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30 Clinton Place Owners Inc. v. City of New Rochelle

United States District Court, S.D. New York - February 27, 2014 - Slip Copy - 2014 WL 890482

The City of New Rochelle charges residential property owners an annual “residential refuse fee” to offset the cost of removing garbage and recyclables from their properties. The \$223 per-dwelling-unit fee applies equally to single-family homes and individual apartments, regardless of how much it costs to remove garbage from each type of dwelling unit.

Plaintiffs alleged that people living in multi-dwelling-unit housing pay more for garbage removal than people living in single-family homes. Plaintiffs further alleged racial minorities disproportionately occupy the multi-dwelling unit housing in the City. In sum, plaintiffs alleged the City knew the residential refuse fee would have a disparate impact on racial minorities.

The District Court dismissed the claim, finding no Equal Protection, 42 U.S.C. §§ 1981 and 1982, FHA Section 3604(b), or state law violations.