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Discriminatory Zoning Claims Against Village of Great Neck Plaza Resolved

Agreement Ends Use of Discriminatory Preferences and Fosters Development of Additional Affordable Housing Units

Great Neck Plaza, New York — October 5, 2015—On October 1, 2015, Federal Magistrate Judge Kathleen Tomlinson approved a Consent Order resolving discrimination claims filed by Long Island Housing Services, Inc. (“LIHS”) and the Fair Housing Justice Center (“FHJC”) against the Village of Great Neck Plaza. The complaint, filed in May 2014, alleged that the Village violated federal, state, and local fair housing laws by imposing residency preferences for affordable housing that discriminated on the basis of age and race. The federal Fair Housing Act, the New York State Human Rights Law, and the local Nassau County Human Rights Law all prohibit discrimination on the basis of race, national origin, disability, sex, and familial status, with the New York State law also prohibiting discrimination on the basis of marital status, military status, and age. The Plaintiffs’ discrimination claims against the Nassau County Industrial Development Agency (“NCIDA”) are not resolved by this settlement.

LIHS discovered the discrimination in 2013 and collaborated with FHJC to conduct an investigation. Through testing, plaintiffs discovered that the Village was imposing residency preferences that gave priority to residents of the predominantly white Village of Great Neck Plaza and Great Neck Peninsula while giving lowest priority to residents of Nassau County at large, effectively excluding opportunities for racial minorities. The testing also uncovered the imposition of discriminatory age requirements and the barring of applicants with disabilities who have live-in home health care aides.

The terms of the settlement include relief beyond the Village's obligations to follow the fair housing laws in the future. The settlement requires the Village to retain its Affordable Housing Law and amend its Village Code to further incentivize the creation of affordable housing, to eliminate all age and residency restrictions previously in place both in the Village Code and in the residential building at issue in this litigation, and to create replacement affordable housing units. The Village is also required to provide fair housing training to its Mayor, Board of Trustees, and other employees responsible for zoning, planning, and other housing-related activities and to provide monetary compensation to LIHS and FHJC for resources devoted to this investigation as well as for future fair housing-related activities.

LIHS Executive Director Michelle Santantonio stated, "Residential segregation on Long Island is a hazard to society that negatively affects us all. The federal Fair Housing Act, also known as Title VIII of the Civil Rights Act, passed in 1968 by a Congress galvanized in recognition of the dire need to racially and economically integrate our communities. The Act addresses private market and government sponsored discrimination, and mandates that recipients of federal taxpayer dollars use funds in a manner to promote opportunities and eliminate barriers to integration. Restrictive codes by municipalities demonstrate critical gaps of awareness or lack of will to comply with edicts of equity. Let this settlement serve as a call to action wherever outmoded/outlawed zoning and restrictive codes hamper the right to choose."

FHJC Executive Director Fred Freiberg stated, "The federal Fair Housing Act requires that communities receiving federal funds take steps to remove all discriminatory barriers to housing choice and reduce residential segregation." Freiberg added, "Suburban communities that enact and enforce discriminatory policies or take other action to restrict access to housing on the basis of race, national origin, family status, disability or other protected characteristics will continue to face serious legal challenges."

Plaintiffs were represented by Diane L. Houk and David Lebowitz of the law firm Emery Celli Brinckerhoff & Abady, LLP. Additional information will be posted on www.LIFairHousing.org.

The testing, conducted by LIHS and the FHJC, was funded by grants from the Fair Housing Initiatives Program ("FHIP") of the U.S. Department of Housing & Urban Development ("HUD").

Founded in 1969, Long Island Housing Services (www.LIFairHousing.org) is a private, non-profit HUD-qualified Fair Housing Enforcement Organization and a federally certified, approved Housing Counseling agency. LIHS' mission is the elimination of unlawful discrimination and promotion of decent and affordable housing through advocacy and education.

The Fair Housing Justice Center (www.fairhousingjustice.org) is a regional civil rights organization based in New York City. The mission of the FHJC is to challenge systemic housing discrimination, promote open, accessible, and inclusive communities, and strengthen enforcement of fair housing laws.