

# Insight

Western New York's Source for Fair Housing News

## The City of Good Neighbors

By Daniel Corbitt, Esq.

Some of my most poignant and rewarding time at HOME has been working with clients from Buffalo's burgeoning immigrant and refugee community. Each of these new Americans forged a unique path that led them to the City of Good Neighbors. Their stories share a common thread: they have overcome tremendous odds to come to a strange land for a shot at a better tomorrow. This is the heart of the American Dream, and it remains a beacon of hope for oppressed people around the world today as it has throughout the course of American history.

Like those that came to America's shores from Europe in the 18th and 19th century, today's immigrants are often fleeing war, persecution, and calamity. I have spoken with clients who recounted how they narrowly escaped their native countries after witnessing the slaying of family and friends during wars and genocides that

devastated their homelands. Also like the immigrants of yesteryear, those in search of the American Dream today work tirelessly to create a better life for themselves and their families, and in doing so, better their adopted communities.

The Buffalo metropolitan area has benefited greatly by welcoming thousands of refugees and immigrants in recent years. A study conducted by the Partnership for a New American Economy has quantified those benefits. Between 2009 and 2014, 7,734 refugees came to the Buffalo metropolitan area. The inflow of people to Western New York has resulted in a population increase in Erie County and has helped reverse the trend of population loss that has plagued our region for decades. More than just boosting our population, these new Buffalonians have infused our region with a newfound vitality that enriches our entire community.

Recent immigrants and refugees are investing in neighborhoods that have suffered from years of neglect and disinvestment. A walk down Grant Street reveals how the influx of New Americans is revitalizing Buffalo's economy and fostering a rich, multicultural milieu of people, activity, and ideas. Immigrant-owned businesses line the street and have replaced empty storefronts. Research has shown that immigrants make up about 28 percent of small-business owners and are twice as likely to start a business than native-born Americans. This fact is apparent in Buffalo, where 2,691 immigrants were self-employed in 2014. During that year alone, immigrants contributed \$3.1 billion dollars to the Buffalo metropolitan area's gross domestic product. This economic development is strengthening Buffalo's economy and

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### BUFFALO'S NEW TENANT ADVOCACY GROUP

Jason Fleischer and Samuel Dolce are both students at the University at Buffalo School of Law. Fleischer is currently a New York Pro Bono Scholar at the Western New York Law Center. He became interested in tenant issues during his first year of law school when he assisted lawyers in representing tenants facing eviction. Dolce has been involved with Western New York not-for-profit and advocacy groups since 2007. His interest in tenant issues comes from his own experiences with landlords throughout college, graduate school, and early adulthood.

#### 1. How and why was BTAG created?

BTAG was created because there was no current tenant rights organization in Buffalo. There are great organizations in Buffalo that help tenants every day, but none that focus solely on tenants and are city-wide. Almost every other major American city has a tenant rights organization. A tenant rights organization can educate the community on tenant rights and issues to allow for a more fulfilling participation in the political process for tenants. These organizations help ensure that all tenants have access to safe, affordable, and decent housing.

BTAG was created by members of the community that are dedicated to promoting tenant rights. We are actively recruiting tenants and community members that want to shape the direction that we take. The idea of creating a tenant rights organization in Buffalo was suggested by Sam Magavern to Samuel Dolce and Jason Fleischer, who convened the first meeting. HOME was able to provide a wonderful space for the meeting.

#### 2. What is the mission of BTAG?

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## From the Director:

# “2016 in Review”

By DeAnna Eason

Friends,

For some, this has been quite a rough and difficult winter. I'm not speaking so much about blizzards and icy conditions, but more so about the rough winds of hopelessness and storms of despair that have been circulating in our country since November 9, 2016.

Although some of the shock may have worn off, each day brings apprehension and maybe even trepidation of what oddity may come forth. There may have been several times that we asked aloud, "How in the world did this happen?" and while that is a very important question, it is not the most important question. The more important question is, "What do we do right now to make the most of this challenging situation?" I have given quite a bit of thought to this and have come up with the following three suggestions. They are not meant to trivialize what is happening in our country right now, but I have used them to help me keep perspective and not be swallowed up in hopelessness or self-pity. This list is far from complete; feel free to add to it whatever will help you deal, and continue to move forward:

1. Realize this isn't the end of the world;
2. Acknowledge that all this means is that there is still much work to be done;
3. Get to work.

Easier said than done? Maybe but it is better than not doing anything at all. A quick review of HOME's work from 2016 reminds me of the importance of our service to the community:

**In 2016 HOME was called on to assist 4,889 individual clients. Categories of service included:**

- **Investigation of reported discrimination - 177 cases;**
- **Paralegal counseling for landlords & tenants - 1,424;**
- **Fair housing information - 1,041;**
- **Housing/human service information & referral - 1,808;**
- **Technical assistance - 224;**
- **Mobility clients - 206;**

In addition, staff conducted 157 educational presentations for 2226 participants and was in the news over 50 times.

Disability was the most frequently reported type of housing bias, involved in 34 percent of reported incidents of discrimination; next were source of income (23%), race (22%) and familial status (19%), national origin (11%), age (11%), sex (6%), and marital status (5%). Also reported were: sexual orientation (3%) religion (3%), and gender identity and expression (1%).

Now that the initial shock has worn off, let us get back to the business of helping others who are not in the position to help themselves. Until we are no longer able, it is our duty to speak for the voiceless and to fight for the weak. And when we feel like giving up? Let us remember why we joined this fight in the first place. ♦

Our greatest duty and our main responsibility is to help others. But please, if you can't help them, would you please not hurt them.

Dalai Lama

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## The City of Good Neighbors

making it a more dynamic and vibrant place to live, work, and play.

Now, our new neighbors' hopes for a better life are being threatened by the Trump administration's latest executive order banning immigrants from six majority-Muslim countries and drastically reducing the number of refugees admitted to the United States each year. The new order has come after the administration's first immigration directive resulted in protests and turmoil throughout the nation, and was eventually blocked by a federal appeals court. Iraq has been dropped from the list of banned countries, and Syrian refugees are no longer barred indefinitely. However, the latest order still halts all refugee resettlement to the U.S. for 120 days. After that period, the administration will decide from which countries it will allow admissions. Additionally, new ban will still cut the overall number of refugees

admitted to the U.S. from 110,000 to 50,000 people.

The administration claims that a travel ban is necessary to protect U.S. citizens from the threat of terror attacks. However, our nation has not experienced a single fatal terrorist attack by refugees since 1980, the year that the Refugee Act established the systematic procedures for accepting refugees into the U.S. None of the 9/11 hijackers were refugees or were from any of the banned countries. Moreover, the travel ban would not have stopped more recent terrorist attacks like those in Boston, San Bernardino, and Tampa, which were committed by U.S.-born citizens or permanent legal residents originally from countries not included in the ban. Meanwhile, Isis and other extremist groups are using the travel ban to portray the U.S. as anti-Muslim and at war with Muslims, which could undermine our country's efforts to combat extremism here

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## Buffalo's New Tenant Advocacy Group

# HOME Scores Another Victory

By DeAnna Eason

On February 3, 2017, the New York State Supreme Court Appellate Division upheld a determination by the New York State Division of Human Rights that landlord Kate Li had engaged in illegal discriminatory housing practices. Respondent Li was ordered to pay damages and a civil fine and penalty of nearly \$15,000.

In March of 2014 while monitoring websites, HOME staff came across a Craigslist advertisement for a two bedroom apartment on Windermere Boulevard in Amherst, NY. The advertisement read, "Looking for party of one or two people..." Recognizing that limiting a two bedroom apartment to "1 or 2 people" could be a way to prohibit families with children from applying, HOME conducted a test of the property that showed evidence of discrimination. A property search indicated that the home was owned by Kate Li.

The tester posing as a single mother of twin boys contacted Respondent Li regarding the vacancy and was asked how many people would be moving into the unit. After the tester notified Li that there would be three people moving in, the Respondent countered that she only wanted one to two people in the unit and that there were only two bedrooms available. HOME's tester specified she only needed two bedrooms because her toddler twin boys would share a room. Respondent Li restated that she was

looking for no more than two people and then disconnected the call.

A second tester, posing as a married female, inquired about the unit and Respondent Li informed the tester that she did not want children in the apartment. The tester reiterated that it was for her and her husband and was able to schedule an appointment to view.

This case was filed with the New York State Division of Human Rights (DHR). After the Respondent declined all offers by HOME to conciliate the matter, DHR assigned an attorney to the case and the trial was ultimately scheduled for June 19th and July 31st of 2015 in front of Administrative Law Judge (ALJ) Martin Erazo.

In mid-January of 2016, HOME was notified that ALJ Erazo found that Respondent Li illegally refused to rent to families with children and HOME was awarded compensatory and punitive damages totaling \$11,396.50. A civil fine and penalty in the amount of \$3,000 was also to be paid to New York State. A Notice and Final Order from DHR was received at the end of February 2016; Respondent appealed the final order to the Supreme Court of Erie County in April of 2016.

In February of this year, HOME received a Memorandum and Order from the Appellate Division, confirming DHR's determination that Respondent Li had engaged in unlawful discrimination on the basis of familial status. HOME was awarded payment of compensatory and punitive damages as well as civil penalties to New York State. ♦

BTAG is still in its infancy, and therefore, is still honing its mission. BTAG's mission will be determined in large part by the tenants who get involved and steer the organization. However, BTAG will certainly be dedicated to educating the Buffalo community on tenant rights and advocating for safe, affordable, and decent housing for all tenants.

### 3. Why do you think BTAG is necessary for Buffalo?

While tenants have access to some great resources in Buffalo, there is still a lack of representation of tenants in local politics. There is also a lack of knowledge of tenant rights from both tenants and landlords. There are a lot of landlords in Buffalo who skirt the law and hurt tenants, aiming only to make a quick profit from unsafe and unhealthy housing. BTAG aims to remedy these issues.

### 4. What do you hope to see BTAG achieve?

In the short term we hope to recruit tenants and community members in order to educate the community on tenant rights. If tenants know their rights, then they are able to assert them when needed. It is the first step in creating fair and safe housing for all. We also aim to act as a hub connecting all of the resources already available to tenants and make them more effective.

In the long term we hope to offer counsel to tenants in need and participate in the political process on a unified front. This means having an influence on local legislation, from laws regarding lead inspections to inclusionary zoning, and affecting landlord behavior.

### 5. Who do you hope joins BTAG?

We hope that tenants from across Buffalo and Western New York join BTAG. Strong tenant participation will guarantee that we are focusing on the issues that matter the most to all tenants and the voice of all tenants is heard. We also hope that any community member who supports tenant rights joins. Any organization that works with tenants in anyway should also join BTAG to better serve tenants.

### 6. Do you think that BTAG has the power to create and inspire change?

It is certainly our hope that BTAG can



both create and inspire change. Just helping one tenant or changing the behavior of one landlord is a worthwhile change. We think we can accomplish more though. By bringing together tenants, we can participate in the political process and change the behaviors of landlords in a way not seen before in Buffalo.

### 7. How can political figures support BTAG?

By listening. There already seems to be a shared vision in the development of Buffalo by the political elite. We hope that within this shared vision there is a place for tenants. Tenant rights are important not only because they are shared across many different demographics, but because, as many advocates know, sustainable housing is the first step in creating a path out of poverty. ♦

# The Fight For Fair Housing Continues

By Kibrett A.B. Facey

Before beginning a discussion about the fair housing trends of 2015, it is important to note that the stride towards equity and justice in fair housing was strengthened with the Supreme Court's decision to uphold the use of disparate impact in fair housing claims as well as the enactment of HUD's regulation to exhume and implement the "affirmatively furthering fair housing" (AFFH) provision of the 1968 Fair Housing Act. For those unfamiliar, the concept of "disparate impact" addresses the disproportionate, negative impact that certain policies have on those who belong to protected classes. Both disparate impact and AFFH aim to improve fair housing regulation while fostering healthy communities that are inclusive and full of opportunity. According to the 2016 Fair Housing Trends report by the National Fair Housing Alliance, "They reinforce existing tools that can address the legacy of segregation and concentrated poverty that is so evident from the hate crimes and uprisings that have occurred in cities like Baltimore, Ferguson, Charleston, and Orlando." Without these two critical tools, it is possible that diversity and equity in communities around the country will reach a plateau. Housing discrimination still exists despite them, but without them, it would be even more prevalent.

Every year, the National Fair Housing Alliance collects data from nonprofit fair housing organizations and government agencies across the United States. With this data, they are able to piece together a report that shows fair housing enforcement activity and discriminatory activity. This report illustrates many things, one of those being the finding that private fair housing agencies take on the bulk of housing discrimination claims nationally. In 2015, private fair housing enforcement agencies investigated upwards of 70 percent of fair housing cases. This is twice as much as all other agencies. It is also a

testament to the fact that the existence of private fair housing enforcement agencies is non-negotiable in a society that values equity and opportunity. There are many housing discrimination cases that are reported annually, but in no way does this mean that it is reflective of the discrimination that persists in this nation. Housing discrimination often goes undetected and underreported for a number of reasons including fear of retaliation and fear of inaction on the behalf of the law. While these instances of underreporting may exist, the number of cases received is still one that is alarming.

According to the 2016 Fair Housing Trends Report, there were 27,944 reported complaints in 2015. Over 27,000 people in our nation felt that they were being discriminated against almost 50 years after a law was put in place to eradicate unfair housing practices. Looking deeper into the data, it shows that the three protected classes that have experienced housing discrimination the most are: (1) Disability, (2) Race, and (3) Familial Status. Simply put, those with disabilities or those with children have been discriminated against in high volumes along with those discriminated against on the basis of their race. Housing discrimination against persons with disabilities accounted for 55.1 percent (15,332) of total discrimination complaints filed while 19.9 percent (5,563) were on the basis of race and 10.3 percent (2,876) accounted for the discrimination that occurred on the basis of familial status. As far as the other protected classes go, national origin complaints made up 9.5 percent of total complaints while sex-based discrimination trailed behind with 6.8 percent. The most infrequent bases of discrimination were color and religion with percentages as low as one percent and complaints in the low hundreds. There were also 2,147 discrimination complaints that were listed in the "other" category. These included

many of the protected classes of states and municipalities such as source of income discrimination, age discrimination, and sexual orientation discrimination.

The numbers don't lie, but they also don't provide us with the entire picture. These statistics are a mere snapshot of the housing discrimination that occurs in the United States. Unfortunately, there are many more cases that get swept under the rug, but this gives us even more reason to unify and fight against housing discrimination. Many have the tainted perception that upholding a tough stance on fair housing law will be nothing short of a detriment to them. They assume that initiatives created for equity will strip them of their rights and alter the way that they live their lives. It is time for America to realize that opportunity and equity better the lives of every person in this country. Adequate housing is the well-spring of an individual's success, and it is our job to ensure that it is obtainable. ♦

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## The City of Good Neighbors

and around the globe.

While the travel ban would do little to make our country safer, it will undoubtedly harm not only those fleeing tyranny and destruction, but also the refugees who are currently in the U.S. and hope to bring the rest of their families to their new home. Families are being torn apart, and the most vulnerable and oppressed people in the world are being condemned to suffer or die. Our entire community will be adversely affected, as our fragile recovery is threatened by cutting off the flow of those who are fueling the revival. We, as Buffalonians and Americans, cannot allow unfounded fear and hate to close our doors on those who so desperately need our help, and who help us so tremendously in return. ♦



# Meet HOME'S Board of Directors: Member Spotlight By Miata Wright

*In late 2016, we welcomed two new individuals to HOME's Board of Directors.*



**DR. HOWARD K. HITZEL** is the president of Lake Shore Behavioral Health. The Tonawanda native has used his passion for psychology to ensure that all individuals have access to the mental health and substance abuse services they need to live a

healthy life. Through education and support, he hopes society can overcome the stigma of mental illnesses and substance abuse disorders. Outside of work, Dr. Hitzel enjoys kayaking and exploring the exciting city of Buffalo on his motorcycle during the summer.

*Describe your journey to becoming the President of Lake Shore Behavioral Health.*

From the time I took "Introduction to Psychology" as an undergraduate, I knew I was interested in psychology. That, in combination with some volunteer work I did in college, steered me toward a career in human service.

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## INSIGHT CONTRIBUTORS

**DeAnna Eason • Daniel Corbitt, Esq.**

**Kibrett Facey, Editor • Miata Wright**

I subsequently earned a Master's degree in Psychology and worked for more than ten years in community mental health settings and for Gowanda Psychiatric Center. When Gowanda closed, I decided to return to school and pursue a doctorate in Psychology which opened many doors for me and led me to today. I have a particular interest in serious mental illnesses and as a mental health professional, I believe we can do a better job at ensuring that people who are recovering from a mental illness enjoy a good quality of life. Our efforts must include paying attention to issues such as family involvement, social/recreational activities, transportation, employment and safe, affordable housing.

*How did you become involved with HOME?*

My involvement in HOME came about through my interest in ensuring that behavioral health services and affordable housing are available and accessible to our consumers. Years ago, under Scott Gehl's leadership, HOME established the Inclusion Task Force in response to the City of Buffalo's Human Service Facility Permit law. I was involved with that group's efforts to prevent discriminatory action against human service organizations wishing to locate services in the city.

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

My vision for HOME is that it continues to promote the value of diversity in communities across Western New York and ensure that people have the right and opportunity to live in communities of their choice. I am a proud resident of the Town of Hamburg which has an excellent record of offering residents fair housing services.

*What is your outlook for Buffalo?*

I believe that Buffalo is a great place to live and work and has the potential to be even greater. As Buffalo grows and becomes more prosperous it will be important to ensure that affordable housing is available to everyone across all communities and neighborhoods.



**MR. CHARLES (CHUCK) COLSTON JR.** is the

Program Officer at The Peter and Elizabeth C. Tower Foundation. Considered an "Ambassador" of Buffalo by those that are close to him, he has demonstrated his love for the city

through his involvement in neighborhood redevelopment and establishing positive relationships with community members. Mr. Colston is passionate about historic preservation and believes that Buffalo has the unique opportunity to revitalize existing buildings and homes as an alternative

to new construction in order to maintain the character of the city. In his free time, he enjoys traveling and playing basketball every weekend as a way to share Christian fellowship with old friends and stay in shape.

*Tell us about your journey to becoming a Program Officer at The Tower Foundation.*

I attended UB where I received both my Bachelor's in Environmental Design and Master's in Urban Planning. My first job out of grad school was as a project manager for the Bethel Community Development Corporation, whose focus was on developing new homes in the community more specifically the Cold Springs area where much of the housing was dilapidated or in need of major renovations. Over the course of about five years the CDC worked with partners in the community, the City of Buffalo, and others to change the culture within this neighborhood as new housing provided new beginnings for first time home buyers. After more than four years at the CDC, I was hired as a program officer at The Peter and Elizabeth C. Tower in February 2009. The Tower Foundation supports community programming that helps children, adolescents, and young adults affected by mental illness, substance use disorders, intellectual disabilities, and learning disabilities achieve their full potential. My role involves identifying and developing grant opportunities; reviewing grant requests; and monitoring and evaluating awarded grants. Partnership is also a key element of my job including building and cultivating relationships with service providers and community stakeholders.

*What led you to become a HOME board member?*

In graduate school, I was involved with the Erie County Fair Housing Subcommittee and several of the meetings were held at HOME's previous 700 Main Street location. Fifteen years later, my boss mentioned that HOME had an opening on their board that she thought would be a good fit for me. I met with Nancy Blaschak and Scott Gehl to discuss this opportunity and I was able to reacquire myself with HOME. I am delighted to be on the board.

*What is your outlook for HOME and the fight for fair housing in our area?*

I envision HOME being introduced to a broader audience. There are a lot of people in the community that are not aware of HOME. Fair housing has become synonymous with HOME so there is clearly a need for regional fair housing goals. HOME has been at the forefront in pushing this agenda.

*What is your vision for Buffalo?*

My vision for Buffalo is for the community and economic development to be intertwined. Both are needed in this resurgence of Buffalo. However, it is important to get this right in a considerate manner. ♦

## HOME's 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.

Housing Opportunities Made Equal, Inc. would like to give special thanks to . . .

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