

Fight for fair housing is far from over

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Westchester County Executive Rob Astorino holds a July 2011 press conference in White Plains to outline what he believed were unfair demands by the U.S. Housing and Urban Development agency over the county's 2009 affordable housing settlement. / JOURNAL NEWS FILE PHOTO

Coming up

Officials from Westchester Residential Opportunities Inc. discuss their 2012 Fair Housing Testing Report in an Editorial Spotlight interview at 10 a.m. Thursday on lohud.com. To watch, go to www.lohud.com/ to submit a question or comment during the LIVE session, engage the "CoverItLive" blogging feature. To

submit a question before the session or to make a comment, post on the Opinion Exchange blog at opinionexchange.lohudblogs.com; or reach us via Twitter @LoHudOpinion or by email at adelgado@lohud.com. More

Find Westchester Residential Opportunities Inc.'s 2012 Fair Housing Testing Report, along with a Guide to Fair Housing and a Fair Housing Complaint Form; go to wroinc.org and click "Fair Housing."

When Barack Obama was first elected president in 2008, it was heralded by some as the dawn of a "post-racial" America, a time where racial bias and bigotry had magically disappeared. It was wishful thinking. Results of a nonprofit group's latest examination of fair housing in Westchester show how much so, making plain that "Jim Crow" is alive and well, and discriminating with seeming impunity. The cringe-worthy findings — unequal treatment for blacks and Hispanics was likelier than fair treatment in some locales — should serve as fresh notice to local policymakers, real estate professionals, and prosecutors that the hard work of fair housing is far from done.

In a now-familiar ruse, Westchester Residential Opportunities Inc. dispatched an army of faux housing seekers — whites, blacks and Hispanics — in search of sale or rental housing, with a focus on some of the least-diverse communities in Westchester— many of those targeted for new affordable housing units under a 2009 housing settlement.

As before, a pair of well-trained testers — one white and the other either black or Hispanic — separately visited real estate offices, property management companies, or specific properties between April 2011 and October 2012. In each instance, the testers — blacks and Hispanics were given slightly better financial qualifications than white testers — inquired about similar housing. The wrongful conduct flowed from there.

Of the 90 valid tests conducted by WRO, disparate treatment — conduct suggesting illegal racial or national origin discrimination — was indicated in 36 tests, or 40 percent; equal treatment was found in 43 tests, or 48 percent; and in the remaining 11 tests, or 12 percent, the results were deemed unclear. Wrongful conduct was likelier in some communities. For example, among seven tests conducted in Scarsdale, equal treatment was found in just one; in four others — 57 percent — unequal treatment was found; and two tests were inconclusive. That was the worst showing among six distinct areas tested by WRO.

Unfair treatment was more prevalent in Bronxville as well. Among 11 tests, unequal treatment showed up in five — 45 percent; equal treatment was shown in four tests — 37 percent; and findings from two tests were unclear. In “northwest Westchester” — Cortlandt, Ossining, Yorktown and Peekskill — 11 tests yielded five cases of unequal treatment, or 45 percent, and six tests revealed equal tests.

In the remaining tests, black and Hispanic testers received equal treatment as often as they did unequal treatment, excluding the handful of tests where the result was unclear. Those tests were grouped as follows: “Northeast Westchester” — Bedford, Lewisboro, Mount Kisco, New Castle, North Castle, North Salem, Pound Ridge and Somers; the River Towns region including Dobbs Ferry, Hastings-on-Hudson, Irvington and Tarrytown; and Mount Pleasant.

“I think so,” said Marlene Zarfes, WRO’s fair housing director, when asked if the woeful findings would be surprising to people in the tested communities; some Westchester officials — most notably County Executive Rob Astorino — in the past have pooh-poohed the effects of racial discrimination in Westchester. “I think so. If it doesn’t happen to you, it’s just so easy to close your eyes to it.”

The WRO has not yet identified those real estate offices or entities where evidence of unequal treatment was found. Zarfes told the Editorial Board it had not yet been determined how the group would follow up with the parties; the wrongful conduct included showing black and Hispanic testers fewer units than whites, and fewer units at different price points; steering minority testers to areas with large minority populations — and away from largely white areas; and pointedly asking minorities about their credit histories, and the importance of good credit, but not making the same inquiries of whites.

According to WRO, some offices showed repeated violations of fair housing laws — disconcerting impunity in a county under local and federal scrutiny for failing to further the cause of fair housing, and where similar tests over recent years, in a wide range of communities, revealed wrongful conduct.

False information

In a high-profile case last year — derived from other testing — the Justice Department sued a Valley Cottage housing development for discrimination, alleging — among other wrongs — that it quoted higher rental prices to black testers, gave blacks false information about the availability of units, and refused to rent to blacks, while negotiating rental agreements with white testers. The case was settled by a consent decree promising the owner would follow fair housing law, and making payment of \$175,000. U.S. Attorney Preet Bharara said at the time: “Our office will not tolerate illegal discrimination in housing and will use the power of the Fair Housing Act to pursue those who violate the law.”

Apparently that message eluded others. Options for dealing with these new offenders include offering more counsel and education on fair housing law, and pursuing legal action as well. The WRO — with the generous assistance of Bharara’s office — should give no quarter to the worst offenders. They disgrace our communities, deny fairness and dignity to others, and remain on the wrong side of history.

Editor’s note: An earlier version of this editorial incorrectly credited the testing in Valley Cottage. The Fair Housing Justice Center and the Justice Department’s Civil Rights Division’s Fair Housing Testing Program conducted the testing that resulted in discrimination charges being filed against owners of Burgundy Gardens apartment complex in Valley Cottage. The lawsuit, filed in 2010, was settled in 2012.