

**Analysis of Impediments to Fair Housing Choice**

For

The Urban County of Erie County

The Town of Amherst

The Town of Cheektowaga

The Town of Tonawanda

The Town of Hamburg

2015

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# I. Introduction

## Purpose of the AI

The Urban County Consortium, Town of Hamburg (collectively the County HOME Consortium), and ACT HOME Consortium (consisting of the towns of Amherst, Cheektowaga, and Tonawanda and the villages therein) have collaborated to prepare 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 federal funds through the US Department of Housing and Urban Development (HUD) affirmatively further fair housing. This includes communities receiving Community Development Block Grant (CDBG) funds, as well as HOME and Emergency Solutions Grant (ESG) funds. As a result, the five entitlements are charged with the responsibility of conducting their programs in compliance with the federal Fair Housing Act. Further, the obligation extends to nonprofit organizations and other entities that receive the federal funds through the any of these five entitlements. These requirements can be achieved through the preparation of an Analysis of Impediments (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 HUD 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 consulting firm of Mullin & Lonergan Associates, Inc. (M&L) was retained by Erie County to conduct the AI. M&L utilized a comprehensive approach to complete the Analysis involving the five entitlements. The following sources were utilized:

- *Fair Housing Equity Assessment: Expanding Opportunity in Buffalo Niagara* (December 2014)
- 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 all five entitlements
- Fair housing complaints filed with HUD and the New York Office of Fair Housing and Equal Opportunity

- Interviews conducted with agencies and organizations that provide housing and housing related services to members of the protected classes.

## Development 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. Erie County's Department of Environment and Planning was the lead agency for the preparation of the AI. The entitlements engaged in a consultation process with local public agencies, nonprofit organizations and other interested entities.

The consulting team conducted several series of focus group sessions and individual interviews to identify current fair housing issues impacting the various agencies and organizations and their clients. (The public outreach and stakeholder consultation was coordinated between the regional AI and the Consolidated Plans for both HOME Consortia.) Comments received through these meetings and interviews are incorporated throughout the AI, where appropriate. A list of the stakeholders identified and invited to the focus group sessions and interviews is included in Appendix A.

In all cases, the latest available data was used to describe the most appropriate geographic unit of analysis. In most cases, 2013 Census data and 2013 American Community Survey (ACS) were available and incorporated into this report. Census tract data has been used at the Town level.

This AI was also developed using the Buffalo Niagara Fair Housing Equity Assessment (or FHEA) developed by a consortium of local and regional entities beginning in 2012. The FHEA, funded by a 2011 planning grant received through the federal Sustainable Communities Initiative (locally referred to as One Region Forward), is a comprehensive analysis of regional inequality, established priorities and investment strategies, which if implemented, would work toward eliminating the unequal access to opportunity in the Buffalo Niagara region. The One Region Forward plan provided a rich resource of data and analysis that has been incorporated into the Erie County AI where noted.

## 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 five jurisdictions have 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 each 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 governmental bodies of the five jurisdictions will review 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.

## **Legal Trends in Fair Housing Enforcement**

In recent years, the federal government has increasingly emphasized the obligation of HUD 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 executive 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. Specifically, the county did not prohibit the expenditure of CDBG funds in communities that do not comply with fair housing certifications in their jurisdictions. 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.

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 grantee sub-recipients. 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.

## **The Federal Fair Housing Act**

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.

The federal Fair Housing Act prohibits activities in specific categories. A breakdown is presented below:

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.

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.

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.

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. In response to evidence suggesting that lesbian, gay, bisexual and transgender individuals and families were being arbitrarily excluded from housing opportunities in the private sector, HUD’s aim was to ensure that its own programs do not allow for discrimination against any eligible person or household, and that HUD’s own programs serve as models for equal housing opportunity. This change to HUD program regulations does not amend the Fair Housing Act to prohibit all discrimination in the private market on the basis of sexual orientation, gender identity, or marital status. However, it prohibits discrimination of those types by any housing provider who receives HUD funding, including 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.

## **The New York Human Rights Law**

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

## **Town of Hamburg Fair Housing Ordinance**

Chapter 109 of the General Code of the Town of Hamburg constitutes the community's local regulations against housing discrimination. Originally adopted in 1986, the ordinance prohibits several key housing-related acts on the basis of race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation and familial status. The following actions are specifically mentioned:

- Refusing to sell or rent or negotiate for sale or rent the denial of a dwelling based on a protected class
- Discriminating in the terms, conditions or provisions of services or facilities in connection with the sale or rental of a dwelling
- Inducing or attempting to induce anyone to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood (i.e., blockbusting)
- Printing or circulating any statement, advertisement or publication for the sale or rental of a dwelling which limits, specifies or discriminates.

The Town's ordinance also includes enforcement provisions and penalties for offenses. The Director of Community Development is authorized to receive and investigate complaints; in addition, the Town has the option to designate a nonprofit organization to carry out the same functions. During the investigation, the accused party is notified in writing of the alleged discriminatory behavior within 30

days of the filed complaint. The Town, or its designee, has 100 days to determine if it has jurisdiction and whether there is probable cause that the unlawful behavior occurred. If probable cause is determined, the Town Attorney can then take action, including seeking temporary restraining orders and preliminary injunctions.

Penalties for offenses against the Fair Housing Ordinance include a fine of not more than \$5,000 for the first violation and not more than \$10,000 for a respondent who has committed prior discriminatory actions. Other penalties may include revocation of licenses or permits necessary to operate a dwelling, and payment of the costs and expenses incurred by the Town in carrying out the enforcement action. Section 109-10 of the ordinance requires the Town to provide educational activities to explain the law and promote the Town's fair housing goals. Specifically, housing providers and real estate brokers selling or renting 20 units or more within a calendar year are required to develop and file an Affirmative Fair Housing Marketing Plan. Such a plan must include a statement of non-discrimination and a plan to attract a diverse pool of buyers and renters.

The Town's law was amended in March, 2005. Additional amendments have been proposed and will be decided upon in 2016.

## Proposed County of Erie Fair Housing Law

Erie County has not yet passed a fair housing law.

A draft law has been prepared by the Erie County Fair Housing Partnership. Erie County and the Department of Law, and stakeholders in the non-profit community are currently analyzing the merits and implications of passing this proposed legislation. This section describes and discusses the proposed legislation. Although this legislation has not yet been passed, it represents a potential significant step towards establishing a local fair housing doctrine.

This drafted fair housing legislation would prohibit discrimination on the basis of race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation (including gender identity), military status, and familial status<sup>1</sup>. The proposed legislation would make it unlawful to engage in the following behaviors based on these protected classes:

- The refusal to sell or rent or negotiate for sale or rent or the denial of a dwelling
- Discrimination in the terms, conditions or provisions of services or facilities in connection with the sale or rental of a dwelling
- The act of inducing or attempting to induce anyone to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood (i.e., blockbusting),
- For someone offering a dwelling for rent or sale, or anyone acting on their behalf, printing or circulating any statement, advertisement or publication for the sale or rental of a dwelling which limits, specifies or discriminates, and
- The act of coercion, intimidation, threat or interference with an individual in the enjoyment of his dwelling.

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<sup>1</sup> Source: Poloncarz, Mark C. "Initiatvies for a Stronger Community". Report. March 2015. Accessed August 2015. <http://www2.erie.gov/sites/www2.erie.gov/files/uploads/pdfs/Initiatives%20for%20a%20Strong%20Community.pdf>

Notably, the proposed legislation includes “source of income” as a protected class. This means that it would make it illegal for a landlord or mortgage reviewer to refuse to consider payments from any lawful occupation or employment as well as payments in the form of public assistance, supplemental security income (SSI), pensions, annuities, unemployment benefits and government subsidies such as Section 8 Housing Choice Vouchers or other subsidies. In other words, a landlord, for example, cannot refuse to rent a unit to a family based solely on their Section 8 voucher.

The proposed law would also prohibit the refusal to permit, at the expense of the person with a disability, reasonable accommodation or modification of a dwelling when such accommodation or modification is necessary to provide the occupant with equal opportunity to use and enjoy a dwelling.

Complaints alleging discrimination would need to be filed with the County, which has designated the Commissioner of the Department of Environment and Planning (or a designated nonprofit organization) to conduct an investigation of any complaints. Alternatively, the County would be able to initiate an investigation of alleged discrimination without a filed complaint. If probable cause is determined, the matter is referred to the County Attorney to institute proceedings against the defendant.

Penalties for offenses against the proposed law would include a fine of not more than \$5,000 for the first violation and not more than \$10,000 for a defendant who has committed prior discriminatory actions. Other penalties may include revocation of licenses or permits necessary to operate a dwelling, and payment of the costs and expenses incurred by the County in carrying out the enforcement action. Each day a violation continues constitutes a separate violation, and the law allows for imprisonment for not more than 30 days for non-compliance of a penalty.

Similar to Hamburg’s ordinance, the County’s proposed law requires education and outreach initiatives to explain and promote the purpose and provisions of the law. As it relates to housing providers and real estate brokers, the required Affirmative Fair Housing Marketing Plan must be filed with the Commissioner of the Department of Environment and Planning, or his designee. Such a plan must include a statement of non-discrimination and a plan to attract a diverse pool of buyers and renters.

The proposed law includes provisions to affirmatively further fair housing. Specifically, in Section 11, the County encourages local municipalities to adopt “zoning ordinances which promote the inclusion of affordable rental housing in all multi-family developments of eight or more units.” Affordable rental housing is defined as rent and utilities not exceeding 30% of gross annual income for a household whose income does not exceed 80% of the County median income. The provisions within this section represent a voluntary affordable housing set-aside initiative that encourages density bonuses to incentivize the creation of affordable rental housing opportunities distributed within market-rate developments. The Town of Hamburg has been meeting with Erie County lawmakers to try and find support for the proposed law.

The following chart depicts the protected classes of the various fair housing statutes in effect in Erie County. Under the proposed fair housing legislation, residents would have additional protections, as the following table illustrates:

Protected Class	Federal Fair Housing Act	HUD Final Rule March 12, 2012	NY Human Rights Law	Erie County Proposed Fair Housing Law	Town of Hamburg Fair Housing Ordinance
Race	*		*	*	*
Color	*		*	*	*
National Origin	*		*	*	*
Religion / Creed	*		*	*	*
Sex	*		*	*	*
Familial Status (families with children under age 18)	*		*	*	*
Handicap/Disability Status	*		*	*	*
Marital Status		*	*	*	*
Sexual Orientation		*	*	*	*
Gender Identity		*		*	
Age			*	*	*
Source of Income				*	*
Military Status				*	

## 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.

### a. 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.

### b. 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](http://www.ada.gov/stdspdf.htm)

### c. 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.accessboard.gov/ufas/ufas-html/ufas.htm](http://www.accessboard.gov/ufas/ufas-html/ufas.htm)

d. 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.

e. 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 failsafe features)
- Low physical effort (minimize repetitive actions)
- Size and space for approach and use (accommodate variations in hand and grip size).

## The Relationship between Fair Housing and Affordable Housing

As stated in the Introduction, fair housing choice is defined as the ability of persons, regardless of race, color, religion, sex, disability, familial status, or national origin, of similar income levels to have available to them the same housing choices. Persons who are protected from discrimination by fair housing laws are referred to as members of the protected classes.

This AI analyzes a range of fair housing issues regardless of a person’s income. To the extent that members of the protected classes tend to have lower incomes, then access to fair housing is related to affordable housing. In many areas across the U.S., a primary impediment to fair housing is a relative absence of affordable housing. Often, however, public policies implemented in counties and cities create, or contribute to, the lack of affordable housing in these communities, thereby disproportionately affecting housing choice for members of the protected classes.

This document goes well beyond an analysis of the adequacy of affordable housing in Erie County. This AI defines the relative presence of members of the protected classes within the context of factors that influence the ability of the protected classes to achieve equal access to housing and related services.

## II. Demographic and Housing Market Conditions

### Population Trends

The demographic landscape of Erie County reflects decades of transition in the County's local economy. Population drain in Erie County's urban core was initially triggered by the restructuring of the traditional industrial manufacturing base economy starting in the 1970's and continuing to the present. Despite stagnant growth that has continually lagged behind the state average, Erie County remains the most populous county in New York State outside of the New York Metropolitan Statistical Area.

Erie County is home to over 900,000 residents and is the major economic and population center of Western New York. The major population center is the City of Buffalo, which contains over 260,000 residents. The City of Buffalo, the Town of Hamburg, the Town of Amherst, the Town of Cheektowaga, and the Town of Tonawanda are separate CDBG entitlement communities from the remainder of Erie County. The County's jurisdiction for federal CDBG funds is the Erie County Consortium. This jurisdiction includes all land area within the county's border with the following exceptions: Buffalo, Hamburg, Amherst, Cheektowaga, and the Town of Tonawanda. The remainder of Erie County is a single entitlement community, and is referred to as the Urban County throughout this report.

Rates of population growth or loss are uneven throughout the County. While the City of Tonawanda lost 6.6% of their population, between 2000 and 2013, the Town of Amherst grew by 5.4%. To the south of Buffalo, the Town of Hamburg grew by a modest 1.7%. The adjacent town of Cheektowaga experienced population loss of 5.9%.

Changing demographic patterns have been further spurred by sprawl into less-settled towns beyond the urbanized area of the County. Some of these areas have gained residents or maintained a stable population as several other older and denser first-ring suburbs adjacent to the City of Buffalo, which have higher proportions of lower-income and minority households, have continued to lose population. This pattern of simultaneous sprawl and population decline is characteristic of many regions in the Rust Belt.

In 2013, the Urban County represented 317,147 residents. While the County as a whole has lost population, the Urban County has seen steady gains, indicating that population growth in the County is primarily happening outside of the City of Buffalo.

Decennial Population Change, 1970-2010		
	Erie County	State of New York
<b>1970</b>	1,113,491	18,236,967
<b>1980</b>	1,015,472	17,558,072
1970-1980 Change	-8.8%	-3.7%
<b>1990</b>	968,532	17,990,455
1980-1990 Change	-4.6%	2.5%
<b>2000</b>	950,265	18,976,457
1990-2000 Change	-1.9%	5.5%
<b>2010</b>	921,202	18,071,087
2000-2010 Change	-3.1%	-4.8%
<b>2013</b>	919,230	19,487,053
1970-2013 Change	-0.2%	7.8%

Sources: ACS 2000, 2010, 2013. National Historical Geographic Information

Population Change by Municipality, 2000-2013						
Municipality	2000	2010	2000-2010 Change	2013	2010-2013 Change	2000-2013 Change
Alden town	10,470	10,787	3.0%	10,795	0.1%	3.1%
Amherst town	116,510	120,945	3.8%	122,814	1.5%	5.4%
Aurora town	13,996	13,763	-1.7%	13,782	0.1%	-1.5%
Boston town	7,897	7,964	0.8%	8,014	0.6%	1.5%
Brant town	1,906	2,014	5.7%	2,074	3.0%	8.8%
Buffalo city	292,648	266,012	-9.1%	260,568	-2.0%	-11.0%
Cattaraugus reservation	1,999	1,868	-6.6%	1,845	-1.2%	-7.7%
Cheektowaga town	94,019	88,895	-5.4%	87,998	-1.0%	-6.4%
Clarence town	26,123	29,735	13.8%	30,721	3.3%	17.6%
Colden town	3,323	3,258	-2.0%	3,267	0.3%	-1.7%
Collins town	8,316	6,924	-16.7%	6,558	-5.3%	-21.1%
Concord town	8,518	8,484	-0.4%	8,502	0.2%	-0.2%
Eden town	8,076	7,721	-4.4%	7,686	-0.5%	-4.8%
Elma town	11,304	11,230	-0.7%	11,413	1.6%	1.0%
Evans town	17,594	16,517	-6.1%	16,353	-1.0%	-7.1%
Grand Island town	18,622	19,974	7.3%	20,469	2.5%	9.9%
Hamburg town	56,196	56,587	0.7%	57,155	1.0%	1.7%
Holland town	3,602	3,430	-4.8%	3,394	-1.0%	-5.8%
Lackawanna city	19,045	18,239	-4.2%	18,069	-0.9%	-5.1%
Lancaster town	39,019	40,993	5.1%	41,927	2.3%	7.5%
Marilla town	5,709	5,374	-5.9%	5,318	-1.0%	-6.8%
Newstead town	8,404	8,518	1.4%	8,595	0.9%	2.3%
North Collins town	3,376	3,491	3.4%	3,516	0.7%	4.1%
Orchard Park town	27,637	28,682	3.8%	29,205	1.8%	5.7%
Sardinia town	2,692	2,746	2.0%	2,771	0.9%	2.9%
Tonawanda city	16,135	15,249	-5.5%	15,074	-1.1%	-6.6%
Tonawanda town	78,155	74,091	-5.2%	73,548	-0.7%	-5.9%
Tonawanda reservation	12	19	58.3%	17	-10.5%	41.7%
Wales town	2,960	2,973	0.4%	3,009	1.2%	1.7%
West Seneca town	46,002	44,719	-2.8%	44,773	0.1%	-2.7%
<b>Erie County</b>	<b>950,265</b>	<b>921,202</b>	<b>-3.1%</b>	<b>919,230</b>	<b>-0.2%</b>	<b>-3.3%</b>
<b>Urban County</b>	<b>312,737</b>	<b>314,672</b>	<b>0.6%</b>	<b>317,147</b>	<b>0.8%</b>	<b>1.4%</b>

Sources: Census 2000 (SF1-DP-1), Census 2010 (SF1-DP1), 2009-2013 ACS (DP04)

The population in Erie County has followed the national trend of becoming more diverse. This is due to a decline in the total number of White residents as well as an increasing number of non-White racial groups, in both the Urban County and the entirety of Erie County. Between 2000 and 2013, the County experienced a net loss of almost 50,000 White residents, but a gain of almost 20,000 non-White residents. During the same time period, the number of non-White residents in the Urban County increased by 3,885, which accounts for 86% of the Urban County's population growth during this time period. In the Towns of Amherst, Cheektowaga, Tonawanda, and Hamburg, the trend of diversification was even more striking. Altogether, the four towns lost 21,030 White residents and gained 17,748 non-White residents. The two towns that gained more non-White residents than they lost White residents, Hamburg and Amherst, were also the two towns of the four that experienced net population growth.

Of the net increase of 18,012 total non-White residents in all of Erie County, 19.8% of the increase of non-White residents in Erie County was in the Urban County. Since the Urban County represents approximately 35% of Erie County's total population, this means that the Urban County is diversifying at a slower pace than the entirety of Erie County. Buffalo, Amherst, Cheektowaga, and Tonawanda represent 37% of the County's total population, but 80.2% of the non-White net population growth. This demonstrates that the four towns are diversifying faster than the County as a whole.

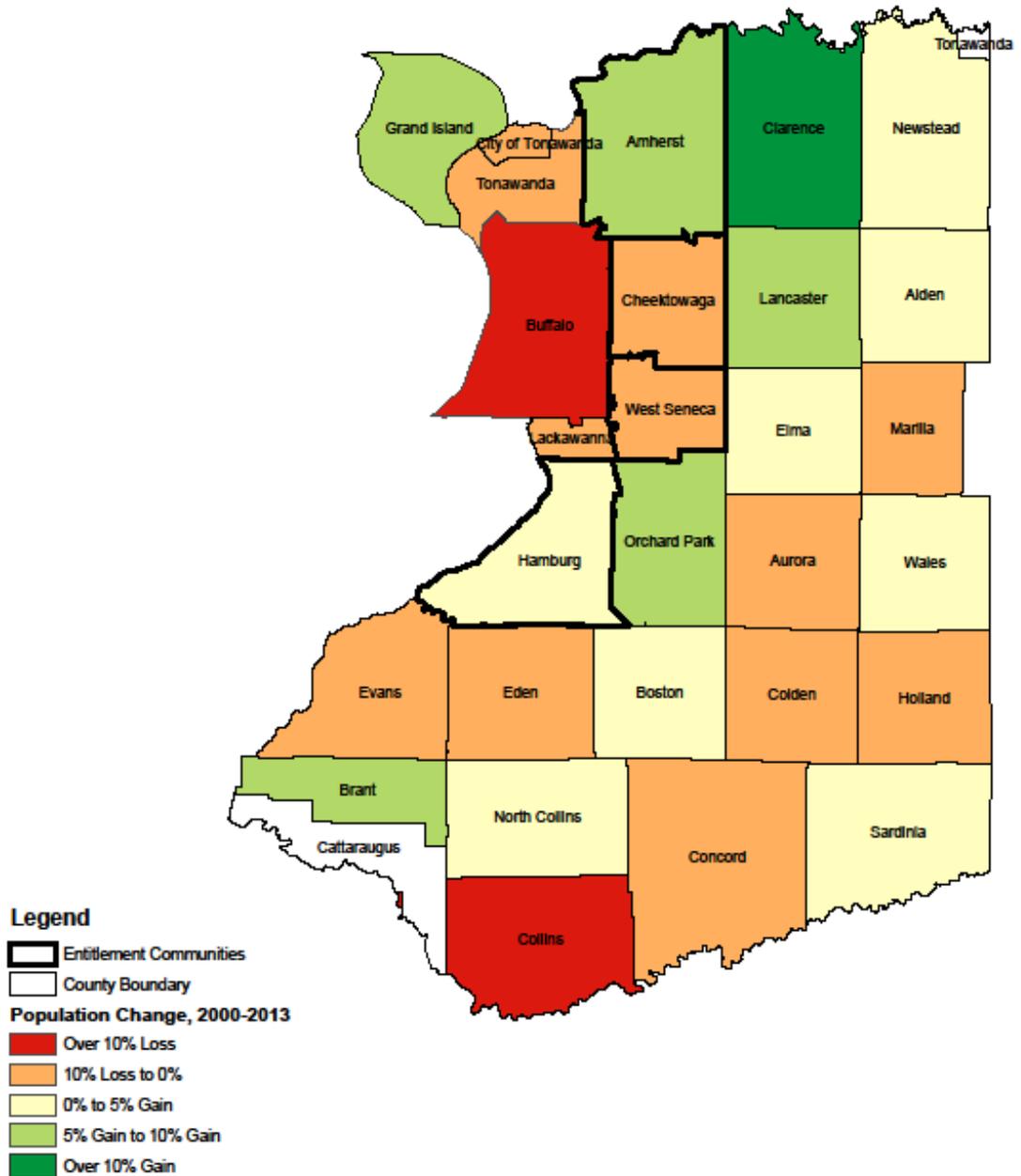
### Population Change by Race, 2000-2013

	2000		2013		Change 2000-2013	
	#	%	#	%	#	%
<b>Erie County</b>	<b>950,265</b>		<b>919,230</b>		<b>-31,035</b>	<b>-3.27%</b>
White	780,942	82.18%	731,926	79.62%	-49,016	-6.28%
Hispanic*	31,054	3.27%	43,061	4.68%	12,007	38.66%
<b>Urban County</b>	<b>312,674</b>		<b>317,147</b>		<b>4,473</b>	<b>1.43%</b>
White	298,254	95.39%	298,812	94.22%	558	0.19%
Non-White	14,373	4.60%	18,258	5.76%	3,885	27.03%
Hispanic*	4,600	1.47%	7,599	2.40%	2,999	65.20%
<b>Amherst</b>	<b>116,510</b>		<b>122,814</b>		<b>6,304</b>	<b>5.41%</b>
White	104,018	89.28%	102,444	83.41%	-1,574	-1.51%
Non-White	12,463	10.70%	20,370	16.59%	7,907	63.44%
Hispanic*	1,579	1.36%	4,096	3.34%	2,517	159.40%
<b>Cheektowaga</b>	<b>94,019</b>		<b>87,998</b>		<b>-6,021</b>	<b>-6.40%</b>
White	89,266	94.94%	76,802	87.28%	-12,464	-13.96%
Non-White	4,746	5.05%	11,196	12.72%	6,450	135.90%
Hispanic*	908	0.97%	2,304	2.62%	1,396	153.74%
<b>Tonawanda</b>	<b>78,155</b>		<b>73,548</b>		<b>-4,607</b>	<b>-5.89%</b>
White	75,008	95.97%	68,065	92.55%	-6,943	-9.26%
Non-White	3,132	4.01%	5,483	7.45%	2,351	75.06%
Hispanic*	1,015	1.30%	2,559	3.48%	1,544	152.12%
<b>Hamburg</b>	<b>56,259</b>		<b>57,155</b>		<b>896</b>	<b>1.59%</b>
White	55,096	97.93%	55,047	96.31%	-49	-0.09%
Non-White	1,158	2.06%	2,098	3.67%	940	81.17%
Hispanic*	876	1.56%	1,201	2.10%	325	37.10%

Sources: 2009-2013 ACS (DP04), Census 2000 (SF1-DP-1)

\*Note: Hispanic ethnicity is counted independently of race

## Population Change by Municipality Erie County, 2000-2013

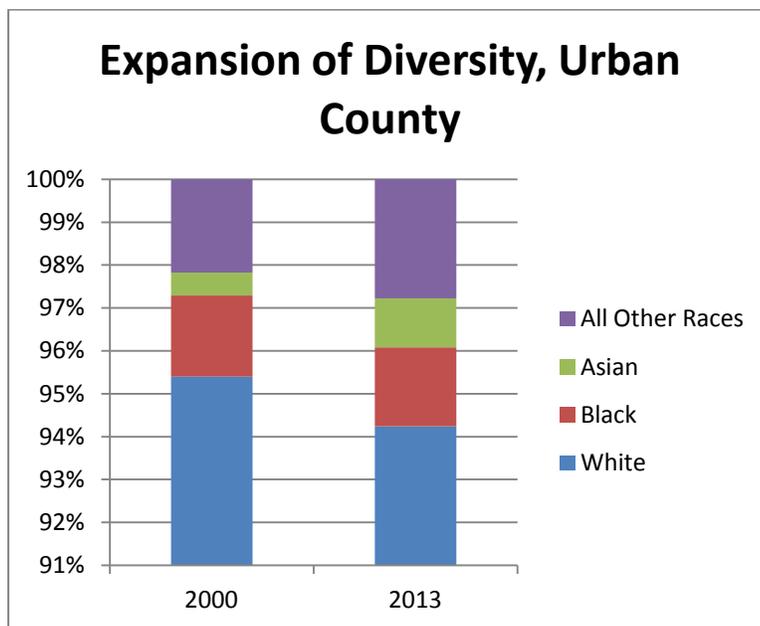


Source: American Community Survey 2013, DP04  
 Calculations by Mullin & Lonergan Associates



Notably, among non-White population groups, rates of growth are quite different. While Black residents are still the largest non-White racial group by far, Black population loss indicates that, like White residents, Black residents are also leaving the core urban areas in a pattern consistent with “Black flight”. However, the Black population is declining at a rate slower than the White population. Based on ACS figures, the total number of Black residents decreased by 2% between 2000 and 2013 in the entire County (from 123,529 in 2000 to 121,112 in 2013) and by 1% in the Urban County (from 5,900 in 2000 to 5,831 in 2013). Conversely, other racial and ethnic groups are growing in size. The Asian population of Erie County increased by 11,710 persons between 2000 and 2013, growing 84.6%. In the Urban County, the Asian population increased by 1,952 persons, or 117.1%. Members of other races also grew in population in the Urban County. Notably, the Hispanic population grew much more rapidly in the Urban County than in the County as a whole. Between 2000 and 2013, the Hispanic population grew by 12,007 people, or 38.7%. In the Urban County, however, the Hispanic population grew by 65.1%, indicating that Hispanic residents are more likely to live outside the urban core than ever before, though they still primarily live in the five entitlement communities.

Stakeholders interviewed indicated that there is a significant and growing Yemenite community in the City of Lackawanna, although exact numbers are difficult to determine since many persons of Middle Eastern ethnicity do not identify with any of the American Community Survey’s race categories.

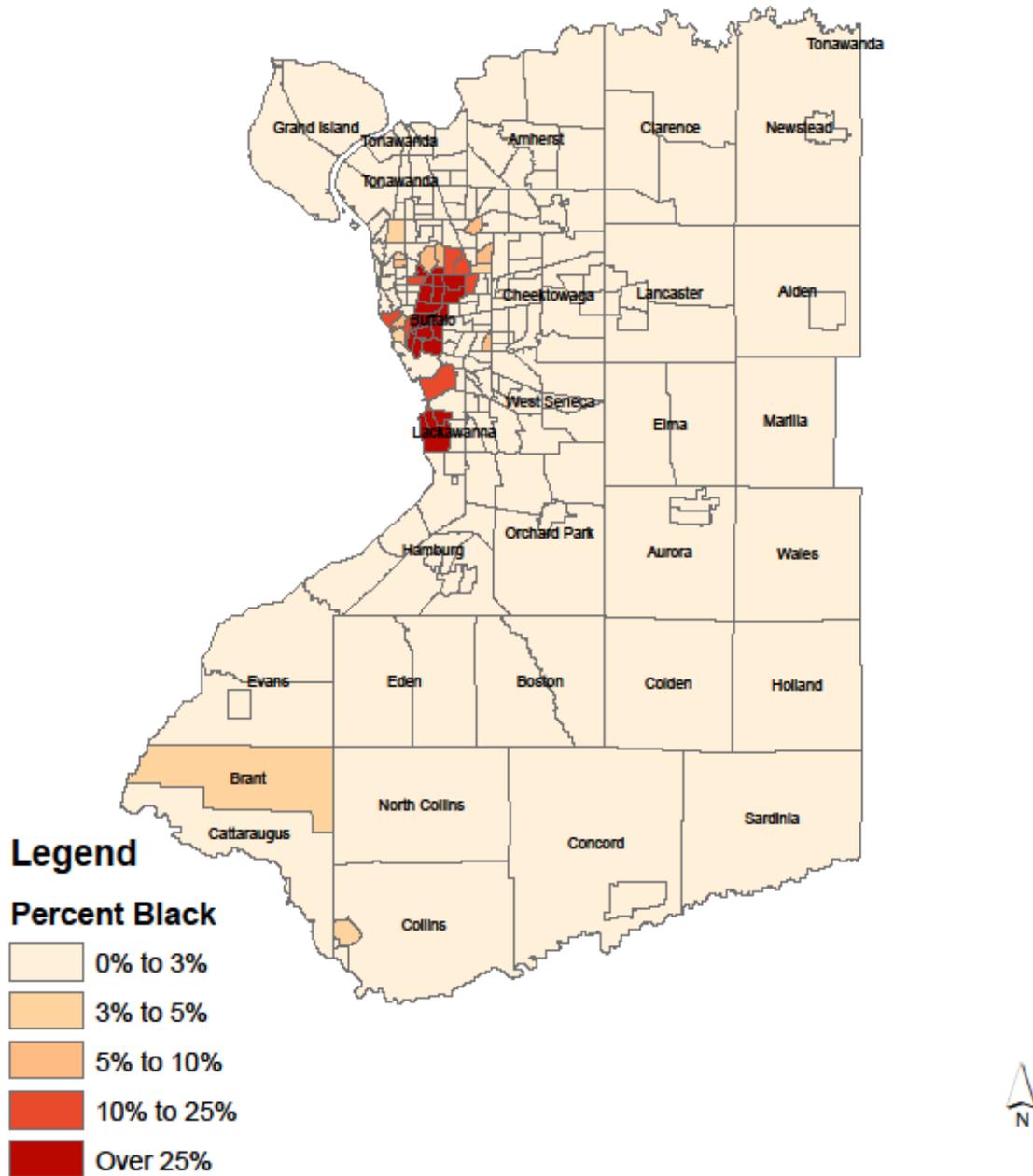


Source: 2009-2013 ACS (DP-04), Census 2000 (SF-1, DP-1)

The following series of maps illustrate the distribution and dispersal of Black residents throughout Erie County for each decennial year beginning in 1970. In 1970, much of the Black population was concentrated in Buffalo and Lackawanna. Prior to 1980, the majority of Blacks in the City of Buffalo resided on its East Side. Beginning in 1980 and continuing through 1990, Black residents were living primarily in the more northern Buffalo neighborhoods and first-ring suburbs. By 2000, neighborhoods still farther north of Buffalo in Tonawanda and Amherst were home to Black residents. In 2010, this residential pattern remained strong in Amherst and Tonawanda, and grew to Cheektowaga. With the exception of higher concentrations of Black residents counted in three correctional facilities (the Collins

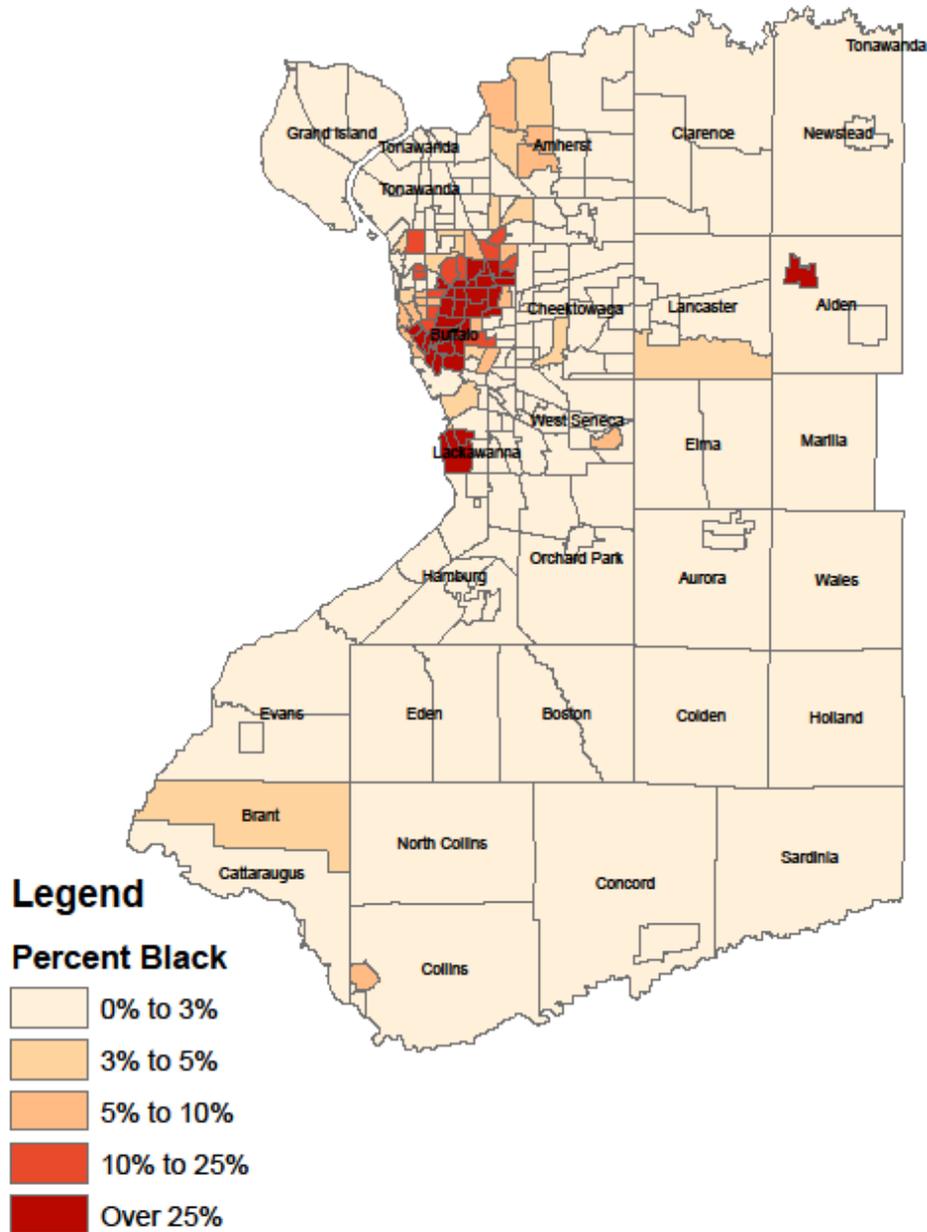
and Gowanda facilities in Collins and the Erie County Correctional Facility in Alden), all other municipalities in Erie County were noted to contain 3% or fewer Blacks.

# Black Population by Census Tract Erie County, 1970



Source: National Historical Geographic Information System: Version 2.0. University of Minnesota, 2015

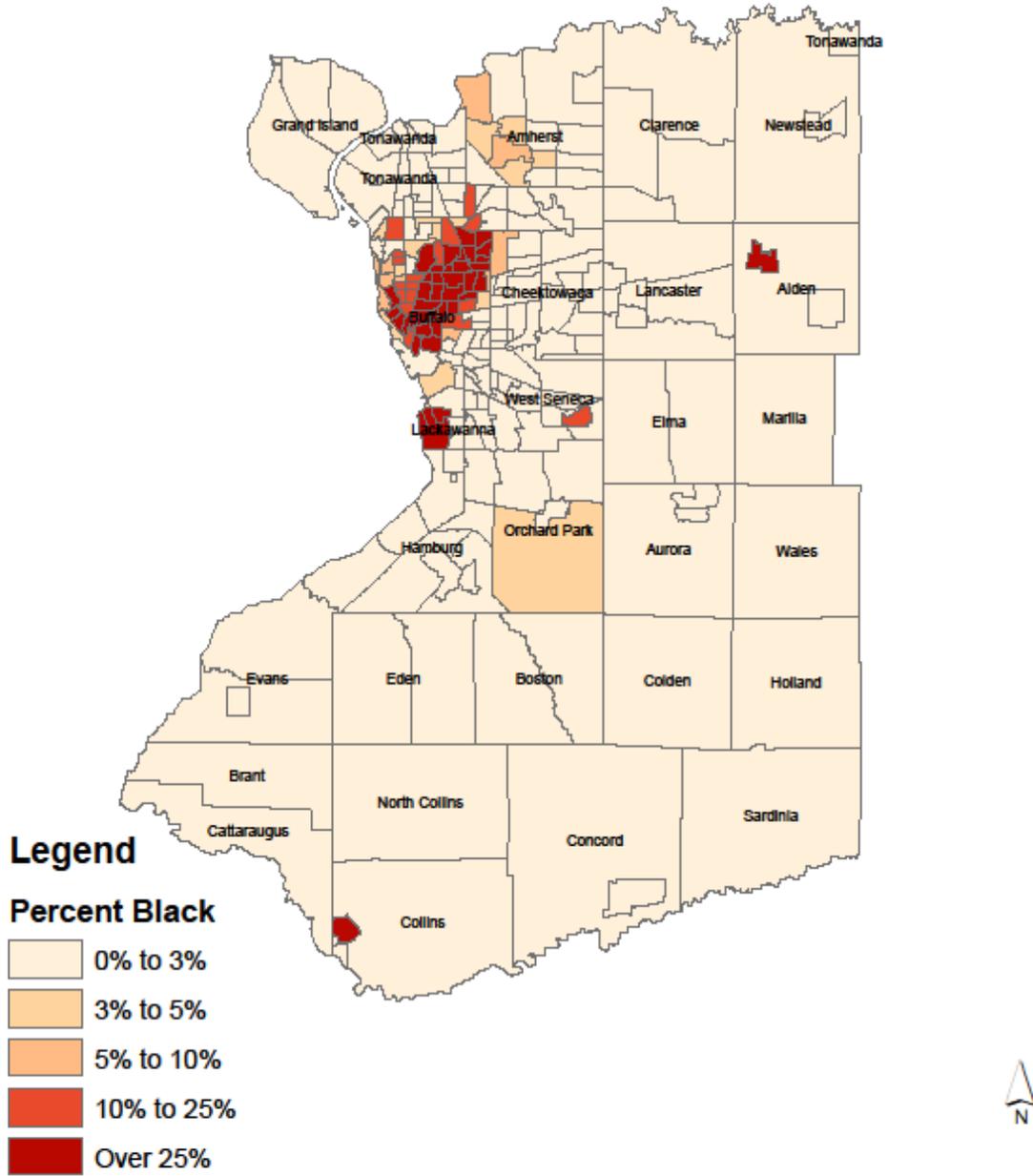
# Black Population by Census Tract Erie County, 1980



Source: National Historical Geographic Information System: Version 2.0. University of Minnesota, 2015

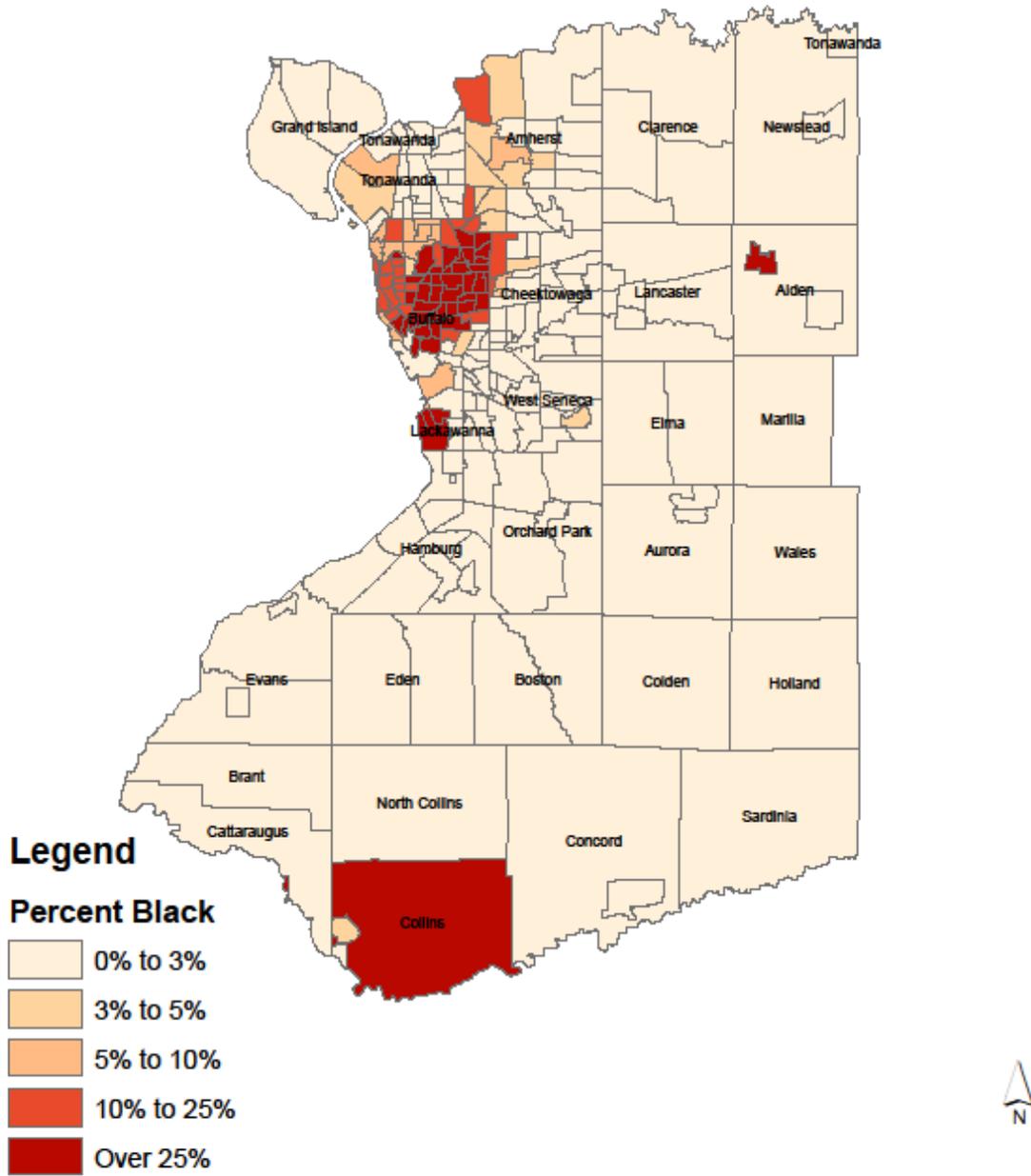


# Black Population by Census Tract Erie County, 1990



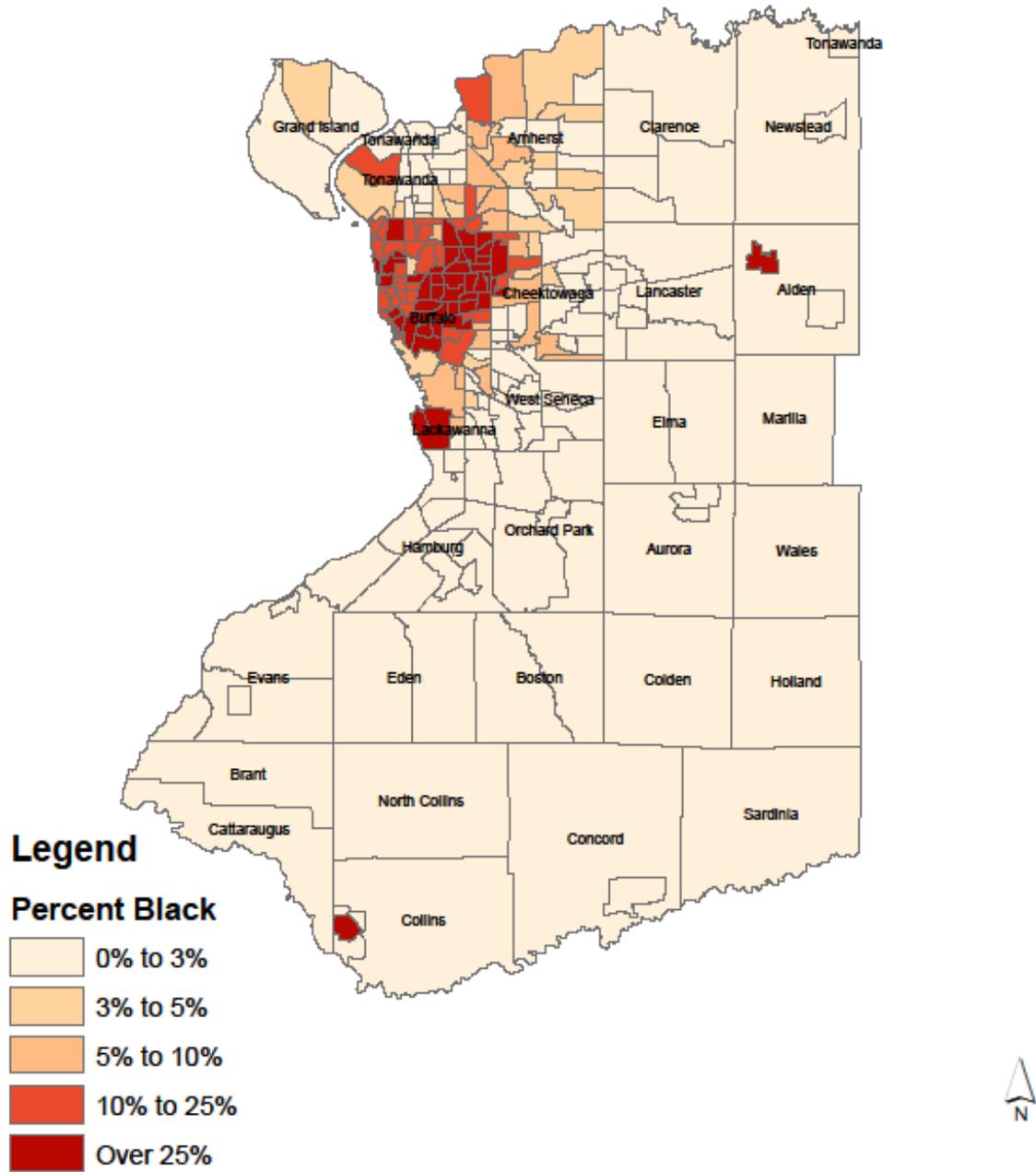
Source: National Historical Geographic Information System: Version 2.0. University of Minnesota, 2015

# Black Population by Census Tract Erie County, 2000



Source: National Historical Geographic Information System: Version 2.0. University of Minnesota, 2015

# Black Population by Census Tract Erie County, 2010



Source: National Historical Geographic Information System: Version 2.0. University of Minnesota, 2015

Non-White residents remain heavily concentrated in the urban core areas of Buffalo, Amherst, Cheektowaga, Tonawanda, and Hamburg. The slower rates of diversification in the Urban County relative to Erie County at large may be due to several factors. Firstly, non-Whites have significantly lower median incomes than Whites and thus cannot afford a large portion of the housing stock in suburban and rural Erie County, where units tend to be larger and more expensive than areas in the urban core. Secondly, a large portion of low-income residents may be dependent on public transportation infrastructure that either does not exist or is too unreliable to use for commuting throughout the County. Thirdly, multiple participants across several stakeholder groups described NIMBY (not in my backyard) sentiment as “cropping up throughout the County based on development patterns” with “existing segregation patterns reinforcing this: the predominantly White suburbs are anxious about the encroachment of Buffalo’s problems into their neighborhoods.”

### **Racially Concentrated Areas of Poverty**

Racial concentration is an important factor to examine from a fair housing perspective, because high areas of racial concentration may indicate lack of choice and discrimination in the housing market. Furthermore, living in areas of concentrated poverty is often detrimental to the economic and even physical well-being of the area’s population. Increasing concentrations of households in poverty is linked to racial and economic segregation, which often perpetuate each other in tandem. Both racial and economic concentrations can impede fair housing choice and raise the risk of housing discrimination.

None of the entitlements’ Five-Year Consolidated Plans establish a set threshold for defining areas of racial or ethnic concentration, and there are several viable calculation methods that can be used. For the purposes of identifying racially concentrated areas of poverty (RCAPs) and ethnically concentrated areas of poverty (ECAPs), this AI defines a concentration as a census tract where the percentage of a single ethnic or minority group is at least double than across the entitlement community overall. Because Hispanic ethnicity—the only ethnicity measured by the census—is determined independently of race, ethnic concentration must be measured independently of racial concentration rather than in conjunction with the other race categories. The data also does not denote differences between ethnicities within races, which is important to consider when examining factors such as refugee resettlement initiatives.

HUD suggests defining a RCAP and ECAP as a census tract where the poverty rate is greater than 40% and the non-White population (or Hispanic population, in the case of an ECAP) is greater than 50% of the population. However, these thresholds are not appropriate for the five entitlements in this AI because such a large proportion of the County’s minority population lives in Buffalo. Therefore, this AI defines an RCAP or ECAP as a tract with double the entitlement average for both poverty rate and minority concentration.

Averaging all the entitlement communities into one single calculation would exclude key tracts in some areas and include tracts in others in ways that would not make sense at the policy level for each entitlement. Therefore, localized thresholds unique to each community were developed. This means that there are five unique cutoff thresholds for racial concentration, ethnic concentration, and poverty concentration. The threshold for a racial or ethnic concentration in Amherst, the most diverse entitlement community, is higher than in Hamburg, the least diverse entitlement. Because each

entitlement plans to apply this analysis to inform and evaluate investment decisions within each of their jurisdictions, this was determined to be the most appropriate methodology.

### **Racially or Ethnically Concentrated Areas of Poverty**

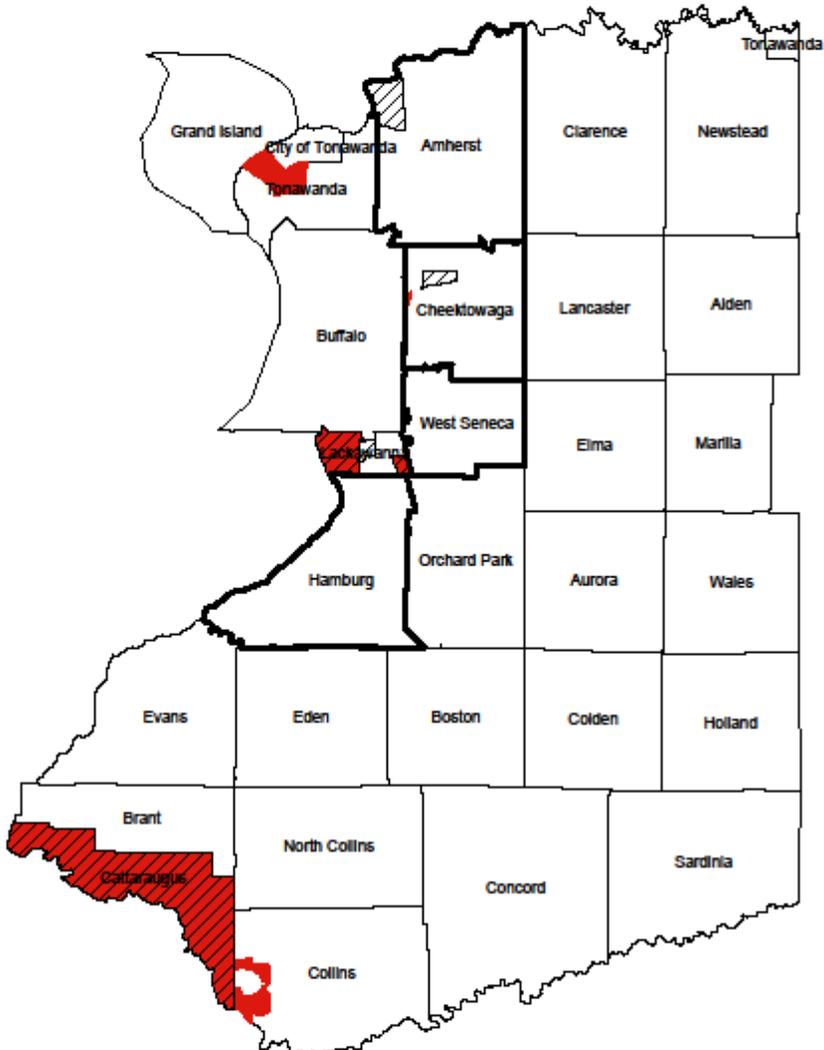
<b>Municipality</b>	<b>Tract</b>	<b>Population</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Hispanic*</b>	<b>Poverty Rate</b>
<b>Amherst</b>	<b>91.07</b>	5493	75.90%	8.60%	3.80%	11.40%	18.60%
<b>Cattaraugus**</b>	<b>9400</b>	1845	3.50%	0.30%	10.40%	11.10%	22.60%
<b>Lackawanna</b>	<b>174</b>	3788	54.10%	32.40%	1.10%	14.40%	46.80%
<b>Lackawanna</b>	<b>123</b>	3081	92.10%	4.20%	0%	8.70%	20.50%
<b>Lackawanna</b>	<b>125.02</b>	2064	86.80%	0%	0%	14.50%	19.40%
<b>Cheektowaga</b>	<b>101.02</b>	3,632	76.20%	19.10%	2.30%	10.30%	22.50%
<b>Cheektowaga</b>	<b>103</b>	1,341	45.60%	37.30%	2.70%	6.80%	29.90%
<b>Tonawanda</b>	<b>83</b>	2539	83.20%	9.50%	0%	5.40%	33.30%
<b>Collins**</b>	<b>175.01</b>	1473	87.10%	1.00%	1.60%	0.70%	21.40%

Source: 2009-2013 ACS DP04, S1701

\*Note: Hispanic ethnicity is counted independently of race

\*\*Note: Cattaraugus is the location of the Cattaraugus Indian Reservation. Collins is the location of the Collins Correctional Facility. These areas qualify as RCAPs, but have exceptional circumstances unlike the remainder of the study area

# Racially or Ethnically Concentrated Areas of Poverty Erie County Outside of Buffalo, 2015



**Legend**

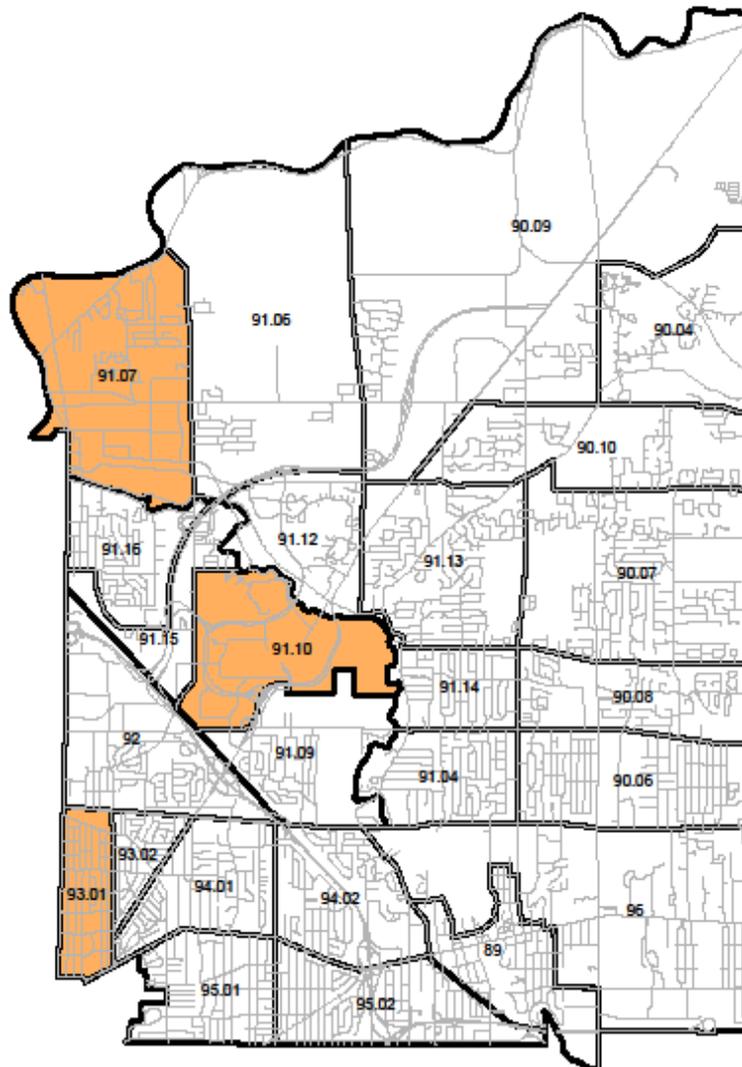
-  Ethnically Concentrated Area of Poverty selection
-  Racially Concentrated Area of Poverty
-  Entitlement Communities

Source: American Community Survey 2015, DP04, S1702  
 Calculations by Mullin & Lonergan Associates

Note: A racially or ethnically concentrated area of poverty is defined as a census tract where both the poverty rate and the percentage of racial or ethnic minorities double the rate of the overall geographic area. Near-RCAPs or near-ECAPs do not meet these thresholds but still have a rate that is over 10% above average. The Urban County, Amherst, Cheektowaga, Tonawanda, and Hamburg all utilize local thresholds



# Areas of Minority Concentration Amherst, NY, 2015



## Legend

- Roads
- Census Tracts
- Area of Minority Concentration

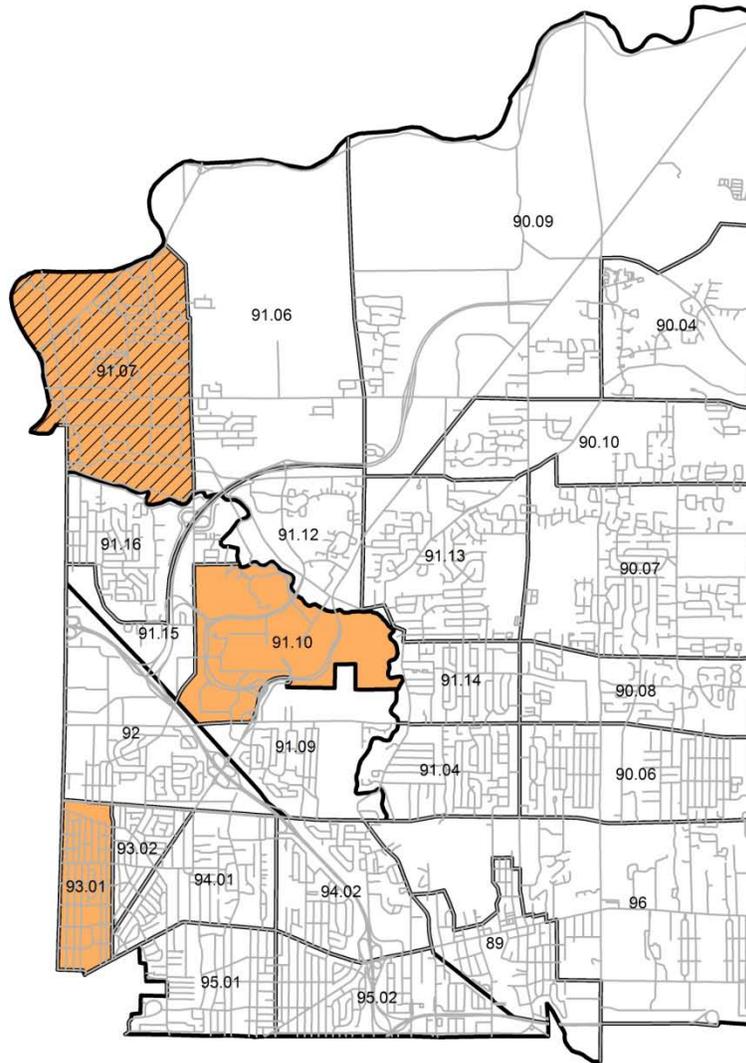


Source: American Community Survey 2015, DP04, S1702  
 Calculations by Mullin & Lonergan Associates

Note: A racially or ethnically concentrated area of poverty is defined as a census tract where both the poverty rate and the percentage of racial or ethnic minorities double the rate of the overall geographic area. Near-RCAPs or near-ECAPs do not meet these thresholds but still have a rate that is over 10% above average.



# Racially or Ethnically Concentrated Areas of Poverty Amherst, 2013



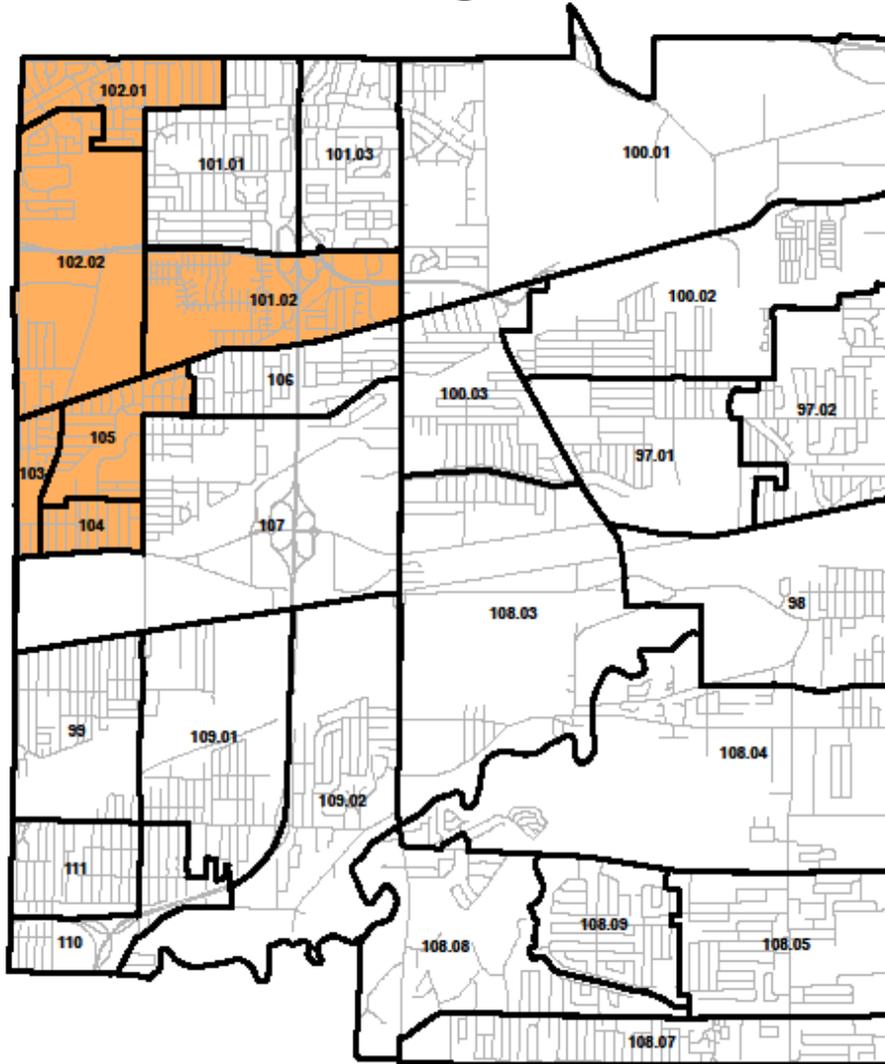
## Legend

- Roads
- Area of Minority Concentration
- Ethnically Concentrated Area of Poverty
- Census Tracts

Source: American Community Survey 2013  
Calculations by Mullin & Lonergan Associates

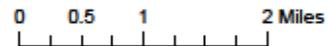


## Areas of Minority Concentration Cheektowaga, NY, 2015



### Legend

- Roads
- Areas of Minority Concentration

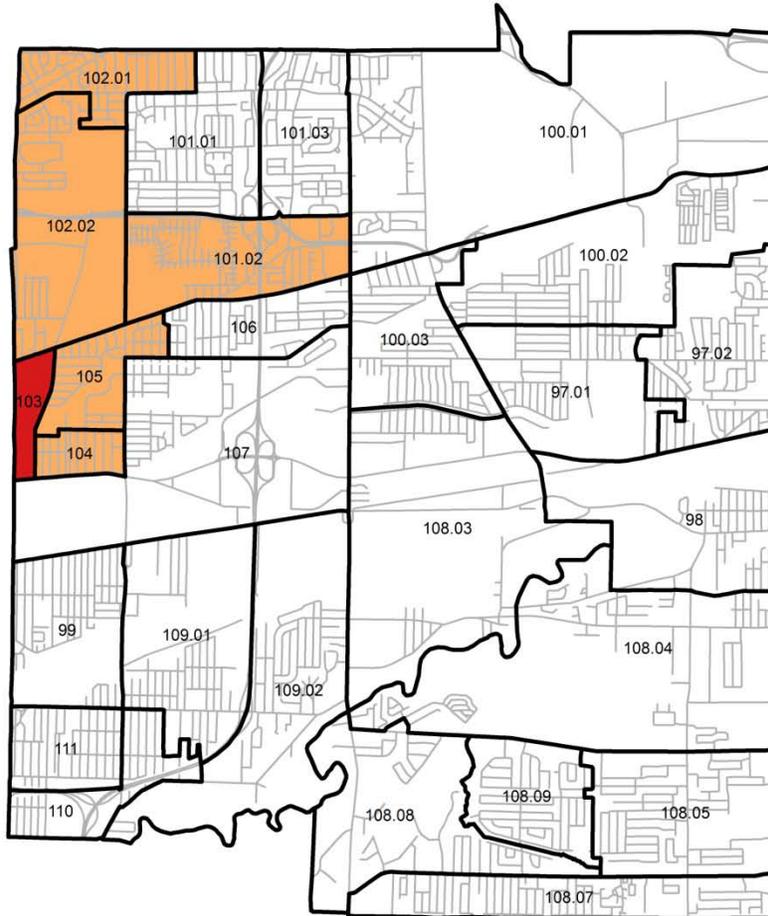


Source: American Community Survey 2015, DP04, S1702  
Calculations by Mullin & Lonergan Associates

Note: A racially or ethnically concentrated area of poverty is defined as a census tract where both the poverty rate and the percentage of racial or ethnic minorities double the rate of the overall geographic area. Near-RCAPs or near-ECAPs do not meet these thresholds but still have a rate that is over 10% above average.



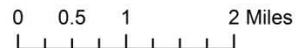
# Racially or Ethnically Concentrated Areas of Poverty Cheektowaga, 2013



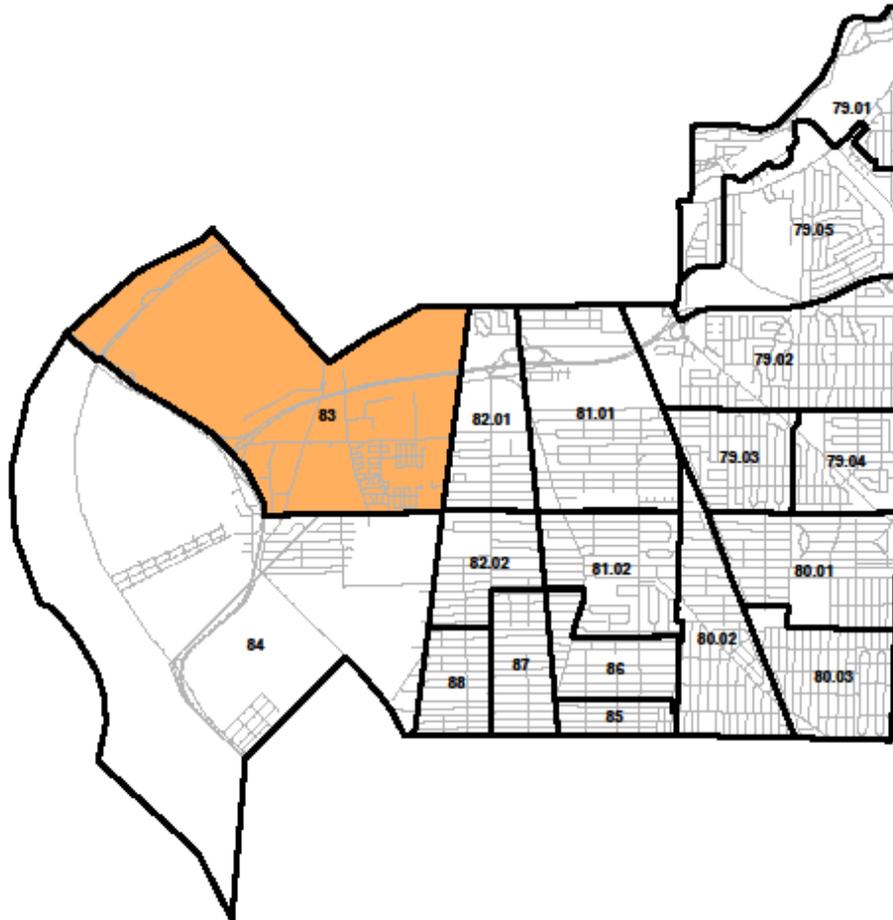
## Legend

- Roads
- Census Tracts Cheektowaga
- Racially Concentrated Areas of Poverty
- Areas of Minority Concentration

Source: American Community Survey 2013  
Calculations by Mullin & Lonergan Associates

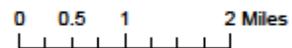


# Areas of Minority Concentration Tonawanda, NY, 2015



## Legend

- Census Tracts
- Roads
- Area of Minority Concentration

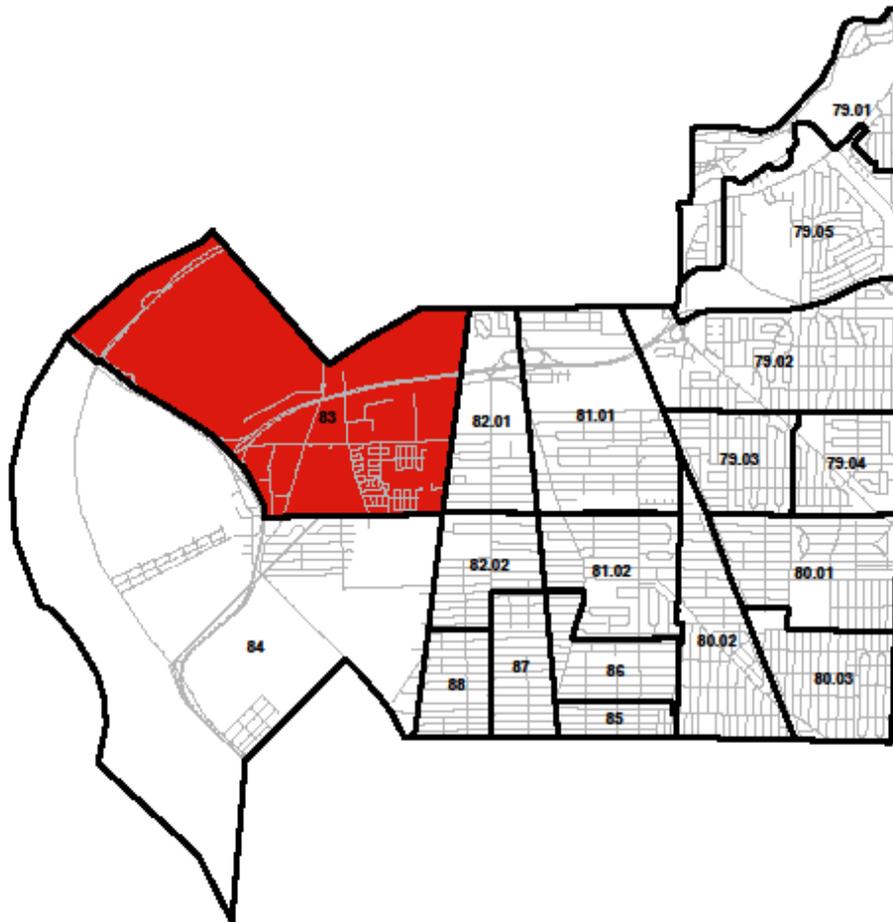


Source: American Community Survey 2015, DP04, S1702  
Calculations by Mullin & Lonergan Associates

Note: A racially or ethnically concentrated area of poverty is defined as a census tract where both the poverty rate and the percentage of racial or ethnic minorities double the rate of the overall geographic area. Near-RCAPs or near-ECAPs do not meet these thresholds but still have a rate that is over 10% above average.



# Racially or Ethnically Concentrated Areas of Poverty Tonawanda, NY, 2015



## Legend

-  Census Tracts
-  Roads
-  RCAPs

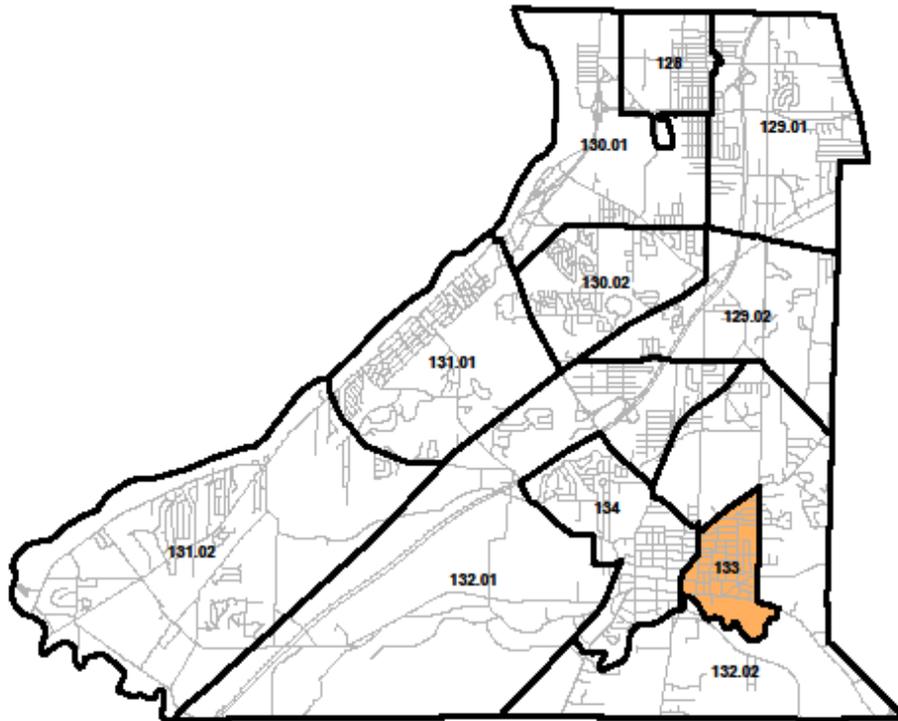


Source: American Community Survey 2015, DP04, S1702  
Calculations by Mullin & Lonergan Associates

Note: A racially or ethnically concentrated area of poverty is defined as a census tract where both the poverty rate and the percentage of racial or ethnic minorities double the rate of the overall geographic area. Near-RCAPs or near-ECAPs do not meet these thresholds but still have a rate that is over 10% above average.



# Areas of Minority Concentration Hamburg, NY, 2015



## Legend

-  Census Tracts
-  Roads
-  Area of Minority Concentration

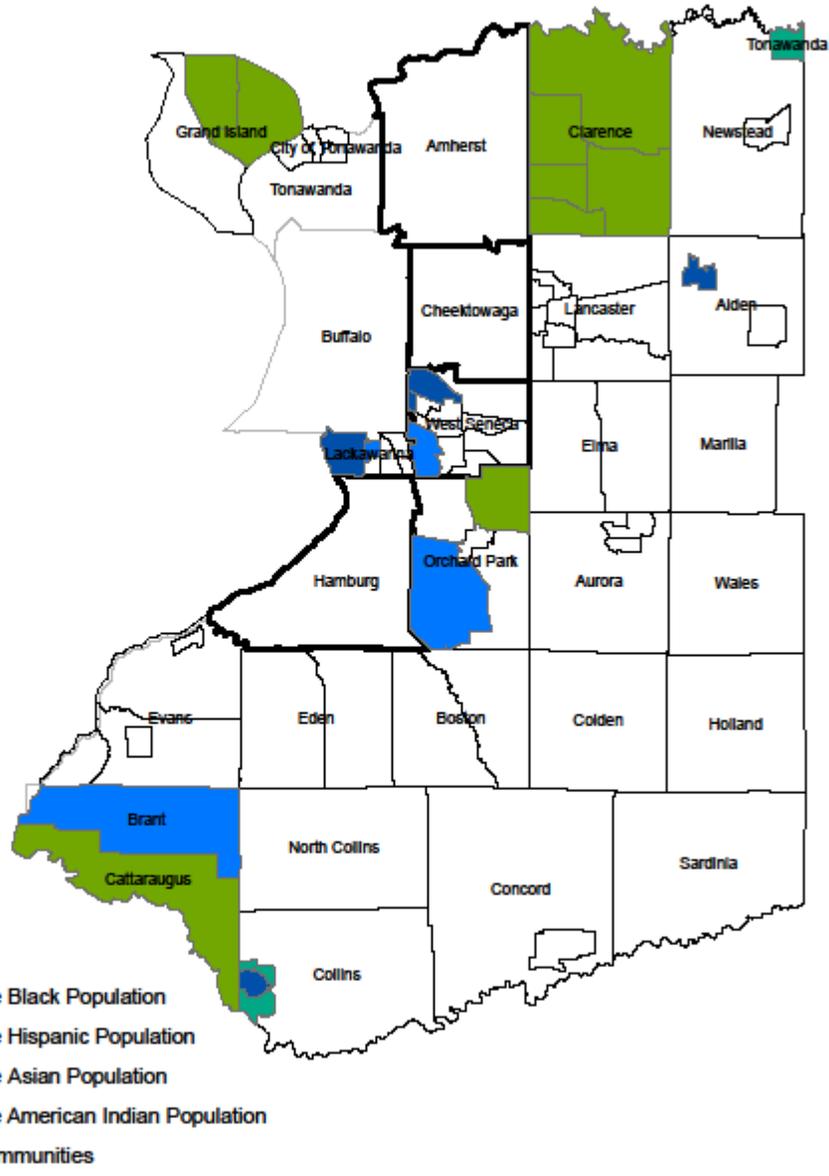
0 1 2 4 Miles

Source: American Community Survey 2015, DP04, S1702  
Calculations by Mullin & Lonergan Associates

Note: A racially or ethnically concentrated area of poverty is defined as a census tract where both the poverty rate and the percentage of racial or ethnic minorities double the rate of the overall geographic area. Near-RCAPs or near-ECAPs do not meet these thresholds but still have a rate that is over 10% above average.



## Areas Containing Above-Average Minority Race and Hispanic Ethnicity Populations Urban County, 2015

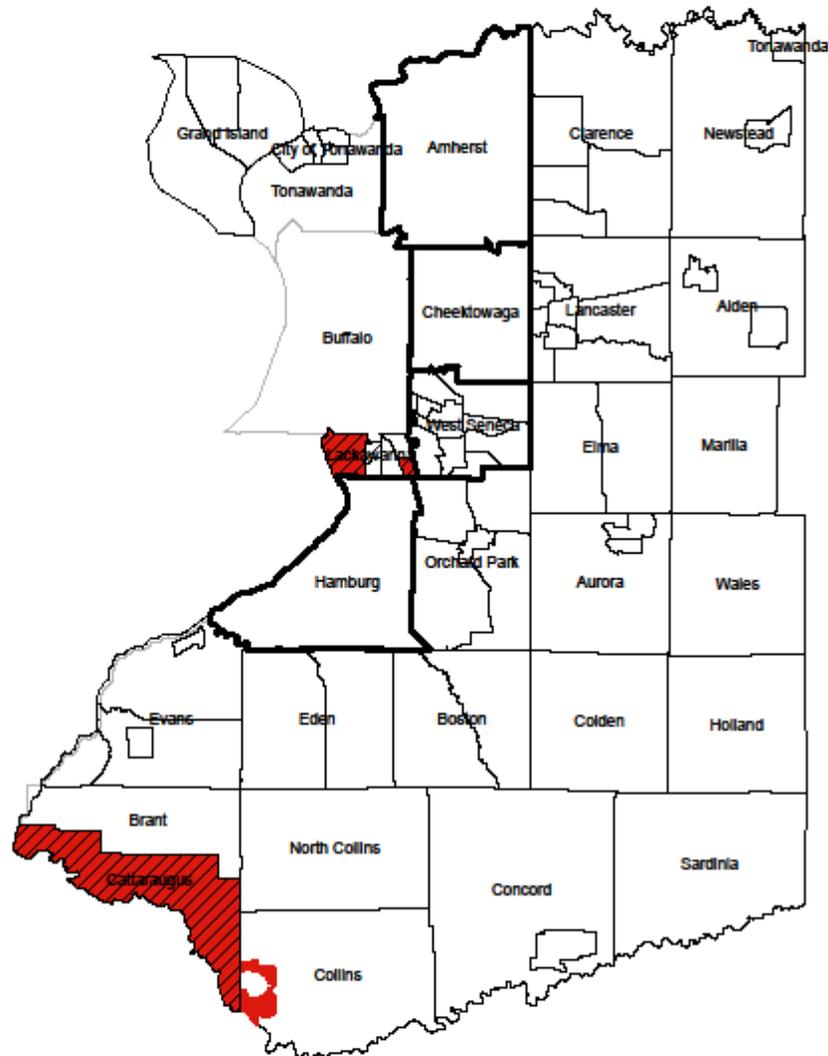


Source: American Community Survey 2015, DP04, S1702  
Calculations by Mullin & Lonergan Associates

Note: An above-average population is defined as a census tract where the percentage of racial or ethnic minorities double the rate of the overall Urban County Consortium.



## Racially or Ethnically Concentrated Areas of Poverty Urban County, 2015



### Legend

-  Ethnically Concentrated Area of Poverty selection
-  Racially Concentrated Area of Poverty
-  Entitlement Communities

Source: American Community Survey 2015, DP04, S1702  
Calculations by Mullin & Lonergan Associates

Note: A racially or ethnically concentrated area of poverty is defined as a census tract where both the poverty rate and the percentage of racial or ethnic minorities double the rate of the overall geographic area. Near-RCAPs or near-ECAPs do not meet these thresholds but still have a rate that is over 10% above average. The Urban County, Amherst, Cheektowaga, Tonawanda, and Hamburg all utilize local thresholds



There is also racial concentration in areas that do not have concentrated poverty, and concentrated poverty in predominantly White areas. These block groups are important to consider and are evaluated as well.

Of the areas with high racial concentrations, nine census tracts meet the localized thresholds for both high minority concentrations and high poverty rates, and are thus considered an RCAP or ECAP. Of these nine tracts, six are RCAPs, three are ECAPs, and three qualify as both a RCAP and an ECAP. One is located in Amherst, two are located in Cheektowaga, three are located in Lackawanna, one is located in Tonawanda, and two are located in the Urban County. Of these two RCAPs in the Urban County, one is located in the tract comprising the portion of the Cattaraugus Reservation that is within Erie County and the other is located in Collins, in the tract directly next to the Cattaraugus Reservation. The tract that comprises the Cattaraugus reservation was identified as an RCAP because it contains a concentration of Native Americans. In all other RCAPs, minority concentration was predominantly Black. Areas of racial concentration correlate strongly, but not perfectly, with poverty. Besides the RCAPs and ECAPs, there were above-average racial concentrations in Clarence and Grand Island. Above-average rates of Hispanic households were found in all six census tracts that comprise Lackawanna, although only three of these tracts also contain high enough poverty rates to be considered an ECAP. Hamburg contains a census tract with significant racial concentration, but due to a relatively low poverty rate is not considered to be an RCAP or ECAP.

Several RCAPs or ECAPs identified are more due to the presence of certain institutions than with poverty and minority concentration. While there are areas of high minority concentration in Amherst, including one ECAP, the proximity of the State University of New York at Buffalo is likely a larger influence on these demographics than general socioeconomic conditions. Students often have incomes low enough to be effectively living below the poverty line, although they are not the target demographic of this analysis. The student composition at SUNY Buffalo is likely to be more diverse than the general population, which also increases the number of minorities in the tracts. Similarly, the RCAP identified in Collins, NY is likely due to the presence of the Collins Correctional Facility. Since there is no way to separate students or prisoners from the general population, this must be taken into account when analyzing the map.

## 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.<sup>2</sup> 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

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<sup>2</sup> This aspect of segregation is related to the degree to which members of a group reside in areas where their group predominates, thus leading them to have less residential contact with other groups. See: Fossett, Mark. "Racial Segregation in America: A Nontechnical Review of Residential Segregation in Urban Areas." Department of Sociology and Racial and Ethnic Studies Institute, Texas A&M University, 2004.

group is spatially separated from another within a community. The index of dissimilarity, which was calculated from ACS data specifically for this document, 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.<sup>3</sup> The index is typically interpreted as the percentage of the minority population (in this instance, the Black population) that would have to move out of their current areas and into a different area in order for a community or neighborhood to achieve full integration.

Between 2000 and 2013, the Urban County's White-Black dissimilarity index decreased significantly from 64.15 to 49.95. This means that the Urban County went from qualifying as highly segregated by national standards to not being categorized as highly segregated.<sup>4</sup> Nonetheless, the dissimilarity index still indicates that in order to achieve full integration among White and Black residents, almost half (49.95%) of Black residents would have to move to another tract within the County.

The dissimilarity index between White residents and the second-largest minority population, Hispanic residents, also decreased in the Urban County between 2000 and 2013. As the population grew substantially, the White-Hispanic index fell from 44.02 in 2000 to 30.55 in 2013. According to national standards, an index below 30 indicates low levels of segregation. This suggests that as the Hispanic population has grown in the Urban County, Hispanic residents may be more comfortable settling outside of Hispanic enclaves.

As the White-Black and White-Hispanic indexes fell, the White-Asian index has increased significantly. Between 2000 and 2013, the Asian population in the Urban County more than doubled, and data suggests that new Asian residents are moving to tracts where there is already a sizable Asian population. Areas in the Urban County with large growth in the Asian population include Grand Island and the Town of Clarence. In addition to falling White-Black and White-Hispanic indexes and an increasing White-Asian index, the Urban County has a very high White-American Indian index of 80.93, a moderate White-other race index of 47.16, and a low White-multi-race index of 23.19.

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<sup>3</sup> The index of dissimilarity is a commonly used demographic tool for measuring inequality. For a given geographic area, The index is equal to  $1/2$  the sum of  $ABS [(b/B)-(a/A)]$ , where b is the subgroup population of a census tract, B is the total subgroup population in a city, A is the majority population of a census tract, and A is the total majority population in the city. ABS refers to the absolute value of the calculation that follows.

<sup>4</sup> According to Douglas S. Massey, an index under 30 is low, between 30 and 60 is moderate, and above 60 is high. See Massey, "Origins of Economic Disparities: The Historical Role of Housing Segregation," in *Segregation: The Rising Costs for America*, edited by James H. Carr and Nandinee K. Kutty (New York: Routledge 2008) p. 41-42.

### Urban County Dissimilarity Indices, 2000-2013

	Dissimilarity with White Population	Population	Share of Total Population	
<b>2000</b>	<b>White</b>	-	298,254	95.39%
	<b>Black</b>	64.15	5,900	1.89%
	<b>American Indian</b>	70.97	2,880	0.92%
	<b>Asian</b>	29.12	1,666	0.53%
	<b>Some Other Race</b>	69.1	1,570	0.50%
	<b>Two or More Races</b>	27.56	2,357	0.75%
	<b>Hispanic*</b>	44.02	4,600	1.47%
<b>2013</b>	<b>White</b>	-	298,812	94.22%
	<b>Black</b>	49.95	5,831	1.84%
	<b>American Indian</b>	80.93	2,222	0.70%
	<b>Asian</b>	53.03	3,618	1.14%
	<b>Some Other Race</b>	47.16	2,485	0.78%
	<b>Two or More Races</b>	23.19	4,102	1.29%
	<b>Hispanic*</b>	30.55	7,599	2.40%

Source: 2009-2013 ACS DP-04

\*Note: Hispanic ethnicity is counted independently of race

Data at the tract level is available for Black, White, Asian, and Hispanic populations from 1970 forward, allowing for a longer-range dissimilarity index analysis. While White and Black populations and White and Hispanic populations have become more integrated overall since 1970, the Urban County's White and Asian populations have become increasingly segregated. During this time period, all three groups grew in size, but the Asian population in 2013 was almost ten times the size of the population in 1970. National trends of rapid immigration from Asian countries may be one explanatory factor. It should be noted, however, that the 1990s (shown in the data for 2000) marked a period of increased segregation for both Black and Hispanic populations.

### Changes in Racial and Ethnic Integration, Urban County, 1970-2013

Year	Black		Asian		Hispanic*	
	Population	DI Compared to White Population	Population	DI Compared to White Population	Population	DI Compared to White Population
<b>1970</b>	3883	67.53	390	23.28	2105	68.61
<b>1980</b>	3640	58.57	835	42.94	2481	39.01
<b>1990</b>	4378	64.05	2364	35.09	3111	38.6
<b>2000</b>	5,900	64.15	1,666	29.12	4,600	44.02
<b>2013</b>	5,831	49.95	3,618	53.03	7,599	30.55

Source: Census 1970-2000 SF-1, National Historical Geographic Information System: Version 1.0. University of Minnesota, 2011-2015. 2013 Data from ACS DP05 5-Year

\*Note: Hispanic ethnicity is counted independently of race

## Race/Ethnicity and Income

Household income is important because it is one of several factors used to determine a household's eligibility for a home mortgage loan or a rental lease. Median household income (MHI) in Erie County was \$60,818 in 2013, above the state median of \$58,003 and the national median of \$53,046. Median incomes in the Urban County and the Town of Hamburg are slightly higher at \$60,913 and \$61,440, respectively, while median income in the Town of Amherst is significantly higher, at \$67,615. The other entitlement communities, the Towns of Cheektowaga and Tonawanda, have much lower median incomes, at \$47,842 and \$53,001, respectively.

Across racial and ethnic groups in Erie County, Asians had the highest MHI at \$64,375. This holds true in the Urban County and the Town of Hamburg, but in Amherst and Cheektowaga, White households had the highest median incomes. Notably, Hispanic households in the Town of Tonawanda had the highest median incomes by far. Of the five communities analyzed in this report (the Urban County, Amherst, Cheektowaga, Tonawanda, and Hamburg), Tonawanda had the highest percentage of Hispanic residents, at 3.4% of the Town's total population, which suggests that this finding is not due to a smaller sample size. Additionally, within the Urban County, Hispanic households have a higher median income than their White neighbors.

As suggested by the lower median incomes among Blacks and Hispanics in Erie County, minority residents experienced poverty at greater rates than White residents in 2013. Just over 9% of White residents were living in poverty in 2010, compared to around a third of all minority households, with 38.1% of Hispanics, 36.9% of Blacks, and 30.6% of Asians. Within the Urban County however, Hispanic households were less likely to live in poverty than in the County as a whole (22.1%), and Asian households were even less likely than Whites to live in poverty (5.0% compared to 6.6%). Two in five Black households (40.5%) experienced poverty, which is more than in the County as a whole.

In Amherst, Cheektowaga, and Tonawanda, between 16% and 27% of minority households live in poverty. In Amherst, Asian households experience poverty at higher rates than Blacks, who are more likely to live in poverty than Hispanics. In Cheektowaga, Hispanic households experience the highest rates of poverty, followed by Blacks and Asians. In Tonawanda, a larger percentage of Black households live in poverty, followed by Asians and Hispanics. Interestingly, although Hamburg's overall median income is only slightly higher than the County as a whole, all racial and ethnic groups experience incredibly low rates of poverty, though it is the least diverse town of the four exception communities. This indicates that minority households living in Hamburg may experience greater economic opportunity than those living in the rest of the County.

## Income and Poverty by Race/Ethnicity, 2013

	Percent with Income Below Poverty Rate	Median Household Income
<b>Erie County</b>	<b>14.6%</b>	<b>\$60,816</b>
Whites	9.3%	\$60,334
Blacks	36.9%	\$42,692
Asians	30.6%	\$64,375
Hispanics	38.1%	\$58,407
<b>Urban County</b>	<b>7.3%</b>	<b>\$60,913</b>
Whites	6.6%	\$60,438
Blacks	40.5%	\$50,208
Asians	5.0%	\$108,657
Hispanics	22.1%	\$64,408
<b>Amherst</b>	<b>8.7%</b>	<b>\$67,615</b>
Whites	6.5%	\$69,173
Blacks	18.7%	\$47,101
Asians	24.1%	\$64,375
Hispanics	16.7%	\$56,114
<b>Cheektowaga</b>	<b>10.6%</b>	<b>\$47,842</b>
Whites	8.8%	\$48,892
Blacks	22.6%	\$38,282
Asians	16.3%	\$35,096
Hispanics	26.8%	\$46,250
<b>Tonawanda</b>	<b>9.4%</b>	<b>\$53,001</b>
Whites	8.8%	\$53,632
Blacks	22.6%	\$30,551
Asians	20.4%	\$45,527
Hispanics	19.6%	\$71,953
<b>Hamburg</b>	<b>6.7%</b>	<b>\$61,440</b>
Whites	6.5%	\$61,587
Blacks	5.5%	\$50,238
Asians	0.6%	\$111,250
Hispanics	7.6%	\$41,584

Source: 2009-2013 ACS (B19013, B19013A, B19013B, B19013D, B19013I, B17001, B17001A, B17001B, B17001D, B17001I)

The distribution of household income across income tiers by race and ethnicity is comparable to the trends previously described, showing a disparity between White and non-White households in both the region as a whole and the entitlement communities. White households in the Urban County are somewhat evenly distributed across income tiers, with 39% earning below \$50,000 and 41% earning over \$75,000. However, 70% of Black households in the Urban County earn less than \$50,000 and only 15% earn over \$75,000. Except for in Tonawanda, Black households fare slightly better in the

entitlement communities, with 52%, 62%, and 49% of Black households earning less than \$50,000 in Amherst, Cheektowaga, and Hamburg, respectively. Notably, whereas around one-third of Black households in Amherst, Cheektowaga, and Tonawanda earn less than \$25,000, just 6% of Hamburg's Black households earn the same amount, though there are significantly fewer black households in Hamburg than in the other three entitlement communities. There are also a greater percentage of Black households earning \$75,000 or more in Amherst, Cheektowaga, and Hamburg than in the Urban County or the County as a whole. Hamburg has the lowest percentage of African-American households in poverty (5.5%), and African-Americans have the highest median income (\$50,238) in Hamburg compared to other areas.

The gap between the percentages of high-earning White households and high-earning Black households was greater in the Urban County than in Erie County as a whole. For Hispanic households, the gap was much smaller in the Urban County than the County as a whole. The high rate of Asian households earning below \$25,000 present in Erie County—but not in the Urban County—is likely an outlier due to the presence of Asian students at the State University of New York at Buffalo. However, stakeholders interviewed also described an extensive refugee community in Buffalo, many of whom come from Asian countries and are low-income. This could also be contributing to the high proportion of low-income Asian households in the urban core. Overall, the data suggests that while Black families may experience less economic opportunity in the Urban County than the urban core, Hispanic families experience more when they live in Erie County's outlying areas.

### Housing Tenure by Race and Ethnicity, 2013

Municipality	White		Black		Asian		Hispanic	
	Households	% Owners	Households	% Owners	Households	% Owners	Households	% Owners
Alden town	2,734	79.0%	0	0.0%	0	0.0%	8	100.0%
Amherst town	31,962	75.2%	1,116	47.3%	1,092	38.3%	472	52.3%
Aurora town	4,322	80.4%	0	0.0%	21	100.0%	36	100.0%
Boston town	2,654	84.4%	0	0.0%	0	0.0%	23	100.0%
Brant town	605	82.9%	3	100.0%	0	0.0%	4	12.5%
Buffalo city	31,309	51.7%	13,901	33.2%	549	23.9%	1,690	19.4%
Cheektowaga town	25,573	74.7%	1,263	40.2%	111	32.4%	413	50.7%
Clarence town	8,891	84.8%	80	68.4%	424	88.9%	102	91.1%
Colden town	1,097	88.7%	0	0.0%	14	100.0%	0	0.0%
Collins town	1,310	79.9%	0	0.0%	0	0.0%	0	0.0%
Concord town	2,590	74.4%	24	100.0%	8	100.0%	24	100.0%
Eden town	2,667	89.8%	0	0.0%	0	0.0%	0	0.0%
Elma town	4,153	91.2%	0	0.0%	0	0.0%	0	0.0%
Evans town	5,165	83.1%	53	100.0%	0	0.0%	78	83.9%
Grand Island town	6,050	81.7%	67	44.1%	157	69.5%	92	47.4%
Hamburg town	17,184	74.0%	122	38.1%	20	50.0%	199	57.5%
Holland town	1,181	85.2%	0	0.0%	0	0.0%	0	0.0%
Lackawanna city	4,298	61.2%	259	36.4%	8	33.3%	209	33.3%
Lancaster town	12,650	77.6%	14	51.9%	36	100.0%	152	63.9%
Marilla town	1,683	87.9%	0	0.0%	0	0.0%	20	100.0%
Newstead town	2,719	80.0%	0	0.0%	9	100.0%	0	0.0%
North Collins town	1,086	83.5%	0	0.0%	0	0.0%	0	0.0%
Orchard Park town	9,133	79.4%	40	48.2%	31	100.0%	147	77.0%
Sardinia town	944	93.8%	0	0.0%	0	0.0%	0	0.0%
Tonawanda city	4,754	72.3%	0	0.0%	0	0.0%	11	34.4%
Tonawanda town	22,581	74.1%	127	15.6%	186	33.0%	273	49.4%
Wales town	1,093	89.2%	0	0.0%	0	0.0%	21	100.0%
West Seneca town	14,208	78.5%	53	24.3%	20	24.7%	189	45.7%
<b>Erie County</b>	<b>224,596</b>	<b>72.1%</b>	<b>17,122</b>	<b>34.3%</b>	<b>2,686</b>	<b>37.8%</b>	<b>4,163</b>	<b>31.1%</b>
<b>Urban County</b>	<b>95,987</b>	<b>79.7%</b>	<b>593</b>	<b>42.2%</b>	<b>728</b>	<b>72.4%</b>	<b>1,116</b>	<b>54.0%</b>

Sources : 2009-2013 ACS (B25003A, B25003B, B25003D, B25003I)

## 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 do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. A disability can also impede a person from being able to go outside the home alone or to work at a job or business.

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 (e.g., constructing an entrance ramp) or administrative changes (e.g., permitting the use of a service animal).

Across Erie County, 12.9% of the total civilian non-institutionalized population reported a disability in 2013. In the Urban County, 11.0% reported a disability. Of the entitlement communities, Tonawanda had the highest percentage of persons with disabilities (14.0%), followed by Cheektowaga (13.3%), Hamburg (10.7%), and Amherst (9.5%).

The most common type of disability among persons in the Urban County 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. About 4% of County residents between ages 18 and 64 reported this type of difficulty, which translates to a need for accessible housing. Cognitive disabilities affect another 3.4% of the Urban County's population. Additionally, about one in every five seniors age 65 and above reported an ambulatory disability. Of County residents ages 18 to 64, 2.8% reported a sensory disability such as vision or hearing. About 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 the Urban County, persons with disabilities were almost three times as likely as persons without disabilities to live in poverty. In 2013, 14.8% of residents with disabilities lived in poverty, compared to 5.4% of persons without disabilities who were living in poverty. Median earnings for disabled persons age 16 and older in Erie County were \$19,510, compared to \$31,497 for those without disabilities.

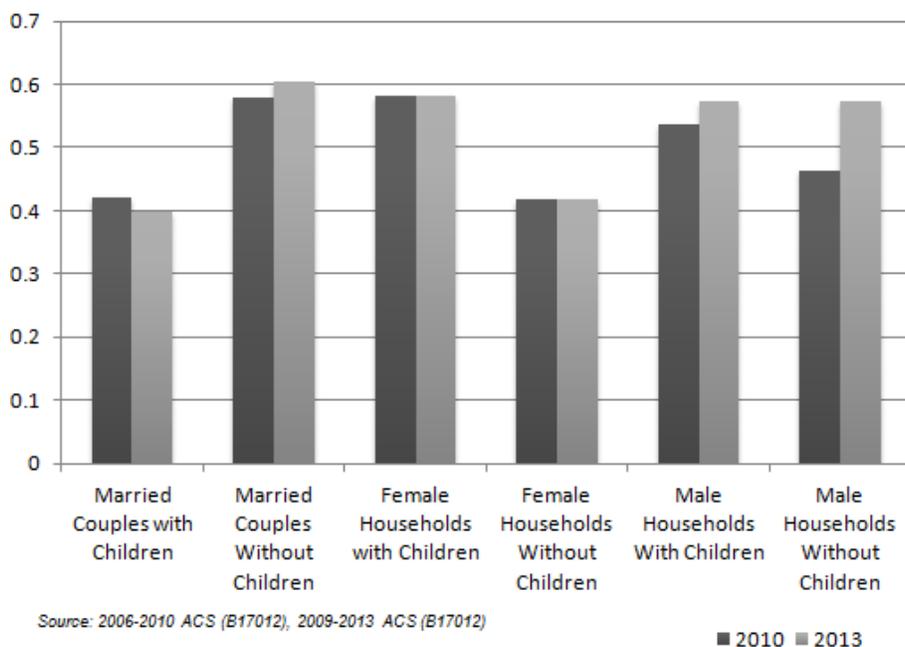
### **Familial Status and Income**

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 nonrelated 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 to Title VIII. 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.

Female-headed households with children often experience difficulty in obtaining housing, primarily as a result of lower-incomes and the potential unwillingness of some landlords to rent their units to families with children. Although they comprised only 8.0% of family households in the Urban County in 2013, female-headed households with children accounted for an overwhelming 45.7% of all families living in poverty. In the four entitlement communities, female-headed households with children account for around one-half of all families who live in poverty, with 46.0% in Amherst, 53.9% in Cheektowaga, 55.5% in Hamburg, and 50.9% in Tonawanda. Among female-headed households with children, 29.5% in the Urban County were living in poverty. This compares to just 2.6% of married-couple families with children in the Urban County.

### Trends in Household Type, Urban County, 2010-2013



### Ancestry and Income

It is illegal to refuse the right to housing based on place of birth or ancestry. Census data on native and foreign-born populations reported that in 2013, 58,808 people, or 6.3% of all residents of Erie County were foreign-born. In the Urban County, 11,212 people, or 3.5% of all residents, were foreign-born. The four entitlement communities of Amherst, Cheektowaga, Hamburg, and Tonawanda tended to have higher percentages of foreign born residents, with 12.3%, 5.0%, 2.8%, and 4.4%, respectively. Of the Urban County’s foreign-born population, just under half (49.0%) came from European countries, while 31.9% came from Asian countries and 13.4 % were from Latin American nations.

Erie County’s foreign-born population is more likely to experience poverty. According to 2009-2013 American Community Survey estimates, 23.1% of the foreign-born population for which poverty status is determined fell below the poverty line, compared to 13.9% of all native-born persons Countywide for whom this status is determined.

Persons with limited English proficiency (LEP) are defined by the federal government as persons who have a limited ability to read, write, speak or understand English. American Community Survey (ACS) data reports on the non-English language spoken at home for the population five years and older. In 2013, the Census Bureau reported that 29,465 persons in Erie County spoke English less than “very well.” This limited English proficiency subpopulation constituted 3.4% of the County’s total population. In the Urban County, there were 5,475 (1.8%) persons with LEP, 4,997 (4.3%) in Amherst, 1,988 (2.4%) in Cheektowaga, 508 (0.9%) in Hamburg, and 1,131 (1.6%) in Tonawanda.

The six most common language groups with LEP persons included Spanish, Arabic, Polish, Italian, Chinese, and French (including Patois, Cajun). To determine whether translation of vital documents

would be required, a HUD entitlement community must first identify the number of LEP persons in a single language group who are likely to qualify for and be served by the Urban County’s programs. No limited English proficiency subpopulation was large enough in the four entitlement communities to reach HUD’s threshold of 1000 persons or 1% of the population.

### Limited English Proficiency Language Groups, 2013

Language Group	Number of Speakers	Percentage of Total Population
<b>Urban County</b>		
Spanish or Spanish Creole	1,354	0.452%
Arabic	774	0.258%
Polish	621	0.207%
Italian	382	0.127%
Chinese	334	0.111%
French (Including Patois, Cajun)	185	0.062%

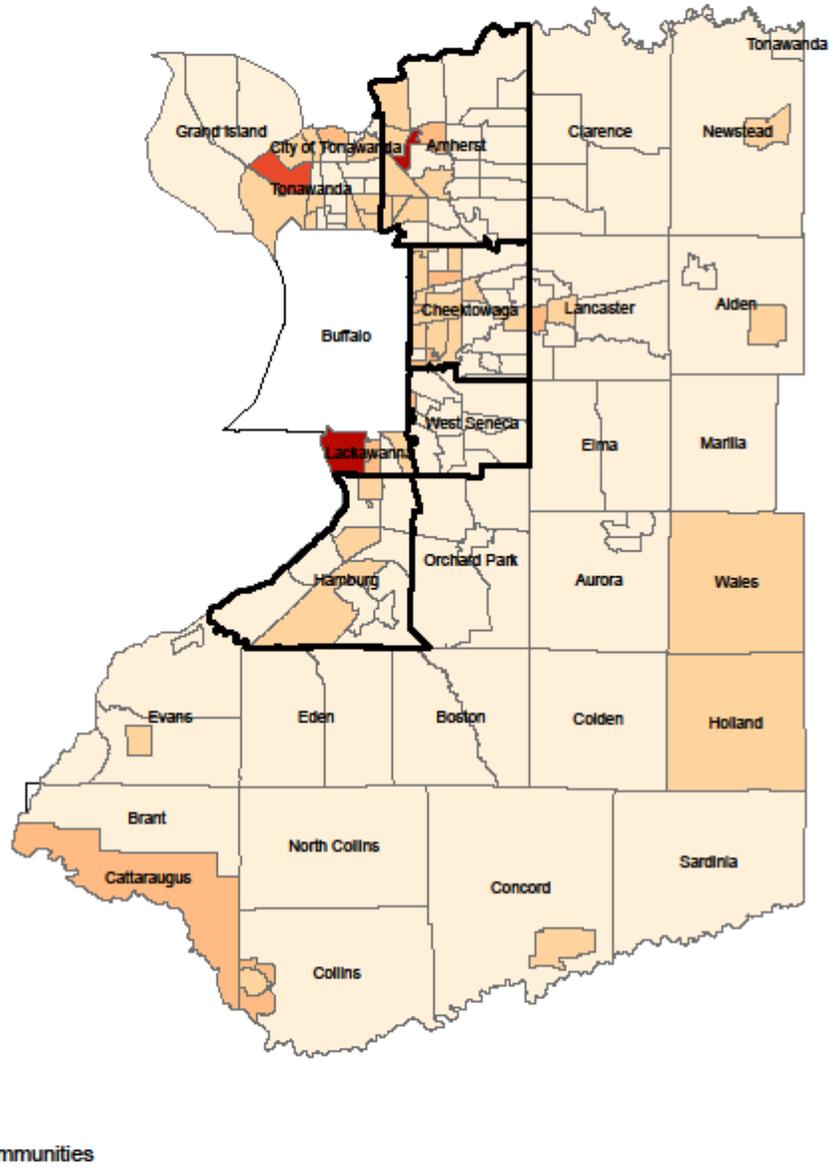
Source: 2009-2013 ACS (B16001)

Stakeholder advocacy organizations for persons with LEP reported that most new refugees settled in Erie County reside in Buffalo due to the availability of transportation, services and landlords willing to rent to families with no income or credit history. While stakeholders working with refugee resettlement agencies also reported that it attempts to place new refugees in neighborhoods where there are other people from their home countries, a lack of affordable housing and adequate public transit throughout Erie County also greatly influence, and severely restrict, housing choice for this population.

### Patterns of Poverty

Household poverty correlates strongly with limitations in housing choice and, as demonstrated in previous pages, disproportionately affects members of the protected classes in Erie County, particularly Black households, persons with disabilities and female-headed households with children. The map below illustrates the geographic distribution of poverty by census tract across the County, indicating the extent to which it is more common in areas very close to the City of Buffalo. The only areas outside of the inner-ring City of Lackawanna and the Towns of Cheektowaga, Amherst, and Tonawanda where the poverty rate exceeds 20% were the Lancaster tract to the south of Walden Ave and the Cattaraugus Reservation. In only two tracts do more than 40% of households fall below the poverty line, which was \$23,550 for a family of four in 2013. The vast majority of Urban County communities have poverty rates below 10%.

# Poverty Rates Erie County Outside of Buffalo, 2015



Source: American Community Survey 2015, DP04, S1702  
Calculations by Mullin & Lonergan Associates



## Employment and Protected Class Status

According to data from the Bureau of Labor Statistics' annual data from 2013, Erie County's unemployment rate was 7.4%, lower than the statewide rate of 7.7%. American Community Survey estimates spanning recent years provide detailed data by gender and race, indicating differences in employment rates among groups. In the Urban County, women experienced unemployment at lower rates than men, with 6.4% of women unemployed, compared to 7.0% of men. Black residents were substantially more likely to be unemployed than any other resident, with unemployment rates of 20.5%. Hispanic residents were also more likely to be unemployed than non-Hispanic White residents, with 14.5% unemployed in 2013 compared to 6.4% of Whites. Asian residents were less likely to be unemployed. The chart below shows the unemployment rate among various groups.

<b>Civilian Labor Force, 2013</b>				
	<b>Erie County</b>		<b>Urban County</b>	
	Total	%	Total	%
<b>Total Population</b>	<b>470,294</b>	100.0%	<b>166,736</b>	100.0%
Employed	430,098	91.5%	155,516	93.3%
Unemployed	40,196	8.5%	11,220	6.7%
<b>Male</b>	<b>239,313</b>	50.9%	<b>86,869</b>	52.1%
Employed	217,400	90.8%	80,758	93.0%
Unemployed	21,913	9.2%	6,111	7.0%
<b>Female</b>	<b>230,981</b>	49.1%	<b>79,867</b>	47.9%
Employed	212,698	92.1%	74,758	93.6%
Unemployed	18,283	7.9%	5,109	6.4%
<b>White</b>	<b>398,113</b>	84.7%	<b>160,852</b>	96.5%
Employed	370,452	93.1%	150,618	93.6%
Unemployed	27,573	6.9%	10,172	6.3%
<b>Black</b>	<b>51,533</b>	11.0%	<b>1,656</b>	1.0%
Employed	41,606	80.7%	1,316	79.5%
Unemployed	9,884	19.2%	340	20.5%
<b>Asian</b>	<b>10,745</b>	2.3%	<b>1,602</b>	1.0%
Employed	10,032	93.4%	1,527	95.3%
Unemployed	696	6.5%	58	3.6%
<b>Hispanic</b>	<b>17,072</b>	3.6%	<b>3,300</b>	2.0%
Employed	14,503	85.0%	2,822	85.5%
Unemployed	2,550	14.9%	478	14.5%

Source: ACS 2009-2013 (B17005, C23002, C23002A, C23002B, C23002D, C23002I)

## Housing Inventory

Despite a population loss of 3.3% between 2000 and 2013, ACS figures show that Erie County's housing stock expanded by a net 3,928 units, or almost 1%. Within the Urban County, which experienced modest population growth, the increase in housing units far outpaced population growth (7.9% growth in housing stock compared to 1.4% population growth). This holds true in Amherst and Hamburg, the two entitlement communities that experienced population growth. In Cheektowaga and Tonawanda, which lost residents between 2000 and 2013, the loss of housing units was not as sharp as the loss of residents. While annual rates of growth were relatively steady in the Urban County, growth in Hamburg and Tonawanda picked up after 2010. Comparatively, the City of Buffalo lost a staggering 10,735 units, or 7.4%. A proliferation of units exceeding apparent demand in the Urban County suggests sprawl, as units in urban core communities continue to be abandoned and demolished as new structures are built in suburban and rural areas.

This observation is borne out upon review of changes in total units by municipality during the last decade. The following figure reports net gains exceeding 600 units in the towns of Amherst, Clarence, Grand Island, Hamburg, Lancaster, Orchard Park, and West Seneca. The greatest losses occurred in Buffalo, which lost 10,735 units, and towns of Cheektowaga and Tonawanda, which each lost more than 600. These findings suggest that a large proportion of development is occurring on the immediate outskirts of Erie County's urbanized area.

### Changes in Total Housing Units by Municipality, 2000-2013

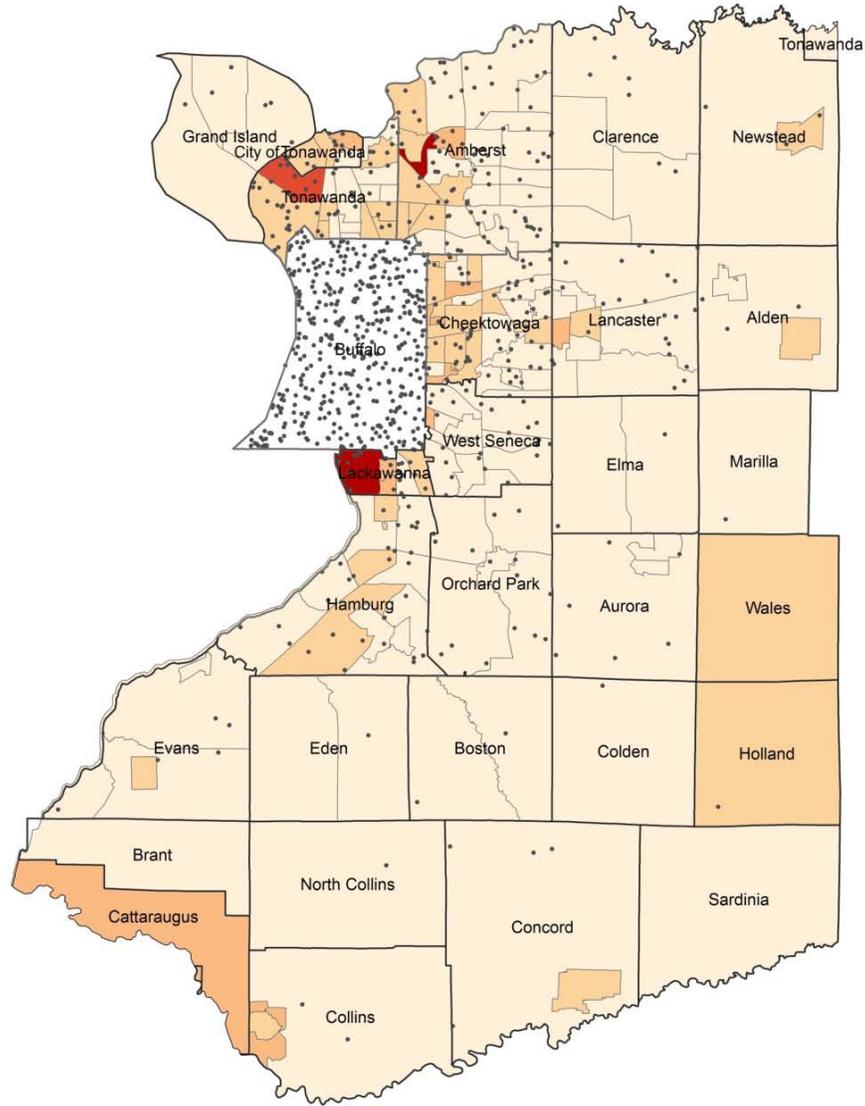
Municipality	2000	2010	2013	2000-2010 Change	2010-2013 Change	2000-2013 Change
Alden town	3,398	3,700	3,642	8.9%	-1.6%	7.2%
Amherst town	46,803	50,725	51,416	8.4%	1.4%	9.9%
Aurora town	5,686	5,906	5,844	3.9%	-1.0%	2.8%
Boston town	3,122	3,422	3,313	9.6%	-3.2%	6.1%
Brant town	812	938	925	15.5%	-1.4%	13.9%
Buffalo city	145,574	139,174	134,839	-4.4%	-3.1%	-7.4%
Cheektowaga town	41,901	41,362	41,143	-1.3%	-0.5%	-1.8%
Clarence town	9,497	11,260	11,453	18.6%	1.7%	20.6%
Colden town	1,337	1,402	1,353	4.9%	-3.5%	1.2%
Collins town	1,882	2,039	1,907	8.3%	-6.5%	1.3%
Concord town	3,451	3,704	3,841	7.3%	3.7%	11.3%
Eden town	2,995	3,066	3,078	2.4%	0.4%	2.8%
Elma town	4,296	4,662	4,758	8.5%	2.1%	10.8%
Evans town	7,507	7,455	7,424	-0.7%	-0.4%	-1.1%
Grand Island town	7,354	7,940	8,230	8.0%	3.7%	11.9%
Hamburg town	22,830	24,261	24,935	6.3%	2.8%	9.2%
Holland town	1,408	1,421	1,438	0.9%	1.2%	2.1%
Lackawanna city	8,982	9,317	9,315	3.7%	0.0%	3.7%
Lancaster town	15,627	16,677	17,577	6.7%	5.4%	12.5%
Marilla town	2,088	1,972	1,956	-5.6%	-0.8%	-6.3%
Newstead town	3,623	3,808	3,693	5.1%	-3.0%	1.9%
North Collins town	1,403	1,435	1,447	2.3%	0.8%	3.1%
Orchard Park town	10,644	11,611	12,257	9.1%	5.6%	15.2%
Sardinia town	1,017	1,162	1,120	14.3%	-3.6%	10.1%
Tonawanda city	7,120	7,000	7,210	-1.7%	3.0%	1.3%
Tonawanda town	34,634	33,617	33,999	-2.9%	1.1%	-1.8%
Wales town	1,165	1,203	1,310	3.3%	8.9%	12.4%
West Seneca town	18,954	19,340	19,615	2.0%	1.4%	3.5%
<b>Erie County</b>	<b>415,110</b>	<b>419,579</b>	<b>419,038</b>	<b>1.1%</b>	<b>-0.1%</b>	<b>0.9%</b>
<b>Urban County</b>	<b>144,790</b>	<b>153,280</b>	<b>156,203</b>	<b>5.9%</b>	<b>1.9%</b>	<b>7.9%</b>

Sources: 2000 Census (SF-3, DP-4), 2006-2010 ACS (DP04), 2009-2013 ACS (DP04)

In 2013, single-family units comprised 76.9% of the housing stock in the Urban County, and multi-family units comprised 20.8%. Mobile homes accounted nearly entirely for the remaining 2.3%. In the entitlement communities, single family homes make up a slightly smaller portion of the housing stock, between 66% and 72%. Amherst, Cheektowaga, and Tonawanda have between 29% and 32% multi-family units, while Hamburg has just 25%. Amherst and Tonawanda have very few mobile homes, while mobile homes make up 2% to 4% of the housing stock in Cheektowaga and Hamburg.

In only four of Erie County's municipalities, more than 30% of all units were in multi-family buildings, primarily apartments or condominiums with just two to four units in a building. The highest such rates were in Buffalo, followed by the City of Lackawanna and the Towns of Amherst and Cheektowaga. Details by municipality appear in the following map.

# Comparison of Multi-Family Units with Poverty Rates Erie County Outside of Buffalo, 2013



**Legend**

- County Boundary
- 1 Dot = 200
- MultiUnits

**Poverty Rate**

- 0% to 10%
- 10% to 20%
- 20% to 30%
- 30% to 40%
- Over 40%

Source: American Community Survey 2013  
Calculations by Mullin & Lonergan Associates



In 2013, there were seven communities where multi-family housing comprised less than 10% of all units, shown in the following figure. Each of these communities had at least 4% multi-family units. Except in the Town of Eden, all multi-family units were in structures with two to four units.

### Municipalities with Under 10% Multi-Family Housing

Municipality	Total Units	Multi-family Units	
		#	%
Brant town	925	77	8.3%
Colden town	1,353	121	8.9%
Eden town	3,078	191	6.2%
Elma town	4,758	323	6.8%
Marilla town	1,956	112	5.7%
Sardinia town	1,120	52	4.6%
Wales town	1,310	59	4.5%

Sources: 2009-2013 ACS (DP02, DP04)

### Housing Units by Structure Type Across Municipalities, 2013

Municipality	Total Units	Single-family Units	2 to 4	5 to 9	10 to 19	20 or more	Total	Mobile Home	Boat, RV, Van, etc.
Alden town	3,642	2,886	358	174	37	9	578	178	0
Amherst town	51,416	34,741	7,709	3,655	1,629	3,546	16,539	136	0
Aurora town	5,844	4,625	714	285	57	76	1,132	87	0
Boston town	3,313	2,702	323	123	21	26	493	118	0
Brant town	925	827	77	0	0	0	77	21	0
Buffalo city	134,839	48,868	64,433	5,619	3,685	11,882	85,619	334	18
Cheektowaga town	41,143	27,270	9,346	1,353	1,387	820	12,906	967	0
Clarence town	11,453	9,680	663	218	38	424	1,343	430	0
Colden town	1,353	1,201	107	0	0	14	121	31	0
Collins town	1,907	1,424	275	42	0	50	367	116	0
Concord town	3,841	2,792	464	210	0	120	794	255	0
Eden town	3,078	2,871	59	55	0	77	191	16	0
Elma town	4,758	4,408	323	0	0	0	323	13	14
Evans town	7,424	6,132	524	84	112	237	957	335	0
Grand Island town	8,230	6,972	263	661	205	111	1,240	18	0
Hamburg town	24,935	17,818	3,301	1,180	920	858	6,259	858	0
Holland town	1,438	1,117	178	48	0	0	226	95	0
Lackawanna city	9,315	4,552	3,520	410	97	420	4,447	283	33
Lancaster town	17,577	12,861	3,191	490	367	624	4,672	44	0
Marilla town	1,956	1,701	112	0	0	0	112	143	0
Newstead town	3,693	2,530	425	186	0	10	621	542	0
North Collins town	1,447	1,276	117	34	2	18	171	0	0
Orchard Park town	12,257	9,333	1,081	1,379	91	373	2,924	0	0
Sardinia town	1,120	1,064	52	0	0	0	52	4	0
Tonawanda city	7,210	5,300	1,489	160	24	227	1,900	10	0
Tonawanda town	33,999	23,731	5,661	1,960	930	1,580	10,131	120	17
Wales town	1,310	1,117	59	0	0	0	59	134	0
West Seneca town	19,615	14,638	2,704	1,014	459	582	4,759	218	0
<b>Erie County</b>	<b>419,038</b>	<b>254,437</b>	<b>107,528</b>	<b>19,340</b>	<b>10,061</b>	<b>22,084</b>	<b>159,013</b>	<b>5,506</b>	<b>82</b>
<b>Urban County</b>	<b>132,706</b>	<b>102,009</b>	<b>17,078</b>	<b>5,573</b>	<b>1,510</b>	<b>3,398</b>	<b>27,559</b>	<b>3,091</b>	<b>47</b>

Source: 2009-2013 ACS (DP04)

In 2013, the Census Bureau estimated that the Urban County's occupied housing inventory of 124,421 was 79.0% owner-occupied, compared to the 65.3% rate across Erie County overall. These figures were slightly lower in the four entitlement communities. In both Amherst and Cheektowaga, homeowners occupied 71.1% of the housing units, while in Hamburg and Tonawanda, 73.0% and 71.5% were owner-occupied, respectively. By comparison, only 42.1% of housing units in the City of Buffalo were owner-occupied.

To isolate apartment units from condominium units that are owner-occupied and located within multi-family structures, the following figure examines the tenure of units by structure type. Of the total owner-occupied housing stock of 98,254 units in the Urban County, 4,853 units (4.9%) were in multi-family structures. By comparison, there were many more multi-family units within the rental stock. Of the 26,167 rental units in the Urban County, 19,056 (69.2%) were in multi-family structures. Multi-family rental units are concentrated in particular areas of Erie County, with almost half (48.9%) of the multi-family rental units outside of the City of Buffalo located in the four urban core exception communities. Those four communities represent 51.8% of the County's total population outside of Buffalo.

The right-most column of the figure showing units by tenure and type represents the proportion of each community's total occupied housing that consists of renter-occupied multi-family units. In nine municipalities, such units represented less than 10% of the total occupied housing inventory in 2013. In several of these municipalities, the data indicates that renters are more likely to live in single-family homes, but in others, the data points to a lack of rental housing in general.

### Housing Units by Tenure and Structure Type, 2013

Municipality	Total	Owner-Occupied				Renter-Occupied				% Renter-occupied Multi-family
		Total	Single-family	Multi-family	% Multi-family	Total	Single-family	Multi-family	% Multi-family	
Alden town	3,491	2,748	2,516	107	3.9%	743	289	443	59.6%	21.3%
Amherst town	48,637	34,622	31,328	3,158	9.1%	14,015	2,289	11,726	83.7%	28.8%
Aurora town	5,440	4,381	4,163	179	4.1%	1,059	247	800	75.5%	19.5%
Boston town	3,155	2,663	2,473	72	2.7%	492	113	379	77.0%	15.6%
Brant town	791	637	616	6	0.9%	154	108	45	29.2%	19.5%
Buffalo city	112,037	47,254	32,659	14,456	30.6%	64,783	11,746	52,960	81.7%	57.8%
Cheektowaga town	38,265	27,207	24,130	2,243	8.2%	11,058	1,904	9,055	81.9%	28.9%
Clarence town	11,135	9,457	8,874	203	2.1%	1,678	533	1,095	65.3%	15.1%
Colden town	1,251	1,111	1,045	66	5.9%	140	79	30	21.4%	11.2%
Collins town	1,730	1,383	1,233	41	3.0%	347	83	257	74.1%	20.1%
Concord town	3,538	2,635	2,412	69	2.6%	903	165	697	77.2%	25.5%
Eden town	2,969	2,667	2,653	7	0.3%	302	118	184	60.9%	10.2%
Elma town	4,554	4,153	3,966	160	3.9%	401	251	150	37.4%	8.8%
Evans town	6,366	5,264	4,932	82	1.6%	1,102	355	701	63.6%	17.3%
Grand Island town	7,874	6,300	6,235	47	0.7%	1,574	508	1,066	67.7%	20.0%
Hamburg town	23,813	17,399	15,856	781	4.5%	6,414	1,246	5,088	79.3%	26.9%
Holland town	1,386	1,181	1,047	39	3.3%	205	43	162	79.0%	14.8%
Lackawanna city	8,214	4,754	3,582	1,010	21.2%	3,460	852	2,539	73.4%	42.1%
Lancaster town	16,494	12,777	11,915	841	6.6%	3,717	560	3,157	84.9%	22.5%
Marilla town	1,914	1,683	1,510	40	2.4%	231	191	40	17.3%	12.1%
Newstead town	3,455	2,775	2,226	69	2.5%	680	192	473	69.6%	19.7%
North Collins town	1,311	1,097	1,075	22	2.0%	214	118	96	44.9%	16.3%
Orchard Park town	11,655	9,239	8,770	469	5.1%	2,416	461	1,955	80.9%	20.7%
Sardinia town	1,024	956	937	15	1.6%	68	45	23	33.8%	6.6%
Tonawanda city	6,713	4,802	4,546	246	5.1%	1,911	519	1,392	72.8%	28.5%
Tonawanda town	32,329	23,127	21,661	1,362	5.9%	9,202	1,245	7,924	86.1%	28.5%
Wales town	1,235	1,102	992	0	0.0%	133	50	59	44.4%	10.8%
West Seneca town	18,726	14,489	13,208	1,063	7.3%	4,237	924	3,313	78.2%	22.6%
<b>Erie County</b>	<b>379,502</b>	<b>247,863</b>	<b>216,560</b>	<b>26,853</b>	<b>10.8%</b>	<b>131,639</b>	<b>25,234</b>	<b>105,809</b>	<b>80.38%</b>	<b>34.7%</b>
<b>Urban County</b>	<b>124,421</b>	<b>98,254</b>	<b>90,926</b>	<b>4,853</b>	<b>4.9%</b>	<b>26,167</b>	<b>6,804</b>	<b>19,056</b>	<b>72.82%</b>	<b>21.0%</b>

Source: 2009-2013 ACS (B25032)

## Home Ownership and Protected Class Status

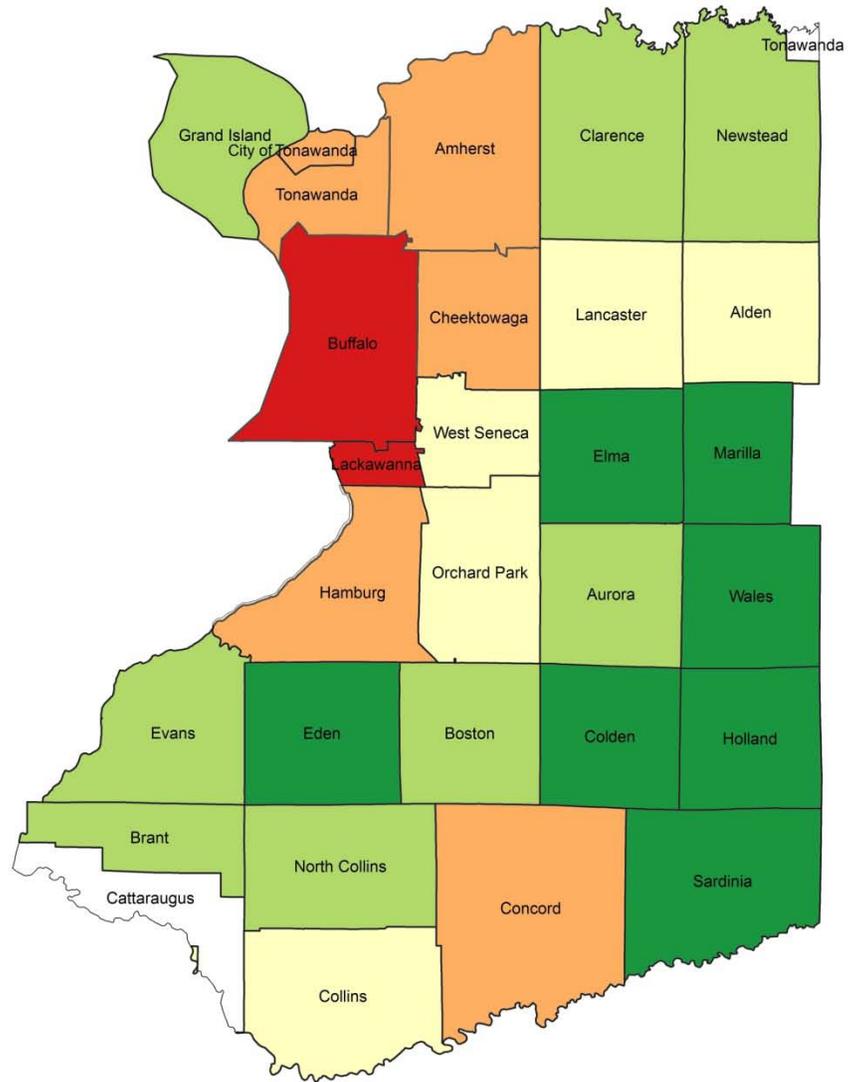
The value in home ownership lies in the accumulation of wealth as the owner's share of equity increase with the property's value. Paying a monthly mortgage instead of rent is an investment in an asset that is likely to appreciate.

Minority groups in Erie County have lower home ownership rates than Whites. In 2010, in the Urban County (excluding the anomalous Cattaraugus and Tonawanda Reservations), Whites had a home ownership rate of 79.7%. By comparison, Asians had a rate of 72.4% and Hispanics had a rate of 54%. By contrast, only 42.2% of Black households owned their homes.

Among municipalities in the Urban County, minority home ownership varied widely, as illustrated in the following figure. In some municipalities, the rate of home ownership for certain ethnic groups reached 100% regardless of the total number of households. For instance, 100% of Blacks, Asians, and Hispanics owned their homes in Concord town while the rate of home ownership for Whites in the same region was only 74.4%.

As previously noted, the median income for Black households in the Urban County is \$50,208 whereas for Whites the median household income is \$60,438. This drastic difference may be one of several factors that contribute to the generally lower rates of home ownership among Black families in the Urban County.

# Owner Occupancy by Municipality Erie County, 2013



## Legend

County Boundary

### Percent of Units Owner-Occupied

Below 70%

70% to 75%

75% to 80%

80% to 85%

Over 85%

Source: American Community Survey 2013  
Calculations by Mullin & Lonergan Associates



### Housing Tenure by Race and Ethnicity, 2013

Municipality	White		Black		Asian		Hispanic	
	Households	% Owners	Households	% Owners	Households	% Owners	Households	% Owners
Alden town	2,734	79.0%	0	0.0%	0	0.0%	8	100.0%
Amherst town	31,962	75.2%	1,116	47.3%	1,092	38.3%	472	52.3%
Aurora town	4,322	80.4%	0	0.0%	21	100.0%	36	100.0%
Boston town	2,654	84.4%	0	0.0%	0	0.0%	23	100.0%
Brant town	605	82.9%	3	100.0%	0	0.0%	4	12.5%
Buffalo city	31,309	51.7%	13,901	33.2%	549	23.9%	1,690	19.4%
Cheektowaga town	25,573	74.7%	1,263	40.2%	111	32.4%	413	50.7%
Clarence town	8,891	84.8%	80	68.4%	424	88.9%	102	91.1%
Colden town	1,097	88.7%	0	0.0%	14	100.0%	0	0.0%
Collins town	1,310	79.9%	0	0.0%	0	0.0%	0	0.0%
Concord town	2,590	74.4%	24	100.0%	8	100.0%	24	100.0%
Eden town	2,667	89.8%	0	0.0%	0	0.0%	0	0.0%
Elma town	4,153	91.2%	0	0.0%	0	0.0%	0	0.0%
Evans town	5,165	83.1%	53	100.0%	0	0.0%	78	83.9%
Grand Island town	6,050	81.7%	67	44.1%	157	69.5%	92	47.4%
Hamburg town	17,184	74.0%	122	38.1%	20	50.0%	199	57.5%
Holland town	1,181	85.2%	0	0.0%	0	0.0%	0	0.0%
Lackawanna city	4,298	61.2%	259	36.4%	8	33.3%	209	33.3%
Lancaster town	12,650	77.6%	14	51.9%	36	100.0%	152	63.9%
Marilla town	1,683	87.9%	0	0.0%	0	0.0%	20	100.0%
Newstead town	2,719	80.0%	0	0.0%	9	100.0%	0	0.0%
North Collins town	1,086	83.5%	0	0.0%	0	0.0%	0	0.0%
Orchard Park town	9,133	79.4%	40	48.2%	31	100.0%	147	77.0%
Sardinia town	944	93.8%	0	0.0%	0	0.0%	0	0.0%
Tonawanda city	4,754	72.3%	0	0.0%	0	0.0%	11	34.4%
Tonawanda town	22,581	74.1%	127	15.6%	186	33.0%	273	49.4%
Wales town	1,093	89.2%	0	0.0%	0	0.0%	21	100.0%
West Seneca town	14,208	78.5%	53	24.3%	20	24.7%	189	45.7%
<b>Erie County</b>	<b>224,596</b>	<b>72.1%</b>	<b>17,122</b>	<b>34.3%</b>	<b>2,686</b>	<b>37.8%</b>	<b>4,163</b>	<b>31.1%</b>
<b>Urban County</b>	<b>95,987</b>	<b>79.7%</b>	<b>593</b>	<b>0</b>	<b>728</b>	<b>72.4%</b>	<b>1,116</b>	<b>54.0%</b>

Sources : 2009-2013 ACS (B25003A, B25003B, B25003D, B25003I)

## Household Size and Protected Class Status

Larger families may be at risk for housing discrimination due to the presence of children, which qualifies them as a protected class under 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 size of the unit will have a negative impact on members of the protected classes. Fair housing in the State of New York is protected on the basis of Civil Rights Act, Federal Fair Housing Act, New York State Human Rights Law, and municipal statute (e.g., West Seneca Fair Housing Ordinance). Policies that limit the size of the unit do not exist in Erie County at the County level but can potentially exist in municipal ordinances.

A household with three or more people often indicates the presence of children. In the Urban County, minorities were more likely than Whites to live in households with three or more people. In 2010, 54.6% of White households had three or more people as did Urban County residents overall while 58.9% of Black households, 72% of Asian households, and 54.5% of Hispanic households were larger families. In

some municipalities such as Amherst town, Cheektowaga town, Hamburg town, and Tonawanda town, Hispanic families were least likely to have three or more persons among four ethnic groups.

### Percentage of Families with Three or More Persons

	Total	White	Black	Asian	Hispanic
<b>Erie County</b>	53.9%	53.3%	61.0%	70.9%	53.0%
<b>Urban County</b>	54.6%	54.6%	58.9%	72.0%	54.5%
Amherst	52.8%	52.2%	59.6%	64.9%	52.0%
Cheektowaga	50.4%	50.0%	59.6%	69.0%	49.8%
Tonawanda	51.0%	51.0%	61.7%	60.6%	50.7%
Hamburg	55.5%	55.5%	65.3%	60.9%	55.4%

Source: Census 2010 (SF1: P28A, P28B, P28D, P28I)

### Housing Tenure by Bedrooms, 2013

		0-1 bedroom		2 bedrooms		3 or more bedrooms	
		#	%	#	%	#	%
<b>Renter-Occupied</b>	<b>Urban County</b>	<b>6,930</b>	<b>26.5%</b>	<b>12,134</b>	<b>46.4%</b>	<b>7,103</b>	<b>27.1%</b>
	Amherst	4,229	30.2%	6,563	46.8%	3,223	23.0%
	Cheektowaga	1,635	14.8%	5,936	53.7%	3,487	31.5%
	Tonawanda	2,821	12.2%	4,174	18.0%	2,207	9.5%
	Hamburg	2,158	33.6%	3,001	46.8%	1,255	19.6%
<b>Owner-Occupied</b>	<b>Urban County</b>	<b>1,360</b>	<b>1.4%</b>	<b>14,318</b>	<b>14.6%</b>	<b>82,576</b>	<b>84.0%</b>
	Amherst	4,229	12.2%	6,563	19.0%	3,223	9.3%
	Cheektowaga	330	1.2%	4,085	15.0%	22,792	83.8%
	Tonawanda	85	0.4%	3,552	15.4%	19,490	84.3%
	Hamburg	146	0.8%	3,151	18.1%	14,102	81.1%

Source: 2009-2013 ACS B25042

To adequately house larger families, a sufficient supply of larger dwelling units consisting of three or more bedrooms is necessary. In the Urban County, there are fewer options to rent a unit than to own one in order to accommodate large families. Of 26,301 rental units in 2013, only 27.1% had three or more bedrooms, compared to 84% of the owner housing stock. This finding was also reported by a stakeholder: the number of larger units for families with children is limited, especially affordable units for lower-income households.

### Housing Costs

Increasing housing costs are not a direct form of housing discrimination. Nonetheless, 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 other areas.

Between 2000 and 2013, median housing value (adjusted for inflation to 2013 dollars using BLS indices) increased by 10.8% across Erie County whereas real median income declined by 4.3% in real dollars.

Median gross rent decreased by 1.6% during the same years. The increase in median housing value paired with the decrease of real income indicates that purchasing a house has become more expensive for individuals and families.

### Changes in Housing Value, Rent and Income Erie County, 2000-2013\*

	Median Housing Value	Median Gross Rent	Median Household Income
<b>2000**</b>	\$133,388	\$725	\$63,540
<b>2013</b>	\$147,800	\$714	\$60,816
<b>Change</b>	<b>10.80%</b>	<b>-1.60%</b>	<b>-4.30%</b>

*Excludes Cattaraugus Reservation and Tonawanda Reservation\**

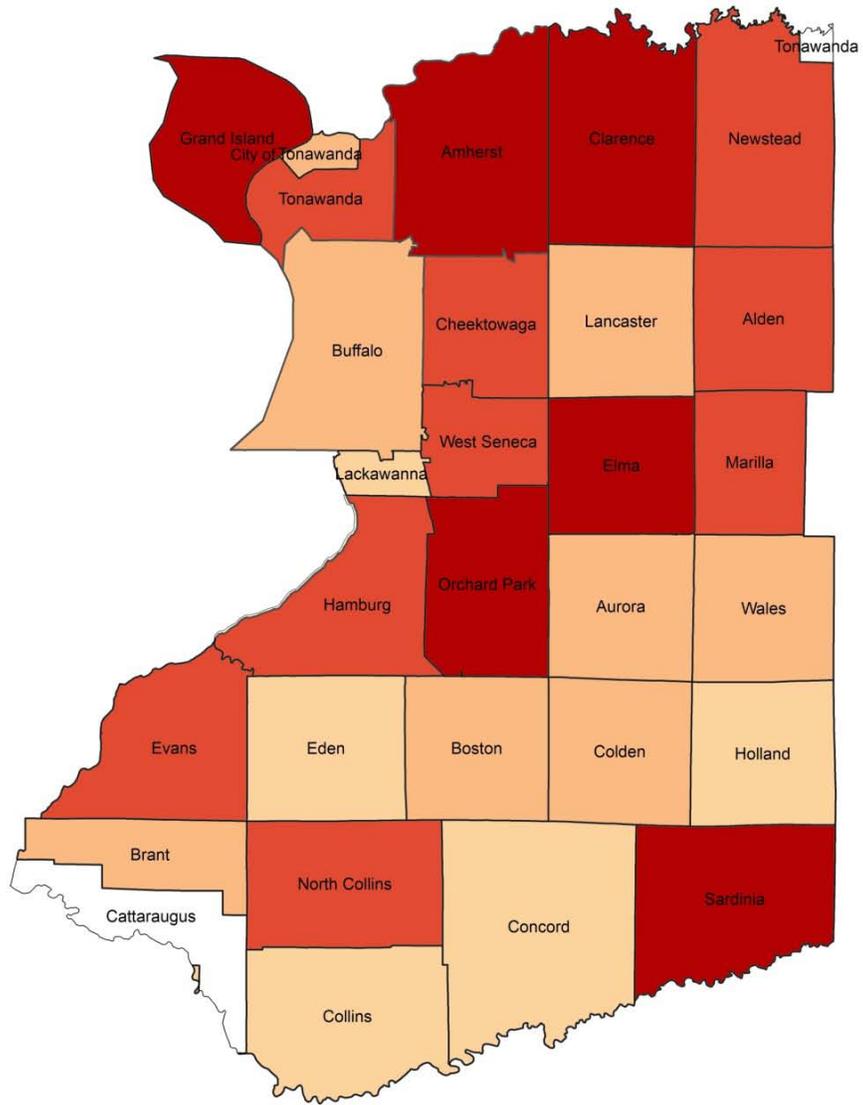
*\*\*Adjusted for inflation to 2013 dollars using BLS indices*

*Source: Census 200 (SF3, H076, H063, P053), 2009-2013 ACS (B25077, B25064, B19013)*

*All dollar figures are in 2013 dollars*

Representatives from the Buffalo Niagara Association of Realtors were interviewed for this analysis. There is currently a four-month supply of housing units listed for sale; a six-month supply is preferred because it provides a greater selection for buyers at a wider range of sales prices. Most transactions involve existing homes and the average number of days on the market is 68. The region has experienced modest growth and was not impacted significantly by foreclosures, especially when compared to communities downstate. Growth in Erie County is occurring in the northern and eastern areas, particularly in districts with higher performing schools. New appraisal regulations are stricter, and this has impacted housing sales. Appraisals are coming in at less than the asking prices; as a result, sellers are being forced to reduce the list prices.

# Median Gross Rent by Municipality Erie County, 2013



**Legend**

County Boundary

**Median Gross Rent**

- Below \$500
- \$500 to \$600
- \$600 to \$700
- \$700 to \$800
- Over \$800

Source: American Community Survey 2013  
Calculations by Mullin & Lonergan Associates



The number of affordable rental units in the Urban County declined between 2000 and 2013. The number of units renting for less than \$500 monthly fell by more than half (57%). During the same time, the number of units renting for more than \$1,000 per month increased from 812 to 4,341, or 434.6%. Within Erie County, the increase was notable in Cheektowaga (756.5%).

The data do not provide a distinction between units that were actually lost from the inventory (through demolition, etc.) and those for which rents were increased. This figure should be analyzed with an understanding that \$500 was worth more in 2000 than in 2013 due to inflation. This figure cannot be adjusted for inflation due to the categorical nature of the price brackets used by the census.

### Affordable Rental Housing Units, 2000-2013

Units Renting for:	2000	2013	2000-2013 Change
<b>Erie County</b>			
Less than \$500	58318	21830	-62.6%
\$500 to \$699	47985	36703	-23.5%
\$700 to \$999	16277	47309	190.6%
\$1,000 or more	3667	21081	474.9%
<b>Urban County</b>			
Less than \$500	9722	4180	-57.0%
\$500 to \$699	9107	7448	-18.2%
\$700 to \$999	3235	8831	173.0%
\$1,000 or more	812	4341	434.6%

Sources: 2000 ACS (SF3-H062), 2009-2013 ACS (B25063)

### Affordable Rental Housing Units, Urban County, 2000-2013

Units Renting for:	2000-2013 Change			
	Less than \$500	\$500 to \$699	\$700 to \$999	\$1,000 or more
<b>Urban County</b>	<b>-57.0%</b>	<b>-18.2%</b>	<b>173.0%</b>	<b>434.6%</b>
Amherst town	-29.7%	-70.5%	41.8%	290.0%
Cheektowaga town	-66.1%	-48.8%	222.8%	756.5%
Hamburg town	-37.1%	-29.7%	169.6%	269.2%
Tonawanda town	-65.1%	-38.8%	348.7%	270.4%

Sources: 2000 ACS (SF3-H062), 2009-2013 ACS (B25063)

The National Low Income Housing Coalition (NLIHC) provides annual information on the Fair Market Rent (FMR) and affordability of rental housing in counties and cities nationwide for 2013. In Erie County, the FMR for a two-bedroom apartment is \$736.<sup>5</sup>

<sup>5</sup> FY 2013 FMR Documentation System, HUD

([http://www.huduser.org/portal/datasets/fmr/fmrs/fy2013\\_code/2013summary.odn?inputname=METRO15380M15380&disp\\_name=Erie+County&fipscode=3602999999&stname=New+York&statefp=36.0&cbsasub=METRO1538](http://www.huduser.org/portal/datasets/fmr/fmrs/fy2013_code/2013summary.odn?inputname=METRO15380M15380&disp_name=Erie+County&fipscode=3602999999&stname=New+York&statefp=36.0&cbsasub=METRO1538))

In order to afford this level of rent and utilities without paying more than 30% of income on housing, a household must earn \$2,453 monthly or \$29,439 annually. Assuming a 40-hour workweek 52 weeks per year, this level of income translates into an hourly Housing Wage of \$14.15.

In Erie County, a minimum-wage worker earns an hourly wage of \$8.75. In order to afford the FMR for a two-bedroom apartment in the Erie County, a minimum-wage earner must work 70 hours per week, 52 weeks per year.

Effective January 1, 2014, monthly Supplemental Security Income (SSI) payments for an individual are \$721 in Erie County. If SSI represents an individual's sole source of income, \$216.3 in monthly rent is affordable while the FMR for a one-bedroom unit is \$591.

### III. Evaluation of Public and Private Sector Policies

The Analysis of Impediments is a review of barriers to fair housing choice in the public and private sectors. 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. An important element of the AI includes an examination of policy in terms of its impact on housing choice. This section evaluates select public and private policies in Erie County and the towns of Hamburg, Amherst, Cheektowaga and Tonawanda to determine opportunities for furthering the expansion of fair housing choice. In an effort to sample zoning ordinances from a diverse cross-section of areas of Erie County, zoning ordinances in the towns of Lancaster, Clarence, Orchard Park, Colden, and East Aurora, and the City of Lackawanna were also reviewed.

Public policies reviewed for this AI included municipal zoning ordinances for the entitlement communities covered by this AI, the policies governing the investment of Community Development Block Grant and HOME Program funds, Language Access Plans, Public Housing and Section 8 Housing Choice Voucher Programs, and transportation/housing/employment linkages.

Private sector policies reviewed included home mortgage denial data and real estate practices and advertising.

#### Municipal Zoning Ordinances

Land development decisions in New York State, including housing developments, are administered through local controls established by municipal governments. These include comprehensive plans, zoning ordinances and subdivision ordinances, as well as building and development permits.

In providing CDBG funds to municipal subrecipients, the Urban County has a legal obligation to ensure that it is not investing in units of local government that perpetuate segregated housing patterns (i.e., administer zoning regulations with provisions that discriminate against members of the protected classes). In cases where this analysis determines that local zoning rules are inconsistent with fair housing laws, communities should inform community leaders the discriminatory provisions must be amended before communities can continue to provide federal HUD funding. In cases where local zoning rules are legal but inconsistent with fair housing best practices, communities should inform community leaders and advise them of changes that would make the ordinances more open and inclusive.

For the AI, municipal ordinances were reviewed for the towns of Hamburg, Amherst, Cheektowaga, and Tonawanda. The analysis was based on topics raised in HUD's Fair Housing Planning Guide, which include:

- The opportunity to develop various housing types (including apartments and housing at various densities)
- The treatment of mobile or manufactured homes
- Minimum lot size requirements

- Dispersal requirements for housing facilities for persons with disabilities in single family zoning districts
- Restrictions of the number of unrelated persons in dwelling units based on the size of the unit or the number of bedrooms

It is important to consider that the presence of inclusive zoning does not necessarily guarantee a zoning ordinance’s fairness. This analysis does not address the issue of availability, suitability or development potential of sites.

## Benchmarking

To evaluate the ordinances consistently, a benchmarking tool was used to assess each ordinance against eleven criteria that are either common indicators of potential impediments to fair housing choice or language that addresses impediments to fair housing choice. This benchmarking tool was customized specifically for this document.

Each criteria was assigned one of two values. A score of “1” means that the impediment was not present in the ordinance or that the positive measure was in place. A score of “2” means that impediment was present or that the positive measure was not.

The full set of criteria includes the following:

- Ordinance defines “family” inclusively, without a cap on the number of unrelated persons, with a focus on functioning as a single housekeeping unit
- Ordinance defines “group home” or similarly named land use comparably to single family dwelling units
- Ordinance allows up to six unrelated people with disabilities to reside in a group home without requiring a special use/conditional use permit or public hearing
- Ordinance regulates the siting of group homes as single family dwelling units without any additional regulatory provisions
- Ordinance has a “Reasonable Accommodation” provision or allows for persons with disabilities to request reasonable accommodation/modification to regulatory provisions
- Ordinance permits multi-family housing of more than four units/structure in one or more residential zoning districts by-right
- Ordinance does not distinguish between “affordable housing/multi-family housing” (i.e., financed with public funds) and “multi-family housing” (i.e., financed without public funds)
- Ordinance does not restrict residential uses such as emergency housing/homeless shelters, transitional housing, or permanent supportive housing facilities exclusively to non-residential zoning districts
- Ordinance permits manufactured and modular housing on single lots like single family dwelling units
- Ordinance provides residential zoning districts with minimum lot sizes of ¼ acre or less
- Ordinance does not include exterior standards for all single family dwelling units regardless of size, location, or zoning district

The final benchmark score is a simple average of the individual criteria. More specifically:

Score	Implication
1.00 - 1.24	Ordinance is at <b>low</b> risk relative to discriminatory provisions for housing and members of the protected classes

1.25 - 1.49	Ordinance is at <b>moderate</b> risk relative to discriminatory provisions for housing and members of the protected classes.
1.50 - 2.00	Ordinance is at <b>high</b> risk relative to discriminatory provisions for housing and members of the protected classes

## Results

Every zoning ordinance inspected contained some level of mixed results. For some criteria, an ordinance scored well by omission rather than by affirmative action. For example, defining a family with a strict limit on the number of unrelated persons may be problematic in one case, but it could represent a less critical fair housing issue if the community made specific exceptions for group homes or for persons with disabilities. Some criteria, like allowing reasonable accommodation for persons with disabilities, were absent in almost all of the ordinances reviewed. Similarly, provisions allowing high density multi-family units in at least one district were present in all of the ordinances reviewed.

A high benchmark score, which indicates a relatively high risk relative to fair housing issues, does not necessarily reflect a high probability of the real-world implementation of an ordinance causing impediments to fair housing choice. Nor does a low score mean that impediments are unlikely to happen. Rather, the scores should be used as general guidelines to evaluate a particular ordinance against provisions that are either consistent with or inconsistent with fair housing laws. Many issues identified in this review are not unique to these towns or Erie County, and are present in many other zoning ordinances around the country.

Most ordinances reviewed for this assessment ranked as posing a moderate risk for discriminatory provisions. No ordinances had design guidelines for all dwelling units in all zoning districts that would have the effect of making development less feasible for assisted units. The most common problems included silence with regard to defining group homes as single family dwellings and ordinances that did not provide for reasonable accommodation in addition to ordinances silent on permitting manufactured or modular housing on single lots like single family dwelling units.

The entire group scored an average of 1.31, presenting a moderate risk relative to discriminatory provisions for fair housing for members of the protected classes. Although these ordinances have aspects that are known to promote fair housing, such as permissive minimum lot sizes, they are lacking other constructive measures, such as unrestricted siting of group home and manufactured homes. Many did have inclusively defined family, without a cap on the number of unrelated persons with a focus on functioning as a single housekeeping unit.

The scores placed these communities in moderate risk relative to fair housing issues with the exception of the Town of Tonawanda, which scored high risk. In fact, Tonawanda with a score of 1.64 is on the high end of the scale placing it at a high risk relative to discriminatory provisions for housing and members of the protected classes.

<b>Community</b>	<b>Score</b>
Hamburg	1.11
Town of Amherst	1.36
Town of Tonawanda	1.64
Town of Cheektowaga	1.18
Town of Lancaster	1.45
Town of Clarence	1.45
Town of Orchard Park	1.55
Town of West Seneca	1.45
Town of Colden	1.55
Town of East Aurora	1.27
City of Lackawanna	1.36

### **Town of Hamburg**

With a score of 1.11, Hamburg’s ordinance falls into the “low risk” range for discriminatory provisions. The ordinance includes a Reasonable Accommodation provision to allow for persons with disabilities to request reasonable accommodation / modification to regulatory provisions.

In addition, Hamburg’s ordinance omits a definition of "group home" or similarly named land uses. Consequently, this means the Town of Hamburg does not explicitly define a group home as "a single family dwelling unit". However, the definition of "family" could conceivably cover the establishment of group homes for persons with disabilities. Efforts should be made to ensure group homes can be easily accommodated throughout the community under the same standards as any other residential use. Group homes for persons with disabilities are residential uses that do not adversely impact a community.

The Town of Hamburg permits manufactured homes within mobile home parks. The Town has initiated and started a Mobile Home Renovation program, which has successfully implemented both grants and loans for over fifteen years. This program is discussed in the “Town of Hamburg CDBG Program” section of this document.

The Town is also considering incorporating inclusionary zoning into its new Fair Housing Law. This development is ongoing. Currently, the Town of Hamburg’s Fair Housing Ordinance is more rigorous than both state and federal fair housing laws.

### **Town of Amherst**

The Town of Amherst's zoning ordinance scored moderate on the benchmarking tool at 1.36, meaning that it contains some elements that may pose moderate risks of causing impediments to fair housing choice. "Group home" is not an expressly permitted or conditional use in any district, although the term "Group Home" is used in the ordinance but not defined. Requests for group homes are considered to be single family determinations. However, stakeholders interviewed also mentioned that applications for group homes are requested to hold an informational meeting for the immediate neighbors of the proposed home. The Town supplies a list of residences within 600 feet of the home, as is done for zoning notices. While this has been effective in calming NIMBY activity, it may represent an additional

barrier to group home construction if group homes are being required to go through a different and more rigorous process than other types of housing units.

The ordinance permits as an accessory use the rooming and boarding of not more than two persons but is silent as to persons with disabilities. The ordinance only allows for rooming and boarding of not more than two persons when the dwelling is occupied by the owner of record.

The Town includes no "reasonable accommodation" provisions in the zoning ordinance that would allow persons with disabilities to request reasonable accommodation or modification to regulatory provisions. A municipality must accommodate all disabilities, as defined by the Fair Housing Act, in group homes. Persons recovering from substance abuse or persons with HIV/AIDS, for example, cannot be excluded. There is a specific Manufactured Home Residential District in the zoning code. The Town also permits manufactured and modular homes on single family lots, as long as they have a permanent foundation.

### **Town of Cheektowaga**

The Town of Cheektowaga's zoning ordinance also scored moderate on the benchmarking tool at 1.18, meaning that it may contain some elements that pose moderate risks of causing impediments to fair housing choice.

The ordinance does not define "Group Home" or a similarly named land use as "a single family dwelling unit". Rather, the ordinance defines a "group home" as a "residential facility, such as a community residence, for mentally disabled individuals as defined by the Mental Hygiene Law". However, as previously stated, a municipality must accommodate all disabilities, as defined by the Fair Housing Act, and persons recovering from substance abuse or persons with HIV/AIDS, for example, cannot be excluded.

There is no language that permits "manufactured" and or "modular" housing in the ordinance. Mobile homes are restricted to Residential Mobile Home Districts.

### **Town of Tonawanda**

The Town of Tonawanda's zoning ordinance scored high on the benchmarking tool at 1.64, meaning that it contains many elements that pose high risks of causing impediments to fair housing choice.

The ordinance defines "family" as "any number of individuals related by blood, marriage or adoption, or not more than three individuals who are not so related, living together as a single housekeeping unit and occupying a dwelling unit". Restrictive definitions of family may impede unrelated individuals from sharing a dwelling unit. Defining family broadly advances non-traditional families and supports the blending of families who may be living together for economic purposes. Restrictions in the definition of what relationships constitute a family typically cap the number of unrelated individuals that can live together. These restrictions can impede the development of group homes, effectively restricting housing choice for the disabled.

The ordinance does not define a "group home" or similarly named land use as "a single family dwelling unit". Municipalities can limit the number of unrelated persons living together as a single household. However, because group homes accommodate members of the protected classes, municipalities must be willing to consider reasonable accommodation requests from group homes which propose to house

more than the established limit on the number of unrelated persons living together. Group homes for persons with disabilities, as defined by the Fair Housing Act, should be regulated in the same manner as single family dwelling units for persons without disabilities.

"Manufactured home" is not defined in the ordinance.

### **Town of Lancaster**

The Town of Lancaster's zoning ordinance scored moderate on the benchmarking tool at 1.45, meaning that it contains some elements that pose risks of causing impediments to fair housing choice. The town places no apparent limit on number of "related" members, but restricts relationship to "individuals related by blood, marriage or adoption, or not more than three individuals who are not so related, living together as a single housekeeping unit."

Language on "group home" is not mentioned in the code. Language on emergency housing, homeless shelters, or permanent supportive housing is also not included. Exterior standards are also not mentioned in the code. The ordinance does not distinguish between affordable housing and other types of multi-family housing.

There is no reasonable accommodation provision that allows for persons with disabilities to request reasonable accommodation / modification to regulatory provisions.

The smallest minimum lot size for a single-family dwelling is 7,500 square feet (0.17 acres) in R-2 . This minimum lot size would not make housing development prohibitively expensive. Mobile homes are permitted, but restricted to the MHR-5 District. Manufactured homes are permitted by right as long as they are affixed to a foundation.

### **Town of Clarence**

The Town of Clarence's zoning ordinance scored moderate on the benchmarking tool at 1.45, meaning that it contains moderate levels of elements that could pose risks of causing impediments to fair housing choice. The ordinance defines family as "One or more genetically or lawfully related persons occupying a dwelling unit and living as a single housekeeping unit". The "family" definition effectively excludes group homes, and group homes are not permitted by right in any residential district.

There is no mention of "Group Home" in the ordinance other than in the definitions: "group home" is not an expressly permitted or conditional use in any district. The ordinance is silent as to whether a "Group Home" would require a special use / conditional use permit or public hearing. Group Home does not appear as a permitted use in any of the zoning districts. A special use permit is required for all Room/boarder houses. Such boarder houses are restricted to owner occupied homes with no more than one person or couple inhabiting a single room, thereby restricting the number of residents.

Multi-family dwellings require special exception use permits...except in "Traditional Neighborhood Districts" where second-floor multi-family dwelling units are permitted by right. The minimum lot size in R-SF and TND is 15,000 square feet (0.34 acres) and 5,000 square feet (0.11 acres) for multi-family.

### **Town of Orchard Park**

The Town of Orchard Park's zoning ordinance scored high on the benchmarking tool at 1.55, meaning that it contains many elements that pose high risks of causing impediments to fair housing choice. No more than 5 people who are not related by blood can be considered a "Family". One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that unless all such persons are related by blood or marriage, no such "family" shall contain over five persons.

The ordinance defines a "group home" as a boarding house where "more than three persons either individually or as families are housed or lodged for hire, with or without meals. A lodging house, rooming house or furnished room house shall be deemed a "boardinghouse". No definition for "group home" or similar use by different name exists in the ordinance. In addition, a family of persons unrelated by blood can only contain 5 members.

The Ordinance permits two (2) family dwellings in districts R-3 and R-4. Multi-family dwellings of more than two (2) are not permitted in any district. There is no such language as "manufactured" and "modular" housing in the ordinance. A dwelling unit is defined as, "A dwelling or portion thereof designed for housekeeping by one family or single person having access to all bedrooms, kitchens and bathrooms from common living areas, hallways and entryways". Mobile homes are specifically prohibited in any district. The town has two districts that establish a minimum lot size that could be 1/4 acre or less; the Senior Residential District (SR) and the Collegiate Residential District.

### **Town of West Seneca**

The Town of West Seneca has a benchmark score of 1.45, indicating high risk of causing impediments to fair housing choice. No such language is included to define "group home" and does not regulate group homes as single family dwelling units. The ordinance does not specifically allow up to 6 unrelated people with disabilities to reside in a group home without requiring a special use / conditional use permit or public hearing.

Multiple-family dwellings require special permit authorized the the Town Board. "Manufactured home" is not defined, but might fall under one of the definitions of "mobile home." Permanent mobile homes may locate in mobile home parks. Mobile home parks are permitted with a special development plan authorized by the Town Board.

### **Town of Colden**

The Town of Colden has a benchmark score of 1.55, indicating high risk of causing impediments to fair housing choice. Family is not defined inclusively, as there is a cap of five unrelated persons per family regardless of unit size. Group homes are a separate permitted use independent of single-family dwelling units. The ordinance also does not contain a reasonable accommodation provision.

Multi-family housing is limited to a maximum of two units. Manufactured homes are only permitted in agricultural zones and designated manufactured home parks. Manufactured homes are treated similarly to mobile homes and recreational vehicles. The smallest minimum lot size without a conditional use

permit is 22,500 sq feet, or 0.51 acres. While this is likely due to the rural nature of the town, it may make housing unaffordable for some.

### **Town of East Aurora**

The Town of East Aurora has a benchmark score of 1.27, indicating low to moderate risk of causing impediments to fair housing choice. There is no explicit definition of group home or a similar land use, and thus no way to define group home as a single family dwelling unit. There is also no Reasonable Accommodation provision or allows for persons with disabilities to request reasonable accommodation or modification to regulatory provisions. Manufactured housing is only permitted in agricultural zones and designated manufactured home parks. Manufactured homes are treated similarly to mobile homes and recreational vehicles.

### **City of Lackawanna**

The City of Lackawanna has a benchmark score of 1.36, indicating moderate risk of causing impediments to fair housing choice. While the ordinance defines a “family” inclusively, there is not a clear definition of “group home” in the ordinance. As such, group homes are not permitted buy right on any residential zoning district. Manufactured homes are defined as being “synonymous with mobile homes” and are subject to more stringent regulations and allowed only in mobile home stands.

### **NIMBYism**

Neighborhood opposition to new residential development is often referred to as a “not in my backyard” sentiment, or NIMBYism. Generally, it involves the proposed development of housing, usually government-subsidized but not always, with a target population that is different—racially, ethnically, economically, physically, and/or ability-wise—than the residents currently living in the neighborhood. Because NIMBYism often emerges during a land development situation (zoning, rezoning, site plan approval, special or conditional use permit, etc.), a brief discussion of NIMBYism in Erie County is included in this section of the AI.

Numerous stakeholders interviewed for the AI reported the presence of neighborhood opposition in most communities outside of Buffalo. Established segregated residential patterns reinforce the mindset that affordable housing communities for non-White, non-Hispanic, or lower income families are not welcomed in communities where these groups do not currently reside, or comprise a very small percentage of the total population. Where elected officials and other leaders do not recognize the benefit of providing subsidized housing in their communities, public policies will not change and segregated residential patterns will be allowed to perpetuate.

In some communities, stakeholders reported that NIMBYism can be a direct obstacle to the development of affordable housing and is used to stop or seriously delay subsidized housing projects. Critics of a development may request additional information or advocate against a rezoning if it would deny a project’s approval or jeopardize the public financing required to construct the project. Several stakeholders, including affordable housing providers and advocates, stated that affordable housing developers simply avoid siting projects in communities perceived as unwelcoming. The loss of time fighting the opposition can often mean the loss of financing tied to deadlines and local community support. This situation can become a vicious cycle, whereby communities realize that their active

opposition to affordable housing projects can achieve their desired outcome of no affordable housing being developed in their neighborhoods. The obstacles, or impediments, to fair housing choice remain in place and become stronger.

Some advocacy organizations reported that they will not place immigrant and refugee populations in communities known to be unwelcoming to people of color, from another country, etc. because they do not want to place the new residents into potentially hostile living environments. While this is a practical policy based on the health and safety of their clients, where the degree of NIMBYism exists to this extent, fair housing choice is severely restricted.

NIMBYism is also present, in varying degrees, among landlords who refuse Section 8 vouchers based on false perceptions about the voucher holders. Because so many of the voucher holders are minorities, families with children, and people with disabilities, this refusal severely restricts housing choice for members of the protected classes to potentially obtain housing outside of R/ECAP areas.

Some landlords also reportedly refuse potential tenants based solely on their association with disability advocacy and social service agencies. Because these tenants have disabilities, the landlords' denial of housing for this reason is discriminatory behavior.

Resisting affordable housing developments on the basis of preserving open space can also be considered discriminatory. Often, multi-family affordable housing developments are higher density and require less land than subdivisions consisting of larger lot, single family detached dwellings.

To the County's credit, the Erie County Department of Environment and Planning has recognized the need to address NIMBYism by recently conducting a series of 10 zoning workshops last year in various locations. Because land use authority rests with municipalities in New York, Erie County can offer technical guidance on this matter but cannot mandate that a municipality amend its zoning ordinance. Each workshop included an overview on how to revise a municipal zoning ordinance to make it more open and inclusive for people with disabilities, an aging population, building for the future, etc. About 6-10 individuals, including citizens, Planning Board and Zoning Board members, attended each workshop.

## **Policies Governing Investment of Funds for 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, many of which are members of the protected classes, has shifted much of the challenge of affordable housing production to state, county and local government decision makers. As part of this AI, the CDBG and HOME programs for the five entitlements were reviewed using a set of evaluation tools and criteria to provide a standardized measure of how effectively each entitlement community is affirmatively furthering fair housing through these two HUD programs. The use of standardized evaluation criteria allows for comparison of required minimum standards and a higher level of provisions that would, if implemented, affirmatively further fair housing.

## Urban County CDBG Program

1. **Amount of Funds Expended on Fair Housing Activities:** The County’s total annual allocations for the past three years are listed below along with the amount expended on fair housing activities based on the CAPER documents submitted to HUD:

Year	Total Annual Allocation	\$ Amount Expended on Fair Housing Activities	% of Total Annual Allocation Expended on Fair Housing Activities
2011	\$2,760,546	\$30,000	1.08%
2012	\$2,276,244	\$30,000	1.31%
2013	\$2,469,242	\$39,600	1.60%

“Fair Housing Activities” include fair housing planning, preparation of the Analysis of Impediments to Fair Housing Choice, fair housing education and outreach, testing, etc.

Since 2011, the Urban County has allocated no less than 1% of its annual CDBG allocation on fair housing activities each year. In fact, although the annual grant amount decreased almost 11% during this three-year period, the County’s line item for fair housing activities increased 32%. This increase is in response to the results of the 2009 AI, in which the Urban County identified a limited availability of fair housing education for tenants and landlords as a significant impediment to fair housing choice.

2. **Efforts to Ensure AFFH Obligation:** The County includes the following requirements as part of its program:

Provision	Yes	No
Limits CDBG expenditures to Neighborhood Revitalization Strategy Areas (NRSAs), Community Development Impact areas, or other primarily LMI neighborhoods	X	
Provides incentives for siting eligible activities outside of LMI (e.g., higher level of down payment assistance for higher-cost neighborhoods)		X

Most of the Urban County Consortium’s activities are directed to areas with high concentrations of low-income households and areas of slum and blight. Target areas explicitly outlined in the 2015 Five-Year Consolidated Plan are the First Ward of the City of Lackawanna, the Main Street area of the Village of Depew, and the Lake Erie Beach neighborhood of the Town of Evans. There are no direct incentives for siting eligible CDBG activities outside of LMI areas, although stakeholder interviews show that CDBG money is spent throughout the County due to widespread need. Although there is a geographical limitation for CDBG investments, there are some initiatives that can be implemented regardless of where the income-eligible beneficiary resides.

3. **Efforts to Ensure AFFH Obligation among Sub-recipients:** The County includes the following requirements in its sub-recipient agreements:

Provision	Yes	No
Certification to affirmatively further fair housing	X	
Requirement of municipal officials or staff to attend fair housing training in order to receive funds	X	
Requirement to conduct other fair housing initiatives		X

Erie County completes its certification to affirmatively further fair housing each year as part of its entitlement funding process. As of 2010, it also required that the locally designated Fair Housing/Affirmative Action Officer must have received training from HOME officials within the last three years prior to the municipality receiving federal CDBG funds. This policy resulted in 13 municipal Fair Housing Officers attending workshops in April 2013. To affirmatively further fair housing, the County could also provide a list of other fair housing initiatives that sub-recipient communities would be required to implement.

4. **Efforts to Ensure Program Accessibility:** The County’s program includes the following provisions:

Provision	Yes	No
All activities, including public hearings, tenant briefings and meeting are held in locations accessible to persons with disabilities	X	
Information about programs and activities is provided in a manner that is accessible to persons with disabilities	X	
Rules, policies, practices, procedures and facilities are modified, as needed, to accommodate persons with disabilities	X	
Information about programs and activities is provided in a manner that is accessible to persons with limited English proficiency (LEP)	X	

According to the Urban County’s Citizen Participation Plan, information about programs and activities is provided through local and community newspapers, and posted on the Erie County website. Notification is given at least two weeks prior to the meetings. Public forums to provide information about programs and activities are also held, with an effort to hold them in areas that have concentrations of low-income residents. For the Urban County, this means special outreach to the City of Lackawanna, since this is where the largest concentration of minorities lives. In addition to targeted meetings, the Urban County also holds public meetings throughout the County, including rural areas. This ensures that public meetings on CDBG and HOME programming throughout the County are easier for all County residents to attend.

All public hearings, tenant briefings, and other related meetings are held in locations accessible to persons with disabilities, such as town halls and libraries. Special meetings and information for LEP residents is available upon request, as are interpretation services if requested in advance.

### Urban County HOME Consortium Program

The Urban County of Erie County and the Town of Hamburg comprise the Erie County HOME Consortium. The analysis below reflects the information for both entities.

1. **Amount of Funds Expended on Fair Housing Activities:** The Consortium’s total annual allocations for the past three years are listed below along with the amount expended on fair housing activities based on the CAPER documents submitted to HUD:

Year	Total Annual Allocation	\$ Amount Expended on Fair Housing Activities	% of Total Annual Allocation Expended on Fair Housing Activities
2011	\$1,052,135	\$0	0%
2012	\$695,936	\$0	0%
2013	\$773,263	\$0	0%

“Fair Housing Activities” include fair housing planning, preparation of the Analysis of Impediments to Fair Housing Choice, fair housing education and outreach, testing, etc. as well as using funds as financial incentives for the siting of affordable housing outside of R/ECAPs.

The Consortium’s obligation to invest in fair housing activities is carried out through its annual CDBG grant allocation.

2. **Affirmative Marketing Plan:** The Consortium has adopted an Affirmative Marketing Plan for HOME-assisted developments of five or more units. This plan contains procedures and requirements for CHDOs, non-profits, and other organizations involved in HOME-funded housing developments designed to expand housing choice. The Consortium will carry out assessment activities and prepare a written assessment of Affirmative Marketing efforts as part of its monitoring procedures for the HOME Program.
3. **Site and Neighborhood Selection Standards:** The standard RFP advises applicants to consider site location relative to existing low-income minority concentrations. The RFP requires compliance with 24 CFR 983.6(b) including among other things, promoting greater choice of housing opportunities and avoiding undue concentration of assisted persons in areas containing a high concentration of LMI persons. As such, the Consortium has effectively incorporated the Site and Neighborhood Standards (24 CFR 983.6) for new construction as part of its project evaluation process.
4. **Tenant-Based Rental Assistance:** For HOME TBRA programs, the Consortium includes the following provisions:

Provision	Yes	No
A higher payment standard for higher-cost neighborhoods	X	
Mobility counseling for applicants (beyond providing a list of participating landlords or addresses of available units for rent)	X	
Reasonable accommodation provided for persons with disabilities	X	

Both Rental Assistance Corporation (RAC) and Belmont Housing Resources have acknowledged the need to expand the supply and geography of available units by applying an exception payment standard so that voucher holders can afford higher rents in census tracts outside of Buffalo. About 35% of Belmont’s voucher holders live in Buffalo, compared to 85% of RAC’s, and stakeholders report that the reason for this concentration is the inadequate inventory of affordable units in the balance of the County. Most of the affordable units outside of Buffalo are located in first-ring suburbs. Both agencies also provide reasonable accommodations for persons with disabilities. The agencies regularly allow a payment standard exception for people with disabilities (up to 120% of fair market rent) due to the extremely limited supply of units that are available and appropriate for this population.

The Town of Hamburg supports the Greater Buffalo Community Housing Center through its contact with HOME, Inc. Mobility counseling services are free of charge and admissions are restricted to households below 50% of median income living in census tracts with poverty rates of 30% or more. In 2014, Community Housing Center provided mobility counseling to 155 families. The organization also offers fair housing counseling at their offices and various locations throughout the county.

5. **Efforts to Expand Affordable and Accessible Housing Opportunities Outside of R/ECAPs:** The Consortium has enacted the following initiatives to expand affordable housing opportunities outside of racially/ethnically concentrated areas of poverty (R/ECAPs):

Provision	Yes	No
Provides incentives for developers to select sites outside of R/ECAPs		X
Contributes HOME funds to finance the development of affordable housing units constructed as part of a market-rate development	X	
Regularly maps the location of <i>proposed</i> HOME-assisted projects to determine if the projects would perpetuate established segregated residential patterns		X
Requires compliance with Section 504 UFAS standards for multi-family new construction of five or more units	X	
Requires <i>more than the minimum</i> Section 504 UFAS standards for multi-family new construction of five or more units		X
<i>Requires</i> visitability design standards on all units, new construction and rehabilitation		X
Targets homebuyer assistance outside of R/ECAPs to promote diversity		X

The Consortium affirmatively furthers fair housing by providing financial incentives to housing developers to subsidize the creation of affordable units as part of a market-rate development. This action distributes affordable units throughout a community. The Consortium also enforces the Section 504 requirements related to accessible units in HOME-assisted developments of five or more units. To enhance its AFFH obligation, the Consortium could incentivize affordable housing outside of R/ECAPs, require more than the minimum Section 504 thresholds, and require that all HOME-assisted units comply with visitability design standards. Finally, mapping the locations of proposed affordable housing developments would assist the Consortium in preventing further concentration of affordable housing in R/ECAPs before construction.

6. **Efforts to Ensure AFFH Obligation among Sub-recipients, including CHDOs:** The Consortium includes the following requirements in its sub-recipient agreements:

Provision	Yes	No
Certification to affirmatively further fair housing	X	
Requirement of municipal officials or staff to attend fair housing training in order to receive funds (NOT APPLICABLE: funds not provided to units of government)	N/A	N/A
Requirement to conduct other fair housing initiatives (NOT APPLICABLE: funds not provided to units of government)	N/A	N/A

7. **Efforts to Ensure Program Accessibility:** The Consortium’s program includes the following provisions:

Provision	Yes	No
All activities, including public hearings, tenant briefings and meeting are held in locations accessible to persons with disabilities	X	
Information about programs and activities is provided in a manner that is accessible to persons with disabilities	X	
Rules, policies, practices, procedures and facilities are modified, as needed, to accommodate persons with disabilities	X	
Reasonable steps are taken to provide information about available accessible units to eligible persons with disabilities	X	
Information about programs and activities is provided in a manner that is accessible to persons with limited English proficiency (LEP)	X	

Similar to the Consortium’s CDBG program, its HOME program is implemented in accordance with its approved Citizen Participation Plan to ensure program accessibility.

### Town of Hamburg CDBG Program

1. **Amount of Funds Expended on Fair Housing Activities:** The Town’s total annual allocations for the past three years are listed below along with the amount expended on fair housing activities based on the CAPER documents submitted to HUD:

Year	Total Annual Allocation	\$ Amount Expended on Fair Housing Activities	% of Total Annual Allocation Expended on Fair Housing Activities
2011	\$450,649	\$64,600	14.3%
2012	\$384,605	\$61,686	16.0%
2013	\$390,067	\$50,173	12.9%

“Fair Housing Activities” include fair housing planning, preparation of the Analysis of Impediments to Fair Housing Choice, fair housing education and outreach, testing, etc.

Hamburg also passed a five year contract with HOME, Inc. to provided enhanced fair housing services to the town in 2014. This contract funds HOME using CDBG dollars for amounts ranging between \$25,000 and \$35,000 each year until March 31, 2019.

In addition, HOME, Inc. offers mobility counseling to all residents of Erie County free of charge, without income requirements, for residents who reside in census tracts that have a poverty rate of at least 30%. This is accomplished through their “Greater Buffalo Community Housing Center” program. The Town of Hamburg partially funds this program.

2. **Efforts to Ensure AFFH Obligation:** The Town includes the following requirements as part of its program:

Provision	Yes	No
Limits CDBG expenditures to Neighborhood Revitalization Strategy Areas (NRSAs), Community Development Impact areas, or other primarily LMI neighborhoods	X	
Provides incentives for siting eligible activities outside of LMI (e.g., higher level of down payment assistance for higher-cost neighborhoods)		X

3. **Efforts to Ensure AFFH Obligation among Sub-recipients:** The Town includes the following requirements in its sub-recipient agreements:

Provision	Yes	No
Certification to affirmatively further fair housing	X	
Requirement of municipal officials or staff to attend fair housing training in order to receive funds	X	
Requirement to conduct other fair housing initiatives	X	

4. **Efforts to Ensure Program Accessibility:** The Town's program includes the following provisions:

Provision	Yes	No
All activities, including public hearings, tenant briefings and meeting are held in locations accessible to persons with disabilities	X	
Information about programs and activities is provided in a manner that is accessible to persons with disabilities	X	
Rules, policies, practices, procedures and facilities are modified, as needed, to accommodate persons with disabilities	X	
Information about programs and activities is provided in a manner that is accessible to persons with limited English proficiency (LEP)	X	

The Town of Hamburg also utilizes CDBG funding to maintain a Mobile Home Renovation Program, which provides grants and low-interest loans to income-eligible residents of mobile homes.

### Town of Amherst CDBG Program

1. **Amount of Funds Expended on Fair Housing Activities:** The Town's total annual allocations for the past three years are listed below along with the amount expended on fair housing activities based on the CAPER documents submitted to HUD:

Year	Total Annual Allocation	\$ Amount Expended on Fair Housing Activities	% of Total Annual Allocation Expended on Fair Housing Activities
2011	\$524,968	\$22,000	4.1%
2012	\$489,770	\$23,500 CDBG*	4.7%
2013	\$509,174	\$24,500 CDBG*	4.8%

\*Includes fair housing counseling services for Towns of Amherst, Cheektowaga, and Tonawanda. Source is Annual Action Plan for ACT Consortium.

“Fair Housing Activities” include fair housing planning, preparation of the Analysis of Impediments to Fair Housing Choice, fair housing education and outreach, testing, etc.

In 2012 and 2013, the Town allocated \$50,000 for fair housing activities. In both years, this was equivalent to about 10% of the total annual allocation.

2. **Efforts to Ensure AFFH Obligation:** The Town includes the following requirements as part of its program:

Provision	Yes	No
Limits CDBG expenditures to Neighborhood Revitalization Strategy Areas (NRSAs), Community Development Impact areas, or other primarily LMI neighborhoods		X
Provides incentives for siting eligible activities outside of LMI (e.g., higher level of down payment assistance for higher-cost neighborhoods)		X

There are no complete census tracts in Amherst that are 51% LMI. Therefore, the Town uses the upper quartile of low-mod concentration for its eligibility guide for Federal assistance. However, many CDBG activities are conducted on a town-wide basis due to the prevalence of aging households in need of assistance, even in higher-income census tracts.

There are no incentives for siting eligible activities outside of LMI areas in Amherst.

3. **Efforts to Ensure AFFH Obligation among Sub-recipients:** The Town includes the following requirements in its sub-recipient agreements:

Provision	Yes	No
Certification to affirmatively further fair housing	X	
Requirement of municipal officials or staff to attend fair housing training in order to receive funds (NOT APPLICABLE: funds not provided to units of government)	N/A	N/A
Requirement to conduct other fair housing initiatives (NOT APPLICABLE: funds not provided to units of government)	N/A	N/A

4. **Efforts to Ensure Program Accessibility:** The Town’s program includes the following provisions:

Provision	Yes	No
All activities, including public hearings, tenant briefings and meeting are held in locations accessible to persons with disabilities	X	
Information about programs and activities is provided in a manner that is accessible to persons with disabilities	X	
Rules, policies, practices, procedures and facilities are modified, as needed, to accommodate persons with disabilities	X	
Information about programs and activities is provided in a manner that is accessible to persons with limited English proficiency (LEP)	X	

The ACT Consortium’s Citizen Participation Plan for CDBG and HOME, which covers the Town of Amherst, mandates additional accommodations for persons with disabilities. The ACT Consortium Plan also emphasizes outreach to minorities, low-income persons, and persons with disabilities. For persons with visual or auditory disabilities, information about accessible units

will be made available in an alternative format upon request. The Town has specific accommodation policies for persons with LEP who want to utilize Town programs and services, including community development programs.

The Town of Amherst’s housing programs all offer assistance with accessibility requirements whenever applied for. Some housing units constructed with HOME funds use Universal Design accommodations. The Town has a very active Disability Committee that offers disability awareness training to Town officials, police departments, first responders, landlords, tenants, and citizens.

**ACT HOME Consortium Program**

The towns of Amherst, Cheektowaga and Tonawanda collectively form the ACT HOME Consortium. The analysis below reflects the entire Consortium’s program.

1. **Amount of Funds Expended on Fair Housing Activities:** The Town’s total annual allocations for the past three years are listed below along with the amount expended on fair housing activities based on the CAPER documents submitted to HUD:

Year	Total Annual Allocation	\$ Amount Expended on Fair Housing Activities	% of Total Annual Allocation Expended on Fair Housing Activities
2011	\$1,052,135	\$0	0%
2012	\$695,936	\$0	0%
2013	\$773,263	\$0	0%

“Fair Housing Activities” include fair housing planning, preparation of the Analysis of Impediments to Fair Housing Choice, fair housing education and outreach, testing, etc. as well as using funds as financial incentives for the siting of affordable housing outside of R/ECAPs.

Cheektowaga and Tonawanda receive their own separate CDBG allocations, which are not tied to the Town of Amherst. The ACT HOME Consortium is involved with HOME funding only.

2. **Affirmative Marketing Plan:** The ACT HOME Consortium does not carry out new construction of rental housing. However, it has still established procedures to affirmatively market any HOME funded projects containing five or more units as well as any downpayment-assisted units or Tenant-Based Rental Assistance (TBRA) funded with HOME money.

Member towns inform the general public by sending a special news release to local newspapers and the *Buffalo News*, placing information on the Towns’ websites, and mailing informational flyers or brochures to subsidized apartment complexes. The member towns also inform owners and potential tenants of rental units assisted with HOME funds by providing informational flyers about any HOME Programming to apartment managers and tenants in buildings scheduled for refinancing or rehabilitation, as well as posting notice of any ongoing HOME programming on the Towns’ websites. The units are also added to Belmont Housing Resource’s “Available Units List”, which is available on-site or online.

The member towns require that owners receiving HOME funding begin special outreach activities to keep records on the racial, ethnic, and gender characteristics of applicants and tenants in the 90 days following the initial availability of the unit. Owners are also required to keep records on the activities they undertake to inform the public of availability.

The Towns also require that property owners, subrecipients, developers, and sponsors selected for participation in the HOME program comply with affirmative marketing requirements by means of an agreement applicable for 10 years. Failure to carry out the agreement could make an owner ineligible to participate in the HOME program.

3. **Site and Neighborhood Selection Standards:** The ACT HOME Consortium’s subrecipient agreement requires compliance with 24 CFR. However, since the Consortium does not carry out new construction of rental housing, this requirement is not applicable.

4. **Tenant-Based Rental Assistance:** For HOME TBRA programs, the Consortium includes the following provisions:

Provision	Yes	No
A higher payment standard for higher-cost neighborhoods		X
Mobility counseling for applicants (beyond providing a list of participating landlords or addresses of available units for rent)	X	
Reasonable accommodation provided for persons with disabilities	X	

Mobility counseling is available countywide through Housing Opportunities Made Equal, Inc., free of charge, for all Erie County residents.

5. **Efforts to Expand Affordable and Accessible Housing Opportunities Outside of R/ECAPs:** The Consortium has enacted the following initiatives to expand affordable housing opportunities outside of racially/ethnically concentrated areas of poverty (R/ECAPs):

Provision	Yes	No
Provides incentives for developers to select sites outside of R/ECAPs		X
Contributes HOME funds to finance the development of affordable housing units constructed as part of a market-rate development	X	
Regularly maps the location of <i>proposed</i> HOME-assisted projects to determine if the projects would perpetuate established segregated residential patterns		X
Requires compliance with Section 504 UFAS standards for multi-family new construction of five or more units	X	
Requires <i>more than the minimum</i> Section 504 UFAS standards for multi-family new construction of five or more units		X
<i>Requires</i> visitability design standards on all units, new construction and rehabilitation		X
Targets homebuyer assistance outside of R/ECAPs to promote diversity		X

The Consortium affirmatively furthers fair housing by providing financial incentives to housing developers to subsidize the creation of affordable units as part of a market-rate development. This action distributes affordable units throughout a community. The Consortium also enforces the Section 504 requirements related to accessible units in HOME-assisted developments of five or more units. To enhance its AFFH obligation, the Consortium could incentivize affordable housing outside of R/ECAPs, require more than the minimum Section 504 thresholds, and require that all HOME-assisted units comply with visitability design standards. Finally, mapping

the locations of proposed affordable housing developments would assist the Consortium in preventing further concentration of affordable housing in R/ECAPs before construction.

6. **Efforts to Ensure AFFH Obligation among Sub-recipients, including CHDOs:** The Consortium includes the following requirements in its sub-recipient agreements:

Provision	Yes	No
Certification to affirmatively further fair housing	X	
Requirement of municipal officials or staff to attend fair housing training in order to receive funds (NOT APPLICABLE: funds not provided to units of government)		
Requirement to conduct other fair housing initiatives (NOT APPLICABLE: funds not provided to units of government)		

In the Consortium’s subrecipient agreement, all subrecipients, including CHDOs, are explicitly required to ensure application of all relevant HOME regulations, including the certification to affirmatively furthering fair housing.

7. **Efforts to Ensure Program Accessibility:** The Consortium’s program includes the following provisions:

Provision	Yes	No
All activities, including public hearings, tenant briefings and meeting are held in locations accessible to persons with disabilities	X	
Information about programs and activities is provided in a manner that is accessible to persons with disabilities	X	
Rules, policies, practices, procedures and facilities are modified, as needed, to accommodate persons with disabilities	X	
Reasonable steps are taken to provide information about available accessible units to eligible persons with disabilities	X	
Information about programs and activities is provided in a manner that is accessible to persons with limited English proficiency (LEP)		X

The Consortium is required to provide access to its programs and services to persons with limited English proficiency, to the greatest extent feasible.

### Town of Cheektowaga CDBG Program

1. **Amount of Funds Expended on Fair Housing Activities:** The Town’s total annual allocations for the past three years are listed below along with the amount expended on fair housing activities based on the CAPER documents submitted to HUD:

Year	Total Annual Allocation	\$ Amount Expended on Fair Housing Activities	% of Total Annual Allocation Expended on Fair Housing Activities
2011	\$971,310	\$1,620.14	0.16%
2012	\$882,341	\$3,500	0.39%
2013	\$929,383	\$0	0%

“Fair Housing Activities” include fair housing planning, preparation of the Analysis of Impediments to Fair Housing Choice, fair housing education and outreach, testing, etc.

The Town’s obligation to invest in fair housing activities is carried out through its annual CDBG grant allocation in conjunction with Amherst and Tonawanda.

2. **Efforts to Ensure AFFH Obligation:** The Town includes the following requirements as part of its program:

Provision	Yes	No
Limits CDBG expenditures to Neighborhood Revitalization Strategy Areas (NRSAs), Community Development Impact areas, or other primarily LMI neighborhoods		
Provides incentives for siting eligible activities outside of LMI (e.g., higher level of down payment assistance for higher-cost neighborhoods)		

No information available.

3. **Efforts to Ensure AFFH Obligation among Sub-recipients:** The Town includes the following requirements in its sub-recipient agreements:

Provision	Yes	No
Certification to affirmatively further fair housing	X	
Requirement of municipal officials or staff to attend fair housing training in order to receive funds (NOT APPLICABLE: funds not provided to units of government)		
Requirement to conduct other fair housing initiatives (NOT APPLICABLE: funds not provided to units of government)		

4. **Efforts to Ensure Program Accessibility:** The Town’s program includes the following provisions:

Provision	Yes	No
All activities, including public hearings, tenant briefings and meeting are held in locations accessible to persons with disabilities	X	
Information about programs and activities is provided in a manner that is accessible to persons with disabilities	X	
Rules, policies, practices, procedures and facilities are modified, as needed, to accommodate persons with disabilities	X	
Information about programs and activities is provided in a manner that is accessible to persons with limited English proficiency (LEP)	X	

The Town of Cheektowaga follows the ACT Consortium’s Citizen Participation Plan for CDBG and HOME. This plan ensures activities and information on the CDBG and HOME programs, as well as fair housing information, is accessible for persons with disabilities. At the local level, Cheektowaga will provide accommodations for non-English speaking/limited-English proficiency (LEP) citizens in cases of public meetings or hearings where a significant number of non-English-speaking/LEP citizens can reasonably be expected to participate. Additionally, the Town will provide accommodations for hearing-impaired and sight-impaired citizens on request or in cases of community meetings or public hearings where a significant number of residents can reasonably expect to participate.

## Town of Tonawanda CDBG Program

1. **Amount of Funds Expended on Fair Housing Activities:** The Town’s total annual allocations for the past three years are listed below along with the amount expended on fair housing activities based on the CAPER documents submitted to HUD:

Year	Total Annual Allocation	\$ Amount Expended on Fair Housing Activities	% of Total Annual Allocation Expended on Fair Housing Activities
2011	\$1,722,730	\$20,000 - \$30,000*	1-2%*
2012	\$1,443,574	\$20,000 - \$30,000*	1-2%*
2013	\$1,529,726	\$20,000 - \$30,000*	1-2%*

\*The Town of Tonawanda’s fair housing expenditures are accounted for in the \$50,000 allocation from the Town of Amherst expenditures.

“Fair Housing Activities” include fair housing planning, preparation of the Analysis of Impediments to Fair Housing Choice, fair housing education and outreach, testing, etc.

The town spends money from its general administrative budget on fair housing activities accounting for between 1% and 2% of the Town’s federal award. This has not been entered into HUD’s IDIS system separately from general administration, but constitute between \$20,000 and \$30,000 annually. The activities covered by this spending include:

- Tenant-landlord counseling and training
- Town-wide mailings on fair housing laws
- Hosting a landlord and tenant training event
- Staff time for preparing mailings, reviewing fair housing regulations/case law, hosting a fair housing film event, attending Erie County Fair Housing Partnership meetings, and planning and reporting on fair housing activities
- Publishing fair housing law advertisements in local newspapers

2. **Efforts to Ensure AFFH Obligation:** The Town includes the following requirements as part of its program:

Provision	Yes	No
Limits CDBG expenditures to Neighborhood Revitalization Strategy Areas (NRSAs), Community Development Impact areas, or other primarily LMI neighborhoods		
Provides incentives for siting eligible activities outside of LMI (e.g., higher level of down payment assistance for higher-cost neighborhoods)		

No information available.

3. **Efforts to Ensure AFFH Obligation among Sub-recipients:** The Town includes the following requirements in its sub-recipient agreements:

Provision	Yes	No
Certification to affirmatively further fair housing	X	
Requirement of municipal officials or staff to attend fair housing training in order to receive funds (NOT APPLICABLE: funds not provided to units of government)		
Requirement to conduct other fair housing initiatives (NOT APPLICABLE: funds not provided to units of government)		

4. **Efforts to Ensure Program Accessibility:** The Town’s program includes the following provisions:

Provision	Yes	No
All activities, including public hearings, tenant briefings and meeting are held in locations accessible to persons with disabilities	X	
Information about programs and activities is provided in a manner that is accessible to persons with disabilities	X	
Rules, policies, practices, procedures and facilities are modified, as needed, to accommodate persons with disabilities	X	
Information about programs and activities is provided in a manner that is accessible to persons with limited English proficiency (LEP)	X	

The Town of Tonawanda was monitored by HUD in 2014 following the signing and implementation of a Voluntary Compliance Agreement (VCA) in 2011. As part of this VCA, the Town enacted a Language Access Plan and a reasonable accommodation policy, among other policy changes. The Town’s Citizen Participation Plan requires reasonable accommodations for persons with disabilities and persons with LEP in order to ensure program accessibility. Tonawanda is also required to comply with the ACT HOME Consortium’s Citizen Participation Plan for disseminating information regarding CDBG and HOME programs.

## Language Access Plans

Recent reports find that despite decades of good work, the region continues to be a place where gross discrepancies in access to opportunity and life outcomes exist based on skin color, country of origin, language, and place of birth.<sup>6</sup> Specifically, persons with limited English proficiency (LEP), including immigrants, may encounter obstacles to fair housing by virtue of language and cultural barriers within their new environment. Foreign-born persons and persons with LEP experience poverty at higher rates than native-born or persons without LEP, and therefore are more likely to need assistance in the fair housing arena. To assist these individuals, it is important that a community recognizes their presence and the potential for discrimination, whether intentional or inadvertent, and establishes policies to eliminate barriers.

Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals from discrimination based on their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons with LEP can effectively participate in, or benefit from, federally assisted programs in a manner no different than that of others whose national origin is not at issue (e.g. native English speakers) may violate Title VI’s prohibition against national origin discrimination. Furthermore, recipients of federal financial assistance must develop a plan for persons with LEP to ensure that they have meaningful access to all portions of their programs or activities, not just those that receive HUD funds (e.g. non-federally funded programs). This is called a Language Access Plan (LAP). Although there is no explicit requirement to develop a Language Access Plan, 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.

<sup>6</sup> Buffalo-Niagara FHEA, 2015

One measurement of persons with LEP is the degree to which persons over the age of 5 years speak English. The Census reports on the number of persons who speak English “very well,” “well,” “not well,” and “not at all.” In 2013, the Census reported that 29,465 persons in Erie County spoke English less than “very well.” This LEP subpopulation constituted 3.4% of the County’s total population. The following figure describes the population with LEP within the County’s entitlement communities outside the City of Buffalo.

To determine whether translation of vital documents would be required, a community must first identify the number of persons with LEP in a single language group who are likely to qualify for and be served by the community’s programs. According to HUD, to the greatest extent feasible, vital documents should be translated into other languages spoken in the area for LEP groups that constitute:

- At least 1,000 persons, or
- At least 5% of the population that is eligible to be served or likely to be affected or encountered.

Vital documents include any document that is critical for ensuring meaningful access to all of the recipient’s major programs and activities (regardless of funding source for the individual program) by beneficiaries generally and persons with LEP specifically. Determining which, if any, language groups meet or exceed 1,000 persons or 5% of the population is known as a safe harbor calculation. Safe harbor calculations only apply to written translations; there are no safe harbor thresholds for oral translation.

The following table presents the results of a safe harbor calculation to determine the population for persons with LEP in the towns of Amherst, Cheektowaga, Hamburg, Tonawanda, and the Urban County. While Spanish is by far the most widely-spoken language after English, other LEP language groups with at least a combined 500 members are shown for reference. The estimated eligible population for each language group is based on the assumption that 100% of persons with LEP are potential recipients of services. Further analysis may reveal a smaller number.

### Safe Harbor Calculation

	Amherst		Cheektowaga		Hamburg		Tonawanda		Erie County CDBG Consortium		Erie County HOME Consortium**	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Population	116,678		83,527		54,503		70,437		301,415		355,918	
Speaks only English	99,233	85.05%	77,325	92.57%	52,299	95.96%	66,193	93.97%	282,310	93.66%	334,609	94.01%
Total LEP Population	4,997	4.28%	1,988	2.38%	508	0.93%	1,131	1.61%	5,475	1.82%	5,983	1.68%
LEP Spanish Speakers	374	0.38%	335	0.43%	151	0.29%	174	0.26%	1,354	0.48%	1,505	0.45%
LEP Chinese Speakers	910	0.92%	122	0.16%	10	0.02%	173	0.26%	356	0.13%	366	0.11%
LEP Polish Speakers	191	0.19%	467	0.60%	64	0.12%	15	0.02%	621	0.22%	685	0.20%
LEP Arabic Speakers	192	0.19%	256	0.33%	41	0.08%	76	0.11%	774	0.27%	815	0.24%
LEP Italian Speakers	322	0.32%	50	0.06%	75	0.14%	65	0.10%	382	0.14%	457	0.14%
LEP Russian Speakers	553	0.56%	38	0.05%	24	0.05%	123	0.19%	136	0.05%	160	0.05%

LEP Other Slavic Language Speakers	177	0.18%	126	0.16%	43	0.08%	45	0.07%	212	0.08%	255	0.08%
LEP French Speakers	205	0.21%	99	0.13%	55	0.11%	36	0.05%	185	0.07%	240	0.07%
LEP Korean Speakers	291	0.29%	74	0.10%	0	0.00%	61	0.09%	106	0.04%	106	0.03%
Source: ACS 2013 5-Year Estimates												
*All residents 5 years of age and over.												
**The Erie County CDBG Consortium does not include the Town of Hamburg and or the two villages within the Town (the villages of Hamburg and Blasdell)												

As the above figure shows, Spanish reaches a safe harbor threshold within the Erie County CDBG and HOME Consortiums, as the number of persons who speak Spanish fluently and English either “not well” or “not at all” exceeds the 1,000-person threshold set forth by HUD. Therefore, vital documents for programs that serve residents in these two entitlement communities should be translated into Spanish. No other language group reaches a safe harbor threshold in the entitlement communities, but it should be noted that there are over 900 Chinese-speaking persons with LEP in Amherst and over 800 Arabic-speaking persons with LEP in the Erie County HOME Consortium. In the coming years, these two groups may grow to a size that would require vital documents to be translated into Chinese and Arabic.

Stakeholders mentioned that the Arabic-speaking population is growing in the region, and these families often need housing assistance. Arabic-speaking individuals in the region often come from Iraq or Yemen. The growth of this population suggests that in the future, vital documents may need to be translated into Arabic as well as Spanish.

Service providing agencies seem to be making every effort to meet the needs of persons with LEP. At the time of the stakeholder interviews, the Rental Assistance Center (RAC) had five bilingual staff, and regularly called the International Institute of Buffalo (IIB) for assistance with limited-English proficiency issues. Belmont has several multi-lingual staff who speak Spanish and Nepalese. As the immigrant population grows in the region, limited resources make it more difficult to serve persons with LEP.

In regard to County services, however, stakeholder interviews reveal that staff in Erie County’s Department of Social Services (DSS) may still need guidance about working with LEP populations. Stakeholders who were interviewed felt that when they send persons with LEP to DSS for help, they do not have confidence that their clients will be adequately served. There is an acute lack of Spanish-speaking employees and other translation services.

As part of this analysis, the Language Access Plans (LAP) for the five entitlements were requested for review. As the lead entity of the Erie County HOME Consortium, the LAP obtained from the Urban County applied to the entire Urban County area, including the Town of Hamburg.

The Partnership for the Public Good, a language access working group, has been working for the past several years to track languages spoken in the area and promote the creation of a LAP in the County. The federal government provides some guidance for agencies attempting to meet the requirements of LEP access:

- Produce essential written materials in both English and other languages regularly encountered in advance.
- Advertise and offer free translation of any written document upon request, particularly in

languages that are encountered less frequently.

- Hire bilingual staff members.
- Advertise free interpreters for situations where individuals with LEP might have trouble understanding the conversation.<sup>7</sup>

The Urban County adopted a Language Access Plan in 2014 that applies to its CDBG program and the Erie County HOME Consortium. However, the document does not specifically articulate how the above strategies for access to services and programs by persons with LEP will be implemented.

The LAP, dated February 20, 2014, contains five sections: Background Demographic Information, Policy, Procedures, Training, and Monitoring and Updating the LEP [sic]. LAPs also generally contain a section outlining the guidelines for compliance with Executive Order 13166, which clarified the limited English proficiency requirements under Title VI of the Civil Rights Act of 1964. Additionally, none of the County's recent Annual Action Plans (2012-2014) made mention of written or oral translation of vital documents.

An LAP involves a four-factor analysis to evaluate the need for translation of vital documents 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

In evaluating the Urban County's LAP based on these four factors, several issues arise with the document that should be addressed in future revisions:

- Data
  - There seems to be a discrepancy in the English-speaking population of about 30,000 residents. In 2012, 280,741 residents of the CDBG Consortium over the age of 5 spoke only English<sup>8</sup> but the LAP stated there were 248,963.
  - A safe harbor calculation does not seem to have been performed.
- Specifics on translation services to be provided
  - LAPs tend to specify the vital documents that will be made available in languages other than English. They also identify which specific languages are spoken by persons with LEP. As it is written, the County's LAP does not outline which (if any) documents will be made available in languages other than English or specify which languages (if any) documents will be translated into.
  - The LAP references "trained staff," but it is unclear what training the staff will receive, or whether the Erie County Department of Environment and Planning (DEP) will institute a policy of hiring staff as needed with fluency in languages other than English.
- Program Information
  - The County's LAP does not contain information on the nature of the programs or which

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<sup>7</sup> Amanda Schieber, Limited English Proficiency Access in Buffalo and Erie County. Partnership for Public Good Fact Sheet. May 2, 2009. P.4.

<sup>8</sup> Based on calculations performed by Mullin and Lonergan using 2012 5-Year ACS Estimate

activities or services are provided by the programs.

- Outside Resources
  - The County's LAP's "Procedures" section lists several resources that are available outside of the DEP. According to the descriptions provided, relying on the resources listed may prove problematic:
    - The LAP lists the IIB as a potential provider of oral translations. The description states, "Many of these types of services [oral translation] require a fee, but once a client is signed up with the agency, the service acquisition is straightforward." Requiring persons with LEP who need County services to pay a fee for oral translation may present a financial hardship to low-income families. In effect, this may prove to make it more difficult for persons with LEP to access services than the native English-speaking population.
    - On written translation services, the LAP states, "... automated translation programs are available free of charge to anyone with internet access" and lists Google Translate as a service that persons with LEP may use to translate "the County's website, publications, brochures, etc." However, there are several obstacles to this strategy.
      - First, internet access presents a major challenge both for LEP households and low-income households. According to a 2014 Census report, 49% of all limited-English speaking households do not have internet access, compared to 24% of native English-speaking households.<sup>9</sup> Additionally, over half of all households with less than \$25,000 in annual income do not have any internet access, compared to 30% or less of households in all other income ranges. Elderly householders are less likely to have internet access than younger residents, and the fewer years of education a householder has, the less likely it is that they have internet access. In short, households that already face housing challenges are less likely to have internet access. Rather than rely on clients to translate materials themselves, written translations should be made available upon request.
      - Second, Google Translate is not as accurate as a human translator, and often requires human intervention to make revisions to the translation for the document to convey the correct message. In the case of housing programs, it is important that persons with LEP are presented with information as accurately as native English-speaking persons, so a reliance on automated translation programs may, in effect, make it more difficult for persons with LEP to access programs and services.
  - Publicizing Services
    - There is no mention of which language(s) will be used when publicizing program information.
    - The position(s) within DEP and the County's Equal Employment Opportunity Office who will be contact persons for persons with LEP have not been specified.
    - "Minority newspapers" are mentioned as outlets for advertisements, but no mention is made of publications written in languages other than English.
    - As part of the section on how the County will "assure that LEP persons obtain information," the LAP states that the County will "hold a public hearing or public

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<sup>9</sup> <http://www.census.gov/history/pdf/2013computeruse.pdf>

meeting so that LEP persons can meet with DEP staff and/or the outside agency, before actually requiring service.” A public meeting designed for households who do not yet need service may not reach the LEP households who are in need of service.

In short, the policy states that the County “will make every effort to allow persons with Limited English Proficiency the equal opportunity to access all available Community Development Programs,” but the policy does not adequately describe what “every effort” entails, who the persons with LEP are, or which community development programs are provided.

The LAP states that a Request for Proposals (RFP) was planned to have been issued no later than June 30, 2014 for a firm that would assist with language services. At the time of writing this report, it is unknown whether this RFP was issued or what amendments to the LAP may have followed.

The Town of Amherst (which contains the Village of Williamsville) also has a LAP. Amherst has identified a number of resources to assist with translation services for LEP persons wishing to access community development programs. Staff members utilize language identification tools and employ an automated translation service to assist with conversation. Program brochures are provided in the identified language.

However, these automated translation services may run into the same issues outlined in the County’s LAP mentioned above. Computerized translation services are often unreliable and may provide inaccurate translations. In the case of navigating a complex and financially significant housing transaction, more intensive LEP services will be needed.

The Town will also ensure press releases on available programs contain contact information for persons with LEP. The Town’s First-Time Homebuyers’ Program as well as information on community development projects are advertised in minority newspapers and specifically address LEP populations. Town staff are trained on the LEP policy and procedures. The LEP will be reviewed annually so as to measure its effectiveness and relevancy to Amherst’s demographics.

The Town of Cheektowaga uses the Town Court’s contract as their Language Access Plan.

## **Public and Assisted Housing & Section 8 Housing Choice Voucher Programs**

Public housing authorities are critical to regional fair housing strategies, as the lower-income populations they serve disproportionately represent members of the protected classes. Like other agencies receiving HUD funding, public housing authorities must certify that they will affirmatively further fair housing choice, so their policies and actions must be clearly rooted in this aim. It is a consideration that matters in tenant selection and waiting list policies, in the placement of tenants in units, in the siting of new housing opportunities, in voucher program policies, in the grievance process and in eviction actions, among other issues.

Additionally, public housing authorities are required to meet Section 504 standards for accessibility, which stipulate that a minimum of 5% of the inventory must be accessible for persons with mobility impairments and an additional minimum of 2% of the inventory must be accessible for persons with sensory impairments. Therefore, public housing often represents a primary affordable housing source for lower-income families, including people with disabilities and families with children.

## Public Housing Inventory

Public housing units in Erie County outside the City of Buffalo are owned and operated by three housing authorities: Lackawanna Housing Authority (LHA), Tonawanda Housing Authority (THA), and Kenmore Housing Authority (KHA). LHA operates 490 units of public housing among three developments, and THA operates a total of 265 units. Kenmore Housing Authority operates another 200 units. Public housing does not exist elsewhere within the County outside of Buffalo, though affordable housing created through other federal programs is available in many of its communities.

The distribution of public housing units between senior and family units is shown in the following table. Within the population of Erie County outside of Buffalo, seniors age 62 or over comprise 17.3% of the general population and 13.7% of the population in poverty. However, public housing authority units designated for seniors represent 36% of the public housing inventory in the area. Additionally, seniors occupy 25-30 of the family units available in Lackawanna.

### Public Housing Inventory by Unit Type, 2014

PUBLIC HOUSING UNITS			
HOUSING AUTHORITY	FAMILY UNITS	SENIOR UNITS	TOTAL
Lackawanna	397	94	491
Tonawanda	214	50	264
Kenmore	0	200	200
<b>All</b>	<b>611</b>	<b>344</b>	<b>955</b>

KHA operates two developments, Kenmore Village Apartments and Theater Apartments. Each development consists of 100 units with 10 accessible units at each location. Stakeholders report that KHA's buildings are normally at full occupancy.

In stakeholder interviews, LHA representatives reported that they do not receive as many applications from large families as in years past, so they are exploring converting four- and five-bedrooms into smaller units to address the demand for smaller family units. However, this is in contrast to statements made by fair housing organizations that reported a limited supply of larger units for lower income families with children. This may indicate a mismatch between the current inventory of larger units and where larger lower income families want to live.

### Current PHA Tenants Served

The following figure describes demographic characteristics of LHA and KHA public housing residents. Although THA provides public housing, because the Authority is state-funded rather than federally funded, its 264 units are not included in HUD data. Therefore, the data represented in this section refers only to residents of LHA and KHA units in the 480 units reported in the following HUD-provided records. THA inventory represents just under one-third (27.6%) of public housing in Erie County.

In 2014, the federal poverty threshold for a household of two persons (the average size of households in LHA units) was \$15,730. For a family of four, the threshold was \$23,850. According to 2014 HUD guidelines, a family of two with an income under \$15,730 would qualify as extremely low-income in the Buffalo MSA. The average annual income in both LHA and KHA developments, as shown in the figure below, falls well below these guidelines, demonstrating a majority of public housing residents in the area are extremely low-income.

In LHA developments, 22.1% of residents were Black and 18.6% of residents were Hispanic. This is higher than Lackawanna’s overall proportion of Black and Hispanic residents, which are 8.5% and 4.2%, respectively. Residents were also more likely than the general population to be disabled, and almost all current residents requested at least some type of accessibility feature.

### Characteristics of Current Public Housing Residents, Lackawanna Housing Authority and Kenmore Housing Authority, 2014

	LHA		KHA	
Total Households	491		200	
Average Annual Income	12,688		15,052	
Average Household Size	2		1	
Average Length of Residence	9 Years		1 Year	
Elderly Residents (>62)	123	25%	165	83%
Disability				
Disabled	111	23%	29	15%
Requesting Accessibility Features	480	98%	194	97%
HIV/AIDS	0	0%	0	0%
Domestic Violence Victims	0	0%	0	0%
Race and Ethnicity*				
Black	314	64%	7	4%
White	164	33%	184	92%
Asian	0	0%	1	1%
American Indian/Alaska Native	2	0%	2	1%
Other	0	0%	0	0%
Hispanic**	79	16%	2	1%
* Includes non-elderly disabled, mainstream one-year, mainstream five year, and nursing home transition				
** Hispanic ethnicity is counted independently of race				
Data Source: PIC (PIH Information Center)				

People with criminal records and their immediate families face re-entry issues when applying for or attempting to remain in public and subsidized housing. The rules for determining the extent to which a prior criminal record should impact admission to public and subsidized housing are sufficiently broad to allow, in certain instances, for uneven application. In addition, given the racial inequities in sentencing, more Black individuals are impacted by criminal records/re-entry issues and their impact on access to housing and employment opportunities than members of other racial groups. The ability to access public and subsidized housing opportunities becomes even more important when job opportunities are limited. The impact of a prior criminal record has a ripple effect when you consider how other family members are affected (e.g. mother and children live in public housing, the father is released from prison, and the PHA informs the mother/wife that she cannot allow her husband to live with the family due to his criminal record). While ex-offenders are not a protected class per se, the fact that Black men are most likely to be impacted by the subjective application of such rules for the admission of ex-offenders to public and subsidized housing does have a discriminatory impact.

## PHA Wait Lists

As of 2015, the Lackawanna Housing Authority's wait list is open to new applications, though as of the writing of this report, data on the demographics of those currently on the wait list was not available for review. LHA representatives reported that their wait list includes many households with young children. Large families tend not to apply as frequently as in past years, causing four- or five-bedroom units to remain vacant. As noted above, LHA is considering converting these units into units with fewer bedrooms to accommodate smaller families. Additionally, LHA representatives reported that in recent years, they have received an increase in applications from Hispanic families and Arabic-speaking families.

As of October 2014, almost 500 households were on KHA's waiting list. This is two and a half times the number of units in the Authority's inventory. As shown in above, the average stay in KHA units is just one year, but it will still take several years for those at the end of the wait list to be placed in housing. Fifty-eight households (or 12% of the wait list) have at least one disabled member. Only 20 units (or 10% of KHA inventory) are accessible, indicating a great need for accessible units for elderly citizens. The Tonawanda Housing Authority's wait list is also open.

## Section 8 Housing Choice Voucher Program

None of the public housing authorities in the County outside of Buffalo administer Section 8 Housing Choice Voucher programs. Instead, programs are administered by two non-profit agencies: Rental Assistance Corporation (RAC) and Belmont Housing Resources. The two agencies' jurisdictions encompass the entire County, so they administer vouchers in the City of Buffalo in tandem with the Buffalo Municipal Housing Authority, which only administers vouchers within the City. Together, the two agencies administer a combined total 10,018 vouchers as of 2013, of which 2,385 (24%) are allocated to families residing outside of Buffalo.<sup>10</sup>

Overall, an adequate supply of units affordable and available to eligible applicants remains a need for voucher holders, including affordable housing that is accessible for persons with disabilities. Both RAC and Belmont have acknowledged the need to expand the supply and geography of available units by applying an exception payment standard so that voucher holders can afford higher rents in census tracts outside of Buffalo. About 35% of Belmont's voucher holders live in Buffalo, compared to 85% of RAC's, and stakeholders report that the reason for this concentration is the inadequate inventory of affordable units in the balance of the County. Most of the affordable units outside of the City are located in first-ring suburbs.

One major challenge to the housing voucher program is landlord participation, especially with regard to security deposit vouchers. Security deposit vouchers differ from Section 8 Housing Choice Vouchers in that they cover only the security deposit required to secure an apartment rental, generally as a condition in the lease. Since this money generally must be paid out of pocket upfront, security deposit vouchers are useful for persons with very low incomes and/or limited savings available. The County has issued security deposit vouchers since 2010, but many landlords still will not accept them. The County and the Town of Amherst use a housing agency (Housing Opportunities Made Equal) to conduct outreach sessions with landlords to improve the situation, but there is still significant need. Some

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<sup>10</sup> City of Buffalo Consolidated Plan, 2013

stakeholders identified a perception amongst property owners that tenants using security deposit vouchers were less likely to stick to the terms of the lease, such as move-in dates and damages.

### **Section 8 Housing Choice Voucher Administrative Plans**

The Housing Choice Voucher Administrative Plan (Admin Plan) is the policy and procedure manual that includes the regulations governing this housing assistance program. Generally, the Admin Plan 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 Admin Plans for RAC and Belmont Housing Resources were reviewed from a fair housing perspective to ensure that members of the protected classes are afforded adequate housing choices. Specifically, the Plan 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 (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 (i.e., outside of R/ECAPs),
- 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.

RAC’s Admin Plan includes a statement that it will comply with all equal opportunity and fair housing requirements imposed by contract or federal law.

RAC’s Plan includes specific references to disability-specific policies, such as soliciting applications through agencies that work with the disabled, voucher deadline extensions for the disabled and a residency preference for the disabled. It mentions that requests for reasonable accommodation will be considered (voucher deadline extensions, the briefing process, etc.).

The Plan does not include a discussion of ways in which the voucher program accommodates persons with LEP. While it is likely (and documented by stakeholder interviews) that the agency has methods of eliminating barriers to its programs and services for this population, the expanding proportion of Erie County residents who speak English as a second language warrants specific consideration.

RAC’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. RAC’s Plan includes a residency

preference in waiting list selection, which extends to people living across Erie County, and also extends preference to individuals who are elderly or disabled.

With regard to recruiting landlords who own property in non-impacted areas, the agency encourages participation in the Greater Buffalo Community Housing Center mobility program. Advocates present information about the program at all voucher briefings. Further, RAC 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. The agency 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.

RAC 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.

RAC’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. The agency’s grievance process includes 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 RAC 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.

The Admin Plan for Belmont Housing Resources was also reviewed. Belmont’s plan includes an explicit policy to comply with all federal, state, and local nondiscrimination laws and with the rules and regulations governing fair housing and equal opportunity in the housing the organization provides. Belmont will not deny any family or individual the opportunity to apply for or receive assistance under the Section 8 Programs on any legally recognized basis including but not limited to race, color, sex, religion, creed, national or ethnic origin, age, family status, handicap or disability.

To further its commitment to full compliance with applicable Civil Rights laws, Belmont provides federal, state, and local information to participants regarding discrimination and any recourse available to them if they are victims of discrimination. Such information is made available during the family briefing session, and applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the family's briefing packet.

In response to the impediments identified in the previous Analysis of Impediments to Fair Housing study, as well as other barriers (e.g.lack of public transportation) that have been mentioned by clients, Belmont has undertaken several new activities as well as taken new steps to affirmatively further Fair Housing. These steps, which are detailed in Belmont’s Admin Plan, are bulleted below:

## Training & Information

- Staff administering the HCV Programs receive fair housing training on an on-going basis. This training enables staff to identify possible infractions and make referrals as necessary to HOME, Inc. or HUD for investigation.
- New employees are required to complete a self-paced Fair Housing Primer during their orientation to the agency. This CD-ROM program, which is intended to introduce people to the basics of Fair Housing Compliance, is made available by the National Center for Housing Management.
- Recipients of Section 8 renter's assistance attend an orientation prior to receiving their voucher. During that orientation everyone receives printed information on fair housing and housing discrimination. An Education Specialist from HOME, Inc. discusses fair housing issues with the clients and fields questions or concerns voucher-holders may have.
- Clients have access to a well-stocked Housing Resource Center at our Buffalo office, which provides information on tax prep services, education and employment opportunities, rental assistance and rental housing, reverse mortgages, home purchase assistance programs, mortgage products, HUD programs, HUD homes, subsidized new builds and existing rehabilitated units, financial education materials, etc.
- Belmont provides information on housing-related issues such as lead based paint hazards, energy star, carbon monoxide poisoning, and housing quality standards. Belmont also makes available to the public Tenant's Rights Guide and A Housing Guide for Senior Citizens, both of which are produced by the NYS Office of the Attorney General.
- There is an inventory of Community Profiles to give clients some idea of the services, job opportunities, schools, churches, etc. available in areas with which they may not be familiar. Apartment listings are abundant and clients can pick up copies of bus schedules and local maps.
- Clients are also free to use the Resource Center's phones and computers to help in their search for affordable housing. The Center is staffed by two (2) full time experienced Housing Specialists. Our goal is to educate clients about the benefits of living in non-impacted areas and to help them access that housing.
- Belmont created a Home Ownership and Self Sufficiency Resource Center in the Buffalo office. This room has an extensive lending library with books, videos, DVDs, and magazines on career planning, pre- and post-purchase home ownership education, GED programs, post-secondary education and other skill development opportunities. Here too clients can make use of a computer and printer. The room is utilized by our Section 8 Family Self Sufficiency Counselors and Home Ownership Counselors to perform one-to-one Counseling.
- Belmont developed and continues to update the Affordable Housing Opportunities Lists for the eight counties that include and surround the City of Buffalo. This list is available in all of Belmont's offices, may be downloaded from the website and may be requested by phone.
- Replaced all green print on envelopes and letterhead with black print and to switch to a larger, more easily-read font in order for vision-impaired persons to better read their materials

- As part of an ongoing training program, Section 8 staff periodically review *Guidelines for Reporting and Writing about People with Disabilities*, a report published by the University of Kansas. The guidelines, which reflect input from over 100 national disability organizations, explain preferred terminology and offer suggestions for appropriate ways to describe and refer to people with disabilities.

#### **Location & Lack of Adequate Transportation**

- Belmont's main office was purposely situated in the City of Buffalo on a main thoroughfare accessible by subway and bus. A satellite office in the City of North Tonawanda was opened in response to the lack of public transportation to and from the northern reaches of the County.
- Also in response to a perceived lack of transportation, Belmont's Section 8 Program policies permit clients to complete the application and eligibility determination processes entirely through the mail. Even when it comes time for the HUD-required orientation, clients may request that the orientation be conducted somewhere other than Belmont's office, somewhere closer to the client's home.
- Several years ago Belmont created a user-friendly web site to increase the public's access to Section 8 applications and a wide variety of affordable housing resources. The website has been particularly helpful to clients with personal mobility limitations as well as those living in outlying areas. Clients need not travel to one of Belmont's offices in order to apply for assistance; just about everything is available through the website, over the phone or through the mail.
- More recently, a web-based program... [www.waitlistcheck.com](http://www.waitlistcheck.com) ... was added which allows applicants to check the status of their applications 24 hours a day, 365 days of the year.

#### **Staff / Services / Programs**

- Belmont used to employ a full-time Landlord Relations Specialist whose primary objective was to increase affordable housing opportunities by recruiting landlords to participate in the Section 8 Program and by encouraging those landlords to make available their properties that are located in areas of opportunity; areas of low poverty and low minority concentration. When funding permits we intend to reinstate this position.
- Belmont employs several bi-lingual staff to facilitate the delivery of services to people for whom English is not their primary language. Bi-lingual employees are paid a premium for the services they are able to provide to clients.
- Belmont is a HUD-Certified Housing Counseling Agency and as such provides countless services and programs to individuals and groups; financial education, debt and credit repair, pre-and post purchase counseling, and default, predatory lending and reverse mortgage counseling. In addition, we sponsor and support a Home Buyer Club for Section 8 Participants working toward the purchase of a home. All workshops include information on fair housing and predatory lending.

- In partnership with the NYS Developmental Disability Services Office, Aspire of WNY and the Self Advocacy Association, Belmont provides a Homebuyer Club dedicated to people with developmental disabilities. The club meets monthly to educate, encourage and support clients as they seek to achieve self-sufficiency and homeownership. The club is available in combination with individualized pre-purchase and financial counseling services.
- One of Belmont's Housing Programs Managers co-chairs the Predatory Lending Taskforce; we have staff serving on the board of the Erie County Fair Housing Partnership and National Leased Housing Association; and Belmont is a member of the Homeless Coalition of WNY, HOME, Southtowns Human Services Coalition, and Human Services Coalition of the Tonawandas.
- Belmont makes every attempt to accommodate people with disabilities so that they can make use of the Section 8 Program. Belmont routinely requests approval from the HUD field office to use an exception payment standard of up to 120% of FMR to allow a person with disabilities to rent housing that meets their needs. Because persons with disabilities often experience difficulty searching housing that is both affordable and accessible, it employs liberal voucher extension policies.

### **Affordability**

- Belmont administers several IDA programs assisted through grants from the U.S. Department of Health and Human Services, Assets for Independence Program. These grants allow families to accumulate funds for down payment and/or closing costs when they get ready to purchase their first home. A percentage of the IDAs are available for Section 8 participants, while 15 of them are targeted to homebuyers who reside in the 14215 zip code area of Buffalo, primarily racial minorities.
- Belmont works with the Erie County PHA Consortium to promote the Section 8 "Step Up" option for renters who wish to become homeowners. The option is presented during the initial orientation to the Section 8 Program and on an annual basis thereafter. The goal is at least 10 Section 8 homebuyers per year.
- Belmont has always vigorously marketed the Family Self-Sufficiency (FSS) Program to Section 8 participants, particularly its ability to help families accumulate funds for down payment and closing costs. This Program is a prerequisite for those planning to purchase a home using their Section 8 subsidy. It is not uncommon for FSS participants to accumulate anywhere from a couple of thousand dollars to well over \$10,000 during their years in the program. These funds are often the difference between an affordable and unaffordable mortgage.
- The PHA's primary service area, Erie County, covers a large geographic area with a very diverse demographic. While a Section 8 Payment Standard (PS) based on 90-100% of the fair market rent (FMR) affords most voucher-holders the opportunity to rent modest housing in the urban areas, it is often inadequate for those looking to rent in the suburban and rural areas. Keeping in mind that these higher-cost areas are typically areas of low poverty and low minority concentration... areas of opportunity... the PHA wanted to ensure that families could also access

the housing that might be available in these outlying areas. Therefore, the PHA established Exception Payment Standards (ExPS) of up to 110% of FMR for use in the majority of suburban and rural communities. This has greatly expanded housing opportunities for many families.

- Belmont’s homeownership counselors are tuned into the many first-time homebuyer programs and services that are offered throughout Erie County. They ensure that homebuyers know which banks are offering the most competitive mortgage rates and which ones have matched-savings homebuyer clubs, they offer clients pre-purchase counseling and financial education and, most importantly, they direct potential homebuyers to any down payment and closing cost assistance programs that may be funded in the jurisdiction(s) where the client is seeking housing.

### **Miscellaneous Activities**

- Belmont is a member of the Economic Self-Sufficiency Coalition of WNY. Through this partnership Belmont became a free tax preparation site. Every year during tax season Belmont employees complete tax returns for low income households, many of which previously used (expensive) “rapid refund” sites. The savings to the clients in terms of fees that they don’t have to pay is tremendous, not to mention the number of clients who benefit from the EITC.
- Belmont staff assisted the City of Buffalo Urban Renewal Agency in developing and enacting anti-predatory lending policy guidelines which are now applied to all City of Buffalo Home Buyer and Rehabilitation Loan Programs.
- Belmont has partnered in the past with the Independent Living Center of WNY and NYS Housing Trust Fund to provide funds to persons with disabilities so that they might be able to make accessibility modifications to their home. Participants of the program are eligible for a forgivable loan to make repairs such as wheel chair lifts, stair glides, bathroom modifications and entrance ramps. When funds are available, the program is open to renters and home owners in Erie County.
- Although Belmont administers the Section 8 Program on behalf of primarily the suburban communities of Erie County, low income residents of the entire county, including the City of Buffalo, receive equal preference when it comes to placement on or selection from the wait list. Voucher-holders may use their voucher in any community they choose.
- Although the impact that these activities and services have on recipients is difficult to assess, the PHA tracks the number of clients who visit the Resource Room, attend workshops, receive reasonable accommodation, visit our website, request an exception payment standard, apply to the Section 8 waitlist, etc. in an attempt to at least measure the ongoing need for these services.

### **Section 8 Housing Choice Voucher Tenants Served**

Stakeholders reported that voucher-holding families in Erie County are more likely to have elderly members or members with disabilities, thus their needs relate to stable, accessible housing and access to related supported services that allow them to live as independently as possible. Transportation that provides affordable, relatively convenient connections to the destinations of daily life (shopping,

medical appointments, work, etc.) is critical to the quality of life for public housing residents, voucher holders, the elderly and people with disabilities. Stakeholders who serve these populations cited a lack of or inadequate transportation as a major problem for their clients. Both agencies regularly allow a payment standard exception for people with disabilities (up to 120% of the fair market rent) due to the extremely limited supply of units that are available and appropriate for this population.

Additionally, stakeholders also reported that voucher holders with children under age six often face serious difficulty—possibly in the form of illegal discrimination—locating a unit due to lead-based paint requirements, as landlords who participate in the program must pay for lead testing, and potentially remediation, to accommodate such families. These households constitute 50-75% of RAC’s clientele.

The general population in Erie County includes households that share the needs of public housing residents and voucher holders because the resources available to the agencies managing these housing programs are drastically insufficient to meet local need. Until a public housing unit or Housing Choice Voucher becomes available, the thousands of households on the waiting lists continue to subsist on extremely low incomes in housing conditions that are likely unaffordable, inadequate or both.

### **Section 8 Housing Choice Voucher Wait Lists**

The wait lists for both Belmont and RAC are currently closed. RAC’s list has been closed since July 1, 2013, with a current waiting time of approximately six years.<sup>11</sup> Stakeholders estimate that RAC’s wait list exceeds 14,000 families. This figure is almost three times the number of families who are currently served by RAC vouchers. Belmont’s wait list has been closed since 2011, has a waiting time of approximately seven years, and exceeds 19,000 families (almost four times the number of families currently served).

Notably, a family may appear on multiple wait lists for public housing or a housing voucher in Erie County. When a family applies for vouchers, all three agencies (including the Buffalo Municipal Housing Authority) are presented as equal options for the applicant to pursue. In spite of the likely duplication of applicants on wait lists, the raw numbers and the length of waiting times indicate that there is severe shortage of affordable housing units for lower income residents. However, a single, unduplicated regional application process and waiting list would streamline the ability for all applicants seeking one source of affordable housing in Erie County.

The City of Buffalo’s 2013 Consolidated Plan described some of the characteristics of individuals and households on the voucher wait lists. Because RAC and Belmont vouchers can be used outside of Buffalo, the individuals and households on those agencies’ wait lists may currently live in or be waiting to live outside of Buffalo.

As of the writing of Buffalo’s Consolidated Plan, RAC had 10,518 families on its waiting list, with a three-year waiting period. The list included:

- 2,917 (28%) families with disabilities
- 8,716 (83%) extremely low-income families
- 4,528 (43%) families with children
- 609 (6%) elderly families

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<sup>11</sup> Rental Assistance Corporation website (3/30/2015)

- 9,313 (89%) in need of units consisting of two or fewer bedrooms

Belmont’s waiting list contains 18,498 applicants. The average wait is 2,496 days—over 6 years. Of these applicants, 76.9% are extremely low-income (making 0 to 30% AMI), 17.6% are very low income (30 to 50% AMI), and the remainder are either over the income limit or lack data on income. About 13.2% of applicants are classified as elderly families, 28.5% are classified as families with disabilities, and 1.4% are classified as families with children. The racial and ethnic breakdown of applicants on the waiting list was as follows:

- 277 (1.5%) American Indian or Alaska Native
- 106 (0.5%) Asian
- 9,166 (49.5%) Black
- 15 (0.08%) Hawaiian / Pacific Islander
- 1,888 (10.2%) Hispanic (note: Hispanic ethnicity is calculated independently of race)

The most commonly requested type of unit requested by applicants on the waiting list was a one-bedroom unit. Applications for one-bedroom units comprised 72.4% (13,409) of applications. A higher proportion of elderly applicants were likely to request a one-bedroom unit, likely because a higher proportion of elderly applicants are one-person households.

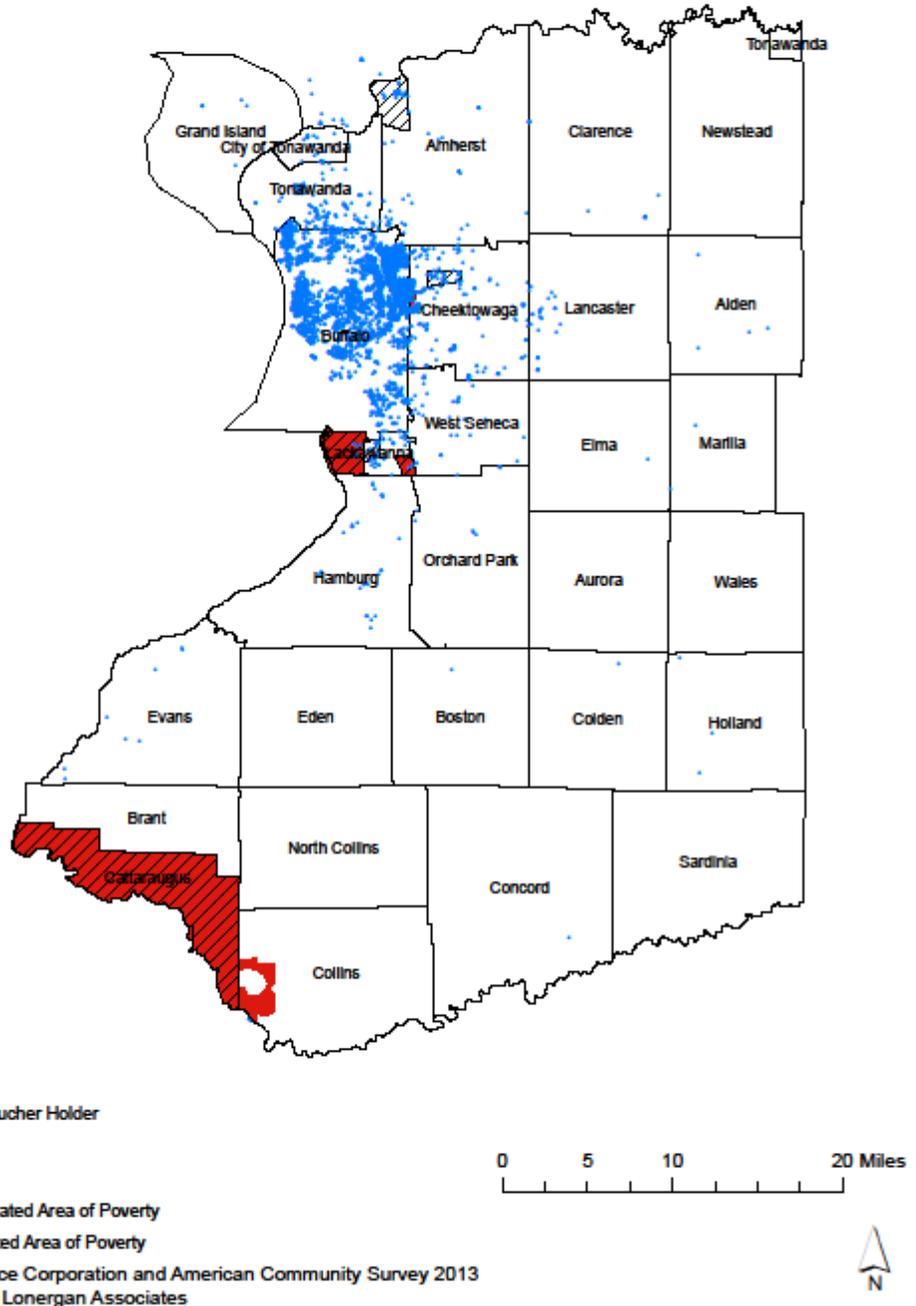
### **Section 8 Housing Choice Voucher Location Analysis**

Data on locations of Housing Choice Voucher (HCV) holders in Erie County was made available for review from Belmont Housing Resources and Rental Assistance Corporation (RAC). Belmont HCV data is available by zip code and RAC data is available by address. In order to maintain privacy, this data had all personal information or other unique identifiers removed prior to its release and review.

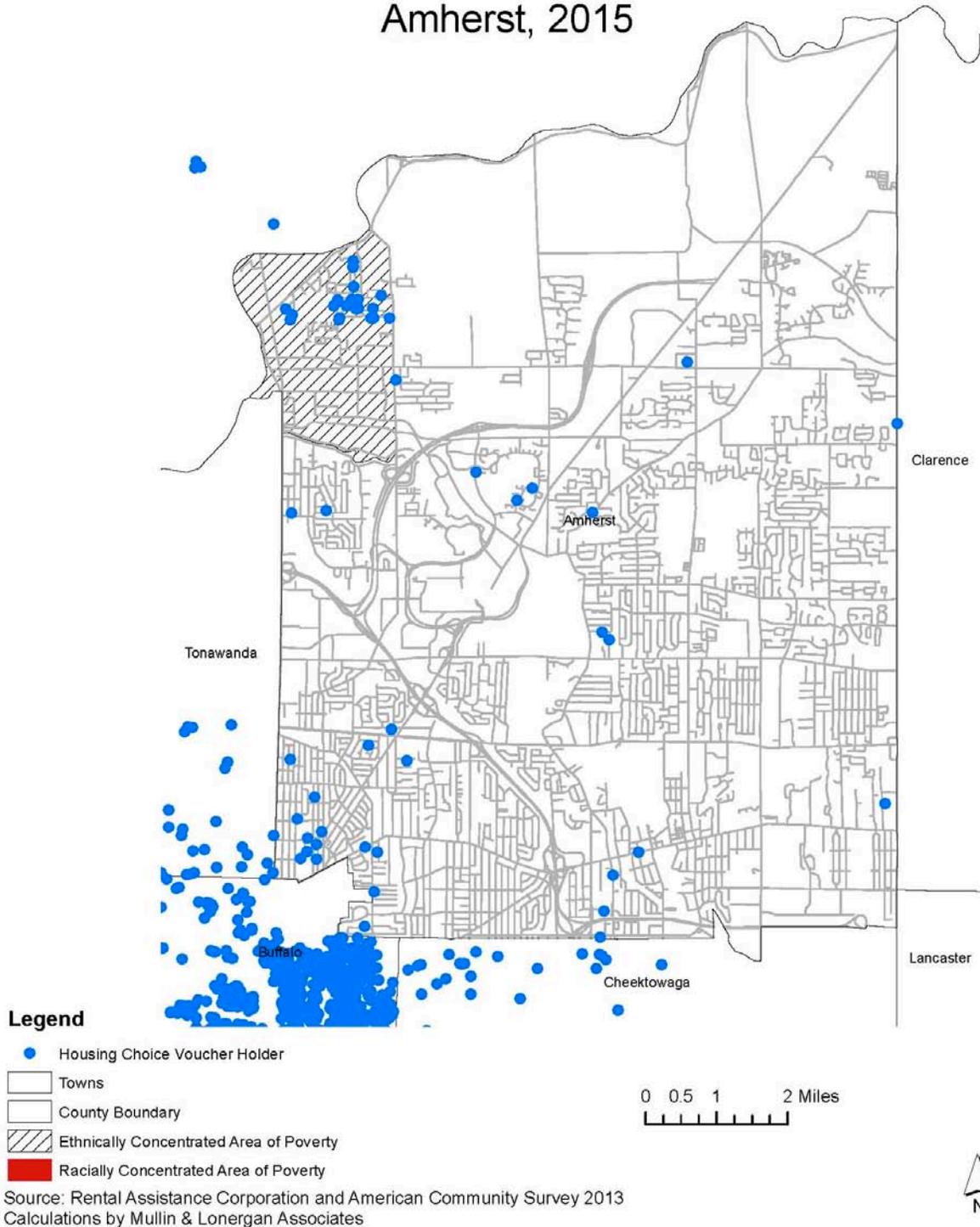
The following maps illustrate the distribution of RAC voucher holders throughout the entirety of Erie County. The map demonstrates that voucher holders are primarily concentrated in the City of Buffalo and the lower-cost areas of Lackawanna, Cheektowaga, Tonawanda, and Amherst. Lower housing costs in the private rental market are a primary driver of the concentration of voucher holders in higher-poverty areas. RAC does not currently set payment standards by zip code; this does not allow voucher holders some access into neighborhood zip codes that would otherwise be unaffordable.

Mirroring RAC’s distribution, Belmont’s voucher holders are concentrated in Buffalo and the zip codes of Lackawanna, Cheektowaga, Tonawanda, and Amherst that are adjacent to Buffalo. There are very few voucher holders living in the remaining communities of the Urban County. Racially concentrated areas of poverty tend to have higher concentrations of voucher holders. This conclusion is consistent with statements made by stakeholders that Buffalo provides housing of the last resort for many families. In the words of one advocate, “Public assistance is livable in Buffalo.”

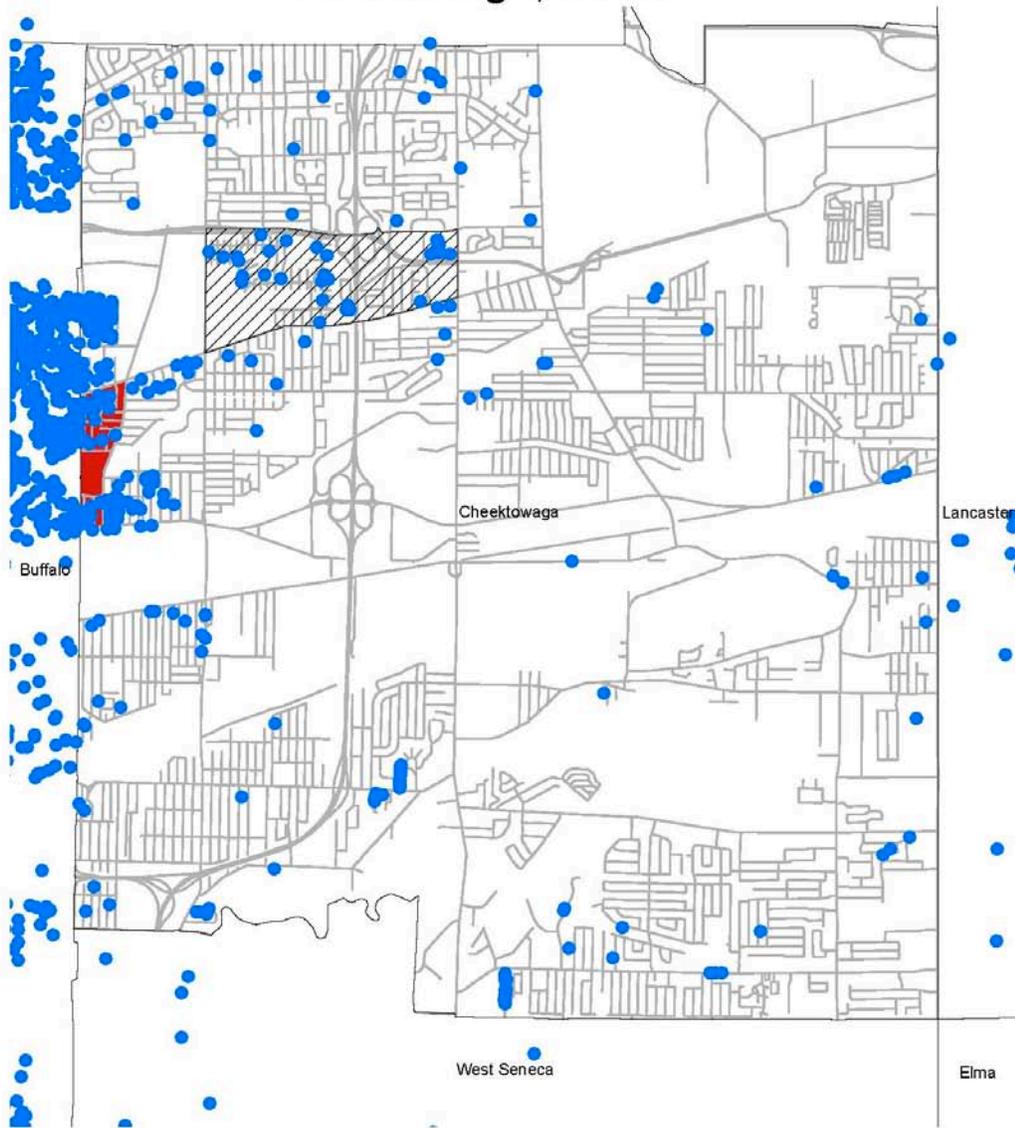
# Rental Assistance Corp. Housing Choice Voucher Holders and Racially or Ethnically Concentrated Areas of Poverty All Study Areas, 2015



# Rental Assistance Corp. Housing Choice Voucher Holders and Racially or Ethnically Concentrated Areas of Poverty Amherst, 2015



# Rental Assistance Corp. Housing Choice Voucher Holders and Racially or Ethnically Concentrated Areas of Poverty Cheektowaga, 2015



**Legend**

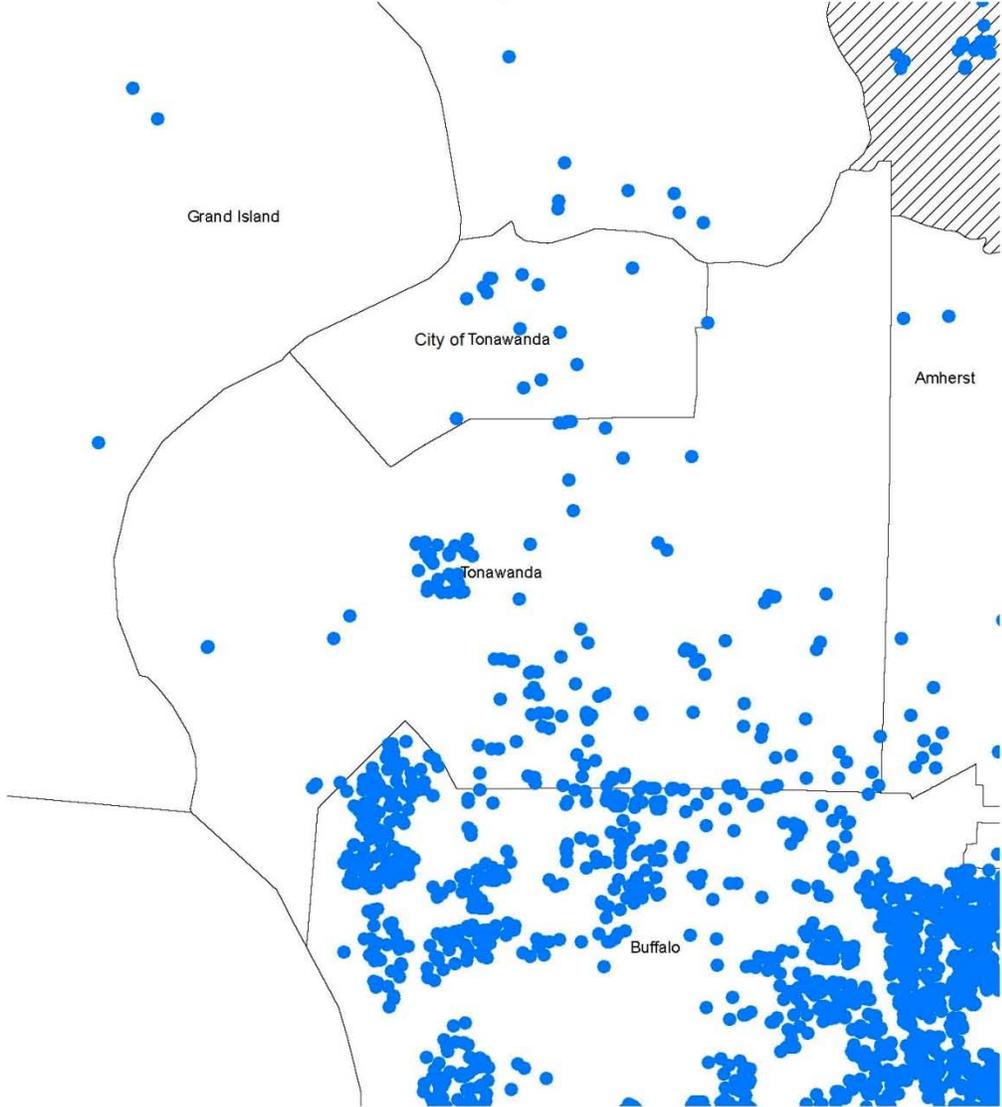
- Housing Choice Voucher Holder
- Towns
- County Boundary
- ▨ Ethnically Concentrated Area of Poverty
- Racially Concentrated Area of Poverty

0 0.45 0.9 1.8 Miles



Source: Rental Assistance Corporation and American Community Survey 2013  
Calculations by Mullin & Lonergan Associates

# Rental Assistance Corp. Housing Choice Voucher Holders and Racially or Ethnically Concentrated Areas of Poverty Tonawanda, 2015



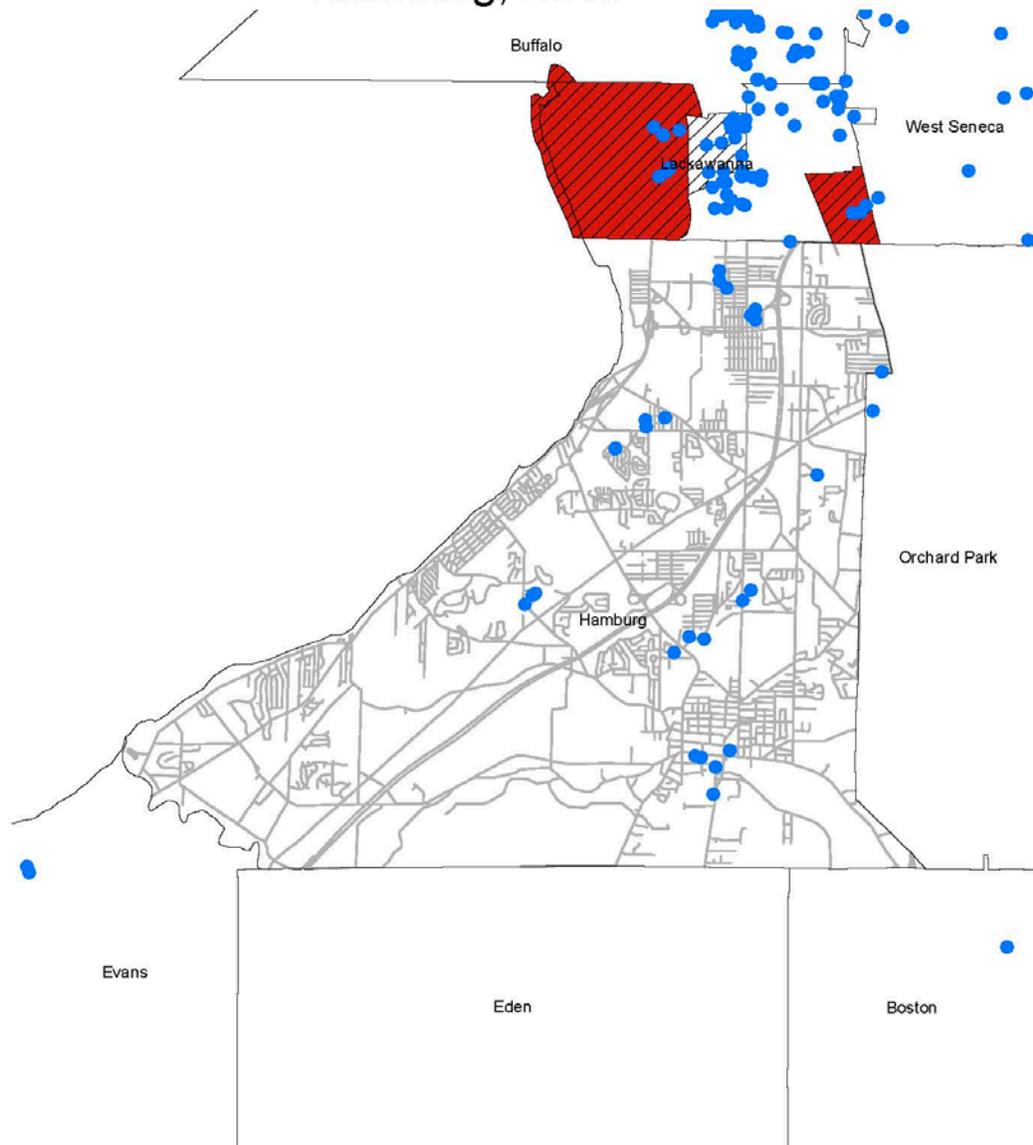
**Legend**

- Housing Choice Voucher Holder
- Towns
- County Boundary
- ▨ Ethnically Concentrated Area of Poverty
- Racially Concentrated Area of Poverty



Source: Rental Assistance Corporation and American Community Survey 2013  
Calculations by Mullin & Lonergan Associates

# Housing Choice Voucher Holders and Racially or Ethnically Concentrated Areas of Poverty Hamburg, 2015



## Legend

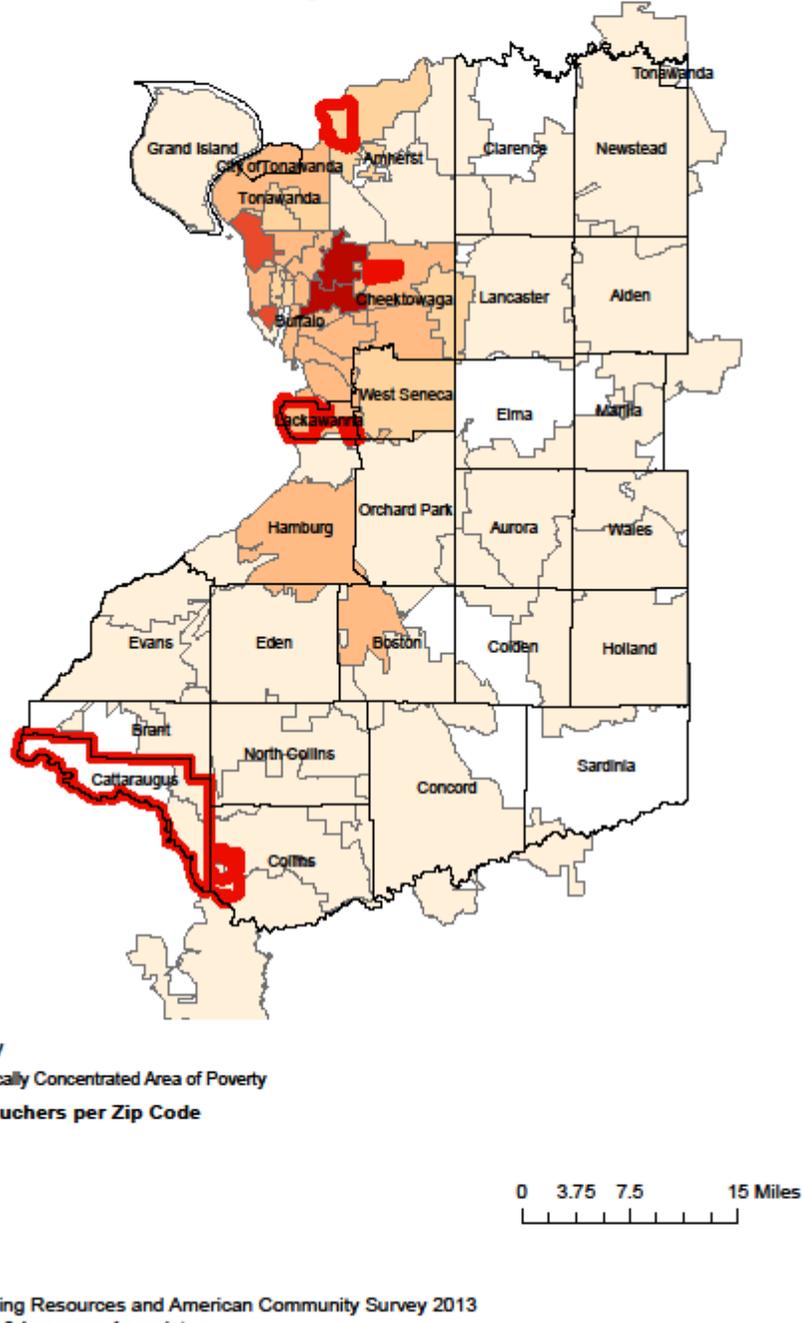
- Housing Choice Voucher Holder
- Towns
- County Boundary
- Ethnically Concentrated Area of Poverty
- Racially Concentrated Area of Poverty

Source: Rental Assistance Corporation and American Community Survey 2013  
Calculations by Mullin & Lonergan Associates

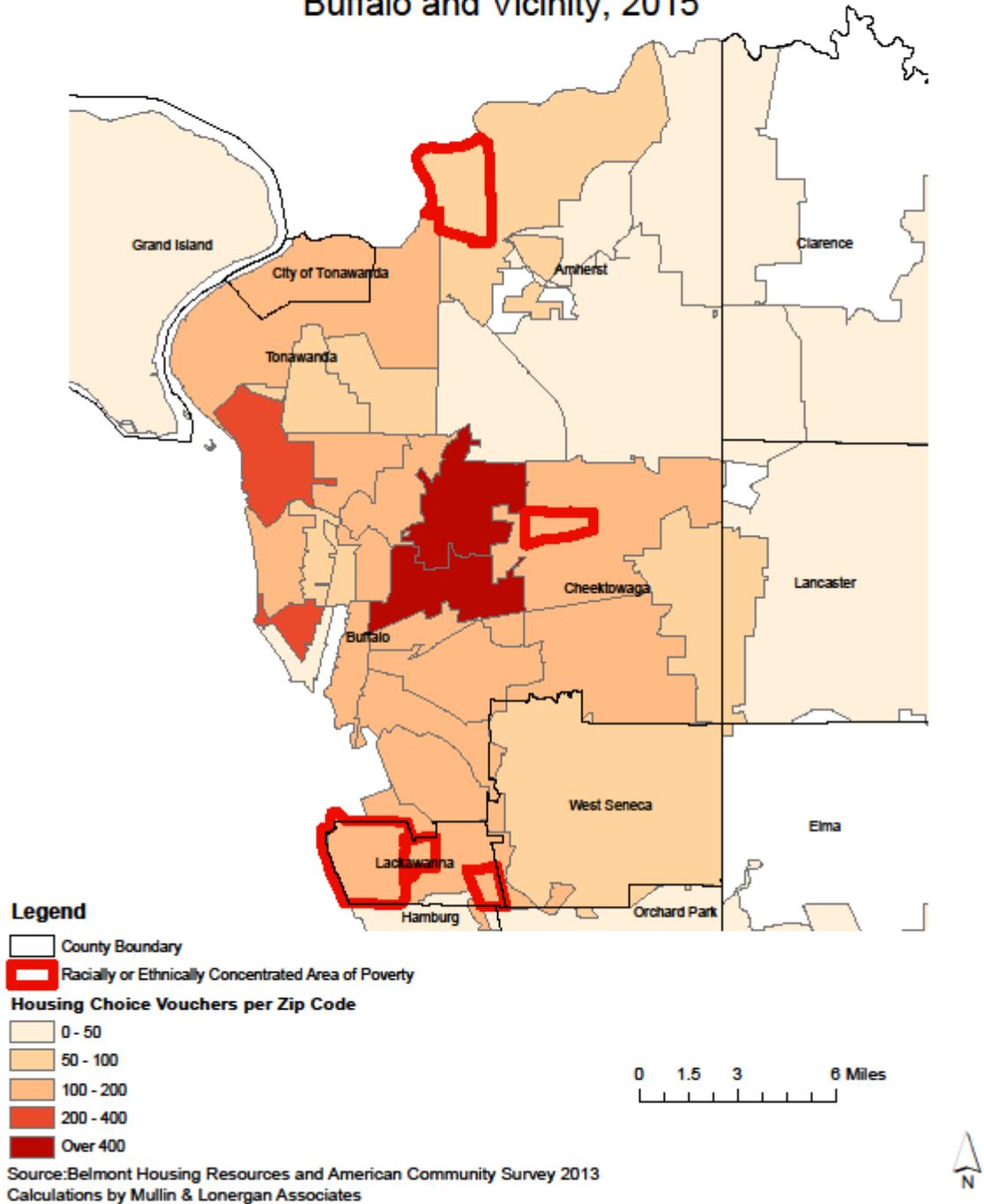


Belmont Housing Resource's voucher recipients are available by zip code. Mirroring RAC's distribution, voucher holders are concentrated in Buffalo and the zip codes of Lackawanna, Cheektowaga, Tonawanda, and Amherst that are adjacent to Buffalo. There are very few voucher holders living in the remaining Urban County. Racially concentrated areas of poverty tend to have higher concentrations of voucher holders.

# Belmont Housing Resources Housing Choice Voucher Holders and Racially or Ethnically Concentrated Areas of Poverty All Study Areas, 2015



# Belmont Housing Resources Housing Choice Voucher Holders and Racially or Ethnically Concentrated Areas of Poverty Buffalo and Vicinity, 2015



### **Locations of CDBG and HOME Projects: Town of Amherst**

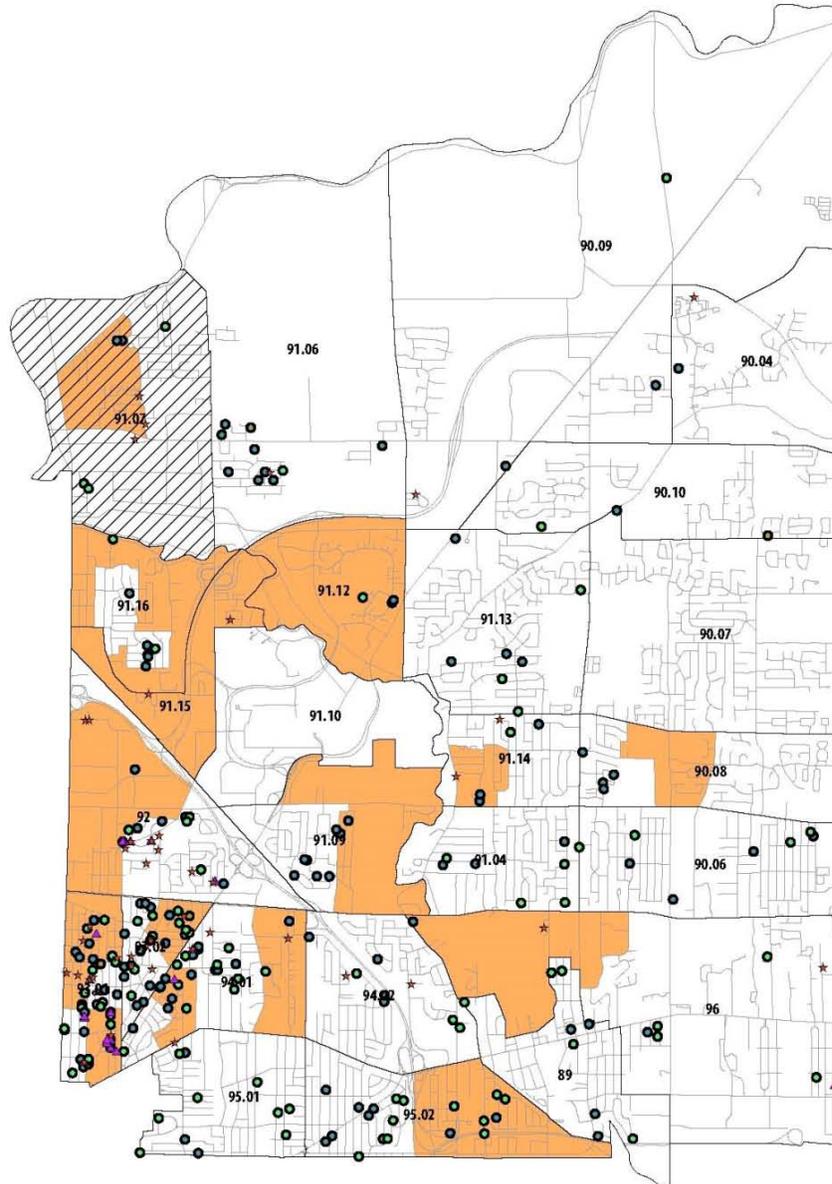
Amherst no longer uses CDBG funds for infrastructure repairs and park improvements due to decreases in funding from HUD. Rather, it has chosen to concentrate its declining funds on its housing programs, youth programs, and senior programs. The Town of Amherst uses its CDBG and HOME funding to fund several types of housing programs. These projects are acquisition-rehab-resale program, a first-time homebuyer program, and a housing rehabilitation program.

Most projects are concentrated in the western portion of Amherst. This is partially because CDBG funds are restricted to eligible LMI block groups, which are clustered in this part of the town. Southwest Amherst is also the densest part of Amherst nearest to the City of Buffalo, and is predominantly older housing stock. Stakeholders interviewed indicated that southwest area of Amherst—the neighborhood of Eggertsville—has a higher population of low and moderate-income homebuyers, older single-family homes in need of repair, and two large multi-family assisted rental housing complexes. Thus, acquisition-rehab-resale projects are almost entirely concentrated within the southwest area of Amherst. The northwest area of Amherst, also known as Creekwoods or West Amherst, has a high percentage of rental property. In the past, this area has received CDBG funding for public services, infrastructure repairs, and park improvements.

Most first-time homebuyer loans and HOME rehab loans made by the Town of Amherst occur in the southwest area of the town, despite HOME funding being eligible for use in any area. This indicates that there may be a lack of affordable housing options for low-moderate income families in certain areas of Amherst.

Amherst has completed several projects in its ethnically concentrated area of poverty. However, projects are not overwhelmingly concentrated in this area. This indicates that Amherst is affirmatively furthering fair housing beyond their racially and ethnically concentrated areas of poverty. However, this may also be due to the ECAP being caused by State University of New York at Buffalo students. While projects are not located primarily in the ECAP, there are very few projects in the northeast section of Amherst, which may have higher levels of amenities for low and moderate-income families.

# CDBG and HOME Investment Locations Amherst, 2009 - 2014



**Legend**

**Loan Type**

- ▲ ARR
- Rehab, CDBG
- ★ FTHB
- Rehab, HOME
- Rehab, HOME and CDBG

- Census tracts
- ▨ Ethnically Concentrated Area of Poverty
- LMI Block Groups

Source: Town of Amherst, 2009-2014  
 Calculations by Mullin & Lonergan Associates

## Transportation, Housing, and Employment Linkages

Households without a vehicle are at a disadvantage in accessing jobs and services, particularly if public transit is inadequate or absent. In Erie County, households without access to a vehicle are primarily low-income or moderate-income. 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 and employment opportunities are key to expanding fair housing choice, particularly in racially or ethnically concentrated areas of poverty.

According to the table below, the vast majority of Urban County and ACT Consortium residents (84.0 and 85.6%) drove to work in 2013. However, 9,107 households in the Urban County and 9,893 households in the ACT HOME Consortium lacked access to a vehicle. These figures comprise 6.1% of all Urban County households and 8.3% of all ACT households. Renters are more likely than homeowners to lack access to a vehicle, which is likely due to lower median income. Other factors such as lower credit or lack of access to a parking space may also be factors. In the Urban County, 17.0% of renter households lack access to a vehicle compared to 3.0% of owner households. In the ACT HOME Consortium, 18.9% of renters and 4.0% of owners lack access to a vehicle.

When a commuter uses public transit and does not have access to a car, they can be considered “transit-dependent”. This means they have no choice but to rely on walking, biking, or utilizing public transit for their transportation needs. In addition, there were 1,168 transit-dependent households in the Urban County and 3,727 in the ACT Consortium. These households identify as using public transportation as their only means of transportation to work and do not have access to a vehicle. They comprise 0.8% of all households in the Urban County and 2.3% of households in the ACT Consortium. In both geographies, this represents a decrease in transit dependency since 2000. In the Urban County, the use of both carpooling and public transit increased between 2000 and 2013. In the ACT HOME Consortium, carpooling decreased but use of public transit increased. The use of carpooling in the Urban County and the ACT HOME Consortium was similar in 2013 (8.1% and 7.5%), but public transit is used much less in the Urban County than in the ACT Consortium (0.8% and 2.3%). In the County as a whole, transit ridership and carpooling both decreased between 2000 and 2013.

**Means of Transportation to Work, 2000-2013**

		Total Workers	Drove Alone		Carpool		Public Transit	
			#	%	#	%	#	%
Urban County	2000	175,442	152,462	86.9%	13,841	7.9%	1,292	0.7%
	2013	137,923	115,850	84.0%	11,111	8.1%	1,168	0.8%
ACT HOME Consortium	2000	135,727	116,319	85.7%	10,923	8.0%	2,306	1.7%
	2013	161,689	138,334	85.6%	12,074	7.5%	3,727	2.3%
Erie County	2000	421,809	341,098	80.9%	40,725	9.7%	17,223	4.1%
	2013	453,987	371,969	81.9%	36,965	8.1%	16,323	3.6%

Source: 2000 Census (P030), ACS 2009-2013 (S0804), Calculations by Mullin & Lonergan Associates

Although public transit ridership is low in the Urban County, use varies greatly by race and ethnicity. In both the Urban County and the ACT Consortium, Blacks, Asians, and Hispanics are all more dependent on public transit to travel to work than Whites. Additionally, greater shares of minority workers than White workers carpool. Of all races and ethnicities, Hispanic workers in both geographies are most likely to carpool to work. By comparison, Black workers are more dependent on public transit than any other

racial or ethnic group. Black and Hispanic workers are more dependent on public transit than Asian workers, who are in turn more dependent on public transit than White workers.

### Means of Transportation to Work by Race and Ethnicity, 2013 (Urban County HOME Consortium)

	Total Workers	Drove Alone		Carpool		Public Transit	
		#	%	#	%	#	%
White	128,825	109,321	84.9%	9,714	7.5%	597	0.5%
Black	4,508	3,069	68.1%	512	11.4%	425	9.4%
Asian	1,985	1,361	68.6%	314	15.8%	61	3.1%
Hispanic	2,988	2,095	70.1%	762	25.5%	128	4.3%

Source: ACS 2009-2013 (S0804), Calculations by Mullin & Lonergan Associates

### Means of Transportation to Work by Race and Ethnicity, 2013 (ACT HOME Consortium)

	Total Workers	Drove Alone		Carpool		Public Transit	
		#	%	#	%	#	%
White	141,791	124,224	87.6%	9,995	7.0%	1,395	1.0%
Black	12,132	8,209	67.7%	1,371	11.3%	1,876	15.5%
Asian*	3,372	2,625	77.9%	235	7.0%	221	6.6%
Hispanic	4,747	3,708	78.1%	597	12.6%	314	6.6%

\* Estimates were not available on Asians in Tonawanda  
Source: ACS 2009-2013 (S0804), Calculations by Mullin & Lonergan Associates

Public transportation in the Erie County region is provided by the Niagara Frontier Transportation Authority (NFTA), 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. The American Public Transit Association estimated that in 2010, NFTA provided almost 27 million transit trips.

Like many transportation authorities across the country, 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. Overall, stakeholders report that the lowest income people have the most trouble accessing transit. They observed that in recent affordable housing development processes, developers have not involved NFTA in planning until after most planning has already been done.

NFTA works largely as a hub and spoke system centered in Buffalo. While transit coverage is generally good within the City, the frequency of service presents a challenge for transit users even where coverage is adequate. Outside City limits, transit coverage becomes increasingly sparse and only the closest suburban areas have frequent transit coverage. Most areas in the near towns (such as the ACT HOME Consortium) are covered by express routes, which operate to move office workers to downtown locations. While this makes housing in towns close to Buffalo convenient for those with jobs in downtown Buffalo, towns throughout the County are not well connected to each other. This carries implications for residents who work in employment hubs scattered throughout the County, effectively limiting the availability of jobs to workers who have access to vehicles.

Stakeholders from multiple groups, but especially those representing special needs advocacy groups, reported tremendous geographic gaps in transit service areas. Sources of transportation funding have

decreased while the geographic area has increased. Stakeholders pointed to both an overall decline in population and an overwhelming increase in settled land area over the past 30 years as one root of service area gaps. Transit service tends to run during daytime business hours, limiting its utility to second or third shift workers. Stakeholders expressed interest in studying transportation trends among second and third shift workers, including how they get to work, where they work, and where they live.

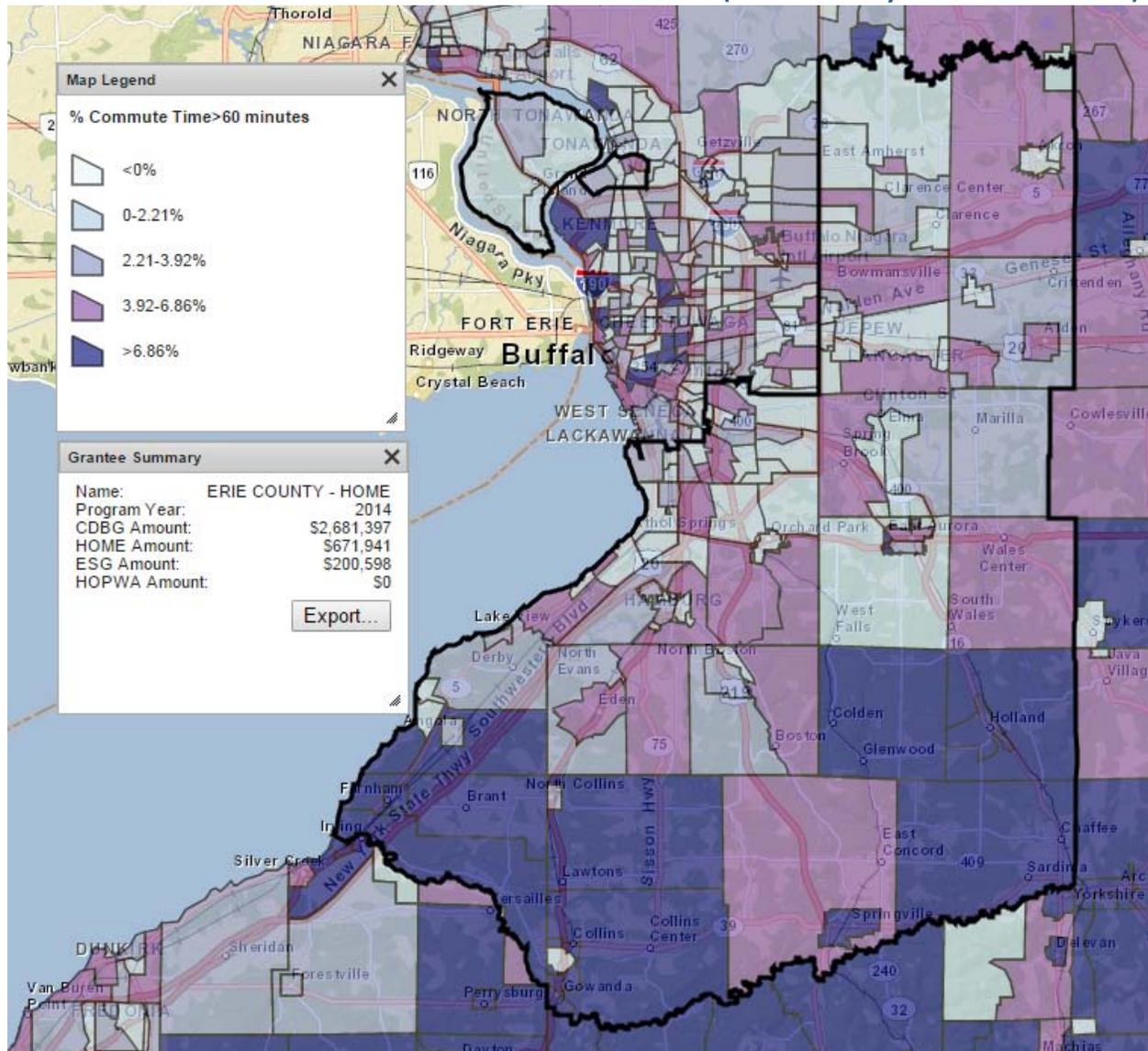
According to HUD’s CPD Maps, in 2011, over 28% of Erie County residents had primary jobs in Buffalo. The table below shows the top ten areas where Erie County residents are employed. The table indicates that towns closer to Buffalo (Amherst, Cheektowaga, Tonawanda, Hamburg, and Lancaster) have the second-highest number of primary jobs for Erie County residents. Though these towns are well-served by transit to and from Buffalo, as discussed above, the towns are not linked to each other, limiting housing choice for transit-dependent workers.

**Top 10 County Subdivisions for Primary Jobs of Erie County Residents, 2011**

County Subdivision	Number of Jobs	% of Jobs in Each Municipality
Buffalo	110,583	28.3%
Amherst	70,029	17.9%
Cheektowaga	34,129	8.7%
Tonawanda	21,797	5.6%
Hamburg	15,976	4.1%
Lancaster	13,630	3.5%
West Seneca	13,542	3.5%
Orchard Park	12,511	3.2%
Clarence	8,738	2.2%
Aurora	5,706	1.5%
All Other Locations	83,702	21.4%
Source: CPD Maps (Accessed 5/29/2015)		

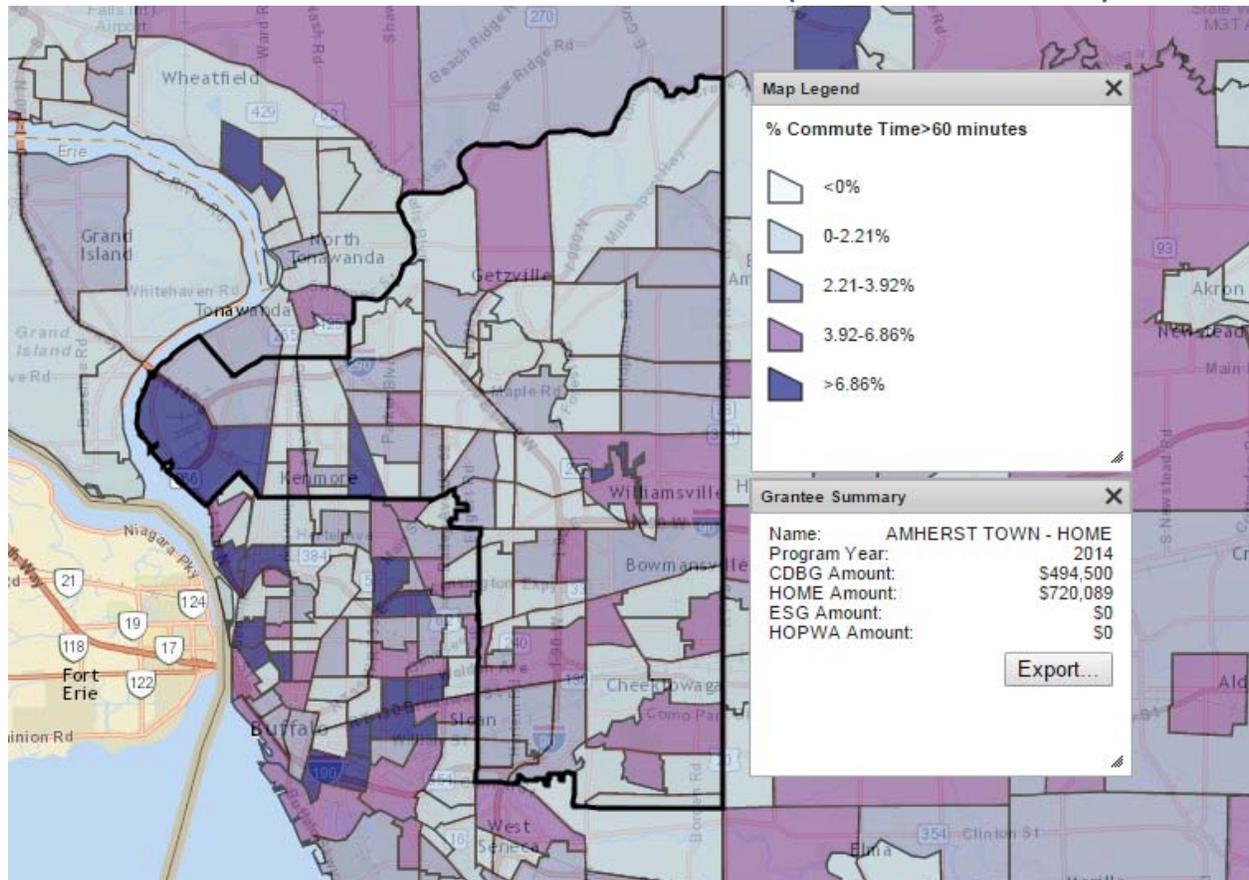
Long commute times can indicate a spatial mismatch between housing and places of employment. Low-moderate income households may find affordable housing more easily in some areas, but jobs that match the workers’ skills may not be available or accessible from areas with more affordable housing. The following maps show that while the more urbanized areas of Erie County are home to few workers with long commutes (over 60 minutes one way), more rural towns in the southern part of the County also have lengthy commutes.

## Percent of Workers with Commute Times over 60 Minutes (Urban County HOME Consortium)



Source: HUD CPD Maps (accessed 5/29/2015)

## Percent of Workers with Commute Times over 60 Minutes (ACT HOME Consortium)



Source: HUD CPD Maps (accessed 5/29/2015)

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
- 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.

These goals and objectives aim to make transportation more equitable in the region in the future.

## Home Mortgage Data Analysis

Homeownership can provide critical economic benefits for households and social benefits for the greater community. High rates of owner occupancy create stable communities by reducing the level of transience in the housing market. Unfettered access to affordable housing choice requires fair and equal access to the mortgage lending market regardless of income. It is also important from a fair housing perspective, because 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.

An analysis of mortgage applications and their outcomes can identify possible discriminatory lending practices and patterns in a community. It can also identify geographic clusters of high-cost lending. 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 Erie County is for 2013. The data included for this analysis is for three years, 2011 through 2013, and constitutes all types of applications received by lenders: home purchase, refinancing, or home improvement mortgage applications for one-to-four-family dwellings and manufactured housing units across the entire County. The demographic and income information provided pertains to the primary applicant only. Co-applicants were not included in the analysis. The following figures summarize three years of HMDA data by race, ethnicity, and action taken on the applications, followed by detailed analysis.

It is important to note that the data presented covers *all* mortgages in Erie County, including the City of Buffalo. As the City of Buffalo is the major population center, this significantly impacts the data. However, the City of Buffalo is not covered by this AI.

## General Mortgage Lending Patterns

Between 2011 and 2013, lenders received 90,196 home purchase mortgage applications for homes in Erie County (including the City of Buffalo). Of these applications, 43,322 (48%) were for mortgage refinancing, 9,554 (10.6%) were for home improvement equity loans, and 37,320 (41.4%) were for home purchase. The high proportion of refinancing applications is likely due to the low interest rates available making refinancing a desirable option for a large proportion of existing homeowners. Home purchase loans were slightly more likely to be approved than refinancing loans, with 58.3% of home purchase loans originating compared to 51.8% of refinancing loans. A lower proportion (44.3%) of home improvement loans were originated. A significant number of home refinancing loans (13.2%) were withdrawn or incomplete as well. An additional 2.5% of home purchase loans were approved but not accepted by the applicant, and 6% were denied. Refinancing loans were more likely than home purchase loans to be withdrawn by the applicant or incomplete, at 13.2% versus 4.1% for home purchase loans. Home improvement loans were more likely to be denied, with a denial rate of 46.5%, than any other action or type of loan. This may be because of the lingering impact of the recent recession, in which

banks were reluctant to finance the addition of equity into a house that was no longer appreciating according to expectations.

It is important to note that these figures include the City of Buffalo, although Buffalo is not a focus of this report. As Buffalo is the largest population center in Erie County, this has a significant impact on the data.

<b>Cumulative Mortgage Data Summary Report, Erie County, 2011-2013</b>										
	Total Applications		Originated		Approved Not Accepted		Denied		Withdrawn/Incomplete	
	#	%	#	%	#	%	#	%	#	%
<b>Loan Purpose</b>										
Home purchase	37,320	41.4%	21,760	58.3%	926	2.5%	2,246	6.0%	1,526	4.1%
Home Improvement	9,554	10.6%	4,235	44.3%	290	3.0%	4,445	46.5%	310	3.2%
Refinancing	43,322	48.0%	22,455	51.8%	2,368	5.5%	7,519	17.4%	5,706	13.2%
<b>Loan Type</b>										
Conventional	60,179	66.7%	35,017	58.2%	2,622	4.4%	10,527	17.5%	4,664	7.8%
FHA	25,315	28.1%	11,259	44.5%	782	3.1%	3,050	12.0%	2,323	9.2%
VA	4,368	4.8%	2,003	45.9%	172	3.9%	576	13.2%	544	12.5%
FSA/RHS	334	0.4%	171	0.0%	8	0.0%	57	0.0%	11	0.0%
<b>Property Type</b>										
One to four-family unit	89,419	99.1%	48,001	53.7%	3,513	3.9%	14,014	15.7%	7,515	8.4%
Manufactured housing unit	463	0.5%	193	41.7%	62	13.4%	180	38.9%	23	5.0%
<b>Applicant Race</b>										
Native American	300	0.3%	160	53.3%	28	9.3%	76	25.3%	19	6.3%
Asian	1,294	1.4%	804	62.1%	58	4.5%	200	15.5%	105	8.1%
Black	3,359	3.7%	1,294	38.5%	142	4.2%	1,418	42.2%	298	8.9%
Hawaiian	112	0.1%	59	52.7%	7	6.3%	23	20.5%	17	15.2%
White	70,093	77.7%	42,747	61.0%	2,904	4.1%	10,621	15.2%	5,823	8.3%
No information	6,848	7.6%	3,041	44.4%	435	6.4%	1,847	27.0%	1,273	18.6%
Not applicable	8,190	9.1%	345	4.2%	10	0.1%	25	0.3%	7	0.1%
Hispanic*	1,332	1.5%	655	49.2%	49	3.7%	382	28.7%	122	9.2%
<b>Total</b>	<b>90,196</b>	<b>100.0%</b>	<b>48,450</b>	<b>53.7%</b>	<b>3,584</b>	<b>4.0%</b>	<b>14,210</b>	<b>15.8%</b>	<b>7,542</b>	<b>8.4%</b>

Source: Federal Financial Institutions Examination Council, 2011 to 2013

Note: Percentages in the Originated, Approved Not Accepted, Denied, and Withdrawn/Incomplete categories are calculated for each line item with the corresponding Total Applications figures. Percentages in the Total Applications categories are calculated from their respective total figures.

\* Hispanic ethnicity is counted independently of race

The most commonly sought type of financing was a conventional loan, a category that represented 66.7% of all loan applications. However, a large proportion of applications (28.1%) were for loans insured by the Federal Housing Administration (FHA), a type of federal assistance that has historically benefited lower-income residents. The popularity of FHA loans is an indicator of the impact of the recent recession, in which FHA loans became much more preferable and/or attainable compared to conventional mortgages as a result of the low down payment requirement. The 28.1% share of all loans corresponds to this trend. There are also likely to be active and effective FHA marketing and support networks in the area that are able to connect candidates with these types of loans. A very small number of loan applications were backed by the Farm Services Administration or Rural Housing Service (FSA/RHS), which provide loans for exclusively rural areas. Almost all (99.1%) of the 90,196 applications in Erie County involved one to four-family housing structures, with only 463 applications requesting financing for manufactured housing units.

### Loan Application Type by Race/Ethnicity, Erie County, 2011-2013

	Total	White	Black	Asian**	Other**	No data	Hispanic*
Home purchase	37,320	28,937	996	840	151	6,396	564
	41.4%	41.3%	29.7%	64.9%	36.7%	42.5%	42.3%
Home improvement	9,554	7,133	1,174	82	109	1,056	288
	10.6%	10.2%	35.0%	6.3%	26.5%	7.0%	21.6%
Refinance	43,322	34,023	1,189	372	152	7,586	480
	48.0%	48.5%	35.4%	28.7%	36.9%	50.4%	36.0%
Total	90,196	70,093	3,359	1,294	412	15,038	1,332
	100.0%	77.7%	3.7%	1.4%	0.5%	16.7%	1.5%

Source: Federal Financial Institutions Examination Council, 2011 to 2013

Note: Percentages within racial/ethnic groups are calculated within each group's total.

\* Hispanic ethnicity is counted independently of race

\*\*Small sample size may make analysis unreliable

The racial and ethnic composition of loan applicants differs somewhat from the region's general demographic distribution. While 13.2% of the population in Erie County 2013 was Black, only 3.7% of the loan applications for which racial/ethnic data was reported were Black. The denial rate for Blacks was 42.2%, which is significantly higher than the average of 15.2% for Whites and the countywide average denial rate of 15.8%. While 4.7% of the population in Erie County was of Hispanic or Latino ethnicity, only 1.5% of applications were submitted by Hispanic or Latino applicants. The denial rate of 28.7% for applicants of Hispanic or Latino ethnicity was also significantly higher than both the average for Whites and the countywide average. Applications from Black households had the highest denial rates at 40.6%, which was more than 2.5 times higher than the denial rate among Whites. Asians and Whites were the least likely to be denied financing. Asians were slightly under-represented as well, submitting 1.4% of the applications while composing 2.8% of the population. This slight under-representation may be due to the presence of a disproportionate number of young students at the State University of New York at Buffalo, which is 12% Asian.

Across racial and ethnic groups, loan application types differed. Refinancing was the predominant application purpose for Whites, Blacks, and members of Other races. Asians and Hispanics were more likely to be applying for home purchases. Whites were the most likely to refinance, and Asians were the least likely to refinance. Significantly higher shares of Asian households applied for home purchase loans compared to the general applicant pool.

### Primary Reason for Application Denial by Race, Erie County, 2011-2013

	Total	White	Black	Asian	Other	No Info	Hispanic*
Collateral	14.2%	15.7%	6.4%	12.0%	13.1%	12.3%	10.5%
Incomplete Application	6.3%	6.8%	2.0%	7.5%	2.0%	6.5%	4.2%
Debt/Income Ratio	20.3%	20.7%	18.6%	20.5%	16.2%	19.9%	16.2%
Other	7.0%	7.2%	5.0%	10.0%	7.1%	6.7%	4.7%
No Reason Given	21.6%	20.0%	24.2%	19.5%	20.2%	28.7%	24.9%
Credit History	23.6%	22.2%	38.6%	16.0%	33.3%	19.9%	31.9%
Unverifiable Information	4.1%	4.3%	3.5%	7.0%	8.1%	2.8%	3.9%
Insufficient Cash	1.6%	1.7%	0.8%	4.0%	0.0%	1.4%	3.4%
Employment History	1.1%	1.2%	0.8%	3.0%	0.0%	0.6%	0.0%
Insurance Denied	0.2%	0.3%	0.0%	0.5%	0.0%	0.2%	0.3%

Source: Federal Financial Institutions Examination Council, 2011 to 2013

\* Hispanic ethnicity is counted independently of race.

Between 2011 and 2013, a total of 14,210 mortgage loan applications were denied in Erie County (including the City of Buffalo). The overall cumulative denial rate was 15.8% with denials by race and ethnicity ranging from 15.2% for Whites to 42.2% 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. As the following figure demonstrates, the most popular primary basis for rejection was poor credit history, accounting for 23.6% of all denials. The next most common reason was “No Reason Given”, followed by unacceptable debt/income ratio. The prevalence of “No Reason Given” as a primary reason for denial may be either an issue with reporting by the Federal Financial Institutions Examination Council or lenders not providing reasons for denial as required. Blacks, Hispanics, and members of other races were disproportionately affected by credit history when applying for a mortgage. Blacks and Hispanics were also the most likely group to have “No Reason Given” as a reason for mortgage denial.

### Annual Trends in Mortgage Lending, Erie County, 2011 - 2013

	2011		2012		2013	
	#	%	#	%	#	%
<b>Applications</b>	<b>27,491</b>	<b>100.0%</b>	<b>31,937</b>	<b>100.0%</b>	<b>30,768</b>	<b>100.0%</b>
White	21,414	77.9%	24,877	77.9%	23,802	77.4%
Black	987	3.6%	1,027	3.2%	1,345	4.4%
Asian	356	1.3%	413	1.3%	525	1.7%
Other race	139	0.5%	136	0.4%	137	0.4%
No information/NA	4,595	16.7%	5,484	17.2%	4,959	16.1%
Hispanic*	366	1.3%	415	1.3%	551	1.8%
<b>Originated</b>	<b>14,328</b>	<b>52.1%</b>	<b>17,088</b>	<b>53.5%</b>	<b>17,034</b>	<b>55.4%</b>
White	12,715	59.4%	15,141	60.9%	14,891	62.6%
Black	361	36.6%	384	37.4%	549	40.8%
Asian	209	58.7%	261	63.2%	334	63.6%
Other race	82	59.0%	71	52.2%	66	48.2%
No information/NA	961	20.9%	1,231	22.4%	1,194	24.1%
Hispanic*	181	49.5%	194	46.7%	280	50.8%
<b>Originated - High Cost</b>	<b>432</b>	<b>3.0%</b>	<b>267</b>	<b>1.6%</b>	<b>664</b>	<b>3.9%</b>
White	380	3.0%	217	1.4%	567	3.8%
Black	17	4.7%	21	5.5%	51	9.3%
Asian	3	1.4%	5	1.9%	9	2.7%
Other race	4	4.9%	6	8.5%	6	9.1%
No information/NA	28	2.9%	18	1.5%	31	2.6%
Hispanic*	7	3.9%	5	2.6%	18	6.4%
<b>Denied</b>	<b>4,308</b>	<b>15.7%</b>	<b>4,855</b>	<b>15.2%</b>	<b>5,047</b>	<b>16.4%</b>
White	3,251	15.2%	3,652	14.7%	3,718	15.6%
Black	401	40.6%	434	42.3%	583	43.3%
Asian	57	16.0%	63	15.3%	80	15.2%
Other race	19	13.7%	24	17.6%	33	24.1%
No information/NA	563	12.3%	672	12.3%	612	12.3%
Hispanic*	97	26.5%	125	30.1%	160	29.0%

Source: Federal Financial Institutions Examination Council, 2011-2013

Note: Percentages in the Originated - High Cost category are calculated based on the number of Originated loans only. Percentages in the Originated and Denied categories are calculated from the Total Application figures.

\* Hispanic ethnicity is counted independently of race

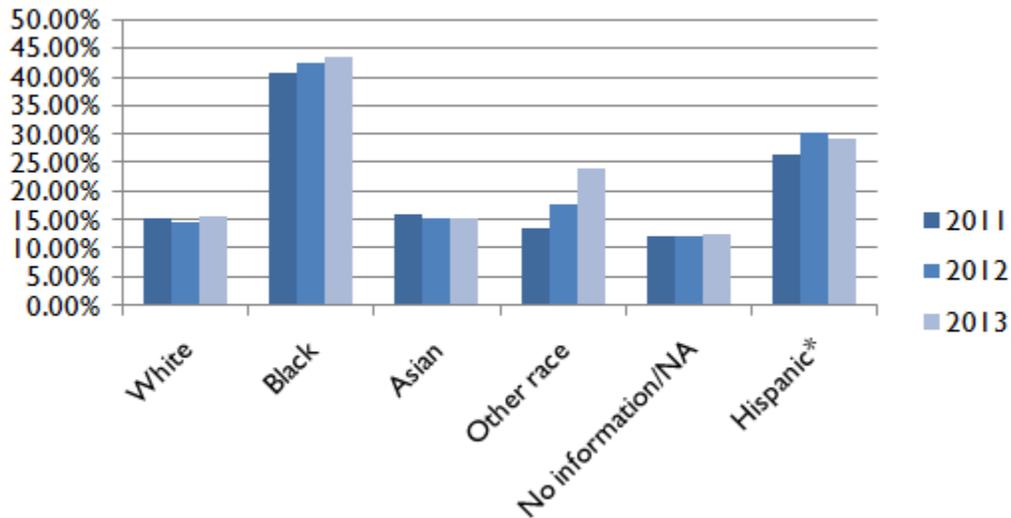
Studying mortgage application data on an annual basis allows insight into the influence of housing market trends on the behavior of applicants and banks. Housing markets across the country are beginning to show recovery following the steep declines in sales volume and mortgage applications caused by the housing crisis. A total of 90,196 mortgages were applied for in Erie County between 2011 and 2013, with relatively low variation between the three sample years. The largest shift was a 16.1% increase between 2011 and 2012, followed by a 3.6% decline between 2012 and 2013. This is a net increase of 3,277 applications. The moderate increase signifies that the market is relatively stable, unlike previous years impacted by recession. In addition, the percentage of loans that originated has steadily increased between 2011 and 2013. This signifies that lenders may be increasingly willing to provide financing, a sign that the housing market may be on the track of recovery. This increase in originations follows the national trend initially brought on by the subprime mortgage crisis, during which banks tightened access to credit.

Denial rates did not necessarily follow an inverse pattern, with the percentage of applications denied reducing from 15.7% in 2011 to 15.2% in 2012, but then increasing to 16.4% in 2013. This signifies that banks are only somewhat increasing access to equity in light of the accelerating pace of economic recovery from the recession. However, a denial rate of 16.4% is still high, and the variance in denial rates by census tract (with denials clustered in the urban portions of Erie County outside of Buffalo) shows a great deal of geographic variation within the county.

This increase in mortgage application activity was universal amongst all racial and ethnic groups in Erie County, although some increased more than others. Applications from Black and Hispanic applicants increased 36.2% and 50.5%, respectively, between 2011 and 2013, while applications from White applicants increased only 11.1%. This is expected for Hispanic applicants largely because this demographic is growing in population in Erie County, but noteworthy in the context of the relatively moderate growth of the Black population.

High-cost originations, characterized as a mortgage with APR 3 percentage points higher than the average prime offer rate, represent a very small portion of all loans made between 2011 and 2013, but have risen from 432 in 2011 to 664 in 2013. The low prevalence of high-cost loans can likely be attributed to increasing statutory control over predatory lending practices. The slight rise, however, is inconsistent with the national trend of relaxing credit and should be monitored in the coming years.

### Mortgage Denial Rate by Year, Erie County



Source: Federal Financial Institutions Examination Council, 2011 to 2013

In all three study years, Blacks had much higher denial rates than all other racial or ethnic groups, followed by Hispanics. Furthermore, the denial rate for Black applicants and applicants identifying as another race has increased each year between 2011 and 2013. The denial rate for Hispanic applicants also increased in the study period, from 26.5% in 2011 to 29% in 2013.

## Applicant Income and High-Cost Lending

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 made by lower-income households in Erie County accounted for 48% of all denials between 2011 and 2013, although they accounted for only 31.5% of all applications for those three years. Denial rates were higher for lower-income households and for minorities than the average. While the overall lower-income denial rate was 24%, the denial rates for lower-income Black and Hispanic households were 51.7% and 39.3%, respectively. Asians had a denial rate of 15.5%, and members of other races had a denial rate of 24%. Denial rates for each racial or ethnic category were always lower for upper-income households, although differences in the denial rate persisted across racial and ethnic groups. The overall upper-income denial rate was 13.2%, compared to 12% for Whites. In comparison, upper-income Blacks had a denial rate of 31.4% and upper-income Hispanics had a denial rate of 18.8%. Lower-income White households were significantly less likely to experience denial than upper-income Black or Hispanic households: the denial rate for *upper-income* Black households (31.4%) was significantly higher than the denial rate of *lower-income* White households (21%).

**Loan Originations by Household Race/Ethnicity, Erie County, 2011-2013**

		Total	White	Black	Asian**	Other**	No data	Hispanic*
<b>Lower-Income</b>	Total Originations	14,648	12,883	623	277	90	775	278
	High-Cost	595	491	50	11	11	32	16
	% High-Cost	4.1%	3.8%	8.0%	4.0%	12.2%	4.1%	5.8%
<b>Upper-Income</b>	Total Originations	31,021	27,800	585	489	119	27,800	27,800
	High-Cost	699	622	30	6	5	36	14
	% High-Cost	2.3%	2.2%	5.1%	1.2%	4.2%	0.1%	0.1%
<b>Total</b>	Total Originations	48,450	42,747	1,294	804	219	3,386	655
	High-Cost	1,363	1,164	89	17	16	76	30
	% High-Cost	2.8%	2.7%	6.9%	2.1%	7.3%	2.2%	4.6%

Source: Federal Financial Institutions Examination Council, 2011 to 2013

Note: Total also includes 2,781 originated loans for which no income data was reported.

\* Hispanic ethnicity is counted independently of race.

\*\*Small sample size may make analysis unreliable.

**Application Denials by Household Race/Ethnicity, Erie County, 2011-2013**

		Total	White	Black	Asian**	Other**	No data	Hispanic*
<b>Lower-Income</b>	Total Applications	28,490	23,330	1,874	466	187	2,199	639
	Denials	6,835	4,892	968	92	54	829	251
	% Denied	24.0%	21.0%	51.7%	19.7%	28.9%	37.7%	39.3%
<b>Upper-Income</b>	Total Applications	50,606	43,620	1,298	769	210	4,131	634
	Denials	6,700	5,256	407	93	43	901	119
	% Denied	13.2%	12.0%	31.4%	12.1%	20.5%	21.8%	18.8%
<b>Total</b>	Total Applications	90,196	70,093	3,359	1,294	412	15,038	1,332
	Denials	14,210	10,621	1,418	200	99	1,872	382
	% Denied	15.8%	15.2%	42.2%	15.5%	24.0%	12.4%	28.7%

Source: Federal Financial Institutions Examination Council, 2011 to 2013

Note: Total also includes 11,099 applications for which no income data was reported.

\* Hispanic ethnicity is counted independently of race.

\*\*Small sample size may make analysis unreliable.

The widespread housing finance market crisis of recent years has brought a new level of public attention to lending practices that victimize vulnerable populations. Subprime lending, designed for borrowers who are considered a credit risk, has increased the availability of credit to low-income persons. At the same time, subprime lending has often exploited borrowers, 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, prime 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, Home Mortgage Disclosure Act (HMDA) data has included price information for loans priced above reporting thresholds set by the Federal Reserve Board. This data is provided by lenders via Loan Application Registers 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 of comparable-maturity Treasury securities
- A second-lien loan with an interest rate at least five percentage points higher than the standard

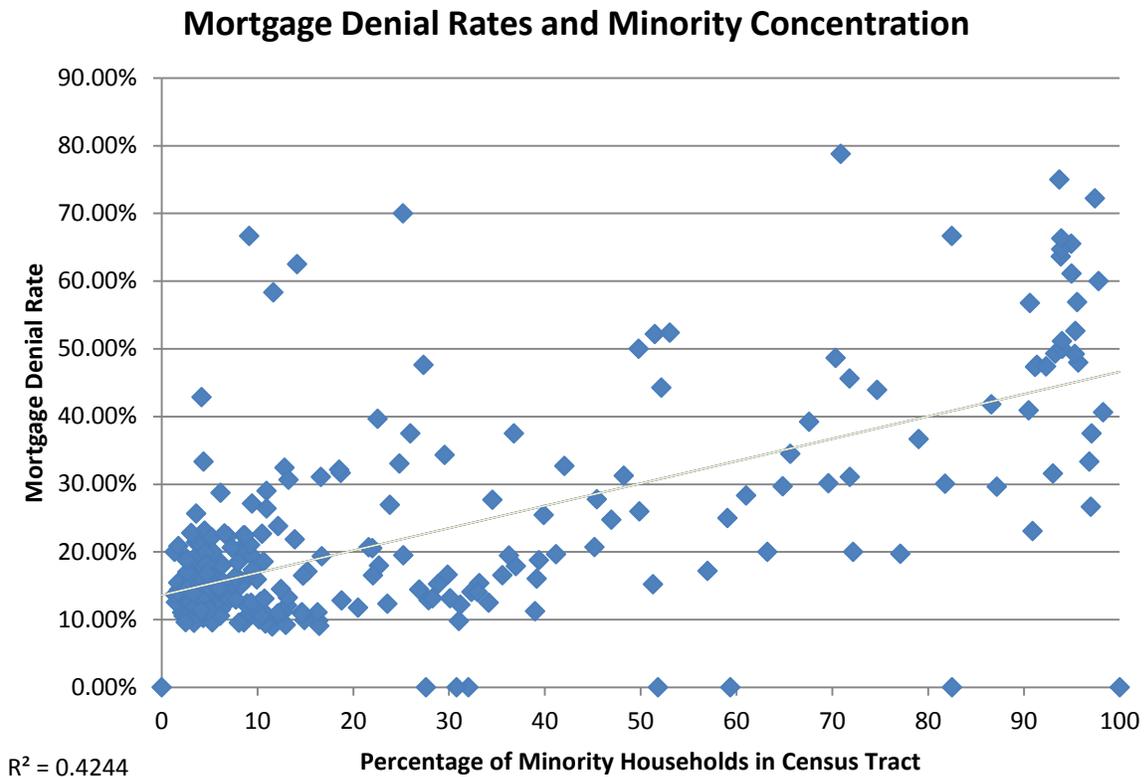
Not all loans carrying high APRs are subprime, and not all subprime loans carry high APRs. However, high-cost lending is a strong predictor of subprime lending, and it can also indicate a loan that applies a heavy cost burden on the borrower, increasing the risk of mortgage delinquency.

Between 2011 and 2013, there were 48,450 home purchases, refinance, or home improvement loans made for single-family or manufactured units in Erie County. Of this total, 1,363 (2.8%) reported high-cost mortgages. Overall, upper-income households were less likely to have high-cost mortgages than lower-income households. Analyzing loans in Erie County by race and ethnicity reveals that high-cost lending is more common among minority applicants, particularly Black and Hispanic applicants, and lower among Asian applicants. Among lower-income minority households, 6.9% of loans to Blacks and 4.6% of loans to Hispanics were high-cost. These are significantly higher than the average of 2.8% rate for all households. By comparison, 2.7% of the mortgages obtained by White households were high-cost. This means that loans to Black households in Erie County are more than twice as likely to be high-cost than loans to White households in Erie County. Rates of high-cost lending were lower in upper-income households compared to lower-income households for all races. However, the low sample size in some of these categories—specifically among Asian, Hispanic, and the other categories—decreases the statistical significance of these findings for those particular racial and ethnic groups.

### **Geographic Distribution of Mortgage Denial**

Denials were correlated with the concentration of racial and ethnic minorities in the region. As the proportion of minorities increased, the denial rate for mortgage applications increased as well. Bivariate regression analysis gave a correlation coefficient of .424, meaning that (not accounting for other factors such as median household income and quality of applications in the tracts) minority concentration and

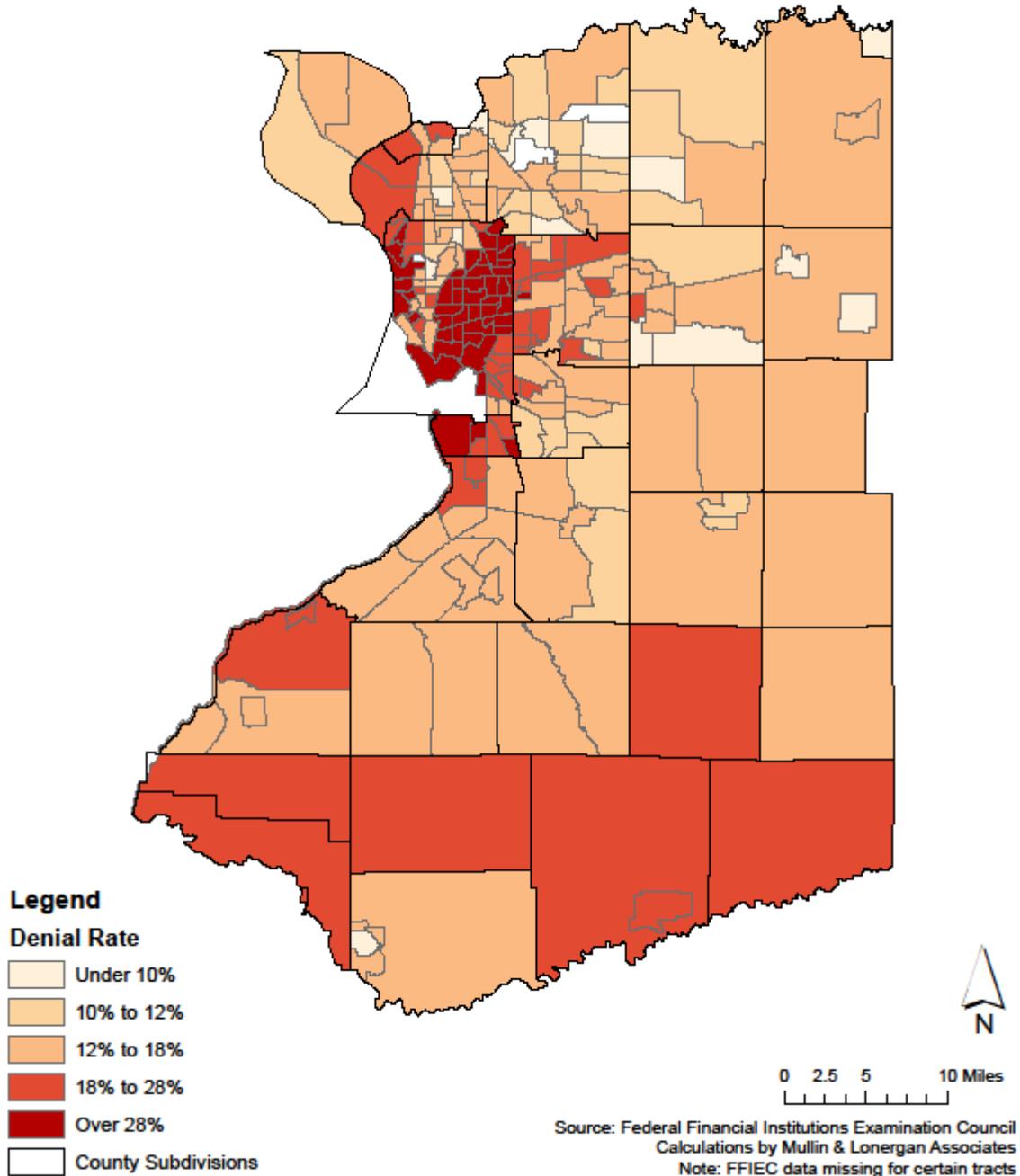
mortgage denial rate in a census tract were 42.4% positively correlated. This coefficient suggests that mortgage denial in census tracts is strongly correlated with the concentration of racial and ethnic minorities in that area.



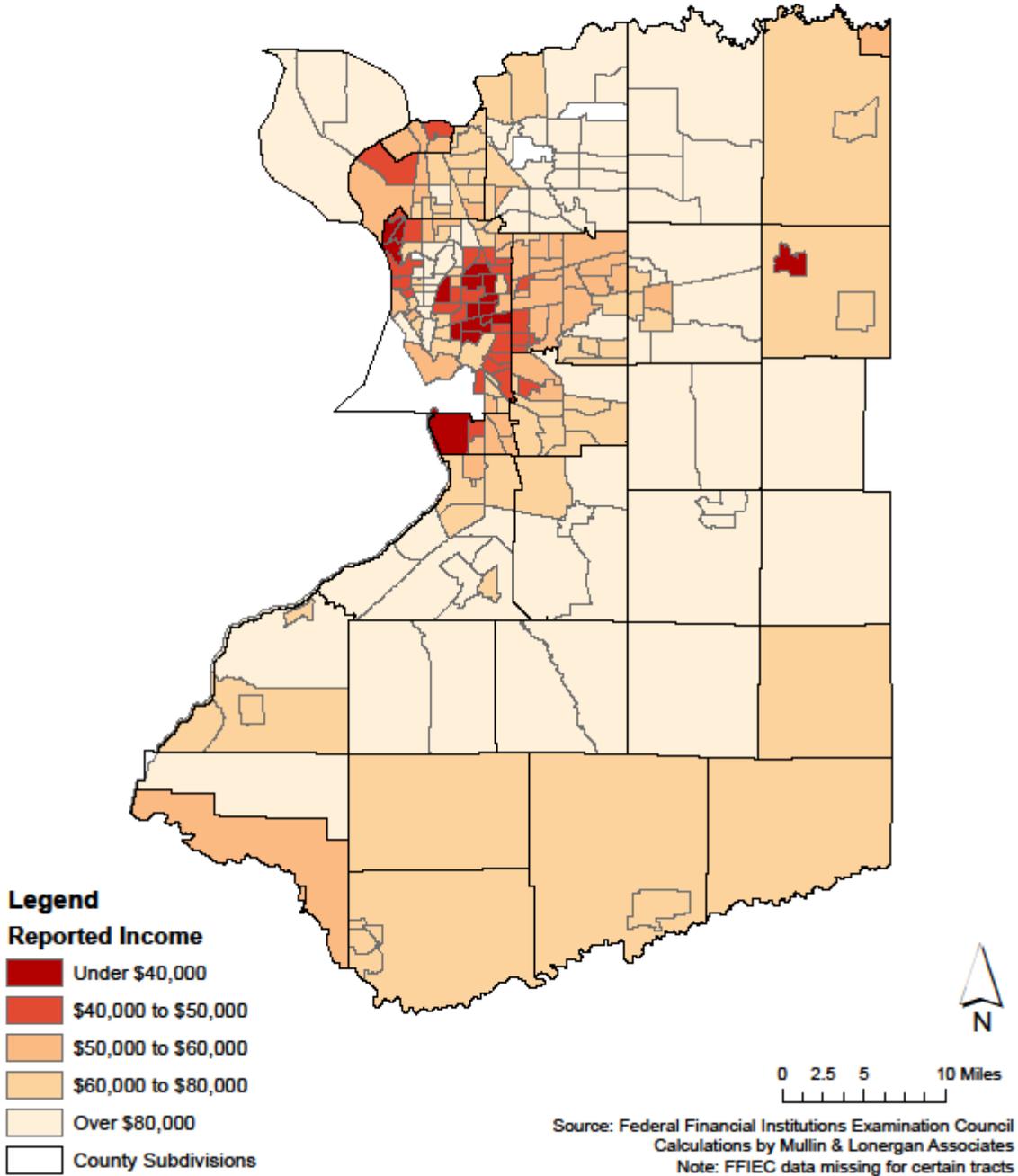
Source: Federal Financial Institutions Examination Council, 2011 to 2013

As the following map shows, tracts with the highest denial rates were concentrated in the City of Buffalo. The 20 tracts in Erie County with the highest rates of mortgage denial are all in Buffalo. The tract with the highest denial rate that is not in Buffalo is Census Tract 174, which is in Lackawanna directly adjacent to the City of Buffalo. High rates of mortgage denial are also present in Cheektowaga, Tonawanda, and West Seneca. There are also high rates in the southern townships of Erie County.

# Mortgage Application Denial Rates Erie County, NY, 2011 - 2013



# Mean Annual Incomes of Mortgage Applicants Erie County, NY, 2011 - 2013



## Top Lending Institutions

The following table shows the top 10 lending institutions in Erie County during the period of 2011-2013. These ten institutions reviewed 60% of all loan applications and were responsible for 31% of all originations within Erie County. M&T Bank was the largest lending institution, accounting for 7.8% of all originations. Wells-Fargo Bank accounted for the largest percentage of total loans reviewed. Note that the subtotal row does not add up to 100% because it reflects the proportion of the top 10 lending institutions.

Lending Institution	# of Loans Reviewed	% of Total Loans Reviewed	# of Loans Originated	% of Total Originations
Wells-Fargo Bank	10,067	11.2%	2,474	2.7%
M&T Bank	9,424	10.4%	7,038	7.8%
First Niagara Bank	7,659	8.5%	5,997	6.6%
KeyBank National Association	7,466	8.3%	3,937	4.4%
Citizens Bank	5,557	6.2%	2,834	3.1%
Bank of America	3,090	3.4%	1,105	1.2%
Devere Mortgage Corporation	2,988	3.3%	2,642	2.9%
JP Morgan Chase Bank	2,917	3.2%	459	0.5%
PHH Mortgage Corporation	2,541	2.8%	185	0.2%
HSBC Bank	2,408	2.7%	1,262	1.4%
<b>Subtotal</b>	<b>54,117</b>	<b>60.0%</b>	<b>27,933</b>	<b>31.0%</b>

Source: Federal Financial Institutions Examination Council, 2011 to 2013

## Other Lending Issues

In 2014, the New York attorney general launched an investigation of Evans Bancorp, Inc. for potentially violating the Fair Housing Act by engaging in discriminatory lending practices. Prosecutors argue that Evans Bank has affectively “redlined” certain areas of the City of Buffalo and denied access to loans for specific geographic areas. This was accomplished through the bank’s proliferation of trade areas, which contained predominantly White neighborhoods and excluded core African-American communities in Buffalo. According to prosecutors, Evans Bank did not allow applicants living outside the trade area access to certain products, such as their Evans Community Solutions loan, regardless of their credit history and other factors. Furthermore, prosecutors allege that Evans Bank did not affirmatively market their products, choosing to advertise in ways that would not reach racially concentrated areas of poverty. The bank’s locations are also in predominantly White neighborhoods in Erie County.<sup>12</sup> Although this case is ongoing and the practice in question mostly concerns the City of Buffalo, it is still noteworthy to report any instance of redlining. While redlining may directly impact distressed communities, its broader impact affects communities at the regional level. Evans Bank is based in Western New York and maintains corporate offices throughout Erie County, including the Towns of Amherst, Tonawanda, and Hamburg.

<sup>12</sup>Silver-Greenburg, Jessica. “New York Accuses Evans Bank of Redlining”. *New York Times* 2 Sept 2014.

## Real Estate Practices

### 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. Publishers and advertisers are responsible for making, printing, or publishing advertisements that violate the Fair Housing Act on its face. Thus, they should not 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. This was due to the 1984 Publishers' Voluntary Agreement to End Discriminatory Advertising, put forth by HOME, Inc.

The Bee Group owns nine local newspapers in Western New York. This group of newspapers serves Erie County as the vehicle to advertise notices regarding CDBG and HOME funding as well as public meetings and hearings. This includes the following newspapers:

- *Amherst Bee*
- *Cheektowaga Bee*
- *Depew Bee*
- *Ken-Ton Bee* (serving the Village of Kenmore and the Town of Tonawanda)
- *West Seneca Bee*
- *Orchard Park Bee*
- *East Aurora Bee*
- *Lancaster Bee*
- *Clarence Bee*

A real estate section is featured in the paper offering for-sale and for-rent advertisements. A review of ads was conducted to determine the newspaper's compliance with fair housing laws and its own publisher's policy. The Bee Group's online real estate advertisement section is powered by a separate entity called Zagpad. This organization handles all real estate postings and advertisements on behalf of all nine newspapers. Although Zagpad's policy on accepting real estate advertisements was not prominently displayed, the Equal Housing Opportunity logo was prominently featured online and linked to HUD's Fair Housing and Equal Opportunity website.

The sample of rental and for-sale ads reviewed online through the Bee Group network did not contain any language that could reasonably be considered to be discriminatory against members of the protected classes. The overall absence of discriminatory or seriously questionable language speaks to knowledge of fair housing laws and responsibilities among newspaper advertising staff and/or real estate agents who commonly place ads.

Other widely circulated local newspapers with real estate sections include the *Buffalo News* and *Metro Sources*. The *Buffalo News* has real estate listings predominantly in Buffalo. *Metro Sources* and all other publications published by Metro News generally do not include real estate listings. While online housing resources such as Craigslist may contain discriminatory behavior, the lack of moderation beyond a user's ability to flag discriminatory posts makes these resources difficult to control.

## Real Estate Agency Practices

The Buffalo Niagara Association of Realtors (BNAR) is the leading realtor organization in Erie County. Under New York State Law, real estate licensees are required to complete at least 3 hours of continuing education on fair housing. In response to this new requirement for real estate licensing, BNAR offers a 3 hour continuing education course on fair housing, usually available every month. For the month of April, which is National Fair Housing Month, BNAR offers several educational sessions on fair housing. Information about the Fair Housing Act is also featured prominently on the BNAR website. In order to become a member of BNAR, realtors must agree to abide by the organization's "Fair Housing Declaration", in which they agree to extensively and affirmatively further fair housing. This includes responsibilities such as:

- Providing equal professional service without regard to the race, color, religion, sex, handicap, familial status, national origin or sexual orientation of any prospective client, customer, or of the residents of any community
- Keeping informed about fair housing law and practices
- Developing advertising that indicates that everyone is welcome and no one is excluded
- Informing clients and customers about their rights and responsibilities under the fair housing laws by providing brochures and other information
- Refusing to tolerate non-compliance
- Taking a positive approach to fair housing practices and aspire to follow the spirit as well as the letter of the law, and
- Developing and implementing fair housing practices at the corporate level

These responsibilities apply only to the seven federally protected classes of the law.

Notably, the Association uses software to monitor the MLS listings for discriminatory keywords. BNAR is actively involved in government affairs and stays apprised of local housing laws and their effects on the market. In particular, BNAR is part of the twenty eight-member Erie County Fair Housing Partnership, a fair housing education and outreach organization discussed in the "Local Fair Housing Organizations" section of this report.

## IV. Fair Housing Profile

Erie County residents can receive fair housing services from a variety of agencies, such as Housing Opportunities Made Equal (HOME), Erie County Fair Housing Partnership, Legal Aid Bureau of Buffalo, Neighborhood Legal Services or the designated Fair Housing Officers. 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.

This section analyzes the existence of housing discrimination 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.

### Existence of Housing Discrimination 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. The Town of Hamburg's law covers all of the aforementioned (except gender identity) and adds age and source of income. Nonprofit fair housing agencies assist clients to file complaints at the most appropriate level.

### How Housing Complaints are Processed

Incidents of alleged housing discrimination within the five entitlement communities are handled by Fair Housing Officers in Amherst, Cheektowaga, and Tonawanda, as well as HOME and Neighborhood Legal Services. Once an individual has met with a Fair Housing Officer to determine whether discrimination may be present, attempts will be made to resolve the issue through informal methods (a conference, conciliation, or persuasion). If informal methods do not resolve the issue, the Fair Housing Officer will assist in filing a complaint with HUD and New York's Division of Human Rights. HOME may conduct testing in response to reported incidents of discrimination, and generally tries to resolve the case through conciliation. HOME also performs some systemic testing of larger housing providers via funding from a HUD FHIP grant.

In Hamburg, complaints are processed by the Town. Any individual or entity – whether or not they are the victim of discrimination – may file a complaint. The Town’s 2005 Fair Housing Ordinance outlines the process. The Town, under the supervision of the Director of Community Development, processes and investigates complaints. The Town may also designate a non-profit fair housing organization to assist or conduct investigations. When a complaint is filed, the designee will notify the accused party in writing within 30 days and investigate the circumstances within 100 days. If action is required, the Town Attorney draws up proceedings in the name of the Town. If a person is found to have violated Fair Housing regulations, the Fair Housing Ordinance indicates fines for first offences (not more than \$5,000) and next offences (not more than \$10,000) as well as revocation or suspensions of rental licenses. One of the most critical issues in processing complaints on housing discrimination is educating residents about their fair housing rights and what constitutes discrimination. Fair housing organizations and the County work to educate residents about discrimination.

Despite diligent efforts, stakeholders still observe that incidents of discrimination are likely much more prevalent than official data suggests, indicating that education efforts are still very important. For instance, stakeholders reported that their clients with landlord-tenant conflicts are sometimes unwilling to pursue a complaint, preferring instead to simply move. Stakeholders also report that discrimination disproportionately impacts immigrants, but many immigrants are reluctant to report violations. This indicates that more ongoing outreach efforts should be tailored for immigrants.

Several fair housing stakeholder organizations reported this to be the case in Erie County. Furthermore, they reported that although discriminatory issues disproportionately impact immigrants and refugees, there is greater reluctance among these groups to report violations.

## **Complaints to U.S. Department of Housing & 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. Data was received on all complaints made to HUD from December 2008 through December 2014 for Erie County exclusive of Buffalo. There were a total of 69 complaints made during this time. Of these complaints, six were made directly to HUD and the remaining 63 were made to a Fair Housing Assistance Program (FHAP), which in turn filed the complaint with HUD.

There was no evident pattern of steady increase or decrease in complaints over the study period. The volume of cases peaked in 2009 with a total of 18 complaints filed. The following year a total of 13 complaints were filed. Complaints were also high in 2013 with 15 filed.

In addition to number of complaints per year, filings included information on the basis of discrimination. Most complaints were filed on multiple bases (for example, race *and* national origin). Disability was the most common basis for filing a complaint, and was cited in nearly half (49.2%) of all complaints. Race or color of skin was the second most frequent basis for filing a complaint, and was cited in 40.5% of the complaints.

The most common type of complaint was discriminatory terms, conditions, privileges, or services and facilities for a property, accounting for 33 of the 69 complaints. This was followed by discriminatory

refusal to rent, accounting for 13 (18.8%) of the complaints. Many complaints cited multiple types of discriminatory behavior.

<b>Basis of Complaint</b>	<b>Number of Complaints*</b>	<b>Percentage of Complaints</b>
Disability	34	49.28%
Race/Color	28	40.58%
Sex	16	23.19%
National Origin	12	17.39%
Familial Status	15	21.74%
Religion	6	8.70%
Retaliation	3	4.35%

\*Note: Most complaints list multiple factors as a basis

Source: HUD Fair Housing Database

Of the 63 complaints in the HUD database that were closed (six of the total number of complaints in the database were still under review), 30 (47.6%) were determined to have no probable cause. Two other complaints were not resolved because the complainant was unable to be found, one complaint was dismissed by the FHAP, two more were dismissed by the Department of Justice, and one complaint was not able to proceed because of an untimely filing.

Out of the remaining 27 complaints, 14 were either conciliated or settled. A complaint is considered settled when all of the parties to the complaint enter into a conciliation agreement with HUD. Such agreements may 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. An additional eight were withdrawn after resolution, and four resulted in a FHAP judicial consent order. In FHAP consent orders, the involved parties negotiated a settlement, either independently or through an appointed judge, that was submitted to investigators as a voluntary agreement to resolve the case. Three of the four FHAP judicial consent orders were related to discriminatory advertising, statements, or notices. The fourth was related to discriminatory terms, conditions, privileges, or services or facilities. Only one complaint was withdrawn without a resolution. The highest numbers of complaints were filed in Amherst followed by Cheektowaga. These areas also have high concentrations of minority residents. With a population just over 18,000, a notably high number of complaints were filed in Lackawanna.

<b>Municipality</b>	<b>Number of Complaints</b>
Akron	4
Albany	1
Amherst	16
Cheektowaga	7
Depew	1
East Amherst	5
Elma	1
Grand Island	1
Hamburg	1
Kenmore	1
Lackawanna	7
Orchard Park	6
Springville	1
Tonawanda	5
West Seneca	4
Williamson	1
Williamsville	6

Source: HUD Fair Housing Database

A low number of filed complaints should not be misconstrued as a low level of discriminatory behavior in a community. A low number of complaints may also indicate a low level of fair housing awareness among members of the protected classes, and/or an inadequate level of organizational capacity among entities authorized to process and investigate complaints. Indeed, in communities with highly active fair housing organizations there tends to be higher numbers of filed complaints. This is a result of a strong and active fair housing education and outreach program coupled with frequent paired testing and regular enforcement of fair housing laws.

### **Assessment of Fair Housing Organizations and Ordinances**

Erie County has struggled with fair housing due to pervasive institutional discrimination dating back to the early 20<sup>th</sup> Century. The federal government, private lending institutions, and real estate developers created an environment of racial and economic segregation that has been difficult to overcome. Practices such as redlining, blockbusting, and discriminatory lending practices have all had significant impacts on the region. These practices were not limited to the City of Buffalo, where the vast majority of racial and ethnic minorities in Erie County live. Rather, historical discriminatory practices created a profound divide between the City of Buffalo and the balance of Erie County that continues to this day.

The recent fair housing landscape of public housing in Erie County and greater Buffalo is shaped largely by the landmark *Comer v. Cisneros* case, a discrimination claim that resulted in two consent decrees in 1996. One of these consent decrees settled voucher-related claims against RAC (at the time referred to as Rental Assistance Corporation of Buffalo), the City of Buffalo, Belmont Housing Resources, and the Erie County HOME 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. As part of the settlement in that case, the Greater Buffalo Community Housing Center was established in 1999.

## Local Fair Housing Organizations

The [Erie County Fair Housing Partnership \(ECFHP\)](#) was formed as collective effort to affirmatively further Fair Housing in the County. The Partnership is comprised of nonprofit, governmental and private sector representatives. Though the Partnership has been in existence since 1997, it has its roots in a tradition of collective monitoring and collaboration on advancing fair housing issues dating back to the 1980s. The ECFHP is primarily centered on education and each of the members ensures participation in Fair Housing activities by their respective organizations, according to the 2014 Fair Housing Equity Assessment.

[Housing Opportunities Made Equal, Inc. \(HOME\)](#) is a prominent member of the ECFHP. HOME is a HUD-certified counseling agency that participates in HUD's Fair Housing Initiatives Program (FHIP) to help Erie County residents identify government agencies that handle complaints of housing discrimination. HOME sponsors a significant proportion of the education and outreach available in each of the five entitlement communities. This includes a landlord and tenant training program, a community education program, and distribution of fair housing educational materials. HOME also investigates discrimination complaints and provides basic legal services to clients.

HOME has been involved in several recent high-profile legal issues regarding fair housing in Erie County. This includes allegations against the Town of Cheektowaga, the Village of Kenmore, and the developers involved in the bond financing of a housing development called Collegiate Village. HOME was also involved in challenging the Town of Orchard Park regarding the town board members denying a senior housing development project.

HOME staff make presentations about its 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. HOME maintains 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.

Aiding LEP persons is also a priority for local fair housing organizations. Stakeholders interviewed reported that Erie County residents with limited English proficiency are often taken advantage of in the housing market. HOME collaborates with Catholic Charities, Journey's End, and International Institute to provide training for both LEP persons looking for housing and case workers who assist this demographic on a regular basis. This work often overlaps with serving affordable housing needs because many LEP persons are low-income and unable to find affordable housing in the private rental market. Hispanics United, an organization that assists the Hispanic community in Erie County, engages landlords through education. The Arab-American Community Center for Economic and Social Services (ACCESS) provides fair housing assistance as well as youth services, language education, citizenship assistance, and translation services for the Arab community. The organization serves all of Erie County, although it is based in Lackawanna and estimates that about 60% of its clients live in walking distance.

Many organizations are not explicitly involved in fair housing initiatives, but advocate for fair housing priorities and can perform education and outreach to the communities they serve. This includes:

- Buffalo Urban League
- University District Community Development Association
- Hispanics United
- ACCESS
- Homeless Alliance of Western New York
- People, Inc.

- Lackawanna Community Development Corporation
- Lackawanna Community Housing Development Corporation
- Southtowns Rural Preservation Corporation
- Belmont Housing Resources for WNY
- YWCA

These groups and others carry out services on a contractual basis in the area of fair housing, housing counseling, affordable housing programs, or micro loan activities. Many of these organizations predominantly serve members of the protected classes, and their continued involvement in fair housing issues is critical for the region.

The [Buffalo Urban League](#) has existed for over 90 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. The Urban League is also involved with HOME's education and outreach programs and collaborates in the form of presentations and workshops. The League provides tenant/landlord and fair housing counseling and foreclosure prevention services. However, fair housing complaints are referred to HOME or directly to HUD.

[Developmental Disability Alliance of Western New York](#) (DDAWNY) is a collaborative group of member voluntary agencies that provide services to people with developmental disabilities throughout Western New York, including all five entitlement areas. The organization does not provide housing directly, but assists in housing-related services for persons with developmental disabilities. Cuts in suburban transportation routes have resulted in decreased capacity for DDAWNY's clientele to travel. Stakeholders from DDAWNY cited conflicting priorities for group homes and other institutionalized housing facilities. While the statewide priority is for de-institutionalization and integration of persons with developmental disabilities into the general community, funding streams do not yet align to make this type of setup possible on a large scale.

[Neighborhood Legal Services](#) (NLS) 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 Housing Resources, the agency administering Erie County's housing voucher program, has involved NLS in its training efforts. NLS also often 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 County, especially in the absence of local government staff devoted to these activities in the rural towns and villages throughout the less developed areas of Erie County. In order to ensure that the local fair housing infrastructure continues to operate effectively, entitlements should remain committed to adequately funding—or at the very least collaborating with—the agencies that sustain it.

## Progress Achieved since Previous AI

The 2009 Analysis of Impediments presented a Fair Housing Action Plan that contained both broad, general actions and targeted specific actions for the five entitlement communities of Erie County. The entitlements have made progress in meeting the requirements of the 2009 Action Plan, and have tracked their progress through their Consolidated Annual Performance and Evaluation Reports (CAPER). The following discussion compares recommendations made in 2009 to the corresponding subsequent actions the entitlement communities have taken. Recommendations from the 2009 AI have been summarized in list form below, with key steps taken in bullet form. Many initiatives have been conducted on a regional basis and constitute progress for all five entitlement communities.

### **Previous Impediment: Lack of affordable housing options**

- The Town of Sardinia amended zoning code to include density bonus in 2012
- The Town of Hamburg has created and completed two affordable housing subdivisions with 36 single-family units and 13 two-family units. Furthermore, the town assisted the creation of the Claire Court Apartments that provide reduced rents to families at or below 50% of median income. The town continues to provide grants and loans for affordable housing throughout the year as well as continuing its support for affordable rental units for seniors within the township.

### **Previous Impediment: Underrepresentation of protected classes on planning and zoning boards**

- The County co-sponsored ten zoning workshops for municipal officials focused on planning and zoning for affordable housing creation. The workshops also covered the value of diversifying the boards of commissions and organizations related to planning, zoning, and affordable housing.
- In Hamburg, when appointments are made to its various boards, it is always done through and by the Hamburg Town Board, thus making the appointments a political process as opposed to a chance to create diversity within the structure of the boards themselves. It has been recommended that when board appointments are made, that the Town Board should look to qualified candidates as opposed to political candidates.

### **Previous Impediment: Transportation options do not connect affordable housing to jobs**

- One Region Forward plan, FHEA, and this AI have all prioritized improving the linkages between public transportation, housing, and employment.
- Hamburg has tried to influence the NFTA with its route closings by advocating for keeping all existing routes. Several forms of communication were sent from the town in this regard.

### **Previous Impediment: Limited program coordination between entitlements**

- One Region Forward planning initiative has increased coordination on planning-related issues in Erie County, including housing
- Hamburg and Erie County often discuss policies, problems, and solutions to matters of entitlement. It has been suggested over the years to start up the former Entitlement Committee so quarterly interactions could once again be initiated.

### **Previous Impediment: Inadequate resources allocated to education and outreach**

- Three of the five entitlements fund Housing Opportunities Made Equal (Amherst, Hamburg, and the Urban County), Belmont Housing Resources, and other organizations that directly affirmatively further fair housing.
- Hamburg spends significant amounts of its CDBG allocation on fair housing and housing counseling through contracts with HOME, Inc. and Belmont Housing Resources for WNY. These contracts offer Hamburg residents unlimited, free access to these areas.

**Previous Impediment: Limited information about predatory lending and foreclosure**

- AI now includes Home Mortgage Disclosure Act analysis.
- Amherst contracts with Buffalo Urban League to offer counseling on predatory lending.
- Hamburg has maintained contracts with Belmont Housing Resources for WNY for these two specific reasons over the past many years. Hamburg also has formed a relationship with Consumer Credit Counseling for this purpose.

**Previous Impediment: Families are discriminated against in the housing market**

- Entitlement-sponsored fair housing advocacy organizations offer landlord education and training that includes education on familial status as a protected class.
- Hamburg contracts with HOME, Inc. and Belmont for this specific purpose, and has for over twenty-five years

**Previous Impediment: Lack of coordination of fair housing services among non profits and public agencies**

- Each municipality now has a fair housing officer whose name is posted in the municipal building and on all entitlement websites. This officer serves as a go-to contact point for public fair housing-related issues.
- Housing Opportunities Made Equal, under contract with Erie County, conducted two training workshops to train fair housing officers that serve the Erie County CDBG Consortium.
- Dated "cultural diversity resources" removed from BNAR website (although not replaced with improved resources).
- Hamburg offers training to fair housing officers and committees annually through their contracts with HOME, Inc. and Belmont.

**Previous Impediment: Overconcentration of homelessness resources in the City of Buffalo**

- The Urban County entitlement has undertaken a rapid rehousing and homelessness prevention program wherein approximately \$200,000 has been allocated to area human service providers. An important aspect of the effort is to focus "prevention" resources towards Urban County residents rather than those residing in the City of Buffalo. This targeted approach is intended to provide families and individuals in danger of becoming homeless with the financial resources to remain in their housing within the Urban County area.

**Previous Impediment: Source of income often used to discriminate, but is not federally protected**

- All entitlements have worked with Erie County Fair Housing Partnership to draft local legislation prohibiting discrimination based on source of income.
- Hamburg's Fair Housing Law prohibits this form of discrimination and is currently prosecuting a case in this regard.

**Previous Impediment: No set strategy to monitor and evaluate the implementation of recommendations in AIs**

- Entitlements monitor and evaluate progress through CAPERs, although with varying degrees of scrutiny and critical evaluation
- Hamburg uses its Community Development Advisory Committee to monitor and evaluate the implementation of recommendations in AIs.

## V. Impediments to Fair Housing Choice and Fair Housing Action Plans

Impediments to fair housing choice are 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. In Erie County, these protected classes would also include age, marital status, sexual orientation (including gender identity), military status (protected under New York State law) and marital status. Based on the research and analysis conducted for this AI, including interviews with stakeholders in the region, the following impediments were identified. Many of the impediments are similar to the barriers included in the 2014 Fair Housing Equity Assessment, which is logical since the FHEA and AI processes are very similar. However, the impediments and actions identified within this Erie County AI are specific to the Urban County, and the towns of Hamburg, Amherst, Cheektowaga and Tonawanda.

This section identifies observations that constitute the impediments or barriers to fair housing choice in Erie County. These impediments are linked to remedial strategies in Fair Housing Action Plans for each entitlement jurisdiction. These actions should be implemented by the entitlements in conjunction with the respective Annual Action Plans. Some impediments are multi-jurisdictional in nature, involving complicated problems that do not respect political boundaries and, thus, will require a regional approach to resolution. These appear in the “General” section as well as in the action plans of multiple entitlements, although the suggested actions may differ.

### General

The following impediments apply generally to the study area, and may require coordinated action between entitlement communities.

#### ***Impediment: A shift in demographics is increasing the concentration of minorities in Amherst, Cheektowaga, Tonawanda, and Hamburg.***

With the exception of communities that are home to correctional facilities or Indian Reservations in Erie County, there are six racially or ethnically concentrated areas of poverty outside the City of Buffalo. These four R/ECAPs are found in Amherst (1), Cheektowaga (2) Tonawanda (1), and Lackawanna (2). These R/ECAPs were calculated using localized thresholds specific to the Urban County, Amherst, Cheektowaga, Tonawanda, and Hamburg.

In general, the region is diversifying. In the future, addressing racially or ethnically concentrated areas of poverty will become even more important. These four towns accounted for 37% of the total County population in 2013. While the White population in these four towns decreased by 21,030 residents, the non-White population increased by 18,351 residents. Combined with new higher-cost residential development occurring outside of these communities (and outside of Buffalo), lower income households are limited primarily to these communities in their search for more affordable housing options.

***Impediment: There is a limited amount of housing stock located in the towns of Amherst, Cheektowaga, Tonawanda, and Hamburg that is affordable to lower-income households. This limits the array of neighborhoods from which they can choose to live.***

Despite a population loss of 3.3% between 2000 and 2013, Erie County's housing stock expanded by a net of 3,928 units, or almost 1%. The Urban County experienced modest population growth (1.4%), but a much higher increase in housing units (7.9% growth in housing stock). This is true in Amherst and Hamburg, the two entitlement communities that experienced population growth. While Cheektowaga and Tonawanda lost residents between 2000 and 2013, the loss of housing units was not as sharp as the loss of residents. While annual rates of growth were relatively steady in the Urban County, growth in Hamburg and Tonawanda picked up after 2010. Furthermore, the limited supply of housing stock and the relative limited financial ability of people with disabilities to bear the costs of retrofitting presents barriers to housing choice for residents with disabilities.

Comparatively, the City of Buffalo lost 10,735 units, or 7.4% of its inventory. A proliferation of units exceeding apparent demand in the Urban County suggests sprawl, as units in urban core communities continue to be abandoned and demolished as new structures are built in suburban and rural areas. While this AI does not address the City of Buffalo, the pattern of abandonment and sprawl is a regional issue affecting the entirety of Erie County.

Rental Assistance Corporation (RAC) and Belmont Housing Resources (Belmont), the two Section 8 Housing Choice Voucher management companies in Erie County, reported an inadequate supply of affordable rental units and units accessible to persons with disabilities. These agencies also reported that it is difficult for voucher holders to find housing in the towns outside of Buffalo. As a result, 35% of Belmont voucher holders and 85% of RAC's voucher holders reside in Buffalo. This may indicate a limitation of voucher holders in neighborhoods where they can find housing.

***Impediment: The decrease in the affordable housing inventory is further exacerbating the mismatch between the physical housing needs and available inventory for lower income households, including persons with disabilities.***

The vast majority of housing units built across the County are not accessible because they were built as single family dwellings, or in the case of multi-family structures, they were built prior to the enactment of the ADA in 1988. Stakeholders also reported a mismatch between the location of existing larger family units and where families needing three-bedrooms or larger want to live.

Further mismatch between physical housing needs and available inventory is indicated in the following observations:

- In many municipalities in the County, multi-family housing comprises less than 10% of the total housing inventory. Because multi-family housing structures tend to be more affordable options,

an inadequate supply of such units restricts housing choice for County residents who would choose to move to communities with better employment prospects, access to higher performing schools, and other opportunities.

- In 2013, the housing stock in the Urban County was 79% owner-occupied compared to only 42% in Buffalo. A sufficient supply of affordable rental units is necessary to adequately house lower income households who live and work in Erie County.
- Between 2000 and 2013, the Urban County “lost” more than half of the 9,722 housing units renting for less than \$500/month. In contrast, the number of units renting for \$700 to \$999 more than doubled and the inventory of units renting for \$1,000 or more increased nearly five-fold from 812 to 4,341. While this figure does not account for inflation due to the categorical nature of the variables used by the census, the general trend remains that higher-priced housing is being added to the inventory at faster rates than lower-priced housing.
- The lack of an adequate supply of affordable housing has contributed to the concentration of Section 8 voucher holders in Buffalo and other racially/ethnically concentrated areas of poverty (R/ECAPs).

***Impediment: Household incomes during the last decade did not grow at a pace commensurate with housing costs, and members of the protected classes were more likely to be affected by the worsening mismatch.***

Between 2000 and 2010, the inflation-adjusted median housing value across Erie County increased 10.8%, while real median income fell 4.3%. Median gross rent decreased 1.6% during the same years. The significant increase in median housing value paired with decrease in real income means that housing has become relatively more expensive, especially for lower income families and individuals.

Trends include:

- Persons with disabilities were almost three times as likely as persons without disabilities to live in poverty. In 2013, 14.8% of residents with disabilities lived in poverty, compared to 5.4% of persons without disabilities who were living in poverty.
- Generally, Blacks and Hispanics experienced poverty at much higher rates than Whites and Asians in 2013. They also had the lowest median household incomes among racial and ethnic groups. By virtue of higher poverty rates and lower household incomes, housing choice for members of the protected classes is generally restricted to racially/ethnically concentrated areas of poverty where housing costs are lower and housing conditions tend to more likely be substandard. This results in the perpetuation of established segregation patterns.
- Blacks and Hispanics were more likely than Whites and Asians to be unemployed. While 6.3% of the Urban County’s White civilian labor force was unemployed in 2013, Black unemployment was reported at 20.5%. Hispanics also had high unemployment rates at 14.5%. Higher unemployment, whether temporary or permanent, significantly limits the resources available to meet housing costs.
- An estimated 56% of (all) Erie County renters do not earn a wage high enough to allow them to afford the prevailing fair market rent for a two-bedroom apartment.

- Lower household incomes, higher rates of poverty and higher rates of unemployment among some minority households have impacted their ability to afford homeownership. In 2010, the rate of homeownership among Blacks was 42.2% and 54% among Hispanics, compared to 72.4% among Asians and 79.7% among Whites.

***Impediment: The growing Hispanic population, along with refugee and migrant groups, may face language barriers in becoming aware of, accessing and participating in local housing programs and services.***

Over 14,000 persons with limited English proficiency reside outside of Buffalo (14,099 as of 2013). The size of this growing population warrants action on the part of the five entitlement jurisdictions to ensure continuing access to programs and services.

The Language Access Plans (LAP) of the five entitlement jurisdictions could be improved to enhance access to housing programs and services by persons with limited English proficiency.

***Impediment: Land use regulations in Amherst, Cheektowaga, Tonawanda and Hamburg include some provisions that are discriminatory toward members of the protected classes.***

In the Hamburg and Amherst municipal zoning ordinances, there are no reasonable accommodation policies for persons with disabilities.

In the Cheektowaga municipal zoning ordinance, there is no reasonable accommodation policy for persons with disabilities. In addition, the definition of “group home” is ambiguous as to the types of disabilities that would be permitted. To be consistent with the federal Fair Housing Act, persons with any of the disabilities defined in the law must be accommodated.

In the Tonawanda municipal zoning ordinance, there is no reasonable accommodation policy for persons with disabilities. In addition, the ordinance limits the number of unrelated persons who can live together to three.

***Impediment: The persistence of housing discrimination across Erie County restricts housing choice and impedes efforts to de-segregate and integrate communities.***

NIMBYism (Not In My Backyard) in Erie County stifles new affordable housing development. According to stakeholders, strong public opposition to new affordable housing projects has delayed or stopped projects from being built. Allowing this tactic to continue strengthens the voice of opposition and emboldens critics to continue the practice at the expense of lower income residents seeking affordable housing options in higher opportunity areas in Erie County.

Some of the examples of NIMBYism reported by stakeholders include the following:

- The presence of neighborhood opposition in most communities outside of Buffalo where established segregated residential patterns reinforce the mindset that affordable housing communities for non-White, non-Hispanic, lower income families are not welcomed where these groups do not currently reside, or where they are a very small percentage of the total population.
- NIMBYism can be a direct obstacle to the development of affordable housing to the point where affordable housing developers simply avoid siting projects in communities perceived as unwelcoming.
- Some advocacy organizations reported that they will not place immigrant and refugee populations in communities known to be unwelcoming to people of color or from another country because they do not want to place the new residents into potentially hostile living environments.
- Landlords who refuse Section 8 vouchers based on false perceptions about the voucher holders severely restrict housing choice for members of the protected classes to potentially obtain housing outside of R/ECAP areas.
- Some landlords also reportedly refuse potential tenants based solely on their association with disability advocacy organizations and social service agencies.
- Also, some landlords are unwilling to accept the County's security deposit vouchers from prospective tenants. Stakeholders reported that there may exist a perception among some landlords that tenants with security deposit vouchers were less likely to fulfill the terms of a lease agreement.
- Opposition to affordable housing developments on the basis of preserving open space may also have a discriminatory impact if it limits the availability of land that is suitable for affordable multi-family housing development.

The most common basis cited in housing discrimination complaints filed in recent years from across Erie County was disability followed by race/color. One-third of the cases reported to HUD involved reasonable accommodation/modification requests by persons with disabilities.

Many stakeholders interviewed during this process were unaware of the proposed Erie County Fair Housing Law, which expands the protected classes to include source of income. Prohibiting the refusal to rent on the basis of sources of lawful income (including Section 8 Housing Choice Voucher assistance) has the potential to expand community and neighborhood housing choice for members of the protected classes.

***Impediment: There is room for improvement in some local policy documents that govern the investment of affordable housing and community development programs in the County.***

In practice, the five entitlement jurisdictions strive to balance the revitalization of distressed neighborhoods with the creation of affordable housing opportunities outside of racially and ethnically concentrated areas of poverty. Various policy documents could be revised to support this intention.

Noted public policy issues included:

- The Urban County and the ACT Consortium could offer financial incentives for affordable housing developers to site projects outside of R/ECAPs, along with mapping the locations for proposed HOME-assisted projects.
- The Urban County and the ACT Consortium could require more than the 5% and 2% minimum levels of Section 504 accessible units with HOME-assisted multi-family developments of five or more units.
- The Urban County and the ACT Consortium could require visitability design standards for all new and rehabilitated HOME-assisted units.
- The Urban County could target downpayment assistance for lower income homebuyers to areas outside of R/ECAPs.
- The ACT Consortium could improve its accommodation for persons with LEP relative to accessing CDBG and HOME programs and services

***Impediment: Inadequate public transit options limit location options for many lower income households.***

The question of whether members of the protected classes can access employment opportunities is especially relevant in Erie County due to the limitations of public transportation infrastructure. Many municipalities, primarily outside of Buffalo and the first-ring suburbs, do not receive regular service from a large, fixed-route transit operator. This is due to a low-density pattern of development that makes service infeasible as well as a heavy dependence on automobiles. Fixed-route service in such areas would be cost-prohibitive, as dead miles between stops drain the potential for revenue recapture. The absence of public transportation service in many areas limits the development of affordable housing largely to those areas served by public transit.

According to stakeholders, refugees tend to locate in the City of Buffalo because the level of transit service is highest than elsewhere in Erie County. However, this trend exacerbates the concentration of lower income minorities to where housing is most affordable.

Fixed-route bus service runs only during certain hours and to the region's most heavily trafficked areas, leaving second- or third-shift workers or those with jobs in the suburbs at an inconvenience. The appropriate policy approach to addressing a disconnect between members of the protected classes and job opportunities involves either bringing people to jobs (fortifying the transit network in some manner or arranging transportation alternatives) or bringing jobs to where people live, which involves land use, zoning and economic development considerations.

***Impediment: Patterns of disparity exist in private mortgage lending.***

In all three years studied, the loan denial rates among racial and ethnic minority applicants were higher than the denial rate for White applicants. Upper-income minority households consistently experienced

denial rates that were significantly higher than those of lower-income White households. While this fact alone does not imply an impediment to fair housing choice, the pattern is consistent with discrimination. This is a common observation among markets across the U.S. during the years studied.

Minority households, particularly those that are lower-income, were disproportionately represented among recipients of high-cost mortgage loans. This trend, also consistent with discrimination, places minority homeowners at greater risk for eviction, foreclosure and bankruptcy.

## VI. Fair Housing Action Plans

Based on the identified impediments to fair housing choice, the following goals and recommended actions have been created for the five entitlements. Because of the similarity of the impediments present in most or all of the five entitlements, the goals for each community are largely the same. However, the action plans have been personalized for the needs of each community, although many of the communities in Erie County share similar opportunities for affirmatively furthering fair housing.

The individualized Fair Housing Action Plans are presented in the following pages.

## Erie County Consortium

*Goal: Expand housing choice for members of the protected classes and other low income households to areas outside of racially/ethnically concentrated areas of poverty.*

- **Action:** Incentivize the creation of affordable housing opportunities by increasing the amount of HOME funds available for a project located in a higher-opportunity / higher-cost areas.
- **Action:** Modify local HOME program guidelines to require visitability design in all HOME-assisted developments of five or more units. This step would increase the inventory of new affordable units that are visitable to people with disabilities.
- **Action:** Modify local HOME program guidelines to require more than the 5% and 2% minimum levels of handicapped-accessible units in HOME-assisted developments of five or more units.
- **Action:** Initiate a systematic process of reviewing the zoning ordinances of the remaining municipalities to identify discriminatory provisions. If identified, the Department of Environment and Planning should provide a letter to the municipality explaining the amendments that need to be made to make the ordinance consistent with the federal Fair Housing Act before any HUD funds are approved for projects in the municipality.
- **Action:** Actively seek and recruit new landlords with rental units located outside of R/ECAP areas for Section 8 Housing Choice Voucher holders.
- **Action:** Continue to finance the voucher mobility counseling provided by Housing Opportunities Made Equal.
- **Action:** Support the work of the Niagara Frontier Transportation Authority to expand service hours, routes and other elements to enhance the availability of public transit for lower income households, thereby linking them to employment opportunities.

*Goal: Seek a balance between creating affordable housing opportunities outside of R/ECAPs and revitalizing R/ECAPs to improve the quality of life for people who live there.*

- **Action:** Continue housing rehabilitation initiatives that provide funding to lower income homeowners to maintain and preserve their dwellings and lower their monthly housing and utility costs.
- **Action:** Continue to coordinate between municipalities, in accordance with the One Region Forward plan for the Buffalo-Niagara Region, in order to improve access to opportunity on a regional level.

*Goal: Expand education initiatives.*

- **Action:** Provide fair housing education to municipal officials, elected leaders and staff on the benefits of adequately and affordably housing lower income residents within their respective communities.
- **Action:** Provide technical assistance to municipal zoning boards and staff relative to discriminatory provisions in zoning ordinances, and dealing appropriately with public opposition to new affordable housing communities.

- **Action:** Provide technical assistance for developers interested in utilizing federal or state funds for affordable housing development.
- **Action:** Continue the annual allocation of CDBG and/or HOME funds to fair housing activities.
- **Action:** Continue the annual zoning workshop series to provide technical guidance to municipal zoning staff.
- **Action:** Take proactive measures to support the implementation of the drafted Erie County Fair Housing Law that includes “source of income” as a protected class.
- **Action:** Provide training to landlords on the County’s security deposit voucher process. Specifically target small landlords, who may be unaware of fair housing laws and their legal responsibilities.
- **Action:** Ensure the Erie County Fair Housing Partnership maintains or increases its capacity to implement outreach and education initiatives across Erie County.

*Goal: Strengthen fair housing enforcement activities throughout Erie County.*

- **Action:** Begin to require and review the Affirmative Marketing Fair Housing Plans from housing providers and real estate brokers as stated in the proposed Erie County Fair Housing Law and the Hamburg Fair Housing Ordinance. Establish a monitoring and evaluation system to determine the extent to which housing providers and brokers are complying with the plans. If necessary, amend the laws to address the issue of non-compliance and enforcement.
- **Action:** Partner with the four HUD entitlement communities to conduct testing for disability, race/color of skin, and national origin in the rental market. If probable cause is found, file discrimination complaints and publicize the results as a deterrent to landlords and rental management agents.
- **Action:** Actively solicit housing discrimination complaints against municipalities where opposition to affordable housing activities is not over-ruled by local elected bodies. This power should be utilized in an effort to confront and deter NIMBYism.
- **Action:** Adopt a formal policy to withhold CDBG and HOME funding from local units of government with discriminatory language in local zoning or other municipal ordinances, or which have engaged in discriminatory behavior by denying new affordable housing development in their communities.

## Town of Amherst

### *Goal: Expand housing choice for members of the protected classes and other low income households to areas outside of racially/ethnically concentrated areas of poverty.*

- **Action:** Incentivize the creation of affordable housing opportunities by increasing the amount of HOME funds available for a project located in a higher-opportunity / higher-cost area.
- **Action:** Modify local HOME program guidelines to require visitability design in all HOME-assisted developments of five or more units. This step would increase the inventory of new units that are visitable to people with disabilities.
- **Action:** Modify local HOME program guidelines to require more than the 5% and 2% minimum levels of handicapped-accessible units in HOME-assisted developments of five or more units.
- **Action:** Require affordable housing set-asides as part of any market-rate developments planned within the Town. This would provide opportunities for new rental housing outside of areas with high levels of racially or ethnically concentrated poverty.
- **Action:** Adopt a reasonable accommodation policy for persons with disabilities into the Town's zoning ordinance.

### *Goal: Seek a balance between creating affordable housing opportunities outside of R/ECAPs and revitalizing R/ECAPs to improve the quality of life for people who live there.*

- **Action:** Continue housing rehabilitation initiatives that provide funding to lower income homeowners to maintain and preserve their dwellings and lower their monthly housing and utility costs.
- **Action:** Continue to coordinate between municipalities, in accordance with the One Region Forward plan for the Buffalo-Niagara Region, in order to improve access to opportunity on a regional level.

### *Goal: Expand education initiatives.*

- **Action:** Provide fair housing education to municipal officials, elected leaders and staff on the benefits of adequately and affordably housing lower income residents within their own community.
- **Action:** Provide technical assistance to municipal zoning board members and staff relative to discriminatory provisions in the Town's zoning ordinance, and deal appropriately with public opposition to new affordable housing communities.
- **Action:** Continue the annual allocation of CDBG and/or HOME funds to fair housing activities.
- **Action:** Support the County's initiatives to implement the drafted Erie County Fair Housing Law that includes "source of income" as a protected class.
- **Action:** Provide technical assistance for developers interested in utilizing federal or state funds for new affordable housing development.

*Goal: Strengthen fair housing enforcement activities throughout Amherst.*

- **Action:** Begin to require and review the Affirmative Marketing Fair Housing Plans from housing providers and real estate brokers as stated in the drafted Erie County Fair Housing Law. Establish a monitoring and evaluation system to determine the extent to which housing providers and brokers are complying with the plans. If necessary, amend the laws to address the issue of non-compliance and enforcement.
- **Action:** Conduct testing for disability, race/color of skin, and national origin in the rental market. If probable cause is found, file discrimination complaints and publicize the results as a deterrent to landlords and rental management agents.

## Town of Cheektowaga

*Goal: Expand housing choice for members of the protected classes and other low income households to areas outside of racially/ethnically concentrated areas of poverty.*

- **Action:** Incentivize the creation of affordable housing opportunities by increasing the amount of HOME funds available for a project located in a higher-opportunity / higher-cost area.
- **Action:** Require affordable housing set-asides as part of any market-rate developments planned within their jurisdictions. This would provide opportunities for new rental housing outside of areas with high levels of racially or ethnically concentrated poverty.
- **Action:** Adopt a reasonable accommodation policy for persons with disabilities into the Town zoning ordinance.
- **Action:** Clearly define the types of disabilities covered under group home designation in the Town zoning ordinance, all of which must be consistent with the federal Fair Housing Act.
- **Action:** Prioritize transit-oriented development in the Town's next comprehensive plan.

*Goal: Seek a balance between creating affordable housing opportunities outside of R/ECAPs and revitalizing R/ECAPs to improve the quality of life for people who live there.*

- **Action:** Continue housing rehabilitation initiatives that provide funding to lower income homeowners to maintain and preserve their dwellings and lower their monthly housing and utility costs.
- **Action:** Continue to coordinate between municipalities, in accordance with the One Region Forward plan for the Buffalo-Niagara Region, in order to improve access to opportunity on a regional level.

*Goal: Expand education initiatives.*

- **Action:** Provide fair housing education to municipal officials, elected leaders and staff on the benefits of adequately and affordably housing lower income residents within their own community.
- **Action:** Provide technical assistance to municipal zoning board members and staff relative to discriminatory provisions in zoning ordinances, and deal appropriately with public opposition to new affordable housing communities.
- **Action:** Continue the annual allocation of CDBG and/or HOME funds to fair housing activities.
- **Action:** Ensure the Erie County Fair Housing Partnership maintains or increases its capacity to implement outreach and education initiatives across Erie County.

*Goal: Strengthen fair housing enforcement activities throughout the Town.*

- **Action:** Begin to require and review the Affirmative Marketing Fair Housing Plans from housing providers and real estate brokers as stated in the drafted Erie County Fair Housing. Establish a monitoring and evaluation system to determine the extent to which housing providers and

brokers are complying with the plans. If necessary, amend the laws to address the issue of non-compliance and enforcement.

- **Action:** Partner with Erie County to conduct testing for disability, race/color of skin, and national origin in the rental market. If probable cause is found, file discrimination complaints and publicize the results as a deterrent to landlords and rental management agents.

## Town of Tonawanda

*Goal: Expand housing choice for members of the protected classes and other low income households to areas outside of racially/ethnically concentrated areas of poverty.*

- **Action:** Incentivize the creation of affordable housing opportunities by increasing the amount of HOME funds available for a project located in a higher-opportunity / higher-cost area.
- **Action:** Require affordable housing set-asides as part of any market-rate developments planned within the Town. This would provide opportunities for new rental housing outside of the R/ECAP areas.
- **Action:** Update the Town's zoning ordinance, as the current ordinance is very old. Special attention should be given to ensuring the new ordinance will affirmatively further fair housing goals in Tonawanda, such as basing the number of unrelated persons living together on unit size rather than arbitrarily restricting it to three persons.
- **Action:** Adopt a reasonable accommodation policy for persons with disabilities into its zoning ordinance.
- **Action:** Prioritize transit-oriented development in the Town's next comprehensive plan.

*Goal: Seek a balance between creating affordable housing opportunities outside of R/ECAPs and revitalizing R/ECAPs to improve the quality of life for people who live there.*

- **Action:** Continue housing rehabilitation initiatives that provide funding to lower income homeowners to maintain and preserve their dwellings and lower their monthly housing and utility costs.
- **Action:** Continue to coordinate between municipalities, in accordance with the One Region Forward plan for the Buffalo-Niagara Region, in order to improve access to opportunity on a regional level.

*Goal: Expand education initiatives.*

- **Action:** Provide fair housing education to municipal officials, elected leaders and staff on the benefits of adequately and affordably housing lower income residents within their community.
- **Action:** Provide technical assistance to municipal zoning board members and staff relative to discriminatory provisions in zoning ordinances, and deal appropriately with public opposition to new affordable housing communities.
- **Action:** Continue the annual allocation of CDBG and/or HOME funds to fair housing activities.
- **Action:** Ensure the Erie County Fair Housing Partnership maintains or increases its capacity to implement outreach and education initiatives across Erie County.

*Goal: Strengthen fair housing enforcement activities throughout Tonawanda.*

- **Action:** Begin to require and review the Affirmative Marketing Fair Housing Plans from housing providers and real estate brokers as stated in the drafted Erie County Fair Housing Law. Establish a monitoring and evaluation system to determine the extent to which housing providers and brokers are complying with the plans. If necessary, amend the laws to address the issue of non-compliance and enforcement.
- **Action:** Partner with Erie County to conduct testing for disability, race/color of skin, and national origin in the rental market. If probable cause is found, file discrimination complaints and publicize the results as a deterrent to landlords and rental management agents.

## Town of Hamburg

*Goal: Expand housing choice for members of the protected classes and other low income households to areas outside of racially/ethnically concentrated areas of poverty.*

- **Action:** Adopt a written policy for interacting with people with LEP, including interacting with people who speak languages other than Spanish, as well as persons with speech and/or hearing impediments.
- **Action:** Require affordable housing set-asides as part of Hamburg's effort to pass inclusionary zoning. This should apply to any market-rate developments planned within the Town. This would provide opportunities for new rental housing outside of the R/ECAP areas.
- **Action:** Adopt a reasonable accommodation policy for persons with disabilities into the Town's zoning ordinance
- **Action:** Prioritize transit-oriented development in the Town's next comprehensive plan.

*Goal: Seek a balance between creating affordable housing opportunities outside of R/ECAPs and revitalizing R/ECAPs to improve the quality of life for people who live there.*

- **Action:** Continue housing rehabilitation initiatives that provide funding to lower income homeowners to maintain and preserve their dwellings and lower their monthly housing and utility costs.
- **Action:** Continue to coordinate between municipalities, in accordance with the One Region Forward plan for the Buffalo-Niagara Region, in order to improve access to opportunity on a regional level.

*Goal: Expand education initiatives.*

- **Action:** Continue to provide fair housing education to municipal officials, elected leaders and staff on the benefits of adequately and affordably housing lower income residents within the community.
- **Action:** Continue to provide technical assistance to municipal zoning board members and staff relative to discriminatory provisions in zoning ordinances, and deal appropriately with public opposition to new affordable housing communities.
- **Action:** Continue the annual allocation of CDBG funds to fair housing activities.
- **Action:** Ensure the Erie County Fair Housing Partnership maintains or increases its capacity to implement outreach and education initiatives across Erie County.
- **Action:** Continue to provide technical assistance for developers interested in utilizing federal or state funds for affordable housing development.
- **Action:** Continue to provide training to landlords on the County's security deposit voucher process. Specifically target small landlords, who may be unaware of fair housing laws and their legal responsibilities.

***Goal: Strengthen fair housing enforcement activities throughout theTown.***

- **Action:** Begin to require and review the Affirmative Marketing Fair Housing Plans from housing providers and real estate brokers as stated in the Hamburg Fair Housing Ordinance. Establish a monitoring and evaluation system to determine the extent to which housing providers and brokers are complying with the plans. If necessary, amend the laws to address the issue of non-compliance and enforcement.
- **Action:** Partner with the County to conduct testing for disability, race/color of skin, and national origin in the rental market. If probable cause is found, file discrimination complaints and publicize the results as a deterrent to landlords and rental management agents.

## Appendix A: List of Stakeholders

The development of this AI involved in-depth interviews with a wide array of organizations and public officials. The stakeholder outreach was completed in tandem with the Five-Year Consolidated Plan process, which resulted in a very broad spectrum of stakeholders being consulted on fair housing issues. The organizations interviewed during this process are listed categorically below:

### **CHDOs and CBOs**

- Delta Development
- Lackawanna Housing Development Corporation
- LISC Buffalo
- Lt. Col. Matt Urban Human Services Center
- New Opportunities Community Housing Development Corporation
- People Inc.

### **Planning and Zoning**

- Erie County Department of Environment and Planning
- Town of Amherst Planning
- Town of Hamburg Planning Department
- Amherst - Tonawanda - Cheektowaga Consortium
- County communities' Planning Boards and ZBA
- Town of Hamburg
- Erie County Dept Environment & Planning

### **Public Housing Authorities**

- Belmont Housing Resources for WNY
- Kenmore PHA
- Lackawanna Housing Authority
- Renter Assistance Corp
- Tonawanda Housing Authority

### **Lead-Based Paint Programs**

- Community Foundation for Greater Buffalo
- Erie County Health Dept.

### **Affordable Housing/Special Needs Housing**

- Belmont Management
- Benedict House of WNY, Inc.
- Cazenovia Recovery Systems
- Community Services for Developmentally Disabled
- DePaul Bridgewell Adult Care Residence
- DePaul Community Services, Inc.
- Gateway Longview Inc
- Homefront, Inc.

- Housing Options Made Easy
- Independent Living Services

#### **Homeless Assistance Providers**

- Buffalo City Mission
- Catholic Charities
- Child & Family Services Haven House
- Compass House
- Evangelistic E's Pantry
- Family Justice Center
- Family Justice Center - Domestic Violence Services
- Family Promise of WNY
- Food Bank of WNY
- Franciscan Center
- Gerard Place
- Homeless Alliance of Western NY
- Salvation Army
- TRY Program of FLARE, Inc.
- VIVE, Inc.
- WNY Veterans Housing Coalition, Inc.
- YWCA of Western New York

#### **Health and Human Service Providers**

- AIDS Community Services of WNY
- AIDS Family Services
- American Red Cross
- Amherst Center for Senior Services
- Big Brothers/Big Sisters
- Boys & Girls Clubs
- Center for Employment Opportunities
- Cheektowaga Senior Services
- Cheektowaga Youth & Recreation
- Child & Adolescent Treatment Services (CATS)
- Cleveland Hill/WNY United Against Drug & Alcohol Abuse
- Community Action Organization of Erie County, Inc.
- Community Concern
- Computers for Children
- Crisis Services
- Dept. of Veteran's Affairs
- Erie 1 BOCES
- Erie County Department of Social Services

- Erie County Dept of Senior Services
- Erie County Health Dept.
- Hispanics United of Buffalo
- Jewish Family Service
- Lakeshore Behavioral Health
- Literacy Volunteers of Buffalo & Erie County
- LOVE, Inc.
- Meals on Wheels
- Mid-Erie Counseling
- Mobile Safety Net Team
- Schiller Park Community Services, Inc.
- United Way of Buffalo & Erie County

**Advocacy Organizations for Persons with Disabilities**

- Comm. Services for the Developmentally Disabled
- Erie County Dept. of Mental Health
- Erie County Office for the Disabled
- Heritage Centers
- NYS Office for People with Disabilities
- Olmsted Center for Sight

**Advocacy Organizations for Persons with LEP**

- International Institute
- Journey's End Refugee Services, Inc.
- South Sudanese Friends International

**Fair Housing Advocacy Organizations**

- Erie County Fair Housing Partnership
- Housing Opportunities Made Equal
- Legal Aid Bureau of Buffalo
- Neighborhood Legal Services
- WNY Law Center

**Regional Agencies (planning, transportation, workforce development, economic development)**

- Buffalo Erie Niagara Land Improvement Corporation
- Erie County Dept of Public Works
- Workforce Investment Board
- Rural Transit Service
- Greater Buffalo-Niagara Regional Transportation Council
- Niagara Frontier Transportation Authority
- NYS Dept of Transportation
- One Region Forward
- Regional Institute

**Landlord/Realtor Organizations**

- Buffalo Niagara Association of Realtors

**Continuum of Care**

- Homeless Alliance of Western NY

**Business Leaders**

- Amherst Chamber of Commerce
- Black Chamber of Commerce
- Buffalo Employment & Training Center
- Buffalo Niagara Enterprise
- Buffalo Niagara Medical Campus
- Buffalo Niagara Partnership
- Canisius Women's Business Center
- Cheektowaga Chamber of Commerce
- Consumer Credit Counseling Service of Buffalo
- Economic Development Group
- Empire State Development Corp.
- Lackawanna Chamber of Commerce
- NY Business Development Corp
- Small Business Development Center
- Upstate NY Minority Supplier Development Council
- US Small Business Administration

**Consortium and Adjacent Communities' Municipal Officials**

- Village of Akron
- Town of Alden
- Village of Alden
- Town of Amherst
- Village of Angola
- Town of Aurora
- Village of Blasdell
- Town of Boston
- Town of Brant
- City of Buffalo
- Town of Cheektowaga
- Town of Clarence
- Town of Colden
- Town of Collins
- Town of Concord
- Village of Depew
- Village of East Aurora
- Town of Eden

- Town of Elma
- Town of Evans
- Village of Gowanda
- Town of Grand Island
- Town of Hamburg
- Village of Hamburg
- Town of Holland
- Village of Kenmore
- City of Lackawanna
- Town of Lancaster
- Village of Lancaster
- Town of Marilla
- Town of Newstead
- Town of North Collins
- Village of North Collins
- Town of Orchard Park
- Village of Orchard Park
- Town of Sardinia
- Village of Sloan
- Village of Springville
- City of Tonawanda
- Town of Tonawanda
- Town of Wales
- Town of West Seneca
- Village of Williamsville

**Civic Leaders**

- Cheektowaga Police Dept
- Eggertsville Community Organization
- League of Women Voters of Buffalo-Niagara

## Appendix B: Zoning Ordinance Reviews

Zoning Ordinance Regulatory Provision: Town of Amherst	Score	Notes
1. Ordinance defines “family” inclusively, without cap on number of unrelated persons, with focus on functioning as a single housekeeping unit	1	The ordinance defines family as “Any number of individuals living together as a single housekeeping unit; 1) who are related by blood, marriage or adoption; or 2) although not related by blood, marriage or adoption, whose living arrangements are the functional equivalent of a traditional family”.
2. Ordinance defines “group home” or similarly named land use as “a single family dwelling unit”	2	“Group home” is not an expressly permitted or conditional use in any district; although the term “Group Home” is used in the ordinance it is undefined.
3. Ordinance allows up to 6 unrelated people with disabilities to reside in a group home without requiring a special use / conditional use permit or public hearing	2	There is no mention of or definition of “Group Home” in the ordinance. The ordinance permits as an accessory use rooming and boarding of not more than two persons but is silent as to persons with disabilities. The ordinance only allows for rooming and boarding of not more than two persons when the dwelling is occupied by the owner of record.
4. Ordinance regulates group homes as single family dwelling units without any additional regulatory provisions	2	“Group home” is not an expressly permitted or conditional use in any district; however, the ordinance allows for rooming and boarding of not more than two persons when the dwelling is occupied by the owner of record
5. Ordinance has a Reasonable Accommodation provision or allows for persons with disabilities to request reasonable accommodation / modification to regulatory provisions	2	No such language is included.
6. Ordinance permits multi-family housing of more than 4 units/structure in one or more residential zoning districts by-right	1	
7. Ordinance does not distinguish between “affordable housing / multi-family housing” (i.e., financed with public funds) and “multi-family housing” (i.e., financed with private funds)	1	No such language is included.
8. Ordinance does not restrict residential uses such as emergency housing/homeless shelters, transitional housing, or permanent supportive housing facilities exclusively to non-residential zoning districts	1	The ordinance does not define or explicitly restrict these uses.
9. Ordinance permits manufactured and modular housing on single lots like single family dwelling units	1	Manufactured housing may be on single lots but must be in a Manufactured Home Residential District
10. Ordinance provides residential zoning districts with minimum lot sizes of ¼ acre or less	1	The minimum lot size may be as small as 5,000 square feet.
11. Ordinance does not include exterior standards for all single family dwelling units regardless of size, location, or zoning district	1	No such language is included.
<b>TOTAL SCORE</b>	1.36	

<b>Zoning Ordinance Regulatory Provision: Town of Cheektowaga</b>	<b>Score</b>	<b>Notes</b>
1. Ordinance defines “family” inclusively, without cap on number of unrelated persons, with focus on functioning as a single housekeeping unit	1	No more than 5 people who are not related by blood can be considered a “Family”. One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that unless all such persons are related by blood or marriage, no such “family” shall contain over five persons.
2. Ordinance defines “group home” or similarly named land use as “a single family dwelling unit”	2	The ordinance defines a “group home” as a “residential facility, such as a community residence, for mentally disabled individuals as defined by the Mental Hygiene Law and the rules and regulations issued under this chapter; similar facilities regulated by state or federal statutes.”
3. Ordinance allows up to 6 unrelated people with disabilities to reside in a group home without requiring a special use / conditional use permit or public hearing	1	
4. Ordinance regulates group homes as single family dwelling units without any additional regulatory provisions	1	
5. Ordinance has a Reasonable Accommodation provision or allows for persons with disabilities to request reasonable accommodation / modification to regulatory provisions	1	
6. Ordinance permits multi-family housing of more than 4 units/structure in one or more residential zoning districts by-right	1	
7. Ordinance does not distinguish between “affordable housing / multi-family housing” (i.e., financed with public funds) and “multi-family housing” (i.e., financed with private funds)	1	No such language is included.
8. Ordinance does not restrict residential uses such as emergency housing/homeless shelters, transitional housing, or permanent supportive housing facilities exclusively to non-residential zoning districts	1	No use defined for any type of emergency shelter or PSH.
9. Ordinance permits manufactured and modular housing on single lots like single family dwelling units	2	There is no such language as “manufactured” and “modular” housing in the ordinance. Mobile homes are restricted to Residential Mobile Home Districts
10. Ordinance provides residential zoning districts with minimum lot sizes of ¼ acre or less	1	The town has districts that establish a minimum lot size that could be 1/4 acre or less.
11. Ordinance does not include exterior standards for all single family dwelling units regardless of size, location, or zoning district	1	No such language is included.
<b>TOTAL SCORE</b>	<b>1.18</b>	

<b>Zoning Ordinance Regulatory Provision: Town of Tonawanda</b>	<b>Score</b>	<b>Notes</b>
1. Ordinance defines “family” inclusively, without cap on number of unrelated persons, with focus on functioning as a single housekeeping unit	2	Any number of individuals related by blood, marriage or adoption, or not more than three individuals who are not so related, living together as a single housekeeping unit and occupying a dwelling unit
2. Ordinance defines “group home” or similarly named land use as “a single family dwelling unit”	2	No such language is included.
3. Ordinance allows up to 6 unrelated people with disabilities to reside in a group home without requiring a special use / conditional use permit or public hearing	2	No such language is included.
4. Ordinance regulates group homes as single family dwelling units without any additional regulatory provisions	2	No such language is included.
5. Ordinance has a Reasonable Accommodation provision or allows for persons with disabilities to request reasonable accommodation / modification to regulatory provisions	2	No such language is included.
6. Ordinance permits multi-family housing of more than 4 units/structure in one or more residential zoning districts by-right	1	No such language is included.
7. Ordinance does not distinguish between “affordable housing / multi-family housing” (i.e., financed with public funds) and “multi-family housing” (i.e., financed with private funds)	1	No such distinction exists.
8. Ordinance does not restrict residential uses such as emergency housing/homeless shelters, transitional housing, or permanent supportive housing facilities exclusively to non-residential zoning districts	1	These uses are not regulated specifically.
9. Ordinance permits manufactured and modular housing on single lots like single family dwelling units	2	“Manufactured home” or “modular housing” is undefined
10. Ordinance provides residential zoning districts with minimum lot sizes of ¼ acre or less	2	No such language is included.
11. Ordinance does not include exterior standards for all single family dwelling units regardless of size, location, or zoning district	1	No such language is included.
<b>TOTAL SCORE</b>	<b>1.64</b>	

<b>Zoning Ordinance Regulatory Provision: Town of Hamburg</b>	<b>Score</b>	<b>Notes</b>
1. Ordinance defines "family" inclusively, without cap on number of unrelated persons, with focus on functioning as a single housekeeping unit	1	The ordinance defines "family" as one or more persons living together in one dwelling unit and maintaining a common household
2. Ordinance defines "group home" or similarly named land use as "a single family dwelling unit"	1	"Group home" is not mentioned in the code, however the definition of "Family" would cover group homes.
3. Ordinance allows up to 6 unrelated people with disabilities to reside in a group home without requiring a special use / conditional use permit or public hearing	1	"Group home" is not mentioned in the code, however there is no prohibition regarding unrelated people with disabilities residing in a single family dwelling.
4. Ordinance regulates group homes as single family dwelling units without any additional regulatory provisions	1	"Group home" is not mentioned in the code, however the definition of "Family" would cover group homes.
5. Ordinance has a Reasonable Accommodation provision or allows for persons with disabilities to request reasonable accommodation / modification to regulatory provisions	2	No such language is included.
6. Ordinance permits multi-family housing of more than 4 units/structure in one or more residential zoning districts by-right	1	A building or portion thereof containing three or more dwelling units and designed or used for occupancy by three or more families living independently of each other
7. Ordinance does not distinguish between "affordable housing / multi-family housing" (i.e., financed with public funds) and "multi-family housing" (i.e., financed with private funds)	1	The ordinance does not distinguish between "affordable housing/multi-family housing.
8. Ordinance does not restrict residential uses such as emergency housing/homeless shelters, transitional housing, or permanent supportive housing facilities exclusively to non-residential zoning districts	1	The ordinance does not define or explicitly restrict these uses.
9. Ordinance permits manufactured and modular housing on single lots like single family dwelling units	2	Mobile homes are restricted to mobile home parks
10. Ordinance provides residential zoning districts with minimum lot sizes of ¼ acre or less	1	Minimum lot sizes as small as 8,125 are permitted in R-4 District
11. Ordinance does not include exterior standards for all single family dwelling units regardless of size, location, or zoning district	1	No such language is included.
<b>TOTAL SCORE</b>	1.18	

<b>Zoning Ordinance Regulatory Provision: Town of Lancaster</b>	<b>Score</b>	<b>Notes</b>
1. Ordinance defines "family" inclusively, without cap on number of unrelated persons, with focus on functioning as a single housekeeping unit	2	No apparent limit on number of "related" members, but restricts relationship to "individuals related by blood, marriage or adoption, or not more than three individuals who are not so related, living together as a single housekeeping unit."
2. Ordinance defines "group home" or similarly named land use as "a single family dwelling unit"	2	"Group home" is not mentioned in the code.
3. Ordinance allows up to 6 unrelated people with disabilities to reside in a group home without requiring a special use / conditional use permit or public hearing	2	"Group home" is not mentioned in the code.
4. Ordinance regulates group homes as single family dwelling units without any additional regulatory provisions	1	"Group home" is not mentioned in the code.
5. Ordinance has a Reasonable Accommodation provision or allows for persons with disabilities to request reasonable accommodation / modification to regulatory provisions	2	No such language is included.
6. Ordinance permits multi-family housing of more than 4 units/structure in one or more residential zoning districts by-right	1	Multi-family dwellings are listed in the MFR-3 District by-right.
7. Ordinance does not distinguish between "affordable housing / multi-family housing" (i.e., financed with public funds) and "multi-family housing" (i.e., financed with private funds)	1	The ordinance does not distinguish between "affordable housing/multi-family housing.
8. Ordinance does not restrict residential uses such as emergency housing/homeless shelters, transitional housing, or permanent supportive housing facilities exclusively to non-residential zoning districts	1	The ordinance does not define or explicitly restrict these uses.
9. Ordinance permits manufactured and modular housing on single lots like single family dwelling units	2	Mobile homes are restricted to MHR-5 District
10. Ordinance provides residential zoning districts with minimum lot sizes of ¼ acre or less	1	The smallest minimum lot size for a single-family dwelling is 7,500 square feet (0.17 acres) in R-2 . This minimum lot size would not make housing development prohibitively expense.
11. Ordinance does not include exterior standards for all single family dwelling units regardless of size, location, or zoning district	1	No such language is included.
<b>TOTAL SCORE</b>	<b>1.45</b>	

<b>Zoning Ordinance Regulatory Provision: Town of Clarence</b>	<b>Score</b>	<b>Notes</b>
1. Ordinance defines "family" inclusively, without cap on number of unrelated persons, with focus on functioning as a single housekeeping unit	2	The ordinance defines family as "One or more genetically or lawfully related persons occupying a dwelling unit and living as a single housekeeping unit.
2. Ordinance defines "group home" or similarly named land use as "a single family dwelling unit"	2	The "family" definition effectively excludes group homes, and group homes are not permitted by right in any residential district.
3. Ordinance allows up to 6 unrelated people with disabilities to reside in a group home without requiring a special use / conditional use permit or public hearing	2	There is no mention of "Group Home" in the ordinance other than in the definitions. The ordinance is silent as to whether a "Group Home" would require a special use / conditional use permit or public hearing. Group Home does not appear as a permitted use in any of the zoning districts. A special use permit is required for all Room/boarder houses. Such boarding houses are restricted to owner occupied homes with no more than one person or couple inhabitation a single room, thereby restricting the number of residents.
4. Ordinance regulates group homes as single family dwelling units without any additional regulatory provisions	1	"Group home" is not an expressly permitted or conditional use in any district;
5. Ordinance has a Reasonable Accommodation provision or allows for persons with disabilities to request reasonable accommodation / modification to regulatory provisions	2	No such language is included.
6. Ordinance permits multi-family housing of more than 4 units/structure in one or more residential zoning districts by-right	1	Multi-family dwellings require special exception use permits...except in "Traditional Neighborhood Districts" where second-floor multi-family dwelling units are permitted by right.
7. Ordinance does not distinguish between "affordable housing / multi-family housing" (i.e., financed with public funds) and "multi-family housing" (i.e., financed with private funds)	1	No such language is included.
8. Ordinance does not restrict residential uses such as emergency housing/homeless shelters, transitional housing, or permanent supportive housing facilities exclusively to non-residential zoning districts	1	The ordinance does not define or explicitly restrict these uses.
9. Ordinance permits manufactured and modular housing on single lots like single family dwelling units	2	The definition of "single-family home" states inclusion of modular homes, and specifically excludes "manufactured housing".
10. Ordinance provides residential zoning districts with minimum lot sizes of ¼ acre or less	1	The minimum lot size in R-SF and TND is 15,000 square feet and 5,000 square feet for multi-family.
11. Ordinance does not include exterior standards for all single family dwelling units regardless of size, location, or zoning district	1	No such language is included.
<b>TOTAL SCORE</b>	<b>1.45</b>	

<b>Zoning Ordinance Regulatory Provision: Town of Orchard Park</b>	<b>Score</b>	<b>Notes</b>
1. Ordinance defines "family" inclusively, without cap on number of unrelated persons, with focus on functioning as a single housekeeping unit	2	No more than 5 people who are not related by blood can be considered a "Family". One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that unless all such persons are related by blood or marriage, no such "family" shall contain over five persons.
2. Ordinance defines "group home" or similarly named land use as "a single family dwelling unit"	2	The ordinance defines a "group home" as a boarding house where "more than three persons either individually or as families are housed or lodged for hire, with or without meals. A lodging house, rooming house or furnished room house shall be deemed a "boardinghouse."
3. Ordinance allows up to 6 unrelated people with disabilities to reside in a group home without requiring a special use / conditional use permit or public hearing	2	No definition for "group home" or similar use by different name exists in the ordinance. In addition, a family of persons unrelated by blood can only contain 5 members.
4. Ordinance regulates group homes as single family dwelling units without any additional regulatory provisions	1	No definition for "group home" or similar use by different name.
5. Ordinance has a Reasonable Accommodation provision or allows for persons with disabilities to request reasonable accommodation / modification to regulatory provisions	2	No such language is included.
6. Ordinance permits multi-family housing of more than 4 units/structure in one or more residential zoning districts by-right	2	The Ordinance permits two (2) family dwellings in districts R-3 and R-4. Multi-family dwellings of more than two (2) are not permitted in any district
7. Ordinance does not distinguish between "affordable housing / multi-family housing" (i.e., financed with public funds) and "multi-family housing" (i.e., financed with private funds)	1	No such language is included.
8. Ordinance does not restrict residential uses such as emergency housing/homeless shelters, transitional housing, or permanent supportive housing facilities exclusively to non-residential zoning districts	1	No use defined for any type of emergency shelter or PSH.
9. Ordinance permits manufactured and modular housing on single lots like single family dwelling units	2	There is no such language as "manufactured" and "modular" housing in the ordinance. A dwelling unit is defined as, "A dwelling or portion thereof designed for housekeeping by one family or single person having access to all bedrooms, kitchens and bathrooms from common living areas, hallways and entryways". Mobile homes are specifically prohibited in any district.
10. Ordinance provides residential zoning districts with minimum lot sizes of ¼ acre or less	1	The town has two districts that establish a minimum lot size that could be 1/4 acre or less; the Senior Residential District (SR) and the Collegiate Residential District.
11. Ordinance does not include exterior standards for all single family dwelling units regardless of size, location, or zoning district	1	No such language is included.
<b>TOTAL SCORE</b>	1.55	

<b>Zoning Ordinance Regulatory Provision: Town of West Seneca</b>	<b>Score</b>	<b>Notes</b>
1. Ordinance defines "family" inclusively, without cap on number of unrelated persons, with focus on functioning as a single housekeeping unit	1	Ideally open and inclusive: "One or more persons who live together in one dwelling unit and maintain a common household. May contain a single person or two or more persons, whether or not related by blood, marriage or adoption not in excess of the number allowed by this chapter as an accessory use."
2. Ordinance defines "group home" or similarly named land use as "a single family dwelling unit"	2	No such language is included.
3. Ordinance allows up to 6 unrelated people with disabilities to reside in a group home without requiring a special use / conditional use permit or public hearing	2	No such language is included.
4. Ordinance regulates group homes as single family dwelling units without any additional regulatory provisions	1	No such language is included.
5. Ordinance has a Reasonable Accommodation provision or allows for persons with disabilities to request reasonable accommodation / modification to regulatory provisions	2	No such language is included.
6. Ordinance permits multi-family housing of more than 4 units/structure in one or more residential zoning districts by-right	2	Multiple-family dwellings require special permit authorized the the Town Board
7. Ordinance does not distinguish between "affordable housing / multi-family housing" (i.e., financed with public funds) and "multi-family housing" (i.e., financed with private funds)	1	No such distinction exists.
8. Ordinance does not restrict residential uses such as emergency housing/homeless shelters, transitional housing, or permanent supportive housing facilities exclusively to non-residential zoning districts	1	These uses are not regulated specifically.
9. Ordinance permits manufactured and modular housing on single lots like single family dwelling units	2	"Manufactured home" is not defined, but might fall under one of the definitions of "mobile home." Permanent mobile homes may locate in mobile home parks. Mobile home parks are permitted with a special development plan authorized by the Town Board.
10. Ordinance provides residential zoning districts with minimum lot sizes of ¼ acre or less	1	District R-65, R-65A and R-50 permit lot sizes less than 1/4 acre
11. Ordinance does not include exterior standards for all single family dwelling units regardless of size, location, or zoning district	1	No such language is included.
<b>TOTAL SCORE</b>	<b>1.45</b>	

<b>Zoning Ordinance Regulatory Provision: Town of Colden</b>	<b>Score</b>	<b>Notes</b>
1. Ordinance defines “family” inclusively, without cap on number of unrelated persons, with focus on functioning as a single housekeeping unit	2	Defines a family with a cap on five unrelated persons
2. Ordinance defines “group home” or similarly named land use as “a single family dwelling unit”	2	Group homes are a separate permitted use
3. Ordinance allows up to 6 unrelated people with disabilities to reside in a group home without requiring a special use / conditional use permit or public hearing	1	Ordinances regulates group homes for developmentally disadvantaged, unrelated persons. Limits accommodations to eight such persons, subject to side yard requirements for other principal buildings.
4. Ordinance regulates group homes as single family dwelling units without any additional regulatory provisions	1	No such language is included
5. Ordinance has a Reasonable Accommodation provision or allows for persons with disabilities to request reasonable accommodation / modification to regulatory provisions	2	Ordinance does not contain a reasonable accommodation provision.
6. Ordinance permits multi-family housing of more than 4 units/structure in one or more residential zoning districts by-right	2	Multi-family housing is limited to a maximum of two units.
7. Ordinance does not distinguish between “affordable housing / multi-family housing” (i.e., financed with public funds) and “multi-family housing” (i.e., financed with private funds)	1	No distinction between affordable housing and multi-family housing
8. Ordinance does not restrict residential uses such as emergency housing/homeless shelters, transitional housing, or permanent supportive housing facilities exclusively to non-residential zoning districts	1	No such language is included
9. Ordinance permits manufactured and modular housing on single lots like single family dwelling units	2	Manufactured homes are only permitted in agricultural zones and designated manufactured home parks. Manufactured homes are treated similarly to mobile homes and recreational vehicles.
10. Ordinance provides residential zoning districts with minimum lot sizes of ¼ acre or less	2	The smallest minimum lot size without a conditional use permit is 22,500 sq feet, or 0.51 acres
11. Ordinance does not include exterior standards for all single family dwelling units regardless of size, location, or zoning district	1	No such language is included
<b>TOTAL SCORE</b>	1.55	

<b>Zoning Ordinance Regulatory Provision: Town of East Aurora</b>	<b>Score</b>	<b>Notes</b>
1. Ordinance defines "family" inclusively, without cap on number of unrelated persons, with focus on functioning as a single housekeeping unit	1	Family defined as "one or more persons living together in one dwelling unit" but does not cap the number at any maximum level
2. Ordinance defines "group home" or similarly named land use as "a single family dwelling unit"	2	No such distinction is made.
3. Ordinance allows up to 6 unrelated people with disabilities to reside in a group home without requiring a special use / conditional use permit or public hearing	1	No restriction is stated within the ordinance.
4. Ordinance regulates group homes as single family dwelling units without any additional regulatory provisions	1	No such language is included.
5. Ordinance has a Reasonable Accommodation provision or allows for persons with disabilities to request reasonable accommodation / modification to regulatory provisions	2	No such distinction is made. However, exemption on taxation for improvements related to accessibility of real property are granted.
6. Ordinance permits multi-family housing of more than 4 units/structure in one or more residential zoning districts by-right	1	Multi-family dwelling units allowed by right in R-G district
7. Ordinance does not distinguish between "affordable housing / multi-family housing" (i.e., financed with public funds) and "multi-family housing" (i.e., financed with private funds)	1	No such distinction is made.
8. Ordinance does not restrict residential uses such as emergency housing/homeless shelters, transitional housing, or permanent supportive housing facilities exclusively to non-residential zoning districts	1	No such distinction is made.
9. Ordinance permits manufactured and modular housing on single lots like single family dwelling units	2	Manufactured homes are only permitted in agricultural zones and designated manufactured home parks. Manufactured homes are treated similarly to mobile homes and recreational vehicles.
10. Ordinance provides residential zoning districts with minimum lot sizes of ¼ acre or less	1	Minimum lot size in R-G-N Group District is 4,500 square feet, or 0.1 acres
11. Ordinance does not include exterior standards for all single family dwelling units regardless of size, location, or zoning district	1	Exterior standards exist, but apply to achieving basic safety measures only.
<b>TOTAL SCORE</b>	1.27	

Zoning Ordinance Regulatory Provision: City of Lackawanna	Score	Notes
1. Ordinance defines “family” inclusively, without cap on number of unrelated persons, with focus on functioning as a single housekeeping unit	1	No cap on number of persons defined in a single family
2. Ordinance defines “group home” or similarly named land use as “a single family dwelling unit”	2	Defines group home as "Any group living facility which provides lodging for people who are elderly, mentally ill or chemically dependent under the supervision of professional social service or health-care providers".
3. Ordinance allows up to 6 unrelated people with disabilities to reside in a group home without requiring a special use / conditional use permit or public hearing	1	No such distinction is made
4. Ordinance regulates group homes as single family dwelling units without any additional regulatory provisions	2	Group homes are not permitted by right in single family zoning district, or any other residential district
5. Ordinance has a Reasonable Accommodation provision or allows for persons with disabilities to request reasonable accommodation / modification to regulatory provisions	2	No such distinction is made
6. Ordinance permits multi-family housing of more than 4 units/structure in one or more residential zoning districts by-right	1	Mixed Residential district allows two-family detached dwellings by right and multiple dwellings as a permitted accessory use
7. Ordinance does not distinguish between “affordable housing / multi-family housing” (i.e., financed with public funds) and “multi-family housing” (i.e., financed with private funds)	1	No such distinction is made
8. Ordinance does not restrict residential uses such as emergency housing/homeless shelters, transitional housing, or permanent supportive housing facilities exclusively to non-residential zoning districts	1	No such distinction is made
9. Ordinance permits manufactured and modular housing on single lots like single family dwelling units	2	Manufactured homes are defined as being "synonymous with mobile homes" and are subject to more stringent regulations and allowed only in mobile home stands
10. Ordinance provides residential zoning districts with minimum lot sizes of ¼ acre or less	1	Several zoning districts offer minimum lot sizes of 1/4 acre or less
11. Ordinance does not include exterior standards for all single family dwelling units regardless of size, location, or zoning district	1	Exterior standards to not extent beyond basic lighting and safety requirements
<b>TOTAL SCORE</b>	1.36	

## Appendix C: Racially/Ethnically Concentrated Areas of Poverty Thresholds

Thresholds for determining racially or ethnically concentrated areas of poverty were calculated using local demographic compositions for each of the five entitlement communities. The cutoff threshold used was a racial or ethnic concentration in a census tract that was double the average of that area *and* a poverty rate in a census tract that was double the average of the entitlement. Because there are five different entitlements considered in this study, five different thresholds are used.

Hispanic ethnicity—the only ethnicity counted by the US Census Bureau—is calculated independently of race.

### RCAP and ECAP Thresholds

	Area Average	Threshold
<b>Urban County</b>		
Percent Under Poverty Line in Last 12 Months	8.52	17.04
Percent Minority	6.70	13.41
Percent Hispanic	2.69	5.39
<b>Amherst</b>		
Percent Under Poverty Line in Last 12 Months	0.09	18.58
Percent Minority	20.21	40.42
Percent Hispanic	3.31	6.62
<b>Cheektowaga</b>		
Percent Under Poverty Line in Last 12 Months	0.12	23.10
Percent Minority	13.61	27.23
Percent Hispanic	2.75	5.50
<b>Tonawanda</b>		
Percent Under Poverty Line in Last 12 Months	0.10	19.78
Percent Minority	7.37	14.73
Percent Hispanic	3.53	7.07
<b>Hamburg</b>		
Percent Under Poverty Line in Last 12 Months	0.07	13.96
Percent Minority	3.65	7.31
Percent Hispanic	2.23	4.45

## Appendix D: Glossary

**Affordable Housing:** Generally defined as housing in which the occupant is paying no more than 30 percent of gross income for gross housing costs, including utility costs.

**Assisted Household or Person:** An assisted household or person is one receives benefits through the Federal funds, either alone or in conjunction with the investment of other public or private funds/

**CDBG:** Community Development Block Grant, a program administered by the United States Department of Housing and Urban Development to fund housing and community development activities nationwide.

**Clustered:** Being close together in a group, especially geographically. The opposite of dispersed or scattered.

**Disabled Household:** A household composed of one or more persons at least one of whom is an adult (a person of at least 18 years of age) who has a disability. A person shall be considered to have a disability if the person is determined to have a physical, mental, or emotional impairment that:

- Is expected to be of long-continued and indefinite duration
- Substantially impeded his or her ability to live independently
- Is of such a nature that the ability could be improved by more suitable housing conditions.

A person shall also be considered to have a disability if he or she has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6006). The term also includes the surviving member or members of any household described in the first sentence of this paragraph who were living in an assisted unit with the deceased member of the household at the time of his or her death.

**Elderly Household:** For HUD rental programs, a one or two person household in which the head of the household or spouse is at least 62 years of age.

**Entitlement Community:** A city, town, or urban county that receives CDBG funding for housing and community development activities. Communities are determined to be entitlement communities based on a formula calculated by the United States Department of Housing and Urban Development.

**Family:** The Bureau of Census defines a family as a householder (head of household) and one or more other persons living in the same household who are related by birth, marriage, or adoption. The National Affordable Housing Act of 1992 adds: "Family" includes but is not limited to (a) an elderly family or single person, (b) the remaining member of a tenant family, and (c) a displaced person.

**For Rent:** Year-round housing units that are vacant and offered/available for rent. (U.S. Census definition)

**For Sale:** Year-round housing units that are vacant and offered/available for sale only. (U.S. Census definition)

**HOME:** The HOME Investment Partnership Program, which is authorized by Title II of the National Affordable Housing Act.

**Household:** One or more persons occupying a housing unit. (U.S. Census definition) **Housing Unit:** An occupied or vacant house, apartment, or a single room (SRO housing) that is intended as separate living quarters. (U.S. Census definition)

**HUD:** The United States Department of Housing and Urban Development, a Cabinet department in the Executive branch of the United States federal government.

**Language Access Plan (LAP):** An internal municipal document that provides a systematic protocol for enabling persons with limited English proficiency

**Limited English Proficiency (LEP):** Speaking English "less than very well" as determined by the individual being surveyed.

**Low-Income:** Households whose incomes do not exceed 80 percent of the median family income for the area, as determined by HUD with adjustments for smaller and larger families. HUD income limits are updated annually.

**Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis, designed to be used as a dwelling without a permanent foundation, and constructed no earlier than 1976.

**Mobile Home:** A Manufactured Home (see above) constructed before 1976.

**Moderate-Income:** Households whose incomes are between 51 and 80 percent of the median family income for the area, as determined by HUD, with adjustments for smaller and larger families.

**Overcrowded:** A housing unit containing more than one person per habitable room. (HUD definition)

**Poverty Level:** Households with incomes below the poverty line as defined by the Office of Management and Budget and revised annually. For the Consolidated Plan, HUD defines poverty level as at or below 30 percent of median income.

**Project-Based Rental Assistance:** Rental assistance provided through subsidies that are “built into” rents for specific income-qualified units, rather than a voucher that can be used anywhere.

**Racially/Ethnically Concentrated Area of Poverty (RCAP/ECAP):** A geographic area where both high poverty rates and a high percentage of minorities are clustered. A racially concentrated area of poverty (RCAP) or ethnically concentrated area of poverty (ECAP) is generally defined by HUD as a geographic area where the total non-White population in an area is greater than 50% and the poverty rate is greater than 40%. While there are several other viable calculation methods that may be utilized, this Analysis of Impediments uses this common HUD-given definition as well, at the block group geography. References to RCAPs in this research refer to block groups where the total non-White population, non-Hispanic population, and poverty rates are greater than double the average for that specific entitlement community.

**Renter:** A household that rents the housing unit it occupies, including both units rented for cash and units occupied without cash payment of rent. (U.S. Census definition)

**Section 8 Housing Choice Voucher Program:** A form of tenant-based rental assistance, this is the federal government’s major program for assisting very low-income families, the elderly and the disabled to afford decent, safe, and sanitary housing in the private market. Participants receive a voucher to find their own housing, including single-family homes, townhouses and apartments. Housing choice vouchers are administered locally by public housing agencies (PHAs). The PHAs receive federal funds from the U.S. Department of Housing and Urban Development (HUD) to administer the voucher program.

**Supportive Housing:** Housing, including Housing Units and Group Quarters that have a supportive environment and includes a planned service component.

**Tenant-based Rental Assistance (TBRA):** A form of rental assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance. The assistance is provided for the tenant, not for the project. The Section 8 Housing Choice Voucher program is one form of TBRA.