



PRESS RELEASE

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Class Action Lawsuit Filed Against the Town of Smithtown, New York to Halt a Discriminatory Residency Preference in its Section 8 Housing Voucher Program

SMITHTOWN, NY – A class action on behalf of Black and Hispanic persons seeking federally assisted housing vouchers was filed against the Town of Smithtown, New York in Suffolk County on December 13, 2007 in the United States District Court for the Eastern District of New York by the Lawyers' Committee for Civil Rights Under Law and individual attorneys who have committed to provide their services on this matter *pro bono publico*. The lawsuit challenges the use of a residency preference for allocation of Section 8 vouchers by Smithtown, alleging that it has the intent and effect of discriminating against minorities in the allocation of Section 8 Housing Vouchers in violation of the Fair Housing Act and the equal protection clause of the United States Constitution. Smithtown maintains an absolute preference for Town residents, meaning that a person who does not live or work in Smithtown cannot receive a Section 8 housing voucher through Smithtown's Section 8 program until *every* person on the waitlist who lives or works in Smithtown has received a voucher. Because Smithtown is overwhelmingly white (over 93%), the result of Smithtown's residency preference is that Section 8 housing vouchers are effectively unavailable to minorities.

According to Barbara R. Arnwine, Executive Director of the Lawyers' Committee, "Smithtown's decision to exclude minorities from its Section 8 program results in government sponsored housing segregation." She further stated that "cases such as this one are critical to our mission of eradicating segregationist housing policies and fostering residential racial integration."

The complaint filed alleges that in implementing the discriminatory residency preference, Smithtown has improperly managed its Section 8 program to ensure that the waitlist always has a sufficient number of white residents to preclude Section 8 vouchers from being given to minority non-residents. For example, according to the complaint, in 2006, after a steep decline in the number of whites on the Section 8 waitlist and a corresponding increase in the amount of minorities obtaining vouchers, Smithtown reopened its Section 8 waitlist and engaged in a targeted advertising campaign to recruit more white residents and to avoid serving the approximately 150 minorities on the waitlist patiently awaiting the chance to receive a Section 8 voucher.

"Nearly four decades ago after passage of a federal fair housing law prohibiting discrimination, the Town of Smithtown continues to dispense federal housing vouchers by giving preference to local white residents," said Diane Houk, Executive Director of the Fair Housing Justice Center. She added, "The legal challenge brought today by African Americans and Latinos puts all

suburban communities on notice to discontinue their use of local residency preferences that discriminate on the basis of race and national origin.”

The complaint further alleges that Smithtown’s residency preference and related discriminatory Section 8 practices and policies are part and parcel of Smithtown’s extensive history of racially exclusionary housing practices, such as the Town’s decades-long opposition to affordable housing, which it fears might attract and enable minorities to move to Smithtown. The Town’s discriminatory management of its Section 8 program is also emblematic of its significant history of racism toward the very few minorities who have been successful in finding residence within the Town, including cross burnings, vandalisms, and other intimidating notes, threats and tactics directed at minorities living in the Town and nonminorities who sell or rent to them.

The lawsuit seeks an order declaring that the residency preference violates the Fair Housing Act and other civil rights laws and enjoining Smithtown from utilizing the preference in their Section 8 programs.

For a copy of the complaint, please visit www.lawyerscommittee.org.