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## Lawsuit: Bordeaux Lofts condos at Wagner Farms discriminate against disabled

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**The 93 upscale condos at the Bordeaux Lofts at Wagner Farms aren't wheelchair accessible, the suit alleges.**

July 30, 2014 | By Laurie Mason Schroeder, Of The Morning Call

Glossy ads for the Bordeaux Lofts at the Vineyard at Wagner Farms boast that the 92 upscale condominiums have cathedral ceilings, central air conditioning and spacious bathrooms.

What they don't have, advocates for the disabled claim, are wheelchair accessible ramps or doorways.

In a federal lawsuit filed Wednesday, members of the Fair Housing Council of Philadelphia say the complex on Freemansburg Avenue near Route 33 in Bethlehem Township violates the Fair Housing Act and discriminates against disabled persons.



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They are seeking an injunction to force the builders to modify the condos to make them compliant with the law, as well as punitive damages.

"Defendants' violation of the [Fair Housing Act's] accessibility requirements have serious and significant consequences for people with disabilities," the suit states. "Violations of the [Fair Housing Act's] accessibility requirements like these effectively communicate that people with disabilities are not welcome at the Bordeaux Lofts."

Mark Wagner, president and [CEO](#) of both Wagner Enterprises and JAFO Development Corp., the defendants in the lawsuit, did not return a phone message seeking comment. Bethlehem Township solicitor Jim Broughal said through staffers Wednesday that he had not read the suit and could not comment.

The Fair Housing Council teamed up with fellow nonprofit the Disability Rights [Network](#) of Pennsylvania in investigating the complex, according to a statement. The groups said they conducted inspections at the site in March 2012 and May 2012 and documented violations, including steps at all the entrances and doorways that fell short of the 32-inch width requirement.

The Bordeaux Lofts, completed in May, consist of 92 condominiums in 23 buildings. Each building has two ground-floor units and two second-story units. According to the lawsuit, the plaintiffs sent "testers" to the lofts to assess violations at the complex.

Testers found "multiple" design and construction violations, the suit states, including all entrances to first-floor units having steps that cause "excessively high and abrupt level changes that deny people with [mobility](#) impairments access" to the condos.

The Fair Housing Act states that all multifamily buildings constructed after 1991 must be wheelchair accessible, and must have light switches, electrical outlets and thermostats in accessible locations.

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According to the lawsuit, the plaintiffs sent the [developers](#) a letter in April outlining the violations. The letter was ignored, the suit states.

"Access to housing for people with disabilities is a civil right," Rocco Iacullo, attorney for the Disability Rights Network, 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."

[lmason@mcall.com](mailto:lmason@mcall.com)

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