

THE RACIAL EQUITY REPORT CARD: FAIR HOUSING ON LONG ISLAND

A REPORT FROM

E·R·A·S·E



EDUCATION
RESEARCH
ADVOCACY &
SUPPORT TO
ELIMINATE
RACISM

EXECUTIVE SUMMARY

RACIAL EQUITY REPORT CARD: FAIR HOUSING ON LONG ISLAND

EXECUTIVE SUMMARY

ERASE Racism promotes policies and programs to increase racial equity in public school education, housing, and healthcare. *ERASE Racism's Housing Project* analyzes the practices and policies of both public and private institutions whose work affects fair housing. It advocates for changes in those practices and policies that are impediments to racial equity.

Housing segregation is a remnant of racial discrimination and inequities ultimately traceable to the heritage of slavery. Like the “peculiar institution” from which it derives, there is general agreement today that racial discrimination is immoral, harmful and, of course, illegal. Since it was launched in June 2001 as a special initiative of the Long Island Community Foundation, *ERASE Racism* and those working with us have shown that progress can be made and that there is hope that ultimately housing segregation and discriminatory practices can be eradicated. But much more remains to be done.

Long Island has a long history of government-sanctioned, and, it might be said, government-sponsored, housing segregation. In the modern period, that history began with the National Housing Act of 1934, which established a federal mortgage guarantee program administered through the Federal Housing Administration (FHA). FHA loans were used to create the first suburbs for white veterans returning from World War II. The best known, Long Island's own Levittown, originally consisted of 17,400 houses on 4,000 acres. Those houses were solely for white, non-Latino families, as the program explicitly reserved them for “the race for which they are intended,” and the Levittown deeds forbade occupancy by “any person other than members of the Caucasian race.”¹ Despite the Supreme Court's 1949 ruling finding the FHA restrictive covenants unconstitutional, private restrictions remained in effect until the Civil Rights Act of 1968. As recently as 1960, not one of Levittown's 82,000 residents was African-American. The impact of the FHA's restrictions on the racial composition of Long Island communities can be still seen today: 94.1% of Levittown's residents are white, non-Latino and 0.5% are African-American.² Much of the rest of Long Island

is as segregated as Levittown, and in many places homeownership for blacks and Latinos is still not an option.

Contemporary planning and community development policies on Long Island are not as explicitly racist as those initially used by the FHA, but some of those policies lead to the same result. Not all African-Americans and Latinos seeking housing on Long Island are poor, but even those who are prosperous find that they cannot in fact rent or purchase homes at any price in some Long Island communities solely because of their racial or ethnic identity. There are problems with laws, with their enforcement (or lack of enforcement), with the policies and practices of government agencies (federal, state and local) and the practices of real estate and other businesses. The lack of fair housing practices perpetuates segregation in communities at all income levels. For example, in many Long Island communities there is exclusionary zoning—severe restrictions on the number of units per acre—which makes construction of affordable and multifamily housing financially infeasible. In other Long Island communities, access to new, affordable, housing is restricted to those who already live or work in a particular community. If, for example, Levittown were to build affordable housing with a significant set-aside for people who are already residents, nearly all of that housing would be for white, non-Latino families.

There are similar conditions elsewhere in the country, but residential segregation on Long Island is unusually severe. The majority of fair housing cases prosecuted by the U.S. Department of Justice (DOJ) in all of New York State between 1999 and 2005 originated on Long Island. Fifty-six percent of fair housing cases prosecuted by DOJ on Long Island involve discrimination against African-Americans. The levels and kinds of illegal discrimination are very similar in both Nassau and Suffolk County.

Segregation on Long Island, originating in prejudice, law and governmental policy, is perpetuated by the lack of effective channels for redress. In theory, when

discrimination is thought to have occurred, victims can turn to the New York State Division of Human Rights (NYSDHR), which is contracted by the U. S. Department of Housing and Urban Development (HUD) to carry out the majority of its fair housing enforcement. Unfortunately, NYSDHR has a very low rate of meeting the statutory deadlines for all aspects of investigations and prosecution of complaints in regard to fair housing laws and a lack of documented attempts to conciliate. This in itself discourages Long Islanders from filing complaints with the Division.

The U. S. Department of Housing and Urban Development itself is also at fault. For example, it has failed to ensure that Long Island municipalities receiving federal funding through HUD administered programs meet the requirements and standards set forth by the federal law and the federal Fair Housing Act to protect against the inequities of racial segregation. While only four out of the more than 100 Long Island municipalities and two county consortia have completed the required, publicly available, plans and policies to reduce segregation in their jurisdictions, HUD has not acted to enforce its own regulations. The lack of enforcement by HUD and the deficiencies of planning by municipalities perpetuate residential racial segregation on Long Island and often regulations for use of federal monies, such as Community Development Block Grant funds, are not followed, while racial inequities continue in our communities.

In addition to these failures by governmental entities at all levels, residential segregation on Long Island is *actively maintained* by some real estate professionals. This is illustrated by the fact that real estate professionals

were defendants in 73% of all race-based complaints filed with NYSDHR between 1999 and 2007 in which an African-American alleged housing discrimination on Long Island. Some Long Island real estate professionals commit illegal housing discrimination violations as a matter of routine business practice. Many are fully aware of the fact that they are breaking the law and even announce that fact to some prospective clients. It is important that the New York State Division of Licensing become more active in revoking and suspending real estate professionals' licenses for violating the code of ethics and terms of licensing that relate to fair housing.

As enforcement of fair housing laws is fundamental to equity in housing on Long Island, we are pleased to have progress to report. There are new Nassau and Suffolk County fair housing laws and enforcement systems and *ERASE Racism* hopes that they will operate in an effective and efficient manner, encourage more of those suffering from housing discrimination to come forward to be heard, and that the systems will then render justice for all victims of housing discrimination in a timely and effective manner.

Progress is not as evident at the State level, especially in regard to NYSDHR. The lack of progress in the enforcement of fair housing laws continue the centuries-old pattern of discrimination against African-Americans. Members of other protected groups—Latinos, people with disabilities, and others—are also victimized. As long as some Long Islanders are discriminated against in this way, we are all simultaneously implicated and suffer a diminution in the quality of our lives.

PROTECTED CLASSES UNDER FEDERAL, STATE AND LOCAL LAWS

Federal Fair Housing Act: race, color, national origin, religion, sex, familial status, and disability.

New York State Human Rights Law: race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, and familial status.

Nassau County Human Rights Law: race, creed, color, national origin, ethnicity, gender, religion, source of income, sexual orientation, age, marital status, familial status and disability.

Suffolk County Human Rights Law: race, creed, color, national origin, ethnicity, gender, religion, sexual orientation, age, marital status, familial status and disability.

