



Historic Settlement in Nationwide Disability Discrimination Lawsuit Against Developer Archstone-Smith Trust

WASHINGTON, D.C., June 8, 2005 – The Equal Rights Center (ERC), the American Association of People with Disabilities (AAPD) and the United Spinal Association along with their counsel, Cohen, Milstein, Hausfeld, & Toll, PLLC and the Washington Lawyers' Committee for Civil Rights and Urban Affairs announced today what is by far the largest settlement of a lawsuit challenging defects in the design and construction of multi-family housing under the Fair Housing Act and the Americans with Disabilities Act.

The settlement requires the survey of 71 apartment complexes developed by Archstone-Smith Trust and located in 16 states around the country, which contain approximately 36,000 apartment units, about 12,000 of which are covered by the settlement, and to retrofit features of the complexes, at Archstone's expense, that operated as barriers to the full use and enjoyment of these facilities by people with disabilities. Archstone-Smith Trust is the seventh largest developer of apartment complexes in the United States. Although surveys of the properties have not concluded, the cost of remediation is estimated to exceed \$20 million. Archstone will also pay \$1.4 million in damages and attorneys' fees and litigation expenses.

The settlement is contained in a Consent Decree, which was approved today by Judge Andre Davis of the U.S. District Court for the District of Maryland. The case was filed on December 20, 2004.

The lawsuit resulted from an investigation, undertaken by civil rights testers from the Equal Rights Center, of Archstone apartment complexes around the country. The testing found evidence that Archstone apartment complexes had steps at entryways, doorways that were too narrow, insufficient turning space in kitchens and bathrooms, and other barriers that prevented persons who use wheelchairs from entering or fully using the apartment units and facilities.

Rabbi Bruce E. Kahn, Executive Director of the Equal Rights Center said, "This is a great day for civil rights. Too often discrimination against people with disabilities passes as not being discrimination at all. Because access to housing is a fundamental right, this type of discrimination must be exposed, and stopped. Archstone-Smith's willingness to remedy past wrongs is a step in the right direction, and we hope that others will follow suit."

Andrew J. Imparato, President & CEO of AAPD stated, "Today's settlement represents a significant step forward for millions of disabled Americans and seniors, including people who will need accessible housing in the future. It sends a strong and clear message to commercial residential developers that civil rights laws must be taken seriously."

Gerard M. Kelly, Executive Director of United Spinal said, “We applaud Archstone for acknowledging its responsibilities to people with disabilities and we are gratified that these issues have been resolved without further litigation. As one of the largest residential developers in the United States, Archstone’s leadership in correcting accessibility shortcomings at its properties will not only burnish its reputation in the industry, but it will serve to alert developers nationwide that the Fair Housing Act and the Americans with Disabilities Act will be strictly enforced.”

According to Joseph M. Sellers, a partner at Cohen, Milstein, Hausfeld & Toll, the lead counsel in the litigation, “It is regrettable that nearly 15 years after the laws were enacted that prohibit barriers to housing for people with disabilities, we encountered violations of the law that could have been detected with a ruler. We commend Archstone for agreeing so promptly and fully to eliminate these barriers that limited access to its properties and hope that Archstone will become a leader in the field of constructing multi-family housing that complies with federal law.”

Rod Boggs, Executive Director of the Washington Lawyers’ Committee for Civil Rights and Urban Affairs, and co-counsel in the litigation said, “This case is historic both in the sheer number of apartment complexes and apartments covered, but also in the monetary damages the defendant will pay to correct the wrong that has been done in building inaccessible housing.”

The Consent Decree provides that alterations at the various apartment complexes will be tailored to the deficiencies detected at each facility. Such remedies may include removal of steps at building entrances, widening interior doors, expansion of floor space in kitchens and bathrooms, and relocation of switches, controls and electrical outlets to accessible locations as well as retrofitting leasing offices, club houses, parking lots and sidewalks in order to bring them into compliance with federal law.

The Consent Decree also requires, for the 3-year period it is in effect, that Archstone-Smith Trust will certify that its future construction of apartment complexes will comply with the accessibility requirements of the Fair Housing Act and the ADA and to educate its personnel on the design and construction requirements of those laws.

A copy of the Consent Decree is available at www.cmht.com or www.washlaw.org.

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