

## **ANTI-DISCRIMINATION CENTER, INC.**

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### **Anti-Discrimination Center Wins Unprecedented \$62.5 Million Settlement In Housing De-Segregation Case Against Westchester County**

Westchester County will have to pay more than \$60 million, develop at least 750 housing units in the most residentially segregated white municipalities in the County, and institute meaningful housing de-segregation policies, all in connection with a settlement of a federal lawsuit that had been brought against the County on behalf of the United States by the Anti-Discrimination Center (“ADC”). The settlement will have a major impact on the way federal housing and community development funds are used throughout the country.

In the lawsuit, commenced under the federal False Claims Act, ADC had charged that Westchester had received more than \$50 million in federal housing and community development funds in the period 2000-2006 by falsely certifying that the County had “affirmatively furthered fair housing.” The suit alleged that Westchester chose not to analyze impediments to fair housing choice based on race or municipal resistance, and chose not to take appropriate steps to overcome such impediments. [[View the complaint.](#)]

Earlier this year, the Court granted ADC’s motion for partial summary judgment, finding that Westchester had “utterly failed” to fulfill its obligation to affirmatively further fair housing throughout the false claims period and that each of the County’s certifications that it had or would affirmatively further fair housing was “false or fraudulent.” In the face of those developments, the County ultimately decided to resolve the case.

Craig Gurian, a civil rights attorney who is ADC’s Executive Director, litigated the case in partnership with ADC’s counsel, the law firm of Relman & Dane. “Residential segregation underlies virtually every racial disparity in America, from education to jobs to

the delivery of health care, but has been a problem that too many have ignored for too long,” Gurian commented. [\[View map of segregation in Westchester.\]](#) “This settlement means that Westchester can no longer hide from the ugly reality of continuing residential segregation. More broadly, the settlement reflects a new commitment by HUD to make sure that recipients of federal housing funds throughout the country recognize that token efforts to affirmatively further fair housing will not be tolerated.”

### **Key Elements of the Settlement**

- Westchester is obligated to adopt as its policy the elimination of residential segregation, and to implement the settlement in a way that develops housing on those Census blocks that currently have the lowest concentrations of African-Americans and Latinos.
- Over \$50 million is earmarked for affordable housing development designed to open fair housing opportunities in areas of Westchester where those opportunities have traditionally been lacking. Specifically, the overwhelming proportion of the minimum units (630 out of 750) must be built in municipalities that had African-American populations of under 3% and Latino populations of under 7%.
- Westchester, belatedly acknowledging its authority to do so, is obligated to take legal action against resistant municipalities where needed to fulfill the affirmatively furthering fair housing purposes of the settlement.
- Westchester’s obligations specifically include the requirement to conduct a new analysis of impediments to fair housing choice that examines barriers based on race or on municipal resistance.
- Westchester’s performance of its obligations is to be guaranteed by the appointment of an independent Monitor, by the Court retaining jurisdiction over the case, and by penalty provisions for non-compliance.

ADC's Gurian acknowledged that the ultimate effectiveness of the settlement would hinge on the extent to which the government vigorously implements the central purpose of the settlement: that is, not building affordable housing at random, but doing so in a way that opens the door to racial integration. "Given the more than 120,000 acres of land made up of census blocks where the population is less than 3% African-American and less than 3% Latino, the Monitor should have no difficulty making sure that Westchester ends its policy of allowing affordable housing to be off-limits in the most highly white neighborhoods in the County. We have confidence that the Monitor will do so."

Relman & Dane's John Relman, one of the nation's leading fair housing attorneys said: "There is an important symmetry between the more than \$50 million that Westchester got through its false claims, and the more than \$50 million that Westchester now has to spend to facilitate pro-integration affordable housing. In essence, Westchester is being required to make restitution dollar-for-dollar. I hope this is a message that every jurisdiction that receives community development block grant funds will hear loudly and clearly."

Further information on the case and on the settlement is available at <http://www.antibiaslaw.com/wfc>.