

**IN THE CIRCUIT COURT OF THE  
FOURTH JUDICIAL CIRCUIT, IN AND  
FOR DUVAL COUNTY, FLORIDA**

**CASE NO.**

**DIVISION:**

**SEDRICIA TINSLEY, FELICIA RICHARDSON,  
and SANITA BOZEMAN,**  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

**CLASS REPRESENTATION  
JURY TRIAL DEMANDED**

**SP HILLTOP VILLAGE LP,**  
A Florida Limited Partnership,

Defendant.

\_\_\_\_\_ /

**CLASS ACTION COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs SEDRICIA TINSLEY, FELICIA RICHARDSON and SANITA BOZEMAN  
(PLAINTIFFS), by and through their undersigned counsel bring this suit against the Defendant,  
SP HILLTOP VILLAGE LP (HILLTOP), as owner of Hilltop Village, and allege as follows:

**INTRODUCTION**

1. This is a class action brought pursuant to Chapter 86, Florida Statutes, for  
declaratory and injunctive relief, as there exists a bona fide, actual, and practical need based

upon the adverse interests of the parties, and, in particular, the inability of traditional remedies provided under Chapter 83, Part II (Florida's Residential Landlord / Tenant statute) to provide a solution to the present controversy. In particular, Plaintiffs are tenants at that certain Multifamily Subsidized Housing complex known as Hilltop Village, located at 1646 West 45th Street, Jacksonville, FL 32208, and Defendant owns Hilltop Village. There are 200 rental units at Hilltop Village.

2. As has been widely reported and confirmed by the City of Jacksonville's Municipal Code Compliance division and others, Hilltop Village is infested by rodents. A summary letter written by United State Senator Marco Rubio, dated May 4, 2021, referencing the extensive nature of the rodent infestation, is attached at Exhibit A. The infestation has victimized the residents of Hilltop Village, including Plaintiffs, for years.

3. Florida's Landlord / Tenant statutory framework, set forth at Chapter 83, Part II, Florida Statutes, confirms Defendant, as owner of Hilltop Village, is responsible for maintaining the premises, including the extermination of rodents. (Section 83.51, Florida Statutes.) Jacksonville's Municipal Code also confirms extermination of rodents under the current circumstances is the responsibility of the owner. (Section 518.451(f), Ordinance Code, City of Jacksonville, Florida.)

4. The remedies traditionally available to tenants when the landlord or owner of rental property fails to comply with the requirements of Section 83.51, Florida Statutes, involve the tenant providing notice and thereafter either withholding rent or terminating the lease early pursuant to Section 83.60, Florida Statutes.

5. These traditional remedies, provided by Florida Statute, are not available generally to tenants of Multifamily Subsidized Housing complexes such as Hilltop Village, who pay reduced or zero rent, and who cannot move to another Multifamily Subsidized Housing complex without permission and without experiencing substantial barriers to doing so.

6. In Multifamily Subsidized Housing, the federal government, through the U.S. Department of Housing and Urban Development (HUD) pays a for-profit owner (Defendant HILLTOP) a subsidy in order to facilitate the rental of apartments at Hilltop Village by low-income individuals such as Plaintiffs. For-profit entities such as Defendant maximize profits by pocketing the subsidy paid by HUD and failing to spend adequate and appropriate funds for upkeep and maintenance of Hilltop Village.

7. The disconnect between the structure of Multifamily Subsidized Housing and the remedies provided by Chapter 83, Part II, is at the center of the controversy between the parties, and Plaintiffs therefore seek injunctive relief requiring Defendant to re-house all tenants at Hilltop Village while the rodent infestation is cured, as well as requesting this Court take jurisdiction of the situation and monitor the repair or remediation to ensure a satisfactory resolution while Plaintiffs and all other tenants at Hilltop Village are safely re-housed.

### **JURISDICTION AND VENUE**

8. This Court has jurisdiction over this matter because the amount in controversy exceeds \$30,000; the Plaintiffs are residents of Duval County, Florida; and the Defendant owns property in Duval County, Florida, the condition of which is the center of the controversy between the parties.

9. Venue is proper in this County because actions giving rise to this lawsuit occurred in Duval County, Florida, at Hilltop Village, 1545 West 45th Street, Jacksonville, FL 32208.

### **PARTIES**

10. Plaintiffs are all tenants of Hilltop Village, a Multifamily Subsidized Housing complex located at 1646 West 45th Street, Jacksonville, FL 32208. All Plaintiffs have been victimized and have personally experienced the massive rodent infestation in their dwelling units.

11. Defendant HILLTOP is a Florida for-profit Limited Partnership and owns Hilltop Village.

### **FACTUAL ALLEGATIONS**

12. As set forth above, Hilltop Village, a Multifamily Subsidized Housing complex, is infested with rodents.

13. Despite being aware of the rodent infestation, Defendant HILLTOP has failed to ameliorate or resolve the issue.

### **CLASS REPRESENTATION ALLEGATIONS**

14. Pursuant to Florida Rule of Civil Procedure 1.220 (a), (b)(2) and (b)(3), Plaintiffs, collectively, and individually, bring this action on behalf of themselves and all others similarly situated collectively (the Class), seeking declaratory and injunctive relief for all those tenants currently residing at Hilltop Village.

15. Plaintiffs reserve the right to further modify the Class definition.

16. Plaintiffs are unable to state the exact number of class members because that information is solely in the possession of Defendant. However, generally, the Class consists of

the current tenants at Hilltop Village at the time of filing this Complaint, and, upon information and belief, exceeds two hundred (200) individuals, given the fact there are 200 rental units at Hilltop Village.

17. Questions of law and fact common to the Class exist and predominate over questions affecting only individual members, including the following:

a. Whether Defendant violated the Florida Residential Landlord and Tenant Act, Section 83 Part II, by failing to maintain Hilltop Village and permitting a rodent infestation to take hold at the complex;

b. Whether Defendant violated the Florida Residential Landlord and Tenant Act, Section 83 Part II, by failing to correct and ameliorate the rodent infestation after becoming aware of its existence; and

c. Whether Plaintiffs and Class members are entitled to declaratory and injunctive relief, specifically, requiring Defendant to re-house all tenants at Hilltop Village while the rodent infestation is cured, as well as requesting this Court take jurisdiction of the situation and monitor the repair or remediation to ensure a satisfactory resolution while Plaintiffs and all other tenants at Hilltop Village are safely re-housed.

18. The claims asserted by the named Plaintiffs in this action are typical of the claims of the members of the Class because the rodent infestation affects the entirety of Hilltop Village, such that Plaintiffs' claims and those of the Class originate from the same conduct, practice, and procedure, on the part of Defendant. The Plaintiffs possess the same interests and have suffered the same injuries as each Class member, as each is a current tenant at Hilltop Village. There are

no individual facts which distinguishes Plaintiffs from other Class members that are residents at Hilltop Village.

19. Plaintiffs will fairly and adequately represent and protect the interest of the members of the Class because they have no interest antagonistic to the Class they seek to represent, and because the adjudication of their claims will necessarily decide the identical issues for other class members. There is nothing peculiar about Plaintiffs' situations that would make them inadequate as Class Representatives. Plaintiffs have retained counsel competent and experienced in both housing and class action litigation.

20. A class action is superior to other methods for the fair and efficient adjudication of this controversy because the re-housing cost necessary for each individual Class member will be relatively modest, compared to the expense and burden of individual litigation. It would be impracticable for each Class member to seek redress individually for the wrongful conduct alleged herein because the cost of such individual litigation would be cost prohibitive as injunctive relief is required, and, as stated above, Florida's Landlord Tenant statutory scheme is not adequate to address issues such as those described. It would be difficult, if not impossible, to obtain counsel to represent Plaintiffs on an individual basis for injunctive relief without increased litigation costs, as well as impractical for the court system as a whole. More importantly, the vast majority of Class members are not aware that injunctive relief can be requested against Defendant and a class action is the only viable means of adjudicating their individual rights. There will be no difficulty in the management of this litigation as a class action as the legal issues affect a standardized pattern of conduct by Defendant and class actions are commonly used in such circumstances.

21. Defendant has refused to repair and correct the rodent infestation despite complaints from individual tenants, thereby making appropriate declaratory relief and corresponding final injunctive relief with respect to the Class as a whole. Defendant should be enjoined from leasing units which have violated municipal, building, or health codes with respect to the rodent infestation until all outstanding repairs and/or remedies are properly made, and, until then, should pay to re-house all Hilltop Residents.

22. Plaintiffs and the Class have no alternative but to seek the intervention of this Court, and request the Court grant relief in this matter.

23. Plaintiffs and the Class seek their attorney's fees and court costs pursuant to the Florida Residential Landlord Tenant Act, Section 83.48, Florida Statutes.

WHEREFORE, Plaintiffs request this Court take immediate jurisdiction in this matter, and:

- a. Certify the Class;
- b. Enter a declaratory judgment finding that, based upon the circumstances of this case, that re-housing of the tenants at Hilltop Village is necessary and required for the health and safety of the residents;
- c. Direct that Defendant pay for said re-housing until an inspection can confirm the rodent infestation has ended and preventative measures are in place such that another complex-wide infestation is not likely to occur in the future;
- d. Supervise the inspection to ensure the inspection is conducted in a reasonable and thorough matter;

e. Enter all such preliminary and / or temporary injunctions as are necessary to afford relief; and

f. Award Plaintiffs their reasonable attorney's fees and costs.

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury on all issues so triable.

DATED this 2nd day of June 2021 at Jacksonville, Duval County, Florida.

**JACKSONVILLE AREA LEGAL AID, INC.**

/s/ James A. Kowalski, Jr.  
James A. Kowalski, Jr. (FBN: 852740)  
126 West Adams Street  
Jacksonville, FL 32202  
Telephone: (904) 356-8371, Ext. 325  
Facsimile: (904) 356-8285  
Email: Jim.Kowalski@jaxlegalaid.org  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via initial service of process to Trustee and Corporate Services, Inc., Registered Agent for SP HILLTOP VILLAGE GP, INC., 2430 Estancia Boulevard, Suite 114, Clearwater, FL 33761.

/s/ James A. Kowalski, Jr.



## EXHIBIT A

United States Senate  
WASHINGTON, DC 20510-0908

COMMITTEES:  
APPROPRIATIONS  
FOREIGN RELATIONS  
SELECT COMMITTEE ON INTELLIGENCE  
SMALL BUSINESS AND ENTREPRENEURSHIP  
SPECIAL COMMITTEE ON AGING

May 4, 2021

The Honorable Marcia Fudge  
Secretary  
U.S. Department of Housing and Urban Development  
451 7<sup>th</sup> Street SW  
Washington, D.C. 20410

Dear Secretary Fudge:

I write to direct your attention to unsafe and unsanitary living conditions that my constituents are currently facing at Hilltop Village Apartments in Jacksonville, Florida. After receiving outreach directly from affected residents, my staff visited the facility on May 3, 2021. During these visits, my staff met with tenants and found disturbing evidence of a severe rodent infestation and chronic garbage overflow throughout the entire property. Tenants continue to find rodents inside of bedding, kitchen cabinets, indoor furniture, bathrooms, and more generally.

While Hilltop Village Apartments reportedly passed its last Real Estate Assessment Center (REAC) inspection on December 2, 2015, it has not been inspected by the U.S. Department of Housing and Urban Development (HUD) since then. This would appear to violate HUD's Uniform Physical Condition Standards (UPCS), which states that this property should have received another inspection in 2017. Additionally, the property has not been inspected by HUD despite the filing by tenants of numerous formal complaints to the City of Jacksonville Code Enforcement Department since 2019, and the City's subsequent communication of these complaints to HUD.

It is unacceptable that the residents of Hilltop Village Apartments have been obligated to live under these conditions, including during the COVID-19 pandemic. Residents should not have to wait almost six years between safety and sanitation inspections to be guaranteed appropriate living conditions.

I request immediate action to ensure that constituents are guaranteed the safe and sanitary living conditions they are afforded by law. This must include an immediate REAC inspection to update the inspection score of the property as well as requiring remediation measures to ensure the rodent infestation is swiftly and completely resolved. I also request that a Management and Occupancy Review be performed and the enforcement of any applicable penalties on ownership or management for failure to comply.

Thank you for your attention to this important matter. I look forward to working with HUD to protect the people and families at Hilltop Village Apartments.

Sincerely,

A handwritten signature in black ink, appearing to read "Marco Rubio". The signature is fluid and cursive, with the first name "Marco" and the last name "Rubio" clearly distinguishable.

Marco Rubio  
U.S. Senator