

# Housing Discrimination Complaint Data in the Buffalo Region

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## Introduction

Where you live affects many parts of your life: whether you have access to fresh foods, high-quality jobs, good schools, healthcare, clean air to breathe, and more. Some neighborhoods have access to these necessities, while other neighborhoods are missing these necessities, and residents often don't have the transportation to reach them.

In the Buffalo-Niagara region, neighborhoods and resources are highly segregated by race and economic class.<sup>1</sup> While 65% of white residents live in areas of above-average opportunity, 25% of Latino residents and only 10% of Black residents live in those areas.<sup>2</sup> This didn't happen by chance. Decades of segregationist policies—enforced by governments, banks, and others—led us to our segregated present.<sup>3</sup> Housing discrimination was legal for most of our country's history. It wasn't until the Civil Rights movement when some of these practices began to be outlawed.

In 1968, the U.S. federal government passed the Fair Housing Act. This law prohibits housing providers from discriminating against people based on their race, color, religion, and national origin. Later, legislators expanded these protections to include a resident's sex, disability, and familial status. In New York State, we have even more protections. These include a prohibition against housing discrimination based on source of income (e.g. housing choice voucher, public assistance, and social security checks).

Housing discrimination can come in many forms. When most people think of housing discrimination, they think of a provider refusing to rent or sell to someone based on a protected class (e.g. race, income, familial status). But discrimination against a protected class can also include charging more for a housing unit, offering different terms for different tenants, making discriminatory statements, making false statements about housing unit availability, publishing discriminatory advertising, and more.<sup>4</sup>

This fact sheet was written by Sarah Wooton, Director of Community Research at the Partnership for the Public Good and Steven Haagsma, Education Specialist at Housing Opportunities Made Equal (HOME). This fact sheet is a snapshot of housing discrimination complaints reported to HOME between 2003 and 2020 in Erie and Niagara counties, with a focus on the City of Buffalo. To read more about housing segregation in Buffalo, see our 2018 report, [\*A City Divided: A Brief History of Housing Segregation in Buffalo.\*](#)



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Housing Opportunities Made Equal (HOME) is a local non-profit organization that investigates reported incidents of housing discrimination. In Western New York, if someone believes they've been discriminated against during their housing search, they can file a complaint with HOME. HOME will help them document their experience and will send out investigators to gather evidence. Depending on the results, HOME may put together a case for legal action against the housing provider.

In this fact sheet, we explore HOME's complaint data. There are a few things to keep in mind about the limitations of this data.

First, most people who think they've experienced discrimination do not report it. Nationally, only a small percentage of perceived discrimination cases are reported. In a 2005 survey conducted by the U.S. Housing and Urban Development (HUD) agency, 80% of people who believed they'd been discriminated against on a federally-protected basis did nothing about it.<sup>5</sup> Only 1% of people sought help from or filed a complaint with a fair housing group, and 1% filed a complaint with a government agency.<sup>6</sup> Therefore, HOME's complaint data likely only represents a small portion of all perceived illegal housing discrimination in our region.

Second, this data represents housing discrimination *complaints*. Based on this data alone, we don't know what proportion of this data represents actual discrimination. HOME investigates all of the complaints it receives, but testing for discrimination is difficult and often proves inconclusive.<sup>9</sup> When a case is marked inconclusive, it means there's no way to know whether or not the discrimination actually happened.

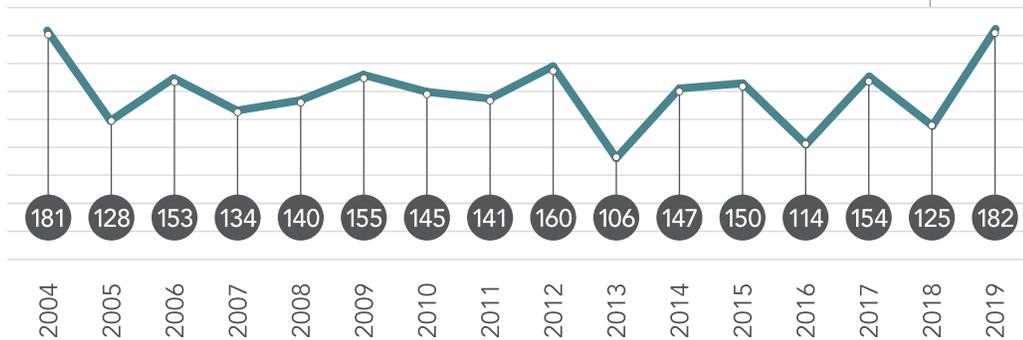
### Why don't most people report housing discrimination?

There are many reasons a person might choose not to report discrimination. HUD's survey found that many people who thought they'd experienced discrimination did nothing because they didn't think it would be worth it (49%) and/or they didn't think it would help the situation (15%).<sup>7</sup> Some people weren't sure where or how to complain, and some were afraid of retaliation.<sup>8</sup> Even if someone does know where to go to report discrimination, they might not want to deal with the process of reporting when they're already stressed about finding new housing. Many tenants are not aware of the anti-discrimination protections in their locality and may not know that the type of discrimination they've faced is illegal. Further, victims of housing discrimination might not even *realize* they've been discriminated against. According to staff members at HOME, it's rare for a landlord to directly tell a potential tenant that they, as the landlord, are discriminating against the tenant. People who report having experienced discrimination are usually reporting it based on a hunch or feeling.

## Data Background

Using HOME's database, we looked at all complaints filed between August 11, 2003 and June 8, 2020. These are cases where someone came to HOME to report possible housing discrimination. We used cases where the alleged discrimination happened in either Erie or Niagara Counties. With these criteria, there were 2,425 individual complaints of housing discrimination. Aside from a few dips and spikes, discrimination complaint reporting stayed relatively constant over the last fifteen years (see graph below).

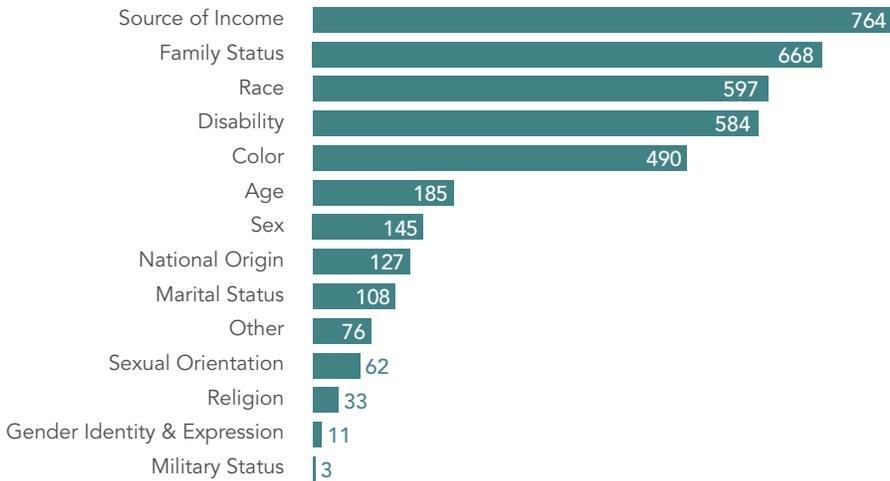
NUMBER OF INDIVIDUAL DISCRIMINATION REPORTS IN ERIE AND NIAGARA COUNTIES PER YEAR, 2004-2019



When a client reports discrimination, HOME asks the client what type of discrimination they think it was—race, sex, disability, etc. Often, the client doesn't know why a housing provider refused them, so multiple possible bases of discrimination will be marked. Therefore, in a single complaint, there can be several types of discrimination listed.

The frequency of each type of discrimination complaint is shown in the graph below. The most common types of discrimination complaints listed were source of income, familial status, race, and disability.<sup>10</sup> Here's what those forms of discrimination can look like:

## BASES OF DISCRIMINATION COMPLAINT BY NUMBER OF TIMES REPORTED IN ERIE AND NIAGARA COUNTIES, 2003-2020



**Source of Income (SOI):** Housing providers must accept all lawful forms of payment. These include public assistance, housing assistance (such as Section 8 vouchers), social security, and more. When a housing provider treats someone differently due to their source of income, it is SOI discrimination.

**Familial Status:** Housing providers may not treat someone differently because they have children. This includes potential renters or buyers who are pregnant or planning to adopt. An example of this would be a landlord demanding that a tenant with children pay a \$600 security deposit while charging their adult-only tenants \$400 for their security deposits.

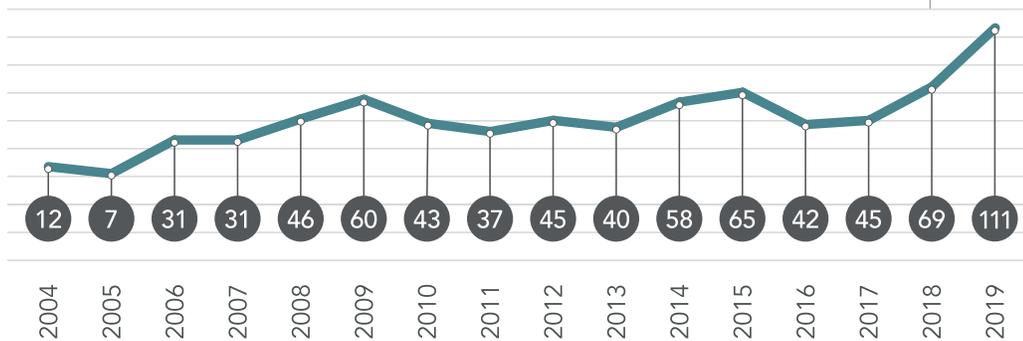
**Race:** Housing providers may not discriminate against someone based on their race. Potential discriminatory statements could include, “None of your kind of people live in this area,” and “You would feel more comfortable in a different neighborhood.”<sup>11</sup>

**Disability:** Housing providers must allow people with disabilities equal opportunity to buy or rent. Disability discrimination includes both denying housing due to someone’s disability as well as denying reasonable accommodations or modifications. Reasonable accommodations are the changes to rules or policies landlords must grant to allow people with disabilities to enjoy full use of their home. An example of a reasonable accommodation would be allowing a service or support animal in a unit with a no-pet policy. Not all accommodation or modification requests are considered “reasonable,” but landlords who refuse reasonable requests are discriminating against their tenants with disabilities.

## Bases of Discrimination Complaint Trends Over Time

We can also look at how the different types of discrimination complaint reports have changed over time. When we break the bases of discrimination complaint numbers down by year, the numbers get much smaller, meaning that our data becomes less reliable. However, we can still see some general trends.

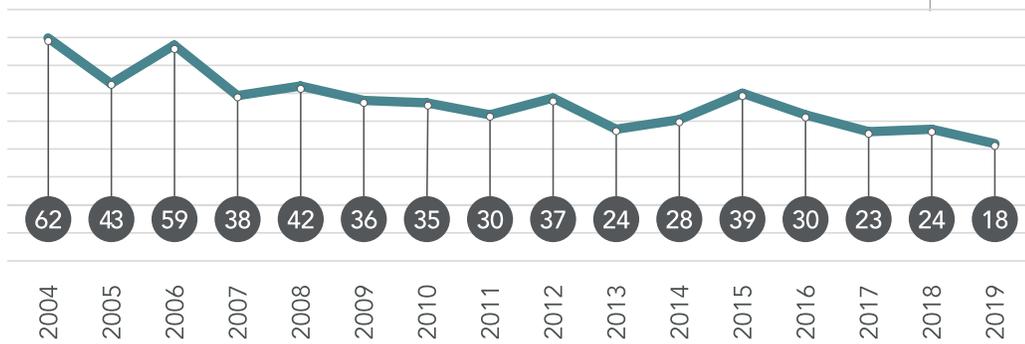
NUMBER OF SOURCE OF INCOME DISCRIMINATION COMPLAINTS, 2004-2019



The number of Source of Income (SOI) discrimination complaints has trended upward over the last fifteen years. We see a jump in complaints in 2006 and a record high of 111 reports in 2019. One partial explanation for this trend could be the changes in SOI discrimination laws over time. Before 2006, SOI discrimination was *legal* in most cases. However, in 2006, the City of Buffalo banned the practice, making it illegal within city limits. More than a decade later, in 2018, Erie County followed suit and prohibited SOI discrimination. New York State did the same in early 2019, and now all of HOME's clients can claim legal protection against SOI discrimination.

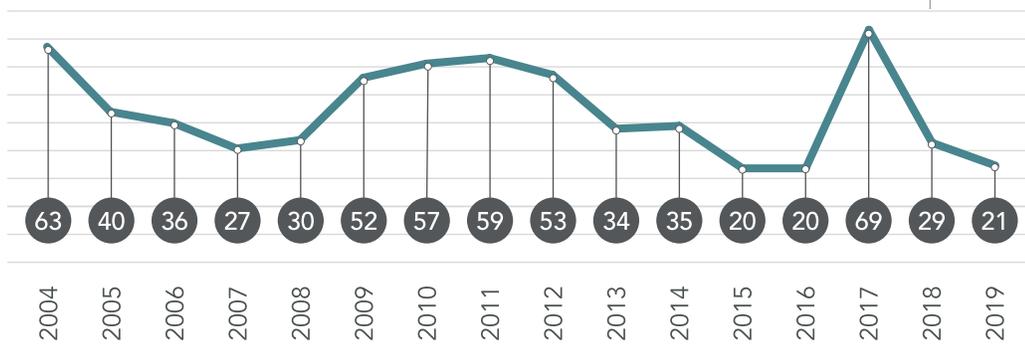
Even though SOI discrimination was banned more than a decade ago, some landlords still explicitly discriminate based on SOI. HOME staffers often see "No Section 8 allowed" in online ads for apartments. It's also common for landlords to tell tenants directly that they do not rent to Section 8 voucher holders. Again, this behavior is illegal, but it still occurs frequently.

NUMBER OF RACE DISCRIMINATION COMPLAINTS, 2004-2019

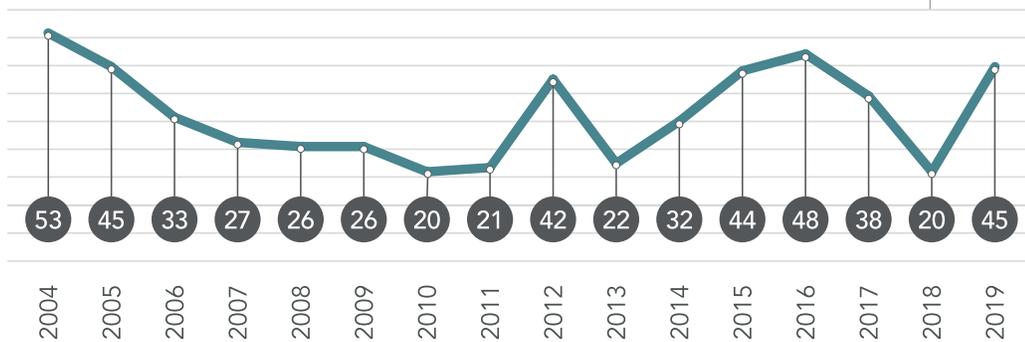


We see a downward trend in the number of race discrimination complaints filed since 2004.

NUMBER OF FAMILY STATUS DISCRIMINATION COMPLAINTS, 2004-2019



NUMBER OF DISABILITY DISCRIMINATION COMPLAINTS, 2004-2019

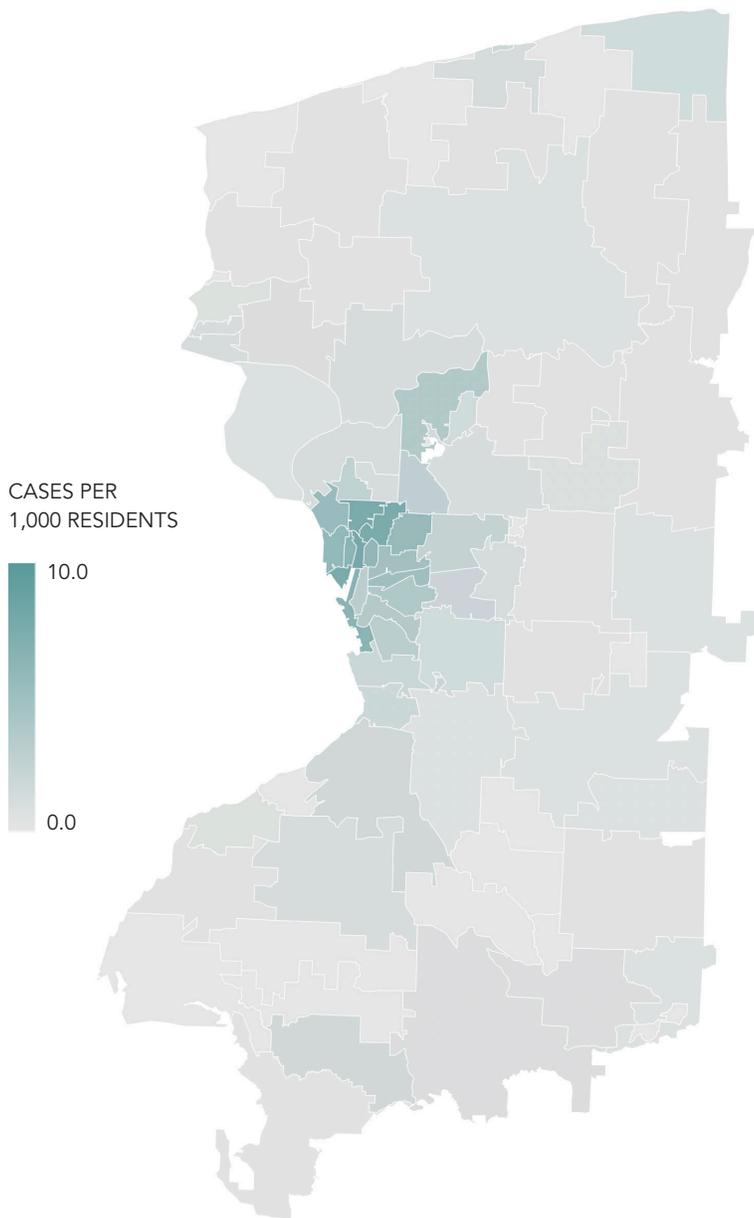


While family status and disability discrimination complaints have fluctuated over the years, there are no clear trends.

## Zip Code Analysis<sup>12</sup>

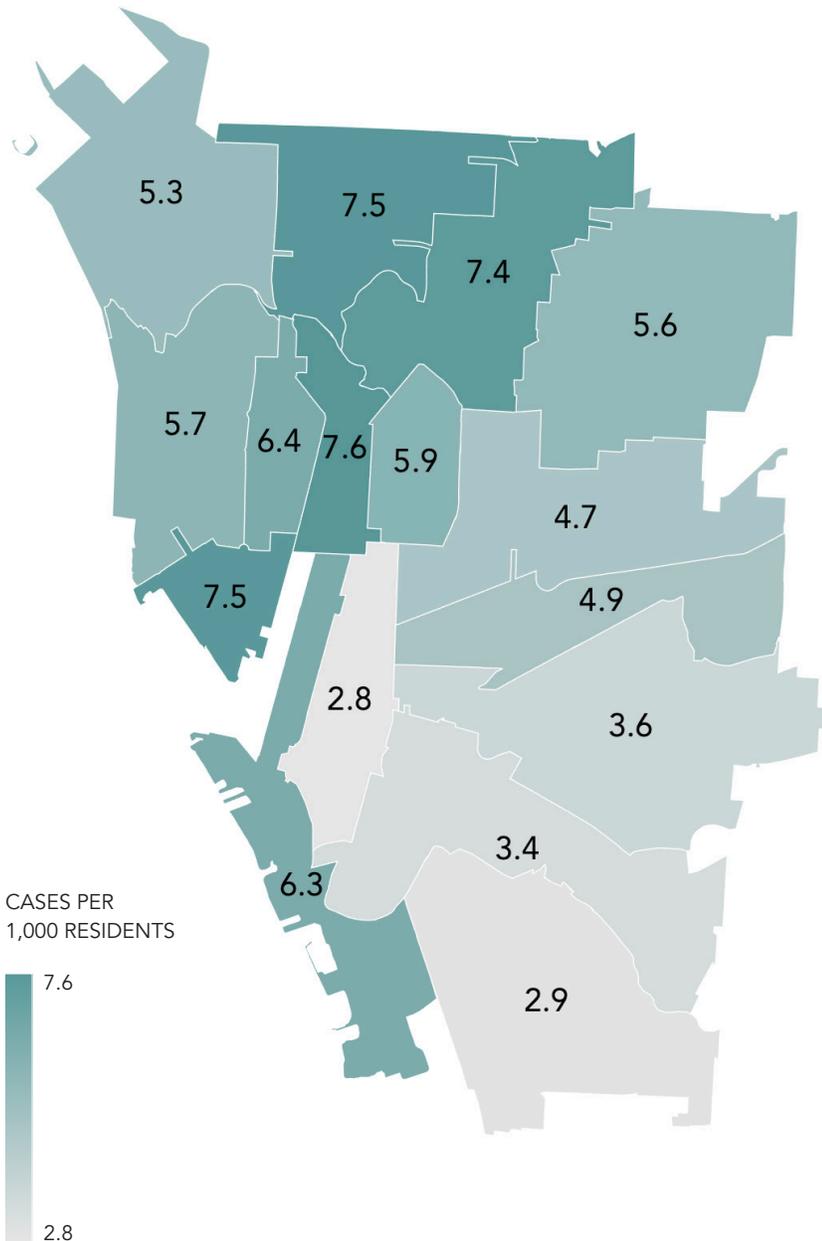
Most individual housing discrimination complaints that HOME has received are concentrated in the City of Buffalo (63%). Most zip codes outside the city have 1 or fewer discrimination complaints per 1000 residents. However, we do see higher complaint rates in zip codes 14226 (Amherst area), 14217 (Kenmore) and 14228 (Getzville). (For all zip codes and associated complaint rates, see Appendix A.)

DISCRIMINATION COMPLAINT CASES PER 1,000 RESIDENTS  
BY ZIP CODE IN ERIE AND NIAGARA COUNTIES, 2003-2020



Within the City of Buffalo, we see the highest rates of reported discrimination in the Elmwood Village, North Buffalo, the lower West Side and Allentown.

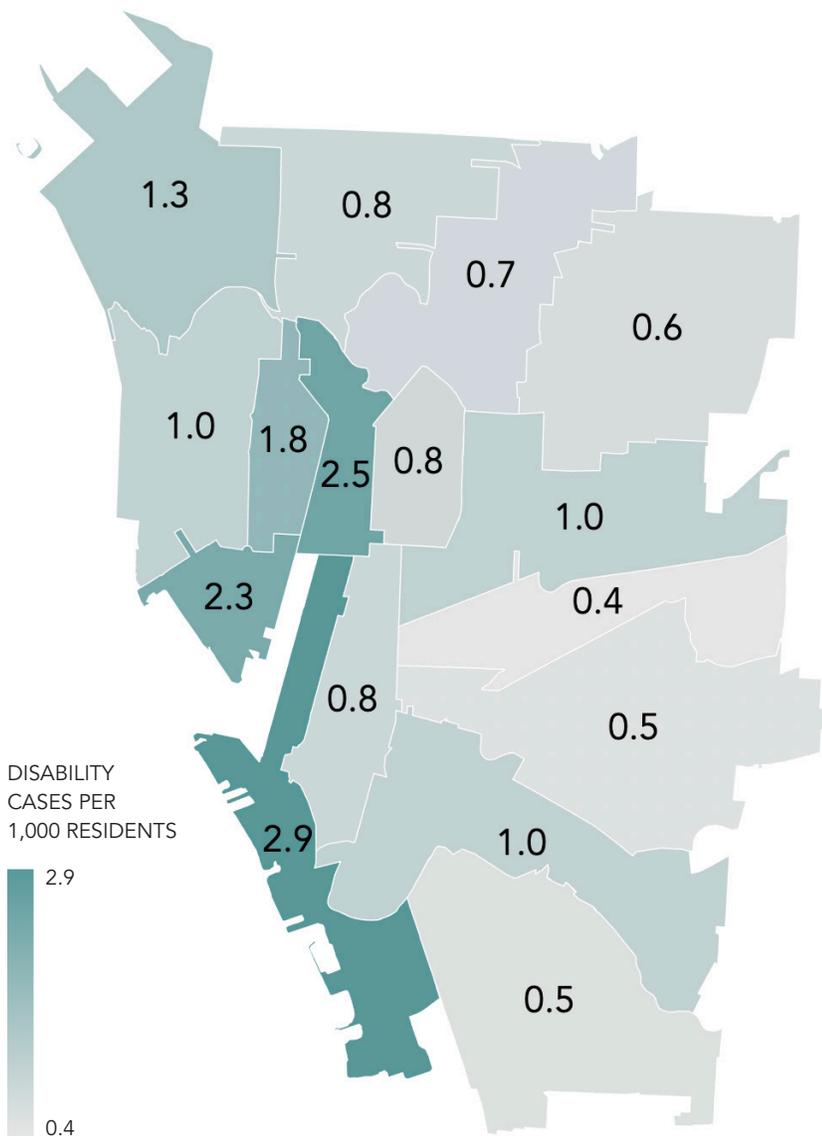
NUMBER OF DISCRIMINATION CASES PER 1,000 RESIDENTS BY ZIP CODE IN THE CITY OF BUFFALO, 2003-2020



Zip Code	Cases Per 1000 Residents
14201	7.5
14203	6.3
14204	2.8
14206	3.6
14207	5.3
14208	5.9
14209	7.6
14210	3.4
14211	4.7
14212	4.9
14213	5.7
14214	7.4
14215	5.6
14216	7.5
14220	2.9
14222	6.4

When we look at the different types of discrimination complaints, we see that they are spread differently across the city. We see the highest rates of disability discrimination complaints in downtown zip code 14203, in the Elmwood Village and along Linwood Ave (14209), and the lower West Side and Allentown (14201). Most other zip codes have a disability discrimination complaint rate of 1 complaint per 1000 residents or less.

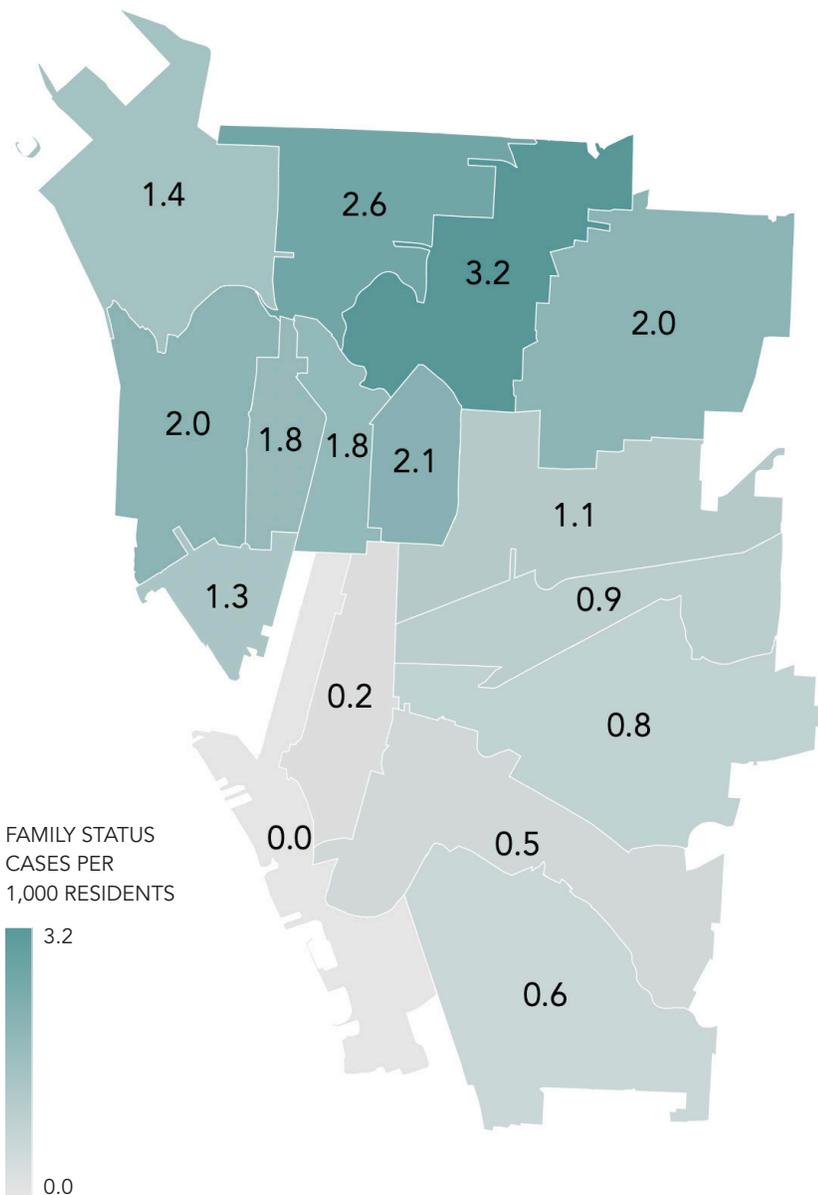
DISABILITY DISCRIMINATION CASES PER 1,000 RESIDENTS BY ZIP CODE IN THE CITY OF BUFFALO, 2003-2020



Zip Code	Disability Cases Per 1000 Residents
14201	2.3
14203	2.9
14204	0.8
14206	0.5
14207	1.3
14208	0.8
14209	2.5
14210	1.0
14211	1.0
14212	0.4
14213	1.0
14214	0.7
14215	0.6
14216	0.8
14220	0.5
14222	1.8

On the other hand, we see higher rates of family status discrimination complaints in the Northern half of the city. The zip codes with the highest rates are both North Buffalo zip codes –14214 and 14216. Several adjoining zip codes in the Northern half of the city are not far behind— 14208, 14215, and 14213. Meanwhile, downtown zip code 14203 has had zero family discrimination complaints since 2003.

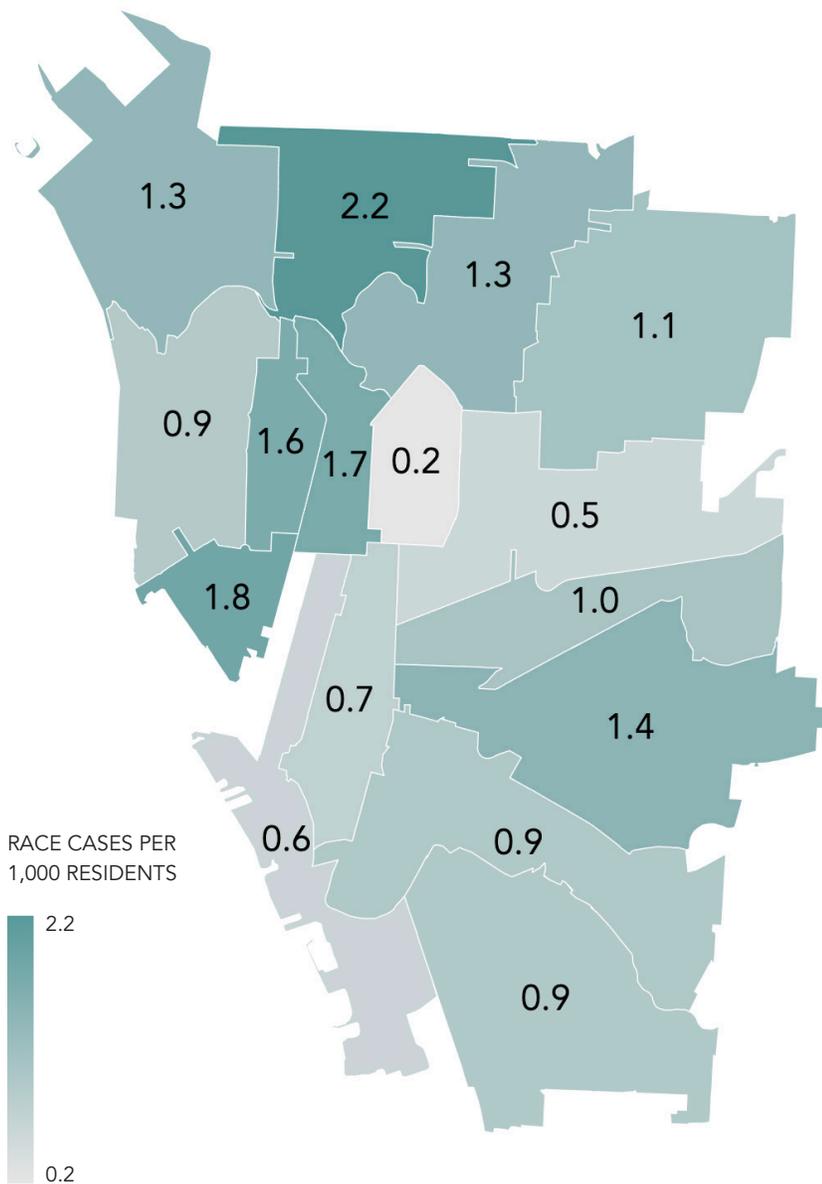
FAMILY STATUS DISCRIMINATION CASES PER 1,000 RESIDENTS BY ZIP CODE IN THE CITY OF BUFFALO, 2003-2020



Zip Code	Family Status Cases Per 1000 Residents
14201	1.3
14203	0.0
14204	0.2
14206	0.8
14207	1.4
14208	2.1
14209	1.8
14210	0.5
14211	1.1
14212	0.9
14213	2.0
14214	3.2
14215	2.0
14216	2.6
14220	0.6
14222	1.8

Racial discrimination complaint rates are highest in North Buffalo zip 14216. The next highest rates are on the lower West Side (14201) and around Linwood and Elmwood (14209 and 14222).

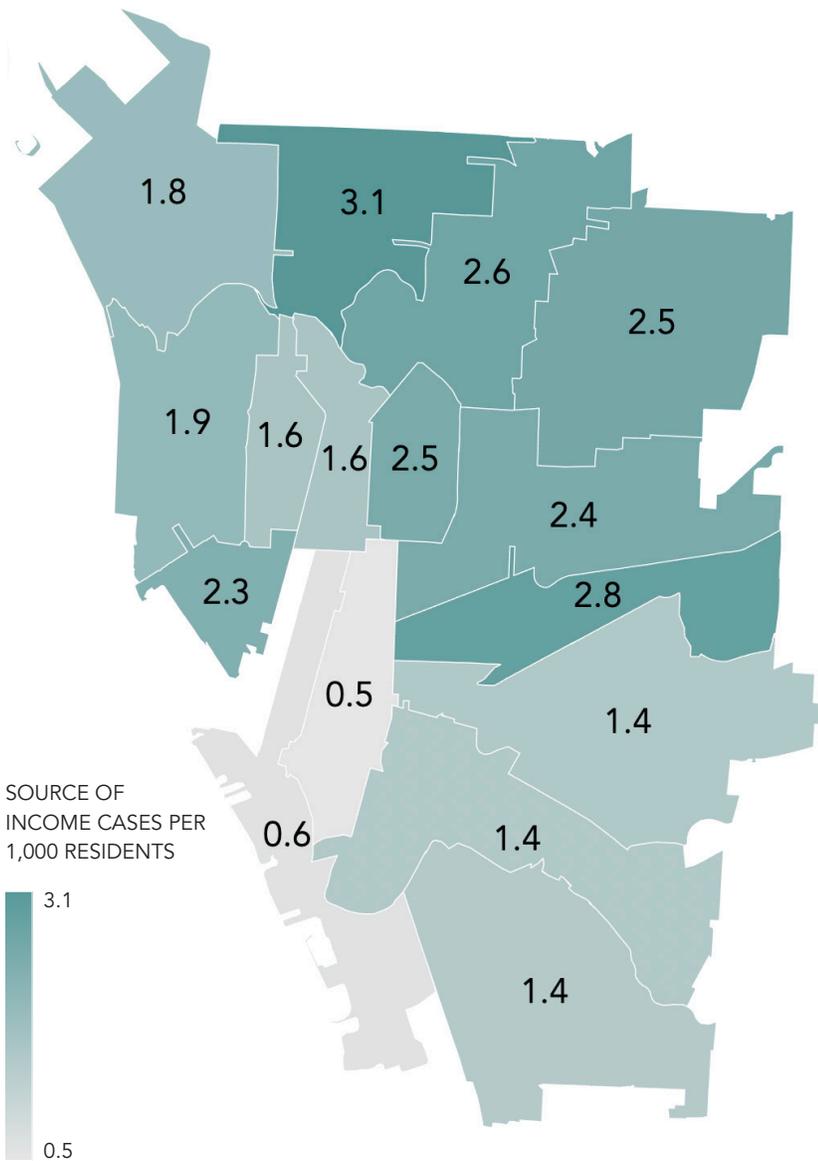
RACE DISCRIMINATION COMPLAINTS PER 1,000 RESIDENTS BY ZIP CODE IN THE CITY OF BUFFALO, 2003-2020



Zip Code	Race Cases Per 1000 Residents
14201	1.8
14203	0.6
14204	0.7
14206	1.4
14207	1.3
14208	0.2
14209	1.7
14210	0.9
14211	0.5
14212	1.0
14213	0.9
14214	1.3
14215	1.1
14216	2.2
14220	0.9
14222	1.6

Source of Income discrimination complaints are more widespread in Buffalo than the other types of discrimination complaints. Again, we see the North Buffalo zip code 14216 with the highest discrimination complaint rate of all zip codes in the city. The second highest complaint rate is found in East Side zip code 14212. We also see complaint rates at or above 2.5 complaints per thousand residents throughout the Northeast quadrant of the city.

SOURCE OF INCOME DISCRIMINATION CASES PER 1,000 RESIDENTS BY ZIP CODE IN THE CITY OF BUFFALO, 2003-2020



Zip Code	Source of Income Cases Per 1000 Residents
14201	2.3
14203	0.6
14204	0.5
14206	1.4
14207	1.8
14208	2.5
14209	1.6
14210	1.4
14211	2.4
14212	2.8
14213	1.9
14214	2.6
14215	2.5
14216	3.1
14220	1.4
14222	1.6

## Conclusions

As discussed in the introduction, housing discrimination is very hard to measure. This fact sheet is merely a snapshot of discrimination complaint data, which does not tell us how much illegal housing discrimination is actually happening. Given that, what can this data tell us?

Based on the data, we can say one thing for sure: the perception of housing discrimination is still alive and well in our region, despite having been illegal for half a century. HOME's complaint data stayed constant between 2004 and 2019 at around 100-200 complaints annually.

This data also shows us the importance of source of income discrimination protections. In many other cities and municipalities, SOI discrimination is still legal to this day. The strong protections against SOI discrimination in our region allowed HOME to investigate 764 allegations of SOI discrimination.

Moving forward, the most important action state and local governments can take to combat housing discrimination is to continue to enforce the anti-discrimination laws that are already on the books. New York's protections are among the strongest in the nation, but those protections do not mean much if landlords can ignore the law with impunity. HOME continues to work with government at all levels to ensure protections exist in reality—not just on paper. HOME will continue to fight housing discrimination in Western New York to create a more just and more fair region, with opportunity for all.

If you believe that you or someone you know has experienced housing discrimination, call HOME at (716) 854-1400 for free assistance. You can also fill out HOME's report form online at [www.homeny.org/report-discrimination](http://www.homeny.org/report-discrimination) or visit HOME in person at 1542 Main Street (near the intersection of Main St and Ferry St).

## Appendix A – Discrimination Cases Per 1000 Residents By Zip Code In Erie And Niagara Counties, 2003-2020

Zip Code	Cases per 1000 Residents	Zip Code	Cases per 1000 Residents	Zip Code	Cases per 1000 Residents
14001	0.2	14085	0.0	14207	5.3
14004	0.6	14086	0.4	14208	5.9
14006	0.3	14091	0.0	14209	7.6
14008	0.0	14092	0.3	14210	3.4
14012	1.3	14094	0.5	14211	4.7
14025	0.0	14102	0.0	14212	4.9
14026	0.0	14105	0.4	14213	5.7
14028	1.1	14108	0.4	14214	7.4
14030	0.6	14109	0.0	14215	5.6
14031	0.7	14111	0.0	14216	7.5
14032	0.3	14112	0.0	14217	2.5
14033	0.0	14120	0.9	14218	1.8
14034	1.5	14126	1.6	14219	1.6
14035	0.0	14127	0.5	14220	2.9
14043	1.2	14131	0.2	14221	0.9
14047	0.6	14132	0.2	14222	6.4
14051	0.3	14134	0.0	14223	1.1
14052	0.5	14139	0.5	14224	1.3
14055	0.8	14141	0.8	14225	2.3
14057	1.0	14150	1.1	14226	2.5
14059	0.2	14169	0.0	14227	1.9
14061	0.0	14170	0.0	14228	3.5
14067	0.2	14172	0.0	14261	0.0
14068	1.3	14174	0.0	14301	1.0
14069	0.0	14201	7.5	14302	0.0
14070	0.1	14203	6.3	14303	1.1
14072	0.5	14204	2.8	14304	0.7
14075	1.5	14206	3.6	14305	0.6
14080	0.2				

## Endnotes

- 1 Anna Blatto, *A City Divided: A Brief History of Segregation in Buffalo* (policy report, n.p.: Partnership for the Public Good, 2018), [https://ppgbuffalo.org/files/documents/data-demographics-history/a\\_city\\_divided\\_a\\_brief\\_history\\_of\\_segregation\\_in\\_the\\_city\\_of\\_buffalo.pdf](https://ppgbuffalo.org/files/documents/data-demographics-history/a_city_divided_a_brief_history_of_segregation_in_the_city_of_buffalo.pdf).
- 2 University of Buffalo Regional Institute in partnership with Make Communities LLC, *Fair Housing Equity Assessment: Expanding Opportunity in Buffalo Niagara* (policy report, n.p.: One Region Forward, 2014), <https://regional-institute.buffalo.edu/wp-content/uploads/sites/155/2021/07/FHEA.pdf>, 7.
- 3 Blatto, *A City Divided*.
- 4 “Housing Discrimination Under the Fair Housing Act,” U.S. Department of Housing and Urban Development, accessed July 12, 2021, [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_act\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview); “Examples of Housing Discrimination,” U.S. Department of Housing and Urban Development, accessed July 12, 2021, [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/examples\\_housing\\_discrimination](https://www.hud.gov/program_offices/fair_housing_equal_opp/examples_housing_discrimination).
- 5 Matin D. Abravanel, *Do We Know More Now? Trends in Public Knowledge, Support and Use of Fair Housing Law*, (report, n.p., U.S. Department of Housing and Urban Development, 2006), <https://www.huduser.gov/Publications/pdf/FairHousingSurveyReport.pdf>, 36.
- 6 Abravanel, *Do We Know More Now?*, 36. NOTE: Survey respondents were able to give multiple answers, so these percentages may overlap.
- 7 Ibid, 37. NOTE: Again, survey respondents were able to give multiple answers, so these percentages may overlap.
- 8 Ibid, 37.
- 9 This can happen even if the complainant *did* experience illegal discrimination. For example, the landlord may no longer have any properties available for HOME to test; the discriminatory act may have been a one-time occurrence; or the landlord may have realized what they did was illegal, and they stopped the behavior.
- 10 Color discrimination was listed as the fifth most common complaint. Under the Fair Housing Act, color and race are listed as separate protected classes. However, in practice, most clients do not make the distinction between the two. In nearly all discrimination complaint cases where race is listed, color is also listed. Since the data for color discrimination almost entirely overlaps with the race discrimination data, we chose not to look at it further.
- 11 “Race & Color,” Fair Housing Project: A Project of Legal Aid of North Carolina, accessed December 16, 2020, <https://www.fairhousingnc.org/know-your-rights/race-color/>.
- 12 For this section, we’ve removed all data related to zip code 14202. This is because HOME’s office used to be located in the 14202 zip code and, when a client didn’t have an address to list, HOME would use its’ office address as a default. This makes the 14202 data unreliable because we don’t know which data points relate to actual buildings in 14202 where there was an allegation of discrimination, or whether the zip code was just used as a placeholder.