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## Court affirms racial discrimination in Garden City

By: David Winzelberg    September 26, 2017    0

After multiple court decisions that found the Village of Garden City discriminated against minorities through its zoning, another ruling has upheld those findings.

Federal Eastern District Court Judge Arthur Spatt ruled last week that the 2004 zoning decision by the village had an unjustified disparate impact on African-Americans and Latinos in violation of the federal Fair Housing Act.

The case grew out of Garden City's decision to apply R-T zoning—rather than higher density R-M zoning—to a parcel owned by Nassau County that the county planned to sell. Under R-M zoning, it would have been possible to develop affordable housing at the site, which would not have been feasible under R-T zoning. The resulting lawsuit, filed by Mhany Management and New York Communities for Change, argued that the decision was both “intentionally racially discriminatory” and that it had an “unjustified disparate impact.”

The village remains subject to a remedial order that the district court entered in 2014. That order required Garden City to adopt and implement a zoning ordinance that mandates that 10 percent of units in new developments of five units or more be affordable to low-income households. Additionally, Garden City was ordered to join the Nassau Urban County Consortium, which disburses U.S. Department of Housing and Urban Development funds in Nassau. In order to participate in the consortium in good faith, Garden City must promote integrated housing to meet its duty under the Fair Housing Act to affirmatively further fair housing.

Attorney Frederick Brewington, who served as co-counsel for the plaintiffs in the case, held a press conference Wednesday to announce the latest court ruling.

“It's past time for Garden City to stop creating barriers for black and brown people who have simply sought to live and settle their families in this community of their choice,” Brewington said in a written statement. “Garden City needs to stop denying that it violated people's rights and is being called into account to comply with the letter and the spirit of the Fair Housing Act and the clear dictate of the federal court so that people of color can be afforded a chance to reside in Garden City and experience all that this village has to offer.”

The mayor of Garden City and attorneys representing the village could not be reached for comment.

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