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Court blocks removing Greenbriar Apartments' air conditioning units

by [David Showers](#) | August 3, 2023 at 4:10 a.m.



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HOT SPRINGS -- A judge issued a temporary order Tuesday that prohibits ownership of Greenbriar Apartments from removing window-mounted air conditioners from the federally subsidized complex.

Tenants filed a motion Monday in Garland County Circuit Court to permanently enjoin ownership from removing the air conditioners, asking Judge Ralph Ohm for an interim order that would keep air conditioning in place until the Aug. 14 hearing on their motion.

"Plaintiffs rely on their air conditioning units to shield them from the excessive heat of summer," attorneys from the Center for Arkansas Legal Services said in the motion they filed on behalf of plaintiffs and Greenbriar tenants David Bell, Elberta Crouch, Crystal Todd and Keishon Hicks.

"Much of the country and Arkansas have been under an excessive heat warning for over a month. Plaintiffs are at increased risk of physical harm from the excessive temperatures without air conditioning," the motion said.

The Hot Springs Board of Directors was to consider an ordinance Tuesday night that would require tenant-occupied dwellings to have cooling capable of maintaining a maximum temperature of 85 degrees, and listing portable air conditioning units among the appliances landlords must maintain if provided in a rental dwelling unit.

The board put the ordinance on its agenda after hearing from Greenbriar tenants at its July 18 business meeting. They said they were being charged for air conditioning and had been given eviction papers after they complained to the city about living conditions at the complex opposite Bank OZK Arena on Convention Boulevard.

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Defendants are also suing the partnership that acquired Greenbriar last year and its principal partner, Michael Cotroneo, for damages, alleging they committed fraud by falsely claiming authority to charge a monthly fee for air conditioning.

Tenants are being charged \$25 for a small window unit and \$130 for a larger one, according to tenant notices. Emails the city provided The Sentinel-Record in response to a records request showed Cotroneo discussing air conditioning fees with the U.S. Department of Housing and Urban Development's Texas-based Section 8 contractor as early as last fall.

"The leases contain no provision that would allow the defendants to charge an additional fee for air conditioning units or restrict the tenants' access to enjoyment of the property," the complaint stated. "Defendants made false representations of material fact by instructing plaintiffs to pay a fee for use of the air conditioning units, and by prohibiting plaintiffs use of the property and communal areas."

Exhibits included a copy of the HUD model lease Crouch entered into in February 2022 that listed "heat, lights, electric, cooking and garbage pickup" as included with the rent. Cotroneo has noted the property's project-based Section 8 Housing Assistance Payment contract doesn't require air conditioning be included in the subsidized rents tenants pay.

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The complaint argued any HUD-allowed monthly charges must be listed in the lease and claimed ownership has failed to meet minimum standards federal law requires for HUD subsidized properties.

"This includes ensuring the 'inside, outside, and unit must be free of health and safety hazards including, but

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The complaint also alleged breach of contract, stating ownership violated the tenants' lease by failing to "maintain all equipment and appliances in a safe and working order," and that owners were in violation of the federal and state fair housing acts.

The complaint cited the state Fair Housing Act provision prohibiting discrimination "against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith."

The complaint alleged units leased by African American tenants were excluded from repairs made after the city's neighborhood services division inspected the property in June. In addition to temporary and permanent injunctions against the removal of air conditioning, the complaint asked Ohm to declare the defendants in violation of federal and state law.

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Cotroneo is scheduled to appear in Garland County District Court in October for the harassing communications charge he was arrested on in June. According to the probable cause affidavit, he texted an unsolicited photo of his privates to a Greenbriar tenant in April.

He entered an innocent plea last month.

Print Headline: Court blocks removing Greenbriar's A/C units

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