

Residents accuse Casey Management of discrimination

by Andrew D. Beattie

Staff Writer

Blandford residents are accusing Casey Management Co. of discrimination and of violating city codes when it posted eviction notices.

The accusations come on the heels of a Montgomery County District Court decision Dec. 4 that forced residents of the low-income apartment to pay their last month's rent. Some of the residents had appealed to Judge Cornelius J. Vaughey to allow them to pay their rent to an escrow account until Casey Management brought the building up to city and county housing codes.

"Some pretty serious allegations have been made," said former Rockville mayor and attorney Steven Van Grack, who is helping the tenants. "If these allegations are indeed substantiated and verified, it would add fuel to an already burning fire."

Casey Management Co. ordered the closure of the apartment complex in late October, rather than fixing the numerous fire violations with which it was charged this summer. Residents have been scrambling to find new housing or force the company to extend the Dec. 31 eviction.

Some residents told Van Grack and representatives of the Fair Housing Council of Greater Washington that the management company is guilty of discrimination. They allege that a private security firm has ha-

rassed Latino residents, and that apartments rented to white residents were fixed before those rented to Latinos, Van Grack said.

Many of the residents are minorities, disabled and elderly.

The allegations are being investigated by the nonprofit housing council, which could take the complaints to court or appeal to the federal Department of Housing and Urban Development.

"We are getting good information both about the specific and systemic allegations," said David Berenbaum, executive director of the council. "This is all part of a larger fair housing investigation that we're working on."

Berenbaum also argued that residents were unfairly evicted because of a dispute between Casey Management and the City of Rockville, referring to a memo sent to residents in two Bethesda complexes Casey management also runs.

"This is clearly a retaliatory eviction," Berenbaum said.

Casey Management Co. is owned by Berry Brown Casey, a Potomac multi-millionaire known for her generous support of the Washington Opera Company. Casey management also runs two properties in Bethesda, which the housing council is also investigating, Berenbaum said. Those properties were cited for

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Judge orders tenants to pay November rent

by Andrew D. Beadle

Staff Writer

Residents of the Blandford Apartments are not surprised by Montgomery County District Court Judge Cornelius J. Vaughney's decision to order eight lease-holders at the apartments to pay their November rent during a landlord-tenant hearing Nov. 4.

"It wasn't terribly unexpected," said Amy Hernandez, 29, a four-year Blandford resident who sought rent escrow. "It's big business against a small group. But you have to keep fighting."

Vaughey also dismissed three petitions for rent escrow, which would have allowed the tenants to pay their rent to the court until the property owner makes much-needed renovations.

"I think we're going to be OK," said six-year resident Brenda Belanger, 30, who was ordered to pay November rent that she withheld pending the outcome of the escrow petition.

The court action Wednesday was not the most viable option to stall the evictions, Attorney Steven Van Grack admitted.

Rockville attorney Jesse Alvarez, who represented the tenants, agreed.

"I think there was some confusion among the tenants who

thought this would cause a delay in the closure," Alvarez said.

"There's not a whole lot we can do now," Van Grack said. "They were given notice a long time ago."

Vaughey apparently agreed, noting that the eviction does not give the management company enough time to make the necessary repairs. Vaughey also questioned why Rockville officials allowed the complex to remain open if the conditions were as hazardous as the tenants claimed.

"How can I as a court enforce something with only 27 days to go?" Vaughey asked. "It's interesting to note that these hazards have existed for 40 years, and the City of Rockville has not taken action until June 1996."

The appeal for escrow prior to immediate eviction was the first Vaughey has seen, he said.

"It's strange. It's sort of like closing the barn door after the horse is out," Vaughey said.

Linda MacDermid, chief of Rockville's Inspection Services, testified that conditions did not warrant closing the complex, but maintained the hazards exist.

The buildings lack adequate fire doors and other safety measures she said.

"I am comfortable there is no immediate danger," MacDermid testified. "But should some

thing tragic happen, I don't know that these people would be able to get out."

An attorney for Casey Management and a company official argued in court that the city code violations were corrected.

"We took care of each and every one of those," said attorney Michael Pompeo. He also dismissed tenant claims of rodent and roach infestations.

Although Alvarez was disappointed with the rulings, he said none of the residents will technically be forced to leave their homes on New Year's Eve.

"I've been at pains to tell them nothing will happen," Alvarez said outside the courtroom.

A county housing official said the eviction process could take between six to eight weeks, and that the sheriff's office does not evict people if the temperature is below freezing.

"Any eviction has to go through a legal process," said Elizabeth Davison, director of the county's Department of Housing and Community Affairs. "We hope it doesn't come to that."

The city and county continue to work to find alternative housing for the residents, Davison said.

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Feds asked to probe evictions

Housing advocates want investigation by HUD, Justice Department

By ANITA SUSI

Local fair housing advocates asked federal officials yesterday to investigate whether a Christmas season eviction notice by Potomac multimillionaire Betty Brown Casey's management company discriminated against Hispanic and disabled tenants of Rockville's Blandford Apartments.

"What's happening here is wrong," said David Berenbaum, executive director of the Fair Housing Council of Greater Washington.

A probe by the U.S. Department of Housing and Urban Development is justified by the "countless acts of discrimination" alleged by tenants, he said.

Berenbaum said his council also has asked the Justice Department to intervene on behalf of tenants to prevent their

evictions; order the landlord to correct fire, building and health code violations; and enjoin Casey Management Inc. and its security company, Pro-Alert Security Inc. of Rockville, from harassing, intimidating and threatening tenants. The complaint also seeks punitive damages.

Neither Casey Management Inc. of Gaithersburg, nor Casey's attorney, Brendan Sullivan, returned a reporter's telephone call seeking comment. Pro-Alert officials also did not return a reporter's telephone call seeking comment.

The current controversy began in October when Casey Management notified tenants they would be evicted from the low-income garden apartment complex Dec. 31. Since then, many tenants in the 166 units scheduled for closing have found other housing.

Approximately 50 units remain occu-

pled, according to Brenda Belanger, president of the Blandford Tenants Association. Another 24 units, which were rehabilitated last spring, will not be closed, according to Montgomery County housing officials.

In a related development, attorney Steven Van Grack, a former Rockville mayor, said yesterday he will ask the Rockville Landlord-Tenant Affairs Commission to void the evictions because Casey Management failed to notify the city manager at the time the notices were mailed, as required under the city code.

"We contend there is a technical violation with the failure of the landlord to advise the city manager," Van Grack said, adding one of his goals was to secure the tenants a second 60-day notice period.

In addition, Van Grack filed complaints with the commission alleging Casey Man-

agement failed to make repairs necessary to keep the apartments in good condition, engaged in retaliatory practices prohibited by the city code, discriminated against Hispanic tenants through harassment by a private security force, and made repairs in Hispanic-occupied units more slowly than in other units.

Van Grack also charged that Casey Management has not properly returned security deposits or made relocation payments to those who have moved.

"This is the story of an eviction of innocent people who pay their rent," Van Grack said. "They're paying the price for the failure of the landlord and a good city government to work out their problems."

The Blandford issue started when the

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Housing advocates say Blandford evictions are discriminatory

EVICT from A1

city decided to inspect eight aging apartment complexes after a fire gutted four units at the Park Terrace Apartments in March.

Violations were found at all of the complexes and most of the landlords are making repairs, according to Linda MacDermid, Rockville chief of inspection services. She said 138 violations were found at Blandford.

While some problems were corrected, MacDermid said remaining violations include lack of adequate fire doors, smoke detectors, emergency lighting and a fire alarm system.

Sullivan, Casey's attorney, reportedly has estimated it would cost \$1 million to bring the building into compliance.

The Blandford property and two other Casey-owned complexes in Bethesda were put up for sale at a price of \$25 million. City and county housing officials are seeking to work out a sale to developer Kesler and Scott Inc. of Vienna, Va.

Berenbaum noted that most of the Blandford tenants are Hispanic, while Casey's Bethesda complexes have fewer minority tenants. He accused her of a "callous disregard for people's welfare."

He said research by his organization indicates all Casey's properties are operating at a profit.

Meanwhile, Montgomery County Sheriff Raymond Knight has promised no Blandford tenants will be evicted by his staff Dec. 31 because Casey Management must first schedule a court hearing on the eviction, and it's a holiday.

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Kathleen Frey/Journal

At yesterday's press conference, David Berenbaum, Steve Van Grack and John Walters address questions by reporters about the Blandford apartment evictions.



Kathleen Frey/Journal

Grenda Delanger, president of the Blandford Tenants Association, is fighting the eviction notice.

Blandford tenants' fate will wait a week

By ANITA SUSI

Journal staff writer

AFTER 22 hours of hearings over four days, the Rockville Landlord-Tenant Affairs Commission is considering the fate of tenants in 15 remaining occupied units at millionaire philanthropist Betty Brown Casey's Blandford Apartments.

A written decision is due late next week on whether Casey will be required to give tenants another 60 days' notice to vacate, repair fire code violations and refund rents paid since the violations were issued last June.

"This landlord-tenant commission has never had a hearing of this magnitude," tenants' attorney Steven Van Grack, a former Rockville mayor, said in his closing arguments Monday night. "There has never been an action by a landlord of this city of such a despicable nature."

Van Grack said Casey decided to shut down the complex to avoid having to comply with city landlord-tenant and building codes, and then engaged in a pattern of harassment against those tenants who remained.

He said Casey's failure to notify Rockville City Manager Rick Kuckkahn of the planned evictions violated city landlord-tenant law and made it necessary to issue remaining tenants another 60 days' notice to leave.

Casey Management Inc., which oversees the property, notified tenants last Oct. 28 they had to leave within 60 days.

Casey's attorney, Lynda Schuler, asked the commission to dismiss all the complaints and defended her client's actions. She said the city manager received word of the evictions from tenants and added that the city code does not specify how such notification should be made.

"To characterize [Casey] as a despicable outsider is truly unfair and not borne out by

what happened here," Schuler said.

She said Casey kept rents at the complex low for many years and gave generously to a variety of causes. In addition, Schuler said 30 Blandford tenants have moved to other Casey-owned housing in Gaithersburg.

Casey decided to close and sell the 190-unit Blandford apartment complex because of city officials' threats to issue citations and daily fines if fire and building code violations at the complex were not repaired, Schuler said.

In fact, Schuler said, all but one of 132 violations found during an annual re-licensing inspection last April were corrected, except for repainting a rear exterior wall that would have been removed during any renovation by a new owner. Rockville's inspections division issued a citation to Casey Management for failure to paint on Aug. 6, she said.

As for 12 violations uncovered in a fire safety inspection by the Montgomery County Fire Marshal's office on June 4, Schuler said some had been remedied, while others would be left for a new owner to correct.

Van Grack asked commissioners whether they wanted a landlord in Rockville who operated without a license, did not meet safety requirements or cooperate with city officials, called city officials names and treated tenants like second-class citizens.

"If these actions go unpunished, you will make landlord-tenant laws in this city meaningless," Van Grack said.

Schuler said the property owner had a legal right not to accede to "irrational and unreasonable demands" that never had been placed on the property owner before. This, she said, included requiring compliance with fire codes enacted long after the units

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— Steven Van Grack, attorney for Blandford Apartments residents and former mayor of Rockville

were built and never previously enforced at the complex.

Schuler denied accusations by tenants that Casey Management's security guards removed Blandford Tenant Association fliers from doorsteps, followed apartment residents and harassed them.

Meanwhile, the Montgomery County Sheriff's Department was preparing to evict as many as eight tenants today for failing to pay November's rent, said Joan Killingsworth, of the county Landlord-Tenant Office. She said the final number is not known because tenants can stay if they pay their rents to the sheriff's deputies at the time of eviction.

On Monday night, the Rockville City Council authorized payments from the city emergency assistance fund to any tenant who is about to be evicted and qualifies for the aid. Mayor Rose Krasnow said the funds will be used to help those who cannot afford to pay the rent, not those who are withholding rent because of the unresolved dispute over repairs to the complex.

"We did not want to get involved in the le-

gal issues," Krasnow said. "Our aim is to make sure the tenants are safely relocated, not put out on the street in this cold weather."

Killingsworth said additional tenants were due in District Court today for eviction hearings based on nonpayment of December's rent.

Last month, county District Court Judge Cornelius J. Vaughney ordered eight tenants to pay back rent and refused to allow three of them to hold rent money in escrow pending repair of housing and fire code violations.

Schuler also said no settlement has been scheduled for the pending sale of Blandford and two Casey-owned complexes in Bethesda to Kessler and Scott Inc., a Vienna, Va., real estate developer.

Gary Tavin, a spokesman for the Maryland Department of Housing and Community Development, said KSI has inquired about the possibility of obtaining tax-exempt bonds from the state to finance acquisition and rehabilitation of Blandford and two Bethesda properties owned by Casey.

KSI has not yet submitted an application, which would take four to six months to process, Tavin said.