

## **CONTACT MEDIA RELATIONS**

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*All statements below are allegations provided by the plaintiffs. None of these allegations have been proven yet.*

About *Long Island Housing Services, Inc., et al v. Village of Mastic Beach and Timothy Brojer*, Case Number 2:15-cv-00629,

This federal civil rights lawsuit is brought by Long Island Housing Services, Inc. (LIHS), six tenants and two landlords against the Village of Mastic Beach and the head of Mastic Beach's housing code enforcement, Timothy Brojer. The suit alleges that Brojer and the Village engaged in a pattern of unlawfully evicting low-income African American tenants and their families from their homes without cause and without warning, and that Mastic Beach both knew about and condoned these activities. Code enforcement officials would condemn a house or find it "unfit for human habitation" without any grounds for doing so, often forcing the tenants to move out within two hours or less. Brojer and the Village then harassed and intimidated these tenants, as well as the landlords who rented to them, in an effort to drive them out of the area. At the same time, Brojer generally allowed white tenants to remain in a home, even if there were serious health and safety concerns.

Mastic Beach became an incorporated village in 2010, primarily to gain control over housing code enforcement and the issuance of rental permits, which had previously been administered by the Town of Brookhaven. According to the lawsuit, incorporation was based primarily on the desire to turn Mastic Beach into a more upscale rental community, which some Mastic Beach officials hoped to achieve by forcing low-income and minority residents out of town.

Claims are brought under the federal Fair Housing Act, federal civil rights laws, the Due Process and Equal Protection Clauses of the U.S. Constitution, and the Suffolk County Human Rights Law. The complaint seeks monetary relief and an injunction to halt any continuing unlawful code enforcement activities by Mastic Beach. The Lawyers' Committee for Civil Rights Under Law and Cooley LLP are representing the plaintiffs on a *pro bono* basis.

## ABOUT THE PLAINTIFFS

The plaintiffs in *Long Island Housing Services, Inc., et al v. Village of Mastic Beach and Timothy Brojer* include:

***Mr. Maurice Williams & Mrs. Lisa Williams (Mastic Beach, New York) (§§ 41-66):***

- Mr. and Mrs. Williams are a low-income African American couple.
- Mr. and Mrs. Williams moved into a Mastic Beach rental house in April 2008 with their children. The neighborhood was predominantly white and owner-occupied.
- The Williams family relies on a monthly Section 8 housing voucher issued by the Community Development Corporation of Long Island (CDC).
- The house had a rental permit, issued by the Town of Brookhaven before Mastic Beach incorporated, which was in effect until October 2012.
- The house contained five bedrooms, and was approved by the Town of Brookhaven as a five-bedroom rental.
- The Williams' landlord is Diane Saunders, who is also African American and a plaintiff.
- On June 11, 2012, Timothy Brojer, a Mastic Beach code enforcement officer and a defendant in this lawsuit, came to the Williams' home and posted an "Unfit for Human Habitation" notice on the door. Brojer told the Williams' daughter – who was the only person home at the time – that the family had to vacate the premises within thirty minutes. Brojer then left without ever inspecting the home.
- Brojer then told a CDC inspector to fail the home so that the Williams family could no longer receive a housing subsidy. Just two days later, CDC discontinued its subsidy payments.
- As part of its concerted effort to drive the Williams out of Mastic Beach, the Village worked hand-in-hand with Suffolk County Legislator Kate Browning to coerce and intimidate the Williams' landlord, Ms. Saunders, into evicting the Williams and to prevent her from renting her property until she did so. Browning sent a letter to Ms. Saunders making false accusations against the Williams family and stating that she had been in touch with CDC to ensure that payments would be stopped.
- Ms. Saunders made repeated efforts to ascertain from Brojer what steps needed to be taken to re-rent the house, but Brojer never provided sufficient information, and when he did finally conduct an inspection, he could only find very minor deficiencies. Brojer made clear, however, that he would not issue a rental permit until Ms. Saunders evicted the Williams.
- Although Ms. Saunders believed the Williams were good tenants, she was forced to begin eviction proceedings when she did not receive the CDC's portion of the rental payments for many months.
- On November 19, 2012, Brojer finally conducted a re-inspection and found no deficiencies. But Brojer then said he was changing the house from a five-bedroom to a four-bedroom rental, which would not allow the Williams family to stay.
- On December 5, 2012, the Williams and their children were forced to leave their home. They stayed in temporary housing, including at least two weeks in a homeless shelter.
- After the Williams were evicted, Mastic Beach issued Ms. Saunders a rental permit and certificate of occupancy. The certificate of occupancy designated the house as having five bedrooms, just as it had been when the Williams had lived there.
- After hearing about the Williams family's treatment at the hands of Brojer and Mastic Beach, Village Trustee Bruce Summa tried to remove Brojer from his position. During an Executive Session of a Village meeting, he read a statement which said, in part, "Mr. Brojer, either by design or incompetence, wrongfully condemned a house. . . . Then he proceeded to find minor deficiencies for a rental permit in a house that he was ready to condemn just two months prior. His actions caused devastating hardship of a family that didn't deserve it."

- The Village took no official action in response to Trustee Summa's statement.

***Ms. Andrea Milano (Eastport, New York) (¶¶ 67-86):***

- Ms. Milano is a white landlord, and rents a home to Cratina and LaQuan Clark, an African American couple who are also plaintiffs.
- The Clarks moved into Ms. Milano's home in 2012 with their young children. The family received a New York State rental subsidy issued by the Suffolk County Department of Social Services (DSS).
- In order for the Clarks to receive a DSS subsidy, Ms. Milano's house needed to have a rental permit. Ms. Milano applied for a rental permit in August 2012, but Mastic Beach delayed approving the permit for five months, continuously finding minor items for Ms. Milano to address. During this time, a Mastic Beach code enforcement officer asked Ms. Milano whether she was going to rent to the Clark family.
- On May 16, 2013, without any prior notice and without having inspected the home, a Mastic Beach code enforcement officer posted a red "Unfit for Human Habitation" notice on the front door and told the Clarks to leave immediately. The officer claimed that the roof was caving in. Ms. Clark and her children were forced to stay with a friend that night.
- The next day Ms. Milano came to the house, met with a Village code enforcement officer, and told him she would immediately repair the roof. Ms. Milano promptly contacted a roofer, who informed her that there was only minor damage to the side of the roof and it had no possibility of caving in. Both Ms. Milano and the roofer reported this to Brojer, but he refused to allow the Clark family to stay in the home until the roof was repaired.
- That night, the home was burglarized and the Clarks' valuables were stolen.
- Mastic Beach continuously made demands upon Ms. Milano as she was trying to have the house repaired. For instance, she was not allowed to begin work until she obtained expensive architectural drawings, and Brojer further delayed the work by insisting on speaking with the architect. The architect also said that there was no major damage to the roof or any risk of collapse.
- As soon as the side roof was repaired, Brojer demanded, without explanation, that the front roof be repaired as well. Ms. Milano promptly complied.
- During this entire process, Village code enforcement officers continued to coerce and intimidate Ms. Milano, such as asking her, "With all the problems you are having, are you going to let these kind of people stay here?"
- Finally, on August 30, 2013, Brojer approved the repairs, and the Clark family moved back home.

## **ABOUT THE LEGAL CLAIMS**

The plaintiffs are seeking monetary damages as well as injunctive relief against the defendants, asserting that without judicial intervention preventing the defendants from engaging in further discriminatory code enforcement conduct, other tenants will be at risk of being unlawfully evicted, and other landlords will suffer damages as a result of those evictions. The complaint also alleges the following causes of action:

- **Violation of the Fair Housing Act:** The defendants are alleged to have taken numerous actions to deny the plaintiff tenants housing on the basis of race in violation of the Fair Housing Act. This includes using the housing code and the rental permit process to deprive the plaintiffs of housing based on race, making discriminatory statements that show a preference for white, rather than African American, residents, and threatening, intimidating, and coercing the plaintiff tenants and landlords to prevent them from obtaining adequate housing. (¶¶ 99-105)

- Violation of the Civil Rights Acts of 1866 and 1871: By denying the plaintiffs the right to make and enforce contracts and the right to enjoy property in the same way enjoyed by white citizens, the defendants violated of the Civil Rights Acts of 1866 and 1871. This includes intentionally preventing the plaintiff landlords from renting their homes to the plaintiff tenants because of the tenants' race, and denying the plaintiff tenants the right to remain in their own homes. (§§ 106-113)
- Violation of the Equal Protection Clause of the Fourteenth Amendment: The defendants are alleged to have discriminated against the plaintiffs on the basis of race in the leasing of real property in violation of the Equal Protection Clause. (§§ 114-117)
- Violation of the Due Process Clause of the Fourteenth Amendment: The defendants are alleged to have deprived the plaintiffs of their right to property in violation of the Due Process Clause. This includes evicting the plaintiff tenants without cause and without giving these tenants or their landlords sufficient prior notice, and without a proper opportunity to challenge the eviction. (§§ 118-121)
- Violation of the Suffolk County Human Rights Law: Much like their violation of the federal Fair Housing Act, the defendants denied the plaintiffs a housing accommodation because of the plaintiffs' race, and used threats and intimidation to interfere with their right to enjoy housing, in violation of Suffolk County's Human Rights Law. (§§ 122-127)