



2025 Analysis of Impediments to Fair Housing Choice

Town of Islip, Suffolk County, New York
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Prepared By:

Town of Islip Community Development Agency

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VHB



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Executive Summary

The Town of Islip 2025 Analysis of Impediments to Fair Housing Choice is submitted to the United States Department of Housing and Urban Development (HUD) as part of the Town's 2025-2029 Consolidated Strategy and Plan.

Document Structure

The Analysis of Impediments is divided into five chapters, plus this executive summary.

Chapter 1: Introduction

Chapter 2: Background Information on the Town of Islip

Chapter 3: Status of Fair Housing in the Town of Islip

Chapter 4: Identification of Impediments to Fair Housing Choice and Actions Implemented to Overcome Identified Impediments

Chapter 5: Conclusions and Recommendations

The executive summary briefly describes the study approach and process, provides a description of background information, and summarizes the findings and recommended goals of the study. This executive summary should not substitute a careful reading of the entire Analysis of Impediments document. The full Analysis of Impediments provides an extensive discussion of the data, documentation, and findings that place data in proper perspective and context, which is nearly impossible to accomplish in an executive summary.

Study Approach and Process

Fair Housing is the right of individuals to obtain the housing of their choice, free from discrimination related to group identity. Title VIII of the Civil Rights Act of 1968 along with the Fair Housing Amendments of 1988 (together known as the Fair Housing Act), the New York State Human Rights Law (NYS Executive Law Article 15, Section 296 et. seq.), and the Suffolk County Human Rights Law (amended in 2007 and 2014) establish protected classes under those laws. The list of protected group identity categories (the “protected classes”) includes race, color, national origin, religion, sex, familial status, and disability. The State and County Fair Housing Laws also include creed, sexual orientation, age, marital status, military status (New York State only), ethnicity and source of income (Suffolk County only). As stated by these laws: 1) all persons have the right to live in the home of their choice that they can afford; and, 2) discrimination in the sale, rental, financing, and insuring of housing is prohibited by law.

The Town of Islip is dedicated to executing its housing and community development activities in a manner that will affirmatively further fair housing and is consistent with the Fair Housing Act. The Town has developed a series of programs through its Community Development Agency (CDA) designed to address the needs of community residents (and potential residents). The Town of Islip endorses the belief that equal and free access to housing is vital to securing essential needs and pursuing various personal, educational, and employment goals.

HUD requires that all governing authorities that receive HUD funding certify that:

- › the awarded grant will be carried out and administered according to the Fair Housing Act; and,
- › 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 an analysis of impediments.

The Town of Islip’s 2025 Analysis of Impediments to Fair Housing Choice updates the Town’s prior Analysis of Impediments (2010, 2015, and 2020) and consists of three crucial components:

- › Identification and analysis of impediments to fair housing choice in the Town of Islip;
- › Actions taken to overcome the effects of identified impediments; and,
- › Documentation of the results of actions initiated to minimize the impact of identified impediments.

The identification and subsequent reduction and/or elimination of impediments to fair housing involve affirmatively furthering fair housing as part of the Town’s acceptance of HUD’s program funds. 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.

The first two obligations pertain to public agency operations and administration, including those of employees and agents, while the third obligation extends to private, as well as public sector activity.

Participants in the Preparation of this Analysis of Impediments

The Town of Islip, specifically the CDA, prepared this Analysis of Impediments with technical assistance from VHB. The CDA coordinated its efforts with other Town of Islip departments and agencies (including the Town Department of Planning and Development and the Town of Islip Housing Authority) and received significant input from Long Island Housing Services.

Background Information

Funding

In 2024 Town of Islip received approximately \$1,712,771 in Community Development Block Grant (CDBG) Program funds, \$503,950 in HOME Investment Partnership (HOME) Program funds, and \$153,578 in Emergency Solutions Grant Program funds from HUD.

The Town of Islip Housing Authority administers the Housing Choice Voucher Program, which provides rental assistance to Islip residents. Other funding programs for the development of housing include the New York State Housing Trust Fund, New York State Affordable Housing Corporation, New York State Low Income Housing Tax Credit Program, Federal Home Loan Bank of New York, Suffolk County Land Development Subsidy Workforce Housing Acquisition and Infrastructure Programs, and private developer capital.

Fair Housing Initiatives

The Town of Islip is composed of persons of diverse races, ethnic groups, religions, and national origins. The fundamental goal of the Analysis of Impediments to Fair Housing Choice is to help the Town address any issues affecting the opportunities for all persons to obtain safe, sanitary, and affordable housing, noting that their right to do so is protected by the previously mentioned laws.

The 2020 Analysis of Impediments concluded that there were five impediments to fair housing within the Town of Islip that needed to be addressed:

1. High Cost of Housing and/or Land
2. Deficiencies in the Existing Housing Stock/Limited Affordable Rental and Specialized Housing and Funding Options
3. Fair Lending Policies, Practices, and Disparities
4. Overall Discrimination in the Local Housing Market
5. Minimal Understanding of Fair Housing Rights, Requirements, and Responsibilities, Especially Relative to the Specialized Needs of Persons with Disabilities

The Town has several housing programs and supports several projects to help address these housing impediments. The Town also partners with and relies on several local and County-wide non-profit housing organizations and housing service providers, such as Long Island Housing Services and the Long Island Housing Partnership, as well as Suffolk County, to provide a variety of services that promote fair housing practices for protected groups within the Town. These include first time homebuyer assistance, eviction prevention, services to homeless and special needs populations, and fair housing complaint monitoring and mediation.

Summary of Findings and Recommendations

Summary of Methodology

To assess the impediments to fair housing choice in the Town of Islip, data was gathered from a wide array of public and proprietary sources.

- › The Executive Director of the CDA and its consultant also reached out directly to the Suffolk County Human Rights Commission to obtain input regarding fair housing complaints and issues.
- › As part of the development of the Consolidated Strategy and Plan, issues with fair and affordable housing were specifically discussed with relevant Town and County departments/agencies, due to their day-to-day knowledge of housing issues in the Town, especially at the Town Commissioner's Meeting on January 16, 2025 and the public input meeting on January 29, 2025 and March 5, 2025
- › Data was collected from Suffolk County Human Rights Commission regarding fair housing complaints, their status, and disposition. Fair housing complaint data that was requested from New York State is currently pending.
- › The most recent available information about lending practices, subprime loans and foreclosure rates, housing and population trends for the Town and County, zoning and land use in the Town, and other public policy made available through public information were also gathered.
- › Additional information was provided by Long Island Housing Services (LIHS), including fair housing complaint data, information gathered from testing, etc.

Summary of Impediments and Actions to Overcome Impediments

This Analysis of Impediments updates the Town's previous list of impediments and provides a series of recommendations to address each impediment. The background information and data that provide the basis for the identification of these impediments is provided in detail in Chapters 2 and 3 of this document. Chapter 4 discusses the impediments and actions in greater detail. A summary of the identified impediments to fair housing choice in Islip follows, with a brief description of the impediment and actions to overcome the impediment.

Impediment #1: High Cost of Housing and/or Land

Description of Impediment

Factors cited as contributing to the high cost of housing and/or land included: lack of suitable undeveloped land, high land and construction costs, high property tax burden (especially on low- and moderate-income households), and high homeownership and rental costs. This impediment was identified in 2015 and in 2020, these factors continue to contribute to the high cost of housing and/or land in the Town.

Actions to Overcome the Impediment

- › Continue assisting in the financing of affordable housing projects.
- › Continue to work to increase the supply of affordable rental units throughout the Town, particularly large size units for low- and extremely low-income families and smaller units for seniors, by encouraging developers to construct affordable rental housing via the Town's inclusionary zoning regulations.
- › Continue to use/re-use under-developed, under-utilized, and in-fill sites for the construction of affordable housing.
- › Increase efforts to provide housing, especially affordable housing, on publicly owned (e.g., Town, County, State) lands that become available or are deemed a surplus.
- › Prioritize affordable housing projects in areas with high housing cost burdens.
- › Prioritize affordable housing projects serving populations identified as having a high cost burden, specifically, elderly, disabled, and the growing disabled population with non-physical disabilities.

Impediment #2: Deficiencies in the Existing Housing Stock/Limited Affordable Rental and Specialized Housing and Funding Options

Description of Impediment

Conditions of some of Islip's housing stock, including its age, degree of substandardness, overcrowding, and presence of lead-based paint, combine to act as an impediment to fair housing choice, especially in the minority and lower-income areas of Bay Shore, Brentwood, Central Islip, and North Bay Shore.

Actions to Overcome the Impediment

- › Continue to utilize CDBG and related funds for residential rehabilitation of homeowner and rental housing units and continue to test for lead-based paint.
- › Continue to replace abandoned and deteriorating housing with new construction, to the extent possible.
- › Continue to proactively target code enforcement in areas with older housing stock.
- › Continue to work to increase the supply of affordable rental units throughout the Town, particularly large size units for low- and extremely low-income families, by encouraging developers to construct affordable rental housing via the Town’s inclusionary zoning regulations.
- › Continue to utilize Federal, State, and local funding programs to help increase housing stock for senior citizens, large families, and disabled persons.
- › Work with not-for-profit organizations and Suffolk County to identify other sources of financing to leverage diminishing grant funds and encourage such not-for-profits to apply to foundations and other nongovernmental sources for project funding.
- › Undertake an analysis of housing needs, perhaps as part of an update to the Comprehensive Plan, to determine the actual type and amount of housing that is needed in the Town to satisfy its current and future residents.

Impediment #3: Fair Lending Policies, Practices, and Disparities

Description of Impediment

An additional area that was previously identified as an impediment to fair housing choice was fair lending practices. Since that time, much has changed in the housing industry, especially as it relates to lending practices. Discriminatory lending practices and predatory lending locally, regionally, and nationally resulted and continue to result in serious short- and long-term fair housing impacts. Home Mortgage Disclosure Act (HMDA) reports find that there were racial and ethnic disparities when lending data were evaluated in terms of applicant group, place and institution.

Actions to Overcome the Impediment

- › Continue to work with fair housing advocates, such as LIHS, CICC, LIHP, and others to educate the public, Town officials, building owners, landlords, real estate agents, lenders, and others about fair housing and its benefit to the community. This outreach action could include:
 - Educating the public about predatory lending practices.
- › Expand efforts to make individuals and housing-related organizations aware of local HUD-approved housing counseling/financial education, including:
 - Requiring that all homebuyers receiving federal subsidies complete HUD-approved housing counseling.

- › Work with LIHS and other fair housing organizations to encourage those typically targeted by predatory lending (i.e., minorities and lower-income individuals) to seek financial counseling before they submit a mortgage loan application.
- › Work with LIHS and other fair housing organizations to bring predatory lending operations to the attention of the New York State Attorney General, United States Attorney General, and local District Attorneys.

Impediment #4: Overall Discrimination in the Local Housing Market

Description of Impediment

Based upon data and research on the local and regional levels, including focus on historic and current development patterns/concentrations of minority and lower income populations, discrimination studies/surveys for the region, recent fair housing complaints, and surveys conducted by the Town of Islip, overall discrimination in the local housing market remains an impediment to fair housing choice in the Town of Islip.

Discrimination in the Long Island housing market based on race and ethnicity was extensively investigated and documented in a recent (November 2019) expose by Newsday. Over a three-year period, Newsday tested 93 Long Island real estate agents and analyzed more than 5,700 real estate listings. The investigation found widespread evidence of unequal treatment by real estate agents on Long Island.

Actions to Overcome the Impediment

- › Continue to work with fair housing advocates, such as LIHS and LIHP, and others to educate the public, Town officials, building owners, landlords, real estate agents, lenders, and others about fair housing and its benefit to the community.
- › Continue to work with groups that deal with minority issues and housing discrimination such as Long Island Housing Services.
- › Continue to work with groups and organizations that are dedicated to fair housing assistance for people with special needs or who are victims of housing discrimination.
- › Continue to work with the Town of Islip Anti-Bias Task Force, Suffolk County Inter-Faith Anti-Bias Task Force, and the Suffolk County Human Rights Commission on fair housing and discrimination issues.
- › Encourage developers involved with housing funds to provide an affirmative fair housing marketing plan.

Impediment #5: Minimal Understanding of Fair Housing Rights, Requirements, and Responsibilities, Especially Relative to the Specialized Needs of Persons with Disabilities

Description of Impediment

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. The average person who

thinks they have been victimized by fair housing discrimination may not know where to turn. Further, a person may not even know that he/she has suffered housing discrimination. Similarly, many landlords, real estate agents, and housing providers do not fully understand their responsibilities with regard to fair housing.

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

Actions to Overcome the Impediment

- › Continue to work with fair housing advocates, such as LIHP, CICC, LIHS, and others to educate the public, Town officials, building owners, landlords, real estate agents, lenders, and others about fair housing and its benefit to the community. This outreach action could include:
 - Outreach to tenants regarding availability of programs, their rules, and local rental office locations where grievances can be brought.
 - Outreach to developers, building owners, landlords, condominium association officers and their management firms, and cooperative boards regarding the needs of disabled persons, including HUD visitability standards and “reasonable accommodations.”
- › Enhance existing 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.
- › The CDA will promote visitability for all development projects it funds, especially new construction.

Again, it should be highlighted that the discussion of impediments and actions to overcome impediments in this executive summary summarizes the extensive analyses and evaluations of data and information that is presented in the full body of the report. Please refer specifically to Chapters 2 and 3 for the data and information presentation and analyses and Chapter 4 for an expanded discussion of the impediments and the actions to overcome the impediments.

Review of Analysis and Integration with Consolidated Plan

As was described earlier in this executive summary, an analysis of impediments is a component of the consolidated planning process. An analysis of impediments not only informs the consolidated plan as to what the barriers are that need to be addressed, but the actual analysis of data is an important piece that is shared between both processes. They

work as companion documents that form a “plan” for housing and community development for the Town.

To that end, it is expected that 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 that into the Annual Action Plan submitted to HUD. The Annual Action Plan will be made available to interested persons and will allow them the opportunity to comment on the Town’s performance prior to submitting the documentation to HUD.

Further, 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 effect 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.

DRAFT

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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 Islip 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.

What is 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.¹ Housing choice is made a reality through fair housing planning on the federal, regional, and local levels.²

¹ The history of fair housing legislation in the United States, New York State, and Suffolk County is complex. Therefore, a detailed discussion of that history and the differences between the Federal, State, and County laws is included as Appendix A of this document.

² Fair Housing Planning Guide, Volume 1, U.S. Department of Housing and Urban Development, p. 1-1.

Fair Housing Planning

The Fair Housing Act not only prohibits discrimination against protected classes but also mandates that HUD and recipients of federal funds take proactive steps to affirmatively further fair housing. To fulfill this mandate, HUD has required program participants to engage in fair housing planning for decades.

HUD funding grantees must comply with **Affirmatively Furthering Fair Housing (AFFH)** requirements, ensuring their programs actively promote fair housing choice and eliminate discrimination. Key regulations include:

1. Fair Housing and Civil Rights Compliance

- Grantees must adhere to the **Fair Housing Act, Title VI of the Civil Rights Act**, and related laws prohibiting discrimination based on race, color, national origin, sex, disability, and other protected characteristics.

2. Affirmatively Furthering Fair Housing (AFFH) Requirements

- Grantees must take meaningful actions to address housing disparities, eliminate segregation, and promote inclusive communities.

3. Planning and Reporting Obligations

- **Consolidated Plan (for CDBG, HOME, ESG, and HOPWA grantees):** Must integrate fair housing goals into community development plans.
- **Public Housing Authorities (PHAs):** Must include fair housing strategies in their **PHA Plans**.
- **Annual Performance Reports:** Must demonstrate compliance and progress in achieving fair housing objectives.

4. Community Engagement

- Grantees must involve the public, including marginalized communities, in fair housing planning and decision-making.

5. Monitoring and Enforcement

- HUD monitors compliance, and failure to meet AFFH obligations can lead to funding penalties or corrective actions.

While the specific requirements and overall methodology for conducting an Analysis of Impediments to Fair Housing Choice have changed several times since 2015, the Town of Islip has undertaken this AI with a conservative approach in an effort to accurately reflect the spirit and intent of the Fair Housing Act and the goals of Affirmatively Furthering Fair Housing. Town of Islip CDA will continue its fair housing planning through the Analysis of Impediments to Fair Housing Choice (AI) and will regularly update its processes as new information and resources become available from HUD.

What is 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 (1) the awarded grant will be carried out and administered according to the Fair Housing Act, and (2) 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.³

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 choose housing of his or her choice without regard to their membership in any of the protected classes. 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.

What is an Impediment to Fair Housing Choice?

An impediment to fair housing choice is (as defined by the HUD Fair Housing Planning Guide, Volume 1)⁴:

- › 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 on their face, 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.

³ Ibid, p. 2-7.

⁴ Ibid. p. 2-8.

Fair Housing in the Town of Islip

The Town of Islip is dedicated to executing its housing and community development activities in a manner that will affirmatively further fair housing and has developed its housing and community development programs to address the needs of community residents regardless of whether or not they are within a protected class. The Town endorses the belief that equal and free access to housing is a vital element of society and one of the key quality of life issues.

The Town of Islip applies for United States Department of Housing and Urban Development (HUD) Community Planning and Development formula fund programs, including the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants, and Housing Opportunities for Persons with AIDS (HOPWA) Programs. The Town of Islip Community Development Agency (CDA) administers the CDBG, HOME, and ESG programs for the Town. The Town of Brookhaven is the HUD designated grantee for the HOPWA program which it administers Long Island-wide.⁵

In order to meet its obligation to affirmatively further fair housing, the Town of Islip must ensure that all housing assisted with HUD funding is made available on a non-discriminatory basis to all protected classes.

2020 Analysis of Impediments to Fair Housing Choice and Actions Implemented to Overcome Identified Impediments

The Town of Islip prepared its first Analysis of Impediments in 1996 shortly after HUD began requiring that jurisdictions that receive CDBG monies do so. The Analysis of Impediments was updated every five years concurrent with the Town's Consolidated Plans. The 2020 Analysis of Impediments provided background on the Town, evaluated fair housing within Islip, identified impediments to fair housing choice, assessed fair housing programs and activities in the Town, and provided a number of conclusions and recommendations. The 2020 Analysis of Impediments concluded that there were five impediments to fair housing within the Town of Islip that needed to be addressed. Generally, these impediments continue to impede the development of affordable housing in the Town. The current impediments and the planned actions to combat them are described in Section 4 of this AI.

Development of the 2025 Analysis of Impediments (Approach and Methodology)

In order to become more fully aware of the existence, nature, extent, and causes of all fair housing problems and the resources available to solve them, the Town used a methodology in this 2025 Analysis of Impediments, which was similar to the overall methodology utilized in the 2020 AI. The approach was based upon the methodologies identified in the *Fair Housing Planning Guide*, as well as a review of *Implementation Plan for Sustainable*

⁵ The United Way of Long Island administers the HOPWA program for all of Long Island on behalf of the Town.

Development in the New York – Connecticut Metropolitan Region, dated May 30, 2014, and, Appendix A: Findings from the Fair Housing and Equity Assessment.

A starting point for development of the Analysis of Impediments was a review of the 2020 Analysis of Impediments, the Town’s Consolidated Plan, and its Annual Action Plan. Existing strengths and weaknesses in public and private practices and procedures, laws and regulations presented in these documents were examined and the actions that could be taken to improve upon identified deficiencies were noted. The CDA’s direct agency experience was also reviewed through interviews with CDA staff.

In addition, the following information was reviewed, analyzed, and utilized:

Demographic Information

As suggested in the Fair Housing Guide, readily available sources and reports were utilized to develop a profile of Islip’s population with regard to the categories of race and ethnicity, disability, persons in group quarters, household and family composition, household income and poverty, and low-income concentrations. Sources utilized included:

- › 2010 U.S. Census
- › 2020 U.S. Census
- › 2019-2023 American Community Survey 5-Year Estimates
- › HUD USER
- › 2016-2020 CHAS Estimates

Employment Information

To understand how people in Islip are employed and the educational background that supports and explains different employment patterns, information regarding employment and unemployment, major businesses and employers, local training programs, and educational attainment of Town residents was gathered and reviewed. Sources utilized included:

- › 2020 U.S. Census
- › 2019-2023 American Community Survey 5-Year Estimates
- › New York State Department of Labor – Employed and Unemployed

Housing Information

Although affordable housing is important to expanding housing choice, fair housing is more than the provision of affordable housing. To that end, the Town’s housing stock, its age and condition, and its costs and occupancy characteristics such as overcrowding, are critical components to understanding impediments to fair housing choice in Islip. A profile of the Town’s housing stock was prepared based on information from the following sources:

- › 2020 U.S. Census

- › 2019-2023 American Community Survey 5-Year Estimates
- › Zillow.com
- › HUD Fair Market Rents 2024

Lending Practices

The rate of homeownership is an important measure of community well-being. The ability of persons to access financing and the type of financing can reflect one aspect of fair housing practices within a community. Home mortgage data, subprime, and Alternate-A Loans, foreclosure rates, and lenders within a community all provide a picture of housing practices at the local level. Data for this section was provided through the following sources:

- › Home Mortgage Disclosure Act (HMDA)
- › Federal Reserve Bank of New York
- › Realtytrac.com

Land Use and Administrative Policies

In addition to analyzing the quantitative data, various local and regional planning documents, strategies, policies, and ordinances were reviewed to determine their direct or indirect impact on housing choice. These documents included the Town zoning ordinance, the Town Comprehensive Plan, the Overall Economic Development Plan for the Town of Islip, various community development area plans, the County Sanitary Sewer Code, the Suffolk County Planning Commission Guidebook, and other County-produced reports and documents. Additionally, coordination with staff from the Department of Planning and Development along with other Town and County departments resulted in the identification of on-going initiatives and actions to be recommended that would positively impact the ability of persons in protected classes to improve their housing choices.

Fair Housing Complaints

The Suffolk County Human Rights Commission the New York State Division of Human Rights were contacted to obtain data on the number and types of fair housing complaints by protected classes that were made over the period of the last five years (2020-2023). Additionally, LIHS provided information on fair housing complaints received, mediated, and/or referred. For a detailed discussion of the fair housing complaints received by these agencies, see Section 3 of this report and Appendix B.

Review of Available Reports and Studies

There are a number of recently developed reports and studies that describe fair housing issues on Long Island, including Suffolk County and/or the Town of Islip. These reports/studies include:

- › LIHS Fair Housing Guidebook (October 2024). Available at [Fair-Housing-Guide-book-english-10.11.24.pdf](#).
- › 20 Ways to Fight Housing Discrimination, Published in Touro Law Review (2022). Available at: <https://digitalcommons.tourolaw.edu/lawreview/vol38/iss2/7>
- › Long Island Divided, by Ann Choi, Keith Herbert, and Olivia Winslow, Published in Newsday (November 17, 2019). Available at: [Long Island Divided: Steering homebuyers is illegal. We found evidence of it. - Newsday](#).
- › An Uneven Road to Recovery: Place, Race, and Mortgage Lending on Long Island, National Center for Suburban Studies at Hofstra University (December 2014). Available at: [ncss-report-uneven-road.pdf](#)
- › The New York-Connecticut Sustainable Communities Consortium Implementation Plan for Regional Sustainable Development (May 2014). Available at: [SCI Implementation Plan 20140530 final.pdf](#)
- › Long Island homebuilders say zoning rules, insurance costs are biggest obstacles, by Jonathan LaMantia, Published in Newsday (October 30, 2024). Available at: [Long Island homebuilders say zoning rules, insurance costs are biggest obstacles - Newsday](#)

Public Outreach and Perceptions

The Town of Islip understands the importance of involving and taking input on impediments to fair housing from a wide range of individuals and groups, including local citizens and local, County, and regional housing and community development organizations and agencies. To be certain that the input and opinions of these groups were represented in the framing of the impediments to fair housing, the Town of Islip conducted a number of outreach efforts.

- › **Public Meeting** – A public hearing was held on January 29, 2025 to gather input on the *Consolidated Plan*, *Annual Action Plan*, and the *Analysis of Impediments*. A second public hearing to present a draft of the *Towns 2025-2029 Consolidated Plan*, *2025 Annual Action Plan* and the *Analysis of Impediments* was held on March 5, 2025. In addition, a draft of the *Analysis of Impediments* was made available for public review on the CDA’s website and at the CDA office. See Appendix C for the Public Participation Summary.
- › **Outreach and Interviews** – Relevant Town and County departments/agencies were asked to provide input due to their day-to-day knowledge of housing issues in the Town at the Town and County Commissioner Meeting hosted by the CDA on January 16, 2025. Those providing input included the Department of Planning, Department of Economic Development, Department of Public Works, Department of Parks and Recreation, and Suffolk County Office of Disabilities.

CDA also consulted directly with the Suffolk County Human Rights Commission and LIHS on fair housing and discrimination issues. See Appendix B.

Structure of the 2025 Analysis of Impediments

The Analysis of Impediments is organized as follows:

- › Introduction and Overview
- › Background Information on the Town of Islip
- › Status of Fair Housing in the Town of Islip
- › Identification of Impediments to Fair Housing Choice and Actions Implemented to Overcome Identified Impediments
- › Conclusions and Recommendations

Who Conducted the Study

The Town of Islip conducted this Analysis of Impediments through its Community Development Agency (CDA) under the direct supervision of its Executive Director, with technical assistance from its consultants, VHB. The CDA coordinated its efforts with other public service agencies to conduct the Analysis of Impediments, including the Town Department of Planning and Development and Town of Islip Housing Authority, as well as with significant input from LIHS.

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

Background Information on the Town of Islip

The demographic summary of the Town of Islip provides a current snapshot 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 Analysis of Impediments.

Location

The Town of Islip is located in the southwestern part of Suffolk County in New York State on both the mainland of Long Island and on Fire Island. The Town is bounded by the Town of Babylon to the west, Town of Smithtown to the north, Town of Brookhaven to the north and east, and the Great South Bay and the Atlantic Ocean to the south.

Communities

The Town of Islip contains 21 hamlets and four incorporated villages spread over 106 square miles. The four villages are Brightwaters and Islandia on the mainland and Saltaire and Ocean Beach on Fire Island. The 21 hamlets include: Bay Shore, Bayport, Baywood, Bohemia, Brentwood, Central Islip, East Islip, Great River, Hauppauge (partially; also in the Town of Smithtown), Holbrook (partially; also in the Town of Brookhaven), Holtsville (partially; also in

the Town of Brookhaven), Islip, Islip Terrace, North Bay Shore, North Great River, Oakdale, Ronkonkoma (partially; also in the Towns of Brookhaven and Smithtown), Sayville, West Bay Shore, West Islip, and West Sayville. Historically, Bay Shore, Brentwood, Central Islip, and North Bay Shore have been the focus of the Town’s housing and community development activities and are often referred to as “target communities.” **Map 1**, Town of Islip Communities, presents the Town of Islip and its various communities.

Demographics

Demographic information in this section is drawn from several sources including the 2020 United States Decennial Census, 2019-2023 American Consumer Survey Five-Year estimates by the United States Census Bureau, and the Long Island Zoning Atlas.

Population

As shown in **Table 2-1** based on the latest population estimates from the United States Census Bureau, the population grew steadily 1960 to 2020, with a recent increase in 2020 by 4,395 people (1.3%) between 2010 and 2020, for a total population of 339,938.

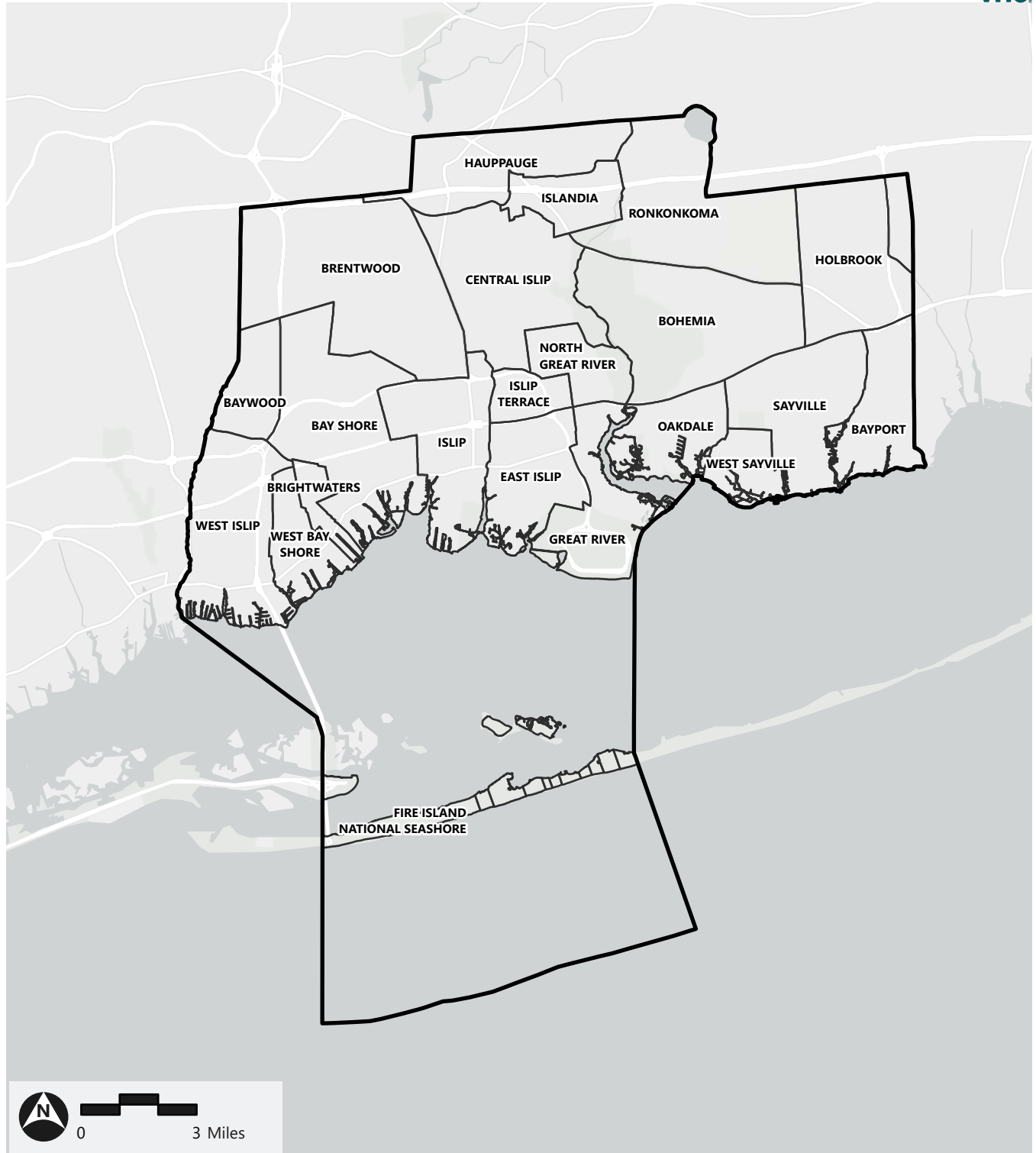
Table 2-1 Town of Islip Total Population, 1960 – 2020

| Year | Population | Population Change | Percent Change |
|------|------------|-------------------|----------------|
| 1960 | 172,959 | -- | -- |
| 1970 | 278,800 | 105,841 | 61.2% |
| 1980 | 298,897 | 20,097 | 7.2% |
| 1990 | 299,587 | 690 | 0.2% |
| 2000 | 322,612 | 23,025 | 7.7% |
| 2010 | 335,543 | 12,931 | 4.0% |
| 2020 | 339,938 | 4,395 | 1.3% |

Source: U.S. Census Bureau. Decennial Census, Table P1, 2020.

Map 1: Town of Islip Communities

Town of Islip | Analysis of Impediments to Fair Housing Choice 2025



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- Town of Islip
- Town of Islip Communities

Source: ESRI; Suffolk County GIS

The largest community within the Town is Brentwood, with approximately 18 percent of the Town’s population. Central Islip, Bay Shore, West Islip, and the portions of Ronkonkoma and Holbrook within the Town of Islip represent the next largest communities within the Town.

Race and Ethnicity

Overall, the Town of Islip’s racial and ethnic composition differs from that of Suffolk County. As a percent of population, the Town has a smaller white population and larger African American and Hispanic populations. The total racial minority subpopulation (all races except white) in the Town is 43.8 percent, which is higher than the same subpopulation in the County overall (33.0 percent). Similarly, the percentage of ethnic minorities (i.e., Hispanics) is higher than the rest of the County (35.0 percent versus 21.8 percent).

Table 2-2 Race and Ethnicity, 2010-2020⁶

| | Town of Islip | | Suffolk County | | |
|---|---------------|---------|----------------|-----------|-----------|
| | 2010 | 2020 | 2010 | 2020 | |
| Total Population | 335,543 | 339,938 | 1,493,350 | 1,525,920 | |
| Race and Ethnicity | | | | | |
| White alone | # | 245,918 | 190,944 | 1,206,297 | 1,022,846 |
| | % | 73.3% | 56.2% | 80.8% | 67.0% |
| Black or African American alone | # | 32,024 | 29,327 | 111,224 | 114,294 |
| | % | 9.5% | 8.6% | 7.3% | 7.5% |
| American Indian and Alaska Native alone | # | 1,586 | 2,871 | 5,366 | 9,188 |
| | % | 0.5% | 0.8% | 0.4% | 0.6% |
| Asian and Pacific Islander | # | 9,673 | 11,339 | 51,467 | 66,206 |
| | % | 2.9% | 3.3% | 3.4% | 4.3% |
| Some other race alone ⁷ | # | 35,604 | 65,383 | 92,965 | 166,174 |
| | % | 10.6% | 19.2% | 5.6% | 10.9% |
| Two or more races | # | 10,738 | 40,074 | 36,031 | 147,212 |
| | % | 3.2% | 11.8% | 2.4% | 9.6% |
| Hispanic (all races) | # | 97,371 | 118,903 | 149,411 | 332,959 |
| | % | 29.0% | 35.0% | 10.5% | 21.8% |

Source: U.S. Bureau – Decennial Census, Table DP1, 2020.

Note: Totals do not total 100 percent due to rounding.

As is evident from **Table 2-2**, the racial and ethnic populations that saw the most growth as a percentage of the overall Town population between 2010 and 2020 were Some other race alone, Two or more races, and Hispanic. In particular, the Hispanic population grew to 35.0

⁶ The United States Census defines the terms race and ethnicity. Generally, for the 2020 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 a self-identification data item in which respondents choose the race or races with which they most closely identify.

⁷ Respondents providing write-in entries on Census forms such as multiracial, mixed, interracial or a Hispanic/Latino group (e.g., Mexican, Puerto Rican, etc.) in response to the race question are included in this category.

percent in 2020 from 29 percent of the total population in 2010. This trend in the Hispanic population growth is similar to that seen in Suffolk County.

Minority Concentrations

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 (African American concentrations over 8.6 percent and Hispanic concentrations over 35.0 percent).

Table 2-3 and **Table 2-4** present those neighborhoods with minority concentrations. These areas include: Bay Shore, Baywood, Brentwood, Central Islip, North Bay Shore, Hauppauge, Holtsville, and the Village of Islandia. Figure 2, African American Concentrations by Census Tract, and Figure 3, Hispanic Concentrations by Census Tract, depict these racial and ethnic concentrations.

Table 2-3 African-American Concentrations, Town of Islip, 2020⁸

| Community | Census Tract | % Black or African American |
|---------------|--------------|-----------------------------|
| Bay Shore | 1459.03 | 9.3% |
| | 1460.05 | 21.1% |
| | 1472.01 | 10.7% |
| | 1472.02 | 33.2% |
| | 1473.01 | 20.6% |
| Baywood | 1459.01 | 15.7% |
| | 1467.03 | 11.1% |
| Brentwood | 1456.01 | 20.9% |
| | 1456.02 | 11.0% |
| | 1456.03 | 17.4% |
| | 1456.05 | 11.1% |
| | 1457.02 | 10.7% |
| | 1461.05 | 11.2% |
| | 1461.06 | 11.0% |
| | 1462.01 | 11.2% |
| | 1462.04 | 11.7% |
| | 2012 | 16.1% |
| Central Islip | 1457.03 | 16.5% |
| | 1457.05 | 28.4% |
| | 1457.06 | 25.1% |
| | 1462.02 | 25.0% |
| | 1462.03 | 19.2% |
| | 1463 | 22.2% |

⁸ U.S. Census Bureau's American Community Survey (ACS) 2016-2020 5-year estimates.

| | | |
|------------------------------|---------|-------|
| | 1464.03 | 21.9% |
| | 1464.04 | 16.8% |
| Holtsville | 1466.11 | 11.9% |
| Islip | 1462.06 | 10.1% |
| North Bay Shore | 1459.05 | 12.2% |
| | 1460.02 | 12.1% |
| Oakdale | 1476.01 | 12.8% |
| Ocean Beach/Saltaire/Captree | 1470.04 | 10.4% |

DRAFT

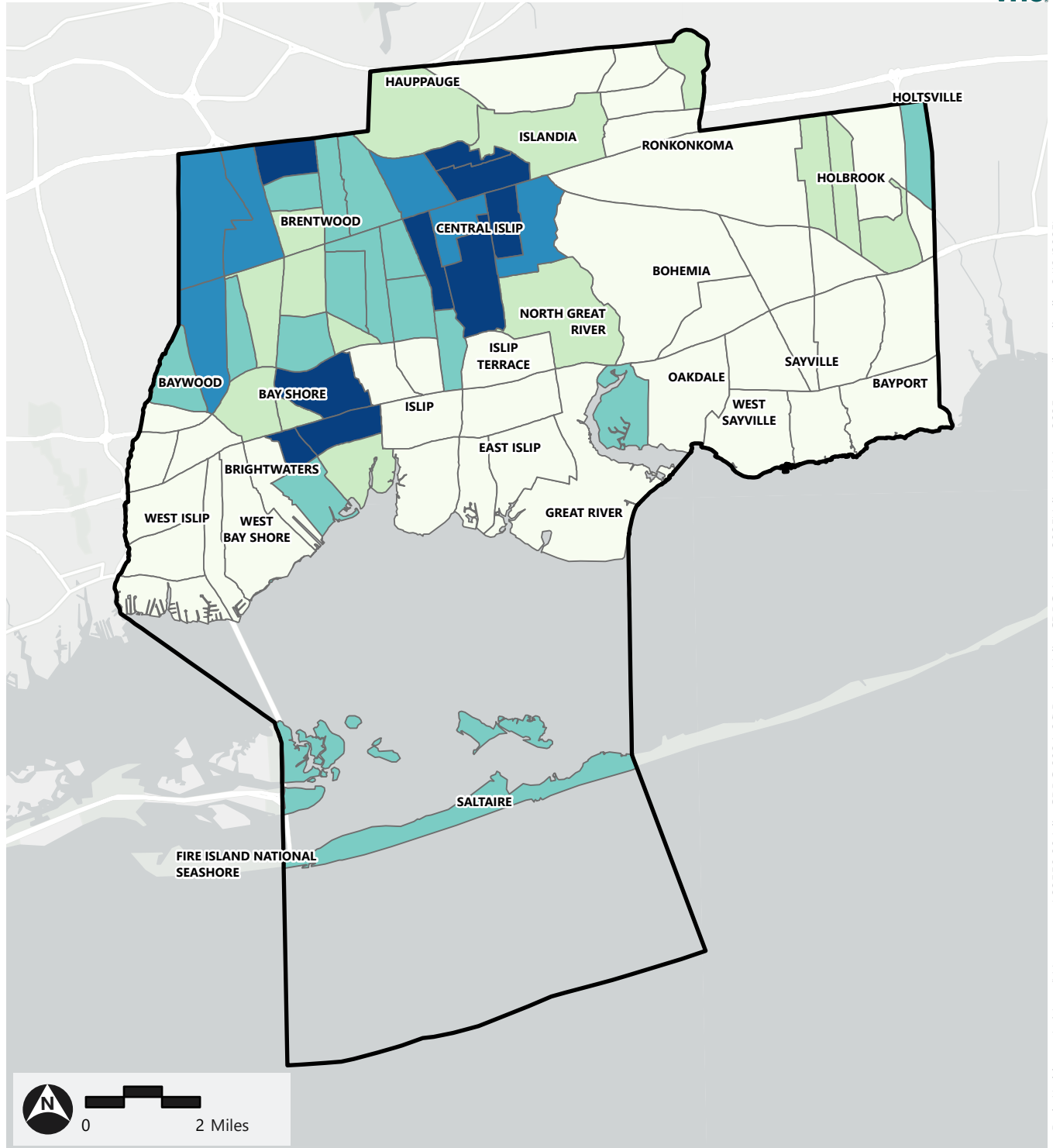
Table 2-4 Hispanic or Latino (of any race) Concentrations, Town of Islip, 2020⁹

| Community | Tract | % Hispanic or Latino |
|-----------------|---------|----------------------|
| Bay Shore | 1460.04 | 65.4% |
| | 1460.05 | 41.2% |
| | 1472.02 | 42.0% |
| | 1473.01 | 67.9% |
| Baywood | 1459.01 | 37.6% |
| | 1467.03 | 36.0% |
| Brentwood | 1456.01 | 60.6% |
| | 1456.02 | 80.2% |
| | 1456.03 | 69.7% |
| | 1456.04 | 79.1% |
| | 1456.05 | 72.5% |
| | 1457.02 | 70.8% |
| | 1460.01 | 79.8% |
| | 1461.05 | 78.0% |
| | 1461.06 | 68.4% |
| | 1462.01 | 68.2% |
| Central Islip | 1462.04 | 74.9% |
| | 1457.03 | 51.0% |
| | 1457.06 | 49.1% |
| | 1462.02 | 66.9% |
| | 1462.03 | 63.9% |
| | 1464.03 | 62.1% |
| Holbrook | 1464.04 | 54.7% |
| | 1466.08 | 35.3% |
| Islandia | 1458.04 | 35.8% |
| | 1459.04 | 77.7% |
| North Bay Shore | 1459.05 | 59.2% |
| | 1460.02 | 64.5% |
| | 1461.02 | 75.4% |

⁹ U.S. Census Bureau's American Community Survey (ACS) 2016-2020 5-year estimates.

Map 2: Black Concentrations by Census Tract

Town of Islip | Analysis of Impediments to Fair Housing Choice 2025



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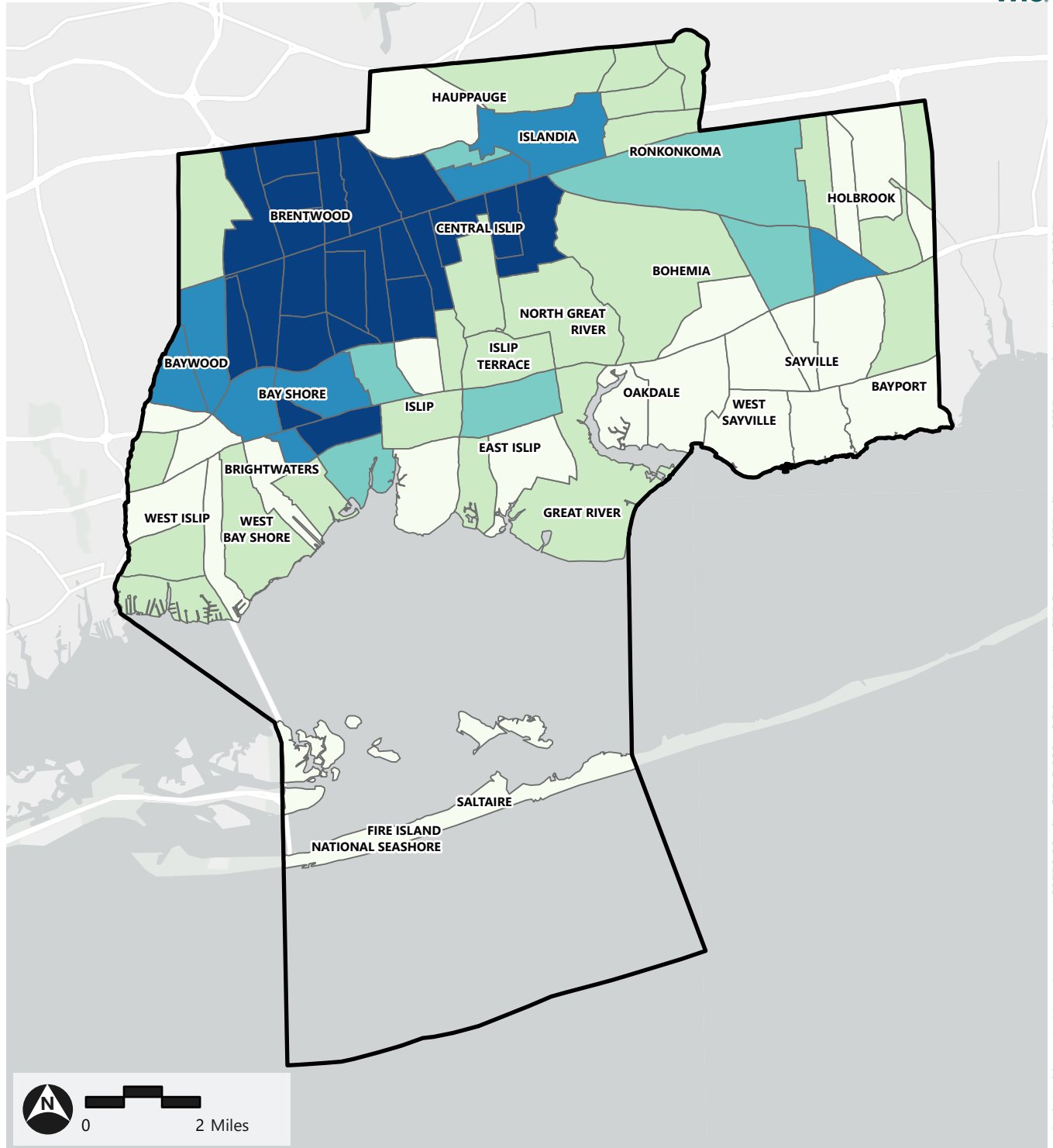
Black Population Share (%)

- 0 - 5%
- 5.1 - 10%
- 10.1 - 15%
- 15.1 - 20%
- 20.1 - 30%

Source: Suffolk County GIS; ESRI; Department of Housing and Urban Development (2016 - 2020 ACS 5YR Demographic Estimate Data by Tract)

Map 3: Hispanic Concentrations by Census Tract

Town of Islip | Analysis of Impediments to Fair Housing Choice 2025



Path: \\vhb.com\gis\proj\Hauppauge\22559.00 Islip CDBG 2024-26\Project\Islip_CDBG_Maps_2025\Islip_AI_Maps2025.aprx (krondinella, 2/18/2025)

Hispanic Population Share (%)

- 1 - 10%
- 10.1 - 20%
- 20.1 - 30%
- 30.1 - 50%
- 50.1 - 80%

Source: Suffolk County GIS; ESRI; Department of Housing and Urban Development (2016 - 2020 ACS 5YR Demographic Estimate Data by Tract)

Age

In 2010, the median age in the Town was 37.6 years old. 39,346 residents (11.7 percent) were aged 65 years and over.¹⁰ Since that time, the Town has aged, with a median age of 38.9 in 2023. The population of seniors grew to 49,232 persons in 2023, which represents 14.5 percent of the overall population.¹¹ National trends and the “graying” of America suggest that the senior population will continue to grow in the future.

Disability

For purposes of this study, a disability is 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.¹²

In 2023, Islip’s disabled population totaled 35,854 persons, which is 9.7 percent of the total civilian noninstitutional population. As indicated in **Table 2-5**, 64.6 percent of disabled persons in the Town were age 65 and over.

Table 2-5 Persons with Disabilities, Town of Islip, 2023

| Age Cohort | Number with a Disability | Percent of Overall Age Cohort |
|-------------------|--------------------------|-------------------------------|
| Under 5 years | 17 | 0.10% |
| 5 to 17 years | 3,363 | 6.0% |
| 18 to 64 years | 14,790 | 11.0% |
| 65 years and over | 14,684 | 64.6% |
| Total | 32,854 | 9.7% |

Source: U.S. Census Bureau –ACS 5-Year Estimates Subject Tables, Table S1810, 2023.

Of the total population with disabilities in Islip, the following were reported in 2023¹³:

- › 7,829 had a hearing difficulty;
- › 5,908 had a vision difficulty;
- › 12,378 had a cognitive difficulty;
- › 15,621 had an ambulatory difficulty;
- › 6,616 had a self-care difficulty; and,
- › 12,275 had an independent living difficulty.

Table 2-6 summarizes this information and compares it to Suffolk County.

¹⁰ U.S. Census Bureau. " Household Type by Relationship for the Population 65 Years and Over." Decennial Census, DEC Summary File 2, Table PCT28, 2010.

¹¹ U.S. Census Bureau, U.S. Department of Commerce. "Age and Sex." American Community Survey, ACS 5-Year Estimates Subject Tables, Table S0101, 2023

¹² U.S. Census Bureau. Available at: [About Disability](#). Accessed February 2025.

¹³ Note: An individual may have more than one disability. Therefore, persons with disabilities are less than the number of disabilities.

Table 2-6 Types of Disability, 2023

| Type of Disability | Islip | Suffolk County |
|---------------------------------------|--------|----------------|
| Hearing | 7,829 | 40,195 |
| Vision | 5,908 | 24,425 |
| Cognitive | 12,378 | 55,628 |
| Ambulatory | 15,621 | 73,337 |
| Self-care | 6,616 | 32,239 |
| Independent living (ages 18 and over) | 12,275 | 58,005 |

Source: U.S. Census Bureau –ACS 5-Year Estimates Subject Tables, Table S1810, 2023.

Persons in Group Quarters

In 2020, there were 4,263 persons residing in non-households (i.e., people residing in group quarters such as psychiatric hospitals and dormitories), which represented 1.25 percent of the overall Town population. This compares to approximately two percent in the County overall.

Households

Households

Households include families, which are a group of two or more people who reside together and who are related by birth, marriage, or adoption; and groups of two or more unrelated persons who reside together.

In 2023, it was estimated that Islip had 102,367 households. This represents a 1.2 percent reduction from 2010 (the Town contained 103,631 households in 2010).¹⁴ Countywide, it was estimated that there were 512,280 households in 2023, representing a 2.5 percent increase from 2010 (there were 499,922 households in the County in 2010).¹⁵

Family households are those households with children. In 2023, it was estimated that Islip had 76,776 family households (75.0 percent of all households in the Town). This represents a decrease of 2.9 percent from 2010 (the Town contained 79,096 family households in 2010; representing 76.3 percent of all households in the Town) and signaled a slight decrease of family households as a percentage of overall households in the Town from 2010.¹⁶

Countywide, in 2023 it was estimated that there were 370,809 family households (72.4 percent of all households in the County). This represents a decrease of less than one percent from 2010 (the County contained 370,897 family households in 2010; representing 74.2 percent of all households in the County).¹⁷ Family households remain a larger portion of the Town’s households as compared to the County.

¹⁴ U.S. Census Bureau, U.S. Department of Commerce. "Selected Social Characteristics in the United States." American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP02, 2023.

¹⁵ U.S. Census Bureau. "Household Type by Age of Householder." *Decennial Census, DEC Summary File 2, Table PCT12*, 2010.

¹⁶ Ibid.

¹⁷ Ibid.

Household/Family Income and Poverty

Based on an examination of median family income by census tract, the highest income categories appear on the South Shore, with the lower income categories present in the historic target communities in the Town.

Islip’s median household income (\$127,572) was lower than the Suffolk County average (\$128,329). Similarly, Islip’s median family income (\$142,626) was lower than the Suffolk County average (\$147,792). The portion of families in poverty in Islip (3.8 percent) was slightly lower than that of the County (4.0 percent) and also remained well below the New York State figure of 9.8 percent.¹⁸ **Table 2-7**, provides a summary of the income and poverty estimates for the Town and County.

Table 2-7 Income Comparisons, Islip and Suffolk County, 2023

| | Islip | Suffolk County |
|---|-----------|----------------|
| Median Household Income | \$127,572 | \$128,329 |
| Median Family Income | \$142,626 | \$147,792 |
| Percent of Families Below Poverty Level | 3.8% | 4.0% |

Source: U.S.– ACS 5-Year Estimates Subject Tables, Table S1903, 2023.

HUD estimates the median family income for each area and establishes a base area median income (AMI) for an average family of four persons. The FY 2024 Nassau-Suffolk, NY HUD adjusted median family income (HUD AMI) for a family of four is \$156,200.¹⁹

Low- and Moderate-Income Concentrations

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

- › **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. **Table 2-8** provides the un-capped income limits for the Nassau-Suffolk MSA by household size.

¹⁸ U.S. Census Bureau, U.S. Department of Commerce. "Poverty Status in the Past 12 Months of Families." American Community Survey, ACS 5-Year Estimates Subject Tables, Table S1702, 2023.

¹⁹ U.S. Department of Housing and Urban Development. FY 2024 Income Limits Documentation System. Available at: [FY 2024 Income Limits Documentation System -- Summary for Nassau-Suffolk, NY HUD Metro FMR Area](#). Accessed February 2025.

Table 2-8 2024 HUD Un-Capped Income Limits, Nassau-Suffolk MSA²⁰

| Income Limit | Household Size | | | | | | | |
|--------------|----------------|----------|-----------|------------------|-----------|-----------|-----------|-----------|
| | 1 Person | 2 Person | 3 Person | 4 Person | 5 Person | 6 Person | 7 Person | 8 Person |
| 30% AMI | \$32,800 | \$37,500 | \$42,200 | \$46,850 | \$50,600 | \$54,350 | \$58,100 | \$61,850 |
| 50% AMI | \$54,700 | \$62,500 | \$70,300 | \$78,100 | \$84,350 | \$90,600 | \$96,850 | \$103,100 |
| 80% AMI | \$78,500 | \$89,750 | \$100,950 | \$112,200 | \$121,200 | \$130,150 | \$139,150 | \$148,100 |

Note: The Quality Housing and Work Responsibility Act of 1998 included a provision that directed HUD to grant exceptions to ten jurisdictions, including the Nassau-Suffolk MSA, whose Low/Moderate Income limits were “capped” below the jurisdictions’ actual 80 percent of median income for their HOME and CDBG programs. The Town of Islip has been using the higher income limits in both of its applicable programs. These un-capped income limits are used for all direct benefit activities.

Map 2 and **Map 3** show 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 blocks with a majority of households earning at or below 80 percent of the area median income. The concentrations of low- and moderate-income households are located mostly in the Town’s target communities, Bay Shore, Brentwood, Central Islip, and North Bay Shore.

Table 2-9 presents those neighborhoods with low- and moderate-income concentrations.

Table 2-9 Low- and Moderate-Income Concentrations, Town of Islip, 2020

| Community | Census Tract | Block Group |
|-----------|--------------|-------------|
| Bay Shore | 1459.03 | 4 |
| | 1460.04 | 1 |
| | | 2 |
| | 1460.05 | 3 |
| | 1472.01 | 3 |
| | 1472.02 | 2 |
| | 1473.01 | 1 |
| | 1473.02 | 3 |
| Bayport | 1479.01 | 3 |
| Bohemia | 1466.07 | 1 |
| | | 2 |
| | 1466.16 | 3 |
| Brentwood | 1456.01 | 1 |
| | | 2 |
| | | 3 |
| | | 4 |

²⁰ U.S. Department of Housing and Urban Development. 2024 HOME Income Limits-New York. Available at: [HOME Income Limits - HUD Exchange](https://www.hud.gov/program_offices/affordable_housing/home_income_limits). Accessed March 2025.

| | | |
|---------------|---------|---|
| | 1456.02 | 1 |
| | | 2 |
| | 1456.03 | 1 |
| | | 2 |
| | | 3 |
| | 1456.04 | 1 |
| | | 3 |
| | 1456.05 | 1 |
| | | 2 |
| | 1457.02 | 1 |
| | | 3 |
| | 1460.01 | 1 |
| | | 2 |
| | 1461.05 | 1 |
| | | 2 |
| | | 3 |
| | 1461.06 | 1 |
| | | 2 |
| | 1462.01 | 1 |
| | 1462.04 | 2 |
| | | 3 |
| Central Islip | 1457.03 | 3 |
| | 1457.05 | 1 |
| | | 2 |
| | 1457.06 | 2 |
| | 1462.02 | 1 |
| | | 2 |
| | 1462.03 | 1 |
| | | 2 |
| | | 3 |
| | 1463 | 1 |
| 1464.03 | 1 | |
| | 2 | |
| 1464.04 | 1 | |
| | 2 | |
| East Islip | 1475.05 | 1 |
| | | 2 |
| Hauppauge | 1457.01 | 2 |
| Holbrook | 1466.08 | 1 |
| | | 2 |
| | 1466.13 | 1 |
| | 1466.19 | 2 |

| | | |
|------------------------------|---------|---|
| Holtsville | 1466.11 | 1 |
| Islandia | 1458.04 | 1 |
| | | 2 |
| | | 3 |
| Islip | 1462.05 | 1 |
| | 1474.01 | 1 |
| North Bay Shore | 1459.04 | 1 |
| | 1459.05 | 1 |
| | | 2 |
| | 1460.01 | 3 |
| | 1460.02 | 1 |
| | | 2 |
| 3 | | |
| 1461.02 | 1 | |
| | 2 | |
| Ocean Beach/Saltaire/Captree | 1470.04 | 1 |
| Ronkonkoma | 1466.18 | 1 |
| | | 3 |
| West Bay Shore | 1470.03 | 3 |

Source: HUD Exchange. Low-and Moderate-Income Data based on the 2016-2020 ACS.

Areas of Low/Moderate Income and Minority Concentration

Table 2-10 presents those neighborhoods with both low/moderate income and minority concentrations.

Table 2-10 Areas of Low/Mod Income and Minority Concentration, Town of Islip

| Community | Low-Mod Income | Minority |
|------------------------------|-------------------------------------|-------------------------------------|
| Bay Shore | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Bayport | <input checked="" type="checkbox"/> | |
| Baywood | | <input checked="" type="checkbox"/> |
| Bohemia | <input checked="" type="checkbox"/> | |
| Brentwood | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Central Islip | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| East Islip | <input checked="" type="checkbox"/> | |
| Hauppauge | <input checked="" type="checkbox"/> | |
| Holbrook | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Holtsville | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Islandia | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Islip | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| North Bay Shore | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Ocean Beach/Saltaire/Captree | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

| | | |
|----------------|-------------------------------------|-------------------------------------|
| Oakdale | | <input checked="" type="checkbox"/> |
| Ronkonkoma | <input checked="" type="checkbox"/> | |
| West Bay Shore | <input checked="" type="checkbox"/> | |

As depicted in **Table 2-10** the target communities of Bay Shore, Brentwood, Central Islip, and North Bay Shore, as well as parts of Holbrook, Holtsville, Islandia, Islip, and Ocean Beach/Saltaire/Captree contain both low/moderate income and minority concentrations.

Housing Profile

The ability to access adequate housing is impacted by the housing stock, including the number, types, sizes, and affordability of units. This is especially important to low- and moderate-income persons, and persons in protected classes, including disabled persons, families with children, and the elderly.

Housing Units

It is estimated that there were 109,649 housing units in the Town in 2023. This represents a decrease of 321 housing units (less than one percent) from 2010 (when there were 109,970 housing units). Of the 109,649 units in 2023, 93.4 percent were occupied, and 6.6 percent were vacant. Of the occupied housing units, 80.1 percent were owner-occupied, and 19.9 percent were renter occupied.²¹

Table 2-11 provides a comparison of Town housing unit data compared to Suffolk County. Overall, Islip has a lower percent of owner-occupied units, a higher percentage of renter occupied units, and a lower percent of vacant units.

Table 2-11 Housing Unit Data, Town of Islip and Suffolk County, 2010-2023

| | Islip | | Suffolk County | |
|-----------------|---------|---------|----------------|---------|
| | 2010 | 2023 | 2010 | 2023 |
| Total Units | 109,970 | 109,649 | 564,684 | 579,790 |
| Owner Occupied | 79.6% | 80.1% | 81.4% | 81.9% |
| Renter Occupied | 20.4% | 19.9% | 18.6% | 18.1% |
| Vacant | 6.2% | 6.6% | 12.3% | 11.6% |

Source: U.S. Census Bureau – American Community Survey 5-Year Estimates, Table DP04, 2023.

Housing Stock

The majority of Islip’s housing stock is single-family. In 2023, about 82.9 percent of the Town’s housing stock was single-family (detached or attached), compared to about 85.7 percent Countywide. **Table 2-12** provides a comparison of the Town’s housing unit types compared to Suffolk County.

²¹ U.S. Census Bureau, U.S. Department of Commerce. "Selected Housing Characteristics." American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04, 2023.

Table 2-12 Housing Unit Types, Town of Islip and Suffolk County, 2023

| Housing Type | Islip | Suffolk County |
|--------------------|---------|----------------|
| Total | 109,649 | 575,162 |
| Single-family | 82.9% | 85.7% |
| 2 to 9 units | 8.0% | 7.0% |
| 10 to 19 units | 3.6% | 2.5% |
| 20 or more units | 4.6% | 3.5% |
| Mobile homes/other | 0.9% | 1.3% |

Source: U.S. Census Bureau – American Community Survey 5-Year Estimates, Table DP04, 2023

In the Town of Islip, there are approximately 18,936 multi-family units, consisting of 13,031 rental apartments and 5,905 ownership units. As summarized in **Table 2-13**, over the past 12 months, six applications were filed with the Town for multi-family housing developments, of which two have been approved while four remain pending. Additionally, the Town has received four zoning change applications intended for multi-family housing construction. Among these, one application has been approved, and three are still pending. No building permits or zoning variances for multi-family housing have been denied by the Town in the past year.²²

Table 2-13 Building and Zoning Change Applications for Multifamily Housing over the Past 12 Months

| Application Status | Building App | Zoning Change App |
|--------------------|--------------|-------------------|
| Approved | 2 | 1 |
| Pending | 4 | 3 |
| Denied | 0 | 0 |
| Total | 6 | 4 |

Age and Condition

The majority (75.4 percent) of the Town’s housing stock was built prior to 1980. Approximately 8.4 percent of the Town’s housing stock was constructed between 1980 and 1989; 7.4 percent between 1990 and 1999; and 8.7 percent since 2000. Countywide, about 68.7 percent of housing units were built prior to 1980, with approximately 10.3 percent constructed between 1980 and 1989; 8.9 percent between 1990 and 1999; and, 12.1 percent since 2000. As such, on average, the Town has an older housing stock than the County.

The age of the housing stock can contribute to rehabilitation and maintenance needs, as well as lead-based paint abatement needs.

²² Town of Islip Department of Planning.

Housing construction and renovation in the Town, as reported through residential building permits (provided by the Building Division of the Town Department of Planning and Development), provides an indication of housing activity.

Overcrowding

HUD defines overcrowding as more than one person per room and severe overcrowding as more than 1.5 persons per room. Approximately 4.7 percent of housing units in the Town experienced overcrowding in 2020, almost double the County rate of 2.7 percent²³. Overcrowding in Islip was characterized as follows:

- › 3,418 units with 1 to 1.5 persons per room; and,
- › 1,407 units with 1.5 or more persons per room.

Housing Costs

Housing costs fluctuate with market forces and are difficult to define. Several sources have been consulted that provide a picture of the overall Islip housing market.

According to the ACS Five-Year Estimates, in 2023, the median value of owner-occupied units in Islip was \$493,000 and the median rent was \$2,143. This compares to \$539,500 and \$2,190, respectively, for the County.

Homeownership

According to Redfin.com, a real estate search site, the average listed sales price for a housing unit over the past year (January 31, 2025) in Suffolk County was \$645,000 in January 2025.

Table 2-14 presents this information on a community-by-community basis for the Town of Islip.

Table 2-14 Average Home Value in the Town of Islip, 2025

| Community | Average Listing Price |
|----------------|-----------------------|
| Bay Shore | \$605,000 |
| West Bay Shore | -- |
| Bayport | \$598,000 |
| Baywood | -- |
| Bohemia | \$700,000 |
| Brentwood | \$525,000 |
| Central Islip | \$460,000 |
| East Islip | \$680,000 |
| Great River | -- |
| Hauppauge | \$684,500 |
| Holbrook | \$612,500 |

²³ U.S. Census Bureau, U.S. Department of Commerce. "Selected Housing Characteristics." American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04, 2023.

| | |
|-------------------------|-----------|
| Holtsville | \$645,000 |
| Islip | \$610,000 |
| Islip Terrace | \$560,000 |
| North Bay Shore | \$590,000 |
| North Great River | -- |
| Oakdale | \$680,000 |
| Ronkonkoma | \$542,500 |
| Sayville | \$630,000 |
| Village of Brightwaters | -- |
| Village of Islandia | -- |
| Village of Ocean Beach | -- |
| Village of Saltaire | -- |
| West Islip | \$735,000 |
| West Sayville | -- |

Source: [Suffolk County, NY Housing Market: House Prices & Trends | Redfin](#) Accessed February 2025.

Rental Housing

A review of the various real estate listings on [www.zillow.com](#), during February 2025, reveal a range of \$1,650 - \$3,922 for a one-bedroom apartment, \$2,300-\$4,890+ for a two-bedroom apartment or house, and \$2,300-\$6,848+ for a three-bedroom apartment or house.

HUD also uses the area median income (see discussion above) to establish fair market rents (FMR) and provides FMR data by unit size. FMR is HUD’s best estimate of what a household seeking a rental unit in a short amount of time could expect to pay in rent and utilities in the current market. The 2024 FMR data for Suffolk County is presented in **Table 2-15**.

Table 2-15 FY 2024 Fair Market Rents for Suffolk County

| Unit Size | Fair Market Rent |
|-------------------|------------------|
| Studio/Efficiency | \$1,708 |
| 1-Bedroom | \$2,144 |
| 2-Bedroom | \$2,508 |
| 3-Bedroom | \$3,246 |
| 4-Bedroom | \$3,521 |

Source: <http://www.huduser.org/portal/datasets/fmr.html>

Employment

Labor Force – Employment/Unemployment

In 2023, Islip had approximately 185,400 people in the labor force, including approximately 179,100 employed persons and 6,300 unemployed persons. The Town’s 2023 annual unemployment rate of 3.4 percent was the same as the County’s 3.4 percent rate and lower

than the State rate of 4.2%. The Town's 2023 unemployment rate was slightly higher than the 3.2 percent rate experienced in 2022.²⁴

Major employers in the Town include²⁵:

- › Good Samaritan Hospital
- › Southside Hospital
- › Nature's Bounty
- › Broadridge Financial Services
- › Positive Promotions
- › Sysco
- › Europastry
- › Data Device
- › Water Lilies
- › Ascent Pharmaceuticals
- › Allstate
- › David Peyser Sportswear
- › Whitson's
- › Ferguson Plumbing Services
- › Norris Food Services
- › Century Direct
- › Land Tek
- › Verizon
- › G.E. Aviation
- › CPI Aerospace
- › East/West Industries

In addition, there are a number of industrial parks located within the Town²⁶:

- › Hauppauge Industrial Park, 1400 acres
- › Heartland, 380 acres
- › Acres Aero-Tech Park, 29 acres
- › Airport Business Center, 14 acres
- › Industrial Air Park, 128 acres
- › Airport Industrial Plaza, 200 acres
- › Islip Foreign Trade Zone, 52 acres
- › MacArthur Center, 90 acres
- › Motor Parkway, 60 acres
- › Parkland Commercial Industrial Park, 40 acres
- › Racanelli Industrial Park, 140 acres
- › Equi-Park Industrial Mall, 143 acres
- › Sherwood Corporate Park, 50 acres

²⁴ New York State Department of Labor – Employed and Unemployed. <https://labor.ny.gov/stats/laus.asp>. Data are not seasonally adjusted.

²⁵ Town of Islip Comptroller. Budget Book 2024. Available at: <https://islipny.gov/community-and-services/documents/comptroller/2251-2024-town-of-islip-budget-book/file>. Accessed February 2025.

²⁶ Town of Islip Economic Development. Available at: [Town of Islip's Industrial Parks Offer A Variety of Sizes for A Variety of Industries](#). Accessed February 2025.

- › Tech Park (Empire Zone), 100 acres

Occupations of Residents

Table 2-16 provides an occupational profile of Islip residents. Based on data from the 2023 American Community Survey 5-Year Estimates, the percent of residents with management occupations (37.7 percent) is slightly lower than the County portion of 44.0 percent. The percent of Town residents employed in service occupations (18.7 percent) was slightly higher than the County (16.5 percent). Approximately 21.0 percent of Islip residents are employed in sales and office occupations, which about the same as the County (21.3 percent). Town residents are employed in construction (8.9 percent) at slightly higher rates than residents Countywide (8.6 percent) and in production and transportation (13.8 percent) at a higher rate than the County (9.5 percent).

Table 2-16 Occupation of Town of Islip and Suffolk County Residents (civilian employed population 16 years and over), 2023

| Industry | Islip | Suffolk County |
|--|-------|----------------|
| Management, business, science, and arts | 37.7% | 44.0% |
| Services | 18.7% | 16.5% |
| Sales and Office | 21.0% | 21.3% |
| Natural resources, construction, and maintenance | 8.9% | 8.6% |
| Production, Transport, and material moving | 13.8% | 9.5% |

Source: U.S. Census Bureau – ACS 5-Year Estimates Subject Tables, Table S2405, 2023.

Travel to Work

In 2023, the mean travel time to work for Islip residents was 29 minutes, slightly lower than the County average of 31.7 minutes.²⁷ 75.8 percent of residents drove alone, slightly higher than the County-wide average of 73.4 percent. Approximately 4.3 percent of Town residents relied on public transportation, which was only slightly lower than the County-wide average of 5.2 percent. Nine percent of Town residents carpooled, which was higher than the County-wide average of about 7.4 percent. The Town had a lower percentage of workers who walked to work (0.7percent), as compared to the County average (1.3 percent).

Transportation

Given Long Island’s geography, the major automobile access routes consist of east-west highways and rail lines terminating in New York City.

Three of the four major east-west highways provide access to the Town of Islip. The Southern State Parkway is an east-west highway that terminates in the Town (at Hecksher State Parkway). The Long Island Expressway (LIE), in the northern part of the Town, and Sunrise Highway, in the southern part of the Town, are east-west highways that pass through

²⁷ U.S. Census Bureau, U.S. Department of Commerce. "Commuting Characteristics by Sex." American Community Survey, ACS 5-Year Estimates Subject Tables, Table S0801, 2023.

the Town. The fourth major Long Island east-west highway is the Northern State Parkway, which terminates to the north of Islip. However, Veteran’s Memorial Highway (Route 454) is an extension of the Northern State Highway and follows a southeasterly route that cuts through the Town, intersecting with both the LIE and Sunrise Highway within Islip. In the western part of the Town, Sagtikos State Parkway, a major north-south connector route, links the four main highways. Immediately south of the Sagtikos State Parkway interchange with the Southern State Parkway is the north-south Robert Moses Causeway, which connects the mainland to Fire Island. In the eastern part of the Town, Nicolls Road also serves as a major north-south connector. The Town contains other State, County, and local routes, such as Montauk Highway, Motor Parkway, Islip Avenue, Suffolk Avenue, and Union Boulevard. In short, Islip has excellent automobile access.

Two branches of the Long Island Railroad (LIRR) pass through the Town, with nine stations located in Islip. This east-west service is supplemented by both east-west and north-south bus service through Suffolk County Transit. Most commuters from Islip to New York City travel by train and many summer beach visitors from New York City arrive by train. The railroad is much less important as a means of transportation between Islip and other locations on Long Island; many intra-Island trips are made by automobile or bus.

An additional form of transportation in the Town of Islip is the ferry. There are a number of ferry operations that carry vehicles and passengers between the mainland (at Bay Shore and Sayville) and Fire Island.

Most Long Islanders travel to New York City for airline service out of either John F. Kennedy International Airport (JFK) or LaGuardia Airport. However, the Town of Islip contains the only airport in Nassau or Suffolk Counties that is served by major airlines – Long Island MacArthur Airport, located on Veteran’s Memorial Highway.

Schools and Educational Profile

Schools

Elementary and Secondary

The Town of Islip is served by a number of school districts. **Table 2-17** presents these school districts and their 2023-2024 enrollments.

Table 2-17 Town of Islip School District Enrollments 2023-2024 School Year, K – 12²⁸

| School District | Total Enrollment |
|--|------------------|
| Bay Shore Union Free School District | 5,604 |
| Brentwood Union Free School District | 17,902 |
| Central Islip Union Free School District | 7,569 |

²⁸ New York State Education Department. Enrollment Data (2023-2024). Available at: [2024 | NY STATE - Enrollment Data | NYSED Data Site](https://www.nysed.gov/enrollment). Accessed February 2025.

| | |
|--|---------------|
| Connetquot Central School District | 5,303 |
| East Islip Union Free School District | 3,398 |
| Fire Island Union Free School District | 36 |
| Islip Union Free School District | 2,675 |
| Sayville Union Free School District | 2,502 |
| West Islip Union Free School District | 3,707 |
| Bayport-Blue Point Union Free School District* | 1,791 |
| Hauppauge Union Free School District** | 3,168 |
| Sachem Central School District*** | 11,588 |
| TOTAL ENROLLMENT | 65,243 |

Source: NYSED Enrollment data (2023-2024)

* A portion of the school district is in the Town of Brookhaven.

** A portion of the school district is in the Town of Smithtown.

*** Portions of the school district are in the Towns of Brookhaven and Smithtown.

Colleges and Universities

In addition, there are a number of colleges and universities located in the Town of Islip.

Table 2-18 lists those higher education facilities.

Table 2-18 Colleges and Universities in the Town of Islip

| | Location |
|---|---------------|
| Adelphi University (Hauppauge Center) | Hauppauge |
| Empire State College | Islandia |
| Long Island University (Brentwood Campus) | Brentwood |
| New York Institute of Technology (Central Islip Campus) | Central Islip |
| Suffolk County Community College (Western Campus) | Brentwood |
| Touro College School of Health Sciences | Bay Shore |
| Touro Law Center | Central Islip |

Educational Profile

The level of educational attainment of persons has an impact on employability and income potential. Educational attainment of persons age 25 and over in Islip and Suffolk County is provided in **Table 2-19** based upon the 2023 American Community Survey 5-Year Estimates. These estimates indicate that there are relatively fewer college and graduate school graduates in the Town than Countywide.

Table 2-19 Population 25+ by Educational Attainment, 2023

| | Islip | Suffolk County |
|----------------------------|---------|----------------|
| Total Population 25+ | 222,999 | 1,070,338 |
| Less than 9th Grade | 7.1% | 9.2% |
| 9th-12th Grade, No Diploma | 7.2% | 5.3% |
| High School Graduate | 29.8% | 27.0% |

| | | |
|------------------------------|-------|-------|
| Some College, No Degree | 17.7% | 16.8% |
| Associate’s degree | 8.7% | 9.5% |
| Bachelor’s Degree | 16.5% | 18.1% |
| Graduate/Professional Degree | 12.9% | 14.1% |

Source: U.S. Census Bureau – ACS 5-Year Estimates Subject Tables, Table S1501, 2023.

Land Use and Housing Policies/Land Use Patterns

Local Policies and Plans

The Town is guided by a number of local land use, zoning, and housing policies and plans.

Town of Islip Comprehensive Plan

1978 Comprehensive Plan

Between 1972 and 1978, the Town of Islip conducted a federally funded (HUD) comprehensive planning process that resulted in a ten-part Comprehensive Plan series:

- › Volume 1 introduces the process and presents the goals in seven categories: 1) housing; 2) environment; 3) recreation; 4) public services; 5) community identity; 6) industry; and, 7) aesthetics.
- › Volume 2 contains the background inventory and data for the Town, including: land use, open space, school districts/education, and population.
- › Volume 3 provides background information on population and housing in the Town, housing needs, a housing allocation plan, recommendations, and implementation.
- › Volume 4 provides a discussion of natural resources and the environment, including wetlands and watercourses.
- › Volume 5 consists of a discussion of recreation and open space within the Town.
- › Volume 6 details public services within the Town, including health and mass transportation.
- › Volume 7 contains various community identity reports, covering Islip’s communities: Bay Shore, Central Islip, Brentwood, Islip, East Islip, Islip Terrace, Great River, North Great River, Sayville, Oakdale, West Sayville, Bayport, Hauppauge, Ronkonkoma, Lakeland, West Islip, Holbrook, and Bohemia.
- › Volume 8 discusses industry and industrial development within the Town.
- › Volume 9 looks at urban aesthetics and historic preservation, with specific inventories of Bay Shore, Central Islip, Brentwood, Islip, East Islip, and Great River
- › Volume 10 provides a summary of the overall Comprehensive Plan. Volume 10 includes an “approval” letter from HUD.

As stated in Volume 1 and Volume 10, “The fundamental precept of the Islip Comprehensive Plan is simply to improve the quality of living for every Islip citizen. There are seven goals which support the fundamental precept.”

1. Promote housing that satisfies the needs and tastes of Islip citizens for the entire range of income levels.

2. Protect the natural resources and environment of Islip.
3. Provide adequate and accessible recreational services.
4. Provide and promote public services, including transportation, education, health, safety, and consumer protection.
5. Promote the development of identifiable communities.
6. Promote only those commercial and industrial developments that are compatible with local employment needs and surrounding environments.
7. Promote attractive environments that enhance the value of life with aesthetically pleasing surroundings.

Most relevant to this *Analysis of Impediments* is a review and discussion of the housing analysis and recommendations put forth in the 1978 Comprehensive Plan, notably from Volume 3, Housing.

A thorough review of the Plan reveals much discussion of housing and affordability, some of which is still relevant today:

- › Similar to other suburban communities, the Town was predominantly a residential community of single-family detached homes.
- › Unlike its neighbors, it did offer a wider range of housing types, including 10 percent multi-family, two percent two-family, two percent condominium apartments, and one percent mobile homes.
- › There was minimal deterioration and such deterioration was scattered throughout the Town.
- › Those areas of concentrated deficient housing faced greater challenges (for a variety of reasons, including patterns of ownership, environmental conditions, neighborhood decline, and lack of municipal services) and required more comprehensive action.
- › Housing costs for both renters and owners represented an inordinate amount of many residents' annual income. In fact, housing cost was cited as the primary housing problem facing the Town of Islip in the 1970s. The Plan postulated that, if the economic trends continued, housing of all types would become extremely costly particularly for moderate- and low-income families.
- › There was a lack of housing for new families, single people, senior citizens, and an overall lack of large size rental units.
- › Greater housing opportunities existed for minorities in the Town than in the other nine towns of Suffolk County. The only evidence of racial discrimination was racial steering from neighboring towns wherein African American and Hispanic families were directed to Islip communities while white families were discouraged away from those communities to other areas in the Town and other towns having substantially lower minority populations.

To respond to these conditions, a Housing Plan was developed that contained a number of specific recommendations.

1. **Neighborhood Preservation and Development** – The Town should preserve neighborhood stability by following general land use guidelines which respect neighborhoods. This can be done through zoning, proper subdivision design,

maintenance of neighborhood uses and densities, and continued public improvements where necessary.

2. **Preservation of Current Housing Stock** – The Town should step up a program of code enforcement, zoning enforcement and comprehensive rehabilitation in areas of concentrated deterioration, the use of private investment and revolving funds, and the replacement of obsolete or dilapidated uses, in order to eliminate substandard dwelling conditions. The Town must also continue to monitor marginal areas to detect and prevent rapid decline in the quality of housing stock.
3. **Housing Costs** – The Town should participate in federal housing programs which encourage income maintenance, housing grants and private-sector housing projects which support energy conservation. There should be a continuation of efforts to change the property tax structure, making tax levies not a function of property ownership, but a function of income and land use impact. Increased housing choices and types would allow people to fit their income to their housing, so that they are not living beyond their means. Local mortgage pools should be started up and the Town should participate in Federal programs which promote homeownership, and encourage the expansion of FHA programs.
4. **Overcrowding** – The Town must attack the roots of overcrowding such as high costs and discrimination. In addition, proper code enforcement and relocation assistance would help decrease overcrowding.
5. **Meeting Housing Demands Efficiently** – The Town should encourage housing types which fill the gaps in variety and size, which will allow residents to move into the type of unit that best serves their needs. This might include the construction of mixed use buildings, owner occupied two-family homes, or the re-design of existing structures.
6. **Discrimination** – The Town should support, perhaps through a County- wide program, the activities of housing advocate organizations able to investigate complaints and root out discriminatory practices. There should also be a geographic monitoring of housing and mortgage trends to discover evidence of redlining or housing discrimination by brokers, banks, and landlords.
7. **Historic Preservation** – The Town should set up revolving low-interest loans for exterior restoration and lend design assistance where necessary. Taxing and lending policies should be changed to encourage reuse or rehabilitation of older sound structures of historic or landmark value. The Town should use public improvements and historic district zoning regulations to judiciously preserve neighborhoods with historic values.
8. **Housing and Environment** – As vacant land inventories diminish, the Town must closely monitor development in environmentally sensitive areas. State and Federal legislation advocating low density development, which is often environmentally wasteful, must be changed. Generally, the Town should pursue methods at its disposal to guide development, not necessarily to prohibit it. Compatible development, properly sited, need not conflict with environmental objectives.

As part of the Housing Plan and in the implementation section of the Comprehensive Plan, a number of implementation items were suggested, including:

- › Changes to zoning;

- › Utilization of density zoning/clustering zoning;
- › Utilization of incentive zoning in the Downtown Development District;
- › Changes to subdivision regulations;
- › Revisions to local codes and procedures to encourage rehabilitation and redevelopment of existing structures and lots;
- › Additional oversight by the CDA in downtown redevelopment projects; and,
- › Focus of the Islip Housing Authority not only on management of existing public housing, but future expansion as well.

Town of Islip (TOI)-360 Comprehensive Plan²⁹

The Town of Islip is currently in the process of developing TOI-360, a comprehensive plan which will be the first update to the Town's comprehensive plan since 1979. TOI-360 will be designed to guide the community's growth and development over the next 20 years and beyond. The Plan will serve as a policy guide for the community for topics like housing, economic development, transportation, utilities, recreation, recreation, sustainability, open space, and other issues. TOI-360 will present a blueprint for sustainable growth and development, and will focus on the following eight themes:

- › Housing
- › Economic Development
- › Sustainability and Resilience
- › Transportation and Mobility
- › Parks, Recreation, and Culture
- › Public Services
- › Neighborhood Centers
- › Hamlets

The Plan will discuss where the Town of Islip has been, where it is now, and where it wants to go. It will identify the community's goals and long-term vision for the Town by recommending specific actions to achieve those goals. The Plan will incorporate public engagement during the development of the plan to help identify and define community needs to ensure that TOI-360 expresses the community's values.

Community Development and Other Community Plans

Since 1978, the Town has undertaken focused area planning, including preparation of community development and urban renewal plans, which then act as the comprehensive plan for that area. Community plans were developed for the following areas, among others:

- › Brentwood Community Development Plan (1981)
- › Brentwood Housing Conditions Report (1986)
- › Carleton Park-Peter Potter (Central Islip) Community Development Plan (1988)
- › Central Islip Housing Conditions Report (1987)
- › Downtown Bay Shore Action Plan (1990)
- › North Bay Shore Blight Study (1988)

²⁹ Town of Islip. TOI-360 Comprehensive Plan. Available at: [TOI-360 | Comprehensive Plan | Town of Islip, NY](#). Accessed February 2025.

- › North Bay Shore Community Development Plan (1988)
- › Smith Avenue (Bay Shore) Urban Renewal Plan (1997)
- › Sunnybrook (Bay Shore) Neighborhood Strategy Plan (2001)
- › Central Islip DRI Strategic Investment Plan (2019)
- › Five-Year HUD Consolidated Plans (2010, 2015, 2020, 2025)

The community development plans vary with regards to a discussion of housing, affordable housing, and fair housing.

Other Local Documents

There are a number of other local documents and plans that relate to housing in the Town of Islip.

Town of Islip Housing Authority 5-Year and Annual Plan

As an agency that receives Federal funding from HUD, the Town of Islip Housing Authority is required to submit 5-Year and Annual Plans documenting their activities. The most recent 5-Year and Annual Plan for the Housing Authority runs from 2025-2029. According to its mission statement, "The Town of Islip Housing Authority strives to achieve effective and efficient delivery of decent, safe, and affordable housing to eligible tenants and applicants, while maintaining an overall commitment to the local communities and governmental entities...to promote adequate and affordable housing, economic opportunity, and a suitable living environment free of discrimination." The Housing Authority focuses on low-, very low-, and extremely low-income families.

Town of Islip Comprehensive Homeless Assistance Plan

Persons who meet the HUD definition of "chronically homeless," including those with mental illness, physically disabled persons, dually-diagnosed persons, persons with AIDS, and persons with physical disabilities, require permanent supportive housing to meet their special needs so that they can gain self-sufficiency to the extent possible. The Town prepared a Comprehensive Homeless Assistance Plan in January 1989. The Plan documents need, provides an inventory of facilities and services that assist the homeless population in Islip, and describes a strategy to match needs with available facilities. Among the recommendations are to utilize scatter-site housing in community residences to provide additional facilities and to rezone properties for the specific construction or conversion of housing for the homeless.

Since that time the Town has worked with, among others, the Long Island Continuum of Care Group (NY-603) (CoC) and Long Island Coalition for the Homeless with regard to homelessness in the Town. The Suffolk County Department of Social Services (DSS) which has a major role in providing housing and services for Islip's homeless population contributed to the production of the Town's Five-Year (2025-2029) Consolidated Plan of which this document is a part of. The Town's participation with these organizations serves to utilize their various expertise and resources to address the homeless needs in Islip.

Zoning

Town of Islip Zoning Ordinance

Chapter 68 of the Town of Islip Town Code, which is the Town’s Zoning Ordinance, is progressive in terms of affordable and inclusionary housing provisions. The Zoning Ordinance lists 32 zoning districts, including 19 that allow for some type of residential use. These districts vary, not only by allowed uses, but by lot and bulk regulations as well. Out of the 19 residential districts, five allow for multi-family residential units (e.g., apartments, garden apartments, and townhouses), as detailed below. Various Planned Development Districts (PDD) permit multi-family residential development, including PDD: Hauppauge, PDD: Great River, Islip Mixed-Use PDD, and the Pilgrim State Planned Redevelopment District. In addition, the Residence CAA district permits three- or four-family dwellings when adjacent to a property zoned Residence C, Residence CA, Business District, Business 1, Business 2, or General Service T. Districts that permit multi-family development include:

- › **Residence C District (C)** – Residential district limited to senior-citizen (55+) housing, including apartments and attached or detached single-family dwellings.
- › **Residence CA District (CA)** – Residential district permitting apartment houses, garden apartments, and attached or detached single-family dwellings.
- › **Downtown Development District (DDD)** – Mixed-use, downtown district for certain areas in Bay Shore, including apartment houses, garden apartments, attached single-family dwelling, and multi-story condominiums or cooperatives.
- › **Residential Redevelopment District (RRD)** – Residential district permitting senior apartments, garden apartments, single-family detached dwellings, single-family semi-attached dwellings, and single-family attached dwellings.
- › **Planned Development District (PDD)** – Mixed-use district for the master planning of the former Central Islip Psychiatric Center in Central Islip. The PDD is divided into a number of sub-districts. Residential is permitted in the following sub-districts:
 - **Education Campus (PDD-EC)** – Housing for staff and students permitted, likely in a multi-family format.
 - **Multiple-Family (PDD-MF)** – Attached one- and two-family and multiple townhouse-type dwelling units developed under one unified site plan and maintained by an association of owners approved by the Attorney General of the State of New York.
 - **Senior Citizen (PDD-SC)** – Units especially designed for senior citizens and their immediate families.

Table 2-20 summarizes the use and lot and bulk requirements of each of these districts.

Table 2-20 Town of Islip Zoning Districts Permitting Multi-Family Dwelling Units

| District | Permitted Residential Uses | Max. Height (Floors/Ft) | Max. FAR | Max. Density (per acre) | Affordable Req. | Development Bonus? |
|----------|----------------------------|-------------------------|----------|-------------------------|-----------------|--------------------|
| C | Senior Citizen Apartments | 2/35 | 0.40 | 12 | 10% | N |

| | | | | | | |
|-----------------------------------|--|-------|------|-----------------|-------|---|
| | Senior Citizen Detached Single-Family Dwellings | 2/35 | 0.25 | | 10% | |
| | Senior Citizen Attached Single-Family Dwellings | 2/35 | 0.30 | 10 | 10% | |
| CA | Apartment House and Garden Apartment | 2/35 | 0.20 | 9 | 10% | Y |
| | Attached Single-Family Dwelling | 2/35 | 0.20 | 6 | 10% | |
| | Detached Single-Family Dwelling | 2/35 | 0.20 | 4 | 10% | |
| DDD | Apartment House; Multi-story Condominium or Co-Op | 4/65 | 2.0 | NA | 20%** | Y |
| | Attached single-family townhome | 3/35 | 0.6 | 17 | 20% | |
| | Mixed-Use Building | /65 | 2.5 | * | 20% | |
| RRD | Senior apartment; Garden apartment | 2/28 | 0.50 | 12-16; 17-27 | N | N |
| | Attached Single-Family Dwelling | 2/28 | 0.35 | NA | | |
| | Semi-Attached Single-Family Dwelling | 2/28 | 0.20 | NA | | |
| | Detached Single-Family Dwelling | 2/28 | 0.25 | NA | | |
| PDD PDD-EC PDD-MF PDD-SC | Housing for staff and students; dormitories | NA/70 | 0.36 | NA | NA | N |
| | MF dwelling; 1-and 2-Family Attached/Townhouse; Senior Housing; assisted living/nursing home | NA/35 | 0.40 | 12 | 10% | |

Source: Town of Islip Zoning Ordinance; Compiled by VHB, Inc.

Notes: *Minimum average gross floor area per apartment 500 square feet.

**Option for payment in-lieu-of provision of affordable housing.

What is notable about the Town's Zoning Ordinance, specifically the C, CA, DDD, and PDD districts, is the addition of inclusionary zoning requirements, whereby a certain percentage of units in residential developments is required to be affordable. The presence of inclusionary zoning requirements in Islip eliminates a common barrier to the development of affordable housing found in other communities.

Further, permitting mixed-use in the Town in various districts, including a number of explicitly mixed-use districts, allows residential uses above stores and offices, thereby increasing residential and affordable opportunities and also contributing to downtown revitalization.

It should be noted that the other districts in the Town, especially the business, industrial, and mixed-use districts, help provide opportunities for employment for local residents and increased rates (that contribute to services and improvements supporting housing and neighborhoods).

Village of Brightwaters Zoning Ordinance

Chapter 128 of the Village of Brightwaters Village Code is the Village's Zoning Ordinance. The Village contains seven districts, including three residential districts: Residence A, Residence B, and Residence C. The Residence A and B Districts permit single-family dwellings. The Residence C District only permits apartment houses or garden apartments. The Village's Zoning Ordinance does not contain any affordable housing provisions.

Village of Islandia Zoning Ordinance

Chapter 177 of the Village of Islandia Village Code is the Village's Zoning Ordinance. The Village contains 12 districts, including three residential districts:

- › **Low Density Residential (L)** – Lower-density residential district that permits single-family detached dwellings and senior-citizen shared dwellings.
- › **Medium Density Residential (M)** – Residential district that permits single-family detached dwellings and senior-citizen shared dwellings.
- › **Multifamily Residential (MF)** – Residential district that permits single-family detached dwellings, residential owner-occupied condominiums, apartment houses, townhouses, and senior-citizen shared dwellings. The MF District also permits with a special permit from the Village Board two-family dwellings and adult homes.

In addition, single-family residential uses are permitted in the Agricultural (AG) and Professional (P) Districts. The Village also contains two other special districts that permit residential uses:

- › **Main Street Planned Development District (MSPDD)** – Mixed-use district that includes residential condominiums.
- › **Multifamily Residential Owner-Occupied Condominium Overlay (MF-18) District** – Overlay district on Office (O)-zoned properties to allow residential owner-occupied condominiums, with a maximum residential density of 18 dwelling units per acre (up to a maximum of 225 units).

The Village's Zoning Ordinance does not contain any affordable housing provisions, but does provide for development bonuses, such as relaxations of bulk requirements, in the MF-18 for office and/or condominium developments that provide additional amenities.

Village of Ocean Beach Zoning Ordinance

Chapter 164 of the Village of Ocean Beach Village Code is the Village's Zoning Ordinance. The Village contains four districts: 1) Residence (R-4); 2) Oceanfront Dune (DD); 3) Business (C); and, 4) Bayfront Recreation (BRD). Single-family detached dwellings are permitted in the R-4 and C (special permit) Districts. Apartments (one family) and apartment hotels

(three or more families living independently) are permitted in the C District. The Village's Zoning Ordinance does not contain any affordable housing provisions.

The Village of Ocean Beach is primarily a seasonal, tourist community, with very few full-time residents. Further, transportation to and from Fire Island is limited to ferry service, which has a limited schedule, especially during the off-season months.

Village of Saltaire Zoning Ordinance

Chapter 55 of the Village of Saltaire Village Code is the Village's Zoning Ordinance. The Village contains four districts: 1) Residence; 2) Business; 3) Utility; and 4) Private Membership Club. The only residential use permitted in the Residence District is single-family residential; multi-family is not permitted in the Residence District. The Village's Zoning Ordinance does not contain any affordable housing provisions.

The Village of Saltaire is primarily a seasonal, tourist community, with very few full-time residents. Further, transportation to and from Fire Island is limited to ferry service, which has a limited schedule, especially during the off-season months.

Town of Islip Fair Housing Law

Chapter 26 of the Town of Islip Town Code presents the Town's policy with regard to discriminatory housing practices. Originally adopted in 1968 and amended in 1972, 1978 and 2012, it acts as the Town's fair housing law. Chapter 26 lists race, creed, color, sex, disability, 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. As part of the protections, Chapter 26 notes that the Town Attorney can receive complaints and take action (penalties between \$100 and \$250; potential imprisonment of five to 15 days). Among the potential discriminators, Chapter 26 specifically lists the real estate and lending industries. Finally, Chapter 26 also specifically notes that no person shall be denied "housing accommodation" with regard to a disability. Chapter 26 works in conjunction with Chapter 27 of the Town of Islip Town Code, which discusses fair employment practices.

Regional Plans, Policies, and Codes

Suffolk County Sanitary Code

Chapter 760 of the Suffolk County Code is titled the "Suffolk County Sanitary Code". The Sanitary Code contains regulations related to the Department of Health and Services, permits and licenses, water supply, sanitation, water pollution control, and developments, subdivisions, and other construction projects. One of the provisions of the Sanitary Code is that sewage disposal be provided by a community or individual sewage system. A community sewage system method of sewage disposal is required for a number of reasons, including if the development is located within an existing sewer district, it is outside of special groundwater management protection zones and is less than 20,000 square feet in area or is inside a special groundwater management protection zone and is less than 40,000 square feet in area.

This provision is significant in terms of the type of development that can occur because most of the Town is not sewered. The only part of the Town that is completely sewered is the southwest quadrant, bounded by the Southern State and Heckscher State Parkways, which is within the Southwest Sewer District. Many properties located outside of the district have been able to hook into the sewer system by running a force main. Elsewhere, the Parkland Sewer District serves portions of the northeast part of the Town.

Suffolk County Comprehensive Master Plan 2035³⁰

In 2015, the Suffolk County Planning Commission released the *Framework for the Future – Suffolk County Comprehensive Master Plan 2035*, marking the first comprehensive planning effort in Suffolk County in over 40 years. A key policy area of the plan focused on promoting equitable, affordable, and fair housing. The County recognized that the shortfall in workforce and senior housing, along with a lack of multi-family housing, has developed over the past several decades. These issues now present significant obstacles to the County's continued, sustainable growth. This policy area included the following three priority action areas:

- › Promote and Support Areas that Best Accommodate Multi-Family Housing
- › Plan for Community Resiliency and Climate Action
- › Build Capacity to Increase Fair Housing

Suffolk County Planning Commission Guidebook³¹

In December 2023 Suffolk County Department of Planning released an updated Guidebook from 2012, which contains policies and guidelines for the referral of proposed municipal subdivision and zoning actions to the Planning Commission. Among other roles, the Planning Commission has the authority to make formal recommendations to local municipalities about land use and planning policies and to reject or condition individual site plan applications, subdivision applications, and local comprehensive plans within its jurisdiction. A sub-section of the County's Policies and Guidelines relates to housing. The seven Specific Housing Policies are:

- › Encourage the efficient use of land and resources by creating a diversity of housing types, equitably distributed across all communities, including the development of multi-family and/or rental housing, the development of missing middle (medium density) housing, as well as the development of low and moderate income housing units.
- › Balance increases in density, the availability of infrastructure and retail services to accommodate growth and environmental constraints to growth. Transit-oriented development should be encouraged.
- › Provide or reserve housing that works for all people, including individuals with disabilities, also known as inclusive housing, into multifamily developments. Locate such housing in areas with available transportation/walkability infrastructure and community services. Multifamily projects should provide at least 10% of the affordable units for individuals with intellectual or developmental disabilities and individuals with physical disabilities and veterans.
- › Encourage the set aside of at least 10% of the housing as affordable at 80% or below of the Area Median Income.
- › Provide a balance between age-restricted housing developments and unencumbered housing developments, whether rental or equity units.

³⁰ Suffolk County Department of Economic Development & Planning (2015). "Framework for the Future Suffolk County Comprehensive Master Plan 2035." Pages 21-25. Available at: [ADASuffolkCounty_MasterPlanFINAL_07282015.pdf](#). Accessed February 2025.

³¹ Suffolk County Department of Economic Development & Planning (2023). "Suffolk County Planning Commission Guidebook." Pages 19-20. Available at: [SUFFOLK COUNTY](#). Accessed February 2025.

- › Downtown revitalization should be encouraged, with an emphasis on providing a mix of uses in areas with available infrastructure
- › Transit Oriented Development Should Be Encouraged.

Local Land Use Patterns

Historical Development

Historically, the Town of Islip developed as a network of separate hamlets, each of which grew around a village center containing stores and community facilities that served as the focal point of commerce, public life, and social interactions.

The development of Long Island since the end of World War II has been a movement outward from New York City. To that end, the predominant development period for Islip also occurred during the suburban boom following World War II through the early 1970s. As a result, and similar to most post-War suburbs, that development was essentially residential in character. During the 1970s, residential development of vacant land continued and slowed considerably in the 1980s and 1990s. Further, most of the development activity in the 1980s and 1990s was for commercial and industrial uses, as opposed to residential development. This commercial and industrial development was in highway-oriented shopping centers and industrial parks and somewhat reduced the commercial significance of the traditional hamlet/community centers.

Land Use in Islip Today

As a result of the post-War development boom and the Town's more recent development, Islip is mostly developed town, whose land use patterns are largely set.

Almost half of the land in Islip has been developed for residential use, the overwhelming majority of which consists of single-family homes. Small concentrations of higher density housing are found near several hamlet centers and along highways and major arterials (particularly Sunrise Highway and Union Boulevard). The oldest housing is generally in the southern part of the Town, south of Sunrise Highway. The largest concentrations of housing dating to the 1950s and 1960s are in Brentwood and West Islip. Communities in the northeastern part of the Town, particularly Holbrook and Holtsville, have the highest proportions of new housing.

The next largest land use category is recreational (spread throughout the Town), followed by institutional (including the various schools, hospitals, and governmental buildings), commercial (including office space along the LIE and Veteran's Memorial Highway corridors and within the hamlet centers and including retail spaces located in the South Shore Mall and various large shopping centers along Sunrise Highway and other arterial roadways, and within Bay Shore), industrial (along the LIE in Hauppauge and Islandia, near McArthur Airport, along the railroad lines, along Pine Aire Drive and the Fifth Avenue corridor in Brentwood, within the Central Islip Economic Development Zone, and within the twelve or so industrial parks in the Town), and transportation/utility uses (e.g., McArthur Airport, LIPA, and LIRR). These land use patterns are essentially similar to those of surrounding towns.

3

Status of Fair Housing in the Town of Islip

This section will present complaint data received from the Suffolk County Human Rights Commission (SCHRC) and Long Island Housing Services (LIHS), and the results of interviews with these agencies/organizations and other housing providers.

Fair Housing Status

Analyzing complaints brought by those who believe they have been illegally discriminated against can shed light on the barriers to housing choice and accessibility. Though the number of complaints cannot provide a complete picture of the level of discrimination, it can provide a snapshot of some of the barriers that may exist.

Status of Fair Housing at the National Level

HUD's Annual Report on Fair Housing (2023) indicates that HUD and the Fair Housing Assistance Program (FHAP) agencies nationally received a total of 8,272 housing discrimination complaints in FY 2023. Investigations were completed for 7,685 housing discrimination complaints during the same time period. New York State had the fourth highest number of complaints (401), behind California (963), Florida (681), and Texas (624).

HUD and FHAP agencies most often received complaints alleging disability and race discrimination. Disability discrimination was included in 62.0% of the complaints filed with HUD and FHAP agencies. Race was included in 26.1% 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 79.5% of complaints. The next two most common issues were “failure to make reasonable accommodation” which was alleged in 47.1% of complaints, and “retaliation” which was alleged in 24.8% of complaints.³²

HUD Fair Housing Enforcement Activity

HUD investigates complaints of housing discrimination based on 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, on the other hand, 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. A complete list of cases under investigation or recently settled is available at HUD’s website.

Status of Fair Housing in Islip

Fair Housing Discrimination Lawsuits

Village Green at Sayville, LLC v. Town of Islip et al.

In August 2022, a fair housing lawsuit filed by Village Green at Sayville, LLC in December 2017 and amended in August 2018 was dismissed. This lawsuit was one of two cases initiated by Village Green.

In 2006, the Town of Islip rezoned a vacant plot of land to allow Village Green to build a housing complex intended to be accessible to low-income and minority populations. However, the project faced delays for eight years due to difficulties in complying with C&Rs imposed by the rezoning. In 2014, Village Green petitioned to remove the Covenants and Restrictions (C&Rs) to facilitate the construction of 64 rental units, including affordable housing. The Town Board held several public hearings where there was strong local opposition, citing concerns about traffic, environmental impact, and property values. In November 2016, the Town Board did not vote on the application, and a resolution later deemed the motion to approve as having “failed for lack of second.” The Town Attorney informed Village Green that the failed motion was treated as a denial, and no further proceedings would be held.

The first case, filed in December 2016, involved Village Green submitting an Article 78 action in New York Supreme Court. This action sought a declaration that the contested C&Rs were

³² U.S. Department of Housing and Urban Renewal. State of Fair Housing Annual Report (2023). Available at: [FHCO Annual Report FY 2023.pdf](#). Accessed February 2025.

illegal and unenforceable, and requested an order for the town to approve the application and issue the necessary building permits. This case remains ongoing.

Village Green then filed a second federal lawsuit alleging that the Town of Islip's actions followed a pattern of racial, ethnic, and national origin discrimination which stifled Village Green's effort to build an affordable apartment complex in Sayville, a hamlet in Islip. The United States District Court for the Eastern District of New York dismissed the case for lack of subject matter jurisdiction, concluding that Village Green's claims were not ripe under the framework established by *Williamson County Regional Planning Commission v. Hamilton Bank*, 473 U.S. 172 (1985), which was partially overruled by *Knick v. Township of Scott*, 139 S. Ct. 2162 (2019).

Fair Housing Complaints

Complaints regarding fair housing practices can be placed with several different agencies- by aggrieved parties. The primary resources for fair housing complaints in Suffolk County are NYSDHR, SCHRC, and LIHS. With passage of the update to the Suffolk County Fair Housing Law in 2007 (which was further amended in 2015 and 2023), Suffolk County and HUD entered into a Memorandum of Understanding such that the 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:

- › **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.
- › **Conciliation** – Parties meet to work out a resolution; generally initiated by the equivalent agency (i.e., NYSDHR, SCHRC, LIHS) or HUD.
- › **Lack of Jurisdiction** – Situation where the agency/organization (i.e., NYSDHR, SCHRC, LIHS) does not have jurisdiction to process the complaint.
- › **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.

Many reported situations and inquiries are resolved with discussion with the agency/organization and 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.

NYSDHR, SCHRC, and LIHS were contacted and asked to provide information regarding fair housing complaints. SCHRC has no records of complaints regarding incidents that occurred in the Town of Islip from January 1, 2020 to December 31, 2023. Additionally, no information was received from NYSDHR at the time of writing, but information will be incorporated once received.

Complaints and Requests for Information Received by Long Island Housing Services

Organization Description

Long Island Housing Services (LIHS) is a 50-year old private, non-profit fair housing enforcement agency that investigates housing discrimination complaint, 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' 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.

LIHS does not purport to quantify housing discrimination on Long Island. Their files reflect only incidents brought to their attention and for which there are enough resources to pursue.

Fair Housing Testing

Long Island Housing Services has increased their pool of Fair Housing testers with the assistance of the Suffolk County Testing grant. The grant enabled LIHS to test two banks for Source of Income (SOI) discrimination in lending, as well as 14 other housing providers.

Testers with non-wage income were led to believe that their mortgage loan applications would not be approved, revealing SOI discrimination. However, LIHS was unable to file SOI discrimination complaints with the Suffolk County Commission on Human Rights or the New York State Division of Human Rights, as SOI discrimination did not cover mortgage financing at that time. Consequently, LIHS recommended that Suffolk County amend §528-10 to include "lawful source of income" as a protected category for mortgage loan applicants. This led to a change in the law, and now prospective mortgage loan applicants with alternative lawful sources of income—such as a Section 8 Housing Voucher, Social Security Disability Insurance (SSDI), and Workers' Compensation—are protected under the Suffolk County Human Rights Law (SCHRL) and can include their income in the overall calculation for financing or refinancing mortgage loans.

Under the Suffolk County testing grant, three real estate companies were tested. Two companies were evaluated for potential race and national origin discrimination in sales, while one was tested for SOI discrimination in rental. The findings revealed SOI discrimination by one of the real estate companies in rental practices. Additionally, eight rental apartment complexes were assessed for disability, national origin, race, or SOI discrimination, resulting in LIHS filing an SOI and disability discrimination complaint against an apartment complex in Smithtown (outside of Islip Township). Sales testing at two mobile home communities did not yield sufficient evidence of race discrimination. One assisted living facility was tested for disability and national origin discrimination, but no sufficient evidence of housing discrimination was found. Currently, two housing discrimination cases are pending with the New York State Division of Human Rights.

Fair Housing Complaints

To that end, LIHS was contacted and asked to provide information regarding fair housing complaints received by their office with regard to the Town of Islip during the period from 2020 to 2023. During that period, LIHS received 46 individual housing allegations and complaints from/in the Town of Islip. As shown in **Table 3-1** the majority of complaint allegations were on the basis of disability (22) and source of income (16).

Table 3-1 Allegations of Housing Discrimination Related to the Town of Islip, LIHS, 2020-2023

| Basis | Number | Percentage |
|-------------------|--------|------------|
| Source of Income | 16 | 34.8% |
| Disability | | |
| Mental | 15 | 32.6% |
| Physical | 7 | 15.2% |
| Familial Status | 3 | 6.5% |
| National Origin | 4 | 8.7% |
| Marital Status | 3 | 6.5% |
| Sex | 1 | 2.2% |
| Total Allegations | 46 | 100.0% |

Of the 46 allegations, four cases were conciliated to benefit the client prior to filing a formal complaint. LIHS investigated and filed 17 complaints during the time frame. One case was filed in Federal Court, two cases were filed with the U.S. Department of Housing and Urban Development, and 14 cases were filed with the New York State Division of Human Rights. All the cases were settled to benefit the client with monetary damages. **Table 3- 2** summarizes the basis of housing discrimination cases that were investigated and filed by LIHS.

Table 3- 2 Basis of Housing Discrimination Cases Investigated and Filed by LIHS, 2020-2023

| Basis | Number | Percentage |
|--------------------------------|--------|------------|
| Source of Income | 14 | 82.4% |
| Disability | 3 | 17.6% |
| Familial Status | 4 | 23.5% |
| National Origin | 2 | 11.8% |
| Citizenship | 2 | 11.8% |
| Race | 1 | 5.9% |
| Age | 1 | 5.9% |
| Total Allegations Investigated | 17 | 100.0% |

Note: Some fair housing complaints had more than one basis of discrimination.

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 2023 a total of 6,145 investigations passed the 100-day mark; this included 1,397 HUD investigations and 4,728 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.³³ From FY 2020 to FY 2023, an average of 5,671 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.

Status of Fair Housing in the Region

Implementation Plan for Sustainable Development in New York and Findings from the Fair Housing and Equity Assessment (FHEA)

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.

³³ *Annual Report to Congress, FY 2020, 2021, 2022, 2023, U.S. Department of Housing and Urban Development.* Available at: [FHEO Annual Report | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#). Accessed February 2025.

- › 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 best 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 housing 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.

Long Island Divided, by Ann Choi, Keith Herbert and Olivia Winslow, Published in Newsday (November 17, 2019)

As discussed in **Chapter 4**, discrimination in the Long Island housing market based on race and ethnicity was extensively investigated and documented in a recent expose by Newsday. Over a three-year period, Newsday tested 93 Long Island real estate agents with 25 undercover testers in the market and analyzed more than 5,700 real estate listings. The investigation found widespread evidence of unequal treatment by real estate agents on Long Island. The investigation documents unequal treatment against minority potential homebuyers, including Asians 19 percent of the time, Hispanics 39 percent of the time, and

Blacks 49 percent of the time. The complete expose can be found here:

<https://projects.newsday.com/long-island/real-estate-agents-investigation/>.

After the Newsday investigation was published, the Long Island Board of Realtors (LIBOR) and the New York State Association of Realtors overhauled their fair-housing classes and programs and brought in new trainers.

In the wake of the Newsday expose, the New York State Board of Real Estate announced new regulations to help combat discriminatory actions and ensure New Yorkers understand their rights. The regulations, which went into effect June 20, 2020, require real estate brokers to provide disclosures to prospective buyers, sellers, renters and landlords about antidiscrimination laws and prominently display information on how to file a complaint with the state. Real estate brokers must retain proof for three years that they provided the disclosures. The regulations also require groups that provide state-mandated fair-housing training to make audio and video recordings of their classes.

Long Island Housing Services, Inc. Fair Housing Rights Guide (2023)

Long Island Housing Services published its Fair Housing Rights Guide in 2023, which provides general information on fair housing rights and is a resource guidebook for challenging unlawful housing discrimination. The Guide also provides a summary of a significant fair housing case, *Long Island Housing Services, Inc. v. German-American Settlement League, Inc.*, which was settled in 2016 and helped eliminate certain discriminatory restrictions on membership, leasing, and resale of homes which served as a barrier to prospective homebuyers who are not white and of German ancestry.

Long Island homebuilders say zoning rules, insurance costs are biggest obstacles, by Jonathan Lamantia, Published in Newsday (October 30, 2024)

A recent Newsday article identifies significant challenges facing homebuilders on Long Island, particularly lengthy municipal approval delays and high construction insurance costs. The article highlights a report by the Long Island Builders Institute, conducted by Camoin Associates, revealing the main obstacles which are leading developers to seek projects in lower-cost states. The five main obstacles include:

- › High land costs and limited availability.
- › Lengthy zoning change approvals.
- › Protracted building permit waiting times.
- › Community resistance to new developments.
- › Construction insurance expenses.

These hurdles contribute to the region's inadequate affordable housing supply, with the median home price on Long Island reaching \$700,000. The report also underscores that inadequate homebuilding over the past decade has driven up housing costs. Rising construction costs also compel developers to charge higher rents to offset their expenses, including a 50% increase since 2018 due to rising labor and material costs and increased

construction insurance premiums.³⁴ Addressing these regulatory and cost-related obstacles is crucial for improving housing affordability and availability on Long Island.

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. This helps keep neighborhoods attractive and residents vested in their communities.

Inadequate lending performance results in various long-term and far-ranging community problems and, of these, disinvestment is probably the most devastating. Disinvestment in a neighborhood by its lenders reduces housing financing options for borrowers and weakens competition in the mortgage market for low- and moderate-income neighborhoods. High mortgage costs, less favorable mortgage loan terms, deteriorating neighborhoods, reduced opportunities for 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 are occurring 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

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), and Conventional loans. Home loan purpose categories include Home Purchase, Home Improvement, Refinancing, Cash-out refinancing, Other Purpose, and Nonapplicable. 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.

³⁴ LaMantia, J. (2024, October 30). Long Island homebuilders say zoning rules, insurance costs are biggest obstacles. *Newsday*. [Long Island homebuilders say zoning rules, insurance costs are biggest obstacles - Newsday](#).

Loan Applications – Town of Islip Overall

Table 3-3 provides aggregate mortgage loan application data for the Town of Islip for the year 2023 (the latest data available). Applications in which the loan purpose type is non applicable is excluded for this analysis.

Loan Type

In 2023, there was a total of 8,407 loan applications for the Town of Islip. Of the total applications FHA, FSA/RHS, and VA home purchase loans made up 1,593 applications that amounted to \$755,745,000. Of the loan requests, 726 applications resulted in the origination of loan, 38 loans were approved but not accepted, 168 loans were denied, 179 applications were withdrawn, and 52 were closed for incompleteness.

There was a total of 6,814 conventional home purchase loan applications that amounted to \$2,191,920,00. These conventional loan applications resulted in 3,384 loans that were originated, 162 that were approved but not accepted, 1,666 that were denied, 663 that were withdrawn, and 417 that were closed for incompleteness.

Loan Purpose

Of the total applications, there was a total of 541 refinancing loan applications that totaled \$184,765,000. Of the refinancing loan applications, 273 resulted in the origination of a loan, 18 were approved but not accepted, 100 were denied, 76 applications were withdrawn, and 46 files were closed for incompleteness.

A total of 1,460 home improvement loan applications amounted to \$170,840,000. Of the total home improvement loan applications, 522 resulted in the origination of the loan, 26 were approved but not accepted, 714 applications were denied, 90 applications were withdrawn, and 106 files were closed for incompleteness.

Table 3-3 HMDA Aggregate Loan Applications for the Town of Islip, 2023

| Action Taken | Conventional | | FHA, FSA/RHS & VA | | Refinancings | | Home Improvement Loans | | Home Purchase Loans | | Cash-out refinancing | | Other Purpose | |
|---------------------------------|--------------|--------------------|-------------------|------------------|--------------|------------------|------------------------|------------------|---------------------|--------------------|----------------------|------------------|---------------|------------------|
| | # | 000's | # | 000's | # | 000's | # | 000's | # | 000's | # | 000's | # | 000's |
| Loan Origination* | 3,384 | \$1,209,610 | 726 | \$352,300 | 273 | \$84,235 | 522 | \$65,460 | 2,174 | \$1,168,980 | 643 | \$182,695 | 498 | \$60,540 |
| Approved, Not Accepted | 162 | \$55,370 | 38 | \$18,520 | 18 | \$7,390 | 26 | \$3,240 | 87 | \$42,565 | 49 | \$18,775 | 20 | \$1,920 |
| Applications Denied | 1,666 | \$266,940 | 168 | \$76,610 | 100 | \$28,590 | 714 | \$79,420 | 263 | \$111,195 | 249 | \$74,755 | 508 | \$49,590 |
| Application Withdrawn | 663 | \$210,955 | 179 | \$78,265 | 76 | \$21,350 | 90 | \$10,760 | 330 | \$160,870 | 238 | \$82,590 | 108 | \$13,650 |
| Files Closed for Incompleteness | 417 | \$93,365 | 52 | \$23,510 | 46 | \$11,600 | 106 | \$11,080 | 118 | \$52,480 | 80 | \$26,460 | 119 | \$15,255 |
| Total Applications** | 6,814 | \$2,191,920 | 1,593 | \$755,745 | 541 | \$184,765 | 1,460 | \$170,840 | 3,772 | \$2,027,660 | 1,326 | \$411,880 | 1,261 | \$142,425 |

Source: HMDA, Suffolk County, NY. Snapshot Dataset, 2023.

Notes: * Loan origination refers applications that were both approved and accepted, and the loans were issued.

** The total number of applications in each category includes all potential outcomes, some of which are not detailed individually in the "Action Taken" column. Specifically, the action categories of "Purchased Loans," "Preapproval Requests Denied," and "Preapproval Requests Approved but Not Accepted" are not included in the breakdown. This exclusion accounts for the discrepancy between the sum of the "Action Taken" values and the "Total Applications" figures.

Table 3-4 Loan Purpose, 1 to 4 Family Structures and Manufactured Homes, Town of Islip, 2023

| | Home Purchase Loan | Refinancing | Home Improvement | Cash-Out Refinancing | Other Purpose |
|-------------------------|--------------------|-------------|------------------|----------------------|---------------|
| Percent of Loans Sought | 44.9% | 6.4% | 17.4% | 15.8% | 15.0% |

Source: HMDA, Suffolk County, NY. Snapshot Dataset, 2023.

Table 3-4 summarizes the purposes of the loans that were sought for one- to four-family structures in 2023. Of the 8,407 loans sought overall for one- to four-family structures, 44.9 percent (3,772 loans) and 6.4 percent (541 loans) were for refinancing, home improvement loan applications constituted 17.4 percent of the loan applications (1,4601), 15.8 percent (1,326 loans) and 15.0 percent (1,261) were for cash-out refinancing and other purposes.

Town of Islip Majority Minority Census Tracts

Aggregate mortgage loan application data is also analyzed for those census tracts containing 50 percent or more minority populations (majority minority census tracts). This data is summarized in **Table 3-5**.

There was a total of 3,081 loan applications submitted in majority minority census tracts, which made up approximately 37 percent of the total loan applications. The percent of FHA, FRS/RHS, VA, conventional home purchase loans denied in each case was higher for those majority minority areas as compared to the Town-wide percentage. The types of loans sought specifically for one- to four-family homes are summarized in **Table 3-6**. Of the total loans sought for one- to four-family structures in Census Tracts containing 50 percent or more minority population, 46.3 percent were for home purchase, 6.2 percent were for refinancing, 16.9 percent were for home improvement, 18.5% were for cash-out refinancing, and 11.7 percent were for another purpose.

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Table 3-5 HMDA Aggregate Loan Applications for Census Tracts Containing 50% or More Minority Population, Town of Islip, 2023

| | Conventional | | FHA, FSA/RHS & VA | | Refinancings | | Home Improvement Loans | | Home Purchase Loans | | Cash-Out Refinancing | | Other Purpose | |
|---------------------------------|--------------|------------------|-------------------|------------------|--------------|-----------------|------------------------|-----------------|---------------------|------------------|----------------------|------------------|---------------|-----------------|
| | # | 000's | # | 000's | # | 000's | # | 000's | # | 000's | # | 000's | # | 000's |
| Loan Origination | 922 | \$273,220 | 386 | \$178,560 | 81 | \$21,005 | 120 | \$11,430 | 747 | \$331,145 | 245 | \$76,405 | 115 | \$11,795 |
| Approved, Not Accepted | 54 | \$16,010 | 18 | \$8,100 | 7 | \$2,385 | 4 | \$330 | 38 | \$16,180 | 18 | \$4,930 | 5 | \$285,000 |
| Applications Denied | 664 | \$96,040 | 105 | \$45,515 | 36 | \$11,870 | 331 | \$32,815 | 114 | \$47,520 | 121 | \$33,435 | 167 | \$15,915 |
| Application Withdrawn | 243 | \$68,965 | 105 | \$44,565 | 35 | \$9,795 | 26 | \$2,430 | 134 | \$60,240 | 118 | \$37,690 | 35 | \$3,375 |
| Files Closed for Incompleteness | 152 | \$33,560 | 27 | \$11,505 | 18 | \$4,320 | 40 | \$4,850 | 48 | \$21,500 | 35 | \$10,055 | 38 | \$4,340 |
| Total Applications* | 2182 | \$542,870 | 899 | \$408,865 | 191 | \$53,855 | 521 | \$51,855 | 1426 | \$635,000 | 569 | \$173,195 | 362 | \$36,070 |

Source: HMDA, Suffolk County, NY. Snapshot Dataset, 2023. Census Bureau's API for American Community Survey (2018-2022).

Note: ** The total number of applications in each category includes all potential outcomes, some of which are not detailed individually in the "Action Taken" columns. Specifically, the action categories of "Purchased Loans," "Preapproval Requests Denied," and "Preapproval Requests Approved but Not Accepted" are not included in the breakdown. This exclusion accounts for the discrepancy between the sum of the "Action Taken" values and the "Total Applications" figures.

Table 3-6 Loan Purpose, 1 to 4 Family Structures and Manufactured Homes, Census Tracts Containing 50% or More Minority Population, Town of Islip, 2023

| | Home Purchase Loan | Refinancing | Home Improvement | Cash-Out Refinancing | Other Purpose |
|-------------------------|--------------------|-------------|------------------|----------------------|---------------|
| Percent of Loans Sought | 46.3% | 6.2% | 16.9% | 18.5% | 11.7% |

Source: HMDA, Suffolk County, NY. Snapshot Dataset, 2023. Census Bureau's API for American Community Survey (2018-2022)

Loan Applications Approvals and Denials by Applicant Characteristics

Based on the data available from the 2023 Snapshot Dataset, **Table 3-7** summarizes the acceptance (loans originated) and denial rates for the Town of Islip based on race, ethnicity, minority status, and/or income.

Table 3-7 Aggregate Disposition of Applications for Home Purchasing, Refinancing, and Home Improvement Loans in the Town of Islip, 2023

| Applicant Characteristics | Total Applications | % Loans Originated | % Denied |
|---|--------------------|--------------------|----------|
| Race/Minority Status | | | |
| American Indian or Alaska Native | 44 | 27.3% | 40.9% |
| Asian | 266 | 45.5% | 29.3% |
| Black or African American | 647 | 45.3% | 33.8% |
| Native Hawaiian or Other Pacific Islander | 20 | 25.0% | 65.0% |
| White | 5,162 | 57.1% | 21.6% |
| 2 or more minority races | 31 | 29.0% | 48.4% |
| Joint | 113 | 55.8% | 21.2% |
| Race Not Available | 2,117 | 30.8% | 16.5% |
| Ethnicity | | | |
| Hispanic or Latino | 1,959 | 47.2% | 29.6% |
| Not Hispanic or Latino | 4,277 | 56.8% | 21.9% |
| Income | | | |
| < 50% of Town of Islip Median | 665 | 27.1% | 52.8% |
| 50-79% of Town of Islip Median | 1,435 | 42.7% | 31.4% |
| 80-99% of Town of Islip Median | 1,300 | 54.3% | 20.3% |
| 100-119% of Town of Islip Median | 1,187 | 57.6% | 20.1% |
| > 120% of Town of Islip Median | 2,951 | 59.3% | 16.4% |
| NA | 869 | 20.4% | 5.3% |

Source: HMDA, Suffolk County, NY. Snapshot Dataset, 2023. This data is 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 (2,117). Whites had the highest percentages of loan originations (67.1 percent) while Hispanics or Latinos, Blacks or African Americans, and Asians had lower rates of loan originations (47.1 percent, 45.3 percent, and 45.5 percent respectively). Similarly, White applicants had lower rates of loan denials (21.6 percent) than Hispanic or Latino applicants, Black or African American applicants, and Asian applicants (29.6 percent, 33.8 percent, and 29.3 percent respectively).

Income level data indicate that, as incomes in the Town of Islip increased, the percent of loans denied decreased with the largest rate (52.8 percent) 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 (27.1 percent) of loans originated. Applicants earning greater than 120 percent of MSA median income had the highest rate of loans originated (59.3 percent), followed by applicants earning between 110 and 119 percent of MSA median income (57.6 percent).

Aggregate information for the Town of Islip identifies reasons for denial of applications for home purchase, home improvement, or refinancing loans by race, ethnicity, and income of applicant. There were 6,562 applications where the reason for denial was not available. For the purpose of this analysis those records are not included. **Table 3-8** summarizes this information for the Town of Islip.

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Table 3-8 Reason for Denial of Applications, 1 to 4 Family Dwellings, Town of Islip, 2023

| Applicant Characteristics | Debt-to-income Ratio | Employment History | Credit History | Collateral | Insufficient Cash | Unverifiable Information | Credit Application Incomplete | Mortgage Insurance Denied | Other |
|---|----------------------|--------------------|----------------|------------|-------------------|--------------------------|-------------------------------|---------------------------|-------|
| Race/Minority Status | | | | | | | | | |
| American Indian or Alaska Native | 50.0% | 5.6% | 22.2% | 16.7% | 0.0% | 0.0% | 5.6% | 0.0% | 0.0% |
| Asian | 39.2% | 1.3% | 25.3% | 11.4% | 1.3% | 2.5% | 10.1% | 0.0% | 7.6% |
| Black or African American | 35.0% | 1.4% | 37.7% | 10.9% | 0.5% | 1.4% | 5.0% | 0.0% | 8.2% |
| Native Hawaiian or Other Pacific Islander | 30.8% | 0.0% | 23.1% | 15.4% | 0.0% | 15.4% | 15.4% | 0.0% | 0.0% |
| White | 45.9% | 0.5% | 25.9% | 1.2% | 1.5% | 3.1% | 5.4% | 0.1% | 6.3% |
| 2 or more minority races | 46.7% | 0.0% | 13.3% | 0.0% | 0.0% | 0.0% | 20.0% | 0.0% | 13.3% |
| Joint | 24.0% | 0.0% | 52.0% | 0.0% | 8.0% | 4.0% | 4.0% | 0.0% | 4.0% |
| Race Not Available | 37.3% | 1.4% | 26.3% | 2.3% | 2.5% | 3.1% | 9.6% | 0.0% | 6.5% |
| Ethnicity | | | | | | | | | |
| Hispanic or Latino | 50.0% | 1.5% | 23.2% | 1.7% | 1.7% | 3.8% | 5.2% | 0.2% | 5.3% |
| Not Hispanic or Latino | 40.7% | 0.4% | 30.5% | 1.3% | 1.2% | 2.3% | 5.8% | 0.0% | 7.3% |
| Income | | | | | | | | | |
| < 50% of Town of Islip Median | 66.4% | 0.3% | 20.5% | 1.1% | 0.9% | 3.1% | 2.8% | 0.0% | 1.7% |
| 50-79% of Town of Islip Median | 55.2% | 0.2% | 25.6% | 1.3% | 1.1% | 1.1% | 4.0% | 0.0% | 5.3% |
| 80-99% of Town of Islip Median | 37.9% | 1.4% | 26.4% | 0.7% | 2.5% | 3.6% | 10.5% | 0.4% | 6.9% |
| 100-119% of Town of Islip Median | 36.5% | 0.4% | 28.3% | 2.6% | 2.2% | 4.3% | 8.7% | 0.0% | 5.7% |
| >120% of Town of Islip Median | 20.4% | 1.6% | 33.5% | 2.1% | 2.1% | 3.1% | 8.6% | 0.0% | 11.1% |
| Income Not Available | 20.8% | 2.1% | 39.6% | 0.0% | 0.0% | 8.3% | 2.1% | 0.0% | 10.4% |

Source: HMDA, Suffolk County, NY. Snapshot Dataset, 2023. This data is compiled by VHB.

Note: For applicants where reasons for denial was not available is excluded.

Aggregate HMDA data for the Town of Islip shows that debt-to-income ratio and credit history are two common reasons for loan denial. Collateral and credit application being 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. Credit History as a reason for loan denial was more common for higher incomes than for lower incomes.

Of the four main characteristics, Hispanic or Latino applicants and White applicants had the highest debt-to-income ratio as the reason for denial, Black or African-American applicants, Asian applicants, and White applicants had the highest credit history as a reason for denial, Black or African-American and Asian applicants had the highest collateral as a reason for denial, and Asian applicants had the highest incomplete credit application as reasons for denial.

An analysis of the reason for loan denial and income indicates that loan applicants with incomes less than 79 percent of the MSA median were more likely to have a loan application denied due to debt-to-income ratio. In general, collateral, credit history, and incomplete credit applications were more often identified as the reasons a loan application was denied as incomes increased.

Subprime and Alternate Amortization Loans/Foreclosure Rates

“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 one 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 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 the Town of Islip, the communities of Central Islip, Brentwood, North Bay Shore, Bay Shore, and Baywood 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 departments and agencies, the codes that govern those departments, and the decisions of local boards impact fair housing goals – sometimes directly, but often indirectly. This section of the *Analysis of Impediments* assesses how these policies, procedures, and practices affect fair housing choice.

To analyze Islip’s local policies, procedures, and practices, the following documents/codes were reviewed:

- › Town of Islip Town Code, including the Zoning Ordinance;
- › Zoning Ordinances for the Villages of Brightwaters, Islandia, Ocean Beach and Saltaire;
- › Documentation from various Town departments and agencies; and,
- › Town of Islip’s 2020-2024 Consolidated Plan.

Assessment of Strengths and Gaps in the Local Institutional Structure

The Town of Islip is committed to helping its residents in need. Through the CDA, many forms of assistance are available to large segments of the population. Long established links with other levels of government and non- profit groups and private businesses assure continued delivery of varied and innovative programs. The CDA makes creative use of available funds and continues to affirm its commitment to low-income and minority residents.

The affordable housing delivery system is among the strongest components of the Town’s community development program. The comprehensiveness of the approach is illustrated by the fact that a dwelling in the Town’s program is likely to be developed on land donated by the County, or constructed with financing provided by the CDA, marketed by a non-profit organization, with mortgage assistance provided by the New York State SONYMA Program and private lenders. No one entity would have the expertise or financial capability to implement the project alone.

A second strength of the housing program is the diversity of housing which has been and is being built. These include single-family dwellings on scattered sites; single-family attached developments on zero lot line configurations; inter-generational two-family housing with affordability provisions for senior citizen rental units; multifamily townhouse type developments, mid-rise senior citizen apartment houses; and congregate housing for seniors. Since all these examples have been successfully implemented, the Town has a range of housing options to consider in its future redevelopment projects.

While data indicate that there is still a deficiency in the supply of supportive housing, the fact that facilities have been established indicates that the institutional network is capable of delivering this type of housing.³⁵ Acquisition and construction have generally been financed through the appropriate State agency, which then enters into a contract for the services to be provided by a non-profit corporation. In some instances, a mortgage has been provided which enables the non-profit to eventually own the facility.

Town of Islip Zoning Ordinance

As described in **Chapter 2**, the Town's Zoning Ordinance is progressive in terms of affordable and inclusionary housing provisions. The Zoning Ordinance lists 32 zoning districts, including 19 that allow for some type of residential use. These districts vary, not only by allowed uses, but by lot and bulk regulations as well. Out of the 19 residential districts, five allow for multi-family residential units (e.g., apartments, garden apartments, and townhouses).

What is notable about the Town's Zoning Ordinance, specifically the C, CA, DDD, and PDD districts, is the addition of inclusionary zoning requirements, whereby a certain percentage of units in residential developments is required to be affordable. The presence of inclusionary zoning requirements in Islip eliminates a common barrier to the development of affordable housing found in other communities.

Further, permitting mixed-use in the Town in various districts, including a number of explicitly mixed-use districts, allows residential uses above stores and offices, thereby increasing residential and affordable opportunities and also contributing to downtown revitalization.

Town of Islip Fair Housing Law

As described in **Chapter 2**, originally adopted in 1968 and amended in 1972, 1978 and 2012, the Town's fair housing law lists race, creed, color, sex, disability, 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. As part of the protections, Chapter 26 of the Town of Islip Town Code notes that the Town Attorney can receive complaints and take action (penalties between \$100 and \$250; potential imprisonment of five to 15 days). Among the potential discriminators, the Town's fair housing law specifically lists the real estate and lending industries. Finally, the Town's fair housing law also specifically notes that no person shall be denied "housing accommodation" with regard to a disability.

Although Islip has had a Fair Housing Law since 1968, the Town does not currently have a local fair housing agency or personnel to represent the interests of potential victims of unfair housing practices or investigate claims of discrimination. As described earlier in this chapter, currently, NYSDHR, SCHRC, and LIHS handle complaints filed in the Town of Islip.

³⁵ "Supportive housing" is affordable housing with onsite services that help formerly homeless, disabled tenants live in dignity in the community. Definition source: <https://shnny.org/supportive-housing/what-is-supportive-housing/>

Due to the age of the Town's fair housing law, it is suggested that it be revisited and revised to reflect current necessary protections, Federal, State, and County laws, and inflation with regard to the potential penalties.

Other Fair Housing Issues

Interviews/Coordination

Relevant Town and County departments/agencies and housing service providers were asked to provide input via telephone interviews, emails, letters, and meetings, due to their day-to-day knowledge of housing issues in the Town.

CDA Meetings

At the CDA Public Hearing on January 29, 2025, several representatives from the Town and non-profit organizations provided input on fair housing practices within the Town. A representative from Long Island Housing Services discussed their efforts in addressing foreclosures and promoting fair education. A representative from the LGBT Network highlighted the need for more affordable and emergency housing. They emphasized that their organization receives numerous calls from undocumented immigrants who do not qualify for housing assistance. Additionally, they pointed out the discrimination faced by the LGBTQ+ community in obtaining housing.

At the Commissioners' Meeting on January 16, 2025, hosted by the CDA and attended by Town and County staff, various fair housing issues were discussed. There is a pressing need for more diverse and affordable housing options in the Town, as wages have not kept pace with rising market-rate housing and rent prices. While there is a recognized demand for affordable housing, the increasing costs of maintaining housing units present a significant challenge. Other obstacles identified include resistance from some residents, often referred to as NIMBYism, who oppose higher-density and/or affordable developments in their neighborhoods. Additionally, the current sewer system's limited capacity poses a challenge for accommodating further development in many areas.

Suffolk County Human Rights Commission

The Executive Director of the CDA contacted Dawn Lott, Executive Director of the Suffolk County Human Rights Commission to discuss the CDA's initiatives to update the AI and to request input from the SCHRC regarding fair housing complaints and issues. According to SCHRC records, no complaints were filed with the agency from 2020-2023 under Suffolk County's Human Rights Law.

Public Fair Housing Survey

To further promote public engagement in the fair housing planning process, the Town of Islip undertook a public survey. The survey was created by the Town of Islip in both English and Spanish. Two versions of the survey were created, one aimed at local organizations and one for residents. These surveys were accessible online via the CDA's website from December 20th, 2024 to February 1, 2025. Additionally, paper versions of surveys were

distributed to the public during this period. The organization survey received nine responses, and the resident survey received 27 responses in Spanish and 65 responses in English. Copies of the Fair Housing Survey questionnaire can be found in Appendix D. Below is a summary of the responses.

- › Of the people surveyed, 31 percent said the community needs more affordable housing and 26 percent said more rental housing is needed.
- › 80.5 percent of resident respondents stated that it is difficult to find affordable housing in the Town of Islip.
- › Of the respondents who answered the Spanish survey, 23 percent stated that they experienced housing discrimination, compared to 15 percent of respondents in the English survey.
- › Of the people surveyed that have experienced discrimination in housing, 33 percent report that the act of discrimination was by the landlord/property manager and 14 percent said it was by the Real Estate Agent or Mortgage Lender.
- › Of the people surveyed that have experienced discrimination in housing, 50 percent report that the act of discrimination occurred in a single-family neighborhood.
- › Of the people surveyed that have experienced discrimination in housing, 26 percent report that the act of discrimination was based on race or color.
- › Of the people surveyed that have experienced discrimination in housing, 27 percent did not report the incident because they did not think it would make a difference, and 30 percent did not report it because they did not know where to report it.
- › 28 percent of resident respondents believe the high costs of construction is a significant barrier to building affordable housing, and 23 percent believe it is due to the lack of available land.
- › When asked to identify other impediments to housing opportunity in the Town of Islip, 21 percent of resident respondents stated insufficient affordable rental units, 16 percent stated the lack of units suitable for families, and 16 percent stated language and cultural barriers.

The organizational survey results show similar results with affordable and rental housing being a primary need for residents. According to the organization respondents, the housing approval process, high cost of construction, and lack of available land were the top barriers to building affordable housing, while language/cultural barriers, perception of fair housing, and insufficient units were the primary impediments to fair housing. Based on responses by organizations, the experience of housing discrimination is overwhelmingly based on race and color. Accordingly, such discrimination is rarely reported due to lack of knowledge where to report, and lack of belief that it will make a difference.

4

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

The crux of an analysis of impediments is a review of impediments to fair housing choice, assessment of how those conditions affect fair housing choice, and an evaluation of actions that have or could be undertaken to overcome the impediments. The process used to identify impediments was multi-tiered and was based upon the methodology highlighted in **Chapter 1**. 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 Islip. In addition, certain protected classes are mentioned in particular impediments. This does not imply that only members of these protected classes are adversely affected by the impediment. Rather, it means that, in researching a particular impediment, its

effects on a specified group(s) have been found to be more pronounced and/or readily detectable in Islip.

The following provides the impediments to fair housing choice in the Town of Islip and the actions that have or could be implemented to overcome such impediments.

Impediments to Fair Housing Choice and Actions to Overcome Impediments

The previous *Analysis of Impediments* concluded that there were five impediments to fair housing within the Town of Islip that needed to be addressed:

1. High Cost of Housing and/or Land;
2. Deficiencies in the Existing Housing Stock/Limited Affordable Rental and Specialized Housing and Funding Options;
3. Fair Lending Policies, Practices, and Disparities;
4. Overall Discrimination in the Local Housing Market; and,
5. Minimal Understanding of Fair Housing Rights, Requirements, and Responsibilities, Especially Relative to the Specialized Needs of Persons with Disabilities.

This study expands upon the 2020 analysis and, based on the data presented in **Chapters 2** and **3**, as well as outreach to housing providers, community organizations and fair housing advocates as described in **Chapter 1**, has identified the following impediments. Each of the following impediments is followed by a description of the impediment and actions to overcome it.

Impediment #1: High Cost of Housing and/or Land

Impediment:

The first impediment previously identified was the high cost of housing and/or land in the Town. Factors cited as contributing to the high cost of housing and/or land included: lack of suitable undeveloped land, high land and construction costs, high property tax burden (especially on low- and moderate-income households), and high homeownership and rental costs. These factors continue to contribute to the high cost of housing and/or land in the Town.

- › **Lack of suitable undeveloped land** – The Town of Islip is primarily developed, with little suitable undeveloped land remaining (some of the remaining undeveloped land contains environmentally-sensitive resources). The result is that it is challenging not only to construct affordable units, but housing in general.
- › **High land and construction costs** – The relatively limited supply of land and the high demand for new housing in the Town results in higher land costs, particularly for suitable

undeveloped land. Further, an obstacle common to all communities on Long Island is the high cost of construction. The Town as a whole has been designated a high construction cost area by HUD. The increased cost of development in the Town results in higher per unit costs and, therefore, limits the opportunities for construction of affordable housing units.

- › **High property tax burden** – According to the New York State Commission on Property Tax Relief, New York State has among the highest local taxes in America, substantially above the national average. Property taxes account for most of the local taxes levied outside of New York City, especially school taxes. In the Town of Islip, school taxes, on average, represent 68 percent of local taxes (as per the 2018/2019 tax rate). Because high taxes reduce the net income a family has to spend toward mortgage principal and interest, families may have to limit their choices of housing, especially low- and moderate-income working families, and seniors on fixed incomes. In addition, high property taxes often result in higher area rents, since landlords need higher rents in order to pay their fixed costs.
- › **High homeownership and rental costs** – The Nassau-Suffolk MSA has one of the highest median family incomes in the State. Consequently, the Town of Islip and Suffolk County have some of the highest median home values in New York State. The high price of homes, even those considered “starter” homes, is a substantial impediment to homeownership. Rents in the Town of Islip and Suffolk County are also very high. High rental costs severely limit housing choice for families of low- and moderate-incomes, including families with children, the elderly, and young adults who grew up in the region.

Actions to Overcome the Impediment:

- › Continue assisting in the financing of affordable housing projects.
- › Continue to work to increase the supply of affordable rental units throughout the Town, particularly large size units for low and extremely low-income families, and smaller units for senior by encouraging developers to construct affordable rental housing via the Town’s inclusionary zoning regulations.
- › Continue to use/re-use under-developed, under-utilized, and in-fill sites for the construction of affordable housing.
- › Increase efforts to provide housing, especially affordable housing, on publicly- owned (e.g., Town, County, State) lands that become available or are deemed a surplus.
- › Prioritize affordable housing projects in areas with high housing cost burdens.
- › Prioritize affordable housing projects serving populations identified as having a high cost burden, specifically, elderly, disabled, and the growing disabled population with non-physical disabilities.

Impediment #2: Deficiencies in the Existing Housing Stock/Limited Affordable Rental and Specialized Housing and Funding Options

Description of Impediment:

Conditions of some of Islip's housing stock, including its age, degree of substandardness, overcrowding, and presence of lead-based paint, combine to act as an impediment to fair housing choice, especially in the minority and lower-income areas of Bay Shore, Brentwood, Central Islip, and North Bay Shore.

- › Age of existing housing stock – Approximately 75.4 percent³⁶ of the Town's present housing stock was built before 1980. New construction permits have trended downward since 1998 and fell off precipitously in 2009. The largest concentrations of housing dating to the 1950s and 1960s are in Brentwood and West Islip, where three-quarters of the housing was built during that 20-year period. At 60 years or older, major repairs can be expected and considerable on-going maintenance is required to prevent the housing from deteriorating. Many low- and moderate-income homeowners in Islip can barely afford the ordinary carrying costs of their homes – taxes, insurance, mortgage payments, and utilities – and would be pressed to pay for unexpected repairs.
- › Presence of lead-based paint – Correlated with the age of much of the housing in Islip is the presence of lead-based paint. Lead is a highly toxic substance that was banned for use in paint in 1978. It can cause irreversible brain damage in children less than six years of age. While young children can get lead poisoning by eating paint chips, anyone can get lead poisoning from ingesting or inhaling lead dust created when paint is deteriorating, or when it is removed or disturbed. Approximately 75.4 percent of housing units in the Town of Islip were built before 1980 (per the 2023 ACS); housing units built after 1979 make up only approximately 24.6 percent of the Town. The housing units built before 1979 are at a greater risk of containing lead-based paint and the cost of rehabilitating these units is higher than for units built after 1979.
- › Limited diversity of housing stock – Islip's housing stock, built predominantly in the 1950s and 1960s, reflects a demographic distribution that no longer exists as detached single-family homes continue to account for an overwhelming majority of reported housing units (75.4 percent). Further, homeownership remains the predominant tenure in the Town, with 80.1 percent of all occupied housing units owner-occupied. Finally, 72.1 percent of all housing units are larger units (i.e., with three or more bedrooms). Therefore, the housing stock is much less diversified than the population and cannot satisfy all aspects of demand, especially with regard to affordable rental units (as evidenced by the widespread willingness of individuals within the Town to rent substandard accessory and/or illegal apartments). In addition, there currently are limited affordable rental and specialized housing (e.g., disabled persons, large families, senior citizens) options in the Town. The New York State Division of Housing and Community

³⁶ All percentages are sources from the 2023 5-Year American Community Survey Table DP04.

Renewal Statewide Affordable Housing Needs Study, New York City Suburban Region Regional Report documented the results of a series of focus group meetings with local officials and housing experts.³⁷ Communities in the region agreed that there is an insufficient amount of affordable rental housing and much of the existing affordable units are of inadequate quality. While the Town of Islip includes a range of assisted housing opportunities and assistance – such as Section 202, Section 8, Section 236, tenant-based programs, assisted and public housing, and moderate- and low-income apartments – there are long waiting lists for such housing and assistance. Further, the majority of assisted housing opportunities within the Town are homeownership and not rental.

Although there are a number of not-for-profit community development and housing organizations that work in Islip communities, except for the Long Island Housing Partnership and the Community Development Corporation of Long Island and Habitat for Humanity of Suffolk County, the ability of these organizations to develop affordable housing and affirmatively promote fair housing practices is limited. This limited capacity of some not-for-profits puts a greater strain on the Town and those not-for-profits, such as LIHP and CDC of Long Island, which do have the capacity to develop and promote fair housing. Exacerbating the lack of affordable rental options and the limited capacity of some not-for-profit community development and housing organizations, is the limited overall amount of funding available for affordable housing and community development (for the Town, not-for-profits, and for-profit developers). The HUD CDBG program provides funds for many community development and redevelopment activities including acquisition of sites that may be utilized for housing or other development and housing improvement programs for income eligible occupants, but does not directly fund new affordable housing. These limitations further impede the ability to develop and promote fair housing, especially given the significant increase in demand for affordable housing and housing services following the housing market crash and economic crisis.

Actions to Overcome the Impediment:

- › Continue to utilize CDBG and related funds for residential rehabilitation of homeowner and rental housing units.
- › Continue to replace abandoned and deteriorating housing with new construction, to the extent possible.
- › Continue to test for lead-based paint, coordinate testing information with the County Department of Health, and enforce lead-based paint abatement.
- › Continue to proactively target code enforcement in areas with older housing stock.
- › Continue to work to increase the supply of affordable rental units throughout the Town, particularly large size units for low and extremely low-income families, by encouraging developers to construct affordable rental housing via the Town's inclusionary zoning regulations.
- › Continue to utilize Federal, State, and local funding programs to help increase housing stock for senior citizens, and disabled persons.

³⁷ New York City Suburban Region Report. Office of Policy Research and Development, September 2008.

- › Continue to seek opportunities to partner with non-profit organizations such as LIHS, CDLI and LIHP and other not-for-profit housing organizations that assist the Town in affirmatively furthering fair housing.
- › Work with not-for-profit organizations and Suffolk County to identify other sources of financing to leverage diminishing grant funds and encourage such not-for-profits to apply to foundations and other nongovernmental sources for project funding.
- › Undertake an analysis of housing needs, perhaps as part of an update to the Comprehensive Plan, to determine the actual type and amount of housing that is needed in the Town to satisfy its current and future residents.

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Impediment #3: Fair Lending Policies, Practices, and Disparities

Description of Impediment:

An additional area that was previously identified as an impediment to fair housing choice was fair lending practices. Since that time, much has changed in the housing industry, especially as it relates to lending practices. Discriminatory lending practices and predatory lending locally, regionally, and nationally resulted and continue to result in serious short- and long-term fair housing impacts.

A report by the National Center for Suburban Studies examined mortgage loans by place on Long Island and 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 summary, the report found that “racial disparities exist at the individual and neighborhood levels on Long Island.”

Based on an examination of HMDA data Whites had the highest percentages of loan originations (57.1 percent) and Hispanics or Latinos, Blacks or African-Americans, and Asians had lower rates of loan originations (47.2 percent, 45.3 percent, and 45.5 percent respectively). Similarly, Whites had lower rates of loan denials (21.6 percent) than Hispanic or Latino applicants, Black or African-American, and Asian applicants (29.6 percent, 33.8 percent, and 29.3 percent respectively).

Income level data indicate that, as incomes in the Town of Islip increased, the percent of loans denied decreased with the largest rate (52.8 percent) 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 (27.1 percent) of loans originated. Applicants earning greater than 120 percent of MSA median income had the highest rate of loans originated (59.3 percent), followed by applicants earning between 110 and 119 percent of MSA median income (57.6 percent).

Predatory lenders, home improvement scams, and fraudulent house selling schemes can target properties in minority neighborhoods, people with low incomes and problematic credit histories, people of color, or people with limited English language proficiency, as well as elderly and disabled homeowners. Combating these practices is extremely difficult, as they often involve multiple real estate operators, mortgage brokers, appraisers, and lenders, making the gathering of evidence extremely complex. **Chapter 3** of this report presents a detailed analysis of lending practices and trends in the Town, Suffolk County, and Long Island. In general, persons applying for loans in higher income, non- minority areas have a much higher likelihood of obtaining mortgage approval than persons applying from lower income, minority areas. Across all income ranges, Whites have a higher likelihood of obtaining mortgage approvals than do other racial groups.

The fact that housing produced by the CDA and its non-profit partners has experienced minimal foreclosures argues in favor of their policies to totally avoid sub-prime and adjustable-rate mortgages and should be followed in the private lending sector.

Actions to Overcome the Impediment:

- › Continue to work with fair housing advocates, such as LIHS and LIHP, and others to educate the public, Town officials, building owners, landlords, real estate agents, lenders, and others about fair housing and its benefit to the community. This outreach action could include:
 - Educating the public about predatory lending practices.
- › Expand efforts to make individuals and housing-related organizations aware of local HUD-approved housing counseling/financial education, including:
 - Requiring that all homebuyers receiving federal subsidies complete HUD-approved housing counseling.
- › Encouraging those typically targeted by predatory lending (i.e., minorities and lower-income individuals) to seek financial counseling before they submit a mortgage loan application.
- › Work with LIHS and other fair housing organizations to bring predatory lending operations to the attention of the New York State Attorney General, United States Attorney General, and local District Attorneys.

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Impediment #4: Overall Discrimination in the Local Housing Market

Description of Impediment:

Based upon data and research on the local and regional levels, including focus on historic and current development patterns/concentrations of minority and lower income populations, discrimination studies/surveys for the region, recent fair housing complaints, and surveys conducted by the Town of Islip, overall discrimination in the local housing market remains an impediment to fair housing choice in the Town of Islip. Discrimination in the Long Island housing market based on race and ethnicity was extensively investigated and documented in a recent (November 2019) expose by Newsday. Over a three-year period, Newsday tested 93 Long Island real estate agents and analyzed more than 5,700 real estate listings. The investigation found widespread evidence of unequal treatment by real estate agents on Long Island. The complete expose can be found here:

<https://projects.newsday.com/long-island/real-estate-agents-investigation/> .

After the Newsday investigation was published, the Long Island Board of Realtors (LIBOR) and the New York State Association of Realtors overhauled their fair-housing classes and programs and brought in new trainers.

In the wake of the Newsday expose, the New York State Board of Real Estate announced new regulations to help combat discriminatory actions and ensure New Yorkers understand their rights. The regulations, which went into effect June 20, 2020, require real estate brokers to provide disclosures to prospective buyers, sellers, renters and landlords about antidiscrimination laws and prominently display information on how to file a complaint with the state. Real estate brokers must retain proof for three years that they provided the disclosures. The regulations also require groups that provide state-mandated fair-housing training to make audio and video recordings of their classes.

- › *Racial and economic segregation today* – Due to a number of factors, segregated housing patterns developed throughout Long Island and in the Town of Islip. Specifically, Bay Shore, Brentwood, Central Islip, and North Bay Shore have evolved into areas with concentrations of racial and ethnic minorities (in addition, these areas contain concentrations of low- and moderate-income families).
- › *Fair housing complaints* – Although analyzing complaints brought by those who believe that they have been victimized by illegal discrimination cannot provide a comprehensive picture of the level of discrimination, these grievances can provide a snapshot of some of the barriers that may be impeding fair housing choice in Islip. As highlighted in **Chapter 3**, over the past five years there have been 75 complaints regarding fair housing discrimination in the Town of Islip, based upon complaints (both formal and informal) received by the Suffolk County Human Rights Commission and Long Island Housing Services. Complaints based on disability were the most frequent basis for housing discrimination, followed by source of income and race.
- › *Fair Housing Equity Assessment* – The *Implementation Plan for Sustainable Development in the New York – Connecticut Metropolitan Region, issued in May 2014* identified a

variety of factors that serve as impediments to the achieving of fair housing within the region including:

- Clusters of minority populations can be traced both to historic patterns of discrimination and to locational preferences of more recent immigrants.
- Discrimination in renting and sales
- Discrimination based on source of income

Actions to Overcome the Impediment:

- › Continue to work with fair housing advocates, such as LIHS and LIHP, 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. This outreach action could include:
 - Outreach to the public to provide information on affordable housing programs and opportunities.
 - Outreach to tenants regarding availability of programs, their rules, and local rent office locations where rent information or redress regarding rent increases or harassment can be sought.
 - Publishing all fair housing brochures in English and Spanish on the CDA's website.
- › Continue to work with groups that deal with minority issues and housing discrimination, such as Central Islip Civic Council Inc., and Long Island Housing Service.
- › Continue to work with groups and organizations that are dedicated to fair housing assistance for people with special needs or who are victims of housing discrimination.
- › Continue to work with the Town of Islip Anti-Bias Task Force, Suffolk County Inter-Faith Anti-Bias Task Force, and the Suffolk County Human Rights Commission on fair housing and discrimination issues.
- › Continue to conduct real estate/lending testing programs, whether conducted through a local program, or as part of a nationwide testing program, and share findings with HUD.
- › Continue to track fair housing complaints and foreclosure activity and evaluate any identifiable patterns.
- › Investigate further those areas where there is a concentration of fair housing complaints.
- › Develop an affirmative marketing program for housing opportunities that provides outreach to income- and mortgage-eligible households looking for homeownership, with a focus on the segments of the population (e.g., low- and very-low income households, especially minorities within those income groups) that may be less likely to apply for affordable housing. Require that all developers involved with housing funds provide an affirmative fair housing marketing plan.

Impediment #5: Minimal Understanding of Fair Housing Rights, Requirements, and Responsibilities, Especially Relative to the Specialized Needs of Persons with Disabilities

Description of Impediment:

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. The average person who thinks they have been victimized by fair housing discrimination may not know where to turn. Further, a person may not even know that he/she has suffered housing discrimination. Similarly, many landlords, real estate agents, and housing providers do not fully understand their responsibilities with regard to fair housing.

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

- › Reasonable Accommodations – The Fair Housing Act makes it generally unlawful to refuse to make a “reasonable accommodation,” which is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling.³⁸ The requested accommodation may be denied if it would impose an undue financial and administrative burden on a housing provider, or would fundamentally alter the nature of the provider’s operations.³⁹
- › ADA Compliance – The American’s with Disabilities Act (ADA), Title II, requires that a public entity must reasonably modify its policies, practices, or procedures to avoid discrimination. However, if the public entity demonstrates that the modifications would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification.⁴⁰ Title III of the ADA prohibits discrimination on the basis of disability in places of public accommodation and commercial facilities (businesses and nonprofits). The ADA does not cover residential private apartments and homes which are strictly residential.⁴¹

³⁸ Reasonable Accommodations Under the Fair Housing Act, Joint Statement of the Department of Housing and Urban Development and the Department of Justice, May 17, 2004.

³⁹ Ibid.

⁴⁰ ADA Title II Technical Assistance Manual. <http://www.ada.gov/taman2.html>.

⁴¹ Americans with Disabilities Act Questions and Answers.

Actions to Overcome the Impediment:

- › Continue to work with fair housing advocates, such as LIHP and LIHS, and others to educate the public, Town officials, building owners, landlords, real estate agents, lenders, and others about fair housing and its benefit to the community. This outreach action could include:
 - Outreach to tenants regarding availability of programs, their rules, and local rental office locations where grievances can be brought.
 - Outreach to developers, building owners, landlords, condominium association officers and their management firms, and cooperative boards regarding the needs of disabled persons, including HUD visitability standards and “reasonable accommodations.”

Again, it should be highlighted that the discussion of impediments and actions to overcome impediments in this chapter is based upon the extensive analyses and evaluations of data and information that is presented in Chapters 2 and 3 of this report.

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Conclusions

Monitoring Performance

It is expected that 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 that into the Annual Action Plan submitted to HUD. The Annual Action Plan will be made available to interested persons and will allow them the opportunity to comment on the Town's performance prior to submitting the documentation to HUD.

Further, 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.

Conclusion

The Town of Islip is committed to providing fair and affordable housing opportunities for all of its residents and will continue to make efforts toward eliminating fair housing impediments through the recommendations and suggested actions discussed in Chapter 4 of this Analysis of Impediments.

Appendix

Appendix A – Fair Housing

History of Fair Housing Law

The history of fair housing legislation in the United States is complex and intertwined with civil rights legislation. Dating back to 1866, the laws reflect a progression of extended protections, paralleling social changes over a period of 140 years. Attempts to portray fair housing law in this document are intended simply to provide a summary of some of the most influential legislation in the arena. This section is by no means a comprehensive listing of fair housing legislation, nor is it an exhaustive review of the law and its nuances. Such an endeavor is beyond the scope and legal competency of this project.

What follows therefore are numerous legislative safeguards that have been introduced into the fair housing arena in an effort to help ensure that people are not discriminated against in their search for housing.

Federal Fair Housing Laws

1. Civil Rights Act of 1866

This was the first Act to guarantee property rights to all United States citizens. Section 1981 (a) provides that:

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishments, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

Section 1982 (a) provides that:

All citizens of the United States shall have the same right in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property.

Essentially, this is the earliest legislation that prohibits race or color as a factor in the housing market. Its sections apply to state, local, and private discrimination. They contain no exemptions as to the type of property. That is, unlike the Fair Housing Act of 1968, the Civil Rights Act of 1866 does not exclude certain properties such as the sales or rentals of owner-occupied housing. Some regard a shortcoming of the Civil Rights Act to be the fact that only racial discrimination is prohibited. Discrimination based on sex, family status, disability, etc. is not included. Plus, protections are limited to United States citizens.

While the Civil Rights Act of 1866 endeavored to prohibit discrimination, it was never fully enforced by the Federal government. It was not until the civil rights movement of the 1960s

that Federal intervention began to change a system of residential segregation based on racial discrimination. That it was never fully enforced may in part be due to:

- › The environment at the time of its passage;
- › The fact that law places the burden on the plaintiff in that they are obligated to pay court costs; and,
- › Because damages are capped at \$1,000.

2. Title VI of the Civil Rights Act of 1964

In the history of the United States, the Civil Rights Act of 1964 is the most comprehensive civil rights legislation. It protects constitutional rights in public facilities and public education and prohibits discrimination in federally assisted programs. With respect to the prohibition of discrimination in federally assisted programs, Section 601 of Title VI, Nondiscrimination in Federally Assisted Programs, specifically states that:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Administration of Federal assistance programs must be conducted in compliance with Title VI of the Civil Rights Act of 1964. Failure to comply may result in termination of funding to local jurisdictions. As with Executive Order 11063, conventionally financed housing is excluded from this Act. The Act affects only federally assisted programs, such as those administered by the Veterans Administration (VA) and the Federal Housing Administration (FHA).

HUD's Fair Housing and Equal Opportunity Office investigates complaints related to this Act. Complaints are to be filed within 180 days of the alleged discrimination.

3. The Fair Housing Act - Title VIII of the Civil Rights Act of 1968, as Amended

Title VIII of the Civil Rights Act of 1968 prohibits discrimination in the sale and rental of most housing and prohibits racially discriminatory lending practices. Ordinarily, this Act is cited as the Fair Housing Act. Its provisions extend to agents, brokers, and owners. It states that it is against the law because of race, color, national origin, religion, and sex to:

- › Refuse to rent or sell housing
- › Refuse to negotiate for housing
- › Set different terms, conditions or privileges for the sale or rental of housing
- › Advertise that housing is available only to persons of a certain race, color, national origin, religion or sex
- › Steer, i.e., make housing unavailable or deny that housing is available
- › Blockbust, i.e., for profit, persuade owners to sell or rent by telling them that minority groups are moving into the neighborhood
- › Deny or make different terms or conditions for a mortgage, home loan, insurance, or other real estate related transaction
- › Directly or assist others to threaten, coerce or intimidate anyone exercising a fair housing right.

This Act applies to almost all housing sold or rented in this country, including:

- › Single family homes owned by private persons when a real estate broker and/or discriminatory advertising is used to sell or rent the home
- › Single family homes not owned by private persons (such as corporations or partnerships) even if a broker is not used to sell or rent the house
- › Multi-family dwellings with five or more units, including rooming houses
- › Multi-family dwellings with four or less units, if the owner does not live in one of the units.

Certain properties are excluded, such as noncommercial housing run by religious organizations and private clubs that limit occupancy solely to members.

The concept of "affirmatively fair housing marketing" is emphasized by this Act. Specifically, the law directs all participants in HUD programs to develop these marketing plans in order to attract buyers and renters of similar income levels to the same housing market, regardless of race, color, religion, sex, or national origin.

Although the Fair Housing Act is a landmark decision, its effectiveness is severely limited by the following factors:

- › HUD has no capacity to issue fines or sanctions, it can only conciliate between two-parties
- › The United States Department of Justice (DOJ) can sue real estate entities that demonstrate a pattern and practice of discrimination, but it can seek no criminal penalties
- › Although discrimination victims can bring civil action in the United States District Court, the burden of proof remains with the victims.

Persons must file an administrative complaint within one year of the alleged housing discrimination. To file a Federal civil court action, there is a two-year time limit.

4. Architectural Barriers Act of 1968

The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain Federal funds after September 1969 must be accessible to and useable by handicapped persons.

5. Section 3 of the Housing and Urban Development Act of 1968

Section 3 of the Housing and Urban Development Act of 1968 provides for economic opportunities for low- and very low-income persons. The objectives of Section 3 are: (1) to use HUD program funds to provide a springboard for residents to become economically empowered through direct participation in construction and other activities designed to physically improve and revitalize their neighborhoods, and (2) to anchor Departmental efforts to strengthen communities, promote individual responsibility and reduce dependency on Federal assistance such as welfare and housing subsidies.

6. Section 504 of the Rehabilitation Act of 1973, as Amended

This was the first civil rights legislation to protect the constitutional rights of people with disabilities by prohibiting discrimination against those with disabilities. Section 504 of the Act states:

No otherwise qualified handicapped individual in the United States, as defined in section 7(6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Its jurisdiction, nonetheless, is limited as it applies solely to programs conducted by Federal agencies, those receiving Federal funds, such as colleges participating in Federal student loan programs, Federal employment, and employment practices of businesses with Federal contracts. Private funding is excluded.

While this legislation pertains to various domains including education, employment, and health it also impacts housing issues. Principally, Section 504 contains design requirements for public housing or assisted housing that is federally funded new construction or substantially rehabilitated after July 1988. This is multi-family housing.

New construction projects that are covered contain five or more units in the same project. Substantially rehabilitated projects that are covered to the same extent as new construction projects are those with fifteen or more units where the cost of the alteration is seventy-five percent or more of the replacement cost of the completed facility. Rehabilitated projects that do not meet the substantial alteration threshold ought to be made accessible to the extent possible if they contain five or more units.

Federally assisted housing includes housing funded through grants, loans, and mortgage insurance. For this type of housing, the legislation states that certain percentages of the housing should be fully accessible to persons with:

- › Mobility impairments (five percent or at least one unit)
- › Visual and/or hearing impairments (additional two percent or at least one unit).

Full accessibility must be realized for new construction and substantially rehabilitated projects. Building spaces and elements impacted are parking (if provided), building entrance, common spaces, interior spaces, controls, as well as routes to and within living room, dining room, bedrooms, kitchens, bathroom (one minimum), laundry, terrace, patio, balcony, and garage. Detailed construction specifications must be met to render kitchens and bathrooms accessible. Accessible units should be distributed throughout projects and sites and made available in a variety of sizes and amenities.

Furthermore, it grants the right to request and receive reasonable accommodations and modifications at no cost to the renter. Reasonable accommodations may be in the form of physical or policy changes, and should be undertaken unless these changes place an undue financial hardship on the landlord.

HUD is responsible for enforcing regulations related to Section 504, but the latter may also be enforced through private lawsuits. Thus, individuals who are discriminated against may file a complaint with HUD or sue in Federal court.

7. Title I of the Housing and Community Development Act of 1974, as Amended

HUD's Community Development Block Grant (CDBG) program was established and is governed by Title I of the Housing and Community Development Act of 1974. The introduction of the CDBG program in 1974 signaled a move away from individual

categorized Federal development assistance programs towards the block grant model, which gives communities broad latitude in using funds for a variety of development activities. Section 109 prohibits discrimination on the basis of race, color, national origin, sex, or religion in programs and activities receiving financial assistance from the CDBG program.

8. The Age Discrimination Act of 1975, as Amended

The Age of Discrimination Act of 1975 prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect, on the basis of age of:

- › Excluding individuals from denying them the benefits subjecting them to discrimination under, a program or activity receiving Federal financial assistance; or,
- › Denying or limiting individuals their opportunity to participate in any program or activity receiving Federal financial assistance.

9. Home Mortgage Disclosure Act (HMDA) of 1975

Certain financial institutions, including banks, savings associations, credit unions, and other mortgage lending institutions are impacted by the Home Mortgage Disclosure Act (HMDA). These institutions must meet explicit reporting criteria (e.g., location, asset size, and number of home loans) before they are required to complete a HMDA Loan Application Register (LAR). Institutions report data about home purchase and home improvement loans they originate or purchase, or for which they receive applications.

From the LARs, aggregate lending data is compiled annually for each Metropolitan Statistical Area (MSA). The Federal Financial Lending Institutions Examination Council prepares disclosure statements and various reports by institution for each MSA reflecting lending patterns by location, age of housing stock, income level, sex, and racial traits.

Section 203.1 reveals that the intention of the Act is to provide the public with loan data that can be used to:

- › Help determine whether financial institutions are serving the housing needs of their communities;
- › Assist public officials in distributing public sector investments so as to attract private investment to areas where it is needed; and
- › Assist in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes.

10. Community Reinvestment Act of 1977 (CRA), as Amended

In the last major wave of activist financial regulation, the Community Reinvestment Act (CRA) was one of the last laws enacted. Since then, the trend has shifted to de-regulation. Some sources assert that it was passed on the belief that banks are chartered by governments to serve public purposes, inclusive of community credit need. Unlike ordinary businesses, banks benefit from deposit insurance, access to central bank credit, government examinations and seals of approval. Banks exists not simply to take money out of a community in which they operate, but to put money back in the community.

While the rationale for its passage is debatable, there is no debate over the obligation that it places on Federal financial regulatory agencies to encourage regulated financial institutions, be they state or federally chartered, to help meet the credit needs of their local communities. This includes low- and moderate-income neighborhoods. Furthermore, community lending should take place in a manner that is consistent with safe and sound operations. For example, no lending institution can be expected to make loans to persons with poor credit ratings.

With respect to CAA, the Federal financial regulatory agencies are the Federal Reserve, Federal Deposit Insurance Corporation (FDIC), Office of the Comptroller of Currency (OCC) and Office of Thrift Supervision (OTS). Regulated financial institutions are FDIC insured banks, savings banks, and savings and loan associations.

It is noteworthy that credit unions and private mortgage companies are not listed as regulated financial institutions. This is particularly troubling in Texas as 49 percent of all home loans are made by mortgage companies, which are not subject to oversight and examination of lending records in low-income communities under the CAA. Meeting the credit needs of low- and moderate income communities may be negatively affected if mortgage companies are not regulated to do as such.

Regulated financial institutions are judged according to three areas: lending, service and investment. They receive one of four ratings: outstanding, satisfactory, needs to improve or substantial non-compliance. Institutions that receive "needs to improve" or "substantial non-compliance" ratings may have their applications for merger or branches denied. For most institutions, the ability to merge or open up branches is critical to maintain their competitive edge.

A 1989 amendment to this law, the Financial Institution Reform, Recovery, and Enforcement Act, strengthens the CAA by requiring more detailed evaluations of performance of institutions and making banks' ratings available to the public.

11. Fair Housing Amendments Act of 1988

The 1988 amendments expand the number of protected classes, establish requirements for design and construction, create new enforcement procedures, and add an exemption to provisions barring discrimination. First, the amendments add handicap and familial status to the list of persons protected from discrimination in any sale or rental of housing. Handicap means a physical or mental impairment that substantially limits one or more of an individual's major life activities. This includes wheelchair users; visually impaired persons; persons limited by emotional problems, mental illness, or retardation; alcoholism; and, difficulties associated with old age. Familial status means families with children under the age of eighteen. This includes children living with legal custodians or an adult designated to care for the children; pregnant women; and, people in the process of securing custody of children such as adoption. Second, the amendments establish requirements for the design and construction of new rental or for sale multi-family housing to ensure a minimum level of accessibility for persons with disabilities. This impacts private and federally funded housing. Section 804(f)(3)(c) of the Act expressly requires that certain multi-family dwellings units designed and constructed for first occupancy on or after March 13, 1991 shall be designed and constructed in a manner that includes:

- › Accessible building entrance on an accessible route
- › Readily accessible public and common areas
- › Doors wide enough for disabled persons in wheelchairs
- › Accessible routes into and through the dwelling
- › Accessibly located light switches, electrical outlets, thermostats, and other environmental controls
- › Reinforced bathroom walls to allow later installation of grab bars
- › Ample space in kitchens and bathrooms for individuals in wheelchairs to maneuver.
- › Covered multifamily dwelling units are:
 - Dwelling units in buildings consisting of four or more units served by one or more elevators, or
 - Ground floor dwelling units in other buildings of four or more units.

Third, enforcement power of the Federal government is augmented. HUD's investigation and conciliation role is expanded into the enforcement arena, in part by incorporating administrative law judges into the enforcement mechanism of HUD. These judges have the authority to hear and decide cases of alleged housing discrimination, as well as to award punitive damages. The Act also revises and expands the jurisdiction of the DOJ to bring suit on behalf of victims in Federal district courts.

Finally, the amendments create an exemption to the provisions that bar discrimination based on familial status. An exempt property will not violate the Fair Housing Act if it excludes families with children provided that a housing development qualifies as housing for persons age 55 or older. Clarity was given to the latter when the Housing for Older Persons Act of 1995 determined that a housing development qualifies as housing for persons 55 years of age or older when at least 80 percent of its occupied units have at least one occupant who is 55 years of age or older. Owners of the exempt property must also publish and follow policy and procedures demonstrating intentions to become housing for persons 55 years or older.

12. Title II of the Americans with Disabilities Act of 1990

Title II of the Americans with Disabilities Act (ADA) prohibits discrimination against persons with disabilities in all services, programs, and activities made available by State and local governments. The DOJ has coordination authority for the ADA in accordance with Executive Order 11250.

Recall that Section 504 of the Rehabilitation Act of 1973 applies solely to federally owned or financed multi-family projects with five or more units. The ADA does not replace Section 504, but in situations where the ADA affords more protection (e.g., privately owned residential housing with less than five units) the ADA standards apply.

For all programs, services and regulatory activities under this Act that relate to state and local public housing, housing assistance and referrals, HUD is the designated agency. As such, HUD often uses administrative hearings to settle disputes. However, the DOJ takes over for HUD whenever a complainant or respondent in a HUD-scheduled administrative proceeding elects to have the matter litigated in Federal court.

13. Title II of the National Affordable Housing Act of 1990, as Amended

The HOME Investment Partnerships (HOME) Program is a Federal entitlement grant program authorized by Title II of the National Affordable Housing Act of 1990, as amended. The program provides annual grants on a formula basis to entitled cities, counties, approved consortia, and states. Local governments receiving HOME funds are called "Participating Jurisdictions" or "PJs". The amount of HOME funds annually available to participating jurisdictions is determined by Congress through passage of the annual Federal budget. HUD is also responsible for management and oversight of the HOME Program. Each PJ is responsible for deciding how HOME funds will be used in its jurisdiction and for daily administration of HOME funds.

The HOME Program is intended to increase affordable housing opportunities, particularly for low-income persons. Specific purposes of the HOME Program are:

- › Expand the supply of decent and affordable housing, particularly rental housing, for low- and very low-income persons.
- › Strengthen the abilities of state and local governments to design and implement strategies for achieving adequate supplies of decent, affordable housing.
- › Provide both financial and technical assistance to HOME recipients, including the development of model programs for affordable low-income housing.
- › Expand and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of affordable housing.

Fair Housing-Related Presidential Executive Orders

1. Executive Order 11063 - Equal Opportunity in Housing (1962)

On November 20, 1962, President John F. Kennedy issued Executive Order 11063. Section 101 of the order directs all departments and agencies in the executive branch of the Federal government to take all necessary and appropriate action to prevent discrimination because of race, color, creed, or national origin:

- › In the sale, leasing, rental, or other disposition of residential property and related facilities (including land to be developed for residential use), or in the use or occupancy thereof, if such property and related facilities are:
 - Owned or operated by the Federal Government, or
 - Provided in whole or in part with the aid of loans, advances, grants, or contributions hereafter agreed to be made by the Federal Government, or
 - Provided in whole or in part by loans hereafter insured, guaranteed, or otherwise secured by the credit of the Federal Government, or
 - Provided by the development or the redevelopment of real property purchased, leased, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under a loan or grant contract hereafter entered into; and

In the lending practices with respect to residential property and related facilities (including land to be developed for residential use) of lending institutions, insofar as such practices relate to loans hereafter insured or guaranteed by the Federal Government.

For properties and related facilities provided with Federal financial assistance as described above, all executive departments and agencies, HUD in particular, are directed to pursue appropriate actions permitted by law, including the use of litigation if necessary. Persons or firms found in violation of the executive order's provisions could face civil or criminal action by the United States Attorney General.

A highlight of the order is the creation of a President's Committee on Equal Opportunity in Housing. This committee is authorized to hold hearings, public or private, for compliance, enforcement, or educational purposes.

A deficiency of the order centers on its limited applicability. The order bans discrimination based on race, color, creed, or national origin in housing owned and operated by the Federal government, units that receive Federal assistance and housing that is purchased with federally insured loans. But at the time of its issuance, most housing was conventionally financed. As a result, less than one percent of the nation's entire housing stock and 15 percent of new construction was affected.

2. Executive Order 12259 - Leadership and Coordination of Fair Housing in Federal Programs (1980)

On December 31, 1980, President Jimmy Carter issued Executive Order 12259. The latter revises Section 101 of Executive Order 11063 by adding sex to the list of persons for which discrimination is to be prevented. The mainstay of Executive Order 12259 is its revocation of certain provisions of Executive Order 11063, namely sections that established the President's Committee on Equal Opportunity in Housing, along with its companion powers and duties.

3. Executive Order 12892 - Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing (1994), as Amended

On January 17, 1994, President William J. Clinton issued Executive Order 12892. To affirmatively further the goal of fair housing, this order vests in the Secretary of HUD the primary authority and responsibility for administering housing and urban development programs and activities related to affirmatively furthering fair housing. This includes the processing of complaints alleging actions that may violate the Fair Housing Act. Nothing in this order limits the authority of the U.S. Attorney General, however. Akin to its now defunct predecessor, the President's Committee on Equal Opportunity in Housing, which was established under Executive Order 11063 and subsequently revoked by Executive Order 12259, the President's Fair Housing Council is created by Executive Order 12892. The Secretary of HUD presides over this advisory council. The council shall "review the design and delivery of Federal programs and activities to ensure that they support a coordinated strategy to affirmatively further fair housing. It shall propose revisions to existing programs and activities, develop pilot programs, and activities, and propose new programs and activities to achieve its goals."

Sections of Executive Order 11063 are revised to increase the list of persons protected from discrimination in the sale or rental of housing by adding the categories of disability and familial status. This renders the list of persons protected from discrimination under Executive Order 12892 consistent with that in the Fair Housing Amendments Act of 1988.

4. Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994)

Executive Order 12898 requires that each Federal agency conduct its program, policies, and activities that substantially affect human health or the environment in a manner that does not exclude persons based on race, color, or national origin.

5. Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency (2000)

Executive Order 13166 eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all Federally assisted and federally conducted programs and activities.

6. Executive Order 13217 - New Freedom Initiative on Community Based Living (2001)

Executive Order 13217 requires Federal agencies to evaluate their policies and programs to determine if any can be revised or modified to improve the availability of community-based living arrangements for persons with disabilities

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Code of Federal Regulations

Each Federal department and agency that is empowered to extend Federal financial assistance to any program or activity by way of grants or loans is authorized to effect provisions of various Acts by issuing rules or regulations. Under Title 24 of the Code of Federal Regulations, HUD issues regulations that provide direction on the administration of federally assisted housing and community development programs. The regulations that follow are those that are applicable to the notion of fair housing choice. By no means is this a complete list of regulations on housing, simply those deemed especially critical to affirmatively furthering fair housing.

24 CFR 91.225

Certifications that jurisdictions are compelled to make to HUD on an annual basis are covered through this regulation. An Affirmatively Furthering Fair Housing (AFFH) certification is included as one of them. The crux of the AFFH certification is that a jurisdiction is maintaining records to support its Affirmatively Furthering Fair Housing efforts. This means that a jurisdiction will conduct an analysis to identify impediments to fair housing choice, take appropriate actions to overcome impediments, and maintain records reflecting analysis and actions.

24 CFR 91.520

This regulation pertains to the submittal of annual performance reports by participating jurisdictions. It covers funds received under the CDBG, HOME, Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) Programs.

Subsection A of the regulation puts forth requirements on the annual review and progress report on the strategic and annual action plans contained in a jurisdiction's Consolidated Plan. The Consolidated Plan is a strategic plan that outlines a jurisdiction's housing and community development needs, ordinarily over a five year period. The performance report is due to HUD within ninety days after the close of a jurisdiction's program year. The report covers specific areas including actions to affirmatively further fair housing. These actions include racial and ethnic status of persons assisted.

For CDBG recipients, subsection C further states that the report shall have a description of the use of CDBG funds and its relationship to priorities and objectives identified in the Consolidated Plan. Changes in program objectives and reasons for the changes must be reported. In an effort to determine activity eligibility, the report ought to include the number of extremely low-income and low-income and moderate-income persons served by each activity. The latter applies when information on income by family size is required to determine the eligibility of an activity.

Subsection D relates to jurisdictions that receive funds from the HOME program. In this instance, the report must also contain:

- › Results from on-site inspections of affordable rental housing assisted under HOME to determine compliance with housing codes and other applicable codes;
- › Assessment of affirmative marketing actions;

- › Assessment of outreach efforts to minority-owned and women-owned businesses; and,
- › Data on the amount and use of program income for projects.

Subsection E applies to jurisdictions that receive HOPWA program funds. The report needs to include the number of individuals assisted and the types of assistance provided.

24 CFR 92.351

Affirmative marketing and minority outreach program requirements under the HOME program are covered by this Act. Affirmative marketing requirements and procedures must be adopted by a jurisdiction for rental and homebuyer projects containing five or more HOME assisted housing units. Affirmative marketing steps should include actions that provide information and attract eligible persons in the housing market area to available housing without regard to race, color, national origin, sex, religion, familial status, or disability. These procedures, nevertheless, do not apply to families in Section 8 tenant-based rental housing assistance or families with tenant-based rental assistance provided by HOME funds.

Minority outreach procedures must ensure the inclusion of businesses owned by minorities and women. Businesses include real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, underwriters, accountants, and legal services.

24 CFR 570.205

This regulation affirms that planning activities that consist of all costs of data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans are eligible activities covered by CDBG. Under subsection (a) (vii), the Analysis of Impediments (AI) to Fair Housing Choice is strictly referenced as an eligible activity.

24 CFR 570.206

This regulation applies to program administrative costs that are eligible under CDBG. Subsection C of the regulation allows for the payment of:

- › Fair housing services designed to further the fair housing objectives of the Fair Housing Act;
- › Other fair housing enforcement, education and outreach activities; and,
- › Other activities designed to avoid the undue concentrations of assisted persons in areas containing high proportions of low- and moderate-income persons.

24 CFR 570.303

Under subsection D of this regulation, each CDBG recipient certifies that the grantee will affirmatively further fair housing, and the grant will be conducted and administered in compliance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act.

24 CFR 570.904

This regulation falls under CDBG performance review requirements. It distinctly refers to Equal Opportunity and Fair Housing review criteria. It maintains that absent independent evidence to the contrary:

- › If a grantee conducts an AI and takes actions to address identified impediments, then HUD will presume that the grantee has met its fair housing certification; and,
- › The grantee will also be presumed to have hiring and employment practices that are compliant with equal opportunity certifications.

In short, this regulation prohibits discrimination in any program or activity funded in whole or in part with CDBG funds. And it encourages the use of minority and women business firms. No statistical level of participation in contracting activities by race, ethnicity, or gender is required, though.

24 CFR 576.57

Additional requirements on the use of ESG funds are contained in this Act. One of these requirements is that a grant recipient make known that the use of facilities and services is available to all persons on a non-discriminatory basis. Procedures must also be adopted that make available to interested persons information concerning the location of facilities and services that are accessible to persons with disabilities.

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New York State Fair Housing Law

1. New York State Human Rights Law (1945), as Amended

New York State's comprehensive antidiscrimination statute is known as the New York State Human Rights Law (Article 15 of the New York State Executive Law) and has its genesis in the 1945 Law Against Discrimination, which was the first of its kind in the United States. The State Law has been amended several times, including in 1963 (five years before Congress passed the Fair Housing Act) when Governor Nelson A. Rockefeller signed the Metcalf-Baker Act, amending the New York State Human Rights Law to prohibit discrimination in the private housing market.

Today the New York State Human Rights Law includes all the protected classes covered under Federal law and adds:

- Marital Status
- Sexual Orientation
- Age (18 and older)
- Military Status
- Creed
- Gender Identity
- Gender Expression
- Source of Income (for example: public assistance, Section 8, SSD, SSI, court ordered child support)
- Arrest

The New York State Fair Housing Law also covers a broader portion of the housing market, exempting only:

- › Owner-occupied two-family structures;
- › The rental of rooms in a housing accommodation to people of one sex; and,
- › Housing for older persons (with respect to age and familial status).

The New York State Human Rights Law charges the New York State Division of Human Rights (NYSDHR) to:

- › Investigate and resolve complaints of discrimination aggressively, fairly, and expeditiously;
- › Promote human rights throughout the State through education, conciliation, persuasion, conflict prevention and resolution, and other affirmative measures;
- › Develop, articulate, and advocate human rights policy and legislation for the State;
- › Act as a resource to assist public and private entities in preventing or eliminating discrimination; and,
- › Provide leadership by reaching out to civil rights, human rights, and community groups to coordinate efforts to preserve and promote a human rights agenda.

2. Section 236 and 237 of the New York State Real Property Law

Section 236 of the New York State Real Property Law prevents discrimination against families with children in dwelling houses and mobile home parks. Section 237 protects families and individuals from leases which discriminate with respect to bearing or acquiring children, or which attempt to preclude renewal based on childbearing or acquiring.

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Local Fair Housing Laws

Suffolk County Human Rights Laws: 2001; 2007; 2015; 2023

In January 2007, a new Human Rights law went into effect in Suffolk County that strengthened the power of the Suffolk County Human Rights Commission to respond to discrimination in housing (which was established as part of the Suffolk County Human Rights Law of 2001). Local Law No. 51-2006, which is very similar to the Federal Fair Housing Act and New York State's Human Rights Law, made it illegal to discriminate in the sale, purchase, financing, renting, or leasing of housing accommodations. It provided an administrative hearing process which could compel the discriminator to cease the discrimination and/or pay civil penalties. Individuals who believed they had been treated unfairly because of their actual or perceived race, creed, color, sex, disability, religion, familial status, marital status, sexual orientation, gender, age, or national origin were provided with the option of filing a complaint directly with the Suffolk County Human Rights Commission, and could proceed to court if not satisfied with the administrative result. The Suffolk County Human Rights Commission also continued to process complaints alleging discrimination in the areas of employment and public accommodation.

In 2015, Suffolk County adopted a new Human Rights Law that enhances the power of the Human Rights Commission to respond to discrimination in the areas of housing, employment, public accommodations and credit. The new law brings the County into consistency with Suffolk County local law and New York State Human Rights law. Among the provisions is a prohibition against discriminating against individuals in housing based on the source of their income, including funds from Social Security and the Housing Choice Voucher Program. In addition, it defines unlawful discriminatory practices for real estate brokers and salespersons, thereby increasing protections for the various protected classes who might otherwise be discriminated against when seeking housing.

In 2023, Suffolk County amended section 528-10(A) to address credit discrimination in relation to mortgage lending. The amended sections make it illegal for creditors to discriminate against applicants based on group identity or the lawful source of income, in any decisions related to granting, withholding, extending, renewing, or setting the terms of financial assistance or credit for housing accommodations, land, or commercial space. The amendment also prohibits creditors from using applications, records, or inquiries that indicate limitations, specifications, preferences, or discrimination based on an applicant's group identity or lawful source of income. Additionally, creditors are forbidden from basing decisions on granting, withholding, extending, renewing, or determining the terms of credit on an applicant's group identity or lawful source of income. Creditors must consider all sources of an applicant's income without refusing or discounting any income sources because of the applicant's group identity. These amendments reinforce non-discrimination in credit and mortgage lending practices, ensuring equal treatment for all applicants irrespective of their group identity or lawful source of income.

Town of Islip Fair Housing Law (1968), as Amended

Chapter 26 of the Town of Islip Town Code presents the Town's policy with regard to discriminatory housing practices. Originally adopted in 1968 and amended in 1972, 1978 and 2012, it acts as the Town's fair housing law. Chapter 26 lists race, creed, color, sex, disability,

familial status, sexual orientation, age, marital status, military status 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. As part of the protections, Chapter 26 notes that the Town Attorney can receive complaints and take action (penalties between \$100 and \$250; potential imprisonment of five to 15 days). Among the potential discriminators, Chapter 26 specifically lists the real estate and lending industries. Finally, Chapter 26 also specifically notes that no person shall be denied "housing accommodation" with regard to a disability. Chapter 26 works in conjunction with Chapter 27 of the Town of Islip Town Code, which discusses fair employment practices.

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