

Fair Housing Upstate: Issues & Opportunities

SALLY SANTANGELO, CNY FAIR HOUSING



About CNY Fair Housing

Private, non-profit
organization
founded in 1991

Work to eliminate
housing
discrimination and
promote open
communities

Funded by HUD
and by many of the
communities we
serve.



About CNY Fair Housing

- Investigate complaints of discrimination
- Conduct undercover testing
- Provide counseling and advocacy to individuals whose housing rights are being violated
- Provide legal representation to victims
- Conduct education and outreach on fair housing rights and responsibilities
- Conduct research and engage in advocacy to increase housing opportunity





Fair Housing Issues & Challenges Upstate

- Denials of housing
 - Individuals with disabilities
 - Families with children
- Evictions and lease non-renewals
- Differences in terms or conditions
 - In screening and application process
 - After move in
- Lying about the availability of dwellings



Fair Housing Issues & Challenges Upstate

- Denials of reasonable accommodations and modifications
- Discriminatory statements
- Harassment
- Sexual harassment
- Violations of the Violence Against Women's Act and evictions of victims of domestic violence

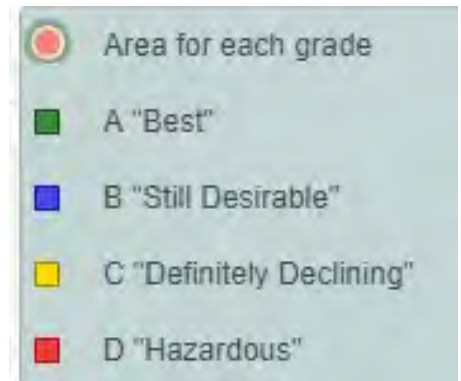
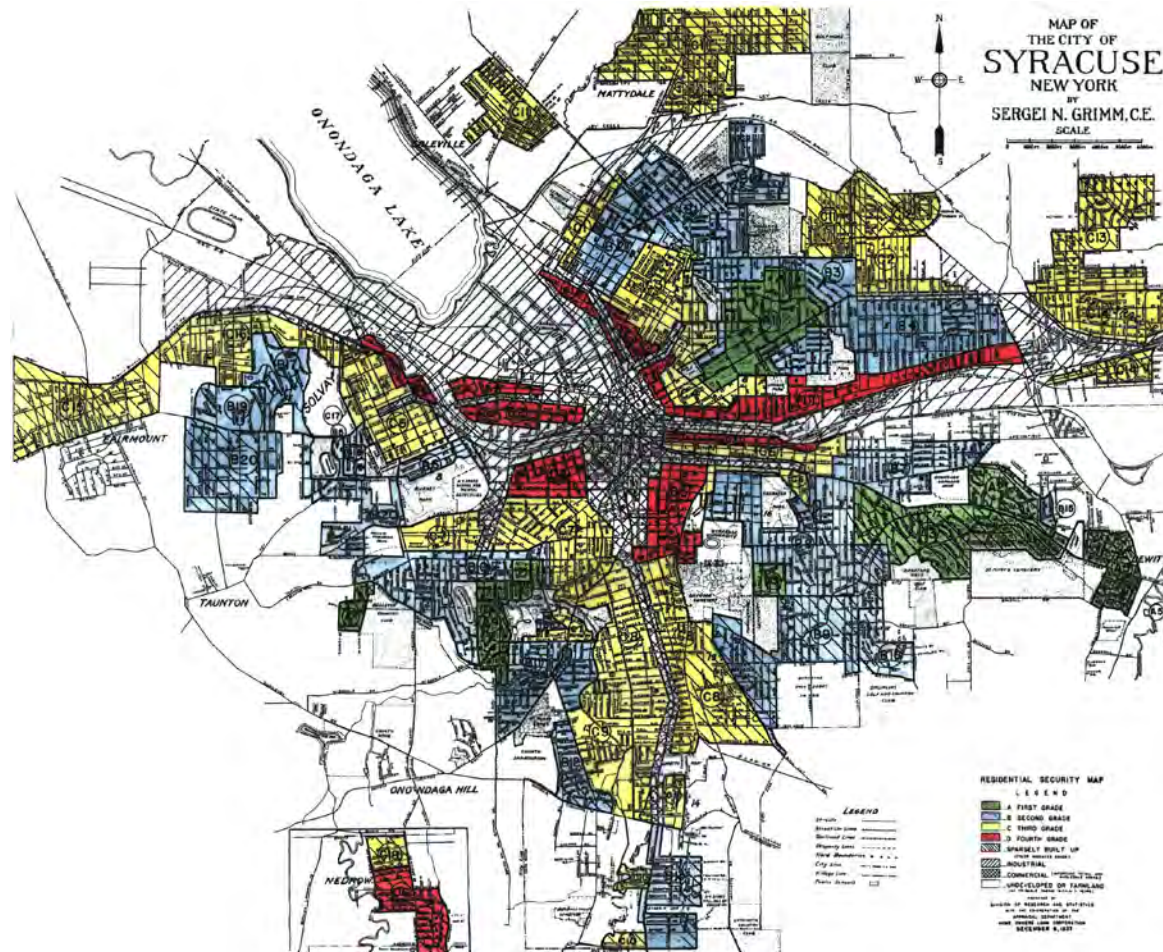


Fair Housing Issues & Challenges Upstate

- Persistent patterns of segregation and concentration of poverty in Upstate cities
- Declining population leading to abandoned and substandard housing
- Sprawl continues in spite of population stagnation and decline
- Lack of resources and services in rural communities



1937 – Redlining by Home Owner's Loan Corporation



1937 – Redlining by Home Owner's Loan Corporation

MAPPING INEQUALITY Redlining in New Deal America

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Search by city or state

AREA DESCRIPTION
Security Map of Syracuse, N. Y.

1. POPULATION: a. Increasing _____ Decreasing _____
b. Class and Occupation _____ Laborers
c. Foreign Families 10 % Nationalities Mixed
e. Shifting or Infiltration _____ Jews and Negroes

2. BUILDINGS: PREDOMINATING 40 % OT
Singles Doub

D5

A "Best"
B "Still Desirable"
C "Definitely Declining"
D "Hazardous"



1937 – Redlining by Home Owner's Loan Corporation

MAPPING INEQUALITY Redlining in New Deal America

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AREA DESCRIPTION

Security Map of Syracuse, N. Y.

1. POPULATION: a. Increasing _____ Decreasing _____

b. Class and Occupation _____ Laborers and Gov't. charges

c. Foreign Families 40 % Nationalities _____ Mixed

e. Shifting or Infiltration _____ Half breeds

2. BUILDINGS: _____ PREDOMINATING 100 % _____ OT

a. Type and Size _____ Bungalows and singles

D6

D5

A "Best"

B "Still Desirable"

C "Definitely Declining"

D "Hazardous"

1937 – Redlining by Home Owner's Loan Corporation

MAPPING INEQUALITY Redlining in New Deal America

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AREA DESCRIPTION

Security Map of Syracuse, N.Y.

1. POPULATION: a. Increasing — Decreasing —

b. Class and Occupation Laborers

c. Foreign Families 95% Nationalities Polish

e. Shifting or Infiltration Less desirables

2. BUILDINGS: PREDOMINATING 55% OT

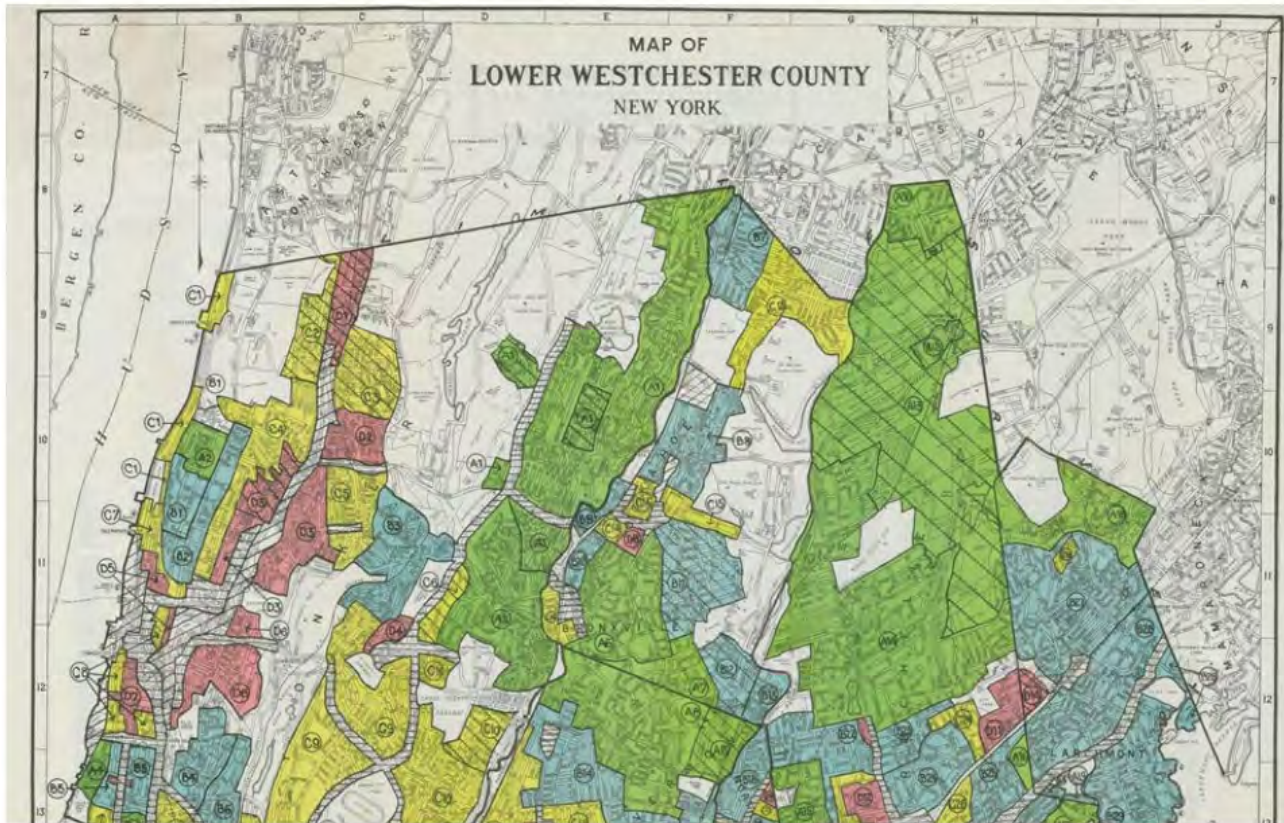
Singles

D2

D1 D3

A "Best"
B "Still Desirable"
C "Definitely Declining"
D "Hazardous"

1937 – Redlining by Home Owner's Loan Corporation



1924-1950

CODE OF ETHICS of the National Association of Real Estate Boards



ARTICLE 33.

All contracts and agreements to which a Realtor is a party should be made in writing and should be complete and exact.

ARTICLE 34.

A Realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood.

ARTICLE 35.

No instructions nor inducements from any client or customer relieve the Realtor from his responsibility strictly to observe this Code of Ethics.



Restrictive Covenants Became Prolific in White Neighborhoods

Said parcel of land shall be improved, used or occupied at any time during the period of 25 years beginning with the year 1915, only for residence purposes, and but one dwelling may be erected upon said lot. Designs for residences shall be submitted for approval to the General Manager of the company. Said lot shall not during the aforesaid period be occupied by or conveyed to negroes as owners or tenants. Vinous, spirituous or malt liquors shall at no time during the aforesaid period be manufactured, sold or offered for sale thereon. No residence shall

Fair Housing Act – Legislative Record

February 6, 1968

CONGRESSIONAL RECORD — SENATE

- The road to segregation is paved with weak intentions—which is a reasonably accurate description of the Federal establishment today. Its sin is not bigotry (though there are still cases of bald discrimination by Federal officials) but blandness; not a lack of goodwill, but a lack of will. The Fed-



Fair Housing Act – Legislative Record

February 6, 1968

CONGRESSIONAL RECORD — SENATE

this regard." But when you ask one of these gentlemen why, despite the 1962 fair housing Order, most public housing is still segregated, he invariably blames it on regional custom, local traditions, personal prejudices of municipal housing officials.

The upshot of all this is a Federal attitude of amiable apartheid, in which there are no villains, only "good guys"; a world in which everyone possesses "the truth" (in the files, on the walls), but nearly everyone seems to lack a sense of consequences. In such a



Housing Segregation – Before Fair Housing Act



White residents of one northern Detroit neighborhood were not happy when a federal public housing development for blacks was announced in the early 1940s, during World War II.

Housing Segregation Today – Response to Proposed Construction of Affordable Apartments in Suburban Neighborhood

“I am looking to purchase a home in _____ and I **do not want it to be near a housing project.**”

“Rising in the cost of tax, increased traffic concerns, **potential increase of crime**”

“I am concerned the **type of people** this will attract to the area...”

“Such projects could **disrupt community cohesiveness and its underpinnings**, which are essential to its health, safety and stability”



Housing Segregation Today – Response to Proposed Construction of Luxury Apartments in Suburban Neighborhood

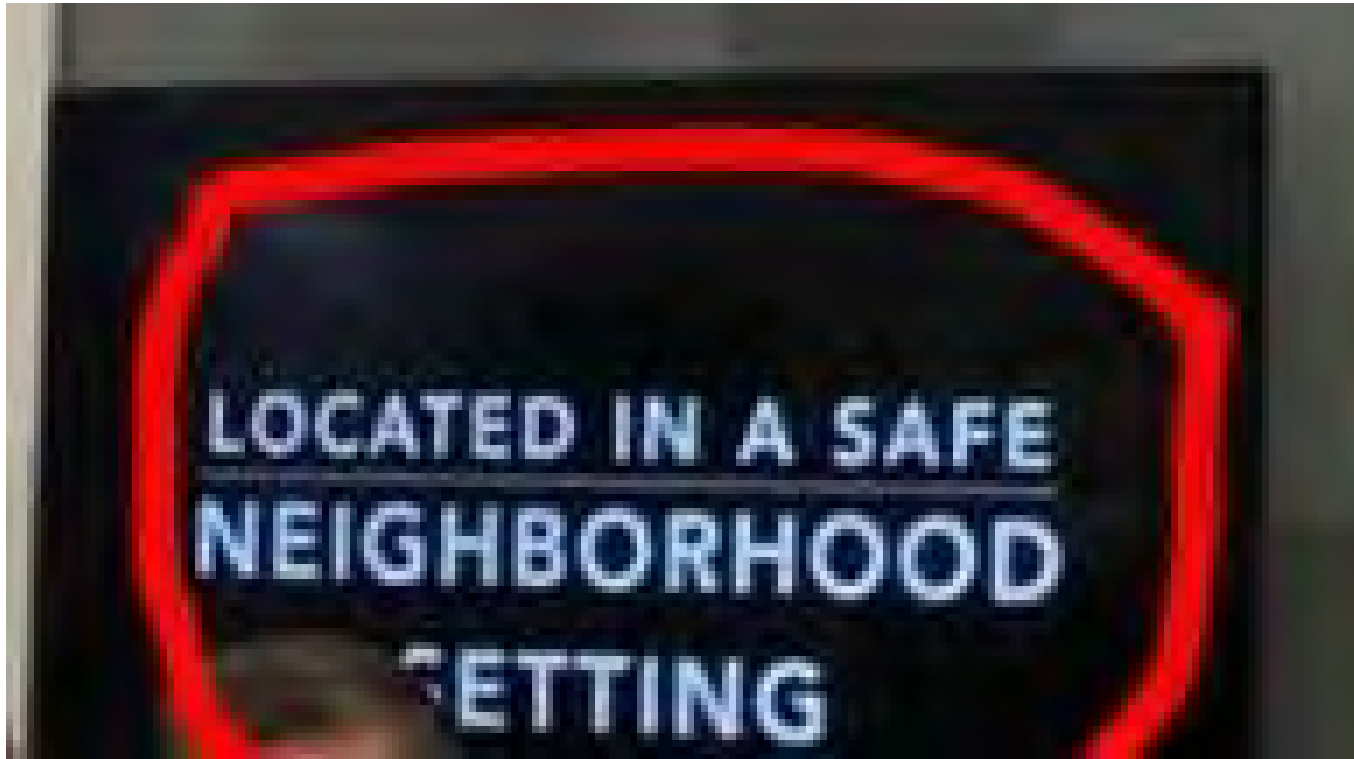
Neighbor: “I moved here because I **didn’t want to live in the city with the riff raff**...And I don’t want to deal with the bad things that 108 apartments would bring into the neighborhood with **those type of people with those type of problems.**”

Neighbor: “**We don’t want transients** walking through our neighborhood.”

Owner of property: Opponents worried about transient apartment dwellers should consider the alternatives...this is a deal far favorable to the building of “factories or warehouses or **section 8 housing.**”



Housing Segregation Today – Sign at CNY Home Show



Fair Housing Opportunities

- Pay attention to local developments in your communities and speak out in support of inclusive development
- Go beyond the basics – addressing these issues requires understanding not just the letter of the law but the spirit of the law
- Work on increasing diversity within the industry
- Learn more:
 - Mapping Inequality – redlining
 - Mapping Prejudice – restrictive covenants



New York State Source of Income Law

Lawful Source of Income Non-Discrimination Act of 2019

- Signed into law on April 12th
- Effective Immediately
- Adds “lawful source of income” as a protected class for the sale or rental of a property



New York State Source of Income Law

Pursuant to New York Executive Law §292(36):

"lawful source of income" shall include, but not be limited to, child support, alimony, foster care subsidies, income derived from social security, or any form of federal, state, or local public assistance or housing assistance including, but not limited to, section 8 vouchers, or any other form of housing assistance payment or credit whether or not such income or credit is paid or attributed directly to a landlord, and any other forms of lawful income.



New York State Source of Income Law

Amendment to existing New York State Human Rights Law meaning existing exemptions apply:

- Owner-occupied dwellings of two units or less
- Rooms rented in an owner-occupied dwelling

Permits the use of “criteria or qualifications of eligibility” for the sale, lease or occupancy of “publicly assisted housing accommodations” when such criteria or qualifications are required to comply with federal or state law or are required to obtain the benefits of a federal or state program.



New York State Source of Income Law

Prohibited Practices:

- Refusal to rent
- Differences in terms or conditions
- Advertising that expressly or indirectly indicates a limitation, specification, or discrimination as to lawful source of income such as “No Section 8” or “No Programs”



New York State Source of Income Law

Questions:

What criteria can a housing provider use to determine eligibility to rent?

- Credit checks
- Income requirements

Does source of income include security deposit guarantees?

What about properties that wouldn't pass a required inspection?



Questions?

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