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Hearing-Impaired NYC Tenants Sue For Safety Changes

By **Faith Williams**

Law360 (July 19, 2022, 6:50 PM EDT) -- After years of waiting for critical safety changes in their apartment building, hearing-impaired tenants in New York City are fighting back, asking a judge on Tuesday to order the modifications done because they "don't want to die in an unsafe building."

The complaint filed in New York federal court accuses two property managers, MMS Group and TUC Management Co.; and five owners of the 61-unit building on Forsyth Street in Lower Manhattan of violating the Americans with Disabilities Act and the New York Human Rights Law.



Hearing-impaired tenants in New York City have accused two property managers and five building owners of violating the ADA and the New York Human Rights Law. (Jeenah Moon/Bloomberg via Getty Images)

Alleged violations include fire and smoke alarm systems that are auditory only, no video in the elevators and no video intercom system to communicate with individuals at the entrance.

Class action representative Elewood Torres is legally deaf, uses a wheelchair, and has lived in the building for 22 years. He said for about 17 years, he's noticed a decline in the safety precautions taken in the building. He is asking for emotional distress damages for years of living without necessary accommodations. He is also asking for compensatory damages for times he has had to miss work if the elevator was broken. The class action also includes the other tenants living in the apartment building.

"I'm so happy that we are doing something for the deaf community," Torres told Law360.

"I'm willing to go on and do what I have to do. I really believe in the lawyers that are helping us and I am willing to go with them all the way," he said.

The building was designated and funded to provide accessible housing to individuals with hearing disabilities, according to the complaint.

"A fire alarm for deaf and hearing-impaired people should have vibration devices whether it be a bracelet or attached to the bed," Torres' lead attorney Andrew Lieb of Lieb at Law told Law360.

"Imagine being asleep and the fire alarm goes off, but you don't hear it because you're deaf," he said.

The ADA prohibits discrimination against disabled individuals in all areas of public life. Title III of the act says businesses must make reasonable modifications when serving people with disabilities.

Lieb also told Law360 some tenants were afraid to act for fear of retaliation because it is a vulnerable population, which is why he thinks it didn't get to the point of a lawsuit sooner. But he said this is something the tenants should not have to beg for because it is their right to have.

"They didn't want to sue; this is their home. But they don't want to feel like they are going to die," Lieb said.

According to Lieb, the management companies have made some improvements since the tenants began protesting the issues but none of them were critical safety changes. There are 11 causes of action in the suit for violating the ADA, including failing to make essential modifications to accommodate the tenants' needs.

"We are looking for the building to make changes that should've happened a long time ago to ensure that the residents that are hearing-impaired don't die," Mordy Yankovich, who also represents Torres, said to Law360.

Representatives for MMS Group and TUC Management Co. could not be reached for comment on Tuesday.

The tenants are represented by Andrew Lieb and Mordy Yankovich of Lieb at Law.

Counsel information for the owners and property managers was not immediately available.

The case is Elewood Torres et al v MMS Group LLC et al, case number 1:22-cv-06142, in the U.S. District Court for the Southern District of New York.

--Editing by Alex Hubbard.