



OPENING ACTS

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Federal Judge Issues Decision: Garden City Case Moves Forward

On July 21, 2006, federal Judge Joseph Bianco issued a decision permitting plaintiffs in a fair housing land use and zoning lawsuit to proceed with their case against the Village of Garden City and Nassau County. The lawsuit was originally filed, with investigative assistance provided by the FHJC, in 2005 by ACORN, the New York ACORN Housing Company (NYAHC), and four individual Long Island residents. Garden City and Nassau County filed motions to dismiss all of the plaintiffs' claims, which were rejected by the Court.

The lawsuit alleges that, for racially discriminatory reasons, the Village of Garden City, a suburban community with a 1% African American population, engaged in exclusionary zoning that prevented affordable multifamily housing from being developed on a 25-acre parcel of land currently owned by Nassau County. Instead, the Village rezoned the land for development of upscale single-family homes or townhouses. The lawsuit also alleges that Nassau County has a history of promoting housing segregation by using federal funds to develop affordable housing only in African American and Hispanic neighborhoods, while excluding such housing from white areas, including Garden City.

Judge Bianco found that the plaintiffs' complaint sufficiently alleged that NYAHC was prepared to build affordable housing on the Garden City site and that ACORN's members and the individual Black and Latino plaintiffs have the financial means and desire to move to the Garden City site, if affordable housing were built. The Court rejected the defendants' efforts to dismiss the claim of a white Garden City resident who alleged that he has been denied the social and economic benefits of integrated living because of the defendants' discriminatory practices and policies.

FHJC Reviews Testing Program: Issues Report

In 2005, the Division on Civil Rights of the New Jersey Department of Law and Public Safety contracted with the Fair Housing Justice Center to assess the Division's current fair housing testing capability and to formulate recommendations to enhance the effectiveness of its testing program. The FHJC conducted a diagnostic review and provided the Division with a final report entitled "Strengthening Fair Housing Enforcement: Use of Testing by the New Jersey Division on Civil Rights." The report contains eight recommendations to expand the Division's use of testing and strengthen fair housing law enforcement in the State of New Jersey.

Lawsuit Aims to Halt Sexual Harassment

Two women filed a federal lawsuit in the Southern District of New York on August 14, 2006, alleging that a Manhattan landlord and businessman asked each of them for sexual favors in return for free or discounted rent. The Fair Housing Justice Center (FHJC) assisted the women to obtain legal counsel and assert their rights under state and federal fair housing laws.

The complaint alleges that, earlier this year, Jennifer Dunlap met with defendant landlord Jerry Jacobs at his office in Manhattan's garment district to discuss a room he had available to rent. When they met, Ms. Dunlap alleges that Jacobs propositioned her, offering to allow her to stay in the apartment for free in exchange for sex. Ms. Dunlap refused Jacobs' overtures and did not rent a room from him. Similarly, the complaint alleges that last fall, Jacobs told tenant Kathryn Smith that he would reduce her rent by half and allow her to use part of an apartment as a work studio, in exchange for sex. Ms. Smith refused Jacobs' proposal and moved out of her apartment.

According to the complaint, Jacobs' actions constitute illegal quid pro quo sexual harassment in violation of the federal Fair Housing Act and the New York State Human Rights Law. The lawsuit seeks a court order preventing Jacobs from harassing future tenants and rental applicants, along with compensatory and punitive damages for the plaintiffs. FHJC cooperating attorneys Kurt Rogers, Aaron Siri, and Jennifer Sperling of Latham & Watkins LLP are representing both women.

Laurence Belinsky, President and CEO of HELP USA, stated, "A crucial part of HELP USA's work involves enabling formerly homeless clients, many of whom are single female-headed households, to move to safe and decent rental housing, free from the type of harassment described in this complaint."

"While the plaintiffs in this case were not homeless, sexual harassment impacts women at all socio-economic levels," according to Diane L. Houk, FHJC Executive Director. Ms. Houk stated that her office has received numerous complaints in recent months alleging sexual harassment involving landlords and building superintendents. Houk added, "Sexual harassment is a form of housing discrimination that threatens women where they should be most safe—at home."

The Fair Housing Justice Center
is a program of HELP USA



From the Director's Chair:

Breaking Down Barriers of Bias

Housing discrimination takes many forms. Some are overt and others are more difficult to detect. Searching for affordable housing in the New York City region is a formidable challenge for anyone. When illegal discrimination impedes access to that housing, a difficult search can quickly become a personal nightmare. Discriminatory barriers not only limit the ability of people to access and enjoy housing, but are an assault on the dignity and worth of a person as a human being. When an individual is intentionally denied housing because of his or her race, religion, national origin, sex, disability, sexual orientation, or some other illegal factor, the resulting injury can be far more devastating and lasting than the immediate loss of shelter.

Discriminatory housing practices, although different in form, continue to inflict serious harm on many individuals and families in our community. Harm occurs when housing providers exploit women and illegally condition housing on receipt of sexual favors or when they engage in racial or sexual harassment and create hostile living environments. Harm occurs when brokers misrepresent the availability of housing or "steer" people based on race or national origin. And harm occurs when housing providers fail to reasonably accommodate or refuse to rent or sell to a person with a disability.

The injury caused by each act of housing discrimination also takes many forms and can be hard to detect. In addition to limiting housing and life opportunities, housing discrimination can impair personal and work relationships, increase suspicion and distrust between people, raise questions about individual and group identity, diminish self-esteem, undermine one's confidence in the ability to make decisions, and shatter personal hopes and dreams.

Fair housing laws were enacted to stop unlawful housing discrimination and help make "whole" again those who are victimized by such practices. Through vigorous enforcement of fair housing laws, the FHJC assists individuals to exercise their fair housing rights and obtain just compensation for their injury. Breaking down barriers of bias in housing that persist in causing harm to individuals, groups, and whole communities is central to the mission of the FHJC.

Diane L. Houk, Esq.
Executive Director



FHJC Launches Web Site

Visit the FHJC on the Internet at our new web location, www.fairhousingjustice.org, where you can read about case highlights, program activities, partnerships, internship opportunities, and the latest FHJC news. You can also access back issues of the Opening Acts newsletter, report housing discrimination, or make an online contribution to the FHJC. The above banner that appears on this issue of Opening Acts comes from the new FHJC web site.

Performances of Note



The FHJC employs dozens of talented actors and other entertainment professionals as part-time testers in its "Acting for Justice" Program. These individuals assist with fair housing testing investigations when they are not performing in various venues. As a regular column in *Opening Acts*, **Performances of Note** will proudly identify and promote the artistic performances with which our testers are associated. For obvious reasons, these announcements will not identify the names of our testers.

Los Angeles

Los Angeles International Short Film Festival presents a screening of "The Nurse," a short film by Raffaella Passerini, on September 6, 2006, at 8:00 p.m. More information can be obtained at www.lashortsfest.com.

New York City

Bach at St. Peter's Festival will be held at St. Peter's Church, 619 Lexington Avenue, on September 30, 2006. Information is available at www.saintpeters.org.

Dillons, located at 254 W. 54th Street, presents a Broadway Review - Benefit for Prostate Cancer Research on Sunday, October 22, 2006 from 4-7:00 p.m.

HELP WITH HOUSING DISCRIMINATION

Don't let housing discrimination turn you around! If you suspect that you have been discriminated against on the basis of race, color, national origin, sex, religion, family status (presence of children), disability (physical or mental), age, marital status, sexual orientation, military status, lawful occupation, citizenship status, or domestic partnership status, you can do something about it. The FHJC assists individuals and organizations by providing the following services free of charge:

- Counseling on Fair Housing Rights
- Investigative Assistance
- Attorney Referrals and/or Assistance with Filing Administrative Complaints

By exercising your fair housing rights, you can stop illegal housing discrimination.

For direct assistance with housing discrimination, please contact the FHJC at (212) 400-8201 or at our toll free number, 1-866-350-FHJC. You may also report housing discrimination on our Web site www.fairhousingjustice.org or send an e-mail to FHJC@helpusa.org.



Spotlight on Success

Age Discrimination Complaint Resolved

On June 27, 2005, Rosely Lopez filed an administrative complaint with the New York State Division of Human Rights (DHR) alleging that respondents John Sheehan and Build Ontop Housing Development Corp. refused to rent an apartment in the Bronx to her and her two young children because of her age, sex, and marital status. Ms. Lopez, who was 18 at the time, alleged that Mr. Sheehan told her that he would not rent to her because she was too young, and that he preferred to rent to a couple.

On April 27, 2006, the parties entered into a settlement agreement resolving Ms. Lopez's complaint. The respondents agreed to pay Ms. Lopez \$4,500 and to post a sign indicating that housing is available for rental on a non-discriminatory basis. Ms. Lopez was represented by Adam Burk of Latham & Watkins LLP.

Tenants Obtain Apartment in 80/20 Development

In 2004 Xian-Mei Chen, who has physical disabilities, and Yu-Feng Wong, her adult grandson who is developmentally disabled, applied to live together at a Manhattan apartment building called The Helena, a newly-constructed mixed-income development in which 20% of the apartments are set aside for lower-income tenants at below-market rents. After their application was denied in May 2005, Ms. Chen and Mr. Wong filed a complaint with the U.S. Department of Housing and Urban Development (HUD) in August 2005 alleging that respondents Durst Organization, Rose Associates, and West 57th Street Apartments refused to rent to them and discriminated in the rental terms and conditions because of their disabilities. The complaint also alleged that the respondents illegally refused to make reasonable exceptions to their application procedures for Ms. Chen who was unable to personally attend a rental interview because of her disabilities.

On December 28, 2005, the parties signed a conciliation agreement resolving Ms. Chen and Mr. Wong's complaint. As part of the agreement, the respondents agreed to rent an affordable apartment to Ms. Chen and Mr. Wong at The Helena and not to discriminate in the future, including by refusing to provide reasonable accommodations to persons with disabilities. Ms. Chen and Mr. Wong were represented by Meaghan Chmura of Latham & Watkins LLP.

Consent Order in Sexual Harassment Case Includes \$17,500 in Damages

On May 17, 2006, Elizabeth Pritchett of Brooklyn filed a federal lawsuit alleging that the owner of the apartment building where she lived, James Joseph Rigney III, sexually harassed her in violation of fair housing laws. According to her complaint, Mr. Rigney made repeated comments about Ms. Pritchett's physical appearance, leered at her, entered her living area without permission or notice, installed surveillance cameras to keep track of her boyfriend's visits to

Spotlight on Success (continued)

her apartment, and wrote sexually explicit notes and emails to her and other tenants of the building, causing Ms. Pritchett to fear for her safety.

On August 29, 2006, a consent order was entered by the Court resolving the lawsuit. The order requires Mr. Rigney to pay Ms. Pritchett \$17,500 and prohibits him from physically and verbally harassing, intimidating, or threatening Ms. Pritchett. Ms. Pritchett was represented by Aaron Delaney and Douglas Burns of Paul, Weiss, Rifkind, Wharton & Garrison LLP.

Progress on CHOICE Initiative

During this first year of the CHOICE Initiative (Creating Hope for Open and Inclusive Communities Everywhere), the FHJC has been identifying current illustrations of mixed-income housing created in different regions of the country. FHJC staff has focused on rental housing located in low-poverty areas that was created through new construction or rehabilitation. Developers, financial institutions, local government agencies, tenants, rental managers, and others have been interviewed about housing created in nine states from coast-to-coast. In some instances, housing identified by the FHJC was built as a direct result of fair housing litigation and in others, local inclusionary zoning ordinances served as a primary catalyst for development.

In March, the FHJC hosted a meeting of its partners, the Metropolitan Milwaukee Fair Housing Council (MMFHC) and the Inclusive Communities Project (ICP) in Dallas, Texas, with advisors from several different disciplines to discuss criteria for site selection and information collection. Participants in the meeting included Professor George Galster, Wayne State University; Andrew Grant-Thomas, Deputy Director of the Kirwan Institute for the Study of Race and Ethnicity at Ohio State University; Margery Turner, Director of the Metropolitan Housing and Communities Policy Center at the Urban Institute; and Phil Tegeler, Executive Director of the Poverty & Race Research Action Council.

Consultant Helen Dunlap leads a discussion of advisors to the CHOICE Initiative (below). HELP USA's Executive Vice-President Tom Hameline shares ideas with MMFHC President/CEO William R. Tisdale and MMFHC Vice-President Carla Wertheim (right). ICP Executive Director Elizabeth Julian, Esq. talks with Kirwan Institute Deputy Director Andrew Grant-Thomas (lower right).





2006 Summer Legal Interns Tianna Terry (middle), a 2nd year student at Yale Law School, and Janora Hawkins (left) and Brian Barbour (right), both 2nd year students at Brooklyn Law School.

APPLAUSE AND A STANDING OVATION!

HELP USA employees Janice Mills (right) and John Kolp (left) have provided invaluable assistance to FHJC staff with general administrative support and computer programming services throughout the past year.



“No Children” Leads to Complaint

The Intranuovo family was searching for housing in January 2006 and responded to an advertisement in the newspaper for a three bedroom apartment in Queens, New York. When Mr. Intranuovo told the landlord that he had children, the landlord allegedly told him that he would not rent to families with children. Testing conducted by the FHJC confirmed that the owners were refusing to rent to families with children. On August 4, 2006, the Intranuovos filed a lawsuit in state court alleging that Thomas and Catherine Oelkers engaged in familial status discrimination in violation of the New York City Civil Rights Law. The Intranuovos are represented by Alexa Klein and Jennifer Sperling of the law firm of Latham & Watkins, LLC.

Opening Acts is the quarterly newsletter of the Fair Housing Justice Center (FHJC) of HELP USA. The newsletter name reflects its primary purpose. The goal is to highlight “acts” taken by the FHJC to “open” up housing opportunities and challenge illegal housing discrimination in the New York area. The newsletter features stories about “opening acts” including recent housing discrimination cases, fair housing policy issues, as well as local, state, and national efforts to enforce fair housing laws.



The Cast:

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|----------------------|---------------------------------|
| Diane L. Houk, Esq. | Executive Director |
| Pamela Sah, Esq. | Legal Director |
| Fred Freiberg | Field Services Director |
| Dora Mendez | Investigations Coordinator |
| Julia Fong Sheketoff | Intake Analyst |
| Erica Blake | Housing Initiatives Coordinator |
| Wayland Quintero | Program Assistant |

Support the Fair Housing Justice Center!

Looking for that end of the year charitable tax deduction? Your tax deductible contribution makes it possible for the FHJC to challenge discriminatory housing practices in the New York area.

Checks made payable to “HELP USA - FHJC” can be mailed to:

**Fair Housing Justice Center of HELP USA
5 Hanover Square, 17th Floor
New York, NY 10004**



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