

New York State Division of Human Rights Housing Complaint Form

Although all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the child's interests must file on behalf of a person under the age of 18.

1. Your contact information:		
First Name Fair Housing Justice Center	Middle Initial/Name	
Last Name		
Street Address/ PO Box 30-30 Northern Blvd	Apt or Floor #: Ste 302	
City Long Island City	State NY	Zip Code 11101
If you are filing on behalf of a person or persons under the age of 18 for whom you have legal authority to act:		I am filing for: <input type="checkbox"/> Self & other <input type="checkbox"/> Other person(s) only
Name(s):	Relationship(s):	Date(s) of birth:
2. Who discriminated against you?		
<input checked="" type="checkbox"/> Owner/Landlord	<input type="checkbox"/> Condo Association	<input type="checkbox"/> Bank or Other Lender
<input type="checkbox"/> Manager/Superintendent	<input type="checkbox"/> Co-op Board	<input type="checkbox"/> Builder
<input type="checkbox"/> Public Housing Agency	<input type="checkbox"/> Real Estate Salesperson/ Real Estate Broker	<input checked="" type="checkbox"/> Other: <u>Operator of Adult Care Facilities</u>
<input type="checkbox"/> Temporary Housing/Shelter		
3. You are filing a complaint against:		
Name Please see the four entities listed in item 3 on attachment.	Name	
Street Address/ PO Box	Street Address/ PO Box	
City State Zip Code	City State Zip Code	
Telephone Number:	Telephone Number:	
<i>If you are filing against more than two entities, please list on a separate piece of paper.</i>		
Individual people who discriminated against you:		
Name: _____	Role/Title: _____	
Name: _____	Role/Title: _____	
If you need more space, please list them on a separate piece of paper.		

4. Description of the property involved in the discrimination. (provide whatever information is available)			
What is the address of the property?			
Address: <u>Please see item 4 in the attachment</u>		Apt. or Floor #: _____	
City: _____		State: _____	Zip code: _____
Who owns the property involved? _____			
Who manages the property? (If applicable) _____			
What kind of property was involved?			
<input type="checkbox"/> Single-family house	<input type="checkbox"/> Mobile home		
<input type="checkbox"/> Two-family house	<input type="checkbox"/> Building with 2-4 apartments		
<input type="checkbox"/> Commercial space	<input type="checkbox"/> Building with 5 or more apartments		
<input type="checkbox"/> Land	<input type="checkbox"/> Other: <u>Two Adult Care Facilities</u>		
Does the owner live on the property?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> I don't know
Does the owner own more than one property?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> I don't know
Was this property being sold or being rented?	<input type="checkbox"/> Being sold	<input checked="" type="checkbox"/> Being rented	<input type="checkbox"/> Not applicable
Are you currently living there?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
5. Date of alleged discrimination (must be within one year of filing):			
The most recent act of discrimination happened on:	<u>02</u>	<u>24</u>	<u>2023</u>
	month	day	year

6. Basis of alleged discrimination:
Check **ONLY** the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.

<input type="checkbox"/> Age: Date of Birth: _____	<input type="checkbox"/> Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
<input type="checkbox"/> Arrest Record (see page 2 of instructions for what is covered by the arrest provisions)	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran Duty
<input type="checkbox"/> Creed/ Religion: Please specify: _____	<input type="checkbox"/> National Origin: Please specify: _____
<input checked="" type="checkbox"/> Disability: Please specify: <u>Use of wheelchair</u>	<input type="checkbox"/> Race/Color or Ethnicity: Please specify: _____
<input type="checkbox"/> Familial Status	<input type="checkbox"/> Sexual Orientation: Please specify: _____
<input type="checkbox"/> Gender Identity or Expression, Including the Status of Being Transgender	<input type="checkbox"/> Sex: Please specify: _____
<input type="checkbox"/> Lawful Source of Income Please specify: _____	
<input type="checkbox"/> Use of Guide Dog, Hearing Dog, or Service Dog, or a Service or Companion Animal	

If you believe you were treated differently after you filed or helped someone file a discrimination complaint, acted as a witness to a discrimination complaint, or opposed or reported unlawful discrimination, check below:

Retaliation: How you opposed discrimination: _____

If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category above, and check below.

Relationship or association

7. Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

<input checked="" type="checkbox"/> Refused to rent or sell to me	<input type="checkbox"/> Unable to access property or facilities due to my disability	<input type="checkbox"/> Threatened to evict me Date of notice, if applicable: _____
<input type="checkbox"/> Discriminated against me in lending or financing	<input type="checkbox"/> Advertised in a discriminatory way	<input type="checkbox"/> Evicted me or attempt to evict me
<input type="checkbox"/> Denied me equal terms, privileges, or facilities that other tenants were given	<input type="checkbox"/> Harassed/intimidated (other than sexual harassment) on any basis indicated above	<input type="checkbox"/> Sexual harassment
<input checked="" type="checkbox"/> Denied my request for a reasonable accommodation or modification for my disability (includes refusal to permit a service or companion animal) Date requested: <u>Futile to request</u>	<input type="checkbox"/> Discriminated against me because of use of a professionally trained guide dog, hearing dog, or service dog	

Other: Printing statements that directly express a limitation and discrimination as to disability

8. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY. You may also write "see attached" and attach a typed description.

See item 8 in attachment.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

Signature (Declaration or Oath)

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

PLEASE INITIAL SK

Human Rights Law § 297.1 requires that a complaint filed with the Division of Human Rights must be "under oath or by declaration." You must complete either the "declaration" or "oath" sections below. The declaration requires only your signature and does not need to be notarized. The oath requires that you sign it before a notary.

DECLARATION

I affirm this 24th day of February (month), 2023 (year) at Queens (city), NY (state), under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Glyndeth Groman, Fair Housing Justice Center
[Complainant name]

OATH

STATE OF NEW YORK)
COUNTY OF) SS:

_____, being duly sworn, deposes and says: that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and knows the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believes the same to be true.

Complainant signature

Subscribed and sworn to
before me this day
of , 20

Signature of Notary Public

Please note: Once this form is completed and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.

Additional Information, Page 1: This page is for the Division's records and will not be sent to the company or person(s) whom you are filing against.

1. Contact information

My primary telephone number: (212) 400-8201(Ext. 202) (Elizabeth Grossman, Executive Director)

My secondary telephone number: (212) 400-8271 (Madhuliika Murali, Legal Coordinator)

My date of birth: N/A

(Required) My email address: mmurali@fairhousingjustice.org

The Division uses email, whenever possible, to communicate with the parties to complaints. This avoids delays and lost mail, and increases the efficiency of Division case processing. Therefore, you are required to provide an email address, if you have one, and to keep us advised of any change of your email address. The Division will not use your email address for any non-case related matters.

Contact person (Someone who does not live with you but will know how to contact you if we cannot reach you)

Contact person's name: Tanya Kessler or Jota Borgmann, Mobilization for Justice

Contact person's telephone number: (212)417-3811 or (212)417-3717

Contact person's address: Please see item 4 in the attachment

Contact person's email address: tkessler@mfjlegal.org; jborgmann@mfjlegal.org

Contact person's relationship to me: Attorneys

2. Special needs: I am in need of:

- Interpretation (if so what language?): _____
- Accommodations for a disability: _____
- Privacy. Keep my contact information confidential as I am a victim of domestic violence
- Other: _____

3. Settlement / Conciliation: To settle this complaint, I would accept: *(Explain what you want to happen as a result of this complaint. Do you want a letter of apology, end to harassment, withdrawal of eviction, access to the property, reasonable accommodation for your disability, compensation, etc.?)*

End to discriminatory policies, practices procedures, and published statements; affirmative steps to remedy the effects of the illegal conduct and to prevent repeated occurrences in the future; damages; and attorney's fees.

4. Witnesses (information about witnesses may be shared with the parties as necessary for the investigation) The following people saw or heard the discrimination and can act as witnesses:

Name: Andrea Hayward _____ Title Investigative Coordinator _____
Telephone Number: (212) 400-8201 _____ Relationship to me: FHJC Employee _____
What did this person witness? _____

See item 8 in the attachment.

Name: _____ Title: _____
Telephone Number: _____ Relationship to me: _____
What did this person witness? _____

Additional Witnesses include FHJC testers. Please see item 8 in the attachment for further explanation.

Additional Information, Page 2

5. FOR DISABILITY CASES ONLY:

Have you been treated poorly or differently due to your disability? Yes No

If yes, please explain:

Please see item 8 in the attachment.

Did you request a reasonable accommodation or modification for your disability? Yes No

When did you request a reasonable accommodation/modification? _____
month day year

What was your request?

A reasonable accommodation request would have been futile given the policies and statements by each Respondent

Who did you make the request to? _____ Investigative Coordinator
Name Title

Were you granted the accommodation?

For example, on January 27, 2022, Brooklyn Boulevard agent Adina Palmer said "We're not going to be able to accommodate the wheelchair in our facility."

6. Do you know of other people who were discriminated against in the same way as you were?

Yes No If yes, please explain: _____

Did you report or complain about the discrimination to someone else? Yes No
(It is not necessary for you to report or complain about discrimination before filing with the Division.)

If yes, how exactly did you complain about the discrimination? (To whom did you complain?)

Date you reported or complained about discrimination: _____
month day year

What happened after you complained?

HOUSING DISCRIMINATION COMPLAINT

1. Complainant Contact Information:

Fair Housing Justice Center (“FHJC”)
30-30 Northern Blvd., Suite 302
Long Island City, NY 11101
212-400-8201
fhjc@fairhousingjustice.org

Represented by:

Tanya Kessler, Esq.
tkessler@mfjlegal.org
Jota Borgmann, Esq.
jborgmann@mfjlegal.org
Kevin Cremin, Esq.
kcremin@mfjlegal.org
Mobilization for Justice, Inc.
100 William Street, 6th Floor
New York, NY 10038
(212) 417-3811

2. Who discriminated against you?

Owner/Landlord and Other: Operator of Adult Care Facility

3. Complaint is filed against:

1. Louisiana Purchase LLC (Owner of Brooklyn Boulevard ALP)
158-13 72nd Avenue
Flushing, New York, 11365
2. Boulevard ALP Associates LLC (Owner of Boulevard ALP Queens)
158-13 72nd Avenue
Flushing, New York, 11365
3. Brooklyn Boulevard ALP LLC
636 Louisiana Avenue
Brooklyn, New York 11239
4. Queens Boulevard ALP LLC
71-61 159th Street,

Flushing, NY 11365

4. Description of the property involved in the discrimination

The discrimination concerns two adult care facilities licensed by the State of New York as enriched housing programs with assisted living programs (“ALPs”):

1. Brooklyn Boulevard ALP, 636 Louisiana Avenue, Brooklyn, NY 11239 (Kings County)
2. Boulevard ALP Queens, 71-61 159th Street, Flushing, NY 11365 (Queens County)

5. Date of alleged discrimination

Most recent date: 02/24/2023

Oral discriminatory statements were made by the facilities from January 27, 2022 through March 9, 2022. Written discriminatory statements have been continuously posted on each ALP’s website from at least January 19, 2022 through to the present date of this filing on February 24, 2023.

6. Basis of alleged discrimination:

Disability (specifically, the use of a wheelchair)

7. Acts of alleged discrimination

- Refusing to rent to and otherwise denying to and withholding a housing accommodation from a person or group of persons because of their disability [Sections 296(5)(a)(1)]
- Printing and causing to be printed a statement in connection with the prospective lease of a housing accommodation which directly expresses a limitation and discrimination as to disability [Section 296(5)(a)(3)]
- Refusal to make reasonable accommodations in rules, policies, practices, or services to afford a person with a disability equal opportunity to use and enjoy a dwelling [Section 296(18)(2)]

8. The following is a brief and concise statement of the facts regarding the alleged violation:

Brooklyn Boulevard ALP and Boulevard ALP Queens refuse to rent units in their buildings to individuals who use wheelchairs. Each facility states on their website that they do not admit individuals who use wheelchairs. During a testing investigation by the Fair Housing Justice Center, agents for each facility told testers that their family members who use wheelchairs could not be admitted because of their wheelchair use.

Complainant:

Fair Housing Justice Center, Inc. (“FHJC”) is a private non-profit organization dedicated to ensuring that all people have equal access to housing opportunities in the New York City region¹ by eliminating housing discrimination and creating open, accessible, and inclusive communities. FHJC expended staff time and other resources to identify, investigate, and respond to the Respondents’ discriminatory rental practices which diverted resources away from other FHJC activities. Furthermore, Defendants’ discriminatory rental practices frustrated FHJC’s mission to ensure that all people have equal access to housing opportunities in the New York City region by, among other things, making housing accommodations unavailable based on disability to people who use wheelchairs.

Among other activities, FHJC: (a) provides information to the public and other nonprofit organizations in the New York City regional area about fair housing laws, (b) provides intake counseling to individuals and organizations alleging housing discrimination, (c) conducts testing and other investigations of alleged housing discrimination, (d) makes legal referrals to cooperating attorneys, and (f) provides post-referral litigation support services and educational training to cooperating attorneys. FHJC provides these services free of charge and without regard to household income.

FHJC also conducts testing investigations for government law enforcement agencies, provides technical assistance to nonprofit organizations, and engages in policy initiatives that further FHJC’s mission, including the publication and dissemination of reports and educational materials.

FHJC employs individuals as “testers” who are individuals who pose as renters or homebuyers for the purpose of obtaining information about the conduct of landlords, real estate companies, brokers, agents, and others to determine whether illegal housing discrimination is taking place.

FHJC diverted its limited resources to investigate and attempt to remedy the Respondents’ discriminatory policies and practices on the basis of disability in violation of the New York State Human Rights Law. These resources include staff time to coordinate and review testing of the Respondents and to meet with FHJC’s legal counsel.

In addition to causing a diversion of FHJC’s resources, the Respondents’ policies and practices as described below have frustrated FHJC’s stated mission by not renting housing accommodations due to disability.

In January 2022, the FHJC received a complaint that the Boulevard ALPs discriminate against people who use wheelchairs. In response, the FHJC conducted testing of the Boulevard ALPs from January to March 2022. The FHJC assigned testers to pose as

¹ FHJC serves the New York counties of Suffolk, Nassau, Westchester, Dutchess, Orange, Putnam, and Rockland, as well as the five boroughs of New York City.

family members of individuals seeking to apply to the Boulevard ALPs. In the interactions between testers and Boulevard ALP employees, the FHJC documented numerous oral discriminatory statements. In addition, FHJC uncovered written discriminatory statements on each ALP's website. Enclosed with this complaint are three screenshots from the facilities' websites and an admissions packet downloaded from Boulevard ALP's website.

Respondents:

The two enriched housing programs at issue in this case – Brooklyn Boulevard ALP and Boulevard ALP Queens – are located in Brooklyn and Queens, New York, respectively. Collectively, they will be referred to as either “the Boulevard ALPs” or “the ALPs”. The fee owner of Brooklyn Boulevard ALP is Louisiana Purchase LLC. The fee owner of Boulevard ALP Queens is Boulevard ALP Associates LLC.

Enriched housing programs are adult care facilities that provide housing and services, including healthcare services, to people with disabilities, under licensure with the New York State Department of Health (“DOH”). According to the DOH website, Brooklyn Boulevard ALP is operated by Brooklyn Boulevard ALP LLC and Boulevard ALP Queens is operated by Queens Boulevard ALP LLC.

Enriched housing programs can obtain additional certification to operate assisted living programs, which provide Medicaid-funded services. Boulevard ALP Queens has 239 enriched housing units, of which 200 are authorized as ALP. Brooklyn Boulevard ALP has 184 enriched housing units; all of the units are authorized as ALP.

Brooklyn Boulevard ALP

The Brooklyn Boulevard ALP's website contains a written discriminatory statement that has been posted continuously from the beginning of FHJC's investigation in January 2022 to the present day. The discriminatory statement is as follows:

“...[Brooklyn] Boulevard ALP is unable to accept residents who are chronically in a wheelchair and chronically require the assistance of another person to transfer or ambulate.”²

On January 27, 2022, the FHJC assigned a tester to pose as someone inquiring about availability of apartments for her brother. The tester reached “Adina Palmer”, who had identified herself as the “Marketing/Admissions Director” at Brooklyn Boulevard ALP in a previous voicemail. After a couple of minutes discussing communications logistics, the tester's first substantive question to Adina was: “I'm wondering about...the level of care,” noting that her brother lives very independently but perhaps should not be living alone anymore. The tester asked for information on costs, meal

² <https://www.brooklynalp.com/faqs>

plan, and social activities. Immediately, Adina responded: “OK. So in terms of level of care: residents must be ambulatory. That means that they have to be able to walk either with a cane or rollator. But they have to be able to walk independently.” The tester responded: “[...] he’s been in a wheelchair for many years [...] he’s pretty good, but he does use a wheelchair.” Adina said: “We’re not going to be able to accommodate the wheelchair in our facility.” She further questioned: “Does he use the wheelchair primarily for sitting and long distances? [...] He wouldn’t be able to bring the wheelchair with him. That’s what I’m trying to say [...] if he’s been using a wheelchair for years, I highly doubt that he is going to, you know, want to give it up.” The tester inquired about activities off-site and whether he’d have to be on the first floor. The tester specifically asked: “Your elevator may or may not accommodate a wheelchair, then, or...? Adina interjected: “No.” Without offering specific answers to the tester’s inquiries, Adina stated: “The wheelchair wouldn’t be in the building.”

On January 31, 2022, the FHJC assigned a tester to pose as someone inquiring about availability of apartments for her mother-in-law. She reached an employee who identified herself as the same Adina referenced in the previous paragraph. Within a few minutes of conversing with the tester about her mother-in-law, Adina asked: “How does your mother-in-law ambulate? How does she get around? Does she have a walker, cane, rollator?” In response, the tester answered that her mother-in-law is mostly ambulatory, and that she lives on her own, and could use help remembering to take her medications and eat. Adina responded, “OK, no problem. I’ll be happy to give you all the information.” About ten minutes into this phone call, Adina offers the following information about the services provided: “The primary assistance that we provide are really what somebody would receive from a home attendant with the exception of wheelchair services...[W]heelchairs would not...fit in our facility...”

On February 15, 2022, the FHJC assigned a tester to pose as someone inquiring about availability of apartments for her father-in-law. Adina asked a few introductory questions, including the name and age of her father-in-law. After obtaining those two details, the next question Adina asked was: “And how does he ambulate? Does he use a walker, a cane, a rollator?” The tester answered, “He actually, he uses a wheelchair, he had a leg amputated from an accident many years ago.” In the next few minutes, the tester provides further information: “He is able to, you know, he doesn’t need assistance – he can transfer himself really well. He’s very strong in that way.” Adina eventually said, “Yeah, we don’t really have wheelchairs in our facility so that is a big issue actually.” After the tester asked why, Adina responded: “Residents need to be able to walk either with a cane or a rollator. We don’t push residents in our facility. So it would be a big issue [...] We don’t really provide that level of care. And our home attendants wouldn’t be pushing them in a wheelchair.” The tester reminded Adina, “Well, yeah, I mean, he doesn’t need assistance with being pushed in the wheelchair. He uses a powerchair mostly. And he can transfer himself in and out of the chair into a bed or whatever.” Adina asked, “There’s no way he could try to learn how to use a rollator?” A few moments later, she said, “Most assisted livings don’t usually have wheelchairs.” She said this is because “[i]t’s a certain level of care [...] sounds like he needs a higher level of care.” Yet again, the tester reiterated: “He’s living by himself

right now. He's very independent [...] we're thinking this would be a good move for him [to] have more socialization and activities because his wife passed away a few years ago [...] he doesn't need physical assistance and he doesn't need someone to help him transfer [...] he gets around on his own." Adina countered: "If he's not feeling well, though, then he wouldn't be able to wheel himself – he'd need someone else to wheel him [...] we don't have that kind of space. For example, I don't know how he would even fit. I mean, we're wheelchair handicap accessible. Occasionally we have to wheel someone in or out in an emergency [...] But we're not really built for it in terms of space [...] He would be bumping into things [...] Our facility is really not designed for constant wheelchair use." Finally, Adina redirected her: "I'm more than happy to refer you to other places that I think might be a little more wheelchair-compatible."

On February 21, 2023, FHJC conducted further internet research into Brooklyn Boulevard ALP to determine whether they continue to publish discriminatory statements on their website. FHJC determined that Brooklyn Boulevard ALP continued to post a statement saying that people who use wheelchairs will not be admitted to their facility.³ FHJC documented the continuing publication of this statement. See attached screenshots.

Boulevard ALP Queens

The Boulevard ALP Queens's website contains a written discriminatory statement that has been posted continuously from the beginning of FHJC's investigation in January 2022 to the present day. The discriminatory statement is as follows:

"...Boulevard ALP [Queens] is unable to accept residents who are chronically in a wheelchair and chronically require the assistance of another person to transfer or ambulate."⁴

On February 16, 2022, the FHJC assigned a tester to pose as someone inquiring about availability of apartments for his aunt. He reached an employee named Elinor Taasa, identified as part of "Marketing and Admissions" in a previous automated message. After initially discussing some details including services provided, Medicaid, meal plans, and the admissions process, the tester said: "Just one other thing, she's in a wheelchair. [...] will that work?" He further clarified: "[...] she's able to get out of the wheelchair and do what she needs to do [...]" Elinor responded: "The thing is, we don't have anybody here on wheelchairs. We don't have anybody to assist with the wheelchairs. Um, so, yes, so there's no residents on wheelchairs After some discussion, Elinor indicated that they may be able to conduct an assessment, and invited the tester to call him back. On February 23, 2022, the same tester called Elinor back. The tester said that his aunt looked at the website and saw the statement that Boulevard ALP Queens does not take people in wheelchairs. Elinor then clarified: "[The assessment]

³ <https://www.brooklynalp.com/faqs>

⁴ <https://www.boulevardalp.com/faq-s>

would require her to be able to walk. And we cannot accept anybody in a wheelchair. So what you read is correct.” She attempted to explain: “I don’t know the exact reason but because we’re an independent living [...] we don’t have as much assistance here [...] I guess they just don’t want to take that chance. I’m not sure. I really don’t know.”

On March 4, 2022, the FHJC assigned a tester to pose as someone inquiring about availability of apartments for her great-aunt. She reached an employee who identified herself as the same Elinor. After the tester and Elinor discussed rooms, services, housekeeping, medication management, meals, costs, and social activities, the tester said: “My aunt is a wheelchair user. Do you know if that’s something, you know, you’re accessible to?” Elinor responded: “So, we’re not. The residents have to be able to walk with a walker or a rollator.” The tester said: “She doesn’t need any assistance with transfer. She’s [...] pretty independent. She doesn’t need personal care. So, is that a policy or is that just, is there some physical limitation?” Elinor responded: “We just don’t accept with a wheelchair.” She added: “You can refer to that on our website as well.” After the tester reiterated her great-aunt’s independence, Elinor said: “I mean, one thing I know [...] our dining room is very tight to fit a wheelchair for example.” Elinor concluded the call by clarifying that there is no one in the facility who uses a wheelchair, but that she would “doublecheck” about the wheelchair issue.

On March 7, 2022, the FHJC assigned a test coordinator to pose as the sister of the tester above, seeking clarification about the facility’s wheelchair access for her great-aunt. She reached the same Elinor. Here, Elinor provided information that was different than what she had provided previously: “I spoke to our Director and everything [...] basically, yeah, it’s fine, but we have to evaluate. So we’d have to see her, just like we have to see all the other potential residents.” The tester asked: “And what does that mean, ‘to evaluate’?” Elinor responded: “So basically we speak to the potential resident, we look at their medication list if they have it. We have them either walk for us or whatever, however way they can ambulate. We show them the facility. We explain how everything works. We always meet the potential resident.” She added that the assessment may lead to the prospective resident themselves deciding that “it’s too much for me”. She added that if someone is “not stable enough” [...] we would tell them that we don’t think that this person is appropriate. They need a higher level of care [...] various things come into play.” This was the first time any of the ALP employees had suggested that the fact of someone using a wheelchair could be “fine”. This was also the first time any of the ALP employees had suggested that a prospective resident would not be automatically disqualified if they could not walk with a cane or rollator. Throughout this time and after, the website continued to state that people who use wheelchairs cannot be admitted to the facility.

On March 9, 2022, the FHJC assigned a tester to pose as someone inquiring about availability of apartments for her mother-in-law. She reached the same Elinor. After some introductory questions relating to the admissions process and age of the tester’s mother-in-law, Elinor asked: “Is she able to walk?” The tester said yes. Elinor continued providing information, adding later that her mother-in-law “sounds like she’s a good candidate.”

On February 21, 2023, FHJC conducted further internet research into Boulevard ALP Queens to determine whether they continue to publish discriminatory statements on their website. FHJC determined that Boulevard ALP Queens continued to post a statement saying that people who use wheelchairs will not be admitted to their facility.⁵ FHJC documented the continuing publication of this statement. FHJC further discovered an admissions packet available for download on Boulevard ALP Queens's website which contains a further iteration of the discriminatory statement.⁶

Based on the information obtained by FHJC, the Boulevard ALPs: 1) deny people who use wheelchairs from being admitted to the facility, offering various conflicting and inapplicable reasons for why this policy is in place; 2) publish discriminatory statements outlining their discriminatory policy on their websites; and 3) refuse to make reasonable accommodations to allow people with disabilities to use and enjoy the facility.

As owners and operators of the two Boulevard ALPs, **Respondents Louisiana Purchase LLC, Boulevard ALP Associates LLC, Brooklyn Boulevard ALP LLC, and Queens Boulevard ALP LLC** are liable for having a policy of not renting to prospective residents who use wheelchairs. They are liable for the illegal statements and conduct of their various agents employed at the ALPs.

⁵ <https://www.boulevardalp.com/faq-s>

⁶ https://www.boulevardalp.com/files/ugd/a42d2a_834c15a90bc64a8783b69779f8cb860b.pdf at p.7