



UNITED STATES ATTORNEY'S OFFICE *Southern District of New York*

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<http://www.justice.gov/usao/nys>

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MANHATTAN U.S. ATTORNEY FILES CIVIL RIGHTS SUIT AGAINST REAL ESTATE FIRM AND DEVELOPER FOR DESIGNING AND CONSTRUCTING 68 RENTAL APARTMENT BUILDINGS WITH INACCESSIBLE CONDITIONS

Geoffrey S. Berman, the United States Attorney for the Southern District of New York, announced today that the United States has filed a federal civil rights lawsuit against real estate firm ATLANTIC DEVELOPMENT GROUP, LLC ("ATLANTIC"), and its principal, PETER FINE, for engaging in a pattern or practice of violations of the accessible design and construction requirements of the Fair Housing Act ("FHA"). Specifically, the United States alleges that ATLANTIC and FINE have designed and constructed more than 6,000 apartments in 68 rental buildings throughout the Bronx, Manhattan, and Westchester County that do not comply with the FHA's accessibility requirements. The lawsuit seeks a court order directing ATLANTIC and FINE to retrofit these buildings to make them accessible to people with disabilities, to make changes to policies and procedures, and to compensate individuals who suffered discrimination due to the inaccessible conditions.

Manhattan U.S. Attorney Geoffrey S. Berman said: "The Fair Housing Act's accessibility provisions were enacted to ensure that people with disabilities are not consigned to second-class status when it comes to housing. These rights under the FHA apply equally to residents who live in affordable housing as those living in luxury high-rises. With today's lawsuit, real estate firms and developers in this District – including developers of affordable housing like Atlantic and Fine – should know that this Office will continue to use all available tools to enforce the FHA's promise of accessibility in housing for people with disabilities."

The FHA's accessible design and construction provisions require multifamily housing complexes constructed after January 1991 to have basic features accessible to persons with disabilities. According to the Complaint, ATLANTIC and FINE failed to comply with the FHA's accessibility requirements in designing and constructing 68 rental buildings that contain more than 6,000 apartments. As alleged in the Complaint, the inaccessible conditions include, among others:

- Excessively high thresholds at building entrances and entrances to common use areas like community rooms;

- Entrance ramps that lack handrails on both sides;
- Insufficient clear floor space in bathrooms within individual apartments;
- Insufficient widths between sinks or refrigerators and opposing ranges or counters in kitchens within individual apartments;
- Excessively high thresholds at entrances to individual apartments and within individual apartments; and
- Common use bathrooms that lack pipe insulation and toilet grab-bars.

The Complaint also alleges that these types of inaccessible conditions recur throughout the rental buildings developed by ATLANTIC and FINE across more than 15 years and involving multiple architects. Further, according the Complaint, many of the rental buildings at issue are designated for low-income residents, and FINE, through ATLANTIC, earned substantial profits from those developments on account of having received so-called 421-a tax exemption certificates for developing low-income rental properties.

Due to the inaccessible conditions at the rental buildings they designed and constructed, the Complaint alleges that ATLANTIC and FINE engaged in a pattern or practice of resistance to the full enjoyment of rights protected by the FHA and in denying such rights to people with disabilities. The Complaint seeks a court order directing ATLANTIC and FINE to retrofit the individual apartments as well as the public and common use areas in the 68 rental buildings so that they are accessible, to adopt policies and procedures to ensure FHA compliance in future constructions, and to compensate people who suffered discrimination due to the inaccessible conditions.

People who believe they may have experienced discrimination due to the inaccessible conditions at the 68 rental buildings developed by ATLANTIC and FINE may contact the Civil Rights Complaint Line at (212) 637-0840, use the Civil Rights Complaint Form available on the United States Attorney's Office's website <http://www.justice.gov/usao/nys/civilrights.html>, or send a written report to:

U.S. Attorney's Office, Southern District of New York
86 Chambers Street, 3rd Floor
New York, New York 10007
Attention: Chief, Civil Rights Unit

The case is being handled by the Office's Civil Rights Unit. Assistant U.S. Attorneys Li Yu, Jacob Lillywhite, Steven Kochevar, and Natasha Teleanu are in charge of the case.

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