

# INSIGHT

Western New York's Source for Fair Housing News

VOLUME 43 NO. 1 HOUSING OPPORTUNITIES MADE EQUAL 700 Main Street Buffalo NY 14202 SPRING 2006

## The New Face of Civil Rights: HOME's 43rd Annual Meeting

by DeAnna Eason

When you think of civil rights what images come to mind? Thousands of people standing around the Lincoln Memorial listening to Dr King's dream? The Little Rock Nine tightly clutching their school books to their chest? Students protesting at a lunch counter at Woolworth's? The four girls killed during the bombing of the Sixteenth Street Baptist Church in 1963? The three young men killed by the Ku Klux Klan for registering voters in Mississippi?

Housing Opportunities Made Equal wants to be the image that comes to mind when you think of civil rights and the fight for fair housing in the Buffalo Niagara Region. We want you to become a part of the movement for civil rights by joining us at our 43rd Annual Meeting and Dinner: The New Face of Civil Rights. This worthwhile event will be held on Tuesday, April 11, 2006 at the Buffalo Convention Center beginning at 5:30 pm. Tickets are \$40 and must be reserved by April 7th.

The keynote address for this year's fes-

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## Common Council Considers Buffalo Fair Housing Law

Seventeen years after a former mayor vetoed Buffalo's last fair housing ordinance, the Common Council has before it a measure which would finally extend the promise of equal opportunity to nearly 300,000 city residents.

Sponsored by Masten District Councilmember Antoine M. Thompson, the proposed ordinance is now before the Committee on Legislation where an earlier version languished for three months in the autumn of 2005. This time, there appears a real chance of passage.

### Need for a local law

According to the U.S. Census Bureau, Buf-

falo-Niagara is, by various measures, either the seventh or eighth most racially segregated metropolitan area in the nation. There is every indication this represents more than the persistence of historical patterns.

Housing Opportunities Made Equal recently compiled an analysis of 2,395 incidents of housing discrimination reported to the agency between January 1996 and December 2005 entitled "A Decade of Discrimination." More than 65 percent of reported incidents (1,573) occurred within the City of Buffalo.

Although protections afforded by the federal Fair Housing Act and New York State Human

Rights Law extend to the City of Buffalo, the applicability of those statutes is limited by a finite list of bases on which a housing provider cannot discriminate and a system of exemptions. As stated in 1996 and 2004 federally mandated studies of barriers to fair housing in Buffalo, there remains a need for a Buffalo Fair Housing Ordinance.

### Beyond existing statutes

While still under review by the Common Council, Mr. Thomas' proposed legislation would extend protections beyond the eleven bases stipulated in state or federal law to include two more: gender identity and expression as

*(Continued on page 3)*

## The Power of Numbers

By Kenneth Gholston

A review of HOME's data reveals a disturbing trend. After holding steady for the better part of the past decade, the number of reported incidents of housing discrimination dropped by 30% (from 315 to 241) from 2004 to 2005. The highest percent difference was in reports of housing bias based on race. There are many possible explanations for this decline -- all of

them interconnected.

### Unreported Incidents

An inherent problem in attempting to accurately assess the extent of housing discrimination is that so many incidents go unreported. A 2002 study conducted by the National Fair Housing Alliance said that nearly 4 million incidents occur each year, but only of fraction of those are reported.

Why? First, home-seekers are often unaware that they are being discriminated against. Gone are the days of signs saying: "Apartment for rent- Whites only". Discriminators have become more subtle in their methods leaving victims unaware that they have been wronged.

Secondly, victims may not be aware of their

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# From the Director: Insidious Nature of Source of Income Discrimination

By Scott W. Gehl

As explained elsewhere in this issue of *Insight*, in the State of New York it is not illegal to arbitrarily refuse someone housing due to lawful source of income. While this could affect members of any occupation, it is most often used against poor people who derive some income from government subsidy or support.

It stands to reason that housing opportunities for low-income people are already severely constrained by issues of affordability. Now imagine overlaying an additional barrier: an arbitrary refusal to deal with people because some of their income comes from government support. Despite the stereotypes favored by at least one former president and countless lesser politicians before and since, in nearly 30 years in the field of public service I've yet to meet anyone who chose a life of poverty in order to qualify for government assistance. *It just isn't so!*

Nevertheless, some housing providers don't want anything to do with such people. And – incredibly – in the great State of New York, that is perfectly legal. Coincidentally, those persons vulnerable to this legally permissible discrimination are disproportionately disabled, people of color, or single-parent families with children. **Experience elsewhere**

The current issue of the journal *Poverty & Race* includes an article on discrimination against participants in the federal Housing Choice Voucher Program (better known by its former name "Section 8") in the District of Columbia. According

to testing conducted by the Equal Rights Center (working in conjunction with the Washington Lawyers' Committee for Civil Rights & Urban Affairs), despite source of income protections, in only 37 percent of tests did applicants with housing vouchers NOT encounter discrimination.

In 1986, the Town of Hamburg adopted a forward thinking fair housing ordinance which prohibited source of income bias. In 2005, that ordinance was amended; among the amendments was a definition of source of income which explicitly included "income or source of rent payments from any lawful source". Even after educational sessions in the town and a direct mailing to larger housing providers, managers of one complex were incredulous to learn recently that the law prevented them from maintaining a quota on Section 8 tenants. ("You see," I explained, "that would be like imposing a limit on the number of families with children or African-Americans or Catholics." The manager countered: "But we would *never* discriminate." )

Given the persistence of source of income discrimination in these two jurisdictions where it is prohibited by law, imagine the scope of the problem in the City of Buffalo where no such protections now exist.

### New Hires

I am pleased to report the conclusion of HOME's always traumatic personnel changes. Lisa M. Cruz., who served capably as the Community Housing Center's bilingual mobility counselor from 2000-03 and had been working in an interim capacity, has been selected as HOME's senior counselor.

Also in January, a newly created part-time data specialist position was filled when former intern Kya K. Cooley emerged from the search process. Both are valuable additions to our staff.

HOME's staff – which had been reduced from 13 to 6.4 – is back to 7.75 full-time equivalents. Who would have thought that a forty percent reduction in capacity could ever seem tolerable?

## YOU ARE THE FUTURE OF CIVIL RIGHTS! Become a HOME member today!

- \_\_\_ Student/limited income.....\$10
- \_\_\_ Individual membership.....\$30
- \_\_\_ Family membership.....\$40
- \_\_\_ Contributing membership.....\$50
- \_\_\_ Sponsor.....\$200
- \_\_\_ Benefactor.....\$500



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Detach and return to:  
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Buffalo NY 14201

Ask about our organization and corporate membership packages!  
For more information: 854-1400 ext. 17 or [www.homeny.org](http://www.homeny.org)

### Fair Housing Law

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well as source of income.

Gender identity and expression would offer protection for people who do not conform to gender norms, and have too often been subject to loss of housing, harassment and even acts of violence.

Source of income protection would prevent housing providers from arbitrarily refusing persons housing because of receipt of payments from any lawful source of income whether employment, pensions, government assistance housing subsidies. In the last decade, more than 10 percent of all reported incidents of discrimination in Western New York involved source of income. HOME suspects that legally permissible source of income discrimination is frequently used to mask bias against persons with disabilities, racial minorities and families with children.

### An imperfect measure

Making laws has been compared to the making of sausages, and the measure now before the Legislation Committee is an imperfect one — lacking several provisions of the version introduced last September.

Most importantly, the new measure abandons efforts to narrow the exemptions of the State's Human Rights Law. Whereas all rental housing must comply with health and building codes and all landlord-tenant relationships are governed by law, fair housing laws frequently do not apply in owner-occupied two family structures which still comprise a significant proportion of Buffalo's rental stock.

The September version of the ordinance had sought to narrow that exemption by covering owner-occupants who advertised their rental

units. That provision was one of several abandoned in an effort to move the measure toward approval.

According to HOME Executive Director Scott W. Gehl: "Buffalo's hyper-segregation is the legacy of both individual acts of bias and decades of deliberate discriminatory government policies — running the gamut from restrictive covenants of the Federal Housing Administration, to bias in the siting and operation of public housing developments, to urban renewal (which destroyed integrated neighborhoods), to the construction of subsidized expressways and suburban housing which has given rise to sprawl."

"Just as segregation was created by government action, it will require government action to end it. This ordinance is an important step."

### Annual Meeting

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tivities will be delivered by Hon. Louise M. Slaughter, member of Congress for the 28<sup>th</sup> District of New York State since 1986. She is the first female to be the Ranking Member on the House Committee on Rules, and also serves on the prestigious Democratic Steering & Policy Committee.

During her tenure as congresswoman, Rep. Slaughter has been an advocate for fair coverage in the media, a diligent supporter of economic development in Western New York, and a leading promoter for women's rights.

She has received numerous awards and accolades for her leadership and commitment to public service, including the Humane Legislator of the Year award in 2003. HOME is proud to have Congresswoman Slaughter as our honored guest this year.

Moving Miracles, a non-profit dance and movement program for individuals with special needs, will be our entertainment for this special evening. Their mission is to assist persons with special needs by aiding in the development of their highest potential by combining dance, movement, music, rhythm, and self esteem. Later in the evening, three high school students will receive Joanne Champion Granger Scholarships for their academic achievement and commitment to human rights.

Show your commitment to civil rights and to HOME by buying a ticket, placing an ad in our program journal, buying a patron listing, or purchasing a table of ten for your organization. HOME needs your support!

For more information, log on to our website at [www.homeny.org](http://www.homeny.org). To purchase tickets or patron listings, please contact Shannon Koehn at 854-1400, ext. 17.

## INSIGHT

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### Contributors

Grace Andriette, M. DeAnna Eason, Scott W. Gehl, Kenneth J. Gholston, Shannon M. Koehn, Leah R. Mervine, and Anne Huiner,  
*Editor.*

## A Tribute to Coretta Scott King

Photo credit: newssiu.edu/photos

By Leah R. Mervine



One of my most vivid memories of elementary school is of a school assembly held to celebrate the first

national commemoration of Dr. Martin Luther King, Jr. Day. In this assembly, we viewed a film about Jim Crow Laws and a man named Dr. King. From what my nine-year-old mind deduced, Dr. King lived

around the time of Abraham Lincoln and everything shown in the video was ancient history. As I, a White Jew, sat next to my best friend, the Black daughter of a preacher, I was in utter ignorant bliss of the discrimination that surrounded the integrated haven that was built for us in the suburbs of Cleveland, Ohio.

Nearly 20 years later, I have a much sharper perspective on history and discrimination. It is from this perspective that I deeply mourn the pass-

ing of Coretta Scott King. For people of my generation, Mrs. King stood as a beacon in the journey toward civil rights. She connected the past of her husband with the struggles still facing our country.

While it may seem impossible to think of Mrs. King independent of Dr. King, she led a remarkable life in her own right. Born on April 27, 1927 in rural Heiberger, Alabama, Coretta Scott,

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### Numbers

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housing rights. Yet even those who know their rights often choose not to assert them. The housing search process is usually not an easy task for anyone. The search is even harder for those with limited income. The stress of finding a new home, putting food on the table and providing for the family often supersedes the need or desire to report the incident. Some who have faced discrimination have expressed the sentiment: "I didn't want to move into that house anyway, so what's the point of me reporting it?"

### Limited Housing Searches

According to the 2000 Census, Buffalo is the seventh most segregated metropolitan area in the nation. Generations of residents in the area are well aware of the dividing lines that exist, and although those lines have diminished somewhat over the years, area residents are well aware which neighborhoods "belong" to which race or ethnicity. Because of those myths, homeseekers often limit themselves in their housing search, not looking in places "where they're not supposed to be" or in places where "they aren't wanted". This practice of self segregation often keeps people of the same race in the same neighborhood and reduces the possibility of risking discrimination.

Reductions in the federal support have also contributed to difficulties experienced by low-income homeseekers. Because of the current administration's decision to reduce funding for the U.S. Department of Housing and Urban Development (HUD), all three agencies in Western New York which administer Housing Choice Vouchers suffered severe cutbacks. In fact, two of the three agencies (Belmont and BMHA) administered a miniscule number of new vouchers in 2005.

Combined with a lack of funding by the City for the Greater Buffalo Community Housing Center, fewer people able to look for better housing meant fewer people facing discrimination.

### A Promise Not Kept

2004 also showed a sharp decline in commitment from the City of Buffalo to fight discrimination. First, the City eliminated the investigator position for the Commission on Citizens' Rights and Community Relations, the agency in Buffalo responsible for improving relations among all of the city's varied residents.

The City of Buffalo also reduced funding by 60 percent for the three agencies which were contracted to carry out much of the City's fair housing activities. For HOME, the loss amounted to more than 82 percent. Reductions in city funding cou-

pled with a loss of federal funding, forced HOME to reduce the number of staff. HOME then had to cut the number of intake hours each week from 40 to 25.

Almost as important was the effect the reduction had on fair housing education. The most effective way to counter the factors contributing to the decline in reporting is through education. Fair housing education teaches homeseekers their rights, how to recognize discrimination, and the value of reporting it.

Landlords also benefit from fair housing education, because they learn what rights they have and how to successfully and legally search for new tenants. Proper fair housing education also helps to smash the myths surrounding segregation, and lets people know that there is no place they "don't belong."

Was 2005 only a statistical blip or the result of a unique set of circumstances? Only time will tell. We should all hope for the day, however, that there will be no reports of housing discrimination-- not because of a reduction in funding or because clients are disillusioned-- but because discrimination no longer exists.



## Landlord Pays \$2,500 to Settle Racial Bias Case

Michael Adams is an African-American man who was looking for a nice home “out of the ghetto.” When he saw the “house for rent” sign in the window of a house in a quiet Black Rock neighborhood, it appeared to be just what he was looking for. He called immediately and was given an appointment to view the apartment. He was hopeful because he saw no reason he might be denied the opportunity to live there.

On the day of the appointment, he called the landlord, Salvatore Dinatale, to let him know he was on the way. The landlord told Mr. Adams to meet him at his business which was located next door to the house. When Mr. Adams arrived, the landlord was not there and an employee went to get him. After a 20 minute wait, Mr. Dinatale came out and said that the unit was rented. “I knew exactly what it

was,” said Mr. Adams. “It was a skin thing. I had just talked to him.”

Mr. Adams, upset over what had occurred, decided to test his theory. When he arrived home, he asked two of his friends to call and inquire about the apartment. According to their sworn affidavits, both were told the unit was available.

When Mr. Adams had confirmed that the apartment was still available, he contacted HOME whose investigation supported the allegation of racial discrimination. HOME then joined Mr. Adams in filing a complaint with the New York State Division of Human Rights (DHR).

The case was settled at a DHR pre-determination conference. Without admitting any guilt, Mr. Dinatale agreed to pay \$2,500 and take specified affirmative actions.

Mr. Adams said, “This is the first time I have ever experienced anything like this. I have lived in many other cities, but this is my home. This is America. I have the right to live where I want.”

## Good Health begins at HOME

Did you know nearly 750,000 in the U.S. each year have a stroke? Early response to stroke symptoms can minimize the permanent effects of stroke. If you recognize any of the following common symptoms, call 911 immediately.

**Sudden numbness** or weakness of face, arm or leg—especially on one side of the body;

**Sudden confusion**, difficulty speaking or understanding;

**Sudden trouble seeing** in one or both eyes including double vision;

**Sudden trouble walking**, dizziness, loss of balance or coordination; or

**Sudden severe headache** with no known cause.

To learn more, consult your family physician, visit [www.stroke.org](http://www.stroke.org), or call 1-800 STROKES (787-6537).

**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 Education, contact Shannon

### Coretta

(Continued from page 4)

an accomplished vocalist left the segregated South after receiving a scholarship to Antioch College. She began her lifelong activism when she joined the NAACP and the colleges' Race Relations and Civil Liberties Committee.

In 1952, Coretta, a 25-year-old vocal student at the New England Conservatory of Music met Martin, a preacher working toward his Ph.D. at Boston University. A year later the pair was married and their joint commitment to fight for civil rights created something magical. Together they endured the Montgomery Bus Boycott, the marches, and the constant violence

that plagued their growing family. While Dr. King was a visible leader, Mrs. King worked tirelessly behind the scenes. She raised money for the Southern Christian Leadership Conference and served as a liaison to peace and justice organizations.

After her husband's assassination in 1968, Mrs. King was thrust into the spotlight that her husband once held. The transition was immediate; the day before her husband's funeral, she led the Sanitation Workers Strike in Memphis.

In the years that followed, she accomplished remarkable feats. She lobbied Congress to establish the Dr. Martin Luther King, Jr. National Holiday, created the King Center containing the largest civil rights archive in the world, protested against apartheid, spread the message of civil rights and nonviolence, and inspired

generations of people just like me. Despite the fact that Mrs. King's health began to decline after a major stroke and minor heart attack in August of 2005, she continued to support the causes she believed in. Even in the end-stage of cancer, Mrs. King managed to appear at the King Center's annual "Salute to Greatness Dinner." A month later, on January 30, 2006, Mrs. King died, passing her torch to each of us.

The passing of Mrs. King leaves a tremendous void especially now, when discrimination thrives as apathy for civil rights grows. Therefore, we must *each* strive to become a beacon of hope. We can pick up the torch and together we can make it shine as brightly for future generations.

# JOIN THE CELEBRATION! FAIR HOUSING MONTH 2006

by Anne Huiner and Grace Andriette, Esq., Co-Chairs, Erie County Fair Housing Partnership Fair Housing Month Committee

In April of 1968, one week after Martin Luther King, Jr.'s assassination, the Fair Housing Act was passed. It is one of many laws that codifies the civil rights of residents of the United States by prohibiting discrimination in housing. To underscore the importance of this law, Congress has named April National Fair Housing Month.

Under the Fair Housing Act and subsequent New York State legislation, discrimination in housing based upon race, color, national origin, religion, age, gender, disability, marital status, familial status, military status or sexual orientation is unlawful. Discrimination based upon lawful source of income and gender identity and expression is also illegal in some localities.

To raise public awareness of the persistence and prevalence of housing discrimination, and to inform people of their rights under fair housing law, the Erie County Fair Housing Partnership and its members are promoting and participating in a series of activities this April. The theme for this year's

celebration is "Growing a Community where Everyone's Welcome.

*The Erie County Fair Housing Partnership, of which HOME is a member, works to increase commitment to fair housing through outreach, education and community dialogue.*

## 9TH ANNUAL HOMEBUYER SHOW

**Saturday, March 25, 2006** | 10:00 a.m.-3:00 p.m.  
Statler Towers, 107 Delaware Ave, Buffalo  
Contact: Nicole Pirrone at HomeFront, 856-2952

## FAIR HOUSING MONTH PROCLAMATIONS

**Monday, April 3, 2006** | 10 a.m.  
Buffalo City Hall  
Press conference with presentations by local municipalities.  
Contact: Frank Perez, City of Buffalo  
Fair Housing Officer, 851-1212

## FREE LANDLORD TRAINING PROGRAM

**Friday, April 7, 2006 (March 30 registration deadline)** | 8:30 a.m.- 4:30 pm.  
Belmont Shelter Corporation  
1195 Main Street, Buffalo  
Contact: Nicole Drye at 851-5094

## HOME 43RD ANNUAL MEETING

**Tuesday, April 11, 2006** | 5:30- 8:30  
(see article this issue for more information)  
Buffalo Convention Center  
Contact: Shannon Koehn, HOME 854-1400.

## FAIR HOUSING MONTH DISPLAY

**April 3- April 17**  
Buffalo and Erie County Public Library  
Central Branch, Lafayette Square  
contact Anne Huiner, HOME, 854-1400.

## 6TH ANNUAL FAIR HOUSING MONTH

### FREE MOVIE: CRASH

**Thursday April 20, 2006** | 7:00 p.m.  
Hallwalls Contemporary Arts Center  
341 Delaware, (corner of Tupper) Buffalo  
an Academy Award-winning production.  
Contact: GraceAndriette at 847-0650  
or go to [www.hallwalls.com](http://www.hallwalls.com).

## HOUSING CONFERENCE

### CALL FOR ACTION: CREATING INDEPENDENCE IN HOUSING FOR PERSONS WITH DISABILITIES

**Friday May 5, 2006** | 9:00 - 4:30  
Center for Tomorrow UB Amherst Campus  
Contact: Michele Bernier, HUD 551-5055 ext 5501

### 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.

### 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.

### HOME's Wish List... Call HOME at 854-1400 to help!

- ◆ Lap top computer and projector for PowerPoint presentations
- ◆ MS Word compatible Spanish language software



Housing Opportunities Made Equal

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