



Opening Acts

A Publication of the Fair Housing Justice Center Inc.

Friday, April 23, 2010

Mark Your Calendar!

**FHJC 2nd Annual Acting for Justice Awards
Ceremony & Reception - June 3rd, 2010 - 6-8 pm**

Suit Alleges Disability and Source of Income Discrimination

In August 2009, Damion Cales called a real estate company in response to a Craigslist advertisement for a one bedroom apartment located in the Bronx. Initially, the real estate agent was prepared to show him the available apartment until she asked him if he was employed. Mr. Cales told the agent that he received income from SSI. Supplemental Security Income (SSI) is federal financial assistance available to persons with disabilities. The agent stated the landlord only wanted people who were “working” and that they would take “no programs.” The agent allegedly refused to negotiate any further with Mr. Cales for the one bedroom apartment. This is not an uncommon apartment search experience for New Yorkers with disabilities who receive financial assistance and rental subsidies.

On April 23, 2010, the Fair Housing Justice Center (FHJC) and Damion Cales, a man with disabilities, income from SSI, and a Fixed Income Advantage Voucher (FIAV), filed a lawsuit in federal court. FIAV is a rental subsidy for low-income and homeless individuals or families who are receiving a fixed-income benefit such as Social Security Disability (SSD) or SSI due to a disability. The lawsuit alleges that agents for real estate companies discriminated based on disability and source of income in violation of local, state, and federal fair housing laws. The complaint states that the FHJC attempted to assist Mr. Cales to locate suitable rental housing and use his rental subsidy by having a FHJC tester pose as a person who was not employed because of a disability and who had SSI and a FIAV. The suit alleges that licensed real estate agents refused to negotiate with and made housing unavailable to Mr. Cales and the FHJC tester.

The lawsuit names as defendants New Castle Hill Realty, Anita Realty, Nardin Group of Companies (d/b/a Nardin Realty Group), Delta Properties USA, Inc., Bond New York Properties Group, Atlantic Management Company, Shore Haven Apartments LLC, Fortunate Realty LLC, City Connections Realty, Inc., Metro Realty, LLC, and Bayside NY Homes LLC (d/b/a Keller Williams Realty Landmark), along with the individual agents contacted during the investigation.

The lawsuit seeks an injunction to stop the discrimination, relief to prevent future discriminatory acts, compensatory and punitive damages, and reasonable attorneys’ fees and costs. The FHJC is represented by Diane L. Houk and Elizabeth Saylor with the law firm of Emery Celli Brinckerhoff and Abady LLP and Mr. Cales is represented by Leslie Annexstein and Tara Crean with the Urban Justice Center in New York City.

\$105,000 Settles Source of Income Case

On March 23, 2010, a settlement was reached resolving claims that the owners and operators of an 82-unit Bronx rental building discriminated against a tenant based on source of income by allegedly refusing to accept the tenant’s Section 8 voucher in violation of the New York City Human Rights Law. The plaintiff, who has lived in the building for 19 years, alleged that she repeatedly asked her landlord to accept her newly issued voucher, but her request was denied until the rent subsidy expired.

Defendants agreed to pay the plaintiff a total of \$105,000 as follows: \$500 per month for the next 10 years (\$60,000 total); \$5,000 for emotional damages; and \$40,000 in attorneys’ fees and costs. The defendants also agreed not to retaliate against the tenant and to waive all rental arrears plaintiff accrued after her landlord allegedly refused to accept her Section 8 voucher. The plaintiff was represented by Amanda Masters with the law firm of Giskan Solotaroff Anderson & Stewart LLP.