

The New York Times

Westchester's Desegregation Battle

Published: December 31, 2011

The struggle for racial integration is neither bygone nor exclusively Southern. In Westchester, north of New York City, county leaders are stonewalling federal authorities over a longstanding housing desegregation case. Led by County Executive Rob Astorino, they are defending an ultrawhite status quo against the federal government's effort to upend decades of housing discrimination.

In 2007, the Anti-Discrimination Center of Metro New York, a nonprofit advocacy and litigation group, sued Westchester, saying it had violated the False Claims Act by taking federal housing grants while falsely certifying that it was living up to its legal requirement to provide affordable housing without reinforcing racial segregation. In 2009 a federal judge ruled that the county had indeed

“utterly failed” to meet its obligations and had misrepresented its desegregation efforts when it applied for more than \$50 million in grants. It is still failing.

Westchester has dozens of communities where the black and Hispanic populations are negligible. Instead of working to change that, the county left it up to local officials to decide where affordable housing would be built while turning a blind eye to the exclusionary practices white communities use to keep out minorities and the poor — imposing minimum lot sizes, thwarting high-density development and shifting vacant land to other uses.

Rather than fight a losing case, Westchester settled in 2009. It signed a landmark consent decree obliging it to build at least 750 units of affordable housing in 31 wealthier, mostly

white communities. It agreed to educate residents, real estate agents and landlords about fair-housing issues, to solicit housing development proposals from community leaders and groups, and to identify municipalities that were persistent in excluding minorities. Yet when the Board of Legislators passed a bill banning discrimination against tenants who pay with vouchers, Mr. Astorino vetoed it.

On Dec. 16, the Department of Housing and Urban Development sent a letter to James Johnson, the court-appointed monitor overseeing the settlement, the latest of several critical letters about the county listing its failures to meet its obligations.

Mr. Astorino and his allies have been pleading powerlessness, saying state laws granting home rule to local municipalities prevent them from doing

anything meaningful to integrate Westchester. But as part of the agreement, the county admitted that it had the authority under state and federal law to challenge zoning rules and compel municipalities to integrate. Mr. Astorino and Westchester have a moral and a legal obligation to live up to the settlement. There is no excuse.

This article has been revised to reflect the following correction:

Correction: January 7, 2012

An earlier version of this editorial incorrectly identified the writer of a letter on the issue. It was written by an official at the Department of Housing and Urban

Development and sent to the court-appointed monitor, James Johnson. Mr. Johnson was not the author. The editorial also referred imprecisely to one of the letter's criticisms. It said the county failed to promote affordable housing through zoning changes. It did not say no homes were built under the settlement.