



OPENING ACTS

Volume 2, Issue 2 — Winter 2007

Opening Acts is a Publication of the Fair Housing Justice Center of HELP USA

Accessibility Investigation Reveals Barriers in New Rental Housing

People with physical disabilities who use wheelchairs will likely have a difficult time looking for a new apartment to rent in New York City. The federal Fair Housing Act requires that all new multifamily buildings built since 1991 be designed and constructed to be accessible to persons with physical disabilities. However, a recent systemic testing investigation completed by the Fair Housing Justice Center revealed that there is substantial non-compliance with these accessibility requirements.

The Fair Housing Act requires that all new multifamily buildings be designed and constructed to meet seven guidelines that are intended to achieve a minimum level of adaptability or accessibility. Fifteen years later, new rental developments in New York City, including many that contain affordable housing units, are still being designed and constructed in a manner that fails to comply with these requirements. Interior doorways were too narrow in all of the developments tested. In some buildings, public and common use areas and main building entrances were not accessible to wheelchair users. Some apartments contained bathrooms that lacked the minimum clear floor space needed for maneuverability by a wheelchair user. Also, some of the apartments did not have reinforced bathroom walls that would permit the installation of grab bars.

In order to assist the federal government to enforce the accessibility provisions of the Fair Housing Act in New York, the results of the FHJC investigation have been shared with HUD and the U.S. Attorney's Office for the Southern District of New York.

FHJC Brochure Available

With funding provided by the Taconic Foundation, the Fair Housing Justice Center (FHJC) has produced an informative brochure entitled "Don't Let Housing Discrimination Turn You Around" that enables both renters and homebuyers to identify housing practices that may be discriminatory and illegal. The brochure also describes FHJC services and provides contact information that the public can use to report unlawful housing discrimination. Copies of this brochure are available by calling the FHJC at (212) 400-8201.



Racial Discrimination Alleged by City Employee and FHJC Tester

In December 2006, Frenette Lubin, a City of New York employee who immigrated to the United States from Haiti as a young adult, filed a federal lawsuit in the Eastern District of New York alleging that a Manhattan real estate agent refused to negotiate to rent her a Brooklyn apartment because of her race, color, and national origin. The Fair Housing Justice Center (FHJC) sent testers to the real estate company to investigate the complaint and assisted Ms. Lubin to obtain pro bono legal representation from FHJC cooperating attorneys at Latham & Watkins LLP.

In 2006, Ms. Lubin, a Brooklyn resident, began to look for an apartment for herself and her son. She responded to an advertisement for an apartment in the Bensonhurst area of Brooklyn. The complaint alleges that after Ms. Lubin met real estate agent Max Shalom of Apuzzi Realty at the apartment, he failed to provide her with an application as promised and did not return any of her phone calls. Days after the meeting, Ms. Lubin alleges that the apartment was re-advertised with a lower rent listed. The lawsuit further alleges that soon afterward, Shalom falsely represented to an African American tester that the unit was not available for rent, while subsequently showing the available apartment to a white tester.

Ms. Lubin and the African American tester filed suit against Max Shalom, Steven Apuzzi LLC, and 264 Realty LLC, the owner of the 35-unit apartment building. The complaint seeks a court order prohibiting future discrimination and damages pursuant to local, state and federal fair housing laws. The tester is represented by FHJC cooperating attorney Mariann Meier Wang of Emery Celli Brinckerhoff & Abady LLP.

"Today, discrimination based on race, color, and national origin can often be subtle and take many different forms," said Diane L. Houk, FHJC Executive Director. She added, "Testing is one of the few investigative tools that can document subtle forms of housing discrimination."

Pilot Project Assists Homeless Families to Exercise Fair Housing Rights

The Fair Housing Justice Center (FHJC) is working with the Bronx Family Center (BFC) of HELP USA to assist residents at several transitional housing shelters to locate permanent rental housing. The goal of the project is to use fair housing laws to assist formerly homeless families to overcome any discriminatory barriers that may exist within the affordable housing market.

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From the Director's Chair:

Don't Let Housing Discrimination Turn You Around!

The cover of the new FHJC brochure features a brick wall with the graffiti image of a door and the scrawled words **"Don't Let Housing Discrimination Turn You Around!"** A variation on the African American spiritual "Ain't Gonna Let Nobody Turn Me 'Round" that later became an anthem for the civil rights freedom movement in our nation, this phrase remains a fitting message for all who seek to exercise their fair housing rights.

This issue of *Opening Acts* features articles that describe recent acts of housing discrimination based on race, national origin, disability, sex, and family status. Rather than turn around, the individuals and families profiled here turned to the FHJC for assistance. By offering counseling on fair housing rights, investigative assistance, and legal referrals, the FHJC was able to provide vital resources and support for these victims of illegal housing discrimination.

The people described in these articles refuse to let others deter them from freely choosing a place to live. They are claiming their right to equal opportunity in housing. They are exercising their legal rights to protect their own families and to ensure that other renters will not have to confront the same insidious barriers in the future.

When they are vigorously enforced, fair housing laws can open doors and batter down walls of ignorance and bias. If you run into a proverbial brick wall while searching for housing and suspect illegal housing discrimination, do something about it. Call the FHJC for assistance. Don't let housing discrimination turn you around!

Diane L. Houk, Esq.
Executive Director

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.

African American Couple Alleges Race Discrimination in Park Slope

In early 2006, Steven and Michelle Brady, an African American couple, attempted to rent an apartment in a 36-unit apartment building located in the predominantly white Brooklyn neighborhood of Park Slope. The current tenant showed the apartment to the Bradys. However, when the Bradys contacted Slope Realty to apply for the apartment, they allege an agent refused to process their rental application. FHJC conducted a testing investigation and assisted the Bradys to obtain pro bono legal representation from FHJC cooperating attorneys at Latham & Watkins LLP.

On December 12, 2006, the Bradys filed a federal lawsuit in the Eastern District of New York alleging that Leon Goldstein (d/b/a Slope Realty) and 575 Third Street LLC refused to rent an apartment to them because of their race and color. The complaint seeks a court order prohibiting future discrimination and damages pursuant to federal, state and local fair housing laws.

Yonkers Residents View Premiere of "Brick by Brick: A Civil Rights Story"

The premiere showing of a documentary film entitled *Brick by Brick: A Civil Rights Story* was held at the Yonkers Riverfront Library on February 9th, 2007, in conjunction with the film's first television broadcast on PBS. Over 300 people joined the Yonkers NAACP Branch and filmmaker William Kavanagh to watch the chronicle of the NAACP's efforts to desegregate City of Yonkers' public schools and housing.

The film tells the story of public housing segregation in Yonkers, the efforts of the NAACP to challenge the City's housing policies, and the City's defiance in the late 1980s of federal court orders to build public housing outside of predominantly black Southwest Yonkers. The story is told through the words of Yonkers residents and includes extensive film footage of the events as they unfolded.

Adrean Owens, the first African-American public housing tenant to move to newly built scattered-site townhouses in predominantly white East Yonkers in 1992, spoke to the audience about why she volunteered to move to the new public housing after so much racial opposition, including a bomb at the site during its construction. Ms. Owens talked with pride about raising her family in East Yonkers, returning to school to earn a college degree, and then working as a counselor with domestic violence survivors.

The film also illustrates the story of Mary Dorman, a longtime East Yonkers resident who initially joined with her white neighbors to oppose the housing desegregation order, but then turned her energies into welcoming the families who moved to her neighborhood. Winston Ross, former President of the Yonkers NAACP, spoke about growing up in segregated Yonkers. He described how he came to write a letter to the Department of Justice in the 1970s. In response, the federal government filed a lawsuit against Yonkers in 1980 which led to a court finding that the City intentionally created segregated public schools and housing.

Copies of the documentary can be purchased online at <http://www.brick-by-brick.com/order.html>.

Woman and NY AG Allege Landlord Engaged in Sexual Harassment

On February 20, 2007, a sexual harassment lawsuit was filed in state court by FHJC cooperating attorney Mariann Meier Wang of Emery Celli Brinckerhoff & Abady LLP on behalf of a former female tenant of a Brooklyn apartment building. The tenant alleges that when she lived at the 20-unit building, one of the owners, Robert Berezin, sexually harassed her, including touching her inappropriately without her consent, visiting her apartment without notice and trying to enter without her consent, and retaliating against her by failing to make necessary repairs when she objected to his behavior. The lawsuit alleges that when the tenant complained to the building's co-owner, Robert Lewis, he did not take any action to correct the situation. The complaint names both Berezin and Lewis as defendants and seeks a court order prohibiting future discrimination and damages pursuant to federal, state, and local fair housing laws.

In 2006, with the assistance of the Fair Housing Justice Center (FHJC), the tenant filed a civil rights complaint with the Civil Rights Bureau of the Office of the New York Attorney General. In response to her complaint and based on additional investigation conducted by the Bureau, New York Attorney General Andrew Cuomo filed a lawsuit on February 6, 2007 in state court against Berezin and the co-owners of three Brooklyn apartment buildings. The lawsuit alleges that Berezin sexually harassed numerous female tenants over a period of ten years.

Diane Houk, FHJC Executive Director, remarked "Everyone needs to feel safe where they live. When a landlord sexually harasses tenants and then retaliates when sexual advances are rebuffed, home ceases to be a safe and secure place." Houk stated that the FHJC has received numerous complaints alleging sexual harassment by landlords and building superintendents in New York. Houk added, "Fair housing laws not only guarantee access to housing, but also ensure that everyone has the right to peacefully enjoy that residence, free from discrimination and harassment."

Family with Biracial Children Challenges Alleged Discrimination

In August 2006, Jodi Hocking, a white woman with two biracial children, contacted landlord John Petta in response to a newspaper ad and arranged to view his apartment in Mechanicville, New York. When Petta, a white man, initially met with Ms. Hocking to show her the apartment, he encouraged her to rent the apartment and offered favorable terms. However, Ms. Hocking alleges that when her daughter arrived to see the apartment, Petta's demeanor changed. Ms. Hocking alleges that Petta asked the race of her other child and said she should have told him ahead of time that her children were black.

On January 10, 2007, Ms. Hocking filed a federal race discrimination lawsuit in the Northern District of New York. Ms. Hocking is represented by FHJC cooperating attorney Michael Sussman of Sussman Law Offices in Goshen, New York.

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. The FHJC proudly promotes the artistic performances of our testers. For obvious reasons, these announcements will not identify the names of our testers.

New York City

"The Color Purple" is a musical production at the Broadway Theatre, located at 1681 Broadway. Tickets may be purchased at Telecharge (212) 239-6200 or <http://www.telecharge.com/>.

"The Distant Sound" (Hans Shrecker's "Der ferne Klang") with the American Symphony Orchestra is being performed at Avery Fisher Hall at Lincoln Center for the Performing Arts (Columbus Ave. at 65th St.) from April 9 - 15, 2007. Tickets and information are available by contacting the Avery Fisher Hall box office at the following website: <http://www.americansymphony.org/tickets/>.

Seattle, Washington

"Julius Caesar" (Giulio Cesare in Egitto) premieres at the Seattle Opera from February 24 - March 10, 2007. For more information and tickets, visit www.seattleopera.org.



Spotlight on Success

Eviction Stopped in Family Status Case

In December 2006, the U.S. Department of Housing & Urban Development (HUD) entered into a conciliation agreement with Progressive Management of New York and Grant Forbell, L.P. resolving a family status discrimination complaint filed against them by Cynthia White, a tenant residing in Brooklyn.

With assistance from the FHJC, Ms. White filed a complaint with HUD in August 2006. In her complaint, she alleged that she was being threatened with eviction by her landlord and rental management company because her teenage son, who had previously lived in Jamaica, came to live with her and her younger son.

The respondents agreed not to evict Ms. White and to permit her two sons to live with her at The Fountains at Spring Creek, a 102 unit affordable apartment building financed with federal Low Income Housing Tax Credits. The conciliation agreement obligates respondents to comply with the federal Fair Housing Act in the future.

The Fair Housing Justice Center
is a program of HELP USA





Many thanks to the five outstanding law students who participated in the Columbia Law School Fair Housing Externship in Fall 2006. The legal research and support provided by these externs enabled many FHJC clients to exercise their fair housing rights. Pictured above, from left to right, are Leonora Gogolak, Brian Larkin, Cari Fais, Anya Emerson, and Rachel Barish.

APPLAUSE AND A STANDING OVATION!

Support the Fair Housing Justice Center!

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**

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:

- | | |
|----------------------|---------------------------------|
| 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 |

Pilot Project (Continued from page 1)

The FHJC provides a "Rental Search Log" to each participating family. The log helps the families keep track of their search for decent, safe, and affordable housing. The log allows a tenant to compare the rental units that are viewed and keep a record of all contacts with housing providers. The log also provides useful information on fair housing rights to participating families. HELP USA Senior Vice President Dr. Thomas Hameline stated: "By having the FHJC work closely with BFC clients during their housing search, the project makes it possible to respond more rapidly when unlawful housing discrimination is encountered."



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