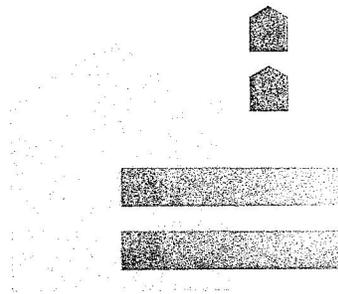


NORWALK FAIR HOUSING OFFICER'S

ANNUAL REPORT

FY 2011-2012



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NORWALK FAIR HOUSING OFFICER'S ANNUAL REPORT
Fiscal Year 2011-2012

TABLE OF CONTENTS

Preface	i
Executive Summary	i
Key Findings	
I. Impediments to Fair Housing	1
A. Discrimination against Protected Classes	1
B. Actions, Omissions, Policies, Practices or Procedures Which Increase Segregation, Impede Integration or Fail to Address The Needs of People with Disabilities	1
(1) Public Policies – Zoning	2
(2) Public Policies – Norwalk Housing Authority	3
(3) Public Policies – Redevelopment Agency	5
II. City Operating Budget, Capital Budget and CDBG Funding	7
A. City Operating Budget	7
B. City Capital Budget	7
C. City Community Development Block Grant Funds	8
Recommendations	
1. Continue to Address Housing Discrimination	10
2. Revise Norwalk Zoning's Workforce Housing Regulation	10
3. Revise Norwalk Housing Authority Policies	11
4. Transfer the FHO's employment to the City of Norwalk	11
5. Provide Continuing Financial Support for Norwalk Fair Housing	
City Enforcement and Compliance	12
1. Fair Housing Advisory Commission	12
Appendices	
A. Activities and Function of the Fair Housing Office	a
B. Discrimination Complaints – Numbers, Trends and Cases	b
C. Pro Bono Attorneys	d
D. Norwalk's Human Relations Commission	d
E. "Out of Reach" Report Findings	d
F. "Priced Out in 2010" Report Findings	e
G. Disability	f
H. City Use of CDBG Funds	f
I. Planning and Development	g
J. Availability of Affordable Housing	h
Attachments – Newspaper columns	

PREFACE

This report is filed in compliance with an amended consent decree entered into in 2004 by the Norwalk branch of the NAACP and the City of Norwalk (the "2004 Consent Decree").¹ With regard to reporting, the 2004 Consent Decree directs the Fair Housing Officer ("FHO") to

"...file an annual report at the end of the City's fiscal year to the Fair Housing Advisory Commission [FHAC] regarding his/her activities and findings and regarding enforcement and compliance in the City under Title VIII and the City's Housing Equal Opportunity Ordinance, Chapter 59A of the City Code. Upon acceptance by the Fair Housing Advisory Commission, the report shall be submitted to the Mayor, the Housing Site Development Agency and other appropriate city commissions and agencies."

Because housing discrimination complaints often arise in the context of landlord/tenant relationships, Norwalk's FHO serves as the primary resource for Norwalk residents, realtors, bankers, public housing authority and community service providers with questions regarding landlord/tenant law, as well as what conduct constitutes violations of federal, state and municipal Fair Housing laws. The FHO assists residents who believe they have suffered housing discrimination by investigating claims and, where warranted, filing and advocating complaints with local, state and/or federal enforcement bodies. She also advises and works with residents at large and those in housing-related industries.

This report encompasses from July 1, 2011 through the end of the fiscal year, June 30, 2012. It includes categorization of the types of inquiries received by the FHO, as well as her specific efforts to educate, advocate, advertise and provide services to the residents of Norwalk with regard to the anti-discrimination laws applicable to housing. In addition, this report describes the activities and projects that cross fiscal year boundaries and/or those being undertaken in the current fiscal year (FY 2012-2013).

This report utilizes a different format and approach than in prior years. It is intended to make the data, findings and recommendations more accessible. As mandated by the 2004 Consent Decree, this report highlights the Fair Housing Office's activities and the FHO's findings with regard to Fair Housing issues and impediments in Norwalk, as well as enforcement activities and areas of concern regarding compliance.

EXECUTIVE SUMMARY

The Great Recession, according to economists, ended some time ago. The economy appears to be slightly better. Unemployment is headed down and the latest housing start reports are headed up. The general economy is growing, albeit at a very slow pace. In recent years, as people have struggled, there has been a substantial increased demand on Norwalk Fair Housing. Housing loss, or housing stress, is a reality for many. A housing bubble and irresponsible, predatory

¹ The original consent decree (which this one replaces) was entered into in 1986 and resulted in the creation of the position of Fair Housing Officer and the Fair Housing Advisory Commission, among other things. The original consent decree also directed the Fair Housing Officer to write an annual report.

lending contributed to this economic downturn. Job losses and foreclosures have only compounded housing problems.

Fair Housing violations continue in the private real estate market, especially the rental market. Historically, when economic times are difficult, discrimination increases. Also, there tends to be an increase in discrimination when there is a shortage of affordable housing. These historical trends seem to be holding true. Since full recovery is, perhaps, a few years off, it is expected that the violations will continue, at least at their current rate (and likely continue to increase), as people continue to be stressed and pressed by economic woes.

Covered by this report:

⚡ Key Findings

❖ Impediments to Fair Housing

- Discrimination against Protected Classes
- Actions/decisions, omissions, policies, practices or procedures which increase segregation (or impede integration) or fail to address the needs of people with disabilities;
 - Public Policies – Norwalk Zoning
 - Workforce Housing Regulation
 - Public Policies – Norwalk Housing Authority
 - Reasonable Accommodations for People with Disabilities
 - Removal of Adults from Lease
 - Truancy Leading to Evictions of Families
 - Public Policies – Redevelopment Agency

❖ City Operating and Capital budgets, and CDBG (federal) Funding

⚡ Recommendations

- Continue to Address discrimination based upon protected classification
- Revise the Norwalk Zoning Commission's Workforce Housing Regulation
- Revise Norwalk Housing Authority policies
- Transfer the FHO to employment by the City of Norwalk and require NRA to work with the FHO and FHAC on all Fair Housing initiatives
- Provide Continuing Financial Support for Fair Housing Office

⚡ Enforcement and Compliance

⚡ Appendixes

The FHO's annual report is mandated to include reporting on Fair Housing activities, findings, the enforcement of Fair Housing laws, and compliance. This year, the FHO also takes the opportunity to point out some good news: in FY 2011-2012, the City and NAACP, along with the Fair Housing Advisory Commission, agreed to move the Fair Housing Office to new office space, located in a building next door to Norwalk City Hall. In mid- July, 2012, the Fair Housing Office moved from a cubicle within the Redevelopment Agency office in City Hall, to spacious office and conference quarters on the second floor of the Department of Health building. Mayor Moccia directed the move; Director of Health Tim Callahan welcomed and assisted the office in getting up and running in numerous ways; Norwalk's IT and building management departments

also provided irreplaceable assistance in getting materials moved, wires strung, computers running, even donating needed equipment. Donations of furniture from an anonymous corporate citizen, and labor from Norwalk's AIC program (whose participants painted the office space) contributed to the new office's functionality and appearance. The Fair Housing Officer and Fair Housing Advisory Commission are grateful for the work of all parties in getting the move done, and the extraordinary help we received, which enables us to better serve Norwalk.

KEY FINDINGS

I. Impediments to Fair Housing

“Impediments to Fair Housing” is a term coined by the U.S. Department of Housing and Urban Development (HUD). It can be fairly summarized to mean a barrier of some kind that limits or inhibits the ability of people to live where they choose, free from housing discrimination.

There are 3 primary types of barriers to Fair Housing, the first two of which are discussed in this report¹:

- Decisions made, or actions taken, “because of” a person’s protected classification;
- Actions, omissions, policies, practices or procedures which increase segregation or impede housing integration, disproportionately impact certain groups of people, or fail to address the needs of people with disabilities;
- Not constructing new (post March 1991) multifamily buildings (more than 4 units) in accordance with the design and construction standards found in the Fair Housing Act so that 100% of the units² in elevator-serviced buildings, and 100% of ground floor units in non-elevator serviced buildings are built “accessible”, as that is defined under the Fair Housing Act.

Under federal, state and local fair housing laws, the “protected classifications” (meaning the bases upon which one is not allowed to make housing decisions) are³: race, color, religion, sex, disability, familial status (presence of minor children in the household, pregnancy, or when seeking to add children via adoption or foster care), or national origin (federal classifications), marital status, age, sexual orientation, lawful source of income (for example, Section 8 or RAP housing subsidies), gender identity and expression (state and local protections).

A. Discrimination against Protected Classes

During FY 2011-12, the reported incidences or inquiries regarding discrimination increased substantially⁴. The following chart shows the number of inquiries received during the fiscal year:

Protected Classification	Tenants (prior yr)	Landlords or Realtors	Totals for FY 2011-12
Race	22 (08)	13	35
Creed/Religion	17 (09)	18	35
Color	21 (13)	7	28
National Origin	18 (10)	13	31
Ancestry	00 (02)	6	06
Sex	05 (02)	7	12
Marital Status	14 (03)	14	28
Age	08 (03)	6	14
Source of Income	04 (14)	14	18
Familial Status	10 (06)	16	26
Disability	17 (18)	10	27
Gender ID/Expression	00 (00)	0	00
Sexual Orientation	02 (00)	0	02
Totals	138 (60)	124	262

¹ The third category was discussed in last year’s report using the most recent data: see appendix G .

² Exception is town-house style units that do not have an elevator servicing the upper floor(s)

³ Some of these laws have exceptions.

⁴ In FY 2010-11, there were 88 inquiries from tenants regarding discrimination and 73 from landlords, totaling 161.

It is interesting that reports of discrimination based upon source of income (rental assistance programs, for example, such as Section 8 and RAP, to name a few) were down significantly in FY 2011-12: perhaps this is because in a difficult economy the source of money is not as important as the fact that there is money? If that is the cause, then a goal of protecting lawful sources of income from housing discrimination may have achieved a level of success.

The increase in reporting or inquiring about all other housing discrimination protected categories (excepting ancestry) may be due to increased incidences of housing discrimination or may be due to increased levels of educational interaction with the community. As more people are aware of their rights, more people report incidences of concern. Likely, it is some combination of more incidences occurring and a more educated public reporting. In the last few years, the FHO has conducted many more programs for members of the community. In FY 2007-08, 95 people attended FHO seminars; in FY 2008-09, 228 people attended such trainings; in FY 2010-11, 500+ people attended Norwalk Fair Housing trainings. In FY 2011-12, again, in excess of 500 people attended Fair Housing trainings by the FHO.

This shows that Fair Housing law trainings remain critical to educating people about the laws, their rights, and addressing housing discrimination.

B. Actions/decisions, omissions, policies, practices or procedures which increase segregation (or impede integration), disproportionately affect members of protected classes or fail to address the needs of people with disabilities;

(1) Public policies - Zoning:

A key issue which arose in FY 2011-12, and continues in FY 2012-13, pertains to affordable housing in Norwalk, specifically, Norwalk's Workforce Housing Regulation (§118-1050). That zoning regulation requires affordable (workforce) housing units to be included in housing developments of 20 or more units, in specified areas of Norwalk. In FY2011-12, a developer received approval for a development project of more than 100 high-end apartments in the vibrant/hip downtown area of Norwalk called SONO, a building that will have water views, a European-style plaza, and many high-end amenities. The zoning approval specifically included 11 affordable units on-site. A few months later, at the tail end of FY 2011-12, the developer returned to the Zoning Commission, asking to be allowed to move all of the affordable units off-site, to two less expensive, less desirable complexes and neighborhoods, neither of which had the same or similar amenities. Initially, a committee of the Zoning Commission voted to allow the moving of the affordable units out of the new development. However, when the matter reached the entire Commission, it was voted down.

In November, 2012 (FY2012-13), the same developer made a close to identical proposal: the earliest proposal was to move all 11 affordable units elsewhere; that was then modified to move 9 units elsewhere; the November, 2012 proposal is to move 7 units elsewhere and was approved.

This experience illuminates issues with the Workforce Housing regulation which need to be addressed. These are Fair Housing issues because the net result is an attempt to physically and geographically separate the affordable housing from the market-rate development project, to put those apartments in completely different neighborhoods with none of the amenities of the primary development. Since moving the affordable units offsite would contribute to segregation in Norwalk, thereby being antithetical to the goals of the Fair Housing Act and laws, the FHAC and FHO continue to oppose proposals which further rather than remediate housing segregation.

In early FY 2012-2013 (October, 2012) the FHAC wrote a letter to the Zoning Commission, Common Council and Mayor, outlining issues and recommendations pertaining to the workforce housing regulation. That letter is attached as appendix H. By way of summary, the issues identified include:

- Developers can apply to move affordable units off-site from the primary development project without necessity of a public hearing regarding that change by using the following process (as happened in the case at hand): at the public hearing, the developer has a plan which includes the affordable units on-site; after having that plan go through public hearing, and after getting approval for same, come back later seeking a “minor change” of moving the affordable units somewhere else (if a minor change, there is no public hearing on the matter);
- There is no specific standard in the regulation so that the public and developers know what criteria needs to be met in order for affordable units to be moved away from the primary development site;
- Some of the verbiage in the regulation is either undefined or imprecise so it should be “tightened” to include the standards, if any, that must be met in order to be allowed to move affordable units off-site, and to clarify that whether on-site or off-site, the decisions are to be made by the City, not the developer, in accordance with City policy;
- With no specificity in the regulation as to where the units need to be located, how similar in construction, amenity and neighborhood they need to be, might be an unintended incentive to developers to seek to put affordable units in less expensive, less desirable buildings and neighborhoods – there isn’t even any requirement currently that the affordable units have to be in Norwalk.

(2) Public Policies – Norwalk Housing Authority

Reasonable Accommodation for people with disabilities: For a number of years, the FHO has pointed out deficiencies in the Norwalk Housing Authority’s (NHA) reasonable accommodation policy and its implementation.

By way of reminder, a reasonable accommodation is a change in a policy, practice, procedure or rule, needed by a person with a disability, because of his/her disability. For example, a person with a disability may need an assigned parking spot near their front door, even if all other parking at the housing complex is unassigned (first come first serve). If that person with a disability needs a proximate parking spot because of disability (which could be something that prevents them from walking, they may use a wheelchair, or have heart disease, emphysema or many other disabilities substantially limiting one of more major life activities, here, the activity of walking and/or breathing), then even though the rule or policy is no assigned parking, the person with a disability must be assigned a parking spot to address his or her need. Another example would be that a housing complex with a no pets policy must allow service animals (which legally, are not considered pets), when needed by a person with a disability, because of the disability, even though people without disabilities still cannot have pets.

The NHA’s failure to properly respond to reasonable accommodation requests resulted in numerous cases being filed against the NHA. In the spring of 2011, in an effort to remedy the underlying problem (the lack of a proper reasonable accommodation policy), the FHAC offered to the NHA that the FHO could participate in revising the policy and training NHA staff to implement it properly. The NHA did not respond to this offer of free assistance.

As a result, in very early FY 2011-12 (July 5, 2011), Norwalk Fair Housing clients (a mother and father on their own behalf, and on behalf of their minor child) filed a case against the NHA, at the Connecticut Commission on Human Rights and Opportunities (CHRO), alleging that the NHA failed and refused to grant the family, which includes a child with a severe disability, needed reasonable accommodations, including a transfer to a ground level apartment (the child uses a wheelchair and other heavy medical equipment). The NHA denied any wrongdoing. An investigation by the CRHO followed. The parties settled the case in January, 2012. As part of that settlement agreement, the NHA agreed to create, adopt and implement a reasonable accommodation and modification policy within a few months time, to be reviewed and approved by the CHRO and HUD, and to train NHA staff regarding reasonable accommodations.

The NHAs failure to properly implement an appropriate reasonable accommodation policy was a significant impediment to Fair Housing in Norwalk. An approved policy is now in effect. If properly implemented, a significant Fair Housing impediment, for many Norwalk residents, will have been removed. Norwalk's FHO is offering comments upon staff directives for implementation of this policy and looks forward to reasonable accommodations being properly processed and granted, going forward.

This case was a significant victory for Norwalk Fair Housing, on behalf of one family, and going forward, this resolution resonates and impacts all the families that include people with disabilities. Additionally, this case brought to light a particular problem faced by families with children with disabilities: the costs faced by an adult with disabilities are considered when calculating rent, but the NHA would not consider the same costs incurred by this family due to their child's disabilities. This disparity was brought to the attention of the Deputy Assistant Secretary for Enforcement and Programs, in the Fair Housing Enforcement Office at HUD in Washington D.C. Norwalk Fair Housing was told that the problem brought to light would be clarified so that families with children with disabilities nationwide will not face problems getting similar reasonable accommodations elsewhere. This case reverberates beyond Norwalk.

Removal of Adults from Leases: As reported in prior years, there has been a significant problem related to the NHA's policy for removing adults from leases, when an adult left a NHA property household or a household in the Section 8 program. Usually, these are young adult children who leave and then fail to provide all the information (typically, 3 forms of proof) the NHA demands regarding their new residence.

If the person who has moved refuses to provide such information then the NHA would not remove him/her from the lease, the rent would not be recalculated, and if that person gets in trouble with the law, or has an increase in income, the remaining family could be evicted and/or face claims of fraud (the fraud being for failure to report the increase in the absent family member's income, which increase the remaining family does not know). This was occurring, despite the fact that the NHA is mandated by HUD to recalculate rent and unit size whenever household membership changes.

The requested policy is that in the event an adult household member moves out of the household and does not cooperate in providing the remaining family members and the NHA with the proof required, that the NHA "will" permit the head of household to use an affidavit to swear to the absence of that person from the household. This will then enable the prompt recalculation of rent and eliminate the risk that people will face eviction unnecessarily. Doing this promptly and without undue burden saves both the tenant and Norwalk time and money.

Inquiry revealed that Fairfield, Greenwich and New Haven use the approach proposed by the FHAC. The NHA, during FY 2011-12, indicated it 'may' use this approach. Such a policy needs to be applied consistently because inconsistency will likely result in a perception of discriminatory application.

A related concern, which also arises under other scenarios, is the recalculation of rent by the NHA. HUD requires it whenever a tenant's income or family size changes. Sometimes actually getting this done takes a few months, and a tenant is told to pay the old (higher) rent, and if they are entitled, they'll be given a credit later. However, when you are low income, if your income went down because, for example, loss of a job, you are not able to pay the old rent for a few months until it is recalculated and not paying, or underpaying, can be cause for eviction. This issue remains to be addressed, perhaps in FY 2012-13.

Truancy: Another NHA policy which the FHO has expressed concerns about for a number of years is the NHA's truancy policy. The policy is a progressive discipline policy such that unexcused absences from school "will" have, as the ultimate consequence, the eviction of an entire family from public housing. While everyone is in favor of education and the remedial and enrichment opportunities provided for students (including at the NHA's learning centers), the FHO has identified Fair Housing issues (as well as practical concerns) associated with evicting families due to children's school attendance.

Some of those concerns include: whether the NHA has the legal authority to condition tenancy upon school attendance or performance; the consequence to the rest of the children in the family if the family is evicted due to one child's truancy (since homelessness negatively impacts education); and if, as the NHA says, no family will actually be evicted under the proposed policy, then the appropriateness of threatening to evict when there is a stated intent not to actually carry out the threat. From a Fair Housing perspective, this is a policy which, by definition, only applies to families with children. Therefore, families with children face potential eviction from housing not faced by households without children. This is a likely housing discrimination issue. From an efficacy point of view, since homeless families are the least likely to have kids attending school on a consistent basis, it's also a policy whose ultimate action is contrary to the stated goal.

Addressing a policy that only (and negatively) impacts families with children remains a Fair Housing goal and may raise constitutional equal protection concerns as well. Alternatives exist: for example, providing incentives or rewards to families with children when the children have good attendance in school, voluntarily use the NHA's learning center resources, and/or achieve good grades (rather than a threat to evict).

(3) Public Policies – Norwalk Redevelopment Agency

In all prior years (since the inception of the Fair Housing Office, in 1986), the Norwalk Redevelopment Agency (NRA) administered the Fair Housing Office budget, as it employs the Fair Housing Officer. The current FHO, like all prior Norwalk FHOs, is an employee of the Redevelopment Agency. In the last few fiscal years, NRA has provided less support for Fair Housing, gradually cutting out services and materials it still provides to its other employees. For example, NRA used to provide the FHO the cost information related to salary and benefits, for inclusion in the FHO's annual budget application (since NRA purchases benefits and pays the employer-related taxes, like FICA, it therefore is the party with the knowledge of these costs). NRA stopped cooperating in providing that information several years ago, leaving the FHAC to

guess as it prepared a budget to present to the City, a much more time-consuming process when the information needed is withheld. More recently, in FY 2011-12, the NRA stopped providing the FHAC with budget reports (showing what it draws down from the FHAC budget, which reports were provided monthly for approximately 20 years and more recently, provided quarterly). Until this year, the NRA reviewed, signed off on and processed required expense forms (required by NRA) for reimbursement of the FHO for mileage and expenses she advances personally, and stopped signing off on forms for approved vacation time, even though it continues to administer, report on and sign-off on such paperwork of its other employees (NRA employees are funded from many different budgets and fund sources, all of which are administered by NRA).

In early FY 2012-2013, the Executive Director of NRA, upon seeing the FHO mailing the FHAC's monthly meeting package, informed the FHO that she is now prohibited from using the office/her employer's copy machines, postage machines and office supplies. This prohibition did not extend to other employees so they continue to be permitted to use office copiers, put postage on work-related mailings, even get a pen from the supply closet. He then had the FHO's "code" removed from the machines (the copy machines and the postage machine have budget codes entered into them, so that when an employee uses the machines, he/she has to enter their budget code and the appropriate budget can be billed for the usage). The stated reason is that the FHO has her own budget, but this is not explanatory: all employees of NRA have their own budgets, or multiple budgets to which they bill their time, copying, postage etc., so all the office machines have budget codes pre-programmed into them, which code an employee must enter into the machine prior to its usage. Again, other employees, those who do not handle Fair Housing work, are not cut off from machines or supplies.

While such actions might be characterized as petty, they also necessarily serve to impede the Fair Housing Office's ability to do Fair Housing work: while the office has a desktop copier, it cannot handle larger copying jobs, as is needed for flyers, event materials, and monthly Commission packages. Thus, for example, the FHAC was unable to produce the copies of flyers it wanted for its fall dinner, co-sponsored with Norwalk's NAACP⁵; the FHO had trouble copying and mailing the monthly Commission meeting packages, needed for the court-ordered public meetings. Any mailing means the FHO has to use her own personal stamps, and anything larger than a regular letter, she has to close the Fair Housing Office, drive to the post office, and wait on line, clearly not the best use of time in serving the people of Norwalk. These refusals, to provide an employee, the FHO, with normal office supplies and access to office machinery, has left a procedural vacuum that remains to be addressed in FY 2012-13.

In response to these problems, the City determined to physically move the FHO to other office space. In the beginning of FY 2012-13, the Fair Housing Office moved to spacious office and conference room space in the neighboring Health Department building, and solicited and received a donation of office and conference room furniture from an anonymous corporate citizen.

Because of the above, the FHO is now an employee of NRA only in the sense that her paycheck comes through that office (although the money comes from the city and then the check is written by Redevelopment). During FY 2012-13, the FHAC will continue to work with the NAACP and City to move the actual employment of the FHO from the Redevelopment Agency to the City of Norwalk, thereby acknowledging the reality of the situation: the FHO's entire budget, including

⁵ This dinner, scheduled for November 1, 2012, was postponed to a date to be determined, due to Hurricane Sandy and the event location being used as a shelter for those affected by the hurricane.

all salary and benefits and nearly 100% of operations, are funded by the City of Norwalk; the FHO's office is in a city building and not associated with the Redevelopment Agency; the FHO is no longer provided even office supplies or copying by Redevelopment; her employer, NRA, refuses to process check requests (to pay office bills), or provide supplies, or sign off on vacation requests or do any other action done for other employees or by other employers. All of these actions impede the Fair Housing Office in its operations.

II. City Operating Budget, Capital Budget and CDBG Funding

A. City Operating Budget

Pursuant to the 2004 Consent Decree, the City of Norwalk funds the Fair Housing Office by granting a budget to the Fair Housing Advisory Commission. It includes nearly all of the costs of the office, which are made up primarily of the personnel costs of one employee, the FHO, and come out of the City's Operating Budget funds. In FY 2011-2012, the total budget granted by Norwalk was, approximately, \$122,000. In addition, the FHO provided an evening training to a private housing provider, earning \$650.00, which was placed into the Fair Housing Office budget, the bulk of it spent by the FHAC purchasing children's books about Fair Housing for Norwalk's elementary school libraries.

During the prior 3 years, the FHO did not receive any salary increase. Effective July 1, 2012 (FY 2012-13), as recommended by the FHAC, the City funded and the FHO received a modest salary increase of 2.5%.

The City also permitted the FHAC to "roll over" some prior unused funding into FY 2012-13, which will be used for needed equipment and Fair Housing programming (the dinner co-sponsored with the NAACP, postponed due to Hurricane Sandy, will be rescheduled in early 2013, for example), as well as for Fair Housing month activities and programs.

B. City Capital Budget

The City allocates \$250,000 of its capital budget for affordable housing, which funds are administered by NRA. During FY 2011-12, NRA used \$43,343.84 of those funds in a Fuel Assistance program that assisted eligible occupants (owners or renters) with grants of up to \$600.00 for fuel costs. The program reportedly assisted 84 low/mod beneficiaries.⁶

Using funds from the Connecticut's Department of Community Development and HUD HOME, the city's homeownership program provided five (5) loans, totaling \$200,000, used to assist people with down-payments and closing costs (the maximum amount of each loan being \$50,000 under the program guidelines). During the prior year (FY 2010-11), the homeownership program provided loans totaling \$350,000 to seven (7) households.

The City of Norwalk uses funding from its Capital Budget, from the federally funded Community Development Block Grant Program (CDBG) and the State of Connecticut's Department of Economic and Community Development (DECD) to support affordable housing initiatives undertaken on its behalf by the NRA and North Walke Housing Corporation.

⁶ NRA's Executive Director explained to HUD, in a letter dated October 12, 2012, that the FHAC's law seminars couldn't be funded because they were budgeted for \$20,000, reaching a minimum of 100 people, for a maximum cost of \$200 per person, including translation of programs and materials, and that a potential cost of \$200 per person is excessive for any program.

C. City Community Development Block Grants

Community Development Block Grants (“CDBG”) are administered for the City of Norwalk by the Norwalk Redevelopment Agency (NRA). Of the CDBG expenditures subject to the Low and Moderate Benefit Income (LMI) calculation in 2011-2012, NRA reports that more than 96% was spent on LMI households. Direct benefit recipients of the funds are required to make a non-discrimination commitment in their agreement. In addition, it is the policy of the NRA to refuse to enter into contracts with or provide service monies to developers and service providers who do not have non-discrimination policies.

Approximately two years ago, NRA applied for CDBG funding to do Fair Housing law seminars in the low/moderate income community, seeking \$17,000.00. Reportedly, the Planning Committee of the Common Council determined not to fund this request because Norwalk has a FHO and FHAC to do the city’s Fair Housing work.

In FY 2011-2012, the FHAC submitted a CDBG application to do six (6) Fair Housing law seminars, in the evenings, in the low/moderate income communities. This tracked the prior application by NRA. The FHAC’s application went a step further, proposing to do the seminars in English, Spanish and Creole and to have all materials translated, bumping the proposed cost from \$17,000 to \$20,000. The FHAC had reached out and secured commitments from its frequent partners, area churches, to use their space, as well as the NAACP and the United Haitian American Society, to help with outreach. The application advanced from Phase I to the final phase, and received high scores. But it was not funded after the Executive Director of NRA told the Planning Committee of Norwalk’s Common Council that HUD preferred the use of webinars⁷ rather than in-person seminars within the low/moderate income community.

Given that there is so little money for so many worthy programs, and rather than trying to knock another such program from funding, the FHAC proposed another source of funding for its Fair Housing law seminars: the city’s \$250,000 capital budget money for affordable housing. This possibility was confirmed. After a positive reaction to this idea from the Planning Committee, the FHAC made written inquiry, asking to meet with the Executive Director of NRA, to plan these law seminars, and additionally proposing that they be videotaped (incorporating NRA’s idea to have them available electronically) so they could be posted on the Fair Housing webpage. This would result in the benefits of electronic availability, but not exclude Norwalk’s low/moderate income by using only a webinar. It seemed a perfect melding of the two approaches. There was no response or funding from NRA’s Executive Director.

In a letter to HUD, dated October 10, 2012, NRA’s Executive Director explained that he did not intend to use any of Norwalk’s affordable housing money for the FHAC’s Fair Housing law seminar program. Rather, he decided to use such funds to print a Fair Housing brochure which he then distributed to all Norwalk Housing Authority residents and Section 8 participants. While on its face printing and distributing a Fair Housing brochure seems great, the problem is that Norwalk already has a Fair Housing brochure printed and distributed by the Fair Housing Advisory Commission. Several months previously, the Executive Director offered to pay for its reprinting (more were needed, and state law changed recently, both of which necessitated a new printing). The FHAC accepted the offer to fund the reprinting, in writing and provided the

⁷ HUD was contacted by the FHAC and stated that webinars would be acceptable only if Norwalk’s low income community has reliable computers at home with the high-speed internet needed to view a webinar. Members of Norwalk’s low income community reported to the FHAC that they felt many people do not have reliable home computers and most do not have high speed internet as it is more expensive.

printing estimate it had received (a few hundred dollars). The funding never materialized. A staff person in NRA repeatedly responded to emails sent on behalf of the FHAC, inquiring into when the funding would be available, that NRA's Executive Director would be responding shortly. No response, or funding, was ever received.

In order to get the City's Fair Housing brochure reprinted, once it was apparent that the offered money would not be coming from NRA, the FHO, with approval from the City's Finance Director, solicited and received a \$250 donation from Cohen and Wolf, PC., a leading Connecticut law firm.

With that \$250.00, the FHAC reprinted nearly 2,000 brochures, in English and Spanish, including in large print.

A few months later, NRA spent, reportedly, in excess of \$10,000 on a Fair Housing brochure (which has some inaccuracies).

NRA's production of a Fair Housing brochure, with inaccuracies and at a cost of more than 40 times the cost of the FHAC's Fair Housing brochure, likely occurred because, as NRA's Executive Director stated in a memorandum, NRA has no particular expertise in Fair Housing. Avoiding redundancy in efforts, avoiding wasting precious resources, and leaving Fair Housing work to those who do have a recognized expertise in Fair Housing (the FHO and FHAC) would further Fair Housing in Norwalk. Efforts to undermine, underfund, and undo Norwalk Fair Housing, are impediments to Fair Housing in Norwalk.

RECOMMENDATIONS

1. Continue to Address Housing Discrimination:

The primary and most effective response to discrimination is Fair Housing education and enforcement. Therefore, the City of Norwalk should continue to adequately fund the Fair Housing Office, via the Fair Housing Advisory Commission budget, so that the FHO and FHAC can continue to work effectively with individuals and groups, to educate, advocate and propose policy to address Fair Housing impediments. The City should also consider the use of federal funding, or affordable housing (capital budget) funding, to fund the previously proposed and discussed Fair Housing law seminars in the three (3) primary languages spoken in Norwalk's low-moderate income communities, English, Spanish and Creole. The FHAC continues to wish to present such an impactful program, and ideally, to videotape and post those segments on its webpage, to continue reaching residents beyond the seminars themselves. The FHAC will also seek additional funding to continue translating Norwalk's Fair Housing brochure into other languages, the first of which will be Creole and Greek, thereby reaching additional populations in Norwalk.

The FHO will also continue to educate via the quarterly newspaper column, published in Norwalk's daily newspaper, The Hour, which columns are attached to this report in appendix aa.

2. Revise the Norwalk Zoning Commission's Workforce Housing Regulation

The FHAC recommends the following revisions to Norwalk's Workforce Housing Regulation to address the identified Fair Housing issues:

- Affordable housing should always be incorporated in new development. Developers seeking to move any affordable housing to a different location should be required to meet a high and specific standard showing why the affordable housing units cannot be incorporated within the market rate development. A federal court recently ruled, in Westchester County, New York, that segregating affordable housing away from upper income housing is a Fair Housing violation. The settlement in that case requires inclusionary affordable housing development: we can learn from Westchester's \$60 million dollar settlement.
- Any requests by a developer to segregate affordable units apart from market rate units will be subject to public hearing, given the importance of the issue;
- Tightening up the verbiage in the regulation so that it is clear that the Zoning Commission may, but is not required to, approve a request to move affordable units off-site (and only when it is impossible to have them on-site), and clarifying that "workforce housing" is an income-based housing, so that retired senior citizens and people with disabilities who do not work, are made aware that "workforce" housing is also available to them (dependent on income).
- Add specificity as to where off-site affordable units could be located; what kind of units, with what kind of amenities (comparable to the primary development site, for example). Currently, there is no requirement that the units be in the same or comparable area of town, of the same quality of construction and finishes as the new development units, etc. or even that they have to be in Norwalk. As long as a developer is allowed to utilize less expensive housing units in less desirable (e.g. expensive) areas, there's an incentive to developers to seek to move the units off-site. The regulation should remove that unintended incentive because while a private developer is motivated, appropriately, by profitability, the City's primary interest is public policy.

3. Revise Norwalk Housing Authority policies

- The NHA's new reasonable accommodation policy now only needs to be properly implemented, staff properly trained. The FHO has minor tweaks needed to the underlying written instructions to staff for implementing the policy, which recommendations she is presenting to the NHA in November, 2012. It is hoped that the new policy will then be implemented properly, and residents or applicants with disabilities will have their inquiries and requests handled as the law anticipates;
- The NHA's policy regarding removing adults from leases (and, in a related area, proving adults who are not listed on the lease don't live in an apartment – a situation which arises with some frequency when boyfriends/girlfriends stay overnight) should be tightened so that it is clear what information must be provided in either situation, and so when it is provided, the matter is closed.
- The NHA's truancy policy, a progressive disciplinary policy, culminating in eviction of families, should either be dropped completely, as an inappropriate area of intrusion for a landlord into a family's life, or, at a minimum, turned into an incentive program, rewarding families and children who have good attendance and grades in school, rather than threatening families with eviction;

4. Transfer the FHO to employment by the City of Norwalk and require NRA to work with the City's Fair Housing Office on any Fair Housing initiatives

- The FHO has been employed as the City's FHO for 16 years, funded almost entirely by the City and employed by NRA; this arrangement no longer works because of NRA's now complete withdrawal of employer-related support and assistance. The City, NAACP, FHAC and FHO should work together to move the FHO to City employment, recognizing and carrying over the FHO's 16 plus years of service as the City's FHO.
- Redevelopment's now oft-stated view that Fair Housing is of such importance that many can be gathered to the table to work on it is already addressed via the 2004 Consent Decree (and its predecessors) which created the FHAC and gave 7 organizations a seat at the table to do the City's Fair Housing work. One of those seats is assigned to Redevelopment. Redevelopment's chosen representative has input into any Fair Housing efforts in Norwalk and that agency's efforts in Norwalk should be directed to be only through Norwalk's Fair Housing apparatus, the FHAC and FHO.

5. Provide Continuing Financial Support for Fair Housing Office

- Provide adequate funding via the FHAC budget, so that it is sufficient for the modest overhead of one staff person (the FHO), and a modest operating budget, sufficient to engage in necessary educational programming.
- Consider additional sources of funding, including CDBG or the City's capital budget allocation for affordable housing, to enable the 3 language Fair Housing law training program, and its videotaping/editing and webpage posting.
- Provide adequate financial resources so that the FHO can attend conferences and subscribe to one or more professional publications, as the means to keep her current in the field of Fair Housing.

ENFORCEMENT AND COMPLIANCE

Did the city take action to affirmatively further Fair Housing in the financing of housing, the sale and/or rental of housing as defined under Title VIII of the Civil Rights Act of 1968.

The City of Norwalk's former Plan of Development, 1991-2000 began its Housing section with the acknowledgment that in the early 1990s "housing, especially the lack of low cost housing, was one of the most critical planning issues facing Norwalk..." Although never reached, one of the identified policies was to:

*"Continue to provide capital budget funds to redevelop the Norwalk Center and Reed-Putnam areas with new housing and mixed-use development. Encourage at least 20 percent of such housing to be affordable to families with incomes at or below the Connecticut Finance Housing Authority's (CHFA) income limits...."*⁸

For the last 5 years or so, due in large part to the economy, little affordable housing has been added to the mix, and the emphasis was on for-sale affordable units. As the economics of development have changed, plans have been revised to add more rental units over the next few years. It is cause for concern if the affordable units expected to be within those new developments are pushed off-site. 20 North Water Street, 95/7 District, West Avenue and Wall Street/Head of the Harbor all include planned new housing, and should all include affordable (workforce) housing on-site. Off-site affordable housing is an impediment to Fair Housing. On-site, inclusive affordable housing is an activity that affirmatively furthers Fair Housing.

Fair Housing Advisory Commission

The Fair Housing Advisory Commission ("FHAC"), created by virtue of the original consent decree entered into in 1986 (and amended in 2004), has eight (8) members. There are 2 mayoral representatives, plus 6 other members appointed by the Mayor (all of whom are approved by the Common Council) and representing various organizations. The terms are three years, and are staggered. The organizations are NEON, NAACP, Norwalk Housing Authority, Norwalk Human Relations Commission, Housing Site Development Agency (i.e., Norwalk Redevelopment Agency), and Connecticut Legal Services. In early FY 2011-12, there were two empty seats on the Commission and in February, 2012, the Mayor recommended and the Common Council appointed representatives for those seats, leading to a full complement of members.

The 2004 Consent Decree states that the FHAC shall "shall advise and assist in the development of the City's Fair Housing policy and program" and that:

"The Fair Housing Advisory Commission shall monitor private and public housing practices for compatibility with Fair Housing objectives, identify problem areas, and make recommendations to the Mayor, Common Council and Housing Site Development Agency and other appropriate City agencies and Commissions."

Perhaps never more clearly has the FHAC commented upon a city policy that is a problem area as the Workforce Housing Regulation. It has identified the problem area and made recommendations to remedy the problems, furthering Fair Housing objectives. The FHAC and FHO stand ready to work with the City to implement such changes

⁸ Plan of Development for the City of Norwalk, 1990-2000, page 35

The intended interaction between the FHAC and the FHO is stated as follows in the 2004 Consent Decree:

The Fair Housing Advisory Commission shall monitor private and public housing practices for compatibility with Fair Housing objectives, identify problem areas, and make recommendations to the Mayor, Common Council, Housing Site Development Agency [NRA] and other appropriate City agencies and Commissions. In addition, it shall develop policy statements, internal and external communication techniques, and recommend housing programs. The Fair Housing Officer shall act as staff to the FHAC in these endeavors... [and].... The Fair Housing Officer shall prepare a proposed budget for the Fair Housing Office and submit it to the Fair Housing Advisory Commission... The Fair Housing Advisory Commission shall make any revisions to the budget, and timely submit it through the City budget process for grant agencies..." (see paragraphs 8 and 11).

To these ends, during FY 2011-12, the FHAC sponsored two programs as part of its 25th Anniversary celebration: a program declaring April Fair Housing Month in Norwalk, and commemorating the occasion with a donation of the children's book, The Fair Housing Five and the Haunted House to Norwalk's elementary schools, and a luncheon event and discussion entitled "FAIR HOUSING'S 25TH ANNIVERSARY SERVING THE CITY OF NORWALK: Celebrating Triumphs and Identifying Challenges: A Panel Discussion". In furtherance of their educational and advocacy mission, the FHAC and FHO commented extensively on the Redevelopment's CAPER report, made and advanced a CDBG Fair Housing law seminar application, worked closely with many in the community to address Fair Housing concerns including regarding off-siting of affordable (workforce) housing in new developments, succeeded in getting the housing authority's reasonable accommodation policy (for people with disabilities) drafted, approved and adopted; drafted a budget for FY 2011-12, attended budget meetings related thereto with the City's finance director, Mayor and the Board of Estimate and Taxation, is currently drafting and will shepherd thought the process its proposed budget for FY 2013-14, spearheaded the move of the Fair Housing Office, sought and received outside funds in the form of a private donation for printing of Fair Housing brochures, engaged in another income-generating training for a private housing provider, and more. The FHAC held eight (8) regular and one (1) special meeting⁹ during FY 2011- 2012.

Respectfully Submitted,



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⁹ The regular meetings took place as follows: Sept. 19; Oct. 27; Nov. 21; Jan. 17; Feb. 21; March 19; April 16; May 21. The special meeting was held on June 11, 2012.



APPENDICES

A. Activities and Function of the Fair Housing Office

In all Fair Housing cases, the FHO expects certain commitments to be included in resultant settlement agreements. These commitments include: (1) that the housing provider agrees not to illegally discriminate in the sale or rental of housing in the future; (2) the housing provider agrees to attend a minimum of one (1) Fair Housing training, to be provided by the FHO; (3) the housing provider agrees to include in future advertising the words "Section 8 welcome to apply" or "Equal Housing Opportunity Provider", or words of similar ilk; (4) the housing provider agrees to distribute, at its own cost, Fair Housing flyers to other tenants or customers and/or permit the FHO to distribute such materials on their property, door-to-door; (5) the complainant and respondent exchange full and final releases after they have entered into a settlement agreement, so that neither can ever sue the other regarding the particular incident. Much of the day-to-day activities and function of the FHO is serving residents of Norwalk with housing discriminations inquiries and complaints (see sample fact patterns of recent cases on the following page).

The Fair Housing Officer is a member of the Board of Directors of the Fair Housing Association of Connecticut ("FHACt"). Recently, for several years, the FHO was Vice Chairperson. During the summer of 2011, she became Acting Chair, and was elected to the Chairperson position in the fall of 2011. She was re-elected Chairperson in the fall of 2012 and has worked closely with HUD, the CHRO, the Connecticut Fair Housing Center and Connecticut's Department of Economic and Community Development planning Fair Housing programs state-wide (in late FY 2011-12 and early FY 2012-13, programs put on by these partners occurred in Windham, Hartford, Waterbury and New London).

The FHAC's 25th Anniversary events took place in April and May, 2012, as described earlier in this report.

The FHO continued to spend substantial time reviewing and commenting upon Norwalk Housing Authority's various plans for conformance with Fair Housing laws and concepts, including integration, affirmatively furthering Fair Housing, disabilities, overcrowding and under-housing, problems with removing adults from leases, the local preference system, public notice requirements and more.

As discussed previously, the FHO monitors and advocates for both laws (federal reinvestment, state anti-discrimination and local zoning) and policies. Other forms of monitoring and advocacy regarding Fair Housing in FY 2011-2012 include; continuing to refer victims of predatory lending to reputable programs for renegotiation of untenable mortgages or foreclosure mediation and counseling; drafting requests for reasonable accommodation on behalf of disabled tenants; advocating for more affordable housing, and for Fair Housing concerns (in particular, remediation of segregation) in redevelopment projects and areas.

On the state level, the FHO continues to: actively participate in groups that coordinate responses to housing discrimination and predatory lending; speak at state-wide conferences regarding Fair Housing and affordable housing; and work with the government and nonprofits regarding suspected predatory loans and other foreclosure concerns. She is also the Chairperson of Connecticut's state-wide Fair Housing membership organization, the Fair Housing Association

of Connecticut, Inc. The FHO works with the National Community Reinvestment Coalition, to strengthen federal consumer protections relative to fair lending.

The Fair Housing Officer is an attorney licensed to practice in Connecticut (as well as other states). Due to budgetary constraints, she has been unable to participate in continuing legal education programs. During FY 2011-2012, the FHO attended one state-wide Fair Housing conference sponsored by the Fair Housing Association of Connecticut but was unable, due to limited funds, to participate in other seminars or conferences or to maintain professional subscriptions regarding Fair Housing and Fair Lending. In FY 2012-13, the FHAC has instructed the FHO to attend the national Fair Housing conference taking place in Washington D.C. in early June, 2013 and to renew necessary professional subscriptions.

B. Discrimination Complaints

Of particular interest is the breakdown and increase in the types of discrimination issues raised by tenants.

	<u>FY 2010-11</u>	<u>FY 2011-12</u>
Race	08	22
Creed/Religion	09	17
Color	13	21
National Origin	10	18
Ancestry	02	00
Sex/gender	02	05
Marital Status	03	14
Age	03	08
Source of Income	14	04
Familial Status ¹	06	10
Disability	18	17
Sexual Orientation	00	02
Gender Identity/Expression ²		00

Examples of significant cases in FY 2011-12 can be described as follows:

Case #1

Race/Color; familial status; disability: Husband and wife. Both are African American/Black. Three (3) children, one with severe disabilities. Fair Housing Officer worked on resolution of issues related to child's disability with landlord for more than 3 months, to no avail. Housing discrimination complaint against landlord filed with Connecticut Commission on Human Rights and Opportunities ("CHRO") in July, 2011. Case settled in February, 2012.

Case #2

Disability: Man with severe allergy (rising to level of disability, as triggering results in life-threatening reaction and hospitalization) rented apartment in building he was told would be "pet free". Management then allowed dogs, some of which may be service animals, into the building.

¹ Familial status includes families with children, women who are pregnant and people seeking custody of children.

² Gender Identity and Expression added as protected classification in Connecticut in October, 2011.

Tenant requested being allowed to move out, since presence of animals in the building triggered his severe allergies. Landlord initially refused, unless substantial "early move" fee paid. FHO prepared reasonable accommodation request on behalf of the man with the severe allergies, supported by doctor's letter. After negotiation with the management company, tenant, who is also a Vietnam Veteran, was allowed to move without fee or other consequence. Case settled in spring 2012.

Case #3

Disability: Tenant with mental disability threatened with eviction because she allowed her gas service (heat and hot water) to be turned off while she was out of town attending to her father's funeral. After a request for a reasonable accommodation, a procedure put in place so tenant did not miss making payments for utilities, landlord agreed to not evict tenant as intended. Case settled in December, 2011.

Case #4

Tenant with developmental disability. Landlord refused to return security deposit, and social workers working with tenant believed landlord keeping money due to tenant's disability and perception that tenant could not do anything about it. Case settled and landlord returned tenant's security deposit. Case settled in August, 2012.

Case #5

National Origin: Couple originally from India. Rented a one bedroom apartment in Norwalk. At end of lease, and after birth of their first child, they decided they'd like a 2 bedroom apartment, and manager (same complex) showed them several. Offered one at one price; they accepted. Before they moved into the 2 bedroom apartment, the manager informed them that the price increased and various fees were being added (which were not added to the bills of other tenants moving within the complex); because of these increases, the tenants decided to stay in their one-bedroom, and manger told them they could not because they were now a family of 3 (the couple and their newborn) and families of 3 not allowed in one bedroom apartments. Case settled, family allowed to rent 2 bedroom at price originally offered, without added fees, and property agreed to revise occupancy policy in accordance with state Fair Housing laws. Case settled in spring, 2012.

Case #6

Couple originally from India. First year lease expiring, wanted to renew, but because work visas were good for less than 1 year, wanted to renew the lease for less than one year. Management offered them a renewal for the same rent for one year. Management refused a shorter lease term. Management agreed to a shorter lease term, with a \$50 rent increase for that shorter term, for a white woman who wanted to renew for less than one year, because she knew she'd be transferred to Germany in six months time. Management then offered couple from India ability to renew lease for less than one year, with an increase of nearly \$300 per month. FHO investigated. Case settled with the couple being allowed to renew their lease, for less than 1 year as requested, for a \$27 per month increase. Case settled in March, 2012.

Case #7

Sexual Orientation: Gay couple (same sex, men) bought condominium. Refused permission for a dumpster when they renovate (although other unit owners reportedly allowed dumpster); refused permission for a needed service animal, despite proof of disability and need for animal; condo attempts to limit size or breed of service animal. FHO investigates and receives permission for service animal without impermissible limitations; other policy corrections needed. Case pending.

Case #8

Family with children: Downstairs neighbor repeatedly making false reports to landlord about family with children and landlord moves to evict. FHO investigates and at meeting with landlord and neighbor, neighbor retracts his statements and leaves, stating openly he thought his complaining would lead to his neighbor's eviction. He explained he didn't like hearing children upstairs, wanted things quieter, but he is unwilling to consider senior housing. After FHO investigation, case resolved with neighbor withdrawing false claims. Approximately 6 months later, neighbor begins making same claims against family with children and landlord threatening eviction again. Case pending.

C. Selection of Pro Bono Attorneys

During FY 1996-1997 the Fair Housing Officer issued an RFP in order to create a pro bono attorney list to assist residents with housing matters, particularly Fair Housing cases. Today, a total of 5 law firms and public interest legal providers continue to offer their invaluable pro bono services to Fair Housing clients in need.

D. Activities and Function of the Human Relations Commission

Norwalk's Human Relations Commission consists of 11 Commissioners, all appointed by the Mayor and approved by the Common Council. It is one possible "next step" on the Norwalk Fair Housing continuum: after Fair Housing complaints are received and investigated by the Fair Housing Officer, a case (if not otherwise resolved) has to be filed with a hearing body. One option is the Norwalk Human Relations Commission. Other options include the state's Commission on Human Rights and Opportunities (CHRO), or state or federal court, where Norwalk Fair Housing cases are usually filed. The Norwalk Human Relations Commission affirmatively furthers Fair Housing in Norwalk by functioning as the City's anti-discrimination enforcement body. The City affirmatively furthers Fair Housing through the staffing and funding of this body and office.

E. "Out of Reach" Report Findings

The National Low Income Housing Coalition 2012 "Out of Reach" study yet again indicates that the affordable housing problem has continued to worsen. Norwalk, along with all of Connecticut, has an insufficient supply of affordable housing to meet demand. We know this based upon the wages it would take to afford a two bedroom apartment, the number of people making less than that target income, and the number of units affordable to our population.

Stamford-Norwalk's 2012 median income is \$128,400, up from \$126,600 for a family of four. Stamford-Norwalk's housing wage (the hourly amount needed for a two-bedroom apartment to be affordable with "affordable" meaning no more than 30% of income) was nearly identical to the prior year, at \$34.02, again, one of the highest in the nation. Out of Reach concludes that a

full-time job is not always enough to be able to afford an apartment, especially in high-cost areas such as Connecticut and further reports that the gap between earnings and costs is ever-widening.

For a two-bedroom in Stamford/Norwalk to be affordable in 2012, a family needs an annual income of \$70,760 (2010:\$72,000; 2009: \$68,120; 2008: \$65,680; 2006: \$63,680; 2005: \$60,080). Translated into an hourly wage, in 2006, a worker needed to earn \$24.50 per hour, and in 2012, \$34.02 per hour, to afford a two-bedroom apartment. The current minimum wage in Connecticut is \$8.25 per hour, such that the hourly wage needed to afford a two bedroom apartment in Norwalk is more than 4 times the minimum wage.

Put another way, the minimum wage worker would have to work 169 hours per week, for 52 weeks of the year, to afford a two-bedroom apartment. Since there are typically only 40 hours per week, this really means that to afford a two bedroom apartment in Norwalk, there needs to be more than 4 minimum wage earners per household. The income needed to afford a two-bedroom apartment in Norwalk is substantially higher than the starting salaries of Norwalk's teachers, fire and police personnel, many office workers, retail employees and hospital workers.³

The situation is not improving. These workers, who are essential to a thriving business community and city, must either pay more than the advisable thirty (30%) percent of their income to live in Norwalk, or must live elsewhere. In fact, in Norwalk, in 2011, a staggering 57% of renters pay more than thirty (30%) percent of their income on rent. These facts graphically illustrate that it is not an exaggeration to say that the crisis in affordable housing in our region continues and that Norwalk desperately needs additional affordable rental housing.

F. "Priced Out in 2010" Report Findings

A report called "Priced Out In 2010", by TAC (Technical Assistance Collaborative, Inc.) and the Consortium for Citizens with Disabilities (CCD) Housing Task Force presents data regarding the severe housing affordability problems of people with disabilities. People whose income consists of the federal Supplemental Security Income (SSI) payments (this is for people with significant and long-term disabilities) can't even afford the most modest of housing.

For example, Priced Out reports that for people in Connecticut, the SSI monthly income is \$842 per month. This is equal to 16.7% of state median income, and 11.5% of the Stamford-Norwalk area median income. To rent an apartment in Norwalk, a person with a disability who receives SSI as their source of income, would have to pay 172% of their income to afford a one-bedroom apartment. In other words, they can't possibly live in Norwalk without some kind of rental subsidy (like Section 8, for example). Even then, an annual income of just over \$10,000 means that these members of our community have significant problems paying for food, clothing, medications and other essentials, even if (best case scenario) they receive a 100% subsidy for their housing, which most do not.

³ According to Out of Reach, other workers who couldn't afford (i.e. spend no more than 30% of income) a two bedroom apartment in Connecticut, let alone in Norwalk, include: Automotive mechanics, bakers, barbers, bookkeepers, bus drivers, childcare workers, computer operators, court and municipal clerks, customer service representatives, dental technicians, EMTs, hairdressers, library assistants, medical secretaries and lab technicians, mental health counselors, painters, pharmacy workers, pre-school teachers, receptionists, salespeople, security guards, bank tellers, waiters.

The problem is not just in Connecticut: the “best” case scenario, nationwide, according to Priced Out, is for a person to live in Arkansas where a 1 bedroom housing unit would “only” require 76% of their SSI income. In Connecticut, Priced Out reports that it would take the following percentages of this SSI payment to live in these areas: Bridgeport – 129%; Colchester/Lebanon – 102%; Danbury – 150%; Hartford/West Hartford/East Hartford – 108%; Litchfield County – 102%; Milford/Ansonia/Seymour – 126%; New Haven/Meriden – 123%; Norwich/New London – 103%; Southern Middlesex County – 107%.

G. Disability

According to 2010 American Community Survey (Census Bureau) data, 10.05% of residents of Norwalk (age 5 or older) have a disability. This represents more than 8,210 people. The population with the highest incidence of disability is seniors. In Norwalk, among people age 65 and older, 28.3% have some form of disability, which translates to approximately 3,671 people. Interestingly, the percentage of seniors with disabilities has gone down from the 2007 American Community Survey data percentage of 34.5%, but the actual number of Norwalk seniors with disabilities has risen from 3,241 to 3,671.

For people with disabilities, housing constructed without thought to the ability to move in and through the housing can present the most effective barrier of all. The Fair Housing Act (federal law) requires that all new construction (defined as housing built and occupied since 1991) of multifamily housing (four or more units) must provide a minimal degree of physical accessibility as defined under that law. For example, entrances must not include steps, or, if they do, must also include appropriate wheelchair ramps, door jambs must be at least a certain width, thresholds must not be higher than specified – in summary, people with mobility disabilities must be able to get into and through these new housing units, and specific building standards are included in the law to effectuate this goal. This law applies to all new multifamily construction, not just affordable housing. Nonetheless, nationwide, it is estimated that 70% - 80% of “new” multifamily housing construction does not comply with the law. Beginning in FY 2004-2005 and continuing to date (albeit less so now, when development is slowed), the FHO has been working to address this issue in Norwalk.

The development and architectural community has been very responsive. During FY 2005-2006, the FHAC provided an educational seminar regarding the accessibility construction standards of the Fair Housing Act, for advocates, developers and architects. As a direct consequence of this seminar, three (3) new construction housing projects were reportedly redesigned prior to construction. Another design and construction seminar was presented by the FHAC in 2008, this time drawing more architects and developers. When development starts booming again, the FHO will likely reach out to the architectural and development community again and draw attention to the Fair Housing Act’s Design and Construction requirements.

H. City Use of CDBG Funds

Norwalk awarded grants to 4 facility and housing projects during FY 2011-2012. These projects included: Keystone House’s installation of a central air conditioning system with a grant of \$15,650, matching funds of \$5,250 and assisted nine (9) individuals; The Carver Center’s replacement of exterior doors with a grant of \$22,250 and leveraged funds of \$1,950 benefitting 126 low/mod income beneficiaries; NEON’s bathroom project with a grant of \$16,000 and matching funds of \$9,250 assisting 164 low/mod individuals; and Norwalk Housing Authority’s

learning center renovations with a grant of \$38,250 and leveraging of another \$64,500, assisting 50 public housing residents. Additionally NRA provided technical assistance to San Vincenzo Condominiums, a 57 unit affordable housing complex, and Miss Laura Raymond Homes, a 49 unit senior housing facility.

The city's residential rehabilitation program, during FY 2011-2012, engaged in two large-scale projects and one smaller project. The first project is a 30 unit condominium, Coach Run Condominiums, which received \$400,000 in the form of a low interest loan (total project cost is \$424,000) for exterior renovations (roof, siding, driveway, sidewalks and drainage). The second project is a 12 unit apartment building, located at 143 ½ South Main Street, which has been completed and received a roof, driveway, new boilers, oil tank removal, tree removal, fencing and interior painting of common areas, for a loan of \$150,000. Total project costs were \$180,000. The smaller project consisted of a 2 family house at 26 Haviland Street. For that project, the roof and a boiler were replaced, air conditioning systems were installed, the second floor unit was painted and the hardwood floors refinished, both kitchen floors were replaced, trees were removed and the exterior was painted. The total project cost was \$70,590 which money was provided via a low interest loan.

According to the City's annual report to HUD, Norwalk received approximately \$889,500 in CDBG funds for FY 2011-12, and "reprogrammed" (from prior years' allocations) approximately \$310,000, totaling approximately \$1.2 million in CDBG funds being available during FY 2011-2012. In the prior year, Norwalk received approximately \$950,000 in CDBG funding and reprogrammed \$450,000, totaling approximately \$1.4 million in CDBG funding during FY 2010-11. This federal funding is dropping substantially year to year, even as the need and the number of low/moderate income households has risen.

I. Planning and Development:

Current City Development Projects: The Reed Putnam Urban Renewal Project is the City's largest urban renewal project encompassing six major development parcels on approximately 70 acres adjacent to I-95 and the Norwalk River. Currently, three of the six development parcels have been completed, including 207 residential units, of which 20 are deed restricted as affordable housing (14 rental units and 6 ownership condominiums). Although development of the remaining three parcels has been delayed due to the economic downturn, Phase I of this project, including 232 residential units and 25,000 square feet of commercial space, was approved in 2011. The redeveloper, 95/7 Ventures LLC, has agreed to provide 15% of the total number of units as affordable housing (10% affordable at incomes at or below 80% of State Median Income and 5% affordable at incomes at or below 100% of Area Median Income). Last year, it was anticipated that construction of Phase I would commence in 2012, but that does not appear likely as of the writing of this report (October, 2012). As discussed in another section of this report, the issue of where the affordable housing will be located (on site or off site) arose and engendered public concern and debate in August and September 2012. The question may not be fully resolved for this project, and will likely again be of public interest and Fair Housing concern should the developer look to move the affordable units off-site.

In the West Avenue area, the Waypointe Development housing plan now includes 415 residential units (rental apartments), with 10% affordable, using the affordability standard as 80% of area median income.

The housing plan for "Wall Street Place" includes a total of 380 residential units. The Land Disposition Agreement (2007) has three (3) phases of construction, each containing some amount of housing. Each phase also includes an affordable housing requirement which sets the minimum number of affordable units at the greater of 20% of the total, or the number of units required under Norwalk's zoning regulations. In FY 2011-2012 and continuing into FY 2012-2013, the developer is working on obtaining financing for the project, having received in September, 2012 a \$5 Million Urban Act grant from the State of Connecticut.

The City developed a Transit-Oriented Development Master Plan for the South Norwalk Railroad Station Neighborhood approved by the Common Council in October 2011. Multifamily housing, including affordable housing, is anticipated in this area although there is no time frame for this development.

A "Choice Neighborhood" planning grant was received by the city (from HUD) for redevelopment of the area surrounding and including Washington Village. Various groups have been organized consisting of community leaders, and a separate resident group has been established. One of the FHO's first recommendations to the Norwalk Housing Authority, which is spearheading this effort, made at a meeting of the housing subcommittee in early FY 2011-2012, is that the resident group should not be separate from the other groups. Rather, residents should participate with members of the other groups, so that resident views inform all committees. Over the course of FY 2011-2012, there were no additional meetings of the groups. Rather, it is reported, the NHA put out developer and architect RFPs and has selected each. In early FY 2012-13, the NHA called the various groups together to report on this progress, and to show initial plans for the mixed income development being planned. Again, however, there were no residents present at the weekday daytime meetings of the community leaders. A meeting, in the form of a cookout, was held for residents on the following weekend, a nice idea but again, a process that segregates residents, community leaders and business participants such that none are informed as to the others' views.

J. Availability of Affordable Housing

Unfortunately, the long-standing shortage of affordable housing in Norwalk continues. Rehabilitation of residential units has, since the 1990s, been the primary method by which the City of Norwalk addresses the need for affordable housing. The focus has moved away from adding affordable rental units.

The City affirmatively furthers Fair Housing through the financing of housing when it funds the financing of housing rehabilitation as well as creation and/or acquisition programs of for-sale and for-rent housing at levels that address the need and recognize the level of expense in Norwalk, and when it maximizes the use of federal CDBG funding (and matching dollars) in the area of affordable housing. In particular, adding affordable rental units makes sense as a policy of the City, given the enormous percentage (57%) of renter households that are severely cost

burdened. Locating new affordable housing in areas that don't already contain much affordable housing will further a primary goal of Fair Housing law, furthering desegregation, and would thereby be another step in advancing Fair Housing in Norwalk.

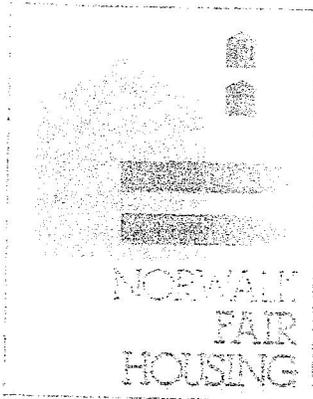
The stock of affordable housing remains significantly lower than the demand, and without the infusion of a substantial number of affordable units, that gap has continued to widen. As of FY 2008-2009, there were 3,840 affordable units in Norwalk or 11.38% of the housing stock was "affordable". In 2009-2010, there was a net loss of 1 unit (lost 16, gained 15), resulting in 3,839 affordable units per Norwalk's own count, which would drop the percentage slightly to 11.37%. In 2011, it is estimated by Norwalk that we now have 3,861 affordable units, a slight increase in the number of units, but that increase did not keep pace with the increase in the total number of housing units and we anticipated that the percentage of affordable units would have dropped.

Per the 2010 census data, we know that the total number of housing units in Norwalk in 2010 was 35,415, an increase of 1,662 housing units over 33,753 in the 2000 census. The number of affordable units was estimated in 2011 to be 3,861. If 3,861 of Norwalk's 35,415 housing units are affordable, the result is that 10.9% of Norwalk's housing units is now counted as affordable," down from the prior estimate of 11.37%, a significant drop at a time when more, not less, affordable housing is needed.

Norwalk, therefore, remains above the ten (10%) percent floor set by the state affordable housing law, enabling Norwalk to maintain substantial control over local development through local zoning. But the question is, are we aiming at the state minimum to retain significant control over development, or are we looking to meet the need of Norwalkers for more affordable housing? These two concepts are not the same and should not be confused.

Affordable Housing:

BY MARGARET SUIB



A number of years ago, Norwalk's Fair Housing officer was quoted in this newspaper as saying that "affordable housing" in Norwalk is an oxymoron. Perhaps that's an overstatement. But recently available data, including 2010 census data, confirms that the need for affordable

housing in Norwalk continues to rise at a rate much greater than the supply. How does that relate to fair housing? Fair housing and affordable housing are inextricably linked: you can't have fair without affordable.

In 2008, the state counted 3,840 affordable units in Norwalk, which was estimated to be 11.38% of Norwalk's housing stock. In 2010, we counted 3,839 affordable units. In 2011, Norwalk estimates the number of affordable housing units to be 3,861. But what percentage is that now?

In order to calculate the percentage, you need to know the total number of housing units (the denominator in the equation). That number is only provided every 10 years, from the Census. We've been waiting for that number since 2000. We wait no more.

According to 2010 census data, we know that the total number of housing units in Norwalk in 2010 was 35,415 (up from 33,753 in 2000, an increase of 1,662 housing units). If we have 3,861 affordable units today, the percentage of affordable units in Norwalk has dropped to approximately 10.9%

If 10.9% of Norwalk's housing units is now considered "affordable," down from estimates of more than 11%, there's been a significant drop at a time when more, not less, affordable housing is needed.

Local Fair Housing Case Settled at State Level

A Norwalk case filed with the Connecticut Commission on Human Rights and Opportunities in October 2010 has been settled for more than \$39,000.

The case involved a complaint by a disabled Norwalk woman who sought appropriate parking accommodations at her residence in compliance with state law. In addition to the monetary settlement and various other waivers, the settlement includes an assigned parking spot for the woman. The settlement also included that the defendant — a Norwalk company — would get two hours of Fair Housing training. The cost of that training has been included in the Fair Housing Advisory Commission's budget.

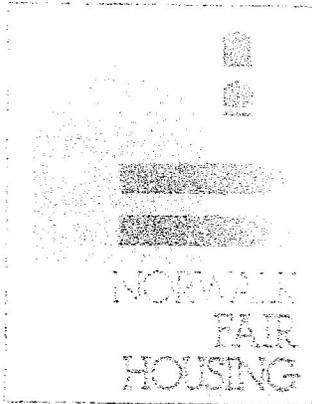
How do we quantify our need for affordable housing? A report called "Out of Reach," published annually by the National Low Income Housing Coalition, measures that need. It defines "affordable" as paying no more than 30% of household income on housing cost. The 2011 "Out of Reach" report indicates that in Norwalk, nearly 50% of owners and more than 57% of renters are "cost burdened," meaning they are paying more than 30% of their income on housing.

We are left with an important question: are we aiming at the floor, the minimum required by the state statute, meaning that ten (10%) percent of Norwalk's housing stock is "affordable" which then allows Norwalk to retain significant zoning control over the development of affordable housing? Or are we setting our sights higher than the floor, looking to meet the affordable housing need of Norwalkers? The two concepts are not the same and should not be confused. That is a discussion item for advocates and a decision for policy makers. ■

About the author: Margaret K. Suib, Norwalk's Fair Housing officer since 1996, is an attorney assisting residents in combating housing discrimination, and Norwalk Redevelopment Agency's affordable housing coordinator. msuib@norwalkct.org

What Has Fair Housing Done for You Lately?

BY MARGARET SUIB



Norwalk's Fair Housing Officer (FHO) and Fair Housing Advisory Commission (FHAC) work in concert to address issues of housing discrimination in Norwalk. While some businesses have slowed in this down economy, we are sorry to report that cases of housing discrimi-

nation continue to rise: History shows us that often, a bad economy and increased discrimination occur together.

Norwalk's Fair Housing Officer's annual report for the FY 2010-2011 will be available in November 2011 and available to all who wish more detail. By way of summary, here's what Norwalk Fair Housing has done of late:

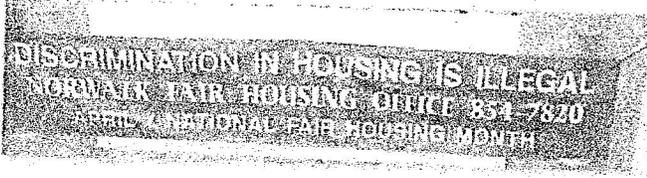
- 2,205 total requests for Fair Housing service including 150 inquiries regarding housing discrimination: Many concerns were resolved short of bringing a legal action.
- More Fair Housing cases than ever before – usually, four to six cases are brought to adjudication per year while this past year, 16 housing discrimination cases were prepared for filing, based upon discrimination due to disability (some physical, others mental and/or emotional), national origin, race, color, religion, familial status, domestic violence/gender, and source of income.
- In terms of outreach, education, and advocacy: The FHO estimates that she made Fair Housing presentations to in excess of 500 people, more than in any prior year. Among the groups were the local housing authority and new Section 8 participants (about four times during the year), Family & Children's Agency (two times), Bethel AME Church, NEON's head-start parent groups (two times), landlords, tenants, and others. Additional people were served through this column and the Fair Housing webpage on the City website (www.norwalkct.org).

- Fair Housing materials are provided in English and Spanish and services in French.
- The FHO and FHAC monitor housing practices (public and private) for compatibility with Fair Housing goals and objectives (eliminating discrimination, increasing integration) has regularly scheduled monthly meetings throughout the year and is made up of representatives from Connecticut Legal Services, Norwalk Branch NAACP, NEON, Norwalk Housing Authority, Norwalk Human Relations Commission, Norwalk Redevelopment Agency; and the Mayor, City of Norwalk.
- FHAC addressed areas of concern with the Norwalk Housing Authority regarding its reasonable accommodations policies and procedures, by memo and requests for meetings.
- FHAC and FHO participate in the City's "Choice Neighborhood" planning process (redevelopment of Washington Village and surrounding neighborhood) and addressed areas of concern regarding inquiries into the health/disability of residents.
- FHAC and FHO hosted/presented an annual event for community leaders, this one exploring how to self-analyze and identify impediments to Fair Housing, in the context of preparing an Analysis of Impediments to Fair Housing Choice (HUD-required document), especially considering the recent lawsuit against Westchester County, N.Y. A recognized expert, Erin Kemple, Esq., executive director of the Connecticut Fair Housing Center, was the presenter.
- FHAC and FHO attend and comment on Norwalk's Transit Oriented Development planning meetings and raise Fair Housing issues, especially the potential displacement of residents.

Want more details? Contact Norwalk's Fair Housing Officer at 203.854.7820 or msuib@norwalkct.org.

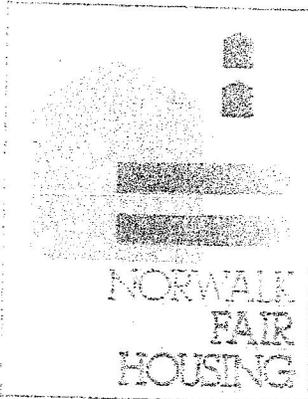
About the author: Margaret K. Suib, Esq., Norwalk's Fair Housing officer since 1996, is an attorney assisting residents in combating housing discrimination. msuib@norwalkct.org.

Norwalk Proclaims Fair Housing Month



BY MARGARET SUIB

"Housing Discrimination is Illegal"



So reads the 17 foot long blue banner hanging in Norwalk City Hall Atrium for the month of April, National Fair Housing Month (see photo above).

On April 2, 2012, Norwalk's Fair Housing Advisory Commission hosted an event in the atrium

area of city hall, underneath the blue banner. A Proclamation of April as Fair Housing Month in Norwalk was read by Mayor Richard A. Moccia, and presented to the Fair Housing Advisory Commission by the Mayor and State Representative Bob Duff.

Additionally, the Fair Housing Advisory Commission donated 13 copies of a children's book, one to each of Norwalk's elementary schools. This donation is representative of the Fair Housing Advisory Commission's actions in fulfilling its mission to educate people in Norwalk about Fair Housing laws. This time, the targeted audience is Norwalk's youngest residents. Accepting the books were Anthony Daddona, assistant superintendent of Norwalk Public Schools, along with principals and librarians from the elementary schools.

The book *The Fair Housing Five and the Haunted House*, is written and beautifully illustrated by people associated with the Greater New Orleans Fair Housing Action Center (GNO FHAC). It contains a glossary explaining terminology in a way that is appropriate for young children, and suggests questions to facilitate discussions and critical thinking about discrimination. About \$7.00 of the cost of each book is returned to the GNO FHAC, to assist them in furthering their Fair Housing mission.

The funds used by the Norwalk Fair Housing Advisory Commission to buy the book were raised apart from funding provided by the city. If you would like more information about ordering this book, go to www.fairhousingfive.org.

In his remarks, Rev. Dr. Jeffrey A. Ingraham, chairman of the Fair Housing Advisory Commission, stated that it's been 44 years since the passage of the federal Fair Housing Act, which was signed into law one week after the assassination of Rev. Dr. Martin Luther King, Jr., and that the Commission and Fair Housing Officer are also celebrating their silver anniversary, 25 years of serving Norwalk. He noted that when we educate people about housing discrimination, we are contributing to its eradication, and to shaping the world as envisioned by Rev. Dr. Martin Luther King, Jr., a world in which we are judged not by the color of our skin, or our disability, or our religion, or any other protected classification. Rather, we are judged by the content of our character.

Continuing with its educational mission, the Fair Housing Advisory Commission will be hosting an event May 16, 2012 at Norwalk City Hall featuring representatives from the United States Department of Housing and Urban Development (HUD), Connecticut's Fair Housing enforcement office, (the Connecticut Commission on Human Rights and Opportunities, "CHRO") and other Fair Housing professionals. The panel discussion is entitled "Fair Housing's 25th Anniversary Serving the City of Norwalk: Celebrating Triumphs and Identifying Challenges, A Panel Discussion."

About the author: Margaret K. Suib, Norwalk's Fair Housing officer since 1996, is an attorney assisting residents in combating housing discrimination, and Norwalk Redevelopment Agency's affordable housing coordinator. msuib@norwalkct.org

Fair Housing Advisory Commission's 25th Anniversary and Annual Luncheon Event

BY MARGARET SUIB

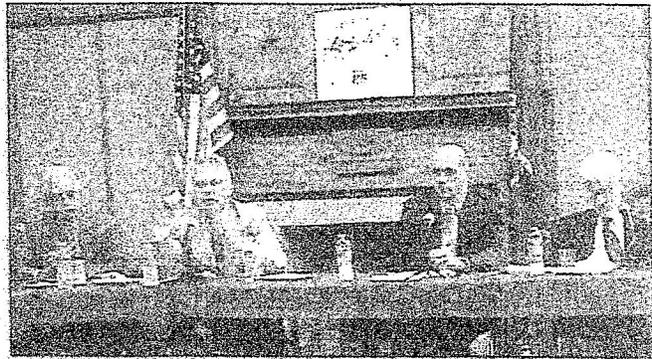


In furtherance of the educational aspect of its mission, the Fair Housing Advisory Commission hosted its annual luncheon event May 16, 2012 at Norwalk City Hall. This year, the event celebrated Norwalk Fair Housing's 25th anniversary with a distinguished panel of speakers. They included the acting

director of Region 1 (New England) Office of Fair Housing Enforcement at the U.S. Department of Housing and Urban Development (HUD), Connecticut's Commission on Human Rights and Opportunity Housing unit supervisor, and attorneys from the Connecticut Fair Housing Center and Connecticut Legal Services.

Chairman Rev. Dr. Jeffrey A. Ingraham and Mayor Richard A. Moccia welcomed the attendees. Mayor Moccia also announced that Norwalk's Fair Housing Office would soon move from a tiny cubicle it has outgrown to new office space in the Health Department Building, next to City Hall, at 137 East Avenue. An Open House will take place in August.

The May 16th luncheon panel topic was *Celebrating Triumphs and Identifying Challenges*. A wide range of Fair Housing concerns were discussed including: granting reasonable accommodations for people with disabilities; that service animals cannot be prohibited by housing provider's "no pets" policies; a case resulting in damages of more than \$350,000 because a housing provider tried to prohibit a live-in aide for a person with a disability; Connecticut's new laws protecting people from housing discrimination based upon gender identity or expression; HUD's new regulation protecting members of the LBGT (Lesbian, Bisexual, Gay and Transgender) communities from housing discrimination; recent cases involving religious symbols, such as the



Left to right, Tim Robinson, Bob Zamlowski, Tim Bennett-Smyth, and Dick Tenenbaum participate in the Fair Housing Commission Annual Luncheon Panel.

Mezuzah, which condominiums or landlords cannot prohibit from being displayed, and more.

The history of Fair Housing in Norwalk was presented by an attorney from Connecticut Legal Services who was involved in the 1983 lawsuit brought by the NAACP against Norwalk. Out of that, the City and NAACP together created the Norwalk Fair Housing Officer position and the Fair Housing Advisory Commission. This commission consists of representatives from the NAACP, the mayor, Connecticut Legal Services, Norwalk Housing Authority, NEON, Norwalk Human Relations Commission, and Redevelopment Agency. It is tasked with educating and addressing issues of housing discrimination and segregation.

This local history was followed by information regarding a recent finding of housing discrimination and segregation in nearby Westchester County, New York.

The work of creating a more perfect union continues. ■

About the author: Margaret K. Suib, Norwalk's Fair Housing Officer since 1996, is an attorney who assists the City and its residents combat housing discrimination through education and advocacy. She is also the chairperson of the Fair Housing Association of Connecticut, Inc. For more information contact her at (203) 854-7820 or MSuib@norwalkct.org.