

Federal judge: Garden City was discriminating on housing

December 6, 2013 by AISHA AL-MUSLIM / aisha.al-muslim@newsday.com



A U.S. District Court judge ruled Friday that Garden City officials discriminated against minorities when they enacted a zoning ordinance in 2004 to halt the prospect of affordable housing in the village.

Justice Arthur D. Spatt's decision in Central Islip concluded an 8-year-old lawsuit that led to a two-week trial this summer.

"We won big time," plaintiffs' attorney Frederick Brewington of Hempstead said. "This is a monumental decision for Long Island and for

America. It means that Garden City and other communities like Garden City cannot shut their doors to persons of color who want to have a good place to live and educate themselves."

Spatt ordered the plaintiffs to submit a remedial plan to the court within 30 days, to serve as a road map for Garden City to take steps to remedy the effects of discrimination.

But officials in Garden City, where the median property value is about \$800,000, denied wrongdoing and vowed to appeal.

Spatt found that Garden City violated the federal Fair Housing Act, the U.S. Constitution, and other civil rights statutes, to keep minorities out and remain an overwhelmingly white (93 percent) enclave.

"The Court finds that the Garden City Defendants acted with discriminatory intent," Spatt wrote in his 65-page decision. The "zoning had a disparate impact on minorities in Garden City and tended to perpetuate segregation in that community."

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The suit was filed in 2005 by the housing advocacy group ACORN and other parties after village

officials adopted single-family and town house zoning instead of a multifamily housing zone, which plaintiffs argued made affordable housing economically unfeasible on the site of the old 25-acre Department of Social Services office.

New York Communities for Change and MHANY Management Inc., a Brooklyn-based nonprofit developer of affordable housing, took over the suit when ACORN dissolved in 2009.

Garden City Village officials denied having racially discriminatory policies.

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

The case developed under a 2004 plan by former County Executive Thomas Suozzi to sell the site to a developer. The original zoning proposal was for multifamily housing that would have allowed 311 units.

After public outcry, village officials changed the zoning to allow up to 90 single-family homes, up to 150 town houses or a combination of the two. The three options also included up to 36 multifamily units.

"Nothing in the new zoning designation prohibited the building of affordable housing," Grilli said. "The village's decision was made based on legitimate concerns over increased traffic congestion, parking, school and public service impacts and population density."

[< back to article](#)