



THE FUTURE OF HOUSING DISCRIMINATION

By Steven Haagsma

As housing providers and financial institutions increasingly rely on artificial intelligence and computer algorithms to screen home seekers, housing discrimination is more frequently being hidden behind a veneer of objectivity. While algorithms may seem to take human biases out of the screening process, algorithms are created by humans and therefore often have biases written into their code. Using seemingly objective variables can lock in discriminatory outcomes if the numbers used are correlated with or reflect racial or other differences in the broader society. Fighting algorithmic bias is becoming an important front of the fight against housing discrimination in both the sales and rental markets. While the topic is complex, we want to keep HOME members and supporters informed about this important topic.

In the home sales market, mortgage lenders are using algorithms to determine who gets a loan with increasing frequency. Rather than making the process more objective and fair as some proponents may claim, racial disparities are often perpetuated by algorithmic lending practices. A 2021 investigation by AP and The Markup revealed that people of color were more likely to be denied loans than white people with similar economic characteristics, even after taking into account a complex set

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of variables that the mortgage lending industry had previously claimed would explain apparent disparities. The investigation showed that, after controlling for numerous variables, Latino applicants were 40% more likely to be denied, Asian applicants 50% more likely, Native Americans 70% more likely, and Black applicants 80% more likely to be denied than white applicants. While these discrepancies vary by region, the trends hold true nationwide.

Defenders of algorithmic lending say that it must be fair because the algorithm doesn't even know the race of the applicant. Unfortunately, this ignores the multifaceted ways racism works in the United States. One important variable in most lending models is credit score. While there are multiple ways to measure this, one of the most common—FICO—uses information that has been shown to disadvantage people of color. While there are fairer methods out there, many lenders still factor the FICO score into their decision making. This is just one example and there are likely many others considering how intertwined race and economics are in this country, but even lenders do not always know why their algorithm approves or denies a given applicant.

Putting an end to algorithmic discrimination will not be easy, especially as algorithms become more entrenched and accepted. At this summer's National Fair Housing Conference, speakers about algorithmic bias focused on the importance of the disparate impact rule in this fight.

Under this rule, fair housing enforcement can occur if a policy or process results in disproportionate harm to a protected group, even if there was no discriminatory intent. As algorithms have no intent of their own, proving discrimination without disparate impact enforcement would be nearly impossible. It is difficult as it is, but strengthening disparate impact enforcement is vital. The AP/The Markup investigation noted also

the importance of laws other than the Fair Housing Act in this fight, such as the Equal Credit Opportunity Act and the Community Reinvestment Act. Holding lenders accountable will require vigilance, education, and use of all the tools in the fair housing enforcement toolbox. We must reject the claim that algorithms are fair because they are "colorblind" and must fight to ensure that "colorblind" discrimination is not baked into our future. ▲▲▲▲



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HOME'S ONGOING HOUSING SURVEY

By Steven Haagsma

In an effort to gain a further understanding of the housing experiences of Western New Yorkers, HOME's Education Team launched a housing survey this summer. While the survey is ongoing and not expected to be a representative sample of the region's population, we can nonetheless learn important details from the results so far. Of 100 people who have completed the survey, about 1 in 3 currently own their own home, while the rest rent. Over 1 in 4 respondents indicated that they have experienced homelessness at some point in their lives, and nearly 2 of every 3 (63%)



have spent over half of their income on rent at one point or another.

When it comes to housing discrimination, over 1 out of 4 respondents said they had experienced discrimination, but only 8 of those 29 individuals said they reported it at the time, and only 3 of the 8 who reported it said that the landlord ever faced

any consequences for discriminating against them. These numbers indicate the necessity of HOME's services in fighting discrimination: people who face discrimination need to know that there is somewhere they can turn for help and that with HOME's assistance it is possible to create consequences for discriminatory action.

Another portion of HOME's survey asked about people's feelings toward

their current ZIP code, inquiring whether respondents would choose to live in their ZIP code if they could choose any neighborhood to live in. Just over half indicated that they would, showing a large amount of discontent with housing options that are available to them. Clearly the housing market does not allow all people to live in the housing and community of their choice, something HOME works to overcome. The most commonly reported reason for continuing to live in a ZIP code they would not choose was an inability to find housing in a more preferable neighborhood, a problem HOME's Making Moves Program (MMP) seeks to address.

If you want to contribute your housing story, please go to homeny.org/survey and help us out! ▲▲▲▲

INSIGHT



ANNUAL DINNER TO BE HELD IN PERSON AGAIN



By Steven Haagsma

After a lengthy hiatus due to first the COVID pandemic and then weather damage at the venue, HOME's Annual Dinner will finally be held in person this October. Last held in May of 2019 at Shea's Seneca, the 2022 dinner will take place at Templeton Landing on October 14. Under a theme of "Refill, Relax, and Reunite," HOME looks forward to doing just those things with members face-to-face again. We want to take a moment to recognize the importance of self-care and work-life balance. To promote these values, massage therapists, yoga instructors, and other wellness gurus will be on hand during the social hour from 5-6:30 presenting mini workshops to interested guests.

Part of the evening's program will include honoring local Western New York heroes who have shown since the beginning of the pandemic that actions speak louder than words. The honorees include President of Roswell Park Dr. Candace Johnson, 211 NYS Director Kelly Dodd, TOLA Standards founder Ayat Nieves, the City of Buffalo's Sue Lumadue, President of CINQ NY Dr. Raul Vazquez, and Friend of HOME Cory McAllister. HOME will also honor New York State Assemblymember Jonathan D. Rivera (District 149) with the Champion Lawmaker Award. HOME is honored to have the Erie County Commissioner of Social Services, Marie Cannon, give the keynote address.

As usual, there are a number of ways to get involved with HOME's Annual Dinner. Tickets are available for purchase for those who wish to attend. HOME is also accepting donations in honor of honorees and accepting new corporate sponsors. Ad space is also available in the program booklet. For the most up-to-date information or to buy tickets, scan the QR code or go to homeny.org/dinner.



HOME CASE UPDATES

From Dan Corbitt and Olivia Carl

On May 24, 2022, HOME, working with the New York State Office of the Attorney General, conciliated its claims of housing discrimination on the basis of familial status against Tri City Rentals, LLC, a large-scale housing provider headquartered in Albany with rental properties in the Buffalo, Albany, and Rochester areas. HOME's investigation, which was launched in response to concerns expressed by members of the community, found that the housing provider's leasing policies and practices employed overly-restrictive occupancy standards that effectively denied housing opportunities to families with minor children.

During fair housing tests conducted at multiple apartment complexes operated by Tri City Rentals, HOME's testers, while assuming the role of individuals with children under the age of 18, were denied housing because of Tri City's written occupancy policy, which mandated that a maximum of two persons could occupy a one-bedroom unit, while a maximum of three people could occupy a two-bedroom

unit. These occupancy standards were much stricter than legal overcrowding standards established by state and local codes. HOME's investigation also determined that the housing provider engaged in discrimination based on an individual's lawful source of income by failing to consider income from nonwage sources when determining an applicant's eligibility.

After sharing the results of its investigation, HOME and the Attorney General's Office worked with Tri City to modify its policies and practices to comply with federal, state, and local fair housing laws, thereby ensuring that applicants and residents of Tri City's rental properties would not be unfairly denied housing opportunities or subjected to different terms or conditions due to their familial status, lawful source of income, or any other protected characteristic. Tri City also paid HOME \$18,000 in reimbursement of the resources that were diverted to investigate and resolve the matter.

On March 23, 2022, Housing Opportunities Made Equal, Inc. (HOME), along with six other fair housing organizations located throughout the northeastern and midwestern United States, filed a federal lawsuit against Clover Construction Management and other related defendants.

The suit alleged widespread and flagrant violations of the Fair Housing Act's accessibility requirements at fifty of the Clover Defendants' properties in Ohio, New York, Indiana, and Pennsylvania. Testing evidence collected by HOME and the other plaintiffs had found exterior areas of the complexes had inaccessible parking spaces, mailboxes, and routes to units and public and common use areas, along with inaccessible routes into and out of the units, bathrooms with inaccessible features, and other inaccessible features.

Before the case could proceed to trial, the defendants agreed to a settlement that will improve access for persons with disabilities. The settlement agreement requires an estimated \$3 million in retrofits to public and common use areas at the properties to

improve accessibility for individuals with disabilities. These include providing accessible routes around the exterior and common use areas, adding additional ramps and curb cuts, and replacing sidewalks that have excessive slopes.

Clover Group will also set aside funds totaling \$3.375 million to pay for modifications to individual units at the request of any resident or applicant at the 50 properties included in the agreement. Current tenants and new applicants will be notified of the availability of funds for unit modifications to meet their needs.

Clover Group will also pay \$750,000 to HOME and the other fair housing organizations to compensate them for staff time and other resources expended to investigate the alleged accessibility violations and for attorneys' fees. Additionally, any Clover Group employees that are involved in the design and construction of multifamily housing will complete training on the accessibility requirements of the Fair Housing Act.

A HOME client with a disability who has been living in her apartment for the past 11 years received a 90-day notice to vacate citing various lease violations related to the condition of her apartment. The client needed additional time to meet the conditions, so HOME assisted her in requesting a reasonable accommodation for that additional time, which was ultimately granted by management, thereby retaining her housing.

Another HOME client with a disability also received a 90-day notice to vacate citing various lease violations related to the condition of

her apartment. HOME assisted the client in requesting a reasonable accommodation for additional time to cure the lease violations and offered that she would be provided two caregivers who would assist her with long-term housekeeping, laundry, and meal preparation duties. This plan would ensure that her apartment was adequately maintained in the future. Management ultimately withdrew her lease termination and said they are satisfied with the upkeep of the unit, ensuring the client's housing. ▲▲▲▲

Q&A HOME'S NEWEST TEAM ADDITIONS

What did you do before you came to HOME?

What excites you about working for HOME?

What hobbies or interests do you have outside of work?

MATTHEW BERNARDI HOUSING PLACEMENT SPECIALIST

Before coming to HOME I was a supervisor for the Lockport Youth & Rec summer program. I also had worked as a boxing coach since 2019.

What excites me about working for HOME is being able to stand on the front lines knowing I'm making a difference in my community by providing a helping hand to those in need.

Outside of work I'm a coach at Boxstar Fitness Buffalo. I love boxing and coaching people who want to learn, whether it be for fitness, self-defense or competition. I also play guitar and bass, I love music and film, and I'm a die-hard Buffalo Bills fan.

ANEICA BROWN FAIR HOUSING SPECIALIST

I worked for Section 8 as a Housing Choice Voucher Specialist in the Family Unification Program, assisting clients referred from ECDSS in need of emergency housing vouchers to aid in family reunification and displacement.

Having previous experience working in housing, I ran into many clients having concerns regarding discrimination and unfair treatment, many of which were referred to HOME for further assistance. Fair housing is a basic right that everyone should be afforded. HOME's core values and mission and being a part of the change is something I'm passionate about.

I enjoy hiking with my family on weekends, reading, journaling, and cooking. I'm an avid baker.

HOME STAFF

- DeAnna Eason, *Executive Director*
- Matt Bernardi, *Housing Placement Specialist*
- Olivia Carl, *Senior Investigations Coordinator*
- Jim Dahlberg, *Bookkeeper*
- Alexis Duwe, *Investigations Coordinator*
- Olivia Guthrie, *Investigations Coordinator*
- Steven Haagsma, *Education Specialist*
- Jungmin "Minnie" Kim, *Community Engagement Spec.*
- Adrienne Kosis, *MMP Program Manager*
- Eliza Papke, *Fair Housing Specialist*
- Daniel Corbitt, Esq., *Associate Director*
- Aneica Brown, *Fair Housing Specialist*
- Brynn Covington, *Enforcement Specialist*
- Mary Diaz, *Intake Manager*
- Emily Gillig, *Director of Operations*
- Austin Gutierrez, *Fair Housing Specialist*
- Maureen Hunley-Barnes, *Health & Housing Advocate*
- Alaya Kirkley, *Office Administrator*
- Alice Moore, *Senior Mobility Coach*
- Tyme Williams, *Mobility Coach*

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ALEXIS DUWE INVESTIGATIONS COORDINATOR

In the past decade, I was an event coordinator for a catering company where I planned weddings and business events all over WNY. A few years ago, I decided to go back to school and studied urban planning at Buffalo State and UB. During that time, I had the opportunity to work on a bunch of projects and internships that primarily focused on people and housing.

I'm excited to work for HOME and have the opportunity to address local barriers to mobility. In my academic work, I focused on interrogating current housing policies and planning practices that reinforce segregated neighborhoods and result in disparities. I'm excited to work for an organization that directly addresses these issues while looking at innovative ways to advance fair housing work.

I love traveling, yoga, and spending lots of time with my family. With my kids, we like taking trips, having bonfires, going to the movies and JV football games, and go-karting. This year, my husband and I started tent camping again and hiking in the Adirondacks and we're aiming to become 46ers, hopefully before we're 46.

AUSTIN GUTIERREZ FAIR HOUSING SPECIALIST

For 6 years I was in the seminary and a Catholic missionary advocating for human rights for the indigenous in Guatemala and migrants in Tijuana, Mexico. Then I was assigned to Buffalo to work with the people in the east and west side for a year before I left the seminary.

I believe that in a society we must ensure social justice can be obtained to protect the dignity of a person of any race or gender. I think this is an important virtue that we all must learn in order to have a caring society. I am a firm believer that we should look upon our neighbor without any exception as another "self" and protect their dignity as a human being.

I am a huge baseball and soccer fan. If I'm not watching it on tv, I'm most likely playing one of the sports in a league.

ALAYA KIRKLEY OFFICE ADMINISTRATOR

Before coming to HOME, I studied psychology at Ithaca College for a few years, until I realized I wasn't getting what I wanted out of a traditional educational path. I've also spent time developing a moderate following on TikTok, where I make videos primarily geared towards LGBT+ and neurodivergent youth.

My love for the city of Buffalo, where I was born and raised, makes me passionate about working for HOME. I'm excited every day to come to work at an organization that makes a difference in bettering my community, making it a safer and more equitable place to live, and helping people that need it the most.

Outside of work, I love seeing new movies, listening to music - mostly Taylor Swift (Taylor's version, of course!) - and spending quality time with my three cats. I also travel a lot; I take every opportunity I can to visit my friends in Ithaca and my long-distance partner.

TYME WILLIAMS MOBILITY COACH

Before coming to HOME, I was a full-time student at Daemen University. I recently graduated in May and was working two jobs. I worked as a Sales Representative for SUNOCO and a Student Assistant for Student Affairs at Daemen University.

I am excited to be working for HOME because I love the work they do and how beneficial it is for those in need of housing. I always wanted to go into a career field where I am fighting against injustice and making a difference in people's lives, especially marginalized groups of people. Here at HOME, I am doing exactly that. This position allows me to grow in the world of advocacy and gives me more experience advocating for individuals. I love that HOME is a civil rights organization; it brings me a sense of joy to know the work I am doing is for the greater good. As I was searching for jobs after graduation, one of my main criteria was working with marginalized groups. I love that HOME allows me to do that in my position as a Mobility Coach. My greatest passion is fighting for civil rights, so I am truly excited to be part of an organization that aligns with what I am most passionate about.

Outside of work, I love to read. I also enjoy cooking and making new recipes. Cooking is probably my second passion. I love making food for my friends and family; it brings me happiness to be able to feed people food and know they enjoyed their meal. One day, I would love to own my own restaurant. I also like to take long walks and listen to podcasts; it is a great way to clear my mind when I feel all over the place.

GOODBYE TO TWO LONG-TIME HOME STAFFERS

Over the summer, two of HOME's longest-tenured staffers left HOME to begin new journeys. Chris Allaire, who most recently had been Director of Investigations, left to take a position as Program Officer at the Patrick Lee Foundation. Chris had worked at HOME since 2017 and oversaw much of the expansion of HOME's testing capabilities. He ensured that HOME's testing was rigorous and thorough.

Nichelle Brown, most recently Landlord Outreach Specialist, filled a variety of roles over her 14 years at HOME. She has now begun a position at Best Self, where she is a Senior Housing Specialist. Nichelle's incredible knowledge of fair housing law and refusal to back down on behalf of clients will be missed.

We wish both Chris and Nichelle the best in their new positions!

