



Testimony of Fred Freiberg, Executive Director Fair Housing Justice Center, Inc.

Presented at a Joint Hearing of the New York State Senate’s Committee on Housing, Construction and Community Development; Committee on Investigations and Government Operations; and Committee on Consumer Protection

September 17, 2020

Thank you for inviting me to provide additional testimony at the 2nd Joint Hearing of the Senate Committees today. I know you have had a long day and I intend my remarks to be brief. As you know, my name is Fred Freiberg. I am the Executive Director and co-founder of the Fair Housing Justice Center (FHJC), a regional civil rights organization based in New York City.

I was asked to address several issues and I will endeavor to briefly do so.

First, I was asked to comment on some of the proposed legislation that is pending before the State legislature and whether this legislation will help address the problem of systemic housing discrimination and residential segregation. As was mentioned earlier in the hearing, a law was already enacted that made explicit the authority of the Division of Licensing Services to sanction or discipline licensees who are found to have engaged in housing discrimination.

(S. 6713 HOYLMAN) This bill directs the New York State Division of Human Rights to promulgate a statement regarding fair housing that must be appended to any form of housing assistance. The version of the bill that I reviewed (Page 1, line 19) misstated the exemptions in the newly passed State source of income law and should be changed from “six units or more” to “owner-occupied housing of two units or less.” With that minor change, the bill will help inform vulnerable populations most adversely impacted by source of income discrimination about their rights under the Human Rights Law.

(S. 8096 KAVANAGH) This important bill establishes a State obligation to affirmatively further fair housing. While this bill is not focused on the real estate industry, it is responsive to the current federal retreat on fair housing and addresses the duty of state and local governments to take steps to address barriers to housing choice and reduce residential racial segregation by administering all housing and community development programs in a manner that affirmatively furthers fair housing.

I have three comments on this bill. First, the bill (Page 1, line 23) should explicitly state (a) identify and overcome patterns of residential segregation and housing discrimination. Second, on lines 16 and 18, the phrase “related to housing” should be changed to “related to housing and community development” to be consistent with the federal Fair Housing Act. Finally, I would strongly urge the sponsor to add some opportunity for input from the public. One way to address this concern is to obligate the NYSHCR Commissioner to produce a draft annual report and allow 30 days of public comment and then require the Commissioner to submit the final report along with all public comments received to the Governor and legislature.

(S. 7581 SKOUFIS) This bill increases the continuing education requirements on fair housing that real estate brokers and real estate salespeople must meet to maintain their licenses in good standing and to prevent housing discrimination. While training is not a total solution to addressing the continuing problem of housing discrimination, for real estate licensees who seek to comply with fair housing laws, having quality training opportunities available can be invaluable and lead to greater compliance.

(S. 7632 THOMAS) This bill provides for the recovery of civil penalties and punitive damages under the Human Rights Law. Increasing penalties that can be imposed on violators of fair housing laws is helpful in deterring unlawful housing discrimination.

(S. 7625 KAPLAN) This bill requires the Office of the Attorney General to fund annual testing throughout the State of New York. This is perhaps one of the most important bills because it provides public support for the use of testing to ferret out the type of systemic discrimination that was identified in the *Newsday* investigation.

Second, I was invited to offer comments on the implications of the current COVID-19 pandemic and the numerous protests against racial injustice that we have witnessed across the country in recent months. As New Yorkers face increased housing instability due to the COVID-19 pandemic and at a time when our nation is engaged in a conversation about issues of racial

justice and equity, it is the right time to enact legislation that can help reduce illegal housing discrimination and residential racial segregation. The legislative package I just mentioned is worthy of broad support, but it is not all that needs to be done from a policy perspective. I mentioned some of the other issues in my December testimony so I will not cover that ground again.

Finally, I was asked to respond to the testimony provided earlier by real estate professionals who were subpoenaed to testify at today's hearing. As I explained to the Senate staff, I stand by my public comments on the *Newsday* investigation and that is still the case. Obviously, I was not able to go back and check the facts in each of the tests to compare it against what each agent said today. But since there are multiple formal investigations by government agencies underway into the conduct of many of these real estate agents and brokers, my preference is not to provide further comments as I assume that the factual evidence will guide these investigations and not my opinion.

I do want to reiterate that what *Newsday* exposed is not peculiar to Long Island or the real estate sales market. Systemic racism infects many segments of the housing market and is still much too pervasive. A few months ago, following the murder of George Floyd, Kareem Abdul-Jabbar wrote an op-ed in the LA Times and included the following quote that I would like to end with as a parting thought for all of us to ponder because it applies to housing as well:

"Racism in America is like dust in the air. It seems invisible — even if you're choking on it — until you let the sun in. Then you see it's everywhere. As long as we keep shining that light, we have a chance of cleaning it wherever it lands. But we have to stay vigilant, because it's always still in the air."

Previously, I thanked *Newsday* for shining a bright light on the issue of housing discrimination, but I also want to extend my appreciation to your Senate Committees for keeping the light on and formulating legislative and policy responses to address this problem.

Again, I'm happy to answer any questions from the Committee members. Thank you very much.