

INSIGHT

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HOUSING OPPORTUNITIES MADE EQUAL, INC.
700 Main Street - Buffalo, NY 14202

HAMBURG TOUGHENS HOUSING DISCRIMINATION LAW

The Town of Hamburg has once again demonstrated its commitment to fighting discrimination by amending the fair housing portion of the Town Code. The newly amended code expands protections against housing discrimination, clarifies enforcement procedures, and increases the penalty for violations of the fair housing law from \$500 to \$5,000 for a first offence. Repeat offenders could face up to \$10,000 in penalties and non-compliance with agreements could result in prosecution by the Town Attorney and revocation of licenses and permits.

Since 1990, the Town of Hamburg has contracted with HOME to provide fair housing services within the Town. One of only two municipalities in Erie County to have enacted its own fair housing ordinance, Hamburg recently called on HOME to conduct a study of current impediments to fair housing within its boundaries.

The study commended the Town for its proactive approach to fair housing and recommended some modifications to its 1986 fair housing law to make it more consistent with subsequent changes to state and federal laws. Additionally, the agency recommended clarification of the law's enforcement procedures and affirmative action on the part of the Town's larger housing providers.

The Town's fair housing ordinance was passed two years prior to 1988 when amendments to the national Fair Housing Act added "handicap" and "familial status" to the list of federally protected classes. Yet the Town's groundbreaking ordinance included these protections and added the additional prohibition against discrimination on the basis of lawful source of income. Recent amendments also add "sexual orientation" which was added to the New York State Human Rights Law in 2002. The statute also makes explicit that "source of income" includes "source of rent payment from lawful sources." Source of income protection continues to significantly increase housing opportunities within the Town.

The recent amendments also clarify the protections afforded to persons with disabilities. Using language found in both Federal and State fair housing

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COMPANION ANIMALS ARE NOT PETS

By Bud Drexinger

HOME recently was called on to intervene in two instances where clients who required a companion animal because of a disability feared a choice between losing their homes or their companion animals.. Through educating the clients about their rights under fair housing law and the landlords about the requirements concerning companion animals, HOME contributed to the successful resolution of both cases.

Most landlords are now aware that fair housing laws require them to make "reasonable accommodations" or changes in their rules, policies or procedures to ensure that a person with a disability has the same opportunity to enjoy a dwelling as a person without a disability. Landlords may also be aware that this may require them to waive a "no pets" policy for a person with a physical disability who requires a service animal such as a guide dog.

What they may not be clear about is that that people with other kinds of disabilities, such as depression or high blood pressure, may also benefit from the assistance of an animal. These "companion animals" and the support they provide are often a key component in the ongoing management or improvement in their symptoms. Like service animals, companion animals are considered necessary for the people who have them and thus by law they are not considered to be "pets."

Mary D* contacted HOME on behalf of her son Josh* who had an emotional disability and had a small companion dog. After Mary and her son moved into a new apartment, the manager told them the dog had to go. The management had a strict "no pets" policy. Fearing that they might have to move again, the family reluctantly put the dog in "pet foster care" until the issue could be resolved. At the time that Mary called HOME, Josh's progress had already begun to deteriorate. With the assistance of a fair housing counselor, Mary was able to resolve the situation. She learned how to request a reasonable accommodation from the manager which would allow her son to keep his companion dog. A week after Mary submitted her request, she called HOME and, with a multitude of thanks, let the fair counselor know that the "no pet"

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From the Director: A GLOW ON THE HORIZON

By Scott W. Gehl

Buffalo has been a very long time without a municipal fair housing law.

What New York and Philadelphia managed to do in the 1950s, what Niagara Falls and West Seneca did in the 1970s, what Hamburg did in 1986, the “City of Good Neighbors” still has not managed to do five years into the 21st Century. It was not for want of trying.

It was 1968 when the late Horace “Billy” Johnson, then Masten District Councilman, first proposed a Buffalo fair housing law. Despite the support of Mayor Frank A. Sedita, Councilman Johnson’s bill went down to defeat.

Another fair housing bill (prepared the Buffalo Area Metropolitan Ministries, Catholic Charities’ Division of Housing, and HOME) went down to defeat early in 1980. A reengineered bill was passed by the Council later that same year by a vote of 9-6, before being voted by Mayor James D. Griffin. The override effort fell one vote short.

Then in 1988 HOME organized a city-wide coalition of agencies to support a new fair housing bill, introduced by Councilmembers Gene Fahey, James Pitts and David Rutecki. Although by 1988 these three intellectual leaders of the Council agreed on very little, they came together to sponsor passage of this civil rights law.

However opponents of the ordinance mustered a potent combination of misinformation and fear. Weeks of intensive newspaper coverage and television reports helped to generate a fusillade of public pressure before which the sponsors’ veto-proof majority crumbled. In a remarkable example of political theatre, Mayor Griffin staged a public hearing in his office (packed with senior citizens bused in from predominantly white areas of the city) to help him decide whether he should sign or veto the legislation for which he had already declared his inalterable opposition.

After the veto was cast, the idea of a Buffalo fair housing ordinance was dead. In the mayoral contest that followed later that year, all three challengers (an African-American judge, a liberal assemblyman and a former councilmember who had voted in favor of the 1980 legislation) backed away from the concept. Mayor Griffin had not only gotten his way but succeeded in making fair housing into a “third rail” of Buffalo politics.

Continuing need

Nearly a decade later, the Economic Consultants Organization conducted a study of impediments to fair housing for Buffalo, which concluded that the City needed to enact a fair housing law. A 2004 HOME study

of impediments to fair housing noted the lack of progress on the 1995 recommendation and again called for passage of a municipal fair housing ordinance.

At a meeting on July 28, 2005 also attended by Fair Housing Officer Francisco Perez, another Masten District Councilmember, Antoine M. Thompson, asked HOME’s assistance in preparing a fair housing ordinance. Within three weeks, HOME presented a first draft, which, after review, Councilmember Thompson intends to introduce at the Common Council’s first meeting in September.

If past experience is any guide, fair housing will still face an uphill battle. Over the course of nearly four decades, some of Buffalo’s most distinguished political leaders – Mitchell, Johnson, Sedita, Arthur, Pitts and Fahey – have invested their political capital in unsuccessful efforts to pass a municipal fair housing law.

But this is a different time – quite literally a different century – and perhaps we will have a different outcome.

WANTED: A HOME FOR HOME

To better assure the future of Housing Opportunities Made Equal, our Board of Directors has begun to search for a Home for HOME. In making this important decision, we are looking for a little help from our friends.

HOME is seeking a mixed-use building on or near a public transit route in the City of Buffalo which will include both office space and residential units. For details about HOME’s space requirements contact Scott W. Gehl at 854-1400 or sgehl@homeny.org.

Your ideas, input and referrals are appreciated. We will keep our supporters apprised of developments.

Insight

Insight is published through the generosity of contributors to HOME.

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Contributors

Bud Drexinger, Scott W. Gehl, Kenneth Gholston, Shannon M. Koehn, and Anne Huiner, *Editor*.

NO PETS (cont'd from p1) policy had been waived and her son and his dog had been reunited.

Margaret L*, a woman with a mental illness, lived with her companion dog in a building that had allowed pets. When the building went under new management, a notice was sent to all the residents that tenants with animals had two weeks to get their animal's health records up-to-date and pay a pet deposit of \$300. Failure to comply would result in a choice of getting rid of their pet or facing lease termination. HOME assisted Margaret, who had a limited income, to get additional time to get her dog's records updated and, because the dog was a companion animal and not a pet, to get the \$300 deposit waived.

**not their real names*

What to do if YOU need to request a reasonable accommodation:

- ✓ *Get* a letter from your health care professional documenting that you have a disability and that the change in the landlord's rules that you are requesting is necessary because of this disability.
- ✓ *Send* a letter to the landlord or management company which tells them that you are requesting that an exemption or "reasonable accommodation" be made in a particular policy for you because you have a disability.
- ✓ If the management does not respond in a reasonable amount of time (a week or so), *Call HOME at 854-1400* for free and confidential help.

PLEASE NOTE: Neither you nor your doctor has to tell the landlord what your disability is; you only need to say that it is medically necessary for you to have the accommodation you are requesting.

HAMBURG (cont'd from p1) laws, the Town Code now makes it illegal to deny a request for a reasonable accommodation or reasonable modification that would enable a person with a disability to have equal enjoyment of a dwelling. The scope of the statute was also expanded by including land zoned for residential structures as well as existing housing units.

HOME further recommended expanding the scope of fair housing protections by modifying an exemption under the law to exclude only owner-occupied doubles rented without the use of advertising. Because of the Civil Rights Act of 1866 there are never exceptions to the prohibition against racial discrimination in housing.

In keeping with its long standing policy to

provide fair housing throughout the town, Hamburg lawmakers also added some proactive measures to the Town Code. Housing providers and real estate brokers who sell or rent 20 or more units a year will formulate affirmative marketing plans. Those plans must include a statement of non-discrimination and demonstrate that marketing will reach a diverse audience. Housing providers are also required to use an equal opportunity logo on all applications and display a public notice that they support equal housing opportunity.

Councilwoman Joan Kesner, liaison to the Community Development Department, was pleased with the expanded protections. "The Town of Hamburg respects the new changes and all laws that will provide fair housing opportunities to all of our citizens," she said.

A SEASON OF CHANGE FOR THE COMMUNITY HOUSING CENTER

By Kenneth Gholston

The winds of change have been blowing throughout Western New York in recent months. HOME, most especially its program the Greater Buffalo Community Housing Center (CHC), has not been immune to the change.

The CHC was established in 1999 as part of the resolution of the historic *Comer* lawsuit which challenged discrimination in publicly funded housing. The original purpose of the CHC was to undo the discriminatory effect of past public housing policies and practices by expanding the housing options of primarily minority first-time Section 8 recipients.

The program gave low-income families new opportunities by giving them the tools and information to make an informed choice about where they would live. If they chose to move to an area which had a lower concentration of poverty than the one they had been living in, security deposit and moving expenses assistance and follow-up services were offered to make the transition a successful one.

The success of the program cannot be debated: over a six year span, the CHC assisted over 2,200 families lease housing in the neighborhoods of their choice. Seventy percent of CHC clients moved to areas of lower poverty.

At the end of six years of activity, the CHC faced a crisis. Federal budget cuts severely limited the number of Section 8 vouchers being distributed. Compounding this problem was a cut in HOME's funding, which resulted in cuts in the mobility staff and a scaling back of financial assistance for clients. As a result, the number of clients eligible for CHC services dwindled. Of those eligible, once word spread that financial assistance had been scaled back, even fewer clients sought the CHC's assistance. *CONTINUED PAGE 4*

CHC (cont'd from p 3).

As a result of this situation, some adjustments have been made to expand the services of the Community Housing Center. *Anyone* who is looking for rental housing is now eligible for mobility services. And, along with these services now offered by the CHC, limited financial assistance with either a security deposit or moving expenses has been reinstated.

These changes ensure that in spite of all the changes, the Community Housing Center will continue as a viable portion of HOME's services while continuing to expand housing options for all of our clients.

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.

PATRONS

The Erie County CDBG Consortium, The Towns of Hamburg and Amherst, City of Buffalo, Peter and Elizabeth C. Tower Foundation, 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.


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-Rev. Dr. Martin Luther King, Jr.
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**ASK ABOUT OUR GIFT MEMBERSHIPS TOO!
CALL 854-1400!**

THANK YOU!!!

In the Summer edition of Insight, the following HOME supporters were not recognized for their generous contributions through the United Way of Buffalo and Erie County. We apologize for the oversight. On behalf of all of us at HOME and the many individuals and families your contributions continue to assist we thank...

Dr. John Corcoran, Marie A. Czaja, Bruce M. Korotkin, Richard Lesniak, Donnell G. Mueller, Professor Susan B. Udin and Patricia A. Wideman



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