

VILLAGE OF KIRYAS JOEL
ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

FOR U.S. DEPARTMENT OF HOUSING & URBAN RENEWAL
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VILLAGE OF KIRYAS JOEL

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EXECUTIVE SUMMARY

A. Overview

This document serves to identify possible ways that barriers may arise and inhibit free and fair access to housing, public services or facilities, or other economic opportunities in the Village of Kiryas Joel based on the protected class characteristics of people. Therefore, it provides assessment that can be used to identify possible disparities in housing needs and in access to equal opportunity. As such, this Analysis of Impediments (AI) to Fair Housing Choice encompasses a process of reviewing conditions and trends, identifying potential needs and issues, and providing recommended measures that are measurable and which could be used to collectively help remove potential obstacles within programs relating to housing and urban development, and to promote a fair, equitable, integrated, and balanced living environment.

The Village prepared this Analysis of Impediments to Fair Housing Choice to satisfy requirements of the amended Federal Housing & Community Development Act of 1974. It requires a community receiving Community Development Block Grant (CDBG) funds to Affirmatively Further Fair Housing (AFFH). The Village is required to conduct CDBG planning and programming in compliance with the Federal Fair Housing Act. The role of compliance with the Federal Fair Housing Act extends to parties that may receive CDBG funds through the Village.

This document provides an Analysis of Impediments to Fair Housing Choice, by reviewing community conditions, including characteristics of population and housing. It also examines the features of Village laws, procedures, and practices as part of considering whether they may impact the location, equal availability, and accessibility of housing. At the same time, it assesses the public and private housing environment and conditions, plus it reviews public services and supportive housing as these may influence Fair Housing choice. Supportive housing in this study is defined as affordable housing and the availability of accessible onsite or nearby services that help disabled, or at-risk persons, including persons with extremely low or no incomes, have reasonable and fair access to available resources and supports, so they are not excluded from opportunities to live and conduct affairs using available assistance and in dignity.

The Village Administrator, who reports to the Mayor and Board of Trustees, is responsible for preparing this AI/ Kiryas Joel Fair Housing Plan, and all associated documentation in conjunction with preparing the five-year 2024-2028 CDBG Consolidated Plan, the first CDBG Annual Action Plan (AAP) for 2024, and related documentation required by HUD. As the Village's Fair Housing Officer, the Village Administrator oversees ongoing Fair Housing planning and the implementation of actions identified to overcome potential identified impediments. The Village Administrator also oversees each subsequent Consolidated Annual Performance and Evaluation Report (CAPER). CAPERs provide a yearly accounting of CDBG funds allocated towards implementing goals and objectives outlined in the Consolidated Plan, including Fair Housing actions.

B. Public Outreach

There were multiple techniques used to explore public perceptions about community development and Fair Housing needs, interests, and objectives. The efforts for community participation and gathering input were

structured to obtain meaningful public participation in the AFFH process, including for people who are low income or disadvantaged.

The various measures were in adherence with guidelines in the community's adopted Citizen Participation Plan (2023). They provided for inclusive public awareness and input gathering which served to reach all segments of the community.

Outreach included a public hearing on February 22, 2024. In addition, in Winter 2024 the Village contacted key stakeholders to explore community development needs, and identify whether there may be potential impediments to Fair Housing, or techniques participants would recommend for community development and for advancing Fair Housing.

The availability of this Draft Analysis of Impediments & Plan for Affirmatively Furthering Fair Housing for public review and comment will also occur in conjunction with a hearing scheduled on May 2, 2024. This document will be available to the public at least 15 days prior to the hearing. Just like for the first hearing, comments during a 30-day ascribed public comment period will be considered and addressed as part of the process to finalize this document.

Key informants as well as residents and business owners were directly queried about community development needs and objectives using two respective survey instrument they were asked to complete and return to the Village of Kiryas Joel. The entities responding could address Fair Housing. Generally, respondents identified interests in expanded housing and service opportunities which can create and leverage affordable housing options and aid in achieving broad and equitable local government services and support. Finally, there was also direct communications and interviews with key parties with knowledge of the Fair Housing environment and planning, including within Village government and at the Kiryas Joel Public Housing Authority.

C. Methodology

This document describes techniques used for identifying potential impediments to Fair Housing. The investigation of the Fair Housing environment relies on extensive community profiling. A core source for this data and analysis is the Draft 2024-2028 Consolidated Plan. This AI also contains some supplemental data, on population, demographics, the housing market, and the socio-economic environment in order to identify possible Fair Housing impediments.

The process to identify potential housing impediments is based on efforts to define categories of community development and describe Fair Housing issues, and identify potential contributing factors, as part of forming possible recommendations. This can inform the extent there may be discrimination, or policies or practices, which may have the effect of causing or producing severe or disparate conditions for certain groups, compared with others.

D. Goals

Based on the Analysis of Impediments, there are goals presented. These following goals serve as guides for directing and defining recommended actions for Affirmatively Furthering Fair Housing.

- Build Wealth;
- Aid Local Government and Community-based Capacity Around Fair Housing;
- Promote Integrated Services, Settings and Living;
- Promote Universal Design/ ADA Compliance;
- Conduct Marketing/ Promotions to Help Advance Equal Opportunity/ Fair Housing; and
- Provide Ongoing Fair Housing Assessment.

E. Fair Housing Actions & Measures.

These tactics are identified to advance the community's goals and remove the potential for impediments to Fair Housing in the Village of Kiryas Joel.

- Update the Fair Housing Plan;
- Build (Fair Housing) Capacity;
- Structure/ sustain ADA Compliance;
- Provide Fair Housing Marketing;
- Promote Action in the Local Real Estate Sector for Fair Broker Commissions; and
- Advance Public Facilities Capital Investments.

Certifications –The CDBG program regulatory requirement to Affirmatively Further Fair Housing is based upon HUD's obligation under Section 808 of the Fair Housing Act. The CDBG regulations require that sub-grantees certify they will Affirmatively Further Fair Housing. HUD also requires community development grantees, such as entitlement jurisdictions administering CDBG Programs, document AFFH actions in the CDBG annual performance reports submitted to HUD.

This document and its prescriptions Affirmatively Further the fundamental purposes and the policies of the Fair Housing Act. This AI/ Plan for AFFH provides the basis for the Village submitting a certification they will Affirmatively Further Fair Housing in connection with the community's CDBG 2024-2028 Consolidated Plan, the first associated Annual Action Plan (AAP). Moreover, there is intent for the Village Administration to work generally consistent with the Kiryas Joel Public Housing Authority (KJPHA) plans, and vice-versa, but the KJPHA efforts are separate from those of the Village. The threshold for making the certification, per the HUD 2021 Interim Rule, is based on an expectation the Village will receive over \$500,000 in CDBG Entitlement funding annually.

The Village of Kiryas Joel is not proposing housing activities in its Draft 2024-2028 Consolidated Plan and is instead focused on public facilities investments. It is not expected that any of the associated Village activities, or other HUD funded activities, would involve potential situations where persons could be displaced from their homes/ living situations, either temporarily or permanently due to such planned actions. Likewise, business displacement is not expected. The adopted CDBG Program Citizen Participation Plan provides for the Village to avoid potential for displacement and address it in unavoidable situations. The Village, likewise, promotes parties that receive federal assistance, such as the KJPHA, to undertake measures to avoid and minimize the potential for displacement.

PURPOSE & METHODS

F. Overview

The Federal Fair Housing Act prohibits discrimination in housing related activities and transactions, it imposes a duty to Affirmatively Further Fair Housing (AFFH). HUD offers the Village a framework to provide analysis of the potential for impediments to Fair Housing, contemplate and define meaningful actions to overcome historic patterns of segregation, promote housing choice, and foster an inclusive community.

G. Defining & Framing Potential Impediments to Fair Housing Choice

Impediments to Fair Housing choice are any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choice. Various potential issues and domains are examined. The process of considering possible impediments, their characteristics, and the relationship to the community environment and context will aid in an examination of the potential to structure actions to ensure there is Fair Housing and the Village of Kiryas Joel conducts its affairs in a way that assists with bringing forth positive change.

Using this investigation will ensure the local government, as a CDBG participant, is considering the potential for disparities in the community. Ensuring segregated living environments that inhibit opportunities for people based on protected characteristics are not created. The investigation addresses possible ways discrimination could arise and it examines how to avoid and minimize the possibility of discrimination occurring within this jurisdiction, to comply with non-discrimination requirements of the Fair Housing Act.

Accordingly, analysis is structured to:

- Assess the potential for housing discrimination;
- Promote Fair Housing choice for all persons;
- Identify and provide recommendation to advance an environment where everyone has a chance to reside in local housing developments, regardless of race, color, religion, sex, disability, familial status, or national origin;
- Advocate for housing stock that is universally accessible and usable by persons with disabilities; and
- Provide a reference document for use by municipal officials in documenting AFFH

Section 109 of the Federal Fair Housing Act (Act) not only prohibits discrimination in housing, but it challenges recipients of federal funds to administer programs and activities in a manner that Affirmatively Furthers the fundamental purpose and the policies of the Fair Housing Act. Section 109 provides that no person in the United States shall, on the grounds of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance made available pursuant to the Act. Section 109 also prohibits discrimination based on age under the Age Discrimination Act and on the basis of disability under Section 504.

Procedures to ensure enforcement of Section 109 are in 24 CFR part 6. HUD monitors the employment practices of recipients who maintain records to show compliance with equal opportunity. Records and data are maintained to document analysis and findings in conjunction with the Citizen Participation Plan developed for the local CDBG program (as per 24 CFR 91.105).

The Village is in the process of drafting and adopting its first Consolidated Plan as a CDBG Entitlement Community. The Village is required to document AFFH actions in the annual performance reports it submits to HUD, as a condition of receiving CDBG Entitlement Community funding.

In its Community Development programs, HUD strongly encourages:

- The adoption and enforcement of State and local Fair Housing laws.
- The reduction of separation by race, ethnicity, or disability status.

HUD's overall goal in relation to this planning, assessment and programming is to expand mobility and widen a person's freedom of choice. Review criteria in CFR §570.904 are used to assist in making any determination that the Village's program is being carried out in compliance with civil rights requirements. When criteria are met, HUD presumes the recipient has carried out its CDBG-funded program in accordance with civil rights certifications and civil rights requirements of the Act relating to equal employment opportunity, equal opportunity in services, benefits and participation, and is Affirmatively Furthering Fair Housing.

Per the Fair Housing Planning Guide, Volume 1, pp 1-1, by HUD, typical standards covered within Fair Housing activities can entail but are not limited to:

- Affirmative Fair Housing marketing requirements;
- Fair Housing advertising;
- Program accessibility, including physical accessibility for persons with disabilities;
- Accessible communications; and
- Reasonable accommodations.

The Kiryas Joel Public Housing Authority (KJPHA) is separate from the Village. While there have been substantial efforts to coordinate between these parties, establishing standards covering an activity like the equal housing opportunity component of the Administrative Plan in the Section 8 Certificate and Housing Voucher Programs, is directly under the purview of the KJPHA. There is nothing to prevent the Village with providing Fair Housing assistance with such matters, if this is of interest to these parties. One example could encompass tenant selection and assignment criteria (including criteria relating to the operation of preferences). Another could involve a Village choice to allocate funds to the KJPHA.

Discussion of 'Protected Class' - People in Protected Classes are individuals who may be unfairly discriminated against because of race, color, religion, sex, disability, familial status, or national origin. In terms of Fair Housing, there is potential for harm to arise when action occurs that can restrict housing choices or the availability of housing choice for such persons or groups.

In 1988, the Fair Housing Act was amended to add "familial status" as a protected group. If you are denied an opportunity to buy or rent a home or apartment—or given false information by a housing provider—

because of your familial status, you are a victim of illegal housing discrimination. These standards make it illegal to discriminate against families with children and against persons with physical or mental disabilities. The Fair Housing Officer does not identify any known problems in Kiryas Joel where people are denied housing options based on these criteria. There is no restrictive local zoning defining familial status and the ability for large households and families to live together. Large households and families are a common occurrence in Kiryas Joel.

1) **Segregation**

For Fair Housing Assessment HUD seeks identification of whether there are conditions such as segregation, or lack of integration, of people by race, color, religion, familial status, nation origin, disability, or others according to people being members of other protected classes. Public officials preparing this plan assert there is no discrimination arising in this community which causes illegal segregation. As part of religious freedom, and religious accommodation, people of one religious and cultural persuasion are choosing to live here. They seek to locate with others of similar religious preferences, ethnic heritage, cultural identity, and traditions. People within other protected classes are free and able to choose to live here.

Public officials do not condone or support direct or indirect discrimination. They do not support any assertion that the effect, intended or not, is segregation arising against people who are in protected classes. Instead, while it is not a subject of study herein, it may anecdotally be worth noting that regional economic and market forces may be serving to impede housing opportunities, especially for large size multifamily units, in the surrounding area, outside of this jurisdiction. People living here may face external religious discrimination. An apparent effect is that it could inhibit greater spread and dispersion of existing residents outside the community, which could enable them to live in and blend with neighborhoods located outside of the Village.

2) **People with disabilities/ special needs, including non-family households.**

According to the Draft NYS Fair Housing Matters, page 106, households with household members with disabilities experience housing problems at a greater rate than those without a member with a disability. Per Fair Housing Matters, 45 to 52 percent of households with a member with a disability (rates vary depending on the disability) experience one or more housing problems. This compares with the 38 percent of households experience one or more housing problems when no members have a disability. Fair Housing Matters found that housing problems are more prevalent for renter households, especially renter households with members with a disability. It noted that nearly two-thirds of these households (61 to 65 percent depending on the disability) experience at least one housing problem. Disability discrimination, including failure to provide reasonable accommodation, is listed as the primary basis for Fair Housing complaints and litigation in New York State (Draft NYS Fair Housing Matters, page 170).

EXAMINATION OF EXISTING VILLAGE PLANS/ POLICIES AS THESE MAY INFORM FAIR HOUSING.

There was an examination of existing Village studies that may relate to Fair Housing and access to housing, or other economic opportunities. This can provide identification of activities completed or underway related to Fair Housing planning. It is also contemplated these will help in identifying potential focuses, as well as data or analysis on the Fair Housing environment and possible impediments.

A. Existing Comprehensive Plan

The 2018 Village of Kiryas Joel Comprehensive Plan is the community's general master plan. It provides a series of long-term land use and overall development goals and defines needs and strategies as a means for advancing community objectives. The topic of Fair Housing is not addressed in this general plan.

The Comprehensive Plan has six goals. From them, the following goals are highlighted, as they appear generally inclusive and affirmative in character and intent:

- Multiple family residential living is the foundation of the community.
- Housing must be affordable for the predominantly low to middle income population.
- Provide a fully walkable, pedestrian-oriented community with transportation access to regional centers.
- Provide community services that support all aspects of family life and meet the needs of all resident age groups.
- Provide adequate water and sewer services for the full development potential of the Village.

B. Village Fair Housing Plan

In 2000 the Village adopted a Fair Housing Plan (FHP). That document remains in effect today. In conjunction with FHP adoption, local process provided for assignment of a Village Fair Housing Officer. The Village Secretary (also referred to as the Village Administrator) serves in that capacity.

The Plan provides various definitions and contains standards for administration, plus it addresses these subject elements:

- Discrimination in the sale or rental of housing;
- Discrimination in the financing of housing; and
- Discrimination in the provision of brokerage services.

C. Prior CDBG & HOME Grants

The Village has multiple times, over 20 years, applied for and often secured CDBG discretionary funding from New York State. A recent CDBG microenterprise application was successful. There is also Fair Housing documentation surrounding a recent HOME Investment Partnerships Program (HOME) award, underwriting a first-time home buyer program. Protocols surrounding each of these awards were examined as part of performing this Analysis of Impediments and Fair Housing planning.

These provide indication of past efforts in defining and advancing Fair Housing goals and actions. They are examined to gain insight on how Fair Housing interests were emphasized, within prior planning and programming, using CDBG (or US HUD HOME) type funding as part of advancing a suitable living environment, expanded economic opportunities, and quality housing in this jurisdiction. It also can aid in an examination of progress towards Fair Housing goals and whether there may be potential policies or steps they could undertake in conjunction with CDBG or other programming.

The Village's HOME Program's Affirmative Marketing Plan provides for the local Fair Housing Officer to annually publish an advertisement, in a newspaper of record, confirming the presence of the FHP. It also provides the prohibition on the sale or rental of housing due to protected class features, and it identifies where and how to direct complaints of discrimination. The most recent notice was published in December 2023.

D. Kiryas Joel Public Housing Authority (KJPHA)

The Village consulted KJPHA, the sole housing authority in the Village, during formation of this AI/AFFH and its Consolidated Plan program documents. The KJPHA administers Rental Assistance Demonstration (RAD) Project Based Vouchers (formerly public housing), Section 8 Housing Choice Vouchers, and other vouchers such as Emergency Housing Vouchers. The Consolidated Plan contains additional background on the KJPHA and its beneficiaries.

The KJPHA mission includes avoidance of discrimination. The organization has an objective to undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability. KJPHA indicated it will notify all new Housing Choice Voucher (HCV) tenants of specific rights under Violence Against Women Act (VAWA); update the Housing Assistance Payments (HAP) Contract required by HUD to address VAWA; provide training for all personnel having contact with applicants or residents and provide all new applicants with essential information on VAWA in applications they receive.

The KJPHA supplied a one-page 2019 certification of consistency of PHA plans with NY State's Consolidated Plan and AI, using OMB No. 2577-0226. Also provided was a 3-page OMB No. 2577-0226 for a 5-Year PHA Plan Submission Type for the Fiscal Year Beginning January 2020. That content affirms the KJPHA does not discriminate based on race, color, religion, familial status, disability, handicap, or national origin in the leasing, rental, or other disposition of housing or related facilities and land included in any development(s) under its jurisdiction. It is the KJPHA policy to comply with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any legislation protecting the individual rights of residents, applicants or staff which may be enacted.

The KJPHA also supplied a Statement on Affirmatively Furthering Fair Housing as background regarding its Section 504 compliance. This notes KJPHA has taken steps to address impediments to fair housing. It notes that due to the economic and social nature of the community, a high proportion of population is strained to meet their housing needs, and has scant knowledge of their rights under fair housing law. It identifies three key areas as high priorities in regards to potential impediments to fair housing choice, as drawn New York State's 2016-2020 Consolidated Plan's Barriers to Affordable Housing section (pages 120-121):

- Lack of affordable units;
- Lack of education regarding fair housing and accessibility ; and
- Need for local governments to address local barriers.

The multiple measures taken by the KJPHA to address these issues and promote fair housing rights and fair housing choice include KJPHA:

Aggressively promoting the use of HCV rental subsidies, Family Self Sufficiency Program, HCV Homeownership and Project Based Voucher Program (RAD) according to its Affirmative Fair Housing Marketing Plan. The PHA notes that it has considerably improved the ability to obtain decent affordable units through these programs.

- Readily providing education, information and materials to landlords, developers of new housing units, and tenants regarding compliance with fair housing laws.
- Aggressively promoting fair housing regulations for all housing units that come under the KJPHA jurisdiction through the HCV program as well as in all public housing units.
- Adopting a Reasonable Accommodations/Reasonable Modification Policy that explains the right of persons with disabilities to request reasonable accommodations with respect to KJPHA's policies and practices and reasonable modifications to premises.

The KJPHA further supplied its Equal Opportunity Implementation Plan. Under its Fair Housing heading, it indicates that it is policy of the KJPHA to comply fully with all Federal, state, and local nondiscrimination laws and the Americans With Disabilities Act, et al. To further its commitment to full compliance with applicable Civil Rights laws, the Housing Authority will provide Federal/State/local information to applicants for and participants in the section 8 and Public Housing Programs regarding discrimination and recourse available to them if they believe they may be victims of discrimination, inclusive of providing Discrimination Complaint Forms. In addition, all appropriate KJPHA written information and advertisements will contain the appropriate Equal Opportunity language and logo. The Equal Opportunity Implementation Plan lays out Section 504 Grievance Procedure and it provides for the KJPHA to assist any family that believes they have suffered illegal discrimination by providing them copies of the housing discrimination form. Staff will assist them in completing forms. The KJPHA endeavors to have bilingual staff or access to people who speak languages other than English.

DEMOGRAPHICS & HOUSING CONDITIONS/ ENVIRONMENT ANALYSIS

A review of the characteristics of population and housing can provide context and inform the possibility of potential impediments to Fair Housing. The examination that follows relies heavily on and links with data and analysis contained in the Village of Kiryas Joel's Draft 2024-2028 Consolidated Plan.

The Draft 2024-2028 Consolidated Plan for Kiryas Joel provides extensive community profiling. It analyzes many features of community population, demographics, and socio-economic factors. The Draft 2024-2028 Consolidated Plan is incorporated herein by reference. Some information is replicated here, with some limited additional profiling analysis provided herein.

A. Disclaimer

As an aid to Affirmatively Furthering Fair Housing, on January 13, 2017, HUD issued the 'Assessment Tool for Local Governments & Public Housing Agencies'. It provides software and data for use by local governments. Per HUD, the online AFFH Data and Mapping Tool: <https://egis.hud.gov/affht/>, is available to assist Fair Housing planning and analysis of impediment efforts. However, as of March 18, 2024, there is not an ability to readily conduct desktop analysis using this tool. There are problems using this specific HUD application, in performing analysis for this particular jurisdiction. Within this apparent inoperability, it is not possible to matter-of-factly access, review, capture and depict key map information, legends, and table of contents for each available map.

The effect of this limitation is an inability to use this tool, or data derived from it, to evaluate the potential for racial or ethnic segregation in the community. The software provides analysis using variables such as Dissimilarity Index; Exposure Index, School Proficiency Index, Labor Market Index, or Environmental Health Index. Having to use, or rely on, other HUD printed, or GIS sources is beyond the budget available. The limited available budget for developing this project means there are constraints which do not provide for compiling and analyzing data outside of this source. The AFFH Data and Mapping source is supposed to be the definitive HUD tool. The growth underway in this in this community makes it challenging to compiled data for analysis using other sources.

There is also a significant constraint in that HUD's IDIS/eCon Planning Suite has malfunctioned. Up until March 21, 2024, this jurisdiction has not been able to receive pre-populated data using a HUD-supplied Consolidated Plan template. This means there has not been readily available, standardized, good quality, practicable and up to date information for the community's profile and analysis available using that system.

HUD, in February 2024, has instructed the jurisdiction to proceed with its consolidated and Fair Housing planning without the benefit HUD IDIS pre-populated data for these purposes. Instead, there is reliance on HUD's CPD Maps Consolidated Planning Continuum of Care Planning Tool for data and data stratifications. The sources relied on often consists of 2011 to 2015 ACS and Comprehensive Housing Affordability Strategy (CHAS) data. For some variables in that dataset there is no information available at all and there are multiple blank or not applicable tables. For other variables, when there is data, it is noted those can be relatively old and may be outdated.

B. Context

HUD Entitlement Jurisdictions, such as the Village of Kiryas Joel, are municipalities that receive funding directly from HUD. The Draft 'Fair Housing Matters NY: An Assessment of Fair Housing in New York State', April 2023, page 13, notes the State's population is overwhelmingly concentrated in Federal HUD entitlement jurisdictions (80%), reflecting the overall urban and suburban settlement patterns of the state. Kiryas Joel fits on the side of the highest density communities within that pattern.

The Village of Kiryas Joel is a distinct place compared with adjacent municipalities and the broader region. There is a unique settlement pattern and distinct urban form that is predominantly tied to the religious and cultural background of residents. A religiously homogeneous group resides in the Village and this local population is primarily populated by ultra-orthodox Satmar Hasidic Jews. As per descriptions of the U.S. Supreme Court of June 27, 1994, this is a distinct community and in the 1970s people of the Satmar faith started settling in the Town of Monroe. In 1977, the Village incorporated as a separate municipal jurisdiction within the Town of Monroe.

In 2017, there was establishment of the Town of Palm Tree, coterminous with the Village of Kiryas Joel. This achieved a full jurisdictional separation from the Town of Monroe. The Village of Kiryas Joel/Town of Palm Tree currently covers 1.46 square miles. It is noteworthy that members of this community voluntarily segregate spatially.

C. Ethnic Concentrations of Poverty

As shown in discussion that follows, Kiryas Joel has a linguistically unique population with high proportions of non-English speakers. While there are many foreign-born persons, there are high rates of US Citizens compared with Orange County.

HUD defines Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs) as geographic areas with significant concentrations of poverty and concentrations of people of color (e.g. Black, Hispanic, Asian/Pacific Islander, Native American/Alaska Native individuals, or other designations). Kiryas Joel has significant concentrated ethnic extreme poverty, covering over 40% of all individuals. However, this jurisdiction does not constitute a R/ECAP because there is not a concentration of 50% or more of persons who are non-White.

Evidence shows people in R/ECAPs experience housing problems at greater rates than those in non-R/ECAPs, as confirmed in NY State's Draft Fair Housing Matters, page 107, which identifies that Households in R/ECAPs experience housing problems at a greater rate than those in non-R/ECAPs. That report provides an example statewide whereby over 60 percent of all households outside of R/ECAPs report not experiencing any housing problems, compared to only 41 percent of households in R/ECAP tracts. Moreover, it shows renter-occupied households in R/ECAPs experience housing problems at higher rates than owner-occupied households and are a higher proportion of the overall population of R/ECAPs. The Draft NYS Fair Housing Matters report, page 115, notes renter-occupied households in all regions of New York State experience 'housing cost burden' and 'severe housing cost burden' at higher rates than owner-occupied households. Based on the Consolidated Plan's Needs Assessment and Market Analysis, similar patterns also result in Kiryas Joel, just not based on race, but more along the lines of ethnicity, religion and/or culture.

D. Population & Demographics

1) Age Profile

The median age in the community is 14.8 years, affirming this is an extremely young place, with over half of the community’s population comprising children who are not yet of the age of emancipation at 18 years. Specifically, 58.0% of the community, or an estimated 19,931 out of 34,368 total residents are minors, under the age of 18. Considering the age characteristics of the community, a high percentage of Kiryas Joel’s residents are not yet old enough enter the workforce.

People greater than age 62 represent a small percentage of the population, presently 2.3% of the Village population, or an estimated 776 persons per the 2018-2022 ACS. Considering the discussion of personal and household incomes that follows below, the group of people who are age 65 and over are, per the 2018-2022 ACS, over 1/3 less likely to be in poverty, with only about 13% of older persons listed as in poverty while over 46% of all others are in poverty.

2) Household Composition

The average household size in Kiryas Joel is 5.49 persons. There are 6,202 households in Kiryas Joel, per the 2018-2022 ACS. This is over 50 percent larger than the figure in Orange County (2.89) and it exceeds New York State overall as well (2.55).

3) Race/ Ethnicity

The Village is comprised largely of Satmar Hasidic Jews who are congregating together based on cultural and religious practices. The local population comprises an ethnically concentrated group -- broadly 92.1% of the community speaks a language other than English at home, compared with a state-wide rate of 31%. Per the 2022 ACS data, 23,156 persons (90.5%) of the group who speak a language other than English at home speak 'Other Indo-European' languages, which are generally construed as Yiddish.

Table 1: Kiryas Joel Race & Ethnicity 10-Year Comparison

Year	Total Population	Hispanic or Latino (#)	%	Black or African Amer., Amer. Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander (#)	%
2010	20,175	270	1.3%	76	0.4%
2020	32,954	465	1.4%	186	0.6%

The predominant race/ethnicity is white and non-Hispanic. There are highly limited numbers of persons in Kiryas Joel who are identified as wholly, or partially, black, or African American, Asian, or from indigenous backgrounds, such as native American.

In Kiryas Joel, few residents describe themselves as Hispanic or Latino. Within a total population of 32,954 persons in 2020, per US Census Redistricting Data (PL 94-171), 465 residents reported they were Hispanic or Latino. This is 1.4% of the total population.

The remainder of population is termed Not Hispanic or Latino. Of those 32,489 persons in 2020, there were limited persons residing here who describe themselves, in terms of race, as Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, either alone or racially in combination with a White label. Altogether this subpopulation is 186 persons, or 0.6% of community population.

The tendency for a homogenous population in the Village does not appear to have changed over 10 years. Table 2 shows the sub-population termed Hispanic or Latino increased slightly as a percentage of population. Likewise, there was a very small increase in the proportion of persons residing here who describe themselves, in terms of race, as all or some portion Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander. Within the Village, the influence of culture is prominent, as a vast majority of local residents are non-Hispanic, white, and speak a language other than English at home.

Orange County by comparison is more diverse, with 89,744, out of a 2020 population of 409,310 residents, reporting they are Hispanic or Latino, which is 22.4% of total population. Among 311,566 remaining persons in the County termed Not Hispanic or Latino, the population who describe themselves, in terms of race, as Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, either alone or in combination with a White label, was 79,718. This is 19.5% of the total County population.

In Kiryas Joel it does not appear there are uniquely greater needs among the local resident population of Hispanic or Latino, Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islanders. Rather, as discussed more below, deep poverty and an extremely high prevalence of low incomes is a defining feature that cuts across the entire population.

4) **Income Profile & Poverty**

As discussed in the Consolidated Plan, including its Housing Needs Assessment, and examination of Disproportionately Greater Need: Housing Cost Burdens, there is evidence of widespread problems of poverty across this community, regardless of household characteristics and status. According to HUD-supplied Low- and Moderate-Income Data, based on the 2011-2015 ACS, as accessed on hud.maps.arcgis.com/, the Village had 84.6% of its population with low- and moderate-incomes. At that time, this represented 18,330 persons.

By another estimate, 2021 Median Household Income per the ACS five-year estimates was \$39,826. This data indicates there was evidence of broad hardship with a Family Poverty Rate of 38.2%. Related to incomes and incomes potential, the entire community faces deep seated problems of affordable living, including housing affordability. While there are significant problems with constrained incomes, the features are uniform across the population. The skew towards significant portions of local population experiencing low incomes is a defining feature of the community's profile.

The 2022 ACS Estimate for Poverty Status in the Past 12 Months by Sex by Age (Black or African American Alone), Table B17001B, had an estimated 102 out of 304 persons as being in poverty. That is a rate of 33.6%, which is below the 43.3% rate applicable across the entire community at that same point. This provides rationale to focus this AI/ Fair Housing Planning on the needs of poverty-stricken families and persons. It is supposed, the small populations residing in this community who are Hispanic or Latino, or are self-defined as having a race other than White, do not face more disparate situations than across the whole community population.

Per the 2020 US Census, the Village is relatively small, with a land area of 1.4 square miles . There are highly fluid population characteristics. The patterns of growth and data limitations make it hard to analyze areas smaller than the whole jurisdiction. There has been a lot of change in recent years in the boundaries and footprints for Census Tracts overlaying the Village. Therefore, the entire Village is used in analyzing potential impediments to Fair Housing. People who are of Hispanic or Latino background, or who are self-described as other than white, do not appear to live in a spatially different pattern than the community as a whole.

5) **Education & Work Environment**

The local Comprehensive Plan and Draft 2024-2028 Consolidated Plan address the economy and prevalent employment sectors. In the Consolidated Plan, part MA-45 - Non-Housing Community Development Assets, discusses large employers and features of employment/unemployment, and the community education profile. This part relies on descriptions in the Consolidated Plan to examine how the work and education environment, and access to jobs or education, may influence impediments to housing, or potentially impede Fair Housing.

A unique community education profile, appears to influence workforce capacity. People with less vocational type educational opportunities may face barriers to higher quality employment, career advancement, economic stability, and self-sufficiency.

6) **Housing**

The Draft Consolidated Plan provides extensive housing profile information for this community. It discusses the: housing stock; housing market conditions; affordability of housing; assisted housing, including features of public housing; and the local supportive housing environment.

Overall, there is a broad need for affordable housing. This is influenced by the presence of large and significant numbers of households who are low-income or in poverty, regardless of the background of residents.

There are disproportionate housing needs for large segments of the population comprising low-income persons and households. In the local market, these constraints and problems arise both in the rental and ownership tenures. As discussed in the Draft Consolidated Plan, there are relatively low owner-occupancy rates.

There are significant efforts by the local public administration to promote broad-based and cross-cutting housing solutions in Kiryas Joel, even though there is a limited local economic base, economy, and a

high cost of living. The efforts to create significant additions to the housing supply within the Village borders arise with simultaneous efforts to create equitable and accessible public services and public facilities. The availability of quality and accessible public facilities and services will provide support for economic growth that will benefit all persons. It will also provide for a more affordable local living environment, which will benefit wide swaths of the population who are low-income, including those who are in poverty. As infill and densification happens across the community and there is continuation of a trend for significant year over year growth in the amount of multifamily housing, all people will be more readily able to afford housing regardless of their status, and whether they or household members experience disability.

7) Transportation

There is extensive discussion in the Draft Consolidated Plan, including but not limited to NA-45 ‘Non-Homeless Special Needs Assessment’ and NA-50 ‘Non-Housing Community Development Needs’, regarding the crucial need for and the potential to advance an equitable and accessible local transportation environment. Having transportation choice and multimodal opportunities is an essential link between where people live and work, receive education, and conduct other activities of daily living.

The characteristics of streets and the availability of transit influence ways people access and connect across live-work and other key domains. In assessing Fair Housing and accessibility, this part sets out to describe the transport environment and context in and around Kiryas Joel. The descriptions are used to identify potential for disparities in access to transportation, or inhibitors of equitable transportation, inclusive of an assessment of factors related to costs and access to public transit in the jurisdiction.

Table 2: Commuting Patterns 2022

Means of Transport to Work: Workers Aged 16+	(V) Kiryas Joel	(V) Kiryas Joel %	Orange County %	New York State %
Worked from Home	835	11.2%	10.0%	11.6%
Walked	1,548	20.7%	3.6%	5.7%
Public Transit (excluding Taxi)	955	12.8%	4.7%	23.4%
Carpool: Car, Truck or Van	1,214	16.2%	9.2%	6.3%
Drove Alone: Car, Truck or Van	2,248	36.6%	70.7%	50.5%
Other Means: Bicycle, Taxi, et al	95	2.5%	1.8%	2.4%
Average Travel Time (in Minutes)				
	21.1		34.1	33.3

Source: US Census Bureau: 2022 American Community Survey 5-Year Estimates Detailed Profile Tables (DP03) & (S0801)

The Village population’s transportation activity patterns are unique. They are characterized by high levels of people walking and low reliance on single-occupant motorized vehicle trips. Based on commuting patterns of employed persons aged 16+ and undertaking transport to work, Table 2 shows over 3/5 (60%) of this group walked to work, used public transit, carpooled, worked from home, or used another means, such as a bicycle or taxi.

Only 37% of working people drove alone, far less than the 71% who drove alone in Orange County, and also eclipsed by the rate of 51% in New York (Ibid). These highly unique community transport patterns extend beyond just the active workforce. With a median community age of 14.8 years, there is a large population of children who are not even of an age to drive. Furthermore, based on common cultural traditions and practice, most women not to drive.

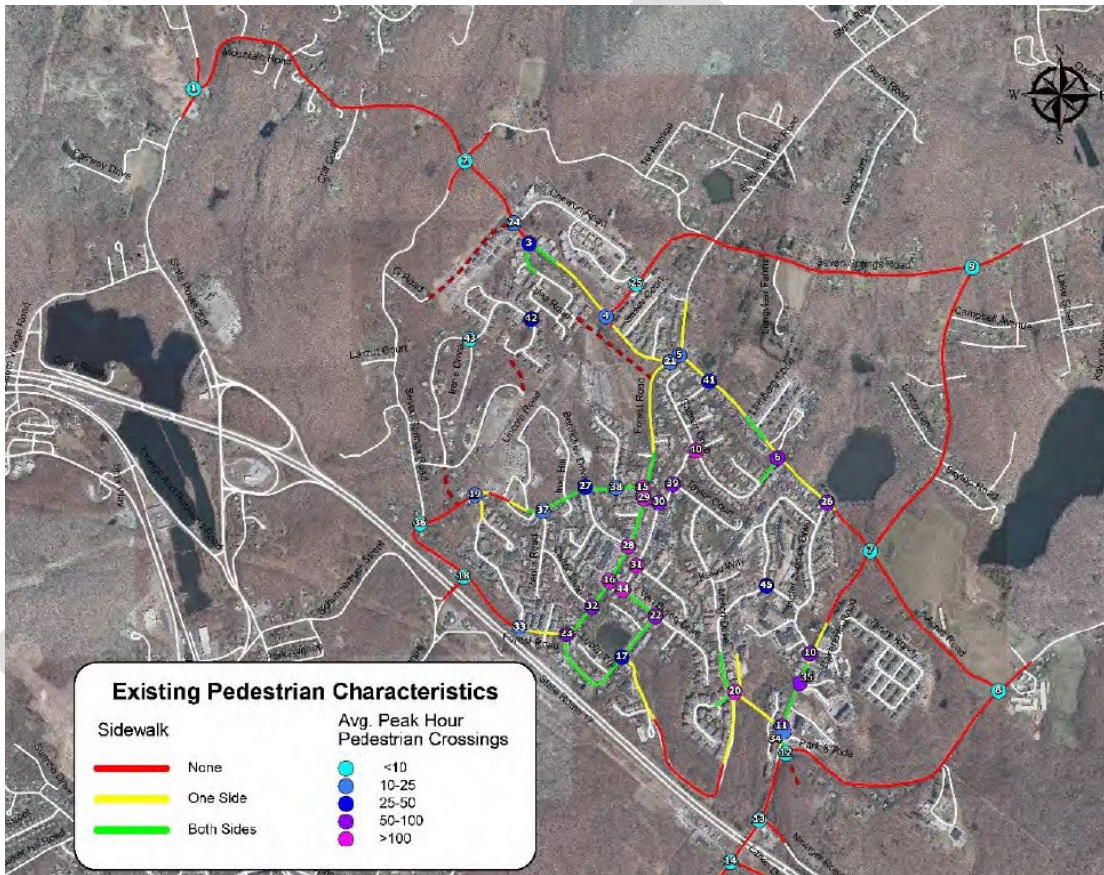


Figure 1 – Existing Pedestrian Characteristics: The graphic from the Village’s TIS shows the presence of sidewalks on primary Village roadways, as well as the relative pedestrian volumes, at the 2020 Traffic Impact Study focal intersections. Solid red lined roads lack sidewalks and solid yellow lined roads have sidewalks on one side. (by Creighton Manning Engineers)

The Village owned public street system constitutes a large segment of publicly owned property. There are over 11.6 miles of local roads per the 2017 Highway Mileage Report for New York State, pdf page 51. It is presumed there has been growth in the amount of local street facilities, as there has been extensive new building occurring in the Village. As shown in the ‘Existing Pedestrian Characteristics’ figure from the Village’s 2020 Transportation Impact Study, while many streets have sidewalks on both

sides, there are streets in the Village with sidewalks on only one side, or which lack sidewalks altogether.

Table 3: Village of Kiryas Joel Mass Transportation Use, 2022 & 2021

	(V) Kiryas Joel	
	Total Ridership	Average Monthly Use
Total Annual Bus Use 2022	561,346	46,779
Fixed Bus Route	526,317	43,860
Dial A Bus (DAB)	35,029	2,920
Total Annual Bus Use 2021	427,858	35,655

Source: Village of Kiryas Joel Transportation Dept. Sourced from Technical Memorandum: 122-262 KJ 2023 Comprehensive Transportation Study, Nov 6, 2023 by CME p 12

There are extraordinarily high levels of use, and growing levels of use and demand, experienced by the Village’s transit system - KJ Transit. In 2022, the Village’s fixed-route transit system carried 526,317 riders. This was the highest level in Orange County. Locally, ridership was 137% higher in 2022 than 2021. Notably, there was a 322% increase over pre-COVID ridership of 163,730 in 2019. This is driven by high proportions of children, instances of users having limited or no access to cars due to low household incomes, plus a high prevalence of residents who do not drive based on cultural-religious traditions. Public transit use in the Village was almost 3 times higher than Orange County’s use and twice as high as New York State’s use of public transit. (Table 2). It does not appear there is inequitable public transit availability in Kiryas Joel. Anyone can easily access this economic a broadly available service.

Table 4: Vehicles Available per Occupied Housing Units, 2022

Vehicles	(V) Kiryas Joel	(V) Kiryas Joel %	Orange County	Orange County %	NY State	NY State %
No vehicles available	2,299	37.1%	11,623	8.6%	2,262,398	29.1%
1 vehicle available	3,551	57.3%	43,412	32.1%	2,637,664	33.9%
2 vehicles available	339	5.5%	49,392	36.5%	1,988,016	25.6%
3 or more vehicles available	13	0.2%	30,713	22.7%	886,230	11.4%
Occupied Housing Units	6,202	100%	139,757	100%	7,774,308	100%

Source: US Census Bureau: 2022 American Community Survey 5-Year Estimates Detailed Profile Tables (DP04)

Kiryas Joel's unique conditions of rapid growth, high pedestrian mobility, and low incomes means many people depend local transit to get where they need to go and meet the needs of their daily life regularly, reliably and safely. As documented by Creighton Manning Engineers in a November 2023 analysis of future transit fleet requirements, annual fixed-route ridership skyrocketed as KJ Transit significantly expanded its service area, increased route frequency, and added routes in response to increasing ridership. Growth will generate further escalation in ridership demands. The Village government is actively preparing for future needs and growth in the public transit system. They are planning and sequencing investment needs to sustain and develop KJ Transit as an essential service that provides quality and broadly accessible community mobility.

Across this community the street facilities and the transit system are being developed in a way that everyone has transport choice and would not have to own a car in order to reach destinations they must travel to within their daily activity patterns, including schools and job settings. Moreover, the transit system is being planned and developed to provide extended hours and so that service is readily and reasonably available from most points in the Village. This provides for economic and accessible transportation in this jurisdiction.

Section 504, and the Americans with Disability Act, contain mandates related to achieving accessible environments for persons with disabilities. These provide objectives for integrated settings, enabling individuals with disabilities to live and interact with individuals without disabilities to the greatest extent possible. The Village policies and priorities for complete streets and transit development will ensure anyone can more readily use public streets and transit. When there are investments in transport facilities, there will be enhanced universal design and adherence to the ADA. The policies of the Village provide for these facilities to be increasingly accessible, and readily available to anyone, regardless of race, ability, or income.

The public facilities objectives in the Draft 2024-2028 Consolidated Plan support an adequate supply of public services, by setting out to sustain or expand levels of service, and serve a growing population. This will address dimensions of need, cover basic and essential services, and achieve and extend support advancing public health, economic security, and workforce and personal development. The effects will transpire broadly and equitably across this community. The transport investments by the Village are consistent with this aim and are inclusive of all persons.

The availability of extensive local public transit system ensures there are no transport barriers for persons who are in poverty or low-income. Using KJ public transit, there is the potential for all people to access employment opportunities in the Village and at nearby large employers, including within the retail sector. All people, regardless of their background, will be able to access essential public services.

Improved public streets will enable and advance transportation choice and equity. It will be possible for numerous residents, who frequently walk based on cultural tradition, who lack access to cars, and/or who cannot afford to own one or multiple autos, to easily undertake walking trips, and make transit connections on public facilities receiving underwriting investment.

The Village's Comprehensive Plan and its capital investment planning aim to upgrade and enhance sidewalks/street facilities which all people can readily access and use to safely and easily move about the community actively on-foot, or if people have disabilities. Individuals with disabilities do not appear

to face unique barriers in accessing transportation, including public or private transportation, such as buses, taxis, and paratransit. The systems of the Village provide for physical accessibility, wide availability of transit, promote low costs for personal and household transport, and do so in ways which reinforce transport safety and reliability. The local systems provide for ADA accessible streets and transit, including bus stops, without barriers for people with disabilities, including those who may have mobility impairments. The establishment of transport choice enables housing choice where individuals have flexibility in terms of where they may choose to live.

The improved sidewalks and overall better street system will support better public transit delivery, as the bus system operates over public streets and people walk to bus stops, and there is transit infrastructure, such as bus shelters, often situated on public sidewalks. Due to this finding, it is not defined as a priority to focus on Fair Housing strategies which will impact transport environment.

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FAIR HOUSING STANDING & RECORDS OF COMPLAINTS REGARDING DISCRIMINATION IN HOUSING OR SERVICES

A. Village Government

The Village of Kiryas Joel does not have any Fair Housing complaints involving HUD or New York State. The Village administrator does not identify any active Fair Housing complaints filed by the U.S. Department of Justice, or plaintiffs, against the Village. Per the Village Administrator, the municipality has not been the subject of any housing discrimination proceedings before any local, state or federal adjudicatory body.

The Village is also involved in supplying Transit and a variety of other public services. Including its public transit offerings, the Village Fair Housing Officer does not identify any complaints lodged, or any active suits, filed on the grounds of any persons or groups being denied the benefits of, being excluded from participation in, or being subjected to discrimination, under any other program, or activity, receiving federal financial assistance, and occurring based on their race, color, national origin, religion, sex or familial status.

B. Village of Kiryas Joel PHA

The KJPHA is a Public Housing Authority established per NY State Chapter 43-A, Article 13, Municipal Housing Authorities, Section 549. The KJPHA provides federally subsidized housing. It has Public Housing units, it administers Section 8 Housing Choice Program vouchers, plus it facilitates other housing vouchers. The KJPHA is separate from the Village. There have not been any Fair Housing complaints identified against the KJPHA. According to desktop research, a Propublica report at <https://projects.propublica.org/hud/owners/NY158> identifies that in 2014, the KJPHA was federally scored as a “high performer”.

ASSESSMENT OF PUBLIC & PRIVATE SECTOR POLICIES & PROGRAMS

Public and private policies and practices influence the social and economic environment. Public policies have potential to affect living environments and the possibility for even access by all people to economic opportunities, without establishing unfair differences in access to resources. Functioning without disparities, this means problems and exclusions do not arise because a policy, or policies, directly or indirectly cause harm to someone in one group, or protected class, compared with others. Likewise, policies and actions operating in the private sphere can prompt equal opportunity, accessibility options, and the avoidance of discrimination. They can provide for even practices relating to development, finance, construction, marketing, and selling of housing, so there is not intentionally or inadvertently an unfair or illegal influence on options and types of housing and other economic choices people or communities face.

Accordingly, this section reviews the ways local public policies and programming, or private housing or other actions, are structured to confirm neutrality and even application of access to opportunities based on the way they are undertaken. Building on earlier analysis, there is identification of potential issues, or constraints, which may be used in considering the need and structure of possible Fair Housing goals. It may also inform recommendations for structuring action in order to Affirmatively Further Fair Housing.

A. Public Sector Categories/ Subjects of Fair Housing Assessment

Based on a needs assessment screening and a scan of potential issues, the following categories of assessment are addressed covering the public sector. Since the Village may provide HUD financial assistance that flows through to non-profits, there is an examination of activities involving local non-governmental organizations. There is also discussion of the KJPHA, although there is not planned use of CDBG funds in support of the KJPHA.

1) Zoning

The Village's land use regulation framework is permissive. Zoning enables high density housing which supports housing choice for all persons and households regardless of status. Unlike many places, many residents accept urban form and dense building, which means there is not much opposition to growth which serves diverse housing needs.

As noted in the proposed Consolidated Plan, the effect of this zoning program, and entitlements it establishes, is for a preponderance of multifamily housing. There is limited or no single- or two-family housing creation. Based on analysis that follows, local land use laws are not identified as an impediment to Fair Housing, or which contribute to disparities or disproportionate needs for protected classes in this jurisdiction.

Kiryas Joel's Zoning Law is Chapter 155. The Zoning Map was last revised in May 2021. The two primary base districts are Residential (R), which covers approximately 3/4s of the community and allows multifamily, and Commercial (C). Besides two Euclidean type R and C zones, there is a Planned Unit District (PUD) allowance (§157-27) that can be applied anywhere. It aids housing opportunity by enabling functionally integrated residential and commercial development.

Housing is permitted by-right in the R zone, where dimensional standards are not rigid or restrictive. They allow high density residential building with an orientation to human-scale development and environments that support walking/ active transport. Per the community's 2018 Comprehensive Plan, pp. 2, based on language in the zoning law, community planning has developed around a primary goal of accommodating housing at a density that promotes a close-knit community, with a compliment of community support services. It further notes zoning supports the public interest and is not in favor of any special interest.

There is no restrictive zoning defining familial status. This means there is ability for multiple people to live together in large households and families, which is common here.

Importantly, an "inclusionary" zoning standard, §157-27 'Affordable Housing', requires compliance from new residential development in the Village with local Chapter 47 'Affordable Housing'. It promotes 20% of new residential building space as affordable. It finds that the need for affordable housing in the Village is great, and warrants the establishment of a system by which specific incentives or bonuses are granted for such purpose. The need for affordable housing is an inherent element of the Village comprehensive plan.

Local Zoning does not establish restrictions or impediments to developing dense housing (this is one of the densest locations in all of New York State). The Village is experiencing substantial levels of planning and building applications, as documented in the Village's March 2024 Pro-Housing application to New York State. The construction covers different size dwellings. It includes options for people to rent or own housing. Furthermore, since the community must comply with State Building Codes and Federal ADA and design standards, a requisite portion of any new supply of housing units being created is accessible by people and households with disabilities. There are also affordable units being built, so a subset of them is accessible by persons and households with middle- or moderate-incomes.

2) **Public Services**

Based on a scan of the Village's public services, these are considered broad based, available jurisdiction wide and open to the public, and are not targeted to aid any specific area. Besides transport and transit, there is uniform provision of water, sewer, recreation, police and emergency services. Likewise, school services and comprehensive other supportive services, such as for people with disabilities, or who are in poverty, or offered through the independent school system, or in cooperation with area non-profits, and/or through the Village Department of Social Services, are structured to be available on a free and fair basis.

There is also compliance with the American with Disabilities Act (ADA) across the Village administration. This includes accessibility of public services and reasonable accessibility of public facilities. When there are partnerships involving HUD funds flowing through the Village to non-governmental/ non-profit entities, these recipients are, by design providing services that are accessible for people of all abilities, and such services are provided in accessible settings. The Village is always striving to make incremental and necessary improvements to its facilities and services to maintain and enhance compliance with the ADA.

Based on this assessment, the Village public services are found to be equitable and accessible. There is a limited supply of services based on resources availability; however, no discrimination or impediments to Fair Housing choice appear in activities related to municipal and other services, or accessing people where they live, or in terms of where services are offered. This includes individuals with disabilities who are assured equal access to available programs and activities, inclusive of individuals as well as families.

3) **KJPHA**

Attributes of the KJPHA are described in the proposed Consolidated Plan, including within part NA-35 Public Housing. Based on descriptions accessed, it appears that the KJPHA maintains housing admissions and occupancy policies which include measures to Affirmatively Further Fair Housing within the administration of public housing and associated housing programs. These include appropriate protocols to ensure individuals with disabilities will have equal access to available services and programs.

4) **Fair Housing Marketing & Compliance**

The Village has received discretionary HUD awards that flowed through New York State to non-entitlement communities. Recently, the Village received HOME Investment Partnership (HOME) funds for a first-time homebuyer program operated in partnership with the Kiryas Joel Community Housing Development Organization (KJCHDO).

The 2021 Providing Assistance to Homebuyers (PATH) first-time home buyers program builds on the Village's existing Fair Housing Plan and earlier rounds of HUD-related local programming that have contained and catalyzed efforts within Kiryas Joel to prompt Fair Housing and equal opportunity. The current efforts are structured to increase the level of Fair Housing knowledge and practice. They are structured to promote understanding and practices surrounding Fair Housing and equal opportunity within this program among administrators, and the broader community, and among potential and actual program participants/ recipients. The multiple actions occurring to enhance the Fair Housing environment are simultaneously benefiting the whole local housing market.

As a HOME recipient, the Village committed to:

- Maximizing choice within the community's total housing supply;
- Lessening racial, ethnic, and economic concentrations of housing;
- Facilitating desegregation and racially inclusive patterns of occupancy and use of public facilities; and
- Administering the HOME program in a manner to Affirmatively Further Fair Housing.

There are extensive measures underway to provide awareness of Fair Housing rights. This includes an Affirmative Marketing Plan developed for the Village's 2020 NYS Home Program – Providing Assistance to Homebuyers (PATH) Project, SHARS ID# 2020317 (24 CFR 92.351).

- Documentation confirming compliance was provided to the NYS HCR Fair & Equitable Housing Office (FEHO) prior to project grant adoption in mid-2022.

As an evaluation of good faith efforts, KJCHDO was assigned with responsibility to review information in the records of the HOME Program, which is now completed and closed-out. The KJCHDO was tasked with comparing Program records with the Village's HOME Program policy goals, as well as advertising special outreach procedures, and generating a written assessment on affirmative marketing to confirm the good faith efforts originally assigned were made. The findings confirmed that the good faith efforts of the HOME Program were advanced.

Since the housing market in Kiryas Joel is tight, and there is a challenging environment of housing affordability, efforts in PATH to affirmatively market housing to persons and families with incomes less than 80% of area median income will ensure that all vulnerable segments of local population are protected and supported. The Village supports affirmative marketing by the KJCHDO to assure that people who have limited income and are highly vulnerable, and who may be less likely to apply for housing assistance, have and take opportunities to participate in programming. This includes people with disabilities and/or special needs, as well as non-English speaking households. Besides aiding awareness of the availability of assisted units, and promoting people with limited means to apply for assisted housing, there is education and awareness instilled within the broader community about Fair Housing and the rights of tenants, including persons with disabilities.

There appears to be feasibility to extend the same type of coverage of this Affirmative Marketing Plan over the Kiryas Joel CDBG program. Since there are not specific affirmative marketing plan requirements identified for the HUD CDBG-assisted program in 24 CFR Part 570, the Village could voluntarily adjust the Affirmative Marketing Plan policy to also apply to any future applicable home ownership activities that may occur in the community, or which may be covered by its CDBG program. Having the same format will require the Village to tailor policies to any new Village home-ownership financing initiative, if and when the Village pursues a home-ownership housing initiative using CDBG resources.

Using the same framework will also require collaboration with KJCHDO. The preliminary indication based on communications with KJCHDO leadership in Winter 2024, is they are amenable to an in-kind arrangement. Since the HOME Affirmative Marketing Plan was organized for a program that provides home-ownership assistance, some additional documentation may need to be formulated, if there are objectives added to extend government-non-profit affirmative marketing and planning so as to cover rental tenure housing, or support involving rental tenants. As a measure of action, the Kiryas Joel Village could adopt a resolution affirming intent to extend coverage of the current affirmative marketing plan over its CDBG program through 2028.

5) Private Sector

Housing Environment – This subsection reviews the potential role of the private side of the housing market, in terms of housing supply/construction, finance, marketing and transactions. Using mostly qualitative assessment, it aims to identify whether there may be major forces influencing Fair Housing choices. One focus is on the high cost for housing. Another is for the application of Fair Housing laws.

As discussed in the Draft 2024-2028 Consolidated Plan, there is broad need for affordable housing, but there are limited public funds available which could be used to stimulate desired development. The need for affordable housing is influenced by the presence of significant numbers of households who

are low-income and in poverty, regardless of their background. There are significant efforts by the local public administration to promote broad-based housing solutions within the municipal boundaries of Kiryas Joel, even though there is a limited local economic base, economic product, and a high cost of living.

It is not evident whether there are practical ways to leverage and enable local housing developers to create lower cost housing in this community. For one, this community is quite different from many places in that there are not significant portions of housing costs going towards the cost of land for parking cars, or for garages or similar structures to house multiple personal automobiles per household, so reducing demand for parking would not be likely to apply here, since land allocated for parking, and demand for parking, it is already quite minimal. This is evidenced by very low rates in the number of cars per household.

Likewise, structures being built are multifamily, which should aid economical construction costs on a per unit or per square foot cost basis. Since this community is growing quickly, and housing demand would not be expected to ebb, establishing local, or nearby, availability of modular building technologies might enable lower cost construction. An example of discussion on this topic is contained in ‘Increasing Affordable Housing Stock Through Modular Building’, in February, 2024, by Michela Zonta of the Center for American Progress. An advantage of increasing the use of modular components might be that needed housing could get built more quickly.

The efforts to create significant additions to the housing supply within the Village borders is relevant because there are simultaneous efforts to create equitable and accessible public services and public facilities. The availability of quality and accessible public facilities and services provide support for growth in the economy benefitting all persons. It will provide for a more affordable local living environment, which will benefit wide swaths of the population who are low-income, including those who are in poverty. Still, there will be an ongoing need to create a larger supply of affordable housing to serve the continuous expected growth in the number of persons and households who are low income and in poverty.

According to the 2021 PATH HOME Grant Application, since 2007, 20% of the housing constructed locally has been designated as affordable per the net affordable purchase price set by the Village annually by law. It is not apparent how property owners conduct screenings and selection for unit purchases or rents. Therefore, it can be advantageous to promote Fair Housing marketing. It is also recommended for owners to conduct record keeping which can aid in compliance monitoring.

Generally, there is no spatial inequity in the housing supply. There are no areas of isolated segregation in subparts of this community. However, a small land area of 1.4 square miles contained within the jurisdiction and somewhat limited land available for dense new housing growth, does to some undefined extent inhibit housing options. The ability for the market actors to have access to zoning entitlements that allow for the establishment of multifamily housing in nearby locations is desirable. It probably could aid Fair Housing choice and overcome potential for discrimination in these adjacent places.

Even though there is astronomical growth underway in the housing supply, limited private investment in multifamily ownership or rental housing is contributing to a tight housing market. There is not

sufficient private investment to match the growth in population and escalating demand. As the Village works to prompt and leverage significant additional needed private investment, the Village's parallel efforts to consistently provide adequate public facilities, plus promote Fair Housing, will ensure that private market actors, such as developers and real estate agents, understand there must be free and fair access to housing options for all persons in all instances within the Village.

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ADDRESSING IMPEDIMENTS TO FAIR HOUSING

Based on analysis provided above, the potential impediments to Affirmatively Furthering Fair Housing center around the need for equitable community and economic development. There is a need for all persons, regardless of status, and living situation, experience a quality and affordable living environment which generates housing and economic opportunities for all people because there are accessible housing choices, with all persons able to benefit from the economic base and area economy in order to obtain jobs, build wealth, afford housing, and reasonably access available services.

Based on needs assessment and impediments analysis, the following Fair Housing Goals are crafted for the Village of Kiryas Joel. They are structured to ensure there equitable and equal opportunities to resources and housing across the community. Using the identified goals, the final section of this report provides recommended objectives for Affirmatively Furthering Fair Housing in coming years. These can be tracked and monitored moving forward.

A. Goals

1) **Build Wealth**

Foster an affordable and manageable cost of living, inclusive of quality and economical public services, such as in but not limited to water, sewer, and transportation realms, plus cultivate affordable rental and home ownership opportunities.

2) **Aid Local Government and Community-based Capacity Around Fair Housing**

Improve understanding of Fair Housing standards and techniques among local public program administrators, and enhance the level of Fair Housing knowledge among area housing providers, real estate professionals, and the public.

3) **Promote Integrated Services, Settings and Living**

Provide advocacy for integrated living situations and service settings for persons with disabilities, to help avoid establishing segregated supports or services. The Village can prompt flexible and broad programming which serves and assists persons with disabilities as part of the routine development of projects and programs.

4) **Promote ADA Compliance**

The Village should identify methods for reasonably and incrementally addressing priorities for accessible public facilities and services.

5) **Conduct Marketing/ Promotions to Help Advance Equal Opportunity/ Fair Housing**

Publicize the requirements for equal opportunity and provide guidelines for communicating equal opportunity using printed and electronic publications, plus promote where people can access information on Fair Housing to promote knowledge among housing providers as well as the public.

6) **Provide Ongoing Fair Housing Assessment**

Regularly review the potential impediments to Fair Housing, perform evaluation of progress with Fair Housing goals, and as needed update the AI, the FHP and associated actions.

B. Fair Housing Actions & Measures.

The following objectives are identified to advance the removal of potential impediments to Fair Housing. The help establish a framework for ongoing Fair Housing planning and administration. Each item is provided with a timetable (recommended timeframe for achievement) for taking meaningful actions (specific metrics/ milestones) for Affirmatively Furthering Fair Housing in the Village of Kiryas Joel.

These actions are intended to help achieve material changes in the local Fair Housing environment. Yet, there is no prohibition on making changes based on subsequent analysis. Nothing should be construed to prevent removing items, or adding new or alternative proposed actions.

1) **Update Fair Housing Plan**

It is advisable for Village staff to review the current FHP and determine if it should be updated. This determination should be provided in the form of a memorandum to the Village Fair Housing file. An update can provide for consistency with current regional laws, including at federal level and for NYS, including for the ADA and related accessibility statutes. There may be some typos in the existing policy plan, that is now over 10 years old, so it may make sense, in three to five years, to define within the memo whether there should be refinements along with any additional substance or commitments placed in the current adopted Plan.

2) **Build Fair Housing Capacity**

- a. It is recommended for Village staff or agents involved in local community development to participate in a Fair Housing webinar(s), classroom training(s), or similar action(s). There can be an objective for documenting at least one hour of such activities, once every other year, by a minimum of two people. The people involved may be either staff of the Village who work on community development and related topics, and/or who work at a consulting firm and who are directly involved in the Village's community development program administration. This will provide a means for exposing involved persons to current practices and alternative Fair Housing techniques. It can assist them in administering community development and elevate their interactions with other stakeholders with roles in Fair Housing matters, as well as the public.
- b. Foster Discussion on Developing Integrated Service Settings - While there are no identified issues involving the local government's or community-based groups' conduct in relation to

State and local laws, policies, or practices that support individuals with disabilities achieving living situation and supportive services within integrated settings, it is recommended for stakeholders involved in community development and provide local public services to explore how their programming and operational practices may be structured to enhance integration. Through discussion there may be potential to provide effective medical assistance, social and public services, public transportation/social services transport, education, or create jobs that enable persons with disabilities to live in community-based settings. A measurable objective is for a multiparty discussion on this topic to occur within five years.

3) **Structure ADA/ Universal Design Compliance**

The Village should prepare a basic, concise plan identifying method for incrementally addressing needs which can feasibly help improve the accessibility of local public facilities and services. This can provide a framework and strategy for achieving reasonable and sustainable alterations or upgrades in existing facilities or services, if or when these are warranted, and as available resources permit. Within three years, there should be formulation of a potential scope of work, examination of alternative budget requirements, and a determination whether proceeding with development of such Plan is feasible at the current time.

4) **Provide Fair Housing Marketing**

- a. Village community development agents should, within three years, conduct outreach, such as using a one-page letter, that is directed at real estate and/or property owners, which publicizes and can be used to help inform them about equal opportunity requirements.
- b. Within three to five years the Village should establish a policy for how or when written information and advertisements should contain appropriate Equal Opportunity language and/or logos.

5) **Promote Action in the Local Real Estate Sector for Fair Broker Commissions.**

While the norm nationwide has been for buyers of housing to pay both the real estate buyer's and real estate seller's broker agent fixed commissions, a federal court determination in 2023 appears to be serving to promote more open competition by brokers and limits on applicable broker commissions. Depending on how groups like the National Association of Realtors and other brokers organize alternative commission or brokerage service arrangements, there may be opportunities for prospective home buyers, such as first-time home buyers with limited incomes, to save on the cost of housing, depending on how this is structured, particularly if there are limits set to the top amounts that can go towards broker's fees or commissions. Village leaders may consider requesting local agencies and agents provide technical assistance within this community so prospective buyers such as low-income first-time home buyers can economically involve brokers in their efforts to purchase homes. This is a low priority and the measurable result is exploration by whether this may be a feasible tactic to promote among the real estate community, brokers, agents, firms and trades operating in the local real estate sector.

6) Advance public facilities capital investments

It is an objective to direct substantial grant funds towards upgrading and enhancing public infrastructure and infrastructure services, which will be available to all persons, regardless of their background, or abilities. This will help prompt an affordable cost of living and stimulate desirable private investment and needed housing creation. Within five years, it is an objective for the Village to authorize the investment of a minimum of \$500,000 from the budget, such as using CDBG Entitlement Funds, to advance this objective.

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