

From: Fred Freiberg [mailto:ffreiberg@fairhousingjustice.org]
Sent: Tuesday, February 9, 2021 11:05 AM
To: PublicComment <PublicComment@mynewcastle.org>; Chappaqua Forward <chappaquaforward@mynewcastle.org>
Cc: mzarfes@wroinc.org
Subject: Comments on Form-Based Code legislation for the Chappaqua Hamlet

Supervisor Pool and the Town of New Castle Board,

Attached please find comments submitted by the Fair Housing Justice Center and Westchester Residential Opportunities on the Chappaqua Hamlet Form-Based Code rezoning legislation proposed by the Town of New Castle. Thank you very much.

Fred Freiberg

Fred Freiberg, Executive Director
Fair Housing Justice Center, Inc.
30-30 Northern Blvd., Ste. 302
Long Island City, NY 11101
(212) 400-8231
Fax - (212) 400-8203
www.fairhousingjustice.org

“ACTING FOR JUSTICE”

- *Eliminating Housing Discrimination*
- *Promoting Open, Accessible, and Inclusive Communities*
- *Strengthening Enforcement of Fair Housing Laws*

“For as long as there is residential segregation, there will be de facto segregation in every area of life. So the challenge is here to develop an action program.” ~ *Dr. Martin Luther King, Jr. 1963*



westchester residential opportunities

Since 1968

Saving homes, saving families



FHJC

Fair Housing Justice Center

February 9, 2021

VIA EMAIL

Supervisor Ivy Pool
and Members of the Town Board
Town of New Castle
200 S. Greeley Ave.
Chappaqua, NY 10514

Dear Supervisor Pool:

Westchester Residential Opportunities (WRO) and the Fair Housing Justice Center (FHJC) write to support the Form-Based Code (FBC) rezoning legislation proposed by the Town of New Castle for the Chappaqua Hamlet.

WRO is a non-profit organization whose mission is to promote equal, affordable, and accessible housing opportunities for all residents of our region. WRO's main office is in White Plains and its service area includes Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties. The FHJC is a regional civil rights organization dedicated to eliminating housing discrimination, promoting policies and programs that foster open, accessible, and inclusive communities. FHJC serves New York City and seven surrounding counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester.

Our support for the Chappaqua Hamlet FBC proposal is based on several shared concerns:

First, all communities in the region need to take meaningful steps to affirmatively further fair housing, and Chappaqua is no exception. The Hamlet of Chappaqua is an affluent and predominantly white community where the median income of residents is \$218,803 (compared to \$94,811 in Westchester County). With a homeownership rate of 90.1% (compared to 60.6% in Westchester County), the median property value of a home is \$639,400 (compared to \$560,800 in Westchester County). The African American and Hispanic populations constitute 0% of the total population in Chappaqua. Westchester County has an African American population of 13.5% and a Hispanic population of 25.1%. By any measure, Chappaqua remains more economically advantaged and racially segregated than Westchester County as a whole. Our view is that every community should accept an equitable share of affordable housing units so that people at all economic levels and backgrounds have greater housing choice as we

work to collectively reduce the level of residential racial segregation and poverty concentration in the region.

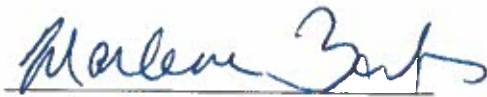
Second, many Chappaqua residents, speaking in opposition to the proposed zoning change, cite a possible disruption to the quiet, bucolic character of the community with its high-quality schools, features that initially attracted many existing residents to the community. What these residents conveniently fail to acknowledge is that others, less affluent and less privileged, might also desire these qualities in a neighborhood and school system. Providing more rental housing and affordable housing opportunities is likely the only way Chappaqua can become a more open, diverse, and inclusive community.

Third, we understand the changes to the zoning code would allow for the development of up to 1,000 multifamily housing units with at least 10% of the units being affordable. We concur with comments by Westchester County's Planning Department that the Town should include incentives so that any resulting multifamily developments contain more affordable housing units or housing units that can reach lower income bands. The 10% affordable should be a minimum floor and not a ceiling.

Finally, we caution the Town to roundly reject any arguments, whether overt or veiled, that are predicated on the characteristics of the population that might occupy any housing that results from this zoning change. The Town should not base its decision on the fact that families with children may occupy the housing. Some have suggested that the additional children who could occupy the rental housing and affordable housing units might lead to the "degradation in the quality of education" in Chappaqua. Statements like this are laced with bias and stereotypes based on a protected characteristic, family status, that should have no place in policy-making decisions. Likewise, many commenters cited how they had come to Chappaqua to get away from Manhattan, Queens, Yonkers, White Plains, and southern Westchester County, for the most part areas with larger Black and Brown populations. In *Mhany v. Village of Garden City*, the Second Circuit Court of Appeals explained "*Discrimination continues to pollute the social and economic mainstream of American life and is often simply masked in more subtle forms.*" Case No. 14-1634, p. 60 (2d Cir. March 22, 2016) In the same exclusionary zoning case, the court found that comments from residents made in various public hearings were racially coded.

We know some Chappaqua and New Castle residents may deride our decision to comment on what is best for their community. But, as civil rights organizations, we need to represent the aspirations and hopes of people who will not have a voice in this decision but who could be adversely impacted by it, the people who simply want access to the same quality of life and educational opportunities that most Chappaqua residents benefit from and so dearly cherish.

Thank you for the opportunity to present our views on the proposed zoning change.



Marlene Zarfes, Executive Director
Westchester Residential Opportunities, Inc.



Fred Freiberg, Executive Director
Fair Housing Justice Center, Inc.