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Judge: Village's 2004 Zoning Ordinance Violated Fair Housing Act

Judge Arthur Spatt rules zoning changes "perpetuated deep-seated segregation that has allowed Garden City to remain an overwhelmingly white enclave surrounded by predominantly minority neighboring towns."

Posted by [Carisa Giardino](#) (Editor) , December 06, 2013 at 04:37 PM

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A U.S. District Court judge ruled Friday that a 2004 Garden City zoning ordinance intentionally discriminated against minorities in an attempt to keep them from living in the village.

Judge Arthur Spatt, who ruled in February 2012 that the case against Garden City should proceed, said the village violated the federal Fair Housing Act, the United States Constitution and other civil rights statutes when it illegally discriminated "on the basis of race and national origin against minorities in Nassau County" and "perpetuated deep-seated segregation that has allowed Garden City to remain an overwhelmingly white enclave surrounded by predominantly minority neighboring towns."

The trial began in June at the U.S. Federal Court House in Central Islip, eight years after plaintiffs [NY Communities for Change](#) and [MHANY Management Co.](#) first filed the suit. (New York Communities for Change is a not-for-profit membership organization devoted to improving the quality of life for members of low income communities in New York and MHANY Management Co. is a not-for-profit community-based developer of affordable housing.)

Charges were first made against the village when the now defunct Association of Community Organizations for Reform Now (ACORN) group claimed Garden City officials purposely changed its zoning codes to disallow affordable housing at a multi-family housing development proposed for the old Social Services site off Eleventh Street.

To accomplish the goals of his real estate consolidation plan, former county executive Tom Suozzi requested that the village re-zone the area, which only allowed for public use, to provide for residential if the county were to sell the property to a private developer.

The Village of Garden City, which does not own the property but does have zoning jurisdiction, changed the zoning to allow for luxury homes and town houses.

The plaintiffs alleged Garden City's actions were intended to keep affordable housing - and African Americans or Latinos who might occupy such housing - out of Garden City.

The district court found that "discrimination played a determinative role" in Garden City's decision to reject the originally proposed zoning in favor of the low-density zoning, and that minorities "bore the brunt of the negative impacts" of that decision.

Judge Spatt has ordered the plaintiffs to submit a remedial plan to the court that will serve as a "roadmap for Garden City to take affirmative steps to remedy the lingering effects of such discrimination, and will prohibit future discrimination."

Diane Goins, chairperson of the LI Chapter of New York Communities for Change, said it's outrageous that in 2013 it took a lawsuit to "expose Garden City's blatant and illegal policies of housing discrimination."

"Today we made a very important, long overdue step in the right direction," she said. "Any municipality that thinks they can get away with housing discrimination in 2013 needs to be clear that NYCC members won't stop fighting for fairness until housing discrimination is a thing of the past."

Stanley Brown, lead counsel for the plaintiffs, said the ruling will send a strong message to other government entities that the use of restrictive zoning to discourage minority residency will not be tolerated.

"It has been a long, eight year fight and we are honored to have helped secure a groundbreaking victory for civil rights," he said.

Co-counsel Fred Brewington added, "After years of asking Garden City to open its doors to affordable housing, it is unfortunate that it took a court decision to force them to realize that everyone should have a chance to live and be educated in Garden City. This is a landmark decision that sends a clear and strong message that discrimination, no matter how you try to mask it will be rooted out and challenged."

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