

INSIGHT

Western New York's Source for Fair Housing News

VOLUME 43 NO. 4

HOUSING OPPORTUNITIES MADE EQUAL 700 Main Street Buffalo NY 14202

Winter 2006

Family Reunification Stymied by Alleged Discrimination

By Ann Huiner

Three years ago, Joseph Morelli* was a happy man. He was engaged to be married, his first child was due in a month, and he was looking forward to having his fiancée, her two children, and the new baby under one roof. The family was planning a future that included buying a home of their own once the lease expired on the two bedroom apartment. However, their lives changed drastically when Joseph and his fiancée were informed that not only were she and her children denied permission to move in, Joseph's lease would be terminated. Rather than planning for a new home, the family found themselves facing eviction.



"... And baby makes three... but three is not allowed."

It is against federal and New York State fair housing law to deny housing to a family solely on the basis of the presence of children. Additionally New York State's "roommate law" allows a tenant to permit an additional occupant and that occupant's immediate family to reside

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Attorney General negotiates \$25,000 settlement in housing bias case

By Andrea Mujahid-Moore

In a recent news release from the New York State Attorney General's office, Eliot Spitzer, said "It is illegal and unfair to systematically deprive people of the opportunity to live in an apartment building based on their race or color. Such practices serve only to perpetuate segregated communities." The statement was made after a \$25,000 settlement was reached in a case brought by the Attorney General charging the Royal York Apartments with racial discrimination.



Attorney General Eliot Spitzer takes a strong stand on housing discrimination (photo credit to www.oag.state.ny.us)

The U. S. Census Bureau has ranked the Greater Buffalo metropolitan area the seventh most racially segregated in the country. Although not specifically mentioned at the time, this fact may have been a contributing factor in the NYS Attorney General's office decision to enlist HOME's assistance to investigate housing discrimination in the area.

At the request of the Attorney General, HOME launched a series of tests investigating area

housing complexes for discrimination based on race/ color. In some cases, no evidence of discrimination was found. However at the Royal York Gardens apartment complex in West Seneca, it HOME's investigation it appeared that Black applicants were treated in a less favorable manner than White applicants.

Based on HOME's testing results, in October 2005, the Attorney General's office filed a federal lawsuit against the owners of the complex, Royal York Liberatore Family Limited Partnership. The lawsuit alleged that Black applicants were not shown the same apartments as the White applicants; agents for the complex misrepresented the availability of units; agents failed to provide complete information concerning available units to Black applicants; and agents actively encouraged the White applicants, but not the Black applicants to rent apartments.

The owners deny the alle-

gations, electing to settle the case. David Jay, attorney for the Liberatore LP, stated, "The owners are of the belief they did absolutely nothing wrong". He went on to explain that the agent who was working for the complex had worked for an inner-city not-for-profit for years and therefore was not likely to discriminate on the bases of race.

The case was settled before U. S. District Court Judge William Skretny who ordered the respondents to pay \$25,000 and institute affirmative actions to prevent future discrimination from occurring. These actions include: requiring fair housing training for their housing agents, retaining a qualified fair housing group to conduct periodic unannounced testing, displaying the Equal Opportunity logo in future advertisements; and take affirmative marketing steps to increase diversity at the complex.

Eliot Spitzer summarized "By imposing fines and penalties on landlords who engage in unlawful discrimination, we hope to send a clear message that such misconduct will not be tolerated."

The owners deny the alle-

Not so Quaint Little Cottage

By M. DeAnna Eason

For 15 years, Marlyn Templeton lived in public housing and longed for the day she could move out. For years she tried, and for years she was turned down by housing providers when she would view apartments with her developmentally disabled daughter Laurie Ann.

Earlier this year, while driving down a Tonawanda Street, Ms. Templeton spotted a cottage house with a for rent sign

in the front yard. She called the number listed and discovered it to be a law firm. Ms. Templeton spoke with Frank Simmons, an attorney who was acting as rental agent for the cottage's owner, attorney Robert Levi. As Frank described the unit, Ms. Templeton could not help but think that it sounded perfect for her daughter and herself.

Not wanting to again experience the rejection she

had previously endured when landlords discovered her daughter's disability, Ms. Templeton disclosed that her 23 year old mentally retarded daughter would be living with her. Ms. Templeton then thanked Frank for the information and his time and told him she would get back to him and let him know if she wanted to rent the unit.

(Continued on page 3)

From the Director: MEMBERSHIP DRIVE DEMONSTRATES DEDICATION

By Scott W. Gehl

This year HOME's Membership Committee adopted an ambitious goal: expanding our membership nearly 20 percent by enlisting 100 new members.

Co-chairs Diana Cook and Yvette Veira understand that in addition to being a nationally recognized provider of fair housing services, Housing Opportunities Made Equal is first and foremost a civil rights organization dedicated to challenging entrenched patterns of segregation and helping assure that every resident of Western New York can exercise the right of equal opportunity promised by law. In order to succeed as an agent of social change, HOME must persuade more people to march behind the banner of fair housing.

Shortly after 7 a.m. on Sunday, December 3rd, Diana, Yvette and Leah Mervine arrived at True Bethel Baptist Church. Pastor Darius Pridgen (himself a frequent agent of social change) had permitted HOME to set up a membership table and offered Diana the opportunity to speak briefly at one of the three Sunday morning services.

Giving up their Sunday mornings for HOME speaks to the dedication of these three young women, whom we are fortunate to count as members of our board.

If your congregation might be interested in learning about fair housing and HOME, contact Anne Huiner at 854-1400 ext 22.

One less impediment

Since 1996 HOME has played a role in five different studies of impediments to fair housing. Today we have ourselves eliminated one impediment: our own telephone technology.

When we installed our telephone and voicemail systems in early 1999, I had vowed that callers seeking HOME's help would always be greeted by a human being. That promise was kept until May of 2005 when reductions in funding forced us to lose half of our staff.

For a time thereafter we all took our turns answering the phone; however, that was not the best use of HOME's diminished resources. We then tried to enhance our obsolescent voicemail technology, but no amount of tinkering would make it work reliably. People—angry people—have come up to me

outside of the office to report that had spent ten or more minutes unsuccessfully trying to reach someone. I wonder and worry about how many callers just gave up.

Accordingly, we have spent nearly \$5,700 of precious unrestricted funds to acquire new telephone and voicemail systems. With technical assistance from Les Hoffman through Community Connect, we solicited bids from three established firms in order to install a user-friendly system which will allow our clients gain access to the help they need and deserve.

New staff

This is probably the third consecutive issue of *Insight* in which I have written about transition within HOME's 7.5 member staff.

Associate Director Andrea Mujahid-Moore and I have a very good feeling about HOME's hire of Miriam Figueroa as senior counselor. Miriam, who earned a BSW from Buffalo State College, comes to HOME with extensive counseling experience—including tours at Berkshire Farms, Lakeshore Behavioral Health and Hispanics United of Buffalo. She will also help us reach the important and underserved Spanish-speaking community.

After outsourcing bookkeeping services, HOME still has one more part-time position to fill. Stay tuned for further developments.



This season . . .
Why not Give the gift
of membership!



Housing Opportunities Made Equal
Fighting for civil rights since 1963

- Student/limited income ...\$10
- Individual.....\$30
- Family/ Household\$40
- Contributor\$50
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Your Name: _____
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For more information on membership contact HOME
(716) 854-1400 ext. 17 or www.homeny.org

HOME's latest annual report may be obtained upon request from the office of the Attorney General Charities Bureau, 120 Broadway, New York, NY 10271

“DIVERSITY STARTS AT HOME” IS 2007 FUNDRAISING THEME

As *Insight* goes to press, HOME's 2007 Corporate and Annual Fund Campaigns, “Diversity Starts at HOME”, are underway.

HOME exists, in large part, due to the financial support of you, our members and corporate partners, who share our desire to live in a community free of housing discrimination. You have shared our commitment to promote equal opportunity in housing and have provided strong financial support both through certain and uncertain times so HOME could meet new (and often complex) challenges. With your vote of confidence, we have been able to continue the fight against discrimination in our community through enforcement of fair housing laws, advocacy, creation of opportunities, education, and helping people to make informed decisions about housing.

Help us continue to support the rich diversity and contribute to the quality of life in Western New York by supporting HOME's 2006-2007 “Diversity Starts at HOME” Campaigns. For more information or to make a donation, please call Kristen Segebarth at 854.1400 ext 17 or visit us online at www.homeny.org.

INSIGHT

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 Anne Huiner, *Education Coordinator*

Contributors

M. DeAnna Eason, Scott W. Gehl,
 Anne Huiner, Andrea Mujahid-Moore,
 Kristin L. Segebarth

NO SO QUIANT LITTLE COTTAGE

(Continued from page 1)

Although she still had not seen the home, Ms. Templeton called Frank back later that same day and told him she would take it; Frank responded that he would talk to the owner and call her back. The next day Ms. Templeton received a message from Frank stating that he was sorry, but the house was not big enough or suitable for her and her daughter. Ms. Templeton never received the opportunity to judge the home for herself.

After suffering this type of discrimination for so long, Ms. Templeton decided enough was enough and called HOME to open a case. HOME sent out two sets of investigators to apply for the cottage house and report what happened.

After the investigation, HOME found evidence to substantiate Ms. Templeton's claim that Frank refused to rent the cottage to her because of her daughter's disability.

According to sworn affidavits, Frank told the investigators posing as home seekers without children that he would recommend them to the owner and did not give them rental applications. Investigators with children were given applications to fill out and mail in and were not promised a recommendation to the owner.

Reportedly, the investigators with children were also told that the owner did not want families with children and that he preferred a single person, “preferably a senior.” One investigator was also told of an individual with an older “retarded” daughter who applied for the home.

HOME staff assisted Ms. Templeton in filing the case with New York State Division of Human Rights on the basis of disability and received a determination of probable cause.

Without admitting guilt, owner Robert Levi and agent Frank Simmons settled the case for \$3,500 before trial. They also agreed to comply with the Human Rights Law and to have Frank Simmons attend HOME's fair housing training for housing providers.

Ms. Templeton says that she is “pleased as punch” with the outcome. This victory meant much more than money for Ms. Templeton. For years she had been turned down because of people's prejudices against Laurie Ann but this time she had the courage to fight back. Ms. Templeton stated, “I had eighteen years of listening to people saying things about my daughter, but no one ever said it like that. I knew that I just couldn't let this one go.”

Ms. Templeton and Laurie Ann did find a home. Although she still wishes she could have located a single family house she is satisfied and happy – in her quaint little apartment.

FAMILY REUNIFICATION STYMIED

(Continued from page 1)

with the tenant. Nonetheless, Washington Square Apartment's management denied his fiancée's application and, although his family had not moved in, initiated eviction proceedings against him. During this time, the baby was born.

Mr. Morelli then contacted HOME where a fair housing counselor advised him of his rights. A few days later, Mr. Morelli's family moved in with him. During the proceeding in housing court, the judge determined that the lease clause limiting the occupancy of the apartment to one person was unenforceable. The management then amended the eviction petition, and a second hearing was held. This case was dismissed.

HOME then joined Mr. Morelli and his fiancée in filing a fair housing complaint alleging discrimination based on familial status with HUD and the New York State Division of Human Rights against Victor Liberatore and Washington Square Apartments. The case was reviewed by the Division which found probable cause to believe that Washington Square had engaged in or was engaging in unlawful discriminatory practices. The case was settled before trial.

Without any admission of wrong doing, Victor Liberatore, Jr. and Washington Square agreed to: acknowledge and comply to all fair housing laws; conduct all future rentals on a non-discriminatory basis; maintain a log of all persons who inquire about housing at Washington Square Apartments; adopt a written fair housing policy and an employee screening policy that makes compliance with fair housing laws a condition of employment; attend a training on fair housing laws, prominently display a fair housing poster in the Washington Square Apartment rental office; include the Equal Housing Opportunity phrase or logotype in all promotional materials and leases; list apartments with a Section 8 agency; and pay \$10,000. The terms of this agreement will extend until 2009.

Discrimination takes its toll both financially and emotionally on victims and although the case is settled, the family is not. During the course of resolving the complaint against Washington Square Apartments, Mr. Morelli and his fiancée notified HOME that they are no longer together. Settlement checks will be mailed to separate addresses.

**Name has been changed to protect the privacy of HOME's client.*

Remarks at: A SERVICE OF SORROW AND JOY CELEBRATING THE LIFE OF ARTHUR D. BUTLER

Against a darkening October sky, an overflow crowd packed the sanctuary of the Unitarian Universalist Church of Amherst to honor the life of the late Arthur D. Butler. Dr. Butler, HOME's honorary president, had died suddenly on October 23rd while on his customary early morning run.

Art and Kathleen Butler's three eloquent daughters told touching stories of growing up in a family filled with love and intellectual challenge and dedication to helping others. After a musical interlude and a reading from Henry David Thoreau, there followed remarks from other family members and, finally, representatives of three of the several communities in which Dr. Butler had chosen to involve himself: book groups from Canterbury Woods, the University at Buffalo's Department of Economics (where Dr. Butler served as chair on four separate occasions during four decades of service), and lastly HOME.

Kathy, family and friends of Dr. Butler — Art meant a great deal to me. So I am honored to be asked to say a few words on behalf of the HOME family — and, in honesty, a bit intimidated at the prospect of speaking for so many who have known Art for so long.

I mention the HOME family. I don't know whether it's a reflection of the character of the people attracted to Housing Opportunities Made Equal or the difficulty of the civil rights work we have done every day for 43 years, but HOME is remarkably like family. And Art, with us for more than four decades, has been at its center for an incredible 34 years.

Many organizations use term limits to assure that long-time directors do not become impediments to progress. Although serving continuously since 1972, Art has always been the opposite: genuinely grateful for different perspec-

tives, unfailingly receptive to new ideas, and always supportive of the work of others. And when there was a difficult job to be done and no one else willing to step forward, Art always would. He once described himself as HOME's utility infielder.



As word of Art's passing reached people, I have been approached by so many who feel a deep sense of personal loss. Present and former colleagues speak of his constant concern for our hard-pressed staff. Although a man of high standards, he had a generosity of spirit — and did not hesitate to roll up his sleeves to help get the work of HOME done.

While so many others have come and gone over the years, Art remained — because he understood deeply the importance of our mission and knew that without HOME so many people would be denied an equal opportunity in life. This was a lifelong commitment he would never walk away from.

Always a teacher, Art has passed along



his passion for social justice to generations of people. In recent years, he's chaired our Joanne Champion Granger Scholarship Committee — encouraging young people to demonstrate a commitment to human rights. That Committee often used a quote from the late Mrs. Granger, who said: "I hope that young people will develop a real excitement for life and the marvels of the world around and within them." Into his ninth decade, Art proved you can possess these qualities at any age.

I was nearly 30 when I first met Art and it was at a time when the term mentor was not used nearly as often as it is today. But, reflecting back on the last 25 years, I realize how much Art has taught me — about being open to new approaches, about the value of determined measured advocacy, and about how impassioned commitment to a cause can be sustained over decades.

On the day that Art died, I spoke with many of the friends he made over the years, and found myself saying again and again that I can't imagine HOME without Art Butler. Although that remains true as I stand in this sanctuary today, I know that even without Art on our board, HOME will go on — because of the lessons he taught us, and because of the example he continues to provide.

— Scott W. Gehl



OUR HEARTFELT THANKS

"Housing Opportunities Made Equal started as a small time volunteer commitment on all of our parts. It gradually became a lifetime commitment. Now, with the establishment of the Fair Housing Legacy Society, our commitment to fair and equal housing opportunity will continue beyond our lifetimes."

— Dr. Arthur Butler, 2004

A founding member of the Fair Housing Legacy Society, Dr. Butler designated HOME as the sole recipient for memorial and tribute gifts. The outpouring of generosity by Dr.

Butler's colleagues, friends and family has been matched only by the inspirational words that accompanied many tributes. On behalf of the Board and staff, we thank the following individuals who have honored Dr. Butler through December 1, 2006:

Ms. Margaret Bacon, Dr. Betty C. Baker, Dr. Robert F. Berner, Mr. and Mrs. Robert Bertholf, Mr. and Mrs. King D. Bird, Mr. and Mrs. John Boot, Ms. Mary Heinrich Botsford, Mr. and Mrs. Dennis Butler, Mr. and Mrs. Charles Dale, Ms. Elizabeth DePoy, Dr. Danis and Mr. Scott Gehl, Mr. Stephen Gilson, Mr. and Mrs. Carl Granger, Ms. Joanne Hart, Dr. and Mrs. James Hecht, Ms.

Ann Helwege, Ms. Muriel Hirsch, Mr. and Mrs. John Hoffman, Nellie Dodd Janes, Miss Frances M. Kinsley, Mr. and Mrs. Jacky Knopp, Jr., Ms. Carol Lederman, Mr. Richard Lipsitz, Ms. Ruth S. Marinsky, Ms. Leah R. Mervine, Dr. and Mrs. James Metzger, Mrs. Sally G. Metzger, Mr. and Mrs. Richard W. Moomaw, Ms. Eleanor T. Murray, Ms. Marjorie J. Murray, Mr. and Mrs. John G. Robinson, Mrs. Mary K. Rossberg, Mr. Alexander J. Russ, Esq., Mr. and Mrs. Robert W. Spencer, Ms. Phyllis L. Speser, Ms. Dorothea W. Sterne, Ms. Gail Werrbach, Mr. and Mrs. Donald R. Wilson, Dr. Paul Zarembka.

SCHOLARSHIP AWARDS YOUTH CONTRIBUTION TO CIVIL RIGHTS

By Anne Huiner

HOME is pleased to announce that the Joanne Champion Granger Scholarship Committee will soon be accepting applications for the 2007 Scholarship awards. Now in its ninth year, the scholarship recognizes high school seniors in Erie or Niagara County who, in addition to academic achievement, have demonstrated the commitment to human rights shown by the late Mrs. Granger during her lifetime.

Joanne Champion Granger was a high school science teacher and community activist whose personal experience with housing discrimination when she first moved to Buffalo gave her the determination to work for equal rights in housing for herself and others. Even after her retirement, she was an active member of HOME and other service and civil rights organizations.

The scholarship was created at the behest of her husband, Dr. Carl Granger to honor her courage, commitment, and inspiration to others. Generous support from M & T Bank will enable HOME to award \$2,000 to the first place winner, \$1,000 to the second place winner, and \$500 to the third place winner.

Since the inception of the award, the

Scholarship Committee has been chaired by Dr. Arthur Butler, who died October 23 of this year. It is difficult to express how his contributions will be missed. Along with Dr. Butler, Joanne Champion's daughter, Janis Champion-Weymouth has served on the committee since the award was first established. HOME is grateful for her continued presence and honored that she has agreed to serve as the new Chair of the Scholarship committee.

Like her mother, Janis Champion-Weymouth has a deep commitment to equal rights, especially in education. She has worked for nearly 20 years in the Buffalo Public School system as an Educational Specialist developing programming for students in need of special education services.

"I was sorry to learn of Art's passing," she said. He was instrumental in the foundation and administration of the scholarship. "But I am honored to chair the committee this year. As my mother's daughter, I know how much she valued expanding educational opportunities."

Also joining the committee is Anne Bertholf, retired president of Empire State College, former board member, and long time HOME member.

Applications are due February 26, 2007. Winners will be recognized at HOME's 44th Annual Meeting and Dinner to be held on Thursday, April 26. The Scholarship Committee will send speakers upon request to area high schools and civic organizations to talk about the scholarship and encourage young people to get involved in human rights issues.

For further information, application forms, or to request a speaker, please contact Anne Huiner at 854-1400 ext 22. Downloadable application forms will soon be on HOME's website at www.homeny.org.

CORRECTION:

In the last issue of *Insight*, we incorrectly printed the website address for more information on the Gender Expression Non-Discrimination Act (GENDA) and transgender issues. The correct web address for the Sylvia Rivera Law Project is srp.org. We apologize for any inconvenience this may have caused and hope our readers will visit this website to learn more about both transgender issues and this outstanding civil rights organization.

A GIFT FOR HOME FROM IBM

A thank-you note from the editor

Those of you who are avid readers of *Insight* may have noted that there is no HOME wish list this issue. That's because one of our biggest wishes has been granted by IBM just in time for the holidays.

The grant, which consists of a ThinkPad laptop computer and \$3,000 cash was made in support of HOME's "ongoing efforts to educate and assist the community regarding fair housing issues." The letter from IBM notifying

HOME of the grant further states "We are pleased to support HOME's excellent community housing education and assistance..." The \$3,000 will enable HOME to purchase an LCD projector and software.

IBM has our sincere thanks...and our pledge that this technology grant will be put to good use to enhance our community education in the coming years.

THANK YOU TO ALL OUR PATRONS . . .

The Town of Amherst, the City of Buffalo, the Erie County CDBG Consortium, the Town of Hamburg, HSBC Bank USA, M&T Bank, the Peter and Elizabeth C. Tower Foundation, and Donor designated contributions made through the State Employees' Federated Appeal, the Combined Federal Campaign and the United Way.

SAVE THE DATE!

Join Housing Opportunities Made Equal, Inc. as we celebrate 44 years of fair housing services to the Buffalo-Niagara Region at HOME's Annual Meeting and Dinner: "DIVERSITY BEGINS AT HOME" on Thursday, April 26, 2007 at the Buffalo Convention Center. To find out about advertising opportunities at the dinner or the many other ways to support HOME, visit our website at www.homeny.org or contact Kristen Segebarth at 716.854.1400 ext 17.

HOME's Mission:

Housing Opportunities Made Equal is a civil rights organization working to ensure fair and equal housing. HOME promotes equal opportunity in housing without restrictions based on such factors as race, color, creed, national origin, sex, age, marital status, disability, sexual orientation, gender identity or expression, lawful source of income or the presence of children within a family. HOME's mission is to assist the people of Western New York to live in the housing and communities of their choice through education, advocacy, enforcement of fair housing laws, and the creation of housing opportunities.

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