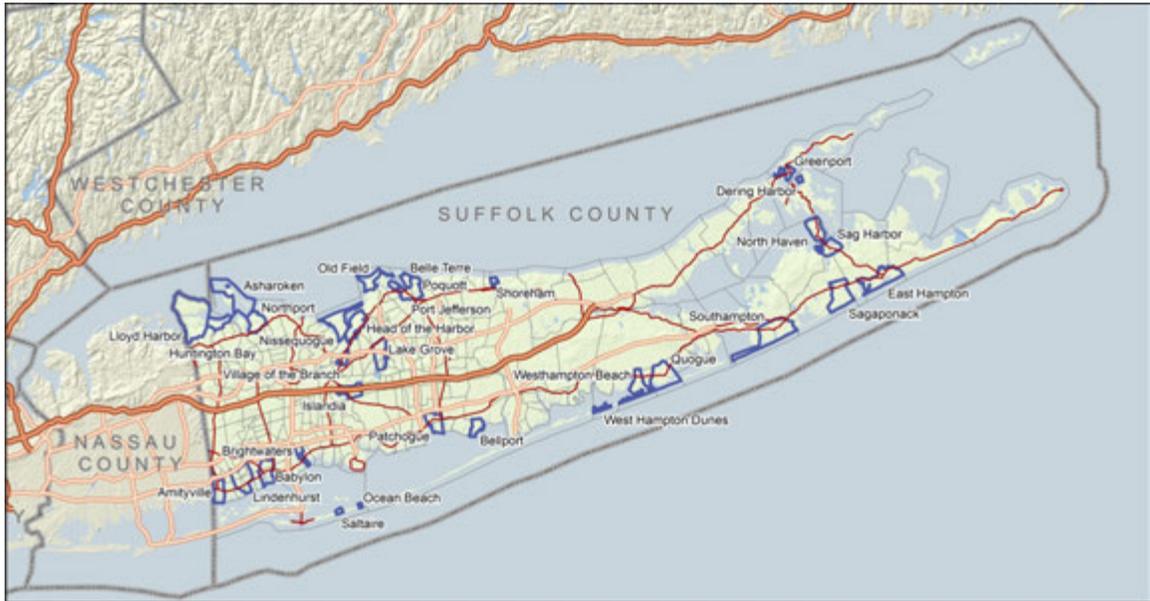


# 2015 Suffolk County ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE:



July, 2015



# 2015 SUFFOLK COUNTY ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE:

Prepared for the:  
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# HAS YOUR RIGHT TO FAIR HOUSING BEEN VIOLATED?

If you feel you have experienced discrimination in the housing industry, please contact:

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640 Johnson Ave  
Suite 8  
Bohemia, NY 11716  
Phone: (Suffolk) 631-567-5111  
Fax: 631-567-0160

Suffolk County Human Rights Commission  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
Third Floor  
Hauppauge, NY 11788  
Phone: (Suffolk) 631-853-5480  
Fax: 631-853-5478  
Email: [humanrights@suffolkcountyny.gov](mailto:humanrights@suffolkcountyny.gov)

New York State Division of Human Rights  
New York State Office Building  
250 Veterans Memorial Highway, Suite 2B-49  
Hauppauge, NY 11788  
Telephone No. (631) 952-6434  
<http://www.dhr.ny.gov>

New York Regional Office Department of  
Housing and Urban Development Jacob K. Javits  
Federal Building  
26 Federal Plaza  
Suite 3541  
New York, NY 10278-0068  
<http://www.HUD.gov>

Office of Fair Housing and Equal Opportunity  
Department of Housing and Urban Development  
451 Seventh Street SW, Room 5204  
Washington, DC 20410-2000  
Telephone: (202) 708-1112  
Toll Free: (800) 669-9777  
<http://www.HUD.gov/offices/fheo/online-complaint.cfm>

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# EXECUTIVE SUMMARY

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## AI PURPOSE AND PROCESS

As a requirement of receiving funds under the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME), and the Emergency Solutions Grant (ESG), entitlement jurisdictions must submit certification of affirmatively furthering fair housing to the U.S. Department of Housing and Urban Development (HUD). This certification has three elements:

1. Complete an Analysis of Impediments to Fair Housing Choice (AI),
2. Take actions to overcome the effects of any impediments identified, and
3. Maintain records reflecting the actions taken in response to the analysis.

In the *Fair Housing Planning Guide*, page 2-8, HUD provides a definition of impediments to fair housing choice as:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices [and]
- Any actions, omissions, or decisions which have [this] effect.<sup>1</sup>

The list of protected classes included in the above definition is drawn from the federal Fair Housing Act, which was first enacted in 1968. However, state and local governments may enact fair housing laws that extend protection to other groups, and the AI is expected to address housing choice for these additional protected classes as well.

The AI process affirmatively furthers fair housing and involves a thorough examination of a variety of sources related to housing, the fair housing delivery system, and housing transactions, particularly for persons who are protected under fair housing law.

The development of an AI also includes public input and review via direct contact with stakeholders, public meetings to collect input from citizens and interested parties, distribution of draft reports for citizen review, and formal presentations of findings and impediments, along with actions to overcome the identified impediments.

## METHODOLOGY

As part of the consolidated planning process, and as a requirement for receiving HUD formula grant funding, Suffolk County is undertaking this AI to evaluate impediments to fair housing choice within the County.

Residents of Suffolk County are protected from discrimination in housing choice by the federal Fair Housing Act; which includes protections based on race, color, religion, national origin,

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<sup>1</sup> U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide*. Vol. 1, p. 2-8. [http://www.hud.gov/offices/cpd/about/conplan/fairhousingexs/Module5\\_TopSevenAFFH.pdf](http://www.hud.gov/offices/cpd/about/conplan/fairhousingexs/Module5_TopSevenAFFH.pdf)

sex, disability, and familial status<sup>2</sup>; New York Executive Law; which includes these groups as well as additional protections based on creed, sexual orientation, ancestry, age, marital status, and military status<sup>3</sup>; and Suffolk County Law; which recognizes most of these groups while extending protections based on gender and “alienage or citizenship<sup>4</sup>.”

The purpose of this report is to determine current impediments to fair housing choice at work in Suffolk County and to suggest actions that the local community can consider in order to overcome the identified impediments. Thus, this report represents only the first step in the three-part certification process presented on the previous page.

This AI was conducted through the assessment of a number of quantitative and qualitative sources. Quantitative sources used in analyzing fair housing choice in the Suffolk County included:

- Socio-economic and housing data from the U.S. Census Bureau,
- Employment data from the U.S. Bureau of Labor Statistics,
- Economic data from the U.S. Bureau of Economic Analysis,
- Investment data gathered in accordance with the Community Reinvestment Act,
- Home loan application data from the Home Mortgage Disclosure Act, and
- Housing complaint data from HUD.

Qualitative research included evaluation of relevant existing fair housing research and national and state fair housing legal cases. Additionally, this research included the evaluation of information gathered from several public input opportunities conducted in relation to this AI. This included a 2013 Fair Housing Survey of 144 stakeholders in the County to investigate fair housing issues in the private and public sectors.

Ultimately, a list of potential impediments was drawn from these sources and further evaluated based on HUD’s definition of impediments to fair housing choice, as presented on the previous page. Potential impediments to fair housing choice present within the County were identified; along with actions the County may consider in attempting to address possible impediments.

## OVERVIEW OF FINDINGS

This AI includes a review of both public and private sector housing market contexts in Suffolk County to identify practices or conditions that may operate to limit fair housing choice in the County. Analysis of demographic, economic, and housing data included in that review establish the context in which housing choices are made. Demographic data indicate the sizes of racial and ethnic populations and other protected classes; economic and employment data show additional factors in influencing housing choice; and counts of housing by type, tenure, quality, and cost indicate the ability of the housing stock to meet the needs of the County’s residents.

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<sup>2</sup> 42 U.S.C.A. §3601

<sup>3</sup> New York Executive Law §15-296.

<sup>4</sup> Local Law No. 51-2006, Suffolk County New York. Unlike New York Executive Law, Suffolk County Law does not include protections based on military status.

The contextual analysis described above provides a foundation for detailed review of fair housing laws, cases, studies, complaints, and public involvement data. The structure provided by local, state, and federal fair housing laws shapes the complaint and advocacy processes available in the County, as do the services provided by local, state, and federal agencies. Private sector factors in the homeownership and rental markets, such as home mortgage lending practices, have substantive influence on fair housing choice. In the public sector, policies and practices can significantly affect the housing choice decision.

Complaint data and AI public involvement feedback further help define problems and possible impediments to housing choice for persons of protected classes, and confirm suspected findings from the contextual and supporting data.

### Socio-Economic Context

An estimated 1,500,338 people lived in Suffolk County in 2011, representing a 5.6 percent growth over the population in 2000. The largest racial group in the County was represented by White residents, who made up over 80 percent of the population in 2011. The Hispanic population grew by nearly 65 percent, outstripping growth among non-Hispanic residents of the County. In addition, the population was slightly older, on average, in 2010 than it had been in 2000, as growth in the population aged over 55 years outpaced growth among younger cohorts.

Economic data for Suffolk County demonstrate the impact of the recent recession, as the number of employed fell faster than the total number in the labor force. The result was relatively high rates of unemployment after 2008. However, the unemployment rate in the County was lower than in the state overall, and the impact of the recession on real earnings per job appeared to be modest in Suffolk County relative to its impact on real earnings per job statewide. The average poverty rate in the County fell from 6 percent in 2000 to 5.7 percent in the years between 2007 and 2011, though some of the areas with high proportional rates of poverty in 2000 continued to be disproportionately impacted in 2011.

Single-family homes dominated the housing market in Suffolk County throughout the 2000s, accounting for greater than 85 percent of the total housing stock. Growth in total housing stock, which occurred at a rate of 9.13, outpaced growth in the population. The average resident of Suffolk County was less likely to be a homeowner in 2010 than she had been in 2000, as rental housing came to account for a larger share of occupied housing stock over the decade. Further indication of a shift away from homeownership in the County was the rapid growth in the number of vacant housing units available for sale or for rent. There was a moderate increase in median rental costs and median home values after 2000. While tracts with high median rental costs were distributed throughout the County, there was a clear trend in the distribution of Census tracts with high home values, which were located in northwestern and South Fork Census tracts.

### Review of Fair Housing Laws, Studies, and Cases

A review of laws, studies, cases, and related materials relevant to fair housing in Suffolk County demonstrated the complexity of the fair housing landscape. As previously discussed, Suffolk County fair housing law offers protections which include and largely expand upon the list of

protected classes enumerated in New York State's Executive Law, which in turn offers more expansive protections than those guaranteed under federal fair housing law.

Fair housing studies included for discussion in this AI highlight issues that come under the umbrella of fair housing law, and suggest the various forms that discrimination can take and the ways in which such discrimination is manifested in policies and practices in the housing sector. Examples of these issues include institutionalized discrimination and the incidence of discrimination in web-based housing advertisements.

An ongoing case against Westchester County, to whom HUD funding was recently denied on the basis of failure to affirmatively further fair housing, is likely to impact the conduct of fair housing policy in New York as well as the United States as a whole. Additionally, two cases brought against providers of housing in Suffolk County through the Department of Justice implicate discrimination in the County on the basis of disability. Finally, an ongoing case and HUD investigation against the Town of Huntington underscores the increased scrutiny on the part of HUD in recent years in evaluating AFFH certification, as well as the scope that this scrutiny provides to fair housing advocates seeking to promote fair housing policy.

### Fair Housing Structure

Several organizations provide fair housing services to residents of Suffolk County; these organizations include HUD, the New York State Division of Human Rights, the Suffolk County Human Rights Commission, and Long Island Housing Services. Each of these organizations offers a range of services that include outreach and education, complaint intake, and testing and enforcement activities for both providers and consumers of housing.

### Fair Housing in the Private Sector

Disparities in loan denial rates and the issuance of high-interest rate loans were observed in the review of data compiled in accordance with the Home Mortgage Disclosure Act. Loan applications from White applicants were denied at a rate that was consistently below the overall average denial rate of 20.5 percent. By contrast, American Indian, Black, and Asian applicants were denied loans at markedly higher rates than White applicants; likewise, Hispanic applicants were denied loans at a considerably higher rate than non-Hispanic applicants. Overall denial rates tended to be highly concentrated in western, census tracts, many of which held disproportionate shares of racial and ethnic minority residents. However, Black applicants, who were already subject to relatively high rates of loan denials, were denied loans at especially high rates when they applied for loans outside of areas with high concentrations of Black residents. The same pattern was observed for Hispanic applicants who applied for loans outside of areas with high concentrations of Hispanic residents. A similar trend was noted in the issuance of loans with high annual percentage rates (HALs): Black and Hispanic borrowers, who were already subject to disproportionately high rates of HALs, were issued these inferior loan products in especially high rates outside of areas with high concentrations of Black and Hispanic residents.

Review of data collected under the provisions of the Community Reinvestment Act revealed that business loans intended to encourage economic activity in low- to moderate-income areas

did not tend to be directed toward areas with lower incomes in Suffolk County as frequently as they were toward higher income areas.

Discrimination on the basis of disability and race figured strongly in complaints lodged with HUD, the New York Division of Human Rights, and Long Island Housing Services (LIHS). In the case of the LIHS, disability was the most prevalent complaint basis by a wide margin. Complaints lodged with HUD suggest that the four most common discriminatory acts in the County between 2004 and 2013 were (1) discriminatory terms, conditions, privileges, or services and facilities; (2) discriminatory refusal to rent; (3) discriminatory terms, conditions, or privileges relating to rental; and (4) intimidation and coercion. Complaint data from all three sources reflect a high prevalence of housing complaints relating to alleged discrimination in the rental housing market.

Results from the private sector portion of the 2013 Fair Housing Survey, conducted from April to mid-July 2013 as part of the AI process, reveal a common perception among respondents that discriminatory barriers to fair housing choice exist in the private housing market of Long Island. Specific examples of discrimination cited by survey participants included refusal to rent, steering, and red-lining. Persons with disabilities, racial and ethnic minorities, and single women with children were perceived to be common targets for such discriminatory acts.

#### Fair Housing in the Public Sector

HUD-assisted rental properties, recipients of Low-Income Housing Tax Credits, and participants in the Down Payment Assistance Program in Suffolk County were observed to be widely distributed throughout the County, though they tended to be concentrated in central and eastern Census tracts. Additionally, there were comparatively few assisted housing units in areas of the County which were observed to have the highest median home values over the period from 2007 to 2011.

Analysis of the policies and codes of non-entitlement jurisdictions in Suffolk County showed that all of these jurisdictions have in place some basic housing definitions such as “dwelling unit” and “family.” Half of the communities have policies in place allowing mixed-use housing, with a few offering incentives. Less than half of these communities have specific provisions in place to promote fair housing and few include accessibility requirements or provide for special administrative processes by which individuals with disabilities may request a variance for modifications that constitute reasonable accommodations.

In addition, none of the communities include a definition of “group home” (or similar type of housing) in their local ordinances, and such housing units are allowed by right in areas zoned for single-family homes in about half of the communities, according to survey responses.

Results from the public sector section of the 2013 Fair Housing Survey revealed a commonly-held perception that public policies and laws in Suffolk County tend to produce disparate impacts on residents in protected classes, and to perpetuate some of the problems associated with discrimination in the housing market. In particular, many respondents maintained that zoning decisions and land-use policies reflected neighborhood opposition to affordable and fair housing efforts.

## Public Involvement

Results of the 2013 Fair Housing Survey suggest that Suffolk County residents are generally familiar with, and supportive of, laws and policies designed to promote fair housing. However, a majority of respondents felt that fair housing laws are not adequately enforced, and implied that there is a greater need for fair housing outreach, education, and testing in Suffolk County. Many respondents were able to correctly name groups that are afforded protected class status in fair housing laws applicable to Suffolk County, and were aware of a County fair housing ordinance, regulation, or plan. Respondents who identified particular geographic areas with fair housing problems mentioned Brentwood, Islip, Wyandach, Gordon Heights, and North Amityville. The 2013 Fair Housing Survey and the analysis reveal the following impediments to fair housing. The recommended suggested actions and measureable objectives are set forth in Section IX of this report.

## IMPEDIMENTS TO FAIR HOUSING CHOICE AND SUGGESTED ACTIONS

### Private Sector Impediments

*Impediment 1: Discriminatory terms and conditions in rental:* This impediment was identified through review of housing discrimination complaints lodged with HUD, the New York Division of Human Rights (NYDHR), Suffolk Human Rights Commission and Long Island Housing Services (LIHS); the results of the 2013 Fair Housing Survey and survey commentary; and review of the literature. Alleged discrimination in rental markets was among the most common complaints lodged with HUD and the New York Division of Human Rights, and was by far the most common complaint issue in complaints lodged with Long Island Housing Services. Perception of discrimination in rental markets was common among survey respondents, and four of the five local fair housing cases discussed in this report concerned rental units.

*Impediment 2: High denial rates to women and minorities:* This impediment was identified through review of home loan data collected under the Home Mortgage Disclosure Act (HMDA), results of the 2013 Fair Housing Survey, and results of focus group presentations. Women applicants had a consistently higher rate of loan denials than men between 2004 and 2011, and Black and Hispanic applicants were turned down more often than white and non-Hispanic applicants. Discrimination against women and minority residents in the home loan industry was specifically cited in commentary submitted with the fair housing survey, and was highlighted in focus group discussions.

*Impediment 3: Predatory style loans provided more often to minorities:* This impediment was identified through analysis of loans collected under the HMDA as well as from the results and commentary submitted in the 2013 Fair Housing Survey. High annual percentage rate loans, or HALs, were more frequently extended to Black and Hispanic residents than to White or non-Hispanic residents, even when those applicants earned similar incomes. The perception that minority applicants were more frequent recipients of these predatory style loans was common in commentary submitted with the fair housing survey and during focus group discussions.

*Impediment 4: Failure to make reasonable modification and accommodation:* This impediment was also identified through review of housing discrimination complaints submitted to HUD, the NYDHR, and LIHS; the results and commentary submitted for the 2013 Fair Housing Survey; review of policies and practices of selected jurisdictions in the county; and review of local and national fair housing cases. Disability was by far the most common complaint lodged in Suffolk County according to complaint data provided by HUD, the New York Division of Human Rights, and Long Island Housing Services. Survey respondents and participants in the fair housing focus groups also cited failure to make or allow reasonable accommodation as a salient issue, and few of the local jurisdictions surveyed in this report included a definition of disability in their local codes.

*Impediment 5: Lack of sufficient fair housing enforcement and institutional capacity:* This impediment was identified in the results of the 2013 Fair Housing Survey, 2013 Focus Group discussions, and 2014 Fair Housing Forum. Survey respondents, focus group discussants, and forum participants cited an insufficient level of fair housing enforcement and testing among public and private sector agencies, which is connected to and reflected in the shortage of fair housing enforcement personnel at HUD's New York Office and the State Division of Human Rights.

*Impediment 6: Steering and blockbusting:* This impediment was identified in the results of the 2013 Fair Housing Survey, 2013 Focus Group discussions, and 2014 Fair Housing Forum. Participants in the survey, discussion, and forum perceived steering to be an issue in both the rental and real estate industries.

## Public Sector Impediments

*Impediment 1: Exclusionary zoning by units of local government:* This impediment was identified in the results of the 2013 Fair Housing Survey, 2013 Focus Group discussions, and the review of local fair housing cases, notably the recent case against the Town of Huntington that was routed to HUD. In the survey and focus group discussions, exclusionary zoning was perceived to be a product of local opposition to affordable housing (NIMBYism), and pressure on local governmental officials by those who were opposed to the placement of such units in their neighborhoods. This perception was echoed in the allegations that the Fair Housing in Huntington Committee has leveled against the Town of Huntington in legal actions dating back to 2002 and a complaint filed with HUD in March of 2011.

*Impediment 2: Multi-family development policies of local government have led to limited rental availability in the county and to concentrations of racial and ethnic minorities:* This impediment was identified in the results of the 2013 Fair Housing Survey, the Land Use Planning Survey, and the literature. Survey respondents stated that land use planning decisions tended to work against the development of affordable multi-family housing, and to isolate such units to “undesirable areas.” More than half of the local officials interviewed for the Land Use planning survey stated that their local codes do not include provisions to promote affordable housing units. Finally, the review of court cases and complaints included in the literature review suggest that affordable multi-family units tend to be concentrated in areas with high-proportions of minority residents.

*Impediment 3: Lack of sufficient and efficient public transit system:* This impediment was identified in the results of the 2013 Fair Housing Survey, 2013 Focus Group discussions, and 2014 Fair Housing Forum. Survey respondents, as well as participants in the focus group and forum discussions, cited a lack of viable transportation options as a challenge to those who rely on public transportation to get to work or who need it to access other government services.

*Impediment 4: Insufficient sewer system for higher density development:* This impediment was identified in the results of the 2013 Fair Housing Survey, the 2013 Focus Group discussions, and the 2014 Fair Housing Forum. Participants in the survey, focus groups, and forum all cited the lack of an adequate sewer system as a limitation on the development of

multi-family affordable housing, because it has necessitated strict regulations on the density of housing development allowed in a particular area. These regulations, in turn, make the production of multi-family housing considerably more difficult than the production of single-family homes. The County Executive is aware of this challenge and has put out a call for new sewage treatment technologies.

*Impediment 5: Lack of protection for source of income:* This impediment was identified in the results of the 2013 Fair Housing Survey, 2013 Focus Group discussions, and review of the fair housing law and cases. When asked to identify needed changes to fair housing laws and policies, survey respondents specifically identified a need for protection based on source of income. This need was further underscored in focus group discussions that cited discrimination against recipients of various forms of government aid, including Section 8 Housing Vouchers. Finally, a 2010 report by the National Fair Housing Alliance identified the addition of source of income as a protected class as one of several needed updates to the federal FHA.

[Please note: Suffolk County has since amended its Human Rights Law to prohibit discrimination based on source of income.]



## SECTION I. INTRODUCTION

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Title VIII of the 1968 Civil Rights Act, also known as the Federal Fair Housing Act, made it illegal to discriminate in the buying, selling, or renting of housing based on a person's race, color, religion, or national origin. Sex was added as a protected class in the 1970s. In 1988, the Fair Housing Amendments Act added familial status and disability to the list, making a total of seven federally protected classes. Federal fair housing statutes are largely covered by the following three pieces of U.S. legislation:

1. The Fair Housing Act,
2. The Housing Amendments Act, and
3. The Americans with Disabilities Act.

The purpose of fair housing law is to protect a person's right to own, sell, purchase, or rent housing of his or her choice without fear of unlawful discrimination. The goal of fair housing law is to allow everyone equal access to housing.

### WHY ASSESS FAIR HOUSING?

Provisions to affirmatively further fair housing are long-standing components of the U.S. Department of Housing and Urban Development's (HUD's) housing and community development programs. These provisions come from Section 808(e) (5) of the federal Fair Housing Act, which requires that the Secretary of HUD administer federal housing and urban development programs in a manner that affirmatively furthers fair housing.

In 1994, HUD published a rule consolidating plans for housing and community development programs into a single planning process. This action grouped the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Shelter Grants (ESG)<sup>5</sup>, and Housing Opportunities for Persons with AIDS (HOPWA) programs into the Consolidated Plan for Housing and Community Development, which then created a single application cycle.

As a part of the consolidated planning process, states and entitlement communities that receive such funds as a formula allocation directly from HUD are required to submit to HUD certification that they are affirmatively furthering fair housing. This certification has three parts:

1. Complete an Analysis of Impediments to Fair Housing Choice (AI),
2. Take actions to overcome the effects of any impediments identified through the analysis, and
3. Maintain records reflecting the analysis and actions taken.

In the *Fair Housing Planning Guide*, page 2-8, HUD notes that impediments to fair housing choice are:

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<sup>5</sup> The Emergency Shelter Grants program was renamed the Emergency Solutions Grants program in 2011.

- “Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices [and]
- Any actions, omissions, or decisions which have [this] effect.”<sup>6</sup>

State and local governments may enact fair housing laws that extend protection to other groups as well. For example, New York Human Rights Law extends additional fair housing protections based on, sexual orientation, marital status, military status, and age<sup>7</sup>. In 2006, Suffolk County further extended these protections to prohibit discrimination on the basis of gender, or alienage or citizenship<sup>8</sup>. And in 2014, Suffolk County has further expanded protection to prohibit discrimination based on source of income. A comparison of protections by federal, state, and local law is presented below in table I.1

<b>Protected Group</b>	<b>Federal Fair Housing Act</b>	<b>New York Human Rights Law</b>	<b>Suffolk Co HXPdq 5LJWKV Law</b>
Race	X	X	X
Sex	X	X	X
Religion	X	X	X
Familial Status	X	X	X
Disability	X	X	X
National Origin	X	X	X
Color	X	X	X
Creed		X	X
Sexual Orientation		X	X
Gender			X
Ancestry		X	X
Age		X	X
Marital Status		X	X
Military Status		X	
Alienage or Citizenship			X ##

It is essential to distinguish between fair housing and housing production. As discussed above, fair housing protections generally do not include consideration of income and do not address housing affordability outside the context of housing discrimination. While lack of affordable housing can be a significant concern to policymakers, it is not, on its own, a fair housing problem unless members of protected classes face this issue disproportionately. In fact, concentrations of affordable units in close proximity to one another can cause a problem for fair housing choice in some cases, if such affordable housing is inhabited primarily by members of racial or ethnic minorities.<sup>9</sup>

<sup>6</sup> *Fair Housing Planning Guide*.

<sup>7</sup> New York Executive Law, Article 15, §296

[http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$EXC296\\$\\$@TXEXC0296+&LIST=SEA13+&BROWSER=EXPLORER+&TOKEN=09133113+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$EXC296$$@TXEXC0296+&LIST=SEA13+&BROWSER=EXPLORER+&TOKEN=09133113+&TARGET=VIEW)

<sup>8</sup> Local Law No. 51-2006, Suffolk County Law, available at <http://legis.suffolkcountyny.gov/resos2006/i2027-06.htm>

<sup>9</sup> The concentration of affordable units in areas with high percentages of African American residents is at issue in a complaint recently filed with HUD against Nassau County. ERASE Racism, the complainant, alleged that the county has adopted policies and practices that serve to concentrate multi-family affordable units, inhabited largely by African American residents, in areas that already have high concentrations of African American residents (see the summary of the complaint in Section III).

## PURPOSE OF THIS RESEARCH

HUD interprets the broad objectives of affirmatively furthering fair housing to include:

- “Analyzing and working to eliminate housing discrimination in the jurisdiction;
- Promoting fair housing choice for all persons;
- Providing opportunities for racially and ethnically inclusive patterns of housing occupancy;
- Promoting housing that is physically accessible to, and usable by, all persons, particularly individuals with disabilities; and
- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act.”<sup>10</sup>

The objective of the 2014 AI process was to research, analyze, and identify prospective impediments to fair housing choice throughout the County. The goal of the completed AI is to suggest actions that the County can consider when working toward eliminating or mitigating the identified impediments.

## LEAD AGENCY

Western Economic Services, LLC, a Portland, Oregon-based consulting firm specializing in analysis and research in support of housing and community development planning, prepared this AI and incorporated comments from Suffolk County representatives.

## Commitment to Fair Housing

In accordance with the applicable statutes and regulations governing the Consolidated Plan, the County, through the Community Development Consortium, certifies that it will *affirmatively further fair housing*. This statement means that they have conducted an AI, will take appropriate actions to overcome the effects of any impediments identified through that analysis, and will maintain records that reflect the analysis and actions taken in this regard.

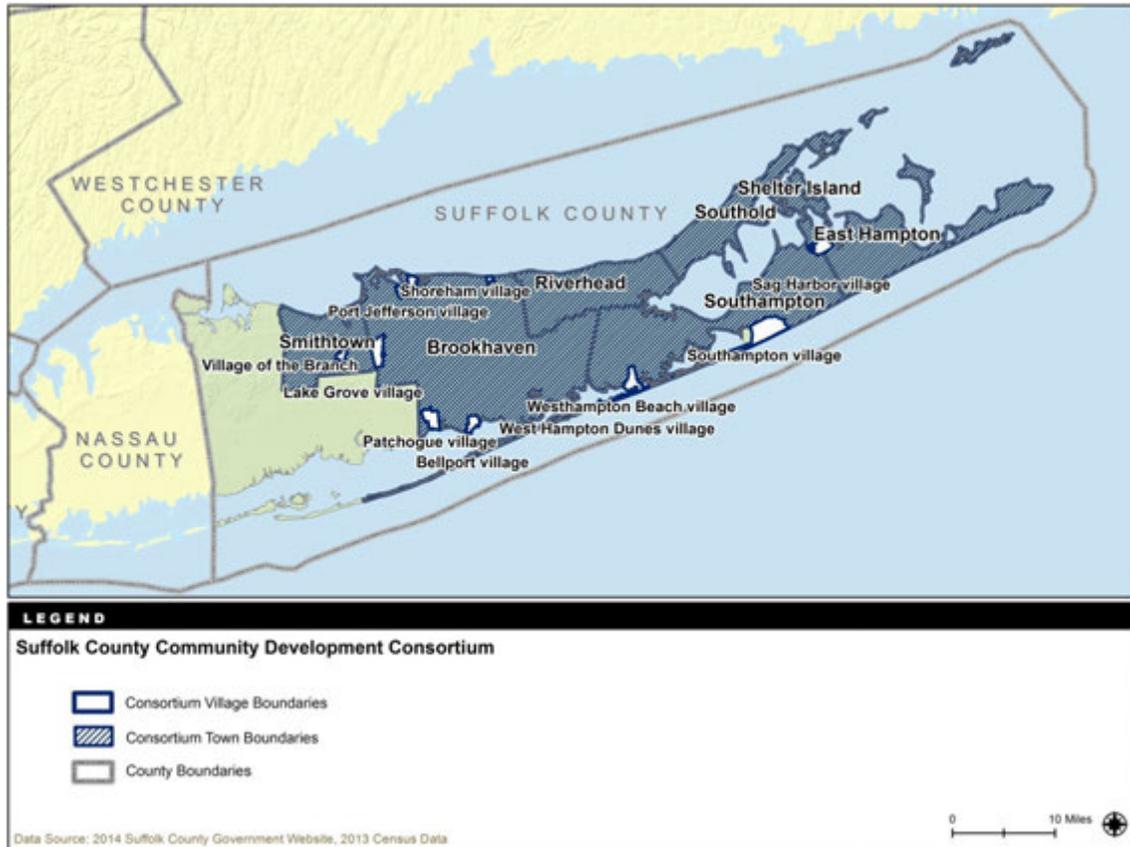
## GEOGRAPHIC SCOPE OF THE ANALYSIS

This AI addresses the status of fair housing within Suffolk County. Map I.1 on the following page shows the boundaries of towns and villages in the Community Development Consortium. The Consortium is composed of seventeen municipalities, as follows: the Towns of Brookhaven, East Hampton, Riverhead, Shelter Island, Smithtown, Southampton, and Southold, and the Villages of Bellport, Lake Grove, Patchogue, Port Jefferson, Sag Harbor, Shoreham, Southampton, The Branch, Westhampton Beach, and Westhampton Dunes.

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<sup>10</sup> *Fair Housing Planning Guide*, p.1-3.

**Map I.1**  
**7RZQV DQG Villages of Suffolk County**  
 Suffolk County  
 2010 Census Bureau Data



## RESEARCH METHODOLOGY

The AI process involves a thorough examination of a variety of sources related to housing, particularly for persons who are protected under fair housing laws. AI sources include Census data, employment and income information, home mortgage application data, business lending data, fair housing complaint information, surveys of housing industry experts and stakeholders, and related information found in the public domain. Relevant information was collected and evaluated via four general approaches:

1. *Primary Research*, or the collection and analysis of raw data that did not previously exist;
2. *Secondary Research*, or the review of existing data and studies;
3. *Quantitative Analysis*, or the evaluation of objective, measurable, and numerical data; and
4. *Qualitative Analysis*, or the evaluation and assessment of subjective data such as individuals' beliefs, feelings, attitudes, opinions, and experiences.

Some baseline secondary and quantitative data were drawn from the Census Bureau, including 2000 and 2010 Census counts, as well as American Community Survey data averages from 2007 through 2011. Data from these sources included population, personal income, poverty, housing units by tenure, cost burdens, and housing conditions. Other data were drawn from

records provided by the Bureau of Labor Statistics, the Bureau of Economic Analysis, and a variety of other sources. The following narrative offers a brief description of other key data sources employed for the 2013 AI for Suffolk County.

### Home Mortgage Disclosure Act Data

To examine possible fair housing issues in the home mortgage market, Home Mortgage Disclosure Act (HMDA) data were analyzed. The HMDA was enacted by Congress in 1975 and has since been amended several times. It is intended to provide the public with loan data that can be used to determine whether financial institutions are serving the housing credit needs of their communities and to assist in identifying possible discriminatory lending patterns. HMDA requires lenders to publicly disclose the race, ethnicity, and sex of mortgage applicants, along with loan application amounts, household income, the Census tract in which the home is located, and information concerning prospective lender actions related to the loan application. For this analysis, HMDA data from 2004 through 2011 were analyzed, with the measurement of denial rates by Census tract and by race and ethnicity of applicants the key research objectives. These data were also examined to identify the groups and geographic areas most likely to encounter higher denial rates and receive loans with unusually high interest rates.

### Fair Housing Complaint Data

Housing complaint data were used to analyze discrimination in the renting and selling of housing. HUD provided fair housing complaint data for the County from 2004 through 2013. This information included the basis, or protected class pursuant to the complaint; the issue, or prospective discriminatory action, pursuant to the grievance; and the closure status of the alleged fair housing infraction, which relates to the result of the investigation. The review of 327 fair housing complaints from within the County allowed for inspection of the tone, the relative degree and frequency of certain types of unfair housing practices, and the degree to which complaints were found to be with cause. The New York Department of Human Rights also provided data on 322 complaints between 2004 and 2013, and Long Island Housing Services provided housing complaint and intake information for 286 complaints it received between 2010 and 2012, inclusive. Analysis of complaint data focused on determining which protected classes may have been disproportionately impacted by housing discrimination based on the number of complaints, while acknowledging that many individuals may be reluctant to step forward with a fair housing complaint for fear of retaliation or similar repercussion.

### Fair Housing Survey

One of the methods HUD recommends for gathering public input about perceived impediments to fair housing choice is to conduct a survey. As such, the County elected to utilize a survey instrument as a means to encourage public input in the AI process. This step was a cost-effective and efficient method to utilize research resources.

The survey targeted individuals involved in the housing arena, although anyone was allowed to complete the survey. In addition to gathering data, this survey was utilized to help promote public involvement throughout the AI process. The 2013 Suffolk County Fair Housing Survey, an internet-based instrument, received 144 responses.

The survey was designed to address a wide variety of issues related to fair housing and affirmatively furthering fair housing. If limited input on a particular topic was received, it was assumed that the entirety of stakeholders did not view the issue as one of high pervasiveness or impact. This does not mean that the issue was nonexistent in the County, but rather that there was not a large perception of its prevalence, as gauged by survey participants. The following narrative summarizes key survey themes and data that were addressed in the survey instrument.

### *Federal, State, and Local Fair Housing Laws*

The first section of the survey asked respondents to address a number of questions related to fair housing laws, including assessment of their familiarity with and understanding of these laws, knowledge of classes of persons protected by these laws, the process for filing fair housing complaints, and an inquiry into whether or not fair housing laws should be changed.

### *Fair Housing Activities*

The second section of the survey evaluated stakeholders' awareness of and participation in fair housing activities in the County, including outreach activities such as trainings and seminars, as well as monitoring and enforcement activities such as fair housing testing exercises.

### *Barriers to Fair Housing Choice in the Private Sector*

This section addressed fair housing in Suffolk County's private housing sector and offered a series of two-part questions. The first part asked respondents to indicate awareness of questionable practices or barriers to fair housing choice in a variety of private sector industries, and the second part requested a narrative description of these questionable practices or concerns if an affirmative response was received. The specific areas of the private sector that respondents were asked to examine included the:

- Rental housing market,
- Real estate industry,
- Mortgage and home lending industries,
- Housing construction or accessible housing design fields,
- Home insurance industry,
- Home appraisal industry, and
- Any other housing services.

The use of open-ended questions allowed respondents to address any number of concerns such as redlining, neighborhood issues, lease provisions, steering, substandard rental housing, occupancy rules, and other fair housing issues in the private housing sector of the County.

### *Fair Housing in the Public Sector*

In a manner similar to the previous section, respondents were asked to offer insight into their awareness of questionable practices or barriers to fair housing in the public sector. A list of areas within the public sector was provided, and respondents were asked first to specify their awareness of fair housing issues within each area. If they were aware of any fair housing issues,

they were asked to further describe these issues in a narrative fashion. Respondents were asked to identify fair housing issues within the following public sector areas related to housing:

- Land use policies,
- Zoning laws,
- Occupancy standards or health and safety codes,
- Property tax policies,
- Permitting processes,
- Housing construction standards,
- Neighborhood or community development policies, and
- Any other public administrative actions or regulations.

The questions in this section were used to identify fair housing issues in the County regarding zoning, building codes, accessibility compliance, subdivision regulations, displacement issues, development practices, residency requirements, property tax policies, land use policies, and NIMBYism.<sup>11</sup>

#### *Additional Questions*

Finally, respondents were asked about their awareness of any local fair housing plans or specific geographic areas of the County with fair housing problems. Respondents were also asked to leave additional comments.

#### Research Conclusions

The final list of impediments to fair housing choice for Suffolk County was drawn from all quantitative, qualitative, and public input sources, and was based on HUD's definition of an impediment to fair housing choice as any action, omission, or decision that affects housing choice because of protected class status. The determination of an impediment was derived from the frequency and severity of occurrences drawn from quantitative and qualitative data evaluation and findings.

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<sup>11</sup> "Not In My Backyard" mentality



## SECTION II. SOCIO-ECONOMIC CONTEXT

This section presents demographic, economic, and housing information collected from the Census Bureau, the Bureau of Economic Analysis, the Bureau of Labor Statistics, and other sources. Data were used to analyze a broad range of socio-economic characteristics, including population growth, race, ethnicity, disability, employment, poverty, and housing trends; these data are also available by Census tract, and are shown in geographic maps. Ultimately, the information presented in this section helps illustrate the underlying conditions that shape housing market behavior and housing choice in Suffolk County by presenting the demographic, economic, and housing stock context.

To supplement 2000 and 2010 Census data, information for this analysis was also gathered from the Census Bureau’s American Community Survey (ACS). The ACS data cover similar topics to the decennial counts but include data not appearing in the 2010 Census, such as household income and poverty. The key difference of these datasets is that ACS data represent a five-year average of annual data estimates as opposed to a point-in-time 100 percent count; the ACS data reported herein span the years from 2007 through 2011. The ACS figures are not directly comparable to decennial Census counts because they do not account for certain population groups such as the homeless. However, percentage distributions from the ACS data can be compared to distributions from the 2000 and 2010 Censuses.

### DEMOGRAPHICS

As part of the review of the background context of the Suffolk County markets in which housing choices are made, detailed population and demographic data describe the County’s residents. These data summarize not only the protected class populations, but characteristics of the total population for the entire County and the outcome of housing location choices. These data help to address whether over-concentrations of racial and ethnic minorities exist, and if so, which areas of the County are most affected.

#### POPULATION DYNAMICS

Table II.1 at right presents population counts in Suffolk County, as drawn from the 2000 and 2010 Censuses and intercensal estimates for 2001 through 2009 and 2011. In total, population in the County increased from 1,419,369 persons in 2000 to an estimated 1,499,273 in 2012, or by 5.6 percent.

#### POPULATION BY AGE

Data on population by age in 2000 and 2010 in Suffolk County, presented on the following page in Table II.2, showed that the largest population groups in both Census counts represented persons aged 5 to 19 and 35 to 54. These two age cohorts increased between 2000 and 2010, though at a lower rate than the population of Suffolk County overall. The population of persons aged 20 to 24 increased

**Table II.1**  
**Census and Intercensal**  
**Population Estimates**  
Suffolk County  
2000, 2010 Census and  
Intercensal Estimates

Year	Estimate
Census 2000	1,419,369
July 2001 Est.	1,442,488
July 2002 Est.	1,456,745
July 2003 Est.	1,470,849
July 2004 Est.	1,478,215
July 2005 Est.	1,477,687
July 2006 Est.	1,475,626
July 2007 Est.	1,475,255
July 2008 Est.	1,480,218
July 2009 Est.	1,487,206
Census 2010	1,493,350
July 2011 Est.	1,500,338
July 2012 Est.	1,499,273
Change 00 - 12	5.6%

considerably during this period, growing by 19.4 percent. However, the most dramatic increases in cohort size occurred in the two oldest groups: the population between the ages of 55 and 64 increased by 34.2 percent and the population over the age of 65 increased by 20.4 percent. The cohorts of persons under 5 years of age and persons aged 25 to 34 decreased during this period, by 14.28 percent and 13.0 percent, respectively.

**Table II.2**  
**Population by Age**  
Suffolk County

2000 & 2010 Census SF1 Data

Age	2000 Census		2010 Census		% Change 00–10
	Population	% of Total	Population	% of Total	
Under 5	100,304	7.1%	85,984	5.8%	-14.28%
5 to 19	302,178	21.3%	311,178	20.8%	2.98%
20 to 24	75,665	5.3%	90,371	6.1%	19.44%
25 to 34	191,695	13.5%	166,685	11.2%	-13.05%
35 to 54	449,193	31.6%	459,123	30.7%	2.21%
55 to 64	132,776	9.4%	178,216	11.9%	34.22%
65 or Older	167,558	11.8%	201,793	13.5%	20.43%
<b>Total</b>	<b>1,419,369</b>	<b>100.0%</b>	<b>1,493,350</b>	<b>100.0%</b>	<b>5.21%</b>

More information regarding the elderly population was also collected from the 2000 and 2010 Census counts. As shown below in Table II.3, in both 2000 and 2010 the largest age cohorts among the elderly population represented persons in the age ranges of 70 to 74 and 75 to 79, though these groups represented a smaller share of the elderly population in 2010 than they did in 2000. While all of the age cohorts in the elderly population increased during this period, the groups that showed the largest increases over the decade were those at the youngest and oldest ends of the spectrum, or the populations aged 65 to 66 and 85 and over.

**Table II.3**  
**Elderly Population by Age**  
Suffolk County

2000 & 2010 Census SF1 Data

Age	2000 Census		2010 Census		% Change 00–10
	Population	% of Total	Population	% of Total	
65 to 66	20,074	12.0%	26,870	13.3%	33.85%
67 to 69	28,777	17.2%	35,782	17.7%	24.34%
70 to 74	43,055	25.7%	45,331	22.5%	5.29%
75 to 79	33,431	20.0%	36,789	18.2%	10.04%
80 to 84	22,219	13.3%	29,180	14.5%	31.33%
85 or Older	20,002	11.9%	27,841	13.8%	39.19%
<b>Total</b>	<b>167,558</b>	<b>100.0%</b>	<b>201,793</b>	<b>100.0%</b>	<b>20.43%</b>

## POPULATION BY RACE AND ETHNICITY

In both 2000 and 2010, the White population represented the largest racial group, though it increased only slightly during this period. The Black population increased by 12.86 percent over the decade, while growth among the Asian population was more dramatic, or 46.85 percent. A large proportional increase occurred among the American Indian population, though this increase represents a relatively small number of individuals. In terms of ethnicity, which is defined separately from race, the Hispanic population increased by 64.8 percent between 2000 and 2010, as shown on the following page in Table II.4.

**Table II.4**  
**Population by Race and Ethnicity**

Suffolk County  
2000 & 2010 Census SF1 Data

Race	2000 Census		2010 Census		% Change 00–10
	Population	% of Total	Population	% of Total	
White	1,200,755	84.6%	1,206,297	80.8%	.46%
Black	98,553	6.9%	111,224	7.4%	12.86%
American Indian	3,807	.3%	5,366	.4%	40.95%
Asian	34,711	2.4%	50,972	3.4%	46.85%
Native Hawaiian/ Pacific Islander	484	.0%	495	.0%	2.27%
Other	51,875	3.7%	82,965	5.6%	59.93%
Two or More Races	29,184	2.1%	36,031	2.4%	23.46%
<b>Total</b>	<b>1,419,369</b>	<b>100.0%</b>	<b>1,493,350</b>	<b>100.0%</b>	<b>5.21%</b>
Non-Hispanic	1,269,958	89.50%	1,247,111	83.50%	-1.80%
<b>Hispanic</b>	<b>149,411</b>	<b>10.5%</b>	<b>246,239</b>	<b>16.5%</b>	<b>64.81%</b>

The geographic distribution of racial and ethnic minorities can vary significantly throughout a community. The U.S. Department of Housing and Urban Development (HUD) has determined that an area demonstrates a disproportionate share of a population when the percentage of that population is 10 percentage points or more above the study area average. For example, Suffolk County's Hispanic population represented 16.5 percent of the total population in 2010. Therefore, any area in the County in which persons of Hispanic descent made up more than 26.5 percent of the population was considered to hold a disproportionate share of that population.

This analysis of racial and ethnic distribution was conducted by calculating race or ethnicity as the percentage of total population and then plotting the data on a geographic map of Census tracts in Suffolk County.

For the purposes of this AI, maps were produced for several racial and ethnic groups based on both 2000 and 2010 Census data in order to examine how the concentrations of these populations changed over time. These maps are discussed below and presented on the following pages.

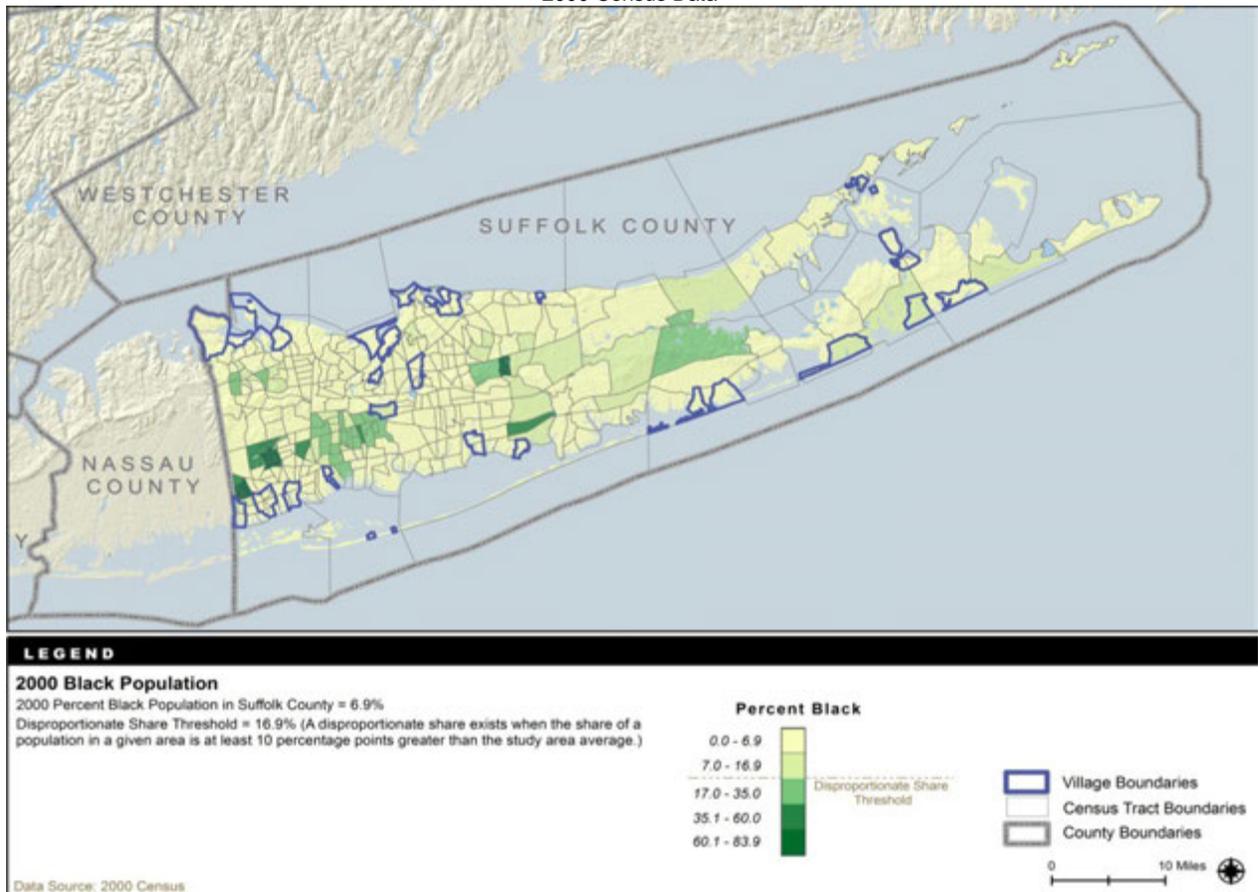
Map II.1, on the following page shows that in 2000 the Black population in Suffolk County was disproportionately concentrated in a few Census tracts, primarily in the western part of the county, outside of the Consortium's towns and villages. In addition, one tract in the center of the county had a Black population rate over 16.9 percent, the disproportionate share threshold. The Black population as a share of the total population in Suffolk County increased from 6.9 percent in 2000 to 7.4 percent in 2010. Map II.2 on page 25 reveals that the distribution of census tracts with a disproportionate share of Black persons in 2010 was largely unchanged from what it had been a decade earlier; very low levels of black residency were observed in Consortium communities.

Map II.3 on page 26 presents the concentration of the Asian population in Suffolk County, as of the 2000 Census. The highest concentration of Asian residents, which was 36.9 percent, was located in the northern census tract containing Stony Brook University. The tract to the immediate east of the one containing Stony Brook University also showed a moderately disproportionate share of Asian residents in 2000, while the rest of the county showed concentrations of Asian residents that were at or below the disproportionate share threshold. In

general, this population tended to more concentrated in Census tracts in the west of the County.

The distribution of the Asian population in Suffolk County during the 2010 Census is shown on page 27 in Map II.4. The average percent of Asian population per tract increased after 2000, to 3.4 percent in 2010. In addition to the tract containing Stony Brook University, which still held a disproportionate concentration of Asian residents, the census tract around South Setauket also held a disproportionate share of Asian residents in 2010.

**Map II.1**  
**Percent Black Population by Census Tract**  
 Suffolk County  
 2000 Census Data

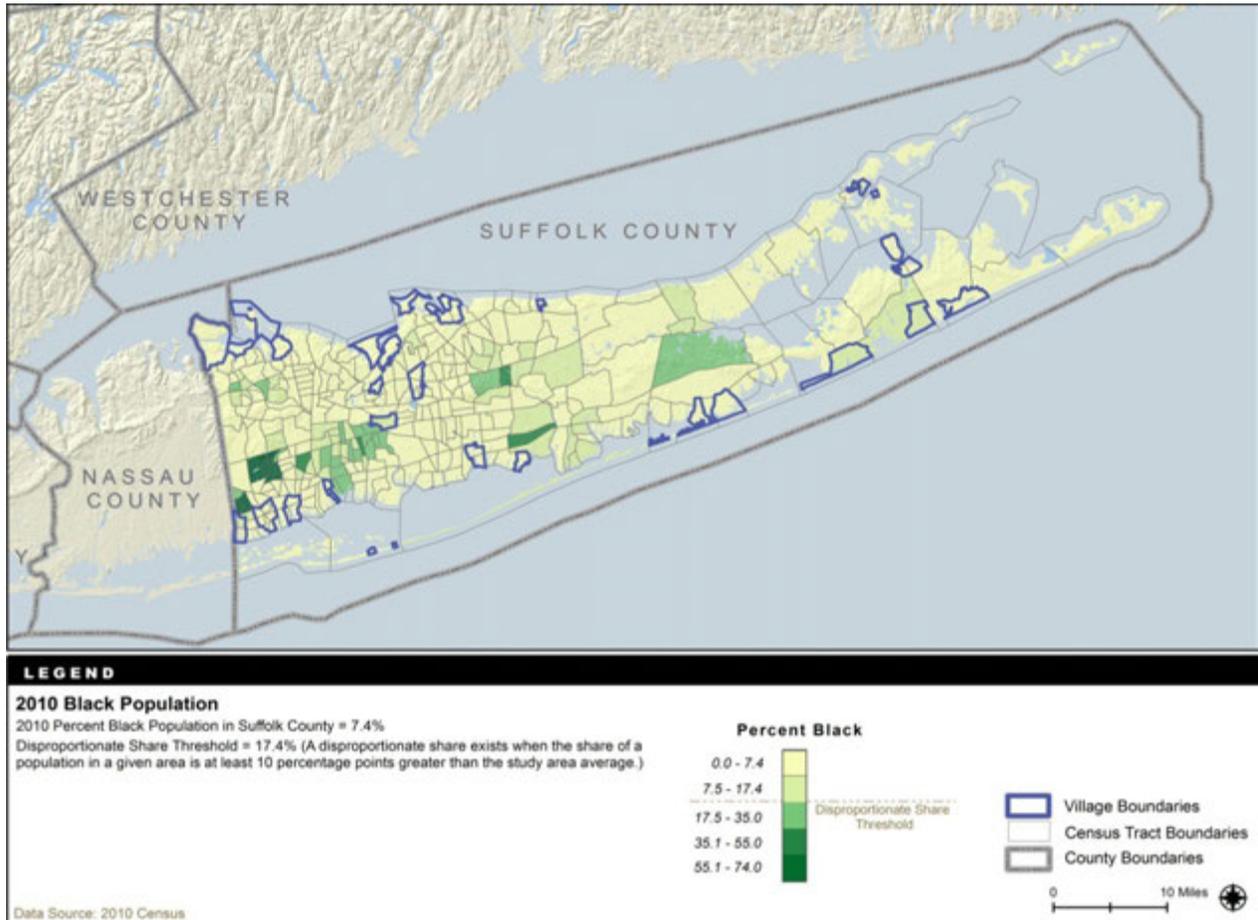


The distribution of the Hispanic population, at the time of the 2000 Census, is presented on page 28 in Map II.5. This group averaged 10.5 percent of the population per tract, and several tracts were above the average or the disproportionate share threshold. Most of the census tracts that included a disproportionate share of Hispanic persons were concentrated in the western part of the county, though the census tract at the extreme eastern end of Suffolk County also held a disproportionately high Hispanic population.

According to Census Bureau data, the Hispanic population as a proportion of the total population of Suffolk County increased to 16.5 percent in 2010. Map II.6, on page 29 reveals that tracts in the western part of the county with a disproportionately high Hispanic population in 2000 generally continued to have a disproportionate share of Hispanic persons in 2010.

Additionally, one census tract in central Suffolk County now has a disproportionately high Hispanic population, along with two census tracts in eastern Suffolk County, though the census tract at the extreme eastern end of the county no longer holds a disproportionately high Hispanic population.

**Map II.2**  
**Percent Black Population by Census Tract**  
 Suffolk County  
 2010 Census Data



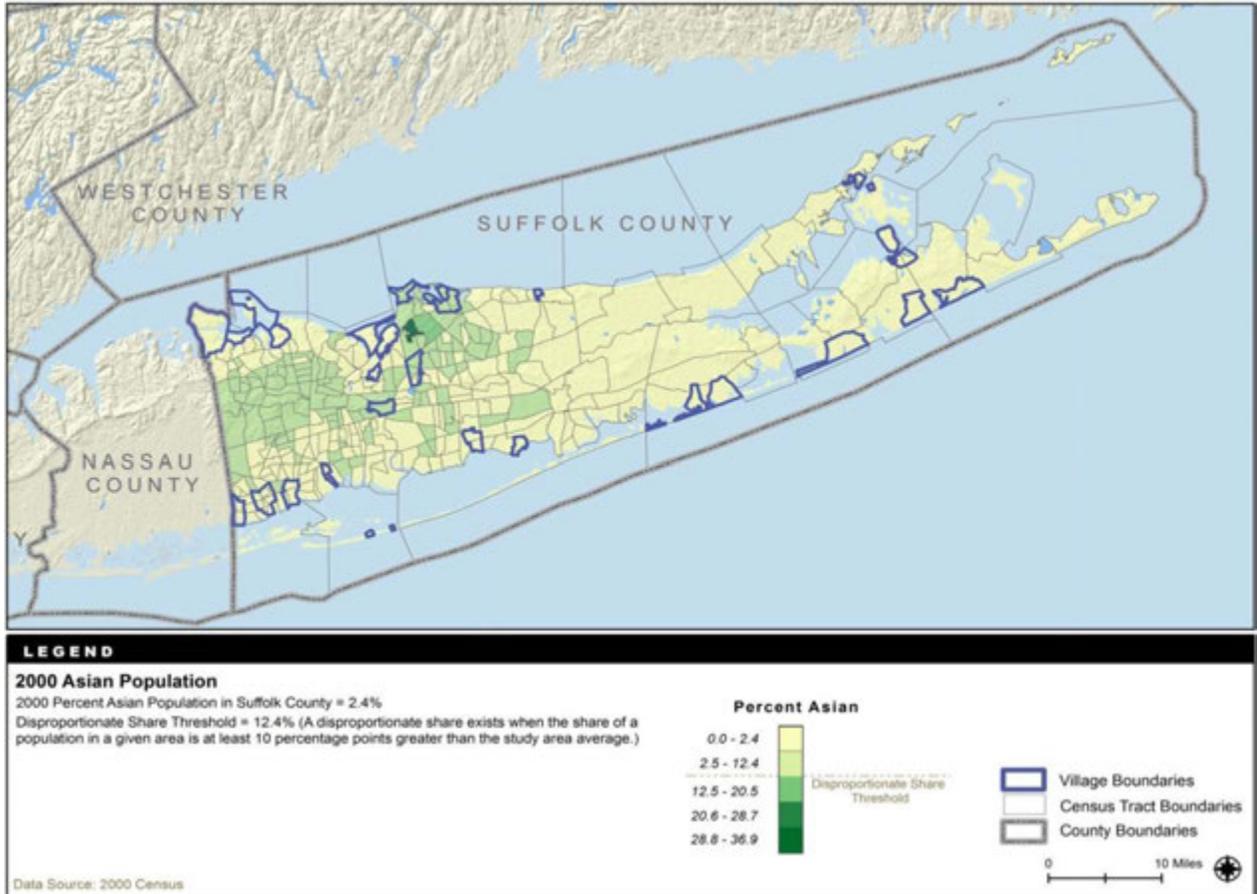
In summary, the populations of every racial and ethnic group included in the study increased over the ten years between 2000 and 2010, although different groups grew at different rates. The population of every group also increased as a proportion of the total population of Suffolk County with the exception of the White population and the Hawaiian/Pacific Islander population. Still, the Consortium communities had relatively few minority residents.

**DISABILITY STATUS**

The Census Bureau defines disability as a lasting physical, mental, or emotional condition that makes it difficult for a person to conduct daily activities of living or impedes him or her from being able to go outside the home alone or to work. Among all persons aged 5 years or older, 16.4 percent were disabled in Suffolk County in 2000, as shown in Table II.5 on the following page. This share represented 214,085 persons living with a disability in the County, including 11,352 persons between the ages of 5 and 15 and 57,805 persons aged 65 or older. The 2010

three-year ACS estimates showed that only 8.8 percent of persons of all ages were disabled, just over half the figure for 2000, as shown in Table II.6 on the next page.

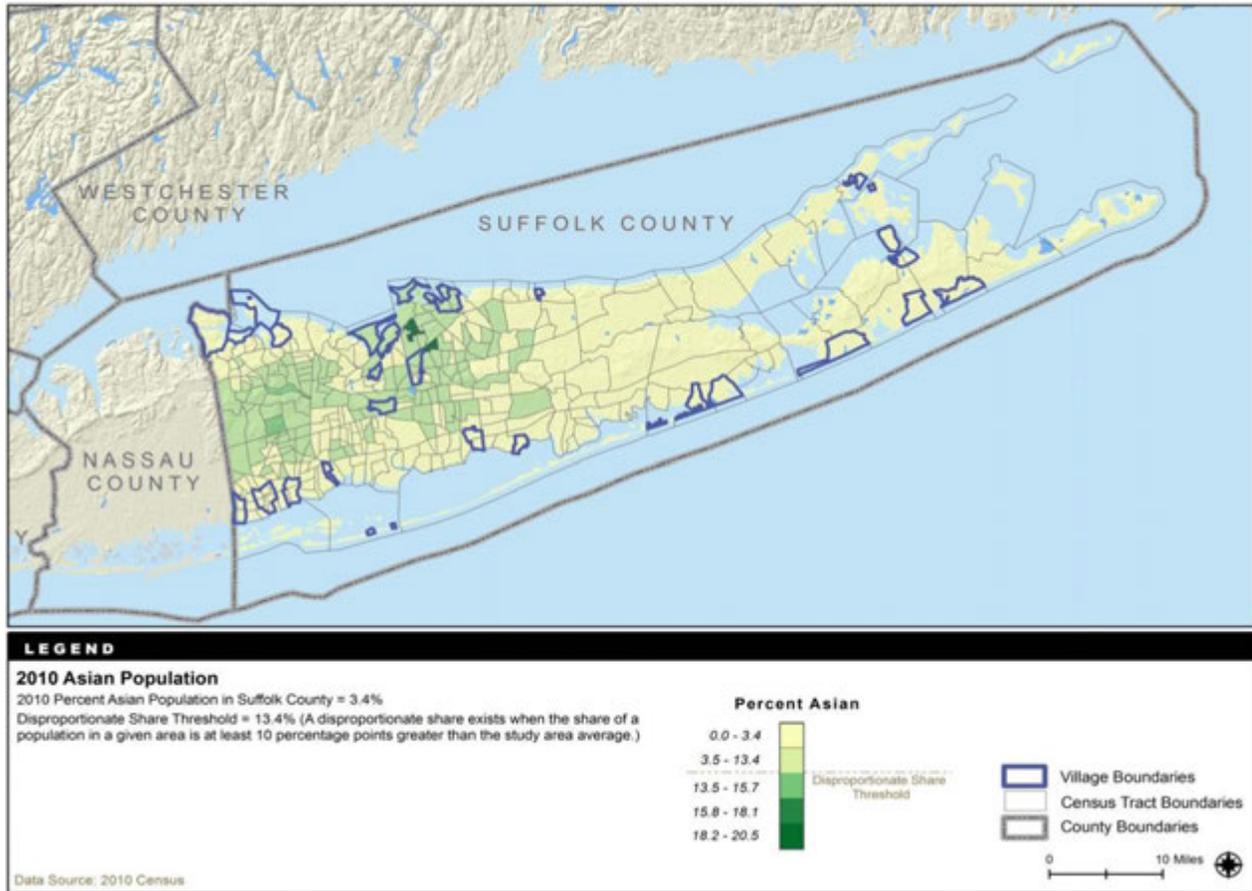
**Map II.3**  
**Percent Asian Population by Census Tract**  
 Suffolk County  
 2000 Census Data



**Table II.5**  
**Disability by Age**  
 Suffolk County  
 2000 Census SF3 Data

Age	Disabled Population	Total Disability Rate
5 to 15	11,352	4.9%
16 to 64	144,928	15.8%
65 and older	57,805	36.2%
<b>Total</b>	<b>214,085</b>	<b>16.4%</b>

**Map II.4**  
**Percent Asian Population by Census Tract**  
 Suffolk County  
 2010 Census Data

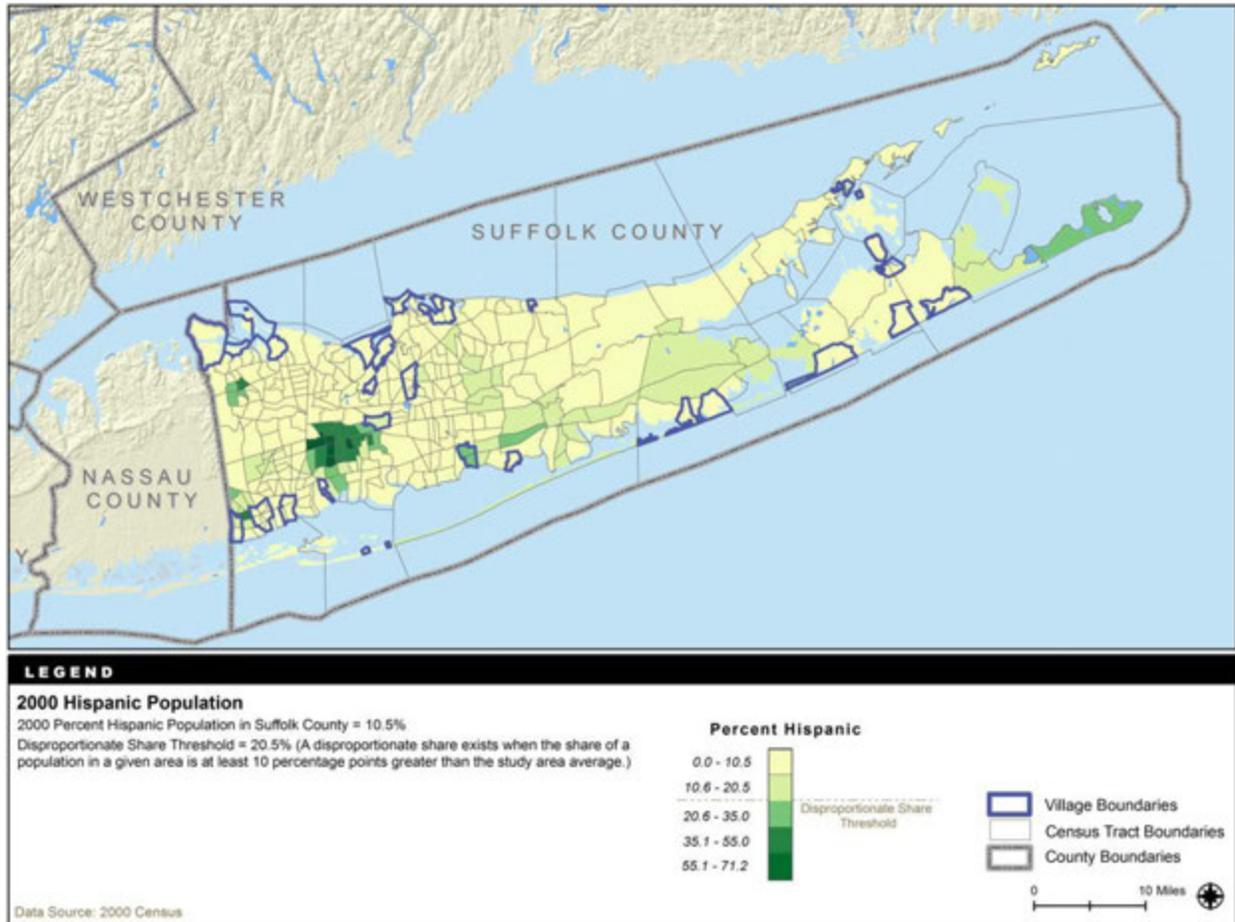


Disability data from the 2007 to 2011 ACS are not available by Census tract, so geographic distribution of the disabled population in Suffolk County as of the 2000 Census is presented in Map II.7 on page 30. Only a few Census tracts held disproportionate shares of the disabled population; the highest rate of residents with disabilities was observed in the census tract containing Pilgrim Psychiatric Center, where 75.4 percent of the residents were disabled. Apart from this area, census tracts with relatively large shares of disabled residents tended to be concentrated in the west and south of the county.

**Table II.6**  
**Disability by Age**  
 Suffolk County  
 2011 Three-Year ACS Data

Age	Male		Female		Total	
	Disabled Population	Disability Rate	Disabled Population	Disability Rate	Disabled Population	Disability Rate
Under 5	105	.2%	141	.3%	246	.3%
5 to 17	6,120	4.4%	3,195	2.4%	9,315	3.4%
18 to 34	8,044	5.3%	4,869	3.4%	12,913	4.4%
35 to 64	25,969	8.4%	24,217	7.5%	50,186	7.9%
65 to 74	8,944	18.1%	10,363	17.8%	19,307	17.9%
75 or Older	14,245	40.9%	23,919	45.5%	38,164	43.7%
<b>Total</b>	<b>63,427</b>	<b>8.7%</b>	<b>66,704</b>	<b>8.9%</b>	<b>130,131</b>	<b>8.8%</b>

**Map II.5**  
**Percent Hispanic Population by Census Tract**  
 Suffolk County  
 2000 Census Data



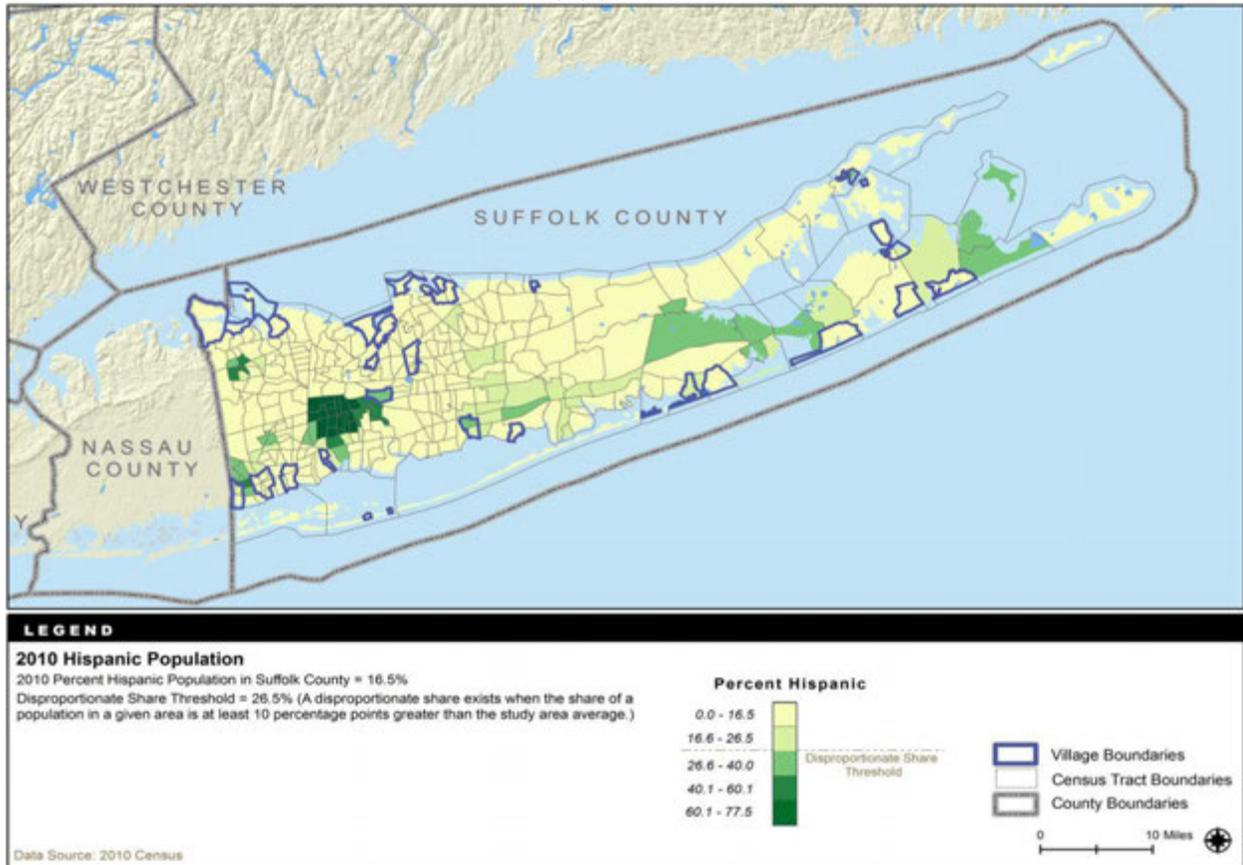
## ECONOMICS

Data indicating the size and dynamics of Suffolk County’s job markets, workforce, incomes, and persons in poverty provide essential contextual background and indicate the potential buying power or other limitations of County residents when making a housing choice. A review of the County’s residents in such a context shows where additional concern may be needed to address needs and challenges.

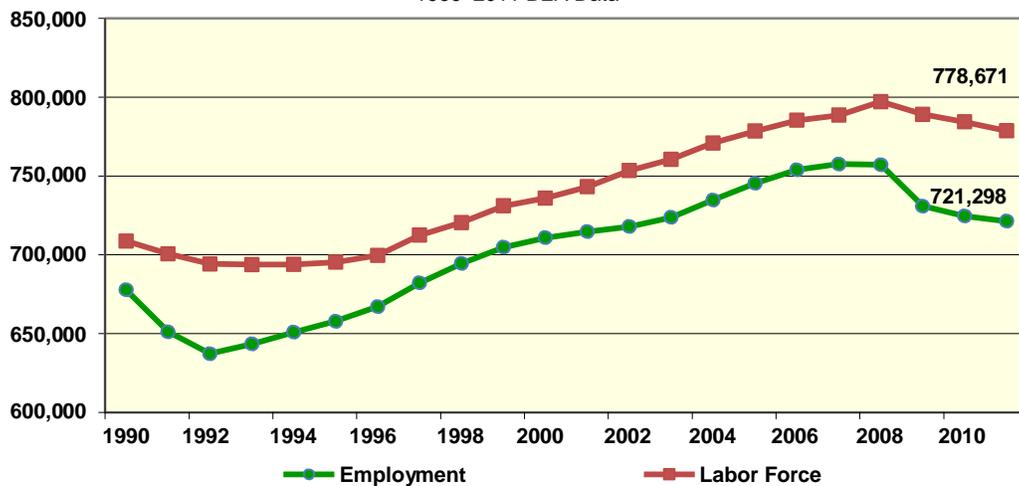
### LABOR FORCE AND EMPLOYMENT

Data regarding the labor force, defined as the total number of persons working or looking for work and gathered from the Bureau of Labor Statistics (BLS), can be segmented by city for cities of 25,000 or more but are not available for smaller communities and CDPs. Employment figures for Suffolk County from 1990 to 2011, presented in Diagram II.1 on the following page, show that employment and the size of the labor force consistently increased through 2008 after a brief period of decline in the early 1990s.

**Map II.6**  
**Percent Hispanic Population by Census Tract**  
 Suffolk County  
 2010 Census Data



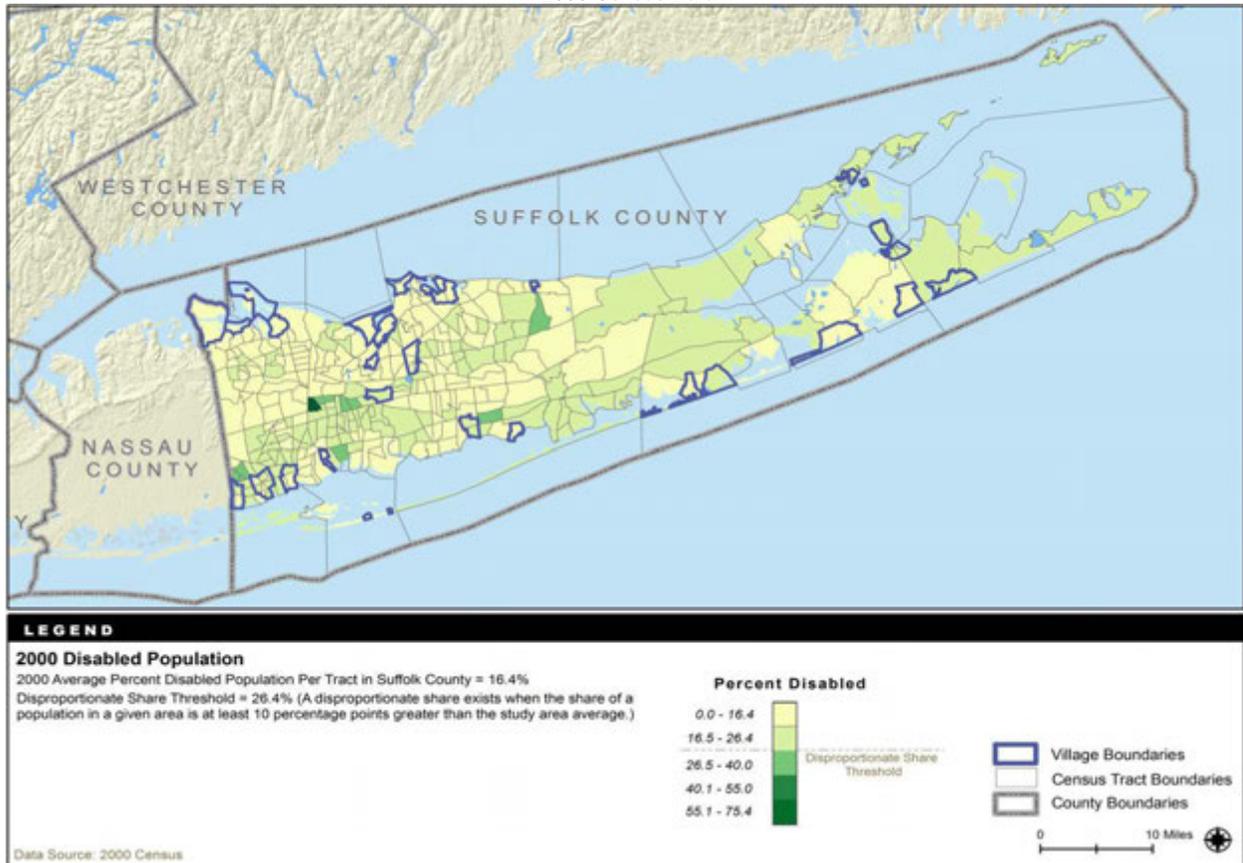
**Diagram II.1**  
**Employment and Labor Force**  
 Suffolk County  
 1969–2011 BEA Data



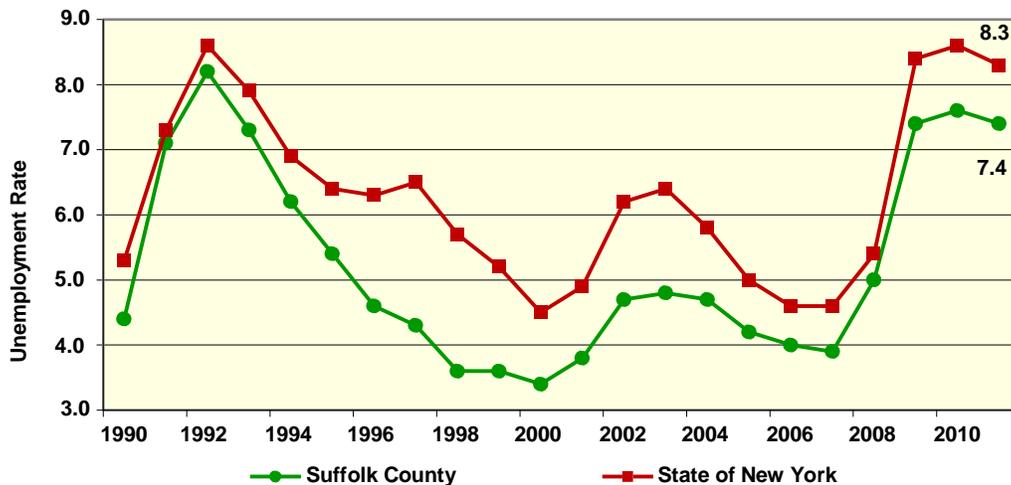
The gap between the labor force and the number of employed persons represents the unemployment rate. Diagram II.2 on the following page presents the yearly unemployment rates in Suffolk County as compared to those seen statewide in New York from 1990 through

2010. As a result of the sharp drop in employment compared to a slower decline in the labor force, the unemployment rate in the County rose from 3.9 percent in 2007 to 7.6 percent in 2010; however, the County's rates were consistently lower than statewide figures.

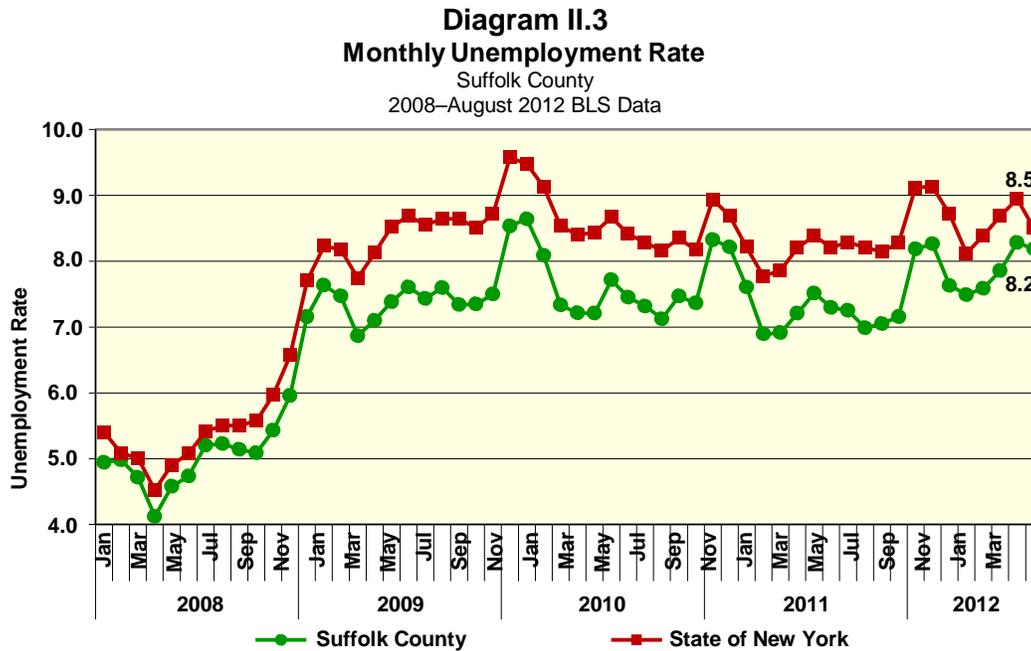
**Map II.7**  
**Disabled Population by Census Tract**  
 Suffolk County  
 2000 Census Data



**Diagram II.2**  
**Unemployment Rate**  
 Suffolk County  
 1990–2011 BLS Data



More recent monthly unemployment rate data are presented below in Diagram II.3. As shown, the unemployment rate in Suffolk County increased after 2008 but fluctuated between 2009 and 2012, ranging from 6.9 to 8.6 percent. Some seasonal employment changes were seen in the winter and early summer months of most years. By August of 2012, the County's unemployment rate stood at 8.2 percent compared to the statewide rate of 8.5 percent.



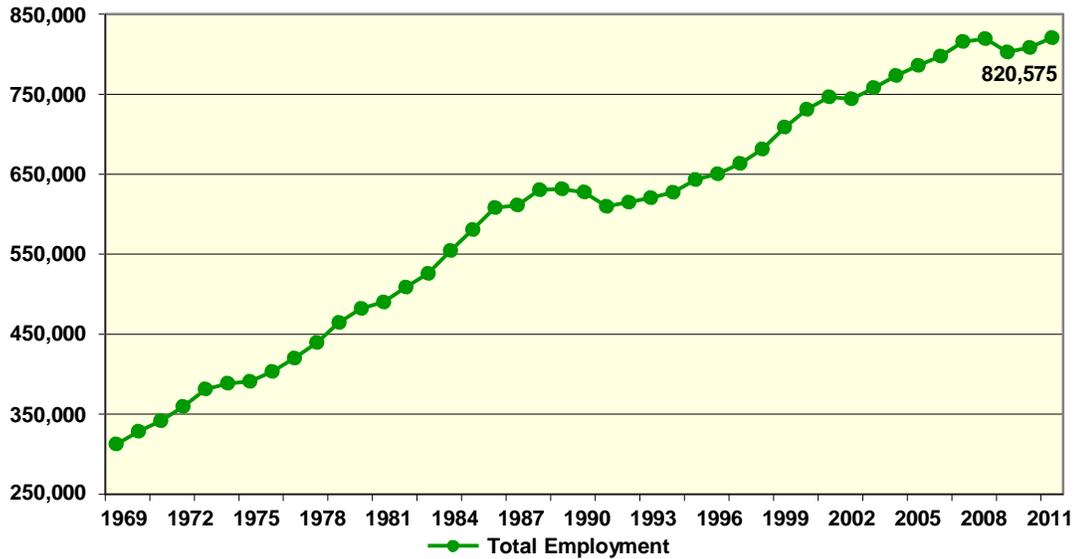
FULL- AND PART-TIME EMPLOYMENT AND EARNINGS

The Bureau of Economic Analysis (BEA) provides an alternate view of employment: a count of both full- and part-time jobs.<sup>12</sup> Thus, a person working more than one job can be counted more than once. BEA data are only available by county. As shown in Diagram II.4 on the following page, the total number of full- and part-time jobs in Suffolk County more than doubled from 1969 through 2011, increasing by more than 508,000 jobs. The number of full- and part-time jobs increased steadily between 1969 and 2011, with the exception of a relatively prolonged period of decline from 1989 to 1991. After this decline, total employment rose steadily through the nineties, experienced a modest decline in 2001, and continued to rise before peaking in 2008 at 819,413. After 2008, total employment declined sharply to 802,665 in 2009 before rebounding to a new high of 820,575 in 2011.

<sup>12</sup> Data are, in part, from administrative records, and the most current BEA data available were through 2011.

**Diagram II.4**  
**Full- and Part-Time Employment**

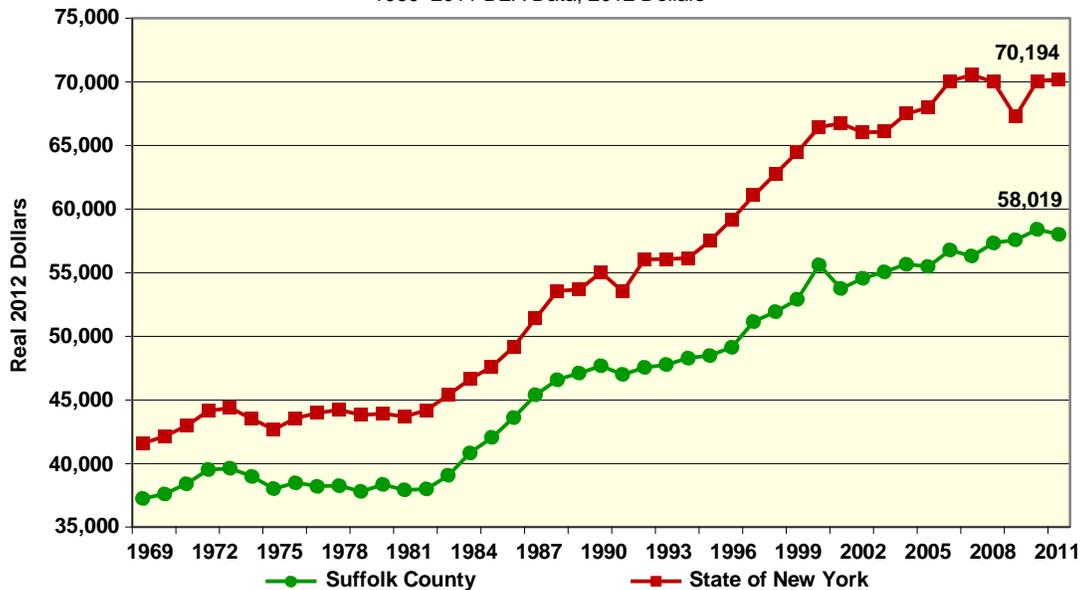
Suffolk County  
 1969–2011 BEA Data



When the total earnings from employment is divided by the number of jobs and then deflated to remove the effects of inflation, average real earnings per job is determined. Diagram II.5 below shows that average earnings per job in Suffolk County, in 2012 dollars, rose from under \$38,000 in 1969 to \$58,019 by 2011. Real average earnings per job in Suffolk County were consistently below statewide figures during this entire period, though they remained relatively stable at the county level as real average earnings per job fell sharply at the state level between 2008 and 2011.

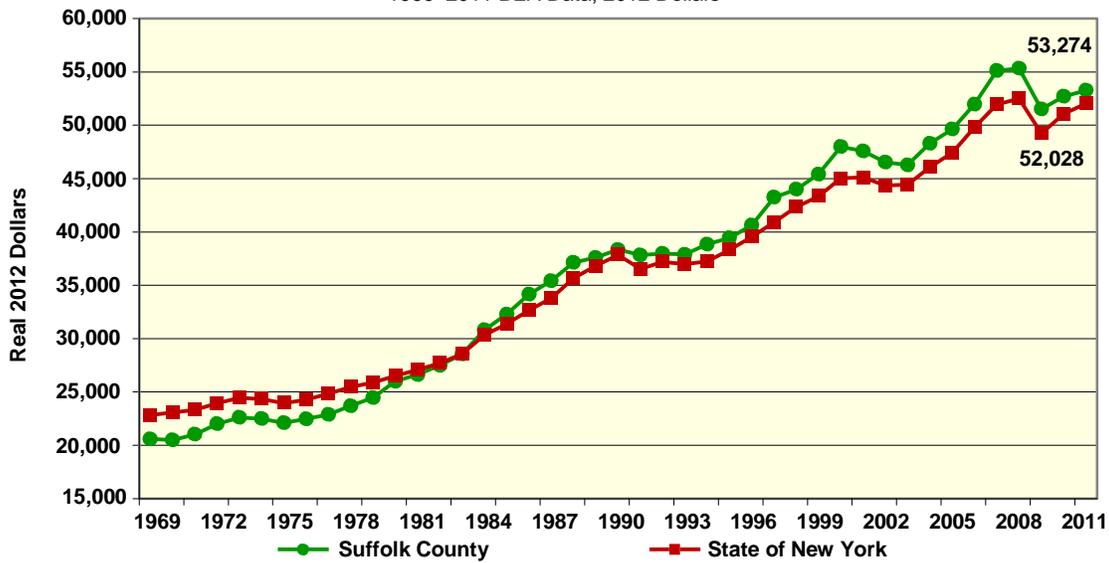
**Diagram II.5**  
**Real Average Earnings Per Job**

Suffolk County  
 1969–2011 BEA Data, 2012 Dollars



Another gauge of economic health involves income from all sources: wages earned; transfer payments; and property income such as dividends, interest, and rents. When these figures are added together and divided by population, per capita income is determined. Diagram II.6 below compares real per capita income in Suffolk County to that of the state of New York from 1969 through 2009. This diagram shows that per capita income in the County was consistently higher than the state’s over most of the period, after overtaking the state average in the early 1980s. The gap between real per capita income at the state and county levels widened from 2005 to 2007, before both declined dramatically from 2008 to 2009.

**Diagram II.6**  
**Real Average Per Capita Income**  
 Suffolk County  
 1969–2011 BEA Data, 2012 Dollars



HOUSEHOLD INCOME

Table II.7 on the following page presents the number of households in Suffolk County by income range, as derived from the 2000 Census count, SF3 data, and the 2011 five-year ACS estimates. In 2000, 8 percent of households had incomes under \$15,000, and an additional 3.5 percent had incomes between \$15,000 and \$24,999. In general, however, incomes were relatively high in the County, and the majority of households made \$50,000 or more. More recent ACS data showed that the percentage of households with incomes of \$100,000 or above increased from 25.5 percent in 2000 to 42.8 percent by 2011, and the shares that represented all other income categories decreased. These findings suggest that average incomes in the County increased considerably over the decade.

**Table II.7**  
**Households by Income**

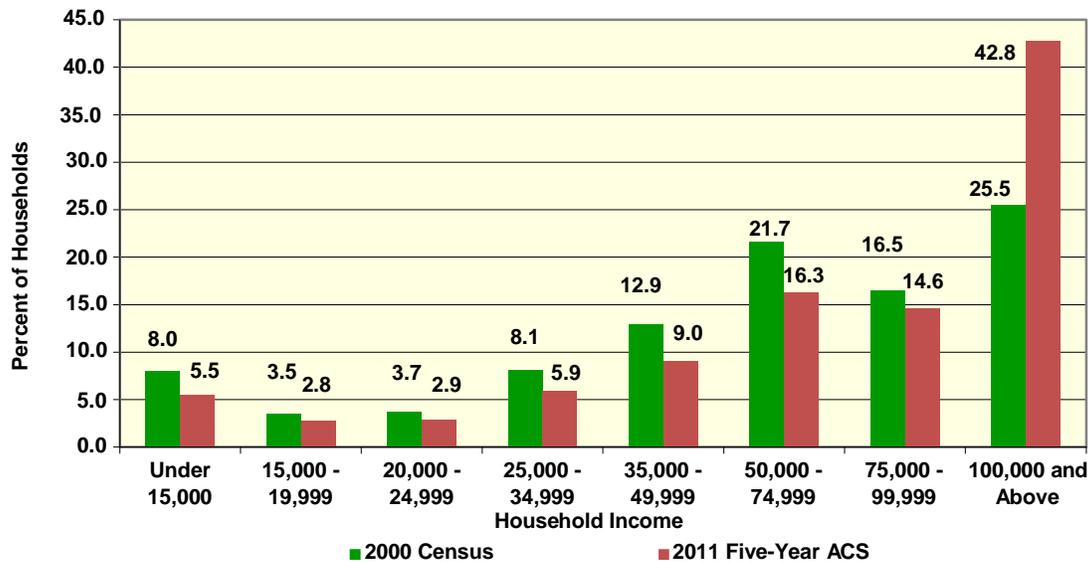
Suffolk County  
2000 Census SF3 & 2011 Five-Year ACS Data

Income	2000 Census		2011 Five-Year ACS	
	Households	% of Total	Households	% of Total
Less than \$15,000	37,601	8.0%	27,326	5.5%
\$15,000 to \$19,999	16,633	3.5%	14,089	2.8%
\$20,000 to \$24,999	17,513	3.7%	14,573	2.9%
\$25,000 to \$34,999	37,991	8.1%	29,451	5.9%
\$35,000 to \$49,999	60,667	12.9%	44,922	9.0%
\$50,000 to \$74,999	101,668	21.7%	80,900	16.3%
\$75,000 to \$99,999	77,601	16.5%	72,633	14.6%
\$100,000 or More	119,861	25.5%	212,783	42.8%
<b>Total</b>	<b>469,535</b>	<b>100.0%</b>	<b>496,677</b>	<b>100.0%</b>

Diagram II.7 below presents these income distributions graphically and further demonstrates the shift from lower- to medium- and higher-income households over time.

**Diagram II.7**  
**Households by Income**

Suffolk County  
2000 Census SF3 & 2011 Five-Year ACS Data



**POVERTY**

The Census Bureau uses a set of income thresholds that vary by family size and composition to determine poverty status. If a family’s total income is less than the threshold for its size, then that family, and every individual in it, is considered poor. The poverty thresholds do not vary geographically, but they are updated annually for inflation using the Consumer Price Index. The official poverty definition counts income before taxes and does not include capital gains and non-cash benefits such as public housing, Medicaid, and food stamps.

In Suffolk County, the poverty rate in 2000 was 6 percent, with 83,171 persons considered to be living in poverty, as shown on the following page in Table II.8. Nearly 8,000 children aged 6 and below were counted as living in poverty at that time, in addition to over 9,900 persons aged 65 and older. The 2007 to 2011 ACS data showed that poverty in the County dropped to

5.7 percent in 2011, which is consistent with a dramatic increase in the number of households at the highest income level and a concomitant decrease in the number of households at all other income levels.

**Table II.8**  
**Poverty by Age**

Suffolk County

2000 Census SF3 & 2011 Five-Year ACS Data

Age	2000 Census		2011 Five-Year ACS	
	Persons in Poverty	% of Total	Persons in Poverty	% of Total
Under 6	7,940	9.5%	7,816	9.3%
6 to 17	17,765	21.4%	15,952	19.0%
18 to 64	47,497	57.1%	49,481	59.1%
65 or Older	9,969	12.0%	10,510	12.5%
<b>Total</b>	<b>83,171</b>	<b>100.0%</b>	<b>83,759</b>	<b>100.0%</b>
<b>Poverty Rate</b>	<b>6.0%</b>	.	<b>5.7%</b>	.

Poverty was not spread evenly throughout the County, as some Census tracts had much higher rates of poverty than others. Map II.8 on the following page presents the poverty rates in 2000 geographically. Census tracts that had a disproportionate share of persons living in poverty were those areas where the poverty rate was greater than 16.0 percent. The three census tracts with the highest poverty rates in 2000 were the tracts encompassing Pilgrim Psychiatric Center, the Stony Brook University, and Greenport. Apart from these, several census tracts with disproportionately high poverty rates could be found throughout the county, generally outside of Consortium boundaries.

By 2011, poverty was observed to be particularly concentrated in three areas: Greenport, the Stony Brook University, and two census tracts immediately to the east of Patchogue (Patchogue itself also held a disproportionate share of residents in poverty). Some areas that had not displayed a high concentration of poverty in 2000 were seen to have a disproportionately high rate of poverty in 2011, as shown in Map II.9 on page 37.

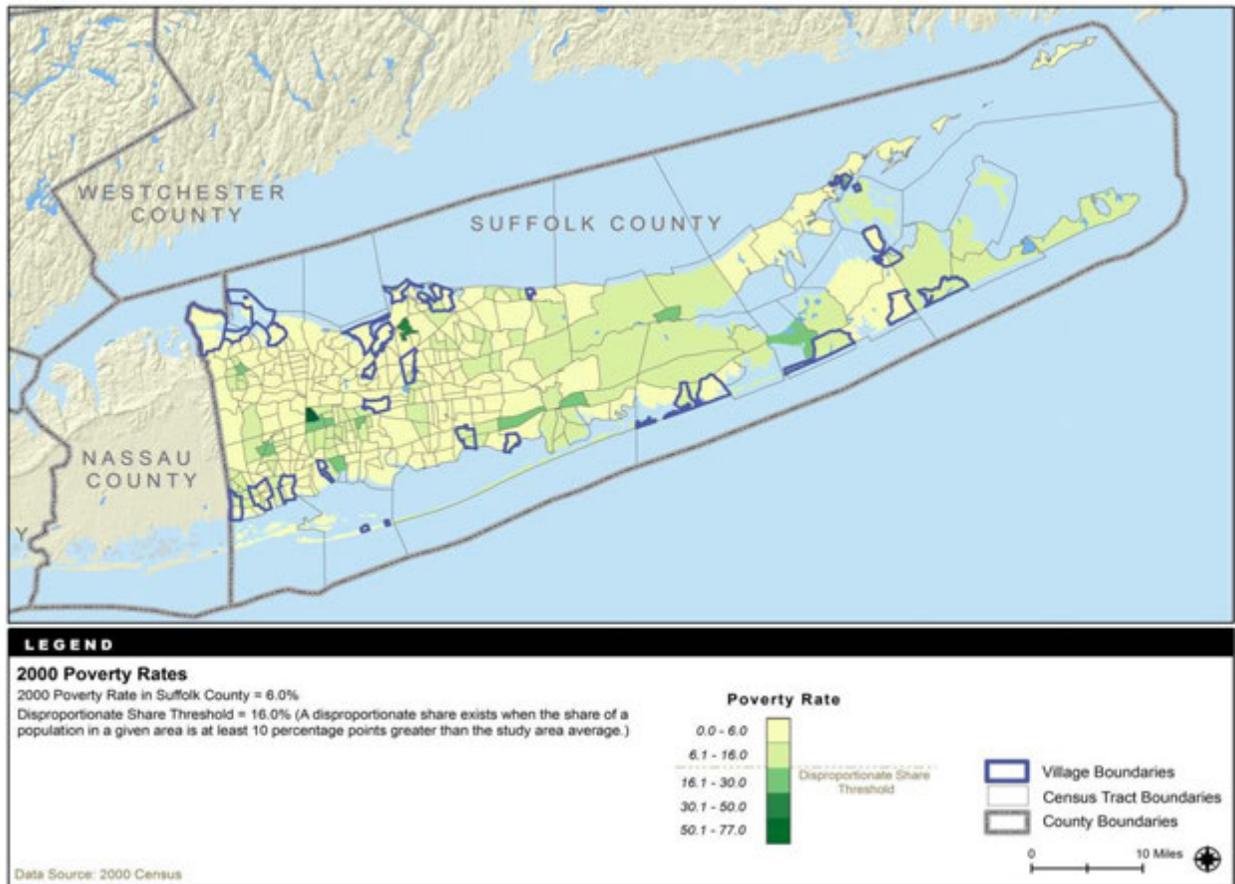
## HOUSING

Simple counts of housing by age, type, tenure, and other characteristics form the basis for the housing stock background, suggesting the available housing in the County from which residents have to choose. Examination of households, on the other hand, shows how residents use the available housing, and shows household size and housing problems such as incomplete plumbing and/or kitchen facilities. Review of housing costs reveals the markets in which housing consumers in the County can shop, and may suggest needs for certain populations.

### CHARACTERISTICS OF THE HOUSING STOCK

According to data from the Decennial Census, SF1 data, the number of housing units in Suffolk County increased by 9.1 percent between 2000 and 2011, from 522,323 to 569,985 units. During this time, the population of Suffolk County increased by only 5.6 percent, which suggests that housing production outpaced population growth.

**Map II.8**  
**Poverty Rate by Census Tract**  
 Suffolk County  
 2000 Census Data

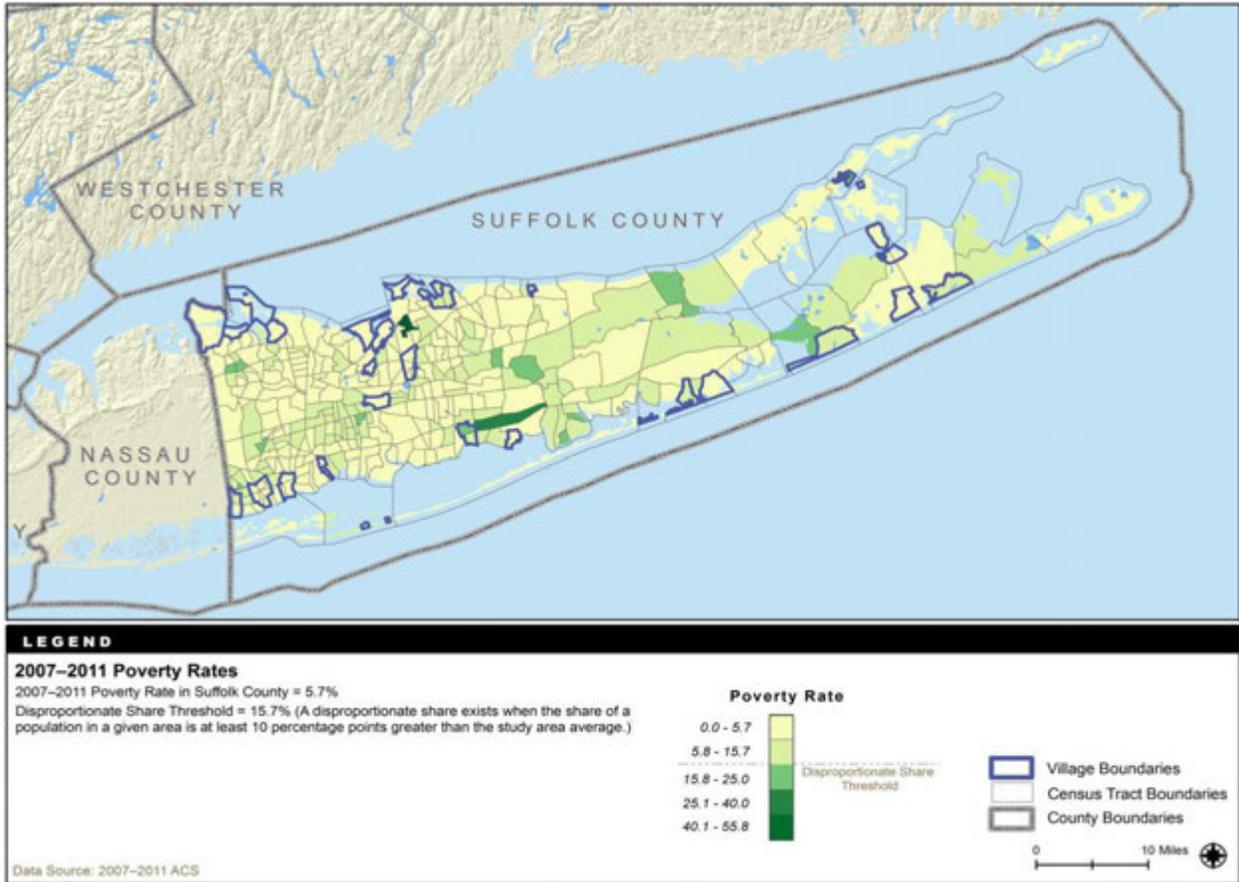


Between 2000 and 2010, the number of occupied housing units increased by 6.5 percent, from 469,299 to 499,922 units, as shown in Table II.9 on the following page. Suffolk County experienced a slight shift away from owner-occupied toward renter-occupied units over the same time period, with the rate of homeownership slipping from 79.8 percent to 78.7 percent. The number of vacant units showed an increase of 32.1 percent between 2000 and 2010.

The geographic distribution of owner-occupied units in Suffolk County in 2010 is presented in Map II.10 on page 38. The average percentage of owner-occupied housing was 78.7 percent in 2010, making the disproportionate share threshold 88.7 percent. Census tracts with owner-occupied housing above the disproportionate share threshold were particularly concentrated in the northwestern portion of the county.

Conversely, the average rate of renter-occupied housing per tract was 21.3 percent in 2010. Map II.11 on page 39 shows the distribution of renter-occupied housing in Suffolk County. Many of the heaviest concentrations of renter households were located in the southern portion of the county, with the notable exception of Greenport and a few tracts around Huntington, Coram, Riverhead, and Port Jefferson.

**Map II.9**  
**Poverty Rate by Census Tract**  
 Suffolk County  
 2011 Five-Year ACS Data



**Table II.9**  
**Housing Units by Tenure**  
 Suffolk County  
 2000 & 2010 Census SF1 Data

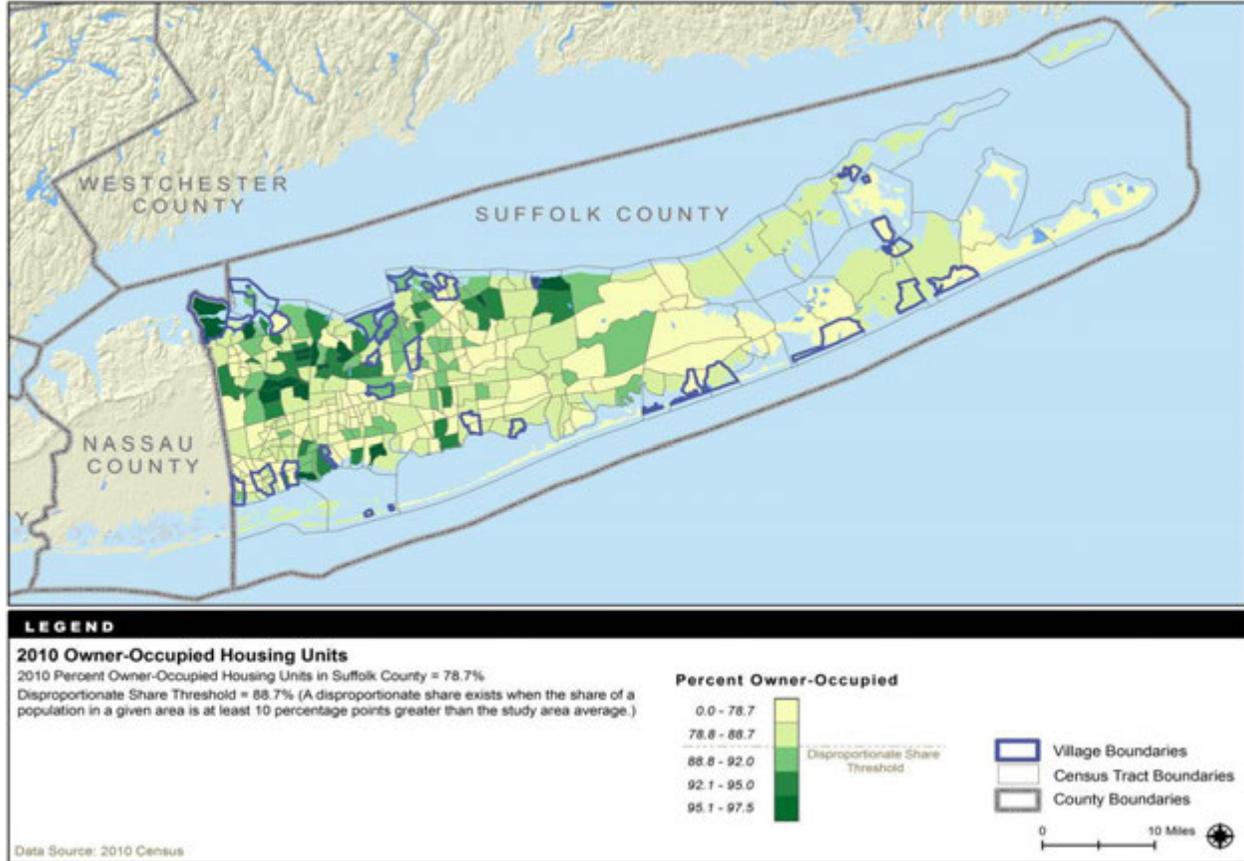
Tenure	2000 Census		2010 Census		% Change 00-10
	Units	% of Total	Units	% of Total	
Occupied Housing Units	469,299	89.8%	499,922	87.7%	6.5%
Owner-Occupied	374,360	79.8%	393,507	78.7%	5.1%
Renter-Occupied	94,939	20.2%	106,415	21.3%	12.1%
Vacant Housing Units	53,024	10.2%	70,063	12.3%	32.1%
<b>Total Housing Units</b>	<b>522,323</b>	<b>100.0%</b>	<b>569,985</b>	<b>100.0%</b>	<b>9.13%</b>

VACANT HOUSING

As shown in Table II.10 on the following page, at the time of the 2000 Census, the vacant housing stock represented 53,024 units, and by 2010, this figure reached 70,063. A substantial portion of the vacant units in 2000 and 2010 were for seasonal or recreational use but, in total, the number of vacant housing units increased by 32.1 percent. Most of this increase was due to increasing shares of housing units for-rent, for-sale, or “other vacant” units. By 2010, the number of for-rent and for-sale units had increased by 105.8 and 87.5 percent, respectively. “Other vacant” units increased by about 62 percent during this period; this classification

includes units that are not for sale or rent and which may contribute to blight if grouped in close proximity.

**Map II.10**  
**Owner-Occupied Housing Units**  
 Suffolk County  
 2010 Census Data



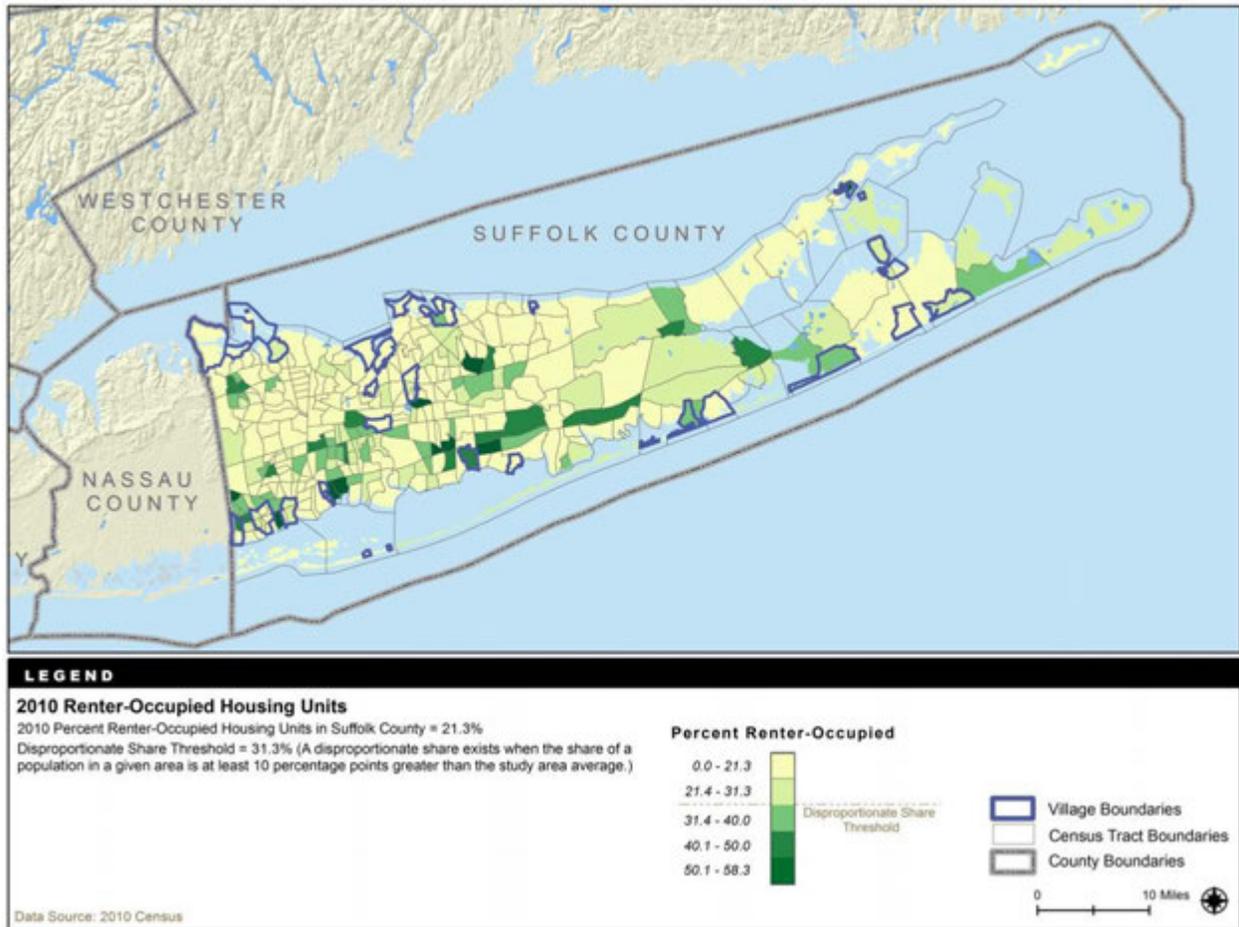
Map II.12 on page 40 shows the concentration of units per tract described as “other vacant” in the 2010 Census. The average percentage of “other vacant” units was 12.6 percent, making the disproportionate share threshold 22.6 percent. Unlike tracts with a high proportion of vacant houses of all types, those with the highest shares of “other vacant” units were largely concentrated in the western half of Suffolk County.

**Table II.10**  
**Disposition of Vacant Housing Units**  
 Suffolk County  
 2000 & 2010 Census SF1 Data

Disposition	2000 Census		2010 Census		% Change 00-10
	Units	% of Total	Units	% of Total	
For Rent	3,293	6.2%	6,778	9.7%	105.83%
For Sale	3,274	6.2%	6,138	8.8%	87.48%
Rented or Sold, Not Occupied	2,606	4.9%	1,797	2.6%	-31.04%
For Seasonal, Recreational, or Occasional Use	38,350	72.3%	46,460	66.3%	21.15%
For Migrant Workers	33	0.1%	33	0.0%	.00%
Other Vacant	5,468	10.3%	8,857	12.6%	61.98%
<b>Total</b>	<b>53,024</b>	<b>100.0%</b>	<b>70,063</b>	<b>100.0%</b>	<b>32.13%</b>

**Map II.11**  
**Renter-Occupied Housing Units**

Suffolk County  
 2010 Census Data



**HOUSEHOLD SIZE**

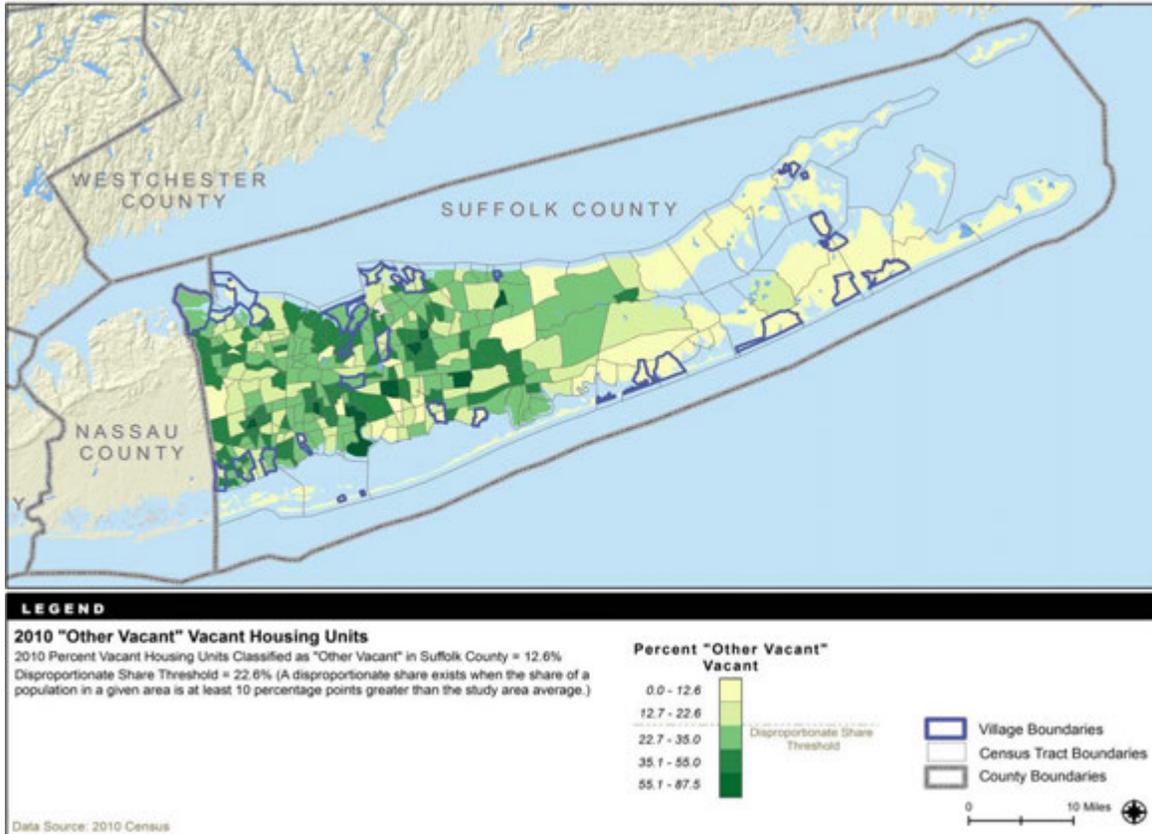
Housing patterns can also be examined by household size. The number of persons per household, as counted in the County at the time of the 2000 and 2010 Censuses is presented in Table II.11 on the following page. In 2000, more than 47 percent of households were one- or two-person households, more than 36 percent represented three- or four-person households, and the remainder represented households with five persons or more. While the number of households of all sizes increased between the two censuses, the number of households with seven or more members grew by a startling 29.5 percent, indicating an emerging need for large family housing.

Of the 522,323 housing units reported in Suffolk County in the 2000 Census, SF3 data<sup>13</sup>, 85.8 percent were single-family homes. An additional 7.3 percent of units were counted as apartments, 4 percent were duplex units, and 1.9 percent were tri- or four-plex units. ACS data

<sup>13</sup> Summary File 3 (SF3), as defined by the U.S. Census Bureau, “consists of 813 detailed tables of [the 2000 Census] social, economic, and housing characteristics compiled from a sample of approximately 19 million housing units (about one in six households) that received the 2000 Census long-form questionnaire.” <http://www.census.gov/census2000/sumfile3.html>. These sample data include sampling error and may not sum precisely to the 100 percent sample typically presented in the 2000 Census.

for 2011, which represented a 2007 to 2011 data average, showed that the share of single-family units and duplexes decreased slightly, while the shares of tri- and four-plexes increased slightly and the share of apartments increased by nearly a percentage point. These data are presented on the following page in Table II.12.

**Map II.12**  
**“Other Vacant” Housing Units**  
 Suffolk County  
 2010 Census Data



**Table II.11**  
**Households by Household Size**  
 Suffolk County  
 2000 & 2010 Census SF1 Data

Size	2000 Census		2010 Census		% Change 00–10
	Households	% of Total	Households	% of Total	
One Person	85,993	18.3%	102,900	20.6%	19.7%
Two Persons	137,399	29.3%	145,641	29.1%	6.0%
Three Persons	85,109	18.1%	85,963	17.2%	1.0%
Four Persons	86,608	18.5%	86,967	17.4%	0.4%
Five Persons	44,594	9.5%	44,721	8.9%	0.3%
Six Persons	17,146	3.7%	17,611	3.5%	2.7%
Seven Persons or More	12,450	2.7%	16,119	3.2%	29.5%
<b>Total</b>	<b>469,299</b>	<b>100.0%</b>	<b>499,922</b>	<b>100.0%</b>	<b>06.5%</b>

**Table II.12**  
**Housing Units by Type**

Suffolk County  
2000 Census SF3 & 2011 Five-Year ACS Data

Unit Type	2000 Census		2011 Five-Year ACS	
	Units	% of Total	Units	% of Total
Single-Family	448,085	85.8%	482,551	85.0%
Duplex	20,669	4.0%	20,610	3.6%
Tri- or Four-Plex	10,116	1.9%	12,928	2.3%
Apartment	37,980	7.3%	46,224	8.1%
Mobile Home	5,374	1.0%	5,422	1.0%
Boat, RV, Van, Etc.	99	0.0%	13	0.0%
<b>Total</b>	<b>522,323</b>	<b>100.0%</b>	<b>567,748</b>	<b>100.0%</b>

## HOUSING PROBLEMS

Overcrowding occurs when a housing unit has more than one person per room but less than 1.5, with severe overcrowding occurring with 1.5 persons per room or more. At the time of the 2000 Census, 9,805 households, or 2.1 percent, were overcrowded and another 5,438, or 1.2 percent of households, were severely overcrowded, as shown below in Table II.13. Overcrowding was considerably more prevalent in renter-occupied households than owner-occupied households. Lower figures were found in the more recent ACS data, with the share of severely overcrowded households decreasing considerably for renter-occupied households.

**Table II.13**  
**Overcrowding and Severe Overcrowding**

Suffolk County  
2000 Census SF3 & 2011 Five-Year ACS Data

Data Source	No Overcrowding		Overcrowding		Severe Overcrowding		Total
	Households	% of Total	Households	% of Total	Households	% of Total	
<b>Owner</b>							
2000 Census	367,310	98.1%	5,251	1.4%	1,810	0.5%	374,371
2011 Five-Year ACS	396,020	98.7%	4,551	1.1%	774	0.2%	401,345
<b>Renter</b>							
2000 Census	86,746	91.4%	4,554	4.8%	3,628	3.8%	94,928
2011 Five-Year ACS	90,345	94.8%	3,547	3.7%	1,440	01.5%	95,332
<b>Total</b>							
2000 Census	454,056	96.8%	9,805	2.1%	5,438	1.2%	469,299
2011 Five-Year ACS	486,365	97.9%	8,098	1.6%	2,214	0.4%	496,677

Incomplete plumbing or kitchen facilities are other indicators of potential housing problems. According to the Census Bureau, a housing unit is classified as lacking complete plumbing facilities when any of the following are not present: piped hot and cold water, a flush toilet, and a bathtub or shower. Likewise, a unit is categorized as deficient when any of the following are missing from the kitchen: a sink with piped hot and cold water, a range or cook top and oven, and a refrigerator.

At the time of the 2000 Census a total of 1,575 units, or 0.3 percent of all housing units in the County, lacked complete plumbing facilities, as shown in Table II.14 on the following page. The 2007 through 2011 ACS data averages showed that the percentage of units with incomplete plumbing facilities increased to 2,196, or 0.4 percent of households.

**Table II.14**  
**Housing Units with Incomplete Plumbing Facilities**

Suffolk County  
2000 Census SF3 & 2011 Five-Year ACS Data

Housing Units	2000 Census	2011 Five-Year ACS
With Complete Plumbing Facilities	467,724	494,481
Lacking Complete Plumbing Facilities	1,575	2,196
<b>Total Housing Units</b>	<b>469,299</b>	<b>496,677</b>
<b>Percent Lacking</b>	<b>0.3%</b>	<b>0.4%</b>

Table II.15 below shows the number of housing units with incomplete kitchen facilities in the County. According to data from the 2000 Census, .3 percent of Housing Units had incomplete kitchen facilities that year; this share increased to .7% in 2011, according to data from the Five-Year American Community Survey.

**Table II.15**  
**Housing Units with Incomplete Kitchen Facilities**

Suffolk County  
2000 Census SF3 & 2011 Five-Year ACS Data

Housing Units	2000 Census	2011 Five-Year ACS
With Complete Kitchen Facilities	467,934	493,356
Lacking Complete Kitchen Facilities	1,365	3,321
<b>Total Housing Units</b>	<b>469,299</b>	<b>496,677</b>
<b>Percent Lacking</b>	<b>0.3%</b>	<b>0.7%</b>

The third type of housing problem reported in the 2000 Census was cost burden, which occurs when a household has gross housing costs that range from 30 to 49.9 percent of gross household income; severe cost burden occurs when gross housing costs represent 50 percent or more of gross household income. For homeowners, gross housing costs include property taxes, insurance, energy payments, water and sewer service, and refuse collection. If the homeowner has a mortgage, the determination also includes principal and interest payments on the mortgage loan. For renters, this figure represents monthly rent plus utility charges.

Table II.16 on the following page shows that 20.7 percent of households were cost burdened and 14.3 percent were severely cost burdened in 2000. Nationally at that time, the average Census figures were 16.2 and 11.5 percent, respectively. This comparison indicates that despite the high incomes in the County, housing costs were still too high for many households, and that the average cost burden per household in Suffolk County exceeded the national average. In 2000, more than 23 percent of Suffolk County homeowners with a mortgage had a cost burden and 13.2 percent had a severe cost burden, while 21.1 percent of renters had a cost burden and 22.0 percent had a severe cost burden.

ACS data averages for 2007 through 2011 showed that the average cost burdens and average severe cost burdens on Suffolk County residents increased to 26.1 and 21 percent, respectively. Home owners with mortgages and renters both experienced a substantial increase in housing costs relative to income. By 2011, the share of cost burdened households had grown to over 30 percent and the share of households with severe cost burdens had grown to 21.5 percent. Similarly, the share of cost burdened renters grew to over 26 percent during the same period, and the share with severe cost burdens to 21 percent, over the same time period. A complete version of this table with data for all households is included in Appendix D.

**Table II.16**  
**Cost Burden and Severe Cost Burden by Tenure**

Suffolk County  
2000 Census & 2011 Five-Year ACS Data

Data Source	31%-50%		Above 50%		Total
	Households	% of Total	Households	% of Total	
<b>Owner With a Mortgage</b>					
2000 Census	60,945	23.8%	33,729	13.2%	256,359
2011 Five-Year ACS	85,897	30.2%	61,162	21.5%	284,837
<b>Owner Without a Mortgage</b>					
2000 Census	10,838	11.8%	8,809	9.6%	91,531
2011 Five-Year ACS	18,592	16.0%	15,581	13.4%	116,508
<b>Renter</b>					
2000 Census	19,952	21.1%	20,761	22.0%	94,503
2011 Five-Year ACS	25,110	26.3%	27,388	28.7%	95,332
<b>Total</b>					
2000 Census	91,735	20.7%	63,299	14.3%	442,393
2011 Five-Year ACS	129,599	26.1%	104,131	21.0%	496,677

Renters with a severe cost burden are at risk of homelessness. Cost-burdened renters who experience one financial setback often must choose between rent and food or rent and health care for their families. Similarly, homeowners with a mortgage who have just one unforeseen financial constraint, such as temporary illness, divorce, or the loss of employment, may face foreclosure or bankruptcy. Furthermore, households that no longer have a mortgage yet still experience a severe cost burden may be unable to conduct periodic maintenance and repair of their homes, and in turn, may contribute to a dilapidation and blight problem. All three of these situations should be of concern to policymakers and program managers.

HOUSING COSTS

The five-year ACS estimates also report data on housing costs. The median home value of owner-occupied homes was \$185,200 across the County in 2000, but had increased dramatically to \$411,000 by 2011, as shown in Table II.17, at right. This represents an increase of over 122 percent. Median

**Table II.17**  
**Median Housing Costs**

Suffolk County  
2000 Census SF3 & 2011 Five-Year ACS Data

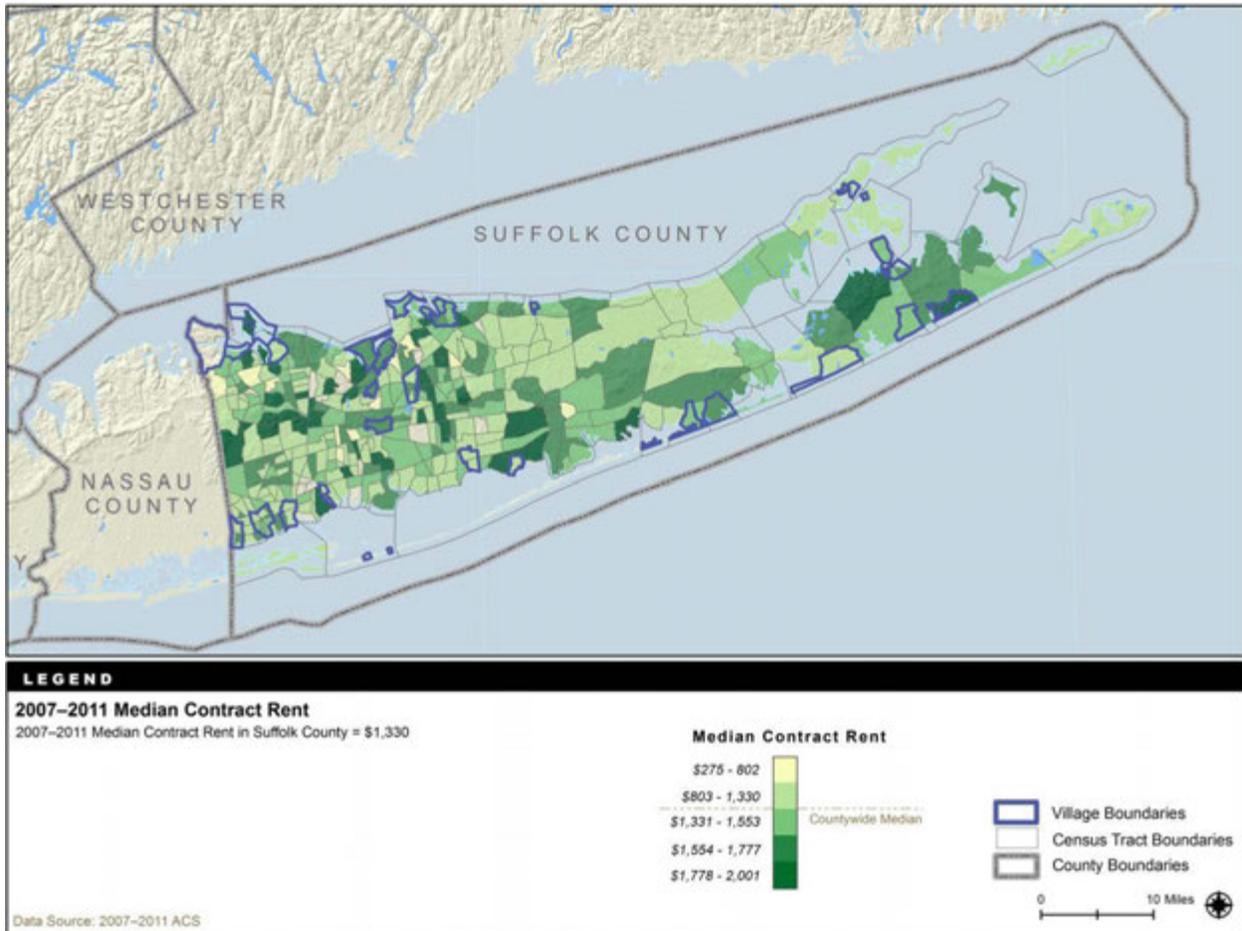
Housing Cost	2000	2011
Median Contract Rent	\$945	\$1,330
Median Home Value	\$185,200	\$411,000

contract rent; which refers to monthly contracted rental fees and does not include additional charges such as utilities, water, and garbage; increased by about 40.7 percent. This figure includes rents for units of all sizes, and increased from \$945 in 2000 to \$1,330 in 2011, despite the growth in the rental vacancy rates presented previously

Rental Housing

Map II.14, on the next page, illustrates data on median contract rent prices by Census tract. The median contract rent over the 2007 to 2011 period in the County was \$1,330 per month, though the lowest rents observed were around \$275. Tracts with relatively high median contract rents were observed throughout the County, as were tracts with relatively low median contract rents.

**Map II.14**  
**Median Contract Rent**  
 Suffolk County  
 2011 Five-Year ACS Data



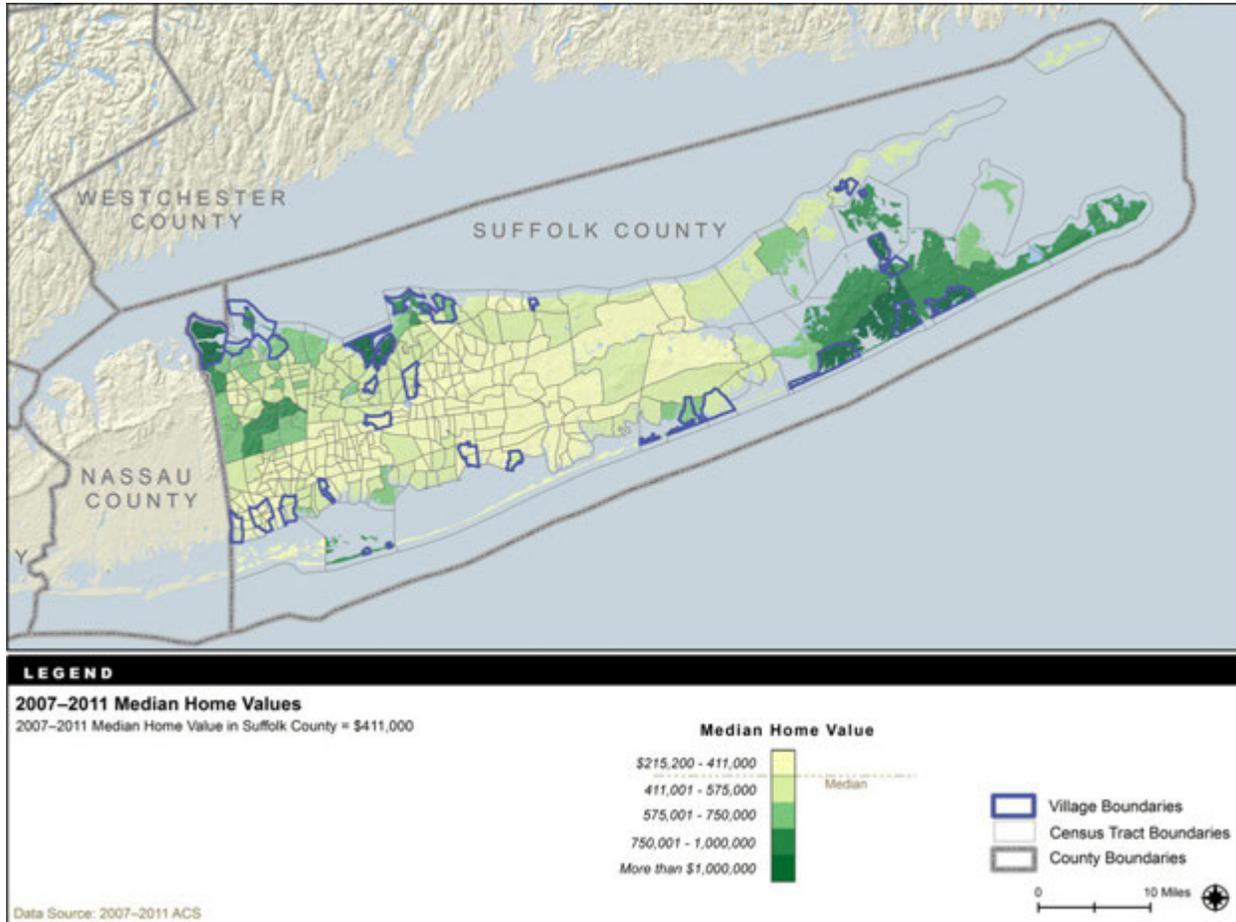
### Owner-Occupied Housing

The distribution of owner-occupied home values in Suffolk County, as reported in the 2011 five-year ACS, is presented in Map II.15 on the following page. Unlike tracts with high median rental costs, which were scattered throughout the County, homes with the highest values tended to be highly concentrated in the northwestern part of Suffolk County, including Lloyd Harbor, Nissequogue, and Head of the Harbor, as well as in the South Fork. It should be noted that the Census Bureau does not record home values above \$1,000,000, so homes valued above this level are not segmented further by price and form the highest cost category in the map. While South Fork census tracts were not among those with a high percentage of owner-occupied housing, Lloyd Harbor is an area with both a high median home value and high rate of owner occupancy. The median home value across the county was \$411,000.

SUMMARY

Analysis of demographic, economic, and housing data provides background context for the environments in which housing choices are made. Demographic data indicate the sizes of populations and protected classes; economic and employment data show economic factors; and counts of housing by type, tenure, quality, and cost indicate the ability of the housing stock to meet the needs of the County’s residents.

**Map II.15**  
**Median Home Value**  
 Suffolk County  
 2011 Five-Year ACS Data



According to the Census Bureau, between 2000 and 2011, the population in Suffolk County grew from 1,419,369 to an estimated 1,499,273 persons, or by 5.6 percent. Data for population by age showed that the population increased the most rapidly in the two oldest cohorts, or those aged 55 and over, and that these two groups accordingly represented a greater share of the population of the County in 2010 than they had in 2000. Growth was also considerable in the group of persons aged 20 to 24, while the population of persons aged 25 to 34 and those aged less than 5 years fell. All other age cohorts experienced modest growth during this period. Taken together, these data suggest that the population of Suffolk was older, on average, in 2010 than it was in 2000.

The racial and ethnic composition of the County also changed during this time period. The Asian and Black populations grew substantially during this period. The population of Hispanic residents grew dramatically during this period, growing by 96,828 individuals. In both the 2000 and 2010 Censuses, the White population represented the largest racial group in Suffolk County by far. However, areas with higher concentrations of racial and ethnic minority groups have tended to persist over time.

Economic data for Suffolk County demonstrate the impact of the recent recession. Data from the BLS showed that both the size of the labor force and the number of employed in Suffolk County decreased after 2008. However, the number of employed fell more sharply than the total number in the labor force, resulting in high rates of unemployment after 2008. However, the unemployment rate in the County was lower than in the state overall. Data from the BEA suggest that the impact of the recession on real earnings per job was relatively modest in Suffolk County, compared to its impact on real earnings per job statewide. The average poverty rate in the County was 5.7 from 2007 through 2011, with 83,759 persons considered to be living in poverty. This is lower than the poverty rate of 6 percent observed in 2000, though some of the areas with high rates of poverty in 2000 continued to be disproportionately impacted in 2011; Greenport is a notable example.

The number of housing units in the County increased by 9.13 percent between 2000 and 2010. Housing units were predominately single-family units in both Censuses. The number of occupied housing units grew, though the greater increase of vacant housing units during this same period suggests that the supply of available units outstripped demand for those units. Among occupied housing units, the number of renter-occupied units grew at a faster rate than that of the number of owner-occupied units, indicative of a slight shift away from home-ownership and toward renting during this period. Further evidence of this shift is the substantial growth in the number of vacant houses for rent between the 2000 and 2010 Censuses. The number of vacant housing units for sale also increased considerably during this time. Of potential concern is a sizeable increase in the number of “other vacant” units, which are not on the market, which may contribute to blight in areas with high concentrations of these units. Overcrowding was less prevalent in the 2007-2011 estimates than in the 2000 Census, while the share of households with incomplete plumbing or kitchen facilities increased slightly during this period.

Median rental costs increased moderately between 2000 and 2011, and areas with high rent were scattered across the county, interspersed with areas of low rent. A much clearer geographic trend was observed in the distribution of median home values, in which tracts with high median home values tended to be concentrated in the extreme northwest and southeast of the County, while comparatively low median home values were concentrated in central, southern, and southwestern Census tracts.

## SECTION III. FAIR HOUSING LAW, STUDIES, AND CASE REVIEW

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As part of the AI process, existing fair housing laws, studies, cases, and other relevant materials were reviewed on a national and local scale. Results of this review are presented below.

### FAIR HOUSING LAWS

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#### FEDERAL FAIR HOUSING LAWS

A myriad of federal laws provide the backbone for U.S. fair housing regulations. While some laws have been previously discussed in this report, a brief list of laws related to fair housing, as defined on the U.S. Department of Housing and Urban Development's (HUD's) website, is presented below:

*Fair Housing Act.* Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and persons securing custody of children under the age of 18), and handicap (disability).<sup>14</sup>

Title VIII was amended in 1988 (effective March 12, 1989) by the *Fair Housing Amendments Act* . . . In connection with prohibitions on discrimination against individuals with disabilities, the Act contains design and construction accessibility provisions for certain new multi-family dwellings developed for first occupancy on or after March 13, 1991.<sup>15</sup>

*Title VI of the Civil Rights Act of 1964.* Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

*Section 504 of the Rehabilitation Act of 1973.* Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

*Section 109 of the Housing and Community Development Act of 1974.* Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development and Block Grant Program.

*Title II of the Americans with Disabilities Act of 1990.* Title II prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

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<sup>14</sup> "HUD Fair Housing Laws and Presidential Executive Orders."  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/FHLaws](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws)

<sup>15</sup> "Title VIII: Fair Housing and Equal Opportunity."  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/progdesc/title8](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/progdesc/title8)

*Architectural Barriers Act of 1968.* The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 be accessible to and useable by handicapped persons.

*Age Discrimination Act of 1975.* The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

*Title IX of the Education Amendments Act of 1972.* Title IX prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.<sup>16</sup>

## STATE AND LOCAL FAIR HOUSING LAWS

In addition to federal law, citizens of Suffolk County are also protected by state and local laws, presented below.

*New York Executive Law, Article 15:* Extends additional protections based on sexual orientation, ancestry, age, marital status, and military status.<sup>17</sup>

*Suffolk County Human Rights Law, Chapter 528 of the Suffolk County Code:* Provides additional protections based on source of income, alienage or citizenship and gender<sup>18</sup>

## FAIR HOUSING STUDIES

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### NATIONAL FAIR HOUSING STUDIES

In 2000, HUD released a publication entitled “Discrimination in Metropolitan Housing Markets,” which measured the prevalence of housing discrimination based on race and ethnicity in the U.S. This was the third nationwide effort to measure discrimination against minority home seekers since 1977, conducted in three phases.

#### 1. Phase 1 – Black and Hispanic Populations

The study, based on 4,600 paired tests in 23 metropolitan cities in the U.S., found large decreases in the levels of discrimination against Black and Hispanic home seekers between 1989 and 2000. In the rental markets, a moderate decrease was seen in discrimination toward Black individuals, who experienced adverse treatment more often than White individuals, whereas the Hispanic population was more likely to face discrimination in the rental markets than its Black and White counterparts. Many Black and Hispanic home seekers were told that units were unavailable, although the same units were available to White home seekers, and the Black and Hispanic populations were also shown and told about fewer units. In addition, Hispanic individuals were more likely in 2000 than in 1989 to be quoted a higher rent than White individuals who sought to rent the same unit.

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<sup>16</sup> “HUD Fair Housing Laws and Presidential Executive Orders.”

<sup>17</sup> New York Executive Law, Article 15, §296

[http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$EXC296\\$\\$@TXEXC0296+&LIST=SEA13+&BROWSER=EXPLORER+&TOKEN=09133113+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$EXC296$$@TXEXC0296+&LIST=SEA13+&BROWSER=EXPLORER+&TOKEN=09133113+&TARGET=VIEW)

<sup>18</sup> Suffolk County Law, Resolution 1038 <http://legis.suffolkcountyny.gov/resos2006/i2027-06.htm>

## 2. Phase 2 – Asian and Pacific Islander Populations

This study, conducted in 2000 and 2001 and based on 889 paired tests in 11 metropolitan areas in the U.S., showed that Asian and Pacific Islander individuals who sought to rent a unit experienced adverse treatment compared to White individuals in 21.5 percent of tests, which was similar to the rate Black and Hispanic individuals saw. The study also showed that Asian and Pacific Islander prospective homebuyers experienced adverse treatment compared to White prospective homebuyers 20.4 percent of the time, with discrimination occurring in the availability of housing, inspections, assistance with financing, and encouragement by agents.

## 3. Phase 3 – American Indian Population

The last phase of HUD's nationwide effort to measure housing discrimination involved estimating the level of discrimination experienced by American Indian individuals in their search for housing in metropolitan areas across Minnesota, Montana, and New Mexico. The findings showed that the American Indian population experienced adverse treatments compared to White individuals in 28.5 percent of rental tests. White individuals were consistently told about advertised units, similar units, and more units than American Indian individuals with similar qualifications. The high level of discrimination experienced by the American Indian population in these areas surpassed rates seen by Hispanic, Black, and Asian individuals in the metropolitan rental markets nationwide.<sup>19</sup>

In April 2002, HUD released a national study that assessed public awareness of and support for fair housing law titled *How Much Do We Know?: Public Awareness of the Nation's Fair Housing Laws*. The study found that only 50 percent of the population was able to identify most scenarios describing illegal conduct. In addition, 14 percent of the nationwide survey's adult participants believed that they had experienced some form of housing discrimination in their lifetime. However, only 17 percent of those who had experienced housing discrimination had taken action to resolve the issue, such as filing a fair housing complaint. Finally, two-thirds of all respondents said that they would vote for a fair housing law.<sup>20</sup>

As a follow-up, HUD later released a study in February 2006 called *Do We Know More Now?: Trends in Public Knowledge, Support and Use of Fair Housing Law*. One aim of the study was to determine whether a nationwide media campaign had proven effective in increasing the public's awareness of housing discrimination, and another goal was to determine the public's desire to report such discrimination. Unfortunately, the study found that overall public knowledge of fair housing law did not improve between 2000 and 2005. As before, just half of the public knew the law regarding six or more illegal housing activities. The report showed that 17 percent of the study's adult participants experienced discrimination when seeking housing; however, after reviewing descriptions of the perceived discrimination, it was determined that only about 8 percent of the situations might be covered by the Fair Housing Act. Four out of five individuals who felt they had been discriminated against did not file a fair housing

<sup>19</sup> "Discrimination in Metropolitan Housing Markets: National Results from Phase 1, Phase 2, and Phase 3 of the Housing Discrimination Study (HDS)." <http://www.huduser.org/portal/publications/hsgfin/hds.html>

<sup>20</sup> U.S. Department of Housing and Urban Development, Office of Policy Development and Research. *How Much Do We Know?: Public Awareness of the Nation's Fair Housing Laws*. April 2002. <http://www.huduser.org/portal/publications/fairhsg/hmwk.html>

complaint, indicating that they felt it “wasn’t worth it” or that it “wouldn’t have helped.” Others did not know where to complain, assumed it would cost too much, were too busy, or feared retaliation. One positive finding of the survey was that public support for fair housing law increased from 66 percent in 2000 to 73 percent in 2005.<sup>21</sup>

In 2004, the U.S. General Accounting Office’s (GAO) released a report titled *Fair Housing: Opportunities to Improve HUD’s Oversight and Management of the Enforcement Process*. The GAO report found that between 1996 and 2003, the median number of days required to complete fair housing complaint investigations was 259 for HUD’s Fair Housing and Equal Opportunity Offices and 195 for Fair Housing Assistance Program (FHAP) agencies; far above the 100-day mandate. However, the report did find a higher percentage of investigations completed within that time limit. The GAO report also identified the following trends between 1996 and 2003:

- The number of fair housing complaints filed each year steadily increased since 1998. An increasing proportion of grievances alleged discrimination based on disability and a declining proportion alleged discrimination based on race, although race was still the most cited basis of housing discrimination;
- FHAP agencies conducted more fair housing investigations than Fair Housing and Equal Opportunity (FHEO) agencies over the eight-year period. The total number of investigations completed each year increased slightly after declining in 1997 and 1998; and
- Over this time period, an increasing percentage of investigations closed without finding reasonable cause to believe discrimination occurred. However, a declining percentage of investigations were resolved by the parties themselves or with help from FHEO or FHAP agencies.<sup>22</sup>

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<sup>21</sup> U.S. Department of Housing and Urban Development, Office of Policy Development and Research. *Do We Know More Now?: Trends in Public Knowledge, Support and Use of Fair Housing Law*. February 2006. <http://www.huduser.org/portal/publications/hsgfin/FairHsngSurvey.html>

<sup>22</sup> U.S. General Accounting Office. “Fair Housing: Opportunities to Improve HUD’s Oversight and Management of the Enforcement Process.” April 2004. <http://gao.gov/products/GAO-04-463>

<sup>23</sup> Carpusor, Adrian and William Loges. “Rental Discrimination and Ethnicity in Names.” *Journal of Applied Social Psychology* 36(4).

Released by the Poverty & Race Research Action Council in January 2008, *Residential Segregation and Housing Discrimination in the United States* asserts that many current governmental efforts to further fair housing actually result in furthering unfair housing practices across the U.S. This article suggests that fair housing efforts can cause residential segregation. For example, if the majority of public housing residents are non-White and most public housing accommodations are grouped in the same Census tracts, residential segregation is resultant. Similarly, many Section 8 voucher holders are racial or ethnic minorities, and most housing that accepts Section 8 vouchers is grouped in selected areas, which again results in residential segregation. The report offers recommendations to curb such residential segregation, including dispersing public housing developments throughout cities and communities and providing greater incentives for landlords with several properties to accept the vouchers.<sup>24</sup>

Published in 2009 by the National Fair Housing Alliance, *For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination* presented research on the prevalence of discriminatory housing advertisements on popular websites such as Craigslist. According to the article, while newspapers are prohibited from publishing discriminatory housing advertisements, no such law exists for websites like Craigslist, as they are considered interactive internet providers rather than publishers of content. As such, they are not held to the same legal standards as newspapers. While individual landlords who post discriminatory advertisements may be held responsible, there are no such standards for companies like Craigslist that post the discriminatory advertisements. Newspapers and other publishers of content are required to screen the advertisements they accept for publishing for content that could be seen as discriminatory. This may include phrases like “no children” or “Christian only,” which violate provisions of the Fair Housing Act that state families with children and religious individuals are federally protected groups.<sup>25</sup>

In May 2010, the National Fair Housing Alliance published a fair housing trends report, *A Step in the Right Direction*, which indicated that recent years have demonstrated forward movement in furthering fair housing. The report began with a commendation of HUD’s federal enforcement of fair housing law and noted the agency’s willingness to challenge local jurisdictions that failed to affirmatively further fair housing. In response to the recent foreclosure crisis, many credit institutions have implemented tactics to reduce risk. However, this report suggests that policies that tighten credit markets; such as requiring larger cash reserves, higher down payments, and better credit scores; may disproportionately affect lending options for communities of color and women. *A Step in the Right Direction* concludes with examples of ways in which the fair housing situation could be further improved, including addressing discriminatory internet advertisements and adding gender identity, sexual orientation, and source of income as federally protected classes.<sup>26</sup>

The positive note that the NFHA struck in its 2010 report carried over into the following year’s *The Big Picture: How Fair Housing Organizations Challenge Systemic and Institutionalized Discrimination*, published by the Alliance in April of 2011. This report began by noting an encouraging downward trend in the proportion of individuals in large metropolitan areas living

<sup>24</sup> U.S. Housing Scholars and Research and Advocacy Organizations. *Residential Segregation and Housing Discrimination in the United States*. January 2008. <http://prrac.org/pdf/FinalCERDHousingDiscriminationReport.pdf>

<sup>25</sup> National Fair Housing Alliance. *For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination*. August 2009. <http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=zgbukJP2rMM%3D&tabid=2510&mid=8347>

<sup>26</sup> National Fair Housing Alliance. *A Step in the Right Direction: 2010 Fair Housing Trends Report*. May 2010. <http://www.nationalfairhousing.org/Portals/33/Fair%20Housing%20Trends%20Report%202010.pdf>

in segregation, which had dropped from 69 to 65 percent between 2000 and 2010, according to census data from 2010. The report also highlighted the work of fair housing organizations to combat systemic and institutionalized discrimination produced by exclusionary zoning, NIMBYism, the dual credit market, and other fair housing challenges, often on limited budgets and with limited personnel. The NFHA closed its 2011 report by praising the work of private fair housing organizations while underscoring the need for continued work<sup>27</sup>.

The 2012 report from the NFHA focused on issues of fair housing in the context of the shifting demographic composition of the United States, where the White population is projected to no longer represent a majority of residents within thirty years. The report discussed encouraging signals from HUD and the Justice Department, who have “increased their efforts and announced landmark cases of mortgage lending, zoning, and other issues that get to the heart of the [Fair Housing] Act: promoting diverse and inclusive communities<sup>28</sup>.” The report also highlights a new arena for discrimination in housing, which has emerged as a result of the massive level of foreclosures in the country in recent years: uneven maintenance of Real Estate Owned (REO) properties in White and minority areas. In concluding, the report hails the creation of the Consumer Financial Protection Bureau as a new ally for fair housing and equal opportunity.<sup>29</sup>

The most recent report from the NFHA outlines an ambitious policy goal: expansion of the Fair Housing Act to prohibit discrimination based on source of income, sexual orientation, gender identity, and marital status. The report relates that cases of housing discrimination in general increased between 2011 and 2012, and that complaints based on non-protected statuses (source of income, etc.) were included in that upward trend. In spite of this, only 12 states include protections based on source of income, 21 states prohibit discrimination based on sexual orientation, sixteen states protect against discrimination based on gender identity, and 22 states offer protections based on marital status (the District of Columbia also extends protections on all of these bases). In concluding the report, the NFHA advocates the modernization and expansion of the FHA to bring the protection of individuals based on source of income, sexual orientation, gender identity, and marital status within its compass.

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<sup>27</sup>*The Big Picture: How Fair Housing Organizations Challenge Systemic and Institutionalized Discrimination*. National Fair Housing Alliance 2011 Fair Housing Trends Report. 29 April 2011.

<http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=SbZH3pTEZhs%3d&tabid=3917&mid=5321>

<sup>28</sup> <http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=GBv0ZVjp6Gg%3d&tabid=3917&mid=5321>

<sup>29</sup> *Ibid.*

## FAIR HOUSING STUDIES

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### REGIONAL FAIR HOUSING STUDIES

In May of 2014, the New York - Connecticut Sustainable Communities Consortium, through the efforts of the Regional Plan Association, released the *Implementation Plan for Sustainable Development in the New York-Connecticut Metropolitan Region*. This effort was part of a U.S. Department of Housing and Urban Development Sustainable Communities Regional Planning Grant designed to promote sustainable communities and growth centers around transit services in order to, among other goals, create and sustain equitable affordable housing. Part of this study is a Fair Housing and Equity Assessment (FHEA) which recommends eight strategy areas for federal, state, regional, county and local governments to pursue in order to further fair housing. The six strategy areas are (1) Strengthening the anti-discrimination and enforcement system, (2) enhancing engagement of low income people and underrepresented racial and ethnic minorities in local and regional planning, (3) promoting investment in and revitalization of Racially/Ethnicity Concentrated Areas of Poverty and high poverty communities while protecting against displacement, (4) promoting new affordable housing in high opportunity areas, (5) Ensuring that underrepresented racial and ethnic minorities, low income families, and other protected groups have access to affordable housing in high opportunity areas, (6) Stabilizing housing opportunities for middle and moderate income families, (7) Advancing regional approaches to affordable housing, and (8) Ensuring regional infrastructure planning and investment incorporate equity considerations. The strategies are then followed by recommendations to be implemented by the appropriate level of government under whose jurisdiction such recommendations would best be addressed.

### LOCAL FAIR HOUSING STUDIES

In September of 2013, a report entitled Long Island's Rental Crisis was prepared by the Regional Plan Association. The report was convened by the Long Island Community Foundation through its Affordable and Equitable Rental Housing Task Force and funded by the Ford Foundation. The report emphasizes the lack of affordable rentals in Nassau and Suffolk Counties indicating that 64% of Long Island renters cannot afford an average two bedroom apartment (meaning that they are spending more than 30% of their income for rent). The report further provides a statistical conclusion that the rental homes tend to be concentrated in certain communities stating "...over a quarter of all the rental homes on Long Island are concentrated in just 10 places-Hempstead, Long Beach, Coram, Freeport, Glen Cove, Bay Shore, Brentwood, Huntington, West Babylon and Central Islip." and further stating that "[s]ubsidized homes are concentrated in communities with high proportions of racial and ethnic minorities and low income households."

Also in May of 2014, a report entitled *Long Island Fair and Affordable Housing Report and Proposed Action Plan* was prepared for the Long Island regional Planning Council and the New York-Connecticut Sustainable Communities Consortium referred to above. The report summarizes efforts to promote affordable and fair housing in Nassau and Suffolk Counties and sets forth actions to be taken by the Long Island Regional Planning Council to promote the efforts. In particular, the report confirms

the low availability of rental housing on Long island at approximately 21% of all housing stock and emphasizes the need for increased rentals, in high opportunity areas, that are affordable to low and moderate income families in order to provide opportunities for racial and ethnic minorities to have viable living options in other than high poverty concentration areas. The report states that increased Federal funding is “among the most important goal[s] for the development of affordable housing”...to create multi-family housing with tiered incomes that integrates populations such as racial and ethnic minorities...” The report, in addition to other action items, also proposes amendments to the Long Island Workforce Housing Act to address affordable rentals and endorses adoption of local laws that would encourage accessory apartments

Erase Racism, a nonprofit agency which promotes policies and programs to increase racial equity in education, housing, healthcare and economic development and seeks to combat institutional or structural racism throughout Long Island, conducted a comprehensive analysis of housing segregation on Long Island. The report is entitled “*The Racial Equity Report Card: Fair Housing on Long Island*” and examines the areas of (1) fair housing enforcement by government agencies and Long Island Housing Services and their processes, data and funding, (2) Analysis of Impediments (AI) Reports issued by Nassau County, Suffolk County and the Towns of Babylon, Huntington and Islip, and (3) realtor housing discrimination utilizing testing data. The examination results in 30 recommendations as follows: twenty recommendations for improving the effectiveness of fair housing enforcement, six recommendations for local governments to utilize their AI’s for fair housing enforcement, development and integration, and four recommendations to deter realtor discrimination.

## FAIR HOUSING CASES

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### NATIONAL FAIR HOUSING CASES

As noted in the introduction to this report, provisions to affirmatively further fair housing are long-standing components of HUD's Housing and Community Development programs. In fact, in 1970, *Shannon v. HUD* challenged the development of a subsidized low-income housing project in an urban renewal area of Philadelphia that was racially and economically integrated. Under the Fair Housing Act, federal funding for housing must further integrate community development as part of furthering fair housing, but the plaintiffs in the Shannon case claimed that the development would create segregation and destroy the existing balance of the neighborhood. As a result of the case, HUD was required to develop a system to consider the racial and socio-economic impacts of their projects.<sup>30</sup> The specifics of the system were not decided upon by the court, but HUD was encouraged to consider the racial composition and income distribution of neighborhoods, racial effects of local regulations, and practices of local authorities.<sup>31</sup> The Shannon case gave entitlement jurisdictions the responsibility of considering the segregation effects of publicly-funded housing projects on their communities as they affirmatively further fair housing.

In 2008, \$3 billion of federal disaster aid was allotted to the Texas state government to provide relief from damage caused by hurricanes Ike and Dolly. These storms ravaged homes in coastal communities, many of which were owned by low-income families that could not afford to rebuild. However, instead of directing the federal funds to the areas most affected by the storms, the State spread funds across Texas and let local planning agencies spend at will. In reaction to this, two fair housing agencies in the state filed a complaint with HUD stating that the plan violated fair housing laws as well as federal aid requirements that specify half of the funds be directed to lower-income persons. In light of the complaint, HUD withheld \$1.7 billion in CDBG funds until the case was resolved. A settlement was reached in June 2010; the State was required to redirect 55 percent of the amount of the original funds to aid poorer families that lost their homes. The State was also asked to rebuild public housing units that were destroyed by the storms and to offer programs that aid minority and low-income residents in relocating to less storm-prone areas or areas with greater economic opportunities.<sup>32</sup>

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<sup>30</sup> U.S. HUD. *39 Steps Toward Fair Housing*. <http://www.hud.gov/offices/fheo/39steps.pdf>

<sup>31</sup> Orfield, Myron. "Racial Integration and Community Revitalization: Applying the Fair Housing Act to the Low Income Housing Tax Credit." *Vanderbilt Law Review*, November 2005.

<sup>32</sup> <http://www.reلمانlaw.com/docs/FinalConciliationAgreementTexas.pdf>

## LOCAL FAIR HOUSING CASES

## U.S. Department of Justice Cases

The U.S. Department of Justice (DOJ) enacts lawsuits on behalf of individuals based on referrals from HUD. Under the Fair Housing Act, the DOJ may file lawsuits in the following instances:

- Where there is reason to believe that a person or entity is engaged in what is termed a “pattern or practice” of discrimination or where a denial of rights to a group of people raises an issue of general public importance;
- Where force or threat of force is used to deny or interfere with fair housing rights; and
- Where persons who believe that they have been victims of an illegal housing practice file a complaint with HUD or file their own lawsuit in federal or state court.<sup>33</sup>

The Department of Justice website lists two fair housing complaints brought against individuals or businesses in Suffolk County:

*United States v. Sunrise Villas*

In 2010, the DOJ settled a housing complaint against Sunrise Villas, alleging that the Lindenhurst apartment complex discriminated against prospective residents with disabilities who required service animals. Sunrise Villas has a written policy prohibiting apartment renters from keeping pets in their apartments, or allowing pets into the complex. To determine whether or not this prohibition extended to service animals, LIHS sent three testers to apply for apartments at the complex between 2007 and 2008. In each instance, the testers were told that their service animals would not be allowed in the apartment complex. In light of these findings, the DOJ filed suit against the apartment complex, which subsequently settled with the DOJ. As a condition of the settlement, the defendants agreed to make exceptions to the “No Pet Policy” as reasonable accommodations to residents with disabilities, to undergo training in fair housing policy, and pay damages of \$12,186 to LIHS and a Civil Penalty of \$1000 to the United States of America.

*United States v. Sayville Development Group*

The Department of Justice filed a complaint against Sayville Development Group in 2007, alleging that the company had failed to design or build Sayville Commons, an apartment complex in Sayville, in accordance with Fair Housing Act requirements concerning accessibility. At issue in the complaint was the lack of an elevator in the multi-story apartment building, accessible common and public-use areas, “accessible routes into and through” ground-floor units, and accessible kitchens and bathrooms in ground-floor units.

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<sup>33</sup> “The Fair Housing Act.” The United States Department of Justice. [http://www.justice.gov/crt/about/hce/housing\\_coverage.php](http://www.justice.gov/crt/about/hce/housing_coverage.php)

Other Local/State Cases

*Long Island Housing Services; Fair Housing Justice Center v Great Neck Plaza; Nassau County Industrial Development Agency* Date Filed: 5/29/14.

Alleging violation of Fair Housing Act and NYS Human Rights Law related to restrictive residency preferences for affordable housing eligibility based on race, color, age, disability.

*ERASE Racism v. Nassau County: Date Filed: 4/28/14*

Alleging violation of Fair Housing Act for failure to Affirmatively Further Fair Housing by failing to use funds to promote integration and otherwise eliminate barriers to discrimination in Nassau County. Title VI of the Civil Rights Act of 1964 (“Title VI”), Section 109 of the Housing and Community Development Act of 1974 (“Section 109”), the Fair Housing Act (“FHA”) and the duty to affirmatively further fair housing (“AFFH”). HUD requires that such Cooperation Agreements “contain a provision prohibiting urban county funding for activities in or in support of any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification. This provision is required because noncompliance by a unit of general local government included in an urban county may constitute noncompliance by the grantee (i.e., the entire urban county) that can, in turn, provide cause for funding sanctions or other remedial actions by the Department.”

*U.S.A v. Town of Oyster Bay; Long Island Housing Partnership: Filed 4-10-14*

Oyster Bay Supervisor publicly commented- housing for ‘our families’ and intends to litigate. Case settled same day of filing w/ LIHP 4/10/14. Alleged violation of 3604(a) of Fair Housing Act for exclusionary residency preferences related to housing programs administered by Town with impact on individuals based on Race/Color. Settlement with LIHP includes education and outreach efforts, hosting of fair housing seminars, dissemination of information related to fair housing rights, and affirmative efforts to address residency preferences in jurisdictions that continue to use them where LIHP will be seeking to develop new affordable housing units or administer programs.

*Rivera v. Village of Farmingdale: Filed May 25, 2005, Settled 5/2/14 (so ordered).*

Alleged violation of 3604(a) of Fair Housing Act on basis of race/color, national origin related to redevelopment of complex in Farmingdale that affected [displaced] primarily Hispanic tenants. Settlement mandates development of 54 units of affordable housing for affected tenants along w/ market rate housing of redevelopment, Village will promote further affordable housing development through outreach, waiver of fees, and fast tracking of affordable housing projects, Fair Housing training for officials of the Village.

*Fair Housing in Huntington; NAACP v. Town of Huntington: Filed 3/17/11. Settled 4/18/14, so ordered 4/22/14.*

Alleged violation of Fair Housing Act 42 U.S.C. 3601 et seq., 42 U.S.C. 1982 and 1983, and Equal Protection Clause for discrimination due to discriminatory zoning on the basis of familial status and race/color. Relief requires Town to take whatever steps necessary to allow for construction by private developer for limited equity cooperative housing development at Ruland Road consisting of 72 one-br. Units; 39 two br. Units and 6 three-br, units to be available in perpetuity, or no less than 100 years to individuals and families whose incomes are 50-80% of AMI for Nassau-Suffolk Counties.. Town will assist Developer in seeking federal/state tax credits and financing for the project and other affirmative provisions for relief. *Pending HUD complaint.*

*Mhany Management and NY Communities for Change v. Village of Garden City: Filed 2005, Order and Judgment: December 6, 2013.*

Claims filed under Fair Housing Act (42 U.S.C. 3601 et seq), 42 U.S.C. Section 1981, 1982, 1983 and 2000d, alleging rezoning of land parcels to prevent affordable housing as part of an ongoing racially discriminatory pattern resulting in keeping area segregated. Order enjoins Defendants from further violating FHA, an affirmative resolution by Village to adopt an affordable/fair housing plan, appointment of third party to monitor Village's compliance w/ order, rezoning the area in question to be used for development of affordable housing if it becomes available for sale for housing development, participation by Village in the NC Urban Consortium, promotion of 10% of units of future developments as affordable housing in Village, FH training for Village, and costs and attorney fees on motion by Plaintiffs.

*U.S.A v. Village of Island Park: Filed March 22, 1990. Resolved by Consent Decree November 8, 2013.*

Allegation that Village obtained funds from HUD for development of housing and discriminated against individuals on basis of race by operating program to benefit only white residents/exclude African American prospective tenants in violation of Fair Housing Act and False Claims Act. Judgment of liability at Summary Judgment. Relief includes general injunction against discrimination, Village must adopt Fair Housing resolution affirmatively welcoming minorities along w/ developing non-discrimination policy, providing FH training for all Village officials, Administrator to oversee Village's compliance with agreement and to develop affirmative marketing plan to try and integrate Village (including assistance to first time homebuyers, mortgage counseling, etc.), \$568,000 for False Claims Act violation paid to DOJ, and Village pays cost for injunctive relief including appointed Administrator.

*Long Island Housing Services (LIHS) v Main Street LLC- Filed 3/15/11, Settled 1/10/13.*

Federal court approved settlement agreement to resolve a lawsuit against the owner and manager of five apartment complexes in Patchogue and Central Islip: Main Street, L. I., LLC and Bradford P. Mott. The settlement involves five (5) multi-family rental complexes named in the complaint: Maple Tree Apartments, East Winds Apartments, Terry Apartments and Rider Terrace Apartments all located in Patchogue; and Coventry Village Apartments, in Central Islip. The suit was brought under the federal Fair Housing Act, the New York State

Human Rights Law and the local Suffolk County Human Rights Law. These civil rights laws all prohibit discrimination against people with physical and mental disabilities and require equal treatment and housing opportunity. Landlords also are required to provide reasonable

accommodations and modifications for people with disabilities and require builders, architects, and engineers to include seven (7) basic access features in the design and construction of multi-family housing built since 1991. The Complaint was based on a multi-year investigation which included sending testers to all of the defendants' rental offices. LIHS' investigation uncovered practices that discouraged or denied people with disabilities their fair housing rights. Allegations included steering of renters with physical disabilities away from the apartments, providing false information about apartment availability, and quoting higher rent to renters with disabilities. Additionally, the complaint alleged that defendants improperly denied requests to modify their policies, known as "reasonable accommodations", to allow equal access, use, and enjoyment of housing for disabled individuals. Settlement includes injunctive and affirmative relief and \$136,000 for LIHS' damages and associated legal costs.

*Vargas v. Town of Smithtown: Date Filed 12-13-07, Date Settled: 3-4-09 (8-28-09 so-ordered date).*

Local residency preferences discriminate on the basis of race and national origin. Class action on behalf of Black and Hispanic persons seeking federally assisted housing vouchers (Section 8) alleged violations of Fair Housing Act based on race/color –for residency preferences required by Town's Section 8 Program with the intent and effect of discriminating against minorities in the allocation of Section 8 Housing Vouchers in violation of the Fair Housing Act and the equal protection clause of the United States Constitution. A person who did not live or work in Smithtown could not receive a Section 8 housing voucher through Smithtown's Section 8 program until every person on the waitlist who lived or worked in Smithtown had received a voucher. Because Smithtown is overwhelmingly white (over 93% at time of filing), the result of Smithtown's residency preference was that Section 8 housing vouchers are effectively unavailable to minorities, maintaining segregation/keeping racial minorities out of Town, resulting in government sponsored housing segregation. The complaint filed alleged that in implementing the discriminatory residency preference, Smithtown had improperly managed its Section 8 program to ensure that the waitlist always has a sufficient number of white residents to preclude Section 8 vouchers from being given to minority non-residents.

For example, according to the complaint, in 2006, after a steep decline in the number of whites on the Section 8 waitlist and a corresponding increase in the amount of minorities obtaining vouchers, Smithtown reopened its Section 8 waitlist and engaged in a targeted advertising campaign to recruit more white residents and to avoid serving the approximately 150 minorities on the waitlist patiently awaiting the chance to receive a Section 8 voucher.

Relief: Creation of a settlement fund to be dispersed to members of class action, with residual being used to promote fair housing in the region, as well as attorneys' fees of \$200,000.00.

*560 West 165<sup>th</sup> Street Associates L.P. v. Figueroa*

In this case, the plaintiff; a provider of affordable housing to a "mixed population of families, the elderly, formerly homeless people, and those living with HIV and AIDS"; sought to recover possession of an apartment unit from the defendant, Gladys Figueroa. Figueroa, who was formerly homeless, and at the time a recipient of Housing Assistance Program (HAP)

funding, was living in a building owned by the plaintiff when she became pregnant in 2010.

After she became pregnant, her landlord informed her that the terms of the HAP limited her apartment to occupancy by one person only, and had her sign an agreement that she would vacate the apartment after the birth of her child. When she failed to do so, the landlord moved to have her evicted, arguing that she had violated the terms of her contract with the government, her lease, and the agreement she signed with the landlord; and that the premises were not suitable for children. The Court found that nothing in the terms of the HAP compelled a tenant to vacate an apartment after having children (in fact, denial of services on that basis was explicitly prohibited in the HAP contract) and that any provisions in a lease barring children from occupying an apartment with their parent could not be enforced as contrary to the Fair Housing Act, which includes protections based on familial status. In addition, the contention that the unit was not suitable for children was found to be without merit. Finally, though the defendant had signed an agreement to vacate the premises upon the birth of her child, this agreement was found to be “void as against public policy”, due to the requirement that the defendant sign away civil rights to which she was entitled.<sup>34</sup>

*United States v. Westchester County, New York*

Recently, in a landmark fraud case, Westchester County, New York, was ordered to pay more than \$50 million to resolve allegations of misusing federal funds for public housing projects and falsely claiming their certification of furthering fair housing. The lawsuit, which was filed in 2007 by an anti-discrimination center, alleged that the County failed to reduce racial segregation of public housing projects in larger cities within the County and to provide affordable housing options in its suburbs. The County had accepted more than \$50 million from HUD between 2000 and 2006 with promises of addressing these problems. In a summary judgment in February 2009, a judge ruled that the County did not properly factor in race as an impediment to fair housing and that the County did not accurately represent its efforts of integration in its AI. In a settlement, Westchester County was forced to pay more than \$30 million to the federal government, with roughly \$20 million eligible to return to the County to aid in public housing projects. The County was also ordered set aside \$20 million to build public housing units in suburbs and areas with mostly White populations, and to promote legislation “currently before the Board of Legislators to ban ‘source-of-income’ discrimination in housing (§33(g))”.<sup>35</sup>

In complying with this last requirement, the County Executive’s actions were limited to sending five letters to various fair housing advocates, encouraging them to continue their advocacy, and one letter to the Board of Legislators expressing support for the legislation. This bill failed to pass during the 2009 legislative session, and a similar bill was taken up during the 2010 session. In the meantime, Westchester voters elected Rob Astorino to the position of County Executive. Astorino declined to promote the source-of-income legislation before the Board, and when a weakened version of the bill passed in early 2010, he vetoed it. Finding that Westchester had failed to affirmatively further fair housing in the manner agreed upon in the earlier settlement, HUD rejected the County’s AFFH certification and discontinued federal funding.

<sup>34</sup> *560 West 165<sup>th</sup> Street Associates, L.P. v. Gladys Figueroa*

<sup>35</sup> <http://www.hud.gov/content/releases/settlement-westchester.pdf>

As of April 2013, HUD's decision had been upheld through several rounds of appeals by the county<sup>36</sup>. The ramifications of this case are expected to affect housing policies of both states and entitlement communities across the nation; activities taken to affirmatively further fair housing will likely be held to higher levels of scrutiny to ensure that federal funds are being spent to promote fair housing and affirmatively further fair housing.

## SUMMARY

A review of laws, studies, cases, and related materials relevant to fair housing in Suffolk County demonstrates the complexity of the fair housing landscape. The fair housing laws in the State of New York offer protections beyond the scope of the federal Fair Housing Act by prohibiting discrimination based on sexual orientation, ancestry, military status, marital status, and age. Suffolk County law extends these protections further still to include discrimination based on gender and alienage or citizenship. Cases included in this discussion highlight the varied forms that housing discrimination can assume as well as the complexity of fair housing laws and how they are applied. Local cases and HUD complaints in Westchester County, the Town of Huntington, and Nassau County represent a move in recent years toward greater scrutiny on the part of HUD in evaluating AFFH certification. In addition, the administrative and legal actions taken against these three jurisdictions all turn to some degree on the distribution of affordable housing units.

## SECTION IV. REVIEW OF THE EXISTING FAIR HOUSING STRUCTURE

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The purpose of this section is to provide a profile of fair housing in Suffolk County based on a number of factors, including an enumeration of key agencies and organizations that contribute to affirmatively furthering fair housing, evaluation of the presence and scope of services of existing fair housing organizations, and a review of the complaint process.

### FAIR HOUSING AGENCIES

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#### FEDERAL AGENCIES

##### U.S. Department of Housing and Urban Development

The U.S. Department of Housing and Urban Development (HUD) oversees, administers, and enforces the federal Fair Housing Act. HUD's regional office in New York City oversees housing, community development, and fair housing enforcement in New York, New Jersey, and the Caribbean.<sup>37</sup> The Office of Fair Housing and Equal Opportunity (FHEO) within HUD's New York City office enforces the Fair Housing Act and other civil rights laws that prohibit discrimination in housing, mortgage lending, and other related transactions in New York. HUD also provides education and outreach, monitors agencies that receive HUD funding for compliance with civil rights laws, and works with state and local agencies under the Fair Housing Assistance Program (FHAP) and Fair Housing Initiative Program (FHIP), as described below.

##### *Fair Housing Assistance Program*

In the U.S., many agencies receive funding directly from HUD as FHAP recipients, who requires an ordinance or law that empowers a state or local governmental agency to enforce the state or local fair housing law. If HUD determines that the local entity can operate on a "substantially equivalent" level to federal agency enforcement activities, HUD contracts with that agency to process fair housing complaints and reimburses the jurisdiction on a per case basis.<sup>38</sup> FHAP grants are awarded to public, not private, entities and are given on a noncompetitive, annual basis to substantially equivalent state and local fair housing enforcement agencies.

To create a substantially equivalent agency, a state or local jurisdiction must first enact a fair housing law that is substantially equivalent to federal law. In addition, the local jurisdiction must have both the administrative capacity and fiscal ability to carry out the law. With these elements in place, the jurisdiction may apply to HUD in Washington, D.C., for substantially equivalent status. The jurisdiction's law would then be examined, and the federal government would make a determination as to whether it is substantially equivalent to federal fair housing law.

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<sup>37</sup> "Fair Housing Regional Offices."

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/aboutfheo/fhhubs#hdwest2](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/aboutfheo/fhhubs#hdwest2)

<sup>38</sup> "Title VIII: Fair Housing and Equal Opportunity."

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/progdesc/title8](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/progdesc/title8)

When substantially equivalent status has been granted, complaints of housing discrimination are dually filed with the state or local agency and HUD, with the state or local agency investigating most complaints. When federally subsidized housing is involved, however, HUD will typically investigate the complaint. Regardless, the state or local agency is reimbursed for complaint intake and investigation and is awarded funds for fair housing training and education.

In the State of New York, the New York State Division of Human Rights serves as a substantially equivalent agency under the FHAP.

### *Fair Housing Initiative Program*

A FHIP participant may be a government agency, a private nonprofit, or a for-profit organization. FHIPs are funded through a competitive grant program that provides funds to organizations to carry out projects and activities designed to enforce and enhance compliance with fair housing law. Eligible activities include education and outreach to the public and the housing industry on fair housing rights and responsibilities as well as enforcement activities in response to fair housing complaints, such as testing and litigation.<sup>39</sup>

The following FHIP initiatives, as defined on HUD's website, provide funds and competitive grants to eligible organizations:

*The Fair Housing Organizations Initiative (FHOI)* provides funding that builds the capacity and effectiveness of non-profit fair housing organizations by providing funds to handle fair housing enforcement and education initiatives more effectively. FHOI also strengthens the fair housing movement nationally by encouraging the creation and growth of organizations that focus on the rights and needs of underserved groups, particularly persons with disabilities.

[Eligible Grantees:] Applicants must be qualified fair housing enforcement organizations with at least two years of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the three years prior to the filing of their application.

[Eligible Activities:] Grants may be used flexibly to support the basic operation and activities of new and existing non-profit fair housing organizations.<sup>40</sup>

*The Private Enforcement Initiative (PEI)* offers a range of assistance to the nationwide network of fair housing groups. This initiative funds non-profit fair housing organizations to carry out testing and enforcement activities to prevent or eliminate discriminatory housing practices.

[Eligible Grantees:] Fair housing enforcement organizations that meet certain requirements related to the length and quality of previous fair housing enforcement experience may apply for FHIP-PEI funding.

<sup>39</sup> "Fair Housing Initiatives Program (FHIP)."

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/partners/FHIP](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/partners/FHIP)

<sup>40</sup> *Ibid.*

[Eligible Activities:] Funds such activities as conducting complaint-based and targeted testing and other investigations of housing discrimination, linking fair-housing organizations in regional enforcement activities, and establishing effective means of meeting legal expenses in support of fair housing litigation.<sup>41</sup>

*The Education and Outreach Initiative (EOI)* offers a comprehensive range of support for fair housing activities, providing funding to State and local government agencies and non-profit organizations for initiatives that explain to the general public and housing providers what equal opportunity in housing means and what housing providers need to do to comply with the Fair Housing Act.

[Eligible Grantees:] State or local governments, qualified fair housing enforcement organizations (those with at least 2 years of experience), other fair housing organizations, and other public or private nonprofit organizations representing groups of persons protected by the Fair Housing Act may apply for FHIP-EOI funding.

[Eligible Activities:] Funds a broad range of educational activities that can be national, regional, local, or community-based in scope. Activities may include developing education materials, analyzing local impediments to housing choice, providing housing counseling and classes, convening meetings that bring together the housing industry with fair housing groups, developing technical materials on accessibility, and mounting public information campaigns. National projects that demonstrate cooperation with the real estate industry or focus on resolving the community tensions that arise as people expand their housing choices may be eligible to receive preference points.<sup>42</sup>

*The Administrative Enforcement Initiative (AEI)* helps State and local governments who administer laws that include rights and remedies similar to those in the Fair Housing Act implement specialized projects that broaden an agency's range of enforcement and compliance activities. No funds are available currently for this program.<sup>43</sup>

Long Island Housing Services (LIHS) is a FHIP grantee providing fair housing services to residents of Long Island. In 2008, HUD granted the organization \$71,417; this grant was increased to \$92,422 in 2009<sup>44</sup>, \$275,000 in 2010<sup>45</sup>, and \$325,000 in 2011<sup>46</sup>. In 2013, the organization received two grants of \$325,000 each to further LIHS' activities under the Private Enforcement and Education and Outreach Initiatives.

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<sup>41</sup> "Fair Housing Initiatives Program (FHIP)."

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Long Island Housing Services, Inc. Financial Statements as of June 30, 2009 and 2008

<sup>45</sup> [http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2010/HUDNo.10-015](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2010/HUDNo.10-015)

<sup>46</sup> [http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2010/HUDNo.11-244](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2010/HUDNo.11-244)

## NEW HUD RULE – ASSESSMENT OF FAIR HOUSING

On July 8, 2015, HUD announced the release of a final rule to Affirmatively Further Fair Housing (AFFH). The rule will eventually replace the existing Analysis of Impediments to Fair Housing Choice (AI) with a new Assessment of Fair Housing (AFH). The key differences are that HUD will provide data and a template for conducting a fair housing analysis, grantees will incorporate fair housing planning into their consolidated plans, and HUD will review assessments up front as part of the planning process by providing stronger tools and technical assistance to more effectively incorporate fair housing into housing and community development planning. The rule will be implemented on a rolling basis. The due date for the first AFH is 270 days prior to the program year that begins on or after January 1, 2017 (or January 1, 2018, depending on grantee type) for which a jurisdiction submits a new consolidated plan. HUD will also provide grantees at least 9 months from the publication of a final AFH Template applicable to the grantee type before the AFH is due. Suffolk County will be incorporating the new rule requirements and resources as required.

### STATE AGENCIES

State of New York Division of Human Rights

Because New York Executive Law is more comprehensive than the federal Fair Housing Act in its protected class designations, New Yorkers may lodge complaints with the New York State Division of Human Rights (NYDHR) if they feel they have been subject to discrimination based on sexual orientation, ancestry, age, marital status, military status, or any of the bases protected under the federal Fair Housing Act. As noted, the NYDHR is a FHAP grantee, and was created to enforce New York Human Rights Law.

### LOCAL AGENCIES

Long Island Housing Services, LLC

Long Island Housing Services has been operating in Long Island in various forms since the late 1960s, and is a consistent FHIP grantee. Its activities include fair housing testing and education and outreach programs.

Suffolk County Human Rights Commission

The Suffolk County Human Rights Commission provides fair housing services, including complaint intake and processing, to residents of Suffolk County. The Commission has been active since its creation in 1965, and works to resolve discrimination complaints in the County through conciliation, investigation, facilitation of enforcement, education, and outreach.<sup>47</sup>

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<sup>47</sup> 2013 Annual Report of the Suffolk County Human Rights Commission, available at <http://www.suffolkcountyny.gov/Portals/0/Documents%20and%20Forms/Human%20Rights/2011%20Annual%20Report.pdf>

## COMPLAINT PROCESS REVIEW

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### COMPLAINT PROCESSES FOR FAIR HOUSING AGENCIES

#### U.S. Department of Housing and Urban Development

According to HUD's website, any person who feels that their housing rights have been violated may submit a complaint to HUD via phone, mail, or the internet. Complaints are submitted to:

Dept. of HUD - Office of Fair Housing and Equal Opportunity  
451 Seventh Street SW, Room 5204  
Washington, DC 20410-2000  
Telephone: (202) 708-1112  
Toll Free: (800) 669-9777  
<http://www.HUD.gov/offices/fheo/online-complaint.cfm>

For New York, the contact information for the regional HUD office in New York City is:

New York Regional Office  
Jacob K. Javits Federal Building  
26 Federal Plaza  
Suite 3541  
New York, NY 10278-0068  
<http://www.HUD.gov>

When a complaint is submitted, intake specialists review the information and contact the complainant in order to gather additional details and determine if the case qualifies as possible housing discrimination. Complaints specific to a state or locality that is part of HUD's FHAP organizations are referred to the appropriate parties, who have 30 days to address the complaint. If HUD is handling the case, the formal complaint is sent to the complainant for review and then sent to the alleged violator for review and response.

Next, the circumstances of the complaint are investigated through conducting interviews and examining relevant documents. During this time, the investigator attempts to rectify the situation through conciliation, if possible. The case is closed if conciliation of the two parties is achieved or if the investigator determines that there was no reasonable cause of discrimination. If reasonable cause is found, then either a federal judge or a HUD Administrative Law Judge hears the case and determines damages, if any.<sup>48</sup> A respondent may be ordered to:

- Compensate for actual damages, including humiliation, pain, and suffering;
- Provide injunctive or other equitable relief to make the housing available;
- Pay the federal government a civil penalty to vindicate the public interest, with a maximum penalty of \$10,000 for a first violation and \$50,000 for an additional violation within seven years; and/or
- Pay reasonable attorneys' fees and costs.<sup>49</sup>

#### New York Division of Human Rights

Because New York Executive Law is more comprehensive than the federal Fair Housing Act in its protected class designations, New Yorkers who have faced discrimination based on sexual orientation, age, marital status, and military status may file a complaint with the New York Division of Human Rights.

To file a complaint with the DHR, complainants are encouraged to contact their nearest regional office and send in a complaint form by mail or deliver it in person. The complaint form is available to be downloaded at <http://www.dhr.ny.gov/sites/default/files/pdf/complaint-form.pdf>. A fillable electronic form is also available from the following link: <http://www.dhr.ny.gov/sites/default/files/pdf/complaint-form-fill-in.pdf>. This version may be filled out online and printed for notarization and delivery to the nearest regional office. For Suffolk County residents, the nearest regional office is located in Hauppauge:

NYS Division of Human Rights  
New York State Office Building  
250 Veterans Memorial Highway, Suite 2B-49  
Hauppauge, NY 11788  
Telephone No. (631) 952-6434  
<http://www.dhr.ny.gov>

<sup>48</sup> "HUD's Title VIII Fair Housing Complaint Process." <http://www.hud.gov/offices/fheo/complaint-process.cfm>

<sup>49</sup> "Fair Housing—It's Your Right." <http://www.hud.gov/offices/fheo/FHLaws/yourrights.cfm>

Complainants are urged to furnish the names, titles, addresses, and phone numbers of all persons alleged to have discriminated against them, along with photocopies of any documentation that supports their discrimination claim and the name of witnesses to the alleged discrimination, if possible.

When the regional office receives a discrimination complaint, it takes the following actions:

- 1) Notifies the respondent (the person or entity alleged to have practiced discrimination),
- 2) Resolve issues of jurisdiction,
- 3) Forward, if requested, a copy of the complaint sent to HUD,
- 4) Investigate "through appropriate methods<sup>57</sup>"
- 5) Determine if there is probable cause to believe that an act of discrimination has occurred, upon which they will notify the complainant and respondent in writing.

Following such a determination, the DHR will either dismiss the complaint for lack of probable cause or jurisdiction, or set up a public hearing if they find probable cause. Complainants wishing to pursue their complaint in the case of dismissal can appeal to the State Supreme Court within 60 days. Once probable cause has been established, a complainant may be represented by a DHR attorney or may retain outside counsel. A Notice of Hearing will be issued following the establishment of good cause, and the hearing will be conducted before an Administrative Law Judge. After the hearing, a Recommended Order will be sent to all of the parties, who will then have a chance to comment. Finally, a Commissioner's Order will either dismiss the complaint or confirm that discrimination has occurred. In the latter case, the respondent may be required to take a number of actions to address the discriminatory behavior in question and make restitutions for it. Within a year of the Order, the DHR Compliance Investigation Unit will follow up to determine whether or not the respondent has complied with the Order.

### Long Island Housing Services

Residents who feel that they have been subject to housing discrimination are encouraged to contact LIHS by telephone or email. Contact information for LIHS is as follows:

Long Island Housing Services, Inc.  
640 Johnson Ave  
Suite 8  
Bohemia, NY 11716  
Phone: (Suffolk) 631-567-5111  
Fax: 631-567-0160

LIHS may also be contacted by email through an online form available at the following web address:

[http://www.lifairhousing.org/index.php?option=com\\_ckforms&view=ckforms&id=7&Itemid=121](http://www.lifairhousing.org/index.php?option=com_ckforms&view=ckforms&id=7&Itemid=121)

### Suffolk County Human Rights Commission

Residents who feel that they have been subject to housing discrimination are also encouraged to contact the Suffolk County Human Rights Commission.

Contact information for the Suffolk County Human Rights Commission is as follows is as follows:

Suffolk County Human Rights Commission  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
Third Floor  
Hauppauge, NY 11788  
Phone: (Suffolk) 631-853-5480  
Fax: 631-853-5478  
Email: [humanrights@suffolkcountyny.gov](mailto:humanrights@suffolkcountyny.gov)

#### SUMMARY

A review of the fair housing profile in Suffolk County included a discussion of the organizations operating to promote fair housing in the County, as well as the ways in which these organizations interact at federal, state, and local levels. Additionally, contact information was included for organizations that provide fair housing services to residents of Suffolk County, as well as a description of the complaint review process where available.

## SECTION V. FAIR HOUSING IN THE PRIVATE SECTOR

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As part of the AI process, the U.S. Department of Housing and Urban Development (HUD) suggests that the analysis focus on possible housing discrimination issues in both the private and public sectors. Examination of housing factors in Suffolk County's public sector is presented in Section VI, while this section focuses on research regarding the County's private sector, including the mortgage lending market, the real estate market, the rental market, and other private sector housing industries.

### LENDING ANALYSIS

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#### HOME MORTGAGE DISCLOSURE ACT

Since the 1970s, the federal government has enacted several laws aimed at promoting fair lending practices in the banking and financial services industries. A brief description of selected federal laws aimed at promoting fair lending follows:

- The 1968 *Fair Housing Act* prohibits discrimination in housing based on race, color, religion, and national origin. Later amendments added sex, familial status, and disability. Under the Fair Housing Act, it is illegal to discriminate against any of the protected classes in the following types of residential real estate transactions: making loans to buy, build, or repair a dwelling; selling, brokering, or appraising residential real estate; and selling or renting a dwelling.
- The *Equal Credit Opportunity Act* was passed in 1974 and prohibits discrimination in lending based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance, and the exercise of any right under the Consumer Credit Protection Act.
- The *Community Reinvestment Act* was enacted in 1977 and requires each federal financial supervisory agency to encourage financial institutions in order to help meet the credit needs of the entire community, including low- and moderate-income neighborhoods.
- Under the *Home Mortgage Disclosure Act (HMDA)*, enacted in 1975 and later amended, financial institutions are required to publicly disclose the race, sex, ethnicity, and household income of mortgage applicants by the Census tract in which the loan is proposed as well as outcome of the loan application.<sup>50</sup> The analysis presented herein is from the HMDA data system.

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<sup>50</sup> *Closing the Gap: A Guide to Equal Opportunity Lending*, The Federal Reserve Bank of Boston, April 1993. <http://www.bos.frb.org/commdev/closing-the-gap/closingt.pdf>

The HMDA requires both depository and non-depository lenders to collect and publicly disclose information about housing-related applications and loans.<sup>51</sup> Both types of lending institutions must meet the following set of reporting criteria:

1. The institution must be a bank, credit union, or savings association;
2. The total assets must exceed the coverage threshold;<sup>52</sup>
3. The institution must have had an office in a Metropolitan Statistical Area (MSA);
4. The institution must have originated at least one home purchase loan or refinancing of a home purchase loan secured by a first lien on a one- to four-family dwelling;
5. The institution must be federally insured or regulated; and
6. The mortgage loan must have been insured, guaranteed, or supplemented by a federal agency or intended for sale to the Federal National Mortgage Association (FNMA or Fannie Mae) or the Federal Home Loan Mortgage Corporation (FHLMC or Freddie Mac). These agencies purchase mortgages from lenders and repackage them as securities for investors, making more funds available for lenders to make new loans.

For other institutions, including non-depository institutions, additional reporting criteria are as follows:

1. The institution must be a for-profit organization;
2. The institution's home purchase loan originations must equal or exceed 10 percent of the institution's total loan originations, or more than \$25 million;
3. The institution must have had a home or branch office in an MSA or have received applications for, originated, or purchased five or more home purchase loans, home improvement loans, or refinancing mortgages on property located in an MSA in the preceding calendar year; and
4. The institution must have assets exceeding \$10 million or have originated 100 or more home purchases in the preceding calendar year.

HMDA data represent most mortgage lending activity and are thus the most comprehensive collection of information available regarding home purchase originations, home remodel loan originations, and refinancing. The Federal Financial Institutions Examination Council (FFIEC) makes HMDA data available on its website. While HMDA data are available for more years than are presented in the following pages, modifications were made in 2004 for documenting loan applicants' race and ethnicity, so data are most easily compared after that point.

### Home Purchase Loans

As presented on the following page in Table V.1, HMDA information was collected for tracts in Suffolk County from 2004 through 2011. During this time, 893,079 loan applications were reported by participating institutions for home purchases, home improvements, and refinancing mortgages. Of these loan applications, 283,727 were specifically for home purchases.

<sup>51</sup> Data are considered "raw" because they contain entry errors and incomplete loan applications. Starting in 2004, the HMDA data made significant changes in reporting, particularly regarding ethnicity data, loan interest rates, and the multi-family loan applications.

<sup>52</sup> Each December, the Federal Reserve announces the threshold for the following year. The asset threshold may change from year to year based on changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers.

**Table V.1**  
**Purpose of Loan by Year**  
 Suffolk County  
 2004–2011 HMDA Data

Purpose	2004	2005	2006	2007	2008	2009	2010	2011	Total
Home Purchase	52,286	59,335	58,078	38,894	21,928	19,531	17,402	16,273	283,727
Home Improvement	18,121	15,974	16,043	13,771	7,817	4,044	2,867	3,326	81,963
Refinancing	108,147	102,903	93,397	67,227	35,618	49,220	36,976	33,901	527,389
<b>Total</b>	<b>178,554</b>	<b>178,212</b>	<b>167,518</b>	<b>119,892</b>	<b>65,363</b>	<b>72,795</b>	<b>57,245</b>	<b>53,500</b>	<b>893,079</b>

Within this set of data, it is important to evaluate only the owner-occupied home purchase transactions. Home purchases and access to homeownership are the focus of this particular analysis because other categories typically apply to units already purchased and do not reflect the ability of an individual to choose an owner-occupied home. As shown in Table V.2 below, of the 283,727 home purchase loan applications submitted during the time period, 255,872 were specifically for owner-occupied homes. The number of owner-occupied home purchase loan applications was highest in 2005 with 53,268 applications.

**Table V.2**  
**Occupancy Status for Home Purchase Loan Applications**  
 Suffolk County  
 2004–2011 HMDA Data

Status	2004	2005	2006	2007	2008	2009	2010	2011	Total
Owner-Occupied	46,346	53,268	53,266	35,306	19,590	18,026	15,620	14,450	255,872
Not Owner-Occupied	5,502	5,786	4,719	3,568	2,289	1,493	1,753	1,743	26,853
Not Applicable	438	281	93	20	49	12	29	80	1,002
<b>Total</b>	<b>52,286</b>	<b>59,335</b>	<b>58,078</b>	<b>38,894</b>	<b>21,928</b>	<b>19,531</b>	<b>17,402</b>	<b>16,273</b>	<b>283,727</b>

## Denial Rates

After the owner-occupied home purchase loan application is submitted, the applicant receives one of the following status designations:

- “Originated,” which indicates that the loan was made by the lending institution;
- “Approved but not accepted,” which notes loans approved by the lender but not accepted by the applicant;
- “Application denied by financial institution,” which defines a situation wherein the loan application failed;
- “Application withdrawn by applicant,” which means that the applicant closed the application process;
- “File closed for incompleteness” which indicates the loan application process was closed by the institution due to incomplete information; or
- “Loan purchased by the institution,” which means that the previously originated loan was purchased on the secondary market.

These outcomes were used to determine denial rates presented in the following section. Factors in denial of home purchase loans, such as credit scores or down payment amounts, are not reported, so many of the reasons for loan denials cannot be accurately speculated.

Only loan originations and loan denials were inspected as an indicator of the underlying success or failure of home purchase loan applicants. Altogether, there were 123,460 loan originations and 34,748 applications denied for an average seven-year denial rate of 22

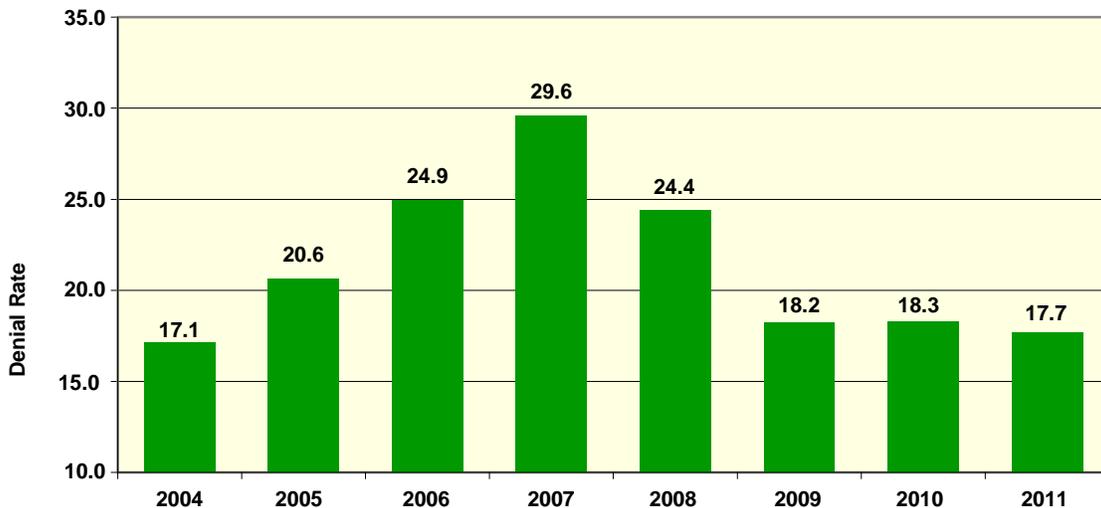
percent, as shown below in Table V.3. Owner-occupied home purchase denial rates were highest in 2007 and declined after that year, falling to 17.7 percent in 2011. Rough comparison can be made to national figures; in the U.S. in 2010 the denial rate for all home purchase loans, including those not for owner occupancy, was 21.1 percent.

**Table V.3**  
**Loan Applications by Action Taken**  
 Suffolk County  
 2004–2011 HMDA Data

Action	2004	2005	2006	2007	2008	2009	2010	2011	Total
Loan Originated	23,747	26,340	24,636	15,742	8,976	8,425	8,199	7,395	123,460
Application Approved but not Accepted	3,595	3,553	3,608	2,964	1,594	873	653	608	17,448
Application Denied	4,913	6,853	8,182	6,610	2,892	1,878	1,832	1,588	34,748
Application Withdrawn by Applicant	3,566	5,077	4,238	2,493	1,650	1,428	1,174	982	20,608
File Closed for Incompleteness	1,204	1,668	1,190	922	507	343	255	221	6,310
Loan Purchased by the Institution	9,321	9,776	11,410	6,572	3,971	5,061	3,507	3,656	53,274
Preapproval Request Denied	0	1	0	3	0	18	0	0	22
Preapproval Approved but not Accepted	0	0	2	0	0	0	0	0	2
<b>Total</b>	<b>46,346</b>	<b>53,268</b>	<b>53,266</b>	<b>35,306</b>	<b>19,590</b>	<b>18,026</b>	<b>15,620</b>	<b>14,450</b>	<b>255,872</b>
<b>Denial Rate</b>	<b>17.1%</b>	<b>20.6%</b>	<b>24.9%</b>	<b>29.6%</b>	<b>24.4%</b>	<b>18.2%</b>	<b>18.3%</b>	<b>17.7%</b>	<b>22.0%</b>

Denial rates varied widely by year, as shown in Diagram V.1 below. Overall, the share of loans denied in the County fell from a high of 29.6 percent in 2007 to 17.7 percent in 2011.

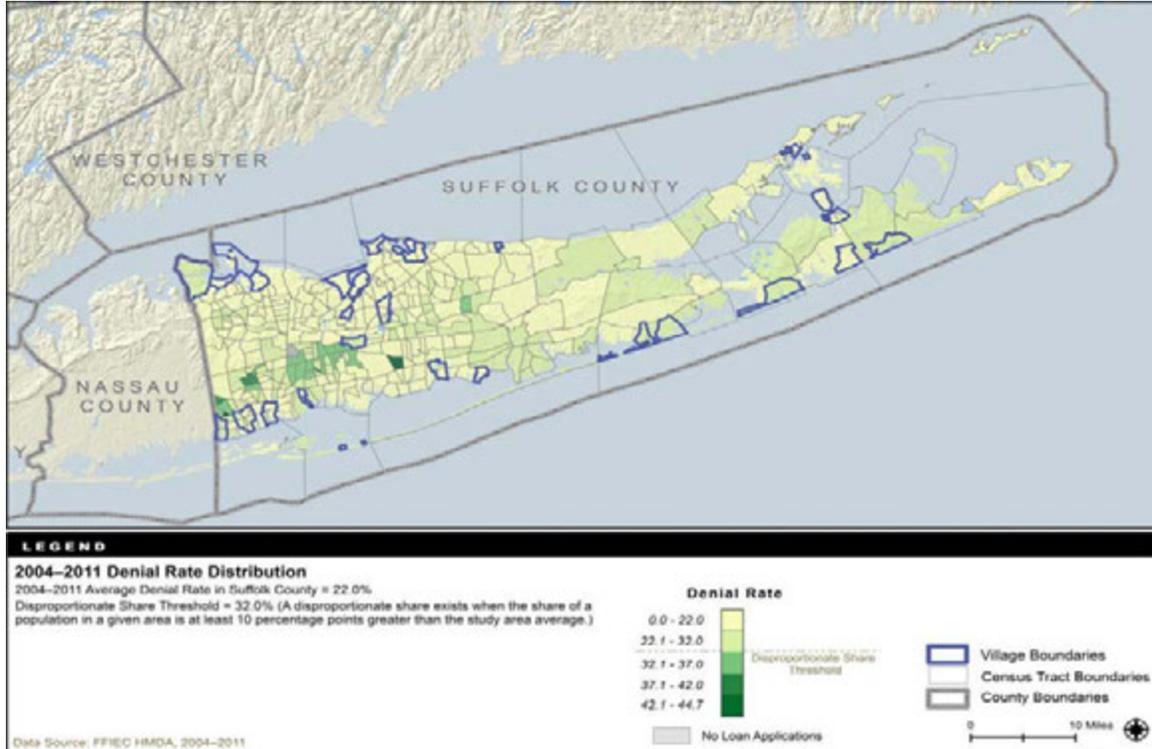
**Diagram V.1**  
**Denial Rates by Year**  
 Suffolk County  
 2004–2011 HMDA Data



Loan denials were observed to impact different areas of the County to varying degrees in the period between 2004 and 2011. As shown in Map V.1 on the following page, several Census tracts had denial rates above the County average of 22.0 percent and above the disproportionate share threshold, 10 percentage points higher. Tracts with disproportionately high denial rates were concentrated in the western portion of the county, and particularly in the southern part of the county, in areas with high concentrations of racial and ethnic minorities. The highest concentration of loan denials was seen in one densely populated Census tract in North Amityville, which held a disproportionately large share of Black and Hispanic residents in 2010. However, a similar concentration of loan denials was observed in a

Census tract in Bohemia that was not observed to hold a disproportionate share of racial or ethnic minorities in either the 2000 or 2010 Censuses.

**Map V.1**  
**Denial Rates by Census Tract**  
 Suffolk County  
 2004–2011 HMDA Data



HMDA data were also used to determine denial rates by gender. Table V.4 on the following page highlights the differential denial rates experienced by male and female loan applicants between 2004 and 2011. The denial rate for female applicants was higher than the rate for male applicants in every year included in the HMDA data. The average denial rate for female applicants from 2004 to 2011 was 24.2 percent, compared to a denial rate of 20.5 percent for male applicants. The difference between the denial rates for male and female applicants was greater than 3 percent on average during this time. However, this discrepancy has lessened considerably since 2007, when there was a 4.5 percentage-point gap between denial rates for males and females, and fell steadily every year thereafter, to 1.9 percentage points in 2011.

Denial rates were also calculated by race and ethnicity of loan applicants, and are presented in Table V.5 on the following page. As shown, the average denial rate for all applicants during the period from 2004 to 2011 was 22.0 percent, though denial rates varied markedly among members of different racial and ethnic groups. The denial rate for Black applicants was considerably higher than the average denial rate in every year, and in some years was nearly twice as high as the rate for White applicants. Asian applicants also experienced higher than average denial rates in every year. In terms of ethnicity, Hispanic applicants were denied loans

**Table V.4**  
**Denial Rates by Gender of Applicant**  
 Suffolk County  
 2004–2011 HMDA Data

Year	Male	Female	Not Available	Not Applicable	Average
2004	15.7%	19.1%	26.3%	7.1%	17.1%
2005	19.3%	22.7%	26.7%	.0%	20.6%
2006	23.4%	27.3%	28.9%	50.0%	24.9%
2007	27.9%	32.4%	32.4%	25.0%	29.6%
2008	23.1%	26.5%	29.2%	.0%	24.4%
2009	17.0%	19.7%	26.5%	.0%	18.2%
2010	17.2%	19.7%	23.3%	100.0%	18.3%
2011	16.8%	18.7%	23.4%	16.7%	17.7%
<b>Average</b>	<b>20.5%</b>	<b>24.2%</b>	<b>27.7%</b>	<b>15.2%</b>	<b>22.0%</b>

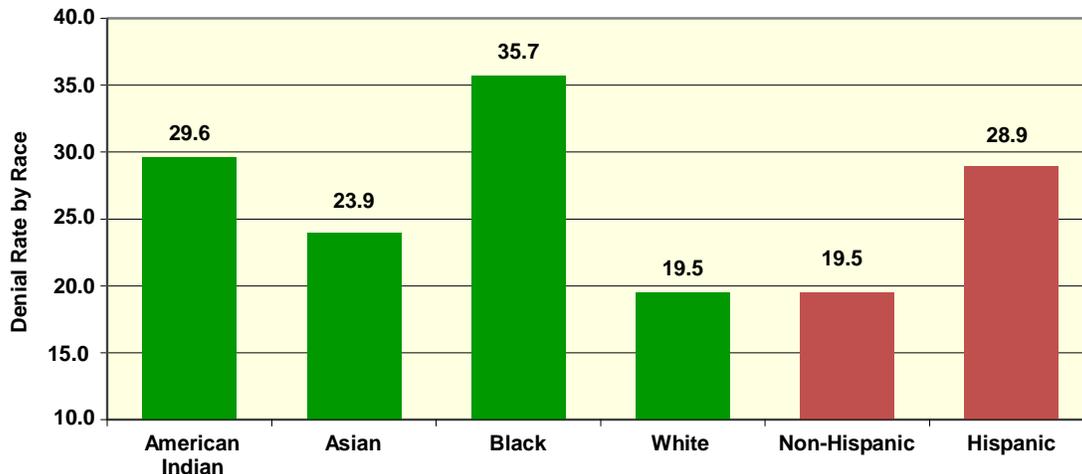
at a higher rate than non- Hispanic applicants in every year during this period. By contrast, the denial rate for White applicants was uniformly below average in every year. Apart from White applicants, only American Indian applicants experienced a below average denial rate, and then only in 2004.

**Table V.5**  
**Denial Rates by Race/Ethnicity of Applicant**  
 Suffolk County  
 2004–2011 HMDA Data

Race/Ethnicity	2004	2005	2006	2007	2008	2009	2010	2011	Average
American Indian	16.8%	38.1%	27.1%	39.5%	33.3%	31.0%	41.4%	21.4%	29.6%
Asian	19.0%	21.8%	27.9%	31.1%	27.0%	20.1%	21.5%	22.1%	23.9%
Black	24.9%	32.4%	37.4%	50.5%	42.7%	28.0%	27.1%	26.3%	35.7%
White	15.0%	18.2%	22.1%	25.7%	22.4%	16.9%	17.0%	16.6%	19.5%
Not Available	25.3%	27.9%	31.0%	37.6%	28.9%	23.8%	21.6%	20.4%	28.6%
Not Applicable	17.3%	28.6%	14.3%	.0%	.0%	0.0%	100.0%	14.3%	17.1%
<b>Average</b>	<b>17.1%</b>	<b>20.6%</b>	<b>24.9%</b>	<b>29.6%</b>	<b>24.4%</b>	<b>18.2%</b>	<b>18.3%</b>	<b>17.7%</b>	<b>22.0%</b>
Non-Hispanic Ethnicity	15.4%	18.3%	21.7%	25.8%	22.3%	16.5%	16.1%	15.8%	19.5%
Hispanic	19.8%	24.3%	30.7%	41.5%	36.5%	28.4%	30.2%	28.4%	28.9%

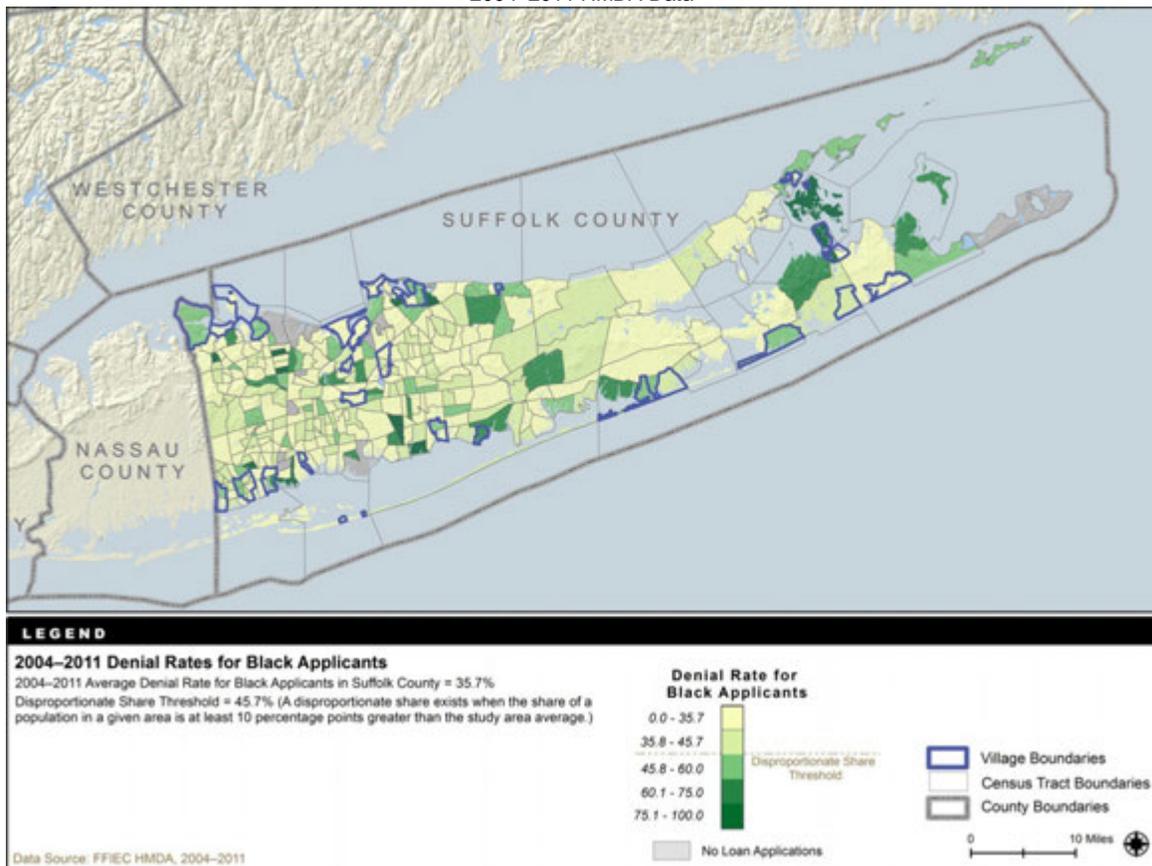
Diagram V.2 below shows overall denial rates by race and ethnicity from 2004 through 2011.

**Diagram V.2**  
**Denial Rates by Race/Ethnicity of Applicant**  
 Suffolk County  
 2004–2011 HMDA Data



Denial rates by race and ethnicity were plotted on several maps to examine the geographic concentration of loan denials. Data regarding the concentration of denial rates for Black applicants in Suffolk County are presented in Map V.2 below. In many tracts, denial rates for Black applicants were above the disproportionate share threshold of 45.7 percent. Tracts with high concentrations of loan denials for Black applicants were scattered throughout the County, primarily outside of areas with disproportionate concentrations of Black residents in 2000 or 2010. Map V.3 on the following page shows home loan application denial rates for Hispanic applicants, who experienced an average denial rate of 28.9 percent. Denial rates above the disproportionate threshold of 38.9 percent were observed in Census tracts throughout the County, with over 50 percent of loan applications from Hispanic persons denied in Census tracts in and around Mattituck, Laurel, and Dix Hills. As with Black applicants, the highest rates of loan denials to Hispanic applicants were generally seen outside of areas in which Hispanic residents were disproportionately concentrated in 2000 and 2010.

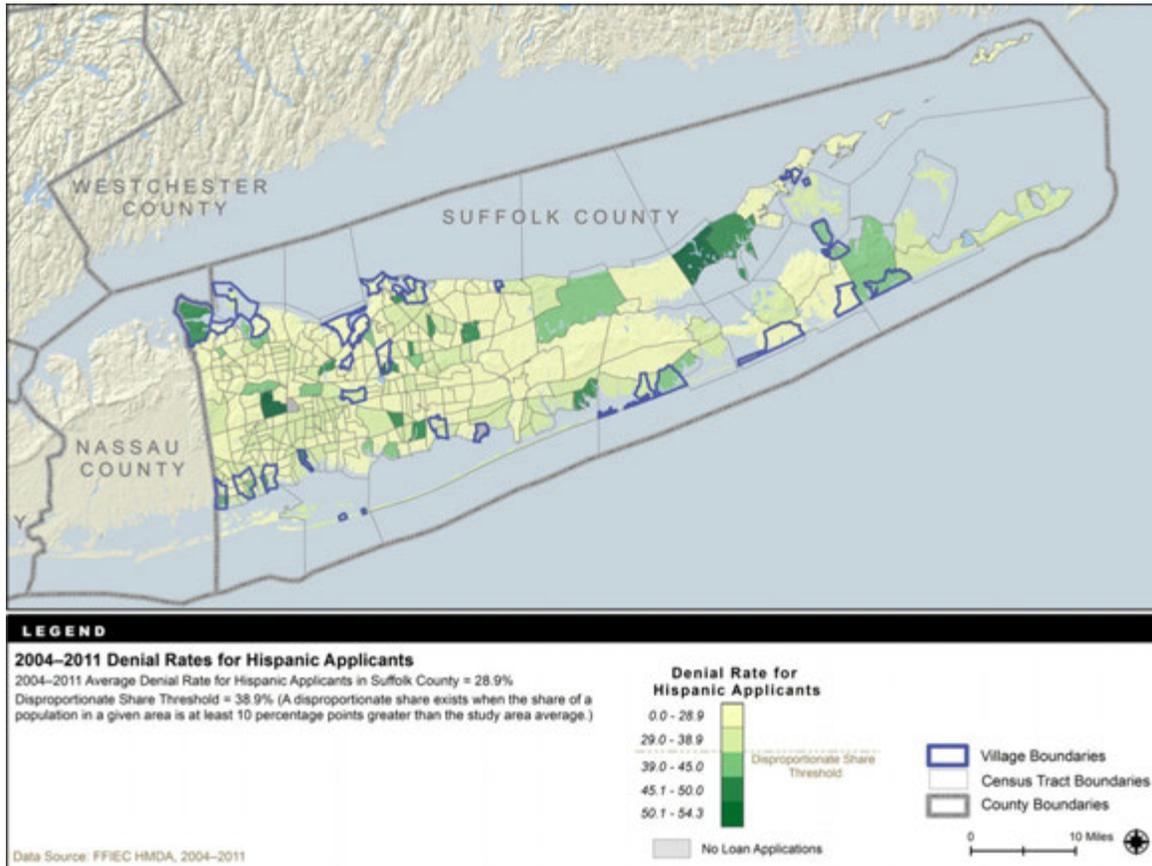
**Map V.2**  
**Denial Rates for Black Applicants by Census Tract**  
 Suffolk County  
 2004–2011 HMDA Data



Part of the HMDA requirements include information regarding the reason for a loan denial, although financial institutions are not uniformly required to fill out this field. Nevertheless, the most frequently cited reasons for denials were incomplete credit application, debt-to-income ratio, and credit history, as shown in Table V.6 on the following page. The number of loans denied due to incomplete applications has decreased markedly in recent years along with the

### Map V.3 Denial Rates for Hispanic Applicants by Census Tract

Suffolk County  
2004–2011 HMDA Data



overall number of loans denied. Since 2008, the decision to deny loan applications has most commonly been connected to unfavorable debt-to-income ratios.

**Table V.6  
Loan Applications by Reason for Denial**

Suffolk County  
2004–2011 HMDA Data

Denial Reason	2004	2005	2006	2007	2008	2009	2010	2011	Total
Debt-to-Income Ratio	581	717	619	836	599	585	530	489	4,956
Employment History	45	91	113	98	27	45	32	40	491
Credit History	667	1,021	991	815	249	164	215	186	4,308
Collateral	371	462	471	516	358	325	287	210	3,000
Insufficient Cash	116	150	162	154	106	61	74	65	888
Unverifiable Information	474	903	785	765	274	96	87	71	3,455
Credit Application Incomplete	685	988	1,071	1,379	506	210	203	189	5,231
Mortgage Insurance Denied	6	6	4	8	54	12	6	4	100
Other	1,146	1,347	1,444	1,148	436	186	175	172	6,054
Missing	822	1,168	2,522	891	283	194	223	162	6,265
<b>Total</b>	<b>4,913</b>	<b>6,853</b>	<b>8,182</b>	<b>6,610</b>	<b>2,892</b>	<b>1,878</b>	<b>1,832</b>	<b>1,588</b>	<b>34,748</b>

Table V.7 on the following page shows denial rates by income in Suffolk County. As expected, households with lower incomes tended to be denied for loans more often. Households with incomes from \$15,001 to \$30,000 were denied an average of 57.2 percent of the time, while those with incomes above \$75,000 were denied 20.8 percent of the time on average.

**Table V.7**  
**Denial Rates by Income of Applicant**  
 Suffolk County  
 2004–2011 HMDA Data

Income	2004	2005	2006	2007	2008	2009	2010	2011	Total
\$15,000 or Below	60.0%	81.1%	65.2%	78.6%	88.9%	90.0%	75.0%	92.9%	75.3%
\$15,001–\$30,000	40.8%	50.0%	70.2%	62.2%	59.2%	55.9%	72.7%	69.1%	57.2%
\$30,001–\$45,000	28.1%	33.9%	33.2%	38.6%	40.0%	37.5%	38.2%	35.8%	34.5%
\$45,001–\$60,000	19.7%	25.8%	28.3%	27.6%	28.7%	24.7%	25.1%	25.0%	24.9%
\$60,001–\$75,000	17.5%	21.8%	25.3%	26.2%	24.6%	18.6%	19.2%	20.0%	21.3%
Above \$75,000	15.6%	19.5%	24.5%	28.9%	22.4%	14.6%	14.1%	13.0%	20.8%
Data Missing	18.8%	19.6%	23.1%	42.3%	42.9%	39.4%	39.3%	31.9%	25.4%
<b>Total</b>	<b>17.1%</b>	<b>20.6%</b>	<b>24.9%</b>	<b>29.6%</b>	<b>24.4%</b>	<b>18.2%</b>	<b>18.3%</b>	<b>17.7%</b>	<b>22.0%</b>

Table V.8 below presents denial rates segmented by race or ethnicity and income. Minority racial and ethnic applicants often faced much higher loan denial rates than White applicants, even after correcting for income. For example, Black applicants experienced higher loan denial rates than White applicants across all income levels; at incomes of \$30,001 to \$45,000, Black applicants experienced a denial rate of 70.3 percent compared to the White denial rate of 53.2 percent for that group. At incomes over \$75,000, Black applicants had a denial rate of 34.4 percent compared to 18.5 percent for White applicants. Though the rate of loan denials tended to fall with increasing income levels, this trend was not uniform: Black applicants with incomes between \$45,000 and \$60,000 per year were denied loans at a slightly higher rate than Black applicants who made between \$30,000 and \$45,000 per year. Similarly, Asian applicants who earned more than \$75,000 experienced a higher denial rate than those who earned \$60,000 to \$75,000 per year. Hispanic applicants also experienced an uptick in loan denials in the highest income bracket.

**Table V.8**  
**Denial Rates of Loans by Race/Ethnicity and Income of Applicant**  
 Suffolk County  
 2004–2011 HMDA Data

Race	<= \$15K	\$15K–\$30K	\$30K–\$45K	\$45K–\$60K	\$60K–\$75K	Above \$75K	Data Missing	Average
American Indian	50.0%	80.0%	55.2%	43.9%	30.4%	26.2%	20.0%	29.6%
Asian	75.0%	66.7%	37.4%	27.3%	21.2%	22.9%	31.0%	23.9%
Black	92.9%	70.3%	41.9%	42.9%	35.5%	34.4%	34.8%	35.7%
White	71.8%	53.2%	31.9%	21.5%	18.6%	18.5%	22.8%	19.5%
Not Available	81.5%	66.9%	44.6%	33.8%	29.3%	26.5%	32.5%	28.6%
Not Applicable	%	62.5%	11.1%	15.8%	15.2%	18.2%	14.7%	17.1%
<b>Average</b>	<b>75.3%</b>	<b>57.2%</b>	<b>34.5%</b>	<b>24.9%</b>	<b>21.3%</b>	<b>20.8%</b>	<b>25.4%</b>	<b>22.0%</b>
Non-Hispanic	79.1%	53.3%	31.2%	22.3%	19.4%	18.2%	24.6%	19.5%
Hispanic	72.2%	68.5%	49.2%	32.2%	26.1%	28.6%	23.3%	28.9%

### Predatory Lending

In addition to modifications implemented in 2004 to correctly document loan applicants' race and ethnicity, the HMDA reporting requirements were changed in response to the Predatory Lending Consumer Protection Act of 2002 as well as the Home Owner Equity Protection Act (HOEPA). Consequently, loan originations are now flagged in the data system for three additional attributes:

1. If they are HOEPA loans;<sup>53</sup>
2. Lien status, such as whether secured by a first lien, a subordinate lien, not secured by a lien, or not applicable (purchased loans); and
3. Presence of high annual percentage rate (APR) loans (HALs), defined as more than three percentage points higher than comparable treasury rates for home purchase loans, or five percentage points higher for refinance loans.<sup>54</sup>

For the 2013 AI analysis, only originated owner-occupied home purchase loans qualifying as HALs were examined for 2004 through 2011. These high APR loans are considered predatory in nature. Table V.9 below shows that between 2004 and 2011, there were 24,127 HALs for owner-occupied homes originated in Suffolk County, representing 19.5 percent of the total. The number of HALs was highest in 2005 and decreased afterward; by 2010, the rate of HALs had fallen to 0.1 percent.

**Table V.9**  
**Originated Owner-Occupied Loans by HAL Status**

Suffolk County  
2004–2011 HMDA Data

Loan Type	2004	2005	2006	2007	2008	2009	2010	2011	Total
Other	20,639	17,874	15,621	13,082	8,371	8,191	8,187	7,368	99,333
HAL	3,108	8,466	9,015	2,660	605	234	12	27	24,127
<b>Total</b>	<b>23,747</b>	<b>26,340</b>	<b>24,636</b>	<b>15,742</b>	<b>8,976</b>	<b>8,425</b>	<b>8,199</b>	<b>7,395</b>	<b>123,460</b>
Percent HAL	13.1%	32.1%	36.6%	16.9%	6.7%	2.8%	.1%	.4%	19.5%

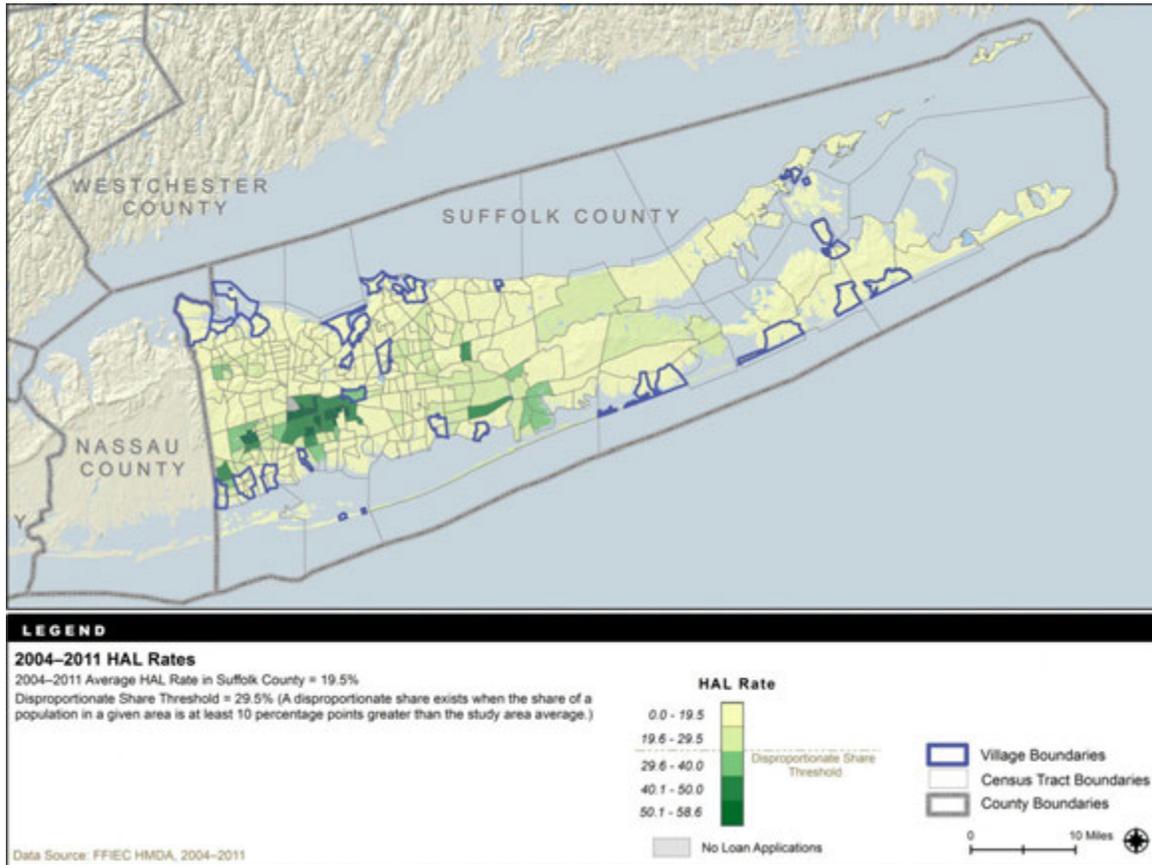
The geographic distribution of HALs in Suffolk County is presented on the following page in Map V.4. Several tracts in the County showed average proportions of borrowers who received HALs in excess of the disproportionate share threshold of 29.5 percent. These tracts tended to be concentrated in western and central Census tracts previously noted to hold disproportionately high concentration of racial and ethnic minority residents, including areas around Wyandach, Brentwood, and North Bay Shore.

Though the average rate of HALs was 19.5 percent, it varied widely over the period and was most recently very low. But while HAL figures improved significantly after 2006, they are a measure of Suffolk County's underlying foreclosure risk for recent homeowners, and it is important to examine characteristics of applicants who received these HALs in the seven-year time period and who may still be paying the high rates. As shown in Table V.10 on the following page the group with the greatest number of HALs between 2004 and 2011 was White applicants, with 17,036 such loans. Black applicants took out 3,162 home purchase HALs, and Hispanic applicants received 8,839 HALs over the eight-year period.

<sup>53</sup> Loans are subject to the HOEPA if they impose rates or fees above a certain threshold set by the Federal Reserve Board. "HMDA Glossary." <http://www.ffiec.gov/hmda/glossary.htm#H>

<sup>54</sup> 12 CFR Part 203, [http://www.ffiec.gov/hmda/pdf/regc\\_020702.pdf](http://www.ffiec.gov/hmda/pdf/regc_020702.pdf)

**Map V.4**  
**Rate of HALs by Census Tract**  
 Suffolk County  
 2004–2011 HMDA Data



While the highest numbers of HALs were often seen for White applicants, further evaluation of the HMDA data revealed that HALs were issued to Black applicants in relatively high proportions, as shown in Table V.11 on the following page. In total, Black borrowers were issued HALs at a rate of 43.8 percent, over twice the rate at which these loans were extended to White borrowers over the eight-year period. The rate of HALs to White borrowers was consistently at or below average over the eight-year period. In terms of ethnicity, Hispanic borrowers were issued HALs at nearly three times the rate at which these loans were issued to non-Hispanic borrowers over the eight-year period.

**Table V.10**  
**HALs Originated by Race of Borrower**  
 Suffolk County  
 2004–2011 HMDA Data

Race	2004	2005	2006	2007	2008	2009	2010	2011	Total
American Indian	36	37	42	14	0	5	0	0	134
Asian	126	309	259	90	12	9	1	1	807
Black	398	1,050	1,251	386	56	20	0	1	3,162
White	2,074	6,225	6,173	1,878	472	181	9	24	17,036
Not Available	423	845	1,289	292	65	19	2	1	2,936
Not Applicable	51	0	1	0	0	0	0	0	52
<b>Total</b>	<b>3,108</b>	<b>8,466</b>	<b>9,015</b>	<b>2,660</b>	<b>605</b>	<b>234</b>	<b>12</b>	<b>27</b>	<b>24,127</b>
Non-Hispanic	1,689	4,447	4,500	1,506	405	175	10	24	12,756
Hispanic	940	3,275	3,576	874	136	36	0	2	8,839

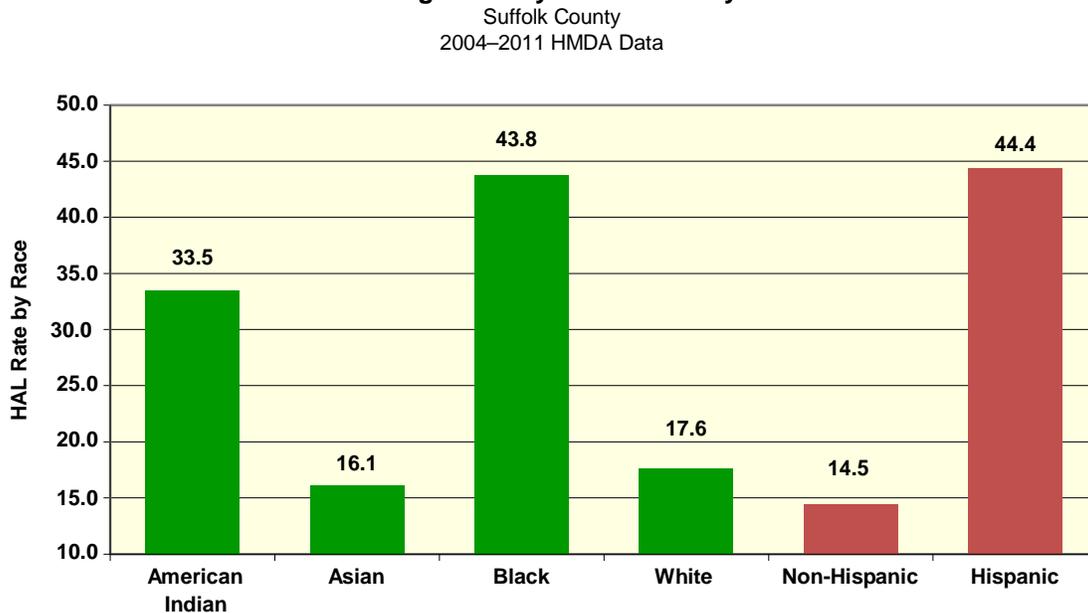
**Table V.11**  
**Rate of HALs Originated by Race/Ethnicity of Borrower**

Suffolk County  
 2004–2011 HMDA Data

Race	2004	2005	2006	2007	2008	2009	2010	2011	Average
American Indian	29.0%	47.4%	48.8%	30.4%	.0%	25.0%	.0%	0.0%	33.5%
Asian	12.1%	27.4%	30.2%	14.0%	3.4%	2.5%	.3%	.3%	16.1%
Black	31.8%	59.9%	64.0%	40.3%	16.9%	6.5%	.0%	.3%	43.8%
White	11.4%	30.1%	32.8%	15.1%	6.5%	2.6%	.1%	.4%	17.6%
Not Available	15.0%	31.5%	44.3%	17.3%	6.7%	2.4%	.2%	.1%	21.8%
Not Applicable	13.3%	.0%	16.7%	.0%	.0%	.0%	%	.0%	13.0%
<b>Average</b>	<b>13.1%</b>	<b>32.1%</b>	<b>36.6%</b>	<b>16.9%</b>	<b>6.7%</b>	<b>2.8%</b>	<b>.1%</b>	<b>.4%</b>	<b>19.5%</b>
Non-Hispanic	11.3%	24.4%	27.5%	12.8%	5.6%	2.5%	.2%	.4%	14.5%
Hispanic	26.8%	59.0%	61.8%	38.5%	17.4%	5.6%	.0%	.3%	44.4%

Diagram V.3 below shows the rates of HALs issued to applicants by race and ethnicity and visually demonstrates that American Indian, Black, and Hispanic applicants were issued HALs more frequently than White and Asian applicants.

**Diagram V.3**  
**Rate of HALs Originated by Race/Ethnicity of Borrower**

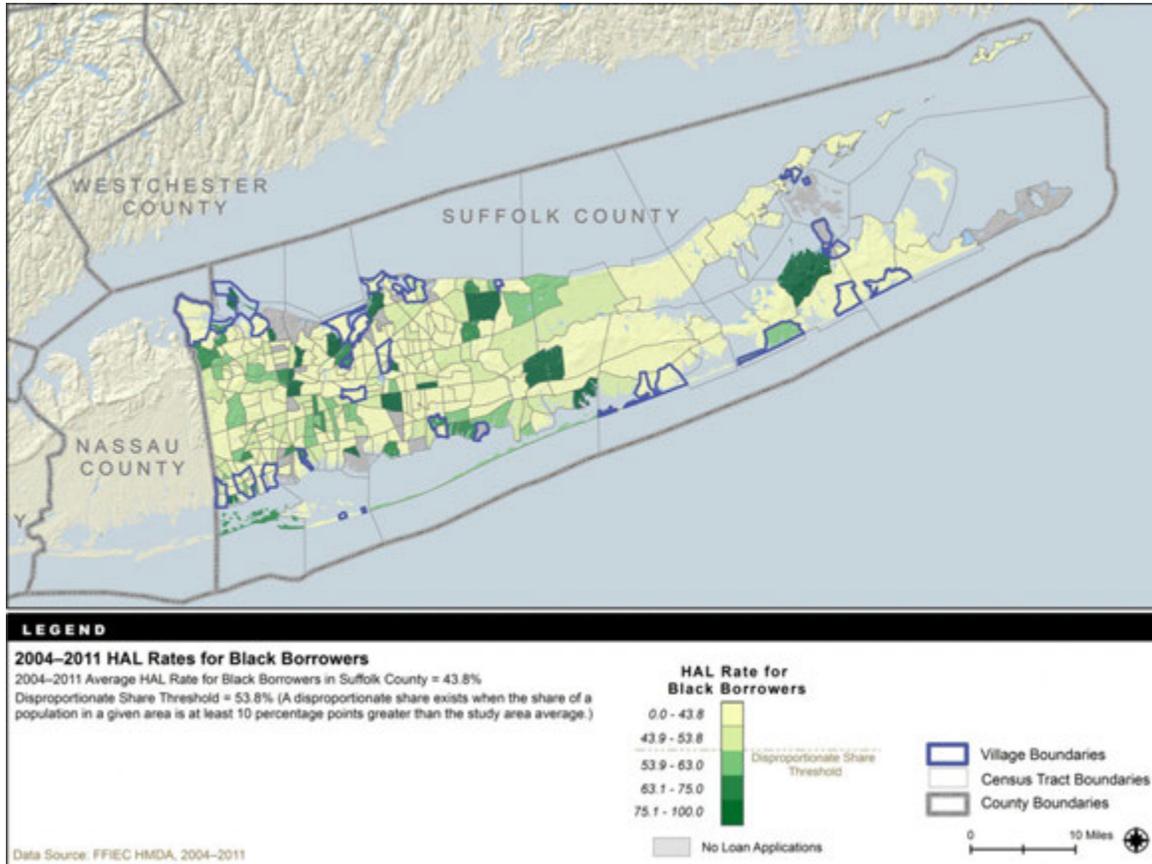


The geographic concentration of HALs for Black applicants is shown on the following page in Map V.5. Tracts with disproportionately high rates of HALs to Black applicants were scattered across the County. As was the case with loan denials to Black applicants, especially high concentrations of HALs were seen in areas outside of those with traditionally high concentrations of Black residents.

Map V.6 on page 76 presents the distribution of HALs for Hispanic applicants in the County. The disproportionate rate for Hispanic applicants was 54.4 percent. In some cases, notably in one Census tract in Brentwood, Hispanic borrowers were issued HALs at a disproportionately high rate in areas with a disproportionately large Hispanic population. However, in most cases,

these loans were issued to Hispanic borrowers at disproportionately high rates outside of the areas that were previously observed to hold a disproportionate share of Hispanic residents.

**Map V.5**  
**HALs to Black Applicants by Census Tract**  
 Suffolk County  
 2004–2011 HMDA Data

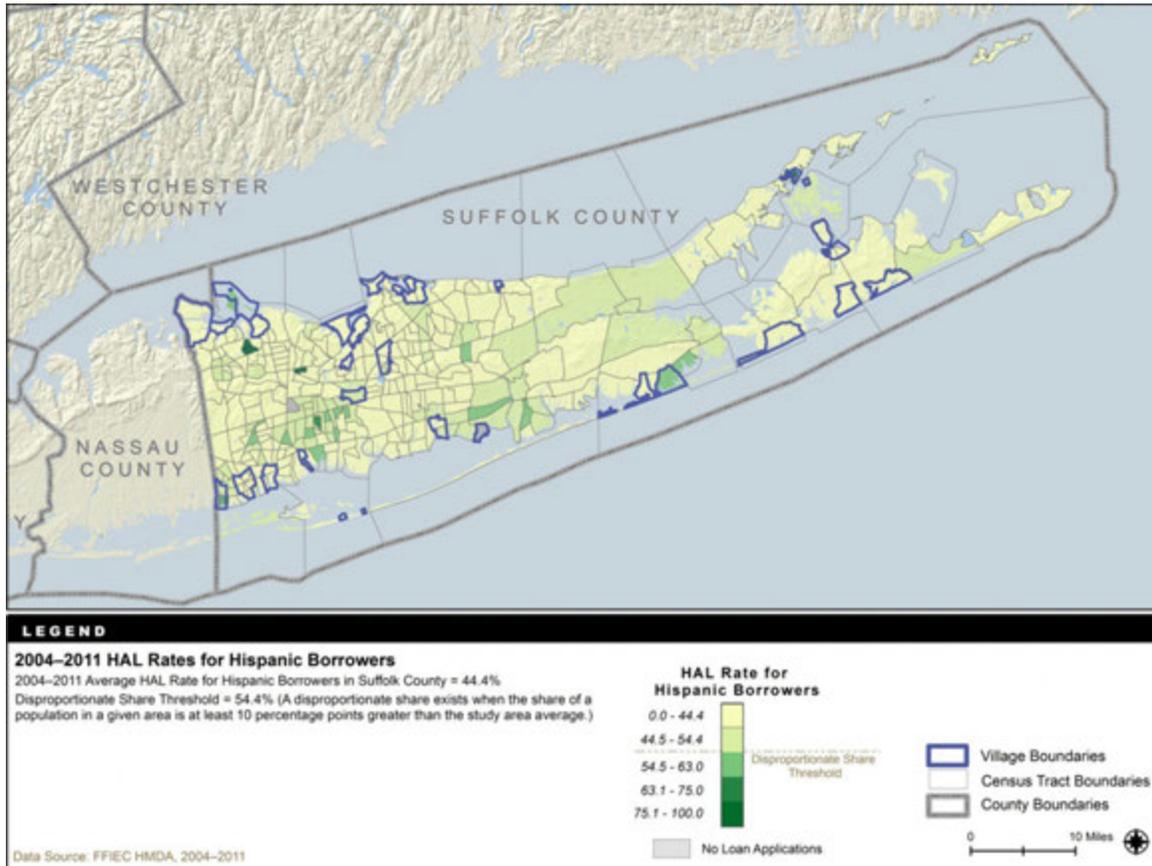


### COMMUNITY REINVESTMENT ACT DATA

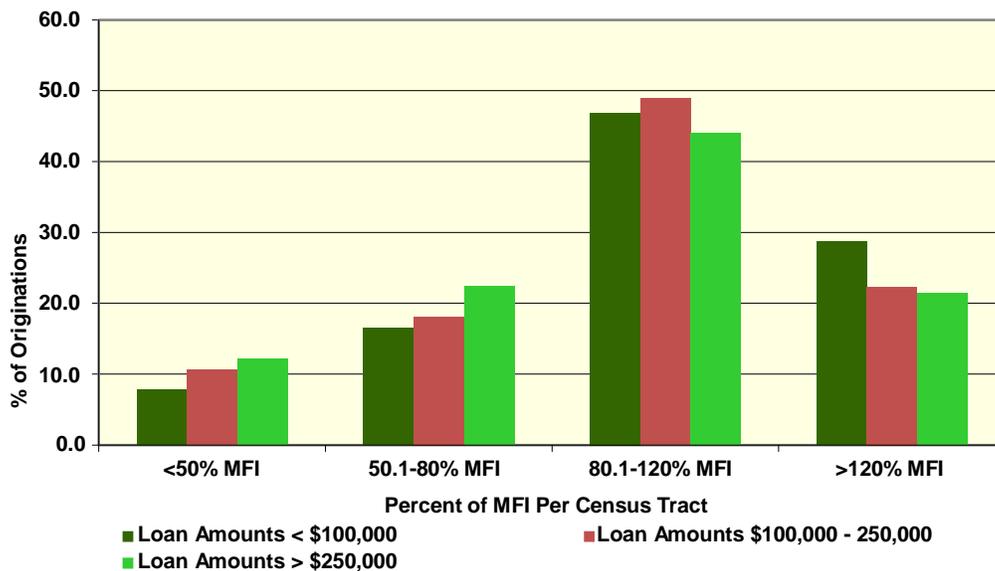
Economic vitality of neighborhoods can partly be measured through Community Reinvestment Act (CRA) data. According to these data, 690,222 small business loans were extended to businesses in Suffolk County during the period from 2000 to 2011. Of these, 224,175 loans went to businesses with annual revenues of less than \$1 million, and a large majority of all loans, 664,184, were valued under \$100,000. Tables with complete CRA data are presented in Appendix A.

Small business loans were also analyzed to determine the location of funding in relation to median family income (MFI) levels. Diagram V.4 on the following page presents the distribution of small business loans by value and by percent of MFI by Census tract. As shown, comparatively few loans went to areas with 80 percent or less of the MFI, despite the fact that these loans were designed to aid low- and moderate-income areas. Additionally, the highest value loans, valued at more than \$250,000, were mostly distributed in tracts with 80.1 percent of MFI and above.

**Map V.6**  
**HALs to Hispanic Applicants by Census Tract**  
 Suffolk County  
 2004–2011 HMDA Data



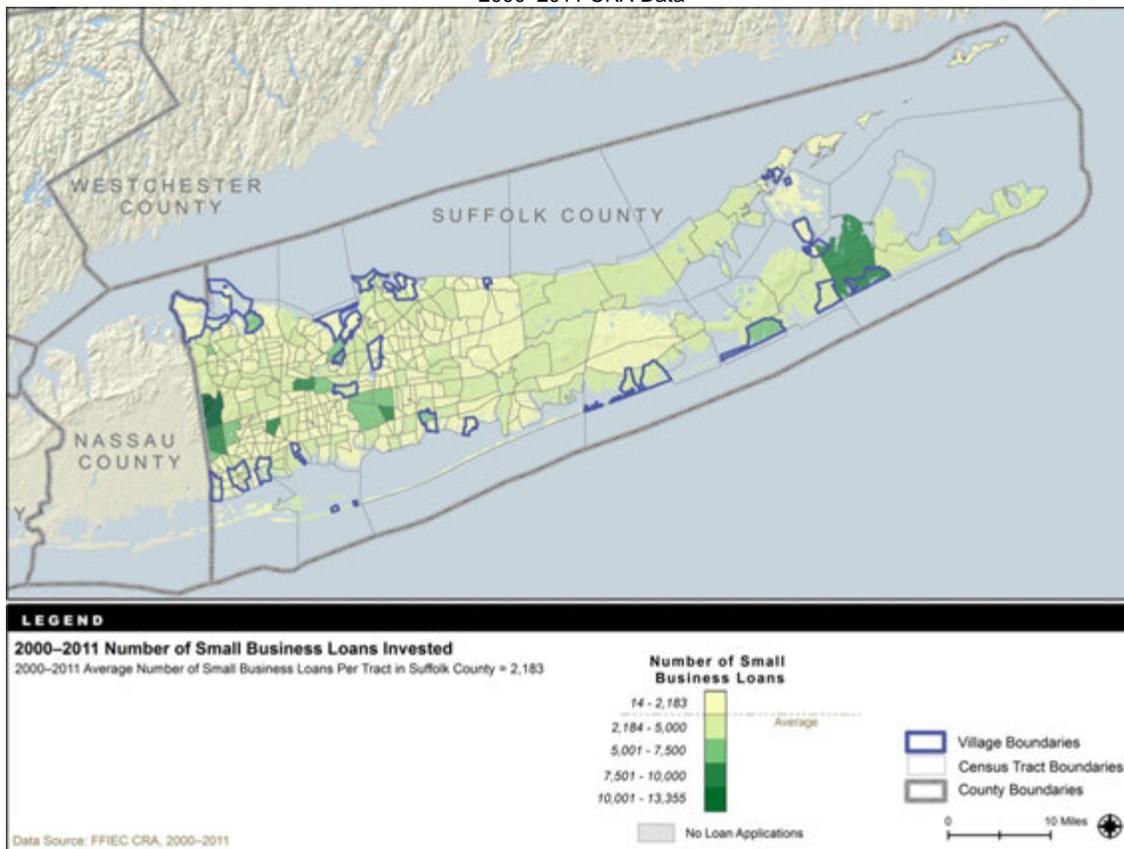
**Diagram V.4**  
**Percent of Small Business Loans Originated by Census Tract MFI**  
 Suffolk County  
 2000 - 2011 Community Reinvestment Act Data



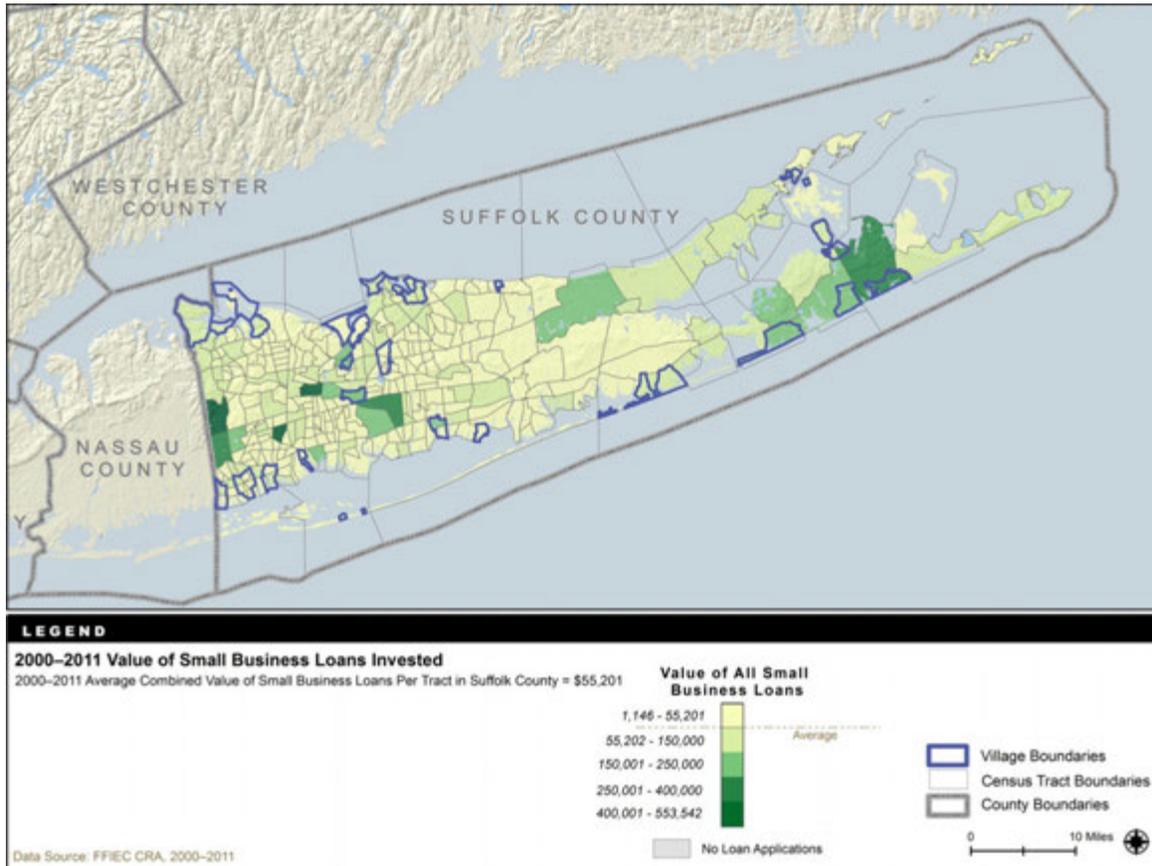
Map V.7 below illustrates the number of loans issued to businesses in the County from 2000 through 2011. The areas that received the highest numbers of loans were generally located in western and central Census tracts; the Census tract encompassing west Melville received the highest number of CRA loans of any tracts in Suffolk County, or 13,355 loans. However, relatively high numbers of loans were also issued in the tract encompassing East Hampton, Wainscott, and Northwest Harbor. Comparison of this map with Map II.11, detailing the distribution of poverty in the County in the five-years leading up to 2011, reveals that tracts with high proportional rates of poverty were not among those that received relatively large numbers of small-business loans.

Map V.8 on the following page illustrates the distribution of loan funding for businesses by total amount of loan dollars per tract. As shown, the total value of loans distributed within the county tended to be highest in the same areas that had received the largest number of loans. West Melville, for example, received both the greatest number of loans and the most loan dollars during the period from 2000 to 2011. The total values of loans to small businesses in Hauppauge, Deer Park, and the Census tract encompassing East Hampton, Wainscott, and Northwest Harbor were also among the highest in the County; these were also areas that had received relatively large numbers of loans between 2000 and 2011.

**Map V.7**  
**Number of Small Business Loans**  
 Suffolk County  
 2000–2011 CRA Data



**Map V.8**  
**Amount of Small Business Loan Dollars**  
 Suffolk County  
 2000–2011 CRA Data



## FAIR HOUSING COMPLAINTS

### U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HUD maintains records of complaints that represent violations of federal housing law, as described previously in the Complaint Process Review. Over 2004 through 2012 period, HUD reported 327 complaints filed in the County, as shown in Table V.12 on the following page.<sup>55</sup> The total number of complaints ranged from a low of 18 in 2005 to a high of 47 in 2006 (excluding 2013 as a partial year).

This table also presents complaint data by basis, or the protected class status of the person allegedly aggrieved in the complaint. Complainants may cite more than one basis, so the number of bases cited can exceed the total number of complaints. As shown, a total of 503 bases were cited in relation to the 327 complaints filed. Disability was the most commonly cited basis, with 186 bases, followed by race, with 92.

<sup>63</sup> Data were provided by HUD's New York Regional Office.

**Table V.12**  
**Fair Housing Complaints by Basis**

Suffolk County  
2004–2013 HUD Data

<b>Basis</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>Total</b>
Disability	17	11	26	22	25	19	25	18	17	6	186
Race	17	6	4	12	12	5	11	8	11	6	92
Family Status	4	3	5	8	8	4	11	9	4	2	58
Sex	5	1	3	5	9	5	11	6	5		50
National Origin	6	1	4	3	6	1	5	7	4	1	38
Religion			3	2	4	8	6	2	1	2	28
Color				4	8	5	4	3	2	1	27
Retaliation					3	2	7	7	4	1	24
<b>Total Bases</b>	<b>49</b>	<b>22</b>	<b>45</b>	<b>56</b>	<b>75</b>	<b>49</b>	<b>80</b>	<b>60</b>	<b>48</b>	<b>19</b>	<b>503</b>
Total Complaints	36	18	38	39	47	31	39	36	29	14	327

In addition to the basis for discrimination, HUD records the issue, or alleged discriminatory action related to each complaint. These are presented in Table V.13 below. In the same way that bases are reported, more than one issue may be associated with each complaint. In Suffolk County, 629 issues were cited, the most frequent issue being discrimination in terms, conditions, privileges or services and facilities, which was cited 111 times. Discriminatory acts under Section 818, which refers to issues of intimidation or coercion, was also frequently cited, as was discriminatory refusal to rent and discrimination in terms, conditions, and privileges relating to rental. The most commonly cited issues in this complaint dataset related to rental transactions, which suggests that discriminatory acts leading to the filing of fair housing complaints have been more common in the rental market. A complete version of this table with yearly complaint data is included in Appendix D.

**Table V.13**  
**Fair Housing Complaints by Issue**

Suffolk County  
2004–2013 HUD Data

<b>Issue</b>	<b>Total</b>
Discriminatory terms, conditions, privileges, or services and facilities	111
Other discriminatory acts	82
Discriminatory acts under Section 818 (coercion, etc.)	75
Failure to make reasonable accommodation	71
Discrimination in term, conditions or privileges relating to rental	64
Discriminatory refusal to rent	61
Otherwise deny or make housing available	25
Discriminatory refusal to rent and negotiate for rental	16
Discriminatory financing (includes real estate transactions)	16
Discriminatory advertising, statements and notices	15
Discriminatory advertisement - rental	13
Discrimination in terms, conditions, privileges relating to sale	11
False denial or representation of availability - rental	8
Discriminatory refusal to sell	7
Non-compliance with design and construction requirements (handicap)	6
Discriminatory refusal to sell and negotiate for sale	5
Discriminatory refusal to negotiate for rental	4

Discrimination in services and facilities relating to rental	4
Steering	4
Other non-compliance with design and construction requirements	4
Failure to permit reasonable modification	4
False denial or representation of availability	3
Discrimination in terms and conditions of membership	3
Using ordinances to discriminate in zoning and land use	3
Blockbusting - rental	2
Failure to provide accessible and usable public and common user areas	2
Discriminatory refusal to negotiate for sale	1
Discriminatory advertising - sale	1
False denial or representation of availability - sale	1
Discrimination in making of loans	1
Discrimination in the terms or conditions for making loans	1
Discrimination in the brokering of residential real property	1
Discriminatory brokerage service	1
Discrimination in services and facilities relating to sale	1
Restriction of choices relative to a sale	1
Failure to provide an accessible building entrance	1
<b>Total Issues</b>	<b>629</b>
<b>Total Complaints</b>	<b>327</b>

Housing complaints filed with HUD can also be examined by closure status, as shown in Table V.14, below. Of the 327 total complaints, over 10 years, 150 were issued a “no cause” determination, which means that discrimination was not found during the HUD investigation. Between 1 and 6 complaints per year were successfully conciliated during this period, excluding 2013 as a partial year. A complete version of this table with yearly complaint data is included in Appendix D.

**Table V.14**  
**Fair Housing Complaints by Closure Status**  
 Suffolk County  
 2004–2013 HUD Data

<b>Closure Status</b>	<b>Total</b>
No Cause	150
Withdrawal After Resolution	34
Lack of Jurisdiction	32
Conciliated / Settled	24
FHAP Judicial Consent Order	22
Withdrawal Without Resolution	11
Complainant Failed to Cooperate	9
Unable to Locate Respondent	5
FHAP Judicial Dismissal	3
Election Made to Go to Court	2
DOJ Dismissal	2
Unable to Identify Respondent	1
Open	32
<b>Total Complaints</b>	<b>327</b>

Table V.15 presents the bases cited for the complaints found to be with cause, many of which were successfully conciliated or settled. Of those 80 complaints, there were 121 bases cited, with 49 related to disability and 29 related to race. These bases represented classes of persons protected under the federal Fair Housing Act.

The 80 complaints found to be with cause are separated by issue, or discriminatory action, in Table V.16 on the following page. The most commonly cited issues in these 80 complaints were; Discriminatory terms, conditions, privileges, or services and facilities; discriminatory refusal to rent; and discrimination in terms, conditions, or privileges relating to rental, which were cited in 24, 20, and 15 complaints respectively. The relative prevalence of the types of discriminatory issues found to be with cause differs slightly from the prevalence of issues

**Table V.15**  
**Fair Housing Complaints Found With Cause by Basis**

Suffolk County  
2004–2013 HUD Data

Basis	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Disability	3	3	3	9	9	6	8	5	2	1	49
Race	7	1	1	1	6	1	4	2	4	2	29
Family Status	1	1	1	2	1	2	2	3			13
National Origin		1		1	2		2	4			10
Sex					2	3	3				8
Color					3		1		2		6
Retaliation							1	2	1	1	5
Religion				1							1
<b>Total Bases</b>	<b>11</b>	<b>6</b>	<b>5</b>	<b>14</b>	<b>23</b>	<b>12</b>	<b>21</b>	<b>16</b>	<b>9</b>	<b>4</b>	<b>121</b>
Total Complaints	10	6	4	12	14	8	9	9	6	2	80

alleged in all fair housing complaints, including those not found to have cause. However, discrimination in the rental housing market figured strongly in both datasets, suggesting that fair housing complaints are more likely to come from residents who rent, even though these residents constitute a smaller share of the housing market than homeowners in Suffolk County. A complete version of this table with yearly complaint data is included in Appendix D.

**Table V.16**  
**Fair Housing Complaints Found With Cause by Issue**

Suffolk County  
2004–2012 HUD Data

Issue	Total
Discriminatory terms, conditions, privileges, or services and facilities	24
Failure to make reasonable accommodation	23
Discriminatory refusal to rent	20
Other discriminatory acts	17
Discrimination in term, conditions or privileges relating to rental	15
Discriminatory acts under Section 818 (coercion, etc.)	15
Discriminatory advertisement - rental	9
Discriminatory advertising, statements and notices	7
Otherwise deny or make housing available	7
Discriminatory refusal to rent and negotiate for rental	6
Discrimination in terms, conditions, privileges relating to sale	5
Discriminatory refusal to sell and negotiate for sale	3
Discriminatory refusal to negotiate for rental	2
False denial or representation of availability - rental	2
Discriminatory refusal to sell	1
False denial or representation of availability - sale	1
Discriminatory financing (includes real estate transactions)	1

Discrimination in the brokering of residential real property	1
Discrimination in terms and conditions of membership	1
Discrimination in services and facilities relating to sale	1
Non-compliance with design and construction requirements (handicap)	1
Failure to provide an accessible building entrance	1
Other non-compliance with design and construction requirements	1
<b>Total Issues</b>	<b>164</b>
<b>Total Complaints</b>	<b>80</b>

## NEW YORK DIVISION OF HUMAN RIGHTS

Data on complaints of fair housing problems were received from the New York Division of Human Rights (NYDHR), which received 322 complaints from Suffolk County between 2004 through June of 2013, as shown below in Table V.17.<sup>56</sup> This figure is on par with the number of complaints filed with HUD over a similar time period in the County. A complete version of this table with yearly complaint data is included in Appendix D.

This table also presents complaint data by basis, or the protected class status of the person allegedly aggrieved in the complaint. Like HUD, the NYDHR may record multiple bases for each complaint. The most common bases for complaints cited in these data were related to disability, cited in 173 complaints, and color and race, which were each cited in 101 complaints. These data accord with complaint data from the HUD, both of which suggest the occurrence of discriminatory practices against Long Island residents on the bases of disability and race.

**Table V.17**  
**Fair Housing Complaints by Basis**  
Suffolk County  
New York Department of  
Human Rights: 2004 - 2013

<b>Basis</b>	<b>Total</b>
Disability	173
Color	101
Race	101
Sex	61
Familial Status	51
National Origin	41
Retaliation	38
Opposed Discrimination	38
Creed	28
Age	25
Marital Status	21
Sexual Orientation	11
Non-jurisdiction	1
Military Status	1
Arrest Record	1
<b>Total Basis</b>	<b>692</b>
<b>Total Complaints</b>	<b>322</b>

The NYDHR also reports the issue of each complaint in addition to the basis. Table V.18, on the next page, shows “other housing discrimination” was the most common issue cited among these complaints. The following list highlights the most common issues specified by complainants to the NYHRD (number of complaints in parentheses):

<sup>56</sup> Data were provided by the New York Department of Human Rights.

- Denial of equal terms, conditions, and privileges of tenancy (89 complaints)
- Denial of reasonable accommodation for disability (67 complaints)
- Refusal to rent (67 complaints)
- Eviction/threatened eviction (60 complaints)

A complete version of this table with yearly complaint data is included in Appendix D.

**Table V.18**  
**Fair Housing Complaints by Issues**  
 Suffolk County

New York Department of Human Rights: 2004 - 2013

Issues	Total
Other Housing Discrimination	122
Denial of Equal Terms, Conditions, and Privileges of Tenancy	89
Denial of Reasonable Accommodation for Disability	67
Refusal to Rent	67
Eviction/Threatened Eviction	60
Refusal to Sell or Discriminatory Terms of Sale	18
Discriminatory Advertising, Statement or Notice	18
Discrimination in Sale of Housing	11
Refusal to Sell Housing	9
Denial of Credit Related to Housing	7
Sexual Harassment	5
Denial of Reasonable Modification	3
Blockbusting/Steering	2
Inaccessibility in Design/Construction	2
Unlawful Inquiry	1
Predatory Lending	1
Termination/Layoff/Forced Retirement	1
<b>Total Issues</b>	<b>483</b>
Total Complaints	322

The NYHRD determined that there was no probable cause in just over half of the complaints it received, and issued a determination dismissing the complaint in another 69 complaints in the period between January 2004 and June 2013, as shown below in Table V.19. In 16.5 percent of cases, the complaint was resolved through the conciliation process described in Section IV. Together, nearly 90 percent of all complaints the NYHRD received were found to lack probable cause, were dismissed, or were conciliated. A complete version of this table with yearly complaint data is included in Appendix D.

**Table V.19**  
**Fair Housing Complaints by Outcome**  
 Suffolk County

New York Department of Human Rights: 2004 - 2013

Closure	Total
No Probable Cause Determination Issued	163
Determination Dismissing Complaint Issued	69
Conciliation Closing Issued	53
Serve Order After Stipulation of Settlement	17
Serve Final Order Dismissing Complaint	12
No Probable Cause	4
Serve Order After Hearing: Dismissing Complaint	3
Annulment Issued	1
<b>Total</b>	<b>322</b>

## LONG ISLAND HOUSING SERVICES

**Table V.20**  
**Fair Housing Complaints by Basis**

Suffolk County  
Long Island Housing Services, Inc.

Data on complaints of fair housing problems were received from Long Island Housing Services, which recorded a total of 286 complaints in 2010, 2011, and 2012, as shown in Table V.20. This is over twice the number of complaints filed with HUD over a similar time period in the County. LIHS experienced a moderate decline in the number of complaints received over those three years, which fell from 106 in 2010 to 85 in 2012. The table presents complaint data by basis, or the protected class status of the person allegedly aggrieved in the complaint. The most common bases for complaints cited in these data were disability, with 160 complaints; race, with 47 complaints; and familial status, with 45 complaints. Together, these bases account for over 88 percent of all complaints LIHS received from 2010 to 2012.

Disability	62	58	40	160
Race	19	17	11	47
Familial Status	12	11	22	45
National Origin	5	4	1	10
Sex	3	4	2	9
Other	3	1	4	8
Religion	2	.	1	3
Source of Income	.	.	2	2
Sexual Orientation	.	.	1	1
Marital Status	.	.	1	1
Color	.	.	.	0
<b>Total</b>	<b>106</b>	<b>95</b>	<b>85</b>	<b>28</b>

LIHS also provides data concerning the issue, or type of discrimination, alleged in each of the complaints it receives. As shown in Table V.21 below, issues relating to discrimination in rental housing were the most prevalent in fair housing complaints by a wide margin: over 80 percent of all complaints cited discrimination in relation to rental housing. The next most common complaint issue related to sales, cited in 16 complaints, followed by lending, which was cited in 12 complaints.

**Table V.21**  
**Fair Housing Complaints by Issue**  
Suffolk County  
Long Island Housing Services, Inc.

Issues	2010	2011	2012	Total
Rental	92	77	73	242
Sales	3	8	5	16
Lending	3	4	5	12
Other	7	4	.	11
Insurance	.	2	.	2
Harassment	.	.	2	2
Predatory Lending	1	.	.	1
<b>Total</b>	<b>106</b>	<b>95</b>	<b>85</b>	<b>286</b>

## Conclusion

There are two principal observations to be drawn from analysis of the complaints lodged with HUD, the NYDHR, and LIHS. The first is that disability was the most prominent basis for

discrimination in complaints lodged with all three organizations. The second observation that emerges from the foregoing discussion is that complaints alleging discrimination in the rental housing market were among the most prominent in data from all three organizations, in spite of the fact that rental housing units represented only about a fifth of occupied housing units in Suffolk County in the 2000 and 2010 Censuses.

## FAIR HOUSING SURVEY – PRIVATE SECTOR RESULTS

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Additional evaluation of fair housing within Suffolk County was conducted via an online survey of stakeholders conducted from May to December 2013. The purpose of the survey, a relatively qualitative component of the AI, was to gather insight into the knowledge, experiences, opinions, and feelings of stakeholders and interested citizens regarding fair housing. Results and comments related to the questions in the private sector are presented in the following narrative, and additional survey results are discussed in Sections VI and VII.

The 2013 Suffolk County Fair Housing Survey was completed by 144 persons and was conducted entirely online. Individuals solicited for participation included representatives of housing groups, minority organizations, disability resource groups, real estate and property management associations, banking entities, and other groups involved in the fair housing arena. Most questions in the survey required simple “yes,” “no,” or “don’t know” responses, although many questions allowed the respondent to offer written comments. When many respondents reported that they were aware of questionable practices or barriers, or when multiple narrative responses indicated similar issues, findings suggested likely impediments to fair housing choice.

Numerical tallies of results and summaries of some comment-driven questions are presented in this section. A complete list of written responses is available in Appendix B.

### FAIR HOUSING IN THE PRIVATE SECTOR

In order to address perceptions of fair housing in Suffolk County’s private housing sector, survey respondents were asked to identify their awareness of possible housing discrimination issues in a number of areas within the private housing sector, including the:

- Rental housing market,
- Real estate industry,
- Mortgage and home lending industry,
- Housing construction or accessible housing design fields,
- Home insurance industry,
- Home appraisal industry, and
- Any other housing services.

If respondents indicated that they were aware of possible discriminatory issues in any of these areas, they were asked to further describe issues in a narrative fashion. Tallies for each question are presented on the following page in Table V.22.

Several respondents noted an awareness of discrimination on the basis of income, impacting persons with low income as well as recipients of income assistance. It should be noted that none of the fair housing laws applicable to Long Island include protections based on income. However, discrimination on this basis does have the potential to disproportionately impact protected class individuals insofar as such individuals are disproportionately likely to have lower incomes or to be recipients of publicly subsidized income assistance.

**Table V.22**  
**Barriers to Fair Housing in the Private Sector**  
 Suffolk County  
 2013 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
<b>Are you aware of any questionable practices or barriers to fair housing choice in:</b>					
The rental housing market?	49	16	30	49	144
The real estate industry?	41	17	38	48	144
The mortgage and home lending industry?	36	18	43	47	144
The housing construction or accessible housing design fields?	26	22	48	48	144
The home insurance industry?	9	21	65	49	144
The home appraisal industry?	21	19	57	47	144
Any other housing services?	13	17	61	53	144

### Rental Housing

A majority of respondents stated that they were aware of barriers to fair housing choice in the rental housing market, while only 16 respondents stated that they were unaware of any such barriers. Thirty respondents selected "Don't know" in response to this question. Those who provided additional commentary on such barriers focused on perceived refusal to rent on the basis of race, disability, and family status.

### Real Estate Industry

Forty-one respondents reported awareness of barriers to fair housing choice in the real estate industry, although a majority of respondents either did not know or did not respond. Steering was a prominent concern among those who provided commentary on their responses, as well as discrimination on the basis of familial status and family size.

### Mortgage and Home Lending Industry

Of those who responded to the question concerning barriers to fair housing choice in the mortgage and home lending industry, 36 indicated that they were aware of such barriers. As in the previous question, more than half of the survey-takers declined to answer this question, or answered "Don't know". Those who elected to provide comments with their answers cited steering and redlining, as well as discrimination based on racial and ethnic heritage and sex. Minorities and women were seen to be targets for high interest rate and predatory loans.

### Housing Construction or Accessible Housing Design Fields

Slightly over half of all of the survey respondents answered a question concerning their awareness of fair housing issues in the housing construction or accessible design fields; of these, 26 respondents were aware of barriers to fair housing choice in these fields. Twenty-two

respondents were unaware of such barriers. Several commenters maintained that wheelchair-bound residents face a lack of accessible housing options, even in newly constructed buildings.

### Home Insurance Industry

Only 9 respondents noted barriers to fair housing choice in the home insurance industry; though around 80 percent of those who took the survey did not respond or said that they did not know. There was little commentary for this question, though several of those who did comment shared a suspicion that redlining, or practices that could be described as redlining, were occurring in the County.

### Home Appraisal Industry

The home appraisal industry was also investigated as part of the survey. Twenty-one respondents noted that they were aware of barriers to fair housing choice in the home appraisal industry. Among commenters, opinion was divided on the question of redlining, with respondents arguing variously that homes in minority neighborhoods were undervalued or overvalued.

### Any Other Housing Services

Respondents were also asked to discuss their awareness of barriers to fair housing in any other area of the private housing sector. Thirteen respondents noted awareness of other issues, but once again around 80 percent did not know or did not respond. Comments submitted with this question ranged from the impact of NIMBYism on housing choice to the need for increased education, among homebuyers, landlords, etc., and publication of the results of fair housing complaints.

## SUMMARY

Evaluation of the private housing sector included review of home mortgage loan application information, as well as mortgage lending practices, fair housing complaint data, and results from the private sector section of the 2013 Fair Housing Survey.

There were 34,748 loan denials between 2004 and 2011 in Suffolk County, for an eight-year average loan denial rate of 22.0 percent. Denial rates fell from 29.6 percent in 2007 to 17.7 percent in 2011. Indian, Black, and Asian applicants experienced higher rates of loan denials than White applicants in every year from 2004 to 2011, even after correcting for income. Hispanic applicants were also denied loans at a considerably higher rate than non-Hispanic applicants. Geographic analysis of loan denial rates demonstrated that residents of Suffolk County were denied loans at differing rates depending on the area in which they lived. Overall denial rates tended to be highly concentrated in western, inland Census tracts, many of which held disproportionate shares of racial and ethnic minority residents. However, when the scope of the geographic analysis was limited to consider the distribution of loans denied to Black residents of Suffolk County, the highest rates of loan denials were seen in areas outside of those with high concentrations of Black residents; the same pattern was observed in loan denials to Hispanic residents.

Analysis of originated loans with high annual percentage rates showed that American Indian and Black residents were disproportionately issued these types of lower-quality loan products. The rate of HALs to Black borrowers was more than twice the rate at which these predatory loans were issued to White residents. In terms of ethnicity, Hispanic applicants were issued HALs at a rate that was more than three times the rate at which these loans were issued to non-Hispanic residents. Asian borrowers, however, received the lowest rate of HALs of all the groups considered. Geographic analysis of the distribution of HALs in Suffolk County bears out both the differential rates of HALs to different racial and ethnic groups and the trend observed in the distribution of loan denials; HALs overall were concentrated in areas with high concentrations of racial and ethnic minority residents, while HALs issued to Black and Hispanic residents tended to be disproportionately concentrated in areas outside of those with traditionally high concentrations of Black and Hispanic residents.

Analysis of data from the CRA, showed that business loans did not tend to be directed toward the areas with lower incomes in Suffolk County as frequently as they were toward higher income areas.

Fair housing complaint data was requested from HUD, the New York Division of Human Rights, and Long Island Housing Services, the County's local fair housing advocacy organization. HUD data showed that 327 fair housing-related complaints were filed in the County from 2004 through March 2013. The number of complaints filed with this agency varied by year, ranging from 18 to 47. The protected classes most impacted by discrimination, based on successfully conciliated complaints, were disability and race. The most common complaint issues related to:

- Failure to make reasonable accommodation
- Discriminatory terms, conditions, privileges, or services and facilities;
- Discriminatory refusal to rent;
- Discriminatory terms, conditions, or privileges relating to rental; and
- Intimidation and coercion (Section 818).

Fair housing complaint data from the New York Division of Human Rights (NYDHR) and Long Island Housing Services (LIHS) generally reinforce the portrait presented by complaints lodged with HUD. The most common bases for housing discrimination alleged in complaints submitted to the NYDHR were disability, color, and race. In complaints received by LIHS, more than half of all complainants alleged discrimination on the basis of disability, while discrimination based on race and familial status were alleged in 47 complaints and 45 complaints, respectively.

Results from the private sector portion of the 2013 Fair Housing Survey, conducted May 2013 to May 2014 as part of the AI process, reveal a common perception among respondents that discriminatory barriers to fair housing choice exist in the private housing market of Long Island. Specific examples of discrimination cited by survey respondents included discriminatory refusal to rent, steering, and redlining. Respondents perceived discrimination against persons of color, persons with disabilities, and single women with children to be particularly common in the private housing sector.

## SECTION VI. FAIR HOUSING IN THE PUBLIC SECTOR

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While the previous section presented a review of the status of fair housing in the private sector, this section will focus specifically on fair housing in the public sector. The U.S. Department of Housing and Urban Development (HUD) recommends that the AI investigate a number of housing factors within the public sector, including health and safety codes, construction standards, zoning and land use policies, tax policies, and development standards. The AI should also examine the placement of public housing as well as access to government services.

### PUBLIC SERVICES

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Community features, including public services and facilities, and the location of public and assisted housing are essential parts of good neighborhoods, leading to a more desirable community and more demand for housing in these areas.

#### MULTI-FAMILY ASSISTED HOUSING UNITS

Public or assisted housing can exist in several forms, including low-income housing projects, housing voucher programs, and supportive housing. The objective of public and other forms of assisted housing is to provide housing that is suitable for persons with special needs or families of low- to moderate-income levels and to promote access to jobs, transportation, and related community resources. Uneven distribution of public and assisted housing can be the result of an impediment such as land use policies that discourage multi-family or low-income housing in some areas, thus leading to segregation of low-income and other populations.

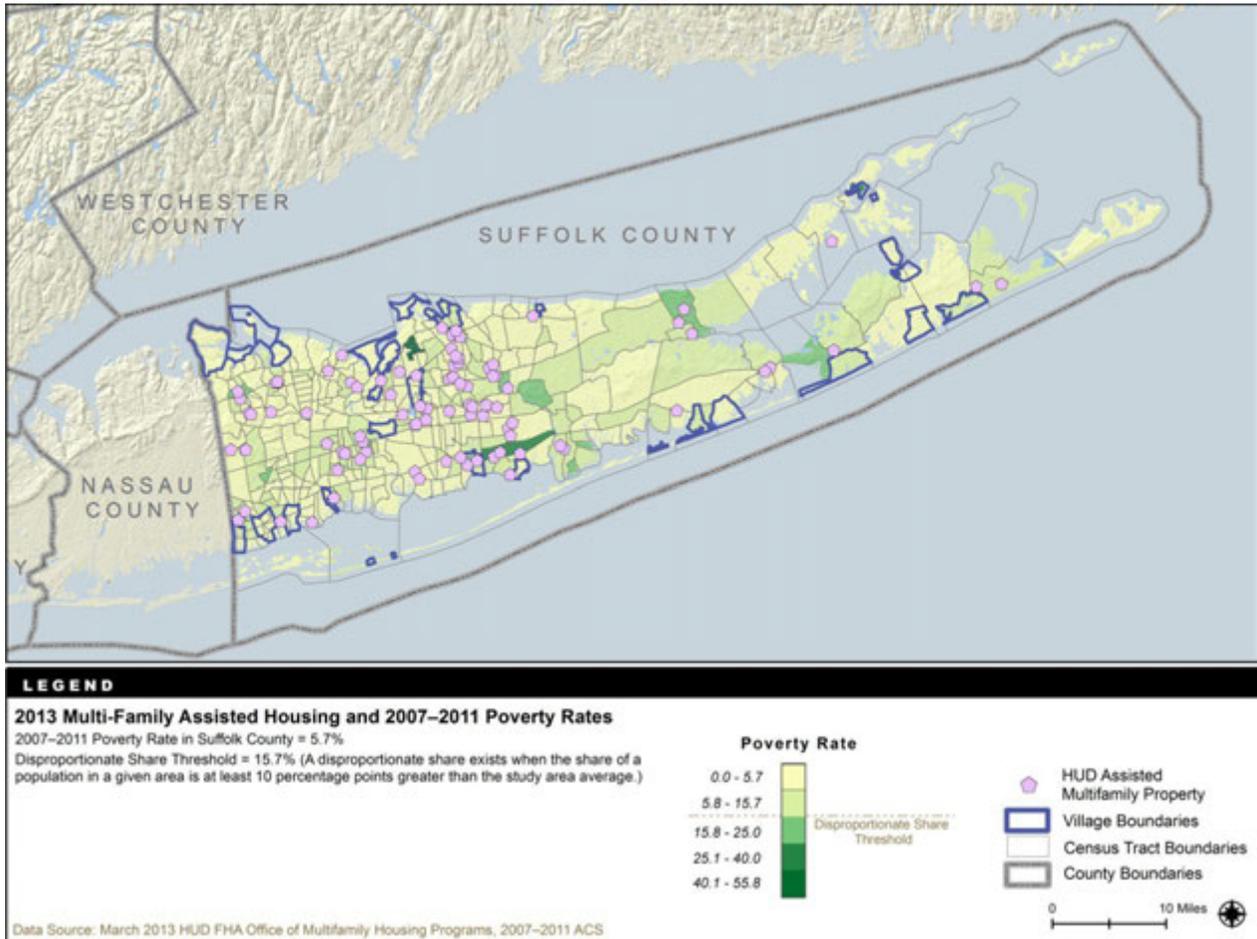
Map VI.1 on the following page shows multi-family housing properties funded by HUD rental assistance and their relation to areas of poverty.<sup>57</sup> As shown, these units were primarily located in the eastern portion of the County; though there were five multi-family assisted properties located in South Fork Census tracts, with two as far east as East Hampton and Amagansett. Although multi-family assisted units were observed to be located in or around Census tracts with disproportionately high poverty rates, there was no clear trend toward high concentrations of these units to such areas, and many of these units were located in areas with poverty rates below the disproportionate share threshold of 15.7 percent. However, comparison of this map with earlier maps detailing median home values reveals that multi-family assisted housing units are largely absent from areas with the highest median home values. Furthermore, very few appear in Community Development Consortium villages.

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<sup>57</sup> HUD Multifamily Assistance and Section 8 Contracts database, January 2012, [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/mfh/exp/mfhdiscl](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/exp/mfhdiscl)

### Map VI.1 Multi-Family Assisted Housing Units

Suffolk County  
2013 HUD Data

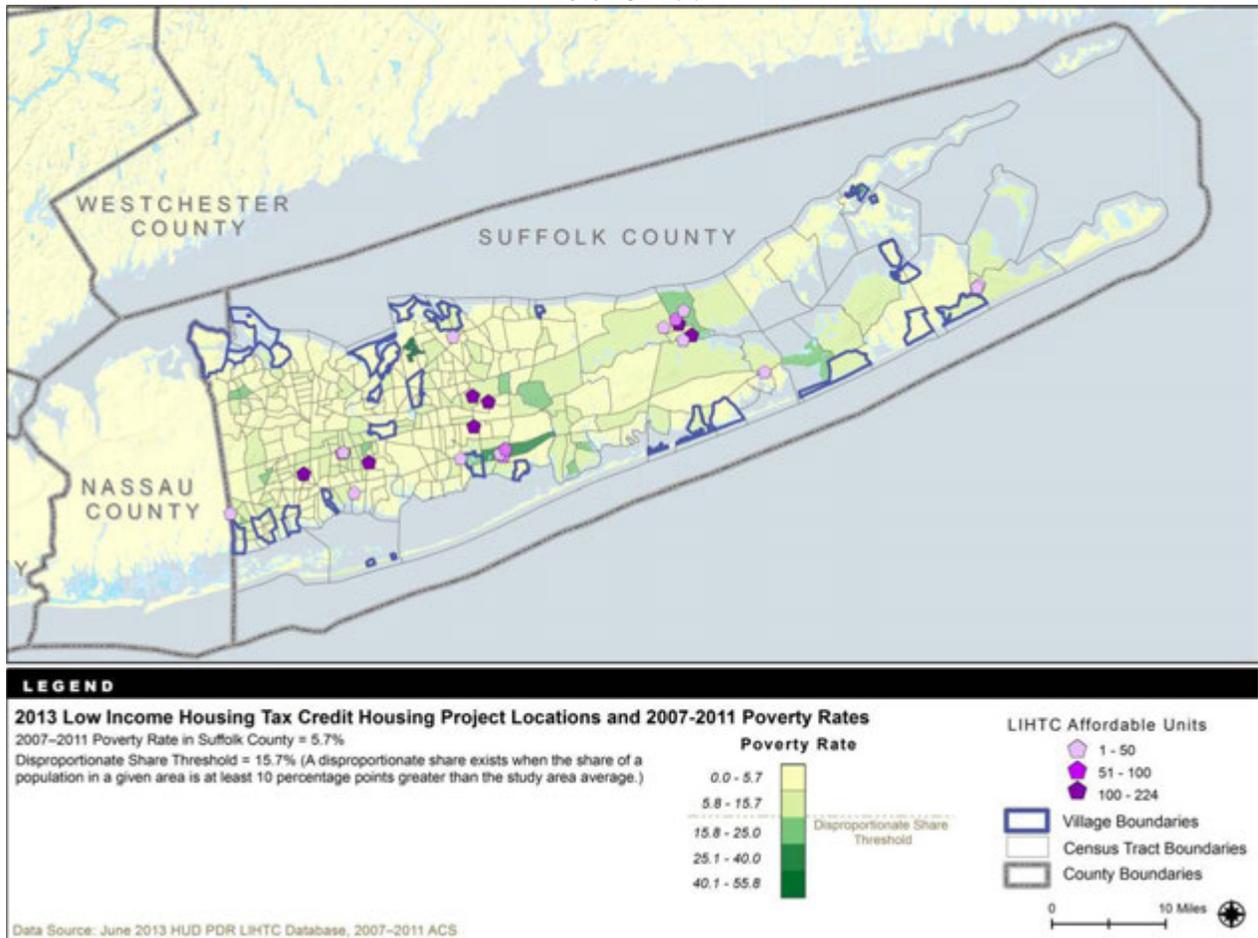


#### LOW-INCOME HOUSING TAX CREDIT PROGRAM

The Low-Income Housing Tax Credit (LIHTC) Program is designed to promote investment in affordable rental housing by providing tax credits to developers of qualified projects. To qualify for the tax credits, housing projects must be residential rental properties in which a proportion of available units are rent-restricted and reserved for low-income families. The exact proportions of units that need to be reserved for low-income families for a project to qualify for LIHTC credits varies according to which threshold the property owner elects to implement: at least 20 percent of housing units must be occupied by families with incomes equal to or less than the area median income (as determined by HUD) according to the 20-50 rule, while at least 40 percent of units must be reserved for families earning less than 60 percent of the area median income if the property owner elects to follow the 40-60 rule. Area median incomes are adjusted for household size. Property owners are required to maintain rent and income restrictions for at least thirty years, pursuant to the HUD-mandated minimum affordability period, though in some areas they are required to operate under these restrictions for longer time periods.

The distribution of housing projects participating in the LIHTC program is displayed in Map VI.2, below. As shown, LIHTC units are generally scattered throughout the County, though they tend to be moderately concentrated in eastern Census tracts. Small LIHTC projects are similarly scattered throughout the County, with two such projects located in East Hampton North. Medium and large LIHTC projects are also distributed widely within the county. There was a notable concentration of LIHTC projects of all three sizes in the areas in and around Riverhead. In some cases, these projects are located in areas with comparatively high concentrations of poverty; including East Patchogue, Central Islip, and Riverhead; though there was no clear trend toward higher concentrations of LIHTC units in these areas. As was the case with multi-family assisted units, there were few, if any, LIHTC units observed in the areas around communities with the highest incomes. Furthermore, there appear to be no such units located within any Community Development Consortium villages.

**Map VI.2**  
**2013 Low-Income Housing Tax Credit (LIHTC) Units**  
 Suffolk County  
 2013 HUD Data



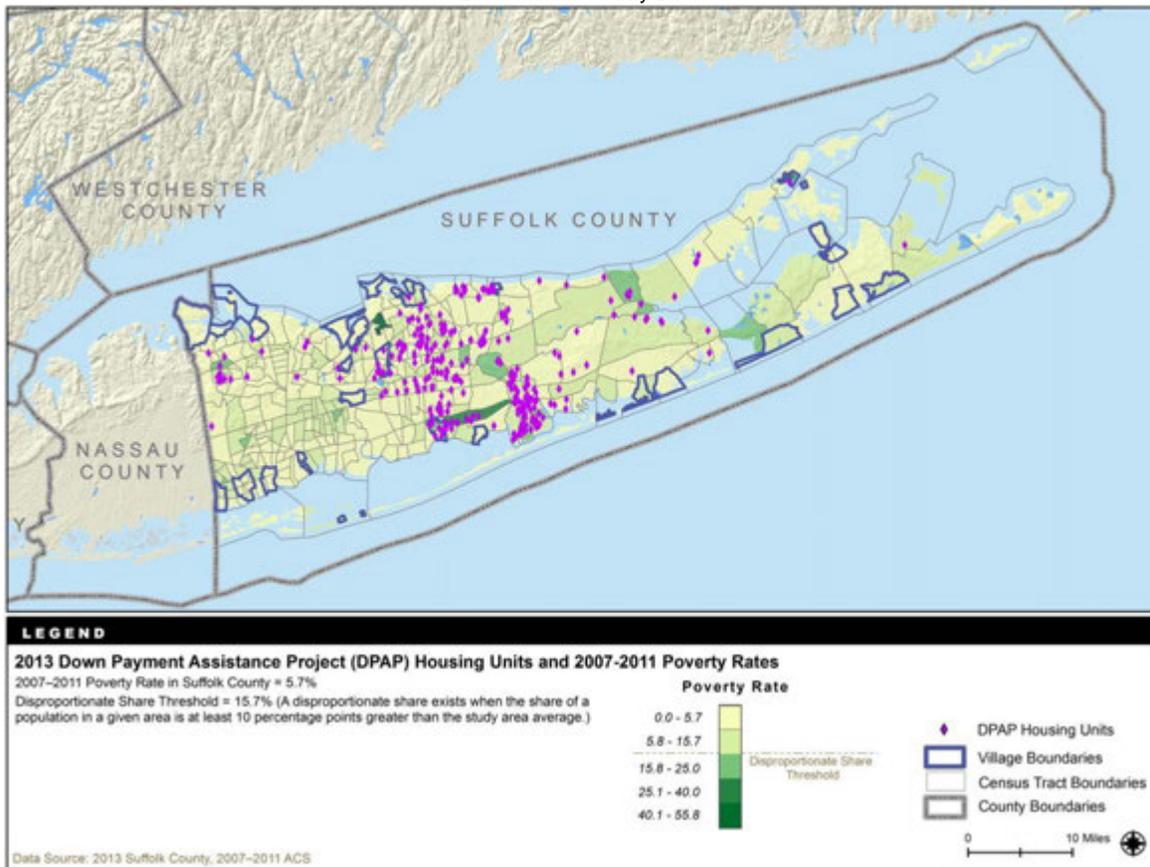
### DOWN PAYMENT ASSISTANCE PROGRAM

The Down Payment Assistance Program (DPAP), administered through the Suffolk County HOME Consortium, offers grant funding in the amount of \$14,000 to qualified first-time homebuyers. Qualification for the DPAP is based on a series of requirements relating to first-time homebuyer status, total household income, minimum bank account balance, minimum

household income, ability to secure a mortgage, and attendance at one-on-one mortgage counseling sessions. DPAP funds are available to home buyers who wish to purchase a home within the Suffolk County HOME Consortium area, which includes the 17 municipalities within the Community Development Consortium as well as the Town of Huntington.

The geographic distribution of participants in the Down Payment Assistance Program is displayed in Map VI.3 below. As shown, a majority of DPAP housing units are located in Brookhaven, which is the largest town in the HOME Consortium. A high concentration of these units was observed in the areas in and around Mastic, Mastic Beach, and Shirley, and moderate concentrations of these units were also observed in Huntington Station, Sound Beach, Rocky Point, and Patchogue. There were comparatively few DPAP units located in towns in the North and South Forks; excepting units in Mattituck and Greenport. In addition, a slight concentration of these units was observed in Riverhead.

**Map VI.3**  
**2013 Down Payment Assistance Units**  
 Suffolk County  
 2013 Suffolk County Data



## POLICIES AND CODES

Information on municipal codes, ordinances, and other Suffolk County policies were gathered through telephone interviews with officials from several of the Community Development Consortium towns and villages in Suffolk County. Policies relating to housing development, special needs housing, and fair housing were addressed in order to evaluate the public sector

environment for a variety of housing types, including affordable housing, mixed-use housing, senior housing, and group homes.

Fair housing laws seek to protect classes of persons with certain attributes from discrimination, including individuals with disabilities, seniors, and families with children. In order to support these protected classes, it is helpful to have accurate definitions of these classes and to consider the potential effects of zoning and land use policies when it concerns them. Some definitions of “dwelling” or “residential unit” can hinder the provision of housing for disabled or other special needs persons, and can inadvertently discriminate against boarding or care facilities. Every jurisdiction spoken with includes a definition of “dwelling unit” or “residential unit” in its housing code except for one, and more than half of those jurisdictions make reference to “family” in those definitions, or limit the definition of a dwelling to units occupied by one family. In addition, all jurisdictions included a definition of “family” in their housing code; in most cases these definitions included the phrase “related by blood, marriage, or adoption”, and more than half of the definitions placed a specific limit on the number of persons not related by blood, marriage, or adoption who could be considered a part of a “family” under jurisdictional code.

Half of the communities interviewed for this study have codified specific guidelines allowing or encouraging the development of mixed-use housing, defined as buildings serving as a combination of residential, commercial, office, institutional, or “other use”. In some cases, these guidelines provide for a number of mixed-use zones, though some jurisdictions do not allow for the inclusion of commercial property in mixed-use units. However, more than half of the jurisdictions make no provisions to encourage the development of affordable housing, whether through inclusionary zoning or connections to funding or tax incentives. In several of the jurisdictions that do have guidelines for the development of affordable housing, those guidelines allow for increased density of housing units as long as some of those units are affordable.

Most interviewees did not consider their jurisdiction to have complications in its zoning ordinances or codes that may hinder the development of low- to moderate-income housing. Those who felt that there were such barriers uniformly cited a lack of available, or affordable, land. Additionally, several land-use officials noted the inclusion of residential occupancy standards in their jurisdiction’s zoning ordinances or codes; among several of these officials was a shared perception that such occupancy standards were the product of Health Department restrictions developed as a response to an inadequate sewer system.

Almost none of the communities define “disability” in their policies, though officials who commented on their response to this question indicated that their jurisdiction defers to standards set by the ADA. However, three-quarters of the jurisdictions included no development standards for making housing accessible to persons with disabilities, though several respondents indicated that state building codes including such standards were applicable in their jurisdictions. Fourteen of the twenty jurisdictions did not have a special administrative process by which persons with disabilities could request a variance for reasonable accommodations, apart from the standard appeals process. Similarly, only about a quarter of the jurisdictions interviewed included standards for the development of senior housing in their jurisdictional code, or policies that distinguish senior citizen housing from other residential uses. Finally, none of the jurisdictions’ ordinances or codes includes a

definition of “group home” or “group housing”, and group homes are only permitted by right in single-family residential areas in half of the jurisdictions.

Sixteen of the twenty jurisdictions included in the study did not have a fair housing ordinance, policy, or regulation; one of the two respondents who stated that there was such a policy cited “State Code” in his or her description of the policy. Likewise, a majority of the communities did not have a policy for affirmatively furthering fair housing, though a few respondents note that they have attended and promoted classes and meetings designed for this purpose.

## FAIR HOUSING SURVEY – PUBLIC SECTOR RESULTS

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As mentioned previously, further evaluation of the status of fair housing within Suffolk County was conducted via an online 2013 Fair Housing Survey, which was completed by 144 stakeholders and citizens. Those solicited for participation included a wide variety of individuals in the fair housing arena. Most questions in the survey required “yes,” “no,” or “don’t know” responses, and many allowed the respondent to offer written comments. While the numerical tallies of results are presented in this section, along with summaries of some comment-heavy questions, a complete list of written responses is available in Appendix B. Other survey results are also discussed in Sections V and VII.

### FAIR HOUSING IN THE PUBLIC SECTOR

Public sector effects on housing can be complex and varied. The questions in this section of the survey asked respondents to think about possible barriers to fair housing choice within very specific areas of the public sector, as follows:

- Land use policies,
- Zoning laws,
- Occupancy standards or health and safety codes,
- Property tax policies,
- Permitting processes,
- Housing construction standards,
- Neighborhood or community development policies,
- Access to government services, and
- Any other public administrative actions or regulations.

If respondents indicated affirmatively that they were aware of possible discriminatory issues in any of these areas, they were asked to further describe issues in a narrative fashion. Tallies for each question are presented in Table VI.2, below.

**Table VI.2**  
**Barriers to Fair Housing in the Public Sector**  
 Suffolk County  
 2013 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
<b>Are you aware of any questionable practices or barriers to fair housing choice in:</b>					
Land use policies?	36	13	36	59	144
Zoning laws?	32	14	36	62	144
Occupancy standards or health and safety codes?	26	15	44	59	144
Property tax policies?	10	16	57	61	144
Permitting process?	12	16	58	58	144
Housing construction standards?	13	19	52	60	144
Neighborhood or community development policies?	27	11	46	60	144
Limited access to government services, such as employment services?	43	11	29	61	144
Public administrative actions or regulations?	16	17	51	60	144

### Land Use Policies

When asked if they were aware of questionable practices or barriers to fair housing choice in land use policies, 36 respondents stated that they were aware of such barriers, while only 13 were unaware of any such barriers; 95 respondents either failed to respond or selected “Don’t know” in response to the question. Several of those who provided additional commentary on this question noted a general “opposition to density”, and a tendency for affordable multi-family units to be clustered in poor neighborhoods with high concentrations of racial and ethnic minorities. In addition, respondents observed that neighborhood opposition, as levied through zoning boards, governmental representatives, and other avenues, has been an effective barrier to locating multi-family housing in some areas, which has led such housing to be concentrated in other areas.

Respondents also noted the practical barriers to developing affordable housing in Suffolk County due simply to a lack of sewers making higher density development difficult due to the Suffolk County Health Department Code restrictions on how many units may be built per acre. Without a sewer treatment system to protect the water supply from sanitary flow, construction is limited, notwithstanding what a local zoning code may approve as permitted per acre development.

### Zoning Laws

Zoning laws were also investigated as part of the survey. Thirty-two respondents noted awareness of barriers to fair housing choice due to zoning laws, although nearly 70 percent did not know or did not respond. As noted above, commentary on the effect of zoning laws focused on the potential for these laws to exclude affordable and multi-family units from “desirable” areas zoned for single-family homes. As noted above, some of the survey respondents interpreted restrictive zoning policies to be the result of neighborhood opposition and pressure exerted upon zoning boards, though other respondents maintained that the restriction of large portions of Suffolk County to single-family zoning was necessitated by the limited sewer system.

## Occupancy Standards or Health and Safety Codes

Twenty-six respondents noted awareness of fair housing issues caused by occupancy standards or health and safety codes. Commentary submitted with this question focused on a perceived discrepancy between how occupancy standards were enforced in immigrant and non-immigrant communities, though respondents differed over the character of that discrepancy. Some respondents maintained that such standards are not adequately enforced in immigrant and minority communities, leading to overcrowding and straining utilities. Other respondents maintained that code inspections were more intense in those areas, and illegally targeted racial and ethnic minorities. Apart from enforcement, the standards themselves were seen to limit fair housing choice in some instances, particularly where they had the effect of discouraging large families from moving into areas with restrictive occupancy standards.

## Property Assessment and Tax Policies

Respondents were more divided on the question of whether barriers to fair housing choice were present in property assessment and tax policies, and most of the people who took the survey either failed to respond to this question, or selected “Don’t Know”. Of the ten respondents who did claim to be aware of such barriers, a majority cited disproportionately high tax assessments in areas with high concentrations of racial or ethnic minority residents.

## Permitting Processes

A question concerning the presence of barriers to fair housing choice in the permitting process also received relatively few definitive responses, with 116 out of the 144 respondents who took the survey declining to answer or answering “Don’t Know” in response. Only 12 respondents stated that they were aware of such barriers, and 16 claimed that they were unaware of such barriers. Commentary focused on a perceived need for official documents available in other languages, or in accessible formats for blind residents.

## Housing Construction Standards

Thirteen respondents noted an awareness of barriers to fair housing policy in housing construction standards; though, again, most of those who took the survey declined to respond to this question or answered “Don’t Know”. Those who claimed to be aware of such barriers focused in their narrative commentary on the failure on the part of builders, contractors, and interior designers to incorporate accessibility standards into the design and construction of apartments and homes. Several respondents maintained that differences in local, state, and federal construction guidelines were a potential source of confusion and were responsible for the failure of builders to satisfy accessibility standards in some cases.

## Neighborhood or Community Development Policies

Twenty-seven respondents noted awareness of barriers to fair housing choice in neighborhood or community development policies, and specific comments focused on the exclusion of affordable, subsidized, and multi-family units from large portions of the county and the relegation of these units to “undesirable” areas.

## Limited Access to Government Services

The survey was also used to examine awareness of situations wherein groups faced limited access to government services, including public transportation and employment services. More than half of those who answered the question, 43 respondents, noted limited access to these services as a problem in Suffolk County. Narrative input suggested that while public transit is available in some parts of the County, limited routes (particularly North-South routes) and hours of operation entail that public transit is not a viable option for many Suffolk County commuters. In addition, several respondents noted a lack of services and resources available in other languages than English.

## Any Other Public Administrative Actions or Regulations

Respondents were also asked to discuss their awareness of barriers to fair housing in any other public administrative actions or regulations. Sixteen respondents noted awareness of other issues, though over 75 percent of respondents did not know or did not answer. Commentary on this question was predictably wide-ranging, with some respondents taking the opportunity to underscore the need for better public transit options, others citing insufficient support for fair housing initiatives, services, or policies, and one claiming that affordable fair housing on any scale was subject to “almost total political opposition”.

## SUMMARY

The status of affirmatively furthering fair housing within Suffolk County’s public sector was evaluated through review of the placement of several types of assisted housing in the County. Evaluation of the distribution of HUD-assisted rental properties, LIHTC units, County funded developments and DPAP recipients in Suffolk County demonstrated that these assisted housing options were widely distributed throughout the County, though they tended to be concentrated in central and eastern Census tracts and absent from villages in the Community Development Consortium. In addition, there were comparatively few assisted housing units in areas of the County which were observed to have the highest median home values over the period from 2007 to 2011.

Analysis of the policies and practices of a selection of twenty jurisdictions in Suffolk County showed that all of these jurisdictions have in place some basic housing definitions such as “dwelling unit” and “family.” Half of the communities have policies in place allowing mixed-use housing, but few offered incentives. Less than half of these communities have specific provisions in place to promote fair housing and few include accessibility requirements or provide for special administrative processes by which individuals with disabilities may request a variance for modifications that constitute reasonable accommodations, in their local codes. In addition, none of the communities include a definition of “group home” (or similar type of housing) in their local ordinances, and such housing units are allowed by right in areas zoned for single-family homes in about half of the communities, according to survey responses.

Results from the public sector section of the 2013 Fair Housing Survey revealed a commonly-held perception that public policies and practices tend to produce disparate impacts on residents in protected classes. Many respondents maintained that zoning and land-use policies often served as vehicles for neighborhood opposition to hamper and derail affordable and housing production efforts in certain areas.

## SECTION VII. PUBLIC INVOLVEMENT

This section discusses analysis of fair housing in Suffolk County as gathered from various public involvement efforts conducted as part of the AI process. Public involvement feedback is a valuable source of qualitative data about impediments, but, as with any data source, citizen comments alone do not necessarily indicate the existence of countywide impediments to fair housing choice. However, survey and forum comments that support findings from other parts of the analysis reinforce findings from other data sources concerning impediments to fair housing choice.

### FAIR HOUSING SURVEY

As discussed in previous sections, a 2013 Fair Housing Survey comprised a large portion of the public involvement efforts associated with the development of the 2013 AI. While data from the survey regarding policies and practices within the private and public sectors have already been discussed, the remaining survey findings are presented below.

The purpose of the 2013 Fair Housing Survey, a relatively qualitative component of the AI, was to gather insight into knowledge, experiences, opinions, and feelings of stakeholders and interested citizens regarding fair housing as well as to gauge the ability of informed and interested parties to understand and affirmatively further fair housing. Many organizations throughout the County were solicited to participate.

A total of 144 persons in Suffolk County completed the survey, which was conducted entirely online. This is a rather low rate of participation for a county of 1.5 million people. A complete list of responses is included in Appendix B. Other survey results are also discussed in Sections V and VI.

Respondents of the 2013 Fair Housing Survey were asked to identify their primary role within the housing industry. As shown in Table VII.1, at right, 32 respondents identified themselves as advocates or service providers, 22 as local government officials, 20 as homeowners, 13 as law/legal service providers, 13 as “other role”, and 11 as “rental tenant”.

The next question asked respondents about their familiarity with fair housing laws. Results of this question are presented below in Table VII.2. As shown, very few of the survey participants who answered this question felt that they were not familiar with fair housing laws, and more than 90 percent of those who answered this question indicated that they were “somewhat” or “very” familiar with fair housing laws.

**Table VII.1**  
**Role of Respondent**  
Suffolk County  
2013 Fair Housing Survey Data

Primary Role	Total
Advocate/Service Provider	32
Local Government	22
Homeowner	20
Service Provider	20
Law/Legal Services	13
Other Role	13
Renter/Tenant	11
Banking/Finance	3
Construction/Development	3
Real Estate	3
Property Management	2
Appraisal	1
Missing	1
Insurance	
<b>Total</b>	<b>144</b>

**Table VII.2**  
**How Familiar are you with**  
**Fair Housing Laws?**

Suffolk County  
 2013 Fair Housing Survey Data

<b>Familiarity</b>	<b>Total</b>
Not Familiar	11
Somewhat Familiar	58
Very Familiar	46
Missing	29
<b>Total</b>	<b>144</b>

Table VII.3 below shows the responses to four questions regarding federal, state, and local fair housing laws. First, respondents were asked to indicate their perceptions of the usefulness of fair housing laws in their communities. As shown, 106 respondents indicated that they felt that fair housing laws are useful, while only 4 respondent stated that fair housing laws are not useful. Respondents were also asked if fair housing laws are difficult to understand or follow. A majority of respondents stated that they were not difficult to follow, though nearly a third of respondents who answered this question felt that they were. In response to a question concerning whether or not fair housing laws should be changed, 41 respondents stated that fair housing laws should be changed. When asked to specify the types of changes to fair housing laws that they would wish to see, respondents focused on the need to extend fair housing protections based on source of income. Since such time, Suffolk County has passes a law providing protections against discrimination based on source of income. Several respondents who noted a need for source of income protections in fair housing law specifically identified recipients of various forms of public assistance as common targets for discrimination in the Suffolk County housing market. Commenters also noted a need for stronger enforcement of fair housing laws currently in effect, a perception that was borne out to some degree in responses to the following question, which asked whether or not respondents felt that fair housing laws were adequately enforced. Forty- three respondents, around 40 percent of those who answered this question, felt that such laws were not adequately enforced.

**Table VII.3**  
**Federal, State, and Local Fair Housing Laws**

Suffolk County  
 2013 Fair Housing Survey Data

<b>Question</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Missing</b>	<b>Total</b>
Do you think fair housing laws are useful?	106	4	7	27	144
Are fair housing laws difficult to understand or follow?	31	65	19	29	144
Do you think fair housing laws should be changed?	41	28	44	31	144
Do you thing fair housing laws are adequately enforced?	56	43	8	37	144

The next section in the survey related to fair housing activities, including outreach and education and testing and enforcement. As shown on the following page in Table VII.4, when asked if there was a training process available to learn about fair housing laws, 56 respondents answered “yes”, and 53 respondents also noted that they had participated in fair housing training. Respondents were also asked about their awareness of fair housing testing; 52 respondents indicated that they were aware of such activity.

Questions in this section also invited respondents to gauge the current levels of fair housing activities in their communities. More than half of all respondents who answered the question, 61 persons suggested that there is too little fair housing outreach and education activity in the County, and only 6 respondents felt that outreach and education activities were sufficient. In terms of fair housing testing, more than forty-percent of those who answered indicated that there is too little testing.

**Table VII.4**  
**Fair Housing Activities**  
 Suffolk County  
 2013 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total	
Is there a training process available to learn about fair housing laws?	56	43	8	37	144	
Have you participated in fair housing training?	53	11		80	144	
Are you aware of any fair housing testing?	52	43	13	36	144	
Testing and education	Too Little	Right Amount	Too Much	Don't Know	Missing	Total
Is there sufficient outreach and education activity?	61	6		41	36	144
Is there sufficient testing?	46	4	1	57	36	144

As part of the process of measuring understanding of fair housing law through the survey instrument, respondents were asked to list their awareness of classes of persons protected by fair housing laws on federal, state, and local levels. Race and disability were offered as examples of protected classes in the question narrative, encouraging respondents to list other protected classes. Results of this question are presented at right in Table VII.5. Some respondents were able to correctly identify several of the protected classes, including sexual orientation, religion, familial status, age, and national origin. Protections based on gender, family status, and religion were especially salient among survey respondents: more than half of respondents correctly identified these groups as protected classes under fair housing law applicable to Suffolk County residents. Fair housing protections extended to Suffolk County residents are relatively expansive, and few respondents identified groups as “protected” that are not, in fact, protected by any of the laws applicable to Suffolk County. An exception was the

**Table VII.5**  
**Protected Classes**  
 Suffolk County  
 2013 Fair Housing Survey Data

Protected Class	Total
Gender	60
Family Status	59
Other	56
Religion	54
Sexual Orientation	44
Age	41
National Origin	34
Income	29
Color	16
Ethnicity	16
Military	15
Disability	6
Criminal	1
Race	1
Ancestry	
<b>Total</b>	<b>438</b>

29 respondents (more than a quarter of those who answered the question) who incorrectly identified “income” as a protected class.

Table VII.6 below presents tallied responses to survey questions related to the status of fair housing in Suffolk County. First, respondents were asked if they were aware of a fair housing plan in their communities. Thirty-two respondents stated that they were aware of such policies,

though slightly more than half of the respondents who answered this question stated either that they were unaware of, or that they did not know about, any such policy.

Respondents were also asked to offer information regarding any specific geographic areas within the County that might have increased fair housing issues. While a number of respondents elected not to answer the question or indicated that they did not know, 36 respondents, nearly half of those who answered this question, noted that certain geographic areas of the County had fair housing issues. Areas identified in the accompanying commentary ranged from general to specific, with some respondents citing “all of Long Island” or “South Fork” as having fair housing problems. Other respondents singled out specific areas, including Brentwood, Islip, Wyandach, Gordon Heights, and North Amityville.

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Respondents were also asked to offer any additional comments that they might have regarding fair housing in their communities. Several commenters noted a need for increased enforcement, outreach, and education concerning fair housing policy. One commenter expressed a need for fair housing policy that was more community focused, implying that fair housing efforts heretofore have focused primarily on collecting damages from those who discriminate against individuals rather than “promoting economic opportunity” and “achiev[ing] diverse inclusive communities”.<sup>58</sup>

## FAIR HOUSING FORUMS AND FOCUS GROUPS

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### FOCUS GROUPS

Three focus group meetings were held in Suffolk County as part of the AI process. The topics at these focus group meetings were “Housing Production”, “Fair Housing Infrastructure”, and “Planning and Zoning”. The purpose of these discussions was to allow the public to have the chance to learn more about the AI process, including why the AI was conducted, and included a discussion of preliminary findings. It should also be noted that several of the respondents took the opportunity for final comments to express gratitude to LIHS and the County for their efforts.

Discussions at each of the three focus groups covered a diverse set of topics, though review of the minutes from these meetings reveals themes that were common to at least two, and sometimes all three, discussions. Such themes included the following:

- NIMBYism, and the potential for zoning decisions and land-use policies to serve as avenues by which neighborhood opposition to affordable and fair housing could impact the local housing market.
- Lack of awareness of fair housing policy, both among the general public and among stakeholders who work in the housing industry.
- The need for outreach and education among constituents and stakeholders on such topics as fair housing policy, impediments to fair housing choice, credit, and the resources available to promote fair and affordable housing in Suffolk County.
- The limitations of a current waste water treatment infrastructure (sewers) that cannot accommodate high-density development.

## SUMMARY

Results of the 2013 Fair Housing Survey suggest that Suffolk County residents are generally familiar with, and supportive of, laws and policies designed to promote fair housing. However, a majority of respondents felt that fair housing laws are not adequately enforced, and implied that there is a greater need for fair housing outreach, education, and testing in Suffolk County. Many respondents were able to correctly name groups that are afforded protected class status in fair housing laws applicable to Suffolk County, and were aware of a county fair housing ordinance, regulation, or plan. Respondents who identified particular geographic areas with fair housing problems mentioned Brentwood, Islip, Wyandanch, Gordon Heights, and North Amityville.

The Focus Group meetings included in this AI highlighted perceived challenges to fair housing efforts in Suffolk County. Discussions at each meeting were wide-ranging, although many of the same themes were present in all of them: NIMBYism, inadequate awareness of fair housing policy among the public and representatives of the housing industry, high land costs, insufficient sewer infrastructure and a need for education were three such themes.

## *SECTION VIII. SUMMARY OF FINDINGS*

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This AI reviews both the public and private sector contexts for Suffolk County's housing markets, in order to determine the effects these forces have on housing choice. As part of that review, analysis of demographic, economic, and housing data provide background context for the environments in which housing choices are made. Demographic data indicate the sizes of racial and ethnic populations and other protected classes; economic and employment data show additional factors in influencing housing choice; and counts of housing by type, tenure, quality, and cost indicate the ability of the housing stock to meet the needs of the County's residents.

Once this contextual background analysis has been performed, detailed review of fair housing laws, cases, studies, complaints, and public involvement data can be better supported by the background information. The structure provided by local, state, and federal fair housing laws shapes the complaint and advocacy processes available in the County, as do the services provided by local, state, and federal agencies. Private sector factors in the homeownership and rental markets, such as home mortgage lending practices, have substantive influence on fair housing choice. In the public sector, policies and codes of local governments and a limited location of affordable rental units can significantly affect the housing available in each area, as well as neighborhood and community development trends. Complaint data and AI public involvement feedback further help define problems and possible impediments to housing choice for persons of protected classes, and confirm suspected findings from the contextual and supporting data.

### Socio-Economic Context

The population of Suffolk County grew from 1,419,369 to an estimated 1,500,338 persons, or by 5.6 percent, between 2000 and 2011. During that time, growth was the most rapid among residents over the age of 65, though growth was also fairly rapid in the cohort of persons aged 20 to 24. By contrast, the number of Suffolk County residents aged between 25 and 34 years fell between 2000 and 2010, along with the population of residents aged less than 5 years. In all other age cohorts, growth was modest but positive between the two Censuses. The racial and ethnic composition of the County also changed after 2000: the White population grew at a relatively modest rate, while the populations of Black and Asian residents grew at a substantially higher rate. In terms of ethnicity, the Hispanic population also grew more quickly than the non-Hispanic population between the two Censuses. Certain areas of the county were also observed to hold disproportionately high shares of minority residents.

Economic data for Suffolk County demonstrate the impact of the recent recession. Participation in the labor force fell along with employment after 2008; however, the number of employed fell more sharply than the total number in the labor force, resulting in high rates of unemployment after 2008 (though the unemployment rate in the County was lower than in the state overall). The impact of the recession on real earnings per job appeared to be relatively modest in Suffolk County, compared to its impact on real earnings per job statewide. The average poverty rate in the County fell from 6 percent in 2000 to 5.7 percent in the years between 2007 and 2011, though some of the areas with high proportional rates of poverty in 2000 continued to be disproportionately impacted in 2011 (Greenport is a notable example).

The number of housing units in the County, which were mostly composed of single-family homes, increased by 9.13 percent between 2000 and 2010, outpacing population growth. The number of occupied housing units grew, though the greater increase of vacant housing units during this same period suggests that the supply of available units outstripped demand for those units. The number of occupied units dedicated to rental use grew at a faster rate than the number of owner-occupied units, indicative of a shift away from home-ownership and toward rental housing during this period. Substantial growth in the number of vacant houses for rent between the 2000 and 2010 Censuses provides additional evidence of such a shift. The number of vacant housing units for sale also increased considerably during this time. Of potential concern is a sizeable increase in the number of “other vacant” units, which are not on the market, which may contribute to blight in areas with high concentrations of these units. Overcrowding was less prevalent in the 2007-2011 estimates than in the 2000 Census, while the share of households with incomplete plumbing or kitchen facilities increased slightly during this period.

Median rental costs increased moderately between 2000 and 2011, and areas with high rent prices were scattered across the county. A clearer trend was observed in the geographic distribution of median home values; tracts with high median home values tended to be concentrated in the extreme northwest and southeast of the County, while comparatively low median home values were concentrated in central, southern, and southwestern Census tracts.

#### Review of Fair Housing Laws, Studies, and Cases

A review of laws, studies, cases, and related materials relevant to fair housing in Suffolk County demonstrated the complexity of the fair housing landscape. Suffolk County fair housing law offers protections which include and expand upon the list of protected classes enumerated in New York State’s Executive Law<sup>58</sup>, which in turn offers more expansive protections than those guaranteed under federal fair housing law.

Two cases brought against providers of housing in Suffolk County through the Department of Justice implicate discrimination in the County on the basis of disability. An ongoing case against Westchester County, to whom HUD funding was recently denied on the basis of failure to affirmatively further fair housing, is likely to impact the conduct of fair housing policy in New York as well as the United States as a whole. That case, as well as an ongoing case against Nassau County and HUD investigation against the Town of Huntington, underscores the increased scrutiny on the part of HUD in recent years in evaluating AFFH certification, as well as the scope that this scrutiny provides to fair housing advocates seeking to promote fair housing policy.

#### Fair Housing Structure

Several organizations provide fair housing services to residents of Suffolk County; these organizations include HUD, the New York Division of Human Rights, the Suffolk County Human Rights Commission, and Long Island Housing Services. Each of these organizations offers a range of services that include outreach and education, complaint intake, and testing and enforcement activities for both providers and consumers of housing.

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<sup>58</sup> With the exception of military status; this is included as a protected class in New York law, though not in Suffolk County law.

## Fair Housing in the Private Sector

The rate at which home loans were denied to applicants from Suffolk County fell from 29.6 percent in 2007 to 17.7 percent in 2011. Loan applications from White applicants were denied at a rate that was consistently below the overall average denial rate of 20.5 percent. By contrast, American Indian, Black, and Asian applicants were denied loans at markedly higher rates than White applicants; likewise, Hispanic applicants were denied loans at a considerably higher rate than non-Hispanic applicants. Suffolk County residents were denied loans at differing rates depending on the area in which they lived: Overall denial rates tended to be highly concentrated in western, inland Census tracts, many of which held disproportionate shares of racial and ethnic minority residents. However, Black applicants, who were already subject to relatively high rates of loan denials, were denied loans at especially high rates when they applied for loans outside of areas with high concentrations of Black residents. The same pattern was observed for Hispanic applicants who applied for loans outside of areas with high concentrations of Hispanic residents.

A similar trend was noted in the issuance of loans with high annual percentage rates (HALs), which were issued to White residents at a lower rate than racial minority residents, and to non-Hispanic borrowers at a lower rate than Hispanic borrowers. In addition, Black and Hispanic borrowers, already subject to disproportionately high rates of HALs, were issued these inferior loan products in especially high rates outside of areas with high concentrations of Black and Hispanic residents.

Business loans intended to encourage economic activity in low- to moderate-income areas did not tend to be directed toward the areas with lower incomes in Suffolk County as frequently as they were toward higher income areas.

Discrimination on the basis of disability and race figured strongly in complaints lodged with HUD, the New York Division of Human Rights, and Long Island Housing Services (LIHS). In the case of the LIHS, disability was the most prevalent complaint basis by far. Complaints lodged with HUD suggest that the most common discriminatory acts in the County between 2004 and 2013 were the following:

- Discriminatory terms, conditions, privileges, or services and facilities;
- Discriminatory refusal to rent;
- Discriminatory terms, conditions, or privileges relating to rental; and
- Intimidation and coercion (Section 818).

Complaint data from all three sources reflect a high prevalence of housing complaints relating to alleged discrimination in the rental housing market.

Results from the private sector portion of the 2014 Fair Housing Survey, conducted from April to mid-July 2013 as part of the AI process, reveal a common perception among respondents that discriminatory barriers to fair housing choice exist in the private housing market of Long Island. Specific examples of discrimination cited by survey participants included refusal to rent,

steering, and red-lining, and persons with disabilities, racial and ethnic minorities, and single women with children were perceived to be common targets for such discriminatory acts.

### Fair Housing in the Public Sector

HUD-assisted rental properties, LIHTC units, and DPAP recipients in Suffolk County were observed to be widely distributed throughout the County, though they tended to be concentrated in central and eastern Census tracts and effectively absent from villages within the Community Development Consortium. Additionally, there were comparatively few assisted housing units in areas of the County which were observed to have the highest median home values over the period from 2007 to 2011.

Analysis of the policies and codes of non-entitlement jurisdictions in Suffolk County showed that all of these jurisdictions have in place some basic housing definitions such as “dwelling unit” and “family.” Half of the communities have policies in place allowing mixed-use housing, with a few offering incentives. Less than half of these communities have specific provisions in place to promote fair housing and few include accessibility requirements or provide for special administrative processes by which individuals with disabilities may request a variance for modifications that constitute reasonable accommodations, in their local codes. In addition, none of the communities include a definition of “group home” (or similar type of housing) in their local ordinances, and such housing units are allowed by right in areas zoned for single-family homes in about half of the communities, according to survey responses.

Results from the public sector section of the 2013 Fair Housing Survey revealed a commonly-held perception that public policies and laws in Suffolk County tend to produce disparate impacts on residents in protected classes, and to perpetuate some of the problems associated with discrimination in the housing market. In particular, many respondents maintained that zoning and land-use policies often served as conduits for neighborhood opposition to affordable and fair housing efforts in certain areas.

### Public Involvement

Results of the 2013 Fair Housing Survey suggest that Suffolk County residents are generally familiar with, and supportive of, laws and policies designed to promote fair housing. However, a majority of respondents felt that fair housing laws are not adequately enforced, and implied that there is a greater need for fair housing outreach, education, and testing in Suffolk County. Many respondents were able to correctly name groups that are afforded protected class status in fair housing laws applicable to Suffolk County, and were aware of a county fair housing ordinance, regulation, or plan. Respondents who identified particular geographic areas with fair housing problems mentioned Brentwood, Islip, Wyandanch, Gordon Heights, and North Amityville. There was also recognition that Suffolk County faces very practical obstacles to constructing affordable housing due to high costs, taxes and the lack of sewer treatment systems and infrastructure to permit increased density development.

## SECTION IX. IMPEDIMENTS AND SUGGESTED ACTIONS

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### Private Sector Impediments, Suggested Actions, and Measurable Objectives

Impediment 1: Discriminatory terms and conditions in rental: This impediment was identified through review of housing discrimination complaints lodged with HUD, the New York Division of Human Rights (NYDHR), Suffolk County Human Rights Commission and Long Island Housing Services (LIHS); the results of the 2013 Fair Housing Survey and survey commentary; and review of the literature. Alleged discrimination in rental markets was among the most common complaints lodged with HUD and the New York Division of Human Rights, and was by far the most common complaint issue in complaints lodged with Long Island Housing Services. Perception of discrimination in rental markets was common among survey respondents, and four of the five local fair housing cases discussed in this report concerned rental units.

*Action 1.1:* Enhance testing and enforcement activities and document the outcomes of enforcement actions

*Measurable Objective 1.1:* The number of testing and enforcement activities conducted

*Action 1.2:* Continue to work with fair housing advocates such as LIHS and the Long Island Housing Partnership to provide public awareness and educate landlords and property management companies about fair housing law. In particular, assist the Long Island Board of Realtors with providing information and education to landlords and property management companies as to Fair Housing laws and best practices.

*Measurable Objective 1.2:* The number of outreach and education activities conducted

*Action 1.3:* Continue to educate housing consumers in fair housing rights

*Measurable Objective 1.3:* The number of outreach and education activities conducted

*Action 1.4:* Continue to require developers and landlords who receive County funding for affordable housing development to submit and adhere to fair housing marketing, policies and procedures.

*Measurable Objective 1.4:* The number of affordable development funded and the number of fair housing and marketing plans submitted

Impediment 2: High denial rates to women and minorities: This impediment was identified through review of home loan data collected under the Home Mortgage Disclosure Act (HMDA), results of the 2013 Fair Housing Survey, and results of focus group presentations. Women applicants had a consistently higher rate of loan denials than man between 2004 and 2011, and Black and Hispanic applicants were turned down more often than white and non-Hispanic applicants. Discrimination against women and minority residents in the home loan industry was specifically cited in commentary submitted with the fair housing survey, and was highlighted in focus group discussions.

*Action 2.1:* Educate buyers through credit counseling and home purchase training

*Measurable Objective 2.1:* The number of outreach and education activities conducted

*Action 2.2:* Continue to work with HUD certified mortgage counseling agencies and with the Suffolk County Office of Minority Affairs and other women and minority outreach programs to educate on lending practices, mortgage requirements and to provide home buyer counseling.

*Measurable Objective 2.2:* *Number of minority and women applicants who receive such counseling*

Impediment 3: Predatory style loans provided more often to minorities: This impediment was identified through analysis of loans collected under the HMDA as well as from the results and commentary submitted in the 2013 Fair Housing Survey. High annual percentage rate loans, or HALs, were more frequently extended to Black and Hispanic residents than to White or non-Hispanic residents, even when those applicants earned similar incomes. The perception that minority applicants were more frequent recipients of these predatory style loans was common in commentary submitted with the fair housing survey and during focus group discussions.

*Action 3.1:* Educate buyers through continued credit counseling and home purchase training

*Measurable Objective 3.1:* The number of outreach and education activities conducted

*Action 3.2:* *Continue to require recipients for County funding to first receive training in home ownership and mortgage counseling and continue to work with housing agencies to provide outreach to the public.*

*Measurable Objective 3.2:* *The number of grants awarded and homebuyer counseling certificates issued.*

Impediment 4: Failure to make reasonable modification and accommodation: This impediment was also identified through review of housing discrimination complaints submitted to HUD, the NYDHR, and LIHS; the results and commentary submitted for the 2013 Fair Housing Survey; review of policies and practices of selected jurisdictions in the county; and review of local and national fair housing cases. Disability was by far the most common complaint lodged in Suffolk County according to complaint data provided by HUD, the New York Division of Human Rights, and Long Island Housing Services. Survey respondents and participants in the fair housing focus groups also cited failure to make or allow reasonable accommodation as a salient issue, and few of the local jurisdictions surveyed in this report included a definition of disability in their local codes.

*Action 4.1:* Educate housing providers about requirements for reasonable accommodation or modification

*Measurable Objective 4.1:* The number of training sessions conducted

*Action 4.2:* *Continue to ensure that all affordable housing developments funded with County programs are in compliance with ADA and County "visitability" requirements adopted under Article XXXVI of the Suffolk County Code*

*Measurable Objective 4.2:* The number of developments funded and ADA units constructed

Impediment 5: Lack of sufficient fair housing enforcement and institutional capacity: This impediment was identified in the results of the 2013 Fair Housing Survey, 2013 Focus Group discussions, and 2014 Fair Housing Forum. Survey respondents, focus group discussants, and

forum participants cited an insufficient level of fair housing enforcement and testing among public and private sector agencies, which is connected to and reflected in the shortage of fair housing enforcement personnel at HUD's New York Office and the State Division of Human Rights.

*Action 5.1:* Enhance testing and enforcement capacity in Suffolk County

*Measurable Objective 5.1:* The number of tests completed

**Impediment 6: Steering and blockbusting:** This impediment was identified in the results of the 2013 Fair Housing Survey, 2013 Focus Group discussions and 2014 Fair Housing Forum. Participants in the survey, discussion, and forum perceived steering to be an issue in both the rental and real estate industries.

*Action 6.1:* Enhance outreach and education to the housing industry and the rental and real estate industry about fair housing law and how some people have been negatively affected by past housing transaction practices.

*Measurable Objective 6.1:* The number of outreach and education activities conducted.

#### Public Sector Impediments, Suggested Actions, and Measurable Objectives

**Impediment 1: Exclusionary zoning by units of local government:** This impediment was identified in the results of the 2013 Fair Housing Survey, 2013 Focus Group discussions, the 2014 Fair Housing Forum and the review of local fair housing cases, notably the recent case against the Town of Huntington that was routed to HUD. In the survey and focus group discussions, exclusionary zoning was perceived to be a product of local opposition to affordable housing (NIMBYism), and pressure on local governmental officials by those who were opposed to the placement of such units in their neighborhoods.

*Action 1.1:* Review existing zoning practices of the Community Development Consortium communities

*Measurable Objective 1.1:* Enumeration of municipalities that may have need of a best practices approach

*Action 1.2:* Identification of available high opportunity areas for affordable housing development through adaptive zoning through, for example, affordable housing or higher density overlay districts

*Measurable Objective 1.2:* Mapping of such areas and districts

**Impediment 2: Lack of higher density, multi-family development policies of local government have led to limited rental availability in the county which hinders housing diversity and can result in concentrations of racial and ethnic minorities:** This impediment was identified in the results of the 2013 Fair Housing Survey, the Land Use Planning Survey, and the literature. Survey respondents stated that land use planning decisions tended to work against the development of affordable multi-family housing, and to isolate such units to "undesirable areas". More than half of the local officials interviewed for the Land Use Planning Survey stated that their local codes do not include provisions to promote affordable housing units. Finally, the review of court cases and complaints included in the literature review suggest that

there is the perception that affordable multi-family units tend to be concentrated in areas with high proportions of minority residents.

*Action 2.1:* Add additional criteria to assisted housing locations and other investment decisions

*Measurable Objective 2.1:* Determination of additional criteria, such as concentration of poverty or concentration of racial or ethnic minority, and incorporate this in the decision process

*Action 2.2:* Work with housing advocates, community groups, civic and business organizations to encourage collaborative efforts to construct higher density rental developments in areas of higher economic income

*Measurable Objective 2.2:* Number and location of units constructed

*Action 2.3:* Assess and strengthen the Long Island Workforce Housing Act to promote higher density inclusionary zoning in areas otherwise restricted and review other local mandatory inclusionary zoning ordinances.

*Measurable Objective 2.3:* Number of units and location of additional affordable units constructed as a result of the Long Island Workforce Housing Act

*Action 2.4:* Increase public funding to assist with construction of affordable housing in areas with higher land costs to foster lower purchase prices and rents in order to assist occupants at lower economic levels.

*Measurable Objective 2.4:* Additional units constructed at targeted income levels in higher income areas

*Action 2.5:* Endeavor to condition County funding for affordable housing development to those developments that are not tied to a local preference

*Measurable Objective 2.5:* marketing of occupants to a wide area of potential residents resulting in more diverse residency

**Impediment 3: Lack of sufficient and efficient public transit system:** This impediment was identified in the results of the 2013 Fair Housing Survey, 2013 Focus Group discussions, and the 2014 Fair Housing Forum. Survey respondents, as well as participants in the focus group and forum discussions, citing a lack of viable transportation options as a challenge to those who rely on public transportation to get to work or who need it to access other government services. Respondents also noted the practical barriers to developing affordable housing in Suffolk County due simply to a lack of sewers making higher density development difficult due to the Suffolk County Health Department Code restrictions on how many units may be built per acre. Without a sewer treatment system to protect the water supply from sanitary flow, construction is limited, notwithstanding what a local zoning code may approve as permitted per acre development.

*Action 3.1:* Work with NYS Department of Transportation, the Suffolk County Department of Public Works, the Long Island Railroad/MTA and local municipalities to promote land use planning that encourages transit oriented development which contains higher density construction connected with public transportation accommodations.

*Measurable Objective 3.1:* Approvals, funding and construction of additional transit oriented developments such as is contemplated by such developments as Heartland, Wyandanch Village and the Ronkonkoma Hub.

*Action 3.2: Through Suffolk's initiative – Connect Long Island- create bus rapid transit (BRT) connections, as an extension of the LIRR service, to link communities with commerce, institutions of higher education and research, innovation zones parks and open spaces.*

*Measurable Objective 3.2: Approval and funding of north-south BRT connections such as along Nicolls Road*

Impediment 4: Insufficient sewer system for higher density development: This impediment was identified in the results of the 2013 Fair Housing Survey, the 2013 Focus Group discussions, and the 2014 Fair Housing Forum. Participants in the survey, focus groups, and forum all cited the lack of an adequate sewer system as a limitation on the development of multi-family affordable housing, because it has necessitated strict regulations on the density of housing development allowed in a particular area. These regulations, in turn, make the production of multi-family housing considerably more difficult than the production of single-family homes.

*Action 4.1: Seek additional funding to construct infrastructure and sewers to accommodate higher density development and affordable housing in areas otherwise precluded*

*Measurable objective 4.1: Amount of funding received and the number of additional units constructed*

*Action 4.2: Use the recommendations of the Suffolk County Transfer of Development Rights Study to promote regional transfer of density into affordable housing developments*

*Measurable objective 4.2: Transfer of density from one region to another to meet waste water flow requirements of the Suffolk County sanitary Code.*

Impediment 5: Lack of protection for source of income: This impediment was identified in the results of the 2013 Fair Housing Survey, 2013 Focus Group discussions, and review of the fair housing law and cases. When asked to identify needed changes to fair housing laws and policies, survey respondents specifically identified a need for protection based on source of income. This need was further underscored in focus group discussions that cited discrimination against recipients of various forms of government aid, including Section 8 Housing Vouchers. Finally, a 2010 report by the National Fair Housing Alliance identified the addition of source of income as a protected class as one of several needed updates to the federal FHA.

**ACCOMPLISHED:** In 2014, Suffolk County amended its Human Right Law to prohibit discrimination based on source of income.

## SECTION X. GLOSSARY

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Accessible housing: Housing designed to allow easier access for physically disabled or vision impaired persons.

ACS: American Community Survey

AI: Analysis of Impediments to Fair Housing Choice

AMI: Area median income

BEA: Bureau of Economic Analysis

BLS: Bureau of Labor Statistics

CDBG: Community Development Block Grant

Census tract: Census tract boundaries are updated with each decennial census. They are drawn based on population size and ideally represent approximately the same number of persons for each tract.

Consolidated Plan: Consolidated Plan for Housing and Community Development

Cost burden: Occurs when a household has gross housing costs that range from 30.1 to 50 percent of gross household income.

CRA: Community Reinvestment Act

Disability: A lasting physical, mental, or emotional condition that makes it difficult for a person to conduct daily activities of living or impedes him or her from being able to go outside the home alone or to work.

Disproportionate share: Exists when the percentage of a population is 10 percentage points or more above the study area average.

DOJ: U.S. Department of Justice

ESG: Emergency Solutions Grants program

Fannie Mae: Federal National Mortgage Association (FNMA), a government-sponsored enterprise that purchases mortgages from lenders and repackages them as mortgage-backed securities for investors.

Family: A family is a group of two people or more related by birth, marriage, or adoption and residing together.

FFIEC: Federal Financial Institutions Examination Council

FHAP: Fair Housing Assistance Program

FHEO: Fair Housing and Equal Opportunity

FHIP: Fair Housing Initiative Program

Floor area ratio: The ratio of the total floor area of a building to the land on which it is situated, or the limit imposed on such a ratio.

Freddie Mac: Federal Home Loan Mortgage Corporation (FHLMC), a government-sponsored enterprise that purchases mortgages from lenders and repackages them as mortgage-backed securities for investors.

GAO: U.S. General Accounting Office

Gross housing costs: For homeowners, gross housing costs include property taxes, insurance, energy payments, water and sewer service, and refuse collection. If the homeowner has a mortgage, the determination also includes principal and interest payments on the mortgage loan. For renters, this figure represents monthly rent and electricity or natural gas energy charges.

HAL: High annual percentage rate (APR) loan, defined as more than three percentage points higher than comparable treasury rates for home purchase loans, or five percentage points higher for refinance loans.<sup>59</sup>

HMDA: Home Mortgage Disclosure Act

HOME: HOME Investment Partnerships

HOPWA: Housing Opportunities for Persons with AIDS

Household: A household consists of all the people who occupy a housing unit. A house, an apartment or other group of rooms, or a single room, is regarded as a housing unit when it is occupied or intended for occupancy as separate living quarters; that is, when the occupants do not live with any other persons in the structure and there is direct access from the outside or through a common hall.

Housing problems: Overcrowding, incomplete plumbing or kitchen facilities, or cost burdens

HUD: U.S. Department of Housing and Urban Development

Incomplete kitchen facilities: A housing unit is classified as lacking complete kitchen facilities when any of the following are not present: a sink with piped hot and cold water, a range or cook top and oven, and a refrigerator.

Incomplete plumbing facilities: A housing unit is classified as lacking complete plumbing facilities when any of the following are not present: piped hot and cold water, a flush toilet, and a bathtub or shower.

Labor force: The total number of persons working or looking for work

MFI: Median family income

Mixed-use development: The use of a building, set of buildings, or neighborhood for more than one purpose.

MSA: Metropolitan Statistical Area

NIMBYism: "Not in my backyard" mentality among community members, often in protest of affordable or multi-family housing.

Other vacant units: Housing units that are not for sale or rent

Overcrowding: Overcrowding occurs when a housing unit has more than one to 1.5 persons per room.

Poverty: The Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The official poverty thresholds do not vary geographically, but they are updated for inflation using Consumer Price Index (CPI-U). The official poverty definition uses money income before taxes and does not include capital gains or noncash benefits (such as public housing, Medicaid, and food stamps).

Predatory loans: As defined by the Predatory Lending Consumer Protection Act of 2002 as well as the Home Owner Equity Protection Act (HOEPA), loans are considered predatory based on:

1. If they are HOEPA loans;<sup>60</sup>
2. Lien status, such as whether secured by a first lien, a subordinate lien, not secured by a lien, or not applicable (purchased loans); and
3. Presence of HALs. For full definition, see HAL.

Protected Class: Group of people protected from discrimination and harassment. Suffolk County residents are protected from housing discrimination based on race, sex, religion,

<sup>59</sup> 12 CFR Part 203, [http://www.ffiec.gov/hmda/pdf/regc\\_020702.pdf](http://www.ffiec.gov/hmda/pdf/regc_020702.pdf)

<sup>60</sup> Loans are subject to the HOEPA if they impose rates or fees above a certain threshold set by the Federal Reserve Board. "HMDA Glossary." <http://www.ffiec.gov/hmda/glossary.htm#H>

familial status, disability, national origin, color, creed, sexual orientation, gender, ancestry, age, marital status, military status, and alienage or citizenship.

Public housing: Public housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities.

RDA: Redevelopment agency

Severe cost burden: Occurs when gross housing costs represent 50.1 percent or more of gross household income.

Severe overcrowding: Occurs when a housing unit has more than 1.5 persons per room.

Steering: Actions of real estate agents or landlords to discourage a prospective buyer or tenant from seeing or selecting properties in certain areas due to their racial or ethnic composition.

Tenure: The status by which a housing unit is held. A housing unit is "owned" if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. A cooperative or condominium unit is "owned" only if the owner or co-owner lives in it. All other occupied units are classified as "rented," including units rented for cash rent and those occupied without payment of cash rent.

## APPENDICES

The following sections present additional data prepared in development of the Suffolk County Analysis of Impediments to Fair Housing Choice.

### A. COMMUNITY REINVESTMENT ACT DATA

**Table A.1**  
**Small Business Loans Originated: \$100,000 or Less by Tract MFI**

Suffolk County  
2000 - 2011 Community Reinvestment Act Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
<b>Number of Loans</b>						
2000	46	6,032	21,868	5,106	10	33,062
2001	71	7,339	25,074	5,533	11	38,028
2002	56	9,106	29,739	6,536	19	45,456
2003	228	10,021	31,150	9,136	1	50,536
2004	224	9,641	31,808	9,068	1	50,742
2005	247	9,865	31,491	8,879	4	50,486
2006	445	19,803	66,343	19,774	6	106,371
2007	420	20,459	66,543	20,029	5	107,456
2008	366	15,187	50,388	15,782	7	81,730
2009	148	6,332	21,037	6,867	1	34,385
2010	127	5,274	17,909	6,178	2	29,490
2011	158	6,334	22,318	7,624	8	36,442
<b>Total</b>	<b>2,536</b>	<b>125,393</b>	<b>415,668</b>	<b>120,512</b>	<b>75</b>	<b>664,184</b>
<b>Loan Amount (\$1,000s)</b>						
2000	684	87,594	301,534	70,035	131	459,978
2001	808	98,622	313,707	70,317	263	483,717
2002	814	116,831	379,455	89,361	121	586,582
2003	3,406	128,913	411,919	128,549	3	672,790
2004	3,358	135,052	452,889	140,728	100	732,127
2005	4,215	144,454	476,006	148,142	131	772,948
2006	4,619	196,380	659,847	201,674	113	1,062,633
2007	4,739	223,456	744,149	236,994	7	1,209,345
2008	3,657	176,753	594,662	187,463	79	962,614
2009	1,889	89,381	284,677	83,921	10	459,878
2010	2,030	79,940	247,478	76,939	115	406,502
2011	2,352	87,493	283,052	95,197	229	468,323
<b>Total</b>	<b>32,571</b>	<b>1,564,869</b>	<b>5,149,375</b>	<b>1,529,320</b>	<b>1,302</b>	<b>8,277,437</b>

**Table A.2**  
**Small Business Loans Originated: \$100,001 to \$250,000 by Tract MFI**

Suffolk County  
 2000 - 2011 Community Reinvestment Act Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
<b>Number of Loans</b>						
2000	3	205	707	130	0	1,045
2001	2	208	654	125	1	990
2002	4	255	799	161	1	1,220
2003	13	296	737	211	0	1,257
2004	13	267	778	252	0	1,310
2005	15	282	783	254	0	1,334
2006	9	294	713	210	1	1,227
2007	13	300	737	214	1	1,265
2008	11	290	784	257	1	1,343
2009	7	238	601	176	0	1,022
2010	6	206	571	144	1	928
2011	4	177	517	165	0	863
<b>Total</b>	<b>100</b>	<b>3,018</b>	<b>8,381</b>	<b>2,299</b>	<b>6</b>	<b>13,804</b>
<b>Loan Amount (\$1,000s)</b>						
2000	540	36,684	130,521	24,298	0	192,043
2001	400	37,626	121,658	22,852	137	182,673
2002	733	46,222	144,771	29,329	250	221,305
2003	2,697	55,856	133,082	38,230	0	229,865
2004	2,722	49,881	141,629	45,050	0	239,282
2005	3,039	52,522	143,619	46,825	0	246,005
2006	1,875	55,312	131,632	38,745	150	227,714
2007	2,650	55,602	134,724	38,724	150	231,850
2008	1,915	52,459	144,546	46,667	150	245,737
2009	1,256	42,712	111,489	32,378	0	187,835
2010	1,197	35,999	105,146	25,943	150	168,435
2011	706	31,322	92,658	29,550	0	154,236
<b>Total</b>	<b>19,730</b>	<b>552,197</b>	<b>1,535,475</b>	<b>418,591</b>	<b>987</b>	<b>2,526,980</b>

**Table A.3**  
**Small Business Loans Originated: More than \$250,000 by Tract MFI**

Suffolk County  
 2000 - 2011 Community Reinvestment Act Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
<b>Number of Loans</b>						
2000	1	154	644	105	0	904
2001	3	167	621	108	1	900
2002	3	207	659	134	0	1,003
2003	12	245	689	198	0	1,144
2004	8	222	688	227	0	1,145
2005	13	278	634	221	0	1,146
2006	10	273	659	221	0	1,163
2007	11	320	695	243	0	1,269
2008	7	278	670	226	0	1,181
2009	7	229	508	170	0	914
2010	10	185	437	144	0	776
2011	6	158	387	138	0	689
<b>Total</b>	<b>91</b>	<b>2,716</b>	<b>7,291</b>	<b>2,135</b>	<b>1</b>	<b>12,234</b>
<b>Loan Amount (\$1,000s)</b>						
2000	650	81,565	335,697	58,330	0	476,242
2001	1,650	85,823	335,107	60,876	500	483,956
2002	1,700	111,803	365,595	72,487	0	551,585
2003	6,817	127,490	372,136	112,017	0	618,460
2004	3,780	126,593	373,542	128,584	0	632,499
2005	5,903	152,198	357,816	124,178	0	640,095
2006	4,477	148,630	376,250	121,997	0	651,354
2007	5,367	176,643	390,694	140,963	0	713,667
2008	3,900	149,556	368,906	121,852	0	644,214
2009	4,210	123,026	276,754	92,612	0	496,602
2010	4,595	98,291	234,721	81,012	0	418,619
2011	2,360	84,378	221,849	77,879	0	386,466
<b>Total</b>	<b>45,409</b>	<b>1,465,996</b>	<b>4,009,067</b>	<b>1,192,787</b>	<b>500</b>	<b>6,713,759</b>

**Table A.4**  
**Small Business Loans to Businesses with Gross Annual Revenues of Less Than \$1 Million by Tract MFI**

Suffolk County  
 2000 - 2011 Community Reinvestment Act Data

Year	<50% MFI	50.1-80% MFI	80.1-120% MFI	>120% MFI	Missing MFI	Total
<b>Number of Loans</b>						
2000	26	2,886	9,697	2,383	6	14,998
2001	40	3,188	10,632	2,436	6	16,302
2002	21	3,014	9,874	2,401	8	15,318
2003	120	4,081	12,613	3,767	0	20,581
2004	115	3,607	12,606	3,814	1	20,143
2005	152	4,683	16,098	4,488	3	25,424
2006	154	6,065	20,579	5,710	2	32,510
2007	162	6,936	22,392	6,102	0	35,592
2008	103	3,651	11,451	3,126	1	18,332
2009	30	1,302	4,174	1,194	0	6,700
2010	26	1,154	3,622	1,083	1	5,886
2011	52	2,104	7,663	2,569	1	12,389
<b>Total</b>	<b>1,001</b>	<b>42,671</b>	<b>141,401</b>	<b>39,073</b>	<b>29</b>	<b>224,175</b>
<b>Loan Amount (\$1,000s)</b>						
2000	612	82,376	268,742	61,714	110	413,554
2001	806	90,236	272,548	67,689	147	431,426
2002	583	113,688	317,551	78,100	303	510,225
2003	6,943	121,872	371,877	107,840	0	608,532
2004	4,118	105,107	362,131	122,312	100	593,768
2005	6,911	131,558	404,483	134,225	114	677,291
2006	4,868	148,041	477,966	140,381	6	771,262
2007	5,038	160,063	505,528	153,807	0	824,436
2008	2,215	94,962	299,234	94,973	2	491,386
2009	522	48,918	149,769	48,668	0	247,877
2010	660	41,208	124,663	42,555	15	209,101
2011	1,157	43,383	139,167	47,817	5	231,529
<b>Total</b>	<b>34,433</b>	<b>1,181,412</b>	<b>3,693,659</b>	<b>1,100,081</b>	<b>802</b>	<b>6,010,387</b>