

Equal Housing Opportunities in New York: An Evaluation of Section 8 Housing Programs in Buffalo, Rochester, and Syracuse

**New York State Advisory Committee
to the U.S. Commission on Civil Rights**

October 1999

This factfinding report of the New York Advisory Committee to the United States Commission on Civil Rights was prepared for the information and consideration of the Commission. Statements and viewpoints in the report should not be attributed to the Commission, but only to the participants at the factfinding meetings, other individuals or documents cited, or the Advisory Committee.

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Letter of Transmittal

New York Advisory Committee to the
U.S. Commission on Civil Rights

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As part of its responsibility to assist the Commission in its factfinding function, the New York Advisory Committee submits this report, *Equal Housing Opportunities in New York: An Evaluation of Section 8 Housing Programs in Buffalo, Rochester, and Syracuse*. This study is based on three factfinding meetings conducted in Syracuse, Rochester, and Buffalo in the fall of 1996, supplemented by followup interviews and background research. Persons who provided information were given an opportunity to review relevant sections of the report and, where appropriate, their comments and corrections were incorporated. The Advisory Committee unanimously approved the report by a vote of 16 to 0.

At each factfinding meeting, the Committee heard from several panels, including representatives from (1) the Department of Housing and Urban Development (HUD) and local public housing agencies, (2) fair housing advocacy organizations, and (3) community representatives, landlords, and Section 8 recipients. The panelists shared their perspectives on problems, including complaints about residency preferences, waiting lists, poor public transportation, and discrimination, and also about new tenant friendly programs that held promise for greater housing mobility.

Among the conclusions resulting from the factfinding meetings, the Advisory Committee noted that housing agencies have not been proactive in promoting residential mobility as mandated by HUD. Many housing agencies are in effect promoting segregation by refusing to share suburban landlord lists with inner-city Section 8 recipients. The Advisory Committee also concluded that mobility counseling centers hold the greatest possibility to help move Section 8 recipients out of high poverty concentration areas into suburban jurisdictions with more educational and economic opportunities.

Although the report does not reflect an exhaustive analysis of the subject, the Advisory Committee hopes the Commission will find it of value in its monitoring of fair housing issues nationwide.

Sincerely,



M.D. (Lita) Taracido, Chairperson
New York Advisory Committee

New York State Advisory Committee to the U.S. Commission on Civil Rights

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The New York Advisory Committee wishes to thank the staff of the Commission's Eastern Regional Office. The planning and holding of the factfinding meetings, report writing, and followup research were conducted by Fernando A. Serpa, Esq., with essential support services provided by Linda Raufu. Ki-Taek Chun, director of the Eastern Regional Office, provided essential editorial assistance during all report writing stages, as well as overall supervision of the project. Dawn Sweet provided editorial assistance and prepared the report for publication.

The Committee gratefully acknowledges the contribution of Michael Hanley and Gloria Lopez, who, as project subcommittee chairpersons, provided a leadership role in developing the project proposal and invaluable assistance in the first draft of the report.

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Introduction

Today American neighborhoods remain deeply segregated on the basis of race and ethnicity. A disproportionate number of black and Hispanic Americans still live in inner-city neighborhoods that are predominantly black or Hispanic, while most white Americans live in neighborhoods that are predominantly or exclusively white.¹

The persistence of residential segregation in America's metropolitan areas has serious and far-reaching consequences. Fewer economic opportunities, inferior educational facilities, and perpetuation of racial and ethnic prejudices are three of these consequences. Residential segregation limits the ability of minority families to move to neighborhoods where opportunities for economic and social mobility are greater. Recent evidence indicates that economic opportunities are expanding faster in the suburbs than in central cities, where most black and Hispanic neighborhoods are located.²

In New York State, the disparity in educational opportunities for urban minorities is pronounced. According to the 1997 State Education Department report to the Governor and legislature, "high-minority schools . . . have the least experienced teachers, the most uncertified teachers, the lowest salaried teachers, and the highest rates of teacher turnover."³ Moreover, the absentee rate for high-minority schools is nearly three times

that of low-minority schools, and "only 54.1 percent of the third graders in high-minority schools, compared to 92.5 percent in low-minority schools, are making satisfactory progress in reading."⁴

Where one lives determines which school district one's children can attend, and more than 82 percent of the State's minority students attend school in 1 of only 5 of the State's nearly 700 school districts. Three of those five districts are the Buffalo, Rochester, and Syracuse school districts—the three metropolitan areas examined in this study of Section 8 housing programs.⁵

The geographic isolation of blacks and Hispanics minimizes opportunities for interaction among racial and ethnic groups, and consequently may perpetuate racial and ethnic prejudice.⁶ Thus housing segregation warrants public attention and policy intervention not only because it limits residential mobility and choice, but because it bars opportunities for the social and economic advancement of minorities, thereby contributing to the persistence of economic inequality.

The New York Advisory Committee became aware through incidents brought to their attention, recent court cases, and through personal observations and experiences, that minorities and other protected classes faced barriers, including discrimination in federally funded Section 8 housing programs. As a result, in May 1996, the Com-

Across the 50 largest metropolitan areas in the country, 37 percent of blacks lived in neighborhoods isolated from whites. M. A. Turner, *Discrimination in Urban Housing Markets: Lessons from Fair Housing Audits* (The Urban Institute, 1992) (hereafter cited as Turner). Not only do a disproportionate number of blacks and Hispanics live in segregated neighborhoods, most live in central-city jurisdictions. Between 1970 and 1990, the number of people living in concentrated poverty areas (neighborhoods in which over 40 percent of the residents are poor) grew from 3.8 million to 10.4 million. In these neighborhoods

■ More than 60 percent of families with children are headed by single women.

■ More than half of all adults have less than a high school education.
■ More than 40 percent of working-age men are unemployed.
■ Almost one in five youths (aged 16–19) are high school dropouts.
■ One in three families receive welfare benefits.

² Turner, p. 19.

³ New York State Education Department, *The State of Learning: A Report to the Governor and the Legislature on the Educational Status of the State's Schools*, (Albany, NY, 1997), p. vi (hereafter cited as *State of Learning*, 1997).

⁴ Ibid.

⁵ Statistics computed from data in *The State of Learning*, 1997.

⁶ Turner, p. 30.

mittee initiated a project titled "Equal Housing Opportunities in New York: An Evaluation of Section 8 Housing Programs in Buffalo, Rochester, and Syracuse."

The Section 8 program was chosen as the focus of this study in part because Congress mandated in 1974 that the more than \$5 billion spent annually on the Section 8 program be administered in a way that promotes fair housing⁷ (like all HUD programs), and in part because of the enormous potential for the Section 8 program to move minority families into areas of low-poverty concentration and greater economic opportunities.

The Advisory Committee's goals for this project were the following:

- First, to determine whether minorities, female heads of households, and people with disabilities have equal access to and participation in Section 8 programs, and what barriers, including discrimination they may face when trying to use their voucher or certificate.
- Second, to review whether selected administrative regulations or practices on the part of the U.S. Department of Housing and Urban Development (HUD) or the local public housing authorities limit the opportunities of these persons applying to Section 8 programs, or their use of Section 8 certificates and vouchers.
- Third, to examine the quality and quantity of available rental property, where it is located, and the accessibility to transportation and availability of jobs.

In order to gain as full a comprehension of the topic as possible, the Advisory Committee invited leading experts in the field of Section 8 housing, including Federal and local administrators, advocates, academics, as well as Section 8 recipients to the factfinding meetings. Meetings were held in Buffalo, Rochester, and Syracuse, and the results of those meetings along with additional research, interviews, and background information have been compiled to form this report.

The report is divided into seven chapters. The first chapter discusses the legislative and judicial history of the Section 8 program, how and why it came into existence, and reviews the major court

cases that have shaped its development. Also included in this section is a discussion of the different types of Section 8 subsidies, who is eligible, and how the subsidies are administered on the local level.

The second chapter, *Barriers to Fair Housing*, discusses a hypothetical situation of a Section 8 recipient and the barriers, including discrimination, that might be encountered when using a subsidy. This section also explains several of those barriers, dividing them into administrative and nonadministrative categories. Administrative barriers include residency requirements, the withholding of rental lists, and failure to implement HUD's mandate to affirmatively further fair housing. Nonadministrative barriers include lack of transportation, limited knowledge of housing options, and community attitudes.

The third chapter, *Oversight of Local Housing Authorities*, looks into the supervision and monitoring by HUD's Office of Fair Housing of local housing authorities and further discusses HUD's mandate to housing authorities of their affirmative duty to promote housing desegregation in the Section 8 program.

This fourth chapter discusses recent changes to the Section 8 program, such as increasing the amount of security deposits recipients must pay, allowing landlords to reject some Section 8 recipients, and making it easier to evict tenants for just cause.

The fifth, sixth, and seventh chapters, *Buffalo*, *Rochester*, and *Syracuse*, respectively, are the three cities where the Advisory Committee held factfinding meetings. Each city chapter begins with the racial makeup of the area and the distribution of Section 8 recipients between the city and the suburbs. The sections then focus on the local Section 8 issues facing those particular metropolitan areas. Common issues include (1) lack of access to rental information, (2) residency requirements and preferences, and (3) poor public transportation.

The eighth and final chapter is composed of *Findings and Recommendations*. In this section the Advisory Committee brings together what it learned and proposes corrective recommendations.

⁷ 42 U.S.C. § 3608(e)(5).

Chapter 1

Background

The origin of the Federal Section 8 housing program can be traced to the national response to the need for housing during the Great Depression. This chapter chronicles pertinent Federal legislation that prompted the development of the modern-day Section 8 program and the major court cases that further defined it. This chapter also discusses the different programs available under Section 8 and their eligibility requirements.

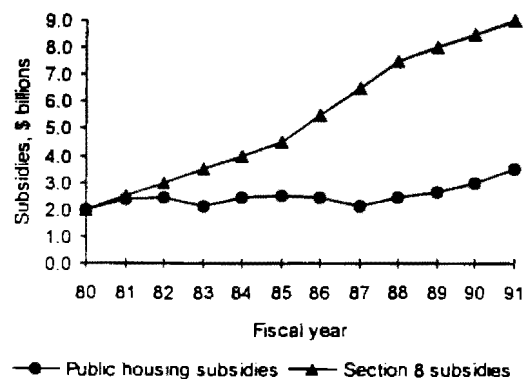
Legislative/Judicial History

The U.S. Housing Act of 1937,¹ as amended, created two rental assistance programs. The first is public housing, which is directly owned and operated by local governments called public housing authorities.² The second program is the Section 8 tenant-based rent subsidy program (referring to section 8 of the 1937 act), in which the local housing agencies, which can be a part of a public housing authority or a completely independent nonprofit organization (called "HAs"³), administering the subsidies contract with private landlords to rent units to lower income households.⁴ Figure 1 shows the ballooning growth of the Section 8 program as compared with public housing.

As conceived in the 1930s, public housing was to provide temporary shelter for poor families as they moved into the middle class.⁵ By the early 1960s, however, public housing had become the

home of last resort for a disproportionate number of minority families, particularly families headed by impoverished black women with children.⁶ Federal spending for urban renewal in the mid-1960s razed old homes occupied by blacks, especially in Eastern and Midwestern cities. Instead of dispersing this displaced population to the suburbs, pub-

Figure 1 Subsidy Growth in HUD Assisted Housing Programs, 1980–1991



Source: U.S. Department of Housing and Urban Development, Office of Policy Development and Research, Issue Brief 6, 1995.

¹ U.S. Housing Act of 1937, 42 U.S.C. § 1437 (Supp. 1975).

² "Public Housing Agency" is defined by statute to include "any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing." 42 U.S.C. § 1437a(b)(6) (1988); see also 24 C.F.R. § 5.100 (1997).

³ See 24 C.F.R. § 982.4 (1997).

⁴ The two laws that concern rent subsidies are the Housing and Community Development Act of 1974, Pub. L. Number 93-383, § 201(a), 88 Stat. 633, 653 (codified as amended at 42 U.S.C. § 1437f (1988 & Supp. V 1993)), which created the Section 8 certificate program, and the Housing and Community Development Act of 1997, Pub. L. Number 100-242 § 143, 101 Stat. 1815,

1850 (1988) (codified as amended at 42 U.S.C. § 1437f(o) (Supp. V, 1993)), which created the Section 8 voucher program. In addition to the tenant-based Section 8 program, there are also several "project-based" Section 8 variations in which the subsidy is attached to a privately owned apartment, usually in a multifamily housing development. Those variations were not included in this study which deals solely with the tenant-based Section 8 certificate and voucher programs. "Lower income households," as defined by HUD, are families whose incomes are at or below 50 percent of the median income for the locality. See 24 C.F.R. § 982.4 (1997).

⁵ Reynolds Farley and William Frey, "Changes in the Segregation of Whites From Blacks During the 1980s: Small Steps Toward a More Integrated Society," *American Sociological Review*, vol. 59 (Feb. 23, 1994), p. 24.

⁶ *Ibid.*, p. 26.

lic housing was constructed, further concentrating blacks, and later other minorities, in inner-city neighborhoods.⁷

Throughout the 1960s and early 1970s, numerous fair housing laws and policies shaped the field of public and assisted housing.⁸ Precedent-making court cases soon followed. In 1973 the Second Circuit Court of Appeals declared that Federal housing programs are obligated to act affirmatively to promote fair housing. It stated, "Action must be taken to fulfill, as much as possible, the goal of open and integrated residential housing patterns and to prevent the increase of segregation in ghettos, of racial groups whose lack of opportunities the [law] was designed to combat."⁹

In 1976 the Supreme Court decision *Hills v. Gautreaux*¹⁰ established the principle that it is unlawful for public housing either to encourage or perpetuate segregation. Although Federal judges ordered scattered-site public housing, few units were built because of opposition from local residents and lack of Federal funds.¹¹ Instead, *Gautreaux* created what turned out to be the Section 8 "mobility" program, offering Section 8 tenant-based subsidies combined with counseling and assistance to minority families wishing to move from segregated public housing. By 1997 the *Gautreaux* mobility program had assisted over 7,000 minority families in relocating to areas of lower poverty and minority concentration.

The most notorious case of resistance to public housing desegregation occurred in Yonkers, New York.¹² In 1980 the NAACP filed suit on behalf of

black residents to end the city's 40-year practice of systematic segregation in subsidized housing. In a comprehensive 650-page decision in 1987, *NAACP v. Yonkers Board of Education*,¹³ the Supreme Court found the city of Yonkers guilty of intentional discrimination in the location of federally subsidized housing. Among other fair housing violations, the Court specifically cited that local officials had refused to seek all of the Section 8 housing certificates for which they qualified despite a pressing need for low-income housing, and that they had limited the use of Section 8 certificates they did acquire to the black quadrant of the city.¹⁴

The Court ordered the city of Yonkers to designate sites outside of the high density minority area for the construction of 200 subsidized housing units and to develop a long-term plan for the desegregation of subsidized housing. City officials, however, opposed all remedial efforts, and during the summer of 1988, the city incurred \$800,000 in fines as a result of contempt of court citations for failure to comply. It was not until September 1988, 8 years after the original lawsuit was filed and 2 years after the initial court order, that the City Council, under financial duress, accepted a plan to build 200 units on eight sites scattered among white neighborhoods in Yonkers.¹⁵

The Yonkers litigation gave rise to a related case, *Giddins v. Yonkers Housing Authority*,¹⁶ in which the minority plaintiffs challenged the defendants' failure to provide housing opportunities outside areas of high poverty and racial concentration.

⁷ A. Bickford and Douglas Massey, "Segregation in the Second Ghetto," *Social Forces*, vol. 69 (1991) p. 1011.

⁸ There are five primary laws that protect people against housing discrimination in New York State: (1) title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, prohibits discrimination in all federally funded programs; (2) title VIII of the Civil Rights Act of 1968, 42 U.S.C. § 3601 et. seq. prohibits discrimination in both federally assisted and private housing, and with respect to federally assisted housing, in § 3608, requires that the housing program be administered in a manner that "affirmatively furthers" fair housing (1988 amendments to title VIII add two additional protected classes: families with children and persons with disabilities); (3) section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 prohibits discrimination against persons with disabilities in federally assisted programs or activities receiving federal financial assistance and further requires that program policies and procedures be modified when necessary to "reasonably accommodate" the special need of a person with disabilities; (4) the New York State Human Rights Law, article 15, includes all the protected classes covered under Federal law and adds "age" and "marital status"; (5) § § 235-f, 236, and 237 of the New York State Real Property Law broaden the protections for families with children and protect families and individuals from leases that discriminate

with respect to bearing or acquiring children, or which attempt to preclude lease renewal based on child bearing.

⁹ *Otero v. New York City Housing Authority*, 484 F.2d 1122, 1134 (2d Cir. 1973).

¹⁰ *Hills v. Gautreaux*, 425 U.S. 284 (1976).

¹¹ Chandler Mittie, "Public Housing Desegregation: What are the Options?" *Housing Policy Debate*, 3:509 (1992), p. 34.

¹² Joan Magagna and Brian Hefferman, "City of Yonkers: A Bitterly Fought Civil Rights Case," *Trends in Housing* 27 (1988), pp. 1, 9 (hereafter cited as Magagna and Hefferman, "City of Yonkers").

¹³ *NAACP v. Yonkers Board of Education*, 837 F.2d 1181 (2d Cir. 1987), cert. denied, 108 S.Ct. 2821 (1988).

¹⁴ Magagna and Hefferman, "City of Yonkers," p. 9.

¹⁵ Douglass Massey and Nancy Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge, MA: Harvard University Press, 1993), p. 224.

¹⁶ *Giddins v. Yonkers Housing Authority*, 856 F.2d 323, 327 (2d Cir. 1990).

As part of the settlement, a mobility counseling program similar to the one created by *Gautreaux* was established to help families with Section 8 subsidies move to better housing. Early reports indicate that the Yonkers scattered-site and Section 8 mobility programs are having a very beneficial effect on program participants.¹⁷

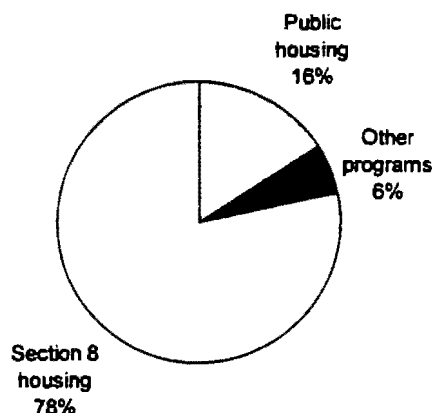
What Is Section 8 Housing?

The Section 8 program, which is the largest rent subsidy funding source of the Federal Government (see figure 2), provides funds to make up the difference between the housing a family can afford and the cost of housing in a specific area. Section 8 assisted housing programs consist of several components, including rental certificate, rental voucher, moderate and substantial rehabilitation, and new construction. This report covers the rental certificate and rental voucher programs.

These two programs, sometimes called the "finders-keepers" programs, are predicated on the premise that the tenant can take his or her subsidy and look for a landlord willing to contract with the HA for a portion of the tenant's rent payment.¹⁸ The landlord must further agree to an apartment inspection by the local HA, as well as various other Section 8 program requirements. In some cases the HA is the same agency that administers the local public housing program.¹⁹

The Section 8 certificate and voucher rental assistance programs provide housing assistance to about 1.35 million low-income households. Nationally, more than half (54 percent) of the Section 8 certificate and voucher holders are minority. Thirty-six percent are black, while 15 percent are Latino ("Hispanic").²⁰ According to the HUD Office of Policy Development and Research, "Minority

Figure 2 Proportion of HUD Housing Subsidy Payments by Housing Program, FY 1990



Source: U.S. Department of Housing and Urban Development, Office of Policy Development.

and white subsidized households do not end up equally distributed in the same neighborhoods as each other. We do know that certificate and voucher holders end up in more integrated neighborhoods than public housing tenants, but there is still a difference in the locations of white and minority certificate and voucher holders."²¹

In 1993 roughly 87 percent of Section 8 families covered by large urban HAs were successful in signing leases, but 30 percent of these successes were from families who used their certificate or voucher without moving.²² Although this rate of success is an improvement over past efforts,²³ high success rates merely indicate that more families find some form of

¹⁷ See Xavier de Sousa Briggs, ed. *Yonkers Revisited: The Early Impacts of Scattered-Site Public Housing on Families and Neighborhoods* (The Ford Foundation, July 1997).

¹⁸ In 1987 and 1990, Congress expanded housing options for rental assistance applicants by enacting statutes that made certificates and vouchers valid in areas other than the jurisdiction of the issuing HA (42 U.S.C. § 1437f(r)). This statutory "portability," which allows subsidy holders to move anywhere in the State or to any contiguous metropolitan statistical area, has been expanded by regulation to permit subsidy holders to use their certificates or vouchers anywhere in the United States. In 1992, however, Congress attached a restriction. Subsidy holders are now restricted to the jurisdiction of the issuing HA for the first 12 months after their initial admission to the program if the family was not a resident of that HA's jurisdiction at the time it applied for the subsidy (unless agreed otherwise by the issuing HA and the HA for the area in which the household wishes to reside). After 12 months, subsidy holders are free to

use their certificates or vouchers anywhere. See 24 C.F.R. § 982.353(b)(4), 42 U.S.C. § 1437f(r)(1).

¹⁹ That is the case, for example, in Syracuse and Rochester. In other cases, such as Buffalo, the local Section 8 administrator is a separate, not-for-profit agency. In Buffalo the public housing authority administers only the public housing program.

²⁰ U.S. Department of Housing and Urban Development, Office of Policy Development and Research, *A Picture of Subsidized Households* (Washington, DC, 1997) p. 19 (hereafter cited as *A Picture of Subsidized Households*, 1997).

²¹ *Ibid.*, p. 5.

²² *A Picture of Subsidized Households*, 1997, p. 12.

²³ A 1990 study found that 73 percent of participants in large urban HAs succeeded in signing leases. S. Kennedy and M. Leger, *Final Comprehensive Report of the Freestanding Housing Voucher Demonstration* (Cambridge, MA: ABT Associates, 1990).

eligible housing; they do not necessarily mean that these families found housing of their choice.

Voucher and Certificate Programs

Section 8 certificate and voucher programs both provide subsidies for assisted households to live in private rental housing of their choice and have similar income eligibility requirements. However, the programs differ in important ways.

Section 8 Certificates

The certificate program places the choice of housing in the hands of the assisted family. Under this program, an eligible low-income family is issued a Certificate of Family Participation. The family then locates a suitable dwelling unit either within or outside of the HA's jurisdiction. If the rent is at or below the fair market rent (established annually by HUD) and the unit meets other program requirements,²⁴ the family and owner can sign a lease for the family's share of the monthly rent. The family pays 30 percent of its "adjusted" monthly income as its share of the rent.²⁵ The HA then contracts with the owner for the difference between the family's share and the actual rent for the apartment.

Section 8 Vouchers

The Section 8 voucher program, while similar to the certificate program, gives assisted families a somewhat greater choice in selecting a rental unit. As with Section 8 certificates, the amount of the subsidy under the voucher program is the difference between a payment standard for the area, which is based on the average fair market rent for a particular size unit, and 30 percent of the family's adjusted monthly income. The voucher program, however, permits families to choose units with rent above the market rate established for the area by HUD. If the family rents a unit whose rent exceeds the payment standard, the family must pay the additional

amount out of its own pocket, but is free to do so if it wishes to incur the expense to rent a more desirable apartment.

A family may also pay less than 30 percent of its adjusted income for rent if it is able to take advantage of the statutorily based "shopper's incentive" feature.²⁶ This feature allows an assisted household to pay less than 30 percent of its adjusted income if it is successful in finding an acceptable unit renting for less than the payment standard. Congress expected that the "shopper's incentive" would constrain rent increases by housing owners since assisted families would have a monetary incentive to obtain the most favorable rents.²⁷ This feature, not present in the certificate program, can also act as a disincentive for a family to move to an area of lower racial or poverty concentration in which the rents are higher.

Eligibility Requirements

In order to receive assistance through Section 8 an applicant must satisfy two qualifications: (1) be defined as a "family" and (2) be "very low-income" in accordance with requirements established by HUD.²⁸

The term "family" is defined by the statute and HUD regulations.²⁹ Depending on the rules adopted for the operation of the local program, a "family" may consist of one or more individuals, regardless of their blood or marriage relationship. With respect to the definition of what groups of persons constitute a family (i.e., nonsingles), the regulations confer discretion on the local HA to provide the definition. That definition must, however, be incorporated in the HA's Administrative Plan.³⁰

With respect to a single person "family," the HUD regulations include "any" single person. In practice however, most single persons will not be admitted to the program. Preference is given to families made up of more than one individual un-

²⁴ Units are acceptable if they meet HUD's quality standards and have rents reasonable in comparison with rents for similar units in a given community. Housing agencies are required to verify these conditions.

²⁵ Adjusted monthly income, in general, is reportable income of all household members, excluding earned income of members under age 18, less allowances for certain expenses such as medical and child care.

²⁶ At a minimum, a family must pay 10 percent of its gross income.

²⁷ For example, if a four member family's adjusted monthly income is \$1,000 and the local payment standard is \$500 for a rental unit to accommodate this size family, the Section 8

voucher would be valued at \$200 (\$500 less 30 percent of the family's income, or \$300). If the family then rents a dwelling unit for an amount higher or lower than \$500 per month, the HUD subsidy/voucher amount remains at \$200 and the family pays the balance of the rent, even if that amount represents more or less than 30 percent of its adjusted income.

²⁸ See 24 C.F.R. Part 982, Subpart E. Admission to the program for persons who are "low-income" (i.e., below 80 percent of the median income for the area) but who are not "very low-income" (i.e., below 50 percent of the median income for the area) is possible in certain circumstances but is quite restricted. See § 982.201(b) (1998).

²⁹ 24 C.F.R. § 982.201(c) (1998).

³⁰ 24 C.F.R. § 982(d)(4)(i) (1998).

less the single person is elderly, disabled, or meets other criteria.³¹

The second eligibility requirement concerns the income of the potential recipient. HUD has established a series of maximum income limits for different areas of the country. To be eligible, a family's income cannot exceed the maximum income permitted by HUD for the particular area in which the family will be housed.

Different income limits are established in accordance with family size within individual communities. The amount of these income limits is calculated as 50 percent of the median income in the area. For the metropolitan areas reviewed by the Advisory Committee the income limits, together with the fair market rent limits for a two bedroom apartment, are shown in table 1.

Table 1 Section 8 Income Eligibility and Rent Limits

Metropolitan area	50% of median income*	Fair market rent**
Buffalo	\$22,000	\$525
Rochester	\$24,400	\$600
Syracuse	\$22,250	\$563

* For a household of four.

** 2 bedroom, effective 1/7/98.

Source: *Analysis of Impediments for the Cities of Buffalo, Rochester, and Syracuse 1998*.

Section 8 Local Administration

Individual HAs operating under HUD regulations have broad administrative responsibilities in managing the Section 8 certificate and voucher programs, including the following:

- Determining the eligibility of applicants.
- Contracting with local landlords.
- Conducting housing quality inspections.
- Deciding who will receive priority or preference.
- Issuing rent subsidies to participating property owners.³²

In addition, HAs are charged with specific civil rights mandates called "Civil Rights Related Program Requirements." These mandates are as follows:

- Seek expanded opportunities for assisted families by locating housing outside of areas of poverty or racial concentration.³³
- Encourage owners to make units available, including owners of suitable units located outside areas of poverty or racial concentration.³⁴
- Affirmatively further fair housing goals and comply with equal opportunity requirements.³⁵
- Make efforts to help disabled persons find satisfactory housing.³⁶
- Explain the advantages of moving to an area of low-poverty concentration to families currently living in high-poverty census tracts.³⁷

After receiving their certificate or voucher, families initially have 60 days to find a unit that meets their needs and the program criteria, which includes passing the HA inspection. In appropriate cases, such as when the family has special housing needs that make it difficult to find housing, the HA may extend the search period up to 120 days.³⁸ HUD has recognized, for example, that it may be appropriate to provide a family with an extension if it is attempting to find housing in an area of lower poverty concentration.³⁹

³¹ The regulations provide a selection preference for all families not comprised of a single individual, unless that single individual is:

- Elderly (62 years of age or older);
- Disabled (a physical or mental impairment of long-term duration that renders the individual unable to engage in gainful activity or a physical impairment of long-continued or indefinite duration that substantially impedes the individual's ability to live independently and that could be improved by more suitable living conditions);
- Displaced (either by government action or by a Federally recognized disaster); or
- The remaining member of a tenant family participating in the Section 8 program, should the family composition change

during the period of participation. 24 C.F.R. § 982.201 (c)(4)(iv) and § 5.405(a) (1998).

³² 24 C.F.R. § 982.303.

³³ 24 C.F.R. § 982.153(b)(3).

³⁴ 24 C.F.R. § 982.153(b)(4); *see also* § 982.54(d)(5).

³⁵ 24 C.F.R. § 982.153(b)(5); *see also* § 982.53.

³⁶ 24 C.F.R. § 982.153(b)(6); *see also* § 8.28.

³⁷ 24 C.F.R. § 982.301(a)(3).

³⁸ 24 C.F.R. § 982.303.

³⁹ HUD Handbook 7420.7, chap. 3 (1979); *see also* HUD Notice No. 94-12 (1994).

Local Discretion

HAs have wide discretion in establishing their own policies and practices. Due to this latitude, some HA practices may actually work against fair housing. Four illustrative examples are described below. First, some HAs may make it more difficult for a family from the city to successfully locate a unit in the suburbs.⁴⁰ The HA staff may informally refer families who they believe will be better tenants to certain landlords in certain areas and such referrals are against the design of the Section 8 program in that the tenants, not the HA, should select the landlord.⁴¹ Second, some HAs, including some central-city HAs, may inadvertently "steer" minorities to certain neighborhoods by providing rental listings that consist primarily of landlords from those areas. This will particularly be true if the HA does not conduct aggressive landlord outreach to broaden the choices available to families, but instead simply lists those landlords who have notified the HA of apartment openings.

Third, other HAs may underestimate the prevalence of racial discrimination by landlords in areas of low-minority concentration and may not sufficiently make it clear to minority certificate holders their fair housing rights and what to do in case they perceive they are being discriminated against. In many jurisdictions these problems are exacerbated by the reluctance of some landlords in low-poverty areas to rent to Section 8 certificate holders.⁴² Fourth, a Section 8 subsidy holder must apply for an extension of time or forfeit the subsidy if the holder fails to find a unit within 60 days. It is within the HA's discretion to grant or deny the request.⁴³ An HA's denial may have serious consequences, forcing a tenant either to quickly redirect her search (perhaps to a less desirable neighborhood) or to forfeit the subsidy altogether.

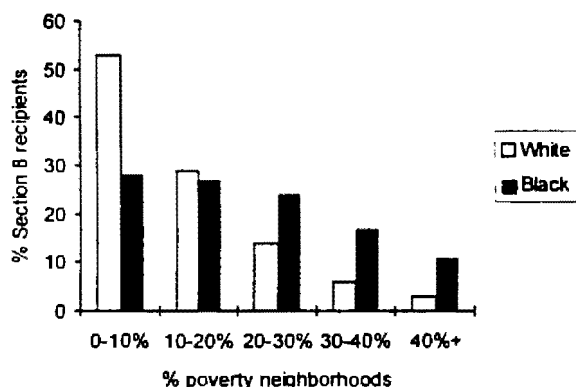
Section 8 and High-Poverty Neighborhoods

A disproportionate concentration of minority Section 8 recipients live in neighborhoods with

high poverty and minority concentration (see figure 3). While 25 percent of blacks and 18 percent of Hispanics live in neighborhoods that are more than 30 percent poor, only 8 percent of whites live in these neighborhoods. Conversely, more than half of white Section 8 recipients (53 percent) live in low-poverty neighborhoods, compared with only 28 percent of blacks and 40 percent of Hispanics. The Section 8 program is intended to help move low-income families out of high-poverty areas into areas of less poverty and more educational and economic opportunities. Statistics show that minorities, either due to the HA's administrative practices or other outside barriers, are not gaining the full benefit of Section 8 programs.⁴⁴

As has been shown, local housing authorities are faced with several problems. HAs need to eliminate administrative practices that create barriers for Section 8 recipients in obtaining subsidies and in using them in areas of lower racial and poverty

Figure 3 Poverty Rates in Neighborhoods Where Section 8 Recipients Live



Source: U.S. Department of Housing and Urban Development, Office of Policy Development and Research, *A Picture of Subsidized Households*, 1997.

⁴⁰ Historically, even after the 1987 amendments, certificate holders were often told that they could use their certificate only within the jurisdiction of the issuing agency. See Barbara Sard, *The Massachusetts Experience with Targeted Tenant-Based Rental Assistance*, Geo. J. On Fighting Poverty, vol. 16, no. 182, at 24 no. 90 (1993).

⁴¹ See 42 U.S.C. § 1437f(d)(1)(A) (1988).

⁴² 42 U.S.C. § 1437f(t) (Supp. V 1993) ostensibly prohibits discrimination against Section 8 applicants by landlords who already rent to other Section 8 tenants. Proposals have recently been made that may eliminate this provision in order to expand landlord participation. See M. Finkel, *Final Report on Recom-*

mendations on Ways to Make the Section 8 Program More Acceptable in the Private Rental Market (Cambridge, MA: ABT Associates, 1994), pp. 22-23. Provisions in the FY 1997 and FY 1998 HUD appropriations bills (H.R. 2158 and H.R. 3666, respectively) included provisions suspending the application of this section.

⁴³ 24 C.F.R. § 982.303.

⁴⁴ *A Picture of Subsidized Households*, 1997.

concentration. Housing authorities also need to act *affirmatively* to promote mobility initiatives that will further racial desegregation and deconcentration of poverty as mandated by HUD. Finally, HAs need to maintain a fair, efficient, and effective program for all participants.

Conclusion

This information demonstrates the need to examine whether resistance to Section 8 housing continues. An examination is also necessary to determine whether administrative barriers may be excluding minorities from housing opportunities, and whether racial discrimination in other forms is keeping minorities from moving out of areas of high poverty and minority concentration.

Chapter 2

Barriers to Fair Housing

A Hypothetical Scenario

A hypothetical scenario is provided below to illustrate the Section 8 rental process and some of the systemic barriers many Section 8 recipients encounter.¹

Ms. Griffin² wants to move from her poor city neighborhood to the nearby suburbs. She is an African American single mother of two young children whose annual income from her job at a restaurant is less than \$10,000. She cannot find a better paying job near her home because her city has lost much of its manufacturing and other employment opportunities in recent years. Because she has young children and no car, she cannot easily look outside the city for work. Ms. Griffin feels that the crime rate in her neighborhood is too high and that the housing conditions and municipal services are below those in other city neighborhoods and nearby towns. Although her roots and most of her friends are in the city, Ms. Griffin is worried that her children may not be safe there. She would like them to have a chance at a better education and, some day, to have access to the employment opportunities available in the surrounding suburbs. She now pays more than sixty percent of her income in rent and utilities for a city apartment with faulty wiring and inadequate plumbing. To move out of the city, she will initially need to obtain some form of governmental rental assistance.

As she begins her search for affordable suburban housing programs, Ms. Griffin first discovers that there is no single, central office or location where she can get information or help. Years ago, when Ms. Griffin applied for public housing in the city where she lives—she is still years away from the top of the public housing wait list—no one told her about other subsidized housing programs available outside the city. Even today, no one at the city housing authority, at city hall, or at any of the social service agencies with which she has contact has a list of the subsidized housing programs in the suburbs. Nor do they have staff to help her find that information. She looks in the Yellow Pages but finds no useful infor-

mation. She does not have the money, time, or transportation to drive to the score of suburban communities surrounding her city, nor is she familiar with the logistics of getting around in those areas.

When Ms. Griffin finally manages to identify some suburban housing programs, she faces the practical problem of obtaining and submitting the application forms. Most of the housing agencies and subsidized developments she finds will not send applications by mail and will not accept photocopies of other program applications, even if they are virtually identical to the one she filled out for her city's Section 8 or public housing programs. To get on the wait list for each of the housing programs in the metropolitan area, Ms. Griffin would have to spend more time and money traveling at least once, and sometimes twice, to dozens of agencies and rental offices. Each housing program and subsidized development also presents Ms. Griffin with different and often burdensome verification criteria and procedures. Some want references from her current landlord, others from the last three. Some want to know if she has a criminal record; others require a complete credit history. Even when Ms. Griffin manages to obtain and fill out the appropriate application forms, she discovers that each program and office employs different tenant selection criteria to determine whether or not she is entitled to assistance and how she will be ranked on their wait list. Often, she finds that the wait list is simply closed.

Over a period of months, Ms. Griffin grows exhausted locating programs, obtaining forms and verification materials, and hand-delivering applications. She devotes financial resources to her search that otherwise would go to food and clothing for her children. Yet her chances of receiving a subsidized apartment or rental assistance from a suburban housing agency are still remote. This is largely because many of the suburban programs to which she has applied use local residency preferences, giving priority to those already living or working in those communities. Ms. Griffin is not eligible for such a preference, even though she plans to use the subsidy to

¹ Philip Tegeler, Michael Hanley, and Judith Liben, *Transforming Section 8: Using Federal Housing Subsidies to Promote Individual Housing Choice and Desegregation*, 30 *Harvard C.R.—C.L. Rev.* 451 (1995).

² Ms. Griffin is a fictional person whose experiences illustrate those of many individuals who have struggled first to obtain

Section 8 assistance and then to use that assistance to move across jurisdictional lines. The hypothetical presented here is intended to illustrate, from an individual's perspective, some of the systemic obstacles to housing mobility that many minorities face.

become a permanent resident of one of the suburban towns.

Ms. Griffin finally manages to obtain a Section 8 rental assistance certificate, not from a suburban program, but from her own central city housing agency. She had to wait years longer than do suburban residents who apply for identical Section 8 certificates through their local programs. But now that she has a certificate, it may be used anywhere in her metropolitan area and, indeed, anywhere in her state.

Now, Section 8 certificate in hand, Ms. Griffin starts to look for private rental housing in the suburbs. The search is not easy. She cannot find any central listing of suburban apartments and discovers that many are listed only in local community newspapers or with local agents. After collecting and carefully scanning the advertisements in five or six different newspapers, she calls several landlords only to learn that many of them will not accept Section 8 tenants. Some say they do not want to deal with the paperwork and bureaucracy; others give her no reason at all. Ms. Griffin wonders if some of these landlords are refusing to rent to her because of her race.

In addition, Ms. Griffin discovers that many of the suburban rents are higher than the maximum allowed for her Section 8 certificate and that she is unable to persuade prospective landlords to lower their rents. Neither the city Section 8 agency nor the one in the suburban area in which the apartment is located offer to help negotiate the rent with the landlord.

It becomes increasingly clear to her that her rental certificate will be easier to use within the city, rather than in a suburban community. Time is running out—she has to use her subsidy (she's told) within sixty days or she will lose it. That is not much time to look for an apartment, given that she is a working single parent. Although she requests more time to continue her search, the Section 8 staff refuses in her case. Ms. Griffin suspects that they would rather give the subsidy to a family who will more quickly find an apartment in the city. Ms. Griffin also learns that, if she were to find a suburban apartment, she could no longer work with the city housing staff with whom she is familiar, but instead would have to contact and work with the staff at the suburban Section 8 agency.

Ultimately, the system steers Ms. Griffin away from the suburbs, and she decides to use her Section 8 certificate to rent an apartment in the city, right in the neighborhood where she started out.

Barriers to Section 8 Mobility

Although specific administrative practices vary among public housing authorities and the full range of obstacles encountered by Ms. Griffin are not present in all housing markets, individual elements of Ms. Griffin's story are not unusual for minority, inner-city families seeking to move to the suburbs. Additional background research by the Advisory Committee shows that the various problems illustrated in the Ms. Griffin scenario are present in the three metropolitan areas examined. There are six major barriers to securing fair housing opportunities, three of which are administrative in nature and the rest nonadministrative. These barriers are briefly described.

Administrative Barriers:

- Residency preferences.
- Not sharing rental lists.
- Lack of "affirmatively furthering" fair housing obligations.

Nonadministrative Barriers:

- Poor public transportation.
- Limited information about rental housing options.
- Community attitudes and discrimination.

Residency Preferences

The practice of ranking current local residents above out-of-town applicants, known as residency preferences or geographic preferences, may be the single most significant factor excluding eligible minority households from access to Section 8 subsidies allocated to suburban areas.³ Although residency preference is not technically an eligibility requirement, its effect is almost invariably the same. No applicant without such a preference will obtain a subsidy so long as any local resident is waiting for admittance into the program, regardless of whether the local resident applied months, or even years, later.

The question of residency preferences raises fair housing concerns when it is applied to a geographic area that has virtually no minority popula-

³ Local residency preferences are generally used in conjunction with Federal preferences. Federal preferences are mandated for applicants who are (1) involuntarily displaced, (2) living in substandard housing, or (3) paying more than 50 percent of family income in rent. 24 C.F.R. § 982.208 (1995). Ninety percent of admissions must be of applicants who meet the Federal prefer-

ence criteria, but other criteria, including local residency, may be used to rank these Federal preference applicants. In addition, under current regulations, 10 percent of annual wait list admissions may be separately reserved for local residents, whether or not those residents meet the criteria for Federal preferences. 24 C.F.R. § 982.207 (1995).

tion, since in such a case the preference is likely to have a racially exclusionary effect. When the effect of local housing policy is racially exclusionary, that policy violates the Fair Housing Act both by making housing unavailable to minorities and by perpetuating existing patterns of segregation.⁴

Rental Lists Not Shared

In many metropolitan areas, there are at least two, and sometimes several, separate Section 8 programs serving the area. One program usually serves the inner-city and the other serves the suburbs. Since many suburban areas are characterized by few minorities (generally below 3 percent) and smaller numbers of poor households, rentals in those areas usually go to nonminorities. An administrative barrier to mobility is created when suburban agencies do not make their lists of participating landlords available to inner-city Section 8 subsidy holders and only distribute those lists to residents already living in the suburbs.

Related to rental lists is the requirement that separate applications must be filed for city and suburban programs. This procedure could discourage city residents from applying to suburban programs, especially if there is a residency requirement.

The "Affirmatively Furthering" Obligation

Under HUD's mandate, Section 8 administrators have an obligation to administer their programs in a manner that "affirmatively furthers" fair housing. To do so they should provide counseling to low-income families—and particularly minorities—about the opportunities to use their subsidies in areas of lower poverty concentration. They should also provide outreach to landlords in suburban areas, and provide landlord lists in suburban areas to subsidy holders. When administrators fail to carry out these practices, Section 8 recipients are hindered in their efforts to use their subsidy to move out of high-poverty areas into the suburbs.

Transportation

Inner-city minorities are less likely to have cars and to that extent they are dependent upon public transportation to reach jobs and shopping areas, especially in the suburbs. Location and accessibility are key considerations in most residential moves, but they are of particular significance to lower income families dependent upon public transportation. Families without cars are less likely to move to outlying areas and more likely to concentrate in central cities or along major public transportation lines. Over 35 percent of households below the poverty level, do not have access to a vehicle.⁵ Studies have shown that Section 8 families without access to a car are less successful in finding a place to live.⁶ For example, one recent report notes that for participants in two mobility programs, "Minimal public transportation in the suburbs, combined with a lack of automobiles among subsidized families, has been a significant problem both in finding an apartment and in getting around once out in the suburbs."⁷

A recent study conducted in Cincinnati found that Section 8 families willing to move to census tracts with less than 40 percent minority representation were three times more likely to have a car than those remaining in public housing.⁸ Another study in Chicago identified lack of reliable transportation as the greatest obstacle to finding employment once in the suburbs.⁹

Limited Information About Housing Options

Many lower income families and rental assistance applicants are unaware of the full range of their rental options in choosing a place to live. Families are often unfamiliar with or afraid of new neighborhoods and therefore tend to limit their housing search. Studies show that even when unconstrained by fear or uncertainty, low-income renters reported difficulty in knowing where to look for housing and felt that inadequate information had limited the efficacy of their search.¹⁰

A 1991 survey by the Citizen's Research Education Network of over 400 Section 8 assisted fami-

⁴ *Huntington Branch, NAACP v. Town of Huntington*, 844 F.2d 926, 937-938 (2d Cir. 1988), *aff'd, per curiam*, 488 U.S. 15 (1988).

⁵ 1991 American Housing Survey, table 2-7.

⁶ Shaun Donovan, *Moving to the Suburbs: Section 8 Portability and Mobility in Hartford* (Cambridge, MA: Harvard University Press, 1994) (hereafter cited as Donovan).

⁷ *Ibid.*, p. 34.

⁸ *Promoting Housing Choice in HUD's Rental Assistance Programs: A Report to Congress*, U.S. Department of Housing and Urban Development, Office of Policy Development and Research, April 1995, p. 35.

⁹ George Peterson and Kale Williams, *Housing Mobility: What Has It Accomplished and What Is Its Promise?* (Washington, DC: The Urban Institute, 1994).

¹⁰ Glen Weisbrod and Avis Vidal, "Housing Search Barriers for Low-Income Renters," *Urban Affairs Quarterly*, 16(4), 1981, pp. 465-82.

lies in the urban core of Hartford, Connecticut, showed that 68 percent would be interested in living in other towns in the Hartford area if given the information and opportunity.¹¹ The report also noted that knowledge about apartment vacancies and access to information about suburban towns is passed through informal networks of friends and other contacts, further limiting the ability of families living in the central city to find out about vacancies in suburban areas.¹²

A recent HUD study confirms this finding. When Section 8 enrollees were asked where they had learned about the units they wanted to rent, newspapers were the most frequent source of leads on available apartments, after landlord lists supplied by the HA. But they were also among the least efficient. Daily and weekly papers were cited in reference to 21 percent of units rented. Information from friends or through word of mouth were the most likely source, 28 percent, for units eventually rented. Lists of landlords provided by the HA accounted for 24 percent of the units rented.¹³

Community Attitudes and Discrimination

A final barrier to Section 8 mobility is the discrimination that low-income and minority subsidy holders may encounter as they search for housing in suburban areas.

Discrimination takes many forms from subtle to blatant. John Yinger, professor, Syracuse University, told the Committee that "African American housing seekers learn about 25 percent fewer housing units than do whites, while Hispanic renters

learn about 11 percent fewer units than non-Hispanic renters."¹⁴ Moreover, whites are more likely than blacks or Hispanics to hear about special rental incentives, such as the free month's rent from landlords and property managers. They are also much more likely to be asked to call back the next day and to be quoted lower rents for advertised units.¹⁵ While lack of information may not be a result of discrimination, "it does limit housing choice for Section 8 recipients and encourages them to search for housing very close to the neighborhoods they know and feel comfortable with."¹⁶

Evidence from the *Gautreaux* program in Chicago and from related programs shows that providing Section 8 recipients assistance in finding other neighborhoods affects where they end up living.¹⁷ Housing search assistance is a powerful tool for moving people into neighborhoods with lower poverty rates and with greater job and educational opportunities.

Unfortunately, these programs have become controversial because they often carry the image of bringing the problems endemic to big public housing projects, such as crime and drug dependency, into the suburbs. However, Professor Yinger contends no evidence exists that Section 8 programs have negative effects on neighborhoods. In fact, he said since Section 8 programs operate by moving low-income people into the relatively few low-rent apartments in a typical middle-class location, there is unlikely to be such massive movement of low-income people into those communities as to have an impact.¹⁸

¹¹ Donovan, p. 35.

¹² Ibid., p. 38.

¹³ See M. Finkel, *Final Report on Recommendations on Ways to Make the Section 8 Program More Acceptable in the Private Rental Market* (Cambridge, MA: ABT Associates, 1994), pp. 22-23.

¹⁴ John Yinger, statement before the New York Advisory Committee to the U.S. Commission on Civil Rights, factfinding meeting, Syracuse, NY, Nov. 20, 1996, transcript, p. 272 (hereafter cited as *Syracuse Transcript*).

¹⁵ This evidence is based on the comparison audit methodology. In that methodology, the treatment is compared of two or more

people who are identically qualified for rental apartments, except one is white and the others minority. According to Yinger, "If you have two people who are identically qualified and one of them is offered units that the other is not, if one of them is shown different units, if one of them is shown units at different terms, if one of them is given different assistance in trying to complete the paperwork that's required to complete a transaction, anything like that is what I would call discrimination." Yinger, *Syracuse Transcript*, p. 275.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

Chapter 3

Oversight of Local Housing Authorities

Local housing authorities (HAs) are monitored by the U.S. Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity, which is under the supervision of HUD's Office of Program Standards and Evaluation. Both of these offices provide checks and balances to the local HA's authority and discretion in administering the Section 8 program. In order to gain a better understanding of the extent to which HUD requires public housing administrators to affirmatively further fair housing, the Committee heard presentations by HUD officials from the Washington, D.C., headquarters and the Buffalo Regional Office.

Larry Pearl, Director, Office of Program Standards and Evaluation, HUD, Washington

Every municipality receiving Section 8 housing funds must prepare an "action plan" that will be monitored by HUD. These action plans must lay out ways to address the impediments identified in an "Analysis of Impediments to Fair Housing," which must also be prepared by each community receiving HUD funds. The analysis of impediments document itself is not submitted to HUD, although the document is used if there is a complaint raised and for routine monitoring.¹

If planned actions are inappropriate to meet the stated impediments, HUD will question the HA.² Mr. Pearl noted that the action might be appropriate, but its implementation time-consuming and said HUD does not expect all actions to be taken immediately. "Some are easier to take than others, but if, after a certain period of time, an action has been identified but not taken, then it seems that the Department would have to say, okay, what's going on here?"³

On the other hand, the action might not successfully remove the impediment and the Department will then consider alternative or additional steps. HUD is currently reviewing regulations to strengthen its authority to question communities in such situations.

HUD has challenged the fair housing certifications of two communities outside of New York State and has held up money in those communities until they completed their impediment studies. According to Mr. Pearl, "That's two out of a thousand, admittedly a very small percentage, but we feel that it's a start, and we are looking at a number of other situations, and are telling communities in advance of submitting their action plans that we believe they may have a problem."⁴

In response to a query about HUD's affirmative efforts on desegregation in the Section 8 program, Mr. Pearl stressed the need for mobility programs to address residential segregation. First, he referred to a study HUD commissioned in May 1996 identifying where Section 8 recipients live nationwide. The study found that African American and Hispanic Section 8 recipients are much more likely to live in high-poverty neighborhoods than are white recipients. Twenty-five percent of blacks and 18 percent of Hispanics live in neighborhoods that are more than 30 percent poor, compared with only 8 percent of whites. Correspondingly, 53 percent of white Section 8 recipients live in low-poverty neighborhoods, compared with only 28 percent of blacks and 40 percent of Hispanics.

In addition, 15 percent of African American recipients live in tracts that are more than 85 percent black, while no white or Hispanic recipients live in such predominantly black tracts. Mr. Pearl said, "[HUD] didn't find these findings surprising,

¹ Larry Pearl, statement before the New York Advisory Committee to the U.S. Commission on Civil Rights, factfinding meeting, Buffalo, NY, Dec. 12, 1996, transcript, p.145 (hereafter cited as Buffalo Transcript).

² "In other words, if the action to address the impediment simply doesn't make any sense, such as there's a problem of getting credit to the minority community, and the solution is let's have lunch with the bankers. That's not going to do it." Ibid.

³ Ibid.

⁴ Ibid., p. 146.

but it suggests the dimension of the problem in terms of dealing with those disparities.”⁵

Secondly, he stressed the importance of mobility programs, also known as mobility counseling or opportunity counseling, which provide Section 8 recipients a full range of housing counseling on topics such as where the certificate can be used, surrounding neighborhoods and how to get to them, and information about schools, churches, and public transportation. In addition, the program provides followup after they have moved. Mr. Pearl praised these programs as “giving people an idea of what’s out there,” and added: “we do know that many people who have lived in the cities all their lives, to them, suburban jurisdictions are just names. They have no meaning. They don’t know where they are. They wouldn’t know how to get to them.”⁶ Mr. Pearl gave an example of how comprehensive and effective mobility counseling can be and how important followup counseling is:

In the L.A. program, for example, a woman—a Latino woman moved into the suburbs, into the San Fernando Valley, and had some trouble registering her child in school . . . I believe it was kindergarten, and she shared that with her counselor, and the counselor took it upon herself to go out and in effect, test the school. The counselor, who happened to be white Anglo, went out and said, “I need to register my child” and had absolutely no problem at all...and finding that disparity then went to the principal and said, “I think you have a problem.” Not every counselor would take the time or effort to do that kind of thing, but that’s the kind of committed work they do for their clients.⁷

The other goal of mobility programs is to get more landlords to participate in the Section 8 program. Mr. Pearl said, “You really have to deal with both the demand and the supply, and since the supply is limited to low-poverty areas, that’s another difficulty.” Therefore recruiting landlords in a variety of areas, including areas with low-poverty and low-minority concentration is necessary. He said:

One of the things that made the administering agency for the *Gautreaux* program in Chicago so successful was the credibility that they built up with landlords over time. The idea was that when they referred tenants that the landlords would know that the tenants had been

screened to a degree, and that they were getting tenants who would have good credit—and could meet the requirements of tenancy. Credibility, of course, takes time to build up.⁸

Under its obligation to administer all programs in a manner that affirmatively furthers fair housing under title VIII, HUD has used title VIII in its litigation against landlords. But Mr. Pearl said, “Outside the litigation context, we haven’t chosen to do the same as we have with litigation.” When asked why the Department has chosen not to invoke title VIII to require HAs to affirmatively further fair housing, Mr. Pearl responded, “That’s a dispute within the Department. We have simply not decided that that is necessary to go forward.”¹⁰

Charles Martin, Director, Fair Housing and Equal Opportunity, HUD, Buffalo

In October 1995, HUD adopted a Conforming Rule to consolidate administratively the Section 8 certificate and voucher programs to the maximum extent allowed without new legislation, and generally to simplify administration of the Section 8 program.¹¹ As a result of this change, the Equal Opportunity Housing Plan requirement in the prior Section 8 regulations was replaced with a new requirement.¹²

Under the old procedure the Department would review and approve the HA’s Equal Opportunity Housing Plan and Administrative Plan which contained objectives to ensure nondiscrimination. Now, under the Conforming Rule, only the Administrative Plan is submitted. The Equal Opportunity Housing Plan contained four objectives used by housing agencies to ensure nondiscrimination within the Section 8 program. These four objectives were transferred to the Administrative Plan.¹³

The first objective called for HAs to identify how they were going to conduct outreach to low-income families, including what newspaper or other media would be used. The HAs also had to identify within that particular objective if there were any groups that they considered least likely to participate in the program, and if so, whether they had identified some special outreach to make

⁵ Ibid., p. 148.

⁶ Ibid., p. 152.

⁷ Ibid., p. 157.

⁸ Ibid., p. 153.

⁹ Ibid., p. 162.

¹⁰ Ibid., p. 167. See 24 C.F.R. § 982.4 (1997).

¹¹ See 60 Fed. Reg. 34660–729 (1995).

¹² 24 C.F.R. § 882.204(b)(1) and § 887.59 (1994).

¹³ Martin statement, Buffalo Transcript, p. 184.

sure that those particular groups were brought into the program.

The second objective was to promote greater housing opportunities outside of the low-income and minority-concentrated areas. In this particular objective, HAs were again required to identify what media they were using to market Section 8 information to the general public, homeowners, and landlords. Also, they were required to show how they were encouraging landlords to participate in the program.

The methods for encouraging landlords to participate in the Section 8 program included meetings with landlords, printing information about the Section 8 program, and providing literature and brochures, etc., as well as explanations regarding the administrative and civil rights requirements of the program.

The HAs were also required to provide briefing packages to all Section 8 recipients. In that package, the HA provided recipients documentation on civil rights, information about available housing, and a list of the landlords participating in the program. If they had problems locating suitable units, the HA was to provide assistance.

The HAs also provided recipients with information pertaining to the geographic use of the certificates. If there was a portability application, as with certificates, recipients were to be told that they had a right to go anywhere, and that if there were some restrictions on the application, the HA would have to notify the recipient whether it was restricted to a certain area.

The third objective dealt with ensuring equal opportunity for applicants to participate in the program. This objective focused on the administration of the program, i.e., how the HA actually accepts applications; whether it would accept an application; how it processes applications; how it establishes the waiting list; and how it uses Federal preference or priority categories.

Objective four dealt with whether or not the HA subcontracted out to a local fair housing organization or community organization that provided services to disabled individuals to perform certain services that HAs were not capable of performing.

Under the new rules, HAs are notified by HUD that these four requirements are still part of their contract. "In fact," said Mr. Martin, "the regs [regulations] state the responsibility of the housing authority and specifically list the first three objectives that were listed in the old equal opportunity housing plan."¹⁴

The new Administrative Plan is used by HUD as a tool to determine how well the housing agency is running the program and in monitoring the HAs. The monitoring, known as recordkeeping, consists of:

looking at the records to see if they advertised in the *Buffalo Evening News*, if they advertised in the *West Side Journal*. We will want to see if they advertised in those journals, the dates they advertised, and to see if they had contact to special community organizations. We would check to see if they contacted those community organizations. What efforts they did to encourage landlords to come to participate in the program, if they did any special outreach to them.¹⁵

Mr. Martin explained the procedures if they discover objectives that are not being carried out:

We discuss the findings at the exit interview with the executive director to let them know of our concerns. We then come back and write them a letter. We give them X number of days to take corrective actions to begin either to implement something that they have said that they were going to do in their administrative plan or give us some justification as to why not, and then we will review that information and make a determination whether we feel that they have met compliance, and if we feel that they are not in compliance, they are then referred to our compliance division who go out and make a determination of compliance or noncompliance.¹⁶

¹⁴ Ibid.

¹⁵ Ibid., p. 186.

¹⁶ Ibid., p. 187.

Chapter 4

Recent Changes to the Section 8 Program

Alerted that recent changes to the Section 8 program could adversely affect fair housing opportunities for minorities, the Advisory Committee invited Susan Loritz, Section 8 program specialist with the U.S. Department of Housing and Urban Development (HUD) in Washington, D.C., to discuss recent changes. Ms. Loritz highlighted five major changes and four new program initiatives that relate to Section 8.

Changes to the Section 8 Program

In October 1994, HUD implemented a revised Section 8 program rule that made five substantive changes to the Section 8 program. The changes include (1) an increase in the amount of security deposit required; (2) a reduction in the fair market rent limit; (3) an elimination of a "take one, take all" policy; (4) the elimination of the "endless lease" policy; and (5) termination of assistance for a tenant's serious lease violations.

The first of these changes was an increase in the amount of security deposit required of Section 8 recipients. In the certificate program, the security deposit had been limited to \$50 or the total tenant payment (the percentage of the rent the tenant paid), whichever was greater. With this change, owners may now charge a market-rate security deposit, or whatever they typically charge for rentals.¹

Before this change, housing agencies were getting tremendously bogged down in the administrative work of processing landlord damage claims and mediating disputes between tenants and landlords concerning responsibility for the damage and cost incurred. If tenants were not required to put down a large security deposit and had not much at stake, it was also thought they would be less careful about maintaining the unit. "We hope that, in making these changes, the administrative work of

housing agencies will be relieved somewhat, and families will assume greater responsibility for the care of the units,"² Ms. Loritz said.

The second major change involves the reduction in the fair-market rent limit. Over the years, HUD had used the 45th-percentile standard, the rent level of 45 percent of the market standard rental units, as the fair market rent limit. That standard was meant to approximate the rent for a modest quality rental unit. It was decreased to the 40th percentile primarily as a cost-saving measure at the Federal level. "Therefore, that particular program change makes it a little harder for assisted families to find units in the certificate program because they have to find a unit under their rent level,"³ Ms. Loritz said.

A third change to the Section 8 program was eliminating some provisions that were not landlord friendly. One of the eliminated provisions was the "take one, take all" rule, where owners of multifamily housing projects could not refuse to lease to a person for the sole reason he or she was a certificate or voucher holder if they already had a Section 8 contract in their property. According to Ms. Loritz, the "take one, take all" provision had a very chilling effect on landlord participation in some places. Some owners were refusing to participate in the programs because they thought if they took one Section 8 tenant, they would have to take others. The goal of this change is to encourage more landlords to participate in Section 8 programs.

A fourth change in the Section 8 program, which also could be called landlord friendly, occurred in a provision often called an "endless lease." The previous provision required that an owner could only terminate a tenancy for good cause and the simple expiration of a lease term was not good cause under the law. As is usually the case with non-Section 8 tenants, landlords of

¹ Susan Loritz, statement before the New York Advisory Committee to the U.S. Commission on Civil Rights, factfinding

meeting, Syracuse, NY, Nov. 20, 1996, transcript, p. 193 (hereafter cited as *Syracuse Transcript*).

² *Ibid.*, p. 194.

³ *Ibid.*, p. 195.

Section 8 tenants can sign a lease for a year, and at the end of the year, the tenant and landlord each decide to renew or not. Under the new program rules, the owner can terminate the tenancy without good cause at the end of the successive terms (1 year or month to month) of the lease.⁴

A fifth change is a provision that allows housing agencies to terminate assisted tenancy for a tenant's serious violation of the lease. In the past, the lease agreement was between the landlord and the tenant, and the landlord could terminate the tenancy for serious lease violations. The family still remained eligible for assistance and could get another certificate to move elsewhere. If another landlord was willing to accept that same tenant, who may have caused serious lease violations at the previous unit, that was acceptable under the old program.⁵ "Landlords objected to the fact that they were dealing with Section 8 tenants who trashed their units and then moved on to other rentals elsewhere. Therefore, the housing agency now has authority to terminate a tenancy for a serious lease violation,"⁶ Ms. Loritz said.

Ms. Loritz commented that, overall, these changes should not adversely affect Section 8 recipients. In reality, the changes should result in an increase in landlord participation in the Section 8 program. "I don't think that any of these changes are really terribly dramatic changes,"⁷ she said.

Ms. Loritz was asked whether anything is being done in terms of instructions from HUD to local Section 8 administrators to "say we've got this landlord friendly program now, why don't you market it to find more landlords in nonpoverty areas?"⁸ She responded:

Notwithstanding what the Syracuse Authority said earlier... I think that HUD guidance over the years—and I've been working for HUD for 20 years now—has always encouraged housing agencies to do outreach to landlords in all areas of their jurisdiction and has always encouraged housing agencies to tell families of the opportunities to lease in all areas of their jurisdiction. ... Throughout the 20-year life of the Section 8 programs, there has always been HUD direction to promote broad geographic opportunity in the program.⁹

New HUD Section 8 Initiatives

HUD is undertaking four new initiatives in terms of mobility and regional opportunity counseling, and evaluation of its programs: (1) the Moving to Opportunity Program, (2) Mobility Counseling Centers, (3) the Multifamily Tenant Characteristic System (MTCS), and (4) the Section 8 Management Assessment Program (SEMAP).

The Moving to Opportunity Program was started by HUD in 1994. Five large metropolitan housing agencies, New York, Boston, Baltimore, Los Angeles, and Chicago, were selected to participate in this demonstration to help families who live in public housing or subsidized apartment buildings use Section 8 certificates or vouchers to move to low-poverty areas. These public housing or subsidized projects had to be located in high-poverty areas.

Families are randomly selected for the program. They must indicate an interest in the program, and understand that if they join the program, they will be given a certificate or voucher. There are three possibilities for the participants:

1. They will be given a certificate or voucher and must move to a low-poverty census tract that is less than 10 percent poor.
2. They will be given a certificate and counseling to help them move.
3. They will be given a Section 8 certificate or voucher and routine treatment from the housing agency and stay in the same area.

This program tracks the selected families over a 10-year period to find out whether the move from the high-poverty condition to the low-poverty condition helps the families. HUD is undertaking a systematic evaluation to determine the advantages of mobility counseling and moving from high-poverty to low-poverty areas. The early results are that it has "helped some people, but it is too early to tell definitively."¹⁰

The second initiative is a regional opportunity counseling program. Sixteen housing agencies nationwide, including the city of Rochester, were selected to participate in a 5-year counseling initiative to promote metropolitan-wide housing opportunities.

⁴ Ibid., p. 196.

⁵ Ibid., p. 199.

⁶ Ibid., p. 232.

⁷ Ibid., p. 235.

⁸ Syracuse Transcript, p. 201.

⁹ Loritz statement, Syracuse Transcript, p. 202.

¹⁰ Ibid., p. 207.

The goal of the program is to stop assisted families from being isolated in high-poverty census tracts with little economic and educational opportunity and to provide such families with additional counseling and assistance to help them move to low-poverty areas. HUD wants each of the 16 participating housing agencies to devise its own initiatives for metropolitan-wide housing opportunity counseling and to work with other housing agencies and nonprofit organizations within the same metropolitan area on housing opportunity counseling. Ms. Loritz said:

We hope that, as a result of this demonstration, we will come up with a variety of ways that housing agencies can address providing metropolitan-wide opportunities for assisted families. . . and as a result of that, be able to pass on more information to housing agencies throughout the country.¹¹

The third initiative is the Multifamily Tenant Characteristic System (MTCs). Under this initiative, HUD requires housing agencies to report family data on every family assisted in the program. Starting around 1995, HUD required that housing agencies submit a report on every family that submitted an application to the Section 8 program, which includes information such as family characteristics, their primary source of income, and where they live. Until this initiative HUD had not required reporting family data.

HUD has begun a "geocoding" system in which the ZIP code of a family is attached to the census tract where the family lives. HUD then assigns it with the poverty level of the census tract. With this new information HUD has begun mapping the location of Section 8 assisted families with poverty levels.¹²

Data from HUD's Office of Policy Development and Research show that nationwide 25 percent of Section 8 families live in metropolitan-area census tracts with less than 5 percent poverty, and 42 percent live in census tracts with less than 10 percent

poverty.¹³ However, there are large differences among racial groups. For example, only 15 percent of blacks live in census tracts with less than 5 percent poverty, and 28 percent of blacks live in census tracts with less than 10 percent poverty. For Hispanics, the corresponding figures are 28 percent and 40 percent. In contrast, 32 percent of whites live in census tracts with less than 5 percent poverty, and 53 percent of whites live in census tracts with less than 10 percent poverty.¹⁴ That is, fewer minority Section 8 families live in low-poverty census tracts.

Within the next 2 years HUD field offices will have access to tabular data providing information by:

- Housing agency.
- Census tracts.
- Section 8 families as a percentage of all renters in the tract.
- Section 8 families as a percentage of all other subsidized housing in the tract.
- Section 8 distribution by tracts, and how many Section 8 families are in each census tract.

As a result, HUD will have access to information about where Section 8 families are living and how successful they are in moving out of high-poverty areas.

HUD's fourth new initiative, the Section 8 Management Assessment Program (SEMAP), is HUD's systematic way of assessing the performance of every housing agency administering Section 8 programs across the country.¹⁵ There are 15 indicators of performance in SEMAP. They address issues including that eligible families are selected properly from waiting lists, rents paid under the program are reasonable, and housing quality standards are enforced. One of the more important measurements is a deconcentration indicator. To measure deconcentration, HUD has devised a formula called the "dividing property line" to look at the distribution of affordable housing units for each metropolitan housing agency.¹⁶

¹¹ Ibid., p. 209.

¹² Ibid., p. 211.

¹³ Ibid., p. 212.

¹⁴ Ibid.

¹⁵ Ibid., p. 222.

¹⁶ HUD's formula involves for each metropolitan area examining the distribution of affordable housing units (housing units priced at or below the fair market rent limit, based on the 1990 census) in the area. HUD will examine how that affordable housing is distributed throughout the housing agencies' jurisdiction

and also throughout the entire metropolitan area. In addition to the distribution of affordable housing units, HUD will examine the distribution of Section 8 families and look to see that Section 8 families are as dispersed as the Section 8 affordable housing stock. HUD will then look at where all the units are throughout a metropolitan area and find out what poverty rate divides the affordable housing stock in half, so that half of the stock is in census tracts with poverty rates that are higher than that and half of the housing stock is in census tracts with poverty rates lower than that called the dividing poverty rate. For example, the dividing poverty rate might be 22 percent. Half of the stock is available in tracts with higher rates and half in lower rates. HUD will look to see that at least half of Section 8 tenants are in the relatively lower poverty tracts.

Each of the 15 indicators will be reviewed systematically each year for each housing agency. The more a housing agency encourages families to take advantage of metropolitan housing opportunities or opportunities to move out of high-poverty areas, the higher the points the agency could earn on the SEMAP indicator.

The rating is meant to let HUD know what the status of the program is and where families under the program are living. If a housing agency is not performing on a indicator, then HUD would intervene to help improve performance on that indicator. But for the most part whether a housing agency scored high or low on the indicator will have no impact on the agency.¹⁷

Regarding incentives for doing well on the indicator, the incentive is improvement in living conditions in the local community. "HUD is not prepared to provide large incentives for doing really well on SEMAP because there's not much HUD has to give in the way of incentives,"¹⁸ Ms. Loritz said.

Despite the fact that there would be few ramifications for a housing agency scoring low on the indicator, HUD is actively encouraging deconcentration. Ms. Loritz said:

Communities need to recognize that when poor people and minorities are isolated in inner-city neighborhoods where there are no opportunities that impact their local community, it impacts their life. It doesn't impact the

Federal Government's life. The Federal Government provides funding to local housing authorities so that local housing authorities can make life good in their local communities. And the Federal Government would like life to be good in everybody's community, but the Federal Government doesn't make it that way. It's the local program administrators, the local elected officials, the local community activist. The local people themselves that make the community good. That provides local opportunity. The Federal Government doesn't do that.¹⁹

Ms. Loritz concluded:

I don't think that we can talk about making drastic changes overnight. We can make inroads and that's what we're trying to do. And HUD is going to continue championing that. But, the fact that we live with segregation as we do in so many places says that nobody is doing a terribly good job of overcoming it right at the moment.²⁰

In an April 1998 update, Ms. Loritz informed the Advisory Committee that although the proposed SEMAP rule published for public comment on December 2, 1996, had not been finalized, a final rule was expected soon. She said that it appeared HUD would drop the "dividing property line" performance measure from the final rule. According to her, it was a response to the concern of HAs across the country that it would be unfair to penalize the HA for failing to reduce the number of families living in poverty concentrated areas.²¹

¹⁷ Loritz statement, Syracuse Transcript, pp. 224-26.

¹⁸ Ibid., p. 231.

¹⁹ Ibid., p. 229.

²⁰ Ibid., p. 235.

²¹ Loritz letter to the Advisory Committee, Apr. 12, 1998.

Chapter 5

Section 8 Housing in the Buffalo Area

This chapter provides a portrait of the Section 8 housing situation in the Buffalo area, covering such topics as demographics of the area, barriers to fair housing, and tenant experiences. Divided into six sections, it first describes the demographic characteristics of the city and surrounding area. Next it describes the administrative structure and process of the two housing agencies, the Rental Assistance Corporation and Belmont Shelter Corporation, which run the area's Section 8 programs. Then it focuses on the Section 8 housing issues germane to Buffalo, including residency requirements and waiting lists.

In addition, the chapter contains presentations from three tenants who describe their personal experiences with the Section 8 program, and statements from local community advocacy organizations, including Housing Opportunities Made Equal, Neighborhood Legal Services, and the Western New York Law Center. Finally a section is included on the refusal of Buffalo's Section 8 administrators, the Rental Assistance Corporation and Belmont Shelter Corporation, to attend the meeting.

Demographic Characteristics

According to the 1990 census, Buffalo has a population of 328,000, with minorities constituting approximately 35 percent of the population.¹ Buffalo is at the center of a hypersegregated metropolitan

area in which none of the surrounding suburbs has a minority population greater than 5 percent.² Over 90 percent of all minority renters in the metropolitan area live within the city of Buffalo.³ The housing stock in Buffalo is primarily of pre-1940 construction and has suffered a high degree of deterioration. The suburban housing stock is almost entirely of post-1940 construction and is generally in good condition.⁴ Compared with its suburbs, Buffalo is poorer⁵ and has higher unemployment.⁶

Section 8 Housing Agencies

Two housing agencies provide Section 8 programs in Buffalo: the Rental Assistance Corporation (RAC) for the central city, and the Belmont Shelter Corporation (Belmont), a private, non-profit organization for the suburbs. Belmont administers the Section 8 program on behalf of a consortium of 41 suburban towns and villages. Each program maintains separate offices, separate wait lists, and separate application procedures.

Approximately 64,000 Section 8 eligible renter households live in the city of Buffalo, and approximately 54,000 eligible renter households live in Erie County outside the city.⁷ Since 1976, HUD has allocated approximately 6,500 Section 8 subsidies to the entire metropolitan area, with about half going to the Buffalo program. As a result, the wait list for a subsidy from the city program has

¹ Bureau of the Census, U.S. Department of Commerce, 1990 CH-1-1B, 1990 Census of Housing, General Housing Characteristics, Metropolitan Areas, p. 69, table 4 (1993).

² Ibid., p. 70. According to the Census data, no suburban town in Erie County has a total African American or Hispanic population in excess of 2 percent. One nonsuburban Erie County community bordering Buffalo, the city of Lackawanna, has a minority population of 12.63 percent. Ibid.

³ Bureau of the Census, U.S. Department of Commerce, 1990 CH-1-34, 1990 Census of Housing Characteristics, New York, p. 294, table 49; p. 434, table 58 (1992).

⁴ Approximately 68.1 percent of all occupied units in the city of Buffalo were built prior to 1940, whereas approximately 19.6 percent of all units in Erie County excluding Buffalo were built before 1940. Bureau of the Census, U.S. Department of Com-

merce, 1990 CH-2-34, 1990 Census of Housing, Detailed Housing Characteristics, New York, p. 225, table 66; p. 401, table 79 (1993).

⁵ The median income in Buffalo is about 55 percent of that in the suburban area. Bureau of the Census, U.S. Department of Commerce, 1990 CP-2-1B, 1990 Census of Population, Social and Economic Characteristics, Metropolitan Areas, p. 62, table 3 (1993).

⁶ The unemployment rate in 1989 was 11.6 percent for the city of Buffalo and 7 percent for the entire county of Erie (including Buffalo). Bureau of the Census, U.S. Department of Commerce, 1990 CP-2-34, 1990 Census of Population, Social and Economic Characteristics, New York, pp. 15, 17, table 2 (1993).

⁷ Ibid., p. 185, table 19.

been several years longer than the list for the suburban program.⁸ In 1995 the RAC Section 8 program administered 2,796 certificates and vouchers within the city of Buffalo, while Belmont administered more than 3,300 subsidies, making its Section 8 program the largest among Syracuse, Rochester, and Buffalo.⁹

Barriers to Section 8 Mobility

When the Section 8 program came to Buffalo and its suburbs in the mid-1970s, the African American population in the suburbs was less than 1 percent, while in the city of Buffalo it was over 26 percent.¹⁰ Despite this pronounced disparity, in 1976 HUD approved the use of local residency preferences by the suburban HA. The result was to put over half of the Section 8 subsidies in the Buffalo area out of the reach of almost all minority applicants.

This residency preference has had negative effects on the minority population of the city of Buffalo. City residents who applied to the suburban program for subsidies were passed over whenever a suburban resident applied, regardless of whether that suburban resident applied months, or even years, after them. While African American city residents waited over 10 years for subsidies they would never receive, white suburban applicants received subsidies within 18 to 24 months.¹¹ Fewer than 3 percent of the subsidies in the suburban program were provided to minorities.¹²

A lawsuit, *Comer v. Cisneros*, was brought against the Belmont program in 1992 to challenge its use of residency requirements as being discriminatory and promoting segregation in their effects.¹³ (The results of the lawsuit are discussed later in this chapter.) Today the area still maintains separate city and suburban programs.

Tenant Experiences

The Advisory Committee heard from three individuals who have had direct experience with the Section 8 program in Buffalo, either as recipients or as applicants. These three panelists described the difficulty they encountered in obtaining a Section 8 certificate, including unending waits, lost applications, and the inability to access a suburban landlord list. They also cited familial status discrimination and poor public transportation as barriers.

Jituan James

Endless Waiting Lists and Lack of Transportation

Jituan James applied for Section 8 benefits in late 1988 in Buffalo through RAC. She said whenever she called to check on the status of her application, she was told that there was a long waiting list, and there was no need for her to call back. When she called in 1992, the RAC claimed that it had never received her application, so she was forced to reapply. In 1997 she was still waiting.

Ms. James is a single mother with a 16-year-old son and lives in an inner-city neighborhood with prevalent drug activity and prostitution. Her son, she said, has been asking if they could move because he said the majority of kids are into selling drugs and he does not want to get into that kind of crowd. She said that the other kids call him a "Mom's boy" because she makes him come home when it gets dark.¹⁴ She continued:

Where I lived, all night long there would be hollering. . . . There's a guy who lived next door, he sold drugs. So, they would be hollering all night, calling him, trying to get him to sell packages, and it's like they might as well sit in my house with me because that's how loud it would be. . . . I was like, enough is enough, whatever I have to do, I'll just do it. It was time for me to go.¹⁵

⁸ In 1991 the waiting period for a subsidy from the city HA (the Rental Assistance Corporation) was about 9 years, while the waiting period for the suburban program (Belmont Shelter Corporation) was 12 to 30 months. This information comes from documents submitted in *Comer v. Kemp*, 824 F. Supp. 1113 (W.D.N.Y.).

⁹ Data from HUD Community 2020 Database, using FY 1996 data.

¹⁰ Bureau of the Census, U.S. Department of Commerce, PC80-1-B34, 1980 Census of Population, General Population Characteristics. New York, pp. 34-30, 34-39, table 15 (1982).

¹¹ This information comes from documents submitted in *Comer v. Kemp*, 824 F. Supp. 1113 (W.D.N.Y. 1993) (No. 89-1556C), vacated and remanded *sub.nom* *Comer v. Cisneros*, 37 F.3d 775 (2d Cir. 1994).

¹² *Ibid.*

¹³ *Comer v. Cisneros*, 37 F.3d 775 (2d Cir. 1994).

¹⁴ Jituan James, statement before the New York Advisory Committee to the U.S. Commission on Civil Rights, factfinding meeting, Buffalo, NY, Dec. 12, 1996, transcript, p. 71 (hereafter cited as Buffalo Transcript).

¹⁵ *Ibid.*, p. 72.

Ms. James had been trying to find a different place to live since 1994, but all the apartments she looked at were prohibitively expensive. She was willing to do whatever it took to move her son out of her neighborhood, but it was not until 1995, after not being able to find an affordable apartment by calling the classified ads, that she decided to take a new approach.

She succeeded, she said by "combing the streets" outside of the city, going to the suburbs whenever she had extra money for gas. She found an apartment by driving "up and down" the suburban streets and stopping and inquiring in as many as 30 apartment complexes. At one complex, she was able to negotiate the price down to an affordable level and signed a lease. Transportation is now the problem facing Ms. James, although she does have a car:

Sometimes I don't have gas. Once when my car was down, I took my daughter to the doctor, we left for the doctor at 3:00 p.m., left the doctor's office at 5:00 and didn't get home till 9:00 p.m. We were waiting for a bus . . . it don't run regularly, and the way the bus route ran . . . for me to be able to get home, I had to walk a ways to get there.¹⁶

Ms. James said she still enjoys living where she does, but that the expenses without Section 8 are getting prohibitive. "I called to check to see where I was on the [waiting] list and they said they were still on 1991 . . . They've been on 1991 for awhile."¹⁷ She concluded by saying that she called the Section 8 office again in the summer of 1996 and was told that they were on April 1991. She called again in December 1996 and was told that they were still on April 1991.

Ellen Moore

Section 8 and Familial Status Discrimination

Grace Andriette, staff attorney for Buffalo Neighborhood Legal Services, described the experience of a client, Ellen Moore, who is African American. Ms. Moore, a Section 8 recipient through the Belmont program, obtained her certificate 6 years ago and used it to move out of the city of Buffalo and into the community of Lancaster, northeast of Buffalo. Within the first 2 weeks of her move, she "had racial slurs painted on her door and a fire set in her doorway."¹⁸ She decided to remain and

stayed without further incident for several years until she decided to try "to move closer to Buffalo because she was concerned with transportation issues."¹⁹

According to Ms. Andriette, Buffalo has a fairly comprehensive public transportation system within the city, but in the suburbs the transportation system becomes fairly linear and difficult for people who do not have cars. For that reason, Ms. Moore decided to move to Cheektowaga, an area closer to the city and the public transportation hub.

Using her Section 8 certificate, Ms. Moore attempted to rent an apartment in a building on the bus line. For many years she was rejected. She said she finally met with a landlord but he was concerned how she as a single mother would care for her daughter, even though she assured him that she had child care, etc. The landlord was also concerned that she was not financially able to rent the apartment, even though her Section 8 benefits could clearly cover the rent.

Ms. Moore filed a lawsuit against the landlord, and its ensuing investigations revealed the following: (1) the landlord had in fact rented to white Section 8 recipients, and (2) he had rented to individuals on public assistance who were financially less able to afford the apartment for which Ms. Moore was applying. The lawsuit was still pending as of the December 1997 factfinding meeting.²⁰

Sharon Smith

Refusal of Suburban HA to Share Landlord List

Sharon Smith is a Section 8 recipient with a four-bedroom apartment voucher. She lives in the city and is the guardian of her two grandchildren, ages 9 and 14, and cares for two mentally disabled women. She wanted to move to a safer and better place for her grandchildren outside of the city. She recently found out that the school that her grandchildren attended had been cited for chemical contamination:

They said that they've known about the contamination since 1993, but they didn't want to get everybody into an uproar. The bottom line is I [wanted] to move. I'm not going to stay in Pine Harbor because I feel like I have a four-bedroom voucher, and I can live anywhere I want to live, any place. I could take that voucher anywhere, all

¹⁶ Ibid., p. 68.

¹⁷ Ibid., p. 69.

¹⁸ Andriette statement, Buffalo Transcript, p. 60.

¹⁹ Ibid.

²⁰ Ibid., p. 62.

over the United States, if I want to. So, I'm going to move.²¹

She asked the RAC to transfer her case to Belmont Shelter. She was told by her case worker at RAC to first locate a house and she would then transfer her case. Ms. Smith pointed out that she did not know exactly where to begin looking and RAC was not able to help her:

I need the [suburban rental] list because the list would help me. How am I supposed to know exactly where to look or where to call for these houses? In other words, I could sit down, call four, five, six landlords and make appointments and go see the apartments. But a lot of times, when you call in the paper about an apartment, a lot of people don't accept Section 8. Why should I scout all over the suburbs and all different places ... that's not going to do me any good.²²

She decided to go to Belmont Shelter and ask for its rental listings. When it was revealed that she was not a Belmont client, she was told by the Belmont personnel to "go back to [her] own program,"²³ and that they couldn't give her the listing. When Ms. Smith asked about transferring into their program, she was again told to "go back to your own program."²⁴

She went back to her case worker and was told that they could not make Belmont give her the list and instead offered her the list for the city of Buffalo. "I said I don't want that. I have one. I said that's not what I want because I do not want to stay in the city of Buffalo,"²⁵ she told the Committee.

She said she next contacted HUD in Washington, and after numerous calls and run-arounds, talked to the area coordinator for the Buffalo office and was told it would be looked into. Several months later, she received a call from HUD saying that they cannot make Belmont give her the list. She was given the name of James Morrissey, executive director of the Western New York Law Project, a public interest legal service center, who has taken her case, which was pending before a judge as of the December 1997 factfinding meeting.²⁶

Ms. Smith recently reported to Mr. Morrissey that she is now residing on the north side of Buffalo, in a neighborhood of much lower poverty con-

centration. She is one of very few minorities in the neighborhood but is very happy with her housing and her move. She expressed concern that the policy of refusing the suburban landlord list to RAC clients continues. She stated that a friend of hers recently went through a similar problem in obtaining a list of noncity landlords from Belmont. At first her friend was given a list with only city properties. She asked for more referrals and was told there were no others available. When she insisted, however, the Belmont staff person located a second list that included properties outside the city.²⁷ Mr. Morrissey said that he intends to follow-up on this issue with HUD.

Housing Advocates

The Advisory Committee heard presentations from representatives of three local agencies that provide support and legal services to low-income individuals who feel that they are the victims of housing discrimination: Housing Opportunities Made Equal; the Western New York Law Center; and Neighborhood Legal Services of Buffalo, Inc. Among the concerns brought to the Committee's attention were the following:

- Shortcomings of mass transit in the Buffalo area.
- Continued subtle discrimination against Section 8 recipients by landlords.
- Lack of knowledge about housing opportunities in suburban communities.

The panelists provided the Advisory Committee with examples of these concerns and others during their presentations.

Housing Opportunities Made Equal

Scott Gehl is the executive director of Housing Opportunities Made Equal (HOME), a not-for-profit organization that provides comprehensive services to victims of housing discrimination. HOME is under contract with the city of Buffalo, the town of Hamburg, and 34 municipalities in the Erie County Block Grant Consortium to provide fair housing services.

According to Mr. Gehl, housing discrimination occurs with some frequency in western New York.

²¹ Smith statement, Buffalo Transcript, p. 118.

²² Ibid.

²³ Ibid., p. 115.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid., p. 116.

²⁷ Telephone conversation with James Morrissey, Apr. 2, 1998.

In the past 3 years alone, HOME has recorded more than 900 incidents of discrimination. According to data collected by HOME, 37 percent of complaints involved race. Familial status accounted for 34 percent of complaints received, while sex or marital status and disability accounted for 20 percent and 13 percent, respectively.²⁸

HOME has also recorded discrimination due to age, national origin, religion, sexual orientation, and lawful source of income.²⁹ In 1996 HOME filed 30 discrimination cases with administrative agencies and courts as a result of their investigation, all of which are still pending. While HOME receives more complaints of housing discrimination than any other agency in western New York, Mr. Gehl believes that complaints received represent only a small portion of discrimination that actually occurs:

Today discrimination tends to be so subtle that most of ten its victims are unsure when it has occurred. Others may recognize it but be uncertain about their rights or whom to call. Still others in the midst of the frenzied search for housing, which is when most discrimination occurs, simply can't afford to take the time to report it.³⁰

He cited four other barriers besides discrimination that prevent minorities in the Section 8 program from moving out of predominantly minority and impoverished neighborhoods:

- 1 Shortcomings of mass transit in the Buffalo area, "especially after crossing the city line."
- 2 Lack of knowledge about both housing opportunities in suburban communities and the services and facilities existing there.
- 3 Absence of a support network of family and friends, which makes a move to a suburban community seem all the more forbidding.
- 4 The feeling that minorities are not welcomed.³¹

Stressing the seriousness of the public transportation issue, Mr. Gehl told the story of Cynthia Wiggins, a young black mother from the inner city who was killed while trying to cross seven lanes of traffic on her way to work in a fast food restaurant at a suburban shopping mall. After her death, it was revealed that the developers of the mall had re-

fused permission from the Buffalo Public Transit Authority to route their inner-city, outbound Walden Avenue bus onto mall property. Allegedly, the mall owners feared that such access would increase the number of minority shoppers who came to the upscale mall.³² A civil lawsuit has been filed against the mall developers, and since the incident public transportation has been routed into the mall.

Several years ago, one public official told Mr. Gehl "that the town fathers of his community believed HOME to be a 'radically pro-integrationist organization,' which wanted to introduce undesirable elements into his community."³³ Mr. Gehl concluded, "Until [local] government attitudes toward fair housing change, minority families will not feel welcome in suburban communities, and the increased opportunities in choice, which are the benefits of the Section 8 program, will remain an unkept promise."³⁴

Neighborhood Legal Services of Buffalo

Grace Andriette is a staff attorney with Neighborhood Legal Services, Inc., a nonprofit organization that investigates allegations of discrimination and provides community education on the issues of fair housing and housing discrimination to consumers and housing providers.

Ms. Andriette believes that "discrimination in the nineties can be a very subtle affair, and often victims of discrimination are not aware that they have been discriminated against," making it necessary to provide tenant education on fair housing laws and education to landlords or providers of housing.³⁵ Persistent discrimination, in her opinion, underscores the proactive value of the Section 8 program. She said:

Given the history of racial discrimination and segregation in Buffalo, I don't believe that it's surprising that many low-income individuals decide not to venture out of known neighborhoods when they are given Section 8 benefits. As far as the affirmative duty of HAs to provide fair housing, I think it's not simply enough for Section 8 providers to advise recipients of Section 8 benefits that they can now use their vouchers and certificates to travel outside of the Buffalo metropolitan area. There

²⁸ Gehl statement, Buffalo Transcript, p. 22.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid., p. 24.

³² Ibid., p. 25.

³³ Ibid., p. 28.

³⁴ Ibid., p. 29.

³⁵ Andriette statement, Buffalo Transcript, p. 57.

needs to be active participation by the Section 8 providers in encouraging housing mobility.³⁶

According to Ms. Andriette, Section 8 beneficiaries need information about transportation, the lack of which is often the obstacle that ultimately discourages people from moving out of the inner city. "A person who doesn't have a car, who's traveling to unfamiliar communities that bus lines don't service, often has a difficult time in securing housing. It is very expensive, for example, to take a taxi to travel from one available apartment to the next."³⁷

She recommended a Section 8 housing mobility center that would provide information about public transportation, shopping centers, churches, and schools as a resource that would be important in assisting people in their attempts to find housing.³⁸

Western New York Law Center, the *Comer* Settlement, and the Community Housing Center

The Western New York Law Center, according to its executive director James M. Morrissey, was created to handle class action lawsuits throughout western New York. The center chose to focus on the use of residency preferences in the Buffalo area. Concerning the impact of the residency preference policy, he stated:

If you looked at the clientele that were being served by the two programs [RAC in the city and Belmont in the suburbs] the hole of the doughnut was black and the rest of the doughnut was white. The effect was to prevent entirely, almost without exception, African Americans from using their subsidies outside of the city of Buffalo. Under the local preference policy, if Sharon Smith, in the event that she wasn't discouraged from applying in the first place, had gone to Belmont in 1990 and asked for a subsidy, her name would have been put on the list. However, Ms. Smith is a resident of the city of Buffalo; therefore, if a resident of the town of Amherst comes in 6 years later asking for an apartment [subsidy] and it becomes available, who gets it? Not Sharon Smith. The resident of Amherst would get it, and that's one of the reasons that the *Comer* lawsuit was brought.³⁹

The center brought the case of *Comer v. Cisneros*, which sought to address the use of local preference residency requirements by Belmont

Shelter. After several years, the suit was settled in the center's favor in 1997. The key provisions of the settlement of the *Comer* lawsuit are as follows:

- Extension of the local residency preference to require that both programs have a single countywide preference. A person residing anywhere in Erie County can now obtain a subsidy from either the city or the suburban program, and would be free to use that subsidy in the city of Buffalo or anywhere else in the county.
- Cross-listing of the two Section 8 programs.
- 800 new Section 8 subsidies, the intent of which is to start remedying the grievous damage that was done by the local preference policy.
- A remedial selection preference system that would return a percentage of the subsidies Belmont receives when families leave their program to minority residents of the city of Buffalo, in hopes of at least partially remedying the damage done by local preference policy.
- The creation of a Section 8 Community Mobility Housing Center.⁴⁰

According to Mr. Morrissey, removing the administrative barriers to moving out of the city and into the suburbs was only half the job. "Because the fact is, unless we remove the practical barriers as well, the lawsuit was all for naught, and that's the reason that the lawsuit calls for the creation of a community mobility housing center."⁴¹ He continued:

It is, in our view, perhaps the most critical element of [the settlement] because we realize that if you come from the center of the city of Buffalo, and want to move to Cheektowaga, you don't know about available neighborhoods, bus routes, schools, and without that information, the fact that you theoretically have that right to do it frankly doesn't mean much.⁴²

The mobility housing center will have four major components designed to increase mobility and choice:

1. *Motivational counseling.* It will provide information to Section 8 recipients on the potential benefits of living in neighborhoods. Examples of potential benefits include better housing

³⁶ Ibid., p. 62.

³⁷ Ibid., p. 64.

³⁸ Ibid.

³⁹ Morrissey statement, Buffalo Transcript, p. 105.

⁴⁰ Ibid.

⁴¹ Ibid., p. 107.

⁴² Ibid.

stock, better job opportunities, and better schools than can be found in the city of Buffalo.

2. *Logistical assistance.* This will provide needed information such as: Where are the available units? How do you get to them? What bus routes are they on? Where are the local schools? Churches?
3. *Readiness counseling.* This will engage Section 8 recipients in skills development on such topics as: (a) What are the interviewing skills needed when trying to find an apartment? (b) What is it the landlord is looking for? (c) What does a landlord expect from a good tenant? and (d) How do you fill out rental applications?
4. *Followup assistance.* It is crucial to know that the program is having a positive impact. After families move, the housing center will assist them with school applications, and in locating churches, child care, and employment.⁴³

The housing center is critical to the success of Section 8 mobility and will reduce the sense of isolation that often accompanies a move not only to a strange neighborhood but also to a completely different environment. Mr. Morrissey stressed that the housing center needs broad-based community support. "It needs to have complete and utter credibility within the African American and Hispanic communities, and it can't be business as usual."⁴⁴

Pursuant to the *Comer* settlement, in early 1998 the city of Buffalo issued a request for proposals to select an administrator for the Community Housing Center. The housing center was expected to begin operation in the fall of 1998.

Buffalo Public Housing Administrators' Failure to Appear Before the Committee

When invited to participate in the Buffalo factfinding meeting, the directors of Buffalo's Section 8 program and the suburban Section 8 program both declined to participate. Subsequent written requests by the Committee for information yielded only demographic and background data from one agency, the RAC, but it did not respond to substantive questions (see appendix 4). Elizabeth Huckabone, director of the Belmont Shelter Corporation, responded through a letter (see appendix 3) prepared by the attorney representing Belmont Shelter in the *Comer* lawsuit. The letter states that the *Comer* lawsuit lacks merit and that:

My client and I take great offense in representations either in court, the hearings recently conducted under your auspices in Buffalo, or otherwise that our opposition to Mrs. Smith's request for the available housing listings of Belmont impeded fair housing or anyone's ability to obtain access to housing wherever they choose in the Western New York area.⁴⁵

Neither director would discuss in person with the Advisory Committee the use of residency requirements, waiting lists, or quality and location of housing available. This lack of cooperation by Belmont and RAC has impeded the factfinding mission of the Committee in Buffalo.

⁴³ Ibid., p. 108.

⁴⁴ Ibid., p. 110.

⁴⁵ Letter from Charles C. Swanekamp to Fernando A. Serpa, U.S. Commission on Civil Rights, Dec. 20, 1996, Eastern Regional Office files.

Chapter 6

Section 8 Housing in the Rochester Area

This chapter provides a portrait of the Section 8 housing situation in the Rochester area covering such topics as demographics of the area, barriers to fair housing and mobility, and landlord concerns. Divided into six sections, it first describes the demographic attributes of the city and surrounding area. Next, it describes the administrative structure and process of the five separate programs offering Section 8 rental assistance. In addition, it contains statements from housing advocates, local landlords and apartment managers, and Section 8 administrators.

Demographic Characteristics

Rochester is the third-largest city in New York State, with a 1990 census population of 231,636.¹ It is the seat of Monroe County and is situated between Buffalo and Syracuse.

When viewed as a whole, Monroe County's population exhibits diversity that is not dramatically different from that of New York State or the Nation. Whites form the overwhelming majority of the households; blacks are the largest minority

group. While the proportion of Hispanics in the population is less than national or State levels, Monroe County has the largest Hispanic population in the State outside of the New York City metropolitan area.

A closer examination reveals several disconcerting characteristics (see figure 4). There is a distinct concentration of racial and ethnic minorities, as well as poverty-level households, in the city of Rochester. While the city accounts for about one-third of the population and 5 percent of the land area of the county, nearly 80 percent of all racial minorities and 76 percent of the local Hispanic population reside in the city. Within the city, 4 of the 10 planning sectors account for nearly 80 percent of all minorities.²

The Rochester region also has extreme household income disparities. Nearly 60 percent of the city's households are classified as low-income, compared with fewer than 30 percent of suburban households. Seventy-three percent of all Monroe County residents below the poverty level reside within the city of Rochester. Twenty-eight percent

Table 2 Distribution of Households by Race/Ethnicity

Race/Ethnicity	United States	New York State	Monroe County
White	79.7%	73.8%	85.7%
Black	11.2%	13.0%	10.3%
Hispanic	6.6%	9.8%	2.7%
Asian	1.9%	2.9%	1.1%
Other	0.5%	0.4%	0.3%

Source: 1990 U.S. Census of Population.

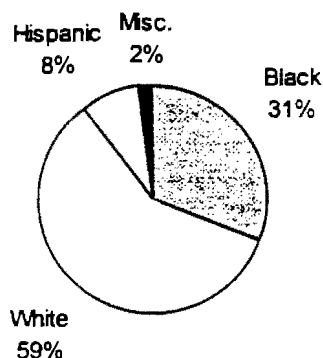
¹ Bureau of the Census, U.S. Department of Commerce, 1990 CP-1-34, 1990 Census of Population, General Population Characteristics, New York 49, table 5 (1992).

² According to 1990 census data, the African American and Hispanic population of the city of Rochester was 93,079 out of a to-

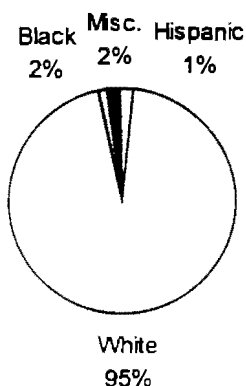
tal population 231,636 (40.18 percent), while the African American and Hispanic population of Monroe County, excluding the city of Rochester, was 18,412 out of a total population of 482,232 (3.82 percent). See Bureau of the Census, U.S. Department of Commerce, 1990 CP-1-34, 1990 Census of Population, General Population Characteristics, New York, p. 49, table 5; p. 175, table 6 (1992).

Figure 4 Distribution of Households by Race/Ethnicity

Rochester City



Suburban Towns



Source: Analysis of Impediments to Fair Housing in Monroe County, 1996.

of whites live in areas having a poverty level of 20 percent or higher, compared with 70 percent of Hispanics and 79 percent of blacks.³

In 1986, the most recent year for which data are available, there were 31,200 low-income households with only 9,700 low-cost housing units available. Thus there was a shortage of 21,500 affordable housing units, or more than three low-income renters for each low-rent unit. That

was one of the highest ratios of all metro areas in the Nation.⁴

Section 8 Housing Agencies

In the Rochester metropolitan area, there are five separate programs offering Section 8 rental assistance:

- The Rochester Housing Authority (RHA) or "Rochester" program.
- The town of Greece program.
- The town of Irondequoit program.
- The village of Fairport program.
- The Penfield or "County" program (serving a consortium of municipalities in suburban Monroe County, and excluding Rochester, Greece and Irondequoit).

The RHA administers all but the village of Fairport program, which is administered by the Fairport Urban Renewal Agency (FURA). Approximately 3,750 individuals and families receive Section 8 assistance in the Rochester metropolitan area.⁵ RHA administers a total of 3,445 vouchers and certificates, while FURA administers 298 (see table 3).

Table 3 Distribution of Section 8 Certificates and Vouchers in the Rochester Area

HA Program	Certificates and vouchers	%
Rochester	3,020	81%
Greece	197	5%
Irondequoit	178	5%
Penfield	50	1%
Fairport	298	8%

Source: Analysis of Impediments to Fair Housing Choice in Monroe County, 1996.

Even though the RHA administers four of the five Section 8 programs from a single office in the city of Rochester, there is no centralized waiting list for these programs. Each of the four programs maintains separate waiting lists and procedures. Also, the three suburban programs, Greece, Irondequoit, and Penfield, use a residency prefer-

³ Ibid.

⁴ 1990 census data indicate that the affordable housing deficiency is now about 15,000 units.

⁵ Analysis of Impediments to Fair Housing in Monroe County, 1996.

Table 4 Racial Composition of Section 8 Recipients and Waiting Lists, Monroe County

Participating Households	City of Rochester	Town of Greece	Town of Irondequoit	Penfield	Fairport	Total
# of units	3,020	197	178	50	298	3,743
White	29.0%	80%	86%	81%	92%	40.1%
Black	64.0%	15%	12%	15%	8%	53.8%
Hispanic	6.5%	5%	2%	4%	0%	5.6%
Other	0.5%	0%	0%	0%	0%	0.4%
Waiting list						
White*	28%	71%	70%	57%	77.0%	
Black*	71%	25%	29%	42%	22.6%	
Other	1%	4%	1%	1%	0.4%	
Hispanic	13%	13%	8%	17%	0.4%	
Non-Hispanic	87%	87%	92%	83%	99.6%	

* Includes Hispanic

Source: *Analysis of Impediments to Fair Housing Choice in Monroe County, 1996.*

ence waiting list. Applicants who live or work in the suburban jurisdictions covered by the programs have preferred status.⁶ According to the 1996 *Analysis of Impediments*, given the length of the waiting lists for these Section 8 programs, it is unlikely suburban certificates would be given to nonresidents.⁷

The RHA does not maintain a residency preference list: any resident of five of the six counties in the metropolitan area is given equal selection status. In practice, however, the majority of participants in the RHA program are city residents. Tenants with a subsidy from this program may use their certificate in any part of the five counties without having to transfer to another HA. City residents may choose to rent an apartment in the suburbs, or suburban residents may use their subsidy for an apartment in Rochester. In practice, however, this does not occur often. About 86 percent of the Rochester program participants live in Rochester, while a similar percentage of participants in the Greece and Irondequoit programs live outside

the city of Rochester. All of the Penfield program participants live in the suburbs.⁸

Currently, the RHA Section 8 program has no available vouchers or certificates. Nearly 6,000 families are on waiting lists for participation, and the number of households on the waiting lists for the various other Section 8 programs exceeds the number of families currently being served by the program. No new applications are being accepted, and HUD is very unlikely to authorize funds for additional subsidies in the Rochester area.⁹

There is a distinct difference in racial makeup between the city and suburban Section 8 programs. The racial composition of Section 8 participants varies by program. Table 4 shows the varied racial composition of both participants and persons on the waiting lists of the Section 8 program in Monroe County.

Of the RHA program participants, 95 percent of blacks and 87 percent of Hispanics reside in the city, compared with 46 percent of white participants.

⁶ For the Penfield program preference is given to applicants who reside or work in Monroe County. "Nonresident" applicants include persons who live or work in the city of Rochester, Greece, and Irondequoit or applicants outside Monroe County who do not work in the county. The service area for the Fairport program is Eastern Monroe County, excluding the city of Rochester and Irondequoit. Preference is given to applicants who

live or work in Perinton, Fairport, Pittsford, Penfield, East Rochester, Webster, Brighton, and Henrietta.

⁷ *Analysis of Impediments to Fair Housing in Monroe County, 1996*, pp. viii-6.

⁸ Ibid.

⁹ Ibid., pp. viii-7

Although there are a few small Section 8 programs that serve portions of the suburban area around Rochester, nearly 81 percent of the subsidies in the region are allocated to the RHA. Because essentially one HA administers the Section 8 program for the entire region, unlike Buffalo and to a lesser extent Syracuse, there are few restrictions on Section 8 subsidies available to minority residents of the city of Rochester. Thus minority residents of Rochester theoretically have access to nearly all the subsidies allocated to the area. Yet a review of the use of Section 8 subsidies by minority residents of Rochester shows that more than 9 out of 10 use their subsidies within the city limits.¹⁰

Fair Housing Advocates

The Advisory Committee heard from representatives of three local, nonprofit agencies that provide support and legal services to low-income individuals who believe that they are the victims of discrimination: Monroe County Legal Assistance Corporation, the Rochester Center for Independent Living, and the Housing Council of the Monroe County Area, Inc. The representatives from these organizations stated that their concerns include the following:

1. The inability of participants to find landlords outside the inner city that accept Section 8 certificates.
2. The pressure to get lease approval on a unit before the 60-day deadline.
3. The unique difficulties persons with disabilities face when trying to find a Section 8 unit.

The panelists provided the Advisory Committee with examples of these concerns and others during their presentations.

Monroe County Legal Assistance Corporation

Laurie Lambrix is a staff attorney with the Monroe County Legal Assistance Corporation (MCLAC), which represents low-income people in civil matters and specializes in public and assisted housing cases. She stated that over 85 percent of her clients are single mothers:

They tend to be women who already are dealing with the challenges of being a single parent and of being low income. Now they get this wonderful opportunity after maybe 2 or 3 years on the Section 8 waiting list. So, they go to their briefing, and they get their paperwork, and they are told they have 60 days to get lease approval papers back on a unit, back to the Section 8 office, who will then arrange for an inspection of the unit, will check to see if the rents are appropriate for the fair market rents, etc.¹¹

According to Ms. Lambrix, clients have difficulty finding landlords outside the inner city that accept Section 8 certificates. To illustrate, she recently picked up an available rental list provided by the RHA for Section 8 recipients. According to Ms. Lambrix, of the 87 addresses on the list, only 1 was from a suburban rental property. Seventy-two percent of the addresses on the list were in census tracts that have a greater than 42 percent minority population, while 30 percent of the units were in census tracts where the minority population is greater than 80 percent. In addition, 65 percent of the addresses on the list were in poor neighborhoods, with 22 percent of the addresses in census tracts where 40 percent or more of the population is below the poverty line.¹²

Ms. Lambrix is troubled that the rental lists being given to her clients are inhibiting their ability to move out of areas of high poverty and in fact encourage them to remain in the city. She expressed concern that "this is their chance to go anywhere in a six-county region, but when they're asking for help about where to find housing, they're getting this kind of list that . . . reinforces segregation."¹³

Ms. Lambrix said that when a client does find a unit and turns in her paperwork, very frequently the client is told that the unit failed inspection. She referred to RHA data that show 90 percent of the units turned in failed the first inspection.¹⁴

Ms. Lambrix offered a story of what can happen when enough information is not given to a Section 8 recipient. A client of hers, who was living in a subsidized housing project in suburban Irondequoit needed to move because of dissatisfaction with her landlord. Ms. Lambrix said:

¹⁰ Philip Tegeler, Michael Hanley, and Judith Liben, *Transforming Section 8: Using Federal Housing Subsidies to Promote Individual Housing Choice and Desegregation*, 30 Harvard C.R.-C.L. Rev. 451 (1995).

¹¹ Laurie Lambrix, statement before the New York Advisory Committee to the U.S. Commission on Civil Rights, factfinding

meeting, Rochester, NY, Nov. 21, 1996, transcript, p. 43 (hereafter cited as Rochester Transcript).

¹² Ibid., p. 47.

¹³ Ibid., p. 48.

¹⁴ Ibid., p. 49.

She received her certificate and was given 60 days to locate a suitable apartment. She wanted to stay in Irondequoit, which is one of the suburbs, because she had a little boy who she wanted to keep in the Irondequoit School District. She went down and got the rental list from RHA, which only listed city rental properties. So, I called the Greece and Irondequoit Community Development Departments to see if they had any separate lists that would have Irondequoit listings. They didn't have anything. They referred me back to RHA which said they didn't have anything else they could give her. So this woman who had been living in the suburbs ended up back in the city because she had been unable to find something out in the suburbs within the 60-day time frame.¹⁵

Ms. Lambrix suggested that this type of outcome is not uncommon given the racial and geographic breakdown of where certificates are used. "This was not a good outcome for her. She was happy to get the subsidy, but because of lack of information and assistance, she wasn't able to find housing in a place where she wanted to live,"¹⁶ she said. HAs have the authority to extend the 60-day search period to 120 days, but "it's next to impossible to get an extension,"¹⁷ she contended.

Rochester Center for Independent Living

Michele Olyer is a housing specialist with the Rochester Center for Independent Living, which assists people with physical and developmental disabilities. Her clients, Ms. Olyer said, face all of the same "dilemmas" other minorities face, but because of their disability, they face additional problems. "When you hear a comment about transportation, the individuals I work with, not only do they not have access to transportation because it doesn't exist, even if it did exist, it may not be accessible."¹⁸

She gave two examples of what people with disabilities face when they are participating or trying to participate in the Section 8 program. One involves the complexity of the paperwork and rules of the Section 8 program and the other affects persons with mobility impairment.

"Individuals with cognitive disabilities are at a disadvantage," Ms. Olyer stated, "due to the complexity of both the paperwork and rules of the Sec-

tion 8 program, where even a person of average intelligence has difficulty completing all the necessary steps."¹⁹ An individual with some type of cognitive impairment, including mental retardation, traumatic brain injury, or mental health disabilities, has that much more difficulty completing those steps. It is also not uncommon, according to Ms. Olyer, for these individuals to experience more difficulty negotiating with landlords, and consequently they may give up the process much sooner.

She would like to see extra assistance given to these individuals in both paperwork processing and going over the rules several times, especially for individuals who have a short-term memory loss. Many of these individuals, she said, often times do not have case workers or managers to provide the extra time needed to walk them through the process and make sure they understand the rules and procedures.

She also recommended that Section 8 staff have some type of disability awareness training in how to deal with individuals with different types of disabilities. For example, "When interviewing a person who is deaf, be sure the person can see your lips while you are talking, don't look down at your desk while you're writing and talking."²⁰

The second issue Ms. Olyer discussed was the discrimination that individuals with mobility impairments may face when looking for an apartment. She said, "Landlords who are knowledgeable on Section 8 and Federal laws may actually discriminate against individuals with disabilities who require modification to their apartments, for example, a ramp, because once you've accepted a Section 8 certificate, you are now subject to [Section] 504 regulations,²¹ because you are receiving Federal money."²²

She suggested establishing a program to help property owners absorb the expense they would incur to accommodate Section 8 recipients with disabilities. In her opinion, landlords would be more attracted to the program and to renting to persons with disabilities if they knew that this money was available to improve their properties by making them more accessible.

¹⁵ Ibid., p. 59.

¹⁶ Ibid.

¹⁷ Ibid., p. 54.

¹⁸ Olyer statement, Rochester Transcript, p. 64.

¹⁹ Ibid.

²⁰ Ibid., p. 70.

²¹ Section 504 of the Rehabilitation Act of 1973, applicable to recipients of Federal funds, requires program participants to make reasonable accommodations at their own cost for individuals with disabilities, so long as it does not cause an undue economic hardship. 29 U.S.C. § 794; 24 C.F.R. Pt. 8.

²² Olyer statement, Rochester Transcript, p. 67.

Housing Council of the Monroe County Area

According to its executive director, Anne Petersen, the current goal of the Housing Council of the Monroe County Area, Inc., a 25-year-old nonprofit organization, is the maintenance, expansion, and availability of decent, safe, and affordable housing in Rochester and Monroe Counties.

One of the services provided by the Housing Council is compiling the "registry of available rental property," which is made available free of charge to public assistance recipients and other low-income individuals. Nearly all of the 1,300 listings, which represent almost 30 percent of the available rental properties in Monroe County, are located in the city.

In 1996 the housing council mailed 23,800 registries on request to Monroe County residents, and 6,800 registries to 66 service providers across the county. Ms. Peterson was not sure to what extent the Housing Council list overlapped with the list RHA provides to its clients. But she said, "Their list is more expansive than our list and the units cost more. Ours serves a group that is very low income."²³ I seek immediate relief in this matter before it is taken further under the Collective Bargaining Agreement. She added:

While most of us in this room today can turn to an array of units available in the local paper to choose an apartment, low- and very low-income residents have no such good luck. The rental registry is the only free source of increased housing choice in the admittedly already narrow universe of the inner city.²⁴

Ms. Petersen stated that she will be adding to the list a page of consumer protection information and tips on how to get the most for your rental dollar. She believes that housing choice is directly affected by supply and demand. Increasing the known supply of available units makes it more likely that the worst units will go unrented, encouraging landlords to improve their properties if they want them rented.²⁵

Ms. Petersen concluded, "The concept of mobility has as its basic premise that supply is really limited to the supply one knows about, and real housing choice depends on greatly increasing the

knowledge of what the choices are and preparing to exercise those choices effectively."²⁶

Landlords

The views of business people and landlords on the workability of the Section 8 program outside the city were represented by Harriet Howitt, a certified property manager and vice president for Midland Management, which manages approximately 1,000 apartment units primarily in suburban Rochester, and Don Rothchild, president of the Maplewood Landlords Association, a private organization representing the views of smaller apartment complexes and owners.

Midland Management

Apartment vacancies, Harriet Howitt stated, are running between 5 and 10 percent higher than they have been in any time in the past 30 years. Landlords therefore are trying everything to lure tenants. Accordingly, she said, it would not make good business sense to turn away potential tenants simply because they are on some type of public assistance.²⁷

One suburban complex has 284 units of which 29 are rented by people on some type of assistance. Four of those units have Section 8 subsidy holders consisting of two white and two black families.²⁸ She said as far as she knows, property managers around the region take Section 8 tenants. Regarding attracting more suburban landlords to participate in Section 8, she thinks they are discouraged by the perceived difficulty in dealing with the administrative paperwork and the oftentimes "draconian rules" of the program.²⁹

Ms. Howitt told the story of one apartment rented by a Section 8 recipient that needed to be reinspected before a yearly rental increase was approved. The inspector arrived and found a piece of curled up linoleum *under* the dishwasher. The property manager was told that it must be repaired in 10 days. According to Ms. Howitt, this was the busiest time of the year for the property manager who was trying to turn over 30-40 units a month, and this was not something that needed to be done or even could be done immediately. The manager was able to get a 30-day extension, but could have been denied rent for that period of time

²³ Petersen statement, Rochester Transcript, p. 120.

²⁴ Ibid.

²⁵ Ibid., p. 121.

²⁶ Ibid., p. 122.

²⁷ Howitt statement, Rochester Transcript, p. 99.

²⁸ Ibid., pp. 97-98.

²⁹ Ibid.

until that little piece of linoleum got tacked down. "These are the things that drive private landlords crazy. You have to use good common sense," she cautioned.³⁰

When asked if there was anything preventing Section 8 recipients from renting one of her apartments, Ms. Howitt responded, "All of our rents in all of our suburban complexes, except maybe one, would fall within Section 8 guidelines."³¹

Also, when asked about having her properties placed on the rental list, Ms. Howitt responded, "We're not on the list of RHA . . . never knew there was such a list. I just thought that Section 8 people knew they could go anywhere they wanted. But I think we can help with that, by letting our landlords know that they should be on the list."³²

She recommended that Section 8 administrators go out to the suburbs and promote the program to suburban landlords who may not know that much about the program and may need more information to feel comfortable with it. "When people put their heads together, I think they can solve problems. We have housing. Let's try to get the people to it."³³

Maplewood Landlords Association

Don Rothchild is a private full-time landlord with both urban and suburban properties. Concerning his participation in the Section 8 program, he stated, "I enjoy the Section 8 program, and I welcome their inspections. They bring a lot of things to my attention that I don't know about, and I am happy to follow through."³⁴

He explained that "It is to the landlords advantage to hold out for a desirable tenant who will bring the neighborhood up while enhancing the property values."³⁵ He said that his Section 8 tenants have run the gamut. "I've had great tenants who have stayed year after year after year, and I've had one who I couldn't wait to get rid of. I took that particular person to court, because she would not pay her share of the rent. She was finally eliminated from the [Section 8] program."³⁶

As to how the program may be extended to include more suburban landlords, Mr. Rothchild re-

sponded, "I'm not so sure you should expand it to the suburban area. I'm not so sure you're going to get suburban landlords interested in the government telling them what to do and how to do it. They aren't used to that, and we don't want some stereotype individuals, whether it's DSS [Department of Social Services], Section 8, or others, to move into certain suburbs."³⁷

Section 8 Administrators

The Advisory Committee heard from representatives of the two local housing authorities that provide Section 8 programs: the village of Fairport program and the Rochester Housing Authority. The representatives from these programs discussed landlord participation, residency preferences, and HUD changes to the Section 8 program.

Village of Fairport

Kenneth Moore is the village administrator for Fairport and formerly managed the village's Section 8 program. By working with suburban landlords he has learned what attracts them to and dissuades them from joining the Section 8 program.

According to Mr. Moore, the main problem with recruiting suburban landlords is that they simply are not as knowledgeable of the program as the average city landlord. He believes that it is very important for HAs to attract the larger suburban landlords, while concurrently considering the small landlord for Section 8. Suburban landlords, Mr. Moore said, "pay a little bit closer attention to their property. They expect a little higher quality of property maintenance and they may have a little bit more suspicion of government programs, but they can be a big part of the Section 8 program."³⁸

In order to increase suburban participation in the Section 8 program, Mr. Moore believes, administrators should go out into suburban communities and talk with village boards, town boards, and building inspectors to see what particular concerns the community may have. Furthermore,

³⁰ Ibid.

³¹ Ibid., p. 102.

³² Ibid.

³³ Ibid., p. 103.

³⁴ Don Rothchild, president, Maplewood Landlords Association, statement, Rochester Transcript, p. 198.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Moore statement, Rochester Transcript, p. 136.

they should also hold training sessions for landlords on Section 8 procedures and try to gain their confidence.³⁹ Referring to options available to suburban landlords, he stated:

My experience was that landlords expected to be dealt with professionally and they expected the paperwork to be there on time, that if it wasn't, they became disenchanted with the program, and given the fact that the vacancy rates in the suburbs are relatively low, they really have other options.⁴⁰

When asked whether the Fairport program had a residency requirement, Mr. Moore answered that the program does not have a residency requirement now, although it did for the first 18 years of existence. The residency requirement had been eliminated a few months before the date of the factfinding forum in Rochester.⁴¹ The Committee has more recently been advised by Mr. Moore that the village of Fairport has reinstated its residency preference.⁴² In part this was due to the refusal of the town of Irondequoit and the town of Greece to remove their residency preferences, and to the fact that the persons who were obtaining subsidies once the preference was removed had been largely unsuccessful in finding apartments before their search periods expired.

At the time of the removal of the preference, the Fairport waiting list was 42 percent minority. After the reinstatement of the residency preference, the minority percentage on the Fairport waiting list dropped to 22 percent, which means during this period while the residency preference was removed approximately 20 percent of minorities on the waiting list were given Section 8 certificates to find housing. Yet the minority percentage of successful participation in the program (participants who secured housing in Fairport) did not significantly increase. It is possible that, in the absence of the availability of mobility counseling for subsidy holders, minority city residents who had been backed up on the Fairport list were unable to use those subsidies successfully when they finally got them. Consequently, they lost their chance to participate in the program when their

search period expired. This question may bear further exploration by the Committee.

Asked what efforts the Fairport program was making to encourage mobility from the inner city, Mr. Moore responded that they are not making great efforts to promote the program outside the program area. "The public feeling and the feeling of the elected officials is that the program be for the benefit of the people in the program area. They do not see as their goal the solving of wider housing problems."⁴³ Mr. Moore did volunteer to share the Fairport's program rental list with the Rochester Housing Authority and anyone else who requested it.

The Rochester Housing Authority

The Advisory Committee heard presentations from the executive director of the RHA and the director of Leasing Operations for the RHA. They discussed issues including the mobility aspects of their program and related their concerns about HUD's recent changes in the Section 8 program.

Thomas McHugh, Executive Director

Thomas McHugh has been executive director of the Rochester Housing Authority since 1974. According to Mr. McHugh, a high level of minorities have been using their Section 8 certificate outside the city of Rochester since 1988, when the RHA computerized its Section 8 statistics. Since 1988, the RHA has signed contracts with 815 households using Section 8 certificates for units outside the city of Rochester, 31 percent of whom have been minority.⁴⁴ As of December 1996, for the authority's own program, 350 households have found units outside the city, with 29 percent of those being minority households. The 350 figure represents 11 percent of the entire Section 8 Rochester Housing Authority allocation.⁴⁵

While Mr. McHugh claims 11 percent is a "respectable number," it translates to hardly more than 3 percent of minority subsidy holders renting outside the city. Nevertheless, the RHA intends to increase that number with the advent of a new mobility counseling center for Section 8 recipients.⁴⁶

³⁹ Ibid., p. 137.

⁴⁰ Ibid., p. 136.

⁴¹ Ibid., p. 140.

⁴² Conversation with State Advisory Committee member Michael L. Hanley, Apr. 1, 1998.

⁴³ Ibid., p. 141.

⁴⁴ McHugh statement, Rochester Transcript, p. 157.

⁴⁵ Ibid., p. 157.

⁴⁶ Ibid., pp. 157-58.

In July 1996, RHA was awarded a grant in excess of \$1 million to develop and implement such a counseling effort. According to Mr. McHugh, RHA established an advisory committee to provide input into the draft counseling plan as well as to provide an ongoing voice during the plan's 5-year implementation. The advisory committee will consist of representatives from the towns, a Section 8 tenant, a major city/county Section 8 landlord, and representatives of the Greater Upstate Law Project, Neighborhood Housing Services, the Rochester Urban League, and Monroe County. Mr. McHugh is very "optimistic that this endeavor will further enhance the work that has already started relative to housing mobility throughout the metropolitan Rochester area."⁴⁷

John Haire, Director, Leasing Operations

John Haire is the director of Leasing Operations for the Rochester Housing Authority and in charge of the day-to-day operations of the Section 8 program. He has been with the RHA since it first initiated the Section 8 program in 1976.⁴⁸

Mr. Haire was questioned regarding the RHA's policy for extending the 60-day limit if the tenant has difficulty finding a suitable apartment. He responded, "We perhaps are known as an agency that is rather stingy with extensions. There has to be a good reason for an extension. With over 5,000 people on the waiting list, it seems unfair to penalize somebody on a list while somebody sits there procrastinating about using their certificate."⁴⁹ He did say that he would grant extensions in certain medical circumstances. Mr. Haire also indicated that as part of the Regional Opportunity Counseling program, RHA would extend the search time to 120 days automatically for any of the mobility program participants.⁵⁰

Asked why 95 percent of blacks use their subsidy in the city, Mr. Haire responded:

They [minority Section 8 recipients] already know where it is they want to look for housing . . . Let's not forget the element of choice . . . It is important to remember the vital role the urban landlord has played in providing quality, affordable housing throughout the

Section 8 program's 20-year history. The urban landlords are the backbone of this program.⁵¹

Mr. Haire is worried that new HUD regulations that would reward HAs based upon the extent to which contracts were executed for units in low-poverty census tracts would put a restriction on a family's choice. He stated, "Does this mean that housing agencies will be penalized for approving leases in high-poverty census tracts? If so, are you removing the element of choice from the Section 8 tenant?"⁵²

Mr. Haire also expressed concern over the HUD changes that have made the Section 8 program more landlord friendly by making tenants more accountable. He gave an example:

An owner may now execute a 1-year lease with a provision for a 1-year renewal or he may elect to renew on a month-to-month basis. However, the Section 8 tenant continues to enjoy a provision which [allows] him the ability to give 30-day notice of intent to vacate at any time after the initial term. How do you explain to an owner that despite what he thought, the Section 8 tenant can still walk with 30 days notice?⁵³

Asked whether it was realistic that a Section 8 tenant would leave a suburban apartment after making such an effort to obtain it, Mr. Haire responded:

[It is a] waste of time debating whether it's realistic or not. If we're going to try to solicit these suburban landlords, and we say, we're going to be as unobtrusive as possible, but these tenants can walk with 30 days, they [the suburban landlords] are going to tell me to walk in 30 seconds.⁵⁴

Anne Petersen responded to Mr. Haire by saying that it is important to note how realistic it is that a tenant would actually take advantage of that clause and leave a landlord hanging. She said:

In our presentations to landlords, it needs to be presented in the proper context, yes, this could happen, but we are providing a counseling program that brings people into your unit, and we have an ongoing program

⁴⁷ Ibid., p. 159.

⁴⁸ Haire statement, Rochester Transcript, p. 207.

⁴⁹ Ibid., p. 174.

⁵⁰ Ibid., p. 213.

⁵¹ Ibid., p. 179.

⁵² Ibid., p. 180.

⁵³ Ibid., p. 182.

⁵⁴ Ibid., p. 204.

here and we're not going to disappear because the tenant has moved in and that we will continue to work with the tenant.⁵⁵ they are transferred for work-related reasons. "Landlords accept those clauses everyday, and it's much more likely that it will be activated by a very mobile tenant than it's going to be activated by a Section 8 tenant. So it's got to be described in that kind of context."⁵⁶

According to Ms. Petersen, landlords are familiar with and accept "transfer clauses," which allow tenants to move with 30-60 days' notice if

⁵⁵ Petersen statement, Rochester Transcript, p. 206.

⁵⁶ Ibid.

Chapter 7

Section 8 Housing in the Syracuse Area

This chapter provides a portrait of the Section 8 housing situation in the Syracuse area covering such topics as demographics of the area, barriers to fair housing and mobility, and housing administrators' concerns. Divided into four sections, it first illustrates the demographic attributes of the city and surrounding area, then describes the four agencies that administer Section 8 programs. The chapter also contains statements from three fair housing organizations and the four Section 8 housing program administrators serving the Syracuse metropolitan area.

Demographic Characteristics

Syracuse is located in central New York in Onondaga County. The total area of the city is 26 square miles. Located in the center of a farming region, its manufacturing industries produce electronic equipment, electrical appliances, chinaware, automobile parts, and roller bearings.

In 1980 Syracuse had a population of 197,217, of which 10.8 percent were black, 1.1 percent Hispanic, and 0.5 percent Native American. Since then, Syracuse has experienced a decline in population. According to the 1990 census, the population declined 17 percent to 163,860. However, the minority population continued to grow, and in 1990, blacks made up 20.2 percent, Hispanics 2.5 percent, and Native Americans 1.3 percent of the population.¹

According to the *Analysis of Impediments to Fair Housing Choice In Onondaga County*, of the 14,683 low-income renter households eligible for Section 8, some 3,142 or 21.4 percent were minority and 7,063 or 48.1 percent were female headed.²

Section 8 Housing Agencies

In Syracuse and throughout Onondaga County, four separate public housing agencies administer Section 8 programs. They are as follows:

- The Syracuse Municipal Housing Authority.
- The North Syracuse Housing Authority.
- The village of East Syracuse.
- Christopher Community, Inc. (on behalf of the village of Manlius).

The first three entities serve primarily the city or the village of its name, while Christopher Community serves a consortium of the remaining 32 municipalities in the county, with the village of Manlius acting as the "lead agency," i.e., the formal entity with which HUD contracts for the subsidies.

The number of subsidies administered by each program, together with the ethnic and racial breakdown of minorities in the program, is shown in table 5.

Table 5 Section 8 Agency Profile

HA	# of subsidies	% black	%Hispanic
Syracuse	2,637	62%	4%
North Syracuse	252	1%	1%
East Syracuse	80	NA	NA
Christopher Community	570	6%	2%

Source: HUD Community Database (1996 data).

Fair Housing Advocates

The Advisory Committee heard from representatives of three local agencies, the Fair Housing Council of Central New York, Legal Services of Central New York, and the Urban League of Syracuse, which provide support and legal services to low-income individuals who believe that they are

¹ Bureau of the Census, U.S. Department of Commerce, 1990 CP-1-36, 1990 Census of Population, General Population Characteristics, New York 48, table 3 (1992).

² *Analysis of Impediments to Fair Housing Choice In Onondaga County*, 1996, p. 13.

the victims of discrimination. These organizations stated their main concerns as follows:

- Lack of information and assistance given to Section 8 recipients.
- Use of residency preferences.
- Use of segregated landlord lists.
- Suburban landlords' unfamiliarity with Section 8.

The panelists provided the Advisory Committee with examples of these concerns and others during their presentations.

Fair Housing Council of Central New York

Merilee Witherell is the executive director of the Fair Housing Council of Central New York, a nonprofit organization that prepared the *Analysis of Impediments to Fair Housing Choice In the City of Syracuse and Onondaga County*. According to Ms. Witherell, the overall minority population in Syracuse is 27 percent, which includes 20 percent African Americans. In Onondaga County, the minority population is 3.1 percent, which includes 1.3 percent African Americans. For the village of East Syracuse, the overall minority population is 2 percent, while in North Syracuse the minority population is 2.2 percent.³ She said:

In Syracuse the percentage of minorities participating in the active Section 8 program is 66 percent, with 62 percent being African American. In Onondaga County the overall minority participation in the Section 8 Program is 14 percent. So we can see a big difference in the participation rates for African Americans between the city and the county. Any effort to facilitate the ease of movement for Section 8 residents between these areas will have a positive effect on integration.⁴

In her recent study of the Section 8 program in the city of Syracuse, Ms. Witherell found that more than half of the Section 8 participants in the city of Syracuse live in areas that mirror their own racial makeup.⁵ In other words, "If it is a white Section 8 recipient, they live in an area that is predominately white. If they are African American,

they live in an area which is predominantly ... African American."⁶

She attributed this lack of mobility to a number of reasons, including lack of information and assistance given to Section 8 recipients and also to residency preferences by suburban programs. Illustrating the plight of a Section 8 recipient, she said:

Somebody, who is new to the program and doesn't know how it works, would think "This is where I applied and here's where I go find my place to live," and they are given a landlord list with apartments in that same jurisdiction. There's a prevailing understanding that this is where you go, and this is what you do, and you do it within 60 days or else. As a recipient, there isn't a lot of thought about other options.⁷

She suggested that the HAs could combine their landlord lists, allowing recipients a greater choice of where they use their subsidy. This would facilitate the process of greater integration throughout the Syracuse area as a whole.

Residency preferences, Ms. Witherell believes, are racially exclusionary because of the demographics of the area. With a 2 percent minority population in those villages and a 27 percent minority population in the city of Syracuse, "we're talking about a discriminatory impact," she said. According to Ms. Witherell, the intent may not be to discriminate against minorities, but "if you give a preference to those living within your village, and your village is overwhelmingly white, then the effect of that policy is to put minorities at a disadvantage for this important opportunity."⁸

Ms. Witherell also discussed discrimination faced by minorities attempting to find housing. She said that the fair housing testers themselves often do not know they have encountered discrimination. Only by comparing reports side-by-side can they tell whether discrimination occurred. She has seen differences in rent as great as \$100 per month quoted to both black and white tenants for the same unit within an hour of one another. She cites examples where prospective African American tenants were told only one unit was

³ Merilee Witherell, statement before the New York Advisory Committee to the U.S. Commission on Civil Rights, factfinding meeting, Syracuse, NY, Nov. 20, 1996, transcript, p. 138 (hereafter cited as Syracuse Transcript).

⁴ Ibid.

⁵ Ibid., p. 139.

⁶ Ibid.

⁷ Ibid., p. 143.

⁸ Ibid., pp. 313-14.

available—in building A—whereas the prospective white tenants were shown units in buildings in D, E, and F, and that there were three or four units available. Also, some complexes do not require credit checks of prospective white tenants, but consistently require them of minorities, she said.⁹

Ms. Witherell believes that such subtle, and not so subtle discrimination prevents Section 8 recipients from using their subsidies in certain areas. She said:

We're talking about folks who may not be trained and may not be as assertive as those of us who advocate on their behalf. A lot of people who are poor and who are just hoping for an opportunity are very willing to accept what is offered to them. And if what is offered them is less than a good opportunity, it still may be something more than what they've gotten, and they'll take it. And that doesn't make it right and that doesn't make it fair housing or equal housing opportunity.¹⁰

Legal Services of Central New York

Chris Cadin, a staff attorney with Legal Services of Central New York, reported a Section 8 success story of one of his clients:

She was a young minority mother who had decided that she had to leave. She just lived off South Avenue. She had been robbed. She had been raped. Her neighborhood and her apartment complex were very unsafe. She had obtained a Section 8 certificate and was therefore able to move somewhere else. She did not want to stay in the apartment that she was in. She wanted to start a nursing program at Onondaga Community College. She did not have a car. She was on welfare. The goal of getting a nursing degree from OCC was only a hope. She thought that her Section 8 would be her key to get this degree, and it was.¹¹

She located an apartment near the Onondaga Community College, but it was beyond the fair market rent that was available for her household size on her certificate. The apartment complex, according to Mr. Cadin, was willing to rent to her, and they were willing to go down in their rent. She would have been the first black person in this apartment complex. They had never had a Section

8 person in their complex before and they were willing to try.¹² He said:

Through negotiations on my part with the landlord and through negotiations by the Syracuse Housing Authority—Terry Kresser in particular—in agreeing to an incremental rent increase, we were able to get this person into a fairly expensive apartment, and get her on her degree program. She went on to complete her RN degree.¹³

Mr. Cadin believes that the community needs to hear success stories, and that the Section 8 program is a way to get people out of poverty and into neighborhoods where they will have an opportunity to succeed.

The Syracuse Urban League

Julia Burnette is a housing locator with the Syracuse Urban League. In her position, she relocates people who have been evicted. When she first started, most of the people who were evicted were on public assistance. Over the past few years, most of the evicted people she has relocated have been the working poor.¹⁴ She sees Section 8 as a tool in helping these families, but acknowledges that she has encountered resistance from landlords to taking Section 8 recipients.

According to Ms. Burnette, many landlords are not familiar with the Section 8 program. "They have heard of it, but they have never used it. They have their own stereotypes of what the subsidy program will mean."¹⁵ She recommends greater outreach and educational efforts to landlords:

You have to hammer away at their reservations. You have to educate them. You have to bend their arm. You have to really let them see that this is not the multiheaded hydra that they fear, that it's a good program that will be beneficial to them as landlords, as well as to their perspective tenants.¹⁶

Section 8 Administrators

The Advisory Committee heard from representatives of the four local housing authorities that provide Section 8 programs: Christopher Community, the village of East Syracuse, the North Syracuse Housing Authority, and the Syracuse

⁹ Ibid., p. 310.

¹⁰ Ibid., p. 144.

¹¹ Cadin statement, Syracuse Transcript, p. 285.

¹² Ibid., p. 288.

¹³ Ibid., pp. 288–89.

¹⁴ Burnette statement, Syracuse Transcript, pp. 290–91.

¹⁵ Ibid., p. 297.

¹⁶ Ibid.

Municipal Housing Authority. The representatives from these programs discussed landlord participation, residency preferences, waiting lists, and HUD directions for affirmatively furthering mobility.

Christopher Community

Christopher Community, according to its director Peter White, is responsible for administering over 500 subsidies for 32 towns and villages outside of Syracuse, East Syracuse, and North Syracuse. As to interprogram mobility, White said, "We accept on portability those [Section 8 recipients] from the [Syracuse] Housing Authority who wish to go to suburban locations, and in turn we have people in the suburbs who occasionally want to go back to the city."¹⁷ He stated that Christopher Community does not administer any subsidies within the city of Syracuse, but that the two agencies rely on transfer and portability procedures instead of direct administration of their own subsidies if a family chooses to cross the municipal boundaries.

Christopher Community has 2,000 applicants on a waiting list, which is handled in chronological order. The turnover rate is 40–50 a year. "We have applied every year over the last 4 or 5 years for new subsidies; we just don't get a high enough ranking [from HUD] as to need more,"¹⁸ Mr. White said. A recent study commissioned by Christopher Community revealed approximately 10,000 eligible families for the Section 8 program in its jurisdiction. "The need for subsidy is great. It's growing for the disabled, for the single mother with kids, for minorities. The need is there. There's no doubt about it,"¹⁹ Mr. White told the Committee.

According to the *1996 Analysis of Impediments to Fair Housing Choice in Onondaga County*, Christopher Community received a high rating in conducting outreach on a broad basis that included the entire county and the city of Syracuse, and also in providing for a wide choice of participating landlords.²⁰

Village of East Syracuse

The village of East Syracuse maintains a residency preference for its Section 8 program according to its director, Bruce Gouhey. Justifying the need for residency preferences, he commented:

Our income as a housing authority depends on the number of housing units we have. If we were to get rid of the residency requirements, we would see tremendous fluctuations in the number of people. . . we might decrease and as a result our funding would vary.²¹

Asked what purpose residency requirements served, Mr. Gouhey replied, "For us the residency requirement serves two purposes, one, it funds our agency, rather than the number of people in the housing authority funding the agency. And two is so we can directly serve the community."²²

The population of the village of East Syracuse, according to Mr. Gouhey, is 3,343, with approximately 735 rental households.²³ His HA administers 90 Section 8 units and has a waiting list of 136 people with a 2–3 year wait. Of the 136 potential Section 8 recipients on the list, 10 are African American, 3 Native American, 1 Asian American, and 5 Hispanic.²⁴

Addressing the issue of whether residency requirements are exclusionary, Mr. Gouhey explained:

I think they are only exclusionary if their intent is to exclude. I don't see them necessarily as having to be exclusionary. There are over 3,000 families with certificates or vouchers throughout the county; any one of them can move into the village at any time if they want to. In fact, we would welcome them because our finances are tight.²⁵

"It doesn't really matter to us," he continued, "as long as there is room. As I see it, there should be room for easily 10 or 20 more families than we have right now on our rolls."²⁶

North Syracuse Housing Authority

Residency requirements are also used for ranking at the North Syracuse Housing Authority, ac-

¹⁷ White statement, Syracuse Transcript, p. 60.

¹⁸ Ibid., p. 81.

¹⁹ Ibid., p. 82.

²⁰ *Analysis of Impediments to Fair Housing Choice in Onondaga County*, 1996, p. 13.

²¹ Gouhey statement, Syracuse Transcript, p. 111.

²² Ibid., p. 112.

²³ Ibid., p. 111.

²⁴ Ibid.

²⁵ Ibid., p. 112.

²⁶ Ibid., pp. 112–13.

cording to Suzanne Wass, program administrator. She said:

We use Federal preferences²⁷ even though we don't have to anymore, but we have not found a better way to serve the neediest population. [We also have] a 1-year residency requirement. Because the housing authority was established to serve the Village of North Syracuse, we feel a primary responsibility to the residents of the Village of North Syracuse.²⁸

Ms. Wass added that the North Syracuse Housing Authority, through cooperative agreements with other jurisdictions, accepts nonresident Section 8 transfers. It has a cooperative agreement with Christopher Community, the village of East Syracuse, and the city of Syracuse to allow people to transfer immediately upon being issued a voucher or certificate, rather than having to fulfill a 1-year residency requirement.²⁹

The North Syracuse Housing Authority is in the process of setting up a computer system to track racial and ethnic data.³⁰ At present, however, only data on elderly and disabled households are available. These households constitute 61.7 percent of the agency's participants.³¹ She also noted that most of her participating households resided in one of the two census tracts that contain the village, primarily because there were more apartment complexes in that tract.³² She stated that her agency would have no reservations about sharing its landlord list with other housing agencies in the area.³³

The Syracuse Municipal Housing Authority

Administering more than 2,600 of the approximately 3,500 Section 8 subsidies in the Syracuse metropolitan area, the Syracuse Municipal Housing Authority (SHA), according to Fred Murphy, executive director, is by far the largest of the four agencies. SHA also has the highest minority representation in its program, at more than 65 percent. When a subsidy holder from the city of Syracuse wishes to move outside of the city, it is of-

ten impossible for any one of the other three agencies to absorb that household into its own program because the smaller agencies have very few subsidies available from turnover.³⁴ Consequently, the agencies must resort to a complex cross-billing procedure in which the receiving HA undertakes some of the tasks of dealing with the household and landlord in its service area and then bills the sending agency for its services.³⁵

When asked what proactive steps the SHA has taken to affirmatively further mobility in the Section 8 program, Mr. Murphy said that he had not seen it as part of his responsibility in administering the Section 8 program to proactively assist minority or other subsidy holders in moving out of the city or to other areas of lower poverty concentration:

I don't believe that we take any extraordinary methods to proactively try to encourage people to explore neighborhoods or communities where they would maybe not normally think available to them, or that they may not want to do that. I suppose it would be almost institutionally arrogant for us to try to do that. So we, I expect, leave people to their own devices and make sure that nobody blocks them from following their dreams. . . . We don't try to instill a desire for people to break new ground or break into new neighborhoods.³⁶

With respect to identifying low-poverty census tracts as mobility options, SHA's Section 8 director Terry Kresser said that he did not have exact figures but estimated that only about one-third of the units rented by SHA subsidy holders were outside of high-poverty census tracts.³⁷ Data are available, he indicated, to compare minority and nonminority concentrations of subsidy holders in each census tract, but he did not have that data available for the Advisory Committee.³⁸

The Advisory Committee raised questions regarding SHA's interpretation of its role to assist minorities in moving out of areas of high poverty and racial concentration, and the direction it has received from HUD with respect to this issue. As

²⁷ Federal preferences are discussed in chap. 1.

²⁸ Wass statement, Syracuse Transcript, pp. 92-93.

²⁹ Ibid., p. 93.

³⁰ Ibid., p. 102.

³¹ Ibid., p. 101.

³² Ibid., p. 105.

³³ Ibid., p. 109.

³⁴ Ibid., pp. 128-30.

³⁵ Ibid.

³⁶ Murphy statement, Syracuse Transcript, p. 50.

³⁷ Kresser statement, Syracuse Transcript, pp. 40-41.

³⁸ Ibid., p. 41. The data on all Section 8 programs are now available online through HUD's Office of Policy Development and Research's "Picture of Subsidized Households," <www.hud.gov/fha/mfh/fharent.html>.

Mr. Murphy's quotation below shows, it is SHA's view that it is neither SHA's duty to help minorities to move out of areas of high poverty, nor has it been prompted by HUD to act affirmatively to promote greater residential mobility:

It's a very difficult question. And to answer it honestly, I would have to say that we have not, to this point, considered as part of our mission to break what have been

historic housing standards—or housing impacted neighborhoods—to try to break open impacted neighborhoods. I think it is accurate to say that we haven't been asked to do it, either by any supervising agency, or any supervising entity, to make that part of our mission. I think that that is probably the largest reason . . . why we have not even raised the question of ourselves.³⁹

³⁹ Murphy statement. Syracuse Transcript, pp. 176–77.

Chapter 8

Findings and Recommendations

According to information gathered at the factfinding meetings in Buffalo, Rochester, and Syracuse, the Section 8 rent subsidy program succeeded in assisting many minorities in affording their homes, but failed in helping minorities to move out of areas of high poverty or minority concentration. Contrary to the requirements of the Fair Housing Act, the Section 8 rent subsidy program in these three regions of upstate New York has not been administered in a manner that "affirmatively furthers" fair housing.

Based on the data presented at these factfinding meetings and gathered subsequently, the Committee drew the following findings of fact and developed appropriate, remedial recommendations.

1. HUD Administration of Section 8

Findings

Under its regulations, HUD is required to review Administrative Plans submitted by each housing jurisdiction regarding how it intends to provide housing opportunities outside of low-income and minority-concentrated areas. HUD has failed to review these plans. When viewed in light of the unusually high degree of racial segregation in these three metropolitan areas, HUD's failure to ensure that the Section 8 program affirmatively furthers fair housing is consequential and takes on added significance (chapter 3, pp. 14, 15; chapter 4, pp. 18, 19).

Before 1995, all Housing Authorities (HAs) were required to submit for HUD approval an Equal Opportunity Housing Plan (EOHP) that included four regulatorily required objectives to ensure nondiscrimination in their Section 8 programs. Since the 1995 revision, however, the HAs are required to submit only an Administrative Plan containing the same objectives. These objectives, though included in the plan, do not have the same regulatory enforceability as the EOHP (chapter 3, pp. 15, 16).

HUD published a proposed regulation on December 2, 1996, to implement a mechanism for systematic analysis of Section 8's progress in assisting families in moving to areas of lower poverty concentration. This mechanism called the Section 8 Management Assessment Program (SEMAP) includes a requirement for "geocoding" or mapping of the location of current Section 8 apartments with race and poverty data. Although such a mechanism would be helpful to address the concerns identified in the Buffalo, Rochester, and Syracuse regions, the regulation is yet to be finalized and implemented (chapter 4, pp. 18–20).

There appears to be a conflict between two sets of regulations, a New York State law and HUD's "portability" regulations. New York State law allows public housing authorities to administer Section 8 programs outside of their own municipal boundaries, while HUD maintains a stricter standard. While the Buffalo and Rochester programs, with HUD's acquiescence, routinely let subsidy holders use their subsidies throughout the region, as the State law allows, the Syracuse area programs invoke the far more burdensome requirement of the HUD portability regulations. This unresolved ambiguity between the HUD and State regulations has caused a regional variation, creating sometimes an additional and unnecessary barrier for Section 8 families that may significantly impede them from moving outside of the city (chapter 7, pp. 41–42).

Recommendation 1.1

1. As required by its regulations, HUD should conduct a thorough review of all Administrative Plans to determine whether agencies are in compliance with HUD fair housing regulations. This review should include a systematic evaluation and monitoring of the compliance of the local administrator's Section 8 program, including outreach to landlords, testing for exclusionary admissions policies, and providing affirmative mobility counseling.

2. Those agencies not in compliance with HUD's regulations, statutes, or grant requirements should be sanctioned, including but not limited to conditioning further HUD funding on substantial progress in meeting the statutory requirement to affirmatively further fair housing, or when necessary, moving the program funds to another organization that can demonstrate it will promote fair housing.

Recommendation 1.2

HUD should reinstate the Equal Opportunity Housing Plan as a regulatory requirement in order to ensure its enforceability. Alternatively, HUD should require that each Section 8 program administrator prepare a "mobility plan" to be incorporated into its Section 8 administration contract with HUD. The housing administrator should be obligated to evaluate critically mobility impediments and describe steps that will be taken to overcome them, including cooperating with other Section 8 housing agencies in the region.

Recommendation 1.3

HUD should finalize the Section 8 Management Assessment Program (SEMAP) regulations without shying away from "geocoding" and other pertinent performance criteria. Specifically, housing administrators should be required to prepare maps illustrating where Section 8 subsidies are being used along with race and poverty census tract data in order to identify whether additional landlord outreach and tenant counseling activities are necessary.

Recommendation 1.4

HUD should consider relaxing its portability regulations to be more in line with New York State regulations that allow public housing authorities to administer Section 8 programs outside of their own municipal boundaries rather than transferring subsidies or cross-billing each other if a subsidy holder moves from the primary service area of one program to that of another.

2. Residency Requirements

Findings

Of the 11 housing agencies that administer Section 8 programs in the three cities studied, 7 maintain residency requirements for their programs. The impact of these requirements is to deny inner-city minorities access to housing subsidies available to suburban residents, consequently de-

nying them access to housing opportunities equal to those of nonminority suburban families (chapter 5, pp. 21-22; chapter 6, pp. 29-31; chapter 7, pp. 38, 41-42).

HUD has failed to conduct a required statistical analysis of the local residency preferences in any of the three regions (either before or after implementation of the suburban residency preferences) to determine whether those residency preferences have racially exclusionary effects. Because of the racially exclusionary, segregative impact of residency requirements, HUD may be failing to ensure that the Section 8 program affirmatively furthers fair housing (chapter 3, pp. 15-16; chapter 4, pp. 19-20).

Residency preferences used for the Belmont program are an impediment to housing choice for minorities. The provisions of the *Comer* consent decree do not eliminate the residency preferences for the Belmont program, but only suspend them for a period of 5 years (chapter 5, pp. 26-27).

Recommendation 2.1

Current residency preferences in the suburban Section 8 programs should be eliminated in order to give low-income minority families from high-poverty urban areas access to the same housing opportunities available to the low-income, nonminority residents of the suburban areas.

Recommendation 2.2

HUD should conduct a statistical analysis to test for racially discriminatory effects of current residency preferences prior to approving any new preferences. HUD should review preferences already in place, beginning with metropolitan areas characterized by high degrees of residential segregation. For new preferences, HUD should compare the percentage of eligible minority Section 8 renters in the region as a whole with the percentage of eligible minority households in the geographic area that would benefit from the residency preference. Based upon the results HUD should disapprove or invalidate any preference that would have the effect of either excluding minorities or causing them to wait longer for subsidies.

Recommendation 2.3

HUD should not permit the reinstatement of the local residency requirements for the Belmont program until a critical statistical analysis is conducted to establish that such a preference will no longer have a racially exclusionary effect.

3. Public Transportation

Findings

Lack of adequate public transportation to outlying communities is a formidable impediment to inner-city minorities in locating and renting housing and in finding employment in those areas. Lack of sufficient public transportation appears to be common to all three jurisdiction (chapter 5, pp. 22–23, 25, 26; chapter 6, pp. 31–32).

Recommendation 3.1

Public transportation authorities should establish a formal working relationship with the local Section 8 housing agencies to consider providing improved public transportation for minority Section 8 households seeking to move to or work in areas of lower poverty concentration. Additionally, this crucial public transportation issue must become a priority not only for the Section 8 agencies and the transportation authorities, but also for the municipalities themselves, as each has an independent obligation to overcome barriers to fair housing by virtue of their receipt of HUD block grant funding for community development programs.

4. Sharing of Rental Listings

Findings

The region's Section 8 administrators do not share their rental housing listings. This failure is deliberate in some instances, and in other cases the omission seems to be an inadvertent failure to cooperate on a regional basis to improve housing opportunities. Regardless of its cause, not having a regionwide list makes it difficult for minority renters to find housing in areas of lower poverty concentration. Moreover, without such lists renters from urban areas are forced either to expend their limited economic resources searching for better housing in suburban areas or to forego their search altogether (chapter 5, pp. 23–24; chapter 6, pp. 31, 33–34; chapter 7, pp. 39, 41–42).

By allowing Belmont to continue to refuse access to rental lists to city subsidy holders, HUD has failed to comply with the settlement provisions of the *Comer* lawsuit. In fact, one subsidy holder went to Belmont four times to try to obtain a rental listing. Each time she was denied Belmont's landlord list. To obtain the list, she was forced to apply to the U.S. district court (chapter 5, pp. 23–24).

The invited representatives from the Belmont Shelter Corporation and the Rental Assistance Corporation declined to appear at the meeting. Public officials who refuse to participate in factfinding meetings impede and obstruct the mission of the Committee and the Commission. To the Advisory Committee, this behavior in and of itself demonstrates a disconcerting disregard for the civil rights requirements of the Section 8 program. Moreover, the testimony of Buffalo area program subsidy holders indicate that the Buffalo area Section 8 program is in need of reform. (chapter 5, p. 27).

Recommendation 4.1

HUD should require Section 8 administrators within each of the three regions to:

1. Share their rental listings not only with each other, but also with various community organizations in the area.
2. Develop a single, consolidated regional rental list and make the list available through a Web site so that Section 8 subsidy holders in search of housing in low-poverty areas can visit public libraries or other community organizations to access updated information.
3. Show subsidy holders how to find and use the Web site as part of their regular briefing session for new program participants.

Recommendation 4.2

HUD should investigate and determine why Belmont has refused to provide its landlord list to families with subsidies from the RAC program. If found in violation, HUD should sanction Belmont by conditioning its continuation as a Section 8 administrator on the assurance of future compliance and that it will provide its rental list to RAC on an ongoing basis. At a minimum, HUD must monitor Belmont's compliance with this requirement.

Recommendation 4.3

Since public officials who refuse to participate in factfinding meetings or share pertinent information impede the information-gathering mission of the Committee and the Commission, the Committee requests that the Commission clarify what actions might be taken against such officials. Furthermore, a request should be made to HUD to direct its officials to cooperate in the future.

5. Mobility Counseling Centers

Findings

In each of the three regions studied, racial segregation goes hand in hand with areas of high concentration of poverty. Research shows that mobility counseling centers are an effective tool in providing inclusive opportunities for minorities (chapter 5, p. 27; chapter 6, pp. 35–36; chapter 7, pp. 42–43).

The Community Housing Center, the counseling program for Buffalo, created in 1996 by the *Comer* consent decree, has encountered delays in selecting its administrator and is not yet in operation (chapter 5, pp. 26–27).

The Rochester Housing Authority's (RHA) mobility counseling center serves only inner-city program participants. The center does not provide counseling services to tenants who obtain their subsidies through one of the four suburban Section 8 programs, including the three administered by RHA itself, even if a tenant is currently a resident of a high-poverty area. It is crucial that all households, regardless of location, be served equally (chapter 6, pp. 35–36).

While Buffalo and Rochester are at least slated to have mobility centers in their regions, Syracuse is not. Although the Syracuse public housing agencies are in need of mobility centers, they have not applied for authorization and funding for such centers (chapter 7, pp. 42–43).

Recommendation 5.1

HUD should actively support enhanced mobility counseling programs in each of the three regions. The mobility counseling programs should provide the following five services:

1. "Motivational counseling" to provide information to Section 8 recipients on the potential benefits of living in nonpoverty-concentrated neighborhoods.
2. Logistic information to assist Section 8 recipients in their search for housing.
3. Skills development to Section 8 recipients on how to enhance their appeal to prospective landlords (e.g., appearance, interviewing skills), and to ameliorate difficulties they may encounter (e.g., poor credit history, bad landlord references).
4. Information on what steps to take if they believe they have encountered unlawful discrimination.

5. Followup support services for households in adjusting to living in new neighborhoods.

Once mobility counseling programs have been established in each of the three regions, HUD should facilitate greater communication with the counseling programs to ensure the identification and adoption of the "best practices" models.

Recommendation 5.2

The Rochester mobility counseling program should be broadened to provide services to all Section 8 recipients, including tenants who obtain their subsidies through the suburban area Section 8 programs, so long as those tenants currently reside in high-poverty areas and express a desire to look for housing in areas of lower poverty concentration.

Recommendation 5.3

Syracuse public housing agencies should take steps to establish a mobility counseling center and HUD should encourage such a center in Syracuse.

6. Security Deposits

Findings

Higher security deposit requirements under new HUD regulations for Section 8 certificate holders create a barrier to tenants looking for housing in nonpoverty areas as they are now obligated to pay landlords higher security deposits for nonpoverty housing (chapter 4, p. 17).

Recommendation 6.1

Resources should be identified to assist families in meeting security deposit requirements such as a listing of local agencies that might provide assistance in the form of loans or grants.

7. Changes to Terms of Leases

Findings

The 1995 revisions of Section 8 regulations removed the indefinite term lease and the "good cause" standard for eviction after the first year, thereby making Section 8 leases more similar to other leases in the private rental market. With the agreement of the landlord, tenants now have an option to enter into leases for different terms, for example, either annual or month-to-month (chapter 4, pp. 17–18).

Recommendation 7.1

Housing Authorities should make tenants aware of their new rights to enter into definite term leases that are most beneficial for achieving mobility goals. For example, if a tenant finds an apartment in a low-poverty census tract, the tenant should be informed it is beneficial to opt for a long-term lease. However, if the tenant is unable to find housing in a lower poverty area, but still desires to do so, the HA should advise the tenant of the option of a short-term lease consisting of a month-to-month tenancy or slightly longer period. The HAs should offer short- and long-term lease forms for use by tenants.

8. Assistance With Claims of Unlawful Discrimination

Findings

As minorities move to the suburbs and low-poverty areas they are likely to encounter discrimination. Therefore, an increased need exists for those moving into such areas for advocacy services and dissemination of information addressing discrimination issues (chapter 2, p. 13; chapter 5, pp. 23, 25; chapter 6, p. 32; chapter 7, pp. 39-40).

Recommendation 8.1

Section 8 administrators should establish a consistent and effective method to educate Section 8 participants on identifying unlawful discrimination and disseminate specific information describing their legal rights and recourses when they have been discriminated against unlawfully. In addition, the mobility centers should periodically conduct housing discrimination seminars for their applicants and tenants. Finally, in order to make expeditious referrals, the HA should establish and maintain a working relationship with local legal service providers, such as legal services, local bar associations, and local private fair housing enforcement agencies.

9. Persons With Disabilities

Findings

Section 8 recipients with physical or mental disabilities face challenges in locating housing that accommodates their needs (chapter 6, p. 32).

Recommendation 9.1

A database should be created to identify modified rental properties in both poverty and non-poverty areas. The database should also include those landlords willing to modify their properties. Lists of accessible options and programs that fund these modifications should be provided to landlords.

10. The Multiple Application Process

Findings

Requiring separate applications for each local program creates excess paperwork and frustrates applicants' efforts to obtain housing subsidies. None of the regions examined has a single areawide program administrator responsible for all Section 8 subsidies allocated to the region. The Buffalo Section 8 programs have evolved into a system in which the suburban program serves primarily nonminority households while the city program serves primarily black applicants. In Rochester, although 85 percent of the area's Section 8 subsidies are available through a single program, an applicant is still required to submit five different applications to be considered for a subsidy from all the Section 8 programs serving the Rochester area. Syracuse, like Buffalo, has two major Section 8 programs, one serving predominantly black households, the other white households (chapter 5, pp. 25, 26; chapter 6, pp. 29-30; chapter 7, pp. 41, 42).

Recommendation 10.1

The multiple application process should be eliminated because it is not only burdensome, but drains applicants' resources and morale and increases the probability of bureaucratic errors. HUD should ultimately develop a computerized application procedure so that application forms can be entered directly into a local centralized network. In the interim, Section 8 administrators should voluntarily agree among themselves, or be directed by HUD, to develop one regionwide application form that can be photocopied for submission to all Section 8 programs.

Appendix 1

**U.S. Department of Housing and Urban Development Resident
Characteristics Report for Syracuse, Rochester, and Buffalo:
Section 8 Certificates**

Page 1

**U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
MULTIFAMILY TENANT CHARACTERISTICS SUPPORT SYSTEM**

Analysis Level: Some HAS in
Field Office 0206

Program: Certificates
As of: October 1996

RESIDENT CHARACTERISTICS REPORT

	0206	NY001 <i>Syracuse</i> 1582	NY041 <i>Rochester</i> 2465	NY409 <i>Buffalo</i> 2001
Total Units	25821			
Occupied Units				
Number of Households	28446	1729	3059	2053
Average Annual Income	\$ 9233	9083	9479	8031
Average Total Tenant Payment	\$ 203	196	205	179
% Receiving Utility Allowance	82	76	83	86
Average Utility Allowance	\$ 106	106	100	120
Average Household Size	2.5	2.7	2.5	2.6
Distribution By Income Limits (%)				
Very Low Income				
Low Income				
Above Low Income				
Distribution By Income (%)				
\$0				
\$1 - \$7000	42	44	40	52
\$7001 - \$14000	44	42	44	40
Above \$14000	14	14	16	8
Income Distribution (%)				
Wages	33	27	28	25
Public Assistance	28	38	36	42
Social Security/Pensions	50	51	30	48
Other	32	20	38	33
Distribution by Household Type (%)				
62 & Over	24	20	24	19
Disabled Under 62	22	22	18	19
Other Families with Dependents	49	55	53	55
Other	5	4	5	7
All Families with Dependents	57	63	60	63
Distribution By Race (%)				
White	75	39	39	23
Black	24	59	60	76
American Indian or Alaskan Native		1		
Asian or Pacific Islander		1		
Distribution by Ethnicity (%)				
Hispanic	4	4	8	3
Non-hispanic	96	96	92	97

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
MULTIFAMILY TENANT CHARACTERISTICS SUPPORT SYSTEM

Analysis Level: Some HAS in
Field Office 0206

Program: Certificates
As of: October 1996

RESIDENT CHARACTERISTICS REPORT

	0206	NY001	NY041	NY409
Percent of Households that are New Admissions	12	10	12	8
Distribution By Length of Stay (%)				
Under 1 year				
1 - 5 years				
6 - 10 years				
11 - 20 years				
Over 20 years				
Not Reported				
Distribution By Unit Size (%)				
0 Bedroom	2		2	1
1 Bedroom	29	30	30	16
2 Bedrooms	35	29	29	33
3 Bedrooms	28	32	31	42
4 Bedrooms	5	8	8	8
5+ Bedrooms		1	1	1
Distribution by Household Size (%)				
1 Person	36	33	34	31
2 Persons	22	18	23	23
3 Persons	18	19	20	22
4 Persons	13	15	13	15
5 Persons	7	9	7	7
6+ Persons	4	7	3	4
Family Self-Sufficiency				
Number of Families Enrolled	776	187	26	54
Percent Families Enrolled	3	11	1	3
Percent Families Who Completed Contract	6		4	22
Percent Families Who Left Without Completion				

Appendix 2

U.S. Department of Housing and Urban Development Resident Characteristics Report for Syracuse, Rochester, and Buffalo: Section 8 Vouchers

Page 1

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT MULTIFAMILY TENANT CHARACTERISTICS SUPPORT SYSTEM

Analysis Level: Some HAS in
Field Office 0206

Program: Vouchers
As of: October 1996

RESIDENT CHARACTERISTICS REPORT

	0206	<i>Syracuse</i> NY001	<i>Rochester</i> NY041	<i>Buffalo</i> NY400
Total Units	10036	987	633	700
Occupied Units				
Number of Households	10895	981	895	744
Average Annual Income	\$ 9918	10455	10894	8760
Average Total Tenant Payment	\$ 285	297	343	217
% Receiving Utility Allowance	89	90	89	85
Average Utility Allowance	\$ 113	121	106	131
Average Household Size	2.6	3.1	2.8	2.9
Distribution By Income Limits (%)				
Very Low Income				
Low Income				
Above Low Income				
Distribution By Income (%)				
\$0				
\$1 - \$7000	34	26	22	45
\$7001 - \$14000	49	54	56	44
Above \$14000	16	20	22	10
Income Distribution (%)				
Wages	33	33	32	25
Public Assistance	35	49	44	54
Social Security/Pensions	46	38	26	39
Other	33	23	37	30
Distribution by Household Type (%)				
62 & Over	18	9	21	8
Disabled Under 62	23	19	14	18
Other Families with Dependents	54	69	62	66
Other	5	3	4	8
All Families with Dependents	63	78	67	75
Distribution By Race (%)				
White	71	29	43	17
Black	28	70	56	83
American Indian or Alaskan Native	1	1		
Asian or Pacific Islander		1		
Distribution by Ethnicity (%)				
Hispanic	5	3	9	5
Non-hispanic	95	97	91	95

**U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
MULTIFAMILY TENANT CHARACTERISTICS SUPPORT SYSTEM**

**Analysis Level: Some HAS in
Field Office 0206**

**Program: Vouchers
As of: October 1996**

RESIDENT CHARACTERISTICS REPORT

	0206	NY001	NY041	NY409
Percent of Households that are New Admissions	14	6	18	10
Distribution By Length of Stay (%)				
Under 1 year				
1 - 5 years				
6 - 10 years				
11 - 20 years				
Over 20 years				
Not Reported				
Distribution By Unit Size (%)				
0 Bedroom	2			
1 Bedroom	22	11	21	8
2 Bedrooms	36	32	30	32
3 Bedrooms	33	43	38	46
4 Bedrooms	6	12	9	11
5+ Bedrooms	1	2	1	2
Distribution by Household Size (%)				
1 Person	30	18	25	19
2 Persons	22	19	21	26
3 Persons	22	27	25	25
4 Persons	14	19	18	14
5 Persons	7	9	7	9
6+ Persons	5	8	5	7
Family Self-Sufficiency				
Number of Families Enrolled	393	121	8	17
Percent Families Enrolled	4	12	1	2
Percent Families Who Completed Contract	8			29
Percent Families Who Left Without Completion	1			

Appendix 3 Letter from Charles Swanekamp, Attorney for Belmont Shelter Corporation

SAPERSTON & DAY, P.C.

ATTORNEYS AT LAW

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December 20, 1996

Mr. Fernando A. Serpa
Civil Rights Analyst
U.S. Commission on Civil Rights
624 Ninth Street, N.W.
Suite 740
Washington, DC 20425

RE: Comer, et al. v. Cisneros, et al.
Our File No. 16214BL10826

Dear Mr. Serpa:

As you may be aware, we are counsel for Belmont Shelter Corp. ("Belmont"), and in particular, litigation counsel that represented the rights of Belmont with respect to the above-referenced litigation. As I am sure you are aware, there has been considerable attention directed of late to the available units list prepared by Belmont and the litigated attempt by plaintiffs' counsel in the *Comer* case to force dissemination of the list to parties other than clients of Belmont. Given the unfortunate degree of attention devoted to this subject, most of which has unfairly portrayed my client, I suggested to my client that I forward this correspondence to your attention providing my perspective on the dispute.

First and foremost, it is beyond refutation that Belmont has, since inception, provided the highest quality of services to the recipients of the Erie County Section 8 PHA Consortium irrespective of sale. In fact, of the 129 new certificate recipients presently being housed, approximately 53 percent are minorities. Belmont has always vigorously advocated and furthered the cause of fair housing in the Western New York area. It was, therefore, somewhat distressing and disillusioning to Belmont to be included as a party defendant in the *Comer* action. Leaving aside our arguments regarding the lack of merit of the *Comer* action or the rationale for settlement, the fact remains that the litigation and settlement negotiations were extremely stressful and acrimonious. The recent request by plaintiff's counsel for the Belmont available units listing was considered by all parties to the litigation as an attempt to utilize the court to force a reopening of negotiations over issues that were expressly

SAPERSTON & DAY, P.C.

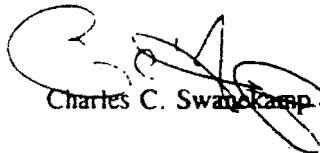
Mr. Fernando A. Serpa
December 20, 1996
Page 2

abandoned by the plaintiffs in the course of the negotiations that lead to the agreement. In the interest of enforcing the point that no party to the litigation would tolerate a situation whereby plaintiffs would attempt to use the court to reopen negotiations, all parties to the litigation vigorously contested plaintiffs' ability to obtain Belmont's available unit listing. This issue was raised not as an impediment to fair housing (which it truly is not, contrary to representations by plaintiffs' counsel), but rather to enforce the concept that all aspects of the *Comer* case have been resolved and that matters abandoned in the course of negotiations are not properly later reopened through application to the court.

Both my client and I take great offense in representations either in court, the hearings recently conducted under your auspices in Buffalo, or otherwise that our opposition to Mrs. Smith's request for the available units listing of Belmont impeded fair housing or anyone's ability to obtain access to housing wherever they choose in the Western New York area. As we emphasized to the court, and as I am sure you are aware, Realty Assistance Corporation ("RAC") has been serving, and continues to effectively service, the needs of their clientele, including but not limited to provision of their available units listing. If RAC had come to the conclusion that it could not adequately satisfy the needs of their clientele, then adequate provisions exist for the transfer of the unit of assistance to Belmont for their administration in whatever geographic area RAC would feel they were unable to adequately participate in. This has not been the case. Nonetheless, in the interests of further fair housing, Both Belmont and RAC have already commenced sharing information regarding available listings and making it available to clients of either Belmont or RAC. This is done not as a consequence of the insistence by plaintiffs' counsel (which was an impediment rather than a catalyst), but rather as a genuine desire of both organizations to foster better access to available unit information and, as a consequence, increase the quality of the service provided to their respective clients. I would ask that this correspondence be made part of the record of your recent hearings in Buffalo, New York, so that a full and fair treatment of this issue may be so represented.

Thank you for your consideration.

Very truly yours,


Charles C. Swank

CCS/mmz

Rental Assistance Corporation of Buffalo

470 Franklin Street

• Buffalo, New York 14202 •

Phone (716) 882-0063
FAX (716) 882-9512

December 16, 1996

Mr. Fernando A. Serpa
U. S. Commission on Civil Rights
624 Ninth Street, NW
Washington DC 20425

Dear Mr. Serpa:

I have enclosed several copies of our response to the information requested in your December 4, 1996 memorandum.

Very truly yours,



Mary Shine
Executive Director

enc.

All information is current as of December 1, 1996.

1. What is the size of your Section 8 tenant-based program?

Certificates: 2,096
Vouchers: 700

2. How many applicants are on your waiting list? 11,753
Do you close the list periodically? No

3. What preference selection categories do you use? federal preference
residency - Erie County

4. If there is a residency preference, is data available to ascertain the % of minorities in preference holder and non-preference holder categories?

Information on racial composition of waiting list is skewed because we did not keep track until required by HUD. At least 20% of waiting list is "unknown".

5. as above

- | | |
|--------------------------------|-----------------------------|
| 6. Fair Market Rents: 1 BR 424 | Payment Standards: 1 BR 415 |
| 2 BR 510 | 2 BR 499 |
| 3 BR 638 | 3 BR 624 |
| 4 BR 714 | 4 BR 698 |

7. Extent of use of "exception rents": none

8. Percentage of families who leave program each year: 10

9. How long does an applicant wait for a subsidy? Currently calling in 8/90 applicants

10. Information on where households use subsidies? Participants by census tract
Waiting list by zip code

11. Mechanisms to assist subsidy holders: landlord listings, briefings

12. Percentage that lease "in place": 3 (that is a total, not a %) within last year

13. Subsidies administered outside primary service area: 75

14. Waiting list percentages. See response to #4 above.

15. Participant percentages. African-Americans 76%
Hispanic 5%
Disabled 28%

16. Differences in success rate for utilization of Section 8 subsidies between minorities and non-minorities?

None observed. Only 6 of 261 subsidies issued in past 12 months were not leased up.

17. Complaints from subsidy holders regarding discrimination? few
Referral/enforcement mechanisms used: info given in briefing, assistance offered if necessary
18. Counseling directed to subsidy holders living in areas of high poverty concentration: minimal - stress is placed on freedom of choice
19. Does your agency share landlord list with other Section 8 agencies in your area? if asked
20. Barriers within Section 8 that discourage landlord participation?
The perception that the participant, not the landlord, has all the privileges;
The elimination of damage, vacancy claims;
The insignificant annual adjustments.

SYRACUSE HOUSING

February 11, 1997

Mr. Fernando A. Serpa
Civil Rights Analyst
US Commission on Civil Rights
624 Ninth Street, NW
Washington, DC 20425

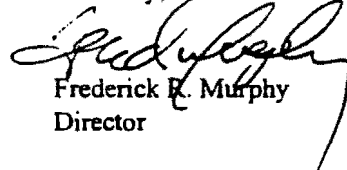
Dear Mr. Serpa:

After our appearance before the NY Advisory Committee on to the US Commission on Civil Rights in November of 1996, I have gathered more information that is given out as part of our own SHA Section 8 program. I am enclosing the following items for your information and to perhaps be included in your overall report:

- 1) SHA's Guide to the Section 8 Programs for Owners and Families - see tab
- 2) Polaroid of Fair Housing Signs posted in our Section 8 Waiting Room Lobby.
- 3) A portion of the written transcript of our "Briefing Video" dialog shown to prospective Section 8 recipients.
- 4) SHA Notice to prospective Section 8 Landlords announcing Open Housing 2/19/97.
- 5) SHA's Section 8 Family Handbook given out to all Section 8 participants. - see tabs

When we met in November, we did not bring these items with us to submit to the committee. I think they show our level of commitment to informing all our Section 8 participants (landlords too) of all their options and the Fair Housing regulations.

Sincerely,


Frederick R. Murphy
Director

jal
cc: Terry Kresser

SECTION 8
IS GREAT
SECTION 8

February 3, 1997

Dear-Landlord:

Are you confused by Section 8 regulations? Don't know who to ask when you have questions? Would you like to make the Section 8 Program work for you, but don't know how?

If you (or anyone you know) want to find out what to do, we've got what you want! You're invited to the first countywide Section 8 Open House sponsored by the combined Housing Authorities of Onondaga County held at the Four Points Hotel in Liverpool. For your convenience, there will be representatives in attendance from the Syracuse Housing Authority, Christopher Community, the North Syracuse Housing Authority, and the East Syracuse Housing Authority to help you with your questions. This "Everything That You've Ever Wanted To Know About The Section 8 Program But Were Afraid To Ask" Open House has the answers to all of your questions (and perhaps even more)!

The Open House format is designed to let you find out what you want to know without wasting your valuable time. Topics will include "How To list Your Vacancies" (with all four agencies), an explanation of the Certificate and Voucher programs (and what they mean to you as a landlord), Fair Market Rents, Payment Standards, Inspections (what to do about failed inspections), tenant screening (landlord responsibilities), the moving process (termination, damages, and vacancy claims.), leases and contracts (their significance to you), and what constitutes fraud within the Certificate and the Voucher programs. County Lead Paint specialists, Arise, Syracuse Housing Security Dept. (member of Syracuse Police Dept.), the Fair Housing Council, and Legal Services have been invited to be represented.

The Section 8 Open House will be held on February 19th from 10:00 AM and 2:00 PM at the Four Points Hotel (was the Sheraton) at the intersection of 7th North Street and Electronics Parkway. For additional information about location or directions, please call 470-4424. Refreshments will be served.

Sincerely,

Terry Kresser, Supervisor
Syracuse Housing Authority Section 8

For LANDLORDS only!

COUNTY WIDE RENTAL ASSISTANCE (SECTION 8) SEMINAR

This is your opportunity to find out how the Federal SECTION 8 Subsidized Housing Program can work for you. Whether you have experience or are just getting started, this is your chance to meet with the people who provide rental subsidies to tenants and ask any questions you may have--- ALL FOR FREE.

These agencies will have representatives available to help you understand the entire Rental Assistance Program (SECTION 8) process:

SYRACUSE HOUSING AUTHORITY	CHRISTOPHER COMMUNITY
EAST SYRACUSE HOUSING AUTH.	NORTH SYRACUSE HOUSING AUTH.
ARISE	FAIR HOUSING COUNCIL
ONONDAGA COUNTY LEAD PAINT	LEGAL SERVICES OF CENTRAL NY
SYRACUSE HOUSING SECURITY (MEMBER OF THE CITY POLICE DEPT.)	

Informal discussions will include :

- TENANT/OWNER ELIGIBILITY
- LEASING AND CONTRACTS
- HOUSING QUALITY STANDARDS INSPECTIONS
- OLD AND NEW HUD RULES
- LISTING VACANCIES WITH ANY OF THE AUTHORITIES
- FAIR MARKET RENTS / PAYMENT STANDARDS
- VOUCHERS VS CERTIFICATES
- FAIR HOUSING ISSUES, TENANT SCREENING
- MOVING PROCESS (TERMINATIONS, DAMAGE AND VACANCY CLAIMS)
- MUCH MUCH MORE!

WEDNESDAY FEBRUARY 19th

10AM -2PM

FOUR POINTS HOTEL

7TH NORTH AND ELECTRONICS PARKWAY, LIVERPOOL

QUESTIONS:470-4424

Hi. My name is Merrilee and I'm here to tell you a little bit about fair housing. Fair housing means that you can't be denied an apartment or treated differently from other prospective tenants because of your race, color, national origin, religion, sex, disability, age, your marital status, or because you have children.

Federal and state fair housing laws say that it is illegal for housing providers to discriminate for those reasons, and I'm here to tell you that someone can help if you suspect that you have been treated differently or denied housing for one of those reasons. These protections include individuals who use wheelchairs or have other kinds of disabilities, including HIV or AIDS, as well as families with children, pregnant women, or families trying to obtain legal custody of children under the age of 18. The fair housing laws even make sure that housing providers use reasonable occupancy standards, so that it isn't too hard for larger families to find a place to live.

The Fair Housing Council of Central New York investigates complaints of illegal housing discrimination, and you can reach us by calling 471-0518. We will investigate your complaint and provide legal help if it is needed. Our number will be shown at the end of this segment.

As a participant in the Section 8 rental housing program, you have an opportunity now that is very special. With a voucher or certificate to help you with your rent, you have a chance to make some big changes. The Section 8 housing assistance program offers what is known as "portability." If you have a subsidy, this means that you have the right to use it to rent housing anywhere that there is a public housing authority who can accept it - this means almost anywhere in the United States.

Have you dreamed of sending your children to a particular school or to a safer neighborhood? Is there a place you can live which might put you closer to public transportation, to a job, or to an educational program you'd like to attend? Would it help your family to live closer to a particular day-care center, or to a certain relative? With the Section 8 program, you have an opportunity to make a move to a better future. Whether that means staying right where you are and using your rent savings to better support your family, moving to a nearby suburb, or moving to a distant place that will offer different opportunities entirely, the choice is yours. If you need more information or help in using your Section 8 voucher or certificate, ask your Tenant Selector or call the Fair Housing Council today. And good luck with your move to a better future. (SHOW THE NAME AND PHONE NUMBER HERE)

-END-

Appendix 6 Village of East Syracuse Housing Authority Statistical Data Response

VILLAGE
OF

EAST SYRACUSE HOUSING AUTHORITY

SECTION 8 PROGRAM

207 North Center Street • East Syracuse, NY 13057

(315) 437-2837

Distribution of Rental and Non-Rental Housing Units

NON RENTAL Households	(Single Family Dwellings)	623*
RENTAL Households	(Two or more families)	735*

Rental Unit Breakdown

Two Family	(229 x 2)	458
Three Family	(17 x 3)	51
Apartment Buildings	(4 or more families)	226

(Apartment) Multiple Unit Breakdown

20 x 4	= 80 units
1 x 8	= 8 units
1 x 12	= 12 units
1 x 24	= 24 units
1 x 102	= 102 units

The approximate number of units available to Section 8 participants equals 294
[based upon the assumption that the 40th percentile (the figure at which our FMR's are fixed)
would disqualify approximately 60 % of all of the available units.]

**VILLAGE OF EAST SYRACUSE
POPULATION:**

3,343**

Description: The Village borders the City of Syracuse. The community contains elements of both urban and suburban life. There is a mixture of poverty, blue collar, and middle class lifestyles. Job opportunities are generally found in retail (such as Wal-Mart) and light industry. Transportation (by bus) in and out of the Village is adequate only during the morning and evening rush hours. The Village is generally peaceful. The school system is excellent.

* These statistics are based on a report prepared for the Village of East Syracuse government.

** 1990 Census

VILLAGE
OF
EAST SYRACUSE HOUSING AUTHORITY

SECTION 8 PROGRAM 207 North Center Street * East Syracuse, NY 13057 (315) 437-2837

General Program Information

There are presently 90 families and 69 landlords participating in the East Syracuse Housing Authority's Section 8 Program. In the last year there were 19 program additions with 3 ports-in. During the same period, there were 12 families deleted along with 3 ports-out. The breakdown between the Certificate and Voucher programs is as follows:

Certificates:	74*
Vouchers:	16*
Ports-In	3

*[There are 3 ports out included in these figures]

Current FMR's

1 Bedroom FMR = \$ 448.00
2 Bedroom FMR = \$ 554.00
3 Bedroom FMR = \$ 708.00
4 Bedroom FMR = \$ 786.00

Payment Standards

1 Bedroom = \$436.00
2 Bedroom = \$511.00
3 Bedroom = \$639.00
4 Bedroom = \$735.00

General Waiting List Information

This Housing Authority uses 3 preferences. These are:

P1 = Federal Preference (50 % of income spent on rent and utilities)
P2 = Residency Preference (given to residents of the Village of East Syracuse)
P3 = Working Preference (this is also extended to the handicapped and the Elderly)

Average Length of Time Spent on the Waiting List

For the last 40 participants who were taken from the Waiting List, the average wait was 9.1 months. However, the last 2 applicants spent an average of 19 months on the waiting list. Because the demand for housing has been constantly increasing, the estimated wait is now between 2 to 3 years for those applicants who are currently being added to the list.

Additional Waiting List Statistics

In addition to the statistics which are found on the following pages, there are 32 handicapped individuals on the Active Waiting List.

East Syracuse Housing Waiting List Statistics: Active List

November 19, 1996

TOTALS

Applicants on the Active List 114

TOTALS BY RACIAL GROUP

Amer Indian/Nat. Alaskan	3	Black	10
Asian	1	White	98

TOTALS BY NATIONALITY

Hispanic	5
Non-Hispanic	108

TOTALS BY PREFERENCE

Targeted Preference		Fourth Preference	
First Preference	93	Fifth Preference	
Second Preference	56	Sixth Preference	
Third Preference	75	Seventh Preference	6

TOTALS BY CERTIFICATE AND VOUCHER SIZE

ALL APPLICANTS		ELDERLY APPLICANTS	
1 BR	29	1 BR	7
2 BR	43	2 BR	0
3 BR	39	3 BR	0
4 BR	3	4 BR	0
5/+ BR	0	5/+ BR	0
0 BR	0	0 BR	0

HISTORICAL WAITS FOR P1 APPLICANTS*

Months with a sample size of 0

* Calculates for Inactive List Only

The East Syracuse Housing Authority

Waiting List Statistics: Inactive List

November 19, 1996

TOTALS

Applicants on the Inactive List 69

TOTALS BY RACIAL GROUP

Amer. Indian/Nat. Alaskan	2	Black	1
Asian	0	White	49

TOTALS BY NATIONALITY

Hispanic	2
Non-Hispanic	50

TOTALS BY PREFERENCE

Targeted Preference		Fourth Preference	
First Preference	60	Fifth Preference	
Second Preference	53	Sixth Preference	
Third Preference	54	Seventh Preference	

TOTALS BY CERTIFICATE AND VOUCHER SIZE

ALL APPLICANTS		ELDERLY APPLICANTS	
1 BR	15	1 BR	3
2 BR	16	2 BR	0
3 BR	22	3 BR	0
4 BR	2	4 BR	0
5/+ BR	9	5/+ BR	0
0 BR	2	0 BR	0

HISTORICAL WAITS FOR P1 APPLICANTS*

9 1 Months with a sample size of 40

* Calculates for Inactive List Only

VILLAGE
OF
EAST SYRACUSE HOUSING AUTHORITY

SECTION 8 PROGRAM

207 North Center Street

East Syracuse, NY 13057

(315) 437-2837

INFORMATION REQUESTED BY THE U.S. COMMISSION ON CIVIL RIGHTS

4. & 5. If your program uses a local residency preference, is data available to ascertain the percentage of minorities....(etc.)?

For the top 20 applicants on the Waiting List, 5% are African-Americans, 10% are Latinos, 85% are White.

7. To what extent have you used "exception rents"?

Exceptions rents are used between 5% and 10% of the time.

11. What mechanisms do you use to assist subsidy holders in finding apartments?

We use landlord lists for landlord lists, apartment listings, referrals, and referrals to County East Peace.

12. Approximately what percentage of new participants lease "in place" when they get their subsidy?

Approximately 80 % of new participants lease in place.

13. Do you administer any subsidies outside of your primary service area?

No

14. What percentage of your Waiting List Applicants are African-American, Latino, or disabled?

9% African-American, 4% Latino, 28 % Disabled, 6% Elderly

15. What percentage of your Program Participants are (same as above)?

2% African-American, 0% Latino, 6% Native American, 48% Disabled and/or Elderly,

16. Have you noticed differences in utilization success rates between minorities and non-minorities? No

17. Have you received any complaints from subsidy-holders regarding discrimination?

Yes, but not from minorities

18. Irrelevant

19. Does your agency share its landlord list with other Section 8 Rental Agencies in your area?

No. The majority of the landlords on our list have only one or two units. They wouldn't appreciate a constant stream of phone calls when they have nothing available. However, I'd be happy to provide those landlords who have higher volume or any available apartment listings.

20. What barriers are there to landlord participation? There are numerous misconceptions regarding the nature of the program. The "red tape" is substantial. The contract and lease are intimidating. There is a great deal of suspicion of "government intervention" in their lives. They worry about issues such as #19 above. They don't want their apartments taken out of their control.

Appendix 7 Village of North Syracuse Housing Authority Statistical Data Response

11-21-96
SUZANNE E. WASS PROGRAM ADMINISTRATOR

Legal Name Village of North Syracuse Housing Authority

More commonly called Housing Authority of North Syracuse (HANS)

Jurisdiction is the Village of North Syracuse

Mission: To provide greater opportunity for families and elderly whose income is very low to live in decent, safe and sanitary housing which is better than that housing which they could afford on their own.

1. Program Size is 230 subsidy units. *Also 22 MOD. REHAB. UNITS BEING CONVERTED TO VOUCHER IN 1997.*
 Certificates: 135
 Vouchers: 95
2. Number of people on HANS waiting list: 233
3. HANS uses the Federal Preferences ranked by residency priorities.
4. No data is available at this time to ascertain the percentage of minorities in the preference holder and non-preference holder categories. HANS is now in the process of installing new computers and a specialized data base for housing assistance programs. This data should be available in the near future.
5. Same as 4.
6. HANS uses the Syracuse area "Fair Market Rents" (FMR). The Voucher Payment Standard used is the same as the FMR.

<u>Number of Bedrooms</u>	<u>Fair Market Rent</u>
0	\$371
1	448
2	554
3	807
4	786
5	904

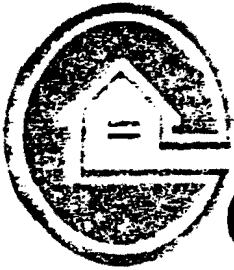
7. HANS uses exception rents to the extent allowed by program regulations. These are 10% above the FMR for 20% of program units.
8. Approximately 10% of families leave the program each year, and new households enter the program in their places.
9. An applicant waits approximately 6 months to 5 years.
10. Approximately 50% of subsidy holders use their subsidies in Census tract 108, 18% in 107, and the remainder in census tracts outside the Village limits and in areas to which they have moved through portability.
11. HANS staff provides a list of cooperating landlords during briefing of applicants, when applicants are issued Certificates or Vouchers and begin their search for a unit.
12. The percentage of participants who lease "in Place" is not available at this time.
13. HANS administers approximately 5% of the subsidies outside our primary service area due to portability, and an additional 5% to 10% just outside the Village by agreement with Christopher Community. There are two large apartment complexes just outside the Village line where HANS participants lease. This gives them a greater choice.
14. About 5.6% of HANS waiting list applicants are African-American and Latino. Another 21% are Disabled.
15. *Same as 14. Information not available on participants at this time.*
16. We have not observed any differences in the success rate for utilization of subsidies between minorities and non-minorities.

Housing Authority of North Syracuse - continued

17. No complaints have been received from subsidy holders regarding suspected incidents of discrimination. If any are received, applicants will be referred to the HUD Discrimination Line, and/or to local agencies who process discrimination complaints.
18. HANS is a very small agency and does not have a counseling staff.
19. HANS has a cooperating agreement with other agencies in the area to allow subsidy holders to transfer between areas at initial lease-up instead of waiting through the one year residency period allowed by the program.
20. Some barriers which previously discouraged landlords from participating have been removed through recent legislation.

One barrier to assisting more applicants is HUD's policy of not allowing vacated subsidies to be used for three months.

There is about an equal amount of available apartment units within and over the FMR in the Village of North Syracuse. Vouchers are used to assist households in the higher rent units. The disadvantage to this is that the household has to pay a greater percent of their income toward the rent. The quality of most units is very good. Transportation is available in the form of a Centro bus line which runs up and down route 11 through the Village and into the City. Many jobs can only be reached by private transportation, or by going into the City and transferring from one bus to another.



**Christopher
Community**

1654 WEST ONONDAGA STREET SYRACUSE NEW YORK 13204 315-424-1822
FAX 315-424-6045

December 3, 1996

Commission on Civil Rights
Fernando A. Serpa
624 Ninth St., N.W.
Washington, D.C. 20425

Dear Mr. Serpa:

Enclosed you will find the factfinding questionnaire
which was requested by your office.

If any additional information is needed, feel
free to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Weismore". The signature is fluid and cursive, with the first name "Robert" and last name "Weismore" clearly distinguishable.

Robert Weismore
Program Supervisor

RW/mbw



UNITED STATES
COMMISSION ON
CIVIL RIGHTS

624 Ninth Street, N.W.
Washington, D.C. 20425

November 15, 1996

MEMORANDUM FOR

SECTION 8 PROGRAM ADMINISTRATORS
PARTICIPATING IN SYRACUSE FACTFINDING
MEETING

FROM:

NEW YORK ADVISORY COMMITTEE

SUBJECT:

FACTFINDING MEETING PREPERATION

In addition to the Project Proposal and materials we have previously sent to you regarding your presentation on November 21, the following questions may be useful to you in anticipating areas of inquiry of the Advisory Committee. If you will be unable to supply the information described below, please try to ascertain whether you may be able to provide this information at a later date.

We are also enclosing a hypothetical section 8 situation, taken from a Harvard Law Review Article which the committee will use as a basis to ask questions along the lines of, "If Ms. Griffin lived in Syracuse, would the results be the same, different, etc.?"

We would like you to participate in the first session of the day which will begin at 9:00a.m. at the Syracuse University Sheraton, Amphitheater. We look forward to a productive and informative meeting in Syracuse. Thank you again for your participation.

INFORMATION REQUESTED

1. What is the size of your section 8 tenant-based program?
As of 11/1/96

Number of Certificates	336	Portability Certificates	16	Both totals 513
Number of Vouchers	118	Vouchers	35	
2. How many applicants are on your waiting list? Do you close your list periodically? List closed 1989 Total, preference 1,321 3/29/96
3. What preference selection categories do you use? Displaced, Substandard housing, 50% of income for rent
4. If your program uses a local residency preference, is data available to ascertain the percentage of minorities in the preference holder and non-preference holder categories?
No local preference
5. If your program uses a local residency preference, is data available to ascertain the percentage of minorities in the preference holder and non-preference holder categories?
No local preference
6. What are your "Fair Market Rent" levels for your certificate program and the "Payment Standards" for your voucher program?

Fmr's	448	Payment standards	436
	554		511
	708		639
	786		716

7. To what extent have you used "exception rents"? 10% of ACC Contracts
Currently 48 cases
8. What is the approximate percentage of families who leave the program each year (or number of new households entering the program each year)? 12% to 15%
4 or 5 per month
9. How long does an applicant wait for a subsidy?
Up to 30 months
10. Do you have information available to determine where Section 8 households are using their subsidies (e.g., by census tract or zip code)? Zip Code
11. What mechanisms do you use to assist subsidy holders in finding apartments? Landlord lists
12. Approximately what percentage of new participants lease "in place" when they get their subsidy? 2 out of 10 - 20%
13. Do you administer any subsidies outside your primary service area (or your municipal boundaries)? If not, what mechanisms do you use to assist families who wish to use their subsidy outside your primary service area? No subsidies outside contact receiving agencies within the area of interest
14. What percentage of your waiting list applicants are African-American, Latino or disabled? 223 minorities 11%
15. What percentage of your program participants are African-American, Latino or disabled?

African American	59	Asian	1	= 72	Disabled &	201
Native American	4	Hispanic	8	11%	Elderly	72
						273
						53%
16. Have you observed any differences in the success rate for utilization of Section 8 subsidies between minorities and non-minorities? (Or differences in the length of time it takes minorities to find eligible housing?) None - Owners always willing to rent to eligible families
17. Have you received any complaints from subsidy holders regarding suspected incidents of discrimination? If so, what referral/enforcement mechanisms do you use?
No complaints. Contact Legal Aide - Human Rights
18. Does your agency provide any counselling directed to subsidy holders living in areas of high poverty concentration to acquaint them with the benefits of living in non-concentrated areas? No
19. Does your agency share its landlord list with other Section 8 agencies in your area? Yes
20. What barriers do you see within the Section 8 program that discourage landlords from participation?
Rent Limits
Transportation

U.S. COMMISSION ON CIVIL RIGHTS
Eastern Regional Office
624 9th Street, NW
Washington, DC 20425

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PENALTY FOR PRIVATE USE \$300