

Arguments heard at hearing in housing discrimination case

By ANEMONA HARTOCOLLIS

Arguments were heard yesterday in the case of a Fort Wadsworth landlord charged before the New York State Division of Human Rights with unlawfully discriminating against prospective tenants because of their mental disability.

The charges were filed May 11 by an employee of the state Office of Mental Retardation and Developmental Disability (OMRDD) against Nathan Jacobs, owner and operator of the Verrazano Cliffs Apartments, 1083 Tompkins Ave.

Jacobs is the first New York City landlord to be involved in a human rights hearing on allegations of discrimination against the retarded. A similar complaint lodged in 1978 was settled before it reached the hearing stage.

Testifying yesterday at 2 World Trade Center, Jacobs admitted that he had rebuffed OMRDD representatives seeking to lease one of his apartments when he realized the occupants would be mentally retarded.

"Let's talk honest and straight," Jacobs said in thickly accented English. "Such a people don't belong, not in my building or in any development any place in the United States. I don't say they're supposed to be separate. They're supposed to have private homes."

Similar statements by Jacobs, reported to investigators for the Division of Human Rights, persuaded the division that there was "probable cause" to believe a violation of the state Human Rights Law had occurred. When Jacobs declined to negotiate a settlement, yesterday's public hearing was scheduled.

The formal complaint was brought by Karen Steinfeld, a client rights coordinator for OMRDD. Miss Steinfeld testified yesterday along with John Tillou, coordinator for community residence development for the Borough Developmental Services Office on Staten Island. Tillou's office, an arm of the mental retardation department, is responsible for placing residents of the Staten Island Developmental Center, Willowbrook, into community settings.

Tillou's version of the events that had led to the filing of charges remained essentially undisputed during the hearing by Jacobs and his attorney, Max Ander.

Tillou said his office had been alerted by an advertisement for a two-bedroom apartment for rent in Jacobs' 37-family complex.

The complex is one of two New York City apartment buildings rented by Jacobs, who said he also operates a con-

struction business, based in Forest Hills, Queens.

On April 5 of last year, Tillou said, he visited the Verrazano Cliffs Apartments in the company of two other mental retardation officials and an agent of VIP Real Estate, Inc., brokers for the complex with offices in Bulls Head.

After being shown the vacant apartment by the building's superintendent, Tillou said, he informed Jacobs that he was interested in leasing it on behalf of the state for three retarded clients and a 24-hour rotating staff of two supervisors.

"At that point (Jacobs) simply said that, honestly, he would not rent to the mentally retarded," Tillou recalled.

"I basically said that would be discriminatory."

According to Tillou, Jacobs then indicated that he would not agree to a lease before consulting a business partner. "A day or two" later, Tillou said, he was told the apartment had been rented to someone else.

Jacobs proceeded to build his testimony largely on an analogy. "I have expe-

rience on this," he said. The landlord explained that a tenant in the same complex had been forced out when other occupants drew up a petition demanding the eviction of the tenant's "mentally ill" son.

Martin Silberman, a Human Rights Division lawyer assigned to represent the complainants, dismissed Jacobs' analogy as beside the point.

"That's not the legal issue as I see it," Silberman remarked after the hearing. "That's the same as saying 'I know a black person who committed a crime, so I'm not going to rent to blacks.'"

State law, Silberman noted, prohibits housing discrimination on the basis of disability.

Tillou defined "developmental disability" as "basically, the inability to learn at the rate which normal people do." The clients slated to live in the apartment, he added, were "not aggressive or dangerous." Structurally, he said, the apartment was in conformance with city building codes and mental retardation department standards.

OMRDD has leased four other Staten Island apartments for use by the mentally retarded, according to Tillou. The leases were undertaken as part of a state effort to comply with a 1975 federal court order to virtually empty the Staten Island Developmental Center and assimilate its mentally retarded residents into the surrounding community. The aim was to create a structured yet more humane environment than that documented in the institution.

Yesterday's hearing was presided over by Administrative Law Judge Rosamond Prosterman. Based on Ms. Prosterman's recommendation, state Human Rights Commissioner Werner H. Kramarsky will make the final determination on whether to uphold or dismiss the charge of discrimination and on appropriate redress by Jacobs, should the ruling go against him. Jacobs is entitled to appeal a negative decision.

The commissioner has 180 days, under law, in which to deliver his decision.