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UNITED STATES FILES SUIT AGAINST HAVERSTRAW, N.Y.,
LANDLORD TO PROTECT FAIR HOUSING RIGHTS OF
TENANTS WITH MENTAL DISABILITIES

LEV L. DASSIN, the Acting United States Attorney for the Southern District of New York, announced today that the United States has filed suit against BERK-COHEN ASSOCIATES AT TOR VIEW VILLAGE APARTMENTS, LLC, to protect the federal Fair Housing Act rights of residents with mental disabilities at TOR VIEW VILLAGE APARTMENTS, located in Haverstraw, Rockland County, New York.

According to the Complaint filed in Manhattan federal court:

TOR VIEW VILLAGE APARTMENTS is a residential complex consisting of 46 buildings, each of which contains from eight to ten residential apartments. The buildings are owned by BERK-COHEN ASSOCIATES AT TOR VIEW VILLAGE APARTMENTS. Individuals with mental disabilities that impair their ability to personally pay their rent on time live in approximately 20 of the total of 373 apartments in the complex. Those individuals are assisted in meeting their rent obligations by a housing services organization, Loeb House, Inc. Specifically, Loeb House directly rents eight apartments for its clients from TOR VIEW VILLAGE APARTMENTS, and guarantees its clients' rent in approximately twelve additional apartments.

However, on May 16, 2008, BERK-COHEN ASSOCIATES advised the Rockland County Commission on Human Rights that it was no longer legally obligated to accept Loeb House's rent guarantees, and, additionally, that commencing in October 2008, it intended to treat the Loeb House clients in the apartments rented directly by Loeb House in the same manner as other prospective tenants at TOR VIEW VILLAGE APARTMENTS, notwithstanding their mental disabilities. On November 16, 2008, BERK-COHEN ASSOCIATES filed a Complaint against Loeb House, as well as the County of Rockland and the Rockland County Fair Housing Board, in support of its

claims. BERK-COHEN ASSOCIATES later added the United States Department of Housing and Urban Development ("HUD") to its lawsuit.

The federal Complaint filed by the United States today alleges that BERK-COHEN ASSOCIATES' conduct constitutes discrimination under the Fair Housing Act and that to the extent BERK-COHEN ASSOCIATES refuses to provide them reasonable accommodation, the Loeb House clients are aggrieved persons under the Act. The Complaint seeks an injunction against the defendant's discriminatory practices, as well as monetary damages for each of the victims and a civil penalty against BERK-COHEN ASSOCIATES. The Government also filed a motion today to dismiss BERK-COHEN ASSOCIATES's lawsuit against HUD and to consolidate the remainder of that lawsuit with the case the Government filed today.

"Landlords must be flexible in order to ensure that people with disabilities have the same enjoyment of an apartment as others," said Acting United States Attorney LEV L. DASSIN. "If landlords implement rigid policies that make limited or no exception for people with disabilities, as we allege here, then the federal government's enforcement of the Fair Housing Act is mandated."

Mr. DASSIN expressed his appreciation to the Rockland County Commission on Human Rights for bringing this case to the Government's attention.

Assistant United States Attorneys EMILY DAUGHTRY and DAVID J. KENNEDY are in charge of the case.

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