

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-3627

Century Gardens, L.P.; Marvin
Gardens, L.P.,

Appellants,

v.

Housing Authority of St. Louis County;
United States Department of Housing
and Urban Development,

Appellees.

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* Appeal from the United States
* District Court for the
* Eastern District of Missouri.
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* [UNPUBLISHED]
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Submitted: May 13, 2003

Filed: May 16, 2003

Before MORRIS SHEPPARD ARNOLD, BYE, and RILEY, Circuit Judges.

PER CURIAM.

Century Gardens, L.P. (CG) and Marvin Gardens, L.P. (MG) entered into Housing Assistance Payment (HAP) contracts with the Housing Authority of St. Louis County (HASLC) which provided that “[t]he effective date of this Contract is October 1, 1981,” and “[t]he term of this Contract is 15 years beginning on the effective date.” In September 1996 Congress passed a statute whereby HAP contracts expiring during fiscal year 1997 were to be renewed at the request of a multi-family housing project owner for not more than one year. In December 1996 the United

States Department of Housing and Urban Development (HUD) implemented the renewal statute, providing for renewal of HAP contracts expiring during the period from October 1, 1996, through September 30, 1997. In March 1997 CG and MG requested that their HAP contracts be renewed. HASLC refused to renew the HAP contracts on the ground that they expired on September 30, 1996. CG and MG sought a declaratory judgment that their HAP contracts expired on October 1, 1996, and were subject to renewal. The district court¹ determined that CG's and MG's HAP contracts expired on September 30, 1996, and thus were not subject to renewal, and entered summary judgment for HUD and HASLC. CG and MG appeal.

Reviewing de novo, see Advantage Consulting Group, Ltd. v. ADT Sec. Sys., Inc., 306 F.3d 582, 585 (8th Cir. 2002), we agree with the district court that the contracts expired on September 30 and were not renewable. Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.