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Court Decides Starret Must End Race Quotas (N.Y. Times)

Arnold H. Lubasch

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By ARNOLD H. LUBASCH

A divided Federal appeals court ruled yesterday that the Starrett City housing complex in Brooklyn must end its use of "rigid racial quotas" even if they were intended to promote integration.

In the 2-to-1 decision, the appeals court affirmed a lower court's order prohibiting the huge housing complex from renting apartments on the basis of race, a longtime policy of allocating almost two-thirds of the apartments to whites. The court decision stemmed from a suit that the Justice Department filed in 1984.

Starrett argued that it had adopted its renting procedure to maintain racial integration, averting the "white flight" of tenants who would leave if the number of tenants from minority groups increased. The middle-income complex is in the Spring Creek section near East New York.

Ruling against Starrett last May 5 in Federal District Court in Brooklyn, Judge Edward R. Neaher accepted the Government's contention that the private landlord had violated the Fair Housing Act. He said Starrett had used racial quotas, requiring minority-group applicants to wait much longer than whites for apartments.

Judge Neaher's order to end the practice was stayed pending yesterday's decision in Manhattan by the United States Court of Appeals for the Second Circuit.

Appeal Is Planned

A lawyer for Starrett, Colleen McMahon, said the case would be appealed further, either by asking the appeals court for another hearing or by seeking a review in the United States Supreme Court.

The complex's general manager,

Robert C. Rosenberg, said it was unfortunate that the Government had sued Starrett "instead of aiming its efforts at the many segregated developments that exist."

The appeals court's majority opinion, which Judge Roger J. Miner wrote with the concurrence of Judge Francis X. Altamari, described Starrett City as "the largest housing development in the nation, consisting of 46 high-rise buildings containing 5,881 apartments."

"Starrett has sought to maintain a racial distribution by apartment of 64 percent white, 22 percent black and 8 percent Hispanic at Starrett City," Judge Miner noted. "Starrett claims that these racial quotas are necessary to prevent the loss of white tenants, which would transform Starrett City into a predominantly minority complex."

17-Page Opinion

In the 17-page opinion, Judge Miner said the complex had adopted a renting procedure to "promote and maintain the desired racial balance." He added that the procedure had "resulted in relatively stable percentages of whites and minorities living at Starrett City between 1975 and the present."

The judge said the appeals court was not implying that "race is always an inappropriate consideration" in efforts to promote integrated housing. But he said the law barred using "rigid racial quotas of indefinite duration to maintain a fixed level of integration at Starrett City by restricting minority access to scarce and desirable rental accommodations."

In a 14-page dissent, Judge Jon O. Newman stressed that Congress had passed the Fair Housing Act to prohibit

racial segregation in housing.

"Starrett City is one of the most successful examples in the nation of racial integration in housing," Judge Newman said. "I respectfully dissent because I do not believe that Congress intended the Fair Housing Act to prohibit the maintenance of racial integration in private housing."

He said Starrett City had been developed "with the knowledge, encourage-

ment and financial support of the agency of the United States directly concerned with housing, the Department of Housing and Urban Development."

"Despite its close cooperation in the development of Starrett City as an integrated housing complex," he continued, "the United States now sues Starrett City to force it to abandon the rental policies that have enabled it to

maintain racial integration."

"The bringing of the suit raises a substantial question as to the Government's commitment to integrated housing," he said, adding that the Government was using the law for "a perverse end."

The Justice Department has said it was increasing efforts to oppose the use of racial quotas to integrate subsidized housing.



The New York Times/Chester Higgins Jr.

Waiting for Spring, or the Next Move

Chess players pondering the board at City Hall Park as the weather hinted at the change of seasons to take place later this month. Winter, however, can be counted on to have a few remaining moves of its own.