

State joins fray against co-op

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The state yesterday jumped into the protracted battle between the Fountains cooperative in West Brighton and United Cerebral Palsy (UCP), suing the co-op board in an effort to foil eviction proceedings against handicapped residents.

The suit comes on the heels of a show-cause court order obtained by the Fountains last week that is aimed at forcing UCP to surrender the keys to its apartments and vacate the rooms, according to court papers.

The suit — filed by Attorney General Robert Abrams and Office of Mental Retardation and Developmental Disability (OMRDD) Commissioner Arthur Y. Webb — asks that the co-op be banned from "interfering with the right of UCP and its clients" to occupy the three apartments it has rented and occupied in the Clove Road building since 1978.

In filing the suit, Abrams and Webb said that the co-op's conten-

tions that the residents or their caretakers have caused disruptions are unfounded.

In addition, Abrams said, "A vague worry about 'declining property values' cannot be allowed to interfere with the housing of disabled persons in community settings where they can receive the care and treatment to which they are entitled."

The co-op board is attempting to evict UCP on the basis of a clause in the group's lease stating that only family members can share an apartment in the building — a tactic that UCP has said is a thin disguise for discrimination against the handicapped. According to UCP, its tenants aren't the only unrelated residents sharing apartments.

As many as 12 former residents of the Staten Island Developmental Center live in the group home, which consists of three apartments leased from their owners.

State law says that retarded persons who are living in a group home must be considered a fam-

ily unit, but lawyers for the co-op say that law doesn't apply to private contracts.

Robert A. Bruno, lawyer for the cooperative, said the eviction has "nothing to do with the handicapped."

"We have had problems not with the people — not with the handicapped — but with the caretakers," he said.

Bruno claimed the caretakers, employees of UCP, have been involved in incidents involving fights in laundry rooms, guns and drugs. "We have human rights, too, and we do have legal rights," he said.

Attempts by the co-op to evict UCP have met with a series of flip-flop decisions over the past year in state Supreme Court, St. George.

In December, a judge ordered UCP to hand over keys to the apartment.

While the tenants were not evicted after that order, in April tenants of one apartment were locked out after temporarily va-

ating to allow renovations.

In July, the state Human Rights Division, which had sued the Fountains on behalf of UCP alleging that the eviction was discriminatory, obtained a court order telling the co-op to give UCP the new keys to the apartment. The tenants moved back in.

But three weeks later, this decision was reversed when a Supreme Court judge said the tenants could be evicted.

The show-cause order stems from this decision. The co-op alleges that the latest decision requires the UCP to hand over keys and vacate the apartments, which the UCP has not done, according to court papers.

The UCP must show cause by Oct. 1 as to why it shouldn't be held in contempt of court for failing to vacate the apartments.