

4. It is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of (a) that person; or (b) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or (c) any person associated with that person. 42 U.S.C. § 3604(f)(2).
 5. Discrimination includes a failure to design and construct covered multifamily dwellings for first occupancy after March 13, 1991, in such a manner that:
 - A) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - B) all the doors designed to allow passage by handicapped persons in wheelchairs; and
 - C) all premises within such dwellings contain the following features of adaptive design: i) an accessible route into and through the dwelling; ii) reinforcements in bathroom walls to allow later installation of grab bars; and iii) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- 42 U.S.C. § 3604(f)(3)(C).
6. As used in Section 804(f)(3)(C) of the Act, "covered multifamily dwellings" are: a) buildings consisting of four or more units if such buildings have one or more elevators; and b) ground floor units in other buildings consisting of four or more units. 42 U.S.C. § 3604(f)(7).

PARTIES:

7. Complainant LIHS, a private, not-for-profit corporation, is the principal fair housing organization on Long Island. Michelle Santantonio is LIHS's Executive Director. The Complainant's business address is 3900 Veterans Memorial Highway, Suite 251, Bohemia, NY 11716.
8. Respondent Sayville Development Group, LLC, a.k.a. Sayville Development Corp., is the builder and former owner of Sayville Commons. Its mailing address is 715 South Country Road, West Bayshore, NY 11706. Sayville

Development Group, LLC, owned the subject property from February 2, 2002 until July 15, 2005.

9. Respondent Ramco Development Group, Inc., managed Sayville Commons during the design and construction phase. Its mailing addresses are 715 South County Road, West Bayshore, NY 11706, and 200 West Main Street, Babylon, New York 11702.
10. Respondent Paul J. Aniboli is the CEO of Ramco Development Group, Inc. He was personally involved in the design and construction of Sayville Commons as the head of Sayville Development Group, LLC, and CEO of Ramco Development Group, Inc. He paid Stephan Ray Fellman, the architect.
11. Respondent Home Properties Sayville, LLC, is the owner of Sayville Commons. Its mailing addresses are c/o Sayville Commons, 400 Adams Way, Sayville, NY 11782 and 850 Clinton Square, Rochester, NY 14604.
12. Respondent Stephan Ray Fellman is the architect who designed Sayville Commons and provided the plans to Respondent Paul J. Aniboli and Sayville Development Group, LLC. Mr. Fellman is located at 570 Broadway, Amityville, NY 11701.

FACTUAL ALLEGATIONS IN SUPPORT OF CHARGE

13. Sayville Commons is an adult multi-family rental community for persons 55 years and older, consisting of 342 units in 21 two-story buildings. The residential buildings do not have elevators. Sayville Commons is located at 5200 Sunrise Highway, Sayville, NY.
14. Twenty of the 21 two-story multifamily buildings are solely residential buildings, and nine of those have attached garages. Each of the 20 residential buildings contains more than four units, and the first occupancy date was May 22, 2003. One-hundred-seventy-one ground floor units and the nine attached garages are covered by the Act. Sayville Commons has one building that contains both a community room and residential apartments. Sayville Commons also has six structures, garaging from five to eleven cars each. The total six detached garages are also covered by the Act.
15. Certificates of Occupancy for the Sayville Commons' buildings were issued as follows:

Building #1	May 22, 2003	12 units;
Building #2	May 22, 2003	16 units;
Building #3	May 22, 2003	16 units;
Building #4	July 18, 2003	12 units;
Building #5	July 11, 2003	14 units;

Building #6	June 30, 2003	24 units;
Building #7	June 30, 2003	8 units;
Building #8	November 9, 2004	8 units;
Building #9	November 9, 2004	6 units;
Building #10	January 5, 2005	14 units;
Building #11	February 16, 2005	6 units;
Building #12	January 5, 2005	12 units;
Building #13	January 6, 2005	16 units;
Building #14	January 10, 2005	20 units;
Building #15	January 6, 2005	12 units;
Building #16	January 6, 2005	16 units;
Building #17	February 10, 2005	16 units;
Building #18	February 14, 2005	18 units;
Building #19	February 14, 2005	24 units;
Building #20	February 16, 2005	24 units; and
Building #21	February 17, 2005	Community Room and 48 residential units.

16. In January and February 2006, LIHS conducted two site visits to Sayville Commons and found inadequate handicapped parking, no upright handicapped parking signs, and no accessible routes to the dumpsters. Upon their inspection of interior spaces, they found inaccessible routes into dwellings and doors that were insufficiently wide to allow passage by persons in wheelchairs.
17. On May 25th and July 7th, 2006, investigators from HUD inspected representative one and two-bedroom units and the public and common use areas of Sayville Commons. Their inspection confirmed the violations that LIHS uncovered, as well as additional violations.
18. Sayville Commons was designed and constructed in such a manner that the public and common use portions are not readily accessible to and usable by wheelchair users, as required by Section 804(f)(3)(C)(i) of the Act. Specifically, the list of violations include, but may not be limited to, the following:
 - A) The accessible parking space in the vicinity of Unit 233 does not have an adjacent access aisle for the full length of the parking space;
 - B) The accessible parking spaces at units 225/227 are not sufficiently long;
 - C) The access aisles for the parking spaces at units 225/227 are not sufficiently wide throughout the length of the spaces;
 - D) The accessible parking space serving units 33/35 is not sufficiently long or wide;

- E) There is no signage for accessible parking spaces throughout the complex;
 - F) Curb cuts throughout the complex render sidewalks inaccessible;
 - G) The trash dumpsters throughout the complex are not accessible; and
 - H) None of the garage structures are wide enough.
19. Sayville Commons was designed and constructed such that all doors do not allow passage into and within the unit by wheelchair users, as required by Section 804(f)(3)(C)(iii)(I) of the Act. Specifically, the list of violations includes, but may not be limited to, the following:
- A) The force required to open the entry doors to the Community Room from the interior and rear exterior of the Community Building is excessive;
 - B) Entry doors to the covered multifamily dwellings do not have lever-type hardware;
 - C) Exterior door thresholds and door thresholds to interior laundry rooms are excessive in height; and
 - D) Reach-in linen closets are excessive in depth.
20. Sayville Commons was designed and constructed such that all doors designed to allow passage into and within covered units are not sufficiently wide to allow passage by wheelchair users, as required by Section 804(f)(3)(C)(ii) of the Act.
21. Sayville Commons was designed and constructed without certain features of adaptive design required by Section 804(f)(3)(C)(iii) of the Act, as follows:
- A) The toilets in the public restrooms of the Community Building do not have side grab bars starting far enough from the back wall;
 - B) The sink/countertops in the public restrooms are placed too high from the floor;
 - C) The kitchens in one-bedroom units are on a diagonal, and therefore does not have sufficient clear floor space for a forward or parallel approach to the sink;
 - D) The ovens in one-bedroom units do not provide for a parallel approach (centered on the oven);

- E) In both one and two-bedroom units, bathroom sinks do not provide the required knee space for an accessible forward approach, and have no side approach;
 - F) Prefabricated enclosures in the tubs (one-bedroom units) and showers (two-bedroom units) do not allow for the attachment of the grab bars to the reinforcements, in conformity with accessibility standards. Also, reinforcements for the later placement of grab bars were not specified for the shower; and
 - G) The architectural plans show the location of reinforcements around the toilet and tub, but the method of installing the reinforcements was not specified.
22. By failing to design and construct Sayville Commons in accordance with Section 804(f)(3)(C) of the Act, Respondents have discriminated, and are continuing to discriminate, against wheelchair users, and other persons with disabilities, in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with the subject adult rental community, making it unavailable to them, because of handicap. As a result of Respondents' design and construction, wheelchair users, and other persons with disabilities, will continue to be discriminated against until all deficiencies are corrected.
23. As a result of Respondents' design and construction, Complainant has suffered damages, including diversion of its resources and frustration of its mission to, among other things, promote equal housing opportunities.

FAIR HOUSING ACT VIOLATIONS:

24. The Respondents violated the Act by discriminating against the physically handicapped in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of their handicap. 42 U.S.C. § 3604(f)(2); 24 C.F.R. § 100.202(b).
25. The Respondents violated the Act by designing and constructing the subject multifamily dwelling in such a manner that is inaccessible to the physically handicapped. 42 U.S.C. § 3604(f)(3)(C).

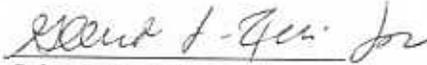
CONCLUSION:

WHEREFORE, the Secretary of HUD, through the Office of General Counsel and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges the Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604(f)(2) and (f)(3)(C), and prays that an order be issued that:

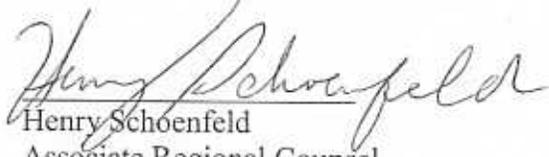
1. Declares that the discriminatory housing practices of the Respondents as set forth above violate the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.*;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, from discriminating because of handicap against any person in any aspect of the rental, use or enjoyment of a dwelling pursuant to 42 U.S.C. § 3612(g)(3);
3. Directs Respondents, their agents, employees, successors, and all other persons in active concert or participation with any of them to bring the covered ground floor units as well as the public use and common use areas of Sayville Commons into compliance with 42 U.S.C. § 3604(f)(3)(C), including providing reasonable compensation to the tenants of the units for inconvenience caused by, and other expenses related to, such retrofitting.
4. Awards such damages pursuant to 42 U.S.C. § 3612(g)(3) as will fully compensate LIHS, an aggrieved person, for actual damages caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. § 3604(f)(2) and (f)(3)(C);
5. Awards a civil penalty against the Respondents for each violation of the Act, pursuant to 42 U.S.C. § 3612(g)(3); and

6. Awards such additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

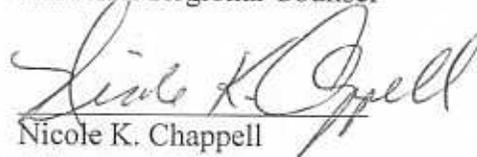
Respectfully submitted,



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