

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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WESTCHESTER RESIDENTIAL
OPPORTUNITIES, INC.,

Index No. _____/2022

Plaintiff,

SUMMONS

-against-

MERRICK PLATZNER,
PLATZNER INTERNATIONAL GROUP, LTD.
PLATZNER MANAGEMENT CO. LTD.,
THE PLATZNER ORGANIZATION, LLC, and
MARINA'S EDGE OWNERS CORPORATION,

Defendants.

_____ X

TO THE ABOVE-NAMED DEFENDANTS

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorneys an answer to the Verified Complaint in this action within 20 days after the service of this summons, exclusive of the date of the summons, or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer or appear, judgment will be taken against you by default for the relief demanded in the Verified Complaint.

Plaintiff designates Westchester County as the place of trial. Venue is based on CPLR §§ 503(a) and (c) because one or more of the Defendants resides in Westchester County and because a substantial part of the events and/or omissions that give rise to the claims occurred.

DATED: New York, New York
March 28, 2022

Respectfully submitted,

CUTI HECKER WANG LLP

By: /s/ Mariann Meier Wang

Mariann Meier Wang

Daniel Mullkoff

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*Attorneys for Plaintiff Westchester
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

_____ X

WESTCHESTER RESIDENTIAL
OPPORTUNITIES, INC.,

Index No. _____/2022

Plaintiff,

VERIFIED COMPLAINT

-against-

MERRICK PLATZNER,
PLATZNER INTERNATIONAL GROUP, LTD.
PLATZNER MANAGEMENT CO. LTD.,
THE PLATZNER ORGANIZATION, LLC, and
MARINA’S EDGE OWNERS CORPORATION,

Defendants.

_____ X

Plaintiff Westchester Residential Opportunities, Inc., by and through its attorneys,
Cuti Hecker Wang LLP, for its Verified Complaint alleges as follows:

NATURE OF THE ACTION

1. Both New York State Executive Law and Westchester County Fair Housing Law expressly forbid discriminating against prospective tenants because they receive government vouchers or other assistance in paying their rent. This prohibition against discrimination on the basis of lawful source of income exists at least in part because the refusal to rent to people who have vouchers is often a stand-in for bad actors to create obstacles for people of color in obtaining housing. Regardless of the motivation, this form of discrimination has a profound impact, preventing people who receive governmental assistance from finding and securing safe housing in places of opportunity, and undermining the policy and purpose of government housing assistance programs.

2. This action seeks to enjoin and to obtain monetary damages for Defendants' policy and practice of engaging in flagrant source-of-income discrimination in violation of both state and county fair housing laws.

3. Defendants are a real estate brokerage and an individual real estate agent who is the Residential Division Manager of the brokerage, as well as the owners and/or managers of the subject housing accommodations. Defendants rent, broker, sell, and manage residential and commercial real estate in Westchester County and the surrounding areas. In direct contravention of both state and county law, Defendants have a policy and practice of denying housing opportunities to people because they receive government housing subsidy vouchers.

4. Plaintiff Westchester Residential Opportunities, Inc. ("WRO") is a non-profit organization whose mission is to promote equal, affordable, and accessible housing opportunities for all residents of the region. WRO provides counseling and other assistance to people seeking to rent or own homes in the area, assists with eviction and foreclosure prevention, and works to ensure fair housing and equal, non-discriminatory opportunities for housing through education, training, and testing.

5. In the spring and summer of 2021, WRO testers communicated with Defendants on a number of occasions concerning available apartments. The WRO investigation revealed definitively that Defendants have a policy and practice of refusing to show or rent available housing – representing that housing is unavailable when it is available, and otherwise withholding or denying available housing to individuals – because they receive Section 8 vouchers, a form of federal governmental rental assistance.

6. In advertisements for available apartments, Defendants expressly wrote that Section 8 vouchers would not be accepted. In phone conversations with individuals from WRO

who presented as people seeking rental housing, Defendants expressly stated that they would not accept Section 8 vouchers for available apartments. This overt refusal to accept Section 8 vouchers is in plain violation of both state and county law, and serves as a barrier to housing for people who have such source of income.

7. Defendants' unlawful refusal to treat individuals who receive government rent subsidies on equal footing with other prospective renters exacerbates the already profound inequities in housing that New York State and Westchester County fair housing laws were enacted in order to remedy.

8. This lawsuit seeks to put a stop to Defendants' discriminatory practices and ensure that all individuals have fair opportunities to seek available housing, regardless of their source of income.

PARTIES

9. Plaintiff Westchester Residential Opportunities, Inc. is a New York not-for-profit corporation that is headquartered in White Plains.

10. Defendant Merrick Platzner is a natural person who upon information and belief resides in New York. Defendant Platzner is a New York State licensed real estate broker. On information and belief, Defendant Platzner directs, manages, and owns the Platzner entity defendants also named herein.

11. Defendant Platzner International Group, Ltd. is a domestic corporation with its principal place of business at 309 North Avenue, New Rochelle, NY 10804. Upon information and belief, Platzner International Group, Ltd. and its principals are responsible for establishing, supervising, and enforcing the policies and practices through which prospective tenants are informed about and shown available apartments.

12. Defendant Platzner Management Co. Ltd. on information and belief serves as a management and/or brokerage for multiple rental units that are owned by Defendant Platzner and/or others in Westchester County. Upon information and belief, Platzner Management Co. Ltd. and its principals are responsible for establishing, supervising, and enforcing the policies and practices through which prospective tenants are informed about and shown available apartments.

13. The Platzner Organization, LLC on information and belief owns and manages property and/or owns and manages other entities that manage or broker property in Westchester County. Upon information and belief, The Platzner Organization LLC and its principals are responsible for establishing, supervising, and enforcing the policies and practices through which prospective tenants are informed about and shown available apartments.

14. Defendant Platzner is the Residential Division Manager of Platzner International Group, Ltd. and, upon information and belief, is a Principal of Platzner International Group, Ltd., Platzner Management Co. Ltd. and The Platzner Organization LLC. Defendant Platzner was at all relevant times an employee and/or principal of Platzner International Group, Ltd., Platzner Management Co. Ltd., and The Platzner Organization LLC acting within the scope of his employment and on behalf of each of these entities.

15. Together, Defendants Platzner International Group, Ltd., Platzner Management Co. Ltd., and The Platzner Organization, LLC are referred to herein as the “Platzner Defendant Entities”.

16. Defendant Marina’s Edge Owners Corporation is a domestic corporation that owns the building located at 10 Davenport Road in New Rochelle.

JURISDICTION AND VENUE

17. This Court has personal jurisdiction over Defendants pursuant to CPLR § 301 *et seq.* because Defendants are domiciled and/or regularly transact business in the State of New York, and because the wrongful conduct alleged in this Complaint took place in the State of New York.

18. Venue is proper in this County pursuant to CPLR § 503(a) and (c).

JURY DEMAND

19. Plaintiff hereby demands a trial by jury.

FACTS

Section 8 Housing Assistance

20. The Housing Choice Voucher Program, commonly known as “Section 8”, is the federal government’s major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. The Section 8 program was originally authorized by the U.S. Congress in 1974 and developed by the federal Department of Housing and Urban Development (“HUD”) to provide rental subsidies to eligible individuals and families. *See* 42 U.S.C. § 1437f *et seq.*

21. These subsidies are managed by local city and county housing authorities, which provide the rental assistance to eligible individuals and families in the form of vouchers that are commonly referred to as either Housing Choice Vouchers or Section 8 vouchers. Section 8 vouchers are not linked to any particular housing complex or unit, but instead give recipients the freedom to rent any available housing so long as the rental price is not higher than the amount of the voucher plus the designated percentage of the recipient’s income.

22. In 2013, Westchester County enacted a prohibition on discrimination in housing on the basis of lawful source of income, including because a person receives Section 8 subsidies.

23. In 2019, New York State enacted a prohibition on discrimination in housing on the basis of lawful source of income, including because a person receives Section 8 subsidies.

24. Despite the state and local laws mandating that recipients of housing subsidies be given equal opportunity to rent housing, discrimination against Section 8 recipients remains rampant.

Defendants' Advertisements and WRO's Tests Demonstrate a Pattern of Discrimination

25. Plaintiff WRO is a not-for-profit organization whose mission is to promote equal, affordable, and accessible housing opportunities for all residents of the region. WRO provides counseling and other assistance to people seeking to rent or own homes in the area, assists with eviction and foreclosure prevention, and works to ensure fair housing through education, training, and testing. WRO's counseling and assistance work specifically includes helping low-income tenants who are trying to find housing using vouchers and other housing benefits.

26. WRO works closely with municipalities in Westchester County in order to further housing opportunities and prevent discrimination. The City of New Rochelle publicly describes WRO as a "strong and capable partner" in working with the city to ensure fair housing and accessibility.

27. WRO has expended significant resources to investigate, test, and counteract Defendants' discriminatory behavior.

28. The Platzner Defendant Entities are all engaged in leasing and managing residential and commercial real estate and/or in owning properties and directing the leasing and management of such properties.

29. Defendant Merrick Platzner is a New York State licensed real estate agent and the Residential Division Manager of Platzner International Group, Ltd. On information and belief, Platzner is a principal who directs, manages, and/or controls the policies and practices of all the Platzner Defendant Entities.

30. The Platzner Defendant Entities are responsible for leasing and/or managing housing units at a number of residential complexes in Westchester County, including 10 Davenport Avenue, 8 Eastchester Road, and 10 Eastchester Road in New Rochelle.

31. At all relevant times, Merrick Platzner was acting as an agent of, pursuant to delegated authority from, on behalf of, and in the scope of employment for, the Platzner Defendant Entities.

32. Upon information and belief, Defendant Marina's Edge Owners Corporation delegated authority to Merrick Platzner and/or the Platzner Defendant Entities for leasing, managing, and offering for rent residential units at 10 Davenport Avenue and other buildings.

33. At all times with respect to the building located at 10 Davenport Avenue, Merrick Platzner and the Platzner Defendant Entities were acting as agents of, on behalf of, and pursuant to delegated authority from Marina's Edge Owners Corporation.

May 2021 Test

34. On or about May 11, 2021, WRO located an online advertisement for an available apartment located at 10 Davenport Avenue in New Rochelle. The advertisement expressly stated: "SORRY....NO SECT 8".

35. On May 11, 2021, a WRO Tester ("Tester 1903") called in response to that advertisement and spoke to Merrick Platzner. Tester 1903 asked Platzner about available apartments at 10 Davenport Avenue in New Rochelle.

36. Platzner asked the tester what her price range was, and Tester 1903 responded that she recently qualified for a Section 8 voucher that covers up to \$1,700.

37. Platzner responded, “And where are you getting your Section 8 from, dear?” Tester 1903 responded that she currently resides in Kingston, New York. Platzner responded, “So that means that you are going to transfer down here to Westchester County Section 8.” Tester 1903 indicated that was correct.

38. Platzner responded, “Yeah. So here’s the thing, I don’t take Westchester County Section 8. I would take New Rochelle Section 8, so if you wanted to live in New Rochelle and transfer your Section 8 to New Rochelle, I could definitely help you.” Platzner added, “But you must look into that first and make sure that you are ready to go, because once I show you something you’re going to want to take it as soon as possible because there really isn’t very much out there.”

39. Before the call ended, Platzner told the tester, “Stay away from county Section 8”.

June/July 2021 Test

40. On or about June 23, 2021, WRO located two online advertisements for available apartments, one located at 10 Eastchester Road and one at 8 Eastchester Road in New Rochelle. Both advertisements expressly stated: “Sorry, NO section8.” On the line immediately below that, the advertisements directed prospective renters to contact “MR. MERRICK,” and listed his phone number.

41. On July 20, 2021, a WRO tester (“Tester 1615”) called Platzner and inquired about an available one-bedroom apartment.

42. Platzner indicated that he had an available apartment for \$1,750 per month. Tester 1615 said, “I can make that work.”

43. Platzner confirmed that it was a one-bedroom apartment available for \$1,750.

Tester 1615 and Platzner discussed additional details about the available apartment, and Platzner told Tester 1615 that the available apartment was located on Davenport Avenue.

44. Platzner explained that the \$1,750 rent did not include parking, which would be an additional \$90-\$125 per month, and asked if Tester 1615 could still make that work. Tester 1615 responded that she could.

45. Platzner asked Tester 1615 what she currently pays in rent, and she explained that she pays \$600 per month because she lives with roommates and rents only a room. Platzner commented, “That’s a big increase,” then asked Tester 1615 if she would consider a studio instead of a one-bedroom apartment. Tester 1615 said she would consider a studio, and that she was flexible.

46. Tester 1615 said she had seen a posting for an available apartment at 8 Eastchester Avenue, and asked whether that unit was available. Platzner responded affirmatively. Platzner gave Tester 1615 his website address, www.fullserviceny.com, and encouraged her to look at the available apartments online and call him the following week. (As of the date of this filing, that web address redirects to www.platznerrealty.com, which indicates it is the website of Platzner International Group and includes contact information for Merrick Platzner.)

47. Tester 1615 then asked if there was a specific income requirement for the available apartment on Eastchester Road. Platzner said he did not know the income requirement off the top of his head, and asked Tester 1615, “How much are you making?” Platzner responded, “Well I do have salary, and I have an income, but the reason I’m trying to stay around \$1,700 is because I have a Section 8 voucher for \$1,700, so that’s why I would like to —”

Platzner quickly interrupted her to say, “You should have led with that.” He added, “You should have just opened with that. Um, this building doesn’t take Section 8.”

48. Tester 1615 asked to clarify, “Oh, 8 Eastchester Road?” Platzner responded, “No, doesn’t take Section 8.”

49. Platzner then asked Tester 1615 which “Section 8 bureau” she received her Section 8 voucher from – “Is it New Rochelle? Is it White Plains?”. Tester 1615 responded, “Oh, I thought you just took it with you. I’m in White Plains now.” The tester explained that she currently lives in White Plains. Platzner responded, “If you get your Section 8 voucher from White Plains, which is also known as CVR, it’s going to be much harder to find a place because no one wants to deal with CVR and all their requirements. No one.” Platzner then told the tester that she would have a “better chance of getting a Section 8 voucher accepted” if her voucher was from New Rochelle’s Section 8 office “because they don’t have as many requirements, it’s not as rigorous, and it’s not as demanding . . . on the landlord . . . as CVR is.”

50. Platzner then told Tester 1615, “When you call people, tell them right away, you have Section 8, because you’ll be wasting a lot of your time, kind of like what you’re doing now.”

51. Tester 1615 told Platzner, “I appreciate the tip,” and Platzner responded, “Yep, it’s a good little advice, that’s all. . . . Not every building accepts the vouchers. You have to ask up front, ‘Do you take Section 8? A voucher?’ Some people may not know what that is. . . . You explain it to them.” Platzner then added that Tester 1615 should tell people she has a “working Section 8 voucher, which means I work, and I get supplemented.”

52. Finally, the tester asked Platzner if he had any units that take Section 8. responded, “I do have buildings do that take Section 8, the only problem is that I don’t have any apartments now.”

53. Later that day, July 20, 2021, Tester 1615 called Platzner again and said they had spoken earlier in the day. Platzner responded, “Yeah, we did. Is this with regards to the Section 8?”

54. Tester 1615 said to Platzner, “I found another property that I was wondering if I could run by you.” Platzner interrupted to say, “You found another property?” Tester 1615 began to tell Platzner, “Yeah it’s 10 Davenport” – but before she even said which property she was referring to, Platzner again interrupted to say, “Even if you found another property I don’t have anything that would, that’s taking, I don’t have any Section 8 units at the moment.”

55. Tester 1615 explained, “The one building we spoke about before. I thought maybe if it was another building we might have better luck.” Platzner responded, “Nothing at the moment.”

56. Defendants’ discriminatory behavior has harmed WRO in myriad ways, including by diverting its resources away from training and education, counseling and supporting individuals seeking help finding housing, and widening equal access to housing, and fundamentally by frustrating its mission to promote equal, affordable, and accessible housing opportunities for all residents of the region.

FIRST CAUSE OF ACTION
Violations of the New York State Executive Law
(Source of Income Discrimination)
(Against All Defendants)

57. Each of the foregoing paragraphs is hereby repeated and incorporated by reference as if fully set forth herein.

58. New York Executive Law § 292(36) defines the term “lawful source of income” to include “any form of federal, state, or local public assistance or housing assistance including, but not limited to, section 8 vouchers, or any other form of housing assistance payment or credit whether or not such income or credit is paid or attributed directly to a landlord, and any other forms of lawful income.”

59. Defendants’ statements and conduct as described above, including both Defendants’ advertisements and Defendants’ oral statements, constitute unlawful discrimination on the basis of lawful source of income in violation of New York Executive Law § 296.

60. Defendants refused to rent or lease a housing accommodation, and/or otherwise denied or withheld a housing accommodation because of a person’s lawful source of income.

61. Defendants represented that housing accommodations were not available for inspection, rental, or lease when in fact they were available, because of a person’s lawful source of income.

62. Defendants discriminated in the terms, conditions, and/or privileges of a transaction involving housing because of a person’s lawful source of income.

63. Defendants printed or circulated and/or caused to be printed or circulated statements, advertisements, and/or publications in connection with the prospective rental or lease of housing accommodations that expressed, directly or indirectly, limitations, specifications, and/or discrimination as to lawful source of income.

64. Defendants refused to rent, lease, negotiate for, or enter into a transaction involving housing accommodations, and/or otherwise denied or withheld housing accommodations because of a person's source of income.

65. Defendants made, declared, printed, published, or circulated, and/or caused to be made, declared, printed, published, or circulated, notices, statements, and/or advertisements with respect to the transaction of housing accommodations which expressed and/or indicated, directly or indirectly, a preference, limitation, specification, or discrimination as to a person's actual or perceived source of income, and/or any intent to make any such preference, limitation, specification, or discrimination on the basis of source of income.

66. Defendants discriminated in the terms, conditions, and/or privileges of a transaction involving housing because of a person's actual or perceived source of income.

67. Defendants have a policy or practice of discriminating against prospective tenants because of their lawful source of income.

68. Defendants' conduct as set forth above constitutes aiding or abetting the doing of acts forbidden by the New York State Human Rights Law in violation of New York Executive Law § 296(6).

69. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has sustained damages alleged herein.

70. Accordingly, under New York Executive Law §§ 297(9) and (10) Plaintiff is entitled to actual damages, punitive damages, injunctive relief, and reasonable attorneys' fees and costs.

SECOND CAUSE OF ACTION
Violations of the Westchester County Fair Housing Law
(Source of Income Discrimination)
(Against Merrick Platzner and the Platzner Defendant Entities)

71. Each of the foregoing paragraphs is hereby repeated and incorporated by reference as if fully set forth herein.

72. Westchester County Fair Housing Law (“WCFHL”), § 700.19 *et seq.*, prohibits discrimination in housing on the basis of a person’s source of income.

73. Section 8 vouchers are included in the WCFHL’s definition of “source of income”: “lawful, verifiable income derived from social security, or any form of federal, state or local public assistance or housing assistance, grant or loan program, including the federal housing subsidy known as ‘Section 8’, any disability payment, and assistance, grant or loan program from a private housing assistance organization.”

74. Defendants’ statements and conduct as described above, including both Defendants’ advertisements and Defendants’ oral statements, constitute unlawful discrimination on the basis of source of income in violation of the WCFHL.

75. Defendants represented that housing accommodations were not available for inspection or rental when in fact they were available, because of a person’s source of income.

76. Defendants refused to rent, lease, negotiate for, or enter into a transaction involving housing accommodations, and/or otherwise denied or withheld housing accommodations because of a person’s source of income.

77. Defendants made, declared, printed, published, or circulated, and/or caused to be made, declared, printed, published, or circulated, notices, statements, and/or advertisements with respect to the transaction of housing accommodations which expressed and/or indicated, directly or indirectly, a preference, limitation, specification, or discrimination as to a person’s actual or

perceived source of income, and/or any intent to make any such preference, limitation, specification, or discrimination on the basis of source of income.

78. Defendants discriminated in the terms, conditions, and/or privileges of a transaction involving housing because of a person's actual or perceived source of income.

79. Defendants have a policy or practice of discriminating against prospective tenants because of their lawful source of income.

80. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has sustained damages alleged herein.

81. Accordingly, under WCFHL § 700.33, Plaintiff is entitled to actual damages, punitive damages, injunctive relief, and reasonable attorneys' fees and costs.

WHEREFORE, Plaintiff respectfully requests that the Court grant the following relief:

A. Temporarily, preliminarily, and permanently enjoining Defendants from engaging in unlawful source of income discrimination and ensuring they undertake affirmative steps to address past discriminatory policies and practices;

B. Awarding compensatory damages in an amount to be determined at trial;

C. Awarding punitive damages pursuant to Executive Law § 297(9) and WCFHL § 700.33;

D. Awarding Plaintiff's attorneys' fees and costs pursuant to Executive Law § 297(10) and WCFHL § 700.33; and

E. Awarding such other and further relief as this Court deems just, proper, and equitable.

DATED: New York, New York
March 28, 2022

Respectfully submitted,

CUTI HECKER WANG LLP

By: /s/ Mariann Meier Wang

Mariann Meier Wang

Daniel Mullkoff

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New York, New York 10007

(212) 620-2600

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*Attorneys for Plaintiff Westchester
Residential Opportunities, Inc.*

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Daniel Mullkoff, being duly sworn, deposes and says:

I am an attorney representing Plaintiff Westchester Residential Opportunities, Inc. Pursuant to New York CPLR § 3020(d)(3), I have read the foregoing Verified Complaint and know the contents thereof to be true and correct to the best of my own knowledge.

Daniel Mullkoff

Dated: March 28, 2022

Sworn to before me this 28th day of March, 2022

Notary Public

