



FHJC 2020-2021 POLICY PRIORITIES

The mission of the Fair Housing Justice Center is to eliminate housing discrimination, strengthen the fair housing laws in the New York City region, and promote policies and programs that foster inclusive communities. We at the FHJC recognize that it is through partnerships and relationship building that we can advance this mission.

In 2020-21, the FHJC will focus on the following initiatives:

Strengthening Enforcement of Fair Housing Laws

Push for Increased Funding for Testing and Fair Housing Enforcement

The consistent success of fair housing testing proves it to be a uniquely effective tool for ferreting out housing discrimination, but the monies allocated for it and other means of systemic enforcement are woefully inadequate. The FHJC will continue to advocate for increased local, state, and federal government engagement in and funding for systemic fair housing testing and other fair housing activities. The current under-resourced and largely complaint-driven approach to government fair housing enforcement in New York fails to address subtle and systemic forms of housing discrimination. A more proactive, systemic, and well-funded government enforcement approach – with testing as the centerpiece – is critically needed. In addition, government at all levels should be adequately funding non-profit organizations that engage in investigations and testing.

Advocate for Stronger State Regulation of Real Estate Licensees

The FHJC advocates that the New York Department of State Division of Licensing Services (DLS) use its authority to investigate allegations of discrimination by real estate brokers and agents and take appropriate disciplinary action when warranted including the suspension or revocation of licenses. DLS should agree to investigate any allegation of housing discrimination even if the complaining party has not filed a complaint with the New York State Division of Human Rights or obtained a judgment from a court of law. Also, the FHJC advocates that the DLS carefully screen the qualifications of trainers and the content of training curriculums used to satisfy its continuing education requirement in fair housing for real estate brokers and salespersons.

Recommend the Proscription of Deceptive and Discriminatory Tenant Screening Practices

The FHJC proposes that New York State, through legislation or regulations, prohibit various deceptive practices that facilitate housing discrimination. For example, some rental housing providers give prospective tenants false information about their name to make it difficult to later file a discrimination complaint. Or providers will give out an

incorrect address near the available rental housing so they can visually screen the applicant before showing the available unit. There are other deceptive screening practices used to evaluate applicants that can deter voucher holders, families with children, people with disabilities, immigrants, non-English speakers and LGBTQIA+ persons from renting housing.

Urge NY State to Prohibit Public Agencies from Engaging in Discriminatory Actions

The FHJC urges the state to amend its Human Rights Law (HRL) to explicitly prohibit discriminatory action by state and local public agencies that operate housing programs, control land-use and zoning decisions, or engage in other housing and community development activities. This amendment is needed to ensure that these activities are not perpetuating segregation or making housing unavailable based on race, national origin, or other protected characteristics.

Eliminating Housing Discrimination

Oppose Changes to the Fair Housing Act Disparate Impact Rule

The U.S. Dept. of Housing and Urban Development (HUD) recently proposed changes to the 2013 disparate impact rule that, if put into law, would make it virtually impossible to challenge housing policies that have a disparate impact on protected populations. The new rule would undercut decades of progress in redressing the discriminatory effects of housing policies where there is no proof of a discriminatory motive behind the policy. The FHJC will continue to oppose HUD's proposed changes and work to preserve the existing disparate impact doctrine.

Push for Full Enforcement of Accessibility Requirements

FHJC strives to ensure that accessible housing opportunities are available to all persons with disabilities, including the expanding elderly population with disabilities. According to U.S. Census projections, the population 65 years of age and older is expected to more than double between 2012 and 2060, expanding from 43.1 million to 92 million. As the population ages, the number of people with disabilities and mobility issues will increase. The FHJC will continue to push for stronger regulation of adult homes and assisted living programs. In addition, FHJC will advocate that local and state governments play a more proactive role to increase the supply of accessible housing by ensuring that new multifamily housing developments comply with all fair housing accessibility requirements. State and local governments should abandon "self-certification" by architects, engineers or developers and take a more proactive approach to inspecting construction plans and new developments for compliance with local, state, and federal accessibility requirements.

Advocate to Add "Arrest or Conviction Record" to NY Human Rights Law

African Americans and Latinx are disproportionately impacted by the criminal justice system. As a result, housing policies that ban people with arrest or conviction records

exclude African Americans and Latinx disproportionately more often than others, even though there is no basis for concluding that an arrest or conviction record necessarily makes for a bad tenant. The FHJC advocates adding “arrest or conviction record” as a protected characteristic in the state human rights law to prevent housing discrimination that prevents the formerly incarcerated from successfully reintegrating into society. This change would prevent the use of criminal records as an arbitrary proxy for race or national origin in housing decisions. It would prohibit discriminatory treatment of formerly incarcerated individuals and facilitate their successful re-entry into society.

Support Co-op Disclosure Laws

In New York City alone, there are more than 7,000 housing cooperatives that control access to over 300,000 units of housing. Co-op boards too often operate in secrecy and offer rejected buyers and renters no explanation for their rejection. The FHJC supports the enactment of state and local “Co-op Disclosure” laws, which would require housing cooperatives to provide upon request, in writing, the reason for rejecting a prospective buyer/renter. Without such a requirement, a co-op can more easily mask any discriminatory practices.

Fostering Inclusive Communities

Urge NY State to Enact an Affirmatively Furthering Fair Housing Requirement

State and local jurisdictions that accept federal housing or community development funds are generally required to take affirmative steps to further fair housing. This so-called “AFFH” requirement was added in response to the long history of redlining and other segregation mandates imposed by the federal government. HUD must require its fund recipients to take positive steps to undo or at least reduce residential racial segregation, promote equitable development, and foster the creation of more open, accessible, and inclusive communities. But in 2020, HUD announced changes to roll back the AFFH requirement. The FHJC, along with other fair housing advocates, has called on HUD to reinstate enforcement of its AFFH obligation. In addition, we have urged state governments to enact their own AFFH laws, and California has done so. The FHJC urges New York Stat to amend its Human Rights Law to require state agencies,, local jurisdictions, public housing authorities and other public entities to “affirmatively further fair housing” and take no action that is materially inconsistent with this obligation.

Promote Statewide “Equitable Share” Housing Plan

The FHJC supports the establishment of a statewide “Equitable Share” housing plan to ensure the development of affordable housing in all communities by setting a minimum target goal for every community. The Equitable Share housing plan would mandate that every community work to ensure that at least 10% of its existing housing stock is affordable (reaching populations with income at or below 60% of the Area Median Income for rentals and 80% AMI for homeownership). In the case of high property tax areas, it is likely that property tax abatements would be required to achieve the homeownership goal. Levels of affordability should be flexible so that the needs of lower-income families and individuals are reached.

Push for Creation of a New York State Zoning Appeals Board

The FHJC will push for the creation of a Zoning Appeals Board with authority to override local zoning laws that are discriminatory or present a barrier to the development of affordable housing. A ZAB would have the authority to (1) override local zoning decisions when it appears a decision is effectively limiting or excluding viable affordable housing proposals from being developed; and (2) fast-track viable affordable housing proposals that have zoning as-of-right but meet with costly or unreasonable delays, often fueled by local opposition. The ZAB would be appointed by the NY State Legislature and would include representatives of populations utilizing affordable housing, including low-income persons, persons with disabilities, minorities, and homeless persons or their representatives.

Expand Housing Mobility Assistance Programs

Housing mobility assistance programs are an essential component of creating open, accessible and inclusive communities. As part of a larger coalition, FHJC was successful in getting a state-wide source of income law passed to protect subsidy holders from discrimination; however, barriers remain. Mobility counseling helps housing voucher holders access housing opportunities in well-resourced neighborhoods and communities. Mobility counseling has been effective in helping residents move into and stay stably housed in cities across the country by providing a variety of support services to prepare for and assist in the apartment search, prepare for the move, and provide follow-up services after transitioning to the new community. Mobility assistance programs also provide outreach to landlords, thereby increasing the supply of available housing in well-resourced neighborhoods. FHJC supports the expansion of mobility assistance programs in the New York City region.

Link Fair Housing Advocacy to School Integration

Racially segregated schools remain a dominant feature in New York City and the surrounding suburban areas. Recent studies inform us that up to 76% of school segregation can be attributed to residential housing patterns. Families of color face significant barriers when attempting to move to areas where their children can attend high-performing schools. Yet, institutions still establish policies in housing and schools that are often siloed and rarely coordinate efforts for the purpose of achieving greater integration and equity. The FHJC joins with prominent school integration advocates to call for more targeted fair housing enforcement in areas that have well-resourced or high-performing schools so that increased housing opportunities are opened to people of color.