

# ANTI-DISCRIMINATION CENTER, INC.

“ONE COMMUNITY, NO EXCLUSION”

## NYC charged with perpetuating residential segregation

*Federal Court complaint says City's outsider-restriction policy is discriminatory*

*Supreme Court's new disparate impact ruling put to work*

New York, July 7 -- The [Anti-Discrimination Center](#) (ADC), acting on behalf of three African-American plaintiffs, is challenging New York City's policy of barring City residents who live outside the community district in which affordable housing is being built from competing on an equal basis for all available units. The [complaint](#) was filed in federal district court in Manhattan today.

New York City remains the second-most residentially segregated major city in the country, within one of the most segregated major metropolitan areas in the U.S. The [patterns of segregation in New York City are unmistakable](#), and arose from decades of intentional discrimination and segregation.

The segregation extends to the community district level. For example, about 50 percent of the City's African-American population lives in only about 15 percent of the City's community districts. Because of existing segregation, New York City's policy in connection with half of the units in a development -- favoring existing community district residents and disfavoring New Yorkers who live outside the community district -- winds up helping the dominant racial or ethnic group in the community district and hurting those groups who are underrepresented in the community district.

### **The Supreme Court just reaffirmed that perpetuation of segregation is illegal**

The three developments identified in the complaint -- at 160 Madison Avenue, 200 East 39th Street, and 40 Riverside Boulevard, all in Manhattan -- are all in community districts where whites are overrepresented and where African-Americans are underrepresented.

“As the Supreme Court has just reaffirmed, policies that have a disparate impact on racial and ethnic minorities or perpetuate segregation are illegal under the Fair Housing Act,” said Craig Gurian, ADC's executive director and co-counsel for plaintiff. “The City's outsider-restriction policy starts with segregated neighborhoods and helps keep that segregation in place,” he continued.

“Surely in 2015, there is no place for a policy that denies New Yorkers the ability to compete on a level playing field for all affordable housing opportunities,” said Mariann Wang, a partner in the law firm of [Cuti Hecker Wang LLP](#) and co-counsel for the plaintiffs.

In establishing and maintaining its outsider-restriction policy, the complaint alleges, the City ignored the negative impact on families who live in racially concentrated areas of poverty; ignored the positive effects of residential mobility for families who move into neighborhoods of

higher opportunity; and paid no heed to the voices of New Yorkers who want to be able to move freely to any City neighborhood and to do so on equal terms with other City residents.

(A recent study -- [They're Our Neighborhoods, Too](#) -- shows that strong majorities of African-American and Latino New Yorkers are willing to consider affordable housing in a wide range of new neighborhoods.)

### **An equal playing field does not affect affordability**

It is important to understand that, whether an insider or an outsider, a New Yorker must meet the same income-eligibility criteria in order to be eligible for the affordable housing being developed. In other words, the outsider-restriction policy has no impact on the ability of persons of limited financial means to obtain housing. The outsider-restriction policy does not determine *where* housing will be built, only *who* (among people of the same income level) will get to live in it.

### **A new direction: becoming one city**

“Mayor de Blasio has provided strong leadership in moving to try to increase the supply of affordable housing and in taking concrete steps to protect residents who wish to stay in place from harassment by housing providers,” Gurian noted. “Supply and security are two important pieces of the affordable housing puzzle, but mobility -- giving people the opportunity to move freely to neighborhoods that had traditionally excluded them on the basis of race or national origin -- cannot be ignored,” he concluded.

“If we are to have any chance of becoming one city, rising together, we need to abandon the outsider-restriction policy this administration inherited from its predecessors and chart a path of equal opportunity and access,” said Eric Hecker, another partner at Cuti Hecker Wang LLP who is also representing the plaintiffs.

[Get more information on the case](#)

[Read “They're Our Neighborhoods, Too”](#)

### **About the Anti-Discrimination Center**

The Anti-Discrimination Center works to prevent and remedy all forms of discrimination in housing, employment, education, and public accommodations through advocacy, litigation, education, outreach, monitoring, and research. Its motto is “one community, no exclusion.” ADC brought the landmark False Claims Act case against Westchester County that resulted in the historic housing desegregation court order that Westchester continues to resist.

### **About Cuti Hecker Wang LLP**

Cuti Hecker Wang LLP is a six-attorney civil rights litigation boutique. Its practice focuses primarily on employment discrimination and retaliation, including sexual assault and harassment, housing discrimination, First Amendment issues, children’s rights, election law, police misconduct, and prisoners’ rights.