



**Comments of Rachel Fee, New York Housing Conference  
on New York City's "Where We Live" draft fair housing plan**

**March 9, 2020**

Thank you for the opportunity to offer comments on "Where We Live," the city's draft fair housing plan. My name is Rachel Fee. I am Executive Director of the New York Housing Conference (NYHC). NYHC is a nonprofit affordable housing policy and advocacy organization. As a broad-based coalition, our mission is to advance City, State and Federal policies and funding to support the development and preservation of decent and affordable housing for *all* New Yorkers.

NYHC applauds Mayor Bill de Blasio for his leadership in voluntarily creating a robust process for Where We Live, including consulting with more than 150 organizations over 20 months, and producing a thoughtful draft plan to advance fair housing and racial equity efforts across this city.

The city took a big first step using data to honestly highlight existing inequities in New York City, pointing out neighborhood segregation and racial disparities in health, income and education outcomes. It is critical for the city to acknowledge the history of discrimination that has created the housing patterns in our city.

The strategies the city lays out are appropriate and clearly informed by the data and outreach and we support many of them as they are. However, in many other cases the city could have gone further in defining current barriers to, and identifying specific policies that would further, fair housing. Some of the strategies are too broad and the final report should describe actionable goals with detailed metrics.

For example, while we agree that the city should work to address discrimination by co-op associations (strategy 1.1.3), we hope the final draft plan will go further than exploring new regulations and come out in favor of specific legislation, like City Council [Intro. 761](#) sponsored by Council Member Brad Lander, which would require co-op associations to provide written statements detailing why they rejected prospective purchasers.

Also, while we support the administration's goal to increase funding for fair housing enforcement (strategy 1.1), including housing discrimination testers, the city should specify how much additional resources they plan to add and the scale of the enforcement effort to be expected. Given the difficulty in utilizing rental assistance, the length of time it takes for families to identify an apartment and the concentrated use of Section 8 Housing Choice Vouchers and local rental assistance, source of income discrimination enforcement should be a priority. We also believe that state funding is necessary and securing more state funding is a NYHC priority.

The draft plan also calls for a new task force to recommend zoning, land use, and other regulatory actions to promote equitable growth (2.3.1). Each of these areas are fertile ground for positive changes and so there is the potential for significant improvements. Unfortunately, there is limited time left in Mayor de Blasio's administration to form a task force, develop recommendations and implement those plans. We encourage the administration to set strict timelines and charge the task force with developing concrete legislative, budgetary and administrative changes to increase zoning flexibility and to reduce land use and other barriers. We expect that greater flexibility in the regulatory framework will encourage added supply of rental housing, especially affordable rental housing.

The final plan should also go further than evaluating initiatives that help voucher holders to move (4.1.3) and should expand initiatives like HPD's Mobility Counseling Program and set specific goals to reduce the use of Section 8 vouchers in high poverty neighborhoods.

There are many strategies in the report to combat housing discrimination and segregation that we fully support. For example, the city's commitment to restrict the use of middle-income options under the 421-a program in neighborhoods where the market is creating new housing without the tax break (2.3.4) is a major departure from current policy and will help reduce saturation of units at 130 percent of Area Median Income.

The plan also rightly points to the importance of the success of the city's public housing as a fair housing issue (3.1.1). More than 90 percent of the more than 400,000 residents of public housing are black or Hispanic, which is far more than the 53 percent of the city's overall population that is black or Hispanic.

Also, the city's plan to create a regional working group with local governments in the metropolitan area to develop a shared housing and transit agenda (2.2.4) is a significant step towards establishing meaningful regional solutions to our housing crisis. With limited growth potential due to lack of buildable land, rising sea levels and needed infrastructure investment, it is not realistic that NYC can meet our growing demand for affordable housing. Regional planning is more important than ever and we support coordination with New York state and with partners in the Tri-state region.

In addition, we support the city's commitment to explore legislation to fight housing discrimination based on residents' involvement with the criminal justice system (1.2.1). This would be an important step given the disproportionate impact on people of color and the importance of increasing equitable housing opportunities. We are working with housing advocates to explore similar legislation statewide.

We also support the administration's plan to track and publish more data at the neighborhood level, including housing development, demographic and socioeconomic data (2.2.2), to use the data and race and social equity tools to evaluate and guide their capital planning and budgeting (6.1.3), and to ensure community-based planning processes, like the Brownsville Plan, in neighborhoods that have

historically seen disinvestment (6.1.4). Many advocates and elected officials have called for community planning approaches like this.

We also applaud the administration's plan to look for opportunities to accelerate land use review and remove obstacles for approving affordable housing development (2.1.1), supporting state changes, like removing the cap on residential floor area ratio (2.1.2), and looking at the effects historic districts have housing supply (2.1.3). Developing and preserving affordable housing is costly and complicated and the city should make every effort to reduce the time it takes to build affordable housing and streamline processes including land use review. This will lead to accelerated development timelines and cost savings.

The plan also rightly proposes to increase housing opportunities in amenity-rich neighborhoods for low-income New Yorkers. We support the proposals to look for redevelopment opportunities on underused public properties (2.3.2) and supporting more developments using project-based vouchers (2.3.3) in such neighborhoods. We also support the development of new assessment tools that will encourage housing production decisions that further the goals of fair housing (2.2.1).

We were also encouraged to see progress on three issues that will impact fair housing announced in Mayor de Blasio's annual State of the City speech in February. His plan to legalize basement apartments, his expansion of community land trusts and his commitment to set aside half of all affordable housing units to households making less than \$50,000 and half of those units to families making less than \$30,000, are exactly what the data, research, and community input were calling for. We need to increase the supply of low rent apartments and ensure that affordable housing rents are responding to community needs.

NYHC applauds the administration's effort in establishing the Where We Live process for input but we encourage city agencies be asked to take a closer look at areas identified for "exploration" and "review" in order to determine which issues can be advanced for implementation and more immediate actionable policy change.