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Bethlehem Township, Pa., condos illegal because they effectively forbid residents who use wheelchairs, lawsuit says

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on July 30, 2014 at 12:59 PM, updated July 30, 2014 at 5:49 PM

A federal lawsuit was filed today over claims a **Bethlehem Township**, Pennsylvania, condominium complex violates the U.S. Fair Housing Act because its design effectively forbids residents who use wheelchairs.

The 92-unit Bordeaux Lofts at the Vineyard at Wagner Farms violates the act because there are steps at the entrances to all 23 residential buildings, according to the lawsuit filed by The Fair Housing Council of Suburban Philadelphia and the Disability Rights Network of Pennsylvania. The complex's interior doorways also don't meet the 32-inch minimum width requirement and its mailboxes are inaccessible, the lawsuit claims.

"Access to housing for people with disabilities is a civil right," Disability Rights Network attorney Rocco Iacullo said in a statement. "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 Council of Suburban Philadelphia conducted inspections between March 2012 and May 2013 at the Bordeaux Lofts. Between 2005 and 2013, the organization conducted investigations of 38 new construction apartments and condominiums in southeast Pennsylvania and found 47 percent did not meet the minimum standards required under the Fair Housing Act.

Wagner Farms is off Freemansburg Avenue near Route 33. Many of the Bordeaux Lofts appear to have been built in 2011, according to real estate listings.

Wagner Farms owner Mark Wagner did not immediately return requests for comment today.

This case is the first in a long time the Disability Rights Network of Pennsylvania has joined the Fair Housing Council of Suburban Philadelphia on because of the obvious violations, Iacullo said.

"The violations here seem to be pretty blatant in terms of not even having accessible entrances to the units covered by the Fair Housing Act," he said. "Access to housing is one of our priorities."

The Fair Housing Act requires multifamily housing with four or more units per building built after 1991 to be wheelchair accessible or for the ground-floor units to be wheelchair accessible if there are no elevators. Each Bordeaux Lofts building contains four units, two of which are on the ground floor, Iacullo said. The

buildings do not have elevators so only the ground floor units meet Fair Housing Act requirements, he said.

Wagner Farms could be required to retrofit those units to make them wheelchair accessible if the housing council and disability network are successful in the lawsuit, Iacullo said.

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