



# Long Island Housing Services, Inc.

640 Johnson Avenue, Suite 8, Bohemia, New York 11716-2624  
Suffolk: 631-567-5111 ~ Nassau: 516-292-0400 ~ Fax: 631-567-0160  
www.LIFairHousing.org

February 21, 2018

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Department of Community Development  
Town of Babylon  
47 West Main Street – Suite 1  
Babylon, NY 11702

Re: Comments on FY 2018 Annual Action Plan

Dear Sir/Madam:

Long Island Housing Services, Inc. (LIHS) would like to express our gratitude to the Town of Babylon for its support of our programs through the allocation of Community Development Block Grant funds, as the urgency and level of need is great.

LIHS' mission is the elimination of housing discrimination and promotion of decent and affordable housing through advocacy and education. Our services, programs and the use of all funds are driven by that mission. Use includes defraying the costs of salaries, fringe benefits and other operational costs (including but not limited to the payment of rent, utilities, equipment, and the cost of program audits). LIHS is a unique non-profit service provider, with a well-established advocacy record dating back to 1969. Our work affirmatively furthers fair housing through all of its programs. Our private enforcement efforts include investigating and prosecuting fair housing cases, advocating for victims and providing representation when evidence gathered is compelling. We collaborate and offer services for government sponsored agencies, non-profit service providers and housing industry groups: including fair housing education, outreach, and counseling and advocacy services, as well as help to identify housing resources of all kinds.

## **Description of Projects:**

Funding supports LIHS' individual counseling services to Babylon residents, as well as consulting with government officials and elected representatives to serve constituents; we are available to provide training for Town personnel in various departments related to Housing on request.

LIHS works diligently to make our housing counseling service a supportive experience for people in housing/financial crisis and counsels clients in the manner best suited to those needs (time, transportation, ability). Staff conducts



**A 501 (c) (3),  
not-for-profit,  
Fair Housing  
agency serving  
Long Islanders  
since 1969.**

*Our mission is the elimination of unlawful housing discrimination and promotion of decent and affordable housing through advocacy and education.*

interviews in person, by phone or by e/mail or fax. Intake forms include name/advocate information, address, phone, issues, a HUD #, current housing/income/needs, etc.

Literature/forms are available in Spanish and English. The counselor reviews to determine all possible means to address, advise/resolve the issue/s presented, and may contact other agencies and refer the client to the appropriate resource if the situation requires direct resources or services beyond the scope of LIHS. When resolved, the counselor notes the outcome/resolution to the extent known. If follow-up is needed, the file will remain open for 3 years.

Counselors also assist those encountering discrimination in a housing search, directing or suggesting many community resources to achieve goals/benefits, including Fair Housing. No other HUD-approved Housing Counseling Agency on LI provides the same level of fair housing expertise or services for their clients. We encourage agencies to refer those affected and have initiated a formal referral agreement and Memo of Understanding (copies available).

**Foreclosure Prevention** - Our role is to educate and counsel clients affected by mortgage default so that they are empowered to achieve the best available housing option. As most of the nation and state have recovered from the foreclosure crisis, Suffolk County remains a disaster area with almost three times the national and state average for foreclosures. We provide a full staff both housing counseling and legal services to foreclosure prevention clients. We teach clients how to budget their income and expenses, negotiate with lenders for workouts, forbearance, streamlining, restructuring debt, and/or loan modification. Our foreclosure prevention attorneys are also able to assist clients with answering the Foreclosure action and providing representation in Settlement Conference. If, after counseling, a client's home cannot be saved, our counselors advise the homeowner as to options available to negotiate a deed in lieu of foreclosure or a pre-foreclosure sale. LIHS counsels clients on their liabilities and credit repercussions should one abandon their home and financial obligations. A variety of factors can cause serious delinquencies. In cases of predatory or abusive high loan terms, LIHS has expended a great deal of its resources in trying to intervene with the lender, report to the government or gain legal counsel to challenge unlawful practices.

**Renters' Assistance Counseling** - Our Housing Counseling program is most frequently sought for Landlord and Tenant counseling for people seeking or in rental housing. As people continue to seek safe and truly affordable housing on Long Island which is still reeling from the foreclosure crisis and Hurricane Sandy, LIHS continues to see high demand for Tenants' Rights information. We provide information to Tenants on their rights and the avenues to avoid homelessness. Demand for staff attention on these issues has increased dramatically in the past few years. We counsel people who live in or seek to rent government subsidized housing, very low and low income, the working poor, as well as those receiving government subsidies including Section 8; Public Assistance, TANF (Temporary Assistance for Needy Families), people with disabilities receiving SSI or SSD, and seniors with fixed incomes. The "affordable"

rental housing stock on Long Island is estimated to consist of [often substandard] illegal rentals such as below grade basement units or converted garages, single family homes modified for an accessory apartment that does not meet (or has not met) government code(s). Often, property owners/landlords of such properties are trying to avoid official scrutiny, either to evade reporting extra income or expense and trouble of registering a rental property, or because the property would not satisfy local codes/base requirements. Clients contact LIHS in need of critical repairs and essential services (heat, hot water, electricity). Often, a landlord fails to respond to legitimate demands for relief/repairs. We receive calls from clients in need of safe, affordable and adequate housing. Due to the serious lack of affordable housing in both Nassau and Suffolk, those with low or subsidized incomes often experience rejection. Racial or national origin discrimination, as well as discrimination against families with children, and people with disabilities needing special accommodations or accessible features place increasing demands on our caseload.

Clients are referred to LIHS when facing illegal eviction and homelessness. They need information about their rights to advance notice for lease terminations, court summons, appearance and procedures as to lawful eviction procedures, concerns about unreturned/disputed security deposits. We get hundreds of calls per year for advice on conducting the housing search, subsidies and eligibility for affordable housing. Often, those unfamiliar with tenancy or fair housing rights and responsibilities contact us. Many callers are uninformed about occupancy standards, income criteria and/or seeking to resolve disputes with a landlord, tenant, or sometimes a neighbor. Affordable housing, government subsidized and rent regulated housing is virtually non-existent compared to the numbers in need on Long Island. Rent control/stabilization is non-existent in Suffolk and in very few areas in Nassau. This shortage encourages or tacitly allows homeowners to rent illegal basement units, garages and accessory apartments that frequently do not comply with fire, building and/ or health codes. This substandard housing market jeopardizes the client's and family safety. On Long Island the rapidly growing immigrant population is often reluctant to make formal challenges to secure proper treatment, fearing devastating retaliation and worsened circumstances. LIHS' counselors educate those affected as to tenant's rights, options and responsibilities. We often assist to exercise tenant's rights through documenting requests by sending a landlord a letter. We are called on to provide Spanish interpretation and translation services and make calls to other agencies to address their needs. In some extreme cases we will directly intervene with the housing or service provider to secure needed repairs or services. At times, we have been able to assist in identifying and securing alternative housing. When a client calls for advice as to a pending summons to court, our counselors can direct them to the appropriate nonprofit agencies that provide legal assistance, if available. In those cases in which we have contact with the landlord, we provide information as to the tenant's rights in exchange for rent. We provide and widely distribute literature pertaining to the NYS Real Property Law, a comprehensive Tenant Rights Guide for lay people furnished by the NYS Attorney General's Office, along with LIHS'

literature for consumer/public education to enhance compliance with state tenancy and federal fair housing rights. With the help of donated services and Spanish proficient staff, LIHS has met demands for their most popular/informative, brochures and fliers (that were created and are produced in-house) for non-English proficient Latino clients.

**Fair Housing Assistance:** With our unique expertise on fair housing investigation and housing counseling, our staff advises clients to recognize discriminatory acts and how to file a complaint of discrimination with HUD's Fair Housing Enforcement Office. We advise clients about the Federal Fair Housing Act, the FHA Amendments Act of 1988, the New York State Human Rights Law, and Suffolk county Human Rights Law protections. Cases are referred for LIHS' fair housing services, and include investigation when warranted, and when resources allow. LIHS has assisted hundreds of clients in this past decade to gather evidence and formally challenge discrimination.

**Homebuyers' Education Programs & Pre-Purchase/Post-Purchase Counseling:** LIHS offers potential purchasers general information on the home buying process. For those preparing to buy a house, we offer individual counseling that focuses specifically on the client's needs and circumstances regarding credit/credit repair, and programs available to save for and acquire down payments and closing costs. We detail the difference between having a fixed rate, adjustable rate or balloon mortgage and differentiate various loan products and programs (e.g. for persons with disabilities, low income families and the under-served population).

We also participate in group seminars with the collaboration of some libraries, not-for-profits, municipalities, religious institutions and elected officials. . The seminars focus on consumer education about basic requirements, qualifications, mortgage types and options for financing, down payment assistance available for first time home buyers, closing cost, appraisals, insurance, and credit. Fair housing, fair [and predatory] lending concerns are also emphasized.

**Group Education and One-On-One Counseling** - LIHS also offers group presentations for general audiences on fair housing and tenancy rights, for first time homebuyers and seniors seeking information on affordable housing options. LIHS' Counseling services described are offered on individual basis, one-on-one (or with invited family/friends), with an estimated 5-10% of clients reached through group sessions to promote awareness of services. In this past year, LIHS made numerous public presentations. At each presentation, we distribute our Fair Housing guidebooks. These books were developed by our staff, and include information specifically geared towards Long Islanders (provided in English and Spanish). It describes our programs and services, offers information related to mortgage, fair lending, illegal housing discrimination, and rental (tenant-landlord rights) issues. As resources are available, we distribute them through LIHS sponsored public education conferences and events open for the public and/or with focus on various community service providers – both private and public entities.

### **Priorities for the 2018 Annual Action Plan (AAP)**

Babylon should be complimented on issuing its Annual Action Plan prior its first hearing so the public has sufficient time to review the plan and comment. LIHS requests that Babylon review the following recommendation to further improve its AAP.

1. **Affirmatively Further Fair Housing.** The Fair Housing Act requires that the HUD funds be spent in ways that will Affirmatively Further Fair Housing (AFFH). The AAP needs to acknowledge this requirement up front and provide it as a touchstone for each project that is funded. Babylon implies that HUD funds can be spent without Affirmatively Furthering Fair Housing in Paragraph 5 of the Executive Summary of the AAP. Babylon signs a separate certification to HUD that all funds are spent to Affirmatively Further Fair Housing.
2. **Outreach** - Truly effective outreach is needed. The majority of the outreach tends to be to governmental agencies and nonprofits funded through HUD funds, and even at that there is usually minimal response to the annual plan. Despite the response in Paragraph 5 of the Executive Summary of the AAP, this is insufficient outreach. Much broader outreach is needed to receive responses from underrepresented populations. Hearings should be held outside of the 9-5- work day and in areas that include the largest minority and low/medium income populations. Outreach should also be cognizant of the need to make the AAP accessible to Limited English Proficiency (LEP) populations and Persons with Disabilities (PWD). All Babylon residents can be reached with information about these hearings by including them in Babylon's constituent mailings, such as the annual recycling calendar.
3. **Comments not accepted.** Paragraph 6 of the Executive Summary of the AAP does not provide a "summary of comments or views not accepted and the reasons for not accepting." It merely dismisses the comments as not pertinent without providing the substance of the comments nor Babylon's explanation of why they are not pertinent.
4. **Desegregation** - Babylon is a historically segregated town. The placement of all the affordable housing outside of high opportunity areas reinforces that segregation. Priority must be given to affordable housing projects being built in high opportunity areas. Despite the response in Paragraph 5 of the Executive Summary of the AAP, Babylon needs to target high opportunity areas for affordable housing the same way that it is targeting low opportunity areas for such housing.
5. **Subrecipients.** Babylon has a duty to require that its subrecipient village are also Affirmatively Furthering Fair Housing. Since those villages include Babylon's high opportunity areas, the funds they receive should be targeted to opening up the opportunity to move to those communities from low opportunity portions of the town, including auditing village zoning laws to ensure that they are inclusive and actively seeking the placement of affordable housing in those communities.
6. **Affiliated Housing Providers.** Babylon should remind their affiliated housing providers to follow county, state, and federal fair housing law. Recently, LIHS has come across

homeshare guidelines that required a participant be employed, rather than the broader, legally sufficient category of having income under Suffolk County Human Rights Law proscribing Source of Income discrimination. Similarly, LIHS has recently filed Fair Housing complaints against NPS Holiday Square in West Babylon for disability discrimination and Lakeside Manor in Copiague for racial discrimination.

7. **Preventing homelessness** – Homeless on Long Island needs to be more directly addressed. The problem has reached the level where families are squatting in empty homes. Those families must be provided with the resources to have safe, long-term housing. Babylon is dedicating an employee to sit in Landlord-Tenant court attempting to identify potential tenants in illegal apartments. This is not the most effective way to prevent substandard housing from being the solution to homelessness. Those resources must be redirected to identifying and creating safe, affordable places to live, thereby directly addressing the needs of the homeless.
8. **Criminalizing Poverty and Tenants Rights** – Despite a June 28, 2017 letter from the Town of Babylon stating the incorrect threats to tenants of illegal apartments on the Babylon website had been amended, the Babylon website on page <http://www.townofbabylon.com/faq.aspx?TID=105> still incorrectly states “a person who is renting an illegal apartment is in violation of Town Code and may be charged with a violation in criminal court. Additionally, the Town may choose to bring a civil action against a renter for civil penalties, which can be very costly.” The website wrongfully states that Babylon can pursue criminal charges or a civil action against the tenant. Both are incorrect. It is only the landlord who is subject to court action by the town. Babylon is wrongfully threatening to criminalize homelessness. Please remove this incorrect information.
9. **Use Assessment of Fair Housing (AFH) process and tools.** LIHS strongly encourages the Babylon to move forward with using the tools and guidelines developed by the Obama administration for AFH process under the Affirmatively Further Fair Housing (AFFH) regulations to fulfill the requirement to AFFH under the Fair Housing Act and to provide Babylon residents with a more accurate picture of their town’s fair housing needs. This recommendation is made despite the Trump administration attempt at rolling back the deadlines for using the new AFH process without incorporating the required regulatory comment process.

We appreciate the support through CDA funds to augment our ability to provide these services and resources, and continue outreach efforts to increase awareness of fair housing rights, tenants' rights and professional counseling and legal help available in mortgage situations. The funding is critical, too, to demonstrate support when we seek funding from federal and other sources.

Sincerely,

Ian Wilder, Esq.

Executive Director

631-567-5111 ext. 314

Ian@LIFairHousing.org