



**For Immediate Release --** December 4, 2013

**Contact:** Greg Kirschner, Legal Director, 860.263.0724 or Erin Kemple, Executive Director, 860.263.0723

## **Settlement Ends Discriminatory Independent Living Requirement**

On November 19, 2013 the Federal District Court for the District of Connecticut entered a Consent Decree that permanently enjoins the Vernon Housing Authority, a federally funded provider of low-income housing, from imposing independent living requirements on residents of its senior-disabled housing. The Consent Decree, which also includes payment of \$215,000 by the defendant to resolve the named plaintiff's claims for damages and litigation expenses, resolves the fair housing case of *Maziarz v. The Housing Authority of the Town of Vernon*.

For decades, the Vernon Housing Authority required that residents in its senior-disabled housing sign a document called the "Personal Care Sponsor Statement Agreement" (PCS Agreement). Prospective tenants and residents were told that execution of the PCS Agreement was mandatory.

The PCS Agreement, which became part of the lease, stated that residents had verified that they would be able to "live independently." It also required them to secure a "sponsor" who would take responsibility to serve as guarantor for the tenant's obligations under the lease and the PCS Agreement. These obligations included assisting in "relocating to another living facility if deemed appropriate by the VHA if a tenant's illness or accident (short or long term) prevents self-care and maintenance in the apartment."

In this way, the PCS Agreement contained tenancy requirements based expressly on whether a tenant had a disability. The independent living requirement was not imposed on defendant's tenants who did not live in senior-disabled housing.

Greg Kirschner, lead attorney for the plaintiffs and the Connecticut Fair Housing Center's legal director, said, "Fair housing protections were extended to individuals with disabilities to ensure that paternalistic concerns could not be used to disqualify them from housing. When it amended the FHA 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 litigation team also included Connecticut Fair Housing Center staff attorneys Deepika Bains Shukla and Salmun Kazerounian.

The Connecticut Fair Housing Center is a statewide nonprofit fair housing organization dedicated to ensuring that all people, and principally those with scarce financial resources, have equal access to housing opportunities in Connecticut. We are located on the web at [www.ctfairhousing.org](http://www.ctfairhousing.org).