



HUD, Westchester Feud Unabated

There appears to be no end in sight for the eight-year fair housing skirmish between HUD and Westchester County, NY. HUD refuses to forgive the county for challenging what the department planned as model for a nationwide desegregation of largely white suburban neighborhoods.

As part of the September 2009 settlement between HUD and Westchester, the county was required to compile an analysis of impediments (AI) to desegregation throughout the county. HUD has now rejected the county's AI for the tenth time.

The denial was not expected, particularly after the Trump administration vowed to thwart a new HUD rule governing such desegregation nationwide, the Affirmatively Furthering Fair Housing (AFFH) regulation, an Obama administration interpretation of the 1968 Fair Housing Act.

HUD sources tell HAL the latest rejection was supervised by holdover Obama administration officials in the administrative vacuum caused by the failure of the Trump administration to appoint its own executives. After three months into the new administration, there still is no permanent chief deputy to HUD Secretary Ben Carson who would run the department's day-to-day operations.

The rejected analysis of how the county's zoning codes can act as roadblocks to desegregation is the latest in a saga of feuding that began in February 2009 when a federal judge ruled Westchester failed to spend federal subsidies, particularly Community Development Block Grants, to ease racial and ethnic clustering.

The ruling that the county's certifications of how it handled CDBG awards were "false or fraudulent" was based on a violation of the False Claims Act, the Lincoln law adopted in 1863 to thwart civilian deception of the government. The Anti-Discrimination Center of Metro New York sued Westchester under that law in 2006 and the Obama administration helped accelerate a decision in 2009.

Under the settlement, the county was required to compile an AI by December 2009. That analysis was rejected on grounds it failed to spell out how the county would overcome barriers to

fair housing over the next seven years. All the rejections have been handled entirely by the HUD regional office.

The AI remains the chief sticking point of the settlement. Westchester, so far, has complied with the pact's requirements to build 750 homes in 31 mostly white communities. And the county complied with the settlement requirement to declare Section 8 housing vouchers as legitimate sources of income.

The settlement calls for the county to recruit poor African American and Hispanic families from outside the county's boundaries to occupy the new houses on a quota system based on the percentages of both groups currently living in the county.

HUD has since selected other locales to use as models for its AFFH enforcement effort, including Baltimore County, MD, and Rockford, IL.

Info: See the HUD rejection letter to Westchester at www.cdpublications.com/docs/9146

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