

State orders landlord rent apartments to handicapped

By ANEMONA HARTOCOLLIS

In a precedent-setting decision for the mentally disabled, the state's human rights commissioner has upheld a discrimination charge against a Fort Wadsworth landlord — ordering him to offer his next vacant apartment for rent to the state Office for Mental Retardation and Developmental Disabilities.

The commissioner found that the landlord, Nathan Jacobs, unlawfully discriminated in April 1979 against mentally retarded residents of the Staten Island Developmental Center, Willowbrook.

Jacobs, the owner and operator of the Verrazano Cliffs Apartments, 1083 Tompkins Ave., freely admitted before an administrative law judge that he refused to rent a publicly advertised unit in his 37-unit complex because the prospective tenants were mentally handicapped.

Officials of the state-run developmental center had sought to rent the two-bedroom apartment on behalf of three institutionalized adults who

would be constantly supervised in their new environment by live-in staff.

The order by Werner H. Kramarsky, commissioner of the state Division of Human Rights, was issued Nov. 6 and made public yesterday, following the expiration of the landlord's 30-day period for appeal.

Human Rights Division officials said yesterday it is the first time in New York state that a complaint of housing discrimination based on mental disability has proceeded to judgment and been decided against the respondent, or landlord.

Martin Silberman, a Human Rights Division lawyer assigned to represent developmental center residents in the case, expressed guarded satisfaction yesterday with Kramarsky's order.

"If there is an individual reaction, if this particular landlord doesn't do it again, the Human Rights Law will have been effective, and if these particular people get what they were denied, the law will have been

effective," Silberman said.

But of the decision's precedent-setting implications, he added: "In a larger sense, what happens depends on exposure, word of mouth, the spread of information that there is a place to vindicate your rights. It's impossible to predict the future, but I imagine if the decision makes other landlords aware that they have certain obligations under law, they will think twice before acting."

Jacobs said yesterday that he had received a copy of the commissioner's order, but that he had not responded to it. Speaking in thickly accented English, Jacobs, who said he also operates a Forest Hills, Queens, construction firm, said he might reconsider his rejection of mentally disabled tenants.

"Before I make the lease, I need to know who's responsible for the rent. I have to have somebody who was behind, for collateral," he said.

John Tillou, who coordinates community residence development on

Staten Island for the Office of Mental Retardation, said yesterday that he has not contacted Jacobs since the decision, although he intends to.

Rent checks, he said, would be drawn from the state's mental retardation budget in Albany. He said 33 former Staten Island Developmental Center residents now live in apartments or one- and two-family homes in the borough. Under a federal court order, hundreds more are scheduled to be transferred from the institution into community residences by April of next year.

"The drawbacks really have been resistance by neighbors and their fear," Tillou said. "But in at least 33 cases, these fears have proved unfounded."

Kramarsky's order grew out of a public hearing March 3 before Administrative Law Judge Rosamond Prosterman in the Human Rights Division offices at 2 World Trade Center. The Human Rights Division granted the hearing based on a complaint filed May 11, 1979, by Caryn Steinfeld, a clients rights coordinator for the Office of Mental Retardation.

Miss Steinfeld and Tillou testified at the hearing that Jacobs had violated the state Human Rights Law by refusing to rent to Tillou on behalf of Staten Island Developmental Center residents.

Jacobs testified that prior experience with a violent mentally disturbed, although not mentally retarded, tenant, had convinced him that "such people don't belong, not

in my building or in any development any place in the United States."

According to Kramarsky's order, Jacobs must give mental retardation officials three consecutive opportunities to rent a vacant apartment in Verrazano Cliffs. At the same time, he must document the names, addresses and telephone numbers of all applicants for housing in his building, and he must prominently display a poster explaining the Human Rights Law, according to the order.

Silberman said that upon failure to comply, the landlord could be cited for contempt in the Appellate Division of the State Supreme Court.

A Human Rights Division spokeswoman said four other complaints against landlords for allegedly discriminating on the basis of mental disability have been investigated by her office. Two of the cases, brought by United Cerebral Palsy Associations of New York State against landlords in Brooklyn and Queens, are still pending, she said. The other two cases were brought in 1977 and 1978 against a Queens landlord, Daniel B. Rosen, who was cleared in one case and settled in the other, she said.

The spokeswoman, Felicita Clavell, said such cases are difficult to prosecute since the landlord rarely explicitly refuses tenants because of their handicap, as Jacobs did. More commonly, she said, landlords resort to a "subterfuge," such as lying that an apartment is no longer available, which is difficult to refute.