ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

CITY OF BUFFALO
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MULLIN & LONERGAN ASSOCIATES INCORPORATED

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1 EXECUTIVE SUMMARY

The preparation of this Analysis of Impediments to Fair Housing Choice (AI) serves as a component of the City of Buffalo's efforts to satisfy the requirements of the Housing and Community Development Act of 1974, as amended, which requires that any community receiving Community Development Block Grant (CDBG) funds affirmatively further fair housing. The AI is a review of local regulations and administrative policies, procedures and practices affecting the location, availability and accessibility of housing, as well as an assessment of conditions, both public and private, that affect fair housing choice.

The City anticipates participation in a regional Fair Housing Equity Assessment (FHEA) as part of the Sustainable Communities Initiative planning grant awarded to the region. While the action steps in this document primarily address areas within the City's control, the Regional FHEA will additionally identify and address systemic regional impediments that contribute to the concentration of poverty in Buffalo.

Following an extensive stakeholder consultation process conducted in tandem with the City's Five-Year Consolidated Planning process, the City built the context for analysis by examining demographic, economic and housing market trends within the framework of access to housing opportunities. Continued population drain has created a housing market that is affordable by national standards, but suffers from high rates of abandonment and blight. Buffalo has a high rate of residential structures built more than 60 years ago, which are commonly inaccessible to persons with disabilities, have toxic lead paint or are otherwise in need of rehabilitation. In many cases, the sum required to return a unit to a habitable condition would exceed the market value of the finished home. This has discouraged private investment in Buffalo's neighborhoods, particularly in racially concentrated areas of poverty.

Census data indicate that racial and ethnic minorities, persons with disabilities and female-headed households with children are more likely to experience poverty and unemployment. Buffalo contains the region's concentrations of lower-income minorities, and within the City, segregated settlement patterns are still evident, though integration has increased within the last 10 years.

An analysis of housing discrimination complaints revealed the persistence of unequal treatment in the local sales and rental markets, particularly on the basis of race. The City benefits from services provided by a network of fair housing advocates, who enforce a wide array of state and local protections as well as the federal Fair Housing Act. Buffalo's 2006 Fair Housing Ordinance has eliminated source of income as a legal basis of discrimination, though it does not apply to owner-occupied two- and three-unit homes, and landlords reportedly avoid the requirement by failing to meet Section 8 Housing Quality Standards.

In the years following the landmark *Comer* fair housing settlement, a successful voucher mobility program continues to help families settle across Erie County. However, the three agencies administering vouchers locally have reverted to some pre-Comer practices, such as maintaining separate waiting lists.

The AI's review of public policies covered the aspects of local government most closely tied to housing, including the City's entitlement grants programs, appointed boards and commissions, building codes enforcement, language accommodations, land use regulations, public housing, taxes and transit. The City's ambitious new form-based Green Code promises to broaden affordable housing development opportunities across more neighborhoods, though it must also remedy the discriminatory current treatment given to group homes for persons with disabilities. Site selection for the City's HOME program has been seemingly developer-driven, which has resulted in the recent siting of subsidized units in high-poverty areas. The City's fair housing officer is stretched thin, expected to enforce the fair housing ordinance while carrying out a variety of additional responsibilities.

Private-sector policies were also evaluated from a fair housing perspective. A thorough review of mortgage application data suggested that *upper-income* minorities are more likely to experience loan denials or high-cost lending than *lower-income* White applicants.

Many of the impediments identified in this report can be found in cities throughout the country and are not unique to Buffalo. Economic and racial/ethnic segregation, among many other challenges identified in this report, are national problems, but the responsibility for addressing these issues falls primarily to each local jurisdiction where they are present. Affirmatively furthering fair housing is an ongoing process that requires the leadership of elected officials, and the development of this plan is the next step toward increasing fair housing choice in Buffalo.

The concluding sections of this report identify general fair housing observations, which define the underlying conditions, trends and context for fair housing planning in the City, as well as impediments to fair housing choice. The impediments, listed briefly here as summary categories, are described in detail starting on Page 117 and are accompanied by action steps. Finally, action steps have been organized into a Fair Housing Action Plan to assist the City in planning and carrying out activities that will address the identified impediments.

PUBLIC SECTOR IMPEDIMENTS (POLICY BASED):

1. Barriers to the development of group homes
2. Concentration of voucher holders in racially/ethnically concentrated areas of poverty
3. Lack of centralized fair housing administration
4. Lack of transit connections between residents and employment
5. Policy document improvements
6. Boards and commissions representation

PUBLIC SECTOR IMPEDIMENTS (MARKET BASED):

7. Limited-English-speaking population needs
8. Poor condition of housing stock
9. Availability of decent, affordable rental units
10. Persistence of housing discrimination

PRIVATE SECTOR IMPEDIMENTS (MARKET BASED):

11. Accessible units for persons with disabilities
12. Patterns of disparity in private lending

2 INTRODUCTION

PURPOSE OF THE AI

The City of Buffalo has prepared an Analysis of Impediments to Fair Housing Choice (AI) to satisfy the requirements of the Housing and Community Development Act of 1974, as amended. This act requires that any community receiving Community Development Block Grant (CDBG) funds affirmatively further fair housing. As a result, the City is charged with the responsibility of conducting its CDBG programs in compliance with the federal Fair Housing Act. The responsibility of compliance with the federal Fair Housing Act extends to nonprofit organizations and other entities that receive federal funds through the City.

These requirements can be achieved through the preparation of an AI and implementation of recommended action items. The AI is a review of a jurisdiction's laws, regulations and administrative policies, procedures and practices affecting the location, availability and accessibility of housing, as well as an assessment of conditions, both public and private, affecting fair housing choice.

Entitlement communities receiving CDBG entitlement funds are required to:

- Examine and attempt to alleviate housing discrimination within their jurisdiction
- Promote fair housing choice for all persons
- Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status or national origin
- Promote housing that is accessible to and usable by persons with disabilities, and
- Comply with the non-discrimination requirements of the Fair Housing Act.

METHODOLOGY

The firm of Mullin & Lonergan Associates, Inc. (M&L) was retained as consultants to conduct the AI. M&L utilized a comprehensive approach to complete the Analysis involving the City of Buffalo. The following sources were utilized:

- The most recently available demographic data regarding population, household, housing, income and employment at the census tract and block group level
- Public policies affecting the siting and development of housing
- Administrative policies concerning housing and community development
- Financial lending institution data from the Home Mortgage Disclosure Act (HMDA) database
- Agencies that provide housing and housing related services to members of the protected classes
- The Consolidated Plan, Annual Action Plans and CAPERs for the City
- Fair housing complaints filed with HUD, the New York Division of Human Rights, the New York Office of Fair Housing and Equal Opportunity and local agencies such as HOME
- Real estate advertisements from area newspapers of record
- Historic race and ethnicity data and shapefiles from the National Historic GIS, a project of the University of Minnesota Population Center
- Interviews conducted with agencies and organizations that provide housing and housing related services to members of the protected classes.

DEVELOPMENT OF THE AI

The City's Office of Strategic Planning was the lead agency for the preparation of the AI. Staff members identified and invited numerous stakeholders to participate in the process for the purpose of developing a thorough analysis with a practical set of recommendations to eliminate impediments to fair housing choice, where identified.

The City engaged in a consultation process with local public agencies, nonprofit organizations and other interested entities in an effort to develop both the Five-Year Consolidated Plan and the AI. A series of written questionnaires were mailed to many of the interviewees, and detailed lists of issues were developed for the focus group sessions and interviews.

During December 2012, the consulting team conducted a series of focus group sessions and individual interviews to identify current fair housing issues impacting the various agencies and organizations and their clients. Comments received through these meetings and interviews are incorporated throughout the AI, where appropriate.

Throughout this report, emphasis is placed on the City of Buffalo, with the understanding that the pattern of residential segregation extends beyond its borders. This AI focuses on strategies that can be implemented by the City, though the forthcoming Regional AI will more fully explore problems and solutions that cross boundaries.

In all cases, the latest available data was used to describe the most appropriate geographic unit of analysis. In most cases, 2010 Census data and 2010 American Community Survey (ACS) were available and incorporated into this report. Where the margin of error for block group estimates was unacceptably high due to small sample size, census tract data has been used.

LEGAL TRENDS IN FAIR HOUSING ENFORCEMENT

In recent years, the federal government has increasingly emphasized the obligation of grantees to affirmatively further fair housing and, specifically, the way in which entitlement communities comply with their required fair housing certifications. Each year when an entitlement community submits its Annual Action Plan to HUD, the chief elected official is required to certify that the jurisdiction will affirmatively further fair housing. However, the Fair Housing Act of 1968, which created that mandate, did not specify what precisely it meant, leaving open a wide range of interpretations reflected in the varying policies and practices of grantee communities. Legal proceedings between grantees, HUD and the U.S. Department of Justice within the last 10 years have provided some clarification.

In August 2009, Westchester County, NY settled a fair housing lawsuit brought against the county by the Anti-Discrimination Center of Metro New York, Inc. This $180 million lawsuit charged that Westchester County, an urban county entitlement under HUD's CDBG program, failed to fulfill its obligation to affirmatively further fair housing and ensure non-discrimination in its programs. At issue in the case was not *whether* Westchester County created affordable housing. In fact, since 1998, the County spent more than $50 million in federal and state funds to aid in the construction of 1,370 affordable rental units and another 334 affordable owner units. It was the *geographic location* of affordable housing units that were created within the county that was the critical factor in the lawsuit, as the Center alleged that the county increased the pattern of racial segregation in Westchester County. Furthermore, the suit charged that the county violated its cooperation agreements with local units of government which prohibits expenditures of CDBG funds for activities in communities that do not affirmatively further fair housing within their jurisdiction or otherwise impede the county's action to comply with its fair housing certifications.

Under the terms of the settlement, the County paid $21.6 million to HUD in non-federal funds to the County's HUD account and used the funds to build new affordable housing units in specified census tracts with populations of less than 3% Black and 7% Hispanic residents. The County paid an additional $11 million to HUD, the Center and its counsel. The county was forced to add $30 million to its capital budget to build affordable housing in non-impacted (i.e., predominantly White) areas.

In another example, HUD threatened in July 2012 to withhold more than a half billion dollars in disaster recovery funds from the City of Galveston in response to the City's refusal to rebuild 569 low-income housing units lost as a result of Hurricane Ike. The City's mayor, who had promised during his campaign not to rebuild the units, favored allocating rental vouchers to those displaced by the storm, which he said would allow residents to live "where they have job opportunities, which do not exist in Galveston." HUD argued that

this was effectively a means of limiting the affordable housing available in Galveston, a problem that would disproportionately affect members of the protected classes. The agency authorized $109 million in federal funds to replace the lost housing within the City in mixed-income developments, mandating that Galveston rebuild.

In August 2011, the U.S. Department of Justice filed a lawsuit against the City of Joliet, IL, alleging that the City violated the Fair Housing Act and Community Development Act by seizing via eminent domain an affordable housing development of 356 units, displacing 750 residents, almost all of whom were Black female-headed households with children. The Department argued that the displaced residents would have nowhere within the City fo live if the units were destroyed, due to the lack of affordable housing available locally and the absence of a “meaningful plan” to counteract the effects of the loss of units. Therefore, according to the argument, the City’s actions would have the effect of limiting the number of Black residents within Joliet, perpetuating segregation. The City’s Department of Economic and Community Development, which had administered more than $1 million in federal funds, was accused of violating Section 109 of the Housing and Community Development Act by its involvement in City actions to condemn the affordable housing development. The case remains in litigation, with HUD withholding the City’s CDBG and HOME allocations for 2011 and 2012.

The significance of these proceedings for HUD grantee communities throughout the U.S. is clear. First, the requirement to affirmatively further fair housing applies to all aspects of local government, not just HUD programs. Second, a grantee has an obligation to ensure that each agency that participates in its federal programs affirmatively furthers fair housing. When a grantee makes this pledge to HUD, it is making the promise not just in its own right but also on behalf of its grant subrecipients. Finally, within the scope of its authority, a grantee must take action to eliminate barriers to fair housing wherever they may exist within its jurisdiction.

FAIR HOUSING CHOICE

The federal Fair Housing Act prohibits discrimination in housing based on a person's race, color, religion, sex, disability, familial status or national origin. Persons who are protected from discrimination by fair housing laws are referred to as members of the protected classes.

Equal and free access to residential housing (housing choice) is a fundamental right that enables members of the protected classes to pursue personal, educational, employment or other goals. Because housing choice is so critical to personal development, fair housing is a goal that government, public officials and private citizens must embrace if equality of opportunity is to become a reality.

This AI encompasses the following five areas related to fair housing choice:

- The sale or rental of dwellings (public and private)
- The provision of financing assistance for dwellings
- Public policies and actions affecting the approval of sites and other building requirements used in the approval process for the construction of publicly assisted housing
- The administrative policies concerning community development and housing activities, which affect opportunities of minority households to select housing inside or outside areas of minority concentration, and
- Where there is a determination of unlawful segregation or other housing discrimination by a court or a finding of noncompliance by HUD regarding assisted housing in a recipient's jurisdiction, an analysis of the actions which could be taken by the recipient to remedy the discriminatory condition, including actions involving the expenditure of funds made available under 24 CFR Part 570 (i.e., the CDBG program regulations).

As a federal entitlement community, the City of Buffalo has specific fair housing planning responsibilities. These include:

- Conducting an Analysis of Impediments to Fair Housing Choice
- Developing actions to overcome the effects of identified impediments to fair housing, and
- Maintaining records to support the jurisdiction's initiatives to affirmatively further fair housing.

HUD interprets these three certifying elements to include:

- Analyzing housing discrimination in a jurisdiction and working toward its elimination
- Promoting fair housing choice for all people
- Providing racially and ethnically inclusive patterns of housing occupancy
- Promoting housing that is physically accessible to, and usable by, all people, particularly individuals with disabilities, and
- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act.

This AI will:

- Evaluate population, household, income and housing characteristics by protected classes.
- Evaluate public and private sector policies that impact fair housing choice
- Identify blatant or de facto impediments to fair housing choice where any may exist, and
- Recommend specific strategies to overcome the effects of any identified impediments.

HUD defines an impediment to fair housing choice as any actions, omissions or decisions that restrict or have the effect of restricting the availability of housing choices, based on race, color, religion, sex, disability, familial status or national origin.

This AI serves as the basis for fair housing planning, provides essential information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates, and assists in building public support for fair housing efforts. The elected governmental bodies are expected to review and approve the AI and use it for direction, leadership and resources for future fair housing planning.

The AI will also serve as a point-in-time baseline against which future progress in terms of implementing fair housing initiatives will be evaluated and recorded.

THE FEDERAL FAIR HOUSING ACT

1. What housing is covered?

The federal Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

2. What does the Fair Housing Act prohibit?

a. In the sale and rental of housing

No one may take any of the following actions based on race, color, religion, sex, disability, familial status or national origin:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for the sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- Persuade owners to sell or rent (blockbusting), or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

b. In mortgage lending

No one may take any of the following actions based on race, color, religion, sex, disability, familial status or national origin:

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points or fees
- Discriminate in appraising property
- Refuse to purchase a loan, or
- Set different terms or conditions for purchasing a loan.

c. Other prohibitions

It is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right.
- Advertise or make any statement that indicates a limitation or preference based on race, color, religion, sex, disability, familial status, or national origin. This prohibition against discriminatory advertising applies to single family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

3. Additional protections for people with disabilities

If someone has a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities, or has a record of such a disability, or is regarded as having such a disability, a landlord may not:

- Refuse to let the disabled person make reasonable modifications to a dwelling or common use areas, at the disabled person's expense, if necessary for the disabled person to use the housing. Where reasonable, the landlord may permit changes only if the disabled person agrees to restore the property to its original condition when he or she moves.
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use the housing. For example, a building with a "no pets" policy must make a reasonable accommodation and allow a visually impaired tenant to keep a guide dog.

4. Housing opportunities for families with children

Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not discriminate against families in which one or more children under the age 18 live with:

- A parent or
- A person who has legal custody of the child or children or
- The designee of the parent or legal custodian, with the parent or custodian's written permission.

Familial status protection also applies to pregnant women and anyone securing legal custody of a child under age 18.

Housing for older persons is exempt from the prohibition against familial status discrimination if:

- The HUD Secretary has determined that it is specifically designed for and occupied by elderly persons under a federal, state or local government program, or
- It is occupied solely by persons who are 62 or older, or
- It houses at least one person who is 55 or older in at least 80% of the occupied units, and adheres to a policy that demonstrates the intent to house persons who are 55 or older, as previously described.

A transition period permits residents on or before September 13, 1988 to continue living in the housing, regardless of their age, without interfering with the exemption.

THE NEW YORK HUMAN RIGHTS LAW

The New York Human Rights Law (Article 15 of the New York State Executive Law) prohibits housing discrimination based on race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status or familial status.

State or local laws may be certified as substantially equivalent to the federal Fair Housing Act when HUD determines that the law provides rights, procedures, remedies and judicial review provisions that are substantially equivalent to the Act. Currently, the New York State Division of Human Rights participates in HUD's Fair Housing Assistance Program (FHAP) by virtue of the New York Human Rights Law having been deemed substantially equivalent to the federal Fair Housing Act. Participation allows the agency the opportunity to receive funding to support a variety of fair housing administrative and enforcement activities, including complaint processing, training, implementation of data and information systems and other special projects.

Section 296 of the Human Rights Law describes the unlawful acts of discrimination related to fair housing. These include:

- Discriminatory real estate practices, including refusal to sell or lease housing accommodations to members of the protected classes
- Discrimination in the terms, conditions and privileges of real estate transactions
- Printing or circulating any statement, advertisement, publication or application with the intent or effect of making limitations, specifications or discrimination with regard to protected classes
- Representing that any housing accommodation, land or commercial space is not available for inspection, sale, rental or lease when it in fact is available, or to otherwise deny or withhold any housing accommodation on the basis of protected class status
- Excluding or expelling qualified individuals from real estate board membership on the basis of protected class status, or discriminating against such an individual in the terms, conditions and privileges of board membership

Additionally, Section 296-a explains unlawful discriminatory practices in relation to credit, outlining prohibitions related to discrimination in the lending of money to acquire, construct, rehabilitate, repair or maintain housing.

Section 293 of the Human Rights Law establishes the Division of Human Rights within the state's executive department. Among other powers, the Division has statutory authority to adopt suitable rules and regulations to carry out the provisions of the Human Rights Law, initiate investigations and studies, hold hearings and provide for cross interrogations, subpoena witnesses, impel their attendance, administer oaths, take testimony and promote the creation of human rights agencies by counties, cities, villages or towns.

The New York Human Rights Law describes unlawful acts of discrimination and sets forth the procedures for aggrieved parties to file complaints.

LOCAL DISCRIMINATION PROHIBITIONS

1. Buffalo Fair Housing Ordinance

In 2006, the City of Buffalo adopted its own Fair Housing Ordinance (Chapter 154 Charter and Code of the City of Buffalo) to protect the rights of its citizens to equal access to housing, in order to help preserve property values and ensure housing choice for all residents.

The ordinance makes it unlawful for any person or entity engaged in the sale or rental of housing to:

- Refuse to sell, rent, lease, to any person housing accommodation because of race, creed, color, national origin, sex, disability, familial status, marital status, age, sexual orientation, gender identity and expression, military status or source of income
- Discriminate against any person in the terms, conditions, or privileges of sale, rental or lease of any housing accommodation on the basis of protected class status
- Induce any person to sell or rent any housing accommodation by representations regarding the entry or prospective entry into the neighborhood of persons according to protected class status
- Refuse to permit reasonable modifications for persons of disabilities, if such modifications may be necessary to afford such person full enjoyment of the housing accommodation.
- For any bank or business making loans or arranging financing for housing or secured by real property or the issuance of property insurance to discriminate in the issuance or terms and conditions of a loan or insurance policy because of race, creed, color, national origin, sex, disability, familial status, marital status, age, sexual orientation, gender identity and expression, military status or lawful source of income.

The law designated a Fair Housing Officer to receive, investigate, and/or refer complaints to a qualified fair housing enforcement agency.

The ordinance charges the Fair Housing Officer with the following additional duties:

- Receive complaints alleging violation of the ordinance from any person or organization in writing
- Notify the accused party within 30 days of the date of the filing of the complaint and request the accused party to answer the complaint in writing within 20 days after the mailing of the notice.
- Create a conciliation agreement if deemed appropriate to resolve the complaint. Included would be provisions requiring the accused party to refrain from unlawful discriminatory practices, and may include compensation and/or affirmative relief as is agreed upon by the parties.
- Within 120 days of the date of the complaint, the Fair Housing Officer shall conclude the investigation and determine whether there is

probable cause to support a finding of discriminatory conduct by the accused party.

- The Fair Housing Officer shall prepare an annual report detailing the work performed. This report shall be submitted to the Mayor and filed with the City Clerk no later than March 1st of each year. Copies shall also be sent to the Commissioner of the New York State Division of Human Rights, the Attorney General of the State of New York, and the Secretary of the United States Department of Housing and Urban Development.

2. Erie County Protections for Persons with Disabilities and Women

Erie County created a Division for the Disabled (Article 17, Section 1706; Amended in 2009) to serve the following functions:

- Evaluate and provide reasonable accommodations to county employees under the Americans with Disabilities ACT (ADA) or New York Executive Law
- Advocate for the benefits and services which disabled persons are entitled to under the law and represent the disabled in various areas of concern affecting their rights as citizens
- Identify and recommend to public and private agencies and organizations which serve the disabled, to the county legislature and to the county executive appropriate sources of state, federal and private financial assistance for purposes of comprehensively expanding services and programs for the disabled
- Act as the county administrative officer for planning and coordinating services for the disabled in cooperation with the county executive, county legislature, county departments and public and private agencies and organizations which serve the disabled.
- Submit an annual report in accordance with the ADA of activities and recommendations to the county executive and county legislature.

Section 1707 of Article 17 created an Advisory Board to the Division for the disabled. No details of a specific mission statement or tasks and goals are stated in the statute.

Erie County created a Division on the Status of Women (Article 17, Section 1704; Amended in 2009) to eliminate discrimination on account of gender, with regard to employment, education, health and mental health, housing, senior and social services.

Among other duties, the division was deemed responsible to investigate and analyze resources and services available for women within county government and programs funded by the county and recommend measures to coordinate, consolidate or expand those resources and services to provide maximum efficiency.

Section 1705 of Article 17 also created an Advisory Commission to the Division on the Status of Women. The law established nine to 15 members to be appointed by the County Executive. Other than the commission being created to advise the division, the statute contains no further details.

COMPARISON OF ACCESSIBILITY STANDARDS

There are several standards of accessibility referenced throughout the AI. These standards are listed below along with a summary of the features within each category or a reference to the full set of detailed standards.

1. Fair Housing Act

In buildings that are ready for first occupancy after March 13, 1991 and include four or more units:

- There must be an accessible entrance on an accessible route.
- Public and common areas must be accessible to persons with disabilities
- Doors and hallways must be wide enough for wheelchairs
- All ground floor units and all units in elevator buildings must have:
  - ✓ An accessible route into and through the unit
  - ✓ Accessible light switches, electrical outlets, thermostats and other environmental controls
  - ✓ Reinforced bathroom walls to allow later installation of grab bars, and
  - ✓ Kitchens and bathrooms that can be used by people in wheelchairs.

If a building with four or more units has no elevator and will be ready for first occupancy after March 13, 1991, these standards apply to ground floor units. These requirements for new buildings do not replace any more stringent standards in state or local law.

2. Americans with Disabilities Act (ADA)

Title II of the ADA applies to state and local services, including state and local housing programs. Government entities are obliged to assure that housing financed through state and local programs complies with ADA accessibility guidelines. A complete description of the guidelines can be found at *www.ada.gov/stdspdf.htm*.

3. Uniform Federal Accessibility Standards (UFAS)

UFAS accessibility standards are required for facility accessibility by people with motor and sensory disabilities for Federal and federally-funded facilities. These standards are to be applied during the design, construction, and alteration of buildings and facilities to the extent required by the Architectural Barriers Act of 1968, as amended. A complete description of the guidelines can be found at *www.access-board.gov/ufas/ufas-html/ufas.htm*.

4. Visitability Standards

The term “visitability” refers to single-family housing designed in such a way that it can be lived in or visited by people with disabilities. A house is visitable when it meets three basic requirements:

- At least one no-step entrance
- Doors and hallways wide enough to navigate a wheelchair through, and
- A bathroom on the first floor large enough to allow a person in a wheelchair to enter and close the door.

5. Universal Design

Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without adaptation or specialized design. Seven principles guide Universal Design. These include:

- Equitable use (make the design appealing to all users)
- Flexibility in use (accommodate right- or left-handed use)
- Simple and intuitive use (eliminate unnecessary complexity)
- Perceptible information (provide compatibility with a variety of techniques or devices used by people with sensory limitations)
- Tolerance for error (provide fail-safe features)
- Low physical effort (minimize repetitive actions)
- Size and space for approach and use (accommodate variations in hand and grip size).

3 DEMOGRAPHIC AND HOUSING MARKET CONDITIONS

Overview of Settlement Patterns

The City of Buffalo has been characterized in the last six decades by continued population loss and the challenges this presents. Patterns of racial segregation developed as early as the 1920s and are still evident today. Population exodus and declining housing values have introduced some opportunity for integration, as neighborhoods that were previously out of reach have opened to minority populations. All the same, the City's Black and Hispanic populations tend to be located in high-poverty neighborhoods. Within the larger context of the region, Buffalo contains not only a high proportion of members of the protected classes, but also a high proportion of subsidized housing.

FIGURE 3-1
Decennial Population Change, 1970-2010

	1970	1980	10-Year Change	1990	10-Year Change	2000	10-Year Change	2010	10-Year Change	% Change 1970-2010
Buffalo City	**462,768**	**357,870**	**-23%**	**328,123**	**-8%**	**292,648**	**-11%**	**261,310**	**-11%**	**-44%**
Erie County	1,113,491	1,015,472	-9%	968,532	-5%	950,265	-2%	919,040	-3%	-17%
Buffalo-Niagara MSA	1,349,211	1,242,826	-8%	1,189,288	-4%	1,170,111	-2%	1,135,509	-3%	-16%
New York State	18,236,967	17,558,072	-4%	17,990,455	2%	18,976,457	5%	19,378,102	2%	6%

Source: U.S. Census Bureau

Population Trends

Between 1970 and 2010, the regional metropolitan statistical area and Erie County lost 213,702 (16%) and 194,451 (18%) residents, respectively. However, Buffalo shouldered a disproportionally high percentage of the region's population drain, losing 44% of its residents during those four decades. Buffalo's 2010 population is 55% lower than its peak population of 580,132 in 1950. The City's population loss between 2000 and 2010 was almost identical in percentage to the loss sustained between 1990 and 2000.

Figure 3-2 compares Buffalo's population with comparable cities. Among this group, Buffalo had the fourth-highest reduction, losing 11% of its population between 2000 and 2010. The greatest loss was in Detroit, at 25%, followed by Flint and Cleveland at 18% and 17%, respectively. A handful of other cities had losses within two percentage points of Buffalo's population loss, including Pittsburgh, Toledo and Niagara Falls.

FIGURE 3-2
Population Comparison among Similar Cities

	2010 Population	Change since 2000	2010 Land Area	2010 Density
Buffalo, NY	261,310	-11%	40	6,470
Syracuse, NY	145,170	-1%	25	5,797
Rochester, NY	210,565	-4%	36	5,885
Albany, NY	97,856	2%	21	4,575
Niagara Falls, NY	50,195	-10%	14	3,563
Utica, NY	62,235	3%	17	3,714
Erie, PA	101,786	-2%	19	5,334
Pittsburgh, PA	305,704	-9%	55	5,521
Cleveland, OH	396,815	-17%	78	5,107
Toledo, OH	287,208	-8%	81	3,559
Detroit, MI	713,777	-25%	139	5,144
Flint, MI	102,434	-18%	33	3,065

Note: Area is in miles; density is persons per square mile.
Source: U.S. Census Bureau

Even with recent population losses, Buffalo remains more densely populated than comparable cities, with 6,470 persons per mile across its 40 square-mile land area.

FIGURE 3-3
Racial and Ethnic Population Composition, 2000-2010

	2000		2010	
	#	%	#	%
Buffalo City	**292,648**	**100%**	**261,310**	**100%**
White	159,300	54%	131,753	50%
Non-White	133,348	46%	129,557	50%
Black	108,951	37%	100,774	39%
Asian/Pacific Islander	4,213	1%	8,528	3%
American Indian	2,250	1%	800	0%
Some other race	10,755	4%	10,247	4%
Two or more races	7,179	3%	7,999	3%
Hispanic*	22,076	8%	27,519	11%

Source: 2000 and 2010 SF1

*Hispanic ethnicity is counted independently of race

Blacks continue to represent the City's largest minority group, accounting for 39% of all Buffalo residents in 2010.

While there was a net population loss among Whites and Blacks between 2000 and 2010, the number of Asians, multi-race and Hispanic residents increased.

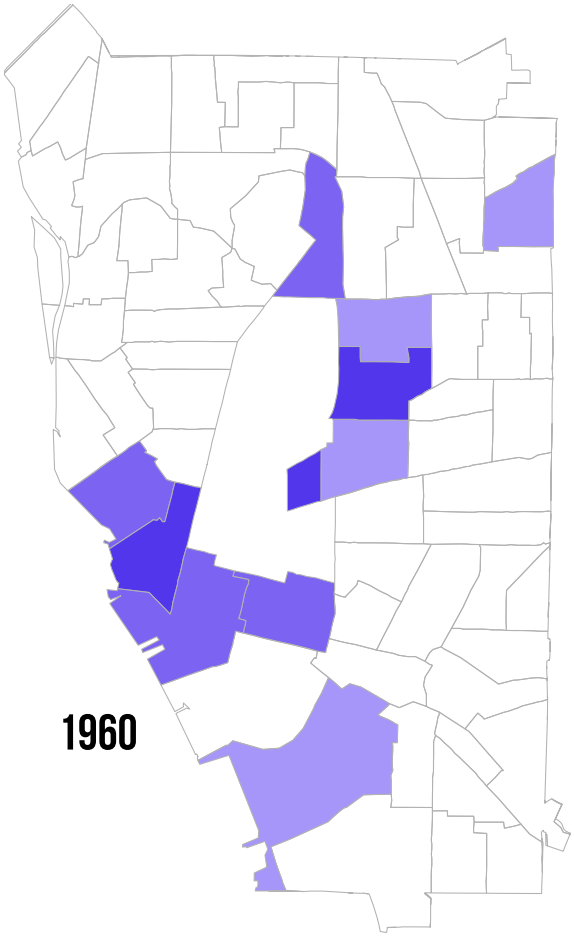
As of 2010, half of Buffalo residents were White. While the non-White population decreased in raw numbers by 3% between 2000 and 2010, its share of the total population increased by 4%, due to a larger decline in the White population.

During the same decade, the City's Asian population more than doubled. The number of Hispanic residents increased 25%, comprising 11% of the City's total population in 2010. While Buffalo's Black population decreased by about 8,000 residents, their percentage of the City's population increased from 37% to 39%, within the context of overall population loss.

Studying the distribution of population by race and ethnicity in years prior to 2000 is difficult due to changing Census boundaries. Map 3-2 is a time series comparing the proportion of Blacks from 1960 to 2010. Map 3-3 is a similar time series for the Hispanic population, dating back to 1990, 10 years after the Census Bureau began recording "Spanish ethnicity." These historic patterns provide some context for the current areas of racial and ethnic concentration presented in later maps.

Early clusters of Black residents appeared in the Ellicott and MLK Park neighborhoods, which have remained concentrated areas through 2010. The City's Black population filled in heavily in its central neighborhoods, including the East Delavan, Ellicott and Masten planning areas. Across the six decades depicted, White flight accelerated the growing population share of Blacks in many census tracts.

In 1990, Buffalo's Hispanic population was relatively small, representing more than half of residents in only the Lakeview neighborhood, though they comprised more than a quarter of Front Park and Columbus. Since then, the Hispanic population has expanded in higher concentrations along the City's West Side.

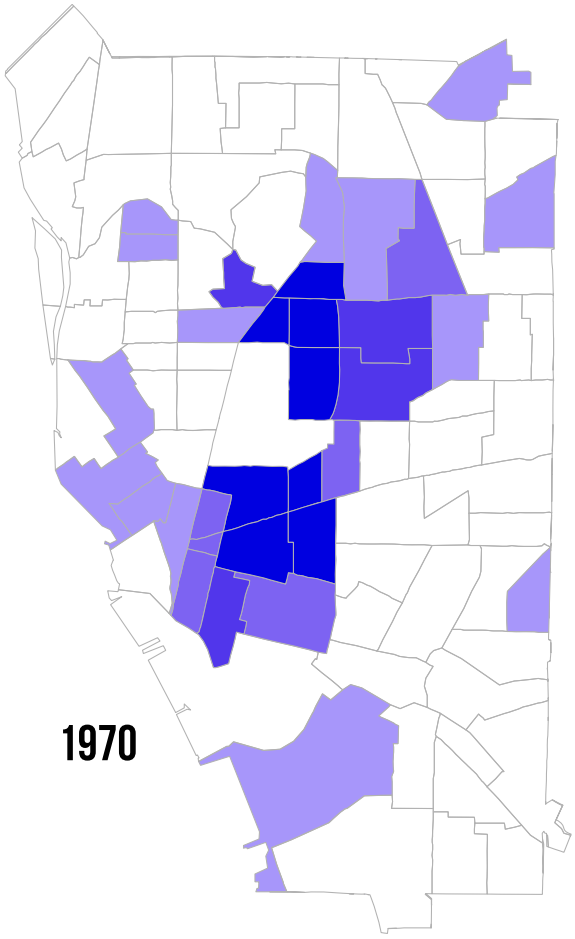


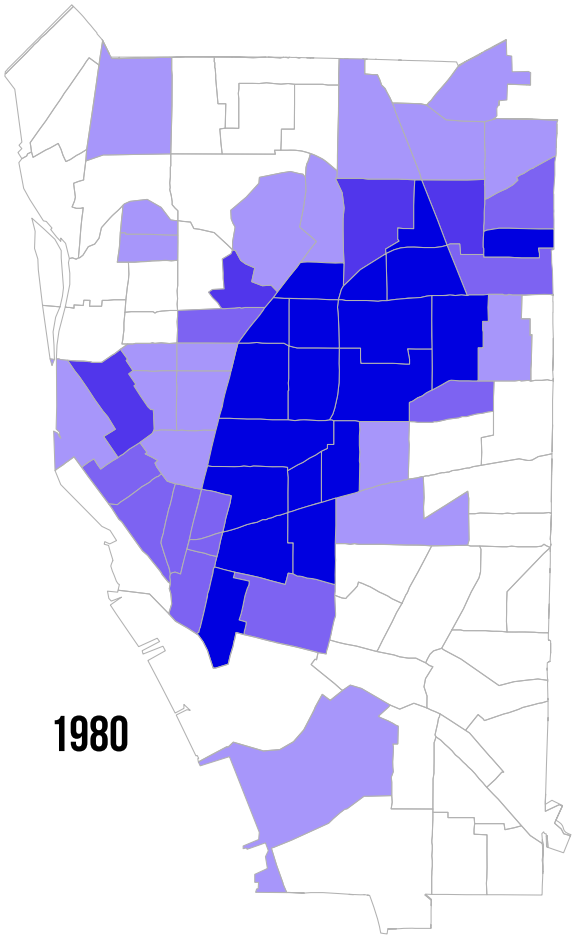
MAP 3-1
Black Population Distribution
by Tract, 1960-1980

Source: Minnesota Population Center. National Historical Geographic Information System: Version 2.0. Minneapolis, MN: University of Minnesota 2011.

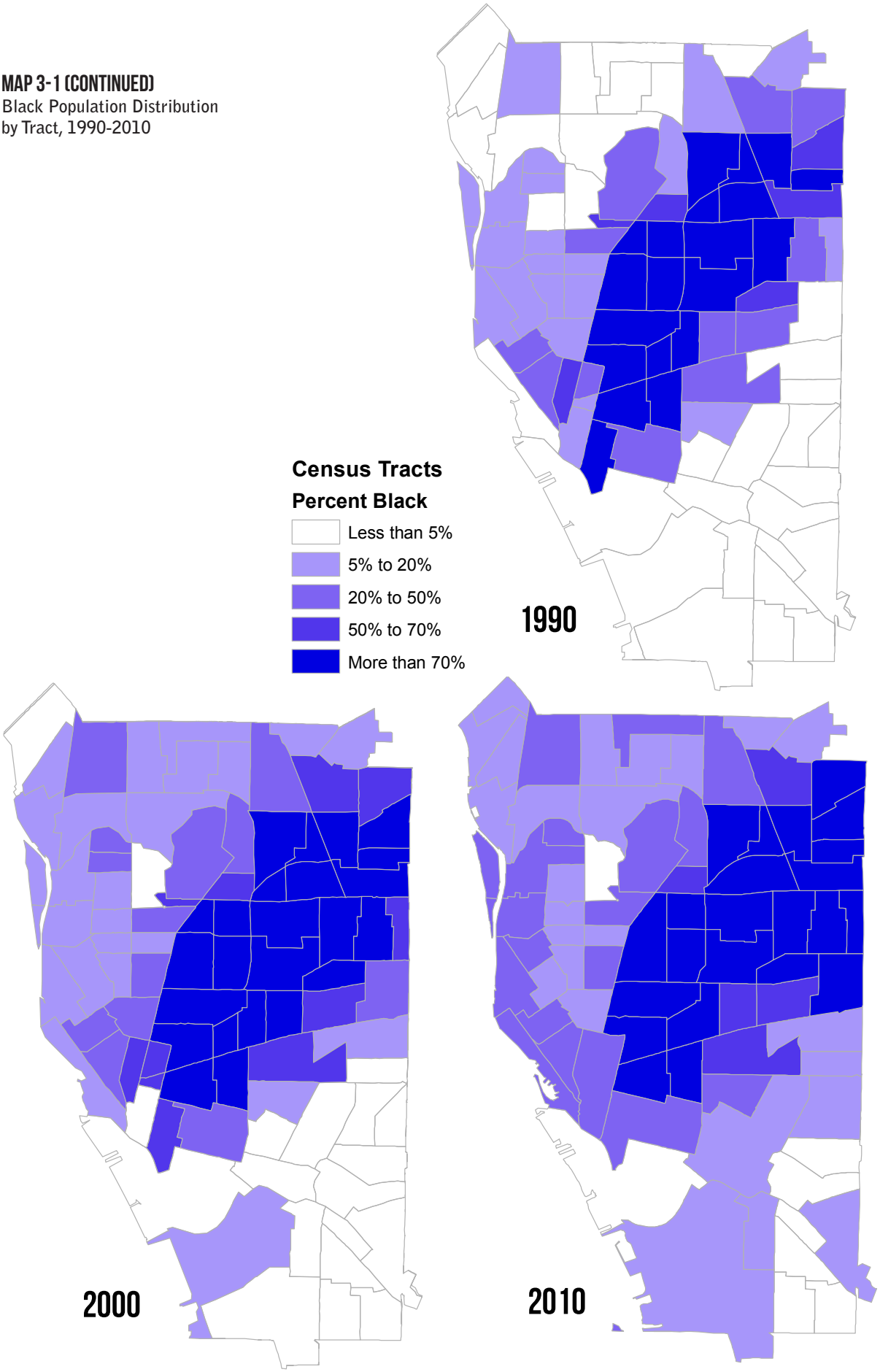
Census Tracts
Percent Black

- Less than 5%
- 5% to 20%
- 20% to 50%
- 50% to 70%
- More than 70%



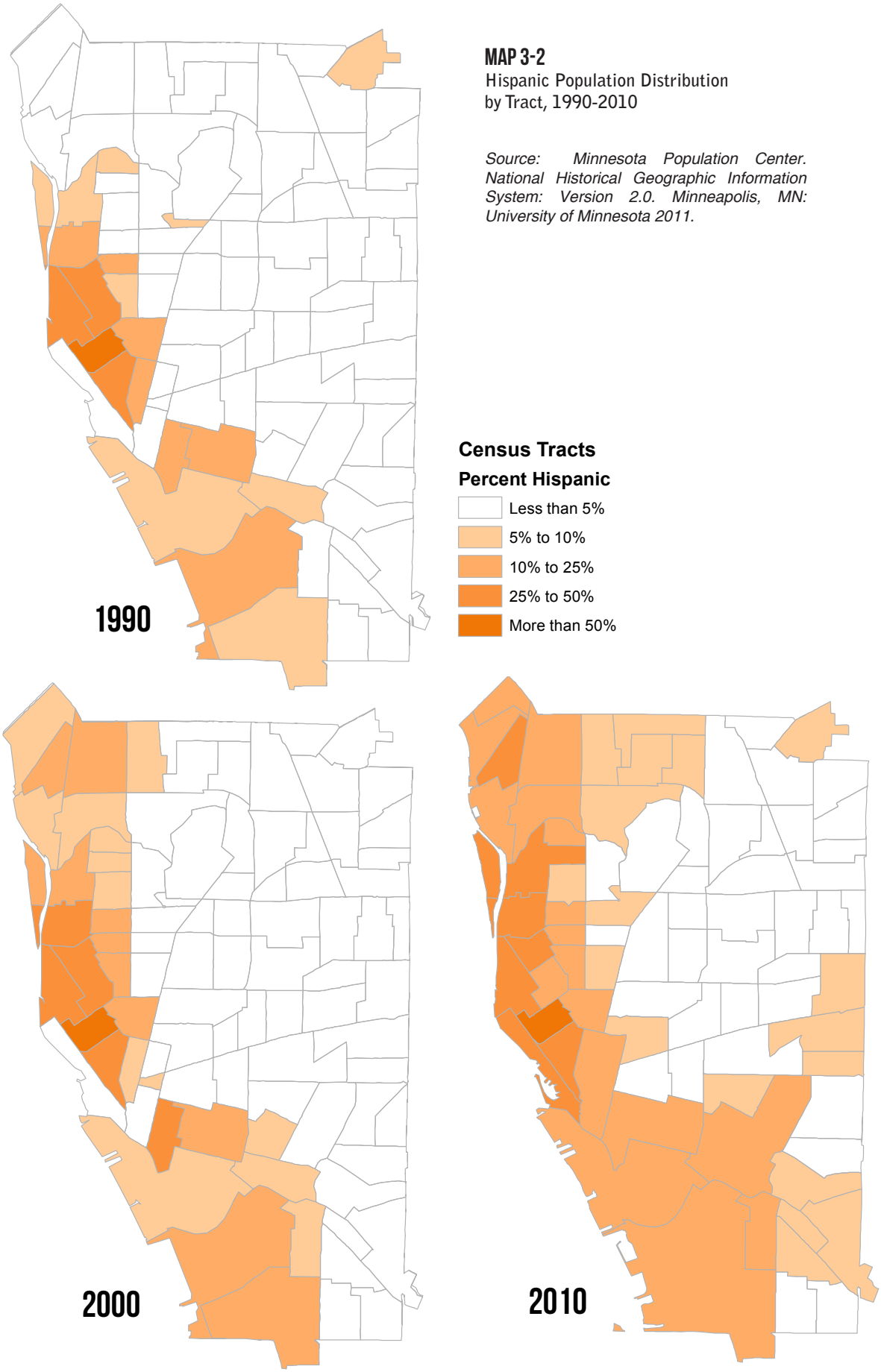


MAP 3-1 (CONTINUED)
Black Population Distribution
by Tract, 1990-2010



MAP 3-2
Hispanic Population Distribution
by Tract, 1990-2010

Source: Minnesota Population Center. National Historical Geographic Information System: Version 2.0. Minneapolis, MN: University of Minnesota 2011.



Racial and/or Ethnic Concentrations

Federal regulations at 24 CFR Part 91.210 require grantees of HUD Community Planning and Development programs to identify and describe any areas within their jurisdictions that are concentrations of racial/ethnic minorities and/or low-income families, though HUD leaves the determination of thresholds defining those areas up to each local grantee. The City of Buffalo's Consolidated Plan for FY 2013-2017 establishes a threshold for defining areas of racial or ethnic concentration: Any area in which the percentage of a single ethnic or minority group is at least 10 percentage points higher than across the City overall.

For purposes of the AI, census block groups were determined to be the most appropriate unit of analysis. Across Buffalo in 2010, Blacks comprised 39% of the population. Therefore, an area of Black concentration would include any block group where the percentage of Black residents is 49% or higher. Of the 292 block groups within the City, 107 (37%) met this criterion. An area of Asian concentration, by the same definition, would include any tract where the percentage of Asian residents is 13% or higher. Of the 292 block groups in the City, 14 (5%) met this criterion. In Hispanic-concentrated block groups, at least 21% of the population is Hispanic. Of all block groups, 45 (15%) met this definition.

Almost nine in every 10 block groups in Buffalo is racially and/or ethnicically concentrated. Most of these areas (83%) qualify as low- and moderate income (LMI).

There is some overlap among concentrations, as Figure 3-6 demonstrates. Due to the large number of block groups involved in the analysis, Figure 3-6 summarizes at the census tract level.

The CDBG program includes a statutory requirement that at least 70% of funds invested benefit low and moderate income (LMI) persons. As a result, HUD provides the percentage of LMI persons in each census block group for entitlements such as the City of Buffalo. The City invests its CDBG funds primarily in areas where the percentage LMI persons is 51% or higher (LMI areas).

Map 3-3 displays the distribution of racially and/or ethnically concentrated block groups across the City. Map 3-4 shows where these block groups overlap with those that are at least 51 percent low and moderate income. Map 3-5 isolates block groups meeting both criteria, which will be referred to as racially/ethnically concentrated areas of poverty (RCAPS/ECAPS) in other sections of the AI. Of the 253 concentrated block groups, 210 (83%) are also LMI.

FIGURE 3-4

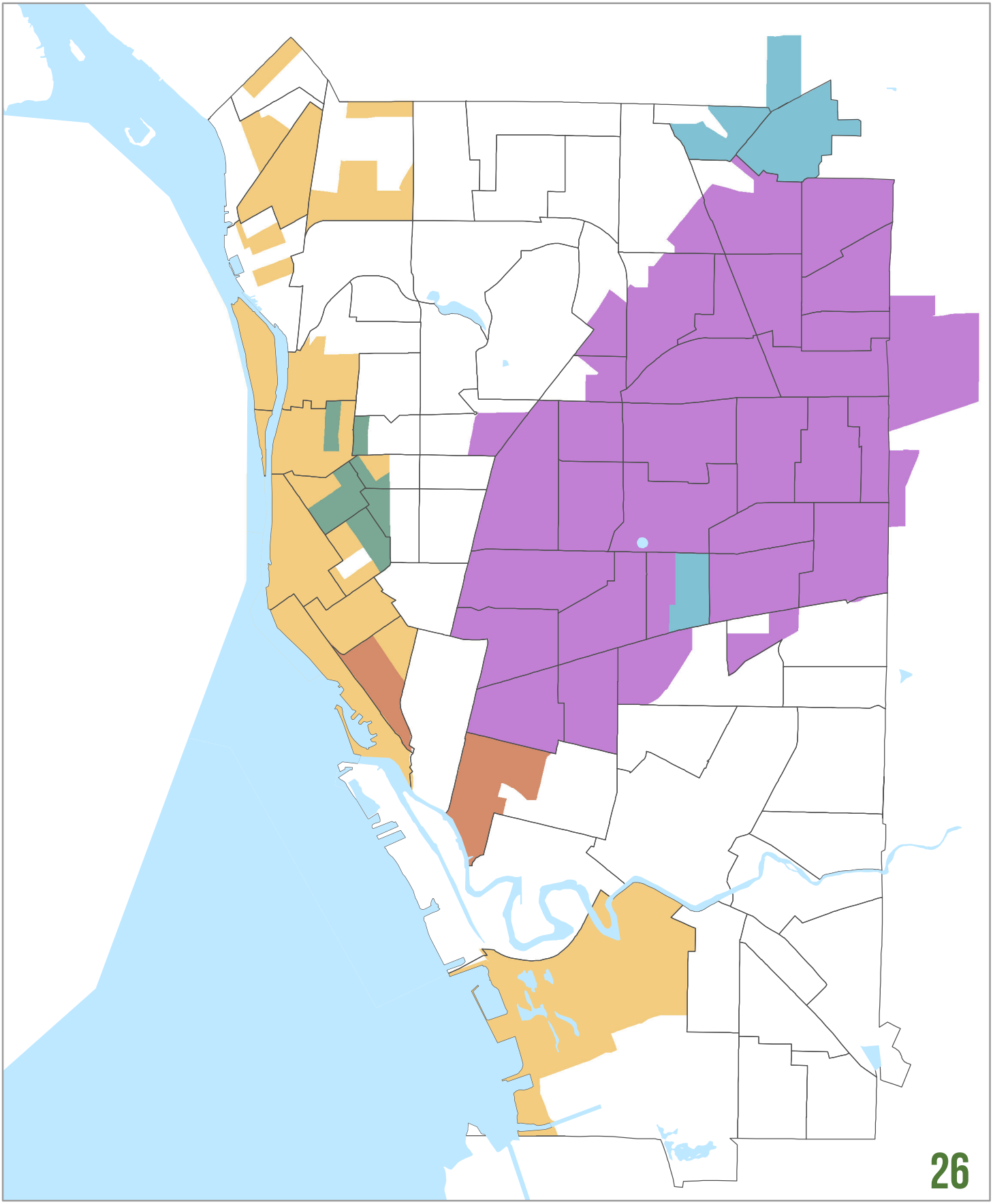
Racially and/or Ethnically Concentrated Tracts, 2010

Tract	Population	Race/Ethnicity		
		Black	Asian	Hispanic
	261,310	39%	3%	11%
14.02	3,253	93%	0%	4%
15	1,485	88%	1%	4%
16	2,283	60%	6%	4%
25.02	2,187	84%	1%	5%
27.02	2,425	52%	26%	2%
28	2,346	63%	3%	4%
29	1,997	85%	1%	4%
30	2,654	70%	3%	7%
31	2,294	92%	1%	3%
33.01	3,565	91%	0%	2%
33.02	3,119	91%	0%	2%
34	2,757	94%	0%	2%
35	3,311	94%	0%	3%
36	2,608	89%	2%	4%
37	4,468	85%	1%	3%
38	3,108	80%	0%	3%
39.01	1,150	89%	1%	2%
40.01	4,013	84%	2%	3%
41	4,497	90%	1%	3%
42	3,520	92%	1%	2%
43	5,975	79%	2%	3%
44.01	4,165	89%	1%	2%
44.02	2,682	94%	0%	5%
46.01	3,514	15%	23%	4%
46.02	1,374	13%	29%	6%
47	6,709	64%	5%	4%
52.02	2917	52%	1%	3%
55	4,054	19%	6%	16%
56	4,182	27%	3%	23%
57	2,923	17%	2%	27%
58.02	4,881	12%	5%	23%
59	3,957	16%	7%	20%
61	4,986	27%	11%	30%
65.01	2,883	12%	6%	12%
66.01	2,441	16%	8%	20%
67.01	3,354	17%	6%	11%
67.02	3,224	23%	4%	7%
69.01	3,773	23%	16%	40%
69.02	3,948	18%	11%	25%
70	3,133	21%	9%	41%
71.01	3,642	27%	3%	60%
71.02	2,681	36%	1%	39%
72.02	1,639	21%	2%	26%
164	3,035	48%	1%	21%
166	2,451	93%	0%	2%
168	3,718	89%	0%	4%
170	3,072	92%	0%	2%
171	4,577	28%	8%	26%

Source: 2000 and 2010 SF1

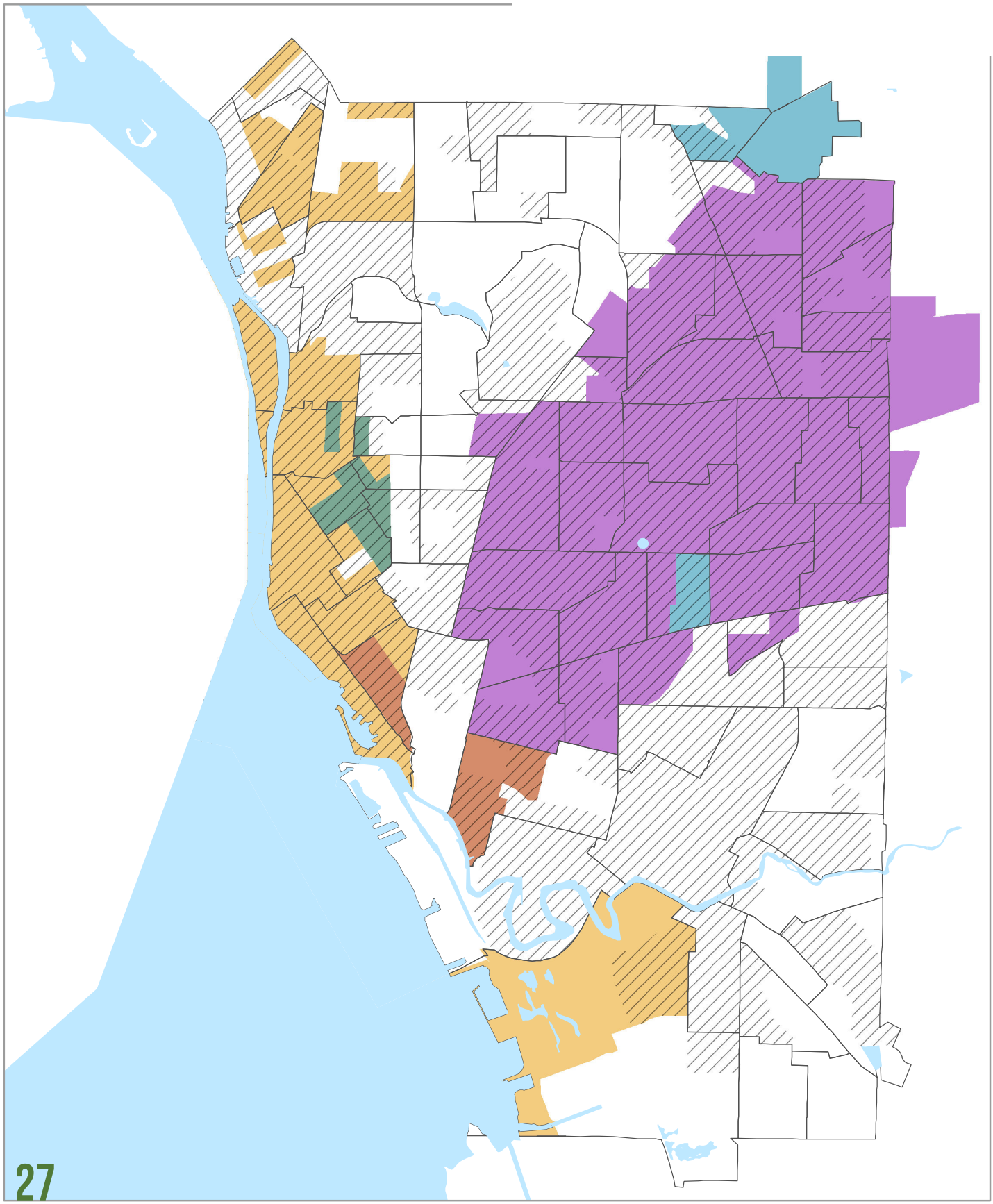
MAP 3-3
Areas of Racial and/or Ethnic Concentration, 2010

Source: 2010 Census SF-1



MAP 3-4
Comparison of LMI and Racially/Ethnically Concentrated Block Groups, 2010

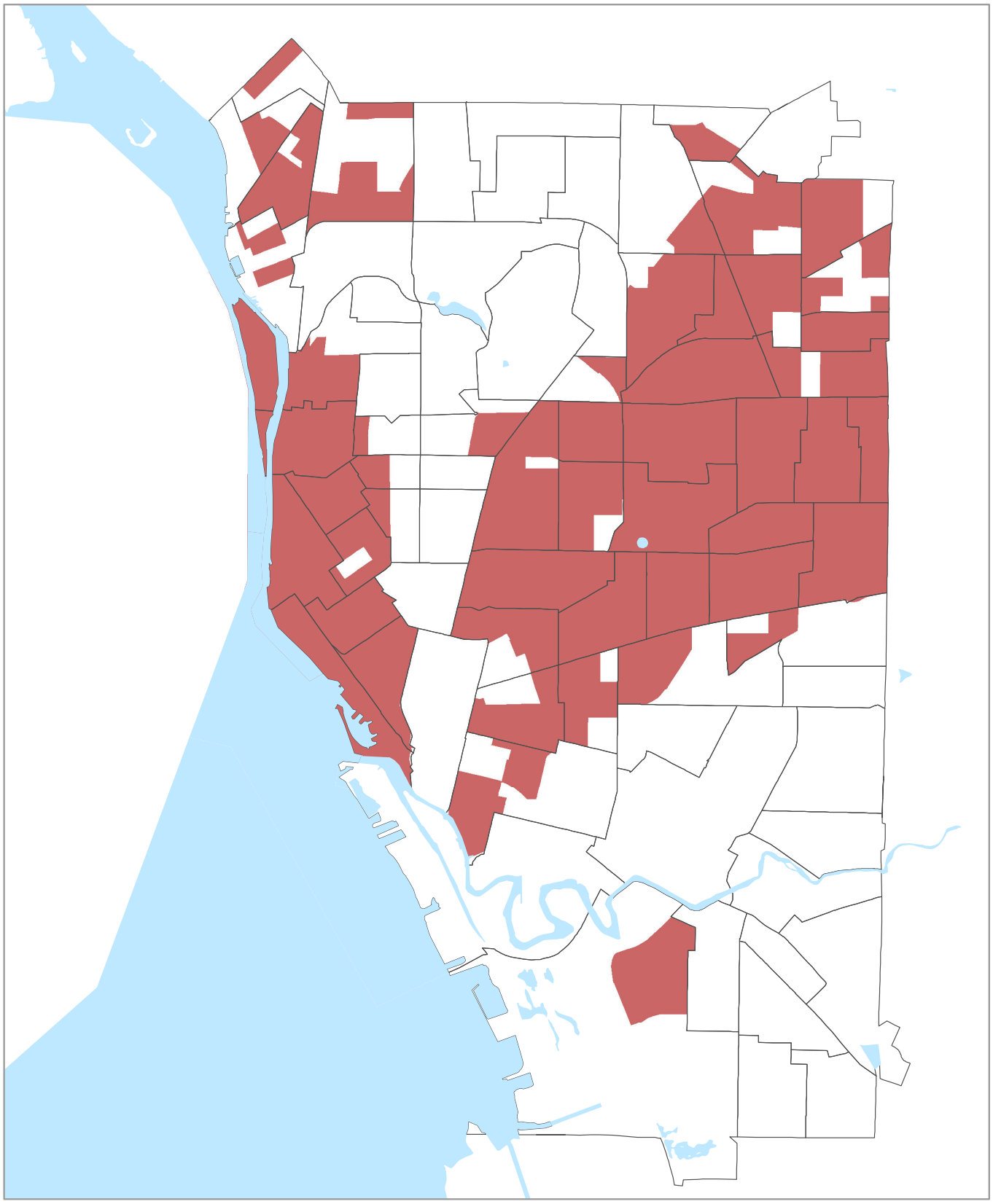
Sources: 2010 Census SF-1, 2012 HUD LMI Estimates



MAP 3-5
Racially/Ethnically Concentrated LMI Block Groups, 2010

Sources: 2010 Census SF-1,
2012 HUD LMI Estimates

Census Tracts
Impacted Areas



Quantifying Integration

Residential segregation is a measure of the degree of separation of racial or ethnic groups living in a neighborhood or community. Typically, the pattern of residential segregation involves the existence of predominantly homogenous, White suburban communities and low-income minority inner-city neighborhoods. Latent factors, such as attitudes, or overt factors, such as real estate practices, can limit the range of housing opportunities for minorities. A lack of racial or ethnic integration in a community creates other problems, such as reinforcing prejudicial attitudes and behaviors, narrowing opportunities for interaction, and reducing the degree to which community life is considered harmonious. Areas of extreme minority isolation often experience poverty and social problems at rates that are disproportionately high.[6] Racial segregation has been linked to diminished employment prospects, poor educational attainment, increased infant and adult mortality rates and increased homicide rates.

The distribution of racial or ethnic groups across a geographic area can be analyzed using an index of dissimilarity. This method allows for comparisons between subpopulations, indicating how much one group is spatially separated from another within a community. The index is typically interpreted as the percentage of the minority population (in this instance, the Black population) that would have to move in order for a community or neighborhood to achieve full integration. The index of dissimilarity is rated on a scale from 0 to 100, in which a score of 0 corresponds to perfect integration and a score of 100 represents total segregation. A score of 0 corresponds to perfect integration, while a score of 100 represents total segregation. An index under 30 is considered low, between 30 and 60 is moderate, and above 60 is high.

With a 2010 White-Black dissimilarity index of 65, Buffalo qualifies as highly segregated by national standards. The data indicates that in order to achieve full integration among White and Black residents, 65% of one subpopulation or the other would have to move to another tract within the City.

In addition to a White-Black index of 65, the City has a White-Asian index of 51 and a White-Hispanic index of 40. These numbers indicate that some subpopulations are more integrated with Whites than others. As Figure 3-6 demonstrates, the City has become generally more integrated since 2000, with a falling DI for Blacks and Hispanics, though the DI rose for Asians.

To put Buffalo's Black DI into perspective, Figure 3-7 compares the City's DI with the same cities mentioned earlier in the AI. This data is from 2000, the most recent such comparison available. Among these cities, Buffalo's Black DI rate is very high, suggesting that only Cleveland and Flint, with Black/White DIs of 79 and 77, respectively, are more segregated.

Though integration has increased during the last 10 years, Buffalo's Black population remains highly segregated from its White population.

FIGURE 3-5

City of Buffalo Dissimilarity Indices, 2000 and 2010

		Population	Share of Total Population	DI with White Population
2010	White	131,753	46%	-
	Black	100,774	35%	65
	American Indian*	2,009	1%	31
	Asian	8,409	3%	51
	Other	10,366	4%	47
	Two or More Races	7,999	3%	30
	Hispanic**	27,519	10%	40
		Population	**Share of Total Population**	**DI with White Population**
2000	White	151,450	52%	-
	Black	107,066	37%	70
	American Indian*	2,010	1%	39
	Asian	4,045	1%	47
	Other	545	0%	44
	Two or More Races	5,456	2%	39
	Hispanic**	22,076	8%	50

* In these cases, sample size is too small to reliably interpret the DI. Caution should be exercised in interpreting results for subpopulations of fewer than 1,000.

** Hispanic ethnicity is counted independently of race.

Source: Census 2000 and 2010 SF: P1, Mullin & Lonergan Associates

FIGURE 3-6

Changes in Racial and Ethnic Integration, 2000-2010

	Black		Asian		Hispanic	
	Population	DI	Population	DI	Population	DI
2000	107,066	70	4,045	47	22,076	50
2010	100,774	65	8,409	51	27,519	40

Source: Census 2000 & 2010 SF: P1; Calculations by Mullin & Lonergan Associates

FIGURE 3-7

Comparison in Black/White Dissimilarity Indices with Similar Cities, 2000

Rank	Municipality	Black Population	White Population	Total Population	Dissimilarity Index
1	Cleveland	241,512	185,641	478,403	79
2	Flint	66,231	50,020	124,943	77
3	**Buffalo**	**107,066**	**151,450**	**292,648**	**74**
4	Pittsburgh	90,183	223,982	334,563	71
5	Toledo	73,134	212,658	313,619	67
6	Detroit	771,966	99,921	951,270	63
7	Syracuse	36,246	91,928	147,306	60
8	Niagara Falls	10,291	41,843	55,593	59
9	Rochester	82,267	97,395	219,773	58
10	Albany	26,042	58,459	95,658	57
11	Erie	14,420	81,605	103,717	52
12	Utica	7,548	46,389	60,651	49

Note: Index figure differs from M&L calculation for Buffalo due to methodology. No 2010 figures were available from CensusScope.

Source: CensusScope

Race/Ethnicity and Income

Household income is one of several factors used to determine a household's eligibility for a home mortgage loan. The median household income (MHI) in Buffalo was $30,043 in 2010, below the Erie County median of $47,372 and the state median of $55,603.

Across racial and ethnic groups in Buffalo, Whites had the highest MHI at $37,543. The MHI for Asian households was $30,179. It was substantially lower for Blacks and Hispanics, at $23,245 and $15,899, respectively.

As suggested by the lower median incomes among these groups, minority residents in Buffalo experienced poverty at greater rates than White residents. The citywide poverty rate across all races, 30%, was far higher than the 14% rate for Erie County. However, poverty increased in both geographies between 2000 and 2010, from 27% to 30% in Buffalo and from 12% to 14% across the county.

FIGURE 3-8
Median Household Income and Poverty Rates by Race/Ethnicity, 2010

2010	Median Household Income	Poverty Rate
Buffalo City	**$30,043**	**30%**
Whites	$37,543	21%
Blacks	$23,245	37%
Asians	$30,179	41%
Hispanics	$15,899	52%
Erie County	**$47,372**	14%
New York	**$55,603**	14%

Source: 2010 Census & 2006-2010 American Community Survey (B19013)

The 2010 median income for Black households in Buffalo was roughly two-thirds the median income for White households, while the median for Hispanic households was less than half.

The distribution of household income by race and ethnicity is comparable to the trends described above, showing a disparity between White and non-White households. The most striking difference is the significantly higher percentage of non-White households making less than $25,000 in 2010.

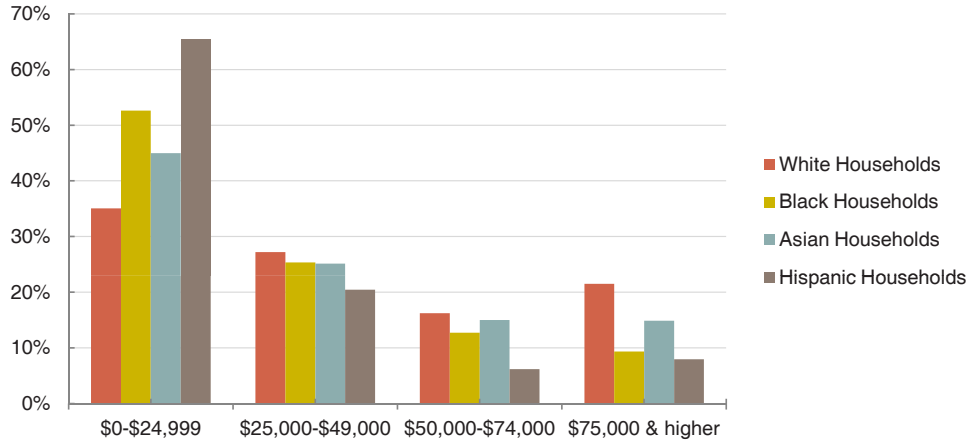
Differences in MHI among the other income categories are more moderate, but two points are worth mentioning. Hispanics had significantly fewer households than other racial groups making above $50,000, while Whites had the highest percentage of households earning more than $75,000.

FIGURE 3-9

Household Income Distribution by Race and Ethnicity, 2010

	Total	$0 to $24,999	$25,000 to $49,999	$50,000 to $74,999	$75,000 and higher
All Households					
Buffalo City	112,844	43%	26%	13%	16%
Erie County	378,080	27%	25%	18%	30%
White Households					
Buffalo City	62,591	35%	27%	16%	21%
Erie County	311,587	22%	25%	19%	33%
Black Households					
Buffalo City	42,291	53%	25%	13%	9%
Erie County	49,401	50%	25%	13%	11%
Asian Households					
Buffalo City	1,700	45%	25%	15%	15%
Erie County	6,865	31%	21%	12%	36%
Hispanic Households					
Buffalo City	8,127	65%	20%	6%	8%
Erie County	12,125	54%	22%	10%	14%

Source: 2006-2010 American Community Survey (B19001)



Residential Segregation by Income

The Pew Research Center has developed a metric to describe the degree to which high- and low-income residents are spatially segregated from one another within a metropolitan area. The Residential Income Segregation Index (RISI) is calculated by combining the share of low-income residents who live in majority low-income census tracts with the share of high-income residents who live in high-income census tracts, capturing the magnitude of households that live in economically segregated neighborhoods.

Nationwide, the Pew Center found that 28% of lower-income households were located in predominantly lower-income neighborhoods in 2010, up from 23% in 1980, and that 18% of upper-income households lived in predominantly upper-income neighborhoods, compared to 9%. The Pew Center applied its analysis to the nation's 30 largest metropolitan areas as of 2010. The Buffalo-Niagara Falls metropolitan area ranked outside the scope of Pew's work, so their methodology was replicated using the same data set and research methods..

Pew's analysis allows for a description of neighborhood composition by income. Lower-income households were defined as those making less than $31,081, which is two-thirds the 2010 MHI of the Buffalo-Niagara Falls metropolitan area ($47,093), and upper-income households were defined as those making at least $94,186, which is double the metropolitan MHI. Lower-income neighborhoods were those where at least 50% of households made less than $31,081, and upper-income neighborhoods are those where at least 50% of households made at least $94,186.

According to 2010 American Community Survey data, 53,086 of 162,034 lower-income households across the Buffalo-Niagara Falls region lived in majority lower-income neighborhoods, a share of 33%. Only five of the region's 292 tracts were classified as majority upper-income. Of the region's 90,444 upper-income households, 6,784, or 8%, lived in upper-income neighborhoods. Therefore, the combined RISI score for the region in 2010 was **40.2**, driven mostly by the concentration of lower-income households in lower-income areas.

The score of 40 defines the region as less economically segregated than many of the 30 metropolitan regions for which Pew published RISI calculations. Unlike high-growth areas, in which economic segregation is driven in large part by the self-selection of upper-income families into expensive neighborhoods, Buffalo's economic segregation is driven by a prevalence of neighborhoods in which poorer families cluster, a function of the concentration of affordable housing.

FIGURE 3-10
Residential Income Segregation Comparisons by Metropolitan Region, 2010

	2010 RISI
San Antonio-New Braunfels	63
Houston-Sugar Land-Baytown	61
Dallas-Fort Worth-Arlington	60
New York-Northern New Jersey	57
Denver-Aurora-Broomfield	55
Detroit-Warren-Livonia	54
Columbus	53
Los Angeles-Long Beach-Santa Ana	51
Philadelphia-Camden-Wilmington	51
Miami-Fort Lauderdale-Pompano Beach	49
Baltimore-Towson	48
Phoenix-Mesa-Glendale	48
Kansas City	47
Cincinnati-Middletown	47
Washington-Arlington-Alexandria	47
Cleveland-Elyria-Mentor	46
National	***46***
San Francisco-Oakland-Fremont	43
Atlanta-Sandy Springs-Marietta	41
Chicago-Joliet-Naperville	41
Buffalo-Niagara Falls	**40**
San Diego-Carlsbad-San Marcos	40
Riverside-San Bernardino-Ontario	38
Pittsburgh	38
St. Louis	38
Boston-Cambridge-Quincy	36
Sacramento-Arden-Arcade-Roseville	35
Seattle-Tacoma-Bellevue	34
Tampa-St. Petersburg-Clearwater	29
Minneapolis-St. Paul-Bloomington	28
Portland-Vancouver-Hillsboro	25
Orlando-Kissimmee-Sanford	22

Source: Fry, Richard and Taylor, Paul. "The Rise of Residential Segregation by Income." Pew Social and Demographic Trends, Pew Research Center. Released August 1, 2012. Local calculations by M&L.

Disability and Income

As defined by the Census Bureau, a disability is a long-lasting physical, mental, or emotional condition that can make it difficult for a person to carry out activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work.

The Fair Housing Act prohibits discrimination based on physical, mental or emotional handicap, provided "reasonable accommodation" can be made. Reasonable accommodation may include changes to address the needs of disabled persons, including adaptive structural (constructing an entrance ramp) or administrative changes (permitting the use of a service animal). Across Buffalo, 16.9% of the total non-institutionalized population five years and older reported a disability in 2011.[9]

The most common type of disability among persons ages 18 to 64 was ambulatory, referring to difficulty moving from place to place that makes it impossible or impractical to walk as a means of transportation. Of 168,513 residents between ages 18 and 64, 16,029 (9.5%) reported this type of difficulty, which often translates to a need for accessible housing. Additionally, 30.4% of seniors age 65 and above (8,933 individuals) reported an ambulatory disability. Of Buffalo residents ages 18 to 64, 4.5% reported a sensory disability such as vision or hearing. Just over one in five seniors reported the same.

According to the National Organization on Disabilities, a significant income gap exists for persons with disabilities, given their lower rate of employment. In Buffalo, persons with disabilities were substantially more likely than persons without disabilities to live in poverty. In 2011, 35% of residents with disabilities lived in poverty, compared to 30% of persons without disabilities. Across Erie County, median earnings for disabled persons age 16 and older were $18,937 per person, compared to $30,534 for those without disabilities.

Disabled persons and those living in poverty were more prevalent in Erie County's urban core, a fact likely related to the concentration of public and nonprofit human services and transit available in Buffalo. Additionally, a large proportion of the region's affordable housing is concentrated in Buffalo.

In a January 2013 Consolidated Plan open house for people with disabilities, attendees stated a need for City departments to be more aware of obligations to accommodate disabled individuals in programs and public meetings. Additionally, attendees argued that developers of subsidized housing that includes an accessible component set rent rates too high for many households with disabilities. One solution suggested was for the City to prioritize the needs of the disabled in its housing rehabilitation program, as the weatherization program does not adequately address the types of needs this population has.

Buffalo residents with disabilities are substantially more likely to live in poverty than those without disabilities.

Familial Status and Income

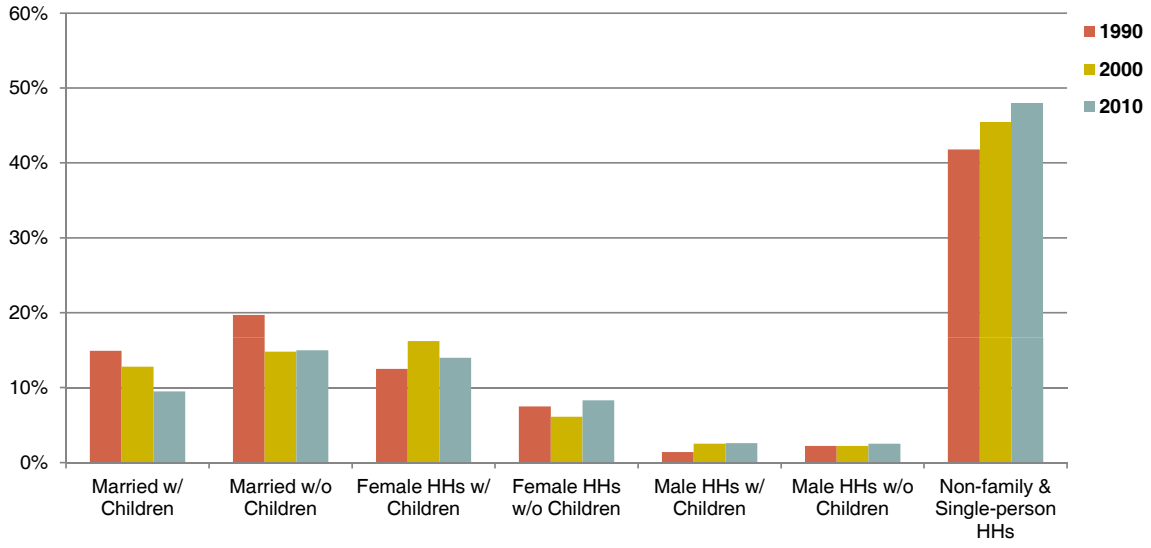
The Census Bureau divides households into family and non-family households. Family households are married couple families with or without children, single-parent families and other families comprised of related persons. Non-family households are either single persons living alone, or two or more non-related persons living together.

Title VIII of the Civil Rights Act of 1968 protects against gender discrimination in housing. Protection for families with children was added in the 1988 amendments. Except in limited circumstances involving elderly housing and owner-occupied buildings of one to four units, it is unlawful to refuse to rent or sell to families with children.

As a share of all households in Buffalo, female-headed households with children grew from 13% in 1990 to 14% in 2010. This household type represents a smaller, but growing share across all of Erie County (from 7% in 1990 to 8% in 2010). Although only 30% of Erie County residents live in Buffalo, 54% of the county's single-female households with children reside in the City.

The proportion of male-headed households with children rose during the same years, from 1% in 1990 to 3% in 2010. By comparison, married-couple family households with children declined from 15% to 10% of all households in Buffalo between 1990 and 2010.

FIGURE 3-11
Trends in Household Type, City of Buffalo, 1990-2010



In terms of raw numbers, the decrease in married-couple families in Buffalo appears even more extreme. The number of married-couple families with children fell from 20,185 in 1990 to 10,717 in 2010. The number of married-couple families without children has also decreased since 1990, but this demographic group seems to be stabilizing, as its proportion of the population remained essentially the same between 2000 and 2010. Non-family households increased between 1990 and 2010, reflecting a national trend of expansion in this category.

Of all household types, females with children were the most likely to experience poverty. In 2011, 51.3% of such households were below the poverty line, compared to only 17.1% of married couples with children. Female-headed households with children represented 61% of all Buffalo families under the poverty line.

Six in every 10 Buffalo families under the poverty line are female-headed households with children.

FIGURE 3-12
Household Type and Presence of Children 1990-2010

		1990	2010	% Change
Total Households		135,595	112,844	-17%
Family Households		78,865	58,632	-26%
Married Couple Families	**Total**	46,838	27,660	-41%
	With own children under 18 years	20,185	10,717	-47%
	No own children under 18 years	26,653	16,943	-36%
Male Householder (no partner)	**Total**	4,863	5,788	19%
	With own children under 18 years	1,867	2,940	57%
	No own children under 18 years	2,996	2,848	-5%
Female Householder (no partner)	**Total**	27,164	25,184	-7%
	With own children under 18 years	16,941	15,830	-7%
	No own children under 18 years	10,223	9,354	-9%
Non-family		56,730	54,212	-4%

Source: Census 2000 (SF 3 P10); 2010 American Community Survey (B11001, B11003); with children is defined as "own children"

Ancestry and Income

It is illegal to refuse the right to housing based on place of birth or ancestry. In 2010, 7% of all Buffalo residents were foreign-born. By way of origin, the largest group were Asians, comprising 32% of the entire foreign-born population. Europeans represented 22% of foreign-born residents, followed by foreign-born Hispanics at 21%. However, this statistic does not fully illustrate population trends for Buffalo's Hispanic population, which also includes 5,658 native-born Puerto Ricans.

Buffalo's foreign-born population was more likely to experience poverty than its native-born population. According to 2006-2010 ACS estimates, 37% of the foreign-born population for which poverty status is determined fell below the poverty line, compared to 29% of the native-born population. Notably, 52% of the native-population born offshore experienced poverty – Puerto Ricans composed 80% of this group.

FIGURE 3-13
Limited English Proficiency Language Groups, 2010

Language Group	Number of LEP Speakers	Percentage of Total Population
Spanish	5,721	2%
Arabic	823	0%
Vietnamese	626	0%

Source: American Community Survey 2006-10 Estimates (B16001)

Persons with limited English proficiency (LEP) are defined by the federal government as those with a limited ability to read, write, speak or understand English. To identify the number of persons with LEP, the ACS reports data on the non-English language spoken at home for the population five years and older. In 2010, the Census Bureau reported that 34,108 persons across Buffalo (14%) spoke at least one language other than English. Of these, 13,599 (40%) spoke English less than "very well." This LEP subpopulation constituted 6% of the City's total population.

To ensure compliance with Title VI obligations, HUD recommends that a grantee community provide translation of its vital documents into any language with more than 1,000 LEP speakers, or whose LEP speakers represent at least 1% of the total population to be served. In Buffalo, Spanish was the only language to reach this threshold. Additionally, there were more than 1,200 limited-English residents who spoke an African language. However, no specific African language by itself exceeded HUD's thresholds.

There is a sufficient number of limited-English speakers in Buffalo to warrant further analysis of their access to public programs and services.

Employment and Protected Class Status

In 2010, the latest year for which comprehensive data was available, unemployment rates in Buffalo were significantly higher than state and national levels at 12%. State and national unemployment levels were at 8% and 9%, respectively. Erie County, on the other hand, was lower than both state and national levels at 8%, revealing clear economic disparities between the City and its suburban counterparts.

In terms of unemployment rates by racial/ ethnic group, Blacks and Hispanics experienced much higher unemployment rates at 18% for each group. Unemployment rates for Whites and Asians closely reflects national trends at 9%. This nine percentage point difference in unemployment rates between Blacks and Hispanics versus Whites and Asians is significant. Higher unemployment, whether temporary or permanent, significantly limits the resources available to meet housing costs. In Buffalo, this is a problem more commonly experienced by those who are Black or Hispanic.

Blacks and Hispanics were substantially more likely than Whites and Asians to be unemployed in 2010, both in Buffalo and across the nation.

FIGURE 3-14
Civilian Labor Force
and Protected Class Status, 2010

Civilian Labor Force		United States		New York		Erie County		Buffalo	
		Total	%	Total	%	Total	%	Total	%
Total		**155,866,553**		**9,898,906**		**468,117**		**124,217**	
	Unemployed	14,018,456	9%	823,081	8%	35,379	8%	15,432	12%
Male		**81,948,216**		**5,113,854**		**239,491**		**60,876**	
	Unemployed	7,820,706	10%	451,290	9%	20,242	8%	8,374	14%
Female		**73,918,337**		**4,785,052**		**228,626**		**63,341**	
	Unemployed	6,197,750	8%	371,791	8%	15,137	7%	7,058	11%
White		**116,527,630**		**6,653,172**		**393,583**		**73,152**	
	Unemployed	7,939,370	7%	411,341	6%	23,773	6%	6,430	9%
Black		**17,830,614**		**1,423,818**		**51,138**		**41,448**	
	Unemployed	2,491,093	14%	168,874	12%	8,821	17%	7,640	18%
Asian		**7,504,796**		**731,962**		**10,780**		**2,949**	
	Unemployed	479,439	6%	51,404	7%	777	7%	262	9%
Hispanic		**22,457,109**		**1,574,074**		**14,762**		**8,483**	
	Unemployed	2,157,490	10%	156,846	10%	2,070	14%	1,557	18%

Source: U.S. Census Bureau, County: 2006-10 American Community Survey (C23001, C23002A, C23002B, C23002D, C23002I). State: Same tables, 2008-10 ACS.

Housing Inventory

The overall number of housing units across Buffalo and Erie County remained substantially the same between 2000 and 2010, reflecting a stock that has not downsized as quickly as population. The increase in total units across Erie County reflects a loss within Buffalo counterbalanced by a gain outside of the City. These statistics translate to modest growth in housing units in the suburbs and a decrease in housing units within the City, due in part to a demolition program that removes vacant, dilapidated properties from the inventory. Stakeholders interviewed during the development of the AI suggested that new construction in the more affluent suburbs comes at the expense of vacancy in the City, as families leave older homes empty in favor of larger, more modern structures. If it is true that a large percentage of suburban growth outside Buffalo can be attributed to moves out of the center city, the region is certainly not alone in this phenomenon.

FIGURE 3-15
Trends in Total Housing Units, 2000-2010

	2000	2010	Change
Buffalo City	145,574	139,174	-4%
Erie County outside Buffalo	270,294	281,258	4%
Erie County	415,868	420,432	1%

Source: 2000 Census (SF1, H1), 2010 Census (B25001)

While the total number of housing units in Buffalo has decreased since 2000, surrounding communities have added to their housing inventories.

FIGURE 3-16
Housing Units by Structure Type, 2010

	Total Units	Single-Family		Two-Family		Three-Plus-Family	
		#	%	#	%	#	%
Buffalo City	139,174	50,269	36%	55,358	40%	33,220	24%
Suburbs	281,258	203,378	72%	29,371	10%	42,796	15%
Erie County	420,432	253,647	60%	84,729	20%	76,016	18%

Source: U.S. Census Bureau, 2006-2010 ACS (B25024)

In 2010, single-family units comprised only 36% of the housing stock in Buffalo, while 72% of all units in the remainder of Erie County were single-family. Differences in structure type follow patterns of urban density, with a higher prevalence of multi-family structures located in the City than in suburban areas within Erie County.

Multi-family housing structures are far more common in Buffalo than other areas of Erie County, where they represent only 26% of the housing stock. By contrast, 64% of stock in Buffalo is multi-family.

Housing vacancies within the City have remained steadily high at 16% of total inventory since 2000. The number of vacant units has dropped, but the percentage of vacancies has remained unchanged due to a concurrent decrease in the total number of homes in the City.

Of all vacancies across Buffalo in 2010, 20% were for rent and 5% were for sale, while the vast majority, 64%, were vacant for what the Census classifies as "other" reasons, commonly including abandonment.

FIGURE 3-17
Buffalo Housing Vacancy Rates, 2000 and 2010

Year	Total Units	Vacant Units	
		#	%
2000	145,574	22,854	16%
2010	133,444	20,908	16%

Source: 2000 & 2010 Census SF-1

Of the 20,908 vacant housing units in Buffalo in 2010, about two-thirds were empty for reasons other than rental, sale or seasonal use, suggesting a high rate of residential property abandonment.

FIGURE 3-18

Housing Units by Tenure and Structure Type, 2010

	Occupied Units	Owner-Occupied				Renter-Occupied				% Renter-Occupied Multi-Family
		Total	Single-Family	Multi-Family	% Multi-Family	Total	Single-Family	Multi-Family	% Multi-Family	
Buffalo City	112,844	48,827	33,286	15,541	32%	64,017	11,873	52,144	81%	46%
Suburbs	265,236	201,411	188,511	12,900	6%	63,825	12,222	51,603	81%	19%
Erie County	378,080	250,238	221,797	28,441	11%	127,842	24,095	103,747	81%	27%

Source: U.S. Census Bureau, 2006-10 ACS (B25032)

In 2010, the Census Bureau estimated that Buffalo's occupied housing inventory of 112,844 was 43.3% owner-occupied, compared to 75.9% across the remainder of Erie County. The City contained about 30% of all occupied homes in the county and half of all renter-occupied homes.

To isolate apartment units from condominium units that are owner-occupied and located within multi-family structures, Figure 3-21 examines the tenure of units by structure type. Of the City's total owner-occupied housing stock, 8,887 units (31.8%) were in multi-family structures. By comparison, there were many more multi-family units within the rental stock. Of the 64,017 rental units, 52,144 (81.5%) were in multi-family structures. The concentration of multi-family rental units in areas of dense urban character is typical of development patterns nationwide.

The right-most column of Figure 3-21 represents the proportion of each community's total occupied housing that consists of renter-occupied multi-family units. In Buffalo, such units account for 46.2% of all occupied homes.

Owner-occupied units in multi-family buildings, such as condominiums, account for 22.9% of all multi-family stock in Buffalo, while the remaining 77.1% of multi-unit buildings contain apartments.

Home Ownership and Protected Class Status

The value in home ownership lies in the accumulation of wealth as the owner's share of equity increases with the property's value. Paying a monthly mortgage instead of rent is an investment in an asset that is likely to appreciate.

Historically, minorities tend to have lower home ownership rates than Whites. This trend also holds true in Buffalo where Whites had a home ownership rate of 52%. By comparison, minority home ownership rates were 34% for Blacks, 22% for Asians and 23% for Hispanics.

As previously noted, the median income for Black and Hispanic households in Buffalo is dramatically lower than the median for Whites. This is one among several factors that contribute to the generally lower rates of home ownership among minority families.

In Buffalo, Black and Hispanic households are less likely to own homes than White and Asian households.

FIGURE 3-19
Housing Tenure by Race and Ethnicity, 2010

White		Black		Asian		Hispanic	
HHs	% Owners	HHs	% Owners	HHs	% Owners	HHs	% Owners
62,591	52%	42,291	34%	1,700	22%	8,127	23%

Source: 2006-10 American Community Survey (B25003A, B25003B, B25003D, B25003I)

Household Size and Protected Class Status

Larger families may be at risk for housing discrimination on the basis of race and the presence of children (familial status). A larger household, whether or not children are present, can raise fair housing concerns. If there are policies or programs that restrict the number of persons that can live together in a single housing unit, and members of the protected classes need more bedrooms to accommodate their larger household, there is a fair housing concern because the restriction on the size of the unit will have a negative impact on members of the protected classes.

In Buffalo, racial minorities were more likely than Whites to live in households with three or more people. In 2010, 24% of White households had three or more people. By comparison, 49% of Asian households and 35% of Black households were considered to be large. A smaller proportion of Hispanic households, 23%, had three or more persons.

FIGURE 3-20
Family Size by Race and Ethnicity, 2010

	Percent of Families with Three or More Persons
	Buffalo City
White	24%
Black	35%
Asian	49%
Hispanic	23%
Total	**30%**

Source: Census 2010 (SF1, P28)

FIGURE 3-21
Tenure of Units by Number of Bedrooms, 2010

	Renter-Occupied Housing Stock		Owner-Occupied Housing Stock	
	# units	%	# units	%
Total	64,017	57%	48,827	43%
0-1 bedroom	16,278	25%	1,235	3%
2 bedrooms	23,225	36%	8,306	17%
3 or more bedrooms	**24,514**	38%	**39,286**	80%

Source: 2006-10 American Community Survey (B25042)

Only 36% of rental units in the City have three or more bedrooms, compared 81% of owner units.

To adequately house larger families, a sufficient supply of larger dwelling units consisting of three or more bedrooms is necessary. In the City, there are fewer options to rent a unit to accommodate large families. Of the 64,017 rental units in 2010, only 36% had three or more bedrooms, compared to 81% of the owner housing stock.

Housing Costs

Increasing housing costs are not a direct form of housing discrimination. However, a lack of affordable housing does constrain housing choice. Residents may be limited to a smaller selection of neighborhoods because of a lack of affordable housing in those areas.

Between 2000 and 2010, adjusted median housing value fell 13% in Buffalo, while household income fell 3% and median rent climbed 8%.

Between 2000 and 2010, median housing value across the City of Buffalo (adjusted for inflation to 2010 dollars using BLS indices) decreased 13%, while real median income fell 3% in real dollars. At the same time, the median gross rent increased 8%. A decrease in home values relative to income is a positive trend for families wishing to purchase a home, though it has negative implications for the equity of families already in them. Because median rents outpaced income gains, renting in Buffalo became relatively less affordable, on the whole.

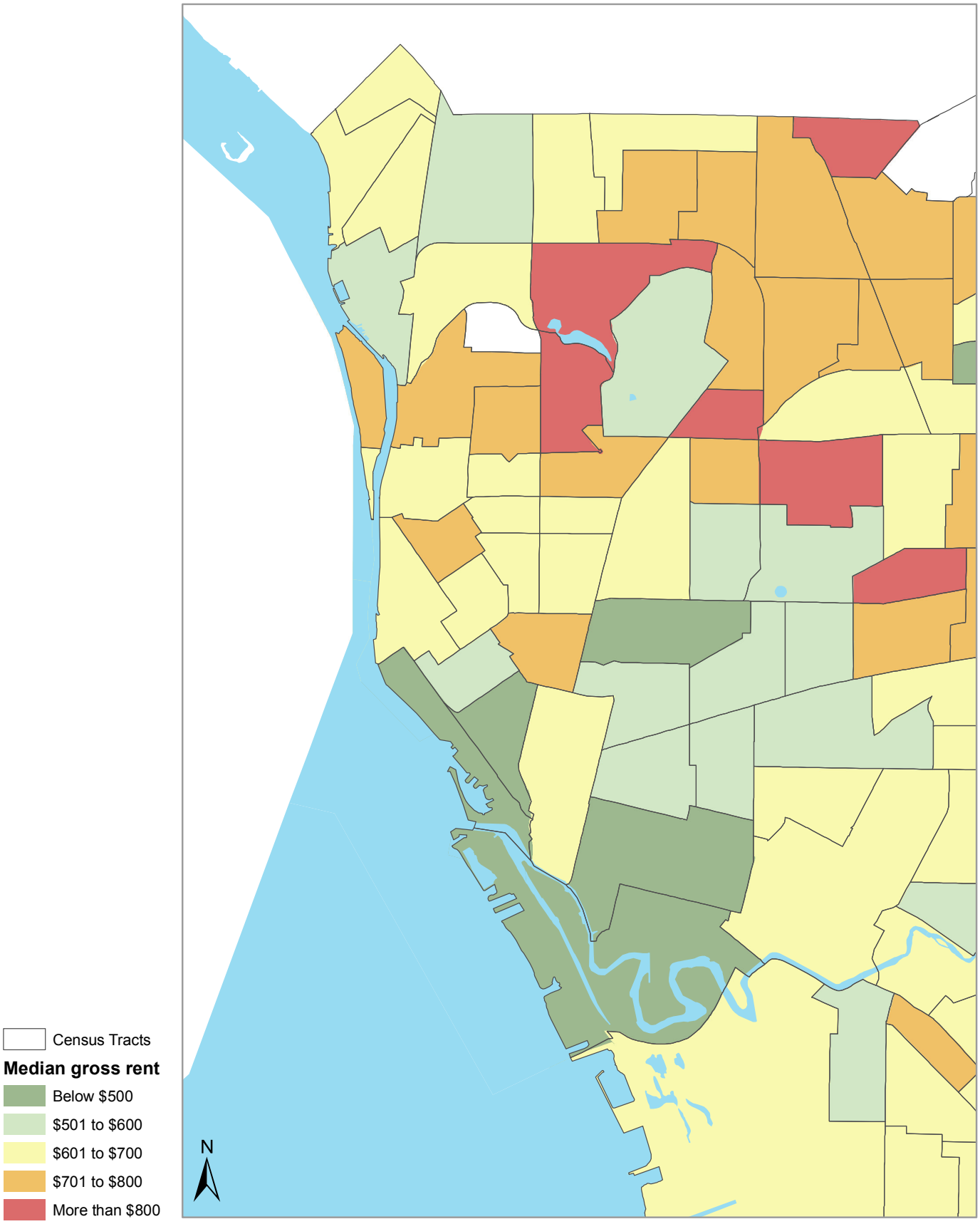
FIGURE 3-22

Changes in Housing Value, Rent and Income, 2000 to 2010

	Median Housing Value (in 2010 $)	Median Gross Rent (in 2010 $)	Median Household Income (in 2010 $)
2000	$75,091	$598	$31,070
2010	$65,700	$646	$30,043
Change	**-13%**	**8%**	**-3%**

Sources: U.S. Census Bureau, Census 2000 (SF3-H76, H63, P53), 2006-10 American Community Survey (B25077, B25064, B19013); Calculations by Mullin & Lonergan Associates, Inc.

MAP 3-6
Median Gross Rent
by Census Tract, 2010
Source: 2011 ACS (B25064)



To further analyze renter affordability, Figure 3-27 reviews 2010 estimates for household income among renters. According to this data, 41% of the City's renter households had a median income below $15,000. Using 30% of median income as an indicator of housing affordability, renters with a median income of $15,000 could afford a maximum of $375 per month in rent and other housing costs. However, rentals priced below $500 per month comprise only 25% of the City's rental stock, indicating that even given the regional concentration of lower-priced living spaces within the City of Buffalo, a large number of City households are priced out of the market.

The National Low Income Housing Coalition provides annual information on the Fair Market Rent (FMR) and affordability of rental housing in counties and cities in the U.S. for 2012. In Erie County, the FMR for a two-bedroom apartment is $719. In order to afford this level of rent and utilities without paying more than 30% of income on housing, a household must earn $2,397 monthly or $28,760 annually. Assuming a 40-hour work week, 52 weeks per year, this level of income translates into a Housing Wage of $14 per hour.

In Erie County, a minimum-wage worker earns an hourly wage of $7.25. In order to afford the FMR for a two-bedroom apartment, a minimum-wage earner must work **76** hours per week, 52 weeks per year. The NLIHC estimates that 53% of Erie County renters are currently unable to afford the two-bedroom FMR. Monthly Supplemental Security Income (SSI) payments for an individual are $698 in Erie County and across New York. If SSI represents an individual's sole source of income, $209 in monthly rent is affordable, while the local FMR for a one-bedroom is $812.

Minimum-wage, single-income households and those depending on SSI payments cannot afford an apartment renting at the fair market rate in Erie County.

FIGURE 3-23
Income by Tenure, 2010

Income Group	Renter Occupied		Owner-Occupied	
	#	%	#	%
Less than $5,000	7,733	12%	1,261	3%
$5,000 to $9,999	10,471	16%	1,712	4%
$10,000 to $14,999	7,985	13%	2,561	6%
$15,000 to $19,999	6,143	10%	2,517	5%
$20,000 to $24,999	5,434	9%	3,127	7%
$25,000 to $34,999	8,455	13%	6,098	13%
$35,000 to $49,999	7,464	12%	7,594	17%
$50,000 to $74,999	6,217	10%	9,939	22%
$75,000 to $99,999	2,423	4%	6,106	13%
$100,000 to $149,999	1,167	2%	5,026	11%
$150,000 or more	525	1%	2,886	6%
Total	**63,492**	100%	**45,941**	100%

Source: 2006-2010 ACS (B25118)

One method used to determine the inherent affordability of a housing market is to calculate the percentage of homes that could be purchased by households at the median income level. It is possible also to determine the affordability of the housing market for each racial or ethnic group in the County. To determine affordability, the following assumptions were made:

- The mortgage was a 30-year fixed rate loan at a 4.0% interest rate,
- The buyer made a 10% down payment on the sales price,
- Principal, interest, taxes and insurance (PITI) combined with other consumer debt equaled no more than 35% of gross monthly income, a threshold of financial health commonly used by banks,
- Property taxes were levied at a combined median tax rate of 3%, and
- Additional consumer debt (credit cards, car payment, etc.) averaged $500 per month.

Figure 3-28 details the estimated maximum affordable sales prices and monthly PITI payments for Whites, Blacks, Asians and Hispanics in Buffalo.

The 2010 regional median sales price for single-family homes was $116,500. Within the City of Buffalo, the median household income in 2010 was $30,043, which translates to a maximum affordable home purchase price of $46,330. Within the MSA, the average household median income was $47,093, which translates to a maximum affordable home purchase price of $124,125.

Sales options were far more limited for Blacks and Hispanics. The maximum affordable purchase price for Blacks was only 33% of the citywide average, while the median household income for Hispanics was so low that homeownership is nearly impossible. Asians fared better than Blacks and Hispanics with a maximum affordable purchase price of $46,969.

FIGURE 3-24

Maximum Affordable Purchase Price by Race/Ethnicity, 2010

	Median Household Income	Monthly Mortgage Payment				Maximum Affordable Purchase Price
		Mortgage Principal & Interest	Real Estate Taxes	Homeowner's Insurance & PMI	Total Debt Service*	
Buffalo City	**$30,043**	**$197**	**$99**	**$80**	**$876**	**$46,330**
Whites	$37,543	$343	$172	$80	$1,095	$80,560
Blacks	$23,245	$65	$33	$80	$678	$15,330
Asians	$30,179	$200	$100	$80	$880	$46,965
Hispanics	$15,899	NA	NA	NA	NA	NA
2010 Median Sales Price for Single-Family Home in Buffalo-Niagara MLS: $116,500						

* Includes PITI and $500 in assumed average monthly consumer debt service

Sources: 2006-10 American Community Survey (B19013, B19013A, B19013B, B19013D, B19013I); Buffalo Assessment & Taxation Department; Calculations by Mullin & Lonergan Associates, Inc.

Generally speaking, home ownership in Buffalo is the most unaffordable to Black and Hispanic households as a function of the lower median household incomes among these groups.

Foreclosure

In recent years, soaring foreclosure rates across the country have threatened the viability of neighborhoods and the ability of families to maintain housing. The private financing section of the AI includes more details on the lending environment, which indicates that minority households receive a greater share of loans with higher interest rates, which are typically associated with a higher foreclosure risk.

Aside from its most direct consequences of displacing families and depleting the local tax base, concentrated foreclosure results in neighborhood deterioration. As many properties remain in the control of financial institutions for longer periods of time, structures are abandoned and streets become blighted, devaluing nearby property and contributing to nuisance activity.

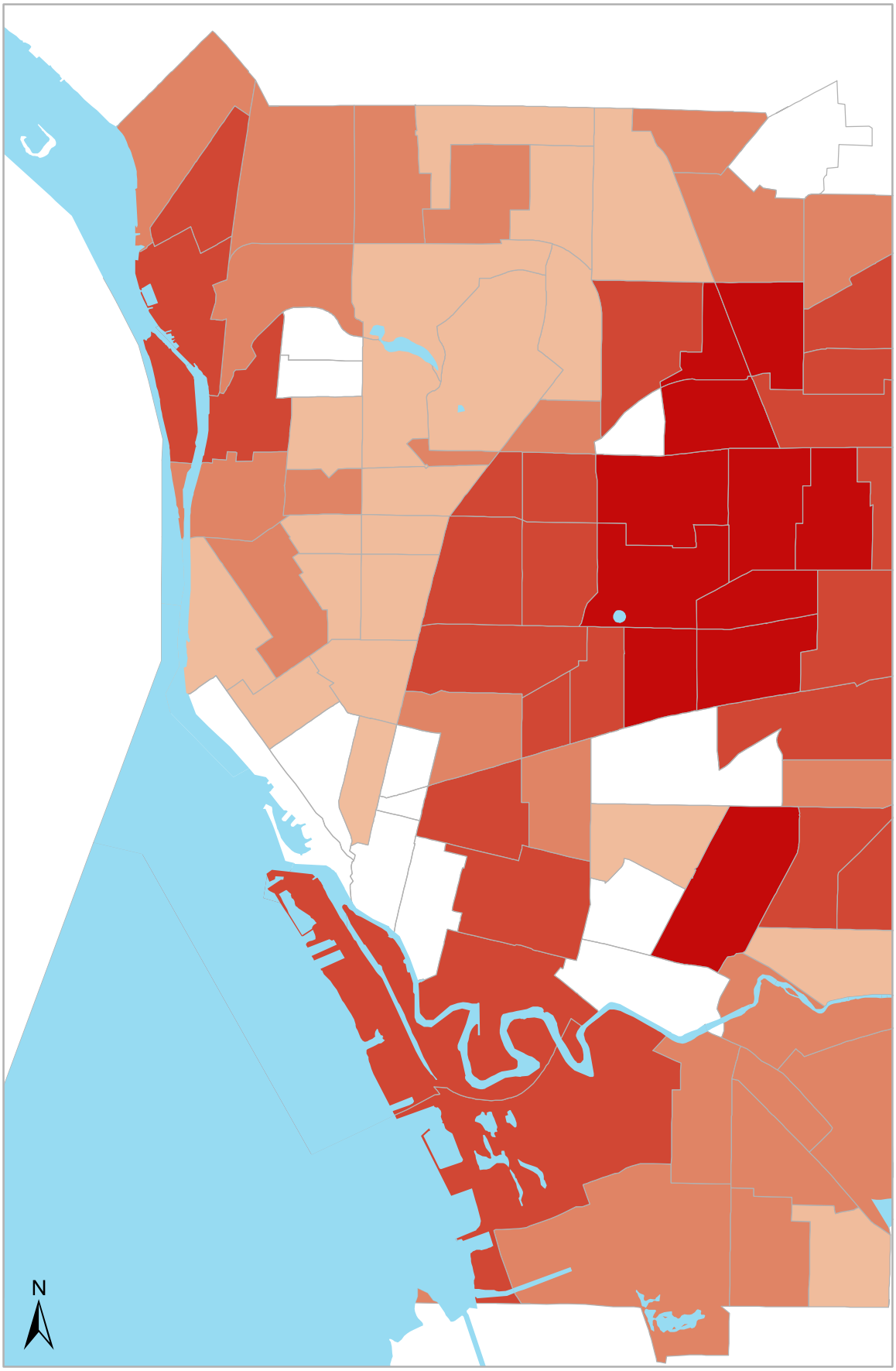
These problems present an opportunity to incorporate fair housing incentives and affirmative marketing conditions in the disposition of property. While policy emphasis is often placed on the immediate problem of getting abandoned property efficiently back into an owner's hands and onto the tax rolls, the volume of foreclosure vacancies and the extent to which they disproportionately affect racially/ethnically concentrated areas of poverty calls for attention to fair housing considerations in their disposition.

HUD generates foreclosure risk scores by census tract as part of its Neighborhood Stabilization Program. Within the City, census tracts bordering either side of Genesee Street were at the highest risk of foreclosure, according to NSP3 estimates. Many of those tracts had estimated double-digit rates of foreclosure with the highest rate of 15% in Census Tract 36. Other areas of the City were also predicted to have higher levels of foreclosure including select census tracts in the east and northwest areas of the City.

MAP 3-7
HUD NSP3 Foreclosure Risk Score
by Census Tract

Census Tracts
Estimated Rate

- Less than 2%
- 2% to 5%
- 5% to 7%
- 7% to 10%
- 10% to 15%



4 RECORDS OF HOUSING DISCRIMINATION

This section analyzes the existence of fair housing complaints or compliance reviews where a charge of a finding of discrimination has been made. It will also review the existence of any fair housing discrimination suits filed by the United States Department of Justice or private plaintiffs in addition to the identification of other fair housing concerns or problems.

Buffalo citizens can receive fair housing services from a variety of agencies, such as Housing Opportunities Made Equal (HOME), Legal Aid Bureau of Buffalo, Neighborhood Legal Services or the City's Fair Housing Officer). These groups provide education and outreach, sponsor community events, process fair housing complaints and investigate complaints through testing, and work to promote a mutual understanding of diversity among residents.

Existence of Fair Housing Complaints

A lack of filed complaints does not necessarily indicate that a problem does not exist. Some persons may not file complaints because they are unaware of how to file a complaint or where to go to file a complaint. Discriminatory practices can be subtle and may not be detected by someone who does not have the benefit of comparing his treatment with that of another home seeker. Other times, persons may be aware that they are being discriminated against, but they may not be aware that the discrimination is against the law and that there are legal remedies to address the discrimination. Also, households may be more interested in achieving their first priority of finding decent housing and may prefer to avoid going through the process of filing a complaint and following through with it. According to the Urban Institute, 83% of those who experience housing discrimination do not report it because they feel nothing will be done. Therefore, education, information, and referral regarding fair housing issues remain critical to equip persons with the ability to reduce impediments.

The introductory section of the AI presents differences between federal, state and local fair housing laws and the classes they protect. These differences constitute why a person might file a complaint with one agency instead of another. Federal law protects on the basis of race, color, religion/creed, national origin, sex, disability and familial status. State law covers those areas and adds sexual orientation, military status, age and marital status. City law covers all of the aforementioned and adds gender identity/expression and source of income. Therefore, a person alleging source-of-income discrimination could seek recourse only at the City level. Nonprofit fair housing agencies assist clients to file complaints at the most appropriate level.

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

The Office of Fair Housing and Equal Opportunity (FHEO) at HUD receives complaints from persons regarding alleged violations of the federal Fair Housing Act. Fair housing complaints originating in Buffalo were obtained and analyzed for the four-year period of January 2009 through December 2012. In total, HUD reported receipt of 72 complaints originating in the City during this period, with 26 filed in 2009, 23 filed in 2010, 11 filed in 2011 and 12 filed in 2012.

Complainants may list multiple bases of complaint; however, race was the predominant basis, factoring into 33 of the 72 HUD cases (46%). Following that, familial status was cited in 25 cases (35%), and disability factored into 24 cases (33%). Figure 4-1 includes a complete breakdown on basis by percentage of all cases.

Of the 72 housing discrimination complaints filed with HUD since 2009 related to Buffalo properties, about half were on the basis of race or color.

As Figure 4-2 on the following page demonstrates, most of the housing discrimination cases in Buffalo reported to HUD were related to rental transactions. About half of the cases (34) included more than one allegation, so the sum of all allegations made exceeds the total number of cases. One-third of all cases involved alleged refusal to rent or negotiate to rent, and (with some overlap), 31% of cases reported discrimination in the terms, conditions, or privileges relating to rental. The disability-related problem of failure to make reasonable accommodation was reported to HUD in only three cases.

The evident majority of alleged discrimination reported to HUD involved rental transactions, facilities, conditions or services.

FIGURE 4-1

Basis for Complaint in HUD Cases, 2009-2012

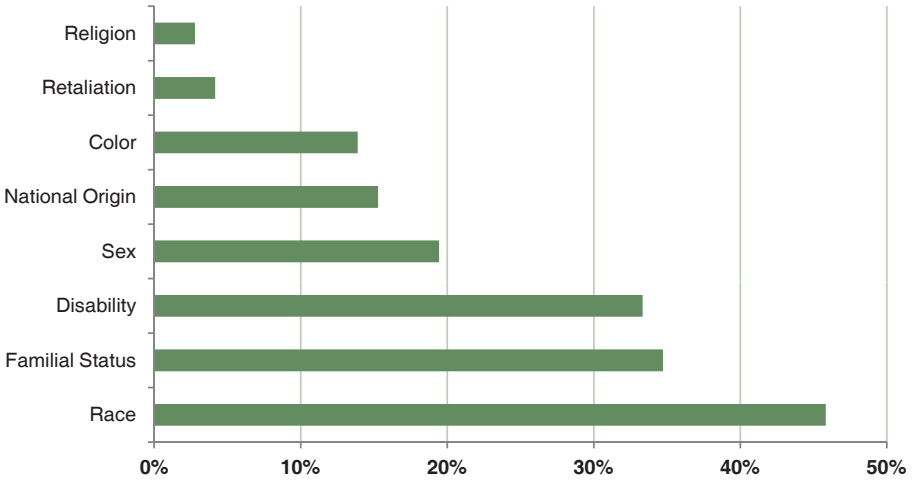


FIGURE 4-2

Issues Cited in HUD Discrimination Complaints, 2009-2012

Issue	Cited	% of Total
Discriminatory refusal to rent/negotiate for rental	26	36%
Discrimination in terms/conditions/privileges relating to rental	22	31%
Discriminatory terms, conditions, privileges, or services and facilities	16	22%
Discriminatory acts under Section 818 (coercion, etc.)	14	19%
Other discriminatory acts	11	15%
Otherwise deny or make housing unavailable	10	14%
Discriminatory advertising, statements and	12	17%
Failure to make reasonable accommodation	5	7%
False denial or representation of availability - rental	3	4%
Discriminatory refusal to sell	2	3%
Discriminatory financing (includes real estate transactions)	1	1%
Discrimination in terms and conditions of membership	1	1%

Source: HUD New York FHEO Center

As of December 2012, eight of the Buffalo cases reported to HUD were open for investigation. Of the 64 cases that were closed, 10 (16%) resulted in a successful conciliation or settlement. A complaint is considered conciliated when all of the parties to the complaint enter into a conciliation agreement with HUD. Such agreements include benefits for the complainant, and affirmative action on the part of the respondent, such as civil rights training. HUD has the authority to monitor and enforce these agreements. These cases involved a variety of issues and allegations with no notable pattern.

Of the 64 closed cases, 37 (58%) were found to be without probable cause. This occurs when the preponderance of evidence obtained during the course of the investigation is insufficient to substantiate the charge of discrimination.

Another six cases (9%) were administratively closed, due to complaint withdrawal before or after resolution (two cases each), lack of jurisdiction (one case) or inability to locate the complainant (one case). Caution should be used when interpreting complaints that are administratively closed. This resolution does not always mean that housing discrimination has not occurred. Withdrawn complaints can be due to an uncooperative complainant, a complainant who cannot be located, a complainant who changed her mind, experienced intimidation, decided against the trouble of following through, chose to seek other housing without delay, or other reasons.

Two cases from 2009 were found to be with cause. In one case, a landlord rescinded his agreement to rent to a tenant upon learning of the tenant's disability, and in the other, a landlord advertised a preference for a single renter and then informed a tester from HOME that the apartment "would not be conducive to a family." HUD issued a charge in the latter case.

Seven cases involved FHAP consent orders, meaning that those involved negotiated a settlement (independently or through an appointed judge) that was submitted to investigators as a voluntary agreement to resolve the case. HUD provided details for six of these cases:

1. A complainant alleged that she contacted a landlord by phone regarding the rental of a house and was given an appointment to view it, but when the landlord saw that she was Black, he refused to show her the house or rent to her.
2. A White and a Black tester were allegedly treated differently by a landlord, who made and kept an appointment with the White tester to see a property, but told the Black tester she would receive a call back with a specific time, then did not call.
3. A complainant claimed that a landlord advertised with a preference for college students, then denied the complainant a rental unit based on familial status.
4. A rental application violated the law by asking the dates of birth of the applicant and all other occupants, as well as requiring disclosure of the relationship of other occupants to the applicant.
5. A landlord allegedly denied housing based on familial status.
6. A complainant claimed that she had requested reasonable accommodations that her landlord refused to honor, culminating in her receiving lease violation notices that led to the termination of her tenancy.

Finally, two cases were dismissed at the judicial level.

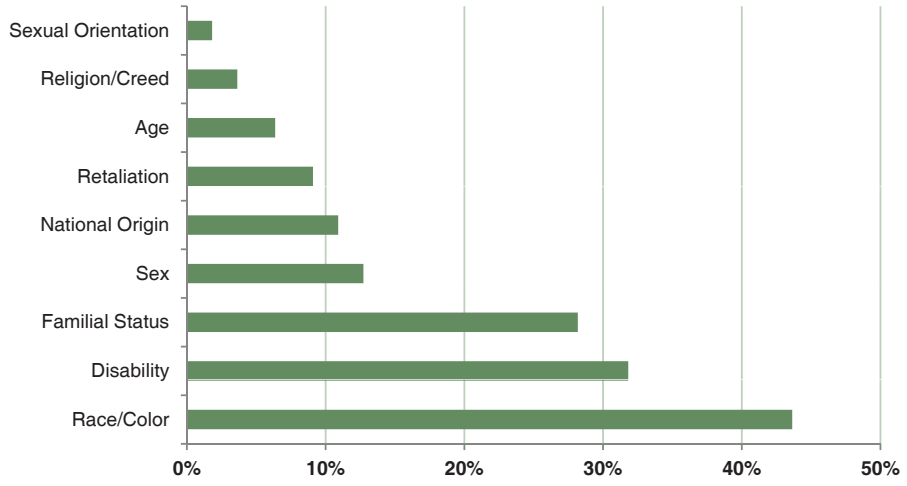
B. NEW YORK STATE DIVISION OF HUMAN RIGHTS

Housing discrimination complaints constitute six percent of all cases handled by the New York State Division of Human Rights, compared to employment cases (88%) and public accommodation cases (3%). The Division enforces the state's Human Rights Law, the first of its kind in any state, which prohibits discrimination based on age, sexual orientation, marital status and military status, in addition to classes protected by federal law. The Division has a regional office in Buffalo. Complaints may be filed in person or by mailing in a form. Complainants who contact the Division via phone or online are directed to fill out and mail in the complaint form.

The Division submitted data for AI review on 110 closed housing discrimination cases originating in Buffalo between January 2009 and December 2012. The frequency of cases declined across those four years from 44 in 2009 to 28 in 2010, 20 in 2011 and 18 in 2012. Of all persons and entities filing cases, HOME was the most commonly represented, having filed 24 of the 110 total cases (21.8%).

Across all complaints received by the Division during the years under study, race/color was the most common basis for complaint, factoring into 48 cases (43.6%). This was followed by disability, cited in 35 cases (31.8%) and familial status, cited in 31 complaints (28.2%). Less commonly an issue were sex, national origin, retaliation, age, religion/creed and sexual orientation. The latter is a protection provided by state, but not federal law. The fact that it was cited only twice in complaints over the course of four years is more likely an indication that awareness of the protection is low than it is an indication that discrimination does not

FIGURE 4-3
Basis for Complaint in State Cases, 2009-2012



C. CITY OF BUFFALO FAIR HOUSING OFFICER

Per Chapter 154 of the Code of the City of Buffalo, the Fair Housing Ordinance, the City's mayor designates a fair housing officer to receive, investigate and/or refer housing discrimination complaints to a qualified fair housing enforcement agency. Any person or organization, whether or not an aggrieved party, may file a written complaint within one year from the date of alleged discrimination.

WIthin 30 days of receiving a complaint, the fair housing officer notifies the accused party and requests a written response to be submitted within 20 days. At this point, the fair housing officer conducts a prompt investigation, within 120 days, to determine whether there is probable cause to establish discriminatory conduct. Upon the fair housing officer's certification that there has been an affirmative finding of probable cause of discriminatory practice, the officer may request the Corporation Counsel to file an action against the accused party in court to seek the imposition of penalties, such as a fine, revocation or suspension

The most common discrimination type cited at both the federal and state levels for Buffalo cases was race/color, followed by disability and familial status.

of any City licenses or permits necessary to the operation of the housing in question, or other relief. Alternately, the officer may request that a qualified fair housing enforcement agency commence a civil action or proceeding for injunctive relief, damages and other appropriate relief in law or equity against a person found to be discriminating unlawfully.

An interview with the City's fair housing officer conducted in January 2013 indicated that the position's responsibilities extend to a wide variety of housing-related issues, among which fair housing is only one. The fair housing officer receives housing-related inquiries from the City's 311 system, provides education and outreach and monitors compliance with minority/women business enterprise requirements. Therefore, handling housing discrimination represents only a part of the daily activities. Most of the housing issues are not directly related to fair housing, but more commonly deal with landlord-tenant relations. The officer estimated that 80% of calls are related to evictions. When fair housing issues surface, the officer refers them to HOME for investigation. HOME is a qualified, certified agency, and the ordinance leaves the decision to investigate internally or refer cases to such agencies at the officer's discretion.

While data on complaints received by the City was not available for inclusion in the AI, the fair housing officer reported that the majority of cases relate to alleged violations of the City's protection against discrimination on the basis of a person's source of income. This protection is available at the local, but not state or federal levels. According to the officer, most landlords seem unaware of the local law until they are found to be in violation. Once notified, many will agree to participate in the Section 8 voucher program as required -- but they commonly exploit a loophole. Voucher programs require units to pass a housing quality standards (HQS) inspection. If a unit doesn't pass HQS, a voucher household may not move in. There is no mechanism by which to force landlords to make improvements to meet HQS, so landlords can effectively exclude voucher holders by failing HQS inspections. According to the fair housing officer, this is a problem for many voucher households, who have a limited amount of time to move into a suitable unit before their voucher expires.

A commonly exploited loophole allows landlords to avoid voucher households by not meeting HUD housing quality standards set by the Housing Choice voucher program.

D. HOUSING OPPORTUNITIES MADE EQUAL

HOME is a HUD-certified counseling agency that participates in HUD's Fair Housing Initiatives Program (FHIP) to help people identify government agencies that handle complaints of housing discrimination. In addition to investigating complaints referred by the City of Buffalo and other agencies, along with those it receives directly, HOME is responsible for maintaining the City's fair housing database, though they declined to make this data available for review in the AI.

During an interview, HOME's executive director reported that the agency collected 190 discrimination reports across the metropolitan area within the last year. In order of frequency, the most common bases for complaint were familial status, source of income, race and disability. About three-quarters of all discrimination complaints HOME receives originate in Buffalo. HOME's director suggested that in many cases, source of income discrimination is likely a surrogate for racial discrimination, as Buffalo's voucher holders are predominantly non-White.
As part of its activities as a FHIP participant, HOME has conducted fair housing testing in the region. Testing is commonly recognized as an effective, if demanding, method of detecting unfair treatment in the housing market. HOME has undertaken systemic discrimination testing as well as tests of features in structures required by law to be accessible to persons with disabilities. The agency must report the results of such tests to HUD, though the results were not made available for review in the AI.

City Involvement in Fair Housing Cases

The City of Buffalo is not currently subject to or operating under any desegregation orders or unlawful segregation orders, nor has it been a party to such litigation in the past five years. The City was a party to the landmark *Comer* housing discrimination case, since resolved, which is more fully explained in the Public Housing section of the AI.

The inability to collect discrimination test results and complaints data from HOME suggests that the City's subrecipient agreement with the agency does not require it to routinely submit this data to the City. However, this data should factor into the City's understanding of current conditions and its formulation of policy.

5 REVIEW OF PUBLIC SECTOR POLICIES

The analysis of impediments is a review of impediments to fair housing choice in the public and private sector. Impediments to fair housing choice are any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status or national origin that restrict housing choices or the availability of housing choices, or any actions, omissions or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status or national origin. Policies, practices or procedures that appear neutral on their face but which operate to deny or adversely affect the provision of housing to persons of a particular race, color, religion, sex, disability, familial status, or national origin may constitute such impediments. This section evaluates public policies in the City to determine opportunities for furthering the expansion of fair housing choice.

Policies Governing Housing and Community Development

From a budgetary standpoint, housing choice can be affected by the allocation of staff and financial resources to housing related programs and initiatives. The decline in federal funding opportunities for affordable housing for lower-income households has shifted much of the challenge of affordable housing production to state and local government decision makers.

The recent Westchester County, NY, fair housing settlement also reinforces the importance of expanding housing choice in areas outside of high-poverty concentrations of racial and/or ethnic minorities. While the City of Buffalo, saturated in most areas by racial/ethnic and/or low-income concentration, can practically accomplish only so much desegregation within its own jurisdiction, it must ensure that its entitlement funds are applied in ways that are consistent with this aim.

The City of Buffalo receives federal entitlement funds from HUD in the form of:

- **Community Development Block Grant (CDBG)**: The primary objective of this program is to develop viable urban communities by providing decent housing, a suitable living environment, and economic opportunities, principally for persons of low and moderate income levels. Funds can be used for a wide array of activities, including: housing rehabilitation, homeownership assistance, lead-based paint detection and removal, construction or rehabilitation of public facilities and infrastructure, removal of architectural barriers, public services, rehabilitation of commercial or industrial buildings, and loans or grants to businesses.
- **HOME Investment Partnerships Program (HOME)**: The HOME program provides federal funds for the development and rehabilitation of affordable rental and ownership housing for low and moderate income households. HOME funds can be used for activities that promote affordable rental housing and homeownership by low and moderate income households, including reconstruction, moderate or substantial rehabilitation, homebuyer assistance, and tenant-based rental assistance.
- **Emergency Solutions Grant (ESG)**: The ESG program provides federal funds to provide homeless persons with basic shelter and essential supportive services. The funds can also be used for short-term homeless prevention assistance.
- **Housing Opportunities for Persons with AIDS (HOPWA)**: These funds may be used for a wide range of services, including the acquisition, rehabilitation, or new construction of housing units; facility operations; rental assistance; and short-term payments to prevent homelessness. HOPWA funds also may be used for health care and mental health services, chemical dependency treatment, nutritional services, case management, assistance with daily living and other supportive services.

Allocations across all programs have been cut in recent years, reflecting nationwide reductions in funding. These declines, along with other complications, have resulted in lower or delayed disbursement of funds to Buffalo's subrecipient agencies, who carry out much of the affordable housing development and social service activities.

The City recently developed its Five-Year Consolidated Plan for FY 2013-2017, which establishes priorities, goals and objectives to guide the next five years of annual planning for housing and community development activities. The plan bases its identification of local needs on a comprehensive analysis of available data indicators and community outreach and identifies a variety of "high" priority needs.

Each year's CDBG budget typically includes allocations for fair housing activities such as education, outreach, complaints investigation and/or testing through support of such agencies as HOME, Legal Aid and Neighborhood Legal Services. The provision of fair housing services is eligible as either a program administration cost or as a public service. In FY 2012, the City allocated $58,841 to HOME, $82,049 to Legal Aid Bureau and $27,697 to NLS.

The City's HOME allocation, $3,018,683 in FY12, was divided among owner-occupied rehab, CHDO rehab and operating costs and multi-family rehab or new construction. The City does not spend HOME funds on tenant-based rental assistance. While the need exists, administrative complications with the HOME program would make it difficult to implement.

A. PROJECT PROPOSAL AND SELECTION

Each year, the Office of Strategic Planning (OSP) and the Buffalo Urban Renewal Agency (BURA) prepare the Annual Action Plan and budget, which the Mayor then submits to the Common Council for approval. BURA staff members review applications for CDBG and HOME funds to determine eligibility, feasibility, agency capacity; and make funding recommendations according to the extent to which proposed projects address needs identified in the Consolidated Plan.

The RFP for HOME funding includes a requirement that those proposing new construction rental projects document that sites are not located in an area of minority concentration (though certain exceptions apply), nor in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents. Because there are relatively few non-concentrated areas within Buffalo, most projects located within concentrated areas have been cleared under the exception that "The project is necessary to meet overriding housing needs that cannot be met in that housing market area." The "overriding housing needs" criterion permits approval of sites that are an integral part of an overall local strategy for the preservation or restoration of an immediate neighborhood.

The prevalence of areas of minority concentration throughout the City leave relatively few non-impacted areas available where affordable housing could be located.

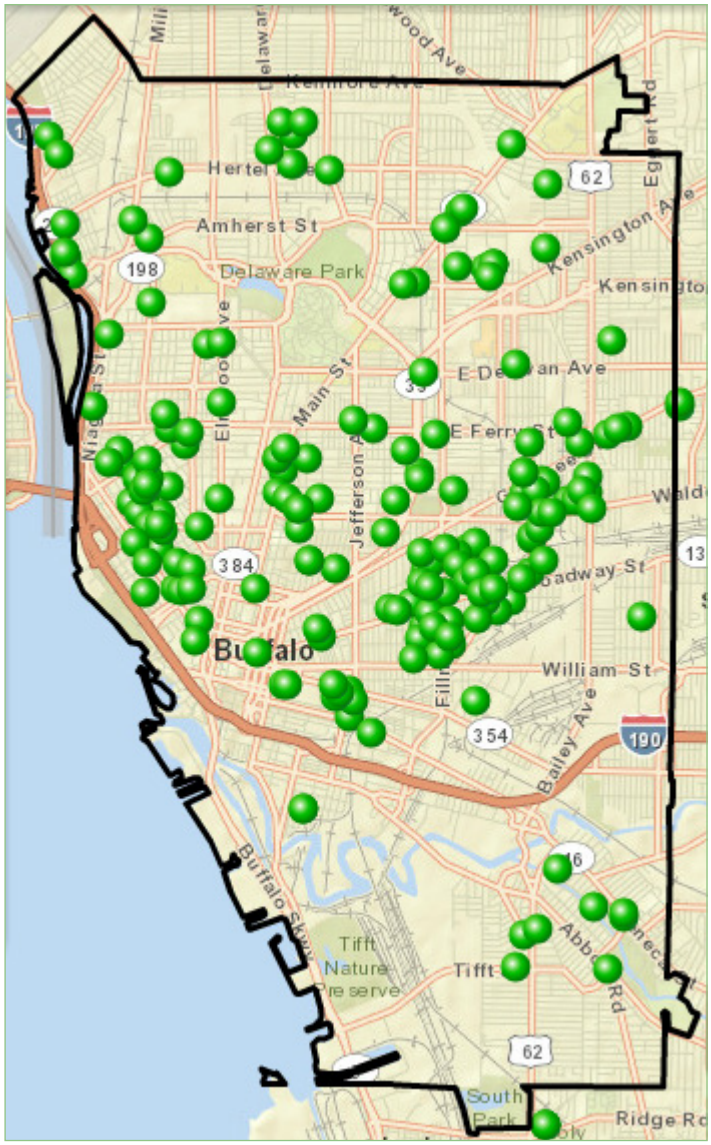
B. GEOGRAPHIC DISTRIBUTION OF INVESTMENTS

Currently, all of Buffalo's CDBG-funded activities are directed to block groups that are at least 51% low/moderate income. Within these areas, the City targets funding to neighborhoods that (1) are near emerging employment and economic development engines that can serve as a stabilizing influence, (2) have developed a cohesive network of community-based and institutional support, and (3) have secured dedicated funding to support their efforts. These include the Buffalo Promise Neighborhood (which has received both planning and implementation grants from HUD), Perry Choice Neighborhood (which has received a planning grant and is applying for implementation), West Side Green Zone, and the Fruit Belt adjacent to the Buffalo Niagara Medical Campus.

With regard to the development and redevelopment of affordable housing, siting tends to be driven by developers, based on the feasibility of individual projects in proposed locations. For FY2012, the City accepted HOME applications for single-family new construction; single-family acquisition/rehab/resale in a concentrated area; multi-family rental rehab or new construction, single-site and concentrated; and multi-family rental adaptive reuse/conversion, single site. While the application for City HOME funds requires an explanation of how the proposed work fits into the neighborhood redevelopment strategy and identification of its target population, the application does not appear to consider site location relative to existing low-income minority concentrations.

MAP 5-1
Total HOME-Funded Multi-Family Project Sites
City of Buffalo

Source: HUD CPDMaps



As Map 5-1 demonstrates, the City's multi-family HOME projects have been scattered in a variety of neighborhoods. Historically, many have been located in lower-income areas such as Broadway-Fillmore and the Lower West Side due to the perception

of need in those neighborhoods and the availability of affordable land or structures on parcels zoned for multi-family development.

Additionally, any projects involving tax credits would have been encouraged by the state's Qualified Allocation Plan to site in Qualified Census Tracts (QCTs), where developers receive a basis boost of 30%. Section 42 of the Internal Revenue Code allows an increase in eligible basis of up to 30% for certain low-income housing tax credit (LIHTC) projects. This basis boost results in a corresponding 30% increase in the maximum LIHTC subsidy, which until 2008 had been available only to projects located in QCTs or Difficult Development Areas. A QCT is any census tract in which at least half of all households have an income less than 60% of the area's MHI. In Buffalo, QCTs are limited mostly to racially/ethnically concentrated areas of poverty.

Nonetheless, some HOME-funded multi-family projects are sited outside of racially/ethnically concentrated areas, particularly South Buffalo and North Buffalo.

Despite a primarily developer-driven site selection process for HOME-financed affordable housing projects, some project sites exist outside of concentrated areas.

C. AFFIRMATIVE MARKETING

The City is federally required to adopt affirmative procedures and requirements for all CDBG- or HOME-assisted housing with five or more units. Such a plan should include:

- Methods of informing the public, owners, and potential tenants about fair housing laws and the City's policies
- A description of what the owners and/or the City will do to affirmatively market housing assisted with CDBG/HOME funds
- A description of what the owners and/or the City will do to inform persons not likely to apply for housing without special outreach
- Maintenance of records to document actions taken to affirmatively market CDBG/HOME-assisted units and to assess marketing effectiveness, and
- A description of how efforts will be assessed and what corrective actions will be taken where requirements are not met.

BURA requires all applicants for participation in subsidized multi-family housing programs with five or more units to submit an Affirmative Fair Housing Marketing Plan (AFHMP) by completing HUD form 935.2A, the purpose of which is to help applicants ensure that individuals of similar income levels in the same housing market have a like range of housing choices available to them, regardless of protected class status. The AFHMP is designed to help owners and agents effectively market the availability of housing opportunities to individuals of both minority and non-minority groups that are least likely to apply for occupancy. When used aggressively, an affirmative marketing plan can act as a tool for integration.

The AFHMP requires identification of the party responsible for fulfilling the marketing requirements. Advertising of housing opportunities must begin at least 90 days prior to the initial or renewed occupancy for new construction and substantial rehabilitation projects. A worksheet is included to determine the demographics of the project and housing market area, providing context to determine which groups would be least likely to apply for the housing without special outreach efforts.

Any residency preferences must be justified and evaluated to determine compliance with non-discrimination and equal-opportunity requirements.

The fair housing poster must be displayed in all offices in which sale or rental activity takes place, and the AFHMP must be available for public inspection at the sales or rental office. Project site signs, if any, must conspicuously display the HUD-approved Equal Housing Opportunity logo, slogan or statement.

Applicants must devise and explain an evaluation process to determine whether marketing activities have been successful in attracting individuals least likely to apply.

The AFHMP also includes a section on staff training to determine the extent to which staff are aware of the Plan, the Fair Housing Act and proper tenant selection.

While the Plan seems to encourage staff training and evaluation of the effectiveness of marketing, it does not appear to require either on a regular basis. The Plan could be improved by adding specifics on how BURA or City staff will monitor compliance, as well as the consequences for non-compliance.

The City's Affirmative Fair Housing Marketing Plan could be improved by specifying how compliance will be monitored and what consequences exist for non-compliance.

Appointed Boards and Commissions

A community's sensitivity to fair housing issues is often determined by those in positions of public leadership. The perception of housing needs and the intensity of a community's commitment to housing related goals and objectives are often measured by board members, directorships, and the extent to which these individuals relate within an organized framework of agencies, groups, and individuals involved in housing matters. The expansion of fair housing choice requires a team effort, and public leadership and commitment is a prerequisite to strategic action.

The following boards and commissions influence issues related to housing and land use in the City of Buffalo.

A. PLANNING BOARD

The seven-member Planning Board examines site plans for new construction costing more than $100,000 and/or rehabs of $80,000 or more. The board is appointed by the mayor, and currently consists of one Black male, four White males and two White females.

B. ZONING BOARD OF APPEALS

The five-member Zoning Board of Appeals reviews all applications seeking relief from requirements of the code of ordinances. The board is appointed by the mayor, and currently consists of one Black and four White males.

C. BUFFALO MUNICIPAL HOUSING AUTHORITY

The Buffalo Municipal Housing Authority (BMHA) provides affordable housing opportunities to low-income residents through the administration of public housing and housing choice voucher programs. Its seven-member board currently consists of three White men, two Black men and two Black women. Five members are appointed by the mayor, and two are residents elected by BMHA tenants.

D. COMMISSION ON CITIZENS' RIGHTS AND COMMUNITY RELATIONS

The Commission on Citizens' Rights and Community Relations works to prevent discrimination against persons based upon race, ethnic background, cultural background, language, religion, gender, sexual orientation, disability, nationality and age; and to assure respect for the civil liberties of all citizens. The Commission forwards fair housing complaints to either the City's Fair Housing Officer or HOME. This eight-member board is appointed by the mayor; and currently consists of three Black males, two Black females, one Asian male, one White male, and one White female.

Racial minorities are represented on housing-related boards and conditions at proportions consistent with their population share, though women comprise only one-quarter of members.

Accessibility of Residential Dwelling Units

From a regulatory standpoint, local government measures to control land use (such as zoning regulations) define the range and density of housing resources that can be introduced in a community. Housing quality standards are enforced through the local building code and inspections procedures.

There is no known source of public funding available to assist persons with disabilities in making accessibility modifications to their homes.

A. PRIVATE HOUSING STOCK

The New York State Building Code contains standards for the accessibility of private housing structures that are consistent with Uniform Federal Accessibility Standards and Americans with Disabilities Act accessibility guidelines. In order to ensure that the applicable local, state and federal accessibility standards are met in new residential units, Buffalo's Department of Permit and Inspection Services reviews all plans for new construction and substantial rehabilitation. In addition to enforcing the state code, Buffalo inspectors ensure compliance with federal regulations and all applicable City ordinances.

All new multi-family buildings must be accessible and, therefore, free of barriers. Multi-family projects are regulated through the commercial building code, which requires a minimum number of accessible units and parking spaces. Many accessibility improvements are readily achievable with minimal cost. However, the vast majority of housing units in Buffalo are not accessible because they were built prior to the enactment of the ADA in 1988. Older multi-family structures are often exempt from accessibility mandates.

The age and configuration of the City's housing stock present impediments, as retrofitting older structures to make them accessible can be infeasible due to cost. Landlords who are new to the industry and those who own smaller-scale apartments (fewer than six units) are particularly susceptible to fair housing violations.

While the state previously provided funds to assist disabled persons in making reasonable modifications for accessibility purposes, the funds are no longer available, meaning that those who request modifications must cover the cost themselves. Because persons with disabilities are disproportionately poor, the cost of modifications can be burdensome, limiting affordable housing options only to units that are already accessible. The limited funds available to add accessibility to single-family homes is also an impediment to the true integration of disabled persons into communities in the least institutionalized setting possible, a current HUD policy aim. The critical issues of affordability and accessibility must be addressed to allow people with disabilities to remain in independent, integrated housing in their own communities.

B. PUBLIC HOUSING STOCK

Section 504 of the Rehabilitation Act of 1973 and 24 CFR Part 8 requires that five percent of all public housing units be accessible to persons with mobility impairments and another two percent to persons with sensory impairments. In addition, administrative offices, application offices and other non-residential facilities must be accessible to persons with disabilities. UFAS is the standard against which residential and non-residential spaces are judged to be accessible.

In 2004, BMHA completed a needs assessment and transition plan in order to evaluate and improve the accessibility of its public housing inventory. More recently, a 26-volume update to the needs assessment was completed by C&S Engineering. All BMHA developments are subject to UFAS for all new construction and rehabilitation activities. BMHA maintains an inventory of fully accessible units and allows modifications to accommodate disability needs.

The supply of housing units accessible to persons with disabilities is limited, due to the age of the City's housing stock and the lack of funds available to retrofit existing homes.

Language Accommodations

HUD's guidance relative to Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," stipulates that a community can achieve compliance by providing certain services for LEP language groups with more than 1,000 persons or one percent of the population to be served. As noted earlier, the number of LEP Spanish speakers in Buffalo exceeds 5,700. Although there is no requirement to develop a Language Access Plan (LAP), HUD entitlement communities are responsible for serving persons with LEP in accordance with Title VI of the Civil Rights Act of 1964. Preparation of a LAP is the most effective way to achieve compliance.

The City has not adopted a universal LAP, leaving language accommodations up to the discretion of individual departments. Many departments include Spanish speakers, and some documents are available in Spanish. BMHA provides a relatively high degree of access, including bilingual staff members -- certain job positions require Spanish language proficiency -- and distribution of promotional materials in Spanish.

An LAP involves a four-factor analysis to evaluate the need for translation and/or other accommodations:

- The number or proportion of persons with LEP to be served or likely to be encountered by the program
- The frequency with which persons with LEP come into contact with the program
- The nature and importance of the program, activity or services provided by the program, and
- Resources available to the grantee vs. costs

Currently, each City department is responsible to ensure that it provides adequate opportunities for engagement by persons with LEP. Ideally, each department would adopt a set of LAP policies to specify how it will serve limited-English residents among its programs' target populations, who may need assistance accessing local government programs and services.

BURA should consider adopting a Language Access Plan to specify how the agency will ensure access to programs and services for the City's growing Hispanic population.

Zoning, Land Use and Comprehensive Planning

A community's comprehensive plan is a statement of policies relative to new development and preservation of existing assets. The land use element of the comprehensive plan defines the location, type and character of future development, while the housing element expresses the preferred density and intensity of residential neighborhoods. Taken together, the land use and housing elements define a vision of the type of place that a community wishes to become.

While the City enforces a zoning ordinance that was originally written in 1953, it is engaged in an ambitious project, the Green Code, designed to implement its latest Comprehensive Plan. The Green Code a land use plan and the creation of a new, form-based zoning ordinance.

The Land Use Plan delineates the City into neighborhoods, districts and corridors, each of which will be addressed by tailored regulatory approaches based on their distinct character and function. The Plan identifies sustainability as an overarching theme within the context of economic well-being, social equity and envionmental quality. Housing is most directly addressed in the neighborhoods category, which proposes:

- Identifying five major neighborhood types based on their character, form and mix of uses, in order to plan in a way that preserves neighborhood character while encouraging redevelopment consistent with prevailing patterns
- Encouraging integrated mixed-use development at the center of neighborhoods, identifying a mixed-use center in every neighborhood (existing or proposed) to promote pedestrian safety, comfort and interest
- Expanding use and development options in distressed neighborhoods, allowing transitional uses in predominantly vacant areas, such as gardening, side lot programs or urban agriculture, while keeping open longer-term options for redevelopment
- Facilitating infill programs in strong neighborhoods

The Plan includes a strong emphasis on integrating a variety of transportation options in strengthening and redeveloping City neighborhoods, promoting walkability and bicycle infrastructure.

The Plan's emphasis on neighborhood form, as opposed to segregating of land uses, carries strong positive implications for fair housing, provided that the form requirements would not effectively prohibit affordable housing types. Generally, form-based codes are based on community-defined design concepts addressing the relationship between structures and the public realm, the form and mass of buildings in relation to one another and the scale and type of streets and blocks. Planning staff members explained that the Green Code will open more neighborhoods to affordable housing types by returning regulation to pre-1953 rules, allowing construction within existing lot lines, therefore allowing for smaller frontage. Emphasis will be on the relationship of structures to the built environment, allowing for a wider array of uses in a given area.

The new Zoning Code, particularly its de-emphasis on the separation of land uses, will resolve some of the City's long-standing fair housing issues with regard to the siting and development of group homes. Special restrictions on the development of group homes, unless executed against all residential uses in the zoning district, are an impediment to the siting of group homes in violation of the Fair

Housing Act. New York law stipulates that local governments must allow group homes that are functionally equivalent to family households in any single-family neighborhood. However, Buffalo observes New York's 1978 Site Selection of Community Residential Facilities Law (the Padavan Law), which requires developers of licensed group homes for the mentally disabled to notify community residents of the intention to establish a group home and accept public comments. Additionally, the Padavan Law allows municipalities to reject proposed group home sites on the basis of over-concentration. While the Padavan Law has provided a means for developers to establish such homes in any municipality, it also presents important inconsistencies with the federal Fair Housing Act.

According to local fair housing advocates, unfair treatment of group homes is a recurring issue that disproportionately impacts members of the protected classes. Human service agencies must currently obtain a permit to establish facilities, even if the proposed use is within those allowed by right in the district in question. The process requires operators to prove that their facilities won't negatively impact the neighborhood in which they plan to site. Advocates collaborated to provide the City with a model ordinance related to group homes, but the City's Common Council has not adopted this ordinance, choosing instead to renew its existing discriminatory provisions.

In addition to recalibrating its local regulations to implement the Comprehensive Plan, the City is working to increase the efficiency of projects through the bureaucratic approvals process. Currently, any proposal for development involving more than $100,000 must be reviewed by the Planning Board to ensure compliance with key requirements. City staff expect that the form-based code could allow them to waive some of the approvals process in order to expedite projects.

Generally, the new Green Code carries strong positive implications from a fair housing perspective, allowing for an expansion of affordable housing types in a wider variety of areas.

Public Housing and Voucher Programs

A. HISTORICAL BACKGROUND

BMHA owns and manages 5,034 units of public housing in 20 communities and administers a Housing Choice Voucher program. Most of BMHA's vouchers are administered by the Rental Assistance Corporation of Buffalo (RACB), a non-profit organization, while Erie County's vouchers are administered by Belmont Housing Resources. The voucher jurisdiction for all three agencies is across Erie County, though all three agencies operate independently and maintain separate program rules and waiting lists.

Buffalo was one of the first communities in which HUD's Section 8 program was implemented in 1976. At that time, the City opted to engage a subcontractor, Housing Authority of the Niagara Frontier, to administer its voucher program. RACB is the successor to that organization and currently manages about 5,100 of BMHA's vouchers. BMHA administers additional vouchers it received as a result of a voluntary compliance agreement settlement of a fair housing lawsuit.

The fair housing landscape of public housing in greater Buffalo is shaped largely by the landmark *Comer v. Cisneros* case, a discrimination claim that resulted in two consent decrees in 1996: one settling public-housing-related claims against BMHA, and the other settling voucher-related claims against RACB, the City, Belmont and the Erie County consortium. A voucher recipient, Jessie Comer, filed suit on behalf of minority class members alleging that the policies and practices of the defendants perpetuated racial segregation patterns. The suit claimed that BMHA gave priority maintenance to public housing projects with higher proportions of White residents; that RACB failed to conduct sufficient landlord outreach in White neighborhoods; that the City failed to provide adequate oversight of BMHA and RACB, allowing them to operate in ways that contributed to discrimination; that Belmont's preference for suburban residents (who were 85% White) was discriminatory; and that the Erie County consortium, including 41 towns and villages, allowed Belmont to apply its discriminatory preference.

The settlement's results included the following:

- BMHA agreed to clear 502 units at three sites and replace them with 450 vouchers and 50 new units built outside of minority or poverty concentration.
- BMHA and the City agreed to administer a tenant selection and placement plan to advance integration, to improve certain sites and to further involve tenants in future planning efforts.
- HUD agreed to provide 300 additional vouchers for minority households whose placement would be delayed by the new tenant selection policies.
- RACB and Belmont eliminated administrative barriers to voucher

program participation. A total of 800 vouchers were authorized for use by minorities who had been passed over as a result of the local residency preference.

- HUD and the City agreed to fund a Community Housing Center to maintain a central list of affordable housing and administer a voucher mobility program.

Additionally, RACB and Belmont were ordered to develop a common cross-application and cross-listing procedure with BMHA to simplify the application process for applicants to any of the three agencies.

According to BMHA, the voluntary compliance agreement related to the settlement was satisfied in 2003. Since then, some provisions of the settlement have remained in implementation, including the housing mobility program (though Belmont has reportedly since opted out of active participation). HOME, a local fair housing advocacy agency, operates the Greater Buffalo Community Housing Center "to empower families to make a truly free and informed choice about where they will live -- and, if their choice is to move to another neighborhood or community, to make their transition a successful one."

As part of the mobility program, HOME makes presentations at all voucher briefings and provides a private one-hour counseling session to any households interested in the mobility program. HOME assists in defining a family's neighborhood or community preferences, selecting a suitable unit and making the transition into the unit, following up via phone after the move to offer any needed assistance. The mobility program provides security deposit assistance of up to $400 in opportunity communities, which are defined as those with less than 25% of families living below poverty. According to HOME staff, finding units affordable at the fair market rent in opportunity communities is difficult, within and outside of the City. Since 2000, the mobility program has assisted more than 2,000 voucher households.

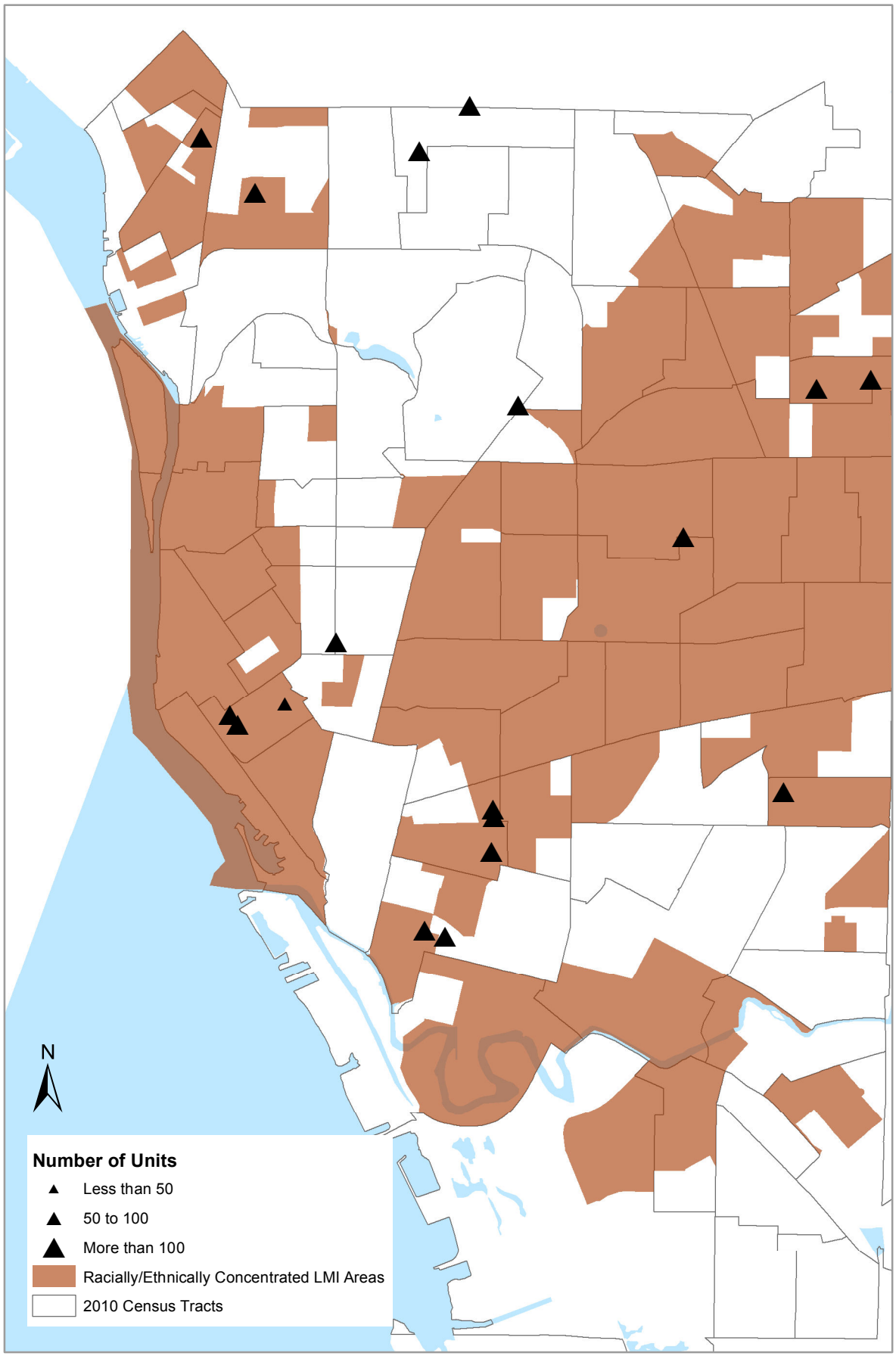
The mobility program primarily involves households who receive vouchers from RACB. BMHA staff indicated that the program is available for its voucher holders, but BMHA administers only about 10% of its own vouchers, and interviews indicated that the mobility program is not highly integrated with BMHA's voucher administration.

Other provisions of the settlement are no longer in effect; for example, though RACB, Belmont and HACB were required to create a cross-application and cross-listing process for their waiting list, the three agencies have since reverted to maintaining separate applications and wait lists.

The three voucher administrator agencies, once required to maintain a centralized application process and waiting list, have since reverted to operating separately, which has increased confusion for eligible families.

MAP 5-2
Comparison of Public Housing Sites
and Racially/Ethnically Concentrated LMI Areas, 2013

Source: BMHA, 2010 ACS



B. CURRENT INVENTORY AND TENANTS SERVED

Map 5-2 on the previous page displays the distribution of BMHA's public housing developments, indicating that they are dispersed across a variety of neighborhoods. While most units are in areas of racial or ethnic concentration, other developments are outside of racially/ethnically concentrated low/moderate-income areas.

BMHA's 5,034 units of public housing include 69 studio units (1.4%), 1,608 one-bedroom units (31.9%), 2,161 two-bedroom units (42.9%), 951 three-bedroom units (18.9%) and 245 units with four or more bedrooms (4.9%). Unit sizes are scattered broadly across various developments, with most offering a variety of sizes. BMHA plans to reduce its total inventory through the possible demolition of units at AD Price Courts and at Perry Homes. In all cases, BMHA will apply a mixed-finance strategy to replace lost units.

FIGURE 5-1
Characteristics of Public Housing Residents
Buffalo Municipal Housing Authority, June 2012

	Current Residents	
Total households	**3,375**	**100%**
Income level		
Extremely low income (30% or less of AMI)	2,565	76%
Very low income (30.1% to 50% of AMI)	540	16%
Low income (50.1% to 80% of AMI)	211	6%
Household type*		
Families with children	1,070	33%
Elderly	398	12%
Elderly with disabilities	467	14%
Member with disabilities	626	19%
Non-elderly, no children, no disability	728	22%
Race and ethnicity		
Black	2,498	74%
White	844	25%
Asian	0	0%
Other race	34	1%
Hispanic **	371	11%
Characteristics by household size		
One person	1,890	56%
Two people	641	19%
Three people	439	13%
Four people	236	7%
Five people	101	3%
Six or more people	34	1%

Note: Totals do not all reconcile due to different response totals across categories.
* Categories are not mutually exclusive.
** Hispanic ethnicity is counted independently of race.
Source: Buffalo Municipal Housing Authority

BMHA acknowledges that some racial and ethnic segregation persists across its inventory, a "lingering effect" of the voluntary compliance agreement (VCA), particularly a race-blind tenant selection policy. This policy was approved by all parties at the conclusion of the VCA. However, with this in mind, BMHA allows applicants or tenants in need of transfer to specify site preferences.

While racial segregation persists across public housing developments, BMHA allows applicants and transfers to list preferences among sites.

Figure 5-1 describes demographic characteristics of BMHA public housing resident households as of June 2012. The waiting list is currently open, though demographic data was not available for review. Black households are extremely overrepresented among families in public housing, comprising 74% of current households, which is double their 37.3% share of all households. Hispanic households are slightly overrepresented, comprising 11% of public housing households and 7.1% of all households.

Also of note is the prevalence of households with a disabled member. One-third of all households reported a disability, which indicates that lower-income households with disabilities rely on the voucher program for affordable housing.

A. ADMISSIONS AND CONTINUED OCCUPANCY POLICY

The Admission and Continued Occupancy Plan (ACOP) includes a public housing authority's policies on the selection and admission of applicants from a waiting list, screening of applicants for tenancy, occupancy standards and policies, informal review/grievance hearing procedures, rent determinations, and procedural guidelines on conducting inspections, to name a few. BMHA's ACOP was reviewed from a fair housing perspective to ensure that members of the protected classes are afforded adequate housing choices. Specifically, the ACOP was reviewed to determine the presence of the following policies and whether these policies were in compliance with the Fair Housing Act:

- Fair housing and equal opportunity non-discrimination clause that provides a list of the protected classes,
- Reasonable accommodation policies for persons with disabilities (relative to the application process, unit selection, and grievance procedures),
- Accommodations for persons with limited English proficiency and a list of services a PHA provides to such persons,
- Definition of "family" and whether or not it includes non-traditional households with unrelated individuals,
- Tenant selection policies and waiting list preferences to determine whether members of the protected classes are given any special consideration or if the local preferences restrict their housing choice,
- Accommodations for applicants who refuse a unit offered due to a disability or other special circumstance,
- Transfer policies and procedures and whether such policies impede housing choice for members of the protected classes,
- Pet policy accommodations for persons with disabilities that require service or assistance animals, and
- Grievance policies and procedures

BMHA's ACOP begins with a statement of fair housing and equal opportunity, noting that the Authority will comply fully with all federal, state, and local nondiscrimination laws, prohibiting discrimination on the basis of race, color, sex, religion, creed, national or ethnic origin, age, marital or familial status. The list of protections does not include other classes protected at the local or state levels, including military status, sexual orientation or gender identity/expression. More importantly, it does not reflect recent changes to HUD program regulations that expand the number of protected classes for agencies receiving federal housing funds.

As of a Final Rule effective March 5, 2012, HUD implemented policy with the intention of ensuring that its core programs are open to all eligible individuals and families regardless of sexual orientation, gender identity or marital status, prohibiting discrimination of those types by any housing provider who receives HUD funding, such as public housing agencies, those who are insured by the Federal Housing Administration (including lenders) and those who participate in federal entitlement grant programs through HUD.

In order to provide reasonable accomodation to persons with disabilities, BMHA will grant all such requests that do not cause an undue financial and/or administrative burden or represent a fundamental alteration in the nature of its program. Subject to the undue burdens and fundamental alterations tests, BMHA will correct physical situations or procedures that create a barrier to equal housing opportunity.

With regard to persons with limited English proficiency (LEP), BMHA states that it will translate materials for any limited-English language group representing at least 10% of the eligible population of Buffalo, including documents related to application intake, marketing, outreach, certification, re-examination and inspections. Interviews with housing stakeholders indicated that BMHA has translated its documents into Spanish and provides access to Spanish-speaking staff members, which would currently meet HUD's "safe harbor" guidelines for Title VI compliance, given the City's 2010 demographics. Additionally, BMHA policy is to conduct outreach to any limited-English language group representing at least 5% of the eligible population.

BMHA must update its ACOP to prohibit discrimination on the basis of marital status, sexual orientation or gender identity.

BMHA's definition of a "family" allows non-related individuals over age 18 to qualify, provided that they share resources and become jointly and severally responsible for adhering to the lease and for rent or other charges. Allowing non-traditional households with unrelated members to share public housing units is a flexibility that is commendable from a fair housing perspective.

BMHA policy is to close its waiting list when the estimated waiting period for applicants reaches two years. The list is currently open. The agency provides notice of any closure or re-opening in local newspapers and to other service providers in the community.

When selecting families from the list, BMHA applies three local preferences: two points for displaced families, one point for current or former BMHA employees in good standing and one point for honorably discharged veterans.

If BMHA denies an application for public housing, the applicant has the right to request an informal hearing with 30 days, which may be conducted with BMHA staff, a central tenant review board or a development-specific tenant review board. These boards consist of tenant

volunteers who have passed a four-hour training session conducted by BMHA. Written notice of the informal hearing's outcome is mailed to the applicant. In the event of sustained denial, the applicant has 30 days to submit a written request for a formal hearing, which would take place before a Board of Review appointed by BMHA commissioners, consisting of at least one tenant-elected commissioner and two other commissioners.

BMHA maintains site-specific waiting lists that are subdivided based on the size and type of units available. An applicant's position on a site-based waiting list is determined by the date of development selection and by verified preferences. Upon receiving an application, BMHA replies with information about estimated wait times for apartments to become available at every site that has units of the applicant's needed size and type. Applicants must then choose which site (only one) for which they wish to be considered. Applicants may change site selections at any time.

BMHA policy is to arrange for independent testing at least once every three years to ensure that its site-based waiting list procedures are not being implemented in a discriminatory manner, and that no patterns or practices of discrimination exist. These results are submitted to HUD but were not available for review in the AI.

BMHA classifies four types of mandatory unit transfers: those occurring for emergency purposes (unit defects, a family health condition, a hate crime, etc); environmental transfers for tenants whose apartments have been determined to have unacceptable levels of lead paint, asbestos, mold or radon; fair housing/Section 504 transfers, made at any time to accommodate persons with disabilities; and underhoused/overcrowded transfers to house families in units of adequate size as they become available.

BMHA allows non-mandatory transfers under particular circumstances, including overhousing (for instance, if a family is paying rent based on the number of bedrooms in their unit and could save money by transferring to a smaller, but still adequately sized unit) or to reunite split families. Also, BMHA retains a considerable degree of discretion in allowing "tenant retention" transfers, which allow moving within the inventory to resolve "situations that affect the continued well being of the tenant" or to retain tenants with good residency records.

BMHA places restrictions on the number and type of animals that residents may keep as pets and imposes requirements on their care and control. However, exception is provided for assistance animals as a reasonable accommodation.

The ACOP describes BMHA's appeal procedures, including the informal hearing process and grievance handling. The informal hearing process applies for applicants, while the grievance process is available to residents. Reasonable accommodations are available through both processes to ensure fair treatment for persons with disabilities.

B. VOUCHER PROGRAM ADMINISTRATIVE PLANS

The Housing Choice Voucher Administrative Plan (HCVAP) is the policy and procedure manual that includes the regulations governing this housing assistance program. Generally, the HCVAP includes policies that describe the selection and admission of applicants from the PHA waiting list, the issuance and denial of vouchers, occupancy policies, landlord participation, subsidy standards, informal review/hearing procedures, payment standards, the Housing Quality Standard (HQS) inspection process, and reasonable rents, to name a few.

The HCVAPs for both BMHA and RACB were reviewed from a fair housing perspective to ensure that members of the protected classes are afforded adequate housing choices. Specifically, the HCVAPs were reviewed to determine the presence of the following policies and whether these policies were in compliance with the Fair Housing Act:

- Fair housing and equal opportunity non-discrimination clause that provides a list of the protected classes,
- Reasonable accommodation policies for persons with disabilities (in the application process, unit search and selection, and grievance process),
- Accommodations for persons with limited English proficiency and a list of services a PHA provides to such persons,
- Definition of "family" and whether or not it includes non-traditional households with unrelated individuals,
- Tenant selection policies and waiting list preferences to determine whether members of the protected classes are given any special consideration or if the local preferences restrict their housing choice,
- Recruitment of landlords who own properties in non-impacted areas,
- Portability policies and procedures and their effect on members of the protected classes,
- Higher payment standards for units that accommodate persons with disabilities, and
- Grievance policies and procedures.

The edition of BMHA's HCVAP updated through October 2009 does not contain a statement of anti-discrimination or equal housing opportunity. RACB's HCVAP also does not, beyond a statement that it will comply with all equal opportunity and fair housing requirements imposed by contract or federal law.

Both BMHA and RACB should update their HCVAPs to include equal opportunity clauses that list the classes protected within their jurisdictions.

BMHA's HCVAP mentions that requests for reasonable accommodation will be considered (voucher deadline extensions, the briefing process), but it does not contain an over-arching statement or policy on accommodating people with disabilities.

Similarly, RACB's Plan includes only certain specific references to disability-specific policies, such as soliciting applications through agencies that work with the disabled, voucher deadlines extensions for the disabled and a residency preference for the disabled.

Neither HCVAP includes discussion of ways in which the voucher program accommodates persons with LEP. While it is likely (and documented by stakeholder interviews) that both agencies have methods of eliminating barriers to its programs and services for this population, the expanding proportion of Buffalo residents who speak English as a second language warrants specific consideration.

Both BMHA and RACB must update their HCVAPs with language accommodation policies.

BMHA's Plan does not include a definition of family, which would seem to indicate that any household meeting all other listed conditions may live together. RACB's definition of family is open and inclusive, namely either a single person or group of persons, such as two or more individuals residing together in a stable relationship. Both Plans' treatment of this issue supports non-traditional family types that may choose to live together for economic reasons.

Both BMHA and RACB are accepting applications for vouchers. RACB's wait list is an estimated three years for the most recent applicants. Applicants are not cross-listed. Though this was the case during the years of the *Comer* settlement, according to BMHA, the arrangement was later annulled by RACB and Belmont.

BMHA's only preference in waiting list selection is the date and time of application. RACB mentions (but does not explain) a residency preference, which presumably extends to people living across Erie County, its jurisdiction, and also extends preference to individuals who are elderly or disabled.

With regard to recruiting landlords who own property in non-impacted areas, both authorities encourage participation in the Greater Buffalo Community Housing Center mobility program. Advocates present information about the program at all voucher briefings. Further, BMHA's Plan notes that outreach to landlords with "suitable" properties will be implemented as determined by need, capacity and experience. RACB states that it will encourage the participation of owners with units in low-poverty areas through landlord seminars, advertising in trade publications, participation in trade organizations, print media and public service announcements. Both agencies indicated that "more than enough" landlords currently participate, reflecting a soft local rental market in which landlords are happy to secure steady, reliable rental income through the voucher program.

As noted in other sections of the AI, landlords within Buffalo are compelled to accept Section 8 vouchers and other legal sources of income. While a loophole allows landlords to avoid renting to voucher holders by refusing to meet the program's required Housing Quality Standards, the requirement promotes acceptance of voucher families across the City. Because Buffalo is the only municipality in the region that has protected voucher holders against discrimination, landlords in other areas in and beyond Erie County are not required to accept vouchers. About 20% of BMHA's voucher households live outside of Buffalo. According to staff members interviewed at both agencies, concentrations of voucher holders still exist in certain areas, such as Buffalo's East Side, including zip codes 14211 and 14215. The 14215 zip code was originally not a concentrated area, but became so following voucher mobility efforts, reflecting a combination of non-voucher household exodus and an inflow of voucher holders.

BMHA voucher holders are initially given 60 days to secure a suitable unit, with an optional extension of an additional 60 days, while "hard to house" and disabled families are granted up to 120 days. RACB allows a family up to 120 days to find an acceptable unit, though additional time can be granted to families with a disabled member, those who have been subjected to discrimination, those seeking to relocate to a low-poverty area or those with other special needs.

BMHA policy sets payment standards up to 110% of the current HUD fair market rent, with consideration of vacancy rates, rents and quality of units in the area to be served, as well as success rates of voucher holders in finding units, financial feasibility of the standards and any other relevant material. RACB's policy is to set payment standards within the basis range permitted by HUD, while monitoring rent in low-poverty areas to ensure the greatest number of opportunities for participating families.

BMHA and RACB maintain similar grievance processes, including provisions for informal hearings and reviews designed to resolve disputes without legal action, to correct programmatic/administrative errors, and to respond to claims that laws or rules have been incorrectly applied. In any case where RACB makes a decision that may provide grounds for review, it informs families via writing of the decision, the reason for the decision, the right to a review/hearing and the requirement to request a review/hearing within 10 working days. BMHA similarly allows 10 days for families to submit a written request for an informal hearing. Neither Plan explicitly states that reasonable accommodations will be made in the informal hearing/review process for persons with disabilities.

Both BMHA and RACB should update their Plans to specify that reasonable accommodations will be granted to allow persons with disabilities equal opportunity during the informal review and/or hearing process.

Property Taxes

While not a direct impediment to fair housing choice, real estate taxes can impact the choice that households make with regard to where to live. Tax increases can be burdensome to low-income homeowners, and increases are usually passed on to renters through rent increases. Tax rates for specific districts and the assessed value of all properties are the two major calculations used to determine revenues collected by a jurisdiction. Determining a jurisdiction's relative housing affordability, in part, can be accomplished using tax rates.

However, a straight comparison of tax rates to determine whether a property is affordable or unaffordable gives an incomplete and unrealistic picture. High rates may be the result of low assessed values, leading to a fairly low tax bill for any given property. In all of the communities surrounding a jurisdiction, comparable rates for various classes of property (residential, commercial, industrial) are assigned to balance each community's unique set of resources and needs. These factors and others that are out of the municipality's control must be considered when performing tax rate comparisons.

Real estate taxes are a primary source of local government revenue in New York, levied on land and buildings to provide revenue streams for counties, municipalities and school districts. In Erie County, comparing rates among municipalities is largely irrelevant, because each municipality is responsible for conducting its own property assessments and setting the percentage of market value that is taxable. In 2001, the City of Buffalo instituted an annual review intended to maintain a fair relationship between the assessed value of properties and their fair market value. Nonetheless, advocates have indicated that unfair assessments continue to occur in various areas of the City, impacting both wealthy neighborhoods and lower-income areas where homeowners can least afford increases. Across New York, the quality and frequency of property assessment varies drastically, with the result that properties with similar market values are assigned widely different assessed values.

New York's Office of Real Property Services assigns each municipality an annual equalization rate that represents the overall ratio of a municipality's total assessed value to the municipality's total market value. This is done to apportion property taxes equitably among school districts and counties, so that the total levy for each is divided according to the total market value of each municipality.

Overall, property tax rates in Western New York are regarded as extremely high. In July 2011, while enacting a property tax cap law, Governor Cuomo declared New York "the tax capital of the nation," noting that the heavy costs of settling in a place like Erie County did nothing to help stem its population exodus in recent decades. In that year, the median residential property tax bill in Erie County was $3,990, compared to $3,755 across New York and only $1,917 across the United States.

Property taxes in Erie County are considerable. As of 2012, a Buffalo home assessed at $150,000 would pay a combined $3,120 in municipal and school taxes, compared to a low of $2,638 in the portion of Concord within the Holland school district and a high of $6,390 in the portion of Cheektowaga within the Sloan school district.

Much has been written about the structurally regressive nature of property taxes, which are not adjusted to reflect a taxpayer's ability to pay. The effects of heavy reliance on property taxes in a system of fragmented local governments include:

- Fiscal zoning, as jurisdictions selectively develop expensive properties with low service needs for the purpose of attracting affluent residents and businesses. A pool of high assessed values allows these jurisdictions to keep taxes low, but excludes affordable housing;
- Incentivizing sprawl, as wealthier residents and businesses are often attracted to the lower property tax rates in such communities and move, leaving behind urban core areas with greater social needs (which, given the resulting population loss, often raise tax rates to maintain revenues, thus becoming even less competitive); and
- Slower rates of housing production in municipalities with comparatively high rates, as developers target less burdensome communities.

The City of Buffalo exists in an environment of regional competition in which these principles apply. As a jurisdiction's tax climate affects its competitive position within the region and larger, systemic reliance on property taxes ensures that the above factors are in play across the region, tax policy becomes an important part of locational decision making.

The significance of higher property taxes on residential properties is that the amount of taxes must be factored into the question of affordability. If a property owner is considering the purchase of a home, estimating the monthly mortgage payment must include the mortgage principal and interest, property taxes and homeowner's insurance. In addition to any locational differences this affects, burdensome property taxes may threaten the ability of lower-income households, which are disproportionately represented among members of the protected classes, to maintain stable home ownership.

Several tax relief programs are available to eligible property owners, including the School Tax Relief Program (STAR), which is effectively a homestead exemption on the amount of property assessed for school taxes, in addition to City exemptions for low-income seniors and persons with disabilities.

Property taxes across Erie County are among the highest in the United States.

Public Transit

Households without a vehicle, which in most cases are primarily low-moderate income, are at a disadvantage in accessing jobs and services, particularly if public transit is inadequate or absent. Access to public transit is critical to these households. Without convenient access, employment is potentially at risk and the ability to remain housed is threatened. The linkages between residential areas (of concentrations of minority and LMI persons) and employment opportunities are key to expanding fair housing choice.

According to the 2007-11 American Community Survey, there were 14,519 transit-dependent households in Buffalo, comprising 14% of all households. The vast majority of City residents (85%) drove to work in 2010, with 76% driving alone. This is an increase of more than 10% since 2000. In the City, 8% of residents utilized public transit to get to work. This is down more than 4% since 2000, when 12% of residents used public transit.

Throughout Erie County, trends are similar, though less pronounced. Public transit ridership and carpooling are down slightly from 2000 while driving alone is up slightly. Public transit ridership is a significantly smaller percentage of the overall means of transportation in the County, accounting for just 4.0% of employment-related trips. These numbers are shown in Figure 5-3.

Public transit ridership varies greatly by race and ethnicity. Throughout the City, 8% of Whites used public transit to get to and from work. Minority households were more likely to ride public transit to work. Among racial and ethnic minorities, 14.4% of Hispanics, 23% of Blacks and 31% of Asians used public transit as their primary means of travel to work. Hispanic households were also much more likely to carpool or walk to work than any other racial group. Figure 5-4 on the following page shows these numbers.

FIGURE 5-2
Means of Transportation to Work, 2000-2010

		Total Workers	Drove Alone	%	Carpool	%	Public Transit	%
Buffalo City	2000	110,640	72,317	65%	15,961	14%	13,625	12%
	2010	153,819	116,793	76%	13,817	9%	12,408	8%
Erie County	2000	421,809	341,098	81%	40,725	10%	17,223	4%
	2010	449,258	365,500	81%	38,207	9%	17,782	4%

Source: 2000 Census (QT-P23), ACS 2006-2010 Census (S0804)

FIGURE 5-3

Means of Transportation to Work by Race and Ethnicity, 2010

	Total Workers	Drove Alone	%	Carpool	%	Public Transit	%	Walked	%	Other	%
White	64,349	46,535	72%	6,063	9%	4,903	8%	3,972	6%	2,876	4%
Black	32,602	18,856	58%	3,294	10%	7,417	23%	1,722	5%	1,313	4%
Asian	2,665	1,282	48%	166	6%	836	31%	162	6%	219	8%
Hispanic	6,734	3,985	59%	1,051	16%	972	14%	641	10%	85	1%

Source: ACS 2006-2010 Census (S0805 A,B,D,I)

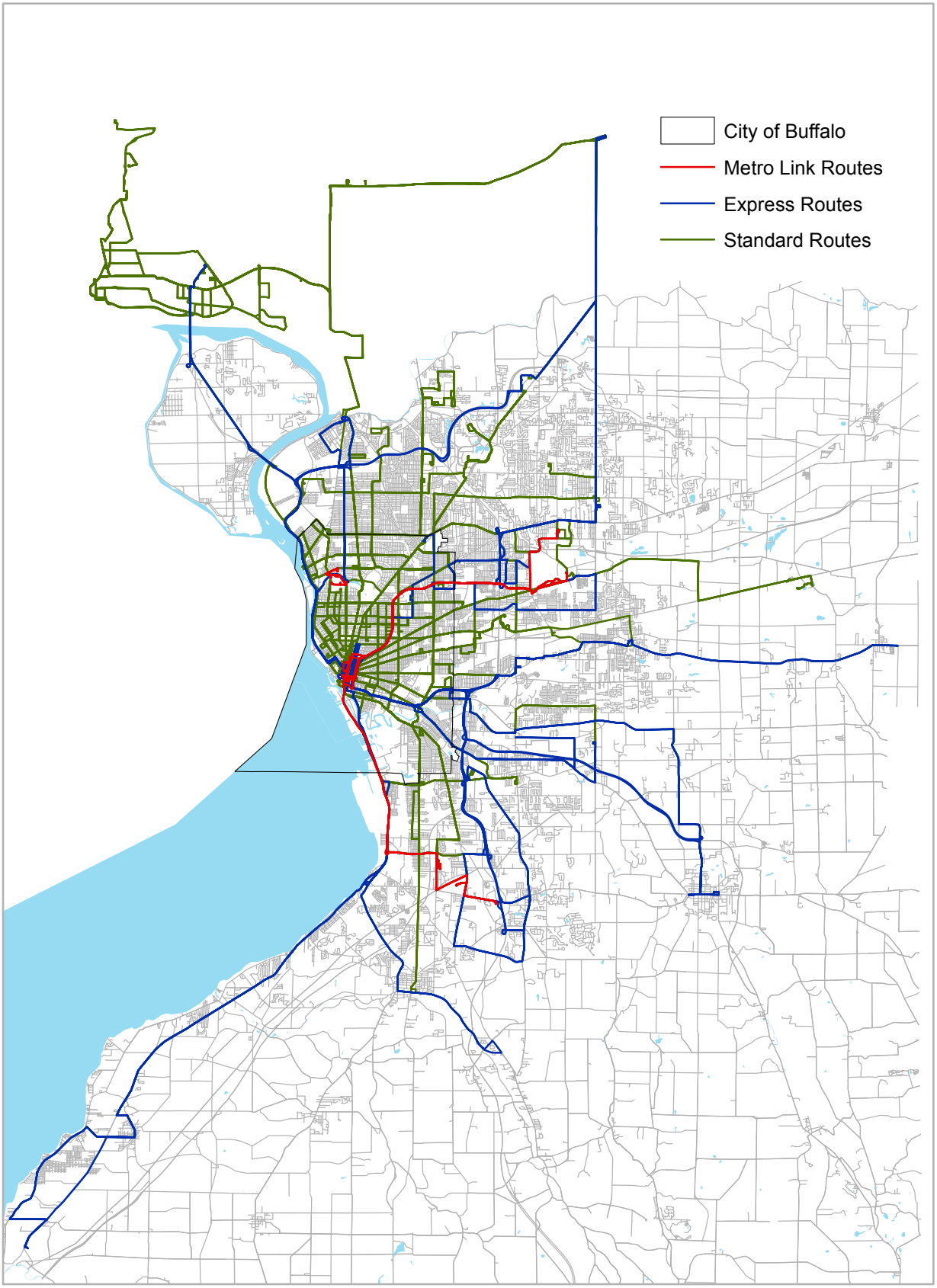
Public transportation is provided by the Niagara Frontier Transportation Authority, which is a multi-modal entity responsible for two airports in addition to bus and rail transit. The authority's service area covers Erie and Niagara counties. According to the American Public Transit Association, NFTA provided almost 27 million transit trips in 2010.

NFTA has experienced budget limitations over the past several years. The agency raised fares in May 2012 after weighing both service cuts and rate hikes to cover the deficit.

NFTA works largely as a hub and spoke system centered in the City of Buffalo. The vast majority of City neighborhoods are within a half mile of a transit route. Only one industrial area in the southern part of the City is outside of transit coverage, and it is mostly vacant. While transit coverage is generally good within the City, this analysis does not account for frequency of routes. Immediately outside City limits, transit coverage becomes increasingly sparse and only the closest suburban areas have frequent transit coverage. Most suburban areas are covered by express routes, which operate to move office workers to downtown locations.

The majority of Buffalo residents are within a half-mile of an existing transit route, making bus travel within the City relatively easy.

MAP 5-3
NFTA Routes
2012



There were 22 major transit stations and suburban park-and-ride locations in the system in 2010. Express routes connect some suburban centers with downtown Buffalo. Within the City, most routes converge on downtown Buffalo and follow major streets. NFTA also operates one light rail line which connects downtown Buffalo with the University of Buffalo to the northeast.

All Metro Buses are equipped with wheelchair lifts or ramps, in accordance with the American with Disabilities Act (ADA). Buses are also equipped with a kneeling function to make boarding easier. For those unable to access fixed-route bus services, NFTA provides paratransit services to homes within its service area. All Metro trains are equipped for people with disabilities and all stations are accessible. Many stations also provide video monitors to assist deaf or hearing-impaired riders. All stations are also equipped with communication equipment to obtain information or report an emergency. The NFTA also has an Advisory Committee on the Disabled which meets monthly to discuss disability issues as they relate to transit. The NFTA provides mobility training to anyone with a disability who wants to learn how to ride the bus or rail system.

Transit routes to suburban destinations are often geared toward express service downtown, making them inconvenient for City residents who work outside Buffalo.

In order to promote the best possible use of limited transportation resources, the Greater Buffalo-Niagara Regional Transportation Council produced the 2035 Long-Range Transportation Plan investment strategy document. The document outlines the region's vision for the future, which includes:

- Creating an economically and environmentally healthy region,
- Reversing current economic, land use, social and demographic trends,
- Promoting growth in areas with existing infrastructure, and
- Promoting equitable regional service for all residents.

The plan outlines specific goals and objectives to accomplish the vision:

- Focus on transportation projects that preserve and enhance existing transportation facilities
- Improve user mobility and accessibility
- Improve the region's economic competitiveness
- Develop a transportation system that enhances and protects the region's natural environmental quality, cultural and historic resources and communities
- Achieve better inter-jurisdictional coordination of transportation and land use planning

To accomplish these goals, the plan recommends transportation improvements for all modes including public transit. The plan includes recommendations for three new “high quality/high capacity” transit services including an extension of the existing light rail line to Crosspoint, an extension of the existing light rail line to Tonawanda, and a new commuter rail line between Buffalo and Niagara Falls.

The plan also recommends a region-wide express bus service, as well as improvements to Main Street that would include light rail infrastructure improvements. The improvements to Main Street would reintroduce automobile traffic to the street which has been transit-only since the construction of Metro Rail. Those investments have secured funding and are proceeding.

While GBNRTC’s transportation plan and the City’s Comprehensive Plan specify certain transit routes for further study and development, there is relatively little discussion of transit-oriented development (TOD). TODs are higher density, mixed-use developments located near transit facilities. Such locations provide an opportunity for the inclusion of an affordable housing component, providing members of the protected classes greater housing choice and proximity to transit services.

The 2035 Transportation Plan does not address land use, but the City’s Comprehensive Plan does address the need for development along major corridors. It also discusses a “mixed-use transit station area” that would allow higher densities near transit stops. The plan does not include much additional guidance about these areas or explain how they should be developed. Generally, the City’s Comprehensive Plan is viewed as a framework for additional, focused neighborhood plans that would dictate exact locations and designs for transit-oriented development. The plan does encourage these plans to take transit into consideration during the neighborhood planning process.

6 PRIVATE SECTOR POLICIES AND PRACTICES

Mortgage Lending Trends

The Fair Housing Act prohibits lenders from discriminating against members of the protected classes in granting mortgage loans, providing information on loans, imposing the terms and conditions of loans (such as interest rates and fees), conducting appraisals, and considering whether to purchase loans. Unfettered access to fair housing choice requires fair and equal access to the mortgage lending market regardless of race, color, national origin, religion, sex, familial status, disability, or any other statutorily protected basis.

An analysis of mortgage applications and their outcomes can identify possible discriminatory lending practices and patterns in a community. Home Mortgage Disclosure Act (HMDA) data contains records for all residential loan activity reported by banks pursuant to the requirements of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. Any commercial lending institution that makes five or more home mortgage loans annually must report all residential loan activity to the Federal Reserve Bank, including information on applications denied, withdrawn, or incomplete by race, sex, and income of the applicant. This information is used to determine whether financial institutions are serving the housing needs of their communities.

The most recent HMDA data available for the City of Buffalo is for 2011. This analysis includes all applications made between 2009 through 2011 for home purchase, refinancing, or home improvement mortgages for one- to four-family dwellings and manufactured housing units. The demographic and income information provided is for the primary applicant only. Co-applicants were not included in the analysis. Figure 6-1 summarizes three years of HMDA data by race, ethnicity, and action taken on the applications, followed by detailed analysis.

FIGURE 6-1

Cumulative Mortgage Data Summary Report, 2009-2011

	Total Applications*		Originated		Approved Not Accepted		Denied		Withdrawn/ Incomplete	
	#	%	#	%	#	%	#	%	#	%
Loan Purpose										
Home purchase	5,220	40%	2,937	56%	134	3%	424	8%	1,652	32%
Refinancing	5,498	43%	1,878	34%	301	5%	1,382	25%	1,681	31%
Home Improvement	2,179	17%	658	30%	86	4%	1,329	61%	77	4%
Loan Type										
Conventional	6,948	54%	3,026	44%	328	5%	2,163	31%	1,217	18%
FHA	5,560	43%	2,303	41%	177	3%	901	16%	2,064	37%
VA	389	3%	144	37%	16	4%	71	18%	129	33%
Property Type										
One to four-family unit	12,872	100%	5,468	42%	519	4%	3,118	24%	3,410	26%
Manufactured housing unit	25	0%	5	20%	2	8%	17	68%	0	0%
Applicant Race										
White	8,166	63%	4,308	53%	351	4%	1,667	20%	1,628	20%
Black	2,025	16%	676	33%	90	4%	919	45%	285	14%
Asian	177	1%	83	47%	10	6%	44	25%	32	18%
Native American	52	0%	15	0%	1	2%	23	44%	13	25%
Hawaiian	27	0%	15	56%	2	7%	5	19%	4	15%
No information	1,318	10%	373	28%	67	5%	477	36%	319	24%
Not applicable	1,132	9%	3	0%	0	0%	0	0%	1,129	100%
Hispanic*	482	4%	202	42%	20	4%	168	35%	50	10%
Total	**12,897**	**100%**	**5,473**	**42%**	**521**	**4%**	**3,135**	**24%**	**3,410**	**26.4%**

Source: Federal Financial Institutions Examination Council, 2009 to 2011

* Hispanic ethnicity is counted independently of race.

Application Trends

Across Buffalo during the last three years, lenders received 5,220 home purchase mortgage applications, 5,498 applications for mortgage refinancing and 2,179 applications for home improvement equity loans.

Home purchase loans were the most likely to be successful, with 56% of loans originated. However, a significant number were withdrawn/ incomplete, approved and not accepted or denied. At 25%, refinancing loans were three times as likely to be denied as home purchase loans. Home improvement loans had an even higher rate of denial, at over 60 percent.

Just over half of applicants sought a conventional loan, while 43% applied for loans insured by the Federal Housing Administration (FHA), which has historically benefited lower-income residents. Only 3% of applications were for loans backed by the Department of Veteran Affairs (VA).

The racial and ethnic composition of loan applicants differs somewhat from the City's overall demographics. While 38% of all Buffalo households in 2011 were Black, only 19% of the loan applications for which racial/ethnic data was reported were Black. In addition, White households were overrepresented among mortgage applicants, with 78% of applications from White applicants compared to 56% of all households. Hispanic applications were about half the share of their 7% of the total population.

Across racial and ethnic groups, loan application types differed. Whites and Hispanics most commonly sought home purchase loans. For Black applicants, home improvement loans were the most common application purpose, while those with no racial or ethnic data were most commonly applying for refinancing loans.

Lower participation in the market for home mortgages by minority households is likely a reflection of the lower median incomes of these groups.

Geographic Distribution of Approvals by Lender

Figure 6-2 provides a summary of the top 10 lenders in the City based on total number of loan originations between 2009 and 2011. M&T Bank was the top lender in the City, accounting for one in every five loans originated.

Notably, less lending activity occurs in the City's racially/ethnically concentrated LMI areas. The overall lack of loans in these areas is an indicator of low investment in their real estate during 2009 to 2011, whether due to disparate impact of the housing crisis or difficulty of credit access for households who would purchase homes in these areas.

RBS Citizens, which accounts for 9% of all mortgage loans made in Buffalo during the three-year study period, accounts for 12% of lending in impacted areas. Other lenders have concentrated business in more affluent neighborhoods, though it is unclear whether this is due to any discriminatory practices or to a lack of effective marketing to those living in racially/ethnically concentrated lower-income areas.

FIGURE 6-2
Top 10 Lenders, 2009-2011

Lending Institution	# of Loans Originated	% of Total Loans Originated
M&T Bank	1,097	20%
HSBC Mortgage	788	14%
RBS Citizens	515	9%
First Niagara Bank	374	7%
Devere Mortgage	325	6%
Bank of America	283	5%
Wells Fargo Bank	271	5%
First Priority Mortgage	262	5%
Keybank	230	4%
Quicken Loans	104	2%
Total Loans Originated	**5,473**	**100%**

Source: Federal Financial Institutions Examination Council, 2009 to 2011

Far less lending occurs in the City's racially/ethnically concentrated lower-income areas, though it is unclear what causes this situation.

Mortgage Application Denials

Between 2009 and 2011, a total of 3,135 mortgage loan applications were denied in Buffalo. The overall cumulative denial rate was 24% with denials by race and ethnicity ranging from 20% for Whites to 45% for Blacks.

In reporting denials, lenders are required to list at least one primary reason for the denial and may list up to two secondary reasons. The primary basis for the rejection of loan applications was "no reason given." Among Blacks, credit history was the most common reason for denial.

Blacks, Native Americans and Hispanics had mortgage denial rates significantly higher than Whites.

FIGURE 6-3

Primary Reason for Denial, 2009-2011

	Total	White	Black	Asian	Hispanic
Credit History	26%	23%	33%	9%	30%
Debt-to-Income Ratio	14%	15%	14%	20%	12%
Collateral	13%	15%	9%	20%	13%
Other	6%	6%	5%	5%	5%
Application Incomplete	3%	3%	2%	2%	2%
Unverifiable Information	3%	3%	3%	5%	3%
Insufficient Cash	1%	1%	1%	0%	2%
Employment History	1%	1%	0%	5%	1%
Insurance Denied	0%	0%	0%	0%	1%
No Reason Given	34%	32%	33%	34%	32%

Source: Federal Financial Institutions Examination Council, 2009 to 2011

For this analysis, lower-income households include those with incomes between 0% and 80% of median family income (MFI), while upper-income households include those with incomes above 80% MFI. Applications by lower-income households accounted for 65% of all denials between 2009 and 2011, although they accounted for only 50.0% of total applications for those three years.

Among lower-income households, denial rates were higher for minorities. While the overall lower-income denial rate was 31%, the denial rates for lower-income Hispanic and Black households were 38% and 48%, respectively. While denial rates were generally lower for upper-income households, differences persisted across racial and ethnic groups. The overall upper-income denial rate was 19%, although it was 41 percent for Blacks and 28 percent for Hispanics. Lower-income White households were significantly less likely to experience denial than upper-income Black or Hispanic households, a pattern consistent with discrimination.

Map 6-1 illustrates mortgage denial rates by census tract. The highest denial rates occurred in the City's East Side, and the highest denial rates in the City are found in racially/ethnically concentrated areas of poverty.

FIGURE 6-4

Denials by Race/Ethnicity, 2009-2011

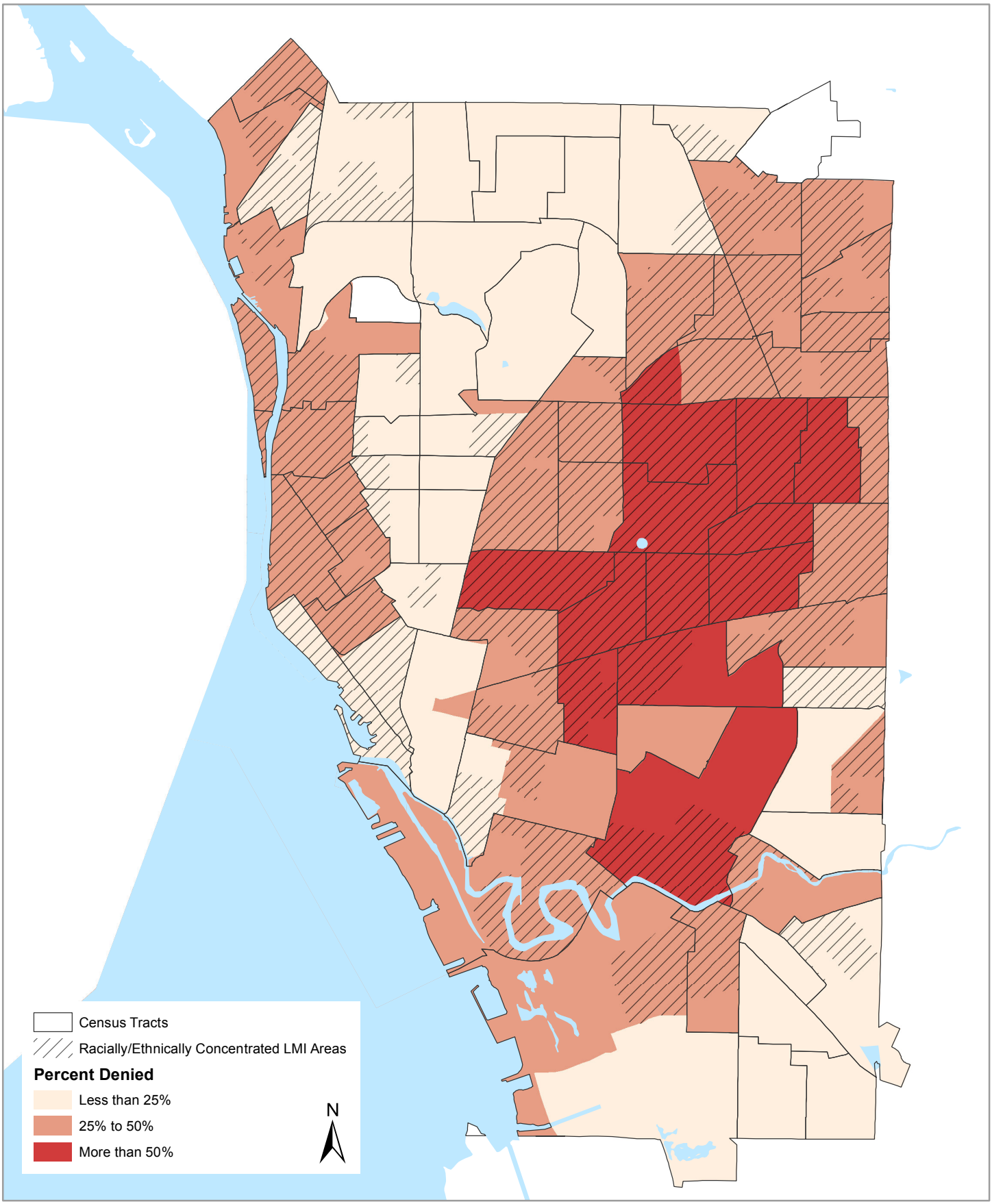
		Total	White	Black	Asian	Hispanic
Upper-Income	Total Applications	5,137	3,777	589	42	140
	Denials	983	572	242	1	39
	% Denied	**19%**	**15%**	**41%**	**2%**	**28%**
Lower-Income	Total Applications	6,451	4,042	1,345	127	323
	Denials	2,027	1,029	648	42	123
	% Denied	**31%**	**25%**	**48%**	**33%**	**38%**
Total	Total Applications	12,897	8,166	2,025	177	482
	Denials	3,135	1,667	919	44	168
	% Denied	**24%**	**20%**	**45%**	**25%**	**35%**

Note: Total also includes 1,309 applications for which no income data was reported.
Source: Federal Financial Institutions Examination Council, 2009 to 2011

Upper-income Black and Hispanic households were denied mortgage loans more often than **lower-income** White households.

MAP 6-1
Denial Rates by Census Tract, 2009-2011

Source: FFIEC HMDA Files



High-Cost Lending

The widespread housing crisis of recent years has brought a new level of public attention to lending practices that victimize vulnerable populations. Subprime lending has increased the availability of credit to low-income persons while exploiting borrowers and piling on excessive fees, penalties, and interest rates that make financial stability difficult to achieve. Higher monthly mortgage payments make housing less affordable, increasing the risk of mortgage delinquency and foreclosure and the likelihood that properties will fall into disrepair.

Some subprime borrowers have credit scores, income levels, and down payments high enough to qualify for conventional loans, but are nonetheless steered toward more expensive subprime mortgages. This is especially true of minority groups, which tend to fall disproportionately into the category of subprime borrowers. The practice of targeting minorities for subprime lending qualifies as mortgage discrimination.

Since 2005, HMDA data has included price information for loans priced above reporting thresholds set by the Federal Reserve Board. This data is provided by lenders and can be aggregated to complete an analysis of loans by lender or for a specified geographic area. HMDA does not require lenders to report credit scores for applicants, so the data does not indicate which loans are subprime. It does, however, provide price information for loans considered "high-cost."

A loan is considered high-cost if it meets one of the following criteria:

- A first-lien loan with an interest rate at least three percentage points higher than the prevailing U.S. Treasury standard at the time the loan application was filed. The standard is equal to the current price ofcomparable-maturity Treasury securities
- A second-lien loan with an interest rate at least five percentage points higher than the standard

Not all loans carrying high APRs are subprime, and not all subprime loans carry high APRs. However, high-cost lending is a strong predictor of subprime lending, and it can also indicate a loan that applies a heavy cost burden on the borrower, increasing the risk of mortgage delinquency.

Between 2009 and 2011, there were 5,473 home purchase, refinance or home improvement loans made for single-family or manufactured units in Buffalo. Of this total, 5,230 disclosed the borrower's household income and 238 (less than 5%) reported high-cost mortgages. Overall, upper-income households were less likely to have high-cost mortgages than lower-income households.

An analysis of loans in Buffalo by race and ethnicity reveals that Black and Hispanic households are overrepresented in high-cost lending. Lower-income Hispanic and upper-income Black households had higher rates of high-cost loans than citywide averages.

Map 6-2 depicts the distribution of high-cost loans by census tract across the City. High-cost loans were generally concentrated in the East and West Sides.

Upper-income Black households were more likely to receive a high-cost loan than lower-income White households.

FIGURE 6-5
High-Cost Home Purchase Loans
by Race and Ethnicity, 2009-2011

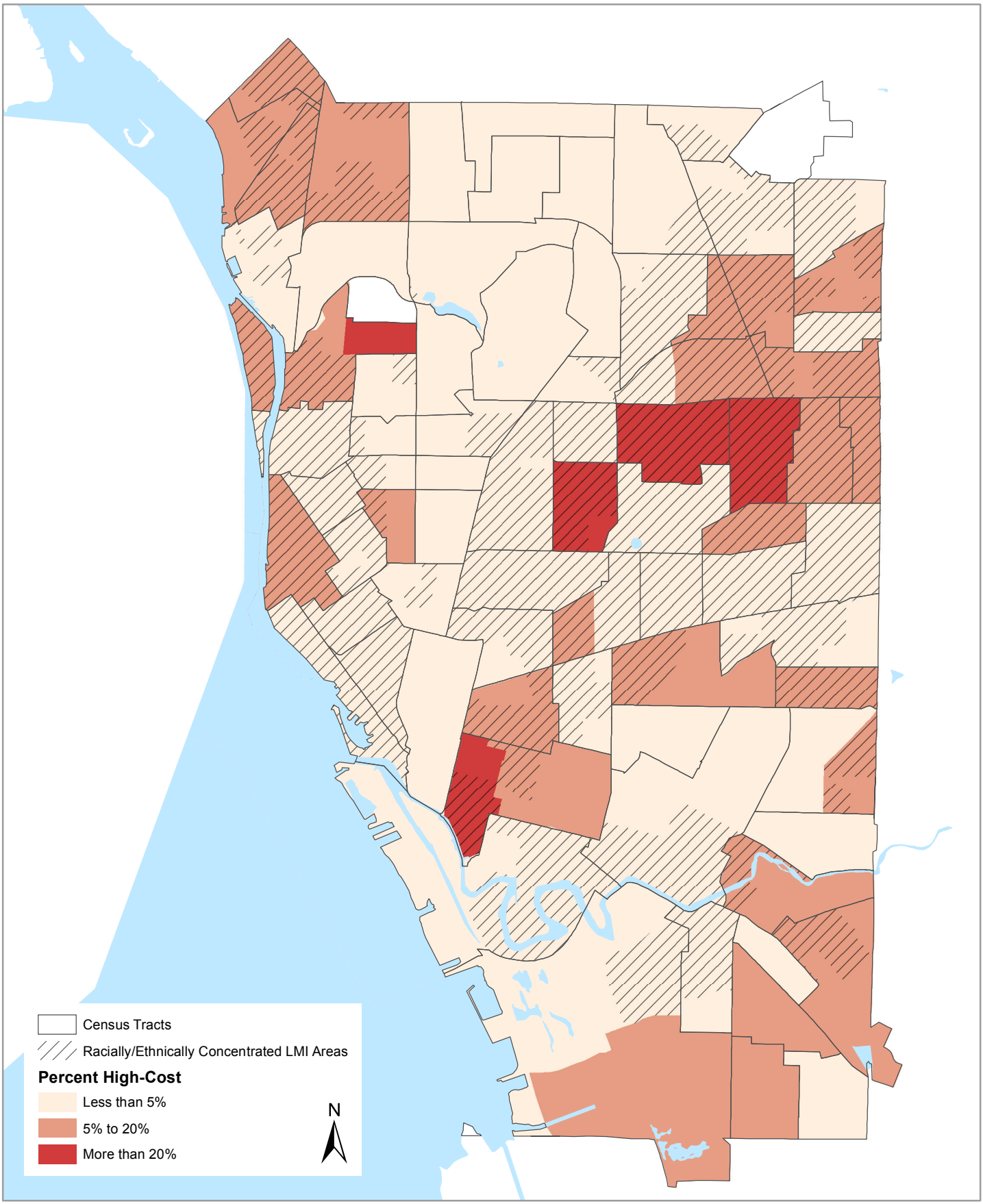
		Total	White	Black	Asian	Hispanic
Upper-Income	Total Originations	2,591	2,171	197	24	66
	High-Cost	86	62	15	1	1
	% High-Cost	**3%**	**3%**	**8%**	**4%**	**2%**
Lower-Income	Total Originations	2,639	1,953	445	56	130
	High-Cost	138	101	22	2	10
	% High-Cost	**5%**	**5%**	**5%**	**4%**	**8%**
Total	Total Originations	5,473	4,308	676	83	202
	High-Cost	238	170	43	3	11
	% High-Cost	**4%**	**4%**	**6%**	**4%**	**5%**

Note: Total also includes 243 loans for which no income data was reported.
Source: Federal Financial Institutions Examination Council, 2009 to 2011

MAP 6-2

High-Cost Loan Rates by Census Tract, 2009-2011

Source: FFIEC HMDA Files



Annual Trends in Mortgage Lending

Studying mortgage application data allows insight into the influence of housing market trends on the behavior of applicants and banks. Housing markets across the country have experienced steep declines in sales volume and mortgage applications since 2009 as a result of buyer reluctance in an unstable market, and the number of applications in Buffalo reflects this trend. The number of applications declined 22% between 2009 and 2010 and dropped 13% between 2010 and 2011.

During this time, the percentage of total applications that resulted in loan originations increased each year, although trends differed among individual racial and ethnic groups.

The number of high-cost originations decreased by more than two-thirds between 2009 and 2011, despite a slight increase between 2010 and 2011. The initial drop can likely be attributed to increasing statutory control over predatory lending practices. The slight rise,

FIGURE 6-6

Annual Trends in Mortgage Lending, 2009-2011

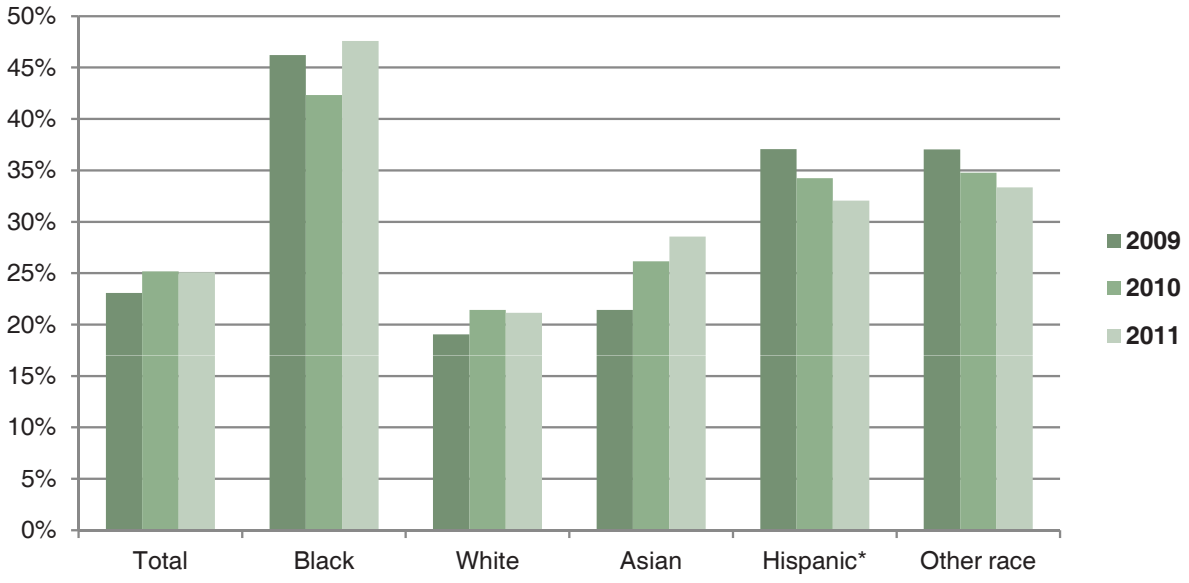
	2009		2010		2011	
	#	%	#	%	#	%
Total loans						
Applications	**5,232**	**100%**	**4,093**	**100%**	**3,572**	**100%**
Black	807	15%	638	16%	580	16%
White	3,217	61%	2,707	66%	2,242	63%
Asian	70	1%	65	2%	42	1%
Hispanic	205	4%	146	4%	131	4%
Originations	**2,151**	**41%**	**1,768**	**43%**	**1,554**	**44%**
Black	252	31%	237	37%	187	32%
White	1,717	53%	1,371	51%	1,220	54%
Asian	32	46%	31	48%	20	48%
Hispanic	90	44%	60	41%	52	40%
High Cost Originations	**160**	**7%**	**26**	**1%**	**52**	**3%**
Black	31	12%	3	1%	9	5%
White	114	7%	18	1%	38	3%
Asian	3	9%	-	0%	-	0%
Hispanic	6	7%	-	0%	5	10%
Denials	**1,208**	**23%**	**1,031**	**25%**	**896**	**25%**
Black	373	46%	270	42%	276	48%
White	613	19%	580	21%	474	21%
Asian	15	21%	17	26%	12	29%
Hispanic	76	37%	50	34%	42	32%

Source: Federal Financial Institutions Examination Council, 2009-11

however, is inconsistent with national trends and should be monitored in the coming years. Most racial and ethnic groups mirror citywide trends with increases in high-cost lending in 2011.

Between 2009 and 2011, high-cost lending rates dropped substantially, both overall and across racial and ethnic groups.

FIGURE 6-7
Denial Rates, 2009-2011



Real Estate Advertising

Under federal law, no advertisement with respect to the sale or rental of a dwelling may indicate any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status or national origin. It is a violation of the Fair Housing Act for a publisher or advertiser to publish or cause to be published an advertisement that expresses a preference, limitation or discrimination on the basis of race, color, religion, sex, handicap, familial status, or national origin. The law, as found in the Fair Housing Amendments Act of 1988, describes the use of words, photographs, symbols or other approaches that are considered discriminatory.

The HomefinderExtra section of *The Buffalo News* for the weeks of January 12, January 19 and January 26, 2013, was reviewed for this analysis. The *News* is the only general-circulation newspaper in Erie County, with a print reach of about 180,000 each day and 266,000 on Sundays. The *News* estimates that 62% of adults in Erie and Niagara counties read the paper each Saturday, when the real estate insert is published. Additionally, the paper's website is the most heavily trafficked in Western New York, reporting more than 4.7 million views per month. HomefinderExtra and ApartmentFinderExtra are web features (*realestate.buffalonews.com*) mirroring and expanding upon the print advertisements.

The review of ads was conducted to determine the newspaper's compliance with fair housing laws and its own publisher's policy. The publisher's policy on accepting advertisements was not prominently displayed in the print editions or online, though the print edition did include a statement of disclaimer specifying that the editorial department is not involved in the production of Homefinder. This, presumably, intends to notify readers that ads are not subject to the editorial standards that apply to other sections of the publication. However, this would not absolve the publisher of the responsibility to uphold fair housing laws. The process for placing an ad online did not contain any instructions or statements regarding equal housing opportunity or discrimination. In accepting ads, *The Buffalo News* should state that it will not knowingly accept any advertising for real estate that is in violation of the Fair Housing Act.

Despite the absence of an obvious statement of policy to this effect, the hundreds of rental and for-sale ads reviewed did not contain any language that could reasonably be considered to be discriminatory against members of the protected classes. A couple of instances of mildly questionable language were noted, including an ad for condominium rental that stated "medical and dental students welcome." Stating a preference for a particular type of person implies that others, in this case perhaps families with children, are less welcome. As a general rule of thumb, real estate advertising should describe the property, not the people who should live there.

The overall absence of overtly discriminatory or seriously questionable language speaks to knowledge of fair housing laws and responsibilities among *News* staff and/or real estate agents who commonly place ads.

No overt discrimination was evident in a sample of print and online real estate listings via The Buffalo News.

Real Estate Practices

The Buffalo Niagara Association of Realtors (BNAR) is a professional organization that provides a variety of services to its members, including education, insurance, affinity programs and legislative representation.

The demographic distribution of BNAR's members and directors is unclear. The City's 2004 Analysis of Impediments was unable to identify any Black or Hispanic board members or employees. Representation of members of the protected classes in the leadership of organizations such as BNAR increases the extent to which the needs of these groups are understood and reflected in organizational policies and practices.

In New York, anyone who negotiates the sale, exchange, or rental of real property, collects rent or negotiates a commercial loan secured by a mortgage on behalf of someone else and for a fee must be licensed as a real estate broker. Real estate salespeople are representatives of real estate brokers. In order to qualify for a real estate salesperson's license, the applicant must complete a 74-hour state-approved course. The applicant must then successfully pass the state and national portions of the qualifying examination.

Salespeople must renew their licenses every two years. Prior to renewal, all licensed salespeople are required to complete 22.5 hours of approved continuing education, including at least three hours of instruction pertaining to fair housing and/or discrimination in the sale or rental of real property or an interest of real property. This requirement does not apply to attorneys admitted to the New York State bar or practicing brokers who have been licensed for at least 15 consecutive years prior to July 2008.

In order to meet this continuing education requirement, BNAR provides a full complement of courses, including curricula focused on federal fair housing laws and ADA legislation. A three-hour course focusing on fair housing alone is taught monthly at BNAR's offices. The course lists the milestones in the evolution of the Fair Housing Act and the 1988 Amendments, describes discriminatory housing practices, defines protected classes, explains the ADA and teaches class-sensitive advertising.

The extent of protected class representation in the membership and leadership of BNAR is unclear.

7 EVALUATION OF CURRENT FAIR HOUSING PROFILE

Progress Since Previous AI

The most recent Analysis of Impediments to Fair Housing Choice was conducted in 2004 by Housing Opportunities Made Equal (HOME). The document is comprehensive, including a broad scope of study, a precise collection of well-articulated impediments and specific recommendations to address each impediment.

In Summer 2012, to satisfy conditions of its HUD Fair Housing Initiatives Program (FHIP) grant, HOME produced a review of the City's progress in ameliorating the impediments identified in the 2004 AI. While the 2004 AI did not include outcome measures or benchmarks that would help to quantify the City's progress, HOME evaluated any actions taken by the City related to the implementation of AI recommendations. Overall, the report concluded that City government had made the most progress addressing issues "within its locus of control."

Perhaps chief among achievements in this category was the adoption of a local fair housing ordinance in 2006. During interviews conducted for this AI, fair housing advocates suggested that Buffalo's law prohibiting housing discrimination is more accurately described as "a symbolic expression of a position." While the ordinance includes a broader collection of protected classes than the New York Human Rights Law, namely gender identity/expression and source of income, it also includes more exemptions than the state law, such as owner-occupied two- and three-unit structures. In a 2006 editorial, the *Buffalo News* declared the law "no more than a shadow of what it could be." The ordinance passed narrowly and was widely viewed as a compromise in the form of local progress on fair housing that advocates argued was 38 years overdue.

The following pages contain a table that summarizes the original impediments and recommended action steps alongside HOME's comments on each topic.

As noted in the comments, many of the impediments have remained unaddressed. Research suggests that the reasons for action plan steps remaining unimplemented are related to limited funding, limited political will and a lack of coordination within and across various agencies. It appears that no particular agency or department within City government maintained responsibility for directing the implementation of the Fair Housing Action Plan.

Original Impediment	Recommended Action	Comments on Progress
4.1: Zoning - The City's requirement that non-profit human service providers obtain a restricted use permit constitutes an additional burden which has a disparate impact on people with disabilities.	The City should consider amending the Restricted Use Permit Ordinance to provide objective standards for its application and remove potentially unconstitutional provisions adversely affecting people with disabilities.	May be addressed by Green Code
4.2: Code Enforcement - The City's reduction in funding for demolition of dilapidated and vacant homes has led to a reduction in the quality of life and property value in predominantly minority neighborhoods.	The City should make a greater effort to demolish vacant and dilapidated housing. Those units which are in high poverty areas and are suspected to be structures used for criminal activity should be given priority for demolition.	Mayor Brown's "5 in 5" demolition program, designed to be aggressive and comprehensive, was on target to clear 5,000 dilapidated units over five years, though the impact of this program on quality of life in minority areas is unclear.
4.2: Code Enforcement - The City's decision not to employ systematic code enforcement has contributed to a reduction in housing quality in predominantly minority neighborhoods.	The City should employ more systemic code enforcement, especially in areas where there are high concentrations of rental property.	The City identified comprehensive code enforcement areas, but they don't include large portions of predominantly minority areas, and enforcement has not been consistent or systematic.
4.4 - Public Services - A lack of bus routes which run from the City of Buffalo to suburban areas has limited access to employment opportunities and shopping centers for low-income and disabled residents of the City of Buffalo who rely on public transportation.	Given increased numbers of Buffalo residents who need to access suburban communities for work or services, the City should work with the NFTA to increase travel options for those who rely on public transportation.	Needs to be addressed
4.5: Revitalization Policies - policies and priority needs identified in Buffalo's Annual Action Plan and A Housing Strategy for the City of Buffalo don't articulate specific activities to affirmatively further fair housing (as they have in recent years).	• The City of Buffalo should reincorporate into its planning documents specific activities to strengthen the fair housing aspect of its community revitalization activities. • Given the high degree of racial segregation in the Buffalo metropolitan area, the City of Buffalo should work collaboratively with Erie County to develop strategies aimed at promoting residential diversity.	City has mentioned general policies to remove barriers to affordable housing, including in the zoning ordinance, and planned to update the AI.
4.6: Planning & Zoning Boards - There is a current lack of racial and ethnic diversity of both the Planning Board and the Zoning Board of Appeals and an apparent lack of policies and procedures to promote diversity.	The Mayor's Office should develop and implement policies and procedures for selecting qualified candidates to serve on the planning and zoning boards who are representative of all segments of the community.	The chairman of the Planning Board is a Black man, and two women serve on each of the Zoning and Preservation boards. Members of other protected classes were not identified on these boards.
4.7 - Private/Public/Assisted Rental Housing - Landlords may legally reject applicants due to their source of income (which impacts heavily on Section 8 voucher holders and persons receiving public assistance).	The City of Buffalo should consider adopting a municipal fair housing ordinance prohibiting discrimination based upon lawful source of income (including lawful source of rent payment).	Ordinance passed, with Fair Housing Officer investigating complaints. There have been issues with enforcement, though Corporation Counsel has become more proactive.

Original Impediment	Recommended Action	Comments on Progress
4.7 - Private/Public/Assisted Rental Housing - The City of Buffalo does not undertake systematic code enforcement activities or enforce the current rental housing business licensing statute.	The City of Buffalo should move to enforce its current landlord licensing law or enact alternative legislation to encourage housing code compliance for Buffalo's rental housing stock.	Rental registration was implemented in 2005, with staff handling an estimated 20,000 complaints annually. In 2011, 1,800 court cases were filed based on housing code violations. Still problems with foreclosures, flipping and landlords who cannot afford to remedy violations. City inspects units in response to complaints, can ultimately make repairs or demo the structure and assess costs against land.
4.7: Private/Public/Assisted Rental Housing - Very little private rental housing in Buffalo is accessible to persons with disabilities.	• The City should create a database of accessible housing. • The City should institute loan programs to make assisted housing accessible to persons with disabilities. • The City should ensure new publicly assisted housing complies with accessibility requirements.	Database does not exist. BURA has an online list, but it is apparently not current and doesn't specify accessible units. There is no documentation with respect to any policies that ensure new houses are compliant with all accessibility requirements.
4.7 - PrivatelPublic/Assisted Rental Housing - Occupancy by white families at BMHA continues to remain at levels far below what would be expected when taking into account the numbers of persons living below the poverty line in Buffalo.	• BMHA should consider revising its Tenant Selection and Assigument Plan (TSAP) and restrictive transfer policies. BMHA has reverted to TSAP policies and procedures to permit project preferences. • BMHA should seek to market to a more diverse pool of potential applicants.	TSAP was updated in 2010 to allow applicants/tranferees to change site preference. BMHA agreed to submit annual race/ethnicity reports, though there is no online record of this, nor of BMHA marketing to a diverse audience.
4.7: Private/Public/Assisted Rental Housing - The decision to focus on creating senior housing has led to a lack of available units for disabled persons and larger families who need subsidized housing.	The City should make an effort to create larger accessible subsidized dwelling units, or investigate the possibility of turning vacant land, parcels/buildings into larger subsidized units.	May be addressed by Green Code
4.7: Private/Public/Assisted Rental Housing - Excluding BMHA developments, all 12 affordable 'family' complexes are clustered in the same high poverty area, instead of being spread evenly throughout the city (as are senior facilities)	Future development of affordable family housing should occur in other areas of Buffalo.	The latest Action Plan discusses three new developments in Willert Park, along with new homes constructed by Bethel CDC. In contrast to the Plan's recommendation, all of these developments are in high-poverty areas.
4.7: Private/Public/Assisted Rental Housing - Some housing complexes which have been designated as "affordable" have minimum rents which are beyond the reach oflow-income tenants who do not have Section 8 vouchers.	Absent resources to provide additional subsidies, the City should continue existing collaborative efforts aimed at economic and workforce development.	The Action Plan identifies collaborative efforts fueled by federal HOME funds, including work with eight CHDOs, in addition to CDBG economic development activities.
4.8 - Section 8 Administration - Each of the three Section 8 administrators in Erie County maintains a separate waiting list exposing prospective applicants to waits of different lengths for assistance.	The City of Buffalo should encourage the three local Section 8 agencies to create a unified waiting list.	No evident progress

Original Impediment	Recommended Action	Comments on Progress
4.8 - Section 8 Administration - Section 8 regulations relating to exposure to lead-based paint have had the unintended effect of promoting discrimination against families with children.	• As recommended above, Buffalo should enact a municipal fair housing ordinance prohibiting discrimination based upon lawful source of income (including lawful source of rent payment). • The City of Buffalo should seek additional funding for lead-based paint stabilization programs (such as "Lead Connections/LEAP"), providing training as well as subsidized materials and equipment to property owners.	Currently no funding available to help families with lead paint issues, though the City, Erie County and the Community Foundation started the Green and Healthy Homes Initiative to coordinate services to make homes safe and efficient. The City continues to conduct interim control measures as part of its HOME-funded rehab projects.
4.9: Group Homes - The difficulty of establishing group homes is directly affected by the perspectives of elected officials and community groups.	The City should adopt policies and procedures with consistent criteria for siting group homes and make the decision making process less subjective and political.	No evident progress
4.9 - Group Homes - No City official has taken up the role formerly played by the Director of the Mayor's Office for Persons with Disabilities in convening public meetings related to proposed group homes.	The City should refill this position. If budgetarily impossible, these responsibilities should be shifted to the ADA Compliance Officer.	The City has assigned an Assistant Corporation Counsel as ADA Coordinator. The City has enacted a Title II Transition Plan that will be enforced.
4.10: Real Estate - The number of dilapidated houses in low-income areas depresses the real estate market in predominantly minority neighborhoods, affecting even the value of new construction.	The City should initiate neighborhood beautification programs to make these areas more desirable. Special incentives should also be offered to promote new home ownership in depressed areas.	While there are no identified initiatives to promote homeownership in depressed areas, the City's beautifcation programs include a collaboration with Grassroots Gardens and the Urban Homestead program.
4.10: Real Estate - At the present time, there are no African-American or Latino board members or employees of the Buffalo-Niagara Association of Realtors (BNAR).	City should encourage BNAR to more proactive in recruiting and retaining a more diverse board and staff.	As of March 1, 2012, BNAR apparently did not have any minority members on its board of directors.
4.10: Real Estate - The BNAR does not promulgate model procedures for brokers to track minority participation in member firms or to ensure equal service to clients.	• City should encourage BNAR to promulgate procedures to monitor minority participation in member firms and assure equal service for minority clients. • The City should encourage BNAR to undertake self-testing of member firms.	No evident progress
4.11: Fair Housing Advertising - Advertising only in community newspapers or through devices such as "for rent" signs contributes to a segmented housing market.	City should use available technology to institute a centralized low-cost advertising forum available for all rental housing in the City. The City should also encourage property owners to widely advertise listings.	The City updates city-owned properties for sale, though not privately owned properties for sale or rent. Offers public access channels for advertising, but no action on creating a centralized database.
4.12: Appraisals and Lending - Rates of denial of government insured and conventional mortgages, refinancing loans and home improvement loans are higher within the City of Buffalo than suburban areas of the Buffalo-Niagara region.	The City of Buffalo should work with regulatory agencies and the Buffalo CRA Coalition to develop strategies aimed at reducing these disparities.	No evident progress

Original Impediment	Recommended Action	Comments on Progress
4.12: Appraisals and Lending - Minority households seek loans at lower rates and are denied loans at higher rates than white households - resulting in lower rates of minority homeownership. Most notably, the denial rate for minority applicants is higher than for white applicants of comparable incomes.	• In addition to actions described above, the City should examine the feasibility of mortgage testing. • The City of Buffalo should work with area lenders to establish loan pools among them - increasing funds available while reducing the risks to any one lender.	No evident progress
4.12: Appraisals and Lending - Subprime and predatory loans to minority loan-seekers occur at significantly greater rates than for whites of comparable or lower incomes. Advocates for the elderly also indicate such loans target the elderly.	The City of Buffalo should seek more vigorous enforcement by the New York State Attorney General's Office of existing state laws governing predatory lending and advocate for strengthening anti-predatory legislation passed in New York State in 2002.	BURA adopted an anti-predatory-lending policy in 2006, including a Loan Review Committee that meets monthly. No other actions.
4.12: Appraisals and Lending - Testing for discriminatory lending practices is difficult and subprime/predatory lending abuses are often not apparent to unsophisticated borrowers at the time of the loan.	The City of Buffalo should prohibit home contractors who have arranged predatory financing from conducting business within the City of Buffalo. Such contractors should also be prosecuted for acting as unlicensed mortgage brokers. The City of Buffalo should continue to support pre-horne-buying counseling and financial literacy of city residents.	No evidence that the City has attempted to prevent such contractors from conducting business within Buffalo. City helps to market and conduct outreach for the homebuyer assistance program, which provides funding for closing costs. Participants receive training and qualification review.
4.12: Appraisals and Lending - The high incidence of mortgage foreclosures within minority communities and unfair mortgage foreclosure practices, exacerbated by the prevalence of sub-prime and predatory loans, threatens the socio-economic stability of these communities.	The City of Buffalo should hold lenders accountable for properties for which lenders have commenced foreclosure proceedings - especially when lenders do not follow through with the foreclosure.	Still an issue. Permit and Inspection Services holds lenders accountable for their foreclosed-upon properties through notices of violations and fines if property is neglected.
4.12: Appraisals and Lending - Predatory lending schemes targeting minorities, elderly and lower-income homeseekers have utilized fraudulent appraisals to justify the inflated price of the property.	As recommended in 1996, the City of Buffalo should petition the NYS Legislature to enact a law requiring public reporting of summary information on property appraisals.	No evident progress
4.13 - Insurance - According to data provided by the State Insurance Department, Buffalo residents on average pay more for homeowners insurance than do similarly situated suburban residents. The use of credit scoring (reflecting historic discrimination against minorities in the credit market) in determining insurance rates may contribute to this disparity.	In collaboration with the State Insurance Department, the City of Buffalo should initiate a study of underwriting criteria to determine the basis for higher premiums charged to Buffalo residents and develop strategies to bring about more equitable costs.	No evident progress

Original Impediment	Recommended Action	Comments on Progress
4.13 - Insurance - Insurance companies have chosen to locate most offices outside the central city, making coverage less accessible to minority homeowners.	As recommended in 1996, the Common Council should petition the NYS Legislature to enact a law requiring companies writing homeowner insurance to annually report the location of branch offices and the number of policies in effect by census tract (following the model of the Home Mortgage Disclosure Act)	No evident progress
4.14 - Issues Affecting Persons with Disabilities - There is no effective means to link persons with disabilities to accessible housing units.	As recommended in the 1996 study, the City of Buffalo should engage the services of an appropriate provider to link persons with disabilities with accessible housing units.	No evident progress
4.14 - Issues Affecting Persons with Disabilities - There is a need for larger accessible housing units.	• After surveying agencies serving persons with disabilities in order to estimate demand, the City should implement strategies designed to encourage the construction of two, three and four-bedroom accessible units. • The City of Buffalo should collaborate with the Independent Living Center, United Spinal Association, and other Erie County municipalities to sponsor a workshop for architects and developers on the concepts of visitability and universal design.	No evident progress
4.14 - Issues Affecting Persons with Disabilities - Persons with disabilities often lack the ability to meet minimum income requirements of accessible government-assisted housing developments.	The City should explore the feasibility of utilizing federal HOME funds to create additional rental subsidies sufficient to permit very low-income persons with disabilities to gain admission to such assisted housing developments.	No evident progress
4.14 - Issues Affecting Persons with Disabilities - The exclusion of applicants with a poor credit history or a minor criminal record can have a disparate impact on persons with disabilities.	The City should address these issues within the scope of municipal fair housing legislation.	Fair housing ordinance passed with source of income protection, but didn't address disparate impact of poor credit histories and minor criminal records
4.14 - Issues Affecting Persons with Disabilities - Services for persons with disabilities are no longer readily accessible in City Hall.	If the City lacks the resources to maintain a full-time advocacy office, it should publicize the telephone number and location of the ADA Compliance Officer.	City replaced ADA Coordinator and has published information on its website to assist persons with disabilities

Original Impediment	Recommended Action	Comments on Progress
4.15 - Fair Housing Education and Enforcement - The City has not undertaken "specific fair housing information programs for officials and employees having duties that impact on fair housing (such as developing zoning policies), planning assisted housing, and community and economic development activities" as specified in the Fair Housing Planning Guide.	• The Fair Housing Officer should be empowered to assess training needs of various City personnel and identify appropriate trainers. • As recommended in 1996, the Fair Housing Officer should be given civil service protection to permit independent and effective internal advocacy.	Officer has not been empowered to assess City personnel on fair housing issues, though he has suggested that they attend training. Officer does not have civil service protection.
4.15 - Fair Housing Education and Enforcement - The City has reduced support for fair housing education and enforcement services to a level inadequate to address fair housing needs.	The City should consult with HUD about determining adequate resources for education and enforcement activities. Because fair housing is an activity extending beyond municipal boundaries, wherever possible the City should seek to foster regional cooperation.	The Fair Housing Officer attends trainings and performs outreach, though it is not mandated by the City.
4.15 - Fair Housing Education and Enforcement - The City has neither adhered to nor amended its stated Fair Housing Strategy.	• The City needs to review and amend its Fair Housing Strategy. The newly formed fair housing advisory council may provide a forum to develop to collaboratively develop a new strategy. • The City should adopt a formal mechanism to consider and respond to elements of this Action Plan, providing a written rationale for acceptance or rejection of various elements and assigning responsibility for their implementation. The Fair Housing Officer should issue an annual report to the Mayor, the Common Council and HUD on progress implementing the Action Plan.	Unclear whether City has Fair Housing Strategy beyond statements that it will comply with fair housing laws and affirmatively further fair housing. No evident progress.

Fair Housing Infrastructure

This section reviews fair housing capacity across Erie County, including advocacy organizations and jurisdictional monitoring and enforcement of local fair housing laws. As explained below, the City relies on a network of active and effective fair housing advocacy organizations.

A. CITY OF BUFFALO

The City of Buffalo enacted a fair housing ordinance in 2006, extending protected class status beyond state and federal protections to also include gender expression/identity and lawful source of income. Unlike the New York Human Rights Law, Buffalo's ordinance permits discrimination related to owner-occupied two- and three-unit homes.

Enforcement of the City's fair housing ordinance falls to a single fair housing officer, who is designated to receive, investigate or refer complaints to a qualified fair housing enforcement agency. If upon investigation, the fair housing officer certifies that there has been an affirmative finding of probable cause of discrimination, one of four things may happen:

- The officer may request that Corporation Counsel files an action against the accused party in a court of competent jurisdiction to seek penalties,
- The officer may request that a qualified fair housing enforcement agency commence a civil action or proceeding for injunctive relief or damages against the accused,
- Corporation Counsel may seek a contempt order from a court of appropriate jurisdiction to enforce a conciliation agreement, or
- The complainant may commence a civil action or proceeding for injunctive relief or damages against the accused.

Because the fair housing officer's time is divided across an array of housing-related responsibilities (landlord/tenant issues, education and outreach, MBE/WBE compliance), housing discrimination complaints are typically referred to HOME. Fair housing complaints represent only a small percentage of the caseload, and most have to do with source-of-income discrimination, a protection not provided at the state or federal levels. HOME declined to make its available for review, but in 2004, source-of-income complaints comprised 13% of its total fair housing caseload. This indicates that City residents alleging this type of discrimination can find recourse, though the City generally does not issue findings of probable cause itself.

Because the City's fair housing ordinance designates a single employee to handle fair housing issues, it relies heavily on advocacy organizations to enforce its fair housing law.

Former AI documents have recommended that the City grant its civil service protection to its fair housing officer in order to ensure independent and effective internal advocacy. The officer still does not have this protection.

The City does not extend civil service protection to its fair housing officer, which would ensure independent and effective internal advocacy.

The City conducts two landlord training seminars annually at basic and advanced levels. The fair housing officer instructs sessions on fair housing and tenant selection and attends the City's foreclosure auctions. By this means, the officer distributes copies of the fair housing ordinance to all successful bidders. Within City government, the officer works with contract compliance to monitor tenant plans.

With regard to areas for improvement, the officer expressed a need for a higher level of integration between the office and City planning activities, so that the City's housing and community development projects reflect issues he facing tenants with housing problems. For example, a commonly expressed need for apartments with three or more bedrooms should be reflected in the City's plans for subsidized housing development.

B. ERIE COUNTY

Erie County has not adopted a fair housing or human rights ordinance, though it created a Division on the Status of Women and a Division for the Disabled to address the needs of these groups.

The Erie County Fair Housing Partnership, created in 1997, is a non-profit organization committed to promoting equal housing opportunity for all residents of Western New York. The Partnership has a diverse representation, involving government, banking, real estate, legal services, advocacy groups and community organizations. Its work consists largely of education and outreach, including speaker series, housing fairs and conferences, affordable housing clinics, poster contests and arranging local government fair housing proclamations. Stakeholders indicated during AI interviews that there has been some past tension among Partnership participants reflecting reluctance among religious organizations to promote the state protection against discrimination on the basis of sexual orientation.

C. HOUSING OPPORTUNITIES MADE EQUAL

HOME is a membership-based nonprofit organization with fair housing as its purpose. HOME serves all of Western New York, though its primary focus is Buffalo and Erie County. It has accumulated accolades at all levels for its work, including HUD's Best Practices Award recognizing outstanding achievement in fair housing and HUD's Pioneer of Fair Housing award.

HUD has designated the agency as a Fair Housing Initiatives Program participant, which allows HOME to conduct preliminary investigation of discrimination claims, including sending testers to properties suspected of practicing housing discrimination. Testers are members of the protected classes and control persons (typically White, non-disabled) with the same financial qualifications who evaluate whether housing providers treat equally qualified people differently. HOME has conducted systemic discrimination testing, in addition to testing whether housing required to be accessibile to people with disabilities meets federal standards. HOME reports details of its testing results to HUD, but declined to share these results with the City during its preparation of this AI.

HOME is responsible for maintaining the City's fair housing database. The agency refers validated cases of discrimination to Neighborhood Legal Services. In 2008, its investigations led to the prosecution of the first source-of-income discrimination cases brought under Buffalo's 2006 fair housing ordinance.

HOME has been at the center of the City's efforts to affirmatively further fair housing since the first CDBG program year. The organization proposed local fair housing legislation in Buffalo in the late 1960s, following through in advocacy efforts until legislation to this effect was finally adopted in 2006.

Following settlement of the landmark *Comer* housing desegregation suit, HOME was selected in a national search as the lead agency to operate the Greater Buffalo Community Housing Center. The Center implements a mobility program to empower families to make a truly free and informed choice about where they will live - and, if their choice is to move to another neighborhood or community, to make their transition a successful one.

HOME staff make presentations about the program at all Section 8 voucher briefings, then follow up with a subset of interested households to provide private counseling. HOME assists in defining a household's community preferences, selecting a unit and transitioning into the unit. The agency provides a security deposit of up to $400 in "opportunity communities," defined as those where less than 25% of families are below the poverty line.

Since the Center opened in 1999, it has served more than 2,000 households. Though only those who receive a Section 8 voucher from one of the area's three voucher agencies may participate in the mobility program, HOME publishes a "mobility library" of information about Erie County communities that is available to all. Additionally, HOME maintains a list of affordable housing available across the County.

D. BUFFALO URBAN LEAGUE

The Buffalo Urban League has existed for 85 years to empower African-Americans, other minorities and disadvantaged individuals to secure economic self-reliance, parity, power and civil rights. The League currently specializes in issues relating to mortgage discrimination and predatory lending and has locally led Freddie Mac's "Don't Borrow Trouble" program, which involves a consortium of agencies that coordinate investigation of reported instances of predatory lending, mortgage and financial literacy counseling, referral of cases to appropriate legal agencies and other services.

The Urban League is also involved with HUD's Fair Housing Initiatives Partnership program, which provides support for the League's education and outreach efforts in the form of presentations and workshops. The League provides tenant/landlord and fair housing counseling and foreclosure prevention services. Pure fair housing complaints are referred to HOME or directly to HUD.

E. LEGAL AID BUREAU

Buffalo's Legal Aid Bureau, which celebrated its 100th anniversary in 2012, provides legal counseling and representation to tenants as well as landlords. In addition to advising and assisting persons contesting evictions or perceived discrimination, Legal Aid defends landlords facing code violations or foreclosure.

The Bureau, which currently employs 86 attorneys, has focused more recently on adequately serving the City's growing population of immigrants and refugees, who face language challenges as well as the barriers of an unfamiliar and complicated legal system. Additionally, the Bureau is working to expand services to veterans and the LGBT community.

E. NEIGHBORHOOD LEGAL SERVICES

Neighborhood Legal Services provides free legal services to lower-income persons and those with disabilities. It provides the majority of its services within Erie, Genesee, Niagara, Orleans and Wyoming counties, though it provides disability-related services across all of New York. NLS has a housing unit to provide legal assistance and advocacy to victims of alleged discrimination. Additionally, the agency provides community education and outreach, targeted both generally and to specific groups. Belmont, the agency administering Erie County's housing voucher program, has involved NLS in its training efforts. As noted, NLS follows up on HOME's validated cases of discrimination.

The work of these organizations is collectively critical to the preservation and enhancement of a fair housing landscape in the City, especially in the absence of local government staff devoted to these activities. However, overall decreases in CDBG funding to the City have been reflected in its contracts with these agencies to provide fair housing services. In order to ensure that the local fair housing infrastructure continues to operate effectively, the City must remain committed to adequately funding the agencies that sustain it.

Because the City relies heavily upon advocacy organizations to publicize and enforce fair housing laws, it must commit to sustaining adequate funding for their efforts through the CDBG program.

8 GENERAL FAIR HOUSING OBSERVATIONS

This section of the AI is a summary of general observations included in earlier sections of the report. General observations include the results of primary and secondary research that define the underlying conditions, trends, and context for ensuring fair housing in the City. These observations do not necessarily constitute impediments to fair housing choice, but they establish a contextual framework for the impediments to fair housing choice that are presented in the following section.

Demographic and Housing Market Observations

1 Buffalo lost 43.5% of its population between 1970 and 2010. Loss has continued in the latest decade, as the number of City residents fell 10.7% from 292,648 in 2000 to 261,310 in 2010.

2 While there was a net population loss among Whites and Blacks between 2000 and 2010, the number of Asians, multi-race and Hispanic residents increased. Blacks continue to represent the City's largest minority group, accounting for 38.6% of all Buffalo residents in 2010.

3 Almost nine in every 10 census block groups in Buffalo is racially and/or ethnicically concentrated. Most of these areas (83%) qualify as low- and moderate income.

4 Though integration has increased during the last 10 years, Buffalo's Black population remains highly segregated from its White population.

5 The 2010 median income for Black households in Buffalo was roughly two-thirds the median income for White households, while the median income for Hispanic households was less than half. Lower household incomes among Blacks and Hispanics are reflected in lower home ownership rates.

6 Of 162,034 lower-income households across the Buffalo-Niagara Falls region, 32.7% lived in majority lower-income neighborhoods. Of 90,444 upper-income households, 7.5% lived in upper-income neighborhoods. The region's economic segregation is driven mostly by the concentration of lower-income households in lower-income areas.

7 Buffalo residents with disabilities were more likely to live in poverty than those without disabilties. In 2011, 35% of residents with disabilities lived in poverty, compared to 30% of persons without disabilities who were living in poverty.

8 Six in every 10 Buffalo families under the poverty line are female-headed households with children. Married couples with children under 18 represent a decreasing share of total households, while single females with children have become more common since 1990.

9 Blacks and Hispanics were substantially more likely than Whites and Asians to be unemployed in 2010.

10 While the total number of housing units in Buffalo has decreased since 2000, surrounding communities have added to their housing inventories.

11 Only 36.3% of rental units in the City have three or more bedrooms, compared to more than 80% of owner units. A lack of larger rental units consisting of three or more bedrooms has a disproportionately greater impact on minority families, who tend to live in larger families.

12 Of the 20,908 vacant housing units in Buffalo in 2010, about two-thirds were empty for reasons other than rental, sale or seasonal use, suggesting a high rate of residential property abandonment.

13 Between 2008 and 2010, high-cost lending rates dropped, on the whole and across all racial and ethnic groups. This is likely a direct result of increased statutory control over predatory lending practices, as well as increasing borrower awareness.

14 Lower participation in the market for home mortgages by Black and Hispanic households is likely a reflection of the lower median incomes of these minority groups.

Programmatic Observations

1 The City of Buffalo typically dedicates roughly 1% of its CDBG budget to fund agencies that provide fair housing activities such as education, outreach, complaint investigation and testing.

2 The landmark *Comer* fair housing case resulted in actions that advanced the equality of housing choice for lower-income minorities, such as the elimination of a suburban residency preference in Erie County and the creation of an effective voucher mobility program.

3 The City is currently engaged in the development of the Green Code, a form-based planning effort that will remove some existing barriers to the development of affordable housing types.

4 Black households are strongly overrepresented among public housing residents and voucher holders in comparison to their share of all households across the City.

5 While racial segregation persists across public housing developments, BMHA allows applicants and transfers to list and change preferences among sites. Additionally, BMHA regularly reviews the impact of its assignment policies on fair housing choice, reporting the results to HUD.

9 IMPEDIMENTS TO FAIR HOUSING CHOICE

Public Sector Impediments: Policy Based

1 BARRIERS TO THE DEVELOPMENT OF GROUP HOMES

The City's current zoning regulations impose undue additional requirements on group homes, including requiring nonprofit human service providers to obtain a restricted-use permit and subjecting developers to neighborhood opposition. According to fair housing standards, group homes for eight or fewer disabled persons should be treated as single-family homes, allowed to site without restriction in any residential area.

ACTION STEP: The Office of Strategic Planning must review the full draft of the Unified Development Ordinance upon its completion to ensure that small group homes for up to eight persons with disabilities are treated as single-family homes, without additional requirements, permits or conditions.

2 CONCENTRATION OF VOUCHER HOLDERS IN RACIALLY CONCENTRATED AREAS OF POVERTY

Despite an adequate level of landlords participating in the Section 8 voucher program and the success of the Greater Buffalo Community Housing Center as a voucher mobility program, voucher holders remain concentrated primarily in less expensive communities that are more likely to be racially/ethnically concentrated areas of poverty. This suggests that the FMR is insufficient to afford a unit in many neighborhoods within the region, particularly outside the City of Buffalo.

There seems to be virtually no coordination among the three agencies administering vouchers across Erie County. While all three previously cross-listed applicants, this is no longer the case.

Most of the housing discrimination complaints received by Buffalo's fair housing officer are related to tenants' source of income. This class is protected within City limits, but there is no way to force landlords to comply with the Housing Quality Standards of the Section 8 program, which effectively provides a loophole for landlords who do not wish to rent to voucher holders.

ACTION STEP 1: The City should work with RACB and BMHA to determine the issues underlying the lack of coordination, seeking ways in which the two agencies (and possibly Belmont) can collectively improve and stabilize the services they provide.

ACTION STEP 2: All three voucher administration agencies should continue to actively encourage participation in the voucher mobility program.

ACTION STEP 3: All three voucher administration agencies should adjust payment standards to match varying market rent levels across communities or neighborhoods, so that the ceiling is lower in lower-cost areas and higher in more expensive areas.

3 LACK OF CENTRALIZED FAIR HOUSING ADMINISTRATION

The City does not have a staffed fair housing or human rights commission, which explains the extent to which it relies on local advocacy groups to conduct education and outreach as well as enforcement of fair housing laws.

The fair housing officer should be involved with the City's planning and community development activities and could assist with training and review in other departments to ensure that Buffalo's programs are being carried out in a way that affirmatively furthers fair housing choice.

HOME's recent review of the City's progress in addressing action steps from the 2004 AI indicated that record-keeping was unreliable and that the City's documents do not always articulate specific means of advancing equal housing opportunity.

ACTION STEP 1: The City should consider the fair housing officer to undertake additional critical activities, such as reviewing and commenting on documents from departments conducting housing-related work.

ACTION STEP 2: The fair housing officer should initiate a fair housing log to record activities across City departments that have the effect of addressing impediments or otherwise advancing fair housing choice. This log can form the basis for reporting achievements in each year's CAPER.

4 LACK OF TRANSIT CONNECTIONS BETWEEN RESIDENTS AND EMPLOYMENT

The majority of Buffalo residents are within a half-mile of an existing transit route, making bus travel within the City relatively easy. However, transit routes to suburban destinations are often geared toward express service to the City center, making them inconvenient for City residents working outside Buffalo. From an operational perspective, the footprint of the Niagara Frontier Transportation Authority's fixed-route service area is logical. However, the absence of regular service to major employment centers outside the City creates a disconnect between lower-income residents, jobs and amenities.

ACTION STEP 1: The City should continue to collaborate with NFTA to create solutions that serve particular connection needs.

ACTION STEP 2: The City should continue to focus on economic development activities that will create jobs along transit nodes and areas accessible to lower-income residents.

5 POLICY DOCUMENT IMPROVEMENTS

The Section 8 Administrative Plans and Admissions and Continued Occupancy Policies for BMHA do not include new protected classes that were added by HUD regulation in 2012.

The City's Affirmative Fair Housing Marketing Plan is effective, but could be strengthened further by adding a description of how monitoring will occur and a statement of consequences for non-compliance.

ACTION STEP 1: Both BMHA and RACB must update their policy documents to include equal opportunity clauses that list the classes protected within their jurisdictions, reflecting changes to HUD program administration that prohibit discrimination on the basis of marital status, sexual orientation or gender identity.

ACTION STEP 2: Both BMHA and RACB should strengthen their Admin Plans by adding an overarching policy regarding reasonable accommodations for persons with disabilities, adding language accommodation plans for those with limited English proficiency, and specifying that reasonable accommodations will be granted to allow persons with disabilities equal opportunity during the informal review and/or hearing process.

ACTION STEP 3: The City should update its Affirmative Fair Housing Marketing Plan to include a description of how implementation will be monitored and consequences for non-compliance.

6 BOARDS AND COMMISSIONS REPRESENTATION

Though racial minorities are represented on housing-related boards and commissions at rates comparable to their population share, only about one-quarter of members are women. In order to address the concerns of all segments of the population, boards appointed by the Mayor and by organizations such as the Realtors' association must actively recruit and maintain membership by members of the protected classes.

ACTION STEP 1: As recommended in the 2004 AI, the Mayor's Office should develop and implement policies and procedures for selecting qualified candidates who are representative of all segments of the community to serve on the planning and zoning boards, as well as BMHA and BURA.

ACTION STEP 2: The City should contact the Buffalo-Niagara Association of Realtors to emphasize its interest in ensuring that members of the protected classes are given equal opportunity to participate in the organization's leadership roles.

Public Sector Impediments:
Market Based

7 LIMITED-ENGLISH-SPEAKING POPULATION NEEDS

The number of limited-English Spanish speakers living in Buffalo is sufficient to warrant further analysis of their access to public programs and services, under HUD "safe harbor" guidance. Additionally, the City's immigrant and refugee population continues to expand, and this group is more likely to experience refusal to rent and unfair treatment and less likely to know their rights. The City must ensure that this growing population has equal access to programs, services and housing opportunity.

ACTION STEP 1: BURA should conduct a four-factor analysis to determine the extent to which its current systems for interpretation and translation adequately serve the community, culminating if necessary in an official Language Access Plan. The four-factor analysis is detailed in the *Federal Register* dated January 22, 2007.

8 POOR CONDITION OF HOUSING STOCK

Due to the magnitude of private divestment in Buffalo's housing stock and the age of homes, many of which contain lead-based paint or show obvious deferred maintenance, a substantial share of housing in the City is considered to be substandard, deteriorated or otherwise unsuitable as a living environment. In many cases, the cost of rehabilitation required to make units suitable would far exceed the market value of finished homes, a fact that further discourages neighborhood investment. Poor housing condition limits the choices available to lower-income households, which are disproportionately represented among members of the protected classes.

ACTION STEP 1: The City should continue to devote resources to its housing rehabilitation program, with a focus on balancing the revitalization of racially/ethnically concentrated areas with the expansion of affordable housing choice elsewhere.

ACTION STEP 2: The City should continue to use targeted demolition as a means of removing vacant properties that have a negative impact on neighborhoods.

ACTION STEP 3: The City should review its comprehensive code enforcement areas to ensure that they address problems in racially concentrated areas of poverty.

ACTION STEP 4 The City should continue the active enforcement of its rental registration program and require fair housing training of property owners a condition of the license to rent.

9 AVAILABILITY OF DECENT, AFFORDABLE RENTAL UNITS

While household income fell 3.3% between 2000 and 2010, median rent climbed 8%. Minimum-wage, single-family households and those depending on SSI cannot afford an apartment renting at the fair market rate. Due to the lower median incomes among minorities, these groups are more likely to be renters and are impacted to a greater extent by rent price increases that have outpaced income gains.

In its HOME program, the City allows developers to drive the site-selection process for affordable housing projects, with the result that most new sites have been located in high-poverty areas.

ACTION STEP 1: Because developing an affordable housing set-aside requirement or inclusionary zoning would likely make Buffalo less competitive in attracting private residential development, the City should use the regional planning process built into the Sustainable Communities Initiative grant to lobby for regional acceptance of inclusionary zoning provisions.

ACTION STEP 2: The City and/or BMHA should, where possible, acquire and maintain the affordability of tax-credit development for which affordability requirements are set to expire.

ACTION STEP 3: The City should designate priority areas for new construction in its HOME funding guidelines to expand affordable housing in opportunity areas, perhaps by awarding bonus points to proposals creating units outside of racially concentrated areas of poverty or by increasing the HOME subsidy per unit in such areas.

10 PERSISTENCE OF HOUSING DISCRIMINATION

The most common basis cited in housing discrimination complaints across Buffalo in recent years was race/color, followed by disability and familial status. Fewer complaints arise regarding source-of-income discrimination or unfair treatment on the basis of sexual orientation or gender identity, which suggests that community awareness of these local protections may be low. While City law forbids landlords from discriminating on the basis of source of income, a reportedly exploited loophole allows landlords to avoid voucher households by not meeting housing quality standards.

The inability to collect discrimination test results and complaints data from HOME to report in the AI suggests that the City's subrecipient agreement with the agency does not require it to routinely submit this data to the City. However, this data should factor into the City's understanding of current conditions and its formulation of policy.

ACTION STEP 1: The City should sustain adequate funding for fair housing activities such as education, outreach and enforcement through the CDBG program

ACTION STEP 2: The City should require its fair housing service providers to regularly supply the results of testing and enforcement activities, then keep this data on file internally.

Private Sector Impediment:
Market Based

11 ACCESSIBLE UNITS FOR PERSONS WITH DISABILITIES

The supply of affordable housing accessible to persons with disabilities is severely limited by the age of the stock and the lack of funds available to retrofit homes. No grants are available to assist with retrofitting, only loans. Advocates stated that even developers receiving subsidy who are required to incorporate accessibility features into some units set prices too high for most impoverished people with disabilities. Erie County maintains a list of units known to be accessible, though the list is relatively short, due to the fact that most homes in the area were built before accessibility standards were imposed by law. Advocates reported community resistance to group homes, though the need for such facilities persists.

Additionally, stakeholders reported that City departments need to be more aware of their obligations to make appropriate accommodations in programs and public meetings.

ACTION STEP 1: The City should update its public database of affordable housing to identify sites with accessible units.

ACTION STEP 2: The City's ADA Coordinator should consider arranging workshops for developers and architects to broaden awareness of the concepts of universal design.

ACTION STEP 3: The ADA Coordinator should either conduct training for or distribute educational materials among City departments to ensure awareness of accommodation requirements.

ACTION STEP 4: BMHA should consider implementing a residency preference for persons with disabilities.

12 PRIVATE LENDING DISPARITIES

Home ownership in Buffalo is less affordable to Black and Hispanic households due to their lower incomes. Far less lending occurs in the City's racially concentrated areas of poverty than in other areas, though it is unclear whether this is due to the housing market crisis or inability of interested homebuyers to access credit.

Blacks and Hispanics had mortgage denial rates significantly higher than Whites. Over the course of the three years studied, upper-income Black and Hispanic households were denied mortgage loans more often than lower-income White households. Upper-income Black households were more also likely to receive a high-cost loan than lower-income White households.

ACTION STEP 1: The City should support testing for mortgage discrimination by a qualified entity in order to more effectively target education, outreach, referral and enforcement activities.

ACTION STEP 2: The City should coordinate a loan pool among area lenders to increase the amount of available funds while reducing the risk to any one lender.

ACTION STEP 3: The City's Loan Review Committee should continue its active monitoring of the market.

ACTION STEP 4: As recommended in the 2004 AI, the City should prohibit home contractors who have arranged predatory lending from conducting business within the City.

FAIR HOUSING ACTION PLAN

Goal	Strategies	Responsibility	Target date
Impediment 1: Barriers to group home development			
Remove policy barriers to fair housing opportunity	Review Unified Development Ordinance to ensure that group homes for up to eight persons are treated as single-family homes without additional requirements, permits, or conditions	OSP	2014
Impediment 2: Concentration of voucher holders in racially concentrated areas of poverty			
Connect voucher holders with housing beyond racially and ethnically concentrated LMI areas	Continue to actively encourage participation in voucher mobility program	BURA, BMHA, RAC, Belmont	Ongoing
Make voucher system more accessible to target population	Research issues behind lack of coordination among voucher agencies, seek ways to collectively improve and stabilize services	BURA, BMHA, RAC, Belmont	2016
Strike balance between expanding opportunity for voucher holders and serving as many households as possible	Complete assessment of payment standards by voucher administration agencies; recommend adjustments to match market rents by lowering ceiling in low-cost areas and raising it in high-cost areas	BURA, BMHA, RAC, Belmont	2016
Adopt regional approach to addressing problems of racial, ethnic, and income segregation	Participate actively in fair housing component of One Region Forward	BURA	2015
Impediment 3: Lack of centralized fair housing administration			
Increase city's capacity to administer fair housing activities	Allow Fair Housing Officer to comment on housing-related documents and ensure that other city programs are run in ways that affirmatively further fair housing.	Fair Housing Officer	2015
Improve city's accountability relative to fair housing considerations	Initiate fair housing log to record activities across city departments that address impediments or otherwise advancing fair housing choice; report in CAPER.	Fair Housing Officer	Ongoing

Goal	Strategies	Responsibility	Target date
Impediment 4: Lack of transit connections to suburban employment centers			
Improve connections between city residents and employment opportunities	Target economic development activities that cultivate job creation along transit nodes, and in areas accessible to lower-income residents; collaborate with NFTA to provide solutions serving particular connection needs.	BURA	Ongoing
Impediment 5: Policy document improvements			
Remove policy barriers to fair housing opportunity	Update public housing ACOPs to include equal opportunity clauses listing protected classes; strengthen Admin Plans by adding policy regarding reasonable accommodations and specifying that reasonable accommodations will be granted to allow persons with disabilities equal opportunity during the informal review or hearing process, and adding language accommodation for those with limited English proficiency	BMHA, RAC	2015
Remove policy barriers to fair housing opportunity	Update Affirmative Fair Housing Marketing Plan to describe how implementation will be monitored, and state consequences for non-compliance	Fair Housing Officer	2015
Impediment 6: Boards and commissions representation			
Increase extent to which local decision-making bodies reflect city's demographic composition	Develop and implement policies and procedures for identifying and selecting qualified candidates representing all segments of the community to serve on the Planning Board, Zoning Board of Appeals, BMHA, and BURA	Mayor's Office	Ongoing
Increase extent to which real estate professionals working in city reflect city's demographic composition	Contact Buffalo-Niagara Association of Realtors to emphasize city's interest in ensuring that members of protected classes are given equal opportunity to participate in leadership roles	OSP	2015
Impediment 7: Limited-English-speaking population needs			
Ensure that limited-English speakers are aware of and afforded adequate access to city programs and services	Conduct four-factor analysis (outlined in January 22, 2007 Federal Register) to determine extent to which current systems reach and serve persons with limited English skills, resulting in a Language Access Plan if necessary	Office of New Americans	2016

Goal	Strategies	Responsibility	Target date
Impediment 8: Poor condition of housing stock			
Balance revitalization of racially and ethnically concentrated LMI areas with expansion of affordable housing opportunities elsewhere	Continue to devote resources to housing rehabilitation programs; use targeted demolition to remove abandoned properties that have negative impacts on neighborhoods; review code enforcement activities to ensure they address problems in racially and ethnically concentrated LMI areas; report accomplishments in CAPER	BURA	Ongoing
Hold landlords accountable for condition of housing units and requirements under local, state, and federal fair housing laws	Continue active enforcement of city's rental registration program; consider requiring property owners to obtain fair housing training as condition of license to rent	BURA	Ongoing
Impediment 9: Availability of decent, affordable rental units			
Encourage builders to include affordable units in new developments, without negatively impacting city's ability to compete for projects	Use regional planning process built into One Region Forward initiative to lobby for regional acceptance of inclusionary zoning provisions	BURA, OSP	2016
Maintain existing inventory of decent, affordable rental units	Acquire and maintain affordability for tax-credit developments with affordability requirements set to expire	BURA, BMHA	Ongoing
Direct new affordable housing opportunities to neighborhoods outside of racially and ethnically concentrated LMI areas	Designate priority areas for new construction in HOME funding guidelines; consider awarding bonus points to proposals creating affordable units outside of racially and ethnically concentrated LMI areas, or by increasing HOME subsidy per unit in such areas.	BURA, OSP	Ongoing
Impediment 10: Persistence of housing discrimination			
Maintain support for fair housing education, outreach, testing, and enforcement	Sustain adequate funding for fair housing activities; report accomplishments in CAPER	BURA	Ongoing
Allow fair housing activities to inform policy development and program administration	Require fair housing service providers to regularly supply the results of testing and enforcement activities; maintain data and report in CAPER	BURA	Ongoing

Goal	Strategies	Responsibility	Target date
Impediment 11: Accessible units for people with disabilities			
Increase access to existing accessible, affordable units	Update and maintain public database of affordable housing to identify sites with accessible units; consider implementing residency preference for persons with disabilities	BURA, BMHA	2015
Empower design professionals to increase compliance of housing stock with accessibility requirements	Arrange workshops for developers and architects to broaden awareness of universal design concepts	ADA Coordinator	2016
Ensure that City staff members provide adequate accommodation for people with disabilities in program administration	Conduct training or distribute educational materials among city departments to ensure awareness of accommodation requirements, particularly in meetings	ADA Coordinator	Ongoing
Impediment 12: Patterns of disparity in private lending			
Increase awareness of discriminatory practices in order to inform policy and spending priorities	Support mortgage discrimination testing by a qualified entity to more effectively target outreach, education, referral, and enforcement activities; continue active monitoring of market by Loan Review Committee	BURA	2017
Increase credit access for members of protected classes	Coordinate loan pool among area lenders to increase amount of available funds, while reducing risk to individual lenders	BURA	2017
Establish high standards for lender behavior	Prohibit home contractors who have arranged predatory lending from conducting business with city	BURA	2016