

**Impediments
to
Fair Housing Analysis**



City of Newburgh, New York

November 2006

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Jurisdiction Name: City of Newburgh, New York
Date: November 15, 2006

I. Introduction and Executive Summary of Analysis

The purpose of this document is to provide an overview and analysis of fair housing activities within the City of Newburgh. Provision to affirmatively further fair housing (AFFH) are principal and long standing components of the Federal Department of Housing and Urban Development's (HUD) housing and community development programs. These provisions flow from the mandate of Section 808 (e) (5) of the Fair Housing Act which requires the Secretary of HUD to administer the Department's housing and community development programs in a manner to affirmatively further fair housing. As a recipient of Community Development Block Grant (CDBG) funding from HUD, the City of Newburgh is required to affirmatively further fair housing.

The extent of a community's obligation to affirmatively further fair housing is not defined statutorily. However, HUD defines it as requiring a grantee to:

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

HUD interprets those broad objectives to mean:

- Analyze and eliminate housing discrimination in the jurisdiction.
- Promote fair housing choice for all persons.
- Provide opportunities for racially and ethnically inclusive patterns of housing occupancy.
- Promote housing that is physically accessible to, and useable by all persons, particularly persons with disabilities.
- Foster compliance with the nondiscrimination provisions of the Fair Housing Act.

Legislative changes in HUD programs¹ and subsequent HUD program regulations require CD grantees to certify that they will affirmatively further fair housing as part of the obligations assumed when they accept HUD program funds.

A. Who Conducted

This analysis was completed by current City of Newburgh staff within the Planning & Economic Development Department with the input, support and feedback from various participants.

B. Participants

A process of consultation with appropriate agencies such as the Newburgh Housing Authority and the Planning and Zoning Commission was also undertaken in preparation of this report. Major employers as well as the local Department of Labor were contacted for employment data. Finally, the City of Newburgh is currently engaged in a Sustainable Master Planning process which began in the summer of 2005. The Planning process relies on participatory planning with a broad based stakeholder group and the general public. The Plan identifies and describes issues regarding land use planning, the provision of physical services, arts and culture support, social and human development, health care, and economic renewal. Since the Sustainable Master Plan has been prepared pursuant to the New York State General City Law §28 all subsequent land use regulations must be compatible with the plan. The City of Newburgh's Sustainable Master Plan contains policies for managing growth and guiding development for the city to the year 2040. Data collected through the Master Planning Process was amended and included in this analysis.

C. Methodology Used

This analysis has been completed through a process of review of relevant documents and data. This has included review of the Newburgh Consolidated Plan, the Newburgh Comprehensive Housing Affordability Strategy and relevant performance reports. In addition, census data and special census tabulations provided by the U.S. Department of Housing and Urban Development have been reviewed.

¹ Sections 104(b)(2) and 106(d)(5) of the Housing and Community Development Act of 1974, as amended, specifically require CDBG Program grantees to certify they will affirmatively further fair housing. Congress reiterated this affirmative obligation in Section 105(b)(13) of the National Affordable Housing Act of 1990 (NAHA).

D. How Funded

The analysis was funded on an in-kind basis by the City of Newburgh.

E. Conclusions

1. Impediments Found

No impediments to fair housing were identified as a result of this analysis. However, there are existing conditions related to housing availability which must be considered in relation to the ability of low-income communities and communities of color to secure safe and affordable housing. These conditions and recommendations are contained in this report.

The primary barrier to affordable housing is the lack of income on the part of Newburgh households to afford housing in the marketplace. This problem is compounded by the level of physical deterioration of the housing stock with the resultant high costs of rehabilitation.

2. Actions to Address Impediments

The primary way to address this barrier is to create employment opportunities and increase the ability of families to afford reasonable levels of expenditures for housing. City of Newburgh staff are working with local non-profit organizations, local labor unions and workforce development agencies to examine job training and private sector employment opportunities. On another front, the City is reviewing its zoning regulations to consider potential changes that will enhance affordability. The City is also attempting to make homeownership more affordable through the direct assistance and tax abatement programs.

II. Jurisdictional Background Data

The City of Newburgh, New York, encompasses 3.8 square miles, and is located approximately 60 miles north of New York City on the west bank of the Hudson River in the Hudson Valley Region of Orange County. The 2000 Census indicates that the population is 28,500; however it is widely believed that this number is closer to 40,000 given the high volume of undocumented persons residing in the City. Of that, over 30% of the population is under the age of eighteen. The racial composition of the City is 36% Hispanic/Latino; 34% Black/African-American and 28% Non-Hispanic White.

Over the past several decades, the City of Newburgh has experienced significant disinvestment. As such, there is evidence of many conditions characteristic of an

impoverished urban area: a diminishing industrial base accompanied by loss of jobs and revenue, a growing low-income population², significant crime, substandard housing and deteriorating infrastructure.

Throughout the City of Newburgh, there is a preponderance of neighborhoods with excessive poverty, concentrations of minority and non-English speaking families and high crime. Although the City of Newburgh as a whole is experiencing a renaissance in economic turn around and community revitalization, it still lags behind other communities in the region with some areas within the City, especially Census Tract 4 wherein the housing stock show significant deterioration and there is an exceptionally high rate of vacant buildings. In 1996, the National Trust for Historic Preservation named the East End one of the Eleven Most Endangered Historic Resources in the nation.

In Census tract 4, 36.7% of residents have income below the federal poverty level, 81% of housing was built before 1960, and homeownership is at 9%. Within Census Tract 3, located in the mid western quadrant of the City, 19.9% of residents have income below the federal poverty level and over 30% of the households within this Census Tract are headed by females with no husband present. While Census Tract 3 enjoys the second highest median family income in the City, at \$37,250, it is still almost half the County median of \$60,355.

A. Demographic Data

Snapshot: The People in Newburgh

Total Population (2000 Census)	28,259
Households	12,210
Families	6,080
Population Density (people per square mile)	7,394
Median Age	28
Population Growth 1991-1999	7.3%
Employment Growth 1991-1999	14.2%

The population of the City of Newburgh grew by 6% during the 1990's, a demonstrated increase but one which is below that of the previous decade, which reflected a growth of 13%. The 2000 Census indicates that the population is 28,259; however it is widely believed that this number is closer to 40,000 given the high volume of undocumented persons residing in the City. Based on these unofficial figures, the City estimates its population increase at a much higher rate of approximately 33%.

² According to the U.S. Census 2000, 26% of individuals in the City of Newburgh live below the poverty level.

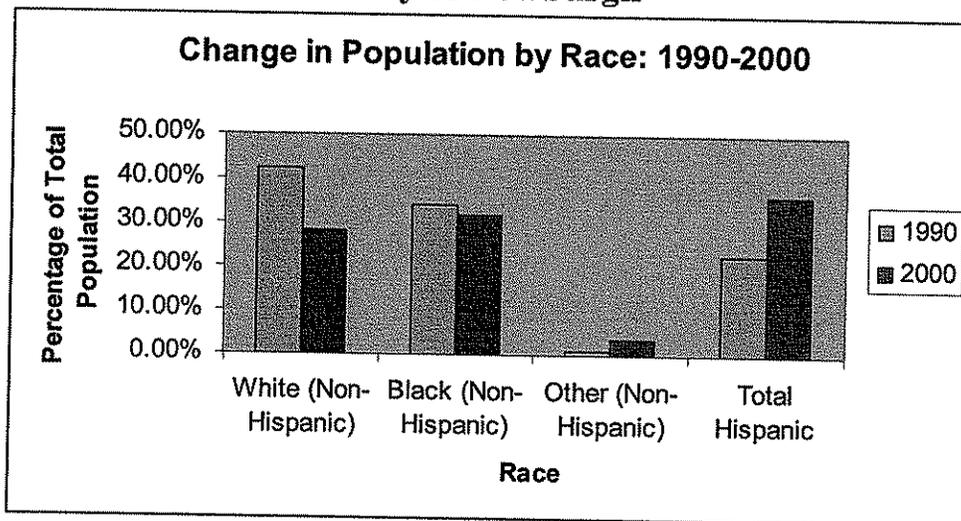
Table 1
Population Change 1990-2000
City of Newburgh

<i>Population</i>	<i>1990 Census</i>	<i>2000 Census</i>	<i>Numerical Change</i>	<i>% Change</i>
White (Non-Hispanic)	11,154	7,969	(3,185)	(40%)
Black (Non-Hispanic)	9,031	8,961	(70)	(7.5%)
Other Races (Non-Hispanic)	244	1,072	828	77%
Total Hispanic (All Races)	6,025	10,257	4,232	42%
Total	26,445	28,259	1,814	6%

Source: U.S. Census Bureau

The growth in population was accompanied by a redistribution of the City's racial composition. The number of White people declined by 40%, while Black, Hispanic and Other Races (Non-Hispanic) all grew in numbers. The greatest numerical growth occurred among Hispanics increasing 42% between 1990-2000. Overall, in 2000, the racial composition of the City is 36% Hispanic/Latino; 34% Black/African-American and 28% Non-Hispanic White. Table 1 shows these changes in population and Table 2 demonstrates the racial composition by Census Tract. Table 3 provides a population breakdown for each of the Census Tracts within the City.

Table 2
Race/Ethnicity
City of Newburgh



18% of people in Newburgh report that they speak another language besides English as their native language, usually Spanish.

Table 3
Race/Ethnicity by Census Tract
City of Newburgh³

<i>Census Tract</i>	<i>Total Population</i>	<i>White (Non-Hispanic)</i>	<i>% of Total</i>	<i>Black (Non-Hispanic)</i>	<i>% of Total</i>	<i>Other (Non-Hispanic)</i>	<i>% of Total</i>	<i>Total Hispanic</i>	<i>% of Total</i>
1	3,270	1,644	50%	924	28%	119	4%	571	17%
2	2,336	1,312	56%	355	15%	101	4%	558	24%
3	6,175	1,809	29%	1,388	22%	286	5%	2,682	43%
4	5,587	901	16%	3,163	57%	223	4%	1,300	23%
5	7,869	1,054	13%	2,351	30%	213	3%	4,251	54%
6	3,161	1,308	41%	812	26%	132	4%	909	29%
Total	28,259		28%		32%		4%		36%

Source: U.S. Census Bureau

B. Income Data

Snapshot: Income and Poverty

Median Family Income	\$32,519
Per Capita Income	\$13,360
Children living in poverty	35.3%
Senior Citizens (over 65) living in poverty	16.1%
Low or Very Low Income Residents	63.2%
People on Public Assistance	13.0%

³ To maintain confidentiality, the Census Bureau applies statistical procedures that introduce some uncertainty into data for small geographic areas with small population groups. The census results in this table contain nonsampling error, but do not contain sampling error. Data users who create their own estimates using data from American FactFinder tables should cite the Census Bureau as the source of the original data only. See also definitions of subject characteristics and geographic definitions. The data in this table have not been adjusted for estimated net census coverage error based on the results of the Accuracy and Coverage Evaluation. [Census count corrections \(PDF 45KB\)](#) for American Indian and Alaska Native Areas (AIANAs), states, counties, places, county subdivisions, census tracts, and blocks may have been released as a result of an external challenge through the [Count Question Resolution Program](#). For the full technical documentation for the Census 2000 Summary File 1 (SF1), which is the source of data in this table, see <http://www.census.gov/prod/cen2000/doc/sf1.pdf> (5.1 MB).

In April 1999, in its report entitled, *Now is the Time: Places Left Behind in the New Economy*, the U.S. Department of Housing and Urban Development (HUD) identified Newburgh as one of the 15 cities in the northeast in “double trouble”, because both its poverty and unemployment rates were above the national average (25.8% and 50% respectively (U.S. Census Bureau). The Economic Policy Institute noted that a family with two children needed an income of \$42,933 to make ends meet in the Newburgh area. However, the median income for a family of four in 2000 for the City was only \$30,332. Other measures of social stability are equally distressing. For example, 40.2 % of adults over the age of 25 in the City of Newburgh have less than a GED, as compared to 20.9% statewide.

The median income in Newburgh (\$30,332) is only about half of the median income of Orange County as a whole (\$52,058). The Consolidated Housing Plan for the City of Newburgh cites an aging housing stock with inherent physical defects combined with a high concentration of lower income residents which results in a cost burden for decent and affordable housing. The rate of homeownership in Newburgh has declined from 34.5% in 1990 to 30.7% in 2000 (U.S. Census), a reverse of the national trend. 55.3% of Newburgh rentals cost more than 25% of the family’s income and 38% of households pay more than 35% of their gross income in rent. Each year the fair market value of rentals has increased; most recently by 11% in 2005 to \$815 for a one bedroom apartment. As many as 3,734 households cannot afford the median rent.

	Median Income	Individuals Below Poverty Level	Education: % People over age 25		
			High School	Associates Degree	Bachelor’s Degree
Newburgh	30,332	25.8	32%	5%	7%
Orange County	52,058	10.5	31%	8%	13%

Source: U.S. Bureau of the Census, 2000

C. Employment Data

The largest employers in the City of Newburgh include the following: St. Luke’s Hospital; American Felt & Filter; Bank of New York; Central Hudson Gas & Electric; Hudson Valley Tree Service; McQuade Children’s Services; Mount St. Mary’s College; Finkelstein, Levine et. al.; Sylcox Nursing Home; Tarkett, Inc.; and the Newburgh Enlarged School District. While there are a substantial amount of jobs in the City, there are less than found in Newburgh when the City was at its economic height as an employment Center. The 2000 Census indicates that the unemployment rate in the City of Newburgh is 6.9% as compared to the Orange County rate of 3.2%.

Human Capital

One of the most important assets in a community for creating real wealth is its people. In Newburgh, there is a diverse variety of people with all levels of skills and abilities.

Workforce Characteristics

Population aged 16 & over	19,585
Population in labor force	11,983
Employed labor force	10,547
Unemployed labor force (11.3%)	1,349
Private wage/salary workers	8,650
Government workers	1,475
Self-Employed	381
Unpaid family workers	41

Occupational Breakdown

Management, professional, related	1,903 (18.0%)
Service	2,393 (22.7%)
Sales/ office	2,511 (23.8%)
Farming, fishing, forestry	35 (0.3%)
Construction, extraction, maintenance	839 (8.0%)
Production, transportation, material moving	2,866 (27.2%)

Industry Breakdown

Ag, forestry, fishing, hunting, mining	67 (0.6%)
Construction	626 (5.9%)
Manufacturing	1,968 (18.7%)
Wholesale trade	611 (5.8%)
Retail trade	1,253 (11.9%)
Transportation and warehousing, utilities	458 (4.3%)
Information	210 (2.0%)
Finance, insurance, real estate, rental/leasing	516 (4.9%)
Public administration	394 (3.7%)

Social characteristics:

Residents reporting a disability (27.4%)	6,932
Speaking English only	16,338

Speaking language other than English at home	9,190
Reporting that they speak English "less than very well" (16.8%)	4,608

The relatively high level of residents who are reporting a disability suggests even a more compelling need to insure that government and commercial workplaces comply with ADA standards. For the U.S. as a whole, 19.3% report that they have a disability, so Newburgh's rate is significantly higher than average. This could also be related to the fact that the city is one of few places in the area that offer services to people with disabilities. This also points to a significant local market for businesses that provide supportive technologies and services to people with disabilities.

The language barriers in Newburgh also point to a need for more for language schools, translation services, intercultural education/ communication. Services for people who don't speak English fluently are in demand in Newburgh, including health assistance, elderly care, and educational support.

There are local institutions that provide training and professional development – BOCES, Mt. St. Mary's College, and Orange County Community College. The City of Newburgh works with each of these institutions to introduce additional programs to make more of a link between the impoverished people in the community and the skills they would need to lift themselves out of poverty.

D. Housing Profile

Snapshot: Household Characteristics

Total Housing Units	10,476
Housing Density per square mile	2,741
Average Household size	2.97
Average Family Size	3.62
Households with Children under 18	18.40%
Married Couples	34.1%
Female Households	25.4%
Non-Family Households	33.5%
Individuals	27.1%
Households with people 65 or older	11.0%
People under the age of 18	33.2%
Age 18-24	12.7%
Age 25-44	28.8%
Age 45 to 64	16.1%
Over 65	9.2%

The ratio in Newburgh of people who own their properties to the people who rent their properties is: 30% owners, 70% renters

This is the opposite of most U.S. cities and towns, where the ratio is usually: 70% owners, 30% renters

Males per 100 Females	90
Males per 100 Females over 18	84.6

Newburgh has a density of 7,394 persons per square mile, on parity with the New York/ New Jersey metropolitan area. This is well above the New York State average of 402 persons per square mile, and the US average of 80 persons per square mile. Overcrowding is prevalent with 4,639 housing units divided into 3 or greater units per building.⁴

General Market and Inventory Conditions:

Based on the 2000 Census, the City of Newburgh has 10,476 total year-round housing units, of which 9,144 are occupied. Of these, 30.7% were owner-occupied and 69.3% were renter occupied. Over 12% of the housing stock is vacant. More than one third of these units are not for sale or rent – it can be assumed that these units are vacant due to their likely status as fire damaged or boarded up buildings. The vacancy rate in 2000 was 7.6% for rental units and 6.8% for homeowner units. While these rates suggest that the supply of housing, particularly rental units is not tight, an evaluation of housing costs versus incomes, presented later, provides a more realistic picture of housing availability. In addition, many of the vacant units are in a physical condition not suitable for occupancy.

Newburgh General Housing Characteristics

Total Housing Units	10,476
Occupied Housing Units	9,144
Housing Units with 3 or more units per building	4,639
Vacancy Rate	12.7%
Newburgh Households 1990	9,029
Newburgh Households 2000	12,210
Persons per Square Mile – Newburgh	7,246
Persons per Square Mile – New York State	402
Persons per Square Mile – U.S. Average	80

Ownership vs. Rental Housing

Newburgh Homeownership 1990	35.4%
Newburgh Homeownership 2000	30.7%
Increase in Home Prices 2003-2004	17.5%
Increase in Median Income 2003-2004	4.0%
People who pay more than 35% of their income for rent	38.0%

⁴ Habitat for Humanity of Greater Newburgh, 2005

Number of households who can't afford median rent	3,734
Fair Market Value, One Bedroom apartment 2005	\$815/mo

An examination of several census factors, including age of housing and overcrowding, provide an estimate of substandard units in Newburgh. According to extrapolated Census data, 1,618 units, representing about 15% of the housing stock, are substandard. To estimate substandardness, the City defined substandard as all units identified by the Census as overcrowded (in excess of 1.51 occupants per room) and 20% of all pre-1940 housing. Criteria used to determine if substandard units are suitable for rehabilitation include degree of substandardness including structural characteristics, projected cost of rehabilitation and whether the market will support this cost. Based on the past experience of the City of Newburgh Community Development Agency, 85% of all substandard housing units are suitable for rehabilitation.

Like other communities throughout the region, Newburgh experienced an escalation of housing costs during the 1980's and 1990's. The upward pressure of housing costs in Newburgh can be attributed to a number of factors, some similar to those in other communities and some unique to Newburgh. The "boom" economy which existed throughout most of the 1990's and early 2000's generally resulted in escalating land and housing prices targeted to the most lucrative segments of the market, even in a generally depressed City such as Newburgh. An interest in gentrification of historic property in Newburgh added to this increase in costs as did a shortage of developable land. The efforts at waterfront renewal fueled by a booming economy have also held out hope for new investment and positive economic growth. However, the on-going challenges to developing residential properties in Newburgh, led by the substandard conditions of the stock, have depressed the overall value of properties. In 1990, the census reported the median value for owner occupied housing in Newburgh was \$103,000. In 2000, the Census reported a median of \$92,500 – a drop of 11%. Rental costs have escalated, although at a slower rate of previous years. Contract rents for rental housing were reported to have increase 160% between 1980 and 1990; although a review of the reported 1990 Census rates at \$452 and 2000 rates at \$614 reflect a 26% increase.

Based upon 2000 Census data, 3,694 rental units and 1,164 owner units in Newburgh are affordable to households with incomes between 0% and 50% of median income. The number of affordable units increases to 6,229 rental units and 5,011 owner units for households earning between 0% and 80% of median income.

The citywide trend of vacant or abandoned housing is strongly connected with deteriorated quality, compounded by a high percentage of absentee landlords. A strong theme coming from the stakeholder group and other meetings held with community members during the Master Planning process has been the deteriorated

condition of both rental housing and potentially affordable units up for sale, and the high costs of renovation – in part related to the historic nature of many structures and neighborhoods. The highest concentration of vacant and abandoned housing is in the lowest-income, and most ethnically diverse, neighborhoods, such as Census Tract Four which reports:

Boarded up or vacant properties	124 (12%)
Buildings in fair condition	46%
Buildings in poor condition	36%
Total buildings needing significant renovation	82%

The City continues to participate in the successful Orange County HOME consortium, which has created 845 units of affordable housing to date. By spending \$5 million through this initiative, the City has been able to leverage \$40 million in public and private funds. Because HOME funding can be used for new home construction, the city has relied primarily on HOME resources for new residential units and on CDBG resources for other types of infrastructure improvements.

A primary new program to address both home ownership and the challenge of vacant/ abandoned housing stock is the city's initiative to reclaim approximately 80 properties sold at auction in the last decade, where owners have not complied with contractual agreement to see that these properties are rehabilitated, with valid certificates of occupancy, and occupied. The City has initiated legal proceedings to reclaim these properties with a view toward offering them for sale by sealed bid with a preference for qualifying first-time homebuyers.

E. Maps

Within Attachment I the following maps are provided:

- Map 1: City of Newburgh, New York
- Map 2: Transit Map
- Map 3: Land Use Map
- Map 4: Governance – Wards, Districts & Census Tracts
- Map 5: Commercial & Industrial Areas
- Map 6: Economic Development Map
- Map 7: City of Newburgh Zoning Map

F. Other Relevant Data

The City's most challenged neighborhoods in terms of housing quality, vacant and abandoned buildings, and safety occur along with the highest concentrations of both poverty and racial/ethnic minority concentrations. The census tracts with highest

concentration of African-American and Hispanic residents (4 and 5) are also the ones with the greatest poverty, and the highest concentration of vacant structures, as well as distressed buildings and neighborhoods. The census tracts with the highest concentration of Caucasian residents are also the ones with the highest rates of owner occupancy and the lowest poverty rates.

III. Evaluation of Jurisdiction's Current Fair Housing Legal Status

A. Fair housing complaints or compliance reviews where the Secretary has issued a charge of or made a finding of discrimination.

According to the U.S. Department of Housing and Urban Development, as of October 2006, there are no pending fair housing complaints.

B. Fair housing discrimination suit filed by the Department of Justice or private plaintiffs.

According to the U.S. Department of Housing and Urban Development, as of October 2006, there are no pending fair housing discrimination suits filed by the Department of Justice or private plaintiffs.

C. Reasons for any trends or patterns.

A review of available records does not reveal any trends or patterns in fair housing complaints, compliance reviews or suits.

D. Discussion of other fair housing concerns or problems.

The City of Newburgh has encountered a number of challenges to meeting the underserved needs of our residents. The greatest obstacle, lack of financial resources, is met by continuing and on-going efforts to seek funding from whatever private and public sources become available, to support the development of affordable housing via private and public sources as well as examining and implementing policy which supports this development.

IV. Identification of Impediments to Fair Housing Choice

This analysis has not identified any discriminatory conditions which are the direct result of public or private actions. The primary impediment to fair housing identified is the lack of financial resources among racial/ethnic minorities which limits housing choices. This issue is being addressed by the City of Newburgh through a variety of economic development initiatives. These initiatives are intended to increase employment opportunities to empower people with the ability

to improve their economic status. In addition, various programs are underway to improve the housing stock and increase the number of affordable housing units. These efforts are on-going.

The City of Newburgh is currently exploring opportunities for the improvement of transportation resources throughout the City and County to address, among other needs, access to employment opportunities. As discussed, the growth in employment is most significant in areas of Orange County outside of Newburgh. By increasing the ability to access employment both within the City of Newburgh and other areas within the County, City residents are provided opportunities to improve their economic status, thereby expanding their housing options.

A. Public Sector

1. Zoning and Site Selection

Census Tract 4, located north of Broadway in Newburgh's East End and in the center of the East End Historic District. Housing stock shows significant deterioration and an exceptionally high rate of vacant buildings. In 1996, the National Trust for Historic Preservation named the East End one of the Eleven Most Endangered Historic Resources in the nation. In Census tract 4, 36.7% of residents have income below the federal poverty level, 81% of housing was built before 1960, and homeownership is at 9%.

Concentrations of racial/ethnic minorities and low income areas within the City of Newburgh are illustrated on the maps which follow. An 'area of racial/ethnic minority concentration' is defined as a census tract which has a minority population percentage exceeding the citywide percentage. An 'area of low income concentration' is defined as a census tract which has a low and moderate income population percentage exceeding 51%. Overall, nearly 26% of Newburgh's population is of low and moderate income. Four of the City's six census tracts have low and moderate income population percentages in excess of 51% (Tracts 3,4,5 and 6).

- Site Selection

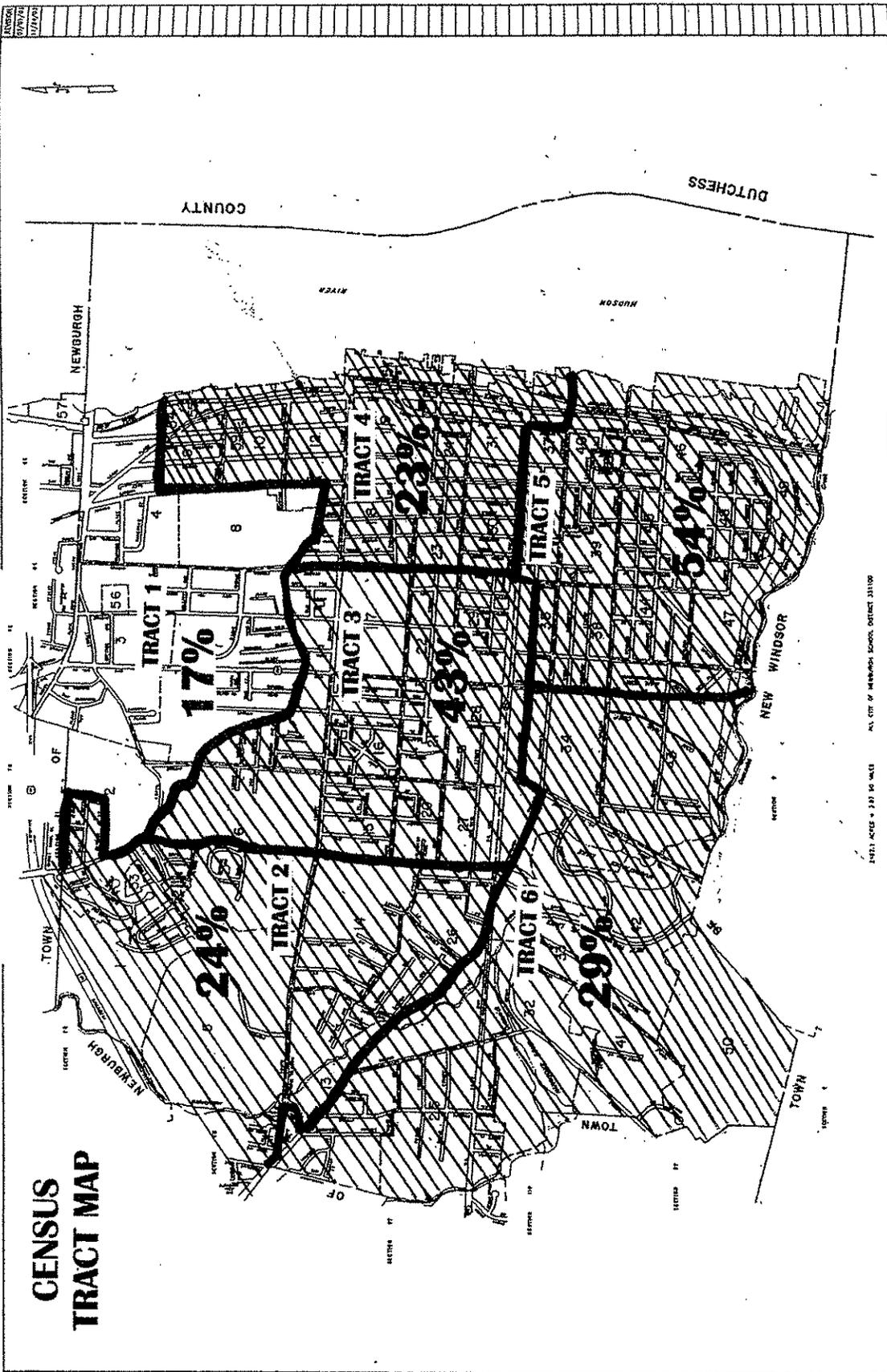
The development and site selection conditions which present impediments to fair housing choice are generally beyond the control of the City. These conditions include:

- The shortage of suitable land and sites for housing development, with redevelopment action required to assemble sites.

CITY OF NEWBURGH

Hispanic Population Concentrations

CENSUS TRACT MAP



% Hispanic
 **Over 51%**



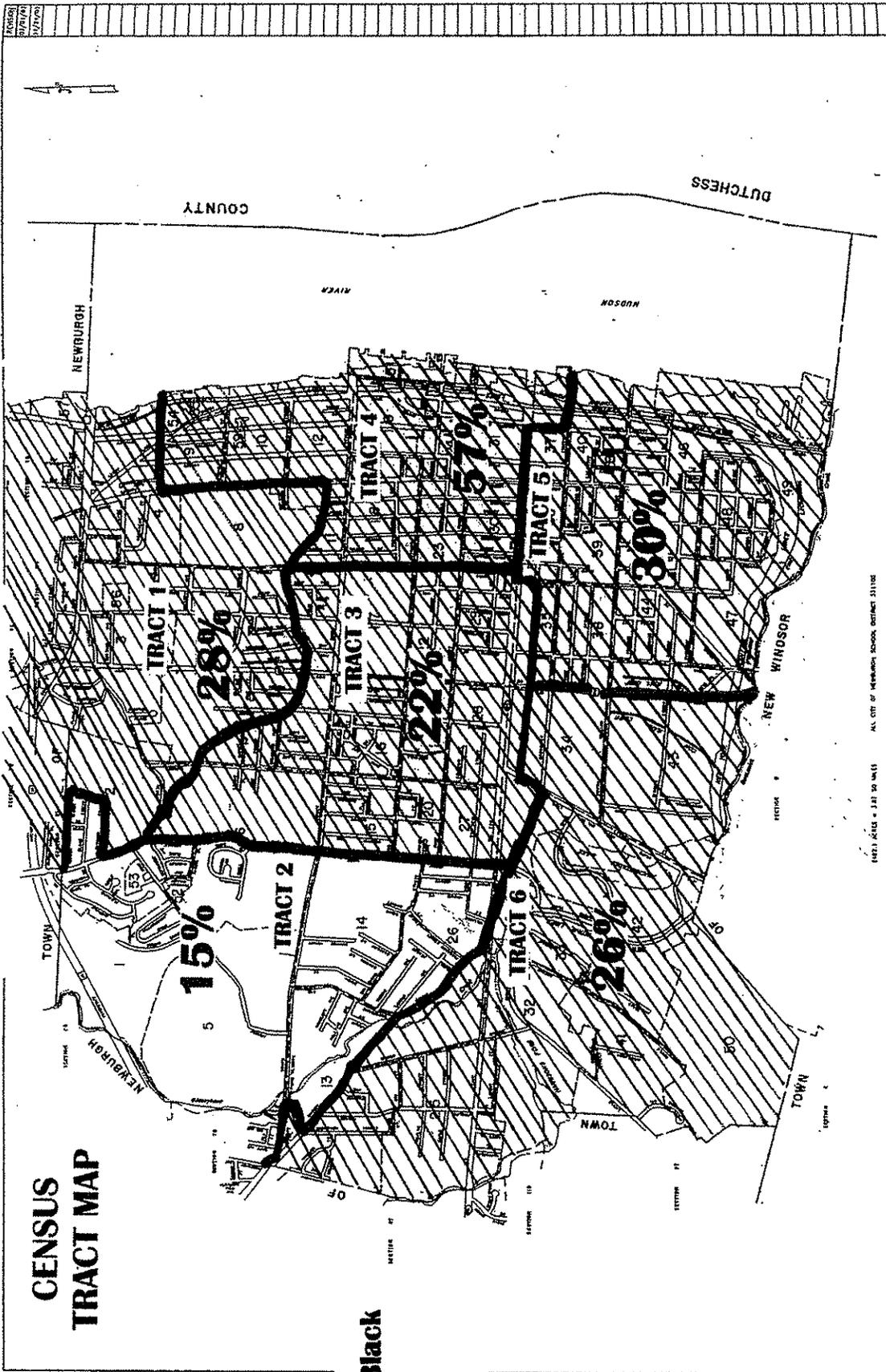
39808
CITY OF NEWBURGH
 Scale 1" = 500' Section No. 101, MAP No. 101
ORANGE COUNTY - NEW YORK

LEGEND

Symbol	Description
[Hatched Box]	Hispanic Population Concentration Over 51%
[Solid Box]	Hispanic Population Concentration 25% - 50%
[Dotted Box]	Hispanic Population Concentration 10% - 24%
[White Box]	Hispanic Population Concentration Under 10%
[Thick Line]	School District Boundary
[Thin Line]	City Boundary
[Dashed Line]	County Boundary
[Wavy Line]	Water
[Star]	City Center

CITY OF NEWBURGH

Non-Hispanic Black Population Concentrations



Scale 1" = 1/4 MI.
Section No. KEY MAP
2014



ORANGE COUNTY--NEW YORK

APPROVED BY THE BOARD OF SUPERVISORS
JANUARY 12, 1971

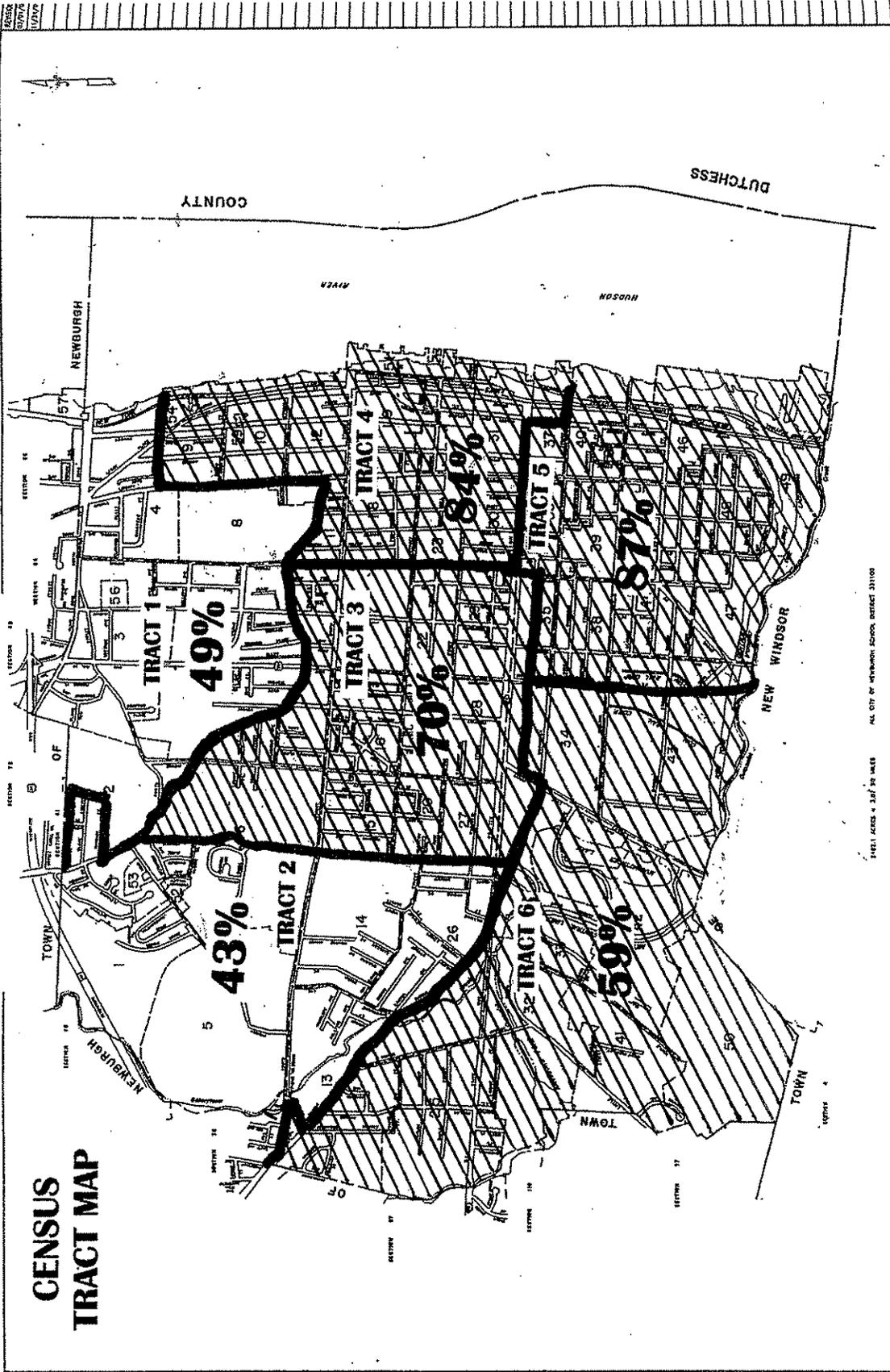
FOR THE CITY OF NEWBURGH

LEGEND

Symbol	Description
[Diagonal Lines]	% of Non-Hispanic Black Over 20%
[Solid Black]	City of Newburgh
[Dotted]	Water
[Thin Solid Line]	Street
[Thick Solid Line]	Highway
[Dashed Line]	Proposed Highway
[Wavy Line]	River
[Stippled]	Unimproved Land
[Cross-hatched]	Forest
[Horizontal Lines]	Marsh
[Vertical Lines]	Swamp
[Diagonal Lines (other)]	Other Land Use

CITY OF NEWBURGH

Racial & Ethnic Minority Concentrations



CITY OF NEWBURGH
 Scale 1" = 800'
 Section No. KEY J400
 Jan. 60

ORANGE COUNTY-NEW YORK

PLANNING BOARD

1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025

LEGEND

Symbol	Description
[Hatched Box]	% Total Minority Over 50%
[Solid Box]	[Blank]
[Dotted Box]	[Blank]
[Cross-hatched Box]	[Blank]
[Diagonal Lines]	[Blank]

- The high cost of available land which contributes to the inflation of housing costs.
- Location of much deteriorated rental housing stock in the East End Historic District with inherent additional regulations, reviews and potential costs.
- Substantial rehabilitation cost requirements for many units are so high that major subsidies are required if they are to be economically feasible and fundable.
- Zoning

Newburgh's housing stock is characterized by a variety of housing types. Their development standards are currently governed by the City Zoning Ordinance. In 2000 the City of Newburgh amended its zoning ordinance to merge or combine the R-2 district with the R-1 district. The objective of the 2000 amendment was twofold: (a) increase home ownership and (b) improve housing conditions.

Perhaps the most important characteristic of the Ordinance is the absence of a permitted use for a *two family* home in Newburgh pursuant to the 2000 Zoning amendment. Shortly after the zoning ordinance was amended the city began to recognize the shortcomings of the amendment. Nevertheless, the city decided to use the amended ordinance to determine if it has any positive effects on residential development. Some of Newburgh's residential problems that arise from prohibiting two-family dwellings include: (a) variance applications have increased significantly because many applicants are interested in developing two-family dwellings (b) costs have increased for redevelopment and (c) the percentage of home ownership in the City of Newburgh has failed to increase.

The number of variances has increased significantly and homeownership remains low throughout the city. Since the 2000 amendment of the ordinance the City has reviewed over 250 variance applications, at least half of which have been for two family dwellings. A large percentage of these applications are associated with sales of city owned properties.

Asset ownership is vital for every household's financial security. No asset is more important than home ownership. The City of Newburgh is characterized by 30 % home ownership and 70% rental properties. According to Census the median household income of for Newburgh is \$32,519. The cost to renovate, pay mortgage and taxes is extremely challenging for anyone earning the median income or less in Newburgh.

Initially, zoning was introduced as a method to deal with incompatible use by means other than traditional nuisance law and private covenants. Zoning has matured into a land use regulatory system which is intended to group compatible uses and identify permitted uses within each district. Zoning is not responsible for the quality of homes but focuses on the compatibility of land uses.

The City has learned from this experiment that a neighborhood is not necessarily high quality simply because it is comprised of single family homes. Quality homes are a function of various factors. For example mortgage rates, local economy, education opportunities, recreation opportunities and safety all influence the housing stock. In addition, quality neighborhoods are partially dependent upon vigorous code enforcement and strong police enforcement. Finally, Permitting an R-2 zone would allow many to have an income generating apartment and defray some of the cost associated with home ownership.

It is clear from the current housing conditions in Newburgh that the amendments to the zoning ordinance in 2000 has not made significant improvements to housing conditions in the City nor has it simplified the process for renovating multi-family dwellings. As such, adequate housing continues to be a growing concern within the City of Newburgh. A significant number of variance applications and several abandoned buildings indicate more efforts to improve local housing are needed. These efforts include reviewing the role of the various residential districts in the City Ordinance. As a result, the city is currently exploring reintroducing a two-family zone as part of its Master Planning process and expects to adopt significant re-zoning amendments in 2007 to establish a comprehensive and strategic R-2 zone.

2. Neighborhood Revitalization, Municipal and Other Services, Employment-Housing-Transportation Linkage

- **Neighborhood Revitalization**

The City of Newburgh sponsors a wide range of revitalization activities as part of a variety of programs utilizing public and private funding sources. These programs are fully described in the Consolidated Housing and Community Development 2005-2009 Strategic Plan. The primary programs include the Community Development Block Grant (CDBG), HOME Program and the Business Resource and Information Exchange.

- **Employment-Housing-Transportation Linkage**

In the City of Newburgh many of its neighborhoods and business districts do not lend themselves to pleasant or safe pedestrian use. The City of Newburgh

consistently seeks to provide better linked pedestrian networks that are properly designed and maintained.

Public transit provides mobility to many people who do not have access to other modes of transportation due to age disability or income. Travel equity stems from the removal of travel barriers by giving all citizens access to reasonably priced accessible transit. By improving access to public transit provides access to jobs services and housing. In recognition of these benefits, the City's Master Plan includes recommendations for expanding public transit in the City of Newburgh.

Currently the City of Newburgh is served by the following bus services:

- *Shuttle Service* provides transportation from the Park and Ride to the Metro North Train Station in Beacon;
- *Newburgh/Beacon Bus Corporation* provides service within the City of Newburgh extending north of Broadway and south of Broadway;
- *Shortline Coach USA* provides many routes from the Park and Ride to various destinations including Woodbury Commons, West Point, Montgomery, Middletown and New York City; and
- *Ulster County Area Transit* which provides stops at the City of Newburgh waterfront and various places along Broadway.

The level of service with respect to public transit is dependent on comfort, convenience and cost.

Although the majority of the roads within the City of Newburgh are local roads, there are six State roads (9W, 32, 17K, 207, South Street and Martin Luther King Drive). South Street and Martin Luther King Drive are deemed arterial roads and are maintained by the State. The State has an agreement with the City of Newburgh for the maintenance and snow removal for the remaining State roads.

In October 2005 the ferry linking Newburgh with Beacon became operational again. The ferry is owned and operated by New York Metropolitan Transportation Authority. The ferry provides connection with the Metro North Train Station in Beacon where passengers can board a train for New York City. Ridership on the ferry has been very successful and the City of Newburgh hopes it will continue to rise. The ferry has the potential to serve as an important component in linking Stewart Airport, Newburgh Bus System and the North Metro Train Station.

The primary impediment to fair housing related to employment-housing-transportation linkages is the lack of public transportation for racial/ethnic minorities to access places of employment outside of the City. While this does not impede fair housing within the City of Newburgh, it does limit the availability of low and moderate income persons and families to afford a wider range of housing choices.

- o Municipal and Other Services

The City of Newburgh offers a wide range of municipal services. The geographically compact nature of the City assures that municipal services and facilities are generally available to all parts of the City including areas of racial/ethnic concentration. The school district is administered on a magnet school basis and includes areas outside the City limits. This system assures equal access to this important municipal service.

3. PHA and Other Assisted/Insured Housing Provider Tenant Selection Procedures; Housing Choices for Certificates and Voucher Holders

- o Public Housing

The Newburgh Housing Authority manages the City's public housing stock. That stock includes a total of 135 units in two projects of which one project, Fogarty, with 65 units, serve the elderly exclusively.

The Authority's families include:

Very low income	24
Low income	5
Families w/ children	32
Elderly families	65
Families w/ disabilities	9

The two projects, their units and unit size, are as follows:

Public Housing								
Projects	Ownership/ Financing	Population	Total Units Elderly/ Family	Number of Bedrooms				
				0	1	2	3	4
Mullins	Federal	Family +	70	0	12	22	24	12
Fogarty	Federal	Senior +	65	21	44	0	0	0
Total			135	21	56	22	24	12

There are virtually no vacant units in any of the Public Housing developments. However, apartments are temporarily vacant due to phased construction.

The current waiting list for public housing includes only ten (10) eligible applicants. The income levels represented are:

Extremely low income	<u>8</u>
Very low income	<u>1</u>
Low income	<u>1</u>

This wait list includes 7 families with children, 0 elderly families and 4 families with disabilities. The waiting list currently reflects the following ethnic composition: 6 African-American (60 %), 4 Latino (40%) and 0 White (0%). The waiting list was last closed in 2001.

The Housing Authority is anticipating that it will re-open its wait list in early 2007. There are also 205 units of state-sponsored housing which since been privatized. Through support from the State's Tax Credit program, they currently remain low-income.

There is no anticipation by the city that any of the public housing units will be lost due to any condition including demolition or conversion to homeownership.

A copy of the PHA tenant selection procedures is provided within Appendix A.

o Section 8

In the City of Newburgh, HUD's Section 8 program has the capacity to serve 431 households, as of the date of this report, 415 families were receiving vouchers or certificates although the Housing Authority reported that they were in the process of interviewing 16 families and expected to maximize their capacity by the end of the year. Their anticipated turnover rate is no more than 5% or 21 households.

There are 33 applicants on their current wait list. Varick Homes is a project based Section 8 project which houses families and the elderly.

Orange County Rural Opportunities Inc. has 252 Section 8 certificates and vouchers from the County that it administers in the City of Newburgh and the Town of Newburgh. No further geographic breakdown is available. The waiting list currently numbers over 1,800 families and is closed. Of those on the wait list, 876 are families with children, 134 are elderly, 260 are families with a disabled member and 570 are single families. Ethnically, the wait list includes 519 African-American families, 243 Latino families and 1,094 Caucasian families.

- Assisted Living

There are approximately 500 other assisted housing units in the city funded by federal, state or local programs. Lake Street Apartments is a 375 unit Section 236 rental project of which approximately 10% or 38 units are set aside as Section 8 units. This development includes 48 garden apartment buildings which have 309 family units and one high rise building of 66 units exclusively for the elderly. This complex is fully occupied with a five year wait list for every size family units and three year wait list for elderly units. Burton Towers is a 125 unit, Section 202, elderly housing project. Voisins of Newburgh at 51 LeRoy Place, is a 77 unit building operated exclusively for senior citizens.

4. Sale of Subsidized Housing and Possible Displacement

Historically, the City has implemented its affordable housing strategies through partnerships with nonprofit organizations. In direct rehabilitation of properties and support of home owners, two programs are central: Habitat for Humanity of Greater Newburgh and the Newburgh Community Improvement Corporation.

Habitat for Humanity of Greater Newburgh, an affiliate of Habitat for Humanity International, has operated programs to provide home ownership supports and affordable housing in the City since 1999, concentrating in the low-income East End along the Hudson River (Census Tracts 4, 5 and 6). In keeping with the City's built-out condition and the wide availability of structures needing rehabilitation, Habitat's programs have focused exclusively on renovation rather than new home construction. Habitat participants purchase homes for \$750 cash plus a minimum of 250 – 400 hours of sweat equity participation in the renovation of the structure. Habitat recently completed its 17th house, and aims to complete an additional 20 in the next three years. However, in 2005, 70 families applied for Habitat participation and 30 met the qualifications fully, leaving a service gap with respect to this highly motivated, potentially stable cohort of citizens with the skills, and the financial and personal capacity to become stable home owners.

Newburgh Community Improvement Corporation (NCIC) is a Neighborhood Preservation Program, with designation by the NYS Division of Housing & Community Renewal. Its mission is to revitalize Newburgh and increase affordable, safe and sanitary housing for low income families.

To date NCIC has rehabilitated 33 buildings into 64 units of affordable housing in the Lander- Chamber-South Street area, and will rehabilitate another 13 buildings over the next 12 months into 20 more units of housing.

NCIC runs a Homeownership Education and Training Program that helps first time home owners learn how to be informed and skillful buyers, and helps them to secure affordable loans at reasonable interest rates. The agency also provides post-purchase support for homeowners. NCIC is part of Rural Opportunities, Inc., (ROI) a non-profit established in 1969 to provide housing, training, and other supports to migrant worker families and other disadvantaged families. ROI ranks 4th nationally in the development of first time home buyers, as ranked by the Neighborhood Reinvestment Corporation. NCIC will be rehabilitating 12 buildings over the next year for sale to first time homebuyers in the income range of 41%-70% of area median income. NCIC also has a permanent housing program for homeless individuals with mental disabilities, serving 95 people.

In addition to City initiatives, employer homebuyer support programs have been launched by such major employers as Mt. St. Mary College and St. Luke's Cornwall Hospital. Both programs provide stipends to cover closing costs connected with home purchasing for qualifying employees.

To summarize, the City recognizes the need for a programmatic foundation for addressing each tier in the ladder of housing tenure, from crisis and long-term homelessness to the development of housing units for rental and sale. However, the affordability pressures and the magnitude of need on the part of low, very low and extremely low income households far outweighs the current resources. As a realistic statement of priorities, the City is seeking ways to stabilize the ladder at both its ends - that is, to reduce the socioeconomic crisis of homelessness, overcrowded and substandard housing for its lowest-income residents, and to help its working poor households to achieve the economic stability of home ownership, benefiting themselves and further stabilizing the city's neighborhoods.

Given the City's vacancy rates for its existing housing stock, no displacement occurs as a result of these efforts – all of which are focused on *vacant* properties or lots.

5. Property Tax Policies

The City of Newburgh currently offers a tax exemption for senior citizens whose total gross income is below \$32,399. Under this program, persons earning less than \$24,999 qualify for a 50% exemption from City, County and School taxes. The exemption is reduced proportionately until the higher end of income is reached, where the exemption is 5%. The City also offers a program for first-time homebuyers whose income is less than \$53,900 and buy a home for less than \$178,600. Both of these programs are clearly targeted towards low income homeowners.

6. Planning and Zoning Boards

City of Newburgh Planning Board

The Planning Board has full power and authority to make or cause to be made such investigations, maps, reports and recommendations relating to the planning and development of the city as may be advisable or which the Council may direct. The Planning Board consists of seven members appointed for terms of seven years. As of November 2006, five of the seven members of the Board are women and approximately 42% (3 of 7) of its members are people of color. None have reported disabilities.

City of Newburgh Zoning Board of Appeals

The Zoning Board of Appeals enforces the zoning laws of the City of Newburgh and hears applications for variances to those laws. An applicant for a variance must demonstrate that a substantial and unique hardship would be created by the strict interpretation of the zoning law, and this hardship can be corrected by a slight variation in the regulations without causing undue hardship to others or to the City as a whole. The current Board includes four women, including its Chair, approximately 42% (3 of 7) of which are people of color.

B. Private Sector

Lending Policies and Practices

No lending policies or practices have been identified which represent impediments to fair housing.

C. Public and Private Sector

1. Fair Housing Enforcement

The City of Newburgh established a Fair Housing Office in 1983 by action of the City Council. Appendix D contains Chapter 38 of the City Ordinances which describes this office. In addition, the City established a Human Rights Commission in 1990. In 1991, the powers of the Commission were expanded and members were appointed. Appendix D contains the resolutions relative to the Human Rights Commission.

In accordance with Chapter 38, the Community Development Agency has been designated by the City Manager as the Fair Housing Office. The Director of Community Development serves as the Fair Housing Officer. The Fair Housing Officer responds to all fair housing complaints and inquiries. The usual procedure utilized is one of referral to the appropriate state or federal agency. There are no complaints filed or pending related to the City of Newburgh.

2. Informational Programs

Newburgh Community Improvement Corporation (NCIC) runs a Homeownership Education and Training Program that helps first time home owners learn how to be informed and skillful buyers, and helps them to secure affordable loans at reasonable interest rates.

D. Where there is a determination of unlawful segregation or other housing discrimination by a court of a finding of noncompliance by HUD under Title VI of the Civil Rights Act of 1964 or Section 504 of the Rehabilitation Act of 1973, or where the Secretary has issued a charge under the Fair Housing Act regarding assisted housing within a recipient's jurisdiction, an analysis of the actions which could be taken by the recipient to help remedy the discriminatory condition, including actions involving the expenditure of funds by the jurisdiction.

There has been no a determination of unlawful segregation or other housing discrimination by a court of a finding of noncompliance by HUD under Title VI of the Civil Rights Act of 1964 or Section 504 of the Rehabilitation Act of 1973, nor has the Secretary has issued a charge under the Fair Housing Act regarding assisted housing within the jurisdiction of the City of Newburgh.

V. Assessment of Current Public and Private Fair Housing Programs and Activities in the Jurisdiction

The City of Newburgh currently furthers fair housing through the use of applicable City ordinances through the Fair Housing Office. This office responds to all fair housing complaints and inquiries. In addition, the Fair Housing Office participates in informational programs. Furthermore, the Community Development Agency which serves as the Fair Housing Office administers various housing programs which facilitate compliance with fair housing law in these programs. This centralized function increases coordination in the area of fair housing.

Based upon the analysis undertaken to date, it appears that there is a need for a more proactive approach to fair housing activities in conjunction with the private sector. Such activities would include a review of lending institutions underwriting practices in order to determine if specific approaches are required in order to increase access to non-racial impacted areas by minority households through increased home purchase. A second activity would be an analysis of approaches to improving transportation to increase access to employment opportunities outside the City by persons of color. Increase access to employment will economically empower persons of color thereby increasing access to housing in non-racial impacted areas.

VI. Conclusion and Recommendations

No impediments to fair housing were identified as a result of this analysis. However, there are existing conditions related to housing availability which must be considered in relation to the ability of low-income communities and communities of color to secure safe and affordable housing. These include:

- The relatively high level of residents who are reporting a disability suggests even a more compelling need to insure that housing and the workplace comply with ADA standards. For the U.S. as a whole, 19.3% report that they have a disability, so Newburgh's rate is significantly higher than average. This could also be related to the fact that the city is one of few places in the area that offer services to people with disabilities.
- The language barriers in Newburgh also point to a need for more for language schools, translation services, intercultural education/communication. Services for people who don't speak English fluently are in demand in Newburgh.

- The highest concentration of vacant and abandoned housing is in the lowest-income, and most ethnically diverse, neighborhoods, such as Census Tract Four.
- The City's most challenged neighborhoods in terms of housing quality, vacant and abandoned buildings, and safety occur along with the highest concentrations of both poverty and racial/ethnic minority concentrations. The census tracts with highest concentration of African-American and Hispanic residents (4 and 5) are also the ones with the greatest poverty, and the highest concentration of vacant structures, as well as distressed buildings and neighborhoods. The census tracts with the highest concentration of Caucasian residents are also the ones with the highest rates of owner occupancy and the lowest poverty rates. This trend demonstrates the levels of access of quality housing opportunities for low-income communities and communities of color.

As discussed, specific efforts to meeting the underserved needs of our residents, detailed in the City's Action Plan for Consolidated Housing for FY 2007 include:

- *Anti-Poverty Strategies:* Reducing the number of poverty level families will be to support economic development programs with the goal of increasing employment opportunities for these families. To address this, the City recently initiated a Family Business Loan Program to assist existing businesses to expand or relocate into Newburgh.
- *Foster and Maintaining Affordable Housing:* The City has launched a first-time homebuyer program for low/mod income households funded with CDBG monies and has also recently committed to sell an additional three (3) properties (for a total of twenty) to Habitat for Humanity for \$1.00 each.
- *Improvement of Institutional Structure and Service Delivery:* The City of Newburgh created a Department of Planning and Development to bring the delivery of housing and community development services more directly under the control the City Manager and strengthen the accountability and coordination of the institutional structure addressing these services.

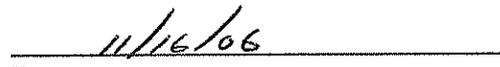
- *Support of Public Housing Improvements and Resident Initiatives:* The Newburgh Housing Authority has been designated as “troubled” by HUD. City of Newburgh staff are providing on-going technical assistance on NHA’s funding, administration and physical management efforts as well as negotiating a new cooperative agreement between the City and the Housing Authority. The Authority will continue its efforts to make improvements to the assisted housing units under its management.

VII. Signature Page

Respectfully submitted on behalf of the City of Newburgh.



Nicholas J. Valentine
Mayor
Chief Elected Official



Date

Appendices

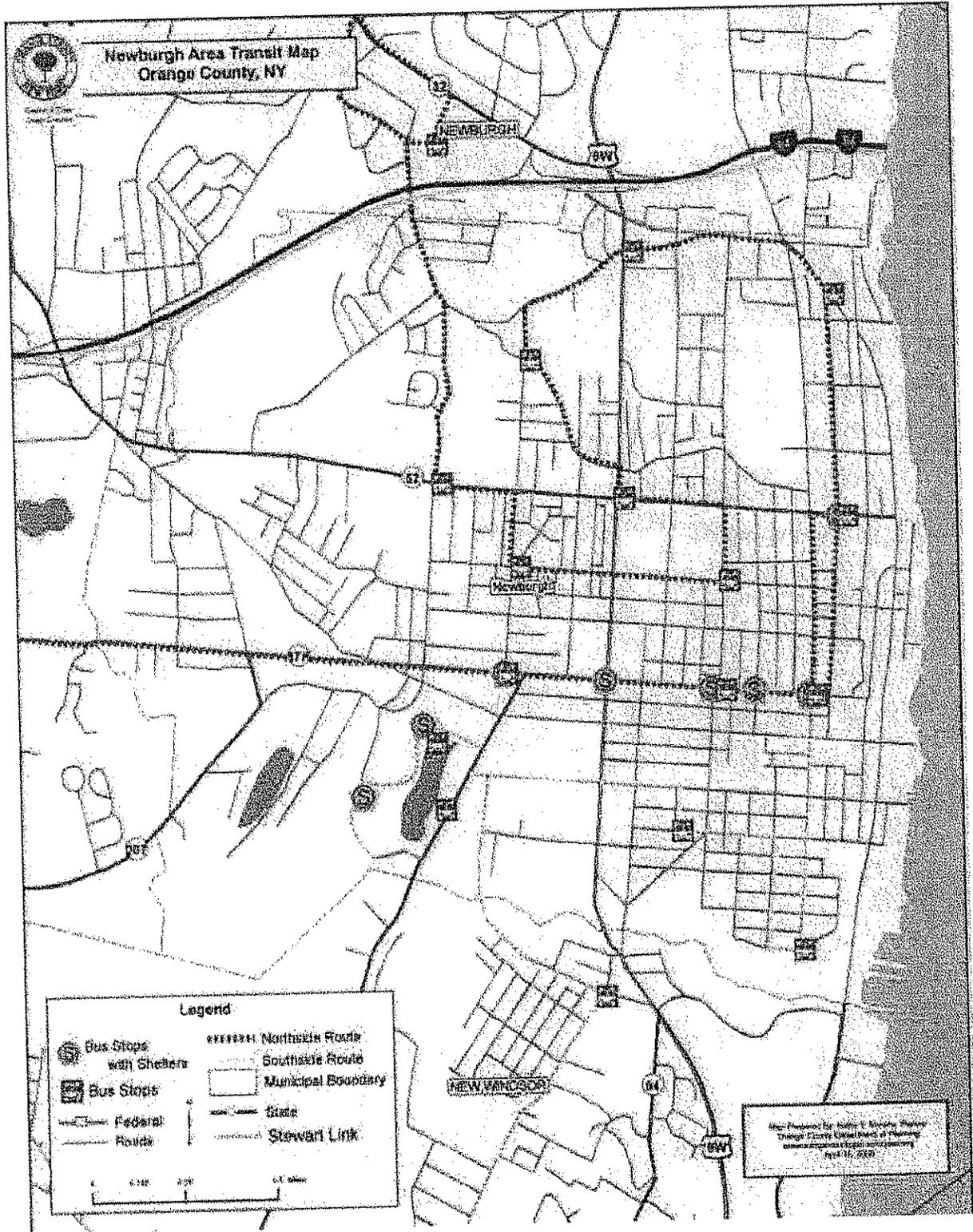
- Appendix A – Procedures for Participation Selection PHA and Section 8
- Appendix B – Racial Characteristics of Tenants in PHA Properties
- Appendix C – Location of Section 8 Certificate and Voucher Holders
- Appendix D – Fair Housing Ordinances

Attachment I

Maps:

- Map 1: City of Newburgh, New York
- Map 2: Transit Map
- Map 3: Land Use Map
- Map 4: Governance – Wards, Districts & Census Tracts
- Map 5: Commercial & Industrial Areas
- Map 6: Economic Development Map
- Map 7: City of Newburgh Zoning Map

Map 2: Transit Map



Map 3: Land Use Map

City of Newburgh Land Use*

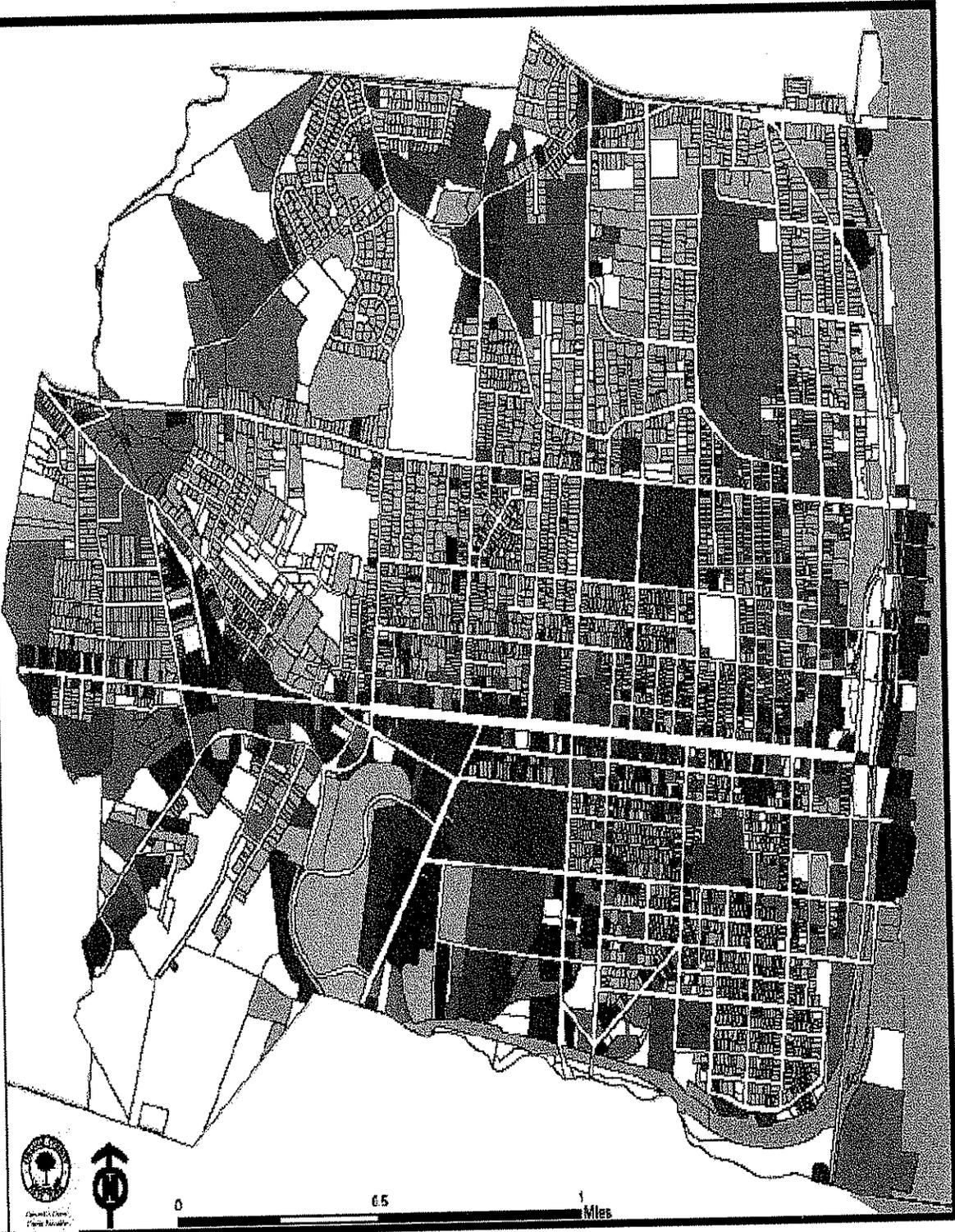
Land Use*

- ◆ AGRICULTURE
- ◆ COMMERCIAL
- ◆ COMMUNITY SERVICES
- ◆ INDUSTRIAL
- ◆ OFFICE
- ◆ PARKS
- ◆ PUBLIC SERVICE
- ◆ RESIDENTIAL
- VACANT
- ▭ Municipal Boundaries

Land uses were determined using the 2005 Real Property database (using information provided by local assessors) in conjunction with aerial data provided by the Orange County Water Authority. Because this spatial data was neither produced by nor endorsed by the Orange County Department of Real Property, both the tax parcel boundaries and the land uses are guaranteed to be accurate.

Orange County
Planning Department
Print date: 8/28/08

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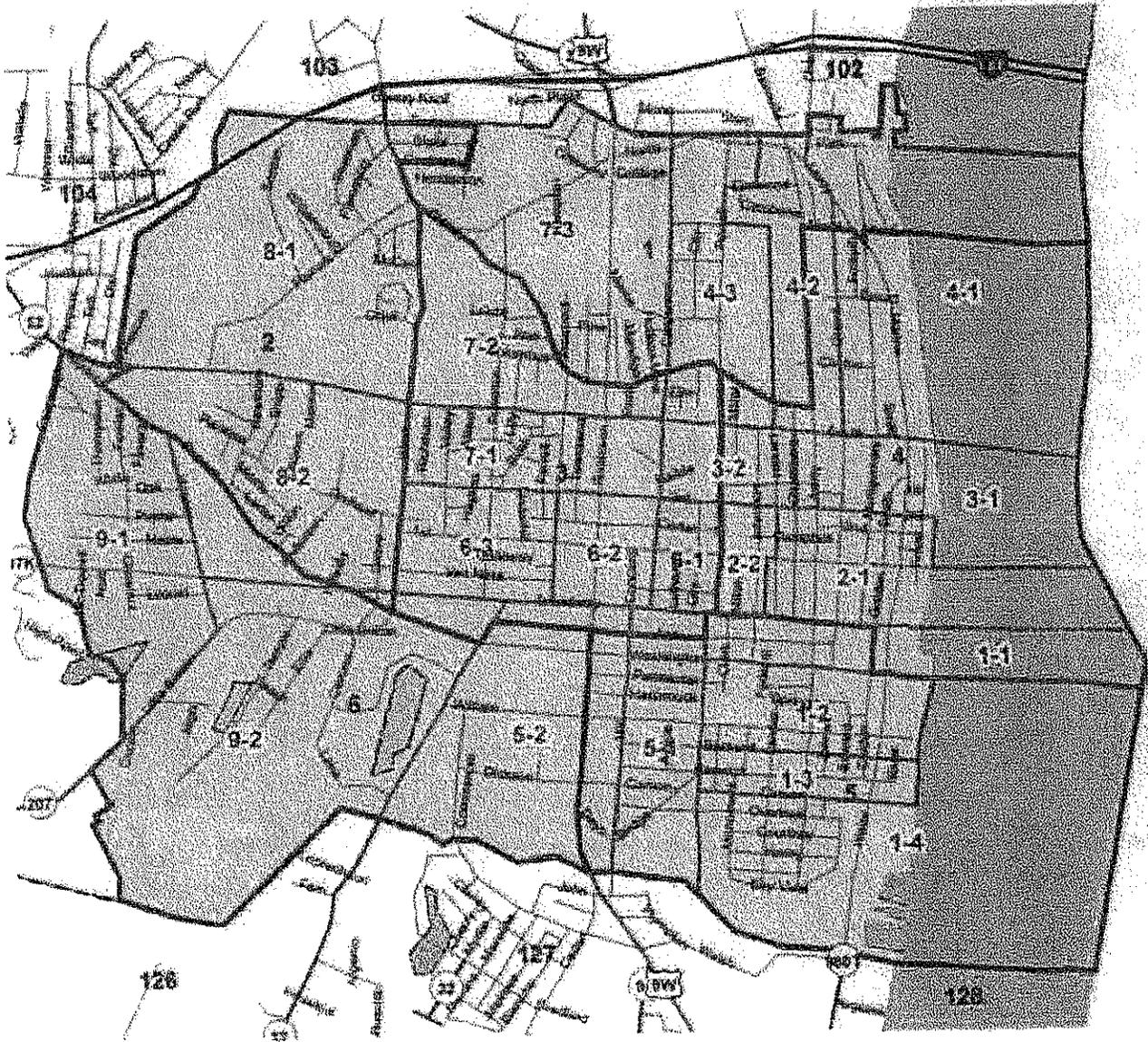
0

0.5

1 Miles

Map 4: Governance – Wards, Districts & Census Tracts

**Governance
Newburgh City
Orange County, NY**



Legend

	Census Tract		Interstate
	Election District		Local
	4-4 Ward Election District		State
	City Boundary		County
			US Highway


 The County of Orange makes no warranty, expressed or implied, as to the accuracy or completeness of the information depicted on this map. The County of Orange hereby disclaims liability for any such errors or omissions resulting from the use of the information, unless such errors or omissions are caused by negligence.

Prepared By: Orange County Department of Planning
 Kelly J. Scully, Planner
 August 2018

Map 5: Commercial & Industrial Areas

City of Newburgh

Commercial and Industrial Areas

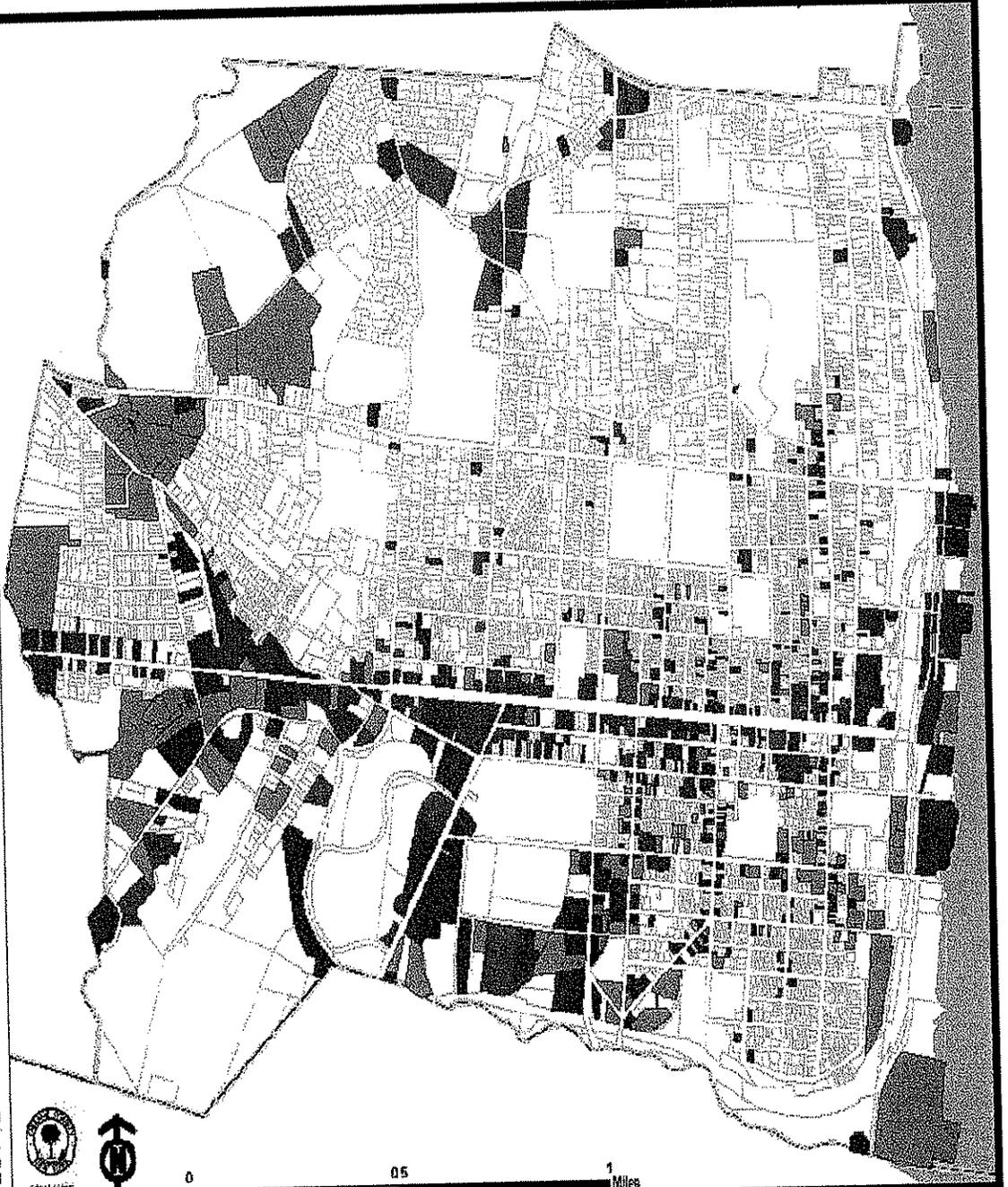
Land Use*

- ◆ COMMERCIAL
- ◆ INDUSTRIAL
- ◆ OFFICE

*Land uses were determined using the 2005 Real Property database (using information provided by local assessors) in conjunction with spatial data provided by the Orange County Water Authority. Because this spatial data was neither produced by nor is endorsed by the Orange County Department of Real Property, both the tax parcel boundaries and the land uses are guaranteed to be accurate.

Orange County
Planning Department
Print date: 8/28/08

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Appendix A

Procedures for Participation Selection PHA and Section 8

2.0 HOUSING AUTHORITY/OWNER RESPONSIBILITY/ OBLIGATION OF THE FAMILY

This Section outlines the responsibilities and obligations of the Housing Authority, the Section 8 Owners/Landlords, and the participating families.

2.1 HOUSING AUTHORITY RESPONSIBILITIES

- A. The Housing Authority will comply with the consolidated ACC, the application, HUD regulations and other requirements, and the Housing Authority Section 8 Administrative Plan.
- B. In administering the program, the Housing Authority must:
 - 1. Publish and disseminate information about the availability and nature of housing assistance under the program;
 - 2. Explain the program to owners and families;
 - 3. Seek expanded opportunities for assisted families to locate housing outside areas of poverty or racial concentration;
 - 4. Encourage owners to make units available for leasing in the program, including owners of suitable units located outside areas of poverty or racial concentration;
 - 5. Affirmatively further fair housing goals and comply with equal opportunity requirements;
 - 6. Make efforts to help disabled persons find satisfactory housing;
 - 7. Receive applications from families, determine eligibility, maintain the waiting list, select applicants, issue a voucher to each selected family, and provide housing information to families selected;
 - 8. Determine who can live in the assisted unit at admission and during the family's participation in the program;
 - 9. Obtain and verify evidence of citizenship and eligible immigration status in accordance with 24 CFR part 5;
 - 10. Review the family's request for approval of the tenancy and the owner/landlord lease, including the HUD prescribed tenancy addendum;
 - 11. Inspect the unit before the assisted occupancy begins and at least annually during the assisted tenancy;

12. Determine the amount of the housing assistance payment for a family;
13. Determine the maximum rent to the owner and whether the rent is reasonable;
14. Make timely housing assistance payments to an owner in accordance with the HAP contract;
15. Examine family income, size and composition at admission and during the family's participation in the program. The examination includes verification of income and other family information;
16. Establish and adjust Housing Authority utility allowance;
17. Administer and enforce the housing assistance payments contract with an owner, including taking appropriate action as determined by the Housing Authority, if the owner defaults (e.g., HQS violation);
18. Determine whether to terminate assistance to a participant family for violation of family obligations;
19. Conduct informal reviews of certain Housing Authority decisions concerning applicants for participation in the program;
20. Conduct informal hearings on certain Housing Authority decisions concerning participant families;
21. Provide sound financial management of the program, including engaging an independent public accountant to conduct audits; and
22. Administer an FSS program.

2.2 *OWNER RESPONSIBILITY*

- A. The owner is responsible for performing all of the owner's obligations under the HAP contract and the lease.
- B. The owner is responsible for:
 1. Performing all management and rental functions for the assisted unit, including selecting a voucher holder to lease the unit, and deciding if the family is suitable for tenancy of the unit.
 2. Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance.

3. Complying with equal opportunity requirements.
 4. Preparing and furnishing to the Housing Authority information required under the HAP contract.
 5. Collecting from the family:
 - a. Any security deposit required under the lease.
 - b. The tenant contribution (the part of rent to owner not covered by the housing assistance payment.
 - c. Any charges for unit damage by the family.
 6. Enforcing tenant obligations under the lease.
 7. Paying for utilities and services (unless paid by the family under the lease.)
- C. For provisions on modifications to a dwelling unit occupied or to be occupied by a person with disabilities see 24 CFR 100.203.

2.3 OBLIGATIONS OF THE PARTICIPANT

This Section states the obligations of a participant family under the program.

- A. Supplying required information.
1. The family must supply any information that the Housing Authority or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status. Information includes any requested certification, release or other documentation.
 2. The family must supply any information requested by the Housing Authority or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
 3. The family must disclose and verify Social Security Numbers and must sign and submit consent forms for obtaining information.
 4. Any information supplied by the family must be true and complete.
- B. HQS breach caused by the Family

The family is responsible for any HQS breach caused by the family or its guests.

C. Allowing Housing Authority Inspection

The family must allow the Housing Authority to inspect the unit at reasonable times and after at least 2 days notice.

D. Violation of Lease

The family may not commit any serious or repeated violation of the lease.

E. Family Notice of Move or Lease Termination

The family must notify the Housing Authority and the owner before the family moves out of the unit or terminates the lease by a notice to the owner.

F. Owner Eviction Notice

The family must promptly give the Housing Authority a copy of any owner eviction notice it receives.

G. Use and Occupancy of the Unit

1. The family must use the assisted unit for a residence by the family. The unit must be the family's only residence.
2. The Housing Authority must approve the composition of the assisted family residing in the unit. The family must promptly inform the Housing Authority of the birth, adoption or court-awarded custody of a child. The family must request approval from the Housing Authority to add any other family member as an occupant of the unit. No other person (i.e., no one but members of the assisted family) may reside in the unit (except for a foster child/foster adult or live-in aide as provided in paragraph (4) of this Section).
3. The family must promptly notify the Housing Authority if any family member no longer resides in the unit.
4. If the Housing Authority has given approval, a foster child/foster adult or a live-in aide may reside in the unit. The Housing Authority has the discretion to adopt reasonable policies concerning residence by a foster child/foster adult or a live-in aide and defining when the Housing Authority consent may be given or denied.
5. Members of the household may engage in legal profit making activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family. Any business uses of the unit must comply with zoning requirements and the affected household member must obtain all appropriate licenses.

6. The family must not sublease or let the unit.
7. The family must not assign the lease or transfer the unit.

H. Absence from the Unit

The family must supply any information or certification requested by the Housing Authority to verify that the family is living in the unit, or relating to family absence from the unit, including any Housing Authority requested information or certification on the purposes of family absences. The family must cooperate with the Housing Authority for this purpose. The family must promptly notify the Housing Authority of its absence from the unit.

Absence means that no member of the family is residing in the unit. The family may be absent from the unit for up to 30 days. The family must request permission from the Housing Authority for absences exceeding 30 days. The Housing Authority will make a determination within 5 business days of the request. An authorized absence may not exceed 180 days. Any family absent for more than 30 days without authorization will be terminated from the program.

Authorized absences may include, but are not limited to:

1. Prolonged hospitalization
2. Absences beyond the control of the family (i.e., death in the family, other family member illness)
3. Other absences that are deemed necessary by the Housing Authority

I. Interest in the Unit

The family may not own or have any interest in the unit (except for owners of manufactured housing renting the manufactured home space).

J. Fraud and Other Program Violation

The members of the family must not commit fraud, bribery, or any other corrupt or criminal act in connection with the programs.

K. Crime by Family Members

The members of the family may not engage in drug-related criminal activity or other violent criminal activity.

L. Other Housing Assistance

An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) Federal, State or local housing assistance program.

3.0 ELIGIBILITY FOR ADMISSION

3.1 INTRODUCTION

There are five eligibility requirements for admission to Section 8 -- qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security Numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet the Housing Authority screening criteria in order to be admitted to the Section 8 Program.

3.2 ELIGIBILITY CRITERIA

A. Family status.

1. **A family with or without children.** Such a family is defined as a group of people related by blood, marriage, adoption or affinity that lives together in a stable family relationship.
 - a. Children temporarily absent from the home due to placement in foster care are considered family members.
 - b. Unborn children and children in the process of being adopted are considered family members for purposes of determining bedroom size, but are not considered family members for determining income limit.
2. **An elderly family, which is:**
 - a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
 - b. Two or more persons who are at least 62 years of age living together; or
 - c. One or more persons who are at least 62 years of age living with one or more live-in aides
3. **A near-elderly family, which is:**
 - a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;

- b. Two or more persons who are at least 50 years of age but below the age of 62 living together; or
 - c. One or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.
4. **A disabled family, which is:**
- a. A family whose head, spouse, or sole member is a person with disabilities;
 - b. Two or more persons with disabilities living together; or
 - c. One or more persons with disabilities living with one or more live-in aides.
5. **A displaced family** is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
6. **A remaining member of a tenant family.**
7. **A single person** who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

B. **Income eligibility**

1. To be eligible to receive assistance a family shall, at the time the family initially receives assistance under the Section 8 program shall be a low-income family that is:
- a. A very low-income family;
 - b. A low-income family continuously assisted under the 1937 Housing Act;
 - c. A low-income family that meets additional eligibility criteria specified by the Housing Authority;
 - d. A low-income family that is a nonpurchasing tenant in a HOPE 1 or HOPE 2 project or a property subject to a resident homeownership program under 24 CFR 248.173;
 - e. A low-income family or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income

housing.

- f. A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 (HOPE for public housing homeownership) or HOPE 2 (HOPE for homeownership of multifamily units) project.
2. Income limits apply only at admission and are not applicable for continued occupancy; however, as income rises the assistance will decrease.
 3. The applicable income limit for issuance of a voucher is the highest income limit for the family size for areas within the housing authority's jurisdiction. The applicable income limit for admission to the program is the income limit for the area in which the family is initially assisted in the program. The family may only use the voucher to rent a unit in an area where the family is income eligible at admission to the program.
 4. Families who are moving into the Housing Authority's jurisdiction under portability and have the status of applicant rather than of participant at their initial housing authority, must meet the income limit for the area where they were initially assisted under the program.
 5. Families who are moving into the Housing Authority's jurisdiction under portability and are already program participants at their initial housing authority do not have to meet the income eligibility requirement for the Housing Authority program.
 6. Income limit restrictions do not apply to families transferring units within the Housing Authority Section 8 Program.

C. Citizenship/Eligible Immigrant status

To be eligible each member of the family must be a citizen, national, or a noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)).

Family eligibility for assistance.

1. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
2. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 11.5(K) for calculating rents under the noncitizen rule).

3. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

D. Social Security Number Documentation

To be eligible, all family members 6 years of age and older must provide a Social Security Number or certify that they do not have one.

E. Signing Consent Forms

1. In order to be eligible each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
2. The consent form must contain, at a minimum, the following:
 - a. A provision authorizing HUD and the Housing Authority to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
 - b. A provision authorizing HUD or the Housing Authority to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;
 - c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
 - d. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

- F. Suitability for tenancy. The Housing Authority determines eligibility for participation and will also conduct criminal background checks on all adult household members, including live-in aides. The Housing Authority will deny assistance to a family because of drug-related criminal activity or violent criminal activity by family members. This check will be made through state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. If the individual has lived outside the local area. The Housing Authority may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC).

The Housing Authority will check with the State sex offender registration

program and will ban for life any individual who is registered as a lifetime sex offender.

Additional screening is the responsibility of the owner. Upon the request of a prospective owner, the Housing Authority will provide any factual information or third party written information they have relevant to a voucher holder's history of, or ability to, comply with material standard lease terms or any history of drug trafficking.

4.0 MANAGING THE WAITING LIST

4.1 *OPENING AND CLOSING THE WAITING LIST*

Opening of the waiting list will be announced via public notice that applications for Section 8 will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation, and also by any available minority media. The public notice will state any limitations to who may apply.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program, and that such applicants will not lose their place on other waiting lists when they apply for Section 8. The notice will include the Fair Housing logo and slogan and otherwise be in compliance with Fair Housing requirements.

Closing of the waiting list will be announced via public notice. The public notice will state the date the waiting list will be closed. The public notice will be published in a local newspaper of general circulation, and also by any available minority media.

4.2 *TAKING APPLICATIONS*

Families wishing to apply for the Section 8 Program will be required to complete an application for housing assistance. Applications will be accepted during regular business hours at:

Housing Authority Main Office

Applications are taken to compile a waiting list. Due to the demand for Section 8 assistance in the Housing Authority jurisdiction, the Housing Authority may take applications on an open enrollment basis, depending on the length of the waiting list.

When the waiting list is open, completed applications will be accepted from all applicants. The Housing Authority will later verify the information in the applications relevant to the applicant's eligibility, admission, and level of benefit.

Applications may be made in person at the Housing Authority main office. Applications will be mailed to interested families upon request.

The completed application will be dated and time stamped upon its return to the Housing Authority.

Persons with disabilities who require a reasonable accommodation in completing an application may call the Housing Authority to make special arrangements to complete their application. .

The application process will involve two phases. The first phase is the initial application for housing assistance or the pre-application. The pre-application requires the family to provide limited basic information including name, address, phone number, family composition and family unit size, racial or ethnic designation of the head of household, income category, and information establishing any preferences to which they may be entitled. This first phase results in the family's placement on the waiting list.

Upon receipt of the families pre-application, the Housing Authority will make a preliminary determination of eligibility. The Housing Authority will notify the family in writing of the date and time of placement on the waiting list and the approximate amount of time before housing assistance may be offered. If the Housing Authority determines the family to be ineligible, the notice will state the reasons therefore and offer the family the opportunity of an informal review of this determination.

An applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. The Housing Authority will annotate the applicant's file and will update their place on the waiting list. Confirmation of the changes will be confirmed with the family in writing.

The second phase is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the waiting list. The Housing Authority will ensure that verification of all preferences, eligibility, suitability selection factors are current in order to determine the family's final eligibility for admission into the Section 8 Program.

4.3 ORGANIZATION OF THE WAITING LIST

The waiting list will be maintained in accordance with the following guidelines:

- A. The application will be a permanent file;
- B. All applications will be maintained in order of preference and then in order of date and time of application;
- C. Any contact between the Housing Authority and the applicant will be documented in the applicant file.

Note: The waiting list cannot be maintained by bedroom size under current HUD regulations.

4.4 FAMILIES NEARING THE TOP OF THE WAITING LIST

When a family appears to be within 2 months of being offered assistance, the family will be invited to an interview and the verification process will begin. It is at this point in time that the family's waiting list preference will be verified. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list. The Housing Authority must notify the family in writing of this determination, and give the family the opportunity for an informal review.

Once the preference has been verified the family will complete a full application, present Social Security Number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms.

4.5 MISSED APPOINTMENTS

All applicants who fail to keep a scheduled appointment in accordance with the paragraph below will be sent a notice of denial.

The Housing Authority will allow the family to reschedule appointments for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities for good cause. When a good cause exists, the Housing Authority will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

4.6 PURGING THE WAITING LIST

The Housing Authority will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents interested families. Purging also enables the Housing Authority to update the information regarding address, family composition, income category and preferences.

4.7 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The Housing Authority will not remove an applicant's name from the waiting list unless:

- A. The applicant requests that the name be removed;
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program or misses scheduled appointments;
or
- C. The applicant does not meet either the eligibility or screening criteria for the program.

4.8 *GROUNDS FOR DENIAL*

The Housing Authority will deny assistance to applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Fail to respond to a written request for information or a request to declare their continued interest in the program;
- D. Fail to complete any aspect of the application or lease-up process;
- E. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property, and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff, or cause damage to the property.
- F. Currently owes rent or other amounts to any housing authority in connection with the public housing or Section 8 Programs.
- G. Have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- H. Have a family member who was evicted from public housing within the last three years;
- I. Have a family member who was evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
- J. Have a family member who is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The Housing Authority may waive this requirement if:
 1. The person demonstrates to the Housing Authority's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 2. The person has successfully completed a supervised drug or alcohol rehabilitation program;
 3. The person has otherwise been rehabilitated successfully; or

4. The person is participating in a supervised drug or alcohol rehabilitation program.
- K. Have engaged in or threatened abusive or violent behavior towards any Housing staff or residents;
- L. Have a family household member who has been terminated under the Certificate or Voucher Program during the last three years;
- M. Have a family member who has been convicted of manufacturing or producing methamphetamine (speed) (Denied for life);
- N. Have a family member with a lifetime registration under a State sex offender registration program (Denied for life).

4.9 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by the Housing Authority, in writing, that they have ten (10) business days, from the date of the written correspondence, to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the time frame specified. The Housing Authority's system of removing applicants' names from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, the Housing Authority will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, the Housing Authority will verify that there is in fact a disability and that the accommodation they are requesting is necessary based on the disability. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

4.10 INFORMAL REVIEW

If the Housing Authority determines that an applicant does not meet the criteria for receiving Section 8 assistance, the Housing Authority will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision, and state that the applicant may request an informal review of the decision within 10 business days of the denial. The Housing Authority will describe how to obtain the informal review. The informal review process is described in Section 16.2 of this Plan.

5.0 SELECTING FAMILIES FROM THE WAITING LIST

5.1 WAITING LIST ADMISSIONS AND SPECIAL ADMISSIONS

The Housing Authority may admit an applicant for participation in the program either as a special admission or as a waiting list admission.

If HUD awards funding that is targeted for families with specific characteristics or families living in specific units, the Housing Authority will use the assistance for those families.

5.2 *PREFERENCES*

The Housing Authority will select families based on the following preferences.

As set forth in attachment "A" of this policy.

(Attachment A is found at the end of this document.)

5.3 *SELECTION FROM THE WAITING LIST*

Based on the above preferences, all families in preference 1 will be offered housing before any families in preference 2, and preference 2 families will be offered housing before any families in preference 3, and so forth.

The date and time of application will be utilized to determine the sequence within the above-prescribed preferences.

Notwithstanding the above, families who are elderly, disabled, or displaced will be offered housing before other single persons.

Notwithstanding the above, if necessary to meet the statutory requirement that 75% of newly admitted families in any fiscal year be families who are extremely low-income, the Housing Authority retains the right to skip higher income families on the waiting to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, the Housing Authority will monitor incomes of newly admitted families and the income of the families on the waiting list.

If there are not enough extremely low-income families on the waiting list we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

6.0 **ASSIGNMENT OF BEDROOM SIZES (SUBSIDY STANDARDS)**

The Housing Authority will issue a voucher for a particular bedroom size – the bedroom size is a factor in determining the family's level of assistance. The following guidelines will determine each family's unit size without overcrowding or over-housing:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Two adults will share a bedroom unless related by blood.

In determining bedroom size, the Housing Authority will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children who are temporarily away at school or temporarily in foster-care.

Bedroom size will also be determined using the following guidelines:

- A. Children of the same sex may share a bedroom.
- B. Children of the opposite sex, both under the age of six may share a bedroom.
- C. Adults and children will not be required to share a bedroom.
- D. Foster-adults and children will not be required to share a bedroom with family members.
- E. Live-in aides will get a separate bedroom.

The Housing Authority will grant exceptions to normal occupancy standards when a family requests a larger size than the guidelines allow and documents a medical reason why the larger size is necessary.

The family unit size will be determined by the Housing Authority in accordance with the above guidelines and will determine the maximum rent subsidy for the family; however, the family may select a unit that may be larger or smaller than the family unit size. If the family selects a smaller unit, the payment standard for the smaller size will be used to calculate the subsidy. If the family selects a larger size, the payment standard for the family unit size will determine the maximum subsidy.

6.1 BRIEFING

When the Housing Authority selects a family from the waiting list, the family will be invited to attend a briefing explaining how the program works. In order to receive a voucher the family is required to attend the briefing. If they cannot attend the originally scheduled briefing, they may attend a later session. If the family fails to attend two briefings without good cause, they will be denied admission.

If an applicant with a disability requires auxiliary aids to gain full benefit from the briefing, the Housing Authority will furnish such aids where doing so would not result in a fundamental alteration of the nature of the program or in an undue financial or administrative burden. In determining the most suitable auxiliary aid, the Housing Authority will give primary consideration to the requests of the applicant. Families unable to attend a briefing due to a disability may request a reasonable accommodation such as having the briefing presented at an alternate location.

The briefing will cover at least the following subjects:

- A. A description of how the program works;
- B. Family and owner responsibilities;
- C. Where the family may rent a unit, including inside and outside the Housing Authority's jurisdiction;
- D. Types of eligible housing;
- E. For families qualified to lease a unit outside the Housing Authority's jurisdiction under portability, an explanation of how portability works;
- F. An explanation of the advantages of living in an area that does not have a high concentration of poor families; and

- G. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income.

6.2 *PACKET*

During the briefing, the Housing Authority will give the family a packet covering at least the following subjects:

- A. The term of the voucher and the Housing Authority's policy on extensions and suspensions of the term. The packet will include information on how to request an extension and forms for requesting extensions;
- B. How the Housing Authority determines the housing assistance payment and total tenant payment for the family;
- C. Information on the payment standard, exception payment standard rent areas, and the utility allowance schedule;
- D. How the Housing Authority determines the maximum rent for an assisted unit;
- E. Where the family may lease a unit. For families qualified to lease outside the Housing Authority's jurisdiction, the packet includes an explanation of how portability works;
- F. The HUD-required tenancy addendum that provides the language that must be included in any assisted lease, and a sample contract;
- G. The request for approval of the tenancy form and an explanation of how to request Housing Authority approval of a unit;
- H. A statement of the Housing Authority's policy on providing information to prospective owners. This policy requires applicants to sign disclosure statements allowing the Housing Authority to provide prospective owners with the family's current and prior addresses and the names and addresses of the landlords for those addresses. Upon request, the Housing Authority will also supply any factual information or third party verification relating to the applicant's history as a tenant or their ability to comply with material standard lease terms or any history of drug trafficking, drug-related criminal activity or any violent criminal activity;
- I. The Housing Authority's subsidy standards, including when the Housing Authority will consider granting exceptions to the standards;
- J. The HUD brochure on how to select a unit ("A Good Place to Live");
- K. The HUD-required lead-based paint brochure;

- L. Information on Federal, State, and local equal opportunity laws; the brochure "Fair Housing: It's Your Right;" and a copy of the housing discrimination complaint form;
- M. A list of landlords or other parties known to the Housing Authority who may be willing to lease a unit to the family or help the family find a unit;
- N. Notice that if the family includes a person with disabilities, the family may request a current list of accessible units known to the Housing Authority that may be available;
- O. The family's obligations under the program;
- P. The grounds upon which the Housing Authority may terminate assistance because of the family's action or inaction;
- Q. Housing Authority informal hearing procedures, including when the Housing Authority is required to provide the opportunity for an informal hearing, and information on how to request a hearing; and
- R. The Housing Authority owner information brochure. This brochure can be given by the applicant to a prospective owner to help explain the program.

6.3 ***ISSUANCE OF VOUCHER; REQUEST FOR APPROVAL OF TENANCY***

Beginning August 12, 1999, the Housing Authority will issue only vouchers. Treatment of previously issued certificates and vouchers will be dealt with as outlined in Section 21.0 Transition to the New Housing Choice Voucher Program.

Once all family information has been verified, their eligibility determined, their subsidy calculated, and they have attended the family briefing, the Housing Authority will issue the voucher. At this point the family begins their search for a unit.

When the family finds a unit that the owner is willing to lease under the program, the family and the owner will complete and sign a proposed lease, the HUD required tenancy addendum and the request for approval of the tenancy form. The family will submit the proposed lease and the request form to the Housing Authority during the term of the voucher. The Housing Authority will review the request, the lease, and the HUD required tenancy addendum and make an initial determination of approval of tenancy. The Housing Authority may assist the family in negotiating changes that may be required for the tenancy to be approvable. Once it appears the tenancy may be approvable, the Housing Authority will schedule an appointment to inspect the unit within 15 days after the receipt of inspection request from the family and owner. The 15 day period is suspended during any period the unit is unavailable for inspection. The Housing Authority will promptly notify the owner and the family whether the unit and tenancy are approvable.

During the initial stage of qualifying the unit, the Housing Authority will provide the

prospective owner with information regarding the program. Information will include Housing Authority and owner responsibilities for screening and other essential program elements. The Housing Authority will provide the owner with the family's current and prior address as shown in the Housing Authority records along with the name and address (if known) of the landlords for those addresses.

Additional screening is the responsibility of the owner. Upon request by a prospective owner, the Housing Authority will provide any factual information or third party written information they have relevant to a voucher holder's history of, or ability to, comply with standard material lease terms.

6.4 TERM OF THE VOUCHER

The initial term of the voucher will be 60 days and will be stated on the Housing Choice Voucher.

The Housing Authority may grant one or more extensions of the term, but the initial term plus any extensions will never exceed 120 calendar days from the initial date of issuance. To obtain an extension, the family must make a request in writing prior to the expiration date. A statement of the efforts the family has made to find a unit must accompany the request. A sample extension request form and a form for recording their search efforts will be included in the family's briefing packet. If the family documents their efforts and additional time can reasonably be expected to result in success, the Housing Authority will grant the length of request sought by the family or 60 days, whichever is less.

If the family includes a person with disabilities and the family requires an extension due to the disability, the Housing Authority will grant an extension allowing the family the full 120 days search time. If the Housing Authority determines that additional search time would be a reasonable accommodation, the Housing Authority will request HUD to approve an additional extension.

Upon submittal of a completed request for approval of tenancy form, the Housing Authority will suspend the term of the voucher. The term will be in suspension until the date the Housing Authority provides notice that the request has been approved or denied. This policy allows families the full term (60 days, or more with extensions) to find a unit, not penalizing them for the period during which the Housing Authority is taking action on their request. A family may submit a second request for approval of tenancy before the Housing Authority finalizes action on the first request. In this case the suspension will last from the date of the first submittal through the Housing Authority's action on the second submittal. No more than two requests will be concurrently considered.

6.5 APPROVAL TO LEASE A UNIT

The Housing Authority will approve a lease if all of the following conditions are met:

- A. The unit is eligible;
- B. The unit is inspected by the Housing Authority and passes HQS;

- C. The lease is approvable and includes the language of the tenancy addendum;
- D. The rent to owner is reasonable;
- E. The family's share of rent does not exceed 40% of their monthly adjusted income;
- F. The owner has not been found to be debarred, suspended, or subject to a limited denial of participation by HUD or the Housing Authority; and
- G. The family continues to meet all eligibility and screening criteria.

If tenancy approval is denied, the Housing Authority will advise the owner and the family in writing and advise them also of any actions they could take that would enable the Housing Authority to approve the tenancy.

The lease term may begin only after all of the following conditions are met:

- A. The unit passes the Housing Authority HQS inspection;
- B. The family's share of rent does not exceed 40% of their monthly adjusted income;
- C. The landlord and tenant sign the lease to include the HUD required addendum; and
- D. The Housing Authority approves the leasing of the unit.

The Housing Authority will prepare the contract when the unit is approved for tenancy. Generally, the landlord, simultaneously with the signing of the lease and the HUD required tenancy addendum, will execute the contract. Upon receipt of the executed lease and the signed contract by the landlord, the Housing Authority will execute the contract. The Housing Authority will not pay any housing assistance to the owner until the contract is executed.

In no case will the contract be executed later than 60 days after the beginning of the lease term.

Any contract executed after the 60-day period will be void and the Housing Authority will not pay housing assistance to the owner.

6.6 HOUSING AUTHORITY DISAPPROVAL OF OWNER

The Housing Authority will deny participation by an owner at the direction of HUD. The Housing Authority will also deny the owner's participation for any of the following reasons:

- A. The owner has violated any obligations under a Section 8 Housing Assistance Payments Contract;

- B. The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
- C. The owner has engaged in drug-related criminal activity or any violent criminal activity;
- D. The owner has a history or practice of non-compliance with HQS for units leased under Section 8 or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program;
- E. The owner has a history or practice of renting units that fail to meet State or local codes; or
- F. The owner has not paid State or local real estate taxes, fines, or assessments.
- G. The owner refuses (or has a history of refusing) to evict families for drug-related or violent criminal activity, or for activity that threatens the health, safety or right of peaceful enjoyment of the:
 - 1. premises by tenants, Housing Authority employees or owner employees; or
 - 2. residences by neighbors;
- H. Other conflicts of interest under Federal, State, or local law.

6.7 INELIGIBLE/ELIGIBLE HOUSING

The following types of housing cannot be assisted under the Section 8 Tenant-Based Program:

- A. A public housing or Indian housing unit;
- B. A unit receiving project-based assistance under a Section 8 Program;
- C. Nursing homes, board and care homes, or facilities providing continual psychiatric, medical or nursing services;
- D. College or other school dormitories;
- E. Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;
- F. A unit occupied by its owner. This restriction does not apply to cooperatives or to assistance on behalf of a manufactured home owner leasing a manufactured home space; and

- G. A unit receiving any duplicative Federal, State, or local housing subsidy. This does not prohibit renting a unit that has a reduced rent because of a tax credit.

The Housing Authority will not approve a lease for any of the following special housing types, except as a reasonable accommodation for a family with disabilities:

- A. Congregate housing
- B. Group homes
- C. Shared housing
- D. Cooperative housing
- E. Single room occupancy housing

The Housing Authority will approve leases for the following housing types:

- A. Single family dwellings
- B. Apartments
- C. Manufactured housing
- D. Manufactured home space rentals
- E. House boats

6.8 SECURITY DEPOSIT

The owner may collect a security deposit from the tenant in an amount not in excess of amounts charged in private market practice and not in excess of amounts charged by the owner to unassisted tenants.

When the tenant moves out of the dwelling unit, the owner, subject to State or local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease.

The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the tenant.

If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant.

Attachment A

ADMISSIONS PREFERENCES

The Housing Authority will select families based on the following preferences within each bedroom size category:

Preference #1:

Involuntary Displaced Resident

Individuals or families residing within the jurisdiction of the Housing Authority involuntarily displaced by government action or whose dwelling has been extensively damaged or destroyed and uninhabitable as a result of fire, flood, or natural disaster, and for which such action was not the result or intentional act of the applicant or the applicant's household.

In order to receive the displacement preference, applicants who have been displaced must not be living in "standard permanent housing."

Standard replacement housing is defined as housing that is decent, safe and sanitary according to Housing Quality Standards / Local Housing Code / other code, such as State Code that is adequate for the family size according to Housing Quality Standards / Local / State Code and family is occupying pursuant to written or oral lease or occupancy agreement.

Standard replacement housing does not include transient facilities, hotels, motels, temporary shelters, and in the case of the Victims of Domestic Violence it does not include housing occupied by the individual who engages in such violence included. Any individual imprisoned or detained pursuant to State Law or Act of Congress. Shared housing with family or friends is not considered temporary and considered Replacement housing.

Preference #2:

Displaced Local Residents Who Are Victims of Domestic Violence

Individuals of families residing within the jurisdiction of the Housing Authority that have been involuntary displaced as a result of having been subjected or victimized by violent acts of a member of their household within the past six months. The Housing Authority will require evidence. This evidence must indicate that the family was displaced as a result of fleeing from violence in the home.

Families are also eligible for the preference if they can prove that the family is currently living in a situation where they are subjected to or victimized by violence in the home. The following criteria are used to establish a family's eligibility for this preference.

Actual or threatened physical violence directed against the applicant or applicant's family by a spouse or other household member who lives in the unit with the family.

The actual or threatened violence must have occurred within the past six months or be of continued nature. The applicant must certify that the abuser will not reside with applicant. If the abuser returns to the family household, the Housing Authority will terminate the housing assistance. The applicant will sign a certification that the case will be terminated if the abuser returns to the home.

Preference #3:

Residents Who Live and Work in the Housing Authority's jurisdiction and Pay 50% or More of their Income Towards Rent

In order for families to receive this preference, the family must prove 50% or more of their monthly income is going towards monthly rents payments, and that they live and work in the jurisdiction at the time of offer of housing assistance.

Preference #4:

Residents Who Live and Work In the Housing Authority's Jurisdiction

This preference is extended to individuals or families who can prove that they live and work in the Housing Authority's jurisdiction at the time of offer of housing assistance.

Preference #5:

Residents Who Live In the Housing Authority's Jurisdiction

The preference is extended to individuals or families who can prove the live / reside in the Housing Authority's jurisdiction at the time of offer of housing assistance.

All non-residents of the jurisdiction of the Housing Authority will be selected on a first come first serve basis.

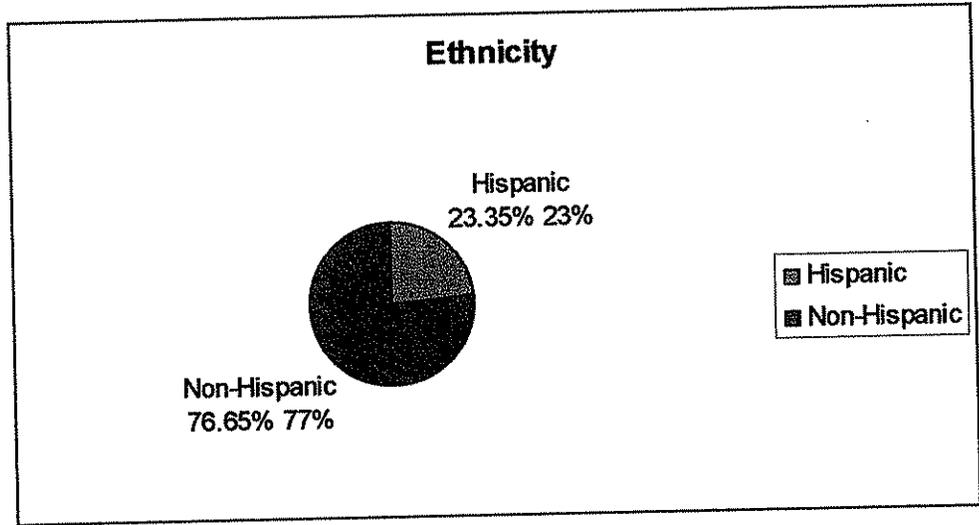
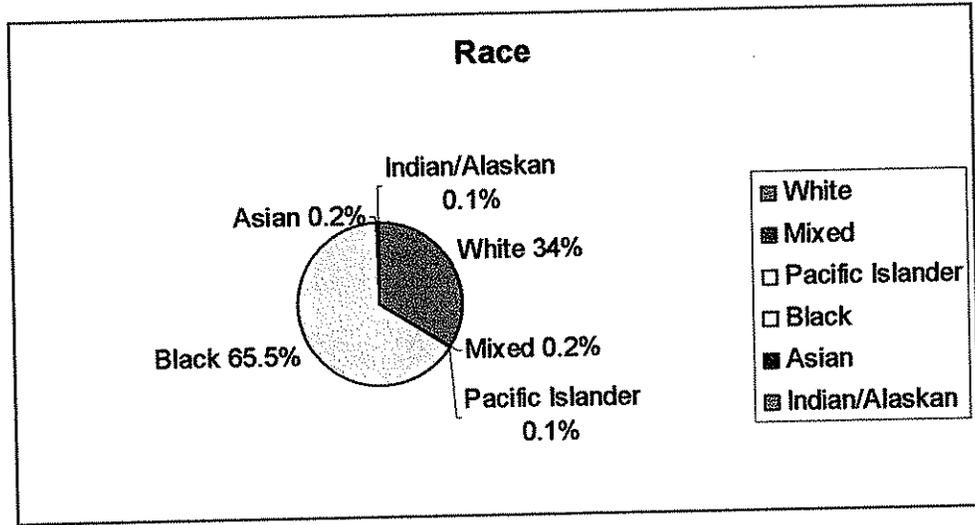
In summary, we plan to improve our housing conditions while at the same time implement all of the mandates of Section 511 of the Quality Housing and Work Responsibility Act of 1998 and all of the applicable HUD requirements.

Appendix B

Racial Characteristics of Tenants in PHA Properties

Appendix B – Racial Characteristics of Tenants in PHA Properties

Demographic Data Report October 2006 Newburgh Housing Authority



Appendix C

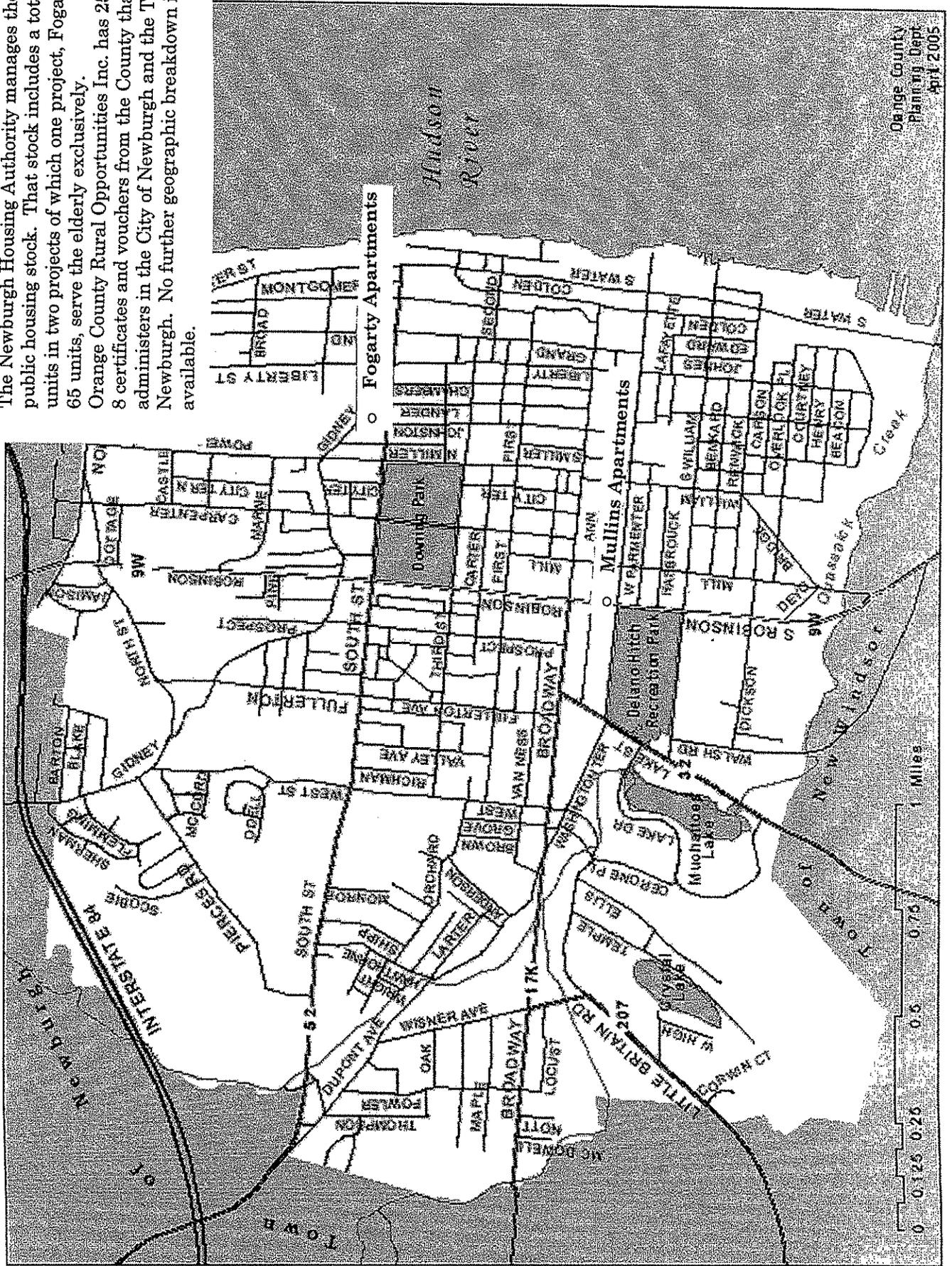
Location of Section 8 Certificate and Voucher Holders

CITY OF NEWBURGH

Notes:

The Newburgh Housing Authority manages the City's public housing stock. That stock includes a total of 135 units in two projects of which one project, Fogarty, with 65 units, serve the elderly exclusively.

Orange County Rural Opportunities Inc. has 252 Section 8 certificates and vouchers from the County that it administers in the City of Newburgh and the Town of Newburgh. No further geographic breakdown is available.



Appendix D

City of Newburgh Fair Housing Ordinance

Chapter 38: FAIR HOUSING OFFICE

[HISTORY: Adopted by the City Council of the City of Newburgh 7-11-1983. Amendments noted where applicable.]

§ 38-1. Supervision by City Manager.

It is hereby ordained and directed that the City of Newburgh, by this chapter, adopts and establishes an Office of Fair Housing, which will be administered under the supervision of the City Manager. This chapter establishes policy and procedures to be followed by the city in maintaining a fair housing policy for city residents.

§ 38-2. Statement of policy and purpose.

- A. In accord with Title VIII of the United States Code and the Human Rights Law of the State of New York, as amended, Editor's Note: The Human Rights Law is § 290 et seq. of the Executive Law of the State of New York. It is the policy of the City of Newburgh to provide fair housing.
- B. The purposes of this chapter are those in accord with Title VIII of the United States Code and § 296 of the Human Rights Law of the State of New York, as such section applies to fair housing.

§ 38-3. Definitions.

All such definitions of Title VIII of the United States Code and the Human Rights Law of the State of New York, as amended, as pertain to fair housing are hereby restated by the City of Newburgh as the provisions of this chapter.

§ 38-4. Unlawful discriminatory practices.

Except as otherwise provided below:

- A. It shall be an unlawful discriminatory practice to:
 - (1) Refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex or national origin.
 - (2) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services for facilities in connection therewith because of race, color, religion, sex or national origin.
 - (3) Make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex or national origin or an intention to make any such preference, limitation or discrimination.
 - (4) Represent to any person, because of race, color, religion, sex or national origin, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
 - (5) For profit, induce or attempt to induce any person to sell or rent any dwelling representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex or national origin.
- B. Nothing in this section shall apply to:
 - (1) Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at any one time and provided further that the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented:
 - (a) Without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent or salesman or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman or person; and
 - (b) Without publication, posting or mailing, after notice, of any advertisement or written notice in violation of Subsection A(3) of this section.
 - (2) A religious organization, association or society or any nonprofit organization, or controllee of, from limiting the

sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to promote the religious premise for which it was established and operated, unless membership is restricted on account of race, color or national origin.

- (3) A private club not in fact open to the public, which, as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- C. All such unlawful discriminatory practices contained in the Human Rights Law of the State of New York, as amended, §§ 296 through 301, pertaining to fair housing are hereby restated by the City of Newburgh as the provisions of this chapter. All such procedures as delineated within §§ 296 through 301 pertaining to fair housing are hereby supplemented by the provisions set forth in § 38-7 of this chapter.

§ 38-5. Establishment; Fair Housing Officer.

There is hereby established a Fair Housing Office, which is designated to administer this chapter. The Fair Housing Officer shall be appointed by the City Manager and shall hereinafter be called the "Fair Housing Officer of the City of Newburgh." This position may be assigned as an additional duty of an employee of the city.

§ 38-6. Powers and duties.

The Fair Housing Office, by and through the Fair Housing Officer, shall have the following functions, powers and duties:

- A. To establish and maintain a principal office within the City of Newburgh as may be necessary.
- B. To function at any place within the City of Newburgh.
- C. To employ such personnel as may be necessary to effectively carry out its powers and duties.
- D. Upon request, to obtain and utilize the services of all governmental departments and agencies.
- E. To formulate policies to effectuate the purpose of this chapter and to make recommendations to agencies and officers of the City of Newburgh in and of such policies and purposes.
- F. To receive and investigate complaints alleging violations of this chapter.
- G. To have access at all reasonable times to premises, records, documents, individuals and other sources of evidence to examine, record and copy to conclude any investigation.
- H. In conjunction with the Corporation Counsel of the City of Newburgh, to subpoena any such evidence as required to compel compliance.
- I. In conjunction with the Corporation Counsel of the City of Newburgh, to obtain court orders to enforce all findings and discrimination.
- J. To develop human rights plans and policies for the City of Newburgh and to assist in their execution, upon adoption; to make investigations and studies appropriate to effectuate this chapter; to inform persons of the rights assured and remedies provided under this chapter; to promote good will and to minimize or eliminate discrimination.
- K. To render each year to the City Manager a written report of all of its activities and of its recommendations.
- L. To furnish any person with such technical assistance that the office deems appropriate to further compliance with the purposes or provisions of this chapter.
- M. Such other powers and duties described hereinafter and as may be designated by the City Manager and authorized by the City Council.

§ 38-7. Complaint procedure.

- A. Any person claiming to be aggrieved by any unlawful discriminatory practice may, by himself or by his attorney, make, sign and file with the Fair Housing Officer a certified complaint which shall state the name and address of the person or persons alleged to have committed the unlawful discriminatory practice complained of and which sets forth the particulars thereof and contains such other information as may be requested by the Office.
- B. After the filing of the complaint, the Fair Housing Office shall make a prompt investigation in connection therewith.

- C. If, in his judgment the circumstances so warrant, the Fair Housing Officer may at any time after the filing of the complaint endeavor to eliminate such discriminatory practice by conference, consultation and persuasion.
- D. In the case of failure to eliminate such discriminatory practices, the Fair Housing Officer, in conjunction with the Corporation Counsel of the City of Newburgh, may issue an order to cease and desist such discriminatory practices and further initiate positive mechanisms to effectuate the intent of this chapter.
- E. Nothing contained in this chapter shall be construed so as to limit or prohibit investigation by any other governmental unit of competent jurisdiction, nor shall anything contained herein limit any aggrieved party from pursuing any remedy available therefrom. In the event of such a situation the Fair Housing Officer is hereby empowered to place any and all of its material obtained through the investigation at the disposal of such other governmental unit.