

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members  
FROM: Frank J. Culross, City Manager  
SUBJECT: Enclosures - Council Packet  
DATE: August 14, 2009

Enclosed with this memorandum are the following items:

- 8-6 Article from the August 11, 2009 edition of The New York Times entitled *Westchester Agrees to Add Housing in Desegregation Pact.*
- 8-7 Litigation Update from the Corporation Counsel dated August 14, 2009.
- 8-8 Meeting notice for the week of August 17, 2009.

FJC/emmm  
Encs.

**The New York Times**

A story  
about two  
strangers.

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**August 11, 2009**

## **Westchester Agrees to Add Housing in Desegregation Pact**

By **SAM ROBERTS**

Westchester County officials have entered into a landmark desegregation agreement that would compel the county to create affordable housing in overwhelmingly white communities and aggressively market it to non-whites in the county and in neighboring New York City.

The agreement, to be formally filed Monday in Federal District Court in Manhattan, would end three years of litigation by the Anti-Discrimination Center over Westchester's responsibility to enforce fair-housing goals.

"Residential segregation underlies virtually every racial disparity in America, from education to jobs to the delivery of health care," said Craig Gurian, executive director of the Anti-Discrimination Center, which filed the suit under the federal False Claims Act.

The agreement calls for the county to spend more than \$50 million to build or acquire 750 homes or apartments, 630 of which must be provided in towns and villages where blacks constitute 3 percent or less of the population and Hispanic residents make up less than 7 percent. The county has seven years to complete the construction or acquisition of the affordable housing units.

Among the towns and villages in which blacks constitute less than 3 percent of the population and would theoretically be eligible for affordable housing under the settlement are Bedford, Bronxville, Eastchester, Hastings-on-Hudson, Harrison, Larchmont, Mamaroneck, New Castle, Pelham Manor and Scarsdale.

It was not immediately clear where the new houses and apartments would be placed, although the settlement says that priority should be given to sites near public transportation. The overarching goal, though, is to locate them in the least racially integrated neighborhoods.

Given that 120,000 acres of land in the county meet the criteria, Mr. Gurian said, the federal 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."

Brokered by the Department of Housing and Urban Development, the agreement promises to spark challenges to suburban counties across the country that have resisted pressure to undo decades of

residential segregation.

“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,” Mr. Gurian said.

Westchester officials had originally dismissed as “garbage” the lawsuit’s premise that the county had fraudulently claimed that, as a condition of accepting federal funds, it fully complied with mandates to provide affordable housing without furthering racial segregation.

But the county’s claims were largely repudiated in February when Judge Denise L. Cote ruled that between 2000 and 2006 the county had misrepresented its efforts to desegregate overwhelmingly white communities when it applied for federal housing funds.

Judge Cote concluded that Westchester made little or no effort to find out where low-income housing was being placed, or finance homes and apartments in communities that opposed affordable housing.

Andrew Spano, the Westchester County executive, attributed the settlement to “a historic shift of philosophy” by federal housing officials. Mr. Spano said that the settlement would have “a sweeping effect on communities nationwide” and that he signed the agreement to avoid further litigation and possible penalties.

The county admitted no wrongdoing, blamed the judge’s ruling on a technicality, said it had always given made affordable housing a priority and said that since it had previously invested in affordable housing, “what is different is the locations where the housing must be built.”

The false claims suit by the Anti-Discrimination Center, a nonprofit group, and the settlement apply to towns and villages in Westchester. The federal government deals directly with the cities in the county, among them Yonkers, which nearly went bankrupt before capitulating two years ago in a housing segregation case that dragged on for 27 years.

The agreement is to be formally announced on Monday by federal and county officials.

It is subject to approval within 45 days by the county Board of Legislators, which is also required to approve a \$32.9 million bond sale to help finance the housing.

Without that approval, the litigation would resume and the county would be faced with having to prove at trial that it did not knowingly file false claims.

Federal housing officials would appoint a monitor to ensure compliance.

“Affordable” housing is defined by a complex formula, but generally it is meant for working families. In

some cases, a family of four could make up to \$90,000 and still qualify.

There is no minimum income level, “but it’s not going to be no-income,” Mr. Gurian said. “This agreement is not focused on facilitating housing for the poorest of the poor.”

Mr. Gurian said that while black and Hispanic residents have a disproportionate need for affordable housing, “this is an opportunity-creating agreement, not a guarantee” that the homes would go to members of minority groups.

Most of the homes would be new construction, although some existing houses and apartments could qualify if the county made them permanently affordable.

The case was litigated by Mr. Gurian and the center’s lawyer, John Relman. Their argument that the county had largely ignored local impediments to affordable housing was based, in part, on testimony by Andrew A. Beveridge, a sociologist at Queens College of the City University of New York.

Dr. Beveridge found that “racial isolation is increasing for blacks, falling slightly for whites” and that “income level has very little impact on the degree of residential racial segregation experienced by African-Americans.”

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**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kevin J. Plunkett, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: August 14, 2009

**CLAIMS**

A notice of claim has been filed by Amirah Taylor and Jarrett Taylor of 2174 Lexington Avenue, New York, New York. The claim states that on June 27, 2009, Amirah Taylor was injured on a ride at Playland. The notice has been forwarded to our insurance carrier.

A notice of claim has been filed by James and Wendy Dolce of 41 Old Post Road. The claim states that a sewer back up cause damage to their home and personal property. The notice has been forwarded to our insurance carrier.

**LITIGATION**

**TOWNSEND v. BOARD OF APPEALS**

We received a Notice of Appeal for Appellate Division Intervention in the above referenced matter. The plaintiff's/appellants have six months to perfect their appeal.

**CITY COURT**

Routine calendar with no unusual dispositions.

Respectfully submitted,

*Kevin J. Plunkett*

Kevin J. Plunkett  
Corporation Counsel

KJP/dfn

**CITY OF RYE  
MEMORANDUM**

**TO: Department Heads**  
**FROM: City Clerk's Office**  
**SUBJECT: Weekly Meeting Notice**  
**DATE: August 7, 2009**

Meetings scheduled to be held during the week of August 17, 2009.

There are no meetings scheduled for the week of August 17, 2009.

**cc: News Media**  
**Kerry Donahue**