Essex County, NJ

Analysis of Impediments to Fair Housing Choice

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Table of Contents

Executive Summary 1

Chapter II - Introduction 3
1. Purpose of Report 3
2. Geographic Area Covered 3
3. Fair Housing Legal Framework 3
4. Lead Agency 8
5. Organization of Report 8
6. Data Sources 9

Chapter II – Community Participation 10
1. Public Hearings 10
2. Community Survey 10
3. Public Review 10

Chapter III - County Consortium Profile 11
1. Demographic Profile 11
2. Household Characteristics 17
3. Income Profile 24
4. Housing Profile 27
5. Housing Cost and Affordability 31
6. Housing Issues 33
7. Assisted Housing 35
8. Licensed Community Care Facilities 37
9. Accessibility to Public Transportation and Services 38

Chapter IV – Mortgage Lending Practices 43
1. Background 43
2. Overall Lending Patterns 45
3. Lending Patterns by Race/Ethnicity and Income Level 46
4. Sub-Prime Lending Market 47
5. Predatory Lending 48
6. Purchased Loans 49
7. Foreclosures 50

Chapter V - Public Policies 51
1. Policies and Programs Affecting Housing Development 51
2. Building, Health and Safety Codes 53
3. Affordable Housing Development 54
4. Policies Causing Displacement or Affect Housing Choice of Minorities and Persons with Disabilities 54
5. Local Housing Authorities 56

6. New Jersey Department of Environmental Protection 56
7. Community Participation 56

Chapter VI – Current Fair Housing Profile **57**
1. Fair Housing Practices in the Homeownership Market 57
2. Fair Housing Practices in the Rental Housing Market 61
3. Fair Housing Services 64
4. Fair Housing Complaints 66
5. Bias Offenses 72
6. Not In My Back Yard (NIMBY) 72

Chapter VII - Previous Report Assessment **73**

Chapter VIII - Fair Housing Action Plan **85**

Chapter IX - Acronyms **92**

Chapter X - List of Tables **94**

Chapter XI - Appendices **95**
1. Fair Housing Act

Chapter XII - Certification **116**

Chapter XIII - Public Hearing Notice **117**

Executive Summary

Essex County, is the 14th-most densely populated county in the United States is home to approximately 783.969 residents, within 22 municipalities and possesses an increasingly diverse demographic. To ensure that Essex County remains a desirable place to live, we strive to ensure that an environment exists where equal access to housing opportunities is treated as a fundamental right.

The communities within Essex County have established a commitment to providing equal housing opportunities for their existing and future residents. This report, the Analysis of Impediments to Fair Housing Choice (AI), presents a demographic profile of the County of Essex, assesses the extent of fair housing issues among specific groups, and evaluates the availability of a range of housing choices for all residents. This report also analyzes the conditions in the private market and public sector that may limit the range of housing choices or impede a person's access to housing.

As part of the consolidated planning process, which includes the AI, the County and the participating Municipalities conducted public hearings which provided residents and local service agencies with the opportunity to gain awareness of fair housing laws and to share issues and concerns. A survey was also implemented to gather information on programmatic needs and the develop a funding plan. The survey, was provided to a number of local public service agencies for distribution to their clients. Additionally, the consortium's five (5) sub-committees assumed the responsibility for facilitating a needs assessment, market analysis, and strategies for specific program areas. A member of the County's Division of Housing & Community Development staff also participated to provide the programmatic perspective.

Examination of demographic characteristics provides some insight regarding the need and extent of equal access to housing in a community. Between 2010 and 2013 the County's population has grown by .64%. Based on the 2010 Census, 11.79% of the population in Essex County was age 65 or over (elderly), with another 6.18% in the 55 to 64 age group (future elderly). The elderly generally place higher demands on a community to provide health and human services. Essex Fells and North Caldwell had the smallest minority populations, 2.55% and 5.36% respectively, and Orange, at 95.88%, had the largest. Belleville, had the largest Hispanic population. In Essex County, 66.2% of residents indicated that they spoke only English, with 18.3% indicating they spoke Spanish.

Assessing housing conditions in the County can provide the basis for developing policies and programs to maintain and preserve the quality of the housing stock. Housing age can indicate general housing conditions within a community. The County's housing stock is older with a majority of the housing units (81.5%) built before 1979. Home rehabilitation can be an obstacle for senior homeowners with fixed incomes and mobility issues.

The cost of homeownership varies within Essex County depending on the community. For example, the median sales price in the County for 2014 for a home was $426,250, however homes in Essex Fells or North Caldwell can be significantly higher. As with home prices, rental rates in the County vary by community.

A key aspect of fair housing choice is equal access to credit for the purchase or improvement of a home, particularly in light of the current lending/credit crisis. Aside from income, another major factor in securing a home loan is sufficient understanding of the home buying and lending processes. The applicant pool for mortgage lending should be reflective of the demographics of a community or the County. When one racial/ethnic group is overrepresented or underrepresented in the total applicant pool, it could be an indicator of unequal access to housing opportunities.

In regards to affordable housing, the County has a large inventory, however the distribution of these units is uneven throughout the County, with dense clusters of affordable housing located in the cities of Newark, East Orange and Irvington.

The County, like most parts of New Jersey, is facing a shortage of rental housing. Most rental properties have low vacancy rates and do not require published advertising. Furthermore, a large number of rental listings in Essex County contain what could be construed as discriminatory language, such as encouraging or discouraging family living, or potentially discouraging persons with disabilities by emphasizing a no-pet policy without clarifications that service/companion animals are allowed.

Chapter I - Introduction

Essex County, is the 14th-most densely populated county in the United States is home to approximately 783.969 residents, within 22 municipalities and possesses an increasingly diverse demographic. Essex's proximity to New York City makes the County a highly desirable place to live. To ensure that Essex County remains a desirable place to live, we strive to ensure that an environment exists where equal access to housing opportunities is treated as a fundamental right. In recognition of this, the federal government and the State of New Jersey have both established fair housing choice as a right protected by law.

1. Purpose of Report

Essex County has established a commitment to providing equal housing opportunities for their existing and future residents. Through the federally funded Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs, among other state and local programs, the Municipalities of Essex County work to provide a decent living environment for all.

Pursuant to CDBG regulations [24 CFR Subtitle A §91.225(a)(1)], to receive CDBG funds, a jurisdiction must certify that it "actively furthers fair housing choice" through the following:

- Completion of an Analysis of Impediments to Fair Housing Choice (AI);
- Actions to eliminate identified impediments; and
- Maintenance of fair housing records.

This report, the Analysis of Impediments to Fair Housing Choice, presents a demographic profile of the County of Essex, assesses the extent of fair housing issues among specific groups, and evaluates the availability of a range of housing choices for all residents. This report also analyzes the conditions in the private market and public sector that may limit the range of housing choices or impede a person's access to housing.

2. Geographic Area Covered

This AI covers the Essex County Consortium, which consists of eighteen of the County's twenty-two towns. This includes:

1. Belleville
2. Caldwell
3. Cedar Grove
4. Essex Fells
5. Fairfield
6. Glen Ridge
7. Livingston
8. Maplewood
9. Millburn
10. Montclair
11. North Caldwell
12. Nutley
13. Orange
14. Roseland
15. South Orange
16. Verona
17. West Caldwell
18. West Orange

The remaining four municipalities are direct entitlements and as such are required to complete their own AI, however the Township of Bloomfield is part of the County's HOME Consortium. These four towns are:

19. Bloomfield
20. East Orange
21. Irvington
22. Newark

3. Fair Housing Legal Framework

Fair housing is a right protected by both Federal and State laws. Among these laws, virtually every housing unit in New Jersey is subject to fair housing practices.

A. Federal Laws

The Fair Housing Act of 1968 and Fair Housing Amendments Act of 1988 (42 U.S. Code §§ 3601-3619, 3631) are federal fair housing laws that prohibit discrimination in all aspects of housing, including the sale, rental, lease, or negotiation for real property. The Fair Housing Act prohibits discrimination based on the following protected classes:

- Race or color
- Religion
- Sex
- Familial status
- National origin
- Disability (mental or physical)

Specifically, it is unlawful to:

- 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, disability, familial status, or national origin.
- Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, disability, familial status, or national origin.
- 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, disability, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- Represent to any person because of race, color, religion, sex, disability, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status, or national origin.

In order to assist the US Department of Housing & Urban Development (HUD) resolve complaints, state and local organizations have been recognized under HUD's **Fair Housing Assistance Program (FHAP)**. The agencies, who receive funding support from HUD, are authorized enforcement agencies. To participate, a jurisdiction must demonstrate that it enforces a fair housing law that provides rights, remedies, and opportunities for judicial review that are substantially equivalent to those proved by the national Fair Housing Act. In New Jersey HUD has recognized and funded the State of New Jersey Division on Civil Rights (DCR) as the FHAP agency serving the entire state.

Another HUD program called the **Fair Housing Initiatives Program (FHIP)** provides funds to private organizations. In New Jersey, the New Jersey Fair Housing Council of Northern New Jersey (FHCNNJ) in

Hackensack received $275,000 to conduct a rigorous fair housing and investigations project. The project will be conducted statewide. FHCNN proposes to train 90 testers, conduct rental/sales tests, distribute 6000 Fair Housing flyers to community groups, faith-based organizations, local shops, and markets and other places people congregate. The project will serve people affected by race and color as well as persons with disabilities and Limited English Proficient (LEP) families. Additionally, Citizen Action of New Jersey (NJCA) received $100,000 to increase the knowledge and understanding of community leaders about predatory lending in NJ so they may recognize and inform clients how to identify, screen, and report fair lending complaints. NJCA will work to educate people about their rights and obligations under the Fair Housing Act and to increase access to affordable housing through fair and equal access to credit, capital, and banking services for traditionally underserved populations, specifically low and moderate income minorities and non-English or limited English speaking adults, seniors and people with disabilities living in New Jersey's urban areas.

The **Fair Housing Amendments Act** requires owners of housing facilities to make "reasonable accommodations" in their rules, policies, and operations to give people with disabilities equal housing opportunities. For example, a landlord with a "no pets" policy may be required to grant an exception to this rule and allow an individual who is blind to keep a guide dog in the residence. The Fair Housing Act also requires landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces, at the tenant's own expense.

Finally, the Act requires that new multi-family housing with four or more units be designed and built to allow access for persons with disabilities. This includes accessible common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units.

On March 5, 2012, the HUD published the Final Rule on **Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity**. It applies to all McKinney-Vento-funded homeless programs, as well as to permanent housing assisted or insured by HUD. The rule creates a new regulatory provision that generally prohibits considering a person's marital status, sexual orientation, or gender identity (a person's internal sense of being male or female) in making homeless housing assistance available.

B. New Jersey Laws

The New Jersey Law Against Discrimination (LAD) prohibits discrimination when selling or renting property. The law covers owners, agents, employees and brokers and makes it unlawful to refuse to rent, show or sell property based on a person's race, creed, color, national origin, nationality, ancestry, marital status, domestic partnership or civil union status, familial status, affectional or sexual orientation, gender identity or expression, sex, or mental and physical disability, including AIDS and HIV-related illness. In addition, the LAD prohibits discrimination in the housing context based on one's source of lawful income or rent subsidy. Examples of sources of lawful income include, child support, alimony, gifts from family members, supplemental security income, etc. Other sources include assistance from a federal loan program through HUD, state loan programs through the New Jersey Housing and Mortgage Finance Agency (NJHMFA). Rent subsidies are programs where the individual qualifies for financial assistance through governmental programs. In this situation, a tenant or a potential tenant qualifies for rental assistance programs, through county and local housing authorities, or through the HUD section 8 program. The main difference between a loan and rental assistance through State or Federal agencies is that a subsidy need not be paid back to the lender while the same is not true in a loan assistance program.

The LAD does not prohibit discrimination on the basis of age in a housing context. However, it is unlawful to discriminate against families with children, except in certain qualified housing developments intended specifically for older persons, which may be allowed to exclude children. The LAD also does not prohibit discrimination on the basis of sex where the property is planned exclusively for and occupied exclusively by individuals of one sex.

By way of example, it is illegal for a landlord or real estate professional to refuse to rent:

- To a single mother with children, if this decision is made on the basis of her marital status or domestic partnership status;
- A one bedroom apartment to two members of the same sex, if they are otherwise qualified
- To an individual with a mental or physical disability. However, generally under the LAD, a landlord in an existing building is not required to modify the property to provide assistance to a person with a disability. On the other hand, the landlord is prohibited from charging extra fees for any accommodations provided to a person with a disability. For example, a landlord cannot charge a person with a disability extra rent for keeping a guide or service animal. The landlord is, however, entitled to reimbursement for damage done by a guide or service animal;
- To an individual with a disability who relies on a guide or service animal, even if the facility does not permit pets;
- To a person with AIDS or HIV infection or to someone perceived to have AIDS or HIV infection.

In addition, it is illegal to subject a renter, applicant, or home buyer to sexual harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual contact, and/or other verbal or physical conduct of a sexual nature. Harassment and differential treatment based on race, national origin or other protected characteristics is also unlawful.

Landlords may require that a potential tenant complete an application with questions regarding the applicant's income, credit history and debts, as long as all prospective tenants are required to complete the same application and all tenants are selected on the basis of uniform standards. The form must not contain any reference to race, creed, color, national origin, nationality, ancestry, sex, marital status, domestic partnership status, affectional or sexual orientation, familial status or disability.

For owners in common interest communities the **New Jersey Condominium Act** and the **Planned Real Estate Development Full Disclosure Act**, require associations to provide a "fair and efficient" alternative to litigation for unit owners to resolve "housing related" (meaning not personal but related directly to association living) disputes between one another or with the association.

The **Senior Citizens and Disabled Protected Tenancy Act** grants certain rights and protections to senior citizens and disabled persons who rent apartments which are being converted into condominiums. Senior citizens and disabled tenants are eligible for these rights and protections if they meet certain income requirements and have lived in the apartment for at least two years.

Tenants can face eviction if their building or apartment is being converted into a condominium or cooperative. The **Anti-Eviction Act** protects all tenants from eviction due to condominium conversion for at least three years, and possibly for several more years. In Hudson County, the law also protects senior

citizens and their spouses, handicapped tenants and their families, and lower-income residents against conversion-related eviction.

The **Fair Eviction Notice Law** stipulates that it is illegal for a landlord to padlock or otherwise block entry to a rental premises while a tenant is still in possession of the premises unless such action is done in accordance with law.

According to the **Tenant Protection Act of 1992** no lessee or tenant may be removed by the Superior Court from their dwelling, other than (1) owner-occupied premises with not more than two rental units or a hotel, motel or other guesthouse or part thereof rented to a transient guest or seasonal tenant; (2) a dwelling unit which is held in trust on behalf of a member of the immediate family of the person or persons establishing the trust, provided that the member of the immediate family on whose behalf the trust is established permanently occupies the unit; and (3) a dwelling unit which is permanently occupied by a member of the immediate family of the owner of that unit, provided, however, that exception (2) or (3) shall apply only in cases in which the member of the immediate family has a developmental disability, except upon establishment of grounds as good cause.

The **Rent Security Deposit Act** specifies how a landlord must collect, maintain and return a security deposit. Under this law, a security deposit is considered to belong to the tenant and these funds must be held in trust. An exception to this law is owner-occupied buildings that have less than two-units.

The **New Jersey Home Ownership Security Act of 2002** enacted by the Senate and General Assembly of the State of New Jersey which *was* enacted November 28, 2003 and amendment July 6, 2004 was created to prevent unfair practices in the lending market. In enacting the Act, the Legislature found that abusive mortgage lending has become a growing problem in the State, leading to a loss of equity in homes along with a corresponding increase in the number of foreclosure actions instituted in this State. In light of this perceived increase in abusive lending practices, the Legislature deemed the Act necessary to "encourage lending at reasonable rates with reasonable terms." The Act sets forth the basic framework while granting authority to the Commissioner of Banking and Insurance to promulgate regulations to further the Act's objectives.

C. Fair Housing Defined

In light of the various pieces of fair housing legislation passed at the Federal and State levels, fair housing throughout this report is defined as follows:

> A condition in which individuals of similar income levels in the same housing market have a like range of choice available to them regardless of their characteristics as protected under State and Federal laws.

Housing Issues, Affordability, and Fair Housing

HUD's Office of Fair Housing and Equal Opportunity (FHEO) draws a distinction between housing affordability and fair housing. For example, economic factors that affect a household's housing choices are not fair housing issues. Only when the relationship between household income, household type, race/ethnicity, and other factors create misconceptions, biases, and differential treatments would fair housing concerns arise.

Tenant/landlord disputes are also typically not related to fair housing. Most disputes between tenants and landlords result from a lack of understanding by either or both parties of their rights and responsibilities. Tenant/landlord disputes and housing discrimination cross paths when the disputes are based on factors protected by fair housing laws and result in differential treatment.

D. Fair Housing Impediments

Within the legal framework of Federal and State laws, and based on the guidance provided by HUD's *Fair Housing Planning Guide*, impediments to fair housing choice can be defined as:

- Any actions, omissions, or decisions taken because of the characteristics protected under State and Federal laws, which restrict housing choices or the availability of housing choices; or
- Any actions, omissions or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of characteristics protected under State and Federal laws.

To affirmatively promote equal housing opportunity, a community must work to remove impediments to fair housing choice.

4. Lead Agency

This report, prepared by the Essex County Division of Housing and Community Development, along with input from various municipalities and agencies, funded with CDBG funds. The Essex County Consortium, which serves as the lead agency, represents the following 18 municipalities as follows:

23. Belleville
24. Caldwell
25. Cedar Grove
26. Essex Fells
27. Fairfield
28. Glen Ridge
29. Livingston
30. Maplewood
31. Millburn
32. Montclair
33. North Caldwell
34. Nutley
35. Orange
36. Roseland
37. South Orange
38. Verona
39. West Caldwell
40. West Orange

The remaining four municipalities in the County are direct entitlements and as such are required to complete their own AI, however the Township of Bloomfield is part of the County's HOME Consortium. These four towns are:

41. Bloomfield
42. East Orange
43. Irvington
44. Newark

5. Organization of Report

This report is divided into eight chapters:

Chapter I: Introduction defines "fair housing" and explains the purpose of this report.

Chapter II: Community Participation describes the public outreach program and summarizes comments from residents and various agencies on fair housing issues such as discrimination, housing impediments, and housing trends.

Chapter III: Community Profile presents the demographic, housing, and income characteristics in Essex County. Major employers and transportation access to job centers are identified. The relationships among these variables are discussed. In addition, this section evaluates whether community care facilities, public and assisted housing projects, as well as Section 8 recipients in the County are unduly concentrated in Low and Moderate Income areas. Also, the degree of housing segregation based on race is discussed.

Chapter IV: Mortgage Lending Practices assesses the access to financing for different groups. Predatory and subprime lending issues are discussed.

Chapter V: Public Policies analyzes various public policies and actions that may impede fair housing within the County and the participating municipalities.

Chapter VI: Current Fair Housing Profile evaluates existing public and private programs, services, practices, and activities that assist in providing fair housing in the County. This chapter also assesses the nature and extent of fair housing complaints and violations in different areas of the County. Trends and patterns of impediments to fair housing, as identified by public and private agencies, are included.

Chapter VII: Assesses the **Progress** made since the preparation of the last Analysis of Impediments (AI) to Fair Housing Choice.

Chapter VIII: Impediments and Recommendations summarizes the findings regarding fair housing issues in Essex County and provides recommendations for furthering fair housing practices.

6. Data Sources

According to the Fair Housing Planning Guide, HUD does not require Municipalities to commence a data collection effort to complete the AI. Existing data can be used to review the nature and extent of potential issues. Various data and existing documents were reviewed to complete this AI, including:

- American Community Surveys (ACS)
- 2000 and 2010 U.S. Census
- Comprehensive Housing Affordability Strategy (CHAS)
- Legal Services of New Jersey
- New Jersey Department of Health
- National Alliance to End Homelessness - Point in Time Survey
- Center for Housing Policy
- New Jersey Department of Education
- Home Mortgage Disclosure Act
- Federal Reserve Bank of New York
- National Fair Housing Alliance
- Current market data for rental rates, home prices, and foreclosure activities
- Fair housing records from the NJ Division on Civil Rights
- Housing Choice Voucher (Section 8) data from local Housing Authorities

Sources of specific information are identified in the text and tables.

Chapter II – Community Participation

This AI Report has been developed to provide an overview of laws, regulations, conditions, or other possible obstacles that may affect an individual's or a household's access to housing. As part of this effort, the report incorporates the issues and concerns of residents, housing professionals, and service providers. To assure the report responds to community needs, development of the AI includes a community outreach program consisting of sub-committee meetings, a survey, and public meetings.

1. Public Hearings

The County of Essex and the participating Municipalities conducted public hearings as part of the Consolidated Planning process, which includes the AI. These hearings provided a forum to residents and local service agencies with the opportunity to gain awareness of fair housing laws and to share issues and concerns.

Additionally, the consortium's five (5) sub-committees assumed the responsibility for facilitating a needs assessment, market analysis, and strategies for specific program areas. A member of the County's Division of Housing & Community Development staff also participated to provide the programmatic perspective.

2. Community Survey

As part of this AI development, a survey was implemented to gather information on programmatic needs and the develop a funding plan. The survey, was provided to a number of local public service agencies for distribution to their clients.

3. Public Review

The draft AI was made available for public review at a Public Hearing held on August 6, 2015 at 5:00 PM at the Essex County Division of Housing and Community Development Offices located at 20 Crestmont Road, Verona, New Jersey 07044. The document was also made available at the Division, following the publication of the Public Hearing Notice, which was published in the Star Ledger on July 16, 2015.

Chapter III - County Consortium Profile

This chapter provides an overview of Essex County's residents and housing stock, including population, economic, and housing trends which help to identify housing needs and potential fair housing concerns specific to the County. This overview provides the context for discussing and evaluating fair housing in the following chapters.

Data Sources

Key data sources include: the 2000 and 2010 Census and American Community Surveys (ACS). To the extent feasible, 2010 Census data are used because that dataset represents 100% count of the population and provides the most accurate data. However, the 2010 Census contains limited data. The Census Bureau supplements the 2010 Census with ACS for detailed housing and demographic characteristics. The ACSs are administered on a schedule based on the community's population size and specific data to be collected. Depending on the specific data in question, to capture the entire region, different ACS datasets may be used throughout this AI.

1. Demographic Profile

The ability of households within a protected class to obtain decent housing in a neighborhood of their choice is impacted by demographic and economic factors. This section covers population, housing and economic change within the County to reveal any unintentional impediments to fair housing.

Population and economic change affect the quality of housing units, which, ultimately, aids or impedes housing choices. Communities are defined by their housing stock, which is observed as declining or improving, which either leads to isolation or integration. The departure of wealthier families capable of leaving a neighborhood they perceive as declining, may contribute to further decline if poorer families, who cannot afford basic maintenance, or renters, who are not responsible for maintenance, replace them. The ensuing neglect of these housing units by poor owners, renters or landlords makes the problem worse.

Homeowners, who make the decision to rent a house because they could not get the price they wanted when attempting to sell the unit, may not realize the challenges of managing a rental property and may not be knowledgeable in tenant relations and, especially, fair housing law. Rents collected may not be enough to realize a profit and when maintenance costs begin to mount, landlords may decide to defer or avoid maintenance altogether, which in the end contributes to further decline in housing stock.

A. Population Growth

Essex County is one of more than 3,000 counties and County equivalents in the United States. In 2013, County of Essex had a population of 85,853 – 408,443 (52%) females and 377,410 (48%) males. The median age was 36.4 years. 13.8% of the population were aged 25 to 34 years old and 11.6% were 65 years and older.

Table 1: Total Population

1990 - 2009					
	2000	2009	% Change 2000 - 2009	2013	% Change 2009 - 2013
County of Essex	793,633	769,644	-3.03	785,853	2.07%
Source: US Census Bureau					

B. Households and Families

According to the 2009-13 Census estimates there were 277,302 households in the County. The average household size was 2.76 people.

Families made up 65.8% of the households in the County. This figure includes both married-couple families (38.8%) and other families (27%). Non-family households made up 34.2% of all households in the County. Most of the non-family households were people living alone, but some were comprised of people living in households in which no one was related to the householder.

Table 2: Households and Families

Subject	Essex County, New Jersey					
	Occupied housing units		Owner-occupied housing units		Renter-occupied housing units	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Occupied housing units	277,302	+/-1,395	127,297	+/-1,687	150,005	+/-1,774
HOUSEHOLD SIZE						
1-person household	29.30%	+/-0.6	19.10%	+/-0.7	38.00%	+/-0.9
2-person household	27.50%	+/-0.6	29.90%	+/-0.8	25.50%	+/-0.9
3-person household	17.80%	+/-0.4	19.00%	+/-0.6	16.80%	+/-0.6
4-or-more-person household	25.30%	+/-0.5	32.00%	+/-0.7	19.60%	+/-0.7
OCCUPANTS PER ROOM						
1.00 or less occupants per room	95.10%	+/-0.3	98.40%	+/-0.2	92.20%	+/-0.5
1.01 to 1.50 occupants per room	2.50%	+/-0.2	0.90%	+/-0.2	3.90%	+/-0.4
1.51 or more occupants per room	2.40%	+/-0.2	0.70%	+/-0.1	3.90%	+/-0.4
HOUSEHOLD TYPE (INCLUDING LIVING ALONE) AND AGE OF HOUSEHOLDER						
Family households	65.80%	+/-0.6	78.20%	+/-0.8	55.20%	+/-0.9
Married-couple family	38.80%	+/-0.6	60.20%	+/-0.9	20.60%	+/-0.8
Householder 15 to 34 years	4.40%	+/-0.2	3.80%	+/-0.3	5.00%	+/-0.4
Householder 35 to 64 years	27.60%	+/-0.5	44.40%	+/-0.7	13.40%	+/-0.6
Householder 65 years and over	6.70%	+/-0.2	12.00%	+/-0.4	2.20%	+/-0.3
Other family	27.00%	+/-0.5	18.00%	+/-0.6	34.60%	+/-0.9
Male householder, no wife present	6.50%	+/-0.3	5.00%	+/-0.4	7.80%	+/-0.4
Householder 15 to 34 years	1.80%	+/-0.2	0.50%	+/-0.1	2.90%	+/-0.3
Householder 35 to 64 years	4.00%	+/-0.3	3.50%	+/-0.3	4.40%	+/-0.4
Householder 65 years and over	0.70%	+/-0.1	0.90%	+/-0.1	0.50%	+/-0.1
Female householder, no husband present	20.50%	+/-0.4	13.00%	+/-0.5	26.80%	+/-0.8
Householder 15 to 34 years	5.20%	+/-0.2	0.80%	+/-0.2	9.00%	+/-0.4
Householder 35 to 64 years	12.70%	+/-0.4	8.70%	+/-0.5	16.10%	+/-0.6
Householder 65 years and over	2.60%	+/-0.2	3.50%	+/-0.3	1.80%	+/-0.2
Nonfamily households	34.20%	+/-0.6	21.80%	+/-0.8	44.80%	+/-0.9

Householder living alone	29.30%	+/-0.6	19.10%	+/-0.7	38.00%	+/-0.9
Householder 15 to 34 years	4.40%	+/-0.2	1.10%	+/-0.2	7.20%	+/-0.4
Householder 35 to 64 years	15.00%	+/-0.5	9.30%	+/-0.5	19.90%	+/-0.8
Householder 65 years and over	9.90%	+/-0.3	8.70%	+/-0.4	10.90%	+/-0.4
Householder not living alone	4.90%	+/-0.2	2.70%	+/-0.3	6.80%	+/-0.4
Householder 15 to 34 years	1.80%	+/-0.2	0.30%	+/-0.1	3.10%	+/-0.3
Householder 35 to 64 years	2.60%	+/-0.2	1.80%	+/-0.2	3.30%	+/-0.4
Householder 65 years and over	0.50%	+/-0.1	0.60%	+/-0.1	0.40%	+/-0.1
FAMILY TYPE AND PRESENCE OF OWN CHILDREN						
With related children under 18 years	36.30%	+/-0.5	37.30%	+/-0.7	35.60%	+/-0.9
With own children under 18 years	33.10%	+/-0.5	34.10%	+/-0.6	32.30%	+/-0.9
Under 6 years only	7.40%	+/-0.4	6.50%	+/-0.4	8.20%	+/-0.5
Under 6 years and 6 to 17 years	6.30%	+/-0.3	5.50%	+/-0.4	7.00%	+/-0.5
6 to 17 years only	19.40%	+/-0.4	22.10%	+/-0.6	17.10%	+/-0.7
No own children under 18 years	3.20%	+/-0.2	3.20%	+/-0.3	3.20%	+/-0.4
No related children under 18 years	63.70%	+/-0.5	62.70%	+/-0.7	64.40%	+/-0.9

C. Age Characteristics

Housing demand is affected by the age characteristics of residents in a community. Different age groups are often distinguished by important differences in lifestyle, family type, housing preferences and income levels. Typically, young adult households may occupy apartments, condominiums, and smaller single-family homes because of size and/or affordability.

Middle-age adults may prefer larger homes as they begin to raise their families, while seniors may prefer apartments, condominiums, mobile homes, or smaller single-family homes that have lower costs and less extensive maintenance needs. Because the community's housing needs change over time, this section analyzes changes in the age distribution of Essex County residents and how these changes affect housing need.

Based on the 2010 Census, 11.6% of the population in Essex County was age 65 or over (elderly), with another 10.9% in the 55 to 64 age group (future elderly). The elderly generally place higher demands on a community to provide health and human services.

While the County has a large percentage of adults between the age of 25 and 44 (28.7%), indicating a substantial number of potential first-time homebuyers (Table 3) this proportion dropped from 31.1% in 2000. Relative to 2000, there was also an increase in the proportion of residents 45 years of age. This age structure also suggests the County has a high proportion of families with children but has a rapidly increasing older population. Approximately 19% of Essex County residents were school-age children between the ages of five and 17.

The median age was 36.4 years, which is an increase from 34.7 in 2000. This is also a national trend. 13.8% of the population were aged 25 to 34 years old and 11.6% were 65 years and older. This high median age is due mostly to Essex County's high proportion of adults between 25 and 54 years of age and seniors (over 65). Table 7 shows a comparison of the median age and the percentage of three age groups.

Table 3: Age (2000-2010)

Age Group Essex County

Age	2000	2010
Under 5 years	57,961	53,819
5 to 9 years	60,021	53,756
10 to 14 years	56,990	53,781
15 to 19 years	52,725	54,903
20 to 24 years	53,561	52,785
25 to 34 years	119,423	107,655
35 to 44 years	127,716	116,221
45 to 54 years	102,840	115,223
55 to 59 years	37,352	46,553
60 to 64 years	30,664	38,985
65 to 74 years	48,972	47,566
75 to 84 years	33,097	29,094
85 years and over	12,311	13,627
Median age (years)	34.7	36.4
Source: US Census Bureau		

D. Racial and Ethnic Composition

Housing needs and preferences are sometimes influenced by cultural practices. The nation's demographic profiles are becoming increasingly diverse in their racial and ethnic compositions. In 2010, at least three out of ten U.S. residents were non-White (non-Hispanic White).

There are 258,647 White Non Hispanic in Essex County or 32.9% of the population. The number of Black or African American Non Hispanic was 307,934 or 39.2% of the overall population. The Asian population was 41,833 or 5.3%. The number of Hispanics was 163,713 or 20.8% of the overall population. Native Americans made up .02% population or 1,579. An "Area of Concentration" for any racial group is a census tract that contains 10% or greater of the overall population percent in each respective census tract.

Table 4: Racial Composition

	2000	% of Total	2013	% of Total	Change 2000 -2013	Percentage Change 2000 -2013
White	352,859	44.5	336,779	42.9	-16,080	-1.60%
Black	327,324	41.2	317,439	40.4	-9,885	-0.80%
Hispanic	122,347	15.4	163,713	20.8	41,366	5.40%
Source: US Census Bureau						

Racial and Ethnic Concentrations

Patterns of racial and ethnic concentration are present within particular areas of the Essex County consortium. As summarized in Table 5, racial and ethnic composition varies considerably across

Municipalities. Essex Fells and North Caldwell had the smallest minority populations and Orange had the largest.

In the towns of Cedar Grove, Fairfield, Essex Fells and North Caldwell, the majority of the residents were White (non-Hispanic White). Belleville had the largest majority of Hispanic residents. Livingston had the highest proportion of Asian residents and Orange had the highest proportion of Black residents.

Areas with concentrations of minority residents may have different needs. A "concentration" is defined as a block group whose proportion of minority residents is greater than the overall Essex County average

Table 5: Racial and Ethnic Composition

City	Total Population	Non Hispanic White	Black or African American	Hispanic or Latino	American Indian or Alaska Native	Asian / Pacific Islander	Some Other Race	Two or More Races
Belleville	36,010	12,543	3,442	15,356	330	5,494	6,723	1,313
Caldwell	7,843	6,436	365	568	11	464	152	170
Cedar Grove	12,450	11,714	468	736	0	1,038	120	143
Essex Fells	2,115	1,932	6	48	0	80	4	56
Fairfield	7,491	6,979	224	180	0	89	77	19
Glen Ridge	7,561	6,265	489	502	28	397	234	187
Livingston	29,420	21,046	356	1,273	41	6,640	146	339
Maplewood	24,021	12,719	8,078	2,285	110	973	475	823
Millburn	20,128	15,317	429	1,236	60	3,115	332	372
Montclair	37,766	22,742	10,298	3,032	319	1,971	923	1,247
North Caldwell	6,307	5,687	2	336	34	282	75	18
Nutley	28,437	20,720	1,178	3,635	148	3,082	854	691
Orange	30,294	939	22,922	6,125	238	384	4,464	512
Roseland	5,813	4,703	111	544	15	440	57	89
South Orange	16,242	10,169	4,251	869	142	1,216	66	439
Verona	13,412	11,354	460	925	0	757	365	329
West Caldwell	10,795	9,257	167	589	0	829	40	133
West Orange	46,425	21,814	12,681	8,773	171	3,842	2,168	1,408
Essex County	785,853	258,647	334,590	163,713	6,945	43,098	71,065	28,135
Source: US Census Bureau 2009-2013 American Community Survey 5-Year Estimates								

Residential Segregation

Residential segregation refers to the degree to which population groups, self-defined by race and Hispanic Origin in Census Bureau surveys, live separately from one another. Segregation is complex, difficult to generalize, and is influenced by many factors. Individual choices can certainly be a cause of segregation. Many residents choose to live among people of their own race/ethnic group. This does not mean that they prefer ethnically homogeneous neighborhoods, but that they feel more comfortable where members of their group are commonly found. This attitude is typically more frequently found among recent immigrants, who often depend on nearby relatives, friends, and ethnic institutions to help them in their adjustment.

However, individual choices may be constrained by factors outside an individual's control. A large factor in residential segregation is related to housing market dynamics. Discrimination can also affect residential segregation. In Belleville where a large majority of the population is Hispanic, it is not mathematically possible to have "integrated" neighborhoods throughout each city.

The dissimilarity index is the most commonly used measure of segregation between two groups, reflecting their relative distributions across neighborhoods (as defined by census tracts). The index represents the percentage of the minority group that would have to move to new neighborhoods to achieve perfect integration of that group. An index score can range in value from 0%, indicating complete integration, to 100%, indicating complete segregation. An index number above 60 is considered high similarity and segregated. An index number of 40 to 50 is considered moderate segregation and values of 30 or below are considered low levels of segregation.

Table 6 presents the dissimilarity summary for the Newark-Union, Metropolitan Statistical Area. In 2010 segregation was highest between Whites with Blacks and White with Hispanics. Segregation levels between White and Black and White and Hispanic residents have decreased consistently since the 1980s. Segregation between White and Asian has had the opposite effect and has risen since 1980, although it has decreased since the 2005-09 ACS.

Table 6: Dissimilarity Index (2010)

Dissimilarity Index	1980	1990	2000	2005-09 ACS	2010
White/Black	82.8	82.7	80.4	79.4	78
White/Hispanic	67	67.1	65.1	62.9	62.6
White/Asian	30.9	31.4	35.7	40.3	35.6
Hispanic/Black	64.7	63	6.8	58.8	55.6
Hispanic/Asian	63.6	62.5	60.1	61.8	59.3
Source: Project US2010, http://www.s4.brown.edu/us2010/index.htm					

Linguistic Isolation

Language barrier can be an impediment to accessing housing of choice. According to 2009-2013 ACS estimates, approximately 24.75% of County residents were foreign born and 33.8% spoke a language other than English at home. Additionally, of all people living in Essex County 24.75% were foreign born. American born residents accounted for 75.25% of the population, including 53.5% who were born in New Jersey. Additionally, in 2009-13 ACS people at least five years old living in Essex County 66.2% spoke English only, 33.8% spoke a language other than English. However, speaking two languages in a household does not mean that the household is linguistically isolated; it means that possibly some members of the household are linguistically isolated.

The Census Bureau defined "linguistically isolated households" as "...one in which no member 14 years and over (1) speaks English or (2) speaks a non-English language and speaks English 'very well.' The ACS provides information on households with persons five years and over who speak English "less than very well" and also provides estimates of households that are linguistically isolated. In Essex County, 14.5% of residents indicated that they spoke English "less than very well," but only 7.5% of all residents can be considered linguistically isolated. Most of these residents were Spanish speakers.

Language barriers may prevent residents from accessing services, information, and housing, and may also affect educational attainment and employment. On August 11, 2000, President Clinton signed Executive

Order 13166, "Improving Access to Services by Persons with Limited English Proficiency". This requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to Limited English Proficiency (LEP), cannot fully and equally participate in or benefit from those programs and activities. This requirement passes down to grantees of federal funds as well. To the extent feasible, advertising for HUD-funded services and programs in the County has been made available in English and Spanish to ensure equal access to LEP persons for the implementation of services. The majority of the public service agencies funded each year also provide Spanish translation and are monitored for compliance.

2. Household Characteristics

A household is defined by the Census as all persons occupying a housing unit. Families are a subset of households and include all persons living together who are related by blood, marriage or adoption. Single households include persons living alone, but do not include persons in group quarters such as convalescent homes or dormitories. "Other" households are unrelated people living together, such as roommates. Household type and size, income level, the presence of persons with special needs, and other household characteristics may affect access to housing. This section details the various household characteristics that may affect equal access to housing.

A. Household Composition and Size

Different household types generally have different housing needs. Seniors or young adults tend to reside in apartment units, condominiums or smaller single-family homes. Families, meanwhile, often prefer single-family homes. Household size can be an indicator of changes in population or use of housing, and household composition and size are often two interrelated factors. An increase in household size can indicate a greater number of large families or a trend toward overcrowded housing units. A decrease in household size, on the other hand, may reflect a greater number of elderly or single-person households, or a decrease in family size.

According to the 2009-13 Census estimates there were 277,302 households in the County. The average household size was 2.76 people. Families made up 65.7% of the households in the County. This figure includes both married-couple families (38.78%) and other families (26.99%). Non-family households made up 34.22% of all households in the County. Most of the non-family households were people living alone, but some were comprised of people living in households in which no one was related to the householder.

Table 7: Household Growth (2009-2013)

	2000	2009	2010	2011	2012	2013	Percent Change 2000 - 2013
Households	283,736.00	278,722.00	277,426.00	276,441.00	277,453.00	277,302.00	-2%
Average Household Size	2.72	2.68	2.74	2.75	2.75	2.76	1%
Total Families	193,498.00	184,756.00	182,826.00	182,483.00	182,400.00	182,399.00	-6%
Average Family Size	3.30	3.34	3.41	3.42	3.43	3.42	4%
Source: US Census Bureau American Community Survey 5-Year Estimates							

According to the 2009-13 ACS, a majority (66%) of the households in Essex County were family households. Many of these family households (33%) include children under the age of 18. Families with children often face housing discrimination by landlords who fear that children will cause property damage, or the landlords have cultural biases against children of opposite sex sharing a bedroom. Approximately

one-third of households in the County included an elderly member and 20% of households were female-headed households with children.

The average size and composition of households are highly sensitive to the age structure of the population. But they also reflect social and economic changes. For example, economic downturns may prolong the time adult children live at home or result in multiple families and non-family members living together to lower housing costs. The average household size countywide in 2013 was 2.76 persons per household.

Table 8: Household Type and Size (2009-13)

Average Household Size	Households with Elderly	Families	Average Family Size	Families with Children	Female Headed-Households w/ Children
2.76	32.7%	65.8%	343.0%	33.0%	11.5%
Source: US Census Bureau American Community Survey 5-Year Estimates					

B. Special Needs Households

Certain households, because of their special characteristics and needs, may require special accommodations and may have difficulty finding housing due to special needs. Special needs groups include seniors, large households, families with children, single-parent households, persons with disabilities, persons with HIV/AIDS, homeless persons and persons at-risk of homelessness. The following section highlights particular characteristics that may affect access to housing in a community.

Seniors

Seniors (persons age 65 and above) are gradually becoming a more substantial segment of a community's population. According to the 2009-13 ACS, residents 65 and over made up 11.78% of the County population, compared to 11.52% in 2010. During this time period, the senior population grew at a rate slightly higher than that of the overall County. Americans are living longer and having fuller lives than ever before in our history and are expected to continue to do so. Elderly households are vulnerable to housing problems and housing discrimination due to limited income, prevalence of physical or mental disabilities, limited mobility, and high health care costs. The elderly, particularly those with disabilities, may face increased difficulty in finding housing accommodations and may become victims of housing discrimination or fraud. A senior on a fixed income can face great difficulty finding safe and affordable housing. Subsidized housing and federal housing assistance programs are increasingly challenging to secure and often involve a long waiting list.

According to the 2009-13 ACS, an estimated 32.7% of households in the County had at least one individual who was 65 years of age or older. Additionally, close to 20% of all residents were ages 65 and over.

Table 9: Senior Profile - Essex County (2009-2013)

	Percent of Population	Percent with a Disability	Percent of Families and People below the Poverty Level
Seniors	11.78%	37.10%	12.10%
All Residents	100%	11.40%	16.60%

Source: US Census Bureau American Community Survey 5-Year Estimates

In addition to affordable housing located near transportation, the housing needs of the elderly include supportive housing, such as intermediate care facilities, group homes, and other housing with a planned service component. According to the NJ Department of Health, there are 33 Long-Term Care Facilities, 15 adult day care facilities, 1 Residential Health Care Facility, 11 Assisted Living Residences and 3 Comprehensive Personal Care Homes. 61% of these facilities are located in towns within the Essex County, while the remaining 39% are located in the County's four entitlement communities.

Large Households

Large households are defined as those with five or more members. These households are usually families with two or more children or families with extended family members such as in-laws or grandparents. Large households often face discrimination in the housing market, particularly for rental housing. Property owners could be concerned with the potential for the increase wear and tear and liability issues related to large households, especially those with children. Housing discrimination against families with children can also be masked as overcrowding issues.

According to the 2009-13 ACS, approximately 10% of all households in Essex County had five or more members; specifically 12.19% of owner-households and 8.69% of renter-households in the County were considered to be large households. Large households report higher incidences of cost burden and housing problems. This is especially true for renter-households because multi-family rental units are typically smaller than single-family units.

In addition to space requirements, large households often face a significant cost burden for housing. Large, very low-income households will continue to be among the most impacted in terms of finding and maintaining affordable and appropriate housing.

Families with Children

Families with children often face housing discrimination by landlords who fear that children will cause property damage. Some landlords may also have cultural biases against children of the opposite sex sharing a bedroom. Differential treatments such as limiting the number of children in a complex or confining children to a specific location are also fair housing concerns.

Single-Parent Households

Single-parent families, particularly female-headed families with children, often require special consideration and assistance because of their greater need for affordable housing and accessible day care, health care, and other supportive services. Because of their relatively lower income and higher living expenses, female-headed families have comparatively limited opportunities for finding affordable and decent housing.

The 2009-13 ACS identified 11.5% of households in the County as female-headed households with children (Table 8). Female single-parent family households are disproportionately affected by poverty. The Census Bureau defines the poverty threshold, or poverty line, as the minimum level of resources that are adequate to meet basic needs. There is also a second measure of poverty, the Supplemental Poverty Measure (SPM). Every year since 2010, the Census Bureau has released a report describing the SPM. It extends the official measure of poverty by taking account of government benefits and necessary expenses (food, clothing, shelter and utilities) that are not in the official measure.

According to the 2009-2013 ACS, about 38% of female single parent family households in Essex County lived below the poverty level. Limited household income constrains the ability of these households to afford

adequate housing and childcare, health care, and other necessities. Finding adequate and affordable childcare is also pressing issue for many families with children and single-parent households in particular.

Persons with Disabilities

The Americans with Disabilities Act (ADA) defines a disability as a "physical or mental impairment that substantially limits one or more major life activities." Fair housing choice for persons with disabilities can be compromised based on the nature of their disability. Persons with physical disabilities may face discrimination in the housing market because of the use of wheelchairs, need for home modifications to improve accessibility, or other forms of assistance. Landlords/owners sometimes fear that a unit may sustain wheelchair damage or may refuse to exempt disabled tenants with service/guide animals from a no-pet policy.

A major barrier to housing for people with mental disabilities is opposition based on the stigma of mental disability. Landlords often refuse to rent to tenants with a history of mental illness. Neighbors may object when a house becomes a group home for persons with mental disabilities. While housing discrimination is not covered by the ADA, the Fair Housing Act prohibits housing discrimination against persons with disabilities, including persons with HIV/AIDS. In their 2015 Fair Housing Trends Report, the National Fair Housing Alliance indicated that disability complaints were the most prevalent type of housing discrimination complaints. The proportion of residents by age with a disability is presented in Table 10.

Table 10: Persons with Disabilities (2009-2013)

Disability by Age	Number
Under 5 years:	52,962
With a disability:	471
Income in the past 12-months below poverty level	258
Income in the past 12-months at or above poverty level	213
5 to 17 years:	137,724
With a disability:	8,574
Income in the past 12-months below poverty level	3,150
Income in the past 12-months at or above poverty level	5,424
18 to 34 years:	172,817
With a disability:	11,970
Income in the past 12-months below poverty level	3,224
Income in the past 12-months at or above poverty level	8,746
35 to 64 years:	314,545
With a disability:	41,843
Income in the past 12-months below poverty level	13,199
Income in the past 12-months at or above poverty level	28,644
65 to 74 years:	50,445
With a disability:	13,577

Income in the past 12-months below poverty level	2,700
Income in the past 12-months at or above poverty level	10,877
75 years and over:	40,196
With a disability:	20,954
Income in the past 12-months below poverty level	3,271
Income in the past 12-months at or above poverty level	17,683
Source: US Census Bureau American Community Survey 5-Year Estimates	

Special housing needs for persons with disabilities fall into two general categories: physical design to address mobility impairments and in-home social, educational, and medical support to address developmental and mental impairments. The U.S. Census Bureau classifies disabilities into the following categories:

- **Hearing difficulty**: Deaf or having serious difficulty hearing
- **Vision difficulty**: Blind or having serious difficulty seeing, even when wearing glasses
- **Cognitive difficulty:** Because of a physical, mental, or emotional problem, having difficulty remembering, concentrating, or making decisions
- **Ambulatory difficulty:** Having serious difficulty walking or climbing stairs
- **Self-care difficulty:** Having difficulty bathing or dressing
- **Independent living difficulty:** Because of a physical, mental, or emotional problem, having difficulty doing errands alone such as visiting a doctor's office or shopping

The Census and ACS do not document detailed disability characteristics for all populations and places within the County; therefore, estimates for disabled adults in Essex County are detailed in Table 11.

Table 11: Detailed Disability Profile - Essex County (2009-2013)

Total disabilities tallied:	276,125
Total disabilities tallied for people 5 to 15 years:	9,145
Sensory disability	1,138
Physical disability	1,457
Mental disability	4,972
Self-care disability	1,578
Total disabilities tallied for people 16 to 64 years:	192,449
Sensory disability	9,698
Physical disability	27,927
Mental disability	17,020
Self-care disability	10,398
Go-outside-home disability	50,152
Employment disability	77,254
Total disabilities tallied for people 65 years and over:	74,531
Sensory disability	10,472
Physical disability	24,784

Mental disability	9,703
Self-care disability	9,176
Go-outside-home disability	20,396
Source: US Census Bureau American Community Survey 5-Year Estimates	

According to the NJ Department of Health, there are 33 Long-Term Care Facilities, 15 adult day care facilities, 1 Residential Health Care Facility, 11 Assisted Living Residences and 3 Comprehensive Personal Care Homes. 61% of these facilities are located in towns within the Essex County, while the remaining 39% are located in the County's four entitlement communities.

Persons with Developmental Disabilities

As defined by federal law, "developmental disability" means a severe, chronic disability of an individual that:

- Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the individual attains age 22;
- Is likely to continue indefinitely;
- Results in substantial functional limitations in three or more of the following areas of major life activity: a) self-care; b) receptive and expressive language; c) learning; d) mobility; e) self-direction; f) capacity for independent living; or g) economic self- sufficiency; and
- Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

The Census does not record developmental disabilities. According to the U.S. Administration on Developmental Disabilities, an accepted estimate of the percentage of the population that can be defined as developmentally disabled is 1.5%. This equates to 11,787 persons in the County based on the 2009-13 ACS Census.

Housing Needs

There are several different housing needs of disabled persons. For those disabled with a developmental or mental disability, one of the most significant problems is securing affordable housing that meets their specialized needs. Housing needs can range from institutional care facilities to facilities that support partial or full independence such as group homes. Supportive services such as daily living skills and employment assistance need to be integrated into the housing situation also. The disabled person with a mobility limitation requires housing that is physically accessible. Examples of accessibility in housing include widened doorways and hallways, ramps leading to doorways, modifications to bathrooms and kitchens and special sensory devices such as smoke alarms, flashing lights, etc.

The location of housing and availability of transportation is also important because disabled people may require access to a variety of social and specialized services. Amendments to the Fair Housing Act, require ground-floor units of new multi-family construction with more than four units to be accessible to persons with disabilities. Older units, particularly in older multi-family structures, are very expensive to retrofit for disabled occupants because space is rarely available for elevator shafts, ramps, or widened doorways, etc. The site, parking areas, and walkways may also need modifications to install ramps and widen walkways and gates.

Persons with HIV/AIDS

Persons with HIV/AIDS face a wide array of barriers when seeking and maintaining affordable, stable housing. For persons living with HIV/AIDS, access to safe, affordable housing is as important to their general health and well-being as access to quality health care. For many, the persistent shortage of stable housing can be the primary barrier to consistent medical care and treatment. Despite federal and state anti-discrimination laws, many people face illegal eviction from their homes when their illness is exposed. Stigmatism associated with their illness and possible sexual orientation can add to the difficulty of obtaining and maintaining housing. The Fair Housing Amendments Act of 1988, which is primarily enforced by HUD, prohibits housing discrimination against persons with disabilities, including persons with HIV/AIDS.

Persons with HIV/AIDS require a broad range of services, including counseling, medical care, in home care, transportation, and food, in addition to stable housing. Today, persons with HIV/AIDS live longer and require longer provision of services and housing. Stable housing promotes improved health, sobriety, decreased drug abuse, and a return to paid employment and productive social activities resulting in an improved quality of life. Furthermore, stable housing is shown to be cost effective for the community in that it helps to decrease risk factors that can lead to HIV and AIDS transmission

The State of New Jersey Department of Health estimates that as of December 31, 2014, there were a total of 16,923 individuals living with AIDS in Essex County. An additional 6,538 persons in Essex County are believed to be infected with the HIV virus. Of these 79%, were Not Hispanic, Black or African American, 13% were Hispanic and 7% were Not Hispanic, White. Additionally, 37% were females and 63% were males. The most prevalent case was injection drug use at 38%, followed by heterosexual contact, 34%.

Homeless Persons

According to HUD, a person is considered homeless if they are not imprisoned and: 1) lack a fixed, regular, and adequate nighttime residence; 2) their primary nighttime residence is a publicly or privately operated shelter designed for temporary living arrangements, an institution that provides a temporary residence for individuals that should otherwise be institutionalized; or 3) a public or private place not designed for or ordinarily used as a regular sleeping accommodation.

Homeless persons often have a difficult time finding housing once they have moved from a transitional housing or other assistance program. Housing affordability for those who are or were formerly homeless is challenging from an economics standpoint, and this demographic group may encounter fair housing issues when landlords refuse to rent to formerly homeless persons.

New Jersey's annual Point-In-Time Count of the Homeless (PIT), provides data on homeless households in communities, including where they find shelter, what their needs are, and what factors contribute to making them homeless. The 2014 Count gives us details on demographics and other information about families and individuals who were homeless on the night of the count. It was carried out with the assistance of government agencies, community based organizations, and local volunteers.

The information assists communities with the allocation of housing resources and services in order to prevent and end homelessness. The PIT Count is the only opportunity throughout the year for most communities to take a comprehensive look at the total homeless population, and is especially crucial in assessing the needs of the unsheltered homeless.

Assessing a region's homeless population is difficult because of the transient nature of the population. On the night of the count a total of 1,276 households, including 1,655 persons, were experiencing homelessness in Essex County. A total of 174 adult individuals were identified as chronically homeless. 213 adult only households, with 223 persons were unsheltered on the night of the count.

Table 12: Homeless Population by Type (2014)

Type	2010	2011	2012	2013	2014
Unsheltered	219	87	169	164	223
Transitional Housing	515	481	411	409	547
Emergency Shelter	982	937	924	1073	879
Total	1716	1505	1504	1646	1649
Source: National Alliance to End Homelessness - Point in Time Survey					

Essex County had 12% of New Jersey's statewide homeless population in 2014. Many of these persons can became homeless because of social structural issues such as increases in rent, loss of job, and rising health care costs. In addition, personal experiences such as domestic violence, physical disabilities, mental illness, and substance abuse can cause members of a low-income household or an entire household to become homeless. Often, one or more of these experiences factor into a household's homeless experience.

3. Income Profile

Household income is the most important factor determining a household's ability to balance housing costs with other basic life necessities. Regular income is the means by which most individuals and families finance current consumption and make provision for the future through saving and investment. The level of cash income can be used as an indicator of the standard of living for most of the population. While economic factors that affect a household's housing choice are not a fair housing issue per se, the relationships among household income, household type, race/ethnicity, and other factors often create misconceptions and biases that raise fair housing concerns.

A. Median Household Income

According to the 2009-2013 ACS, Essex County households had a median income of $55,095. Table 13 displays median household income by jurisdiction. The towns of North Caldwell, Essex Fells and Millburn had the highest median household incomes and Orange and Belleville had the lowest median household incomes. Overall, family households reported higher median incomes compared to all households.

Table 13: Median Household Income (2009-2013)

City	Median Household Income
Belleville	65,488
Caldwell	73,438
Cedar Grove	96,092
Essex Fells	171,681
Fairfield	97,688
Glen Ridge	167,101
Livingston	134,177
Maplewood	113,837
Millburn	168,986
Montclair	96,503
North Caldwell	198,966
Nutley	84,711

Orange	35,455
Roseland	109,325
South Orange	122,459
Verona	100,217
West Caldwell	99,167
West Orange	87,516
Essex County	55,095
Source: US Census Bureau 2009-2013 American Community Survey 5-Year Estimates	

B. Income Distribution

HUD periodically receives "custom tabulations" of Census data from the U.S. Census Bureau that are largely not available through standard Census products. The most recent estimates are derived from the 2007-2011 ACS. These data, known as the "CHAS" data (Comprehensive Housing Affordability Strategy), demonstrate the extent of housing problems and housing needs, particularly for low-income households. The CHAS cross tabulates the Census data to reveal household income in a community in relation to the Area Median Income (AMI).

As defined by CHAS, housing problems include:

- Units with physical defects (lacking complete kitchen or bathroom);
- Overcrowded conditions (housing units with more than one person per room);
- Housing cost burden, including utilities, exceeding 30% of gross income; and
- Severe housing cost burden, including utilities, exceeding 50% of gross income.

HUD has also established the following income categories based on the Area Median Income (AMI) for the Metropolitan Statistical Area (MSA):

- Extremely-Low-Income (0-30% of AMI)
- Low-Income (31-50% of AMI)
- Moderate-Income (51-80% of AMI)
- Middle/Upper-Income (above 80% of AMI)

According to the CHAS data in Table 14, approximately 30% of Essex County households were within the extremely low-income and low-income categories, 18% were within the moderate-income category, and 52% were within the middle/upper income category. Of towns in the consortium, the proportion of households with extremely-low and low-incomes was highest in Orange and Belleville.

Table 14: Income Distribution (2007-2011)

	0 - 30% HAMFI	>30 - 50% HAMFI	>50 - 80% HAMFI	>80 - 100% HAMFI	>100% HAMFI
Total Households	13,625	12,610	15,755	11,720	86,060
Small Family Households	3,475	4,165	6,000	5,295	48,450
Large Family Households	635	867	1,517	708	8,700

Household contains at least one person 62 - 74 years of age	2,597	2,120	2,435	2,234	14,980
Household contains at least one person 75 or older	3,713	3,568	3,123	1,503	7,095
Households with one or more children 6 years old or younger	1,462	1,972	2,362	1,537	10,045
Source: Comprehensive Housing Affordability Strategy (CHAS)					

C. Household Income by Household Type

Household income often varies by household type. As shown in Table 15, elderly households comprised 25.6% of all households but 46.3% of all extremely low-income households.

Table 15: Housing Problems

	Renter					Owner				
	0 - 30% AMFI	>30 - 50% AMFI	>50 - 80% AMFI	>80 - 100% AMFI	TOTAL	0 - 30% AMFI	>30 - 50% AMFI	>50 - 80% AMFI	>80 - 100% AMFI	TOTAL
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	289	175	230	135	829	0	35	45	14	94
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	800	820	720	324	2,664	75	95	74	65	309
Overcrowded - With 1.01 -1.5 people per room (and none of the above problems)	144	260	323	45	772	4	0	100	44	148
Housing cost burden greater than 50% of income (and none of the above problems)	5,433	2,945	899	150	9,427	3,160	3,915	4,015	2,235	13,325
Housing cost burden greater than 30% of income (and none of the above problems)	980	2,248	3,530	1,224	7,982	94	1,134	2,609	2,024	5,861
Zero/negative Income (and none of the above problems)	1,074	0	0	0	1,074	363	0	0	0	363
Source: Comprehensive Housing Affordability Strategy (CHAS) and the ACS										

Income and Unemployment by Race/Ethnicity

Race/ethnicity can indicate housing need to the extent that different race/ethnic groups earn different incomes and experience differing rates of employment. Overall, certain groups had lower median household income and thus a greater percentage of low- and moderate-income households. More specifically, Black/African American residents experienced an increase in unemployment of 2.6% from 2010 to 2013. Additionally, the median household income was 51.5% of that earned by white residents. In regards to the County's Hispanic residents, they experienced a 1.9% increase in unemployment from 2010 to 2013 and the median household income was 49.9% of that earned by white residents.

Table 16: Unemployment and Median Household Income by Race/Ethnicity (2010-13)

Race	% Unemployed	Increase	Median

	2010	2013		Household Income
White	6.80%	8.40%	1.60%	75,032
Black / African American	14.00%	16.60%	2.60%	38,672
Asian	6.40%	7.50%	1.10%	91,855
American Indian / Alaskan Native	13.90%	16.40%	2.50%	0
Pacific Islander	10.50%	13.90%	3.40%	0
Some Other Race	9.70%	12.20%	2.50%	32,147
Two or more races	12.20%	14.00%	1.80%	32,029
Hispanic or Latino Origin	9.60%	11.70%	2.10%	37,444

Concentrations of Lower- and Moderate-Income Populations

Typically, HUD defines a LMI area as a Census tract or block group where over 51% of the population is LMI. However, certain communities are higher income, with few block groups qualifying as LMI using this definition. In Essex County, several municipalities have a significantly higher percentage of low to moderate-income residents. Within the Essex County Consortium, the City of Orange reports a median household income of $35,455 compared to the County average of $55,095. The City also has high concentrations of minority residents, with a population that is 73.5% African American and 21% Hispanic. Belleville, West Orange and Montclair contain concentrations of low to moderate-income residents. West Orange and Montclair report African American populations over 25% while Belleville reports an Hispanic population of 46%.

4. Housing Profile

A discussion of fair housing choice must be preceded by an assessment of the housing market being analyzed. This section provides an overview of the characteristics of the local and regional housing markets.

A. Housing Growth

The Essex County housing stock increased by .73% from 2010 to 2013 (Table 17). Among the 18 municipalities in the Essex County consortium, 13 experienced growth while the other 5 experienced a decrease. The cities with the greatest housing growth were Caldwell (21.93%), Fairfield (7.81%), and Glen Ridge (7.55%). The three Municipalities with the largest decrease in housing were North Caldwell (16.06%) and Cedar Grove (6.91%).

Table 17: Housing Growth (2000-2014)

Municipality	Housing Units		Difference
	2010	2013	
Belleville	13,911	13,897	-14
Caldwell	3,082	3,758	676
Cedar Grove	4,692	4,368	-324
Essex Fells	744	777	33
Fairfield	2,509	2,705	196
Glen Ridge	2,277	2,449	172
Livingston	9,471	9,960	489
Maplewood	8,494	8,524	30

Millburn	6,863	6,912	49
Montclair	15,513	15,379	-134
North Caldwell	2,460	2,065	-395
Nutley	11,550	11,832	282
Orange	12,917	13,448	531
Roseland	2,325	2,493	168
South Orange	5,563	5,741	178
Verona	5,374	5,515	141
West Caldwell	3,837	3,857	20
West Orange	17,168	16,899	-269
Essex County	311,738	313,138	1,400
Total	440,488	443,717	3,229
Source: US Census Bureau 2006-10 & 2009-13 ACS			

B. Housing Type

A region's housing stock is comprised of three categories: single-family dwelling units, multi-family dwelling units, and other types of units such as mobile homes. Single-family detached units comprise a substantial majority of the County's housing stock (55.43%) (Table 18). Correspondingly, the proportion of multi-family housing in the County is about 39.79% with mobile homes comprising the remaining .18% of the housing stock.

Table 18: Housing Stock Mix

Property Type	Number	Percent
1 unit detached structure	82,839	55.43%
1 unit detached structure	6,862	4.59%
2 - 4 Units	29,996	20.07%
5 - 19 Units	12,278	8.22%
20 or more units	17,195	11.51%
Mobile Home, boat, RV, van, etc	275	0.18%
TOTAL	149,445	100.00%
Source: US Census Bureau American Community Survey 5-Year Estimates		

C. Housing Condition

Assessing housing conditions in the County can provide the basis for developing policies and programs to maintain and preserve the quality of the housing stock. Housing age can indicate general housing conditions within a community. Housing is subject to gradual deterioration over time. Deteriorating housing can depress neighboring property values, discourage reinvestment, and eventually impact the quality of life in a neighborhood.

State and federal housing programs typically consider the age of a community's housing stock when estimating rehabilitation needs. In general, most homes begin to require major repairs or have significant rehabilitation needs at 30 or 40 years of age. In rental units, landlords may not complete needed maintenance or repairs requested by tenants as buildings begin to age. Furthermore, housing units

constructed prior to 1979 are more likely to contain lead-based paint. The County's housing stock is older with a majority of the housing units (81.57%) built before 1979.

The inventory of housing in Essex County is comprised primarily of older buildings that often require consistent maintenance. Table 19 presents data that suggests allow percentage of households are citing non-severe substandard conditions as an issue. It's unclear from the data as to how many households are reporting severe sub standard conditions as a housing problem. It's noted that the Orange Public Housing Authority identified the East Ward in Orange as an area with several abandoned and/or sub standard properties.

Table 19: Age of Housing Stock (2009-2013)

Year Built	Number	Percent
Built 2010 or later	876	0.32%
Built 2000 to 2009	20,463	7.38%
Built 1990 to 1999	13,688	4.94%
Built 1980 to 1989	16,080	5.80%
Built 1970 to 1979	25,188	9.08%
Built 1960 to 1969	34,505	12.44%
Built 1950 to 1959	46,855	16.90%
Built 1940 to 1949	38,024	13.71%
Built 1939 or earlier	81,643	29.44%
Source: US Census Bureau American Community Survey 5-Year Estimates		

Lead-Based Paint Hazard

According to the federal Centers for Disease Control (CDC), approximately 250,000 children aged one to five years in the United States have elevated levels of lead in their blood. High blood lead levels are a concern because they may be harmful to a child's developing organ systems such as the kidneys, brain, liver, and blood-forming tissues, potentially affecting a child's ability to learn. Very high blood lead levels can cause devastating health consequences, including seizures, coma, and even death. Children are much more vulnerable to lead poisoning than adults because they put many kinds of items into their mouths. In addition, their bodies absorb up to 40% of the lead with which they come into contact, as opposed to only 10% absorbed by adults. Lead can enter the body through breathing or ingestion. Several factors contribute to higher incidence of lead poisoning:

- All children under the age of six years old are at higher risk.
- Children living at or below the poverty line are at a higher risk.
- Children in older housing are at higher risk.
- Children of some racial and ethnic groups and those living in older housing are at disproportionately higher risk.

Housing age is the key variable used to estimate the number of housing units with lead-based paint (LBP). Starting in 1978, the federal government prohibited the use of LBP on residential property. Housing constructed prior to 1978, however, is at risk of containing LBP. According to the ACS, an estimated 89,951 units (representing 96% of the housing stock) in Essex County were constructed prior to 1980.

The potential for housing to contain LBP varies depending on the age of the housing unit. National studies estimate that 75% of all residential structures built prior to 1970 contain LBP. Housing built prior to 1940, however, is much more likely to contain LBP (estimated at 90% of housing units). About 62% of housing

units built between 1960 and 1979 are estimated to contain LBP. Table 20 estimates the number of housing units in Essex County estimated to contain lead based paint. It should be noted, however, that not all units with LBP present a hazard. Properties most at risk include structures with deteriorated paint, chewable paint surfaces, friction paint surfaces, and deteriorated units with leaky roofs and plumbing.

Table 20: Lead-Based Paint Estimates

Risk of Lead-Based-Paint Hazard	Owner Occupied		Renter Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	82,210	88%	38,911	84%
Housing Units build before 1980 with children present	1,937	2%	1,022	2%
Source: US Census Bureau American Community Survey 5-Year Estimates				

As of 2014, the New Jersey Department of Health Childhood Lead Poisoning Annual Report reported a total of 134 referrals in Essex County. Of these it was determined that investigation were required in 85 cases and abatement was required in 22 cases. The respective percentages were 60 and 55 as detailed in Table 21.

Table 21: Environmental Case Activity

County	Cases Referred	Investigation Required	Investigation Completed	% Investigation Completed	Abatement Required	Abatement Completed	% Abatement Completed
Essex	134	85	51	60%	22	12	55%
Source: NJ Department of Health, Child Lead Poisoning in NJ Annual Report							

D. Tenure and Vacancy

Housing tenure describes the arrangement by which a household occupies a housing unit; that is, whether a housing unit is owner-occupied or renter-occupied. A person may face different fair housing issues in the rental housing market versus in the for-sale housing market. Residential stability is also influenced by tenure with ownership housing evidencing a much lower turnover rate than rental housing. Tenure preferences are primarily related to household income, composition, and age of the householder. Communities need to have an adequate supply of units available both for rent and for sale in order to accommodate a range of households with varying incomes, family sizes, composition, life styles, etc. Table 22 summarizes the tenure and vacancy characteristics of the County's households. Essex County showed a higher proportion of renter-occupied housing (54%) than owner-occupied housing (46%).

Table 22: Housing Tenure and Vacancy (2009-2013)

	Percent Owner Occupied	Percent Renter Occupied	Vacancy Rate
Essex County	127,297	150,005	4.87%
Source: US Census Bureau American Community Survey			

A certain number of vacant units are needed to moderate the cost of housing, allow sufficient choice for residents and provide an incentive for unit upkeep and repair. Vacancy rates are generally higher among rental properties, as rental units have greater attrition than owner occupied units. A healthy vacancy rate is considered to be 2 to 3% for ownership units and 5 to 6% for rental units. Low vacancy rates can indicate a heightened likelihood of housing discrimination as the number of home buyers increases while the number of available units remains relatively constant. Managers and sellers are then able to choose occupants

based on possible biases because the applicant pool is large. The vacancy rate for the County is within these ranges, indicating adequate housing options and mobility for residents.

A substantial income and housing disparity exists between owner- and renter-households. Table 23 indicates that Essex County renters are more likely to be lower- and moderate income and are more likely to experience housing problems such as cost-burden and substandard housing conditions.

Table 23: Tenure by Income

Tenure	Percent of All Households	% Units Affordable to Low Income Households	Percent with Housing Problems	Average Household Size
Renters	54%	7,930	45%	2.46
Owners	46%	2,409	41%	2.95
Source: US Census Bureau American Community Survey				

5. Housing Cost and Affordability

One of the most important factors in evaluating a community's housing market is the cost of housing and, even more significant, whether the housing is affordable to households who live there or would like to live there. Housing problems directly relate to the cost of housing in a community. If housing costs are relatively high in comparison to household income, a correspondingly high prevalence of housing cost burden and overcrowding occurs. This section evaluates the affordability of the housing stock in the County to lower- and moderate income households.

A. Ownership Housing Costs

As indicated in Table 23, there are 7,930 units of housing affordable to renters and 2,409 affordable for owners. This is based upon the need to keep housing costs below 30% of the household income. The cost of homeownership varies within Essex County depending on the community. For example, according to the New Jersey Realtors Association the median sales price in 2014 ranged from $426,250 for a single family home to $278,900 for a condo/townhome. Median sales prices in the County have increased steadily, but changes in the median price for homes also varied depending on the community.

Table 24 displays median home prices in Essex County for the period ending December 31, 2014. For 2014, the median sales price for single family homes in Essex County was $426,250, an increase of about 1.5% from 2013.

Table 24: Home Sales in Essex County

Year	Median Sales Price Single Family Home	Median Sales Price Condo/Townhome	Median Sales Adult Community
2013	420,000	260,000	514,950
2014	426,250	278,900	525,000
% Change	1.50%	7.30%	2.00%

Source: NJ Realtors Association

B. Rental Housing Costs

While rentals costs in Essex County may be more affordable than ownership costs in some areas, overall apartment rents have been increasing. The 2009-13 ACS reflected a countywide rental vacancy rate of 9.6%, higher than the national average of 5%. The Essex County median rent in dollars was $1,055, an increase of $17 from the prior year's ACS. As with home prices, rental rates in the County vary by community.

Table 25: Gross Rent by Amount

Amount	2008-12		2009-13	
	Estimate	%	Estimate	%
Less than $200	4,257	2.90%	4,157	2.80%
$200 to $299	7,456	5.10%	7,554	5.20%
$300 to $499	7,083	4.80%	6,981	4.80%
$500 to $749	13,928	9.50%	13,616	9.30%
$750 to $999	35,410	24.20%	33,444	22.80%
$1,000 to $1,499	55,727	38.10%	56,848	38.80%
$1,500 or more	22,568	15.40%	24,076	16.40%
No rent paid	2,907	0.00%	3,329	0.00%
Total	149,336	100.00%	150,005	100.00%
Median (dollars)	$1,038		$1,055	
Source: US Census Bureau American Community Survey				

Table 26: Gross Rent as a Percentage of Household Income (GRAPI)

Amount	2008-12 ACS		2009-13 ACS	
	Estimate	%	Estimate	%
Less than 15.0%	15,608	10.90%	15,047	10.50%
15.0 to 19.9%	15,457	10.80%	15,527	10.90%
20.0 to 24.9%	16,130	11.30%	16,220	11.30%
25.0 to 29.9%	16,771	11.80%	16,480	11.50%
30.0 to 34.9%	13,323	9.30%	13,373	9.40%
35.0% or more	65,314	45.80%	66,368	46.40%
Not computed	6,733	0.00%	6,990	0.00%
Total	149,336	100.00%	150,005	100.00%
Source: US Census Bureau American Community Survey				

C. Housing Affordability

Housing affordability can be estimated by comparing the cost of renting or owning a home in a community with the maximum affordable housing costs for households at different income levels. Taken together, this

information can generally show who can afford what size and type of housing and indicate the type of households most likely to experience overcrowding and overpayment.

HUD conducts annual household income surveys to determine a household's eligibility for federal housing assistance. Households in the lower end of each category can afford less by comparison than those at the upper end. Table 27 shows the annual household income by household size and the maximum affordable housing payment based on the standard of 30 to 35% of household income. General cost assumptions for utilities, taxes, and property insurance are also shown.

Table 27: Affordable Housing Costs

Household Size	Annual Income	Affordable Costs (All Costs)		Estimated Utility Allowance		Tax and Insurance	Affordable Prices	
		Rental Costs	Ownership Costs	Renters	Owners		Renters	Owners
1-person households	$27,929	$698	$698	$257	$2,933	$140	$4,413	$106,368
2-person households	$60,072	$1,502	$1,502	$553	$6,308	$300	$9,491	$228,784
3-person households	$68,323	$1,708	$1,708	$629	$7,174	$342	$10,795	$260,208
4-person households	$90,194	$2,255	$2,255	$830	$9,470	$451	$14,251	$343,504
5-person households	$89,795	$2,245	$2,245	$826	$9,428	$449	$14,188	$341,984
6-person households	$87,192	$2,180	$2,180	$802	$9,155	$436	$13,776	$332,071
7-or-more-person households	$81,497	$2,037	$2,037	$750	$8,557	$407	$12,877	$310,381
Source: US Census Bureau American Community Survey								

Homeownership is therefore out of reach for most lower-and moderate-income households when you factor in the calculations in Table 27 and the median County household income of $55,095. Even in the jurisdiction with the lowest median home price homeownership is out of reach for most lower-income households. Given the high costs of homeownership in the County, lower-income households are usually confined to rental housing but the affordability problem also persists in the rental market. The situation is exacerbated for large households with lower- and moderate-incomes given the limited supply of large units, and for seniors with their fixed incomes. When the housing market is tight, with high demand, low vacancies, and rising costs, the potential for discriminatory housing practices also increases.

6. Housing Issues

A. Cost Burden

According to the federal government, any housing condition where a household spends more than 30% of income on housing is considered cost-burdened. A cost burden of 30 to 50% is considered moderate; payment in excess of 50% of income is considered a severe cost burden. Cost burden is an important housing issue because paying too much for housing leaves less money available for basics such as food and living expenses as well as for emergency expenditures.

Over 58% of households experiencing a cost burden are witnessing more that 50% of their income go towards housing (Table 28). A higher proportion of owner-occupied households experienced cost burden compared with renter-occupied households. Housing costs remain relatively high for new home owners and renters. Additionally, many lower income households compensate with larger-than-average household sizes that include several working adults who, collectively, can manage a mortgage or rent payment.

Table 28: Cost Burden

	Renter					Owner				
	0 - 30% AMFI	>30 - 50% AMFI	>50 - 80% AMFI	>80 - 100% AMFI	TOTAL	0 - 30% AMFI	>30 - 50% AMFI	>50 - 80% AMFI	>80 - 100% AMFI	TOTAL
Housing cost burden greater than 50% of income (and none of the above problems)	5,433	2,945	899	150	9,427	3,160	3,915	4,015	2,235	13,325
Housing cost burden greater than 30% of income (and none of the above problems)	980	2,248	3,530	1,224	7,982	94	1,134	2,609	2,024	5,861
Zero/negative Income (and none of the above problems)	1,074	0	0	0	1,074	363	0	0	0	363
Source: Comprehensive Housing Affordability Strategy (CHAS) and the ACS										

B. Overcrowding

Some households may not be able to accommodate high cost burdens for housing, but may instead accept smaller housing or reside with other individuals or families in the same home. Potential fair housing issues emerge if non-traditional households are discouraged or denied housing due to a perception of overcrowding.

Household overcrowding is reflective of various living situations: (1) a family lives in a home that is too small; (2) a family chooses to house extended family members; (3) infants or small children compared to adults, and/or (4) if unrelated individuals or families are doubling up to afford housing. However, cultural differences also contribute to the overcrowded conditions since some cultures tend to have larger household size than others due to the preference of living with extended family members or the number of children in the household. Not only is overcrowding a potential fair housing concern, it can strain physical facilities and the delivery of public services, reduce the quality of the physical environment, contribute to a shortage of parking, and accelerate the deterioration of homes. As a result, some landlords or apartment managers may be more hesitant to rent to larger families, thus making access to adequate housing even more difficult.

Approximately 5% of all households in Essex County are overcrowded and 2.4% are severely overcrowded. The prevalence of overcrowding varies among Municipalities, however, overcrowding is significantly more prevalent among renter-households than owner-households (Tables 29 and 30).

Table 29: Overcrowding

	Occupied Housing Units	Owner-occupied Housing Units	Renter-occupied Housing Units
1.00 or less occupants per room	95.10%	98.40%	92.20%
1.01 to 1.50 occupants per room	2.50%	0.90%	3.90%

1.51 or more occupants per room	2.40%	0.70%	3.90%
Source: US Census Bureau American Community Survey			

Table 30: Overcrowded Households

	Renter					Owner				
	0 - 30% AMFI	>30 - 50% AMFI	>50 - 80% AMFI	>80 - 100% AMFI	TOTAL	0 - 30% AMFI	>30 - 50% AMFI	>50 - 80% AMFI	>80 - 100% AMFI	TOTAL
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	800	820	720	324	2,664	75	95	74	65	309
Overcrowded - With 1,01 - 1.5 people per room (and none of the above problems)	144	260	323	45	772	4	0	100	44	148
Source: Comprehensive Housing Affordability Strategy (CHAS) and the ACS										

7. Assisted Housing

The availability and location of public and assisted housing may be a fair housing concern. If such housing is concentrated in one area of a community or of a region, a household seeking affordable housing is limited to choices within the area. In addition, public/assisted housing and Housing Choice Voucher (formerly Section 8) assistance should be accessible to qualified households regardless of race/ethnicity, disability, or other protected class status.

A. Housing Choice Vouchers and Public Housing

Most of the nation's affordable housing stock is in privately owned and operated developments subsidized by the federal government. The Housing Choice Voucher program (formerly Section 8) is a rent subsidy program that helps low-income families and seniors pay rents of private units. Tenants pay a minimum of 30% of their income for rent and the local housing authority pays the difference up to the payment standard established by housing authority. The program offers low-income households the opportunity to obtain affordable, privately owned rental housing and to increase their housing choices. The housing authority establishes payment standards based on HUD-established Fair Market Rents. The owner's asking price must be supported by comparable rents in the area. Any amount in the excess of the payment standard is paid by the program participant. There are currently four Housing Authorities that administer the Housing Choice Voucher Program within the Essex County CDBG HOME consortium and one that provides both public housing and Housing Choice Vouchers. They are as follows:

- **The West Orange Public Housing Agency,** administers Housing Choice Voucher Program only. This agency currently has a baseline of 120 housing choice vouchers and a waiting list of approximately 50 - 100 families. The agency also administers approximately 15 - 20 housing choice vouchers from other agencies through portability procedures.

- **The Township of Bloomfield Housing Authority** provides Housing Choice Vouchers for 260 units of scattered site housing. The HA also will provide information on several affordable senior housing developments, some with units accessible for persons with disabilities.

- **The Orange Housing Authority** administers both a public housing and Section 8 housing voucher program. The housing authority owns and manages 3 projects which contain 390 affordable rental units. It also administers 741 Section 8 housing vouchers. There are approximately 600 families on the city's wait list for Section 8 assistance and there were over 7,000 applications when his agency advertised the availability of 200 affordable housing slots.

- **The Montclair Housing Authority** administers a Section 8 housing voucher program. The housing authority administers 321 Section 8 housing vouchers. The Section 8 Housing Choice Voucher program waiting list is currently closed

There are three additional Essex County cities that have Housing Authorities, but are not a part of the Essex County CDBG Consortium They are, the City of East Orange, the City of Irvington and the City of Newark. In total Countywide, there are 111 properties and 13,087 units funded through the Housing Choice Voucher Program.

Table 31 provides a breakdown of the County's Federally assisted affordable rental housing stock by program type.

Table 31: Public Housing by Program Type

Program	Properties	Units
Section 8	111	13,087
LIHTC	97	5,680
Section 202	16	1,462
Section 811	18	94
Public Housing	56	9,462
Total	225	19,562
Note: The total does not necessarily equal the sum of each program as some properties may participate in multiple funding programs.		

B. Assisted and Public Housing Projects

As in typical urban environments throughout the country, areas designated for high density housing in the County are usually adjacent to areas designated for commercial and industrial uses. Lower and moderate-income households tend to live in high density areas where the lower land costs per unit can result in lower development costs and associated lower housing payments. Therefore, the location of public/assisted housing is partly the result of economic feasibility.

Most of the County's federally assisted units are located outside of the Essex County CDBG Consortium. In fact, 83.07% are located in the Cities of Newark (66.16%), East Orange (14.3%) and Irvington (2.61%). Countywide, the average number of units per property for affordable rentals is 86.90. The largest Federally assisted affordable rental community in the county is New Community Corporation at 754 units and the smallest is South Orange Consumer Home at 3 units. There are 16 properties that provide housing for seniors totaling 1,462 units. Table 32 contains a list of the federally assisted projects and the number of units in Essex County, by Municipality.

Table 32: Federally Assisted Projects by Municipality

City	Properties	Units
Belleville	1	7

Bloomfield	3	253
Caldwell	1	159
Cedar Grove	1	150
East Orange	29	2,819
Glen Ridge	1	3
Irvington	8	515
Livingston	1	5
Maplewood	4	123
Montclair	7	503
Newark	137	13,044
Nutley	3	210
Orange	19	1,264
South Orange	3	72
Verona	2	162
West Caldwell	2	11
West Orange	5	417
Source: Affordable Housing Online		

8. Licensed Community Care Facilities

Persons with special needs, such as the elderly and those with disabilities, must also have access to housing in a community. Community care facilities provide a supportive housing environment to persons with special needs in a group situation. Restrictions that prevent this type of housing represent a fair housing concern.

According to the NJ Department of Health, there are 33 Long-Term Care Facilities, 15 adult day care facilities, 1 Residential Health Care Facility, 11 Assisted Living Residences and 3 Comprehensive Personal Care Homes. 61% of these facilities are located in towns within the Essex County, while the remaining 39% are located in the County's four entitlement communities.

Table 33: Licensed Community Care Facilities by Jurisdiction

Facility	Municipality	Type	Funding
Clara Maass Transitional Care Unit	Belleville	Long Term Care Facility	Medicaid, Private
Job Haines Home For Aged People	Bloomfield	Long Term Care Facility	Medicaid, Medicare, Private
Job Haines Home For Aged People/Hearthside Commons	Bloomfield	Assisted Living Residence	Private
St. Catherine Of Siena	Caldwell	Long Term Care Facility	Medicaid, Medicare, Private
Alaris Health at Cedar Grove	Cedar Grove	Long Term Care Facility	Medicaid, Medicare, Private
Arbor Glen Center	Cedar Grove	Long Term Care Facility	Medicaid, Medicare, Private
The Canterbury At Cedar Grove Care and Rehabilitation	Cedar Grove	Long Term Care Facility	Medicaid, Medicare, Private
St. Vincent's Nursing Home	Cedar Grove	Long Term Care Facility	Medicaid, Medicare, Private
Waterview Center	Cedar Grove	Long Term Care Facility	Medicaid, Medicare, Private
Brookhaven Health Care Center	East Orange	Long Term Care Facility	Medicaid, Medicare, Private
New Grove Manor	East Orange	Long Term Care Facility	Medicaid, Medicare, Private
Park Crescent Healthcare & Rehabilitation Center	East Orange	Long Term Care Facility	Medicaid, Medicare, Private
Windsor Gardens Care Center	East Orange	Long Term Care Facility	Medicaid, Medicare, Private
Sunrise Assisted Living at West Essex	Fairfield	Assisted Living Residence	Medicaid, Private
Alaris Health at Essex	Irvington	Long Term Care Facility	Medicaid, Medicare, Private

Care One At Livingston	Livingston	Long Term Care Facility	Medicaid, Medicare, Private
Care One At Livingston Assisted Living	Livingston	Assisted Living Residence	Private
Care One At Livingston Assisted Living	Livingston	Assisted Living Residence	Medicaid, Private
Inglemoor Rehabilitation and Care Center of Livingston	Livingston	Long Term Care Facility	Medicaid, Medicare, Private
Winchester Gardens	Maplewood	Assisted Living Residence	Medicaid, Private
Gates Manor	Montclair	Long Term Care Facility	Medicaid, Medicare, Private
Hackensack-UMC Mountainside	Montclair	Long Term Care Facility	Medicaid, Private
Little Nursing Home	Montclair	Long Term Care Facility	Private
Van Dyk Manor of Montclair	Montclair	Long Term Care Facility	Medicaid, Medicare, Private
Broadway House for Continuing Care	Newark	Long Term Care Facility	Medicaid, Medicare, Private
Forest Hill Healthcare Center	Newark	Long Term Care Facility	Medicaid, Medicare, Private
New Community Extended Care Facility	Newark	Long Term Care Facility	Medicaid, Medicare, Private
New Vista Nursing and Rehabilitation Center	Newark	Long Term Care Facility	Medicaid, Medicare, Private
Sinai Post Acute Nursing and Rehab Center	Newark	Long Term Care Facility	Medicaid, Medicare, Private
Alaris Health at St. Mary's	Orange	Long Term Care Facility	Medicaid, Medicare, Private
White House Healthcare & Rehabilitation Center	Orange	Long Term Care Facility	Medicaid, Medicare, Private
The Solana Roseland	Roseland	Assisted Living Residence	Private
Lutheran Social Ministries At Crane's Mill	West Caldwell	Assisted Living Residence	Medicare, Private
Lutheran Social Ministries at Crane's Mill	West Caldwell	Long Term Care Facility	Medicare, Private
West Caldwell Care Center	West Caldwell	Long Term Care Facility	Medicaid, Medicare, Private
Alaris Health at West Orange	West Orange	Long Term Care Facility	Medicaid, Medicare, Private
Arden Courts of West Orange	West Orange	Assisted Living Residence	Private
Brighton Gardens of West Orange	West Orange	Assisted Living Residence	Private
The Cliffs At Eagle Rock	West Orange	Assisted Living Residence	Medicaid, Private
Daughters of Israel Pleasant Valley Home	West Orange	Long Term Care Facility	Medicaid, Medicare, Private
Emeritus at West Orange	West Orange	Assisted Living Residence	Medicaid, Private
Green Hill	West Orange	Residential Health Care	Private
Stratford Manor Rehabilitation and Care Center	West Orange	Long Term Care Facility	Medicaid, Medicare, Private
Summit Ridge Center	West Orange	Long Term Care Facility	Medicaid, Medicare, Private
Source: NJ Department of Health			

9. Accessibility to Public Transportation and Services

Public transportation information is important to the analysis of impediments to fair housing because access to public transportation is of great importance to low income households. Public transportation should be able to link low-income persons, who are often transportation dependent, with major employers where job opportunities exist. Access to employment through public transportation can reduce welfare usage rates and increase housing mobility, which enables residents to locate housing outside of traditionally low and moderate-income areas. The lack of a relationship between public transportation, employment opportunities, and affordable housing may impede fair housing choice because persons who depend on public transportation will have limited choices regarding places to live. In addition, elderly and disabled persons also often rely on public transportation to visit doctors, go shopping, or attend community activities. Public transportation that provides a link between job opportunities, public services, and affordable housing helps to ensure that transportation-dependent residents have adequate opportunity to access housing, services, and jobs.

A. Public Transportation

Bus and rail transportation services in Essex County are provided by several transportation operators. There are a number of public and private transportation services operate in Essex County, in addition to one major airport. These systems developed organically over time with most primarily serving local residents within city boundaries. As with other forms of transportation in Essex County, services are funded by a mix of federal, state, and local funds.

Generally within the County of Essex, major employers are located directly on or adjacent to public transportation routes. However, having regional access to jobs by means of public transportation does not necessarily translate into stable employment. Low-income workers, especially female heads of household with children, have unique travel patterns that may prevent them from obtaining work far from home, regardless of access to public transportation. Women in general are disproportionately responsible for household-supporting activities such as trips to grocery stores or to accompany young children to and from schools. Women using public transportation are often limited to looking for employment near home that will allow them time to complete these household-sustaining trips.

Table 34 provides a list of the public transportation providers in Essex County along with a brief description of the services they provide.

Table 34: Public Transportation Providers

NIA (Newark Liberty International Airport)	Newark Liberty International Airport is an international airport which straddles the municipal boundary between Newark and Elizabeth, New Jersey. The airport is owned by the city of Newark and operated by the Port Authority of New York and New Jersey. Newark Airport was the first major airport in the United States and is the New York-New Jersey metropolitan area's busiest in terms of flights. In 2014 Newark Airport handled 35.6 million passengers. Newark is the third-largest hub for United Airlines, which is the airport's largest tenant.
PATH (Port Authority Trans-Hudson)	The Port Authority Trans-Hudson Corporation (PATH) was established in 1962 as a subsidiary of The Port Authority of New York and New Jersey. The heavy rail rapid transportation system serves as the primary transportation link between Manhattan and neighboring New Jersey urban communities and suburban commuter railroads. PATH presently carries 244,000 passenger trips each weekday. This volume is expected to continue to increase with the anticipated growth in regional residential, commercial, and business development.
DBL (DeCamp Bus Lines)	The bus fleet operates 24 hours a day, 365 days a year and make over two hundred trips per day between points in northern New Jersey and the Port Authority Bus Terminal in Manhattan.
NJT (New Jersey Transit Corporation)	NJ Transit (NJT) is NJ's public transportation corporation. Covering a service area of 5,325 square miles, NJT is the nation's third largest provider of bus, rail and light rail transportation, linking major points in NJ, NY and Philadelphia. The agency operates a fleet of 2,027 buses, 711 trains and 45 light rail vehicles. On 236 bus routes and 12 rail lines statewide, NJT provides nearly 223 million passenger trips each year. NJT also administers several publicly funded transit programs for people with disabilities, senior citizens and people living in the state's rural areas who have no other means of transportation. In addition, the agency provides support and equipment to privately-owned contract bus carriers. NJT also offers the Access Link Program, which provides transportation for the disabled and is made available to those citizens that are specifically prevented from using the bus system due to their disability.
ONE Bus (Orange-Newark-Elizabeth Bus)	ONE / Independent Bus has a long history of providing quality public transportation in New Jersey. We are a major local bus operator in the Newark metropolitan area, with routes serving The Oranges, Newark, and Elizabeth.

Table 35 provides a list of some of the local transportation programs provided by various municipalities with the Essex County consortium, along with a brief description of the services they provide. The general purpose of these programs is to ease the local commute to mass transportation centers.

Table 35: Local Transportation Service Providers

Jurisdiction	Service
Bloomfield	The Bloomfield Shuttle Bus picks up commuters and transports them to the newly renovated Bloomfield Station located on Lackawanna Place. The new Bloomfield Station is a stop on NJ Transit's Montclair-Boonton Line which enables commuters a direct trip to many destinations such as Hoboken and New York. The Township also offers a Dial-A Ride Program for residents 60 years and older. Eligible residents are picked up in front of their homes and driven anywhere in Essex County. Rides are primarily for medical purposes but if the schedule allows we can set up rides to the beauty parlor/barbershop, library and even visits to grave sites. Approximately 75 people a week have been taking advantage of the this service.
Fairfield	The Fairfield - West Caldwell Shuttle is a free service and serves people who work along Route 46 at companies such as Bowne & Co., R&R Marketing and West Caldwell Care Center in the townships of Fairfield and West Caldwell. This shuttle is funded by Essex County and NJ Transit. The shuttle operates from 6 a.m. to 9 a.m. weekday mornings and from 3 p.m. to 7 p.m., weekday afternoons. Riders take NJ Transit Bus #29 or #71 to the stop at the intersection of Bloomfield and Passaic Avenue.
Glen Ridge	The Borough of Glen Ridge, in conjunction with NJ Transit, provides a Jitney Service that transports commuters to the Ridgewood Avenue Train Station. The shuttle buses make stops throughout the Borough.
Livingston	The Jitney travels from the Livingston Mall parking lot to the South Orange train station.
Maplewood	The Township of Maplewood Jitney Service transports commuters from and to the Maplewood Train Station. The Jitney Service run Monday through Friday (except municipal holidays), on a fixed route.
Montclair	The Shuttle Bus provides transportation for Montclair residents in the area of the bus route from the Bay Street Station.
Nutley	The Nutley "Jitney" will provide access to Delawanna Station, located in Clifton. This service will be available Monday through Friday.
South Orange	Jitney service to the South Orange Train Station for commuters to and from NYC and Hoboken
West Caldwell	The Fairfield - West Caldwell Shuttle is a free service and serves people who work along Route 46 at companies such as Bowne & Co., R&R Marketing and West Caldwell Care Center in the townships of Fairfield and West Caldwell. This shuttle is funded by Essex County and NJ Transit. The shuttle operates from 6 a.m. to 9 a.m. weekday mornings and from 3 p.m. to 7 p.m., weekday afternoons. Riders take NJ Transit Bus #29 or #71 to the stop at the intersection of Bloomfield and Passaic Avenue.
West Orange	West Orange provides free jitney service to the Midtown-Direct train line, which brings riders straight to New York's Penn Station. The town also provides the free jitney service to Orange Station and South Orange Station.
Essex County	In cooperation with Essex County and NJ Transit, EZ Ride operates the Essex Night Owl, which provides free shuttle service between Newark Penn Station and residents' homes in Newark, Orange, East Orange and Irvington. Service operates between 1 a.m. and 5 a.m., seven days a week. The Essex Night Owl shuttle is funded by Essex County and NJ Transit.
Essex County	This free Essex County WAVE Shuttle service is funded by Essex County and NJ Transit. The shuttles operate using Essex County vehicles and provide service for low-income residents to several agencies in the Greater Newark Area that provide work training and work assistance. WAVE Shuttles operate along six different routes Monday through Friday from 7:40 a.m. to 4:35 p.m.

B. Industry

A review of the County's top employers reveals the diversity of industry and employment in Essex County. Jobs are predominantly in the education and health care service industries followed by the professional, scientific and management services. These jobs tend to require advanced education, which could be a

barrier to those of low income who may not have the same opportunities to attend post secondary schools as those of the moderate income population. Table 36 provide a breakdown of Industry by Occupation for the Civilian Employed 16 Years Old and Over. Most of the County's major employers are accessible via public transportation. The mean transportation time to work for County residents is 32.4 minutes and 61.9% drove to work alone.

Table 36: Industry by Occupation for the Civilian Employed 16 Years Old and Over

Description	Total
Agriculture, forestry, fishing and hunting, and mining:	280
Wholesale trade	9,319
Information	9,948
Public administration	15,365
Other services, except public administration	18,433
Construction	20,501
Transportation and warehousing, and utilities:	24,101
Manufacturing	24,372
Arts, entertainment, and recreation, and accommodation and food services:	26,612
Finance and insurance, and real estate and rental and leasing:	28,354
Retail trade	36,770
Professional, scientific, and management, and administrative and waste management services:	43,127
Educational services, and health care and social assistance:	91,004
Total:	348,186
Source: US Census Bureau American Community Survey	

C. Affordable Housing and Public Transportation

Limited access to public transportation counteract some of the benefits of affordable housing. Current research indicates a strong connection between housing and transportation costs. In general, those with lower incomes and must expend a larger portion of their disposable incomes on housing costs tend to be more reliant on public transportation. A study conducted by The Center for Housing Policy revealed that families who spend more than half of their income on housing spend only 8% on transportation, while families who spend 30% or less of their income on housing spend almost 24% on transportation. This equates to more than three times the amount spent than those in less affordable housing.

Many affordable housing projects are located along regional transportation routes. However, many of the larger employers in the County, particularly those in the industrial parks are not easily accessible by public transportation. Therefore, residents living along transportation routes may still have difficulty getting to entry level jobs.

D. ADA-Compliant Public Facilities

The Americans with Disabilities Act (ADA) of 1990 is federal civil rights legislation which makes it illegal to discriminate against persons with disabilities. Title II of the ADA requires elimination of discrimination in all public services and the elimination of architectural barriers in all publicly owned buildings and facilities.

It is important that public facilities are ADA-compliant to facilitate participation among disabled residents in the community planning and decision-making processes. One of the key places that facilitate community participation is the local or County government buildings. As funding permits, the County and the

participating municipalities continue to make ADA improvements to other public facilities, including but not limited to sidewalks and curb cuts.

E. Public Schools

Essex County is comprised of 21municipal school districts, a countywide vocational system as well as numerous charter schools. The Essex County Executive County Superintendent of Schools supervises and administers the day-to-day functions of the County Office of Education as a representative of the State Commissioner of Education. The County Superintendent provides educational leadership to and general over-sight of the County's public school districts pursuant to law and code. In the role of educational leader, the County Superintendent encourages and advances the public schools' efforts towards implementing high quality and cost-effective school/classroom programs.

As part of President Johnson's "War on Poverty," the Elementary and Secondary Education Act (ESEA) was passed in 1965. It is often regarded as the most far-reaching federal legislation affecting education. The act is an extensive statute that funds primary and secondary education, while emphasizing equal access to education and establishing high standards and accountability. A major component of ESEA is a series of programs typically referred to as "Title 1." These programs distribute funding to schools and school districts with a high percentage of students from low-income families. To qualify as a Title 1 school, a school typically must have around 40% or more of its students coming from families who are low-income. The programs also give priority to schools that are in obvious needs of funds, low-achieving schools, and schools that demonstrate a commitment to improving their education standards and test scores. While there are Title 1 schools in most municipalities there is a noticeable concentration in areas with minority concentrations. These areas generally correlate with the low and moderate-income areas.

In Essex County, 14 school districts receive Title 1 funding, encompassing 154 individual schools.

Chapter IV – Mortgage Lending Practices

A key aspect of fair housing choice is equal access to credit for the purchase or improvement of a home, particularly in light of the current lending/credit crisis. This chapter reviews the lending practices of financial institutions and the access to financing for all households, particularly minority households and those with lower incomes. Lending patterns in low and moderate income neighborhoods and areas of minority concentration are also examined. However, publicly available data on lending does not contain detailed information to make conclusive statements of discrimination, but can only point out potential concerns. Furthermore, except for outreach and education efforts, the County's ability to influence lending practices is limited. Such practices are largely governed by national policies and regulations.

1. Background

Discriminatory practices in home mortgage lending have evolved in the last fifty years. In the 1940s and 1950s, racial discrimination in mortgage lending was easy to spot. From government-sponsored racial covenants to the redlining practices of private mortgage lenders and financial institutions, minorities were denied access to home mortgages in ways that severely limited their ability to purchase a home. Today, discriminatory lending practices are more subtle and tend to take different forms. While mortgage loans are readily available in low income minority communities, by employing high-pressure sales practices and deceptive tactics, some mortgage brokers push minority borrowers into higher-cost subprime mortgages that are not well suited to their needs and can lead to financial ruin. Consequently, minority consumers continue to have less than equal access to loans at the best price and on the best terms that their credit history, income, and other individual financial considerations merit.

A. Legislative Protection

In the past, financial institutions did not always employ fair lending practices. Credit market distortions and other activities such as "redlining" were prevalent and prevented some groups from having equal access to credit. The Community Reinvestment Act (CRA) in 1977 and the subsequent Home Mortgage Disclosure Act were designed to improve access to credit for all members of the community and hold the lender industry responsible for community lending.

Community Reinvestment Act and Home Mortgage Disclosure Act

The Community Reinvestment Act (CRA) is intended to encourage regulated financial institutions to help meet the credit needs of entire communities, including low and moderate income neighborhoods. Depending on the type of institution and total assets, a lender may be examined by the Federal Reserve Board (FRB), Federal Financial Institutions Examination Council (FFIEC), Federal Deposit Insurance Corporation (FDIC), and Office of the Comptroller of the Currency (OCC) to ensure its CRA performance. However, the CRA rating is an overall rating for an institution and does not provide insights regarding the lending performance at specific locations by the institution.

Home Mortgage Disclosure Act

In tandem with the CRA, the Home Mortgage Disclosure Act (HDMA) requires lending institutions to make annual public disclosures of their home mortgage lending activity. Under HMDA, lenders are required to disclose information on the disposition of home loan applications and on the race or national origin, gender, and annual income of loan applicants.

HMDA data provide some insight into the lending patterns that exist within a community. However, HMDA data are only an indicator of potential problems; the data cannot be used to conclude definitively that

redlining or discrimination is occurring due to the lack of detailed information on loan terms or specific reasons for denial.

Conventional versus Government-Backed Financing

Conventional financing involves market-rate loans provided by private lending institutions such as banks, mortgage companies, savings and loans, and thrift institutions. To assist lower and moderate income households that may have difficulty in obtaining home mortgage financing in the private market due to income and equity issues, several government agencies offer loan products that have below market rate interests and are insured by the agencies. Sources of government-backed financing include loans insured by the Federal Housing Administration (FHA) and the Department of Veterans Affairs (VA). Often government-backed loans are offered to the consumers through private lending institutions. Local programs such as first-time homebuyer and rehabilitation programs are not subject to HMDA reporting requirements.

Typically, low income households have a much better chance of getting a government assisted loan than a conventional loan. However, the pre-2009 lending market offered subprime loan options such as 0% down, interest-only, and adjustable loans. As a result, government-backed loans were a less attractive option for many households then. In recent years, however, heightened lending restrictions were put into place to severely limit the issuance of risky sub-prime loans. In addition, the federal government created a government-insured foreclosure avoidance initiative in September 2007, FHASecure, to assist tens of thousands of borrowers nationwide in refinancing their sub-prime home loans.

Expanded marketing to assist potential homeowners to understand the requirements and benefits of these loans still remains a priority.

Making Home Affordable Program

Established in 2009, the Making Home Affordable Program, assists eligible homeowners who can no longer afford their home with mortgage loan modifications and other options, including short sale or deed-in-lieu of foreclosure. The program is targeted toward homeowners facing foreclosure and homeowners who are unemployed or are homeowners who owe more on their mortgage than their home is worth. The Making Home Affordable Program includes several options for homeowners in need of assistance:

- The Home Affordable Modification Program (HAMP) reduces a homeowner's monthly mortgage payment to 31% of their verified gross (pre-tax) income to make their payments more affordable.
- The Second Lien Modification Program (2MP) offers homeowners a way to lower payments on their second mortgage.
- The Home Affordable Refinance Program (HARP) assists homeowners whose mortgages are current and held by the Federal National Mortgage Association (Fannie Mae) or the Federal Home Loan Mortgage Corporation (Freddie Mac) refinance into a more affordable mortgage.
- An Unemployment Program provides eligible homeowners a forbearance period during which their monthly mortgage payments are reduced or suspended while they seek re-employment. The minimum forbearance period is three months, although a mortgage servicer may extend the term depending on applicable investor and regulatory guidelines.
- The Principal Reduction Program offers homeowners who are underwater the opportunity to earn principal reductions over a three-year period by successfully making payments in accordance with their modified loan terms.
- For homeowners who can no longer afford their homes, but do not want to go into foreclosure, the Home Affordable Foreclosure Alternatives Program (HAFA) offers homeowners, their mortgage servicers, and investors incentives for completing a short sale or deed-in-lieu of foreclosure. HAFA enables homeowners to transition to more affordable housing while being released from their

mortgage debt. The program also includes a component where a homeowner receives financial assistance to help with relocation costs in return for vacating their property in good condition.

Helping Families Save Their Homes Act

The Helping Families Save Their Homes Act was passed by Congress in May 2009 and expands the Making Home Affordable Program. This Act includes provisions to make mortgage assistance and foreclosure prevention services more accessible to homeowners and increases protections for renters living in foreclosed homes. It also establishes the right of a homeowner to know who owns their mortgage and provides over two billion dollars in funds to address homelessness.

The Act targets underwater borrowers by easing restrictions on refinance and requiring principal write-downs to help these homeowners increase the equity in their homes. The new law also provides FHA loans as part of the Making Homes Affordable Program. In addition to expanding the Making Homes Affordable Program, the Act extends the temporary increase in deposit insurance, increases the borrowing authority of the FDIC and National Credit Union Administration (NCUA), and creates a Stabilization Fund to address problems in the corporate credit union sector.

Under this bill, tenants also have the right to stay in their homes after foreclosure for 90 days or through the term of their lease. Prior to this bill, tenants were only guaranteed 60 days of notice before eviction and any current lease was considered terminated in the event of a foreclosure. This Act extends the 60-day notification period to 90 days and requires banks to honor any existing lease on a property in foreclosure.

Fraud Enforcement and Recovery Act

The Fraud Enforcement and Recovery Act (FERA) enhances the enforcement of federal fraud laws by strengthening the capacity of federal prosecutors and regulators to hold accountable those who have committed fraud. FERA amends the definition of a financial institution to include private mortgage brokers and non-bank lenders that are not directly regulated or insured by the federal government, making them liable under federal bank fraud criminal statutes. The new law also makes it illegal to make a materially false statement or to willfully overvalue a property in order to manipulate the mortgage lending business. In addition, FERA includes provisions to protect funds expended under Troubled Asset Relief Program (TARP) and the FERA and amends the Federal securities statutes to cover fraud schemes involving commodity futures and options. Additional funds were also made available under FERA to a number of enforcement agencies in order to investigate and prosecute fraud.

The NJ HomeKeeper Program

The HomeKeeper Program is designed to offer financial assistance to New Jersey homeowners who were in danger of losing their homes as a direct result of unemployment or underemployment. The program offers up to $48,000 in forgivable mortgage assistance is funded through a federal grant from the US Treasury's Hardest Hit Fund

The New Jersey Home Ownership Security Act

The New Jersey Home Ownership Security Act, which became law in 2003, is designed to stop predatory lending practices and keep homeowners from unfairly losing their homes and assets. Amendments enacted in July 2004 confirmed the law's central provisions which provide homeowners with strong protections from predatory lenders while ensuring access to credit.

2. Overall Lending Patterns

Data and Methodology

The availability of financing affects a person's ability to purchase or improve a home. Under the HMDA, lending institutions are required to disclose information on the disposition of loan applications by the income, gender, and race of the applicants. This applies to all loan applications for home purchases, improvements, and refinancing, whether financed at market rate or with government assistance.

Aside from income, the major impediment to securing a home loan is insufficient understanding of the home buying and lending processes. About 13% of all applications countywide were withdrawn by the applicants or deemed incomplete by the financial institution in 2013. Withdrawn or closed applications can be indicative of a lack of knowledge about the home buying and lending process.

A. Home Purchase Loans

In 2013, a total of 10,988 households applied for conventional loans to purchase homes in Essex County. The approval rate countywide in 2013 for conventional home purchase loans was 69.6%, while the denial rate was 11.51%. When the housing market began to show signs of collapse and foreclosures were on the rise in 2007, many financial institutions instituted stricter approval criteria for potential borrowers, which caused approval rates to drop. However, as time passed, the applicant pool for mortgage lending became smaller and increasingly selective. Applicants from recent years have generally been in much better shape financially than pre-2010 applicants, which has led to increased approval rates.

As an alternative to conventional home loans, potential homeowners can choose to apply for government-backed home purchase loans when buying their homes. In a conventional loan, the lender takes on the risk of losing money in the event a borrower defaults on a mortgage. For government-backed loans, the loan is insured, either completely or partially, by the government. The government does not provide the loan itself, but instead promises to repay some or all of the money in the event a borrower defaults. This reduces the risk for the lender when making a loan. Government-backed loans generally have more lenient credit score requirements, lower down-payment requirements, and are available to those with recent bankruptcies. However, these loans may also carry higher interest rates and most require homebuyers to purchase mortgage insurance. Furthermore, government-backed loans have strict limits on the amount a homebuyer can borrow for the purchase of a home. In competitive and high-end housing markets, many of the homes available for purchase exceed the maximum allowable loan amount.

B. Home Improvement Loans

Reinvestment in the form of home improvement is critical to maintaining the supply of safe and adequate housing. Historically, home improvement loan applications have a higher rate of denial when compared to home purchase loans. Part of the reason is that an applicant's debt-to-income ratio may exceed underwriting criteria when the first mortgage is considered with consumer credit balances. Another reason is that many lenders use the home improvement category to report both second mortgages and equity-based lines of credit, even if the applicant's intent is to do something other than improve the home. Loans that will not be used to improve the home are viewed less favorably since the owner is divesting in the property by withdrawing accumulated wealth. From a lender's point of view, the reduction in owner's equity represents a higher risk.

C. Refinancing

Homebuyers will often refinance existing home loans for a number of reasons. Refinancing can allow homebuyers to take advantage of better interest rates, consolidate multiple debts into one loan, reduce monthly payments, alter risk (i.e. by switching from variable rate to fixed rate loans), or free up cash and capital.

3. Lending Patterns by Race/Ethnicity and Income Level

The federal Fair Housing Act prohibits discrimination in mortgage lending based on race, color, national origin, religion, sex, familial status or handicap (disability). It is, therefore, important to look not just at overall approval and denial rates for a jurisdiction, but also whether or not these rates vary by other factors, such as race/ethnicity.

A. Loan Applicant Representation

In a perfect environment, the applicant pool for mortgage lending should be reflective of the demographics of a community. When one racial/ethnic group is overrepresented or underrepresented in the total applicant pool, it could be an indicator of unequal access to housing opportunities. Such a finding may be a sign that access to mortgage lending is not equal for all individuals.

B. Income Level

In addition to looking at whether access to lending is equal, it is important to analyze lending outcomes for any signs of potential discrimination by race/ethnicity. Approval rates for loans tend to increase as household income increases; however, lending outcomes should not vary significantly by race/ethnicity among applicants of the same income level.

White applicants at all income levels generally had the highest approval rates. Similarly high approval rates were recorded for Asian applicants. Approval rates for Black and Hispanic applicants, however, were well below the approval rates for White and Asian applicants in the same income groups in 2013. More specifically, Black applicants consistently had the lowest approval rates compared to other racial/ethnic groups in the same income groups.

While this analysis provides a more in-depth look at lending patterns, it does not conclusively explain any of the discrepancies observed. Aside from income, many other factors can contribute to the availability of financing, including credit history, the availability and amount of a down payment, and knowledge of the home buying process. HMDA data does not provide insight into these other factors.

4. Sub-Prime Lending Market

According to the Federal Reserve, "prime" mortgages are offered to persons with excellent credit and employment history and income adequate to support the loan amount. "Subprime" loans are loans to borrowers who have less-than-perfect credit history, poor employment history, or other factors such as limited income. By providing loans to those who do not meet the standards for borrowers in the prime market, subprime lending can and does serve a critical role in increasing levels of homeownership. Households that are interested in buying a home but have credit issues may be unable to purchase a home. The subprime loan market offers these borrowers opportunities to obtain loans that they would be unable to realize in the prime loan market.

Subprime lenders generally offer interest rates that are higher than those in the prime market and often lack the regulatory oversight required for prime lenders because they are not owned by regulated financial institutions. Recently, many large and well-known banks became involved in the subprime market either through acquisitions of other firms or by initiating subprime loans directly. Though the subprime market usually follows the same guiding principles as the prime market, a number of specific risk factors are associated with this market. Subprime lending generally has the following characteristics:

- **Higher Risk**: Lenders experience higher loan defaults and losses by subprime borrowers than by prime borrowers.
- **Lower Loan Amounts**: On average, loans in the subprime mortgage market are smaller than loans in the prime market.

- **Higher Costs to Originate**: Subprime loans may be more costly to originate than prime loans since they often require additional review of credit history, a higher rate of rejected or withdrawn applications and fixed costs such as appraisals, that represent a higher percentage of a smaller loan.
- **Faster Prepayments**: Subprime mortgages tend to be prepaid at a much faster rate than prime mortgages.
- **Higher Fees**: Subprime loans tend to have significantly higher fees due to the factors listed above.

Subprime lending can both impede and extend fair housing choice. On one hand, subprime loans extend credit to borrowers who potentially could not otherwise finance housing. The increased access to credit by previously underserved consumers and communities contributed to record high levels of homeownership among minorities and lower income groups. On the other hand, these loans left many lower income and minority borrowers exposed to default and foreclosure risk. Since foreclosures destabilize neighborhoods and subprime borrowers are often from lower income and minority areas, mounting evidence suggests that classes protected by fair housing faced the brunt of the recent subprime and mortgage lending market collapse.

Since 2008, not only has there been a decline in the number of subprime loans issued, there has also been a decrease in the magnitude of interest rate spread reported on these loans. An interest rate spread refers to the difference between two related interest rates. For HMDA data, spread specifically refers to the difference between the annual percentage rate (APR) for a loan and the yield on a comparable-maturity Treasury security. Generally, the higher the reported spread on a loan, the worse that loan is compared to a standard prime loan. There was no identifiable difference in the reported magnitude of spread for subprime loans by race/ethnicity of the applicant.

5. Predatory Lending

With an active housing market, potential predatory lending practices by financial institutions do occur. Predatory lending involves abusive loan practices usually targeting minority applicants or those with less-than-perfect credit histories. The predatory practices typically include higher fees, hidden costs, and unnecessary insurance and larger repayments due in later years. One of the most common predatory lending practices is placing borrowers into higher interest rate loans than called for by their credit status. Although the borrowers may be eligible for a loan in the "prime" market, they are directed into more expensive and higher fee loans in the "subprime" market. In other cases, fraudulent appraisal data is used to mislead homebuyers into purchasing over-valued homes, and/or misrepresented financial data is used to encourage homebuyers into assuming a larger loan than can be afforded. Both cases almost inevitably result in foreclosure.

In recent years, predatory lending has also penetrated the home improvement financing market. Seniors and minority homeowners are typically the targets of this type of lending. In general, home improvement financing is more difficult to obtain than home purchase financing. Many homeowners have a debt-to-income ratio that is too high to qualify for home improvement loans in the prime market and become targets of predatory lending in the subprime market.

Predatory lending is a growing fair housing issue. Predatory lenders who discriminate get some scrutiny under the Fair Housing Act of 1968 which requires equal treatment in terms and conditions of housing opportunities and credit regardless of race, religion, color, national origin, family status, or disability. This applies to loan originators as well as the secondary market. The Equal Credit Opportunity Act of 1972 requires equal treatment in loan terms and availability of credit for all of the above categories, as well as age, sex, and marital status.

Lenders that engage in predatory lending would violate these Acts if they target minority or elderly households to buy at higher prices and unequal loan products, treat loans for protected classes differently than those of comparably credit-worthy White applicants, or have policies or practices that have a disproportionate effect on the protected classes.

The State of New Jersey has enacted additional measures designed to stem the tide of predatory lending practices. Known as the New Jersey Homeowners Security Act, the law was signed and took effect in 2003 provided a mechanism to investigate and hold liable those involved in fraudulent real estate transactions.

Predatory lending and unsound investment practices, central to the current home foreclosure crisis, led to a credit crunch that spread well beyond the housing market and impacted the cost of credit for local government borrowing and local property tax revenues. In response, the U.S. House of Representatives passed legislation H.R.3915 in 2007, which would prohibit certain predatory lending practices and make it easier for consumers to renegotiate predatory mortgage loans. The U.S. Senate introduced similar legislation in late 2007 (S.2454). The Mortgage Reform and Anti-Predatory Lending Act (H.R.1728) was passed in the House in May 2009 and amends the Truth in Lending Act to specify duty of care standards for originators of residential mortgages. The law also prescribed minimum standards for residential mortgage loans and directs HUD to establish a grants program to provide legal assistance to lower and moderate income homeowners and tenants and prohibits specified practices, including:

- Certain prepayment penalties;
- Single premium credit insurance;
- Mandatory arbitration (except reverse mortgages);
- Mortgage loan provisions that waive a statutory cause of action by the consumer; and
- Mortgages with negative amortization.

In addition to anti-predatory lending laws, the Mortgage Forgiveness Debt Relief Act was enacted in 2007 and allows for the exclusion of income realized as a result of modification of the terms of a mortgage or foreclosure on a taxpayer's principal residence.

While subprime lending cannot in and of itself be described as "predatory," studies have shown a high incidence of predatory lending in the subprime market. Unlike in the prime lending market, overly high approval rates in the subprime market is a potential cause for concern when the target clients are considered high risk. High approval rates may indicate aggressive lending practices.

6. Purchased Loans

Secondary mortgage marketing is the term used for pricing, buying, selling and trading residential mortgages. The secondary market is an informal process of different financial institutions buying and selling home mortgages. The secondary market exists to provide a venue for lending institutions to raise the capital required to make additional loans.

A. History

In the 1960s, as interest rates became unstable, housing starts declined and the nation faced capital shortages as many States, including New Jersey, had more demand for mortgage credit than the lenders could fund. The need for new sources of capital promoted Congress to reorganize the Federal National Mortgage Association (FNMA) into two entities: a private corporation (today's FNMA) and a government agency, the Government National Mortgage Association (GNMA). In 1970, Congress charted the Federal Home Loan Mortgage Corporation (FHLMC) to purchase conventional loans. Both FHLMC and FNMA have

the same goals: to increase the liquidity of the mortgage market and make homeownership more widely available to the average citizen. The two organizations work to standardize the documentation, underwriting and financing of home loans nationwide. They purchase loans from originators, hold them and issue their own debt to replenish the cash. They are, essentially, very large savings and loan organizations. These two organizations set the standards for the purchase of home loans by private lenders in the U.S.

B. Fair Housing Concerns

During the peak of the housing market, the practice of selling mortgage loans by the originators to other lenders and investors was rampant. Predatory lending was popular, with lenders utilizing liberal underwriting criteria or falsified documents to push loan sales to people who could not afford the loans. The originating lenders were able to minimize their financial risk by immediately selling the loans to other lenders or investors on the secondary market.

7. Foreclosures

Foreclosure occurs when homeowners fall behind on one or more scheduled mortgage payments but not without following certain specified procedures. In New Jersey the lender must go to court in order to repossess your home. The NJ Fair Foreclosure Act provides the rules that lenders must follow before and during foreclosure.

According to the Federal Reserve Bank of NY, 5.8% of the County's mortgaged properties are delinquent compared to 4.2% for NJ. Essex County has the third highest rate of delinquencies in the State. Additionally, 11.3% of the County's outstanding mortgages were in foreclosure. This ranks number 1 in the State amongst counties. The National percentage is 2.5% and NJ as a whole is 7%.

Chapter V - Public Policies

Public policies established at the County and local levels can affect housing development and therefore, may have an impact on the range and location of housing choices available to residents. Fair housing laws are designed to encourage an inclusive living environment and active community participation.

An assessment of public policies and practices enacted within the County can help determine potential impediments to fair housing opportunity. This section presents an overview of government regulations, policies, and practices enacted in the County that may impact fair housing choice.

1. Policies and Programs Affecting Housing Development

NJ is a strong "home rule" state, which means that NJ laws provide broad powers to municipalities to protect public health, safety and welfare through local planning and ordinances. The New Jersey Municipal Land Use Law (MLUL) defines the responsibilities of the local Planning and Zoning Boards, and provide municipalities the right to zone and enact ordinances if a current Master Plan is prepared.

A. Master Plan

The Master Plan, which may be prepared, adopted or amended by local Planning Boards, is written to guide land use within a municipality and should protect public health and safety and promote the general welfare. The Master Plan comprises a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1), (2) and, where appropriate, the elements (3) through (16), listed below:

1. A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based.
2. Land Use Plan Element, detailed below
3. Housing Plan Element, detailed below
4. Circulation Plan Element
5. Utility Service Plan Element
6. Community Facilities Plan Element
7. Recreation Plan Element
8. Conservation Plan Element
9. Economic Plan Element
10. Historic Preservation Plan Element
11. Appendices
12. Recycling Plan Element
13. Farmland Preservation Plan Element,
14. Development Transfer Plan Element
15. Education Facilities Plan Element
16. Green Buildings and Environmental Sustainability Plan Element

The master plan also should include a specific policy statement relating to the relationship of the Master Plan to:

a. Master Plans of contiguous Municipalities
b. Master Plan of the County in which the Municipality is located
c. State Development and Redevelopment Plan adopted pursuant to the "State Planning Act,"
d. District Solid Waste Management Plan of the County in which the Municipality is located.

This has a direct impact on the local housing market in terms of the amount and range of housing choice.

B. Land Use Plan Element

The Land Use Plan element establishes long-range goals for land use in terms of types of land uses and densities throughout a municipality. The Land Use Plan serves as the basis for the zoning ordinance, which in accordance with the MLUL, should be substantially consistent with an adopted Land Use Plan.

According to the MLUL 40:55D-28b.(2) the land use plan element should (a) take into account the statement of objectives, principles, policies and standards and the other Master Plan elements as well as natural conditions, including, but not necessarily limited to topography, soil conditions, water supply, drainage, floodplain areas, marshes, and woodlands, (b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance; and (c) showing the existing and proposed location of any airports and the boundaries of any airport hazard areas and (d) including a statement of the standards of population density and development intensity recommended for the municipality.

C. Housing Element

As one of the State-mandated elements of the local Master Plan, municipalities must adopt a housing element that addresses the municipal present and prospective housing need, with particular attention to low and moderate income housing. The law acknowledges that for the private market to adequately address housing needs and demand, local governments must adopt land use plans and have in place regulatory systems that provide opportunities for and do not unduly constrain housing development. Specifically, the Housing Element must:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
- A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next 10 years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing; and
- A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

D. Zoning Ordinance

Planning and zoning in New Jersey are regulated on the local level, with municipalities responsible for adopting zoning regulations. Development standards and permitted uses are specified to govern the density, type, and design of different land uses for the protection of public health, safety, and welfare. More specifically, a zoning ordinance provides what may be built in each municipality and includes but is not limited to the following:

- Permitted uses (including conditional uses – such as a place of worship in a residential zone)
- Permitted lot size and dimensions
- Allowable building area
- Allowable building height
- Required yard setbacks (the distances that a building must be situated away from a lot line)
- Parking requirements

The Fair Housing Act does not pre-empt local zoning laws. However, it does apply to municipalities and other local government entities and prohibits them from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities.

Another way that discrimination in zoning may occur is when a seemingly mundane ordinance causes disproportional harm, to a protected group. Land use policies such as density or design requirements that make residential development prohibitively expensive, limitations on multi-family housing, or a household occupancy standard may be considered discriminatory if it can be proven that these policies have a disproportionate impact on minorities, families with children, or people with disabilities.

2. Building, Health and Safety Codes

A. Building Codes

The Department of Community Affairs is responsible for the adoption of the Uniform Construction Code of the State of New Jersey (UCC). The UCC is the standard that is to be followed for the issuance of construction permits in every municipality in the state.

The UCC, N.J.A.C. 5:23-1 et seq. provides administrative rules to be followed, adopts and amends other model codes for technical standards for building, electrical, plumbing and other types of permits. It also establishes the criteria for licensing of code officials and inspectors, as well as rules for creating local enforcing agencies (often thought of as building departments).

B. Residential Site Improvement Standards

The Residential Site Improvement Standards establish requirements for improvements made in connection with residential development. This includes streets and parking, water supply, sanitary sewers and storm water management. The Site Improvement Advisory Board, a board created in but not of the Dept. of Community Affairs, is charged by statute with performing an annual review of the Residential Site Improvement Standards to determine whether changes are warranted.

C. Occupancy Standards

Disputes over occupancy standards are typical tenant/landlord and fair housing issues. Families with children and large households are often discriminated in the housing market, particularly in the rental housing market, because landlords are reluctant to rent to such households. Establishing a strict occupancy standard either by a municipality or landlord on a rental agreements may be a violation of fair housing practices.

Chapter 28 of the NJ Housing Code establishes standards in determining the fitness of a building for human habitation, use, or occupancy. The rules governing the use and occupancy of space are as follows:

- Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the base of total habitable room area.
- Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
- At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling is less than five feet shall not be considered as part of the floor area in computing the total floor area in the room for the purpose of determining the maximum permissible occupancy thereof.
- A room located in whole or in part below the level of the ground may be used for sleeping provided that the walls and floors thereof in contact with the earth have been damp-proofed in accordance with a method approved by the Administrative Authority; and provided that all requirements otherwise applicable to habitable rooms generally are satisfied.

Other issues such as lack of parking, gender of the children occupying one bedroom, should not be factors considered by the landlord when renting to a household.

3. Affordable Housing Development

In general, many minority and special needs households are disproportionately affected by a lack of adequate and affordable housing. While affordability issues are not directly fair housing issues, expanding access to housing choices for these groups cannot ignore the affordability factor. If rent restricted or low cost housing is concentrated in certain geographic locations, access to housing by lower income and minority groups is limited and can therefore be an indirect impediment to fair housing choice.

Additionally, various permit and development fees charged by local government results in increased housing costs and can be a barrier to the development of affordable housing. Other policies and programs, such as inclusionary housing and growth management programs, can either facilitate or inhibit the production of affordable housing. These issues are examined in the subsections below.

A. Location of Affordable Housing

Essex County has a large inventory of affordable housing units. The distribution of these units, however, is uneven throughout the County, with dense clusters of affordable housing located near the cities. About 70% of the County's affordable housing stock is concentrated in just four cities – Newark, East Orange, Irvington and Orange.

B. Development Fees

Housing construction imposes certain short- and long-term costs upon municipalities, such as the cost of planning services and inspections. As a result, Essex County municipalities rely upon fees to recoup costs and ensure that essential services and infrastructure are available when needed. Municipalities can also charge a variety of impact fees to offset the cost of providing infrastructure and public facilities that are required to serve new development.

4. Policies Causing Displacement or Affect Housing Choice of Minorities and Persons with Disabilities

Local government policies could result in displacement or affect representation of minorities for the disabled.

A. Redevelopment Agencies

Until recently, redevelopment activity facilitated by policies and programs implemented by redevelopment agencies could have impacted protected classes either through direct displacement or by limiting housing options in redevelopment project areas. Redevelopment can be used as a tool to remove blighted conditions, provide economic opportunities, create housing for lower- and moderate-income residents, renovate or replace deteriorated or dilapidated structures, develop vacant infill and under-used properties, and provide public infrastructure and other improvements to support private investment in deteriorated areas of Essex County. Implementation of redevelopment plans provides a means for increasing housing choices for lower and moderate-income residents and those with special needs.

B. Reasonable Accommodation

Under State and federal law, local governments are required to "reasonably accommodate" housing for persons with disabilities when exercising planning and zoning powers. Municipalities must grant variances and zoning changes if necessary to make new construction or rehabilitation of housing for persons with disabilities feasible, but are not required to fundamentally alter their Zoning Ordinance. The failure to allow for reasonable accommodations in policies to allow persons with disabilities to live in the community will violate the Fair Housing Act regardless of whether or not there is discriminatory intent. Although most local governments are aware of State and federal requirements to allow reasonable accommodations, if specific policies or procedures are not adopted by a municipality, residents with disabilities may be unintentionally displaced or discriminated against.

A municipality's definition of a disabled person can be considered an impediment to fair housing if it is not consistent with the definition of disability provided under the Fair Housing Act. The Act defines disabled person as "those individuals with mental or physical impairments that substantially limit one or more major life activities."

5. Local Housing Authorities

In the Essex County consortium, the HUD Housing Choice Voucher program is administered by four different local housing authorities, only one of which also oversee a public housing program. The Orange Housing Authority provides Housing Choice Vouchers and owns and manages public housing units, while the housing authorities for the cities of Montclair, West Orange, and Bloomfield only offer the Housing Choice Vouchers. The availability and use of Housing Choice Vouchers and public housing units must also adhere to fair housing laws.

These housing authorities have adopted priorities or preferences for Housing Choice Vouchers and/or public housing. Typically, local residents (or those who work locally), seniors, persons with disabilities, working families, homeless and those at risk of homelessness, lower-income families, and veterans are given preferences.

Section 16(a)(3)(B) of the United States Housing Act mandates that public housing authorities adopt an admissions policy that promotes the de-concentration of poverty in public housing. HUD emphasizes that the goal of de-concentration is to foster the development of mixed-income communities within public housing. In mixed-income settings, lower-income residents are provided with working-family role models and greater access to employment and information networks. This goal is accomplished through the policy's income-targeting and de-concentration.

For Housing Choice Vouchers, the Housing Act mandates that not less than 75% of new admissions must have incomes at or below 30% of the AMI. The remaining balance of 25% may have incomes up to 50% of the AMI. For public housing, the Housing Act mandates that not less than 40% of new admissions must

have incomes at or below 30% of the AMI. The balance of 60% of new admissions may have incomes up to 50% of the AMI.

6. New Jersey Department of Environmental Protection

The NJ Department of Environmental Protection is a critical component in the responsible management of New Jersey's overall environmental protection strategy. Due to the intimate tie between land use and the health and quality of our eco-system, the NJDEP has been charged, by New Jersey legislature, with regulating land use activities.

The Department's Division of Land Use Regulation fulfills this obligation by regulating land use activities through a permit process in accordance with the rules promulgated in support of the following statutes: Freshwater Wetlands Protection Act, Flood Hazard Area Control Act, Wetlands Act of 1970, Coastal Area Facility Review Act, Waterfront Development Law, Tidelands Act, NJ Water Pollution Control Act, and the Highlands Water Protection and Planning Act.

These environmental laws apply to all discretionary projects proposed to be conducted or approved by a public agency, including private projects that require government approval. The primary purpose is to disclose to the public the significant environmental effects of proposed project.

7. Community Participation

Adequate community involvement and representation are important to overcoming and identifying impediments to fair housing or other factors that may restrict access to housing. Decisions regarding housing development in a community are typically made by the Town Council and Planning Board. The Council members are elected officials and answer to the constituents. Planning Board members are residents often appointed by the Council and serve an advisory role to the elected officials. In addition to the Town Council and Planning Board, most municipalities have appointed committees, and task forces to address specific issues. Seniors commissions are most typical; however, some municipalities also have committees that deal with the needs of the disabled or families with children, or have a housing task force that oversees housing-related matters. Community participation can be limited or enhanced by actions or inaction by a public agency.

A greater number of residents may feel more comfortable approaching an agency with concerns or suggestions if that agency offers sensitivity or diversity training to its staff members that typically interface with the public. In addition, if there is a mismatch between the linguistic capabilities of staff members and the native languages of local residents, non-English speaking residents may be unintentionally excluded from the decision-making process. Another factor that may affect community participation is the inadequacy of an agency or public facility to accommodate residents with various disabilities.

While providing fair housing education for the public and housing professionals is critical, ensuring that staff understand fair housing laws and are sensitive to the discrimination issues is equally important. Sensitivity training is a form of education that attempts to make a person more aware of oneself and others. Such training often incorporates principles of non-discrimination and cultural diversity.

Chapter VI – Current Fair Housing Profile

This chapter provides an overview of the institutional structure of the housing industry with regard to fair housing practices. In addition, this chapter discusses the fair housing services available to residents in Essex County, as well as the fair housing complaints received by various fair housing providers. Typically, fair housing services encompass the investigation and resolution of housing discrimination complaints, discrimination auditing/testing, and education and outreach, including the dissemination of fair housing information. Tenant/landlord counseling services are usually offered by fair housing service providers but are not considered fair housing services.

1. Fair Housing Practices in the Homeownership Market

Owning a home in the neighborhood of one's choice has long been considered the American dream. Homeownership is a primary way to accumulate wealth, and is believed to strengthen neighborhoods, because residents with a greater stake in their community will be more active in decisions affecting the future of their community. Not everyone, has always enjoyed equal access to homeownership due to credit market distortions, "redlining," steering, and predatory lending practices. This section analyzes potential impediments to fair housing in the home loan lending industry.

In 1996, HUD and the National Association of Realtors (NAR) entered into a Fair Housing Partnership. Article VII of the HUD/NAR Fair Housing Partnership Resolution provides that HUD and NAR develop a Model Affirmative Fair Housing Marketing Plan for use by members of the NAR to satisfy HUD's Affirmative Fair Housing Marketing regulations.

A. The Homeownership Process

The following sections describe the process of buying a home and likely discriminatory situations that may be encountered. Much of this process occurs in the private housing market over which local municipalities have little control or authority to govern. The recourse lies in the ability of the contracted fair housing service providers to monitor these activities, identify the perpetrators and taking appropriate actions.

The first thing a potential buyer is likely to do when they consider buying a home is search advertisements either in magazines, newspapers, or the Internet to get a feel for what the market offers. Advertisements cannot include discriminatory references such as the use of words describing:

- Current or potential residents;
- Neighbors or the neighborhood in racial or ethnic terms;
- Adults preferred;
- Perfect for empty nesters;
- Conveniently located by a place of worship; or
- Ideal for married couples without kids.

Advertising has become a sensitive area in real estate and in some instances advertisements published in non-English languages may make those who speak English uncomfortable, yet when ads are only placed in English they place non-English speaking residents at a disadvantage. While real estate advertising can be published in other languages, by law an English version of the ad must also be published. However, monitoring this requirement is difficult, if not impossible.

Even if an agent does not intend to discriminate in an ad, it would still be considered a violation to suggest to a reader whether or not a particular group is preferred. Litigation has also set precedence for violations in

advertisements that hold publishers, newspapers, Multiple Listing Services, real estate agents, and brokers accountable for discriminatory ads.

Initially, buyers must find a lender that will qualify them for a loan. This part of the process entails an application, credit check, ability to repay, amount eligible for, choosing the type and terms of the loan. Applicants are requested to provide a sensitive information including their gender, ethnicity, income level, age, and familial status. Most of this information is used for reporting purposes required of lenders by the Community Reinvestment Act (CRA) and the Home Mortgage Disclosure Act (HMDA). However, the recent mortgage lending crisis has demonstrated widespread misuse of the information, where lower income households and minorities have been targeted for predatory lending.

Lending discrimination can occur during advertising/outreach, pre-application inquiries, loan approval/denial and terms/conditions, and loan administration. Further areas of potential discrimination include: differences in the level of encouragement, financial assistance, types of loans recommended, amount of down payment required, and level of customer service provided.

Banks order appraisal reports to determine whether or not a property is worth the amount of the loan they will be giving. Appraisals are generally based on the comparable sales of properties within the neighborhood of the property being appraised. Other factors taken into consideration include the age of the structure, improvements made, location and general economic influences. In recent years, during the mortgage lending and refinancing frenzy, there have been reports of inflated home values in order to entice refinancing.

Real estate agents may act as agents of discrimination. Some unintentionally, or possibly intentionally, may steer a potential buyer to particular neighborhoods by encouraging the buyer to look into certain areas; others may choose not to show the buyer all choices available. Agents may also discriminate by who they agree to represent, who they turn away, and the comments they make about their clients.

The New Jersey Association of Realtors includes language on many standard forms disclosing fair housing laws to those involved. Many realtor associations also hold or participate in fair housing seminars to educate members and potential homebuyers on the provisions and liabilities of fair housing laws.

Banks and other financial institutions view insurance is the cornerstone of credit and without it lend less. Fewer loans leads to fewer new homes constructed and more existing homeowners will forgo repairs leaving buildings to deteriorate faster. Many traditional industry underwriting practices which may have some legitimate business purpose also adversely affect lower income and minority households and neighborhoods. For example, if a company excludes older homes from coverage, lower income and minority households who can only afford to buy in older neighborhoods may be disproportionately affected. Another example includes private mortgage insurance (PMI). PMI obtained by applicants from Community Reinvestment Act (CRA) protected neighborhoods is known to reduce lender risk. Redlining of lower income and minority neighborhoods can occur if otherwise qualified applicants are denied or encouraged to obtain PMI. Underwriting guidelines are not public information; however, consumers have begun to seek access to these underwriting guidelines to learn if certain companies have discriminatory policies.

The New Jersey Insurance Underwriting Association (NJIUA), is an Association created by the Legislature of New Jersey in 1968 to provide essential property insurance to any person unable to obtain insurance from a voluntary company. The original name of the NJIUA was FAIR Plan, which stands for Fair Access to Insurance Requirements. Today NJIUA is the Administrator of the Property FAIR Plan and the Crime Indemnity Plan.

FAIR Plans were established in 29 states and were created by the insurance industry to make property insurance more readily available to people who have difficulty obtaining coverage from voluntary market insurers because their property is deemed high risk.

Neighborhood area, location, or environmental hazards beyond the control of the property owner or applicant will not be considered in determining insurability.

Credit history is one of the most important factors in obtaining a home purchase loan. Credit scores determine loan approval, interest rates associated with the loan, as well as the type of loan an applicant will be given. Applicants with high credit scores are generally given conventional loans, while lower and moderate range scores revert to FHA or other government-backed loans. Applicants with lower scores also receive higher interest rates on the loans as a result of being perceived as a higher risk to the lender, and may even be required to pay points depending on the type of lending institution used.

Fair Isaac and Company (FICO), which is the company used to calculate credit scores, has set the standard for the scoring of credit history. Trans-Union and Equifax are two other credit bureaus that also provide credit scores, though they are typically used to a lesser degree. Credit scores are based on points which awarded or deducted based on certain items such as how long one has had credit cards, whether one makes payments on time, if credit balances are near maximum, etc. Typically, the scores range from the 300s to around 850, with higher scores demonstrating lower risk. Lower credit scores require a more thorough review than higher scores and mortgage lenders will often not even consider a score below 600.

FICO scores became more heavily relied on by lenders when studies conducted show that borrowers with scores above 680 almost always make payments on time, while borrowers with scores below 600 seemed certain to develop problems. Some of the factors that affect a FICO score are:

- Delinquencies
- New accounts (opened within the last twelve months)
- Length of credit history (a longer history of established credit is better than a short history)
- Balances on revolving credit accounts
- Public records, such as tax liens, judgments, or bankruptcies
- Credit card balances
- Number of inquiries
- Number and types of revolving accounts

However, the recent mortgage lending crisis was in part a result of lenders providing mortgage financing to borrowers who are not credit worthy, or steering borrowers who can qualify for lower cost loans to the subprime market.

B. National Association of Realtors (NAR)

The National Association of Realtors (NAR) has developed a Fair Housing Program to provide resources and guidance to realtors that will provide equal services for all people.

The NAR Code of Ethics provides that realtors shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. realtors shall not be parties to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. Each realtor pledges to conduct business in keeping with the spirit and letter of the Code of Ethics.

Article 10 of the NAR Code of Ethics imposes obligations upon realtors and is also a firm statement of support for equal opportunity in housing. A realtor who suspects discrimination is instructed to call the local Board of Realtors. Local Boards will accept complaints alleging violations of the Code of Ethics filed by a potential homebuyer who alleges discriminatory treatment in the availability, purchase or rental of housing. Local Boards have a responsibility to enforce the Code of Ethics through professional standards procedures and corrective action in cases where a violation of the Code of Ethics is proven to have occurred.

Additionally, in Article 10, Standard of Practice 10-1 indicates that when a realtor is involved in the sale or lease of a residence, they shall not volunteer information regarding the racial, religious or ethnic composition of any neighborhood nor should they engage in any activity which may result in panic selling. They may, however, provide other demographic information. Article 10, Standard of Practice 10-3 additionally indicates that realtors should not print, display or circulate any statement or advertisement with respect to selling or renting of a property that indicates any preference, limitations or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity.

The NAR also has created a diversity certification, At Home with Diversity: One America, which is given to licensed real estate professionals who meet eligibility requirements and complete the required course. The certification lets customers that the real estate agent has been trained on working with diversity in today's real estate markets. The course provides valuable business planning tools to assist in reaching out and marketing to a diverse housing market. The course focuses on diversity awareness, building cross-cultural skills, and developing a business diversity plan.

C. New Jersey Real Estate Commission (REC)

Established in 1921, the New Jersey Real Estate Commission (REC) is a division of the New Jersey Department of Banking and Insurance, was created to administer and enforce New Jersey's real estate licensing law, N.J.S.A. 45:15-1 et seq.

The REC is the licensing authority for estate brokers and salespersons, real estate schools, and course instructors, as well as establishes standards of practice for the real estate brokerage profession. It also regulates and registers out-of-state sales through New Jersey brokers.

The REC also offers a variety of continuing education classes needed to maintain a real estate license. In order to qualify for license renewal each licensee is required to complete twelve hours of continuing education, including at least six of the twelve hours in one of core topics:

1. Agency
2. Disclosure
3. Legal Issues (i.e. listing agreements, contracts, leases, attorney review)
4. Ethics (2 Ethics credits mandatory)
5. Fair Housing and New Jersey Law Against Discrimination
6. New Jersey Real Estate Broker and Salesperson Statues and Regulations
7. State and Federal Environmental Laws/Regulations Pertaining to Real Estate
8. Legal Requirements regarding Escrow Monies and Financial Recordkeeping

The following elective topics may be utilized to meet the balance of the required continued education requirements:

1. Commercial Real Estate
2. Property Management
3. Seasonal Rentals
4. Real Estate Sales Full Disclosure Act and Real Estate Timeshare Act

5. Financing
6. Land Use
7. Real Estate Valuation
8. Foreclosure and Short-Sale Transactions
9. Specific Aspects of Residential Real Estate Transactions

D. New Jersey Association of Realtors (NJAR)

New Jersey Association for Realtors (NJAR) provides a voice for real estate throughout New Jersey and serves as a leading advocate for the real estate industry and private property owners. NJAR provides programs and services for local realtors, which includes government affairs, continuing education and market statistics. Also, NJAR provides resources for consumers related to the real estate industry and the process of buying and selling a home.

The NJAR is comprised of twenty local boards and has more than 43,000 members who are involved in all aspects of the residential and commercial real estate industries.

Additionally, the NJAR is the state arm of the National Association of Realtors (NAR), which with more than one million members, is the largest trade association and one of the most powerful groups in North America.

The Mission Statement of the NJAR is to support all segments of its membership, in concert with the local boards and associations and the NAR, by developing and delivering programs, services and related products which enhances the ability to conduct business successfully and ethically, and to promote the extension and preservation of the right to own, transfer and use real property.

Realtor Associations are generally the first line of contact for real estate agents who need continuing education courses, legal forms, career development, and other daily work necessities. The frequency and availability of courses varies amongst these associations, and local association membership is generally determined by the location of the broker for which an agent works. Complaints involving agents or brokers may be filed with these associations.

The West Essex Board of Realtors (WEBOR), located in Montclair, provides educational training, conduct guidelines and enforcement of the Realtors Code of Ethics. This WEBOR web site provides consumers with information about our specific members, as well as Essex County communities.

The North Central Jersey Association of Realtors (NCJAR), has four offices throughout the State, with one being located in Essex County in Bloomfield. The NCJAR provides advocacy for the residential and commercial practitioners in Morris, Essex, Somerset, Sussex, & Union Counties. They provide services and benefits that enhance a realtors ability to conduct business. Membership in the NCJAR provides each participating realtors with membership in the National Association of Realtors, and the New Jersey Association of Realtors.

2. Fair Housing Practices in the Rental Housing Market

A. Rental Process

Essex County, like many parts of New Jersey, is facing a rental housing shortage to the extent that many rental properties have low vacancy rates and don't need to advertise. Often, vacancies are announced either through word of mouth or for-rent sign outside the property. Unless a person happens to drive by a specific property or have friends or family living at the property, they may not have access to vacancy

information. Furthermore, this practice tends to intensify segregation of neighborhoods and properties that already have a high concentration of a racial/ethnic group. When advertising is done, no checks-and-balances mechanism exists to ensure English advertising is provided.

A large number of rental listings in Essex County contain potentially discriminatory language, such as encouraging or discouraging family living, or potentially discouraging persons with disabilities by emphasizing a no-pet policy without clarifications that service/companion animals are allowed. Similar to ad listings for for-sale homes, rental advertisements cannot include discriminatory references. Problematic language typically involved references schools or children and pets.

Under New Jersey's Law Against Discrimination (LAD), discrimination based upon source of income is prohibited. Therefore, it is considered unlawful to prefer, limit, or discriminate against a specific income source for a potential homebuyer. Section 8 is not included as a part of this protected class, however, and rental advertisements that specifically state Section 8 vouchers are not accepted are considered legal. However, this language tends to give the impression of discrimination.

Rental advertisements with references to pets are a significant issue in the listings surveyed. Persons with disabilities are one of the protected classes under fair housing law, and apartments must allow "service animals" and "companion animals," under certain conditions. Service animals are individually trained to perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Service animals should not be considered a pet. Companion animals, also referred to as assistive or therapeutic animals, can assist individuals with disabilities in their daily living and as with service animals, help disabled persons overcome the limitations of their disabilities and the barriers in their environment.

Persons with disabilities have the right to ask their housing provider to make a reasonable accommodation in a "no pets" policy in order to allow for the use of a companion or service animal. However, in the case of rental ads that specifically state "no pets," some disabled persons may not be aware of their right to ask for an exception to this rule. A person with a disability may see themselves as limited in their housing options and a "no pets" policy could be interpreted as potentially discriminatory.

Differential treatment of those responding to advertisements is also a growing fair housing concern. Online audits to test for racial discrimination in the rental housing market have been particularly useful. Studies have proven that by responding to online rental listings using names associated with a particular racial/ethnic group and varying their conversation grammatically to indicate differing levels of education and/or income Blacks continued to experience statistically higher levels of discrimination in the rental housing market. This discrimination was even greater when the inquiry was made to look like it originated from a Black individual of a lower social class.

Viewing the unit is the most obvious place where the potential renters may encounter discrimination because landlords or managers may discriminate based on race or disability, or judge on appearance whether a potential renter is reliable or may violate any of the rules.

Studies have also been conducted to test for subtle discrimination, which is defined as unequal treatment between groups that occurs but is difficult to quantify, and may not always be identifiable through common measures such as price differences. These studies proved that in general, landlords replied faster and with longer messages to inquiries made from white names. The study also found that landlords were more likely to use descriptive language, extend invitations to view a unit, invite further correspondence, use polite language, and make a formal greeting when replying to e-mail inquiries from a white home seeker.

Landlords may ask potential renters to provide credit references, lists of previous addresses and landlords, and employment history/salary. The criteria for tenant selection, if any, are typically not known to those seeking to rent. Many landlords often use credit history as an excuse when trying to exclude certain groups. Legislation provides for applicants to receive a copy of the report used to evaluate applications.

Most apartments are rented under either a lease or a month-to-month rental agreement. From a tenant's standpoint a lease should be more favorable because the tenant is assured the right to live there for a specific period of time with a specified monthly rent. Most other provisions of a lease protect the landlord. Other items that may be included in a lease or rental agreement are the rate, the amount of deposit, the term, specific rules and termination requirements.

The lease or rental agreement is a standard form completed for all units within the same building. However, the enforcement of the rules contained in the lease or agreement may not be standard for all tenants. A landlord may choose to strictly enforce the rules for certain tenants based on conditions such as race, presence of children or disability.

The Security Deposit Law applies to most residential rental properties, including mobile homes. The exception being an owner-occupied two or three family home. A tenant in an owner-occupied two or three family home may, however, make this provision applicable to his or her tenancy 30 days after sending a written request to the landlord that the landlord fulfill the requirements of the Security Deposit Law.

The security deposit cannot be more than one and one-half times one month's rent. However, it can be less. Any additional yearly security deposit increase may not exceed 10% of the current security deposit and a landlord may not charge a pet security deposit if it exceeds one and one-half times one month's rent when combined with the regular security deposit.
Security deposits are typically required and to deter less than desirable tenants, a landlord may ask for a security deposit higher than for others. Tenants may also face discriminatory treatment when vacating the units. The landlord may choose to return a smaller portion of the security deposit to some tenants, claiming excessive wear and tear. A landlord may also require that persons with disabilities pay an additional pet rent for their service animals or a monthly surcharge for pets, which is also a discriminatory act.

B. New Jersey Apartment Association (NJAA)

The New Jersey Apartment Association (NJAA) is a non-profit association representing owners, developers and managers of rental housing throughout the State as well as suppliers to the multi-family housing industry. The association was incorporated in 1977 as the Multi-Housing Industry, an affiliate of the New Jersey Builders Association, and in 1986 separated from the Builders Association to become the NJAA.

NJAA provides continuing education in areas that include maintenance, leasing, fair housing, environmental issues and management. Members can earn Continuing Education Credits (CECs) towards National Apartment Association (NAA) and various National Affordable Housing Management Association (NAHMA) certifications at each session they attend. CECs are also earned by attending the sessions at the annual association conference.

C. The National Affordable Housing Management Association (NAHMA)

The National Affordable Housing Management Association (NAHMA) is a voice affordable housing, advocating on behalf of multifamily property managers and owners whose goal is to provide quality affordable housing. Founded in 1990, NAHMA advocates for professional standards for affordable housing

providers. Membership includes the multifamily managers, owners, and industry stakeholders. Available certification programs for affordable housing professionals are listed below.

- National Affordable Housing Professional Certification (NAHP)
- Certified Professional of Occupancy (CPO)
- Advanced Issues in HUD Occupancy
- Fair Housing Compliance – Section 504 (FHC)
- Specialist in Housing Credit Management (SHCM)
- NAHMA Maintenance Professional Credentials (NAHMT and NAHMS)
- Credential for Green Property Management (CGPM)

D. The National Association of Residential Property Managers (NARPM)

The National Association of Residential Property Managers is an association that was designed to assist real estate professionals handle the challenges of managing single-family and small residential properties.

Members of the association adhere to a strict Code of Ethics which assists companies and individuals build relationships of trust with their customers, employees, suppliers, owners and the communities in which they work.

In addition to promoting high ethical standards the Association also certifies its members in the standards and practices of the residential property management industry and continued education.

3. Fair Housing Services

Fair housing services include the investigation and resolution of housing discrimination complaints, discrimination auditing and testing, and education and outreach, including the dissemination of fair housing information such as written material, workshops, and seminars. Landlord/tenant counseling is another fair housing service that involves informing landlords and tenants of their rights and responsibilities under fair housing law and other consumer protection legislations as well as mediating disputes between tenants and landlords. This section reviews the fair housing services available in the County of Essex and the nature and extent of fair housing complaint.

A. NJ Division on Civil Rights

In 1945, New Jersey became the first state since the Reconstruction era to pass comprehensive anti-discrimination legislation with the passage of the Law Against Discrimination (LAD). The legislation called for the creation of a Division on Civil Rights (DCR) to enforce the LAD and have as it goal, ending discrimination.

The DCR protects the rights of our neighbors and family members who, have been denied a promotion because of their age or gender, excluded from public accommodations because of their sexual orientation or disability, harassed in the workplace because of their nationality or religious beliefs, or denied housing opportunities because of their race or family status. The LAD is regarded as one of the most comprehensive anti-discrimination laws in the country. The DCR also enforces the New Jersey Family Leave Act, which provides job-protected time off for eligible employees, when they need to care for family members in certain situations.

The DCR is a part of the New Jersey Office of the Attorney General /Department of Law and Public Safety and is the agency responsible for investigating discrimination complaints and eradicating illegal discrimination in New Jersey. The DCR, which is made up of investigators, attorneys, and support staff, serves as a fair and impartial forum for addressing violations of the LAD or the Family Leave Act. Its main focus is to investigate claims of discrimination in employment, housing, and places of public

accommodation. Seminars and other outreach activities designed to educate the public on anti-discrimination laws are also offered. The Division is made up of three bureaus and the responsibilities of each bureau is as follows:

The **Enforcement Bureau** is the investigative arm of the Division on Civil Rights. Investigators meet with members of the public to discuss potential cases. In addition to receiving complaints from members of the public, this bureau also receives cases through agreements with the U.S. Equal Employment Opportunity Commission and U.S. Department of Housing & Urban Development.

The **Policy Bureau** monitors all legal matters involving the LAD and the New Jersey Family Leave Act and provides technical guidance and training to DCR employees and the general public. Attorneys in the Policy Bureau assist the Director in preparing Director's Orders and other legal determinations. This bureau also prepares and promulgates regulatory initiatives to maintain and update the DCR's administrative rules and regulations, reviews employment advertisements for LAD compliance when employers or publications request approval based on a bona fide occupational qualification, and responds to various motions filed by parties.

The **Bureau of Public Outreach and Public Education** is responsible for conducting all DCR outreach initiatives, trainings, and distributing agency publications. POPE works closely with the Policy Bureau in preparing publications, responding to inquires, and developing programs designed to educate the public as to the requirements and parameters LAD and the New Jersey Family Leave Act. Members of POPE also serve as liaisons to outside agencies such as the New Jersey Commission on Civil Rights and New Jersey Human Relations Council.

B. Commission on Civil Rights

The New Jersey Law Against Discrimination (LAD) created the Commission on Civil Rights to consult with and advise the Attorney General with respect to the work of the Division on Civil Rights. The LAD states that the Commission shall report to the Governor and the Legislature with respect to such matters relating to the work of the DCR and at such times as it may deem in the public interest. The Commission is made up of seven members who are appointed by the Governor with the advice and consent of the State Senate. Each member is appointed to a 5-year term and does not receive any compensation for their service. The Commission meets on a regular basis with the Director of the DCR and the Division's chief counsel so that members can be kept abreast of agency activities and initiatives. Individual Commissioners also support DCR events, such as community roundtables and conferences, and serve as liaisons to various communities including public and private entities committed to ending discrimination and fostering public awareness of compliance to civil rights laws.

C. New Jersey Citizen Action (NJCA)

New Jersey Citizen Action (NJCA) works to promote and expand the rights of individuals and families, and to ensure that government officials respond to the needs of people rather than the interests of those with money. NJCA also works to increase the knowledge and understanding of community leaders about predatory lending in NJ so they may recognize and inform clients how to identify, screen, and report fair lending complaints. NJCA will works to educate people about their rights and obligations under the Fair Housing Act and to increase access to affordable housing through fair and equal access to credit, capital, and banking services for traditionally underserved populations, specifically low and moderate income minorities and non-English or limited English speaking adults, seniors and people with disabilities living in New Jersey's urban areas.

D. Fair Housing Council of Northern New Jersey (FHCNNJ)

The Fair Housing Council of Northern New Jersey is an inter-racial, non-profit organization, which offers housing and financial counseling. The FHCNNJ handles discrimination cases relating to housing on behalf of all minorities and other residents covered under Title VIII of the Federal and State Fair Housing laws. Other funding sources include the United Way, private donations, and Federal Fair Housing grants.

The FHCNNJ assists both elderly and non-elderly owners and renters, first-time homebuyers, the homeless, and persons with special needs. The FHCNNJ also ensures that all who seek housing have an equal opportunity to rent, purchase, finance or insure the property they choose. They have successfully handled thousands of complaints and works closely with all levels of government and private attorneys to ensure that fair housing laws are vigorously enforced.

Some of the services provided include comprehensive sale and rental housing counseling to residents before and after a sale or rental; a Homeless Program offering counseling and assessing the needs of clients who are homeless or about to be homeless; direct contact with agencies that can assist clients with food, temporary and permanent housing, a housing search, and rental assistance, in addition to follow-up with the client. The Council also provides consultation with a Fair Housing attorney who offers legal housing counseling and legal representation in State and Federal courts. The agency receives complaints of discrimination in housing based upon race, religion, creed, color, national origin, sex, age, or handicap, and investigates these complaints.

Assistance is also provided to minority employees of new and existing firms seeking housing. Education and outreach to community groups and the real estate industry are also offered to encourage the public to practice fairness and justice in the housing marketplace.

E. Essex County Division of Community Action - Tenant Resource Center

The Tenant Resource Center, an office of the Essex County Division of Training and Employment, provides counseling and training to landlords and tenants with regards to NJ Housing Laws. Assistance is provided in the areas of eviction, security, maintenance, leases, etc. as well as the provision of counseling for landlords and tenants in the areas of fair housing, code enforcement, legal counseling, educational services and training. In 2014 over 2,500 families were served through this agency

4. Fair Housing Complaints

As part of the enforcement and tracking services provided by fair housing service providers, intake and documentation of all complaints and inquiries result in the compilation of statistics provided in the form of quarterly and annual reports. These records provide a picture of the types and magnitude of fair housing problems.

The National Fair Housing Alliance (NFHA), founded in 1988, is a group of private, non-profit fair housing organizations, state and local civil rights agencies, and individuals from throughout the United States. Through comprehensive education, advocacy and enforcement programs, NFHA protects and promotes equal access to apartments, houses, mortgage loans and insurance policies for all residents of the nation.

NFHA works to eliminate housing discrimination and to ensure equal housing opportunity for all people through leadership, education and outreach, membership services, public policy initiatives, advocacy and enforcement. This organization has been active in compiling data and conducting studies relating to fair housing and associated problems.

Annually, the NFHA collects data from private fair housing groups, HUD, state and local agencies and the DOJ with the purpose of documenting for advocates, academics, government officials and the general public the nature and extent of housing discrimination, the importance of effective fair housing enforcement

and recommendations for how to move forward with achieving the promise of equal housing opportunity. This information is published in a report entitled "Fair Housing Trends Report".

The chart below shows the number of fair housing complaints filed across the country since 2004. This data is gathered form 91 private fair housing groups, 88 local or state civil and human rights government agencies and regional HUD offices.

Table 37: Housing Discrimination Complaints 2004-2014

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
NFHA Members	18,094	16,789	17,347	16,834	20,173	19,924	18,665	17,701	19,680	18,932	19,026
HUD	2,817	2,227	2,830	2,449	2,123	2,091	1,943	1,799	1,817	1,881	1,710
FHAP Agencies	6,370	7,034	7,498	7,705	8,429	8,153	8,214	7,551	6,986	6,496	6,758
DOJ	38	42	31	35	33	45	30	41	36	43	34
Total	27,319	26,092	27,706	27,023	30,758	30,213	28,852	27,092	28,519	27,352	27,528
Source: National Fair Housing Alliance (NFHA) 2015 Fair Housing Trends Report											

In 2014, there were 27,528 complaints of housing discrimination, an increase of 176 since FY13. This is the sixth highest total number of complaints taken during this time period. Private fair housing groups continue to process the highest number of complaints – 19,026, or 69%, of the total complaint load.

The following table shows the proportions of complaints/claims in fiscal year 2015 for each protected class. The trend for complaints continues this year alleging discrimination on the basis of disability to rank as the highest among all protected classes. Disability complaints remain high for several reasons. First, many apartment owners make direct comments refusing to make reasonable accommodations for people with disabilities. Second, HUD has an office devoted solely to disability issues. Finally, builders continue to design and construct apartment complexes that violate the Accessibility Guidelines in despite HUD's efforts through the Fair Housing Accessibility FIRST program. From November 2014 through July 2015 hold will hold or has held 26 training seminars to increase awareness of this program.

Table 38: Discrimination by Protected Class 2015

Basis	NFHA Members	HUD	FHAP	DOJ
Race	19.20%	22.2%	29.5%	22%
Disability	50.7%	59%	53.2%	51.8%
Family Status	10.3%	10.9%	12.8%	11%
Sex	4.8%	8.5%	10.8%	6.5%
National Origin	6.3 %	26%	18.9%	10.6%
Color	1.2 %	2.2%	1.6%	1.4%
Religion	.8%	1%	3%	1.3%
Other*	6.7%	8.8%	7.5%	7.8%
Source: National Fair Housing Alliance (NFHA) 2015 Fair Housing Trends Report				

Of all complaints to various agencies, "race/color" and "disability" classes had the most problems across the board in the most recent year. According to NFHA, discrimination in the rental of housing continues to represent the largest number of complaints.

HUD also publishes a report detailing the effect of housing discrimination entitled "The 2010-13 Annual Report on Fair Housing". This report is prepared in accordance with Sections 808(e)(2) and (6) of the Fair Housing Act and Section 561(j) of the Housing and Community Development Act of 1987. These statutory mandates require the Secretary of Housing and Urban Development to report annually to Congress on several aspects of HUD's work in fair housing.

This report, which was released in November 2014, provides information on the foregoing activities for the period beginning 2010 and ending 2013. Specific complaints reported by HUD in the "Report" are detailed in the tables which follow:

Table 39: Basis of HUD and FHAP Complaints (FY 2010-FY 2013)

Basis	FY 2010		FY 2011		FY 2012		FY 2013	
	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total
Disability	4,839	48%	4,498	48%	4,379	50%	4,429	53%
Race	3,483	34%	3,025	32%	2,597	29%	2,337	28%
Familial Status	1,560	15%	1,425	15%	1,301	15%	1,149	14%
National Origin	1,177	12%	1,195	13%	1,114	13%	1,040	12%
National Origin- Hispanic or Latino	722	7%	7598	8%	691	8 %	629	8%
Sex	1,139	11%	1,033	11%	1,067	12%	985	12%
Retaliation	707	7%	856	9%	970	11%	928	11%
Religion	287	3%	262	3%	229	3%	220	3%
Color	219	2%	185	2%	155	2%	170	2%
Number of Complaints Filed	10,155		9,354		8,818		8,368	

Source: The State of Fair Housing: FY2012-13 Annual Report on Fair Housing

Table 40: Issues in HUD Complaints (FY 2011-FY 2013)

Issue	FY 2011		FY 2012		FY 2013	
	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total

Discriminatory Terms, Conditions, Privileges, Services, and Facilities in the Rental or Sales of Property	1,142	59%	1,188	64%	1,348	73%
Failure to Make a Reasonable Accommodation	541	28%	601	32%	600	32%
Coercion or Intimidation, Threats, Interference, and Retaliation	346	18%	542	29%	586	32%
Refusal to Rent	427	22%	462	25%	443	24%
Discriminatory Notices, Statements, or Advertisements	198	10%	304	16%	340	18%
Discriminatory Financing	143	7%	178	10%	258	14%
False Denial or Representation of Availability	58	3%	73	4%	69	4%
Refusal to Sell	32	2%	69	4%	52	3%
Non-Compliance with Design and Construction Requirements	69	4%	52	3%	43	2%
Failure to Permit a Reasonable Modification	45	2%	46	2%	40	2%
Steering	18	1%	35	2%	27	1%
Redlining	0	0%	4	<0.5%	5	0%
Refusal to Provide Insurance	1	<0.5%	2	<0.5%	5	<0.5%
Number of Complaints Filed	1,943		1,857		1,849	

As indicated by the National Fair Housing Association, HUD's data reveals that the two largest bases for complaints are disability and race. While refusal to rent is a large share of the complaints, the biggest complaint relates to "terms, conditions, facilities and services in rental and sales of property.

Table 41: Basis of FHAP Complaints (FY 2010 - FY 2013)

Basis	FY 2010		FY 2011		FY 2012		FY 2013	
	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total
Disability	3,816	46%	3,490	46%	3,344	48%	3,441	53%
Race	2,786	34%	2,443	33%	2,132	31%	1,841	28%
Familial Status	1,297	16%	1,204	16%	1,011	15%	875	13%

National Origin	1,021	12%	977	13%	861	12%	757	12%
National Origin-Hispanic or Latino	628	8%	623	8 %	521	7 %	444	7%
Sex	929	11%	849	11%	854	12%	768	12%
Religion	249	3%	214	3%	187	3%	188	3%
Color	190	2%	148	2%	123	2%	135	2%
Retaliation	614	7%	721	10%	795	11%	687	11%
Number of Complaints Filed	8,212		7,507		6,961		6,519	
Source: U.S. Department of Housing and Urban Development: "The State of Fair Housing: FY2012-13 Annual Report on Fair Housing"								
Note: The numbers and percents do not add to totals and 100% because some complaints had multiple bases								

Table 42: Issues in FHAP Complaints (FY 2011-FY 2013)

Issue	FY 2011		FY 2012		FY 2013	
	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total
Discriminatory Terms, Conditions, Privileges, Services, and Facilities in the Rental or Sales of Property	4,817	59%	4,328	62%	4,365	67%
Failure to Make a Reasonable Accommodation	2,015	25%	1,886	27%	1,943	30%
Refusal to Rent	1,978	24%	1,855	27%	1,830	28%
Coercion or Intimidation, Threats, Interference, and Retaliation	1,132	14%	1,371	20%	1,298	20%
Discriminatory Notices, Statements, or Advertisements	739	9%	632	9%	646	10%
False Denial or Representation of Availability	198	2%	164	2%	177	3%
Discriminatory Financing	368	5%	205	3%	175	3%
Failure to Permit a Reasonable Modification	158	2%	158	2%	154	2%
Refusal to Sell	173	2%	121	2%	118	2%
Non-Compliance with Design and Construction Requirements	100	1%	54	1%	71	1%
Steering	66	1%	46	1%	53	1%
Refusal to Provide Insurance	1	<0.5%	2	<0.5%	1	<0.5%

Redlining	6	<0.5%	7	<0.5%	0	0%
Number of Complaints Filed	8,212		6,961		6,519	

In New Jersey the number of fair housing complaints increased from 23 in 2002 to 186 in 2007 as reported by the DCR in the most recent published "NJ Fair Housing Report". The factors influencing the increased number of housing complaints received have also affected the bases of the housing discrimination complaints received by the Division. While prior to 2002, the predominant alleged bases of housing complaints had been race and national origin, the past several years have seen an increase in the number of complaints alleging discrimination based on disability, source of income and familial status.

In the past three years, the number of disability related cases have grown to represent more than 40% of the Division's housing cases. This mirrors the trend at HUD, which now also reports disability discrimination as the most frequent basis for its housing discrimination complaints under the Fair Housing Act.

In New Jersey, lawful source of income cases, which were not covered under the LAD prior to 2002, now account for approximately 22% of the housing cases under investigation. This increase in source of income cases has occurred despite the fact that this is not a basis of unlawful discrimination under the provisions of the Fair Housing Act, which in part, govern the HUD work-sharing agreement. The increase in cases alleging discrimination on the basis of familial status, however, can be attributed to cases referred by HUD to the Division for investigation.

Table 43: Basis of Housing Complaints - NJ Division of Civil Rights

Year	Total	Disability	Disability %	Race	Race %	Income	Income %	Familial Status	Familial Status %	National Origin	National Origin %
2002	23	7	30.40%	8	34.80%	1	4.30%	2	8.70%	3	13.00%
2003	54	9	16.70%	15	27.80%	32	59.30%	5	9.30%	4	47.40%
2004	73	13	17.80%	19	26.00%	29	39.70%	7	9.60%	6	8.20%
2005	84	43	43.50%	49	25.40%	46	23.80%	30	15.50%	26	13.50%
2006	178	75	41.60%	57	32.00%	31	17.40%	27	15.20%	33	18.50%
2007	186	77	41.40%	69	37.10%	41	22.00%	26	14.00%	22	11.80%
Total	707	264	37.30%	217	30.70%	180	25.50%	97	13.7	94	13.30%
Source - 2007 NEW JERSEY FAIR HOUSING REPORT											

In Essex County the complaint data is broken down by basis and type and is reported for the period of 2004 through February 2010. Over the six plus year period Essex County had 155 fair housing recorded complaints. A rough comparison between the complaints issued in NJ and the County complaint data reveals that Essex County had approximately 11.67% of statewide fair housing complaints.

Table 44: Essex County - Cases filed 2004 - Feb 2010

City	Race/Color	National Origin	Familial status	Disability	Sex	Religion	Retaliation	Sexual Harassment	Total
Belleville	2	2	1	2	0	0	0	0	7
Bloomfield	6	1	2	3	1	0	0	0	13
Cedar Grove	1	0	0	0	0	0	0	0	1
East Orange	8	3	1	9	2	0	1	0	24
Glen Ridge	1	0	0	0	0	0	0	0	1

Irvington	3	2	1	3	1	0	0	0	10
Livingston	1	0	0	0	0	0	0	0	1
Maplewood	0	0	0	0	1	0	0	0	1
Montclair	4	0	4	2	0	0	0	0	10
Newark	16	12	4	30	3	1	0	1	67
Nutley	0	0	0	2	0	0	0	0	2
Orange	5	0	0	3	0	0	0	0	8
Roseland	0	0	0	1	0	0	0	0	1
Short Hills	0	0	0	1	0	0	0	0	1
South Orange	1	0	1	0	0	0	0	0	2
Verona	0	0	0	2	0	0	0	0	2
West Orange	0	0	1	1	2	0	0	0	4
Total	**48**	**20**	**15**	**59**	**10**	**1**	**1**	**1**	**155**

5. Bias Offenses

Biased crimes are crimes that are committed because of a bias against race, religion, disability, ethnicity, or sexual orientation. In an attempt to determine the scope and nature of these crimes, the New Jersey State Police Uniform Crime Reporting Unit collects statistics on these incidents.

To a certain degree, bias crimes are an indicator of the environmental context of discrimination. These crimes should be reported to the Police or Sheriff's department. On the other hand, a bias incident is an action or behavior that is motivated by a bias but is protected by the First Amendment right to freedom of expression. Examples of bias incidents can include name calling, epithets, distribution of biased material in public places, and the display of offensive biased material on one's property. Only when these incidents escalate can they be considered an actual crime.

Statistics compiled by the NJ State Police found that a total of 25 bias offenses were committed in Essex County in 2013. Criminal Mischief based bias offenses were the most common (40%), followed biased harassment (32%). Overall, this represents a 14% decrease from 2012.

During this same time period, the bias offenses reported in the County was less than one per 1,000 people. Hate crime statistics varied somewhat from jurisdiction to jurisdiction—with the towns of Bloomfield, Fairfield, Cedar Grove, Essex Fells, Maplewood, Millburn, North Caldwell, Orange, Roseland and west Orange having no reported offenses, while the towns of Montclair, Newark and Nutley had 6, 3 and 3 reported offenses respectively.

6. Not In My Back Yard (NIMBY)

Not in My Back Yard (NIMBY) is common misconception that affordable housing, including residential care facilities and supportive housing will lower neighboring property values. However, numerous studies conducted over a period of many years and in various locations find that this widely held opinion is incorrect.

Property values are primarily determined by the condition of the particular property for sale and other more complex factors, such as overall area development and prosperity. The location of affordable housing has no significant impact on these other conditions that determine property values.

Chapter VII - Previous Report Assessment

This chapter summarizes and compares key findings from previous version of the AI in order to evaluate the progress toward addressing impediments to fair housing choice.

Continued Impediments and Recommendations from Previous AIs

The following is a list of impediments and key recommendations carried over from previous AI documents.

A. Public Sector

Impediment 1: Zoning Policies

When a municipality adopts mandatory Inclusive Zoning regulations, it requires new developments - sometimes with exceptions - to have a certain percentage of affordable units. The term "inclusive zoning" was meant as a response to suburban zoning policies that have come to be collectively known as "exclusionary zoning". As many middle-to-upper class white families fled the urban core of U.S. cities after World War II, they formed suburbs that were economically and racially homogenous. Many of these suburbs adopted exclusionary zoning policies, such as not allowing multi-family apartment buildings or requiring that homes, or even the lots in front of them, be of a certain size, which was cost-prohibitive.

One of the positive aspects of Inclusive Zoning is that it does not require any local subsidy. This is unlike private housing vouchers or subsidized housing, where local governments spend taxpayer dollars to pay developers to provide at least some affordable housing.

There are many aspects of an Inclusive Zoning policy that can be tailored to fit the needs of the local community, although each of these variations introduces its own set of concerns. Inclusive zoning can be either voluntary or mandatory. However, research has shown that mandatory inclusive zoning has been much more effective than the voluntary option at producing affordable units.

One of the most common challenges to specific planning and zoning ordinances comes in the area of exclusionary zoning. The first lawsuit involved an exclusionary zoning policy that only allowed single-family detached homes in the town of Mt. Laurel, NJ. The court found that "Mt. Laurel had exhibited economic discrimination in that the poor had been deprived of adequate housing and opportunity..." A second Mt. Laurel case led to the creation of COAH.

In March 2015, the state Supreme Court ruled that judges will take over, from COAH, the regulation of affordable housing after the State failed to obey an order to establish a new set of guidelines. Lower courts are now charged with deciding, on a case-by-case basis, how many homes should be made available to low- and moderate-income residents. COAH had failed to pass new and expanded quotas, as directed, due to the fact that their affordable housing guidelines had expired. The move could be temporary, as the court indicated that COAH can regain control if it passes new rules. The state Legislature may also come up with a new affordable housing law.

The ruling will not take effect for 90 days to allow the courts to set up a system for the cases. For 30 days after that, judges will take applications only from towns seeking protection from' lawsuits by saying they have tried to comply with COAH's guidelines. After that, judges can begin hearing lawsuits from developers seeking to build at higher densities than normally allowed to provide for more affordable housing.

When analyzing the multi layered governmental functions throughout New Jersey, it is apparent that stringent guidelines do exist and have been designed to deal with the development of affordable housing

on available parcels of land. While the functionality of each agency may vary slightly the specific tasks they are required to perform and the means by which they conduct them are consistent.

Impediment 2: Building Codes and Enforcement

The regulation of building construction in the United States is the responsibility of government, and with very few exceptions, it is legislated at the local or state government levels. It traditionally has been accomplished by means of a set of inter-related codes, each addressing a specific building system or a specific building attribute.

Because of the complexity of these codes, the time and money needed to keep them updated and the desire for uniformity, most state and local governments have abandoned the development and maintenance of their own codes, and rely on adoption (with or without amendment) of a model code. All of these codes make use of extensive references to voluntary consensus standards on design methods, test methods, materials, and systems. By reference, these standards become part of the building regulatory system. These codes typically are enforced at the local level in a process that begins with the application for a building or construction permit, and followed by plan review, permit issuance, inspections, and certificate of occupancy issuance.

A related but different set of regulations that sometimes are packaged together with the above-described measures are those that control the use and maintenance of existing buildings. Parts of these codes sometimes may overlap with the plumbing, mechanical, or electrical codes, such that some aspects of operation and maintenance are included therein.

These codes are generally enforced at the municipal level by means of periodic inspections and citation of violations. An existing property that is rehabilitated typically will have to satisfy building, plumbing, mechanical, and sister codes as well as the fire, housing, property, and hazard codes.

Municipalities rely upon specific codes which relate to density and affordable housing set-aside standards. The purpose is to ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing. These codes would also provide for minimum gross density requirements and any affordable housing set-asides.

Impediment 3: Public Housing and Hope VI

Public housing is an essential resource for low-income persons. The need to renovate or replace significant portions of this inventory represents an opportunity to give families in public housing more choices.

The federal HOPE VI program was designed as a means of transforming poverty concentrated, high density public housing into mixed income housing; and at the same time giving public housing residents more housing choice, including the opportunity to live in a new mixed income community. Unfortunately, the program as implemented did not achieve these goals with many public housing residents were not allowed to return to the original development after it was rebuilt, and many others were simply moved into other segregated neighborhoods, rather than into low poverty and racially integrated areas.

Public housing redevelopment and other public housing reform initiatives must open up new choices for residents. Re-segregation of public housing residents in low opportunity communities because funds are available to renovate dilapidated housing is not the answer. A balance must be struck between residents' right to return to a revitalized mixed income community, and the rights of other residents to move to new, less segregated areas of higher opportunity. There must be a balance to promote racially and economically integrated housing.

Impediment 4: The Effect of Governmental Consolidation

In 2011, the NJ Department of Community Affairs (DCA), Division of Local Government Services published a reference guide to Joint Service Delivery. This guide provided details concerning the Uniform Shared Services and Consolidation Act, which was written to shared services, regionalization, joint meetings, and municipal consolidation.

Additionally, in 2012 the legislature passed the "Common Sense Shared Services Act" that was designed to effectuate agreements between governmental entities for services and intended to provide local property tax relief. Amongst other things it dealt with tenure as a deterrent to consolidation and required filing with the Division of Local Government Services in the Department of Community Affairs

Studies have indicated that municipalities that are geographically larger or capable of expanding to include suburban areas are less segregated by race and income and thus provide greater potential for beneficial results from housing choice. While cost savings may be realized through shared services or consolidation they may be difficult to document without the establishment of a performance measurements system. Additionally, home rule could be effected and differing opinions on affordable housing may impede housing choice efforts.

Impediment 5: Neighborhood Revitalization

Fair housing choice is reduced when neighborhoods deteriorate both socially and physically. Increased crime makes neighborhoods less attractive and home values stagnate or decline. Apartment owners put off repairs and maintenance. For some groups, the crime potential is intolerable, and housing choice is particularly diminished.

The County continues to direct public policies toward the revitalization of neighborhoods. From the time of urban renewal in the 1950's and 1960's to the current block grant programs of HUD, the government has targeted specific neighborhoods for housing and public works improvement.

After the "community development" program replaced the urban renewal program in 1974, neighborhoods were targeted for assistance based on a triage system. The neighborhoods designated for assistance were selected based on deterioration and risk. The policy was to make select housing and public works enhancements to sustain the identified neighborhoods.

Impediment 6: The Davis-Bacon Act

Davis Bacon Act and Prevailing Wage Requirements of 1939 increase the cost of a project along with the regulatory burden for contractors has hindered affordable housing development. Additionally, with the lack of uniformity between the HOME program and the CDBG program it becomes increasingly difficult to administer these funds. Many contractors refuse to bid on jobs when CDBG and HOME funds are used. In many cases these stringent requirements effect minority and women owned businesses ability to submit bids. To help address any deficiencies, the County completed a Analysis of Procurement and Contracting to determine if there were any discriminatory disparities between the availability and utilization of qualified business firms doing business with the County.

Impediment 7: NJ Housing and Mortgage Finance Authority's Policies

The New Jersey Housing and Mortgage Finance Agency (NJHMFA) has a strong urban bias which does not encourage state financing of affordable housing units in suburban municipalities. Further, the New Jersey Balanced Housing Fund is limited to municipalities that meet one of the following criteria:

1. The municipality has petitioned the Council on Affordable Housing for substantive certification of its housing element;

2. The municipality has received substantive certification of its housing element from the Council on Affordable Housing;
3. The municipality is subject to a judicially-approved compliance agreement to settle its fair share housing obligation;
4. The municipality is subjected to a court-ordered builder's remedy; or
5. The municipality has been designated as a receiving municipality under a regional contribution agreement and a project plan has been approved by the Council on Affordable Housing;
6. The municipality is eligible for State aid pursuant to P.L. 1978, c. 14 (N.J.S.A. 52:27D-178 et seq.) ; or
7. Any other municipalities provided that:
    i. The Department has invoked its authority pursuant to N.J.S.A. 52:27D- 320(c); and
    ii. The municipality meets all conditions established by the Council in accordance with
        (a) 7i above.
        (b) Programs and projects in any municipality shall be funded only after receipt by the Commissioner of a written statement in support of the program or project from the municipal governing body.
        (c) Applicants that are eligible in accordance with (a)1 above only shall not be eligible to receive program funding until the municipality's Fair Share Plan has received substantive certification from the Council on Affordable Housing.
        (d) Applicants that are eligible in accordance with (a)4 above, shall not be eligible to receive a funding commitment or program funding until the municipality's Fair Share Plan has been judicially approved by the issuance of a judgment of repose

Many consider this policy an incentive for certification. However, it also limits the potential funding a non-profit can seek if they have a proposal in a community without COAH certification or judicial approval.

Impediment 8: NIMBYism

Property values are primarily determined by the condition of the particular property for sale and other broader, more complex forces, such as overall area development and prosperity. The location of affordable housing has no significant impact on these other conditions that determine property values.

NIMBYism can serve as one of the most significant constraint to the development of affordable or even market-rate multi-family housing. NIMBYism describes opposition by residents and public officials alike to additional or different kinds of housing units in their neighborhoods and communities. The NIMBY syndrome often is widespread, deeply ingrained, easily translatable into political actions, and intentionally exclusionary and growth inhibiting. NIMBY sentiment can reflect concerns about property values, service levels, the environment, or public health and safety. It can also reflect racial or ethnic prejudice masquerading under the guise of a legitimate concern.

Community opposition to high-density housing, affordable housing, and housing for persons with special needs is linked to the lack of such housing options for residents in need. In particular, community opposition is typically strongest against high-density affordable housing and group homes for persons with mental disabilities.

Community residents who are especially concerned about the influx of members of racial and ethnic minority groups sometimes justify their objections on the basis of perceived impacts like lowered property values and increased service costs. Racial and ethnic prejudice often is one root of NIMBYism, although concerns still exist where racial or ethnic differences are not involved.

Impediment 9: Public Subsidy of Housing

There are currently four Housing Authorities that administer the Housing Choice Voucher Program within the Essex County CDBG HOME consortium and one that provides both public housing and Housing Choice Vouchers. The location of housing units vouchers are scattered throughout these municipalities. This allows for a decentralization of low income households and helps break down isolation from community services and facilities. The buildup of some Section 8 housing in a few census tracts are transforming neighborhoods and may create some instability.

The limited availability of new Housing Choice (Section 8) certificates and vouchers, which have been consolidated into the New Housing Choice Voucher, has been cited repeatedly by social service providers as a major obstacle. Since many new vouchers are targeted as 'Welfare-to-Work vouchers' and 'Family Self-Sufficiency vouchers', many people such as the mentally ill do not qualify.

Housing voucher recipients are much less likely than public housing families to live in high-poverty neighborhoods, and when vouchers are accompanied by effective housing search assistance and counseling, they allow very low-income families to move to low-poverty neighborhoods. Voucher programs, however, have not focused explicitly on the quality of schools serving the neighborhoods where recipients live, and evidence indicates that low-income children moving to low-poverty neighborhoods do not necessarily experience improved educational outcomes. In communities with high performing schools, moderately priced rental housing is in short supply. Therefore, expanding access to these communities requires that local agencies build or buy housing units that can be made available to low and moderate-income families.

Unfortunately, building affordable housing in non-poverty neighborhoods often generates community opposition, fueled by prejudice and by fears about crime and declining property values. Statistics indicate that these fears are misplaced. When affordable housing is widely scattered and properly managed, it has no adverse effects on otherwise healthy neighborhoods.

Some communities have directly addressed concerns about affordable housing by requiring the developer to provide supplemental funding to school districts to offset the costs of additional students generated by new housing construction.

The Federal Government should create strong incentives for local jurisdictions to expand affordable housing opportunities in non-poverty communities, and it should more explicitly target these incentives to communities served by high-performing schools with very low rates of poverty.

Although concentrated poverty creates serious challenges for teaching and learning there are examples of high-performing schools that demonstrate that it is possible to provide quality education even when many students are poor and the surrounding neighborhood is distressed.

B. Private Sector

Impediment 10: <u>Lending Policies and Practices</u>

Many of the banks and mortgage companies operating in the County offer favorable home loans to low and moderate income households. The Essex County Division of Housing and Community Development, as part of its First-Time homebuyer Program, has compiled a list of lending institutions which offer affordable mortgage products to assist low and moderate income households.

In July 2014, RealtyTrac, Inc. issued its Midyear 2014 Metropolitan Foreclosure Market Report. The report ranked the top 100 largest metropolitan areas and New Jersey was one of only nine State that experienced

an increase in foreclosure activity in the first half of 2014 compared to a year ago. Additionally, New Jersey experienced a 70% increase in foreclosure starts from the previous month.

While this data does not track the foreclosure rate at the municipal level it provides a solid basis by which to interpret foreclosure trends.

Impediment 11: Redlining

The refusal of lenders or insurance companies to issue mortgage loans or insurance on property in certain neighborhoods regarded by them as deteriorating is defined as redlining. Fair housing activists continue to work to limit insurance companies from using risk-based methods for underwriting and pricing homeowners insurance. These methods reveal that insurers do indeed discriminate among their customers on the basis of risk through the application of a universal risk based insurance criteria. A consequence is that residents of predominantly minority neighborhoods often pay more for homeowners insurance, while receiving less coverage. .

When insurance policies function to make insurance more expensive in urban areas with large minority populations, the impacts are felt not only by the individual homeowners. Lack of insurance hastens the deterioration neighborhoods because landlords cannot invest in their properties, nor can purchasers buy empty buildings, without insurance.

It can be argued that government intervention is needed to solve the problem. Unfortunately, this also could force participating lenders or insurance providers to leave the area or State all together. The real solution is to increase wages and eventually wealth. Increased job opportunities will provide for a greater capital investment and increase the quality of housing, reduce the threat of fire and theft and thus make these individuals more attractive customers.

Impediment 12: Mortgage Foreclosures and the Effect of Blighting on Housing Choice

Municipalities throughout the County are confronted with hundreds of vacant, foreclosed properties that decrease property values and threaten entire neighborhoods. Decreased property values have result in a loss of tax revenue, forcing local and state governments to cut valued social services programs that have provided programs for vulnerable families.

To address this complex problem, local strategies need to be developed that include, but are not limited to the following:

- Collaboration among governmental, for-profit and nonprofit organizations;
- Target neighborhoods in need and focus resources in those locations; and
- Develop financing solutions where public dollars leverage private investment.

Impediment 13: Racial Steering

Racial steering occurs when real estate agents show prospective buyers homes only in neighborhoods already dominated by that family's race. Steering distorts the spatial patterns of housing demands by white and minority homebuyers and has been prohibited by federal law since passage of the Fair Housing Act of 1968, and subsequently by numerous substantially equivalent state and local ordinances.

Specifically prohibited practices include directing people to a particular community or neighborhood because of their race or ethnicity, discouraging people from occupying any dwelling because of the race or ethnicity of the persons in the neighborhood, failing to inform people of desirable features of a dwelling or neighborhood in order to perpetuate such discouragement, and communicating to prospective purchasers that they would not be comfortable or compatible with existing residents of a neighborhood. Given these

clear and longstanding legal prohibitions against steering and the evidence linking it to segregation, there is still evidence that steering was widely practiced.

Segregation steering is the most conventional form. This form of steering holds the potential to limit the housing choices of both minority and white homebuyers in such ways that it undermines stable, racially diverse neighborhoods and perpetuates segregation.

Steering studies have been conducted throughout the Country and the results were overwhelmingly constant. There were incidences of steering, discrimination in mortgage lending, and the resistance by white families and white renters in very white neighborhoods when people of color were moving in. Minority families with the same familiar structure and income as whites are presented with very different housing options by lenders. They are shown different neighborhoods and have different access to credit.

Fair housing service providers should continue to monitor lending activities in the County and identify potential issues regarding redlining, credit steering, predatory lending, and any other fraudulent activity.

Impediment 14: Bias in Lending

Obtaining credit allows many individuals to eventually generate new wealth. The pricing decisions in mortgage lending have become increasingly sophisticated and complex with new loan products, that have various terms and features, continuously being invented. Pricing structures have more flexible fees and points are customized to an applicants' capabilities and needs. As a result, mortgage prices vary for different borrowers.

Sub-prime lenders are offering high home improvement loan amounts for extremely low-income homeowners. Studies suggest that members of certain protected classes (such as, racial and ethnic minorities) experience disparate treatment when applying for housing financing.

In regards to conventional mortgage applicants white applicants had the lowest denial rate. Hispanics and Native Hawaiian and Other Pacific Islanders are denied conventional mortgage financing at slightly higher rates than whites and Asians while African-Americans and Native Americans and Alaskan Natives were denied conventional financing at much higher rates than whites and Asians. Nationally and in the County, households of color are disproportionately likely to obtain sub-prime mortgage financing.

Fair housing service providers should continue to monitor biased lending activities in the County and identify potential issues regarding redlining, credit steering, predatory lending, and any other fraudulent activity. Additionally, continued pressure should be applied to lenders so that they modify their practices in ways that will reduce the frequency of mortgage denials and other adverse lending outcomes.

Impediment 15: Housing Discrimination

Recent National HUD studies have concluded that most blatant forms of housing discrimination (refusing to meet with a minority home buyer or provide information about any available units) have declined since the first national study in 1977. However, the forms of discrimination that remain raise the costs of housing search for minorities and restrict their housing options. In fact the study concluded that Black homebuyers are shown 17.7% less homes than white buyers

A local analysis of complaint data indicates that discriminatory behavior exists even though specific forms of discrimination are sometimes difficult to fully document. Housing discrimination primarily affects persons of color, the disabled, and families with children. While the number of people who have experienced discrimination and file a complaint may be decreasing discriminatory practices are still occurring.

One obvious conclusion is that the discriminatory practices are becoming less blatant and obvious to the typical home seeker but nevertheless are occurring at alarming rates. It is also suspected that complaints must represent a severe undercount of discriminatory practices.

National fair housing policies must continue to adapt to address the patterns of discrimination and disparity that persist today. Additionally, more locally targeted testing may be needed to determine exact neighborhoods, housing providers whose discriminatory practices are most prevalent.

Impediment 16: Lack of Decent Affordable Housing:
Currently, 25% of renter households are of extremely low-income. Thus the need for quality affordable housing remains high and it has been determined that housing costs restrict fair housing choice.

It seems the simple solution would be to build more affordable housing, but it's not that simple at all. The federal minimum wage is $7.25 per hour, however when compounded with inflation is actually worth 20% less than the minimum wage in 1981. In New Jersey, a renter must work 121 hours per week, 52 weeks per year Or, working 40 hours per week year-round, a household must include 2.9 workers earning the minimum wage in order to make the two-bedroom apartment affordable. Efforts to raise the minimum wage would benefit would help many families, but it would not solve the affordable housing crisis

Research has proven that when families do not have enough income left over from their housing costs to cover the rest of their budget, children suffer. They experience poor health, lower levels of engagement in school and emotional or mental health problems.

Finally, affordable housing programs must be developed that addresses the needs of middle class families. Whenever possible the County should lobby the Federal government to increase eligibility requirements that currently preclude middle income residents from participating.

Impediment 17: Transportation and Employee Access
The proportion of household budget that goes towards paying for housing plus transportation has risen dramatically over the last decade, leaving less money for other necessities. When housing and transportation costs are considered together, only 40% of communities nationwide are affordable to families earning the local area median income (AMI).

The share of household budgets set-aside continues to rise and places pressure on families to reduce other expenses or increase debt. The Center for Housing Policy estimates that for every dollar that incomes have increased since 2000, combined housing and transportation costs have risen $1.75, placing a greater need for affordable housing.

Families have to make difficult decisions when it comes to where they live. Because of limited housing options many families may face a longer commute as a trade-off to paying less for housing. The Center for Housing Policy found that for every dollar a working family saves on housing, $0.77 more of its income goes towards transportation. Additionally, when housing and transit costs are considered together, 44.3% of working families spend more than half of their household expenses into these two categories.

The problem is that most cities lack well-planned transit access. This access links low-income communities and affordable housing with higher paying jobs needed to support their families. An analysis of 100 metropolitan areas by the Brookings Institution found that a typical worker can reach only 7% of the jobs in their area in a one-way, 45-minute commute.

Low and moderately skilled jobs tend not to exist in places where low to moderate income families reside. Brookings also determined that 3/4 of these types of jobs cannot be accessed even by a one-way, 90-minute commute. As the number of poor suburban residents grows, this problem becomes even more worrisome. Without a car, the average suburban resident can reach only 19% of middle- and low-skill industry jobs.65

Efforts must focus on increasing transit oriented development which would benefit the entire labor market by connecting qualified workers with available jobs, as well as improve quality of life by reducing commute time and costs. Also efforts to preserve existing units of affordable housing, located near transit development, is crucial to maintaining housing access for low-income people and seniors.

C. Public and Private Sectors

Impediment 18: Fair Housing Enforcement

In 1945, New Jersey became the first state since the Reconstruction era to pass comprehensive anti-discrimination legislation with the passage of the Law Against Discrimination (LAD). The legislation called for the creation of a Division on Civil Rights (DCR) to enforce the LAD and have as it goal, ending discrimination.

The DCR is a part of the New Jersey Office of the Attorney General /Department of Law and Public Safety and is responsible for investigating discrimination complaints and addressing discrimination. Its main focus is to investigate claims of discrimination in employment, housing, and places of public accommodation. The Division is made up of three bureaus and the responsibilities of each bureau is as follows:

1. The Enforcement Bureau is the investigative arm of the Division on Civil Rights. Investigators meet with members of the public to discuss potential cases. In addition to receiving complaints from members of the public, this bureau also receives cases through agreements with the U.S. Equal Employment Opportunity Commission and U.S. Department of Housing & Urban Development.
2. The Policy Bureau monitors all legal matters involving the LAD and the New Jersey Family Leave Act and provides technical guidance and training to DCR employees and the general public. Attorneys in the Policy Bureau assist the Director in preparing Director's Orders and other legal determinations. This bureau also prepares and promulgates regulatory initiatives to maintain and update the DCR's administrative rules and regulations, reviews employment advertisements for LAD compliance when employers or publications request approval based on a bona fide occupational qualification, and responds to various motions filed by parties.
3. The Bureau of Public Outreach and Public Education is responsible for conducting all DCR outreach initiatives, trainings, and distributing agency publications. POPE works closely with the Policy Bureau in preparing publications, responding to inquires, and developing programs designed to educate the public as to the requirements and parameters LAD and the New Jersey Family Leave Act. Members of this Bureau also serve as liaisons to outside agencies such as the New Jersey Commission on Civil Rights and New Jersey Human Relations Council.

The DCR is the primary enforcement agency of housing discrimination law for the County. The DCR accepts complaints within 180 days after the alleged act of discrimination. Upon acceptance, the DCR will conduct an investigation and determine whether or not probable cause exists to believe that unlawful discrimination has occurred. If a finding of probable cause is issued, the case will be transmitted to the Office of Administrative Law where a full hearing will take place before an Administrative Law Judge. The case may be litigated by a state Deputy Attorney General on behalf of the Division or the complainant may choose to litigate the case personally or through private counsel. If a finding of no probable cause is issued, the case is closed without further proceedings by the Division. If the Director has not made a probable

cause determination within 180 days of the filing of the complaint, the complainant may request to litigate the case at the Office of Administrative Law either personally or through private counsel (but not by a Deputy Attorney General).

In many instances as complaints are reviewed they are referred to other entities. The potential referral entities are as follows:

U.S. Department of Housing and Urban Development
U.S. Department of Justice

There are additional local agencies certified by HUD as Approved Housing Counseling Agencies. Complaints in the County are not limited to these agencies and there are housing counseling agency not certified by HUD or certified agencies that are located outside Essex County that may be able to provide the necessary assistance.

Finally, the County will be meeting with the Fair Housing Council of Northern New Jersey (FHCNNJ). The FHCNNJ is an inter-racial, non-profit organization, which offers housing and financial counseling. The FHCNNJ handles discrimination cases relating to housing on behalf of all minorities and other residents covered under Title VIII of the Federal and State Fair Housing laws. We are confident that this additional collaborative resource will provide additional avenues to address discriminatory practices.

Impediment 19: Evaluation of Public and Private Fair Housing Programs and Activities

There are numerous agencies and organizations who are responsible for providing education, outreach, and enforcement of fair housing in the State and County. These are augmented by housing authorities, non-profits and community action agencies that service Municipalities within the County to promote fair housing awareness.

In spite of the number of agencies involved in fair housing, the County lacks adequate funding for fair housing testing, enforcement, and education. There is also an acknowledgment that a limited collaborative on statewide advocacy hampers fair housing efforts. It is imperative that a system is created to identify areas where affordable housing options are lacking. It should include the following:

- Examine existing affordable housing options and location
- Examine availability of Section 8 units in area
- Examine availability of accessible housing in area
- Examine availability of housing for homeless persons
- Availability of housing for persons with disabilities
- Supportive housing

The National Fair Housing Alliance provides a Guideline for Evaluating the Analysis of Impediments to Fair Housing. Whenever possible this guide should be referenced and utilized to assess the conditions of fair housing in the County.

Impediment 20: Public Awareness Program

The provision of education and distribution of information is a major component that can be used to increase public awareness of fair housing laws and rights. Residents, landlords, realtors, and the protected classes must be made aware of the Fair Housing Laws what to do if housing discrimination occurs.

Efforts are needed to educate rental property owners and tenants about fair housing laws, rights, and responsibilities. This can be accomplished through numerous activities such as newspaper articles, public seminars, continuing education programs, brochures, speaking engagements and information booths at community fairs, etc. These

efforts would assist the County increasing its quest to affirmatively market housing opportunities to people who are underrepresented in housing assistance programs.

The creation of a Housing Network would be a major coordinated resource for the distribution of pertinent information and provide a conduit for those seeking fair housing. The goal would be to create a comprehensive housing information center that deals with affirmative marketing, transportation needs, access to services and mobility counseling. This Network would also be beneficial to local officials so that they may inform their residents of the existing opportunities.

Impediment 21: Visitability

The ultimate goal of visitability is to make all new homes not covered by current ADA regulations "accessible enough" for a visitor with a disability. Visitability strives for single-family homes, not otherwise regulated for access, to have a level of accessibility so a wheelchair user can comfortably "visit" the home. One of the goals is to addressing visitability, is that it has very few requirements in the hope it will become more widespread. The minimum requirements to achieve visitability are:

- At least one zero-step entrance
- Wider interior doors and hallways on the main floor
- Half bath/powder room on the main floor

Nationwide, there are currently 17 laws and programs at the State level and 39 at the local level, with many proposals currently being considered.

While the idea of visitability standards is catching on, there have been opponents. Much of the resistance has come from developers based upon the perception that cost would go up. The key to the successful implementation of a visitability program is planning and not retrofitting

Impediment 22: Location of Consumer Business

The segregation of low-income households, who are transit dependent, produces unfair housing because of the isolation from needed goods and services. A person's financial burden is significantly affected by the type of transportation available in an area.

Low-income residents of communities that are automobile dependent tend to spend much more of their income on transportation than residents of communities with more multiple transportation options. The dependence upon automobiles also prevalent when factoring in a access to supermarkets or big box retailers, which generally offers less expensive alternatives. Small stores generally have higher prices and limited choices, placing a greater strain on a person's wages.

Strategies that improve community accessibility, such as locating affordable housing, public services and jobs in more accessible locations provides direct benefits by reducing cost burdens on disadvantaged households.

Impediment 23: Creation of Illegal Apartments

For families struggling to make mortgage payments, converting their basement into a rentable unit is attractive option While these units may fill a void for inexpensive housing they tend to be dangerous, with low ceiling height, poor wiring and lacking of accepted safety standards, such as means of egress and ventilation. This practice is more common in older suburban areas where housing prices and real estate taxes are high.

It's understood that during a housing crisis owners may be able to sustain homeownership through increased income. However these units negatively impact neighborhoods and place an undue strain on code enforcement. Recently, the decrease in ratables has given municipalities the impetus to strictly enforce their zoning, building, health and fire codes. The negative side of this public policy is affordable units are being taken off the market without public action to encourage suitable replacement housing.

To address this dilemma, workshops can be used to educate homebuyers on the negative effects of renting illegal dwellings and benefits of going through the conversion process. Outreach for such workshops could be further facilitated by the support of local area public schools, faith-based institutions, community boards, homeowner associations, and block associations.

Where applicable, financial assistance for owners to voluntarily go through the legalization process would encourage owners to comply and invest in bringing units up to code. A municipality can also look at ways to offer tax incentives to report and legalize units. In addition, the expansion of existing loan programs or the creation of new programs could facilitate development and encourage owners to maintain units at affordable rents.

Chapter VIII – Fair Housing Action Plan

The previous chapters evaluate conditions that may negatively effect housing choice. This chapter provides conclusions and recommendations to help address the impediments. When identifying recommendations, this AI focuses on actions that are directly related to fair housing issues and can be implemented within the resources and authority of the County or participating municipalities.

Continued and Updated Impediments

The following is a list of impediments and key recommendations, which includes several new impediments, that were identified based on the updated conditions.

A. Private Sector

Impediment 1: Housing Discrimination

Housing discrimination persists throughout the County, which is supported by general statistical data, and cases filed with HUD. Specifically, discriminatory practices based on disability (physical and mental), race, and familial status were among the top categories. Recent National HUD studies have concluded that most blatant forms of housing discrimination (refusing to meet with a minority home buyer or provide information about any available units) have declined since the first national study in 1977. However, the forms of discrimination that remain raise the costs of housing search for minorities and restrict their housing options. In fact the study concluded that Black homebuyers are shown 17.7% less homes than white buyers.

Recommendations:

1.1 National fair housing policies must continue to adapt to address the patterns of discrimination and disparity that persist today.

1.2 Pursue random testing on a regular basis to identify issues, trends, and problem properties and expand testing to cover other protected classes, especially those with emerging trends of suspected discriminatory practices.

1.3 Support enforcement activity by fair housing service providers and publicize outcomes of fair housing litigation as a means to deter discriminatory practices and to encourage reporting.

1.4 Expand education and outreach efforts, with specific efforts outreaching to small rental properties where the owners/managers may not be members of the local housing associations.

Impediment 2: Discrimination Based Upon Disability

Disability is the greatest cited basis for discrimination according to the U.S. Department of Housing and Urban Development (HUD), and the Department of Fair Housing and Employment (DFEH). Currently, universal design principles in new housing developments are not promoted throughout the County.

Recommendations:

1.1 The County should consider promoting universal design principles in new housing developments.

Impediment 3: Redlining

The refusal of lenders or insurance companies to issue mortgage loans or insurance on property in certain neighborhoods regarded by them as deteriorating is defined as redlining. Fair housing activists continue to work to limit insurance companies from using risk-based methods for underwriting and pricing homeowners insurance. These methods reveal that insurers do indeed discriminate among their customers on the basis of risk through the application of a universal risk based insurance criteria. A consequence is that residents of predominantly minority neighborhoods often pay more for homeowners insurance, while receiving less coverage. .

Recommendations:

31.1 Consider lobbying for a increased minimum wage

3.2 A fair housing service agency should monitor lending activities in the County and identify potential issues regarding redlining, credit steering, predatory lending, and fraudulent activities.

Impediment 4: Racial Steering

Racial steering occurs when real estate agents show prospective buyers homes only in neighborhoods already dominated by that family's race. Steering distorts the spatial patterns of housing demands by white and minority homebuyers and has been prohibited by federal law since passage of the Fair Housing Act of 1968, and subsequently by numerous substantially equivalent state and local ordinances.

Recommendations:

4.1 A fair housing service agency should monitor lending activities in the County and identify potential issues regarding redlining, credit steering, predatory lending, and fraudulent activities.

4.2 Ensure the availability of a range of housing options that allow the greatest residential mobility.

4.3 Continue and expand fair housing services to promote equal housing opportunities and help reduce residential segregation.

Impediment 5: Bias in Lending

Obtaining credit allows many individuals to eventually generate new wealth. The pricing decisions in mortgage lending have become increasingly sophisticated and complex with new loan products, that have various terms and features, continuously being invented. Pricing structures have more flexible fees and points are customized to an applicants' capabilities and needs. As a result, mortgage prices vary for different borrowers.

Recommendations:

5.1 Fair housing service providers should continue to monitor biased lending activities in the County and identify potential issues regarding redlining, credit steering, predatory lending, and any other fraudulent activity.

5.2 Continued pressure should be applied to lenders so that they modify their practices in ways that will reduce the frequency of mortgage denials and other adverse lending outcomes.

5.3 Develop partnerships with reputable credit counseling agencies and financial literacy trainers to reach communities of color and create a pool of potential homebuyers who are ready and qualified to purchase a home.

5.4 Support local research effort in homeownership loan denial disparity by race that accounts for creditworthiness, as limited data is currently available.

5.5 Develop partnerships with local lending institutions, that encourages affirmative marketing and funding for homebuyer programs that reach communities of color and the disabled.

Impediment 6: Mortgage Foreclosures and the Effect of Blighting on Housing Choice

Municipalities throughout the County are confronted with hundreds of vacant, foreclosed properties that decrease property values and threaten entire neighborhoods. Decreased property values have result in a loss of tax revenue, forcing local and state governments to cut valued social services programs that have provided programs for vulnerable families.

Recommendations:

6.1 Develop local strategies that promote collaboration among governmental, for-profit and nonprofit organizations.

6.2 Target neighborhoods in need and focus resources in those locations.

6.3 Develop financing solutions where public dollars leverage private investment..
6.4 A fair housing service agency should monitor lending activities in the County and identify potential issues regarding redlining, credit steering, predatory lending, and fraudulent activities.

Impediment 7: Linguistic Isolation

The Census Bureau defined linguistically isolated households as one in which no member 14 years and over (1) speaks English or (2) speaks a non-English language and speaks English very well. The ACS provides information on households with persons five years and over who speak English less than very well and also provides estimates of households that are linguistically isolated. In Essex County, 14.5% of residents indicated that they spoke English less than very well. Most of these residents were Spanish speakers.

Recommendations:

7.1 Continue bi-lingual efforts and consider expanding the number of languages offered.
7.2 In order to ensure it complies with its Limited English Proficiency Implementation Plan (LEP), the County should continue to regularly update its LEP for compliance.

Impediment 8: Lending Policies and Practices

Many of the banks and mortgage companies operating in the County offer favorable home loans to low and moderate income households. The Essex County Division of Housing and Community Development, as part of its First-Time homebuyer Program, has compiled a list of lending institutions which offer affordable mortgage products to assist low and moderate income households.

Recommendations:

8.1 Review the lending patterns of all financial institutions providing services in the County. Special attention should be directed to home purchase lending in lower income and minority concentration areas.
8.2 When selecting financial institutions to participate in housing programs, consider the lender's performance history with regard to home loans in low/moderate income areas and minority concentration areas
8.3 Municipalities should provide outreach to inform lower income households of special local, state, and federal homebuyer assistance programs
8.4 A fair housing service agency should monitor lending activities in the County and identify potential issues regarding redlining, credit steering, predatory lending, and fraudulent activities.

Impediment 9: Lack of Decent Affordable Housing:

Currently, 25% of renter households are of extremely low-income. Thus the need for quality affordable housing remains high and it has been determined that housing costs restrict fair housing choice.

Recommendations:

9.1 Affordable housing programs must be developed that addresses the needs of middle class families.
9.2 Continue to encourage the development of affordable housing through: (1) development fee waivers/reductions, (2) streamlined permit processing, (3) flexibility in applying design and development standards, (4) achievable density bonuses, (5) other general plan, administrative, and zoning efforts, and/or (6) public-private partnerships with developers of affordable housing.
9.3 Continue to support basic home improvements for homeowner households through the County's Home Improvement Program

Impediment 10: Transportation and Employee Access

The proportion of household budget that goes towards paying for housing plus transportation has risen dramatically over the last decade, leaving less money for other necessities. When housing and transportation costs are considered together, only 40% of communities nationwide are affordable to families earning the local area median income (AMI).

Recommendations:

10.1 Efforts must focus on increasing transit oriented development which would benefit the entire labor market by connecting qualified workers with available jobs, as well as improve quality of life by reducing commute time and costs.

10.2 Locate new affordable housing near commercial corridors and transit stations

10.3 Support transit-oriented development projects (TOD) so that lower-income persons have increased to access job opportunities outside their neighborhood

B. Public Sector

Impediment 11: Zoning Policies

When a municipality adopts mandatory Inclusive Zoning regulations, it requires new developments - sometimes with exceptions - to have a certain percentage of affordable units. The term "inclusive zoning" was meant as a response to suburban zoning policies that have come to be collectively known as "exclusionary zoning".

Recommendations:

11.1 Municipalities should pursue State certification of their Housing Element.

11.2 Municipalities should adopt formal Reasonable Accommodations Policies and Procedures. They also should adopt a definition of disability consistent with the Fair Housing Act.

Impediment 12: Building Codes and Enforcement

The regulation of building construction in the United States is the responsibility of government, and with very few exceptions, it is legislated at the local or state government levels. It traditionally has been accomplished by means of a set of inter-related codes, each addressing a specific building system or a specific building attribute.

Recommendations:

12.1 Continue operating housing rehabilitation programs and consider modifying their housing rehabilitation programs to make financial assistance for accessibility improvements available for renters, as well as homeowners.

12.2 Municipalities should adopt formal Reasonable Accommodations Policies and Procedures. They also should adopt a definition of disability consistent with the Fair Housing Act.

Impediment 13: Public Housing and Hope VI

Public housing is an essential resource for low-income persons. The need to renovate or replace significant portions of this inventory represents an opportunity to give families in public housing more choices. The federal HOPE VI program was designed as a means of transforming poverty concentrated, high density public housing into mixed income housing; and at the same time giving public housing residents more housing choice, including the opportunity to live in a new mixed income community.

Recommendations:

13.1 Promote mixed-income housing developments and a broad range of housing choice

13.2 Promote new affordable housing developments to strengthen existing neighborhood assets.

Impediment 14: Neighborhood Revitalization

Fair housing choice is reduced when neighborhoods deteriorate both socially and physically. Increased crime makes neighborhoods less attractive and home values stagnate or decline. Apartment owners put off repairs and maintenance. For some groups, the crime potential is intolerable, and housing choice is particularly diminished.

Recommendations:

14.1 Continue efforts to expand the variety of available housing types and sizes. In addition, to persons with disabilities, senior households can also benefit from a wider range of housing options.

Impediment 15: The Davis-Bacon Act

Davis Bacon Act and Prevailing Wage Requirements of 1939 increase the cost of a project along with the regulatory burden for contractors has hindered affordable housing development. Additionally, with the lack of uniformity between the HOME program and the CDBG program it becomes increasingly difficult to administer these funds.

Recommendations:

15.1 Review the County's Analysis of Procurement and Contracting to determine if there were any discriminatory disparities between the availability and utilization of qualified business firms doing business with the County.

15.2 Conform with findings and solutions identified in the Analysis.

Impediment 16: NIMBYism

Property values are primarily determined by the condition of the particular property for sale and other broader, more complex forces, such as overall area development and prosperity. The location of affordable housing has no significant impact on these other conditions that determine property values.

Recommendations:

16.1. Continue to promote the design and management of affordable housing so that it can overcome initial community opposition.

16.2. Analyze how existing deconcentration strategies and best practices related to housing and transportation including their impact fair housing protected classes.

Impediment 17: Public Subsidy of Housing

There are currently four Housing Authorities that administer the Housing Choice Voucher Program within the Essex County CDBG HOME consortium and one that provides both public housing and Housing Choice Vouchers. The location of housing units vouchers are scattered throughout these municipalities. This allows for a decentralization of low income households and helps break down isolation from community services and facilities. The buildup of some Section 8 housing in a few census tracts are transforming neighborhoods and may create some instability.

Recommendations:

17.1 Expand access to resources so that all local agencies building or buying housing units are required to make units available to low and moderate-income families.

17.2 Require developers to provide supplemental funding to school districts to offset the costs of additional students generated by new housing construction.

17.3 Create incentives for local jurisdictions to expand affordable housing opportunities in non-poverty communities.

Impediment 18: Public employees work closely with clients to determine access to certain programs and products. Sensitivity training, relating to discriminatory practices, either real or perceived, is not provided.

Recommendations:

18.1 Sensitivity training should be provided to staff that interacts with the public to ensure that they are familiar with fair housing laws and are sensitive to proper language and behavior when dealing with groups with special needs.

C. Public and Private Sectors

Impediment 19: Fair Housing Enforcement

In 1945, New Jersey became the first state since the Reconstruction era to pass comprehensive anti-discrimination legislation with the passage of the Law Against Discrimination (LAD). The legislation called for the creation of a Division on Civil Rights (DCR) to enforce the LAD and have as it goal, ending discrimination.

Recommendations:

19.1 The County should engage the Fair Housing Council of Northern New Jersey (FHCNNJ). to provide the County with additional avenues to address discriminatory practices.

Impediment 20: Evaluation of Public and Private Fair Housing Programs and Activities

There are numerous agencies and organizations who are responsible for providing education, outreach, and enforcement of fair housing in the State and County. These are augmented by housing authorities, non-profits and community action agencies that service Municipalities within the County to promote fair housing awareness.

Recommendations:

20.1 The National Fair Housing Alliance provides a Guideline for Evaluating the Analysis of Impediments to Fair Housing. Whenever possible this guide should be referenced and utilized to assess the conditions of fair housing in the County.

20.2 On an annual basis, the County Division of Housing and Community Development should review and modify, where applicable, its Analysis of Impediments to Fair Housing as well as other local, State and Federal Fair Housing laws, etc.

Impediment 21: Public Awareness Program

The provision of education and distribution of information is a major component that can be used to increase public awareness of fair housing laws and rights. Residents, landlords, realtors, and the protected classes must be made aware of the Fair Housing Laws what to do if housing discrimination occurs.

Recommendations:

21.1 Create a Housing Network that would be a coordinated resource for the distribution of pertinent information and provide a conduit for those seeking fair housing.

21.2 Promote and encourage expanded opportunities for housing counseling specifically directed at protected classes

21.3 Encourage increased municipal partnerships with agencies dedicated to expanding homeownership equity and reducing the homeownership gap.

Impediment 22: Visitability

The ultimate goal of visitability is to make all new homes not covered by current ADA regulations "accessible enough" for a visitor with a disability. Visitability strives for single-family homes, not otherwise regulated for access, to have a level of accessibility so a wheelchair user can comfortably "visit" the home. One of the goals is to addressing visitability, is that it has very few requirements in the hope it will become more widespread. The minimum requirements to achieve visitability are:

Recommendations:

22.1 Implement visitability guidelines that can be easily transferred amongst municipalities, being mindful of local issues and initiatives.

Impediment 23: Location of Consumer Business

The segregation of low-income households, who are transit dependent, produces unfair housing because of the isolation from needed goods and services. A person's financial burden is significantly affected by the type of transportation available in an area.

Recommendations:

23.1 Develop strategies that encourage community accessibility, such as locating affordable housing, public services and jobs in more accessible locations.

Impediment 24: Creation of Illegal Apartments

For families struggling to make mortgage payments, converting their basement into a rentable unit is attractive option While these may units may fill a void for inexpensive housing they tend to be dangerous, with low ceiling height, poor wiring and lacking of accepted safety standards, such as means of egress and ventilation. This practice is more common in older suburban areas where housing prices and real estate taxes are high.

Recommendations:

24.1 Hold workshops to educate homebuyers on the negative effects of renting illegal dwellings.

24.2 When applicable, provide financial assistance or tax incentives for owners to voluntarily go through the legalization process would encourage owners to comply and invest in bringing units up to code.

IX. Acronyms

ADA	Americans with Disabilities Act
AI	Analysis of Impediments to Fair Housing Choice
APR	Annual Percentage Rate
AMI	Area Median Income
CDC	Centers for Disease Control
CDBG	Community Development Block Grant Program
CGPM	Credential for Green Property Management
CHAS	Comprehensive Housing Affordability Strategy
CPO	Certified Professional of Occupancy
CRA	Community Reinvestment Act
DCA	NJ Department of Community Affairs
DCR	NJ Division on Civil Rights
DFEH	Department of Fair Housing and Employment
ESEA	Elementary and Secondary Education Act
FAIR Plan	Fair Access to Insurance Requirements
Fannie Mae	Federal National Mortgage Association
FDIC	Federal Deposit Insurance Corporation
FERA	Fraud Enforcement and Recovery Act
FFIEC	Federal Financial Institutions Examination Council
FHA	Federal Housing Administration
FHAP	Fair Housing Assistance Program
FHC	Fair Housing Compliance – Section 504
FHCNNJ	NJ Fair Housing Council of Northern New Jersey
FHEO	HUD's Office of Fair Housing and Equal Opportunity
FHIP	Fair Housing Initiatives Program
FHLMC	Federal Home Loan Mortgage Corporation
FNMA	Federal National Mortgage Association
FRB	Federal Reserve Board
Freddie Mac	Federal Home Loan Mortgage Corporation
GNAM	Government National Mortgage Association
GRAPI	Gross Rent as a Percentage of Household Income
HAFA	Home Affordable Foreclosure Alternatives Program
HAMP	Home Affordable Modification Program
HARP	Home Affordable Refinance Program

HOME	Home Investment Partnerships Program
HDMA	Home Mortgage Disclosure Act
HUD	US Department of Housing & Urban Development
LAD	NJ Law Against Discrimination
LBP	Lead-Based Paint
LEP	Limited English Proficient
MLUL	NJ Municipal Land Use Law
MSA	Metropolitan Statistical Area
NAA	National Apartment Association
NAHMA	National Affordable Housing Management Association
NAHP	National Affordable Housing Professional Certification
NAR	National Association of Realtors
NARPM	National Association of Residential Property Managers
NCUA	National Credit Union Administration
NFHA	National Fair Housing Alliance
NIMBY	Not In My Back Yard
NJAA	NJ Apartment Association
NJAR	NJ Association of Realtors
NJCA	Citizen Action of New Jersey
NJHMFA	NJ Housing and Mortgage Finance Agency
NJIUA	NJ Insurance Underwriting Association
NJT	NJ Transit
OCC	Office of the Comptroller of the Currency
PIT	Point-In-Time Count of the Homeless
PMI	Private Mortgage Insurance
REC	NJ Real Estate Commission
Section 8	Housing Choice Voucher
SHCM	Specialist in Housing Credit Management
SPM	Supplemental Poverty Measure
TARP	Troubled Asset Relief Program
TOD	Transit Oriented Development
UCC	Uniform Construction Code of the State of NJ
WEBOR	West Essex Board of Realtors
VA	Department of Veterans Affairs
2MP	Second Lien Modification Program

X. List of Tables

Table 1: Total Population
Table 2: Households and Families
Table 3: Age (2000-2010)
Table 4: Racial Composition
Table 5: Racial and Ethnic Composition
Table 6: Dissimilarity Index (2010)
Table 7: Household Growth (2009-2013)
Table 8: Household Type and Size (2009-13)
Table 9: Senior Profile - Essex County (2009-2013)
Table 10: Persons with Disabilities (2009-2013)
Table 11: Detailed Disability Profile - Essex County (2009-2013)
Table 12: Homeless Population by Type (2014)
Table 13: Median Household Income (2009-2013)
Table 14: Income Distribution (2007-2011)
Table 15: Housing Problems
Table 16: Unemployment and Median Household Income by Race/Ethnicity (2010-13)
Table 17: Housing Growth (2000-2014)
Table 18: Housing Stock Mix
Table 19: Age of Housing Stock (2009-2013)
Table 20: Lead-Based Paint Estimates
Table 21: Environmental Case Activity
Table 22: Housing Tenure and Vacancy (2009-2013)
Table 23: Tenure by Income
Table 24: Home Sales in Essex County
Table 25: Gross Rent by Amount
Table 26: Gross Rent as a Percentage of Household Income (GRAPI)
Table 27: Affordable Housing Costs
Table 28: Cost Burden
Table 29: Overcrowding
Table 30: Overcrowded Households
Table 31: Public Housing by Program Type
Table 32: Federally Assisted Projects by Municipality
Table 33: Licensed Community Care Facilities by Jurisdiction
Table 34: Public Transportation Providers
Table 35: Local Transportation Service Providers
Table 36: Industry by Occupation for the Civilian Employed 16 Years Old and Over
Table 37: Housing Discrimination Complaints 2004-2014
Table 38: Discrimination by Protected Class 2015
Table 39: Basis of HUD and FHAP Complaints (FY 2010-FY 2013)
Table 40: Issues in HUD Complaints (FY 2011-FY 2013)
Table 41: Basis of FHAP Complaints (FY 2010 - FY 2013)
Table 43: Basis of Housing Complaints - NJ Division of Civil Rights
Table 44: Essex County - Cases filed 2004 - Feb 2010