



Written Testimony Submitted to the New York City Council Committee on Housing and Buildings by Chanera Pierce, Policy Coordinator of the Fair Housing Justice Center (FHJC)

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The Fair Housing Justice Center (FHJC), a regional civil rights organization based in New York City, strongly supports passage of Local Law - Intro No. 607 as written and supports passage of Local Law – Intro No. 601 with some modifications. In our view, the passage and implementation of these laws, with some minor changes, could, over time, enable New York City to gradually reduce residential racial segregation, decrease poverty concentration, and expand affordable housing opportunities throughout the City for populations whose housing choices have historically been limited. The enactment of these local laws would also establish a process that could aid the City to fulfil its duty to comply with the federal Fair Housing Act by affirmatively furthering fair housing.

We are just one day away from commemorating the 50th Anniversary of the federal Fair Housing Act. That historic piece of legislation, passed by Congress and signed into law one week after the assassination of Rev. Dr. Martin Luther King, Jr., prohibited housing discrimination throughout our nation. It also included a key provision that required the U.S. Department of Housing and Urban Development (HUD) and all recipients of federal funds to implement all housing and community development activities in a manner that affirmatively furthers fair housing. Congress included that provision in recognition of the significant role that government had played in creating the rigid patterns of residential racial segregation that are still conspicuous in most of our metropolitan regions. Going forward, local and state governments would need to ensure that future housing programs and community development activities are designed to reduce residential racial segregation and expand housing opportunities for populations whose housing choices had been severely constrained by discrimination and the apartheid policies of the past.

Reflecting on the past five decades, it is clear that fair housing laws have never been vigorously enforced and the “affirmatively furthering” requirement has been largely ignored by the federal government as well as by recipients of federal funds. Worse yet, we are witnessing, at the federal level, outrageous actions that can only be described as “regressively retreating” from fair housing. The shameful rescinding of the “Assessment of Fair Housing” rule promulgated in 2015 by the Obama administration signals an unwillingness by the current administration to implement one of the most basic and important provisions of this civil rights law.

In view of developments at the federal level, we heartily support Intro No. 607 because it is consistent with the spirit and letter of the federal Fair Housing Act and would hold New York City accountable to affirmatively further fair housing. Place matters and government should do what it can to ensure that everyone has an opportunity to acquire a home or apartment in any neighborhood in the City without regard to race, religion, national origin or any of the protected characteristics under local, state, or federal fair housing laws. Likewise, government must make a concerted effort to ensure that every neighborhood becomes a neighborhood of opportunity, free from discrimination.

But, Intro No. 607 only has meaning and value if the City's Fair Affordable Housing Plan, Intro. No. 601, also captures and reports data in a manner that enables policy-makers to readily assess whether any facet of the plan is, in any neighborhood tabulation area, reducing or perpetuating residential racial segregation, reducing or increasing poverty concentration, and expanding or constraining housing choice. In our view, a Fair Affordable Housing Plan would need to include, for each neighborhood tabulation area, data on other factors such as the race, national origin, income levels, and age of existing residents as well as the number of existing affordable housing units and publicly subsidized housing units in the area, including public housing units and the number of households with Section 8 subsidies or other rental subsidies. Additional information on schools, neighborhood amenities, recreational facilities, and other resources may be quite helpful in assessing whether specific areas are the best locations for creating additional affordable housing. For historically disadvantaged areas, is there a comprehensive revitalization plan in place which includes economic development in the form of commercial improvements, job-creating initiatives, and evidence of private and public investment. The report also needs to include data on any land-use, zoning, and/or regulatory barriers to creating or preserving affordable housing beyond those factors already listed in the proposed legislation. If this additional data is included as part of the plan that is mandated by this legislation, we would fully support the legislation.

One additional comment, we note in Intro No. 601 that Section 26-2103 requires that the Mayor meet with various community representatives and notably absent from that list are "fair housing and civil rights organizations." Because we possess specialized knowledge about housing discrimination and existing barriers to housing choice, we respectfully request that you include us on this list.

Thank you very much.

The mission of the Fair Housing Justice Center (FHJC) is to eliminate housing discrimination; promote policies and programs that foster open, accessible, and inclusive communities; and strengthen the enforcement of fair housing laws. The FHJC provides counseling on fair housing rights, investigative assistance including testing, and referrals to administrative agencies and cooperating attorneys. The FHJC operates one of the largest and most effective fair housing testing programs in the nation. FHJC's program employs over 160 testers, mostly professional actors, who have been trained to participate in housing discrimination investigations. These investigations are coordinated by a highly skilled team of investigators who utilize state of the art technology. Over the past decade, FHJC investigations have led to successful legal challenges that have opened more than 60,000 units of housing to previously excluded populations, changed the way many housing providers do business, and resulted in a total monetary recovery of over \$30 million. Information about the FHJC can be found at www.fairhousingjustice.org.

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