

Housing Authority Settles Discrimination Case

Disabled tenant gets \$215,000 after being forced to fill out sponsor form

By CHRISTIAN NOLAN

Maziarz v. Housing Authority of the Town of Vernon: A man who claims the Vernon Housing Authority discriminated against disabled, senior-citizen tenants has settled his lawsuit with the agency for \$215,000.

The Vernon Housing Authority is a quasi-public agency receiving state and federal funds used to operate and manage subsidized housing in Vernon.

In 2009, Robert Maziarz applied to, and was accepted to be a tenant in, the Vernon Housing Authority's senior and disabled housing. In addition to a lease agreement, a housing coordinator in Vernon sent Maziarz a copy of a "personal care sponsor" form to be completed.

The personal care sponsor forms required a third party to verify that applicants, despite their disability, can take care of themselves.

The forms also designated someone to assume responsibility if a disabled tenant's condition were to worsen to the point that he were unable to care for himself. Among other obligations, the sponsor had to agree to assist in relocating the tenant to another facility if, according to the housing authority, the tenant's condition "prevents self-care and maintenance in the apartment."

Greg Kirschner, legal director of the Connecticut Fair Housing Center, represented Maziarz in the subsequent lawsuit against the Ver-

non Housing Authority.

Kirschner explained that the authority told prospective tenants that the personal care sponsor form was required and that it could jeopardize their housing if it was not filled out in a timely manner. Specifically, Maziarz was told he could not pick up the keys to his new apartment until he turned in the form.

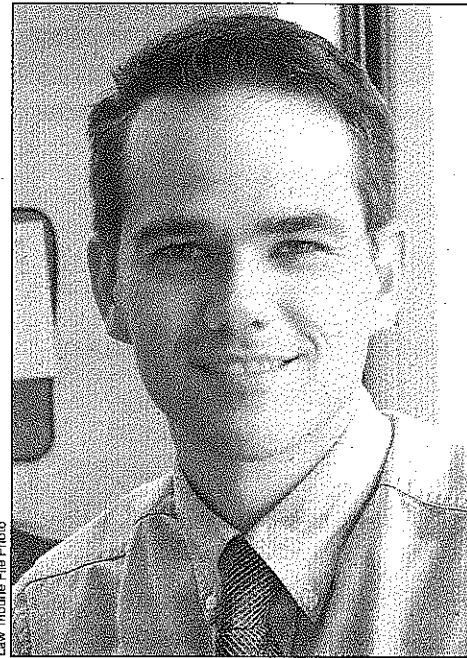
Kirschner said the form was discriminatory because not all tenants of the authority were required to fill one out. The form contained provisions based expressly on whether a tenant had a disability, which Kirschner said violates the federal Fair Housing Act.

The federal law extends protections "to individuals with disabilities to ensure that paternalistic concerns could not be used to disqualify them from housing," said Kirschner. "When it amended the Fair Housing Act to include disability as a protected

class, Congress specifically noted that it was doing so to repudiate the use of stereotypes and ignorance and to make a clear pronouncement of a national commitment to end the unnecessary exclusion of individuals with disabilities from the American mainstream. Independent living policies are precisely what the FHA is intended to eliminate."

The Connecticut Fair Housing Center filed the lawsuit against the Vernon Housing Authority in 2011. About six months later, Kirschner said new tenants in Vernon were no longer

verdicts & settlements



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Greg Kirschner, legal director of the Connecticut Fair Housing Center, said federal law prohibits housing authorities from imposing additional requirements on disabled tenants.

given the forms.

However, the authority, through its lawyer in the case, Kevin Coles of Coles, Baldwin & Kaiser in Fairfield, disputed Maziarz's claim until the eve of trial, when a settlement was reached. Coles did not return calls for comment.

The lawsuit was resolved for \$215,000, which

included damages and attorney fees.

"I couldn't tell you what their motivation was for stretching the case out for so long. We thought the [discriminatory] policy being written out in black and white was pretty clear," said Kirschner.

Going forward, tenants will no longer receive personal care sponsor forms. Kirschner said it is up to individual tenants to provide for their own needs so long as they meet the lease terms, such as paying the rent and not bothering other tenants.

Kirschner said what happened in Vernon is not an isolated incident. He has a similar case pending in Connecticut, he said, and the same thing has occurred in other states, including in New York and California.

"It's definitely something we've been concerned about and have been dealing with over time," he said.

In 2009, the nonprofit Connecticut Fair Housing Center handled a similar case against New Horizons Village of Unionville, which was reviewing applicants' medical records to determine whether they could live independently. That case ultimately settled for \$600,000.

Kirschner said that Maziarz ultimately completed the application process, including the personal care sponsor form, and has continued to reside in Vernon housing ever since. "He is relieved to have [the case] finished," said Kirschner. "And glad the policy is no longer in place."

Connecticut Fair Housing Center attorneys Deepika Bains Shukla and Salmun Kazerounian assisted Kirschner in the case. ■