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# INSIGHT

*Celebrating 55 Years of Fair Housing!*

## FAIR HOUSING MAKES US STRONGER: COMMEMORATING 55 YEARS OF FAIR HOUSING *by DeAnna Eason*

What may just be the 7 most important days of the fair housing movement occurred from April 4, 1968 to April 11, 1968.

In 1965, Dr. Martin Luther King, Jr. and other civil rights activists formed the Chicago Freedom Movement, a nonviolent campaign for open housing (the ability of black homeowners to purchase homes in any area they could financially afford). For the next two years, this campaign concentrated on Chicago's dual housing market – a market that allowed Whites to live where ever they wished but restricted Blacks with similar income to very limited subpar housing options.

This movement utilized boycotts and demonstrations to not only address segregated housing but also disparities in education, income, employment and health as a result of racism.

During this same period of time, Congress regularly considered passing a fair housing bill, but failed to garner a strong enough majority for its passage. However, when Dr. King was assassinated on April 4, 1968, President Lyndon Johnson made the most of this national tragedy to urge for the bill's speedy Congressional approval.

On April 11, 1968, President Johnson signed the Civil Rights Act of 1968 (the Act) - meant as a follow-up to the Civil Rights Act of 1964. The Act prohibited discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, sex, (and as amended) disability and family status. Title VIII of the Act is also known as the Fair Housing Act.



President Johnson viewed the Act as a fitting memorial to the life's work of Dr. King, and wished to have the Act passed prior to his funeral in Atlanta.

**As a result of these happenings, April was named Fair Housing Month.**

Here we are today, commemorating the 50th Anniversary of the passage of the Act and of the untimely death of a man who gave his life for the movement. What are you willing to risk today? I am not implying that you should do anything to endanger yourself, but is there a way that you can continue the important fight for civil rights? The passage of the Act did not end housing discrimination. As a matter of fact, prejudice and bigotry seem to be more pervasive than ever, but it is our duty as a people to continue to be the squeaky wheel and to keep pushing this issue to the frontlines, lest we forget.

Before there was a federal Fair Housing Act or a New York State Human Rights Law that made it illegal to discriminate, before it was possible for people of color to even be shown housing outside very limited historically black sections of Buffalo, there was a HOME. Help us celebrate 55 years of civil rights advocacy by attending our Annual Dinner Celebration to be held on Friday, April 13, 2018 at the Buffalo Niagara Convention Center. Our keynote speaker for the evening will be prison reformer and social justice advocate Sheriff Tom Dart, of Cook County, Illinois. The Sarah G. Metzger Human Rights Award will be awarded to Freedom Wall Artists John Baker, Julia Bottoms, Chuck Tingley, and Edreys Wajed and President and CEO of People, Inc., Rhonda Frederick, for their outstanding work in the community and their contributions to civil rights. The evening will also include a wonderful dinner, exciting live and silent auctions, basket raffles, tributes, presentation of the Joanne Champion Granger Scholarship, live music by Progressions Quintet, all culminating with dancing at the evening's end with Buffalo's own DJ Wave Matthews. ■



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## MEET HOME'S BOARD OF DIRECTORS: MR. MARCUS BROWN

by Miata Wright

**MR. MARCUS BROWN** is the president of the Juneteenth Festival of Buffalo. For years, Mr. Brown has used his passion for teaching to educate Buffalo's African-American community on their history through the yearly Juneteenth festival. As a Buffalo native, Mr. Brown has seen the dramatic change in various neighborhoods of the city. As someone who has encountered housing discrimination, he is passionate about making sure the Western New York community knows about HOME and that all people have the opportunity to live in the communities of their choice.

### *Describe your journey to your current profession.*

I have always wanted to work with children and I loved school as a child. Those closest to me advised me of the segregation in the colleges in the Northern U.S. so I decided to attend Tennessee State University, a Historically Black University. I returned to Buffalo when my mother became ill and I learned of the Educational Opportunity Program at UB where I received my Bachelor's and Master's in Education. I had a minor in Psychology so I worked with children with special needs.

### *How did you become involved with HOME?*

My late wife, Margaret Davis Brown, was a long time staff member of HOME and she told me about what HOME stood for. In the 60's, I tried to purchase a home in North Buffalo and the owner said that his neighbors wouldn't allow him to sell to a black person. It was the first time housing discrimination slapped me in the face. Because I had a family whose safety I had to consider, I chose to live where I was accepted. I wish I knew about HOME then.

### *What is your vision for HOME and fair housing in our region?*

I want more people to know of HOME. People continue to encounter the same problems with discrimination today as they did decades ago but so many people have no idea that a place like HOME exists. Segregation and prejudice occurs beyond racial lines. People are also discriminated against due to their sexuality, disability, and income and we need an agency that understands what residents face. I see HOME working with lawmakers so that laws are passed to protect those that simply want to live in a decent place.

### *How has the landscape of Buffalo changed from your perspective?*

As the manager of the Crusaders Drill Team, I pick up members of a team that is predominately African-American, that live all over the city and nearby suburbs so it gives the belief that there's progress. But once in a while, I hear of someone unfairly being denied housing. Although some things have changed, some have remained the same so we have to continue to fight for equal rights of all people. The Downtown area has certainly changed over the years, but other areas still need help. The Mayor's Clean Sweep has made a positive impact as far as beautifying neighborhoods and making sure houses are safe for people to live in. I'm also able to get issues addressed by talking to my councilmember. To me, that's progress.

### *Over the years, how has Juneteenth impacted the city?*

Unfortunately, the negative press that Juneteenth has received over the years has made some residents uneasy about attending the festival, so there's a lot of work we need to do

as far as promoting it as something that families of all backgrounds can enjoy. On the other hand, it has become much easier to gain the support of notable companies as well as smaller businesses in Buffalo. As we prepare for our 43rd consecutive festival, much of the legal paperwork has been completed and approved by government entities with no issue, something that was much more difficult to get done in the early years. So that shows that Juneteenth has become a cultural staple in the Buffalo community. We're working on a program that would bring health-based organizations together so that we can educate the community on their healthcare options, especially with the looming changes healthcare nationwide.

### *What has kept you in Buffalo for so many years?*

Years ago, I wanted to leave and start fresh in another city and I considered moving to New Jersey and teaching at Rutgers. I told my boss at the time about my plans and he reminded me that with my many years of experience, I'd be starting over if I moved to a different state. I decided to stay in Buffalo because I wanted to raise my family in a place we were familiar with. Most of my friends worked in the manufacturing industry so when the layoffs and shut downs began, I was thankful that I chose a career in education because of the longevity and the likelihood that I'd be able to find a teaching job was high here. It's truly a blessing to see the individuals I worked with as children years ago have their kids participate in Juneteenth. If I left Buffalo, I would have never experienced that. ■



## LITIGATION UPDATE *by Daniel Corbitt, Esq.*

The long-awaited resolution of two fair housing cases illustrates that while the wheels of justice may turn slowly, HOME will continue to fight for outcomes that benefit both our clients and our community.

After three years of negotiation, HOME and MJ Peterson Real Estate recently resolved a housing discrimination complaint that was filed in 2015 with the U.S. Department of Housing and Urban Development (HUD). The complaint alleged that MJ Peterson had failed to properly carry out its duties in considering a reasonable accommodation request.

While MJ Peterson did not admit to any wrongdoing, the outcome of the case is a significant step in ensuring that housing providers understand their rights and obligations under federal, state, and local fair housing laws.

As part of the binding conciliation agreement, MJ Peterson agreed to attend fair housing training, display fair housing informational posters, and distribute HOME's brochures in its offices in

Buffalo and Amherst in an effort to affirmatively further fair housing. MJ Peterson will be subject to monitoring for a period of two years to ensure compliance with the terms of the agreement, during which time its property and records may be subject to inspection. Any breach of the agreement could result in further litigation.

MJ Peterson will also make a monetary payment to HOME that will support our ongoing efforts to ensure all people have an equal opportunity to live in the housing and communities of their choice.

The second case illustrates the challenges of collecting a monetary judgment after winning a lawsuit. Often, collecting the money can be delayed for years if the defendant appeals the decision to a higher court. Moreover, some defendants try to get out of paying what is ordered by attempting to hide their assets. In those instances, there are methods to collect a judgment after it is final, including garnishing the defendant's wages, garnishing his bank account, placing a lien on his real property, or executing on his personal property.

In March of 2009, HOME filed a verified complaint with the New York State Division of Human Rights (DHR) on the behalf of a client who was denied the opportunity to rent an apartment because the landlord did not want to rent to someone with young children. After a public hearing, DHR issued a Final Order finding in favor of HOME's client and directed the housing provider to pay \$2,500 as compensatory damages for mental anguish and humiliation resulting from the unlawful discrimination.

Despite that early success, efforts to collect the judgment dragged on for years as the housing provider unsuccessfully appealed the ruling. More years passed as the housing provider vigorously fought HOME's efforts to seize funds from his bank account.

Then, in February of this year, HOME's client finally received the balance of the money that she was owed. Although winning in court is sometimes the easy part, HOME is in it with our clients for the long haul. ■

# HOUSING DISCRIMINATION IN BUFFALO: THEN AND NOW

by Daniel Corbitt, Esq.

Any longtime resident of Western New York is thoroughly familiar with the region's geography of residential segregation. We know the dividing lines and barriers, both physical and symbolic, which divide and isolate neighborhoods and communities according to their race, ethnicity, religion, class, and other characteristics.

Perhaps one of the most troubling aspects of our region's geography of segregation is that for many, it has become an accepted part of the landscape. Some assume that this geography is natural, or that it has always been this way. The truth, however, is that the divisions that plague our region are the intended results of decades of social engineering – a concerted effort to segregate communities through federal, state, and local policies. The legacies of these policies are the persistent racial and ethnic inequalities that exist today throughout our nation and within Western New York.

In the 1930s, New Deal-era housing programs and agencies were created to address the housing crisis caused by the Great Depression. Unfortunately, these programs were administered in a way that institutionalized racism and segregation throughout the housing industry for decades. The Public Works Administration built public housing that was strictly segregated. The Home Owners Loan Corporation (HOLC) created "security maps" that color-coded credit worthiness of neighborhoods according racial or ethnic composition – a policy that would later be termed "redlining." The Federal Housing Administration (FHA), building on HOLC's maps and guidelines, established underwriting standards that discriminated against minority neighborhoods. After World



Figure 2. 288 South Division Street and Pine Street in 1954. Source: Western New York Heritage.



Figure 3. 333 South Division Street in 1954. Source: Western New York Heritage.

War II, the Veterans Administration adopted and perpetuated these policies of racial exclusion, refusing to insure mortgages for African-American veterans and their families to buy houses in white neighborhoods and communities. As a result, African-Americans only received two percent of all federally insured home loans between 1945 and 1959. These policies effectively excluded people of color from the path to prosperity available through homeownership and access to capital.

The FHA's discriminatory practices were explicitly stated in the FHA Underwriting Manual. This FHA publication asserted that different racial groups should not be permitted to live together, and recommend the use of racially restrictive covenants to "provide the surest protection against undesirable encroachment and inharmonious use." These covenants were contained in property deeds and would contractually prohibit the purchase, lease, or occupation of a piece of property by people of color. The use of restrictive covenants and the "steering" of African-American residents to non-white neighborhoods by real estate agents drastically restricted the ability of minorities to purchase homes and enter the middle class.

In the 1950s, governments aggressively pursued urban renewal projects that largely targeted poor, minority neighborhoods that redlining and other policies of exclusion helped create. The federal Housing Act of 1954 provided federal funding for property acquisition, demolition of structures, and site preparation. The destruction of entire residential districts soon followed.

In Buffalo, the Ellicott neighborhood was an integrated community of African-American, Italian, and Jewish residents on the lower East Side. The area was also home to a thriving business community, with more than 250 businesses, over 100 of which were owned by African-Americans. However, this community was redlined in the 1930s, which cut off residents' access to capital. By the 1950s, the area's built environment was

suffering from significant deterioration and blight. The neighborhood was targeted for urban renewal, and the wholesale demolition of the previously-thriving district took place between 1958 and 1961. Over two thousand families lost their homes. White residents were able to move to the elsewhere, while legally-enforced housing discrimination consigned African-American residents to the segregated public housing projects that replaced the once-bustling city streets.

In addition, early to mid-twentieth century infrastructure projects often adversely affected minority neighborhoods and communities. The Federal-Aid Highway Act of 1956 authorized the federal government to cover 90 percent of highway construction costs. These highways often benefited white homeowners and businesses at the expense of people of color. In fact, the FHA Underwriting Manual recommended highways as a method for separating white and minority neighborhoods, thereby limiting contact between "inharmonious racial or nationality groups."

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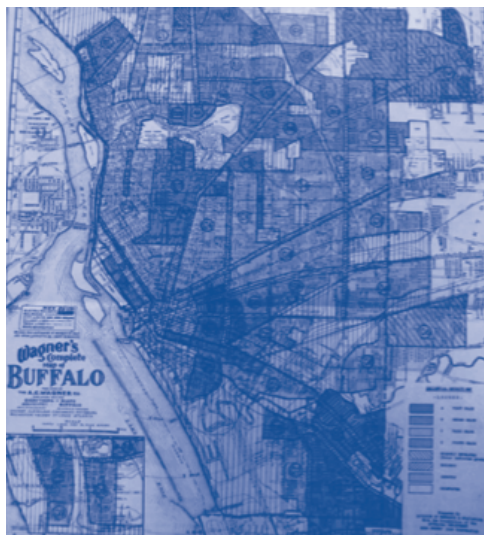


Figure 1. Historic redlining map illustrates Source: Residential Security Map, Buffalo, N.Y., City Survey File. Record Group 195. National Archives II, College Park M.D. Image courtesy of Partnership for the Public Good and Carl Nightengale.



Figure 4. Aerial view after wide-spread demolition and construction of Ellicott Mall (top) and Douglass Towers (bottom) in 1961. The blue rectangle is the approximate location of the previous photographs. Source: Western New York Heritage.

## HOUSING DISCRIMINATION *continued*

In Buffalo, the Humboldt Park neighborhood was one of the city's only racially integrated, middle class neighborhoods. A wide, tree-lined, Olmsted-designed parkway ran through the heart of the neighborhood and connected Delaware Park to Martin Luther King, Jr. Park. As early as the 1940s, planners envisioned replacing the lush linear park with an expressway that would connect downtown to the airport and region's burgeoning suburbs. Then, with the aid of federal dollars, construction of the Kensington Expressway commenced in 1957 and continued in fits and starts until its completion in 1967. The expressway ripped through the heart of the Humboldt Park neighborhood succeeded in facilitating white flight and shorting the commutes of white suburbanites by about ten minutes. It also successfully destroyed the social and economic fabric of Humboldt Park and several other East Side neighborhoods, devastating property values and destabilizing the entire area for generations. To add insult to injury, the sprawl development facilitated by the expressway also helped decimate previously thriving business districts on Genesee Street and Broadway, which had previously functioned as major east-west arterials. The Kensington Expressway remains a physical and physiological barrier to this day, isolating neighborhoods and polluting the landscape with noise and smog.

Today, our region struggles with staggering disparities in wealth and opportunity. Partnership for the Public Good found that Buffalo-Niagara is the sixth most segregated metropolitan region in the country, with approximately 85 percent of African-Americans residing on Buffalo's Eastside, and 64 percent of people of color living in concentrated poverty, compared to 14 percent of whites. Moreover, a recent report by Apartment List found that Buffalo has the largest racial disparity in homeownership

rates among the nation's 50 largest metro areas. In 2015, the white homeownership rate in our area was 67.8 percent, while the minority homeownership rate was 27.3 percent. Not only is this gap of 40.5 percentage points shocking, it is getting worse – widening by 5 percentage points since 2000. This gap in homeownership is indicative of the overall racial disparity in wealth, since the net worth of the average homeowner is 36 times more than that of the average renter.

The prevailing segregation and inequality we see in our region today are the consequences of decades of public and private policies. Similarly, breaking down the barriers to opportunity and moving our region towards a more just and inclusive society will require the combined efforts of people, businesses, and governments. One of the first steps on this path occurred in 1963, when HOME was formed by a group of concerned citizens to combat discrimination and segregation. Five years later, the passage of the federal Fair Housing Act outlawed redlining, steering, and other discriminatory practices by housing providers and lending institutions. In the fifty years since the passage of that landmark legislation, New York State and the municipalities of Buffalo, Hamburg, and West Seneca have passed their own fair housing laws that provide additional protections against discrimination. However, much work still remains. Today, HOME remains dedicated in the fight to ensure all people equal access to the communities and resources necessary to build wealth and create strong, vibrant communities. Join with us today to reverse-engineer Western New York's persistent geography of segregation. ■



Figure 5 Humboldt Parkway at Northland in 1953.  
Source: The Buffalo History Museum.



Figure 6. The Kensington Expressway today.  
Source: Cyburbia.org.



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## FUNDING UPDATES:

### HOME is Selected to Receive Competitive Federal Grant

HOME was selected to receive a competitive federal grant through the U.S. Department of Housing and Urban Development's (HUD) Fair Housing Initiatives Program. The \$900,000 grant, which will be dispersed over the next three years, will enable HOME to expand its enforcement of federal, state, and local fair housing laws to combat housing discrimination and systemic patterns of entrenched segregation that harm all Western New Yorkers.

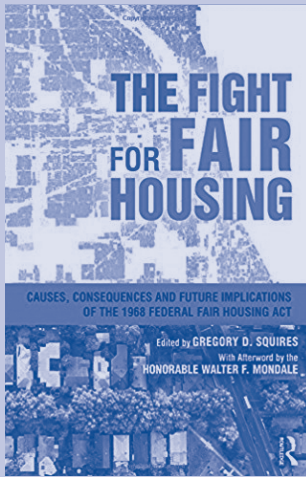
"HOME is grateful for the opportunity to continue to serve Western New York in this capacity. No one should be denied housing because of their membership in a protected class. This funding will allow HOME to continue to educate the community on its rights and responsibilities under the law and to promote fair housing for all people," said M. DeAnna Eason, HOME's Executive Director.

This funding, together with the continued support of our members and community partners, allows HOME to continue to provide comprehensive assistance to victims of housing discrimination by providing investigative services, testing, advocacy, conciliation, attorney referral, and community outreach and education.

### HOME Receives \$2500 from Five Star Bank

HOME has been awarded \$2500 from Five Star Bank. The community bank continues to serve as a pillar of local communities by supporting the causes held dearly by the people that they serve. They commit through volunteer activities, charitable investments, and need-based product offerings. ■





## HOME'S READING CORNER *by Christopher Allaire*

HOME's Reading Corner is intended to give our supporters a summary of the significant books, articles, and academic studies on housing in Western New York and the city of Buffalo. This section will hopefully help contextualize the current struggle for fair housing in our region and illustrate the long history of community involvement in this critical civil rights issue.

Gregory Squires, Editor. *The Fight for Fair Housing: Causes, Consequences, and Future Implications of the 1968 Federal Fair Housing Act*. New York: Routledge Publishing, 2018.

In honor of the 50th anniversary of the passage of the Fair Housing Act in 1968, and the 55th year of HOME, this article will be dedicated to a review of a recently published anthology that focuses on the history and legacy of this important act. *The Fight for Fair Housing* is comprised of fifteen articles that tell the story of the original need for the Fair Housing Act, the legislative battle that formed the original 1968 Act and the ongoing impact that this law has on discrimination and housing in the United States. This review focuses on an article from the anthology that outlines an important facet of the Fair Housing Act that HOME is involved with on a daily basis: housing discrimination based on disparate impact.

"The Legacy and the Promise of Disparate Impact," outlines the framework from which

the disparate impact standard was applied to fair housing cases and how the standard was eventually codified through Supreme Court rulings and directives from HUD. Written by Morgan Williams, the General Counsel at the National Fair Housing Alliance, and Stacy Seicshnaydre, law professor and expert on fair housing law at Tulane Law School, this article quickly dives into the legal precedents that underpinned the application of disparate impact theory to fair housing law and the promise that the district impact standard has for the future of fair housing. In describing this process, Williams and Seicshnaydre explain that:

"The disparate impact standard under the Fair Housing Act is a method of proof relying on evidence of discriminatory effects, without requiring evidence that a practice was adopted with discriminatory intent. Disparate impact liability has helped reshape the housing, lending, and insurance markets, which were once bastion of overt segregation and discrimination, resulting in more inclusive housing policies, underwriting practices, and development patterns."

In practice, HOME would allege discrimination based on disparate impact in cases where the effect of a certain ordinance, law, or policy disproportionately impacted a certain community or group of people. For example, if a local municipality passed a zoning ordinance that restricted the development of multi-family houses in a majority white town, HOME would argue that this ordinance serves

to discriminate against low-income families, and perhaps families of color, and has the effect of perpetuating discrimination and segregation. Although the ordinance does not appear to be or may not have intended to be discriminatory, under the disparate impact standard, the ordinance can be proven as discriminatory because it disproportionately affects certain communities' ability to obtain housing.

Moving forward, Williams and Seicshnaydre see the disparate impact standard as an important tool to fighting new and more subtle forms of housing discrimination. In particular, the authors believe that disparate impact enforcement can stymie "policies that restrict housing services for subsidized housing program participants" such as Housing Choice Voucher program (Section 8) participants. Under the disparate impact standard, policies that seek to restrict the ability of Housing Choice Voucher program participants from obtaining housing-- such as advertisement and statements that assert "No Public Assistance" in the rental market-- disproportionately affect low income individuals, often serve as proxies for discrimination based on race, and are the basis for action by our organization. HOME also advocates on the basis of disparate impact for an Erie County wide fair housing ordinance that would make source of income discrimination illegal. In this way, HOME is at the forefront of a national trend to build upon of the Fair Housing Act of 1968 and adapt it to the persistent discrimination of 2018. ■

## THE CASE FOR FAIR HOUSING: 2017 FAIR HOUSING TRENDS REPORT

*by Kibrett Facey*

The threat of a regression in fair housing law may occasionally strike, but it will never stifle our cries for equity and justice. Year after year, the National Fair Housing Alliance (NFHA) collects and synthesizes fair housing data to make a case for fair housing. This year, the 2017 Fair Housing Trends Report delved deeply into the roots of our segregated nation.

The insidious cycle of housing discrimination is the wellspring of systemic inequality. The report stated that, "[s]egregated communities do not exist by accident. Disparities in opportunity do not exist by accident." The story of housing inequality began with red lining, restrictive covenants, blockbusting, racial steering, exclusionary zoning by local communities, and community opposition to affordable housing. Today, many of these practices continue to contribute to disparities nationwide.

In 2017, private fair housing agencies were still carrying the bulk of the work in fair housing. According to the 2017 Fair Housing Trends

Report conducted by the NFHA, private non-profit organizations handled 70.05 percent of complaints. To put things in perspective, 4.86 complaints were handled by the U.S. Department of Housing and Urban Development (HUD), 24.95 percent by Fair Housing Assistance Program (FHAP) agencies (this includes organizations such as the New York State Division of Human Rights), and 0.14 percent by the Department of Justice (DOJ).

Overall, in 2016, there were 28,181 reported discrimination cases across the nation. This number jumped from its 2015 total of 27,937. The data collected was also broken down by each of the federal protected classes. Housing discrimination against persons with disabilities accounted for 15,455 of the total cases, amounting to 54.84 percent of all reported cases. Persons with disabilities also accounted for the most cases in 2015. According to the National Fair Housing Alliance, this may be due to the fact that these cases are often easier to detect than other sorts of housing discrimination.

The second most reported type of housing discrimination in 2016 was on the basis of race. There were 5,519 cases, or 19.6 percent. The third most was because of one's familial status, with 2,406 (8.6 percent) cases reported. This was a 2.3 percent decline from the year prior. Next in line were a total of 2,150 complaints (7.7 percent) on the basis of national origin. Following was sex-based complaints with 1,788 complaints (6.4 percent), color-based complaints with 394 (1.4 percent), and religion-based complaints with 367 (1.3 percent).

Although discrimination in housing is almost always underreported, certainly the numbers do not lie in hinting at the multitude of fair housing issues in the United States. Housing discrimination may be covert, but it is not fiction. It is our duty to ensure that our fellow citizens are granted the fundamental right of equal housing and to fight housing discrimination when we face it. ■

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UPCOMING EVENTS

FAIR HOUSING MONTH

APRIL 2018

Check out our month-long display at the Merriweather library!



WEDNESDAY 04/04	THURSDAY 04/12	FRIDAY 04/13	TUESDAY 04/17
Housing Office Hours 6122 South Park Ave, Hamburg, NY 14075 3:00 - 5:00 PM	Fair Housing Month Proclamation Buffalo City Hall, 65 Niagara Square, Buffalo, NY 14202 12:30 PM	HOME's 55th Annual Dinner Buffalo Niagara Convention Center, 153 Franklin St, Buffalo, NY 14202 5:00 PM	FREE Fair Housing Training Town of Amherst Council Chambers, 5583 Main Street, Williamsville, NY 14221 5:00 PM
WEDNESDAY 04/18	THURSDAY 04/19	TUESDAY 04/24	THURSDAY 04/26
FREE "Selma" Movie Screening 6100 South Park Ave, Hamburg, NY 14075 7:00 PM	Landlord Training & Certification HOME Office, 1542 Main Street, Buffalo, NY 14209 3:00 PM - 5:00 PM	"A House Divided": Film Screening & Discussion HOME Office, 1542 Main Street, Buffalo, NY 14209 6:00 PM	Fair Housing Art Display & Ceremony HOME Office, 1542 Main Street, Buffalo, NY 14209 5:30 PM