

**City of Kingston
Office of Community Development**

Fair Housing Plan



**Analysis of
Impediments**

March 2019



For official submittal to the United States Department of Housing and Urban Development,
concurrent with the City of Kingston 2019-2023 Consolidated Strategy and Plan

Executive Summary

The United States Department of Housing and Urban Development (HUD) provides Federal funding to the City of Kingston for its housing and community development program through the Community Development Block Grant Entitlement Formula program (24 CFR Part 570). Annually, the City of Kingston allocates Community Development Block Grant funding (CDBG) to both programs and sub recipients for activities that benefit low-and moderate-income persons. Entitlement communities like the City of Kingston must prepare an analysis of impediments to fair housing, a plan to address these impediments, and maintain records of background information and its fair housing activities. Collectively, this information constitutes the City's Fair Housing Plan.

Fair housing is having a choice to live where you want and where you can afford without the fear or threat of discrimination. Discrimination, in this sense, is any housing practice or action that is unlawful under Title VIII of the Civil Rights Act of 1968, as amended, commonly referred to as the Fair Housing Act . The Fair Housing Act specifically provides that "...no person shall be subjected to discrimination because of race, color, religion, sex, handicap, familial status, or national origin in the sale, rental or advertising of dwellings, in the provision of brokerage services, or in the ability of residential real estate-related transactions...".

In addition, New York State enacted laws to support the provisions of the Federal Fair Housing Act. Specifically, the State enacted Executive Law Article 15, Human Rights Law, the Fair Housing Act and the Equal Credit Opportunity Act. In addition to the seven protected classes outlined in the Fair Housing Act, New York State has added marital status, age and Military status to the protected class list.

Housing discrimination complaints in New York State are handled through the Office of Fair Housing and Equal Employment Opportunity. Housing discrimination complaints on the local level are handled by the City of Kingston Human Rights Office and/or the Ulster County Human Rights Commission.

Other Statutes and Regulations Affecting Fair Housing Choice

- The Age Discrimination Act of 1975
- Title I of the Housing and Community Development Act of 1975, as amended
- 24 CFR 570.904 (c)(1)
- Presidential Executive Orders
 - 11063
 - 11625
 - 12138
 - 12432

- 12892
 - 11246
- Section 504 of the Rehabilitation Act of 1973, (29 USC 794)
 - The Americans with Disabilities Act (Title II), and Implementing Regulations
 - Section 3 of the Housing and Urban Development Act of 1968 (12 USC 1701u Section (3))
 - State Executive Order #6 which ensures equal employment opportunity for minorities, women, disabled persons and Vietnam veterans in state government employment
 - State Executive Order #19 prohibiting sexual harassment and intimidation in the workplace

Need for the Fair Housing Plan

The City received Entitlement Community designation in 2004. Identification of impediments to affordable housing was historically included in a section to the Five-Year Consolidated Plan. In 2011, HUD requested that Kingston complete a separate Analysis of Impediments to Fair Housing Choice. In the 2012 Analysis of Impediments, the City identified the following impediments to the creation of affordable housing:

- Lack of Independent Process to Determine Impediments and Administer a Fair Housing Plan
- Dissemination of Fair Housing Laws, Policies and Local Challenges
- Tracking and Interpreting Housing Trends
- Onerous State Regulatory and Approval Process (SEQR)
- Imbalance between Cost and Value
- Shortage of Funding to Modernize Public Housing Units

The City of Kingston is dedicated to executing its housing and community development activities in a manner that will affirmatively further fair housing and is consistent with the Fair Housing Act. The City has developed a series of programs through its Office of Economic and Community Development designed to address the needs of community residents (and potential residents). The City of Kingston endorses the belief that equal and free access to housing is vital to securing essential needs and pursuing various personal, educational, and employment goals.

Analysis of Impediments to Fair Housing

The 2019 Analysis of the Impediments to Fair Housing disclosed the following impediments prompting the proposed action tasks:

Impediment #1: Dissemination of Fair Housing Laws, Policies and Local Challenges

- Using the City of Kingston Fair Housing Plan as a guide, the OCD will work with State and Local agencies to implement a program to provide fair housing training and information to elected officials, appointed officials, planning staff, code enforcement staff, City Court staff, community organizations, landlords and the general public.
- Publish a pamphlet to be available in multi-lingual and accessible formats containing information to appropriately target information to tenants, homebuyers, housing providers, lenders, builders and others. The information disseminated should focus on the various sectors' rights and responsibilities under federal and state fair housing law and how and where to seek further technical capacity building and discrimination complaint assistance.
- The City will also support a program to ensure that all telephone directories and their respective listings contain correct and complete contact information for each agency, organization and office associated with enforcing or providing assistance in matters of fair housing discrimination or services to protected classes (this includes listings for the City Building Code and planning offices with respect to ADA and Section 504 fair housing complaints).
- The City web site will be updated to contain correct and complete information on providers and it will link to other related provider web sites.
- Provide a link from the City of Kingston's web site to the New York HUD Office of Fair Housing and Equal Opportunity's "Fair Housing Expert".
- The Office of Economic and Community Development will promote accessibility for all development projects it funds, especially new construction.

Impediment #2: Tracking and Interpreting Housing Trend Data

- As part of both the Annual Action Plan and Five-Year Consolidated Plan processes, this Fair Housing Plan will be periodically updated and revised to reflect new information, changing conditions, and evolving strategies to affirmatively further fair housing within the City of Kingston.
- The City will use services such as the HUD AFFH Data and Mapping Tool along with information collected and disseminated through the American Community Survey, HMDA, Federal Reserve, Consumer Finance Protection Bureau, and HUD through www.huduser.org

Impediment #3: Onerous State Regulatory and Land Use Approval Process

- Encourage local regulatory codes and housing design standards that permit accessory apartments and other modified living arrangements for the elderly.
- The City will create additional internal initiatives to streamline the local approval process and strive to overcome local regulatory barriers, which may increase the cost of housing.
- Despite recent amendments to the State Environmental Quality Review process, the City will continue to work with their Assemblyman and Senator to suggest and implement changes to the SEQR statute. Relieving the expensive, onerous and time consuming parts of the statute that have no bearing on preserving and protecting the environment would save the not-for-profit and for-profit development community tens of millions of dollars a year which in turn could be redirected to building and renovating housing units across the state; and

Impediment #4: Imbalance between Cost and Value

- The City will work with the construction and development community to explore changes in or modernization of the building code that would help lower the cost of rehabilitation and new construction projects;
- The City will continue its work with state and county regulatory agencies to explore ways to amend the regulatory approval process in an effort to lower the predevelopment costs associated with a project;
- The City will work with New York Homes and Community Renewal and HUD to explore ways to increase access to GAP funding for rehabilitation and new construction projects;
- Continue to provide funding for rehabilitation projects to keep affordable housing stock and homeownerships.
- Explore additional changes in the Zoning Code that will allow for higher density development in selected areas of the City;
- Incorporate “green” elements into rehabilitation and new construction projects to lower annual occupancy expenses; and,
- Support programs that will assist in the creation of jobs and improve the local economy.

Impediment #5: Shortage of Funding to Modernize Public Housing Units

- Identify needed capital improvements and establish short range and long range capital improvement programs;

- Explore alternatives to the current public housing model; and,
- Develop a financing strategy using currently available resources and promote that plan with both state and federal funding agencies;

Impediment #6: Quantity of New Units Being Developed

- Encourage the City of Kingston Planning Department to employ the newly developed streamlined review process, which has made the approval process easier and has eliminated significant costs.
- The City's new Zoning Task Force will promote zoning changes that are consistent with the City's Comprehensive Plan, including rezoning to encourage development of affordable and multifamily housing.
- The City of Kingston will enforce zoning requirements for developers seeking adaptive reuse of commercial buildings to reserve 10% of the residential units as "affordable" if they develop more than five units.
- The City will offer density allowances and incentives to encourage the development of new housing and new affordable housing.
- The City of Kingston does not have the capacity to undertake large-scale housing rehabilitation or production of affordable housing but works closely with long-time community partners including Youthbuild, RUPCO, and Family of Woodstock and private developers to address the need for more affordable housing.
- The City of Kingston will extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of new housing and new affordable housing.