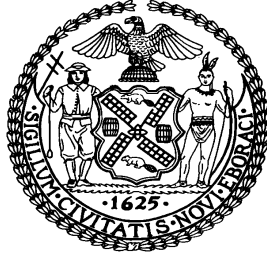


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**December 16, 2008**

### **Oversight: Current Issues Facing New York City's Black Population**

#### **I. INTRODUCTION**

On Tuesday, December 16, 2008, the Committee on Civil Rights, chaired by Council Member Larry B. Seabrook, and the Committee on Community Development, chaired by Council Member Albert Vann, will conduct an oversight hearing on the topic, "Current Issues Facing New York City's Black Population." At the hearing, the Committees hope to examine

some of the obstacles facing Blacks in New York City and to discuss ways in which the well-being of this community can be improved. Those invited to testify include representatives of the New York City Commission on Human Rights, the Equal Employment Practices Commission, the New York Urban League, the Black Equity Alliance, the Community Service Society of New York, labor groups, civil rights groups, minority advocacy groups, health groups, religious organizations, and other interested parties.

## **II. BACKGROUND**

New York City prides itself on being one of the most diverse and progressive metropolitan areas in the nation. While in many ways this is true, there are daily reminders of the inherent inequalities from which the City's Black population still suffers. Despite accounting for nearly 25 percent of the population,<sup>1</sup> Black New Yorkers continue to lag behind White<sup>2</sup> New Yorkers in the basic human entitlements that would ensure an acceptable standard of living. Whether it is a product of poor health, education, or lesser employment, Blacks in New York City regularly report lower qualities of life, with over one in four living below the poverty line.<sup>3</sup>

The disparate treatment of Blacks in New York has not escaped the attention of various advocacy groups. The National Urban League has published annual reports on issues facing Black Americans since 1976. The goal of these annual publications is to evaluate progress within the community in order to empower the community. In November 2007, the New York Urban League published "The State of Black New York City," which highlighted issues facing New York City's Black Community and proposes measures to be taken by individuals, as well as public officials in order to improve the current situation. The report focuses on several areas,

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<sup>1</sup> Harvard School of Public Health, Metropolitan Quality of Life Data, *New York, NY: Summary Profile*, available at <http://diversitydata.sph.harvard.edu/profiles.jsp?ma=5600>.

<sup>2</sup> For the purposes of this report, the label "White" will refer only to the White, non-Latino population.

<sup>3</sup> *Supra* note 1.

including health, education, employment, and incarceration, as well as to other areas of interest.

New light has also been shed on this subject matter by the mainstream media, including CNN

which recently broadcast the three-part series “Black in America.” The series focused on the

Black woman and family, the Black man, and the assassination of Dr. Martin Luther King.

There were discussions on issues facing Black Americans with regard to employment, education, and family, among other areas.

### III. **QUALITY OF LIFE FOR BLACK NEW YORKERS**

#### a. **Health**

In 2004, the New York City Department of Health and Mental Hygiene published “Health Disparities in New York City,” a report which identified differences in the physical well-being of Black and Latino New Yorkers and their White counterparts. In addition, the report disclosed that, in New York City, Black males live an average of six years less than White males and that Black females live an average of three years less than White families.<sup>4</sup> **The report also disclosed that Black New Yorkers also experience higher rates of AIDS, obesity, diabetes, asthma, and infant mortality.**<sup>5</sup> Additionally, it found that Black New Yorkers are more likely to die at a younger age than White New Yorkers from heart disease and cancer.<sup>6</sup> The report attributes the racial disparities in health, in part, to one’s access to health care, citing that 15 percent of low-income Black New Yorkers had not received necessary medical attention in the past year.<sup>7</sup> It also cited unhealthy living conditions that Black New Yorkers experience disproportionately to White New Yorkers, including mouse and rat infestation and exposure to lead-based paint.<sup>8</sup>

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<sup>4</sup> New York City Department of Health and Mental Hygiene, *Health Disparities in New York City*, New York, 2004, at 7.

<sup>5</sup> *Id.* at 11-19.

<sup>6</sup> *Id.*, at 16.

<sup>7</sup> *Id.*, at 21.

<sup>8</sup> *Id.*, at 23.

Victimized not only by higher rates of disease, Black New Yorkers also experience administrative obstacles in getting their health care needs addressed. Black New Yorkers, for example, are more than twice as likely as White New Yorkers to lack private health insurance and experience different levels of care as insured patients at the same hospital.<sup>9</sup> In New York City, almost 30 percent of persons of color are uninsured, and account for 75 percent of the total uninsured population.<sup>10</sup>

#### **b. Education**

It was reported in 2000 that 26 percent of New Yorkers, 25 years of age or older, did not have a high school diploma.<sup>11</sup> Black adults made up approximately 28 percent of that population in 2000.<sup>12</sup> It was also disclosed in 2000 that approximately 29 percent of the City's 25 and older population had obtained a bachelors degree; Black adults made up approximately 17 percent of this population.<sup>13</sup> Although these numbers do not seem bad compared to those indicating achievement of the Latino and Asian communities, it is still troubling when one considers the many Black New Yorkers have been in this City for several generations, whereas most Latino and Asian communities are relatively new to this country.

Public schools in New York City have a tendency to be overcrowded and inadequately maintained. This is especially true of schools with predominantly minority populations, where Black and Latino students generally suffer. In New York City, Black students generally attend lower performing schools that have more limited resources, less qualified teachers, harsher disciplinary measures, and inferior educational outcomes.<sup>14</sup> In addition, there are often lower

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<sup>9</sup> Bronx Health Reach, *Separate and Unequal: Medical Apartheid in New York City*, p. 17 (October 2005).

<sup>10</sup> The Human Rights Project at the Urban Justice Center, *Race Realities in New York City*, p. 37 (December 2007)

<sup>11</sup> *Supra* note 1.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Supra* note 10, at 18.

expectations for these students. In fact, only 43 percent of Black students and 41 percent of Latino students graduated on time from New York City public schools in 2006; whereas 67 percent of White students and 68 percent of Asian students graduated on time.<sup>15</sup> Should Black and Latino students make it to their high school graduation, they are often not prepared for college level academics. Minority parents and students oftentimes are uninformed about a proper college prep curriculum.<sup>16</sup> This limits academic options that minority students may have upon their high school graduation. Low-income minority students are disproportionately impacted because City schools do not universally provide college prep information.<sup>17</sup> There are programs throughout the City that provide opportunities for minority students to receive a junior high and high school education that will adequately prepare these students for college. Programs like “A Better Chance” and “Prep for Prep” increase the number of minority students enrolled in the City’s elite private schools and in elite boarding schools.<sup>18</sup> The ultimate goal of these types of programs is to empower these students, and ultimately minority communities.

### **c. Employment and Income**

Employment is a serious area of concern for the City’s Black population, especially among Black men. The 2004 report by the Community Service Society showed that the City’s Black population suffered the most from unemployment from 2000 through 2003. For example, in 2003, the City’s overall unemployment rate was 8.5 percent.<sup>19</sup> The City’s Black population, however, suffered from an unemployment rate that was more than 4 percentage points higher, at

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<sup>15</sup> *Id.* at 20.

<sup>16</sup> *Id.* at 21.

<sup>17</sup> *Id.*

<sup>18</sup> Hemphill, Clare, *Giving Minority Students a Push Along the Path to Leadership Roles*, N. Y. Times, January 1, 2007.

<sup>19</sup> Community Service Society, *A Crisis of Black Male Employment: Unemployment and Joblessness in New York City, 2003*, Feb. 2004.

12.9 percent.<sup>20</sup> In addition, although 75.7 percent of the City's White male population was employed in 2003, only 51.8 percent of the City's Black male population was employed.<sup>21</sup> Some have suggested that this employment problem is the result of inadequate education.<sup>22</sup>

In 2005, the New York City Department of City Planning published results from the American Community Survey<sup>23</sup> that revealed income statistics based on race and ethnicity. The average annual per capita income for members of the City's Black population was less than 20,000 dollars, in comparison to the average income for the City's White population, which was approximately \$45,000.<sup>24</sup> The median household income for the City's Black population was approximately \$35,000 in 2005, whereas the City's White population had a median household income of approximately \$60,000.<sup>25</sup>

Although there is reason for concern in terms of employment and income, there have been successes in terms of business ownership. There is a large immigrant population amongst New York City's Black population. Many immigrants start their own businesses in order to cater to their ethnic communities. For example, throughout the five boroughs there is no shortage of West Indian bakeries and restaurants. In addition, businesses are established in order to cater to the City's Black population at large.

#### **d. Housing**

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<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> New York Urban League, *The State of Black New York City* (2007).

<sup>23</sup> The American Community Survey is an on-going survey conducted by the U.S. Census Bureau, *see generally* <http://www.census.gov/acs/www/>.

<sup>24</sup> New York City Department of City Planning, Results from the 2005 American Community Survey: Socioeconomic Characteristics by Race/Hispanic Origin and Ancestry Group, 2005, *available at* [http://www.nyc.gov/html/dcp/pdf/census/acs\\_socio\\_05\\_nyc.pdf](http://www.nyc.gov/html/dcp/pdf/census/acs_socio_05_nyc.pdf).

<sup>25</sup> *Id.*

Despite the growing diversity in New York City, housing segregation still exists throughout the five boroughs.<sup>26</sup> A United States Census Bureau investigation found that the five boroughs, along with Westchester, Rockland and Putnam Counties, form the eighth most segregated metropolitan area in the United States for African Americans.<sup>27</sup> Given the unfortunate reality that neighborhoods with higher concentrations of Blacks tend to be lower-income neighborhoods, it follows that the housing in those neighborhoods tends to experience higher incur a greater number of housing code violations and higher rates of asthma and lead poisoning.<sup>28</sup> Poor living conditions in Black neighborhoods are particularly troubling in light of the fact that rent accounts for a significantly greater share of income in low-income Black households than in low-income White households.<sup>29</sup> A 2007 report from the Brennan Center for Justice, moreover, revealed that despite accounting for less than 25 percent of the population, Black New Yorkers accounted for nearly half the renters surveyed who were facing eviction proceedings in New York City's Housing Courts.<sup>30</sup> The byproduct of this, sadly, is that 90 percent of New Yorkers living in homeless shelters are persons of color.<sup>31</sup>

Black homeowners have their share of housing woes as well. Despite the financial security that theoretically comes with holding a mortgage, Black New Yorkers lag significantly behind White New Yorkers in homeownership, with just 28 percent in the City owning their own home versus 44 percent of Whites.<sup>32</sup> Those who do own homes are not immune to the subprime mortgage foreclosure crisis. In 2006, home buyers in typically Black neighborhoods were more

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<sup>26</sup> New York Urban League, *The State of Black New York City*, p. 58 (2007)

<sup>27</sup> *Supra* note 10, at 49.

<sup>28</sup> *Id.*

<sup>29</sup> *Supra* note 26, at 54

<sup>30</sup> Brennan Center for Justice, *Results from Three Surveys of Tenants Facing Eviction in New York City (Executive Summary)*, p. 1 (February 200).

<sup>31</sup> *Supra* note 10, at 48.

<sup>32</sup> *Id.*

likely to enter into subprime mortgages than their White counterparts with similar salaries.<sup>33</sup> In a study conducted by New York University's Furman Center for Real Estate and Urban Policy, it was revealed that the 10 neighborhoods with the highest rates of mortgages from subprime lenders were predominantly Black, whereas the 10 neighborhoods with the lower rates were predominantly Caucasian.<sup>34</sup> Access may play a role in this pattern, as the biggest lenders in minority neighborhoods tend to provide only subprime loans.<sup>35</sup>

#### e. Incarceration

Nationwide, one out of every nine Black men, between the ages of 20 and 34, are serving time in prison.<sup>36</sup> The racially lopsided prison population is particularly pronounced in New York State, which has the tenth highest ratio in the country of Blacks to Whites in prison, with over nine times as many African- and Caribbean-Americans in prison as Caucasians.<sup>37</sup> Many attribute the high rate of incarceration for Black New Yorkers to the 35-year old Rockefeller drug laws, which carry high mandatory minimum sentences and are considered among the toughest such laws in the country.<sup>38</sup> In New York City, there are over five times the number of Blacks serving time in prison for drug crimes than the number of Whites serving time, despite nearly identical rates of actual drug use.<sup>39</sup> Persons of color in New York City account for approximately 91 percent of the prison population, with the vast majority of incarcerated drug offenders originating

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<sup>33</sup> Fernandez, M., *Racial Disparity Found Among New Yorkers With High-Rate Mortgages*, N. Y. Times, October 15, 2007, at B1

<sup>34</sup> *Id.*

<sup>35</sup> Bajaj, V. and F. Fessenden, "What's Behind the Race Gap?" *N. Y. Times*, November 4, 2007.

<sup>36</sup> *Racial Inequality and Drug Arrests*, N. Y. Times, May 10, 2008, at 18.

<sup>37</sup> The Sentencing Project, *Uneven Justice: State Rates of Incarceration by Race and Ethnicity*, p. 11 (July 2007).

<sup>38</sup> Espinoza, M., *Name by Name, a Push to Change Drug Laws*, N. Y. Times, October 5, 2008.

<sup>39</sup> Dowdy, Z. R., *Disparity doing time; Blacks on LI were 36 times more likely to be jailed for drug offenses than whites, study shows, despite similar selling, possession rates*, *Newsday*, December 5, 2007, at A08.

from such low-income neighborhoods as the South Bronx, Harlem, Brownsville, Bedford-Stuyvesant, East New York, South Jamaica and the Lower East Side<sup>40</sup>

#### **IV. MEASURING POVERTY**

On July 13, 2008, Mayor Michael R. Bloomberg announced a new alternative to the Federal poverty measure developed by the New York City Center for Economic Opportunity (CEO). The August 2008 report, “The CEO Poverty Measure, A Working Paper by the New York City Center for Economic Opportunity” (CEO Poverty Measure) was released, offering CEO’s recommendation for a new alternative to the Federal Poverty measure which was established in the 1960s.

New York City is the first local government in the nation to reformulate the 40-year old broken poverty measure, which is based primarily on food expenditures and has not materially changed since it was first adopted in 1969. The new poverty measure factors in food, clothing, shelter and utilities expenditures; counts tax credits and benefits - such as Food Stamps and Section 8 housing subsidies - and adjusts for differing geographic cost factors in housing.<sup>41</sup>

The New York City poverty rate using the CEO measure is different than the official rate, 23.0 percent as opposed to 18.9 percent (by excluding people in group quarters, the United States. Census Bureau’s official rate of 19.2 percent is brought down to 18.9 percent). The poverty line - or threshold - for a family of two adults and two children under the current measure is \$20,444 and increases to \$26,138 under the new CEO measure. The CEO measure will not immediately change program funding or eligibility for New York City social service programs. Instead, it will give the City a more useful tool to develop poverty-related policy moving forward and allow City agencies to base future plans on accurate and timely data.

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<sup>40</sup> *Supra* note 10, at 56.

<sup>41</sup> Mayor Michael R. Bloomberg and Center for Economic Opportunity press release, July 13, 2008; *See also*, The CEO Poverty Measure, A Working Paper by the New York City Center for Economic Opportunity, August 2008.

## VI. CONCLUSION

As human beings, we are compelled when we have reached a significant milestone to reflect on the progress we have made and the work we have left to complete. The election of Barack Obama to the Presidency was a historic moment in our country's timeline and a significant victory in the ongoing civil rights struggle for our nation's communities of color. As the country – and the City – witnesses the inauguration of its first Black President, it is incumbent upon us to remain vigilant in protecting those who did not experience Mr. Obama's successes and opportunities. In doing so, we must continue to examine the issues that plague the City's Black population and determine the best ways in which to resolve these issues.

DRAFT