

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA *ex rel.* :
ANTI-DISCRIMINATION CENTER OF :
METRO NEW YORK, INC., :
:
Plaintiff/Relator, :
:
-v- :
:
WESTCHESTER COUNTY, NEW YORK, :
:
Defendant. :
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ECF CASE

06 CV 2860 (DLC)

DECLARATION OF V. ELAINE GROSS

V. ELAINE GROSS, pursuant to 28 U.S.C. §1746, declares that the following is true and correct:

1. Since 2004, I have been President of ERASE Racism, a fair housing not-for-profit corporation on Long Island. Under my leadership, ERASE Racism has been recognized locally and nationally for its cutting edge work addressing institutional and structural racism, especially in the area of housing and community development. I make this declaration in support of Anti-Discrimination Center’s (ADC’s) motion to intervene.

HUD’s historic and continuing failures on AFFH

2. Both prior to and subsequent to the entry of the Consent Decree, HUD has failed in the context of Long Island to meet its statutory and regulatory responsibility to ensure that recipients of federal funds affirmatively further fair housing.

3. As we found in a 2008 report entitled “The Racial Equity Report Card: Fair Housing On Long Island,” HUD’s failures were systemic:

- HUD has failed to ensure that municipalities that receive federal funding through HUD administered programs meet the requirements and standards set forth by the federal government that protect against and cure the inequities of racial segregation.
- The lack of enforcement and community planning perpetuate residential racial segregation on Long Island and further propel racial inequity in all sectors of life regionally.
- HUD knowingly used taxpayers' money to fund segregational policies implemented through a township's Section 8 Program where HUD itself, warned the township against the continuation of such policies because of the racially exclusionary effect.

4. Since the entry of the Consent Decree, for example, Nassau County has issued an Analysis of Impediments that is deeply flawed. It engages in no serious analysis of the scope or causes of segregation (like the rest of the New York metropolitan area, Nassau County is deeply segregated). The AI is particularly weak in terms of proposed action steps, with nothing proposed to force municipalities to change their exclusionary ways, and a continued reliance on half-hearted educational and individual-case enforcement promises that have failed over time to make change.

5. Notwithstanding these inadequacies, I am unaware of HUD cutting off funding from Nassau, or otherwise sanctioning the County for its failure to affirmatively further fair housing.

ADC's motion to intervene

6. In work that ADC has done with and for ERASE Racism (including the development of a comprehensive Nassau County fair housing law that is stronger than the federal Fair Housing Act), and in fair housing work that ADC has done throughout the region and throughout the country, ADC has been one of the few organizations to stay true to the vision of Dr. Martin Luther King, Jr., a vision aptly expressed by ADC's motto, "One community, no exclusion." It has insisted that change *must* be made.

7. That kind of perspective is critically important. Over the years — both growing up African-American on Long Island and living in the Northeast — I have seen the cost of its absence: opportunities to overcome segregation stymied because of an unwillingness on the part of people of good will to recognize that the first order of business is to change the facts on the ground even before “hearts and minds” are changed.

8. In the early days, of course, there were no legal tools available. But a powerful Court order is surely not one of those circumstances.

9. ADC has consistently expressed the view, and we agree, that the time for negotiation was in the period leading up to the entry of the Consent Decree. Once the Decree was in place, the task for Westchester was to obey that Decree, and for the Government and the Monitor to hold the County to meeting all of its obligations under the Decree.

10. Like many of our colleagues, we are deeply disappointed by the failure of the Government and the Monitor to do so, and are particularly concerned about the message that non-enforcement sends to other recipients of federal funds throughout the country.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief. Executed on Sept. 14, 2011.


V. Elaine Gross