

Here is a synopsis of the Westchester County Fair Housing cases:

*United States ex rel. Anti-Discrimination Ctr. v. Westchester County, New York*, [668 F.Supp.2d 548 \(S.D.N.Y.2009\)](#); [495 F.Supp.2d 375, 376 \(S.D.N.Y. 2007\)](#). As a requirement of eligibility for Community Development Block Grant (CDBG) and other federal funds, Westchester County made certifications under the relevant statutes and regulations, including that it will affirmatively further fair housing, which means that it will conduct an Analysis of Impediments (“AI”) to fair housing choice within the area, and take appropriate actions to overcome the effects of any impediments identified through that analysis. A grantee that certifies to the federal government that it will affirmatively further fair housing as a condition to its receipt of federal funds must analyze the existence and impact of race discrimination on housing opportunities and choice in its jurisdiction. The County had not analyzed race in conducting its AI, and had thereby submitted false certifications to the Department of Housing and Urban Development. Even if the County's analysis led it to conclude that income was an appropriate proxy for race, then it was required to report that analysis and demonstrate how it acted to overcome the effects of that race-based impediment to fair housing. However, the County did not show that it analyzed whether there were race-based impediments to housing choice independent of the problem of low income, and as such, it did not comply with the requirement to affirmatively further fair housing.

In response to a question about these cases, they do not specifically address or mention “inclusionary housing,” or “inclusionary zoning,” ordinances that require a given share of new construction to be affordable by people with low to moderate incomes.