

INSIGHT

Western New York's Source for Fair Housing News

VOLUME 47 NO. 1

HOUSING OPPORTUNITIES MADE EQUAL

700 Main Street Buffalo NY 14202

716-854-1400

www.homeny.org

Spring 2010

Familial status discrimination case settled By DeAnna Eason

The ad stated: "\$750/3br - Large House in Final State of Renovation...Looking for a unique individual or couple for a spacious 3,000 sqft ..."
Three bedrooms? Spacious 3,000 square feet? Seems like an awful lot of room for a "unique individual or couple," doesn't it? Well it did to the fair housing specialist from HOME who found the advertisement while monitoring Craigslist's website. HOME, believing the ad showed a violation of the Fair Housing Act, began to investigate.

HOME dispatched two investigators. The investigator with children was reportedly denied the opportunity to view the unit by owner Frank Guido, who told her that the apartment was not conducive for a family and that he wanted to rent to an "individual." The investigator without children was able to schedule an appointment and viewed the Richmond Avenue unit without incident.

Armed with the facially discriminatory advertisement and the testing evidence, HOME filed a complaint with the U. S. Department of Housing and Urban Development (HUD). Not only did HUD issue a determination of reasonable cause, they charged Guido with "engaging in discriminatory housing practice[s]..."

HOME approached Guido on several occasions to settle the matter, but he refused. He elected to have the case tried in federal court, and the case was transferred to the Department of Justice. After months of negotiation, the matter was resolved without any admission of wrong-doing. Respondent Guido agreed to abstain from discrimination in the sale or rental of housing, to affix the equal housing opportunity logo or phrase to all advertisements and applications, to use a legal application and to retain all applications received for five years, to supply HOME with a list of rental properties he owns in Erie and Niagara Counties, to formulate a written policy for tenant selection and to donate a sum to the Haiti relief effort. Respondent Guido also agreed to undergo fair housing training, which was provided by HOME.

"What's Your Piece of the Puzzle?" 47th Anniversary Celebration By Shannon M. Koehn

Have you ever tried to complete a jigsaw puzzle without the last four pieces? What about finishing a crossword puzzle without knowing #7 down? If so, you've recognized that every piece of the puzzle is essential. This concept holds true for HOME and for furthering fair housing in the Buffalo-Niagara region—a region, which the U.S. Census deems the seventh most segregated metropolitan area in the nation!

The theme of this year's anniversary "What's Your Piece of the Puzzle?" asks a question to which you already have the answer. YOU are an essential piece to this puzzle. We are each called to a collective responsibility to affirmatively further fair housing. We do this through getting involved—be it as a member of HOME or by volunteering in your community, educating each other and our children about the impact of fair housing and advocating for victims of housing discrimination.

So, on Thursday, April 29th share your piece to the HOME puzzle. Join us as we celebrate our 47th Anniversary. It is sure to be a night to remember!

We will begin the evening at 5:00 pm as we meet new friends and reunite with old over cocktails and hor'dourves. Here you can participate in a 50/50 drawing and basket raffle including prizes sponsored by the Buffalo Philhar-



monic, Albright Knox Art Gallery, Buffalo Museum of Science, The Premier Group and so many more creatively themed goodies!

At 6:00 pm the evening will move on to dinner and a dynamic program emceed by WIVB's anchor Victoria Hong. We are thrilled

to have Canisius College President Elect John J. Hurley, a former chair of HOME's board, to keynote this event. Likewise we are excited to update you on the progress of the future "Home for HOME" at Main & Ferry Streets. The Joanne Champion Granger Scholarship and awards will be presented. And, back by popular demand, is our live auction featuring autographed Buffalo sports memorabilia, gourmet catered dinner for four and a Taste of Buffalo—a collection of over \$300 worth of gift certificates to local restaurants—yum!

There are still so many ways for you to get involved in this event: purchase an ad in our souvenir journal; become a sponsor of the event where your company's logo would be prominently displayed; donate items to be used in our baskets, live or balloon auctions; buy a table or a ticket or sign up to volunteer for the event. Visit www.homeny.org for more information or contact Shannon M. Koehn at 716.854.1400 ext. 17 or skoehn@homeny.org.

YOU are an essential piece to the puzzle!



From the Director: The Public's Right to Know

By Scott W. Gehl

One of the challenges faced by HOME and other fair housing organizations is the myth that housing discrimination seldom occurs in what some observers have labeled a "post racial era" following the election of the nation's first African-American president. Reality is far different. According to a bipartisan commission's report issued in the year following the 40th anniversary of the Fair Housing Act (entitled *The Future of Fair Housing*), there are an estimated four million incidents of housing discrimination in the United States each year; only about 30,000 complaints filed with government agencies or private fair housing organizations.

However, dry statistics don't describe the situation nearly so well as the stories of real people. It is rare that media reports of HOME clients who have successfully challenged discrimination do not prompt calls from others who have been illegally denied housing. HOME believes in the public's right to know and it has long been my policy not to enter into confidential settlements—despite the fact that some respondents have attempted to buy HOME's silence. Early on in the last decade of the last century HOME's Board of Directors made this a matter of official policy.

On or about December 30, 2008, a

wife and mother of five viewed a "3+ bedroom" apartment on Greiner Road in Clarence which had been advertised in the *Amherst Bee*. Although the realtor associate for Re Max/North was initially encouraging, when the young White woman submitted an application with the identifiably African-American names of her husband and their children, the situation changed. According to the federal complaint, the realtor left a message stating the property owner would not rent them the apartment because she had too many children.

HOME dispatched two testers to contact the realtor and found evidence which supported an allegation of race and familial status discrimination. Staff attorney Jennifer Metzger filed federal discrimination complaints on behalf of our clients and HOME in April of 2009.

Even in advance of a determination of reasonable cause, the respondents have agreed to the payment of modest sums to the complainants as well as affirmative relief requested by HOME. This not insignificant settlement is conditioned, however, on a requirement of confidentiality—which HOME will not grant.

On February 24 the Executive Committee unanimously reaffirmed the long-standing policy against entering into

confidential settlements to resolve cases in which HOME is a party. That motion was made by retired *Buffalo News* reporter Tom Dolan, who knows a thing or two about resisting efforts to suppress the truth—and understands the importance of the public's right to know.

Movement on Main-Ferry

Although the snow is piled high and still falling on this Saturday afternoon, with help from HOME's friends and partners we continue to make progress on the Main-Ferry Project.

Project consultant Janet Meiselman (of Oxford Consulting), architects Charles Gordon and Robert Conway, general contractor Paul Lamparelli, attorneys from Hurwitz & Fine, and HOME staff continue to press forward on multiple fronts—with the goal of construction beginning before the 47th Anniversary Celebration.

What a celebration that will be!

If you have been discriminated against while searching for housing, contact HOME at 716-854-1400 or www.homeny.org.

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Visit www.homeny.org for details.

Contributions to HOME are Tax-Deductible.
 For more information contact Shannon Koehn
 at 716-854-1400 ext. 17.

New Free Landlord Training Course Offered in 2010

The conference room was overflowing with participants: landlords from across Western New York, housing counselors from various organizations, and presenters. The course began with a brief introduction to fair housing law and a definition of discrimination and its impact on the community. From the beginning to the end of the course, the audience was captivated by the topics presented and shared their stories on the tenant screening process and landlord-tenant relationships. Although the course was scheduled to last ninety minutes, it ran over two hours because of enthusiastic audience participation.

Through a generous grant from the Community Foundation for Greater Buffalo, HOME is able to offer a new free landlord training course. This program is especially designed to educate landlords on fair housing and landlord-tenant laws, as well as the Community Foundation's

INSIGHT

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Contributors

Margaret Brown, DeAnna Eason, Scott

W. Gehl, Shannon M. Koehn, Nicole

Thorn, & Grace McKenzie, *Editor*

Wipe Out Lead Program with laws concerning lead paint removal in buildings constructed before 1978, and Roswell Park Cancer Institute's Smoke Free Housing Program offering grants to help renovate and market apartments as smoke-free housing.

HOME would like to take the opportunity to thank the Community Foundation for Greater Buffalo for this chance to be able to educate landlords about their rights and responsibilities under the laws. Also, HOME would like to thank its partners, Roswell Park's Erie-Niagara Tobacco Free Coalition and the Erie County Department of Health, for participating in the landlord training courses.

Each participant receives a folder of informational materials, including everything from a sample application to use during the screening process to a move-in checklist for the tenant and landlord to inspect the apartment and detail the condition of each room. Also brochures on Landlord-Tenant Dispute Resolution, Lead Safe Laws and Renovation Training Programs, and Smoke-Free Housing Grants are included in the reference folder. Each participant also receives a complimentary copy of the book, *A Guide to Landlords' Rights*.

During the landlord training course, presenters outline the services that HOME has to offer landlords: free and confidential counseling on the laws, free lease or rental application review to advise landlords on compliance with the laws, and the possibility of listing available apartments with HOME's Greater Buffalo Community Housing Center.

By educating landlords on their rights and responsibilities under the fair housing and landlord-tenant laws, more landlords will understand that the laws are created in their best interest and are only designed to make the rental processes standardized and fair for all people.

The Landlord Training Course is offered once a month. Registration is required because space is limited.

Federal Suit Favorably Resolved

In the Spring of 2007, Housing Opportunities Made Equal came across a Craigslist advertisement for a South Buffalo apartment which stated "NO SECTION 8", which HOME considered to be a violation of the City of Buffalo's 2006 Fair Housing Ordinance.

Because of the frequent correlation between source of income and race discrimination, HOME engaged African-American and White testers to contact the advertiser. According to the federal complaint filed by HOME, on June 14, 2007, at approximately 12:53 p.m. the African-American tester spoke with Mrs. Feinen and was told that the unit was no longer available and was offered another unit in the "Walden area". Thirty-seven minutes later, the White tester called and spoke with Mr. Feinen and was given an appointment to view the apartment in South Buffalo. The Feinens claimed this apparent inconsistency was caused by a miscommunication between them about the availability of the apartment. According to the tester's sworn affidavit, which the Feinens disputed, landlord Randall Feinen made inquiries about her marital and familial status in apparent violation of fair housing law. Three days later the White tester was shown the vacant unit by Mrs. Feinen.

HOME filed a complaint alleging race and familial status discrimination with the U.S. Department of Housing and Urban Development, which referred the matter to the New York State Division of Human Rights for investigation and adjudication. During the course of discovery, it was learned that while Mr. and Mrs. Feinen rented apartments to a diversity of tenants in several city neighborhoods, each of their 10 units in South Buffalo was occupied by a White tenant. However, one also had an African-American tenant.

Division of Human Rights returned a finding that there was no probable cause to conclude that they violated the law, ending the administrative complaint process. After meeting with attorneys Dan D. Kohane and Tasha Dandridge-Richland of Hurwitz and Fine PC, HOME made the decision to pursue the case in U.S. District Court.

Without any adverse finding or admission of wrong-doing, the parties have now agreed to a settlement, which will include a \$5,000 contribution by the Defendants to HOME and various provisions of affirmative relief in the interest of furthering fair housing. Mr. and Mrs. Feinen have vigorously maintained their innocence throughout and offered the following comment: "We have always provided safe, quality, affordable housing in compliance with all local, state and federal statutes. In fact, 92% of our rentals are to protected classes of people and 40% are to Section 8. We have never discriminated against anyone, and we will never do so. As with all of our units, we will continue to rent this apartment in compliance with all laws."

Homeless Family Finds Help in New Homeless Prevention Program

By Nicole Thorn

The Taylor family has faced many obstacles over the past six months. They were evicted from their apartment and were forced to rely on the kindness of friends and family members as they stayed here and there for a night or two.

They finally made their way to a local family homeless shelter where they stayed for several months and tried to get their lives back on track. The Taylor family soon learned about the Buffalo Homeless Outreach Program (BHOP) from their caseworker at the homeless shelter.

The BHOP Program provides assistance and resources to people who are homeless or in danger of becoming homeless. The program consists of a network of local human service agencies that work together to get people into housing very quickly and provide financial assistance.

The BHOP Program sounded like it would be a perfect fit for the Taylor family. They were referred to a BHOP intake specialist and linked with a BHOP case manager. The Taylor family was then promptly linked with HOME to get help with finding a new apartment quickly.

HOME Social Worker Nicole Thorn met with the Taylor family right at the homeless shelter where they were staying and provided them with numerous apartment listings.

Nicole also transported the Taylor family to view several different apartments, and worked in conjunction with their BHOP case manager and shelter case manager to overcome several road blocks along the way including securing a fire alarm system for hearing impaired persons and completing

an apartment inspection.

Through the help of HOME and the BHOP Program, the Taylor family was able to locate affordable housing in Tonawanda. They were also given financial assistance to help with the security deposit and the first several months of rent so that they can begin to stabilize their lives.

The BHOP Program counselors also will continue to work with the family for up to 18 months, in order to promote self-sufficiency and stability in their lives.

For BHOP Program information, contact
Crisis Services for 716-834-3131 or
www.crisisservices.org

Spotlight Story: Margaret Brown, HOME Secretary

It has been a very long time since I first came to work at HOME, in November of 1988. I didn't even know it existed at the time. But since then, I have grown with HOME and have learned much. There are people from all walks of life and cultural backgrounds that continue to strive to eradicate discrimination – our forte being housing discrimination.

I've had great teachers, from the executive director to board members to fellow HOME supporters and staff members. I give kudos to all. I continue to listen, participate and, of course, continue to keep everyone in line as "Sheriff of HOME." Thank you.

HOME's Mission:

Housing Opportunities Made Equal is a civil rights organization working to promote the value of diversity and to ensure the people of Western New York an equal opportunity to live in the housing and communities of their choice through education, advocacy, enforcement of fair housing laws, and the creation of new housing opportunities.

THANK YOU TO ALL OUR PATRONS...

Community Foundation for Greater Buffalo, John R. Oishei Foundation, Town of Hamburg, City of Buffalo, Erie County CDBG Consortium, Town of Amherst, HSBC Bank USA N.A. Community Development Department, M & T Bank, United States Department of Housing and Urban Development, and donor designated contributions made through the State Employees' Federated Appeal, the Combined Federal Campaign and the United Way.

Thank You!



Housing Opportunities Made Equal

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