

Fair Housing Task Force

Minutes of the August 12, 2020 Meeting

Present:

Legislator Sam Gonzalez, representing the 9th District.
Legislator Steven Flotteron, representing the 11th District.
Derek Stein (Office of the Presiding Officer)
Luann Dullojacona (Office of the Presiding Officer)
Natasha Marrero (Office of Legislator Gonzalez)
Dawn Lott (SC Human Rights Commission)
Lynda Perdomo-Ayala (SC Human Rights Commission)
Johnathan Smith (NYS Division of Human Rights)
Cicely Harris (NYS Division of Human Rights)
Dr. Georgette Grier-Key (NAACP)
V. Elaine Gross (Erase Racism)
Bo Patten (LIBOR)
Sharon Mullon (LIHP)
Nancy Vargas-Johnson (Central Islip Civic Council)
Mitchell H. Pally (Long Island Builders Institute)
Ashely Alvarado (Long Island Hispanic Bar Association)
Hon. Frank N. Schellace (Long Island Hispanic Bar Association)
Liza Milgrim (Long Island Hispanic Bar Association)

Guest:

Maura McDermott (Newsday)
Rev. Joann Barrett
Ian Wilder (Long Island Housing Services)

1. **Minutes** A motion to accept the July minutes, made by Legislator Steve Flotteron seconded by Legislator Sam Gonzalez, was approved.

Legislator Steven Flotteron noted that the spelling for Sunnybrook Neighborhood needed to be changed in the minutes.

Legislator Sam Gonzalez mentioned the two addition to the task force, Liza Milgrim from the Long Island Hispanic Bar Association and Mitchell Pally from Long Island Builders Institute. Legislator Sam Gonzalez noted a future resolution will extend the Task Force until December 31, 2020.

2. **Mitchell Pally introduction:**

Mitchell noted that the Long Island Builders Institute build residential housing on Long Island for many years. The Long Island Builders Institute is working on the issue of zoning. Mitchell Pally also noted that housing discrimination on Long Island or in Suffolk County is not just, whether you can rent or buy the place, it's whether the place is built and where it is built. They are trying to work with their municipalities to relieve the burden of building affordable housing, workforce housing, multi-family housing in all parts of Suffolk County and not just in some

specific areas. They want to encourage all elected officials to re-zone properties on their own motion. Mitchell Pally noted that zoning change is a legislative action and a town board never has to vote on it if they don't want to, they see these concerns as a bipartisan issue and not as a partisan issue, as they've worked with numerous Attorney Generals in New York State.

3. Statement by Legislator Sam Gonzalez:

Legislator Sam Gonzalez welcomes Frank Schellace and Ashley Alvarado to the task force. Legislator Sam Gonzalez noted that last meeting was going in the direction of this meeting needing more bite and more substance.

4. Suffolk County Human Rights Law discussion:

Legislator Sam Gonzalez asked Elaine Gross if she looked into the Suffolk County Human Rights Law. Elaine Gross noted she has not due to some complications due to the loss of power from Tropical Storm Isaias. Legislator Sam Gonzalez noted that there needs to be changes made to the Human Rights Law. He said he did not see anything that touches the base of steering as a problem, however he will look at it again, although basic items prohibiting discrimination based on race, gender and age are there. He felt that a line about steering and accountability could be added. Legislator Sam Gonzalez also noticed that the realtors have a handbook that does not state anything about steering. Legislator Sam Gonzalez noted that Long Island is still living in segregation 50 years after Fair Housing Laws went into effect. Legislator Gonzalez noted that there is no enforcement to the victims, especially when they do not know that they are being victimized. He asked the task force to consider the question, "How do you know if a realtor steered you?" He added a major concern he found for minority buyers in the report are school districts.

Legislator Sam Gonzalez asked the task force to revamp training requirements because currently there are only 22 hours every 2 years for a realtor to maintain their license. He said that is not enough. Legislator Sam Gonzalez stated that if you are a licensed business and you do not obey by the law that you need to be removed, your license revoked, fine for the company and be put on a wall of shame. Sharon Mullon noted that the real estate training is 3 hours for 2 years and the curriculum is approved by New York State Department of State. Legislator Sam Gonzalez noted that Dawn Lott stated we need to educate the public, however legislator Sam Gonzalez said how would we get the funding, because of COVID the County's funds are scarce. Legislator Steve Flotteron noted that in the education aspect is a concern, but warned adding hours to the training may not help the situation, as that could lead to there being a lot of filler material, such as in the insurance industry. He agreed that education needed to be revamped and improved, but noted the content of the material is more important. Sam Gonzalez referred to the Newsday article saying that they had cameras running during realtor trainings but the substance was not there. He agreed with Legislator Flotteron that if there is no substance then 22 hours does not matter.

Bo Patten stated that last meeting they discussed the Governor signed a law recently making it easier for the state to suspended a licensed of a Human Rights Violation. He stated the task force should talk about where the data collected would go, he noted there are numerous organizations in the County, but no organization could give LIBOR comprehensive data. Legislator Sam Gonzalez asked Ms. Lott where the data being collected by the County would go. Dawn Lott

wasn't sure what data Bo Patten was referencing, but in their annual report there is some data already there. She added that there is data available for the number of cases that are filed, and asked that the Task Force consider taking a look at the process of the Human Rights Commission and how it works as an organization and how it processes housing complaints. She added she didn't recall any requests coming in recently from LIBOR. Legislator Sam Gonzalez wanted Bo Patten to send him the list of 19 organizations and agencies that LIBOR reached out to in order for his office to follow up with them.

Dawn Lott referred to Section 528-9 in the Human Rights Law, titled "Unlawful discriminatory practices in the sale, lease or rental of housing accommodations or commercial property". This section talks about housing discrimination, defines the meaning of real estate brokers and real estate agencies however does not talk about steering, but that is not included in federal or State legislation currently.

Elaine Gross stated she discussed at the last meeting she wanted to talk to the attorneys who originally worked with us when we last amended the law to see if there were any other changes they think would be necessary. She does not think putting the word steering is necessary or important since there is plenty of language that provides the capability for the Human Rights Commission to address steering. She wasn't sure if adding the word steering would be necessary, since steering people means you are denying them access.

Ian Wilder noted that Long Island Housing Services is not on the committee, which he said is an issue. He does not know why his agency located in Islip town is not a member of the Task Force. Ian Wilder agreed with Elaine, but noted that the issues are that the commission is unable to enforce because they do not have a paid Administrative Law Judge (ALJ) on staff for years, but enforcement is difficult if the County doesn't have the resources to conduct enforcement. He said a state passed a law which they are reporting housing violations to the State. He added that enforcement cases his organization receives is largely anecdotal, and that it is his feeling organizations would likely not be large enough to handle an influx of cases.

Sharon Mullon stated that she teaches real estate classes they are 3 hours long. They are recorded both audio and video and saved. Realtors have private questions they stayed after and asked them. Her curriculum had to be approved by the New York State Department of State who was checking off items to ensure she covered the points in her outline and the program has tightened up in recent years. Sharon Mullon noted that she covers Federal, State and New York City, as there are some realtors in Queens as well as Nassau and Suffolk. She talks about impulsive and explosive bias. People are shaped by where they come from and what their views are. This is translated to how they approach people of color, speakers of other languages or disabled individuals. She noted the tone of someone's voice is very important, and that she felt it was very important that these meetings were recorded. Legislator Gonzalez asked if she thought the length of the meetings were acceptable. Sharon Mullen responded that many people already understand the law, but go around it on account of their own biases. She felt that the only real way to combat this is through increased funding, and hoped that COVID-19 will not

Elaine Gross wanted to add Long Island Housing Services to the task force. She wanted to make a master list of the "bad actors" who are discriminating. She added that complaints they had receive they make public, as she feels that it helps to keep people on good behavior, but there is an issue with confidential settlements but is unsure if there is a way to work around that.

Dawn Lott stated that she has a panel of three ALJs who are being compensated. Their laws already include a way for their office to make businesses not in compliance public but it relies on

the HRC establishing a pattern of malpractice, which is difficult for HRC to do due to the scale of an investigation required and the lack of funding, she said fines could be considered but they would need to have probable cause to fine violators.

Legislator Sam Gonzalez noted he keeps hearing three things needed to be done. The major one is funding to assist the Human Rights Commission's enforcement and educational efforts, then the second one is that since litigation is settled out of courts to remain public, which may be a change at the federal level. He asked what information would be available to the public from these cases. Dawn Lott added her cases are discoverable by a FOIL request, they are not confidential, they are different if a case has been commenced in Federal court, she noted there are two different types of litigation. Frank Schellace added it takes two sides to agree if something should be confidential or not, if one side refuses to consent there would not be confidentiality.

Legislator Sam Gonzalez also asked about the "Wall of Shame" that came up at the last meeting. He said that any wall of shame would have to be done based on data. Dawn Lott added that the County could bring actions forward if there is a pattern of practice but they have not ever gone that far with a case. She added they have not had any confidentiality settlements with any HRC case. Legislator Gonzalez noted there are cases that have not been seen, something could be put online, and that he felt that is very important when the number of actual litigations are very low.

Legislator Sam Gonzalez asked about future public hearings and for the members thoughts on the idea. Frank Schellace felt one or two public hearings would be important but not on the front-end since people are aware of how its' occurred, but COVID has become an excuse for rampant inefficiencies.

Legislator Sam Gonzalez asked the Task Force if Long Island Housing Services should be added onto the Task Force. The membership agreed to add Ian Wilder to the Task Force as a representative of Long Island Housing Services.

Mitch Pally pointed out that there are a number of topics that have creating housing discrimination and segregation on Long Island. He asked how far should recommendations go, he added that steering exacerbates segregation on Long Island, but removing it would not solve it alone. He noted zoning and school districts are also involved in why segregation emerged on Long Island, and that it is a much bigger issue then just steering. and if they should Legislator Sam Gonzalez wanted to dedicate time for Elaine Gross at the next meeting to discuss the history behind this housing discrimination on Long Island. Nancy Vargas-Johnson agreed and asked if there could be some kind of history presentation or workshop they could have at the next meeting. Elaine Gross said she would be willing to hold a workshop on the history of segregation on Long Island, since there are a great many issues that have led to it. Lynda Perdomo-Ayala asked Elaine to put together information for Derek to provide to the Legislature in advance for September's meeting.

Ian Wilder mentioned that Suffolk County could in theory withhold Community Development Block Grant funds based on a decision from a Westchester County case. Since the County could set fair zoning laws as a requirement for the County to receive funding.

1. **Next Meeting:** Monday, September 14th at 1:00 p.m.

Meeting adjourned at 3:15 p.m. Meeting Minutes prepared by Natasha Marrero & Derek Stein.

CC: NM, JH, DS