

# ANTI-DISCRIMINATION CENTER, INC.

“ONE COMMUNITY, NO EXCLUSION”

## Frequently (and not-so-frequently) asked questions about New York City’s outsider-restriction policy

Under New York City’s outsider-restriction policy, every single time there is a lottery for a development that contains affordable housing units, people who already live in the community district where the housing is located get preference for 50 percent of the units. This preference serves to bar City residents living outside of the community district from competing on an equal basis for those units. So we start with a [highly segregated city](#), and the outsider-restriction policy actively perpetuates that segregation.

Take this case, brought on behalf of three African-American women. Access to the neighborhoods in the City with high quality schools, good health care options, and solid employment opportunities; well-maintained parks and other amenities; and relatively low crime rates (“neighborhoods of opportunity”) is effectively prioritized for white residents who already live in these community districts and limited for African-American and Latino New Yorkers who do not.

**1. Why do you call it the “outsider-restriction” policy?** Because that is exactly what it is intended to do: cap the percentage of those from outside of the community district. Moreover, the policy does not represent the “preference” of the community of New York City. In fact, a recent ADC study shows that strong majorities of African-Americans and Latinos are willing to consider a wide range of affordable housing choices that involve moving to opportunity.

**2. Do you notice that supporters of the outsider-restriction policy never want to acknowledge that the policy is designed in a way that predictably perpetuates segregation?** Indeed. The statistics on segregation in New York — the second-most segregated major city in the country — are overwhelming. When you have a segregated community district (say, a white-majority, small African-American population, district), the outsider-restriction policy — by definition — results in devaluing the needs of the African-American outsiders and prioritizing the needs of white insiders. It predictably results in perpetuating segregation more than a policy that would open the door to all New Yorkers who are income-eligible. This is one of those inconvenient truths that many people would like to ignore.

**3. Isn’t the outsider-restriction policy focused on helping long-term residents of community districts?** No. If you move into the community district 10 minutes before the lottery ends you are still favored over a New Yorker from outside of the community district, including one who has been living for decades in an impoverished neighborhood.

**4. Isn't the outsider-restriction policy focused on helping residents of long-suffering community districts now "on the rise"?** No, the policy applies everywhere. That means that a person can have been living in a community district that for decades has been the home of neighborhoods of opportunity (Upper West Side, Upper East Side, Greenwich Village, Brooklyn Heights, etc.) and still get a preference over someone who has lived in difficult conditions in the South Bronx for decades.

**5. Doesn't the outsider-restriction policy help offset the effects of gentrification?** No. With or without the policy, apartments will be rented only to households who meet the same income qualifications. If someone believes that income-eligibility is too high or too low, then the argument is to change the income band, not have a segregation-perpetuating outsider-restriction policy.

**6. Doesn't the outsider-restriction policy fight displacement?** No. The way to limit displacement is to limit displacement (via effective anti-harassment enforcement, strong rent regulation, zoning and other regulation that keeps some affordably-priced stores in a neighborhood, etc.), not to foster continuing segregation or limit people's choices.

**7. Doesn't the outsider-restriction rule help ease NIMBYism (the not-in-my-backyard syndrome)?** No, the outsider-restriction policy caters to NIMBYism: "Don't worry, there's a limit to the number of outsiders that we'll let in."

**8. Doesn't the outsider-restriction policy give existing residents a shot at affordable housing in their own neighborhood?** No. If there were an open lottery for all income-qualified New Yorkers, existing residents would compete for, and have a chance at getting, each and every unit in a development. In addition, for those New Yorkers who live in neighborhoods relatively lacking in opportunity, the ending of the outsider-restriction policy would enhance their access to affordable units in neighborhoods of opportunity. Ending the outsider-restriction policy would create a level playing field for income-eligible New Yorkers. Remember: if there hadn't been decades of intentional segregation and discrimination, New York City's neighborhoods would look very different from what they look like now. Outsider-restriction bakes in the segregation; an open lottery facilitates the free movement of people in all directions that discrimination and segregation have too long discouraged.

**9. Do we accept the principle that all of our neighborhoods belong to all of us or not?** This is a bedrock principle of civil rights. It recognizes that existing residential patterns were created by intentional discrimination and segregation, and that citywide housing choice — without the warping effect of segregation — is the only choice consistent with the Fair Housing Act, the New York City Human Rights Law, and the idea that we have to be "One City, Rising Together." The outsider-restriction policy, by contrast, says that specific neighborhoods belong to specific groups of people. If a politician doesn't believe that all of our neighborhoods belong to all of us, he or she should at least come out and say so directly.

**10. Doesn't the current policy provide for "enough" diversity in developments assisted by New York City?** It can certainly be the case that developments can be less segregated than other dwellings in a neighborhood. But "medium" segregation is not acceptable, either. No matter how you look at it, the outsider-restriction policy restricts and discourages outsiders more than would be the case with a fair and open lottery. The City should not artificially limit the size of a racial or ethnic group.

**11. What about residents who are concerned about being kicked out of a neighborhood?** ADC takes these concerns very seriously. That's why we believe in tools designed to prevent that from happening (see Item 6). Time would be better spent fighting for those tools and for the supply of affordable housing in New York City and its suburbs to be increased, instead of fighting for the segregated status quo. Security *and* mobility is our motto.

**12. What about the concern that outsider-restriction is the price to pay in order to get local officials to sign on to affordable housing in their neighborhoods?** Affordable housing should not be held hostage in this way, and those local officials have no excuse for doing so (they admit that there is a great need for affordable housing). The City has the power to build such housing where it is appropriate to do so. Giving in to blackmail with a segregation-perpetuating policy is wrongful and illegal.

**13. Are you saying that there are often negative effects that result when a neighborhood or community district is one with concentrated poverty?** Yes. And remember: the demographics of these neighborhoods and community districts were not created "naturally" — they came to be because African-Americans, Latinos, and Asians were intentionally excluded from many areas of the City for decades.