Suddenly Homeless: A STORY FROM THE COMMUNITY HOUSING CENTER

By Jade Lewis

Andrew Walker, a former Buffalo homeowner and recent Community Housing Center (CHC) client, never would have guessed he would be in his current predicament: he is 50 years old, homeless, and looking for housing. He has considerable debt from unpaid utility bills, and the house that he owned and called home for 30 years is scheduled to be demolished by the end of September. He hopes to find housing as soon as possible, before all his worldly possessions are destroyed. Among the items Mr. Walker will lose are appliances and furniture that are not replaceable given his current economic situation, but he lacks the funds or space to move the belongings.

Mr. Walker became partially blind after decades of working as a school bus driver, his impairment inhibiting his ability to work. Despite this, he is ineligible for disability benefits. Mr. Walker became a client of the CHC in early August and through working with him one-on-one, I have seen him face with determination the challenge of navigating a system of agencies and caseworkers to obtain benefits and find housing. This experience has personally been a blow to Mr. Walker; achieving the American Dream of homeownership and having it taken away has left him vulnerable and unable to provide a home for his daughter. Nevertheless, Mr. Walker remains kind and patient and keeps meticulous notes on all calls and visits he makes in his housing search.

Mr. Walker was recently fortunate enough to receive a voucher for Section 8 rental assistance, a government subsidy which will ensure he spends no more than 30 percent of his income on rent. While this sets him

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Dialogue on Diversity: Barriers to Community Inclusion

By Alyssa Bergsten

HOME began monitoring developments over the often contentious issues surrounding group homes after observing news coverage and public opposition to local group home facilities in West Seneca and Newstead earlier this year. Conversations with various parties led us to conclude that an open discussion to share facts and educate the public would be beneficial to all. The most recent edition of the recurring Dialogue on Diversity series, “Group Homes & Barriers to Community Inclusion”, drew a crowd of about 25 disability rights advocates, community members and local law enforcement to HOME’s Art Butler Boardroom for a discussion of issues surrounding group homes and the challenges to community integration faced by their residents.

We were fortunate enough to secure a number of local experts for the panel discussion, including Rhonda Frederick, Chief Operating Officer of People Inc.; Todd Vaarwerk, Director of Advocacy and Public Policy for WNY Independent Living; Al Dirschberger, Vice President of Residential Services at Gateway-Longview; and Helen Trowbridge Hanes, Vice President of Community Living for Aspire of WNY. The panelists discussed a range of issues, from the history of stigma and opposition to group home placement in communities, to some of the legitimate concerns and need for cooperation between neighbors and group home management, to the challenges of those residing or working in group homes from assimilating into a community.

Rhonda Frederick explained that the process for developing group homes has changed drastically since the initial wave of deinstitutionalization which necessitated their creation during the 1970s and 1980s. During those years, structures used to house larger numbers of people in a more institutional setting. Typically a building was identified and then used for the purposes of housing. Now, a group of individuals usually decides to live together and then seeks out a home and community according to their specific preferences. This closer integration and placement in neighborhoods among other single family homes may account for some of the local resistance to home placement. Prior to the dialogue, certain community members seemed to express a preference for larger, more isolated placement of group home facilities.

While discussing the issue of local resistance, there seemed to be two schools of thought on how to engage the community. One participant described past meetings with neighbors as beneficial in their attempt to improve transparency for her agency’s process. Another offered that due to previous experiences, they would hesitate to hold an open forum because of the potential for damage when discussing such a delicate topic. This was certainly a consideration for HOME while it prepared for the Dialogue, but the panel and audience members were able to discuss the issues in a manner that remained respectful and thoughtful throughout.

Al Dirschberger addressed some other specific challenges to agencies managing group homes, particularly with integrating the residents and staff of group homes in segregated areas. He expressed that his agency has received complaints not only as a result of the children and young adults placed by Gateway-Longview, but it has also had problems with neighbors unwilling to tolerate group home

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From the Director:

**BATTING BIAS DUE TO SOURCE OF INCOME**

*By Scott W. Gehl*

Over the last three years, source of income discrimination has become the most frequently reported type of housing bias in Western New York.

Increasing from 26 percent in 2011, to 30 percent in 2012, to 41 percent in 2013, source of income bias has displaced discrimination against families with children and race as the reason people are most often denied housing.

Although both familial status and racial discrimination are prohibited by state and federal law, discrimination due to source of income is perfectly legal except in three Erie County communities which have enacted local fair housing laws: the City of Buffalo and the Towns of Hamburg and West Seneca.

In HOME’s experience, source of income discrimination (most frequently directed against low-income people receiving some form of government support) is often used as a subterfuge for racial bias or discrimination against families with children. It is practiced by those who believe that poverty is a result of personal choice or lack of initiative or moral defect. Think of the stereotypes we have heard from demagogic politicians about mythical “Welfare Queens” gaming the system.

Because only a small proportion of housing is affordable for persons with very low incomes, source of income discrimination has a doubly devastating effect. Nevertheless, it happens all the time.

**Enforcement efforts**

Since February 2008 HOME has filed administrative complaints with the City of Buffalo. While the City has, after investigating, made determinations of probable cause in several cases, City officials have thus far demurred in bringing legal action against respondents which could, under the statute, result in the imposition of fines and more importantly the suspension of licenses to do business in the City.

As a result, HOME has alternatively used the private cause of action included in the Buffalo statute to bring court action against discriminators. In a landmark decision last October, the State Supreme Court found that California landlord Donald Peterson and University Property Management had discriminated against home seeker Naima Stewart because of her source of income. In upholding the Buffalo fair housing ordinance, the Court also affirmed that HOME had independent standing under the law. However, six years will have passed before the Court determines what damages should be awarded.

**Alternative approach**

Faced with frustration in terms of administrative enforcement and interminable delays in court action, HOME reached out to New York Attorney General Eric Schneiderman for assistance. HOME referred cases involving two Buffalo area real estate investors, Patrick Guidice and Francis Pleto, who had placed facially discriminatory housing ads on internet websites about apartments they owned in Buffalo. Subsequent testing by HOME revealed that both landlords had engaged in a pattern and practice of source of income discrimination.

On August 12 Attorney General Schneiderman announced his office had reached legal agreements with both Guidice and Pleto in which the defendants agreed not to discriminate, to undertake a series of affirmative actions to assure equal housing opportunity, and to pay the State of New York $5,000 each.

HOME applauds the action taken by New York State’s chief law enforcement officer to enforce the City of Buffalo’s Fair Housing Ordinance and to combat the virulent evil of source of income discrimination. We hope that Attorney General Schneiderman’s action will inspire City officials to make full use of the statute which has been on the books since 2006.

Thanks to support from Bison Media Co., HOME’s two most popular brochures, “Housing Discrimination: You Have Rights!” and “Choosing Good Tenants” can now be found in taxis around Buffalo.
HOME Hits the Town with Dinner and A Night at the Theater

By Collin Gehl

One of HOME’s summer fundraisers was held at TGI Friday’s on Walden Avenue in Cheektowaga. TGI Friday’s is one of several restaurants that allows nonprofit organizations to raise money by inviting their friends to dinner. Friday’s provided HOME with a voucher stating that on Tuesday, July 29, 20% of the proceeds of the dinner checks would go towards HOME.

Despite competition from several events that were happening around Buffalo and Western New York, many staff members, board members, and friends showed up on a summer Tuesday evening. Friday’s quickly found itself crowded with people that were supporting HOME and its mission, (and wanting a good meal). The restaurant soon became so crowded that many of the patrons had to wait to be seated. Everyone’s good nature kept them smiling as they were eventually enjoying one of the Friday’s signature dishes.

Fundraisers like this are great for HOME because there is increased community exposure and they are relatively easy to pull off. HOME is extremely thrilled have worked with TGI Friday’s and is looking forward to having another event with them in the future. Everyone was all smiles at the end of dinner (see below).

A week after HOME celebrated the Friday’s event, staff, members, and friends attended the hilarious performance of Shakespeare in Delaware Park’s The Comedy of Errors. HOME had access to the platform, thanks to a donation from a board member, which provided a fantastic view of the stage. For just $10 guests had access to reserved seating, food, wine, and desserts.

The well-reviewed performance of The Comedy of Errors lived up the hype as the audience found itself in stitches watching the story of two sets of twins, a case of mistaken identity, and the hijinks that ensue. Starting off hot as the curtain rose at 7:30, the temperatures soon turned chilly as the sun set, and people were bundling up to keep warm. Despite the change in climate, the HOME audience was glued to the show. Everyone agreed, the performances were excellent and the evening perfect.

This was the first time that HOME chose this venue to hold a fundraiser, but the response was so overwhelming that there are plans to do it again next year.

If you’re interested in attending upcoming HOME Events, please head to the website at http://homeny.org/

**DIALOGUE ON DIVERSITY**
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staff. He suggested that the agencies could do a better job of including group homes within communities, a sentiment that seemed to echo in the opinions of family members of group home residents. Ms. Trowbridge Hanes cautioned that this will depend of the existing circumstances in a neighborhood, and not all communities will necessarily be receptive and welcoming of new neighbors, regardless of whether or not they reside in a group home.

Along with the current state of group home operations, which will continue for agencies like Gateway-Longview serving younger clients in the foster care system, the panelists also discussed a new trend in the future of communal housing. Unlicensed homes, which are not required to comply with New York State’s Padavan Law governing group home placement, are expected to become more and more common. Panelist Todd Vaarwerk suggested that moving away from regulated group homes may be the best option for some disabled individuals looking to live in group settings. He explained that a major barrier to community inclusion, along with outside opposition, is an internal tendency based on state regulations to shield residents from the outside world. This idea reflected much of the input received ahead of the Dialogue from family members of those residing in group homes.

It was the goal of the Dialogue to discuss the idea of how people in need of group home services can be incorporated and embraced into communities and society, and to identify what stigma or prejudice may exist in connection with those individuals. The expert panelists provided a variety of viewpoints concerning group home management and the future of communal living, while their experiences with opposition and other challenges in maintaining group homes helped educate the audience and provide new vantage points from which to view the issues. Mr. Vaarwerk several times remarked on the importance of affording individuals the “dignity of risk”, or the right of self-determination and freedom to make mistakes like anyone else, which seems to reflect the predictions for current and future trends of housing for people with disabilities. This insight brought the discussion back to HOME’s primary concern: that everyone, regardless of disability, should have an equal opportunity to live in the housing and communities of their choice.

The Dialogue on Diversity series is presented by HOME with support from the Community Foundation for Greater Buffalo.
Introducing... JADE LEWIS, Mobility Counselor

Jade Lewis has been the Mobility Counselor in HOME’s Community Housing Center since August, 2014. She is currently pursuing a Master’s of Urban Planning at the University of Buffalo.

Describe your role at HOME within the Community Housing Center.

I assist clients with housing. I host the Small Group Sessions and explain the [mobility] program to people who qualified, and I try to help those who do not qualify for our program in at least finding some listings. I try to be an extra pair of eyes in helping people through their housing search.

How did you first hear about HOME?

I first heard about HOME through my professor, Dr. Robert Silverman. I got introduced to the organization in one of the classes and I wrote a paper about HOME, which gave me the opportunity to explore what HOME does and look into some of its history. Before that I helped Professor Silverman with a paper he was working on with HOME, which was an analysis of the city of Buffalo’s lack of enforcement with regards to fair housing.

Talk about UB & your involvement in the MUP program.

When I originally went to UB it was as an architecture student, but my main focus was always affordable housing. I figured out that architecture wasn’t where I needed to be and I was going to switch to political science, but ended up trying out environmental design. Planning was the major discipline involved, and that’s what led me to pursuing the MUP. In terms of classes and electives, I wish there was more of a focus on housing and community development. Other concentrations seem to overshadow and are more popular than housing and community development.

How does your work at HOME relate to your future goals?

Working here helps me get experience within a workplace, become familiar with non-profit organizations and the challenges they face every day, and get accustomed to the guidelines and restrictions of working under grants. My future goals include becoming a housing provider and having a non-profit that will provide housing for low-income tenants. Being at HOME has helped me learn the skills I would need to become a good housing provider in the future. Working with landlords and tenants has also taught me to see the reality of certain situations and understand that there really are two sides to every story.

Do you plan to stay in Buffalo?

As of right now, it depends on whether or not I can get a job. At this point, I will go wherever life takes me. I am looking for jobs in Buffalo and back at home in D.C., but only time will tell.

Being from a major metropolitan area, what benefits and challenges in Buffalo have you observed that may be similar or different from those in D.C. and New York City?

One of the major challenges that I see in Buffalo is the high concentration of poverty in the city as compared with the surrounding areas. Another big challenge I see here compared with at home is the issue of transportation. When I think back about living in D.C. and NYC it was much easier to get around. Those systems weren’t perfect but when I see people in Buffalo struggling with finding jobs and accessing transportation to get to those jobs, that’s a major challenge and it’s one of the many factors contributing to the high concentration of poverty in the city.

SUDDENLY HOMELESS

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apart from many people struggling to find housing, he must still contend with a lack of quality affordable housing, credit checks, a restricted budget, and discrimination based on his source of income. Due to his lack of shelter and income, he has been staying in the City Mission while searching for housing. Despite diligently looking for housing, calling landlords, and visiting apartments, Mr. Walker has had difficulty proving to the Department of Social Services and his shelter that he was in fact searching for housing. With the help of the Community Housing Center, he hopes to find housing quickly where he can settle and stay long term.

It is important to remember that this situation is not uncommon for many residents of Erie County. Countless people are staying in shelter, with friends, family, in their car or in some cases outside. As the season begins to change many of these options become unviable and the extent of family and friends’ kindness begins to runs out. What Mr. Walker’s story demonstrates is that the struggle of finding housing with a low income is a difficult one, even with the promise of a Section 8 voucher. Though the search for housing for Mr. Walker remains a challenge, HOME is there for emotional and technical support or even as a rest stop as he travels the city, walking and taking the bus. Our work with Mr. Walker helps us understand that anyone can become vulnerable. Even doing all the right things, you can find yourself in a precarious predicament. Rebuilding is not easy, but taking it all in stride as Mr. Walker does can make a world of difference in this stressful time.
A Change of Strategy for Fair Housing Enforcement

By Alyssa Bergsten

Far too many victims of discrimination are familiar with the following scenario: they have been denied housing because of their disability or familial status or race or other illegal reason, but see no other option other than cutting their losses and continuing to look for other housing. Those who are familiar with fair housing protections may choose to report discrimination to an agency like HOME, but all too often there is insufficient evidence to proceed with a complaint. While the world of fair housing enforcement can seem to be an uphill battle, an evolving strategy for targeting discrimination and new directives from the federal government mark a change in course for fair housing monitors, and may be reason to hope for increased impact of enforcement and greater opportunity for all.

The National Fair Housing Alliance’s (NFHA) Fair Housing Trends Report 2014, “Expanding Opportunity: Systemic Approaches to Fair Housing”, outlines some steps taken over the past year to focus efforts of government and private entities on systemic rather than individual instances of discrimination. This year, the Department of Housing and Urban Development (HUD) also put forth guidance on the obligations of communities to affirmatively further fair housing, on maintaining the judicial precedent concerning disparate impact, and affirming the commitment to ensuring that individuals with disabilities have the opportunity to live as closely integrated into communities as possible. While the total number of cases reported (27,352) to HUD, the Department of Justice (DOJ), state and local governments, fair housing organizations and civil and human rights agencies nation-wide has not changed much this year compared with the previous few, there have been some notable changes in HUD policies that will continue to shape fair housing enforcement.

HUD’s new focus on wide scale systemic discrimination as opposed to individual cases should work to eradicate some of the underlying factors of discrimination that have perpetuated segregation throughout the country. Two significant cases taken on by HUD involved discriminatory lending against expectant mothers and disparate conditions and treatment for Hispanic renters by a sizable management company. The DOJ also brought charges against a housing authority for separating residents of their apartment complexes by race. By targeting mortgage lending companies, large housing providers, city governments and public housing administrations, HUD and the DOJ hope to not only address institutionalized discrimination, but also to change the perception of the housing industry about their obligations, and liabilities, under the Fair Housing Act. The method of monitoring larger actors in the housing market aims to obtain justice for the greatest number of people while simultaneously preventing a significant amount of potential future discrimination.

NFHA’s Trends Report also describes one of several anticipated regulations: guidelines for Affirmatively Furthering Fair Housing (enforcing the active promotion of equal housing opportunity by state and local governments receiving federal funding). This proposed regulation will define fair housing in terms of access to opportunities, provide that housing and community development funds be used to promote fair housing in zoning, planning and permitting practices, and require entities receiving funds to work with fair housing organizations and/or agencies representing members of protected classes, who may be otherwise underrepresented. Significantly, this proposal will also provide specifics on how to assess and plan for fair housing at the local and regional level. While the final regulation remains to be seen, it will likely hold local governments accountable for promoting fair housing and using funds to increase equality of opportunity.

Fair housing advocates have long awaited HUD’s rule on disparate impact (the idea that an entity of the housing industry can be held liable for facially neutral policies which in fact have a disparate or discriminatory effect on members of a protected class). This has long been understood as the legal interpretation of the law, and advocates fear that a reversal under the courts would prevent important fair housing enforcement in the future. Several recent court cases have come close to challenging disparate impact, so HUD’s step to establish this matter at the administrative level will provide it some security in the face of a potential hearing before the U.S. Supreme Court. Following the interpretation of overwhelming case law, HUD has confirmed and solidified the use of disparate impact in fair housing enforcement.

Also meaningful was HUD’s 2013 Olmstead guidance, in which it confirms its commitment to ensuring that people with disabilities are able to be integrated and included in housing and communities. This came as a result of the U.S. Supreme Court’s ruling in Olmstead v. L.C. that people with disabilities have the right to housing that is in the most integrated setting possible. This guidance signals a new commitment by HUD to people with disabilities.

While its new directives are ambitious compared with the past few decades of enforcement, HUD’s new approach and apparent commitment to addressing fundamental issues of discrimination—institutionally perpetuated segregation, local government policies causing disparate impact, lack of opportunities in integrated housing for people with disabilities—is a welcome development to the fair housing community. A focus on systemic problems will strengthen HUD’s enforcement capabilities and send a clear message to the housing industry. There remains a great deal of enforcement work to be done, but the foundation for more forward progress has clearly been established.
Ask Nichelle

A guide for those with questions about fair housing, landlord/tenant rights, and everything in between.

Dear Nichelle,

I am a landlord that has a single family rental. How do I change the terms of my month-to-month written lease?

Sincerely,

Mary

Dear Mary,

You may change the terms of your written month to month agreement by giving your tenant a full calendar’s month notice. For example, if you as the landlord you want to add a couple of rules to the written agreement or want them to move out by November 1st when the rent is due on the first of each month, you must give notice by September 30th. I also suggest that any changes you make be put in writing.

All the best, Nichelle

Dear Nichelle,

I am a tenant who resides in apartment and was notified by other residents in the building that the tenant who used to rent the apartment before me never returned the keys. I have contacted management several times and have not received a response from them to find out if it was in fact true. I feel that as a tenant, I should not have to worry about my privacy or belongings being compromised due the management’s negligence.

Sincerely, Stephanie

Dear Stephanie,

As a tenant living in a multiple dwelling, you have the right to install an additional lock yourself as long as you provide management a key. I also suggest you put your concern in writing as well.

All the best, Nichelle

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