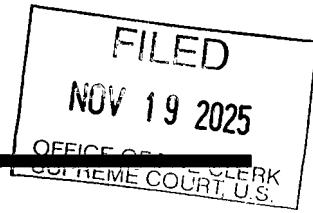


No. 25-6360



In The

**SUPREME COURT OF THE UNITED STATES**

FATIMA TOUIJER,

*Petitioner*

*vs.*

PROVIDENCE HOUSING AUTHORITY, et al.,

*Respondents*

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On Petition for a Writ of Certiorari to the Supreme Court of Rhode Island

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**PETITION FOR A WRIT OF CERTIORARI**

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Petitioner, Pro Se

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## **QUESTIONS PRESENTED FOR REVIEW**

1. Whether the Rhode Island state courts erred in treating Petitioner's claims of racial, religious, and disability-based discrimination under the Fair Housing Act, 42 U.S.C. §§ 3601-3619, and the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as a routine landlord-tenant dispute, thereby failing to adjudicate the federal civil rights issues raised.<sup>1,2</sup>
2. Whether the Providence Housing Authority's failure to investigate or remedy ongoing, well-documented harassment based on Petitioner's race, religion, and her child's disability constitutes a violation of the Fair Housing Act and the Americans with Disabilities Act, including their respective mandates to provide reasonable accommodation and protection from discriminatory housing practices.
3. Whether the Rhode Island Supreme Court's summary denial of Petitioner's appeal, without hearing or explanation, deprived Petitioner of her right to due process of law guaranteed by the Fourteenth Amendment to the United States Constitution.<sup>3,4</sup>

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<sup>1</sup> Fair Housing Act, 42 U.S.C. §§ 3601-3619.

<sup>2</sup> Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213.

<sup>3</sup> Touijer v. Providence Hous. Auth., No. SU-2024-0313-A (R.I. 2024).

<sup>4</sup> U.S. Const. amend. XIV, § 1.

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28 U.S.C. § 1257(a).....1, 2

Americans with Disabilities Act, 42 U.S.C. §§ 12101-122131, 9, 11, 13, 14, 18

Fair Housing Act, 42 U.S.C. §§ 3601-3619.....ii, 1, 9, 11, 13, 14

## Constitutional Provisions

Fourteenth Amendment to the United States Constitution ii, 1, 3, 11

## OPINIONS BELOW

The opinion of the Rhode Island Superior Court, entered on September 18, 2024, dismissed the Petitioner's claims alleging discrimination, harassment, and failure to provide reasonable accommodation, treating the matter as a landlord-tenant dispute. The Superior Court's order was not accompanied by a written opinion. The Supreme Court of Rhode Island denied the Petitioner's appeal in October 2024, without hearing or written opinion. The case is styled Touijer v. Providence Housing Authority, No. SU-2024-0313-A (R.I. Sup. Ct.).<sup>5</sup> These orders are not reported.

## JURISDICTION

**Petitioner wishes to exclusively seek review of only the order dated October 16, 2025.**

The judgment of the Supreme Court of Rhode Island that was sought to be reviewed was the particular interlocutory order that was entered on October 16, 2025 in the case styled Fatima Touijer v. Providence Housing Authority, et al., Case No SU-2024-0313-A. This order is as a consequence of Petitioner's urgent motion filed on October 14, 2025.

### Procedural History and Nature of the Order

The Petitioner filed a motion requesting leave to submit additional critical evidence, specifically video recordings that document the ongoing harassment and discrimination at her residence. The motion also requested a continuance of the oral argument scheduled for October 30, 2025, to allow time for this evidence to be processed and reviewed. On October 16, 2025, the Supreme Court of Rhode Island issued a summary order denying both the request to admit the video evidence and the request to delay the hearing.

This denial amounts to a final decision by the highest court in the state on the admissibility of the Petitioner's main piece of evidence for housing discrimination. By refusing to accept the video recordings or grant the time necessary to present them, then the state court effectively shut off the Petitioner's ability to establish the factual basis of her federal claims under the Fair Housing Act and the Americans with Disabilities Act before the time scheduled for the hearing to occur.

### Timeliness of the Petition

The order subject to review was entered on October 16, 2025. This petition for a writ of certiorari is filed within 90 days of that date, in strict compliance with Rule 13.1 of the Rules of the Supreme Court of the United States. No petition for rehearing was filed regarding this specific order, rendering it ripe for immediate review.

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<sup>5</sup> Touijer v. Providence Hous. Auth., No. SU-2024-0313-A (R.I. 2024)

### **Basis for Federal Jurisdiction**

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a). This statute authorizes the Supreme Court to review final judgments or decrees rendered by the highest court of a State where rights under the Constitution and laws of the United States are claimed.

The Petitioner claims that the order of October 16, 2025 is within the exceptions to the strict final judgment rule. Although the underlying state court proceedings relating to the eviction and tenancy dispute may be continuing technically, because the hearing decision of October 16, on the exclusion of evidence and denial of continuance, is final as to those discrete matters. The refusal to admit the video evidence irreparably destroys the Petitioner's federal rights. If the Petitioner is coerced into going to the October 30th hearing without this evidence, the federal right to a fair hearing as well as being protected from discrimination is irretrievably lost. Further state proceedings cannot cure the constitutional evil occasioned by this suppression of evidence. Therefore, this Court has jurisdiction over the order in order to arrest the failure of justice which only instant review can correct.

### **Constitutional and Statutory Questions**

Involved The jurisdiction of this Court is necessary to enforce specific federal mandates that the state court order ignored. First, the order violates the Due Process Clause of the Fourteenth Amendment<sup>6</sup>. Due process requires that a litigant in a proceeding involving property rights, such as public housing, be afforded a meaningful opportunity to present evidence. The summary denial of the Petitioner's motion stripped her of this constitutional guarantee.

Second, the order conflicts with the Fair Housing Act, 42 U.S.C. §§ 3601-3619<sup>7</sup>. This Act imposes an affirmative duty on courts and housing authorities to consider evidence of discriminatory harassment. By blocking the submission of video proof, the state court prevented the enforcement of the FHA.

Third, the order violates the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213<sup>8</sup>. The Petitioner requested a modification of the hearing schedule as a reasonable accommodation to organize evidence related to her child's disability. The summary denial of this request constitutes a refusal to provide reasonable accommodation in the judicial process itself. These substantial federal questions provide a firm basis for this Court's jurisdiction.

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<sup>6</sup> U.S. Const. amend. XIV, § 1.

<sup>7</sup> Fair Housing Act, 42 U.S.C. §§ 3601-3619.

<sup>8</sup> Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213.

## STATUTORY PROVISIONS INVOLVED

### **The Fair Housing Act, 42 U.S.C. § 3604(f)<sup>9</sup>**

Section 804(f) of the Fair Housing Act provides, in relevant part:

- (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of...
  - (A) that buyer or renter,
  - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
  - (C) any person associated with that buyer or renter.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of...
  - (A) that person; or
  - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
  - (C) any person associated with that person.
- (3) For purposes of this subsection, discrimination includes...
  - (A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; or
  - (B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

### **2. The Americans with Disabilities Act, 42 U.S.C. § 12132<sup>10</sup>**

Title II of the Americans with Disabilities Act provides:

Subject to the provisions of this subchapter, 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.

### **3. The Fourteenth Amendment to the United States Constitution<sup>11</sup>**

The Due Process Clause of the Fourteenth Amendment provides:

... nor shall any State deprive any person of life, liberty, or property, without due process of law.

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<sup>9</sup> Fair Housing Act, 42 U.S.C. § 3604(f).

<sup>10</sup> Americans with Disabilities Act, 42 U.S.C. § 12132

<sup>11</sup> U.S. Const. amend. XIV, § 1.

## STATEMENT OF THE CASE

Fatima Touijer and her family resided in Newport Public Housing, Rhode Island, for approximately eleven years without any reported issues. From 2007 to 2011, they lived at Festival Field Apartments, and from 2011 to October 2018 at 38 Chapel Terrace. During this period, they received a letter from the Newport Public Housing manager confirming that there had been no problems with neighbors or the housing office.

In October 2018, Petitioner and her family relocated to Providence Public Housing. From the date of the move until February 2021, there were no recorded conflicts or complaints involving the family or their neighbors. Beginning in February 2021, Petitioner reported that neighbors at the Providence residence began harassing and attacking her and her family. At that time, the family did not have a home security camera. As the harassment continued, Petitioner installed cameras and began recording the incidents. Despite being aware of the recordings, the neighbors allegedly continued their actions.

Petitioner contacted the Providence Police Department on multiple occasions. After viewing the recordings, police officers began filing incident reports and advised her to contact the Providence Public Housing Authority (PHA). Due to COVID-19 restrictions, PHA was not holding in-person meetings. PHA requested that Petitioner email the video recordings to their office, which she did. PHA took no remedial action. The reported harassment continued, affecting the family's well-being, including the health of Petitioner's son, who has Down syndrome.

After pandemic restrictions were lifted, Petitioner personally met with the housing manager and presented the recorded evidence, requesting assistance from housing security. According to the Petitioner, Providence Housing security personnel did not respond to her calls or visit the property. In April 2022, after further incidents, Petitioner submitted a written complaint to the PHA management office. No corrective action was taken. The harassment allegedly continued, and Petitioner continued to request police assistance.

By mid-2022, Providence Police officers contacted the PHA management, recommending that the family be relocated due to concerns for their safety. In October 2022, PHA transferred the family to a duplex unit at 70 Crandall Street, Providence. The adjoining unit remained vacant and under maintenance for approximately seven months. During that period, no reported issues were noted.

In May 2023, the adjoining unit was occupied by a new tenant. Petitioner reported that this tenant frequently played loud music, hosted daily gatherings, and caused strong vibrations throughout her unit. The family also reported detecting the smell of drugs and stated that the disturbances interfered with their children's sleep and schoolwork. Petitioner sought assistance from the property manager, who declined to intervene and directed her to contact the police. Multiple calls to police were made, but officers advised that the issue was under the authority of the housing management. Despite the submission of medical documents concerning the Petitioner's son, no assistance was provided.

Petitioner also reported that during one of the incidents, after she contacted the Providence Police Department and officers arrived at her residence, the neighboring tenant informed the officers that the matter should be directed to the Providence Public Housing Authority. According to the Petitioner, the neighbor's adult son frequently returned late at night and played loud music at high volume. On one such night, when the Petitioner looked out the

window in response to the noise, the individual observed her, directed profane language toward her, and then left the area.

On October 22, 2023, Petitioner filed a written complaint with the management office. On February 10, 2024, she met with management to discuss the ongoing problems. During this meeting, a brief phone translation service was provided. The PHA manager reportedly informed Petitioner's family services representative that the neighbor "was willing to hurt" her family. Four days later, on February 14, 2024, PHA issued a "First Notice of Non-Compliance," warning Petitioner of possible eviction. On February 23, 2024, Petitioner filed a complaint with the Rhode Island Commission for Human Rights (RICHHR), alleging discrimination and harassment.

In April 2024, RICHHR issued a finding of "no probable cause." In May 2024, the Petitioner and her husband contacted the Commission, requesting reconsideration and the submission of additional evidence; however, their request was denied. Following that, the family sought legal representation to pursue the matter in Court; however, several attorneys declined to take the case. On June 3, 2024, Petitioner filed a pro se complaint in Rhode Island Superior Court, alleging racism and hate crimes within Providence Public Housing and submitted evidentiary materials, including video recordings.

On September 18, 2024, the Superior Court dismissed or declined to consider evidence related to alleged discrimination, treating the matter solely as a landlord-tenant dispute. The Court did not issue findings of racial or hate-crime-related violations. The Petitioner's rent payments remained current throughout this period, and the Providence Housing Authority continued to issue small refunds monthly.

After the judgment, Petitioner returned to RICHHR to meet with the Executive Director, providing additional evidence along with an audio recording of prior communications with Commission staff. The Executive Director then issued a "Notice of Right to Sue" in both state and federal courts. Petitioner thereafter filed an appeal with the Rhode Island Supreme Court.

On October 15, 2024, the family reported that unknown individuals had attacked their residence at 70 Crandall Street, breaking the door frame. The maintenance department performed temporary repairs. Petitioner alleged that the harassment continued at both the 7 Bodell Avenue and 68 Crandall Street properties. Complaints were submitted to the PHA and the Supreme Court, detailing ongoing noise disturbances, drug activity, and improper conduct by a neighboring tenant.

Petitioner moved to compel disclosure of the neighbor's full legal name in the court records, but the Rhode Island Supreme Court denied the motion without a hearing (Case No. SU-2024-0348-A) and prohibited any further filings in the case. The neighbor then filed an incident report and a civil complaint against Petitioner, resulting in additional proceedings before the Superior Court.

In response to escalating incidents, Petitioner and her family temporarily relocated to New Jersey in September 2025, seeking assistance from the Department of Human Services and requesting emergency housing. Officials informed them that Providence Housing had no legal grounds to pursue eviction. The family returned to Rhode Island on September 5, 2025.

On September 22, 2025, the Providence Housing Authority issued a second "Notice of Non-Compliance," threatening eviction. The Rhode Island Supreme Court scheduled a hearing for October 30, 2025. On October 14, 2025, Petitioner moved for leave to submit additional evidence and audio recordings and to continue the hearing date. The Court denied both requests. Shortly thereafter, Petitioner contacted the Providence Police to file an incident report

regarding the continued loud noise and vibration in her residence, but the officers advised her to pursue the matter through the court system.

## REASONS FOR GRANTING THE WRIT

This case presents substantial federal questions regarding the enforcement of the Fair Housing Act (“FHA”), 42 U.S.C. §§ 3601–3619, the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12101–12213, and the Due Process Clause of the Fourteenth Amendment. The decisions of the Rhode Island Superior Court and Supreme Court effectively denied Petitioner Fatima Touijer and her family the protections guaranteed by these federal statutory and constitutional provisions. By reducing Petitioner’s detailed and well-documented allegations of racial, religious, and disability-based discrimination to a mere landlord-tenant dispute, the state courts disregarded controlling federal law that ensures equal housing opportunity and procedural fairness for all residents of public housing.

First, this case presents a fundamental question concerning the scope and enforcement of federal housing protections afforded to families living in publicly administered housing. Congress enacted the FHA and ADA to prohibit discrimination and to guarantee reasonable accommodations for individuals with disabilities in all aspects of housing. The record shows that Petitioner repeatedly sought protection from the PHA against continuing harassment motivated by her family’s Muslim faith and her son’s disability, substantiating these claims with police reports, video recordings, and written complaints. Despite this extensive evidence, the PHA took no action, and the state courts failed to address these omissions under the governing federal civil rights statutes. Such inaction, coupled with judicial indifference, undermines the core purposes of the FHA and ADA, which are to ensure that public housing authorities provide safe, non-discriminatory environments and make reasonable accommodations for families with disabilities.

Second, the decision of the Rhode Island courts directly conflicts with long-standing federal precedent holding that housing discrimination claims are distinct from ordinary contractual or tenancy disputes. Federal courts have consistently recognized that discriminatory conduct by housing authorities constitutes an independent civil rights violation, separate from any landlord-tenant relationship. By reducing Petitioner’s federal discrimination claims to matters of lease compliance, the state courts effectively deprived those claims of their federal character and established a precedent that allows public housing authorities to evade accountability for discriminatory neglect under the guise of property management. This conflict between the Rhode Island courts’ approach and controlling federal law warrants review to preserve the uniform enforcement of national housing protections.

Third, the Rhode Island Supreme Court’s summary denial of review, issued without hearing or explanation, presents a distinct constitutional question under the Due Process Clause. Petitioner submitted substantial evidence in support of claims arising under federal statutes and constitutional provisions, yet no court of record issued a reasoned decision addressing those claims. The total absence of judicial consideration of federal questions contravenes core principles of due process and the right to meaningful appellate review. This Court has long recognized that state courts are obligated to provide fair and reasoned consideration of claims grounded in federal law. The denial of that obligation in this case strikes at the very integrity of the judicial process.

Finally, this case raises an issue of exceptional national importance. Across the United States, families residing in public housing, many of whom are members of racial, religious, or disability minorities, depend on the protections of the FHA and ADA to secure safety and dignity within their homes. If left uncorrected, the Rhode Island courts’ decisions will establish

a troubling precedent enabling housing authorities to disregard systemic harassment and discrimination without judicial accountability. The federal questions presented here extend beyond the circumstances of a single petitioner; they concern the nationwide enforcement of statutory and constitutional guarantees intended to prevent precisely the kind of discrimination at issue in this case.

For these reasons, the petition presents compelling grounds for the Court's review. The lower courts' rulings conflict with federal law, disregard established precedent, and undermine the constitutional protections afforded to vulnerable families in public housing. The Supreme Court's intervention is necessary to reaffirm that the Fair Housing Act, the Americans with Disabilities Act, and the Fourteenth Amendment guarantee not only formal access to housing but also the right to equal treatment and fair process under law.<sup>12,13,14</sup>

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<sup>12</sup> U.S. Const. amend. XIV, § 1.

<sup>13</sup> Fair Housing Act, 42 U.S.C. §§ 3601-3619

<sup>14</sup> Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213

## RULING OF THE TRIAL COURT

At the trial court level, the defendant, the PHA, moved to dismiss the complaint, arguing that the case amounted to a routine landlord-tenant dispute appropriately resolved in the District Court. In its motion, the PHA asserted that the claims raised no substantial legal issues or civil rights violations and concerned only matters of ordinary landlord responsibility.

Petitioner disputed this characterization, asserting that the complaint presented substantial and complex issues of housing discrimination, harassment, and the denial of reasonable accommodation for a disabled individual. Petitioner further maintained that these issues arise directly under federal and state civil rights statutes enacted to guarantee equal access to housing and protection from discriminatory conduct.

The Trial Court granted the motion to dismiss, ruling in favor of the defendants on jurisdictional grounds. The court held that the matter did not involve any substantial violations of civil rights and therefore fell outside the jurisdiction of the Superior Court. In issuing this ruling, the Trial Court did not address the substantive allegations of discrimination, nor did it consider the legal duties imposed upon PHA under applicable federal and state housing laws. The record also reflects that the court did not take into account the magnitude of damages claimed, which exceeded the jurisdictional limits of the District Court.

Petitioner asserts that the dismissal of the case failed to consider the substantial federal questions raised, including alleged violations of constitutional and statutory rights. The complaint sought not only compensatory relief but also redress for violations of the Fair Housing Act, the Americans with Disabilities Act, and related civil rights protections. By treating the matter as a simple landlord-tenant dispute, the Trial Court effectively precluded consideration of these substantive federal claims and ignored the broader implications for individuals seeking protection from discriminatory housing practices.

## **REASONS FOR THE APPEAL**

The Petitioner sought appellate review of the Trial Court's decision on the grounds that the matter presents substantial questions of federal and constitutional law extending well beyond the scope of a routine landlord-tenant dispute. At its core, the case raises issues of disability discrimination, violations of housing rights, and the failure of a governmental entity to fulfill statutory and constitutional obligations. The record demonstrates that the actions and omissions of the PHA implicated significant duties under federal law. Accordingly, it is submitted that such complex and consequential issues fall within the jurisdiction and competency of the Superior Court, which is properly positioned to adjudicate claims involving civil rights and housing protections.

The appeal is based on the contention that the Trial Court's dismissal failed to address the substantive nature of the claims and denied the parties due consideration of the material legal issues. Petitioner maintains that the ongoing harassment, discriminatory conduct, and refusal to provide reasonable accommodation for a disabled child constitute direct violations of the Fair Housing Act, 42 U.S.C. §§ 3601-3619, and the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213. It is further asserted that the Superior Court possesses both the jurisdictional authority and the remedial capacity to adjudicate these violations and to hold the PHA accountable for its failure to fulfill its statutory obligations.

The issues raised present substantial claims involving complex legal and factual questions. The amount in controversy, estimated at approximately \$200,000, exceeds the monetary jurisdiction of the District Court. The matters at issue also implicate remedies and procedural protections that properly fall within the authority of the Superior Court. Dismissal of the case, or its transfer to a lower tribunal, would effectively prevent full adjudication of Petitioner's federal claims and restrict the availability of appropriate remedies. Accordingly, Petitioner maintains that the Superior Court's jurisdiction is both proper and essential to ensure full and fair consideration of the serious civil rights violations alleged in this matter.

## LEGAL POINTS ON APPEAL

### **Improper Dismissal of the Case Based on Jurisdictional Grounds**

The Petitioner contends that the Trial Court's dismissal of the case for lack of subject matter jurisdiction, premised on an asserted mismatch between the claimed damages and the nature of the legal issues, was legally erroneous. The record demonstrates that the case involves not only a claim for monetary damages exceeding \$200,000 but also allegations of systemic discrimination under both state and federal law. As legal scholarship has recognized (Schwartz, 2021), when a case involves substantial civil rights violations and breaches of statutory duties under housing laws, jurisdiction properly lies with the Superior Court. Federal statutes, including the Fair Housing Amendments Act of 1988 and the ADA, require courts to consider not only compensatory damages but also the broader implications of alleged violations, including emotional and psychological harm suffered by disabled tenants.<sup>15</sup> Accordingly, the Trial Court's reliance on jurisdictional grounds was inconsistent with the governing law and deprived the Petitioner of proper judicial consideration.

### **Violation of Reasonable Accommodation Requirements Under Housing Law**

The Petitioner asserts that the PHA failed to provide reasonable accommodation for a disabled child residing in the household. The FHA and corresponding state statutes impose an affirmative obligation on housing providers to make reasonable accommodations in rules, policies, practices, or services when such modifications are necessary to afford individuals with disabilities equal access to housing.<sup>16</sup> The record indicates that repeated complaints concerning severe noise and vibration disturbances were made, which materially affected the health of the Petitioner's disabled child. These disturbances were neither adequately addressed nor mitigated by the PHA. The measures offered were medically insufficient and failed to resolve the underlying conditions. The Trial Court's dismissal did not appropriately consider the sufficiency of the accommodations provided or the exclusion of medical evidence supporting the Petitioner's claims. The Rhode Island Commission for Human Rights (2021) has expressly stated that the failure to provide reasonable accommodations constitutes unlawful discrimination under the FHA.<sup>17</sup> The Trial Court's order, by omitting consideration of these critical factors, failed to address the core legal question of whether the PHA met its obligations under federal and state housing law.

### **Discriminatory Harassment and Retaliation Claims**

Petitioner further alleges ongoing harassment and discriminatory treatment by neighboring tenants, which the PHA failed to remedy despite being repeatedly notified through complaints and police reports. The record reflects multiple instances of racial and religious harassment, including slurs, insults, and threats that created an unsafe living environment, particularly for the disabled child. Under both the Fair Housing Act and Rhode Island state law, racial and religious harassment constitute forms of housing discrimination that impose an affirmative duty on housing authorities to intervene and prevent such conduct (Jenkins & Peck, 2022). The

<sup>15</sup> Fair Housing Amendments Act of 1988, Pub. L. No. 100-430, 102 Stat. 1619 (codified as amended at 42 U.S.C. §§ 3601-3619)

<sup>16</sup> Fair Housing Act, 42 U.S.C. §§ 3601-3619

<sup>17</sup> Fair Housing Act, 42 U.S.C. §§ 3601-3619

Trial Court did not substantively address these allegations, resulting in an incomplete adjudication of the material issues presented.

The dismissal of the case without a full evidentiary hearing or detailed analysis of the legal issues constitutes a procedural deficiency. The Petitioner contends that the complexity of the issues, including the interaction of state and federal housing laws, disability protections, and the standards for reasonable accommodation, required comprehensive judicial review. Established practice in housing discrimination cases requires a factual determination as to whether discrimination occurred and whether the housing provider made a good-faith effort to remedy the violation. The Trial Court's summary dismissal foreclosed this essential inquiry and denied Petitioner a fair opportunity to present relevant evidence. As Blanck (2022) observes, the intersection of disability rights and housing discrimination law demands careful judicial evaluation, underscoring that the Superior Court is the proper forum for such proceedings.

#### **Inadequate Remedy and Lack of Legal Recourse in the District Court**

The claims advanced by the Petitioner, including those seeking damages of approximately \$200,000, clearly exceed the monetary jurisdictional limits of the District Court. Under Rhode Island law, the District Court is not empowered to adjudicate cases involving substantial damages or complex issues of civil rights and disability discrimination (R.I. Super. Ct. R. Civ. P. 12).<sup>18</sup> The Petitioner contends that the case encompasses both financial claims and significant violations under the Fair Housing Act and the Americans with Disabilities Act, which require thorough judicial consideration rather than summary review.<sup>19</sup> The scope of the allegations, including ongoing harassment, emotional distress, and the failure to accommodate a disabled tenant, necessitates adjudication by a court with the authority to issue comprehensive rulings and enforce appropriate remedies. The Trial Court's refusal to transfer the matter to the Superior Court disregarded this procedural necessity. As further discussed by Schwartz (2021), cases involving civil rights violations in the housing context demand heightened judicial scrutiny and full consideration of both factual and legal elements.

In summary, the appeal seeks reversal of the Trial Court's dismissal on several legal grounds: improper application of jurisdictional standards; failure to address statutory obligations regarding reasonable accommodation under the Fair Housing Act and the ADA; insufficient consideration of harassment and retaliation claims; and procedural errors that infringed upon Petitioner's right to a fair hearing. The case raises substantial and complex legal issues at the intersection of disability rights and housing discrimination law, particularly concerning the PHA's duties to prevent harassment and provide reasonable accommodation. In light of the scope of the alleged violations and the relief sought, the matter properly lies within the jurisdiction of the Superior Court for full adjudication consistent with federal and state civil rights protections.

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<sup>18</sup> R.I. Super. Ct. R. Civ. P. 12.

<sup>19</sup> Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213

### **CONCLUSION AND PRAYER FOR RELIEF**

For the reasons set forth above, Petitioner Fatima Touijer respectfully prays that this Honorable Court grant the petition for a writ of certiorari to review the judgment of the Supreme Court of Rhode Island in Case No. SU-2024-0313-A.<sup>20</sup> Petitioner further requests that the Court consider the important federal questions presented regarding the enforcement of the Fair Housing Act, the Americans with Disabilities Act, and the Due Process Clause of the Fourteenth Amendment, and that it grant such further relief as may be just and proper in the circumstances of this case.

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<sup>20</sup> Touijer v. Providence Hous. Auth., No. SU-2024-0313-A (R.I. 2024).

Case number: PC-2024-03163  
Filed in Providence/Bristol County Supreme Court

Ms. Fatima Touijer

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