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# INSIGHT

## LITIGATION UPDATE: THE AMERICAN DREAM DEFERRED

by Daniel Corbitt, Esq.

"If you take care of it, I'd kick in money." With those deviously simple words, Michael Fijal condemned a family's piece of the American Dream to a smoldering pile of ashes.

In May of 2011, Fijal paid an accomplice to torch a house located at 179 Mackinaw Street in the Old First Ward. Fijal paid the arsonist again after the cruel deed was complete.

Fijal's support provided what prosecutors would later characterize as the "proverbial match and gasoline."

Today, the site is a grassy vacant lot. Six years ago, it represented a tangible piece of a dream realized – a clear path to a better tomorrow for a family who had recently bought the house after arriving from the Congo in search of refuge from persecution and devastation.

At the time, investigators believed that the arson may have been a hate crime. Fijal would later claim that the conspirators had been concerned about the new owners' plans for an apartment located in the house, and decided arson was the best way to address their fears of potential "dirtbag" tenants at 179 Mackinaw.

It's telling that Fijal and his fellow criminals assumed that the tenants would be "dirtbags." There are many rental properties in the Old First Ward, some of which are owned by slumlords who fail to maintain their properties and rent to individuals who engage in illicit activities. Michael Fijal had lived in that neighborhood for decades, but had never been compelled to bankroll an arson-for-hire scheme to destroy any of those properties.

Despite Fijal's denials that his crime was motivated by racial hatred or xenophobia, he and his co-conspirators targeted a black family from the Congo and no one else. Moreover, Fijal had never spoken a single word to his victims. The unprovoked, anonymous aspect of this crime would continue to terrorize its victims many years after the fire's smoke had cleared. They lived in fear of the possibility that the faceless perpetrators would again strike from the shadows, and this time, kill them all.

During his sentencing six years later, Fijal's defense attorney stated that his client wished he could shake his victims' hands and apologize. Perhaps if he had shaken their hands six years ago and welcomed them to the neighborhood, this tragedy would never have happened. Fijal may have come to know a truly remarkable family, learning their plans for the property and appreciating their inspirational story in the process.

Through strength and resolve these New Americans had escaped the unimaginable horrors of war and



genocide to come to our city in search of opportunity. The family had seized this opportunity, working multiple low-paying jobs while saving and scraping together enough money to buy a little house in the Old First Ward. It was a piece of the American Dream, a place of safety and sanctuary as well as a tangible pathway to a promise of a better tomorrow.

After buying the house in March of 2011 they immediately got to work – investing their time and money to fix it up into a proper home. The family planned to live in one unit and rent out the other, the income from which would help pay their children's college tuition. Clearly, these were not slumlords.

Fijal and his co-conspirators may have realized that had they bothered to notice anything but the color of the family's skin.

Over six years have passed since the arson forced the family to once again seek refuge. Six long years of delayed justice, recurring frustration, and relived trauma. Despite extraordinary efforts by the FBI, including a \$10,000 reward and a billboard campaign, no one has ever come forward to cooperate and provide information. Fijal himself never identified his co-conspirators, despite being arrested and pleading guilty to the crime in 2012. Ultimately, the prosecutors never charged Fijal with a hate crime. As part of his plea agreement, Fijal faced a maximum of 33 months in prison. To this date, no other arrests have been made, and the case has gone cold.

Fijal was diagnosed with cancer in 2015, and his sentencing was postponed dozens of times as he requested adjournments to seek medical treatment. U.S. District Judge Richard Arcara granted those requests, even against the objections of the prosecutor, who had requested that sentencing move forward to provide some measure of closure to the victims.

Finally, on August 9th, 2017, the adjournments came to an end and Fijal stood before Judge Arcara to receive his sentence. The judge read aloud from letters of support from Fijal's family and friends, over 50 of

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## MEET HOME'S BOARD OF DIRECTORS: MEMBER SPOTLIGHT



**MRS. NANCY BLASCHAK** is the Program Director for the Health Leadership Fellows, sponsored by the Health Foundation of Western & Central New York. Since retiring from the American Red Cross in October 2014 after a 35-year career, Blaschak has worked as a consultant for several non-profits and foundations in the area. She became involved with HOME through former Executive Director, Scott Gehl, with whom she worked on a task force that aimed to fight against restrictive and discriminatory zoning ordinances imposed on non-profit organizations and human service providers.

After successfully fighting against the hindering laws, Gehl invited her to become a member of HOME's Board of Directors in 2010. She supports HOME's fight in ensuring that all individuals and families, regardless of race, religion, disability, source of income, or any other protected class, have the opportunity to live and thrive in the communities of their choice. In addition to fair and equal access to housing, Nancy is also passionate about causes that provide access to improved education and health care for all residents.

From growing up in Cheektowaga to living in Hamburg and Eden, Nancy is a proud Western New York resident who has experienced the great things that the area has to offer. Even though she's had opportunities to relocate to other cities throughout her career, her strong Buffalo roots are what keeps her in the area. She does hope that Buffalo can really become the City of Good neighbors where all people have the same opportunities and are welcomed and valued for the unique talents they have to offer. In her free time, Nancy is a reading enthusiast and continues to work on her green-thumb after 30 years. She also enjoys beach vacations and trips to Long Island have been a summer tradition in her family for 28 years. ■

## FROM THE DIRECTOR: HOME'S FIRST ANNUAL COMMUNITY BBQ

by M. DeAnna Eason



Anyone who is familiar with The Beatles song "Come Together" knows that the lyrics are quite interesting to say the least. But the choral refrain, "Come together right now, over me" is most certainly an appropriate description of what occurred on Saturday, August 19th. The smell of hotdogs and burgers on the grill and the music from DJ Wave Matthews' turntables were invitation enough to attract guests from both sides of Main Street to HOME's parking lot. Some neighbors even left their homes after peeking through their curtains to see what was going on. People near and far, from all walks of life, came together in unity to celebrate HOME's first community barbecue.

For three hours that afternoon, people had the opportunity to push to the backs of their minds local, national and international issues of bigotry, hatred and division and join together with others, enjoying the sunshine and the camaraderie while entertaining the hopeful notion that if people can come together and enjoy each other's company for one afternoon, it is possible that we can live this way.



Children decorated HOME's parking lot with chalk masterpieces as volunteers expertly mastered the cotton candy machine. The Buffalo Fire Department and Northwest Bank donated safety detectors and allowed curious and excited children the opportunity

He roller coaster, he got early warning  
He got Muddy Water, he one mojo filter  
He say, "One and one and one is three"  
Got to be good looking 'cause he  
so hard to see  
Come together, right now, over me.  
-The Beatles, "Come Together"



to check out the view from the inside of a fire truck. The Buffalo Police Department offered free car seat safety checks, K-9 demonstrations and "deputized" young people with an interest in law enforcement with badge stickers. The Erie County Mobile Library was in full force with fun trinkets and handouts for the kids, and guests were able to borrow and return books, DVDs, CDs, and audiobooks. Attendees were even able to sign up or renew their library cards.

Sabretooth from the Buffalo Sabres never stopped dancing unless he was taking photos with guests or creating a chalk masterpiece in the center of the lot. There was free popcorn, snow cones, face painting, and a balloon artist, but most importantly, HOME staff was out providing information on our agency and on an individual's rights and responsibilities under landlord/tenant and fair housing laws. That is the true reason why we are located at this corner, to educate folks on their civil rights, empower them to speak up for themselves and to equip them with the resources to educate someone else.

We are truly grateful to the community, the volunteers, and our kind sponsors for making this barbecue a success. This may have been our first community event, but it certainly won't be our last. Be sure to *come together* with us, next year. ■



### In Memoriam ↵

On July 3, 2017, HOME and the fair housing community lost a wonderful woman and a dear friend, Mrs. Mamie Crawford, two months shy of her 105th birthday. Mamie and her husband Jim joined HOME in 1964 after a friend encountered housing discrimination and were dedicated fair housing advocates for nearly 40 years. Long after retirement, Mamie & Jim continued to support HOME. Each annual meeting was attended by 50 or 60 of their friends. When Jim passed, Mamie moved to Bradenton, Florida to be near her sister Marion McClellan. Even from afar, Mamie continued to support HOME as she and her husband had done for decades. While she will be truly missed, her warm smile and quick wit will always be with us.



# POVERTY'S DANGEROUS IMPACT ON HEALTH

by Christopher Allaire

The neighborhoods in which we live have profound and lasting effects on our health and well-being. Some of these effects can be easily observed and obvious such as exposure to pollution and environmental toxins. Others are more subtle and harder to identify, such as the impact on one's mental health from living in a violent neighborhood. Scientists, however, are beginning to understand the complex relationship between poverty, the places that we live, and individual health outcomes. This article will outline the three major neighborhood environments that affect health outcomes and explain how these environments are relevant to our community in Buffalo and Western New York.

According to the Robert Wood Johnson Foundation's Commission on Health, there are three, often overlapping, environments that can promote health or put it in jeopardy—the physical environment, the service environment, and the social environment. The physical environment is the built and natural world in a neighborhood. This includes the buildings, streets, air, water, and soil in a particular neighborhood. The physical environment can affect health through exposure to toxins such as lead paint in homes and air pollution from high traffic density. In Buffalo, because of the legacy of historic segregation which has concentrated poverty and people of color in particular patterns throughout the city, Black and other non-white residents are exposed to higher levels of exposure from the physical environment. According to a recent study by the Partnership for Public Good, Black Buffalonians had the highest rates of exposure to air pollution in the city and higher levels of exposure than 34 percent of the census tracts in the entire United States.

The service environment in neighborhoods refers to public services that are available to individuals such as access to grocery stores, public schools, employment opportunities, and public transit. Ready access to full-service supermarkets in poorer neighborhoods can increase health and help offset higher levels of obesity associated with high concentrations of fast food restaurants. A recent study conducted by the Health Policy Institute found that African Americans were “five times less likely than whites to live in census tracts with supermarkets, and are more likely to live in communities with a high percentage of fast-food outlets, liquor stores and convenience stores.” The Partnership for the Public Good found that the majority of Buffalo's food deserts to be “clustered in the eastern part of the city—in neighborhoods where at least three in four residents are people of color.” This shocking statistic again highlights the legacy of historic segregation, which has deepened since the 1960s, and has concentrated poverty in our community.

The final and often overlooked component of a neighborhood that affects individual health is the social environment. The social environment is the relationship networks and mutual feelings of connectedness that develop in a neighborhood. Although less easy to identify than the positive or negative effects of the service or physical environments, the social environment has important health-related outcomes for individuals. For example, the National Institute for Justice, in partnership with the MacArthur Foundation, conducted a landmark study in Chicago to determine the effects of strong neighborhood communities



on health and violence. The study found that strong neighborhood cohesion and social networks are “linked with decreased violence and weakened the relationship between violence and a neighborhood's social composition.... strong neighborhood networks can collectively lessen the effects of concentrated poverty.” In this way, closely knit neighborhoods with mutual feelings of connectedness between residents result in healthier neighborhoods with fewer incidences of violence and less exposure to traumatic crime for young children.

It is important to understand the interconnectedness of the environment, poverty, and health in our neighborhoods in order to make better policy decisions for the people of Western New York. By fighting segregation and the concentration of poverty in our community, Western New Yorkers can ameliorate the worst negative health consequences of the neighborhood environment and substitute them for the positive health benefits derived from mixed income, diverse neighborhoods. As Western New Yorkers, we should all strive to ensure that everyone has the ability to obtain optimal personal health through the reversal of decades of segregation and discriminatory housing in our community. ■



## FOOD DESERTS: THE URBAN PLAGUE

by Kibrett Facey

I was still very young when they closed Publix—the only grocery store in my little Floridian neighborhood. I was too young to understand the detrimental effects such a closure would wreak upon my community. Publix left, but McDonalds, Wendy's, Burger King, Pizza Hut, and KFC were only a hop, skip, and jump away. They sat divided amongst two shopping malls that were adjacent to one another—only separated by a busy street intersection. This was just the beginning of my neighborhood's transition into a food desert.

Not many people are familiar with the term “food desert.” The Department of Agriculture (USDA) defines it as, “a low-income census tract where a significant number (at least 500 people) or share (at least 33 percent) of the population is greater than 1.0 mile from the nearest supermarket, supercenter, or large grocery store for an urban area or greater than 20 miles for a rural area.” They also state that given these measures, there is an estimated 17.3

million people living in low-income and low-access census tracts that are more than 1 mile or 20 miles from a supermarket. The emergence of food deserts locally and around the country is one of the factors that make a person's zip code more indicative of one's health than genetic code.

The USDA conducted a research study that provided evidence to the fact that food deserts primarily exist in racially segregated urban areas. According to a report produced by the Partnership for Public Good, Black Buffalonians are six times as likely as their white counterparts and nine times as likely as their Latino and Asian or Pacific counterpart to live in areas with limited supermarket access. These racially segregated urban areas are also stricken with income inequality and a lack of transportation options. If people are unable to easily access fresh fruit, vegetables, and other types of healthy produce, they will have no choice but to frequent their local corner stores and fast food

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## HEALTHY LIVING: ZUMBA FITNESS

by Nichelle Brown

During this quarter, HOME wanted to focus in on the importance of health and housing. Everyone has the right to be healthy regardless of where they live. There are a few fun and easy routines you can add to your lifestyle that will make all the difference. Zumba was one that I fell in love with.

I first attended a Zumba class four years ago as part of my new fitness routine. That's when I first fell in love with it, and I haven't looked back since. What is Zumba you ask? It is a Latin-inspired, cardio dance workout. Even if you cannot dance, the music alone will keep you moving. After two consecutive years of being an active class participant, I decided to throw my hat in the ring as an instructor. What better way to combine my love of dance and still burn workout calories?

There are many different varieties of Zumba classes. Here are a few examples:

**Zumba Jump Start Kids + Kids Jr.** (Ages 4-6 and 7-11 years old)

**Zumba Gold.** For active older adults. This is a low impact workout that makes you feel comfortable and fun while moving at your own pace.

**Zumba Step.** This workout takes the average step class to the next level. The intense lower body workout with a Zumba routine will boost up your regular step cardio regimen.

### LITIGATION UPDATE *continued*

which he had received, that praised the confessed criminal for his dedication to his community and his willingness to lend a helping hand to those in need. In a truly bizarre moment, Fijal's defense attorney even suggested that his client was just a poor patsy who had been caught up in this dastardly plot out of his innate desire to help others.

The judge was clearly persuaded by these letters of support, several of which vehemently denied that Fijal was a racist. Incredibly, the writer of one of these letters identified himself as a member of the Buffalo Fire Department, which is truly shocking when considering not only the nature of the crime, but also that a Buffalo firefighter had been injured responding to the blaze.

In the end, Judge Arcara sentenced Fijal to three years of supervised release instead of imprisonment. He was also ordered to pay \$92,506.05 in restitution: \$33,235 to the City of Buffalo for demolishing and removing the charred remains of 179 Mackinaw; \$59,271.05 to reimburse insurance companies for the damage done to neighboring houses; and only \$26,806 to the family whose home he helped destroy.

After six long years of fear, frustration, and trauma, one part of this tragic story has come to an end. Another will soon begin.

HOME will continue to fight for justice for the victims of this crime in a pending civil proceeding. Regardless of the ultimate outcome, however, this story will never have a happy ending. A crime as senseless and corrosive as what occurred in May of 2011 only leaves grief and destruction in its wake.

HOME's mission of outreach and education is more critical than ever if we are to break the cycle of fear and hate that fuel these types of vicious, senseless acts and prevent them from occurring in the future. We need to tear down the walls between us, sometimes with something as simple as a hello and a handshake. Had that happened here, perhaps the First Ward would have been strengthened by a hardworking family that only wanted to invest in the neighborhood and pursue a little piece of happiness in their new homeland. Instead, there is just another vacant grassy lot. ■



**Zumba Toning.** Full body toning with weights and Zumba music will have you sculpted and toned. This class will also help you burn calories and gain muscle.

**Zumba Aqua.** Are you into aquatic fitness? If you are, this class would be ideal for those who love the water. Combine that with some high energy music, you can't go wrong!

Those were just a few examples of the many different Zumba workouts you could explore and add to your fitness routine. The key to Zumba is to keep moving, have fun, and stay fit! Of course, some people may not be able to leave their homes to attend a Zumba class. Luckily, you can also participate through Xbox, YouTube and other social media outlets.

It is important to remember that having a healthy home is just as important as being fit. It is important to make sure all carbon monoxide and smoke detectors in your home are working. Repair chipped and peeling paint. Whether you are doing the repairs or requesting them, ensure that the work is done properly as not to create a new risk for lead exposure. (Remember if you own a rental property, it is your job to repair chipping or peeling lead painted surfaces.) If you have any questions or concerns about the health and safety of your home, don't hesitate to give us a call! ■



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## HOME'S READING CORNER

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.

Johnson, Charles. *Negro Housing: Report of the Committee on Negro Housing, Nannie H. Burroughs, Chairman*. Washington: Committee on Negro Housing, 1932.

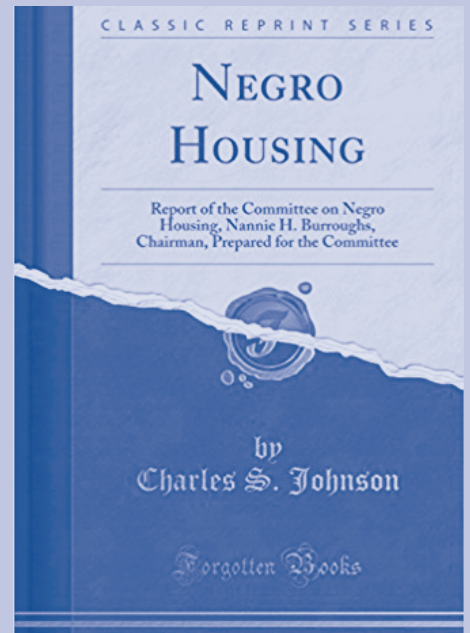
The first investigations of segregation in the City of Buffalo were conducted in the late 1920s and early 1930s by Dr. Charles Johnson. Dr. Johnson received his PhD in Sociology from the University of Chicago and later served as president of the historically black Fisk University. He authored both *The Negro in Buffalo: A Social Survey with Special Emphasis on Industrial Relations* in 1927 and *Negro Housing: Report of the Committee on Negro Housing* in 1932. In these studies, Johnson investigated the placement and quality of housing for African Americans in Buffalo and other northern cities during the first Great Migration. Johnson's report focuses on how race, combined with economic factors such as a lack of access to high paying jobs, preclude the expansion of recent migrants outside of predominately black neighborhoods. Johnson asserted this perspective early in *Negro Housing: Report of the Committee on Negro Housing* claiming that:

In the housing of Negro citizens, particularly in cities, our philosophy

of individual responsibility for shelter has proven to be inadequate... Racial as well as economic factors restrict them to limited areas. Consequently, additional immigration increases the overcrowding. The excess of demand over supply permits rent profiteering.... Perhaps the worst aspect of the entire situation is that the factor of racial segregation make it exceeding difficult for any negro family, no matter what its character or aspirations, to escape these conditions.

Johnson's explanation of the inability of African Americans to move out of black neighborhoods underscores his contention that racial bias was the primary factor leading to segregation in northern cities rather than a lack of economic resources. Later in this study, Johnson provides data to support this perspective through an analysis of population density by race in urban areas.

For the city of Buffalo he found that African American density per acre was two-and-a-half times that of the white population, which is higher than that of contemporary Chicago, Columbus, and New York City. Johnson's work highlights the importance of black migration into Buffalo as a key factor which



precipitates later issues of housing shortages, limited access to jobs, and exploitative lending practices. He also touches on the fact, picked up by later academic scholars, that southern migration during the first Great Migration increased competition for housing that caused "race relations" to deteriorate. These early investigations of housing in the city of Buffalo by Dr. Johnson outline the historical roots of segregation in our community. In this way, Dr. Johnson's studies help establish continuity between historic issues of housing segregation and our present struggle for fair housing in the city of Buffalo. ■

## FOOD DESERTS *continued*

restaurants, where healthier options are either deficient or more expensive than food found in a grocery store. People must now become dependent on foods that are processed, sugary, and full of fat—fueling our nation's growing health epidemic.

It is important that people are given the opportunity to transition into areas of greater opportunity because this opportunity does not just refer to their housing conditions; it also encompasses their entire wellbeing - through access to amenities like grocery stores and farmer's markets, but also high-paying jobs, good schools, and health-care providers, to name but a few. Housing discrimination denies access to these opportunities on the basis of a person's race, national origin, disability, or any other label that has no bearing on the content of one's character.

Locally, there are organizations and urban farms doing what they can to combat the food deficiencies faced in our food deserts. People are using empty lots in order to grow fresh produce for communities that would otherwise not have access. There are also organizations, like Massachusetts Avenue Project, that have mobile trucks which park in accessible locations in order to provide fresh and affordable produce to



neglected neighborhoods. Other organizations, such as African Heritage Food Co-op, provide buyers with over \$50 worth of produce for only \$30.

If one's zip code is a determining factor of their health then it is time for us to fight harder in denouncing housing discrimination and the segregation that occurs as a result. Most of Buffalo's food deserts are located in the eastern part of the city where at least three in four residents are people of color. That is no coincidence. It is time for us to look at all of the lasting effects of historical segregation and modern housing discrimination practices. A person's prejudice should not determine another person's health any longer. ■

## DID YOU KNOW?

Did you know that you can donate to HOME through the United Way? The United Way of Buffalo & Erie County has kicked off its 2017 Challenge to directly help causes right here in our community. As HOME approaches its 55th anniversary, it is crucial that HOME receives the support from the Buffalo community to continue the fight for to fair housing for all residents. You can obtain a pledge card from the United Way's website, [www.uwbec.org](http://www.uwbec.org), or by calling us at (716)854-1400. To set up automatic payroll contributions, simply submit your completed pledge card to your employer's payroll department with "Housing Opportunities Made Equal" listed as the 501(c)(3) nonprofit organization you'd like for your contribution to support.



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## **OUR MISSION**

*Housing Opportunities Made Equal is a civil rights organization whose mission is to promote the value of diversity and to ensure all people an equal opportunity to live in the housing and communities of their choice – through education, advocacy, the enforcement of fair housing laws and the creation of housing opportunities.*

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