

NASSAU COUNTY



ANALYSIS OF IMPEDIMENTS AND FAIR HOUSING PLAN

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Prepared by the Nassau County Office of Housing and Community Development on behalf
of the County of Nassau and the Nassau County Urban County Consortium

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I. INTRODUCTION AND ASSESSMENT OF CURRENT FAIR HOUSING ACTIVITIES IN NASSAU COUNTY AND THE NASSAU COUNTY CONSORTIUM

Introduction

Nassau County, through the Office of Housing and Community Development, administers federal Housing and Urban Development (HUD) Funds for participating Nassau County communities as part of the Nassau Urban County Consortium. Efforts towards eliminating fair housing impediments are on-going and fair housing planning is a fluid process that continually affects housing and community development programs and policies.

Fair Housing

The Fair Housing laws establish the right of all persons to access housing devoid of discriminatory practices related to status. Title VIII of the Civil Rights Act of 1968 along with the Fair Housing Amendments of 1988, (together known as the Fair Housing Act), New York State Human Rights Law (NYS Executive Law Article 15, Section 296 et. seq.), and Nassau County Local Law No. 9-2006 establish protected classes under those laws.

The Fair Housing Act prohibits discrimination in housing on the basis of:

- Race
- Color
- National Origin
- Creed or Religion
- Gender
- Familial Status
- Disability

In addition to the seven federal protected classes, New York State Human Rights Law protects the following additional classes from discrimination:

- Age
- Sexual Orientation
- Military Status
- Marital Status

In addition, the Nassau County law (Local Law No. 9-2006) prohibits discrimination on the basis of source of income and sexual orientation.

These laws establish that discrimination in the sale, rental, financing, and insuring of housing is prohibited by law.

Nassau County's local Human Rights Law, effective January 1, 2007, provides for enforcement of fair housing rights and penalties to protect residents against human rights violations. The Nassau County Human Rights Commission has the power to:

- Receive and investigate complaints of discrimination.
- Initiate its own investigation of violations of the Local Law.
- Hold hearings, compel the attendance of witnesses, and take testimony under oath

- Require the production of evidence.
- Cooperate with qualified non-profits: make referrals to assist with investigating claims by testing.

In addition, the Office of the County Attorney has the power to obtain enforcement including the ability to:

- Enforce corrective orders and penalties and fines that have been assessed.
- Commence a court proceeding for an order to “show cause” as to why the person complained about should not be directed to cause certain acts to be done.
- Obtain injunctive relief so that innocent third parties do not rely upon the rental or sale of a house during the processing of the complaint.
- Post public notices advising that the housing is the subject of a complaint before the Human Rights Commission.

Civil penalties for unlawful discriminatory practices or for violating orders of the Human Rights Commission may include:

- In any matter where the Commission or a court of competent jurisdiction finds that a person has engaged in a discriminatory practice in violation of the law, the Commission or such court shall impose a civil penalty in an amount not more than fifty thousand dollars. Where the Commission finds that an unlawful discriminatory practice was the result of the respondent’s wanton or malicious act, the Commission or court shall impose a civil penalty in an amount not more than one hundred thousand dollars.
- Any person who fails to comply with an investigative order, mediation and conciliation order, or decision and order issued by the Commission shall be liable for a civil penalty of not more than fifty thousand dollars and an additional civil penalty of not more than one thousand dollars per day for each day that the violation continues.

The Nassau County Consortium, which encompasses municipalities that include over 90% of the County population, is dedicated to the execution of its housing and community development activities in a manner that affirmatively furthers fair housing. The Consortium has developed its Housing and Community Development Program to include a series of objectives designed to address the needs of community residents regardless of race, color, religion, sex, disability status or national origin.

The Nassau County Consortium endorses the belief that equal and free access to housing is vital to securing essential needs and pursuing various personal, educational, and employment goals.

Other Protection Under Legislative Review

Discrimination by co-op boards has not been identified as a significant impediment to fair housing choice in Nassau County. This may be due to the fact that there are a relatively limited number of cooperatives in Nassau County, as compared to New York City and some other areas in the region. In cases where the co-op applications process is determined to be a human rights violation, Nassau County’s local Human Rights Law provides for enforcement of fair housing rights and penalties to protect residents against human rights violations. However, Nassau County has recognized that co-op boards have almost unlimited power to approve or deny candidates as they please and co-op discrimination can be blatant and highly visible. To provide protection for prospective cooperative home buyers against discrimination,

a bill has been crafted that addresses fair housing laws for co-ops. The bill would require that a Co-op Board accept or reject a potential buyer within 45 days; and if the potential buyer is denied, then a written reason, which cannot have any discriminatory foundation, must be disclosed to the rejected applicant. The bill would provide enforcement powers to the Human Rights Commission.

As of this writing, the Long Island Board of Realtors (LIBOR), the Nassau County Human Rights Commission, and Long Island Housing Services continue to support this bill.

Nassau Urban County Consortium

The Nassau Urban County Consortium includes participating Cities, Towns and Villages who agree by cooperation agreement to apply for U.S Department of Housing and Urban Development (“HUD”) Community Planning and Development (“CPD”) formula fund programs including the Community Development Block Grant (“CDBG”), HOME Investment Partnerships Program (“HOME”), and Emergency Solutions Grants (“ESG”) Programs. Nassau County Office of Housing and Community Development is the administrating agent for the Nassau Urban County Consortium.

Every three years the Nassau Urban County Consortium applies for recertification to HUD as an Urban County. During this recertification process, the County solicits non- participating municipalities to join the Consortium and also provides the opportunity for participating communities to “opt out” of the Consortium.

Currently, the member municipalities (hereinafter sometimes referred to as “consortium members”) include: the Cities of Glen Cove and Long Beach, the unincorporated areas of the Towns of Hempstead, North Hempstead and Oyster Bay and the following 26 incorporated villages: Bayville, Bellerose, Cedarhurst, East Rockaway, Farmingdale, Floral Park, Freeport, Great Neck Estates, Great Neck Plaza, Hempstead, Island Park, Lynbrook, Malverne, Manorhaven, Massapequa Park, Mineola, Munsey Park, New Hyde Park, Rockville Centre, Roslyn, Sea Cliff, South Floral Park, Stewart Manor, Valley Stream, Westbury, and Williston Park. The Village of Garden City recently signed a Cooperation Agreement which effectively deems them a member of the consortium beginning October 1, 2015.

Together, these communities are considered a “Participating Jurisdiction” or PJ. The annual allocation of funds distributed and administered by Nassau County are based on a formula determined by HUD and dispersed through its Office of Community Planning and Development. Funding decisions are made based on a comprehensive application process. The Big 8 communities are those communities who received federal funding prior to the implementation of the Community Development Block Grant (CDBG) program, and have historically been allocated administrative dollars which continues today. Those communities include the Cities of Glen Cove and Long Beach, the Towns of Hempstead, North Hempstead, Oyster Bay and the Villages of Freeport, Hempstead and Rockville Centre. The other participating Villages do not receive administrative dollars. Funding decisions are made by a committee and allocations are based on:

- past performance of subrecipient
 - timeliness
 - status of monitoring
- eligibility of the project (meets a National Objective),

- project timeline – is project shovel ready
- administrative capacity of subrecipient to undertake project(s)
- merits of project
 - part of vision plan or master plan
 - evidence of local input and community support
- ability to expend funds in a timely manner
- leveraging of funds

Non-participating municipalities are eligible to participate in the New York State CDBG, HOME and ESG programs. New York State receives HUD formula grant funding based on population and demographics. These non-participating communities are solely within the jurisdiction of the New York State “Participating Jurisdiction” and are subject to the Analysis of Impediments for Fair Housing Choice prepared by New York State Homes and Community Renewal.

Currently, the non participating communities are the following Incorporated Villages: Atlantic Beach, Baxter Estates, Brookville, Centre Island, Cove Neck, East Hills, East Williston, Flower Hill, Great Neck, Hewlett Bay Park, Hewlett Harbor, Hewlett Neck, Kensington, Kings Point, Lake Success, Lattingtown, Laurel Hollow, Lawrence, Matinecock, Mill Neck, Muttontown, North Hills, Old Brookville, Old Westbury, Oyster Bay Cove, Plandome, Plandome Heights, Plandome Manor, Port Washington North, Roslyn Estates, Roslyn Harbor, Russell Gardens, Saddle Rock, Sands Point, Thomaston, Upper Brookville, and Woodsburgh.

Nassau Urban County Analysis of Impediments to Fair Housing Choice (“AI”)

The U.S. Department of Housing and Urban Development (HUD) mandates that all governing authorities that are required to prepare a Consolidated Plan to be eligible for HUD funding certify that they are “affirmatively furthering fair housing within their jurisdictions.”

This requirement is codified, for local jurisdictions, in the Consolidated Plan requirements under 24 CFR §91.225. The identification and subsequent reduction and/or elimination of impediments to fair housing involves affirmatively furthering fair housing as part of the Consortium’s acceptance of HUD’s program funds.

The Nassau County Consortium Fair Housing Plan consists of three crucial components:

1. Identification and analysis of impediments to fair housing choice in Nassau County.
2. Actions taken to overcome the effects of identified impediments.
3. Documentation of the results of actions implemented to minimize the impact of identified impediments.

To meet its obligation to “affirmatively further fair housing”, Nassau County must ensure that all housing assisted with CDBG, HOME and ESG Funds is made available on a nondiscriminatory basis, without regard to race, color, religion, sex, age, national origin, disability, or familial status.

According to HUD’s Fair Housing Planning Guide, impediments to fair housing choice are defined as:

- 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 choice.

- Any actions, omissions, or decisions that have this effect.

In addition, policies, practices, or procedures that appear neutral on their face, but which operate to deny or adversely affect the availability of housing to persons because of race, ethnicity, disability, and families with children may constitute such impediments.

II. METHODOLOGY

Preparation of Analysis of Impediments

Nassau County Analysis of Impediments to Fair Housing Choice

The AI includes the participating members. The non-member communities are part of the New York State Division of Community Renewal Analysis of Impediments. Nassau County conducted its initial Fair Housing Analysis of Impediments during the 1995-1996 timeframe in conjunction with its initial Consolidated Plan for the Urban County Consortium.

In 2004, the five entitlement communities on Long Island, Nassau County, Suffolk County, Town of Babylon, Town of Islip and Town of Huntington prepared an updated Long Island Fair Housing Analysis of Impediments. This AI was prepared by ICF Consulting, a funded HUD technical services consultant. The preparation of the 2004 Analysis of Impediments was coordinated by Long Island Housing Services (“LIHS”). Long Island Housing Services is a private, non-profit agency that investigates and prosecutes housing discrimination complaints on Long Island. LIHS is a 45 year old fair housing advocacy and enforcement agency that is a HUD qualified Fair Housing Initiatives Program (FHIP) organization. The 2004 Analysis of Impediments used 2000 Census data.

The 2010 AI, which was submitted to HUD in July 2010 as part of the 2010 Consolidated Plan, was the result of a five year collaborative process. Nassau County has been actively updating its AI since early 2014. The Nassau County Office of Housing and Community Development (OHCD) has prepared this AI. Similar to the 2010 AI, the County used HUD’s Fair Housing Planning Guide for the basis of the preparation of this 2015 AI.

It is noted that in July 2013, HUD published a new proposed rule to Affirmatively Further Fair Housing (AFFH) which was adopted as a final rule on July 8, 2015. The adoption of the new rule was an attempt to clarify the definition of affirmatively furthering fair housing. As part of its five (5) year Consolidated Planning Process, Nassau County has prepared this AI, which, to the extent possible, is based on HUD’s July, 2013 Proposed Rule. Thus, the data that HUD proposed to supply to grantees was not fully available from HUD. Accordingly, Nassau County has used its own resources to locate and assimilate data using the data sources identified in the Proposed Rule.

The Nassau County Analysis of Impediments and Fair Housing Plan (hereafter “Plan”) utilizes a variety of data sources and anecdotal information, which have been used to compile and analyze the material presented in this AI, and to develop the actions to overcome impediments to fair housing.

Recognizing the importance of public participation in the planning process, the Nassau County Office of Housing and Community Development assembled a Fair Housing Committee including representatives from the Nassau County Office of Housing and Community Development, Office of the Nassau County Attorney, Nassau County Commission on Human Rights, and Long Island Housing Services to provide input with the preparation of the AI.

Consortium members, nonprofit organizations, housing advocacy groups and other members of the public were provided opportunities to provide input during the preparation of the AI and comment on the Consolidated Plan and issues affecting fair housing in Nassau County. Multiple committee meetings and public hearings were held prior to submission of the

Consolidated Plan and the AI to HUD. These organizations provided details with regard to the discrimination complaints received and investigated during the previous year. County agencies specifically tasked with addressing the needs of protected classes, including the Office for the Aging, the Office for the Physically Challenged, the Office of Minority Affairs, and the Coordinating Agency for Spanish Americans (CASA), also contributed important information with regard to the needs of their constituents, as part of the larger Consolidated Planning Committee. All of these groups provided specific information regarding their available resources that was incorporated into the County's Five Year Consolidated Plan.

Working with HUD officials, the AI has been updated in coordination with the 2015-2019 Consolidated Plan, and will be updated as needed in accordance with HUD's Fair Housing and Equal Opportunity recommendations. Further, the County of Nassau is committed to providing fair and affordable housing opportunities for all of its residents. Efforts towards eliminating fair housing impediments are on-going and fair housing planning is a fluid process that continually affects housing and community development programs and policies. The goal of this AI is for Nassau County to not only combat discrimination but to promote integration within Nassau County communities.

Overview of the Analysis of Impediments and Fair Housing Plan

Section I of the Plan provides an overview of Nassau County's Fair Housing Plan and an assessment of current fair housing activities in Nassau County. Section II describes the data sources and overall methodology used to develop the Plan. Section III of the Plan provides an identification and subsequent analysis of impediments to fair housing choice in Nassau County. Section III also provides a detailed description of initiatives that have been, or are being, undertaken by the Nassau County Office of Housing and Community Development, consortium communities, other governmental agencies and not-for-profit organizations to overcome impediments to fair housing.

Section IV of the County's Fair Housing Plan describes the monitoring plan that is in place to monitor performance with fair housing requirements by Nassau County and the Participating Jurisdictions.

- The primary sources of information utilized in the development of this Fair Housing Plan include: Demographic data available through the U.S. Census Bureau, as well as descriptive data pertaining to the Long Island housing market and trends in real estate.
- Mortgage lending trends through the analysis of data available through the Home Mortgage Disclosure Act (HMDA). Enacted by Congress in 1975 and implemented by the Federal Reserve Board's Regulation C, HMDA requires lending institutions to report public loan data. Using the loan data submitted by these financial institutions, the Federal Financial Institutions Examination Council (FFIEC) creates aggregate and disclosure reports for each metropolitan area (MA) that are available to the public at central data depositories located in each MA.
- Data from the HUD funded Analysis of Impediments to Fair Housing Choice 2004 report submitted by ICF Consulting and data from Nassau County's 2010 AI.
- The Nassau County Consolidated Strategy Plan and Annual Action Plan.
- Information collected from the Nassau County Commission on Human Rights.
- Information collected from Long Island Housing Services, a not-for-profit organization that receives funding from Nassau County to address fair housing issues in Nassau County.

- Anecdotal information collected from discussions and meetings held with local stakeholders in Long Island's housing and lending sectors, including fair housing advocacy groups.
- Existing fair housing policies and strategies in place for each of the Long Island grantees.
- Locally generated reports and other relevant data pertaining to Long Island's housing market and patterns, and local economy.
- Information collected from the 2015 Fair Housing Survey.
- HUD Low and Moderate Income Survey Data from 2010
- The Annual Report on Fair Housing FY 2012-2013 from HUD, Office of Fair Housing and Equal Opportunity
- Report to Congress on the Root Causes of the Foreclosure Crisis, HUD, Office of Policy Development and Research
- Federal Reserve Bank report on Facts and Trends, 2010
Report by Hofstra University and Long Island Housing Services, An Uneven Road to Recovery: Place, Race, and Mortgage Lending on Long Island
- Joint statements of HUD and DOJ on compliance with the Fair Housing Act and the American Disabilities Act.
- Implementation Plan for Sustainable Development in the New York – Connecticut Metropolitan Region, produced by the New York Connecticut Sustainable Communities Consortium.
- ADA Title II Technical Assistance Manual and Questions and Answers.
- Income data obtained through ESRI
- Data as reported in the Long Island Index from 2005.
- The Nassau County Infill Redevelopment Feasibility Report from March 2014.
- Information from the Roundtable Forum: The Economic Impact of Foreclosure in Nassau County – A Call for Public and Private Partnership to Preserve and Revitalize Our Community held in May, 2010.
- Information gathered at the Nassau Urban County Consortium Fair Housing Conference on September 19, 2013.
- HUD Open Data, including indices for School Proficiency, Low Poverty, Jobs Proximity, Transit Access, Environmental Health Hazard Exposure, and Labor Market Engagement.
- Long Island Fair and Affordable Housing Report and Proposed Action Plan – A Report to the LI Regional Planning Council and the NY-CT Sustainable Communities consortium - May 16, 2014.
- Other supplementary information was utilized though not considered primary sources of information for the purpose of this analysis.

While this Plan is for the Nassau Urban County Consortium, the development of this Plan reflects regional patterns and policies relevant to Nassau County and this Plan takes into account regional factors, legislative issues, policies and methodologies affecting surrounding jurisdictions. Further, Nassau County is a member of the National Association for County Community and Economic Development (NACCED), a nonprofit national organization composed of county government agencies that administers community development, economic development, and affordable housing programs. NACCED was created to assist in developing the technical capacity of county agencies in administering these programs. As a member of NACCED, Nassau County gains legislative and programmatic updates and participates in valuable communication with neighboring jurisdictions.

III. ANALYSIS OF FAIR HOUSING IMPEDIMENTS

A. Introduction

The Nassau County Office of Housing and Community Development (OHCD) is the overall administrative agent for the Federal Community Development Block Grant (CDBG) Program, HOME Investment Partnerships Program (HOME), and Emergency Solutions Grants Program (ESG), which are all funded through the U.S. Department of Housing & Urban Development (HUD). These programs are intended to support HUD's goals of providing decent affordable housing, providing a suitable living environment and expanding economic opportunities for low and moderate income people.

Nassau County conducted a Fair Housing Analysis of Impediments during the 1995-96 timeframe in conjunction with its initial Consolidated Plan. The HUD funded Analysis of Impediments to Fair Housing Choice 2004 report submitted by ICF Consulting was an updated analysis based on 2000 U.S. Census data, auditing, and progress toward affordable fair housing opportunities. The 2010 AI, which was submitted to HUD in July 2010 as part of the 2010 Consolidated Plan, was the result of a five year collaborative process.

This (2015) AI updates and expands on the earlier analysis of impediments and provides a proactive, strategic plan to remove the impediments to fair housing in Nassau County.

B. Summary of the 2010 AI and the Status of the 2010 Impediments to Fair Housing

Nassau County conducted its initial Fair Housing Analysis of Impediments (AI) during the 1995-1996 timeframe in conjunction with its initial Consolidated Plan for the Participating Jurisdiction. The last update took place in 2010. Prepared by the Nassau County Office of Community and Development on behalf of the County of Nassau and the Nassau Urban County Consortium, the 2010 Fair Housing Analysis of Impediments identified impediments to fair housing choice, assessed fair housing programs and actions within the Nassau County Consortium, and provided recommendations to address the impediments identified.

The impediments identified in the 2010 Analysis of Impediments and the actions to overcome the impediments are summarized as follows:

Impediment #1: Discrimination in the Nassau County Housing Market

Summary of Impediment

The 2004 Analysis of Impediments prepared by HUD's technical service contract ICF Consulting reported that low-income households of Long Island are disproportionately racial minorities. The study found that the lack of diversity of housing stock by size and type further segregated households by income. In addition, based upon research conducted for the 2010 AI, some evidence of overall discrimination was found which resulted in an impediment to fair housing choice in Nassau County.

Actions to Overcome Impediment

- Affirmative Marketing Program;
- Nassau County Affordable Housing Study;
- Fair Housing Legislation;

- Fair Housing Counseling and Enforcement; and
- Home Ownership Programs.

Status of Impediment

Over the last five years, Nassau County has sponsored and participated in housing counseling, home ownership and enforcement programs. They have promoted fair housing legislation and continued to implement their affirmative marketing program. While integration within Nassau County's various communities has increased and new regulations are in place to combat predatory lending, research still indicates that discrimination within the housing market has not been eliminated. Therefore, this impediment is listed in the 2015 AI.

Impediment #2: Lending Policies, Practices, and Disparities

Summary of Impediment

Inadequate lending performance resulted in various long-term and far ranging community problems. High mortgage costs, less favorable mortgage loan terms, deteriorating neighborhoods, reduced opportunities for home ownership, reduced opportunities for home improvement and the lack of affordable housing are only a few of the consequences of inadequate lending performance.

Actions to Overcome Impediment

- Housing Mortgage Counseling;
- Combating Predatory Lending; and
- Neighborhood Stabilization Program.

Status of Impediment

In order to make strides in overcoming this impediment, Nassau County's Homeownership Counseling Center (NCHOC) conducted outreach to low/mod income communities to tout the programs it provides. The programs include a First-Time Homebuyers Education seminar as well as a Money 101 workshop series. These programs assist potential homebuyers in navigating the mortgage process as well as providing the tools to save and manage finances appropriately. Over the past five years 8,250 households received housing support services via the various HUD approved Homeownership Counseling Agencies in order to assist with navigation of the complex homebuying process. Therefore, more than likely, avoiding the pitfalls of predatory lenders. Nassau County will continue to work with various organization including Long Island Housing Services, Long Island Housing Partnership, Community Development Corporation of Long Island, La Fuerza Unida, Family and Children's Association for residents to receive the counseling and help they need to obtain a mortgage and prevent foreclosure or predatory lending.

The Neighborhood Stabilization Program was touted as the remedy to abandoned and foreclosed homes peppering neighborhoods, but the impact was not as great as anticipated due to the high cost of rehabilitating these homes to ready them for the housing market. Nassau County rehabilitated and sold twenty eight (28) homes since inception of the program. Each potential homebuyer had to receive homeownership counseling and was provided guidance in obtaining a mortgage.

Research continues to find inadequate and inequitable lending performance and access across race, minority neighborhoods, income levels, and credit history. This impediment remains in the 2015 AI.

Impediment #3: Lack of Vacant Land and High Cost of Land

Summary of Impediment

There are very few high-density residential sites left in Nassau County; those available are primarily due to redevelopment. Where land is available, it is generally zoned to its highest and best use, which is typically commercial or high-end residential. The limited amount of developable land restricts the construction of new, affordable rental units and home ownership housing.

Actions to Overcome Impediment

- Encourage Mixed Use and Mixed Income Housing;
- Encourage Redevelopment of Commercial Industrial Space into Housing;
- Reintroduce Housing in Downtown Business Districts Near Public Transit;
- Encourage and Educate Municipalities to Zone for Affordable Housing through Density Bonuses;
- Supporting Applications for Federal and State Housing Assistance and Assisting in Financing Low/Moderate Income Housing Projects; and
- Encourage the Reuse of County-Owned Real Estate to Guide Development Initiatives.

Status of Impediment

While New York State is a “home rule state” delegating authority over land use directly to local towns, cities and villages, the County continues to support affordable and fair housing opportunities by encouraging municipalities to zone for affordable housing through density bonuses; supporting applications for federal and state housing assistance; and assisting in financing low/moderate income housing projects. However, the lack of land and high cost of land still remains an issue today and continues to be listed as an impediment in the 2015 AI but under the title of Lack of Vacant Land. High costs of land is reorganized in the Impediment of High Construction Cost Area and High Property Tax Burden.

Impediment #4: Limited Availability of Funds

Summary of Impediment

There is strong competition for available affordable housing dollars. County CDBG and HOME funds are limited, and there are often more requests for funding than monies available. Other federal and state funds are limited. Not-for-profit and for-profit developers seeking to build affordable housing are all competing for the same limited pool of funds.

Actions Taken to Overcome Impediment

- Continue to Fund Long Island Housing Services to Provide Fair Housing Services including Mortgage Counseling, Landlord Tenant Mediation and Discrimination Testing; Continue to Utilize Both Public and Private Funds to Carry Out Activities outlined in the County's Consolidated Plan;
- Encourage the Development of Projects that Leverage a Variety of Funding Sources including Private, Public and Not-for-profit; and
- Utilize Foundations and Other Nongovernmental Sources for Project Funding.

Status of Impediment

Nassau County continues to provide financial assistance to Long Island Housing Services. Nassau County OHCD has been working with local municipalities and non-profit organizations on identifying other sources of financing to leverage diminishing grant funds. The County has utilized both public and private funds in order to carry out activities set forth in the County's Consolidated Plan. However, various federal housing programs have suffered budget cuts over the last few years. As a result, limited availability of funding remains an impediment within the 2015 AI.

Impediment #5: Limited Number of Housing Choice Vouchers

Summary of Impediment

The Section 8 rental assistance program is one of the major funding sources used by the County to assist those extremely low and low-income families that cannot find decent, safe housing or that are currently paying in excess of 30 percent of their income for housing. Budget cuts have put additional restraints on the growth of the program but the demand for the vouchers has not diminished. The "Findings from the Fair Housing and Equity Assessment" included in the Sustainable Communities Implementation Plan notes that the New York Metropolitan Transportation Council (NYMTC) "projects that the region will add approximately 4.2 million residents between 2010 and 2040". Long Island's share of this growth is expected to be about 480,000 or roughly 16,000 persons per year. Given the high construction costs on Long Island, the limited federal funds allocated to Nassau County annually is severely insignificant to meet the share of this increase expected to be borne by the County.

Actions Taken to Overcome Impediment

- Improve Housing Choice Voucher Utilization Rate;
- Work with HUD and NYS to Issue Tenant Protection Vouchers for Housing Preservation Projects; and
- Encourage the Redevelopment of Expiring Subsidized Units with a Combination of Tax Exempt Bonds, Low Income Housing Tax Credits and HOME Assistance. The IDA has provided benefits to encourage the development of multi-family development in Mineola, Farmingdale, Great Neck Plaza, and other locations.
- Prioritize multi-family rental developments under the HOME Investment Partnerships (HOME) Program administered by the County.

Status of Impediment

While Housing Choice Vouchers still remain in demand for residents of Nassau County, it is the funding of those vouchers that creates the impediment. As a result, this

impediment has been removed from the 2015 AI and combined with the Impediment #4 on the 2015 AI, Limited Availability of Funds. A lack of available land able to be developed as multi-family housing also means that few fundable applications for HOME funding are received by the County annually.

Impediment #6: Local Opposition

Summary of Impediment

Affordable housing remains a difficult concept to sell to existing residents of neighborhoods throughout the County. Affordable housing sponsors are often confronted with strong neighborhood opposition to proposed low- and moderate income developments. This analysis uses the term local opposition to mean interested parties with substantive and sincere concerns regarding a development project, as opposed to the term NIMBYism, or not-in-my-backyard, which has become a more pejorative term and reflects parties with total opposition to any development. While some local opposition can be found in the local community at times, it is not the greatest obstacle to combating the housing crisis on Long Island. The other impediments listed within the 2010 AI were a greater obstacle.

Actions Taken to Overcome Impediment

- Prioritize Funding for Affordable Housing Projects that do not Restrict Affordable Units Based on Residency Requirements;
- Nassau County Planning Federation Monthly Meetings and Semi-Annual State Mandated Local Training for Planning Officials Fostering the Adoption of Inclusionary Zoning Laws;
- Plan and Market to Communities that do not have Inclusionary Housing Regulations;
- Coordinate with Nassau County Planning Commission in the Local Zoning Process (Review of Local Zoning Actions Referred by Local Governments);
- Local Fair Housing Law;
- Fair Housing Symposiums (widely promoted to all consortium communities);
- Workshops with Consortium Communities to Discuss Compliance with Fair Housing Responsibilities as a Determining Factor for Discretionary Funding Eligibility;
- Educate the Public about the Benefits of Economic Integration of Affordable Housing; and
- Legislative Advocacy at both the State and Federal Levels to encourage more Expedient Investigations and Hearing for Fair Housing Complaints.

Status of Impediment

The AI is created to identify and analyze impediments to fair housing choice in Nassau County. Based on HOME project applications submitted to Nassau County OHCD and Nassau County Planning Commission reviews of local zoning actions, there is no evidence to support the premise that local opposition is a substantive or measureable impediment to fair housing. As such, the actions listed under Impediment #6, Local Opposition, were incorporated into actions for other impediments in the 2015 AI and local opposition was removed from the 2015 AI as a separate impediment. To the extent that local opposition remains a limited impediment to fair housing, it is identified as such in the 2015 AI under Impediment #5 Public Policy, Zoning and Local Opposition.

Impediment #7: Limited Non-Profit Capacity

Summary of Impediment

Typically, not-for-profits are the most active in the creation of new, affordable housing. However, several Nassau County not-for-profits do not have the staff, financial or technical resources to undertake numerous projects; they are often run by volunteer boards or few hired staff. With such scarce resources, these organizations are often limited in what they can successfully accomplish.

Actions Taken to Overcome Impediment

- Nassau County Technical Assistance Program (National Development Council);
- Long Island Housing Partnership Technical Assistance Program (Grant Assistance with Government Sector and Private-Sector Funding Applications); and
- Nassau County Attorney's Office; Fair Housing Training and Education for Family Court Attorneys and Judges.

Status of Impediment

Nassau County recognizes the constraints of non-profit organizations and has continued to encourage the development of projects that leverage a variety of funding sources including private, public and other non-profits. Nassau County works directly with organizations to help create partnerships to help fill voids within these organization to help further fair housing initiatives and projects. Nassau County has few community-based community housing development organizations that have the required experience and capacity to meet the expanded requirements contained in the new HOME Final Rule. In July 2014 two members of the NC OHCD staff along with two staff persons each from two different CHDO organizations in Nassau County attended a three-day HUD-sponsored training session at the federal building in Manhattan. The training was focused on the new CHDO requirements under the HOME Final Rule. Nassau County will continue to look for additional training opportunities available to non-profit developers, especially CHDOs, to improve the capacity of these needed program partners. This work is on-going and still remains an impediment due to the continued limitations of non-profit organizations. Therefore, this impediment is identified in the 2015 AI.

Impediment #8: High Construction Cost Area and High Property Tax Burden

Summary of Impediments

An obstacle common to all Nassau communities is the high cost of construction. Nassau County as a whole has been designated a high construction cost area by HUD. The

increased cost of development in Nassau County, results in higher per unit costs, and therefore, minimizes the construction of affordable housing units.

Actions Taken to Overcome Impediment

- Support Low Income Housing Tax Credit Projects (receive a 30% boost in credit);
- Nassau County IDA PILOTs for Affordable Rental Housing;
- NYS First Time Homebuyers Property Tax Exemption; and
- Nassau County Reassesses all Real Property Taxes Annually Based on Fair Market Value.

Status of Impediment

Nassau County has implemented programs to help address the tax burden and construction costs of creating affordable housing units. From 2010 through 2015, Nassau County committed more than \$6.1 million in federal HOME funds to nine rental developments that when complete will result in 69 new and 64 substantially rehabilitated affordable HOME units. Six of these projects also received low income housing tax credits. Other available programs include PILOT and first time homebuyer tax breaks. However, Nassau County continues to be tax burdened and construction costs remain high. This impediment remains identified in the 2015 AI.

Impediment #9: Homelessness

Summary of Issues

Persons who meet the HUD definition of chronically homeless, including those with mental illness, physically disabled persons, dually-diagnosed persons, persons with AIDS, and persons with physical disabilities, require permanent supportive housing to meet their special needs so that they can gain self-sufficiency to the extent possible. Jurisdictions should provide appropriate locations for supportive housing to meet the needs of individuals unable to live independently. Gaps in emergency and transitional housing, including family units, also exist in the County.

Actions Taken to Overcome Impediment

- Increase the Number of Emergency, Transitional and Permanent Housing Units in Nassau;
- Utilize ESG Funds from HUD to Reduce Homelessness;
- Nassau Continuum of Care Group Utilizes HUD SHP Funds for Acquisition and Rehabilitation of Housing for Both Transitional and Permanent Housing for the Homeless and Special Needs Homeless; and
- Provide Support Services.

Status of Impediment

Nassau County continues to work on its goal to increase the number of emergency, transitional and permanent housing units in the County to address the needs of the chronically homeless and other homeless individuals and families, and to reduce or minimize the length of time people remain homeless or in transitional housing. However, while homelessness continues to be an issue within Nassau County it is not identified as an impediment to fair housing choice within the 2015 AI. The reason it is not identified as an impediment is because the need for additional emergency, transitional and permanent housing units as well as homelessness programs is a result of limited availability of funds,

high construction costs, and understanding of reasonable accommodations; all of which are other identified impediments in the 2015 AI and homelessness is discussed within those impediments.

Impediment #10: Abandoned/Deteriorating Housing

Summary of Issues

Older, deteriorated neighborhoods are generally more affordable because of their high population of low-income individuals and households. Often, the housing has not been well maintained and older housing stock does not attract those families with the greater economic means necessary to maintain or upgrade homes. These neighborhoods generally suffer in appearance and do not have the amenities of newer neighborhoods. Related deterioration of employment and economic activity can raise unemployment rates, and limit shopping and retail resources. Fair housing choice in these neighborhoods is impacted by the location, availability and accessibility of housing.

Actions Taken to Overcome Impediment

- Local Code Enforcement;
- Restoring Older Lower Income Neighborhoods and Reduce the Amount of Abandoned and Deteriorating Housing;
- Revitalize and Repair Older Structures;
- Construct New Affordable Housing;
- Public Facility Improvements Such as Street and Sidewalk Repairs, Drainage Improvements, Revitalization of Local Shopping Areas Removal of Lead Based Paint Hazards; and
- Rehabilitation of Homeowner Units and Rental Housing Units.

Status of Impediment

Nassau County administers many programs and has funded projects for revitalization of older and deteriorating neighborhoods. NC OHCD's administered residential rehabilitation program has seen some success in addresses the aging housing stock. The purpose of the program is to assist families and the elderly to remain in their home by undertaking structural and weatherization improvements. 589 homeowner units have been rehabilitated over the past five years via the CDBG program, and 20 units with HOME Investment Partnerships (HOME) funds. 352 rental units were rehabilitated with HOME funds, and 28 with NSP funds. HOME funds have been invested in the production of new homeownership and rental housing. While this has certainly made a difference in the lives of those renters and homeowners, Nassau County will have to continue to undertake and support projects that address this impediment. Rehabilitation of older deteriorated neighborhoods and homes will continually be an impediment to fair and affordable housing because neighborhoods and homes need constant rehabilitation and repairs. Therefore abandoned/deteriorating housing remains an impediment in the 2015 AI.

Impediment #11: Employment/Housing/Transportation Linkage

Summary of Issues

Connection of low and moderate-income communities with jobs, health care and support services through adequate transportation routes and opportunities is essential Public transportation access is also an economic development factor, particularly in job creation for low and moderate-income workers.

Actions Taken to Overcome Impediment

- Create Mixed Use Developments that Allow For More Vibrant Communities;
- Create Economic Development Opportunities by Increasing Density Allowing for Land to be Redeveloped for Higher Uses;
- Provide Opportunities to Create a Variety of Housing Types while also Providing Neighborhood Retail and Service to Reinforce Community;
- Enhance Overall Economic Activity in the Area by Integrating More Dense Developments into Existing Neighborhoods;
- Develop Alternative Mass Transit Links;
- Create Higher Density Associated with Transit Oriented Development that Discourages Sprawl;
- Reduce Parking Requirements as Employees Have the Opportunity to Walk to Work or take Mass Transit. Take Advantage of Differing Peak Parking Demands for Different Uses Inherent in Mixed Use Development; and
- Allow County's Tax Base to Grow More Rapidly While Maximizing the Use of Existing Infrastructure.

Status of Impediment

The County had undertaken a study to analyze the feasibility of transit-supported development around twenty-one LIRR stations. The Nassau County Infill Redevelopment Feasibility Study was undertaken to seek and foster opportunities to plan for and implement strategies that create livable and sustainable communities. Currently three communities are in the process of implementing the recommendations of the study. The Village of Valley Stream is supportive of converting municipal surface parking lots to mixed-use and will include multi-family housing units. The Village of Lynbrook is looking to encourage multifamily residential development through the enactment of design guidelines and zoning overlay districts. The County is also investigating transitioning former industrial sites to new, mixed-use developments. The County continues to seek opportunities to create new mixed used transit oriented development. While strides have been made on this impediment, additional work is needed and remains an identified impediment in the 2015 AI.

Impediment #12: Insufficient Understanding of “Reasonable Accommodations” and ADA Compliance

Summary of Issues

The Fair Housing Act makes it generally unlawful to refuse to make a “reasonable accommodation” (modification or exception) to rules, policies, practices or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling. Local zoning and land use regulations may create barriers. Many special populations, such as the elderly and the handicapped are more limited in their choices of housing due to physical barriers that can exist within a neighborhood or housing unit.

Actions Taken to Overcome Impediment

- The County, Long Island Housing Services and Others: Enhance Existing Efforts through the Distribution of Material and through Training Opportunities

to Inform Local Governments, Businesses, Developers, Architects and Property Owners regarding Compliance with the Fair Housing Act and the Americans with Disabilities Act.

Status of Impediment

The County works with fair housing advocates, such as LIHP and LIHS, as well as the Nassau County Office of the Physically Challenged, the Nassau County Office of the Aging, and others to share information related to compliance with the Fair Housing Act and the Americans with Disabilities Act (ADA) with businesses, developers, property owners, and the local media through the distribution of educational materials and through training opportunities. Continuing to educate the public, local building and code enforcement officials, building owners, landlords, real estate agents, lenders, and others is ongoing and remains as a listed impediment within the 2015 AI.

Nassau County 2010 AI Impediment Action Accomplishments

Displayed in Table O-4 located in Appendix O of this document is the 2010-2014 Consolidated Annual Performance Evaluation Report (CAPER) accomplishments. This table lists the goals, funding sources, years, performance indicators, as well as expected and actual numbers achieved. As documented in this table, Nassau County typically meets or exceeds its projected numbers. Each of these programs overlap with numerous Impediments listed in the 2010 AI and are good performance indicators of the measurable goals set and achievements made by Nassau County to further Fair and Affordable Housing.

C. Background and Trends

The County of Nassau has been participating in the Federal Community Development Block Grant Program since its inception in 1975. The Urban County Consortium, one of the largest in the nation, currently includes 31 separate municipalities encompassing over 92 percent of Nassau County's population. (See Map 1) These communities include the three towns: Hempstead, North Hempstead and Oyster Bay; the two cities: Long Beach and Glen Cove; and 26 incorporated villages.

Growing Population Diversity

As Nassau County has matured and become more diverse over the last few decades, new challenges have become evident. Due to the drastic increase in the cost of housing, and shortages in housing availability particularly for the elderly and young families, it has become necessary to increase the supply of suitable affordable housing while achieving acceptable standards of density and design. Increased housing densities have been achieved in a number of locations, partially for senior housing. In addition, certain older areas suffered from housing deterioration and social and economic decline. And with the diversity of the county's population, housing discrimination in the sale, rental, lease or financing of housing has become an area of concern for portions of the population.

D. Demographics and Minority and Low/Moderate Income Concentrations

Since Nassau County conducted its initial Fair Housing Analysis of Impediments (AI) in 1995-1996, the County has experienced changes to its population, ethnic and racial make-up as well as median family income. The population of Nassau County increased by 6.9% from a 1990 population of 1,263,997 to a 2013 population of 1,352,146.

The racial distribution of the population also experienced changes. Based on 1990 Census data, 84.4% of the population was White, 8.4% was Black or African-American, and 3% was Asian. While the White population experienced a decrease from 84.4% to 74% of the total population during the period from 1990 to 2013, the number of Blacks or African-Americans grew from 8.4% of the total population to 11.5% and Asians grew from 3% of the total population to 4.7%. The following table provides a breakdown of Nassau County's population by ethnic group for 1990, 2000, 2010 and 2013.

Table 1
Nassau County
Population and Race

Population	1990		2000		2010		2013	
White (alone)	1,067,420	84.4%	986,378	74%	977,577	73%	963,399	73.7%
Black or African-American (alone)	106,479	8.4%	129,003	9.7%	149,049	11.1%	149,883	11.5%
American Indian or Alaskan Native (alone)	1,336	1%	1,199	0.1%	3,185	.2%	2,888	0.2%
Asian (alone)	38,312	3%	62,554	4.7%	102,266	7.6%	107,176	8.2%
Total Population	1,263,997		1,334,544		1,339,532		1,352,146	

Source: U.S. Bureau of the Census, 1990, 2000 and 2010 Census of Population and Housing and 2009-2013 American Community Survey 5-Year Estimates.

Table 2
Nassau County
Hispanic or Latino Population

Population	2000	2010	2013	% Change (2000-2013)
Total Population	1,334,544	1,339,532	1,343,765	
Hispanic or Latino (of any race)	133,282	195,355	201,257	+5.1%
Not Hispanic or Latino	1,201,262	1,144,177	1,142,508	-4.9%

Source: U.S. Bureau of the Census, 2000 and 2010 Census of Population and Housing and 2009-2013 American Community Survey 5-Year Estimates. Estimates for Hispanic or Latino population were not available for 1990.

Based on 2010 U.S. Census data, the portion of the total population that identified themselves as Hispanic grew 4.9% from 2000 to 2013. In addition to an increase in population, the number of households in Nassau County increased from 419,197 in 1990 to 448,528 in 2010.

Another demographic factor which is a determination of housing demand is household income. According to the US Census, in 1990 Nassau County's estimated median family income was \$60,877 and rose to \$112,874 by 2013. Even though the median family income has risen, there are areas within Nassau County with concentrations of low- and moderate-income (see Table O-1 in Appendix O for a full list). Areas of low- and moderate-income concentrations are defined as those areas (which includes census tracts, or more than two contiguous block groups) where at least 37.98% of the households are classified as moderate-, low-, or very-low income, as defined by HUD (household incomes less than or equal to 80% of the County's median family income).

E. Identification of Impediments to Fair Housing Choice and Actions Implemented to Overcome Identified Impediments

Additional data on the fair housing profile for the Nassau Urban County Consortium was gathered by conducting a survey of local civic organizations and agencies involved in housing and housing related services and social services and organizations/agencies attending the fair housing committee meeting. The purpose of conducting the 2015 Fair Housing Survey was to ensure a qualitative component to the analysis in order to capture community sentiment and other information. The survey was designed to gather data, knowledge, opinions, and various perspectives of stakeholders regarding their impressions and experience relative to fair housing issues in the Nassau Urban County Consortium. The survey was sent via email to all consortium communities, local community development agencies and housing authorities as well as non-profit, and civic organizations within the Consortium. More than 100 organizations were contacted via email attaching a copy of the survey. In addition copies were available at two of the public hearings soliciting input from those in attendance. A total of 30 completed surveys were returned.

Respondents were asked a series of questions regarding impediments to fair housing and issues surrounding housing discrimination in the Consortium. Not all respondents answered all of the provided questions. A copy of the survey form is included in **Appendix L**. The following includes a summary of the completed surveys. This provides a sense of the most important fair housing impediments in the Consortium, the reasons for them, and what types of improvements the respondents would like to see in the future.

The compiled results from the 10-question housing and community development questionnaire indicated that the type of housing that residents express a need for the most (survey question 4) was workforce rental housing, however, affordable senior rentals and single family homeownership were also high in demand. Among the responses received, 23 of the 30 responses indicated that residents of their community would like to see housing in their downtown with access to transportation (survey question 5). These respondents indicated that they would like to see low-moderate income rental apartments available in their downtowns. They also stated that they would like to see housing to target individuals (especially studios and 1-bedrooms to cater to younger populations). Data in the 2015 Consolidated Plan supports the need for additional affordable rental housing for single-person, non-senior households.

The respondents also noted that residents in their communities have expressed difficulty in finding affordable housing options (survey question 6) with 27 respondents indicating this issue is present. The segment of the population that experience the most difficulty in obtaining affordable housing options was millennial and young professionals. Seniors, veterans and handicapped (including mentally and physically disabled) individuals were also identified often as segments experiencing difficulty in finding affordable housing.

The most common barriers to building affordable housing in the respondents' communities (survey question 7) were high cost of construction and lack of available land (15 respondents each). Zoning and housing approval process were also common barriers (13 and 11 respondents respectively).

Thirteen respondents stated that discriminatory housing practices or policies were found in their communities (survey question 8). Of these respondents, eight indicated that these

practices occurred very often and five indicated that they occurred occasionally. Based on the respondents' personal knowledge and experience, the basis in which housing discrimination is most likely to occur (survey question 9) was race and color (13 and 11 respondents respectively). Ten respondents also indicated that disability was a factor and eight state that families with children were targeted. Twelve respondents stated that they did not know the basis for housing discrimination.

In the downtowns in their communities, 21 respondents stated that their residents would like to see (survey question 10) traffic and safety calming improvements and 20 respondents stated that their residents would like to see economic development. Decorative, streetscape amenities (such as trash receptacles, lights, benches) and lanes and parking for bicycles were also highly identified (17 respondents each). Improved handicapped accessibility was also another high response (16 respondents).

Based on this survey information together with information provided in the Nassau County Consolidated Strategy Plan, information provided by the New York State Division of Human Rights (NYDHR), Long Island Housing Services (LIHS), and the Analysis of Impediments to Fair Housing Choice 2010, together with current data available from HUD and the U.S. Census Bureau, the following outlines the impediments or obstacles that the County must face in addressing its fair housing needs. Each of the following impediments is followed by a description of the actions to be taken over the next five (5) year period to eliminate or minimize the impediment to the maximum extent practicable with the overall goal of promoting integration and providing opportunities for fair and affordable housing throughout the Nassau County Consortium.

Impediment #1 - Discrimination in the Nassau County Housing Market

Segregation by Income and Race/National Origin

Nassau County's analysis of regional demographic data suggests that certain locations have a higher proportion of minority populations and/or a higher portion of lower income populations than other locations. Areas of low to moderate income minority concentrations are defined as those low to moderate income areas where ethnic populations are greater than the County-wide average, as per the 2010 Census.

African American and Hispanic populations

Low to moderate income areas and those areas that have high African American and Hispanic population concentrations are identified on Maps 1 and 2 below. (See Table O-2 in Appendix O for a list of census tracts that are low to moderate income and have a high minority population). Map 1 overlays areas of higher African-American population over areas of low to moderate income and Map 2 overlays areas of higher Hispanic population over areas of low to moderate income. Both maps display areas in Nassau County where an overlap exists of higher African American and Hispanic populations with areas of higher low-moderate income.

Table 3 highlights the median household income and percentage of Black/African American and Hispanic populations for each of the Consortium Communities. Communities are listed by average median income from least to greatest.

Based on the information provided in the following table, the Consortium Communities with the lowest median household income are Great Neck Plaza Village and Hempstead Village with median household incomes of \$59,424 and \$52,214, respectively. This is compared to the much higher income communities, including the extreme outlier Village of Munsey Park, with a median household income of \$197,750, or Village of Great Neck Estates with a median household income of \$129,356.

Certain Consortium Communities have a significantly higher percentage of Black/African Americans residents than the County overall. 60.24% of Village of South Floral Park residents, 45.77% Village of Hempstead residents, and 30.16% Village of Freeport residents are Black/African American. In comparison, a total of fifteen communities have less than 2% Black/African American residents. The distribution of Hispanic residents is more even across the County.

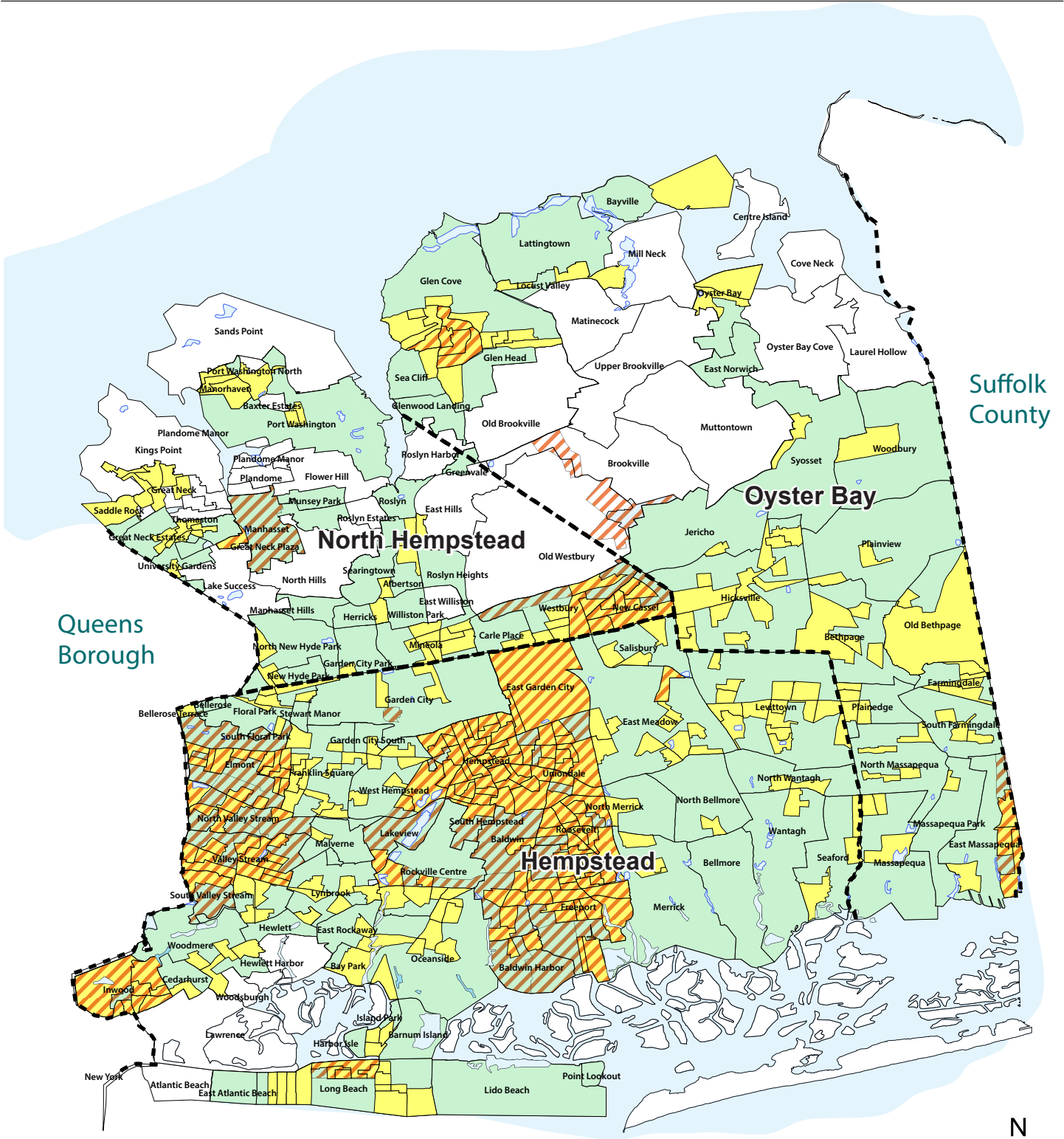
To assist in understanding the relationship between median household income, race, and ethnicity in Nassau County, the Consortium Communities in the following table are divided into six categories. Categorizations are determined based on how a community compares to the countywide data (for example, a smaller or larger percentage of Hispanic residents than Nassau County).

Communities highlighted in red, including Villages of Freeport, Hempstead, Valley Stream, and Westbury, have a higher percentage of both Black/African American and Hispanic residents, and have a lower median household income than Nassau County as a whole. The pattern demonstrated in these communities is consistent with the historic assumption that low-income households in the Nassau County Consortium are disproportionately racial minorities. Relatedly, communities in orange have smaller percentages of minority residents and a comparable or higher median household income than Nassau County. Communities in purple, including Town of

North Hempstead, Village of New Hyde Park, and Village of Steward Manor, have a relatively low percentage of Black/African American residents, a higher percentage of Hispanic residents, and a comparably high median household income.

However, the Village of Great Neck Plaza has the second lowest median household income in the consortium and a very low share of Black/African American (1.29%) and Hispanic (11.30%) residents. Generally, this village and other communities highlighted in blue have a relatively low percentage of minority residents and a low median household income. Communities highlighted in yellow, including Town of Hempstead and Village of South Floral Park which have relatively high percentages of minority residents, particularly Black/African American, and have a comparable median household income to the county.

In several communities, Hispanic origin appears to be more highly correlated with income than race. In the Villages of Manorhaven, Island Park, and Mineola and the City of Glen Cove, highlighted in green have substantially higher shares of residents of Hispanic origin and very low shares of Black/African American residents. The median household incomes of these communities are substantially below the countywide median. In fact, the overall correlation between percent Hispanic and median household income is $-.67$, compared to the correlation between percent Black/African American and median household income of $-.31$. This means that the negative correlation between Hispanic origin and income is twice as strong.

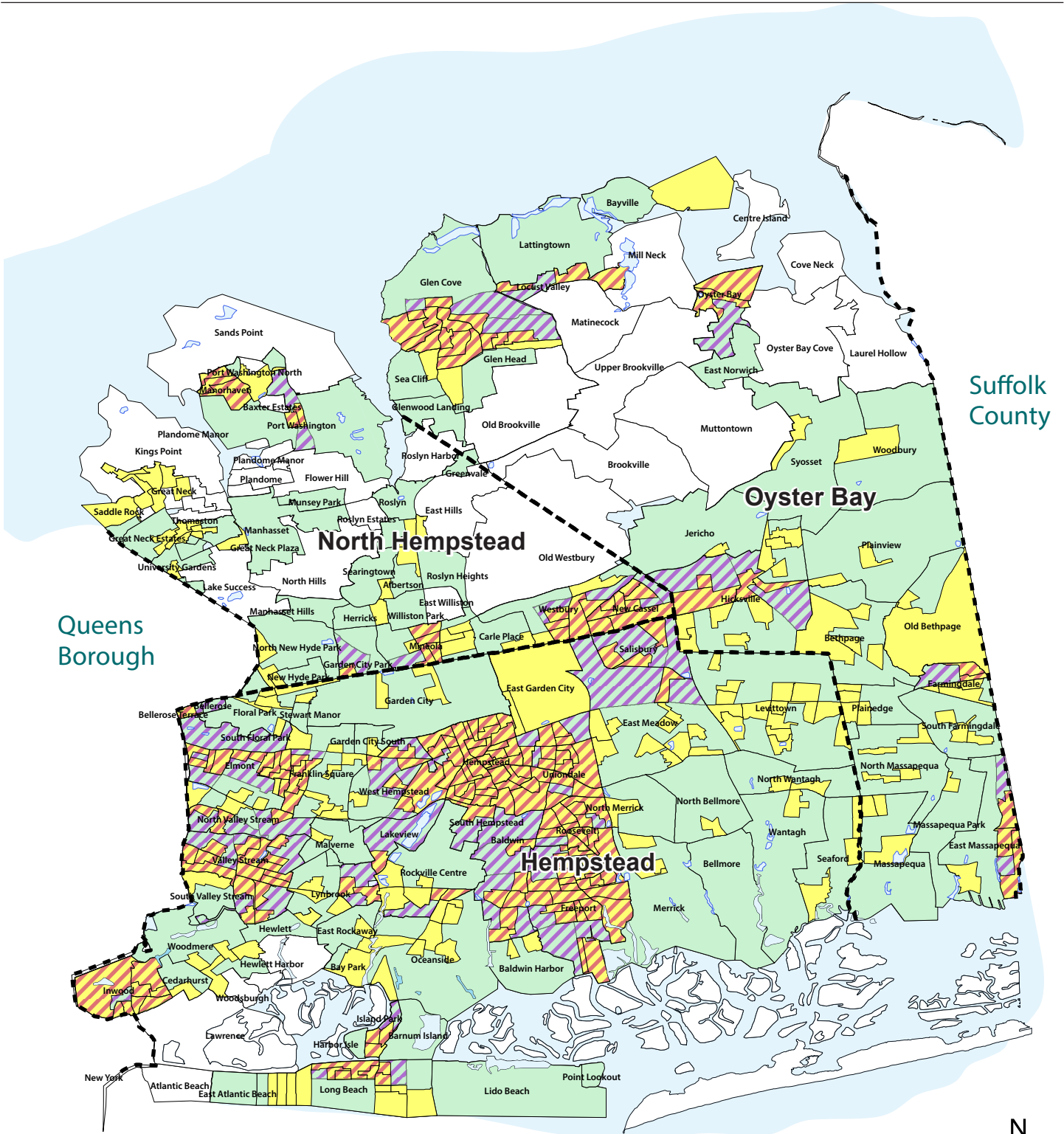


- Families at or below County Median Income (37.98%)
- Consortium Community Members
- African-American Population $\geq 11.1\%$ of Total



Source: U.S. Census Bureau (2010),
U.S. Department of Housing and Urban Development (2015)





Suffolk County

Queens Borough

- Families at or below County Median Income (37.98%)
- Consortium Community Members
- Hispanic Population ≥14.6% of Total



Source: U.S. Census Bureau (2010),
U.S. Department of Housing and Urban Development (2015)



NASSAU COUNTY CONSORTIUM
Nassau County, New York

Low/Moderate Income Concentrations
and Hispanic Concentrations

Map
2







Table 3
Median Household Income by Consortium Community
Black/African American Share and Hispanic Share of Population by Consortium Community

Consortium Community	% Black/African American*	% Hispanic*	Median Household Income*
Nassau County	10.68%	14.98%	\$97,690
Hempstead village	45.77%	42.63%	\$52,214
Great Neck Plaza village	1.29%	11.30%	\$59,424
Island Park village	1.14%	25.36%	\$64,974
Freeport village	30.16%	41.11%	\$67,874
Glen Cove City	6.25%	29.29%	\$68,221
Manorhaven village	1.52%	24.48%	\$71,446
Farmingdale village	1.19%	15.50%	\$74,706
Mineola village	0.97%	20.25%	\$76,604
Cedarhurst village	0.00%	11.00%	\$78,695
Long Beach city	5.41%	16.81%	\$84,882
Valley Stream village	17.40%	28.36%	\$85,472
Westbury village	23.14%	24.53%	\$85,880
Roslyn village	2.95%	6.36%	\$85,924
Lynbrook village	3.12%	13.70%	\$88,208
South Floral Park village	60.24%	19.22%	\$90,208
East Rockaway village	0.04%	8.07%	\$92,478
Hempstead town	15.90%	17.62%	\$93,706
New Hyde Park village	0.31%	16.04%	\$96,902
Bayville village	0.45%	3.88%	\$98,362
Sea Cliff village	4.75%	6.81%	\$103,125
North Hempstead town	5.61%	13.39%	\$103,551
Rockville Centre village	4.86%	8.51%	\$106,016
Oyster Bay town	2.09%	7.84%	\$109,286
Massapequa Park village	0.15%	7.08%	\$109,324
Stewart Manor village	2.19%	11.06%	\$109,333
Williston Park village	0.16%	9.29%	\$109,734
Floral Park village	3.11%	9.86%	\$110,879
Malverne village	1.01%	4.89%	\$116,926
Bellerose village	1.24%	3.49%	\$126,500
Great Neck Estates village	0.54%	2.67%	\$129,356
Garden City Village	0.9%	4.1%	\$150,380
Munsey Park village	0.00%	3.35%	\$197,750

*Source: US Census, American Community Survey 2009-2013 5-Year estimates

NOTE: Color coding is based on a comparison to Nassau County as a whole. For example, Glen Cove City has a smaller Black/African American (AA) percentage than Nassau County.

COLOR KEY

-  Community with a smaller (than Nassau County) Black/AA percentage, larger Hispanic percentage, and lower median income
-  Community with a larger Black/AA percentage, comparable (to Nassau County) Hispanic percentage, and comparable median income
-  Community with a smaller Black/AA percentage, comparable or low Hispanic percentage, and lower median income
-  Community with a smaller Black/AA percentage, comparable Hispanic percentage, and comparable or higher median income
-  Community with a smaller Black/AA percentage, smaller Hispanic percentage, and comparable or higher median income
-  Community with a higher Black/AA percentage, higher Hispanic percentage, and lower median income

Historic Settlement Patterns

The Federal Housing Administration contributed to racial segregation from 1934-1962 through its financial underwriting of mortgages in communities that were predominantly White. Integrated or predominantly Black communities were considered financial risks. This activity, known as redlining, was outlawed with the adoption of the Fair Housing Act of 1968.

Much of Nassau County's housing stock was developed in the 1950's and 1960's. The rapid development of Long Island's farmland into suburbs contributed to segregated housing patterns. Developers of large tracts of housing (such as William Levitt who developed Levittown and other subdivisions on Long Island) used racially restrictive covenants in order to be eligible for FHA financing. The use of restrictive covenants led to settlement patterns that shaped the ethnic and racial diversity of Long Island. However, the stigma attached to such racism may discourage Black homeowners today from purchasing in these communities.

The lack of diversity of housing stock by size and type further segregated households by income. The overdevelopment of single family homes and insufficient development of rental housing stock exacerbated this lack of diversity.

Housing Settlement Patterns Today: Progress Towards Increased Integration

In the past decade, housing settlement patterns have changed to the extent that certain communities have become increasingly diverse, with a greater percentage of Black and Hispanic populations evident in communities such as Valley Stream, Manorhaven and Glen Cove. Communities such as the Villages of Hempstead, Freeport and South Floral Park continue to have a predominantly minority population. Table 4 compares the changes in total population, and the Black and Hispanic populations of the Consortium Communities from 2000 to 2010.

An examination of population trends suggests that Nassau County is becoming increasingly more integrated. The following communities that had a disproportionately small African-American population, based on the 2000 Census, have experienced an increase in the percentage of total population that is African-American:

- Bellerose Village was 0.4% African-American and is now 3.5% African- American
- Malverne Village was 1.7% African-American and is now 3.3% African- American
- Valley Stream Village was 7.5% African-American and is now 18.6% African-American
- Lynbrook Village was .9% African-American and is now 3.7% African American

The following communities that had a disproportionately large African-American population, based on the 2000 Census, have experienced a reduction in the percentage of total population that is African-American:

- Hempstead Village was 52.5% African-American and is now 48% African- American
- South Floral Park Village was 59.1% African-American and is now 57.5% African-American

Table 4
Nassau Urban County Consortium
Minority Population Trends 2000 – 2010

Place	Total Population 2000	Black Alone	Hispanic Origin	Minority Percentage 2000	Total Population 2010	Black Alone	Hispanic Origin	Minority Percentage 2010
Nassau County	1,334,544	10.1%	10.0%	20.1%	1,339,532	11.1%	14.6%	25.7%
Town of Hempstead	755,924	14.8%	11.5%	26.3%	767,754	16.5%	17.3%	33.8%
Bellerose village	1,173	0.4%	4.3%	4.8%	1,193	3.5%	9.5%	13.0%
Cedarhurst village	6,164	1.3%	8.4%	9.6%	6,592	2.2%	10.7%	12.9%
East Rockaway village	10,414	0.6%	5.8%	6.4%	9,818	1.4%	8.0%	9.4%
Floral Park village	15,967	0.5%	5.4%	5.8%	15,863	1.3%	8.8%	10.1%
Freeport village	43,783	32.6%	33.5%	66.0%	42,860	33.3%	41.7%	74.9%
Garden City village	21,672	1.2%	2.8%	4%	22,371	1.4%	4.5%	5.9%
Hempstead village	56,554	52.5%	31.8%	84.3%	53,891	48.3%	44.2%	92.5%
Island Park village	4,732	1.3%	18.3%	19.6%	4,655	1.9%	26.5%	28.4%
Lynbrook village	19,911	0.9%	8.3%	9.2%	19,427	3.7%	13.0%	16.7%
Malverne village	8,934	1.7%	6.0%	7.7%	8,514	3.3%	8.6%	11.9%
New Hyde Park village	9,523	0.6%	7.9%	8.5%	9,712	1.3%	12.2%	13.5%
Rockville Centre village	24,568	3.7%	7.7%	11.4%	24,023	4.6%	9.0%	13.6%
South Floral Park village	1,578	59.1%	13.6%	72.6%	1,764	57.5%	17.9%	75.4%
Stewart Manor village	1,935	1.8%	4.0%	5.8%	1,896	2.5%	5.0%	7.4%
Valley Stream village	36,368	7.5%	12.3%	19.7%	37,511	18.6%	22.2%	40.8%
Town of N. Hempstead	222,611	6.4%	9.8%	16.2%	226,322	5.6%	12.8%	18.4%
Great Neck Estates village	2,756	0.9%	2.6%	3.6%	2,761	0.8%	2.9%	3.7%
Great Neck Plaza village	6,433	1.7%	7.3%	9.0%	6,707	1.5%	7.8%	9.3%
Manorhaven village	6,138	1.3%	19.5%	20.8%	6,556	1.4%	27.1%	28.5%
Mineola village	19,234	1.0%	13.0%	14.1%	18,799	2.0%	16.4%	18.4%
Munsey Park village	2,632	0.3%	1.6%	2.0%	2,693	0.4%	3.2%	3.6%
Roslyn village	2,570	2.3%	6.3%	8.7%	2,770	2.2%	11.2%	13.4%
Westbury village	14,263	22.6%	18.9%	41.5%	15,146	21.8%	27.3%	49.1%
Williston Park village	7,261	0.4%	4.3%	4.7%	7,287	0.9%	6.1%	6.9%
Town of Oyster Bay	293,214	1.6%	5.1%	6.7%	293,925	2.3%	7.5%	9.8%
Bayville village	7,135	0.3%	4.8%	5.1%	6,669	0.3%	6.5%	6.8%
Farmingdale village	8,399	1.6%	12.6%	14.2%	8,189	2.6%	13.7%	16.3%
Massapequa Park village	17,499	0.2%	3.0%	3.2%	17,008	0.3%	4.5%	4.8%
Sea Cliff village	5,066	1.7%	4.8%	6.4%	4,995	2.4%	6.8%	9.2%
Glen Cove city	26,622	6.4%	20.0%	26.4%	26,964	7.2%	27.9%	35.0%
Long Beach city	35,462	6.2%	12.8%	19.0%	33,275	6.4%	14.1%	20.5%

Source: Data derived from 2000 U.S. Census and 2010 U.S. Census

*Note, ACS estimates for 2013 are not provided due to high margins of error and resulting inaccuracies, particularly with the smaller geographic units

Asian Population

Asian residents have established a greater presence in Nassau County over the last 20 years. According to the US Census Bureau, the racial/ethnic group “Asian” is defined as “A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. It includes people who indicate their race as Asian Indian, Chinese, Filipino, Korean, Japanese, Vietnamese, and Other Asian or provide other detailed Asian responses.”

Table 1 provides an overview of the racial breakdown of Nassau County. As shown, the Asian population grew from 3% of the countywide population in 1990 to 8.2% in 2013. However, though it is growing, the Asian population is geographically concentrated, largely in two parts of the County: Hicksville in Oyster Bay and the southwest region of North Hempstead, including Manhasset and the Village of New Hyde Park. In 2013, 13.3% of North Hempstead’s overall population and 9.1% of Oyster Bay’s overall population was Asian, both comparably higher than the countywide percentage.

Amongst those Nassau County residents who identify themselves as Asian, the majority fall within three racial sub-groups: according to the 2013 American Community Survey 5-year estimates, 39.9% are Asian Indian, 22.3% are Chinese, and 11.4% are Korean. There is also evidence that these communities congregate in certain parts of the County. In recent years, a community known as Little India has emerged around Hicksville in Oyster Bay, with a concentration of Indian families, businesses, restaurants, and fashion boutiques. The Asamai Hindu Temple and India Pentecostal Assembly serve the religious needs of the Indian residents. The India Association of Long Island is also located in Hicksville.

Growing numbers of Chinese families have also migrated to Long Island, settling around Jericho in Oyster Bay and Manhasset in North Hempstead. This inflow of Chinese residents has coincided with an increase in Chinese restaurants, grocery stores, and other Chinese-centered services, including the Long Island School of Chinese and the Chinese Center on Long Island. The Korean population is similarly concentrated, particularly in the communities along Northern Boulevard. Proximity to Flushing, Queens, where many Chinese and Korean families reside, is a substantial amenity for both of these growing populations in Nassau County. Elmont, in Hempstead, has a growing Pakistani population, served by the mosque Muhammadi Masjid, a school, grocery stores, and restaurants.

Overall, there is little overlap between these concentrations of Asian residents and areas in Nassau County with a population below the county median income. The only area with any significant overlap is in Hicksville, in the Town of Oyster Bay, particularly along Northern State Parkway.

Segregation Amongst Disabled Status of the Civilian Non-institutionalized Population

According to the US Census, a disability is defined as “a long lasting physical, mental, or emotional condition [which]...can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering.” A disabled person, in many cases, has special housing requirements which may include ADA compliance or supportive staffing. Lack of appropriate housing supply or supportive services may hinder the disabled population’s access to fair housing.

In Nassau County, roughly 8.6% of the non-institutionalized population is disabled, according to the 2009-2013 American Community Survey 5-year estimates. Of the total disabled population, it is estimated that 4.2% experience hearing difficulty, 4.6% experience difficulty with vision, 4.9% experience cognitive difficulty, and 4.9% experience ambulatory difficulty. As expected, disability is strongly correlated with age in Nassau County; nearly 30% of the population 65 years and older is disabled, compared to only 5.6% of the population between the ages of 18 and 64.

The table below shows the percentage of the population that is disabled by Consortium Community. While there are no extreme outliers, there are several communities, such as the Village of Munsey Park, which have a relatively small disabled population of 4.2%. Conversely, the Town of Oyster Bay and the Village of Roslyn have a relatively high percentage at 13.2% and 12.4%, respectively. However, though there is some variation across communities, there is no strong correlation between median income and percentage of the population that is disabled nor are there concentrated areas within a community of non-institutionalized disabled population.

Table 5
Percentage of Population Disabled by Consortium Community

Consortium Community	% Disabled
Nassau County	8.6%
Glen Cove City	9.8%
Hempstead town	8.5%
Long Beach city	9.1%
North Hempstead town	8.2%
Oyster Bay town	13.2%
Bayville village	10.0%
Bellerose village	8.6%
Cedarhurst village	10.3%
East Rockaway village	9.8%
Farmingdale village	10.7%
Floral Park village	6.9%
Freeport village	10.4%
Great Neck Estates village	7.2%
Great Neck Plaza village	9.8%
Hempstead village	6.5%
Island Park village	11.6%
Lynbrook village	10.9%
Malverne village	6.6%
Manorhaven village	7.4%
Massapequa Park village	8.4%
Mineola village	10.4%
Munsey Park village	4.2%
New Hyde Park village	9.4%
Rockville Centre village	9.4%
Roslyn village	12.4%
Sea Cliff village	7.6%
South Floral Park village	11.8%
Stewart Manor village	6.5%
Valley Stream village	9.4%

Westbury village	8.4%
Williston Park village	9.1%
Source: US Census, American Community Survey 2009-2013 5-Year Estimates	

The Nassau County Office of the Aging, Office of the Physically Challenged, and Department of Mental Health, Chemical Dependency, and Developmental Disability together serve the disabled population within the county. The Office of the Aging offers various services to the elderly population, including transportation, referral assistance, case management, homemaker/person care, Alzheimer's service, legal assistance, home delivered meals, congregate meals, care assistance, counseling, adult day care, health promotion, employment service, recreation, long term care service, housing assistance, weatherization, energy assistance, and emergency fuel.

The County also provides supportive housing, including supervised residences and supportive apartment living, through strategic partnerships with outside agencies and non-profit organizations, including, but not limited to, Central Nassau Guidance and Counseling Services, the Mental Health Association of Nassau County, the South Shore Association for Independent Living, and Family Residences and Essential Enterprises. The Department of Mental Health, Chemical Dependency and Developmental Disabilities has oversight responsibility for two community residential programs and a crisis center.

Discrimination in Protected Classes

Since unlawful discrimination is one of the most blatant impediments to fair housing, it is imperative to make efforts to quantify the extent to which unlawful discrimination occurs in the Nassau County housing market. Although analyzing complaints brought by those who believe they have been victimized by illegal discrimination can by no means provide a comprehensive picture of the level of discrimination throughout Nassau County, these grievances can provide a snapshot of some of the barriers that may be impeding fair housing choice throughout the County. Further, completing an analysis of complaints of discrimination in housing is made difficult by the absence of a single county-based repository of data regarding number, type, management and outcome of complaints filed.

Typical complaints received by Long Island Housing Services and the Nassau County Human Rights Commission include discrimination in the sale and rental of housing due to race, national origin, sex, familial status, and disability and more recently, source of income complaints. Some examples of common complaints include:

- People with physical or mental disabilities are frequently denied reasonable accommodations or modifications as required of housing providers under Fair Housing laws.
- Black and Hispanic households have been denied truthful information about available housing, are denied equal treatment and services are illegally steered based on their race or ethnicity.
- Landlords, management companies, real estate providers seek to exclude people that are receiving subsidy assistance from Section 8, Public Assistance, Social Security pensions, SSI and SSD.
- In addition to landlords and realty agents that may illegally aid and abet discrimination to exclude families with children under 18 years of age (even smaller families with 1 or 2), discrimination based on family size has included denial of leases to large families with children.

- Real estate or housing providers [illegally] advertise housing in a manner which tends to exclude or encourage renters or purchasers based on familial status, race, ethnicity, disability, age and marital status.
- In some cases, where the tenant is already in place, tenants are harassed by biased, hostile neighbors or landlords, forcing them to move. White tenants that have visiting friends that are racial or ethnic minorities at times encounter intimidating, unlawful responses geared to forcing lease termination or curtailing/infringing on tenant's rights. These are violations of fair housing rights. Illegal evictions are also a problem.

Table O-3 of Appendix O details the types of complaints received by the Nassau County Human Rights Commission.

Discrimination in Other Residential Unit Types

Discrimination by co-op or condo boards has not been identified as a significant impediment to fair housing choice in Nassau County, likely due to the fact that there is a relatively limited number of cooperatives or condominiums in Nassau County, as compared to New York City and some other areas in the region. In cases where a condo declaration or the co-op applications process is determined to be a human rights violation, Nassau County's local Human Rights Law provides for enforcement of fair housing rights and penalties to protect residents against human rights violations. Any complaint based on co-op/condo applications would be reflected in Table O-3 of Appendix O.

Nassau County has recognized that co-op boards have almost unlimited power to approve or deny candidates as they please and co-op discrimination can be blatant and highly visible.

Sustainable Development and the Fair Housing Equity Assessment (FHEA) Advisory Committee Report

The *Implementation Plan for Sustainable Development in the New York – Connecticut Metropolitan Region*, dated May 30, 2014, was produced through collaborative planning by a partnership of nine cities, two counties and six regional planning organizations known as the New York – Connecticut Sustainable Communities Consortium. Preparation of the Plan was funded by the Partnership for Sustainable Communities, a joint effort of the federal Departments of Housing and Urban Development (HUD), Department of Transportation (DOT) and the Environmental Protection Agency (EPA).

The *Implementation Plan for Sustainable Development* contains a series of actions geared to bringing about a regional future that advances the objectives noted above. One of the recommendations specifically identifies issues of racial and income segregation.

The Plan recognizes that addressing regional equity and opportunity requires that all residents be provided with access to housing and economic opportunities in a fair and equitable manner. Thus, the Consortium and all grant recipients were required to undertake a fair housing and equity assessment. This entails taking into account patterns of racial and ethnic segregation and using this information to help guide planning policies as well as infrastructure and development decisions. The Plan notes that the region is becoming more diverse while, at the same time, “There is little multi-family, low-rent or subsidized housing in White, low-poverty areas, with restrictive local zoning a primary cause.” It further states that “multi-racial neighborhoods offer better access to opportunity than segregated, non-White neighborhoods...” To counter the negative effects of historic and on-going patterns of segregation, a number of recommendations were provided. These encompass a range of actions, including: increased enforcement of laws; investment in affordable housing in “high-opportunity areas”; improved access for minorities to such housing; incorporation of equity considerations in planning for infrastructure improvements; and, other actions at the local and regional levels.

Findings from the Fair Housing and Equity Assessment (FHEA) Advisory Committee Report

In evaluating the current condition of the region in terms of addressing regional equity and opportunity, it was necessary for the Committee to consider how conditions have evolved over time.

Both historic patterns of segregation and integration and the more recent trends in regional development have contributed to current conditions relative to the distribution of racial and ethnic groups.

- Clusters of minority populations can be traced both to historic patterns of discrimination and to locational preferences of more recent immigrants.
- Analyses of racial/ethnic integration in the region need to look at both broad trends – such as the region’s overall growing diversity – and to more localized statistics in order to provide a complete picture of these demographic patterns.
- From 1990 to 2010, the region’s White population declined from 59% to 46% of the total; major growth during that period was experienced in the Hispanic and Asian populations.

- While the non-White population has grown significantly in the suburban portions of the region, most of this segment continues to live in urban areas. Each major racial and ethnic group has its own distribution pattern within the region.
- Based on analysis of demographic data, and the calculation of a Dissimilarity Index, the region was found to exhibit a “high” level of segregation for the distribution of Whites and non-Whites as a whole. The scores for Whites and African-Americans and for Whites and Native Americans (from a much smaller population) were particularly high. While dissimilarity indexes for most portions of the region have tended to decline moderately over the past 30 years, the region remains more segregated than most other major regions of the country.
- Another index of segregation utilized in the Plan incorporates income levels. This analysis, indicates that, in most suburban communities within the region, non-Whites are underrepresented and Whites are overrepresented based on the distribution of population that would be expected based on income levels.

Analysis of Impediments – Based on the above, the Plan identified a variety of factors that serve as impediments to achieving fair housing within the region.

- Discrimination in renting and sales
- Discrimination based on source of income

Recommendations from the Fair Housing and Equity Assessment (FHEA) Advisory Committee Report

Nassau County will build on the outcomes of its Infill Redevelopment Feasibility Study and include an analysis of opportunity areas for new mixed-income using the indicators developed as part of the FHEA in updates to its Consolidated Plan and other required documentation of its efforts to affirmatively further fair housing. The County’s Infill Redevelopment Feasibility Study will serve as the template for continued engagement and collaboration to promote transit-supported development throughout the county in the following ways:

- The County will pivot off of the station area “readiness” and “desire” findings by providing technical and funding assistance, when available, to municipalities that are considering increasing the supply of mixed-income housing in transit-accessible locations.
- The County will regularly update the Infill Study’s “Station Area Profiles” and maintain a database on community-identified redevelopment sites along with potential locations/parcels for multi-family housing and/or mixed-use development. This information will be publically available through the County’s website and/or online web mapping.
- The County will utilize the FHEA and Infill Study data and findings in its analysis of zoning and redevelopment proposal applications referred to the Nassau County Planning Commission under NYS GML 239 I & m. Staff recommendations to the Planning Commission will take into account a zoning amendment or multiple-family housing referral’s consistency with the findings of the FHEA
- The County intends on applying for transportation and other infrastructure grants to leverage private developer investment in communities identified in the Infill Study as transit-supported development pilot areas as well as other communities that demonstrate desire and willingness for mixed-use and mixed-income housing.

Fair Housing Complaints

There are several sources of information regarding the types of fair housing complaints that have been made in the Long Island metropolitan area: the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Justice (DOJ), the New York State Division of Human Rights (NYDHR) and Long Island Housing Services (LIHS) and the Nassau County Commission on Human Rights. The courts are also a source of information regarding Fair Housing actions.

Admittedly, it can be extremely difficult to detect unlawful discrimination as an individual home-seeker, and the resolution of these complaints, following investigation is important to consider. Table O-3 in Appendix O illustrates the case resolution for the complaints filed with the Nassau County Human Rights Commission.

During the five year period from January 2010 through December 2014, there were a total of 82 complaints filed with the Nassau County Human Rights Commission, of which 19 (23%) were found to have no probable cause. Twelve (15%) of filed complaints were determined to have probable cause. Thirteen (16%) of the cases filed were conciliated, withdrawn, or there was non-judicial relief agreed to, while 46% were administratively closed.

In 2004, Nassau County revised its fair housing legislation making discrimination based on source of income a violation of the County fair housing law.

In August 2006, the Nassau County Legislature unanimously passed legislation to strengthen the county's enforcement of laws prohibiting housing discrimination. Nassau County revised its local fair housing law to increase the protected classes and to allow investigation as well as enforcement on a local level. The amendments were adopted to provide for prompt relief for complainants through timely hearings and through the ability of the Nassau County Attorney to obtain injunctive relief to preserve a particular housing unit and to prevent the involvement of an innocent third party.

The Nassau County Human Rights Law (Local Law 9 of 2006) provides for enforcement of fair housing rights and penalties to protect residents against human rights violations. Under this Local Law, the Nassau County Human Rights Commission has the power to:

- Receive and investigate complaints of discrimination.
- Initiate its own investigation of violations of the Local Law.
- Hold hearings, compel the attendance of witnesses, and take testimony under oath
- Require the production of evidence.
- Cooperate with qualified non-profits: make referrals to assist with investigating claims by testing.

The legislation set up a system to resolve violations and disputes in a fair and timely manner. It includes establishing within the Nassau County Human Rights Commission an administrative law judge capability, which would allow both complainant and commission-initiated complaints to be filed, investigated and heard before an administrative law judge. It would also allow the Human Rights Commission to encourage conciliation and award attorney fees. The bill has received praise from civil rights and real estate industry leaders.

Prior to the amendments, when the Human Rights Commission received complaints, they had to be forwarded to the New York State Human Rights Commission for enforcement. This was a delay-ridden process that did not effectively protect Nassau County's residents.

As a result of the Nassau County Human Rights Law, Nassau County now has the ability to help combat housing discrimination. However, based on the number of complaints they and other agencies receive each year, housing discrimination is still an impediment to Fair and Affordable Housing.

Nassau County Housing Partners

Nassau County works cooperatively with both Long Island Housing Services, Inc. (LIHS) and Long Island Housing Partnership (LIHP). Both provide counseling on foreclosures and counseling for first time homebuyers.

LIHS's mission is the elimination of unlawful housing discrimination and promotion of decent and affordable housing through advocacy and education.

LIHP's mission is to provide affordable housing opportunities to moderate income first time homebuyers. Some homes are built with grant assistance, and some are built by private developers to keep prices below market value. LIHP administers two down-payment assistance grant programs, one is for Nassau County.

Long Island Housing Services Inc.

Long Island Housing Services (LIHS) has a unique 46 year history as the premier private non-profit fair housing advocacy and enforcement agency of LI that provides a full spectrum of services related to real-estate related transactions. Since 1991, services have been made available to Nassau residents. A primary service is investigation of housing discrimination complaints. LIHS is the only agency serving Long Island in Nassau or Suffolk County which has a HUD-approved Fair Housing Tester Training curriculum. LIHS conducts testing to uncover housing discrimination and gather evidence that may be crucial to support a victim's claims or on a random basis to monitor industry practices. LIHS recruits and trains candidates for testing as per diem employees, currently paid \$17/hour. Approximately 1,400 people have taken this training since 1990.

Major fair housing activities at LIHS include case-by-case and systemic investigations with the goal of enforcement of federal, state and local fair housing laws when individual persons or families encounter specific incidents of discrimination that violate those laws. LIHS' advocacy services include assessing claims, investigation to gather needed evidence to challenge discrimination, making public presentations to highlight fair housing rights and resources, providing training to educate government, non-profit service providers, and industry groups as to lawful obligations, rights, and recourse. LIHS also provides counseling services to offer information and guidance to individuals about rights and resources available in the region on a local, state and federal level. LIHS is also a provider of Fair Housing training for industry, government and the public.

LIHS is the only HUD qualified Fair Housing Enforcement Organization (FHEO) whose services are devoted to serving Nassau and Suffolk Counties. LIHS is also certified/approved by HUD as a provider for the following types of comprehensive Housing Counseling activities: pre-purchase counseling and pre-purchase Homebuyer Education; Mortgage delinquency/Default; Fair

Housing pre-Purchase education; Rental Housing Counseling and Workshops. In advancing its mission to eliminate discrimination and promote decent and affordable housing, LIHS counsels individuals about renter's rights and provides tenant rights training. Such counseling allows an opportunity to screen for fair housing violations and help direct victims to needed services and appropriate resources.

Services provided by LIHS in 2014 include:

- Responded to and provided assistance for 2,509 requests for housing counseling services on issues related to rentals, purchase or mortgage issues (e.g. first time buyer, foreclosure prevention, predatory lending; Fair Housing), 2,031 were low and low moderate income;
- Investigated 76 allegations of unlawful housing discrimination in rentals, sales, lending and advertising cases resulting in formal enforcement actions;
- Facilitated enforcement services for 38 prima facie complaints with *U.S. Dept. of HUD* and/or the *NYS Division of Human Rights and local Human Rights Commission* after investigations revealed evidence to pursue enforcement, 17 thus far resulted in favorable determinations and;
- Resolved numerous complaints informally through voluntary compliance as well as several formal administrative complaint resolutions and settlements, and favorable resolution of 2 judicial complaints filed in Federal Court involving access for people with disabilities at 5 multi-family complexes in Suffolk County and 1 low-income, HUD subsidized project-based complex (Hempstead) providing significant relief to victims and in the public interest;
- Provided assistance to 648 homeowners facing foreclosure and continued to screen mortgage/foreclosure prevention clients for predatory lending abuses;
- Assisted 110 clients to prevent foreclosure, maintain housing/regain financial stability;
- In the past two years (2013 and 2014), LIHS assisted 127 victims of scams, struggling homeowners that were able to provide sufficient information and authorizations allowing us to report 63 Mortgage Rescue Scam complaints to *Lawyers Committee for Civil Rights Under Law* and referral to authorities;
- Legal staff provided 322 clients with Foreclosure Prevention services;
- LIHS in collaboration with the *National Center for Suburban Studies at Hofstra University* hosted Regional Fair Lending Conference on 12/10/14 to alert and educate public and industry about lending practices on LI;
- Commissioned and Published report –*An Uneven Road To Recovery-Lending Practices on Long Island* (released 12/10).
- During national Fair Housing Month on April 24, 2015, LIHS sponsored *Fair Housing Accessibility First* a day long training conference to provide a general overview of Fair housing rights and hone in on specific and unique provisions of law related to protections for people with disabilities.

If through investigation LIHS finds sufficient evidence of discrimination and the housing is not otherwise exempt, and if the client is willing and able to pursue the matter, LIHS may assist in reaching an informal conciliatory resolution, or else will institute a formal enforcement action (complaint) through governmental agencies authorized to investigate and make determinations and/or Federal District Court. Services may also include assisting the victim to secure experienced legal counsel or acting as victim's designated representative. From 2010 - 2014, LIHS gathered and prepared the evidence and assisted individuals and asserted standing on behalf of the organization in filing 94 formal administrative complaints with HUD and/or NYS Division of Human Rights, as well as the local Human Rights Commission. In that same

timeframe, LIHS assisted in filing 9 lawsuits in Federal Court and 2 in State Court. In nearly all of these cases, LIHS facilitated enforcement from initial intake, to investigation, case assessment, processing and representation of these legal actions. In some cases, LIHS joined as co-complainant or co-plaintiff and also helped to identify cooperating, expert counsel when needed.

As of December 2014, financial redress to complainants and plaintiffs amounted to a total of well over two million dollars, including cost and legal fees and accompanied with requirements for injunctive relief, training, monitoring, affirmative marketing, record keeping and management changes. Additionally, LIHS provides pro bono, professional assistance for creating accessible units, developing specific non-discriminatory policies and circulating and/or posting those for current or prospective tenants as well as staff.

LIHS has had tremendous success in fighting discrimination. Yet the fact that Nassau County residents continue to utilize LIHS services so heavily suggests that housing discrimination is still a prominent impediment to Fair and Affordable Housing.

Actions to Overcome Impediment #1 - Discrimination in the Nassau County Housing Market

Actions Taken to Affirmatively Further Fair Housing Choice

Nassau County has made great progress towards increasing integration in the Nassau County Consortium as evidenced by Census demographic data. Many communities throughout Nassau County have become increasingly diverse, with a greater percentage of Black and Hispanic populations. An examination of population trends suggests that Nassau County is becoming increasingly more integrated in communities that had a disproportionately small African-American population, based on the 2000 Census. These communities experienced an increase in the percentage of total population that is African-American in the 2010 census.

Furthermore, several communities that had a disproportionately large African-American population, based on the 2000 Census, have experienced a reduction in the percentage of total population that is African-American.

Nassau County is not only focusing on race and ethnicity but all protected classes of the United States Fair Housing Act and the New York Human Rights Law. This is demonstrated through enforcement of Nassau County's Human Right's Law and through partnerships with the Long Island Housing Services.

Efforts towards eliminating fair housing impediments are on-going and fair housing planning is a fluid process that continually affects housing and community development programs and policies. But these efforts have clearly resulted in a demonstrated trend towards increasingly integrated and inclusive communities in Nassau County. The actions outlined in this section are intended to continue to combat discrimination in the Nassau County housing market and foster inclusiveness in housing and community development.

Affirmative Marketing Program

Nassau County has an affirmative marketing program for housing opportunities funded with OHCD grants. Nassau County Office of Housing and Community Development continues to implement various strategies to affirmatively further fair housing. The County continues to require that all HOME Program funding applications include an affirmative marketing plan for any housing units that may be developed or rehabilitated. Applicants are required to comply with all fair housing laws. In addition:

- The fair housing logo is utilized by the County and all subrecipients in housing advertisements.
- The County developed and implements outreach programs targeting interested qualified persons looking for homeownership opportunities
- The County provides homeownership opportunities to income and mortgage eligible households.

- Organizations developing new housing are required to develop an Affirmative Marketing Plan. Essentially, the Affirmative Marketing Plan requires that special outreach be conducted to segments of the population who are least likely to apply for the proposed affordable housing which are very low and low income households especially minorities within those income groups.
- Nassau County OHCD has developed fair housing brochures in English and Spanish.
- Nassau County prioritizes applications for HOME Program funding for those projects in areas without low and moderate income minority population concentrations.
- Nassau County prioritizes projects that will preserve affordability and create a variety of housing options in Nassau County.

The Nassau County Commission on Human Rights also holds annual events, which help raise awareness and promote fair housing. These include: the Martin Luther King, Jr. Birthday celebration, which is an essay contest and scholarship luncheon; and the Human Rights Awareness Conference, a one-day long event for high school students. Nassau County will continue to enforce and support affirmative marketing and mobility counseling requirements. In addition the County will maintain funding for the County's Affirmative Marketing Program.

Other Programs to Combat Discrimination in the Nassau County Housing Market

As advocates for Fair Housing, Long Island Housing Services ("LIHS") often makes public presentations or staff exhibits to reach and heighten public awareness in a multitude of settings and venues. On December 10, 2014 (International Human Rights Day), LIHS sponsored a regional conference: *An Uneven Road To Recovery: New Findings on Race, Place and Mortgage Lending on Long Island*, an expose of lending practices on Long Island (also available on www.LIFairHousing.org). This was a full day conference held at Hofstra University, featuring release of the results of research commissioned through collaboration with the National Center for Suburban Studies at Hofstra University, along with key speakers Gustavo Velasquez, [then] newly appointed HUD Assistant Secretary for Fair Housing and Kristen Clarke, Esq., Bureau Chief of the NYS Attorney General's Office of Civil Rights. During Fair Housing Month on April 24, 2015, (national Fair Housing Month), LIHS sponsored *Fair Housing Accessibility First* a day long training conference featuring nationally renowned trainer Scott P. Moore, Esq. to provide a general overview of Fair housing rights and hone in on specific and unique provisions of law related to protections for people with disabilities.

Long Island Housing Services ("LIHS") conducts the following fair housing outreach activities that are aimed at increasing public awareness on equal opportunity housing:

- Extensive Education and Outreach Initiatives to the real estate, lending and insurance industries to promote voluntary compliance with the Fair Housing Act, meeting with community based providers, conducting workshops, expanding their market, and assisting low and moderate income persons to access the system.
- Public and Distribution of Fair Housing Newsletter and Bilingual Brochures, to Nassau County residents, government agencies and private sector organizations.
- Fair Housing Training. LIHS provides and participates in Fair Housing Training for both the private and public sector, including Nassau County DSS, Long Island Board of Realtors and lenders.

- Conferences. LIHS holds an annual fair housing conference in cooperation with the Long Island Board of Realtors, providing workshops on such topics as equal opportunity in mortgage lending, providing reasonable accommodation to people with disabilities, and tenant, landlord and Realtor rights and responsibilities regarding housing.

Organizations developing affordable housing often work with the Long Island Housing Partnership (“LIHP”) to assist with marketing and outreach and to provide housing counseling. LIHP is a qualified Community Housing Development Organization (“CHDO”). LIHP is focused on providing moderate income families with affordable homes on Long Island.

Nassau County will maintain and enhance partnerships with Long Island Housing Services and Long Island Housing Partnership and their existing programs.

Fair Housing Legislation

The County continues to actively educate communities and community groups about the 2006 Nassau County Fair Housing legislation. The Nassau County Office of Housing and Community Development (NC OHCD) continues to outreach to consortium member municipalities through countywide meetings and public hearings as well as consortium meetings. In 2013, NC OHCD and the Office of the Nassau County Attorney conducted a mandatory training session for Consortium members. It included guidance regarding zoning issues and Consortium members were again instructed in detail on their obligations to affirmatively further fair housing. Similar trainings, whether organized by OHCD or other housing organizations will continue to be offered to consortium communities with specific discussions relative to zoning, land use policy and practices and methods to achieve integrated housing. Attendance at such trainings will be included as a review factor in funding decisions made by the County under the CDBG and HOME Programs.

Nassau County will continue to advocate to expand affordable housing through state legislation and enforcement. The County will continue to fund and assist communities with including mandatory inclusionary housing laws in their local laws.

Fair Housing Counseling and Enforcement

Nassau County’s Office of Housing and Community Development (OHCD) has been providing annual grant funds to Long Island Housing Services for its fair housing activities for years. Since 2009, OHCD has funded LIHS with \$670,000 in CDBG grant funding for Fair Housing Enforcement activities. This CDBG funded public service grant enables LIHS to compete for and receive HUD Fair Housing Organizations Initiative (FHOI) and HUD Private Enforcement Initiative (PEI) funding.

Nassau County also provides mortgage, fair housing and other counseling through its Homeownership Center. The Homeownership Center is a HUD Certified housing counseling agency providing first time homebuyer, employer assisted homebuyer, post purchase and default prevention, home equity conversion and rental housing counseling.

Long Island Housing Services serves both Nassau and Suffolk Counties, with its main offices located in Bohemia, in Suffolk County. Staff provides direct services including landlord/tenant counseling, education and outreach, mortgage default counseling, reverse mortgage counseling, and pre/post home purchase counseling.

Table 6
Funding Provided to Long Island Housing Services, 2009-2015

Year	Nassau CDBG	HUD Fair Housing Organizations Initiative (FHOI)	HUD Private Enforcement Initiative (PEI)	Total
2009	100,000	0	270,417	370,417
2010	100,000	0	161,292	261,292
2011	95,000	0	363,750	458,750
2012	90,000	156,000	186,250	432,250
2013	95,000	169,000	213,125	477,125
2014	95,000	103,000	225,000	423,000
2015	95,000	222,000	250,000	567,000
Totals	670,000	650,000	1,669,834	2,989,834

Source: Nassau County Office of Housing and Community Development

Nassau County Office of Housing and Community Development continues to implement various strategies to affirmatively further fair housing. The County continues to:

- Provide all applicants with information regarding the County's affirmative marketing policy and fair housing laws.
- The fair housing logo is utilized by the County and all subrecipients in housing advertisements.
- Develop and implement outreach programs targeting interested qualified persons looking for homeownership opportunities
- Provide homeownership opportunities to eligible County residents in the areas of their choice.

The County Office of Housing and Community Development and several of the Nassau County Consortium members are actively carrying out housing activities involving the new construction or substantial rehabilitation of first time buyer and rental housing. Appropriate marketing of units is carried out for each project to insure fair housing requirements are met. Applicants for housing are solicited through various forms of media – newspaper advertisements, radio announcements, and posted notices – in an effort to reach prospective applicants that might be in need of affordable housing. Applicants are screened in accordance with standard credit procedures, and those who meet the initial screening criteria are entered into a lottery where finalists are chosen in a random manner.

Working in conjunction with Long Island Housing Services (LIHS), the County continues to implement various strategies to affirmatively further fair housing. Nassau OHCD has been providing annual grant funds to Long Island Housing Services for its fair housing activities. LIHS also receives fair housing as well as housing counseling funds directly from HUD. LIHS has provided fair housing enforcement, training and advocacy for the Long Island community.

LIHS provides comprehensive counseling and other advocacy, including mediation, and necessary referrals to low and moderate income residents who are experiencing housing difficulties including potential or current homelessness, foreclosure, housing discrimination and difficulty finding permanent housing in Nassau County. LIHS operates a HUD certified Housing

Counseling Program which provides the following housing services that specifically relate to housing discrimination:

- **Fair Housing Counseling.** Prior to the housing search, LIHS provides counseling to families in order to prevent discrimination in renting, purchasing or in their dealings with Realtors and insurance agents.
- **Pre-Purchase Counseling.** LIHS provides services including budget and debt analysis, mortgage alternatives, and pre-qualification for loans available in the market, where to find information about neighborhood profiles, i.e. schools, services, civic associations, etc.
- **Counseling to Homeowners with Mortgages in Arrears.** Services to those households in danger of foreclosure, or who need advice about forbearance plans, HUD assignments plans, or general budget analysis.
- **Pre-rental Counseling.** How to look for apartments, rights and responsibilities with leases, security and housing inspections.
- **Landlord/Tenant Rights and Responsibilities.** This includes counseling both landlord and tenant about rent payment, rent increases, services and eviction.
- **Fair Housing Program and Activities.** LIHS conducts the following activities that are aimed at increasing public awareness on equal opportunity housing:
 - Extensive Education and Outreach Initiatives to the real estate, lending and insurance industries to promote voluntary compliance with the Fair Housing Act, meeting with community based providers, conducting workshops, expanding their market, and assisting low and moderate income persons to access the system.
 - Publication and Distribution of Fair Housing Newsletter and Bilingual Brochures, to Nassau County residents, government agencies and private sector organizations.
 - Fair Housing Training. LIHS provides and participates in Fair Housing Training for both the private and public sector, including Nassau County DSS, Long Island Board of Realtors and lenders.
 - Conferences. LIHS holds an annual fair housing conference in cooperation with the Long Island Board of Realtors, providing workshops on such topics as equal opportunity in mortgage lending, providing reasonable accommodation to people with disabilities, and tenant, landlord and Realtor rights and responsibilities regarding housing.

Real estate testing programs, whether conducted through a local program, or as part of a nationwide testing program, should continue in Nassau County.

Fair housing complaints come from all strata of society on Long Island. Tracking and identifying patterns of fair housing filings and decisions both geographically and by protected class in the County provide an opportunity for the providers of fair housing counseling to better target outreach to geographic areas and protected classes that may be experiencing greater than average fair housing complaints. Such tracking of filings and decisions could also form a base of data that fair housing counselors could utilize during community outreach and education efforts.

The collection and analysis of this data also provides LIHS and Nassau County OHCD a more complete overview of the extent and management of unlawful discrimination as an impediment to fair housing in Nassau County.

Nassau County will continue to maintain and enhance partnerships with Long Island Housing Services and Long Island Housing Partnership and their existing programs. The County will also continue its counseling and enforcement programs.

Home Ownership Programs

Nassau County provides funding through the HOME Investment Partnerships Program for downpayment assistance programs administered by the Long Island Housing Partnership (LIHP) for first time homebuyers, employer assisted housing, and downpayment assistance. This program requires completion of an 8 hour pre-purchase counseling course conducted by a HUD certified housing counseling agency. The program requires that a homeowner secure a conventional loan. The financing is reviewed by LIHP or Nassau County housing counselors prior to purchase

The program provides housing choice as an income eligible homebuyer can purchase a home anywhere in Nassau County. One of Nassau's primary objectives with the downpayment assistance program is to increase minority homeownership in Nassau County. Homeownership is a desired goal for many reasons and this program helps to make that goal more achievable. According to a study published by the Center for Housing Policy, "stable, affordable housing may contribute to children's educational achievement by reducing the frequency of unwanted moves that lead children to change schools." Habitat for Humanity has noted that "homeowners can also generate substantial equity by making mortgage payments on their home. This equity can be used to make home repairs or additions, to fund college education, or to start a new business." This equity also provides more opportunity for housing choice as homebuyers can take earned equity with them should they decide to purchase homes in other neighborhoods. LIHP along with Nassau County have been affirmatively marketing this program to increase minority homeownership.

As evidenced by the racial distribution of homebuyers who have benefitted from the First Time Homebuyer Down Payment Assistance Program, the efforts of the LIHP and Nassau County to affirmatively market this program have been very successful. Black/African American clients have taken advantage of the program in much greater percentages than their representation in the population as a whole. Additionally, it should be noted that houses purchased under the Program through 2014 have been located in fifty-seven different communities, demonstrating the great degree of housing choice offered by the Program. This is further demonstrated by the fact that the 279 houses purchased by Black/African American beneficiaries were located in thirty-two different communities.

Nassau County will continue to maintain and enhance partnerships with Long Island Housing Partnership and their existing home ownership programs. The County will continue to fund through the HOME Investment Partnerships Program downpayment assistance programs to be administered by the Long Island Housing Partnership.

Specific actions to be taken over the next five (5) year period to combat discrimination in housing include the following:

1. During PY2017, Nassau County OHCD will put out an RFP to solicit services to provide mobility counseling to those families with Section 8 vouchers in order to assist families in moving out of high-poverty neighborhoods and rent in low-poverty neighborhoods. Up to \$25,000 will be awarded to the agency with the best track record and credentials.

Evaluation of the efficacy of the program will be undertaken after the first year of implementation and further funding rounds will be determined.

2. Nassau County OHCD will offer two training sessions within the five-year consolidated planning period to developers and municipalities seeking to produce affordable housing.
3. During PY2016, Nassau County OHCD will train the Nassau County Consortium about the Nassau County Commission on Human Rights process for discrimination complaints including education materials such as posters.
4. During PY2016, Nassau County OHCD will hold two consortium trainings regarding using CDBG and HOME funds for affordable housing in High Opportunity Areas (HOA).
5. Housing counseling and support services will be provided to approximately 1,000 households per year through Nassau County OHCD, Long Island Housing Partnership and Long Island Housing Services. (Refer to Consolidated Plan)
6. Nassau County OHCD Housing Counseling Center will conduct 6-10 Homebuyer Education courses each year for the next five years dependent upon need and interest. Each Homebuyer Education orientation speaks about the Fair Housing Act and the Protected Classes that are covered under the Act.
7. Nassau County OHCD has appointed a dedicated in-house person to monitor, organize, and implement fair housing initiatives with the consortium communities. This will include, conducting an assessment of fair housing utilizing the "Fair Housing Activity Statement". This assessment for each consortium community will begin in the summer of 2016 and continue through the fall of 2016.
8. Provide financial assistance to LIHS matching or exceeding current levels of \$95,000 per year (should HUD funds remain stable) which will undertake programs to educate the public about their rights as is relates to fair and equitable housing.
9. NC OHCD will hold two public hearings per year to among other things, encourage the use of CDBG and HOME dollars for affordable housing purposes. The public, consortium members, attorneys, developers, fair housing advocates, government entities and non-profit organizations will be invited and encouraged to provide input into fair housing initiatives and apply for funding to further those initiatives.
10. Nassau County Commission on Human rights will hold trainings and seminars for the general public, real estate professionals, lending institutions, and community based organizations, regarding fair housing laws and Nassau county housing laws. In 2015 four trainings were held and it is anticipated that each year the office will hold at least three (3) trainings reaching approximately 800 people. Trainings are held in English, Haitian Creole and Spanish as need dictates.
11. Nassau County Commission on Human Rights will attend 4-5 town hall events per year to disseminate information on fair housing and interact with residents and educate residents on their fair housing legal rights.
12. Undertake housing support services for low to moderate income households with a goal of reaching 5,000 households as identified in the 2015-2019 Five Year Consolidated Plan and Annual Action Plan found in Table O-5 of Appendix O.

Impediment #2 – Lending Policies, Practices and Disparities

Home ownership rates are important to a community's financial well-being. Prospective homebuyers must have access to mortgage credit and to programs that offer home ownership without regard to race, gender, national origin, religion, ability or disability, familial status or national origin.

Access to mortgage credit enables residents to own their homes, and access to home improvement loans and refinancing allows them to keep their homes in good condition. All of these help keep neighborhoods attractive and residents vested in their communities.

Inadequate lending performance results in various long-term and far ranging community problems and, of these, disinvestment is probably the most devastating. Disinvestment in a neighborhood by its lenders reduces housing financing options for borrowers and weakens competition in the mortgage market for low and moderate income neighborhoods. High mortgage costs, less favorable mortgage loan terms, deteriorating neighborhoods, reduced opportunities for home ownership, reduced opportunities for home improvement and the lack of affordable housing are only a few of the consequences of inadequate lending performance. Financial decay in the business sector as well as in the private sector is also a result of disinvestments in the form of business relocation, closure and bankruptcy. Full service local lenders that have traditionally served residents and businesses are one of the main elements that keep neighborhoods stable.

a. The Home Mortgage Disclosure Act

The Home Mortgage Disclosure Act (HMDA), enacted by Congress in 1975, requires lenders to disclose home mortgage and home improvement lending transactions. The information collected by HMDA, provided by public lending institutions, is intended to make public loan data available for analysis.

Based on the data available from HMDA, Table 6 contains HMDA Aggregate Loan Applications for Census Tracts Containing 50% or More Minority Population (which includes African-American and Hispanic populations), Nassau County 2013 summarizes mortgage loan applications in the County for the most recent year available.

Table 7
HMDA Aggregate Loan Applications for Census Tracts Containing 50% or More Minority Population, Nassau County, 2013

	FHA, FRS/RHS & VA Home Purchase Loan		Conventional Home Purchase Loan		Refinancing		Home Improvement		Loans on Dwellings For 5 or More Families	
	#	\$000's	#	\$000's	#	\$000's	#	\$000's	#	\$000's
Loans Originated	566	161,777	583	137,969	1,091	251,621	95	9,493	15	28,020
Approved, Not Accepted	52	13,132	40	7,358	268	64,633	21	1,829	2	1,088
Applications Denied	291	77,219	207	47,002	966	220,954	182	12,700	6	3,013
Applications Withdrawn	137	36,123	91	22,735	370	90,585	26	2,857	2	850
Files Closed for Incompleteness	63	17,706	53	12,066	280	67,999	6	776	0	0
TOTAL	1,109	305,957	974	227,130	2,975	695,792	330	27,655	25	32,971

Source: HMDA, MSA/MD: 35004 – Nassau-Suffolk, NY, Aggregate Table 1, Nassau County http://www.ffiec.gov/hmdaadwebreport/pdf/DVD_PDF/2013/Hmda/AggregateReports/2013HA_35004.PDF, accessed May 12, 2015, compiled by VHB Engineering, Surveying and Landscape Architecture, P.C.

The 53 Census tracts included in this analysis contain minority populations ranging from 50.5 percent to 98.3 percent of the Census tract population, with an average minority population across the 53 tracts of 78 percent and a median percent minority population of 79.4 percent.

Table 10, Aggregate Disposition of Applications for FHA, FSA/RHS & VA, Conventional, Refinancing and Home Improvement Loans 2013, provides loan application data at the Census Tract level for Nassau County including information about the percent of minority population (meaning minority races and Whites of Hispanic or Latino heritage) and median income as a percent of the MSA median income. This information provides the opportunity to conduct further in depth analysis at the individual Census Tract level as may be appropriate.

1. Types of Loans Sought – One to Four Family Dwellings

A total of 5,388 loans for one to four family structures were sought in 2013. Approximately 55.2 percent (2,975 loans) of these loans were for refinancing. Applications for home purchase, including conventional loans and FHA, FRS/RHS and VA loans, accounted for 38.7 percent (2,083) of the applications. Home improvements loan applications constituted the remainder.

Table 8
Type of Loans Sought, 1 to 4 Family Structures for Census Tracts Containing 50% or More Minority Population, Nassau County, 2013

	Home Purchase Loan (FHA, FRS/RHS & VA and Conventional)	Refinancing	Home Improvement
Percent of Loans Sought	38.7%	55.2%	6.1%

Source: HMDA, MSA/MD: 35004 – Nassau-Suffolk, NY, Aggregate Table 1
http://www.ffiec.gov/hmdaadwebreport/pdf/DVD_PDF/2013/Hmda/AggregateReports/2013_HA_35004.PDF, accessed May 12, 2015, compiled by VHB Engineering, Surveying and Landscape Architecture, P.C.

2. Disposition Rates Minority Tracts

a) Nassau County Census Tracts with Minority Concentrations

Of the 1,109 FHA, FRS/RHS & VA loan applications, 51 percent (556) resulted in a loan originating, which can be seen in Table 9, Disposition Rates by Loan Type for Census Tracts Containing 50% or More Minority Population. An additional 4.7 percent of applications (52) were approved, but not accepted. Denied applications accounted for 26.2 percent (291) of all applications and 12.4 percent (137) of loan applications were withdrawn.

In 2013, 583 conventional loans were originated in the 53 identified Census tracts, which represented 59.9 percent (5,242) of loan applications. Applications approved but not accepted accounted for 4.1 percent (40) of all applications. A total of 21.3 percent (207) of all applications were denied and 9.3 percent (91) were withdrawn. Conventional loan application files closed for incompleteness accounted for 5.4 percent (53) of all applications.

Of the 2,975 loans sought for refinancing, 36.7 percent (1,091) resulted in a loan originating. Another 9 percent (268) were approved but not accepted. The percent of the loans sought that were denied was 32.5%. The remaining applications (650) were withdrawn or the files were closed for incompleteness.

A total of 330 home improvement loan applications were identified in 2013; 55.2 percent (182) of these applications were denied. Loans originated on 28.8 percent (95) of home improvement applications and an additional 6.4 percent of applications (21) were approved but not accepted. Withdrawn applications were 7.9 percent (26) and 1.8 percent (6) of files were closed for incompleteness.

Table 9
Disposition Rates by Loan Type for Census Tracts Containing 50% or More Minority Population*, Nassau County, 2013

	FHA, FRS/RHS & VA Home Purchase Loan		Conventional Home Purchase Loan		Refinancing		Home Improvement	
	#	%	#	%	#	%	#	%
Loans Originated	556	51.0	583	59.9	1,091	36.7	95	28.8
Approved, Not Accepted	52	4.7	40	4.1	268	9.0	21	6.4
Applications Denied	291	26.2	207	21.3	966	32.5	182	55.2
Applications Withdrawn	137	12.4	91	9.3	370	12.4	26	7.9
Files Closed for Incompleteness	63	5.7	53	5.4	280	9.4	6	1.8
TOTAL	1,109	100	974	100	2,975	100	330	100.1

Source: HMDA, MSA/MD: 35004 – Nassau-Suffolk, NY, Aggregate Table 1
http://www.ffiec.gov/hmdaadwebreport/pdf/DVD_PDF/2013/Hmda/AggregateReports/2013HA_35004.PDF, accessed May 12, 2015, compiled by VHB Engineering, Surveying and Landscape Architecture, P.C.

* 50% metric set by the data source

b) Disposition by Race, Ethnicity and Income Level (Nassau and Suffolk MSA)

Since the HMDA data for the Nassau-Suffolk MSA does not provide loan application and disposition data for racial or income groups by county or by Census tract, further analysis of application, acceptance and denial rates by race and/or income is conducted at the MSA level.

Based on the data available from HMDA, data in Table 10, Aggregate Disposition of Applications for FHA, FSA/RHS & VA, Conventional, Refinancing and Home Improvement Loans, indicate that the percent of loans originated in 2013 was highest for White (51.5 percent) and joint (55.4 percent) applicants. Applicants who were Native Hawaiian/Other Pacific Islander had the highest percent of applications denied (74.1 percent).

Income level data indicate that as incomes increased the percent of loans originated increased and the percent of loans denied decreased. For example, applicants earning 50 percent or less of the MSA median income were denied 39.1 percent of loans sought in 2013 and 24.3 percent of applications were denied for applicants earning 50 to 79 percent of the MSA median income. The percent of denied applications decreased with each increasing income cohort. The percent of loans

originating continued to increase as income increased, reaching 60.1 percent for those earning 120 percent or more of MSA median income. Only 17.1% of loan originated at this income level were denied. Thus, the percentage of denied applications changed significantly as income increased.

Table 10
Aggregate Disposition of Applications for FHA, FSA/RHS & VA, Conventional, Refinancing and Home Improvement Loans, 2013

Applicant Characteristics	Total Applications	% Loans Originated	% Denied
RACE/ETHNICITY/MINORITY STATUS			
American Indian/Alaska Native	204	40.0%	53.3%
Asian	5,130	41.1%	48.4%
Black or African-American	4,692	27.8%	61.5%
Native Hawaiian/Other Pacific Islander	212	25.9%	74.1%
White	64,974	51.5%	32.4%
2 or More Minority Races	58	37.5%	62.5%
Joint (White/Minority Race)	1,012	55.4%	35.7%
Race Not Available	10,777	36.1%	40.8%
Hispanic or Latino	5,283	47.7%	28.8%
INCOME			
<50% of MSA Median	7,551	38.6%	39.1%
50-79% of MSA Median	18,269	54.0%	24.3%
80-99% of MSA Median	13,013	57.8%	20.6%
100-119% of MSA Median	10,828	59.3%	18.5%
>120% of MSA Median	33,793	60.1%	17.4%
Income Not Available	3,605	48.7%	28.0%

SOURCE: HMDA, MSA/MD: 35004 – Nassau-Suffolk, NY, Tables 4-1 – 4-4 (Aggregate Disposition of Applications for FHA, FSA/PHS, and VA Home Purchase Loans, Conventional Home-Purchase Loans, Home Improvement Loans, 1- to 4- Family and Manufactured Home Dwellings, By Race, Ethnicity, and Income of Applicant; compiled by VHB Engineering, Surveying and Landscape Architecture, P.C.

NOTE: Totals do not equal 100%. Loans approved but not accepted, withdrawn applications and files closed due to incomplete information are not shown.

3. Reasons for Denial of Applications

Aggregate information for Nassau and Suffolk Counties identifies reasons for denial of application for home purchase, home improvement or refinancing loans by race, ethnicity and income of applicant. Table 11, Reason for Denial of Applications, summarizes this information for Long Island, providing an opportunity to analyze the HMDA information by minority status, ethnicity, gender and income.

Looking at the aggregate HMDA data for both Nassau and Suffolk Counties, credit history and debt-to-income ratio are two common reasons for loan denial. The same is true when the data are broken down by race. Poor credit history was cited as the denial reason for 28.8 percent of denials for Blacks/African Americans, 22.3 percent for Hispanics, and 20.8 percent for Whites in the year 2013. Debt-to-income ratio was identified as the reason for loan denial for 27.5 percent of denials for Blacks/African Americans, 31.8 percent for Hispanics, 28.3 percent for Whites in 2013. The percentage of American Indians/Alaskan Natives, Native Hawaiian/Pacific Islander, those identified with two or more races, and those of “joint” race (White and a minority) who experienced denied loans due to debt-to-income ratio was several points higher than the percentages for other identified racial and ethnic groups.

An analysis of the reason for loan denial and income, based on the data in Table 11, indicates that loan applicants with incomes less than 79 percent of the MSA median were more likely to have a loan application denied due to debt-to-income ratio. The percent of applications denied due to credit history decreased with increasing incomes. However, as incomes increased, collateral, unverifiable information and incomplete credit application were more often identified as the reason a loan application was denied.

Table 11
Reason for Denial of Applications, 1 to 4 Family and Manufactured Home Dwellings, Long Island, 2013

Applicant Characteristics	Percent of Applications Denied by Reason								
	Debt-to-Income Ratio	Employment History	Credit History	Collateral	Insuff. Cash	Unverifiable Information	Credit App. Inc.	Mtg. Ins. Denied	Other
RACE/ETHNICITY/MINORITY STATUS									
American Indian/Alaska Native	34.8%	1.5%	28.5%	11.8%	8.0%	2.5%	7.8%	0.0%	5.5%
Asian	34.8%	3.8%	17.8%	12.8%	5.0%	6.8%	10.5%	0.3%	9.0%
Black or African-American	27.5%	1.0%	28.8%	9.8%	4.0%	4.5%	11.3%	1.5%	11.0%
Native Hawaiian/ Other Pacific Islander	32.8%	1.0%	26.5%	6.5%	6.0%	6.5%	13.3%	2.5%	4.3%
White	28.3%	1.5%	20.8%	14.3%	4.3%	5.8%	14.0%	0.5%	10.8%
2 or More Minority Races	14.3%	0.0%	63.3%	13.3%	5.0%	0.0%	0.0%	0.0%	4.3%
Joint (White/ Minority Race)	20.3%	0.0%	22.5%	17.3%	7.0%	3.5%	13.8%	0.8%	15.5%
Race Not Available	26.8%	2.5%	20.8%	15.5%	4.8%	4.8%	13.8%	0.5%	10.8%
Hispanic or Latino	31.8%	2.0%	22.3%	11.3%	5.0%	5.8%	9.5%	1.3%	11.0%
INCOME									
<50% of MSA Median	42.5%	2.8%	19.3%	7.0%	3.8%	2.8%	11.5%	0.5%	8.5%
50-79% of MSA Median	35.3%	2.0%	19.0%	11.3%	3.8%	4.5%	12.5%	1.0%	10.3%
80-99% of MSA Median	28.8%	1.8%	19.8%	14.5%	5.5%	6.1%	11.5%	1.0%	11.5%
100-119% of MSA Median	25.5%	1.8%	21.0%	16.8%	4.3%	6.9%	14.8%	0.3%	10.5%
>120% of MSA Median	16.5%	1.0%	20.5%	20.0%	5.3%	7.5%	16.3%	0.3%	13.3%
Income Not Available	15.5%	2.0%	35.8%	11.3%	3.0%	4.8%	17.3%	0.0%	10.8%

SOURCE: HMDA, MSA/MD: 35004 – Nassau-Suffolk, NY, Tables 8-1 – 8-4 (Reasons for Denial of Applications for PHA, FSA/RHS, and VA Home-Purchase Loans, Conventional Home-Purchase Loans, Refinance Loans, and for Home Improvement Loans, 1- to 4- Family and Manufactured Home Dwellings, By Race, Ethnicity, and Income of Applicant);. The four tables were averaged by VHB Engineering,

Surveying and Landscape Architecture, P.C.

http://www.ffiec.gov/hmdaadwebreport/pdf/DVD_PDF/2013/Hmda/AggregateReports/2013HA_35004.PDF, accessed May 12, 2015

4. Pricing Information for Loans

Another important indicator of the availability of affordable housing in a community is the price of loans. Table 12, Pricing Information for Loans, First Lien, 1 to 4 Family Owner Occupied Dwellings, Based on Number of Loans, Percentage Points Above Treasury, Only Including Loans with APR Above the Threshold, provides detailed information about 2013 loan pricing (including mean and median prices) by both application and Census tract characteristics.

Limited information is available for FHA home purchase and refinancing loans, limiting analysis of the data. Asian persons experienced the highest price of conventional home purchase loans and persons identified as Black or African American experienced the highest loan pricing for conventional refinancing. Conventional home improvement loans were priced highest for individuals identified as White and Hispanic or Latino. Persons of Hispanic or Latino ethnicity received lower annual percentage rates than those not Hispanic or Latino. Conventional loans generally decrease in price the greater the minority population within a Census tract. Analysis of FHA loans does not indicate such trends.

An analysis of applicant income does not indicate loan pricing trends based on applicant income. An analysis of Census tract income, however, does indicate that conventional loan pricing decreases as income increases for home purchase, refinance and home improvement loans. Limited data for FHA home purchase loans prevents analysis. As seen in Table 12, FHA refinancing loan prices are highest for low income tracts, however prices for middle income tracts are greater than for moderate income tracts. The median price of a FHA refinancing loan was lowest for the lowest income Census tracts.

Table 12
Pricing Information for Loans, First Lien, 1 to 4 Family Owner Occupied Dwellings, Based on
Number of Loans, Percentage Points Above Average Prime Offer Rate: Only Including Loans with
APR Above the Threshold

Applicant / Census Tract Characteristics	FHA Home Purchase Loans, First Lien		Conventional Home Purchase, First Lien		FHA Refinancing, First Lien		Conventional Refinancing, First Lien		Conventional Home Improvement, First Lien	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median
APPLICANT – RACE/ETHNICITY/MINORITY STATUS										
American Indian/ Alaska Native	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Asian	1.70	1.67	1.82	3.18	2.76	2.62	1.66	1.67	1.97	1.97
Black or African- American	1.74	1.69	NA	NA	3.13	3.27	1.84	1.60	NA	NA
Native Hawaiian/ Other Pacific Islander	1.91	1.91	1.57	1.57	NA	NA	NA	NA	NA	NA
White	1.76	1.68	1.72	1.60	2.82	3.00	1.72	1.60	2.70	1.67
2 or More Minority Races	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Joint (White/ Minority Race)	1.72	1.72	1.68	1.68	3.92	3.92	NA	NA	NA	NA
Race Not Available	1.74	1.68	1.65	1.65	2.32	1.92	1.75	1.62	NA	NA
Hispanic or Latino	1.73	1.68	1.73	1.73	2.60	2.61	1.64	1.56	2.68	1.57
APPLICANT – INCOME										
<50% of MSA Median	1.77	1.73	1.52	1.52	2.93	3.00	1.87	1.67	4.96	4.96
50-79% of MSA Median	1.72	1.68	1.65	1.63	2.27	1.73	1.62	1.55	1.56	1.56
80-99% of MSA Median	1.75	1.67	2.02	1.65	2.42	1.89	1.60	1.58	NA	NA
100-119% of MSA Median	1.78	1.69	1.70	1.68	2.19	1.86	1.88	1.65	3.28	3.28
>120% of MSA Median	1.77	1.68	1.76	1.61	2.40	1.92	1.77	1.66	2.37	1.83
Income Not Available	2.11	1.93	1.75	1.69	2.21	2.05	1.63	1.63	NA	NA
CENSUS TRACT – RACIAL/ETHNIC CHARACTERISTICS										
Less than 10% Minority	1.78	1.67	1.95	1.66	2.65	2.70	2.05	1.72	1.83	1.83
10-19% Minority	1.76	1.68	1.76	1.58	2.83	3.15	1.74	1.59	2.92	2.92
20-24% Minority	1.76	1.67	1.66	1.59	2.92	3.13	1.65	1.62	3.26	3.26
50-79% Minority	1.74	1.69	1.68	1.68	2.72	2.96	1.63	1.58	1.57	1.57

Applicant / Census Tract Characteristics	FHA Home Purchase Loans, First Lien		Conventional Home Purchase, First Lien		FHA Refinancing, First Lien		Conventional Refinancing, First Lien		Conventional Home Improvement, First Lien	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median
80-100% Minority	1.73	1.69	1.77	1.69	3.09	3.26	1.89	1.57	3.28	3.28
CENSUS TRACT – INCOME CHARACTERISTICS¹										
Low-Income	1.76	1.69	1.54	1.54	3.03	3.21	1.55	1.55	NA	NA
Moderate-Income	1.74	1.69	1.66	1.62	2.96	3.21	1.67	1.60	2.43	2.43
Middle-Income	1.76	1.68	1.72	1.60	2.84	3.05	1.71	1.61	2.43	1.62
Upper-Income	1.75	1.68	1.85	1.77	2.72	2.77	2.03	1.65	3.14	3.14

SOURCE: HMDA, MSA/MD: 35004 – Nassau-Suffolk, NY, Tables 11-1, 11-3, 11-5, 11-7, 11-9 (Pricing Information for Loans, First Lien, 1 to 4 Family Owner Occupied Dwellings, Based on Number of Loans, Percentage Points Above Average Prime Offer Rate: Only Including Loans with APR Above the Threshold, By Borrower or Census Tract Characteristics); Compiled by VHB Engineering, Surveying and Landscape Architecture, P.C.

http://www.ffiec.gov/hmdaadwebreport/pdf/DVD_PDF/2013/Hmda/AggregateReports/2013HA_35004.PDF, accessed May 12, 2015

NOTES: NA= Information not available/not reported

¹The HMDA data does not provide information of family size with the data on applicant income. HMDA income data is provided both as a percent of MSA median income and as “low”, “moderate”, “middle”, and “upper” income. The HMDA explanation of notes for 2006 defines the categories as follows:

- **Low-income:** Consists of Census tracts where the median family income is less than 50 percent of the median MSA income, based on the 2010 Census.
- **Moderate-income:** Consists of Census tracts where the median family income is at least 50 percent and less than 80 percent of the median MSA income.
- **Middle-income:** Consists of Census tracts where the median family income is at least 80 percent and less than 120 percent of the median MSA income.
- **Upper-Income:** Consists of Census tracts where the median family income is 120 percent or more of the median MSA income.

a. Subprime Lending

As detailed in the “Report to Congress on the Root Causes of the Foreclosure Crisis,” the nation is currently experiencing a record rate of mortgage delinquencies and foreclosures. The report notes:

Between late 2006 and mid-2007, the share of loans that were seriously delinquent or beginning the foreclosure process reached their highest levels since the [National Delinquency Survey] was begun in the late 1970s. Since then, these rates have continued to rise sharply and, by mid-2008, had more than doubled the previous record highs. Most of the initial increase in foreclosures was driven by subprime loans, both due to the fact that these inherently risky loans had come to account for a much larger share of the mortgage market in recent years and because the foreclosure rate among these loans was rising rapidly.¹

Several changes that occurred in the 1980s and 1990s helped lay the groundwork for the recent housing crisis. These included: legislative change that removed interest rate ceilings on mortgages and allowed lenders to offer loans with variable interest rates, balloon terms, and negative amortization; technological developments that allowed for the use of statistical models to create more fine-grained estimates of borrower risk; and the growth of the asset-backed securities market, which shifted the primary source of mortgage finance from federally regulated institutions to mortgage banking institutions that acquired funds through the broader capital markets and were subject to much less regulatory oversight.

With those changes setting the stage, several other factors combined to precipitate the rapid growth in subprime lending and loosening underwriting controls after 2003, including: an increasing demand for high yield, investment grade securities, the high profits earned at each stage of the process from loan origination through bond insurance, and the rapid increase in housing prices through 2006. The rapid increase in home values covered over the riskiness of the loans being made, and seems to have helped fuel the home price rise in a self-perpetuating cycle.²

Nassau County has been strongly impacted by the mortgage crisis, and has one of the highest ratios of nonprime (both subprime and alt-A) distressed mortgages to housing units in the country (falling within the top 10 percent of US counties).

Although the Home Mortgage Disclosure Act (HMDA) data does not identify whether or not loans are subprime, the U.S. Department of Housing and Urban Development (HUD) annually identifies a list of lenders who specialize in subprime lending. Subprime lenders on Long Island were identified using HUD’s 2005 subprime lender list (the most recent list available). In 2005, HUD identified 210 HMDA reporters who specialize in subprime lending. This list is compiled from a variety of data sources, including outreach to the identified lenders or review of their web pages to determine if they specialized in subprime lending. Generally lenders are included if they report that subprime loans comprise at least 50 percent of their conventional business. Identification of a lender as a subprime lender specialist does not

¹ “Report to Congress on the Root Causes of the Foreclosure Crisis,” U.S. Department of Housing and Urban Development Office of Policy Development and Research, January 2010, p. vi.

² “Report to Congress on the Root Causes of the Foreclosure Crisis,” U.S. Department of Housing and Urban Development Office of Policy Development and Research, January 2010, p. viii-ix.

mean that all applications reported by these lenders are for subprime loans. A number of subprime lenders offer prime loans and a number of prime lenders offer subprime loans.

Subprime lenders typically provide loans at higher interest rates to those who do not qualify for a prime loan. Some portion of the subprime lending market is also predatory in nature, using aggressive marketing techniques to solicit borrowers who do not need, or may not be able to afford a loan.

b. National Center for Suburban Studies at Hofstra University

The National Center for Suburban Studies at Hofstra University, in cooperation with Long Island Housing Services, prepared a report entitled *An Uneven Road to Recovery: Place, Race, and Mortgage Lending on Long Island* (December 2014). The report documented the loss of mortgage activity on Long Island from 2005 to 2012. The study relied on Home Mortgage Disclosure Act (HMDA) data as well as interviews with loan counselors, real estate agents, and lenders.

The report found that there were racial and ethnic disparities when lending data were evaluated in terms of applicant group, place and institution. Key findings included the following:

- Applicant group – Black and Latino applicants were more likely to be denied loans or be given higher rate loans than White or Asian applicants
- Place – Areas where conventional loans were most readily available were overwhelmingly White while predominantly Black and Latino areas received the lowest rates of lending
- Institution – Most of the lenders who survived the housing crash operated primarily in the top cluster communities which were predominantly White

In analyzing these results, the report identified a variety of factors – national, institutional and individual - that could have influenced them, including:

1. General tightening of credit following the crash
2. Unintended consequences of financial reform which led to more restrictive lending standards
3. Lingering effects of subprime lending which impacted market conditions in certain neighborhoods
4. Past housing discrimination and patterns of segregation which have led to a racially and ethnically segmented housing market
5. The FHA dual market which can increase costs for homebuyers in certain neighborhoods
6. Underwriting policies and products which have tightened credit availability
7. Unfair lending possibly leading to discriminatory practices and redlining
8. Household financial stress, shifting preferences and greater financial literacy, dampening consumer demand

Various analyses of lending and demographic data for Long Island have documented the correspondence between areas of high-rate lending and foreclosures and the location of communities in Nassau and Suffolk Counties with majority Black and Latino populations. The core data utilized for the Hofstra study came from the Home Mortgage Disclosure Act (HMDA) data for 2005 to 2012. These data were analyzed in several different ways and were

supplemented with interviews of people in the real estate and lending industries. The key findings of these combined analyses are summarized below.

Between 2005 and 2012, mortgage lending dropped significantly across Long Island, with originations declining from 37,000 to 16,000 annually. The negative effect on Black and Latino households, however, was substantially greater. Between 2005 and 2007, originations to Black/African American borrowers fell by approximately 54% and originations to Hispanic borrowers fell by over 60%. This is compared to the approximately 31% drop in originations to White borrowers. In addition, the data show that these groups are more often denied loans; the denial rate is close to 25% for Hispanic borrowers and approximately 29% for Black/African American. White applicants are denied approximately 13%, or about half of the time. Relatedly, Black and Latino households are approved for a larger number of expensive FHA-insured loans, likely due in part to their higher denial rates for conventional loans.

To better understand the reasons behind these trends, additional analyses of homeowner application information were performed. The results suggested that there are tendencies in the Long Island mortgage market that warrant further examination to determine how they relate to ethnic and racial characteristics of households and communities. For example, in analyzing loan denials, the data indicated that Blacks and Latinos were more likely than Whites to receive denials, even controlling for financial circumstances. However, additional analyses would be needed to determine if other factors such as credit scores influenced these lending patterns.

It was also found that the extent of minority population within a community was significantly related to loan denials. The details of these denials, however, also need to be examined further to determine conclusively whether or not racial and ethnic factors played a role in the lending institutions' decisions. Overall, analysis of demographic data for individuals and communities pointed out the potential role of racial factors in lending practices. The report noted the need for additional data and analysis to further evaluate the relationship among the various factors influencing how and to whom loans are made.

Looking at mortgage loans by place on Long Island, the report found that there is significant variation in the rate at which mortgages are made, with some communities having substantially more originations relative to the size of their housing stock than others. In the bottom cluster of communities, demographic data shows much lower incomes and higher proportions of Black and Latino population. In addition, the minority areas tend to have much higher proportions of FHA-insured mortgages; more than half in most such neighborhoods. These are the same areas in which subprime lending took place during the mid-2000s. The FHA lending pattern raises a concern because such mortgages are typically more expensive than conventional loans.

In summary, the report found that "racial disparities exist at the individual and neighborhood levels on Long Island." However, it also noted the difficulties involved in trying to accurately identify which factors cause these disparities due to the limitations of the HMDA data. Moreover, "rapid shifts in the lending environment have also made it more difficult to interpret quantitative data and place it within a policy context." Nonetheless, the eight factors listed above are among those that appear to play important roles in determining mortgage lending patterns on Long Island.

The report concluded with a set of recommendations to ensure equal credit access for all residents. These include actions at the federal, regional, institutional and individual levels, such as:

- Strengthen federal protections for borrowers
- Expand data collection efforts to enable more thorough analyses of lending patterns
- Have lenders participate in efforts to reduce foreclosures and to make foreclosed homes available to local purchasers
- Expand affirmative marketing efforts in communities with much lower incomes and higher proportions of Black and Latino population.
- Expand first-time homeowner counseling programs and fair housing enforcement efforts in tandem.

Actions to Overcome Impediment #2 – Lending Policies, Practices and Disparities

Adding to the challenges of significant increases to the cost of housing, in 2007 the United States economy slid into a recession, resulting in skyrocketing rates of unemployment and foreclosures. This led to even greater challenges for Nassau County residents. While the economy is improving, the County still faces strains from high taxes, utility costs and interest rates, thereby maintaining demand for subsidized housing. Discriminatory lending practices and predatory lending locally, regionally, and nationally resulted and continues to result in serious short- and long-term fair housing impacts. HMDA reports find that there were racial and ethnic disparities when lending data were evaluated in terms of applicant group, place and institution.

Predatory lenders, home improvement scams, and fraudulent house selling schemes can target properties in minority neighborhoods, people with low incomes and problematic credit histories, people of color, or people with limited English language proficiency, as well as elderly and disabled homeowners. Combating these practices is extremely difficult, as they often involve multiple real estate operators, mortgage brokers, appraisers, and lenders, making the gathering of evidence extremely complex.

Housing and Mortgage Counseling

Nassau County Home Ownership Center (“NCHOC”) is the only municipal HUD-approved housing counseling agency in New York State. NCHOC offers homeowners facing foreclosure, and in need of assistance, a newly established County hotline that will provide counseling services, including helping residents negotiate with lenders to avoid losing their homes.

Nassau County’s HUD certified housing counselors have worked closely with volunteer attorneys at the Nassau County Bar Association resulting in an initiative that won a 2009 award from New York State. This partnership involved Nassau County attorneys who donated many hours of pro bono work and demonstrated to the court as well as the residents of Nassau County the high caliber mortgage foreclosure prevention assistance available through Nassau County’s housing counselors, without any fee to Nassau County residents. Working in tandem, the housing counselors and the volunteer attorneys staff a monthly clinic and also cover court conferences mandated by New York State legislation.

Nassau County’s housing counselors assess a homeowner's financial situation, determine what options are available, and help negotiate with vendors. The counselors are familiar with the various workout arrangements that lenders will consider and will know what course of action makes the most sense for homeowners. In addition, the counselor can call the lender with homeowners or on behalf of a homeowner to discuss a workout plan. By meeting with a counselor before mortgage payments are too far behind, homeowners can protect themselves from future credit problems.

Counseling services include: Fair Housing Assistance - Home Equity Conversion Mortgage Counseling - Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Loss Mitigation - Mobility and Relocation Counseling - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Post Purchase Counseling - Predatory Lending- Renters Assistance - Services for Homeless.

Other local organizations that provide HUD approved housing counseling include Long Island Housing Services, Long Island Housing Partnership, Community Development Corporation of Long Island, La Fuerza Unida, Family and Children's Association and an assortment of not-for-profit housing counseling organizations.

Nassau County requires that all homebuyers receiving federal subsidy complete HUD approved housing counseling. Housing counselors assist the potential homebuyer in a pre-purchase (or post purchase refinancing) review of the homeowner's budget and financing for the purchase (or refinance). This policy has assisted in curbing abusive lending practices. All of these housing counseling agencies have been working closely with homeowners in trying to modify mortgages that may be in default.

Specific actions to be taken over the next five (5) year period to continue to combat these disparities in fair lending policies and practices include the following:

1. In order to educate the public about predatory lending practices, Nassau County OHCD Housing Counseling Center will attend three (3) community meetings each year over the next five years in order to increase participation in their Homeownership Counseling classes and Money 101 classes.
2. Continue to provide financial assistance to LIHS matching or exceeding current levels of \$95,000 per year (should HUD funds remain stable) which will undertake programs to conduct real estate/lending testing programs as well as assistance to homeowners facing foreclosure and to screen mortgage/foreclosure prevention clients for predatory lending abuses.
3. Nassau County OHCD Housing Counseling Center will conduct 6-10 Homebuyer Education courses each year for the next five years dependent upon need and interest. Each Homebuyer Education orientation speaks about the Fair Housing Act and the Protected Classes that are covered under the Act.
4. Nassau County OHCD Nassau County Commission on Human Rights will work with the Long Island Housing Services on at least two seminars and conferences regarding housing laws.
5. Nassau County Commission on Human Rights will attend and disseminate information at the two public hearings conducted by Nassau OHCD each program year.
6. Nassau County Commission on Human Rights will outreach to people typically targeted by predatory lending (i.e. minorities and lower-income individuals) by participating in 4-5 town hall events per year. The purpose is to disseminate and educate residents on fair housing and information on how to avoid predatory lenders.

Impediment #3 – Lack of Vacant Land and High Cost of Land

Nassau County is highly developed with little vacant or undeveloped land remaining. According to the *Long Island Index 2005*:

- Nearly two-thirds of Long Island’s land surface is developed and residential property accounts for three-quarters of this land. The percent of developed land is far greater in Nassau than in Suffolk County.
- In 2004 only 67,000 acres (10% of Long Island's total land) were left to be developed.
- By 2050, only 6,000 acres of undeveloped land will remain, in both counties, combined.

The 2010 Draft Nassau County Comprehensive Plan also documents the lack of vacant land in the County. Vacant land accounts for approximately 4 percent, or 5,700 acres, of the County’s land area. A limited supply of land and high demand result in higher land costs, particularly for undeveloped land. The purchase price for a parcel of land is often so expensive that it precludes the development of housing. Typically, increasing the number of dwelling units on a site would help to offset the high land costs. However, there are very few high-density residential sites left in Nassau County; those available are primarily due to redevelopment. Non-profit organizations typically search for ways to secure parcels of land through non-conventional sources, such as land donations made by municipalities, the county and/or the state.

Where land is available it is generally zoned to its highest and best use, which is typically commercial or residential. The limited amount of developable land restricts the construction of new, affordable rental units and affordable home ownership housing. The scarcity of land results in the construction of new units on in-fill sites or properties assembled through urban renewal and redevelopment. While this is often advantageous to help stabilize or revitalize some communities, it impedes fair housing choices by limiting the number of units that can be developed simultaneously, thus reducing the economies of scale for each project. Lack of vacant land and high cost of land typically targets the protected classes of race, color, gender, familial status, and disability because these classes tend to be associated with lower income or lower household income per person than the other protected classes.

The Fair Housing Act generally prohibits the application of special requirements through land-use regulations, restrictive covenants, and conditional or special use permits that, in effect, limit the ability of minorities or the disabled to live in the residence of their choice in the community. If large-lot minimums are prescribed, if a house must contain a certain minimum amount of square footage, or if no multi-family housing is permitted in an area, the results can exclude persons protected by the Act. If local mandates make it unfeasible to build affordable housing or impose significant obstacles, then a community must affirmatively work toward eliminating this impediment to fair housing choice. (See *Impediment #5 – Public Policy, Zoning and Local Opposition*)

The Fair Housing Act of 1968, as amended, also makes it unlawful for municipalities to utilize their governmental authority, including zoning and land use authority, to discriminate against the protected classes of race, color, national origin, creed, or religion, gender, familial status, and disability. While zoning ordinances segregate uses and make differentiations within each use classification, inclusionary zoning can also promote equality and diversity of living patterns.

On June 25, 2015, in the lawsuit entitled *Texas Department of Housing v. Inclusive Communities*, the Supreme Court held that the language of the Fair Housing Act recognizes claims of discrimination based on “disparate impact,” that is, claims brought pursuant to the Fair Housing Act can be based on assertions that a practice has a discriminatory effect even if the practice was not the result of a specific intent to discriminate. On July 8, 2015 HUD announced the release of its Affirmatively Furthering Fair Housing (AFFH) Final Rule. This rule is meant to create a more certain planning requirement to help HUD program participants achieve fair housing goals.

Nassau County looks at potential discrimination against all protected classes and disparate impacts in all of its local referrals as required by New York State General Municipal Law Section 239-m. This law requires that municipalities within Nassau County must refer all land use board applications that fall within the following categories to the Nassau County Planning Commission:

- The adoption or amendment of a comprehensive plan pursuant to section 272-A of the Town law, section 7-722 of the Village law or section 28-a of the General City law;
- The adoption or amendment of a zoning ordinance or local law
- The issuance of special permits
- The approval of site plans
- The granting of use or area variances
- The other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

If any of the actions described above fall within five hundred feet of the boundaries or right-of-ways listed below an application referral must be submitted to the Nassau County Planning Commission:

- The boundary of any city, village or town; the boundary of any existing or proposed county or state park or any other recreation area;
- The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
- The existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
- The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
- The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law, except this subparagraph shall not apply to the granting of area variances.

According to the 2008 Nassau County Comprehensive Plan update, the Planning Commission typically receives between 200 and 300 zoning referrals per month during the course of a year. While Nassau County does not control local zoning regulations or decisions because New York State is a home rule state, this process provides Nassau County the opportunity to review and provide input in the many projects that are taking place in the local municipalities.

Actions to Overcome Impediment #3 – Lack of Vacant Land and High Cost of Land

According to the Nassau County Master Plan (2008), Nassau County is a largely built-out suburban community whose primary land use is single-family residential. Land in the County is at a premium. As stated previously, vacant land accounts for approximately 4 percent, or 5,700 acres, of the County's land area.

A low inventory of developable land has limited the development of new housing stock in Nassau County. Most housing development activities include the redevelopment of obsolete or underutilized housing as well as the redevelopment of formerly commercial / industrial space into housing. The County is encouraging mixed use and mixed income housing, a variety of housing types, and reintroduction of housing as a use in downtown business districts and near public transit.

While New York State is a "home rule state" delegating authority over land use directly to local towns, cities and villages, the County continues to support affordable and fair housing opportunities by encouraging municipalities to zone for affordable housing through density bonuses; supporting applications for federal and state housing assistance; and assisting in financing low/moderate income housing projects. Incentives can be given to foster mixed-use projects or affordable housing. Incentives typically are density or height bonuses.

Nassau County can foster affordable housing construction by encouraging consortium communities to use inclusionary zoning that stipulates that developers must build a certain number of affordable units for every new market rate unit that they build.

For example, the City of Glen Cove features an Inclusionary Housing provision, which mandates affordable housing be provided in any structure with four or more residential units. Ten percent of units must be available to families with incomes no greater than 80 percent area median income (AMI), or 15 percent of units for families with incomes no greater than 100 percent AMI, or 20 percent of units to families with incomes no greater than 130 percent AMI. The inclusionary housing mandate also permits for a 10 percent density bonus for providing affordable units.

New zoning in Farmingdale includes a set aside of affordable units in multi-family and mixed use developments. The current project, "The Plaza at Farmingdale," includes developing two complexes near the railroad station. The larger parcel calls for the construction of 115 apartments, 13,200 square feet of retail space and underground parking. The smaller parcel will include 6,200 square feet of retail space and 39 apartments. A third development currently under construction on Main Street will add 26 residential units and 3,100 square feet of retail space in the heart of Farmingdale Village's downtown. This site is also in walking distance of the Village's LIRR station.

The following lists the specific steps Nassau County can implement over the next five year period to overcome the impediment to fair housing:

1. Nassau County Office of Real Estate will identify county owned vacant parcels that may be available for future development as multi-family housing. As Nassau County

has identified a vendor to assist with this project, it is anticipated that the project will come to fruition during PY2017. Nassau County OHCD will make every effort to assist development projects with CDBG or HOME funds in order to address affordability.

2. Nassau County OHCD will solicit and prioritize CDBG and HOME applications that address re-purpose and re-use of properties in Nassau County for affordable housing. Nassau County OHCD will conduct 1-2 training sessions prior to the beginning of each program year for consortium members. The purpose of which is to discuss how to best utilize CDBG and HOME funds for affordable housing projects.
3. Continue to use/re-use land for Brownfield remediation, under-developed, under-utilized, and in-fill sites for the construction of affordable housing. The goal is to remediate 5 acres with \$607,000 of CDBG funds as identified in the in the 2015-2019 Five Year Consolidated Plan and Annual Action Plan found in Table O-5 of Appendix O.

In 2016 the Nassau County Office of Housing and Community Development will endeavor to meet with the County Planning Commission and Industrial Development Agency as well as other sources of development financing and incentives to compile a summary of such resources that may be used to overcome this impediment. In 2017 this information will be compiled into a written guide book that will be distributed throughout the County.

Impediment #4 – Limited Availability of Funds

There is strong competition for available affordable housing dollars. County CDBG and HOME funds are limited, and there are often more requests for funding than monies available. Other federal and state funds are limited including the Emergency Solutions Grants (ESG) program that funds homelessness programs. Not-for-profit and for-profit developers seeking to build affordable housing are all competing for the same limited pool of funds.

The vast majority (more than 80%) of funds received by Nassau from HUD is not just for integrative housing, but for all community development activities of which integrated housing is just one. For example, the HUD Program funds provided to Nassau for the most recent calendar year were split with \$12.8 million allocated to the CDBG Program and \$1.8 million to the HOME program (which is the sole program that provides for the building of new affordable housing).

Further, Nassau has received few applications to build affordable housing in areas without low and moderate income minority population concentrations and when it has received eligible applications, the funding has been approved. The amount of HUD Program funds that Nassau can use to subsidize the building of affordable housing is limited by HUD. The current limit on the amount of the subsidy that can be provided is set forth by HUD under 24 CFR § 92.250. The subsidy required to build affordable housing in areas without low and moderate income minority population concentrations frequently exceeds the statutory amount that HUD allows. That being stated, Nassau County continues to strive to identify opportunities to support affordable housing development in high opportunity areas.

Actions to Overcome Impediment #4 – Limited Availability of Funds

The County continues to provide financial assistance to Long Island Housing Services (LIHS). In addition to the Nassau County agencies (NCHOC and NC OHCD), LIHS provides various services including fair housing counseling, training, and other valuable services which help to allay housing discrimination within the County including; fair housing services to County residents including mortgage counseling, landlord tenant mediation and discrimination testing. LIHS reports that it has assisted an estimated to 2,000 individuals annually.

However, the HUD Formula Funding Programs have been slated for elimination over the last several budget cycles resulting in budget cuts. In response, Nassau County OHCD has been working with local municipalities and non-profit organizations on identifying other sources of financing to leverage diminishing grant funds.

The County has utilized both public and private funds in order to carry out activities set forth in the County's Consolidated Plan. This funding was provided by: NYS Affordable Housing Corporation, NYS DHCR Housing Trust Fund, Federal Low Income Housing Tax Credit Program, HUD Super NOFA Supportive Housing funds, private bank financing, private contributions/donations of funds or property. Nassau County general fund resources are used to assist in the County's "Community Revitalization Program (CRP)" initiative and County DPW resources are used to improve downtown areas and address livability issues such as accessibility, traffic calming and provision of trees. Nassau County also subsidizes the Nassau Inter-County Express (NICE) bus system which expands transportation options for low and moderate income County residents.

The County encourages the development of projects that leverage a wide variety of funds including other federal and state grant programs including low income housing tax credits and tax exempt bonds as an action to addressing inconsistent funding and current funding levels. Nonprofit service providers may also apply to foundations and other nongovernmental sources for project funding.

The following lists the specific steps Nassau County can implement over the next five year period to overcome the limited availability of funds impediment to fair housing:

1. NC OHCD will hold two public hearings per year to among other things, encourage the use of CDBG and HOME dollars for affordable housing purposes. The public, consortium members, attorneys, developers, fair housing advocates, government entities and non-profit organizations will be invited and encouraged to provide input into fair housing initiatives and apply for funding to further those initiatives.
2. Starting in PY 2017 NC OHCD will establish a special set aside of up to 7.5% of HUD funds specifically for affordable housing purposes.
3. Continue to provide financial assistance to LIHS matching or exceeding current levels of \$95,000 per year (should HUD funds remain stable)
4. Undertake the goals of housing units rehabilitated, retained, and units created by

these programs as identified in the 2015-2019 Five Year Consolidated Plan and Annual Action Plan in Table O-5 of Appendix O.

5. Work to increase the number of emergency, transitional and permanent housing units through housing support services and homelessness prevention programs with the goal of matching or exceeding 15,250 persons assisted as identified in the 2015-2019 Five Year Consolidated Plan and Annual Action Plan found in Table O-5 of Appendix O.
6. NC OHDC will actively participate in the National Association of County Community and Economic Development (NACCED) which helps counties to professionally administer federally-funded affordable housing, community development, and economic development programs that benefit their low- and moderate-income households and who advocates for federal housing progress.

Impediment #5 – Public Policy, Zoning and Local Opposition

New York State is a “home rule state” delegating authority over land use directly to local towns, cities and villages. In Nassau County, there are 67 separate local municipalities governing land use within their towns (unincorporated areas), villages, or cities. Applications for a change of zone, a special use permit, or for a variance requires approvals at a local level. Each municipality establishes its own area regulations, including height and density and each municipality establishes its own procedures for approvals and review.

While Nassau County has no legal authority to amend the zoning laws or to directly alter the local public policy of Consortium members, Nassau has taken several steps to encourage Consortium members to allow multi-family housing and to affirmatively further fair housing. These actions have included hosting workshops and consortium meetings on the subject of fair housing, and holding individual meetings with consortium members to discuss the use of CDBG and HOME funds to assist with the development of multi-family housing. These efforts have demonstrated positive conclusions regarding affordable fair housing.

Among other things, Nassau County residents are concerned about traffic congestion, high taxes, environmental issues, and water quality impacting their quality of life. New housing development often raises concerns about the impact on both traffic and school taxes. Multifamily housing is often perceived as having a more severe impact on a community in terms of creating additional traffic and adding more children to the school district.

Development of group homes, meaning housing occupied by groups of unrelated individuals with disabilities, may also be strenuously opposed by neighborhoods throughout the County. Group homes cannot be treated less favorably by local land use policies or actions than groups of non-disabled persons living together and reasonable accommodations in land use and zoning policies and procedures, where necessary to afford groups of persons with disabilities the opportunities to use and enjoy housing, must be made.

A substantial majority of Long Islanders (76%) support the construction of affordable housing on former industrial, commercial, and government properties. 70% support requiring developers to include a minimum of 10% affordable housing units in new developments of five houses or more.³

A Vision Long Island newsletter (dated June 10, 2016) states that opposition to downtown projects is “at an all-time low”:

Challenges exist - there are still delays that occur with development on LI compared to other regions. We still need more rental units and downtown housing stock, which Vision has made part of our mission over the last 19 years to address. There are numerous regulatory hurdles and general anti-small business climate in NYS.

³ Ibid.

The good news is that numerous municipalities have approved downtown and Transit Oriented Development projects. In a review of the project hearings over the last four years, here are the results:

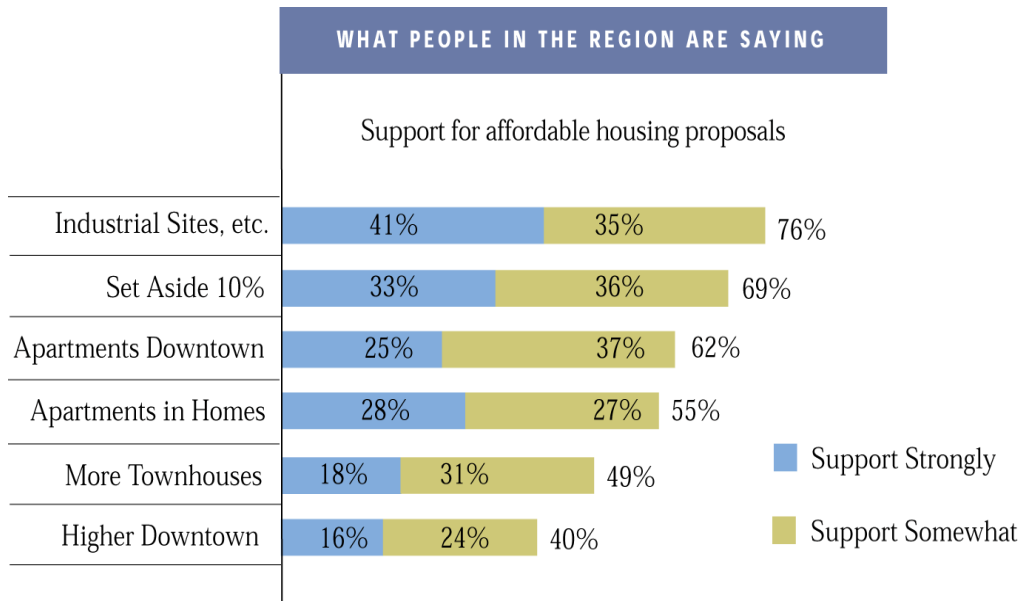
63 project hearings in 35 communities; 50 projects had more support than opposition and were approved; 1 had more support than opposition and is pending final approval; 7 had more opposition than support and were approved; 4 had more opposition than support and were denied or withdrawn; 1 had more opposition than support and is pending final approval.

Vision board, staff and community partners have been represented at the above hearings and along with the public records, minutes and recorded votes can attest to the shift in support.

What should also be clear to critics of the pace of change and local land use control is that the bulk of the downtown redevelopment projects underway are initialized and advancing - at the request of the community. There are roughly 100 downtown business districts on LI - 60 have community driven downtown plans and 40 of those are actively approving projects. Granted there are still 40 business districts that have not shown any effort to revitalize and maybe that is why some folks are frustrated in some roundabout way.

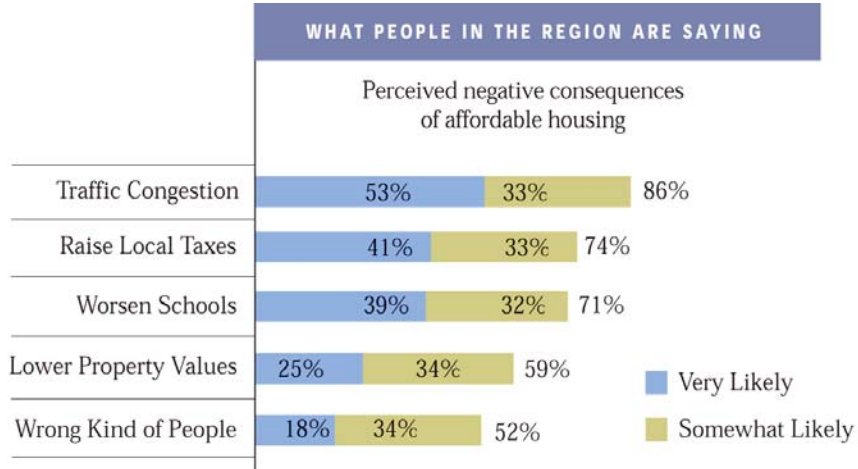
Most folks now know not to call community and local business leaders, who appropriately question and influence their duly elected Villages and Town officials, names like NIMBYs. Dehumanizing real people does absolutely nothing to bridge the gap between pro redevelopment goals and real community concerns. In fact these types of approaches only widen a divide that still exists between regional interests and local communities.

What we have said for many years is the best way to advance change in local communities is to stop the regional critique and get off the sidelines, engage with a local civic, chamber or municipality which is happening in spades. So let's take a moment to thank the folks that are making our downtowns better you know you are deeply appreciated and making a huge difference in communities across Long Island as the results speak for themselves.



Source: *Long Island Index*, 2005.

Smaller majorities support policies to increase the availability of rental units, either by building in downtown shopping areas and near train stations and bus terminals (62%) or by easing restrictions on rental apartments in single-family homes (55%).⁴



Source: *Long Island Index*, 2005.

“Another presumed obstacle to affordable housing is the belief that residents will support programs if they are located elsewhere on the Island, but not in their own backyard (NIMBYism-“Not In My Backyard”). Poll results reveal that this obstacle, too, has been overestimated.”⁵

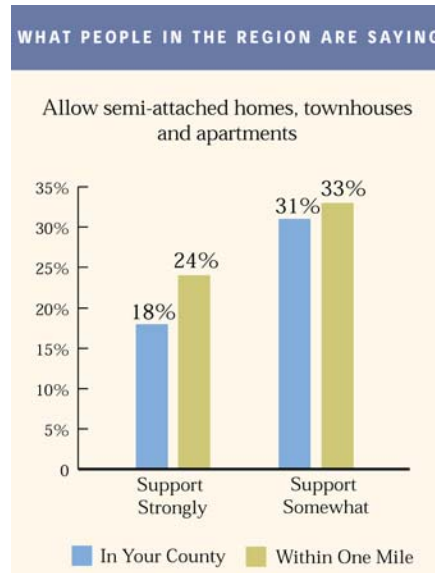
⁴ Ibid.

⁵ Source: *Long Island Index*, 2005. P. 19.

Support for affordable housing units remains strong, even when respondents were asked if they would support the construction of such project within one mile of their homes.⁶



Source: *Long Island Index*, 2005.



Source: *Long Island Index*, 2005.

⁶ Ibid.
 Nassau County
 Urban County Consortium

Existing Public Housing

Within Nassau County, there are nine public housing authorities with a total of 3,749 public housing units.

Table 13
Public Housing Units by Public Housing Authority

Public Housing Authority	Number of Units
City of Glen Cove	212
City of Long Beach	374
Town of Hempstead	1,309
Town of North Hempstead	186
Town of Oyster Bay	911
Village of Freeport	351
Village of Great Neck	75
Village of Hempstead	281
Village of Rockville Centre	50
Total	3,749

Source: Nassau County Office of Housing and Community Development
Data Source: Housing Authorities within Nassau County, 2015

Unfortunately, much of the affordable housing inventory has deteriorated over time due to insufficient HUD public housing modernization funding. Some of the earliest developed public housing units are unattractive institutional buildings. The poor maintenance of these units has led to further public concern about the development of additional affordable housing units.

The redevelopment and preservation of these affordable units are critical both in terms of providing quality housing and for public acceptance of new construction of affordable housing. The County is working closely with public housing authorities to rehabilitate and expand housing opportunities for income eligible families. For example, in Rockville Centre, North Hempstead and Hempstead Village, obsolete public housing units have been privatized as tax credit developments, with Nassau County contributing HOME funding.

First-Time Homebuyer Downpayment Assistance Program

Nassau County has expanded housing opportunities for low and moderate income first time homebuyers through the First-Time Homebuyer Downpayment Assistance Program. This program provides first-time homebuyers with grants ranging from \$15,000 to \$25,000 for downpayment and closing costs. Homebuyers may buy a home in any community in Nassau County. Program participants are also provided eight hours of HUD approved housing counseling. During the period 1994-2015, the First-Time Homebuyer Downpayment Assistance Program has assisted 762 families to purchase a home. The communities where homebuyers have found homes are listed in the following table.

Table 14
First-Time Homebuyer Downpayment Assistance Homes Purchased

<u>Hamlet/Village</u>	<u># of Homes Purchased</u>
Baldwin	18
Baldwin Harbor	1
Bayville	4
Bellerose	1
Bellmore	9
Bethpage	10
Cedarhurst	1
East Massapequa	5
East Meadow	10
East Norwich	1
East Rockaway	12
Elmont	34
Farmingdale	21
Floral Park	3
Franklin Square	6
Freeport	83
Garden City	1
Glen Cove	11
Great Neck	4
Hempstead	94
Hewlett	1
Hicksville	23
Inwood	10
Island Park	7
Lawrence	1
Levittown	56
Locust Valley	1
Long Beach	21
Lynbrook	9
Malverne	5
Massapequa	21
Massapequa Park	4
Merrick	7
Mineola	13
North Baldwin	7
North Bellmore	4
North Massapequa	2
North Merrick	2
Oceanside	11
Oyster Bay	2
Plainview	2
Port Washington	1
Rockville Centre	9
Roosevelt	57
Roslyn	1
Roslyn Heights	2

Seaford South	3
Farmingdale	1
South Floral Park	1
South Hempstead	7
Uniondale	46
Valley Stream	46
Wantagh	5
West Hempstead	29
Westbury	16
Grand Total	762

Source: Nassau County Office of Housing and Community Development

The following table provides a summary of first-Time Homebuyer Downpayment Assistance Program beneficiaries by race.

Table 15
Nassau County
First-Time Homebuyer Downpayment Assistance Program
Summary of Beneficiaries (1994-2015)

Race		Percent
White	335	43.8%
Black/African American	279	36.5%
Asian	26	3.4%
American Indian/Alaskan	2	0.3%
Hawaiian/ Pacific Islander	5	0.7%
American Indian or Alaskan & White	0	0.0%
Asian & White	0	0.0%
Black/ African American & White	0	0.0%
American Indian or Alaskan & Black	0	0.0%
Other Mixed	110	14.4%
Hispanic*	50	6.5%
No Report	7	0.9%
Total	764	100%

Source: Nassau County Office of Housing and Community Development

*The category of "Hispanic" is an ethnicity, not a race. To ensure against double counting the total column includes the totals reported by race.

Zoning and Land Use Policy

Nassau County examines the local zoning and public policies of Consortium communities to determine whether zoning and public policies represent an impediment to fair housing. It is important to consider as part of this analysis that, while it might be easier to achieve affordability with greater density in housing, multi-family housing and affordable housing are not always synonymous.

To be accurate, it is not enough to equate multi-family residential zoning with affirmatively furthering fair housing. In addition to multi-family zoning, two family zoning, cluster zoning, accessory apartments, etc. all provide opportunities for housing choice and can improve housing affordability. It is necessary, therefore, to comprehensively assess local zoning ordinances to determine whether the zoning utilizes other techniques to achieve affordable and inclusionary multi-family housing. Zoning techniques other than multi-family residential zoning can help achieve diverse and inclusionary housing opportunities, particularly in older, built-up communities where there is little, if any, land available for new development. For example, many business districts allow for multi-family housing. The assessment that follows examines the local zoning and land use development policies for Consortium communities and identifies those communities that utilize other techniques such as two family zoning, cluster zoning, and accessory apartments to achieve meaningful opportunities for the creation of affordable and inclusionary multi-family housing.

Detailed Zoning Analysis

For the purposes of this AI, the Nassau County OHCD has undertaken a detailed review and analysis of zoning and land use for every individual consortium community. The detailed zoning analysis is included in this AI as Appendix P. The following is a description of the methodology that has been employed to undertake the zoning analysis and provide the information in this AI:

1. The most recent zoning map for each individual consortium community was obtained and is provided in the AI. These individual consortium community **Zoning maps** have not been altered or manipulated in any way.
2. For the next step in the Detailed Zoning Analysis, the 31 separate zoning maps were digitized using GIS to assist in the analysis.
3. For comparison purposes, zones for all consortium communities were mapped and labeled with generalized categories to create commonalities throughout the consortium (**Generalized Zoning map**). A Generalized Zoning map has been created for each individual consortium community to facilitate the detailed zoning analysis.

Each consortium community has its own unique zoning ordinance with varying zoning districts. Therefore, there is not uniformity across communities in the definitions of specific zoning terms and districts. For example, a single-family district in one community permits no accessory housing, while a single-family district in another community permits accessory housing that could be rented to a non-related household, in essence, creating a two-family home. While these districts are both labeled as single-family, the latter provides housing opportunities that the former does not. In order to provide a clearer understanding of the issues and opportunities present in these communities, the zoning districts within each community were simplified and labeled as these four generalized residential categories:

- Single-family residences (including some districts which permit accessory apartments than can only be rented to blood-relatives),
- Two-family residences (including some single-family districts which permit accessory apartments than can be rented to anyone),

- Three or more family residences (multi-family residences),
 - All non-residential zones where residential uses are not permitted (including all municipal variations of commercial or business, industrial/manufacturing, community/public facilities, parks/open space, and parking districts).
4. Maps illustrating areas with concentrations of African-American populations (with concentrations defined as areas where the percentage of African-Americans is higher than the percentage of African-Americans at the County level) were created. These maps also illustrated the areas where families are earning at or below the County median income. These maps were both layered on top of Generalized Zoning maps to create a map showing areas with concentrations of African-Americans with low/moderate income in relation to zoning. This analysis was also done in separate maps to depict low/moderate income Hispanic concentrations. These Low/Moderate Income and African-American or Hispanic Concentrations with Generalized Zoning maps were created for each consortium community so that the communities can be analyzed parallel to each other to determine if zoning district boundaries have dictated racial residential patterns and if racial residential patterns have any correlation to the density of residential zoning.

It must be noted that Census data provided on the maps in the zoning analysis is based on census block group areas while zoning areas do not follow census boundaries. As a result, census block group data for population may be mapped in an area that does not permit any residential use if a portion of the census block group does permit residential use.

This zoning analysis examines zoning and residential land use patterns. The purpose of the zoning analysis is to determine whether there is a correlation between low/moderate income minority residential patterns and residential zoning. This is not a housing affordability study.

The conclusions and findings of the detailed zoning analysis for each of the 32 consortium communities is clear and consistent in that there does not appear to be a correlation between residential zoning and either low/moderate income minority residential patterns or low/mod income non-minority residential patterns.

Please see AI Appendix P for the complete zoning analysis.

Impediment #6 – Limited Non-Profit Capacity

Numerous entities, programs, and activities impact fair housing choice in Nassau County. In particular, these entities provide services involving advocacy, education, enforcement, housing, and the like. Of paramount importance is their effect on fair housing choice in Nassau County. Typically, not-for-profits are the most active in the creation of new, affordable housing. Furthermore, a majority of the not-for-profits' clientele falls within one or more than one protected class established in the Fair Housing Act. However, several Nassau County not-for-profits do not have the staff, financial or technical resources to undertake numerous projects; they are often run by volunteer boards or one hired staff person. Many of the different funding sources that support not-for-profit programs do not fund current staff salaries or the hiring of additional staff to handle the technical or administrative work associated with not-for-profit programs. In addition, the amount of funding available has been decreased which limits the financial resources available to the not-for-profits. With such scarce resources, these organizations are often limited in what they can successfully accomplish and the number of people they can serve. The not-for-profits have, however, worked closely with Nassau County in its adoption of fair housing legislation.

The HOME Investment Partnerships (HOME) Program regulations require that participating jurisdictions, such as Nassau County, "reserve not less than 15 percent of the HOME allocation for investment only in housing to be owned, developed or sponsored by community housing development organizations." (24 CFR92.300) Nassau County has few community-based community housing development organizations that have the required experience and capacity to meet the expanded requirements contained in the new HOME Final Rule published in July of 2013. The changes that have most impacted the ability of local non-profits to qualify as CHDOs and thus gain access to the coveted CHDO set-aside funding, include the requirement that organizations have "paid employee staff with housing development experience" and the additional considerations that govern when HOME funds may be committed to a HOME project.

Actions to Overcome Impediment #6 – Limited Non-Profit Capacity

Nassau County Technical Assistance Program:

Nassau County OHCD has a technical assistance contract with National Development Council. NDC helps the County provide technical assistance to the County, local municipalities and non-profit organizations. This includes direct project related financing assistance, underwriting review, and training programs.

The National Development Council (NDC) is one of the oldest national non-profit community and economic development organizations in the U.S. It was founded in 1969 with one purpose: increasing the flow of capital for investment, jobs and community development to underserved urban and rural areas across the country.

NDC provides technical assistance, professional training, and investment in affordable housing, small business credit and direct developer services. NDC's core service is Technical Assistance (TA) working with Nassau County to take their community development strategies from plan to reality including: professional training; project financing and direct developer services; equity for affordable housing; and small business lending.

NDC's professional training provides a range of structured, rigorous courses in economic development, housing development and community development finance for development practitioners. NDC offers professional certification programs in both economic development and housing development.

Project financing and direct developer services are provided by NDC Housing and Economic Development Corporation (HEDC), NDC's development arm. HEDC develops affordable housing and other community development projects that cannot feasibly be carried out by private, for-profit developers, as well as public facilities using innovative financing and development techniques. Equity for affordable housing is provided by NDC Corporate Equity Fund (CEF) using Federal Low Income Housing Tax Credits.

Small business lending is the job of NDC's Grow America Fund (GAF). GAF operates as a community development bank, providing SBA-guaranteed credit within participating communities throughout the U.S.

Long Island Housing Partnership Technical Assistance Program:

The Long Island Housing Partnership, Inc. provides technical assistance to community based not-for-profits. The purpose of this program is to empower the community based not-for-profit by preparing it to successfully develop housing in its community and to take the successful experience and apply it through the community in future programs. LIHP also assists for-profit developers to create affordable rental and ownership opportunities.

Education: LIHP holds educational seminar(s) for Not-For Profit and/or community based organizations describing pre-development and development stages and conducts mortgage counseling seminars for home buyers and/or tenant responsibility workshops for renters.

Financing: LIHP assists with accessing financing through its Regional Lending Consortium, a group of LIHP banks that will participate in affordable housing lending, as well as through securing available public funding (see grant assistance).

Grant Assistance: LIHP prepares governmental and private-sector funding application(s) (e.g. NYSAHC, DHCR, HDF, LIHTC, Federal Home Programs, Federal Home Loan Bank, etc.). The Not-For-Profit acts as applicant, executes the grant/loan agreement(s) and assumes responsibility for compliance. LIHP assists in preparation of exhibits for grant/loan agreement(s). LIHP also instructs Not-For-Profit in monitoring of grant and compliance requirements.

Marketing/Advertising/Pre-Screening: LIHP assists in marketing, pre-screening applicants, organizing and conducting lotteries, as well as preparing program application and advertising.

Legal: LIHP's attorney will assist the Not-For-Profit's attorney with the legal process throughout development. LIHP's attorney will assist the Not-For-Profit's attorney in preparation of purchase contracts and/or rental agreements.

Administration: LIHP assists in administration of funds/financing as required and assists in forming administrative and management teams.

Development/Municipal Approval: LIHP assembles a pre-development team, advises and assists with securing necessary municipal approvals and permits, assists in solicitation and selection of a builder and assists in monitoring construction and assists the builder in obtaining a Certificate of Occupancy. (For further information see www.lihp.org).

Other Actions to Overcome Limited Non-Profit Capacity

To further address the limited non-profit capacity, Nassau County will continue to encourage the development of projects that leverage a variety of funding sources including private, public and other non-profits. Nassau County will also encourage the utilization of foundations and other non-governmental sources for project funding.

As noted, the HOME Program regulations require that participating jurisdictions, such as Nassau County, “reserve not less than 15 percent of the HOME allocation for investment only in housing to be owned, developed or sponsored by community housing development organizations” (CHDOs). Nassau County OHCD assists local community-based non-profit organizations in the CHDO qualification process and prioritizes funding applications received from CHDOs for approval. The County has provided HOME funds to eight (8) different CHDOs during the past ten years to assist them in carrying out affordable housing activities. But the new HOME requirements have made this more difficult.

In the HOME Final Rule published in July 2013, HUD acknowledged that the proposed changes would impact a participating jurisdiction’s ability to effectively allocate and utilize CHDO set-aside funds. Under the “Discussion of Public Comments and HUD Responses” section HUD wrote:

HUD acknowledges the concerns raised by commenters and understands that the adoption of these provisions will result in changes to the manner in which CHDOs have operated to date. HUD recognizes that, with these changes in place, some current CHDOs will be unable to meet the new requirements for CHDO designation, and therefore will not receive additional CHDO set-aside

funds. Additionally, HUD understands that because of these changes, in some participating jurisdictions, CHDO set-aside funds may be deobligated due to a lack of qualified CHDOs.

The most significant change that has hampered local non-profit organizations from qualifying as CHDOs is the requirement that the “organization must have paid employee staff with housing development experience in order to be designated as a CHDO”. The new Final Rule no longer allows the organization to fulfill the demonstrated capacity requirement “through the use of volunteers or staff donated by another organization” or through the use of consultants. Related requirements affecting health care costs and other benefits have made it difficult for some organizations to designate paid staff to CHDOs without incurring additional costs. Thus the County is experiencing a drop in the number of HOME funding applications from qualified CHDOs.

The NC OHCD extensively utilizes the HUD Exchange website for trainings, webinars, current HUD news, and notices. HUD trainings for the Final HOME Rule and new CHDO requirements are actively sought out and attended by NC OHCD employees and consortium members. Training opportunities are broadcast to active non-profit housing providers and developers and several current and prospective CHDO organizations have attended training sessions sponsored by both NC OHCD and HUD to improve their development capacity. Training not only improves program compliance, but also improves the capacity of non-profit staff to undertake projects. NC OHCD anticipates continuing its training programs as part of its overall program administration. It will also seek to meet individually with organizations who have received CHDO funds in the recent past to assess their current capacity and ability to actively participate in the HOME Program as a CHDO. These meetings will take place during PY2015 and early 2016 and a plan to address any identified weaknesses will be established.

Impediment #7 – High Construction Cost Area and High Property Tax Burden

High Construction Cost Area

An obstacle common to all Nassau communities is the high cost of construction. Nassau County as a whole has been designated a high construction cost area by HUD.

Factors that contribute to the high cost of housing and/or land include: lack of suitable undeveloped land, high land and construction costs, high property tax burden (especially on low- and moderate-income households), and high homeownership and rental costs.

- *Lack of suitable undeveloped land* – Much of Nassau County is primarily developed, with little suitable undeveloped land remaining (some of the remaining undeveloped land contains environmentally-sensitive resources). The result is that it is challenging not only to construct affordable units, but housing in general.
- *High land and construction costs* – The relatively limited supply of land and the high demand for new housing with convenient access to public transit and jobs, results in higher land costs, particularly for suitable undeveloped land. Further, an obstacle common to all communities on Long Island is the high cost of construction. Nassau County as a whole has been designated a high construction cost area by HUD. The increased cost of development in Nassau County results in higher per unit costs and, therefore, limits the opportunities for construction of affordable housing units.
- *High property tax burden* – According to the New York State Commission on Property Tax Relief, New York State has the highest local taxes in America (78 percent above the national average). Property taxes account for most of the local taxes levied outside of New York City, especially school taxes. In some Nassau County communities, school taxes, represent as much as 65 percent of local taxes. Because high taxes reduce the net income a family has to spend toward mortgage principal and interest, families may have to limit their choices of housing, especially low- and moderate-income working families, and seniors on fixed incomes. In addition, high property taxes often result in higher area rents, since landlords need higher rents in order to pay their fixed costs.

High homeownership and rental costs – The Nassau-Suffolk MSA has one of the highest median family incomes in the State. Consequently, many Nassau County communities have some of the highest median home values in New York State. The high price of homes, even those considered “starter” homes, is a substantial impediment to homeownership. Rents throughout Nassau County are also very high. High rental costs severely limit housing choice for families of low- and moderate-incomes, including families with children, the elderly, and young adults who grew up in the region. Housing characteristics that are associated with instability and an increased risk of homelessness include the increase of housing market prices and lack of financial assistance to owners experiencing financial issues. Marginally housed populations, such as veterans and other at-risk individuals, live with family, friends, or “doubled up”. Some of these living conditions lead to overcrowding and unsafe environments. Individuals who live in these temporary housing conditions increase their risk of becoming homeless.

The lack of available developable land drives up land costs. As a result, high costs of land reduces the number of projects that Nassau County can fund. These projects would typically house residents that would fall within one or more of the Fair Housing Act’s protected classes. In addition, some projects are unable to obtain all of the necessary funding to allow a project to come to realization due to the fact that the funding is limited and even with public and private investments, land and construction costs exceed the available finances for the project. As a consequence, it is harder to create new affordable housing projects that serve populations which fall within one or more than one of the Fair Housing Act’s protected classes.

Actions to Overcome Impediment #7 – High Construction Cost Area and High Property Tax Burden

HUD has designated Nassau County as a high construction cost area. As a result, Nassau County is designated as a Difficult to Develop Area which results in low income housing tax credit projects receiving a 30% boost in credit.

Nassau County IDA developed a special Payment in Lieu of Tax (PILOT) policy for affordable rental housing. This tax policy provides a PILOT of 10% of gross shelter rents during the term of the tax exempt bonds. The IDA provides this PILOT for both IDA issued tax exempt bonds as well as for NYS Housing Finance Agency issued tax exempt bonds.

In addition, Nassau County adopted the New York State First Time Homebuyers property tax exemption which provides a limited tax exemption for first time homebuyers.

Nassau County settled a lawsuit on disparities in real property tax assessments. As a result, the County Assessor publishes a new tentative and final tax roll for all real property each year based on fair market value. However, the largest burden on property owners is school district taxes which constitute approximately 60% of a home's property tax burden. School districts with little commercial tax base have a higher tax burden than districts with a healthy commercial tax base.

Nassau County Department of Planning will continue to advocate for sustainable development that decreases development costs. An approach to achieve sustainable development that was identified as part of the New York and Connecticut Sustainable Communities Implementation Plan is to reduce overall construction costs by assembling multiple sites to package to developers through a competitive RFP process.

The Nassau Continuum of Care group utilizes HUD SHP funds on behalf of Nassau County service providers and housing developers for both the acquisition and rehabilitation of scattered site housing for both transitional and permanent housing for the homeless and special needs homeless.

Other Actions to Overcome High Construction Cost Area and High Property Tax Burden

Specific actions to be taken over the next five (5) year period to continue to combat high construction costs and high property tax burden include the following:

1. Assist in the financing of affordable and homelessness housing projects, and increase the supply of affordable rental units including:
 - a. Matching or exceeding 15,250 persons assisted with emergency, transitional and permanent housing units through housing support services and homelessness prevention programs as identified in the 2015-2019 Five Year Consolidated Plan and Annual Action Plan found in Table O-5 of Appendix O.
 - b. Undertake expansion and production of new owner and rental housing for low to moderate income households with a goal of matching or exceeding 115 new units as identified in the 2015-2019 Five Year Consolidated Plan and Annual Action Plan found in Table O-5 of Appendix O.
2. Use/re-use land for Brownfield remediation, under-developed, under-utilized, and in-fill sites for the construction of affordable housing. The goal is to remediate 5 acres with

\$607,000 of CDBG funds as identified in the 2015-2019 Five Year Consolidated Plan and Annual Action Plan found in Table O-5 of Appendix O.

3. Prioritize affordable housing projects in areas that are identified as High Opportunity Areas.
4. Prioritize affordable housing projects serving populations identified as having a high cost burden, specifically, elderly, physically disabled, and the growing disabled population with non-physical disabilities.
5. NC OHCD will hold two public hearing per year to among other things, encourage the use of CDBG and HOME dollars for affordable housing purposes. The public, consortium members, attorneys, developers, fair housing advocates, government entities and non-profit organizations will be invited and encouraged to provide input into fair housing initiatives and apply for funding to further those initiatives.
6. Starting in PY 2016 NC OHCD will establish a special set aside of up to 5% of HUD funds specifically for affordable housing allocation.

Impediment #8 – Abandoned / Deteriorated Housing

Older, deteriorated neighborhoods are generally more affordable because these homes tend to have a lower market value than newer, well maintained homes. Often, older housing stock does not attract those families with the greater economic means necessary to maintain or upgrade homes. These neighborhoods generally suffer in appearance and do not have the physical amenities of newer neighborhoods that make it easier for disabled and senior residents to reside in. The sidewalks may be old and in need of repair, curbs and gutters may be absent, streetscape (where they exist) may not meet the Americans with Disabilities Act accessibility requirements and the units themselves may not be accessible to those with disabilities.

Fair housing choice in these neighborhoods is impacted by the location, availability and accessibility of housing. In these older neighborhoods, the County and local officials should work toward equalizing conditions in all neighborhoods by:

- Determining and meeting the infrastructure needs (street improvements)
- Identifying and addressing the economic needs
- Enhancing code enforcement based upon input from community residents
- Focus Community Development Block Grants toward meeting the needs of households (neighborhood street projects)
- Promoting community clean up and sanitation projects
- Providing grants to residents in dire needs (emergency grants) and those unable to complete projects (senior/handicap grants)
- Funding Problem-Oriented Community Patrols who would proactively work with citizens and other local government departments to not only decrease crime rates, but to build communities

Efforts on both the parts of the County and local jurisdictions to educate the public regarding Disabilities Act accessibility requirements, accessibility and visitability issues need to be increased, so that those who choose to remodel, rehabilitate or commence any construction will reduce the physical obstacles for senior citizens, handicapped and others (also see Impediment #11). The goal, then, would be that all new and updated housing stock in Nassau County would be universally accessible.

Actions to Overcome Impediment #8 – Abandoned / Deteriorated Housing

Specific initiatives, detailed in Action Plans, CAPERs, and other planning documents include restoring older lower income neighborhoods and reducing the amount of abandoned and deteriorating housing by finding ways to revitalize or repair old structures, and construct new affordable housing. Quality of life matters, such as recreational venues, transportation improvements and public facilities and improvements are also important initiatives in neighborhood revitalization.

One initiative that Nassau County is undertaking to address the problem of blighted, vacant, and abandoned properties (aka “zombie” homes), is the newly created Nassau County Land Bank. Nassau County approved this bill in order to buy, restore and market abandoned properties. Initially, Nassau County would use state grant money from the attorney general’s office with the goal of becoming self-sufficient by using sale proceeds for future purchases and clean-up. The initiative will be carried out via a non-profit entity, which under state law can buy and rehabilitate abandoned properties and get them back on the tax rolls.

Furthermore, Nassau County’s residential rehabilitation program addresses the aging and deteriorating housing stock throughout the consortium. This is accomplished by installing among other things, new roofs, windows, siding, and doors. These improvements not only address energy efficiency and lead hazards, but also enhance the look of the neighborhood.

Most recently, Nassau County OHCD met with the Long Island Housing Partnership (LIHP) to discuss a New York State program whereby the State gives Superstorm Sandy ravaged homes to LIHP to rehabilitate and sell to income eligible homebuyers. These homes have been purchased by the State from residents who took the “buy-out program”. Nassau County OHCD has preliminarily agreed to dedicate CDBG and/or HOME funds to assist with the rehabilitation of these homes.

Another way to address this impediment is for municipalities to enforce municipal housing codes by issuing warnings and imposing fines as determined by law. Local code enforcement activities provide opportunities both to identify abandoned and deteriorated dwellings, and keep properties from deteriorating, if enforced properly.

The Consolidated Plan indicates that modernization plans are annually planned for public housing throughout the County by several housing authorities.

Improvements to these aging housing authorities include new roofs, windows, security systems, and interior improvements which will prevent additional deterioration.

Specific goals over the next five (5) year period to address abandoned /deteriorated housing as an impediment to fair housing include the following:

1. Nassau County will utilize CDBG and related funds for residential rehabilitation of homeowner and rental housing units. Over the next five (5) year period, the County’s goal for all of Nassau County as identified in the 2015-2019 Five Year Consolidated Plan and

Annual Action Plan found in Table O-5 of Appendix O for rehabilitation of homeownership or rental housing is:

- a. Rehabilitate 200 units of public housing rental complexes;
 - b. Rehabilitate approximately 500 homeownership units at approximately 100 per year, which includes lead-based paint abatement; and
 - c. Rehabilitate 200 rental units, at approximately 40 units per year and which includes lead-based paint abatement.
2. NC OHCD will fund approximately \$500,000 towards the demolition of buildings to eliminate blight during the five-year consolidated planning period, as identified in the 2015-2019 Five Year Consolidated Plan and Annual Action Plan found in Table O-5 of Appendix O.
 3. NC OHCD will work with LIHP to rehabilitate Superstorm Sandy ravaged homes to sell to income eligible homeowners. Number to be determined within PY2016-2017.
 4. Nassau County Office of Real Estate will identify county owned parcels that are deteriorating. These parcels may be sold and developed as multi-family housing. As Nassau County has identified a vendor to assist with this project, it is anticipated that the project will come to fruition during PY2017.
 5. NC OHCD will provide CDBG funds for code enforcement to those municipalities who may require additional code enforcement officers and/or training.

Impediment #9 – Employment / Housing / Transportation Linkage

Transportation links are an essential component to successful fair housing. Residents who do not have access to commercial areas or employment centers are limited in where they can seek employment or shop for goods and services, lowering their economic well-being. At the same time, residents with limited transportation options, for example those without a car, will likely choose communities well-served by public transportation. In this way, inadequate transportation routes limit the selection of housing to neighborhoods within transportation service areas.

Improved access to public transportation is often cited as a priority need particularly for special populations, such as the elderly, the handicapped and youth. It is essential to connect these populations, in addition to low and moderate-income communities with jobs, health care and support services. Public transportation is also an economic development factor, particularly in job creation for low and moderate-income workers.

Certain areas of Nassau County have good public transportation access, particularly in the Town of Hempstead which is served by multiple branches of the LIRR and supplemental bus service radiating from town centers. However, public transit access becomes more of a problem in the northern suburbs in the Town of North Hempstead and Oyster Bay, each served by only a single LIRR branch and comparably little bus service. Additionally, for Nassau County as a whole, bus service is more limited in providing east-west access, particularly in Oyster Bay and to and from the Nassau Hub, a major economic center of the County.

For those who rely on their own vehicles for transportation, convenient roads in good repair are as important as public transportation. Road improvements are often needed in the low and moderate-income areas to address safety issues and to help facilitate affordable housing and economic development projects.

Actions to Overcome Impediment #9 – Employment / Housing / Transportation Linkage

Based on Nassau County's Strategic Plan, which builds upon several County and community-initiated planning efforts and furthers the goals of the County and its Consortium members, significant community assets within the Consortium include various colleges, Universities, and healthcare facilities. Colleges and universities include Hofstra University, Molloy College, Adelphi University, Nassau County Community College, Farmingdale State College (campus in Suffolk County), Long Island University C. W. Post campus, the State University of New York at Old Westbury and the New York Institute of Technology. Hospitals and major community healthcare facilities include Long Beach Medical Center, Mercy Medical Center, Nassau University Medical Center, North Shore University – Long Island Jewish Health System, Franklin Hospital Medical Center, Glen Cove Hospital, Plainview Hospital, St. Francis Hospital, St. Joseph Hospital, South Nassau Communities Hospital, and Winthrop University Hospital. The Strategic Plan highlights a substantial expected economic growth in the Education and Health Services sector over the next twenty years, meaning these community assets will have more significance as employment centers in the County.

Attracting well qualified employees can be difficult for Nassau County businesses due to the high cost of housing. In order to address this, the Nassau County OHCD funds Long Island Housing Partnership (LIHP) who administers the First-Time Home Buyer Down Payment Assistance Program and the Employer Assisted Housing Program (EAHP). Both programs assist first-time homebuyers. Notably, the Employer Assisted Housing Program, which includes over 120 participating employers on Long Island, provides \$12,000 in down payment assistance to eligible employees. Participating employers offer monetary benefits to their employees that can be augmented with additional funds from the county, state, and/or federal government. Two noted hospital systems, North Shore/Long Island Jewish Health Care System and Catholic Health Services which have 16 affiliates between them are among those organizations that assist their employees with homeownership. Linking jobs and housing can be very impactful to a community.

Nassau County has focused redevelopment around the major employment centers, including the assets mentioned above. One strategic opportunity is transitioning former industrial sites to new, mixed-use developments. This is also the same for vacant and declining office park sites, where repositioning is also being considered. The redevelopment of the Nassau Memorial Coliseum and its surrounding area, known as the HUB, is intended to bring in substantial jobs and revenue for Nassau County. The HUB is also transit rich, with two LIRR branch locations, Mineola and Garden City, as well as a number of bus lines.

Transit access is another major community asset in the Consortium. The Long Island Railroad (LIRR) has train stations in the City of Long Beach, Village of Hempstead, New Hyde Park, Floral Park, Bellerose, Mineola, Valley Stream, Lynbrook, Rockville Centre, Baldwin, Freeport and multiple stations in non-incorporated areas of the three Towns. Bus access is also provided through the Consortium. Major roadways within the County provide East-West access via the Northern State Parkway, Northern Boulevard, Jericho Turnpike, Hempstead Turnpike, Southern State Parkway, Long Island Expressway, Sunrise Highway and Merrick Road, and North-South access via Meadowbrook State Parkway, Wantagh State Parkway, Cross Island Parkway the Seaford-Oyster Bay Expressway and State Routes 106 and 107. Some of the state parks within

the County include Jones Beach State Park, Bethpage State Park, Hempstead Lake State Park, and Valley Stream State Park.

Potential strategic opportunities exist within the Consortium which will allow for appropriate growth and development. Generally throughout the County, there are opportunities for transit-supported or transit oriented development (TOD) on sites that are in close proximity to the transit facilities mentioned above and walking distance to various other amenities. These sites are prime for redevelopment where suitable public transit and utilities provide opportunities for such development. The County has undertaken a study to analyze the feasibility of transit-supported development around twenty-one LIRR stations. In this 'Nassau County Infill Redevelopment Feasibility Study', three stations were selected for pilot projects to catalyze economic growth and encourage new location-efficient housing opportunities. These stations, including the Villages of Lynbrook and Valley Stream, and the hamlet of Baldwin in the Town of Hempstead, will be models for TOD for Nassau County going forward. There are however certain areas where TOD is not a viable strategy for creating housing and transportation linkages, particularly in the northern suburban neighborhoods where LIRR stations are not located.

Nassau County, in 2013, adopted a county-wide "Complete Streets Policy". This Legislation supports roadway design features that "accommodate and facilitate convenient access and mobility by all users, including current and projected users, particularly pedestrians, bicyclists and individuals of all ages and abilities".¹ OHCD has been working closely with Nassau County Department of Public Works (DPW) to identify funding for components of local "Complete Streets" projects. Currently, OHCD has provided funding for a project in the Village of Lynbrook at an intersection which sees moderate to heavy pedestrian traffic due to the proximity to the LIRR station, commercial/retail, and housing. Complete Streets improvements greatly enhance the linkage between employment, housing, and transportation. In addition to Nassau County adopting a Complete Streets policy, the Town of North Hempstead, City of Long Beach and the Village of Farmingdale have followed suit.

Various plans have been completed or are underway regarding redevelopment in downtown centers, including in the Town of Hempstead (hamlets of Roosevelt, Elmont, Inwood, and Uniondale), the Village of Hempstead, the Village of Farmingdale, the City of Glen Cove, and the Town of North Hempstead (hamlets of New Cassel and Port Washington). The OHCD considers these planning efforts and the local support of revitalization and rezoning of locally designated target areas in making its CDBG and HOME funding decisions.

Specific community development initiatives and actions to be taken over the next five (5) year period to strengthen linkages between employment, housing and transportation, include the following:

1. During PY2016 and PY2017 NC OHCD will provide HOME funding for LIHP and/or similar non-profits, up to \$500,000 to continue providing services for first-time homebuyers through the Employer Assisted Housing Program. Should HOME funding remain stable, this assistance will continue through PY2018 and PY2019.
2. During PY2016, Nassau County OHCD and Nassau County Department of Public Works (DPW) will undertake one (1) Complete Streets Projects within the consortium. Two additional projects will be planned to be undertaken during PY2017-PY2018.

¹ Nassau County Complete Streets Legislation
Nassau County
Urban County Consortium

3. NC OHCD will organize two consortium meetings each year to discuss how CDBG and HOME funds can be used to undertake affordable housing, infrastructure, and economic development projects to link employment, housing and transportation in each respective community.

Impediment #10 – Insufficient Understanding of “Reasonable Accommodations” and ADA Compliance

Although education regarding fair housing rights is currently undertaken in a variety of ways in the County, a substantial barrier to fair housing choice is the general lack of knowledge of fair housing rights, requirements, and responsibilities. The average person who thinks they have been victimized by fair housing discrimination may not know where to turn. Further, a person may not even know that he/she has suffered housing discrimination. Similarly, many landlords, real estate agents, and housing providers do not fully understand their responsibilities with regard to fair housing. Examples of accessibility barriers include the absence of curb cuts or handicap accessible parking spaces with adjacent access aisles, inaccessible kitchens and bathrooms, narrow doorways and passageways, and inaccessible switches. Local zoning and land use regulations may also create barriers.

Of the protected classes, disabled persons in particular need specialized housing to ensure that they have access to their dwelling unit and can navigate their unit once inside. The lack of understanding by landlords, property owners, and individuals of what are the specialized needs of disabled persons and how to fulfill those needs is one of the most common impediments to providing fair housing for disabled persons. Although there are a number of programs geared to persons with disabilities within Nassau County, deficiencies remain, especially as they relate to reasonable accommodations and Americans with Disabilities Act (ADA) compliance.

Reasonable Accommodations

The Fair Housing Act makes it generally unlawful to refuse to make a “reasonable accommodation” (modification or exception) to rules, policies, practices or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling.² Courts had applied the Fair Housing Act to individuals, corporations, property owners, housing managers, homeowners and condominium associations, lenders, real estate agents and to state and local governments. The “reasonable accommodations” requirements of the Fair Housing Act do not apply to a private individual owner who sells his own home so long as he (1) does not own more than three single-family dwellings; (2) does not use a real estate agent and does not discriminate in advertising; (3) has not attempted a similar sale of a home within a 24-month period; and (4) is not in the business or renting or selling dwelling units.³

A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling.⁴ Whether a particular accommodation is reasonable depends on the facts of the individual circumstance and must be determined on a case-by-case basis. The requested accommodation may be denied if it would impose an undue financial and administrative burden on a housing provider, or would fundamentally alter the nature of the provider’s operations.⁵ In the instance of a government, the determination of reasonable depends on: (1) does the request

² *Group Homes, Local Land Use, and the Fair Housing Act*, Joint Statement of the Department of Justice and The Department of Housing and Urban Development; www.HUD.gov.

³ *Reasonable Accommodations Under the Fair Housing Act*, Joint Statement of the Department of Housing and Urban Development and the Department of Justice, May 17, 2004.

⁴ Ibid.

⁵ Ibid.

impose an undue burden or expense on the local government; and (2) does the proposed use create a fundamental alteration in the zoning scheme? If the answer to either question is yes, then the requested accommodation is unreasonable.

ADA Compliance

The American's with Disabilities Act (ADA), Title II, requires that a public entity must reasonably modify its policies, practices or procedures to avoid discrimination. However, if the public entity demonstrates that the modifications would fundamentally alter the nature of its service, program or activity, it is not required to make the modification.⁶ Title III of the ADA prohibits discrimination on the basis of disability in places of public accommodation and commercial facilities (businesses and nonprofits). The ADA does not cover residential private apartments and homes which are strictly residential.⁷

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in HUD programs or programs that receive financial assistance from HUD. Section 504 allows for HUD to investigate and remediate housing discrimination. Further, Section 504 requires HUD and those receiving HUD funds to make reasonable accommodations for the known physical or mental limitations of an applicant. Any person with a disability who feels they are a victim of discrimination in a HUD-funded program may file a complaint with HUD under Section 504.

⁶ ADA TITLE II Technical Assistance Manual. <http://www.ada.gov/taman2.html>. Accessed 11/3/2008.

⁷ *Americans with Disabilities Act Questions and Answers*. <http://www.ada.gov/q%2aeng02.htm>. Accessed 11/3/2008.

**Actions to Overcome
Impediment #10 – Insufficient Understanding of
“Reasonable Accommodations” and ADA Compliance**

The federal government, through HUD and the Department of Justice, has developed several papers, manuals and pamphlets with information about compliance with the Fair Housing Act and the American with Disabilities Act. During the five-year consolidated planning period, the County and nonprofits will expand efforts to share this information and information regarding Section 504 with local governments, businesses, developers and property owners through the distribution of material and through training opportunities.

Nassau County Office of the Physically Challenged (NC OPC) goes to great lengths to educate the public on the rights of the physically challenged and in particular reasonable accommodations in the housing market. NC OPC distributes the U.S. Department of Justice’s “Manual and Procedures for Providing Reasonable Accommodation” routinely when going out and speaking to groups and organizations such as the MS Society, church groups, senior groups, veterans groups, and Nassau County departments. In addition, the office outreaches and provides materials to co-op and condo boards, landlords and developers. Further, the Office of Physically Challenged along with NC OHCD will be monitoring the emergency shelters in Nassau County to determine if they are adequately and reasonably accommodating disabled homeless clients.

Nassau County OHCD HOME program guidelines dictate that multi-family housing projects, dependent on the number of units created or rehabilitated, must include handicapped accessible unit(s). In addition, Nassau County allocates funding each year to the residential rehabilitation program and encourages the consortium to participate in the program. Applicants requiring accessibility improvements are prioritized and these improvements include but are not limited to handicapped accessible bathrooms, chair lifts, and ramps.

Not only is it important to provide for reasonable accommodations in the housing market, but also in and around the neighborhood. People with disabilities require access to community assets. Nassau County is addressing this with its “Complete Streets” policy as described in Impediment #9. This Legislation supports roadway design features that “accommodate and facilitate convenient access and mobility by all users, including current and projected users, particularly pedestrians, bicyclists and individuals of all ages and abilities”.⁸

Our non-profit partner, LIHS’s mission is for the “elimination of unlawful housing discrimination and promotion of decent and affordable housing through advocacy and education.” Long Island Housing Services is a private, nonprofit agency that investigates and prosecutes housing discrimination complaints on Long Island. LIHS is a 45 year old fair housing advocacy and enforcement agency that is a HUD qualified Fair Housing Initiatives Program (FHIP) organization. Since 1991, services have been made available to Nassau residents. LIHS is the only agency serving Long Island in Nassau or Suffolk County which has a HUD-approved Fair Housing Tester Training curriculum. LIHS conducts testing to uncover housing discrimination and gather evidence that may be crucial to support a victim’s claims or on a random basis to monitor industry practices. Approximately 1,400 people have taken this training since 1990.

⁸ Nassau County Complete Streets Legislation
*Nassau County
Urban County Consortium*

Major fair housing activities at LIHS include case-by-case and systemic investigations with the goal of enforcement of federal, state and local fair housing laws when individual persons or families encounter specific incidents of discrimination that violate those laws. LIHS also provides counseling services to offer information and guidance to individuals about rights and resources available in the region on a local, state and federal level. LIHS is also a provider of Fair Housing training for industry, government and the public.

Additionally, LIHS provides pro bono, professional assistance for creating accessible units. Specific actions to be taken over the next five (5) years to address insufficient understanding of Reasonable Accommodations and ADA Compliance:

1. During PY2016, NC OHCD and NC OPC will identify emergency shelters in Nassau County who require technical assistance in understanding reasonable accommodations as well as providing Emergency Solutions Grants (ESG) funding and/or CDBG funding to incorporate and construct handicapped accessibility components to the facilities.
2. NC OPC will conduct approximately 6-10 speaking engagements during each program year to advocate for the rights of disabled residents and educate entities regarding their obligations to provide reasonable accommodations in the housing market. Outreach will include information on tenants' rights and where grievances can be brought. Outreach will also include meeting with developers, building owners, landlords, condominium association officers and their management firms, and cooperative boards regarding the needs of disabled persons, including HUD visitability standards and "reasonable accommodations."
3. NC OHCD will prioritize CDBG residential rehabilitation projects that call for handicapped accessibility improvements. It is anticipated that 10 homes per year for the five year consolidated planning period will receive these improvements.
4. NC OHCD staff will remain on the advisory board to Nassau County Office of the Aging and provides information to disseminate to the elderly regarding the use of CDBG dollars for home modification purposes. This will allow seniors to age in place.
5. Nassau County Commission on Human Rights and NC OHCD will work with fair housing advocates, such as LIHP and LIHS, and others to educate the public, local building and code enforcement officials, building owners, landlords, real estate agents, lenders, and others about fair housing and its benefit to the community. This outreach action will include:
 - a. Planning and participating in annual County-wide fair housing forum for consortium and non-consortium communities. Such events include the Fair Housing Accessibility First training held on April 24, 2015 at Touro Law Center. The event, which was sponsored by LIHS and HUD, reviewed fair housing accessibility requirements and making housing accessible through accommodations and modifications. Another such event the Planning and Zoning for Fair and Affordable Housing Conference held on October 16, 2015 at Touro Law Center. The event, which is presented by Touro Law Center and LIHP, included a review by HUD/FHEO of Affirmatively Furthering Fair Housing and a presentation on Disparate Impact.
6. NC OPC will attend two public hearings hosted by NC OHCD to share and disseminate information related to compliance with the Fair Housing Act and the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973.
7. The Nassau County Office of Housing and Community Development will promote visitability for all development projects it funds. Over the next five (5) year period, the County's goal for all of Nassau County as identified in the 2015-2019 Five Year

Consolidated Plan and Annual Action Plan found in Table O-5 of Appendix O to assist 6,500 Households with special needs.

IV. MONITORING PERFORMANCE

Nassau County maintains a comprehensive monitoring plan that is in compliance with HUD regulations. Nassau's monitoring plan for CDBG Program funds ensures that Consortium members:

- Comply with all regulations governing their administrative, financial and programmatic operations;
- Achieve their performance objectives within schedule and budget;
- Carryout their programs and projects as described in their contract and keep organized documentation to support all actions and national objectives compliance;
- Charge costs to the program or project that are eligible under CDBG Program;
- Conduct the program in a manner which minimizes the opportunity for fraud, waste and mismanagement; and
- Have a continuing capacity to carry out the approved program or project.

Likewise, Nassau's monitoring plan for HOME Program funds, as recommended by HUD, includes:

- Identifying and tracking program and project results;
- Identifying technical assistance needs of Consortium members;
- Ensuring timely expenditure of HOME Program funds;
- Documenting compliance with program rules;
- Preventing fraud and abuse; and
- Identifying innovative tools and techniques that support affordable housing goals.

In order to achieve all of the above monitoring objectives, Nassau maintains frequent contact with Consortium members. In addition to monitoring, full Consortium meetings are held on a twice yearly basis to cover administrative, financial and programmatic requirements. Furthermore, one-on-one meetings are periodically scheduled with each Consortium member in accordance with need. In each Program Year, projects are chosen for on-site monitoring visits.

Nassau County will continue to provide documentation on the actions it has taken to reduce the impediments to fair housing. The County will provide this information in the annual Consolidated Action Plan Evaluation Report (CAPER) submitted to HUD. The CAPER will be made available to interested citizens and will allow them the opportunity to comment on the County's performance prior to submitting the documentation to HUD.

In conjunction with its Consolidated Plan, the County will review the Analysis of Impediments and conduct a review of policies, practices and procedures that effect the location, availability and accessibility of housing. As necessary, the County will revise the specific action steps and implementation activities to ensure a proactive, strategic plan to remove the impediments to fair housing in Nassau County.

V. CONCLUSIONS

Nassau County has made tremendous achievements in expanding affordable housing opportunities and promoting integration as evidenced by current Census Data, which reveals a population shift illustrating patterns of changing demographics and increasing integration in the Consortium. These population shifts illustrate the overarching point that Nassau's administration of HUD's Program funding is achieving the two broad goals of providing individuals of low and moderate income with affordable housing and economic opportunities that have advanced integration. Nassau County will maintain its policy to prioritize applications for affordable housing development in communities where such development will both affirmatively further fair housing and promote integration.

The County of Nassau is committed to providing fair and affordable housing opportunities for all of its residents and will continue to make efforts towards eliminating fair housing impediments through the recommended actions above.