

State Enforces City Fair Housing Law

By Grace Smokowski

An investigation conducted for the Office of the Attorney General Andrew M. Cuomo by Housing Opportunities Made Equal revealed lawful source of income discrimination at the Camelot Court Apartments in the University District of Buffalo when HOME testers were told the complex refused to accept Section 8 vouchers.

The City of Buffalo enacted a fair housing law in the May of 2006 that makes it illegal for a landlord or property manager to refuse to rent housing to anyone because of their lawful source of income, which includes public assistance, pensions, annuities, and government assistance such as Section 8.

This settlement with Clover Management marks the first enforcement action under the 2006 fair housing law.

"We applaud the Attorney General for enforcing the Buffalo Fair Housing Ordinance," HOME Executive Director Scott Gehl said. "With this settlement, the Attorney General is making a real difference in the lives of those of limited means and who need an advocate

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Freedom of Speech or Freedom from Fear
by M. DeAnna Eason

The phone rang, awaking the couple from their sleep. It was their neighbor with alarming news – a cross was burning in their front yard! The couple rushed to the front porch and watched in horror and disbelief as the seven foot cross was aglow with furious orange flames.

An account from the Deep South during the 1930's? Not exactly. This is from July 2008 in South Buffalo.

According to the July 8, 2008 edition of *The Buffalo News*, Mario Echevarria, a Hispanic male, and his girlfriend Kelly Kohr were the victims of this awful hate crime. Neighbors allegedly witnessed Donald Napierala putting the cross in the ground - approximately two feet from the couple's house, and then igniting it.

Fortunately, the fire did not reach the house, and Mr. Echevarria, Ms. Kohr, and the two children that were sleeping in the

home were not harmed.

A United States Supreme Court ruling found in the case of *Virginia v Black* (2003) that the first amendment permits a state to outlaw cross burnings done with intent to intimidate; however, the Court further

ruled that Virginia's statute of banning all cross burnings was facially invalid because the burden of proof was shifted to the defendant to prove intimidation was not the intent.

Buffalo police obviously felt that intimidation was Napierala's purpose; he was charged with committing a hate crime. In 2000, New York became the 43rd state to pass the Hate Crimes Bill. This legislation increases the penalty for criminals who target their victims based on certain protected classes.

Section 524 of the U.S.C. Title 28 defines a hate crime as "criminal offense against a person or property motivated in whole or in part by the offender's bias against a race,

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Ms. Kohr said: "I didn't know who did it and why they did it. I thought they were trying to say they wanted to kill us."

The Greater Buffalo Community Housing Center: A New Beginning
By Kenneth Gholston

Nearly a decade ago, Housing Opportunities Made Equal won the opportunity to create a program designed to not only give clients a chance to remake their own lives but to transform Western New York. After years of success in doing just that, HOME has been given the opportunity to take the next step to not only change client's lives for the better, but to change Western New York in the process. Through the generosity of the John R. Oishei Foundation, HOME was given a one-year, \$300,000 grant to expand the

services of the Greater Buffalo Community Housing Center.

The GBCHC was born out of the settlement of the landmark housing lawsuit *Comer v. HUD*. The program was designed to give special Section 8 Housing Choice Vouchers to those living in Buffalo's poorest and most segregated areas, with the goal of informing clients of their full range of housing options, and encouraging them to choose housing in non-poverty concentrated areas, that is areas of

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From the Director: The High Cost of Harassment

By Scott W. Gehl

Sexual harassment in housing most often affects vulnerable young women on the economic edge: women with few alternatives who live in desperate fear of losing their homes. Unless it occurs in an owner-occupied exempt dwelling – as it has in some particularly maddening HOME cases – it is prohibited by both the federal Fair Housing Act and New York State Human Rights Law.

Courts have ruled that there are two types of sexual harassment: one in which continued tenancy, services or terms of rental are conditioned upon meeting a landlord’s sexual demands; and a second in which a landlord deliberately creates a hostile environment in which a tenant is subjected to pervasively offensive sexual behavior.

According to a decision authored by state Administrative Law Judge Mathew Menes, Hamburg landlord Gerald Meyerhoefer was guilty of both in his dealings with a young working mother who rented a mobile home from him. What initially seemed concern for his young tenant became something different when he would

drive by daily, taking pictures and peering through windows. According to testimony, Meyerhoefer became “grabby” and would try to kiss her. These advances were repeatedly rejected. He reportedly harassed her when she went out with others and at one point threatened to shoot her son.

Judge Menes also writes that the respondent repeatedly sent the young woman jokes of a sexual nature and made offensive sexual comments. The young woman testified that that Meyerhoefer’s comments left her “a total wreck”. This was the condition she was in when she turned to HOME for help.

On August 11, 2008, Division of Human Rights Commissioner Galen D. Kirkland issued an order affirming Judge Menes’ recommendation that respondent Meyerhoefer pay the complainant \$110,000 in compensatory and punitive damages.

The State of New York has sent an unambiguous message that this particularly vile form of discrimination will not be tolerated.

Changes at HOME

Although HOME’s mailing address has remained unchanged since 1989 and tens of thousands of clients have entered our offices through the same door and reception area, the offices have been re-configured four times. The recent grant from the John R. Oishei Foundation to expand the work of HOME’s Greater Buffalo Community Housing Center has required a fifth.

HOME is in the process of hiring three new staff for the GBCHC: a mobility counselor, social worker and a part-time secretary. These staff, working under the supervision of Mobility Coordinator Ken Gholston, will permit HOME to double the number of clients assisted by the program and add a new case management component designed to help clients who have chosen to make a geographic move to opportunity communities to change their lives.

This is an exciting time for HOME and our clients.

Please Renew Your Membership to HOME by Completing and Returning this Form. Thank you!

Prefix: _____ Professional Title: _____
 Name: _____
 Address: _____
 City/State/Zip: _____
 Phone: _____
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Categories of Membership (check one)

_____ Students, Limited Income.....	\$10.00
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May we list your name in *Insight* as a HOME supporter?
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Visit www.homeny.org for details.

Contributions to HOME are Tax-Deductible.

For more information on membership contact HOME at (716) 854-1400 extension 17 or www.homeny.org

Housing Opportunities Made Equal’s latest annual report may be obtained upon request from the office of the Attorney General Charities Bureau, 120 Broadway, New York, New York 10271

Freedom of Speech ...

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religion, disability, ethnic/national origin, or sexual orientation."

According to *The Buffalo News* article, Ms. Kohr stated: "I didn't know who did it and why they did it. I thought they were trying to say they wanted to kill us. My boys are both Hispanic and I think it's because we're a mixed couple."

The article further stated that the cross burning may have been an act of retaliation against Mr. Echevarria who reportedly was in a physical altercation with Napierala at a 4th of July gathering. If this was the case, it begs the question why a burning cross, a historical symbol of racial hatred that has long been associated with the Ku Klux Klan, would be the instrument of revenge – not slashed tires, a broken window, or trash strewn over the front yard.

Hate crime statistics gathered by the FBI in 2006 detailed that a total of 7,722 criminal incidents (that included 9,080 offenses) were reported; an increase of 7.8 percent from the 7,163 incidents reported in 2005. Nearly one half of the offenses involved intimidation. Of 7,330 identified offenders, 58.6 percent were White and 20.6 percent were Black. Racial bias appeared to be the most frequent motivation, and accounted for 51.8 percent of the reported incidents in 2006. This is a slight decrease from the 54.7 percent reported in 2005. With statistics as shocking as these, it is necessary to remember that this is just the incidents of reported crimes and not the entire universe of hate crimes. If non-reported incidents were factored into these statistics they would be much greater.

While the Supreme Court decision found it necessary to protect certain cross burnings as symbolic speech, it leads one to wonder if enough is being done to protect against acts of hatred, intimidation, and bigotry.

Cross burning with the intent to intimidate is an overt sign of discrimina-

tion, unlike most of the discrimination that occurs today in the form of subtle statements, or unequal treatment of prospective tenants. These other forms are just as real a threat to some as a burning cross in the front yard. Discrimination has the same consequence as segregation; while it most certainly has a detrimental effect on the individual who experienced it, it is also devastating to a community. As the cross burned on the family's front lawn neighbors acted swiftly to exterminate the flames of hatred and intimidation. It is the duty of the community to rally around victims of discrimination and to show a united front that states hate crimes and other forms of discrimination will not be tolerated in our community.

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to protect their rights."

While not admitting any wrongdoing, Clover Management agreed

- * to reserve twenty available units in Camelot Court Apartments for Section 8 voucher holders,

- * to establish waiting lists for Section 8 recipients and register all available units with Section 8 administrators,

- * to rent a Camelot Court apartment to an individual whose application was originally rejected because of having a Section 8 voucher,

- * to retain an outside organization to conduct periodic tests on Clover Management properties to ensure future compliance with the fair housing laws,

- * to pay the state \$10,000 for outreach and education of anti-discrimination laws, and

- * to ensure that rental agents receive training on the requirements of federal, state, and local fair housing laws.

With this ground-breaking settlement, citizens of Buffalo may know that the Buffalo Fair Housing Ordinance will be enforced to the fullest extent of the law, guaranteeing everyone the essential right to live where their hearts desire and their means permit.



Camelot Court Apartments, run by Clover Management, agreed to accept Section 8 vouchers in a settlement with the Attorney General.

INSIGHT

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Contributors

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 and Grace Smokowski, *Editor*.

The Greater Buffalo Community Housing Center: A New Beginning

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opportunity. Clients were given one-on-one counseling, access to a library detailing every important aspect of every one of Buffalo's surrounding suburbs, as well as assistance with a security deposit and assistance in paying for the move. During the period between the opening of the GBCHC in April of 1999 and April 2005, HOME created records for 2,143 client families who leased housing after using services of the Greater Buffalo Community Housing Center. Before coming to the GBCHC only 43 percent of families lived in low-poverty tracts. After using the services of the GBCHC, 68 percent of families (1,464 of 2,143) chose low-poverty tracts. It is significant that 43 percent of all movers chose to lease housing in very-low poverty tracts with fewer than 20 percent of households below the poverty level.

Despite this level of success in changing the lives of Buffalo residents, the GBCHC was faced with a myriad of budget problems and a lack of financial support from the City of Buffalo. At one time the GBCHC had five full time employees; by April 2005 the GBCHC was down to one full time employee. Despite the shortage of funds the GBCHC continued to assist clients, helping another 593 clients find housing in the neighborhoods of their choice.

Thanks to the funding received from the John R. Oishei Foundation, the GBCHC will continue to build upon its proven program of helping families transform their housing situation. A new full time Mobility Counselor and Part-time support staff member will be added to assist in helping Section 8 voucher holders find housing. Eligible clients will also be assisted with a grant for \$500 to be used for their security deposit.

A new part of the GBCHC equation will be the addition of a full time Case Manager to work with clients after they have found housing. Recent studies of housing mobility programs have indicated that while helping to find housing in non-impacted areas is important to the health and vitality of a family, many programs fall short because they do not address the needs of the client after they have moved into a new neighborhood of opportunity. To rectify that problem HOME's Case Manager will develop a family plan with each family, targeting areas of improvement and development that the family can work on. The GBCHC will also have unique partnerships with the CASH (Creating Assets, Savings and Hope) Coalition to give clients tips on financial literacy skills, The Goodwill for job training and placement, and the University at Buffalo's Educational Opportunity Center (EOC) for educational advancement. Clients will also be encouraged to enter into their Section 8 provider's Self-Sufficiency Program, with the eventual goal of being able to own their own house.

All of these changes together are a tremendous opportunity not only for our clients, but to remake the seventh-most segregated metropolitan area in the nation. It is a chance to give families the opportunity to live where their dreams desire and their means permit. It is a new beginning indeed.



Discriminatory Ad Becomes Federal Case

A simple advertisement in the newspaper for housing may not be as simple as one thinks. The advertisement read: "Winspear. 5 bedrooms, updated, new windows, new bath, \$1,100 + utilities. Perfect for students." Initially, one might not think of anything wrong with this advertisement, until one calls to inquire about the house for rent.

A family of eight, (two parents and six children), was searching for a house to rent. When the mother read the above advertisement, she was excited for the possibilities. Upon calling the number in the advertisement, the family was told that bedrooms in the house were only available to college girls. Their hopes dashed, they called Housing Opportunities Made Equal for help.

HOME investigated the case to discover that "perfect for students" meant female college students only renting by the room. According to the Fair Housing Act, it is illegal to discriminate on the basis of sex and the presence of children in a family. Furthermore, the Fair Housing Act makes it illegal to make, print, or publish any advertisement indicating a preference, limitation or discrimination on the basis of sex and the presence of children in a family. HOME filed the case with the United States Department of Housing and Urban Development, which referred the matter to the New York State Division of Human Rights for investigation.

Without any admission of wrongdoing, property owners Thomas and Christine Schuster settled the discrimination case agreeing to undertake fair housing training for their staff, to add "Equal Housing Opportunity" logos to future advertisements, to formulate a written tenant selection plan, and to pay the complainants nearly \$5,000.

"Each One, Reach One" 2nd Annual Membership Appreciation/Networking Event Thursday, October 9th!

You spoke...we listened! Back by popular demand is our second annual membership networking event!

Join us on Thursday, October 9th from 6 pm to 8 pm at Canisius College's Grupp Fireside Lounge located in the Student Union on Hughes Street where we will gather to celebrate you – The Heartbeat of HOME! The second annual membership appreciation/networking event is **FREE** and open to everyone. Parking and shuttle services are available from the Canisius College parking ramp on Jefferson Avenue (between Delavan & Main) to the Student Union.

Educating and empowering others to make informed housing choices becomes all of our responsibility. So, as we celebrate our members we have appropriately themed this year's membership appreciation event "Each One, Reach

One." We encourage each of you to invite a friend, co-worker or family member to join us as we catch up with old friends, network with new friends, enjoy food and refreshments as well as the opportunity to hear what's new at HOME!

Donated prizes will be auctioned off and the winner of the one night stay to the Glen Iris Inn in Letchworth State Park will be announced. Raffle tickets for The Glen Iris Inn (www.glenirisinn.com) are on sale now; one for \$5 or 5 for \$20. If you're interested in purchasing tickets or reserving your spot at the membership appreciation event, simply call Shannon @ 716.854.1400 ext. 17. You can check out our new website too: www.homeny.org for more information. You have every reason to be proud of your HOME membership – so much of HOME's work is possible because of your continuing support. Plan to come to this year's membership event, it's very simply our way to say – **THANK YOU!**



LEAVE A LEGACY... HOUSING OPPORTUNITIES MADE EQUAL EXISTS BECAUSE OF THE CONTINUING SUPPORT OF OUR MEMBERS WHO DESIRE TO LIVE IN A COMMUNITY FREE OF DISCRIMINATION. FOR ALL THOSE WHO SHARE THIS BELIEF, THERE IS ANOTHER WAY TO SUPPORT HOME'S MISSION—BY LEAVING A LEGACY TO HOME. FOR INFORMATION ON A MAKING A PLANNED GIFT TO HOME'S JOHN HOWLAND KOEKKOEK ENDOWMENT FOR FAIR HOUSING,

Spotlight Story of the Month: Grace Smokowski, Education Coordinator of HOME

My story is a simple one. I live in Lackawanna with a general symbiosis between family members and neighbors from all walks of life. My Polish family lives next to a Bosnian family and across the street from Puerto Ricans, while an African American lady in the apartment complex next door watches over all with a guiding hand.

One neighbor told her story of discrimination which took place several years ago: she was a vibrant, teenage girl and single mother of a biracial baby. When trying to move from her parents' home in Lackawanna to her first apartment in Hamburg she experienced discrimination due to her child's race and the presence of a child in her young family, not being able to rent the apartment of choice. My neighbor took her case to HOME where HOME actually got her the apartment she wanted after all. Being so elated with the outcome of her case, she began to sing HOME's praises to everyone in the neighbor-

...With resilient spirit
one might overcome
all obstacles.

hood before she left for greener pastures in Hamburg.

Upon seeing the advertisement for HOME's Education Coordinator position available, I had a premonition I should apply. This seemed like a wonderful fit for me – like I was

already on my way to a place where I could contribute much.

In the year and a half that I have been Education Coordinator for HOME, my eyes have witnessed much. From presentations with active audiences to conferences on discrimination cases to soup kitchen outreach, I have learned that the basic right of kindness towards your neighbor is not always basic. I have also learned from co-workers and clients that with resilient spirit one might overcome all obstacles. With all that I have learned in this position and continue to learn and grow, I can truly say that I feel like I am home.

"Set Sail with HOME"

Membership Appreciation Boat Ride

It was a lovely, summer afternoon for a boat ride aboard the Miss Buffalo II. The sun shone brightly on the misty waters. Members, friends and guests of HOME were in attendance at the first ever "Set Sail with HOME" membership appreciation boat ride on Saturday, August 23rd, 2008 from 1 pm to 3 pm.

There was entertainment with basket raffles and the raffle of an overnight stay for two at the Beau Fleuve Bed & Breakfast (www.beaufleuve.com). Mr. & Mrs. Eric Duma won the luxurious overnight stay at the Beau Fleuve Bed & Breakfast! Congratulations to all of the raffle winners!

Special thanks to the owners of the Beau Fleuve Bed & Breakfast for donating the gorgeous accommodations. Special thanks to all who donated their time and efforts to make this event very successful! Also, thanks to all of our members who chose to participate in this spectacular event. We hope to "Set Sail with HOME" again next summer!

"Set Sail with HOME" Boat Ride



The Captain set sail for the cruise along the lake. We were well taken care of under his steadfast eye on the water.



Gwen, Brian, and Tyshawwn take a moment to enjoy the scenery from the cabin.



Egeria and twins, Maya and Kayla, enjoyed the boat ride on the lake very much.



The drawbridge rises to accommodate the boat going home toward the Peace Bridge.

HOME's Mission:

Housing Opportunities Made Equal is a civil rights organization working to assure 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 housing opportunities.

THANK YOU TO ALL OUR PATRONS...

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

HOME's Wish List: Postage stamps, digital cameras, desktop computers, 125 MB thumb drives, volunteers for board committees.



Housing Opportunities Made Equal

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