



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Letitia James

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Press Release

Contact: Brendan Brosh, (212) 669-4193, bbrosh@pubadvocate.nyc.gov

Bronx Tenants and Public Advocate Letitia James Sue Landlord for Violations of Fair Housing Act in Federal Court

Residents Claim Goldfarb Properties Is Forcing Them Out of Rent-Stabilized Apartments

(New York, NY) — Public Advocate Letitia James and four individuals represented by **Legal Services NYC-Bronx** filed a lawsuit in the federal court on Friday, September 12, 2014 alleging violations of the Americans with Disabilities Act, the Fair Housing Act, and New York State and City anti-discrimination laws in connection with planned elevator outages in four buildings owned by Goldfarb Properties in the Bronx.

The case will be heard today in the Southern District, Thurgood Marshall United State Court, located at 40 Foley Square in Manhattan in Room 706 at 3:30 p.m.

The individual Plaintiffs are:

- Pasquale Picaro: who suffers from severe respiratory problems that developed after working at the site of the World Trade Center;
- Prudencio Valle: a retired firefighter who suffers from dementia and mobility impairments;
- Judith Bratnick: who suffers from myotonic muscular dystrophy, type 2; and
- S.C. (baby son of Sandy Cause), currently undergoing chemotherapy due to bilateral retinoblastoma, or cancer of the eye

Picaro and Valle, residents of 1135 Pelham Parkway North, are in a building in which the elevators were planned to go out of service this past Monday (September 15th) and sought a Temporary Restraining Order (TRO) to prevent the outage until appropriate accommodations could be made.

Bratnick, a resident of 2160 Matthews, and S.C., resident of 1130 Pelham Parkway South, seek damages resulting from elevator outages in their building as well as the landlord's failure to grant their requests for accommodations. The landlord made an offer to settle the claims of the Picaro and Valle in Court on Friday, but withdrew that offer on Sunday night and negotiations fell apart. The parties are now scheduled for a preliminary injunction hearing.

As a result of the TRO hearing last Friday, the elevators have not been taken out of service pending the preliminary injunction hearing.

The tenants are seeking to remain in their apartments during the elevator work, with the following accommodations: *porter service and reimbursement for reasonable paratransit/transport services* (1x week).

The landlord has offered to relocate the tenants, but they **seek to remain in their homes with the above accommodations, and under the FHA their request should be granted.** This request is reasonable, and is not an undue burden on the landlord.

“I think some landlords don't understand the Fair Housing Act. They must, by law, provide tenants with disabilities accommodations that are suited to their needs. Cases like this are all too common in our city and we cannot allow disabled tenants to be mistreated,” said **New York City Public Advocate Letitia James.**

“The way that Goldfarb Properties has treated elderly and disabled individuals violates not only the law, but also common standards of decency,” said **Legal Services NYC-Bronx Staff Attorney Natasia de Silva.** “While Goldfarb’s actions represent some of the most shocking forms of tenant harassment and intimidation, today’s lawsuit demonstrates that these tenants are ready and willing to fight for their right to safe and accessible housing.”

“We look forward to continuing to defend the rights of these tenants,” said **Legal Services NYC-Bronx Deputy Housing Director Ian Davie.**

“From the beginning, I have been working tirelessly to help my constituents fight against a landlord who believed he could get away with harassment and intimidation against his tenants. His latest inaction is unacceptable and it is my hope that this lawsuit will bring justice to the most vulnerable tenants who have suffered for far too long,” said **New York State Senator Jeff Klein (D-Bronx/Westchester).**

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