



**institute on race & poverty**

Research, Education and Advocacy

## Racism and the Opportunity Divide on Long Island

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## **Introduction**

The metropolitan area comprising Long Island's Nassau and Suffolk Counties possesses significant inequalities of opportunity across racial and economic lines. It is among the most racially segregated metropolitan areas in the United States and this racial segregation heavily overlaps with economic segregation as pockets of racialized concentrated poverty exist side-by-side with the region's general affluence. This segregation contributes significantly to Long Island's racial inequalities by isolating some communities from critical life opportunities. Moreover, these inequalities are in large part a product of structural and institutional practices that privilege some communities and isolate others.

This report details many of the racial disparities on Long Island and situates them within those structural and institutional forces that generate them. It highlights promising developments currently occurring in the region, and suggests additional measures that can be employed to address both racial disparities and the structural and institutional racism that underlie them.

### ***Addressing Structural Racism and Promoting Opportunity***

The inequalities of opportunity found on Long Island do not arise by accident, nor do they result solely from interpersonal racism. Governmental policies and institutional practices generate and perpetuate segregation and the disparities that it creates. This report focuses on those structural forces, and on strategies for reforming them. Personal racial animosity is certainly still a factor, no doubt, on Long Island. However, we focus on structural racism because structural racism is often ignored in efforts to address racial inequality even though it plays a primary role in shaping our lives affecting access to decent housing, quality education, good jobs, and other life opportunities.

Manning Marable defines institutional racism as “the practices and policies of large institutions that perpetuate [racial] inequality and white privilege.” Marable provides this definition of structural racism:

Structural racism can be understood as the deep institutional patterns of a racialized society, the basic arrangements of power and privilege that aggressively and relentlessly oppress and harm the life chances and opportunities of blacks and many other people of color. The result of structural racism is grossly unequal outcomes between racial groups, with “whiteness” defined at the social top and “blackness” usually confined at the bottom of the social hierarchy.<sup>1</sup>

It is critical to bear in mind that a focus on structural and institutional racism requires a focus on how systems and institutions function and how they affect different racial and ethnic communities. Too often, discussions of racism in our society focus on interpersonal questions, questions of intent, culpability, animosity, and so on. While

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<sup>1</sup> Manning Marable, *Structural Racism: No Harm, No Foul?*, Along the Color Line (April 2000).

addressing the interpersonal can help lead to more just policies and practices, too often we fail to maintain a primary focus on that which is most critical—the ways in which racism unjustly harms some communities and privileges others.

### ***Understanding the Context of Present Day Long Island***

On Long Island, as in the northern United States in general, current patterns of residential racial segregation are attributable in large part to twentieth century manifestations of structural and institutional racism. Northern metropolitan areas are highly segregated not simply because Whites and people of color choose different places to live. The primary causes of today's segregation are structural causes: laws, government policies, and institutionalized practices within the powerful real estate, banking and insurance industries.

Northern cities were not severely segregated during the nineteenth and early twentieth century, when the African American population in the north was still quite small. With the outbreak of World War I and the increased demand for industrial workers in the north, Black migration from southern to northern states increased dramatically.<sup>2</sup> As Massey and Denton have observed, “[n]orthern whites viewed this rising tide of black migration with increasing hostility and considerable alarm.”<sup>3</sup> As Blacks were forced by discriminatory housing practices and the fear of violence at the hands of organized White gangs to move into racially isolated ghettos, residential segregation in the north began to steadily rise and continued to do so throughout the first sixty years of the twentieth century.<sup>4</sup>

During this time, Whites organized to ensure residential segregation through political and structural means. Local zoning laws that excluded rooming houses and other affordable accommodations, and restrictive covenants – often established by local real estate boards – under which property owners agreed contractually not to sell or lease their properties to Blacks, became common.<sup>5</sup> Real estate agents also acted through a practice known as “blockbusting” to thwart the attempts of middle class Blacks to escape the ghetto. As demand increased for homes for Black families, stirred up fears among White homeowners that the neighborhood was being “invaded” by Blacks in order to induce panic selling. They then bought houses from desperate White owners at cut-rate prices and sold them to Blacks for a profit.<sup>6</sup>

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<sup>2</sup> Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Harvard University Press, 1993), pp. 26-29.

<sup>3</sup> Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Harvard University Press, 1993), p. 29.

<sup>4</sup> Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Harvard University Press, 1993), pp. 30-34.

<sup>5</sup> The U.S. Supreme Court outlawed racially restrictive covenants in 1948, but exclusionary zoning laws are still a common tool for perpetuating segregation.

<sup>6</sup> Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Harvard University Press, 1993), pp. 38-39.

Perhaps even more devastating than the actions of local governments and the real estate industry were the federal government's racist policies designed to move Whites to the suburbs and leave Blacks behind in isolated urban cores. With the National Housing Act of 1934, the federal government opened up the suburbs to Whites. This law created the Home Owners' Loan Corporation (HOLC), which made home ownership affordable to millions of White families by subsidizing home mortgages in the suburbs. The government ensured the racial homogeneity of the suburbs by offering these subsidized mortgages only to Whites, and only for the purchase of homes in racially homogenous White neighborhoods. This practice of "redlining" was subsequently passed on to another federal mortgage guarantee program, the Federal Housing Administration (FHA). The government also pushed home purchasers to adopt restrictive covenants prohibiting the future sale of these government-subsidized homes to people of color.<sup>7</sup> In the post World War II years, as Blacks migrated from the south to the north in unprecedented numbers, White northerners took advantage of the federal, state and local laws enabling them to move to the suburbs in droves, confident that urban Blacks would for the most part be unable to come with them.

While subsidizing White flight to the burgeoning suburbs through FHA loans and federal subsidies for highways and other suburban infrastructure, the government had its hand in the transformation of the central cities as well. Federally funded "urban renewal" programs, begun in the 1940's, decimated urban neighborhoods and displaced urban residents into racially and economically isolated high-density public housing.<sup>8</sup>

Long Island, sometimes called the birthplace of post-war suburbia, was in many ways a bellwether for the national trends described above. As elsewhere in the north, Long Island was less racially segregated in the nineteenth and early twentieth century than it is now. As long as Long Island's African American population was minimal, affluent Whites were willing to tolerate small neighborhoods of Black domestic workers in their midst. In the years following World War II, Whites on Long Island, with federal, state and real estate industry support, secured most of the island for White suburban development, and attempted to eliminate the existing Black enclaves. Nonetheless, like much of the northern U.S., Long Island saw substantial growth of its African American population during this time. Between 1940 and 1960, the Black population on Long Island increased by 50,000. Excluded from White communities by the interaction of racially restrictive covenants, exclusionary zoning and real estate practices such as the steering of Blacks into Black neighborhoods, the newly arrived African Americans settled primarily in unincorporated areas with pre-existing Black populations.<sup>9</sup>

Levittown, more than 17,400 houses built on 4,000 acres of potato farmland in the Town of Hempstead, is the largest private housing project in American History, and provides a

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<sup>7</sup> Institute on Race and Poverty, *Racism and Metropolitan Dynamics: The Civil Rights Challenge of the 21<sup>st</sup> Century* (Briefing paper prepared for the Ford Foundation, 2002), pp. 9-13.

<sup>8</sup> Institute on Race and Poverty, *Racism and Metropolitan Dynamics: The Civil Rights Challenge of the 21<sup>st</sup> Century* (Briefing paper prepared for the Ford Foundation, 2002), p. 11.

<sup>9</sup> Andrew Wiese, *Racial Cleansing in the Suburbs: Suburban Government, Urban Renewal, and Segregation on Long Island, New York, 1945-1960*, in *Contested Terrain: Power, Politics and Participation in Suburbia* (Greenwood Press, 1995).

model of this post-war suburban development. Kenneth Jackson calls the original Levittown houses, made affordable through a combination of cost-saving mass production techniques and the availability of FHA and Veteran's Administration financing, "as basic to post World War II suburban development as the Model T had been to the automobile."<sup>10</sup> Levittown was also a model for the explicit racism that characterized many suburban developments. William Levitt refused to sell Levittown homes to Blacks and other minorities well into the 1960s, and Levittown remains primarily a White community today.<sup>11</sup>

Urban renewal also played its part in exacerbating segregation on Long Island by pushing Blacks out of incorporated communities and into unincorporated areas. During the 1940s and 1950s, the cities of Glen Cove and Long Beach, the incorporated villages of Freeport Hempstead, and Rockville Center, and the communities of Inwood, Manhasset and Port Washington, all in Nassau County, initiated slum clearance or urban renewal programs. The result was reductions in the Black populations in Glen Cove, Freeport, Rockville Center, and Manhasset.<sup>12</sup>

Organized blockbusting and racial steering are responsible for the almost overnight transformation of the unincorporated Roosevelt community in the Town of Hempstead from a racially integrated area into a segregated, predominantly Black area.<sup>13</sup> Middle class Blacks who moved to Roosevelt in the 1960s in order to live in an integrated community with the advantages of suburban living, found themselves only a few years later isolated in a nearly all-Black community with declining resources. Roosevelt, with a Black population of less than 20% in 1960, was nearly 90% Black by 1980.<sup>14</sup>

While some are no longer legally viable, many of these exclusive historical practices and policies remain in use on Long Island today. Moreover, the effects of these historical practices are still felt. Long Island's racial disparities are in large part the product of structural racism, and racially neutral policies that fail to correct for past racism cannot be a complete cure for them.

### ***Racialized Poverty and Regional Dynamics***

Many policymakers and commentators argue that the problems faced by communities of color today are mainly class problems rather than racism, and that anti-poverty strategies are sufficient to cure racial disparities. What these advocates overlook is the differing dynamics of poverty for poor people of color and poor Whites.

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<sup>10</sup> Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (Oxford University Press, 1985), pp. 234-36.

<sup>11</sup> Rosalyn Baxandall and Elizabeth Ewen, *Picture Windows: How the Suburbs Happened* (Basic Books, 2000), pp. 174-78.

<sup>12</sup> Andrew Wiese, *Racial Cleansing in the Suburbs: Suburban Government, Urban Renewal, and Segregation on Long Island, New York, 1945-1960*, in *Contested Terrain: Power, Politics and Participation in Suburbia* (Greenwood Press, 1995).

<sup>13</sup> Rosalyn Baxandall and Elizabeth Ewen, *Picture Windows: How the Suburbs Happened* (Basic Books, 2000), pp. 182-85.

<sup>14</sup> Black Communities: Diverse, but Isolated From White L.I., *Newsday*, September 19, 1990.

Poverty is different for poor people of color than it is for poor Whites, and anti-poverty measures that do not account for this difference will only go so far toward achieving both economic and racial equity. Nationally, although there are twice as many poor Whites as poor Blacks, more than three times as many poor Blacks as poor Whites live in areas of concentrated poverty.<sup>15</sup> Poor Blacks are more than five times as likely as poor Whites to live in concentrated poverty neighborhoods. For poor Hispanics, the likelihood of living in concentrated poverty areas is more than three times the rate for poor Whites.<sup>16</sup> Concentration of poverty is relevant because residents of concentrated poverty areas face obstacles that poor residents in more affluent neighborhoods do not. Concentrated poverty areas have difficulty attracting investors and retaining middle-income residents, and job growth in these areas is limited. The resulting decline in the tax base is often accompanied by increasing financial drain as a burgeoning social service infrastructure attempts to provide for the needs of poor residents. The quality and availability of housing in concentrated poverty neighborhoods compares unfavorably to nonconcentrated neighborhoods, and homeowners in concentrated poverty areas see less of a return on their investment than other homeowners.

Data on concentration of poverty from the 2000 U.S. Census has not yet been released, but the poverty data for Long Island schools indicates that Long Island currently experiences this pattern of overlapping racial and economic segregation. In 1999, ten Long Island school districts had student poverty levels – as measured by eligibility for free and reduced price lunch programs – of more than 40%. In all but one of these ten districts at least 60% of students were students of color.

Because of the interconnected nature of key life opportunities, families that live in racially and economically segregated areas face multiple, mutually reinforcing barriers to achieving health, stability, and advancement. For example, segregated housing patterns combined with fragmented school districting and residential attendance preferences mean that children who live in segregated neighborhoods will attend segregated schools, schools that tend to be lower performing schools. Disinvestment from segregated areas means that employment opportunities will be often be distant and expensive if not impossible to access. Segregation affects all of these areas of life opportunity not only immediately but into the future, as families who own homes in segregated areas see depressed property values keep them from increasing their wealth through home ownership, and children in segregated schools tend to receive inferior educations that ill prepare them for higher education and high-paying jobs.

The disparities on Long Island cannot be understood or addressed by looking at particular neighborhoods or communities in isolation from one another. The problems are those of unequal distribution of resources and opportunities among the communities on Long

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<sup>15</sup> Concentrated poverty neighborhoods are generally defined as neighborhoods with poverty rates of 40% or higher. Paul A. Jargowsky, *Poverty and Place: Ghettos, Barrios, and the American City* (Russell Sage Foundation, 1997), pp. 9-11.

<sup>16</sup> Paul A. Jargowsky, *Poverty and Place: Ghettos, Barrios, and the American City* (Russell Sage Foundation, 1997), p. 41.

Island. Furthermore, these problems affect the well-being of the entire region as overall productivity and well-being are restricted. The disparities are regional in scope, and they must be addressed with regional solutions. A single community that is isolated from the region's opportunities cannot solve its own problems without regional cooperation aimed at making the region's resources and opportunities accessible to all residents.

Regionalism recognizes the entire area as a system of interdependent parts. Barriers to opportunities for a substantial portion of the Island's population have negative impacts on the health of the region as a whole. The structures that lead to and perpetuate racial disparities do not merely disadvantage people of color, they confer advantages on Whites. Whites who attempt to absolve themselves of responsibility for remedying racism by claiming that they are not "racist" and that they have never personally discriminated against people of color, fail to recognize the dynamics of structural racism. The structures that shape Long Island and the rest of suburbia produce not only underprivileged communities of color, but also overprivileged White communities. White suburbanites sometimes attribute the lot of minorities to behavioral patterns and thus attempt to exempt themselves from both the problems and the solutions. Proponents of regionalism challenge this line of thinking partly by directing the focus away from the issues of impoverished communities and toward the interaction between privileged and disadvantaged segments of the regional community.<sup>17</sup>

### ***Political Fragmentation on Long Island***

The governance structure of Nassau-Suffolk is highly fragmented and this both contributes to racial inequality and makes remedying it difficult. Nassau-Suffolk's 1199 square miles are home to over 1000 separate governmental units, including county, town, city and village governments, school districts, and "special districts" for services like electricity and sewage systems.

The extreme fragmentation of Long Island government units is a tremendous barrier to opportunities for low-income people of color. The more fragmented a region's local governance, the more segregated the region by race and class.<sup>18</sup> Highly fragmented regions like Long Island perpetuate structural racism, i.e., laws and policies that, while racially neutral on their face, produce racial and economic inequalities in their effect. In particular:

- Fragmentation of zoning authority allows communities to promulgate zoning laws that effectively exclude affordable housing.
- Fragmentation of property taxing authority allows a few communities to reap huge tax revenues from businesses used by the entire region, while leaving other

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<sup>17</sup> John A. Powell, *Addressing Regional Dilemmas for Minority Communities*, in *Reflections on Regionalism*, pp. 226-227.

<sup>18</sup> David Rusk, *Inside Game /Outside Game: Winning Strategies for Saving Urban America* (Brookings Institution Press, 1999), p. 6.



communities without tax revenue from nearby businesses frequented by their residents.

- Fragmentation of school districts isolates children of color in racially segregated, high-poverty schools.
- Fragmentation of regulatory authority impedes sound regional planning around areas that affect the entire region such as transportation and development.

Racially equitable regional governmental approaches are the most effective way to provide all residents with equal access to the region's opportunity structures and to enhance and strengthen these structures. Options for Long Island would include:

- Enactment of regional inclusionary zoning laws to eliminate the barriers to integration in the current exclusionary local zoning provisions.
- Merger of the 125 Nassau-Suffolk school districts into a smaller number of districts that would be less racially and economically segregated.
- Regional sharing of property tax revenues.
- Reduction of fragmentation through the annexation of unincorporated areas by incorporated villages.
- Interjurisdictional planning and cooperation on systems that function most effectively with regional planning such as transportation, economic development and land use

Just as regional disparities are interconnected, so also are regional solutions. A measure that increases access to a single opportunity structure throughout the region can have the effect of increasing access to many other opportunities. Housing in particular is central to access to other life opportunities. We advocate opportunity-based housing, homes in locales where residents will have access to good jobs, strong schools, and adequate transportation options.

Merger of Long Island's highly fragmented and segregated school districts into a smaller number of less segregated regional districts would not only provide children of color with a better education, and better prepare all children for college and job opportunities, it would also ameliorate some of the negative effects of housing segregation, and could lead to reductions in housing segregation. Currently, people in some economically depressed communities with small tax bases must pay higher property tax rates in order to support their schools than do residents in affluent communities. Regional school districts would mean regional sharing of property tax revenues to support schools, easing the burden on residents of less affluent communities. Property values in segregated areas might also increase if buying a house in such an area no longer meant committing your children to low-performing schools. Finally, removal of one of the incentives for housing

segregation – the desire of the privileged majority to have their children in affluent schools available only in predominantly White communities – could reduce housing segregation itself.

***An Overview of Segregation and Disparities on Long Island***

Nassau County is divided into three large towns and two much smaller cities. Each of the towns encompasses several incorporated villages, as well as unincorporated areas. Suffolk County’s ten towns, like the Nassau towns, encompass incorporated villages and unincorporated areas.

Nassau County’s population of 1,334,544 is 74% non-Hispanic White, 10% African American, 10% Hispanic, and 5% Asian. Suffolk County’s population of 1,419,369 is 79% non-Hispanic White, 7% African American, 10% Hispanic, and 2% Asian.<sup>19</sup>

Although Nassau-Suffolk varies somewhat from the typical pattern of a central city surrounded by rings of suburbs whose population Whitens with distance from the central city, there is some evidence of “White flight” away from the Brooklyn-Queens urban area. Nassau County, which abuts Queens, has lost nearly 57,000 White residents in the last decade despite overall population growth, while the more outlying Suffolk County has gained an additional 10,000 White residents.<sup>20</sup>

Poverty rates in Nassau-Suffolk have increased for both Whites and Blacks over the past decade, but Black households continue to be far more likely than White households to be impoverished. In Nassau County, Blacks are nearly twice as likely as Whites to live in poverty. In Suffolk County, the disparity is almost three-to-one.

**TABLE 1: Estimated Household Poverty by Race, 1999<sup>21</sup>**

<b>Race</b>	<b>Nassau</b>	<b>Suffolk</b>
White/Other	6.3%	7.4%
Black	11.4%	21.0%

The unemployment rate on Long Island, while only 2.9% for Whites, is twice as high – 6.0% – for Blacks, and three times as high for Hispanics – 8.9%.<sup>22</sup>

One of the most immediate consequences of income and wealth disparity is disparity in the ability to afford housing. According to the United States Department of Housing and Urban Development (HUD), housing is affordable when all housing costs – rent or mortgage, utilities, property taxes and insurance – do not exceed 30% of total household income. In both Nassau and Suffolk, Black households are more than twice as likely as

<sup>19</sup> United States Census data, 2000.

<sup>20</sup> United States Census data, 1990 and 2000.

<sup>21</sup> 1999 American Housing Survey.

<sup>22</sup> 2000 Bureau of Labor Statistics, Geographic Profile of Employment and Unemployment.

White households to spend 50% or more of their income on housing. A third of Blacks in Nassau, and 43% of Blacks in Suffolk, spend at least half of their income on housing.<sup>23</sup>

There are many different ways of using census data to measure racial segregation. All methods of measurement indicate that Nassau-Suffolk is among the most racially segregated residential area in the country. In terms of black-white residential segregation, Nassau-Suffolk is the twelfth most segregated metropolitan area in the U.S. Looking at the suburban areas of all metropolitan regions, it is the third most segregated suburban area. Some consultants, looking at metropolitan regions that are entirely suburban, i.e. those without a central city, rank Long Island as the most segregated area in the country. Hispanic-white segregation is less severe, but still substantial: Nassau-Suffolk ranks 81st among metropolitan areas, and 13th among suburban areas in Hispanic-white segregation.<sup>24</sup>

**Maps 1 and 2 show the distribution of the Black and Hispanic populations on Long Island.**

Although Long Island's population is 8.5% African American, two thirds of Long Island's cities, towns and villages remain less than 1% Black, and one third have no Black residents. Ninety percent of Long Island's Black residents live in 20% of its communities.<sup>25</sup>

Current home purchases continue to reinforce the segregated housing patterns.

**Map 3 shows that most new home purchases by Blacks and Hispanics in 2000 were clustered in areas where the population is already majority Black and Hispanic.**

Most housing on Long Island consists of single-unit, detached homes.<sup>26</sup> There is an extreme shortage of affordable apartments throughout Nassau-Suffolk. Apartment buildings are rare, and most new apartment complexes cater to affluent senior citizens and professionals.<sup>27</sup> Local zoning laws that preclude the construction of multi-unit housing are common throughout Long Island.<sup>28</sup>

According to an October 2001 HUD assessment, the fair market rent for a one-bedroom apartment on Long Island is \$1,008. For a two-bedroom, fair market rent is \$1,230.<sup>29</sup> According to federal guidelines for affordable housing, to afford a two-bedroom

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<sup>23</sup> 1999 American Housing Survey.

<sup>24</sup> Lewis Mumford Center for Comparative Urban and Regional Research, *Ethnic Diversity Grows, Neighborhood Integration Lags Behind* (December 18, 2001); Lewis Mumford Center for Comparative Urban and Regional Research, *The New Ethnic Enclaves in America's Suburbs*.

<sup>25</sup> *Separate and Unequal in N.Y.: A Town's Schools Struggle with Segregation's Toll*, Washington Post, April 21, 2002.

<sup>26</sup> John T. Metzger, *The Politics of Housing in the New York Metropolitan Region*, in *Contested Terrain: Power, Politics and Participation in Suburbia* (Greenwood Press, 1995).

<sup>27</sup> *Crunch Time: Rents Keep Rising to Constrict an Already Tight Market*, Newsday, April 26, 2002.

<sup>28</sup> Interviews with Ann Sullivan, Long Island ACORN; and Jim Morgo, Long Island Housing Partnership.

<sup>29</sup> *Out of Reach 2001: America's Growing Wage-Rent Disparity*, National Low Income Housing Coalition.

apartment on Long Island, a person working full time would have to earn \$23.65 an hour, over four times the minimum wage. This makes Nassau-Suffolk the fifth most expensive rental community in the U.S.<sup>30</sup> In 2000, 52% of Nassau-Suffolk renters were unable to afford a two-bedroom apartment at the fair market rent.<sup>31</sup>

Meanwhile, the purchase price of houses on Long Island is skyrocketing. Between March 2001 and March 2002, the median sale price for homes in Suffolk County rose 30%, to \$238,900, and the median sale price of homes in Nassau County rose 14%, to \$305,000.<sup>32</sup> Nassau-Suffolk's overall 26.5% increase in home prices over the past year was the highest rate of increase in the nation.<sup>33</sup>

African Americans and Latinos are having an increasingly difficult time purchasing homes on Long Island. Between 1999 and 2000, the rates at which conventional home loan applications were denied rose by more than 20% for both African Americans and Latinos. In 2000, Latinos in Nassau-Suffolk earning more than \$91,800 were more likely to be turned down for conventional home loans than were Whites earning less than \$38,250.<sup>34</sup>

Long Island school districts are extremely fragmented. Nassau County's 203,204 public school students are distributed among 56 separate school districts, with an average of only 3628 students per district. In Suffolk County, 248,863 students are separated into 71 school districts, with an average district size of 3505 students. As would be expected in a place with such a high level of fragmentation, localized attendance policies mean that school segregation is directly tied to neighborhood segregation throughout Long Island. Fragmented, geographically small school districts like those on Long Island institutionalize residential segregation patterns in the school system. According to a recent report by the Lewis Mumford Center, the level of school segregation on Long Island is only slightly lower than the level of neighborhood segregation.<sup>35</sup>

Inter-district racial segregation is severe. Overall, 27% of Nassau-Suffolk's public school children are children of color, and 73% are White, but few Long Island school districts come close to this racial balance. Of the 125 Long Island school districts, 76 have 80% or more White students, and 44 are more than 90% White. More than half of Long Island's African American and Hispanic students are concentrated in just thirteen districts, each of which has a student body that is over 60% students of color. In seven of these thirteen districts more than 90% of students are students of color. The three most racially isolated school districts for children of color in the state, outside of New York

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<sup>30</sup> *Housing Pinch on L.I. Causes New Group to Push for More Rentals*, New York Times, April 25, 2002.

<sup>31</sup> *Out of Reach September 2000*, National Low Income Housing Coalition.

<sup>32</sup> *Local Home Prices Continue to Soar*, Newsday, April 17, 2002.

<sup>33</sup> *L.I. Housing Prices Fastest Growing in U.S.*, Newsday, May 13, 2002.

<sup>34</sup> *The Great Divide: An Analysis of Racial and Economic Disparities in Home Purchase Mortgage Lending Nationally and in Sixty Metropolitan Areas*, ACORN, October 2001.

<sup>35</sup> Lewis Mumford Center for Comparative Urban and Regional Research, *Choosing Segregation: Racial Imbalance in American Public Schools, 1990-2000*. (March 29, 2002)

City, are all on Long Island: Roosevelt, and Hempstead in Nassau County, and Wyandanch in Suffolk County.<sup>36</sup>

**Map 4 shows the distribution of students by race and ethnicity in Long Island's school districts.**

As is the case with the region's neighborhoods, Nassau-Suffolk's racially segregated schools are also economically segregated. All of the 76 districts whose student bodies are less than 20% students of color also have student bodies that are less than 20% poor – as measured by qualification for free and reduced lunch programs – and 62 of those districts have student poverty rates of less than 10%. The thirteen districts where more than 60% of students are students of color have student poverty rates ranging from 23% to 76%, and the average poverty rate among these districts is 50%. The typical African American child on Long Island attends a school with a student poverty rate two and a half times higher than the poverty rate in the typical White child's school. The poverty rate in the typical Hispanic child's school is also more than twice the poverty rate in the typical White child's school.<sup>37</sup>

**Map 5 shows the rate of student poverty in Long Island school districts.**

Recently, attention has been focused on the Roosevelt school district in Nassau County. This district's 3142 students are 89% African American and 11% Hispanic. The district has only four White students. Fifty-eight percent of Roosevelt students qualify for free and reduced lunch. Roosevelt's elementary school students perform at about average levels on state tests, but the junior and senior high school students score far below average on the standardized tests.

Roosevelt is a poorly funded school district, compared to the Long Island average, and it has been operating in the red for years. Part of the problem is that New York State provides only 45% of the funding for the state's public schools, leaving local property taxes to make up the bulk of school funds. New York's rate of state funding for public schools is the thirteenth lowest in the country, and is considerably below the national average of 56% state funding for schools.<sup>38</sup> Roosevelt is an unincorporated area within the township of Hempstead. It has the smallest tax base per student of any district in Nassau County. The Roosevelt district encompasses less than two square miles of real estate, with little commercial property, and a small residential property tax base due to a high poverty rate and low home values.

**Map 6 shows for each school district the combined wealth per student. The combined wealth index includes wealth generated by income and by property ownership.**

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<sup>36</sup> New York State Department of Education, *Statistical Profiles of Public School Districts* (1999).

<sup>37</sup> Lewis Mumford Center for Comparative Urban and Regional Research, *Choosing Segregation: Racial Imbalance in American Public Schools, 1990-2000*. (March 29, 2002)

<sup>38</sup> *Quality Counts 2002: Resources: Equity*, Education Week on the Web, [www.edweek.org/sreports/qc02/equity-t1.htm](http://www.edweek.org/sreports/qc02/equity-t1.htm).

In 1996, the state of New York began a partial intervention in the Roosevelt district, appointing a review panel to oversee the district's operations and to draft an improvement plan to be carried out by the Roosevelt school board. Since the intervention began in 1996, Roosevelt students' scores on the statewide tests have not improved significantly. Moreover, the dropout rate of 9% in the 2000-2001 school year was one of the highest dropout rates in the state and more than twice the state average.<sup>39</sup> In a report done last year, Shelley Drazen, an educational consultant hired by the state Education Department, recommended a complete state takeover of the Roosevelt district.<sup>40</sup>

The state legislature has approved the full state takeover, as well as additional state funding for Roosevelt schools. On April 12, Governor Pataki signed the Roosevelt takeover bill into law. Under this legislation, State Education Commissioner Richard Mills is empowered to disband the elected school board in Roosevelt and appoint a new five-member board, two of whom may reside outside the district. The appointed board members will be in charge of the district for seven years, and will gradually be replaced by elected members. For four more years after that, the state will continue to control the district's finances.

According to Drazen, the state is also considering intervention in two other Long Island school districts: Hempstead in Nassau County, and Wyandanch in Suffolk County. Like Roosevelt, students in these two districts are nearly all students of color and more than half are poor. Drazen attributes the fact that the state is considering interventions only on Long Island, and not elsewhere in the state, to the fact that Long Island is more segregated than the rest of New York.<sup>41</sup>

There is some local resistance to the state takeover of the Roosevelt district. Because Roosevelt is an unincorporated community, the school board is the only local elected office in Roosevelt, and some residents protest the loss of their authority to elect school board members. However, many Roosevelt residents, frustrated by the chronic problems of the district's junior and senior high school, are eager to try anything that might improve their children's education.

The local school board members, who were removed from office by Commissioner Mills on May 8, 2002, vehemently oppose the takeover. They have stated their intent to contest the takeover in a lawsuit, as did previous school board members in an unsuccessful suit in 1996.

In 2000, Commissioner Mills and Robert Johnson, Long Island's representative on the state Board of Regents, floated one possible solution to Roosevelt's problems: dissolving the district and sending Roosevelt students to surrounding districts. Alternatively, Roosevelt could remain as a separate elementary school district, and the junior and senior

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<sup>39</sup> Memorandum Decision and Order of State Education Commissioner Richard P. Mills, May 8, 2002.

<sup>40</sup> Shelley M. Drazen, *Evaluation of the State Intervention in Roosevelt Union Free School District, 1995-2001* (2001).

<sup>41</sup> Interview with Shelley Drazen.

high school could be merged into the adjacent Bellmore-Merrick consolidated high school district. Bellmore-Merrick's 5294 junior and senior high school students are currently 93% White, and the district's free and reduced lunch rate is 1.3%. The overwhelming response to Mills and Johnson's proposal from the surrounding districts was that they did not want the Roosevelt students in their schools. Residents of Bellmore-Merrick organized a telephone campaign asking state legislators to block any transfer of Roosevelt students into their district.

When Hofstra University Professors Alan Singer and S. Maxwell Hines proposed a merger of the Roosevelt and Bellmore-Merrick districts in a December 2001 *Newsday* opinion piece,<sup>42</sup> residents of Bellmore and Merrick were quick to respond with letters to the editor opposing the merger. In one letter, Thomas Caramore, superintendent of schools for the Bellmore-Merrick district, suggested that problems present in the Roosevelt School District were solely the result and responsibility of the district. Caramore wrote: "Bellmore-Merrick had no part in the origination of Roosevelt's problems nor in the many failed solutions already promulgated by the State Education Department. Why assume that the Bellmore-Merrick community can solve these complex societal challenges that have existed there for at least the past 25 years."<sup>43</sup>

### *Transportation*

Long Island transit is largely set up to meet the needs of those who commute from Long Island into New York City to work. The Long Island Railroad operates on an East-West line across Long Island, into New York City. Commuters traveling North-South routes, or between communities not connected by the railroad, must rely on the buses run by Nassau and Suffolk Counties.

Advocates for transit and for low-income workers cite three weaknesses in the counties' bus services that are barriers to low-income peoples' access to employment: insufficient bus routes to provide transportation to all job sites; inadequate evening and nighttime bus service; and lack of coordination between bus services and the Long Island Railroad.<sup>44</sup>

As bus ridership increases, transit advocates argue that more bus routes and increased service on existing routes are needed, particularly in the evenings. Some bus routes are in operation only until 6:00 p.m., leaving late-shift workers without an affordable transportation option. Meanwhile, both Counties' bus systems face funding problems.

Fares on the Suffolk buses recently went up from \$1.50 to \$1.75, the highest local bus fares in the state. Suffolk County Executive Robert Gaffney approved the fare hike rather than accept an offer of state emergency funding, indicating that he did not trust that

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<sup>42</sup> Alan Singer and S. Maxwell Hines, *Viewpoints: Merging Roosevelt School District Will Make the Grade*, *Newsday*, December 19, 2001.

<sup>43</sup> Letter to the Editor, *Newsday*, January 3, 2002.

<sup>44</sup> Interviews with Lisa Tyson, Long Island Progressive Coalition; Ann Sullivan, Long Island ACORN; and Michelle DiChiara, Tri-State Transportation Campaign.

the state budget would include the funding, and that he did not want to agree to a freeze on fares, the condition for receipt of the state funds.<sup>45</sup>

In Nassau County, the bus service has had precarious funding for the past few years. In 1999 and 2000, then Nassau County Executive Thomas Gulotta made drastic cuts in county support for Nassau's bus service, Long Island Bus. Long Island Bus is funded by a combination of fare revenues, state and county money. The bus service, which has seen steadily increasing ridership over the past few years, now carries an average of 110,000 riders on weekdays. Despite protests from bus riders, local authorities and citizens' groups, Gulotta seemed determined to eliminate county funding for Long Island Bus over the next few years. In 2000 and 2001, the state legislature stepped in with emergency funding to prevent reductions in bus service, but legislators have warned that this is not a long-term solution. Nassau County's newly elected County Executive, Thomas Suozzi, pledged full support for Long Island Bus during his campaign, so this crisis may ease this year.

### ***Promising Developments on Long Island***

Long Island has a healthy and growing economy, with a net gain of more than 84,000 jobs between 1997 and 2000.<sup>46</sup> However, lack of affordable transportation to work sites, and lack of job training limit the area's economic potential and function as impediments to employment for low-income people of color.<sup>47</sup> Moreover, most new jobs being created on Long Island fail to pay a living wage and, in particular, do not pay enough to enable workers to afford decent housing. The Suffolk County Department of Labor reported in 2000 that employers in the county projected a need for 13,199 new employees in the following year. But of the 25 job classifications with the most projected openings, only one – computer programmer, with a projected need for 309 new workers – pays more than the \$23.65 an hour that HUD estimates a worker would need to make in order to rent a two-bedroom apartment at fair market value in Suffolk County.<sup>48</sup> The average hourly rate for the projected new jobs was \$11.69, less than half the amount needed to afford a two-bedroom apartment.<sup>49</sup> Development of adequate and affordable transit, and of affordable housing, will allow Long Islanders to take full advantage of the healthy job market.

In two disadvantaged unincorporated communities, Roosevelt and Wyandanch, economic revitalization efforts are taking shape. In a series of four meetings over the course of a week in April 2002, hundreds of Roosevelt residents, along with Town and County government officials, participated in an initiative called "Seeking a Shared Vision for

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<sup>45</sup> *Mobilizing the Region*, A weekly bulletin from the Tri-State Transportation Campaign, January 22, 2002 and February 11, 2002.

<sup>46</sup> New York State Department of Labor, Report of Employment and Wages by Industry for Metropolitan Areas, 1997-2000.

<sup>47</sup> Interview with Lisa Tyson, Long Island Progressive Coalition.

<sup>48</sup> HUD's defines Fair Market Rent as the cost of renting a unit in the 40<sup>th</sup> or 50<sup>th</sup> percentile of a given housing market (i.e. 40 or 50% of all rental units have costs below the Fair Market Rent).

<sup>49</sup> Suffolk County Department of Labor, *1999-2000 Employer Survey*, p. 19; National Low Income Housing Coalition, *Out of Reach 2001: America's Growing Wage-Rent Disparity*



Roosevelt.” The initiative, sponsored by Nassau County Executive Thomas Suozzi, Hempstead Town Supervisor Richard Guardino and Sustainable Long Island, a smart growth advocacy organization, is aimed at turning Roosevelt’s main commercial thoroughfare, Nassau Road, into a thriving village center. By improving Nassau Road and attracting new businesses to Roosevelt, residents hope to increase the community’s property tax base, which would help the district’s chronically under-funded schools.

The need for more affordable housing is gaining the attention of Long Islanders. In particular, the Long Island business community, a politically and economically powerful ally, has recognized the lack of affordable housing as a significant barrier to the hiring and retention of workers. In the April 2002 issue of the magazine *Business LI*, Matthew Crosson, President of the Long Island Association, the region’s largest business and civic organization, noted that the lack of affordable housing on Long Island is driving away young entry-level workers. Significantly, Crosson advocates the enactment of a state inclusionary zoning law that would require that 20% of the units in housing projects approved by local governments on Long Island be affordable to low- and moderate-income residents.<sup>50</sup>

Support from the business community presents an opportunity for housing advocates to form powerful broad-based coalitions to advance progressive legislative strategies like inclusionary zoning. One such coalition, the *Long Island Campaign for Affordable Rental Housing (LICARH)* was launched recently by a number of business, government, religious, civil, labor, environmental and nonprofit groups. *LICARH* is modeled on the *Housing First!* campaign in New York City, which has a platform calling for the development of safe, sustainable, mixed-income neighborhoods. *LICARH* will be undertaking a public relations campaign, and providing support for the organization of grassroots pro-housing coalitions. The *Campaign for Affordable Rental Housing* is not specifically focusing on opportunity-based housing, but their position is that affordable housing should be developed in every community on Long Island, and that housing should be part of any economic development.

*LICARH* will push for both state and local “inclusionary zoning” laws mandating that 20% of all newly constructed housing units be set aside as affordable to low and moderate income residents. They have already developed model inclusionary zoning legislation for towns and villages, and are currently developing a proposed state law applicable to Nassau and Suffolk Counties.<sup>51</sup>

New York State Law authorizes towns, cities, and villages to enact inclusionary zoning laws providing housing developers with incentives or bonuses in exchange for the construction of housing for persons of low or moderate income.<sup>52</sup> The town of Huntington in Suffolk County is the only one of the fifteen Long Island towns and cities to have an inclusionary zoning law. The Huntington ordinance requires that in any residential subdivision of ten or more residential lots for which the developer acquires a

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<sup>50</sup> Matthew Crosson, *Now, It’s Affordable Housing*, *Business LI* (April 2002).

<sup>51</sup> Interview with Eric Alexander, Long Island Campaign for Affordable Rental Housing.

<sup>52</sup> NY GEN CITY § 81-d; NY TOWN § 261-b; NY VILLAGE § 7-703.

zoning change, 20% of the additional homes allowed by the zoning change must be affordable to households earning 80% of the median income for the region. While not as strong as some other jurisdictions' inclusionary zoning laws, the Huntington ordinance is a step in the right direction. *LICARH* will be pushing for other towns and villages to pass similar laws. However, because of the fragmentation of zoning authority on Long Island, a state law requiring inclusionary zoning, which is also part of the *LICARH* platform, would be preferable to a town-by-town and village-by-village approach.

Since 1988, the *Long Island Housing Partnership (LIHP)*, an affordable housing developer, has built 860 low- and moderate-income homes all over Long Island, most of them detached, owner-occupied houses. Currently, about 60% of the people who buy *LIHP* homes are people of color. *LIHP* is a full-service home ownership resource for low and moderate income home-buyers, providing counseling and support for families going through the mortgage process, and access to affordable mortgage products. *LIHP* administers HUD grants to help with down payments, and is a member of the New York Mortgage Coalition, a group of nine banks that have agreed to offer various loan products to buyers who qualify with the help of *LIHP*. *LIHP* President Jim Morgo reports a "sea change" in the willingness of financial institutions to make mortgage loans to low and moderate income home buyers, and is optimistic that institutional racism is lessening in the mortgage industry.<sup>53</sup>

Zoning density requirements have been a major barrier to the construction of *LIHP* homes because the lot size requirements in many Long Island jurisdictions do not allow for construction of affordable homes. The fragmentation of Long Island government units exacerbates the zoning problems. Every town has its own zoning laws, and each village within the towns also has zoning laws. The village zoning laws tend to be more restrictive than the towns' laws. Because of this, many of the *LIHP* homes, and most affordable housing in general, have been built not in villages but in unincorporated areas within towns where only town laws apply.<sup>54</sup>

*LIHP*'s recently completed South Wind Village development in Bay Shore is an example of the sort of mixed use/mixed income, strategically located housing development that can benefit both the new residents and the surrounding community. South Wind Village's 52 owner-occupied townhouses, 10 family-sized apartments and 16 senior citizen apartments are located within walking distance of both Bay Shore's newly revitalized downtown business district and the Long Island Railroad station.<sup>55</sup> Locations like this can give affordable housing residents access to employment opportunities, while providing downtown businesses with new customers and potential employees.

A bottom-up, collaborative regional planning process that could be a model for other regional strategies is currently underway on the East End of Long Island. *Sustainable East End Development Strategies (SEEDS)* is a strategic process designed to evaluate the East End's transportation system and its relationship to the region's land use policies, and

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<sup>53</sup> Interview with Jim Morgo, Long Island Housing Partnership.

<sup>54</sup> Interview with Jim Morgo, Long Island Housing Partnership.

<sup>55</sup> Jill Murman Payne, *The Face of Affordable Housing*, Business LI (April 2000).

to formulate strategies for sustainable development. The East End Supervisors and Mayors Association, which covers the five towns and nine villages that make up the East End, obtained federal funds<sup>56</sup> for this community-based consensus building process. *SEEDS* is characterized by public outreach and the encouragement of community participation in regional planning. In a series of vision sessions in the fall of 2001, and a series of regional planning workshops this spring, community members identified pressing planning-related issues and concerns, defined their vision of success for the region, and contributed recommendations. Among other issues, participants identified the need to control sprawl, the need for transportation hubs and coordination between various transit agencies, and the need for affordable housing for the region's workers. A Community Stakeholders Committee, made up of residents and government officials from each of the region's towns and villages, acts as an advisory board to the *SEEDS* steering committee and facilitates the free flow of information between the steering committee and East End residents.<sup>57</sup>

### ***Recommendations and Highlighted Practices from other Jurisdictions***

#### *Regionalization of Government Structures*

Regional consolidation of fragmented local government, or at least of some government functions, can benefit the entire region and lead to more equitable distribution of government services. Moreover, developing a federated system of regionalism, one in which authority is balanced between regional and local governance can maintain appropriate levels of local control while allowing for regional planning over issues that are regional in scope and significance.

In a number of regions across the nation, city-county consolidation over multiple matters has produced greater equity in public schools, public service delivery, poverty reduction in the central city, and better access to opportunity structures for low-income households. Manuel Pastor describes the Charlotte region as a particularly positive example of governmental consolidation. There, not only are the central city and surrounding county, Mecklenburg County, a single public school district, but planning and other governmental services are overseen by a consolidated governmental authority. For example, the county can and has exercised its authority over public and subsidized housing to promote a regional scattered site housing program, which has produced increased access to employment and other opportunities for residents. Further, Mecklenburg County operates under a unique annexation law that mandates that urbanizing communities within the county become part of the city of Charlotte rather than independent suburban municipalities. This law limits the capacity of suburban communities to incorporate and then adopt exclusive laws with respect to, for example, housing development. Thus, in the Charlotte region, the harmful effects of fragmentation in government and public education are prevented to a substantial degree by

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<sup>56</sup> Federal funds were obtained through the Transportation Equity Act for the 21<sup>st</sup> Century.

<sup>57</sup> SEEDS web site: [www.seedsproject.com](http://www.seedsproject.com); *Mobilizing the Region*, A Weekly Bulletin from the Tri-State Transportation Campaign.

consolidation of authority at the county level and the limitation on suburban incorporation.<sup>58</sup>

In the Seattle metropolitan region, development is coordinated regionally but important decision-making powers are retained by localities within the region. Matters such as growth coordination, affordable housing creation, and transportation links are governed by regional growth management legislation and regional boards resolve disputes. But, as described by Peter Calthorpe and William Fulton, “the local governments are primarily responsible for day-to-day development decisions.”<sup>59</sup> Calthorpe and Fulton note that the attention paid in the Seattle region to equity matters including the jobs-housing mismatch and the need for transportation connections between employment centers has resulted in a region that is more balanced, contained, and vital. Indeed, the vast majority of new housing is being developed within the designated growth area, as just one indicator of the success of this model of regional coordination.

New York law makes consolidation of government units and government services difficult, but not impossible. On Long Island, consolidation of governments could be accomplished in a number of ways. Unincorporated areas could be annexed by nearby incorporated villages, merging their school districts and giving residents of currently unincorporated areas access to the local services provided by the village governments. Such annexation would be achieved through a vote by referendum of the people living in the area to be annexed, and approval by the governing board of the annexing village after a finding that the annexation is in the overall public interest. If the village board does not approve an annexation, proponents may appeal to the state supreme court for a determination of whether the annexation is in the overall public interest.<sup>60</sup>

Counties shall be empowered by general law or special law enacted upon county request, to adopt or amend alternative forms of county government, including forms that entail the transfer of functions or duties of local government units within the county, and the abolition of local offices, departments, agencies or units of government. However, no such change becomes effective unless approved by referendum with a majority of votes in the county outside the villages, in the villages within the county considered as a unit, and in each village affected by the change.<sup>61</sup>

The New York State Constitution also empowers local governments, as authorized by act of the legislature, to agree among themselves to provide cooperatively or jointly any facility, service, activity or undertaking that each local government has the power to provide separately.<sup>62</sup>

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<sup>58</sup> Manuel Pastor, Peter Dreier, J. Eugene Grigsby III, and Marta Lopez-Garza, *Growing Together: Linking Regional and Community Development in a Changing Economy* at 13 (April 1997) (Summary Report) (paper of the International & Public Affairs Center, Occidental College).

<sup>59</sup> Peter Calthorpe and William Fulton, *The Regional City*, at 164-171 (2001) Island Press: Washington DC.

<sup>60</sup> Richard Briffault, *Local Government and the New York State Constitution*, 1 Hofstra L. & Pol’y Symp. 79, 96-98 (1996), citing N.Y. Const., art. IX, § 1.

<sup>61</sup> Richard Briffault, *Local Government and the New York State Constitution*, 1 Hofstra L. & Pol’y Symp. 79, 96-98 (1996), citing N.Y. Const., art. IX, § 1.

<sup>62</sup> N.Y. Const., art. IX, § 1.

Strategies for regionalizing government structures must be undertaken with sensitivity to the concerns of communities of color about the dilution of their political power. In metropolitan areas consisting of a central city and its suburbs, for instance, people of color often have garnered political power in the central cities, and may fear that they will lose that power in a regional government. Their concern may be that their vote will be subordinated to the vote of the relatively large populations of suburban Whites living in their region, hence their interests will not be represented. In fact, the consolidation of local governments, such as the city-county consolidations that took place in many regions of the South and in Northern metropolitan regions such as Indianapolis, diminished the power held by people of color to elect representatives to office.

The dynamics on Long Island differ to some degree. Instead of living in localities that would see their local governments dismantled and replaced by a single regional government, the majority people of color live in unincorporated areas. The only local governmental authority in these areas is the school board. Seventy-three percent of Blacks and 72% of Hispanics on Long Island live in unincorporated areas. Consolidating these unincorporated areas with incorporated areas could alleviate disparities, as could increasing cooperation among the two types of areas in terms of the provision of services (e.g., public education). Safeguards against political power dilution are critical all the same. People of color should not have to sacrifice their voice or capacity to elect representatives in order to realize gains, under any configuration of governance.

In addition, it is important to bear in mind that regional governance most often involves the regionalization of only certain critical powers. Transportation and wastewater treatment are two examples of governmental functions often overseen by regional entities even in regions made up of multitudes of local governmental units. In other regions, regional authority extends to the coordination of development, the location of affordable housing, school attendance policies, and the distribution of traditionally local revenue – while local governments and communities retain their autonomy. Thus, a federated system emerges through which the desirability of local control and community voice is balanced against the desirability of regional planning and policymaking. When done properly various levels of government function in a complementary manner that benefits communities of color and the all residents of the region. Inequities among localities are lessened, needless competition for resources may be stemmed, the region as a whole can be more economically vital, and yet local decision-making is preserved.

The scope of regional authority differs substantially from region to region. In the Minneapolis-Saint Paul region, an appointed regional structure, the Metropolitan Council, oversees public transit, parks and recreation, wastewater treatment, and the drafting of affordable housing plans. King County, surrounding Seattle, has an elected county council with authority over the adoption of ordinances for the county, the courts, public health matters, property taxation, parks, public transit, sewage disposal, and land use regulation in unincorporated areas. Authority is distributed uniquely in every region; Long Island can draw from the diverse experiences of other metropolitan regions.

Importantly, Long Island can seek to strike an appropriate balance between local and regional authority.

**Maps 7 and 8 show the distribution of Long Island's Black and Hispanic populations among incorporated and unincorporated areas.**

## *Housing Initiatives*

*The biggest single detriment to building affordable homes is the Balkanization of Long Island.*

Jim Morgo, Long Island Housing Partnership

Efforts must be made to address Long Island's affordable housing shortage through the production of opportunity-based housing. Housing must be located where residents will have access to opportunity structures such as living-wage jobs, good schools and transit facilities.

Inclusionary zoning laws, like those advocated by the *Long Island Campaign for Affordable Rental Housing*, are an important tool for the creation of opportunity-based housing. Construction permits for thousands of new residential units are issued in Nassau-Suffolk each year.<sup>63</sup> A mandatory set-aside of 20% of those units as affordable housing would have produced more than a thousand affordable units in each of the last five years, units that would be placed throughout the region offering low-and moderate-income families access to a variety of opportunities and choices throughout the region.

In a number of regions, municipalities are encouraged or required to provide a share of the housing necessary to meet the regional affordable housing need, with each municipality's share typically adjusted to account for a variety of concerns, including employment growth, desirability of development, and demographic shifts. Arguably the most famous of these "fair share" affordable housing distribution schemes is the New Jersey legislation that emanated from litigation surrounding Mount Laurel, New Jersey. The litigation proceeded in two stages, with the first culminating in a ruling that every municipality had a constitutional obligation to provide for its fair share of the affordable housing need, and the second ruling expanding upon this by giving municipalities specific instruction on meeting this obligation. Subsequent to these New Jersey Supreme Court rulings, the New Jersey Legislature enacted the New Jersey Fair Housing Act of 1985.<sup>64</sup>

While the state law codifies the fair share policy ordered by the courts and requires municipalities to encourage affordable housing development through a variety of mechanisms, it also permits municipalities to pay others to build their share of affordable housing via "regional contribution agreements." Municipalities can elect to pay \$20,000 per unit to have others within the region develop a significant portion of their share of the housing. According to the New Jersey Futures organization, this facet of the law "allows many municipalities to hand off up to half their affordable housing requirement to another community, usually a high-poverty city."<sup>65</sup>

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<sup>63</sup> In 2000, permits were issued for the construction of 6402 residential units, of which 72% are single family detached houses, and 28% are in multi-unit buildings. Long Island Power Authority and Long Island Association, *The LIPA Annual Business Fact Book*.

<sup>64</sup> Larry Gerckens, *Inclusionary Housing* (article of The Planners Web), available online at <http://www.plannersweb.com/planning-abc/i.html>.

<sup>65</sup> New Jersey Futures, *NJ Future Facts: The Maryland Approach*, available online at [http://www.njfuture.org/HTMLSrc/FactsAndIssues\\_20001108.htm](http://www.njfuture.org/HTMLSrc/FactsAndIssues_20001108.htm)

An analysis of the racial and economic demographics of so-called “sending” cities and “receiving” cities conducted by the Institute on Race and Poverty in 2000 showed that it tends to be wealthier cities in New Jersey, with majority White populations, that opt to sell off their shares. It was found that economically struggling cities with greater populations of color are seeking funds to build more affordable housing. While the increased supply of affordable housing is a clear benefit, this dynamic is troubling. Increasing the affordable housing stock in economically and racially isolated cities threatens access to opportunity structures, such as new jobs, for residents of the housing. Additionally, this dynamic likely does not improve the tax bases of “receiving” cities.<sup>66</sup>

Joining a chorus of other affordable and fair housing advocates, as well as other proponents of regional equity, New Jersey Futures contrasts the New Jersey law negatively with the inclusionary housing scheme of Montgomery County, Maryland. Since 1975, the Montgomery County Moderately Priced Dwelling Unit Program has required that, in developments of 50 housing units or more, 15 percent of units be set aside as affordable. Developers are compensated with a density bonus; they can build at a density 20 percent greater than permitted under the applicable zoning law.<sup>67</sup>

The quantity of housing produced under a Montgomery County-style policy depends on the pace of private market development. In regions experiencing housing booms or even steady increases in housing stock, this would be a very valuable tool for not only increasing the affordable housing stock generally, but ensuring the development of housing in closer proximity to other opportunity structures emergent in areas experiencing growth. Feasibility of housing development under this type of policy also depends on profit margins. In a strong housing market like Long Island, the profit generated from the density bonus allowing developers to build more units will compensate for the revenue lost on a greater number of affordable units than in less robust markets..

It appears that the Montgomery County policy is more productive than the New Jersey law. A fair share law should be more likely than a set-aside policy to produce a sufficient supply of housing because a fair share law does not merely rely on private development set-asides, rather it creates an affirmative obligation to develop housing on the part of local governments through a variety of mechanism including, possibly, a set-aside policy. However, a flaw in the way the local need for affordable housing is determined in the New Jersey program has prevented an adequate supply of housing from being created. The calculation of need in New Jersey is based on the number of households living in substandard units rather than being based on a measure of the lack of affordable housing, for instance the number of households paying too much of their income for housing or having to double-up in housing.<sup>68</sup> As a result, roughly 26,000 units have been created in

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<sup>66</sup> The Institute on Race and Poverty gathered Census data on the racial and economic demographics of residents of the top 5 receiving and the top 5 sending cities. These data are on file at the Institute on Race and Poverty and are available upon request.

<sup>67</sup> Peter Calthorpe and William Fulton, *The Regional City*, at 77 (2001) Island Press: Washington DC.

<sup>68</sup> Interview with Tim Evans of New Jersey Futures via e-mail.



New Jersey, according to New Jersey Futures, whereas under a Montgomery County-style set-aside program the group estimates that 105,000 units would have been created.<sup>69</sup>

The Montgomery County policy actually serves low-income households. Families with incomes less than 65 percent of the area median income are eligible to apply for the moderately priced units in Montgomery County. Montgomery County ensures that the designated units remain affordable for a meaningful period of time by requiring that units stay affordable for 20 years and by regulating occupancy and the rents charged for the affordable units.

Of particular note is the racial composition of affordable home purchasers. Montgomery County is roughly 75 percent White, but the affordable home purchasing population in the county is only one-quarter White. Because of disparate income levels, Asian American, African American, and Latino families are purchasing the homes set aside as affordable in numbers that are substantially greater than their representation in the county population as a whole.<sup>70</sup>

Massachusetts provides another model for addressing affordable housing needs through its “Anti-Snob Zoning Law.” The law created a Housing Appeals Committee at the state level, a body empowered to hear the appeals of developers who have been denied a zoning permit to build affordable housing. This body considers whether the denial is consistent with local needs, determined by examining whether the locality has a sufficient supply or plans for an adequate subsidized housing stock. If the locality has an adequate supply, the locality’s decision regarding the permit will not be heard by the state appeals body. If it does not, the developer will be permitted to appeal the decision to the state body and the burden falls on the locality, not the developer (as in most other legal contexts), to show that valid local concerns outweigh the regional housing need. In this way, advances are made toward meeting the regional housing need while the immunity from appeal granted to localities who have met their share creates an incentive to create subsidized housing and legitimate local concerns are respected. The law has resulted in substantial increases in low-income housing production over the last several decades.

Advocating for affordable housing and generating support for a regional plan for creating such housing requires a variety of strategies including seeking the support of non-traditional allies. For example, the business community in Long Island has already voiced frustration with the status of the affordable housing supply and its location, and has undertaken efforts to remedy these problems. Bolstered by other stakeholders, the business community in Long Island could replicate the remarkable strategy being undertaken in the Chicago region by Chicago Metropolis 2020.

Chicago Metropolis 2020, a group of business and civic leaders, asks members to pledge not to relocate their businesses to an area unless housing and transportation connections are in place there. The pledge is referred to as “The Metropolis Principles for

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<sup>69</sup> See New Jersey Futures, NJ Future Facts: The Maryland Approach, available online at [http://www.njfuture.org/HTMLSrc/FactsAndIssues\\_20001108.htm](http://www.njfuture.org/HTMLSrc/FactsAndIssues_20001108.htm)

<sup>70</sup> Peter Calthorpe and William Fulton, *The Regional City* (2001) Island Press: Washington DC, p. 77.

Livable Communities” and it is receiving considerable support from the business community in Chicago. More than 100 businesses had taken the pledge as of January 2001.<sup>71</sup> Conditioning the relocation of businesses on the provision of housing and transit options is one useful approach to the problem of employment decentralization.

The production of affordable housing units throughout Long Island is a crucial step toward ending racial segregation in the region. However, this step alone will not be a complete solution. Long Island’s racial segregation did not arise solely through economic forces, and it will not be cured by measures that address only economic issues. In order to integrate Long Island and ensure that all residents have equal access to housing opportunities, initiatives must acknowledge and address the multiple forces, including institutional racism, that have shaped the current patterns of racial segregation. Housing initiatives must have a race-conscious pro-integrative component if they are to achieve not only economic but also racial segregation.

An example of a pro-integrative housing program is found in Shaker Heights, Ohio, a suburb on the southeast border of Cleveland, with a population of 29,000 that is 60% White and 34% Black. Since the 1960s, the city of Shaker Heights has made extraordinary efforts to address racial segregation in its community as its minority population has increased, and to promote integration of its neighborhoods and its schools. As a result, “Shaker Heights is one of the few examples of sustained suburban racial integration in the United States”<sup>72</sup>

Shaker Heights officials have taken a systemic approach to the integration of their community, recognizing, for example, that housing patterns and school segregation are interrelated and should be addressed together. The school board and the school system administration have long been involved in the city's efforts to integrate its neighborhoods.

In an early example of the cooperative efforts that characterize Shaker Heights’ pro-integrative strategies, the mayor, the city council and the board of education joined to form the Shaker Citizens’ Advisory Commission in 1964, to address community issues, including housing segregation. The Commission's first act was to ban the display of for-sale signs on front lawns to stave off the “blockbusting” that had contributed to resegregation elsewhere. The board of education also funded and sent representatives to the governing board of the Shaker Housing Office, founded in 1967 to promote housing integration. In 1968 the school board even took the unusual step of employing a community worker to try to recruit White residents to buy and rent homes in the Moreland elementary school district, which was on the way to becoming an all-Black neighborhood.<sup>73</sup>

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<sup>71</sup> Chicago Metropolis 2020, The Metropolis Principles for Livable Communities, available online at [http://www.chicagometropolis2020.org/mp\\_3.htm](http://www.chicagometropolis2020.org/mp_3.htm).

<sup>72</sup> Dennis W. Keating, *The Suburban Racial Dilemma* (Temple University Press, 1994).

<sup>73</sup> Institute on Race and Poverty, *Student Voices Across the Spectrum The Educational Integration Initiatives Project* (2000), pp. 78-79.

Another cooperative endeavor of the city government and the school system is the Fund for the Future of Shaker Heights, an innovative incentive program encouraging residential integration. Using privately donated money, the Fund provides low-cost mortgage loans of \$3000 to \$6000 to Whites who move into a neighborhood that is more than 50% Black, and to Blacks moving to a neighborhood that is more than 90% White. The city government and the board of education founded the Fund together in 1986 and share the program's administrative expenses. Donald L. DeMarco, director of community services for the city, said in 1992, "If you look at (the Fund) as a housing program, you say yes, maybe this is something that a board of education should not be involved with, (but) it actually is an integrative organization more than a housing organization."<sup>74</sup>

### *Housing Litigation*

There has been some success with Fair Housing Act litigation on Long Island. In 1988, the Second Circuit Court of Appeals ruled in favor of the Huntington NAACP and HHI, an affordable housing developer, in a case against the Town of Huntington, and the U.S. Supreme Court affirmed the decision in a per curiam opinion.<sup>75</sup> The circuit court ruled that the Town had violated the Fair Housing Act<sup>76</sup> by refusing to allow the construction of multi-family housing anywhere but in a small "urban renewal area" and by refusing to rezone a parcel outside the urban renewal area in a virtually all-White neighborhood where HHI wanted to build a racially integrated apartment complex. The court found that the Town's shortage of affordable rental housing had a disparate impact on the Town's Black families, and that the Town's restriction of multi-family housing to an urban renewal area that was populated mostly by people of color had the discriminatory effect of perpetuating segregation. The court ordered the Town to strike from its zoning ordinance the provision limiting multi-family housing to the urban renewal area, and to rezone the site in question to allow for construction of the HHI apartment complex.

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<sup>74</sup> Peter Schmidt, *Courts, School Boards Testing Strategies To Integrate Neighborhoods, Schools, Education Week* (February 26, 1992).

<sup>75</sup> *Huntington Branch, NAACP v. Town of Huntington*, 844 F.2d 926 (1988), aff'd. 488 U.S. 15 (1988).

<sup>76</sup> Title VIII of the Civil Rights Act of 1968.

### *Education Initiatives*

*Metropolitan desegregation tends to produce far more stable and extensive desegregation in predominantly middle-class schools, yielding the greatest benefits for minority students and minimizing threats to white neighborhoods. As importantly, it counters the trend toward multiple school districts within a given metropolitan area deeply separated by race, class, and politics. The children of the most powerful and least powerful sectors of the community must depend on the same large institution, and all races and classes have a vital interest in its success.*

Gary Orfield, Professor of Education and Social Policy, Harvard University.<sup>77</sup>

The extreme fragmentation of Long Island's school districts is a severe impediment to educational equity. The fragmented school districts perpetuate residential segregation and burden Long Island's children of color with the harmful educational effects of racial and economic segregation. Virtually all Long Island school children, including most White children, are currently denied the benefits of an integrated education. These benefits include reductions in racial prejudice and stereotyping, and preparation of students to live and work in our increasingly multicultural and international society.<sup>78</sup> For children isolated in high-poverty schools, however, the segregation has additional dire educational consequences. Studies have shown that the poverty level of the school as a whole impacts student achievement in ways that go beyond the effects of individual student poverty. Low-income students in high poverty schools fare worse than low-income students in less impoverished schools.<sup>79</sup>

When communities integrate their schools, the overwhelming result is improvement in academic achievement for children of color previously isolated in segregated schools, with no loss in academic achievement for White students.<sup>80</sup> Low-income Black children who move to low poverty suburban neighborhoods are less likely than those who stay in high poverty neighborhoods to drop out of school, and more likely to take college track classes and attend two-year or four-year colleges.<sup>81</sup>

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<sup>77</sup> Gary Orfield, *Metropolitan School Desegregation: Impacts on Metropolitan Society*, in *In Pursuit of a Dream Deferred: Linking Housing and Education Policy* (Peter Lang Publishing, 2001), p. 126.

<sup>78</sup> Institute on Race and Poverty, *Student Voices Across the Spectrum: The Educational Integration Initiatives Project*. (2000), p.14; Gary Orfield, *Schools More Separate: Consequences of a Decade of Resegregation*, Harvard Civil Rights Project (2001), p. 14.

<sup>79</sup> Gary Orfield, *Schools More Separate: Consequences of a Decade of Resegregation*, Harvard Civil Rights Project (2001), p. 14; David Rusk, *Inside Game / Outside Game: Winning Strategies for Saving Urban America* (Brookings Institution Press, 1999), p. 124-25.

<sup>80</sup> John A. Powell, *Living and Learning: Linking Housing and Education*, in *In Pursuit of a Dream Deferred: Linking Housing and Education Policy* (Peter Lang Publishing, 2001), pp. 34-5.

<sup>81</sup> James E. Rosenbaum, Nancy Fishman, Alison Brett and Patricia Meaden, *Can the Kerner Commission's Housing Strategy Improve Employment, Education, and Social Integration for Low-Income Blacks?*, 71 North Carolina Law Review 1519 (1993).

In Louisville, Kentucky, as in a number of other regions, a countywide school district was created to achieve racial desegregation. The results of the consolidation of the Louisville region's school districts in 1975 included not just numerical desegregation and increased educational opportunity for students in Louisville, but increased levels of residential desegregation. Both educational and residential desegregation in Louisville were promoted by the combination of a single, consolidated school system and pro-integrative housing programs. The housing programs include providing counseling to holders of Section 8 housing certificates, exempting families making pro-integrative housing moves from school busing, and instituting a return to neighborhood schools for those neighborhoods that become integrated.<sup>82</sup>

Until residential desegregation is accomplished, measures that will reduce or overcome the fragmentation of Long Island's school districts are the only realistic means of reducing school segregation and achieving educational equity throughout the region. As long as highly fragmented school districts serve to institutionalize residential segregation and the resulting racial disparities into the school system, the education offered to children of color will be separate and unequal.

This means that education reformers must begin to discuss some merger of the 125 Nassau-Suffolk school districts into a smaller number of districts, or, in the alternative, cross-district desegregation efforts must be undertaken. Several factors in Nassau-Suffolk should reduce the difficulties and enhance the benefits of school-district mergers. First, the small geographic areas encompassed by most Long Island school districts means that several contiguous districts could be merged without putting children into districts in which unfeasible travel distances would impede desegregation efforts. Second, the fiscal inefficiency of having a separate school superintendent and district administration for every 3000 or so students increases the tax burden on residents of all of the current districts. The New York State Temporary Commission for Tax Relief on Long Island reported in 1992 that where there are fewer than 5000 students in a school district, the costs per pupil increase between \$1,000 and \$8,000.<sup>83</sup> The substantial reduction in administrative costs that could be achieved through district mergers would benefit all taxpayers.

To see if the inter-district segregation could be ameliorated by consolidation into regional school districts, we have mapped out what Long Island school districts could look like demographically if there were only one district in each town or city. This would give Nassau County five districts and Suffolk County ten districts.<sup>84</sup> The fifteen consolidated

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<sup>82</sup> Gary Orfield, *Metropolitan School Desegregation: Impacts on Metropolitan Society*, in *In Pursuit of a Dream Deferred: Linking Housing and Education Policy* (Peter Lang Publishing, 2001), p143-44 (citing the Kentucky Comm'n on Human Rights, *School and Housing Desegregation Are Working Together in Louisville and Jefferson County* 83-85 (1983)).

<sup>83</sup> New York State Temporary Commission for Tax Relief on Long Island, *Financing Government on Long Island*, p. 1-2 (1992).

<sup>84</sup> This is probably not actually the best way to merge the school districts because of wide variations in the population size among the towns and cities. Under this scheme some of the resulting districts, namely Glen Cove and Long Beach in Nassau County, and the five easternmost towns in Suffolk County, would have

districts, while far from equal in terms of racial and economic demographics, would be considerably less segregated than the 125 current districts. Most town-wide districts would have student populations between 20% and 40% students of color, with only one district having more than 40% (Glen Cove with 48%), and six having less than 20%. The student poverty rates in the town-wide districts would range from 2% to 33%, with most districts between 10% and 30%. This is a far more narrow range than in the current system, where 48 districts have poverty rates of less than 5%, and nine have poverty rates of over 40%.

**Maps 4 and 5 show the distribution of students in the current school districts by race and by eligibility for free and reduced price lunch. Maps 9 and 10 show how this distribution would look with town-wide school districts.**

Although funding alone is not the solution to educational inequity, one strategy that would lessen some of the disparities among school districts is regional sharing of local property tax revenues. The Minnesota legislature has enacted such a revenue-sharing plan for the Twin Cities region. Under Minnesota's fiscal disparities system, each of the 187 municipalities in the seven-county Twin Cities metropolitan area contributes 40% of the growth of its commercial/industrial tax base acquired after 1971 to a pool to be shared throughout the region. Money from the pool, which amounts to about \$367 million annually, is then redistributed so that those municipalities with lower commercial tax capacities receive more funds. This system has reduced tax base disparities within the region from 50 to 1 to approximately 12 to 1.<sup>85</sup> The current property tax system on Long Island unfairly allocates property tax revenues from commercial developments like the Roosevelt Fields shopping center to a single municipality, despite the fact that residents of the larger region use the facility and contribute to its wealth. Property tax revenue sharing would more equitably distribute that revenue throughout the region.

A two year old statewide coalition, *Alliance for Quality Education (AQE)*, advocates for reformation of the state school financing scheme to provide for additional state funding for schools, and more equitable distribution of state funds. The *Long Island Progressive Coalition* is an affiliate of *AQE*. *AQE* urges the New York governor and the state legislature to begin to implement the school-funding reforms ordered by the state supreme court in the *CFE* case (discussed below), so that every school child in New York can have the benefits of small classes, qualified teachers, early childhood education programs, and safe, clean, and technologically up-to-date school facilities.<sup>86</sup> In a recent report, *AQE* advocates for a state funding proposal that would not decrease state aid to any district, but would increase aid to currently under funded districts through the application of a minimum "sound basic education" per-pupil funding level, distribute "extraordinary needs aid" to reflect the higher cost of educating children who come from

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very small numbers of students, while others like Hempstead in Nassau County and Brookhaven in Suffolk County, would be very large. Still, this exercise gives a first glance at what could be accomplished with merger of the many school districts into a smaller number of regional districts.

<sup>85</sup> Myron Orfield, *Metropolitics: A Regional Agenda for Community and Stability*, Brookings Institute Press, 1997, pp. 64-65, 87.

<sup>86</sup> Alliance for Quality Education, [www.citizenactionny.org/educationmain.html](http://www.citizenactionny.org/educationmain.html)

low-income families or have limited English language skills, and ensure that communities throughout the state make an equal minimum tax contribution to their schools. Under this proposal, 41% of Nassau districts and 46% of Suffolk districts would see increases in state funding for their schools.<sup>87</sup>

### *Education Litigation*

Unless it were possible to establish intentional racial discrimination by the state, county or town government, lawsuits based solely on the inequities among Long Island school districts are not likely to succeed. However, New York State courts are receptive to suits establishing that the education provided to students in a particular school or district falls below a minimum standard of adequacy.

Legal challenges to the inequitable distribution of property tax revenue between school districts have not succeeded under either federal law or New York State law. The United States Supreme Court has ruled that a school-financing system based on local property tax revenue, even if it results in disparities in school district funding, does not violate the U.S. Constitution's equal protection clause.<sup>88</sup> The New York Court of Appeals in the *Levittown* case reached the same result under the New York State Constitution's equal protection clause, ruling that New York's school financing system was justified by the state's interest in preserving local control over education.<sup>89</sup>

The court in *Levittown* also ruled that the inequities produced by the state's school financing scheme did not violate the state constitution's education article, which requires the state to provide all children with a sound basic education.<sup>90</sup> The court's decision in *Levittown* rejected the claim that the state constitution required equality of funding for New York school districts, but the court left open the possibility of a successful challenge to the state school-funding scheme based on the inadequacy of funding for some districts. This paved the way for the decision last year in the *Campaign For Fiscal Equity (CFE)* case.

On January 9, 2001, the New York Supreme Court issued a judgment for the plaintiffs in *Campaign For Fiscal Equity v. State of New York*.<sup>91</sup> The plaintiffs in the *CFE* case were students, parents and organizations concerned with education. They claimed that the State of New York, by failing to adequately fund New York City schools, violated both

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<sup>87</sup> Public Policy and Education Fund of New York, *Upstate, Downstate: Schools Throughout New York Will Benefit from School Funding Reform*, 2001 (Report prepared for the Alliance for Quality Education).

<sup>88</sup> *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973).

<sup>89</sup> *Board of Education, Levittown Union Free School District v. Nyquist*, 57 N.Y.2d 27 (1982).

<sup>90</sup> The education article of the New York State Constitution provides:

The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.

The New York courts interpret this article as requiring the provision of "a sound basic education" to all children. *Board of Educ., Levittown Free Union School Dist. v. Nyquist*, 57 N.Y.2d 27, 48 (1982).

<sup>91</sup> 719 N.Y.S. 2d 475.

the New York state constitution, and federal regulations implementing Title VI of the Civil Rights Act of 1964. The court found in favor of the plaintiffs on both claims. The court found that, as measured by both resource inputs and educational outcomes, New York City's public schools were in an "abysmal state," and that the state was failing to provide New York City students with "a sound basic education" as required by the state constitution. The court also ruled that the state school-funding scheme, as applied to New York City schools, violated U.S. Department of Education Title VI regulations that prohibit recipients of federal funding from using criteria or methods of administration that have the effect of discriminating by race, or of impairing the access of people of a particular race to the objectives of the federally-funded program. The court ordered the state legislature to reform the state's education system to ensure that New York City schools offer a sound basic education.

Unfortunately, just a few months after *CFE v. New York* was decided, the United States Supreme Court issued a decision foreclosing one of the successful claims in *CFE*. In the case of *Alexander v. Sandoval*,<sup>92</sup> the U.S. Supreme Court ruled that private plaintiffs like the students and parents who brought the *CFE* case, do not have a right to sue to enforce the disparate impact regulations promulgated under Title VI of the Civil Rights Act of 1964.<sup>93</sup>

However, the *CFE* court's other ruling – that inadequate funding of some school districts can violate the state constitution – is still good law, and provides a basis for potentially successful lawsuits to increase state funding to struggling Long Island schools. One suit advancing this claim is already in the courts.

In March of 2001, the New York Civil Liberties Union (NYCLU) filed suit in *NYCLU v. State of New York*. This is a class action suit on behalf of students attending "failing schools" in twelve school districts throughout the state, including the Long Island districts of Hempstead, Roosevelt, Westbury and Wyandanch. Using the standards articulated by the court in *CFE*, the plaintiffs in *NYCLU v. New York* allege that the state has failed to provide these schools with adequate resources and facilities to allow the schools to offer students a sound basic education. The effectiveness of remedies that may be obtained through these litigative avenues is still unknown.

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<sup>92</sup> 532 U.S. 275 (2001).

<sup>93</sup> After the *Alexander v. Sandoval* decision came down, the United States District Court dismissed a suit filed in 1998 by the New York Civil Liberties Union alleging that the state's failure to enforce its education standards in a number of "high minority" schools, including several schools on Long Island, violated the Title VI disparate impact regulations.



### *Transit Initiatives*

In response to the New York State Department of Transportation and the New York Metropolitan Transportation Council release of their Long Island Transportation Plan 2000 (LITP 2000), which calls for the construction of 190 miles of new highway lanes on Long Island but does little to address mass transit needs, the *Long Island Progressive Coalition* has organized *RethinkLITP2000*. Seventy-six civic, environmental, religious and social service organizations have already signed on to the *RethinkLITP2000* campaign. Opponents of LIPT 2000 allege that the process was rigged to support a road-building agenda, and that proposals for light rail transit and land use policy innovations to reduce sprawl were summarily rejected. *RethinkLITP2000* will be conducting a postcard campaign urging officials who have the authority to approve or disapprove of the LITP to go back to the drawing board and come up with a plan that will serve not only automobile commuters, but also those who rely on public transportation. The coalition has already secured a commitment from the state Department of Transportation to increase state funding for the Nassau and Suffolk county bus services.

The *Tri-State Transportation Campaign* is working to persuade Suffolk County Executive Robert Gaffney to reverse the 25¢ hike in Suffolk bus fares that he implemented earlier this year. They have secured a promise from Gaffney that he would reverse the fare increase if the state budget included sufficient funding to make up the difference. Now that the state budget has been approved, including the necessary funds for Suffolk Bus, they anticipate that Gaffney will take the bus fares back down to \$1.50.<sup>94</sup>

Advocates for racial justice should work with transit advocates like *Tri-State Transportation Campaign* and *RethinkLITP2000*, so that transit issues will be addressed with a recognition of the effects of transit options on communities of color.

Transportation has been described as the “big carrot” for promoting regional equity because of the size of the federal funding pot dedicated to transportation.<sup>95</sup> Stakeholders in Long Island concerned with the ways in which structural racism is manifest in transportation planning and funding can articulate these concerns to the New York Metropolitan Transportation Council, the metropolitan planning organization (MPO) for the New York region including Long Island and seek better transit options. Under federal legislation, specifically ISTEA and TEA-21, every region with a population of 50,000 residents or greater must have an MPO in place to serve as a conduit for federal transportation funding. Under the legislation, MPOs are required to install public participation processes in planning for transportation so that the interests of all residents can be heard and responded to through transportation planning.<sup>96</sup> Of particular note is the requirement that MPOs “seek out and consider the needs of those traditionally

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<sup>94</sup> Interview with Michelle DiChiara, Tri-State Transportation Campaign.

<sup>95</sup> Peter Calthorpe and William Fulton, *The Regional City*, at 91 (2001) Island Press: Washington DC.

<sup>96</sup> Peter Calthorpe and William Fulton, *The Regional City*, at 91 (2001) Island Press: Washington DC.

underserved by existing transportation systems, including but not limited to low-income and minority households.”<sup>97</sup>

While the regulations regarding community participation in the planning process are promising, this process is not without its flaws. For one, Whites and affluent suburban residents often outnumber people of color and low-income households and can use their numerical strength to influence the decision-making process in detrimental ways.<sup>98</sup> In addition, a number of critics have charged that MPOs are fulfilling the letter but not the spirit of this regulation in their efforts to seek out and respond to the needs of people of color and low-income households. Advocates for more just transportation planning processes commonly cite the failures of MPOs to advertise meetings effectively and to convene hearings in locations and at times that enable meaningful public participation.<sup>99</sup> Despite these limitations, regional transportation planning could be a very useful process for stakeholders in Long Island to engage in and thereby promote increased racial equity across the region.

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<sup>97</sup> See the federal regulations on Metropolitan Transportation Planning and Programming, 23 C.F.R. § 450.316 (2000).

<sup>98</sup> Mutsumi Mizuno, *Justice in Decision Making* (background paper on transportation and environmental justice prepared for the Federal Transportation Administration), available online at <http://www.fta.dot.gov/library/policy/envir-just/backcf.htm>.

<sup>99</sup> Mutsumi Mizuno, *Justice in Decision Making* (background paper on transportation and environmental justice prepared for the Federal Transportation Administration), available online at <http://www.fta.dot.gov/library/policy/envir-just/backcf.htm>.

## **Conclusion**

Regional strategies formulated and executed with a focus on racial equity have the potential to redress the racial disparities currently found on Long Island. The essential principles of an equity-driven model of regionalism include:

- An explicit racial equity focus
- Regional power over opportunity distribution
- Meaningful representation of all local communities within the region
- Inclusive and participatory democratic processes
- Protection of local decision-making power over functions that do not restrict the supply and equitable location of opportunity structures in the region
- Preservation of community through local authority to make decisions that impact local character and identity concerns

The Nassau-Suffolk region will be both more prosperous and more equitable with the right regional policy making and coordination. Racial justice advocates, government officials, the business community and others must work together to develop strategic coalitions, design new strategies, and work toward attainment of the full spectrum of racial justice goals.