

Mentally retarded win right to rent on S.I.

By RICHARD ROSEN

The State Division of Human Rights has ordered a Staten Island landlord to rent an apartment to three mentally retarded persons now in state institutions in a case it hopes will loosen the grip of housing discrimination based on mental disability.

In one of its first such rulings, the human rights division found that landlord Nathan Jacobs violated the state human rights law when he refused to rent a two-bedroom apartment to officials of the State Office of Mental

Retardation and Developmental Disabilities, who wanted the space for mentally retarded clients.

"We had apparently not had anything as blatant as this before," said Caryn Steinfeld, of the mental retardation office. "There was a feeling that if we won, we could use this as an example to others."

JACOBS ALLEGEDLY told the officials that he would not even consider renting the \$360-a-month apartment at 1081-1091 Tompkins Ave. to the disabled clients, although they were to have 24-hour supervision by a

caseworker. The apartment had been listed with a local real estate agent.

"It's a question of whether a landlord should be forced to quarter others whom he doesn't even know," said attorney Max Anders, who represented Jacobs at a hearing before a human rights division administrative law judge. "The words mentally, retarded can cover a lot of ground; the people might be poor unfortunates or raving maniacs. The landlord should have a right to screen and evaluate them."

Anders said Jacobs would not appeal the order.

The prospective tenants were not to be selected until the apartment was rented, Steinfeld said. However, she added that Jacobs was "assured" the tenants would be "mentally retarded and not mentally ill and would be going out daily to a sheltered workshop or vocational education program."

The state screens and places mentally retarded persons in supervised settings as part of its Community Placement Program. About 5,370 people statewide are living in such settings, according to the mental retardation office.