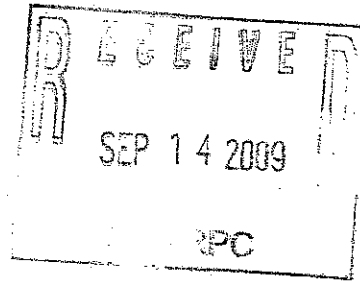


Attachment 2

METROPOLITAN
MILWAUKEE



September 11, 2009



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William R. Tisdale
President and CEO

Ben McKay
SEWRPC
P.O. Box 1607
Waukesha, WI 53187-1607

Dear Mr. McKay:

As a member of the Regional Housing Study Advisory Committee and an advocate of regional fair housing, I would like to bring an important issue to your attention with implications on the Regional Housing Study. The outcomes of a recent court settlement out of Westchester, NY and the recent discrimination verdict in the South Milwaukee fair housing trial are important to consider as SEWRPC moves forward in this housing study.

First, the Anti Discrimination Center in New York sued Westchester County under the False Claims Act because year after year the County, in order to receive federal Community Development Block Grant (CDBG) funds, falsely claimed it was complying with federal law by "affirmatively furthering fair housing."¹ Federal Judge Denise L. Cote ruled that between 2000 and 2006 the county had misrepresented its efforts to desegregate overwhelmingly white communities when it applied for federal housing funds. Judge Cote concluded that Westchester made little or no effort to find out where low-income housing was being placed, or finance homes and apartments in communities that opposed affordable housing. Additionally, the Court held that Westchester was required - but failed - to analyze "the existence and impact of race discrimination on housing opportunities and choice in its jurisdiction."

The recent settlement calls for the county to spend more than \$50 million, in non-federal funds to build or acquire 750 homes or apartments, 630 of which must be provided in towns and villages where blacks constitute 3 percent or less of the population and Hispanic residents make up less than 7 percent. The county has seven years to complete the construction or acquisition of the affordable housing units. Further, no more than 25% of the units can be housing for seniors; the rest must be family affordable housing.


¹ "affirmatively further fair housing" as defined by US Department of Housing and Urban Development (HUD) guidance means "Conducting an analysis to identify impediments to fair housing choice within the jurisdiction; taking appropriate actions to overcome the effects of any impediments identified through the analysis; maintaining records reflecting the analysis and actions taken. Additionally, Impediments to fair housing choice are defined as any actions, omissions or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choice; and any actions, omissions or decisions that have this effect. More information on these requirements can be found at <http://www.hud.gov/offices/cpd/communitydevelopment/toolkit/files/Module-5-TopSevenAFFH.pdf>

Second, a federal jury concluded in July 2009 that South Milwaukee's plan to demolish Lake Bluff Apartments, an affordable, integrated, accessible, housing development, would contribute to segregation in South Milwaukee and would have a *discriminatory effect* on persons of color and persons with disabilities. Additionally, an administrative complaint was filed with HUD against the City of South Milwaukee, alleging that South Milwaukee indirectly received CDBG funds from Milwaukee County, but has not "affirmatively furthered fair housing". The Department of Housing and Urban Development has threatened Milwaukee County's CDBG funds if this issue is not remedied.

As a fair housing organization, MMFHC has always taken the "affirmatively further..." obligation very seriously. Now it appears that the courts and HUD have begun to take seriously as well. As Craig Gurian, executive director of the Anti-Discrimination Center, said "Residential segregation underlies virtually every racial disparity in America, from education to jobs to the delivery of health care". Metropolitan Milwaukee racial residential segregation is no different. For this reason particularly, and because the implications of municipalities ignoring the fair housing obligation have become severe, I recommend that this issue be placed on the Regional Housing Study Advisory Committee agenda and incorporated into the study itself.

Please feel free to contact me to discuss this issue further - 414 278 1240.

Sincerely,



Kori A. Schneider Peragine
Inclusive Communities Program, Senior Administrator

Cc: Ken Yunker
Gary Korb
Nancy Anderson
Brian Peters, IndependenceFirst
Adelene Greene, EJTF Chair