

Federal judge finds bias in suburban NY village

Judge: Exclusionary zoning discriminates against minorities

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By Frank Eltman

MINEOLA — A predominantly white and affluent suburban New York village discriminated against minorities in decisions about residential zoning that helped preserve segregation, a federal judge ruled Dec. 6.

Attorneys for the plaintiffs against the village of Garden City called the ruling historic. Village officials said they intend to appeal.

"This case is a prime example of housing discrimination and exclusionary zoning practices that are being used by too many communities across the country to block affordable housing that would be occupied by minorities," said attorney Stanley Brown.

Long Island civil rights attorney Fred Brewington, who was part of the case, added: "This is a monumental decision, not just for Long Island but for the country. No longer can enclaves like Garden City create artificial barriers to prevent affordable housing from being built."

U.S. District Court Judge Arthur Spatt's 65-page decision found the village "acted with discriminatory intent" when it yielded to public opposition fighting an affordable housing proposal in Garden City in 2004.

His ruling requires the plaintiffs to provide a list of suggested remedies within 30 days. The village will then have 30 days to respond.

"The village is extremely disappointed with Judge Spatt's decision and intends to file an appeal at the earliest possible time," the village board said in a statement. "There was no discriminatory intent on behalf of the village."

Two groups that advocate for minorities sued the village after it rejected a zoning proposal that would have called for an affordable housing component on a 25-acre parcel of land that was being considered for development. In the end, the property was never sold and no development took place.

Attorneys for the New York Communities for Change and MHANY Management Inc., argued that village officials disregarded the recommendations of an outside consultant and a special committee it had formed. They suggested the parcel could be developed into 311 units with a mix of private housing, townhouses and affordable housing apartments.

The village statement Dec. 6 said the zoning decision was based on "legitimate concerns over increased traffic congestion, parking, school and public service impacts and population density."

Census figures show the village 30 miles east of Manhattan is 93 percent white. The median value of an owner-occupied home between 2007 and 2011 was \$811,000.