

Fair Housing Task Force

Minutes of the April 28, 2021 Meeting

Present:

Legislator Sam Gonzalez, representing the 9th District.
Legislator Steven Flotteron, representing the 11th District.
Derek Stein (Office of the Presiding Officer)
Natasha Marrero (Office of Legislator Gonzalez)
Dawn Lott (SC Human Rights Commission)
Sharon Mullon (LIHP)
Mitchell H. Pally (Long Island Builders Institute)
Ashely Alvarado (Long Island Hispanic Bar Association)
Hon. Frank Schellace (Long Island Hispanic Bar Association)
Liza Milgrim (Long Island Hispanic Bar Association)
Dr. Georgette Grier-Key (NAACP)
Pilar Moya-Mancera (Latino Justice)
Ian Wilder (Long Island Housing Services)
Bo Patten (LIBOR)
Froebel Chungata (NYS Division of Human Rights)

Absent:

Johnathan Smith (NYS Division of Human Rights)
V. Elaine Gross (Erase Racism)
Nancy Vargas-Johnson (Central Islip Civic Council)
Lynda Perdomo-Ayala (SC Human Rights Commission)
Cicely Harris (NYS Division of Human Rights)

Guest:

Cam Owens, with ERASE Racism
Frank Krotschinsky, Director, Office of People with Disabilities.

The meeting was called to order at 1:09 p.m.

1. March 25, 2021 Meeting Minutes

Legislator Gonzalez made a motion to approve the March 25, 2021 meeting Minutes, Legislator Flotteron seconded the motion, these meeting minutes were then approved unanimously.

2. Discuss End of the Year Report

Derek Stein began presenting the current, latest version of the draft report, he noted this copy of the report would be circulated following the meeting, and that this is simply a nicer document than the version previously distributed to Task Force members. He began to go through the introduction of the report, and noted there would be additional letters added into the report as well. Bo Patten corrected the part where the Newsday story said “Divided Long Island” to “Long Island Divided” as that is the correct name of the Newsday report. Legislator Samuel Gonzalez stated if the members has questions or correction, to hold off until the end.

Legislator Gonzalez stated that the task force will go through the draft and make changes together through the report as they review it, and asked for any changes to be made after the meeting when the document is distributed to members.

Dawn Lott suggested that maybe the draft should be in a Google Doc to make it easier for everyone to make changes. She asked if the first draft was from everyone's recommendations. Derek Stein confirmed, and stated that it only differs from the initial draft in that the recommendations have been reordered to fit particular categories they belong to, such as real estate recommendations being placed together.

Dr. Georgette Grier-Key stated the report should change the verbiage or create a glossary so people can understand. She stated that we should be cautious of the language. The overall message should be mindful.

Hon. Frank Schellace agreed, he noted that his experience as a lawyer working on jury charges which the public understands and recognizes the importance of the public being able to understand the report and its findings. He noted that the task force was created after the Newsday article. He asked if the Newsday story has been printed in Spanish for the Spanish speaking community. Legislator Gonzalez replied that it was not, Newsday doesn't print in Spanish, though there are local Spanish-language newspapers. Georgette Grier-Key stated that she was talking about what this Task Force was going to do and said what the Task Force was willing to do. Printed media prints on an 8-grade bracket. Newsday articles does not just only present to Newsday they have other organizations and news articles they present to. Legislator Gonzalez stated he is a union person and does not use tries not to use huge words, and that he wants the report to be understood by everyone.

Hon. Frank Schellace stated that he has said in previous minutes that the law creating this Task Force there is nothing there about making recommendations about zoning law or block grants, even though those topics may not be unimportant, he stated they may not be a requirement to be completed by this Task Force. Ian Wilder noted that if there was any question about if zoning constituted fair housing law that anyone should read Richard Rothstein's book "The Color of Law" which notes the history of the Home Owners Loan Corporation and the origins of zoning and redlining. He stated zoning was created as a tool of segregation, and fair housing is a separate component of the Human Rights Law but nonetheless falls under their jurisdiction. Legislator Gonzalez stated that this task force was created in order to create recommendations together to address fair housing, and to draw experts to the table together to discuss these problems. Legislator Flotteron stated that in other meetings it had been noted that there's an answer to this question within the resolution at hand right now on Page 2 of Resolution 1210, in the second paragraph, and if the role of the Task Force was to be extended then that sentence should be changed by an amendment, or be part of another resolution and another Task Force

Dr. Georgette Grier-Key disagreed with Hon. Frank. Schellace in that she thinks the Task Force and the initial resolution can address all of these concerns. Though she also noted the County is not alone with jurisdiction over properties, such as with exchanges of property. One municipality can sell it to another for a dollar, in spite of any code deficiencies they may possess. Mr. Schellace replied that he was convinced by Dr. Grier-Key's arguments though, and felt that yes, the Task Force can discuss these topics.

Ian Wilder stated that his agency receives block grants from municipalities. In the Westchester decision, the county of Suffolk has legal duties to make sure its sub grantees (inc. Towns and Villages) who received funding through a Community Development Block Grant are affirmably furthering fair housing. If agreements are not met, they will be exposed and the County may be required to pay back money to the Department of Housing and Urban Development, as Westchester was forced by judgment in *Westchester V. U.S. Department of Housing and Urban Development* to pay \$50 million, refunding the money they had received under the CDBG program.

Derek Stein asked everyone to take a look at the list of membership to make sure that everyone's titles are correct. Dawn Lott stated that section 528-9 changes proposed were unnecessary. Human rights statute had group identities already, including gender, sexual orientation and national origin, and so she felt this change is not necessary. Ian Wilder stated arrest history is under New York State law and not criminal conviction.

Dawn Lott stated that criminal conviction history is a protected class under Suffolk County law as it relates to employment and not housing. She then asked who ever recommended the definition of steering and accountability, as she felt it is not necessary but wanted to hear the reasoning for the change. Derek Stein replied that he thought the steering and accountability change came from Nancy Vargas-Johnson who is not in attendance. Dr. Georgette Grier-Key disagreed, she felt the change to permit clarity is necessary for housing. She wanted clarification on the proposal as well.

Legislator Flotteron asked if there a rule on sex offenders as it relates to fair housing law, so that they would not be exempt from existing State requirements. Ian Wilder stated it is a balancing test. Someone who is convicted of smoking should not be on the same level of someone who was convicted as a sex offender and existing State, County and local laws would still enforce laws prohibiting sex offenders from living in prohibited areas. Derek Stein stated that is how Ban the Box handles state requirements. Ban the Box was implemented by the County last year to prohibit discrimination in employment of prospective employees based on criminal conviction but the prohibition of discrimination based on conviction history does not apply to Housing.

Derek Stein noted that one of the core proposed recommendations was providing funds to the Human Rights Commission in order to provide dedicated funding worth at least \$12,000 for fair housing testing and \$50,000 for Administrative Law Judges (ALJs). Pilar Moya-Mancera asked if one of the testers would speak Spanish, noting that according to the census, there are 230,810 immigrants residing in Suffolk County. Therefore, the testers should be those whose primary language is Spanish. Ian Wilder agreed with Pilar Moya-Mancera and stated that testing is done differently. You do not hire a single tester, and instead testers rotate within a pool of testers, hired on a per-test basis, depending on which protective class a specific test is focusing on.

Hon. Frank Schellace asked if there are other forms of testing other than paired testing. Ian Wilder noted there are a number of different kinds of fair housing testing, not only paired testing, and testing may involve an entire group or people, or even only a single person depending on what is required. Ian Wilder stated that Newsday hired someone to do another form of paired testing as part of their report.

Derek Stein noted that there will be additional recommendations regarding licensing for realtors as well. Bo Patten replied that they request the language in the recommendations be changed to reflect that it would cover real estate licensees as a whole, and not just realtors and members of LIBOR, who officially only consist of about 42% of Long Island's real estate license holders.

Derek Stein agreed to make changes to the report to reflect those changes. He also noted that most of the real estate license law is reflected by actions done by the State, but the recommendation regarding a rating system put together by the Department of Labor, Licensing and Consumer Affairs is something that is already done on the State's website.

Legislator Gonzalez noted that one thing that would be added to the Fair Housing Task Force's report would be future plans, such as the idea of establishing a second committee or advisory body to examine fair housing on a rolling basis, as had been proposed by a number of Task Force members in prior meetings.

Legislator Gonzalez suggested that the presentation of the final report would be held during the Government Operations, Personnel, Information Technology and Diversity Committee on June 2nd. He also suggested holding at least one more meeting to go over changes to the draft Final Report. These changes would be circulated to the Task Force before the next meeting which would review these changes once again.

3. **Next Meeting:** Thursday, May 13th at 1:00 p.m.

Meeting was adjourned at 2:58 p.m. Meeting Minutes prepared by Natasha Marrero & Derek Stein.

CC: NM, JH, DS