



## *Opening Acts*

*A Publication of the Fair Housing Justice Center Inc.*

### **FHJC Testing Leads to Lawsuit Alleging Race Discrimination at Astoria Rental Building**

On January 5, 2010, the Fair Housing Justice Center (FHJC) along with four African American testers filed a federal lawsuit against the owners and managers of a 72-unit apartment building located in Astoria (Queens), New York. The complaint alleges that a two-month investigation was conducted by the FHJC into the rental practices of the Broadway Crescent Apartments located at 23-35 Broadway in Astoria. According to the complaint, four matched teams of comparably qualified African American and white testers visited the apartment building. Each time, agents told African American testers that no apartments were available and no apartments were shown. White testers who made identical housing requests on the same day were told about and, in most instances, shown available apartments. The suit alleges that the building owner, Broadway Crescent Realty, Inc., building management company M & N Management Corp., and their agents Louie Dodaj and his wife, are discriminating against prospective renters based on race.

The federal lawsuit seeks an injunction to stop the discrimination, relief to prevent future discriminatory acts, recovery of compensatory and punitive damages, and reasonable attorneys' fees and costs. The plaintiffs are represented by the law firm of Emery, Celli, Brinckerhoff and Abady LLP.

FHJC Board President Bernhard Blythe stated, *"The persistence of discrimination against African Americans in New York City's rental market is unfair, unlawful, and unacceptable. We will continue to focus our limited organizational resources on eradicating all forms of discrimination that restrict the ability of New Yorkers to access housing on an equal basis."*

Attorney Diane L. Houk commented, *"It is just as offensive and hurtful to lie to renters about available apartments based on race as it is to slam a door in their face. These subtle and unlawful actions not only deceive African American renters and deny housing choice, but they harm the entire community by perpetuating racial segregation."*

### **Planning 2nd Annual Acting for Justice Awards**

In June 2010, the FHJC will hold its 2nd Annual Acting for Justice Awards Ceremony. FHJC members interested in volunteering to help with this event should call FHJC Office Manager Vanessa Gonzalez at (212) 400-8201. Watch for more details in future Opening Acts e-newsletters.

**Monday, January 11, 2010**

### **Complaint 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), filed a lawsuit in state court on November 20, 2009 against the owners and managers of the 82-unit apartment building in the Bronx where she has lived for more than 19 years.

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 law firm of Giskan Solotaroff Anderson & Stewart LLP.

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."*

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.