



*United States Attorney
Southern District of New York*

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CONTACT: U.S. ATTORNEY'S OFFICE
ELLEN DAVIS,
JERIKA RICHARDSON,
CARLY SULLIVAN
PUBLIC INFORMATION OFFICE
(212) 637-2600

**MANHATTAN U.S. ATTORNEY SETTLES CIVIL RIGHTS LAWSUIT
AGAINST DEVELOPER AND ARCHITECT OF MANHATTAN
RENTAL COMPLEX**

PREET BHARARA, the United States Attorney for the Southern District of New York, announced today that the United States has settled a federal civil rights lawsuit alleging that The Melar, a 22-story, 143-unit residential apartment complex in Manhattan, is inaccessible to persons with disabilities and in violation of the federal Fair Housing Act. The United States has entered into settlement agreements with L&M 93RD STREET LLC, the developer and owner of The Melar, and COSTAS KONDYLLIS & PARTNERS, LLP, the architectural firm that designed the building, in the form of two consent decrees. As part of the consent decree with L&M 93RD STREET LLC, the developer has agreed to perform accessibility enhancements on the building, pay a civil penalty to the United States, and establish a fund to compensate those harmed by the lack of accessible features. As part of the consent decree with COSTAS KONDYLLIS & PARTNERS, LLP, the architect has agreed to pay a civil penalty to the United States and establish a training program for its employees on Fair Housing Act requirements. The consent decrees were approved late Friday in Manhattan federal court by U.S. District Judge RICHARD M. BERMAN.

Manhattan U.S. Attorney PREET BHARARA said: "The Fair Housing Act is an important safeguard for those with disabilities and helps ensure that they can enjoy full use of and access to their living spaces. Architects, owners and developers play a key role in making sure that these requirements are met, and when they fail to do so, this Office will hold them accountable."

According to the Complaint previously filed in Manhattan federal court and prior proceedings in this case:

Background

The federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, familial status, national origin, and disability. Since 1991, the Fair Housing Act has required that new multi-family housing complexes with four or more units be built with certain accessible features.

The Government's Complaint

The Government's Complaint, filed on October 5, 2010, alleges that L&M 93RD STREET LLC and COSTAS KONDYLLIS & PARTNERS, LLP, violated the Fair Housing Act in the design and construction of The Melar, located at 250 West 93rd Street in Manhattan, by failing to: create public and common areas that were readily accessible to persons with disabilities; construct accessible routes into and through dwellings; set light switches, electrical outlets, and other controls in accessible locations; and provide kitchens and bathrooms that were usable by persons with disabilities. The United States also alleged that The Melar's design and construction violated the accessibility provisions of New York City law.

Consent Decree with L&M 93RD STREET LLC

In the consent decree between the United States and L&M 93RD STREET LLC, the developer has agreed to reconfigure bathrooms, kitchens, and closets to accommodate people who use wheelchairs. The developer also agreed to retrofit common areas to make them more accessible to persons with disabilities.

L&M 93RD STREET LLC has also agreed to establish a settlement fund of \$180,000 to compensate those persons harmed by the lack of accessible features at The Melar and to pay a civil penalty to the United States in the amount of \$40,000. They will also establish an Accessibility Project Fund in the amount of \$288,300. This fund must be used prior to the termination of the consent decree for the construction of facilities, or the provision of services, for the primary benefit of persons with disabilities. The consent decree additionally requires employees of L&M 93RD STREET LLC to undergo training on the requirements of the Fair Housing Act. Finally, the consent decree requires L&M 93RD STREET LLC to design and construct any new apartments in compliance with the Fair Housing Act and the Americans with Disabilities Act.

Consent Decree with COSTAS KONDYLLIS & PARTNERS, LLP

In the consent decree between the United States and

COSTAS KONDYLLIS & PARTNERS, LLP, the architect has agreed to pay a civil penalty in the amount of \$40,000 to the United States. In addition, the consent decree requires employees of COSTAS KONDYLLIS & PARTNERS, LLP, to undergo training on the requirements of the Fair Housing Act. Finally, it requires COSTAS KONDYLLIS & PARTNERS, LLP, to design any new apartments in compliance with the Fair Housing Act and the Americans with Disabilities Act.

Mr. BHARARA thanked the Department of Justice's Civil Rights Division for its assistance in the case.

The case is being handled by the Office's Civil Rights Unit. Assistant U.S. Attorneys BRIAN M. FELDMAN, LI YU, and CARINA H. SCHOENBERGER are in charge of the case.

People who were injured or discouraged from living at The Melar because of the lack of accessible features; who paid to have an apartment at The Melar made accessible to persons with disabilities; or who were otherwise discriminated against on the basis of disability as a result of the design or construction of The Melar may be entitled to receive monetary relief from the settlement fund. Anyone who believes they may be entitled to monetary relief should write to the Chief of the Civil Rights Unit at the U.S. Attorney's Office, 86 Chambers Street, Third Floor, New York, New York 10007, or contact the Civil Rights

(212) 637-0039.

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