



2012 Analysis of Impediments to Fair Housing Choice

Department of Planning and Development
City of Newburgh, New York

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I. Introduction

The City of Newburgh has conducted this Analysis of Impediments to Fair Housing (AI) as part of its commitment to affirmatively further fair housing in the City of Newburgh. *Fair housing* refers to housing choice that is free from discrimination based on race/color, national origin, disability, or familial status/children. The purpose of this document is to review public and private programs and policies in the City of Newburgh in order to evaluate their impact on the availability of fair housing. The goal of the AI is to provide the City and other community development grantees, housing developers, and non-profits with information and tools to affirmatively further fair housing in the City of Newburgh. This Analysis of Impediments to Fair Housing is meant to supplement the Comprehensive Plan and the Sustainable Master Plan. Planning documents can be found on the City's website: <http://www.cityofnewburgh-ny.gov/devel/index.htm>.

The Federal Department of Housing and Urban Development has made a long-standing commitment to making provisions to affirmatively further fair housing. These provisions flow from the mandate of Section 8080 (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 the community's obligation to affirmatively further fair housing is not defined statutorily. However, HUD defines it as requiring a grantee to:

- Conduct an analysis to identify impediments to fair housing choice within the jurisdiction
- Take appropriate actions to overcome the effects of any impediments identified through the analysis
- 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 nondiscriminatory provisions of the Fair Housing Act

Legislative changes in HUD programs (see AI2006p5) 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.

The Consolidated Plan consolidates into a single document the CHAS, the community development plan, and the submission requirements for the CDBG, HOME, Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) programs. The Consolidated Plan more clearly ties the needs assessment, housing market analysis, and the strategy for addressing needs and achieving housing and community development objectives to the use of the program funds. Many of the fair housing related problems revolving around the

issue of choice in low- and moderate-income housing programs are already addressed in the Consolidated Plan.¹

A. Who Conducted

City of Newburgh Department of Planning and Development staff conducted this analysis with input and feedback from residents, housing providers, and community organizations.

B. Participants

In the Preparation of this report, the Newburgh Housing Authority, the City of Newburgh Departments of: Planning and Development, Codes and Compliance, and the Corporation Counsel were consulted in the preparation of this document. In addition, the Newburgh Housing Authority administered housing surveys to residents. The Community Development Block Grant (CDBG) Advisory Committee helped design the outreach component and was very instrumental in developing the housing survey. In addition many of the members of the CDBG Advisory Committee participated in focus group meetings when appropriate. Housing providers in the City from agencies such as Pathstone, The Newburgh Ministry, Independent Living Inc., and Community Voices Heard attended focus group meetings. 124 residents completed a housing survey in a door knocking effort led by Community Voices Heard.

C. Methodology Used

In 2006, the City of Newburgh conducted its first Analysis of Impediments to Fair Housing. The 2012 Analysis of Impediments (AI) compares the same demographics. The statistics presented in this report are drawn from the 2010 Census, the 2008-2010 American Community Survey Three-Year Estimates, and 2010-2012 U.S. Bureau of Labor Statistics. Current private and public programs to address housing were reviewed by talking with staff that administer the programs as well as Newburgh Housing Authority Residents and Housing Choice Voucher recipients in the City. In addition, the 2012 AI includes an extensive outreach component that shaped the analysis and recommendations. The Outreach Campaign was designed to bring housing providers and residents of the City to the table to discuss impediments to fair housing in the City. Fourteen non-profits and Community Based Organizations were invited to attend at least one of 4 focus group meetings. The CDBG advisory committee met twice to discuss the 2012 AI and to give feedback on the housing survey. The housing survey was made available through the Department of Planning and Development website. With the help of Community Voices Heard the housing survey was administered door to door to residents throughout the City. Other data sources include, but not limited to:

- City of Newburgh 2010-2014 Consolidated Plan
- City of Newburgh 2010 Action Plan
- City of Newburgh Sustainable Master Plan 2008
- City of Newburgh Impediments to Fair Housing Analysis, November 2006

¹ The Fair Housing Information Clearinghouse. *Fair Housing Planning Guide*. Third Printing ed. HUD-1582B-FHEO Vol. , 1996. Print. p.2-17

D. How Funded

Community Development Block Grant funded staff time to complete the Analysis of Impediments to Fair Housing Choice.

E. Conclusions

A review of the housing and demographic statistics, combined with the results of the outreach campaign identified the following barriers to fair housing in The City of Newburgh:

- No clear human rights violation complaint process
- Unsafe dilapidated housing stock
- High poverty
- Language barriers
- Poor building code compliance

Complaint Process

According to the U.S. Department of Housing and Urban Development, as of August 2012, there are no pending fair housing complaints or fair housing discrimination suits in the City of Newburgh. A clear defined process for making complaints about discrimination in housing choice is a necessary first step towards addressing housing discrimination in the City of Newburgh. The residents of the City of Newburgh could benefit from the creation of a tenant organization that could offer much needed advocacy and legal aid. While the City is positioned well to act as a legal advocate for tenants, this document recommends that an organization with experience handling discrimination lawsuits can apply for federal funding to assume this function.

Unsafe, Dilapidated Housing Stock

The available statistics on the housing market in the City of Newburgh indicate that there are many available housing units throughout the City. However, many of those units are dilapidated and unsafe. Poor compliance with building codes is an epidemic in the City of Newburgh and as a result vacant and abandoned buildings dominate the landscape. The following strategies and policies are currently being implemented in the City in order to address the distressed properties:

- The City of Newburgh has recently adopted a distressed properties policy (see appendix II) that is a comprehensive plan for community revitalization, rezoning, project approvals, development of key sites, funding strategies, code reform and enforcement, public nuisance abatement, acquisition of title to distressed properties, land banking, management, and remediation of these city-held properties, and the restoration of these properties to private ownership and the tax roles.
- The City is currently building support for the creation of a separate housing court.
- The City of Newburgh offers a loan program to pay for a portion of home rehabilitation costs, and between 2010- 2011 there were 3 applications for loans/grants in underwriting, and 13 homeowner and rental projects (an additional 6 under construction) were completed.
- The following tax exemptions are available to City of Newburgh residents: Senior Citizen Enhanced STAR Exemption, School Tax Relief (STAR) Exemption, Basic STAR Exemption, Alternative Veterans Exemption, Clergy Exemption, Senior Citizens -

Enhanced School Tax Relief (STAR) Exemption, Residential-Commercial Urban Exemption Program Application Form, Commercial, Business or Industrial Tax Exemption, First Time Home Buyer Exemption, Historic Real Property Alteration or Rehabilitation Exemption, and the 1 & 2 Family Residences Home Improvements exemption.

- Habitat of Greater Newburgh has to date completed 50 affordable homes for families in need in the City.

Poverty

According to 2010 Census data 24.3% of individuals are living below the poverty level. The price of a market rate one bedroom in Orange County, NY is \$971.00, well beyond the means of many residents in the City of Newburgh. In addition the unemployment rate in the City is 12.1%. The outreach campaign revealed that many respondents of the housing survey were paying well over 30% of their income on rent. There is an urgent need for quality job creation in the City. The City of Newburgh has adopted a Section 3 plan to help local businesses bid on City contracts². The Work Force Development Institute has partnered with the City of Newburgh to address barriers to employment for family assistance, safety net and low-income families and individuals. These developments will encourage quality Job creation, but more needs to be done to meet the needs of residents who currently cannot afford the cost of living in the City due to low wages and high unemployment.

Language Barriers

According to the 2010 Census the City's population is 47.8% Hispanic. However, this number is thought to be much higher as many residents are undocumented persons. In order to stabilize the housing situation in the City of Newburgh the Spanish Speaking population needs to be protected and extended the right to Fair Housing. Some of the most dangerous living conditions in the City are found in the illegal Single Room Occupancies that are crowded with people paying high rent for rooms that sometimes have no heat, electricity, or running water. If residents are not comfortable speaking English or fearful of deportation they will not complain about housing conditions.

Limitations of this Analysis

The following information, herein defined as the City of Newburgh's Analysis of Impediments to Fair Housing Choice, was prepared for the purposes as previously described. Therefore, this report seeks to identify impediments and develop a proposed Fair Housing Action Plan as proposed solutions. Some of the impediments identified in this report will require additional research and on-going analysis by the City of Newburgh Department of Planning and Development. This report does not constitute a comprehensive planning guide; it simply provides analysis as to the current situation and prepares a plan of action to ameliorate existing impediments.

² The City of Newburgh Section 3 Plan can be accessed through the City's website: <http://www.cityofnewburgh-ny.gov/devel/sect3.htm>

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. According to 2010 Census data, the total population of the City of Newburgh is 28,866. Over the past few decades, the City of Newburgh has experienced significant disinvestment. The City lost its strong industrial base and few employment opportunities have since returned to the City. Efforts to attract new economic activity are often hampered by the high crime rates and the deteriorating building stock. Since the last completed Analysis of Impediments in 2006, there continues to be a preponderance of neighborhoods in excessive poverty. 81% of the housing stock was built before 1960 and the present vacancy rate is 14%. Much of the housing is substandard and the infrastructure is deteriorating.

A. Demographic Data

The People in Newburgh

Total pop	28,866
Households	9,030
Families	6,051
Pop density	7,436.5/sq mi (2,971.2/km ²)
Median age	28.2
% Pop growth 2000-2010	2.15%
Employment Change 2000-2010 ³	-8.1%

Source: 2000 and 2010 Census

According to 2010 Census data, the total population of the City of Newburgh is 28,866. Census data indicates that between 2000 and 2010 the population in the City of Newburgh grew by 2.15%. This number is believed to be much higher due to the large number of undocumented persons residing in the City. Population projections estimate that the population will continue to grow and reach 30,282 by 2014. Orange County as a whole experienced a population growth of 9.21% between 2000 and 2010.⁴

Race/Ethnicity

Population	2000 Census	2010 Census	Numerical Change	% Change
White (Non-Hispanic)	7,969	11,368	+3,399	+42.65%
Black (Non-Hispanic)	8,961	8,706	-255	-2.85%
Other Races (Non-Hispanic)	1,072	1,102	+30	+2.79%
Total Hispanic (All Races)	10,257	13,814	+3,557	+34.67%
Total	28,259	28,866	+627	2.2%

Source: 2000 and 2010 Census

³ This data is for the Poughkeepsie-Newburgh-Middletown MSA source: <http://www.labor.ny.gov/stats/PDFs/enys1110.pdf>

⁴ U.S. Census Bureau. "2000 and 2010 U.S. Census." Web. <<http://www.census.gov/#>>.

Between 1990 and 2010 the City of Newburgh has experienced a significant shift in the population's racial composition. From 1990-2000 the number of White residents declined by over 40%, Black residents declined by 3%, while the Hispanic population increased by 67%. Census data from 2010 indicates that the racial composition is: 47.9% Hispanic/Latino; 39.4% Non-Hispanic White; 30.2% Black/African-American.⁵

Persons with a Disability

According to the 2008-2010 American Community Survey 3-Year Estimates, 17.2% of residents of the City reported a disability. The likelihood of having a disability varied by age - from 11% of people under 18 years old, to 14% of people 18-64 years old, and to 57% for those 65 years and over. In Orange County, 11.4% of respondents reported a disability. The high number of residents reporting a disability is likely a result of Newburgh being one of few places in the area that offer services to people with disabilities. The City of Newburgh tends to carry a disproportionate number of the County's needy population.

Language Barriers

Residents speaking English only	56%
Speaking a language other than English	44%
Reporting that they speak English "less than very well"	21.6%

Source: 2006-2010 ACS 5-Year Estimates

According to the 2006-2010 ACS 5-Year Estimates, 21.6% of respondents reported speaking English "less than very well", compared to 16.8% in 2006⁶. This indicates the increased need for services such as language programs for adults as well as children enrolled in school, translation services, and City programs offered in languages other than English. The language barrier in the City of Newburgh prevents many residents from making formal housing complaints. The large foreign born, non-English speaking population has been growing in the City. However, services to reach this population have not expanded. Along with the expansion of the immigrant population, the City has reported an increase in unsafe illegal, Single Room Occupancies.

B. Income Data

Income and Poverty

Median Household Income	\$35,350
Per Capita Income	\$16,052
Children living in poverty	30%
Senior Citizens (over 65) living in poverty	23.7%
Low or Very Low Income Residents	11.9%
Extremely Low Income ⁷	13.2%
Number of Households with Public Assistance Income	752

Source: 2008-2010 ACS 3-Year estimates

⁵ U.S. Census Bureau 2010 Demographic Profile: Newburgh City, NY

⁶ Planning and Economic Development Department. *Impediments to Fair Housing Analysis*. City of Newburgh, 2006. Print.

⁷ **Extremely Low Income** is defined as households earning between 0% and 30% of the median family income (MFI) based on HUD adjusted income limits. Extremely low income therefore includes household earning under \$10,605 per year.

	Median Income	Individuals Below Poverty Level	Education: % People over age 25		
			High School	Associates Degree	Bachelor's Degree
Newburgh	\$37,391	24.3%	32.8%	34.9%	5.6%
Orange County	\$51,425	10.9%	31.7%	44.4%	8%

Source: ACS 2008-2010 3-year Estimates

The median household income in the City of Newburgh is significantly lower than that of the County: \$37,391 compared to \$51,425. The percentage of individuals below the poverty level in the City is more than double that of the County. According to the ACS one-year estimates for 2010, the National percentage for persons below the poverty level was 15.3%.

Income and Poverty by Census Tract

Census Tract	Median Household Income	**Individuals Below Poverty Level
1	\$56,495	20.3%
2	\$44,219	9.1%
3	\$40,219	39.7%
4	\$26,888	28.2%
5	\$40,132	37.5%
6	\$30,951	36.3%

*Source 2006-2010 ACS 5-Year Estimates

**Unrelated individuals 15 years or older

C. Employment Data

Employment

Employment rate	87.9%
Unemployment rate	12.1%

Workforce Characteristics

Population over 16	20,077
Population in labor force	13,644
Employed labor force	12,327
Unemployed labor force	1,317
Private wage/salary workers	9,796
Government workers	2,039
Self-Employed	492
Unpaid family workers	0

*Source 2010 Census

Occupational Breakdown

Management, professional, related	2,176
Services	3,119
Sales/office	3,311
Farming, Fishing, Forestry	11

**Source 2010 Census*

Industry Breakdown

Agriculture	42
Construction	864
Manufacturing	1,516
Wholesale trade	631
Retail trade	1,906
Transportation	512
Information	215
Finance	687

**Source 2010 Census*

According to data from the U.S. Bureau of Labor Statistics the unemployment rate for the City of Newburgh was 12.1% as of June 2012 (not seasonally adjusted). The unemployment rate for the County according to the U.S. Bureau of Labor Statistics was 8.8% for June 2012.

The largest employers in the City of Newburgh are St. Luke's Cornwall Hospital, C&S Wholesale Grocers Inc., Mount Saint Mary College, Epicor Software Retail Solutions, Mailhandles Union Local 300, and the Greater Hudson Valley Health Center⁸. Many of the jobs available through the largest employers require a skill level not found among residents of the City. Low skill jobs can be found on the outskirts of the City at the big box stores. The unemployment rate of the City has been rising over the past ten years and as of June 2012, reached 12.1%. The unemployment rate of Orange County as of June 2012, reached 8.8%. The need for workforce development and the creation of quality jobs is very clear. Another key issue related to employment is the need to raise the minimum wage. A full time job at the minimum wage, \$7.25/hour, before taxes, yields a monthly salary of \$1,160; and a market rate one bedroom in the City of Newburgh is \$971.00. Therefore, a minimum wage worker cannot afford a market rate apartment in the City of Newburgh.

⁸ Data from *Newsday New York* database; <http://data.newsday.com/new-york/database/?pid=478>; accessed 8/3/12

D. Housing Profile

Household Characteristics

Average Family Size	3.71
Household with Children under 18	4,146
Married Couples	2,774
Female Households	2,186
Individuals	2,340
Households with People under the age of 19	7,889

**Source 2010 Census*

Housing Stock Conditions

Based on the 2010 Census, the City of Newburgh has a total of 10,050 year-round housing units, of which 9,030 are occupied. Of these, 31.7% were owner occupied, and 68.3% were renter occupied. About 14% of the housing stock is vacant. The vacancy rate in 2000 was 7.6% for rental units, and 6.8% for homeowner units; in 2010 it is 6% for rental units, and 8% for homeowner units. Though numbers indicate that the housing supply is not tight, when housing prices are considered in relation to incomes a clearer picture of the availability of affordable housing emerges. 62% of Newburgh residents spend more than 30% of their income on housing. Additionally, so much of the housing stock is unsuitable for occupancy. The high cost associated with rehabilitation is an impediment to the revitalization of the building stock. The number of City owned properties continues to climb but the City is not well positioned to act as a real estate manager or developer and so many of the City owned properties remain vacant and continue to deteriorate. The City has made a commitment to focus on effort to remediate City-owned vacant and abandoned buildings by transferring title of properties in a specific target area to the Newburgh Community Land Bank so that they can be rehabilitated and put back on the tax rolls. The City also participates in the Orange County HOME consortium. The City of Newburgh is required to complete a Consolidated Plan by virtue of it being its own entitlement community under the CDBG Program. The City works closely with the Orange County Office of Community Development as a member of the County's HOME consortium. The City solicits applications for owner-occupied rehabilitation projects for referral to the County program, and participates in the application and evaluation process for Newburgh projects submitted to the Rental Reduction Program.

Affordable Housing

The disparity between income and the cost of housing or the "Housing Affordability Gap" is an ongoing concern for most municipalities. The housing affordability gap is the difference between actual home sale prices and rents and the price households can reasonably afford. Housing affordability is a significant problem especially for low and moderate-income households in Newburgh. The ability of a household to find affordable housing can be measured by the housing affordability gap, housing stock, and the percentage of income spent on housing costs. To address housing affordability all these factors must be addressed collectively. According to the Federal Department of Housing and Urban Development a household should not spend more than 30% of the household's income on housing⁹.

⁹ 2008 Master Plan p.54

Table III-17									
Housing Affordability by Unit for Owner and Renter Households									
Housing Units by Affordability	Renters Units by # of bedrooms				Owned or for sale units by # of bedrooms				
	0-1	2	3+	Total		0-1	2	3+	Total
Rent <= 30%					Value <=30%				
# occupied units	377	256	238	871		N/A	N/A	N/A	N/A
%occupants <=30%	77.7	46.5	56.3	62.7		N/A	N/A	N/A	N/A
%built before 1970	47.5	59.4	94.1	63.7		N/A	N/A	N/A	N/A
%some problem	43.2	32.8	52.5	42.7		N/A	N/A	N/A	N/A
#vacant for rent	10	0	44	54		N/A	N/A	N/A	N/A
Rent >30 to <=50%					Value <= 50%				
# occupied units	860	932	1,013	2,805		14	248	866	1,128
%occupants <=50%	69.2	57.9	50.7	58.8		71.4	34.3	21.8	25.2
%built before 1970	85.5	77.8	86.2	83.2		107.1	86.3	97.2	94.9
% some problem	69.2	46.1	55.7	56.6		0	5.6	1.8	2.7
#vacant for rent	95	179	75	349	#vacant for sale	10	65	35	110
Rent >50 to <=80%					Value >50 to <=80%				
# occupied units	1,138	817	567	2,522		86	359	855	1,300
%occupants <=80%	76.8	60.8	66.8	69.4		60.5	43.2	29.1	35.1
%built before 1970	69.2	76.4	81.7	74.3		66.3	83.3	97.4	91.5
%some problem	72.5	53.9	63.5	64.4		9.3	3.9	1.6	2.8
#vacant for rent	75	4	55	134	#vacant for sale	15	55	70	140
Rent >80%					Value >80%				
# occupied units	61	23	14	98		24	89	150	263
#vacant for rent	0	0	0	0	# vacant for sale	20	0	10	30

Source: HUD CHAS Tables, 2000 Newburgh CDBG, Census Data

2012 Fair Market Rent, Poughkeepsie-Newburgh-Middletown, NY MSA

Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
\$826	\$971	\$1,189	\$1,458	\$1,553

Source: FY2012 Fair Market Rent Documentation System, HUD¹⁰

General Housing Characteristics

Total Housing Units	10,050
Occupied Housing Units	9,295
Housing Units with three or more units per building	5,020
Vacancy rate*	14%
Newburgh Households change 2000-2010	-3,180
Newburgh Households 2010	9,030

Source 2008-2010 ACS 3 year estimates *Source: 2010 Census

¹⁰ FY2012 Fair Market Rent Documentation System:
http://www.huduser.org/portal/datasets/fmr/fmrs/FY2012_code/2012summary.odn ; accesses 8/07/12

Ownership Vs. Rental Housing

Newburgh Homeownership 2000	30.7%
Newburgh Homeownership 2010	31.7%
Owner occupied housing units 2010	2,867
Population in owner occupied housing	8,807
Renter occupied units	6,163
Population in Renter occupied units	19,114
People who pay more than 30% income on housing	62%
Median rent	\$964
Fair market value, one bedroom apartment FY 2012	\$971

**Source: 2000 and 2010 Census*

The housing conditions in the City of Newburgh can only be partially understood through looking at statistics. Residents of the City live surrounded by buildings like these pictured below. These vacant and abandoned buildings have become neighborhood dumps that attract pests and become health hazards to the residents in nearby buildings.



Race by Census Tract

Census Tract	Total Population	White (Non-Hispanic)	% of Total	Black (Non-Hispanic)	% of Total	Other (Non-Hispanic)	% of Total	Total Hispanic	% of Total
1	3,631	2,143	59%	895	24.6%	549	15%	801	22%
2	1,879	1,243	66%	497	26%	139	7.4%	394	20.9%
3	6,581	3,332	50%	1,167	17%	1,840	28%	4,038	61.3%
4	4,712	711	15%	3,392	71%	393	8.3%	698	14.8%
5	8,553	3,699	43.2%	2,569	30%	1,718	20%	5,132	60%
6	2,891	1399	48%	782	27%	399	13.8%	890	30.8%
Total									

Source: 2005-2009 ACS 5-Year Estimates

Census tracts four and five are predominantly Black and Hispanic, where as census tracts one and two are predominantly white (non-Hispanic). These are the same census tracts with the highest concentrations of poverty. Housing discrimination produces settlement patterns where minority status and poverty cluster together.

E. Other Relevant Data

Crime

Crime statistics for the City of Newburgh between 2008 and 2010 indicate high crime rates and an overall increase. A closer look at the census tract level indicates that census tracts four and five have the highest crime rates- It is important to note that this section of the City also has highest poverty statistics. The City has undertaken several programs to address crime.

2008 Crime Data for City of Newburgh

Crime	City Total	Lander Street	Percent of City	Census Tract 4	Percent of City	Census Tract 5	Percent of City
Murder	7	1		2		3	
Rape	13	0		3		4	
Robbery	162	10		39		63	
Aggravated Assault	240	15		100		108	
Residential Burglary	246	13		94		89	
Commercial Burglary	87	1		21		24	
Larceny	640	8		155		138	
Motor Vehicle Theft	90	1		17		29	
Total Part One Crime	1,539		3%	381	25%	450	30%
Violent Crime	476	26	5%	144	30%	179	38%
Property Crime	7,723	23	2%	237	22%	280	26%
Reported Incidents	33,424	242	3%	9,457	28%	10,510	31%

Source: City of Newburgh Police Department 2008

2010 Crime Data for the City of Newburgh

Crime	City Total	Lander Street	Percent of City	Census Tract 4	Percent of City	Census Tract 5	Percent of City
Murder	11	0	0%	4	36%	4	36%
Rape	7	0	0%	3	43%	2	29%
Robbery	195	4	2%	43	22%	63	32%
Aggravated Assault	310	11	4%	102	33%	104	34%
Residential Burglary	283	8	3%	97	34%	70	25%
Commercial Burglary	58	0	0%	13	22%	11	19%
Larceny	724	6	1%	200	28%	162	22%
Motor Vehicle Theft	66	1	2%	23	35%	13	20%
Total Part One Crime	1,654	30	2%	485	29%	429	26%
<i>Violent Crime</i>	<i>523</i>	<i>15</i>	<i>3%</i>	<i>152</i>	<i>29%</i>	<i>173</i>	<i>33%</i>
<i>Property Crime</i>	<i>1,131</i>	<i>15</i>	<i>1%</i>	<i>333</i>	<i>29%</i>	<i>256</i>	<i>23%</i>
Reported Incidents	6,303	168	3%	1,786	28%	2,022	32%

Source: City of Newburgh Police Department 2011

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

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

According to the U.S. Department of Housing and Urban Development, as of August 2012, 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 August 2012, there are no pending fair housing discrimination suits filed by the Department of Justice or private plaintiffs.

C. Reasons for any trends or patterns

Fair Housing Complaint Process

A review of available records does not reveal any trends or patterns in fair housing complaints, compliance reviews, or suits. Currently, a housing discrimination complaint can be filed by calling the Office of Fair Housing and Equal Opportunity Department of Housing and Urban Development or by visiting their website¹¹. Hudson Valley Legal Services offers free or low cost legal support to Hudson Valley residents who qualify. There are no other organizations in the City of Newburgh to provide free or low-cost legal aid to residents with housing complaints.

¹¹ The toll free number is: 1 (800) 669-9777; website: http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination

IV. Identification of Impediments to Fair Housing Choice

This analysis has not identified any discriminatory conditions that are the direct result of public or private actions. However many residents, Community Based Organizations, Public Agencies, and legal advocates agree that housing discrimination does occur in the City of Newburgh. When looking the chart below it is clear that poverty and minority status cluster together in neighborhoods to form a settlement pattern that indicates housing discrimination. 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 census tract that has a low and moderate-income population percentage exceeding 51%. Overall, nearly 64% of Newburgh’s population is of low and moderate income (household income \$49,000 or less). Four of the City’s six census tracts have low- and moderate-income populations in excess of 51% (tracts 3,4,5, and 6). Census tracts 3 and 5 are ‘areas of racial/ethnic minority concentration’.

Race by Census Tract

<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	3,631	2,143	59%	895	24.6 %	549	15%	801	22%
2	1,879	1,243	66%	497	26%	139	7.4%	394	20.9%
3	6,581	3,332	50%	1,167	17%	1,840	28%	4,038	61.3%
4	4,712	711	15%	3,392	71%	393	8.3%	698	14.8%
5	8,553	3,699	43.2 %	2,569	30%	1,718	20%	5,132	60%
6	2,891	1399	48%	782	27%	399	13.8%	890	30.8%
Total									

Source: 2005-2009 ACS 5-Year Estimates

This section evaluates the public and private policies and programs that shape the housing environment in the City of Newburgh and highlights some of the areas where the City can make a greater impact on the concentrations of racial and ethnic minorities throughout the City.

A. Public Sector

1. Zoning Land Use and Site Selection

Since the completion of the last AI in 2006 several major documents have been completed that analyze and evaluate the Land Use and Zoning Code of the City of Newburgh. The Sustainable Master Plan was adopted in 2008, the 2010-2014 Consolidated plan was completed, and the Future Land Use Plan was adopted in 2011. Funding has recently been approved to pay for zoning code re-writes that will address land use and zoning impediments highlighted in the Sustainable Master Plan, the Consolidated plan, and the Future Land Use Plan. In the meantime many of the same land use and zoning impediments identified in the 2006 AI remain the same today.

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 that 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.

Newburgh currently has 15 zoning classifications: four residential districts, a civic center district, four commercial districts, two industrial districts, two office districts and two waterfront districts. In addition, the City also has two historic districts: the East End Historic District and the Colonial Terraces Design District. The Architectural Review Commission (ARC) is the City's appointed board for reviewing and approving exterior changes to buildings within Newburgh's historic districts. Exterior changes reviewed by ARC include new construction, exterior alteration, in-kind repairs or restorations, signs, and demolition.¹²

Newburgh's Zoning Code is organized in a similar manner to many of the older codes found elsewhere in New York State. The City's Zoning Code follows the Euclidean format, which designates permitted uses of land based on mapped zoning districts which separate one set of land uses from another.

Residential uses account for a third of Newburgh's total land area. The majority (63%) of these residential uses are single-family homes, as most of the City north of Broadway is zoned R1 (one-family residential). Broadway, the main commercial strip, splits the city by land use. North of Broadway lie single-family homes, while to the south is a cluster of industrial and commercial uses. Mixed-use development (only 2.0% of the City's land use) is mainly found along Broadway. The City has a large percentage of vacant land (11.1%). Parks, open space and recreation space comprise 11.8% of the City's land area. Residential and Institutional are the two largest land use categories. Commercial and industrial land uses only account for approximately 9% each. A better balance of land use types is needed to provide a greater diversity of employment opportunities to residents.

The City of Newburgh Future Land Use Plan suggests that a comprehensive update of the code would entail two general types of revisions: 1. Map changes such as the addition of "building Coverage" standards and FAR where appropriate, the remapping selected industrial and commercial zones as residential to encourage the development of single family housing, up-zoning selected residential areas (from R1-R3). 2. Organizational and administrative changes that include, but is not limited to: a description of the City's boards, committees and commissions including an explanation of their purpose and function and the interrelationship between each of the identified bodies; an assessment of the City's land use review process to expedite approvals and/or denials; A more general grouping of permitted uses should be provided. Descriptions of all land uses in the zoning text should be provided; and Uniformity of minimum lot sizes within each district should be explored; the inclusion and regulation of new, sometimes controversial, uses, such as live/work lofts, telecommunications facilities, tattoo studios, billiard halls and video game rooms.

Another result of the current land use and zoning in the City is the proliferation of illegal Single Room Occupancies (SRO's). Zoning and building codes restrict the development of new SRO's.

¹² BFJ Planning. *City of Newburgh Future Land use Plan*. City of Newburgh, 2008. Print.

The high cost of housing compared to low-median income in the City compounded by the need for additional transitional housing has resulted in the proliferation of illegal SRO's. The City recognizes that SRO's are an important part of the consortium of housing therefore the slated zoning re-writes along with an annual licensing process that includes mandatory annual inspections will help the meet the need for quality low income housing for individuals.

2. Neighborhood Revitalization, Municipal and Other Services, Transportation

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 described in more detail in the Consolidated Plan. The primary programs include the Community Development Block Grant (CDBG), and the HOME Program. The brochures for f the City programs discussed below can be found in Appendix II.

- New York State Preservation Tax Credit for Residential and Commercial Properties: The NYS Historic Residential Properties Tax Credit Program will cover 20% of qualified rehabilitation costs of owner-occupied (including condominiums and cooperatives) historic houses, up to a credit value of \$25,000.
- Federal Historic Tax Credit: A substantial federal tax break that helps offset the cost of rehabilitating an older building. Equally important, the tax break helps ensure that New York State's historic buildings are renewed and preserved.
- Orange County Rehabilitation Loans: The Housing Rehabilitation Program and Homeowner Rehabilitation Loan Program are for families whose total household income is less than the limits below, 0% home equity loans are available for home repairs and for barrier removal for the physically disabled. These loans are made available through the Orange County Office of Community Development.

2012 Income Limits

Family Size	Family Income
1	\$45,000
2	\$52,000
3	\$58,500
4	\$65,000
5	\$70,200
6	\$75,400
7	\$80,600
8	\$85,800

- Newburgh Rehabilitation Program: The City of Newburgh Department of Planning & Development makes HUD funding available for property rehabilitation. Qualified owners of homes and residential rental property in the City of Newburgh may apply. In order to qualify for the funds tenants or landlords must meet low and moderate income guidelines as determined by HUD, and be current with all taxes and mortgage payments. The funds may be used to address code compliance issues and/or substandard living conditions,

including repairs to structures, safety and code upgrades, repairs or replacement of roofs, soffits, gutters, and windows. Between 2010-2012 thirteen homeowner and rental projects were completed and six were under construction. In addition between 2010-2012 nine loan/grant applications for property rehabilitation projects were in the underwriting stage.

Municipal 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 its important municipal service. The 2008 City of Newburgh Master Plan provides a more detailed description and analysis of the City's municipal services.

Transportation

Public transportation is an important element in the provision fair housing throughout the City of Newburgh. Public transit provides mobility to many people who do not have access to other modes of transportation due to age, disability, or income. Improving access to public transit provides more access to jobs, housing, and social services. 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 Station in Beacon, NY
- *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
- *Ulster County Area Transit* provides stops at the City of Newburgh waterfront and various places along Broadway.

In October 2005 the ferry linking Newburgh with Beacon became operational again. The ferry provides connection with the Metro North Train Station in Beacon where passengers can board a train to New York City. Ridership on the ferry has been 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, the Newburgh Bus System and the Metro North Train Station.

The primary impediment to fair housing related to employment-housing-transportation linkages is the lack of public transportation linkages for racial/ethnic minorities to access places of employment outside of the City. City of Newburgh residents who are unemployed or underemployed can benefit from increasing bus service to employment centers that continue to grow on the outskirts of the City. While the City does not manage public transportation, this document recommend the City continue to advocate that the County increase bus service that connects residents living at the center of the City to the employment centers on the periphery.

3. Building Codes and Compliance

Poor housing stock and its environs exert a major influence over the quality of life within a neighborhood. Sub-standard housing stock jeopardizes health and poor design encourages crime. In addition, neighborhoods that appear run down reinforce negative attitudes and undermine local confidence. As a result it is necessary for the City of Newburgh to apply strict code enforcement to improve and maintain quality-housing stock. Through adopting a distressed properties policy, offering tax exemptions to alleviate some of the cost rehabilitation, and offering grants and loans for rehabilitation building code compliance should improve significantly. In addition this report recommends the creation of a separate housing court as an important piece in the code compliance puzzle in the City of Newburgh.

The Code Department for the City of Newburgh receives guidance with respect to home construction and repair from the *New York State Building Code*, *New York State Fire Code* and the *City of Newburgh Building Code*. The Code Department serves three main functions:

- Reviews plans for new housing construction projects to ensure compliance with state and local codes.
- Enforces code for violations regarding maintenance, safety, sanitation and quality of life on existing buildings. In most cases the violations can be resolved but in instances where dilapidated buildings are deemed unsafe the solution to the violation can be demolition of the structure.
- Responsible for ensuring compliance with land use regulations.

The City of Newburgh has a new public nuisance ordinance, codified in Chapter 126 of the Municipal Code. This law defines two types of nuisance buildings, both somewhat broadly; one is identified by the illegal acts of the occupants and the other the blighted condition of the building. The city can issue orders to abate and bring actions for injunctions, which requires the cooperation of the courts. Under this law a receiver of rents can be appointed and the City may apply to the courts for leave to sell the premises following the entry of a judgment establishing a lien on a building for costs incurred in the process of enforcement. According to Chapter 129 of Newburgh's Municipal Code abatement can be ordered, placards can be posted, emergency abatement is allowed, and the City can perform work needed, add the charges to the tax bill, and foreclose for nonpayment of liens plus interest. Buildings can be ordered vacated and demolished.

The City of Newburgh collects data on vacant buildings through its *Vacant Building Registry*. According to the City's Municipal Code building owners must file with the Office of Code Compliance within 30 days of the building becoming vacant¹³.

¹³ *City of Newburgh Municipal Code*. Print.
chapter 121-3

Characteristics of Vacant Buildings in Newburgh City

# Vacant parcels	7,000
City owned	11%
Open code violations	38%
Assessed value < 50K	25%
Wholly tax exempt	5%
Residential	81%
Commercial/industrial/office	19%
Received crime calls from 1/1/2012-8/3/2012	40%

Source: City of Newburgh Vacant Building Registry as of September 2012

The City is currently building support for the creation of a separate housing court by speaking with local and State representatives. A separate housing court allows a judge to focus exclusively on housing issues. With this focus a judge can become familiar with the players and the specific problems in the City and can make a commitment to work with community stakeholders.

4. PHA and Other Assisted Insured Housing Provider Tenant Selection Procedures; Housing Choice for Certificates and Voucher Holders.

Public Housing

The Newburgh Housing authority manages the City’s public housing stock. That stock includes 135 units in two projects, one of which serve elderly exclusively with 65 units. Of the 135 units, only 32 families have wages.

*Current Housing Authority Residents*¹⁴

Very low income (<=30%AMI)	83%
Low income (>50% AMI but 80% AMI)	98%

There are virtually no vacant units in any of the Public Housing developments. However, apartments are temporarily vacant due to phased construction. Currently the number of families on the waiting list is 168. The waiting list currently reflects the following racial composition: 49% African American, 19%Hispanic, 28% White.

*Families on the waiting list for Public Housing*¹⁵

Very low income (<=30%AMI)	10%
Low income (>50% AMI but 80% AMI)	2%
Families w/ children	70%
Elderly families	26%
Families with disabilities	4%

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.

¹⁴ Newburgh Housing Authority. *Newburgh Housing Authority 2011 PHA Annual Plan*. U.S> Department of Housing and Urban Development Office of Public and Indian Housing, 2011. Print.

¹⁵ Newburgh Housing Authority 2011 PHA Annual Plan

Housing Choice Voucher Program

In the City of Newburgh the Newburgh Housing Authority manages HUD’s Housing Choice Vouchers designated for use in the City. There are currently 346 families on the waiting list for HUD’s Housing Choice Voucher program. Of those families on the waiting list, 75% are families with children, 15% are elderly and 10% are disabled. The waiting list currently reflects the following racial breakdown: 40% are African American, 40% are Latino and 20% are White.

*Families on the waiting list for Housing Choice Voucher Program (NHA)*¹⁶

Very low income (<=30%AMI ¹⁷)	11%
Low income (>50% AMI but 80% AMI)	0%
Families w/ children	96%
Elderly families	3.5%
Families with disabilities	0.5%

Pathstone Inc. manages 2,044 Housing Choice Vouchers for Orange County. There are currently 4,300 families on the waiting list. The racial composition for voucher holders is: 85% White, 14.81% Black, and 7.93% Hispanic.¹⁸

*Housing Choice Voucher Active and Moved Participants (Pathstone Inc.)*¹⁹

Very low income (<=30%AMI ²⁰)	9.8%
Low income (>50% AMI but 80% AMI)	65%
Elderly families	20.49%
Families with disabilities	36%

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 that 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 family units, and a three-year wait list for elderly units. Burton Towers is a 125 unit, section 202, elderly housing project. Voisons of Newburgh is a 77 unit building operated exclusively for seniors.

5. Sale of Subsidized Housing and Possible Displacement

Historically the City of Newburgh has implemented its affordable housing strategies through partnerships with non-profit organizations. In direct rehabilitation of properties and support of homeowners two programs are central: the Newburgh Community Land Bank, and Habitat for Humanity of Greater Newburgh.

¹⁶ Newburgh Housing Authority 2011 PHA Annual Plan

¹⁷ The Area Median Income (AMI) for the City of Newburgh is \$37,391

¹⁸ ¹⁹ Tenant Statistical Report; Housing Choice Voucher Program Family Information Orange County, NY. 11/15/12

²⁰ The Area Median Income (AMI) for the City of Newburgh is \$37,391

Habitat for Humanity of Greater Newburgh, an affiliate of Habitat for Humanity International, has operated programs to provide homeownership 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 almost exclusively on renovation rather than new home construction. Habitat of Greater Newburgh has to date completed 50 affordable homes for families in need in the City.

On February 28, 2011 the Newburgh City Council authorized the creation of the Newburgh Community Land Bank (NCLB) based on work done by the Center for Community Progress and the Pace Law School Land Use Law Center. In accordance with the work done to form the NCLB, the City of Newburgh adopted a distressed property remediation policy that would be developed by the Property Remediation Task Force. Under the Private Housing Finance Law the NCLB is legally authorized to take title of City-owned parcels for a negotiated price as low as \$1.00 and is not required to pay property and sales taxes until the properties are restored and sold to new owners. The NCLB is chartered to hold, maintain, rehabilitate, and dispose of these parcels in order to ensure that they revitalize Newburgh's neighborhoods and put the properties back on the City's tax rolls²¹. The target area for the NCLB is an area generally bounded to the North by South Street, to the West by Route 9W, to the South by Broadway, and to the East by the Waterfront. To date, the NCLB has identified 60 properties in the Target area that are currently vacant City owned residential properties they hope to revitalize. The property restoration efforts will radiate outward from the designated target area and hopefully spread throughout the whole city.

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 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 achieve economic stability.

6. Property Tax Policies

In 2011 the City of Newburgh raised its property taxes by 71%, and project a total increase between 2010 and 2013 of at least 300%²². In addition to the increase in property tax property values are declining in the City. It is not clear at this point what the repercussions will be for the City of Newburgh, but it is safe to assume that there will be an increase of properties in tax foreclosure, which will diminish the shrinking tax base in the City.

²¹ *Addressing Distressed Properties in the City of Newburgh*. Land Use Law Center, Pace University School of Law, 2010. Print. Opportunities and Recommended Strategies.

²² CVH press release: Community Voices Heard. *Newburgh, N.Y. Headed Towards Bankruptcy, Residents Take Over their City Hall Demanding Intervention from the State.*, May 25, 2011. Print.

The following tax exemptions are available to City of Newburgh residents: Senior Citizen Enhanced STAR Exemption, School Tax Relief (STAR) Exemption, Basic STAR Exemption, Alternative Veterans Exemption, Clergy Exemption, Senior Citizens - Enhanced School Tax Relief (STAR) Exemption, Residential-Commercial Urban Exemption Program Application Form, First Time Home Buyer Exemption, and the Historic Real Property Alteration or Rehabilitation Exemption²³.

7. Planning and Zoning Boards, and Architectural Review Commission

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 September 2012, 4 of the seven members are women and 28% are people of color.

City of Newburgh Zoning Board of Appeals

The Zoning Board of Appeals enforces the zoning laws of the City on Newburgh and hears applications for variances to those laws. An application for variance must demonstrate that a substantial 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 Zoning Board of Appeals consists of seven members, 3 of the seven are women and approximately 28% are people of color.

City of Newburgh Architectural Review Commission

The City's Architectural Review Commission (ARC), a certified agent of New York State's Office of Historic Preservation (SHPO) is charged with protecting and promoting the enhancement of this cultural resource. Commission members are appointed by the City Manager to 5-year terms. The Commission must include:

- At least one historian
- At least one architect
- At least 3 residents of a historic district or building
- All individuals who have shown interest in and commitment to architecture and historic preservation

The ARC consists of seven members, 4 of the seven are women and approximately 14% are people of color.

8. City of Newburgh Plumbers and Electricians

The City of Newburgh Board of Electrical Examiners is responsible for procedures designed to ensure the safe installation of electrical wiring and appliances in any building in the City. To that end, it issues the following:

²³ Exemption forms and instructions can be found in Appendix II

- Licenses to Electrical Contractors, allowing them to perform electrical services in the City of Newburgh.
- Permits for Electrical Work, allowing owners of buildings to install or modify electrical fittings using a licensed electrician.

The Board of Electrical Examiners consists of five members who are appointed by the City Manager. The Chairman of the Electrical Board is the Fire Chief of The City of Newburgh. One member is the Building Inspector of the City. One is an electrician licensed by the City of Newburgh. One is a member of an approved electrical inspection agency. One is an electrician who has completed a New York State approved apprentice-training program and has been certified as a journeyman electrician. Chapter 30 of The Code of The City of Newburgh New York established the Board of Electrical Examiners on 11-13-1967.

Many homeowners in the City of Newburgh complain that the cost of doing plumbing and electrical work legally through the City certified plumbers and electricians is more costly than using plumbers and electricians that lack this additional certification. The City should examine ways to ensure safe electrical and plumbing work that does not result in additional costs for homeowners.

The State of New York mandates that cities have a licensing policy in place for electricians and plumbers in the City. Many complain that licensing lacks transparency and has created a closed network of electricians and plumbers that have a monopoly on the electrical and plumbing work in the City. One way to address this problem is if the County assumed the licensing functions and responsibilities. In addition the City should address residents complaints about costs for electrical and plumbing work in the City.

B. Private Sector

Lending Policies and Practices

Throughout the country the practices of the lending community have acted a barriers to fair housing choice. African Americans are denied mortgages at a much higher rate than Caucasians. The City of Newburgh is no exception. 2009 Data on the lending practices of lending institutions in the metropolitan statistical area Poughkeepsie-Middletown-Newburgh, made available through the Home Mortgage Disclosure Act, reveals a pattern of discrimination in lending practices similar to what is found throughout the country. For example applications for a conventional home purchase loan were denied for 33% of African Americans, 25% of Hispanic or Latino applicants, and 16% of White applicants. 9% of African Americans applications for a conventional home purchase loans that were approved but not accepted, compared to 7% of White and Hispanic applicants. According to a report titled *Unequal Opportunity Lenders* published by the Center for American Progress in 2009 overall throughout the United States, 17.8 percent of White borrowers were given higher-priced mortgages when borrowing from large banks in 2006, yet 30.9 percent of Hispanics and a staggering 41.5 percent of African Americans got higher-priced mortgages. Only 11.5 percent of Asians got higher-priced mortgages.²⁴ A more detailed analysis of the lending practices of the lending institutions in the City is needed in order to establish the extent of unfair and predatory lending.

²⁴ Chapman, Jeff, and Andrew Jakabovics. *Unequal Opportunity Lenders? Analyzing Racial Disparities in Big Banks' Higher-Priced Lending*. Center for American Progress, 2009. Print.

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 IV contains Chapter 38 of the City Ordinances, which describe 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 IV contains the resolutions relative to the Human Rights Commission.

In accordance with Chapter 38, the Department of Community Development 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

Pathstone Inc. runs a Homeownership Education and Training Program that helps first time homeowners become informed and skillful buyers, and helps secure affordable loans at a reasonable interest rate.

D. Where there is a discrimination of unlawful segregation or other housing discrimination by a court of a finding of non-compliance 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 City of Newburgh.

There has been no 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 issued a charge under the Fair Housing Act regarding Assisted housing within the jurisdiction of the City of Newburgh.

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

The City of Newburgh affirmatively 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 Department of Community Development, which serves as the Fair Housing Office administers various housing programs that facilitate compliance with fair housing law. This centralized function increases coordination in the area of fair housing.

Based on the analysis undertaken to date, there is a need for a more proactive approach to fair housing activities in conjunction with the private sector. Such activities would include an in depth analysis of the lending institutions underwriting practices in order to determine if lending practices are discriminatory and contributing to the current pattern of minority concentration in census tracts 3, 4 and 5. If discrimination is discovered legal action can be taken. Another important fair housing activity is an educational program dedicated to increasing public awareness of fair housing in order to give residents the tools to participate in the City's commitment to affirmatively further fair housing.

VI. Conclusion and Recommendations

The 2012 City of Newburgh Analysis of Impediments to Fair Housing Choice was designed to engage members of the community in the analysis and recommendations process. Through collaboration with housing practitioners, members of the community, housing advocates and other stakeholders, the City of Newburgh has begun a dialogue about fair housing and ways to identify and address discrimination in housing throughout the City. Four major impediments or obstacles to fair housing have been identified:

- No clear human rights violation complaint process
- Unaffordable housing/ High Unemployment and underemployment (low-wage work)
- Language barriers
- Poor building code compliance

The Fair Housing Action plan outlines actions the City of Newburgh should consider in order to address access to fair housing in the City. These recommendations should be considered in the context of the Consolidated Plan. The Consolidated Plan more clearly ties the needs assessment, housing market analysis, and the strategy for addressing needs and achieving housing and community development objectives to the use of the program funds. Many of the fair housing related problems revolving around the issue of choice in low- and moderate-income housing programs are already addressed in the Consolidated Plan.

City of Newburgh Fair Housing Action Plan 2013-2016:

Economic and Community Development

According to 2010 Census data 24.3% of individuals are living below the poverty level. The price of a market rate one bedroom in Orange County, NY is \$971.00, well beyond the means of many residents in the City of Newburgh. In addition the unemployment rate in the City is 12.1%. The outreach campaign revealed that many respondents of the housing survey were

paying well over 30% of their income on rent. There is an urgent need for quality job creation in the City. There are currently two programs in motion to address job creation:

1. The City of Newburgh has adopted a Section 3 plan to help local businesses bid on City contracts²⁵
2. The Work Force Development Institute has partnered with the City of Newburgh to address barriers to employment for family assistance, safety net and low-income families and individuals.

These initiatives will encourage quality Job creation. In addition the City should:

- Advocate for an increase in minimum wage in order to address the housing affordability gap.

Administrative Structure and Procedures

According to the U.S. Department of Housing and Urban Development, as of August 2012, there are no pending fair housing complaints or fair housing discrimination suits in the City of Newburgh. The following actions can help the City address housing discrimination that is clearly present but the source is hard to identify.

- *Housing discrimination Complaint Process:* at present the City does not have an internal policy for handling fair housing complaints. This report recommend the City adopt a process for handling fair housing complaints.
- *Tenant organization:* the City of Newburgh is predominantly a renter population. Many tenants do not know their rights. There is very little free or low-cost legal aid available to tenants in landlord tenant disputes in the City of Newburgh. A tenant organization can help bring needed legal services and advice for low-income tenants. This report does not recommend that the City assume this role, as an organization with experience handling Civil Rights lawsuits can apply for Federal funding to support more advocacy work around fair housing in the City of Newburgh.
- *Housing Court:* the housing crisis in the City of Newburgh is characterized by low-income homeowners struggling to keep up with the cost of maintaining their houses, bank owned properties that are not managed or maintained, and absentee landlords who leave properties vacant and let them deteriorate. Separate housing court allows a judge to focus on housing crimes, and therefore become intimate with the players and the issues that effect the housing market in the City. A housing court can make a commitment to work with community stakeholders. The City is currently pursuing the creation of a separate housing court.
- *Administrative Policies that Effect the High Cost of Rehabilitation:* the City should review and revise policies that act as impediments to rehabilitation efforts in the City by adding unnecessary cost. The City is currently evaluating the Architectural Review process. The State of New York mandates that cities have a licensing policy in place for electricians and plumbers in the City. Many complain that licensing lacks transparency and has created a closed network of electricians and plumbers that have a monopoly on the electrical and plumbing work in the City. One way to address this problem is if the County assumed the licensing functions and responsibilities. In addition the City should address residents complaints about costs for electrical and plumbing work in the City.

²⁵ The City of Newburgh Section 3 Plan can be accessed through the City's website: <http://www.cityofnewburgh-ny.gov/devel/sect3.htm>

Zoning and Land Use

Funding has recently been approved to pay for the following zoning code re-writes: remapping selected industrial and commercial zones as residential to encourage the development of single family housing, up-zoning selected residential areas (from R1-R3), the introduction of inclusionary zoning measures in larger development projects, and to revise zoning to support the subdivision of units that may cause economic hardship as solely single-family homes.

Language Barriers

The current Hispanic population is undercounted, as many residents are undocumented persons. According to the 2010 Census the City's population is 47.8% Hispanic. In order to stabilize the housing situation in the City of Newburgh the Spanish speaking population needs to be protected and extended the right to Fair Housing. If residents are not comfortable speaking English or fearful of deportation they will not complain about housing conditions. There is huge need for services and programs offered in Spanish, as well as English Language classes for children and adults.

Housing Stock Rehabilitation

The available statistics on the housing market in the City of Newburgh indicate that there are many available housing units throughout the City. However, many of those units are dilapidated and unsafe. Poor compliance with building codes is an epidemic in the City of Newburgh and as a result vacant and abandoned buildings dominate the landscape. The City has renewed its efforts and commitment to address distressed properties. These efforts are evidence of the City's commitment to affirmatively further fair housing. Through conversations with housing providers, residents, City staff, and other community stake holders, the state of the housing stock is the a central issue that effects the availability of fair housing.

The purpose of this document is to provide an overview and analysis of fair housing activities within the City of Newburgh. The Consolidated Plan consolidates into a single document the CHAS, the community development plan, and the submission requirements for the CDBG, HOME, Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) programs. The Consolidated Plan more clearly ties the needs assessment, housing market analysis, and the strategy for addressing needs and achieving housing and community development objectives to the use of the program funds. Many of the fair housing related problems revolving around the issue of choice in low- and moderate-income housing programs are already addressed in the Consolidated Plan.²⁶

²⁶ *Fair Housing Planning Guide p.2-17*

VII. Signature Page

Respectfully submitted on behalf of the City of Newburgh.

Judy Kennedy
Mayor
Chief Elected Official

Date

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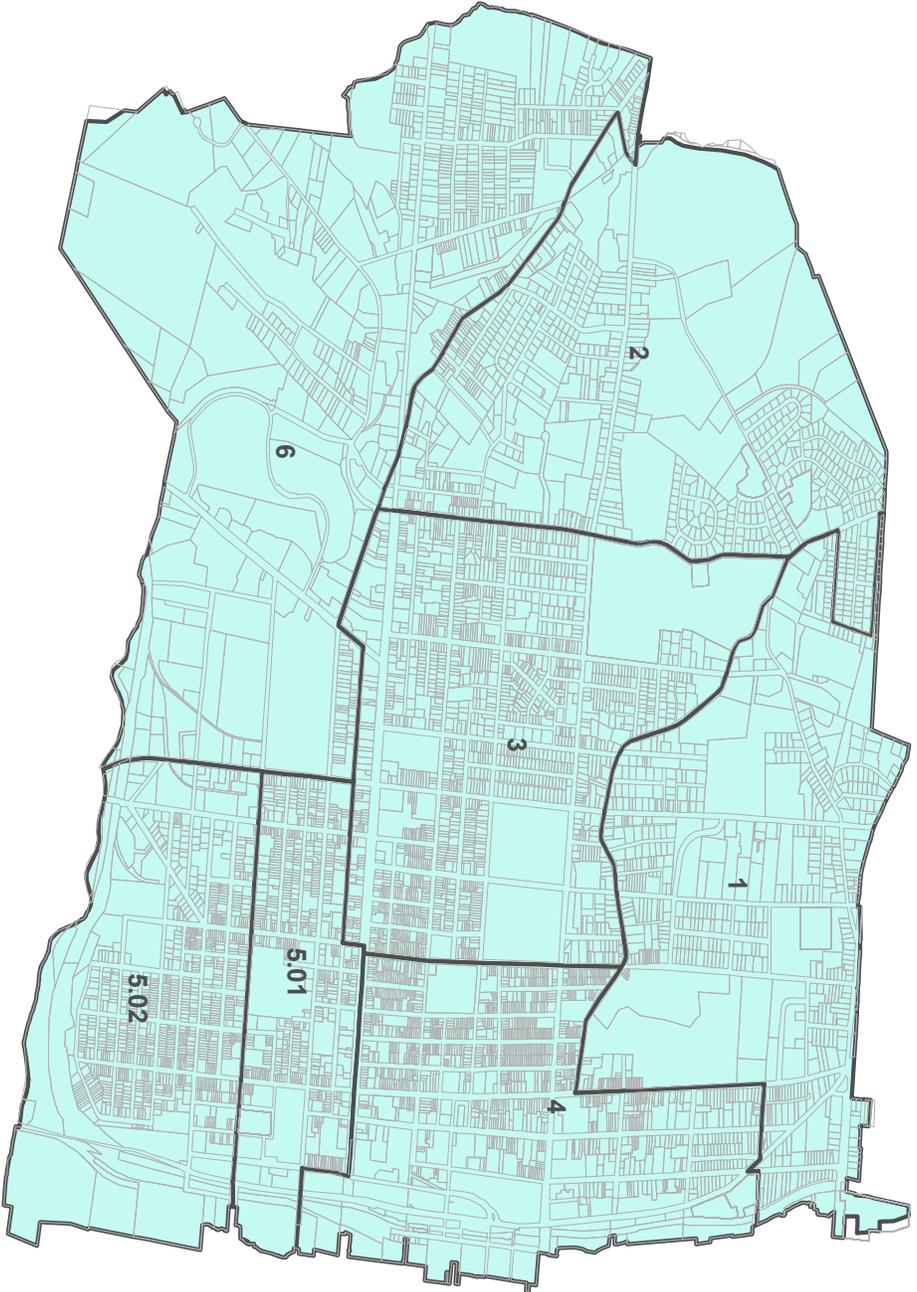
Appendix I

Maps

- A. City of Newburgh Census Tracts
- B. City of Newburgh Zoning
- C. City of Newburgh Land Use Map
- D. City of Newburgh Population Density and Ethnicity by Ward

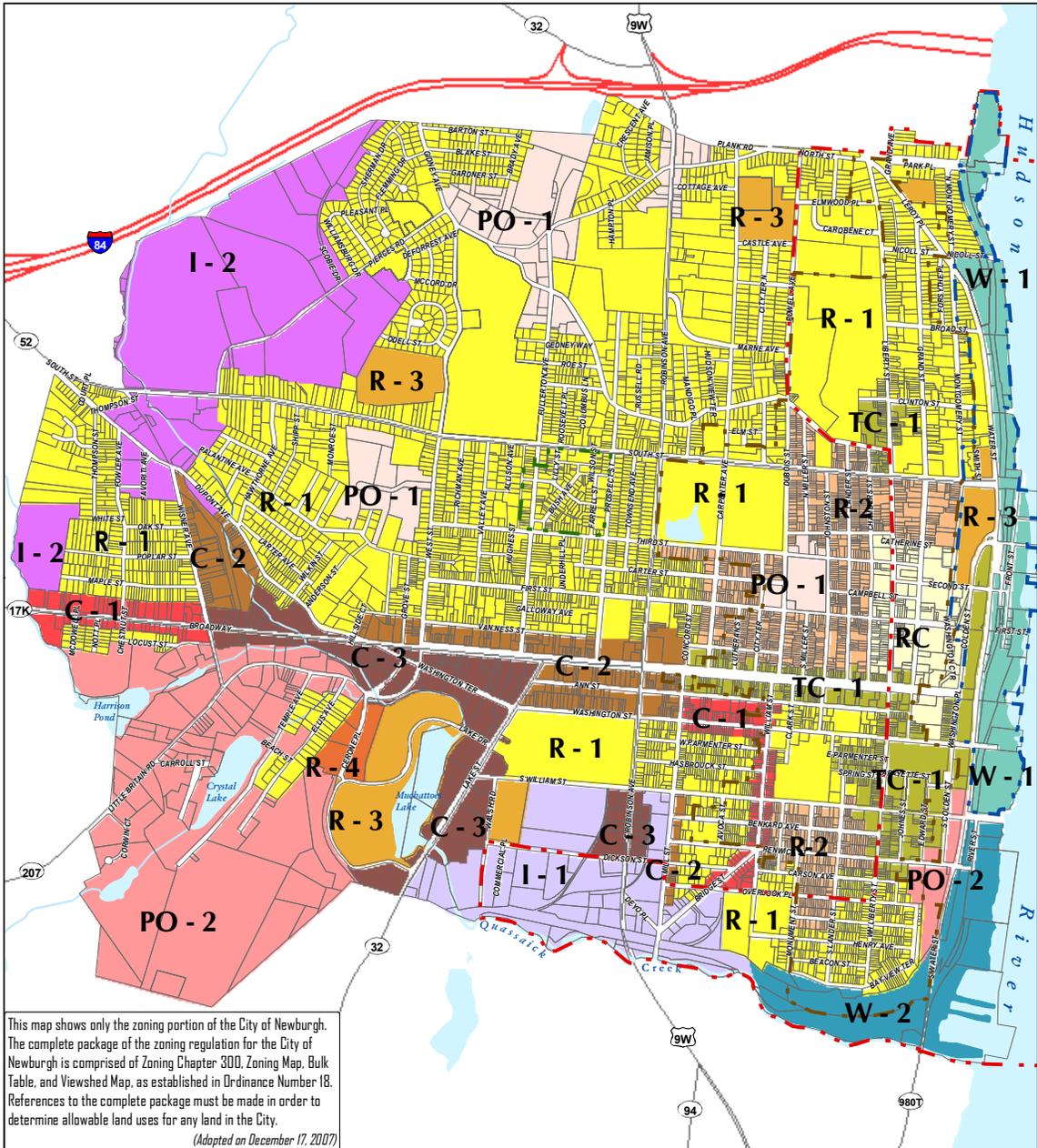


City of Newburgh Census Tracts



1 Inch = 1,000 Feet

9/19/12
LFF



Not To Scale

FOR VISUAL REFERENCE ONLY

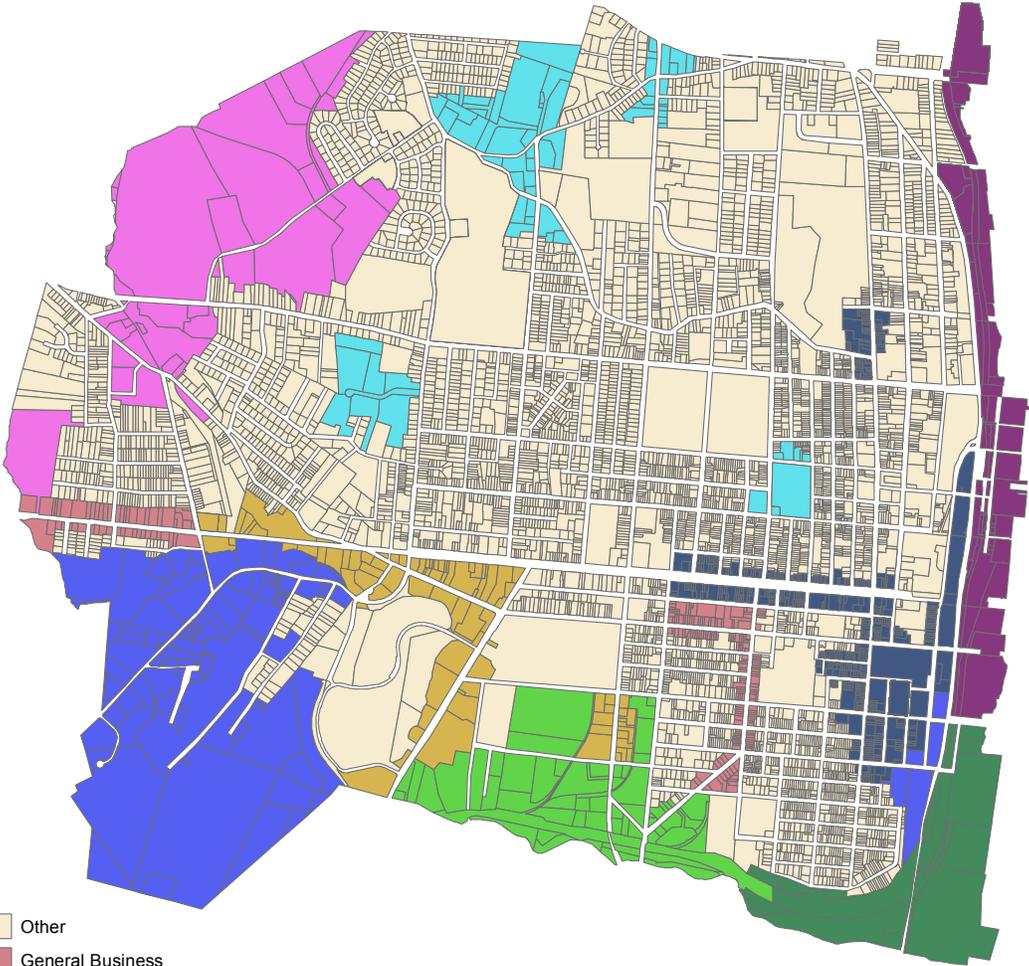
DISCLAIMER: Maps and data are provided without warranty concerning the accuracy, completeness, or suitability for any particular purpose. City of Newburgh makes no representations and assumes no liability from any damage arising out of reliance upon the information contained herein.

ZONING MAP

City of Newburgh

Date: 2/25/09
 Prepared by: City of Newburgh GIS
 (845) 563-7489
 G:\Project\Planning\Zoning.mxd
 G:\Map Gallery\Planning\Zoning.pdf

LEGEND:		
I-2 Warehouse / Light Industrial / Distribution	R-2 Two Family Residential	W-2 Waterfront Industrial
PO-1 Office & Medical Technology	R-3 Multiple-Family Residential	Colonial Terraces Architectural
C-1 Neighborhood Retail & Residential	R-4 High-Density Multiple-Family Residential	Historic
C-2 General Business	TC-1 Tourist Commercial	Hudson Waterfront Architectural
C-3 Planned Commercial	W-1 Waterfront Mixed Use	View Preservation
I-1 Heavy Commercial / Light Industrial	R-1 One-Family Residential	
PO-2 Office & Distribution		
RC Civic Center & Residential		



- Other
- General Business
- Heavy Commercial
- Office Distribution
- Office Medical Technology
- Planned Commercial
- Tourist Commercial
- Warehouse / Light Industrial
- Waterfront Industrial
- Waterfront Mix Use

1 Inch = 1,000 Feet

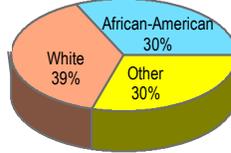
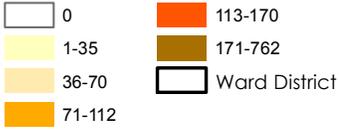
LFF
9/20/12

CENSUS 2010 POPULATION DENSITY & ETHNICITY BY WARD

City of Newburgh, Orange County, NY

??????

Population (From Census Block)



For Visual Reference Use Only
 Map Prepared by City of Newburgh GIS
 2010 U.S. Census Data (Block Group)
 Date: 4/12/2011
 Not To Scale



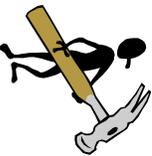
Appendix II
City of Newburgh Fair Housing and Housing Rehabilitation
Activities

- A. City of Newburgh Rehabilitation Program Brochure
- B. City of Newburgh Homeowner Rehabilitation Loan Application
- C. City of Newburgh Rental Rehabilitation Loan Application
- D. Distressed Properties Policy
- E. Distressed Properties Resolutions
- F. Tax Exemption Instructions: rp421, rp425 (STAR), rp444a, rp457, rp458,
rp467, rp485a, rp485b

DOCUMENTATION REQUIRED



INCOME GUIDELINES



CITY OF NEWBURGH



Department of Planning and
Development
83 Broadway, 3rd Floor
Newburgh, New York 12550
845-569-9400
845-569-9700 (FAX)

HOME OWNER PROGRAM

APPLICATION PROCESS

RENTAL REHABILITATION PROGRAM





City of Newburgh
DEPARTMENT OF PLANNING & DEVELOPMENT
City Hall – 83 Broadway
Newburgh, New York 12550

TEL: (845) 569-9400

FAX: (845) 569-9700

APPLICATION FOR HOUSING REHABILITATION
(Home Owner Rehabilitation Loans)

Courtney Kain, Director of Community Development
Greta Simmons, Housing Loan Officer

remediation of the issues. The owner will have 30 days to either correct the new issues or show the financial capability to correct them. If the owner fails to do so within 30 days, the application will be categorized incomplete.

If the application is complete, the Housing Loan Committee will review the application.

Once the application is approved, if the owner is not a contractor themselves, three estimates will be required before the owner selects the contractor.

Contracts are then prepared and signed by the City, property owner and the contractor at the closing.

After the closing the construction can begin.

Once the construction is complete, the work has been inspected, and the owner has signed for approval the final payment can be distributed.

*** BEFORE SUBMITTING THIS APPLICATION***

Are you seeking a change of use?

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.

If your project requires a variance, it will have to be presented to the zoning board of appeals.

Is your project in a historic district?

All work affecting the exterior of buildings in the East End Historic District and the Colonial Terraces Design District falls under the review of the ARC, including:

- New Construction
- Exterior Alteration
- In-Kind Repairs or Restorations
- Signs
- Demolition

The East End Historic District map may be view at:

<http://www.cityofnewburgh-ny.gov/about/docs/HistoricDistrict.pdf>

The Colonial Terraces Design District map may be view at:

<http://www.cityofnewburgh-ny.gov/about/docs/ColonialTerracesMap.pdf>

For information on applications, fees, and meeting agendas, please contact the Code Compliance/Building Dept at 569-7400.

Owner and Property Information

Date: ___/___/___ Phone #: ___-___-___

Name: _____ DOB: ___/___/___

SS#: _____

Spouse Name: _____ DOB ___/___/___

SS#: _____

Address: _____ No. of Dependents: _____

City: _____ State/Zip Code _____

Occupation – (if present employment is less than 2 yrs, give previous employment also)

Head of Household: _____

Address: _____

Number & Street

City, State & Zip Code

Years Employed: _____

Previous Occupations: _____

Property Address to be Rehabilitated

No. of Units _____

Residential _____

Owner-Occupied _____

Investor-Owned _____

Non-Residential _____

Combination of Both _____

SCOPE OF WORK

Please describe the nature of the project requested. **(Please include pictures)**

Present Monthly or Annual Income (Base Pay)

Head of Household _____
Name Salary

Spouse _____
Name Salary

Other Earnings _____

Income from Real Estate _____

Veterans Pension _____

Social Security _____

Existing Debt on Property to be Rehabilitated

Name of Lender _____

Address of Lender _____

Original Mortgage Amt. _____

Unpaid Mortgage _____

Monthly Payments _____

Is Mortgage F.H.A. Insured? _____

ASSETS

Checking Accounts: _____

Savings Accounts: _____

U.S. Savings Bonds: _____

Stocks & Bonds: _____

Market Value of other Real Estate Owned: _____

Address: _____
Street City, State & Zip Code

Automobile: Make _____ Year _____ Balance on Loan: _____

Other Assets: _____

Amount of Fire Insurance: _____

Date of Expiration: _____

Annual Premium: _____

Fire Insurance Agent: _____

Address: _____
Street City, State & Zip Code

Any Foreclosures or Judgments? _____

Past or Present: _____

Date: _____

Please include Income Tax Return and W-2 from the last 2 years; 3 years if self employed.

TO WHOM IT MAY CONCERN:

This will authorize you to release for the use of the City of Newburgh, Office of Planning and Development, any information that they may require regarding my income, employment, credit status indebtedness, bank accounts, etc.

It is understood that all information released will be held confidential by the City of Newburgh, Office of Planning and Development and the U.S. Department of Housing and Urban Development, to assist me in obtaining financial aid for the rehabilitation of my property.

Signature

Print Name

Signature

Print Name

Date: ____/____/____

TO BE COMPLETED BY HOUSING LOAN OFFICER

PRESENT MONTHLY HOUSING EXPENSES

1. Fire Insurance: _____
2. Ground Rent: _____
3. Maintenance: _____
4. Heat: _____
5. Electric: _____

ANNUAL TAXES

1. Real Estate Tax: _____
2. School Tax: _____
3. Water Tax: _____
4. Total Tax: _____
5. Per Month: _____

Office of Planning and Development

Release Form

I authorize the Office of Planning and Development, Newburgh, New York, to obtain such information as it may require concerning statements made in the application for a loan including a credit check.

****All Principals must complete****

Primary Applicant

First Name: _____ Middle: _____ Last Name: _____

Social Security #: _____ / _____ / _____ D.O.B.: _____ / _____ / _____ Age: _____

Phone # Home: _____ - _____ - _____ Phone # Work: _____ - _____ - _____

Address

Current Street Address: _____

City: _____ State: _____ Zip Code: _____

Previous: _____

City: _____ State: _____ Zip Code: _____

Employment

Employer Name: _____

Street Address: _____ Phone#: _____

City: _____ State: _____ Zip Code: _____

Signature: _____

Date: _____ / _____ / _____

Process

Once the application is submitted, it will be checked for completeness. If the application is not complete or there are missing documents the application will not be reviewed.

Next the application will be checked for income eligibility and underwriting criteria.

The property would then be inspected and a cost estimate would be made. If the inspection reveals other issues or code violations that need to be addressed the owner will need to show the ability to finance the remediation of the issues. The owner will have 30 days to either correct the new issues or show the financial capability to correct them. If the owner fails to do so within 30 days, the application will be categorized incomplete.

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- New Construction
- Exterior Alteration
- In-Kind Repairs or Restorations
- Signs
- Demolition

The East End Historic District map may be viewed at:

F. Are any units owner occupied: Yes _____ No _____

G. Total number of units to be rehabilitated under this program: _____

H. Name, address and telephone number of each owner's employer.

Employer Name	Address	Tele#
---------------	---------	-------

Employer Name	Address	Tele#
---------------	---------	-------

Employer Name	Address	Tele#
---------------	---------	-------

Employer Name	Address	Tele#
---------------	---------	-------

I. Miscellaneous Information:

1. Estimated market value of property, as is: _____
 2. Estimated market value of property, after rehab: _____
 3. Current assessed property value: _____
 4. Amount of fire insurance coverage: _____
 5. Name of insurance agency: _____
 6. Address of insurance agency: _____
-

J. Please attach the following items to the completed application:

1. Copy of the filed deed.
2. Copy of the latest property tax receipt.
3. Copy of fire insurance face sheet.
4. Copy of W-2 form, tax return and/or other income verification of each owner.
5. Personal Financial Statement of each owner.

SECTION 2: PROPERTY DATA

Apartment#								
Number of bedrooms								
Number of bedrooms after rehab								
Apt. to be rehabbed? Yes/No								
Present monthly rent								
Proposed rent after rehab								
Space Heaters (SH) or Central Heat (CH)								
Please indicate utilities provided by Owner								
Heat								
Hot Water								
Electricity								

ADDITIONAL QUESTIONS

A. Is it anticipated that there will be a need for temporary relocation of any current tenant during the rehabilitation period? Yes _____ No _____

B. Is permanent displacement of any current tenant anticipated? Yes _____ No _____

C. Have any tenants been required to move from the building, without cause, during the last twelve months? Yes _____ No _____

D. Prior experience of owner in program funded in whole or in part by the Federal, State or local government? Yes _____ No _____ If yes, explain (attach additional sheets if necessary)

Original amount _____, Principal balance remaining _____

Interest rate _____, Term of loan _____, Pay-off Date _____

Monthly debt service _____, Interest only loan: Yes _____ No _____

Type of Mortgage: Conventional _____ FHA _____ VA _____ Other _____

3. Are there any additional outstanding liens on the property other than those described above? Yes _____ No _____
If yes, please describe:

C. CAPITAL IMPROVEMENTS

Have you made any capital improvements to the building in the last five years? If so, please provide the following information regarding the improvements:

1. Description of work: _____

2. Cost of work: _____

3. Was a loan(s) secured to cover the above work? If so, please provide the following information:

Amount of Loan _____

Date repayment began _____

Term _____

Monthly payment _____

Remaining Balance _____

**SECTION 4: INCOME AND EXPENSES DATA
CONTINUED**

	Present/Monthly	After Rehab Monthly
Other	_____	_____
Subtotal	_____	_____
3. <u>Fixed Expenses</u>		
Extermination	_____	_____
Trash Removal	_____	_____
Gardening	_____	_____
Other	_____	_____
Subtotal	_____	_____
4. Other expenses	_____	_____
5. Maintenance and repairs	_____	_____
6. Insurance fees	_____	_____
7. Real estate taxes	_____	_____
8. Management fee	_____	_____
9. Total mortgage payment	_____	_____
10. Other	_____	_____
Subtotal	_____	_____
TOTAL EXPENSES	_____	_____

**CITY OF NEWBURGH
RENTAL REHABILITATION PROGRAM**

TENANT INFORMATION

Below is 2010 income limits that qualify low income tenants:

		Orange County, New York								
FY 2010 Income Limit Area	<u>Median Income</u>	FY 2010 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
		<u>Very Low (50%) Income Limits</u>	\$29,200	\$33,400	\$37,550	<i>\$41,700</i>	\$45,050	\$48,400	\$51,750	\$55,050
Orange County	\$83,400	<u>Extremely Low (30%) Income Limits</u>	\$17,500	\$20,000	\$22,500	<i>\$25,000</i>	\$27,000	\$29,000	\$31,000	\$33,000
		<u>Low (80%) Income Limits</u>	\$45,100	\$51,550	\$58,000	<i>\$64,400</i>	\$69,600	\$74,750	\$79,900	\$85,050

Unit# _____

Date: _____

Last Name	First Name	Relationship	Age	Sex	Eth.

Secondary Applicant

First Name: _____ Middle: _____ Last Name: _____

Social Security #: _____ / _____ / _____ D.O.B.: _____ / _____ / _____ Age: _____

Phone # Home: _____ - _____ - _____ Phone # Work: _____ - _____ - _____

Address

Current Street Address: _____

City: _____ State: _____ Zip Code: _____

Previous: _____

City: _____ State: _____ Zip Code: _____

Employment

Employer Name: _____

Street Address: _____ Phone#: _____

City: _____ State: _____ Zip Code: _____

Signature: _____

Date: _____ / _____ / _____

Secondary Applicant

First Name: _____ Middle: _____ Last Name: _____

Social Security #: _____ / _____ / _____ D.O.B.: _____ / _____ / _____ Age: _____

Phone # Home: _____ - _____ - _____ Phone # Work: _____ - _____ - _____

Address

Current Street Address: _____

City: _____ State: _____ Zip Code: _____

Previous: _____

City: _____ State: _____ Zip Code: _____

Employment

Employer Name: _____

Street Address: _____ Phone#: _____

City: _____ State: _____ Zip Code: _____

Signature: _____

Date: _____ / _____ / _____

Opportunities and Recommended Strategies November, 2010

The Role of the City Council and Next Steps

These recommendations depend on the City Council to give them life and make them realistic and achievable. A new policy and direction must begin and grow as a result of Council leadership, insight, and commitment.

If the recommendations contained in this final report are largely acceptable to the Council, the next steps are:

1. To adopt a policy resolution of the Council expressing your general agreement and directing that steps be taken to implement the recommendations:
2. To authorize the preliminary steps needed to incorporate and create a business plan for the City of Newburgh Land Bank for the purpose of taking title to, managing, improving, and disposing of title to city-owned residential properties to get them back on the tax rolls; and
3. Create a distressed property task force for the city to coordinate the efforts and resources of all city departments and other agencies and organizations to launch a successful program to remediate as many properties as possible in the recommended target area.

Introduction

Despite a struggling economy, the strained fiscal condition of the City, and continuing bad news from the streets of Newburgh, there are several key opportunities to remediate distressed properties and, in the process, set the stage for the future revitalization of the physical and social fabric of the City. There is a clear and persistent connection between the condition of distressed properties in the City and increased crime, declining property values, and the City's limited tax base. There is a sense of urgency among citizens and city leaders that a new strategy for remediating distressed properties must be embraced as the first step in revitalizing the city's historic neighborhoods and its overall economy.

There is much evidence that such a strategy can work:

- Cities like Newburgh throughout the nation have adopted new strategies for managing and reversing distressed properties, and they are succeeding;
- The economic fundamentals in the region are sound, when compared to other cities with similar inventories of distressed properties;
- The City Council has adopted key legal reforms and can strengthen local laws further to toughen local codes and their enforcement;
- Under current New York law, properties owned by the City can be held in a land bank that the City Council can establish;
- There is financing available to remediate these properties while held by the land bank and

there are effective methods for working with developers and homeowners to place properties held by the land bank back on the tax rolls;

- The future land use plan being prepared for the City demonstrates the many physical, cultural, environmental, and historical assets of the City and how they can be leveraged by effective action by the local government and the private sector.
- There is technical competence in all relevant departments in the City and a renewed sense of commitment to neighborhood revitalization;
- There are several strong local anchor institutions in the private and civic sector that are willing and able to support a new strategy that promises success; and
- The Land Use Law Center and the Center for Community Progress are available to assist the city council, departmental staff, and community leaders in implementing a step-by-step plan for remediating distressed properties and for identifying and attracting needed outside resources to ensure success.

Summary of Our Study and Its Methodology

With funding provided by the Ford Foundation, the Land Use Law Center at Pace University (LULC) has been engaged to create an implementation plan for remediating distressed properties, subject to the support of the staff and administration and ratification by the City Council.

With the assistance of the Center for Community Progress (Community Progress), the LULC has identified and evaluated existing strategies to remediate distressed properties in the City and prepared several recommendations on how to mitigate the adverse effects of troubled properties on the City. All of these recommendations are based on our understanding of what the people of the City say they want, what the staff, with available assistance, can implement, and what the law of the state and available financing will support.

Following an initial site visit and several conversations with the Mayor and City staff, Community Progress and the LULC facilitated a public presentation on April 14, 2010 to educate local leaders and citizens on effective strategies and best practices in other cities related to vacant and abandoned properties. The evening presentation drew over 100 participants, including community leaders, neighbors, elected officials, county officials, community activists, residents and investors, public and private agencies representatives, City staff, and other community stakeholders.

On April 15, 2010, Community Progress conducted six focus group sessions to facilitate discussions on current practices, challenges, and opportunities related to tax-foreclosed and other vacant and underutilized properties. The series of small group discussions focused on the barriers to remediating distressed properties and to identify new options for overcoming them.

The overwhelming consensus from the focus groups was that there is the need for a systematic and deliberate approach to returning properties to their highest and best use as a key component of stabilizing the community's property values and economic health.

Among the barriers to progress identified by participants in this process were the lack of clarity

among local land use boards as to roles and proper standards for property development and revitalization, including historic restoration; lack of private investment in property maintenance and repair in certain neighborhoods; inadequacies in local code standards and enforcement techniques; the need for enhanced software and property condition tracking systems; difficulties in obtaining local approvals for property development and redevelopment, particularly from the Architectural Review Commission; the need for staff and board member training; need for stronger property maintenance and public nuisance abatement code standards; difficulties in obtaining effective judicial orders mandating compliance with local laws; antiquated standards in the local zoning code; frequent turnover in administrative leadership in city hall; the constrained fiscal condition of the city; cutbacks in important municipal services; inability to take advantage of outside grant funding and other assistance; high rate of criminal activity; lack of jobs; and poverty.

Perhaps the biggest barrier to community progress is the lack of a unifying vision and strategy that is capable of being implemented with existing resources and that will attract outside technical and financial resources and stimulate renewed citizen and private sector support within the City.

Following these community meetings, the LULC held a series of interviews with city staff to discuss past and present strategies and to assess staff capacity to implement an effective strategy. On June 15, 2010, the LULC and Community Progress conducted a strategic planning session to evaluate the observations from the community meetings, focus groups, and staff discussions and chart and analyze several strategic approaches for further consideration. The LULC and Community Progress also conducted extensive research regarding successful strategies in similar cities, the provisions of New York law, and available financing that the City can use to develop similar strategies in Newburgh. It was based on this methodology that this report was developed.

Opportunities and Recommendations

Overall Policy Recommendation

We recommend that the City Council adopt an organizing resolution that spells out its commitment to restoring the physical vitality of the City's historic neighborhoods as its principal strategy for community development and renewal. At the request of the Council, the LULC and Community Progress are available to draft a resolution that contains a comprehensive plan for community revitalization, rezoning, project approvals, development of key sites, funding strategies, code reform and enforcement, public nuisance abatement, acquisition of title to distressed properties, land banking, management, and remediation of these city-held properties, and the restoration of these properties to private ownership and the tax roles.

In order to garner support and capacity, the City should consider engaging principal partner institutions, Mount Saint Mary College, the St. Luke's Cornwall Hospital, and the Orange County Community College. These are all located in or near the CDBG area, in proximity to one another, and near many troubled properties. A target area for code and public safety enforcement should be developed in conjunction with the leadership of these institutions and

key staff and with a clear understanding of property and financial conditions and opportunities in the selected area. Opportunities for organizing community support within a target area should be considered. Other potential partners should be consulted including Habitat for Humanity, Patterns for Progress, local banks, and outside institutions such as the Community Preservation Corporation, Orange County, Central Hudson, and others.

The City should explore regional cooperation opportunities with the County and neighboring municipalities to increase the capacity of the City in providing services to its citizens in a more economical manner. Communities across the country are leaning to regional cooperation as a means of maximizing governmental efficiency is a period of financial pressure on all levels of government.

In implementing the distressed property remediation program, all practical means of ensuring that local workers are hired to conduct building improvements and property rehabilitation should be pursued. The City's workforce initiative should be based on the most successful examples of such efforts elsewhere in the nation. Research on these programs should be conducted and a report presented to the Council recommending steps necessary to adopt best practices in Newburgh. In addition, research should be done on the powers and capacity of the city's Industrial Development Agency to help with any and all job development opportunities, including the greening of remediated buildings, remediating and reusing distressed commercial properties, and the financing of business development in and around the target area.

All of the recommendations should consider implementing a media and communications effort about all the positive aspects of Newburgh. While the community faces many challenges, it is clear that the assets of Newburgh are not recognized by many Newburgh residents, and clearly not recognized by many within the region. A communication strategy should target city residents, as well as the residents and potential investors within the entire region. Such an initiative, while not a substitute for serious and substantive changes in the City's approach to the development challenges facing Newburgh, could be important in offsetting the negative self-image that was expressed by community stakeholders. It is important that people believe that Newburgh is a good city that has the potential to become an even better city. This may be an area where the City can request foundation support.

Our specific recommendations are organized around three key areas of opportunity available to the City to remediate distressed properties as the first step in implementing this comprehensive plan. The second step is key parcel redevelopment.

Opportunity One: Enhance Local Property Condition Codes and Their Enforcement

Newburgh currently has consolidated fire and building code departments. In addition, the police and code departments have experience conducting targeted enforcement. The City Council has adopted a strong public nuisance abatement law. Pending proposals for strengthening fines and charging administrative fees should be adopted as a first step in this process. These strengths can be built on to achieve maximum effect in enforcing the Property Maintenance Code, the public nuisance law, and other code provisions regarding unsafe, abandoned, vacant, and deteriorated buildings.

Review all code enforcement and remediation laws and determine how they can be

strengthened by the addition of stricter standards and stiffer penalties. The city should adopt a law regarding the enforcement of the state Property Maintenance Code, so its enforcement procedures comply with the requirements of the Department of State's regulations.

The Center for Community Progress, with the assistance of the Land Use Law Center, is available to review any existing legislation, research other state's / local legislation, make recommendations on how to strengthen the code enforcement and remediation laws, and draft new legislation.

In order to create a comprehensive enforcement program, the city should take a strategic approach in a particular area to pilot concepts: It appears that the City does not have the capacity to sustain an effective city-wide effort to remediate distressed properties. The City should, therefore, develop a targeted effort. To determine target areas, GIS maps of vacant buildings, code violations, percentage of homeowners, police calls, and institutional strengths should be prepared and consulted.

The Center for Community Progress, with the assistance of the Land Use Law Center, is available to complete an analysis of neighborhood condition, review existing redevelopment plans, make recommendations for targeting remediation, and hold public meetings as necessary.

Develop a program for remediation or demolition of unsafe buildings: Newburgh has a new public nuisance ordinance, codified at Chapter 126 of the Municipal Code. Through the newly effective public nuisance abatement law, implement a procedure which results in all code enforcement remediation costs incurred by the city being certified to the tax rolls and enforced through the tax collection and foreclosure process. This law defines two types of nuisance buildings, both somewhat broadly: one is identified by the illegal acts of the occupants and the other the blighted condition of the building. The city can issue orders to abate and bring actions for injunctions, which requires the cooperation of the courts. Under this law a receiver of rents can be appointed and the city may apply to the courts for leave to sell the premises following the entry of a judgment establishing a lien on a building for costs incurred in the process of enforcement.

Newburgh's Municipal Code, Chapter 129 also regulates unsafe buildings. Abatement can be ordered, placards can be posted, emergency abatement is allowed, and the City can perform work needed, add the charges to the tax bill, and foreclose for nonpayment of these liens plus interest. Buildings can be ordered vacated and demolished.

Work with the city court judges to develop a more effective enforcement approach: Would a clearer and more focused remediation program, secure greater judicial cooperation? Would it be more effective to calendar enforcement efforts against landlords in certain neighborhoods on the same day? If judges can't become more effective, then consider preparing and enforcing a summary abatement law that would allow the city administration greater autonomy in abating nuisances in privately-owned buildings.

The Center for Community Progress, with the assistance of the Land Use Law Center, is available to facilitate meetings with current court judges and staff to discuss current conditions, explore areas for improvement, and draft recommendations.

Review Newburgh’s vacant property registration law and determine how it can be strengthened by the addition. The vacant property registration law is found in Chapter 121 of the Municipal Code. This chapter requires payment of an annual fee of \$900. Violations of the law subject the owner to penalties.

Community Progress is available to assist the city with implementing this recommendation with its policy and legal staff.

Reestablish annual rental inspections and require an annual inspection fee be paid by all landlords on a per unit basis with a reasonable maximum cap. This may help reduce the amount of blighted rental properties.

Enforce the provision of the rental property registry that requires landlords to register an official agent as a condition precedent to being able to rent units in their buildings. Impose fines for violations which can become liens on the property and consider foreclosing on these and other liens where appropriate.

Community Progress is available to assist the city with implementing this recommendation with its policy and legal staff.

Establish new procedures and software systems in code enforcement to create a more structured, integrated and focused city effort and it should be institutionalized through a cross departmental team that meets regularly to develop benchmarks, monitor progress, assess the effectiveness of ongoing interventions.

Community Progress is available to assist the city with implementing this recommendation with its policy and legal staff.

Opportunity Two: City-owned Distressed Properties and Land Banking

In addition to the numerous properties the city currently owns, the City has proceeded with the *in rem* tax foreclosure proceeding and has taken title to those properties which have not been severed from the proceeding (bankruptcies, answers, etc.). Ownership of and control over these properties is an opportunity to direct remediation and development in the City and if targeted can result in positive outcomes for the City. The loss of control over property in the City to speculative interests is very risky and will likely continue to exacerbate existing conditions.

Conduct an inventory of the number and location of city-owned distressed properties and how many additional properties could be secured through the foreclosure of existing delinquent taxes. How many of these are located in potential target areas? What kind of a strategy can the city develop to maintain and then dispose of these properties to responsible homeowners and landlords? The city should develop a disposition plan consistent with the future land use plan.

Under the Private Housing Finance Law, the City should create a land banking program

on a carefully controlled scale. This would allow for the community to establish priorities for re-use of abandoned and foreclosed properties, develop the capacity to maintain properties, adopt clear and transparent disposition policies, as well as to create enforceable standards for property conveyed to community organizations, local citizens, investors and developers.

The land bank will be organized as a separate corporation that will not incur liabilities for the City. Its board of directors can consist of trusted individuals who are either ex-officio representatives of the city or other key institutions. The certificate of incorporation of the land bank entity will make it clear that its legal authority is limited to holding, managing, rehabilitating, and placing back into private ownership properties that are taken by the city because of tax or other delinquencies. It will be authorized as well to take title to properties by gift from or favorable negotiated settlements with private owners. The land bank will be authorized to secure funding through grants and loans to carry out these functions from a variety of governmental agencies, foundations, and private sector institutions that provide funding for urban revitalization projects as well as using CDBG and Connect funds that are controlled by the City and can be used for these purposes. (For more information, see Appendix A to this report)

The LULC and Community Progress are available to help Newburgh establish a land bank within the current legislative authority, educate the community on land banking programs, create a mission, goals and a strategic/business plan for the land bank, create policy and procedures that would guide the operation of a land bank, create acquisition strategies and associated funding, establish maintenance standards, and disposition policies.

Consider taking title to additional key properties: Determine whether to establish procedures to take title to abandoned properties under Article 19-A of the Real Property Actions and Procedures Law. Consider taking title through eminent domain of specific properties that constitute a blighting influence on the community

Community Progress could assist the city staff and attorneys with implementing this recommendation.

Opportunity Three: Future Land Use Plan and Its Realization

The future land use plan being prepared for the city provides an opportunity to adopt a clear and effective plan for public and private investment. It identifies preservation, revitalization, and redevelopment areas, established gateways, incorporates transit and transportation strategies, and guides selective rezoning to achieve some higher density, mixed use development. It should be reviewed by advisory groups and the public and adopted by the City Council as expeditiously as possible. This plan has the potential to guide the location of development/redevelopment in designated industrial zones and several mixed-use zones throughout the city.

Streamline the Development Approval Process: The City should begin to implement “redevelopment readiness” standards to rationalize the development process and make it predictable and streamlined to developers and property owners wanting to invest in the

City. These standards can be established incrementally at little expense to the City.

The Center for Community Progress, with the assistance of the Land Use Law Center, is available to conduct an assessment of the current development process (planning, permitting, historic review, etc.), provide recommendations for new process maps and schedules to streamline the system for developers, and train city staff on the new process.

Update Existing Zoning Legislation: The City should amend its zoning to remove antiquated provisions and to conform to and realize the promise of the future land use plan. As part of the process, the City should determine whether the current architectural review guidelines and their interpretation are consistent with the comprehensive plan and the City's strategy for property remediation. A study is needed of the flexibility measures that can be used in granting certificates of appropriateness, of streamlining the process of granting certificates, and of securing financial incentives for historic and green rehabilitation of distressed historic properties.

City staff has applied for funding for drafting new zoning and the Land Use Law Center is available to provide guidance.

Provide training for all members of boards and commissions involved in the development approval process: In 2006, the state established minimum training standard of four hours each year for members of city planning and zoning boards. The City Council should pass a resolution establishing required training and identifying appropriate training program(s). This requirement should be for all members of boards and commissions involved in the development approval process.

Training should focus on developing a clearer understanding of the respective responsibilities and authority of each board, and also equip board members with the knowledge of the real estate development process to discharge their duties. This should assist them in making consistent and equitable decisions and in streamlining the development approval process.

The members of the Architectural Review Commission should be involved in a comprehensive land use board training program. It is critical that the design guidelines in the East-End Historic District be administered in a way that preserves the historic fabric of distressed properties and their neighborhoods in the context of an aggressive remediation program.

The LULC, with the assistance of Community Progress, is available to review existing practices, make recommendation for a more standard approval conditions, and train boards and commission on development approval process that is standardized and equitable.

Provide financial incentives to encourage development: The revised historic tax credit of the state and the programs of NYSERDA should be packaged by the city for interested property owners. The Land Use Law Center is available to work with the state to provide needed training to staff and property owners focused on criteria and process for historic tax credits and other available incentives and tax credit programs.

The City should consider approving the 485 (A) tax incentive to entice mixed-use development of abandoned buildings. It has been estimated that vacant properties cost a city as much as \$80,000 annually. While development incentives such as this may result in some short-term

tax relief for revitalized properties, the net effect is to reduce governmental costs associated with abandoned properties and their adverse effect on property values and the overall tax base.

Conclusion

This report suggests the creation of an overall comprehensive program that helps the City reframe the debate about its future from one of hopelessness and blight remediation to one of creating strong neighborhoods and generating economic opportunity. It suggests a transparent, proactive, coordinated overall strategy, and a point of beginning: that begins with the reform of local laws and enhanced practices that start the process of distressed property remediation through existing owners and, where they cannot or will not cooperate, through a land banking process leading to the return of properties to private ownership and to the tax rolls.

If implemented properly, this distressed property remediation strategy can become the central component of the City's broader economic development and job creation strategy. It can rekindle hope and support and leverage the energies and resources of local businesses, workers, investors, civic institutions, non-profits, the religious community, and the technical and financial support of outside governmental agencies and private entities. This responds to the consensus we heard at community meetings: that there is the need for a systematic and deliberate approach to returning properties to their highest and best use as a key component of stabilizing the community's property values and economic health.

Careful attention will have to be paid to administrative direction and to assigning responsibility for coordinating efforts among departments and sectors. There needs to be a structured, integrated, and focused city effort and it should be institutionalized through a cross departmental team that meets regularly to develop benchmarks, monitor progress, assess the effectiveness of ongoing interventions, and ensure ongoing civic engagement, transparency and accountability.

Appendix A

Residential Property Land Banking Under Current New York Law

Land banking for the purpose of holding and developing properties for residential use is possible under New York law. A not-for-profit corporation can be established under Article XI of the Private Housing Finance Law. Such a corporation is called a Housing Development Fund Company (HDFC). Article XI empowers city, town, or village governments to convey municipally-owned land to HDFCs without going to public auction and without having to accept the highest bid. The price can be negotiated and agreed upon by the municipality and the HDFC. This is allowed because the HDFC serves a public, rather than a private, purpose. There must be a public hearing before properties are conveyed to the HDFC.

When a housing development is undertaken by the HDFC, even if it through a partnership with a private developer or other non-profit, the development is exempt from mortgage taxes and sales taxes on materials purchased for construction. In the discretion of the municipality, the development can be exempt from local property taxes, or pay an in lieu of amount to make it affordable in the local housing market.

An HDFC can be set up to hold title to property for a single project or it can hold multiple properties and take them as far through the development process as it wishes. The HDFC may enter into partnerships with private or other non-profit developers to develop and hold property. Such an HDFC enjoys a corporate life of three years and, to continue functioning, can reapply for a certificate of good standing for an additional three years.

HDFCs can be incorporated in a short time: 4-6 weeks. Normally the corporate papers list the Division of Housing and Community Renewal (DHCR) as the supervising agency, requiring DHCR to sign off on the incorporation, a step that normally takes 2-3 weeks.

An HDFC is established by sponsoring agencies, such as strong local institutions including hospitals, colleges, or non-profits in the municipality and its board of directors may be drawn from those institutions. If the municipality desires, it can require that the certificate of incorporation of the HDFC require it to confirm to municipal housing policies to ensure that the local government has some control over the operations of the company.

HDFCs have been set up in recent years in many communities, including Croton, Yonkers, and Hastings in Westchester County.

The public purpose is the creation of housing for individuals and households who cannot afford private market housing in the region. In the case of Orange County, housing made available through the HDFC would have to be affordable to households earning from approximately \$50,000 to \$90,000.¹

¹ This document along with other relevant reports can be accessed through the Newburgh Community Land Bank website: www.newburghcommunitylandbank.org/relevant-reports.php

RESOLUTION NO.:47 - 2011

OF

FEBRUARY 28, 2011

RESOLUTION AMENDING RESOLUTION 255-2010 OF NOVEMBER 8, 2010 OF THE CITY COUNCIL ADOPTING A DISTRESSED PROPERTY REMEDIATION POLICY FOR THE CITY OF NEWBURGH

WHEREAS, the Pace Law School Land Use Law Center, in coordination with the Center for Community Progress, has met with community stakeholders, made presentations, and submitted report to the City Council, in furtherance of Addressing Distressed Properties in the City of Newburgh; and

WHEREAS, the City Council, as a next step, wishes to adopt a Distressed Property Remediation Policy for the City; now, therefore

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York hereby adopts the following Distressed Property Remediation Policy:

1. The City Council hereby accepts the Addressing Distressed Properties report, in the form attached hereto, of the Pace Law School Land Use Law Center in conjunction with the Center for Community Progress, including its general policy recommendations regarding the improvement of the City's code enforcement process, the creation of a land bank, and the creation of a system of development readiness. In implementing the distressed property remediation program, all practical means of ensuring that local workers are hired to conduct building improvements and property rehabilitation shall be pursued. The City's workforce initiative shall be based on the most successful examples of such efforts elsewhere in the nation. Research on these programs shall be conducted and a report presented to the City Council recommending steps necessary to adopt best practices in the City;

2. The City Council hereby creates a Property Remediation Task Force, consisting of the following persons, to develop a step-by-step process for implementing the recommendation of the Addressing Distressed Properties report:

- City Manager
- Corporation Counsel
- Director of Planning and Development
- Fire Chief
- Building Inspector
- Superintendent of Public Works
- Assessor;
- Police Chief
- City Engineer
- GIS Analyst
- PathStone Community Improvement of Newburgh
- Community Voices Heard
- Habitat for Humanity

The City Council hereby authorizes the City Manager to take such steps as are necessary to create a land bank, to initially be known as the Newburgh Housing Development Fund Corporation, with its Board of Directors to consist of nine (9) members comprised of four (4) City members and incorporators consisting of a City Council Member to be appointed by the City Council, City Manager, Chair of the

Property Remediation Task Force, a Planning Board member to be appointed by the Planning Board; and five (5) non-City members to be appointed by the Board of Directors consisting of representatives from anchor institutions in the City, local not-for-profit corporations, community members, and faith-based organizations in the community, under the Private Housing Finance Law,

Such land bank, once staffing, accounting, and funding have been determined by the City Council and following public hearing and authorization by the City Council, to take title to certain City-owned, improved, occupied, and vacant properties in the targeted area generally bounded to the North by Gidney Avenue (west of Liberty Street) and Clinton Street (east of Liberty Street), to the East by Grand Street, to the South by Broadway, and to the West by Dubois Street (north of First Street) and City Terrace (south of First Street), , and to hold, manage, and restore these properties utilizing, but not limited to greening and green technologies whenever possible, to support the development of vibrant, mixed income rental, lease/purchase and traditional homeownership options to stabilize the surrounding community and restore these properties to the property tax roll.

Bernis Nelson, Corporation Counsel, explained the revisions made to this resolution.

Councilman Dillard said that he had asked about Faith based organizations and the Hispanic communities sitting on this Board.

Bernis Nelson, Corporation Counsel, said that she was not asked to include that language.

Councilwoman Bell said that it specifies community members.

Mayor Valentine asked if they could change it to include Faith based organizations and the Hispanic Community.

Councilman Dillard said that he is talking about the Christian Ministerial Fellowship.

Mayor Valentine said that if you leave it at Faith based organizations then it can be whichever we choose.

Councilwoman Bell said that we have a lot of Faith based organizations. We have Christian, Jewish and Muslim.

Councilman Dillard said that he is looking for representation for the residents of this community. Rev. Woody is the head of the Christian Ministerial Fellowship and we could reach out to him.

Councilman Dillard said that he is looking for representation for the residents of this community. Rev. Woody is the head of the Christian Ministerial Fellowship and we could reach out to him.

Mayor Valentine asked if we could amend it to say Faith based for tonight's voting, because there is a timeline which is very critical. And then we as the City Council can choose who we want.

Bernis Nelson, Corporation Counsel, said that right now it reads that the City Council member is appointed by the City Council but the other five members are appointed by the Board of Directors.

Councilwoman Bello asked if they are making a motion to amend this tonight.

Mayor Valentine responded with a "yes".

Councilman Dillard asked about the Hispanic Community.

Mayor Valentine said that on that one under community members we will have to do an outreach to the Hispanic Community.

Councilman Dillard moved and Councilwoman Bello seconded to amend the resolution.

Ayes Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine 5

CARRIED

Councilwoman Bello said that this is based on the fact that they can obtain donations. The Council was told that they need almost \$400,000.00 to do this so if they can come up with only \$50,000.00 in donations does the rest of that money come out of our CDBG fund? That is a big concern to her.

Mayor Valentine said that is not our commitment tonight. The only way that this group can form itself and then seek money is to be formed. If they come back in a month or two and say they don't have enough money then we can say that this is not the time for this.

Acting City Manager, Michael Vatter said that what they are looking at spending over the next few days is a few hundred dollars to file paperwork and to get things going.

Mayor Valentine added that it is the same with the properties. We say if we want to deed a property over or if we want it back.

Councilwoman Bell said what was important to her is that when this was initially proposed the properties would be rehabbed and then sold. For her that was a little bit too narrow because she wanted the opportunity for people who previously owned property and still live here to become renters in a rent-to-own program so that they could possibly get their homes back. She wanted it to be more inclusive of affordable rentals and lease-to-purchase so that people could rent with option to buy so that it would be more inclusive for people in our community to actually be part of this Land Bank. She would like to see this done in clusters rather than here and there because the impact will be limited that way.

Acting City Manager, Michael Vatter said that that is how this Land Bank is going to function. There may be some individual properties done but the basic idea is to take clusters of properties to clean up and develop.

Mayor Valentine added that you want to show visible change.

Councilwoman Bell said that the properties that are too distressed can be taken down and green space could be created for things like pocket parks or urban farming. We have a green grocer on Broadway that is selling rotten produce so we need to have healthy food for the people who live in this city. She is excited about this even though she knows that there are still things that have to be worked out with the funding and such.

Councilwoman Angelo moved and Councilwoman Bello seconded that the amended resolution be adopted.

Ayes Councilwoman Angelo, Councilwoman Bell, Councilwoman Bello, Councilman Dillard, Mayor Valentine 5

ADOPTED



**NYS DEPARTMENT OF TAXATION & FINANCE OFFICE OF REAL
PROPERTY TAX SERVICES**

**INSTRUCTIONS FOR APPLICATION FOR
REAL PROPERTY TAX EXEMPTION FOR CAPITAL IMPROVEMENTS
TO RESIDENTIAL PROPERTY (Real Property Tax Law, Section 421-f)
AUTHORIZATION FOR EXEMPTION:**

Section 421-f of the Real Property Tax Law authorizes a partial exemption from real property taxation of the increase in assessed value attributable to reconstruction, alterations or improvements made to residential property. Counties, cities (other than New York City), towns and villages may hold public hearings and then adopt local laws granting the exemption. School districts, other than those in the cities of New York, Buffalo, Rochester, Syracuse and Yonkers, have the option to pass a resolution providing that the exemption applies to school taxes.

Where it is adopted, the exemption applies to taxes and special ad valorem levies; the exemption does not apply to special assessments.

ELIGIBILITY FOR EXEMPTION:

Section 421-f sets forth several exemption criteria:

1. The property for which exemption is sought must be a one or two family residence (question 4).
2. The greater portion of the residence (as measured by square footage) after the capital improvement must be at least five years old (question 5).
3. The capital improvement must be commenced after the date the local law or resolution is enacted (question 6).
4. Unless limited by the local law, the exemption applies to reconstruction, alterations or improvements; it does not apply to ordinary maintenance or repairs. Describe the capital improvement in question 7.

5. The value of such reconstruction, alteration or improvement must exceed the sum of \$3,000 (question 8). Attach documentation (e.g., construction contract, building permit, receipted bills) to support the cost of capital improvement.

The exemption is limited to \$80,000 in increased market value although a municipality may reduce such maximum; any additional value attributable to the new construction is not eligible for the exemption. The market value of the new construction is calculated by dividing the increase in assessed value attributable to the new construction by the latest State equalization rate or special equalization rate, unless such rate is 95 percent or more, in which case the increased assessed value will be deemed to equal the market value. In Nassau County, the class one ratio is to be used to determine the market value of the improvement.

Unless limited by local law or resolution, the value of an improvement qualifying for exemption should receive the following exemption percentages:

Exemption Percentage 100

87.5 3 75

4 62.5 5 50 6 37.5 7 25 8 12.5

Year 1 2

RP-421-f-Ins (9/08)

—

RP-421-f-Ins (9/08) 2

AUTHORIZED LIMITATIONS:

The local law or resolution may limit the maximum value of an improvement which may receive exemption to an amount less than the statutorily prescribed \$80,000, but not less than \$5,000.

The percentage of exemption may be reduced. This means that the percentage of exemption otherwise allowed in any of the eight years listed above may be equal to or less than the State authorized percentage. For example, the local law or resolution could provide for an exemption of 75 percent for three years, followed by an exemption of 37.5 percent for three years. An exemption of 37.5 percent for

eight years would not be allowable since that would exceed the State limit in years seven and eight.

The State law applies to “reconstruction, alterations or improvements,” but the local law or resolution may limit the exemption to specific forms of reconstruction, alteration or improvement. The exemption also may be limited only to improvements which prevent physical deterioration of the existing structure or which bring it into compliance with applicable building, sanitary, health or fire codes.

FILING APPLICATION:

Application should be filed with the city or town assessor. Application for exemption from village taxes in villages should be filed with the assessor who prepares the assessment roll used in levying village taxes. In Nassau County, application for exemption from county, town or school district taxes should be filed with Nassau County Board of Assessors. In Tompkins County, application for exemption from county, city, town, village or school district taxes should be filed with the Tompkins County Division of Assessment.

TIME OF FILING APPLICATION:

The application must be filed in the assessor’s office on or before the appropriate taxable status date. In towns preparing their assessment roll in accordance with the schedule provided by the Real Property Tax Law, the taxable status is March 1. In towns in Nassau County, the taxable status date is January 2. Westchester County towns have either a May 1 or June 1 taxable status date; contact the assessor. In villages and cities, the taxable status dates vary, and the appropriate assessor should be consulted for the correct date.

Once the exemption has been granted, it is not necessary to reapply for the exemption after the initial year in order for the exemption to continue. There is no need to reapply in subsequent years, but if the property ceases to be used primarily for residential purposes, or if title to the property is transferred to persons other than the heirs or distributees of the owner, the exemption is terminated. The exemption will automatically be recalculated in any year in which there is a change in level of assessment for the final assessment roll of 15 percent or more. No local law or resolution may repeal or reduce an exemption granted pursuant to section 421-f until expiration of the period of that exemption.

STAR also applies to mixed-use properties such as apartment buildings, but only for the portion owned and used as a primary residence.

How does the exemption work for mixed-use properties?

For mixed-use properties, you must be the owner and live on the premises. For example, you own an apartment building and serve as the landlord, but you also live in one of the apartments. The full exemption will be applied to the appportioned value of your apartment, not the entire building.

How does the exemption work for cooperative apartments and mobile homes in a mobile home park?

File your application with your assessor. The assessor will provide a breakdown of the exemptions to the cooperative manager or park owner, who will then pass the tax savings onto you.

What if I buy a new home?

You must reapply for STAR every time your primary residence changes. There's no requirement for length of ownership. You only need to own the home by the time you apply.

Is STAR available on my vacation residence?

No. The STAR benefit cannot be used for more than one property. Only your primary residence is eligible for STAR.

Can the Enhanced Exemption be granted to nursing home residents who own their homes?

Yes, provided that no other co-owner or spouse lives on the premises.

How is income defined for STAR purposes?

STAR relies on the information reported on your 2011 income tax return. Income is defined as the amount reported as federal "adjusted gross income" (AGI) less the "taxable amount" of IRA distributions. The instructions on the STAR application will indicate which lines on the tax return these amounts are taken from. You may send either your federal or state income tax return.

What if I wasn't required to file a federal and state tax return for 2011?

Before filing your application, contact your assessor to find out what information needs to be sent to satisfy the income requirement.

For Enhanced STAR, how is age defined?

For the 2013-2014 school year, you and all other owners must be at least 65 years old as of December 31, 2013. However, if you co-own the property with your spouse or any siblings, only one of you needs to meet this requirement

Can a surviving spouse who is not 65 years old continue to receive Enhanced STAR?

Yes, but only if the surviving spouse is at least 62 years old as of December 31, 2013 and all other requirements are met. Otherwise, the surviving spouse may only receive the Basic STAR.

If I qualify for the low-income senior citizen exemption, am I also eligible for Enhanced Star?

Yes. Your senior citizen exemption automatically qualifies you for Enhanced Star. You will only need to apply for the Senior Citizens' Exemption to receive both that exemption and the Enhanced STAR. You can download the initial application Form RP-467 at www.tax.ny.gov.

How is STAR administered where property is in a trust?

The STAR applies only to the beneficiaries of the trust, not any of the trustees. For example, you create a trust and convey your home to your children as trustees, and you and your spouse remain in the home as beneficiaries of the trust. For STAR purposes, you're the owners of the home, not your children, which entitles you to the STAR benefit.

How is STAR administered where property is in a life estate?

The STAR applies to the life tenant. The life tenant is the person who owns and benefits from the property for the duration of his or her life.

STAR

New York State's

School Tax Relief Program

(updated for the 2013-2014 school year)



New York State Department of
Taxation and Finance
Office of Real Property Tax Services

What is STAR?

STAR is a New York State tax relief program that lowers your school property taxes. If your income is less than \$500,000, you're probably entitled to this generous benefit.

Who is eligible?

To be eligible, you must own and live at your primary residence. There are two levels of benefits – Basic STAR and Enhanced STAR.

- **Basic STAR** – Total income must be \$500,000 or less, which is the combined income of:
 - a) all owners who live in the home, and
 - b) any owner's spouse who lives in the home.
- **Enhanced STAR** - all owners must be 65 or older, except for spouses or siblings, and total income must be \$79,050 or less, which is the combined income of:
 - a) all owners, and
 - b) any owner's spouse who lives in the home.

What is meant by primary residence?

Your primary residence is where you lived for most of the year. Not all of the owners must use the property as a primary residence, just the one applying for STAR. You can only have one primary residence

How much will I save?

STAR reduces the taxable value of your home before the school tax rate is applied. Basic STAR exempts the first \$30,000 of the full value of your home, so your tax savings is \$30,000 multiplied by the school tax rate. If you qualify for Enhanced STAR, the exemption increases to the first \$63,300 of the full value of your home.

Example	Without STAR	Basic STAR	Enhanced STAR
Taxable value of home	\$300,000	\$270,000	\$236,700
School tax rate	\$35 per \$1000	\$35 per \$1000	\$35 per \$1000
Tax due	\$10,500	\$9,450	\$8,285

Note: The exemptions amounts in your municipality may be adjusted due to several factors. However, this should not affect the amount of your STAR savings. You can find the exemption amounts in your municipality at www.tax.ny.gov/pit/property/star/ex_index.htm.

In addition, your STAR savings is subject to the maximum limit established for your municipality. The maximum limit doesn't change the exemption amount, but may limit your actual STAR savings. To find your municipality's maximum limit, visit www.tax.ny.gov/pit/property/star/max_index.htm.

How do I apply for Basic STAR?

File an application with your assessor. STAR applications are available from your assessor's office or on our Web site at www.tax.ny.gov. New York City residents should call the New York City Department of Finance at 311 or (212) 504-4080 or visit its Web site at www.nyc.gov/html/dof. Nassau County residents should visit its website at www.nassaucountyny.gov/agencies/Assessor/.

How do I apply for Enhanced STAR?

File an application with your assessor. You must show that the household income was no greater than \$79,050 in 2011. You may do this in one of two ways:

Option 1 - Traditional method

Provide your assessor with your STAR application, a copy of your 2011 income tax return, and a copy of any other owner's 2011 tax return. You'll need to reapply each year to remain eligible.

Option 2 - STAR Income Verification Program

Provide your assessor with your STAR application, a copy of your 2011 income tax return, a copy of any other owner's 2011 tax return, and Form RP-425-IVP, which authorizes the New York Tax Department to verify your income eligibility each year. With this option, you won't need to reapply each year. The Tax Department will determine your eligibility on your behalf.

What is the deadline for applying?

You must mail or hand-deliver your application to the assessor's office by the taxable status date. In most municipalities, this date is March 1, but it varies in some cities or counties. If you choose to mail your application, the envelope must be postmarked on or before the taxable status date.

How do I find the taxable status date?

Visit <http://orpts.tax.ny.gov/MuniPro>. The Web site also provides assessor telephone numbers and additional information for your municipality. We recommend you check the taxable status date on the Web site and then confirm it by contacting your assessor.

How will I know my STAR application has been approved?

Your assessor will notify you only if your application is denied. Your main responsibility is to ensure your application is received by the assessor's office. If you're mailing your application, send it registered mail/return receipt requested. If you're hand-delivering it, ask for a receipt. You can confirm you'll be receiving the STAR exemption by checking the tentative assessment roll when it's made available to the public. The assessment roll will indicate next to your property the type and amount of your exemption. Tentative assessment rolls usually come out on May 1.

How will I know how much STAR is saving me in tax dollars?

You will receive a school property tax bill or other notice that will clearly state the amount of the STAR exemption and your tax savings.

Does STAR apply to all taxes on my property?

No. STAR applies only to school district taxes. It doesn't apply to other property taxes such as county, town or city (except in Buffalo, New York City, Rochester, Syracuse, and Yonkers, where schools are funded through city property taxes).

What types of properties are eligible for STAR?

STAR applies to any residential property used as a primary residence, including houses, condominiums, cooperative apartments, mobile homes, and farm houses.

INSTRUCTIONS FOR APPLICATION FOR PARTIAL EXEMPTION FOR ALTERATION OR REHABILITATION OF HISTORIC REAL PROPERTY

Authorization for exemption: Section 444-a of the Real Property Tax Law authorizes a partial exemption from real property taxation for the alteration or rehabilitation of historic property. Counties, cities, towns, and villages may enact local laws authorizing the exemption; school districts may do so by resolution. Municipalities authorizing the exemption may limit eligibility to forms of alteration or rehabilitation prescribed in the local law or resolution.

Criteria for exemption: Assuming local authorization for the exemption, to qualify, (1) the improved property must be designated as a landmark or be property which contributes to the character of a locally created historic district; (2) the alteration or rehabilitation must be made for purposes of historic preservation; (3) the alteration or rehabilitation must satisfy local guidelines and review standards in the local preservation law; (4) prior to the commencement of the alteration or rehabilitation, such change must be approved by the local preservation commission; and (5) the alteration or rehabilitation must be commenced after adoption of the local law resolution authorizing the exemption. Landmark designation, if any, and approval from the local preservation commission must be attached to the application.

Duration and computation of exemption: Generally, the amount of the exemption in the first year is 100% of the increase in the value attributable to the alteration or rehabilitation. The amount of the exemption remains the same for years two through five; thereafter the exemption is phased out over the next four years (that is, in year six, the exemption is 80 percent of the increase in value; then 60 percent in year seven, and so on). Municipalities authorizing the exemption, however, may reduce the percentages of exemption.

Place of filing application:

Application for exemption from city, town, or village taxes must be filed with the city, town, or village assessor. Application for exemption from county or school district taxes must be filed with the city or town assessor who prepares the assessment roll used to levy county or school taxes. In Nassau County, applications must be filed with the Nassau County Board of Assessors. In Tompkins County, applications for exemption from county, city, town or school district taxes must be filed with the Tompkins County Division of Assessment.

Time of filing application:

The application must be filed in the assessor's office on or before the appropriate taxable status date. In towns preparing their assessment roll in accordance with the schedule provided by the Real Property Law, the taxable status date is March 1. In Nassau County towns, taxable status date is January 2. Westchester County towns have either a May 1 or June 1 taxable status date; contact the assessor. In cities, the taxable status date is determined from charter provisions and the city assessor should be consulted to determine the appropriate date. Taxable status date for most villages which assess is January 1, but the village clerk should be consulted for variations.

NEW YORK STATE DEPARTMENT OF TAXATION & FINANCE OFFICE OF REAL PROPERTY TAX SERVICES

INSTRUCTIONS FOR APPLICATION FOR

REAL PROPERTY TAX EXEMPTION FOR FIRST-TIME HOMEBUYERS OF NEWLY CONSTRUCTED HOMES (Real Property Tax Law, Section 457)

AUTHORIZATION FOR EXEMPTION:

Section 457 of the Real Property Tax Law authorizes a partial exemption from real property taxation for “newly constructed homes” purchased by “first-time homebuyers.” Counties, cities, towns and villages may hold public hearings and then adopt local laws granting the exemption. School districts, other than those in the cities of New York, Buffalo, Rochester, Syracuse and Yonkers, have the option to hold hearings and pass resolutions providing that the exemption applies to school taxes.

ELIGIBILITY FOR EXEMPTION:

For purposes of this exemption, a “first-time homebuyer” is any person who has not owned -- and whose spouse has not owned -- a primary residential property during the previous three years, and who does not own a vacation or investment home. A qualifying “newly constructed home” is a one- or two-family residence, townhouse or condominium, which was constructed after November 28, 2001, is owner-occupied, and was not previously occupied. The exemption also applies to a renovation or remodeling of an existing home purchased by a first- time homebuyer, provided the renovation or remodeling costs exceed \$3,000 and the contract for the work is contracted for within 90 days from the date of purchase.

Eligibility for the exemption also depends, in part, on the homebuyer's income and the purchase price of the home. The “household income” (defined as the total combined incomes of all of the owners and their resident spouses) may not exceed the income limits established by the State of New York Mortgage Agency (SONYMA) and in effect on the contract date for the purchase and sale of the property for its low interest mortgage program in its non-target, one and two person household category for the county where the property is located. The purchase price of the home is similarly limited, with two exceptions: (1) municipalities opting into the program may increase the purchase price limit by up to 25 percent, and (2) where the purchase price exceeds the applicable limit by 15 percent or less, the exemption may be granted as if the purchase price equaled the applicable limit (but otherwise no exemption may be granted). The applicable SONYMA limits are available on that agency’s Internet website (www.nyhomes.org). SONYMA may also be contacted at 641 Lexington Avenue, New York, New York 10022 or by telephone (toll free) at 1-800-382-4663.

“Income” for purposes of this exemption is defined as the “adjusted gross income” for Federal income tax purposes as reported on the applicant’s latest available Federal or State income tax return, subject to any subsequent amendments or revisions, reduced by any taxable amounts of distributions from individual retirement accounts or individual retirement annuities ("IRAs"). A copy of the income tax return(s) must be filed with the application.

RP-457-Ins (9/08) 2 SCOPE AND DURATION OF EXEMPTION:

The exemption, if authorized, lasts for a maximum term of five years, beginning at fifty percent in the first year and declining to ten percent in the fifth and final year. A municipality that opts in to the program may also opt to grant the exemption for a shorter term. Where it is adopted, the exemption applies to taxes and special ad valorem levies; the exemption does not apply to special assessments. The exemption applies only to homes purchased or contracted for before December 31, 2010.

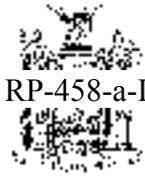
FILING APPLICATION:

Application should be filed with the city or town assessor. Application for exemption from village taxes in villages should be filed with the assessor who prepares the assessment roll used in levying village taxes. In Nassau County, application for exemption from county, town or school district taxes should be filed with Nassau County Board of Assessors. In Tompkins County, application for exemption from county, city, town, village or school district taxes should be filed with the Tompkins County Division of Assessment.

TIME OF FILING APPLICATION:

The application must be filed in the assessor's office on or before the appropriate taxable status date. In towns preparing their assessment roll in accordance with the schedule provided by the Real Property Tax Law, the taxable status is March 1. In towns in Nassau County, the taxable status date is January 2. Westchester County towns have either a May 1 or June 1 taxable status date; contact the assessor. In villages and cities, the taxable status dates vary, and the appropriate assessor should be consulted for the correct date.

Once the exemption has been granted, it is not necessary to reapply for the exemption after the initial year in order for the exemption to continue. There is no need to reapply in subsequent years, but, if the property ceases to be used primarily for residential purposes, or if the property is a single-family residence and any portion is leased, or if title to the property is transferred to persons other than the heirs or distributees of the owner, the exemption is terminated.



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NEW YORK STATE DEPARTMENT OF TAXATION & FINANCE OFFICE OF REAL PROPERTY TAX SERVICES

INSTRUCTIONS FOR APPLICATION FOR ALTERNATIVE VETERANS EXEMPTION FROM REAL PROPERTY TAXATION

Section 458-a of the Real Property Tax Law provides a limited exemption from real property taxes for real property owned by persons who rendered military service to the United States, provided such property meets the requirements set forth in the law. The task of administering this law lies primarily with local assessors who are required to pass upon each application for exemption.

These instructions are intended to assist applicants in the completion of form RP-458-a and to discuss issues concerning the alternative veterans exemption. Technical discussion has been avoided so that the material will have the widest possible usefulness. Assessors may address their questions to the Counsel of the Office of Real Property Tax Services, WA Harriman State Campus, Albany, NY 12227. Veterans should address their inquiries to their local office of the New York State Division of Veterans' Affairs or their County Veterans' Service Agency.

Section 458-a of the Real Property Tax Law of the State of New York provides an alternative exemption from real property taxation for qualified residential real property owned by veterans of defined periods of war, veterans who received expeditionary medals, or certain members of their family, based on a percentage of assessed value. The alternative exemption is applicable to general municipal taxes, but not school taxes, special ad valorem levies or special assessments.

Each county, city, town and village was given the option of deciding whether to grant the alternative exemption. If the decision was made initially not to grant the alternative veterans exemption, the local legislative body may change that decision. You should check with your assessor to determine whether the exemption is available for your property.

A qualified residential parcel receives an exemption equal to 15% of its assessed value. Where the veteran can document service in a combat theater or combat zone, the property receives an additional exemption equal to 10% of its assessed value. Where a veteran has received a service-connected disability rating from the Veterans' Administration or the Department of Defense, there is an additional exemption which is equal to one-half of the disability rating, multiplied by the assessed value of the property. Each of these is subject to maximum limits set by the municipality. The municipal choices of maximum exemptions generally available are:

In "high appreciation municipalities" (defined below) the governing board may adopt still higher maximum limits of:

A "high-appreciation municipality" means: (1) New York City, (2) a county for which the Office of Real Property Tax Services has established a sales price differential factor for purposes of the school tax relief [STAR] exemption (Real Property Tax Law, sec. 425) for three consecutive years, or (3) a city, town, or village located within such a county, The Office of Real Property Tax Services maintains a list of such counties on its website at: <http://www.tax.ny.gov/pit/property/star/diff.htm>

	Reduced maximums		Basic max.	Increased maximum							
Wartime	6000	9000	12000	15000	18000	21000	24000	27000	30000	33000	36000
Combat Zone	4000	6000	8000	10000	12000	14000	16000	18000	20000	22000	24000
Disability	20000	30000	40000	50000	60000	70000	80000	90000	100000	110000	120000

In "high appreciation municipalities" (defined below) the governing board may adopt still higher maximum limits of:

Wartime	39000	42000	45000	48000	51000	54000
Combat Zone	26000	28000	30000	32000	34000	36000
Disability	130000	140000	150000	160000	170000	180000

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You should check with your assessor to determine the maximum exemption limits in the municipalities in which you reside.

Once the municipality has chosen the maximum exemption amounts, the maximum amounts must then be multiplied by the latest final state equalization rate, special equalization rate, or, in special assessing units (i.e., New York City and Nassau County), class ratio (if the equalization rate or class ratio is 100 or less), for the assessing unit in order to arrive at the applicable maximums for each assessment roll. These rates and ratios normally change from year to year; this will affect the maximum exemption amounts.

QUESTIONS 1-2 These questions are self-explanatory. Where the property is owned by more than one person, include names, telephone numbers, and post office addresses of all owners. Attach additional sheets if more space is necessary to answer this or any other question on this form. Note, that if a person holds a life estate in the property, that person is the legal owner of the property. If the property is held in trust, the trustees are the legal owners of the property, but the exemption also may be allowed if the beneficiary of the trust is a person in the exempt class. The trustee-beneficiary relationship should be explained in answering question no. 4 on RP-458-a, and the remaining questions should be answered on the basis of the beneficiary's qualification for exemption. Attach a copy of the trust or other proof of such trustee-beneficiary relationship. At local option, a municipality may grant the exemption to otherwise qualifying owners who are tenant-stockholders of cooperative apartment corporations. The exemption is then applied to that proportion of the assessment as represents the tenant- stockholder's percentage of ownership of stock in the corporation.

QUESTION 3 The location of the property should conform to its description on the latest assessment roll. Contact your local assessor for assistance in furnishing this description.

QUESTION 4 A qualifying owner for the alternative exemption includes a veteran of a defined period of war, the recipient of an expeditionary medal, the spouse of such veteran or the unremarried surviving spouse. If there is no unremarried surviving spouse, the exemption may continue, provided title to the residence becomes vested in the dependent father or mother or dependent child or children under 21 years of age of the veteran and the property is the primary residence of one or all the devisees. A veteran who is also the unremarried surviving spouse of a veteran may also receive any exemption to which the deceased spouse was entitled. At local option, a municipality may offer the exemption to a parent of a child who died in the line of duty while serving in the U.S. Armed Forces. Such "Gold Star Parents" should check with the assessor to determine whether the option is available locally.

QUESTIONS 5-6 The veteran must have served on active duty in the U.S. Armed Forces during the Persian Gulf conflict (commencing August 2, 1990), the Vietnam War (February 28, 1961-May 7,

1975); Korean War (June 27, 1950-January 31,1955); World War II (December 7, 1941-December 31, 1946); World War I (April 6, 1917- November 11, 1918); the Mexican Border Period (May 9, 1916-April 5, 1917), or the Spanish-American War (April 21, 1898-July 4, 1902), and been honorably discharged or released from service. A veteran also includes a recipient of an armed forces, navy or marine corps expeditionary medal and a member of a reserve component of the Armed Forces who served honorably while on active duty (other than “active duty for training”) and who has returned to reserve status. A veteran also includes certain individuals who served during World War II in the United States Merchant Marine, the United States Army Transport Service (oceangoing service), the American Field Service (overseas duty), or as civilian flight crew or ground support in Pan American World Airways pursuant to its contract with Air or Naval Transport Command. The dates of the Korean and Vietnam Wars and Persian Gulf conflict are prescribed in the State law, while the dates of the other wars are derived from Federal law. As proof of the dates and character of service, a copy of Form DD 214 or other appropriate evidence should be attached to your application.

QUESTION 7 If the additional alternative exemption is to be granted based on service in a combat zone or combat theater, evidence of the award of a United States campaign ribbon or service medal documenting such service must be submitted. Veterans who qualify based on receipt of one or more expeditionary medals also qualify for the additional combat zone or theater exemption.

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QUESTION 8 If the additional alternative exemption is to be granted based on service-connected disability rating, evidence of exemption eligibility must be provided by the property owner. Where an exemption has been granted pursuant to sec. 458-a based on the veteran’s service-connected disability, the percentage of such disability must be re-certified prior to taxable status date if the disability percentage increases or decreases (see form RP-458-a-Dis). If the veteran is deceased, such rating is the last rating received prior to the veteran’s death. Where the veteran died in service of a service-connected disability, the veteran is deemed to have been assigned a compensation rating of 100 percent. For assistance in obtaining disability rating information, you should contact your local office of the New York State Division of Veterans’ Affairs or your County Veterans’ Service Agency. (Note that this additional exemption is not available to Gold Star Parents.)

QUESTION 9 To obtain the alternative exemption, the property must be the primary residency of the veteran, his or her unremarried surviving spouse, or (if applicable) his or her Gold Star Parent, unless such person is absent from the property due to medical reasons or institutionalization.

QUESTION 10 To obtain the alternative exemption, the property must be used exclusively for residential purposes. However, if a portion of the property is used for other than residential purposes, the exemption applies only to that portion which is used exclusively for residential purposes.

QUESTION 11 For an alternative exemption, eligibility depends, in part, on who has the title to qualifying residential real property. Attach a copy of the deed to your application.

QUESTION 12 Section 458 of the Real Property Tax Law of the State of New York provides an exemption from real property taxation owned by veterans or other members of the eligible class which is purchased with the proceeds of a veteran’s pension, bonus or insurance (or dividends or refunds on such insurance) or compensation paid to prisoners of war. These moneys are called “eligible funds” and are paid by the United States or New York State in recognition of the veteran’s military service. This section provides an exemption from general municipal taxes, but not school taxes, special ad valorem levies or

special assessments. Property is exempt to the extent that eligible funds are used in the purchase, generally, not to exceed \$5,000.

In some municipalities, however, property may be eligible for an exemption in excess of the \$5,000 limitation. If your property is receiving an eligible funds exemption in a municipality which has changed from fractional assessment to full value assessment, and if that municipality timely adopted a local law preserving the value of eligible funds exemption on a pro rata basis, and that local law remains in effect, your eligible funds exemption will increase or decrease as a result of the change to full value assessment. Similarly, if your municipality has opted to apply the change in level of assessment factor to eligible funds exemptions, the amount of exemption will increase or decrease when such change occurs. (For more information concerning the eligible funds exemption and the appropriate form (RP-458), contact your assessor.)

Where a municipality grants the alternative veterans exemption, no new eligible funds exemption may be granted thereafter. In a municipality granting the alternative exemption, a veteran receiving an eligible funds exemption on his/her primary residence can retain that exemption, or may apply for the alternative exemption by submitting a new application to the assessor.

If the veteran earlier converted from eligible funds to the alternative exemption, and moves to a county, city, town or village not granting the alternative exemptions, he/she can again receive the eligible funds exemption. Similarly, if a municipality which grants the alternative exemption adopts a local law to allow veterans, who previously received the eligible funds exemption but who switched to the alternative exemption, to switch back to the eligible funds exemption and receive the change in level of assessment, veterans have one year from the date of the local law to apply to switch back (get form RP-458 from your assessor or the Office of Real Property Tax Service's website at http://www.tax.ny.gov/forms/form_number_order_rp.htm).

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FILING THE APPLICATION

Application (RP-458-a) for exemption must be made to the local assessors. Where property is located in a village which assesses, separate applications must be filed with both the village and town assessors. The application must be filed on or before taxable status date. Taxable status date for most towns is March 1. In Nassau County, the taxable status date for towns is January 2. Westchester County towns have either a May 1 or June 1 taxable status date; contact the assessor. Taxable status date for most villages which assess is January 1; however, the village clerk should be consulted to insure certainty. Charter provisions control in cities so inquiry should be made of city assessors for the taxable status dates in cities. In New York City, taxable status date is January 5, but applications for this exemption may be filed on or before March 15. At local option, where property receiving exemption pursuant to section 458-a is sold and the owner purchases replacement property within the same city, town, or village, the former exemption may be transferred to the new property and be granted on a pro rata basis for the balance of the fiscal year. To continue the exemption thereafter, a new application must be filed on or before taxable status date. Do not file the application with the Office of Real Property Tax Services.



**NEW YORK STATE DEPARTMENT OF TAXATION & FINANCE OFFICE OF REAL
PROPERTY TAX SERVICES
INSTRUCTIONS FOR THE APPLICATION FOR THE PARTIAL REAL PROPERTY TAX
EXEMPTION FOR SENIOR CITIZENS EXEMPTION (AND FOR ENHANCED SCHOOL
TAX RELIEF [STAR] EXEMPTION)**

The Law

Section 467 of the Real Property Tax Law gives local governments and public school districts the option of granting a reduction in the amount of property taxes paid by qualifying senior citizens. To qualify, seniors generally must be 65 years of age or older and meet certain income limitations and other requirements.

For the basic 50 percent exemption, the law allows each county, city, town, village or school district to set the maximum income limit at any figure between \$3,000 and \$29,000. Localities have the further option of giving exemptions of less than 50 percent to seniors whose incomes are more than \$29,000. Under the “sliding-scale” options, a qualifying senior can have a yearly income as high as \$34,699.99 and get a 20 percent exemption, or, if the municipality chooses, an income of \$36,499.99 and get a 10 percent exemption or an income of \$37,399.99 and get a 5 percent exemption in places where they are granting the maximum limits. Please check with your local assessor or the clerks of the local governments and school districts involved to determine which local options, if any, are in effect.

If you qualify for the senior citizens exemption, you will automatically qualify for the enhanced School Tax Relief [STAR] Exemption (Real Property Tax Law, sec. 425(4)) as well; no separate STAR application will be required. In that case, after the senior citizens exemption has been applied, a substantial portion (in some cases, all) of the remaining assessed value of your property will be exempted for school tax purposes under STAR.

If you apply for both the senior citizens exemption and the enhanced STAR exemption on application form RP-467, and the assessor finds that you do not qualify for the senior citizens exemption, you may still receive the enhanced STAR exemption if your application demonstrates that you meet the eligibility requirements for the enhanced STAR exemption. If not, you may be required to submit additional documentation including the STAR application (RP-425).

Note that property may not receive an exemption both under this law and the persons with disabilities and limited incomes exemption (Real Property Tax Law, sec. 459-c) for the same municipal tax purpose. However, where one or more owners qualify for exemption under this section, and the other owner qualifies for exemption under section 459-c, the owners may choose the more beneficial exemption.

Where to File the Application

The application form (RP-467), should be filed with the city, town or village assessor for partial exemption from city, town and village property taxes. For partial exemption from county or school district taxes, or from village taxes in villages that do not assess property, the application should be filed with the city or town assessor who prepares the assessment roll used for county, school, or village taxes. However, in Nassau County, applications for exemption from county, town or school taxes should be filed with the Nassau County Department of Assessment. In Tompkins County, applications for exemption from county, city, town, village or school district taxes should be filed with the Tompkins County Division of Assessment.

Notification

If you submit a self-addressed, prepaid envelope with your application for exemption, the assessor must, within three days of the completion and filing of the tentative assessment roll, notify you of the **RP-467-Ins (9/09)** approval or denial of your application. If a second self-addressed, prepaid envelope is submitted, the assessor must also notify you of the receipt of your application.

Deadline for filing

The application generally must be filed in the assessor's office on or before the appropriate taxable status date, which, in most towns, is March 1. In Nassau County, taxable status date is January 2, but that county is authorized to establish a later filing date. Contact the county to obtain that date.

Westchester County towns have either a May 1 or June 1 taxable status date; contact the assessor. In cities, such date is determined from charter provisions. In New York City, taxable status date is January 5, but applications for this exemption may be filed on or before March 15. Taxable status date for most villages that assess is January 1, but the village clerk should be consulted for variations. Municipalities may choose to permit applications to be filed as late as the date the board of assessment review meets to hear assessment complaints, where certain hardship situations exist.

When a person, who otherwise qualifies for the exemption, purchases property after taxable status date but prior to tax levy, he or she may file the RP-467 within 30 days of the transfer.

The assessor then has 30 days to make a decision as to whether the applicant would have qualified for the exemption had he or she had title as of taxable status date. If the assessor decides that the applicant would have so qualified, and the assessor makes the determination prior to the filing of the tentative assessment roll, the assessor will change the roll accordingly. Within 10 days of filing that roll, the assessor is obligated to notify the applicant of the approval or denial of the application for exemption and of that person's right to appeal to the board of assessment review.

If the assessor's determination is made after the filing of the tentative assessment roll, the assessor must petition the board of assessment review to correct the tentative or final roll in the manner provided in title 3 of Article 5 of the RPTL, the so-called correction of errors procedures. Within 10 days of petitioning the board of assessment review, the assessor is required to notify the applicant of the approval or denial of the exemption and of the applicant's right to administrative and judicial review of that determination. If a determination to exempt property is not entered on the tax roll for the year immediately following the fiscal year during which the transfer occurred, the assessor must notify the municipal corporations which would proceed as is discussed below.

Otherwise qualifying senior citizens, who purchase property after the levy of taxes, may apply to the assessor within 30 days of their acquisition of title. The assessor is required to notify the applicant and the board of assessment review, by first class mail, of his or her decision and of the applicant's right to review of that decision. If a complaint is filed, the board of assessment review is required to meet to hear it and determine the exemption amount. After the exemption amount is determined, the assessor must compute pro rata tax credits by multiplying the exemption amount by the appropriate tax rates by the fraction of each fiscal year remaining after the date of acquisition. The assessor must then notify the applicant and the appropriate municipal corporations. Tax collectors and receivers are required to apply these credits to the taxes owed on the seniors' property in those next fiscal years. Where such tax credits are not properly extended against the tax roll for the fiscal year immediately following the year of transfer, the assessor is to notify the municipal corporation and the credit would then be applied on the next succeeding roll.

Renewal Application

An annual renewal application (RP-467-Rnw) must be timely filed in the assessor's office to continue the exemption. Although some assessing units may allow renewal applications to be filed after taxable status date, you should file the renewal application on or before such date. Some municipalities permit the filing of affidavits (RP-467-aff/ctv for a city, town or village, RP-467-aff/s for a school district) in lieu of renewal applications after the exemption has been granted on five consecutive assessment rolls.

The following numbers correspond to the numbers on the initial application form.

1,2. If the title to the property is in more than one name, each of the names must be set forth. The deed, mortgage or other proof of title should be examined to ascertain the name of the owner or owners. If the property is owned by more than one person, all owners must qualify for the exemption.

Note that if a person holds a life estate in the property, that person is the legal owner of the property. If the property is held in trust, the exemption may be allowed if the beneficiary of the trust qualifies. Answer all questions on the basis of the beneficiary's qualifications for the exemption. Attach a copy of the trust or other proof of such trustee-beneficiary relationship.

Municipalities which offer the senior citizens exemption may also offer it to otherwise qualifying senior citizens who are tenant-stockholders of a cooperative apartment corporation. The percentage of exemption to which the senior citizen is entitled will be applied to the percentage of the total assessed value of the entire parcel that represents the tenant-stockholder's percentage of ownership of the stock of the corporation.

3. Location of the property should conform to its description on the latest assessment roll. Contact your assessor for assistance in furnishing this description.

4. Each of the owners of the property must be 65 years of age or over, except that, where the owners are husband and wife, or are siblings, only one spouse or sibling need be 65 years or over. Age is determined as of the appropriate taxable status date. (Some municipalities may allow the exemption where an otherwise eligible owner becomes 65 years of age after taxable status date but on or before December 31. Check with your assessor to determine if this option is in effect.)

Where an exemption had been in effect on property owned by a married couple, to retain eligibility, a surviving widow or widower must have been 62 years of age or over when the spouse died. Similarly, where the exemption was granted to a married couple and the older spouse leaves the property due to divorce, legal separation or abandonment, the exemption is retained if the remaining owner is at least 62 years of age.

Satisfactory proof of age must be furnished. Proof of age may consist of a birth certificate or baptismal certificate. In the absence of such documents, a hospital birth record, Social Security Administration affidavit of age, voter's registration record, insurance record, census record, marriage record, passport, military record, immigration document, etc., would be considered. Once proof of age has been submitted, it will not have to be submitted in future years unless specifically requested.

5. In order to qualify for the senior citizens exemption, the applicant must show either that (1) his or her previous residence was granted the exemption, or (2) that title has been vested in the owner or all of the owners for at least 12 consecutive months prior to the date of filing the application. In computing the 12-month period, the following information is important.

The period of ownership is not interrupted by:

- ❖ A transfer of title to one spouse from the other.
- ❖ A transfer of title to a surviving spouse from a deceased spouse either by will or operation of law.

The period of ownership of a prior residence may be considered where:

- ❖ There was a taking of the property by condemnation or other involuntary proceeding (except a tax sale) and another property has been acquired to replace the taken property.
- ❖ The prior residence has been sold and a replacement purchase made within one year if both residences are within the State.

6. The applicant must provide proof of ownership of the particular property upon which the exemption is sought. Such proof might consist of a copy of the deed by which title was acquired by the applicant or a copy of a mortgage agreement or other document indicating that title is vested in the applicant. Once this proof has been submitted, it will not have to be submitted in future years unless specifically requested by the assessor.

7,8. The property must be the “legal residence” of, and must be occupied by, all owners of the property unless: (1) a non-resident owner, who is the spouse or former spouse of the resident owner, is absent from the residence due to divorce, legal separation, or abandonment, or (2) an owner is absent from the property while receiving health related services as an inpatient of a residential health care facility and the property is not occupied by anyone other than the spouse or co-owner of such owner. A residential health care facility is a nursing home or other facility that provides or offers lodging, board and physical care including, but not limited to, the recording of health information, dietary supervision and supervised hygienic services.

The property for which the exemption is sought also must be used exclusively for residential purposes. However, if a portion of the property is used for other than residential purposes, the senior citizens exemption will apply only to the portion used exclusively for residential purposes.

9. The exemption cannot be granted if the income of the owner, or the combined income of all the owners, exceeds the maximum income limit set by the locality. If the owner is married, the income of the spouse must be included in the total unless the spouse is absent from the residence due to a legal separation or abandonment. The income of a non-resident former spouse, who retains an ownership interest, is not included. You should contact the assessor to determine the locally applicable income limits.

Income is to be reported on the basis of the latest preceding “income tax year” prior to the date of application. This usually is the preceding calendar year.

Income includes:

- ❖ all Social Security payments
- ❖ salary and wages (including bonuses)
- ❖ interest (including nontaxable interest on state or local bonds), total dividends
- ❖ net earnings from farming, rentals, business or profession (including amounts claimed as depreciation for income tax purposes)
- ❖ income from estates or trusts
- ❖ gains from sales and exchanges
- ❖ the total amount received from governmental or private retirement or pension plans
- ❖ annuity payments (excluding amounts representing a return of capital)
- ❖ alimony or support money
- ❖ unemployment insurance payments, disability payments, workers’ compensation, etc.

Income does **not** include:

- ❖ Supplemental Security Income
- ❖ reparation payments made to individuals because of their status as victims of Nazi persecution
- ❖ moneys received pursuant to the Federal Foster Grandparent Program
- ❖ welfare payments
- ❖ proceeds of a reverse mortgage (but any interest or dividends realized from the investment of such proceeds are income)
- ❖ gifts, inheritances or a return of capital.

10. If an owner is an inpatient in a residential health care facility, the owner's other income is not considered income in determining exemption eligibility if it does not exceed the amount paid by such owner, spouse or co-owner for care at the facility. Proof from the facility of the amount paid for an owner's care must be submitted with the application.

11. At local option, municipalities may permit applicants to deduct from their incomes all medical and prescription drug expenses which are not reimbursed or paid by insurance. Check with the assessor to determine if this option is locally available. If so, complete line 11 on the application. Proof of the expenses and reimbursement, if any, must be submitted with the application.

12. At local option, municipalities may permit applicants to deduct from their incomes veterans disability compensation payments. Check with the assessor to determine if this option is in effect. If so, complete line 12. Attach proof of receipt of the amount being deducted.

13. If the owner, any of the owners, or the spouse of any of the owners filed a federal or New York State income tax return for the preceding calendar year, a copy of the return must be submitted with the application. If you do not have a copy of the Federal income tax return, it may be obtained from the District Office of Internal Revenue Service in which the return is filed. A copy of the New York State income tax return may be obtained from:

New York State Department of Taxation and Finance
Income Tax Bureau
State Campus
Albany, New York 12227

Since it may take a considerable length of time to obtain copies of such returns, your application for exemption may be filed pending submission to the assessor of the copy of the income tax return when it is received.

14. If any child, including a child of tenants or lease holders, resides on the property for which an exemption from school taxes is sought, and such child attends any public school (grades K-12), no exemption from school taxes may be granted unless the school district in which the property is located has adopted a resolution to permit a school tax exemption for otherwise eligible residential property where children attending public school reside. The child may not have been brought into the residence in whole or in substantial part for the purpose of attending a particular school within the school district.



**NEW YORK STATE DEPARTMENT OF TAXATION & FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES**

**INSTRUCTIONS FOR APPLICATION FOR REAL PROPERTY TAX EXEMPTION FOR
RESIDENTIAL-COMMERCIAL URBAN EXEMPTION PROGRAM
(Real Property Tax Law, Section 485-a)**

1. Authorization for exemption

Section 485-a of the Real Property Tax Law, at local option, authorizes a declining 12 year partial exemption from real property taxation and special ad valorem levies for non-residential property converted to a mix of residential and commercial uses. The property must be located in a city (other than New York City), a town, or a village.

An eligible city, town, or village may enact a local law to adopt the residential-commercial urban exemption. After such a city, town, or village adopts the exemption, the county and any school district that is located wholly or partially within such city, town or village, other than the fiscally dependent Buffalo, Rochester, Syracuse and Yonkers School Districts, also may adopt the exemption with the same restrictions approved by the city, town, or village. The county’s approval of the exemption would require a local law and the school district’s approval would require a resolution. Consult your assessor to ascertain whether the city, town, village, or county, and, where applicable, the school district have adopted the exemption.

2. Eligible Conversions

An eligible conversion must have a cost in excess of \$10,000 or a higher amount stated in the local law adopted by the city, town, or village. The assessor can tell you the minimum cost required in your city, town, or village. The exemption applies only to construction commenced subsequent to the date on which the local law adopted by the city, town, or village takes effect. The exemption does not apply to improvements for dwelling units in a hotel and also does not apply to ordinary maintenance and repairs.

3. Duration and computation of exemption

The exemption is calculated as a percentage of the “exemption base,” which is the increase in assessed value attributable to the conversion. The base should be determined for each year in which there is such an increase attributed to an eligible conversion. The exemption is to be calculated by the following method:

<u>Year of Exemption</u>	<u>Percentage of Exemption</u>
1 through 8	100% of Exemption Base
9	80% of Exemption Base
10	60% of Exemption Base
11	40% of Exemption Base
12	20% of Exemption Base

The exemption generally may not be granted concurrent with or subsequent to any other exemption for the same improvements. There is an exception when, during the period of a previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount equal to or greater than the taxes that would have been payable for that period if the property had received exemption pursuant to Section 485-a. In that situation, a residential-commercial urban exemption is to be granted for 12 years less the number of years the above-described payments were made.

4. Time of filing application

The application must be filed with the assessor on or before the applicable taxable status date. Since taxable status dates for cities, towns, or villages vary, you should ask the assessor for the correct date.

Once the exemption has been granted, the exemption may continue for the authorized period provided that the eligibility requirements continue to be satisfied. It is not necessary to reapply for the exemption after the initial year in order for the exemption to continue.



NEW YORK STATE DEPARTMENT OF TAXATION & FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES

INSTRUCTIONS FOR APPLICATION FOR
REAL PROPERTY TAX EXEMPTION FOR COMMERCIAL,
BUSINESS OR INDUSTRIAL REAL PROPERTY
(Real Property Tax Law, Section 485-b)

1. Authorization for exemption

Section 485-b of the Real Property Tax Law authorizes a partial exemption from real property taxation for commercial, business or industrial property constructed, altered, installed or improved subsequent to July 1, 1976 or a later date as specified in a county's, city's, town's, or village's local law or in a school district's resolution. The cost of such construction, alteration, installation or improvement must exceed \$10,000 or a higher minimum, not to exceed \$50,000, as may be provided in such local law or resolution. Ordinary maintenance and repairs do not qualify for exemption. The property must not be receiving or have received any other exemption authorized by the Real Property Tax Law with respect to the same improvements, unless during the period of the prior exemption, payments in lieu of taxes were made in amounts that were at least equal to the taxes that would have been paid had the property been receiving the section 485-b exemption.

Municipalities may limit the exemption to specific geographic areas and to sectors and subsectors of businesses as defined in the North American Industry Classification System. Where a county restricts the exemption pursuant to the recommendations of its local industrial and commercial incentive board, such restrictions also apply to cities, towns and villages, and school districts therein, unless those municipalities adopt local laws or (school district) resolutions providing otherwise. Consult your assessor to ascertain what limits, if any, apply locally.

2. Duration and computation of exemption

Generally the amount of the exemption in the first year is 50% of the increase in the assessed value attributable to the improvement. The exemption amount then decreases by 5% in each of the next nine years. This declining percentage continues to be applied to the increase in assessed value determined in the first year of the exemption, unless there is a change in level of assessment for an assessment roll of 15% or more, as certified by the Office of Real Property Tax Services, in which case an adjustment is required. A municipality which restricts the exemption to specific types of property and geographic areas may establish a different exemption schedule (i.e., 50% for one, two and three; 40, 30, 20% in years four, five and six; 10% in years seven, eight and nine; and 5% in year ten). Consult your assessor to ascertain the specific schedule or schedules that apply.

3. Application for exemption

The exemption may apply to charges imposed upon real property by or on behalf of a county, city, town, village or school district for municipal or school district purposes and to special ad valorem levies except those levied for fire district, fire protection district or fire alarm district purposes. However, the statute authorizes any county, city, town, village or school district (except the city school district of Buffalo, Rochester, Syracuse or Yonkers) to act independently on its own behalf to reduce the per centum of exemption otherwise allowed pursuant to this section. The exemption does not apply to costs incurred for ordinary maintenance and repairs nor to property used primarily for residential purposes other than hotels or motels. The exemption does not apply to the City of New York.

4. Filing of exemption

Application for exemption from county, city, town and school district taxes must be filed with the city or town assessor, not the Office of Real Property Tax Services. Application for exemption from village taxes must be filed with the assessor who prepares the assessment roll used in levying village taxes. In Nassau County, applications for exemption from county, town or school district taxes must be filed with the Nassau County Board of Assessors. In Tompkins County, applications for exemption from county, city, town, village or school district taxes must be filed with the Tompkins County Division of Assessment.

5. Time of filing application

The application must be filed in the assessor's office on or before the appropriate taxable status date and within one year from the date of completion of the improvements. In towns preparing their assessment rolls in accordance with the schedule provided in the Real Property Tax Law, the taxable status date is March 1. In towns in Nassau County, the taxable status date is January 2. Westchester County towns have either a May 1 or June 1 taxable status date; contact the assessor. In villages and cities, the taxable status dates vary, and the appropriate assessor should be consulted for the correct date.

Once the exemption has been granted, the exemption may continue for the authorized period provided that the eligibility requirements continue to be satisfied. It is not necessary to reapply for the exemption after the initial year in order for the exemption to continue.

Appendix III
Outreach Campaign

- A. Press Release
- B. Online Survey
- C. Outreach Card
- D. Record of Focus Group Meetings and Interviews

City of Newburgh

PRESS RELEASE

83 Broadway, Newburgh, N.Y. 12550
(845) 569-7354 - (845) 569-7370

For immediate release
August 11, 2011

The City of Newburgh Launches Outreach Campaign for CDBG Analysis of Impediments to Fair Housing

The City of Newburgh Department of Planning and Development is currently launching an outreach campaign to update its Analysis of Impediments to Fair Housing (AI), which is a requirement of the Community Development Block Grant (CDBG) Consolidated Plan. The goal of the AI is to provide the City and other community development grantees, housing developers, and non-profits with information and tools to affirmatively further fair housing.

Fair housing refers to housing options that are available without discrimination regarding race/color, national origin, disability, religious beliefs, familial status/children, etc. The City of Newburgh is committed to eliminating all discriminatory practices in housing.

There are four ways to participate in the outreach campaign:

- Focus group meetings:* Landlords and other housing providers are invited to participate in focus group meetings with the Department of Planning and Development in order to assess the City's strengths and weaknesses in housing provision.
- *Complete fair housing survey at community events or in your neighborhood:* The City will also be conducting outreach at community events as well as canvassing more disadvantaged sections of the City in order to get input from residents.
- Pick up a Survey:* Surveys are available at the Newburgh Free Library, 124 Grand Street, the City Activity Center, 401 Washington Street, and the City Clerk's office, 83 Broadway.
- Complete fair housing survey online:* Starting Aug. 15, 2011, the survey will be available electronically on the Planning and Development webpage: <http://www.cityofnewburgh-ny.gov/devel/comdev.htm>



City of Newburgh
DEPARTMENT OF PLANNING & DEVELOPMENT
City Hall – 83 Broadway
Newburgh, New York 12550

TEL: (845) 569-9400

FAX: (845) 569-9700

Impediments to Fair Housing Survey

Fair Housing is housing choice that is free from discrimination based on race/color, national origin, disability, or familial status/children.

Discrimination is the illegal practice of denying a person or household the right to buy or rent a home based on a protected category.

1. Do you live in the City of Newburgh?

Yes

No

If no, what municipality do you live in: _____

2. What is your current housing situation?

Own

Live with family/friend for no rent

Rent

Homeless (*skip to question 8*)

Other _____

3. How long have you lived in your current home?

Less than 1 year

1-2 years

6-10 years

3-5 years

11-20 years

20+ years

4. How many bedrooms are in your home?

Studio

1

2

3

4+

5. How much is your monthly rent or mortgage payment? \$ _____

6.

a. Do you live in public or subsidized housing or receive some type of government assistance to pay your rent?

Yes

No

b. If yes, what type?

Public housing

- Other subsidized housing
- Housing Choice Voucher (Section 8)/ Other government rental assistance

7.

a. Are you satisfied with your housing situation?

- Yes
- No

b. If no, select the top 3 reasons for your dissatisfaction and rank from 1 (highest) to 3 (lowest).

- Too far from work
- Too expensive
- Too small
- Too crowded
- High taxes
- Too stressful to maintain
- Unattractive area to live
- Poor public transportation
- Poor public schools
- Neighborhood unsafe due to crime
- Neighborhood unsafe (other than crime)
- Homeless
- Other _____

8.

a. Have you been affected by any of the following foreclosure issues in the past 2 years?

- At risk of foreclosure due to late payments
- My bank has filed a foreclosure notice
- Sold my home through a short sale
- Home was foreclosed, and I have moved
- Apartment building was foreclosed, and I was forced to move
- Eviction
- Not applicable (*skip to question 10*)

b. If you've been affected by foreclosure in the last 2 years, what are the main causes? (Select top 2)

- Housing costs too high due to drop in income
- Housing costs too high due to increase in mortgage payment or rent
- House value dropped significantly
- Loss of employment
- Income reduction (for example, loss of child support, drop in hours, etc.)
- Increase in family support costs (for example, food, transportation, etc.)
- Medical costs
- High credit card bills

c. If you have been affected by eviction in the last 2 years, what were the main causes? (Select top 2)

- Housing costs too high due to drop in income
- Housing costs too high due to increase in rent
- Loss of employment
- High credit card bills

- Increase in family support costs (for example, food, transportation, etc.)
- Income reduction (for example, loss of child support, drop in hours, etc.)
- Medical costs
- High credit card bills
- Apartment building was foreclosed, and I was forced to move
- Other _____

9. Select your top 3 considerations when choosing a place to live and rank from 1 (highest) to 3 (lowest).

- Family nearby
- Convenient to shopping
- Convenient to good childcare opportunities
- Good quality schools
- Good recreation facilities (parks, pools, playgrounds, trails)
- Access to public bus systems
- Access to Metro-North rail station
- Close to work
- Attractiveness of neighborhood
- Price of housing
- Accessible to the physically disabled
- Within a senior community (55 +)
- Safe neighborhood

10. What type of housing is most needed in the City? Select and rank the top 2 (1 being most needed).

- __ Rental housing for families
- __ Rental housing for young people
- __ Rental housing for seniors (55+)
- __ Homeownership for families
- __ Homeownership for seniors (condominiums, townhomes, smaller homes)
- __ Housing for persons with physical disabilities
- __ Housing for the homeless (rooming houses, single-room occupancy)

11. What type of housing assistance programs are most needed? Select and rank the top 2 (1 being most needed).

- __ Rental assistance (like Section 8)
- __ Down payment and closing cost assistance
- __ Financial assistance for home repairs
- __ Credit counseling
- __ Emergency help with rent/security/utilities
- __ Other _____

12. What do you think you can afford for a monthly rent or mortgage payment? \$ _____

13. If you are a renter, are you interested in purchasing a home within the next 5 years?

- Yes
- No

Not Applicable

14. If you are an owner, are you interested in any of the following options in the next 5 years?

- High Med None (rank each high med or none)
- Moving to a smaller home
- Moving to a larger home
- Selling my home and renting
- Moving out of the City
- Moving in to the City
- Staying in existing home

15. Other than the cost of owning or renting, what other issues might prevent you from finding or moving to the kind of housing you'd rather have: (select all that apply)

- Credit problems
- Lack of transportation
- Access to services (for example, childcare, medical, other assistance program)
- Lack of information on housing availability
- Fear of discrimination
- Other _____
- Not applicable

16.

a. Are you aware of anyone who has experienced discrimination in obtaining housing in the past 5 years?

- Yes
- No

b. If yes, which of the following was the reason for the discrimination? (select all that apply)

- Race/color
- Age
- Religion
- Sex/Gender
- Handicap/disability
- National origin
- Children/Familial status
- Marital status
- Military status
- Language
- Sexual orientation
- Citizenship status
- Source of income (Government assistance, Section 8, seasonal work)
- Other _____

c. If yes, who do you believe discriminated against you or the person you know? (select all that apply)

- Landlord
- Property manager
- Bank/mortgage lender
- Real estate agent
- Government staff
- Non-profit housing program staff
- Other _____

d. If yes, how was the discrimination experienced? (select all that apply)

- Falsely stated housing was no longer available
- Refused to deal with person

- Offered different conditions from advertisement
- Discriminatory advertisement (example, no children)
- Denied loan based on a protected category
- Refusal to permit/make reasonable accommodations for physically disabled
- Other _____

e. If yes, was this discrimination reported to any of the following? (select all that apply)

- NYS Human Rights Commission
- NYS Attorney General
- HUD Office of Fair Housing
- Orange County Human Rights Commission
- No, it wasn't reported
- Don't know

17.

a. Do you think some housing discrimination is not reported?

- Yes
- No

b. If yes, why do you think people don't report incidents of housing discrimination?

- Don't know what their rights are
- Don't know where to file complaint
- Filing complaint too much trouble/takes too long
- Solving complaint takes too long
- Fear of retaliation
- Don't believe it will make a difference
- Other: _____

18. Including you, how many people are in your household?

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8+

19. How many household members are under the age of 18?

- 0
- 1
- 2
- 3
- 4
- 5
- 6+

20. What is your gender?

- Male
- Female

21. What is your age group?

- Under 18
- 18-24
- 25-34
- 35-44
- 45-54

- 55-64
- 65-74
- 75-84
- 85 +

22. Are you Hispanic or Latino?

- Yes
- No

23. What is your race?

- White
- Black/African American
- American Indian or Alaskan Native
- Asian, Native Hawaiian, Other Pacific Islander
- Other race
- Two or more races

24. Is a language other than English regularly spoken in your household?

- Yes
- No

25. What is your marital status?

- Married
- Unmarried partner
- Single
- Widowed
- Divorced

26. Are you disabled?

- Yes
- No

27. What is your household's annual income? (Don't include income of roommates.)

- Less than \$15,000
- \$15,000-\$24,999
- \$25,000-\$34,999
- \$35,000-\$49,999
- \$50,000-\$74,999
- \$75,000-\$99,999
- \$100,000 or more
- Not Sure

28.

a. Are you employed?

- Yes
- No

b. If yes, in what field?

- Healthcare
- Education

- Manufacturing
- Construction
- Professional/Scientific/Technical
- Accommodation/Food Services
- Public Administration/Government
- Transportation/Warehousing/Utilities
- Finance/Insurance//Real Estate
- Non-profit organization
- Other _____

c. If yes, what city or town do you work in?

d. If yes, how do you travel to work?

- Drive alone
- Carpool
- Public transportation (for example, bus, train)
- Walk/bike
- Other _____

29. Please feel free to make additional comments below.

Housing Survey

Name: _____	
Address: _____	
Phone #: _____	Cell Phone: _____
Email: _____	
Can we text you? <input type="checkbox"/> Yes <input type="checkbox"/> No Facebook: _____	

Do you:

- Own your house
- Live with family/friend/no rent
- Rent
- Homeless
- Other

How long have you lived there?

- Less than 1 year
- 1-2 years
- 3-5 years
- 6-10 years
- 11-20 years
- 20+ years

<p>How much is your rent?</p> <p>\$ _____</p>	<p>Do you live in public or subsidized housing or receive some type of government assistance to pay your rent?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>How would you rate your housing? (1 being poor & 10 being great)</p> <p style="text-align: center;">1 2 3 4 5 6 7 8 9 10</p>	<p style="text-align: center;">If yes, what type? (circle one)</p> <p style="text-align: center;">Section 8 Public Assistance TANF</p> <p style="text-align: center;">Subsidized Housing (income based)</p>
<p>If there were a problem(s) with your current housing what are they? Check all that apply:</p> <p style="text-align: center;"> <input type="checkbox"/> Too expensive <input type="checkbox"/> Too far from work <input type="checkbox"/> Too small <input type="checkbox"/> Too crowded <input type="checkbox"/> Unattractive area to live <input type="checkbox"/> Poor public Transportation <input type="checkbox"/> Neighborhood unsafe (drugs, crime, etc.) <input type="checkbox"/> Building in poor condition <input type="checkbox"/> Pests <input type="checkbox"/> Lead Paint <input type="checkbox"/> Mold <input type="checkbox"/> Electricity Issues <input type="checkbox"/> Water/heating </p> <p>Other: _____</p>	

How much could you reasonably afford to pay for rent?

\$ _____

Have you been affected by (in the last two years):

- Eviction
- Foreclosure
- Lateness on rent payments
- Building Condemned
- Housing subsidy ended
- Health Issues
- None of the above
- Other: _____

If yes, what were the main causes:

- Drop in income (medical expenses, cut hrs at work, etc.)
- Increase in rent
- Loss of employment
- Credit Card Debt

What kind of housing do you think is most needed in Newburgh?

- Rental housing for families
- Rental housing for young people
- Rental housing for seniors (55+)
- Homeownership for families
- Homeownership for seniors (condominiums, townhomes, smaller homes)
- Housing for people with physical disabilities
- Housing for the homeless (rooming houses, single room occupancy)

What type of housing assistance programs are most needed? Select and rank the top 2 (1 being most needed).

- Rental Assistance (Section 8)
- Down payment and closing cost assistance
- Financial assistance for home repair
- Credit counseling
- Emergency help with rent/security/utilities
- Other

Have you or anyone you know ever experience housing discrimination?

Yes No

<p>If yes, what was the reason?</p> <p><input type="checkbox"/> Race/color <input type="checkbox"/> Religion <input type="checkbox"/> Military status</p> <p><input type="checkbox"/> Sex/Gender <input type="checkbox"/> Handicap/disable <input type="checkbox"/> Sexual Orientation</p> <p><input type="checkbox"/> National Origin <input type="checkbox"/> Children <input type="checkbox"/> Citizenship</p> <p><input type="checkbox"/> Marital status <input type="checkbox"/> Language</p> <p><input type="checkbox"/> Source of income (gov't assist., Sec. 8, seasonal work)</p>	<p>If yes, who was it that discriminated against you?</p> <p><input type="checkbox"/> Landlord <input type="checkbox"/> Property manager</p> <p><input type="checkbox"/> Bank/mortgage lender</p> <p><input type="checkbox"/> Real estate agent</p> <p><input type="checkbox"/> Government staff</p> <p><input type="checkbox"/> Non-profit housing program stf.</p>

Is there anything else that you would like to share about you're living condition:

Focus Group Meetings:

The City of Newburgh held 5 focus group meetings with housing providers in the City of Newburgh in order to get feedback on the major impediments to the provision of fair housing in the City.

Focus Group Meeting 1: July 11, 2011

Location: 83 Broadway, City of Newburgh NY

Agenda:

- I. Introduction to the project
- II. Importance of community involvement
- III. Role of Community Development Advisory Committee (CDAC)

Attendees: Marge Bell, Jenny Loeb, Brenda McPhail, Mario Cipollone, Ian MacDougall

Focus Group Meeting 2: July 18, 2011

Location: 83 Broadway, City of Newburgh NY

Agenda:

- I. Introduction to the project
- II. Housing Needs Survey
- III. Discussion of impediments to fair housing
- IV. Discussion of the system of service provision regarding section 8, and housing for the homeless

Attendees: Mario Cipollone of Independent Living, Inc. and Tim McElhinney, Executive Director of the Newburgh Ministry

Focus Group Meeting 3: August 8, 2011

Location: 83 Broadway, City of Newburgh NY

Agenda:

- I. Newburgh Housing Survey
- II. Comments and questions

Attendees: Marge Bell, Jenny Loeb, Brenda McPhail, Mario Cipollone, Ian MacDougall (CDAC)

Focus Group Meeting 4: September 15, 2011

Location: 83 Broadway, City of Newburgh NY.

Agenda:

- I. Introduction to the project
- II. Housing Needs Survey
- III. Role of Community Voices Heard

Attendees: Rea Learner and Jenny Loeb of Community Voices Heard

Focus Group Meeting 5: January 17th, 2011

Location: 83 Broadway, City of Newburgh NY.

Agenda:

- I. Community Voices Heard housing campaign
- II. Discussion of housing survey

Attendees: Rea Learner and Jenny Loeb of Community Voices Heard

Interviews:

Starling, Marc; Executive Director of the Newburgh Housing Authority. Interviewed by Erin Cousins. Newburgh City, NY. 7/12/11

Medina, Felix Jr., City of Newburgh Code Compliance Officer. Interviewed by Erin Cousins. Newburgh City, NY. 9/06/11

Jackson, Lawrence; Executive Director of the Newburgh Housing Authority. Interviewed by Erin Cousins. Newburgh City, NY. 7/25/12

Lind, Kermit; clinical law professor (retired) at Cleveland State University's Cleveland-Marshall College of Law. Interviewed by Erin Cousins. By Phone. 8/02/12

Creekmore, Lewis; Deputy Director Legal Services of the Hudson Valley. Interviewed by Erin Cousins. By phone. 9/03/12

Appendix IV

Fair Housing

- A. City Ordinance Chapter 38
- B. Human Rights Commission Resolution

Chapter 38. FAIR HOUSING OFFICE

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

GENERAL REFERENCES

Housing and property standards — See Ch. **190**.

Rental properties — See Ch. **240**.

§ 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: See § 290 et seq. of the Executive Law*, 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.

Chapter 51. HUMAN RIGHTS COMMISSION

[HISTORY: Adopted by the City Council of the City of Newburgh 1-14-1991 by Ord. No. 3-91. Amendments noted where applicable.]

§ 51-1. Grant of additional powers.

Pursuant to § 239-q, Subdivision 2, of the General Municipal Law, the City of Newburgh Human Rights Commission is hereby granted, in addition to all other powers that the Commission already has, the following powers:

- A. To report complaints to the Division of Human Rights alleging unlawful discriminatory practices under Article 15 of the Executive Law.
- B. To receive, accept, use and expend public grants and private gifts, donations or bequests and other payments, goods and services notwithstanding any other provision of law.