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FAIR HOUSING LAWSUIT ALLEGES SOURCE OF INCOME DISCRIMINATION BY BRONX LANDLORD

Ms. Jesenia Aponte, a tenant who waited more than a decade to obtain a Section 8 rental assistance voucher from the New York City Housing Authority (NYCHA), has filed a lawsuit in state court against the owners and managers of the 82-unit apartment building in the Bronx where she has lived for more than 19 years. Ms. Aponte's complaint alleges that the building's owners and managers discriminated against her by refusing to accept her federal rental subsidy.

The suit alleges that in 2009, the defendants, DeKalb Associates LLC, Jeffrey Gault, Perry Gault, and Perry Gault Management, repeatedly refused to accept a rental subsidy from Ms. Aponte in violation of the New York City Human Rights Law and that their refusal resulted in her losing the rental assistance and value of the rental subsidy. The New York City Human Rights Law prohibits discrimination based on source of income, including any form of federal, state, or local housing assistance such as Section 8 vouchers. Ms. Aponte is represented by the New York law firm of Giskan Solotaroff Anderson & Stewart LLP.

Ms. Aponte contacted the Fair Housing Justice Center (FHJC) who assisted her with her complaint and helped her to obtain legal counsel. *"We continue to receive complaints that real estate brokers, rental management companies, and landlords in New York City are refusing rental subsidies from tenants despite the fact that it has been illegal to do so since March 2008,"* stated Miriam Kurien, FHJC Interim Executive Director. Ms. Kurien added, *"At a time when the economy is placing tremendous pressures on lower income families and homelessness is on the rise, actions by landlords to illegally make affordable rental housing unavailable by refusing to accept rental subsidies only causes added hardship and frustrates efforts to prevent homelessness."*

In discussing the lawsuit, Attorney Amanda Masters of the Giskan Solotaroff firm stated, *“Building owners feel emboldened to violate this civil rights law, but if they refuse to accept section 8 tenancies, they can face stiff penalties and have to repay the tenant for the voucher which would have paid the rent for many years.”* Ms. Masters added, *“The law has real teeth, and tenants can use it.”*

In the attached complaint, Ms. Aponte is asking the court to find that the defendants have engaged in illegal housing discrimination, require the defendants to take all necessary steps to prevent future discrimination, and order damages and attorneys fees pursuant to the New York City Human Rights Law.

The mission of the FHJC is to challenge systemic housing discrimination, promote open and inclusive communities, and strengthen enforcement of local, state, and federal fair housing laws.

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