16 providers) offers “culturally-specific support”; NARA (another provider) “provides culturally specific tenant-based supportive housing services”; Urban League “provides culturally specific tenant-based supportive housing services”; Self Enhancement Inc. “provides culturally specific supportive housing services for 30 African American/Black adults”; and Transition Projects “provides tenant-based supportive housing services for trans and non-binary adults [and] BIPOC households.” *Id.*

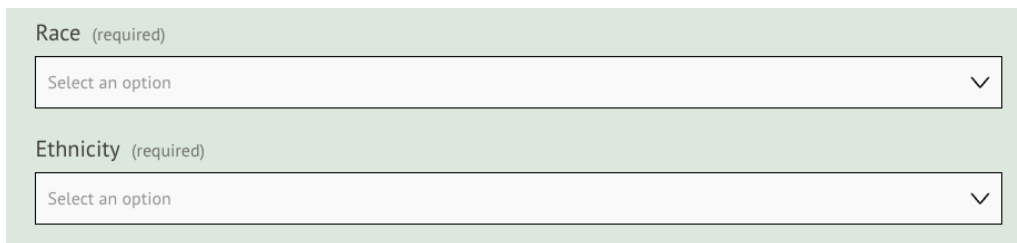
25. Home Forward also keeps and publishes statistics to show that it is meeting its racial goals for the Regional Long-Term Rent Assistance program:

Demographics: Head of Household (for total active households)		
Race/ethnicity: mutually exclusive categories	#	%
BIPOC	614	62.7%
Non-Hispanic White	365	37.3%
Race/Ethnicity Unreported	0	0.0%

26. These racial preferences guide the intake process for the Regional Long-Term Rent Assistance program. That intake process determines which applicants in

Multnomah County get access to Regional Long-Term Rent Assistance. Transition Projects, Inc., administers the intake process on behalf of Multnomah County and Home Forward.

27. An applicant for Regional Long-Term Rent Assistance typically starts by filling out a pre-screening form on the Transition Projects website. That initial intake form requires the applicant to answer questions about her race and ethnicity.

A screenshot of a web form with a light green background. It contains two dropdown menus. The first is labeled 'Race (required)' and the second is labeled 'Ethnicity (required)'. Both dropdown menus have a white box with the text 'Select an option' and a small downward arrow on the right side.

28. Once the applicant completes this pre-screening form, Transition Projects has the discretion to contact the applicant to complete the separate Multnomah Services and Screening Tool, which is a survey the applicant normally undergoes by telephone but may also complete in person. If Transition Projects does not contact the applicant to complete the survey, the application normally does not advance to the next stage of the process.

29. The applicant's responses to this telephone intake survey determine whether she ultimately gets assistance through the Regional Long-Term Rent Assistance program.

30. The survey asks the applicant to provide her “Race and Ethnicity,” including “Additional Race and Ethnicity Detail.” It also asks: “Do you or someone in your household identify as LGBTQIA2S+?”

31. Crucially, the survey proceeds to ask: “If available, would you like to be considered for culturally-specific services?”

Culturally-Specific Services

If available, would you like to be considered for culturally-specific services?

32. If the applicant answers yes, the survey asks if the applicant would be “interested in culturally specific services for African Americans,” “Native Americans or Alaska Natives,” or “the Hispanic/Latino/Latina/Latinx community.”

	Would you be interested in culturally specific services for African Americans?
	Would you be interested in culturally specific services for Native Americans and Alaska Natives?
	Would you be interested in culturally specific services for the Hispanic/Latino/Latina/Latinx community?

33. According to the points-based rubric for grading answers to the survey, an applicant who answers “yes” to these questions gets more points, making her more likely to qualify for Regional Long-Term Rent Assistance.

MSST Question	Points	Notes
English as a second language	2	
Pregnant	3	
Children under 5	3	Only if not receiving pts for pregnant
Children under 18	1	Only if not receiving points for under 5 or pregnant
New child in the household	1	Only if not receiving any other points for children
Head of Household is under 18	2	
Aged 55+	2	
Interest in LGBTQ services	1	Points if requesting culturally-specific services for LGBTQIA2S+
Has a disability	1	Adults only
Disability impacts ability to secure housing	2	Adults only
Total disabilities impacting entire household ability to secure housing	3	Families only
Interest in culturally specific services	2	
Legal challenges that have led to losing housing	1	
Domestic Violence survivor	2	
Homeless in last 3 years	1	
Currently homeless	2	
4+ episodes of homelessness	2	
Homeless 12+ months	1	
Has been evicted	2	1 eviction gets half points; 2+ evictions gets full points
At risk of losing housing in 14 days	1	Only if not currently homeless
No income	1	

34. An applicant gets even more points if she is a non-native English speaker or if she is “[i]nterest[ed] in LGBTQ services.”

35. And because the cutoff for access to Regional Long-Term Rent Assistance is pegged at around 19 points, the applicant’s racial and ethnic identity can make or break whether she qualifies for the program.

36. If a non-Hispanic white applicant expresses an interest in culturally specific services (services for African Americans, Native Americans, or the Hispanic community), that expression of interest may be disregarded, resulting in no extra points because of her race.

37. Graders at Multnomah County also apply the rubric in a race-conscious way to disfavor white applicants. That is to say, they exercise discretion not to award

marginal points to white applicants in circumstances where they would award those points to non-white applicants. This is to ensure that Multnomah County hits its stated goal of prioritizing households of color in the administration of the Regional Long-Term Rent Assistance program.

Mei Is Denied Long-Term Rent Assistance

38. Michele Mei has lived in Multnomah County since she was a small child.

39. Around 2014, Mei developed cerebrovascular disease, a disability that impairs her ability to process information. It also causes her fatigue, makes her dizzy, and impairs her depth perception.

40. Until her 2018 divorce, Mei owned a home in Multnomah County with her husband. After the divorce, she began to have trouble securing housing—a situation that her disability exacerbated. She continues to lack stable housing.

41. In 2021, soon after the program launched in Multnomah County, Mei began to seek long-term housing through the Regional Long-Term Rent Assistance program. Though she has so far been rejected, she is still seeking long-term housing through the program.

42. When Mei initially completed the intake process in the wake of the program's launch, the process was slightly different than the current Multnomah Services and Screening Tool (MSST). At first, intake scoring was done through a process called the Vulnerability Index Service Prioritization Decision Assistance Tool (VI-SPDAT). Unlike the current MSST, the VI-SPDAT could be completed online.

43. But like the MSST, the VI-SPDAT asked about race, ethnicity, and culturally specific services.

➡ Race (✓ one or more and (circle) primary)			➡ Ethnicity
☐ Asian or Asian American	☐ Middle Eastern	☐ White	☐ Hispanic/Latino/a/x
☐ Black, African, or American African	☐ Native Hawaiian or Pacific Islander	☐ Other	☐ Non-Hispanic/Latino/a/x
	☐ American Indian, Alaska Native, or Indigenous	☐ Don't Know	☐ Don't Know
	☐ Slavic	☐ Refused	☐ Refused

➡ Do you think culturally specific services might help you overcome your housing challenges?	
☐ Yes	☐ Don't Know
☐ No	☐ Refused

44. The scoring rubric made clear that extra points were allocated for interest in culturally specific services. Indeed, twice as many points were allocated for this identity-based checkbox as were allocated for being elderly or surviving domestic abuse.

➡ REVIEW INTERGENERATIONAL	SCORE	
If caring for older adult or parent in household, enter one (1).	☐ 0	☐ 1
➡ REVIEW ABUSER RELATIONSHIP	SCORE	
Identifies Abuser Relationship for Domestic Violence questions, enter one (1).	☐ 0	☐ 1
➡ REVIEW AGE, MOBILITY AND PREGNANCY STATUS	SCORE	
If 50 or older, pregnant and/or has a physical disability that limits mobility, enter one (1).	☐ 0	☐ 1
➡ REVIEW CLIENT GENDER	SCORE	
If self-identifies as "transgender", "questioning", or "a gender not singularly female or male", enter one (1).	☐ 0	☐ 1
➡ REVIEW IF CULTURALLY SPECIFIC SERVICES MIGHT HELP OVERCOME CHALLENGES	SCORE	
If culturally specific services might help overcome housing challenges, enter two (2).	☐ 0	☐ 2

45. The VI-SPDAT also made it clear that “culturally specific services” corresponded to certain racial and ethnic identities.

➡ Would you be interested in culturally specific services for African Americans?	
☐ Yes	☐ Don't Know
☐ No	☐ Refused

➡ Would you be interested in culturally specific services for Native Americans and Alaska Natives?	
☐ Yes	☐ Don't Know
☐ No	☐ Refused

➡ Would you be interested in culturally specific services for the Hispanic/Latino/Latina/Latinx	
☐ Yes	☐ Don't Know
☐ No	☐ Refused

46. In 2022, the county scored Mei's application at least twice using the VI-SPDAT—once online and once over the phone.

47. Neither time could Mei express an interest in culturally specific services. As a result, she did not get the extra points for that checkbox.

48. Because of this, Mei failed to qualify for Regional Long-Term Rent Assistance under the VI-SPDAT. Although she was severely in need, especially given her disability, the county rejected Mei from the program because of her race and ethnicity.

49. The county's Homeless Services Department redesigned the intake process for Regional Long-Term Rent Assistance in 2024 because the VI-SPDAT "did not go far enough to address issues of equity." Multnomah County Homeless Services Department, *Coordinated Access Redesign*, perma.cc/S45W-SKJT. The Multnomah Services and Screening Tool (MSST) is what resulted from the redesign and is used by the county today.

50. Like the VI-SPDAT before it, the MSST asks about—and awards points for—race, ethnicity, and culturally specific services. *See supra* at ¶¶30-33.

51. The MSST identifies “culturally-specific services” with non-white races and non-Hispanic ethnicities: “African Americans,” “Native Americans or Alaska Natives,” and “the Hispanic/Latino/Latina/Latinx community.” *Supra* at ¶32. It assigns more points for this racial and ethnic checkbox—*i.e.*, “culturally-specific services”—than for its checkboxes for disability, minor children, no income, homelessness within the last three years, homelessness for longer than a year, or vulnerability to homelessness within the next two weeks. *Supra* at ¶33.

52. Since 2024, Mei has sought long-term rent assistance using the MSST. She has applied for the Regional Long-Term Rent Assistance program at least five times between the rollout of the MSST and the present filing. Transition Projects has normally performed the intake, sending it to the Multnomah County Homeless Services Department for further analysis.

53. Several times when Mei applied, she narrowly missed the score required to qualify for long-term assistance. For example, in 2024, a program specialist at the County Homeless Services Department texted her that she had scored “17” and that “we’re currently referring households with a slightly higher score than that.”

54. Had Mei been given the two extra “culturally-specific” points awarded for race and ethnicity, she would have qualified for long-term rent assistance. The rubric further disadvantaged Mei by awarding no point for “[i]nterest in LGBTQ services,” *supra* at ¶33, because she is heterosexual and thus did not express such an interest.

55. Initially, Mei did not indicate an interest in culturally specific services in response to the MSST's questions. More recently, Mei has attempted on occasion to express such an interest; however, those responses have not resulted in any additional points because she is a non-Hispanic white person.

56. More broadly, the explicit, public, and formal policy of Metro and the county—that the Regional Long-Term Rent Assistance program “prioritizes” people of color, *see supra* at ¶20—has led Defendants to administer the program's intake process in a way that disfavors non-Hispanic white applicants.

57. Because of the need to hit the racial targets of Metro and Multnomah County, *see supra* at ¶¶17-26, Defendants withheld points from white applicants that they awarded to applicants of color, and denied long-term rent assistance to otherwise qualified white applicants regardless of their objective scores.

58. Multnomah County and Home Forward also refused Mei's request for a reasonable accommodation. Since 2024, Mei has asked them to modify their points system to give her, as a disabled person, extra points equivalent to those allocated to racial and ethnic minorities. This requested modification of the points-based grading system was necessary to enable Mei to compete on a level playing field against other applicants. Yet Defendants have refused to modify their grading rubric to accommodate her disability. The grading rubric was a discretionary policy that Multnomah County had power to modify in individual cases, yet it declined to modify the rubric to accommodate Mei.

59. Defendants subjected Mei to overt race-based discrimination. In late 2025, Mei returned to Transition Projects to undergo the intake process again, hoping that the worsening of her living situation would improve her chances of qualifying for long-term assistance. When she asked to complete the survey as part of her application, a Transition Projects employee told her: “I’m sorry. The county has told us to only help people of color at this time.” She thus left without taking the MSST survey.

60. Defendants discriminated against Mei not only by scoring the intake survey in a racially discriminatory way, but also by discouraging her from seeking long-term rent assistance in the first place.

61. Defendants enforced their stated policy of prioritizing applicants of color. They prevented white applicants from completing the intake process. Even when white applicants were able to apply for long-term rent assistance, Defendants intentionally administered the intake process in a manner that discriminated against them because of their race.

62. Defendants did this to reduce the number of white applicants receiving long-term rent assistance, consistent with Defendants’ stated racial goals for the program.

CLASS ACTION ALLEGATIONS

63. Plaintiffs repeat and reallege all prior allegations.

64. Plaintiff Mei brings this action individually and on behalf of all other persons similarly situated.

65. Plaintiff Mei proposes the following class definition and seeks certification of the following class:

Class: All persons who have sought Regional Long-Term Rent Assistance in Multnomah County and did not qualify because they are non-Hispanic white.

Injunctive Subclass: All persons who seek Regional Long-Term Rent Assistance in Multnomah County but are non-Hispanic white.

66. Excluded from the class are Defendants’ officers, directors, employees, and agents; any entity in which Defendants have a controlling interest; and affiliates, legal representatives, attorneys, successors, heirs, and assigns of Defendants. Also excluded from the class are members of the judiciary to whom this case is assigned, their families, and members of their staff.

67. Plaintiffs reserve the right to amend the class definition or add a class or subclass if further information or discovery indicates that the definition should be narrowed, expanded, or otherwise modified.

68. This action satisfies the requirements for a class action under Rule 23(b)(2) (injunction) and Rule 23(b)(3) (damages), including numerosity, commonality, typicality, and adequacy.

69. **Numerosity.** 40 class members is presumptively numerous. *See Collinge v. IntelliQuick Delivery, Inc.*, 2015 WL 13764353, at *11 (D. Ariz. Feb. 24). According to Home Forward, Short-Term Rent Assistance—a less desirable option than long-term assistance—currently serves around 500 households a month in Multnomah County. Home Forward, FY25 Budget, perma.cc/7U3M-79TY. In just one quarter of FY 2025,

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Regional Long-Term Rent Assistance served 1,755 individuals and 1,040 households. Multnomah County, *Supportive Housing Services Quarterly Report* (FY 2025), perma.cc/ANY5-D5VT. And according to Metro, some 7,000 households need long-term housing. Metro, *Supportive Housing Services Regional Annual Report*, perma.cc/4TPH-HFAH. As a result, there are easily more than 40 non-minority individuals who have applied for and been rejected from long-term public housing assistance in Multnomah County since the program launched in 2021.

70. **Commonality.** There are “questions of law or fact common to the class,” Fed. R. Civ. P. 23(a)(2). Because of their race and ethnicity, all class members have been denied points to qualify for long-term assistance—or otherwise had their requests for long-term public housing assistance denied.

71. **Typicality.** Mei has suffered the same race-based classification as the other class members, and, like them, has been rejected from housing assistance because of her race. *See* Fed. R. Civ. P. 23(a)(3).

72. **Adequacy.** Mei will “fairly and adequately protect the interests of the class.” Fed. R. Civ. P. 23(a)(4). She has the same interests as all the class members in vindicating the right to be free from racial discrimination in applying for public housing assistance. And Consovoy McCarthy PLLC has extensive experience litigating class actions and antidiscrimination cases.

73. **Predominance.** Common questions predominate over individual questions here. *See* Fed. R. Civ. P. 23(b)(3). “[T]he analysis is whether the common,

aggregation-enabling, issues in the case are more prevalent or important than the non-common, aggregation-defeating, individual issues.” *Ambrosio v. Progressive Preferred Ins. Co.*, 154 F.4th 1107, 1110 (9th Cir. 2025) (cleaned up). “An individual question is one where members of a proposed class will need to present evidence that varies from member to member, while a common question is one where the same evidence will suffice for each member to make a prima facie showing or the issue is susceptible to generalized, class-wide proof.” *Id.* (cleaned up). Here, the main factual question is whether Defendants have used a race-based points system to allocate public housing, and the legal question is whether this race-based points system violates federal and state law. Those common questions predominate, especially given the points-based nature of the program.

74. **Superiority.** All four superiority factors indicate that a class action is a superior method of adjudication here. *See* Fed. R. Civ. P. 23(b)(3). “Where recovery on an individual basis would be dwarfed by the cost of litigating on an individual basis, this ... weighs in favor of class certification.” *Wolin v. Jaguar Land Rover N. Am., LLC*, 617 F.3d 1168, 1175 (9th Cir. 2010). Here, the cost of litigating each discrimination claim separately would far exceed the damages available to any individual who experienced discrimination. Plaintiffs are “not aware of any other actions against Defendant related to the claims at issue in the instant case.” *In re Arris Cable Modem Consumer Litig.*, 327 F.R.D. 334, 374 (N.D. Cal. 2018). This is a desirable forum because it involves a program in the District of Oregon. And there is likely no difficulty managing a class

action here because the discrimination claims of the class “rise[] and fall[] on common evidence.” *Id.* (cleaned up).

75. **Injunctive or Declaratory Relief.** Defendants have “acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.” Fed. R. Civ. P. 23(b)(2). Mei requests an injunction to halt the unlawful discrimination that all class members have experienced. Accordingly, she “seek[s] uniform relief from a practice applicable to all” class members. *Al Otro Lado, Inc. v. Wolf*, 336 F.R.D. 494, 506 (S.D. Cal. 2020).

CLAIMS FOR RELIEF

COUNT I

Racial Discrimination – Fair Housing Act (By Mei and AAER and the class, Against All Defendants)

76. Plaintiffs repeat and reallege each of the prior allegations.

77. Under the Fair Housing Act, it is “unlawful” to “make unavailable or deny[] a dwelling to any person because of race” and to “discriminate against any person ... in the provision of [housing] services ... because of race.” 42 U.S.C. §3604(a)-(b).

78. The Fair Housing Act applies to local government entities. *See Keith v. Volpe*, 858 F.2d 467, 482 (9th Cir. 1988); *United States v. City of Parma, Ohio*, 661 F.2d 562, 572 (6th Cir. 1981); *Jackson v. Okaloosa Cnty., Fla.*, 21 F.3d 1531, 1534 (11th Cir. 1994) (allowing a Fair Housing Act claim to proceed against a county).

79. To state a claim under the Fair Housing Act, “a plaintiff must simply produce direct or circumstantial evidence demonstrating that a discriminatory reason more likely than not motivated the defendant and that the defendant’s actions adversely affected the plaintiff in some way.” *Ave. 6E Invs., LLC v. City of Yuma*, 818 F.3d 493, 504 (9th Cir. 2016) (cleaned up). “A plaintiff does not have to prove that the discriminatory purpose was the sole purpose of the challenged action, but only that it was a motivating factor.” *Id.*

80. Mei has direct and circumstantial evidence that race was a motivating factor behind the less favorable treatment she has received in seeking long-term rent assistance from Defendants. It is the policy of Defendants to “prioritize[] Communities of Color” in allocating public housing and to “show ... better outcomes for people of color” than white people. *See supra* at ¶¶19-20. The rubric that Defendants use to allocate long-term public housing expressly considers race when awarding points. *See supra* at ¶33. And Transition Projects told Mei that it would not help her because it had received instructions from the local government not to assist white people. *See supra* at ¶59.

81. Defendants are liable to Mei for punitive damages. “To obtain punitive damages under the FHA, a plaintiff must show that defendants acted at least with reckless indifference.” *Jay v. Grand Mgmt. Servs., Inc.*, 783 F. Supp. 3d 1257, 1280 (D. Or. 2025). Defendants were aware of their own and each other’s racially discriminatory statements and policies, including their public statements that applicants of color would

be prioritized over other applicants and the race-based points system used to allocate housing. Defendants denied Mei long-term rent assistance despite knowing that they were discriminating against her because of her race. They did so in the wake of recent and longstanding Supreme Court precedent. And Defendants “used offensive and racially derogatory language” in their public statements and “when telling [Mei] that [they] did not want to rent to [white applicants].” *Fair Hous. of Marin v. Combs*, 285 F.3d 899, 907 (9th Cir. 2002); *see supra* at ¶59.

COUNT II

Racial Discrimination – 42 U.S.C. §1982

(By Mei and AAER and the class, Against All Defendants)

82. Plaintiffs repeat and reallege each of the prior allegations.

83. Titled “Property rights of citizens,” 42 U.S.C. §1982 gives “[a]ll citizens ... the same right ... to ... lease ... [and] hold ... real ... property,” regardless of race.

84. “[§]1982 bars all racial discrimination, private as well as public, in the sale or rental of property.” *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409, 413 (1968). This section was “intended to protect from discrimination identifiable classes of persons who are subjected to intentional discrimination solely because of their ancestry or ethnic characteristics.” *Shaare Tefila Congregation v. Cobb*, 481 U.S. 615, 617 (1987). Like 42 U.S.C. §1981, a companion statute that bans racial discrimination in contracting, §1982 prohibits discrimination “against, or in favor of, any race.” *McDonald v. Santa Fe Trail Transp. Co.*, 427 U.S. 273, 295 (1976). It therefore authorizes suits by white plaintiffs.

See Shaare Tefila Congregation, 481 U.S. at 617-18.

85. The elements of a §1982 claim are: (1) racial discrimination that (2) impairs the plaintiff's property rights. *Brown v. Philip Morris Inc.*, 250 F.3d 789, 797 (3d Cir. 2001). Though the Ninth Circuit permits plaintiffs to prove a §1982 case using the *McDonnell Douglas* burden-shifting framework, *Phiffer v. Proud Parrot Motor Hotel, Inc.*, 648 F.2d 548, 551 (9th Cir. 1980), “the *McDonnell Douglas* test is inapplicable where the plaintiff presents direct evidence of discrimination.” *Trans World Airlines, Inc. v. Thurston*, 469 U.S. 111, 121 (1985). Where, as here, there is “direct evidence” of discrimination, that suffices by itself, without the need to satisfy additional factors of a multi-step test. *Id.*

86. Defendants intentionally discriminated based on race. They made open statements that they were prioritizing non-white applicants for long-term rent assistance; they used a racially discriminatory points system to allocate housing; and they explicitly discouraged Mei from applying for long-term housing because she is not a person of color. *See supra* at ¶59.

87. This discrimination impaired Mei's property rights. Because Mei is not a person of color, she did not have the “same right” to lease or hold a property under the Regional Long-Term Rent Assistance program. 42 U.S.C. §1982. That program provides vouchers for its beneficiaries to rent property.

88. Although Defendants' rejection of her application and denial of long-term rent assistance impaired her property rights, Defendants also violated Mei's rights under §1982 by subjecting her to unequal treatment because of her race. By allocating points based on race and prioritizing applicants of color, Defendants deprived white applicants

of the “same right” to rent and hold property, 42 U.S.C. §1982, even if some white applicants ultimately qualified.

89. Defendants are liable to Mei for punitive damages because they acted with reckless indifference to her federal rights. *See Combs*, 285 F.3d at 902, 906 (applying this standard to a §1982 action). Defendants publicly proclaimed that they were discriminating based on race and cannot possibly claim to have been unaware that such racial discrimination violated federal law. They also told Mei that she need not apply because of her race. *See supra* at ¶59.

COUNT III
Racial Discrimination – 42 U.S.C. §1983
(By Mei and AAER and the class, Against All Defendants)

90. Plaintiffs repeat and reallege each of the prior allegations.

91. 42 U.S.C. §1983 provides a cause of action to “[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State ... subjects, or causes to be subjected, any ... person ... to the deprivation of any rights, privileges, or immunities secured by the Constitution.”

92. The Equal Protection Clause of the U.S. Constitution prohibits all racial classifications by any government actor unless they satisfy strict scrutiny. *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995). Therefore, a racial classification is constitutional only if it is the least restrictive means of promoting a compelling government interest. *See id.*

93. All Defendants classify applicants based on race in administering the Regional Long-Term Rent Assistance program. Metro, the local government body that funds the program, requires the Regional Long-Term Rent Assistance program to serve people of color at higher rates. *See supra* at ¶¶18-20. Multnomah County prioritizes applicants of color over other applicants when determining who receives assistance, and it has adopted racial quotas for the program. *See supra* at ¶¶20-22. Furthermore, Multnomah County—through its Homeless Services Department and through Home Forward—has created a racial points-based system for determining eligibility for the program, awarding points to applicants of certain races while denying those points to other races. *See supra* at ¶¶23-37. And Transition Projects, which assists Multnomah County in administering the intake process, intentionally turns away or otherwise refuses to assist white applicants in order to achieve the racial goals established by Metro, Multnomah County, and Home Forward for the program.

94. Although Transition Projects is nominally a private corporation, it has “acted in concert” with the county in “effecting” the invidious racial classifications at issue here. *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128, 1140 (9th Cir. 2012). Transition Projects is paid by the county to help administer the intake process that invidiously classifies applicants based on race. At the county’s orders, Transition Projects intentionally discriminates against white applicants who are applying for government services. *See supra* at ¶59. Transition Projects is thus a “willful participant in joint action

with” Multnomah County, *Tsao*, 698 F.3d at 1140, which subjects it to liability under §1983 for violations of the Equal Protection Clause.

95. Because Defendants are all government actors that classified applicants based on race, they violated the Constitution unless their classifications satisfy strict scrutiny.

96. The racial classifications at issue cannot satisfy strict scrutiny. They do not promote any compelling government interest. And, even if they did, they are not narrowly tailored.

97. There are only two compelling government interests that can justify a racial classification: (1) remediating specific, identified instances of past discrimination that violated the Constitution or a statute; and (2) avoiding imminent and serious risks to human safety in prisons, as in a race riot. *SFFA v. Harvard*, 600 U.S. 181, 207 (2023). The Regional Long-Term Rent Assistance program does not avoid imminent risks to safety in prisons. And it does not remedy specific, identified instances of unlawful past discrimination.

98. Even if the Regional Long-Term Rent Assistance program did promote a compelling government interest—such as remediating specific, identified instances of illegal discrimination in the past—it is not narrowly tailored. The race-based points system awards black, Native American, and Hispanic applicants two additional points toward program eligibility based solely on their racial classification, without regard to whether they have experienced unlawful discrimination in the past. And turning away

white applicants simply because of their race does nothing to remedy historic instances of unlawful discrimination against applicants of other races.

99. Defendants’ unconstitutional racial discrimination “implements [and] executes a policy statement ... or decision officially adopted and promulgated by that body’s officers.” *Monell v. Dep’t of Soc. Servs. of City of New York*, 436 U.S. 658, 690 (1978). In any event, this constitutional violation occurred pursuant to a governmental custom or usage. *See id.* Metro has a published “[r]acial equity” policy for the Regional Long-Term Rent Assistance program that promises the program “will serve people of color at higher rates and will show equal or better outcomes for people of color.” Metro, *Racial equity in Supportive Housing Services*, *supra*. *See also supra* at ¶19. And the county’s official Implementation Plan for the program confirms that it is race-based: it is “committed to centering race at every stage of ... planning and program development” and states that “[t]he program prioritizes Communities of Color.” Multnomah County Homeless Services Department, *Multnomah County Local Implementation Plan (December 2020)*, *supra*; *see also supra* at ¶¶20-22. The points system itself is a longstanding custom—dating back nearly to the inception of the Regional Long-Term Rent Assistance program—that Defendants have implemented to advance their unlawful racial objectives. Defendants likewise declined to help Mei because of their policy of prioritizing applicants of color.

100. Defendants are liable to Mei for punitive damages because they violated her constitutional rights with reckless indifference. “[R]eckless or callous disregard for

the plaintiff's rights, as well as intentional violations of federal law, should be sufficient to trigger a jury's consideration of the appropriateness of punitive damages" under §1983. *Smith v. Wade*, 461 U.S. 30, 51 (1983). Defendants intentionally publicized their race-based preferences and implemented a race-based points system despite knowing that such practices violated the U.S. Constitution under clear and controlling precedent. They also expressly told Mei they were rejecting her because of her race. *See supra* at ¶59.

COUNT IV
Racial and Sexual-Orientation Discrimination – Oregon Fair Housing Act
(By Mei, Against All Defendants)

101. Plaintiffs repeat and reallege each of the prior allegations.

102. Under Oregon law, "[a] person may not, because of the race, color, religion, ... sexual orientation, gender identity, national origin ... of any person ... make unavailable or deny a dwelling to a person." Or. Rev. Stat. Ann. §659A.421.

103. This statute prohibits discrimination by public and private entities alike. *See id.* §659A.001 ("'Person' includes ... A public body."). It thus authorizes damages suits against state government entities. *See* Or. Const. art. IV, §24. Moreover, counties and similar local government entities do not enjoy sovereign immunity from suit. *See Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 280 (1977); *Ray v. Cnty. of Los Angeles*, 935 F.3d 703, 708 n.5 (9th Cir. 2019); *see also Jinks v. Richland Cnty., S.C.*, 538 U.S. 456, 466 (2003) ("[M]unicipalities, unlike States, do not enjoy a constitutionally

protected immunity from suit.”); *Stella v. Davis Cnty.*, 2024 WL 4764694, at *4, *17 (10th Cir. Nov. 13) (affirming a state-law damages verdict against a county).

104. Defendants denied Mei long-term housing because of her race and sexual orientation. The intake process for Regional Long-Term Rent Assistance awards points based on race and sexual orientation. *See supra* at ¶33. Mei has applied for this program and undergone the intake process at least five times. But because she is a heterosexual white woman, Defendants did not award her the race- and sexual-orientation based points, even though she otherwise would have had enough points to qualify for the program. *See supra* at ¶53-¶54.

105. Separately, Defendants denied Mei long-term housing based on her race when they discouraged her from applying for the Regional Long-Term Rent Assistance program because she is white. *See supra* at ¶59.

106. “Any person claiming to be aggrieved by an unlawful practice specified in [§659A.421] may file a civil action.” Or. Rev. Stat. Ann. §659A.885(1). The available relief includes punitive damages. *Id.* §659A.885(3)(a).

107. Punitive damages are available in Oregon when “the party against whom punitive damages are sought has acted with malice or has shown a reckless and outrageous indifference to a highly unreasonable risk of harm and has acted with a conscious indifference to the health, safety and welfare of others.” Or. Rev. Stat. Ann. §31.730. Defendants acted with reckless indifference to the harm that they were causing to Mei—who is disabled and housing insecure—by discriminating against her based on

her race and sexual orientation. They openly announced that they were discriminating based on race and told Mei as much. *See supra* at ¶¶17-26, ¶59.

COUNT V
Disability Discrimination – Title II of the ADA
(By Mei, Against the County and Home Forward)

108. Plaintiffs repeat and reallege each of the prior allegations.

109. Title II of the Americans with Disabilities Act provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. §12132.

110. Multnomah County and Home Forward, its housing authority, are public entities within the meaning of Title II. *See* 42 U.S.C. §12131(1)(A)-(B). They are, respectively, a local government and an instrumentality of local government. *See id.*

111. “To state a claim of disability discrimination under Title II of the ADA, including a reasonable accommodation claim, a plaintiff must allege that: (1) the plaintiff is an individual with a disability; (2) the plaintiff is otherwise qualified to participate in or receive the benefit of some public entity’s services, programs, or activities; (3) the plaintiff was either excluded from participation in or denied the benefits of the public entity’s services, programs, or activities, or was otherwise discriminated against by the public entity; and (4) such exclusion, denial of benefits, or discrimination was by reason of the plaintiff’s disability.” *Sommers v. City of Santa Clara*, 516 F. Supp. 3d 967, 989 (N.D. Cal. 2021); *see McGary v. City of Portland*, 386 F.3d 1259, 1265 (9th Cir. 2004).

112. Mei is an individual with a disability: she has had cerebrovascular disease since around 2014. This condition affects Mei's balance and depth perception. It causes her fatigue and dizziness. And it negatively affects her cognitive abilities and executive functioning. This condition has caused lesions on Mei's brain. Mei has seen a neurologist, a neuropsychiatrist, and a physical therapist to help treat this disability.

113. Mei is otherwise qualified to apply for and receive long-term rent assistance. She has lived in Multnomah County nearly her entire life and continues to live in Multnomah County. She has been housing insecure since before the launch of the Regional Long-Term Rent Assistance program.

114. Mei was excluded from applying for long-term rent assistance when Multnomah County and Home Forward denied her request for a reasonable accommodation. As early as 2023, Mei emailed the County Director of Homeless Services and the Chief Operating Officer of Home Forward to request an in-person meeting. Because Mei's condition impairs her ability to process complex information, Mei sought an in-person meeting so that Multnomah County and Home Forward could explain how to navigate the complex system of applying for Regional Long-Term Rent Assistance. Mei requested this accommodation from the county and Home Forward at least a dozen times in writing. Time and again, the county and Home Forward either ignored this request for an accommodation or explicitly denied it.

115. At least when Mei originally sought the accommodation, Home Forward had no ADA policy to govern requests for accommodations.

116. Separately, Mei also asked the county to modify its points system to accommodate her disability. As early as 2024, Mei learned that the county used a points-based system to allocate long-term rent assistance. Once she learned this, Mei spoke with the interim director of the Multnomah County Homeless Services Department to request an individual modification of the points system based on her disability. In essence, Mei asked the county to allocate an extra point or two to account for her disability when it graded her application. Mei never received an affirmative response. This failure to modify the qualifications for the program to accommodate her disability violated the ADA. *See Lovell v. Chandler*, 303 F.3d 1039, 1052-54 (9th Cir. 2002).

117. Mei is entitled to damages because Multnomah County and Home Forward were deliberately indifferent to her disability. *See Duvall v. Cnty. of Kitsap*, 260 F.3d 1124, 1138 (9th Cir. 2001). Because neither Defendant initially had a reasonable accommodation policy, it was substantially likely that Mei's federal rights would be violated. And both the county and Home Forward failed to act, though they had the opportunity to do so after Mei requested the accommodation. *See id.* at 1139.

COUNT VI
Disability Discrimination – Or. Rev. Stat. Ann. §659A.145
(By Mei, Against the County and Home Forward)

118. Plaintiffs repeat and reallege each of the prior allegations.

119. “A person may not discriminate because of a disability of ... an individual ... intending to reside in a dwelling after it is ... rented ... by ... [r]efusing to make reasonable accommodations in rules, policies, practices or services when the

accommodations may be necessary to afford the individual with a disability equal opportunity to use and enjoy a dwelling.” Or. Rev. Stat. Ann. §659A.145.

120. This prohibition on disability discrimination, including by failure to make reasonable accommodations, applies to local government entities. *See Kelley v. Washington Cnty.*, 463 P.3d 36, 39-40, 46 (Or. Ct. App. 2020).

121. The county and Home Forward discriminated against Mei in violation of Oregon law by failing to provide her reasonable accommodations for her disability: cerebrovascular disease. *See supra* at ¶112.

122. First, Multnomah County and Home Forward have repeatedly refused Mei the in-person meeting that she has been requesting since at least 2023 to understand the complex application process for Regional Long-Term Rent Assistance. Her cerebrovascular disease impedes her ability to process complex information, and only an in-person meeting could accommodate her disability.

123. Second, the county and Home Forward refused Mei the modification to the points system she requested to accommodate her disability. They would not assign her an extra point or two for her cerebrovascular disease. Because they created and administer the grading rubric, the county and Home Forward have power to modify the grading rubric to account for Mei’s disability, yet they refuse to do so. Despite her disability and her request for an accommodation, they declined Mei’s request to modify the MSST points-based system as applied to her.

124. By refusing to modify their points system to accommodate her disability—even when they handed out points based on immutable characteristics like race and sexual orientation—the county and Home Forward prevented Mei from competing on an even playing field for long-term assistance. In other words, they unlawfully chose to put Mei—a disabled woman—in a worse position than other applicants, when a modification of the points system would have accommodated her disability and empowered her to compete for assistance.

PRAYER FOR RELIEF

125. Plaintiffs respectfully ask this Court to enter judgment in their favor and against Defendants and provide the following relief:

- A. A declaration that the Regional Long-Term Rent Assistance program violates federal and state law;
- B. An injunction prohibiting Defendants from knowing or considering race in administering the Regional Long-Term Rent Assistance program;
- C. Compensatory damages to Mei and the class;
- D. Punitive damages to Mei and the class;
- E. Nominal damages;
- F. Reasonable costs and expenses of this action, including attorneys' fees, under 42 U.S.C. §1988 and any other applicable laws; and
- G. All other relief to which Plaintiffs are entitled.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury of all issues so triable.

Dated: July 20, 2026

Respectfully submitted,

/s/ Luke D. Miller

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VERIFICATIONS

I, Michele Mei, declare as follows:

1. I am a member of the American Alliance for Equal Rights and one of the Plaintiffs here.
2. I have reviewed the Second Amended Complaint.
3. The facts alleged in the Second Amended Complaint are within my personal knowledge, and I believe them all to be true.
4. I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2026

A handwritten signature in dark ink that reads "Michele Mei". The script is cursive and fluid, with the first name "Michele" written in a larger, more prominent hand than the last name "Mei".

Michele Mei

I, Edward Blum, declare as follows:

1. I am the President of the American Alliance for Equal Rights, one of the Plaintiffs here.
2. I have reviewed the Second Amended Complaint.
3. For the allegations about the Alliance and its members, I believe them all to be true.
4. For the allegations not within my personal knowledge, I believe them all to be true based on my review of the cited policies and documents and based on the Alliance's conversations with its member Michele Mei.
5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2026



Edward Blum,
President of the American Alliance for
Equal Rights