



HOME
Housing Opportunities Made Equal

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INSIGHT



HOME'S 60TH ANNIVERSARY GALA A SUCCESS

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HOME THROUGH THE YEARS: PART 4

By Steven Haagsma

As HOME celebrates its 60th anniversary in 2023, we want to look back at how we got here through a series of articles about our history. This story is part 4, and covers the changing legal landscape of fair housing since HOME's founding. If you missed the previous parts, check out our Insight archive on our website at homeny.org/publications/

When HOME was founded 60 years ago, legal protections for homeseekers were scarce. The Civil Rights Act of 1866 (twice vetoed by President Andrew Johnson) prohibited discrimination based on race, but did not provide much in the way of enforcement. The New York Human Rights Law, originally passed in 1945 as the Ives-Quinn Anti-Discrimination Bill, prohibited discrimination based on a number of characteristics, but only applied to employment at the time.

HOME's early years, however, were in the heat of the Civil Rights movement, and legislative victories soon came. First, and arguably most important, was the Fair Housing Act, passed as Titles VIII and IX of the Civil Rights Act of 1968. This established the legal concept of fair housing, and prohibited discrimination on the basis of race, color, religion, and national origin. The main improvement of the Fair Housing Act over the 1866 act was its improved enforcement mechanisms. The Act was amended in 1974 to offer protection based on sex, and again in 1988 to add familial status and disability protections.

While New York's housing protections are stronger than those at the federal level today, the state's Human

Rights Law was not applied to housing until 1991. Since the turn of the millennium, however, state protections have been strengthened to the point that New York offers protections based on twice as many characteristics as the federal law, including sexual orientation (added in 2003), source of income (2019), gender identity and expression (2019), and immigration and citizenship status (2022).

HOME has also been able to work to enforce local laws over the years. The Town of Hamburg has long been a strong partner of HOME and has had its own fair housing law since 1986. Today, the Town's law offers many protections against discrimination and is the only local law with an inclusionary zoning provision. As documented earlier in this series (and again in the interview with James Myers in this issue of Insight), the City of Buffalo nearly had a fair housing ordinance that predated Hamburg's, but it fell victim to a mayoral veto. The City did, however, pass a law in 2006 that, at the time, made it a statewide leader in adopting protections based on source of income, years before Syracuse, Rochester, or New York City added the same provision.

Among the most recent legislative victories is the 2018 passage of the Erie County fair housing law, which offered protections not yet available at the state level, including source of income and immigration and citizenship status.

HOME has seen significant improvements in the legal landscape of fair housing in 60 years, but there is still work to be done. Enforcement can be improved at multiple levels, and in 2022 and 2023 HOME processed the 3rd-most and the most discrimination complaints of any year in our history, respectively. While we appreciate the work and the advocacy that made these previous advancements possible, we also look forward to the work yet to be done. ▲▲▲▲▲

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HOUSING AND LEARNING OUTCOMES

By Steven Haagsma

Housing has always been connected to education in many ways. Where a family lives affects where their kids go to school, and feeling safe at home is necessary for kids to devote their full attention and effort to their education. But when the COVID-19 pandemic hit, that connection became even more immediate, as home and school suddenly became the same place for millions of children around the country, and evidence is now growing about the affect that shift had on students' educational outcomes.

During the 2020-2021 school year, the majority of schools nationwide were conducting virtual classes. Over the course of that school year, more and more schools reopened to in-person or hybrid schedules, but the effects of missing so much in-person schooling lingered. One effect of the varying scheduled for reopening was a widening of many educational achievement gaps, as schools with high poverty levels, on average, took longer to reopen, and white students spent less time learning remotely than their non-white peers. Nationwide, multiple studies have found that learning rates dropped significantly during the time when remote learning was the highest, and one study found the shift to be greater than what occurred in New Orleans following Hurricane Katrina.

Students' housing situations also made a difference in how much the pandemic affected their ability to learn, primarily due to the digital divide: differences in access to technology, including stable internet connections or access to a home computer. The same students who were more likely to experience extended remote learning—students of color and poor students—were also less likely to have sufficient digital access at home, exacerbating learning gaps that were already large pre-pandemic.

The impact of housing on children's education has always been strong, but it became even more important in 2020 and beyond. Learning gaps that grew due to remote learning persist, and may never be surmounted. While the damage done by inadequate housing during the pandemic can't be undone, the connection between housing and education remains strong, and ensuring access to quality, affordable housing will continue to be necessary to ensure that children have the ability to learn to the best of their abilities.

To read more about the educational effects of housing during the pandemic, scan the QR code. ▲▲▲▲▲



SCAN ME

By Cierra Fields

On October 27th, fair housing supporters from all over Western New York gathered with Housing Opportunities Made Equal (HOME) for the organization's 60th Anniversary Gala, held at the Atrium at Rich's. WGRZ's Claudine Ewing served as MC.

This year's theme was "60 and Counting..." and commenced with a 5:30 pm social hour. During the event, guests were able to participate in a silent auction that showcased numerous Buffalo Bills items and much more. There was also a basket raffle and a DJ for those who wanted to dance. Guests also had the opportunity at the end of the gala to bid on artwork that was painted on-site by a local high school artist.



"Luck did not bring us to 60 years of this work," said Executive Director DeAnna Eason. "The dedication, courage, strength,

and love for humankind of a small group of like-minded individuals have brought us to this day. We honor those who stood in the face of hatred and fought for the equal rights of all." Following dinner, Executive Director Eason and Associate Director Daniel Corbitt, Esq. presented this year's honorees for the Agents of Change Award. This award recognizes the work of individuals who have provided significant contribution to the service of fair housing and equal rights in the past, present, and future. Award honorees were Attorney James Myers, Heather Abraham and the UB Law and Transparency Clinic, and advocate Austin Von Martin.

The event was very successful, as we hosted nearly 300 guests and brought in approximately \$35,000 in net revenue, exceeding the budgeted goal. We thank everyone who attended and contributed for your support and generosity. ▲▲▲▲▲



IT'S SIMPLY WRONG TO DISCRIMINATE, PERIOD: AN INTERVIEW WITH JAMES MYERS

By Steven Haagsma



Shortly after moving to Buffalo in 1968, attorney James Myers became involved with a young organization fighting against racism and discrimination in the local housing market: Housing Opportunities Made Equal. At the time, HOME had no paid staff, but Myers volunteered his time to represent victims of housing discrimination in court. While he would seek to recoup attorney's fees in court decisions, clients were never charged. Throughout the 1970s, he handled most of HOME's litigation in federal court around housing discrimination, using both the Civil Rights Act of 1866 and the much newer Fair Housing Act, passed in 1968, to seek justice for those who had been wrongfully denied housing.

In a recent interview, Myers said that a particularly noteworthy case was that of an M&T Bank officer who was denied an apartment due to his race in 1976. Myers argued the case successfully in front of a Federal Judge and jury, which required the landlord to rent to the client. The jury also awarded \$3700 in damages and attorney's fees (over \$20,000 in 2023 dollars). In another case, Myers faced a prominent defense lawyer in Federal court and won the case, but the jury only awarded \$2 in damages, despite finding that racial discrimination had occurred. While the Federal Judge also awarded \$8500 in attorney's fees, the paltry sum awarded to the plaintiff compelled the Buffalo Courier-Express to express dismay on their main editorial page.

In addition to litigating on behalf of HOME clients, Myers also served as Chairman of the Board in the late 1970s, at which time HOME and other allies were pushing the City of Buffalo to pass a fair housing ordinance. Along with the Buffalo Corporation Counsel, Myers began drafting the proposed ordinance while also meeting with other community stakeholders to push for passage. Myers said that with the original proposal, "we were way ahead of our time," as it included protections based on source of income and gender and did not include exemptions for owner-occupied doubles as most other fair housing law do. Unfortunately this aggressive bill failed to pass the Common Council by a vote of 6-9, but a compromise bill flipped 3 council members and passed by the same numbers. 10 votes, however, were required for the bill to be veto-proof, and Mayor James Griffin vetoed it. It would be another quarter century before the City of Buffalo passed a fair housing law of its own. When asked why he did not include the exemption for owner-occupied doubles in the original draft when nearly every other fair housing law includes such an exemption, Myers responded, "It's simply wrong to discriminate, period."

For these accomplishments and more, HOME awarded Myers the Agents of Change award at the recent 60th Anniversary Gala. Because of selfless, caring people like James Myers, HOME is still fighting for fair housing 60 years later, and we are grateful for the work he and others have done to get us to where we are today. ▲▲▲▲

FINANCIAL TECHNOLOGY AND MORTGAGE LENDING DISCRIMINATION

By James Coughlin

Could algorithmic technology remedy decades of redlining, discriminatory lending, and residential segregation? One proposed solution is financial technology, or FinTech, which NYU professor Tyler Haupt states "underwrites loans using all-online applications and proprietary machine learning algorithms," purportedly removing racial bias for prospective Black and Latinx lenders. FinTech seeks to reduce subprime mortgages, disproportionately conferred to Black and Latinx communities, which reinforces residential segregation and the racial wealth gap. By removing face-to-face bias, is FinTech a boon for equitable and unbiased lending, or reinventing the discrimination it intends to prevent?

Haupt's article "FinTech Isn't Enough to End Racism in Mortgage Lending" assesses FinTech's alleged race-neutrality comparing the likelihood that lenders in segregated census tracts are offered subprime mortgages with traditional face-to-face lending. Datasets analyzed include Home Mortgage Disclosure Act data from 2015 to 2017 for the nation's 200 largest core-based statistical areas, American Community Survey data on neighborhood racial makeup and homeownership rates, and data for eligible census tracts. Segregation indices include a dissimilarity index—a "measure of racial and ethnic evenness"—and an isolation index—the probability that a person of one racial or ethnic group is exposed to only members of the same group in a given census tract." Haupt found an "applicant receiving a subprime loan, from both traditional and FinTech lenders, was positively associated with metro-area Black and

Hispanic segregation." While FinTech lenders allotted less subprime mortgages in certain Black or Latinx areas with a high isolation index, there was no stark difference from traditional lenders.

Although high levels of white and black dissimilarity showed FinTech lenders issuing less subprime mortgages, areas with high levels of white and Latinx dissimilarity demonstrated higher subprime mortgages rates.

How may FinTech influence the historical and contemporary consequences of Buffalo's ever-present segregation? Richard Rothstein's Color of Law dubs Buffalo the most "extreme case" of subprime lending during the 2008 recession, "where three-quarters of all refinance loans to African Americans were subprime." Following the New York State Attorney General's 2015 settlement with Evans Bank for redlining Buffalo's majority black neighborhoods, a 2021 Department of Financial Services "Inquiry Into Redlining" found between 2016 and 2019 "minorities in the Buffalo Metropolitan Statistical Area comprise only 9.74% of the total loans made."

As new instruments are devised to evaluate and assess mortgages, it is essential to gauge how FinTech lenders may reinvent redlining and segregation's discriminatory inequities.

This October, Attorney General Letitia James's report on "Racial Disparities in Homeownership" found in 2021, "7.6% of purchase applications were from Black residents and 9.5% were from Latino residents, approximately half of each group's representation in the overall state population." In the Buffalo MSA, applicants from

"neighborhoods of color" were 151% more likely to be denied loans compared to "majority white neighborhoods." As new instruments are devised to evaluate and assess mortgages, it is essential to gauge how FinTech lenders may reinvent redlining and segregation's discriminatory inequities. Western New Yorkers must avoid "predatory inclusion," which Buffalonian Keeanga-Yamahtta Taylor asserts facilitates "access to conventional real estate practices and mortgage financing" on "more expensive and comparatively unequal terms." Nor should implementing FinTech risk devaluing Black and Brown neighborhoods and wealth. ▲▲▲▲



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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?

ROBERT MCGILL OFFICE ADMINISTRATOR

Prior to working at HOME, I was a Site Supervisor for a multi-tenant professional office space.

I am excited to help where I can, learn as much as I can, and do work that is positive for the community.

Outside of work my hobbies include photography, calligraphy, reading, listening to music, and walks around Delaware Park.

MEGHANA LEELA MOBILITY COACH

I recently graduated in April 2023 with a bachelor's in social work. I was a jazz guitar major with a focus in music therapy at Western Michigan University before that. I have worked in Domestic Violence and homeless shelters as well as a full-time guitar teacher.

What excites me the most working for HOME is that I am able to work with people with the same passion as me, working towards the same goal of not just equal but a more equitable housing opportunity.

I love to draw and create things. I am originally from Detroit and fell in love with the culture of blues and jazz and often gig at different blues/jazz clubs when home. I think this also goes into my passion for creativity.

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JAMES COUGHLIN FAIR HOUSING SPECIALIST

Prior to working with HOME, I graduated in May with my MA in history. My master's thesis was "City of Distant Neighbors: The Proliferation and Entrenchment of Residential Segregation in Buffalo, New York (1934 to 1961)." My thesis has been sold as a zine in bookstores throughout Buffalo, and I have organized four community presentations throughout 2023. Prior to pursuing a graduate education, I worked in the Erie County Legislature for Legislator April Baskin and several campaigns for Democratic candidates at the municipal, county, and Congressional level. During my time in Legislator Baskin's office, I worked with the Democratic majority caucus to ensure the passage of Erie County's Fair Housing Law to educate our peers on the provisions and consequences of this law's passage. I have also previously been employed at Burning Books and at Community Services for Every1.

The responsibility and privilege to work with community members to remedy the wrongs wrought by our region's residential segregation. I admire HOME's rich history and commitment that all Western New Yorkers have access to the homes, neighborhoods, and resources of their choosing. HOME helps Buffalo live up to its moniker as the "City of Good Neighbors."

Outside of work, I enjoy writing and performing music on guitar, piano, clarinet, and saxophone. Music has been an integral part to my family and relationships with close friends. Additionally, I enjoy reading nonfiction history, fiction, and creative writing. Lastly, I am an avid Buffalo Sabres and Buffalo Bills fan, and grew up playing hockey as a goaltender.

