



CT FAIR HOUSING CENTER



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

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For Immediate Release

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\$600,000 Settlement Ends Discriminatory Policies at Housing Complex for Persons with Disabilities

Four years after filing a federal lawsuit, the CT Fair Housing Center and the State of Connecticut Office of Protection and Advocacy for Persons with Disabilities have settled a landmark housing discrimination case with New Horizons Village, an apartment complex which markets itself as providing independent housing for people with severe physical disabilities. Under the consent decree, New Horizons will cease requiring tenants to open their private medical records for review and to show that they can “live independently”. New Horizons will also pay damages and attorney’s fees of \$600,000 to a former tenant who challenged its discriminatory policies. This is believed to be the largest settlement in a case challenging independent living requirements in Connecticut.

The case was initially brought by Denise Laflamme, a person with disabilities, who resided at New Horizons Village in Unionville, CT in 2004. “I really wanted to live at New Horizons because it gave me the chance to live in a community of people with disabilities and an accessible apartment.” However, after a brief hospital stay, New Horizons, deemed Ms. Laflamme “too disabled” to return to her apartment, despite her attending physician’s instruction that she return to her apartment upon her release from the hospital.

Greg Kirschner, Legal Director for the CT Fair Housing Center, and Ms. Laflamme’s attorney, said “New Horizons used its tenant criteria to discriminate based on type and severity of disability. The Fair Housing Act is absolutely clear that it is impermissible to limit the housing choices of people with disabilities based on stereotypes about their ability to care for themselves; people with disabilities are entitled to the same freedom to choose how and where they want to live as people without disabilities.”

Nancy B. Alisberg, Managing Attorney of the Office of Protection and Advocacy for Persons with Disabilities said, “New Horizons treated individuals with disabilities differently than any landlord is permitted to treat its tenants. It is fundamental under the Fair Housing Act that people with disabilities may not be required to disclose their private medical records as a condition for receiving housing. The consent decree will protect the rights of both applicants

and current residents. We also hope that this case will serve as a lesson for other providers of housing that the rights of individuals with disabilities will be protected by the courts.”

In April of this year, Judge Janet Bond Arterton, of the Connecticut Federal Court, held that New Horizons’ independent living policy, which included a requirement that tenants and applicants disclose medical records, violated the Fair Housing Act. NHV used these medical records to screen out individuals it considered “too disabled” to live independently and disclosed applicant’s medical information to other tenants as part of the application process. “A discriminatory housing practice is still unlawful even if made with good intentions if it denies housing to individuals with disabilities based on their disabilities.” (*Laflamme et al. v. New Horizons, Inc. et al.*, 605 F.Supp.2d 378 (D.CONN. 2009).)

The settlement includes complete revision of New Horizons requirements for tenancy, including ceasing the practice of inappropriately requesting private medical records. It further requires that determinations regarding the need for personal care assistance shall be decided on a case-by-case basis, and that any request for additional personal care assistance by a tenant shall be considered a request for reasonable accommodation. Under a unique statutory arrangement, New Horizons receives and allocates state funds for personal care assistance for its residents. While New Horizons markets itself to people with disabilities regardless of their ages, the Court’s ruling could also have significant implications for the challenge senior citizens face when seeking quality housing.

A court-approved monitor will receive and review monthly disclosures from New Horizons Village to ensure compliance with the Consent Decree and provide quarterly reports to the Court.