



ADC: Court Monitor Bows to Westchester's Defiance of Federal Court Desegregation Order While HUD and Justice Department's Civil Rights Division Stand Idly By

ADC Charges that the Monitor's report fails entirely to confront fundamental violations of historic Consent Decree.

New York, NY (Vocus) October 28, 2010 -- The Anti-Discrimination Center is charging that the integrity of a landmark housing desegregation Consent Decree is in tatters today after a federal court Monitor, ignoring Westchester County's repeated and brazen defiance of federal authority, gave a green light to the County's strategy of insuring that the structures of residential segregation are untouched by any development that occurs pursuant to the Consent Decree. The Monitor's report, coming over two months after the County's third "Implementation Plan" submission, ADC says, fails to grapple with any of the central issues of Westchester resistance.

Back in February, 2009, a federal court found (*Anti-Discrimination Center v. Westchester County*, Docket No. 06-CV-2860) that Westchester had "utterly failed" to meet its affirmatively furthering fair housing obligations and had repeatedly submitted "false or fraudulent" certifications of compliance to the federal government. In August, 2009, a Consent Decree was entered with the primary goal of tackling the ongoing scourge of residential racial segregation in Westchester.

At the heart of the Consent Decree is the requirement that Westchester cause municipalities — through legal compulsion where necessary — to permit and encourage the development of affordable housing units that have maximum desegregation potential. The court order also reflects the County's acknowledgment that it has legal authority to overcome to municipal resistance to affordable housing development, and that it is appropriate and necessary to use that authority.

Yet the current County Executive, Rob Astorino, has made clear in — including in interviews on Fox and LoHud — that he has no intention of forcing municipalities to do anything. Just last week, a local newspaper (*The Scarsdale Inquirer*, October 17, 2010) described the report of a Westchester Mayor who had attended a gathering with county officials and representatives of the federal monitor: "It was continuously reiterated that the county doesn't intend to sue communities over their zoning codes."

Craig Gurian, Executive Director of the Anti-Discrimination Center, the non-profit group that brought the groundbreaking litigation against Westchester, said, "Since March, the Monitor has been under a mandatory obligation pursuant to the Consent Decree to impose changes on the County's woefully inadequate implementation plans, but he has failed to do so."

"The Monitor has closed his eyes to obvious and ongoing violations of the Consent Decree," Gurian continued. "His report says nothing about the County taking the necessary steps to be ready to vindicate its interest in developing affordable housing with maximum desegregation potential, and nothing about the County's continuing denial of the demographic reality that it is characterized by residential segregation."

Indeed, Gurian said, "The Monitor ignored entirely [the civil rights critique of IP3 issued in August by ADC](#), not even bothering to report to the court on that or other comments from civil rights advocates, including the National Fair Housing Alliance, the country's leading fair housing group."



"One of the remarkable things about the report is how he punts on all of the major issues," Gurian said. "The Monitor says that he is approving 'certain aspects' of Westchester's plan, and will 'continue to work' on others, but he leaves the court and the public in the dark about where things stand."

ADC's Gurian concluded: "The integrity of the Consent Decree depended on the creation of an environment where municipalities knew that maintenance of the status quo was no longer an option. ADC has been telling this to the Monitor since August 2009, including in its [February 2010 Prescription for Failure report](#), and in its shadow [March 2010 Draft Implementation Plan](#), but the Monitor has neither been listening to ADC, nor to a host of other civil rights groups."

And HUD and the Civil Rights Division of the Justice Department in terms of enforcing the Consent Decree? According to ADC: "Missing in action."

All references in this release refer to decisions in, or obligations arising out of, the case of U.S. ex rel. Anti-Discrimination Center v. Westchester County, Docket No. 06-CV-2860, a case brought in federal court for the Southern District of New York over which the court retains jurisdiction to enforce Westchester's obligations.

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