



2016 Update

ANALYSIS OF IMPEDIMENTS TO  
FAIR HOUSING CHOICE IN  
LEWIS COUNTY



Prepared By:

CNY Fair Housing, Inc. in cooperation with the Lewis County  
Department of Planning and Community Development

## INTRODUCTION

The 2016 Update to the Analysis of Impediments to Fair Housing Choice (AI) for Lewis County, New York was prepared by CNY Fair Housing, Inc., a private, non-profit organization which is a qualified fair housing enforcement agency. As a recipient of funding from the U.S. Department of Housing and Urban Development, through its participation in the three-county North Country HOME Consortium (with Jefferson and St. Lawrence Counties), Lewis County is required to identify impediments or barriers to fair housing choice and work to address those barriers.

### BASIS OF AN ANALYSIS OF IMPEDIMENTS

Under the Fair Housing Act, the U.S. Department of Housing and Urban Development (HUD) is obligated to administer its programs in such a way as to “affirmatively further fair housing” (AFFH), a requirement that extends to grantees of HUD programs as well as sub-recipients.

In July, 2015, HUD instituted a new regulatory rule regarding the obligation to AFFH. The goal of the new rule is to help program participants better understand the actions they need to take to meet their AFFH obligation and to assist participants with assessing fair housing issues in their communities to help them make informed policy decisions.

As explained in the new rule, affirmatively furthering fair housing “means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.” This obligation extends not only to HUD funded programs but to all of a participant’s activities and programs relating to housing and urban development.

Specifically, a participant must take meaningful actions that work towards the following objectives:

- Address significant disparities in housing needs and in access to opportunity,
- Replace segregated living patterns with integrated and balanced living patterns;
- Transform racially and ethnically concentrated areas of poverty into areas of opportunity; and
- Foster and maintain compliance with civil rights and fair housing laws.

Prior to the new rule, the AFFH obligation required the grantees to undertake the following activities to further fair housing:

1. Conduct an analysis to identify impediments to fair housing choice within the jurisdiction.
2. Take appropriate actions to overcome the effects of any impediments identified through the analysis.
3. Maintain records reflecting the analysis and actions in this regard.<sup>1</sup>

Under the new rule, the Analysis of Impediments (AI) that communities were required to complete is being replaced by an Assessment of Fair Housing (AFH) which requires a broader look at factors affecting

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<sup>1</sup>Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, *Fair Housing Planning Guide*, (Washington, DC. March 1996), Vol. 1, 1-3.

housing choice and access to opportunity. The change to an Assessment of Fair Housing applies to jurisdictions who have Consolidated Plans due in 2017.

## DEFINING THE ANALYSIS

Impediments to fair housing choice are those factors which may preclude an individual or family from living where they would freely choose to live, or which cause them to live under less favorable circumstances than equal treatment under the law would dictate. In other words, absent barriers which relate to federal and state fair housing laws, these individuals or families would reside elsewhere and/or be free of negative circumstances which accrued to them through unfair housing practices.

Impediments to fair housing are not merely acts of discrimination, but any factor that limits the access to housing opportunities for members of protected classes.

The Analysis of Impediments to Fair Housing Choice seeks to identify not only if these prohibited practices are present within a community, but also looks broadly at housing and housing-related issues. Impediments to fair housing are not merely acts of discrimination, but any factor that limits the access to housing opportunities for members of protected classes. Thus, an impediment could be a discrete act of discrimination such as a landlord's refusal to rent to someone with a mobility impairment. Impediments can also be a broad public policy, or lack of public policy, such as the failure of a municipality to ensure an adequate supply of accessible, affordable housing for people with disabilities.

As defined by HUD, impediments to fair housing choice are:

- Any actions, omissions, or decisions taken *because of* race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices.
- Any actions, omissions, or decisions which *have the effect of* restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.<sup>2</sup>

To identify impediments, an AI involves conducting a comprehensive review of the jurisdiction's laws, regulations, and administrative policies, procedures, and practices; an assessment of how those laws, etc., affect the location, availability, and accessibility of housing; and an assessment of conditions, both public and private, affecting fair housing choice.<sup>3</sup>

Under the new AFFH rule, an Assessment of Fair Housing should seek to use data and community input to do the following:

- Identify integration and segregation patterns and trends across protected classes within the jurisdiction and region;
- Identify racially or ethnically concentrated area of poverty within the jurisdiction and region;

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<sup>2</sup> Ibid, 2-8. *Emphasis added.*

<sup>3</sup> Ibid, 2-7.

- Identify whether significant disparities in access to community assets exist across protected classes within the jurisdiction and region; and
- Identify whether disproportionate housing needs exist across protected classes within the jurisdiction or region.<sup>4</sup>

Based on this review, an Assessment should seek to identify and prioritize fair housing issues, identify the most significant determinants related to these issues, and establish goals for addressing the determinants.

### **OVERVIEW OF FAIR HOUSING LAWS**

A combination of federal, and state fair housing laws apply in Lewis County.

The first housing discrimination protections were established with the Civil Rights Act of 1866, which held that “all citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.” While by statute, the Act bans discrimination on the basis of race or color, through case law, it has been determined to prohibit discrimination on the basis of national origin and religion as well.

For almost a century, the 1866 Act went largely unenforced. To address the continuing unequal access to housing, particularly for racial minorities, Congress passed Title VIII of the Civil Rights Act of 1968, the Fair Housing Act, which prohibits discrimination in housing based on race, color, religion, and national origin. The Fair Housing Act was amended in 1974, to include sex as a protected class and in 1988, to include disability and familial status.

The first housing discrimination protections were established with the Civil Rights Act of 1866

In addition to these federal laws, additional protected classes have been established under law. New York State Executive Law §296 prohibits discrimination on the basis of race, color, creed, national origin, sex, familial status, disability, age, marital status, military status, and sexual orientation. There are no additional protections established by local laws in Lewis County.

Fair housing laws apply to all housing-related transactions including real estate sales, rentals, mortgage lending, homeowners’ insurance, zoning and housing-related harassment.

The Fair Housing Act specifically identifies prohibited practices in Sections 3604, 3605, 3606 and 3617. These prohibited practices include:

- To refuse to sell or rent, to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of their membership in a protected class.
- To discriminate against any person in the terms, condition, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of their membership in a protected class.

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<sup>4</sup> Affirmatively Furthering Fair Housing 79 Fed. Reg. 43710 (July 19, 2013) – to be codified at 24 C.F.R. pts. 5, 91, 92, 570, 574, 576, 903.

- To make, print, or publish, any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on membership in a protected class.
- To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that a unit is not available for inspection, sale, or rental when such dwelling is in fact so available.
- To refuse to permit a reasonable accommodation or modification for a person with a disability when such an accommodation or modification is necessary to afford such person equal opportunity to use and enjoy a dwelling.
- A failure to design and construct multi-family housing to meet accessibility standards.

While discrimination can occur overtly, such as a landlord stating that they will not rent to a family with children, the law also covers practices that are less direct. One such area is differential treatment. For example, a landlord cannot apply a more stringent application process to members of a protected class. Another category of practices covered under the law is disparate impact. These are practices that are seemingly neutral, yet have a disproportionate negative impact on members of a protected class. For example, a landlord may institute a policy that they will only accept income from work to verify that someone is qualified to rent a unit, however this practice could have a disproportionate effect on people with disabilities or women with children who receive child support. Regardless of the landlord's intent, the discriminatory effect of these practices would constitute a violation of fair housing laws.

Under these provisions, a range of historical practices that have the effect of limiting access to housing for members of protected classes have been interpreted to be illegal under the Fair Housing Act. These include racial steering, exclusionary zoning, blockbusting, discriminatory advertising, and redlining in mortgage, insurance and appraisals.

Both the Fair Housing Act and New York State Human Rights Law provide an administrative process to investigate complaints and pursue legal action on behalf of victims of discrimination. Individuals may file administrative complaints with HUD or the New York State Division of Human Rights which is considered a substantially equivalent agency. Complaints filed with HUD are referred to the Division of Human Rights for investigation. If violations are proven, victims are eligible for monetary compensation and affirmative relief. Injured parties, including organizations, may also file civil cases on their own in state or federal court.

## **METHODOLOGY**

A formal analysis of impediments was prepared by the Lewis County Planning Department in July of 1999, after a participatory workshop involving housing industry stakeholders. That Analysis was updated in 2007, and again in 2011. The 2011 update consisted of a 3-hour workshop with more than 20 attendees who reviewed the previously identified impediments to fair housing choice and systematically updated the 2007 Analysis. This assessment is intended to update previous analyses and provide a more recent snapshot of fair housing conditions within the County.

A workshop of housing industry stakeholders was held in July, 2015, to provide local knowledge for this assessment. Additional stakeholder interviews were conducted subsequent to the workshop. In addition,

the assessment utilizes recent census data as well as local sources of data and information primarily from the Lewis County Comprehensive Plan and the profile of Lewis County by the Cornell Program on Applied Demographics.

The purpose of the assessment is to examine how local laws, private, public and non-profit regulations, administrative policies, procedures, and practices impact the availability, location and accessibility of housing in the county. The Analysis of Impediments is not a Fair Housing Plan; rather it looks at the current state of fair housing choice and identifies specific barriers that need to be addressed if future fair housing initiatives are to be successful.

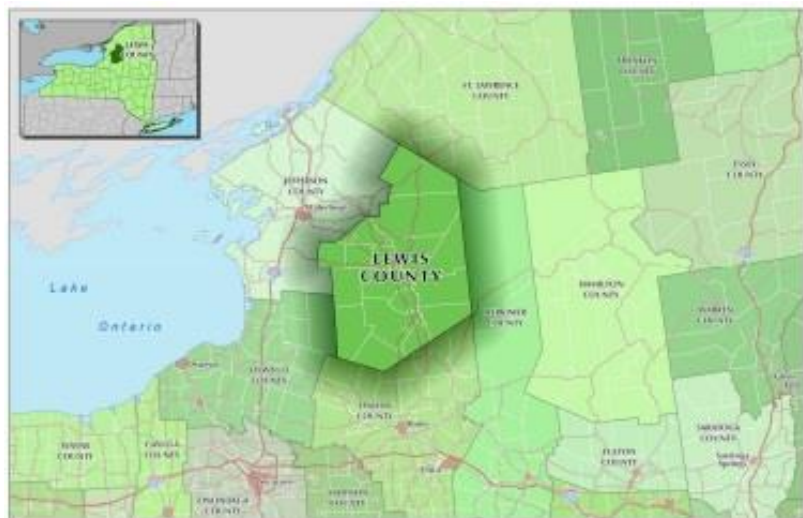
In examining the data on fair housing, particular attention is usually given to identifying patterns of segregation, concentration of poverty, and other characteristics which may be indicative of the presence of impediments to housing choice. The assessment focuses on fair housing issues; housing affordability is discussed as one impediment to fair housing choice. Because poverty tends to be disproportionately represented among the protected classes, the availability of affordable housing (or the lack of) has an impact on fair housing choice and may contribute to geographic concentrations of minorities and other protected classes. However, providing affordable housing does not necessarily eliminate impediments to fair housing as other factors impeding fair housing choice may still exist in the community.

Racial and ethnic segregation is an indicator of the extent to which minorities may find some neighborhoods inaccessible. Access to housing can also be constrained by factors other than race and ethnicity. Lack of information, attitudes and expectations, inadequate transportation, lack of affordable housing, and absence of accommodations for persons with disabilities can all create impediments that prevent protected class members from gaining access to neighborhoods and housing opportunities that might meet their needs.

## OVERVIEW

Lewis County, NY is a predominantly rural county dominated by woodlands and farmlands, located in Northern New York between Lake Ontario and the Adirondack Mountains. The majority of the population centers in Lewis County are located in the Black River Valley which runs between the largely uninhabited geographic areas of the Tug Hill Plateau in the eastern half of the County and the Adirondack foothills in the Western half of the County. The economy of Lewis County is driven by the region's natural resources and includes dairy farming, manufacturing and a growing tourism and recreational sector.

Map 1: Lewis County, NY



Source: Lewis County Comprehensive Plan, 2009

Map 2: Lewis County Municipalities



Source: Lewis County Comprehensive Plan, 2009

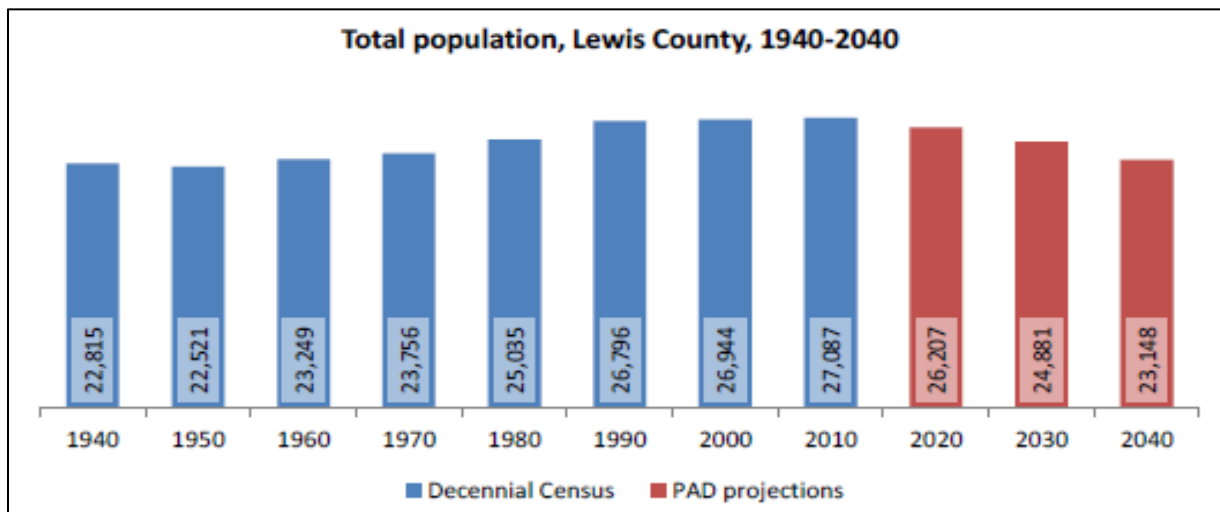
**Demographics**

Lewis County contains 26 separate municipalities, 17 towns and nine villages. The population of Lewis County is just over 27,000 people, about 29 percent of which live within the County’s nine villages. The county seat and largest village is Lowville with a population of nearly 5,000 people.

The population of Lewis County has remained steady over time and the County has not suffered the population losses that many Upstate New York communities have endured. Figure 1 shows the County population since 1940 with projections to 2040. The analysis by the Cornell Program for Applied Demographics anticipates a population decline of nearly fifteen percent by 2040. However, so far the projections have not held true as the population in the County has actually grown slightly since 2010 to 27,164 in 2014.

Part of the small population growth in Lewis County is likely the result of the growth in the Fort Drum military base. While the majority of the base is in neighboring Jefferson County, the rapid growth of the base has left some members of the military looking for housing into Lewis County. In addition, the housing pressure from

Figure 1: Total Population, Lewis County, 1940-2040



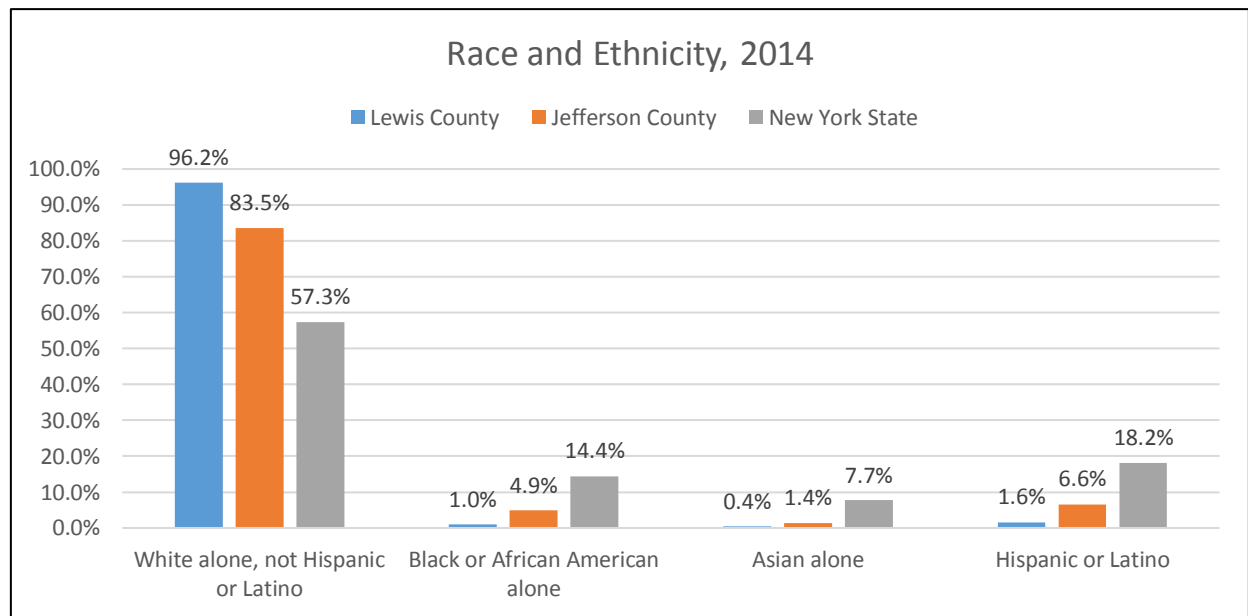
Source: Cornell Program on Applied Demographics

Fort Drum may be driving non-military families from Jefferson County to seek housing elsewhere. The effect of Fort Drum on the Lewis County housing market is evident when looking at rental advertisements as many of the ads state the distance from the unit to the military base. Because a soldier’s housing allowance is relatively high for the area, many landlords appear eager to rent to military members because they could get more rent than the local civilian market could bear.

Lewis County is a primarily homogenous community with little racial or ethnic diversity and no distinct patterns of racial and ethnic segregation, particularly when compared to the rest of New York State or neighboring Jefferson County which has experienced a significant increase in racial and ethnic diversity with the growth of the military population. As Figure 2 shows, more than 96 percent of the population of Lewis County is White, Non-Hispanic. There has been a slight increase in the number of racial and ethnic minorities in Lewis County in recent years, again likely due to the presence of the military population.

Table 1 shows the trends in the racial and ethnic makeup of the population from 2000 to 2014. During this time, the White, Non-Hispanic population has decreased from 97.8 percent of the population in 2000 to 96.2 percent while the Black and Hispanic populations have nearly tripled. While these populations still remain relatively small, it is important that demographic changes in the community are welcomed. As the 2011 update to the Analysis of Impediments noted regarding these demographic changes, “prejudices that were relatively unknown within the County have become more prevalent.”<sup>5</sup> As existing prejudices are revealed by these demographic changes, the County should be careful to monitor possible fair housing and other civil rights violations in the area.

Figure 2: Race and Ethnicity, 2014



Source: 2010-2014 ACS 5-year estimates

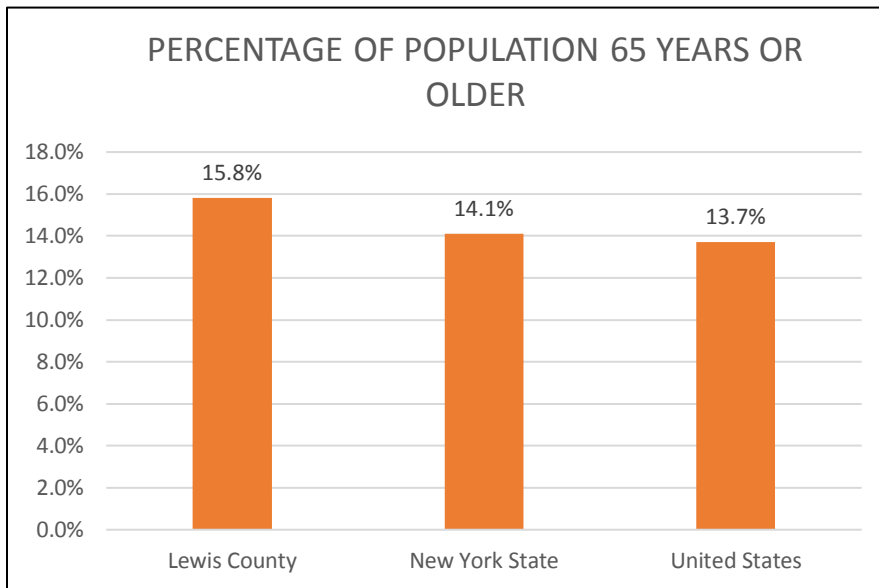
<sup>5</sup> “2011 Update, Analysis of Impediments to Fair Housing Choice, Lewis County,” pg. 4.

Table 1: Lewis County Race and Ethnicity, 2000-2014

Lewis County Race and Ethnicity, 2000-2014			
	2000	2010	2014
White, Non-Hispanic	97.8%	96.8%	96.2%
Black or African American	0.4%	0.8%	1.1%
Asian	0.2%	0.2%	0.4%
Hispanic or Latino	0.6%	1.2%	1.6%
Two or more races	0.6%	0.7%	0.7%
<i>Source: 2000, 2010 Decennial Census, 2010-2014 ACS 5-year estimates</i>			

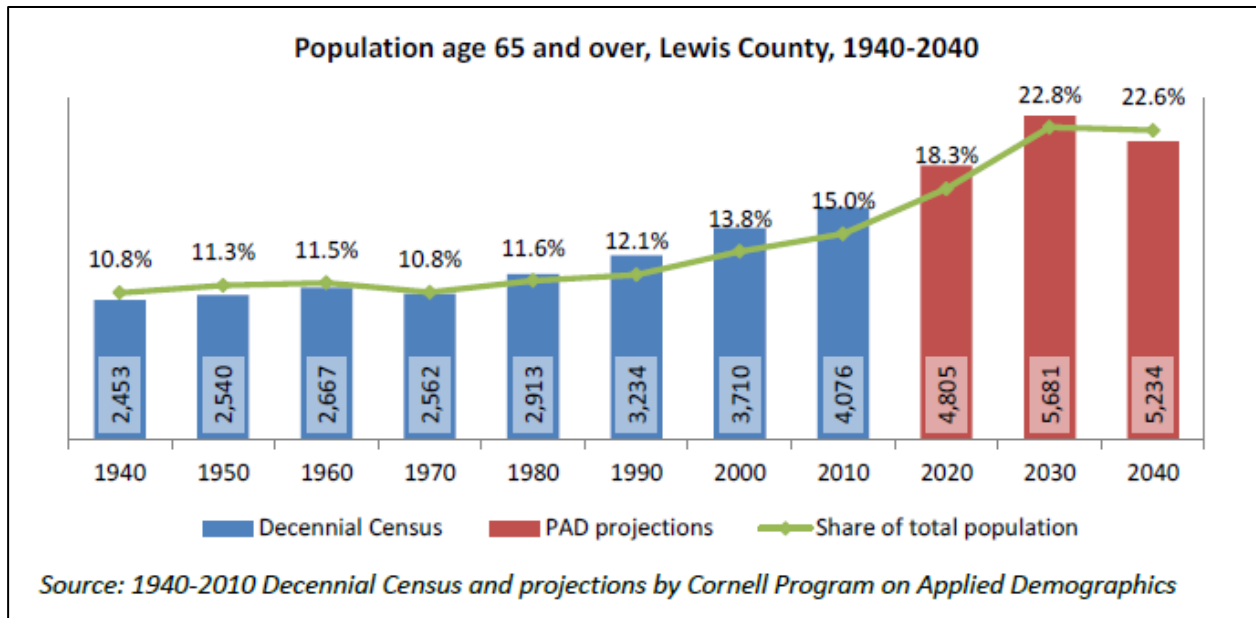
Lewis County has an aging population with a much greater proportion of the population being 65 years or older than state and national averages. As Figure 3 shows, 15.8 percent of the population in Lewis County is over the age of 65 compared to 14.1 percent of the population of New York and 13.7 percent of the population of the United States. The percentage of the population that are seniors has been growing steadily in Lewis County for decades and is projected to continue to grow as shown in Figure 4. This trend can have a significant impact related to housing needs as aging populations require more accessible housing, more flexibility in housing options as care needs change, and can be particularly vulnerable to harassment and other unfair housing practices.

Figure 3: Percentage of Population 65 Years or Older



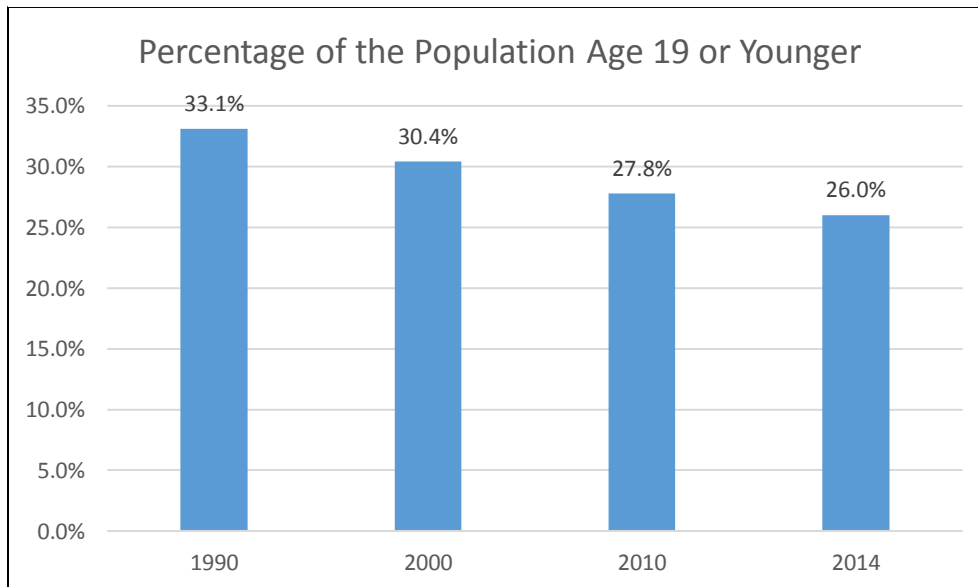
Source: 2009-2013 ACS 5-Year Estimates

Figure 4: Population Age 65 and Over, Lewis County, 1940-2040



As the number of seniors living in Lewis County has increased in recent decades, the number of children has been steadily decreasing. Children age 19 or younger now make up 26 percent of the population in Lewis County, down from just over 33 percent in 1990. As families with children under the age of 18 are a protected class under fair housing laws, this declining population of children means there are less members of this protected class that would face discrimination. In addition, there are now less children at risk of lead exposure throughout Lewis County.

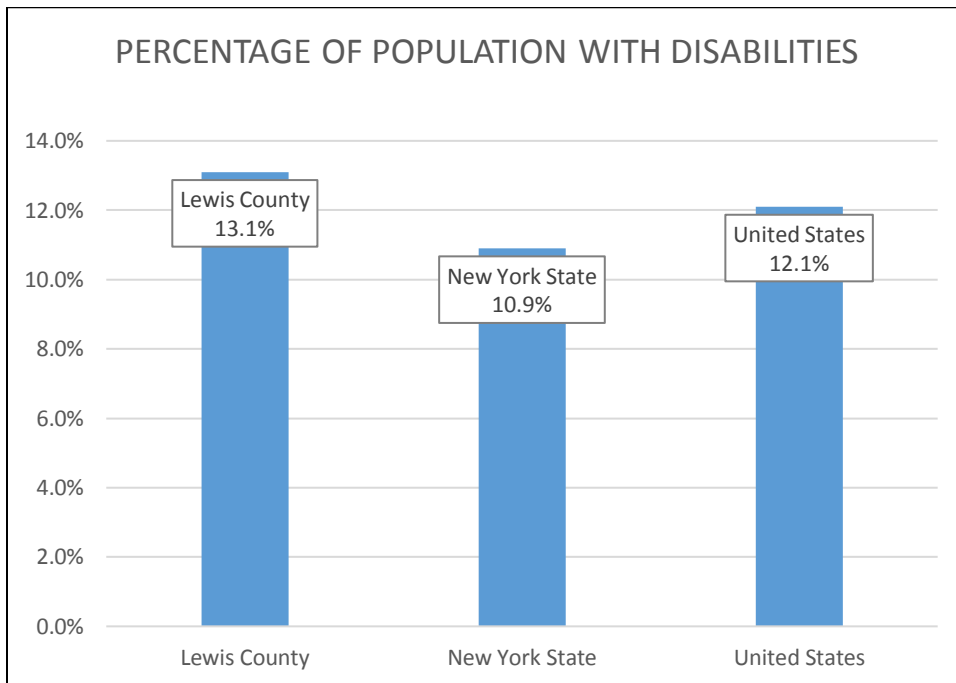
Figure 5: Percentage of the Population Age 19 and Younger, Lewis County



Source: 1990, 2000, 2010 Decennial Census; 2010-2014 ACS 5-Year Estimates

A disproportionate share of the population of Lewis County have disabilities compared to state and national averages. In Lewis County, just over 13 percent of the population has a disability compared to nearly 11 percent of the population in New York State and just over 12 percent in the country as a whole. As with seniors, this has a significant impact on housing needs. Individuals with disabilities require more accessible housing and are often subjected to discriminatory practices including the denial of housing, differences in terms and conditions, and the denial of reasonable accommodations and modifications that are necessary for them to have the full use and enjoyment of their housing.

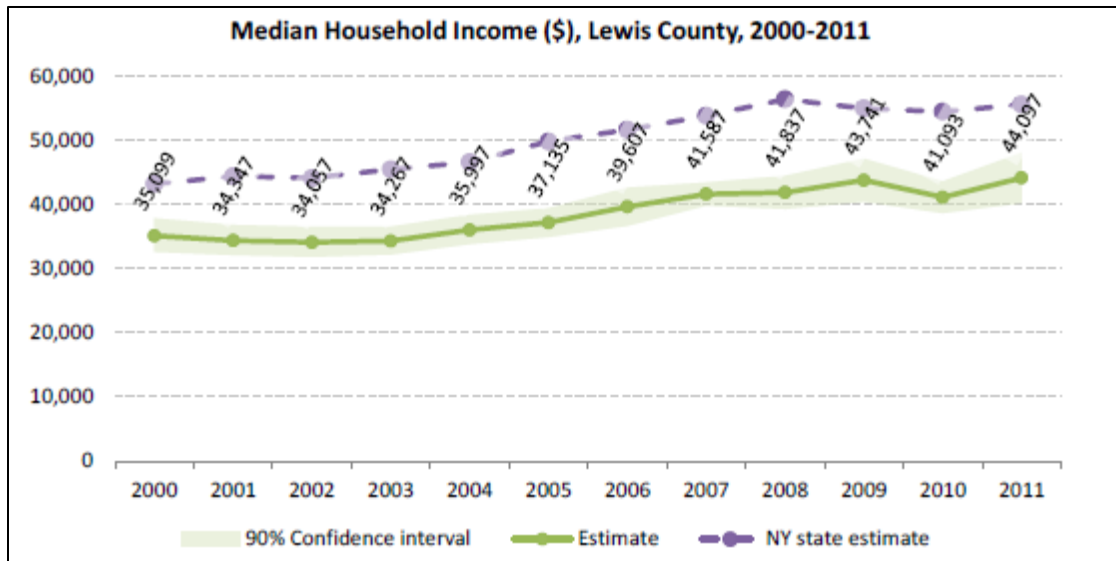
Figure 6: Percentage of Population with Disabilities



Source: 2009-2013 ACS 5 Year Estimates

Compared to New York State averages, residents of Lewis County have a significantly lower median household income. As Figure 8 shows, the median household income in Lewis County was estimated to be \$44,097 in 2011, about 20 percent below the median household income for the state. However, while the median household income is well below the state median, Lewis County has a lower percentage of people living below the poverty level than the state as a whole. In 2014, 13.3 percent of individuals in the County had incomes below the poverty level compared to 15.6 percent of individuals in New York State.

Figure 7: Median Household Income (\$), Lewis County, 2000-2011

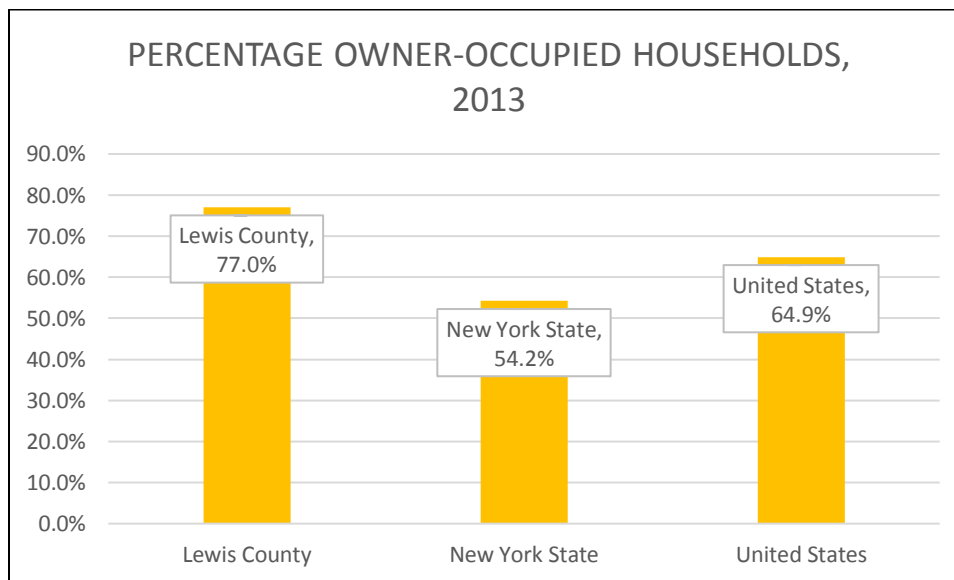


Source: Cornell Program on Applied Demographics; Small Area Income and Poverty Estimates (SAIPE)

### Housing

Lewis County faces a number of housing challenges that could disproportionately impact members of protected classes. These include affordability, the quality of the housing stock, and accessibility. Compared to state and national averages, Lewis County has a high rate of homeownership with 77 percent of households owning their home compared to a homeownership rate of about 54 percent in New York State and 65 percent nationwide. In a number of towns, homeownership rates are as high as 90 percent.

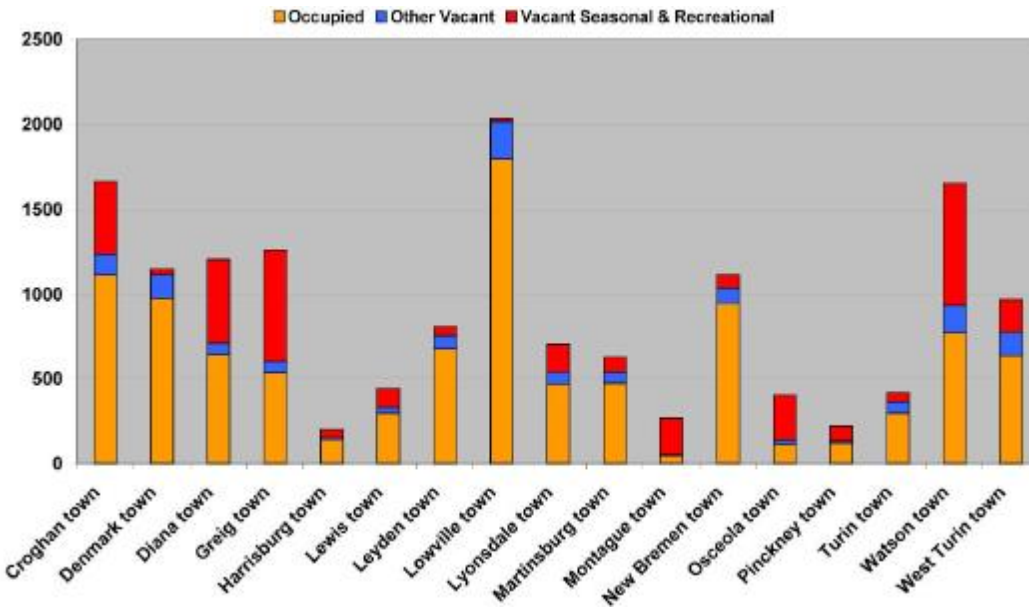
Figure 8: Percentage Owner-Occupied Households, 2013



Source: 2009-2013 ACS 5-Year Estimates

A significant portion of Lewis County’s housing stock, about 25 percent, are seasonal and recreational units that are vacant for much of the year. In four towns, Greig, Montague, Osceola and Watson, the number of housing units that are vacant exceeds the number of occupied units due to the large percentage of seasonal and recreational units in these communities.<sup>6</sup> More recent census statistics show further increases in seasonal and recreational units in other towns as well. Non-seasonal vacant units are a problem in other towns, particularly Lowville, which also has a much lower rate of homeownership than then the rest of the County with approximately 60 percent of households in the town being owner-occupied.

Figure 9: Housing Occupancy by Type, 2000



Source: Lewis County Comprehensive Plan, 2009

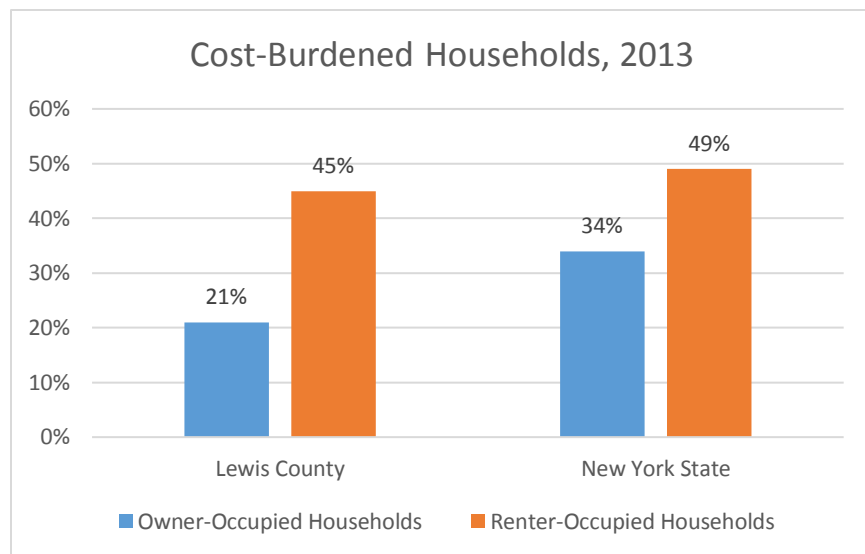
While housing costs in Lewis County remain well below state and national costs, the growth in seasonal units, along with development pressure from Fort Drum is credited as causing a decrease in housing affordability in Lewis County. The Lewis County Comprehensive Plan utilizes an affordability ratio to measure trends in housing costs in comparison to median household income. A ratio of 2.0 or less is considered affordable which means the median home value is two times the median household income. From 2000 to 2007 the affordability ratio in Lewis County went from 1.8 to 2.1 representing a small decline in affordability.<sup>7</sup> The most recent Census data available reveals that the affordability ratio has grown to 2.4 in 2014 as home values have been increasing at a faster rate than household incomes.

Another measure of affordability looks at cost burden for households. Households that are considered cost-burdened are those that are paying more than 30 percent of their household income towards housing costs which includes the costs of the housing as well as associated cost such as housing utilities and insurance. Figure 10 identifies the percentage of households that are cost-burdened in Lewis County and New York State as a whole. In Lewis County, only about 21 percent of owner-occupied households are

<sup>6</sup> Lewis County Comprehensive Plan, 2009, pg. 16.

<sup>7</sup> Ibid., p. 17.

Figure 10: Cost-Burdened Households, 2013



Source: 2009-2013 ACS 5-Year Estimates

cost-burdened, well below the state average. However, renter-occupied households in Lewis County are more than twice as likely to be cost-burdened than owner-occupied households with 45 percent of renter households facing a cost burden. The difference in cost-burdened rates between homeowners and renters in Lewis County is much greater than the state as a whole.

Looking deeper at housing costs reveals some serious challenges for Lewis County renters, particularly for larger

families and individuals with disabilities. According to data from the National Low Income Housing Coalition, the estimated mean wage for renters in Lewis County is \$9.28 per hour. The affordable rent for someone working 40 hours a week at that wage is \$483 per month. For SSI recipients who receive a monthly SSI payment of \$820, the rent that is affordable is \$246 per month. However, the monthly fair market rent in Lewis County is \$583 for a one-bedroom, \$708 for a two-bedroom, and \$1,043 for a three-bedroom, well above what someone could pay who has a limited income.<sup>8</sup>

As mentioned previously, the decline in rental affordability is partly attributable to the development pressure from Fort Drum. In 2010, the Basic Housing Allowance for the lowest ranking single soldier living off base was \$1,245 a month, well beyond what a typical Lewis County renter could afford. As additional housing has been built around the base in recent years to accommodate the military population, this pressure on low-income households will hopefully lessen.

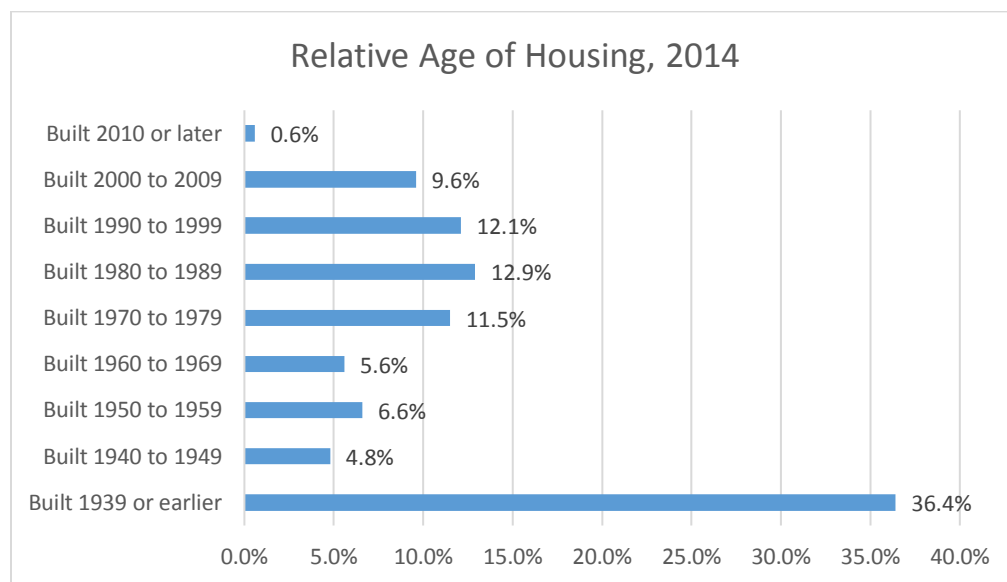
The lack of affordability for renters often pushes households into poor quality, substandard housing. One of the leading factors affecting the quality of housing stock is the age of housing. While age, in itself, is not a direct indicator of the condition of any specific housing unit, it does offer indications, when taken in the aggregate, of potential housing problems. Older housing often lacks insulation and modern electrical systems forcing those living in older housing to spend more on utilities, a significant problem given the climate in Lewis County. Older units generally fall substantially below current building code standards and tend to be more costly to repair or renovate. Also, older housing may not contain accessibility features or the amenities desired by households and are much more likely to contain lead-paint hazards.

Figure 11 shows the relative age of housing units in Lewis County as of 2014. As the chart indicates, a substantial portion, over 36 percent, of the housing units in Lewis County were built prior to 1939. In relation to fair housing, a majority of housing units were built prior to lead paint being banned in 1978, further increasing housing concerns for families with children. The likelihood, extent, and concentration

<sup>8</sup> National Low Income Housing Coalition, "Out of Reach, 2015", available at <http://nlihc.org/oor/new-york>.

of lead, as well as the potential for the paint to be in disrepair, all increase with the age of the building. Even fewer units were built after 1991, when the Fair Housing Act began requiring multi-family housing to contain accessibility features for individuals with disabilities. Also, elderly persons are more likely to live in these older housing units.

Figure 11: Relative Age of Housing, 2014



Source: 2010-2014 ACS 5-Year Estimates

The age of the housing stock also disproportionately affects renters who are also more likely to be protected class members. Overall, renters live in older housing than owners and the gap between these groups is widening. In 2009, the median year in which the housing structure was built for renter-occupied households was 1970. By 2014, the median year the structure was built had decreased to 1955. By comparison, during this same time the median year the structure was built for owner-occupied households increased slightly from 1958 to 1959. This indicates that choices for renters are increasingly limited to substantially older housing stock in recent years. As the County’s 2009 Comprehensive Plan explains and community input highlighted, the limited housing choices and competition for low-income renters make low income tenants more likely to remain in unsafe housing and less likely to report code violations. In addition, many low-income tenants rent from absentee landlords who are less likely to be responsive to maintenance requests.<sup>9</sup>

While there are programs and services in place to assist Lewis County households with issues of affordability, quality, and accessibility, their funding and subsequent reach is limited. Given local economic conditions and limits in federal and state funding, local non-profits providing housing services are constrained in the resources they have to address housing needs in the community. There is no public housing in Lewis County and a limited number of Housing Choice Vouchers available to low-income renters that are administered by Lewis County Opportunities. There are just under 400 vouchers in use in Lewis County which are disproportionately utilized by protected class members. Of voucher households, 63 percent are female-headed households and in over half the households, the head of

<sup>9</sup> “Lewis County Comprehensive Plan,” pg. 17.

household or spouse is disabled.<sup>10</sup> There are around 200 units of rental units that are subsidized through the USDA rural housing program, the vast majority of which are for seniors. Due to federal funding constraints particularly in recent years, any significant expansion of these programs to cover additional eligible households is unlikely in coming years and affordable housing providers will continue to have insufficient resources to meet demand. As such, the County should advocate for additional housing funding with state and federal officials and continue to support applications for housing projects by local housing developers that help further fair housing goals.

Additional programs to assist households are primarily administered by Lewis County Opportunities and Snow Belt Housing. These programs include weatherization assistance, rehabilitation programs, and funding for accessibility improvements. Among the rehabilitation programs are grants and low-interest loans available to low-income homeowners and low-interest loans available to rental properties. According to the 2011 update to the Analysis of Impediments, these programs are somewhat underutilized in part because some homeowners are concerned that improvements made to their homes will increase their assessments and subsequently their tax burden. Snow Belt Housing also administers a small program to provide down payment, closing cost and repair assistance for first-time homebuyers.

In its 2009 Comprehensive Plan, Lewis County identified a number of housing related goals on which varying levels of progress have been achieved. Several goals related to the development of more affordable rental housing units which included identifying priority sites for development, pursuing grants for development, and establishing model code language to allow for the conversion of larger homes into affordable rental units. The progress on these goals has been mixed. Affordable housing developers regularly pursue grant opportunities and the County has been supportive of these efforts. The redevelopment of two dilapidated buildings in Lowville into ten units of affordable housing was one of the more successful projects achieved. The County and several municipalities have also supported the development of affordable housing by assisting in site selection, donating properties for redevelopment, providing matching local funds for projects, and working to ensure zoning was not impeding the development of affordable housing units. There is no reported progress on developing model code language for the conversion of existing properties and illegal conversions may continue to be a problem that the County and municipalities need to address.

Several goals related to the development of housing for special needs populations including seniors, people with disabilities and people experiencing homelessness. There have been some unsuccessful efforts to secure funding for a service coordinator to provide enriched housing services for seniors, a goal that was identified as a high priority for the County. The redevelopment project in Lowville noted above created more accessible housing units and one housing unit that is used as an emergency shelter, addressing additional goals identified in the Comprehensive Plan. The County also donated property for the development of supportive housing units by Transitional Living Services of Northern New York. There have been other start-up attempts to address homelessness including efforts to improve the community's understanding of homelessness in the County with local service providers working to improve their Point in Time Count. Snow Belt also operates the Solutions to End Homelessness Program (STEHP) a program to assist homeless individuals and families by providing case management assistance and emergency housing assistance such as security deposit assistance and motel vouchers.

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<sup>10</sup> "HUD Picture of Subsidized Households, 2015," available at <https://www.huduser.gov/portal/datasets/picture/yearlydata.html>

Lewis County also established several goals in the Comprehensive Plan related to the rehabilitation of housing. The County has supported housing rehabilitation programs for homeowners and there have been programs to support rehabilitation of investor properties. However, according to community input, programs were underutilized. Homeowners were identified as being reluctant to participate out of fear that improvements to their homes would result in higher assessed values and subsequently, higher property taxes. Landlords were thought to be unwilling to participate because they wanted to remain independent of programs. The need for improved code enforcement has also been established as a goal for County and municipal officials in the Comprehensive Plan as well as in community input with progress remaining limited to date.

Finally, the County identified the need to bring together stakeholders, business leaders and other community members to create a better understanding of housing needs in the community and to facilitate partnerships and coordination of services. While there appears to be considerable coordination between stakeholders such as the County, Snow Belt Housing, Lewis County Opportunities, and the Development Authority of the North Country, community input identified a need to provide an up-to-date list of available housing resources to the broader public. Along the same lines, the need to improve access to information to tenants about their rights was also identified.

### ***Fair Housing Education and Enforcement Capacity***

According to community input, the fair housing education and enforcement resources in Lewis County are insufficient, a concern that was also identified as an impediment in the 2011 AI update. There is little to no fair housing education provided in the County. Tenants are unaware of their fair housing rights as well as other tenant's rights such as those related to evictions and habitability. Private landlords are unaware of or act without regard to fair housing regulations. People in the community are unlikely to be able to identify subtle forms of discrimination or understand more complicated issues like responsibilities related to reasonable accommodations and modifications.

There is no private fair housing enforcement agency serving Lewis County. The Executive Director of Snowbelt Housing serves as the County's Fair Housing Officer. There is some concern that because Snowbelt is a housing provider, that individuals residing in their housing or seeking to reside in their housing may be hesitant to pursue a complaint no matter how good intentioned Snowbelt's fair housing efforts are. Fair housing complaints may also be filed directly with HUD or the New York State Division of Human Rights though this process can be somewhat intimidating for an individual to pursue on their own. Snowbelt Housing reports having received no fair housing complaints in recent history. A lack of complaints should not be construed as evidence that there are no fair housing violations occurring, but rather should be seen as evidence of the lack of awareness in the community of fair housing rights and the resources available to victims. This lack of enforcement activity is likely contributing to a belief among landlords that they do not need to comply with fair housing laws. As one community member stated, it is "difficult to convince landlords that fair housing is the law and needs to be enforced."

## **IDENTIFICATION OF IMPEDIMENTS AND RECOMMENDATIONS**

In identifying these fair housing issues and recommendations, it is understood that Lewis County faces a difficult economic position and limited resources. Some of the recommendations would require funding and may require county officials to reprioritize items in their budget or seek outside funding sources. Many of the recommendations though do not require significant resources, merely a commitment by the

County and local partners to do more to recognize the importance of fair housing in the community. The issues and recommendations that follow are made in no particular order.

Fair Housing Issues	Observations	Recommendations
<p>No. 1 There is insufficient fair housing and tenant’s rights education.</p>	<ul style="list-style-type: none"> <li>• There is a lack of fair housing knowledge in the community.</li> <li>• There have been no fair housing education programs conducted in Lewis County. Community input identified the need to conduct fair housing training for housing providers, service providers, and home seekers.</li> <li>• The options for someone with a fair housing complaint are not clear or widely known.</li> </ul>	<ul style="list-style-type: none"> <li>• Develop a fair housing training program for human service providers working with protected class members to help them identify potential discrimination experienced by their clients.</li> <li>• Implement training programs for housing providers to educate them on their fair housing responsibilities.</li> <li>• Conduct fair housing education programs and provide fair housing materials directly to consumers in locations where people already congregate such as churches, community centers and tenant associations.</li> <li>• Develop training for public officials including town and village officials such as code enforcement officers.</li> <li>• Work with local partners to identify local resources such as banks, foundations and housing industry groups that would support fair housing education programs.</li> </ul>
<p>No. 2 The fair housing enforcement capacity in Lewis County is insufficient.</p>	<ul style="list-style-type: none"> <li>• There have been no fair housing complaints reported to the County’s Fair Housing Officer.</li> <li>• The County’s Fair Housing Officer is a housing provider which may limit individual’s willingness to proceed with a complaint.</li> <li>• There has been no complaint-based or random fair housing testing conducted in Lewis County.</li> <li>• According to community input, private housing providers are undeterred by the threat of fair housing enforcement.</li> </ul>	<ul style="list-style-type: none"> <li>• Implement a systemic testing program to serve as a deterrent to housing providers that may discriminate and to identify a baseline by which further fair housing efforts can be measured.</li> <li>• Submit FOIL/FOIA requests to HUD and the New York State Division of Human Rights to identify whether fair housing complaints have been filed in Lewis County.</li> <li>• Work to identify a local fair housing officer that is not a housing provider such as a staff member at the County Department of Planning and Economic Development.</li> </ul>

		<ul style="list-style-type: none"> <li>• Pass an updated fair housing ordinance in the County and encourage town and village jurisdictions to do the same in order to demonstrate the community’s commitment to fair housing and inclusion in the face of increasing diversity.</li> </ul>
<p>No. 3 The quality of much of the housing stock is poor.</p>	<ul style="list-style-type: none"> <li>• There are numerous issues related to the age and upkeep of the local housing stock, particularly at rental properties including the presence of lead paint, codes violations, and unresponsive landlords.</li> <li>• Tenants living in substandard housing have limited housing choices and few options to get landlords to address habitability issues.</li> <li>• The age and quality of the housing stock leads to high utility costs for homeowners and renters.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue and increase efforts to provide improved and proactive code enforcement.</li> <li>• Develop programs to increase local ownership of rental properties such as investor lending programs or incentives for local landlords.</li> <li>• Work to increase utilization of rental rehabilitation program.</li> <li>• Continue to support housing rehabilitation programs including weatherization assistance.</li> <li>• Work to implement policies to improve the effectiveness of code enforcement such as having code violation fees added to property taxes.</li> <li>• Encourage municipalities to implement deferred maintenance programs, whereby homeowners will not be taxed immediately for any improvements made to their homes under low-income rehabilitation grant programs.</li> </ul>
<p>No. 4 There are insufficient protections and education regarding tenants’ rights.</p>	<ul style="list-style-type: none"> <li>• Educational resources and outreach on tenant’s rights are insufficient and confusing.</li> <li>• There are insufficient resources to identify local housing assistance programs.</li> <li>• Tenants living in substandard housing have limited housing choices and few options to get landlords to address habitability issues.</li> <li>• Tenants are often left in the precarious position of having to withhold rent and then face eviction to enforce their right to a safe and habitable dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>• Develop a local tenant’s rights and housing resource guide that provides easily understandable guidance to tenant’s on their rights and resources available to them.</li> <li>• Create tenant’s rights training program for local human service providers working with low-income tenants.</li> <li>• Work to increase tenant’s rights counseling to include proper procedures for rent withholding.</li> <li>• Work to improve protections for tenant’s facing retaliatory evictions.</li> <li>• Develop a system to allow tenants and service providers to identify</li> </ul>

		housing providers with a history of code violations.
<p>No. 5 Affordable housing choices for renters are limited.</p>	<ul style="list-style-type: none"> <li>• Housing costs are rising in recent years as a result of development pressure from Fort Drum and seasonal properties while median household income has remained flat.</li> <li>• Forty five percent of renters face a housing cost burden, more than twice the rate of homeowners.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue efforts to support subsidized housing developers that are building quality, low-income housing through assistance with site selection, support of funding applications and assistance with zoning approvals.</li> <li>• Increase efforts to create additional rental units such as through regulated conversion of large homes.</li> <li>• In the face of increasing rental costs, continue to support programs to offer down-payment and closing cost assistance for low-income first time homebuyers.</li> <li>• Explore programs to offer alternative financing for first-time homebuyers in the face of limited traditional financing.</li> <li>• Explore feasibility of increasing the number of households utilizing the Section 8 homeownership program.</li> <li>• Support access to emergency funds for housing through programs provided by human service agencies.</li> <li>• Advocate for increased funding for housing programs to state and federal officials.</li> </ul>

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