

# MY DECADE AT HOME

By Nichelle Brown

As a Senior Counselor at Housing Opportunities Made Equal (HOME), I have looked back on a decade of transitions which has allowed me to bear witness to the evolution of Fair Housing in WNY. When I first started at HOME, our offices were located at 700 Main Street on the third floor. The five-story building had a hodgepodge of different offices which included both professional nonprofit businesses and a variety of artists. One of the first major changes that I've experienced as an employee was the relocation of our offices from 700 Main Street to 1542 Main Street, Buffalo, NY. After being located 700 Main Street for 25 years, it was time to move and expand HOME physically and programmatically.

Our relocation to 1542 Main Street also brought opportunities to low income residents to move into affordable housing. Housing Opportunities Made Equal expanded their mission from tenant and landlord law to providing 1-2 bedroom apartments at Oxford Commons (the apartments located on the second and third floor of our new office building). HOME's offices on the first floor provided more visual accessibility to those who contact HOME for tenant and landlord issues. Not only did HOME make physical changes throughout the years, we've also made some significant changes in major staff roles as well. Executive leadership had changed after several decades, with DeAnna Eason taking over for Scott Gehl. Under HOME's new administration, HOME has continued to provide fair housing in Western New York and has also played an integral role in the adopting of an Erie County Fair Housing Law that passed in May 2018. The passing of that law has been a vital tool in combatting housing discrimination in Erie County.

My role as Senior Counselor has significantly increased in the amount of people I speak with regarding housing discrimination and tenant landlord issues. In June 2019 the Housing Stability and Tenant Protection Act (HSTPA) passed in New York State that extended tenant protections in housing. HSTPA was put in place to address some of the issues tenants were having including longer notices for moving and more protections for evictions and security deposits, which have made a huge impact on tenant justice.

As a Senior Counselor throughout the decade, the number one thing that has stayed constant has been the mission to promote diversity, inclusion, and providing education and support to those that seek help with tenant rights and discrimination in housing.

## WHERE WE WERE A DECADE AGO

As part of this decade in review issue, we chose to look back at an article that appeared in Insight ten years ago, in the final issue of 2009:

### HOME Celebrates Groundbreaking at Main and Ferry

By Grace McKenzie (from 2009)

It was a mild, almost balmy, autumn morning. The remaining leaves on trees were radiant gold and orange. It was the perfect October morning for a groundbreaking ceremony outside the long-vacant brick building on the corner of Main and Ferry Streets. The Home for HOME project was finally coming to fruition. For several years HOME dreamt of creating a space that would house not only HOME's offices, but ten units of energy efficient, barrier-free affordable housing. For the first time, HOME would be a landlord. Now HOME was ready to take the perfect morning to make the announcement of this new beginning and break ground for construction....

To read more of this or other previous editions of Insight, go to [homeny.org/insight](http://homeny.org/insight)



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# INSIGHT



Dear Members, as we transition into the new decade that is the 2020s, in this issue we look back at the past decade while also looking toward our future.

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## Housing Opportunities Made Equal, Inc

### 57th Annual Dinner Celebration

Friday, May 1, 2020

5:00 pm - 9:00 pm

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2 Templeton Terrace, Buffalo, NY 14202

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**Dr. JaNay Queen Nazaire,**  
Chief Strategy Officer, Living Cities,  
Washington, DC

### HOME

A lot has changed at HOME in the last 10 years. We moved further down Main Street into our own building with 10 units of affordable housing overhead. We have seen staff members come and go. We have been able to continue with our legacy programs and create additional programs, and we have maintained partnerships and developed new ones.

Since 2010, HOME has served nearly 44,000 individuals: 46% needed assistance with general housing matters, 16% opened discrimination cases, 38% were landlord/tenant issues, 30% dealt with fair housing issues, 29% were for our mobility program, and 13% were for homelessness prevention programs that HOME has participated in. We have done quite a bit of work in the past 10 years, but as we always say – there is still work to be done. There is still discrimination in housing based on one's membership in a protected class. There are still families in need of affordable housing. There are still housing providers and home seekers who need to know their rights and responsibilities under fair housing law. If you are willing to be part of the solution, please contact HOME today, to see how you can help make the next decade better than the last.



# FAIR HOUSING UNDER ATTACK: NFHA RELEASES 2019 TRENDS REPORT

By Steven Haagsma

The rigor with which presidential administrations have enforced the Fair Housing Act has ebbed and flowed over its 50-plus years of existence, but never have its provisions been under direct attack from the very body tasked to enforce it—that is, until now. This is one of the findings of the National Fair Housing Alliance (NFHA) in its annual Fair Housing Trends Report. We have detailed some of the Trump administration’s efforts to make discrimination harder to stop in previous issues of Insight, including the suspension of the Affirmatively Furthering Fair Housing (AFFH) regulation and the proposal to gut the disparate impact defense.

On top of these efforts, the number of reported discrimination complaints in 2018 rose to over 31,000 nationally, the highest number in a single year since NFHA began keeping track in 1995. Perhaps unsurprisingly, given the increasing prevalence of violent rhetoric in American politics, hate crimes rose even more sharply than overall discrimination reports.

## CLEARLY PEOPLE FEEL SAFER EXPRESSING THEIR HATE AND BIGOTRY MORE OPENLY THAN THEY HAVE IN DECADES.

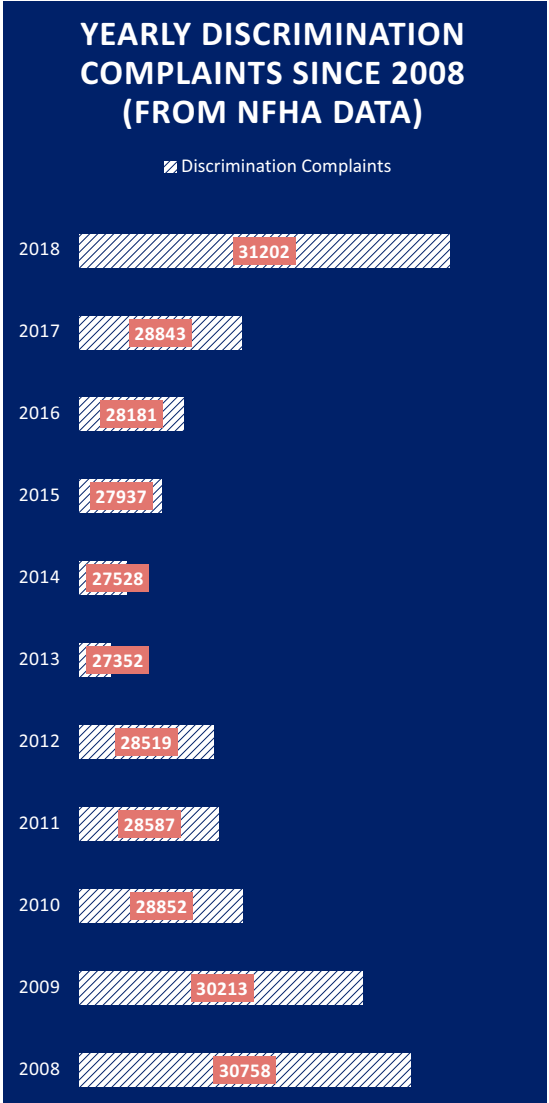
Fortunately, fair housing organizations (FHOs) across the country are vigorously fighting discrimination. Of the 31,000+ discrimination complaints nationally, FHOs handled over 23,000 of them—more than three times as many as all government agencies combined. Clearly, the work HOME and its fellow FHOs around the country do is important and necessary, especially at a time when the federal government is abdicating its responsibility to ensure all Americans their right to fair housing.

NFHA has been tracking fair housing trends for a long time, and this decade the trends were discouraging: all but one year this decade saw more discrimination complaints than the last. The optimistic take is that more people of discrimination are reporting incidents than ever before. We know that most housing goes unreported, so a rise in reports could be a sign that more people are aware of their rights and are fighting to defend them. Considering of hate crimes, though, it is at least as likely that the rise in discrimination complaints reflects a rise in acts of discrimination. The truth is, we have no way of knowing which is the truth.

“The truth is, we have no way of knowing which is the truth.”

What we can do is continue to fight for fair housing, work to ensure Western New Yorkers are armed with the knowledge of their rights, and fight for our clients who bring discrimination reports to us.

As we head into a new decade, there are many ways that you can help further fair housing in Western New York and the country as a whole. You can continue your support of HOME, either financially or by spreading the word about the work we do, and you can vote in 2020 and beyond at all levels of government for candidates who will enforce existing fair housing law and fight to expand protections to more people.



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# THE PAST AND FUTURE OF THE COMMUNITY HOUSING CENTER

By Chris Allaire

To mark the close of the decade, HOME is looking to the past and bright future of the Greater Buffalo Community Housing Center (CHC), which celebrated its twenty-year anniversary in 2019. To help us do this we spoke to HOME’s former Executive Director, Scott Gehl, who helped oversee the creation of the CHC program and our current Mobility Counselor, Steve Dalton, who administers that program today. HOME’s Community Housing Center is a program that assists first time Housing Choice Voucher recipients move to areas of low poverty and greater opportunity in Western New York. This program provides clients with security deposit assistance, counseling, and ongoing case management to help individuals and families move from areas of concentrated poverty and racial segregation to areas of lower poverty and higher diversity. In this way, the program seeks to improve the lives of individuals and families by providing them the financial assistance and support to move to neighborhoods with low poverty rates, high levels of diversity, and ready access to quality education.

HOME’s CHC program first began in April of 1999, but the roots of the program extend over a decade before that with a class action lawsuit which provided the basis of funding for the program. In 1989, a class action lawsuit was filed by Jesse Comer and others who alleged that housing program requirements limited their ability to move to areas of their choice, in effect segregating them to particular areas of Western New York. A settlement was reached after years of litigation, which provided an additional 1,600 Housing Choice Voucher subsidies for housing in the Greater Buffalo area and the initial funding for the CHC program.

Commenting on the period after the initial settlement money expired, Gehl

said that the program has been such a success that they could not simply give up on it. Instead HOME began to look to community foundations, contracts with municipalities, and support from HOME’s members to fund the program—all funding sources that support the program to this day. When asked about the success that this program has had over the past twenty years, Gehl commented that although you can measure the program by the thousands of people HOME has helped “ultimately, the best measure is not stats, but the impact that the program had on individual clients and hearing story after story of how the program made a difference to people. We contributed in some small way to creating a more diverse community in the metro area.”

At the beginning of 2019, Steve Dalton took over as Mobility Counselor, in charge of the CHC program, and has overseen fantastic growth over the year. 2018 saw 166 CHC clients and 32 security deposit grants through October of that year, numbers that grew to 295 clients and 76 security deposits through October 2019. Dalton credits this growth primarily to increased education and outreach, noting that through the first ten months of the year he attended 52 Section 8 Housing Choice Voucher orientation sessions to inform people about the CHC program.

When asked about his thoughts on the program, Dalton said, “Being in this position for 1 year has really opened my eyes to a lot of things, especially the way I approach clients. It doesn’t matter

where you came from, the way you look, whether you’re rich or poor, a landlord or a tenant, I try to relate to folks on a personal level and assist them as best I can, no matter the situation they are in. Being able to relate to people has been an integral part of my ability to serve my clients positively.”

Dalton says he works to educate clients about fair housing law so they can protect themselves from being taken advantage of in navigating their housing search. Changing laws are hard to follow for those not working in fair housing every day. Dalton sees room for growth in HOME’s mobility services, due to the large need in Buffalo and Western New York for mobility assistance. Security deposits can be a barrier for low income people looking for housing, so expanding HOME’s services to assist more people in moving to areas of opportunity is essential to our mission.



*This issue of insight is dedicated to Chuck Thomas who passed away on September 20, 2019. Chuck, a determined advocate for fair housing, faithfully served HOME in several volunteer capacities, including chair of our board of directors. You are missed.*



*Chuck at HOME’s 1995 Annual Meeting with Cecile Mathis and Toinette Randolph*

# A DECADE OF INVESTIGATIONS

By Dan Corbitt, Esq.

The past decade has witnessed significant milestones in HOME’s fight for fair housing, including several notable enforcement actions. It began with a notable case showing that sometimes it is not who you are, but who your friends are, that can make you a target for discrimination. In 2010, HOME was contacted by brothers Michael and Christopher Elvers, and their friend Michael Fucina, who alleged they had been discriminated against based on race and color when they were denied an apartment in Lackawanna. However, the men—all of whom are white—asserted that they were denied housing because some of their friends were African American. The case was filed with the New York State Division of Human Rights, which found probable cause to believe that discrimination had occurred. The case settled prior to a public hearing, but the incident should be a stark reminder that anyone can be the target of housing discrimination.

Disability discrimination in housing remains a stubborn problem and has been a focus of HOME’s enforcement efforts throughout the decade. In 2011, Mr. Henry Schwede and HOME filed a housing discrimination complaint against Crestwood Commons, LLC, an independent living complex in Wheatfield, NY. Mr. Schwede suffered from a mobility impairment and had requested the installation of grab bars in his shower stall and permission to use a mobility aid. Management refused to install the grab bars and enacted policies that limited the use of mobility aids at the complex. After a hard-fought battle, a resolution was reached where Crestwood Commons agreed to adopt policies to prevent future discrimination, including new policies and procedures concerning reasonable accommodations, and paid a monetary settlement. Sadly, Mr. Schwede passed away before the matter was resolved. In 2016, HOME donated half of the settlement money to the WNY Independent Living Center as a gift in his honor to support its advocacy efforts.

Housing discrimination based on familial status (the presence of at least one child under the age of eighteen) is another form of bias that HOME has routinely confronted in the past ten years. In 2014, HOME staff found a Craigslist advertisement that stated, “...IF YOU HAVE 5 KIDS, PLEASE DON’T WASTE MY TIME THERE’S NO WAY YOU CAN PUT 5 KIDS PLUS YOUR SELF AND A BOY-FRIEND IN A 3 BED APARTMENT COME ON LET’S BE REAL!!!!” An investigation of the housing provider also revealed that they distributed applications asking for date of birth and disclosure of any occupants under the age of 18 years old. According to the New York State Human Rights Law, it is impermissible to require disclosure of age and familial status on a rental application. HOME’s request that the housing provider change

its advertising and remove the impermissible inquiries on the application went unanswered, leading HOME to file a complaint with the New York State Division of Human Rights, resulting in a probable cause determination. HOME eventually settled the case for various affirmative relief including training and monitoring of the housing provider and a significant monetary payment.

Source of income discrimination may be one of the most pervasive and entrenched forms of housing discrimination in our region. Worse still, this form of bias is often a proxy for housing discrimination based on other characteristics, such as race, disability, familial status, and military status. In the past decade, there have been several notable cases that have dealt with source of income discrimination. In 2013, HOME and Naima Stewart won a landmark decision in the first lawsuit brought under the City of Buffalo’s Fair Housing Ordinance, which prohibits discrimination based on lawful source of income. Ms. Stewart had originally contacted HOME after she was denied the opportunity to rent an apartment simply because she intended to pay a portion of her rent with government assistance. In a pair of decisions, State Supreme Court Justice Patrick H. NeMoyer found the defendants liable for \$51,840 in damages and attorney fees.

Despite that decision, a more recent case illustrates that source of income discrimination has continued. In 2018, a settlement agreement was reached to resolve a fair housing complaint filed by HOME and Mr. Donald Morrell with the City of Buffalo Fair Housing Office against Kissling Interest, LLC, which at the time owned and rented hundreds of apartments throughout Western New York. The complaint alleged that Kissling Interests had discriminated against Mr. Morrell’s source of income after applicants with Housing Choice Vouchers were steered to another apartment complex that maintained a length waitlist and had no available units. Initially, Kissling Interests expressed a willingness to conciliate the matter without court action, but then backed out of settlement talks. The case was filed in State Supreme Court, and in October of 2019, an agreement was reached whereby Kissling Interests agreed to pay Mr. Morrell nearly nine thousand dollars to settle the case.

While HOME has celebrated these important victories in the fight for fair housing, there is still a great deal of work to be done. HOME needs your help in the fight for fair housing as we enter the new decade.

