

## **Executive Summary**

### **Town of Islip 2010 Analysis of Impediments to Fair Housing Choice**

The Town of Islip 2010 *Analysis of Impediments to Fair Housing Choice* is submitted to the United States Department of Housing and Urban Development (HUD) as part of the Town's 2010-2014 Consolidated Strategy and Plan.

#### **A. Document Structure**

The *Analysis of Impediments* is divided into five chapters, plus this executive summary.

- **Chapter 1:** Introduction
- **Chapter 2:** Background Information on the Town of Islip
- **Chapter 3:** Status of Fair Housing in the Town of Islip
- **Chapter 4:** Identification of Impediments to Fair Housing Choice and Actions Implemented to Overcome Identified Impediments
- **Chapter 5:** Conclusions and Recommendations

The executive summary briefly describes the study approach and process, provides a description of background information, and summarizes the findings and recommended goals of the study. This executive summary should not substitute a careful reading of the entire *Analysis of Impediments* document. The full *Analysis of Impediments* provides an extensive discussion of the data, documentation, and findings that place data in proper perspective and context, which is nearly impossible to accomplish in an executive summary.

#### **B. Study Approach and Process**

Fair Housing is the right of individuals to obtain the housing of their choice, free from discrimination related to group identity. Title VIII of the Civil Rights Act of 1968 along with the Fair Housing Amendments of 1988, (together known as the Fair Housing Act), the New York State Human Rights Law (NYS Executive Law Article 15, Section 296 et. seq.), and the Suffolk County Human Rights Law (amended in 2007) establish protected classes under those laws. The list of protected group identity categories (the "protected classes") includes: race, color, national origin, religion, sex, familial status, and disability. The State and County Fair Housing Laws also include creed, sexual orientation, age, marital status, military status (New York State only), and ethnicity (Suffolk County only). As stated by these laws: 1) all persons have the right to live in the home of their choice that they can afford; and, 2) discrimination in the sale, rental, financing, and insuring of housing is prohibited by law.

The Town of Islip is dedicated to executing its housing and community development activities in a manner that will affirmatively further fair housing and is consistent with the Fair Housing Act. The Town has developed a series of

programs through its Community Development Agency (CDA) designed to address the needs of community residents (and potential residents). The Town of Islip endorses the belief that equal and free access to housing is vital to securing essential needs and pursuing various personal, educational, and employment goals.

HUD requires that all governing authorities that receive HUD funding certify that: (1) the awarded grant will be carried out and administered according to the Fair Housing Act; and, (2) the grantee will work diligently to affirmatively further fair housing (AFFH). This requirement is codified, for local jurisdictions, in the Consolidated Plan requirements under 24 CFR §91.225. As part of the Consolidated Plan process, recipients are required to undertake an analysis of impediments.

The Town of Islip's 2010 *Analysis of Impediments to Fair Housing Choice* updates the Town's original 1996 *Analysis of Impediments* and consists of three crucial components:

1. Identification and analysis of impediments to fair housing choice in the Town of Islip;
2. Actions taken to overcome the effects of identified impediments; and,
3. Documentation of the results of actions initiated to minimize the impact of identified impediments.

The identification and subsequent reduction and/or elimination of impediments to fair housing involve affirmatively furthering fair housing as part of the Town's acceptance of HUD's program funds. Actions to affirmatively further fair housing can be grouped into three categories:

- *Intent*: The obligation to avoid policies, customs, practices, or processes whose intent or purpose is to impede, infringe, or deny the exercise of fair housing rights by persons protected under the Act.
- *Effect*: The obligation to avoid policies, customs, practices, or processes whose effect or impact impedes, infringes upon, or denies the exercise of fair housing rights by persons protected under the Act.
- *Affirmative Duties*: The Act imposes a fiduciary responsibility upon public agencies to anticipate policies, customs, practices, or processes that previously, currently, or may potentially impede, infringe, or deny the exercise of fair housing rights by persons protected under the Act.

The first two obligations pertain to public agency operations and administration, including those of employees and agents, while the third obligation extends to private, as well as public sector activity.

### **C. Participants in the Preparation of this *Analysis of Impediments***

The Town of Islip, specifically the CDA, prepared this *Analysis of Impediments* with technical assistance from Saccardi & Schiff, Inc. The CDA coordinated its

efforts with other Town of Islip departments and agencies (including the Town Department of Planning and Development and the Town of Islip Housing Authority) and received significant input from the New York State Division of Human Rights, Suffolk County Human Rights Commission, Long Island Housing Services, Long Island Housing Partnership, Community Development Corporation of Long Island, Family Service League, and ERASE Racism.

## **D. Background Information**

### **1. Funding**

Annually, the Town of Islip receives approximately \$2.98 million in Community Development Block Grant (CDBG) Program, \$1.02 in HOME Investment Partnership (HOME) Program, and \$180,000 in Emergency Solutions Grant (ESG) Program funds from HUD. Additionally, the Town receives approximately \$1.83 million in Housing Opportunities for Persons with AIDS (HOPWA) Program funds, which is then passed to the United Way of Long Island, which administers the HOPWA program for all of Long Island on behalf of the Town. Those HOPWA funds support housing and support services.

The Town of Islip Housing Authority administers the Housing Choice Voucher Program, which provides rental assistance to Islip residents. Other funding programs for the development of housing include the New York State Housing Trust Fund, New York State Affordable Housing Corporation, New York State Tax Credit Program, Federal Home Loan Bank of New York, Suffolk County Land Development Subsidy Workforce Housing Acquisition and Infrastructure Programs, and private developer capital.

### **2. Fair Housing Initiatives**

The Town of Islip is composed of persons of diverse races, ethnic groups, religions, and national origins. The fundamental goal of the Analysis of Impediments to Fair Housing Choice is to help the Town address any issues affecting the opportunities for all persons to obtain safe, sanitary, and affordable housing, noting that their right to do so is protected by the previously mentioned laws.

The 1996 *Analysis of Impediments* concluded that there were two impediments to fair housing within the Town of Islip that needed to be addressed (high cost of housing and NIMBYism) and a third area (fair lending) that needed to be monitored.

The Town has several housing programs and supports several projects to help address these housing impediments. The Town also partners with and relies on several local and County-wide non-profit housing organizations and

housing service providers, such as the Long Island Housing Partnership and Long Island Housing Services, as well as Suffolk County, to provide a variety of services that promote fair housing practices for protected groups within the Town. These include first time homebuyer assistance, eviction prevention, services to homeless and special needs populations, and fair housing complaint monitoring and mediation.

## **E. Summary of Findings and Recommendations**

### **1. Summary of Methodology**

To assess the impediments to fair housing choice in the Town of Islip, data was gathered from a wide array of public and proprietary sources.

- A stakeholders meeting to inquire about fair housing issues was held on February 23, 2010 with, among others, public and private housing providers who utilize public funds to construct affordable housing.
- A presentation was also provided at the January 27, 2010 Suffolk County Human Rights Commission meeting by the Executive Director of the CDA and its consultant, which included a question and answer session with Commission members.
- As part of the development of the Consolidated Strategy and Plan, issues with fair and affordable housing were specifically discussed with relevant Town and County departments/agencies, due to their day-to-day knowledge of housing issues in the Town, especially at the Town Commissioner's Meeting on February 24, 2010 and the CDA's annual review of performance and public input meeting, also on February 24, 2010.
- Data was collected from New York State Division of Human Rights and Suffolk County Human Rights Commission regarding fair housing complaints, their status, and disposition.
- The most recent available information about lending practices, subprime loans and foreclosure rates, housing and population trends for the Town and County, zoning and land use in the Town, and other public policy made available through public information were also gathered.
- Additional information was provided by LIHS, including fair housing compliant data, information gathered from testing, etc.
- Finally, a survey was sent to approximately 20 local organizations and agencies involved in housing and housing related services and social services to get input on their impressions and experience relative to fair housing issues in the Town of Islip.
- To supplement this survey, an online survey was developed in both English and Spanish and made available to the general public in order to examine their individual experiences and to reach those people who might not otherwise come out and speak up. Availability of the survey was advertised in *Newsday* and on the CDA website.

## 2. Summary of Impediments and Actions to Overcome Impediments

This *Analysis of Impediments* updates and expands the Town's previous list of impediments from three to six and provides a series of recommendations to address each impediment. The background information and data that provide the basis for the identification of these impediments is provided in detail in **Chapters 2** and **3** of this document. **Chapter 4** discusses the impediments and actions in greater detail. A summary of the identified impediments to fair housing choice in Islip follows, with a brief description of the impediment and actions to overcome the impediment.

### **Impediment #1: High Cost of Housing and/or Land**

#### Impediment

The first impediment previously identified was the high cost of housing and/or land in the Town. Factors cited as contributing to the high cost of housing and/or land included: lack of suitable undeveloped land, high land and construction costs, high property tax burden (especially on low- and moderate-income households), and high homeownership and rental costs. In 2010, these factors continue to contribute to the high cost of housing and/or land in the Town.

#### Actions to Overcome the Impediment

- Continue assisting in the financing of affordable housing projects.
- Continue to work to increase the supply of affordable rental units throughout the Town, particularly large size units for low and extremely low-income families, by encouraging developers to construct affordable rental housing via the Town's inclusionary zoning regulations.
- Continue to use/re-use under-developed, under-utilized, and in-fill sites for the construction of affordable housing.
- Adopt the New York State First Time Homebuyers property tax exemption, which provides a limited tax exemption (on local, but not county or school taxes) for first time homebuyers.
- Increase efforts to provide housing, especially affordable housing, on publicly-owned (e.g., Town, County, State) lands that become available or are deemed a surplus.

### **Impediment #2: Local Opposition (NIMBYism)**

#### Description of Impediment

The second impediment previously identified was community resistance (NIMBYism). According to *The Fair Housing Planning Guide*<sup>1</sup>, whether the persons being served are families with children, persons with disabilities, homeless persons, or lower-income minorities, many communities believe

<sup>1</sup> *Fair Housing Planning Guide*, Volume 1, U.S. Department of Housing and Urban Development, p. 5-6.

that housing for these persons should be provided, but “not in my backyard” (NIMBY). This attitude, which seriously affects the availability of housing for people in these groups, continues to be held by some residents of the Town of Islip and is one of the most difficult challenges the Town encounters in promoting fair housing objectives.

#### Actions to Overcome the Impediment

- Continue to work to increase the supply of affordable rental units, by encouraging developers to construct affordable rental housing throughout the Town via the Town’s inclusionary zoning regulations.
- Continue to work with fair housing advocates, such as the Long Island Housing Partnership (LIHP) and Long Island Housing Services (LIHS), and others to educate the public, Town officials, building owners, landlords, real estate agents, lenders, and others about fair housing and its benefit to the community. This outreach action could include:
  - Holding an annual Town-wide fair housing forum.
  - Outreach to the public to provide information on next-generation and workforce housing as a means to serve children and neighbors.
- Work with local organizations to consider legislative advocacy at both the State and Federal levels to encourage more expeditious investigations and hearings for fair housing complaints.
- Update the Town’s Fair Housing Law.

### **Impediment #3: Fair Lending Policies, Practices, and Disparities**

#### Description of Impediment

An additional area that was previously recommended for monitoring was fair lending practices. Since that time, much has changed in the housing industry, especially as it relates to lending practices. Discriminatory lending practices and predatory lending locally, regionally, and nationally resulted and continue to result in serious short- and long-term fair housing impacts. Predatory lenders, home improvement scams, and fraudulent house selling schemes can target properties in minority neighborhoods, people with low incomes and problematic credit histories, people of color, or people with limited English language proficiency, as well as elderly and disabled homeowners. Combating these practices is extremely difficult, as they often involve multiple real estate operators, mortgage brokers, appraisers, and lenders, making the gathering of evidence extremely complex.

#### Actions to Overcome the Impediment

- Continue to work with fair housing advocates, such as LIHP and LIHS, and others to educate the public, Town officials, building owners, landlords, real estate agents, lenders, and others about fair housing and its benefit to the community. This outreach action could include:
  - Holding an annual Town-wide fair housing forum.
  - Educating the public about predatory lending practices.

- Continue to conduct real estate/lending testing programs, whether conducted through a local program, or as part of a nationwide testing program, and share findings with HUD.
- Expand efforts to make individuals and housing-related organizations aware of local HUD-approved housing counseling/financial education, including:
  - Requiring that all homebuyers receiving federal subsidies complete HUD-approved housing counseling.
  - Encouraging those typically targeted by predatory lending and subprime mortgages (i.e., minorities and lower-income individuals) to seek financial counseling before they submit a mortgage loan application.
- Work with LIHS and other fair housing organizations to bring predatory lending operations to the attention of the New York State Attorney General, United States Attorney General, and local District Attorneys.

#### **Impediment #4: Overall Discrimination in the Local Housing Market**

##### Description of Impediment

The Town previously indicated that “no evidence was found of wide-spread housing discrimination.” Based upon updated and additional research on the local and regional levels, including renewed focus on historic and current development patterns/concentrations of minority and lower income populations, discrimination studies/surveys for the region, recent fair housing complaints, and surveys conducted by the Town of Islip, it appears that there is now some evidence that there is a level of overall discrimination in the local housing market, which represents an impediment to fair housing choice in the Town of Islip.

##### Actions to Overcome the Impediment

- Continue to work with fair housing advocates, such as LIHP and LIHS, and others to educate the public, Town officials, building owners, landlords, real estate agents, lenders, and others about fair housing and its benefit to the community. This outreach action could include:
  - Holding an annual Town-wide fair housing forum.
  - Outreach to the public to provide information on next-generation and workforce housing as a means to serve children and neighbors.
  - Outreach to tenants regarding availability of programs, their rules, and local rent office locations where rent information or redress regarding rent increases or harassment can be sought.
  - Publishing all fair housing brochures in English and Spanish.
- Continue to work with groups that deal with minority issues and housing discrimination, such as Adelante of Suffolk County, the Urban League of Long Island, and the NAACP.

- Continue to work with groups and organizations that are dedicated to fair housing assistance for people with special needs or who are victims of housing discrimination.
- Continue to work with the Town of Islip Anti-Bias Task Force, Suffolk County Anti-Bias Task Force, and the Suffolk County Human Rights Commission on fair housing and discrimination issues.
- Continue to conduct real estate/lending testing programs, whether conducted through a local program, or as part of a nationwide testing program, and share findings with HUD.
- Track fair housing complaints and foreclosure activity and evaluate any identifiable patterns.
- Investigate further those areas, such as Bohemia and Ronkonkoma, where there is a concentration of fair housing complaints.
- Develop an affirmative marketing program for housing opportunities that provides outreach to income- and mortgage-eligible households looking for homeownership, with a focus on the segments of the population (e.g., low- and very-low income households, especially minorities within those income groups) that may be less likely to apply for affordable housing. Require that all developers involved with housing funds provide an affirmative fair housing marketing plan.
- Update the Town's Fair Housing Law.

#### **Impediment #5: Deficiencies in the Existing Housing Stock/Limited Affordable Rental and Specialized Housing and Funding Options**

##### Description of Impediment

Today, conditions of some of Islip's housing stock, including its age, degree of substandardness, overcrowding, and presence of lead-based paint, combine to act as an impediment to fair housing choice, especially in the minority and lower-income areas of Bay Shore, Brentwood, Central Islip, and North Bay Shore. In addition, there currently are limited affordable rental and specialized housing (e.g., disabled persons, large families, senior citizens) options in the Town. Although there are a number of not-for-profit community development and housing organizations that work in Islip communities, except for the Long Island Housing Partnership and Community Development Corporation of Long Island, the size and range of capabilities of these organizations to develop affordable housing and affirmatively promote fair housing practices is limited, as is the overall amount of funding available for affordable housing and community development (for the Town, not-for-profits, and for-profit developers). These limitations further impede the ability to develop and promote fair housing, especially given the significant increase in demand for affordable housing and housing services during the current housing and economic crisis.

#### Actions to Overcome the Impediment

- Continue to utilize CDBG and related funds for residential rehabilitation of homeowner and rental housing units.
- Continue to replace abandoned and deteriorating housing with new construction, to the extent possible.
- Continue to test for lead-based paint, coordinate testing information with the County Department of Health, and enforce lead-based paint abatement.
- Continue to proactively target code enforcement in areas with older housing stock.
- Continue to work to increase the supply of affordable rental units throughout the Town, particularly large size units for low and extremely low-income families, by encouraging developers to construct affordable rental housing via the Town's inclusionary zoning regulations.
- Continue to utilize Federal, State, and local funding programs to help increase housing stock for senior citizens, large families, and disabled persons.
- Continue to provide financial assistance to LIHS and LIHP and other not-for-profit housing organizations that assist the Town in affirmatively furthering fair housing.
- Continue to fund the Shared Housing Development and Match-Up Home Sharing Programs.
- Work with not-for-profit organizations and Suffolk County to identify other sources of financing to leverage diminishing grant funds and encourage such not-for-profits to apply to foundations and other nongovernmental sources for project funding.
- Undertake an analysis of housing needs, perhaps as part of an update to the Comprehensive Plan, to determine the actual type and amount of housing that is needed in the Town to satisfy its current and future residents.

#### **Impediment #6: Minimal Understanding of Fair Housing Rights, Requirements, and Responsibilities, Especially Relative to the Specialized Needs of Persons with Disabilities**

##### Description of Impediment

Although education regarding fair housing rights is currently undertaken in a variety of ways in the Town and County, a substantial barrier to fair housing choice is the general lack of knowledge of fair housing rights, requirements, and responsibilities. The average person who thinks they have been victimized by fair housing discrimination may not know where to turn. Further, a person may not even know that he/she has suffered housing discrimination. Similarly, many landlords, real estate agents, and housing providers do not fully understand their responsibilities with regard to fair housing. Of the protected classes, disabled persons in particular need specialized housing to ensure that they have access to their dwelling unit and can navigate their unit

once inside. The lack of understanding by landlords, property owners, and individuals of what are the specialized needs of disabled persons and how to fulfill those needs is one of the most common impediments to providing fair housing for disabled persons.

#### Actions to Overcome the Impediment

- Continue to work with fair housing advocates, such as LIHP and LIHS, and others to educate the public, Town officials, building owners, landlords, real estate agents, lenders, and others about fair housing and its benefit to the community. This outreach action could include:
  - Holding an annual Town-wide fair housing forum.
  - Outreach to tenants regarding availability of programs, their rules, and local rental office locations where grievances can be brought.
  - Outreach to developers, building owners, landlords, condominium association officers and their management firms, and cooperative boards regarding the needs of disabled persons, including HUD visitability standards and “reasonable accommodations.”
- Enhance existing efforts to share information related to compliance with the Fair Housing Act and the Americans with Disabilities Act (ADA) with businesses, developers, property owners, and the local media through the distribution of educational materials and through training opportunities.
- Update the Town’s Fair Housing Law.

Again, it should be highlighted that the discussion of impediments and actions to overcome impediments in this executive summary summarizes the extensive analyses and evaluations of data and information that is presented in the full body of the report. Please refer specifically to Chapters 2 and 3 for the data and information presentation and analyses and Chapter 4 for an expanded discussion of the impediments and the actions to overcome the impediments.

## **F. Review of Analysis and Integration with Consolidated Plan**

As was described earlier in this executive summary, an analysis of impediments is a component of the consolidated planning process. An analysis of impediments not only informs the consolidated plan as to what the barriers are that need to be addressed, but the actual analysis of data is an important piece that is shared between both processes. They work as companion documents that form a “plan” for housing and community development for the Town.

To that end, it is expected that the *Analysis of Impediments* will be fully integrated into the annual action plan review process. On an annual basis, the Town will review the impediments to fair housing choice and the actions to overcome those impediments and integrate that into the Annual Action Plan submitted to HUD. The Annual Action Plan will be made available to interested

persons and will allow them the opportunity to comment on the Town's performance prior to submitting the documentation to HUD.

Further, in conjunction with its preparation of a Consolidated Strategy and Plan every five years, the Town will review the *Analysis of Impediments* in detail, looking at policies, practices, and procedures that effect the location, availability, and accessibility of housing. As necessary, the Town will revise the specific action steps and implementation activities to ensure a proactive, strategic plan to affirmatively further fair housing.