

THE WALL STREET JOURNAL.

Renewing a Fair-Housing Fight

Group Claims Westchester Is Skirting 2009 Decree Over Racial Discrimination

Published: June 2, 2011

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A New York City nonprofit housing group on Tuesday asked a district court in Manhattan to step in and enforce a 2009 consent decree that settled a lawsuit over Westchester County's alleged failure to enforce federal fair-housing laws.

The Anti-Discrimination Center—which as part of the 2009 settlement received \$7.5 million from the county and was subsequently dismissed from overseeing the settlement's implementation—now wants to jump back in the fray.

It claims Westchester County is skirting its obligations to enforce fair-housing laws, pointing to missed deadlines and a failure to provide sufficient planning documents.

The center said the federal government and the court-appointed monitor aren't adequately enforcing the county's compliance with the settlement.

Westchester County disputes the center's claims and said it's actually ahead of schedule in the number of approved affordable homes.

A U.S. Department of Housing and Urban Development spokesman declined to comment on the center's court action but said the agency is taking the case seriously. Currently, it is withholding \$7.3 million in Westchester's yearly federal housing funds until the county meets certain federal funding requirements.

The county, a court-appointed monitor and the federal government each said they are working together to establish affordable housing across the mostly affluent area.

In 2009, a federal judge in Manhattan ruled that Westchester had misrepresented its efforts to create fair housing when it applied for federal funds. The lawsuit, brought by the Anti-Discrimination Center, claimed the county had failed to meet federal housing requirements and its use of federal funds actually furthered racial segregation.

At the time, the county defended its affordable-housing practices and chose to settle the lawsuit through a consent decree.

The \$63 million settlement allocated nearly \$52 million over seven years to build or acquire at least 750 homes, most in areas with few minorities.

The county also agreed to market the affordable homes across the New York metropolitan area.

Whether or not the ruling is strictly enforced could have broad implications across the county: About 1,200 local and state government entities accept HUD funds through the Community Development Block Grant programs. Despite federal antidiscrimination rules, several cities over the years have enacted prohibitive zoning codes in an effort to keep out affordable housing.

Weak enforcement of the widely watched federal lawsuit could diminish HUD's authority and rules that prevent affordable housing constructed using federal funds from furthering racial segregation, the Anti-Discrimination Center said.

The 2009 consent decree "was supposed to mark the moment—for Westchester and for the country—when serious steps would begin to be taken to overcome the residential segregation that continues to plague our society," said Robert Stroup, the center's co-counsel and a partner at the law firm of Levy & Ratner. "Instead, we have seen almost two years of Westchester continuing the same attitudes and policies that landed it in trouble in the first place."

Westchester County said it has already identified 281 affordable

homes, 164 of which have been approved by court-appointed monitor James E. Johnson.

"Westchester County has been working diligently with HUD and the monitor to comply with the settlement," said Ned McCormack, a spokesman for County Executive Rob Astorino, a Republican.

Mr. Johnson, the court-appointed monitor, said approvals are provisional but that Westchester is making progress on its goals of building 750 affordable homes.

However, he said reaching numerical building goals only fulfills half of the consent decree. The other half requires the county to create a detailed road map detailing the barriers it faces in creating affordable housing and how it intends to eradicate them.

Mr. Johnson said the county has failed to adequately provide these plans.

Mr. McCormack, the spokesman for the county executive, said the plans were "simply bureaucratic documents."