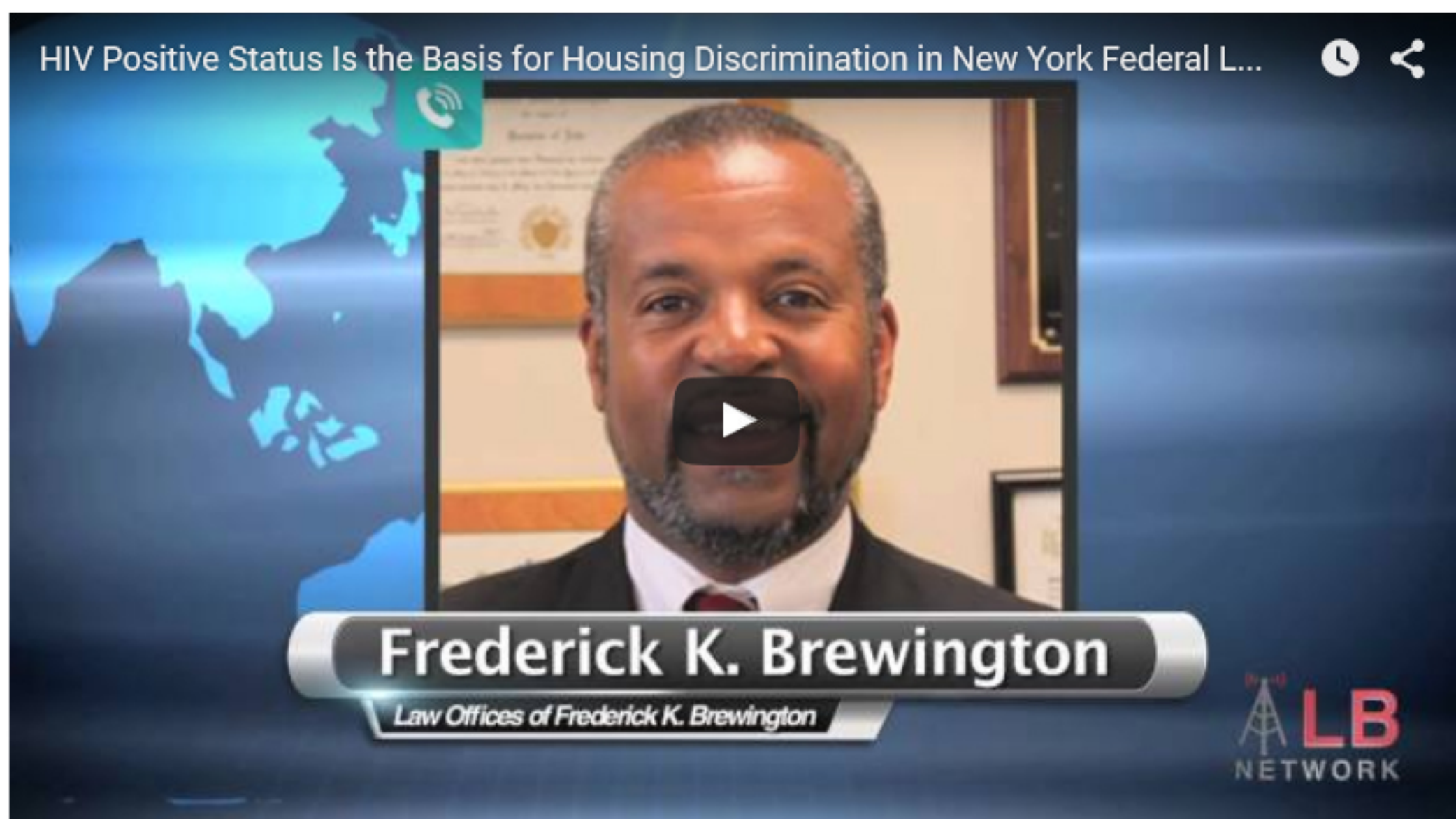


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HIV Positive Status Is the Basis for Housing Discrimination in New York Federal Lawsuit

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New York federal district court Judge Arthur Spatt has denied a defense motion for summary judgment in a housing discrimination case, allowing the case to move forward towards a jury trial. The discrimination alleged in this lawsuit is based on a landlord's refusal to rent an apartment based on the HIV status of one of the potential renters. The lawsuit alleges that the refusal to rent violates both the U.S. Fair Housing Act and the New York State Human Rights Law. Plaintiff Sharon Johnson is represented by New York lawyer Frederick K. Brewington, who discusses the case in this report.



FREDERICK BREWINGTON

Brewington explains that Jay Levy, the landlord in this case, initially sought information from Ms. Johnson and her husband, now deceased, sufficient to do a credit check. The point of the check is to determine whether someone would be a viable tenant, able to pay the monthly rent. New York law permits income questions to be asked. However, Brewington notes, health status was not part of the information that was sought in order to make the decision about renting the apartment.

The Johnsons were shown two apartments. They were eligible for public assistance to pay the security deposit and the first month's rent. The Department of Social Services determined that the Johnsons would qualify for the less expensive of the two apartments. Mr. Levy provided a letter indicating that the Johnsons

were eligible as tenants provided that their rent was guaranteed by a governmental agency. That latter term, says Brewington, was never suggested to the Johnsons. That term only became an issue after Levy discovered that Mr. Johnson was HIV positive.

Brewington says that the rental was almost a completed deal when Ms. Johnson told an associate of Levy that Mr. Johnson was HIV positive. Upon receiving the news, Levy said that he had older tenants in his facility and that he did not want an HIV patient there as a tenant. Among the people who heard Levy make the comment was a lawyer from a local legal support agency. That lawyer will be a witness at the trial of the case.

Brewington says that cases like this are not rare, in his experience. He has encountered discrimination cases involving people in various kinds of protected classes. The HIV positive status involved in this case is just one disability among many that turn up in discrimination cases. Brewington says that discrimination is becoming more sophisticated. Those seeking to discriminate "often mask it with other excuses."

Frederick K. Brewington is a principal in the Law Offices of Frederick K. Brewington, Hempstead, Long Island. His practice is oriented to civil rights law. His areas of interest and expertise include affordable housing, community revitalization efforts, employment and civil rights, the environment and, especially, voting rights and fair representation in government. The Legal Broadcast Network is a featured network of Sequence Media Group.