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Couple hits BHA with suit

A Bayonne couple is suing the Bayonne Housing Authority on allegations it has discriminated against them in an effort to have the family evicted from their apartment.

In a suit filed earlier this month in U.S. District Court in Newark, Thomas and Vanessa Asmar claim that BHA officials want to evict the couple and their four children because they claim Thomas Asmar failed to disclose information regarding two disorderly persons offenses - marijuana possession and theft charges - dating back to 1973 and 1975.

Vanessa Asmar has been living in a BHA apartment since August of 1991 and currently resides at Kill Van Kull Gardens housing complex on West Second Street with her husband and children, Damien, 16; Brittany, 10; Dillon, 8, and Hope, 6.

BHA officials claim that Vanessa Asmar is in violation of her lease because she allowed her husband to move in with her, even though he was not on the original lease for the unit.

The BHA has a rule against tenants allowing "accommodations for boarders and lodgers."

On Friday, BHA Executive Director John Mahon declined to comment on the suit because it was pending litigation. But he said BHA officials were not served with any papers on the matter as of Friday.

The matter is being heard in front of U.S. District Judge James W. Bissell and names the BHA, Mahon and various Housing Authority commissioners as defendants.

Elizabeth attorney [Vincent J. Sanzone](#) is representing the Asmars in the matter. Attorney Jeanette Samre-Arteaga, of Fitzpatrick and Waterman of Secaucus, is representing the BHA.

Samre-Arteaga could not be reached for comment on Friday.

[Sanzone](#) said the matter is still in the early stages and may not come to trial for two years.

"If they (BHA) move to evict them, we are ready to file a notice to cease and quit," said [Sanzone](#), indicating he would seek an injunction against the BHA if it moved to evict the family.

An eviction proceeding would take place in state Superior Court Special Civil Part, Landlord-Tenant in Jersey City, he said.

[Sanzone](#) said Vanessa Asmar is on disability and that two of her children are also sick.

On Friday, Thomas Asmar said he could not understand why the BHA was "harassing" him and his family.

"I just thought there is a great injustice done to us as a family. We're being broken up because of someone's malicious activity," he said.

Asmar admits he may have been guilty of the offenses dating back to the 1970s, but said, "there's been nothing in my records since then."

He said the BHA has sent letters to him and his family ordering them to vacate the apartment. One letter, he said, was delivered on Dec. 24 about three years ago, just one day before Christmas.

"I put my faith in God," he said. "God will give my lawyer the wisdom he needs to deal with the situation."

[Sanzone](#) said, "They want to evict her because the husband is living there. He has been rejected numerous times in trying to be put on the lease."

[Sanzone](#) said the BHA claims Thomas Asmar was convicted of a crime and that he did not disclose that information when he sought to be put on the lease. But [Sanzone](#) said that is "poppycock."

Asmar was arrested on Aug. 20, 1975 in Point Pleasant borough on a charge of marijuana possession, but was given a \$125 fine and a suspended 30-day jail sentence in that matter, he said.

On March 28, 1973, he was arrested in Brick Township on an unspecified theft charge and was assessed a \$25 fine in that case, according to [Sanzone](#).

"They've been trying to evict these people over the last three years. Every time that I confront them, they seem to withdraw their notice to quit (vacate the apartment)," said [Sanzone](#).

The family has been represented by [Sanzone](#) since 1998.

The BHA in October of 1999 asked for back rent of \$2,600 to be payable just a few days after it had sent out its order, he said. But the Asmars came up with the money by the deadline.

"They were hoping he had spent his money and wouldn't be able to come up with it, that way they could evict him for non-payment," he said.

