



Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, NOVEMBER 18, 2004
WWW.USDOJ.GOV

CRT
(202) 514-2008
TDD (202) 514-1888

JUSTICE DEPARTMENT SETTLES ITS FIRST LAWSUIT IN DELAWARE **ALLEGING DISABILITY-BASED HOUSING DISCRIMINATION**

WASHINGTON, D.C.

- The Justice Department today announced that it has reached an agreement with six firms involved in the design and construction of three housing complexes in Delaware and Maryland, resolving a lawsuit that alleged disability-related housing discrimination. The suit is the Department's first enforcement action in Delaware concerning the accessibility requirements of the federal Fair Housing Act.

"These requirements have been in place since March 1991," said R. Alexander Acosta, Assistant Attorney General for the Civil Rights Division. "We trust that this court action will alert other architects, site engineers, builders, and developers of their obligations to ensure that persons with disabilities can use the multifamily housing complexes under construction in Delaware and Maryland today."

According to the government's complaint, Pettinaro Construction Company, Inc.; Architecture Plus, P.A.; Landmark Engineering, Inc.; Hillcrest Associates, Inc.; Howard L. Robertson, Inc.; and Land Tech, L.L.C. violated the Fair Housing Act by designing and constructing housing complexes in a manner that left them inaccessible to people with disabilities. The properties are Rockwood Apartments in Bear, Delaware; Bethany Bay Resort Community in Sussex County, Delaware; and West Creek Village in Elkton, Maryland.

The agreement, which still must be approved by a federal court, affects 289 ground floor apartments at Rockwood and West Creek Village and 133 condominium units at Bethany Bay Resort Community. The agreement requires accessibility improvements to the apartment units and the complexes' common areas. The agreement also provides \$60,000 in damages awards to four individuals and an organization injured by the violations; establishes a \$400,000 fund to compensate any other individuals injured by the inaccessible housing; and provides up to \$350,000 for accessibility improvements to the condominiums at Bethany Bay if private owners desire them. Enhanced accessibility features - including roll-in showers for persons who use wheelchairs - will also be available at all three complexes upon request.

"Today's action is a watershed event in Delaware because it marks the first Fair Housing Act disability enforcement action in our state. We hope the agreement we have reached makes clear to those who design, build, and develop housing projects that the federal anti-discrimination laws apply in full force and effect in Delaware," said Colm F. Connolly, United States Attorney for the District of Delaware.

Persons with disabilities who believe they may be aggrieved by the accessibility violations at Rockwood, West Creek Village, or Bethany Bay Resort Community should call 1-800-896-7743 and select option X to obtain information on how they can file a claim for monetary damages.

A copy of the consent decree can be obtained on the Justice Department's website at <http://www.usdoj.gov/crt/housing/caselist.htm> or <http://www.usdoj.gov/crt/housing/caselist.htm>. Information on the accessibility requirements of the Fair Housing Act may be found on the website of the U.S. Department of Housing and Urban Development at <http://www.hud.gov/offices/fheo/disabilities/accessibilityR.cfm> or <http://www.hud.gov/offices/fheo/disabilities/accessibilityR.cfm>

Since January 1, 2001, the Civil Rights Division has filed 145 lawsuits alleging discrimination in housing, including 65 based on disability discrimination and 35 based on the Fair Housing Act's design and construction provisions that formed the basis of this lawsuit.

###

04-756