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HUD's Racial Subdivisions

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Elections have consequences, and one result from November has been to empower President Obama's regulators. Consider what the social engineers at the Department of Housing and Urban Development are doing to Westchester County north of New York City.

At issue is a 2009 settlement with HUD in which Westchester committed to develop 750 public housing units in mostly white neighborhoods over seven years. County executive Rob Astorino has financing for 305 units (110 of which are already occupied), putting Westchester ahead of schedule. HUD could have declared victory and moved on to a real mess like, say, Detroit.

Instead, the agency is interfering with local zoning in Westchester to force more racial diversity on suburban neighborhoods. Last week, HUD New York's Director of Community Planning and Development Vincent Hom wrote Mr. Astorino and threatened to cancel \$7.4 million in unrelated housing and community development funds. To keep the cash, Westchester must produce "a satisfactory zoning analysis and plan to overcome exclusionary zoning practices."

Westchester spokesman Ned McCormack says such a plan is hard to produce because zoning concerns

how land is developed—such as where to put sewers, or multifamily homes—not who lives where. Westchester nonetheless examined zoning practices in 43 municipalities for evidence of racial discrimination and found none. HUD rejected that analysis last April. So Westchester commissioned Pace University law professor John Nolon to examine the legality of the county's conclusions. In June, he agreed with Westchester's findings.

HUD didn't dispute Mr. Nolon's analysis but pressed ahead anyway. The bureaucrats think if neighborhoods are majority white they are ipso facto discriminatory. But as everyone knows, families make housing decisions for a myriad of reasons, from affordability to schools to cultural affinity. Discriminatory intent requires proof that financially able minorities are blocked from buying homes in certain neighborhoods, but there is no evidence of that in Westchester. According to the 2010 census, Westchester is the fourth most racially diverse county in the state, behind Brooklyn, Queens and the Bronx and tied with Manhattan.

HUD is also pressing Westchester to "promote" legislation that would force landlords to accept federally subsidized Section 8 housing vouchers to pay rent. Mr. Astorino vetoed such a bill in 2010, and HUD successfully

sued the county to reintroduce the measure. Mr. Astorino asked the Democratic-controlled county legislature to resubmit the legislation in August 2012, which it has declined to do. Westchester is appealing to the Second Circuit Court of Appeals.

Meanwhile, HUD is increasing its political pressure on the county. In a separate letter last month to Mr. Astorino's deputy, Kevin Plunkett, HUD cites a 2004 Rutgers study that Westchester commissioned—but never adopted—that concluded the county should build 10,768 additional housing units. HUD calls the study "important evidence" of "regional needs," though it's not part of the 2009 settlement. The additional housing units could cost the county between \$730 million to \$1 billion. Its total annual budget is only \$1.7 billion.

Westchester is less segregated than many ethnic enclaves in New York City. Republican Mr. Astorino and municipalities are united in their belief that local governments should be able to determine zoning rules for such things as multifamily developments or lot sizes. HUD bureaucrats who want to re-engineer neighborhoods according to some diversity formula will do more harm than good.