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Westchester Adds Housing to Desegregation Pact

By [SAM ROBERTS](#)

Westchester County entered into a landmark desegregation agreement on Monday that would compel it to create hundreds of houses and apartments for moderate-income people in overwhelmingly white communities and aggressively market them to nonwhites in Westchester and New York City.

The agreement, if ratified by the county's Board of Legislators, would settle a lawsuit filed by an antidiscrimination group and could become a template for increased scrutiny of local governments' housing policies by the Obama administration.

"This is consistent with the president's desire to see a fully integrated society," said Ron Sims, the deputy secretary of housing and urban development, which helped broker the settlement along with the Justice Department. "Until now, we tended to lay dormant. This is historic, because we are going to hold people's feet to the fire."

[The agreement](#) calls for the county to spend more than \$50 million of its own money, in addition to other funds, to build or acquire 750 homes or apartments, 630 of which must be provided in towns and villages where black residents constitute 3 percent or less of the population and Hispanic residents make up less than 7 percent. The 120 other spaces must meet different criteria for cost and ethnic concentration.

The county, one of the nation's wealthiest suburbs, has seven years to complete the construction or acquisition of the affordable housing.

Affordable housing is defined by a complex formula, but generally it is meant to help working families keep from spending more than a third of their gross income on housing. A family of four could make up to \$53,000 as a tenant and up to \$75,000 as an owner and still qualify.

There is no minimum income level, "but it's not going to be no-income," said Craig Gurian, executive director of the [Anti-Discrimination Center](#), which filed the lawsuit. "This agreement is not focused on facilitating housing for the poorest of the poor." The center is a nonprofit anti-bias advocacy and litigation group based in New York City.

Mr. Gurian said that while black and Hispanic residents have a disproportionate need for

affordable housing, "this is an opportunity-creating agreement, not a guarantee" that the homes would go to minority members.

"Residential segregation underlies virtually every racial disparity in America, from education to jobs to the delivery of health care," said Mr. Gurian.

No communities have been chosen to receive the homes, officials said. But according to the Anti-Discrimination Center, more than two dozen predominantly white towns or villages are eligible, including Bedford, Bronxville, Eastchester, Hastings-on-Hudson, Harrison, Larchmont, Mamaroneck, New Castle, Pelham Manor, Rye and Scarsdale.

A federal monitor, James E. Johnson, has been appointed to ensure that the county abides by the settlement. Given that 120,000 acres in the county meet the criteria, the monitor "should have no difficulty making sure that Westchester ends its policy of allowing affordable housing to be off-limits in the most highly white neighborhoods in the county," Mr. Gurian said.

The lawsuit, filed under the federal False Claims Act, argued that when Westchester applied for federal Community Development Block Grants for affordable housing and other projects, county officials treated part of the application as boilerplate — lying when they claimed to have complied with mandates to encourage fair housing.

A Westchester official originally dismissed the suit as "garbage." But the county was largely repudiated in February [when Judge Denise L. Cote ruled](#) in Federal District Court that between 2000 and 2006 it had misrepresented its efforts to desegregate overwhelmingly white communities when it applied for the federal housing funds.

Judge Cote concluded that Westchester had made little or no effort to find out where low-income housing was being placed, or to finance homes and apartments in communities that opposed affordable housing.

As part of Monday's agreement, the county admitted that it has the authority to challenge zoning rules in villages and towns that in many cases implicitly discourage affordable housing by setting minimum lot sizes, discouraging higher-density developments or appropriating vacant property for other purposes. Westchester agreed to "take legal action to compel compliance if municipalities hinder or impede the county" in complying with the agreement.

It was unclear Monday to what extent localities could thwart the agreement, if any chose to do so. Mary Beth Murphy, the town supervisor of Somers, which is among the possible locales for new housing, said that while she was unaware of the agreement, "we certainly are committed to affordable housing and have amended our zoning legislation in recent years to create more opportunities."

The agreement could spark challenges to suburban county governments across the country that

have resisted pressure to undo decades of residential segregation.

[Andrew J. Spano](#), the Westchester County executive, attributed the settlement to “a historic shift of philosophy” by federal housing officials. He said he had signed the agreement to avoid further litigation and possible penalties.

The county admitted no wrongdoing, attributed the judge’s ruling to a technicality and argued that since it had previously invested in affordable housing, “what is different is the locations where the housing must be built.”

“We are settling the lawsuit because we have no choice,” Mr. Spano said.

The suit by the Anti-Discrimination Center applied to towns and villages in Westchester. The federal government deals directly with the county’s larger cities, among them Yonkers, which nearly went bankrupt before [capitulating in a housing segregation case that began in 1980 and dragged on for years](#). That city, which had concentrated public housing in its southwest, was forced to build on the east side, where more whites lived.

The agreement is subject to approval within 45 days by the county’s Board of Legislators, which is also required to approve a \$32.9 million bond sale to help finance the housing. Without legislative approval, the litigation would resume and the county would be faced with having to prove at trial that it did not knowingly file false claims.

Most of the homes would be new construction, although some existing houses and apartments could qualify if the county made them permanently affordable.

The case was litigated by Mr. Gurian and the center’s lawyer, John Reiman, and supported by testimony from Andrew A. Beveridge, a sociologist at [Queens College](#) of the [City University of New York](#).

Dr. Beveridge found that “racial isolation is increasing for blacks, falling slightly for whites” and that “income level has very little impact on the degree of residential racial segregation experienced by African-Americans.”

Mr. Gurian said that the 750 homes called for by the agreement “represents only a small percentage of need,” but that “it’s designed to be practical.”

Mathew R. Warren contributed reporting.

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