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**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,	: <u>COMPLAINT</u>
	:
Plaintiff,	:
	: 16 Civ. ____ ()
v.	:
	:
ABRAHAM STRULOVITCH,	:
	:
Defendant.	:
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Plaintiff the United States of America (the “United States”) alleges as follows:

1. This action is brought by the United States to enforce the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (the “Fair Housing Act” or the “FHA”), 42 U.S.C. §§ 3601-3619. As set forth below, the United States alleges that defendant Abraham Strulovitch, acting directly and through entities that he owns and/or controls, has unlawfully discriminated against persons with disabilities under the FHA by failing to design and construct covered multi-family dwellings – including Riverdale Parc in the Bronx and Bluestone Commons in Maybrook, New York – so as to be accessible to persons with disabilities. In light of these past FHA violations, and because defendant Strulovitch is actively designing and constructing new rental complexes subject to the FHA, the

United States seeks an injunction to ensure that defendant's current constructions will comply with the FHA.

Jurisdiction and Venue

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. § 3614(a).

3. Venue is proper pursuant to 28 U.S.C. § 1391(b) and (c) because defendant Strulovitch resides in this District, because a substantial part of the events or omissions giving rise to the claims asserted in this action occurred in this District, and because the properties that are the subject of this action are located in this District.

The Riverdale Parc and Bluestone Commons Properties

4. Riverdale Parc is a seven-story residential apartment complex located at 2727 Henry Hudson Parkway in the Bronx. Riverdale Parc contains 54 rental units and has elevator access. The public and common features at Riverdale Parc include, *inter alia*, a lobby, a lounge for residents, a hospitality area for events, and an indoor-outdoor café area.

5. Bluestone Commons is a residential apartment complex for senior residents located at 103 Schimpf Court in Maybrook, New York. Bluestone Commons contains 70 rental units and has elevator access. The public and common features at Bluestone Commons include, *inter alia*, an on-site leasing office, a clubhouse, a fitness center, and a media center.

6. The rental units at Riverdale Parc and Bluestone Commons are "dwellings" within the meaning of 42 U.S.C. § 3602(b) and "dwelling units" within the meaning of 24 C.F.R. § 100.21.

7. Both Riverdale Parc and Bluestone Commons were designed and constructed for first occupancy after 2014. The rental units at Riverdale Parc and Bluestone Commons accordingly are "covered multi-family dwellings" within the meaning of 42 U.S.C. § 3604(f)(7) and 24 C.F.R. § 100.21, and both complexes are subject to the accessibility

requirements of 42 U.S.C. § 3604(f)(3)(C) and 24 C.F.R. § 100.205(a), (c).

Defendant Strulovitch's Construction of Covered Multifamily Dwellings

8. Defendant Strulovitch, directly and operating through entities that he owns and/or controls, is the developer and owner of both Riverdale Parc and Bluestone Commons. In these capacities, defendant Strulovitch participated in the design and construction of both rental complexes.

9. Defendant Strulovitch also is currently and directly involved with designing and constructing at least two other covered multifamily dwellings in the Bronx that are subject to the accessibility requirements of the FHA: (i) an 8-story rental complex at 640 West 238th Street and (ii) an 8-story rental complex at 3707 Blackstone Avenue. Once completed, the West 238th Street and the Blackstone Avenue buildings will contain over 90 rental units.

Inaccessible Conditions at Riverdale Parc and Bluestone Commons

10. Defendant Strulovitch participated in the design and construction of the Riverdale Parc and Bluestone Commons rental complexes, which are inaccessible to persons with disabilities.

11. Specifically, Riverdale Parc was designed and constructed with numerous inaccessible conditions that include, but are not limited to, the following:

- a. Excessively high threshold at the entrance door to the building;
- b. Mailboxes mounted too high to accommodate persons who use wheelchairs;
- c. Insufficiently wide doorways into bedrooms in individual units;
- d. Insufficiently wide doorways into bathrooms in individual units; and
- e. Inaccessible location of environmental controls in individual units.

12. Similarly, Bluestone Commons was designed and constructed with numerous inaccessible conditions that include, but are not limited to, the following:

- a. Insufficient clear opening width of bedroom doorways in individual units;
- b. Insufficiently wide doors for walk-in closets in individual units;
- c. Excessively high thresholds to balconies in individual units;
- d. Inaccessible location of light switches in individual units; and
- e. Inaccessible location of thermostats in individual units.

13. In light of the inaccessible conditions identified in paragraphs 11 and 12 above, defendant Strulovitch failed to comply with the applicable FHA accessible design and construction provisions in designing and constructing Riverdale Parc and Bluestone Commons.

Upon Information and Belief, Defendant Strulovitch's Pattern or Practice of FHA Violations Extends to His Ongoing Constructions

14. The numerous inaccessible conditions at both Riverdale Parc and Bluestone Commons – two properties that defendant Strulovitch recently designed and constructed – reflect his pattern or practice of disregarding and/or failing to comply with the FHA in designing and constructing multifamily dwellings covered by the FHA's accessibility requirements.

15. As described above, defendant Strulovitch is currently and directly involved with designing and constructing at least two other covered multifamily dwellings in the Bronx — 640 West 238th Street and 3707 Blackstone Avenue – that, upon completion, will contain over 90 rental units. In light of his pattern or practice of disregarding the FHA's accessibility requirements in connection with constructing Riverdale Parc and Bluestone Commons, defendant Strulovitch may — absent an injunction — design and construct those 640 West 238th Street and 3707 Blackstone Avenue in violation of the FHA.

Fair Housing Act Claims

16. The United States re-alleges and incorporates by reference the allegations set forth in paragraphs 1–15 above.

17. Defendant Strulovitch violated 42 U.S.C. § 3604(f)(3)(C) and 24 C.F.R. § 100.205(c) by failing to design and construct covered multi-family dwellings in such a manner that:

- a. the public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities;
- b. all doors designed to allow passage into and within the dwellings are sufficiently wide to allow passage by persons who use wheelchairs for mobility; and
- c. all premises within such dwellings contain the following features of adaptive design:
 - i) an accessible route into and through the dwelling;
 - ii) light switches, electrical outlets, thermostats, and/or other environmental controls in accessible locations; and
 - iii) usable kitchens and bathrooms, such that an individual using a wheelchair can maneuver about the space.

18. Defendant Strulovitch, through the actions and conduct referred to in the preceding paragraph, has:

- a. Discriminated in the sale or rental of, or otherwise made unavailable or denied, dwellings to buyers or renters because of a disability, in violation of 42 U.S.C. § 3604(f)(1) and 24 C.F.R. § 100.202(a);
- b. Discriminated against persons in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, because of a disability, in violation of 42 U.S.C. § 3604(f)(2) and 24 C.F.R. § 100.202(b); and

- c. Failed to design and construct dwellings in compliance with the accessibility and adaptability features mandated by 42 U.S.C. § 3604(f)(3)(C) and 24 C.F.R. § 100.205.

19. Defendant Strulovitch's conduct alleged above constitutes:

- a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601–3619; and/or
- b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601–3619, which raises an issue of general public importance.

20. Persons who may have been the victims of defendant Strulovitch's discriminatory housing practices are aggrieved persons under 42 U.S.C. § 3602(i) and may have suffered injuries as a result of his conduct alleged above.

21. Defendant Strulovitch's discriminatory actions and conduct alleged above were intentional, willful, and taken in disregard for the rights of others.

Prayer for Relief

WHEREFORE, the United States prays that the Court enter an order that:

- (1) Declares that defendant Strulovitch's policies and practices, as alleged herein, violate the Fair Housing Act;
- (2) Enjoins defendant Strulovitch from designing and/or constructing its current multi-family dwelling projects, including 640 West 238th Street and 3707 Blackstone Avenue, in a manner such that they fail to comply with the requirements of the FHA;
- (3) Enjoins defendant Strulovitch, including the officers, employees, agents, successors of the businesses he owns and/or controls, and all other persons in active concert or participation with any of them, from:

- a. Failing or refusing to bring the dwelling units and the public use and common use areas at covered multi-family dwellings, that defendant Strulovitch has designed, developed, and constructed into compliance with the FHA;
- b. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, persons harmed by defendant Strulovitch's unlawful practices to the position they would have been in but for the discriminatory conduct;
- c. Designing and/or constructing any covered multi-family dwellings in the present and future that do not comply with requirements of the FHA;
- d. Failing or refusing to conduct a compliance survey at covered multi-family housing complexes that defendant Strulovitch has designed, developed, and constructed to determine whether any retrofits ordered have been made properly;

(4) Awards appropriate monetary damages, pursuant to 42 U.S.C. § 3614(d)(1)(B), to each person harmed by defendant Strulovitch's discriminatory conduct and practices; and

(5) Assesses a civil penalty against defendant Strulovitch in the maximum amount authorized by 42 U.S.C. § 3614(d)(1)(C) to vindicate the public interest.

