



## CT FAIR HOUSING CENTER



## STATE OF CONNECTICUT Office of Protection and Advocacy for Persons with Disabilities

### Contact information:

Greg Kirschner, Director of Litigation  
Connecticut Fair Housing Center  
Phone: (860)247-4400, ext. 0724

Nancy B. Alisberg, Managing Attorney  
State of Connecticut Office of Protection and Advocacy  
Phone: (860) 297-4397

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### For Immediate Release

### CONNECTICUT FAIR HOUSING CENTER AND THE OFFICE OF PROTECTION AND ADVOCACY AFFIRM RIGHTS OF PERSONS WITH DISABILITIES:

HARTFORD—In a decision hailed as a critical affirmation of the rights of persons with disabilities to make their own decisions about where they want to live, Judge Janet Bond Arterton of the Connecticut Federal District Court held that a housing provider “inquiring into prospective tenants’ medical and personal histories, and then assessing whether applicants are able to live independently based on the nature and characteristics of their individual disabilities, constitutes exactly the discrimination that the[Fair Housing Act] forbids.”

*Laflamme et al. v. New Horizons, Inc., et al.* Connecticut Federal District Court, Civil No. 3:06cv1809 (Ruling on Motion for Summary Judgment, p. 2, March 31, 2009).

The decision came in a case brought by the Connecticut Fair Housing Center and the Connecticut Office of Protection and Advocacy for Persons with Disabilities [OPA] on behalf of a woman with a disability whose landlord refused to allow her to return home following a hospitalization. The defendant, New Horizons, Inc., told Ms. Laflamme that it considered her “too disabled” to live in her apartment even after Ms. Laflamme’s treating physician discharged her from the hospital with instructions to return to her apartment.



**Plaintiff Denise Laflamme**

“I loved living at New Horizons Village because it was physically accessible,” stated Ms. Laflamme after learning of the decision. “Finding accessible housing is very difficult. Now I live in an apartment where it is difficult for me to fully use my kitchen and bathroom because they weren’t designed to accommodate my wheelchair. I would be much more independent if I hadn’t been forced out of my home at New Horizons. I’m glad that other people with disabilities won’t experience discrimination like I did.”

Greg Kirschner of the Connecticut Fair Housing Center explained the importance of the ruling stating, “New Horizons believed that because it provided housing to persons with severe physical disabilities, they could ignore the requirements of the state and federal fair housing acts. In rejecting that argument, the Federal Court confirms that the Fair Housing Act guarantees people with severe disabilities the freedom to choose to where to live. They cannot be denied housing because of a landlord’s stereotypes and paternalism.”

“This is a clear victory for all New Horizons residents and any future applicants,” said OPA Executive Director James McGaughey. “The Court recognized that just because you live in an apartment complex specifically designed to house and provide some minimal assistance to people with disabilities, you do not have to give up your civil rights.”

Brenda Kelley, AARP CT State Director, concurred, stating, “This case will support AARP's continuing work to create livable communities where older people can age in place and live independently in a

variety of settings using home and community based services. The choice of where to live now rests squarely where it should, in the hands of the people who live in the housing.”

In addition to ruling that Ms. Laflamme suffered discrimination at the hands of New Horizons, the Court ordered New Horizons to stop inappropriately requesting private medical records, information concerning any past or present diagnoses, any surgical operation reports, any psychological and psychiatric reports, current health status summaries and medical charts, and a current history and physical examination from applicants for housing. The Court must now schedule a hearing on relief to which Ms. Laflamme is entitled.

The Court additionally upheld the right of the Office of Protection and Advocacy to bring a lawsuit in its own name on behalf of Connecticut citizens with disabilities. Managing Attorney Nancy B. Alisberg explained that “as the watchdog agency for individuals with disabilities within the State of Connecticut, it is of fundamental importance that OPA be able to protect the rights of its constituents in the federal courts. Judge Arterton recognized that OPA plays a unique role with respect to people with disabilities, and today’s decision will make it easier for OPA to fulfill its mission ‘to advance the cause of equal rights for persons with disabilities and their families.’”

The Connecticut Fair Housing Center is a private non-profit fair housing organization serving the entire state of Connecticut. The Center’s principal focus is on removing barriers to full housing choice particularly for Connecticut’s low-income residents. The Office of Protection and Advocacy is a state agency charged under state and federal law to protect the rights of Connecticut’s citizens with disabilities.

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