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# INSIGHT

*Celebrating 55 Years of Fair Housing!*



## YEAR IN REVIEW

by M. DeAnna Eason

*Thankfulness is the beginning of gratitude. Gratitude is the completion of thankfulness. Thankfulness may consist merely of words. Gratitude is shown in acts.*

— HENRI FREDERIC AMIEL

In humble reflection, I am truly grateful for this past year at HOME. Never a dull moment, it reminds me of a rollercoaster ride that you wait in a long line for and anticipate with the familiar feeling of excitement and anxiety. The challenges we encountered as the coaster chugged uphill, the upside down twists that knotted our stomachs, the sense of uneasiness at the acknowledgement of not knowing what is coming around the curve. This past year definitely kept us on our toes, but there were also thrilling parts that motivated us to take more risks, and times of peace, where we were able to revive and regroup. At the very least, the year was a learning experience that reminded us not to spend a lot of time celebrating small battle victories when the greater war of disenfranchisement, discrimination, prejudice, and inequality still looms.

### ON OUR RIDE

We were witnesses to Charlotte Keith's explosive journalism for Investigative Post and Channel 2 WGRZ regarding insufficient enforcement of the City of Buffalo Fair Housing Ordinance.

We tearfully said goodbye to HOMERs Kibrett Facey and Craig Douglass as they embarked on the next chapters of their lives, and said "Hello!" with arms wide open to Reina Ysaguirre-Boersma, Development Officer; Camille Bonakey, Volunteer Extraordinaire; and Steven Haagsma, Education Specialist.

We were happy to welcome four new directors to our board, Christian Reitler, Deshawn King, Carine Fanou, and Trina Burruss. It was with a heavy heart that we said goodbye to longtime board member and HOME supporter Kathy Haggerty.

During this past year, we received nearly \$100,810 in grant and foundation money from various organizations including: The Community Foundation for Greater Buffalo, the WNY Foundation, KeyBank Foundation, and the M&T Charitable Foundation. These monies fund assistance to low income families seeking housing in areas of opportunity, increase our education and outreach to rural communities, and increase agency capacity that allows us to better serve our clients with limited English proficiency.

We also received nearly \$500,000 from contracts with six local governments and the federal government that make it possible for HOME to enforce fair housing laws through education, outreach, advocacy, and testing; develop, print and distribute fair housing materials; participate in fair housing panels, tablings, workshops and presentations, and to ensure the affirmative furthering of fair housing in WNY.

This money doesn't even include the wonderful membership support that we always receive. We have said for years that our strength lies in our membership, and that is 100% true! Thank you for the acts you've shown.

The support of our funders and members does more than just allow HOME to continue "business as usual." It permits us to increase our impact, expand our initiatives and empower more residents of WNY to fight for the civil rights of all people. We could never have survived this year without you, and we are grateful. Words are swell, but deeds are better.

### HOME'S ACTIONS OF GRATITUDE

We have investigated 188 allegations of discrimination cases so far, and have found that the most reported bases for discrimination were source of income and familial status with a near tie for third between disability and race.

We have held 23 Small Group Sessions for 189 first time Housing Choice Voucher recipients and have conducted one-on-one mobility counseling sessions with 151 participants.

Our Housing Placement Specialist has housed 29 families that were referred to us through the City of Buffalo's Rapid Rehousing Homeless Prevention program and we were beneficial in preventing 18 evictions.

We have presented more than 85 fair housing presentations and trainings for nearly 1,300 tenants, housing providers, government officials and human and social services agency employees.

We have spent this past year forming friendships and collaborations with Northwest Buffalo Community Center, Habitat for Humanity, the International Institute of Buffalo, the Community Health Center of Buffalo, YourCare Health Network, and Jericho Road, amongst others.

We stood with County Executive Mark Poloncarz and members of the Erie County Legislature as they held a press conference at HOME's offices about the passing of the Erie County Fair Housing Law.

We celebrated our 55th anniversary with more than 300 friends and supporters this past April at our Annual Dinner Celebration and joined them in listening attentively to Cook County, Illinois sheriff Tom Dart's impassioned address.

### FINALLY

As the saying goes, "Hindsight is 20/20," and on a second look, 2018 wasn't so bad.

Let's do it again next year.

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# REACHING OUT TO NEW COMMUNITIES

by Steven Haagsma

In November, I gave a tenants' rights workshop to about 25 people. While providing these workshops is a common part of my job, there was something different about this one: it was being translated into Somali. We coordinated with the United Somali Alliance of Buffalo (USAB) to provide this workshop to the Somali community in Buffalo. "There are many people from the Somali community that experience housing discrimination, and they normally have a hard time renting a place to live. We want to create awareness of housing discrimination, increase their knowledge of their rights as tenants, and connect our community with resources and services that are available to them," said Daud Sheikh-Omer, the president of USAB, who also provided interpretation services for the workshop.

The Somali community is one of the largest of the many immigrant and refugee populations in Buffalo. Because Buffalo is a major destination of these groups, one of the biggest needs in our area is to connect them to services. According to research done by the Partnership for the Public Good, the number of foreign-born people living in Buffalo increased by 75% between 2000 and 2013 (a time when the overall population of the city was shrinking). In 2016, one out of every three refugees resettled in New York State came to Buffalo—over 1,300 individuals—more than were settled in New York City. Buffalo's welcoming of immigrants is not new—our workshop with USAB was held in the Polish Cadets building on Grant Street—but the countries of origin are always changing. The

most common countries of origin for refugees currently living in Buffalo are Burma (Myanmar), Somalia, Iraq, and Bhutan.

While it is important to provide services for all newcomers to the region, it is especially critical for refugees who—like many in the Somali community—have fled violence and are likely less prepared and come with fewer resources than those who immigrate for other reasons. Because of this urgency, HOME has been working hard to reach out to these communities to let them know about their rights in housing and the resources that are available to them at HOME. One way we have been doing this is by coordinating with organizations who work closely with immigrant and refugee communities, such as Jericho Road Community Health Center and the International Institute of Buffalo. Because it takes time to build trust among new communities, working with organizations who have already built relationships with new Americans is an effective way for HOME to connect.

One challenge that comes with working with immigrant and refugee communities is the language barrier. Many people come to Buffalo speaking little or no English, which only makes accessing needed services more difficult. To help overcome this barrier, HOME is using LanguageLine, which provides interpretation services over the phone using headsets so that people who come to HOME's office can communicate with our



counselors in their native language. While Spanish is still the most commonly-spoken language other than English in Buffalo, the languages spoken by refugee communities, such as Arabic, Somali, Karen, and Burmese, are also common. Using LanguageLine allows us to provide help to people no matter what language they speak.

In May, Erie County passed a new fair housing law. Among the provisions in the new law is protection against discrimination based on citizenship and immigration status, which adds to the prohibition on discrimination based on national origin that is found in the federal Fair Housing Act. While this law is timely and needed, it is not enough just to have the law in place. If The City of Good Neighbors is to live up to its name, we need both enforcement of the law and education about it. Being protected by the law does no one any good if they don't know to report violations, or don't know where to turn for help. This is why HOME is focused on bringing awareness about fair housing and our services to refugee and immigrant communities. We will continue to work diligently to make our community The City of Good Neighbors. ■

## HOME WINS SETTLEMENT FOR CLIENT

In December of 2015, Jackie Crouch arrived at Housing Opportunities Made Equal (HOME) to report that her landlords, Richard and Suzana Mazella, had refused to accept her Section 8 Housing Choice Voucher. Three months later, she was evicted and forced to leave her home. The only fair housing organization in Western New York, HOME filed Ms. Crouch's case with the City of Buffalo's Fair Housing Officer (FHO) in March of 2016.

The FHO found probable cause to believe that discrimination had occurred under the City's fair housing law, and unsuccessfully attempted to conciliate the case out of court. In May of 2018, the City of Buffalo filed a case in the NY Supreme Court against the Mazellas. The case concluded in October of 2018 with the defendants agreeing to settle the case by paying Ms. Crouch \$6,500. This case represents a major victory for Ms. Crouch, HOME, and the City's fair housing law, which has prohibited source of income discrimination since 2006. ■



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## GOOD VS. BAD LANDLORDS *by Dan Corbitt, Esq.*

Imagine living with your family in an apartment that has no running water, where sections of the ceiling or walls are crumbling and collapsing, or that has no heat in the winter. You call your landlord about the problems, but no work is ever done. Worse still, you are paying \$750 every month to live there.

Everyone has the right to a safe and decent place to live, and we as a society should not tolerate people living in deplorable conditions. But it is a sad reality that many in our community are living in dilapidated, unsafe housing that is unfit for habitation. Those who are forced to live in substandard housing are the most vulnerable in our society: the poor, the disabled, the elderly, and single mothers desperate to put a roof over their children's heads. It is also true that tenants of substandard housing are paying good money to live in squalor – recent studies have found that rents in the most distressed neighborhoods of Western New York are only slightly less than those in the most affluent. Another ugly truth: there is money to be made off the misery of the poor, and business is booming for a small group of unscrupulous landlords.

At HOME, we strive to ensure that all people know and understand their rights and responsibilities under housing law. That means assisting tenants as well as landlords, property managers, realtors, and anyone else involved in the housing industry.

I particularly enjoy helping housing providers comply with the law and provide their tenants with safe and decent places to live. After all, landlords provide a basic human right, and have the potential to dramatically impact the lives of their tenants. Most of the housing

providers I work with are good people trying to do the right thing, and take pride in knowing that their properties are well managed, in good condition, and rented at a fair price. These landlords realize that being a responsible housing provider is good for everyone – they get good tenants, their tenants get a good place to live, and the neighborhood is stronger as a result. Of course, problems still arise, but are less likely and easier to remedy when a landlord has followed the law.

Unfortunately, we at HOME often hear about the problems associated with slumlords. Although comprising a tiny minority of landlords, the actions of slumlords have a disproportionately negative effect on our entire community – one that hangs like toxic smog over everyone, and often obscures the work of the vast majority of landlords who work hard to follow the law and provide quality places to live.

Slumlords extract exorbitant profits from substandard housing, collecting excessive rents while refusing to maintain their properties. These housing providers callously disregard the rights of others and put profits above all else. As a result, the safety of their tenants, the long-term viability of the properties, and the impact of those properties on the surrounding neighborhoods are ignored.

Often, the worst offenders live in other cities, states, or countries. These absentee landlords frequently hide their identities behind a confusing web of limited liability corporations. Consequently, code enforcement officials and local courts have been largely unable to collect fines from these landlords for housing code violations.

But that may be changing. Earlier this year, the New York State Legislature passed a law designed to hold absentee landlords accountable for failing to maintain their properties and jeopardizing the health and welfare of the community.

Under the new legislation, local governments can enact laws and ordinances that allow unpaid fines for code violations to be converted into tax liens on non-owner-occupied housing. By treating unpaid housing code violations as tax liens, slumlords who fail to provide safe and decent housing for their tenants risk losing their properties through foreclosure.

At HOME, we routinely receive complaints about slumlords and are working diligently with community partners and government officials to address the problem. However, the vast majority of housing providers are following the law and offering quality housing while still making reasonable returns on their investments. Many of these providers regularly reach out to the dedicated professionals at HOME for assistance in making business decisions that benefit their tenants, communities, and bottom lines. If you have questions about your rights and responsibilities under the law, whether you are a housing provider or consumer, HOME is here to help. Call us today! ■



# ADVOCATE SPOTLIGHT: JODY BAILEY

by Reina Ysaguirre-Boersma

## JODY BAILEY

Member since 1982

HOME Assistant Director, 1983-1987

HOME Volunteer:

Nominating Committee, 1987- 1992

When I reached out to colleagues to find a staunch supporter of fair housing to highlight in this spotlight, Jody Bailey came highly recommended. A year after becoming



Jody Bailey

a member of HOME, Jody was hired as the agency's Assistant Director from 1983-1987. She has been a significant contributor to HOME, in several ways, ever since. After leaving HOME, Jody worked for Justice Eugene Fahey until he was elected judge and later retired from the Erie County Department of Social Services (ECDSS) after 17 years of service. At ECDSS, Jody managed temporary assistance and supervised 85 people in three different departments as the Welfare to Work Coordinator.

Reminiscing about HOME, Jody recalls the life-long friendships she developed, the pre-digital process of publishing *Insight*, how she recruited her husband Budd and other friends to be housing testers, and the long day-trip she made to lobby in Albany in during the 1980s. "I was Co-Chair of the Fair Housing Coalition of WNY with Mrs. Danis Gehl, who at the time worked for Child and Family Services... and in the 80s, child discrimination was the number one issue." The Coalition was formed in the wake of the veto of Buffalo's 1980 Fair Housing Ordinance.

To try to resolve this issue, Mrs. Bailey, Mrs. Gehl, and attorney George Hezel, who served as a member of HOME's board of directors and was the Director of Housing at Neighborhood Legal Services at the time, traveled to Albany to successfully contest discriminatory housing practices in

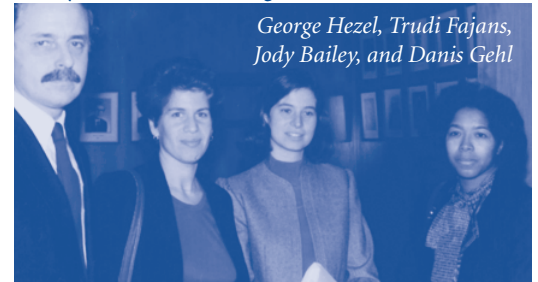
Buffalo. Shortly after, the group was able to convene a hearing in Buffalo regarding New York state fair housing law. The legislation was supported by Republican Senator John B. Daly who led the bill, and thereafter, the state eventually added familial status as a protected class to the Human Rights Law in 1991. Of the lobbying, Jody said, "It was an exciting time because we had an opportunity to make something better for people."

Jody's work with HOME vastly improved the quality of investigations and client services and inaugurated the practice of case conferences. The procedures she enacted laid the foundation for HOME's efficiency in investigating claims of discrimination and we continue to use many of her methods to this day.

Jody recruited and trained testers, some of whom are still vital contributors to HOME today, including Deb Goldman and Janet Meiselman.

Jody feels as strongly about issues of housing today as she did 36 years ago, but even more so, she is concerned with human rights as a whole. When asked how she would help with the housing issues we face today, she said:

"The real issue is our economic policy in this country and how we let employers not offer healthcare. That is the key... everyone needs health insurance, it's expensive, and people don't accept more hours and better pay at work because they are afraid of losing their Medicaid. Wouldn't it make better social policy to offer health insurance, so everyone can participate? It would be good for housing." ■



George Hezel, Trudi Fajans, Jody Bailey, and Danis Gehl

## CLIENT SPOTLIGHT

by Dan Corbitt, Esq.

Finding safe, decent, and affordable housing in the Buffalo-Niagara region is a challenging prospect given the area's worsening shortage of affordable housing. A disability, however, can make a challenging situation impossible without proper accommodation.

Late last year, Mr. Clark was diagnosed with cancer the same month that he received his Housing Choice Voucher (HCV) through a local public housing authority. The HCV program requires voucher holders to secure housing within 60 days or lose their voucher. Extensions to this time limit can be requested, but as a general policy are not granted beyond 120 days. However, Mr. Clark's cancer treatments kept him in the hospital for many days at a time and left him with extreme nausea, exhaustion, and pain for extended periods. The physical and emotional toll was immense, and Mr. Clark was incapable of even getting out of bed, let alone searching for an apartment.

By June of this year, Mr. Clark had not been able to secure a new home, and the housing authority was refusing to grant him another extension. He faced losing his rental assistance and risked becoming homeless – a terrifying proposition considering Mr. Clark's need for safe and sanitary housing where he could recuperate during his ongoing cancer treatments.

Mr. Clark was desperate for help, but he didn't know where to turn. That's when a friend suggested that he contact HOME for assistance.

Nichelle Brown, HOME's Senior Counselor, met with Mr. Clark and discussed his rights. Because Mr. Clark was legally disabled due to his chronic disease, he had the right to request that the housing authority grant him additional time to find an apartment as a reasonable accommodation.

A reasonable accommodation is a change, exception, or adjustment in policy, rule, practice, or service that is necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. An accommodation request does not have to follow some formal procedure adopted by the provider and does not have to be in writing or even use the words "reasonable accommodation." Housing providers cannot refuse reasonable accommodation requests as long as it is indeed reasonable and is made in a manner that a reasonable person would understand to be a request for a change to a policy, rule, practice, or service due to a disability. Failure to grant a reasonable accommodation, including undue delays in responding to a request or requiring extra fees or deposits as a condition of receiving a reasonable accommodation, is prohibited under fair housing law.

Since Mr. Clark was disabled and was unable to lease an apartment within his deadline for reasons related to his disability, a request was necessary to explain the disability-related need for the change in policy, which in this case was an extension beyond 120 days. The housing authority granted his request and extended his voucher search time to what was reasonably required under the circumstances. With the help of Housing Placement Specialist Steve Dalton, Mr. Clark was able to find housing that fit his needs in the community of his choice, and he is well on his way to making a full recovery in a new home.

While we all face challenges at some point in our lives that seem insurmountable, knowing our rights and responsibilities under the law is the first step in overcoming whatever is before us. If you are dealing with housing issues and you don't know where to turn, give HOME a call today – we can help. ■

# 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.

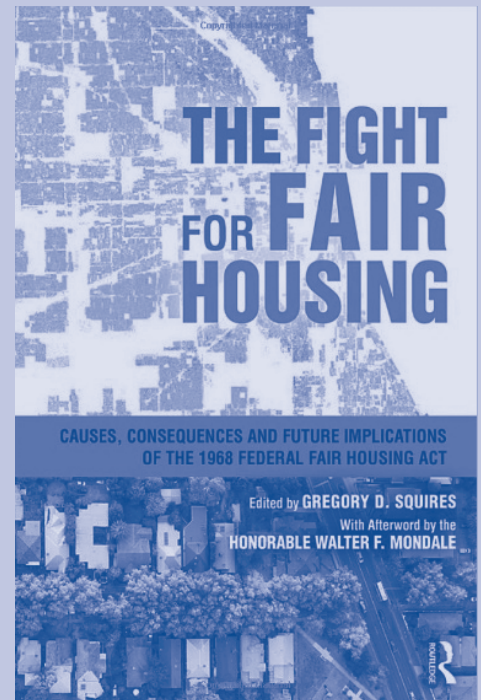
To close out the last *Insight* issue marking the fiftieth anniversary of the passage of the Fair Housing Act of 1968, this article will be dedicated to reviewing the final chapter from *The Fight for Fair Housing: Causes, Consequences, and Future Implications of the 1968 Federal Fair Housing Act*. The article, "Living Downstream: The Fair Housing Act at Fifty" by George Lipsitz, places the Fair Housing Act in historical context and shows the centrality of housing in many of the other social, political, and cultural issues that Americans grapple with. In particular this piece articulates how the Fair Housing Act is successful in addressing discrimination in some instances, but that there is a larger system that perpetuates systemic discrimination in this country that must be dismantled before truly fair and equitable housing can be achieved.

Dr. Lipsitz, who received his PhD in History from the University of Wisconsin, is a professor of Black Studies and Sociology at the University at California, Santa Barbara. He is the author of many widely cited and well known books and articles about race in the United States, including *A Positive Investment in Whiteness* which explores—among many topics—how race has been imbued with meaning that has economic and health related consequences for individuals. "Living Downstream" employs a similarly innovative approach of analyzing the underlying causes and effects of housing discrimination in the United States.

Central to Dr. Lipsitz's understanding of how housing discrimination functions in the United States is the argument that past instances of discrimination and segregation continue to create disadvantage today. While this argument may seem like a simple point, Dr. Lipsitz furthers this line of inquiry by asserting that even housing policies that were created after the Fair Housing Act that seem to not advantage any single group have disproportionate effects because of race. According to Dr. Lipsitz:

The locked-in advantages of centuries of segregation and subordination meant that even seemingly race-neutral policies could produce racist effects without having declared racist intent. For example, the five different federal tax breaks extended to homeowners make no mention of race, yet because of past patterns of discrimination in housing, these benefits exacerbate and expand the racial wealth gap, flowing disproportionately to whites, among whom home ownership rates exceed seventy-one percent, compared to forty-six percent among Latinos and forty-two percent among blacks."

Racial zoning and restrictive covenants, which were the norm before the Fair Housing Act, created a housing infrastructure in the United States that perpetuated segregation and continues to fuel housing discrimination to this day. The housing discrimination that took place before the Fair Housing Act created a system in which non-whites were not able to



purchase homes and pass them on to their children—disallowing the generational transfer of wealth that has created enormous gaps in net worth based on race today. As a result of this unequal access to housing and wealth, Dr. Lipsitz believes that "the centrality of housing to people's opportunities and life chances guarantee that virtually every issue concerning social justice is in some way a fair housing issue." In this way, one can think of the major issues facing communities across the country, such as police shootings, poverty, criminality, and disease concentration, as founded on the basis of unequal access to housing. In our community, dismantling the legacy of housing discrimination could improve our schools, increase individuals' access to educational and employment opportunities, and create an overall more equitable city. To get there, we must identify the underlying and lasting causes of housing discrimination, as Dr. Lipsitz has. ■



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