Analysis of Impediments to Fair Housing Choice 2019

Town of Brookhaven, Suffolk County, New York

September 2019

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Town of Brookhaven

Department of Housing and Human Services

With Assistance From:

VHB

For official submission to the United States Department of Housing and Urban Development, concurrent with the Town of Brookhaven 2018-2022 Consolidated Strategy and Plan

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Executive Summary

The Town of Brookhaven Analysis of Impediments to Fair Housing Choice 2019 is submitted to the United States Department of Housing and Urban Development (HUD) as part of the Town's 2018-2022 Consolidated Strategy and Plan. The Town of Brookhaven conducted this Analysis of Impediments through its Department of Housing and Human Services. Technical assistance was provided by the Town's consultants, VHB, with significant input from Long Island Housing Services, other Town and Suffolk County agencies, other non-profit organizations and the public.

Fair Housing

Fair Housing is defined under the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) as the right of individuals to obtain the housing of their choice, free from discrimination based on race, color, religion, sex, disability, familial status, or national origin (the seven federally "protected classes"). This right is assured by the Federal Fair Housing Act, as amended, and other federal, state, and local legislation which makes it unlawful to discriminate in the sale, rental, financing, and insuring of housing. The New York State Human Rights Law further prohibits discrimination based on marital status, sexual orientation, gender identity or expression, lawful source of income, military status, age (over 18) and creed, and Suffolk County's Human Rights law adds victims of domestic violence, veteran status, and group identity to the local list of protected classes.

The United States Department of Housing and Urban Development (HUD) requires that all governing authorities that receive HUD funding certify to HUD's satisfaction that the awarded grant will be carried out and administered according to the Fair Housing Act, and that the grantee will work diligently to affirmatively further fair housing (AFFH). This requirement is codified, for local jurisdictions, in the Consolidated Plan requirements under 24 CFR §91.225. As part of the Consolidated Plan process, recipients are required to undertake fair housing planning. Fair housing planning contains three components: 1) the analysis of impediments to fair housing choice; 2) the actions to be taken; and 3) the maintenance of records.

An analysis of impediments to fair housing choice is a review of a community's policies, practices, and procedures, both public and private, that might impact a person's ability to obtain housing of their choice without regard to their membership in any of the protected classes.

Town of Brookhaven Community Development

The Town of Brookhaven Department of Housing and Human Services is a recent HUD grantee that now receives and administers the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), and Emergency Solutions Grant (ESG) for the Town of Brookhaven, as well as the Housing Opportunities for Persons with AIDS (HOPWA) program[1] for Nassau and Suffolk Counties. The Town was allocated a total of $5,422,662 for these programs in 2019 ($2,219,415 for CDBG, $893,594 for HOME, $188,316 for ESG, and $2,121,337 for HOPWA). The Town's first 5-Year Consolidated Plan was prepared and approved by HUD in June 2018. This Analysis of Impediments will inform and guide future Annual Action Plans for the Town of Brookhaven. In 2023, this Analysis of Impediments will be reviewed in detail and updated as needed to fully inform and be thoroughly integrated into the Town's 2023-2027 5-Year Consolidated Plan.

In order to meet its obligation to affirmatively further fair housing, the Town of Brookhaven must ensure that all housing assisted with HUD funding is made available on a non-discriminatory basis to all protected classes. Chapter 21A, Discrimination, of the Town Code of the Town of Brookhaven, codifies the Town's commitment to implementing its housing and community development activities, and other Town programs and policies, in a manner that will affirmatively further fair housing. The Town has developed its housing and community development programs to address the needs of all community residents.

Summary of Findings and Recommendations

The Town of Brookhaven is composed of persons of diverse races, ethnic groups, religions, national origins, ages, and other unique characteristics. The fundamental goal of the Analysis of Impediments to Fair Housing Choice is to assist the Town in identifying and addressing issues that affect the opportunities for all persons and households to obtain safe, sanitary, and affordable housing, noting that the right to do so is protected by federal, state, and local laws.

Through data collection, interviews, public input, and a review of relevant local policies and public information, six impediments to fair housing choice have been identified. A summary of these impediments is provided below and with additional detail in Section 4, Impediments to Fair Housing Choice and Suggested Actions.

Impediment #1: High Cost of Housing, Land, and Construction

The high costs of housing, land and construction act as an impediment to fair housing choice for low- and moderate-income households by limiting the amount of homes that households can afford and hindering the development of more affordable options. This impediment was identified through public outreach, including public and organizational surveys, and through interviews.

[1] The United Way of Long Island administers the HOPWA program for all of Long Island on behalf of the Town of Brookhaven.

Actions

- Provide assistance in financing affordable housing projects, prioritizing assistance to projects in areas with higher home, land, and construction costs.
- Provide down-payment assistance to low- and moderate-income first-time home buyers. And, continue to support partnerships with businesses that provide down-payment assistance to their employees.
- Prioritize purchase and rehabilitation or demolition of foreclosed homes to use as affordable housing.
- Use/re-use under-developed, under-utilized, and in-fill sites for the construction of affordable housing.
- Use being a new HUD grantee to develop a robust affordable housing program for the Town that supports and encourages building affordable housing in high opportunity areas.
- Continue to use CDBG and related funds for residential rehabilitation of single-family homes to maintain currently affordable homes.
- Seek opportunities to provide maintenance programs for households who rent their home. As discussed at a local public meeting on fair housing, many renters wish to better maintain their homes but do not have the means to do so or have landlords who refuse to do so.

Impediment # 2: Lack of Housing Type Variety

The Town consists primarily of single-family owned houses. While new multifamily and rental units have been constructed in recent years, there remains a need for a wider variety of housing serving varied prices, household/family sizes, and special needs. These needs were identified in the Town's Consolidated Plan, through interviews, and in the public and organization surveys.

Actions

- Conduct thorough reviews of the Town's and Villages' zoning ordinances to look for opportunities focused on creating more multifamily housing. Also seek out opportunities for mandated or incentivized affordable housing provisions.
- Continue to seek opportunities for expanded funding to build or contribute to the construction of new affordable housing. Also work with not-for-profit organizations and Suffolk County to identify other sources of financing to leverage limited grant funds and encourage such not-for-profit organizations to apply to foundations and other sources for project funding.
- Advise New York State, which drafts the New York State Uniform Fire Prevention and Building Code, that occupancy restrictions contained therein may be an impediment for large families or families with children.

- Work with a variety of housing organizations, community groups, civic and business organizations, as well as private developers, to develop a variety of higher density housing types, especially affordable rental units, that serve the array of needs identified in this Analysis of Impediments and in the Town's Consolidated Plan.

Impediment #3: Lack of Sufficient Public Transportation to Connect Communities to Employment and Services

The Town of Brookhaven is served by three branches of the Long Island Rail Road and by bus transit through Suffolk County Transit. Interviews with Town staff and public surveys have noted that these options do not adequately serve populations who rely on public transportation.

Actions

- Work with Suffolk County Transit to identify areas of the Town that are not adequately serviced.
- Continue to encourage and promote transit-oriented development with higher density multifamily housing and mixed-use housing, serving a variety of incomes, abilities, and household sizes.
- Identify opportunities for improvements to public transportation, and other transportation needs, for special needs populations.

Impediment #4: Overall Discrimination in the Local Housing Market

A review of complaint data, recent court cases, recent housing studies, and public and organization surveys, as well as interviews, indicates that there remains overall discrimination in the local housing market.

Actions

- Work with and support fair housing advocates, such as LIHS, and others to educate the public, Town officials, building owners, landlords, real estate agents, lenders, and others about fair housing, its benefit to the community, and legal requirements and responsibilities.
- Identify, work with, and support groups that work with minority issues and discrimination.
- Work with the Suffolk County Human Rights Commission and the Suffolk County Inter-faith Anti-bias Task Force on fair housing and discrimination issues.
- Develop an affirmative marketing program for housing opportunities that provide outreach to income- and mortgage-eligible households seeking homeownership, with a focus on the segments of the population that may be less likely to apply for affordable housing. Require that all developers involved with affordable housing funds provide an affirmative fair housing marketing plan.

Impediment #5: Local Opposition

Local opposition, also called "NIMBY-ism", to affordable housing is an impediment to fair housing choice because it can halt the construction of new affordable housing units. Local opposition was noted as one of the top impediments to fair housing choice through local and organization surveys.

Actions

- Educate the general population and municipal leaders about the benefits of affordable housing and dispel rumors of perceived negative impacts of affordable housing.
- Increase awareness of fair housing laws.

Impediment #6: Minimal Understanding of Fair Housing Rights

Although education regarding fair housing rights is currently undertaken in a variety of ways in the Town and County, a substantial barrier to fair housing choice is the general lack of knowledge of fair housing rights, requirements, and responsibilities.

Actions

- Work with and support fair housing advocates, such as LIHS, and others to educate the public, Town officials, building owners, landlords, real estate agents, lenders, and others about fair housing, its benefit to the community, and legal requirements and responsibilities.
- Review Town Law Chapter 21A Discrimination and update if necessary.
- Promote efforts to share information related to compliance with the Fair Housing Act and the Americans with Disabilities Act (ADA) with businesses, developers, property owners, and the local media through the distribution of educational materials and through training opportunities.

1

Introduction

Housing is a fundamental human need. The ability to find housing that best suits individual or family needs can make a major difference in one's ability to pursue personal, educational, employment, and other goals. Because housing choice is so critical, the Town of Brookhaven is, and long has been, committed to ensuring that all of its current and prospective residents have full access to the broad range of housing options.

Fair Housing Definition

Fair Housing is defined under the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) as the right of individuals to obtain the housing of their choice, free from discrimination based on race, color, religion, sex, disability, familial status, or national origin (the seven federally "protected classes"). This right is assured by the Federal Fair Housing Act, as amended, and other federal, state, and local legislation which makes it unlawful to discriminate in the sale, rental, financing, and insuring of housing. The New York State Human Rights Law further prohibits discrimination based on marital status, sexual orientation, gender identity or expression, lawful source of income, military status, age (over 18) and creed, and Suffolk County's Human Rights law adds victims of domestic violence, veteran status, and group identity to the local list of protected classes.

Introduction to an Analysis of Impediments to Fair Housing Choice

The United States Department of Housing and Urban Development (HUD) requires that all governing authorities that receive HUD funding certify to HUD's satisfaction that the awarded grant will be carried out and administered according to the Fair Housing Act, and that the grantee will work diligently to affirmatively further fair housing (AFFH). This requirement is codified, for local jurisdictions, in the Consolidated Plan requirements under 24 CFR §91.225. As part of the Consolidated Plan process, recipients are required to undertake fair housing planning. Fair housing planning contains three components: 1) the analysis of impediments to fair housing choice; 2) the actions to be taken; and 3) the maintenance of records.

An analysis of impediments to fair housing choice is a review of a community's policies, practices, and procedures, both public and private, that might impact a person's ability to obtain housing of their choice without regard to their membership in any of the protected classes.

An impediment to fair housing choice is (as defined by the HUD Fair Housing Planning Guide, Volume 1):

- Any action, omission, or decision taken because of race, color, religion, sex, disability, family status, or national origin that restricts housing choices or the availability of housing choices; or
- Any action, omission, or decision that has the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, family status, or national origin. Policies, practices, or procedures that appear neutral, but which operate to deny or adversely affect the provision of housing to persons of a particular race, color, religion, sex, disability, family status, or national origin may constitute such an impediment.

Actions to affirmatively further fair housing can be grouped into three categories:

- Intent: The obligation to avoid policies, customs, practices, or processes whose intent or purpose is to impede, infringe, or deny the exercise of fair housing rights by persons protected under the Act.
- Effect: The obligation to avoid policies, customs, practices, or processes whose effect or impact impedes, infringes upon, or denies the exercise of fair housing rights by persons protected under the Act.
- Affirmative Duties: The Act imposes a fiduciary responsibility upon public agencies to anticipate policies, customs, practices, or processes that previously, currently, or may potentially impede, infringe, or deny the exercise of fair housing rights by persons protected under the Act.

In 2015, HUD issued the Affirmatively Furthering Fair Housing (AFFH) rule, a legal requirement that federal agencies and federal grantees further the purposes of the Fair Housing Act. While this obligation to affirmatively further fair housing was already rooted in

the Fair Housing Act, the AFFH sought to provide a planning tool and assistance to grantees by requiring an Assessment of Fair Housing (AFH) rather than an Analysis of Impediments. HUD developed an AFH assessment tool to provide data and a template to grantees to assist in the analysis of fair housing and the preparation of fair housing goals. The AFH assessment tool for local governments was withdrawn by HUD in 2017. The rule withdrawing the AFH assessment tool states that grantees not already in the process of preparing an AFH, must continue to develop and update an Analysis of Impediments in accordance with the HUD Fair Housing Planning Guide (1996). Although grantees are allowed to use HUD data developed as part of the AFH assessment tool, this data is not available to the Town of Brookhaven because it is a new grantee that started receiving funding after withdrawal of the AFH assessment tool.

Fair Housing in the Town of Brookhaven

The Town of Brookhaven Department of Housing and Human Services is a recent HUD grantee that now receives and administers the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), and Emergency Solutions Grant (ESG) for the Town of Brookhaven, as well as the Housing Opportunities for Persons with AIDS (HOPWA) program[2] for Nassau and Suffolk Counties. The Town was allocated a total of $5,422,662 for these programs in 2019 ($2,219,415 for CDBG, $893,594 for HOME, $188,316 for ESG, and $2,121,337 for HOPWA). The Town's first 5-Year Consolidated Plan was prepared and approved by HUD in June 2018.

To order to meet its obligation to affirmatively further fair housing, the Town of Brookhaven must ensure that all housing assisted with HUD funding is made available on a non-discriminatory basis to all protected classes. Chapter 21A, Discrimination, of the Town Code of the Town of Brookhaven[3], codifies the Town's commitment to implementing its housing and community development activities, and other Town programs and policies, in a manner that will affirmatively further fair housing (Chapter 21A is included as Appendix A). The Town has developed its housing and community development programs to address the needs of all community residents.

Analysis of Impediments Methodology

The Town of Brookhaven conducted this Analysis of Impediments through its Department of Housing and Human Services. Technical assistance was provided by the Town's consultants, VHB. The Town received significant input from LIHS as well as other Town agencies.

The methodology of this Analysis of Impediments is informed by the methodologies identified in the HUD *Fair Housing Planning Guide*, as well a review of the following: *Implementation Plan for Sustainable Development in the New York – Connecticut Metropolitan Region*, dated May 30, 2014; *Appendix A: Findings from the Fair Housing and Equity Assessment*; and the AFFH rule and AFH assessment tool.

[2] The United Way of Long Island administers the HOPWA program for all of Long Island on behalf of the Town of Brookhaven.

[3] Town of Brookhaven Town Code, Chapter 21A, Discrimination, was adopted by the Town Board on June 16, 1987.

Identification of impediments relied heavily on public input and knowledge; coordination with non-profit agencies who assist in the production of housing and housing related programs; assistance from Long Island Housing Services, whose purpose is to promote fair housing for all; and interviews with staff from the Town of Brookhaven Department of Housing and Human Services.

Data sources for the Analysis of Impediments include:

Demographic Information, Employment Information, Housing Information

- 2000 U.S. Census
- 2010 U.S. Census
- 2016 American Community Survey 5-Year Estimates
- HUD Fair Market Rents 2016
- www.trulia.com

Fair Housing Complaints

- Long Island Housing Services
- Suffolk County Human Rights Commission
- New York State Division of Human Rights

Lending Practices

- Home Mortgage Disclosure Act (HMDA)

Land Use Policies and Patterns

- Town of Brookhaven Comprehensive Land Use Plan (1996)
- Town of Brookhaven Community Hamlet Plans and Vision Documents
- Town of Brookhaven Town Code
- Village Codes for the Villages of Belle Terre, Bellport, Lake Grove, Old Field, Patchogue, Poquott, Port Jefferson and Shoreham

Review of Available Reports and Studies

- *An Uneven Road to Recovery: Place, Race, and Mortgage Lending on Long Island*, National Center for Suburban Studies at Hofstra University (December 2014).
- The New York-Connecticut Sustainable Communities Consortium *Implementation Plan for Regional Sustainable Developmen*t (May 2014).
- Long Island Housing Services, Inc. *Fair Housing Rights Guide* (2019)

Public Participation

Public participation was essential for informing the Analysis of Impediments of real life experience, additional resources, and factual information. The Town of Brookhaven is committed to ensuring public involvement in the creation of the Analysis of Impediments and to that end sought the input of local citizens and local, County and regional housing and community development organizations and agencies. The following outreach methods were employed:

Public Meetings

Public hearings on the Consolidated Plan and fair housing were held on February 1, 2018 and March 29, 2018 at Town Hall. A public meeting regarding fair housing and the purpose

of the Analysis of Impediments was held on May 7, 2019 at the Mastics Moriches Shirley Community Library. A public hearing was also held to receive comments on the draft Analysis of Impediments on September 9, 2019 at Town Hall. A draft of the Analysis of Impediments will be made available for public review at Town Hall, local libraries, and on the Department of Housing Human Services website on September 10, 2019. A public comment period will be established from September 10, 2019 to October 10, 2019.

Outreach, Interviews and Surveys

The Department of Housing and Human Services held a Commissioner and Department Head Input Meeting on February 1, 2018 to gather input on housing and non-housing needs, priorities for the Consolidated Plan and issues regarding fair housing. The meeting was attended by Town and County staff. The Department of Housing and Human Services also conducted various interviews with staff, local officials, and housing organizations.

A survey was issued for local housing and housing related services organizations and agencies to gather input on local fair housing practices and impediments. A public survey to collect input regarding fair housing experience, needs and impediments was available in paper form at the public meeting on May 7, 2019 and in electronic form posted on the Town's website from May 22 to June 30, 2019. Long Island Housing Services posted the public survey on their website, and the survey was further shared by local elected officials. The survey is included in Appendix B and survey responses are summarized in Section 3, Fair Housing in the Town of Brookhaven.

Limitations of the Study

This Analysis of Impediments was prepared to identify impediments and suggest solutions. It does not, however, constitute a comprehensive planning program as many of the identified issues warrant additional research and analysis.

Further, it is vital that this analysis be read as a whole. Conclusions and observations made throughout the study are often dependent on data and discussions presented earlier. Readers may have questions at one point in the document that are answered later in the document. Context is vital to correctly understanding this analysis and avoiding misleading or erroneous interpretations of its content.

It is assumed that all direct and indirect information provided by the various sources that supplied information is accurate.

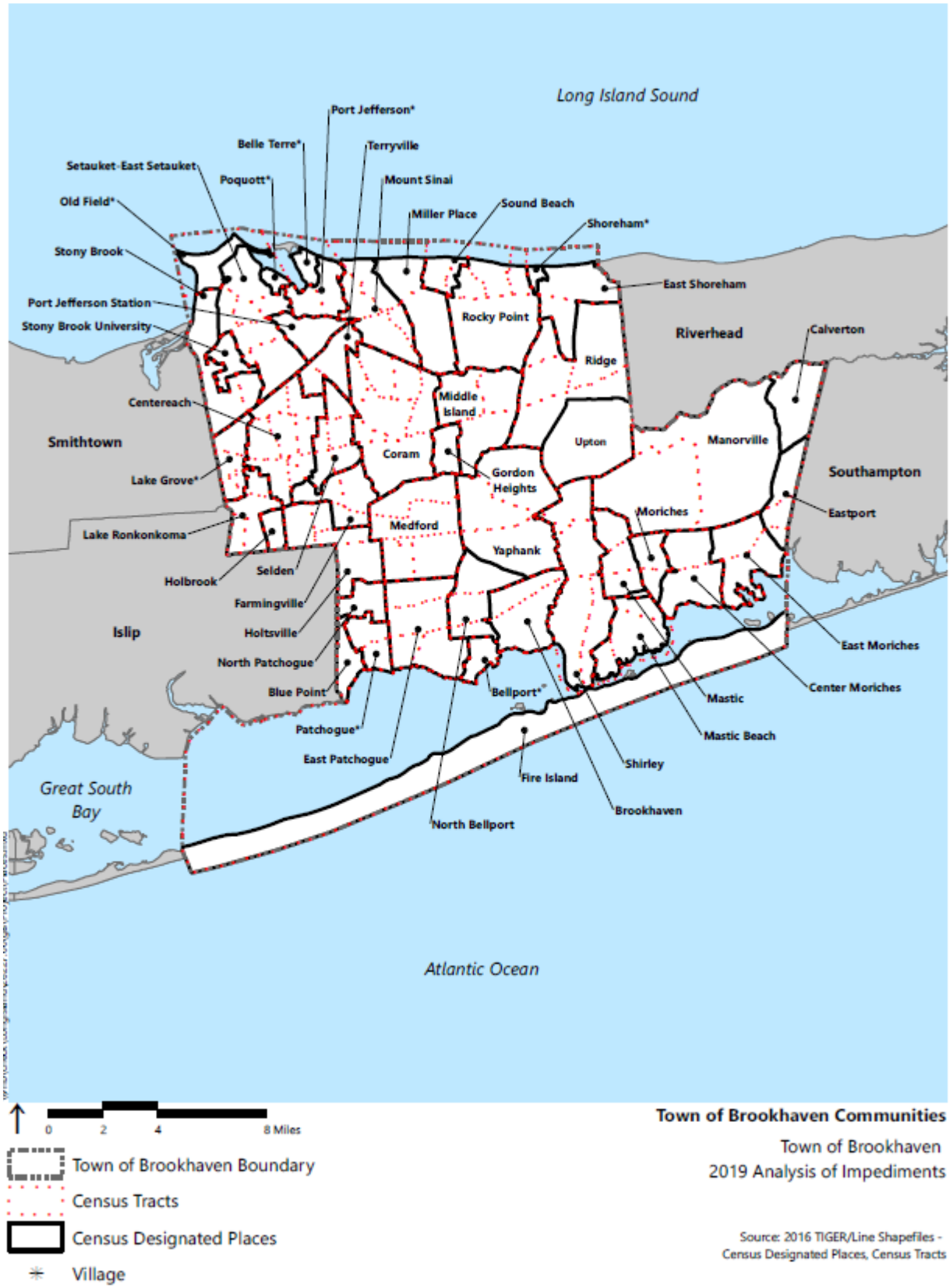
2

Demographic Summary

The demographic summary of the Town of Brookhaven provides a current snap shot of the Town's residents, housing, employment, education, and land use. This section also includes recent trends regarding these topics. Demographic data and other background information help form the foundation of this, and future, Analysis of Impediments.

The Town of Brookhaven is the geographically largest town on Long Island and the second most populous. The Town is located in the central portion of Suffolk County and is bounded by the Towns of Riverhead and Southampton to the east and Smithtown and Islip to the west and by the Long Island Sound to the north and the Atlantic Ocean to the south. The Town is comprised of eight incorporated villages (Belle Terre, Bellport, Lake Grove, Old Field, Patchogue, Port Jefferson, Poquott, and Shoreham) and approximately 50 hamlets in an area of 531 square miles. See Figure 1, Town of Brookhaven Communities.

Figure 1 Town of Brookhaven Communities



Population

Based on estimates from the United States Census Bureau the Town population is currently 488,123, having grown by approximately 0.4 percent from its 2010 population of 486,040. The table below provides population change in the Town of Brookhaven from 1960 to 2010.

Table 2-1 Population Change in the Town of Brookhaven, 1960-2010

Year	Population	Increase	Percent Increase
1960	109,900	--	--
1970	245,260	135,360	123%
1980	364,812	119,552	48.7%
1990	407,779	42,967	11.8%
2000	448,248	40,469	9.9%
2010	486,040	37,792	8.4%

Source: United States Decennial Census

The largest community in the Town is Coram with 39,113 residents. Centereach, Shirley, Medford, and East Patchogue are the next largest communities within the Town.

Age

In 2016, the median age in the Town was 39.3 years old. 68,565 residents (14 percent) were aged 65 years or over. That is an increase from 2000 when 45,400 residents (10.1 percent) were aged 65 years and over, and the median age was 35.2 years old. This points to a shift towards an aging population, following trends across the United States.

Disability

The Town of Brookhaven has a disabled population of 44,979, which is 9.3 percent of the Town population, not including institutionalized populations. Approximately 42.6 percent of disabled persons in the Town are age 65 and over. (Source: 2016 American Community Survey 5-Year Estimates.)

Individuals with disabilities in Brookhaven are as follows (note that an individual may have more than one disability, therefore, persons with disabilities are less than the number of disabilities.):

- 11,709 had a hearing difficulty;
- 5,895 had a vision difficulty;
- 14,985 had a cognitive difficulty;
- 23,857 had an ambulatory difficulty;
- 9,107 had a self-care difficulty; and,
- 17,046 had an independent living difficulty.

The U.S. Census defines "disability" as a "long-lasting physical, mental, or emotional condition. Such conditions can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. Such conditions can also impede a person from being able to go outside the home alone or to work at a job or business."

Persons in Group Quarters

The United States Census defines Group Quarters as "all people not living in housing units as living in group quarters."[4] These include correctional facilities, nursing homes, college dormitories, and missions, among others. According to the 2016 American Community Survey 5 – Year Estimate, approximately 14,795 residents of the Town of Brookhaven lived in group quarters, which represents 3 percent of the overall Town population. Examples of group quarters in the Town of Brookhaven include Stony Brook University, St. Josephs College and the Bellhaven Center for Rehabilitation and Nursing Care.

Race and Ethnicity

The population of Brookhaven is comprised of 87.6 percent White, 6.4 percent Black or African American, 0.8 percent American Indian and Alaska Native, 5.3 percent Asian, 0.1 percent Native Hawaiian and Other Pacific Islander, and 2.2 percent some other race. Approximately 15.1 percent of any race identify as Hispanic or Latino. As shown in Table 2-2, Race and Ethnicity, 2000-2016, Suffolk County as a whole is slightly more diverse. Over time, however, the Town, as well as the County, has become more diverse. The increase in Hispanic or Latino populations, in particular, has been significant for both the Town, which was 8.0 percent Hispanic or Latino in the year 2000 and 15.1 percent in year 2016, as well as Suffolk County, which was 10.5 percent Hispanic or Latino in the year 2000 and 18.2 percent in 2016.

Table 2-2 Race and Ethnicity, 2000-2016[5]

	Town of Brookhaven			Suffolk County		
	2000	2010	2016	2000	2010	2016
Race						
White	89.9%	86.4%	87.6%	86.1%	82.7%	82.9%
Black or African American	5.0%	6.5%	6.4%	7.7%	8.4%	8.6%
American Indian and Alaska Native	0.6%	0.8%	0.8%	0.6%	0.8%	1.0%
Asian	3.3%	4.5%	5.3%	2.9%	4.0%	4.5%
Native Hawaiian and Other Pacific Islander	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%

[4] "Glossary". U.S. Census. https://www.census.gov/glossary/#term_GroupQuartersGQ

[5] The United States defines the terms race and ethnicity. Generally, for the 2000 Census and subsequent American Community Surveys, there are two categories for ethnicity: *Hispanic or Latino* and *Not Hispanic or Latino*. Persons of Hispanic Origin may be of any race. The Census refers to race as self-identification data in which respondents choose the race or races they most closely identify with.

Some Other Race[6]	3.1%	4.3%	2.2%	3.1%	6.5%	5.8%
Ethnicity						
Hispanic or Latino	8.0%	12.4%	15.1%	10.5%	16.5%	18.2%

Source: 2016 American Community Survey 5-Year Estimate

Areas of Minority Concentration

Concentrations of racial/ethnic minorities within the Town are defined as those areas with a higher percentage of minority populations than the overall Town-wide percentages (Black or African-American concentrations over 6.4 percent and Hispanic concentrations over 15.1 percent). These areas include all or portions of: Stony Brook University, Port Jefferson Station, Centereach, Lake Ronkonkoma, Holtsville, North Patchogue, Patchogue, East Patchogue, Selden, Terryville, Coram, Medford, Gordon Heights, Middle Island, Yaphank, North Bellport, Ridge, Upton, Brookhaven, Shirley, Mastic, Mastic Beach, Moriches, East Moriches, Center Moriches, Manorville, Calverton, Eastport, and Fire Island. See Figure 2, Black or African American Concentrations by Census Tract and Figure 3 Hispanic Concentrations by Census Tract.

Table 2-3, Black or African American Concentrations, Town of Brookhaven, 2016 and Table 2-4, Hispanic Concentrations, Town of Brookhaven, 2016, presents the neighborhoods and census tracts with minority concentrations.

[6] Respondents providing write-in entries on Census forms such as multiracial, mixed, interracial or a Hispanic/Latino subgroup in the *Some Other Race* write-in space are included in this category. It is suggested that this write-in entry occurred more frequently in the 2000 Census compared to American Community Survey entries, due in part to a technical issue with the Census. It is estimated that an overstatement of *Some Other Race* occurred due to this issue.

Table 2-3 Black or African American Concentrations, Town of Brookhaven, 2016

Community	Census Tract	% Black or African American
Brookhaven	1591.03	37.3%
	1592.04	7.8%
Center Moriches/East Moriches/Eastport	1594.06	7.3%
Coram	1581.16	7.1%
	1583.09	15.6%
	1583.15	19.9%
	1583.20	6.8%
	1583.21	9.5%
	1587.04	15.3%
Gordon Heights	1587.05	38.4%
Holtsville	1586.05	7.0%
Lake Ronkonkoma	1586.08	8.4%
	1586.09	6.5%
Manorville	1594.10	6.9%
Mastic	1595.11	11.5%
Mastic/Moriches	1594.04	18.1%
Mastic Beach	1595.08	13.7%
	1595.12	6.6%
Medford	1587.11	16.8%
	1587.12	10.8%
	1591.08	7.7%
Middle Island	1584.03	14.4%
	1587.08	28.5%
Patchogue	1590	7.2%
Shirley	1594.07	9.5%
	1594.08	6.7%
	1595.05	6.5%
	1595.06	15.0%
Stony Brook University	1580.07	12.1%
Terryville	1583.08	8.9%
Upton	1587.10	13.3%
Yaphank	1587.07	14.4%
	1591.06	14.7%

Source: 2016 American Community Survey 5-Year Estimate

Figure 2 Black or African American Concentrations by Census Tract

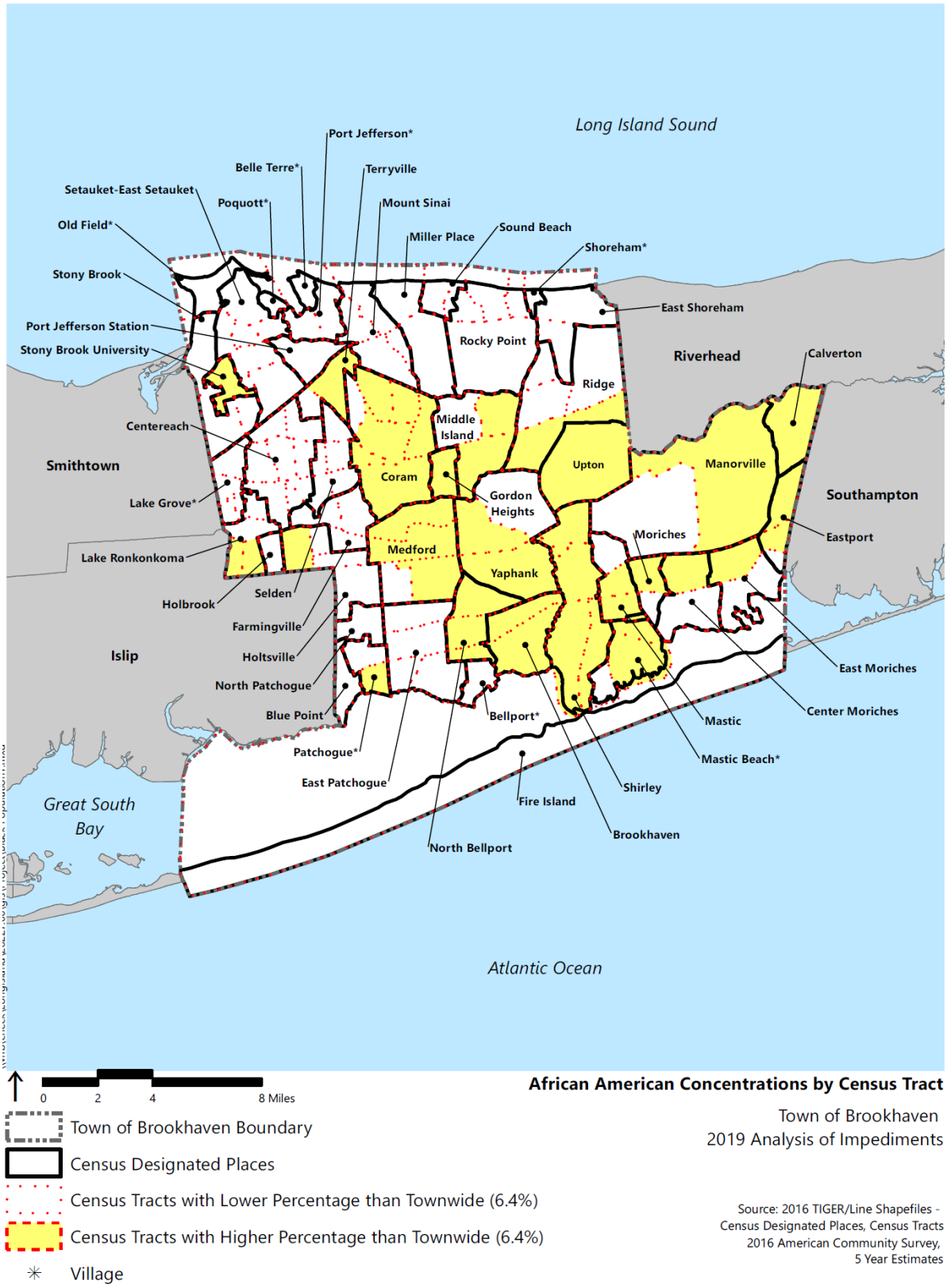


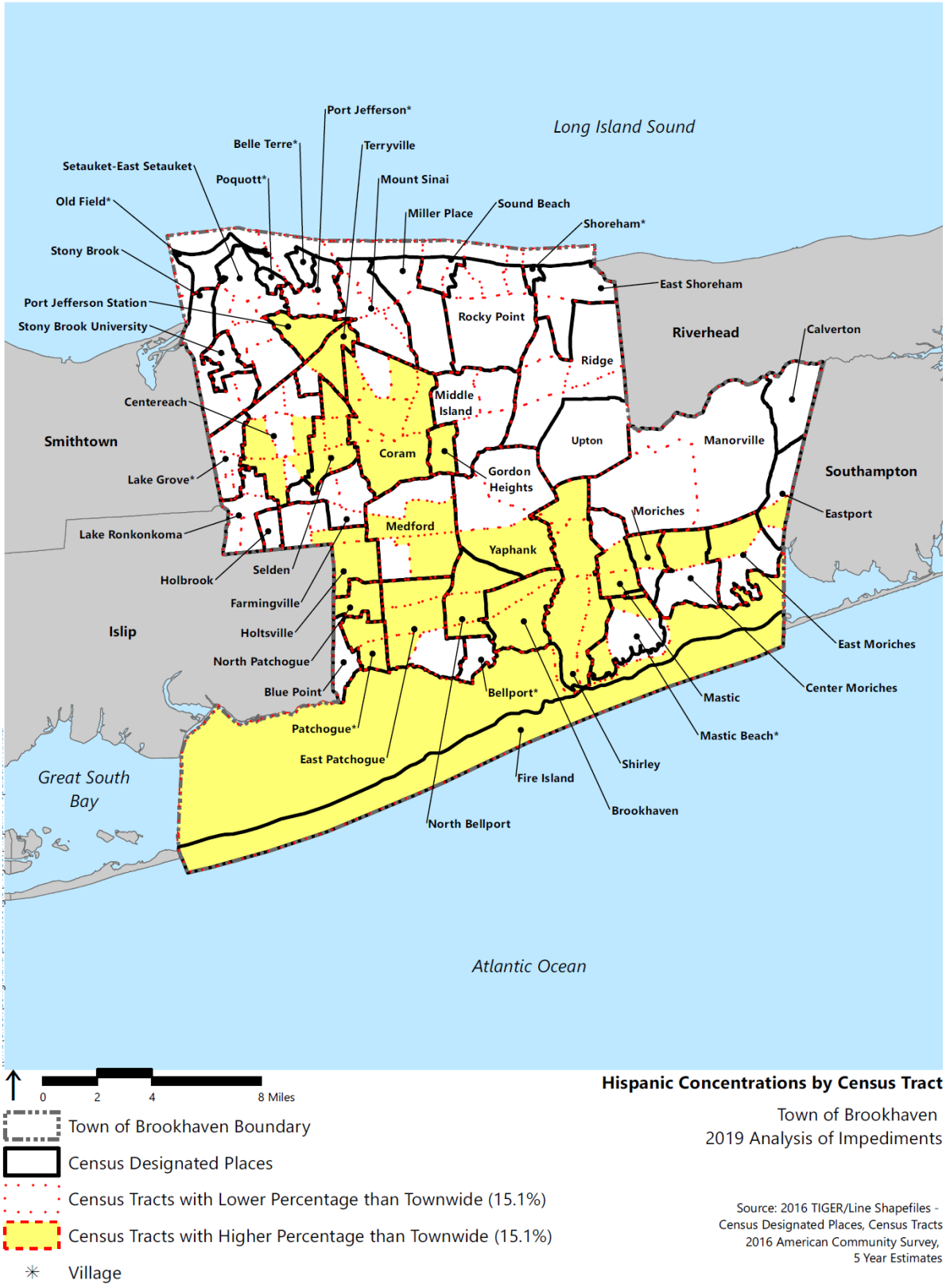
Table 2-4 Hispanic Concentrations, Town of Brookhaven, 2016

Community	Block Group	% Hispanic or Latino
Brookhaven	1591.03	41.1%
	1592.04	15.6%
Centereach	1581.03	25.1%
	1581.10	17.4%
	1585.11	18.9%
Center Moriches/East Moriches/Eastport	1594.06	18.2%
Coram	1581.16	19.4%
	1583.09	17.5%
	1583.15	16.6%
	1583.19	16.8%
	1583.21	16.5%
	1587.04	27.0%
East Patchogue	1595.02	21.7%
	1591.02	21.7%
	1591.05	23.6%
Fire Island	1595.10	51.2%
Gordon Heights	1587.05	35.6%
Holtsville	1586.07	16.5%
	1588.03	21.6%
Mastic	1595.11	20.0%
	1595.12	20.0%
Mastic, Moriches	1594.04	24.1%
Mastic Beach	1595.09	18.7%
Medford	1587.12	25.5%
	1591.08	22.7%
North Patchogue	1588.04	22.3%
Patchogue	1589	39.7%
	1590	34.9%
Port Jefferson Station	1582.02	22.1%
Selden	1581.02	24.3%
	1581.11	20.2%
	1581.12	19.3%
	1585.07	17.2%
	1585.09	19.5%
Shirley	1594.07	18.3%
	1594.08	21.7%
	1595.05	17.8%

	1595.06	15.8%
Terryville	1583.08	27.5%
Yaphank	1591.06	20.1%

Source: 2016 American Community Survey 5-Year Estimate

Figure 3 Hispanic Concentrations by Census Tract



Households

According to the U.S. Census, a household is "all the people who occupy a housing unit." This can include related family members and unrelated people including foster children, lodgers and roomers. Group quarters are not included in the count of households.

In 2016, there were an estimated 160,785 households in the Town of Brookhaven. This is an increase of 9.5 percent from an estimated 146,828 households in 2000. Countywide there was a 4.4 percent increase in households from 2000 (469,299 households) to 2016 (489,758 households).

Family households are those that include people related by birth, marriage or adoption.[7] In 2016, 73.1 percent of occupied households in the Town of Brookhaven were family households.[8] This is a decrease from a 76.9 percent in 2000.[9] The County also experienced a decrease in the number of family households in occupied units from 2000 to 2016 – 76.8 percent to 73.8 percent.

Household/Family Income and Poverty

The table below provides a comparison of the Town of Brookhaven and Suffolk County's household and family income and poverty status. The Town's median household income ($87,728) was only slightly lower than the Suffolk County average ($90,128). Similarly, Brookhaven's median family income ($102,156) was slightly lower than the County's ($104,790). The portion of the Town's population in poverty (5.6 percent) was slightly higher than that of the County (5.1 percent) and remained below that of New York State (11.7 percent).

Table 2-5 Income Comparisons, Town of Brookhaven and Suffolk County - 2016

	Brookhaven	Suffolk County
Median Household Income	$87,728	$90,128
Median Family Income	$102,516	$104,790
Percent of Families Below Poverty Level	5.6%	5.1%

Source: 2016 American Community Survey 5-Year Estimate

HUD estimates regional median family income, establishing a base area median income (AMI) for an average family of four persons. HUD identified the median family income for the Nassau-Suffolk MSA to be $106,200 in 2016, which is significantly higher than the New York State and national median family incomes of $72,300 and $65,700, respectively.

Low- and Moderate-Income Concentrations

Low- and Moderate-Income is categorized at three income levels by HUD:

[7] "Definitions." U.S Census. https://www.census.gov/programs-surveys/cps/technical-documentation/subject-definitions.html#household

[8] 2016 American Community Survey 5-Year Estimate

[9] 2000 United States Decennial Census

Very Low-Income – Households earning less than 30 percent of area median family income

Low-Income – Households earning between 30 and 50 percent of area median family income (Section 8 income threshold)

Moderate-Income – Households earning between 50 and 80 percent of area median family income (CDBG low/moderate income threshold)

It should be noted that households earning between 80 and 100 percent of area median family income are caught in between, only slightly below median incomes, not eligible for housing programs and sometimes eligible for homeownership programs.

Figure 4, Low/Moderate Income Concentrations by Block Group, presents the areas within the Town with concentrations of low- and moderate-income households. Areas of low-and moderate-income concentration in the Town are defined as those Census Tracts where the median family income falls below 80 percent of the Nassau-Suffolk MSA median household income. The concentrations of low- and moderate-income households are located mostly in Coram, Middle Island, Gordon Heights, Mastic, Mastic Beach, North Bellport, Patchogue, East Patchogue, Medford, and Shirley.

Table 2-6, Low- and Moderate-Income Concentrations, Town of Brookhaven, 2010 presents those neighborhoods with low- and moderate-income concentrations.

Table 2-6 Low- and Moderate-Income Concentrations, Town of Brookhaven, 2010

Community	Block Group
Calverton	1594.10.2
Centereach	1581.04.2
Coram	1583.09.1, 1583.15.2, 1583.19.2, 1583.20.3, 1587.04.1, 1587.04.3, 1587.04.4, 1587.04.5
East Moriches	1596.02.2, 1594.06.2
East Patchogue	1591.02.1, 1592.02.2, 1592.02.4, 1592.02.5, 1595.05.1, 1595.05.2, 1595.05.4
Eastport	1594.10.2, 1594.06.2
Farmingville	1585.06.2, 1585.06.3, 1585.10.2
Gordon Heights	1587.05.1, 1587.05.3
Holbrook	1586.04.1
Holtsville	1586.07.2, 1588.03.2
Lake Grove	1585.05.3
Lake Ronkonkoma	1585.02.3, 1586.08.1
Manorville	1594.12.1
Mastic	1594.04.2, 1594.04.3, 1594.04.4, 1594.11.2, 1595.11.2
Mastic Beach	1595.08.1, 1595.08.2, 1595.08.3, 1595.08.4, 1595.09.1, 1595.09.2, 1595.09.3, 1595.12.1
Medford	1587.11.3, 1591.08.1, 1591.08.5
Middle Island	1583.10.2, 1587.08.1, 1587.08.2, 1587.08.3
Moriches	1594.04.1

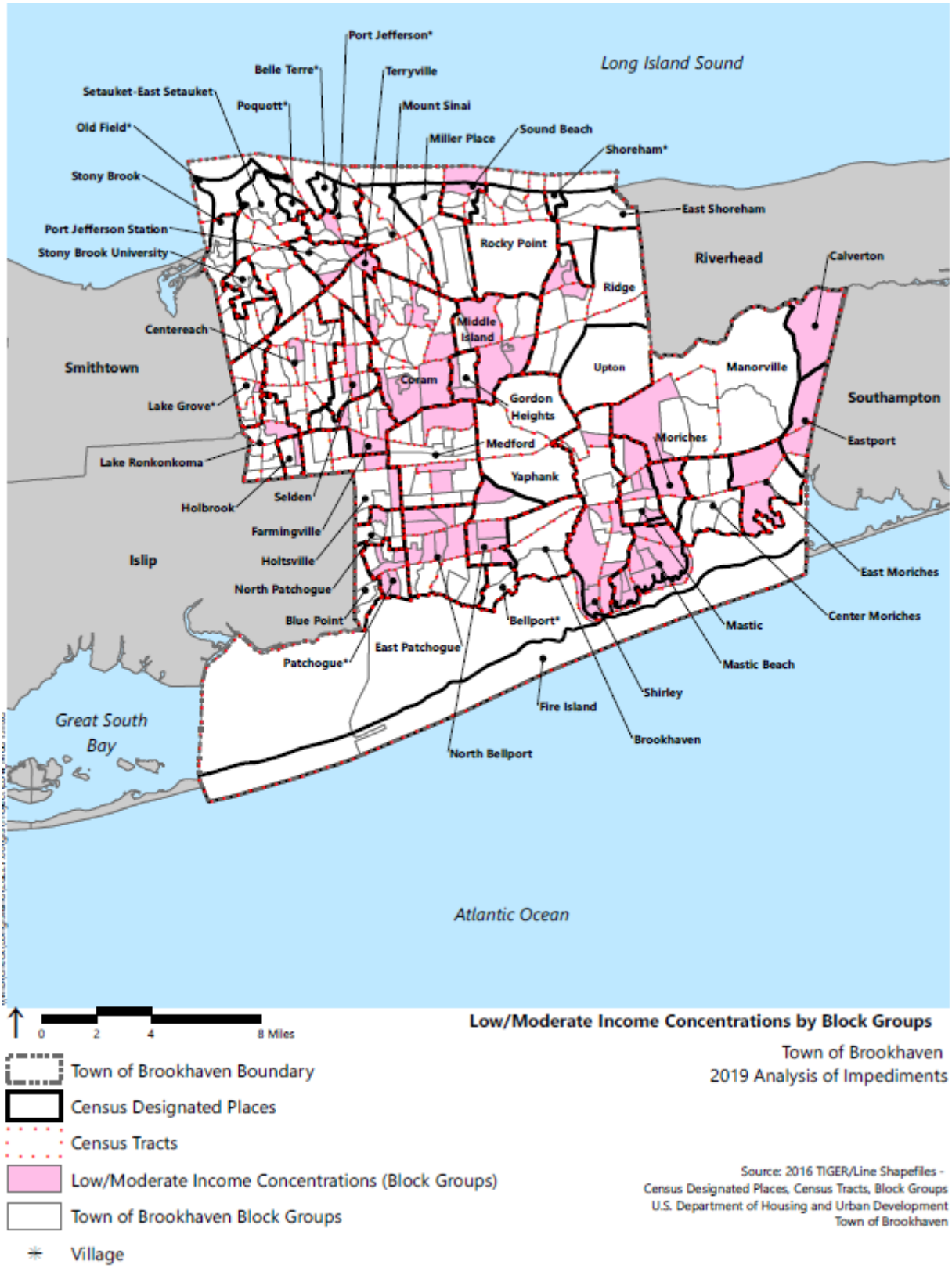
North Bellport	1591.03.2, 1593.03.3, 1593.03.4, 1591.06.2, 1592.04.1
North Patchogue	1588.04.4
Patchogue	1589.00.1, 1589.00.2, 1589.00.4, 1590.00.2, 1590.00.3
Port Jefferson	1582.06.2
Port Jefferson Station	1582.02.1, 1582.02.5
Ridge	1584.09.2, 1584.10.2, 1584.10.3
Selden	1581.12.2, 1585.07.1, 1585.09.3
Setauket-East Setauket	1580.11.3
Shirley	1594.07.2, 1595.05.2, 1595.05.3, 1595.05.4, 1595.06.1, 1595.06.2, 1595.06.4
Sound Beach	1583.17.2
Terryville	1583.08.1

Source: United States Census Bureau – 2010 Census.

Areas of Low/Moderate Income and Minority Concentration

Communities with both low- and moderate-income concentrations and minority concentrations include Coram, East Moriches/Eastport, East Patchogue, Gordon Heights, Holtsville, Lake Ronkonkoma, Mastic, Mastic Beach, Medford, Middle Island, Moriches, North Patchogue, Patchogue, Port Jefferson Station, Selden, Shirley, and Terryville.

Figure 4 Low/Moderate Income Concentrations by Block Group



Housing Profile

Housing stock impacts the ability to access adequate housing. This includes the number, type, size and affordability of units. This is particularly important to low- and moderate-income persons, and persons in protected classes, including disabled persons, families with children, and the elderly.

Housing Stock

The Town of Brookhaven and Suffolk County each experienced an increase in the total number of housing units from 2000 to 2016 – 19,241 and 48,141 respectively.[10] In 2016, a majority of the total units in the Town were owner occupied (72.5 percent), though this number has decreased by 2.1 percent from 2000 (74.6 percent). The Town has had an increase in the number of renter occupied units from 2000 to 2016, but the percentage proportional to the percentage of owner occupied units has remained almost the same from 2000 (19.9 percent) to 2016 (19.6 percent) because vacancies have increased. The percentage of owner occupied units and renter occupied units in the County has stayed approximately the same between 2000 (71.6% owned and 18.2% rented) and 2016 (68.2% owned and 17.6% rented). Both the Town and the County experienced a rise in the number of vacant units from 2000 to 2016, which may, in part, be due to a proliferation of foreclosed homes in recent years.

Table 2-7 Housing Unit Data, Town of Brookhaven and Suffolk County, 2000 - 2016

	Brookhaven		Suffolk County	
	2000	2016	2000	2016
Total Units	155,406	174,647	522,323	570,464
Owner Occupied	74.6%	72.5%	71.6%	68.2%
Renter Occupied	19.9%	19.6%	18.2%	17.6%
Vacant	5.5%	7.9%	10.2%	14.1%

Source: 2016 American Community Survey 5 - Year Estimate and 2000 U.S. Decennial Census

The table below provides a comparison of the types of housing units provided in the Town of Brookhaven and Suffolk County. Both the Town and the County's housing stock is mostly single family – 84.1 percent for the Town and 84.5 percent for the County – as well as 2 to 9-unit multifamily homes – 8.2 percent for the Town and 9.0 percent for the County[11]. A smaller percentage of 10 to 19-unit (2.3 percent) and 20 or more unit (3.3 percent) buildings make up the County's housing profile than in the Town – 3.5 percent and 4 percent respectively. While mobile homes and other types of units make up a fraction of both the Town and the County's housing stock, the Town has fewer (0.2 percent) of these housing types than the County (0.9 percent).

[10] Ibid

[11] Ibid

Table 2-8 Housing Unit Type, Town of Brookhaven and Suffolk County, 2016

Housing Type	Brookhaven	Suffolk County
Total	174,647	570,464
Single Family	84.1%	84.5%
2 to 9 units	8.2%	9.0%
10 to 19 units	3.5%	2.3%
20 or more units	4.0%	3.3%
Mobile home/others	0.2%	0.9%

Source: 2016 American Community Survey 5 - Year Estimate

According to the 2016 American Community Survey 5 – Year Estimate, the Town and the County are experiencing continually less growth in the number of new housing units from 1970 to the present day. Table 2-9, Year Structure Built, 2016, provides an overview of the years in which structures were built in both the Town of Brookhaven and the Suffolk County.

Table 2-9 Year Structure Built, 2016

Year	Brookhaven	Suffolk County
Total	174,647	570,464
2010 or later	0.8%	0.8%
2000 to 2009	9.9%	7.7%
1990 to 1999	10.6%	8.7%
1980 to 1989	12.4%	10.5%
1970 to 1979	25.2%	18%
1960 to 1969	17.8%	20.7%
1959 or earlier	23.2%	33.5%

Source: 2016 American Community Survey 5 - Year Estimate

Overcrowding

Overcrowding is defined as more than one person per room and severe overcrowding as more than 1.5 persons per room according to HUD. Approximately 1.9 percent of housing units in the Town of Brookhaven experience overcrowding, less than the Countywide rate of 2.7 percent.[12]

- 2,226 units with 1 to 1.5 persons per room; and
- 809 units with 1.51 or more persons per room

Housing Costs

The Town of Brookhaven contains eight incorporated villages, approximately 50 hamlets and numerous communities, which can vary significantly in income and home prices. The table

[12] Ibid

below provides median sales price of homes, median rent per month, and median household incomes from a diverse sampling of communities in the Town.

Table 2-10 Median Sales Price and Median Rent per Month (2019) and Median Household Incomes (2016) of Sample Communities

Community	Median Sales Price	Median Rent per Month	Median Household Income
Bellport	$287,000	$2,525	$87,500
Stony Brook	$478,500	$3,250	$122,800
Setauket	$595,000	$3,350	$131,827
Centereach	$331,000	$2,825	$95,866
Coram	$305,000	$2,350	$84,384
Selden	$358,000	$2,475	$86,269
Mastic	$237,000	$2,450	$74,564
Mastic Beach	$237,570	$2,374	$64,970
Shirley	$282,500	$2,525	$82,742

Source: 2016 American Community Survey 5-Year Estimate (Median Household Income) and https://www.trulia.com/city/NY (Median Sales Price and Median Rent per Month)

HUD establishes fair market rents (FMR) through area median income and provides FMR data by unit size. This is HUD's way of estimating what a household seeking a rental unit could expect to pay in rent and utilities in the current market. The table below provides the FY 2016 FMR for Suffolk County compared to the Median Gross Rents for Suffolk County and Brookhaven. The 2019 FMR increased to $1,240 (23.6 percent) for studio/efficiency units, $1,548 (16.9 percent) for 1-bedroom units, $1,907 (18.6 percent) for 2-bedroom units, $2,460 (17.8 percent) for 3-bedroom units, and $2,756 (17.3 percent) for 4-bedroom units.

Table 2-11 Final 2016 Fair Market Rents for Suffolk County and 2016 Median Gross Rent for Suffolk County and the Town of Brookhaven

Unit Size	Fair Market Rent	Suffolk Median Gross Rent	Brookhaven Median Gross Rent
Studio/Efficiency	$1,003	$1,127	$1,170
1 Bedroom	$1,324	$1,325	$1,318
2 Bedroom	$1,608	$1,671	$1,732
3 Bedroom	$2,089	$1,908	$2,016
4 Bedroom	$2,350	$2,142	$2,101

Source: https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2019_code/2019summary.odn and 2016 American Community Survey 5-Year Estimate

Employment

In June 2019, the Town of Brookhaven had 256,600 people in the labor force with an unemployment rate of 3.2%. This is only slightly higher than the County rate of 3.1% and slightly lower than the New York State rate of 3.8%.[13]

Major Employers in the Town include:[14]

- State University at Stony Brook
- Stony Brook University Medical Center
- Sachem Central School District
- Brookhaven National Laboratory
- John T. Mather Hospital
- Eastern Suffolk BOCES
- Brookhaven Memorial Hospital
- Three Village Central School District
- William Floyd Central School District
- St. Charles Hospital

Occupations of Residents

The table below provides a profile of the occupations of Brookhaven residents. Based on the 2016 American Community Survey 5 – year estimates, the percent of residents in management occupations is slightly higher in the Town (39.1 percent) than in the County (38.1 percent). The percent of residents in sales and office (25.8 percent) and natural resources (9.7 percent) was also slightly higher in the Town than in the County - 25.7 percent and 9.4 percent respectively. A smaller percentage of Brookhaven residents are employed in services (16.7 percent) than the County (17.4 percent). Residents of the Town were employed in production, transportation, and material moving (8.7 percent) at lower rates than residents Countywide (9.4 percent).

[13] "Local Area Unemployment Statistics Program." NYS Department of Labor. https://www.labor.ny.gov/stats/laus.asp

[14] "About". Brookhaven Business Advisory Council. http://www.brookhavenbac.org/About/Town-Profile

Table 2-12 Occupation of Town of Brookhaven and Suffolk County Residents (civilian employed population 16 years and over) 2016

Occupation	Brookhaven	Suffolk County
Total	238,781	737,128
Management, business, science, and arts	39.1%	38.1%
Service	16.7%	17.4%
Sales and office	25.8%	25.7%
Natural resources, construction, and maintenance	9.7%	9.4%
Production, transportation, and material moving	8.7%	9.4%

Source: 2016 American Community Survey 5 - Year Estimate

Travel to Work

In 2016, the mean travel time to work for Town residents was 33.1 minutes, slightly higher than the County average of 31.7 minutes.[15] Approximately 82.9 percent of Town residents drove alone, slightly higher than 79.3 percent of the County. Approximately 5.4 percent of Town residents carpooled, lower than 8.0 percent at the County. And, 4.0 percent of residents relied on public transit which is lower than the County estimate of 6.4 percent.

Transportation

Major vehicle access is provided via east-west highways and roadways, including NYS Route 25A to the north, NYS Route 27 (Sunrise Highway) to the south, and NYS Route 25 and Interstate 495 (Long Island Expressway) in between. These highways all provide access to New York City and points east and west throughout Long Island. Major north-south thoroughfares in the Town are County Route 97 (Nicolls Road) to the west, County Route 46 (William Floyd Parkway) to the east and NYS Route 112 in the middle. The Town is served by additional local, County, and State roadways, which all lead to these major connections.

The Town is also served by the Long Island Rail Road (LIRR), a commuter rail line providing east-west access to New York City and other points in Long Island. The Town is served by the Port Jefferson Branch with stations at Stony Brook and Port Jefferson to the north; the Ronkonkoma Branch with stations at Ronkonkoma, Medford, and Yaphank through the center of Town; and the Montauk Branch with stations at Patchogue, Bellport, and Mastic-Shirley to the south. Bus transit is provided through Suffolk County Transit. Several bus lines serve employment, shopping, medical, and educational hubs in the Town at Port Jefferson, Stony Brook, Lake Grove, Centereach, Farmingville, Coram, Patchogue, and North Bellport. East-west bus lines connect portions of the Town with medical services, shopping, and employment in the Town of Riverhead to the east.

Ferry service connects the Town to Bridgeport, Connecticut to the north at Port Jefferson. Ferry service is also offered in Patchogue to Fire Island. Most air travel is provided in New

[15] 2016 American Community Survey 5-Year Estimate

York City at John F. Kennedy International Airport (JFK) or LaGuardia Airport. Additional air travel is provided at Long Island MacArthur Airport located in the adjacent Town of Islip.

Schools and Educational Profile

Schools

The Town of Brookhaven is served by several school districts. The table below shows the Town of Brookhaven School District Enrollment for the 2017 – 2018 school year.

Table 2-13 Town of Brookhaven School District Enrollment 2017 - 2018 School Year, Pre-K – 12

School District	Total Enrollment
Bayport-Bluepoint School District	2,159
Brookhaven-Comsewogue School District	3,838
Center Moriches School District	1,615
East Moriches Union Free School District	765
Eastport – South Manor Central School District	3,427
Longwood Central School District	9,367
Middle Country Central School District	9,750
Miller Place School District	2,594
Mount Sinai School District	2,265
Patchogue-Medford School District	7,753
Port Jefferson School District	1,115
Rocky Point Union Free School District	3,124
Sachem Central School District	13,269
Shoreham – Wading River School District	2,170
South Country Central School District	4,360
Three Village Central School District	6,131
William Floyd School District	9,022

Source http://p12.nysed.gov/irs/statistics/enroll-n-staff/home.html

The Town of Brookhaven is home to several colleges and universities. The table below provides a list of these higher education institutions.

Table 2-14 Colleges and Universities in the Town of Brookhaven

School District	Location
St. Joseph's College	Patchogue
Stony Brook University	Stony Brook
Suffolk County Community College	Selden

Source: https://suffolkcountyny.gov/portals/0/formsdocs/planning/Cartography/2017%20Atlas/College_atlas_35x11_17cd14r.pdf

Educational Profile

Employability and income potential are impacted by the level of educational attainment a person has. Based on the 2016 American Community Survey 5 – Year Estimates, there are relatively similar college and graduate school graduates in both the Town and the County.

Table 2-15 Educational Attainment for Population 25 and Over, 2016

Educational Attainment	Brookhaven	Suffolk County
Total Population 25 and Older	326,345	1,024,860
Less than 9th Grade	3.3%	4.7%
9th to 12th Grade, No diploma	5.3%	5.3%
High School Graduate	30.5%	28.9%
Some College, No Degree	18.9%	17.7%
Associate Degree	9.9%	9.0%
Bachelor's Degree	16.9%	18.8%
Graduate/Professional Degree	15.3%	15.6%

Source: 2016 American Community Survey 5 - Year Estimate

Land Use Policies and Patterns

Town of Brookhaven Comprehensive Plan

In 1996, the Town of Brookhaven adopted a Comprehensive Land Use Plan. A previous Comprehensive Plan had been adopted in 1987. The goals for the 1996 Comprehensive Plan were created by hamlet study committees, which included several hundred citizens who participated and responded to questionnaires, as well as the Town Supervisor, Town Board, and the Town's professional staff and consultants.[16] Nine goals were established by the Plan:

- Create strong economic activity to provide jobs and an adequate tax base.
- Establish a spatial relationship between land use, population and transportation. Population asymptotes (the maximum projected population number for an area)

[16] Town of Brookhaven Comprehensive Land Use Plan. 1996. https://www.brookhavenny.gov/DocumentCenter/View/16518/1996-TOWN-OF-BROOKHAVEN-COMPREHENSIVE-LAND-USE-PLAN-PDF

should be correlated more strongly with land use and transportation in individual hamlets, regionally and Town wide.

- Develop innovative land development techniques to insure maintenance of open space.
- Provide receiving sites for the transfer of developed rights for "core areas."
- Provide open space and recreational facilities throughout the Town.
- Concentrate activity whenever possible to encourage public transportation usage.
- Support appropriate roadway improvements to adequately serve adjacent land use.

Most relevant to this *Analysis of Impediments* is the Land Uses and Zoning section. At the time the Comprehensive Plan was adopted, 80 percent of residential properties were single-family detached houses and 20 percent were rentals, condominiums and cooperatives. At that time, 19.5 percent of the housing supply was renter occupied, which is very similar to 19.6 percent in 2016.

The Residential Zoning Problems and Needs section of the 1996 Comprehensive Plan identified a strong desire by the Town to support and promote senior housing and addressed the need for a diversity in the type of housing provided for seniors, as well as providing an affordable component. The Comprehensive Plan also estimated that of the potential for 30,000 additional residences, one third of them could be high density units. A recommendation for residential land use and zoning change also includes siting work places near residences.

Community Hamlet Plans

The Town has several community based land use plans and community hamlet plans and vision documents specific to various communities and villages. These plans were prepared with individual communities to identify community needs and visions, future land use plans, sustainability initiatives, and conservation strategies. Some of these plans include:[17]

- Middle Country Sustainable Community Plan (2008)
- Vision and Revitalization Plan for Neighborhood Road and Mastic Road Mastic Beach (2008)
- Montauk Highway Corridor Study and Land Use Plan for Mastic and Shirley Phase II (2009)
- Ronkonkoma Hub Transit-Oriented Planning Study (2009)
- Medford Vision Updates (2010)
- Three Villages Conservation Strategy (2010)

[17] Community Hamlet Plans & Vision Documents. Town of Brookhaven. https://www.brookhavenny.gov/293/Community-Hamlet-Plans-Vision-Documents

- Gordon Heights Land Use Plan (2011)
- Ronkonkoma Hub Transit-Oriented Development (TOD) Land Use Plan Supplement (2013)
- Greater Bellport Land Use Plan (2014)
- Port Jefferson Station Commercial Hub Study (2014)
- Horseblock Road Corridor Study and Land Use Plan for Farmingville (2016)
- Route 25A – Three Village Area – Visioning Report (2017)

Local Land Use Patterns

The Town's Comprehensive Plan states that, as with most of Long Island, population growth in the Town boomed after 1950. The Town continued growing from 1960 to 1970, adding more population than any other Long Island town. By 1980, the Town of Brookhaven was Suffolk's most populous town and second largest town, population-wise, on Long Island and in New York State (after the Town of Hempstead in Nassau County). The Town is comprised primarily as single-family neighborhoods centered around hamlet centers and main thoroughfares containing commercial uses, with industrial uses spread throughout the Town, traditionally placed along railroad track or adjacent to harbors. According to the Town Comprehensive Plan, the Town's current land use pattern is largely a product of the Town's first zoning ordinance established in the 1930s, although significant strides have been taken to preserve sensitive lands, introduce multifamily housing, and reduce inappropriate concentrations of commercial and industrial zoning. The Town and its Villages have also taken steps to introduce transit-oriented development in areas such as Ronkonkoma, Port Jefferson, and Patchogue in accordance with regional trends.

Substantial open spaces in the Town include Rocky Point State Pine Barrens Preserve, Brookhaven State Park, Long Island State Pine Barrens Preserve, Southhaven County Park, and the Laurel Ridge Setauket Woods Nature Preserve. Other significant land uses in the Town include institutional uses such as colleges, universities, hospitals, and medical services. The Town also hosts the Brookhaven National Laboratory, a multidisciplinary laboratory that is primarily supported by the US Department of Energy's Office of Science.

Zoning

The Town regulates land use in the unincorporated portions of the Town through Chapter 85, Zoning, of the Town of Brookhaven Town Code. The Zoning Ordinance for the Town contains 34 districts and nine overlay zones. Of the 34 districts, there are ten residential districts that permit single-family dwellings on various sized lots as the only residential use. One residential district and one business district also permit two-family dwellings. There is a multifamily district that permits single-family and multifamily dwellings and a Transit-Oriented Development District that encourages multifamily dwellings appropriately placed near transit centers. A Planned Retirement Community Residence district permits detached, attached, or semi-attached single-family senior citizen housing units for ages 55 and over. Multifamily uses are further permitted, along with single- and two-family dwellings, in the

Planned Development District, and as special permit uses in four of the business districts and one industrial district. The Town's Zoning Ordinance mandates that 20 percent of new residential units be affordable housing or workforce housing, for development containing five or more residential lots or dwelling units. These units are targeted for families earning up to 50 percent AMI for affordable rental units, up to 80 percent AMI for workforce rental units and affordable homeownership units, and up to 120 percent AMI for workforce homeownership units.

Each of the eight Villages in the Town have their own zoning ordinances as described below.

Village of Belle Terre – Chapter 170 of the Village of Belle Terre Village Code is the Village's Zoning Ordinance. The entire Village is located in the A Residence District which permits single-family homes. Multifamily uses are not permitted and the Village Code does not contain affordable housing provisions.

Village of Bellport – The Zoning Ordinance for the Village of Bellport is enumerated as Chapter 21 in the Village Code. The Village contains three residential districts which permit single-family dwellings; two business districts which permit single-family homes and up to two residential units above the ground floor of commercial uses, and a Cultural and Performing Arts District which permits residential uses that are limited to some students and staff of allowed uses. The Village Code does not contain provisions for affordable housing.

Village of Lake Grove – Chapter 175 of the Village of Lake Grove Village Code is the Village's Zoning Ordinance. The Village contains the B Residence 1 District, a Planned Retirement Community Residence District, and three Business districts. The B Residence 1 District permits single-family dwellings. The Planned Retirement Community District permits single-family detached or attached dwellings that are age-restricted (55 years or over) and must be owner-occupancy. The Village's business districts do not permit residential uses. The Village Code does not contain provisions for affordable housing.

Village of Old Field – Chapter 121 of the Village of Old Field Village Code is the Village's Zoning Ordinance. The Village is comprised on one residential district which permits single-family detached dwellings. Multifamily uses are not permitted and the Village Code does not contain provisions for affordable housing.

Village of Patchogue – The Zoning Ordinance for the Village of Patchogue is contained in Chapter 435 of the Village Code. The Village has 17 zoning districts. Four of these districts permit single-family dwellings as the only residential use. Two districts permit single-family, two-family and multifamily dwellings. One district permits multifamily dwellings that are age restricted for ages 65 and over. Three business districts permit mixed-use multifamily dwellings and an arts and culture district permits residential use in the form of artist live/work space. One floating district, the Downtown Redevelopment District, encourages mixed-use development and requires that a minimum of 25 percent of new residential uses constitute workforce housing units. Workforce housing units are defined as units affordable to households earning 120 percent or less of Area Median Income (AMI). The Village gives preference for workforce units to persons residing in the Village, then to person employed in the Village, and then all others.

Village of Poquott – The Zoning Ordinance for the Village of Poquott is presented as Chapter 183 of the Village Code. The Village is comprised of three single-family residential districts. Multifamily uses are not permitted and the Village Code does not contain provisions for affordable housing.

Village of Port Jefferson – Chapter 250 of the Village of Port Jefferson Village Code is the Village's Zoning Ordinance. The Village has 15 zoning districts, most of which permit residential uses. Of the 11 districts which permit residential use, three districts permit multifamily uses. Four districts permit two-family dwellings. The Village Code does not contain provisions for affordable housing.

Village of Shoreham – The Zoning Ordinance for the Village of Shoreham is included as Chapter 31 of the Village Zoning Code. There are 4 districts in the Village: Residence A District, Residence B District, Business District, and Public Utility District. Single-family dwellings are permitted in each district. Multifamily uses are not permitted and the Village Code does not contain provisions for affordable housing.

3

Fair Housing in the Town of Brookhaven

Complaint data received from the Suffolk County Human Rights Commission (SCHRC), New York State Division of Human Rights (NYSDHR), and Long Island Housing Services (LIHS), and the results of a fair housing survey, were compiled and are presented in this section to provide an understanding of the current status of fair housing in the Town of Brookhaven.

National Status of Fair Housing

HUD's Annual Report on Fair Housing indicates that HUD and the Fair Housing Assistance Program (FHAP) agencies nationally received a total of 8,186 housing discrimination complaints in FY 2017. Investigations were completed for 7,985 housing discrimination complaints during the same time period. New York State had the third highest number of complaints (558), behind California (1,033) and Texas (869).

The most common housing discrimination bases of complaint were disability, which was included in 59.4% of all complaints, and race, which was included in 26.0% of all complaints. The Annual Report on Fair Housing states that for the past five years, more than half of all complaints have alleged disability discrimination. The most common issue reported in the complaints was "discriminatory terms, conditions, privileges, or services and facilities" which was alleged in 68.9% of complaints. The next two most common issues were "failure to make

reasonable accommodation" which was alleged in 41.1% of complaints, and "discriminatory refusal to rent" which was alleged in 29.5% of complaints.

HUD investigates complaints of housing discrimination based on the federal protected classes: race, color, religion, national origin, sex, disability, or familial status. At no cost, HUD will investigate the complaint and attempt to conciliate the matter with both parties. If conciliation fails, HUD will determine whether "reasonable cause" exists to believe that a discriminatory housing practice has occurred. If HUD finds "no reasonable cause," the department dismisses the complaint. If HUD finds reasonable cause, the department issues a charge of discrimination and schedules a hearing before a HUD administrative law judge (ALJ). Either party may elect to proceed in federal court. In that case, the Department of Justice pursues the case on behalf of the complainant. The decisions of the ALJ and the federal district court are subject to review by the United States Court of Appeals.

Brookhaven Status of Fair Housing

Fair Housing Discrimination Lawsuits

The Town of Brookhaven has not been sued for violation of Federal, State, or County fair housing provision. The Town has also not been found to engage in discriminatory practices or in non-compliance of Federal, State, or County fair housing laws as a result of a complaint or compliance review.

There have been, however, some significant fair housing cases that have taken place in the Town, including *Long Island Housing Services, Inc. v. German-American Settlement League, Inc.* This case took place in a community in Yaphank and involved a homeowner who wished to sell their home but according to a deed restriction on the property from the German American Settlement League, which owned the land under the house, they could only sell the house to a homeowner of German descent. The lawsuit alleged that the deed restriction violated the Fair Housing Act by discriminating based on national origin. The case was settled in 2016 and the German American Settlement League agreed to adopt new policies and by-laws and abide by federal, state and local fair housing laws, opening up sale of homes in the community to anyone.

In another case, *Long Island Housing Services, Inc. v. Village of Mastic Beach*, code enforcement actions of the former Village[18] were alleged to discriminatorily target African American renters and their landlords. Several African American tenants who received housing subsidies were evicted for minor housing code violations, without being provided lawful notice or an opportunity to be heard before the eviction. In 2015, the former Village settled and agreed to pay $387,500 to the plaintiffs.

Fair Housing Complaints

Fair housing complaints can be placed with several different agencies by aggrieved parties. The primary resources for fair housing complaints in Suffolk County are NYSDHR, SCHRC,

[18] The Village of Mastic Beach formally dissolved in 2018.

and LIHS. As per a Memorandum of Understanding between HUD and Suffolk County, SCHRC is the local agency that now processes all local claims and to whom HUD refers its local enquiries.

After an inquiry to any of these agencies/organizations is made, a number of potential outcomes can result, including:

- Conciliation – Parties meet to work out a resolution; generally initiated by the equivalent agency (i.e., NYSDHR, SCHRC, LIHS) or HUD.
- Probable Cause – As a result of investigation, that may also be considered in a conciliation or other attempted resolution action, there is sufficient evidence or "Probable Cause" to move the case forward to adjudication by a United States District Judge or HUD ALJ.
- Administrative Closure – Action taken as a result of a judicial proceeding, untimely filing, inability to identify a respondent or locate a complainant, or if a complainant fails to cooperate.
- No Probable Cause – Although there may have been an action taken that appears to be discriminatory under the Fair Housing Law, there is not sufficient evidence uncovered as a result of investigation to prove the action was in fact discrimination or, in other words, one of "Reasonable Cause" to transfer to the United States Department of Justice (DOJ) District Judge or the HUD ALJ for a judicial ruling.
- Lack of Jurisdiction – Situation where the agency/organization (i.e., NYSDHR, SCHRC, LIHS) does not have jurisdiction to process the complaint.

Many reported situations and inquiries are resolved with discussion with the agency/organization who provide suggestions on how to handle the problem, rather than needing to proceed through the complaint process.

By State law, New York has more protected classes than are protected by the federal government. This means that someone who is in a New York protected class that is not also federally protected must file any discrimination complaints at the local or state level, and not with HUD. Landlords, lenders, and realtors in New York State are prohibited from discriminating based on race, color, national origin, religion, sex, disability, familial status, marital status, sexual orientation, gender identity, gender expression, source of income, military status, age, and creed. Source of income includes lawful sources of income such as public assistance, Section 8, Social Security Disability (SSD), Supplemental Security Income (SSI), veteran's benefits, other government subsidies, and court-ordered child support.

A charge of discrimination must be filed in person or by mail. If an individual believes they have been discriminated against, they should immediately contact the nearest NYSDHR office. Complaints must be filed within one year of the unlawful discriminatory act.

After the complaint has been received, all respondents will be notified. A respondent is a person or entity whose action is under complaint. Then any issues regarding the jurisdiction will be addressed and resolved.

NYSDHR will conduct an investigation through appropriate methods, such as a written inquiry, field investigation, or an investigatory conference. From the investigation results, NYSDHR will determine whether or not there is probable cause to believe an act of discrimination has occurred and will notify both the complainant and respondent in writing.

If there is a finding of no probable cause, or lack of jurisdiction, the matter is dismissed and the complainant may appeal to the State Supreme Court within 60 days. If there is probable cause that an act of discrimination has occurred then a public hearing will be conducted. A Division attorney or agent will present the case in support of the complaint, or the complainant may elect to retain outside counsel. Then a notice of hearing will be issued.

The hearing will be presided over by an ALJ and may last one or more days. A recommended order is prepared and sent to the parties for comment. A Commissioner's Order either dismisses the complaint or finds discrimination.

If an act of discrimination was found to have occurred the Commissioner may order the respondent to cease and desist and take appropriate action, such as ordering damages to be paid. The order may be appealed by either party to the State Supreme Court within 60 days. Within one year, the Compliance Investigation Unit investigates whether the respondent has complied with the provisions of the order.

Suffolk County Human Rights Commission

SCHRC provided data regarding fair housing complaints received by their departments from January 1, 2014 to December 31, 2018. During that time they received 51 complaints regarding incidents that occurred in the Town of Brookhaven. Information was provided by basis, community and result, as summarized in the tables below. The majority of these cases were withdrawn or there was a failure to pursue.

Table 3-1 Summary of Housing Complaints in the Town of Brookhaven, Received by Suffolk County Human Rights Commission

Year Filed	Basis	Community	Type of Relief or Result
2014	Age, color	Ridge	Failure to pursue
2014	Disability	Middle Island	Withdrawn
2015	Disability	Patchogue	Insufficient basis
2015	Source of income	Coram	Failure to pursue
2015	Source of income	Coram	Withdrawn
2015	Race, color	Patchogue	Insufficient basis
2015	Source of income	Holtsville	Failure to pursue
2015	Source of income	Farmingville	Resolved
2015	Source of income	Patchogue	Withdrawn
2015	Source of income	Patchogue	Withdrawn
2015	Other	East Moriches	Non-jurisdictional
2015	Source of income	Patchogue	Failure to pursue
2015	Race, national origin	Patchogue	Withdrawn

2015	Race, color	Mastic	Failure to pursue
2016	Creed, disability	Patchogue	Failure to pursue
2016	Race, national origin	Ridge	Insufficient basis
2016	Source of income	Patchogue	Probable cause (pending decision)
2016	Disability, age	East Moriches	Probable cause (pending decision)
2016	Disability, retaliation	Middle Island	Withdrawn
2016	Other	Ridge	Non-jurisdictional
2016	Source of income	Bellport	Insufficient basis
2016	Source of income	Patchogue	Failure to pursue
2016	Source of income	Ridge	Insufficient basis
2016	Disability, retaliation	Port Jefferson Station	No probable cause
2016	Sex, disability	Medford	Insufficient basis
2016	Disability	East Patchogue	Insufficient basis
2016	Source of income	Coram	Administrative closing
2016	Source of income	Farmingville	Withdrawn
2016	Source of income	East Patchogue	Withdrawn
2017	Other	Middle Island	Non-jurisdictional
2017	Disability, retaliation	Eastport	Filed with SDHR
2017	Race, color	Middle Island	Withdrawn
2017	Disability	Middle Island	Non-jurisdictional
2017	Disability	Coram	Withdrawn
2017	Disability	Yaphank	Withdrawn
2017	Disability	Mastic	Failure to pursue
2017	Race, disability	Coram	Insufficient basis
2017	Race	Centereach	Withdrawn
2017	Disability	Mastic	Withdrawn
2017	Race, color, source of income	Coram	Failure to pursue
2017	Source of income	Shirley	Administrative closing
2017	Source of income	Patchogue	Non-jurisdictional
2017	Disability	Medford	Withdrawn
2018	Other	Brookhaven	Non-jurisdictional
2018	Source of income	Selden	Withdrawn
2018	Source of income	East Patchogue	Failure to pursue
2018	Source of income	Bellport	Ongoing investigation
2018	Source of income	Ridge	Withdrawn
2018	Age	Patchogue	Non-jurisdictional
2018	Sexual orientation	East Patchogue	Failure to pursue
2018	Source of income	Patchogue	Withdrawn

Source: Suffolk County Human Rights Commission

Table 3-2 Breakdown of Housing Complaints Received by Suffolk County Human Rights Commission by Community

Community	Complaints	Percent of Complaints
Bellport	2	4%
Brookhaven	1	2%
Centereach	1	2%
Coram	6	12%
East Moriches	2	4%
East Patchogue	4	8%
Eastport	1	2%
Farmingville	2	4%
Holtsville	1	2%
Mastic	3	6%
Medford	2	4%
Middle Island	5	10%
Patchogue	12	24%
Port Jefferson Station	1	2%
Ridge	5	10%
Selden	1	2%
Shirley	1	2%
Yaphank	1	2%
Total	**51**	**100%**

Source: Suffolk County Human Rights Commission

Most complaints occurred in Patchogue (24%), with the remaining complaints spread throughout the Town of Brookhaven. It is noted, however, that most of the communities where complaints have occurred contain either minority concentrations, lower income households, or both.

Table 3-3 Breakdown of Housing Complaints Received by Suffolk County Human Rights Commission by Basis

Basis	Complaints	Percent
Race	8	16%
National Origin	2	4%
Sex	1	2%
Color	5	10%
Disability	16	31%
Source of Income	22	43%
Age	3	6%
Sexual Orientation	1	2%
Creed	1	2%

Retaliation	3	6%
Other	4	8%

Source: Suffolk County Human Rights Commission
Note: There is often more than one basis of complaint/issue alleged.

The most common basis of complaint was source of income (43%), followed by disability (31%) and race (16%).

Long Island Housing Services

Long Island Housing Services (LIHS) is a 50-year old private, non-profit fair housing enforcement agency that investigates housing discrimination complaints, and tests for housing discrimination on a random basis. The major activity at LIHS is case-by-case enforcement of fair housing laws when individual persons or families encounter specific incidents of discrimination that violate those laws. LIHS also provides education and outreach services, rental and mortgage counseling, and other related housing services.

LIHS' fair housing investigations consist of a wide variety of activities depending on specific circumstances of the incident-determining jurisdiction aspects, interviewing clients and other potential witnesses, gathering and analyzing related documentation, demographic information, researching property records and neighborhood compositions, monitoring advertisements, as well as conducting phone or site visit testing when appropriate and feasible.

If an investigation finds sufficient evidence of discrimination and the housing is not otherwise exempt, and if the client is willing and able to pursue the matter, LIHS may assist in reaching an informal resolution, or else will institute a formal enforcement action through governmental agencies and/or Federal District Court. Services may also include assisting the victim to secure experienced legal counsel. LIHS is the only Long Island agency performing these essential pre-filing tasks. In April 2019, LIHS, along with two Suffolk County residents and the Suffolk Independent Living Organization (SILO), filed a federal class action lawsuit alleging that NPS Property Corporation was intentionally discriminating against prospective renters on the basis of source of income, disability, and race. NPS Property Corporation owns or operates several apartment buildings and residential complexes in Suffolk County, although none of their properties are known to be located in Brookhaven.

LIHS provided information regarding fair housing complaints received by their office for complaints in the Town of Brookhaven during the 5-year period from 2014 to 2018. During that time, 18 complaints were filed. The 18 complaints are summarized in Table 3-4, Summary of Housing Complaints in the Town of Brookhaven, Received by LIHS. Note that there were no housing complaints in the Town of Brookhaven for the years 2014 and 2018. Half of all complains occurred in Mastic Beach, although it is noted that the information is reported by zip code which does not always fit accepted community boundaries. The remaining cases were spread throughout the Town, however, as with the complaints submitted to the Suffolk County Human Rights Commission, the complaints received by LIHS mostly occurred in communities that have minority concentrations, lower income households, or both. Most complaints received by LIHS were settled.

Table 3-4 Summary of Housing Complaints in the Town of Brookhaven, Received by LIHS

Year Filed	Basis	Issue	Zip Code	Type of Relief or Result
2015	Race, sex, familial status	Rental	11951	Settled
2015	Race, sex, familial status	Rental	11951	Settled
2015	Race, sex, familial status	Rental	11951	Settled
2015	Race, sex, familial status	Rental	11951	Settled
2015	Race, sex, familial status	Rental	11951	Settled
2015	Race, sex, familial status	Rental	11951	Settled
2015	Race, national origin	Sales	11980	Settled
2015	Disability	Accommodation	11784	PC
2016	Race	Rental	11951	NPC
2016	Race	Rental	11951	Dismissed
2016	Source of income	Rental	11772	PC
2016	Disability	Accommodation	11953	NPC
2016	Race, national origin	Lending	11763	N/A
2017	Disability	Accommodation	11784	Withdrawn
2017	Familial Status	Rental	11779	Settled
2017	Race and familial status	Rental	11779	Settled
2017	Disability	Modifications	11953	Settled
2017	Disability	Rental	11951	Settled

Source: Long Island Housing Services, Inc.
Note: There were no housing complaints in the Town of Brookhaven, as received by LIHS in the years 2014 and 2018.
PC = Probable Cause; NPC = No Probable Cause, N/A = Not Available

Table 3-5 Breakdown of Housing Complaints Received by LIHS by Community

Community/Zip Code	Complaints	Percent of Complaints
Lake Ronkonkoma, 11779	2	11%
Mastic Beach, 11951	9	50%
Medford, 11763	1	6%
Middle Island, 11953	2	11%
Patchogue, 11772	1	6%
Selden, 11784	2	11%
Yaphank, 11980	1	6%
Total	**18**	**101%**

Source: Suffolk County Human Rights Commission
Note: Total equals 101 percent due to rounding.

As shown in Table 3-6, Breakdown of Housing Complaints Received by LIHS by Basis and Issue, the most common bases of complaint were race (61.1%), familial status (44.4%), sex

(33.3%), and disability (27.8%). The most common issue was rental (66.7%) followed by accommodations (16.7%).

Table 3-6 Breakdown of Housing Complaints Received by LIHS by Basis and Issue

Basis/Issue	Complaints	Percent
	Basis of Complaint	
Race	11	61.1%
National Origin	2	11.1%
Sex	6	33.3%
Familial Status	8	44.4%
Disability	5	27.8%
Source of Income	1	5.6%
	Issue	
Rental	12	66.7%
Sales	1	5.6%
Accommodation	3	16.7%
Modifications	1	5.6%
Lending	1	5.6%

Source: Long Island Housing Services, Inc.
Note: There is often more than one basis of complaint/issue alleged.

Concerns Over the Processing of Fair Housing Complaints

Fair housing advocates have raised concerns about the slow response to fair housing complaints at all levels of government. HUD reported that, in 2017, a total of 4,889 investigations passed the 100-day mark; this included 890 HUD investigations and 3,999 FHAP investigations. The Fair Housing Act requires that HUD and FHAP agencies complete the investigation of each complaint within 100 days of the date it was filed, unless it is impracticable[19]. From FY 2013 to FY 2017, an average of 4,650 complaints passed the 100-day mark, annually. In general, it was impracticable to complete an investigation within 100 days when a complaint involved a great number of witnesses, larger volumes of evidence, or particularly complex claims and evidence.

Of the 18 complaints received by LIHS, seven complaints took more than two years to resolve, three complaints took one and a half to two years to resolve, and four complaints took six months or less to resolve. Data regarding the response time for the remaining complaints was not available.

[19] *Annual Report to Congress*, FY 2017, United States Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity.

Home Mortgage Lending Practices

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

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

Significant changes have occurred in the lending market throughout the United States. The number and type of lenders has changed, and it is becoming a common occurrence to read about national lenders acquiring other national lenders and local lenders. These national lending institutions are becoming increasingly more active locally, as the market share of national corporations is growing yearly. Significant issues that have emerged from the changes in the market are: 1) the substantial growth of the sub-prime market; 2) the impact these lenders have on communities and neighborhoods; and, 3) the foreclosure crisis.

The Home Mortgage Disclosure Act (HMDA) enacted by Congress in 1975 requires lenders to disclose home mortgage and home improvement lending transactions. The information collected by HMDA, provided by public lending institutions, is intended to make public loan data available for analysis. HMDA includes several categories of loans. Home loan categories include Federal Housing Administration (FHA), Farm Service Agency and Rural Housing Service (FSA/RHS) and Veterans Administration (VA), conventional, refinancing, home improvement loans and loans for multifamily dwellings with five or more units. Because most housing transactions occur in the private sector, any analysis of impediments must explore private real estate and lending activity and their impact on fair housing.

Table 3-7, HMDA Aggregate Loan Applications for the Town of Brookhaven, 2017 provides aggregate mortgage loan application data for the Town for the year 2017 (the latest data available).

Table 3-7 HMDA Aggregate Loan Applications for the Town of Brookhaven, 2017

	FHA, FSA/RHS & VA Home Purchase Loan		Conventional Home Purchase Loan		Refinancing		Home Improvement		Loans on Dwellings for 5+ Families		Nonoccupant Loans		Loans on Manufactured Home Dwellings	
	#	$000's	#	$000's	#	$000's	#	$000's	#	$000's	#	$000's	#	$000's
Loans Originated	1,704	500,754	3,314	890,843	2,881	653,972	559	50,866	10	282,575	443	113,788	1	30
Approved, Not Accepted	75	21,293	110	27,722	364	93,360	35	2,375	0	0	35	8,414	0	0
Applications Denied	263	73,137	427	106,812	1,153	296,580	622	30,055	0	0	165	41,201	10	219
Applications Withdrawn	193	55,742	350	102,210	1,161	278,467	142	17,585	2	64,586	127	35,110	0	0
Files Closed for Incompleteness	57	15,206	104	26,920	550	139,857	47	8,165	0	0	51	13,502	1	110
TOTAL	2,292	666,123	4,305	1,154,507	6,109	1,462,236	1,405	109,046	12	347,161	821	212,015	12	359

Source: HMDA, MSA/MD: 35004 – Nassau-Suffolk, NY

In 2017, there were 2,292 FHA, FSA/RHS, and VA home purchase loan applications within the Town of Brooklyn that amounted to $666,123,000. Of these loan requests, 1,708 applications resulted in loan origination, 75 loans were approved but not accepted, 263 loans were denied,193 applications were withdrawn, and 57 applications were closed for incompleteness.

There were a total of 4,305 conventional home purchase loan applications that totaled $1,154,507,000. These conventional loan applications resulted in 3,314 loans that were originated, 110 that were approved but not accepted, 427 that were denied, 350 that were withdrawn, and 104 that were closed for incompleteness.

There were a total of 6,109 refinancing loan applications totaling $1,462,236,000. Of the refinancing loan applications, 2,881 resulted in the origination of a loan, 364 were approved but not accepted, 1,153 were denied, 1,161 applications were withdrawn, and 550 files were closed for incompleteness.

A total of 1,405 home improvement loan applications were submitted, amounting to $109,046,000. Of these loan applications, 559 resulted in loan origination, 35 were approved but not accepted, 622 applications were denied, 142 applications were withdrawn, and 47 files were closed for incompleteness.

Twelve loan applications for dwellings of five or more families were applied for, amounting to $347,161,000. Ten of these loan requests resulted in the origination of a loan and two applications were withdrawn.

The types of loans sought specifically for one- to four-family homes are summarized in Table 3-8, Types of Loan Sought, 1 to 4 Family Structures and Manufactured Homes, Town of Brookhaven, 2017.

Table 3-8 Types of Loans Sought, 1 to 4 Family Structures and Manufactured Homes, Town of Brookhaven, 2017

	Home Purchase Loan (FHA, FSA/RHS & VA, and Conventional)	Refinancing	Home Improvement
Percent of Loans Sought	46.8%	43.3%	10.0%

Source: HMDA, MSA/MD: 35004 – Nassau-Suffolk, NY

Of the 14,111 loans sought for one- to two-family structures, 46.8 percent were for home purchase, 43.3 percent were for refinancing and 10.0 percent were for home improvement.

In order to place the Town of Brookhaven in context and to begin to analyze who is being approved and who is being denied loans, a general evaluation of the rest of the Long Island region was conducted. The HMDA data does not provide county or census tract-level loan application and disposition race/income information, therefore, further analysis of application acceptance and denial rates by race and/or income is conducted at the Metropolitan statistical area (MSA) level.

Table 3-9, Aggregate Disposition of Applications for Home Purchasing, Refinancing, and Home Improvement Loans in Nassau and Suffolk Counties, 2017 summarizes the acceptance (loans originated) and denial rates for the Nassau-Suffolk MSA based on race, ethnicity, minority status, and/or income.

Table 3-9 Aggregate Disposition of Applications for Home Purchasing, Refinancing, and Home Improvement Loans in Nassau and Suffolk Counties, 2017

Applicant Characteristics	Total Applications	% Loans Originated	% Denied
Race/Ethnicity/Minority Status			
American Indian/Alaska Native	216	43.1%	29.2%
Asian	5,678	61.9%	15.8%
Black or African-American	4,905	52.9%	22.6%
Native Hawaiian/Other Pacific Islander	228	54.4%	23.2%
White	48,981	63.0%	14.4%
2 or More Minority Races	78	41.0%	24.4%
Joint (White/Minority Races)	853	63.4%	15.2%
Race Not Available	11,102	51.7%	23.2%
Hispanic or Latino	6,724	56.9%	19.2%
Income			
<50% of MSA Median	5,381	39.6%	34.4%
50-79% of MSA Median	15,023	57.3%	19.0%
80-99% of MSA Median	11,682	62.9%	15.1%
100-119% of MSA Median	9,465	64.0%	14.3%
>120% of MSA Median	30,539	63.5%	13.4%

Source: HMDA, MSA/MD: 35004 – Nassau-Suffolk, NY, Tables 4-1 to 4-4 (Aggregate Disposition of Applications for FHA, FSA/RHS, and VA Home Purchase Loans, Conventional Home-Purchase Loans, Home Improvement Loans, 1- to 4-Family and Manufactured Home Dwellings, By Race, Ethnicity, and Income of Applicant. Compiled by VHB.

Note: Loans approved but not accepted, withdrawn applications, and files closed due to incomplete information are not shown.

For purposes of analysis, only the four main characteristics who applied for loans (Asian, Black or African-American, White, and Hispanic or Latino) is discussed. The other characteristics did not apply for enough loans to establish a potential pattern. It is also noted that race data was not available for a substantial number of applications (11,102). Whites and Asians had the highest percentages of loan originations (63.0% and 61.9% respectively) and

Hispanics or Latinos and Blacks or African-Americans had lower rates of loan originations (56.9% and 52.9% respectively). Similarly, White and Asian applicants had lower rates of loan denials (14.4% and 15.8% respectively) than Hispanic or Latino applicants and Black or African-American applicants (19.2% and 22.6% respectively).

Income level data indicate that, as incomes in Nassau and Suffolk Counties increased, the percent of loans denied decreased with the largest rate (34.4%) of denied applications going to those who earn less than 50 percent of MSA median income. Those in the lowest income cohort also had the lowest percentage (39.6%) of loans originated. Applicants earning 100-119 percent of MSA median income had the highest rate of loans originated (64.0%), followed by applicants earning greater than 120 percent of MSA median income (63.5%).

Aggregate information for the Nassau-Suffolk MSA/MD identifies reasons for denial of applications for home purchase, home improvement, or refinancing loans by race, ethnicity, and income of applicant. Table 3-10, Reason for Denial of Applications, 1 to 4 Family Dwellings, Long Island, 2017, summarizes this information for Nassau and Suffolk Counties.

Table 3-10 Reason for Denial of Applications, 1 to 4 Family Dwellings, Long Island, 2017

Applicant Characteristics	Debt-to-Income Ratio	Employment History	Credit History	Collateral	Insufficient Cash	Unverifiable Information	Credit Application Incomplete	Mortgage Insurance Denied	Other
Race/Ethnicity/Minority Status									
American Indian/Alaska Native	37.3%	0.0%	33.3%	13.7%	0.0%	0.0%	13.7%	0.0%	2.0%
Asian	41.3%	1.5%	14.5%	12.3%	3.4%	5.5%	13.0%	0.1%	8.3%
Black or African-American	33.2%	1.4%	29.5%	15.8%	2.3%	1.6%	9.0%	0.0%	7.2%
Native Hawaiian/Other Pacific Islander	54.9%	0.0%	27.5%	7.8%	2.0%	2.0%	2.0%	0.0%	3.9%
White	34.7%	1.0%	22.8%	15.9%	2.5%	2.8%	12.1%	0.0%	8.1%
2 or More Minority Races	23.1%	0.0%	53.8%	7.7%	0.0%	0.0%	15.4%	0.0%	0.0%
Joint (White/Minority Races)	31.4%	0.0%	30.4%	18.6%	4.9%	2.0%	10.8%	0.0%	2.0%
Race Not Available	28.8%	0.8%	22.0%	16.5%	2.5%	2.2%	20.9%	0.0%	6.4%
Hispanic or Latino	38.0%	1.6%	24.5%	11.2%	2.8%	3.4%	10.4%	0.0%	8.0%
Income									
<50% of MSA Median	55.2%	1.3%	19.9%	7.2%	1.8%	2.0%	6.1%	0.0%	6.5%
50-79% of MSA Median	42.7%	1.8%	20.0%	12.8%	2.1%	2.5%	12.0%	0.0%	6.0%
80-99% of MSA Median	34.6%	0.8%	20.8%	16.6%	1.7%	3.1%	15.4%	0.0%	7.1%
100-119% of MSA Median	28.9%	1.2%	23.3%	19.7%	2.1%	1.5%	16.1%	0.1%	7.0%
>120% of MSA Median	23.0%	0.4%	22.1%	20.8%	3.6%	3.3%	17.9%	0.0%	8.9%

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

Aggregate HMDA data for Long Island shows that debt-to-income ratio and credit history are two common reasons for loan denial. Collateral and credit application incomplete are fairly common as well. The percentage of debt-to-income ratio denials decreases as income increases, with those earning less than 50 percent of MSA median income facing this issue the most. Collateral as a reason for loan denial was more common for higher incomes than for lower incomes.

Of the four main characteristics, Asian applicants had the highest debt-to-income ratio as the reason for denial, Black or African-American applicants had the highest credit history as a reason for denial, Black or African-American and White applicants had the highest collateral as a reason for denial, and Asian applicants had the highest insufficient cash and unverifiable information as reasons for denial.

Subprime Loans

"Subprime loans" are typically made to borrowers with blemished credit histories or who provide only limited documentation of their income or assets. Subprime lenders typically provide loans at higher interest rates to those who do not qualify for a prime loan. Some portion of the subprime lending market is also predatory in nature, using aggressive marketing techniques to solicit borrowers who do not need, or may not be able to afford a loan. As per NYS banking laws, a subprime home loan is defined as "a home loan in which the initial interest rate or the fully-indexed rate, whichever is higher, exceeds by more than on and three-quarters percentage points for a first-lien loan, or by more than three and three-quarters percentage points for a subordinate-lien loan, the average commitment rate for loans in the northeast region with a comparable duration to the duration of such home loan, as published by the Federal Home Loan Mortgage Corporation (herein Freddie Mac)…".

"Alternate amortization loans" (commonly called "Alt-A loans") are near prime or non-traditional mortgages made to borrowers who might have past credit problems, but not severe enough to drop them into subprime territory, or who, for some reason (such as a desire not to document income) choose not to obtain a prime mortgage. In addition, many loans with nontraditional amortization schedules, such as interest only or option adjustable rate mortgages, are sold into securities marked as Alt-A.

HMDA data does not identify whether or not loans are subprime or Alt-A loans. However, there are other sources of information that provide an indication of the amount of subprime and/or Alt-A loans in a particular area. Through 2005, HUD annually identified a list of lenders who specialize in subprime lending. Many banks have since stopped or reduced subprime lending after the housing crisis and laws that further regulate the practice, therefore, this data may no longer be adequate. However, subprime lending does still occur through some banks and through non-bank financial companies that provide similar services (also known as "shadow banks").

An Uneven Road to Recovery: Place, Race, and Mortgage Lending on Long Island (December 2014) by the National Center for Suburban Studies

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

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

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

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

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

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

data were analyzed in several different ways and were supplemented with interviews of people in the real estate and lending industries. The key findings of these combined analyses are summarized below.

Between 2005 and 2012, mortgage lending dropped significantly across Long Island, with originations declining from 37,000 to 16,000 annually. The negative effect on Black and Latino households, however, was substantially greater. In addition, the data show that these groups are more often denied loans or are approved for more expensive FHA-insured loans. In Brookhaven, the communities Selden, Middle Island, Gordon Heights, North Bellport, Brookhaven, Shirley, Mastic Beach, and Mastic were identified as being in the bottom total lending cluster (communities were ranked by total originations and by the absolute change in origination from 2005 to 2012).

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

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

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

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

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

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

Fair Housing and the Public Sector

The policies, procedures, and practices of local municipal departments and agencies, municipal codes, and the decisions of local boards impact fair housing goals – sometimes directly, but often indirectly. This section of the Analysis of Impediments assesses the local institutional structure and how it affects fair housing choice.

Strengths and Gaps in the Local Institutional Structure

The Town is committed to using the opportunity of being a new HUD grantee to take a hard look at the institutional delivery system and enact improvement to address gaps or weaknesses in the system.

Strengths in the current system include the vast network of support agencies through the Town, County and non-profit organizations. These groups work well together to provide a continuum of services to help residents in need. The Town and County have also been affective in removing architectural barriers, improving access to public facilities such as parks, and assisting eligible homeowners make their homes handicapped accessible.

A gap in the system is a lack of coordination that is necessary to effectively carry out a robust affordable housing development program. The Town is committed, and excited by the new opportunity, to develop a system for increasing the stock of affordable housing in the Town, and reducing the number of vacant homes that have been foreclosed.

The public meeting on fair housing hosted by the Department of Housing and Human Services on Tuesday, May 7, 2019, was the first of its kind to be hosted by the Town and served as an opportunity to provide fair housing education to the public, through a presentation given by LIHS, while soliciting input on the Analysis of Impediments. The survey on fair housing that was developed for the meeting and subsequently posted online was well received, promoted by LIHS and local elected officials, and provided valuable information for the Town. The Town intends to build off this momentum by continuing to

foster open dialogue, and opportunities to promote fair housing education, with the general public and service providers.

Town of Brookhaven Zoning Ordinance and Land Use Regulations

The Town's Zoning Ordinance is described in Section 2, Demographic Summary. The Town has a multifamily district and a transit-oriented development district. Multifamily uses are also permitted in some business districts and other residential districts. The Zoning Ordinance mandates that 20 percent of new residential units be affordable housing or workforce housing for development containing five or more residential lots or dwelling units. These units are targeted for families earning up to 50 percent AMI for affordable rental units, up to 80 percent AMI for workforce rental units and affordable homeownership units, and up to 120 percent AMI for workforce homeownership units.

The Town's Neighborhood Preservation Code (Chapter 82) is intended to prevent neighborhood blight and enhance the quality of life in residential neighborhoods within the Town. The Neighborhood Preservation Code was enacted to address serious conditions arising from non-owner occupied rental of dwelling units in one, two and three family homes and multiple dwellings that are substandard or in violation of the New York State and/or Town building codes and other ordinances. According to the Code, many of these dwellings are inadequate in size, overcrowded and dangerous, and such dwelling units pose hazards to life, limb and property of residents of the Town and others, tend to promote and encourage deterioration of the housing stock of the Town, create blight and excessive vehicle traffic and parking problems and overburden municipal services. While the neighborhood preservation requirements (§ 82-3) function to encourage residential property maintenance, promote code enforcement and ensure standard conditions in rental non-owner occupied dwelling units, some provisions of the rental registration requirements (§ 82-10) may be an impediment to fair housing for large families or families with children. Specifically, § 82-10 D.(2), which restricts the number of persons that are allowed to occupy non-owner occupied rental units. However, the New York State Uniform Fire Prevention and Building Code sets forth occupancy standards in Section 404 of the 2015 International Property Maintenance Code that the Town must comply with, thereby preempting the Town's ability to remove occupancy standards or allow higher occupancies.

Of the eight villages which have their own zoning ordinances, the Villages of Belle Terre, Bellport, Lake Grove, Old Field, Poquott, and Shoreham permit no or severely limited multifamily housing and offer no provisions for affordable housing. The Village of Patchogue permits multifamily dwelling and mixed-use development in various district and one district mandates that 25 percent of new residential uses constitute workforce housing (for households earning 120 percent or less of AMI), giving preference to Village residents, then to persons employed in the Village, and then all others. The Village of Port Jefferson permits multifamily and mixed-use development in various districts but does not have provisions for affordable housing. It is noted that the Villages of Patchogue and Port Jefferson have been successful in encouraging transit-oriented development, including mixed-uses located near public transit.

Town of Brookhaven Fair Housing Law

Chapter 21A Discrimination of the Brookhaven Town Code presents the Town's policy with regard to discriminatory housing practices. Adopted in 1987, it acts as the Town's fair housing law. Chapter 21A lists race, creed, color, and national origin as the protected classes in the Town and describes what are prohibited, discriminatory acts and the protections that these protected classes have with regards to housing. The Town Clerk is authorized to receive complaints in affidavit form setting out in detail the facts concerning violations of Chapter 21A and, within one week after receipt of such complaint, to forward the same to the legal representative of the Town, who will take the necessary enforcement actions.

As part of the penalties for offenses, Chapter 21A notes that an attorney designated by the Town Board to prosecute violations may impose a find of not more than $250 or by imprisonment for a period not exceeding 15 day, or may be order a person convicted of violating this Chapter 21A to make available to the complainant the premises involved.

Among the potential discriminators, Chapter 21A specifically lists lending institutions and insurance companies.

Implementation Plan for Sustainable Development in New York

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

In putting together the Plan, the Consortium's agenda was focused on creating more sustainable and equitable economic growth through achieving the following: generating jobs and mixed income housing in downtowns and low income neighborhoods near commuter railroad stations; improving the regional planning process by better connecting and integrating all factors – economic, environmental, transportation and housing, and promoting fair access to schools, jobs and healthy communities.

Also included in the Implementation Plan is a Fair Housing and Equity Assessment (FHEA). The Assessment included an evaluation of the current condition of the region in terms of fair housing and economic equity, and broader trends in housing and economics in the region as an initial step toward determining how to enhance the fair distribution of resources across the population. Key findings from those analyses are described below.

Economic and Demographic Trends – Development patterns in the region were established over an extended period of time as the population grew. For example, the suburbanization of the post-World War 2 period contributed to segregation and various government programs, including home mortgage insurance and highway building, contributed to this trend. More recently, changes in historic patterns have affected the manner in which resources are distributed. In recent decades, median household incomes in the region have

declined even as over 1.5 million jobs have been added, resulting in part to a growth in wage inequality and expanded suburban poverty.

Regional Housing Trends – The trends in economics and demographics have had direct impacts on the need for and supply of housing in the region.

- There have been significant increases in cost and a growing gap between demand and supply. Both trends heavily impact lower income and minority households.
- The proportion of households who are cost burdened has grown substantially, most notably for lower income households.
- There has been increased recognition that higher transportation costs combine with housing costs to stress household budgets and that having to commute long distances from affordable homes to employment can be a financial drain.
- In recent decades, the focus of the region's new housing development shifted from suburban areas to New York City and from single-family to multi-family units.
- The lack of suitable land in the suburbs has also forced developers to look to urban areas for locations in which to build new housing.
- Various projections indicate that the supply of affordable housing units in the region will not grow fast enough to keep up with the demand, thereby maintaining upward pressure on housing costs.
- Multi-family housing development has lagged in the suburbs outside of established urban centers.

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

- Clusters of minority populations can be traced both to historic patterns of discrimination and to locational preferences of more recent immigrants.
- From 1990 to 2010, the region's white population declined from 59% to 46% of the total; major growth during that period was experienced in the Hispanic and Asian populations.
- While the non-white population has grown significantly in the suburban portions of the region, most of this segment continues to live in urban areas. Each major racial and ethnic group has its own distribution pattern within the region.
- Based on analysis of demographic data, and the calculation of a Dissimilarity Index, the region was found to exhibit a "high" level of segregation for the distribution of whites and non-whites as a whole. While dissimilarity indexes for most portions of the region have tended to decline moderately over the past 30 years, the region remains more segregated than most other major regions of the country.

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

- Local zoning and land use restrictions limiting construction of multi-family housing
- Local opposition to housing development
- Discrimination in renting and sales
- Discrimination based on source of income
- Lack of adequate information for non-English speaking residents
- Lack of affordable and accessible transportation
- Subprime lending
- Gentrification leading to displacement of lower-income residents
- Lack of investment in poverty areas

In order to address the most critical underlying causes of segregation and disparities in access to opportunity, the Advisory Committee promulgated an extensive series of recommendations covering all aspects of the issue and linked to the various levels of government responsible for its implementation and to the type of neighborhood in which it would be used. The Plan also noted that additional resources are likely to be required to carry out all of the recommendations. The strategies enumerated were divided into several sections, each of which is summarized below:

1. Strengthening the anti-discrimination investigation and enforcement system – Providing increased funding, expanding investigations and enforcement activities and adopting legislation to expand the scope of anti-discrimination laws.

2. Enhancing the engagement of low-income people and the underrepresented racial and ethnic minorities in local and regional planning – Providing increased funding for planning agencies to partner with community-based organizations serving low-income populations; enhancing community engagement through use of nest practices.

3. Promote investment in and revitalization of Racially/Ethnically Concentrated Areas of Poverty (R/ECAPS) and high-priority communities while protecting against displacement – Investing in Equitable TODs (ETOD); expanding rent protections; promoting job opportunities for target populations; utilizing local laws and regulations to preserve and expand the housing supply for lower-income residents.

4. Promoting new affordable housing in high opportunity areas – Expansion of affordable housing through state legislation, enforcement, funding and changes in zoning, including mandatory inclusionary housing; condition state and federal fund distribution on implementation of affordable housing measures.

5. Ensuring that underrepresented racial and ethnic minorities, low-income families and other protected groups have access to affordable housing in high opportunity areas – Enforcing affirmative marketing and mobility counseling requirements; ensuring that affordable units are available and advertised to all without preference to local residents.

6. Stabilizing housing opportunities for middle and moderate-income families – Eliminating discriminatory lending practices; actions to prevent house foreclosures.

7. Advancing regional approaches to affordable housing – Bring together disparate entities to coordinate affordable efforts.

8. Ensuring regional infrastructure planning and investments incorporate equity considerations –Improve effectiveness of transportation networks by coordinating with housing and other plans; reduce fares and otherwise increase transit access to job centers.

Survey Results

The Town of Brookhaven Department of Housing and Human Services developed and distributed a fair housing survey. Paper surveys were distributed to the public and to organizations/service providers at the public hearing on February 1, 2018. Paper surveys were also distributed at the public meeting on May 7, 2019. Due to interest at the public meeting on May 7, 2019, an online survey for public input was developed and posted on the Town's website. There were nine responses to the service provider survey and 211 responses to the public survey, including both paper and online surveys. The results of both surveys are described below and copies of the survey questions are included as Appendix B.

Service Provider Organization Survey

Nine non-profit organizations responded to the paper survey distributed at the public hearing on February 1, 2018. The responders have all applied to the Town for grant funding. The missions of these organizations vary from housing, fair housing, affordable homeownership, advocacy, community revitalization, education, recreation, senior services, counseling, and support services. Below are responses to the survey questions:

What types of housing do residents express a need for?

Responders expressed the most need for senior, rental and accessible housing as well as homeownership. Two responders selected the need for townhouses. Responders supplied other needs including home improvement assistance, safe rental housing for families, and affordable housing in high opportunity zones. No responders selected condominiums or subsidized housing as a need.

Have residents expressed difficulty in finding affordable housing options in Brookhaven?

Seven out of nine responders selected yes to this question and two responders selected no. Those that answered yes noted that seniors, low-income families, single parents, families with young children, disabled, African Americans, and Latinos have the most difficulty finding affordable housing options. One responder noted that all households have a hard time finding affordable housing options.

Identify barriers to building affordable housing in Brookhaven.

Responders identified several barriers to building affordable housing with zoning getting the most selectors, followed closely by local regulations, high cost of construction, lending practices, and lack of available land. Two responders chose housing approval process as a barrier. One responder also noted that local opposition can be a barrier to building affordable housing. No responses were given for property insurance practices.

Identify other impediments to fair housing in Brookhaven.

Potential impediments to fair housing as identified by survey responders include insufficient affordable rental units, Section 8 participation, and local perception (NIMBY-ism), as shown in Table 3-11, Other Impediments to Fair Housing in Brookhaven per Organization Survey. Other barriers that were not included in the survey were cited by responders, including: not enough Section 8 vouchers, lack of housing near affordable child care, and source of income discrimination.

Table 3-11 Other Impediments to Fair Housing in Brookhaven per Organization Survey

Other Impediments	Selections
Inadequacy of fair housing education and outreach	1
Local perception of fair housing/NIMBY-ism	4
Language and cultural barriers	3
Availability of housing accessible to persons with disabilities	2
Section 8 participation	5
Substandard/aging housing	3
Existence of lead-based paint in housing	0
Lack of units suitable for families	3
Insufficient affordable rental units	6
Lack of sufficient public transportation between housing and jobs	3

Are discriminatory practices or policies found in Brookhaven with regards to housing?

Two responders selected yes, four responders selected no, and two responders selected do not know. One responder cited that these practices occur very often and another responder cited that these discrimination occurs occasionally.

On what basis is housing discrimination likely to occur?

Responders selected race, color, and disability as most likely to occur, followed by families with children. Gender, military status, age, nation origin, and source of income each received one selection and two responders selected "do not know". No responders selected creed, religion, sexual orientation, veteran status, victim of domestic violence, group identity, or gender expression.

Do people who have been discriminated against report the incident?

None of the responders chose yes for this question about whether people who have been discriminated against report the incident. Most selected "no, because they do not know where to report it", but some also selected "no, because they do not think it will make any difference," "no, because they are afraid of retaliation," and "no, because they think it is too

much trouble." One responder also wrote that they believe that people do not report discrimination because of fear of authorities.

Identify other thoughts/issues with regards to fair and affordable housing in Brookhaven.

Comments received for this statement on the survey include:

- Need more density and multifamily units which are affordable.
- Lack of infrastructure (sewers) increases cost of more dense housing options such as garden apartments.
- Need multi-story buildings in downtowns.
- Need more affordable housing options for adults with disabilities.

Public Fair Housing Survey

A Fair Housing Survey for the Town of Brookhaven was distributed via paper at the public meeting on May 7, 2019. An online survey was then prepared and advertised on the Town's website. The public survey received 211 responses. Below is a summary of these responses:

Which community do you live in?

Specific communities responders identified are: Bellport, Brookhaven, Center Moriches, Centereach, Coram, East Moriches, East Patchogue, East Setauket, Farmingville, Gordon Heights, Lake Grove, Lake Ronkonkoma, Mastic Beach, Medford, Middle Island, Miller Place, North Bellport, Old Field, Patchogue, Port Jefferson, Port Jefferson Station, Ridge, Rocky Point, Ronkonkoma, Selden, Setauket, Shirley, Sound Beach, South Setauket, Stony Brook, Terryville, Three Village and Wading River.

What types of affordable housing do you or your community need?

The highest number of respondents identified rental housing, senior housing, subsidized housing, and home ownership as affordable housing needed by them or the community. Respondents also listed accessible housing, town houses, and condominiums.

Is it difficult to find affordable housing options in Brookhaven? If "yes", what segments of the population find it most difficult?

A majority of respondents agreed that it is difficult to find affordable housing in Brookhaven. Seniors, millennials, recent graduates, large families, persons with disabilities, and people with low income were identified as groups that had difficulty finding housing.

Have you ever experienced discrimination in housing?

Forty-four percent of responders (92) experienced discrimination in housing, while 117 responders did not experience discrimination in housing.

Who do you believe discriminated against you?

The highest number of responders who said they had been discriminated against identified landlords and property managers, real estate agents, mortgage lenders and Town/County

staff as those who discriminated against them. Mortgage insurers and homeowners looking to sell were also identified as individuals who had discriminated against them.

Where did the act of discrimination occur?

The highest number of responders chose single family neighborhoods, apartment complexes and when applying for housing through the Town or County as places where they were discriminated against. Public or subsidized housing, apartment complexes, and mixed-use buildings were also identified as places where people had experienced discrimination.

On what basis do you believe you were discriminated against?

In order of most to least votes respondents identified the following as reasons why they believe they were discriminated against: race (64), color (43), families with children (24), source of income (24), age (23), gender (19), disability (17), marital status (11), national origin (9), religion (8), sexual orientation (5), group identity (5), victim of domestic violence (5), do not know (4), gender expression (3), veteran status (3), and creed (1).

If you were discriminated against, did you report the incident?

Only 8% respondents reported the incidents of discrimination. Of the responders who did not report the incident, 43% did not report the incident because they did not think it would make any difference, 27% did not report the incident because they did not know where to report it, 9% did not report the incident because it was too much trouble, and 6% did not report the incident for fear of retaliation.

If you own your own home, are you in the process of foreclosure or at risk of foreclosure?

For the 24 responders that replied "yes," respondents identified causes as a loss of income, significant increase in other housing costs (i.e. insurance, taxes, etc.), being unable to refinance to a lower interest rate, required balloon payments, and being unable to refinance to a fixed rate loan.

Identify barriers to building affordable housing in Brookhaven.

92 respondents identified the high cost of construction as a barrier to building affordable housing. 85 respondents identified zoning and housing approval process as a barrier. Local regulations and lending practices were also identified by a significant number of responders. Additionally, lack of available land and property insurance practices were identified as barriers.

Identify other impediments to fair housing in Brookhaven.

As shown in Table 3-12, Other Impediments to Fair Housing in Brookhaven per Public Survey, the top additional impediments identified by respondents included: insufficient affordable rental units, lack of sufficient public transportation between housing and jobs, local perception of fair housing/NIMBY-ism, inadequacy of fair housing education and outreach, and lack of suitable units for families. Responders also added: Town building department restrictions, systemic racism, taxes, suburban sprawl and car dependency, monopoly of rental apartments by one landlord which drives apartment pricing up, link between school district and housing, and the cost of living on Long Island.

Table 3-12 Other Impediments to Fair Housing in Brookhaven per Public Survey

Other Impediments	Selections
Inadequacy of fair housing education and outreach	86
Local perception of fair housing/NIMBY-ism	95
Language and cultural barriers	52
Availability of housing accessible to persons with disabilities	63
Section 8 participation	65
Substandard/aging housing	54
Existence of lead-based paint in housing	17
Lack of units suitable for families	84
Insufficient affordable rental units	134
Lack of sufficient public transportation between housing and jobs	97

Identify other thoughts/issues with regards to fair and affordable housing Brookhaven.

Other issues respondents identified related to affordable and fair housing in Brookhaven were: changing the ways schools are funded, lack of competition allowing landlords to drastically raise rents, high taxes, poor landlord/management practices, and insufficient housing for families.

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Impediments to Fair Housing Choice and Suggested Actions

This section identifies impediments to fair housing choice in the Town of Brookhaven, assesses how those conditions affect fair housing choice, and evaluates actions that could be taken to overcome these impediments. Many of the identified impediments are common throughout Long Island, the New York metropolitan area, and the United States, while others are specific to the Town of Brookhaven.

Impediment #1: High Cost of Housing, Land, and Construction

The high costs of housing, land and construction act as an impediment to fair housing choice for low- and moderate-income households by limiting the amount of homes that households can afford and hindering the development of more affordable options. This impediment was identified through public outreach, including public and organizational surveys, and through interviews.

The high demand for new housing in the Town has contributed to higher land costs, particularly for suitable undeveloped land. Also, the Town varies widely in housing and land costs so that suitable undeveloped land in more desirable communities is often prohibitive towards building affordable housing of any type. Construction costs for all of Long Island,

including the Town of Brookhaven, are particularly high. Higher land and construction costs limit opportunities to build new housing, especially housing that is affordable.

As evidenced in Section 2, Demographic Summary, the price of housing is high for both homeowners and renters. The high price of homes is a substantial impediment to homeownership. The Town has also experienced a high rate of foreclosures in recent years, leaving several vacant houses scattered throughout the Town.

Rents are also very high and were noted during interviews and surveys as being a particular area of concern. Insufficient affordable rental units was listed as the top impediment to fair housing choice in the public surveys. Rental units are short in supply and long in demand in the Town of Brookhaven, which has driven rents to increase. It is also becoming more common for rental buildings to be owned and managed by fewer companies which can further drive up rents and limit housing choice. High rental costs severely impede housing opportunities for low- and moderate-income families, including families with children, seniors, and young adults. At the public meeting on May 7, 2019, Town residents also expressed a concern for the need of rental properties to be better maintained to improve neighborhoods.

Actions

- Provide assistance in financing affordable housing projects, prioritizing assistance to projects in areas with higher home, land, and construction costs.
- Provide down-payment assistance to low- and moderate-income first-time home buyers. And, continue to support partnerships with businesses that provide down-payment to their employees.
- Prioritize purchase and rehabilitation or demolition of foreclosed homes to use as affordable housing.
- Use/re-use under-developed, under-utilized, and in-fill sites for the construction of affordable housing.
- Use being a new HUD grantee to develop a robust affordable housing program for the Town that supports and encourages building affordable housing in high opportunity areas.
- Continue to use CDBG and related funds for residential rehabilitation of single-family homes to maintain currently affordable homes.
- Seek opportunities to provide maintenance programs for households who rent their home. As discussed at a local public meeting on fair housing, many renters wish to better maintain their homes but do not have the means to do so or have landlords who refuse to do so.

Impediment # 2: Lack of Housing Type Variety

The Town consists primarily of single-family owned houses. While new multifamily and rental units have been constructed in recent years, there remains a need for a wider variety of housing serving varied prices, household/family sizes, and special needs. These needs were identified in the Town's Consolidated Plan, through interviews, and in the public and organization surveys. In the public surveys, the highest number of respondents identified rental housing, senior housing, subsidized housing, and affordable home ownership as housing needed by them or the community. A majority of respondents stated that it is difficult to find affordable housing in Brookhaven, especially noting that affordable housing is needed for seniors, millennials, recent graduates, large families, persons with disabilities, and low-income households. The lack of variety in housing types is largely due to the historic development patterns of Long Island, however, there are a number of specific impediments that exist today to the construction of new diverse housing.

Zoning – As noted in Section 2, Demographic Summary, and 3, Fair Housing in the Town of Brookhaven, zoning throughout the Town, including in the incorporated Villages located within the Town, still overwhelming favors development of single-family homes. The Town of Brookhaven Zoning Ordinance contains a specific mandate for the construction of affordable housing, however, none of the Villages do (although it is noted that the Village of Patchogue does have provisions for workforce housing).

Town Code – The Town of Brookhaven Town Code states in Chapter 82, Neighborhood Preservation Code includes rental registration requirements (§ 82-3), which restrict the number of persons that are allowed to occupy non-owner occupied rental units. Such restrictions in the number of persons that are allowed to occupy rental units may be an impediment to fair housing for large families or families with children. However, the Town must comply with the New York State Uniform Fire Prevention and Building Code and therefore does not have the ability to remove these occupancy standards nor to allow higher occupancies.

Local Opposition – As described in Impediment #5, local opposition to the construction of new affordable housing helps to maintain the lack of housing type variety. (See Impediment #5 for Actions.)

Limited Funding/Capacity – The Town has limited funding options to use to contribute to the building of new affordable units, which is especially needed for housing for special needs populations whose needs are typically not met through the private sector. Also, being a new grantee, the Town currently has limited institutional capacity for building new affordable units. (See Impediment #1 for Actions.)

Actions

- Conduct thorough reviews of the Town's and Villages' zoning ordinances to look for opportunities focused on creating more multifamily housing. Also seek out opportunities for mandated or incentivized affordable housing provisions.

- Continue to seek opportunities for expanded funding to build or contribute to the construction of new affordable housing. Also work with not-for-profit organizations and Suffolk County to identify other sources of financing to leverage limited grant funds and encourage such not-for-profit organizations to apply to foundations and other sources for project funding.
- Work with a variety of housing organizations, community groups, civic and business organizations, as well as private developers, to develop a variety of higher density housing types, especially affordable rental units, that serve the array of needs identified in this Analysis of Impediments and in the Town's Consolidated Plan.

Impediment #3: Lack of Sufficient Public Transportation to Connect Communities to Employment and Services

The Town of Brookhaven is served by three branches of the Long Island Rail Road (LIRR), Port Jefferson, Ronkonkoma, and Montauk Branches, providing access primarily to New York City. The Town is also served by bus transit through Suffolk County Transit, which primarily serves employment, shopping, medical, and educational hubs in the communities of Port Jefferson, Stony Brook, Lake Grove, Centereach, Farmingville, Coram, Patchogue, and North Bellport. Interviews with Town staff and public surveys have noted that these options do not adequately serve populations who rely on public transportation. The LIRR is cost prohibitive to lower-income individuals and Suffolk County Transit, while more affordable, does not operate enough lines or serve certain key locations, such as the Town of Brookhaven Town Hall. Transportation for special needs populations was identified in the Town of Brookhaven Consolidated Plan as a particular issue of concern for populations including disabled individuals, seniors, mentally disabled, and other individuals with special needs that hinder access to personalized transportation.

Actions

- Work with Suffolk County Transit to identify areas of the Town that are not adequately serviced.
- Continue to encourage and promote transit-oriented development with higher density multifamily housing and mixed-use housing, serving a variety of incomes, abilities, and household sizes.
- Identify opportunities for improvements to public transportation, and other transportation needs, for special needs populations.

Impediment #4: Overall Discrimination in the Local Housing Market

A review of complaint data, recent court cases, recent housing studies, and public and organization surveys, as well as interviews, indicates that there remains overall discrimination in the local housing market. This discrimination appears to be based primarily on race, sex, family composition, and disability, but other forms of discrimination are also present. Discrimination can occur when renting an apartment or when trying to purchase a single-family home. Discrimination can be obvious, such as the case of *Long Island Housing Services, Inc. et al v. German-American Settlement League*, which involved deed restrictions that prohibited the sale of homes to anyone not of German descent, to more subtle such as real estate agent steering, or even cases where a property owner may not know their obligations to provide reasonable accommodations.

Actions

- Work with and support fair housing advocates, such as LIHS, and others to educate the public, Town officials, building owners, landlords, real estate agents, lenders, and others about fair housing, its benefit to the community, and legal requirements and responsibilities.
- Identify, work with, and support groups that work with minority issues and discrimination.
- Work with the Suffolk County Human Rights Commission and the Suffolk County Inter-faith Anti-bias Task Force on fair housing and discrimination issues.
- Develop an affirmative marketing program for housing opportunities that provide outreach to income- and mortgage-eligible households seeking homeownership, with a focus on the segments of the population that may be less likely to apply for affordable housing. Require that all developers involved with affordable housing funds provide an affirmative fair housing marketing plan.

Impediment #5: Local Opposition

Local opposition, also called “NIMBY-ism”, to affordable housing is an impediment to fair housing choice because it can halt the construction of new affordable housing units. Local opposition was noted as one of the top impediments to fair housing choice through local and organization surveys.

Local opposition may prevent elected officials from adopting additional affordable housing or multifamily provisions in the Town or the Villages. Opposition may also prevent private sector investments in the construction of new affordable units, especially in higher income areas that may be considered high opportunity areas. Local opposition further promotes segregation by income, race, and ethnicity.

Actions

- Educate the general population and municipal leaders about the benefits of affordable housing and dispel rumors of perceived negative impacts of affordable housing.
- Increase awareness of fair housing laws (see Impediment #6).

Impediment #6: Minimal Understanding of Fair Housing Rights

Although education regarding fair housing rights is currently undertaken in a variety of ways in the Town and County, a substantial barrier to fair housing choice is the general lack of knowledge of fair housing rights, requirements, and responsibilities. As noted in the public surveys, only 8 percent of respondents who identified as being discriminated against related to housing reported the incidents of discrimination. The remaining responders stated that they did not report the incident because they did not know who to report it to, did not think it would make a difference, were afraid of retaliation, it was too much trouble, or for other reasons. Further, there may be persons who do not even know that they have suffered housing discrimination. For example, disabled individuals may not know that their landlords have a legal obligation to make reasonable accommodation to ensure that persons with a disability have an equal opportunity to use and enjoy housing. Similarly, many landlords, real estate agents, and housing providers do not fully understand their responsibilities with regard to fair housing.

Actions

- Work with and support fair housing advocates, such as LIHS, and others to educate the public, Town officials, building owners, landlords, real estate agents, lenders, and others about fair housing, its benefit to the community, and legal requirements and responsibilities.
- Review Town Law Chapter 21A Discrimination and update as necessary.
- Promote efforts to share information related to compliance with the Fair Housing Act and the Americans with Disabilities Act (ADA) with businesses, developers, property owners, and the local media through the distribution of educational materials and through training opportunities.

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Conclusions

The Town of Brookhaven is committed to providing fair and affordable housing opportunities for all of its residents and will work toward eliminating impediments to fair housing by following the suggested actions identified in Section 4, Impediments to Fair Housing Choice and Suggested Actions, of the Analysis of Impediments.

The Town will use this document to inform its Annual Actions and its still forming community development program. The Town is excited by the opportunities presented by being a new HUD grantee to fully develop a robust affordable housing program that is guided by public input, this and future Analyses of Impediments, and the Town's 5-Year Consolidated Strategy and Plan.

The Analysis of Impediments will be fully integrated into the annual action plan review process. On an annual basis, the Town will review the impediments to fair housing choice and the actions to overcome those impediments and integrate those into the Annual Action Plan submitted to HUD. The Annual Action Plan will be made available to the public and all interested persons and will include the opportunity for public comment on the Town's performance prior to submitting the documentation to HUD.

In conjunction with its preparation of a Consolidated Strategy and Plan every five years, the Town will review the Analysis of Impediments in detail, looking at policies, practices, and

procedures that affect the location, availability, and accessibility of housing. As necessary, the Town will revise the specific action steps and implementation activities to ensure a proactive, strategic plan to affirmatively further fair housing.

Appendix

Appendix A: Chapter 21A, Discrimination, of the Town of Brookhaven Town Code

Appendix B: Fair Housing Surveys