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Nonprofits File Lawsuit Alleging Fair Housing Violations at Bethlehem Township Condominiums

***Discrimination lawsuit filed against builders, owner, and designers of Bordeaux
Lofts at the Vineyard at Wagner Farms for accessibility violations***

Fort Washington, PA – The Fair Housing Council of Suburban Philadelphia (“FHCS”) and the Disability Rights Network of Pennsylvania (“DRN”) have filed a lawsuit in federal district court (E.D.Pa) against Wagner Enterprises and JAFO Development Corporation, Inc. for failing to provide accessible features required by the Fair Housing Act in a new construction multi-family community. Wagner Enterprises and JAFO Development Corporation are the builders, owner and designers of The Bordeaux Lofts at the Vineyard at Wagner Farms (“the Bordeaux Lofts”), a 92-unit condominium community in Bethlehem Township.

According to the lawsuit, FHCS conducted inspections of the Bordeaux Lofts between March 2012 and May 2013 documenting Fair Housing Act violations that effectively precluded wheelchair users and people with mobility impairments from living in the community. FHCS staff and investigators observed numerous violations at the community, including steps at the entrances to all 23 residential buildings, interior doorways that don’t meet the minimum width requirement (28” doorways where there’s a minimum 32” requirement), inaccessible routes throughout the community, and inaccessible mailboxes.

“Access to housing for people with disabilities is a civil right,” said DRN attorney Rocco Iacullo. “The failure to construct accessible housing as required by the Fair Housing Act denies people with disabilities equal access to housing opportunities and unnecessarily excludes them from their communities.”

The Fair Housing Act design and construction requirements apply to covered multifamily housing designed and constructed for first occupancy after March 13, 1991. Covered multifamily dwellings include all units in buildings containing four or more dwelling units if the buildings have an elevator and all ground floor units in buildings containing four or

more units without an elevator. To comply with the Fair Housing Act, covered new construction communities must meet the following seven design and construction requirements:

1. An accessible building entrance on an accessible route;
2. Accessible public and common use areas;
3. Usable doors (usable by a person in a wheelchair);
4. Accessible route into and through the dwelling unit;
5. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
6. Reinforced walls in bathrooms for later installation of grab bars; and
7. Kitchens and bathrooms must be usable by a person in a wheelchair.

“When a developer fails to design and construct accessible housing in accordance with federal law, they are effectively shutting the door to persons with disabilities,” added Jim Berry, FHCSP Executive Director. “People with disabilities and our communities deserve better.”

The U.S. Department of Housing and Urban Development Fair Housing Initiatives Program funds FHCSP’s accessibility investigations. Between 2005 and 2013, FHCSP conducted investigations of 38 new construction apartments and condominiums in Southeast Pennsylvania and found that 18 communities (47%) did not meet the minimum standards required under the Fair Housing Act.

Attorneys Rocco Iacullo and Dynah Haubert of the Disability Rights Network of Pennsylvania and private attorney Steve Gold represent FHCSP.

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Disability Rights Network of Pennsylvania

Disability Rights Network of Pennsylvania works to advance, protect, and advocate for the human, civil, and legal rights of Pennsylvanians with disabilities. For more information, visit www.drnpa.org.

Fair Housing Council of Suburban Philadelphia

FHCSP is leading the effort to eliminate housing discrimination in Southeast Pennsylvania. As the nation’s oldest fair housing council, FHCSP provides fair housing counseling, investigative and education programs in Bucks, Chester, Delaware, Lehigh, Montgomery and Northampton Counties and the City of Philadelphia. For more information, visit www.fhcsp.com.

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