

Decision on group homes in co-op is postponed

A judge yesterday reserved decision on a state bid to have a West Brighton co-op temporarily barred from interfering with 12 handicapped residents who use three apartments as group homes until a decision is reached on a request for a permanent injunction on such interference.

The Division of Human Rights and the Office of Mental Retardation and Developmental Disabilities have charged that the Fountains Clove Road Apartments Inc., at 1000 Clove Road, is attempting to evict the residents because of what state Attorney General Robert Abrams has said is "a vague worry about declining property values."

A discrimination complaint against the co-op currently is pending before the state Human Rights Division.

The co-op's board of directors, through its lawyer, Robert Bruno, unsuccessfully moved to dismiss the two agencies' request in state Supreme Court, St. George, for a temporary injunction. He argued that the agencies raised the same issues before and they were resolved in the board's favor by another judge in a decision in July.

Supreme Court Justice Thomas R. Sullivan also denied a motion

by Bruno to have United Cerebral Palsy of New York State (UCP) held in contempt for refusing to surrender the keys to one of the apartments. UCP rents the apartments from their owners.

Bruno contended that his clients are entitled to the keys until the Human Rights Division rules on the discrimination complaint.

Bruno cited Justice Louis Sangiorgio's July decision as the grounds for the contempt motion. He contended that that order created a "status quo" prior to another order in which the board was directed to surrender the keys after UCP's lawyer had informed the judge that the residents would be harmed by not being allowed to return to the apartment. Bruno complied and gave the keys to UCP.

Bruno has said the board ordered the lock to the apartment changed for security purposes after the apartment had gone unoccupied for several months earlier this year, and the board believed it had been abandoned.

UCP said it moved the residents only temporarily because of renovations, but when it sought to reclaim the apartment it found the lock had been changed. This led to the first proceeding.

The latest proceeding emerged from the co-op board's demand to

have the keys returned.

In denying the contempt motion, Sullivan said he could not find any specific reference in Sangiorgio's July decision that would require UCP to surrender the keys.

Bruno reaffirmed a previous stipulation that the co-op's board will take no action to evict the handicapped residents until at least the discrimination complaint is decided.

Bruno charged that Human Rights Commissioner Charles H. White's actions in the proceedings against the Fountains have been "unfair, arbitrary, capricious or prejudicial." He used similar terms to describe the present proceeding in calling for its dismissal.

Sullivan rejected Bruno's objections and allowed the Office of Mental Retardation and Developmental Disability to intervene in the proceeding before him. The office is responsible for protecting the rights and welfare of the mentally retarded.

The group homes were established as part of a federal court's order to break up the Staten Island Developmental Center in Willowbrook and place its residents, where possible, in community settings.

— RAYMOND A. WITTEK
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