

The New York Times

The Battle for Westchester

Published: May 13, 2012

America has become far more diverse in the 44 years since the Fair Housing Act was passed, and many of the barriers that kept communities separate and unequal have eroded. But the fight against unlawful discrimination has not ended. In affluent Westchester County, just outside New York City, officials continue to resist integrated housing, even as they endure repeated setbacks in federal court.

The latest outburst came last week, when a Republican candidate for the United States Senate, Bob Turner, went to Westchester and accused President Obama and the Department of Housing and Urban Development of trying to “socially engineer” rich communities into accepting poorer people. “Call off the dogs, Mr. President,” his news release said, an especially unfortunate choice of words to use in a segregation case. He was standing his ground in Larchmont, which is 93 percent white.

Larchmont and dozens of other white enclaves were at the heart of

a lawsuit brought six years ago by the Anti-Discrimination Center of New York, accusing the county of fraudulently collecting millions of federal housing dollars by falsely claiming that it had complied with fair-housing mandates. After a federal judge ruled that the county had “utterly failed” to meet its obligations, the county settled.

To avoid crushing fines, it agreed to build 750 units of affordable housing in overwhelmingly white communities, and to market them aggressively to nonwhites. It agreed to push towns and villages to change zoning rules that make it impossible to build apartments.

And it agreed to promote legislation that forbids landlords to discriminate against tenants who use government vouchers to pay the rent. The county legislature passed just such a bill, but the county executive, Rob Astorino, vetoed it. He then tried to claim that because his predecessor had pushed for the bill before leaving office, Westchester had already met its obligation to “promote” it.

But in a victory for plain English, Judge Denise Cote of Federal District Court ruled this month that Mr. Astorino had done “the very opposite” of what the settlement required.

Mr. Astorino, a Republican, said the county would appeal, meaning the delays will continue. Mr. Astorino would dispute that, saying the new housing is going up as planned. But as Peter Applebome wrote recently in *The Times*, the houses are situated far from the rich white people — tucked into places like a “no-man’s land between railroad tracks, a highway and a bridge.”

Ultimately, this case is not just about hiding 750 units among the Tudors and glades of a county of nearly a million people. It is about doing something to end deeply embedded segregation patterns — “affirmatively furthering fair housing,” as federal law and the settlement explicitly require.

That means that instead of trying to game the settlement, Mr. Astorino

should be enforcing the law. He should be taking communities to court to stop them from blocking integration through restrictive zoning. He should be promoting laws to fight rental discrimination,

as the county promised, and has failed to do.

HUD's battle with Westchester County is an encouraging sign that the agency is waking up from a

long torpor. The county itself has no excuse for not knowing the obligations it took on under a binding agreement it signed in 2009 — and has been resisting ever since.