

**City of Kingston
Office of Community Development**

Fair Housing Plan



Analysis of Impediments

JANUARY 2012



Table of Contents

Executive Summary	4
Statutory and Regulatory Requirements	4
Analysis of Impediments to Fair Housing	5
Impediment #1: Lack of Independent Process to Determine Impediments and Administer a Fair Housing Plan.....	6
Impediment #2: Dissemination of Fair Housing Laws, Policies and Local Challenges	6
Impediment #3: Tracking and Interpreting Housing Trend Data	7
Impediment #4: Onerous State Regulatory and Approval Process (SEQR).....	7
Impediment #5: Imbalance between Cost and Value.....	7
Impediment#6: Shortage of Funding to Modernize Public Housing Units.....	8
Acronyms and Definitions.....	9
Section One: Preface.....	11
What is Fair Housing	11
Historical Overview	12
Purpose of Plan	13
Structure and Content of Plan	13
Section Two: City of Kingston Fair Housing Responsibilities.....	14
Section Three: Analysis of Impediments to Fair Housing.....	16
Background Component.....	16
Framework and Methods.....	16
Organizational Structure.....	17
Demographic Analysis.....	18
Population.....	19
Racial Characteristics.....	20
Incomes.....	21
Housing Stock	22
Families and Households.....	22
Vacancy	22
Loan Originations.....	23
All Loans by Ethnicity	23
Percentage of Government Backed Loans by Race and Ethnicity	23
Home Sales	24
Home Sale Trends: Median Sale Price.....	24
Crime	24
Fair Housing Complaint Data Component	25
HUD FHEO Complaint Data	25

Section Four: Findings Analysis.....27

Conclusions28

Fair Housing Compliant Data28

Conclusions29

Section five: Fair Housing Action Plan 33

Introduction..... 33

Impediment #1: Lack of Independent Process to Determine Impediments and

Administer a Fair Housing Plan34

Action Objectives..... 34

Action Tasks35

Progress Schedule35

Implementation Lead and Support35

Budget and Resource Commitment36

Monitoring and Evaluation36

Impediment #2: Dissemination of Fair Housing Laws, Policies and Local

Challenges36

Action Objectives..... 36

Action Tasks37

Progress Schedule37

Implementation Lead and Support37

Budget and Resource Commitment..... 37

Monitoring and Evaluation38

Impediment #3: Tracking and Interpreting Housing Trend Data.....38

Action Objectives38

Action Tasks38

Progress Schedule38

Implementation Lead and Support39

Budget and Resource Commitment..... 39

Monitoring and Evaluation39

Impediment #4: Onerous State Regulatory and Approval Process (SEQR)39

Action Objectives39

Action Tasks40

Progress Schedule40

Implementation Lead and Support40

Budget and Resource Commitment40

Monitoring and Evaluation41

Impediment #5: Imbalance between Cost and Value.....41

Action Objectives41

Action Tasks41

Progress Schedule42

Implementation Lead and Support42

Budget and Resource Commitment..... 42

Monitoring and Evaluation.....	42
Impediment#6: Shortage of Funding to Modernize Public Housing Units	43
Action Objectives	43
Action Tasks.....	43
Progress Schedule	43
Implementation Lead and Support	44
Budget and Resource Commitment	44
Monitoring and Evaluation	44
Attachments	45

Executive Summary

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

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

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

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

Other Statutes and Regulations Affecting Fair Housing Choice

The Age Discrimination Act of 1975

Title I of the Housing and Community Development Act of 1975, as amended

24 CFR 570.904 (c)(1)

Presidential Executive Orders

- 11063
- 11625
- 12138
- 12432

- 12892
- 11246

Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794)

The Americans with Disabilities Act (Title II), and Implementing Regulations

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u Section (3))

State Executive Order #6 which ensures equal employment opportunity for minorities, women, disabled persons and Vietnam veterans in state government employment

State Executive Order #19 prohibiting sexual harassment and intimidation in the workplace

Need for the Fair Housing Plan

The City received Entitlement Community designation in 2004. Identification of impediments to affordable housing was historically included in a section to the Five-Year Consolidated Plan. In the 2009-2013 Consolidated Plan the City identified the following impediments to the creation of affordable housing:

- State Regulations (SEQR)
- High Costs
- Low Values and Rents
- Access to Capital
- Crime
- Not In My Back Yard (NIMBY)

In 2011, HUD requested that Kingston complete a separate Analysis of Impediments to fair Housing Choice. The City of Kingston Office of Community Development was assigned the task of developing the new Fair Housing Plan. During 2011, representatives from the Office of Community Development (OCD) met with governmental organizations, not-for-profits and citizens involved in affordable housing development and management within the greater Kingston area. These group and individual meetings, combined with the experiences of the OCD staff formed the basis for identifying the impediments to fair housing that exist within the City of Kingston.

Analysis of Impediments to Fair Housing

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

Impediment #1: Lack of Independent Process to Determine Impediments and Administer a Fair Housing Plan

- The City of Kingston will adopt a Fair Housing Plan which will contain the initial analysis of the Impediments to Fair Housing along with proposed actions steps required to remove the impediment.
- At the end of each program year, the City will review the steps taken to remove these impediments and report their progress to the public.
- As part of the annual analysis and reporting process, the City will endeavor to identify additional impediments as well as any additional actions needed to be taken to eliminate previously reported Impediments to Fair Housing.
- The City will designate its Community Development Advisory Board as the body responsible for overseeing the administration of the City of Kingston Fair Housing Plan. The Board membership will be expanded to include one representative from the City Human Rights Commission, and two representatives from the City's low-income housing community.

Impediment #2: Dissemination of Fair Housing Laws, Policies and Local Challenges

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

Impediment #3: Tracking and Interpreting Housing Trend Data

- As part of the Fair Housing Plan implementation process, the City will develop a process to obtain current demographic, lending and general housing trend information within the region.
- The City will publish this data in its Five-Year Consolidated Plan, Annual Action Plan and in the annual update to the Fair Housing Plan.
- The City will use services such as PolicyMap along with information collected and disseminated through the American Community Survey, HMDA, Federal Reserve and HUD through www.huduser.org

Impediment #4: Onerous State Regulatory and Approval Process (SEQR)

- The City will continue to work with their Assemblyman and Senator to suggest and implement changes to the SEQR statute. Relieving the expensive, onerous and time consuming parts of the statute that have no bearing on preserving and protecting the environment would save the not-for-profit and for-profit development community tens of millions of dollars a year which in turn could be redirected to building and renovating housing units across the state.
- Failing to secure statutory relief, the City will complete Generic EIS's for strategic development areas like to Rondout Waterfront. This will be costly, but once done, some of the project delay and financial burdens imposed on the projects by the statute will be mitigated.

Impediment #5: Imbalance between Cost and Value

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

Impediment#6: Shortage of Funding to Modernize Public Housing Units

- Form a community based working group charged with identifying a program or programs that can be used to implement the Kingston Housing Authority's long range capital improvement program.
- Explore alternatives to the current public housing model.
- Develop a financing strategy using currently available resources and promote that plan with both state and federal funding agencies.

Acronyms and Definitions

Annual Action Plan

Annual Plan outlining the Recipients use of Community Development Block Grand award

ADA

Americans with Disabilities Act

AFFH

Affirmatively Furthering Fair Housing

AI

Analysis of Impediments to Fair Housing

CDA

City of Kingston Community Development Office

CDAB

Community Development Advisory Board

CDBG

Community Development Block Grant (24 CFR Part 570)

Consolidated Plan

Five-Year Plan required of HUD's Entitlement Communities

DOJ

Department of Justice

Fair Housing Officer

Director of Community Development

Familial Status

Includes children under the age of 18 living with parents or legal custodians, pregnant women and people securing custody of children under the age of 18>

FHB

Fair Housing Board (restructured CDBG CAB)

FHAP

Fair Housing Action Plan

FHEO

HUD's and New York State's Offices of Fair Housing and Equal Employment Opportunity

FHP

Fair Housing Plan

FOIA

Freedom of Information Act

Handicap

Disability

HOME

HOME Investment Partnership Program (24 CFR Part 92)

HMDA

Home Mortgage Disclosure Act

HUD

United States Department of Housing and Urban Development

H&CR

New York State Office of Homes and Community Renewal

MSA

Metropolitan Statistical Area

RBQ

Regulatory Barriers Questionnaire

UCHC

Ulster County Housing Consortium

Section One: Preface

What is Fair Housing?

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

In addition, New York State enacted laws to support the provisions of the Federal Fair Housing Act. Specifically the State enacted Executive Law Article 15, Human Rights law, the Fair Housing Act and the Equal Credit Opportunity Act.

Often persons who are not knowledgeable about fair housing law are puzzled by the concern that advocates and practitioners share about housing discrimination. They cite the areas small minority population and express dismay over making fair housing a local issue. Actually, everyone is a member of more than one protected class.

The Fair Housing Act and the State anti discrimination laws cover 10 protected classes. At close inspection, these protected classes apply to nearly everyone. Every person has a race, a color to their skin, a sex and a national origin. Many people practice a religion and even those persons who do not are protected if they are denied housing because they are not members of a particular religion. Many people are part of families with children, many are also married, some are elderly and many are either currently serving or have served in the military. The federal definition of handicap includes many forms of disability that are protected under the Fair Housing Act. The term “Handicap” has come to be understood as being derisive and is commonly replaced by “Disability”. This Fair Housing Plan uses “Disability” except where “Handicap” relates specifically to the Fair Housing Act or related acts, which use the word. It is within this understanding of the importance of housing choice in our lives and the broad applicability of fair housing law that the City of Kingston has prepared its Fair Housing Plan.

Since this is the City of Kingston’s first Fair Housing Plan, the City has no prior experience in managing the process. However, the City believes it has taken the appropriate steps to establish an inclusive process for developing and implementing this Plan. The development of this 2012 Plan is not intended to be an exhaustive research and analysis exercise designed to uncover every possible aspect of the impediments identified, the revenues needed, and the actions to be taken, and to catalogue them in a single

document. Neither time, nor other factors would permit such an undertaking. As part of both the Annual Action Plan and Five-Year Consolidated Plan processes, this Fair Housing Plan will be periodically updated and revised to reflect new information, changing conditions, and evolving strategies to affirmatively further fair housing within the City of Kingston.

Historical Overview

The United States Department of Housing and Urban Development (HUD) provides Federal funding to the City of Kingston for its housing and community development programs through the Community Development Block Grant (CDBG). The City became an Entitlement Community under the CDBG program in 2004. Since 1983, the CDBG statute has contained a requirement that recipients of CDBG funding certify that they will affirmatively further fair housing (AFFH) in the administration of the CDBG program. This AFFH requirement, however, was not reflected in the CDBG regulations until 1988. During that same year, HUD developed Fair Housing Review Criteria that describes the activities that HUD deems acceptable when reviewing grantee AFFH performance.

In enacting the Affordable Housing Act in 1990, Congress set forth regulations requiring the preparation of Comprehensive Housing Affordability Strategies (CHAS). Under the 1992 CHAS regulations, HUD referenced its previously developed Fair Housing Review Criteria. HUD published its Consolidated Plan regulations in 1995. The Consolidated Plan combined the CHAS and Community Development Plan required by the CDBG program, and the submission and reporting requirements of the CDBG Program with other HUD housing programs. As part of the Consolidated Plan, HUD requires CDBG grantees to submit certification to AFFH.

The extent of a grantee's obligation to AFFH has never been identified in any statute, HUD, However, defines the grantee's obligation to AFFH to include the preparation of an analysis of impediments to fair housing choice within the grantee's jurisdiction, and implementation of actions to overcome the effects of any impediments identified as a result of preparing the analysis. HUD also requires grantees to maintain records reflecting their activities with regard to the analysis and actions taken to meet their AFFH obligations.

Overall, AFFH is the governmental responsibility to ensure its plans, policies and practices are promoting fair housing choice for individuals. AFFH is the positive action taken to discover and change any discriminatory policies and practices that exist within the community. Plus, it is the governmental action taken to encourage, educate and enforce (where necessary); individuals, organizations and businesses to act in non-discriminatory ways that affect an individual's fair housing choice.

Purpose of the Plan

The purpose of the Fair Housing Plan is to set the stage for community change that will remove systematic impediments to fair housing while helping create and improve the climate of fair housing choice in the City of Kingston. The Plan will:

- Provide documentation of the fair housing planning process;
- Educate and raise awareness among the public, public officials, advocate groups and housing providers;
- Establish the need for the proposed actions;
- Indicate appropriate actions and their intended outcomes;
- Identify the need for community partners that can offer resources or accept responsibility for parts of the Plan; and
- Provide for periodic review, evaluation and revision of the Plan as part of the Annual Action Plan and Consolidate Plan process.

Structure and Content of the Plan

The City of Kingston's 2012 Fair Housing Plan contains six sections.

- **Section One** contains a preface that provides a background on fair housing, fair housing planning, a historical overview of fair housing requirements and a statement of purpose and an outline of the structure and content of the 2012 Fair Housing Plan.
- **Section Two** provides a discussion of the City of Kingston's fair housing responsibilities under the Consolidated Planning regulations.
- **Section Three** contains the Analysis of Impediments to Fair Housing. Section Three is subdivided into three components – Background, Demographics, Compliant Data and Education
- **Section Four** offers an analysis of the findings presented in Section Three.
- **Section Five** contains the Fair Housing Action Plan. The Action Plan lists the objective, task, schedule, implementation, resource and evaluation recommendations for each of the impediments to affirmatively furthering fair housing identified.
- **Section Six** identifies comments from the public hearing(s) and meetings as well as actions taken by the City to address them.
- **Attachment** identifying the Fair Housing Plan Advisory Group members (expanded CDAB)

Section Two:

City of Kingston Fair Housing Responsibilities

The City of Kingston has the dual responsibility to undertake fair housing planning for those projects and programs funded by the Community Development Block Grant (CDBG) Program, and also to support fair housing throughout its jurisdiction. This obligation, therefore, is not restricted to only the design, operation and administration of programs and projects funded by the CDBG program. The obligation to affirmatively further fair housing (AFFH) extends to all housing and housing-related activities within the City's jurisdiction. The City of Kingston also has the leadership responsibility to seek input and cooperation from other governmental agencies, community and business organizations, and the public in the preparation and execution of its Fair Housing Plan.

The City of Kingston's Consolidated Plan includes certifications that, as a recipient of CDBG funds, the City of Kingston will affirmatively further fair housing. Specifically, 24 CFR Part 91, Consolidated Submissions for Community Planning and Development Programs, 91.225, Certifications, (a) Affirmatively Furthering Fair Housing, requires Kingston to conduct "...an analysis to identify impediments to fair housing choice..." within the City, to "...take appropriate actions to overcome the effects of any impediments identified...", and to maintain "...records reflecting the analysis and actions...". Collectively, documentation of compliance with these three requirements constitutes the Fair Housing Plan.

The AFFH provisions are principal and long standing components of the housing and community development program financing provided by the United States Department of Housing and Urban Development (HUD). These provisions originate from the mandate of Section 808 (e)(5) of Title VIII of the Civil Rights Act of 1968, as amended. This Act requires the Secretary of HUD to administer all of its housing and urban development programs in a manner which affirmatively furthers fair housing. The obligation of the City of Kingston to AFFH arises from these same statutory and regulatory requirements governing the receipt of Federal funding for its housing and community development program. As a recipient of Federal funding, the City of Kingston certifies that it will comply with these provisions to affirmatively further fair housing in the administration of its CDBG Program.

As such, the City of Kingston is committed to the elimination of segregation and other discriminatory housing practices. In support of this commitment, the City proactively monitors potential discriminatory activities both through its community development office and the City of Kingston Human Rights Commission.

The fundamental goal of the City of Kingston’s fair housing policy is to make fair housing choice a reality through the ongoing fair housing planning, community outreach, education and referral. In achieving this goal, the City will employ a full range of programmatic tools and resources available to promote fair housing choice in Kingston.

Section Three:

Analysis of Impediments to Fair Housing

The first step and critical component of the Fair Housing Plan is the Analysis of Impediments to Fair Housing Choice (AI). Fair housing choice is an individual's right to have free and equal housing opportunities within their means to suit their needs. Impediments to fair housing choice are any actions, omissions, or decisions taken which restrict or have the effect of restricting the availability of choices in housing on the basis of race, color, religion, sex, handicap, financial status or national origin.

Because fair housing choice is so important to individual and community well-being, government officials, business leaders and private citizens must strive for the goal of fair housing and equality of opportunity to be achieved. This AI will provide the data and information to serve as the basis for the City of Kingston's fair housing planning and action strategies.

Background

The City of Kingston was designated an Entitlement Community in 2004. Since that time, the City has included its AI in the Five-Year Consolidated Plan. This is the first time the City of Kingston has completed a separate Fair Housing Plan. In recent CDBG funding years the City of Kingston has received Community Development Block Grant funding ranging from a low of \$700,000 to a high of almost \$1,000,000 when the CDBG award is added to the formula based Entitlement amount.

Historically, the City of Kingston has been a place where housing has been freely available to all including those with special needs and the most economically disadvantaged. Kingston, the largest city in Ulster County and the County Seat has always embraced its role as the regional center for trade and services and as such has worked diligently to integrate all persons into the Kingston housing community by promoting and safeguarding the right of unimpeded access to housing for all.

Since this is the first step in expanding the analysis and information previously studied and included in the Five-Year Consolidated Plan, the City expects that this Plan, along with additional studies and information gathered through the ongoing AI process, will allow for the better identification of Impediments to Fair Housing Choice in the future.

Framework and Methods

The scope of the AI is broad and comprehensive. It includes a review of Kingston's housing statistics and population and related demographics for comparative

purposes. The AI process also included a review of the City and County's laws, regulations and administrative policies procedures and practices to see whether they present any impediments to the location, availability and accessibility of housing. The process also included an analysis of potential physical barriers to accessibility and the City's response in removing physical impediments to the accessing housing.

Also, as part of the AI process the City assessed other public and private conditions that may constitute impediments to or affect fair housing choice. This involved a review of fair housing complaint statistics, fair housing and human rights data, and other appropriate and relevant sources of information that would identify impediments to fair housing choice.

It is important to note that the U.S. Department of Housing and Urban Development (HUD) directs grantees to prepare their AI using existing data and information sources. Therefore, the City of Kingston's AI is limited to those existing housing and demographic studies and reports, ordinances and codes, and other applicable data and information that could be identified in the research phase of its fair housing planning process. Additional sources of pertinent data and information may be available and will be included in the AI as the City of Kingston Fair Housing Plan is periodically updated with the Consolidated Plan. Other data and information may be needed to further develop the AI, but, unfortunately, may not be available at this time. The additional data and information needed will be identified as impediments to fair housing are discovered and subsequently listed as activities to be completed under the Action Plan component of this Fair Housing Plan as it is updated over time.

Organizational Structure

In keeping with its responsibilities and to determine the existence, causes, nature and extent of fair housing problems that may exist within Kingston as well as to identify resources available to prevent and resolve the fair housing problems, the City requested that the Community Development Office conduct outreach to governmental agencies, not-for-profits, housing coalitions, private and not-for-profit developers, private and not-for-profit housing providers, housing counselors, realtors, lenders, housing advocates and private citizens in a effort to ascertain the extent that fair housing choice is impeded in the City of Kingston. In addition, the City, as part of this Fair Housing Plan decided to restructure its CDBG Citizens Advisory Board to included members of the human rights and affordable housing community, and act as its Fair Housing Board (FHB).

The CAB/FHB is herein charged with the responsibility to:

- Assist the City of Kingston AI reviewing applications for CDBG funding and provide recommendations for programs and projects to receive CDBG funding; and
- Review the Consolidated Plan including the Annual Action Plans, and provide comments and propose amendments; and
- Act as the supervisory board for implementing the City of Kingston Fair Housing Plan.

It is envisioned that the CDBG/FHB will become the standing committee responsible for assisting the City of Kingston in implementing its ongoing fair housing planning and implementation process, and amending this 2012 Fair Housing Plan over time.

This Fair Housing Plan and each subsequent update, like the initial Analysis of the Impediments to Fair Housing Choice which will be presented to the Board of Alderman upon approval and will be published and disseminated for public review and comment in compliance with the City's Citizen Participation Plan requirements which are part of the City's Consolidated Plan. Upon the receipt of the public input to its Fair Housing Plan, the City will prepare a final document and address these comments in each new update to this Fair Housing Plan. It is also important to note that, in addition to the previously listed organizational structure, the City of Kingston has designated both an Americans with disabilities Act (ADA) and Section 504 Coordinator within the Planning and Community Developments offices. All recipients of Federal funds are required to designate a person or persons responsible for ensuring compliance with ADA and Section 504 requirements.

Demographic Component of the Plan

A review of key population, housing and other demographic data for the City of Kingston forms and will form the basis for the analysis of the Impediments listed in this Plan and all future AI's. In order to assure comparability across the multiple factors selected for analysis, the population and housing data and information were sourced taken from a recognized and widely accepted standard source – the United States Census Bureau data for the City of Kingston, Ulster County and the State of New York. Please note that some small differences in the reporting may appear due to certain tabular data being available from 100% count information versus only sample data sources within the Census such as that seen in the yearly updates contained within the American Community Survey.

Such a comparative examination of the City of Kingston's demographics does provide appropriate insight regarding the extent of equal access to housing within the community. The following portion of the Fair Housing Plan will review population, race, ethnicity, income, mortgage data and other demographic characteristics including, but not limited to housing types, patterns and occupancies to determine

the affect they may have on the ability of protected classes with similar income levels, to access a range of housing choices within the marketplace.

Population

The United States Census reports that the overall population of the State of New York grew 2.1% in the decade between 2000 and 2010. Considering the growth factors of births, deaths, and the balance of in and out migration, New York’s population of 18,976,457 persons increased to 19,378,102 by 2010. The Census reports a very similar growth rate for Ulster County. Over the same ten-year period, the population of Ulster County increase 2.7% from 177,749 to 182,493 persons. Conversely, the population of the City of Kingston declined by 3.37% falling from 23,387 to 22,599 persons (ACS 2009 estimate). Along with the gross numerical changes, the racial and ethnic composition of the City changes slightly as depicted in Table 1.

Table 1:

Population Characteristics of Kingston, New York - 2010 Data			
	2000	2010	%+ / (-)
Total Population	23,387	23,893	1.9%
White	18,932	17,494	(7.6%)
Black	2,974	3,478	1.2%
Hispanic or Latino*	1,486	3,203	115%
Other	1,481	1,732	15.95%
White not Hispanic		16,065	N/A

*of any race

Based on the slight gain in population, and the corresponding changes in the racial and ethnic composition of the City, the investigation and analysis of this data undertaken by the City indicates that the population changes in the period between 2000 and 2009 have had no discernible impact on a person’s right to fair housing choice in the City of Kingston.

Aside from the numerical changes, during the same decade of the 2000’s, the distinguishing characteristics of the City of Kingston’s population changed slightly. Although there are a number of population factors that could be included, the following characteristics relevant to fair housing were selected:

Disability Population: Persons with disabilities are a protected class under the Fair Housing Act. The U.S. Census reports non-institutionalized persons within the general population who have mobility, self-care and other disability. The City of Kingston non-institutionalized disabled population between the ages of 18 and 64 as reported in the 2005-2007 American Community Survey is estimated to be 2,741 or 11.4% of the total population. This percentage does not represent a large increase over the number of persons with disabilities reported in the 2000 Census. The estimated

breakdown of the persons with disabilities listed by type is outlined in Table 2 on the following page.

Table 2:

Persons with Disabilities Ages 18-64	
Hearing	265
Vision	207
Cognitive Difficulty	719
Ambulatory Difficulty	889
Self-Care Difficulty	202
Independent Living Difficulty	459
Total	2,741

Senior Population: For the purposes of this analysis, persons aged 65 or older are defined as senior. The U.S. Census reported in 2010 that the City of Kingston had a population of 3,632 a decrease of 371 from the 2000 Census. Although these same elderly persons may be included in the Census reporting for persons with disabilities, there is no method for disaggregating the reporting. In any event, these statistics mean that the City had 371 fewer elderly persons seeking accessible housing which temporarily relieves the burden of creating more accessible senior units. However, demographers are predicting that the number of seniors living in Kingston will start to increase as the larger age cohorts of Baby Boomers require housing.

Minor Population: Persons less than 18 years are considered by law to be children and minor persons. Further, persons within this age category are a protected class under the familial status requirements of the Fair Housing Act. The 2010 Census reported 5,209 minors in the City of Kingston down 398 from the 5,607 reported in 2000.

Family Household Population: Because the Fair Housing Act protects families with children against housing discrimination, family and household demographics are a consideration. In 2000 the average family size in the City of Kingston was 3.02 persons in 2010 that number dropped to 3.01, essentially no change. The number of family households containing at least one person less than 18 years of age dropped in 2010 to 2,825 which was down 154 from the 2,979 recorded in 2000. These family statistics and minor child data above reveal that Kingston has fewer households with minor children seeking housing, education, shopping and services during the last decade which is relieving the burden of providing fair housing choice.

Minority Population: The Fair Housing Act protects against housing discrimination on the basis of race and color. The U.S. Census provides data on the number of persons within the general population who may be Black or African American, American Indian

or Alaskan native, Asian, Native Hawaiian or Pacific Islander, or some other race. See table 2 for a breakdown of the racial composition of the City of Kingston.

Ethnic Population: The Fair Housing Act protects against housing discrimination on the basis of national origin. The largest such ethnicity in the City of Kingston is Hispanic. In 2000 the City of Kingston was home to 1,486 Hispanic residents. In 2010 that number increased to 3,203. This is an increase of 115%. Despite barriers to language, this large migration of a particular ethnic group came to Kingston seeking housing, jobs, education and other services. Fortunately, this in-migration did not place stress on the availability and choice of housing since the rise in the Hispanic population was offset almost one to one by a corresponding decline in the White population.

Refugee In-migration: The City of Kingston has experienced no refugee in-migration during the Census sampling period 2000 to 2010.

Income

The U.S. Census reports income characteristics of the population on various bases individual persons, families and households. For the purposes of this report, household income was selected as the basis for the following analysis presented in tabular form:

Table 3:

Median Household Income Kingston, New York	
2000	2010*
\$31,594	\$45,714

*American Community Survey 2009 est.

Table 4:

Income Range by Household Kingston, New York*		
Income Range	Number of Households	Percentage
Less than \$25,000	2,438	25.91%
\$25,000 - \$34,999	1,147	12.195
\$35,000 - \$49,999	1,498	15.92%
\$50,000 - \$74,999	1,986	21.11%
\$75,000 - \$99,999	1,151	12.23%
\$100,000 - \$124,999	478	5.08%
\$125,000 - \$149,999	400	4.25%
\$150,000 or more	312	3.32%

*American Community Survey 2009 est.

Eligibility for a variety of assistance programs is predicated on the income status of the household. One such measure of income status is HUD's definition of low and moderate-income (LMI) household. Moderate-income is measured at 80% of median income where as low income is measured at 50% of median income. Very low income

and/or poverty status is often considered at the 30% of median income level. Calculations at the 80% level were made of the median income family data provided by the U. S. Census to determine the number of LMI families in the City of Kingston. These calculations found that 53.23% of all Kingston residents are classified a low or moderate-income and 2,304 families had median incomes below 80%, 1,519 below 50% and 750 below 30% of Kingston median income. (American Community Survey data)

Housing

The American Community Survey, U.S. Census reports that the City of Kingston has 10,396 housing units of which 9,410 are occupied. Of the occupied units, 4,483 are owner occupied and 4,927 are renter occupied.

Levels of ownership in excess of 50% are positive indicators of stability in the community and access to employment, income and financial resources necessary for the purchase of residential real estate. In the middle to late 1990's, the City of Kingston had experienced massive job losses when IBM closed a major research and manufacturing facility adjacent to the City in the Town of Ulster. The loss of IBM removed over 7,000 jobs from the region. The lower than desired ownership rates are a lingering result of this economic loss. In 2000, the City had 9,871 occupied housing units and the ratio of owner occupied to renter occupied was 53% to 47% respectively. The City has seen over 15 years of housing stagnation which has resulted in a continuing undesirable ratio of home ownership to rental occupancy. The continued real estate depression is likely to continue to suppress the rate of homeownership for the foreseeable future. Even with record low mortgage interest rates, appreciation uncertainty is discouraging those qualified to secure a mortgage from purchasing homes.

Housing condition does not present a significant problem in the City. 99.2% of all owner-occupied housing has full plumbing and a kitchen while 98.6% of rental housing has full plumbing and 98.7% have full kitchen facilities. The lower percentages for rental units is somewhat skewed by the existence of a small number of SRO's located in the City. 57.5% of the City's housing units were constructed prior to 1939 while only 2.5% were constructed after 2000. The age of the housing stock in the City requires owners to spend more money both on energy and routine maintenance and repair. Only .2% of the City housing units reported no heating source.

The 2011 reported rental vacancy rate in the City of Kingston is 7.74%. Normally a vacancy rate above 5% is considered to be healthy. This means that prospective renters in the City of Kingston have an abundance of apartments to choose from which tend to hold down rents which help make rental housing affordable. This may account for the lack of fair housing complaints as renters devote their energies to finding another

housing option rather than pursuing redress for unlawful treatment through the complaint process.

The housing stock by types is shown in Table 5.

Table 5:

Housing Unit by Type Kingston, New York		
Type of Unit	Number of Units	Percentage of Units
Single Family Detached	4,899	47%
Single Family Attached	210	2%
Two Unit Homes and Duplexes	1,934	19%
Units in Small Apt. Buildings	3,002	29%
Units in Large Apt. Buildings	351	3%
Total	10,396	100%

Mortgage Origination Data

Since fair housing choice also includes one’s ability to secure financing for a home purchase within a price range that is affordable given the purchasers financial position, the following tables are included to illustrate recent mortgage activity and the sales and pricing trends evidenced in the City of Kingston housing market.

Table 6:

Home Sales Kingston, New York					
	2006	2007	2008	2009	2010
Number of Sales	337	277	184	214	246
Median Sales Price	\$180,200	\$179,250	\$165,000	\$147,000	\$146,000

Table 8:

Home Sales Trends: Median Sales Price Variations Kingston, New York							
	2001-06	2003-06	2005-06	2006-07	2007-08	2008-09	2009-10
% Change	125.25%	52.71%	6.0%	(.53%)	(7.95%)	(10.91%)	(.68%)

Table 9:

Loan Originations Kingston, New York						
	2004	2005	2006	2007	2008	2009
# of Loans	718	712	602	408	264	303
Median Loan Amount	\$116,000	\$143,000	\$151,500	\$163,500	\$138,000	\$140,000
Purchases						
# of Loans	273	293	257	200	126	129
Median Loan Amount	\$135,000	\$165,000	\$171,000	\$178,000	\$161,000	\$142,000
Refinancing						
# of Loans	445	419	345	208	138	174
Median Loan Amount	\$101,000	\$127,000	\$136,000	\$143,500	\$117,500	\$133,000

Table 10:

Loans by Ethnicity Kingston, New York						
Loans to Hispanics	2004	2005	2006	2007	2008	2009
Number of loans	39	48	69	30	19	16
Median Loan Amount	\$105,000	\$135,000	\$150,000	\$161,500	\$139,000	\$166,500
Loans Non-Hispanics	709	821	682	509	326	310
Median Loan Amount	\$105,000	\$124,000	\$130,000	\$140,000	\$117,000	\$124,500

Table 11:

Percentage of Government Backed Loans by Race and Ethnicity Kingston, New York				
	2005	2008	2009	2010
Hispanic	2.7%	25.0%	51.1%	51.5%
Non-Hispanic	2.1%	17.4%	35.0%	29.8%
Non-Hispanic Black	1.4%	39.1%	63.6%	57.9%
High Interest Rate Loans				
Hispanic	30.1%	*	*	*
Non-Hispanic White	14.5%	6.9%	3.4%	*
Non-Hispanic black	42.0%	*	*	*

*Insufficient Data

The trends indicated from the above data suggest prove that the market for homeowner purchases and refinancing has not improved significantly from the start of the housing market decline in 2007-2008. Despite historically low interest rates, homeowners and potential homeowners are still not borrowing to improve or acquire property. This is partially due to more stringent credit guidelines that eliminate marginal borrowers from the market, and a fear that property values have not reached bottom. Table 11 indicates that the demand for higher interest loans (weaker credit/higher risk) has completely dissipated. Also, the use of government guarantee products has increased dramatically since the advent of the housing collapse. This is a

clear indication of banks unwillingness to take credit risk based on market conditions and borrower credit ratings.

Overcrowding

Housing overcrowding is not a problem in the City of Kingston. According to the American Community Survey, in 2009 it was estimated that 99.3% of all owner occupied housing had one or less persons per room, and 95.5% of all renter occupied units met the same standard.

Fair Housing Complaint Data

A primary measure of the impediments to fair housing choice within a community is a review of fair housing complaints. A complaint is someone's opinion that they were not treated fairly. Complaints are not a judgment that discrimination has occurred. The City of Kingston received one complaint during 2011 that was unable to be acted upon due to the inability to locate the complainant and verify the issues included in the complaint.

There are three major sources of such data for the City of Kingston – the United States Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity (FHEO), the City and County Human Rights Commission.

For future years the City of Kingston will maintain a database of all fair housing complaints received from HUD, Ulster County or the City of Kingston Human Rights Commission.

The database will contain the type of complaint, and a complete description of the outcome of the investigation including the record of any adjudication. Attached as Exhibit 1 are the instructions for filing a fair housing choice complaint with the United States Department of Housing and Urban Development.

Housing and Human Rights Surveys/Studies and Outreach Education Component

There have been not current studies relating to housing discrimination in the City of Kingston. However, as part of the ongoing analysis of the impediments to fair housing choice, the City of Kingston Office of Community Development will be circulating housing choice questioners through the Ulster County Housing Consortium (UCHC). The findings reported from the data received will be used to better assess whether impediments to fair housing choice exists in the City of Kingston. In addition, the City will complete and ask Ulster County to complete a regulatory barrier questionnaire. The questionnaire reports the City and County's performance in removing regulatory barriers to affordable housing. This proactive effort will qualify organizations within

the City of Kingston for “bonus” ratings points when making applications for a wide range of HUD programs. The RBQ will be available on the City’s web site.

Section Four:

Findings Analysis

Housing choice is having the equal and free access to those residential opportunities that are fundamental to meeting individual and family needs and goals. In that housing choice is so important to individual and community well being, government officials, business leaders and private citizens must strive for fair housing if equality of opportunity is to be achieved.

The purpose of the Analysis of Impediments (AI) to Fair Housing Choice is to provide the data and information that will serve as the logical basis for the City of Kingston's fair housing planning process and the action strategies targeted to eliminating and/or mitigating impediments to housing choice. The following findings have been distilled from the entire AI analysis process. These findings serve as the basis from the Action Plan goals and objectives are derived.

Overall, in the ten-years from the 2000 to 2010, except in the performance of the housing market, the City of Kingston has seen very little change in its statistical and demographic profile. Population has remained constant at only 1.9% above the 2000 levels. The senior population decreased by 371 persons and the number of minors also declined by 398 persons. The number of households with a person less than 18 years of age declined by 398.

The ratio of owner occupied housing to renter occupied housing has remained constant at 47 and 53 Percent respectively. Since there was relatively little new construction, the housing stock of the City remains relatively old in comparison to the communities surrounding the City of Kingston. While the surrounding communities have become wealthier, the City has become slightly poorer with 52.23% of its residents now being classified as low and moderate-income.

The City became slightly more diverse. Although still predominantly a homogeneous culture, the Census data reveals that the population of the City of Kingston is steadily diversifying without significantly adding population. The decade saw the City's White population decline by 7.6% while the Hispanic population grew by 115%, the Black population by 1.2% and remainder of the Non-White population increased by 15.95%. *With increases in the numbers of protected class persons, the number of complaints may increase as they seek housing, employment and other services.* The trends suggest that the City of Kingston will experience similar demographic changes through 2013, the expiration of the City's Five-Year Consolidated Plan.

Home Mortgage Disclosure Act (HMDA) reports for years 2004 through 2010 indicate a relatively moderate level of sub-prime lending activity. In fact, the number of higher

than market interest rate loan activity seems to have ended in 2009. HMDA reports insufficient data for Hispanic and Non-Hispanic Black since 2008 and for Non-Hispanic White since 2008. The overall number of loans regardless of race and ethnicity has declined from 709 in 2004 to 310 in 2009, and the number of loans to Hispanic applicants, the fastest growing segment of the City of Kingston population has declined from 39 in 2004 to 16 in 2009. While banks are issuing fewer mortgage commitments, the percentage of those mortgage loans that are backed by the government has increased significantly. The percentage of government backed loans as a percentage of all mortgages to Non-Hispanic Blacks and Hispanics has increased to 57.9 and 51.5 percent respectively. This is a clear indication that banks are lending fewer dollars without government guarantees. *One concern is that the drop in loan volume to the fastest growing ethnic group in Kingston may indicate an emerging impediment to fair housing choice.*

Conclusions

- The City of Kingston is slowly becoming more diverse ethnically. From the general demographic data and information reviewed, there does not appear to be actionable findings that are within the scope of the resources and fair housing responsibilities of the City of Kingston. *The City of Kingston should continue to monitor demographic shifts and the distribution of ethnic and racial minorities in the community to determine that this distribution is not a result of housing discrimination.*
- The City is also becoming poorer and the same concerns affecting diversity should be monitored as they may impact housing choice for the lower income residents of the City of Kingston.
- There appears to be no other protected class that may be at risk of not being able to achieve free and unencumbered access to housing.

Fair Housing Complaint Data Findings

In 2011 the City received one fair housing choice complaint. As stated previously, the complaint could not be investigated due to the City's inability to locate the complainant and verify any of the allegations of housing discrimination.

Survey/Studies and Outreach

As stated earlier, although there have been no recent fair housing choice complaints, some illegal activity may be occurring within the City of Kingston that is not reported for a number of reasons. In an effort to ascertain why these sets of circumstances exist and why complaints have been few a far between, the City proposes to work with the Ulster County to complete a survey to find out why this situation exists. The survey questions will generally address the following areas:

- Determine whether the general population and the housing industry have a clear understanding of Federal, State and local laws relating to fair housing choice. *Does the lack of complaints indicate a lack of knowledge concerning the laws and regulations governing the access to fair housing choice? We believe that may be the case which buttresses the belief in the underlying need to conduct outreach and education on fair housing law and practices, as well as, what local, state and Federal agencies exist to assist in cases of housing discrimination.*
- The findings suggest that the general population believes that discrimination is occurring against members of certain protected classes in Kingston. Although the level of complaints would indicate just the opposite, the general population believes that many fair housing choice violations are not reported to the authorities due to the impediments contained in the previous finding and possibly because of the complainant's immigration status. *Again, given this rather consistent finding, and impediment to fair housing choice is that of a need for on-going outreach and education.*
- The Third finding concern is the potential lack of coordinated, consistently formatted and centralized information concerning housing discrimination complaints. *Given this concern, potential impediment to fair housing choice can be averted by the coordination among the enforcement agencies concerning the kind of data needed to be maintained, the format of that complaint data and the availability of the information resource.*
- The fourth identified finding relates to the continued difficulty in obtaining capital for homeownership opportunities and to create rental housing for all economic levels. *Lending data suggests an acute lack of access to capital. Removing that impediment will require cooperation from the state, Federal and local government as well as the banks. A program must be developed to address this need and with the resources at hand, the City will require assistance from the County and State to solve this problem.*

Conclusion

A substantial lack of knowledge exists both among the general public and housing professionals as to what constitutes housing discrimination, what the Fair Housing Law covers and whom to contact in such circumstances to seek relief from housing discrimination.

Compliance Stewardship Findings

Performance Finding: The City of Kingston will diligently discharge its responsibility of promoting and monitoring fair housing choice within its jurisdiction through the implementation of this Plan. *The transition from HUD Small City funding to Entitlement Community funding delayed the process of establishing and implementing this Fair Housing Plan. With its acceptance by HUD and subsequent adoption by the Board of Alderman, the City will remove one obstacle standing in the way of fully implementing fair housing choice in Kingston.*

Conclusion

Maintaining progress toward the goals and objectives identified in the action plan components of the City's fair housing documents will greatly assist in addressing the findings of the AI and assuring an ongoing fair housing planning process.

Organizational Finding: Another finding concerns organizational issues related to fair housing compliance. Although the Office of Community Development (OCD) has the responsibility for affirmatively furthering fair housing under Community Development Block Grant Regulations, other organizational elements of the City of Kingston also have responsibility concerning some of the same protected classes covered by the Fair Housing Act.

As noted earlier in the document, the City of Kingston has the responsibility to undertake fair housing planning for those projects and programs funded by the Community Development Block Grant Program (CDBG), and also support fair housing throughout its jurisdiction. Although the City has this stewardship responsibility to affirmatively further fair housing choice, Kingston has not discharged its responsibilities under and approved Fair Housing Plan.

Fair Housing Officer (FHO): The Director of the Office of Community Development currently acts as the City of Kingston Fair Housing Officer, but the role of the person occupying that office has never been fully defined for administrative purposes, and the general public have never been given more than anecdotal information at public hearings, or in the Consolidated plan as to what department and specifically what individual is responsible for administering the provisions of the Fair Housing Act in Kingston. Further, the regulation and enforcement of the Americans with Disabilities Act and Section 504 was delegated to the Planning and Building Departments.

The CDBG Citizen Advisory Board: Since the City of Kingston had never previously adopted a Fair Housing Plan, the role of the CAB was loosely defined as the body participating in providing guidance and programmatic input in the City's operation of its Community Development Block Grant Program. The City of Kingston Human Rights

Commission's role was likewise loosely defined as it relates to the enforcement of fair housing choice.

Conclusion: The organizational inconsistencies identified above represent a possible impediment to fair housing.

Coordination Finding: Although the City of Kingston has attempted to ensure compliance with a wide range of civil and human rights laws and regulations required by the Federal government, over time, and with few, if any complaints being received, this effort became fragmented and did not receive the attention required by the laws, regulations and executive orders. Responsibilities for affirmatively furthering fair housing, assuring equal opportunity in employment, barrier free access to facilities and programs and related compliance among overlapping protected classes under the Fair Housing Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, et.al, have been assigned to various Departments within the City structure. This informal and bifurcated approach to civil and human rights has resulted in limited communication, lack of cross training, and absence or unawareness of the knowledge and responsibilities among the Departments involved. This approach has left staff and volunteer Board Members grappling with policy conundrums, consumers and housing providers without adequate customer service from their local government, rendered the City vulnerable to potential litigation.

Conclusion: In order to achieve the level of ongoing maintenance of progress toward its fair housing goals and objectives, the City of Kingston must recognize the need for proactive leadership and sustained commitment to steward the regulatory compliance required to affirmatively further fair housing. Such stewardship will require the City to continually assess the organization and operation of its fair housing program, and make changes when necessary. Achievement of this organizational task will assist in generating positive coordination and performance toward meeting the City's fair housing and other human rights goals and objectives. This achievement will also enhance the City's effectiveness and efficiency in ensuring compliance with HUD and other regulatory agencies.

Information Access Findings

When a person believes they have been discriminated against or some other compliance issues arise, confusing and inaccessible sources of information concerning their rights and responsibilities under the law compounds the individual's level of frustration and hopelessness. Agencies and organizations assigned to provide such information, counseling and referral should provide clear and accessible service, however this may not always be the case.

The dissemination of information on the right to have access to fair housing choice has never been coordinated at the local level. In addition, the other governmental agencies, and not-for-profit housing providers and counselors have never been given an opportunity to interact with the City of Kingston, except in the public hearing and CDBG approval process. Although the City has no doubt that it has complied with all fair housing and human rights laws and regulations, the coordination activities and the dissemination of information should be better managed for the benefit of the general public.

Conclusions

- When information regarding fair housing choice is needed there must be a structured information dissemination process in place. *Having clear and easily accessible sources of information in place concerning their rights and responsibilities under the law is essential.*
- When housing providers need guidance to avoid violating a person's fair housing rights, *having clear and easily accessible sources of information concerning their rights and responsibilities under the law is essential.*
- *The City of Kingston has the sole responsibility to continue to improve the process in order to Affirmatively Further Fair Housing for the benefit of the broader community.* Impediments to accomplishing this goal must be identified and removed in a continuing process of improvement and renewal.
- *The City of Kingston will continue to work with HUD to make sure it is providing the correct and concise fair housing information to housing providers as a means of improving fair housing compliance and for to offer a safe and reliable place for housing providers to receive information and advice.*

Section Five

Fair Housing Plan

The City of Kingston is committed to the policy of affirmatively furthering fair housing within its jurisdiction. The City's commitment is focused on the goal of mitigating and/or eliminating impediments to fair housing choice within Kingston. To ensure the achievement of this goal, the City of Kingston proposes to undertake the following activities during the remaining two year cycle of the City's Five-Year Consolidated Plan. Collectively, the policy commitment, goal and objective statements contained herein comprise the Action Plan component of this, the first City of Kingston comprehensive plan to address fair housing, hereinafter referred to as the 2012 Fair Housing Action Plan (FHAP). This plan has been prepared from the current research and analysis conducted.

In implementing the 2012 FHAP, the City of Kingston must clear a set of goals and objectives. The goals and objectives must:

- Specifically address the impediments identified;
- Be well defined and prioritized;
- Share a consensus of support among the public, private and not-for-profit sectors of the community;
- Be achievable within the timeframes established;
- Identify the individual or organizational entity responsible for initiating, coordinating and supporting each action step;
- Have measurable results that are regularly evaluated.

All time frames designated within this Plan have as their starting date the formal adoption of the overall Fair Housing Plan, or a date specified by resolution of the Board of Aldermen.

The goals and objectives also must have responsible and capable individuals and organizations committed to assure their achievement. In addition, the stated goals and objectives must have adequate budget and other appropriate resources to ensure success of these efforts. It is important to note that the results of these efforts may be "outputs" such as quantitative measures of hours of training provided or the numbers of brochures distributed. However, it may be challenging to determine whether these outputs are, in fact, producing the desired qualitative "outcomes" sought by affirmatively furthering fair housing processes such as changing individual and/or community value systems, creating a discrimination-free society, and/or providing equal access to housing and services.

This is made more challenging when considering:

1. That there are no common templates by which performance in affirmatively furthering fair housing can be measured and compared with other jurisdictions;
2. The limited accessibility to HUD complaint data; and,
3. That most data must be manually manipulated.

As a recipient of Community Development Block Grant (CDBG) funds, Kingston is required to affirmatively further fair housing by the United States Department of Housing and Urban Renewal (HUD). In spite of the City's best intentions, its past efforts were limited by the requirements of the Federal funding it received. Since the City is just initiating this formalized process and in order to ensure success, the City must find willing and contributing partners to assist in the implementation of the outlined tasks and to achieve the desired outcomes.

The City of Kingston recognizes that it does not have all the answers, nor does it have all the human and other resources needed to effectively implement the tasks of affirmatively furthering fair housing. It also acknowledges that this plan does not address all of the issues that may be impeding the ability to achieve fair housing choice. What it does recognize is that in order to be effective, such an effort requires a cooperative, community-based effort comprised of committed and involved private, public and not-for-profit industry, provider and advocate agencies and organizations dedicated to affirmatively furthering fair housing.

The City of Kingston proposes this 2012 Fair Housing Action Plan as the beginning for addressing its fair housing responsibilities and changing needs.

Impediment #1: Lack of Independent Process to Determine Impediments and Administer a Fair Housing Plan

As discussed in Section Four, the City of Kingston has never undertaken a process to determine what impediments exist to affirmatively furthering fair housing and administering the contents of a fair housing action plan.

In addition, because the City has never been responsible for administering a formal plan the network of agencies responsible for ensuring compliance have never worked together to either disseminate information or coordinate activities.

Action Objectives

- Establish a coordinated system (AI) to identify and address fair housing choice and human rights issues within the community;

- Incorporate this process into the City’s Five-Year Consolidated Planning process;
- Establish the City of Kingston and the Office of Community Development as the lead participant and coordinator of this process; and,
- Continually monitor the process to ensure that all stakeholders embrace the process and continue to actively work with the City.

Action Tasks

- The City of Kingston will adopt a Fair Housing Plan which will contain the initial analysis of the Impediments to Fair Housing along with proposed actions steps required to remove the impediment;
- At the end of each program year, the City will review the steps taken to remove these impediments and report their progress to the public;
- As part of the annual analysis and reporting process, the City will endeavor to identify additional impediments as well as any additional actions needed to be taken to eliminate previously reported Impediments to Fair Housing; and,
- The City will designate its Community Development Advisory Board as the body responsible for overseeing the administration of the City of Kingston Fair Housing Plan. The Board membership will be expanded to include one representative from the City Human Rights Commission, and two representatives from the City’s low-income housing community.

Progress and Schedule

The City of Kingston will conduct the following activities within the schedule specified:

- At the adoption of the Council Resolution, re-affirm the position of the Director of the Office of Economic Development as the Fair Housing Coordinator of the City of Kingston;
- At adoption of the Council Resolution appoint the three additional members to the CDBG CDAB and amend its name to be the City of Kingston Community Development Block Grant Advisory and Fair Housing Board;
- Within 90 days from the adoption of the Plan convene a working group of stakeholders to review the process the City of Kingston will employ to affirmatively further fair housing; and,
- Commence the collection of data required to continually monitor and update the Plan.

Implementation Lead and Support

The City’s Fair Housing Coordinator will take the lead in facilitating these activities with the guidance and support from its partners (Stakeholders), as needed and appropriate.

The Office of Community Development along with the Planning Department will provide the principal support for this activity.

Budget and Resource Commitment

The City of Kingston will use currently available financial, in-kind, and human resources in the initial implementation of the 2012 FHAP. Pending Board of Alderman approval, or other approvals required, these resources include, but are not limited to, Community Development Block Grant, Fair Housing Initiatives Program Grants, and other local resources including cash and in-kind donations and volunteer and intern assistance. It is the intent of the City of Kingston to create public/private partnerships to use its resources, to the maximum extent possible, to leverage private sector resources in the implementation of the identifying 2012 FHAP tasks.

Monitoring and Evaluation

The City of Kingston will monitor and evaluate the progress made in the implementation of the 2012 FHAP and report this in the Consolidated Annual Performance Evaluation Report. HUD will also monitor the City of Kingston's effort in meeting the Progress Schedule.

Impediment #2: Dissemination of Fair Housing Laws, Policies and Local Challenges

A substantial lack of knowledge exists among the general public, housing developers and housing providers as to what constitutes housing discrimination and what the Fair Housing Law covers. Many people do not know who to contact for information and how to seek relief from housing discrimination. Housing providers lack authoritative HUD information products and where to seek advice.

Action Objectives

- Using the City of Kingston Fair Housing Plan as a guide, the OCD will work with State and Local agencies to implement a program to provide fair housing training and information to elected officials, appointed officials, planning staff, code enforcement staff, City Court staff, community organizations, landlords and the general public.
- Publish a pamphlet to be available in multi-lingual and accessible formats containing information to appropriately target information to tenants, homebuyers, housing providers, lenders, builders and others. The information disseminated should focus on the various sectors' rights and responsibilities under federal and state fair housing law and how and where to seek further technical capacity building and discrimination complaint assistance.

- The City will also support a program to ensure that all telephone directories and their respective listings contain correct and complete contact information for each agency, organization and office associated with enforcing or providing assistance in matters of fair housing discrimination or services to protected classes (this includes listings for the City Building Code and planning offices with respect to ADA and Section 504 fair housing complaints).
- All government and provider web sites shall be updated to contain correct and complete information and links to other related web sites.
- Provide a link from the City of Kingston's web site to the New York HUD Office of Fair Housing and Equal Opportunity's "Fair Housing Expert".

Progress Schedule

- Within 90 days from the adoption of the 2012 FHAP the Fair Housing Coordinator will contact all of the governmental agencies responsible for monitoring Fair Housing Choice to discuss a local training program for agencies, providers and the general public;
- Within 120 days from the adoption of the Plan, with the assistance of stakeholders conduct a local training session;
- Within 120 days from the adoption of the Plan publish a pamphlet for distribution to the housing provider community and the general public; and,
- Within 90 days from adoption of the Plan commence incorporating fair housing choice information and program links on the City's Web Site. Complete that process within 260 days.

Implementation Lead and Support

The City's Fair Housing Coordinator will take the lead in facilitating these activities with the guidance and support from its partners (Stakeholders), as needed and appropriate. The Office of Community Development along with the Planning Department will provide the principal support for this activity.

Budget and Resource Commitment

The City of Kingston will use currently available financial, in-kind, and human resources in the initial implementation of the 2012 FHAP. Pending Board of Alderman approval, or other approvals required, these resources include, but are not limited to, Community Development Block Grant, Fair Housing Initiatives Program Grants, and other local resources including cash and in-kind donations and volunteer and intern assistance. It is the intent of the City of Kingston to create public/private partnerships to use its resources, to the maximum extent possible, to leverage private sector resources in the implementation of the identifying 2012 FHAP tasks.

Monitoring and Evaluation

The City of Kingston will monitor and evaluate the progress made in the implementation of the 2012 FHAP and report this in the Consolidated Annual Performance Evaluation Report. HUD will also monitor the City of Kingston's effort in meeting the Progress Schedule.

Impediment #3: Tracking and Interpreting Housing Trend Data

The City periodically tracks data as part of the process employed to either prepare and/or annually review the implementation of its Five-Year Consolidated Plan. However, the City of Kingston has never tracked data specifically to monitor and assess specifically identified or incipient impediments to fair housing choice beyond that previously contained in the Consolidated Plan.

When fair housing discrimination or some other compliance issues arise, it is not always clear what the underlying cause may be. There may be larger trends in the marketplace that are impeding an individual right to fair housing choice that only can be discovered by analyzing a broad range of data relating to housing and housing finance.

As part of the Fair Housing Plan implementation process, the City will develop a process to obtain current demographic, lending and general housing trend information within the region.

Action Objective

- Ensure the Fair Housing Officer and designated staff has access to the appropriate data sources required to continually monitor impediments to housing choice and measure goals included in this Plan.

Action Tasks

- The City will publish this data in its Five-Year Consolidated Plan, Annual Action Plan and in the annual update to the Fair Housing Plan.
- The City will use services such as PolicyMap along with information collected and disseminated through the American Community Survey, HMDA, Federal Reserve and HUD through www.huduser.org

Progress Schedule

- By the time the Plan is adopted by the Board of Aldermen, we will have access to the data resources needed to both implement the plan and conduct the ongoing AI process.

Implementation Lead and Support

The City's Fair Housing Coordinator will take the lead in facilitating these activities with the guidance and support from its partners (Stakeholders), as needed and appropriate. The Office of Community Development along with the Planning Department will provide the principal support for this activity.

Budget and Resource Commitment

The City of Kingston will use currently available financial, in-kind, and human resources in the initial implementation of the 2012 FHAP. Pending Board of Alderman approval, or other approvals required, these resources include, but are not limited to, Community Development Block Grant, Fair Housing Initiatives Program Grants, and other local resources including cash and in-kind donations and volunteer and intern assistance. It is the intent of the City of Kingston to create public/private partnerships to use its resources, to the maximum extent possible, to leverage private sector resources in the implementation of the identifying 2012 FHAP tasks.

Monitoring and Evaluation

The City of Kingston will monitor and evaluate the progress made in the implementation of the 2012 FHAP and report this in the Consolidated Annual Performance Evaluation Report. HUD will also monitor the City of Kingston's effort in meeting the Progress Schedule.

Impediment #4: Onerous State Regulatory and Approval Process (SEQR)

The development process in New York State is both cumbersome and expensive. Resources that could be dedicated to creating more housing opportunities are instead devoted to satisfying and arcane and inefficient approval process that benefits neither the environment, the public, the project, or the potential homeowners and tenants.

Special interest groups have perverted the review process in an effort to stop a project through financial attrition, rather than address real environmental considerations. In these difficult economic times, when public resources are scarce, the last thing the struggling housing community needs is a regulatory process that wastes money and deprives individuals of the ability to have access to safe and decent housing. The financial resources spent on complying with the SEQR process would be better spent addressing real environment issues and providing capital to support the production of affordable housing.

Action Objectives

- Affect legislative thinking regarding the need and efficiency of the SEQR statute as adopted;

- Advocate for a comprehensive but affordable environmental review process with statutorily imposed time frames for adoption of an environmental finding;
- Incorporate statutory relief for projects located in previously developed areas; and,
- Make the statute work as an incentive for development, and wrest control of the process from special interest groups that are anti-development.

Action Tasks

- The City will continue to work with their Assemblyman and Senator to suggest and implement changes to the SEQR statute. Relieving the expensive, onerous and time consuming parts of the statute that have no bearing on preserving and protecting the environment would save the not-for-profit and for-profit development community tens of millions of dollars a year which in turn could be redirected to building and renovating housing units across the state; and
- Failing to secure statutory relief, the City will complete Generic EIS's for strategic development areas like to Rondout Waterfront. This will be costly, but once done, some of the project delay and financial burdens imposed on the projects by the statute will be mitigated.

Progress Schedule

- Within 120 days from the adoption of the Plan meet with the City's State Senator and Assemblyman to discuss proposed changes to the statute. Since the reduction and elimination of regulatory barriers is part of the Governor's legislative initiative, the City's representatives should be eager to here its views;
- Within 260 days from the adoption of the Plan assess the State's willingness to amend the statute, and decide if alternative approaches to making pre-development costs affordable is needed.
- Depending on the decision, commence a GEIS for the entire Waterfront.
- Complete the GEIS within 180 days from start.

Implementation Lead and Support

The City's Fair Housing Coordinator will take the lead in facilitating these activities with the guidance and support from its partners (Stakeholders), as needed and appropriate. The Office of Community Development along with the Planning Department will provide the principal support for this activity.

Budget and Resource Commitment

The City of Kingston will use currently available financial, in-kind, and human resources in the initial implementation of the 2012 FHAP. Pending Board of Alderman approval, or

other approvals required, these resources include, but are not limited to, Community Development Block Grant, Fair Housing Initiatives Program Grants, and other local resources including cash and in-kind donations and volunteer and intern assistance. It is the intent of the City of Kingston to create public/private partnerships to use its resources, to the maximum extent possible, to leverage private sector resources in the implementation of the identifying 2012 FHAP tasks.

Monitoring and Evaluation

The City of Kingston will monitor and evaluate the progress made in the implementation of the 2012 FHAP and report this in the Consolidated Annual Performance Evaluation Report. HUD will also monitor the City of Kingston's effort in meeting the Progress Schedule.

Impediment #5: Imbalance between Cost and Value

The Housing Depression and the overall economic recession have exacerbated a problem that has existed in the City of Kingston for many years. Low property values and rents and high costs to meet regulatory requirements and perform construction have made the rehabilitation and new construction of homes difficult. In the past, this market imbalance has been addressed by securing subordinated of gap financing through various government programs. This funding has primarily been available for affordable housing projects only.

Not only the City of Kingston, but all communities in New York State must find a way to address this issue given the projected reduction in government support.

Action Objective

- Find a solution to the problem of housing cost continually being higher than housing value.

Action Tasks

- The City will work with the construction and development community to explore changes in or modernization of the building code that would help lower the cost of rehabilitation and new construction projects;
- The City will continue its work with state and county regulatory agencies to explore ways to amend the regulatory approval process in an effort to lower the predevelopment costs associated with a project;
- The City will work with New York Homes and Community Renewal and HUD to explore ways to increase access to GAP funding for rehabilitation and new construction projects;

- Explore additional changes in the Zoning Code that will allow for higher density development in selected areas of the City;
- Incorporate “green” elements into rehabilitation and new construction projects to lower annual occupancy expenses; and,
- Support programs that will assist in the creation of jobs and improve the local economy.

Progress Schedule

- Upon adoption of the Plan, working with Federal, State and local government agencies, banks and the housing provider community start developing a strategy to address this impediment to creating newly rehabilitated and newly constructed housing units. Include in the next Five-Year Consolidated Plan a comprehensive strategy designed to address this chronic housing issue.

Implementation Lead and Support

The City’s Fair Housing Coordinator will take the lead in facilitating these activities with the guidance and support from its partners (Stakeholders), as needed and appropriate. The Office of Community Development along with the Planning Department will provide the principal support for this activity.

Budget and Resource Commitment

The City of Kingston will use currently available financial, in-kind, and human resources in the initial implementation of the 2012 FHAP. Pending Board of Alderman approval, or other approvals required, these resources include, but are not limited to, Community Development Block Grant, Fair Housing Initiatives Program Grants, and other local resources including cash and in-kind donations and volunteer and intern assistance. It is the intent of the City of Kingston to create public/private partnerships to use its resources, to the maximum extent possible, to leverage private sector resources in the implementation of the identifying 2012 FHAP tasks.

Monitoring and Evaluation

The City of Kingston will monitor and evaluate the progress made in the implementation of the 2012 FHAP and report this in the Consolidated Annual Performance Evaluation Report. HUD will also monitor the City of Kingston’s effort in meeting the Progress Schedule.

Impediment#6: Shortage of Funding to Modernize Public Housing Units

The Kingston Housing Authority is experiencing the problem outlined in Impediment number 5 first hand. The Authority owns and operates aging public housing units that are in need of rehabilitation. Unfortunately, due to the imbalance between the cost of rehabilitation and the potential Net Operating Income generated from the rental of these units, the projects do not have the financial capacity to pay the debt service on the loans which would be required to make repairs.

Action Objectives

- Identify the repairs that need to be made in all KHA public housing units;
- Identify all available public resources that may be available to assist in funding the rehabilitation;
- Develop a presentation package to be given to the State Division of Home & Community Renewal and HUD; and,
- Secure approvals and financing to implement a 5 and 10 year rehabilitation and modernization strategy.

Action Tasks

- Form a community based working group to work with the Board of Directors which will be charged with identifying a program or programs that can be used to implement the Kingston Housing Authority's long range capital improvement program;
- Explore alternatives to the current public housing model; and,
- Develop a financing strategy using currently available resources and promote that plan with both state and federal funding agencies;

Progress Schedule

- Within 120 days from the adoption of the Plan meet with the Kingston Housing Authority Board of Directors and the Board of Aldermen to discuss the need for the rehabilitation and modernization of the Authority's housing units;
- Within 365 days of the adoption of the Plan have the committee report to the Board of Directors and Board of Aldermen on a plan for achieving the goal of rehabilitating and modernizing the Authority's aging housing complexes;
- Within 720 days from the adoption of the Plan close on the first financing; and,
- Complete all of the improvements within 10 years.

Implementation Lead and Support

The City's Fair Housing Coordinator will take the lead in facilitating these activities with the guidance and support from its partners (Stakeholders), as needed and appropriate. The Office of Community Development along with the Planning Department will provide the principal support for this activity.

Budget and Resource Commitment

The City of Kingston will use currently available financial, in-kind, and human resources in the initial implementation of the 2012 FHAP. Pending Board of Alderman approval, or other approvals required, these resources include, but are not limited to, Community Development Block Grant, Fair Housing Initiatives Program Grants, and other local resources including cash and in-kind donations and volunteer and intern assistance. It is the intent of the City of Kingston to create public/private partnerships to use its resources, to the maximum extent possible, to leverage private sector resources in the implementation of the identifying 2012 FHAP tasks.

Monitoring and Evaluation

The City of Kingston will monitor and evaluate the progress made in the implementation of the 2012 FHAP and report this in the Consolidated Annual Performance Evaluation Report. HUD will also monitor the City of Kingston's effort in meeting the Progress Schedule.