

**TESTIMONY OF FOSTER CORBIN
METRO FAIR HOUSING SERVICES
ATLANTA, GA**

I am Foster Corbin, the executive director of Metro Fair Housing Services (Metro) in Atlanta. I have been employed at Metro since 1990 and have been the executive director since 1997. Metro was organized in 1974 to combat blockbusting in DeKalb County, Georgia and has been in continuous operation since that time.

Two of our recent cases: One of our cases in federal court recently settled for \$300,000. An interracial couple in Athens, Georgia alleged that they were denied the opportunity to purchase for cash a lot on which they wanted to build what they called their “dream home” because of the race of the husband who is a professor of chemistry at the University of Georgia. The case was handled by Relman and Dane of Washington, D. C.

We are the plaintiffs, along with the National Fair Housing Alliance (NFHA), another private fair housing organization in Florida and two in California, in a federal lawsuit filed in the United States District Court, Northern District of California against A. G. Spanos Construction, Inc. et al, alleging that Spanos has built more than eighty properties all over the country that do not meet the the Fair Housing Act’s (FHA) requirements for accessibility to people with disabilities.

It is my understanding that this hearing is to look at the track record of the federal government in enforcing fair housing laws and the ways in which it has failed our country, both in individual cases and in overlooking opportunities to address discrimination systemically.

My concerns are two-fold: problems that private fair housing organizations like ours have with the Fair Housing Initiatives Program (FHIP) and the length of time it takes for a fair housing complaint filed with HUD to get through the system.

The Fair Housing Initiatives Program (FHIP) is grossly underfunded and mismanaged. In 1995 FHIP was funded at twenty-six million dollars. Since that time the funding in some years has been as low as fifteen million and as high as 23.6 million in 2008 but never to the level of funding of 1995.

Each year organizations like ours must submit an application and compete with any other organization in the country that chooses to write a grant proposal.

Some of the problems with FHIP as it now exists:

The grant is either for a 12 or 18 month period unless you are lucky enough to get funded in the three year cycle. To get funded in a 3 year cycle, you must score 95 on your application and file an additional application which in essence means that you have to file two complete separate applications in the same short time frame and indicate to HUD

which application you would prefer is considered first. This can require as much as two months of executive director and staff time out of each year. Even more frustrating is the fact that even if you are funded, your grant usually doesn't begin until January 1 or later and within a few months, sometimes as early as April, you have to write a new grant application for the coming round of funding.

The rules for submission and requirements for fulfilling the grant change each year. For example, for several years all fair housing complaints we received during the grant period had to be filed with HUD. If a complainant wanted her complaint handled in federal or state court, she had to indicate in writing that she did not want the case filed with HUD. That is what happened with the Athens case. Not only did they not want HUD involved in the case; they did not want a Georgia law firm involved either.

There is never any guarantee that you will receive funding on a continual basis. Our applications that did not get funded read practically like our applications that do get funded. We have written applications for each year that FHIP has been in existence except one and have never been funded for two consecutive years but once. That means that in the years that we do not get funded we are faced with laying off employees and cutting back on services. It is of course difficult to keep good staff if they have no job security.

HUD has the option to award grants to achieve geographical diversity. Metro must compete with the Savannah Chatham Fair Housing Council, which ironically we helped organize several years ago through a FHIP grant. Wayne Dawson's group there and Metro seldom get funded the same year. Additionally now we have to compete with the "faith-based community" as another organization in South Georgia has gotten funded for the past two funding cycles. To make the water even muddier, apparently the people who decide who gets funding in a geographic area in an effort to achieve diversity too often, at least in Georgia, can award an education grant rather than a private enforcement grant (PEI). I believe that is what has happened with the faith-based organization that continues to get funded in Georgia. They do education and outreach, not enforcement.

Even if we receive funding, we do not get start-up money. This often causes severe cash-flow problems as we often have to hire new individuals to replace the ones we laid off when we didn't get funded. In the early days of FHIP funding, we got a significant amount of money immediately. Now we have to wait sometimes 30, even 45 days to file a report and then wait for the money. Meanwhile we have to hire new employees, sometimes rent additional office space, make payroll and pay other bills, all of which requires money. We have never gotten less than an excellent when we are monitored by HUD. The numerical scores for our last two grants were 100. It would make perfectly good sense that organizations who are meeting the grant requirements be refunded each year rather than go through the application process all over again, much as Community Development Block Grant (CDBG) recipients do. This would insure continuity in services and allow organizations like ours to concentrate on our clients rather than on making payroll.

It often takes an inordinate amount of time to get cases either charged or dismissed by HUD.

For example, on October 31, 2006 we filed a complaint with the HUD Atlanta office alleging that an ad filed on the website of Realtor.com was discriminatory in that it read that Georgian Manor, “an elegant brick condominium building located two blocks north of Phipps Plaza in sought-after Buckhead” does not “allow pets, rentals or residents under age 14.” We conducted a telephone test with the real estate agent who had the property listed. Our tester said that she had two children. The agent asked if the children were under 14. When our tester responded “yes,” the agent said, “I can’t even show the property to you.” She went on to say that the owners prefer that everyone who lives there be over 18. I give you the facts of the test because it appeared to be what we would call a slam-dunk case. The Atlanta office referred the case to the Chicago office since that office had been handling internet cases. I spoke a few weeks ago with an investigator in that office who assures me that they are working on the case, apologized for the delay and that the case will be charged soon.

On April 13, 2005 the National Fair Housing Alliance filed two complaints with HUD against a real estate agent working for Coldwell Banker-Joe T. Lane Realty, Inc. in Jonesboro, Georgia, alleging that the real estate agent steered white homebuyers to white neighborhoods and made derogatory statements about black residents, even telling one of the white testers that he had two sets of listings—one for white homebuyers and another for African Americans. He also made remarks to white testers of course that blacks do not keep their property up, that when a black family moves in, that the property values go down and you cannot sell your house. The agent, however, did not discriminate in his discriminatory comments to white testers since he also made derogatory comments about Latinos and Asian Americans as well. On September 19, 2008 HUD charged the case, almost three and a half years (40 months) later. Metro’s testers performed some of the tests in this case. This is another case where the evidence would appear to be overwhelming against the defendant.

In conclusion, if we are to achieve the goals of the Fair Housing Act—to fight discrimination and to promote integrated communities—there must be continuous funding available for private fair housing agencies like ours as long as we are doing acceptable work. Private fair housing organizations are responsible for an enormous amount of the complaints filed each year. I’m sure you have heard the numbers several times already. The federal government cannot address the problem of nationwide housing discrimination alone. Private fair housing organizations—I believe 26 agencies have closed in the last year—must remain open and and continue to fight discrimination. Additionally when complaints are filed with HUD, it should not take several years to either dismiss or charge them.