

**City of Kingston  
Office of Community Development**

**Fair Housing Plan**



**Analysis of  
Impediments**

April 2019



For official submittal to the United States Department of Housing and Urban Development,  
concurrent with the City of Kingston 2019-2024 Consolidated Strategy and Plan

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## Executive Summary

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

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

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

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

## Other Statutes and Regulations Affecting Fair Housing Choice

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

- 12432
  - 12892
  - 11246
- Section 504 of the Rehabilitation Act of 1973, (29 USC 794)
  - The Americans with Disabilities Act (Title II), and Implementing Regulations
  - Section 3 of the Housing and Urban Development Act of 1968 (12 USC 1701u Section (3))
  - State Executive Order #6 which ensures equal employment opportunity for minorities, women, disabled persons and Vietnam veterans in state government employment
  - State Executive Order #19 prohibiting sexual harassment and intimidation in the workplace

## **Need for the Fair Housing Plan**

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

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

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

## **Analysis of Impediments to Fair Housing**

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

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

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

### **Impediment #2: Tracking and Interpreting Housing Trend Data**

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



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

- Encourage local regulatory codes and housing design standards that permit accessory apartments and other modified living arrangements for the elderly.
- The City will create additional internal initiatives to streamline the local approval process and strive to overcome local regulatory barriers, which may increase the cost of housing.
- Despite recent amendments to the State Environmental Quality Review process, the City will continue to work with their Assemblyman and Senator to suggest and implement changes to the SEQR statute. Relieving the expensive, onerous and time consuming parts of the statute such as the environmental review timeframes and potentially costly studies that, at times, have no direct bearing on preserving and protecting the environment especially for redevelopment/infill projects for affordable housing 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 as was done on the 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 #4: Imbalance between Cost and Value**

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

- Support programs that will assist in the creation of jobs and improve the local economy.

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

- Identify needed capital improvements and establish short range and long range capital improvement programs;
- Explore alternatives to the current public housing model; and,
- Develop a financing strategy using currently available resources and promote that plan with both state and federal funding agencies;

#### **Impediment #6: Quantity of New Units Being Developed**

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



## **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 CDAB)

**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

**UCHC**

Ulster County Housing Consortium

## 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, advocacy 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 2019 Fair Housing Plan contains six sections.

- **Section One: Background** 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 2019 Fair Housing Plan.
- **Section Two: City of Kingston Fair Housing Responsibilities** provides a discussion of the City of Kingston's fair housing responsibilities under the Consolidated Planning regulations.
- **Section Three: Analysis of Impediments to Fair Housing** contains the Analysis of Impediments to Fair Housing. Section Three is subdivided into three components – Background, Demographics, Compliant Data and Outreach/Education
- **Section Four: Findings Analysis** offers an analysis of the findings presented in Section Three.
- **Section Five: Fair Housing Plan** contains the Fair Housing Action Plan. The Action Plan lists the objective, task, schedule, implementation, resource and evaluation recommendations for each of the identified impediments to affirmatively furthering fair housing.
- **Section Six** includes Appendices such as notices announcing public hearings and meetings. This section also identifies comments from the public hearing(s) and meetings as well as actions taken by the City to address them. The Appendix also includes all HUD AFFH Assessment Tool Tables and Maps.

## Section One: Background

### 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.

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.

The City of Kingston’s Analysis of Impediments to Fair Housing updates the City’s original 2012 Analysis of Impediments and consists of three crucial components:

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

The development of this Analysis of Impediments 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 Con Plan processes, this Fair Housing Plan will be reviewed at least once in the five year period and updated and revised to reflect any 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 Con Plan regulations in 1995. The Con 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 Con Plan, HUD requires CDBG grantees to submit certification to AFFH.

The Fair Housing Act of 1968 requires jurisdictions receiving federal funds for housing and urban development to affirmatively further fair housing. The Fair Housing Act not only makes it unlawful for jurisdictions to discriminate, but also requires jurisdictions to take actions to undo historic patterns of segregation and other types of discrimination, as well as to promote fair housing choice and to foster inclusive communities. Although AFFH has been law since 1968, meaningful regulations providing jurisdictions with guidance on how to comply had not been established until HUD published the AFFH rule on July 16, 2015.

However, HUD published a notice in the *Federal Register* on January 5, 2018 postponing implementation of the AFFH rule until 2025 based on HUD claims that many local governments need additional time and technical assistance to adjust to the AFFH process instituted in 2015.

In order to become more fully aware of the existence, nature, extent, and causes of all fair housing problems and the resources available to solve them, the City developed a methodology to be utilized in this 2019 Analysis of Impediments. The approach was based upon the methodologies identified in the *Fair Housing Planning Guide*, as well as a review of preliminary



guidance associated with the AFFH rule. In addition, other regional housing studies were reviewed including *Three-County Regional Housing Needs Assessment-2006-2020* and the *2017 Ulster County Rental Housing Survey*.

HUD 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 HFFA obligations.

Overall, AFFH is the governmental responsibility to ensure its plans, policies and practices are promoting fair housing choice for everyone. 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 nondiscriminatory ways that affect fair housing choice.

## 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 Con 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 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 if equality of opportunity is 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**

Historically, the City of Kingston has been a place where housing has been readily available to all including those with special needs and the most economically disadvantaged. Kingston, the only 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.

Efforts towards eliminating fair housing impediments are on-going and fair housing planning is a fluid process that continually affects housing and community development programs and policies. As part of both the Annual Action Plan and Five-Year Con Plan processes, this Fair Housing Plan will be periodically updated and revised to reflect new information, changing conditions, and evolving strategies to affirmatively further fair housing within the City of Kingston. The City 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 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, HUD AFFH Assessment Tool tables and maps, the Community Development Advisory Board (CDAB), 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 with the next Con 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 an effort to ascertain the extent that fair housing choice is impeded in the City of Kingston. In addition, the Kingston Community Development Advisory Board (CDAB), which includes members of the human rights and affordable housing community, acts as its Fair Housing Board (FHB).

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

- Assist the OECD in reviewing applications for CDBG funding and provide recommendations for programs and projects to receive CDBG funding; and
- Review the Con 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.
- Provide support for other community development initiatives.

The CDAB/FHB is the standing committee responsible for assisting the City of Kingston in implementing its ongoing fair housing planning and implementation process and amending this Fair Housing Plan over time.

This Fair Housing Plan will be presented to the Kingston Common Council 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 Con 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 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 2.4% in the seven year period between 2010 and 2017. Considering the growth factors of births, deaths, and the balance of in and out migration, New York’s 2010 population of 19,378,102 persons increased to 19,849,379 by 2017. Conversely, the population of Ulster County declined by 1.7% from 182,493 in 2010 to 179,417 in 2017. Similar to the Ulster County population decline, the population of the City of Kingston declined by 2.3% falling from 23,975 to 23,419 persons. Along with the gross numerical changes, the racial and ethnic composition of the City changes as depicted in Table 1.

Table 1:

Population Characteristics of Kingston, New York - 2017 Data				
	2000	2010	2017	2010 to 2017 %+ / (-)
Total Population	23,387	23,975	23,419	(2.3%)
White	18,932	18,220	16,078	(11.8%)
Black	2,974	3,325	3,879	16.7%
Hispanic or Latino*	1,486	2,849	3,307	16.1%
Other	1,481	949	664	(30.0%)
White not Hispanic		16,624	14,550	(12.5%)

\*of any race

While the total population in the City of Kingston has declined slightly, the White population has declined substantially while the Black and Hispanic/Latino populations have increase substantially. Overall, the data suggests an increasingly diverse population within the City of Kingston. The investigation and analysis of this data undertaken by the City indicates that the population changes in the period between 2010 and 2017 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 time period, 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 2017 American Community Survey is estimated to be 3,988 or 17% of the total population. This percentage represents an increase over the number of persons with disabilities reported in the 2010 Census from 11.4% to 17% of the total population. The estimated breakdown of the persons with disabilities listed by type is outlined in Table 2 below.

Table 2:

Persons with Disabilities Ages 18-64	
Hearing	297
Vision	296
Cognitive Difficulty	920
Ambulatory Difficulty	1,046
Self-Care Difficulty	524
Independent Living Difficulty	905
Total	3,988

**Senior Population:** For the purposes of this analysis, persons aged 65 or older are defined as senior. The U.S. Census reported in 2017 that the City of Kingston had a senior population of 3,524 a decrease of 108 from the 2010 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 108 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 2017 ACS reported 5,010 minors in the City of Kingston down 199 from the 5,209 reported in 2010.

**Family Household Population:** Because the Fair Housing Act protects families with children against housing discrimination, family and household demographics are a consideration. In 2010 the average family size in the City of Kingston was 3.11 persons. In 2017 that number increased slightly to 3.18 in 2017 with essentially no change. The number of family households containing at least one person less than 18 years of age dropped in 2017 to 2,640 households, which was down 428 households from the 3,067 households recorded in 2010. 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. (American Community Survey data)

### **Racial Characteristics**

**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 3 for a breakdown of the racial composition of the City of Kingston.

**Table 3:**

<b>RACE</b>	<b>Estimate</b>	<b>Percent</b>
Total population	23,419	23,419
One race	21,588	92.2%
Two or more races	1,831	7.8%
<b>One race</b>	<b>21,588</b>	<b>92.2%</b>
White	16,078	68.7%
Black or African American	3,879	16.6%
American Indian and Alaska Native	76	0.3%
Asian	891	3.8%
Some other race	664	2.8%
Two or more races	1,831	7.8%
White and Black or African American	869	3.7%
White and American Indian and Alaska Native	152	0.6%
White and Asian	142	0.6%
Black or African American and American Indian and Alaska Native	190	0.8%
<b>Race alone or in combination with one or more other races</b>		
White	17,632	75.3%
Black or African American	5,246	22.4%
American Indian and Alaska Native	665	2.8%
Asian	1,068	4.6%
Native Hawaiian and Other Pacific Islander	30	0.1%
Some other race	861	3.7%
<b>HISPANIC OR LATINO AND RACE</b>		
Hispanic or Latino (of any race)	3,307	14.1%
Not Hispanic or Latino	20,112	85.9%
White alone	14,550	62.1%
Black or African American alone	3,516	15.0%
American Indian and Alaska Native alone	13	0.1%
Asian alone	891	3.8%
Some other race alone	57	0.2%
Two or more races	1,085	4.6%

Two races excluding Some other race, and Three or more races	1,080	4.6%
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ACS DEMOGRAPHIC AND HOUSING ESTIMATES  
2013-2017 American Community Survey 5-Year Estimates

Racial/ethnic dissimilarity trends within the City of Kingston indicate that the City is relatively well integrated given its racial and ethnic diversity. See Appendix 2, Table 3 – Racial/Ethnic Dissimilarity Index. Interpreting the index: 0-39 Low Segregation, 40-54 Moderate, 55-100 High. The City of Kingston falls within the low segregation category of the Dissimilarity Index.

**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 2010 the City of Kingston was home to 2,849 Hispanic residents. In 2017 that number increased to 3,307. This is an increase of 16.1%. 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 by a decline in the White population.

**Refugee In-migration:** While anecdotally it is believed that there are many refugees living in Kingston, according to Census data, the City of Kingston has experienced no officially documented refugee in-migration during the Census sampling period 2010 to 2017.

## Income

The U.S. Census reports income characteristics of the population on various bases for 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 4:

Median Household Income Kingston, New York	
2010	2017*
\$46,098	\$45,487

\*American Community Survey 2017 est.

Table 5:

Low/Moderate-Income Households Kingston, New York*	
Income Range	Number of Households
0-30% AMI	1,554
30-50% AMI	2,878
50-80% AMI	4,803

\*American Community Survey 2017 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. The American Community Survey for 2017 states the median household income for the City of Kingston is \$45,487. Based on this median household income, roughly 1,554 families had incomes between 0-30% AMI, 2,878 families had incomes between 30-50% AMI and 4,803 families had incomes between 50-80% AMI (2017 American Community Survey data).

## **Housing Stock**

The American Community Survey, U.S. Census reports that the City of Kingston has 10,713 housing units of which 9,461 are occupied. Of the occupied units, 4,418 (46.7%) are owner occupied and 5,043 (53.3%) 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. By 2010, the City had 10,076 occupied housing units and the ratio of owner occupied to renter occupied was 47.6% to 52.4% 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. 100% of all occupied housing has full plumbing facilities and 99.4% of all occupied housing has complete kitchen facilities. The lower percentages of units with complete kitchen facilities may be somewhat skewed by the existence of a small number of SRO's located in the City. 53.3% of the City's housing units were constructed prior to 1939 while only 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 0.9% of the City housing units reported no heating source.

The 2017 American Community Survey estimated rental vacancy rate in the City of Kingston is 11.7%. 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 6.

Table 6:

Housing Unit by Type Kingston, New York		
Type of Unit	Number of Units	Percentage of Units
Single Family Detached	5,127	48%
Single Family Attached	430	4%
Two Unit Homes and Duplexes	1,997	19%
Units in Small Apt. Buildings	2,650	25%
Units in Large Apt. Buildings	509	5%
Total	10,713	100%

\*American Community Survey 2017 est.

### **Home Sales and 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 7:

Home Sales Kingston, New York					
Year	2014	2015	2016	2017	2018
Number of Sales	35	77	86	91	70
Median Sales Price	\$ 157,125	\$ 144,214	\$ 150,240	\$ 156,654	\$ 169,322

Source: Trulia Real Estate Data (all properties), [https://www.trulia.com/real\\_estate/Kingston-New\\_York/market-trends/](https://www.trulia.com/real_estate/Kingston-New_York/market-trends/)

Table 8:

Home Sales Trends: Median Sales Price Variations Kingston, New York				
	2014-2015	2015-2016	2016-2017	2017-2018
% Change	-8.2%	4.2%	4.3%	8.1%

Source: Trulia Real Estate Data (all properties), [https://www.trulia.com/real\\_estate/Kingston-New\\_York/market-trends/](https://www.trulia.com/real_estate/Kingston-New_York/market-trends/)

Table 9:

Loan Originations Kingston, New York					
	2013	2014	2015	2016	2017
<b># of Loans</b>	160	108	156	189	184
<b>Median Loan Amount</b>	\$128,500	\$120,000	\$130,000	\$130,000	\$139,500
<b>Purchases</b>					
<b># of Loans</b>	68	70	116	131	145
<b>Median Loan Amount</b>	\$126,000	\$125,500	\$130,000	\$127,000	\$144,000
<b>Refinancing</b>					
<b># of Loans</b>	92	38	40	58	39
<b>Median Loan Amount</b>	\$137,000	\$114,500	\$125,500	\$142,500	\$118,000

Source: Consumer Finance Protection Bureau

Table 10:

Loans by Ethnicity Kingston, New York					
Year	2013	2014	2015	2016	2017
<b>Loans to Hispanics</b>					
<b>Number of loans</b>	3	4	7	9	7
<b>Median Loan Amount</b>	\$67,000	\$115,500	\$98,000	\$144,000	\$130,000
<b>Loans to Non-Hispanics</b>					
<b>Number of loans</b>	157	104	149	180	177
<b>Median Loan Amount</b>	\$130,000	\$120,000	\$130,000	\$130,000	\$140,000

Source: Consumer Finance Protection Bureau

Table 11:

Percentage of Government Backed Loans by Race and Ethnicity Kingston, New York				
	2014	2015	2016	2017
<b>Hispanic*</b>	4%	4%	6%	4%
<b>Non-Hispanic or Latino*</b>	79%	83%	83%	76%

Source: Consumer Finance Protection Bureau

\*Percentages do not equal 100% due to loan applications that do not provide race and ethnicity when submitted.

The trends indicated from the above data suggest that the market for homeowner purchases and refinancing has improved significantly over the period 2013-2017. This data suggests the housing market has recovered substantially since the housing market decline in 2007-2008. The steady increase in the number of loans per year and the median loan amount during the period 2013-2017, suggests that homeowners and potential homeowners are borrowing to improve or acquire property. This may be due, in part, to the fact that mortgage interest rates have been historically low.

Since the housing market collapse in 2007-2008, lenders have implemented more stringent credit guidelines and the demand for higher interest loans (weaker credit/higher risk) has completely dissipated. This is a clear indication of banks unwillingness to take credit risk based on market conditions and borrower credit ratings. Also, the use of government guarantee products has increased dramatically since the advent of the housing collapse.

### **Overcrowding**

Housing overcrowding is not a significant problem in the City of Kingston. According to the American Community Survey, in 2017 it was estimated that 96% of all occupied housing had one or less persons per room.

### **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 no complaints in regard to Fair Housing issues during the period 2013 to 2018. Prior to this period, in 2011, the City received one fair housing choice complaint. 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.

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.

The City of Kingston maintains a database of all fair housing complaints received from HUD, Ulster County or the City of Kingston Human Rights Commission. The database contains the type of complaint, and a complete description of the outcome of the investigation including the record of any adjudication.

## **Housing and Human Rights Surveys/Studies and Outreach Education Component**

There have not been 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 OECD circulated housing choice questionnaires to housing agencies, affordable housing providers and special needs housing providers. The findings reported from the data received have informed the Kingston Office of Community Development about housing issues in the community and barriers to building affordable housing in the community. In addition, the questionnaire gathers information about discriminatory policies or practices in the community and potential impediments to fair housing. Further, letters were sent to New York State Human Rights Commission, Ulster County Human Rights Commission, and the Kingston Human Rights Commission seeking information on any fair housing complaints received within the City of Kingston.

## 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 which the Action Plan goals and objectives are derived.

Overall, in the period from 2010-2017, the City of Kingston has seen some improvement in the performance and recovery of the housing market, and some shifts in its statistical and demographic profile. Population has decreased by 2.3% below the 2010 levels. The senior population decreased by 108 persons and the number of minors declined by 199 persons. The number of households with a person less than 18 years of age declined by 428 households from 2010 to 2017.

The ratio of owner occupied housing to renter occupied housing has remained constant at 46.7 and 53.3 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 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 11.8% while the Hispanic population grew by 16.1%, the Black population grew by 16.7% and remainder of the Non-White population decreased by 30%. *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 2023, the expiration of the City's current Five-Year Con Plan.

The overall number of loans regardless of race and ethnicity has increased from 160 in 2013 to 184 in 2017, and the number of loans to Hispanic applicants who listed their race in the loan



application, which is the fastest growing segment of the City of Kingston population, has been consistently low from 2013 to 2017, ranging from 3 to 9 loan applicants per year.

While banks are issuing fewer mortgage commitments after the “great recession”, the percentage of government backed mortgages among Hispanic applicants who listed their race on the application is low as a percentage of total loans (4% in both 2014 and 2017) due to low application rates among the Hispanic population. Overall mortgage loans that are backed by the government, regardless of race, has decreased slightly from 79% in 2014 to 76% in 2017.

## **Conclusions**

- The City of Kingston is 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. Median family income has declined from \$60,948 in 2010 to \$56,237 in 2017.
- 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**

The City of Kingston received no complaints in regard to Fair Housing issues during the period 2013 to 2018.

## **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 has held a series of housing forums to gather information regarding fair housing issues and access. Public input at these forums has focused on housing issues related to source of income and need for more housing and more housing choices.

The City of Kingston Office of Community Development circulated housing choice questionnaires to housing agencies, affordable housing providers and special needs housing providers. The findings reported from the data received have informed the Kingston Office of Community Development about housing issues in the community and barriers to building affordable housing in the community. In addition, the questionnaire gathers information about discriminatory policies or practices in the community and potential impediments to fair housing.

The survey questions 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.*
- Another identified finding relates to the continued difficulty in obtaining capital for homeownership opportunities and to create rental housing for all economic levels. *While RUPCO has been successful in connecting homebuyers with State and foundation funding, the City must seek additional opportunities to address this need. The City will pursue HOME funding through DHCR, which would be administered by RUPCO. The City must also improve outreach efforts.*

## **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 continue to diligently discharge its responsibility of promoting and monitoring fair housing choice within its jurisdiction through the implementation of this Plan. *With its acceptance by HUD and subsequent adoption by the Kingston Common Council, the City will strive to remove obstacles 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 (OECD) 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 an 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 Con 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 CDAB was 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 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 must continue to be coordinated at the local level. In addition, the other governmental agencies, and not-for-profit housing providers and counselors do not regularly 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 must be well-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 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 over the next five year consolidated planning cycle. Collectively, the policy commitment, goal and objective statements contained herein comprise the Action Plan component of this comprehensive plan to address fair housing, hereinafter referred to as the 2019 Fair Housing Action Plan (FHAP). This plan has been prepared from the current research and analysis conducted.

In implementing the 2019 FHAP, the City of Kingston must establish a clear 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 Kingston Common Council.

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 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 number of fair housing complaints; and,

3. That most data must be assembled, sorted and analyzed to determine the applicability of the data.

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). This *Analysis of Impediments* was prepared to identify impediments and suggest solutions. It does not, however, constitute a comprehensive planning program as many of the identified issues warrant additional research and analysis.

Further, it is vital that this analysis be read as a whole. Conclusions and observations made throughout the study are often dependent on data and discussions presented earlier. Readers may have questions at one point in the document that are answered later in the document. Context is vital to correctly understanding this analysis and avoiding misleading or erroneous interpretations of its content.

It is assumed that all direct and indirect information provided by the various sources that supplied information is accurate.

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.

Based on the data and analysis provided in Sections Three and Four of this AI, the City of Kingston has identified the following impediments to fair housing choice along with the following action plan to address each impediment:

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

A substantial lack of knowledge exists among the general public, some 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 Tasks

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

## Progress Schedule

- Within 90 days from the adoption of the 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 OECD 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 ongoing implementation of the 2019 FHAP. Pending Kingston Common Council 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 continue to employ public/private partnerships to use its resources, to the maximum extent possible, to leverage private sector resources in the implementation of the 2019 FHAP tasks.

## **Monitoring and Evaluation**

The City of Kingston will monitor and evaluate the progress made in the implementation of the 2019 FHAP and report this in the Consolidated Annual Performance Evaluation Report (CAPER). HUD will also monitor the City of Kingston's effort in meeting the Progress Schedule.

## **Impediment #2: Tracking and Interpreting Housing Trend Data**

The City tracks data as part of the process employed to prepare and/or annually review the implementation of its Con Plan and to monitor and assess specifically identified or incipient impediments to fair housing choice as noted in this FHAP.

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 continue to obtain current demographic, lending, fair housing complaint data 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**

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

## **Progress Schedule**

- Access to the data resources needed to both implement the plan and conduct the ongoing AI process is in place. The CDBG/FHB is the standing committee responsible for assisting the City of Kingston in implementing its ongoing fair housing planning and implementation process, and amending this Fair Housing Plan over time.

## **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 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 ongoing implementation of the City's FHAP. 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 maintain public/private partnerships to use its resources, to the maximum extent possible, to leverage private sector resources in the ongoing implementation of the identified 2019 FHAP tasks.

## **Monitoring and Evaluation**

The City of Kingston will monitor and evaluate the progress made in the implementation of the 2019 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: Onerous State Regulatory and Land Use Approval Process**

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 an arcane and inefficient approval process that often benefits neither the environment, the public, the project, nor the potential homeowners and tenants.

Recent amendments to SEQR, which became effective as of January 1, 2019, do not simplify or streamline the SEQR process. The SEQR environmental review timeframes and regulations, at times, have an unintended effect of elongating the approval process and requiring additional costly studies that developers need to incur. Low to moderate housing projects tend to have tight budgets and these additional costs can sometimes prevent a project from coming to fruition. As public resources continue to be 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**

- Encourage local regulatory codes and housing design standards that permit accessory apartments and other modified living arrangements for the elderly.
- The City will continue to streamline the local approval process and strive to overcome local regulatory barriers, which may increase the cost of housing.
- Despite recent amendments to the SEQR process, the City will continue to work with its 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 direct bearing on preserving and protecting the environment such as the environmental review timeframes and potentially costly studies for redevelopment/infill projects that 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 as was done on the 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**

- Over the next five year period, continue to encourage the City's State Senator and Assemblyman to discuss meaningful changes to the statute that would streamline the approval process and reduce unnecessary regulatory barriers;
- Within 260 days from the adoption of the Plan, seek alternative approaches to making predevelopment costs affordable including, but not limited to, pursuing HOME funding through DHCR.
- Commence a GEIS on identified development areas
- Complete the GEIS within one year 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 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 2019 FHAP. Pending Kingston Common Council 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 continue to employ public/private partnerships to use its resources, to the maximum extent possible, to leverage private sector resources in the implementation of the 2019 FHAP tasks.

### **Monitoring and Evaluation**

The City of Kingston will monitor and evaluate the progress made in the implementation of the 2019 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: Imbalance between Cost and Value**

Although the City of Kingston has seen some improvement in the performance and recovery of the housing market since 2010, there has been 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.

In the past, this market imbalance has been addressed by securing affordable housing funding through various government programs. This funding has primarily been available for affordable housing projects only.

#### **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;
- Continue to provide funding for rehabilitation projects to keep affordable housing stock in good condition and maintain homeownerships.
- Explore additional changes in the Zoning Code that will allow for higher density development in selected areas of the City;
- Incorporate “green” elements into rehabilitation and new construction projects to lower annual occupancy expenses; and,
- Support programs that will assist in the creation of jobs and improve the local economy.

#### **Progress Schedule**

Upon adoption of this FHAP, implement those strategies outlined in the Con Plan to address this impediment by creating newly rehabilitated and newly constructed housing units.

## **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 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 2019 FHAP. Pending Kingston Common Council 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 continue to employ public/private partnerships to use its resources, to the maximum extent possible, to leverage private sector resources in the implementation of the 2019 FHAP tasks.

## **Monitoring and Evaluation**

The City of Kingston will monitor and evaluate the progress made in the implementation of the 2019 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: Shortage of Funding to Modernize Public Housing Units**

The Kingston Housing Authority is experiencing the problem outlined in Impediment 5 first hand. The Authority owns and operates six aging public housing projects with a total of 481 units. Rehabilitation is greatly needed. 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.

As noted above, 441 of 481 units of housing managed by the KHA were built prior to 1975. The most recent complex, Brigham Housing, was built in 2001. Significant capital improvements are needed to address infrastructure needs in the complexes, especially the strong demand for accessibility retrofits. The KHA specifically cited the need for restoration and revitalization of complex roofs, apartment painting, sidewalk improvements, upgrades to heat and hot water

systems, new windows, and individual thermostats. The KHA also described the need for an engineering study for new underground and under building gas and water pipes.

### **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**

- Identify needed capital improvements and establish short range and long range capital improvement programs;
- Explore alternatives to the current public housing model; and,
- Develop a financing strategy using currently available resources and promote that plan with both state and federal funding agencies;

### **Progress Schedule**

- KHA is currently undergoing the following projects and planning to implement improvements: undergoing a modernization project at Colonial Gardens; installing new doors, roofs and gutters at Colonial Gardens Addition and Wiltwyck Gardens; and compiling capital needs plans for Stuyvesant Charter and Rondout Gardens.
- 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 OECD 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 2019 FHAP. Pending Kingston Common Council 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 continue to employ public/private partnerships to use its resources, to the maximum extent possible, to leverage private sector resources in the implementation of the 2019 FHAP tasks.

### **Monitoring and Evaluation**

The City of Kingston will monitor and evaluate the progress made in the implementation of the 2019 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: Quantity of New Units Being Developed**

There is a shortage throughout the City of new housing and new affordable housing. As of 2017, the City of Kingston had 10,713 housing units, which is a reduction from 11,085 in 2013. A total of only 17 new housing units were constructed between 2014 and 2017. Approximately 60% of the City's housing stock was built prior to 1950 and new construction is not keeping pace with the number of units that are being eliminated due to age or condition. Many factors contribute to the lack of new units being developed including:

- Lack of capital to fund direct loans to developers.
- Credit Market and Equity Market problems.
- High Construction Costs.
- Lack of Suitable Building Sites.
- High Land Costs.

Land is also expensive and it is difficult to develop affordable housing without some subsidies or program to help offset these costs.

The City has experienced slightly negative population growth over the past several years. So the need for affordable housing to meet the needs of an expanding population is not the policy



factor that will influence the production of units in the City over the next five years. Instead, the need for new affordable units in Kingston derives from the three following primary factors: (i) the population is aging in place and becoming poorer; (ii) more individuals and families are receiving public assistance as a greater share of their income; and (iii) the arts and creative economy community, a growing and influential sector of the economy, has pushed for the need to create more affordable live-work housing units.

### **Action Objectives**

- Increase the supply of safe, sanitary housing at price and rent levels appropriate to the varied financial capabilities of City of Kingston residents, and provide for diversity in type, density and location of housing with special emphasis on maintaining and improving neighborhood stability.
- Facilitate the retention of existing housing for low and moderate income households throughout the community.
- Facilitate the development of multi-family housing for various income levels and populations especially low and moderate income and persons with disabilities and special needs.

### **Action Tasks**

- Encourage the City of Kingston Planning Department to employ the newly developed recommendations for a streamlined review process outlined in its various planning documents, which will make the approval process easier and eliminate significant costs. Since the 2012 AI the City of Kingston has made a concentrated effort to coordinate its various departments and ensure open communication to help with the efficiency of the approval process. The City undertook a GEIS for the Rondout area which will allow for a streamlined development approval process. It has also created two documents, Kingston 2025: A Plan for the City of Kingston in 2016 and the Downtown Revitalization Initiative (2018) which outlines goals, recommendations, and zoning changes to be implemented to help streamline the approval process and advocate for more multi-family and especially affordable housing projects.
- The City's new Zoning Task Force will promote zoning changes that are consistent with the City's Comprehensive Plan, including rezoning to encourage development of affordable and multifamily housing.
- The City of Kingston will enforce zoning requirements for developers seeking adaptive reuse of commercial buildings to reserve 10% of the residential units as "affordable" if they develop more than five units.
- The City will offer density allowances and incentives to encourage the development of new housing and new affordable housing.
- The City of Kingston does not have the capacity to undertake large-scale housing rehabilitation or production of affordable housing but works closely with long-time

community partners including Youthbuild, RUPCO, and Family of Woodstock and private developers to address the need for more affordable housing and will now work closely with the newly-formed Kingston City Land Bank, as well.

- The City of Kingston will extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of new housing and new affordable housing.

### **Progress Schedule**

- Over the next five year period, the City and its partners will add an average of 30-40 housing units per year to the City's housing stock.

### **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 will provide the principal staff and institutional 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 2019 FHAP. Pending Kingston Common Council 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 continue to employ public/private partnerships to use its resources, to the maximum extent possible, to leverage private sector resources in the implementation of the 2019 FHAP tasks.

### **Monitoring and Evaluation**

The City of Kingston will monitor and evaluate the progress made in the implementation of the 2019 FHAP and report this in the Consolidated Annual Performance Evaluation Report (CAPER). The City of Kingston will regularly update the FHAP every five years concurrent with the Consolidated Strategy and Plan or as directed by HUD. HUD will also monitor the City of Kingston's effort in meeting the Progress Schedule.