

Proposed Consolidated Plan Annual Performance Report 2012

Affirmatively Furthering Fair Housing Statement



NYCTM **PLANNING**
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

Effective as of June 7, 2013

Proposed Consolidated Plan Annual Performance Report 2012

Affirmatively Furthering Fair Housing Statement



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DCP # 13-03

Proposed 2012 Consolidated Plan Annual Performance Report (APR) Affirmatively Further Fair Housing Statement

June 21, 2013

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PREFACE

The City has released for comment a five-year Affirmatively Furthering Fair Housing (AFFH) Statement which satisfies HUD requirement as outlined in the U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity, Fair Housing Planning Guide, Volume 1. Using the guidelines outlined in this document the City is providing for the public the five-year AFFH as part of the Proposed 2012 Consolidated Plan Annual Performance Report (APR). This is the fourth five-year Statement formulated by the City of New York. The previous five-year Fair Housing Statement was released as part of the 2007 Consolidated Plan APR.

I. Introduction

The Affirmatively Furthering Fair Housing Statement (AFFH) is the responsibility of a number of City Agencies. The New York City Commission on Human Rights (CHR or the Commission) is the primary agency which promotes fair housing in New York City. The Department of Housing Preservation and Development (HPD), and the New York City Housing Authority (NYCHA) promote fair housing for tenants in properties they administer and eligible applicants who might become tenants. Other agencies, including the Mayor's Office for People with Disabilities (MOPD), the Department for the Aging (DFTA), the Mayor's Office of Immigrant Affairs (MOIA), and the Department of Health and Mental Hygiene (DOHMH), assist special constituencies to obtain equitable housing. The Department of City Planning (DCP) coordinates the City's Consolidated Plan and the City's Affirmatively Furthering Fair Housing Statement.

New York City has long been a leader in promoting principles of fair play and equal opportunity. The City passed, in 1958, the nation's first fair housing legislation that banned discrimination in private housing. It was one of the first cities in the country to provide protection for families with children (1986), and the City's fair housing law for persons with a disability is stronger than federal law.

New York City has one of the most comprehensive local human rights laws in the country, governing housing as well as employment and public accommodations. The City's Human Rights Law, like the Federal Fair Housing Act, prohibits housing discrimination on the basis of a person's race, color, religion, gender (including gender identity and sexual harassment), disability, national origin, and familial status. In addition, the City's Law prohibits housing discrimination on the basis of a person's sexual orientation, age, alienage and citizenship status, marital status, partnership status, and lawful occupation. In 2008 the New York City Human Rights Law was amended to add a protection against discrimination in housing based on lawful source of income, including rental subsidies. The term "lawful source of income" includes income derived from Social Security, or any form of federal, state, or local public assistance or housing assistance, including HUD Section 8 rental vouchers. The City Council amended the law to address the problem that many rental housing providers in New York were refusing to rent to tenants with rental subsidies or with incomes from sources other than employment.

The New York City Human Rights Law deals with the sale, rental or financing of housing, as well as any advertisements or statements with respect to housing. The law applies to private, public housing, property management firms, property owners, realtors, lenders, and insurers of housing. Housing discrimination based on race, color, national origin, disability, marital status, partnership status, familial status, lawful occupation, any lawful source of income, gender (including gender identity and sexual harassment), alienage and citizenship status, age, sexual orientation, and creed is prohibited. Distinct among fair housing laws elsewhere in the country, the New York City law covers owner-occupied, two-family housing when the landlord makes public through advertising, postings, or statements the availability of the rental unit. Another distinctive feature of the Human Rights Law is the requirement that landlords may be required pay for reasonable accommodations involving physical modifications (when such modifications are architecturally feasible and do not create undue financial hardship), as opposed to other laws that require merely the owner's permission to implement physical changes. Discriminatory activities include: refusing to sell or rent dwellings; imposing different terms and conditions of sale or rental; falsely denying the availability of housing for sale or rental; refusing to make mortgage loans; and harassing or intimidating persons exercising fair housing rights.

II. Community and Housing Profile

A. The Community

At the time of the 2010 census, New York City's total population was 8,175,133 persons, down .5 percent from the 2006 American Community Survey (ACS). In 2010, the City continued the trend in which no one racial or ethnic group comprised a majority of the population. In addition, between 2006 and 2010, the City experienced a .1 percent increase in the number of foreign-born persons (a total of approximately 3.0 million persons) living in the five boroughs. Not since 1910 have immigrants represented a higher percentage of the city's population.

The City's population in 2010 was 33.3 percent White (Non-Hispanic), 22.8 percent Black (Non-Hispanic), 28.6 percent Hispanic origin, and 12.6 percent Asian (Non-Hispanic). Native Americans (Non-Hispanic) continued to comprise less than one percent of the City's inhabitants in 2010. In addition, approximately 17.2 percent of the City's population was 60 years and older.

For the 2000 Census there were several changes to the survey: Asians and Pacific Islanders were listed as separate race categories; and, for the first time census respondents were permitted check as being more than one race. In 2010 those with a Multiracial (Non-Hispanic) background accounted for 1.8 percent (148,700) of the population. Approximately 2,800 persons responded as being Native Hawaiian and Other Pacific Islander (Non-Hispanic).

In 2010 female-headed families with related children under 18 decreased by 10.8 percent over the last 10 years and comprised 15.1 percent of all families in the city. The increase in single parent families with a male head and related children was 8.0 percent, and accounted for 3.1 percent of all families in 2010.

Additional data provided by the 2002 New York City Housing and Vacancy Survey (HVS), conducted by the U.S. Census Bureau, found a residential population (excludes persons in institutions and other special places) of 8,091,000 in the 3 million households in New York City. Of the City's households, 67.3 percent were renter households and 31.9 percent were owner households.

Non-Hispanic white households comprised 44.4 percent of the City's households (42.6 percent of owner and 37.9 percent of renter households). Non-Hispanic black households lived in 23.9 percent of the City's occupied units (29.2 percent of owner households and 25.1 percent of renter households). Hispanic (Puerto Rican and other Hispanic) households were 22.3 percent of the City's households (15 percent of owner and 28.1 percent of renter households). Asian households lived in 8.8 percent of the City's occupied units (36 percent of owner and 8.4 percent of renter households).

Most of the housing programs funded by the City, State and Federal governments are designed to serve families with incomes less than or equal to 80 percent of the adjusted Median Family Income (MFI) for the New York, New York Primary Metropolitan Statistical Area (PMSA) as defined by the HUD Section 8 regulations. More than half (54.2 percent) of New York City households (62.9 percent of renter households and 36.5 percent of owner households) had 2002 incomes less than or equal to the HUD adjusted 80 percent of MFI level for the New York, New York PMSA.

Applying the HUD adjusted income limits to 2002 HVS data¹, the number of New York City households in the four income groups were:

1. Extremely Low Income (0-30% MFI, meaning households with income at or below \$18,850 for a family of 4), 702,217 or 23.4 percent of all households (29.0 percent of renters and 11.8 percent of owners);

¹*Income data are for the year prior to the survey.*

2. Other-Very Low Income (31-50% MFI: households with incomes over \$18,850 to \$31,400 for a family of 4), 399,901, or 13.3 percent of all households (15.1 percent of renters and 9.6 percent of owner households);
3. Other-Low Income (51-80% MFI: households with incomes of over \$31,400 to 50,250 for a family of 4), 527,891, or 17.6 percent of all households (18.8 percent of renters and 15.0 percent of owners); and,
4. Moderate Income (81-95% MFI: households with incomes over \$50,250 to 59,650 for a family of 4); 197,981, or 6.6 percent of all households (6.6 percent of renters and 6.5 percent of owners).

In summary, of the 3,005,000 households in New York City, 37 percent were very low income (0-50% of Median Family Income); this number includes 23 percent of households with incomes below \$18,850 or 30 percent of all households. Another 18 percent of householders had incomes of between 51 and 80 percent of MFI. In other words, according to HUD income definitions, more than one of every two households in the City is a low income household.

B. Housing

According to the 2002 HVS, the total number of housing units in New York City was 3,208,587 occupied and vacant available housing units (owner and renter). This total included 2,084,769 rental units (65.0 percent); 997,003 owner occupied and for-sale units (31.1 percent) and 126,816 vacant units not available for sale or for rent (4.0 percent).

The affordability of vacant-available housing is one of the most urgent housing issues in the City. In the three years between 1999 and 2002, the rental vacancy rate for the City declined from 3.19 percent to 2.94 percent. However, the impact of this decline was not evenly distributed among different rent levels. The impact was most acute on low-rent units and gradually receded as rent levels moved up. In 1999 and 2002, the rental vacancy rate for units with an asking rent of less than \$400 was extremely low, at 1.23 percent and 1.26 percent respectively. The rental vacancy rate for units with an asking rent level of \$400 to \$699 declined from 2.73 percent to 1.56 percent, bringing the overall vacancy rate for under \$700 to 1.47 percent. In this low rent sub-market, most households could not exercise the choice of rejecting less desirable units owing to the scarcity of affordable units. The availability of vacant rental units increases as rents rise above the asking price of \$700-\$799. The vacancy rate for units with asking rents of \$700-\$799 was 2.61 percent; the rate for units with an asking rent level of \$800-\$999 was 3.66 percent. The vacancy rate moves up close to 5.00 percent as asking rent levels go further up: it was 4.36 percent for units with an asking rent level of \$1,000-\$1,749.

In 2002 the median contract rent was \$706 per month. In 2002, the median gross rent-income ratio was 28.6 percent—that is, half of renters paid close to 30 percent of their household income for gross rent (rent and utilities payments). Not surprisingly, given the preponderance of lower income renter households in the city, 46.1 percent experienced an excessive housing cost burden (meaning gross rent income ratio greater than 30 percent) in 2002, and 26 percent of renter households experienced severe cost burdens of more than 50 percent. (All discussion of cost burden excludes renter households with zero income or no cash rent.) The proportion of households experiencing severe rent burdens was even higher for households with incomes at or below 80 percent of the Median Family Income. Of these lower income households, 66.1 percent had rent burdens greater than 30 percent and 39.1 percent had severe rent burdens of greater than 50 percent.

Lower income renter groups in particular show high proportions with excessive cost burden. Among extremely low income (0-30% MFI) households, 87.9 percent of those paying rent experienced rent burdens of more than 30 percent of household income, and 73.8 percent paid more than 50 percent of income for rent. 79.1 percent of other very low income (31-50% MFI) households paid more than 30 percent of household income for rent. Among other low income (51-80% MFI) households, 42.8 percent experienced such a cost burden. Among moderate income (81-95% MFI) households, 19.7 percent experienced a corresponding rent burden.

The median gross rent/income ratio was 54.4 percent for very poor households whose incomes were at or below 50 percent of the Area Median Income (AMI) in 2001. The ratio declined to 41.2 percent for low income households with incomes at or below 80% of AMI. The rent burden for each ethnic group was different from group to group. In 2002, the ratio for non-Puerto Rican Hispanic households was 31.7 percent, 3.1 percent

higher than the rent/income ratio of 28.6 percent for all renter households. The ratio for Asian households was 31.3 percent.

Physical defects also caused housing problems for substantial numbers of renters. Overall, 9.7 percent of all renter households lived in units with serious physical defects (defects include: incomplete kitchen or bath, dilapidated condition, three or more building condition defects or four or more maintenance deficiencies). Physical defects were a much more prevalent problem for minority households than they were for white households, even within the same income categories. Seven in ten of the households occupying physically poor rental units in 2002 were either, black, or Hispanic. The proportion of each groups' presence in physically poor renter units was markedly higher than each groups proportionate share of the overall number of renter households. While Puerto Rican Hispanics accounted for 11.2 percent of all renter households, they comprised 16.3 percent of those households living in physically poor units. Blacks accounted for 25.1 percent of all renter households but comprised 33.0 percent of those households living in physically poor units. And although renters with children constitute 25 percent of all households, they inhabit 28 percent of physically poor units. Generally, the lower the household income, the more likely it is that a household will be living in a physically poor rental unit. 33.1 percent of households with incomes of less than \$15, 000 lived in such units; for households earning between \$15,000 and \$24,999, the percentage was 15.6.

In 2002, 11.1 percent of the City's renter households lived in overcrowded conditions (more than one person per room). This rate is the highest since 1965. At the same time, 3.9 percent of renter households were severely crowded (more than 1.5 persons per room) in 2002, the highest rate since 1960. Crowding is, generally, a phenomenon of big households: the larger the number of big households, the larger the number of crowded households. This problem is particularly severe among large related renter households (households of 5 or more persons). 65.9 percent of large related families lived in crowded conditions. Although households of 5 or more persons comprised 8.9 percent of all households in the City, they comprised 52.4 percent of crowded renter households in the City. The crowding situation for immigrant households was critical. The incidence of crowding for immigrant households was about double that of all renter households (20.0 percent were crowded; 7.4 percent were severely crowded). At each income level, minority renter households show two to three times the rate of overcrowding of white renter households. Overcrowding affects 21.0 percent of Asian renter households. For Hispanic renters the rate is 21.3 percent, while 10.9 percent of black renters are overcrowded. In comparison, 5.4 percent of white non-Hispanic renter households are overcrowded.

Housing units containing elderly households (one or two person households in which the household head or spouse is 62 or older) are a very important segment of the City's housing stock, as many residents "age in place". Elderly households were 6.5 percent of renter households and 16.8 percent of owner households. Of all elderly renter households 84.5 percent had incomes equal to or below 80 percent of Median Family Income and exactly half had incomes that placed them in the extremely low-income category (0-30% MFI). The income of single elderly households, whose share of all households in the City declined most between 1999 and 2002, decreased (by 6.3 percent) to a troublingly low \$11,000, the lowest income of all household types and a mere 28 percent of the MFI of all households. After paying for food, which is the most important component and least discretionary item of necessary living expenditures, they lack the financial resources to improve their current housing conditions.

The 2002 HVS reported that New York City is a city of foreign-born households. The proportion of householders in the City who were born outside the United States (including householders born in Puerto Rico) was 49 percent. The rate of homeownership for foreign born householders was 28.5 percent, markedly lower than the city-wide rate of 32.7 percent. The income of immigrant households was considerably lower than the income of non-immigrant households, while housing costs and rents were about the same. Consequently, the rent burden on immigrant households was higher (30.2 percent) than that of non-immigrant households (27.6 percent). Of rental units occupied by immigrant households, 11.7percent were in buildings with one or more building defects and 4.7 percent had 5 or more maintenance deficiencies, compared with 10.0 percent and 4.0 percent respectively for all renter units.

C. Homeless

New York City continues to experience high demand for shelter. It is difficult to estimate the number of individuals and families at imminent risk of becoming homeless, but according to the Housing and Vacancy Survey, there are thousands of New Yorkers who are at risk because they have a severe cost burden, live in apartments with substandard conditions, or are in doubled-up or overcrowded units. These situations may force an individual or a family into homelessness.

In response to the increase in homelessness, the City has instituted prevention services through community groups in all five boroughs that provide rental assistance, landlord-tenant mediation, flexible financial assistance, benefits advocacy and stabilization services for people leaving shelter. When shelter entry cannot be avoided, families and individuals are supported in accessing temporary cash assistance, employment and work supports in order to exit shelter and live in the community. Employment is a cornerstone of DHS's efforts to help homeless New Yorkers move back to independence. DHS has a strong collaboration with the Human Resources Administration to connect families to its training and job placement services to help families gain sustainable employment and self-sufficiency.

In November 2005, Mayor Michael Bloomberg and Governor George Pataki signed the NY/NY III agreement, which will significantly impact on homelessness over ten years through the creation of 9,000 additional supportive housing units. Where the previous NY/NY agreements developed housing with support services for clients living with serious and persistent mental illness and modest histories of homelessness, NY/NY III is targeted to clients who are chronically homeless and who are suffering from disabilities that prevent them from being able to live independently without supports. The targeted disabilities include serious mental illness, serious substance abuse disorders, HIV/AIDS, and other disabling medical conditions. Where the previous agreements only targeted single adults, NY/NY III will also develop supportive housing for families and for young adults who have left the foster care or residential treatment systems. In addition, where the previous agreements only developed congregate supportive housing, NY/NY III will yield both congregate and scattered-site units in an effort to create a continuum of housing that will meet the broadest possible array of client needs.

The units began opening in 2007 and the funding ranges from \$14,888/unit for adults who have been chronically homeless and have a serious mental illness to \$25,000/unit for families who have been chronically homeless where the head of household has a serious mental illness. The procurement process is ongoing and various State and City agencies responsible for NY/NY III have issued RFPs for some of the units. As of December 2012, approximately 1,395 units funded by the State and City combined were opened, for various populations. This includes 457 units for Populations A, B and C and 112 "Services Only" units for Population A. With Services Only units, State HCR (Homes and Community Renewal) or State OTDA (Office of Temporary Disability Assistance) funds the capital and (State) OMH (Office of Mental Health) provides the service funding.

D. Public and Assisted Housing

As of July 2, 2012 the New York City Housing Authority's (NYCHA) official resident population was 404,286. As of April 23, 2012, there were 184,046 applicants on the Public Housing Waiting List and 123,707 applicants on the Authority's Section 8 Waiting List.

Of the 334 public housing developments currently operated by the Authority, over 151,000 units in 243 developments funded with Federal monies (over 90 percent of all Federally funded units) are over 30 years old.

The City's Section 8 vouchers are administered through two agencies: NYCHA and the Department of Housing Preservation and Development (HPD). As of June 30, 2012, NYCHA administers 93,789 vouchers.

Since December 2009, NYCHA has closed its Section 8 waiting list and no new housing choice vouchers have been issued to applicants from its existing waiting list.

The Department of Housing Preservation and Development administers approximately 26,000 housing choice vouchers, as of February 2008. The tenant-based programs that utilize vouchers are only open to households

who live in, or are about to move into, buildings rehabilitated by an HPD-sponsored rehabilitation program. Vouchers are also available to households relocating from shelters operated by HPD, DHS or another government agency.

E. Employment and Economic Data

Between the time period covered by New York City's previous Affirmatively Furthering Fair Housing Statement (January 2008 and December 2012), the City experienced an economic boom, an economic recession, and a subsequent economic recovery. From January 2008 to December 2008, the City built upon its expanding economic base by adding approximately 78,400 private sector jobs, a 2.4 percent increase from the beginning of the year. However, in January 2009 the national economic recession began to negatively impact New York City, as private employment started to decline. From January 2009 to January 2010 the City lost approximately 185,000 jobs or approximately 5.7 percent from its December 2008 employment peak. For the next 21 months New York City continued to make gains in recovering all the private sector jobs it had lost in the economic recession. By September 2011 private employment reached 3,266,000, surpassing the City's December 2008 employment levels. The resurgence in the City's economy continued to the end of the Affirmatively Furthering Fair Housing Statement's program cycle. In December 2012, private sector employment in New York City accounted for approximately 3,398,000 jobs. This represented a net increase of 214,600 private sector jobs over the five-year time period, a 6.3 percent overall gain. In addition, the December 2012 private sector employment level represented the City's new all-time employment high, an increase of 148,300 jobs from the previous historical all-time high set in 1969 (3,250,000 private-sector jobs).

Even with the increase in private sector employment, the City still has not attained full employment as there is a high percentage of New Yorkers who are not full participants in the economy. In 2011, only 63.1 percent of adult New Yorkers were in the labor force, either working or looking for work. Unemployment during the recovery remained problematic. In December 2012 the City's unemployment rate was 8.8 percent, approximately two percentage points higher than December 2008 unemployment rate, the month prior to the start of the City's recession. Furthermore, the City's December 2012 unemployment rate was a full percentage point higher than the State's unemployment rate.

The recent increase in private sector jobs was not been uniform across the City's various industries. Between 2008 and 2012, many jobs were lost in the City's most advanced and highest-paid industries. In Finance, Insurance and Real Estate (FIRE), the Finance and Insurance industries experienced a combined loss of approximately 29,700 jobs as financial institutions merged and consolidated staffs eliminating duplicative positions as the result of the economic recession. The City's Real Estate sector also experienced a decline in the number of jobs. The sector had a net loss approximately 4,400 jobs from its highest level of employment in October 2008 (110,800 jobs). The economic recession caused by the housing market collapse negatively impacted the City's Construction industry. Between January 2008 and December 2012 the City had a net loss of 3,600 construction jobs. However, the decline in the number of construction jobs was more severe if compared to the industry's peak employment level in August 2008 when 38,400 construction workers employed. From that month to the end of the Affirmatively Furthering Fair Housing Statement's program cycle the City experienced a loss of 7,000 construction jobs. In the Professional and Business Services (PBS) industry, the City experienced a net gain of 43,400 jobs. The professional, scientific, and technical services sectors accounted for 16,500 jobs or 38 percent of the increase. The gains in the computer systems design (13,100 jobs); management, scientific, and technical consulting services (6,500 jobs); and, advertising (8,100 jobs) subsectors were offset by losses(?) in the legal services (-7,500 jobs); and accounting (-2,900 jobs) subsectors. The administrative and support services sector contributed approximately 21,700 of the new jobs to the PBS industry segment. The Information industry segment experienced an increase of approximately 10,000 jobs over the five year period. However, the publishing sector experienced a loss almost equal to the gains for the entire industry segment due to the decline in readership of traditional hard-copy magazines, books and newspapers as readers migrated towards virtual, internet-based sources (approximately 8,700 jobs lost).

During this time period the City's Leisure and Hospitality industry experienced substantial job growth despite the recession. The industry added 70,900 jobs overall, approximately a one-quarter (24 percent) increase from

January 2008. The majority of the gains were in the Accommodation and Food Services sector (61,700 jobs), particularly in the food services and drinking places sub-sector where 55,400 of the 61,700 new jobs originated. The Arts, Entertainment and Recreation sector added 9,200 jobs to the industry total. In the wholesale trade industry, which employs many moderate skilled individuals, 7,300 jobs were lost. During this same period between 2008 and 2012, the retail trade sector experienced a net increase of 47,200 jobs with a majority of the increase occurring in the general merchandize stores (14,400 jobs), and food and beverage stores (12,700 jobs). The health care industry gained approximately 57,100 jobs. Of those, 29,000 were in the moderate-income home health care services field. Social assistance, which includes child day care services, increased by 11,000 jobs. However, Manufacturing, which has been continuously decreasing for over 40 years, experienced a loss of 20,800 jobs between 2008 and 2012. A significant decline occurred within the apparel manufacturing sector, which supports the City's position as an international fashion capital. Approximately 6,500 jobs were lost (one-quarter of the workforce) since June 2008. Lastly, the college and university sector within the Education industry rose by approximately 27,000 jobs. However, the sector's overall increased employment level is muted by the seasonal decline which occurs annually in the summer months between the Spring and Fall semesters. When calculated using the sector's annual seasonal lows, the college and university sector had a net gain of approximately 10,100 jobs between July 2008 and August 2012.

A portion of the City's employment gains in several of the highlighted sectors have been the result of the Mayor Bloomberg's economic diversification strategy, the Five-Borough Economic Plan. The Plan, originally presented in 2002, attempts to create employment opportunities in a variety of fields that New York City has existing competitive advantage or identified potential advantages which have not been fully exploited. These job areas included bioscience, media/technology, and tourism, among others. As originally reported in the 2007 Affirmatively Furthering Fair Housing (AFFH) Statement, one of the issues was the availability of low- and moderate-wage jobs within the city for its residents and the increasing need to commute to the suburbs for these jobs. According to American Community Survey (ACS) data, the number of city residents commuting to the suburbs for employment opportunities had increased in both actual number and percentage of all commuters between 2002 and 2006. However, between 2006 and 2008 the number of city residents who worked outside of New York State declined by approximately 5,700 workers to 121,300, a decrease of 4.5 percent. This was in contrast to the 3.3 percent increase in the total number of city residents who commuted. By 2011, the number New Yorkers commuting out of state had decreased by an additional 5,600 workers, while the total number of city residents who commuted increased by approximately 61,000 workers. This divergence inverse indicates that more city residents were able to find employment opportunities within the City.

Whereas low income city residents have relatively easy and inexpensive access to virtually all city jobs by mass transit, however, suburban jobs often require arduous commutes or expensive private automobiles. Low- and moderate-income New Yorkers who reverse commute face an impediment to fair housing choice than those New Yorkers who work in the City. The reverse commuters who may consider relocating out of New York City to the surrounding New York and New Jersey counties (Nassau, Suffolk, Putnam, Rockland, and Westchester in New York, and Hudson and Bergen in New Jersey, respectively) to be closer to their employment would be faced with relocating to a county where the median housing costs, both mortgages and rents, are higher than the respective median housing costs for New York City, according to the 2011 ACS.

**Table II-A1
NEW YORK CITY RESIDENTS**

	Jan. 2008	Dec. 2008	Dec. 2012	Change (Jan. 2008 to Dec. 2008)	Change (Dec. 2008 to Dec. 2012)
Civilian Labor force	3,892,500	3,941,700	4,005,900	49,200	64,200
Employed	3,686,500	3,668,800	3,653,300	-17,700	-15,500
Unemployed	206,000	272,900	352,500	66,900	79,600
Rate	5.3	6.9	8.8	1.6	1.9

F. Elderly

There are approximately 1.40 million elderly seniors 60 and older in the city, representing 17% of the city’s entire population. The elderly population of New York City, which accounts for approximately 38% of the elderly in New York State, is a diverse segment of the City’s population. According to available data from the 2010 U. S. Census, the population in New York City aged 60+ increased by 9.5% since the middle of the decade. There was also a significant increase in the oldest New Yorkers, those aged 85 and over, increasing by 16.2%, which has a profound impact on service demand and utilization, as well as need for specialized housing.

According to the New York City Department of Planning, *between 2000 and 2030*, the City’s 60 and over population will see an increase of 405,300 seniors, or approximately 45%. In addition to the increases in the older age groups, there have been compelling developments in the growth of minority elderly, the increasing percentage of women in the higher age groups, the number of elderly living alone, and the increase in functional dependency of this overall group as they get older.

In 2010, minorities accounted for 52.9% of the elderly population over 65 years of age, up from 48.3% in 2005. The largest increase in absolute number was Hispanics with a growth of over 26,759 persons (15.7% increase from 2005). Asians presented the largest percentage increase, having grown 22.3% from 2005. Blacks increased by 11.1%, or 21,380 persons from 2005.

The ratio of women to men among older New Yorkers is also striking and has significant implications. In 2010, 59% of New York City residents over 60 years old are women and, as the age of the population increases, so does the ratio of women to men. For the age group 75 to 84, women outnumber men by about 1.6. For the age group 85 and over, that ratio grows to almost 2.27. These trends are attributed to a variety of factors, including women’s longer life expectancy, increasing the likelihood of their becoming frail. In 2010, elderly women age 65 and over were more likely to live in poverty (19.7% vs. 10.0%). These rates decreased for both elderly women and men from 2005 (22.8% and 16.5%, respectively).

In 2010, slightly less than one in three elderly persons over 65 years old lived alone, and more than 50 percent of all elderly-headed households are single households. Based on census data, the number of elderly living alone in New York City decreased between 2005 and 2010 by 5,400 households, or about -1.7%. In 2010, householders over 65 had median household income of \$28, 314, compared to \$48,366 for the city overall.

Elderly persons often need supportive services and financial assistance to live independently, or “age in place”, in their homes and communities. Providing for the housing needs and choices for many New Yorkers is a critical and complex problem. With most living on fixed incomes, elderly typically face hardships of finding affordable rents, or maintaining a home and coping with rising expenses. In addition, as the population grows older, there is often increasing frailty which requires a continuum of supportive services in conjunction with

appropriate housing. For example, the City provides funding for NORC services in buildings and neighborhoods that have densely populated senior populations, such as those located in New York City Housing Authority buildings. These services help seniors to remain at home by helping them to access appropriate services. In addition, on any weekday, approximately 15,000 homebound seniors receive meals on wheels daily.

Residential options which are affordable and provide access to supportive services are key to addressing the housing needs of older New Yorkers. The City continues to work to promote and expand housing options for the elderly, whether in a community-based setting, an existing home, or through new housing development. Then these options are available, costly and often inappropriate institutionalization can be forestalled.

G. Persons with a Disability

According to the 2011 American Community Survey one year estimate, the total civilian noninstitutional population of New York City was 8,180,175. New York City contains a total disabled community of 842,477 or 10.3% of the population. This is a substantial portion of the population. The disability status of the civilian noninstitutional population is broken down by borough. Manhattan (New York County) contains a total disabled community of 157,324 or 9.9% of the borough population of 1,590,568; Bronx (County) contains a total disabled community of 189,467 or 13.8% of the borough population of 1,369,134; Brooklyn (Kings County) contains a total disabled community of 235,372 or 9.3% of the borough population of 2,522,040; Queens (County) contains a total disabled community of 214,530 or 9.6% of the borough population of 2,232,296; and Staten Island (Richmond County) contains a total disabled community of 45,784 or 9.8% of the borough population of 466,537.

Between 1969 and 1987, New York City's Building Code was amended a number of times to enhance its provisions requiring access for people with disabilities. In 1984, the Department of Housing and Urban Renewal (HUD) adopted the Uniform Federal Accessibility Standards (UFAS). Those guidelines are applicable to new and rehabilitated housing built with federal funds, in accordance with Section 504 of the Federal Rehabilitation Act. It was not until 1988, however, when the Department of Justice approved HUD's final Section 504 regulations, that any clear guidance emerged regarding Section 504's scoping requirements.

In the mid-1980's, the City's disability community began to press for further accessibility amendments to the City's Building Code, in part because the existing provision often were ignored. Partly in response to their concerns, the City passed Local Law 58 of 1987 (LL58/87), which contains significant provisions requiring access for people with disabilities. These amendments cover new and renovated multiple dwellings of three or more families. In 1988, Congress passed the Federal Fair Housing Amendments Act, which applies to new dwellings for four families or more built for a first occupancy in or after 1991. In July 2008, the new New York City "new construction" codes became law, including a revamped Accessibility section that continues the necessity for accessibility for people with disabilities.

According to the 2011 American Community Survey five-year estimates, 87% of all New York City's multiple dwellings were constructed prior to 1980. With virtually no laws requiring accessibility features, however, very few units were so constructed then.

Through its Department of Housing Preservation and Development, New York City sponsored the 1996 Housing and Vacancy Survey conducted by the U.S. Bureau of the Census. For the first time, the survey included questions regarding the accessibility of dwelling units and buildings. In 1999, and again in 2005, the HVS again collected accessibility data. It produced statistics, by structural characteristics by structure classification, Old Law, New Law, Post-1929, Converted House and Total. The survey asked a number of questions regarding accessibility, the building entrance, dwelling unit door, and elevator cab sizes². (2005)

² *The five structural characteristics include: 1) street/inner lobby entry at least 32 inches wide (to allow a wheelchair to move in and out); 2) residential unit entrance the same width; 3) elevator door at least 36 inches wide and cab at least 51 inches deep (in buildings with elevators); 4) no stairs between the sidewalk and a passenger elevator (in buildings with an elevator); and 5) no stairs between the sidewalk and the residential unit.*

In 2005, 633,124 units, or 60.8% of all units in multiple dwellings with elevators in the City, were determined to be accessible to people with physical disabilities requiring the use of a wheelchair, representing an increase of 164,124 units, or 18.4%, over the number of such units in 1999. The primary factor in not having a higher percentage of these units totally accessible was the presence of stairs, either between the sidewalk and the elevator or the sidewalk and the residential unit. Approximately 37.8% had no stairs between the sidewalk and the elevator and 72.8% between the sidewalk and the unit, respectively.

As originally stated in the 2003 Consolidated Plan, historically land in New York City was subdivided into tax lots typically 20-25 feet wide by 100 feet deep. The main entrances of most multiple dwellings were raised above the level of the adjacent public sidewalks to increase privacy for the first floor residents. The buildings were accessed by steps, creating barriers to housing for people with mobility impairments. This was also typical of older structures covering larger lots. No laws required them to be accessible to people with disabilities and generally no thought was given to this concept. Many of these buildings are still occupied today, some never renovated. Often it is impossible to make entrances to these buildings accessible because there is not enough property on which to construct a usable ramp. Where possible, amendments to the 1987 Building Code and the 2008 NYC Construction Code permit building owners to build ramps on a portion of the right of way.

The year in which a building was constructed is generally a strong predictor of its degree of accessibility. It is expected that future Housing and Vacancy Surveys will disclose significant increases in the number of accessible public housing units. This expectation arises from a growing public-sector response to the needs of tenants with disabilities, and compliance with Section 504 of the Rehabilitation Act. Similarly, it is expected that increasing residential construction and renovation, an expanding market for New York City rental units, and growing private-sector awareness of accessibility requirements, has and will continue to contribute to significant increases in the number of accessible private-sector units.

The Human Rights Law requires landlords to make reasonable accommodations to the needs of people with disabilities. This includes making reasonable architectural modifications at the landlord's expense. This standard requires a landlord to make the necessary modification, as long as it does not create a hardship for the landlord.

The Commission's Project Equal Access educates people with disabilities and organizations concerned with their issues to the local and federal laws designed to assure accessibility in housing. Staff from the Commission's Community Service Centers—one in each borough—conducts workshops for advocacy organizations as well as landlords, realtors, and others that provide services used by people with disabilities. Staff also works to negotiate accommodations such as ramps, grab bars, and electronic doors for tenants who require them. In many instances alterations are made to their buildings after advocacy by Commission staff. In others, changes are not made until a formal complain is made through the Commission's Law Enforcement Bureau.

The Commission has created a booklet, "Equal Access: It's the Law," written for both persons with disabilities and housing and service providers that explains protections for people with disabilities available under the City Human Rights Law. The booklet is distributed by mail and at workshops given by Commission field offices. It is also available on the Commission's website nyc.gov/cchr.

HPD reviews, evaluates, and monitors housing projects with federal funding (HOME, HOPWA, CDBG, etc.) to ensure compliance with the Federal Fair Housing Amendments Act of 1988, Section 504 of the Federal Rehabilitation Act, the Americans with Disabilities Act of 1990 (ADA) and with the required fair housing marketing plans. In addition, Fair Housing training is provided to all developers prior to rent-up. The Mayor's Office plays an ombudsman role in relocating HPD tenants with disabilities into accessible city-owned housing. HPD also provides an informal mechanism for discrimination complainants to resolve disputes against city-owned and supervised properties.

G. Immigrants

New York City has the largest immigrant population of any city in the United States. According to the 2010 ACS, there were 3.0 million foreign-born persons living in New York City, constituting 37.2 percent of the total population. This marks a 4.3 percent increase since 2005 when the foreign born population was 36.6 percent of the city. As predicted in the 1997 AFFH statement, more than one third of the City's population now is foreign-born. Almost one third of foreign-born New Yorkers in 2010 were recent arrivals, having entered the country in 2000 or later (963,000 persons). In 2010, over half of the 3.0 million foreign-born persons living in New York City were naturalized citizens.

Since the search for economic opportunity is more likely to take place early in the life-cycle, immigrants tend to be notably younger than the general population. In 2010, the median age for recent immigrants to NYC (those who arrived in 2000 or later) was 30 years, well below the figure of 36 years for the general population. The relative youthfulness of immigrants was due less to the presence of children under 18 years than to the relative youth of adults aged 18 years and over. Sixteen percent of recent immigrants were 18 to 24 years of age compared to 11 percent for the general population of the city. Fifty percent of immigrants to the city were 25 to 44 years of age compared to 31 percent for the general population.

On the employment front, one third (33 percent) of recently-arrived immigrants were service workers, compared to 23 percent for the city as a whole. On the other end of the occupational spectrum, the opposite held true. Thirty-six percent of persons in the labor force were in the management, business, financial and professional occupations compared to just 22 percent for immigrants.

Another measure of the impact of immigrant communities is the number of people speaking a language other than English at home. According the 2010 ACS, the number of persons age 5 years and over speaking a language other than English at home was over 3.8 million, constituting 49 percent of the entire city population. This represents a decrease of 2.6 percent from 2005 to 2010. Slightly under half of this population, or 1.8 million, was not proficient in English, which is a 7.7 percent increase since 2005. Of the 3.8 million persons, more than half spoke Spanish (1.9 million persons), and 18 percent spoke an Asian or Pacific Island language (668,000 persons) at home. Reflecting the City's diversity, 32 percent, or 1.2 million, of all persons age 5 and over spoke a language at home other than English, Spanish, or an Asian or Pacific Island language.

According to the Office of Immigration Statistics (Department of Homeland Security), the distribution of immigrants by area of the world remained unchanged from the 1990s, with the exception of Europe and Asia. The share of immigrants from Europe decreased from 22 percent in 1990-1999 to 9 percent in 2000-2009. This is due primarily to the decrease in the number of immigrants coming from the former Soviet Union. And the number of Asians increased from 27 percent to 40 percent due to an increase from Bangladesh, Pakistan and India. While the numbers from Africa are still relatively small, they continue to grow significantly.

The number of legal permanent residents from China grew rapidly over the last decade moving them into the number one spot, replacing the Dominican Republic for the first time. Jamaica, Guyana and Bangladesh rounded out the top five sending countries. Groups posting large gains in 2000 to 2009 were Ecuador, Ghana, Nigeria, Serbia and Montenegro, and Albania while the number of immigrants from Jamaica declined significantly.

The Commission on Human Rights promotes housing choice to immigrants through both community-based prevention activities and law enforcement. The Commission has an extensive public education program that informs people of their rights with respect to fair housing. The vehicle for this education includes electronic and print media, as well as written materials, workshops and conferences explaining people's rights and the responsibilities of realtors and landlords.

The Commission's Neighborhood Human Rights Program has field offices--called Community Service Centers--in all five boroughs. They provide human rights (including fair housing) and diversity education, as well as, mediation and conflict resolution in all areas of their boroughs. Staff regularly attends Community Board

meetings to learn about neighborhood trends and educate neighborhood constituencies about Commission services. They organize workshops at places where new immigrants gather such as citizenship ceremonies, parent groups in schools, ESOL classes and community organizations catering to immigrant needs. In addition the Centers provide education and counseling on mortgage foreclosure and predatory lending, issues that particularly affect immigrants because they are often targets of unscrupulous lenders.

All of the Commission's educational literature is published in Spanish, as well as English, and selected information is published in Haitian Creole, Chinese, and Korean, Russian, Arabic, Polish, and French. It includes publications that address housing discrimination such as "Fair Housing: It's the Law," "Equal Access: It's the Law," and a booklet covering all of the services of the Commission on Human Rights. Shorter information cards highlighting general housing discrimination, discrimination based on lawful source of income, sexual harassment, discrimination against transgender people, and mortgage counseling services are used in the Commission's extensive outreach. All of the literature can be accessed through the Commission's website at nyc.gov/cchr. The Commission adds languages and topics to its educational literature as immigrant profiles and needs change.

The New York City Housing Authority (NYCHA) takes steps to provide meaningful access to its services and programs. To ensure that NYCHA can effectively communicate information about its services, activities and programs to Limited English proficient (LEP) residents and applicants, NYCHA utilizes bilingual housing assistants, staff interpreters and its Language Services Unit (LSU) to provide language assistance services for eligibility interviews, rentals, termination of tenancy and applicant appeals hearings, informational meetings for residents, etc. In addition, NYCHA has a Language Bank of over 230 employee-volunteers who collectively speak 39 languages and provide interpretation and translations services.

NYCHA offers more than 200 pre-printed documents for the benefit of LEP residents and applicants. These include documents translated into Spanish, Chinese, Russian (which are considered the three covered languages). In addition, NYCHA also provides translations in other languages such as: French, Haitian Creole, Korean, Polish and Urdu when the need arises. In addition, vital and important information is made available on NYCHA's website <http://www.nyc.gov/html/nycha/html/home/home.shtml> in Spanish, Chinese and Russian. Types of translated documents include but are not limited to rules and regulations, affidavit of income, emergency transfer forms, community service policy, sales and services, apartment inspection notices, lead disclosures, and resident organization activities.

NYCHA's Fair Housing Non-Discrimination Policy is conspicuously posted at all points of public contact where residents and applicants are provided service. The policy is posted in English along with the relevant translation; available in Spanish, Chinese, Russian French and Haitian Creole.

The Mayor's Office of Immigrant Affairs (MOIA) promotes the full and active participation of immigrant New Yorkers in the political, economic, and civic life of the City by fostering communication and connection between City agencies and immigrant communities. Established by mayoral directive in 1989, the Office became a permanent Charter agency in 2001 by referendum vote and became part of the Mayor's Cabinet. MOIA's specific goals are (1) creating access by promoting utilization of City services by immigrant New Yorkers; (2) building bridges by encouraging dialogue between the City and immigrant communities; and (3) offering expertise by serving as a key resource to and advising the Administration on immigrant needs.

MOIA serves as a resource for and offers consultation to City agencies on identifying impediments to accessing City services, including fair housing, for immigrant communities and on eliminating such impediments. Through our network of community-based organizations, MOIA supports informational and educational efforts to inform immigrants about housing rights; housing discrimination complaint processes; government programs that provide financial assistance to renters and homeowners; and other projects that would benefit immigrant communities. In addition, MOIA will support and advise City agencies in developing strategies to provide this information in the primary languages of immigrant communities. MOIA's network with the foreign/ethnic press

and media who cover New York City is useful in these efforts. MOIA also advises the Administration on specific policies and legislation that may affect access to fair and affordable housing by immigrants.

III. Evaluation of the City's Current Fair Housing Legal Status

All New York City residents in public and private housing may file housing discrimination complaints with either the HUD's Office of Fair Housing and Equal Opportunity (FHEO); or the U.S. Department of Justice (DOJ); or with the City of New York's Commission on Human Rights. Residents of the Department of Housing Preservation and Development, or the Housing Authority may file internal complaints at their agencies. At the end of this chapter, a Fair Housing Complaint Chart is provided which outlines the complaint process. All of the agencies listed above can and will investigate complaints, or if necessary refer them to the appropriate governmental entities.

Complaints made by NYCHA residents or applicants are investigated internally to determine if the individual's human rights have been violated and to take corrective or conciliatory action, if necessary. Preliminary investigations of complaints filed by residents and applicants with the State Division of Human Rights, the City Commission on Human Rights, and/or HUD are investigated in consultation with the NYC Law Department.

Once a housing discrimination complaint has been filed, an investigation is commenced to ascertain if the complaint has merit. This section describes current status of fair housing discrimination complaints filed between January 1, 2012 to December 31, 2012 where a "probable cause"¹ for the discrimination has been found.

A. Probable Cause Determinations Issued by the Secretary of HUD

In 1999, the New York State Division of Human Rights (NYSDHR) was accepted into the federal Fair Housing Assistance Program (FHAP) because its new fair housing law was deemed to be substantially equivalent to the Federal Fair Housing Act. As a result, all cases received by HUD that are in the State of New York are referred to NYSDHR for investigation.

During the period of January 1, 2012 through December 31, 2012, in the New York City area there were 48 Probable Cause determinations issued by the NYSDHR under the following bases: twenty (**20**) probable cause determinations involved claims of disability discrimination; eight (**8**) probable cause determinations involved claims of discrimination based on the complainant's race/color; six (**6**) involved claims of national origin discrimination; four (**4**) involved claims of discrimination based on the sex of the complainant; one (**1**) probable cause determinations involved claims of discrimination based on familial status; **two** cases involved claims of discrimination based on the complainant's creed; and seven (**7**) probable cause determinations involved a claim of retaliation for exercising the complainant's legal rights.

Twelve cases involved denial of reasonable accommodation for a disability; eleven cases involved denial of equal terms, conditions, and privileges of tenancy; four cases involved refusal to rent; two cases involved eviction/threatened eviction; two cases involved denial of reasonable modification; three cases involved sexual harassment of the existing or prospective tenant; one case involved refusal to sell housing; and, eleven cases involved other housing discrimination practices.

During this time there were eleven (11) final orders on fair housing complaints arising in New York City. Seven (7) complaints were voluntarily discontinued by the Complainants because of private settlements with Respondents; the remaining four (4) complaints were formally settled before the Division.

B. Fair Housing Discrimination Lawsuits Filed by the U.S. Department of Justice or private plaintiffs

New York City is divided between two federal judicial districts: the Eastern District of New York, which includes Brooklyn, Queens and Staten Island; and the Southern District of New York, which includes the Bronx

¹ *Probable cause: An apparent state of facts found to exist upon reasonable inquiry (that is, such inquiry as the given case renders convenient and proper) which would induce a reasonably intelligent and prudent person to believe that, in a civil case, a cause of action existed.* Source: Black's Law Dictionary.

and Manhattan. In addition, private plaintiffs may file their own housing discrimination lawsuit directly with the Department of Justice's main office in Washington, D.C.

Eastern District

During the time period of January 1, 2012 to December 31, 2012, the U.S. Department of Housing and Urban Development did not refer any cases to the Eastern District Office for prosecution concerning alleged instances of housing discrimination within the City of New York.

In addition, the Eastern District Office resolved one previously filed Fair Housing Act case in calendar year 2012.

In the case, United States v. Tristaino and Metro Net Realty, LLC, the salesperson and the realty company they were affiliated with violated the Fair Housing Act by posting an advertisement for rental housing that discriminated on the basis of familial status. In the settlement, both defendants agreed to alter their advertising and rental/sale practices to be compliant with the Fair Housing Act and to maintain records indicating such. In addition, the defendants agreed to pay \$2,800 in monetary damages to the National Fair Housing Alliance, the complainant in the suit.

Southern District

During the time period of January 1, 2012 to December 31, 2012, the U.S. Department of Housing and Urban Development referred two cases to the Southern District Office for prosecution concerning alleged instances of housing discrimination within the City of New York.

One lawsuit, United States v. GFI Mortgage Bankers, alleged that GFI charged higher rates and fees to African-American and Hispanic borrowers than to similarly situated whites. The case was settled in 2012, and as part of the settlement, GFI agreed to create a \$3.5 million fund to compensate the borrowers who had suffered discrimination.

A second lawsuit, United States v. Ninth Ave. Assocs., alleged that the designers and constructors of a building on the Upper West Side of Manhattan were not in compliance with a design structure accessible to people with disabilities. Under the Consent Decrees, the Company must make certain retrofits so that the building is accessible for people with disabilities. The settlement also provides for a fund for victims, a civil penalty, and a fund for accessibility improvements.

In addition, the Southern District Office resolved two previously filed Fair Housing Act cases in calendar year 2012.

In the first case, United States v. Barnason and Katz, the manager and the owner agreed to a settlement of \$2 million for the victims of sexual harassment by the building superintendent, plus the maximum civil penalty of \$55,000.

In the second case, United States v. Loventhal Realty, et al., the landlord, the building management corporation, and superintendent who were charged with renting apartments on a discriminatory basis agreed to change their rental policies, train their employees, and create funds to compensate the victims of the discrimination. Defendants also paid a civil penalty of \$40,000.

Washington, D.C. Department of Justice Office

The U.S. Department of Justice, Civil Rights Division's Housing and Civil Enforcement section provided the information described above. The cases were filed in the respective District Courts.

In addition, the Department initiated an investigation into alleged discriminatory lending practices by a (unnamed) lending institution in New York City. As of February 2013, the investigation was continuing.

C. Fair Housing Complaints made to Local Agencies

The Human Rights Commission affirmatively furthers fair housing by enforcing the city's Human Rights Law, which prohibits housing discrimination based upon a person's protected class, and by promoting positive intergroup relations through outreach and education to members of protected groups, real estate brokers and landlords, and by community-based activities that bring people together. These complementary approaches discourage housing discrimination and promote equal opportunity.

Prosecution of complaints is a key part of the agency's commitment to affirmatively furthering fair housing. All complaints are investigated pursuant to uniform legal standards for determining probable cause. Notwithstanding the technical legal impact of settlement of complaints, complaints settled before trial and after probable cause is found and complaints settled before an investigation is completed may indicate that discriminatory conduct occurred. All probable cause and no probable cause determinations are eligible for review on appeal to a justice of the Supreme Court of the State of New York providing an additional protection to litigants and reflects the integration of the agency's administrative law process into the higher state court system.

The following data summarizes the agency's docket of verified fair housing complaints filed between January 1, 2012 and December 31, 2012.

Total number of housing discrimination complaints filed: 94

Total number of allegations of prohibited discrimination: 109 *

Disability:	37
Lawful source of income:	19
Race:	11
Presence of Children:	8
National Origin:	6
Creed:	5
Sexual Orientation:	4
Marital Status:	4
Gender:	4
Retaliation:	3
Relationship/association:	3
Alienage/Citizenship Status:	2
Color:	2
Age:	1

(* There are more allegations of prohibited discrimination than there are complaints. This is due to the fact that many complaints contain more than one allegation.)

Total number of allegations of unlawful discriminatory practices contained in housing complaints filed: 104 *

Refusal to rent or sublet:	35
Unlawful specification:	1
Unequal terms and conditions:	68
Other unequal terms and conditions:	46
Eviction, threatened eviction, or constructive eviction:	13
Other harrassment:	4
Other:	3
Sexual harassment:	2

(*There are more allegations unlawful discriminatory practices than there are complaints. This is due to the fact that many complaints contain more than one allegation.)

Total number of probable cause determinations: 2

Total number of allegations of prohibited discrimination: 2

Lawful source of income: 2

Total number of allegations of unlawful discriminatory practices: 2

Refusal to rent or sublet: 2

Total number of settlements reached: 14

Total number of allegations of prohibited discrimination: 15*

Disability: 7

Lawful source of income: 5

Gender: 2

Race: 1

There are more allegations of prohibited discrimination than there are settled complaints. This is due to the fact that many complaints contain more than one allegation.)

Total number of allegations of unlawful discriminatory practices: 16*

Refusal to rent or sublet: 6

Unlawful specification: 1

Unequal terms and conditions: 9

Other unequal terms and conditions: 3

Eviction or threatened eviction or constructive eviction: 3

Other: 2

Sexual Harassment: 1

(*There are more allegations of unlawful discriminatory practices than there are settled complaints. This is due to the fact that many complaints contain more than on allegation.)

Eleven of the complaints filed, probable cause determinations, and conciliations, resulted from a Commission-initiated investigation. CCHR staff peruses publications for rental ads containing language that is illegal under the City Human Rights Law and testers contact those potential landlords. In 9 of the above cases lawful source of income was the only basis and in 1 case national origin was the basis. In 1 case both lawful source of income and marital status were bases.

Two Decisions and Orders in housing discrimination cases were issued by the Commission on Human Rights in 2012. Both of the cases involved accommodations for people with disabilities. In the first case, L.D. against Riverbay Corporation, the petitioner filed a discrimination claim saying her coop failed to provide a reasonable accommodation and, instead, fined her for having a small dog she had acquired for therapeutic reasons. The Commission agreed with the Administrative Law Judge's recommendation that the Riverbay Corporation had acted in a discriminatory fashion and ordered them to pay the petitioner \$50,150 in compensatory damages and the City \$40,000 in fines.

In a second case, Irene Politis against Marine Terrace Holdings, LLC, the petitioner, who uses a wheelchair, alleged that the owner of her rental apartment failed to provide her with a reasonable accommodation of a ramp. The Commission did not agree with the OATH Administrative Law Judge's conclusion that building the ramp would be an undue hardship for the landlord because of the technical difficulties involved. Instead, the Commission ordered that the respondents pay the petitioner \$75,000 in compensatory damages and pay the City of New York a fine of \$125,000. Finally, they ordered that the respondents install a wheelchair accessible entrance to the petitioner's apartment. The respondents have appealed the decision to the Queens Supreme Court.

For information on the New York City Housing Authority's (NYCHA's) legal actions please refer to Proposed 2012 Consolidated Plan Annual Performance Report, Part II. B. Relevant Public Policies, 1. Barriers to Affordable Housing.

Housing discrimination complaints filed with NYCHA by residents or applicants are investigated internally to determine if the individual has been the subject of unlawful discrimination, and determine if corrective or conciliatory action is necessary. In addition, applicants who have been found ineligible for public housing and assert the denial was based on their disability can have their cases reviewed by NYCHA's Department of Equal Opportunity.

Preliminary investigations of complaints filed by residents and applicants with the State Division of Human Rights, the CCHR, and/or HUD are investigated by NYCHA's Law Department.

(The telephone numbers for NYCHA's internal complaint process is 212-306-4468 or TTY 212-306-4845.

The following data summarizes fair housing complaints filed internally with NYCHA between January 1, 2012 and December 31, 2012.

Total number of housing discrimination complaints filed: 22

Sexual Harassment:	9
Race:	2
National Origin:	4
Disability:	1
Complaints with Multiple Bases	6

Total number of probable cause determinations: 0

Sixteen (16) applications of applicants who were determined ineligible for public housing and who asserted the denial was because of their disability were reviewed by NYCHA between January 1, 2012 and December 31, 2012.

The number of applications where ineligibility determination was revoked: 1.

D. Reasons for any trends or patterns

In 2012 allegations that landlords failed to make reasonable accommodations for people with disabilities were the most common of the complaints filed, and settlements. This large number of disability-related cases results from the Commission's active cooperation with a number of disability advocacy groups on an ongoing basis. It also reflects the reality that these cases don't generally present complicated factual disputes, i.e., it is clear when one cannot enter a building, use a laundry room, or participate in a meeting. Discrimination based on disability lends itself to advocacy because it is usually not rooted in animus, but rather in a lack of awareness of the needs of people with disabilities. A large number of disability-related cases are brought based on the focus disability discrimination receives at the Commission and the large number of cases that are resolved successfully. The Commission prosecutes disability-based discrimination pursuant to its law enforcement authority, and advocates

on behalf of people with disabilities through Project Equal Access, a highly visible community relations program.

Complaints of discrimination on the basis of lawful source of income comprised the second largest number of fair housing complaints filed at the Commission on Human Rights in 2012. Since that protected class was added to the Human Rights Law in 2008, there have been a large number complaints filed on that basis. Because the economic recession still lingers in the country and the City, dependence on various income supports continues for a large number of New York Residents. However, as landlords have become more familiar with this aspect of the Human Rights Law through the Commission's education campaign, the proportion of complaints of income-based discrimination has decreased.

E. Discussion of other fair housing concerns or problems

The changing face of the city brought on by record immigration and increasing national unease over immigrants presents a challenge to the Commission and other fair housing entities to protect the newest New Yorkers from unfair housing practices. The problem of potential discrimination against immigrants is exacerbated because latest immigrants are primarily people of color (from such areas such as Mexico, Central America, Bangladesh, West Africa, the Dominican Republic, Jamaica, and China.) The unprecedented range of diversity also challenges the Commission to promote good relations among old and new residents, native-born and immigrant.

During the last year the rate of mortgage foreclosures due to complicated or unscrupulous practices by lenders and the ongoing recession continued to be a local and national crisis. While discrimination in making individual loans may be difficult to prove, lenders for a number of years appeared to have targeted non-white, immigrant and aging populations and pressured them to take subprime and sometimes predatory loans. The Commission on Human Rights continues outreach to these communities emphasizing how avoid these tactics as well as the tactics of unscrupulous businesses that take their money in the guise of assisting them with foreclosure problems. The Community Service Centers have responded to the current crisis by increasing their efforts to alert people to programs that will provide effective assistance and working with their lenders and carefully monitoring each case.

Discrimination based on race and on national origin continue to be factors perpetuating segregation in rental housing. With the Department of Housing, Preservation, and Development CCHR is sponsoring a research project on housing discrimination funded by both agencies, and by the Russell Sage Foundation and Columbia University. The Commission is collaborating with a research team from Columbia University's Center for the Study of Development Strategies on a "NYC Housing Discrimination Study."

Through testing, the study investigates the impact of administering different treatment messages targeted at landlords and brokers on levels of net discrimination against black and Hispanic testers who interact with them. Following a pilot testing cohort, the research team is underway with the scale-up testing aiming to complete 1,000 tests and analyze the experimental treatments and outcome measures by Spring, 2013

IV. Identification of Impediments to Fair Housing Choice

As with residents of other urban areas, New York City residents face impediments to fair housing shaped by forces of intolerance and exclusion present in areas inhabited by diverse populations. Although fair housing is broader than race discrimination, any analysis of housing needs and impediments to equal housing opportunity must begin by examining residential housing segregation and discrimination in relation to blacks, Hispanics, and other people of color.

Racial segregation and discrimination in housing are persistent and constraining features of housing markets throughout the United States. While no studies examine housing segregation and discrimination in New York City in isolation from the larger metropolitan area, New York City figures prominently in one study of segregation and discrimination in major urban areas. The study paints a picture that housing choice and placement is frequently skewed by race, color, and national origin. A HUD-sponsored national audit, *Discrimination in Metropolitan Housing Market: National Results from Phase I HDS 2000*, conducted by the Urban Institute's Metropolitan Housing and Communities Policy Center, focused on discrimination in the housing sales and rental markets. The study was based on over 4,600 fair housing audits of housing providers in twenty-three metropolitan areas, including New York. The study was a follow-up to similar Housing Discrimination Study (HDS) conducted in 1989. The 2000 study found that in the New York metropolitan area blacks were discriminated against 20 percent of the time when they tried to buy a house and 23.5 percent of the time when they tried to rent an apartment. Hispanics experienced discrimination 27.3 percent of the time when they tried to buy a house and 32.9 percent of the time when they tried to rent an apartment.

An updated study, *Housing Discrimination Against Racial and Ethnic Minorities 2012*, was released in mid-June 2013. However, the federal government had released the updated study after the City's Proposed Affirmatively Furthering Fair Housing Statement was being finalized.

The perpetuation of residential racial segregation through discrimination and, in some instances, bias harassment and violence, is an impediment to the goal of fair housing.

Source of income acts as an impediment to housing choice when housing providers refuse to rent to prospective tenants with rental subsidies or income from sources other than employment. In March 2008, the New York City Council amended the Law to address this problem, making it a violation of the City's Human Rights law to refuse to rent to those tenants. The Council based its actions on evidence and testimony that indicated that prospective renters with sufficient income from these non-conventional sources were unable to obtain affordable rental housing primarily due to their source of income.

In mid-2010 the U.S. Department of Housing and Urban Development issued requirements to applicants seeking grant funding from its federal housing and supportive housing programs to comply with state and local laws that protect individuals from being denied housing based on either their lawful source of income or their sexual orientation or gender identity. The new federal grant funding application requirements reinforce the New York City Human Rights Law's prohibitions against housing discrimination.

According to the report [The Changing Racial and Ethnic Makeup of New York City Neighborhoods](#) (New York University Furman Center for Real Estate and Urban Policy, May 2012) 28 percent of the city's census tracts were racially integrated in 2010, up from 22 percent of tracts in 1990. The percentage of neighborhoods that are mixed-minority also rose, from 17 percent of all tracts in 1990 to 24 percent in 2010. Meanwhile, the share of neighborhoods that are majority white declined sharply, from 40 percent of all census tracts in the city to 23 percent. For the analysis the Center categorized the City's census tracts as majority White, majority Black, majority Hispanic, or majority Asian (census tracts where more than half of the residents identify as belonging to the respective category and no other single group makes up more than 20 percent of residents). In addition, the Center categorized census tracts as White-mixed where at least 20 percent of residents are White and at least 20 percent identify as the second respective category (White-black, White-Hispanic, and White-Asian,

respectively). Lastly, the category, mixed-minority neighborhoods, where less than 20 percent of the population is White and at least two other groups make up more than 20 percent each of the tract population (or no group constitutes a majority of residents) was also defined.

In addition to the changes for the time period mentioned above, the percentage of White-Hispanic neighborhoods quadrupled from 2.6 percent to 10.5 percent.

The report also examined socio-economic indicators within the respective categories for 2010. Majority White neighborhoods have, on average, the highest average income, share of college educated residents, and homeownership rates. Among the integrated neighborhood types, White-Hispanic and White-Asian neighborhoods average higher household income, ownership and college degree rates, and lower poverty than their majority Hispanic or majority Asian counterparts. The average poverty rate in White-Black neighborhoods is similar to that in majority Black neighborhoods, while college degree rates and household income are higher in White-Black neighborhoods, and homeownership rates are higher in majority black neighborhoods. Mixed-minority neighborhoods have, on average, the highest poverty rates and the lowest incomes, homeownership rates, and shares of college educated residents. Regarding homeownership specifically, White-Asian neighborhoods had the highest average ownership rate (42.2 percent), followed by majority White (38.5 percent), majority Black (33.8 percent), and White-Hispanic (28.9 percent), respectively.

Lastly, the Center analyzed the demographic changes between the 2000 and 2010 censuses. Their analysis indicated that single-race majority neighborhoods became more diverse for majority White and majority Black neighborhoods but not in majority Hispanic or majority Asian neighborhoods. For majority White and majority Black neighborhoods, the share of residents of the majority race declined, on average, by 2.5 and 3.7 percentage points respectively. In majority Asian neighborhoods, opposite occurred as the percentage of Asians increased on average by 13.3 percentage points.

At the conclusion of the report, the Center indicated that while the City's White and Black residents remain concentrated, they are becoming less so over time. The City's Asian population has, however, become more concentrated. The share of neighborhoods classified as majority White declined, showing some progress toward desegregation, and the share of mixed-minority neighborhoods increased, reflecting larger trends.

The City addresses these market and community forces through community relations and law enforcement, and by insuring that the housing stock that it owns or supervises is available without regard to a person's protected class.

New York City's role as a gateway to new immigrant groups challenges it to facilitate their acculturation and insure that their fair housing rights are respected by housing providers and community residents. A strategy to address the fair housing needs of immigrants calls for expanded education of landlords and community groups on the City's Human Rights Law. Immigrant groups may be impeded from realizing freedom of choice in the housing market by discrimination and by their perception that they are unwelcome outside their own "safe" community. In addition, immigrants often do not seek redress for perceived discrimination because they may not trust government. The City's remedy is an aggressive law enforcement program coupled with a highly visible educational campaign appropriately segmented to address the diversity of the various immigrant populations. This outreach may include efforts to encourage new residents to take advantage of City services, and to participate in civic activities, e.g., Community Boards, Police/Community Councils, and block associations, that are designed to improve the quality of life and community cohesion.

Immigrant communities disproportionately experience problems accessing fair and affordable housing. Since most immigrants in New York City are people of color, immigrant communities often encounter racial discrimination as an impediment to fair housing choice, similar to the experience of native-born racial minorities. However, immigrants face additional, interrelated impediments that are unique or sometimes heightened as a result of their immigrant background. These impediments to fair housing include national origin

discrimination, language barriers, lack of acculturation, exploitation based on immigration status, and limited financial and legal resources.

Immigrants are particularly disadvantaged in combating discrimination in housing. In addition to experiencing racial discrimination, many immigrants face exclusion based on national origin and ethnicity. This discrimination originates from other immigrant groups as well as from native-born persons. Due to lack of acculturation or lack of education, and/or language barriers, many immigrants are unaware of their legal rights and laws regarding fair housing, leaving them especially vulnerable to discrimination and abuse from landlords and others. Important among the protections that they need to know about is the New York City law forbidding discrimination on the bases of national origin and alienage/citizenship status. Lacking knowledge of these protections immigrants, become popular targets of practices like illegal predatory lending resulting in great financial loss to the victims. Immigrants are also frequently reluctant to seek assistance or report violations because of concern about immigration status or distrust of government. The City engages in an aggressive law enforcement program coupled with a highly visible educational campaign to help immigrant populations overcome these impediments to fair housing.

The CCHR Immigrants Rights Project conducts workshops addressing protections for immigrants under federal laws and under New York City's Human Rights Law. CCHR has conducted workshops in English, Spanish, Russian, Haitian Creole French, and Chinese for immigrant audiences and advocates in schools, churches, community centers, colleges and libraries. In addition, CCHR makes formal presentations 4 times weekly at the Naturalization and Citizenship Ceremony where new citizens are sworn in. The workshops cover housing discrimination, bias harassment, and employment discrimination. A newsletter describing the Human Rights Law and Commission services is distributed at these sessions. The Commission has continued its project funded by the U.S. Department of Justice to teach a 6-hour curriculum in ESOL classes covering protections based on national origin and citizenship status. Workshops on using the curriculum are offered to ESOL teachers as well.

The Commission's educational literature is published in Spanish, as well as English, and selected information is published in Creole, Chinese, Korean, Russian, Arabic, Urdu, Polish, Italian, and French. Educational literature includes a number of publications that address housing issues such as "Fair Housing: It's the Law," "Equal Access: It's the Law," a booklet covering all of the services of the Commission on Human Rights, and information cards addressing sexual harassment and discrimination against transgender people, and discrimination based on legal source of income. To reach immigrant communities languages and topics are added to the Commission's educational literature as needed.

The lack of affordable housing combined with discrimination lead many immigrants to live in illegal conditions that further undermine immigrants' fair housing opportunities. Immigrant renters generally experience less access to affordable housing than do non-immigrants. Data from the 2005 Housing and Vacancy Survey indicates that about half of all immigrant renters paid more than 30 percent of their income for housing, compared with 43.8% of native-born renters. A large number of immigrants, often not aware that they are living in illegal conditions, live in illegally converted houses or apartments for lack of other affordable or accessible options. Moreover, many landlords who lease out illegal conversions are themselves immigrants with their own affordable housing concerns. Residents who live in illegal conversions often suffer from numerous housing disadvantages such as a lack of legal rights, unsafe living conditions, and increased risk of abuse by landlords. The City addresses this problem by targeting educational outreach to landlords and immigrant tenants on the laws of illegal conversions, reputable financing programs, and other benefits available to help immigrants obtain affordable housing.

For people with disabilities, fair housing impediments are often physical obstacles that prevent access into a building or limit the use of building services or amenities. The City addresses impediments faced by people with disabilities through advocacy, education and law enforcement, as well as through MOPD's Project Open House barrier-removal program administered in conjunction with HPD. The MOPD and CCHR cooperate, relative to their respective functions, in achieving housing opportunities, equal access, and services for people with disabilities.

The Human Rights Law, enforced by the Human Rights Commission, is unique among civil rights laws because it requires landlords to assume financial responsibility for physical changes in both public and private spaces in buildings to accommodate people with disabilities providing that the accommodation does not cause an undue hardship and is architecturally feasible. This provision of the law enables staff to resolve most complaints through conciliation. The Commission works with many organizations including the Mayor's Office for People with Disabilities, the Borough Presidents' Advisory Committee in all 5 boroughs, Housing Court Answers, the New York City Bar Association's Committee on Disability, Disabled in Action, United Spinal Association, Independent Living Centers, the Alexander Graham Bell Foundation, the NYC Parks Department Disability Committee, Sun-B Senior Coalition, Pratt Institute, the West Side SRO Project, the MS Society, New York Lawyers for the Public Interest, Heights and Hills, the American Institute of Architects, the ALS Society, Visions, the New York City Business Improvement District (BID) Association, Columbus Avenue BID, New York City Small Business Services, New York City Hispanic Coalition Chamber of Commerce, Community Board 12 Housing Committee, and Self Help.

The CCHR cooperates with the Mayor's Office for People with Disabilities to create housing opportunities, equal access, and services for people with disabilities. In addition to its regular work with the Mayor's Office for People with Disabilities, the Commission sponsored a mentee and made a presentation at MOPD's Disability Mentoring Day.

In conjunction with an organization whose production crew includes trainees with disabilities, the Commission is completing a series of 4 captioned 3-4-minute videos for outreach to people with disabilities. Funded by the Christopher and Dana Reeve Foundation, the videos include an introduction, examples of accommodations in housing, employment, and public spaces and interviews with people who have benefited from those accommodations. They highlight what to do if an individual needs an accommodation. The videos will be posted on the web and many other new social media sites.

Fair housing also means the right of people to housing opportunity without regard to their gender (including gender identity and sexual harassment,) religion, age, familial status, according to federal law, or to marital status, alienage or citizenship status, sexual orientation, lawful occupation, or any lawful source of income according to the New York City Human Rights Law. Commission staff prosecutes unlawful discrimination, conduct fair housing workshops and advocate on behalf of people who experience housing discrimination. Fair housing presentations are held with landlords and real estate brokers, housing seekers, service providers and protected groups.

The problems of transgender individuals including seeking housing were brought to the attention of the New York City Commission on Human Rights in the early part of the 2000's. The result was that 2002 the New York City Human Rights law was amended to include gender identity as a part of gender and to protect people whose gender identity is or is perceived to be different from the sex assigned to them at birth.

Discrimination on the basis of a person's marital status has been a strong impediment to equal housing opportunity for unmarried couples and gay and lesbian couples. Historic New York State court decisions in the late 1980s expanded the definition of "family" and led to changes in State rent regulations extending the rights of nontraditional families in rentals and coops, including public and non-regulated housing. The changes guaranteed them the same rights to share and inherit an apartment that are granted to married couples. A 2005 amendment to the City Human Rights Law also protects individuals who reside in New York City from housing discrimination based on their partnership status.

Discrimination by rental housing providers may prevent people whose incomes include federal, state, and local subsidies from obtaining decent housing. Housing providers sometimes turn those potential renters away, even though they could afford the rent using their subsidies. In 2008 the City Council sought to address that form of discrimination by amending New York City Human Rights Law to add a protection against discrimination in housing based on lawful source of income, including rental subsidies. The term "lawful source of income"

includes income derived from Social Security, or any form of federal, state, or local public assistance or housing assistance, including HUD Section 8 rental vouchers.

A. Public Sector

To the extent that racial and ethnic minorities, single parent families, the elderly, the disabled, and immigrants tend to have lower incomes than average, impediments to affordable housing are also impediments to fair housing choice. The City of New York, however, has for over 60 years not only allowed but also encouraged the provision of low income housing within its borders.

1. Zoning and Site Selection

Zoning regulations can inflate housing costs in a variety of ways. First, they can limit new housing development to detached homes, which are expensive to build, to the exclusion of cheaper housing types. In New York City, however, inexpensive row houses and garden apartments are permitted on the vast majority of the land on which zoning permits residences (excluding industrial areas). As a result, detached single-family homes account for less than 10 percent of the city's housing stock, compared with approximately 37 percent in the rest of the Combined Metropolitan Statistical Area (CMSA). Zoning districts which permit garden apartments and row houses are found in every community planning district in the city.

Second, density regulations can require people to purchase more space than they need, or can afford. The typical suburban zoning resolution requires quarter-acre to one-acre lots: between one and four units per acre. Some communities also have high minimum unit sizes, to limit their housing stock to attract affluent families. In New York City, most city residents live in zoning districts which permit far greater densities. Minimum unit sizes are modest, with studio apartments widely permitted. In addition, housing for the elderly and other special-needs populations are given bulk and density bonuses. Therefore, only 29 percent of the city's housing units have three or more bedrooms, compared with 46 percent in the rest of the region and throughout the country. Approximately eight percent of the city's housing units are studios, compared with five percent in the rest of the region.

Third, zoning rules can prohibit two-family homes and multiple dwellings, and thus prevent older homes from being subdivided into apartments for low and moderate income households. A moderate income family can often afford to buy a house if it can get income from a rental unit, and the rental units themselves provide small housing units affordable to the elderly, the young, and the poor. New housing is expensive to build, and unless it is subsidized by the government, is nearly always built for middle- and upper-income households. Older homes, however, can be profitably converted into inexpensive apartments by the private sector for relatively little money. In New York City, two-family homes and multiple-dwellings, resulting either from new construction or conversions, are permitted on approximately 90 percent of the land where residences are permitted.

Fourth, jurisdictions can exclude affordable housing by not allowing the construction of publicly subsidized housing within their borders, or by concentrating it in just a few areas. In contrast, New York City accommodates the largest number and proportion of statutory low-income housing of any municipality in the country, and it has used innovative programs like inclusionary housing and the 80/20 tax exempt bond financing program to develop new low-income housing units in the most affluent parts of the city.

Fifth, jurisdictions often prohibit group housing quarters, or limit them to concentrated areas. In New York City, group housing quarters are permitted in all residential areas, and often receive zoning bonuses.

Finally, jurisdictions often require expensive public improvements in exchange for approval of a housing development. Some of these improvements may be only tangentially related to the needs of the new residents, and may instead benefit existing residents. New York City, in contrast, does not generally require any public improvements in exchange for permission to build the housing which the zoning allows. Therefore, New York City has no zoning and site selection barriers to fair housing choice within the city.

Inclusionary Housing Program

The Inclusionary Housing Program provides a floor area zoning bonus for multiple dwelling developments in return for new construction, substantial rehabilitation, or preservation of permanent affordable housing. The Program is designed to preserve and promote a mixture of low-income, moderate-income, middle-income, and market-rate housing, particularly within neighborhoods experiencing increases in market values.

The original Inclusionary Housing Program, part of New York City's zoning since 1987, was confined mainly to Manhattan's highest density districts (R10). In 2005, the expanded Inclusionary Housing Program, which can be applied in areas being rezoned to medium- and high-density residential districts, combines a zoning floor area bonus with a variety of housing subsidy programs to create powerful incentives for the development and preservation of affordable housing. Developments taking advantage of the full bonus in the new program must devote at least 20 percent of their residential floor area to housing that will remain permanently affordable to lower-income households.

Since 2007 the Inclusionary Housing Program has been applied in several rezonings to promote new housing development. When the Consolidated Plan Annual Performance Report went to print there were a total of 50 Inclusionary Housing Program areas throughout the City. (http://www.nyc.gov/html/dcp/html/zone/zh_inclu_housing.shtml) Developments providing affordable housing are eligible to develop additional floor area through an Inclusionary Housing Bonus (IHB), within height and bulk regulations tailored specifically to each district.

Lower-income housing units used to earn the Inclusionary Housing Bonus may be new units on the same site as the development receiving the bonus, or new or preserved units in a separate building off-site. Off-site affordable units must be located within the same community district, or in an adjacent community district on a site within a half-mile of the site receiving the bonus.

In July 2009, the Inclusionary Housing Program provisions of the Zoning Resolution were further amended to include a permanently affordable homeownership option; increased the number of permanently affordable units that can be created and preserved under the original program, which applies in the highest-density residential districts, by extending provisions of the program expanded in 2005; and, made technical improvements to the program based on the experience of agencies, developers, and affordable housing groups.

Under the recently adopted amendments, affordable units earning a floor area bonus may be either rental units or affordable homeownership units. Homeownership units must be initially affordable to households at or below 80 percent of Area Median Income (AMI), and their sale price may increase only at a set appreciation rate, in order to allow a modest return on the homeowner's investment while ensuring that these units remain permanently affordable.

Rezonings

The City of New York undertakes a variety of rezoning to its existing land use patterns. During the time period January 1, 2008 to December 31, 2012 there were 44 residential rezonings initiated by the New York City Department of City Planning which were adopted by the City Council. These rezoning either resulted in the change of permitted use (e.g., from manufacturing to residential) or a change in permitted or existing density. It is projected that the rezonings would facilitate the development of 27,467 dwelling units including 3,999 affordable units (approximately 15% of the projected units).

2. Neighborhood Revitalization

HPD is the nation's largest municipal housing preservation and development agency. Its mission is to promote quality housing and viable neighborhoods for New Yorkers through education, outreach, loan and development programs and enforcement of housing quality standards. It is responsible for implementing Mayor Bloomberg's New Housing Marketplace Plan, an ambitious \$8.4 billion initiative to create and preserve 165,000 units of affordable housing for half a million New Yorkers by the end of 2014. The New Housing Marketplace Plan is a central component of the Bloomberg Administration's Five Borough Economic Opportunity Plan to create jobs

for New Yorkers today, implementing a vision for long-term economic growth while strengthening New York City's diverse neighborhoods. The City invested \$1.3 billion and financed 15,827 units of affordable housing for middle-class and low-income New Yorkers in Fiscal Year 2011, which ended on June 30, 2011. The total includes 3,873 units of new construction, comprised of approximately 1,200 units of mixed income housing; nearly 1,500 units of low-income housing; and 940 new supportive housing units. In addition, the Plan has created more than 120,000 full-time equivalent jobs.

The Plan has promoted new tools and incentives to create affordable housing despite the difficulties of today's economic climate. The key goals of the Plan are to:

1. Acquire the space we need to build new units by pursuing innovative strategies and partnerships to redevelop underutilized land throughout the City.
2. Creating incentives to develop housing for moderate and low income New Yorkers, including those in need of supportive services on-site;
3. Harnessing the private market to expand the supply of affordable housing by creating new loan programs and expanding inclusionary housing zones under a revamped 421(a) property tax exemption program;
4. Preserving government assisted affordable housing with a special emphasis on preserving unit where subsidies are set to expire;
5. Stabilizing families and strengthening neighborhoods by undertaking new foreclosure intervention strategies; refining targeted, proactive code enforcement strategies; and rehabilitation/resale of foreclosed homes that would otherwise blight our communities.

Affirmative Marketing

Periodic inspections and spot-checks:

The NYC Department of Housing Preservation and Development (HPD), in conjunction with their sister agency, the NYC Housing Development Corporation (HDC) conducts periodic inspections and spot-checks of the Developer's tenanting process. Developers receiving HOME funds must establish and maintain satisfactory records in accordance to the agency's Marketing Guidelines. The Marketing Guidelines describe policies, procedures, and certain requirements for the marketing and selection of residents for developments subsidized by the agency. Developers must follow these guidelines in preparing marketing plans for their projects and comply with its specific requirements, including certain forms required during the tenant selection process to ensure eligibility, fairness, consistency and prevent fraud in the agency's programs. The Marketing Guidelines require the developer maintain individual tenant files for all families in HOME assisted units. The tenant files must contain all income certifications and verifications along with leases, lease riders, unit inspections, and all correspondence, which are subject for review by the agency. Developers forward the agency a tenant file which is reviewed by the staff to ensure income eligibility.

Site visits to assure records properly collected and reserved:

The agency conducts site visits to assure records are properly collected and reserved. While no site visits have been conducted yet for projects which were marketed in 2012, the agency did review projects that were marketed in previous years. The agency begins conducting site visits the year after a projects is Placed-in-Service. The agency will continue to conduct site visits to assure records are properly collected and reserved by developers. Further, the agency reserves the right to conduct site visits during anytime during the initial lease-up of a project.

Suspicion of Fraud:

The agency works closely with New York City Department of Investigation (DOI) to address fraud involving HOME Program funds. If the agency is suspicious of fraud, then a further review is conducted by an agency staff member, and possible referral is made to DOI. The Marketing Guidelines require that the Developers use certain forms during all tenant selection processes. These forms include IRS Form 4506 Request for Copy of Tax Return; IRS Form 4506-T Request for Copy of Tax Return Transcript; NYS DTF-505 Form Request for Copy of State Tax Return; as well as an Authorization to Release Information form. If an applicant file contains

inconsistent information, these forms are used by agency staff and DOI in order to clarify the information or to determine if any fraud exists. On occasions, DOI has referred matters to appropriate prosecutors' offices. Furthermore, Developers are made aware that they may forward any suspicious information directly to the agency and/or DOI. Lastly, if any inconsistent or suspicious information is brought to the agency's attention regarding a Developer and or its agent, the matter is referred to DOI for further investigation. During the year 2012, no applicant or developer referrals were made for projects involving HOME funds to DOI.

3. PHA and Other Assisted/Insured Housing Provider Tenant Selection Procedures: Housing Choices for Certificate and Voucher Holders

New York City Housing Authority

The New York City Housing Authority (NYCHA) is the largest public housing authority in North America. NYCHA's conventional Public Housing Program has 178,948 (as of January 1, 2013) apartments in 334 developments throughout the City in 2,596 residential buildings containing 3,330 elevators. To ensure nondiscrimination in the selection of families NYCHA has implemented a Tenant Selection and Assignment Plan (TSAP) to prevent unlawful discrimination on the basis of race, color, or national origin, in compliance with its obligation under Title VI of the Civil Rights Act of 1964 (Title VI), the Fair Housing Act, and the implementing regulations and requirements of HUD. This Tenant Plan has been approved as nondiscriminatory by HUD, the U.S. Department of Justice, and a Federal Court. NYCHA's Tenant Plan is also intended to prevent any unlawful discrimination on the basis of race, color, religion, national origin sex, sexual orientation, age, marital status, partnership status, military status, disability, lawful occupation, lawful source of income, alienage or citizenship status, or on the grounds that a person is a victim of domestic violence, dating violence, or stalking, or because children may be, are, or will be residing with the individual, and to resolve any disputes with respect to its compliance with these obligations.

Department of Housing Preservation and Development

HPD has been designated as a local public housing authority (PHA). The agency administers a large Section 8 rental assistance program. In addition, 20 percent of apartments developed with the assistance of HPD are adaptable for people with disabilities in accessible buildings. A concerted effort is made to attract tenants for these apartments through marketing efforts in newspapers, local fair housing offices and notification of the Mayor's Office for People with Disabilities.

Specifically, HPD reviews and monitors housing projects with federal funding for compliance with the federal Fair Housing Act of 1988, Section 504 of the federal Rehabilitation Act and the ADA. Each developer in receipt of agency funding must make affirmative efforts to attract prospective buyers or tenants of all minority and non-minority groups in the locality regardless of race, color, religion, sex, national origin, disability or family status. HPD monitors developers for compliance with the Affirmative Fair Housing Marketing Requirements. Compliance includes the review of fair housing marketing plans, fair housing training of developer staff prior to rent-up, distribution of fair housing logos and slogan size requirements.

4. Sale of Subsidized Housing and Possible Displacement

For all demolition/disposition activities affecting NYCHA Public Housing property, NYCHA submits an application seeking HUD approval in accordance with Section 18 of the U.S. Housing Act of 1937, as amended (42 USC 1437p or "Section 18"), and the applicable Federal Regulations (24 CFR 970), including a certification that: all planned demolition or disposition is described in the agency's Annual Plan; a description of the property (i.e., dwelling units or land) and action proposed (demolition or disposition); timetable for action; justification for proposed action; and if applicable, a plan for the relocation of tenants who would be displaced by the action, including descriptions of reasonable accommodations and timetable for relocation; a description of resident consultation with supporting documentation (e.g., meeting minutes, letters from the resident association and elected officials and a resolution of the NYCHA Board). In the case of disposition, an estimate of fair market value based on an independent appraisal (unless otherwise determined by HUD) is also required. In addition an HUD approved environmental review (conforming to the National Environmental Protection Act) of the proposed action, and certification the proposed action does not violate any remedial civil rights order or

agreement, voluntary compliance agreement or other court order or agreement are also required for review by HUD.

Anti-Displacement Plan

A copy of the City's Anti-Displacement Plan can be found in the 2012 Consolidated Plan Annual Performance Report, Part II., Section C.

5. Property Tax Policies

The following discussion describes the ways the City of New York's strategy promotes the construction of new low income housing as well as the preservation of existing low income resources which would remove or ameliorate negative effects that serve as barriers to affordable housing. In addition to providing direct funding for the construction and rehabilitation of low income housing, the City has also encouraged the development of these resources through various means, including the real property tax system.

Tax incentive programs are integral part of the City's effort to produce affordable housing. The incentives provide a method of inducing developers to either construct new housing or rehabilitate existing housing for low- and moderate-income households without the increased costs associated with increased property assessments. By limiting the tax assessment, developers are able to maintain a margin of profit without the need to increase existing rents to cover the costs associated with the increased assessment. The City sponsors two tax incentive programs; 421(a), and J-51 which are described in the 2013 Consolidated Plan, Volume 2, Part II., Other Actions, Section B., Relevant Public Policies, and assist in the production of thousands of units.

In addition, the federal government provides a Federal Low Income Housing Tax Credit program, which the City, through HPD, provides tax credits to programs such as: Participation Loan Program, Supportive Housing Loan Program and the Neighborhood Redevelopment Program (NRP) (See the 2013 Consolidated Plan, Volume 1, Part I., Action Plan, Section C., Program Descriptions).

6. Building Codes (and Code Enforcement)

The Department of Buildings ensures the safe and lawful use of more than 975,000 buildings and properties by enforcing the City's Building Code, the City's Zoning Resolution, New York State Labor Law and New York State Multiple Dwelling Law. In FY2012, the Department reviewed more than 63,000 construction plans, issued more than 126,500 new and renewed permits, performed more than 292,000 inspections, and issued 25 types of licenses and registrations. The Department facilitates compliant construction by continually streamlining the permit application process, and delivers services with integrity and professionalism.

Codes

All construction projects in New York City must comply with the NYC Construction Codes and the City's Zoning Resolution. In an effort to improve New York City's construction codes governing building standards and address current practices, the Buildings Department recently amended the Electrical and Plumbing Codes.

Electrical Code

In June 2011 the Electrical Code was updated with several technical and administrative amendments. The code is designed to keep the Electrical Code current. The amended law adopts the 2008 version of the National Electrical Code and tailors national standards to the specific needs of New York City's high density urban environment. There are new provisions reflecting the latest industry standards for transmission of electricity for light, heat, power, signaling, communication, alarm and data transmission. Under the new NYC2011 Electrical Code, beginning July 1, 2012, the Department may issue Environmental Control Board (ECB) violations for Electrical Code violations. These code improvements will impact construction standards for the next few years.

NYC Energy Conservation Code

The Greener, Greater Buildings Plan helps New York City building owners embrace green retrofits and dramatically reduce energy use. As of 2013, owners of large buildings must conduct an energy audit once every ten years to identify potential energy upgrades to base building systems and establish energy-efficient

maintenance practices. Additionally, new buildings and all alterations must comply with the NYC Energy Conservation Code, which regulates the energy efficiency standards of buildings.

Plumbing Code

Since July 2012, the maximum flow rates and water consumption of bathroom fixtures was reduced. Showerheads, private lavatory faucets and toilets are required to meet the lower specifications required by the federal WaterSense program, a program of the U.S. Environmental Protection Agency. New federal standards require a third-party certification by an independent laboratory of the performance and efficiency level of installed plumbing fixtures.

NYC Development Hub

In the fall of 2011, the Department opened the NYC Development Hub in Lower Manhattan to accelerate the permit approval process. All electronic filings at the Department of Buildings are now coordinated through the Development Hub. At this state-of-the-art center, applications are submitted online and reviewed and approved by multiple City agencies in a virtual environment. With advances in our electronic filing procedures, 90% of all construction documents can now be filed online, including Alteration 2 and Alteration 3 applications.

Through the Department's website, applicants can create online accounts, complete the necessary electronic forms and upload the proper documents in order to receive approvals and obtain construction permits. Alteration 2 and 3 applications are typically submitted when there is no change in use, occupancy or egress. Permits for all electrical work, minor plumbing work and renewals for after-hours variance permits can also be obtained online. These enhancements result in shorter lines and fewer appointments; making the approval process easier for most construction projects in the New York City.

Fees

Application filing fees for construction jobs are normally included in construction project budget. The scope and payment of fees must be factored into a project's total cost of construction and can impact a project's availability of funds.

Fee Deferral

The Buildings Department may defer filing fees for residential, multiple dwelling and commercial construction until the issuance of a certificate of occupancy at a project's completion. Fee deferrals may be applied to housing owned or managed by NYC Department of Housing Preservation and Development and designated to be transferred to private ownership once the property receives the final certificate of occupancy. The deferral of fees until a project's completion helps to lighten fiscal constraints until the project can become financially self-supporting.

Fee Exemption

The Buildings Department exempts not for profit owned properties, government-owned properties and certain government-supported construction projects from standard agency fees assessed for filings, permits and inspections. The properties must be used exclusively for government, religious, charitable or educational purposes. The fee exemption applied to NYC owned buildings and other government construction projects, which helps to facilitate construction by reducing financial encumbrances resulting from agency fees.

Enforcement

Licensing and Permits

To raise our safety standards, we've begun to administer licensing exams for all construction trades after we strengthened licensing and testing requirements.

Licensee Certification

The Department grants the privilege to holders of certain licenses issued by the Department to certify that the completed work meets all applicable laws, rules and regulations. Beginning December 17, 2012, the Department of Buildings will administer all construction trade licensing exams. In addition, updated fees will be in effect for

written and practical licensing examinations and background investigations. Failure to comply will result in disciplinary actions against licensee; thus, strengthen the Department's emphasis on safer construction projects.

Illegally Converted Apartments

The Buildings Department has distributed more than 160,000 flyers in multiple languages to warn New Yorkers about the dangers of illegally converted apartments. The Department has also issued a guide for New Yorkers, available at www.nyc.gov, with tips on how to recognize an illegally converted apartment and avoid renting one. The Buildings Department continues to improve its enforcement efforts through educating the public about conditions that are hazardous and can result in violations.

Community Partnerships

Affordable Housing Collaboration

The Department has participated in building affordable homes by volunteering a day to assist in the constructing of affordable homes alongside Habitat-NYC. Habitat-NYC is the local branch of the nationally renowned non-profit organization that builds affordable housing program for individuals and families in need. These efforts are crucial to our City's housing plans.

Homeowners' Night

The Department hosts weekly informational sessions for residents to meet with Department representatives. Homeowners' Night is every Tuesday night from 4:00pm to 5:30pm at each borough office.

Rebuilding After Hurricane Sandy

The Department's work, knowledge, and experience have never been more valuable than during Hurricane Sandy. With an all-hands response in the days after the storm, the Department performed more than 80,000 rapid assessments of homes and buildings.

Many buildings that were damaged after Hurricane Sandy were constructed prior to today's zoning regulations and were deemed "lawfully noncomplying." Post Hurricane Sandy, for reconstruction, these buildings must receive a permit from the Department of Buildings prior to work being done.

For all new building applications where the existing structure is to be demolished, a Demolition Application shall be required for a permit as per Article 14 of Subchapter 1 of the Building Code.

Prior to the issuance of a permit for any Alteration Application where more than 50% of the area of exterior walls is being removed, or where, as determined by the applicant, the stability of the adjoining building may be affected by the proposed demolition or removal work, only a pre-demolition inspection by the Department shall be required, along with compliance with §27-169, notice to adjoining owners and §27-171. These efforts will promote safer building and raise our safety standards which are crucial to our City's safety and success.

Customer Service

The agency offers support services for construction projects designated as affordable housing by the New York City Department of Housing Preservation and Development or a New York State agency. Support services may include project advocacy, and expedited plan examination and inspection, and/or fee exemptions and deferrals.

Building on My Block

Building on My Block is an extension of the Department's Building Information System (BISWeb). It allows members of the public to access online list of construction activities specific to their neighborhood. Search can be performed for new building permits, major alterations, and demolitions.

Project Advocacy

When requested by a supporting governmental agency, the Department assigns a project advocate within the agency to monitor a City or State supported job from its inception to completion. A project advocate interfaces

with various units of the Buildings Department and other agencies as required to facilitate the review and approval process.

Hurricane Sandy Consultation

In February 2013, the Department kicked off a new program offering free design consultations to property owners and design professionals who are planning to reconstruct buildings damaged by Hurricane Sandy. During these consultations, the Department's senior officials, technical experts and plan examiners work closely with homeowners on submitting applications and construction plans for properties in special flood hazard area. The program is designed to accelerate the approval process, assist homeowners with their decisions on reconstruction, and better ensure that new flood recommendations and standards are incorporated into the design and construction of these affected buildings.

Expedited Plan Examination and Inspection

On a case-by-case basis, the Department will expedite the plan review and inspection of an affordable housing project if the need is substantiated by a supporting City or State agency. The expedited process is designed to shorten the start of construction and thus the construction job. Similarly, the Department may expedite the application process, plan review and inspection of inclusionary housing when a percentage of a project's market-rate dwelling units are designated as affordable dwelling units.

7. Transportation

As stated in the *2012 Affirmatively Further Fair Housing Statement's* community profile a majority of New York City residents that work within the City use public transportation for their commute. According to data from the American Community Survey (ACS) 2007-2011 Five-year Estimate, more than 55% of the City's commuters used public transportation, a majority of which is either public subway, bus, or train (36%, 12.8% and 7.2%, respectively). This is in contrast to the region and the rest of the nation, where public transportation comprised approximately 31% and 5% of the mode of transportation to work, respectively. Of these New York City commuters who use public transportation approximately 77% are low- and moderate-income persons (based on the City's FFY2011 HUD Section 8 Median Family Income (MFI) of \$64,200). Data from the ACS 2007-2011 Five-year Estimate indicates approximately 10% of New York City workers responded walking was their primary means of commuting to work. When examined by travel time, approximately 85% of those who walked lived within a twenty minute commute from their work site-indicating a strong linkage between New York City employment and housing.

Housing within communities with transportation access to commercial and employment centers have traditionally been in greater demand, therefore commanding higher prices than housing in areas either underserved by transportation or where transportation costs (time, expense) are greater. These market pressures create the potential for many HUD-assisted units covered by rental contracts expiring in the near future to be lost if owners choose to opt out of the program in order to capitalize on higher market rate rents.

In recent years it has been the City's policy when rezoning areas to increase housing density along major transportation corridors, including incentive to provide affordable housing development.

The recent rezoning of Bedford-Stuyvesant North in Brooklyn and West Harlem in The Bronx has included provisions to promote the development of affordable housing near mass transit options.

In terms of the overall housing affordability of a metropolitan area, transportation costs should also be taken into consideration. According to the report by the Center for Housing Policy, an affiliate of the National Housing Conference¹ the New York Region has one of the highest housing costs as a percentage of its monthly average area income when compared to 24 other major metropolitan regions' housing cost as a percentage of their respective area's monthly average income. (Approximately 34% of the New York region's income goes for

¹ *Losing Ground: The Struggling of Moderate-Income Households to Afford the Rising Costs of Housing and Transportation*, October 2012

housing costs, or a ranking of 21 out of 25 in terms of housing affordability.) However, when transportation costs are factored in, the New York metropolitan region's overall affordability ranking increases to 10th place due its relative affordable transporting costs in comparison to other region's transportation costs.

In 2002, the Bloomberg administration originally announced an initiative to extend the #7 subway line, which serves a large immigrant and minority population in Queens, from its present Manhattan terminus at Times Square to the Far West Side. The extension would strengthen the linkage between those communities and proposed development planned along the Hudson River. Actual construction began in 2007.

After completing the excavation of the tunnels for the extension and construction of the 1200-foot-long 34th Street station's mezzanine, MTA has begun final construction of the train platforms. According to the MTA, passenger train service is expected to begin in June 2014. It is estimated that the extended subway line will serve 35,000 passengers daily by 2030. Further, it is projected that up to 2,800 units of affordable housing will be developed in the Far West Side-Hudson Yards area through the City's Inclusionary Housing Program.

B. Private Sector

Lending Policies and Practices and Access to Capital

Lending Policies and Practices

The recent economic recession has its origins in the collapse of the housing market. The rise and collapse of the housing market may be attributed to four factors: the loss of value in the stock market several years ago made real estate an appealing investment alternative; the development by private sector and commercial and investment banks of asset-backed securities, Collateralized Debt Obligations (CDOs) for subprime mortgages; the creation new products and marketing strategies by lenders directed toward the subprime sector which were designed to generate a higher rate of return for buyers of the asset-backed securities; and, the relaxation of due diligence oversight and the increased reliance on automated underwriting by loan originators which did not properly assess the risk of the loans they originated and the risk of the subsequent risk of the mortgage-backed securities they sold².

In communities with high percentages of default or foreclosure, homeowners became susceptible to another type of predatory lending in the form of home equity theft or fraudulent "foreclosure rescue" scams. Unscrupulous lenders would attempt to contact homeowners currently in default of their mortgage with offers to either provide services to negotiate on their behalf with their lenders for reduced interest rates and debt forgiveness; purchase or transfer the title of the house to another person while providing the homeowner the opportunity to remain in the house as a tenant until they can repurchase their home back from the title-holder; or, provide a loan (backed by the title to the house as collateral) for use by the homeowner to bring the mortgage payments up to date. However, in each scenario the homeowner is defrauded of either what little equity or cash they have left, or of their home entirely as the lender either charged excessive fees for non-existent services or had taken possession of the home without paying a fair and reasonable price (for the house) while leaving the homeowner still responsible for their original outstanding mortgage.

In June 2009, Mayor Bloomberg announced a new public service campaign to encourage more New Yorkers facing foreclosure to get the free legal assistance, mortgage counseling and education services that were available through the Center for NYC Neighborhoods network of providers. In addition, the Mayor joined other mayors from other major cities across the country to urge their states to enact strong laws requiring mandatory settlement conferences in order for good faith settlement negotiations between lenders and borrowers prior to foreclosure sales, and for proactive notification of the borrower of their right to a settlement conference and referral to housing counseling agencies or a hotline.

² Acting Superintendent Neiman Keynote Address at New York State Banking Department's Inaugural Summit to Halt Abusive Lending Transactions and Mortgage Fraud (HALT). April 11, 2007.

The Center for New York City Neighborhoods, Inc. (CNYCN) was created to address the local repercussions of the national foreclosure crisis. Through comprehensive citywide programming that includes legal services, housing counseling, and consumer education, CNYCN pursues multiple strategies to assist those at risk of losing their homes to foreclosure - both homeowners and renters alike. CNYCN seeks to support distressed homeowners retain their equity, and preserve New York City neighborhoods by limiting the negative impacts of foreclosure, property flipping, and abandonment. CNYCN is funded through grants from government agencies, foundations, and financial institutions (for more information about CNYCN supporters, go to: http://www.cnycn.org/index.php?option=com_content&task=view&id=36&Itemid=73), and was incorporated in 2007 as a not-for-profit corporation under the laws of New York State. CNYCN is a [501\(c\)3](#) charitable organization.

(CNYCN grew out of efforts by local leaders to create a systemic response to rapidly rising mortgage defaults and foreclosure filings, particularly in communities hardest hit by subprime and other unconventional loan products. The City of New York has a strong track record of successful government and nonprofit interventions to address pressing community needs, and worked in partnership with non-profit organizations, financial institutions, and private foundations to create a vision for what CNYCN could be.

CNYCN's activities include:

- Raising over \$7 million to support housing counseling, legal service and consumer education nonprofit throughout New York City to expand and enhance their programs.
- Creating a process to award, support, train, and coordinate many nonprofit partners to act as a single system in responding to this crisis.
- Coordinating with [311](#) to create a streamlined process for those seeking support to find free, local foreclosure prevention advice and counsel. For more information on finding support, click [here](#).
- Developing strategies to acquire foreclosed properties from lenders and servicers, rehabilitate them, and sell them again as affordable homeownership opportunities for qualified owner occupants.
- Initiating a pilot program in the Queens court system with the Office of Court Administration to support homeowners in preparing to meet with lenders and servicers in "[settlement conferences](#)" to negotiate a resolution to a pending foreclosure action.
- Seeking to create a nonprofit mortgage brokerage in partnership with Neighborhood Housing Services of New York City so that homeowners who choose to sell their homes can have the benefits of better consumer protection and reduced costs.

The CNYCN has created a citywide network of 27 partners to provide legal assistance, mortgage counseling and education services for the residents of New York City. This structure has created one of the strongest nonprofit networks in the country, gathering and coordinating free, accessible support to homeowners at risk of foreclosure.

Between 2008 and 2012 the State of New York passed a series of banking laws that protected homeowners at risk of losing their homes from predatory lending practices; and provided further assistance/recourse to homeowners at risk of losing their homes and assisting tenants in foreclosed properties. These legal protections have enabled homeowners in default or at risk of default to stay in their homes longer. In other cities in states that do not have comparable protections homeowners have lost their homes through eviction.

While the protections have enabled homeowners (and renters) to remain in their homes, these protections have also kept the local housing market depressed as homeowners who were unable bring their mortgage up to date must now face foreclosure proceedings. According to New York University Furman Center for Real Estate and Urban Policy's Quarterly Housing Update for 4th Quarter 2012, foreclosure filings in New York City increased 53 percent in the fourth quarter of 2012 compared to the fourth quarter of 2011 (3,401 homes). However, this increase in the total number of filings was substantially less than the number of foreclosures that peaked in the third quarter 2009. By geography, the Update indicated that the Bronx, Queens and Staten Island each saw

foreclosures increase more than 70 percent over the fourth quarter of 2011. Similarly, the numerical increases for the respective boroughs were well below the peak number of foreclosures that occurred during the height of the housing recession.

Access to Capital

The economic recovery has not resulted in a total housing recovery. Home prices within the New York region have experienced gains in recent years as a result of the economic recovery. However, home prices are significantly lower than their June 2006 peak (approximately 25% lower)³. These depressed prices under normal circumstances would be considered a positive for prospective low- and moderate-income homebuyers since it increases the number of potential homes affordable within their price range. However, credit markets have retrenched. This retrenchment has led to tighter underwriting/risk assessment standards (elimination of low-documentation (“low-doc”) loans and the need for higher FICO scores) for home mortgages and limited access to capital necessary to purchase a home.

While the tightening of underwriting standards will assist in reducing the number of potential homebuyers who under conventional standards, could further contribute to the current high level of foreclosures in the City (homebuyers who due to inadequate financial resources could potentially be unable to carry a mortgage and therefore have the potential for default, and ultimately foreclose) it increases the level of difficulty for minority homebuyers who meet the standards necessary to secure financing. This increased level of difficulty may negatively impact the progress made in increasing the percentage/number of minority homeowners over the last several years.

According to the report *The State of Mortgage Lending in New York City* (New York University Furman Center for Real Estate and Urban Policy, May 2012), which examined 2010 Home Mortgage Disclosure Act (HMDA) data, mortgage lending in 2010 had increased 11 percent over 2009, thereby interrupting the five year decline in the number of first-lien home purchase mortgages. The number of loans issued to white, black, and Hispanic borrowers all increased in 2010. Lending to Asian homebuyers, in contrast, decreased slightly. However, the number of home purchase loans issued to black and Hispanic New Yorkers in 2010 was still only one-third the number issued in 2004. Lending to Asian homebuyers was also down substantially compared to 2004, but to a lesser extent than for blacks and Hispanics.

The report also examined home purchase lending by income. The report examined home purchase lending by low- and moderate-income (LMI) households, and by homebuyers taking out mortgages in LMI neighborhoods. In both cases home purchase lending had increased from 2009. However, LMI mortgage origination was still well below the mid-2000s peaks.

The number of refinance mortgages issued to New York City homeowners declined by about 21 percent between 2009 and 2010, from about 33,500 to 26,500. Refinancing activity also declined nationally, as well as in all five boroughs of New York City. The Furman Center indicated that the reasons for the declines are not clear. Although mortgage interest rates were very low in 2010, they were not much lower than in 2009, when refinancing activity had increased significantly compared to the prior year. The report suggested that further price declines in many markets in 2010 may have reduced the number of homeowners with sufficient home equity to qualify for a new loan.

In closing, the Furman Center indicated it was unsure if the increase in home mortgage origination would continue upwards in 2011, or if the increases in 2010 were a brief interruption in a continued decline.

In November 2003, the City of New York, in conjunction with the New York State Department of Financial Services (formerly the New York State Banking Department) created six State Banking Development Districts (BDDs) within New York City. The BDDs are for communities that are underserved by banks and other

³ Standard and Poors/Case-Shiller *Home Price Index Levels by Metropolitan Area seasonally adjusted data as of December 2012.*

financial institutions, and are meant to help promote economic activity in developing communities by providing loans (both business and personal) and other essential banking and investment services.

Under the program, the City will deposit up to \$10 million in current and future bank branches located in the BDDs. The City will receive below-market rates from the banks. In return, these branches will provide reduced rate loans and offer financial literacy classes for residents, describing ways to take advantage of banking services to improve their lives. The New York State Banking Commissioner designates the Districts and solicits applications for bank branches in BDDs to apply. The Banking Commission is evaluates each bank to determine how much below-market money will be deposited with each BDD branch when the evaluation is completed.

The Banking Department continued its expansion of the program through 2008 with the establishment of additional BDD branches. By the end of 2011 New York City had two-thirds of all the BDD branches within New York State (26 of the 39 BDD branches). Each borough has at least two BDD branches. Brooklyn has the highest number of branches both city- and state-wide (8), followed by Manhattan (7,) Bronx (6), Queens (3), then Staten Island (2). There were no new Banking Development Districts created in New York City in 2012

In addition to access to capital, one of the chief instruments used to curb abusive and deceptive predatory lending practices is the provision of information and education to the prospective borrower. New York City has several fair housing programs which provide information and counseling to current and prospective homeowners. These programs are described in section *IVI* of this statement.

To assist localities promote fair housing through information and education, the 2012 HUD SuperNOFA competitive grant process included several competitive grants which municipalities and not-for-profit fair housing organizations were eligible to apply for. In 2012, HUD awarded approximately \$239,300 in Housing Counseling Assistance Grants to local organizations, several of which have programs which counsel homeowners on such items as pre-purchase, rehabilitation lending and home repair, mortgage delinquency and default resolution, or foreclosure prevention. In addition, three New York City-based national/regional organizations received approximately \$3.007million in Housing Counseling Assistance Grant funds, a portion of which is expected to be expended on homebuyer education and pre-purchasing counseling in the New York City Area. Under the HUD Fair Housing Initiative Program (FHIP) competitive grant local organizations receive funds to provide legal and other assistance to help targeted homeowners avoid foreclosure due to alleged illegal or discriminatory lending practices by screening, investigation and analyzing all complaints received for appropriate referrals as part of a private enforcement initiative. In 2012, HUD announced the grant awards for the 2012 FHIP SuperNOFA. In total, eight New York City not-for-profit organizations received approximately \$2,848,000 for fair housing-related activities. These programs, along with New York City's own outreach and education programs attempt to ensure affordable homeownership opportunities for the City's low- and moderate-income households.

The City's Human Rights Commission staff stay abreast of patterns of discrimination in lending practices through attendance at city- and borough-wide task forces on housing court and conferences on the changing foreclosure crisis and its causes. The Commission's Mortgage Foreclosure Counseling Project has responded to the national and local increase in foreclosures by keeping abreast of the plethora of new programs to assist homeowners. It has added information about potential problems with mortgage lending to all of its educational workshops and it has created new procedures and resource materials to assist with counseling. Because the number of potential foreclosures has created long delays, counselors have redoubled efforts to get lenders to work quickly and efficiently with their clients. There were 627 counseling sessions held in 2012.

C. Public and Private Sector

1. Fair Housing Enforcement

The City Commission on Human Rights (CCHR) is the agency that enforces the New York City Human Rights Law. Its investigative process affirmatively furthers fair housing by providing an impartial investigation consistent with due process requirements and seeking remedies to prevent future discrimination, e.g., the use of

civil penalties as a deterrent to punish illegal discrimination. Victims are awarded compensatory damages and injunctive relief. In addition, affirmative relief may be imposed. The Commission is also authorized to conduct systemic investigations of housing practices. Where the facts support an allegation of discriminatory practices, it initiates complaints to address systemic violations.

Prosecution of complaints to conclusion is a key part of the agency's mandate to affirmatively further fair housing. All complaints are investigated according to uniform legal standards for determining probable cause. In many cases remedies for the aggrieved are provided through settlements reached before trial and after probable cause is found or before an investigation is completed. If cases are not settled, they proceed to trial by the Law Enforcement Bureau before an administrative law judge at the City's Office of Administrative Trials and Hearings (OATH). A panel of CCHR lay Commissioners issues a final Decision and Order after studying the Recommended Decision and Order of the OATH judge. Final Decisions and Orders can be appealed to the New York State Supreme Court.

An important feature of the Commission's efforts to further fair housing is the community-focused activities that promote equal housing opportunity. These activities include fair housing training for providers and protected groups, resolution of informal housing complaints, particularly those that are disability-related, investigation of unlawful real estate practices, providing technical assistance to tenants as part of the Housing Court Answers (formerly Citywide Task Force on Housing Court), and active participation in community activities that encourage harmonious intergroup relations and neighborhood stability in areas undergoing demographic change.

An intergovernmental Memorandum of Understanding (MOU) between the New York City Department of Housing Preservation & Development (HPD) and the New York City Commission on Human Rights (CCHR) created a Fair Housing Service Program tightly focused on raising the awareness of building owners and project sponsors receiving financial assistance from the HPD of their duty to comply with the federal Fair Housing Act and NYC Human Rights Law.

CCHR staff present a review of equal opportunity and fair housing obligations during HPD's weekly Pre-Award Conferences in which recipients of Agency funding are also informed of business utilization and workforce participation provisions found in Agency contracts.

CCHR participates in community forums sponsored by the HPD to inform the public of housing opportunities, regulations and to answer questions. "Owners Night" and "Tenant Night" presentations hosted by HPD in partnership with local political and community leaders.

HPD and CCHR co-host "Fair Housing in Practice" workshops for representatives of building owners and sponsors. The workshops focus on compliance with Federal, State and City fair housing mandates, tenant/homebuyer selection (including interviews and associated forms), unlawful inquiries and available resources and a presentation on HPD affirmative marketing guidelines

HPD and CCHR have created a new NYC.gov website that promotes public awareness of fair housing practices and enforcement.

They are also co-sponsoring a research project on housing discrimination funded by both agencies, the Russell Sage Foundation, and Columbia University. The Commission is collaborating with a research team from Columbia University's Center for the Study of Development Strategies on a "NYC Housing Discrimination Study." Through testing the study investigates the impact of administering different treatment messages targeted at landlords and brokers on levels of net discrimination against black and Hispanic testers who interact with these landlords and brokers.

The MOU also promotes public awareness of Fair Housing as a key to promoting fair housing practices and enforcement. HPD and CCHR, have created a new NYC.gov website. Fair Housing NYC is a visually appealing website providing the public with a broad range of fair housing related content and referral services.

The site includes one-page summaries with examples of discriminatory practices and policies; a summary of the Human Rights Law; referrals to HPD housing resources and referral links. The site is available at: <http://www.nyc.gov/html/fhny/html/opportunities/opportunities.shtml>

The Fair Housing Service Program reaffirms HPD commitment to implement the goals and objectives of Federal and City mandates to promote housing choice free of discriminatory barriers.

To ensure that NYCHA's applicants and residents are aware of NYCHA's commitment to Fair Housing, NYCHA's Fair Housing Non-Discrimination Policy, posted in English with the appropriate translation available in Spanish, Chinese, Russian, French, and Haitian Creole, is permanently displayed at all locations where residents and applicants are provided service. The Policy is included in briefing packets for Section 8 Housing Assistance applicants. In addition to its Fair Housing Non-Discrimination Policy, NYCHA also provides notice of its Non-Discrimination Policy to applicants in its Public Housing Application, Application for Section 8 Assistance, Guide to Applying for Public Housing, and Guide to Section 8 Housing Assistance.

In celebration of National Fair Housing Month, NYCHA's Fair Housing Policy was published in April 2012 edition of the Journal, informing residents of the Department of Equal Opportunity's (DEO) role in furthering Fair Housing, and ensuring access to the Authority services, activities and programs. NYCHA employees will also be reminded of NYCHA's commitment to fair housing through a memo from the Chairman encouraging staff to work to ensure fair housing and to refer any resident or applicant who may feel they have been subjected to unlawful discrimination to DEO.

The New York City Housing Authority (NYCHA) communicates information about its variety of services and programs to residents and applicants who have Limited English Proficiency (LEP). NYCHA's Language Services Unit (LSU) translates official documents, notices, and flyers into the most frequently encountered languages at NYCHA, Spanish, Chinese and Russian. NYCHA provides interpreter services through staff interpreters and a volunteer Language Bank for interviews, rentals, hearings, and public agency meetings. The Language Bank consists of over 200 employee-volunteers who speak 39 languages and dialects. NYCHA offers documents translated into Spanish, Chinese, Russian, and vital and important information is available on NYCHA's website www.nycha.nyc.gov in these languages. On May 13, 2009 NYCHA adopted a Language Assistance Policy which was being administered by the Department of Equal Opportunity which previously supervised the Language Services Unit. In our efforts to continue to communicate with our residents effectively, on February 2010, the Language Services Unit started reporting to the Department of Communications. The Senior Manager for Resident Communications and Language Services who reports directly to the Chief Communications Office has been designated as the Language Access Coordinator, to annually assess the language assistance needs of NYCHA and monitor NYCHA's delivery of language assistance services in conjunction with NYCHA departments that provide programs or services to residents, applicants and Section 8 voucher holders; and to recommend modifications to the Executive Department, as required, regarding NYCHA's delivery of language assistance services to persons with limited English proficiency. During 2012, NYCHA's Language Services Unit completed and handled over 9,400 interpretation requests and 1,304 translations requests containing over 3,650 pages.

NYCHA's Services for People with Disabilities, a component of its Department of Equal Opportunity (DEO), assists applicants and residents with disabilities in obtaining decent, affordable and accessible housing in NYCHA developments. The Unit serves as a liaison between the disabled community and NYCHA. In 2012, the Unit responded to 2,337 calls from applicants, residents, voucher holders, and advocates on the status of applications, transfer requests, assistance with reasonable accommodation requests, and other related issues. There were 431 visits to the Unit and information was provided to a variety of organizations including: Harlem Independent Living Center, Community Resources and Services for Children, United Cerebral Palsy, University Settlement, Convent Avenue Family Center, Barrier Free Living, Rose Kennedy Children's Evaluation Rehabilitation Center, Puerto Rican Family Institute, and many, many others. Applicants, residents, and others in need of assistance with disability issues may call the "Hotline" at (212) 306-4652 or TTY at (212) 306-4845. The Services for People with Disabilities also conducts workshops for organizations that assist people with

disabilities. The workshops cover the application process, policies and procedures and how to obtain an accessible apartment as well as reasonable accommodations.

2. Visitability in Housing

Visitability, a voluntary standard, allows mobility impaired persons to visit families and friends where this would not otherwise be possible. Visitability means that: 1) at least one entrance is a grade (no step), approached by an accessible route, such as a sidewalk; and (2) the entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space. A visitable home also serves persons without disabilities (for example, a mother pushing a stroller, a person delivering large appliances, a person using a walker, etc.). One difference between “visitability” and “accessibility” is that accessibility requires that all features of a dwelling unit be made accessible for mobility impaired persons. A visitable home provides less accessibility than an accessible home, and is meant to be those units not required to be accessible.

The New York City Housing Authority (NYCHA) is the largest public housing authority in North America. NYCHA has 334 developments throughout the City in 2,596 residential buildings, containing 3,330 elevators (as of March 1, 2013) Ninety-eight percent of NYCHA’s developments meet visitability standards serving 176,221 families and 403,736 authorized residents (as of January 1, 2013) and their visitors. As of February 2012, NYCHA has a total of 7,695 fully converted accessible apartments for people with mobility impairments of which 7,514 are occupied.

Barriers to Accessibility for Persons with a Physical Disability

Historically, land in New York City was subdivided into tax lots typically 20-25 feet wide by 100 feet deep. The main entrances of most multiple dwellings were raised above the level of the adjacent public sidewalks to increase privacy for the first floor residents. The buildings, accessed by steps, created barriers to housing for people with mobility impairments. This was also typical of older structures covering larger lots. No laws required them to be accessible to people with disabilities and generally no thought was given to this concept. Many of these buildings are still occupied today, some never renovated. Often it is impossible to make entrances to these buildings accessible because there is not enough property on which to construct a usable ramp.

It was not until 1968 that New York City's Building Code was amended to include provisions for accessibility in housing and other structures. When the code was amended, provisions covering accessible entrances and an accessible route to elevators were added. No provisions covering the design of the dwelling units were included.

An August 1987 Building Code amendment introduced significant features so that buildings, including housing, when newly constructed or renovated, included access features for people with disabilities. These provisions, known as Local Law 58 of 1987, cover areas such as the interiors of the dwelling units and common spaces. The interiors of existing buildings, when renovated, must include accessible features even when it is impossible to make the building entrance accessible.

The Department of Housing and Urban Development reviewed Local Law 58 of 1987 when it sought to draft the Federal Fair Housing Amendments Act of 1988. Unlike previous Federal laws covering access for people with disabilities in housing, the City's law requires that all units in multiple dwellings with elevators and ground floor units in buildings without elevators be accessible to people with disabilities, a strategy meant to increase housing options for people with disabilities at all income levels, since it covers both public and private housing.

The majority of construction in the City involves renovation since much of the land already contains structures. Over time, new housing, and renovated housing to the extent possible, will be accessible. To enhance the possibility of making housing built before 1968 accessible, the 1987 amendments to the Building Code included a provision permitting building owners to build ramps on a portion of the public right-of-way. Further enhancement efforts by the City's Department of Transportation (DOT) allow, with special permission, even greater encroachment into the sidewalk. DOT is also making all curb cuts accessible.

Beginning in July 2008, a new building code for the City of New York was put into effect that contains many of the provisions laid out in Local Law 58 of 1987. The new building code is largely based on the national International Building Code, which meets federal standards for accessibility.

For the first time, in 1996, the New York Housing and Vacancy Survey (HVS) included a number of questions meant to produce information regarding housing accessibility. The raw survey data indicates that approximately 62% of all housing units surveyed are in buildings with inaccessible entrances⁴. However, this same raw data for rental units where rents are below market rate (public housing, Mitchell-Lama, and rent stabilized, built 1947 or later) consistently show that the number of units in buildings with accessible entrances outweighs the number of units in buildings without them. To advance policy decisions, the City retained these questions in subsequent Surveys to track the expected increases in access.

After previous surveys in 1999, 2002 and 2005, the HVS collected accessibility data in 2008. The survey asked a number of questions regarding accessibility of the building entrance, dwelling unit door, and elevator cab sizes. According to the 2008 HVS, in all renter-occupied housing units with elevators in the City, 685,115 (an increase of almost 52,000 from 2005) out of a total of 1,122,599 elevators (61%, representing a 0.2% increase from 2005) have been determined to be accessible to people with disabilities. Further, out of 958,294 renter-occupied housing units that have an elevator, 532,206 (55.5%) are accessible to people with disabilities requiring the use of a wheelchair from the outside sidewalk to the elevator without using stairs (representing an increase of more than 40,000 of the total number of these units from 2005). Out of 2,081,953 renter-occupied units providing direct access from the sidewalk to the unit itself without using stairs (or an elevator), 543,064 of the units (26.1%) are accessible to people with disabilities requiring the use of a wheelchair (representing an increase of almost 55,000 of the total number of units available in 2005). Finally, out of 2,081,953 renter-occupied housing units, 878,200 (representing an increase of 103,013 more than the total number of units available in 2005) of the units' building entrances (42.2%, a 3.5% increase from 2005) and 1,087,807 (representing an increase of more than 23,000 units more than 2005) residential unit entrances (52.2%) have been determined to be accessible for people with disabilities requiring use of a wheelchair.

The 2008 HVS Survey also provided information regarding vacant units. Accessible, vacant rental units represent a potential pool of accessible, affordable housing for persons with limited mobility or disabilities. Out of 62,499 vacant-for-rent units, 24,277 (representing an increase of 1,160 more units than 2005) of the units' building entrances (38.9%, a 2.7% increase over 2005) and 28,653 residential unit entrances (45.9%) have been determined to be accessible for people with disabilities requiring use of a wheelchair.

In the same units, 17,824 out of a total of 29,473 elevators (60.5%, a 3.9% increase over 2005) have been determined to be accessible. Further, out of 23,874 of these units that have an elevator, 13,531 (56.7%) are accessible to people with disabilities requiring the use of a wheelchair from the outside sidewalk to the elevator without using stairs. Out of the 62,499 of these units providing direct access from the sidewalk to the unit itself without using stairs (or an elevator), 14,696 of the units (23.5%) are accessible to people with disabilities requiring the use of a wheelchair from the sidewalk.

As for all other vacant units not considered "vacant-for-rent" units, out of 164,598 of these units, 63,842 (representing an increase of more than 5,000 over 2005) of the units' building entrances (38.8%, a 0.4% increase over 2005) and 65,160 residential unit entrances (39.6%) have been determined to be accessible for people with disabilities requiring use of a wheelchair.

In the same units, 47,317 (an increase of almost 800 over 2005) out of a total of 84,354 elevators (56.1%) have been determined to be accessible. Further, out of 65,751 of these units that have an elevator, 43,877 (66.7%) are accessible to people with disabilities requiring the use of a wheelchair from the outside sidewalk to the elevator

⁴ For the Survey's purpose, the following items were considered: the presence of steps only, at the building entrance and vestibule (if provided); door widths at same locations.

without using stairs (representing an increase of 1,867 over 2005). Out of the 164,598 of these units providing direct access from the sidewalk to the unit itself without using stairs (or an elevator), 46,268 of the units (28.1%) are accessible to people with disabilities requiring the use of a wheelchair from the sidewalk (representing an increase of over 1,000 from 2005).

Again in 2011, the HVS collected accessibility data. The survey again asked a number of questions regarding accessibility of the building entrance, dwelling unit door, and elevator cab sizes. According to the 2011 HVS, in all renter-occupied housing units with elevators in the City, 666,561 out of a total of 1,074,483 elevators (62%, representing a 1% increase from 2008) have been determined to be accessible to people with disabilities. Further, out of 991,039 renter-occupied housing units that have an elevator, 620,848 (representing an increase of 88,642 from 2008) are accessible to people with disabilities requiring the use of a wheelchair from the outside sidewalk to the elevator without using stairs (62.6%, representing an increase of 9.1% from 2008). Out of 2,104,816 renter-occupied units providing direct access from the sidewalk to the unit itself without using stairs (or an elevator), 618,604 of the units (29.4%, representing an increase of 3.3% from 2008) are accessible to people with disabilities requiring the use of a wheelchair (representing an increase of almost 75,540 of the total number of units available in 2008). Finally, out of 2,104,816 renter-occupied housing units, 866,260 (41.15%) of the units' building entrances and 1,083,401 residential unit entrances (51.47%) have been determined to be accessible for people with disabilities requiring use of a wheelchair.

The 2011 HVS Survey also provided information regarding vacant units. Accessible, vacant rental units represent a potential pool of accessible, affordable housing for persons with limited mobility or disabilities. Out of 67,818 vacant-for-rent units, 29,091 (representing an increase of 4,814 more units than 2008) of the units' building entrances (42.9%, representing a 4% increase over 2008) and 31,663 (representing an increase of 3,010 more units than 2008) residential unit entrances (46.7%, representing an increase of 0.8% over 2008) have been determined to be accessible for people with disabilities requiring use of a wheelchair.

In the same units, 18,783 (representing an increase of 959 more than 2008) out of a total of 31,421 elevators (59.8%) have been determined to be accessible. Further, out of 27,182 23,874 of these units that have an elevator, 16,968 (representing an increase of 3,437 more than 2008) are accessible to people with disabilities requiring the use of a wheelchair from the outside sidewalk to the elevator without using stairs (62.4%, representing an increase of 7.7% over 2008). Out of the 67,818 of these units providing direct access from the sidewalk to the unit itself without using stairs (or an elevator), 18,838 (representing an increase of 4,142 more than 2008) of the units (27.8%, representing an increase of 4.3% over 2008) are accessible to people with disabilities requiring the use of a wheelchair from the sidewalk.

As for all other vacant units not considered "vacant-for-rent" units, out of 195,342 of these units, 91,478 (representing an increase of 27,636 more than 2008) 63,842 of the units' building entrances (32.7%) and 86,683 (representing an increase of 21,523 more than 2008) residential unit entrances (44.4%, an increase of 4.8% over 2008) have been determined to be accessible for people with disabilities requiring use of a wheelchair.

In the same units, 71,321 (an increase of 24,004 more than 2008) out of a total of 101,070 elevators (70.6%, an increase of 14.5% over 2008) have been determined to be accessible. Further, out of 91,377 of these units that have an elevator, 67,250 (representing an increase of 23,373 more than 2008) are accessible to people with disabilities requiring the use of a wheelchair from the outside sidewalk to the elevator without using stairs (73.6%, representing an increase of 6.9% more than 2008). Out of the 195,342 of these units providing direct access from the sidewalk to the unit itself without using stairs (or an elevator), 67,965 (representing an increase of 21,697 more than 2008) of the units (34.8%, representing an increase of 6.7% over 2008) are accessible to people with disabilities requiring the use of a wheelchair from the sidewalk.

As stated previously, the year in which a building was constructed is generally a strong predictor of its degree of accessibility. It is expected that future Housing and Vacancy Surveys will disclose increases in the number of accessible public housing units. This expectation arises from a growing public-sector response to the needs of tenants with disabilities, and compliance with Section 504 of the Rehabilitation Act. Similarly, it is expected

that increasing residential construction and renovation, an expanding market for New York City rental units, and growing private-sector awareness of accessibility requirements, has and will continue to contribute to increases in the number of accessible private-sector units.

V. Assessment of Current Public and Private Fair Housing Programs and Activities in the Jurisdiction

New York City has long been a leader in promoting principles of fairness and equal opportunity. In 1958 the City passed the nation's first housing legislation banning discrimination in private housing. It was one of the first cities in the country to provide protection for families with children (1986). Also, the City's fair housing law for persons with disabilities is broader than federal Fair Housing Act, encompassing a wider range of physical or mental impairments and placing the financial burden for reasonable accommodation on the housing provider when it is architecturally feasible and does not impose an undue financial hardship.

New York City has one of the most comprehensive local human rights laws in the country, governing housing as well as employment and public accommodations. The City's Human Rights Law, like the Federal Fair Housing Act, prohibits housing discrimination on the basis of a person's race, color, religion, sex, disability, national origin, and familial status. It also prohibits housing discrimination on the basis of a person's sexual orientation, age, alienage and citizenship status, marital status, partnership status, lawful occupation, gender (including gender identity and sexual harassment,) and lawful source of income. In addition, the City's law prohibits bias-related harassment. The law applies to private and public housing. Distinct among fair housing laws elsewhere in the country, the New York City law covers owner-occupied, two-family housing when the landlord makes public through advertising, postings, or statements the availability of the rental unit.

New York's fair housing strategy depends not only on strict enforcement of the local laws, but also on coordination of efforts among a number of government and community agencies to insure that education and advocacy reach those most likely to experience discrimination, and that housing opportunities, locational choices, and housing services are made available to all persons on a non-discriminatory basis.

The City Commission on Human Rights (CCHR) is the agency that enforces the New York City Human Rights Law. The Commission is mandated to "foster mutual understanding and respect among all racial, religious and ethnic groups" and to "encourage equality of treatment for, and prevent discrimination against any group or its members." To fulfill these mandates the Commission administers programs that seek to bridge differences between people of diverse backgrounds.

The agency offers fair housing counseling to individuals and community groups with a view to promoting stable neighborhoods. Opposing prejudice, and identifying and acting on the commonality and shared concerns of diverse groups, are the complementary functions that form the basis of the Commission's work.

In addition to investigating complaints alleging housing discrimination and prosecuting unlawful practices, the Commission is authorized to conduct systemic investigations of housing practices. Where the facts support an allegation of discriminatory practices, it initiates complaints to address systemic violations. Through education about human rights protections, the Commission promotes housing choice for all New Yorkers. The agency also fosters cooperation among diverse groups through workshops and community projects. It advances mediation of community disputes as another way of fostering cooperation among diverse groups. Because the categories covered by the federal fair housing law, --i.e. race, color, religion, sex, disability, national origin, and familial status-- are also categories covered by the City's Human Rights Law, the emphasis on education and enforcement actually furthers fair housing as defined by federal law.

The Commission on Human Rights is structured around two programmatic Bureaus.

Law Enforcement: This bureau investigates complaints from the public to determine whether probable cause exists to believe discrimination took place. The Bureau advances prosecution of cases when probable cause is found. If cases are not settled after the probable cause determination, they proceed to trial by the Law Enforcement Bureau. If cases are not settled during trial preparation or by conference judges at the Office of Administrative Trials and Hearings (OATH), they are heard by administrative law judges from OATH.

After trial, the administrative law judge issues a Report and Recommendation and then a panel of three Commissioners reviews the report and recommendation and issues the Commission's Final Decision and Order. The Final Decision and Order either affirms, rejects, or modifies the recommendation from OATH. The Final Decision and Order is appealable to the New York State Supreme Court. The Law Enforcement Bureau also initiates complaints on its own and engages in testing to detect systemic discrimination. The Law Enforcement Bureau offers mediation in certain cases. If mediation is unsuccessful, the cases where probable cause has been found proceed to trial.

Community Relations: This bureau consists of the Neighborhood Human Rights Program (NHRP). Located in all five boroughs, the NHRP's Community Service Centers conduct community and school-based education on conflict resolution, sexual harassment, cultural diversity, the Human Rights Law, peer mediation, cyberbullying and intergroup relations. In addition, the Centers address situations of community unrest by assisting groups with leadership development, mediation, and conflict resolution. Working with immigration advocacy groups, the Neighborhood Human Rights Program alerts immigrants to the protections provided them under the Human Rights Law and relevant federal laws. The Commission has also developed a curriculum for English-for-Speakers-of-Other-Languages, at beginning, intermediate, and advanced levels, explaining immigrants' employment rights. Another program, Project Equal Access, educates senior citizens, health professionals, people with disabilities, and others about city, state, and federal laws regarding accessibility in housing, employment and public accommodations. The program staff also offers advocacy, investigation and resolution of cases where individuals request assistance in getting an owner to make a housing or public accommodation facility accessible. Community Service Centers offer education on fair housing laws and prevention of discriminatory and predatory lending practices. A HUD-Certified Housing Counseling Agency, the Commission provides mortgage counseling for individuals facing foreclosure to help deter discrimination in lending and to detect predatory lending practices.

In 2012 the Commission launched a Fair Business Practice project consisting of workshops and other outreach explaining to business improvement districts (BIDs), chambers of commerce, member businesses, and other local merchants their responsibility to provide discrimination-free services to their customers, including access to customers with disabilities and their responsibilities as employers. In recent years the NHRP has also provided employment discrimination workshops at workforce development agencies for people looking for employment and at reentry programs serving people who were formerly incarcerated. With the Law Enforcement Bureau, the Community Service Centers conduct systemic investigations of discrimination in housing and public accommodations. The Research Division provides information to direct and inform these program activities.

Fair housing is a community issue. It affects school choice, housing and community conditions, and intergroup relations. The fair housing activities undertaken by the agency's field office personnel accomplish several ends: to inform protected groups of their rights and recourse as provided by the statute; to inform housing providers of their responsibilities and what is permissible, i.e., "non-discriminatory inquiries" to ask of prospective applicants; to resolve individual housing complaints before referral to the Law Enforcement Bureau; to investigate, through research and surveys, allegations of community-based housing discrimination, i.e. blockbusting and harassment; to counsel homeowners at risk of foreclosure; and to aid local efforts to stabilize and invigorate communities undergoing racial and ethnic population changes.

The Commission also undertakes periodic assessments of its fair housing enforcement efforts, taking into account market conditions, population shifts and demographics, and allegation themes as reflected in caseload. For example, the volume of disability-related complaints and inquiries led to the expansion and formalization of advocacy on behalf of people with disabilities. These efforts are coordinated with law enforcement where voluntary compliance fails. Similarly, the Commission expanded its activities to prevent predatory lending and counsel homeowners steered to the sub-prime market because of their race, age or immigration status. Each of these programs is conducted out of the borough Community Service Centers.

The Department of Housing Preservation and Development (HPD) promotes housing choice by implementing internal initiatives and external programs. As the City's principle producer of low and moderate income housing, HPD has several strategies to ensure that its programs are in compliance with federal fair housing laws (including the Americans with Disabilities Act) as well as the requirements of HOME, HOPWA and Title I of the Community Development Block Grant Act. HPD works with each agency development entity to create and implement Affirmative Fair Housing Plans. HPD fulfills its federal reporting responsibilities to HUD by collecting and analyzing occupancy data.

HPD conducts a weekly Pre-Award Conference for those entities entering into agreements with the Agency and their subcontractors. The Conference covers several topics, including fair housing marketing requirements, and a reminder to incorporate a Fair Housing logo and slogan into all advertisements. The Conference helps to ensure that recipients of HPD assistance are knowledgeable in the fair housing laws and compliant with fair housing marketing guidelines.

HPD continues to assist persons with disabilities to provide reasonable accommodation where needed and access to agency services. Training is available to agency staff members who interact with tenants to ensure familiarity with ADA and Section 504 requirements. Finally, HPD has an informal complaint resolution process to assist in resolving fair housing and ADA complaints against the agency.

HPD's federally funded Fair Housing Counseling Program provides counseling and referral services to individuals and families who may encounter discrimination or other barriers that may impede their ability to find or to keep affordable housing. The Program offers assistance with housing-related issues such as landlord/tenant rights and responsibilities, housing locator services, housing court procedures, and finding accessible housing for people with disabilities. Program counselors also determined qualifications for tenancy and/or social services programs. The main beneficiaries are individuals and families of low and moderate income. From January thru June of 2011 four CBOs – Chinese-American Planning Council, New York Urban League, South Bronx Action Group and Brooklyn Housing and Family Services – provided over 7,500 New Yorkers with counseling, referral and educational services.

In December 2011 HPD signed a Memorandum of Understanding with the New York City Commission on Human Rights (CCHR) to provide fair housing services to the Agency. The initiative continues the Agency's historical objective to prevent the unwarranted displacement of individuals and families by referring the public to the education, counseling and enforcement services offered by the CCHR. This initiative focuses on providing fair housing assistance to building owners and project sponsors receiving financial assistance from the Agency as well as the broader public.

HPD's Fair Housing Services Program is the result of an intergovernmental Memorandum of Understanding (MOU) between the New York City Department of Housing Preservation & Development (HPD) and the New York City Commission on Human Rights (CCHR). This new effort replaces HPD's former reliance on community-based organizations, enabling HPD to utilize CCHR's dedicated and knowledgeable staff. CCHR is mandated to enforce the most comprehensive local human rights law in the country. The City's Human Rights Law, like the Federal Fair Housing Act, prohibits housing discrimination based on a person's race, color, religion, sex, disability, national origin, and familial status. It also prohibits housing discrimination on the basis of a person's sexual orientation, age, alienage and citizenship status, marital status, partnership status, lawful occupation, gender (including gender identity and sexual harassment,) and lawful source of income. In addition, the City's law prohibits bias-related harassment. Because the City's Human Rights Law is inclusive of the federal Fair Housing Act, the MOU is compliant with the Agency's federally mandated obligation to promote fair housing.

The MOU created a Fair Housing Service Program more tightly focused on raising the awareness of building owners and project sponsors receiving financial assistance from the Agency of their duty to comply with the federal Fair Housing Act and NYC Human Rights Law.

CCHR staff present a review of equal opportunity and fair housing obligations during HPD's weekly Pre-Award Conferences, wherein recipients of Agency funding are also informed of business utilization and workforce participation provisions found in Agency contracts. In CY 2012 CCHR staff participated in 51 conferences attended by 585 business representatives.

CCHR participates in community forums sponsored by the HPD to inform the public of housing opportunities, regulations and to answer questions. "Owners Night" and "Tenant Night" presentations hosted by HPD in partnership with local political and community leaders. In CY 2012 CCHR staff participated in 21 such forums. HPD and CCHR co-host "Fair Housing in Practice" workshops for representatives of building owners and sponsors. The workshops focus on compliance with Federal, State and City fair housing mandates, tenant/homebuyer selection (including interviews and associated forms), unlawful inquiries and available resources and a presentation on HPD affirmative marketing guidelines. In CY 2012 HPD and CCHR collaborated to conduct 2 workshops attended by 48 representatives.

HPD and CCHR have created a new NYC.gov website that promotes public awareness of fair housing practices and enforcement. Fair Housing NYC is a visually appealing website providing the public with a broad range of fair housing related content and referral services. The site includes summaries of relevant laws, examples of discriminatory practices and policies, and links to CCHR and HPD resources. The summaries can be downloaded and printed in the most widely used languages used in New York City: English, Spanish, Korean, Haitian Creole, Russian and Mandarin. The site is available here: <http://www.nyc.gov/html/fhny/html/opportunities/opportunities.shtml>

The HPD and CCHR will co-sponsor an annual Fair Housing Symposium in April 2013 to provide information on housing rights, housing opportunities and housing trends to local social service providers and housing managers. The Symposium will expand their awareness of housing rights and opportunities, enabling social service providers to better serve their clients.

Under the MOU, HPD and CCHR are also sponsoring a research project on housing discrimination funded by both agencies, the Russell Sage Foundation, and Columbia University. The Commission is collaborating with a research team from Columbia University's Center for the Study of Development Strategies on a "NYC Housing Discrimination Study."

Through testing the study investigates the following question: What is the impact of administering different treatment messages targeted at landlords and brokers on levels of net discrimination against black and Hispanic testers who interact with these landlords and brokers? Following a pilot testing cohort, the research team is underway with the scale-up testing aiming to complete 1,000 tests and analyze the experimental treatments and outcome measures by Spring, 2013.

The Fair Housing Service Program reaffirms HPD's and CCHR's commitment to implement the goals and objectives of Federal and City mandates to promote housing choice free of discriminatory barriers.

NYCHA promotes fair housing through its Tenant Selection and Assignment Plan (TSAP), designed to prevent unlawful discrimination on the basis of race, color, or national origin, in compliance with its obligation under Title VI of the Civil Rights Act of 1964 (Title VI), the Fair Housing Act, and the implementing regulations and requirements of HUD. This TSAP has been approved as nondiscriminatory by HUD, the U.S. Department of Justice, and a Federal Court. NYCHA has further undertaken to implement the TSAP to prevent any unlawful discrimination on the basis of religion, sex, sexual orientation, age, marital status, disability, lawful occupation, lawful source of income, alienage or citizenship status, or on the grounds that a person is a victim of domestic violence, dating violence or stalking or because children may be, are, or will be residing with the individual, and to resolve any disputes with respect to its compliance with these obligations.

NYCHA's Services for People with Disabilities, a component of its Department of Equal Opportunity (DEO), assists applicants and residents with disabilities in obtaining decent, affordable and accessible housing in

NYCHA developments. The Unit serves as a liaison between the disabled community and NYCHA. In 2012, the Unit responded to 2,337 calls from applicants, residents, voucher holders, and advocates on the status of applications, transfer requests, assistance with reasonable accommodation requests, and other related issues. There were 431 visits to the Unit and information was provided to a variety of organizations including: Harlem Independent Living Center, Community Resources and Services for Children, United Cerebral Palsy, University Settlement, Convent Avenue Family Center, Barrier Free Living, Rose Kennedy Children's Evaluation Rehabilitation Center, Puerto Rican Family Institute, and many, many others. Applicants, residents, and others in need of assistance with disability issues may call the "Hotline" at (212) 306-4652 or TTY at (212) 306-4845.

To ensure that NYCHA can effectively communicate information about its services, activities and programs to residents and applicants who are limited English proficient (LEP), the New York City Housing Authority's Language Services Unit (LSU) translates official Authority documents and provides interpretation services through bilingual employees, staff interpreters, and NYCHA's staff Language Bank volunteers for interviews, rentals, hearings and agency meetings etc. NYCHA's Language Bank consists of over 200 employee-volunteers who collectively speak 39 languages. Vital and important information is available on NYCHA's website www.nycha.nyc.gov in Spanish, Russian, and Chinese. On May 13, 2009 NYCHA adopted a Language Assistance Policy which was being administered by the Department of Equal Opportunity which previously supervised the Language Services Unit. In our efforts to continue to communicate with our residents effectively, on February 2010, the Language Services Unit started reporting to the Department of Communications, and in January 2011 the Language Assistance Policy was updated to indicate the change in the reporting structure of LSU. The Senior Manager for Resident Communications and Language Services who reports directly to the Chief Communications Office has been designated as the Language Access Coordinator, to annually assess the language assistance needs of NYCHA and monitor NYCHA's delivery of language assistance services in conjunction with NYCHA departments that provide programs or services to residents, applicants and Section 8 voucher holders; and to recommend modifications to the Executive Department, as required, regarding NYCHA's delivery of language assistance services to persons with limited English proficiency. During 2012, NYCHA's Language Services Unit completed and handled over 9,400 interpretation requests and 1,304 translations requests containing over 3,650 pages

Please refer to the *2012 Consolidated Plan Annual Performance Report (APR) Part II., Section A., Continuum of Care* for activities undertaken and respective accomplishments by the Department for the Aging which analyzed and addressed the housing needs of the elderly, promoted housing choice, and promoted living environments that are accessible and usable to all persons.

Outreach and Education

The chief components of the Commission on Human Rights fair housing activities are Project Equal Access (PEA), the Mortgage Counseling and Predatory Lending Prevention Project, and fair housing workshops for consumers and housing providers and counseling tenants and owners in Housing Court. In 2012 staff assisted 7,191 individuals and conducted a total of 170 fair housing presentations.

Project Equal Access (PEA) advocates on behalf of people with disabilities to increase residential and community access by negotiating reasonable accommodations, such as ramps and support animals, with landlords and co-op/condo boards. Staff give presentations and conduct workshops on reasonable accommodation at disability organizations, senior citizen centers, independent living centers, real estate groups and landlords, hospitals, rehabilitation centers and social service organizations. During 2012, PEA organized 34 workshops of this type for such groups as New York City Housing Authority Family Services Department in Manhattan, the Multiple Sclerosis Society (citywide conference), the Herkimer Gardens Tenant Association in Brooklyn, and the Weill Cornell Medical Center (serving the entire City.)

Project Equal Access actively advocates for individuals in need of accommodations. These efforts are further described below in the Advocacy and Counseling section.

Through community education CCHR staff address other types of housing discrimination, including the destabilizing and possibly discriminatory lending practices of predatory loans. The Commission is a HUD-certified Housing Counseling Agency that counsels individuals in danger of foreclosure on their mortgages. In all of their fair housing workshops Commission staff includes a section on predatory lending and other suspect practices aimed at vulnerable populations. In 2012, 9 workshops were devoted exclusively to predatory lending.

Staff conducted 127 fair housing workshops (on issues other than disability rights or predatory lending) in 2012. Many of those presentations took place in regular venues such as Community Board meetings. But others included venues such as Goodwill Industries in Queens, Neighborhood Housing Services in Manhattan and Queens, Lincoln Hospital in the Bronx an. at pre-award training for new HPD contractor and panels at regular HPD tenant and homeowner forums throughout the City.

For Fair Housing Month in April 2012 the Commission and HPD went online with a website the two agencies developed together. Serving as a central location of information about fair housing for tenants, homeowners, landlords, and building owners, it gives an overview of the services provided by each agency, describes affordable housing opportunities available through HPD, defines the difference between fair housing and tenants rights, and explains how New York City residents can get assistance when their rights are abridged. It can be accessed at www.nyc.gov/fairhousingnyc. Palm cards that announce the existence of the website are distributed at Commission events.

The Commission's fair housing outreach projects are allied with non-profit community-based organizations such as the Citywide Taskforce on Housing Court to accomplish their goals.

The Commission includes information about fair housing in its other major education/outreach activities: the Immigration Rights Project and its School Program. In 2012, staff conducted 269 workshops for immigrant groups. Included in the workshops are information sessions swearing-in ceremonies for naturalized citizens 4 times each week. At those workshops the Commission distributes a newsletter summarizing the protections provided by the City's Human Rights Law and describing Commission services. Other workshops reach organizations throughout the city that serve immigrant communities such as the Mid Manhattan Adult Learning Center, Legal Services, parents at EBC High School in Brooklyn, at MASA/ MexEd in the Bronx, and at the Mexican Consulate on Wheels at Curtis High School in Staten Island. When necessary, these workshops are conducted in Spanish, Russian, or Haitian Creole. The Commission teaches a Human Rights curriculum it developed for ESOL classes at adult literacy centers in area libraries and on many of the 14 campuses of the City University..

In the School Program 353 seminars were conducted in 54 schools and youth-based organizations covering the Human Rights Law, conflict resolution and sexual harassment. In addition, the Peer Mediation Program expands the Commission's school involvement by training interested students to be peer mediators. In 2012, trainers conducted 114 sessions in 11 schools representing 1,582 units of service.

The Commission's educational workshops covering all aspects of the Human Rights Law including housing are also aimed at a diverse adult population. Field offices began weekly workshops aimed at people with arrest records who are presently in jail at the 17 facilities on Rikers Island and elsewhere in the City. In addition, workshops were also conducted at re-entry service organizations such as the Women's Prison Association in Brooklyn and the Fortune Society in Queens.

Workforce development workshops for general populations were also held at organizations such as Federation Employment and Guidance Services in the Bronx, Goodwill Industries in Brooklyn and Queens, and Rescare in Staten Island.

Workshops on the Human Rights Law and on Intergroup Relations were conducted for general audiences as well, including the Women and Work Program at Queens College, the Rainbow Heights Club in Brooklyn, the West Brighton Senior Center in Staten Island, and parents of students in many schools and youth in many

organizations throughout the city including MASA/MexEd, Inc. in the Bronx. Many of the workshops for parents addressed cyberbullying as one of the main topics.

Aware that small businesses can contribute community cohesiveness or add to community tension, the Commission initiated a Fair Business Practice project to educate small businesses. Staff offered Business Improvement Districts (BIDs) and other small business organizations workshops covering public accommodations issues like accessibility, refusal to serve because the patron is a member of a protected class, or discriminatory advertising. Organizations that have participated in workshops include the Columbus Avenue BID in Manhattan, the Queens Business Solutions Center, and the 161st. Street BID in the Bronx.

In early 2012 the Commission conducted an assessment of the effectiveness of its 2011 workshops. Evaluations of the workshops written by Commission staff were analyzed and administrators from 18 organizations receiving workshops were interviewed. The organizations selected were ones where field staff regularly conducts workshops. Each organization hosted from 3 to 75 Commission workshops during 2011. Most had hosted 3-10 workshops. Altogether, these organizations had hosted 286 workshops -- 20% of the total ESOL, workplace investment, immigration, and elderly and disability service workshops given during 2011.

The results of both studies indicated that participants were actively engaged in the workshops and felt that the information would help them prevent or combat possible discrimination in their futures. The administrators at host organizations reported that a number of their clients had contacted the Commission subsequent to the workshop for further assistance. Administrators praised the professionalism of the Commission staff and the resource material provided. They said that the information from the sessions continued to be disseminated after the workshops by their staff that used it with new clients. Because some interviewees felt that participants, especially young people, respond best to media-based illustrations, the Commission has focused on producing new ones during 2012.

In 2012 the Commission produced new outreach materials and updated others. Recognizing the growing influence of the internet and digital media education, the Commission created two new sites to reach out to the public. A Commission Facebook page updates the public on weekly activities with text and photos. It was especially useful in instructing people about how to contact Commission staff after Super Storm Sandy caused the closing of the Commission's main office. A new Fair Housing website was launched in conjunction with the Department of Housing Preservation and Development.

Three new bilingual information cards highlighting the issues of mortgage foreclosure (in English and Spanish), cyberbullying (in English and Spanish), and fair business practices (in English, Spanish, Chinese, French, Haitian Creole, Korean, and Russian), and a new poster on pregnancy and employment (English and Spanish) were produced and distributed. In response to anti-Muslim advertisements that were posted in subways in the fall, the Commission placed its multilingual "From Many Countries, One City" poster in subways once again. English/French versions of booklets on fair housing, equal access were added to the versions that are already available in many languages.

Pieces on the Commission appeared 729 times on television, radio, and in the print media. Many of those appearances were repeated in multiple online vehicles of various media outlets. Staff distributed 150,081 pieces of educational literature by the Commission field offices. The Commission has links to 11 other local fair housing organization websites on its own website. Approximately 80-100,000 people visited the Commission's website last year.

During the first six months of calendar year 2011, HPD's Fair Housing Services Providers (4 CBOs under contracts monitored by HPD - Chinese American Planning Council, Urban League, Brooklyn Housing & Family Services, South Bronx Action Group) conducted a campaign to communicate the message of housing choice to the public. The CBOs conducted 88 workshops and conferences attended by 1,783 persons. The CBOs cosponsored and/or participated in street fairs, health fairs, senior centers, and community health centers throughout the City, including Public School Parent-Teacher associations, and the Metropolitan Health Center.

This broad marketing approach was supplemented by the distribution of literature at workshops and special events. This campaign targeted low to moderate income people, and groups the most likely to be victimized by discrimination, including racial and ethnic minorities, immigrant groups, women and people with disabilities. In December 2012 HPD signed a Memorandum of Understanding with CCHR that continues the Agency's efforts to promote fair housing.

The Mayor's Office of Immigrant Affairs' (MOIA's) website has a link to the New York City Affordable Housing Resource Center, where users can find information on all aspects of City housing, including renting an apartment, buying a home, and apartment maintenance issues. Through this site persons will also find the City's affordable housing lottery listings.

MOIA has advanced policies that strengthen access to services for all New Yorkers, including immigrant communities and individuals who are limited English proficient (LEP).

In 2008, Executive Order 120 was issued requiring every City agency that offers direct service to take reasonable measures to provide language assistance services in at least the top six (6) foreign languages spoken by limited English proficient (LEP) New Yorkers. To ensure that LEP residents have meaningful access to City programs, services and activities, the Customer Service Group at the Mayor's Office of Operations, has worked closely with MOIA to facilitate the implementation and oversee compliance of the Executive Order. Information about the citywide language access policy can be found on MOIA's website at: <http://www.nyc.gov/html/imm/html/eoll/eo120.shtml>

Moreover, the Mayor's Office developed "NYCertified," a comprehensive citywide volunteer program for the certification, management, and recruitment of multilingual employees who wish to serve the needs of fellow New Yorkers who are not proficient in English. Additionally, the administration created a web portal called the "Language Gateway" that includes the most frequently requested documents, applications, forms and notices of various City agencies and services that include housing forms and information. The link to the Language Gateway is <http://www.nyc.gov/html/lg/html/home/home.shtml>

MOIA in partnership with the Mayor's Office of Operations meet with agencies regularly to direct and coordinate efforts to enhance language access and cultural competency through the exchange of information and ideas regarding best practices among New York City agencies. The meetings are held quarterly where ideas, best practices and information related to the provision of language assistance service are exchanged.

Lastly, Executive Orders 34 and 41, issued in 2003, is a citywide confidentiality policy to promote access to city services for all residents. The Orders protect as confidential a range of information, including immigration status and applies to all City workers, including those employees at housing agencies. This policy helps address immigrants' fear of being asked about his/her immigration status when accessing government services. MOIA disseminates information about the City's Confidentiality Policy around the City in an effort to promote confidence and trust among immigrant communities in seeking information or access to City benefits and services.

The Mayor's Office for People with Disabilities (MOPD) regularly conducts outreach and education for people with disabilities, advocates, service providers, landlords, business owners, and other government agencies in regards to fair housing. In 2012, MOPD took part in a number of housing initiatives, including offering to the public its Community Resource Directory, which includes a chapter on Housing and Housing Rights that provides information regarding housing locator resources and non-profit organizations that provide housing services. The directory also provides information on law, benefits, education, employment, transportation, services for the deaf, blind, mentally retarded and developmentally disabled. MOPD is also a partner in the NYC Affordable Housing Resource Center, located at <http://www.nyc.gov/html/housinginfo/html/home/home.shtml>, which provides information on all aspects of City housing, including renting an apartment, buying a home, and apartment maintenance issues, as well as a specific section dedicated to housing for people with disabilities. In addition, MOPD continues to operate Project Open

House, a program that provides barrier removal and the creation of access for disabled residents of the city, and provides assistance and information regarding the Disability Rent Increase Exemption (DRIE), which provides a rent freeze to qualified disabled tenants. In 2012, MOPD served and addressed the complaints of approximately 2,735 people who called the office for help in the area of housing and housing discrimination and had 220,722 hits to its website.

MOPD continues to compile a database of accessible, affordable housing. When such housing comes up for rent or sale, MOPD forwards the information to a number of non-profit organizations with housing locator components. MOPD also provides this information to individuals who contact the office.

NYCHA's Services for People with Disabilities (SPD) staff responds to inquiries from residents, applicants, voucher holders and advocates on the status of housing applications, transfers or reasonable accommodation requests. SPD conducts technical assistance workshops for advocates and organizations that provide services for people with disabilities. The workshops review NYCHA's Fair Housing Non Discrimination Policy, application policy, obtaining accessible apartments, grievance procedures and how to request reasonable accommodations.

Fair Housing Non Discrimination Policy is conspicuously and permanently displayed at all NYCHA departments, developments and offices where residents and applicants are provided service. The poster is available in Spanish, Chinese, Russian, French and Haitian Creole, and the relevant translation is posted alongside the English version, as needed. In addition, the Department of Equal Opportunity conducts biannual mandatory training for all NYCHA employees on its non-discrimination policy statements: the NYCHA Equal Employment Opportunity Policy Statement, the NYCHA Sexual Harassment Policy Statement and the NYCHA Fair Housing Non-Discrimination Policy Statement.

Furthermore NYCHA provides training to newly hired employees in 19 titles who interact with residents and applicants on NYCHA's duties and responsibilities under, Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act, the Fair Housing Act and the Architectural Barriers Act.

In addition, in recognition of National Fair Housing Month, in April 2012, the policy will be printed in NYCHA's Journal, a monthly publication for residents that is distributed to 178,879 households. The Fair Housing Non Discrimination Policy is also included in the rental-briefing package provided to NYCHA's Section 8 tenants.

Advocacy and Counseling

The CCHR's fair housing activities include enforcement of the Human Rights Law's prohibitions against housing discrimination, community outreach and public education to residents, home seekers and housing providers, advocacy on behalf of people with disabilities, and foreclosure prevention counseling for people victimized by predatory lenders. Advocacy and counseling are conducted by NHRP staff operating out of borough Community Service Centers and enforcement is carried out by legal staff.

Field personnel routinely staff Housing Court information tables in Manhattan, Brooklyn, Bronx, Queens, and Staten Island courts to counsel people about fair housing, distinguish purely landlord/tenant matters from discrimination and to distribute Commission fair housing literature. Similarly, staff works in partnership with service and advocacy groups to inform the public about rights and remedies under the NYC Human Rights Law. Mortgage foreclosure counseling activities are conducted in the Bronx, Brooklyn, Queens, and Staten Island.

Counseling people with disabilities is an integral service provided by the Commission. Its Project Equal Access (PEA) advocates on behalf of the disabled in housing and public accommodations. Its approach is based on voluntary compliance before a formal complaint is filed. Typically, staff negotiates a physical or policy modification by educating landlords about their responsibility to provide reasonable accommodations.

(Staff works in partnership with several private and public entities, including the Mayor’s Office for People with Disabilities, the Borough Presidents’ Advisory Committee in all 5 boroughs, Housing Court Answers (formerly Citywide Task Force on Housing Court), the New York City Bar Association’s Committee on Disability, Disabled in Action, United Spinal Association, Independent Living Centers, the Alexander Graham Bell Foundation, the NYC Parks Department Disability Committee, Sun-B Senior Coalition, Pratt Institute, the West Side SRO Project, the MS Society, New York Lawyers for the Public Interest, Heights and Hills, the American Institute of Architects, the ALS Society, Visions, the New York City Business Improvement District (BID) Association, Columbus Avenue BID, New York City Small Business Services, New York City Hispanic Coalition Chamber of Commerce, Community Board 12 Housing Committee, and Self Help. In addition to its regular work with the Mayor’s Office for People with Disabilities, the Commission sponsored a mentee and made a presentation at MOPD’s Disability Mentoring Day.

In 2012, 160 modifications were made for people with disabilities as a result of staff advocacy. Where efforts at negotiating a voluntary accommodation fail, the Commission’s Law Enforcement staff pursues compliance through litigation. Residences throughout the five boroughs were made accessible through changes like a building in Brooklyn that built two long ramps, making both entrances accessible. In Manhattan, an Upper West Side building not only built a ramp but also supplied electronic doors and provided storage for a wheelchair lift in the lobby. In Queens a lift was installed to get a severely disabled 8-year-old up the steps to his apartment.

The City was made more livable through improvements in services widely used by the public. The Commission’s work with staff at the New York Botanical Garden resulted in independent access to elevators so that they can be used by people with disabilities, some of the gardens being made accessible, and cut outs for wheelchairs next to many benches. Penn Station made two of its ticket windows accessible to people with auditory disabilities by installing a looping system.

In conjunction with an organization whose production crew includes trainees with disabilities, the Commission is completing a series of 4 captioned 3-4-minute videos for outreach to people with disabilities. Funded by the Christopher and Dana Reeve Foundation, the videos include an introduction, examples of accommodations in housing, employment, and public spaces and interviews with people who have benefited from those accommodations. They highlight what to do if an individual needs an accommodation. The videos will be posted on the web and many other new social media sites.

The Mortgage Counseling and Predatory Lending Prevention Project reaches out to people in danger of foreclosure, particularly as a result of suspected predatory lending practices. In 2012, 627 counseling sessions were held with homeowners facing foreclosure.

Individuals and groups seeking information on Fair Housing issues may call or visit of the Commission’s five Community Service Centers listed below. They can also reach the Commission by dialing 311. The Commission’s website at www.nyc.gov/cchr, its has extensive information on the Human Rights Law and Commission services and publications and its Facebook page provides information on Commission activities. Finally, the Commission’s joint website with HPD www.nyc.gov/fairhousingnyc serves as a central location of information about fair housing for tenants, homeowners, landlords, and building owners, it gives an overview of the services provided by each agency.

<u>Office</u>	<u>Location</u>	<u>Telephone</u>
Bronx	1932 Arthur Ave. 10457	(718) 579-6900
Brooklyn	275 Livingston St. 11217	(718) 722-3130
Queens	153-01 Jamaica Avenue	(718) 657-2465
Manhattan	40 Rector St. 10006	(212) 306-5072

In 2012, MOPD continued to assist people with disabilities exercise their rights to fair and accessible affordable housing. MOPD continues to work with NYCHA, HPD, CCHR and several private non-profit organizations to develop new programs to increase construction of new or significantly renovated accessible, affordable housing.

MOPD continues to advocate in the area of housing and housing rights for the majority of its constituents. Advocating to prevent discrimination is the Office's mission. MOPD's efforts have resulted in countless architectural changes and reasonable accommodations for people with disabilities.

Investigation and Bias Reduction

Reducing the incidence of and ameliorating the consequences of bias harassment is a major goal of the Commission on Human Rights Community Service Centers. This is accomplished by addressing the underlying tensions that give rise to intergroup friction.

Central to bias reduction is the identification of shared interests among people from various cultures and backgrounds; staff encourage intergroup participation in community-based activities that improve the quality of life for all residents and merchants. Much of the NHRP activity is devoted to identifying the potential for intergroup antagonism and addressing underlying tensions. Community Service Centers keep track of all complaints classified as hate crimes by the NYPD as well as complaints of bias reported directly to them by people in their local communities. In 2012 there were 269 reports of Hate Crime from the NYPD. Community Service Centers shared information about those crimes with Community Boards and other relevant organizations. Where appropriate, they find ways to mitigate the tensions illustrated by these complaints through mediation, education and community projects.

Educational projects aimed at preventing bias and bullying behavior were a focus in 2012. The Commission collaborated with LAMP, a media literacy education group, on a series' of anti-bias public service announcements (PSAs) produced by young people. One spotlighted cyberbullying based on gender and national origin and was created by group comprised 8th-12th grade South Asian students. Another, now in the process of being completed, features spots on gender identity and sexual orientation was produced by a group of LGBT high school students. One of the PSAs, "Words Hurt Anywhere," runs on NY life/Ch 25 two to three times a day.

A different medium—sports—was used to promote tolerance and respect among youth in Staten Island. The commission teamed with the New York Center for Interpersonal Development and Victory Archers to bring together youth from African American, Albanian, Korean, Latino, and Russian communities for an archery workshop. The event entitled Playing Fair: Unity Through Archery on Staten Island featured nationally known Coach Larry Brown and emphasized individual and team effort, equality, and playing fair.

Promoting Stability and Intergroup Relations

In communities undergoing demographic change, Commission on Human Rights staff assist residents to stabilize their communities and prevent tensions related to those changes. They regularly attend borough presidents committees and community board meetings to keep abreast of intergroup issues and offer assistance.

Community Service Center staff has been trained as mediators and use these skills to build bridges between groups and facilitate the resolution of group and individual controversies fueled by ethnic, religious and racial differences. Typical vehicles for cooperation include community events that celebrate differences, block associations, fair housing committees, block parties, informational workshops and other activities that promote unity. Throughout 2012, the Community Service Center staff attended community information fairs in all five boroughs. In August Community Service Center staff participated in National Night Out Against Crime events to help reduce crime and promote neighborhood harmony. Staff also participated in Immigrants Connect, a

statewide effort in September to reach out to immigrant communities to provide them with information about services available to them.

The Peer Mediation Program trains young people in the principles of conflict resolution and assists schools in setting up peer mediation programs to address non-criminal disputes among students. Students participate in a curriculum that lasts for 8-10 sessions. It introduces them to essential mediation concepts such as active listening and recognizing common ground, and teaches them, through role plays and discussion, the elements of successful mediation. In 2012 staff conducted 114 Peer Mediation sessions in schools. In addition 80 sessions of the regular school curriculum were devoted to Conflict Resolution. The common theme in this and all of the Commission's community-based programs is respecting difference, groups working together, and opposing bias and discrimination in housing, employment, public places, the school and in the community.

Based on public concern about cyberbullying, the school and youth sessions include discussions and video illustrations how it may include racial, ethnic, and gender bias forbidden under the Human Rights Law. Commission staff participates in the Department of Education's "Respect for All" campaign that includes outreach and a yearly series of workshops educating students about their need to avoid discriminatory and harassing behaviors and alerting them to avenues of recourse should they become targets of such behaviors.

VI. Summation

New York City is the largest city in the country with over 8 million people, equaling approximately 3 million households, with the most diverse populations containing approximately 200 ethnicities of all races. In order to maintain harmony in the city, several city agencies enforce laws and regulations which promote equal treatment of all individuals. In addition, the city works with community-based organizations in its efforts to promote positive intergroup and community relations.

As can be seen in this AFFH, the City of New York sponsors many activities which help to prevent violations to the fair housing laws, and to encourage integration and harmony throughout the city's neighborhoods.

Foremost, the City assists applicants pursuing complaints, and, if necessary, issues probable cause determinations, as has been described in several cases cited above.

In addition, the City of New York's strategy promotes the construction of new low income housing, as well as, the preservation of existing low income resources and encourages the development of these resources through various means, including the real property tax system. As described above, the City sponsors two tax incentive programs; 421(a), and J-51 which are described in the 2013 Consolidated Plan, Volume 2, Part II. Other Actions, Section B., Relevant Public Policies and Barriers to Affordable Housing, and assist in the production of thousands of units. In addition, the federal government provides Federal Low Income Housing Tax Credit program, which is used to compliment many of the City's housing programs.

The NYC Human Rights Commission (CCHR) affirmatively furthers fair housing by prosecuting unlawful discrimination, advocating on behalf of people with disabilities, providing information and support for immigrant communities, counseling homeowners who face foreclosure because of subprime and predatory loans, and conducting extensive outreach and education to other groups and individuals that may experience discrimination. The Commission's working relationships with a wide range of organizations that serve immigrants, people with disabilities, communities of color, gays and lesbians, and others enables staff to collaborate on efforts to achieve fair housing and prevent discrimination. In addition, the CCHR works with community organizations to reduce and mediate community tensions. The CCHR is active in schools, offering a curriculum covering the Human Rights Law, Sexual Harassment, Conflict Resolution, Cyberbullying and Peer Mediation Training. During 2012, staff conducted 467 workshops in the schools and other organizations serving youth. It also gave workshops on immigration, the Human Rights Law and diversity issues to 1,090 audiences in community and other organizations. Field staff addressed fair housing issues such as general discrimination, predatory lending, and equal access in 170 workshops given in 2012.

The Commission on Human Rights stays abreast of possible impediments to fair housing and assures that its activities and programs address these specific impediments. Because of the Commission's ongoing activities in conjunction with organizations advocating for people with disabilities, complaints on the basis of disability were the ones most frequently filed in 2012 and the two Commission Decisions and Orders on housing were cases involving accommodations for people with disabilities. Cases based on lawful source of income were the second most frequent. However, they have decreased as landlords have been educated to the law, passed in 2008, that forbids them to refuse to rent based on the renters lawful source of income. This includes Section 8 voucher holders.

The Commission distributes its literature widely and provides it in many languages. In 2012, 150,081 pieces of literature, including booklets on fair housing and equal access and a 90-page booklet explaining the housing and employment rights of people who were formerly incarcerated were distributed by Commission field offices. These publications are also available on the agency's website at www.nyc.gov/cchr which was viewed by 80-100,000 people in 2012, The website also features the Commission's online Civil Rights Museum with videos, photos, biographical information, and research resources on individuals from New York who contributed to the early Civil Rights movement. Distribution of information about housing rights has been increased by the

addition of a website in coordination with the Department of Housing Preservation and Development <http://www.nyc.gov/html/fhnc/html/opportunities/opportunities.shtml>. The Commission also has a Facebook page providing news of its ongoing activities.

The Commission on Human Rights will continue the types of programs described in detail in earlier sections of this document. First, CCHR is committed to maintaining the quality of its intake and investigation procedures, and its prosecutorial authority. Second, it will continue to provide assistance for individuals and groups with housing concerns. Finally, it will continue its vigorous education campaign on fair housing rights and responsibilities and intergroup cooperation.

The Mayor's Office of Immigrant Affairs actively identifies and addresses new and ongoing barriers to accessing City services experienced by immigrant communities. MOIA supports other City agencies on linguistically and culturally appropriate community outreach and education on housing programs, services, and benefits available to immigrants. MOIA also offers technical assistance to City agencies on policy and programmatic strategies affecting immigrants. In addition, MOIA serves as a resource to City agencies in efforts to inform immigrants about relevant information and assistance needed by renters and homeowners, housing rights, and housing complaint processes with government agencies.

Recognizing that language barriers are one of the greatest impediments for immigrants in obtaining fair housing, Mayor Bloomberg signed Executive Order 120 in July 2008, the City's first Language Access Executive citywide policy, establishing a uniform policy and standards for language assistance services for City agencies that have direct interaction with limited English proficient New Yorkers. The Executive Order requires City agencies, which include agencies that promote equitable housing in New York City, to take reasonable measures to provide language assistance in at least the top six (6) languages spoken by limited English proficient (LEP) New Yorkers. The Mayor's Office has worked to ensure the successful implementation of Executive Order 120, and continues to provide technical assistance and support to agencies when appropriate. Furthermore, MOIA works with agencies to develop suitable public awareness strategies that inform and educate LEP individuals of City services, and the availability of free language assistance services. Some of the successful strategies adopted by agencies include working with ethnic media, reaching out to immigrant communities, and building effective partnerships with community-based organizations. These efforts help facilitate the successful integration of immigrant New Yorkers into the civic, economic and cultural life of the City.

Moreover, to help mitigate the fear and distrust immigrants may have of government, which may pose a barrier to accessing housing programs, the Bloomberg Administration issued a citywide confidentiality policy that builds the confidence and trust of immigrant communities by protecting certain categories of information as confidential. Such information includes a person's immigration status, which is considered private, to the extent permitted to by law. This policy provides certain assurances to anyone seeking City services. Implementing the City's confidentiality policy and ensuring language access helps prevent pervasive and fundamental barriers to equal housing opportunity for immigrants. MOIA's ongoing work reinforces the City's commitment and ability to provide assistance and information about housing opportunities and benefits to all of its residents.

The City of New York's New Housing Marketplace Plan promotes the construction of new low-income housing, as well as the preservation of existing housing. The New Housing Marketplace Plan is the largest municipal affordable housing effort in the nation. The Plan has financed the creation or preservation of over 109,000 units of affordable housing across the five boroughs. The Plan encourages the development and preservation of housing through various means, including the real property tax system. As described above, the City sponsors tax incentive programs (421(a), and J-51(that are described in the 2013 Consolidated Plan, Volume 2, Part II., Section B., Relevant Public Policies and Barriers to Affordable Housing and assist in the production of thousands of units. In addition, the federal government provides a Federal Low Income Housing Tax Credit Program, which is used to compliment many of the city's housing programs.

HPD contributes to the enforcement of fair housing throughout the City. HPD's internal monitoring and training strategy reinforces fair housing practices for developers/owners who receive federal funding assistance through HUD Programs: HOME, Housing Opportunities for People with Aids (HOPWA), Title I of the Community Development Block Grant Act and HOPE. HPD's external fair housing strategy utilizes federal funds to contract with locally based organizations that provide fair housing counseling services in all five boroughs of the City.

A critical ingredient of HPD's contribution to the City's fair housing efforts has been its partnership with City Commission on Human Rights for the provision of fair housing services. This partnership enhances HPD's fair housing outreach capabilities, particularly in providing fair housing information and resources to immigrant population groups, by utilizing CCHR's dedicated and knowledgeable staff and their relationships to community groups across the City. The partnership between HPD and CCHR ensures that the rights and responsibilities of all participants in the housing market are known and accessible to all city residents.

The New York City Housing Authority (NYCHA) provides decent and affordable housing in a safe and secure living environment for low and moderate income residents throughout the five boroughs. NYCHA's commitment to fair housing ensures that qualified residents and applicants have access to services, activities and programs provided by the Authority in compliance with applicable laws. To ensure NYCHA's employees understand and play a role in furthering fair housing, NYCHA will continue to train newly hired employees in 19 titles who interact with residents and applicants of NYCHA's duties and responsibilities under, Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act, the Fair Housing Act and the Architectural Barriers Act. In addition, the Department of Equal Opportunity conducts biannual mandatory training for all NYCHA employees on its non-discrimination policy statements: the NYCHA Equal Employment Opportunity Policy Statement, the NYCHA Sexual Harassment Policy Statement and the NYCHA Fair Housing Non-Discrimination Policy Statement. NYCHA's Fair Housing Non-Discrimination Policy is conspicuously posted at each of NYCHA's management offices, community centers, hearing room and every public place where residents and applicants are provided service. In addition, in celebration of National Fair Housing Month the policy will be printed in the April 2012 edition of the Journal, a monthly publication for residents delivered to approximately 178,000 families.

Through the Services for People with Disabilities (SPD) NYCHA will continue to affirmatively further fair housing through the strengthening of its relationships with advocates and organizations that assist people with disabilities, by providing information on its policies, practices and procedures and how to obtain accessible housing and through ongoing workshops. SPD provides assistance and information to applicants and residents with disabilities in obtaining decent, affordable and accessible housing, as well as assisting with the processing of reasonable accommodations for residents with disabilities in NYCHA developments.

To ensure that NYCHA's limited English proficient residents and applicants have access to NYCHA programs and services the Language Services Unit (LSU) will continue to provide translation and interpretation services to enable NYCHA staff to communicate effectively with residents and applicants who are limited English proficient. NYCHA will work to enhance its language assistance program and train staff interacting with residents and applicants by providing language assistance training as part of its staff development program/courses. LSU will conduct regular workshops for Language Bank volunteers to ensure their competency, familiarity to specialized terms and their full understanding of their role as an interpreter. On May 13, 2009 NYCHA adopted a Language Assistance Policy which was being administered by the Department of Equal Opportunity which previously supervised the Language Services Unit. In our efforts to continue to communicate with our residents effectively, on February 2010, the Language Services Unit started reporting to the Department of Communications and in January 2011 the Language Assistance Policy was updated to indicate the change in the reporting structure of LSU. The Senior Manager for Resident Communications and Language Services who reports directly to the Chief Communications Office has been designated as the Language Access Coordinator, to annually assess the language assistance needs of NYCHA and monitor NYCHA's delivery of language assistance services in conjunction with NYCHA departments that provide programs or services to residents, applicants and Section 8 voucher holders; and to recommend modifications to

the Executive Department, as required, regarding NYCHA's delivery of language assistance services to persons with limited English proficiency.

NYCHA is committed to providing equal housing opportunities for all qualified residents and applicants and prohibit unlawful discrimination. Housing discrimination complaints filed with NYCHA by residents or applicants are investigated internally to determine if the individual has been discriminated against and determine if corrective or conciliatory action is necessary. In addition, the applications of applicants who have been found ineligible for public housing and claim the denial was based on their disability are reviewed. Preliminary investigations of complaints filed by residents and applicants with the State Division of Human Rights, the City Commissioner of Human Rights, and/or HUD are investigated by NYCHA's Law Department.

VII. Citizen Comments

On October 25, 2012 the New York City agencies which formulated the AFFH conducted a public forum. The purpose of the forum was to gather information from the communities on the impediments to fair housing choice in the City's neighborhoods. The public was informed of the event in several ways. Over 2,600 notices were mailed to citizens, public offices and organizations concerned with affirmatively furthering fair housing. In addition to the English-language version of the notice, Spanish-language and Chinese-language versions were included in the mailing. The three respective versions of the notice were posted on the Department of City Planning's Consolidated Plan-related internet webpage. The public notices appeared in three newspapers with city-wide circulation, an English-language, a Spanish-language and a Chinese-language. Lastly, each version of the notice was placed as a public service message on the New York City-operated local cable television access channel.

In addition, the City provided the opportunity to members of the public who were unable to attend the forum to submit written comments. Originally, the opportunity for the public to submit their fair housing comments and concerns was scheduled to close on November 1, 2012. However, as a result of Hurricane Sandy which caused power outages and telecommunication/computer disruptions in several communities within New York City, the submission deadline was extended to November 23, 2012. Lastly, comments submitted in the writer's (non-English) language were translated.

The citizens' comments have been summarized and responses to the comments by the respective City Agency are provided.

1. Testimony from Public Forum on Fair Housing Issues and Concerns, October 25, 2012

Mr. Juan Ramos, Chair, Broadway Triangle Community Coalition (BTCC)

Mr. Ramos submitted written comments in his role as Chair of the Broadway Triangle Community Coalition (BTCC), which he describes as a group of more than 40 community organizations and individuals. He claims that members of the Coalition were excluded and discriminated against by the City of New York in the process of rezoning and planning for the development of land in the Broadway Triangle Urban Renewal area in Williamsburg and Bedford-Stuyvesant, Brooklyn. The BTCC asserts that the City is not in compliance with its obligations under the Fair Housing Act (FHA) because the City did not undertake a specific analysis of the Broadway Triangle rezoning or of three proposed HPD-funded housing projects within the rezoned area as to whether they met the requirements of the FHA. Furthermore, the BTCC asserts that the City of New York excluded "huge segments of our community, including the Latino and African American residents of our community," from the rezoning process from its inception in 2006.

The BTCC and other parties (hereafter, BTCC) have brought suit against the City of New York, asserting claims including those described above. The commenter states that the BTCC demonstrated, in hearings in New York State Supreme Court, that before the planning process began, the City did not consider or analyze how severely segregated the Broadway Triangle area currently is or how various affordable housing plans or rezoning proposals could either perpetuate or lessen segregation. The BTCC asserts that the practices the City follows in the development of the Broadway Triangle would have segregative effects, specifically that the City would be funding what BTCC believes would likely be housing designed only for, or primarily for, the Hasidic community. The effect, the BTCC says, would be "to keep out the rest of us, and to keep segregation alive and well."

Department of Housing Preservation and Development response:

The City of New York as a jurisdiction is in compliance with the FHA. The kind of systemic structural obstacles that can prevent fair housing choice (e.g., large-lot requirements, prohibition against multiple dwellings, economic barriers to the construction of affordable housing) are not present in New York City. There is no obligation under the FHA for the City to separately analyze each and every land action or housing project in isolation from the jurisdiction's comprehensive scheme. Rather, the FHA requires the City to analyze the entire jurisdiction as a whole in light of the FHA goal of removing impediments to fair housing choice. That is what the City has done.

The rezoning of nine blocks of the Broadway Triangle section of Williamsburg¹ from manufacturing to mid-rise contextual residential districts is completely race-neutral and does not promote segregation. The exact same mid-rise contextual residential zoning districts were adopted in 2007 for 200 blocks of the Bedford-Stuyvesant community. BTCC faults the City that the new zoning did not allow for high-rise buildings so as to provide more apartments. However, for numerous economic and urban planning reasons that have been set forth in the City's court papers and at the court hearings, mid-rise is the prevalent height used by the City for the affordable housing it sponsors City-wide², and rezoning the Broadway Triangle for high-rises would constitute poor urban planning. There is no obligation under the FHA to build as many apartments as can fit onto every parcel. The City is not in violation of the FHA requirement to provide fair access simply because it cannot fund enough affordable housing units to meet 100% of the need.

BTCC complains of being excluded from the planning and re-zoning process. HPD officials, including then-Commissioner Shaun Donovan and Holly Leicht, then-Deputy Commissioner of HPD's Office of Development, were willing to meet with anyone who wished to do so,³ and in fact met with BTCC representatives several times during the re-zoning process. The BTCC representatives were invited to submit a counter-proposal to the mid-rise contextual zoning being proposed by the City but they failed to do so. In the absence of any proposal by the BTCC, the City itself created a hypothetical proposal along the lines suggested by the BTCC representatives, which was to have high-rise buildings in the middle of an area that otherwise consisted of low-rise buildings, and included that "Higher Density Alternative" in the SEQRA/CEQR environmental review. An analysis of that proposal made clear that it created environmental burdens that made it a less desirable approach than the mid-rise contextual approach that was adopted.

After receiving many points of view about this specific rezoning at the Broadway Triangle, the ultimate plan was developed by planning professionals on the staff of HPD and the Department of City Planning, who, as is their normal practice, took into consideration comments and concerns received from the public at large, not merely one or two specific interest groups or organizations, as has been asserted by the BTCC. Contrary to BTCC's vigorous assertion in its lawsuit, which is echoed by Mr. Ramos in his letter, the final proposal for the Broadway Triangle did not resemble the initial broad concept formulated at a privately sponsored 2008 charrette to which BTCC members were not invited by those sponsors.

BTCC's complaints about the rezoning are in fact really about the proposed affordable housing units that were to be built with City funding, specifically, BTCC's negative view of the two developers who sought to build the first three City-sponsored affordable housing projects in the rezoned area and the configuration of the

¹ Contrary to Ramos's assertion, the challenged re-zoning lies entirely within Williamsburg and includes no portion of Bedford Stuyvesant.

² High-rise affordable apartment buildings are funded by HPD infrequently, usually with a cross-subsidy provided by market-rate apartments, which is not what was planned for the three challenged 100% affordable housing developments at issue here.

³ The open-door invitation for interested parties to meet with HPD officials was announced at public meetings and remains HPD policy.

apartments proposed for two of those three sites. BTCC's predictions that those developers would build these affordable housing units only for Hasidic households is completely without any foundation. Various procedures are implemented by HPD to assure that fair housing requirements are met when the City of New York invests funds, be they federal source or otherwise, for affordable housing. A key goal is to avoid discrimination or other impediments to equal access to housing. The City mandates the use of a race-blind lottery system for the initial rent-up of affordable housing. The marketing plan reaches a wide audience of potential occupants through print media – both in newspapers of broad, city-wide circulation and also local and ethnic newspapers. HPD also directly notifies elected officials and community groups throughout the City. All marketed projects are posted on the HPD website and are added to the HPD Affordable Housing Telephone Hotline, which is available in seven languages. The process is highly structured so as to select and process applications at random and so as to prevent tampering or discretion on the part of anyone involved in the lottery process. No part of the process excludes any racial or ethnic group or makes it more difficult for members of any racial or ethnic group to apply or qualify for the housing. Developers of City-sponsored affordable housing projects have no right or ability to choose or reject tenants outside the lottery process and HPD standards regarding income and household composition. Nor can the City or the developers control or manipulate who submits applications to the lotteries for affordable housing.

Available demographic data do not support the BTCC's claim that only Hasidic households benefit from three- and four-bedroom apartments (categorized as large apartments). Using federal census data, HPD demonstrated at the court hearings that there is a huge disparity between the number of New Yorkers who need to rent large apartments and the relatively small number of large apartments that are available. HPD presented federal census data demonstrating that 25,000 Hispanic residents of Williamsburg qualify for large apartments but only 10,000 Yiddish-speaking residents of Williamsburg do. Thus, there is an overwhelming need by Williamsburg Hispanics for large apartments, and the large apartments projected for the new housing developments challenged by BTCC (perhaps numbering 80 at the very most) would be only a tiny drop in the bucket in meeting that unmet local and City-wide need that exists across all ethnicities.

The established criteria for qualifying for a three- or four-bedroom apartment encompass many household configurations other than the stereotype put forth by the BTCC of a Hasidic family with many children. A household consisting of a grandmother, mother, and a single child would qualify for a three-bedroom apartment. A household consisting of a grandmother, mother, son, and daughter would qualify for a four-bedroom apartment. It is a matter of common sense that such household configurations can be found among all races and ethnicities, and that apartments accommodating such household configurations do not disfavor black and Hispanic households as compared with white households. Furthermore, very large households can be too large to qualify for a three- or four-bedroom apartment. The HPD standard is two people per bedroom, thus capping the occupancy at a maximum of six people for a three-bedroom apartment and eight people for a four-bedroom apartment. Thus, the stereotype of a Hasidic family with ten or twelve children that BTCC projects as the beneficiary of the proposed large apartments in the Broadway Triangle would not qualify for an apartment in any of the City's affordable housing projects that the BTCC has challenged in its suit.

Affordable housing is made available on the basis of economic criteria, not race, and there is no basis in the FHA to exclude whites who are poor enough to meet those criteria from obtaining affordable housing. According to BTCC's own demographic witness at the court hearings it references in its letter, only 29% of Williamsburg's white residents can be presumed to be Hasidic. So there is no basis to assume that Hasidics would be able to obtain, through the lottery, all or most of the challenged apartments, as projected by BTCC.

Nowhere does the FHA mandate that only the needs of the majority for smaller apartments are to be met and the needs of a smaller segment of the population for large apartments are to be ignored. Given the scarcity of large apartments, both in the public and private housing markets, it is valid and appropriate for the City to attempt to meet even a small part of that unmet need. New York State's Department of Housing and Community Renewal, the agency that allocated the federal tax credits that were to help fund the challenged projects, provides both scoring and funding incentives for projects in which at least 50% of the apartments have at least three bedrooms,

thus reflecting a state policy determination that more affordable large apartments are needed statewide. The larger apartments to be constructed are to be available to applicants from anywhere in the City.

The City has collected actual initial rent-up data for two recent HPD-funded developments in Williamsburg. The data for the initial occupancy of large apartments show that people from the non-white constituency BTCC purports to represent and who BTCC claims need only smaller apartments, sought and qualified for large apartments in Williamsburg projects that were rented up by the same lottery system that would be used for the projects challenged by BTCC:

Schaefer Landing 3- and 4-bedroom apartments:

45 white households
30 Hispanic households
6 Asian households
5 black households

Palmer's Dock 3-bedroom apartments:

17 Hispanic households
9 Asian households
3 households for which race/ethnicity is unknown
2 black households
1 white household

The City of New York employs a standing policy to give preferential treatment, that is, to be first in line, for 50% of new affordable apartments to residents of the community district in which an affordable development is located. Community districts throughout the City with large black and Hispanic populations want this community district preference so as to ensure that their black and Hispanic residents are not shut out by applicants – both fellow minority members and whites – from outside the community when new and desirable affordable housing is built. The community district preference is race-neutral, as it is used across the board in every community district in which affordable housing is built, which is often in neighborhoods with high numbers of poor members of minority groups. The preference was raised from 30% to 50% in 2002 to meet the need expressed throughout the City. In the case of the Broadway Triangle, the community district preference gives some advantage to Hispanic residents of Williamsburg over residents of other areas of the City, including the neighboring Bedford-Stuyvesant community. It should be noted that Bedford-Stuyvesant residents were the beneficiary of the community district preference in the past when numerous affordable apartments were built there.

Finally, Mr. Ramos complains that the City is supposedly “allowing” private landowners in the Broadway Triangle to develop housing primarily for the Hasidic community. However, he provides no information about which properties are supposedly being developed or what form this purported discrimination is taking. It goes without saying that the City cannot control what private owners do with their property. And it further goes without saying that anyone believing that any particular owner is discriminating against him or her should immediately report such discrimination to one of the various governmental agencies responsible for taking enforcement action against discrimination.

Commission on Human Rights response:

Please refer to CCHR response to Fred Frieberg, Executive Director, Fair Housing Justice Center below (submitted comments).

Department of City Planning response:

The City's Consolidated Plan need not analyze particular neighborhoods, nor would it be possible to analyze every neighborhood. The City's Consolidated Plan does evaluate the Fair Housing status of the City overall. As indicated in the Furman Center's report *The Changing Racial and Ethnic Makeup of New York City Neighborhoods* the City is still segregated with respect to race and Hispanic origin. However, the report's

analysis also indicated that the City became less segregated between the 2000 and 2010 Censuses. The City's principal zoning strategy to combat segregation is the Inclusionary Housing Program (IHP). As indicated in the Proposed 2012 Affirmatively Furthering Fair Housing Statement, developers who intend to take full advantage of the higher density bonus for a project developed in an IHP designated area must devote at least 20 percent of their residential floor area to housing that will remain permanently affordable to low-income households. This income level is defined by reference to HUD income limits. In some cases, income limits are further restricted in accordance with program guidelines. For example, for renters in affordable units in "80/20" projects, income may not be not greater than 60% of the Median Family Income (MFI) based on the HUD Multifamily Tax Subsidy Projects Index (MTSPs) by household size.

Over the past five years, the City has completed 44 residential rezonings and expanded the use of its Inclusionary Housing Program to 50 areas city-wide. These efforts have contributed to the trend in which the City has become less segregated in recent years, have promoted economic integration and will lead over time to further deconcentration of race and Hispanic origin groups.

In regard to the City's strategy to combat segregation within "affordable housing" stock, it is important to understand that HUD generally views housing as affordable if the occupant is paying no more than 30 percent of his or her gross income for housing costs, including utility costs. While housing developed under IHP using HUD funds must go to **low income** households, if no HUD subsidy is used, the units may be allocated for occupants who would have difficulty renting or purchasing new housing in the unregulated private market, but who do not meet the definition of "low income." However, these affordable units may only be allocated to such "moderate -or middle- income" households in five of the fifty of the neighborhoods where the IHP program is applicable. Furthermore, in the targeted locations where the IHP program allows "moderate -or middle-income" households, the IHP promotes racial and Hispanic origin diversity within buildings by requiring that a minimum percentage of the units in the buildings generating the floor area bonus be low income, and that a larger number of affordable units be provided in total.

Ms. Arlene Tuff

A resident of the (NYCHA) Isaac Houses and a representative of the DC 37 retiree housing committee, requested information regarding moving to a lower floor in her development due to her increased lack of mobility.

New York City Housing Authority Response:

Housing Authority residents with a disability may request a transfer to an elevator building or to a lower floor as a reasonable accommodation. Resident transfer requests are made at the resident's development management office and should include medical documentation to support the medical reasons for relocation. Residents with a disability may request a transfer within their current development location, if appropriate units exist, or may choose to be certified to the borough in which they wish to live.

Mr. David DeBois, Deacon, St. John the Evangelist Lutheran Church

The Deacon, a spokesman for the Williamsburg church's social action committee, spoke about housing justice in the Broadway Triangle area and Greenpoint. He observed that inclusion in affordable housing in this area appears to be related to political associations, noting that 80% of affordable housing in the Williamsburg area is occupied by one (specific) Hasidic community, thereby excluding black, Hispanic and other Hasidic residents. He offered examples of equitable and integrated housing in the Cook Street Houses (by Dunn Development) and Southside Houses (by Los Sures), citing the housing application process where the widespread dissemination of the housing applications was a primary reason for their success.

Mr. DeBois also asserted that the re-development of the Greenpoint hospital site was handled poorly by HPD. Though the Greenpoint Renaissance Enterprise Corporation (GREC) had wanted a local CDC (St. Nick's Alliance) to develop the project [so that profits would go into the *re*-development of Cooper Park and the

Jackson Street Settlement House (a major youth community center *located* in a dilapidated and crumbling building)], the City awarded the contract to a private developer, (TNS Development Group/Great American Construction Corp) which subsequently had to withdraw from the award due to bribery charges, and unfair labor practices. To the dismay of the deacon, a third RFP process is currently determining the award of the development.

Finally, he addressed the issue of seniors being pressured to move out of their homes (in places like Lindsay Houses) due to a shortage in housing. Mr. DeBois stressed that the re-development of the Greenpoint Hospital site as affordable housing stock is needed to alleviate this pressure. The Deacon also mentioned that due to the delays in redeveloping the hospital site, the CDC had previously approached NYCHA and raised the possibility of allocating a parcel of land within the Cooper Park Houses, a nearby NYCHA development, for the creation of senior housing in order to provide affordable housing opportunities for the elderly as an alternative.

Mr. DeBois concluded that the result of all of this market rate development, gentrification will displace the existing residents.

Department of Housing Preservation and Development response:

Please see the Department's response to Juan Ramos, Chair, Broadway Triangle Community Coalition (BTCC).

New York City Housing Authority Response:

Though not located within the boundaries of the 2005 Greenpoint - Williamsburg rezoning area, NYCHA's Cooper Park Houses was included in the Points of Agreement (PA) related to the rezoning area. A narrow parking lot (through lot between Debevoise and Morgan Avenues) adjacent to privately owned single family homes with unusually small rear yards was identified as the development site in the PA. Starting in 2007, NYCHA began to model options for the parking lot including senior housing options – all options sit on the lot line and cast significant shadows on the private homes. The private homeowners objected to the construction site and residents of Cooper Park Houses and Community Board 1 asked NYCHA to analyze an alternative development site at Cooper: mapped park land owned by NYCHA and currently used as "Frost Playground." The playground is operated by the NYC Department of Parks and Recreation (DPR). To build on the playground, the New York State Assembly and Senate must pass legislation to alienate (or de-map) park land. In addition, a replacement park would have to be built as part of the process of de-mapping an existing park. NYCHA modeled options for development on the playground site. So far, there is no consensus on what option to pursue.

Mr. Donald Rickenbaugh, Director, Queens Services for the Center for the Independence of the Disabled of NY (CIDNY)

Mr. Rickenbaugh read a statement on behalf of the Director of Advocacy of the organization, Rosa Carasilvo.

- The writer indicated that NYCHA has not responded to their direct requests for information, the most recent, a request for information regarding voucher allocations for non-elderly people with disabilities.
- The Center indicated the income eligibility limit for the Disability Rent Increase Exemption (DRIE) is less than the income limit for the Senior Citizens Rent Increase Exemption (SCRIE) and advocates for the DRIE income limit to be raised to be more equitable.

In addition, the organization commented on several aspects of the City's formula entitlement grant funded programs (Community Development Block Grant, HOME Investment Partnership, and Emergency Solutions Grant) as described in its Consolidated Plan.

- No Inclusion of People with Disabilities in Planning – Several points are related to the New York City Continuum of Care Coalition Steering Committee. The first point is that consumer members are not reflective of the disability community at large: The Plan mentions that there are eight positions. The positions do not seem to include people with physical or sensory disabilities. CIDNY recommends that three more positions be added to include a person with a physical disability, a visually impaired or blind person and a hearing impaired or deaf person. The At-Large Members are selected via an application

process. The application process and the selection of such membership should be publicized. Furthermore, the membership consists of only three members, thus having the voice of the advocates, the organization's opinion, is virtually unheard.

- CIDNY raised concerns regarding the Supportive Housing Program. They stated that there is no indication of monitoring of ADA compliance for these units and inquired how, if any, compliance is assured.
- The writer indicated the description of the City's CDBG-funded Project Open House contained little detailed discussion of funds allocated or the number of homes funded/affected through this program.
- Similarly, the writer indicated the description of the (HUD) Section 811 Supportive Housing for the Disabled (Competitive Grant) Program was narrow in the scope of information. The Plan does not mention the allocation of funds and percentage or number of apartments made available to people with disabilities who have extremely/severely low income or low income.
- The organization was of the opinion that the Mayor's Office of People with Disabilities under the current mayoral administration lacked enforcement and persecution powers regarding issues concerning the disabled community. The writer further stated that although CIDNY encourages the Office to refer people with disabilities to them, they would also appreciate opportunities to give input to the Office's role and see it address more systemic matters.

New York City Housing Authority response:

NYCHA's Section 8 Program, funded by the United States Department of Housing and Urban Development (HUD) and administered by NYCHA's Leased Housing Department, is an administrator of Non Elderly Disabled (NED) Housing Choice Vouchers. Between 1997 and 2003, NYCHA has received and fully utilized a total of 1,050 special purpose NED vouchers allocated by HUD. NYCHA issued the NED Housing Choice Vouchers to non-elderly disabled families to lease affordable private housing of their choice and to assist persons with disabilities in locating suitable and accessible housing in the New York City private market.

The HUD contracts issued as "Mainstream Housing," "Designated Housing" or "Housing for Non-Elderly Person with Disabilities" were consolidated by HUD under the NED Housing Choice Voucher umbrella and are separately tracked and reported to HUD by NYCHA in the Voucher Management System. NYCHA has not received any additional vouchers or funding for NED and is currently fully leased with respect to this voucher allocation. NYCHA remains committed to utilizing NED Housing Choice Vouchers as they become available. Non- Elderly Disabled Housing Choice Vouchers is an effective tool in removing barriers to fair housing for persons with disabilities so they too can have the assurance of a safe, affordable home – the first step towards financial independence and economic stability.

Department of Homeless Services response:

The mission of the New York City Coalition on the Continuum of Care (NYC CCoC) is to provide a leadership role in the prevention and eradication of homelessness in New York City. It is a broad-based coalition of homeless housing and shelter providers, consumers, advocates, and government representatives, working together to shape citywide planning and decision making. The Steering Committee of the NYC CCoC is governed by its bylaws, which we invite you to read on the NYC CCoC's website (www.nyehomelss.com).

The business of the NYC CCoC is managed by the three (3) Co-Chairs and a 27-member Steering Committee. The twenty-seven members are as follows:

1. Eight Government Representatives
2. Eight Consumer Representatives
3. Eight Coalition Representatives
4. Three At-Large Representatives

As stated in the Steering Committee bylaws, a coalition is a group of at least five organizations that has come together with a priority to advocate for services and/or needs of homeless individuals and families. It must meet the following criteria:

1. A mechanism for new members to join;

2. Independent organization with its own system of governance, i.e., elected officers, board of directors/steering committee, bylaws;
3. Conduct meetings at least four times a year;
4. Has a purpose beyond being a voting member of the NYC CCoC;
5. Must directly or indirectly represent a homeless subpopulation, program type or specific unmet need;
6. The Coalition's mission statement and minutes of its last three meetings must reflect that the group is actively engaged in planning and advocacy on behalf of the identified group/need to be represented; and
7. Subcommittees of a coalition cannot be a separate coalition.

As such, the advocacy community has a strong voice and an almost one-third representation on the NYC CCoC.

The at-large representatives must demonstrate their interest in ending homelessness in NYC and have expertise that will be of value to the NYC CCoC. These members are also elected via the process outlined in the Steering Committee bylaws. The elections are publicized via the website, outreach and anyone is welcome to apply.

The consumer committee of the NYC CCoC elects eight (8) representatives and eight (8) alternates for a total of sixteen (16) individuals. Every effort will be made to include members who fit into a wide range of categories, including but not limited to:

1. Chronically Homeless
2. Domestic Violence
3. HIV/AIDS
4. Mental Health
5. Permanent Housing
6. Substance Use
7. Veterans
8. Youth

Membership on the Consumer Committee of the NYC CCoC is open to any individual who identifies as formerly or currently homeless or is accessing homeless services. Furthermore, their meetings are open to the public and they welcome outside interests in their activities. If you have any questions or would like to attend a meeting, please contact our Consumer Committee Co-Chairs whose information can be found on the NYC CCoC's website.

The New York City Coalition on the Continuum of Care Steering Committee meets almost every third Friday of the month (check the aforementioned website to confirm), 9:30am - noon, in the lower level of Genesis Apartments at 113 E. 13th St. in Manhattan. All of our meetings are open to the public and you would be welcome to attend.

Department of Housing Preservation and Development response:

Because funds allocated to supportive housing projects are used to finance privately owned housing projects, rather than public accommodations, the housing design and construction requirements of the Americans for Disabilities Act do not apply. However, HPD reviews architectural plans and completed construction for compliance with applicable federal laws requiring that housing be accessible to disabled persons, including:

- The Federal Fair Housing Act – covers all new construction projects post-1991 that consist of 4 or more dwelling units, and ensures common elements and all dwelling units are designed and constructed in a manner consistent with the needs of persons with mobility impairments.
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) covers HPD-assisted programs and activities (housing), including but not limited to supportive housing, that consist of: new construction of 5 or more dwelling units and requires that 5% be designed and constructed for persons with mobility impairment and 2% be designed and constructed for persons with audio-visual impairment; substantial rehabilitation of 15 or more dwelling units and requires that 5% be designed and constructed for persons

with mobility impairment and 2% be designed and constructed for persons with audio-visual impairment; and elements of other alterations be made in a manner which is consistent with the 5% and 2% requirements to the extent practicable. Section 504 utilizes the Uniform Federal Accessibility Standards (UFAS) as the architectural reference standard.

In addition, there are federal, state and city anti-discrimination laws requiring reasonable modifications and reasonable accommodations to meet the needs of individuals with specific needs, including mobility and/or audio-visual impairments. HPD insures that the owners of private housing receiving financing under the Consolidated Plan are contractually obligated to comply with all of the foregoing federal requirements.

Mayor's Office for People with Disabilities response:

MOPD is committed to finding housing solutions for people with disabilities. We are constantly working with city agencies to increase housing opportunities, including exploring ways to increase the income limit in the Disability Rent Increase Exemption program and locating other subsidy opportunities, providing outreach regarding the Disability Homeowner's Exemption, and working with city housing agencies on program expansion, including: advocating for an expansion of the Section 8 program and expanding eligibility requirements for housing opportunities to include spouses and children.

Over the past decade, Project Open House has helped over forty (40) disabled individuals gain greater independence in their home. For FY13, MOPD has approximately \$120,000 in funding for POH projects, and will be soliciting potential applicants with an announcement on its website, www.nyc.gov/mopd, as well as through its Facebook and Twitter accounts, which is tentatively scheduled for September 28, 2012, with a deadline for submitted and completed applications by November 15, 2012.

The allocation of Federal funds for the Section 811 program is based on a per unit development formula as set by the U.S. Department of Housing & Urban Development (HUD) per each round of the competitive program. Further, because HUD caps the income eligibility at 50 percent (%) of the Area Median Income (AMI), all New York City households assisted by the Section 811 program fall within the 0-50% AMI income range, thus helping those with the lowest incomes.

The NYC Mayor's Office for People With Disabilities (MOPD) acts as the liaison between city agencies and disabled residents of, and visitors to, New York City. In addition to being an information and referral agency, MOPD acts as the policy advisor to the Mayor and city agencies for all disability-related matters, and is a tireless advocate for the rights of people with disabilities. For more information on MOPD's resources, programs and accomplishments, please go to www.nyc.gov/mopd.

Mr. Rob Solano, Executive Director of Churches United for Fair Housing, Brooklyn

Mr. Solano advocated for housing to be built for and made available to local community members. He stated that many of the processes undertaken by developers from outside of the community do not adequately address local conditions, and that such developments are made inaccessible to current residents due to language barriers, credit issues and a lack of knowledge concerning other related items such as what an tax ID number is. By relying on newspapers, internet advertisements and English only materials to announce the availability of housing units, these non-local developers marginalize limited English-proficiency community members that would apply for affordable housing in the area. Mr. Solano suggested that housing development should be undertaken by local development companies, but that if this is not possible, local community groups should be responsible for the marketing of these projects to ensure that the needs of the community, both English and non-English speaking persons are adequately addressed.

Department of Housing Preservation and Development response:

HPD, in compliance with the procurement policy of the City of New York, maintains a competitive disposition policy. Property is offered through a competitive disposition process such as a Request for Proposal. The

Agency works with many local nonprofit and private development and ownership entities to preserve and expand the supply of affordable housing throughout the City.

HPD adheres to federal and City fair housing laws by adhering to procedures aimed at preventing discrimination in the marketing of housing. The Agency's Fair Housing Marketing procedure is an essential element in the development of an applicant pool that is as diverse as the City itself. In addition, the Agency has developed a comprehensive Language Access Plan (link found on the NYC HPD homepage) to incorporate meaningful access for limited English proficient customers to all Agency services and programs. HPD's website allows for pages to be translated into any one of 34 languages (see "Translate This Page on banner). As to marketing, HPD mandates that all development entities submit marketing plans for agency review and approval prior to the start of the marketing period. We require that advertisements be posted in at least one Citywide, one community and one ethnic newspaper for at least 3 days. Additionally, in order to insure the widest possible dissemination of information about upcoming housing opportunities, HPD forwards marketing advertisements to over 100,000 people who have signed up on our website for e-mail alerts. HPD offers potential applicants the ability to access, via 311, the Affordable Housing Hotline for housing lottery information in those languages most commonly spoken in the City – English, Spanish, Mandarin, Cantonese, Haitian Creole, Korean and Russian. We post lottery information on our website, which is also linked to the Department for the Aging and the Mayor's Office for People with Disabilities. We require developers to conduct community outreach by presenting at Community Board meetings and before local community and religious groups. HPD gives preference for either the sale or rental of 50% of all homes, co-ops, condominiums and rental apartments it creates or rehabilitates to current residents of the community where the homes are located. The community preference gives local residents the opportunity to rent or purchase a quality home during a time when public and private investments are revitalizing their community. Our affirmative efforts have resulted in a successful and comprehensive marketing strategy to distribute the benefits of our housing programs to all New Yorkers.

Genel Green

The speaker inquired about resources for potential homebuyers, particularly regarding fair marketing. In addition, Ms. Green petitioned for the development of housing options, such as the creation of affordable intergenerational housing which would permit homeowners to age in place. She was of the opinion that without these options many seniors would have no choice but to move out of New York.

Department of Housing Preservation and Development response:

HPD offers opportunities for both for-profit and not-for-profit developers and owners to construct homes and apartments on City and privately owned land and buildings. HPD, in compliance with the procurement policy of the City of New York, maintains a competitive disposition policy, offering properties through a competition in which developers submit proposals for Agency consideration. We have a long history of working with our partners to build senior housing. HPD has also worked with partners to develop design competitions that have resulted in innovative solutions to the problem of creating a storm-resilient waterfront community and the design of small units designed to optimize space and openness in Manhattan, a competition that resulted in a project that has drawn international attention. And we are always open to new proposals such as multi-generational housing.

Commission on Human Rights response:

Please refer to CCHR response to Fred Frieberg, Executive Director, Fair Housing Justice Center below (submitted comments).

Ms. Xiomara Pedroso

Ms. Pedroso, a resident of the Lindsay Park Housing Corporation, a Mitchell-Lama (development) in Brooklyn, spoke about the governance and management of her building. She expressed the necessity of implementing term limits to the residency advisory board, citing the fact that the same elected officials have served for the duration of her 45 year tenure in the building, and that no oppositional parties are given the opportunity to

challenge them. She also asserted that the local management is making unnecessary infrastructure investments (such as electrical meters) without consulting tenants, thereby resulting in an unwarranted increase in rent. Additionally, the speaker indicated there was mismanagement of a much needed weatherization project, specifically the installation of new windows which did not include the lower floors of the buildings, and excluding areas such as the laundry room.

In closing, Ms. Pedroso inquired if the recent rent increase the development has scheduled to go into effect in April (2013) was legal.

Department of Housing Preservation and Development response:

2. Submitted Comments on Fair Housing Concerns

Stephanie Hernandez

The writer raised the question why does it take so long for the Housing Authority to give a Studio apartment to a single person. Ms. Hernandez, an American citizen with Limited English Proficiency, indicated that she has waiting for 2 years for an NYCHA apartment.

New York City Housing Authority response:

Due to the large number of families on the waiting list, and the low turnover and vacancy rate of apartments, it is virtually impossible to estimate when a family might be called. For single persons in need of studio apartments, the wait will likely be longer as NYCHA's Tenant Selection and Assignment plan prefers single persons who are elderly or persons with a disability over those who are not.

Jennifer Quisiena

The writer questioned why there is an income threshold for public housing. Ms. Quisiena, a single parent, with a low-income job in the food service industry, indicated she needs quality affordable housing due to the fact the apartment she currently shares has substandard conditions. However, the writer's current income limits her housing options.

New York City Housing Authority response:

There is no minimum income that a family must have to qualify for public housing. However, NYCHA does have a Dual Preference Priority system (Working Family and Need Based) in which it ranks each applicant. An applicant may be assigned a priority in either, both or neither preference. As a working family residing in substandard housing, you would qualify for both the working family and need based preference.

Fred Freiberg, Executive Director, Fair Housing Justice Center (FHJC)

The Center, a locally-based, non-profit, civil rights organization submitted the following comments regarding the persistence of discriminatory barriers in the New York City housing market and the City's activities to affirmatively further fair housing. The writer was of the opinion:

- Systemic discrimination in the housing market continues to restrict the housing choices of New Yorkers.
- The writer indicated that new multifamily housing in the local housing market is not being designed and constructed in compliance with the accessibility requirements contained in the federal Fair Housing Act even though these requirements have been in effect for over twenty years. The continued non-compliance limits current and future housing opportunities available to persons with mobility impairments in New York City.
- The ability of persons with disabilities and persons with rental subsidies to locate accessible and affordable housing in New York City continues to prove very challenging.
- City housing policies reinforce residential segregation and perpetuate inequalities.

- Mr. Freiberg stated the City's mandated use of a residency preference for its affordable housing developments perpetuates residential segregation. According to City policy, a 50% preference for all affordable units is applied to applicants living within the Community District where the housing is located. As a result, minorities from other Community Districts are at a disadvantage in obtaining affordable housing within the given CD thereby reinforcing current residency patterns.
 - The Center cited the Broadway Triangle Community Coalition's lawsuit against the City and the preliminary ruling that the City's housing plan for the area would discriminate against on the basis of race and national origin thereby perpetuating the neighborhood's current pattern of residential segregation.
- The New York City is unwilling to change its Human Rights Law to be "substantially equivalent" to the federal Fair Housing Act. As a result, the City is ineligible for federal funds for fair housing enforcement.
 - The Center is of the opinion that the City Commission on Human Rights enforcement process lacks a formal complaint mechanism and stresses early "intervention" on a case-by-case basis prior to accepting a complaint. While early interventions may help to resolve an issue for an individual complainant, they do not eliminate the discriminatory policies or practices that will adversely impact others going forward. The writer further opined that the Commission's intake and investigative process has deficiencies and needs to be revamped to ensure greater effectiveness, fairness, and equity. The writer claimed the Commission does not vigorously enforce the Human Rights Law or work to remove barriers to housing choice and eliminate systemic discrimination in the housing market of New York City. According to Mr. Freiberg, that despite public statements by the Commission that it has a testing program, a review of its enforcement activity offers no evidence to support this claim. He stated there is no indication that the Commission is experienced in conducting testing investigations or using the results to challenge systemic housing discrimination in New York City.

In conclusion, the FHJC is of the opinion that the City of New York is unsuccessful in affirmatively further fair housing for its housing and community development activities by:

- Its inaction to eliminate systemic housing discrimination that persists in New York City neighborhoods;
- Engaging in planning and community development activities that reinforce racial segregation and concentrated poverty; and
- Its non-enforcement of fair housing laws to assist New Yorkers exercise their fair housing rights.

Commission on Human Rights response:

The Commission congratulates the Fair Housing Justice Center and similar groups for their hard work on behalf of all New Yorkers. The New York City Human Rights Law, by providing a private right of action for violations, acknowledges that the New York City Commission on Human Rights is not, and can not, be the sole venue to prosecute discrimination claims. I would point out that unlike these groups; the Commission does not have the luxury of focusing on one type of discrimination. The law requires the Commission to investigate and prosecute discrimination in employment, housing and public accommodations (stores, restaurants or any business open to the public). In addition, the Commission is also mandated to educate the public about the New York City Human Rights Law and foster positive intergroup relations. More than half our budget is dedicated to this purpose and we reach approximately one million people a year with our educational and outreach efforts.

The current Executive Staff of the New York City Commission on Human Rights has over 60 years of combined experience in criminal, as well as, discrimination investigations. Since 2002, we have had at least one and sometimes two retired New York City Police Officers on staff to assist with the training and supervision of testers. The Commission has conducted close to 1,000 tests for discrimination since the end of 2006, the majority of which involved housing, and 12% of which resulted in Commission initiated complaints. These numbers do not include testing done as part of an employment discrimination study with Princeton University or a housing discrimination study currently underway with Columbia University.

In addition, the Commission filed 4,393 complaints of discrimination since 2002; 972 involving housing discrimination. During the same period, the Commission closed 662 discrimination complaints in favor of the complainant; obtaining almost ten million dollars in monetary damages for complainants, over 1.3 million dollars in fines to the city, and Ordering 1,726 modifications allowing the disabled to continue in employment, and have access their homes and everything else that New York City has to offer.

The Commission does, in appropriate cases, attempt pre-complaint intervention and has been successful in almost 1,000 cases since 2002. Not all cases involve systemic discrimination and in many instances it is more important to get an individual their job back immediately to provide for their family or have a ramp built so they can get in and out of their apartment.

The Commission does claim that we are responsible for enforcing the most comprehensive civil rights law in the nation. What makes the law more comprehensive; however, is not just the number of protected classes as Mr. Freiberg contends; but rather the expansive view of what the law considers to be a disability, the fact that no accommodation is automatically considered to be unreasonable on its face, and the fact that the employer, housing provider or public accommodation is always required to pay for a disability accommodation; to name a few.

Lastly, substantial equivalency will not strengthen the law or enhance our enforcement. It would however, bring additional money into the agency, making it an attractive option in these difficult economic times. Becoming substantially equivalent to the Fair Housing Act would require amendments to the New York City Human Rights Law. These amendments are outside the control of the Commission.

The remainder of Mr. Freiberg's statements regarding the Commission's intake and investigative process, our complaint mechanism, and our general ability to enforce the law are clearly belied by the above-stated facts.

Department of Housing Preservation and Development response:

Please see the Department's response to Juan Ramos, Chair, Broadway Triangle Community Coalition (BTCC).

Summary Table of HUD Fair Housing, Outreach, Enforcement and Housing Counseling
Competitive Grants

FY: 2012

Affirmatively Furthering Fair Housing

Name of Jurisdiction: New York, New York

	Number of Organizations	Amount City Received in 2012 (A)	Amount City Received by Other Entities in 2012 (B)
i. Fair Housing Initiatives Program			
Private Enforcement Initiative (PEI)	4	\$0	\$1,624,999
Education and Outreach Initiative (EOI)	2	\$0	\$249,000
Fair Housing Organizations Initiative (FHOI)	3	0	\$974,995
<i>i. Subtotal Fair Housing Initiatives Program</i>	<i>10</i>	<i>\$0</i>	<i>\$2,848,994</i>
ii. Housing Counseling			
National/Regional	3	\$0	\$3,007,530
State	0	\$0	\$0
Local	0	\$0	\$239,251
<i>ii. Subtotal Housing Counseling</i>	<i>0</i>	<i>\$0</i>	<i>\$3,246,781</i>
TOTAL HUD FAIR HOUSING AND HOUSING COUNSELING	xx	\$0	\$6,095,775

As part of HUD's efforts to promote fair housing and increase fair housing choice, it designates funds through the annual SuperNOFA to Fair Housing Initiatives Program (FHIP) and Housing Counseling Program competitive grants. The following grants awarded to public and private fair housing programs in New York City will assist community leaders and residents, particularly low- and moderate-income residents, in using federal funds to develop viable communities and provide decent housing for all citizens, without discrimination.

i. Fair Housing Initiatives Program

Fair Housing Initiatives Program grants go to public and private housing groups and state and local agencies to investigate allegations of housing discrimination, educate the housing industry and public about housing discrimination laws, and promote fair housing. Three types of awards exist within the FHIP: 1) Private Enforcement Initiative, 2) Education and Outreach Initiative, and Fair Housing Organizations Initiative.

Private Enforcement Initiative (PEI) are grants not less than one year in duration to assist private, tax exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Fair Housing Act and substantially equivalent State and local fair housing laws. The PEI grants are divided into three components: 1) Lending Discrimination Component; 2) Performance-based Funding Component; and, 3) Multi-Year Funding Component.

In May 2012 HUD announced the grant awards under the 2012 Fair Housing Initiative Programs SuperNOFA. Four (4) New York not-for-profit organizations received \$1,624,999 in PEI awards for the three components (\$649,999; \$325,000; and \$650,000, respectively).

Education and Outreach Initiative (EOI) are grants approximately one year in duration to assist projects that inform the public about their rights and obligations under the Fair Housing Act and substantially equivalent State and Local fair housing laws. The EOI grants are divided into four components: 1) General Component; 2) Lending Component; 3) Higher Education Component; and Affirmatively Furthering Fair Housing Training Component.

In May 2012 HUD announced the grant awards under the 2012 Fair Housing Initiative Programs SuperNOFA. Two (2) New York not-for-profit organizations received \$249,000 in EOI awards. (\$124,000 for the General Component; and, \$125,000 for the Lending Component, respectively.)

Fair Housing Organization Initiative (FHOI) assist 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. The FHOI grants are divided into three components: 1) Continued Development General Component; 2) Lending Discrimination; and 3) Establishing New Organizations Component. Three (3) New York not-for-profit organizations received a total of approximately \$975,000 in 2012 FHIP SuperNOFA funds for Lending Discrimination.

In May 2012, three (3) New York not-for-profit organizations received approximately \$975,000 for the Lending Discrimination Component from the 2012FHIP SuperNOFA (column B).

i. Subtotal Fair Housing Initiatives Program

New York City non-profits received approximately **\$2,849,000** in 2012 FHIP competitive grant funds in 2012.

ii. Housing Counseling

HUD Housing Counseling Grants fund national and regional intermediary, state and local housing counseling organizations. National and regional intermediary housing counseling organizations provide a conduit for HUD funding to local affiliates and branches that provide information and education to low- and moderate-income households and enhance coordination among and improve the services of housing counseling providers. State and local housing counseling agencies offer consumers (current homeowners, prospective buyers or renters) information and education on a variety of housing topics, including information regarding the homebuying process, recognizing and avoiding predatory lending practices (through activities such as loan documentation review), personal budgeting and credit repair, default assistance and foreclosure avoidance, homeownership and tenancy responsibilities, and fair housing rights. Additionally, supplemental competitive grant funds are awarded specifically for reverse mortgage counseling conducted for senior homeowners who seek to convert equity in their homes into income that can be used to pay for home improvements, medical costs, living expenses, or other expenses.

Grant recipients help program participants realistically evaluate their readiness for a home purchase, understand their financing and down-payment options, and navigate what can be an extremely confusing and risky process.

In March 2012, HUD announced the FFY2012 Housing Counseling NOFA competitive grant awardees.

In 2012, three (3) New York City-based organizations received \$3,007,530 in HUD National and Regional Intermediary Housing Counseling Grants (column B).

In addition, eight housing counseling agencies received a total of \$205,776 under the local component (column B) for Comprehensive Counseling activities. In addition, one of the eight counseling agencies received a total of

\$33,475 to assist senior citizens seeking reverse mortgages or Home Equity Conversion Mortgages (HECM). Therefore, a total of **\$239,251** has been entered on line 3, column B.

ii. Subtotal Housing Counseling

New York City nonprofits received approximately **\$3,246,800** in Housing Counseling competitive grant funds in 2012 (column B).

Total Fair Housing Initiatives Program and Housing Counseling grants. In 2012, New York City did not receive any FHIP or Housing Counseling Grant Awards. Therefore, **zero** has been entered in Column A. In column B, New York City not-for-profits received a total of approximately **\$6,095,775**.

FAIR HOUSING COMPLAINT PROCESS FOR NEW YORK CITY RESIDENTS

All New York City residents in public and private housing may file jurisdictional housing discrimination complaints directly with the **New York City Commission on Human Rights**, the **New York State Division of Human Rights** or **U.S. Department of Housing and Urban Development**. These agencies will attempt conciliation between the two parties throughout the investigative process. Or if New York City residents choose, they may file directly with State or Federal court. For a list of addresses, please refer to next page.

NYC COMMISSION ON HUMAN RIGHTS

40 Rector Street
New York, NY 10006
(212) 306-7450

or call 311 and ask for the Commission on Human Rights

INTERNAL COMPLAINT PROCESS

Residents of government-owned or subsidized housing have the option of resolving the complaint internally with the fair housing office of the agency which subsidizes the housing where they reside.

New York City Housing Authority:

(212) 306-4468

TTY (212) 306-4845

Department of Housing Preservation & Development:

(212) 863-8033

TTY (212) 863-7934

Department of Homeless Services:

Voice and

TTY (212) 788-9941

If residents are dissatisfied with the resolution, they may file a complaint as described above.*

ASSISTANCE WITH DISCRIMINATION COMPLAINTS

Residents of public or private housing may receive assistance with discrimination complaints from:

1. CITY AGENCIES WITH SPECIAL CONSTITUENCIES:

Mayor's Office for People with Disabilities

(212) 788-2830 (Information and Referrals ONLY)

TTY (212) 788-2838

Department for the Aging

Call 311 and ask for the Department for the Aging

2. NOT-FOR-PROFIT ORGANIZATIONS AND CLINICS

Anti-discrimination Center of Metro New York

(212) 346-7600

New York Law School Clinic (212) 431-2176

Columbia Law School Clinic (212) 854-4291

The above agencies and organizations assist by advocating and mediating with public or private landlords or by helping residents to file a jurisdictional complaint as described above.*

* As a matter of policy and practice these agencies tend to refer people who want to file a formal complaint to the New York City Commission on Human Rights where possible.

LOCATIONS FOR FILING FAIR HOUSING COMPLAINTS

NYC COMMISSION ON HUMAN RIGHTS

40 Rector Street, NY, NY 10006

(212) 306-7450

or call 311 and ask for the Commission on Human Rights

NYS DIVISION OF HUMAN RIGHTS

TTY (718) 741-8304

Bronx and Manhattan

above West 42nd Street

163 West 125th Street, 4th Floor

New York, NY 10007

(212) 961-8650

Manhattan

below West 42nd Street

20 Exchange Place, 2nd Floor

New York, NY 10007

(212) 480-2522

TTY (212) 961-8999

Brooklyn, Queens and Staten Island

55 Hanson Place, 3rd Floor

Brooklyn, NY 11217

(718) 722-2856

STATE COURT

Bronx County

851 Grand Concourse,

Room 217

Bronx, NY 10451

(718) 590-3722

Kings County (Brooklyn)

Supreme Court Building

360 Adams Street

Brooklyn, NY 11201

(718) 643-8076

New York County

(Manhattan)

60 Centre Street

New York, NY 10007

(212) 374-4585

Queens County

88-11 Sutphin Blvd.

Jamaica, NY 11435

(718) 520-3713

Richmond County (Staten Island)

County Courthouse

Staten Island, NY 10301

(718) 390-5352

U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT

Office of Fair Housing and Equal Opportunity

26 Federal Plaza, Room 3532, New York, NY 10278-0068

(212) 264-1290, then press option 2

TTY (212) 264-0927

1 (800) 496-4244

FEDERAL COURT

Eastern District

(Brooklyn, Queens, and Staten Island)

U.S. Court House

225 Cadman Plaza East

Brooklyn, NY 11201

(718) 260-2600

Southern District

(Bronx, Manhattan)

U.S. Court House

500 Pearl Street

New York, NY 10007

(212) 805-0136

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