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For Immediate Release

## **Federal Judge Rejects NYCHA's Motion To Dismiss Blind Resident's ADA Lawsuit**

July 19, 2012, Staten Island, NY—A federal judge in Brooklyn has ruled that a suit brought against the New York City Housing Authority (NYCHA) by a Staten Island resident who is blind may proceed despite efforts by NYCHA to have the matter dismissed. The plaintiff is arguing that by refusing to accommodate his disability, and by providing him repeatedly with written notices that he is unable to read, NYCHA is violating civil rights and disability laws.

Justin Williams sued NYCHA in 2010 for terminating his tenancy when he failed to respond to written notices. Mr. Williams had been a Section 8 tenant for 15 years, and NYCHA was aware that he was blind. Although NYCHA subsequently reinstated his Section 8 housing and promised to provide future notices on audio disks, it has failed to do so more than 18 months later.

NYCHA asked the Court to dismiss the case, arguing that it had addressed Mr. Williams' claims and that the case was now moot. In denying NYCHA's motion, District Judge Frederic Block noted that "[NYCHA]'s communications with [Williams] have continued to be in the form of conventional written documents, which Williams cannot read without assistance." Judge Block also emphasized that "[t]he harm Williams faces is not loss of his subsidy, but [NYCHA]'s discriminatory treatment."

Mr. Williams seeks an order that NYCHA cease its discriminatory practice by providing him with notices in an accessible format. Such an order would ensure that hundreds of others like Williams will not face homelessness because they cannot read notices. "I'm relieved that the court hasn't let NYCHA get away with ignoring this problem," said Mr. Williams. "I want NYCHA to provide me with documents I can understand."

"The sad irony is that not only does NYCHA fail to accommodate residents of New York City who have disabilities, it does not even appear capable of complying with civil rights laws after it is sued for violations and pledges its intention to comply. It appears that nothing short of an injunction issued by the court – with the threat of contempt – will change NYCHA's ways," said Philip Smith, a partner with Patton Boggs LLP, which is representing Williams together with Nancy Goldhill and Shelly Agarwala of Staten Island Legal Services, Kevin M. Cremin of MFY Legal Services, Inc. and Edward Josephson of Legal Services NYC.