

OPENING ACTS

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Opening Acts is a Publication of the Fair Housing Justice Center of HELP USA

HELP USA Opens Fair Housing Justice Center

April 11, 2005 deserves a historic marker not only because it was the 37th Anniversary of the passage of Title VIII of the 1968 Civil Rights Act (more commonly known as the federal Fair Housing Act), but also because it is the day HELP USA opened the Fair Housing Justice Center (FHJC).

HELP USA, the largest non-profit developer of transitional housing for homeless families in the United States, found that illegal housing discrimination was preventing many formerly homeless individuals and families from securing permanent housing. HELP USA recognized that, with the closing of the New York Open Housing Center in 2003, clients had few viable options available to pursue their fair housing rights.

“The opening of the Fair Housing Justice Center at HELP USA sends a strong message that HELP is enhancing its mission to provide assistance to people facing housing discrimination in New York and across the country,” says Laurence Belinsky, President and CEO of HELP USA. Belinsky added, “The FHJC’s work is critical to leveling the playing field for our clients, allowing them to regain their lives in a fair and just society.”

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FHJC, National and New York Civil Rights Groups File Amicus Brief in *OCC v. Spitzer*

On August 5, 2005, the FHJC of HELP USA, along with a group of New York and national civil rights and consumer advocacy organizations, filed an amicus “friend of the court” brief in federal court in support of New York Attorney General Eliot Spitzer’s efforts to enforce fair lending laws. The brief was filed in opposition to efforts by the Office of the Comptroller of the Currency (OCC) and a private association of leading commercial banks, the Clearing House Association, to obtain a court order preventing Attorney General Spitzer from investigating four national banks—Wells Fargo, Citibank, HSBC, and J.P. Morgan Chase Bank—for possible violations of state and federal fair lending laws.

The FHJC, the New York Neighborhood Economic Development Advocacy Project, and the Foreclosure Prevention Project of South Brooklyn Legal Services joined with other New York groups and six national organizations, including the NAACP Legal Defense and Educational Fund, National Fair Housing Alliance, Center for Responsible Lending, AARP, National Association of Consumer Advocates and the National Community Reinvestment Coalition to file the brief with District Court Judge Stein of the Southern District of New York.

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FHJC Creates “Acting for Justice” Program

The FHJC of HELP USA has developed a unique partnership with the Actors’ Fund of America (AFA). The Actors’ Work Program of the AFA is providing assistance by recruiting actors and other entertainment professionals to work as “testers” in the FHJC testing program, called the “Acting for Justice” program.

One of the primary ways that the FHJC investigates housing discrimination is by using an investigative technique known as “testing.” Testers are individuals who pose as prospective buyers or renters of real estate for the purpose of gathering evidence to determine whether housing providers and others are complying with fair housing laws. Testing investigations often provide the vital corroborative evidence needed to support an individual allegation of housing discrimination or to document systemic forms of discrimination that are illegally limiting housing choices. Testing is a powerful investigative tool used to observe the ordinary business practices of housing providers and others. The probative value of testing evidence has been recognized by courts, including the United States Supreme Court.

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FHJC Legal Partnerships Established

The New York Lawyers for the Public Interest (NYLPI) is assisting the FHJC to develop partnerships with area law firms interested in providing pro bono legal services to victims of housing discrimination. The first partnership has been developed with the law firm of Latham & Watkins. The firm has made a team of 12 attorneys available to the FHJC to take referrals of housing discrimination complaints.

New York Legal Services (NYLS) has also agreed to accept referrals of FHJC clients who have housing discrimination complaints and who meet income eligibility requirements. The central NYLS Litigation Support Unit is spearheading this cooperative effort. Individual attorneys from private firms throughout the area are also working with the FHJC to litigate housing discrimination cases.



A message from the FHJC Executive Director:

Exercise Your Fair Housing Rights

The FHJC of HELP USA is open and available to assist individuals and organizations with complaints of housing discrimination in New York City and the surrounding suburban counties within New York State.

As of the 2000 Census, New York remains on the top ten list of most segregated metropolitan areas in the nation for African Americans and Latinos. Although fair housing laws have been on the books for more than three decades, government has, with rare exceptions, moved with all deliberate lethargy to enforce these laws. As a result, we know that housing discrimination persists and that many in our community still do not enjoy the right to freely choose a place to live without having to endure the insult, embarrassment, and economic injury that results from an act of housing discrimination. In addition to causing injury to individuals and families, housing discrimination harms the entire community.

As civil rights advocates, we embrace HELP USA's goal of "building better lives" for lower income and formerly homeless individuals and families. Toward that end, we want to ensure that people searching for affordable housing have the widest possible range of housing choices and equal access to these housing opportunities.

While no one need remind us about the profound and indisputable impact that poverty, economics, and housing supply have on housing choice, these factors do not tell the whole story about affordable housing. Impediments to fair housing in the affordable housing market are apparent everywhere one looks in the New York area. These barriers are not new and they are not well disguised. They are frequently based on factors other than income, such as race, national origin, color, sex, disability, family status, age, sexual orientation, and other unlawful considerations. Too often, these discriminatory practices have gone unchallenged. The FHJC is committed to addressing fair housing issues within the affordable housing market, a market in which racial minorities, persons with disabilities, new immigrants, and female-headed households with children are disproportionately represented.

We welcome the opportunity to serve New York City and surrounding communities and look forward to working with other organizations that share our commitment to creating more open, just, and inclusive communities.

Diane L. Houk, Esq.
FHJC Executive Director



Questions or Comments?

**E-mail us at FHJC@helpusa.org or
call 1-866-350-FHJC.**



Spotlight on Success

Since opening in April 2005, the FHJC has received dozens of complaints alleging illegal housing discrimination from all corners of the New York region. With assistance provided by the FHJC, some of these complaints have already been filed with local, state, and federal administrative agencies and/or referred to FHJC cooperating attorneys for legal action. As these complaints progress through the administrative and/or litigation process, this **Spotlight on Success** column will highlight successful outcomes in future issues of *Opening Acts*.

Acting For Justice Program (continued from page 1)

"The Actors' Fund of America is proud to be partnering with HELP USA's Fair Housing Justice Center through our Actors' Work Program, an employment and training program that assists professionals in the entertainment community in identifying meaningful employment opportunities that complement their entertainment industry work," says Joseph Benincasa, Executive Director for the Fund. "HELP USA and the AFA are a great match. For the testers, this is a terrific use of their skills while providing needed employment and working for societal change," Benincasa added. Laurence Belinsky, President/CEO of HELP USA agreed stating, "Our partnership with the Actors' Fund to recruit actors as testers is a unique and important initiative that will help to improve the success and lasting impact of our work as an advocate to eliminate unfair housing practices. HELP USA is committed to aggressively investigating housing discrimination."

Special thanks to Kathy Schrier, Director of the Actors' Work Program of the AFA, for the invaluable assistance her office has provided by recruiting talented entertainment professionals to "act" as testers for the FHJC.

Lawsuit Challenges Land Use Practices

With investigative assistance provided by the FHJC of HELP USA, Long Island ACORN and five individuals filed a federal fair housing lawsuit on May 12, 2005, against the Village of Garden City and Nassau County. The lawsuit alleges that, for racially discriminatory reasons, the Village and County blocked a rezoning proposal that would have permitted affordable housing to be built on 25-acres currently owned by the County. Instead, Garden City zoned the land to only permit the development of upscale single-family homes or townhouses.

The lawsuit also alleges that Nassau County has a history of promoting housing segregation by developing affordable housing only in African American and Hispanic neighborhoods, while excluding such housing from white areas. Garden City is an affluent, 95% white suburban community of 22,000 people. Out of 7,386 households, only 23 of these households are African American according to the 2000 Census. By comparison, the nearby Village of Hempstead has 15,188 households and 61% are African American.

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Performances of Note

The FHJC employs dozens of talented actors and other entertainment professionals as part-time testers in its "Acting for Justice" Program. These individuals assist with testing investigations when they are not performing in various venues. As a regular column in *Opening Acts*, **Performances of Note** will proudly identify and promote the artistic performances with which our testers are associated. For obvious reasons, these announcements will not identify the names of our testers.

New York City

The Midtown International Theatre Festival (346 West 36th Street, Manhattan) presents "No Man's an Island" on August 5, 2005 at 2:00 p.m. Admission to this staged reading is free. RSVP by August 4 on www.mylifeasanisland.com. Performances begin in November 2005.

Buffalo, New York

Buffalo's Studio Arena Theatre presents "Ring of Fire: The Johnny Cash Musical Show" which opens August 23, 2005 and runs through October 9, 2005. For ticket information, go to www.studioarena.org.

Knoxville, Tennessee

A production of "Arsenic and Old Lace" will be presented at the Clarence Brown Theatre on the University of Tennessee from August 25 through September 11, 2005. Information on tickets can be found at www.clarencebrowntheatre.com.

Orlando, Florida

The Orlando Shakespeare Festival's performance of "Twelfth Night" runs from September 17 through October 9, 2005. For more information and tickets, go to www.shakespearefest.org.

Phoenix, Arizona

The Arizona Opera presents "The Three Penny Opera" by Kurt Weil at the Phoenix Symphony Hall on November 17, 18, 19, and 20, 2005. Tickets can be purchased on the Arizona Opera Web site, www.azopera.com.

Tucson, Arizona

The Arizona Opera presents "The Three Penny Opera" by Kurt Weil at the Tucson TCC Music Hall on November 11, 12, and 13, 2005. Tickets can be purchased on the Arizona Opera Web site, www.azopera.com.

Lawsuit Filed (continued from page 2)

"ACORN's lawsuit sends a message to local elected officials that they have a responsibility to expand affordable housing choices and create more opportunities for integrated housing in Nassau County," said Diane L. Houk, FHJC Executive Director.

Among other things, the plaintiffs ask that the court stop the redevelopment of the site under the current discriminatory zoning, and that the County and Village take steps to remedy the housing segregation they created. The plaintiffs are represented by the national Lawyers Committee for Civil Rights Under Law in Washington, D.C. and the Law Offices of Frederick K. Brewington in Hempstead, NY. In addition, the New York City office of Hogan & Hartson, LLP represents the individual residents.

HELP WITH HOUSING DISCRIMINATION

Don't let housing discrimination turn you around! Fair housing is the law of the land. If you suspect that you have been discriminated against on the basis of race, color, national origin, sex, religion, family status (presence of children), disability, age, marital status, sexual orientation, military status, or lawful occupation, you can do something about it. The FHJC assists individuals and organizations by providing the following services at no charge:

- Counseling on Fair Housing Rights
- Investigative Assistance
- Attorney Referrals and/or Assistance with Filing Administrative Complaints

By exercising your fair housing rights, you can stop illegal housing discrimination. Reporting housing discrimination may also help to open up housing opportunities in the New York area and prevent others from being harmed by the same discrimination.

For direct assistance with housing discrimination, please contact the FHJC at **(212) 400-8201** or at our toll free number, **1-866-350-FHJC**. You may send an e-mail to **FHJC@helpusa.org**.

Amicus Brief Filed (continued from page 1)

At a time when the federal government has reduced its enforcement of fair housing and fair lending laws, it is irresponsible for the same federal government to interfere with local and state efforts to protect families from discriminatory lending practices," said Diane L. Houk, FHJC Executive Director. Houk added, "The State Attorney General must be a full partner in the fight against lending discrimination."

The amicus brief argues that recent regulations enacted by the Bush Administration to prohibit states from enforcing civil rights laws against national banks are impermissible and unreasonable interpretations of well-settled banking law. The brief also argues that the language and legislative history of the federal Fair Housing Act envisions a dual role and responsibility for federal and state governments to enforce the Act's prohibitions against lending discrimination.

Other New York groups adding their names to the brief include Long Island Housing Services, Empire Justice Center, Legal Services for the Elderly in Queens, Staten Island Center for Independent Living, Greater Rochester Community Reinvestment Coalition, Utica Citizens in Action, and Chautauqua Home Rehabilitation and Improvement Corporation.

FHJC Newsletter to Highlight Opening Acts

Opening Acts is the quarterly newsletter of the Fair Housing Justice Center (FHJC) of HELP USA. The newsletter name reflects its primary purpose. The goal is to highlight “acts” taken by the FHJC to “open” up housing opportunities and challenge illegal housing discrimination in the New York area. The newsletter features stories about “opening acts” including recent housing discrimination cases, policy issues, as well as local, state, and national efforts to enforce fair housing laws.



HELP USA Opens FHJC (continued from page 1)

The mission of the new FHJC is to:

- Challenge systemic discrimination that restricts access to housing opportunities or fosters segregation;
- Advocate public policies and programs that reverse the harm caused by systemic discrimination, reduce inequality, and promote open and inclusive communities; and
- Upgrade and strengthen local, state, and national fair housing enforcement.

The FHJC was started with funding provided by HELP USA and HUD's Fair Housing Initiative Program (FHIP). The Metropolitan Milwaukee Fair Housing Council (MMFHC), a private fair housing organization with an excellent national reputation that has been active since 1977, applied for and received a 3-year \$1.2 million dollar grant to sponsor HELP USA to start the FHJC. (Sponsorship is required for emerging new groups.) In addition, the FHJC has received funding from the Ford Foundation and a two-year grant from the Booth Ferris Foundation to help build the capacity of the FHJC. In order to sustain an effective fair housing program, HELP USA's FHJC is raising additional funds from grants and contributions.

Applause and a Standing Ovation!

The FHJC will soon say farewell to two outstanding summer legal interns. Rachel Dinerstein will be entering her second year at Columbia Law School and Denetra Thompson will be starting her third year at St. John's University School of Law. Denetra and Rachel provided invaluable assistance to the FHJC and to victims of housing discrimination by conducting legal research and participating in many other projects. Their exemplary skills and strong dedication to fair housing will be missed. The entire staff of the FHJC extends their deepest gratitude and appreciation for the substantial and lasting contributions made by Rachel and Denetra to the FHJC.

Support the Fair Housing Justice Center!

Your tax deductible contribution makes it possible for the FHJC to challenge discriminatory housing practices in the New York area. Checks made payable to "HELP USA - FHJC" can be mailed to:

**Fair Housing Justice Center of HELP USA
5 Hanover Square, 17th Floor
New York, NY 10004**

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