

Locked-out UCP to get apartment keys

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The state Human Rights Division has obtained a court order directing the owners of a co-op apartment house in West Brighton to issue keys to an apartment from which the United Cerebral Palsy Association (UCP) allegedly had been locked out.

The apartment is one of five which UCP sublets in the Fountains at 1000 Clove Road for use as group homes for former patients of the Staten Island Developmental Center, Willowbrook.

In addition, the show-cause order signed by Supreme Court Justice Charles A. Kuffner Jr. temporarily stays the Fountains Clove Road Apartment Inc., and its president, Richard Seidell,

from taking any action that could result in the eviction of UCP from the apartments.

The show-cause order is returnable Tuesday.

At that time, arguments are scheduled to be heard on the commission's petition for a preliminary injunction to bar the corporation from terminating the tenancies of three leaseholders who sublet the apartments to UCP, or to terminate the UCP subleases.

In seeking the preliminary injunction, the Human Rights Division has asked the court to maintain a "status quo" until the agency's commissioner decides four cases in which the co-op corporation faces housing discrimination charges. The charges are

based on alleged discrimination against residents because of their mental and physical disabilities.

The Human Rights Division initiated the present action after UCP said it temporarily vacated one of the apartments in April for painting and new carpeting, but when it sought to reoccupy the apartment earlier this month it found that the locks had been changed, and the corporation refused to give it keys.

The division said any order the commissioner might hand down in the future would be "totally frustrated" if UCP were locked out and the apartment rented to someone else.

The case marks the second time in seven months that differences between the co-op's oper-

ators and the three leaseholders, or UCP, have surfaced in court.

In December, a judge ruled in favor of the co-op's board of directors in denying the leaseholders' petition for a preliminary injunction. The leaseholders, in an action for a permanent injunction, had sought to temporarily bar the board of directors from taking away their proprietary leases because they allegedly had sublet their apartments to UCP without the board's approval or the approval of 65 percent of the co-op's shareholders, as the proprietary leases required. The judge's decision was based on a technicality.

The Fountains' lawyer, Robert A. Bruno, could not be contacted yesterday. However, he previ-

ously stated in connection with the earlier case that the board had been attempting to work out a solution and did not intend to evict UCP. Its prime consideration was to obtain a commitment from UCP that it would seek to eventually obtain quarters elsewhere.

The Human Rights Division said that the three leaseholders filed separate discrimination complaints in October five days before the Fountains had notified UCP that it was terminating its rental agreements with the leaseholders. UCP also filed a separate complaint against the co-op.

The division said in its court papers that its Brooklyn regional office found there was "probable cause" to support the allegations

in the four complaints, and ordered public hearings. Hearings commenced in January, and have continued ever since. They are scheduled to resume July 31.

The state agency instituted the court proceeding following the alleged "lock out" incident, and after it said the Fountains' lawyer had given assurances that UCP would not be evicted during pendency of the proceeding before the agency.

UCP has occupied the five apartments since 1978. One of the three leaseholders said in the earlier proceeding that the Fountains' board advised him early in 1984 that unless UCP was evicted the board would act to terminate his proprietary lease, along with those of his partners, and seize their stock in the co-op.