

OPENING ACTS

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



FHJC Executive Director Diane L. Houk (center) poses for a photo with Dr. Guillermo Linares (left), Commissioner of the Mayor's Office of Immigrant Affairs and Mr. Shaun Donovan (right), Commissioner of the Department of Housing Preservation and Development (HPD) after speaking at a "Fair Housing Symposium" sponsored by HPD and held at Medgar Evers College in Brooklyn.

FHJC Creates C.H.O.I.C.E. Initiative with Ford Foundation Support

With substantial support from the Ford Foundation, HELP USA's Fair Housing Justice Center is implementing a plan to promote the development of racially diverse, mixed-income housing. The C.H.O.I.C.E. (Creating Hope for Open & Inclusive Communities Everywhere) Initiative will generate increased knowledge, interest, and opportunity for investment in mixed-income housing in low poverty areas. During the first year of this new initiative, the FHJC will 1) create an inventory of existing tools, resources, and current prototypes for mixed-income housing; 2) illustrate successful examples of racially diverse, mixed-income housing development; and 3) create a user-friendly tool kit for the development of mixed-income housing in low poverty areas, including the New York metropolitan area.

"The CHOICE Initiative provides a unique opportunity for fair housing advocates, housing developers, and affordable housing lenders to build new partnerships and collaborate on new strategies to expand housing opportunities and build more inclusive communities," said HELP USA President & CEO Laurence Belinsky. Throughout the upcoming year, the FHJC will work with housing consultant Helen Dunlap, a former President of the National Low-Income Housing Coalition, and a national advisory panel of leading experts and practitioners to implement the CHOICE Initiative. Also, the FHJC is partnering with other organizations across the country that are committed to using innovative strategies to promote racially diverse, mixed-income housing, such as the Inclusive Communities Project in Dallas, Texas.

Too often affordable housing has been built only in or near high poverty areas because development costs are lower and/or community resistance is less than in low poverty areas. The CHOICE Initiative will advocate a more balanced approach to providing affordable housing—one that also fosters the development of mixed-income housing in neighborhoods and communities that have traditionally excluded such housing or have lost substantial amounts of affordable housing due to redevelopment and gentrification.

The Ford grant enables the FHJC to increase its capacity to challenge systemic housing discrimination and develop community-based remedies, such as mixed-income housing, that repair the harm caused by such discrimination. With the Ford grant, the FHJC will be expanding its staff to include a Housing Initiatives Coordinator, Legal Director, and Program Assistant.

Paul, Weiss to Provide Legal Services to FHJC

The law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP has developed a partnership with the FHJC to provide pro bono legal services to FHJC clients. Nine attorneys from Paul, Weiss have agreed to accept referrals of housing discrimination cases from the FHJC. FHJC Executive Director Diane L. Houk stated, "We are delighted that Paul, Weiss is increasing the capacity of the FHJC to provide pro bono legal assistance to victims of housing discrimination." The FHJC has created a panel of cooperating attorneys that now includes partnerships with the law firms of Paul, Weiss and Latham & Watkins, as well as Legal Services of New York (LSNY) and a number of individual attorneys.

Columbia Offers Fair Housing Externship

Columbia Law School has approved a Fair Housing Externship that will be based at the FHJC. Beginning in January 2006, up to eight law students each semester will be able to enroll in the externship for credit. Students will work on fair housing legal matters and attend a weekly seminar. The externship will afford law students an opportunity to gain valuable experience by working closely with the FHJC Legal Director and FHJC cooperating attorneys who litigate fair housing cases. The externship is an outgrowth of a Fair Housing Law and Policy Seminar that has been taught by FHJC Executive Director, Diane Houk, and Field Services Director, Fred Freiberg, for the past two semesters.



A message from the FHJC Executive Director:

“Housing Choice Matters”

This fall, the FHJC announced the creation of the C.H.O.I.C.E. Initiative (Creating Hope for Open & Inclusive Communities Everywhere). The central premise of this initiative is that housing choice matters, particularly in the affordable housing market. Housing choice matters for reasons too often overlooked or deemed less important by housing policy makers and by those in the housing development and finance field. Professor John A. Powell of the Kirwan Institute for the Study of Race and Ethnicity at Ohio State University has written extensively about the nexus between race, space, and poverty. He points out that, in 1990, 1 out of 3 lower-income African Americans lived in a neighborhood of concentrated poverty (40% or more of residents have incomes below the federal poverty level) compared with 1 in 20 poor whites. Ensuring that the same housing choices are available without regard to race is a vital fair housing issue.

Having choices about where one can live does matter. Expanding housing choice affords lower-income minority families, new immigrant populations, and persons with disabilities greater access to a wider array of employment, educational, health care, and other opportunities. Current housing policies and programs that effectively concentrate affordable housing exclusively in lower income minority neighborhoods do not expand housing choice or provide equal access to the full range of educational, employment, and other opportunities. Breaking the cycle of inequality currently fueled by poverty, discrimination, and limited housing choice should not be a secondary consideration or casual afterthought. It should be the centerpiece of housing policy for metropolitan areas like New York that still exhibit high levels of residential racial and economic segregation.

Because housing choice does matter, we advocate a more balanced approach, one that also provides greater housing choice by creating more racially diverse, mixed-income housing opportunities in low poverty neighborhoods and suburbs. Through this new C.H.O.I.C.E. Initiative, we will begin a dialogue about these issues and develop a plan for expanding housing choice, reducing inequality, and creating more open and inclusive communities throughout the New York metropolitan region.

Diane L. Houk, Esq.



FHJC Executive Director Diane L. Houk talking with students after speaking to a meeting of Columbia's Real Estate Law Society and Civil Rights Law Society.



Spotlight on Success

Disability Complaint Opens Door to Apartment

In June 2005, Mr. C., an elderly man who was formerly homeless and a resident of HELP USA's Ward's Island transitional housing facility, filed a housing discrimination complaint with the U.S. Department of Housing and Urban Development (HUD) alleging that Volunteers of America (VOA) refused to rent a room to him at one of VOA's Single Room Occupancy (SRO) housing developments because of his disability. As a recovering substance abuser, Mr. C. is a person with a disability under the federal Fair Housing Act. The complaint alleged that VOA refused to negotiate for and rent a room to Mr. C because of the drug treatment program that he had participated in for years.

In August 2005, a settlement was reached to resolve the HUD complaint which included, among other provisions, an agreement to rent a furnished apartment to Mr. C. along with a monetary settlement to provide Mr. C. with roughly six months of free rent. Mr. C. was represented by FHJC cooperating attorney Dennis Villasana of Stroock Stroock & Lavan.

HUD Complaint Filed, Washing Machine Delivered

On July 20, 2005, Ms. Enimia Reyes filed a HUD complaint which alleged that her landlord denied her reasonable accommodation request to have a washing machine in her apartment. Ms. Reyes resides with her four children in a fifth floor walk-up apartment in Manhattan. Although Ms. Reyes' lease prohibits tenants from having a washing machine in their units, the previous owner of her building allowed her to have a washing machine for many years because of her child's disability. Ms. Reyes has a 10-year-old daughter who has DiGeorge Syndrome. Her daughter cannot speak and has difficulty walking, a damaged heart and lungs, and an immunodeficiency disorder that puts her at a high risk for infections. As a result, Ms. Reyes must frequently wash her daughter's clothes and bedding. There is no laundry facility in the apartment building and physicians have recommended that Ms. Reyes avoid using commercial laundromats to prevent her daughter from contracting infections.

When the ownership of Ms. Reyes' apartment building changed hands, the new owners and management company informed Ms. Reyes that she could not have a washing machine in her apartment and began to evict her family from the building. The washing machine was removed to stop the eviction. In her complaint, Ms. Reyes alleged that 207 Emerson LLC and Leor Management failed to provide her with a reasonable accommodation and discriminated against her because of her daughter's disability in violation of fair housing laws. On November 3, 2005, after seven months of having to wash clothes by hand in the kitchen sink, Ms. Reyes received a new washing machine from the respondents. FHJC cooperating attorney Paul Peloquin of Harlem Legal Services is representing Ms. Reyes. Her complaint is still pending with HUD.

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Spotlight on Success (continued from page 2)

Tenant Obtains TRO, Stops Harassment & Eviction

On October 21, 2005, Mr. Joseph Sciammetta of Brooklyn filed a federal lawsuit alleging that the owner of a small apartment building and her agents harassed Mr. Sciammetta and members of his family and attempted to terminate his tenancy in violation of fair housing laws. In his complaint, Mr. Sciammetta alleged that he and his family resided in their Bensonhurst apartment from October 2004 through July 2005 without any threats or harassment. However, the complaint alleged that when African American and darker-skinned Puerto Rican guests were invited to Mr. Sciammetta's apartment in August 2005, the apartment owner, Franca Aguayo Gallo, began to confront, intimidate, and threaten Mr. Sciammetta because of the race, color, and national origin of his guests. The complaint alleged that the conduct escalated to physical intimidation, repeated threats, the use of racial expletives in referring to the guests who the owner stated were not welcome in the building, and a notice to terminate the Sciammetta family's tenancy. In the lawsuit, Mr. Sciammetta asked the court for a temporary restraining order (TRO) to stop the eviction and halt the racial harassment until a hearing could be held on a preliminary injunction. On October 27, 2005, District Court Judge Frederick Block granted the TRO.

A consent order was entered by the court resolving the lawsuit on November 18, 2005. The order requires, among other things, that the defendants permit Mr. Sciammetta to continue to reside in his apartment, provide nine months of free rent, correct outstanding code violations, and comply with fair housing laws. Mr. Sciammetta was represented by FHJC cooperating attorneys Kurt Rogers, George du Pont, Andres Alvarez, and Adam Burk of Latham & Watkins.

HELP WITH HOUSING DISCRIMINATION

Don't let housing discrimination turn you around! 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 (physical or mental), age, marital status, sexual orientation, military status, lawful occupation, citizenship status, or domestic partnership status, you can do something about it. The FHJC assists individuals and organizations by providing the following services free of 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.

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.



Suit Aims to Increase Access to Home Ownership

Ms. Maria Telesca tried, without success, for many years to purchase an affordable and accessible home. On November 23, 2005, Ms. Telesca filed a federal civil rights lawsuit asking the court to order state and local governments using federal housing funds to comply with the Rehabilitation Act of 1973. In her lawsuit, Ms. Telesca alleges that the New York Division of Housing and Community Renewal (DHCR), the Towns of Islip and Huntington, and the Long Island Housing Partnership (LIHP) are using federal Community Development Block Grant (CDBG) funds and HOME funds to build affordable multifamily housing for sale that is not accessible to persons with physical disabilities.

Ms. Telesca's lawsuit seeks a court order requiring the defendants to (1) affirmatively market future homeownership opportunities to persons with disabilities; (2) conduct future lotteries and other selection methods for affordable housing for sale in a manner that enables applicants with disabilities to have access to purchase homes; (3) make 5% of all units in future multifamily developments with housing for sale accessible to people with mobility impairments and 2% accessible to people with visual or auditory impairments; and (4) make an accessible home available for Ms. Telesca to purchase.

Ms. Telesca, who has a type of dwarfism called Achondroplasia, has difficulty climbing stairs and often uses a scooter for assistance. After receiving help from the FHJC, Ms. Telesca sent a letter to FHJC staff stating, "You do not know what peace of mind your program has given to me after many years of asking others for assistance, only to be turned away." Ms. Telesca expressed her appreciation and her hope that she and many other people with disabilities will soon be fortunate enough to obtain the American Dream of home ownership. Ms. Telesca is represented by FHJC cooperating attorney Lee Vartan of the law firm of Friedman, Kaplan, Seiler, & Adelman.



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 fair housing 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

Slant Performance Group presents a musical production to be held at Flushing Townhall, Main Street's Next Generation: A Festival of Asian American Art & Culture, February 25th, 2006 at 8:00 p.m. Tickets can be obtained by calling the box office (718) 463-7700 Ext. 222. More information can be obtained online at www.flushingtownhall.org/aaf.html.

The Flea Theatre, 41 White Street, presents "Sister and Miss Lexie" which runs through December 18, 2005. Tickets are \$20 and can be ordered by calling (212)352-3101 or online at www.eudoraweltonstage.com.



Pictured above are Administrative Intern Tabbathia "Tabby" Davidson (center) and Columbia Law Students, Adam Weiss (left) and Maureen "Molly" McOwen (right).

Applause and a Standing Ovation!

The FHJC must bid farewell to three great interns. Tabbathia "Tabby" Davidson came to the FHJC from HELP USA's Bronx Employment Training Center as a full-time administrative intern. Tabby performed a wide variety of administrative and clerical duties during the day while attending college in the evening. Maureen "Molly" McOwen and Adam Weiss are second year law students at Columbia Law School. Molly and Adam each volunteered 10 hours a week to the FHJC, providing invaluable assistance with legal research related to housing discrimination complaints and systemic investigations. The FHJC staff is grateful to all three outstanding interns for their unique contributions to the FHJC and for their energy, enthusiasm, and dedication to fair housing.



**Fair Housing Justice Center of HELP USA
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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, fair housing policy issues, as well as local, state, and national efforts to enforce fair housing laws.



The Cast:

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|----------------------|----------------------------|
| Diane L. Houk, Esq. | Executive Director |
| Fred Freiberg | Field Services Director |
| Dora Mendez | Investigations Coordinator |
| Julia Fong Sheketoff | Intake Analyst |

Support the Fair Housing Justice Center!

Looking for that end of the year charitable tax deduction? 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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Building Better Lives