

Court Order Blocks Discriminatory Brooklyn Housing Development

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January 4, 2012 – In a [significant decision](#) that moved toward resolving a longstanding challenge to New York City’s largest affordable housing plan and which may have implications for all future affordable housing developed in the city, a State Supreme Court judge today granted a preliminary injunction barring New York City from moving forward with developing affordable housing on the border of two Brooklyn neighborhoods, Williamsburg and Bedford-Stuyvesant, that would create dramatic racial disparities and increase existing segregation in surrounding neighborhoods.

The plaintiffs, a diverse coalition of community organizations who had long ago brought the potential discriminatory impacts of the proposal to the attention of New York City officials, sought the injunction, arguing that the Bloomberg administration’s plan to build affordable housing in the Broadway Triangle, a large parcel of city-owned land located in a highly segregated area of Brooklyn, violates the federal Fair Housing Act, state and city human rights laws, and the U.S. Constitution’s Equal Protection Clause.

In granting the injunction on plaintiffs’ claims under the Fair Housing Act, Justice Emily Goodman ruled that plaintiffs had demonstrated the likelihood that they would succeed at trial on the merits of the case.

“Today’s ruling shows that the city’s housing plan for the Broadway Triangle would perpetuate segregation and discrimination in an area that has been heavily segregated for far too long,” said **New York Civil Liberties Union Executive Director Donna Lieberman**.

In 2006, the city began the process of developing affordable housing in the Brooklyn Triangle, which sits at the border of Williamsburg and Bedford-Stuyvesant. Community organizations and residents objected at the outset of the exclusionary planning process, which did not include an analysis of how the plan to build affordable housing would affect the area’s severe racial segregation. The project as proposed would have given priority for the housing to people who live in a predominantly white section of Williamsburg (Community District 1) to the detriment of a neighboring community that is overwhelmingly black (Community District 3). While the Bedford-Stuyvesant area is 77 percent black, a demographer found that

only 3 percent of residents in the new housing to be built in the Broadway Triangle would be black.

Plaintiffs argued that as the recipient of federal housing funds, the city was required under federal law to perform a racial analysis. Judge Goodman agreed.

“There can be no compliance with the Fair Housing Act where defendants never analyzed the impact of the community preference,” she wrote in her decision.

“This decision proves what a well organized community can achieve,” **said Juan Ramos, chair of the Broadway Triangle Community Coalition.** “After years of trying, the people were finally given justice and a role in the process that we were left out of. Our community is desperate for affordable housing, and we’re hopeful we’re now a step closer to inclusive and representative housing, not housing that perpetuates segregation.”

“This victory is not only for the plaintiffs, but for all the local community residents. It proves to them, that the old adage is true; you don't fight the fights you know you can win, you fight the ones worth fighting for,” **added Rob Solano, executive director of Churches United For Fair Housing, Inc.**

Judge Goodman also found that other aspects of the project, including a disproportionate amount of large apartments, would serve only one demographic group in the Broadway Triangle.

“The judge’s ruling should have a wide-ranging impact far beyond this case in that the court has emphasized that the city is always legally obligated to consider how these types of actions will impact segregation,” said Taylor Pendergrass, New York Civil Liberties Union senior staff attorney and counsel on the case. “This decision puts the city is clearly on notice: When it proceeds to develop housing – whether in the Broadway Triangle or anywhere else – it must evaluate the potential impact on segregation and develop projects that include the entire community and will create more integrated neighborhoods.”

“This decision holds New York City to its obligation as a recipient of federal housing funds not to use those funds to further residential segregation,” explained co-counsel Diane L. Houk, of Emery Celli Brinckerhoff & Abady LLC. “We hope that this will prompt the City to re-evaluate how affordable housing is developed throughout the City and not just in Williamsburg.”

In developing its plan, the city worked exclusively to support an affordable housing proposal by the United Jewish Organizations (UJO) and its partner Ridgewood

Brooklyn Senior Citizens Council (RBSCC) – both nonprofit groups. The UJO serves a particular portion of Brooklyn’s Hasidic community. The RBSCC is located outside of Williamsburg and Bedford-Stuyvesant and does not provide services to either neighborhood.

In December 2009, the New York City Council overwhelmingly approved the proposal over the objections of local black and Latino residents. On Dec. 22, 2009, Judge Goodman granted plaintiff’s motion for a temporary restraining order preventing the city from moving ahead with the development plan. Last spring, the city rejected plaintiffs’ proposal to settle the case.

“We are very pleased with the Court’s decision,” **said Shekar Krishnan, litigation associate at Weil, Gotshal & Manges LLP and co-counsel on the case.** “The law and facts are clear as to how the city’s plans will perpetuate longstanding residential segregation in Williamsburg.”

Marty Needelman, chief counsel of Brooklyn Legal Services Corporation A and also co-counsel said, “After fighting for this just cause for over two years, we are thrilled with the court’s ruling. We hope the city will seize on the opportunity to move forward with a much more inclusive affordable housing plan through a much more inclusive process.”

Co-counsel on the case also includes NYCLU Legal Director Arthur Eisenberg.

To read the judge’s full decision, visit http://www.nyclu.org/files/releases/Broadway_Injunction_Decision_1.4.12.pdf.

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