



NEW YORK STATE
OFFICE OF THE ATTORNEY GENERAL

Testimony of
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Before the
New York State Senate Standing Committees on Housing, Construction and Community
Development Investigations and Government Operations, and Consumer Protection

Public Hearing to examine and identify whether and how potential homebuyers of color suffer
illegal and unequal treatment by real estate agents on Long Island

September 17, 2020

Good morning Chairs Kavanaugh, Scoufis and Thomas, as well as other distinguished committee members. Thank you for your tireless efforts investigating these allegations of systemic racial discrimination by Real Estate Agents on Long Island, for your work enhancing the State's enforcement tools in the fight against such discrimination, and for allowing me the opportunity to submit testimony to today's vitally important hearing.

Let me speak plainly: housing discrimination is the North's, and New York's, Jim Crow. State-sanctioned or private, redlines or invisible lines, open bigotry or polite lies, ancient history or yesterday, housing discrimination is the throughline of systemic inequality in this state and across much of this nation.

Housing discrimination begat the insidious, de facto school segregation that continues to this day. Housing discrimination undergirds the entire history of disparate and discriminatory over-policing that continues to this day. Housing discrimination is the single most important factor in a yawning racial wealth chasm that continues to grow wider to this day.

Even if we could fully eradicate housing discrimination today with the snap of our fingers, the direct and collateral damage that has continued and compounded for decades and decades is incalculable. Building a truly just, fair, and equal society in its wake will be the work of generations. Which is why must use every tool at our disposal to fight back against policies and practices that have a disparate impact and take a zero tolerance approach to intentional discrimination.

At this body's December Public Hearing on these matters, my office testified to the existence of our own an independent investigation into alleged Housing Discrimination on Long Island. I want to make clear to you today that this investigation is active and ongoing.

While the ongoing nature of our investigation limits my ability to speak to the specific matters under examination today, I want to reiterate my office's commitment to ensuring that everyone — regardless of what they look like, where they're from, or how they pray — is afforded equal opportunities in housing, on Long Island and anywhere else in this state.

Beyond our active investigation, I would also like to update this body on additional steps we have taken to combat housing discrimination since the prior hearing.

For instance, our office recently announced a \$4.5 million grant to the Eliminating Barriers to Housing in New York (EBHNY) program, a two year pilot aimed at rooting out discriminatory housing practices and improving the overall housing stock in the state. Up to 80 percent of the grant dollars will be dedicated to systemic testing investigations and fair housing and fair lending testing enforcement, as well as to support education and outreach efforts, by qualifying organizations including Long Island Housing Services. The goal of the investigations and testing is to expose systemic discrimination based on factors such as race, national origin, disability, or source of income.

Our office has also launched a statewide initiative to prevent source of income discrimination, and practice that—while itself illegal—has long served as a proxy for discrimination against protected classes.

We also won a critical victory when a judge ruled the OAG could officially join a lawsuit against the Town of Chester and Orange County over the use of allegedly discriminatory housing practices designed to prevent members of the Jewish community from moving to Chester, New York.

Given the current occupant of the White House—a man who began his career getting sued for racial discrimination under the Fair Housing Act and began his Presidency by gutting FHA enforcement—states have had no choice but to step up in the face of federal abdication. But, whatever the outcome in November, our office has no intention of letting up. This issue is too important and the stakes are just too high.

We look forward to continuing to work with you to ensure that these wrongs are righted and that New Yorkers all across this state are safeguarded against this pernicious form of discrimination going forward.

Thank you.