Builder of Brooklyn condo charged with violating the Fair Housing Act

The construction team that worked on a 40-unit building in Brooklyn, New York, has been charged with housing discrimination due to a lack of disability-friendly entryways and common areas.

On Monday, the U.S. Department of Housing and Urban Development (HUD) filed a complaint alleging that a team of design and construction companies based in New York, Pennsylvania and Georgia violated the Fair Housing Act by failing to construct accessible multifamily housing at the North 8 condo project.

According to the charge, the team failed to include routes, entrances and common areas that are accessible to people with mobility problems and other disabilities. In-unit kitchens and bathrooms also reportedly failed to meet the FHA standard, which requires that any multifamily unit built after 1991 be accessible for residents with disabilities.

“When developers and builders fail to construct housing that complies with the Fair Housing Act, they not only violate the law, they make it more difficult for persons with disabilities to obtain the accessible housing they need,” said Anna María Farías, HUD’s assistant secretary for fair housing and equal opportunity, said in a prepared statement. “Today’s action reflects HUD’s ongoing commitment to taking action when housing providers fall short of meeting their legal obligations.”

Courtesy of StreetEasy

Construction on the building, located at 49 North 8th Street, began in 2006 and was completed in 2011. It’s located in a part of the Williamsburg neighborhood popular among young professionals — individual units can cost over $1.5 million.

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According to HUD, it is inaccessible due to, among other issues, a front entry with two doors that are too narrow for a wheelchair to pass through, a common area that does not have a large enough toilet, a gym with a door that closes too fast and a garage that has no accessible parking spaces.

HUD also claims that individual properties inhabited by wheelchair-bound people also do not have entry doors that are wide enough, enough electrical outlets and light switches that can be reached comfortably or kitchens that have a large enough turn radius for them to use.

The construction and design companies that worked on the building are named as Toll Brothers, Inc.; Toll Land XIII Limited Partner; Lendlease (US) Construction LMB, Inc; Greenberg Farrow Architecture, Inc.; and 51 North 8th Street LP.

HUD's charge, which it filed after conducting site visits to the building between June 2017 and April 2019, will appear before a judge in the coming months. If found to be in violation, the construction and design companies may be ordered to remodel the units to be more accessible or pay damages to the affected residents.

HUD regularly investigates complaints against landlords, homeowners and resident associations who fail to accommodate tenants with disabilities. Last year, it ordered a Las Vegas landlord accused of refusing a disabled couple from moving into a first-floor apartment to pay $6,000.

"The Fair Housing Act requires that housing built since 1991 contain basic features of accessibility," said Paul Compton, HUD's general counsel in a press statement. "These features are less expensive to provide at the time of construction than after the building has been completed. HUD will continue to take action to bring inaccessible housing into compliance with the law."

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