



OHR's analysis of Ithaca's demographic and economic conditions, municipal documents, and information provided through public participation indicates the City of Ithaca faces nine (9) primary impediments to fair housing choice. Each impediment shares equal weight and is not listed in any particular order.

1

People with disabilities report higher levels of discrimination and lower levels of housing accommodation than other residents.

2

The needs of Limited English Proficient (LEP) individuals may be underserved by the City of Ithaca and by its sub-recipients of federal funding.

The obligation of sub-recipients of City CDBG/HOME funds to Affirmatively Further Fair Housing (AFFH) is not effectively communicated.

3

4

Exclusionary tactics against households who rely on public and private subsidies for housing is prevalent in the City and has a disparate impact on protected classes in Ithaca.

5

Some housing professionals' policies, practices, and lack of knowledge limit housing options for protected classes.

Processes related to the construction of housing within the City may limit housing choice and inhibit the development of affordable housing within the City.

6

8

There is an inadequate supply of emergency shelter and transitional housing services, especially for homeless families with children and persons with disabilities.

7

The City of Ithaca does not provide its residents with any effective legal mechanism by which their fair housing rights are meaningfully enforced.

9

Ithaca's student-dominated rental market leads to the prevalence of discriminatory practices by local housing providers who screen out families with children (and other protected groups) in favor of single students for housing.

## Impediments to Fair Housing Choice are —

- Any actions, omissions, or decisions taken because of one's membership in a protected class which restrict housing choices or the availability of housing choices; and
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of one's membership in a protected class.

This analysis makes a distinction between direct impediments (those that directly impact a protected class) and indirect impediments (those that may be a concern but cannot be directly linked to any particular protected group). For example, the lack of affordable housing is generally a barrier for all low-income people, regardless of protected class; therefore, in this AI the affordability of housing in Ithaca is viewed as an indirect impediment to fair housing choice. Furthermore, each identified impediment is supported by a number of observations that when considered collectively, support the existence of the corresponding barrier to fair housing choice.



### IMPEDIMENT



People with disabilities report higher levels of discrimination and lower levels of housing accommodation than other residents.

#### Observations

- Between 2005 and 2014, the majority—43 percent—of fair housing complaints filed in Tompkins County were based on Disability.
- Approximately 61 percent of responders to “Survey A” expressed a belief that the supply of accessible housing was not meeting current demands.
- Fair housing testing found nearly 50 percent of Disability-related tests as having “Evidence” of discrimination, including outright rejection of applicants with service animals.
- Approximately 87 percent of units in the City were built before 1980, prior to ADA and other accessibility mandates.
- All of Ithaca Housing Authority (IHA) elderly units were constructed in the 1970s and early 1980s, prior to ADA and other accessibility mandates.
- City of Ithaca’s 2014-2018 Consolidated Plan, pp. 58-61, 78, 103.

#### Impact on Protected Class(es)

- People with disabilities are a protected class under fair housing law. To the extent that they cannot enjoy fair housing choices equal to those of other residents of similar income levels, a fair housing barrier is created.

#### OHR Recommendations

- Seek out every possible resource to create new and preserve the existing supply of accessible housing. This includes encouraging surrounding Tompkins County communities to do the same.
- Conduct a public awareness campaign to promote fair housing laws related to accessibility standards, assistance animals, and other forms of reasonable accommodation/modification.
- Seek out sources of funding and fair housing partnerships in order to continue paired testing research so data may be collected for enforcement and outreach purposes.
- In the process of regulating and enforcing housing-related activity and development, the City should consider promoting universal design elements that serve people of all abilities.



## 2

The needs of Limited English Proficient (LEP) individuals may be underserved by the City of Ithaca and by its sub-recipients of federal funding.

#### Observations

- The City of Ithaca does not currently have a Language Assistance Plan, nor is the need for one mentioned in its 2013 LEP Plan.
- The City's LEP Plan and accompanying documents do not refer to the City's obligation to provide language interpretation and translation services to LEP individuals free of charge.
- The City characterizes its LEP obligation as being applicable solely to the "Commons Repair and Upgrade Project" for which the City received FTA funding in 2013.
- The City does not appear to interpret its LEP obligations as applying to all City projects, services, or programs.

#### Impact on Protected Class(es)

- Title VI of the Civil Rights Act of 1964 "requires that federal-assistance recipients provide language assistance to individuals with limited English proficiency. Failure to ensure that persons who are LEP can effectively participate in or benefit from federally assisted programs violates Title VI's prohibition against National Origin discrimination.

#### OHR Recommendations

- The City should consider revisiting its LEP Plan for the purpose of developing a viable LAP with the goal of providing broader and more comprehensive language services to LEP individuals seeking to access any City service and/or program.
- The City should consider surveying all its federally-assisted sub-recipients to inquire whether they are in compliance with LEP mandates, and if not, to encourage and direct them to be so.
- Conduct a public awareness campaign to help make LEP individuals aware of their eligibility to receive free interpretation and translation assistance in the course of accessing City programs.

## 3

The obligation of sub-recipients of City CDBG/HOME funds to Affirmatively Further Fair Housing (AFFH) is not effectively communicated by the City nor understood by its sub-recipients.

#### Observations

- Based on feedback from focus group discussions and OHR training sessions attended by representative of agencies receiving federal dollars from the City, it is apparent that these sub-recipients of CDBG/HOME funds have limited knowledge about their AFFH obligations and therefore have not developed strategies for meeting those obligations.
- Although several City sub-recipients of CDBG/HOME funding are professional housing development agencies, many are not — having small staffs and a primary mission that is not necessarily housing focused.

#### Impact on Protected Class(es)

- Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act) requires all recipients and sub-recipients of HUD funding to administer its programs in a way that affirmatively furthers fair housing (AFFH), the failure of which creates barriers for all protected classes.

#### OHR Recommendations

- The City should consider reviewing and updating its CDBG/HOME award process to include (in addition to contract language) clear notification processes and briefing opportunities for CDBG/HOME awardees regarding their obligation to AFFH, while assisting with strategies for compliance.
- The City should consider publicizing its AFFH obligation as a requirement to receiving HUD funds, as well as detailing its AFFH measures and compliance-based activities on its website.

## 4

**Exclusionary tactics against households who rely on public and private subsidies for housing is prevalent in the City and has a disparate impact on protected classes in Ithaca.**

#### Observations

- AI data show that 15 percent of Tompkins County residents have disabilities, but nearly 40 percent of HCV holders are documented persons with disabilities.
- African-Americans constitute only 6.5 percent of Ithaca's population overall, but represent over 20 percent of HCV recipients.
- Female-headed households and Latinos are also over-represented in the pool of HCV users.
- Fair housing test results showed that 100 percent of HCV-holding testers were outright rejected, steered to other properties, or refused based on the HCV agency's security deposit policy.
- Approximately 17 percent of "Survey A" responders said they had been denied housing in the past based on their source of income.

#### Impact on Protected Class(es)

- Because protected individuals are generally overrepresented in pools of persons receiving public or private forms of assistance for housing, the right to exclude them from housing based on that source of income has a disparate impact on protected groups.
- Discrimination based on "Source of Income" may not only pose an illegal disparate impact on protected class members; at times, it may also be a pretext for direct discriminatory treatment.

#### OHR Recommendations

- The City should consider revising City Code §215 to include effective local enforcement mechanisms for discrimination complaints that arise from its jurisdiction.
- While revising City Code §215, the City should consider adding discrimination based on "Source of Income" as a protected category.



### Some housing professionals' policies, practices, and lack of knowledge limit housing options for protected classes.

#### Observations

- In the City, renter-occupied housing makes up nearly 74 percent of all housing units, more than double the national average.
- Many landlords in Ithaca and Tompkins County are not large business entities. Instead, they are “mom and pop” shops, renting out a small number of units and not well educated on federal, state, or local laws regarding fair housing.
- Based on “Survey A” — (1) an overwhelming majority of responders (90 percent) perceived landlords to be leading perpetrators of housing discrimination; and (2) nearly one-half of Tompkins County residents rate themselves as having “very little” or “no” knowledge about fair housing.
- Over 19 percent of fair housing tests returned a showing of “Evidence” of discrimination, including some very direct examples of fair housing violations; e.g., rejecting and steering families with children and refusal to consider applicants with service animals.

#### Impact on Protected Class(es)

- Discriminatory and unlawful housing practices limit fair housing choices for all protected groups.

#### OHR Recommendations

- Conduct a public awareness campaign to promote fair housing laws and best practices related to the rights and responsibilities of tenants, landlords, property managers, lenders, real estate agents, and human service providers.
- Provide and/or encourage fair housing training for smaller landlords, property managers, lenders, real estate agents, and human service providers.
- The City should consider publishing fair housing enforcement information on its website for the purpose of educating tenants and homebuyers about how to file a fair housing complaint and/or how to obtain fair housing counseling.
- As part of an annual code enforcement communiqué to all registered rental housing property owners, the City should consider sending fair housing information, in addition to routinely disbursing flyers and invitations to fair housing related trainings and workshops being provided in the community.



**Processes related to the construction of housing within the City may limit housing choice and inhibit the development of affordable housing within the City.**

#### Observations

- The City's zoning ordinance does not include any discussion about fair housing or related issues.
- As a best practice, communities with problems related to inadequate sources of affordable housing should regularly review and assess policies related to housing development and planning for the purpose of eliminating procedural barriers.
- The risk to housing developers is high as they navigate to meet the demands of local regulations. The time frame from inception to approval can be as long as 3-4 years, a period in which prices, needs, and risk may easily fluctuate.
- City of Ithaca's 2014-2018 Consolidated Plan.

#### Impact on Protected Class(es)

- Housing development and occupancy policies, if cumbersome or too restrictive, run the risk of limiting the number of affordable housing units most needed by protected classes.

#### OHR Recommendations

- The City should consider including a discussion about fair housing in its zoning ordinance.
- Engage in bi-annual discussions of housing policies in order to update best practices for encouraging fair housing choice.
- Conduct focus group dialogues with stakeholders (private and non-profit), such as developers, community groups, and neighborhoods for feedback on development processes.





**The City of Ithaca does not provide its residents with any effective legal mechanism by which their fair housing rights are meaningfully enforced.**

#### Observations

- City of Ithaca's local anti-discrimination law (City Code §215) does not grant or identify specific enforcement powers or otherwise provide for any meaningful mechanism by which complaints arising within the City may be processed.
- Tompkins County's anti-discrimination law (Local Law C) only protects victims of discrimination based on Sexual Orientation, Gender Identity, and Gender Expression.
- The nearest agency for an Ithaca resident to duly file an administrative fair housing complaint is Binghamton (50 miles away) or Buffalo, New York (160 miles away).
- Based on "Survey A" over 65 percent of residents perceived an under-reporting of housing discrimination by victims.
- Over 19 percent of fair housing tests returned a showing of "Evidence" of discrimination, including some very direct examples of fair housing violations.

#### Impact on Protected Class(es)

- Discriminatory and unlawful housing practices substantially impact protected groups by limiting their fair housing choices.

#### OHR Recommendations

- In coordination with the County's review of Local Law C, the City should consider revising City Code §215 to include an effective local enforcement mechanism for discrimination complaints that arise within the City's jurisdiction.
- The City should consider limiting local protected categories to those currently enforced by state and federal law, while adding "Source of Income" and "Domestic Violence Victim Status" as local protections.



**There is an inadequate supply of emergency shelter and transitional housing services, especially for homeless families with children and persons with mental disabilities.**

#### Observations

- In 2015, there was an increase in the number of all homeless persons for both the HUD PIT Count and the Community PIT Count, reflecting the increased number of persons requiring emergency shelters and transitional housing.
- In 2015, the number of sheltered persons with severe mental health issues increased significantly.
- In 2015, there was an increase in the number of homeless children, largely reflecting the increase in number of homeless families.
- Presence of a student-dominated housing market in Ithaca.
- City of Ithaca housing providers' widespread practice of refusing tenants based on Source of Income.
- Documented lack of affordable housing in the City of Ithaca.

#### Impact on Protected Class(es)

- Emergency and transitional housing cannot be viewed as valid housing choices for anyone; neither is homelessness caused by affordability or income issues alone. But when high cost burdens and exclusionary rental market indicators exist, the limited supply of emergency shelter and transitional housing creates temporary barriers for families with children and persons with disabilities in Ithaca.

#### OHR Recommendations

- Address housing issues that marginalize the homeless by continuing to seek additional funding and assist in the provision of services for the homeless, including emergency shelter space, transitional housing, and corresponding supportive services, by directing grants to the agencies that provide these services.
- The City should consider efforts to (1) recruit landlords willing to work with those who are homeless to transition to stable housing; (2) provide a wider range of housing options for people with mental illness and substance abuse issues without concentrating such populations; and (3) encourage scattered site housing with support services available.



## IMPEDIMENT



**Ithaca's student-dominated rental market leads to the prevalence of discriminatory practices by local housing providers who screen out families with children (and other protected groups) in favor of single students for housing.**

**Observations**

- According to Ithaca Housing Authority (IHA) data, there were 215 households on the waiting list for public housing in May 2014. For IHA family sites, the waiting period is one to three years. For senior projects, the waiting list is three to six months.
- Between 2006 and 2014, fair market rents for three- and four-bedroom units grew 76 percent and 58 percent, respectively — showing the highest increase than for any other size unit.
- Between 2005 and 2014, over 17 percent of fair housing complaints arising in Tompkins County alleged Familial Status discrimination, making it the second most frequent basis.
- Fair housing testing results showed 50 percent of Familial Status tests as providing “Evidence” of discrimination. For example, testers with children were repeatedly told by rental agents the unit they were inquiring about was only available to students.
- Based on “Survey A” responses, the only type of housing reported as being “more than ample” by a sizable portion of Tompkins County residents (44 percent) is student rental housing.

**Impact on Protected Class(es)**

- Discrimination based on Familial Status is a violation of federal and state fair housing laws and its practice negatively impacts housing choice for families with children.

**OHR Recommendations**

- Conduct a public awareness campaign to promote fair housing laws related to Familial Status protections.
- Continue to promote the construction and preservation of affordable housing opportunities for families within the City.
- Continue to engage with local educational institutions as to how student housing needs negatively impact families with children and other protected groups within the City. For example, consider developing an MOU with local colleges and Universities that (1) restricts enrolled students to living in on-campus housing for at least two years; (2) encourages the building of additional on-campus housing for student populations; and (3) explores the viability of intergenerational housing projects that meet the needs of students, families, seniors, and disabled populations.



The City's high rental and homeownership prices, as well as limited land and public resources, have a disparate impact on Ithaca residents in protected classes who have low incomes by limiting their housing options.

### Observations

- Based on AI data, the fair market rents on City units with between one and four bedrooms have increased by more than 50 percent.
- ACS data show that a majority of Ithaca/Tompkins County renters exceed what is considered affordable in terms of percentage of income spent on housing. For example, approximately 69 percent of renters pay more than 30 percent of their income in rent.
- Based on "Survey A," roughly three-fourths of those surveyed say there is not enough affordable housing (78 percent) in Tompkins County. In addition, more than 56 percent said that affordability was the most important consideration when choosing a place to live.
- For IHA family sites, the waiting period is one to three years.
- According to AI data, affordable housing in the City — close to jobs, shopping, and services — is nearly impossible for renters using HCVs to secure.
- According to the 2014 Housing Survey Report conducted by the County's Office for the Aging (COFA), many older adults have a desire to "age in place" — ideally living within the City or Town of Ithaca in housing that is affordable, accessible, on a single floor, and with easy access to public transportation and services. However, the City's current housing stock is not affordable for seniors because it, in many cases, requires expensive retrofitting in order to make it accessible for older adults as they age.
- The COFA Survey Report also documents the fact that local residents are often resistant to new development due to their discomfort with the concept of density in housing.

### Indirect Impact on Protected Class(es)

- Affordability is not, in itself, a fair housing barrier, because income is not a protected class. However, due to the strong correlation between income and having

protected group status, such that these protected groups make up a disproportionate part of the City's low-income population, the limited supply of affordable units has the effect of restricting housing choice for those protected residents.

### OHR Recommendations

- Advocate regionally for a wide range of housing policies that promote housing development benefiting protected groups, including encouraging more housing developments outside the City's jurisdiction.
- Continue to advocate for increased public resources for housing development and operations from HUD and other state and federal agencies.
- Explore every possible resource to create new and preserve existing supplies of affordable housing.
- Continue to engage with local educational institutions as to how student housing needs negatively impact families with children and other protected groups within the City. For example, consider developing an MOU with local colleges and Universities that (1) restricts enrolled students to living in on-campus housing for at least two years; (2) encourages the building of additional on-campus housing for student populations; and (3) explores the viability of intergenerational housing projects that meet the needs of students, families, seniors, and disabled populations.
- The relationship between the City, County, and other local municipalities needs to be strengthened in order to better address the housing affordability concerns of its residents. For example, the City should consider creating a coordinated Housing Task Force that represents both the City and County.
- In order to address problems related to affordability, accessibility, and the inability to age in place, Ithaca residents need to become more comfortable with the concept of density in housing in order for development to occur.

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