

Fair Housing Task Force

Minutes of the September 21, 2020 Meeting

Present:

Legislator Sam Gonzalez, representing the 9th District.
Legislator Steven Flotteron, representing the 11th District.
Derek Stein (Office of the Presiding Officer)
Luann Dullojacona (Office of the Presiding Officer)
Natasha Marrero (Office of Legislator Gonzalez)
Dawn Lott (SC Human Rights Commission)
Cicely Harris (NYS Division of Human Rights)
V. Elaine Gross (Erase Racism)
Bo Patten (LIBOR)
Sharon Mullon (LIHP)
Nancy Vargas-Johnson (Central Islip Civic Council)
Mitchell H. Pally (Long Island Builders Institute)
Ashely Alvarado (Long Island Hispanic Bar Association)
Hon. Frank N. Schellace (Long Island Hispanic Bar Association)
Liza Milgrim (Long Island Hispanic Bar Association)

Guest:

Maura McDermott (Newsday)
Rev. Joann Barrett
Ian Wilder (Long Island Housing Services)

Absent:

Lynda Perdomo-Ayala (SC Human Rights Commission)
Dr. Georgette Grier-Key (NAACP)
Mitchell H. Pally (Long Island Builders Institute)
Johnathan Smith (NYS Division of Human Rights)

1. **Minutes** A motion to accept the August minutes, made by Legislator Steve Flotteron seconded by Legislator Samuel Gonzalez, was approved.

Legislator Samuel Gonzalez mentions a new addition to the task force, which is Liza Milgrim from Long Island Hispanic Bar Association and Mitchell Pally from Long Island Builders Institute. Hon. Frank Schellace stated that Liza Milgrim was not absent. While she appeared at the July Meeting, she subsequently appointed him and Ashely Alvarado to serve as the Representatives of LIHBA at the meetings of the task force. Liza Milgrim will assume the Presidency of the Long Island Builders Institute on October 1, 2020. As her representative, he will be reporting directing to her. Any written submissions he present will have been approved by her, in consultation with the Board of Directors of the Group.

Legislator Gonzalez stated that there was an extension of the task force to December 31, 2020.

2. **Elaine Gross Presentation**

Elaine Gross, the President of ERASE Racism prepared a PowerPoint presentation going over the history of housing discrimination and what factors led to housing discrimination becoming an issue on Long Island.

Elaine talks about how Long Island got to where they are now, Myths and Realities of Housing Discrimination, Fair Housing Laws and the Impact of Housing Discrimination.

Elaine stated that the Home Owners Loan Corporation (HOLC) released the color-coded maps in 1935. The maps were created from the information of 239 metropolitan areas, while redlining from HOLC maps was not extended to Nassau and Suffolk County, but the practice of developing housing followed these same federal housing standards between 1934-1968, 98% of home loans went to white homebuyers. Elaine stated that in 1933, when Roosevelt came in, the middle-class individuals could not purchase homes, they were expensive. They would have to put down 15% and pay off in 5-7 years. In order to stimulate housing for white people because it is still segregated, the HOLC began to allow people who were going to for close to get new mortgage and extend the time from 15 years to 25 years. Elaine stated that Nassau and Suffolk County did not have HOLC Maps. The FHA Manual in 1938 stated “for a community to retain it’s property values, it must consist of individuals of the same socioeconomic and racial class” and which stated “No race other than the Caucasian race shall use or occupy any building or lot” which would become standard language in racially restrictive covenants throughout the New York Metropolitan Area. Prior to the 1930’s subdivisions with covenants imposed were rarely restricted based on race.

The initial Fair Housing Act had no meaningful enforcement provisions and only allowed minimal penalties, burden of reporting was placed on private citizens, at the time all provisions guaranteeing effective enforcement were removed, in 1988 an amendment was passed strengthening the Fair Housing Act, under the current administration affirmative housing provisions are not being enforced. Banks would also follow redlining provisions in certain communities, not providing loans in African American communities, as higher income African American communities were also redlined.

Elaine Gross continued to note that Long Island is one of 10 most segregated communities in the Country. Levittown for example, was 17,4000 homes, and in 1960’s census had 82,000 residents, 0% of whom were African American. Today, Levittown is 1.73% African American. Citing studies, Elaine stated that self segregation is false. ERASE Racism worked with Stony Brook on a scientific study of black Long Islanders and 69% of respondents would prefer to live in a 50/50 black / white community, only 1% said they would prefer to live in a 100% African American community. She also noted that the average affluent black or Hispanic household lives in a poorer neighborhood than the average low-income white resident.

She concluded the presentation noting that the Newsday investigation found 19% of Asian homebuyers were discriminated against, 39% of Hispanic homebuyers were discriminated against and 49% of Black homebuyers were discriminated against.

Elaine Gross stated that enforcement has been pretty slim across the board, one of the biggest issues is that people don’t recognize when they are being discriminated against, and therefore don’t know there are organizations and forms of recourse. She noted what is reported is

effectively the tip of the iceberg and paired testing is one of the most important ways to recognize how widespread the problem is.

Elaine Gross added that there is increasing racial segregation in schools, the number of students attending minority majority districts has nearly doubled. In intensely segregated minority majority districts the number of students has nearly tripled, in effect, three of four black students and two of three Hispanic students attend school in a majority minority district. She noted that last week, New York State subpoenaed real estate agents and brokers as part of a hearing. They reported that they had not been discriminatory. She noted that realtor associations resisted reforms not long ago historically as shown by the NY State hearing. She noted that historically some behaviors have been altered and it is not unique to Long Island, but reflects the severe continuation of systematic racism.

Legislator Gonzalez asked about the survey asking Black homebuyers where they would like to live. Elaine Gross noted that individuals were able to pick a percentage, and that it was not unlike studies completed in other areas. She noted that immigrants living in specific communities are different than African American residents who may have different priorities.

Legislator Gonzalez asked about the upkeep of a housing project and if individuals who were living there and responsible for upkeep abandoned. Elaine explained that she had been told NY housing developments were in better condition than other areas, but that people living there had included engineers and others responsible for upkeep initially. She noted that new development was spurred not in the cities where people of color were already living, but in the outskirts which led to the development of Levittown. Legislator Samuel Gonzalez pointed out that in all of his research Levittown seemed to be at the root of everything. Elaine Gross noted Levittown was also seen as an economic development model as the Country recovered from the recession, and if it hadn't been done in a segregated manner it would have been a massive benefit. She noted that homeowner's associations and other individual agreements were also responsible for discrimination, and it was a national issue.

3. Discussion on State Legislation: S.6874-A/ A.8903-A

Legislator Gonzalez stated that both the Assembly bill and Senate bill passed, he noted the bills have some bite to them, including a \$1,000 fine. Legislator Flotteron asked what was added by this legislation, as he thought the State already had that power. Legislator Gonzalez asked that it added clarifications to language ensuring that the State has the power to levy fines for housing discrimination issues. Elaine Gross added that it now references the Fair Housing Act, and is effectively restating what is already law, but now they have no excuse not to enforce the law. Frank Schellace noted that often regulations can be on the books but not be used, such as in case of their ability to revoke liquor license, but this Task Force has an opportunity to push the Governor's office to take more aggressive action similar to what they've done regarding bars and restaurants with regards to COVID. He noted they have more resources compared to what is available to the County.

4. Open Discussion

Legislator Gonzalez asked if there was any update on an investigation on the realtors involved in the Newsday report. Elaine Gross replied she had not heard anything, but investigations are ongoing. Nancy Vargas-Johnson noted that Newsday's report also included steering of majority groups into specific communities, which is another part of their findings. Elaine Gross noted that

the group people are being discriminated against are being covered by the Fair Housing bill, but that since they are giving different information to white and black prospective homebuyers they are therefore discriminating. Since people are asking for the same kind of things but the realtors are telling black and white individuals' different things. Elaine Gross noted that during the Newsday investigation one realtor had told a buyer that you don't want to go to a community because Hispanics had taken over there, which Todd Kaminsky replied was simply coded language.

Ian Wilder asked if Elaine Gross could share information to the Task Force, he noted there is multiple things the County could do, in particular regarding the use of HUD funds. The State passed law saying that you cannot discriminate selling homes based on if someone has been arrested. Some municipalities have prevented discrimination by making convictions a form of protected class. He noted there is a way to do that even though there are some crimes that would be a risk. Frank Schellace noted his opposition to expanding the Task Force beyond its scope, as it realistically will not be able to combat discrimination as a whole. Legislator Gonzalez noted that part of the Task Force is to take input from each of the members, but the end result is to have solutions regarding fair housing and that the Task Force will soon hear from the public during the upcoming public hearings. Frank Schellace hoped that future meetings have more of a focus, since there are some things that ongoing, such as housing sales increasing on Long Island that the Task Force can look to address. Legislator Gonzalez suggested that the Task Force needs to take a step by step approach. Elaine Gross replied that the ultimate goal of the Task Force is to respond to the issue of housing discrimination, one thing that is needed is clearly enforcement and that is important not to forget these items. One item that would require State action, and one item that could be done is to prevent housing codes that say someone must first live in a given community to purchase a home or apartment in a given community or project, there's an ongoing perpetuation of segregation, and these kinds of actions would help to alleviate these changes.

1. **Next Meeting:** Wednesday, October 28th at 1:00 p.m.
2. **Public Hearing:** Thursday, October 22nd at 6:00 p.m.

Meeting adjourned at 3:15 p.m. Meeting Minutes prepared by Natasha Marrero & Derek Stein.

CC: NM, JH, DS