WRO 2012 FAIR HOUSING TESTING REPORT

Fair Housing in Westchester County?

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PROJECT SUMMARY

Westchester Residential Opportunities, Inc. ("WRO") was founded in 1968 and remains the only nonprofit Housing Counseling Agency certified by the U.S. Department of Housing and Urban Development ("HUD") to conduct fair housing enforcement in the Lower Hudson Valley region of New York State. WRO began an 18-month fair housing testing grant funded by HUD under its Fair Housing Initiatives Program on April 11, 2011. Between April 2011 and October 2012, WRO conducted extensive audit- and complaint-based fair housing testing of housing providers, including real-estate agencies, private landlords, and property management companies (hereafter "Offices"), across Westchester County in selected communities. This report presents and examines the findings of the testing.

Conducted by housing advocates to determine the existence, if any, of housing discrimination, audit testing is generally used where segregated housing patterns continue to define communities and neighborhoods. By contrast, complaint-based testing is used as part of the investigation of actual allegations of discrimination made by either bona fide housing seekers or those currently occupying residences in question. To these ends, WRO utilizes paired testing, both audit- and complaint-based, to uncover evidence of illegal housing discrimination against members of protected classes, which are groups established under federal, state, and local laws. Paired testing is a methodology that has been approved by the U.S. Supreme Court and is used by fair housing agencies nationwide. WRO uses investigatory best practices that were developed after extensive in-depth training of staff and consultations with fair housing agencies across the country, adapting the methodology to best suit the organization’s mission and service area. WRO’s approach to the testing and its choice of entities to be tested under the grant that forms the subject of this report are explained in the Methodology section below.

WRO was awarded the 2011–12 HUD grant to conduct systemic tests, that is, audit testing, for discrimination on the basis of race (specifically Black individuals) and national origin (here individuals of Hispanic and Latino descent) by Offices offering to rent or sell, or assist with the rental or sale of, residences to individuals. The particular protected classes proposed for audit testing under this grant were chosen in light of the settlement agreement that arose from a 2006 lawsuit brought by the Anti-Discrimination Center of Metro New York (“ADC”) against Westchester County under the federal False Claims Act. The federal government joined the lawsuit in 2009. ADC alleged that the County had falsely certified that it had “affirmatively furthered fair housing” when it accepted federal Community Development Block Grants and other funds for housing programs. Such certification is required of grant applicants. Because the County allegedly failed in its obligation to analyze and take action to overcome impediments to fair housing arising from racial and national origin discrimination in Westchester, the certification was allegedly false. In 2009, the County (without admitting any wrongdoing) and HUD entered into a settlement agreement (“Housing Settlement”) that mandates the actions that the County must take to affirmatively further fair housing in Westchester.

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1 The federally protected classes are race, color, religion/creed, gender, national origin, disability, and familial status. New York State also includes marital status, age, sexual orientation, and military status as protected classes. Westchester County adds two additional protected classes: alienage/citizenship and victims of domestic violence/stalking.

2 WRO’s mission is to promote equal, affordable, and accessible housing opportunities for all residents of its region. Its service area includes Westchester County as well as the wider region of the Lower Hudson Valley.

3 Audit tests conducted under the grant reported on herein were limited to Westchester. Also included in this study are complaint-based tests for discrimination based on an individual’s membership in any class protected by federal, state or county fair housing laws.
As will be shown in this report, discrimination and segregation remain impediments to equal housing opportunity in Westchester County. WRO conducted a total of 98 tests, 8 of which were deemed to be invalid because of procedural flaws. Of the 90 valid tests, WRO found that 36, or 40%⁴, showed disparate treatment between White and Black or Hispanic testers, which suggests illegal racial or national origin discrimination. Equal treatment was found in 43 tests, or 48%. In the 11 remaining tests, 12%, WRO deemed the results to be unclear and was thus unable to draw any conclusions.

**Prior Testing and Results**

The current study follows several prior HUD-funded investigations by WRO. In 2004–05, in collaboration with the New York State Attorney General, WRO conducted a study of housing patterns in the River Towns of Westchester (Dobbs Ferry, Hastings-on-Hudson, Irvington, and Tarrytown) based upon a model of testing conducted by Harvard University in an examination of the Boston area. In the 2006 study “Do Real Estate Agents Treat Minorities Differently Than Whites?” WRO reported race-based housing discrimination in 48% of the 115 fair housing tests conducted at the targeted Westchester real estate offices. As a result, WRO referred several cases to the Attorney General for litigation and entered into a groundbreaking two-year partnership with the Westchester Putnam Association of Realtors® (WPAR; now Hudson Gateway Association of Realtors [HGAR]) to provide extensive on-site fair housing training to close to three thousand real estate agents.

Between February 2009 and July 2010, WRO carried out a second round of paired testing under an 18-month HUD grant. WRO conducted 125 paired tests at Offices in Putnam, Rockland, and Westchester Counties, concluding that 21% of the paired tests overall produced unequal results. Under this grant, there were three different geographic areas targeted for audit testing in Westchester; the Long Island Sound Shore communities (Harrison, Larchmont, Mamaroneck, New Rochelle, Port Chester and Rye), Mount Kisco and Peekskill. While the test results were not as dramatic as in the earlier study, the implications were clear: racial and national origin discrimination continued to impede equal housing opportunities in the Lower Hudson Valley. It is noteworthy that the highest percentage of unequal tests came from real estate agencies in Rockland County, where WRO had not previously engaged in extensive fair housing education of real estate professionals. As a result of this testing, WRO lodged four complaints with county human rights commissions. Three of the four complaints were filed with the Rockland County Human Rights Commission, all of which were settled prior to hearings. In each case, the respondents were required to engage in extensive fair housing education for a period of three years. WRO lodged one complaint with the Westchester County Human Rights Commission alleging that a local management company and its superintendent were engaged in a pattern of racial discrimination. After a full administrative hearing in the case captioned *Westchester Residential Opportunities, Inc. v. Hoffman Investors Corp. and Bernard Kurtzke*, WRO received a favorable determination on January 18, 2012. Among other things, WRO was awarded compensatory damages for staff time and frustration of mission as well as punitive damages for the respondents’ “willful, wanton and malicious actions.” The administrative law judge awarded civil penalties to the County and required the respondents to engage in three years of fair housing training. The respondents appealed this decision to the full Human Rights Commission, which affirmed the ruling in WRO’s favor on June 11, 2012.⁵

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⁴ Results expressed as percentages throughout this report are rounded to the nearest whole number.
⁵ As of January, 2013 the respondents are pursuing an Article 78 proceeding against the Human Rights Commission in New York State Supreme Court.
METHODOLOGY

WRO uses paired testing as a way to uncover housing discrimination and to enforce fair housing laws. A paired test consists of two testers, a Control tester and a Protected tester.⁶ Since this grant used race and national origin as the protected classes, the Control testers were White and the Protected testers were either Black or Hispanic.

WRO recruited testers from a variety of sources, including community groups and nonprofit organizations throughout Westchester County, colleges and universities, referrals from other testers and WRO staff, and ads placed on websites such as idealist.org.⁷ Testers were trained by WRO’s fair housing department staff and were paid at the rate of $11 per hour for their testing time and $50 for the three-hour training. Out-of-pocket (photocopying and postage for report submissions) and travel expenses were reimbursed, the latter at the rate of $.50 per mile plus tolls. WRO routinely rejected applicants for tester positions if they appeared to have any bias toward any of the classes protected by fair housing laws, had been convicted of a felony or a crime involving fraud or perjury, or did not agree to testify in court or at an administrative proceeding if requested.

WRO’s fair housing department staff created profiles for each tester for each test. Protected testers were given slightly better financial qualifications than their Control tester counterparts to rule out financial qualification as a factor in determining disparate treatment between testers. The profiles for the paired Control and Protected testers were designed so testers would be seeking similar housing units in the same residential area and in relatively the same price range, with Protected testers requesting units at a slightly higher price point. The profiles were created to minimize legitimate distinctions between the testers such as income and pet ownership, as well as other differences that were not the subject of the test. Testers were instructed to limit their requests to the parameters of the profile.

Once the geographic areas to be tested were chosen, the particular Offices to be audit-tested were chosen from ads, websites (including Craig’s List), real estate agencies’ websites, and a directory of Westchester Putnam Association of Realtors members.⁸ Most of the Offices (72%) chosen for testing were real estate agencies; the remainder were landlords and property managers.

Following each test, the paired testers were debriefed by the testing coordinator within 24 to 48 hours to recount their experiences and answer questions regarding the test reports to be completed. Testers supplied WRO with written narratives detailing all contacts with the various Offices, including a list of the units shown, questions they were asked, and discussion with the providers. WRO’s fair housing staff compared the reports of the Protected tester with those of the Control tester for evidence of housing discrimination.

WRO categorized each test on the basis of four potential outcomes: equal, unequal, unclear, and invalid. If both testers were given the same or substantially similar treatment, the result was deemed to be equal. If an Office treated a White tester in a materially different manner from the paired Black or Hispanic tester, the test was labeled unequal. Results were considered unclear if: 1) the test was completed (both testers made initial contact) but the result was too ambiguous to conclude whether the

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⁶ Some complaint-based tests were performed as partial tests (using only one tester) where deemed appropriate, that is, where a violation was evident on its face. Partial tests with equal results are deemed no violation; partial tests with Unequal results are deemed violation.

⁷ Idealist.org is a website of Action without Borders, a not-for-profit organization.

⁸ The Directory of Realtors⁸ in the area, created by WPAR.
treatment was discriminatory or not; or 2) the test was completed (both testers made initial contact) but some of the formal written documentation was missing, making the quality of the treatment ambiguous and any possible conclusion unsupportable. A test was considered invalid if: 1) it was incomplete (one or both testers did not complete the test in a timely fashion); or 2) one or both testers gave prejudicial misinformation during the test that could skew the analysis. Evidence of unequal treatment included steering either tester to particular locations, towns, or neighborhoods, the Protected tester not being shown units; the showing of less desirable units to a Protected tester; or a request for a credit check from the Protected tester only.

Selection of Communities

In determining testing parameters, WRO’s initial proposal was to test six to nine of the “Eligible Communities” as defined in the Housing Settlement discussed above. The list of Eligible Communities was initially narrowed to 16 and then further reduced based on the volume of complaints received by WRO in particular communities from January 2010 through March 2011 as well as the results from tests conducted in the HUD-funded testing cycle of 2009–10.

To further limit the number of communities targeted for testing, WRO considered additional criteria deemed essential to this round of testing, including: 1) access to Metro-North rail lines; 2) communities with either the highest number of potential properties and realtors to test or a dearth of Offices, as in some northern areas of the County; 3) communities where the minority population has recently increased or decreased significantly according to the 2010 Census; and 4) input from WRO’s employees and its Diversity Committee based on their personal and anecdotal knowledge of areas prone to incidents of racial and national origin discrimination.

After consultation with the Westchester County Human Rights Commission, WRO decided to group smaller communities into regions and to include specific places in the northern part of the County. For example, Cortlandt and Mohegan Lake (a community and Census Designated Place in the Town of Yorktown) were included because two incidents of racial and religious hate crimes occurred there in the past several years. (There was a cross burning in Cortlandt, and a synagogue was desecrated in Mohegan Lake.) Finally, a general consensus was reached to target a geographically diverse cross-section of the County and to focus on Westchester communities that were not targeted under the previous round of testing. Therefore, a decision was reached to omit the Long Island Sound Shore area from audit testing, since it had been a focus of WRO’s most recent prior testing cycle.

After considerable deliberation and in keeping with the goal of identifying the most efficient choices, the final list of areas to be audit-tested was set as follows: Northwest Westchester, Northeast Westchester, River Towns, Mount Pleasant, Bronxville, and Scarsdale. Each of these is addressed in the Findings section of this report.

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9 Steering is a form of housing discrimination that occurs when Whites are directed to predominantly White areas, and Blacks and Hispanics are directed to predominantly non-White areas.

FINDINGS

WRO performed 59 audit-based tests in the six places chosen for testing. An additional 31 tests were conducted based on complaints called in and tips received from WRO clients and real estate agents.\textsuperscript{11} The majority of tests showed equal treatment. As reflected in Figure 1 below, of the 90 valid tests, 43 (48\%) were equal; 36 (40\%) were unequal; and 11 (12\%) were unclear. Some Offices showed repeated violations of fair housing laws.

Figure 1: Overall Test Results

\textsuperscript{11} Called “Complaint-Based/Anecdotal,” this category is included among the 90 tests.
Results by Testing Area

Northwest Westchester:

WRO performed a total of eleven tests in Northwest Westchester, six of which were equal and five of which were unequal. This testing area includes the Towns of Cortlandt, Ossining, and Yorktown in addition to the City of Peekskill.
**Northeast Westchester:**

WRO conducted ten tests in Northeast Westchester, four of which were equal, four of which were unequal, and two of which were unclear. This testing area includes the Towns of Bedford, Lewisboro, Mount Kisco, New Castle, North Castle, North Salem, Pound Ridge, and Somers.

*Figure 3: Northeast Westchester Results*

![Bar chart showing the results for Northeast Westchester with Equal (40%) at 4, Unequal (40%) at 4, and Unclear (20%) at 2.*

**River Towns:**

WRO conducted seven tests in the River Towns, three of which were equal, three of which were unequal, and one of which was unclear. This region includes the Villages of Dobbs Ferry, Hastings-on-Hudson, Irvington, and Tarrytown. Although Dobbs Ferry has a predominantly White population, 8.6% of its population is Asian, the third highest percentage of Asians among the eligible communities.

*Figure 4: River Towns Results*

![Bar chart showing the results for River Towns with Equal (43%) at 3, Unequal (43%) at 3, and Unclear (14%) at 1.*
Mount Pleasant:

WRO conducted thirteen tests in the own of Mount Pleasant, six of which were equal, six of which were unequal, and one of which was unclear.

Figure 5: Mount Pleasant Results
**Bronxville:**

WRO conducted eleven tests in Bronxville, four of which were equal, five of which were unequal, and two of which were unclear.

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**Figure 6: Bronxville Results**

<table>
<thead>
<tr>
<th></th>
<th># of Tests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal (37%)</td>
<td>4</td>
</tr>
<tr>
<td>Unequal (45%)</td>
<td>5</td>
</tr>
<tr>
<td>Unclear (18%)</td>
<td>2</td>
</tr>
</tbody>
</table>
Scarsdale:

This community showed the highest percentage of unequal tests of the six areas tested. WRO conducted seven tests in Scarsdale, one of which was equal, four of which were unequal, and two of which were unclear. In addition to its largely White population, 13% of Scarsdale’s population is Asian, in comparison to Westchester’s total Asian population of 5.4% and New York State’s total Asian population of 7.3%.\(^\text{12}\)

Unequal Test Results by Location

The figure below shows the number of Offices that produced the unequal tests broken down by the number of unequal tests, 1, 2, or 3. The 36 unequal tests occurred at 24 different Offices. Of the 24 Offices, 13 Offices scored one unequal test; 10 Offices scored two unequal tests; and one Office had unequal results on three tests, as illustrated in Figure 8.

Figure 8: Number of Unequal Occurrences at Offices with Unequal Results

Analysis of unequal tests in the River Towns showed two Offices with unequal tests, one of which had a second unequal result. Bronxville included three Offices that produced unequal tests, with one Office doing so three times. In Northeast Westchester, two Offices produced unequal tests, with both of them doing so twice. Mount Pleasant included four Offices that produced unequal results, with two doing so twice. Northwest Westchester included four Offices producing unequal results, with one Office doing so twice. In Scarsdale, three Offices produced unequal results, with one of them doing so twice. Figure 9 demonstrates these results.
DISCUSSION

In its simplest terms, fair housing is about equal opportunity.

Demographics of Westchester

The population of Westchester County has been growing since 1980, increasing from 866,599 then to 949,113 in 2010. The County is majority non-Hispanic White (57.4%).\(^\text{13}\) Looked at as a whole, the County is quite diverse, with residents reporting a great variety of races, ethnicities, and ancestries.\(^\text{14}\) From 1990 to 2010, the Hispanic population grew by 140%, the Black population by 5%, and the Asian population by 60%, accounting for a minority population of 42.6% of the County’s total population. More recent changes can be seen in the following table that compares demographic changes in Westchester County to those in all of New York State.


\(^\text{14}\) Westchester residents identified their ancestry in more than 100 designated Census categories and as many as 63 different combinations of race and ethnicity. See American FactFinder, “Profile of General Population and Housing Characteristics: 2010; 2010 Demographic Profile Data, Westchester County” http://factfinder2.census.gov.
Comparison of 2000 and 2010 Demographics

<table>
<thead>
<tr>
<th></th>
<th>Westchester County</th>
<th>New York</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td>Population, 2000</td>
<td>923,549</td>
<td>100.0%</td>
</tr>
<tr>
<td>Population, 2010</td>
<td>949,113</td>
<td>100.0%</td>
</tr>
<tr>
<td>Population, percent change, 2000 to 2010</td>
<td>3%</td>
<td>0.0%</td>
</tr>
<tr>
<td>White persons – 2000</td>
<td>658,858</td>
<td>71.3%</td>
</tr>
<tr>
<td>White persons – 2010</td>
<td>646,471</td>
<td>70.0%</td>
</tr>
<tr>
<td>Population, percent change, 2000 to 2010</td>
<td>-2%</td>
<td>-1.3%</td>
</tr>
<tr>
<td>Black persons – 2000</td>
<td>131,132</td>
<td>14.2%</td>
</tr>
<tr>
<td>Black persons – 2010</td>
<td>138,118</td>
<td>14.6%</td>
</tr>
<tr>
<td>Population, percent change, 2000 to 2010</td>
<td>5%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Asian persons – 2000</td>
<td>41,367</td>
<td>4.5%</td>
</tr>
<tr>
<td>Asian persons – 2010</td>
<td>51,716</td>
<td>5.4%</td>
</tr>
<tr>
<td>Population, percent change, 2000 to 2010</td>
<td>25%</td>
<td>1.0%</td>
</tr>
<tr>
<td>Persons of Hispanic or Latino Origin - 2000</td>
<td>144,124</td>
<td>15.6%</td>
</tr>
<tr>
<td>Persons of Hispanic or Latino Origin - 2010</td>
<td>207,032</td>
<td>21.8%</td>
</tr>
<tr>
<td>Population, percent change, 2000 to 2010</td>
<td>44%</td>
<td>6.2%</td>
</tr>
</tbody>
</table>

(a) Includes persons reporting only one race.
(b) Hispanics may be of any race, so also are included in applicable race categories.

However, these statistics belie the County’s continuing history of segregation, with Black and Hispanic populations residing in segregated “pockets” in the County, particularly in the cities. Despite the dramatic demographic shifts, the minority population continues to be concentrated in only 11 of the 43 municipalities: Elmsford, Greenburgh, Mount Kisco, Mount Vernon, New Rochelle, Ossining, Peekskill, Port Chester, Sleepy Hollow, White Plains, and Yonkers, and, in some cases, within specific neighborhoods within those municipalities. 15 Outside of Mount Vernon, New Rochelle, and Yonkers, Westchester was 90% White in 2000.16 (Even these three “big cities” contain Census tracts that are nearly all White.) Given the historically entrenched and ongoing nature of this residential segregation, there is a continuing need to uncover lingering vestiges of housing discrimination.

While Figures 10 and 11 reflect unmistakably segregated areas within the County, there remains disagreement as to the cause of those concentrations of minority-group members. Are communities self-selecting based on factors such as cost and availability of housing,17 as has been argued, or do the maps reflect the operation of illegal discrimination? While the debate on that question remains largely outside the purview of this report, testing programs designed by housing experts, and utilized by WRO, indicate quite clearly that housing discrimination is operative in people’s ability to access housing.

16 Westchester County, NY, Analysis of Impediments to Fair Housing Choice, July 11, 2011, based on 2000 Census data.
17 The data also show that poverty rates in Westchester vary by race and national origin. According to the 2006-08 American Community Survey, 14.4% of Westchester’s Hispanic population and 12.2% of its Black population live below the poverty line, compared with 4.1% of Westchester’s non-Hispanic White population.
While the figures and statistics presented in this report demonstrate quantitatively the rates of unequal treatment in the targeted housing markets, they cannot demonstrate the qualitative effects that unequal treatment and discrimination have on real people as they search for housing, as well as the stress on the fabric of our society as a whole.18 While a finding of “unequal” based on steering indicates the tangible existence of illegal discrimination, it does not illustrate the many ways that this unequal treatment impacts individuals. Discrimination is not always blatant. It can manifest itself in ways that are more elusive and less quantifiable, yet just as distressing and diminishing of self-respect. For example, how can one quantify the detrimental impact when a real estate agent in Mount Pleasant shows a Hispanic tester only one listing in a village with many Hispanic residents and describes the community in very favorable terms, while showing a White tester listings in three different predominantly White communities, and criticizing that same Hispanic village? Or, when an agent in Bronxville makes a point of telling her Black client that all landlords look for good credit and asks him how his credit is, while making absolutely no mention of credit to the counterpart White tester who was shown the same listings? In another test, although a Hispanic tester was shown residential units only in the downtown area of a Northeast Westchester community, a neighborhood with a high Hispanic density, the White counterpart was shown additional listings in surrounding White neighborhoods with similar price points. Had these subtle inequalities not been uncovered through testing, minority home seekers might be oblivious to the discrimination yet just as harmed by its perpetuation. However, once the test results are brought to the attention of minority home seekers the harm becomes apparent.

**Fair Housing in Westchester: Affordability and Availability**

This report and the underlying testing focus on *fair* housing, meaning housing activities that do not illegally discriminate on the basis of protected classes. However, fair is often tied to housing that is affordable and available, because income is correlated with race and national origin. It was predicted in 2004 that the County would face a shortage of at least 10,768 housing units by 2015, a number the Westchester Housing Opportunity Commission found a “conservative estimate,” as 72,000 households in the County were reported in the 2000 Census to be cost-burdened.19 Not only are vacancy rates very low but Westchester County is so short on affordable housing that many people are paying more than HUD’s threshold 30% of household income for affordability. The American Community Survey five-year estimates for 2005–09 showed that 24.2% of households living in rental units and owner-occupied housing with mortgages were cost-burdened (paying 30–50% of their income on housing) and an additional 21.3% were severely cost-burdened (spending more than 50% of income on housing).20 The chart below illustrates the availability of housing units in Westchester compared to New York State.21

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18 Even in audit testing, testers are proxies for actual home seekers and the manner in which they are treated reflects the treatment that would presumably be given to their real-life counterparts. The U.S. Supreme Court has held that testers have a right to truthful information and are injured by being given false information on the basis of their protected class. *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982).


21 U.S. Census Bureau, American FactFinder, “2009–2011 American Community Survey 3-Year Estimates,” [http://factfinder2.census.gov](http://factfinder2.census.gov). For “Occupied Housing Units” and “Vacant Housing Units,” the percentage reflects the number of occupied or vacant housing units divided by the total housing units respectively; for “Owner Occupied Housing Units” and “Renter Occupied Housing Units,” the percentage reflects the number of owner or renter occupied units divided by the number of “Occupied Housing Units,” respectively.
Housing Units Available 2009–11

<table>
<thead>
<tr>
<th></th>
<th>Westchester</th>
<th>New York State</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Housing Units</strong> (Estimated)</td>
<td>371,001</td>
<td>8,110,823</td>
</tr>
<tr>
<td><strong>Occupied Housing Units</strong> (Estimated)</td>
<td>345,431</td>
<td>7,219,316</td>
</tr>
<tr>
<td></td>
<td>93.1% (margin of error 0.4%)</td>
<td>89.0%</td>
</tr>
<tr>
<td><strong>Owner Occupied Housing Units</strong> (Estimated)</td>
<td>213,270</td>
<td>3,916,752</td>
</tr>
<tr>
<td></td>
<td>61.7% (margin of error +/- 0.6%)</td>
<td>54.3%</td>
</tr>
<tr>
<td><strong>Renter Occupied Housing Units</strong> (Estimated)</td>
<td>132,161</td>
<td>3,302,564</td>
</tr>
<tr>
<td></td>
<td>38.3% (margin of error +/- 0.6%)</td>
<td>45.7%</td>
</tr>
<tr>
<td><strong>Vacant Housing Units</strong> (Estimated)</td>
<td>25,570</td>
<td>891,507</td>
</tr>
<tr>
<td></td>
<td>6.9% (margin of error +/- 0.4%)</td>
<td>11.0%</td>
</tr>
</tbody>
</table>

There are several factors adding to the difficulty in finding affordable housing in the County: 1) accessible housing stock for people with disabilities is limited; 2) co-ops are among the most affordable types of homeownership units, and there is no legislation precluding their boards from rejecting applicants without providing a reason<sup>22</sup>; and 3) there is no legislation precluding housing providers from rejecting applicants on the basis of the source of the income from which they pay for their housing.<sup>23</sup>

**REMEDIES**

WRO prides itself on championing fair housing for all. The ultimate goal of providing fair housing for all requires a combination of enforcement (via testing), education and legislative advocacy. WRO is continuing to analyze the unequal results obtained in this round of testing, with particular emphasis on those Offices with more than one unequal result. We are engaged in an extensive educational campaign for those Offices and will retest them periodically to determine whether the unequal treatment remains or whether the Offices have altered their behavior. Our hope is to sensitize all those involved in the business of residential real estate to the ways that they might perpetuate steering, stereotyping and discrimination regardless of their intent. If, despite continuing education and retesting, the discriminatory behavior continues, WRO may elect to pursue either one or more civil litigation actions or actions with administrative agencies. In a broader sense, remedies must include advocacy. To achieve the goal of fair housing for everyone, housing must also become more affordable and more accessible. To this end, WRO will continue to advocate for mandatory co-op disclosure legislation, source of income legislation, and universal design to accommodate the region’s rapidly growing senior population as well as the population of persons with disabilities and mobility impairments.

<sup>22</sup> Although a co-op may not legally reject an applicant on the basis of a protected class, without the benefit of testing the applicant may never know whether his or her rejection was due to illegal discrimination on the basis of membership in a protected class.
<sup>23</sup> People with disabilities and Blacks and Hispanics are most deeply impacted by the lack of source of income legislation since government disability payments and Section 8 housing vouchers are among the legitimate sources of income that landlords can refuse to accept. Furthermore, as reported in the County’s Analysis of Impediments of July 11, 2011, a great majority of the County’s 8,000 Section 8 voucher holders are Black or Hispanic. See pp. 86–87.
CONCLUSION

Providing fair and affordable housing for all Americans has been recognized by the federal government as a national priority. As shown in this report, this national priority has taken on local urgency. Given the historically entrenched and ongoing nature of segregated housing patterns in Westchester County and the Lower Hudson Valley, there will be a continuing need to enforce the fair housing laws for years to come. As the results of WRO’s testing program indicate, discrimination continues to impede housing opportunities in Westchester almost 45 years after the passage of the federal Fair Housing Act. The stakes are high: the choice of housing is one of the most crucial and influential life decisions. Where one lives affects access to important opportunities, including employment, networking, quality education, and health care. Particularly in a region like Westchester, where affordable housing is grossly inadequate to meet the current need, the elimination of barriers caused by discrimination is even more compelling.

WRO sees the obligation to eradicate housing discrimination and entrenched segregation as more than a legal mandate. Eradicating barriers to fair housing is a deeper moral mandate that promotes the fundamental American values upon which our country was founded. Building vibrant, diverse, and inclusive communities that welcome all people—regardless of their race, color, religion, age, gender, marital status, familial status, disability, or other protected characteristic—demonstrates our collective belief in the intrinsic value of each individual and the potential contribution of each person to American society. It is recognition that, despite our socioeconomic differences, our similarities as human beings far outweigh the differences.

For all these reasons, WRO will continue to work diligently to champion the expansion of nondiscriminatory housing opportunities for all residents of Westchester County, using all legal means at its disposal to achieve this goal, including extensive outreach and education; investigation and testing; and civil and administrative action as appropriate.

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