HISTORY OF THE CASE

In 2002, Nassau County decided to raise revenue by selling certain properties, including one in the Incorporated Village of Garden City where its old Social Services building stood. The County requested that the Village rezone the site to allow for private uses. The Village agreed and with the assistance of a consulting firm and a Board of Trustees subcommittee, proposed a zone change of the site to allow for a mix of commercial and residential use, including some multifamily housing. Some Village residents, however, voiced concerns about the proposed zoning change, arguing that residential development of the site would create traffic problems, overburden local schools, increase taxes, and place undue demands on public services. In response to these concerns, the Village adopted a scaled down development proposal of the site to "Residential-Townhouse" or "R-T" zoning. This new designation eliminated office use and allowed for limited multifamily housing on a portion of the site.

In response to this change in the proposed zoning of the site, the New York Association of Community Organizations for Reform Now (NY ACORN) and the New York ACORN Housing Company (NYAHC) filed suit against the Village and the County in federal court, alleging that the Village racially discriminated against minorities by adopting the R-T zoning, in violation of federal fair housing laws. United States District Court Judge Arthur D. Spatt, of the Eastern District of New York, presided over a trial and ruled against the Village. He issued a lengthy written Decision and Order in the case entitled, *MHANY Management, Inc. v. Incorporated Village of Garden City, et al.*, Case Number: 05-cv-2301 (ADS). Judge Spatt held that the Village intentionally discriminated on the basis of race by rezoning the site and found that the rezoning disproportionately affected minority housing opportunities in the Village. The Court thereafter entered a Judgment on April 22, 2014. The Village has appealed the verdict. The appeal is currently pending.